

SBEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of
The application of
Brandie Dalton, Multi-Tech Engineering, Applicant

) Conceptual Master Planned
) Development Plan
) File # 11-07/24

ORDER OF DENIAL

I. NATURE OF APPLICATION

The application is for a Conceptual Master Planned Development Plan to subdivide 1601 Oriole Street a 7.11-acre property in Low Density Residential (LD) zone into 22 single-family lots.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owner is JCNW Family LLC, 15556 Coon Hollow Road SE, Stayton, OR 97383.
2. The applicant is Brandie Dalton, Multi-Tech Engineering, 1155 SE 13th Street, Salem, OR 97302.
3. The properties can be described on Marion County Assessors Map as 1601 Oriole Street (tax lot 091W04DB03300).
4. The property has access from Junco and Oriole Streets. The property is approximately 7.11 acres.
5. The property is zoned Low Density (LD) Residential.
6. The neighboring properties to the north are located outside the city limits but within the Urban Growth Boundary. To the east are Low Density Residential (LD) parcels that are part of the Phillips Estates subdivision. The parcels to the south are also zoned LD. To the west, the adjacent properties are zoned Light Industrial (IL).
7. The parcel was previously included in a subdivision application, the approvals for which have since expired. It is now being developed as a stormwater detention facility intended to manage runoff not only from the Phillips Estates I and II subdivisions but also from other surrounding areas within the city. In accordance with the Stayton Public Works Design Standards, stormwater detention facilities that serve multiple areas outside of a specific subdivision must be publicly owned. As such, upon completion, ownership of the detention facility will be transferred to the City.
8. Phillips Estates III is directly tied to the June 6, 2013, Development Agreement between the City of Stayton and JCNW Family LLC, which was the subject of a final arbitration decision issued on August 12, 2015. The arbitrator found that development of Phase III could not proceed until stormwater issues stemming from Phase II were adequately addressed, including the design and function of the detention basin on Tract A - being the parcel in this order. The Final Award established a remedial plan requiring a new stormwater drainage report and system before any Phase III plans could be submitted.
9. Although the Final Award issued on August 12, 2015, in City of Stayton v. JCNW Family LLC states that "Respondent may not submit plans for Phase III of the development until the issues involved in Phase II have been resolved," the city interpreted the language as ambiguous regarding which types of plans are restricted. Specifically, the clause does not clearly distinguish whether it

applies to construction plans, land use applications, or both. Based on this interpretation, the application for the Phillips Estates III subdivision was accepted and deemed complete.

B. EXISTING CONDITIONS

The subject property is vacant with a potential stormwater dentition area.

C. PROPOSAL

The proposal is for a Conceptual Master Planned Development to divide the parcel into 22 single-family homes with undersized lots and one larger 108,344 square foot water quality and open space parcel. The following are the lot proposed square footages: Lot 1 6,040, Lot 2 6,001, Lot 3 6,001, Lot 4 6,001, Lot 5 6,001, Lot 6 6,001, Lot 7 5,987, Lot 8 7,999, Lot 9 7,103, Lot 10 7,158, Lot 11 6,535, Lot 12 6,394, Lot 13 6,393, Lot 14 6,392, Lot 15 6,391, Lot 16 6,008, Lot 17 6,000, Lot 18 6,000, Lot 19 6,000, Lot 20 6,000, Lot 21 6,046 and Lot 22 5,991.

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.

Responses were received from Stayton's Public Works, City of Stayton's Transportation and Engineering Consultants, and Stayton Police Department 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

Concept Plans for Master Planned Development applications are required to satisfy approval criteria contained within the Stayton Municipal Code (SMC) 17. 24.090.5 Concept Plan Approval Criteria.

Pursuant to SMC 17.24.090.5 the following criteria must be demonstrated as being satisfied by the application:

a. All relevant provisions of the Comprehensive Plan are met.

Analysis: The parcel included in the proposed development contains identified significant wetlands. The City's Comprehensive Plan, under Natural & Historic Resource Goals and Policies, establishes the goal that "Identified Significant Wetlands Will Continue Their Functions Unimpaired by Development Activity," and states under Policy NR-8 that "all development on properties containing significant wetlands be processed as a master planned development." The application has been submitted and is being processed as a master planned development, consistent with this policy, allowing for consideration of potential impacts to the wetlands through the review process.

According to Stayton Municipal Code (SMC) 17.24.100.2.d – Master Planned Development Design Standards, a minimum of 25% of the development area must be preserved as open space. It is currently unclear whether the proposed development meets this requirement, as a portion of

the parcel is proposed to be used for public stormwater detention. While the application satisfies the requirement to be reviewed as a master planned development, further clarification is needed to determine whether the minimum open space requirement will be met.

Finding: Does not meet clearly meet all relevant provisions of the Comprehensive Plan.

Condition: The applicant shall resubmit a revised conceptual site plan that clearly identifies an appropriate open space area of at least 25% of the parcel, excluding any portion of the site that is proposed for future public ownership as a stormwater detention facility.

- b. *The proposed Master Planned Development will be reasonably compatible with the surrounding neighborhood.*

Analysis: The proposed Master Planned Development is not reasonably compatible with the surrounding neighborhood. Although the area is zoned for Low Density Residential use, the adjoining Phillips Estates I and II subdivisions are characterized by lots that average approximately 0.19 acres (8,276 square feet). The proposed development includes significantly smaller lots without a clear transitional buffer, resulting in an abrupt change in development pattern.

Several existing homes along Pheasant Avenue would back onto two new lots rather than the typical one-to-one lot interface, which would negatively impact privacy and the existing neighborhood character. This departure from the established development pattern is inconsistent with the intent of a master planned development to integrate harmoniously with surrounding uses.

Further, the proposal includes land designated for a publicly owned stormwater detention facility. Until it is determined how this area will be treated in relation to the required 25% open space under SMC 17.24.100.2.d, it remains unclear whether the open space standards are being met, further complicating compatibility with the surrounding neighborhood.

Finding: Does not meet approval criteria to be reasonably compatible with the surrounding neighborhood.

Condition: The applicant shall resubmit a revised conceptual site plan that clearly identifies an appropriate open space area, excluding any portion of the site that is proposed for future public ownership as a stormwater detention facility. The revised plan shall also include a transition in lot sizes adjacent to existing abutting lots to better reflect the surrounding neighborhood character.

- c. *There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.*

Analysis: There are special physical conditions present on the site that warrant a departure from standard ordinance requirements. Specifically, the presence of significant wetlands and the need to accommodate a publicly owned stormwater detention facility create constraints that limit the usable area for residential development.

However, while these physical features may justify some flexibility in the application of standard requirements, they do not fully explain or justify the extent of the proposed departure from the surrounding lot pattern or open space provisions. The proposed density and lack of transitional lot sizes are not clearly necessitated by the site's physical constraints. Furthermore, it remains unclear whether the 25% open space requirement under SMC 17.24.100.2.d is being met, particularly if portions of the site are to be dedicated for stormwater infrastructure.

Therefore, while the site does present legitimate physical conditions warranting consideration, the extent of the proposed departures raises concerns that are not entirely addressed by those conditions alone.

Finding: While there are special conditions that warrant departure from standard ordinance requirements, it is unclear how much open space of the parcel will be dedicated to the city for management of public stormwater, which would ascertain how much of the reminding parcel will be set aside of the required 25% open space.

Conditions: Follow through on developing a functioning stormwater drainage facility for Phillip Estate I and II as layout of in Development Agreement between the City of Stayton and JCNW Family LLC issued on August 12, 2015.

- d. *If there are proposed uses that are not allowed in the underlying zone, those uses shall be compatible with the proposed development and the surrounding neighborhoods and viable in that location.*

Analysis: There are no uses proposed in the development that are not allowed in the underlying Low Density Residential zone.

Finding: This approval criteria has been met.

III. CONCLUSION

Based on the facts above, the Planning Commission determines that the application does not meet the requirements for Sections 17.24.090.5. Concept Plan Approval Criteria a., b., and c.

IV. ORDER

Based on the conclusions above, the Planning Commission denies the Concept Plan application for a Master Planned Development as shown on Site Plan dated 04/01/2025, Sanitary Sewer Plans, Street Plans, Lot Grading Plan, Preliminary Existing Conditions and Utility plans all dated 3/31/2025 prepared by Multi/Tech Engineering, with submitted narrative dated 4/21/2025, and application from Bill Martinak and the accompanying materials due to not meeting all approval criteria for SMC 17.24.090.5.

V. 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

DRAFT

Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. **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.