

STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, January 30, 2023

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 either be "attended" virtually or watched on the live stream on the City of Stayton's YouTube account.

City officials request all citizens that are able, to join the meeting online from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure. If you would like to virtually participate in the meeting, please contact the Planning and Development Department at dfleishman@staytonoregon.gov to receive an invitation to the online meeting.

Watch the meeting live streamed on YouTube https://youtu.be/V9eyNd_VG78

1. **CALL TO ORDER** **Chair Lewis**
2. **ELECTION OF CHAIR**
3. **MEETING MINUTES – November 28, 2022**
4. **LAND USE FILE #10-08/21 – Request for Extension of Approval, Site Plan Review, State Investments, LLC, Golf Club Rd**
 - a. **Staff Report**
 - b. **Questions from the Commission**
 - c. **Commission Deliberation**
 - d. **Commission Decision**
5. **LAND USE FILE #13-12/22 –PUBLIC HEARING Application for Modification of Conditions of Approval, Andrew J Westlund, 977 & 985 W Ida St**
 - a. **Commencement of Public Hearing**
 - b. **Staff Introduction**
 - c. **Applicant Presentation**
 - d. **Staff Report**
 - e. **Questions from the Commission**
 - f. **Proponents' Testimony**
 - g. **Opponents' Testimony**
 - h. **Governmental Agencies**
 - i. **General Testimony**
 - j. **Questions from the Public**
 - k. **Questions from the Commission**
 - l. **Applicant Summary**
 - m. **Staff Summary**
 - n. **Close of Hearing**
 - o. **Commission Deliberation**
 - p. **Commission Decision**
6. **OTHER BUSINESS**
7. **ADJOURN**

DATE OF NEXT MEETING: Monday, February 27, 2023



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

dfleishman@staytonoregon.gov www.staytonoregon.gov

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

SUBJECT: January Agenda Items

DATE: January 30, 2023

Section 2.36.920 of the City's Code indicates that the Commission shall elect its own chair and vice-chair at the January meeting. Heidi Hazel had been the vice-chair and was not replaced with her resignation.

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LIBRARY
515 N. FIRST AVENUE
STAYTON, OR 97383
(503) 769-3313
FAX (503) 769-3218

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, November 28, 2022

COMMISSIONERS: Ralph Lewis
Dixie Ellard
Larry McKinley
Richard Lewis
Amy McKenzie Watts

STAFF MEMBER: Dan Fleishman, Planning & Development Director
Windy Cudd, Administrative Assistant, Minutes

OTHERS PRESENT: David Giglio, City Councilor-elect

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 pm
2. **APPROVAL OF MINUTES:** McKinley moved, and Ellard seconded to approve the minutes from August 29, 2022, as presented. The motion was approved 4:0.
3. **Land Use Basic Training Session**
Fleishman instructed the Commissioners and guest on Land Use Training
4. **OTHER BUSINESS:** -None
5. **ADJOURN-** Chair Lewis adjourned the meeting at 8:55 pm.



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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: January 30, 2023
SUBJECT: Shaff Square Apartments, Site Plan Review, Extension of Approval

ISSUE

The issue before the Planning Commission is a request to extend the deadline for commencing construction after receiving site plan approval.

BACKGROUND

On November 29, 2021, the Stayton Planning Commission granted conditional approval to the site plan for development of an 100-unit multifamily development at On Golf Club Road by State Investments, LLC. The Notice of Decision was sent on November 30, 2021. Therefore the effective date of the decision was December 14. Under the provisions of Section 17.12.120.7, the Planning Commission's approval expires if construction is not commenced within one year of the effective date of approval.

Section 17.12.120.8 of the Code allows for an extension of the approval period. The Code says,

A written request for an extension of time filed with the City Planner at least 30 days prior to the expiration date of the approval shall extend the duration of the one-year period until the decision authority has taken action on the request if the following criteria are met:

- a. Progress has been made on final engineering.
- b. Applications to other regulatory agencies for necessary approvals have been filed.

The decision authority shall, within 31 days of the filing of a request for extension consider whether to grant an extension. An extension shall be granted upon a finding that the criteria above are satisfied and that no changes in this Title have been enacted that would affect the application. Only one extension may be granted.

The applicant has filed such a request in a timely manner. A copy of the letter is enclosed.

One of the reasons that the Code has an expiration requirement is to assure that development activities meet current land use standards. Under state law, an application must be reviewed under the standards that are in place at the time a complete application has been submitted. The City may not "change the rules once the game has started." However, should an approved development proposal not be developed within a reasonable period of time, the community's plans and regulations could change and the old development could be built contrary to the current plans and standards for development. Therefore, municipalities limit the length of time after approval by which the developer must take action to proceed.

In the present case, there have not been any changes to the City's regulations that would impact the development.

City of Stayton

RECOMMENDATION

Staff recommends that the Planning Commission grant a one year extension to the approval.

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.

1. Approve the request for an extension.

I move the Stayton Planning Commission approve the request of State Investments, LLC for a one year extension of the approval granted in Land Use File #10-08/21.

2. Deny the request for an extension.

I move the Stayton Planning Commission deny the request of State Investments, LLC for a one year extension of the approval granted in Land Use File #10-08/21.



October 21, 2022

Dan Fleishman, Planning Director
City of Stayton Planning & Development
362 N Third Avenue
Stayton OR 97383

**RE: Shaff Square, Land Use File #10-08/21
Request for 1-year Extension**

Dan,

In accordance with the Order of Conditional Approval dated November 29, 2021 and effective on December 14, 2021, we hereby request a one-year extension from the current December 14, 2022 application expiration date. If granted, the new expiration date for this application would be December 14, 2023.

Pursuant to City of Stayton Land Use and Development Code Section 17.12.120(8), “a written request for an extension of time, filed with the City Planner at least 30 days prior to the expiration date of the approval, shall extend the duration of the one-year period until the decision authority has taken action on the request if the following criteria are met:

- a. Progress has been made on final engineering.
- b. Applications to other regulatory agencies for necessary approvals have been filed.

The decision authority shall, within 31 days of the filing of the request for extension consider whether to grant an extension. An extension shall be granted upon a finding that the criteria above are satisfied and that no changes in this Title have been enacted that would affect the application. Only one (1) extension may be granted of no longer than one year.”

The land use decision requires that the Site Plan Review permit has been issued, and the engineering plans are in final review with Stayton Public Works. Although the permit issuance is expected prior to the expiration date, we are submitting this extension request to ensure compliance.

Additionally, we are not aware of changes to any applicable approval criteria that would affect the application. All other requirements of Section 17.12.120(8) have been or will be met within the extended timeframe. We appreciate the City’s consideration of this 1-year extension and look forward to continuing to work with you to implement the approval granted in Land Use File #10-08/21.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink that reads 'Richard Walker'.

Richard Walker, PE, Principal
3700 River Road N, Keizer, OR 97303
Phone: 503-400-6028 x404 | RichardW@aks-eng.com



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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: January 30, 2023
SUBJECT: Application to Remove Condition from a 2009 Approval of a Partitioning
120 DAYS ENDS: April 25, 2023

This report presents the Planning Staff's summary and analysis concerning this application. It was developed with the input of other City departments and agencies.

Attached is an application for Major Modification of a previously approved application for a 2-parcel partitioning. The original application was approved in 2009 by the Planning Commission. Based on a recommendation from the City Engineer, among the conditions placed on the approval was one that required the applicant to either install a new fire hydrant or an on-site sprinkler in any building.

The application consists of the application form, the applicant's narrative, an email from the Fire Chief, and the 2011 partitioning plat. An aerial photo from March of 2020 shows the property:



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Back in 2009, The City Engineer's review comments included the following:

- **Water** – The existing 4-plex on Parcel 2 is served by a 4" city water main on W. Ida Street. The City also has an 8" AC water main in W. Ida Street across the street frontage of the property. No additional water main improvements are required.
 - **Fire Protection** – A fire hydrant is located on W. Ida Street within 250 feet of the existing 4-plex on Parcel 2. No fire hydrant is located within 250' of the vacant Parcel 1 where a new house may be constructed.

In order to meet required fire flow requirements, the applicant must either install a new fire hydrant connected to the 8" water main in W. Ida Street and placed on the north side of W. Ida Street so the hydrant is within 250' of the building area on Parcel 2 or the applicant for a building permit shall install a building sprinkler system or other acceptable fire suppression system meeting the Fire Marshall's requirements. If a new hydrant is installed, it shall comply with City of Stayton public works design standards.
 - **Water Service** – A new water meter and service line is required for Parcel 1. The meter must be located in the W. Ida Street ROW at the end of the driveway.

Having not received any review comments from the Stayton Fire District, I emailed the Chief to find out if the Fire District had concerns about the distance to hydrants. The response I received was "Yes Dan, without justification for exception the max we can allow is about 300'."

As a result, Condition of Approval #5 was included in the Planning Commission's Order, as requested by the City Engineer.

5. The applicant shall install at his sole cost and expense either:
 - a. a fire hydrant connecting to the 8" water main on W. Ida St. The hydrant will be located near the west property boundary on Parcel 2, either in the W. Ida ROW or in the new PUE required under condition #1 above. The hydrant shall be installed in accordance with City of Stayton Public Works Standards and shall either be installed prior to the recording of the final plat or the applicant shall provide a performance security to the City guaranteeing the cost of the installation, inspection, and testing of the hydrant, or
 - b. an on-site building sprinkler system complying with requirements of the Oregon State Fire Marshall and/or the applicable State of Oregon building codes. If this alternative is chosen then the requirement for a sprinkler shall be included in the document reference below.

The applicant is now requesting that Condition of Approval #5 be removed. Included with the application is a December 21 email from the Fire Chief stating that the existing hydrants "will provide adequate water supply to [the proposed] structure."

Review comments were received by from the Public Works Department through the City Engineer which are included in the packet and referenced in the draft order.

Staff is recommending that rather than remove the condition of approval as requested, that the Planning Commission modify the order, as recommended by the City Engineer, to still require installation of a new hydrant but allow some flexibility in its location.

RECOMMENDATION

The staff recommendation is reflected in the draft order that is attached to the staff report.

There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

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.

1. Modify condition of approval #5, adopting the draft order as presented.

City of Stayton

I move the Stayton Planning Commission modify Condition #5 from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) and adopt the draft order presented by Staff.

2. Modify condition of approval #5, adopting modifications to the draft order.

I move the Stayton Planning Commission modify Condition #5 from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) and adopt the draft order with the following changes...

3. Approve the application and remove condition of approval #5, directing staff to modify the draft order.

I move the Stayton Planning Commission approve the application of Andrew Westlund to remove a condition from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) and direct staff to modify the draft order to reflect the Planning Commission's discussion.

4. Deny the application, directing Staff to develop the findings and conclusions to justify that decision.

I move that the Stayton Planning Commission deny the application of Andrew Westlund to remove a condition from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) 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 February 27, 2023 meeting.

5. Continue the hearing until February 27, 2023.

I move the Stayton Planning Commission continue the public hearing on the application of Andrew Westlund to remove a condition from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) until February 27, 2023.

6. 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 of Andrew Westlund to remove a condition from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) but maintain the record open to submissions by the applicant until February 13, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on February 27, 2023.

7. 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 of Andrew Westlund to remove a condition from the 2009 approval of a two parcel partitioning (Land Use File #13-12/22) until February 27, 2023.



CITY OF STAYTON
APPLICATION FOR MAJOR MODIFICATION TO APPROVED PLANS OR
EXISTING DEVELOPMENTS

PROPERTY OWNER: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____ Email: _____

APPLICANT: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____ Email: _____

APPLICANT'S REPRESENTATIVE: _____

Address: _____

City/State/Zip: _____

Phone: (____) _____ - _____ Email: _____

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING

ENGINEERING

Name: _____

Name: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Phone: (____) _____ - _____

Phone: (____) _____ - _____

Email: _____

Email: _____

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: _____

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

Closest Intersecting Streets: _____

ZONE MAP DESIGNATION: _____

ORIGINAL LAND USE APPLICATION TYPE AND FILE # _____

SIGNATURE OF APPLICANT:

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 12/27/222 Fee Paid: \$ 1,700 Receipt No. 10.003348

Land Use File# 13-12/22

Major Modification – Order 080509 – IDA 985

To whom it may concern,

We are looking to remove condition number 5, which states:

“5. The applicant shall install at his sole cost and expense either:

- a. a fire hydrant connecting to the 8” water main on W. Ida St. The hydrant will be located near the west property boundary on Parcel 2, either in the W. Ida ROW or in the new PUE required under condition #1 above. The hydrant shall be installed in accordance with City of Stayton Public Works Standards and shall either be installed prior to the recording of the final plat or the applicant shall provide a performance security to the City guaranteeing the cost of the installation, inspection, and testing of the hydrant, or
- b. an on-site building sprinkler system complying with requirements of the Oregon State Fire Marshall and/or the applicable State of Oregon building codes. If this alternative is chosen then the requirement for a sprinkler shall be included in the document reference below.”

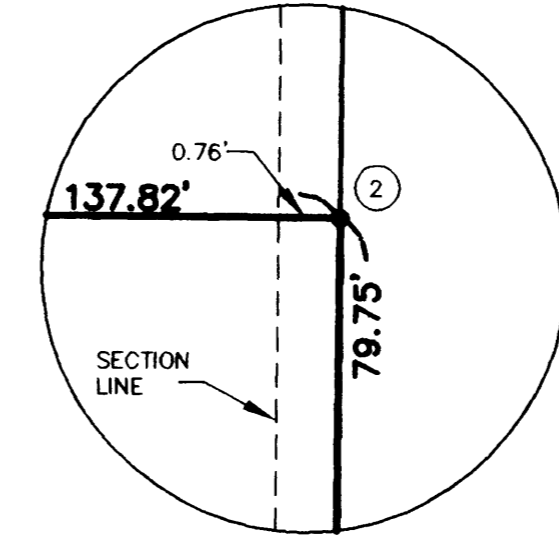
In speaking with the Stayton Fire Chief, Jay Allen, he said there is adequate coverage between existing hydrants. New technology has allowed they fire hoses to reach places previously unreachable. Back in 2009 when the condition was made, it was common for fire hoses to only be able to reach 300’. Now they can reach over 500 and as a result the existing hydrants will cover 977 W ida.

I have included a letter from Jay Alley in the attached packet. Thank you for your consideration.

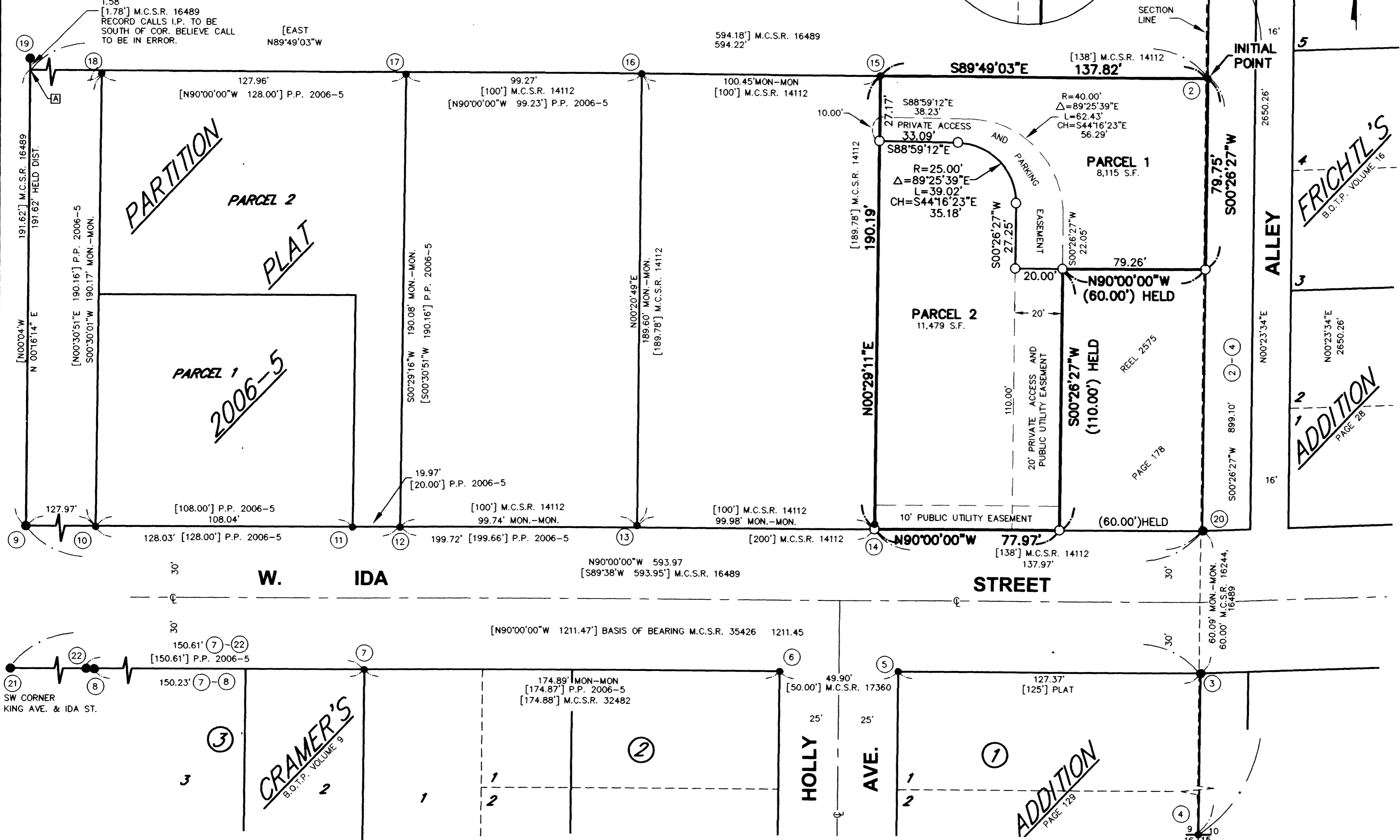
AJ Westlund

2011-007

PARTITION PLAT NO. 2011-007
IN THE SE 1/4 SECTION 9
TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN
CITY OF STAYTON, MARION COUNTY, OREGON



- ① 3" BRASS CAP (1/4 CORNER) SEE SURVEY REFERENCE FOR MARKINGS 0.5' B.G. HELD M.C.S.R. 33558 BOOK 4, PAGE 89
- ② 1/2" I.P. 0.6' B.G. HELD FOR CORNER 0.75' E OF SECTION LINE M.C.S.R. 16489
- ③ 1/2" I.P. 0.4' B.G. HELD FOR R.O.W. 0.72 N90°00'00"E OF SECTION LINE M.C.S.R. 12908 AND SHOWN IN M.C.S.R. 17350 & 35426
- ④ 3" BRASS CAP SECTION CORNER SEE SURVEY REFERENCE FOR MARKINGS 0.5' B.G. HELD M.C.S.R. 33558 BOOK 4, PAGE 89
- ⑤ 3/4" I.P. 0.2' B.G. 0.09' N00°00'00"W OF R.O.W. M.C.S.R. 17360
- ⑥ 3/4" I.P. 0.1' A.G. 0.05' S00°00'00"W OF R.O.W. M.C.S.R. 17360
- ⑦ 5/8" I.R. W/Y.P.C. MARKED "GORMAN SURV. LA01196, LS02281" FLUSH 0.08' S00°00'00"W OF R.O.W. M.C.S.R. 32482
- ⑧ 5/8" I.R. 0.2' B.G. 0.05' N00°00'00"W OF R.O.W. M.C.S.R. 28571
- ⑨ 3/4" I.P. 0.2' B.G. ON R.O.W. M.C.S.R. 14112
- ⑩ 5/8" I.R. W/Y.P.C. MARKED "ANDREWS PLS 1626" FLUSH 0.29' S OF R.O.W. P.P. 2006-5
- ⑪ 5/8" I.R. W/Y.P.C. MARKED "ANDREWS PLS 1626" FLUSH 0.14' S00°00'00"W OF R.O.W. P.P. 2006-5
- ⑫ 5/8" I.R. W/Y.P.C. MARKED "ANDREWS PLS 1626" FLUSH 0.19' S00°00'00"W OF R.O.W. P.P. 2006-5
- ⑬ 3/4" I.P. 0.8' B.G. 0.79' N00°00'00"W OF R.O.W. M.C.S.R. 14112
- ⑭ 1/2" I.P. (PINCH TOP) FLUSH HELD FOR N-S LINE 0.33' N00°00'00"W OF R.O.W. M.C.S.R. 14112
- ⑮ 1/2" I.P. 0.7' B.G. HELD FOR CORNER ON E-W LINE M.C.S.R. 14112
- ⑯ 3/4" I.P. 0.1' A.G. 0.12' S00°20'49"W OF LINE M.C.S.R. 14112
- ⑰ 5/8" I.R. W/Y.P.C. MARKED "ANDREWS PLS 1626" FLUSH 0.93' S00°29'16"W OF LINE P.P. 2006-5
- ⑱ 5/8" I.R. W/Y.P.C. MARKED "ANDREWS PLS 1626" FLUSH 1.35' S00°29'16"W OF LINE P.P. 2006-5
- ⑳ 3/4" I.P. 0.5' B.G. N74°58'00"E 0.32' FROM CORNER M.C.S.R. 14112
- ㉑ 1/2" I.P. 0.6' B.G. HELD FOR R.O.W. M.C.S.R. 17801
- ㉒ 1.25" I.P. 0.8' B.G. 0.31' S00°00'00"W OF R.O.W. SHOWN IN M.C.S.R. 32482 AND P.P. 2006-5



RIVERSIDE
ENGINEERING COMPANY, INC.
2015 25th STREET S.E.
SALEM, OREGON 97302
Tel. (503) 581-6362
P.O. BOX 3637
Fax (503) 581-0901

PREPARED FOR AND AT THE REQUEST OF
IDA ILLC
LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED TO SAID PERSON OR PERSONS.
LOCATION:
SE 1/4 SECTION 9 T. 9 S., R. 1 W., W.M. CITY OF STAYTON, MARION COUNTY, OREGON

DRAWING NO.: 2008-078PART
DATE: 4/25/10

REGISTERED PROFESSIONAL LAND SURVEYOR
Gary D. Ray
OREGON LICENSE NO. 30, 1997
GARY D. RAY
2840 LS

EXPIRATION 12/31/10

JOB NO. 2008-078
SCALE 1" = 30'
DRAWN BY: G.D.R.
CHECKED BY: G.D.R.

- LEGEND:**
R.O.W. = RIGHT-OF-WAY
M/L = MORE OR LESS
A.G. = ABOVE GRADE
ALUM = ALUMINUM
B.G. = BELOW GRADE
B.O.T.P. = BOOK OF TOWN PLATS
CH = CHAIN = 66'
M.C.S.R. = MARION COUNTY SURVEY RECORD
I.P. = IRON PIPE
I.R. = IRON ROD
M = MEASURED COURSE
TL = TAX LOT
Y.P.C. = YELLOW PLASTIC CAP
() = DEED RECORD
[] = SURVEY RECORD
C = CENTERLINE
● MONUMENT FOUND AS NOTED
○ SET 5/8"x30" IRON ROD WITH Y.P.C. MARKED "RIVERSIDE ENG." EXCEPT AS NOTED
P.P. = PARTITION PLAT

2011-007

PARTITION PLAT NO. 2011-007
IN THE SE 1/4 SECTION 9
TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN
CITY OF STAYTON, MARION COUNTY, OREGON

SURVEYOR'S CERTIFICATE

I, GARY D. RAY HEREBY CERTIFY AND SAY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ATTACHED PARTITION PLAT THE BOUNDARIES BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT WHERE I FOUND A 1/2" IRON PIPE SAID POINT BEING NORTH 00°26'27" EAST 899.10 FEET FROM THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY OREGON; THENCE SOUTH 00°26'27" WEST 79.75 FEET; THENCE NORTH 90°00'00" WEST 60.00 FEET; THENCE SOUTH 00°26'27" WEST 110.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF W. IDA STREET; THENCE NORTH 90°00'00" WEST 77.97 FEET ALONG SAID LINE; THENCE NORTH 00°29'11" EAST 190.19 FEET; THENCE SOUTH 89°49'03" EAST 137.82 FEET TO SAID INITIAL POINT.

CONTAINING 19,594 SQUARE FEET OF LAND MORE OR LESS.

Gary D. Ray 6/4/10
GARY D. RAY DATE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary D. Ray
OREGON
JUNE 30, 1997
GARY D. RAY
2840 LS

EXPIRATION 12/31/10

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MAP AND MONUMENT THE PARTITIONING OF THE LAND SHOWN HEREON AS ALLOWED BY THE CITY OF STAYTON LAND USE FILE NO. 08-05/09.

BASE OF BEARING FOR THIS SURVEY IS THE SOUTH LINE OF IDA STREET AS SHOWN IN M.C.S.R. 35246.

THE SOUTH RIGHT-OF-WAY LINE OF IDA STREET WAS ESTABLISHED BY HOLDING FOUND MONUMENTS (3) AND (2). THE NORTH LINE OF IDA STREET WAS THEN ESTABLISHED BY OFFSETTING THE SOUTH LINE 60.00 FEET TO THE NORTH.

THE SECTION LINE BETWEEN SECTIONS 9 AND 10 IS SHOWN BETWEEN FOUND MONUMENTS (1) AND (4). THE DEEDS CALL FOR THE WEST LINE OF THE SUBJECT PROPERTY AND THE PROPERTY DESCRIBED IN REEL 2575, PAGE 178 TO BE ALONG SAID SECTION LINE. HOWEVER, IT WAS DECIDED TO HOLD THE LINE CREATED BY HOLDING FOUND MONUMENTS (2) AND (4) AS THE SECTION LINE AS SHOWN IN M.C.S.R. 16489 BECAUSE OF THEIR LONG STANDING HISTORY AS BEING THE SECTION LINE.

THE NORTH LINE OF THE PROPERTY WAS ESTABLISHED BY HOLDING FOUND MONUMENT (2) AND POINT A. POINT A WAS ESTABLISHED AT A POINT ON THE LINE BETWEEN FOUND MONUMENTS (9) - (19) THE RECORD DISTANCE OF 191.62 FEET, NORTH OF MONUMENT (9) AS SHOWN IN M.C.S.R. 16489. IT WAS FOUND THAT BY DOING THIS FOUND MONUMENTS (15) AND (16) FIT THIS LINE, WITH MONUMENT (15) BEING ON THE LINE.

THE WEST LINE OF THE PROPERTY WAS ESTABLISHED BY HOLDING FOUND MONUMENTS (14) AND (15) FOR LINE. MONUMENT (15) WAS HELD FOR THE NORTHWEST CORNER AND THE SOUTHWEST CORNER WAS SET AT THE INTERSECTION OF THE WEST LINE AND THE NORTH LINE OF IDA STREET.

THE LINES THAT BOUND REEL 2575, PAGE 178 WERE SET IN ACCORDANCE WITH THE RECORD DISTANCES STATED IN SAID DEED.

FIELD WORK FOR THIS SURVEY WAS DONE DURING THE MONTHS OF SEPTEMBER 2008 AND JANUARY 2010.

NEW MONUMENTS WERE SET ON 4/20/2010.

EQUIPMENT USED FOR THIS SURVEY WAS A TRIMBLE 5600 ROBOTIC TOTAL STATION.

APPROVALS

[Signature]
ADMINISTRATOR - CITY OF STAYTON
LAND USE FILE NO. 08-05/09

Mark Riggiani 3/28/2011
MARION COUNTY SURVEYOR DATE
W.A. Shawn Beaton

W.A. Shawn Beaton 3-31-11
MARION COUNTY ASSESSOR DATE

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES, AS PROVIDED BY ORS 92-095 HAVE BEEN PAID THRU: 04/30/2011
W.A. Shawn Beaton by:

Ashley Barnes 03/31/2011
MARION COUNTY TAX COLLECTOR DATE

STATE OF OREGON)
) SS
COUNTY OF MARION)

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT 2011-007 WAS RECEIVED FOR RECORDING ON THE 31st DAY OF March, 2011 AT 9:10 O'CLOCK A. M., AND RECORDED IN THE MARION COUNTY BOOK OF PARTITION PLATS, VOLUME 2011, PAGE 007. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 3272, PAGE 137.

BILL BURGESS, MARION COUNTY CLERK

BY: Garry Melby
DEPUTY COUNTY CLERK

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT IDA I, LLC, AN OREGON LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, MADE AND DESIRING TO DISPOSE OF THE SAME INTO PARCELS, HAS CAUSED THE SAME TO BE PARTITIONED AND SURVEYED AS SHOWN ON THE ATTACHED MAP AND DO HEREBY GRANT THE EASEMENTS SHOWN FOR THE USE AND BENEFIT OF PARCEL 1 AND 2 OF THIS PLAT.

IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 3rd DAY OF June, 2010.

Chris Michael Schumacher
IDA I, LLC, AN OREGON LIMITED LIABILITY COMPANY
CHRIS MICHAEL SCHUMACHER - MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF OREGON)
) SS
COUNTY OF MARION)

KNOW ALL MEN BY THESE PRESENTS ON THIS 3rd DAY OF June, 2010, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED CHRIS MICHAEL SCHUMACHER WHO BEING FIRST DULY SWORN DID SAY THAT HE IS THE MANAGING MEMBER OF IDA I, LLC, AN OREGON LIMITED LIABILITY COMPANY NAMED IN AND DESCRIBED IN THE FOREGOING INSTRUMENT AND THIS, THE CERTIFICATE HEREON, AND HE DID DECLARE THE ACT OF AFFIXING HIS SIGNATURE TO THE SAID INSTRUMENT TO BE HIS FREE AND WILLFUL ACT AND DEED.

Jennifer J. Burlison
NOTARY SIGNATURE
Jennifer J. Burlison
NOTARY PUBLIC-OREGON

COMMISSION NO. 437422
MY COMMISSION EXPIRES 6/6/2013

REFERENCE SURVEY

- M.C.S.R. 2041
- M.C.S.R. 12908
- M.C.S.R. 14112
- M.C.S.R. 16244
- M.C.S.R. 16489
- M.C.S.R. 16509
- M.C.S.R. 17360
- M.C.S.R. 17801
- M.C.S.R. 18142
- M.C.S.R. 21672
- M.C.S.R. 27843
- M.C.S.R. 32482
- M.C.S.R. 33549 BOOK 4, PAGE 79
- M.C.S.R. 33558 BOOK 4, PAGE 89
- M.C.S.R. 35426

PARTITION PLAT 2006-5

PLAT = CRAMER'S ADDITION TO STAYTON BOOK OF TOWN PLATS VOLUME 9, PAGE 129

RIVERSIDE
ENGINEERING COMPANY, INC.
2015 25th STREET S.E.
SALEM, OREGON 97302
Tel. (503) 581-6362
P.O. BOX 3637
Fax (503) 581-0901

PREPARED FOR AND AT THE REQUEST OF
IDA I LLC
LIABILITY FOR THIS SURVEY IS EXPRESSLY LIMITED TO SAID PERSON OR PERSONS.
LOCATION:
SECT. 9 T. 9 S., R. 1W., W.M.
CITY OF STAYTON, MARION COUNTY, OREGON

DRAWING NO.: 2008-078PART
DATE: 4/25/10

JOB NO. 2008-078
SCALE 1" = 30'
DRAWN BY: G.D.R.
CHECKED BY: G.D.R.

LEGEND:
R.O.W. = RIGHT-OF-WAY
M/L = MORE OR LESS
A.G. = ABOVE GRADE
ALUM = ALUMINUM
B.G. = BELOW GRADE
B.O.T.P. = BOOK OF TOWN PLATS
CH = CHAIN = 66'
C.S. = COUNTY SURVEY NO.
I.P. = IRON PIPE
I.R. = IRON ROD
M = MEASURED COURSE
TL = TAX LOT
Y.P.C. = YELLOW PLASTIC CAP
() = DEED RECORD
[] = SURVEY RECORD
⊕ CENTERLINE
● MONUMENT FOUND AS NOTED
○ SET 5/8"x30" IRON ROD WITH Y.P.C. MARKED "RIVERSIDE ENG." EXCEPT AS NOTED



Andrew Westlund <andrewjwestlund@gmail.com>

977 Ida St duplex

1 message

Jay Alley <Jay.Alley@staytonfire.org>
To: Dan Fleishman <dfleishman@staytonoregon.gov>
Cc: Andrew Westlund <andrewjwestlund@gmail.com>

Wed, Dec 21, 2022 at 11:59 AM

Dan;

After a second review of the hydrant requirement for the [977 W. Ida](#) duplex the Stayton Fire District is good with the 2 existing hydrants located on Ida St., one at Ida and Gardner and the other located to the west of the Ida on the same side of the street. These hydrants will provide adequate water supply to this structure.

If you have further questions, please feel free to contact me.

Thank You

Jay Alley

Fire Chief

Stayton Fire District

Office 503-769-2601

Cell 503-932-7805

jay.alley@staytonfire.org

“TO PROVIDE OUTSTANDING SERVICE WITH COMMITMENT TO SAVING LIVES AND PROPERTY”

Dan Fleishman

From: John Ashley, P.E. <jashley@ashleyengr.com>
Sent: Wednesday, January 18, 2023 4:12 PM
To: Dan Fleishman
Cc: Lance Ludwick
Subject: FW: Request for Comments on Major Modification Application

Dan,
PWDS 405.02.G.1 states that a fire hydrant shall be no further than 250' from any building. PWDS 405.02.G.7 indicates as to when existing fire hydrants may be used to meet the required number of fire hydrants and when they shall not contribute to the required number of fire hydrants. As such, it is recommended that the previous condition No. 5 still apply for this development. However, it is understood from discussions with Public Works staff that locating a fire hydrant within the parameters of the previous condition may result in a potential conflict with existing utilities. Therefore, it is recommended that for the location of the fire hydrant, that Public Works staff work with the applicant to determine the best location for the fire hydrant that complies with the PWDS and meets Fire Code Official approval.

Thanks,

John Ashley, P.E.
Civil Engineer
Ashley Engineering Design, P.C.
Office: 503-864-9404
Cell: 971-241-3861
www.ashleyengr.com

From: Lance Ludwick <lludwick@staytonoregon.gov>
Sent: Wednesday, January 18, 2023 3:33 PM
To: John Ashley, P.E. <jashley@ashleyengr.com>
Subject: RE: Request for Comments on Major Modification Application

I'm good with it, I just think its important to have the FH there. Please take a look at the Water Master Plan exhibit showing areas around town that lack adequate fire protection. That exhibit may or may not include this area but if it does it's another reason to have the hydrant there.

Prepare it for Dan's Staff Report, email Dan and copy me on it.

Thanks John.

Regards,

Lance S. Ludwick P.E.
Director of Public Works
City of Stayton
311 N. Third Avenue
Stayton, Oregon 97383
503-769-2919

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of) Removal of Condition of Approval
the application of) Previously Approved Partitioning
Andrew Westlund, Applicant) File # 13-12/22

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant is requesting the removal of a condition of approval on a previously approved partitioning.

II. FINDINGS OF FACT

1. The owner and applicant is Andrew Westlund.
2. The property is composed of two tax parcels: lots 00300 and 00301, Township 9, Range 1 West of the Willamette Meridian, Section 9, Map DD. These are parcels 1 and 2 in Partition Plat 2011-007.
3. Parcel 1, addressed as 977 W Ida St, is vacant and is zoned Medium Density Residential (MD). Parcel 2, addressed as 985 W Ida St, is developed with a 4-unit apartment building and is zoned Low Density Residential (LD).
4. The property to the north is vacant land zoned Light Industrial. The properties to the east are zoned LD and are developed with single family dwellings. The property to the south, across W Ida St is zoned LD and is developed with a single family dwelling. The property to the west is zoned LD and is developed with a single family dwelling.
5. Based on a recommendation from the City Engineer, the 2009 order of approval for the partitioning included a condition that the applicant will either install a fire hydrant or an on-site sprinkler system. The condition of approval specified the location of the hydrant to be near the west property boundary of Parcel 2.
6. The applicant has discovered that existing utilities along the north side of the W Ida St right of way make installation of a hydrant at the required location difficult.
7. The application requests the Planning Commission remove Condition of Approval 5 based on an email from the Stayton Fire District Chief indicating that the existing hydrants provide adequate water supply to the proposed new structure.

A. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, Marion County Planning Division, Astound Broadband, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Santiam Water Control District, North Santiam School District, and Stayton Police Department. Comments were received from the City of Stayton Public Works Department through the City Engineer. These comments are reflected in the findings below. The City's Transportation Engineering Consultant replied that they had no comments.

B. PUBLIC COMMENTS

Owners of neighboring properties were notified in advance of the public hearing. No comments were received prior to the public hearing.

C. ANALYSIS

Partitioning applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Chapter 24, Sections 040 and 050 and Chapter 26 Section 020.

D. APPROVAL CRITERIA

Whereas this application only requests removal of Condition of Approval #5, the only applicable criterion is Section 17.24.050.12.a.

- 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.*

Finding: Condition of Approval 5 was placed at the recommendation of the City Engineer, who pointed out that the Public Works Design Standards require a new building to be within 250 feet of a fire hydrant. In a July 27, 2009 email, the former Fire Chief stated that the maximum distance they could allow was 300 feet. In a December 21, 2022 email, the current Fire Chief has written that the existing hydrants will provide adequate water supply to the structure on Parcel 1. The City Engineer has commented that the Public Works Design Standards require a building be no more than 250 feet from a hydrant. The City Engineer has recommended that Condition of Approval be modified to allow the applicant to work with Public Works staff to determine the best location for a new hydrant.

III. CONCLUSION

The application meets the requirements established in SMC 17.24.050.12.a.

IV. ORDER

Based on the findings and conclusions above, the Planning Commission does hereby modify Condition of Approval 5 from the Conditional Order of Approval on Land Use File 08-05/09 issued on July 27, 2009 to read as follows:

5. Applicant shall install at the applicant's sole cost and expense either:
 - a. A fire hydrant within the W Ida St right of way, within 250 feet of the building location on Parcel 1. The location of the hydrant shall be worked out with the Public Works Director. The hydrant shall be installed in accordance with the City of Stayton Public Works Standards. Or
 - b. An on-site building sprinkler system complying with the requirements of the Oregon State Fire Marshall and/or the applicable State of Oregon building codes.

The approval is also subject to the attached Standard Conditions of Approval for Land Use Applications.

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, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

VI. EFFECTIVE DATE

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

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. 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 Planning and 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 17.12.400 APPEALS, within 14 days of the mailing of the notice of this decision.

APPROVED BY A VOTE OF THE STAYTON PLANNING COMMISSION ON THE 30TH DAY OF JANUARY, 2023.

Ralph Lewis,
Planning Commission Chairperson

Date

ATTEST

Dan Fleishman,
Planning & Development Director

Date

Standard Conditions of Approval for Land Use Applications

General

1. **Approved Land Use Plans** - Minor variations to the approved land use plans shall be permitted provided the development substantially conforms to the submitted land use plans, conditions of approval, and all applicable standards contained in the Stayton Municipal Code (SMC) and City of Stayton Public Works Standards. The applicant shall be responsible for all costs relating to the development, including the design and construction of any required public improvements identified for the project in the approved land use plans, the conditions of approval, the SMC, and Public Works Standards.
2. **City Approvals** - The applicant shall obtain any and all required reviews, approvals, and permits from the City 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 for the development.
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.

Prior to Engineered Plan Approval

5. **Design Standards** - All public and privately financed public improvements within the project shall be prepared, signed, and stamped by a Professional Engineer registered in the State of Oregon and shall be designed to the most current edition of the Public Works Standards plus the requirements of the SMC in effect at the time the engineered plans are submitted. (SMC 12.08.310.1)
6. **Engineered Plans** - The applicant's design engineer shall submit engineered plans for review and approval of all required public improvements identified for the project in the approved land use plans, the conditions of approval, the SMC and Public Works Standards. Engineered plans shall be reviewed by the City and signed approved by the City Engineer or Public Works Director, prior to issuance of City permits. All conditions of approval for the project will need to be met to the satisfaction of the City Planner and Public Works Director prior to approval of the engineered plans.
7. **Surveys** – Surveys for public improvements shall be performed under the direction of a Professional Land Surveyor registered in the State of Oregon.
8. **Utility Coordination** - Utility companies and public agencies as applicable shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
9. **Agency Approvals** - The applicant shall obtain any and all required reviews, approvals, and permits from all City, State and Federal agencies having jurisdiction over the work. This may include, but is not limited to, the City, Marion County,

DEQ, OHA-DWS, DSL, Fire Code Official, Building Code Official, etc. Written documentation of all required agency approvals as applicable shall be submitted to the City prior to approval of the engineered plans.

Prior to Construction

10. **Developer Agreement** – Where public improvements are required, the applicant shall submit to the City an approved (by City Attorney) Developer-Engineer-City Agreement signed and notarized by the applicant and the design engineer, or a signed Developer-Engineer of Record Agreement (for minor privately financed public improvements) signed by the applicant and the design engineer, prior to issuance of City permits.
11. **Permits, Insurance, and Indemnification** – All required permits, insurance, and indemnification shall be obtained by the applicant and provided to the City in accordance with the Public Works Standards prior to construction. A 1200C permit shall be secured by the applicant if required under the rules of the Oregon State DEQ.
12. **Design Engineer’s Estimate** – Where public improvements are required, an estimate performed by the design engineer of the total estimated project cost shall be provided to the City for review and acceptance. This is needed to determine the amount of bonding required for the project.
13. **Performance Bond** - Where public improvements are required, a performance bond, or other form of performance guarantee acceptable to the City Manager and City Attorney, is required to be in place, prior to issuance of City permits. The applicant shall provide a performance bond in the amount of 125% of the total estimated project cost in accordance with the Public Works Standards. The performance bond shall be in a form acceptable to the Public Works Director.
14. **Pre-Construction Conference** - Where public improvements are required, a pre-construction conference shall be held prior to construction in accordance with the Public Works Standards.

During Construction and Project Completion

15. **Construction Specifications** - Where public improvements are required, all public and privately financed public improvements within the project shall be constructed to the most current edition of the Public Works Standards plus the requirements of the SMC in effect at the time the engineered plans are submitted. (SMC 12.08.310.1)
16. **Construction Inspection**- Where public improvements are required, all public improvements shall be inspected by the design engineer, or a qualified individual under their supervision, in accordance with the Public Works Standards to assure the construction is following the approved engineered plans. At least three days prior to construction, the applicant shall notify the Public Works Director in writing of the date when the applicant proposes to commence construction. The written notification shall include the name and phone number of the contracting company and the responsible contact person. Any supplemental inspection by the City does not relieve the applicant or the design engineer of providing the required inspection.

17. **Project Completion** - Where public improvements are required, the public improvements and public utilities shall be fully constructed and a project completion report that certifies to the City that the project was constructed according to the approved plans and specifications and that the correct required testing and inspections were satisfactorily performed shall be provided by the design engineer in accordance with the Public Works Standards. Unless the required public improvements are deferred under a non-remonstrance or other agreement approved and signed by the City, a notice of final completion and provisional acceptance of the public improvements is to be provided by the City to the applicant following the completion of construction, prior to the recording of the final plat and prior to any building permit applications being accepted or issued. 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.
18. **Warranty Bond** - Where public improvements are required, after completion and provisional acceptance of the public improvements by the City, the applicant shall provide a 1-year warranty bond in the amount of 30% of the performance bond amount in accordance with the Public Works Standards. The warranty bond shall be in a form acceptable to the Public Works Director.
19. **Record Drawings** - Where public improvements are required, the applicant shall submit to the City, reproducible record drawings and an electronic file of all public improvements constructed during and in conjunction with the project within three months of the completion of construction. Field changes made during construction shall be drafted on the plans in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). Record drawings shall be submitted prior to provisional acceptance of the construction, initiating the one-year maintenance period.
20. **Warranty Bond Release and Final Acceptance** – Where public improvements are required, the release of the warranty bond and final acceptance of the public improvements will be in accordance with SMC 12.04.310 and the Public Works Standards
21. **SDCs and Other Utility Fees** - Systems Development Charges and other utility fees (Mill Creek Sewer Interceptor, etc.) as applicable, will be applied to the project at the time of issuance of a building permit.