

SBEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of) Preliminary Partition Plan
The application of) File # 3-1/24
Ross Bochsler, Kardboard Box, LLC, Applicant)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is to divide an existing parcel with two dwellings into three (3) parcels creating one vacate lot and two (2) parcels with a single-family home each.

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 as 313 W Evergreen Avenue (tax lot 091W10CC03000).
3. The property has approximately the following frontage: 205 feet along W Ida Street, 200 feet along W Evergreen Ave, and 294 feet along W High Street. The property is approximately 1.25 acres.
4. The property is zoned Medium Density (CG) 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 W Evergreen Avenue, the properties are zoned LD. To the south across W Ida Street, the parcels are zoned LD. The properties to the west across are zoned LD.

B. EXISTING CONDITIONS

The subject property is currently developed with two single family homes: one single-family home fronts W High Street and has the number 650 W High Street and the other home has the address 313 W Evergreen Avenue.

C. PROPOSAL

The proposal is to divide the parcel into three. Lot 1 will be 11,230 square feet with frontage on both W Evergreen Avenue and Ida Street with an existing single-family house with required setbacks. Lot 2 will be 11,146 square feet with frontage on W Ida Street and be vacant. Lot 3 will be 31,629 square feet with frontage on W High Street with an existing single-family house with required setbacks.

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.

A response from Marion County Building Inspection indicating they are not impacted. SCTC said they have no issues with this development. Stayton Fire Department stated that they had no comments.

Responses were received from Stayton's Public Works, City of Stayton's Transportation and Engineering Consultants, Marion County Surveyor Office, Pacific Power, Northwest Natural Gas, 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, and a 16-inch water line in W Ida Street. There is an 8-inch sewer line on W High Street, a 10-inch sewer line W Evergreen Avenue, and a 15-inch sewer line in W Ida Street. Three water and sewer laterals lines are being installed to Lot 2 as part of the city's Phase 2 Ida Street Sanitary Sewer Replacement project.

- 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 – 11,230 square feet and frontage of 202 feet, Lot 2 – 11,146 square feet and frontage of 105 feet, and Lot 3 – 31,834 square feet and frontage of 294 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 W Ida Street, N Evergreen Avenue, and W High Street. W Ida Street is a collector street and N Evergreen Avenue, and W High Street are local roads. To have a required right-of-way of 60 feet for each road, there needs to be an additional 5 feet (plus additional 1 foot past the sidewalk if needed), 10 feet, and 5 feet (plus additional 1 foot past the sidewalk if needed), respectively.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.

- 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 one vacant lot. When the lot is 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 use. The parcels will all conform to current zoning. The two parcels (Lot 1 and 3) will have single-family homes that conform to current zoning. The vacant Lot 2 is proposed to be larger than the minimum lot size and have 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: To allow adequate access for utilities a 10 foot wide Public Utility Easement (PUE) should run the length of frontage areas in addition to the rights-of-way. For further development of Lot 2, since W Ida Street is a collector road, a 150-foot distance is required from adjacent driveway. Lot 2 has a frontage of 105 feet, so future development shall require strategic driveway placement from the driveway at 609 W Ida Street.

Condition: Ten-foot PUE are added along frontage where the right-of-way areas are required to be increased to be consistent with Public Works Design Standards.

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

Finding: The dwelling units will not exceed 30 since this is not allowed in Medium Density (MD) Residential for this size partition. Density maximum for this zone is 12 units per acre. The parcel to be partitioned is an approximate total of 1.24 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 Transportation System Plan does call for Project P13 and Project B9 of the Transportation System Plan. The sidewalk along W. Ida Street is currently substandard. Therefore, the frontages of Lot 1 and Lot 2 on W. Ida Street will require the removal of the existing substandard sidewalk and sidewalk ramp. These will need to be replaced with a 6' 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.

In addition, the sidewalk on N Evergreen is substandard. The frontage of Lot 1 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 shall agree 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 frontage of Lot 1 and 2 along W Ida Street are removed and replaced with six-foot sidewalks, and sidewalks along the frontage of Lot 1 on N Evergreen Avenue are removed and replaced with 5-foot sidewalks. In addition, a non-remonstrance agreement between the owner of Lot 3 and the city is agreed to for the future development of W High Street with any required improvements shall apply to the full right-of-way (ROW) width, with costs shared equally among adjacent property owners. 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: The preliminary plan is required to show an additional right-of-way of 5' along the frontage of W Ida Street on Lots 1 and 2, additional right-of-way of 10' along the frontage of N Evergreen Avenue on Lots 1 and 3, and additional right-of-way of 5' along frontage of W High Street on Lot 3.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.

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. Yet additional right-of-way areas need to be included to be consistent with the Stayton Transportation System Plan. There needs to be an additional right-of-way of 5' along the frontage of W Ida Street on Lots 1 and 2, additional right-of-way of 10' along the frontage of N Evergreen Avenue on Lots 1 and 3, and additional right-of-way of 5' along frontage of W High Street on Lot 3.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.

6. SUBDIVISION BLOCKS.

a. Block lengths and widths shall be determined by giving consideration to the following factors:

- 1) The distance and alignment of existing blocks and streets.
- 2) Topography.
- 3) Lot size.
- 4) Need for and direction of the flow of through and local traffic.

b. Block length and perimeter standards are specified in Section 17.26.020.5.c.

c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

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

7. MID-BLOCK WALKS.

Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the Developer to install mid-block pedestrian walks on a right-of-way 20 feet in width, which shall consist of at least 8 feet of hard surfacing throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

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

8. LOT SIZE, LOT LINES.

- a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.
- b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
- c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
- d. Side lot lines shall be as close to right angles to the front street as practicable.
- e. Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.
- f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.

Findings: The 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 – 11,230 square feet and frontage of 202 feet, Lot 2 – 11,146 square feet and frontage of 105 feet, and Lot 3 – 31,834 square feet and frontage of 294 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, a 10-inch sewer line W Evergreen Avenue, and a 15-inch sewer line in W Ida Street. Three sewer laterals lines are being installed to Lot 2 as part of the city's Phase 2 Ida Street Sanitary Sewer Replacement project.

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, and a 16-inch water line in W Ida Street. Three water laterals meter lines are being installed to Lot 2 as part of the city's Phase 2 Ida Street Sanitary Sewer Replacement project.

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 two existing single-family homes on Lots 1 and 3. New overhead utility services are not proposed for the vacant Lot 2.

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 17.24.040.6.d.,

17.24.040.6.g., 17.24.050.1. Section 17.24.050.2., and Section 17.24.050.5. These sections 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 313 N Evergreen Avenue into 3 parcels as shown on sheet C1 dated May 29, 2024 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. The Final Partitioning Plan shall show additional 5-foot wide right-of-way along frontage of W Ida Street, additional 10-foot wide right-of-way along the frontage of N Evergreen Avenue, and additional 5-foot right-of-way along the frontage on W High Street to meet the requirements of consistency with the Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.
2. The Final Partitioning Plan shall show additional 10-foot wide Public Utility Easement along all required frontages on W Ida Street, N Evergreen Avenue, and W High Street to meet the requirements of consistency with the Public Works Design Standards.
3. 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 W Ida Street, and N Evergreen Avenue with replacement of the sidewalk along W Ida Street, and along N Evergreen Avenue including an ADA ramp at the corner of W Ida Street and 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. A non-remonstrance agreement would need to be entered into for future full ROW street improvements along the frontage of W High Street with any required improvements shall apply to the full right-of-way (ROW) width, with costs shared equally among adjacent property owners.
 - 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.

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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.