



## **AGENDA PLANNING COMMISSION**

**August 25, 2025**

**at 7:00 p.m.**

Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

### **HYBRID MEETING**

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be attended virtually. If you would like to virtually participate in the meeting, please contact Susan Bender at [sbender@staytonoregon.gov](mailto:sbender@staytonoregon.gov) to receive an invitation to the online meeting.

#### **1. CALL TO ORDER**

#### **2. MEETING MINUTES**

- a. Approval of November 25, 2024, Minutes
- b. Approval of January 27, 2025, Minutes
- c. Approval of May 27, 2025, Minutes
- d. Approval of July 28, 2025, Minutes

#### **3. PUBLIC HEARING – Continued from July 28, 2025**

**LAND USE FILE # #11-07/24 -PUBLIC HEARING – Application to Concept Plan application for a Master Planned Development at 1601 Oriole Street**

- a. Staff Introduction and Report
- b. Applicant Presentation
- c. Questions from the Commission
- d. Questions and Testimony from the Public
- e. Applicant Summary
- f. Staff Summary
- g. Close of Public Hearing
- h. Commission Deliberation
- i. Commission Decision

#### **4. PUBLIC HEARING**

**LAND USE FILE # #2-03/25 -PUBLIC HEARING – Application for a 3-Lot Preliminary Partition at 650 W High Street**

- a. Staff Introduction and Report
- b. Applicant Presentation
- c. Questions from the Commission
- d. Questions and Testimony from the Public
- e. Applicant Summary
- f. Staff Summary

- g. Close of Public Hearing
- h. Commission Deliberation
- i. Commission Decision

## 5. ADJOURN

*The meeting location is accessible to people with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodation, contact the Community and Economic Development Department at (503) 769-2998.*

# STAYTON PLANNING COMMISSION MEETING MINUTES

Monday, July 28, 2025

**COMMISSIONERS:** Larry McKinley – Chair  
Peter Bellas  
Charles Steve Baldwin  
Melissa Sutkowski  
Amy McKenzie Watts – Excused Absence

**STAFF MEMBERS:** Jennifer Siciliano, Community & Economic Development Director  
Susan Bender Public Works Office Specialist

**OTHERS PRESENT:** Steve Sims, City Councilor, 2110 E Santiam St, Stayton, OR 97383  
Alan Sorem, Suite 200, 250 Church Street, Salem, OR

1. **CALL TO ORDER:** Chairman Larry McKinley called the meeting to order at 7:03 pm. All Planning Commissioners are present. Present: Larry McKinley, Peter Ballas, Melissa Sutkowski, and Steve Baldwin
2. **APPROVAL OF MINUTES:** Approval of November 25, 2024, and January 27, 2025, Minutes was tabled.

Bellas moved, and Sutkowski seconded to approve the minutes from March 31, 2025, meeting as presented. Passed 4:0.

Approval of May 27, 2025, meeting minutes was tabled.

**LAND USE FILE #11-07/24 – Application for Conceptual Master Planned Development Plan at 1601 Oriole Street a 7.11-acre property in Low Density Residential (LD) zone to subdivide into 22 single-family lots.**

**Commencement of Public Hearing-** Chair McKinley read the opening statement and opened the hearing. No objections were made by the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex-parte* contact, or bias by members of the Planning Commission.

**a. Staff Introduction and Report** – Ms. Siciliano discussed the Application for Conceptual Master Plan development for Philips Estates III which proposes 22 lots with an area for stormwater management on a 7-acre site. There are unresolved issues regarding the stormwater facility, specifically how much land must be dedicated for public use. Such a proposal requires that 25% of the development be dedicated open space, and the applicant's proposal does not address this adequately, so the issue must be resolved. Applicant did ask for a continuance.

**b. Applicant Presentation** - Alan Sorem, 250 Church St, Suite 200, Salem, OR 97301. Mr. Sorem is the Attorney for the Applicant. Mr. Sorem outlined the process to date and how they reached the decision to ask for continuation. They hope to work with PW staff over the next month to resolve the issues. Mr. Sorem states that the Applicant wishes to defer consideration to the next Planning Commission meeting.

**c. Questions from the Commission-** Chair recommends Applicant and Staff meet to work things out. Mr. Sorem agrees and will work to that end.

**d. Questions and Testimony from the Public-** None

**e. Applicant Summary-** Nothing more to add.

**f. Staff Summary-** Nothing more to add. Staff suggests a Motion to Continue.

**g. Commission Deliberation-** Motion to continue was made by Mr. Ballas, seconded by Ms. Sutkowski. Motion passes unanimously.

**h. Commission Decision -** The Public Hearing is held open.

**3. ADJOURN** –Chair McKinley adjourned the meeting at 7:12 pm.

DRAFT

# City of Stayton

## MEMORANDUM

**TO:** Chairperson Larry McKinley and Planning Commission Members  
**FROM:** Jennifer Siciliano, Director of Community and Economic Development  
**DATE:** August 18, 2025  
**SUBJECT:** Preliminary Plan for Kardboard Box, LLC and Ross Bochsler for 650 W High Street  
**120 DAYS ENDS:** November 1, 2025.

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### ISSUE

The issue before the Planning Commission is a public hearing on an application for a Preliminary Partition Plan to divide 650 W High Street into 3 parcels creating Lot 1 - 14,373 square feet with frontage on W High Street, Lot 2, 7,000 square feet with frontage on W High Street and is vacant, and Lot 3, 8,033 square feet with frontage on W High Street and N Evergreen Avenue and is vacant.



### BACKGROUND

650 W High Street is a parcel that is approximately .68 acres and fronts N Evergreen Avenue, and W High Street. One single-family home is currently on the property and the proposed preliminary partition plans to provide a separate lot for the home. The home conforms to the zoning ordinance in all ways except the front setback is 18 feet rather than the required minimum of 20 feet. This is considered an existing non-conforming structure, and the partition will not create additional non-conformity. The other two parcels will be vacant and be able to be developed with residential use.

W High Street is an unimproved local road without sidewalks. N Evergreen Avenue has a substandard sidewalk that will need to be replaced. The necessary rights-of-way have been dedicated to the city per the partition recorded on December 31, 2024, of this parcel as well as the required standard 10-foot Public Utility Easement (PUE).

Water, sewer, and other urban services are available to the three proposed lots and are adequate for future development.

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The applicant will need to work with Marion County's Surveyor's Office when recording their final approved plan.

## **ANALYSIS**

This report and the draft order presents the Planning Staffs summary and analysis concerning this application. It was developed with the input of other City departments and agencies.

Attached is an application for preliminary partition plan from Kardboard Box, LLC and Ross Bochslar. The application consists of a stamped plan, a narrative, and an application form. The complete application submission has been posted on the City's website.

As future developments progress on these partitioned parcels, depending on what is proposed in future developments, additional will be asked of the developer.

The attached draft order provides findings and analysis of each approval criteria for Preliminary Partition Plan.

## **RECOMMENDATION**

The staff recommends option one to approve the draft order as presented.

## **OPTIONS AND SUGGESTED MOTIONS**

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option to approve the draft order as presented.

### **1. Approve the application, adopting the draft order as presented.**

I move the Stayton Planning Commission approve the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 650 W High Street, (Land Use File #2-03/25) and adopt the draft order presented by Staff.

### **2. Approve the application, adopting modifications to the draft order.**

I move the Stayton Planning Commission approve the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 650 W High Street, (Land Use File #2-03/25) and adopt the draft order with the following changes...

### **3. Deny the application, directing staff to modify the draft order.**

I move the Stayton Planning Commission deny the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 650 W High Street, (Land Use File #2-03/25) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the September 29, 2025, meeting.

### **4. Continue the hearing until September 29, 2025.**

I move the Stayton Planning Commission continue the public hearing on the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 650 W High Street, (Land Use File #2-03/25) until September 29, 2025.

### **5. Close the hearing but keep the record open for submission of written testimony.**

I move the Stayton Planning Commission close the hearing on the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 650 W High Street, (Land Use File #2-03/25) but maintain the record open to submissions by the applicant until October 1, allowing 7

# City of Stayton

days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on September 29, 2025.

**6. Close the hearing and record, and continue the deliberation to the next meeting.**

I move the Stayton Planning Commission continue the deliberation on the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochsler for 650 W High Street, (Land Use File #2-03/25) until September 29, 2025.

6/18/2025

By:

Kardboard Box, LLC  
PO Box 617  
Stayton, OR 97383

Attention:

Planning Department  
City of Stayton  
311 N. Third Avenue  
Stayton, OR 97383

Project: High St Partition

**Subject: 3-Lot Partition application request**

The parcel consists of approximately 0.67 acres located at the intersection of Evergreen Ave and High St in Stayton, tax lot 3001. The applicant is requesting a 3-lot partition, one lot will retain the existing house on High St, plus two additional vacant lots. No development or land use action is being requested at this time.

This property and its adjacent tax lots were part of a partition in the 2024 calendar year, during which time conditions of approval were outlined and accepted by the City and the Applicant and will remain as part of this partition; including the agreement to improve the adjacent sidewalks along Evergreen and Ida to City accepted standards and the non-remonstrance agreement governing High St improvements (Marion County Inst. 2024-03945).

This application will address the City's partition application requirements and relevant code sections in the following pages. All of these same requirements were found to be met during the 2024 partition application; the applicant's responses will be reiterated here and follow each section **underlined in bold**.

Applicant contact:

Ross Bochsler  
RossB@nspor.com

Engineer:

Levi Warriner  
LeviW@nspor.com



**17.24.020 Conformity with Zoning**

Except as otherwise authorized herein, all land divisions shall comply with the specifications of applicable zoning district and other land use regulations of the City. Deviations from those requirements shall be allowed only through the variance procedures as specified in Section 17.12.190.

**Table 17.16.070.2 Minimum Dimensional Requirements for Lots**

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Lot Area (square feet) <sup>1</sup>	8,000 <sup>2</sup>	7,000 <sup>3</sup>	6,000	7,000	0	0	0	0	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 <sup>4</sup>	70 <sup>4</sup>	60 <sup>4</sup>	40	0	0	0	0	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	40	0	0	0	0	0	0	0	0	0	0	0

(Table amended by Ord. 902, May 7, 2008, Ord. 930, November 18, 2010, Ord. 988, August 31, 2016)

**Notes to Table 17.16.070.2**

<sup>1</sup> The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:

- Protect natural drainage ways.
- Provide drainage or utility easement.
- Protect future right-of-way.
- Protect unbuildable steep slope areas above 15 percent slope.
- Protect flood plain hazard or wetland areas.

<sup>2</sup> 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue

<sup>3</sup> A tri-plex requires a minimum lot area of 10,500 square feet

<sup>4</sup> 40 feet for lots with frontage on a cul-de-sac

**3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.**

- All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

**Table 17.16.070.3 Dimensional Requirements for Structures**

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Front Yard Setback (feet) <sup>1</sup>	20 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	-- <sup>8</sup>	0	0	0	0	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	0	0	0	0
Side Yard Setback (feet)	5	5	5	-- <sup>8</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>4</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0	0 <sup>3</sup>
Rear Yard Setback (feet)	20	15	15	-- <sup>8</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>4</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	0 <sup>4</sup>	0 <sup>3</sup>	0	0 <sup>3</sup>
Building Height (feet) <sup>5</sup>	35 <sup>6</sup>	35 <sup>6</sup>	-- <sup>4</sup>	-- <sup>8</sup>	60 <sup>7</sup>	60 <sup>7</sup>	60 <sup>7</sup>	-- <sup>4</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>8</sup>	-- <sup>4</sup>	-- <sup>4</sup>	-- <sup>4</sup>	60 <sup>7</sup>

(Table amended by Ord. 902, May 7, 2008 Ord. 930, November 18, 2010, Ord. 998, August 31, 2016)

**Response: The parcel is currently zoned MD. The proposed partition meets the minimum Lot size, width requirements and existing structure setback requirements and building height requirements per 17.16.070.**

**The existing house setbacks resulting from the partition are shown on the drawing.**

**17.24.030 Classification of Land Divisions**

This chapter authorizes two major categories of land divisions and establishes procedures herein for City review and approval of each prior to any site preparation, tree removal, and development. Lot line adjustments which do not create a new parcel of land and which bring about parcels still in compliance with zoning district minimum area requirements are not considered to be land divisions. The two major categories of land divisions are identified as follows:

1. CONVENTIONAL SUBDIVISIONS AND PARTITIONS. Conventional subdivisions and partitions are those occurring in strict compliance with state and local regulations governing the same, including but not limited to the provisions of ORS Chapter 92 and land use and zoning regulations of the City. Major flexibility in design, densities, and land uses are not generally provided for by this category of land division. Provisions for conventional subdivisions and partitions are contained in Section 17.24.040 through 17.24.060.

2. MASTER PLANNED DEVELOPMENTS. The provisions for master planned developments provide for major flexibility in design, densities, and land uses while assuring overall compatibility with the principles and legal requirements of land divisions law. Provisions for master planned developments are contained in Sections 17.24.090 and 17.24.100.

**Response: The applicant is requesting a conventional partition, no development is being requested at this time.**

#### **17.24.040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS**

##### **3. PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN SUBMITTAL REQUIREMENTS.**

a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.

b. North arrow, graphic scale, and date of preparation of the preliminary plan. (Amended Ord. 1017, April 18, 2018)

c. Names and addresses of the landowners, applicant, engineer of record, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan. (Amended Ord. 1017, April 18, 2018)

d. Map number (township, range, and section) and tax lot number or account of the tract being divided.

e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor registered with the State of Oregon.

f. The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.

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. (Amended Ord. 1017, April 18, 2018)

h. The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners, a description of the suitability of the area for uses contemplated and any conditions or limitations of such reservations.

i. A proposed general plan for collecting, treating, and detaining stormwater runoff from the development, developed in accordance with the City's Public Works Design Standards and the Stormwater Master Plan. Preliminary Stormwater calculations shall accompany the plan showing how

the proposal will meet stormwater quality and quantity requirements. (Amended Ord. 1017, April 18, 2018)

j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys in accordance with the City's Public Works Design Standards and City Transportation System Plan. (Amended Ord. 1017, April 18, 2018)

k. Existing and proposed easements, together with their dimensions, purpose, and restrictions on use.

l. Proposed location and size of sanitary sewer systems, water supply systems, stormwater facilities, and storm drainage systems in accordance with the City's Public Works Design Standards and the City's Wastewater and Water Master Plans. (Amended Ord. 1017, April 18, 2018)

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.

n. Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.

o. Copies of all existing or proposed restrictions or covenants affecting the property.

p. An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of the decision.

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.

r. A proposed plan showing access features required in Section 17.26.020, specifically Section 17.26.020.6.

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.

t. A plan showing soils information and any proposed cuts or fills of more than 24 inches. (Added Ord. 1017, April 18, 2018)

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. (Added Ord. 1017, April 18, 2018)

v. A statement indicating the proposed timing of installation of all proposed improvements. (Added Ord. 1017, April 18, 2018)

w. A Design Modification Request if the applicant proposes to not meet any design requirement in the Public Works Design Standards. (Added Ord. 1017, April 18, 2018)

x. Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted at the same time that the

preliminary plan for either subdivision or partition is submitted and shall contain the following information:

- (1) Any potential future lots (lot size shall be depicted).
- (2) Existing and proposed utilities including water, sewer and storm drains.
- (3) Streets and access points for potential future lots. (Added Ord. 1017, April 18, 2018)

**Response: Section 3, the applicable items will be shown on the drawing submitted with this application. Since applicant is requesting a partition and no land use action, applicant is requesting a waiver from Planning and/or Public Works on relevant items:**

**Item i. Storm water – waiver is requested, no land use action is proposed at this time.**

**Item l. Sanitary – waiver is requested, no development is proposed.**

**Item s. Transportation – waiver is requested. Creation of 2 additional lots will not generate 25 or more peak-hour trips or 250 or more daily trips.**

**Item t. Soils – waiver is requested. No development or site grading is proposed.**

**Item u. Wetlands – no wetlands present**

**Section 17.16-4 – Single Family dwelling design features.**

**-To establish question of conformance of the existing residences, per City's request.**

TITLE 17 LAND USE AND DEVELOPMENT CODE

4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.
  - a. Within the Low Density and Medium Density Residential Districts, all new single-family detached dwellings, including manufactured homes not in a mobile home park, are subject to the following development and design standards: (Amended Ord 1060, May 17, 2023)
    - 1) Floor Area. A dwelling shall have a minimum floor area of 1,000 square feet. The dwelling must have a minimum horizontal dimension of at least 24 feet. (Amended Ord 1060, May 17, 2023)
    - 2) (Repealed Ord. 898, August 20, 2007)
    - 3) Design Features. All new dwellings shall contain the following design feature requirements: (Amended Ord 1060, May 17, 2023)
      - a) The site must include an attached or detached garage with exterior materials that are the same exterior materials as the primary home. (Amended Ord 1060, May 17, 2023)
      - b) The building shall be provided with gutters and downspouts. (Amended Ord 1060, May 17, 2023)
      - c) The dwelling must have a composition asphalt, fiberglass, shake, or tile roof with a minimum pitch of 3 feet in height for each 12 feet in length. (Added Ord 1060, May 17, 2023)
      - d) The dwelling must have horizontally applied wood siding, horizontally applied fiber-cement siding, brick or stone masonry siding, or textured plywood siding with vertical grooves. (Added Ord 1060, May 17, 2023)
      - e) The base of the new dwelling must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. Unless the home is placed on a basement, the home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. (Added Ord 1060, May 17, 2023)
      - f) If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed. (Added Ord 1060, May 17, 2023)
    - 4) In addition, to provide architectural relief, new dwellings shall contain at least 3 of the following design elements on the side(s) of the home which fronts on a street: (Amended Ord 1060, May 17, 2023)
      - a) Dormers or gables.
      - b) Cupolas.
      - c) Bay or bow windows.
      - d) Exterior shutters.
      - e) Recessed entries.
      - f) Front porch of at least 100 square feet, which may extend into the required front yard.
      - g) Covered porch entries.
      - h) Pillars or posts in the front entry area.
      - i) (Repealed, Ord 1060, May 17, 2023.)
      - j) Front-side exterior brickwork or masonry.
    - 5) BUILDING ORIENTATION. If the lot has frontage on a public street and is not a flag lot, the architectural front of the dwelling shall face the street. (Amended Ord 1060, May 17, 2023)

(Amended Ord 1060, May 17, 2023)

**Response: The residence at 601 W. High St was shown to conform with the minimum Design Features in sub-section 3, items a-f during the 2024 partition application; it remains in conformance.**

**The 601 W. High St. residence contains at least 3 of the architectural relief requirements in sub-section 4, items a-j.**

**601 W High St is believed to be conforming.**

**City of Stayton Subdivision/Partition Application Questions:**

1. COMPATIBILITY WITH SURROUNDING AREA: How is the partition/subdivision compatible with the surrounding area?

**The site is currently zoned MD residential. The surrounding area is mixture of single family and multifamily residential. The proposed use is not changing; we believe the current MD residential use standards fit the surrounding area well.**

2. PUBLIC SERVICES: All partitions and subdivisions are required to have all public improvements installed as part of any land division process. Therefore, the applicant must be prepared to install the required street, water, sewer, and storm drainage and other improvements. a. How will the applicant assure there are adequate water, sewer, street, and storm drainage facilities available to serve the proposed subdivision?

**No land use is requested at this time. Water, sanitary and street access are nearby; we do not believe there will be any hinderance if additional housing is constructed in the future.**

b. List public services currently available to the site:

Water Supply: - inch line available in Street.

Sanitary Sewer: - inch line available in Street.

Storm Sewer: - inch line available in Street.

Natural Gas: - inch line available in Street.

Telephone: is (or) is not available in Street.

Cable TV: is (or) is not available in Street.

Electrical: is (or) is not available in Street.

**(locations drawn on preliminary partition plan)**

c. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the subdivision?

**No land use or development is requested at this time. Utilities to be addressed during building plan phase.**

3. DESIGN LAYOUT/PATTERN OF DEVELOPMENT: How does the design layout of the proposed parcels, lots, and roads fit with the existing pattern of development in the area?

**Proposed lot sizes are consistent with surrounding area and conform to the MD residential standards in the Code.**

4. NATURAL, PHYSICAL AND GEOGRAPHIC FEATURES: b. Flood Hazards:

**None that are known.**

Is any portion of the property located in a flood plain? Is any portion of the property located adjacent to a waterway?

**No.**

If the answer to either of the above questions is "yes," how will the proposed subdivision comply with all standards for riparian setbacks or flood hazard protection?

c. Wetlands:

Are there any wetlands on the site? If yes, are any of these wetlands identified in the Stayton Comprehensive Plan and how will the proposed subdivision comply with all wetland development requirements?

**No wetlands on site per the Oregon wetland map.**

d. Natural Features:

Are there any other important natural features on the site? If yes, how will the proposed subdivision address potential impacts to those features?

**No.**

5. HISTORIC SITES OR STRUCTURES:

Do any historic sites or structures listed on the City of Stayton Comprehensive Plan Historic Landmarks Inventory exist on the property? If yes, what is the name of the landmark and how will the proposed subdivision comply with all historic preservation standards?

**No.**

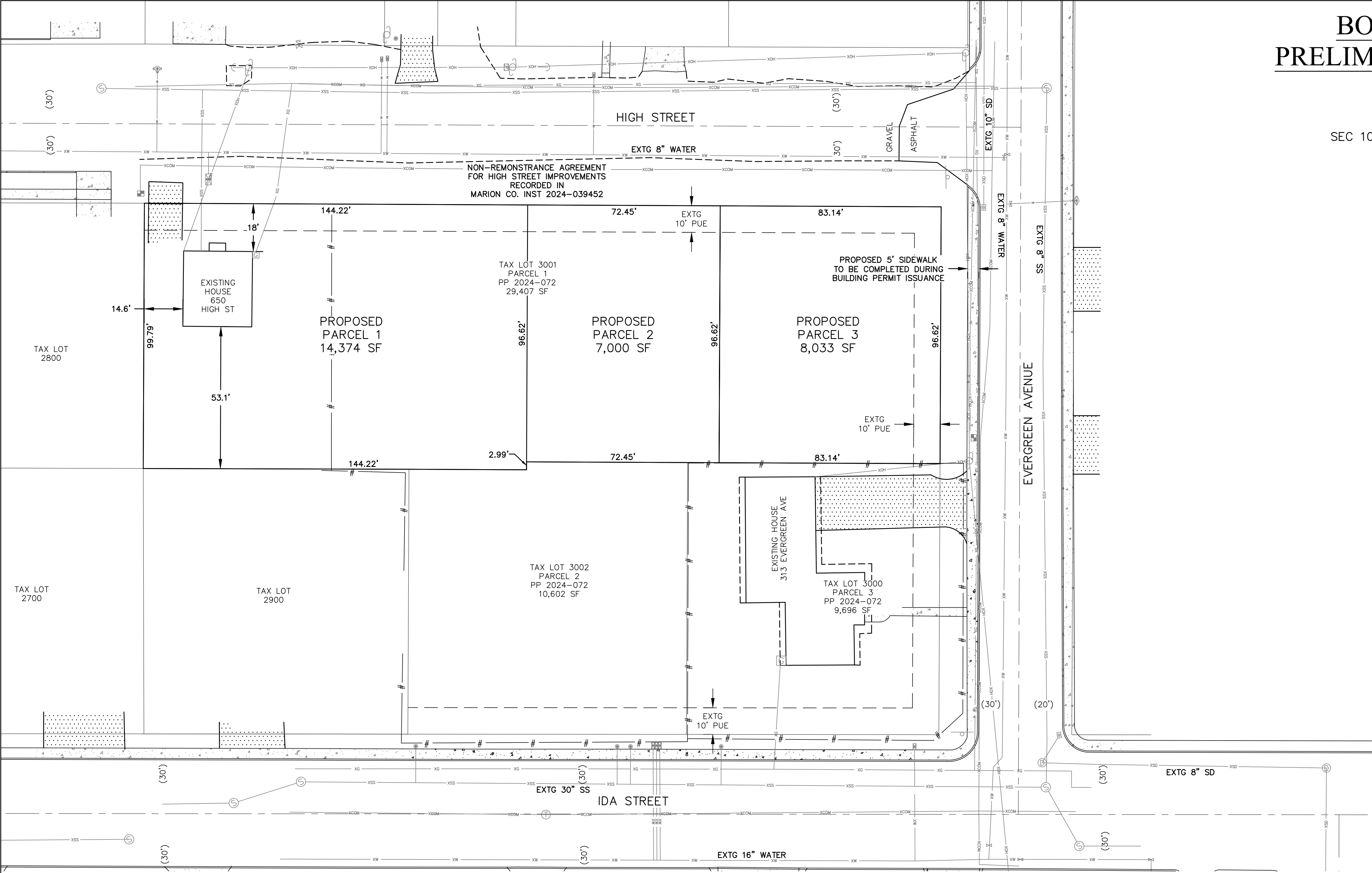
6. DEED COVENANTS AND RESTRICTIONS: Will any deed covenants or deed restrictions apply to the proposed master planned development? If yes, attach.

**No.**

**Exhibit "A" – Legal Description**

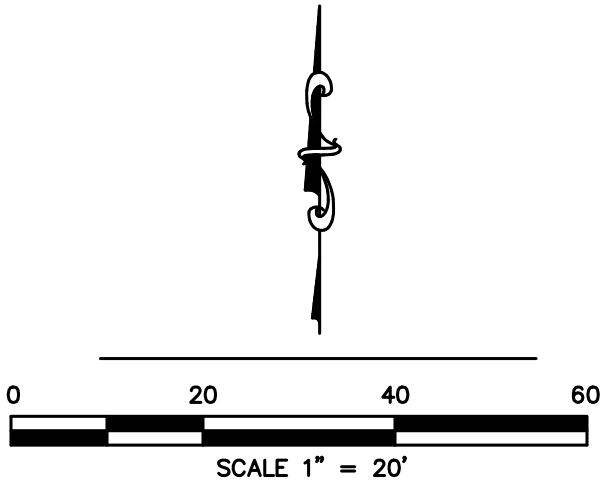
Parcel 1 of the Partition Plat number: 2024-072, record of partition plats in Marion County,  
Oregon, approximately 29,407 SF, Tax Lot 3001.





BOCHSLER PARTITION  
PRELIMINARY PARTITION PLAN

STAYTON, OREGON  
IN THE SW 1/4  
SEC 10, TOWNSHIP 9 SOUTH, RANGE 1 WEST, W.M.  
MARION COUNTY, OREGON  
TAX LOT 3001  
TAX MAP 09 1W 10CC



OWNER:  
THE KARDBOARD BOX LLC  
PO BOX 617  
STAYTON, OR 97383

PLANNING:  
ROSS BOCHSLER  
PO BOX 516 STAYTON, OR 97383  
ROSSB@NSPOR.COM  
503-769-3436

ENGINEER:  
NORTH SANTIAM PAVING  
LEVI WARRINER  
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NORTH SANTIAM PAVING  
MICHAEL DOWNS  
PO BOX 516 STAYTON, OR 97383  
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LEGEND

SITE PROPERTY LINE		SANITARY SEWER MANHOLE		COMMUNICATION MANHOLE	
NEIGHBORING PROPERTY LINE		SANITARY SEWER CLEANOUT		COMMUNICATION VAULT	
CENTER LINE		STORM SEWER MANHOLE		GAS METER	
EASEMENTS		STORM SEWER CATCH BASIN		SIGN	
SANITARY SEWER LINE		STORM SEWER CLEANOUT			
STORM SEWER LINE					
WATER LINE					
GAS LINE					
OVERHEAD POWER					
COMMUNICATION LINE					
FENCE LINE					
EDGE OF GRAVEL					
EDGE OF PAVEMENT					
		WATER VALVE			= EXISTING CONCRETE
		WATER METER			= EXISTING ASPHALT/GRAVEL DRIVEWAY
		FIRE HYDRANT			
		IRRIGATION CONTROL VALVE			
		POWER POLE			
		GUY WIRE			
		ELECTRICAL BOX			

**NORTH SANTIAM PAVING COMPANY**  
41203 KINGSTON-LYONS DRIVE, P.O. BOX 516  
STAYTON, OREGON 97383  
LEVIW@NSPOR.COM

CONSTRUCTION • ENGINEERING • SURVEYING

**BOCHSLER PARTITION**  
650 HIGH STREET  
CITY OF STAYTON  
SW 1/4 SEC 10 T9S R1W W4 TAX MAP 091W10CC TAX LOT 3001

**PRELIMINARY PARTITION PLAN**

EXPIRES: 6-30-2026  
PLOT DATE: 6/16/2025  
REVISIONS:  


  
DRAWN BY: LDW  
CHECKED BY: LDW  
JOB No: 25021  
SCALE: 1" = 20'  
SHEET  
**C1**



## CITY OF STAYTON APPLICATION FOR PARTITION OR SUBDIVISION

### APPLICATION AND DECISION MAKING PROCEDURES

#### 1. PRE-APPLICATION MEETING

Prior to submittal of an application, a pre-application meeting with City Staff is required. A completed pre-application form and sketch plan drawing need to be submitted at least 7 days in advance of the meeting. Meetings are held on Thursday afternoons and there is a \$500 fee for the pre-application meeting.

#### 2. APPLICATION FEE

Submission of a completed application form, with a plan and attachments, and payment of the application deposit are required before the review process begins. The application and deposit shall be submitted to the Community and Economic Development Department during regular business hours. **The deposit for this application is \$1,700.** If the cost to the City does not reach the amount paid, the excess amount will be refunded to the applicant after the file is closed. If during the processing of the application, the costs to the City exceed 75% of the amount paid, the applicant will be required to pay an additional 50% of the full amount, to assure that there are adequate funds to continue to process the application.

#### 3. REVIEW FOR COMPLETENESS AND SCHEDULING A HEARING

The Community and Economic Development Director will review the submitted application for completeness and, within 30 days from the date of submittal, determine if the applicant has provided all required information. If the application is incomplete, the Community and Economic Development Director will notify the applicant of the items which need to be submitted. Once the application is deemed complete, the Director will schedule a hearing before the Stayton Planning Commission. Planning Commission meetings are regularly scheduled for the last Monday of the month.

#### 4. STAFF REPORT & DRAFT ORDER

Once a hearing date is set, the Community and Economic Development Director will prepare a staff report and draft order summarizing the applicant's proposal, the decision criteria, comments from other agencies or the public, and address whether the application complies with Code requirements or suggest conditions to meet those requirements. A copy of the staff report and draft order will be provided to the applicant no less than 7 days prior to the public hearing.

#### 5. PUBLIC HEARING BEFORE THE STAYTON PLANNING COMMISSION

Prior to the public hearing, notice is required to be sent to all property owners within 300 feet of the property 20 days before the hearing, so the hearing will be scheduled at the first regular meeting following the notice period. The hearing is to give all interested parties an opportunity to comment on the application. The hearing is conducted by the Chairperson in accordance with the Stayton Rules of Procedure for Land Use Public Hearings. These rules are available at the Community and Economic Development Department. At the conclusion of the hearing and deliberation, the Planning Commission will adopt an order stating the decision criteria, findings of fact, conclusions whether the application meets the applicable standards, and the Commission's decision. The Commission may decide to deny, approve, or approve the application with conditions.

#### 6. PUBLIC HEARING BEFORE THE STAYTON CITY COUNCIL

An application may be called up by, or be appealed to the City Council. If called up, the Council will also conduct a public hearing. If appealed, the Council will decide whether to hear the appeal and hold a public hearing. A notice is required 10 days prior to the hearing which will be at a regular Council meeting, held the first and third Mondays of every month. Staff reports, Planning Commission findings, and any new information will be presented to Council for consideration. The purpose of the hearing is to receive further public testimony, to review the application and

consider the Planning Commission's decision and conditions. Generally, the Council will make a decision at the conclusion of the hearing process, but may delay the decision for further information or action by the applicant. The Council will then adopt an order either approving or denying the application.

**7. APPEALS**

Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

**8. FOR MORE INFORMATION**

Call or write to City of Stayton Community and Economic Development Dept., (mailing address) 362 N. Third Avenue, (building address) 311 N. Third Avenue, Stayton, Oregon 97383. (503) 769 2998; email: [jsiciliano@staytonoregon.gov](mailto:jsiciliano@staytonoregon.gov).

## APPLICATION CHECKLIST FOR PRELIMINARY PLANS FOR PARTITIONS AND SUBDIVISION APPLICATIONS

This checklist has been prepared to assist applicants in submitting an application that includes all the submission requirements in Sections 17.24.040.2, 040.3, 040.4, and 17.26.050. Please note that this checklist may paraphrase the requirements from the Code. It is the applicant's responsibility to read and understand the requirements of the Code. Review of an application will not begin until a complete application has been submitted. If you have questions, contact the Planning Department.

- ☒ **Property Owner Authorization:** If the applicant is not the owner of the property, the application must include written indication of the applicant's right to file the application. This may be a purchase and sale agreement, an option or other document that gives the applicant some legal interest in the property.
- ☒ **Survey Plan:** The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor
- ☐ **Three copies of the preliminary plan at a scale of 1 inch equals not more than 50 feet and 12 reduced copies of the plan sized 11 inches by 17 inches with the following information included or accompanying the plan.**
  - Appropriate identification clearly stating the drawing is a preliminary plan.
  - North point, graphic scale, and date of preparation of the plan.
  - The proposed name of the subdivision or partition.
  - Names and addresses of the landowners, applicant, the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
  - An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of decision.
  - Map number (township, range and section) and tax lot number or account of the tract being divided.
  - The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract.
  - Existing buildings and any addresses for the buildings.
  - Railroad rights-of-way.
  - Section lines and county or city boundaries.
  - The location of existing sewerage systems for the tract being divided.
  - The approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent to the tract.
  - The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners.
  - A proposed general plan for draining surface water in accordance with the City's Stormwater Master Plan.
- ☒ **The application shall include a preliminary drainage impact analysis. The analysis shall include a preliminary drainage map and narrative which identifies the impact the development will have on existing stormwater systems. The narrative shall at a minimum include and discuss:**
  - The anticipated pre-development and post-development stormwater runoff flow rates.
  - The proposed method for handling the computed stormwater runoff, including the location and capacity of all natural or proposed drainage facilities.
  - The method of discharging stormwater offsite at the naturally occurring location and any anticipated design provisions needed to control the velocity, volume, and direction of the discharge in order to minimize damage to other properties, stream banks, and overall

stormwater quality.

- A proposed street plan showing the name and widths of the proposed streets and alleys in accordance with the City's Transportation Systems Plan.
- A proposed plan for means and location of sewage disposal and water supply systems in accordance with the City's Wastewater and Water Master Plans.
- Existing and proposed easements, together with their dimensions, purpose and restrictions on use.
- 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.
- Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
- An inventory of existing trees and any proposed tree removals, detailing numbers, sizes and species to be removed.

A proposed plan showing access features, specifically:

- 1) Location of existing and proposed access point(s) on both sides of the roadway.
- 2) Distances from proposed access points to any adjacent access points, median openings, traffic signals, intersections or other transportation features.
- 3) All planned transportation features such as sidewalks, bikeways, signs, signals, etc.

☒ Digital versions of all plans, in a Portable Document Format, or by email.

☐ Copies of all existing or proposed restrictions or covenants affecting the property.

☐ Five copies of either a Transportation Assessment Letter or a Transportation Impact Analysis. A

☒ Transportation Impact Analysis is required if:

- 1) The development generates 25 or more peak-hour trips or 250 or more daily trips.
- 2) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
- 3) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
- 4) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as a school.

The Transportation Impact Analysis shall be based on the standards and requirements in Section 17.26.050. If a Transportation Impact Analysis is not required, a Transportation Assessment Letter shall be submitted that meets the requirements of 17.26.050.2.

#### **ADDITIONAL INFORMATION FOR PRELIMINARY SUBDIVISION PLANS**

In addition to the above preliminary subdivision plans shall also show or include the following information:

☒ If the proposed subdivision is phased, then a plan showing the phases of development and a timeline for the phases.

☒ A plan showing soils information and any proposed cuts or fills of more than 24 inches

☒ Vicinity Map: The vicinity map may be drawn on the same map as the preliminary subdivision plan. The vicinity map shall show the following:

- Topography within and adjacent to the proposed subdivision. Contour intervals shall be no greater than 2 feet for slopes of less than 10% and no greater than 5 feet for slopes of more than 10%.

- The relationship of the proposed subdivision to surrounding developments, streets, storm drainage, sewer, water and utility services.
- The location and functional characteristics of any wetlands on the property as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.
- A statement indicating the timing of installation of all proposed improvements.

Submission of all materials in an electronic format is encouraged.

#### BURDEN OF PROOF

This is a quasi-judicial application in which the applicant has the burden of proof. According to law, the applicant must present to the decision maker facts, evidence, analysis, and justification for each and every decisional criteria in order to carry out that burden of proof. It is important to remember that there is no assumption that the applicant is entitled to this approval. The burden of proof lies with the applicant to prove how the proposal complies with the land use ordinances, not with the City of Stayton.

Stayton Municipal Code Title 17, Land Use and Development Code, is available online at:  
[www.staytonoregon.gov](http://www.staytonoregon.gov). Click on the Document Center tab and select Municipal Code



Submit Via Email

**CITY OF STAYTON**  
**APPLICATION FOR PARTITION OR SUBDIVISION**

Application for: ☐ Subdivision ☒ Partition

PROPERTY OWNER: Kardboard Box, LLC

Address: PO Box 617

City/State/Zip: Stayton, OR 97383

Phone: ( 503 ) 769 - 3436 Email: RossB@nspor.com

APPLICANT: Kardboard Box, LLC

Address: Same as above

City/State/Zip: \_\_\_\_\_

Phone: ( \_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

APPLICANT'S REPRESENTATIVE: Ross Bochsler

Address: PO Box 516

City/State/Zip: Stayton, OR 97383

Phone: ( 503 ) 769 - 3436 Email: RossB@nspor.com

CONSULTANTS: Please list below planning and engineering consultants.

**PLANNING**

Name: Ross Bochsler

Address: PO Box 516

City/State/Zip: Stayton, OR 97383

Phone: ( \_\_\_\_ ) 503 - 769-3436

Email: RossB@nspor.com

**ENGINEERING**

Name: Levi Warriner

Address: PO Box 516

City/State/Zip: Stayton, OR 97383

Phone: ( \_\_\_\_ ) 503 - 769-3436

Email: LeviW@nspor.com

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

☐ owner ☐ applicant ☒ applicant's representative ☐ planning consultant ☐ engineer

LOCATION: Street Address: 650 W. High St.

Assessor's Tax Lot Number and Tax Map Number: 611904

Closest Intersecting Streets: W High St./Evergreen Ave

DESCRIPTION OF PROPOSAL: Total Acreage: 0.67 No. of Lots 3

ZONE DISTRICT: MD Residential

NAME OF PROPOSED SUBDIVISION (does not apply to partitions): \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Deposit Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

Land Use File# \_\_\_\_\_



### QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning and Development Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.24.040.5. Please provide the following information in full and attach to this application.

1. **COMPATIBILITY WITH SURROUNDING AREA:** How is the partition/subdivision compatible with the surrounding area?
2. **PUBLIC SERVICES:** All partitions and subdivisions are required to have all public improvements installed as part of any land division process. Therefore, the applicant must be prepared to install the required street, water, sewer, and storm drainage and other improvements.
  - a. How will the applicant assure there are adequate water, sewer, street, and storm drainage facilities available to serve the proposed subdivision?
  - b. List public services currently available to the site:

Water Supply:	<u>8</u>	- inch line available in	<u>High St. and Evergreen</u>	Street.
Sanitary Sewer:	<u>8</u>	- inch line available in	<u>High St</u>	Street.
Storm Sewer:	<u>8</u>	- inch line available in	<u>Evergreen</u>	Street.
Natural Gas:	<u>      </u>	- inch line available in	<u>                    </u>	Street.
Telephone:	<input type="checkbox"/>	is (or) <input type="checkbox"/>	is not available in	<u>                    </u> Street.
Cable TV:	<input type="checkbox"/>	is (or) <input type="checkbox"/>	is not available in	<u>                    </u> Street.
Electrical:	<input type="checkbox"/>	is (or) <input type="checkbox"/>	is not available in	<u>                    </u> Street.
  - c. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the subdivision?
3. **DESIGN LAYOUT/PATTERN OF DEVELOPMENT:** How does the design layout of the proposed parcels, lots, and roads fit with the existing pattern of development in the area?
4. **NATURAL, PHYSICAL AND GEOGRAPHIC FEATURES:**
  - b. **Flood Hazards:**

Is any portion of the property located in a flood plain? Is any portion of the property located adjacent to a waterway?

If the answer to either of the above questions is "yes," how will the proposed subdivision comply with all standards for riparian setbacks or flood hazard protection?
  - c. **Wetlands:**

Are there any wetlands on the site? If yes, are any of these wetlands identified in the Stayton Comprehensive Plan and how will the proposed subdivision comply with all wetland development requirements?
  - d. **Natural Features:**

Are there any other important natural features on the site? If yes, how will the proposed subdivision address potential impacts to those features?
5. **HISTORIC SITES OR STRUCTURES:**

Do any historic sites or structures listed on the City of Stayton Comprehensive Plan Historic Landmarks Inventory exist on the property? If yes, what is the name of the landmark and how will the proposed subdivision comply with all historic preservation standards?
6. **DEED COVENANTS AND RESTRICTIONS:** Will any deed covenants or deed restrictions apply to the proposed master planned development? If yes, attach.



## **SBEFORE THE STAYTON PLANNING DEPARTMENT**

In the matter of  
The application of  
Ross Bochsler, Kardboard Box, LLC, Applicant

) Preliminary Partition Plan  
) File # 2-03/25  
)

### **ORDER OF CONDITIONAL APPROVAL**

#### **I. NATURE OF APPLICATION**

The application is to divide an existing .68-acre parcel with one dwellings into three (3) parcels creating two vacant lots and one (1) parcels with a single-family home.

#### **II. FINDINGS OF FACT**

##### **A. GENERAL FINDINGS**

1. The owner and applicant are Kardboard Box, LLC and Ross Bochsler.
2. The properties can be described on Marion County Assessors Map (tax lot 091W10CC03001) at W 650 High Street.
3. The property has approximately the following frontage: 97 feet along N Evergreen Ave, and 300 feet along W High Street. The property is approximately .68 acres.
4. The property is zoned Medium Density (MD) Residential.
5. The neighboring properties to the north across W High Street are a mix of Low Density (LD) Residential and Light Industrial (IL) zoned parcels. To the east across N Evergreen Avenue, the properties are zoned LD. The properties to the west are zoned LD and to the south are LD and MD.

##### **B. EXISTING CONDITIONS**

The subject property is currently developed with one single family home, 650 W High Street.

##### **C. PROPOSAL**

The proposal is to divide the parcel into three. Lot 1 will be 14,374 square feet with an existing single-family house with non-conforming front setback. Lot 2 will be 7,000 square feet will be vacant. Lot 3 will be 8,033 square feet and will be vacant with frontage on W High Street and N Evergreen Avenue.

##### **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.

Astound and Santiam Hospital both indicated they had no comment. SCTC stated they had reviewed the proposal and also had no comment.

Responses were received from Stayton's Public Works, and the city's transportation and engineering consultants, whose comments 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, sewer and other urban services are available to these 3 lots created by the partition and are adequate for future development. There is an 8-inch water line on W High Street, and W Evergreen Avenue. There is an 8-inch sewer line on W High Street, and a 10-inch sewer line on W Evergreen Avenue.

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

**Finding:** The proposed partition creates three (3) lots that meet the minimum dimensional requirements of SMC 17.16.070.2. The three (3) lots are at least 7,000 square feet and have a lot width of at least 70 feet and an average width of 70 feet. The proposal creates three lots with approximately Lot 1 – 14,374 square feet and frontage of 144 feet, Lot 2 – 7,000 square feet and frontage of 72 feet, and Lot 3 – 8,033 square feet and frontage of 180 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:** The proposed partition fronts N Evergreen Avenue, and W High Street. N Evergreen Avenue, and W High Street are local roads. The rights-of-way widths comply with SMC and Public Works Design Standards (PWDS) 312, Geometric Design Requirements by Street Functional Classification since per the partition of this property recorded December 31, 2024.

- 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:** See the Finding below regarding Section 17.24.050. This is only a 3-lot partition creating two vacant lots. When the lots are developed, it will need to follow the access management standards. The city's traffic consultant stated that adhering to spacing should be viable.

- 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 as residential use. It will continue to be residential and vacant uses. Lots 2 and 3 will conform to current zoning. Parcel (Lot 1) will have a single-family home that conforms to all zonings except it has a front setback

of 18 feet when it should have a setback of 20 feet for the MD zone. This structure is an existing non-conforming structure and will fall under the SMC 17.60.505.3. Partitioning this parcel will not increase the non-conformity of the structure. The vacant Lot 2 and 3 is proposed at or larger than the minimum lot size and has more frontage than required.

- 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:** The Standard 10 foot wide Public Utility Easement (PUE) has been provided along the frontage of the development.

- 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 dwelling units since this is not allowed in Medium Density (MD) Residential for this size partition. Density maximum for this zone is 12 units per acre. The parcel to be partitioned is an approximate total of .68 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:** As a partition, there is no name.

- 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 three lots with approximately 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. The sidewalk on N Evergreen is substandard. The frontage of Lot 3 along N Evergreen needs to be removed and replaced with a 5' wide curb-tight sidewalk and compliant sidewalk ramps, in accordance with the PWDS, at the time of development, unless an alternative is approved by the Public Works Director.

It is unlikely that W High Street will be improved at this time. However, the applicant has agreed to a non-remonstrance agreement for future development with any required improvements shall apply to the full right-of-way (ROW) width, with costs shared equally among adjacent property owners.

The applicant may request an alternative to these Design Standards and will be considered for approval by the City Engineer as need arises and conditions warrant modification. Request must show that the

modification meets the intent of the Design Standards and will not compromise safety, impact other properties or cause an increase in maintenance. This consideration will be on a case-by-case basis and require sufficient justification prior to approval. All requests will be in writing and be accompanied by engineered drawings and final design calculations.

**Condition:** Sidewalks along the frontage of Lot 3 on N Evergreen Avenue are removed and replaced with 5-foot sidewalks. Or the applicant obtains approval in writing prior to final partition approval to modify these Public Works Design Standards as warranted which meet the intent of the Design Standards and will not compromise safety, impact other properties or cause an increase in maintenance.

## 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:** Pre the partition of the property recorded on December 31, 2024, High Street and N Evergreen Avenue along the frontage of this development does not require additional right-of-way. The standard 10-foot public utility easement has been provided along the frontage of the development.

## 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:** No new streets are proposed. Pre the partition of the property recorded on December 31, 2024, High Street and N Evergreen Avenue along the frontage of this development does not require additional right-of-way.

## 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  $\frac{1}{2}$  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 MD zone requires a 7,000 square foot minimum lot size with a minimum 70 feet of lot width. The proposal creates three lots with approximately Lot 1 – 14,374 square feet and frontage of 144 feet, Lot 2 – 7,000 square feet and frontage of 72 feet, and Lot 3 – 8,033 square feet and frontage of 180 feet.

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:** There is an 8-inch sewer line on W High Street, and a 10-inch sewer line W Evergreen Avenue.

#### 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:** There is an 8-inch water line on W High Street, and W Evergreen Avenue.

#### 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. Permanent overhead power lines already exist for the one existing single-family home on Lots 1. New overhead utility services are not proposed for the vacant Lot 2, and 3.

### III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements for Sections 17.24.040.6, 17.24.050, and 17.26.020 are met, except Section 17.24.050.1. This section can be met if prior to the issuance of a building permits on the parcels the applicant submits plans for street, sewer, water, and stormwater improvement to meet Public Works Design Standards. The conditions can be found in their respective criteria findings.



#### **IV. ORDER AND CONDITIONS OF APPROVAL**

Based on the conclusions above, the Planning Commission approves the application for preliminary plan to divide 650 High Street into 3 parcels as shown on sheet C1 dated June 16, 2025 prepared by Levi Warriner from North Santiam Paving Company, Stayton, OR and the accompanying materials that comprising the complete application subject to the attached standard conditions of approval and the following specific conditions for approval:

1. Engineered plans and supporting documentation shall be submitted to the City for review and approval prior to issuance of a Site Development Permit:
  - a) Site and street improvement plans conforming to the SMC and Public Works Standards. Any new driveway approaches on W Ida Street shall comply with the Public Works Design Standards. This includes removal of sidewalks on frontage of N Evergreen Avenue with replacement of the sidewalk along N Evergreen Avenue. Any modifications to sidewalk width standards shall be requested in writing and approved in the manner set forth in the Public Works Design Standards.
  - b) Water system plans conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official and Fire Code Official. The Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
  - c) Sanitary sewer system plans conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official.
  - d) A stormwater analysis and report conforming to Public Works Standards. Careful review and consideration of the area's seasonal high groundwater impacts, including the necessary vertical separation requirements, will need to be included in the analysis.
  - e) Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards and meeting the requirements of the Building Official. It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.
  - f) A stormwater operation and maintenance plan and agreement (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.
  - g) An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards. A 1200-C permit will need to be obtained by the Developer from DEQ for any site disturbance of one or more acres through clearing, grading, excavating, or stockpiling of fill material.

## **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.

DRAFT

## **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.