

1/5/2024

By:

Kardboard Box, LLC
PO Box 617
Stayton, OR 97383

Attention:

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

Project: Evergreen Partition

Subject: 3-Lot Partition application request

The parcel consists of approximately 1.24 acres located at the intersection of West Ida St and North Evergreen Ave in Stayton, tax lot 3000. The applicant is requesting a 3-lot partition, two of the lots will retain the existing two houses plus one additional lot. No development or land use action is being requested at this time.

This application will address the City's partition application requirements and relevant code sections in the following pages. The applicant's response will follow each section in **underlined bold**.

Applicant contact:

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Engineer:

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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) ¹	8,000 ²	7,000 ³	6,000	7,000	0	0	0	0	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 ⁴	70 ⁴	60 ⁴	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

- ¹ 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:
 - a. Protect natural drainage ways.
 - b. Provide drainage or utility easement.
 - c. Protect future right-of-way.
 - d. Protect unbuildable steep slope areas above 15 percent slope.
 - e. Protect flood plain hazard or wetland areas.
 - ² 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
 - ³ A tri-plex requires a minimum lot area of 10,500 square feet
 - ⁴ 40 feet for lots with frontage on a cul-de-sac
3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.
- a. 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) ¹	20 ²	20 ²	20 ²	-- ³	0	0	0	0	-- ³	-- ³	-- ³	0	0	0	0
Side Yard Setback (feet)	5	5	5	-- ³	0 ³	0 ³	0 ³	0 ⁴	-- ³	-- ³	-- ³	0 ⁴	0 ⁴	0	0 ³
Rear Yard Setback (feet)	20	15	15	-- ³	0 ³	0 ³	0 ³	0 ⁴	-- ³	-- ³	-- ³	0 ⁴	0 ³	0	0 ³
Building Height (feet) ⁵	35 ⁶	35 ⁶	-- ⁴	-- ³	60 ⁷	60 ⁷	60 ⁷	-- ⁴	-- ³	-- ³	-- ³	-- ⁴	-- ⁴	-- ⁴	60 ⁷

(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 waivers 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: Both residences conform with the minimum Design Features in sub-section 3, items a-f.

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

The 313 N. Evergreen Ave. residence contains 2 of the architectural relief requirements in sub-section 4, items a-j.

601 W High St is believed to be conforming.

313 N. Evergreen Ave. is believed to be non-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

Real property in the County of Marion, State of Oregon, described as follows:

Beginning at a point on the West line of "E" Street, 20 feet South of the projected center line of High Street in the Town of Stayton, Marion County, Oregon; and running thence West, along a line parallel with the projected center line of High Street, a distance of 310 feet to the East line of a tract conveyed to Leonard Lambrecht by deed recorded in Volume 425, Page 128, Deed Records of Marion County, Oregon; thence South along the East line of said Lambrecht tract, 110 feet; thence East 100 feet; thence South 110 feet; thence East 210 feet to the West line of the South projection of said "E" Street; thence North 220 feet to the place of beginning.

NOTE: This legal description was created prior to January 1, 2008.