



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/24/2014
Jurisdiction: City of Stayton
Local file no.: 13-09/14
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/18/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-14 {22561}

Received: 11/18/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Stayton

Local file no.: **13-09/14**

Date of adoption: 11/17/14

Date sent: 11/18/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 9/15/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Dan Fleishman, Planning and Development Director

Phone: 503-769-2998

E-mail: dfleishman@ci.stayton.or.us

Street address: 362 N Third Ave

City: Stayton

Zip: 97383-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Commercial to Residential 0.33 acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 91W10CA05700, 274 W Washington St

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from CG	to MD	Acres: 0.33
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 91W10CA05700, 274 W Washington St

List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

see attached ordinance

ORDINANCE NO. 975

AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN AND THE STAYTON ZONING MAP FOR THE PROPERTY LOCATED AT 274 W WASHINGTON STREET

WHEREAS, William Martinak is the owner of 274 W Washington St, Stayton, Oregon and has submitted applications for a Comprehensive Plan amendment from Commercial to Residential and a Zoning Map amendment from Commercial General to Medium Density Residential as to that property (“subject property”);

WHEREAS, the subject property is identified as tax lot 5700, Township 9, Range 1 West of the Willamette Meridian, Section 10CA, Stayton, Oregon;

WHEREAS, the subject property is 14,459 square feet in area with approximately 115 feet of frontage on W Washington St and 125 feet of frontage on an alley along the parcel’s east side. The subject property was formerly developed with a single family detached dwelling, but is now vacant;

WHEREAS, the neighboring properties to the south are zoned Medium Density Residential (MD) and are developed with single family dwellings. The neighboring property to the west is zoned CG and is developed as a dry cleaning and laundry service establishment. The neighboring properties to the north, across W Washington St, are zoned CG and are developed with single family dwellings. One of the properties to the north also has a photography studio. The adjacent property to the east, across the alley, is zoned CG and is developed with a single family dwelling.

WHEREAS, applications for an amendment to the Comprehensive Plan are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, section 17.12.170.6.

WHEREAS, applications for an amendment to the Zoning Map are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, section 17.12.180.5.

WHEREAS, following a public hearing on October 27, 2014, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the applications;

WHEREAS, the Stayton City Council held a public hearing on November 17, 2014, and, pursuant to SMC 17.12.170.6 and SMC 17.12.180.5, makes the following findings regarding each of the approval criteria:

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area is designated Commercial, it is a residential area. Conversion from Commercial

designation to Residential designation shall help maintain the residential area. There are no area plans relative to this area. See the findings under compliance with statewide planning goals below.

- 2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: The adopted Comprehensive Plan notes that there were 28 vacant lots zoned Medium Density Residential in February 2011 for a total land area of 10 acres. The Planning Department reports that development activity since that time has resulted in a current inventory of 17 vacant lots with a total land area of 7.7 acres. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

- 3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Findings:

Goal 1 is in regards to citizen involvement. The application is subject to the public hearing standards established in SMC 17.12.090 and 17.12.100 and Oregon Revised Statutes 227.160 to 186. Two public hearings were held on the applications

Goal 2 is in regards to land use planning. The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in May, 2013. DLCD was notified of this application on September 15, 2014. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regards to the preservation of agricultural lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 4 is in regards to the preservation of forest lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 5 is in regards to open spaces, scenic and historic areas and natural resources. This property is not designated as open space, scenic, or historic by the Comprehensive Plan.

Goal 6 is in regards to air, water and land resources. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 7 is in regard to areas subject to natural disasters and hazards. There are no identified natural hazards on this property

Goal 8 is regards to recreation. The City has a Parks Master Plan that addresses the recreational needs of the community. This property is not identified for any future recreational facilities.

Goal 9 is to provide adequate opportunities for a variety of economic activities. The proposed amendment would reduce the amount of land designated as commercial. However, this property has historically been used as residential. The neighborhood is mostly residential. The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City.

Goal 10 is to provide for the housing needs of the State. The proposed amendment would increase the opportunities for residential development. The property has historically been used as residential. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The City has an adopted Transportation System Plan. The applicant has submitted a Traffic Impact Analysis (TIA), completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the construction of new residences, meeting modern energy codes.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

Goals 15 through 19 are regarding the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively. The City is not located on the Willamette River or on the Oregon Coast.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Findings: The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City. There have been only two proposals for new construction of commercial structures in the past eight years.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Findings: The site is fully served with sewer, water and storm drainage services. The proposal will have no impact on these services.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Findings: Most of the adjacent lands are currently in residential use, with the exception of the parcel to the west, which is a dry cleaning and laundry establishment. The proposed amendment would allow residential development.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria. Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Findings: A concurrent application for a Comprehensive Plan Map amendment has been filed.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Findings: There is a 12-inch water line on the north side of W Washington St. There is an 8-inch sewer main in the alley to the east of the parcel. There is a 10-inch storm drain line on the north side of W Washington St. with a catch basin on the south side, approximately 15 feet east of the alley. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area has been designated Commercial and zoned Commercial General, it is primarily a residential area and the property has previously been used as a single family residence.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Findings: The Comprehensive Plan notes that there were 12 vacant lots zoned Commercial General comprising 6 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The subject property was not vacant at the time that inventory was completed, having a single family dwelling that has since been demolished. Since the completion of the Comprehensive Plan, the Planning Department reports development activity has resulted in a current inventory of 17 vacant lots zoned Medium Density with a total land area of 7.7 acres. With the exception of the subject property there has been no change in the amount of vacant land zoned Commercial General.

- 6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Findings: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 15, 2014.

WHEREAS, pursuant to the findings above, the City Council concludes that the Comprehensive Plan amendment and Zoning Map amendment are compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Comprehensive Plan Map Changed. Based on the Findings and Conclusions set forth above, the Stayton Comprehensive Plan Map is amended as follows:

Area to be changed from Commercial to Residential

Beginning at the intersection of the centerline of W Washington Street and the centerline of an alley at the west end of Potters Addition, Stayton, proceeding southerly along the centerline of the alley a distance of 150 feet; then westerly 125.48 feet; then northerly 150 feet to the centerline of W Washington Street; then easterly to the point of beginning.

Section 2. Zoning Map Changed. Based on the Findings and Conclusions set forth above, the Stayton Official Zoning Map is amended as follows:

Area to be changed from Commercial General to Medium Density Residential

Beginning at the intersection of the centerline of W Washington Street and the centerline of an alley at the west end of Potters Addition, Stayton, proceeding southerly along the centerline of the alley a distance of 150 feet; then westerly 125.48 feet; then northerly 150 feet to the centerline of W Washington Street; then easterly to the point of beginning.

Section 3. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 4. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of November, 2014.

CITY OF STAYTON

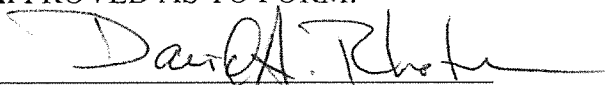
Signed: 11-17, 2014

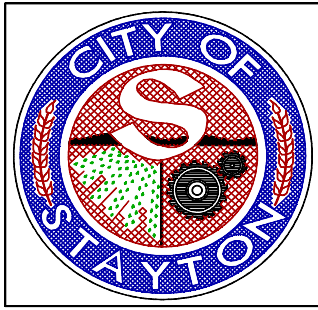
BY: 
Scott Vigil, Mayor

Signed: 11-17-14, 2014

ATTEST: 
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



City of Stayton

Planning and Development Department

Mailing address: 362 N. Third Avenue · Stayton, OR 97383

Office location: 311 N. Third Avenue

Phone: (503) 769-2998 · FAX: (503) 767-2134

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

NOTICE OF DECISION BY THE CITY COUNCIL

As required by state law, this notice is to inform you of the actions of the City of Stayton on a land use application. The City Council reached a final decision regarding the applications for comprehensive plan amendment and zoning map amendment.

A copy of the Ordinance containing a summary of the facts and conclusions is available for review at the Planning Office and has been posted on the Planning and Development Department's portions of the City's web site. Please feel free to contact the Planning and Development Department if you have any questions.

File No: 13-09/14
Applicant: Bill Martinak
Location: 274 W Washington St
Date of Decision: November 17, 2014
Date Notice Mailed: November 18, 2014
Last Day of Appeal or Call-up: December 9, 2014
120 Days Ends: January 2, 2015

1. **Nature of Application**

Comprehensive Plan amendment from Commercial to Residential and Zoning Map amendment from Commercial General to Medium Density Residential

2. **Summary of Findings**

The Planning Commission found the application would meet the criteria of approval

3. **Decision and Conditions of Approval**

The application was approved

4. **Appeal Right**

The City Council's action may be appealed within 21 days of this notice. An appeal may be filed with the Oregon Land Use Board of Appeals.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application for
Bill Martinak

)
) Comprehensive Plan Amendment
) Official Zoning Map Amendment
) Partitioning
) File # 13-09/14
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted concurrent applications for a Comprehensive Plan Map amendment from Commercial to Residential, an Official Zoning Map amendment from Commercial General to Medium Density Residential, and preliminary plan approval of a partitioning.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on October 27, 2014. At that hearing the Planning Commission reviewed Land Use File #13-09/14, applications for Comprehensive Plan amendment, Official Zoning Map amendment, and partitioning and it was made part of the record. Testimony was provided by the applicant, staff and one member of the public.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property and the applicant is William Martinak.
2. The property can be described as tax lot 5700, on Map 91W10CA.
3. The property is located at 274 W Washington St.
4. The property is zoned Commercial General (CG).
5. The property is 14,459 square feet in area with approximately 115 feet of frontage on W Washington St and 125 feet of frontage on an alley along the parcel's east side. The property was formerly developed with a single family detached dwelling, but is now vacant.
6. The neighboring properties to the south are zoned Medium Density Residential (MD) and are developed with single family dwellings. The neighboring property to the west is zoned CG and is developed as a dry cleaning and laundry service establishment. The neighboring properties to the north, across W Washington St, are zoned CG and are developed with single family dwellings. One of the properties to the north also has a photography studio. The adjacent property to the east, across the alley, is zoned CG and is developed with a single family dwelling.
7. The proposal is to amend the comprehensive plan designation from Commercial to Residential, amend the zoning from Commercial General to Medium Density Residential, and to partition the parcel into two lots.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, Santiam Water Control District, Wave Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division.

Northwest Natural Gas responded without comments. The Stayton Public Works Department responded through the City Engineer. The City Engineer's comments are reflected below.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application and notice appeared in the newspaper and on the City's website. Written comments from five individuals were received before the public hearing. None of the written comments received before the public hearing reflected the approval criteria of the Stayton Municipal Code.

D. ANALYSIS

Comprehensive Plan amendment applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.180.5. Partitioning applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040.6, and Section 17.24.050 as well as any applicable provisions of the Development and Improvement Standards of Title 17, Chapter 20. The applicable section of Chapter 20 is Sections 17.20.210 – Back Lots and Flag Lots.

E. APPROVAL CRITERIA

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria. Pursuant to SMC 17.12.170.6.b the following criteria must be demonstrated as being satisfied by the application for a Comprehensive Plan amendment:

- 1) *The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area is designated Commercial, it is a residential area. Conversion from Commercial designation to Residential designation shall help maintain the residential area. There are no area plans relative to this area. See the findings under compliance with statewide planning goals below.

- 2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: The adopted Comprehensive Plan notes that there were 28 vacant lots zoned Medium Density Residential in February 2011 for a total land area of 10 acres. The Planning

Department reports that development activity since that time has resulted in a current inventory of 17 vacant lots with a total land area of 7.7 acres. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

- 3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Findings: There are five statewide planning goals that apply to the subject property, the existing land use designation and the proposed land use designation:

Goal 9 is to provide adequate opportunities for a variety of economic activities. The proposed amendment would reduce the amount of land designated as commercial. However, this property has historically been used as residential. The neighborhood is mostly residential. The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City.

Goal 10 is to provide for the housing needs of the State. The proposed amendment would increase the opportunities for residential development. The property has historically been used as residential. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The City has an adopted Transportation System Plan. The applicant has submitted a Traffic Impact Analysis (TIA), completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Findings: The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City. There have been only two proposals for new construction of commercial structures in the past eight years.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Findings: The site is fully served with sewer, water and storm drainage services. The proposal will have no impact on these services.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Findings: Most of the adjacent lands are currently in residential use, with the exception of the parcel to the west, which is a dry cleaning and laundry establishment. The proposed amendment would allow residential development.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria. Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Findings: A concurrent application for a Comprehensive Plan Map amendment has been filed.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Findings: There is a 12-inch water line on the north side of W Washington St. There is an 8-inch sewer main in the alley to the east of the parcel. There is a 10-inch storm drain line on the north side of W Washington St. with a catch basin on the south side, approximately 15 feet east of the alley. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area has been designated Commercial and zoned Commercial General, it is primarily a residential area and the property has previously been used as a single family residence.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Findings: The Comprehensive Plan notes that there were 12 vacant lots zoned Commercial General comprising 6 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The subject property was not vacant at the time that inventory was completed, having a single family dwelling that has since been demolished. Since the completion of the Comprehensive Plan, the Planning Department reports development activity has resulted in a current inventory of 17 vacant lots zoned Medium Density with a total land area of 7.7 acres. With the exception of the subject property there has been no change in the amount of vacant land zoned Commercial General.

- 6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Findings: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 15.

Section 17.24.040.6 Preliminary Plan Approval Criteria. Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application for preliminary plan approval of a partitioning:

- b. *Adequate urban services are available to the property.*

Findings: There is a 12-inch water line on the north side of W Washington St. The City Engineer notes that the location of the nearest fire hydrant will be more than 250 feet from the homes on either of the new lots and has recommended the installation of a fire hydrant. There is an 8-inch sewer main on the south side of W Washington St and in the alley to the east of the parcel. The applicant proposes that the front parcel use the existing sewer service from the previous house and that the rear parcel access the sewer main in the alley. The City Engineer has recommended that prior issuance of a building permit for a new home on the front lot that the existing service lateral be televised to assure that it is in good condition. There is a 10-inch storm drain line on the north side of W Washington St with a catch basin on the south side, approximately 15 feet east of the alley.

- c. *The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.*

Findings: The lots in the area range in size from 4,700 square feet to 69,200 square feet in area. Half of the neighboring lots are less than 8,000 square feet in area.

- 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.*

Findings: There are no proposed streets. W Washington is designated as a Minor Arterial in the adopted Transportation System Plan. The designated right-of-way width for W Washington Street is 80 feet. The existing right of way is 50 feet wide. The City Engineer has recommended that additional right of way dedication is inappropriate because the area is fully developed. However, the City Engineer has recommended dedication of a 10-foot wide public utility and sidewalk easement along the frontage of W Washington St.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

Findings: See the Findings below regarding Section 17.24.050 and 17.26.020.

- f. *The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Findings: The application for partitioning has been accompanied by concurrent applications for Comprehensive Plan amendment and Zoning Map amendment. The proposed zoning is Medium Density Residential (MD). The MD zone requires a minimum lot size of 7,000 with a minimum lot width of 70 feet. The preliminary partition plan shows two lots of 7,205 square feet and 7,254 square feet and 115 foot lot width.

- g. *All applicable standards of Chapter 17.20 are satisfied.*

Findings: See the findings below relative to Section 17.20.210.

- h. *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.*

Findings: There are no identified wetlands on the site.

- i. *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.*

Findings: As a partition, there is no name.

- j. *Compliance exists with the provisions of ORS 92.090 as amended.*

Findings: 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 proposed lots exceed the minimum lot size and lot width requirements for the Medium Density Residential zone.

- k. *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 proposed project will not have an adverse impact on fish habitat.*

Findings: No portion of the partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of Salem Ditch.

Section 17.24.050 Design Standards for 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 width as indicated on the official map of streets known as the Future Street Plan 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 Non-Motorized Plan in the adopted Stayton Transportation System Plan.*
- e. *Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.*

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 Non-Motorized Plan calls for a signed shared bike route on W Washington St. The Geometric Design Requirements of the Public Works Design Standards for Streets and Alleys call for a 6-foot wide property line sidewalk with an 8-foot planting strip along W Washington St. Currently in place is a 4-foot wide, curbside sidewalk in fair condition. The City Engineer has recommended the dedication of a 10-foot wide public utility and sidewalk easement to allow for future replacement of the sidewalk.

The applicant has proposed that both new lots will have driveway access to the existing alley on the east side of the subject property. The alley is currently gravel-surfaced. The applicant has proposed paving the alley and constructing a catch basin in the alley to be connected to the existing catch basin on the south side of W Washington St.

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: W Washington St is designated a Minor Arterial in the adopted Transportation System Plan. The Geometric Design Requirements of the Public Works Design Standards for Streets and Alleys call for W Washington St to have an 80-foot right of way. The existing right of way adjacent to the parcel is 50 feet wide. The City Engineer has recommended that additional right of way dedication is not appropriate because the area is fully developed and there is little likelihood of the street being expanded.

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 streets 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 any approved transportation master plan or recorded subdivision plat. 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 Standard Specifications for Public Works Construction, Section 300 -*

Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.

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. W Washington St is designated a Minor Arterial in the adopted Transportation System Plan. The Geometric Design Requirements of the Public Works Design Standards for Streets and Alleys call for W Washington St to have an 80-foot right of way. The existing right of way adjacent to the parcel is 50 feet wide. The City Engineer has recommended that additional right of way dedication is not appropriate because the area is fully developed and there is little likelihood of the street being expanded.

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 17.26.1020.5.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 a 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 at least 6 feet in width, which shall be hard surfaced 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 a 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 parcel is located in the Medium Density Residential Zone. Minimum lot size is 7,000 square feet, with a minimum lot width of 70 feet. The application proposes two lots of 7,205 and 7,254 square feet in area. Both lots will have a lot width of 115 feet. Lot side lines are approximately perpendicular to the front lot lines. The lot rear lines are approximately the same length as the front lot lines.

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 near the parcel.

10. *SEWAGE DISPOSAL.*

- a. All extensions of the existing City sewage facilities shall be in accordance with the adopted 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: No sewer extension is proposed.

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: Dedication of a public recreation area of 5% of the parcel area would not be a useable area. The City now collects parks system development charge fees from new residences.

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 Board of Health or the county health officer.*
- 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 will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.*

Findings: There is a 10-inch water main on the north side of W Washington St. Both lots will be provided service from that water main.

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.*
- b. *The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.*

Findings: The application is for a partitioning.

Section 17.20.210 Standards for Back Lots. Pursuant to SMC 17.20.210 the following apply to the creation of back lots:

- a. *The driveway serving a back lot shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. The driveway shall be centered within an access easement.*

Findings: The back lot will have direct driveway access to an alley. No access easement is necessary.

- b. *The easement for access to a back lot shall have a minimum width of 6 feet wider than the driveway throughout its entire length.*

Findings: The back lot will have direct driveway access to an alley. No access easement is necessary.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Section 17.12.170.6, Section 17.12.180.6, Section 17.24.040.6, Section 17.24.050, and Section 17.20.210 except for the following:

Section 17.24.040.6.b which could be met if the existing sanitary sewer service is televised to make sure it is in good condition before it is used, if a fire hydrant is installed on W Washington St, if the water service for Parcel 2 is relocated out of the alley, and if the final plat includes a 10-foot wide public utility and sidewalk easement along the W Washington St frontage;

Section 17.24.040.6.d which could be met if the final plat includes a 10-foot wide public utility and sidewalk easement along the W Washington St frontage

Section 17.24.050.1.a which could be met if the final plat includes a 10-foot wide public utility and sidewalk easement along the W Washington St frontage;

IV. ORDER

Based on the conclusions above, the Planning Commission recommends to the City Council that the City Council approve the applications for Comprehensive Plan amendment and Zoning Map amendment and approves the application for partitioning as shown on a plan entitled "Preliminary Partition Plat" prepared by Barker Surveying, dated July 16, 2014, and the accompanying materials on file in the Planning Department subject to the attached Standard Conditions of Approval for Land Use Applications and the following specific conditions to assure compliance with the criteria for approval:

1. Prior to the approval of the final plat, the following engineered plans showing the required improvements shall be submitted for review and approval (utilities may be combined on a single plan sheet). The improvements shall be designed in accordance with the Public Works Standards or as otherwise approved by the Public Works Director.
 - a. A plan showing the alley improvements, including the stormwater collection and conveyance system.
 - b. A water system plan for the existing and new water service connections. Water meter boxes shall be located in the street right of way. The water service for Parcel 2 shall not be located within the alley. The Final Plat shall show a water line easement across Parcel 1 for the benefit of Parcel 2. The water system plan shall also show a fire hydrant improvement on W Washington St, unless the applicant submits proposed language to be included in the CC&Rs placed on the new lots to require new homes on each lot to be sprinkled.
 - c. A sanitary sewer system plan conforming to Public Works Standards for the existing and new sanitary sewer connections. The existing sanitary service lateral shall be televised and inspected prior to use.
2. Prior to issuance of a certificate of occupancy for a home on either parcel, the alley improvements shall be completed along the alley frontage of that parcel, as approved, including installation of the proposed storm drainage collection and conveyance system and the proposed sanitary sewer service lateral for Parcel 2.
3. The Final Plat shall include a 10-foot wide public utility and sidewalk easement along the frontage of W Washington St.

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.

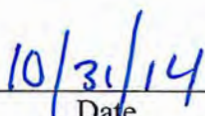
In accordance with Section 17.12.120.7, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval 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.

VI. APPEAL DATES

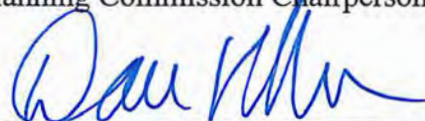
The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS.



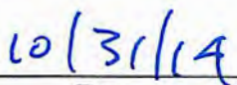
Rich Hatfield,
Planning Commission Chairperson



Date



Dan Fleishman,
Director of Planning and 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. **Agency 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 Public Works Design Standards, Public Works Standard Construction Specifications, and Public Works Standard Specification 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.

Individuals who participated in the land use approval process:

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