



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: November 19, 2018**  
**SUBJECT: Condition of Approval U Regarding Parking Restrictions in the Village Creek Subdivision**

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**ISSUE**

The issue before the City Council is a public hearing on whether to modify Condition of Approval U on the 2001 approval of the Village Creek subdivision. The condition restricted parking to one side only on the streets in the subdivision.

**BACKGROUND INFORMATION**

In the late 1990s when the Santiam Station development was proposed, what is now the Village Creek subdivision was proposed to be a mobile home park with privately-owned streets. The streets were constructed within 50-foot rights of way, with 28 feet of paving between curbs, and with "rolled curbs", that allow vehicular access at any point. In 2001, after the streets were built, the developer decided to create a subdivision instead.

**ANALYSIS**

There are four streets within the subdivision: Weldon St, Hobson St, Whitney St, and Grier Dr. The City's standard for a local residential street is a 60-foot right of way with 34 feet of paving. This allows for two 10-foot travel lanes and two 7-foot parking lanes.

In 2001, when the City Council approved the subdivision, the developer proposed that parking be allowed on only one side of each street in the subdivision. Among the City Council's findings at that time were the following:

**FINDING:** 17.24.1040.7.b. identifies that minor streets (residential) call for a minimum right-of-way width of (60) sixty feet and a curb to curb width of (34) thirty four feet. The applicant's subdivision consists of (50) fifty feet of right-of-way with a (28) twenty eight foot improved road surface. Because the street pavement has already been laid a determination has to be made to either find that the streets are of adequate right-of-way and improved surface width or require additional right-of-way and improved surface width. Another

alternative would be to secure (5) five foot easements on each side of the street rights-of-way and allow the existing road surface width with no parking on one side.

The City Council approved the subdivision with a long list of conditions. Among the conditions of approval imposed by the City Council in June 2001, was Condition U:

U. Install (5) five foot property line sidewalks along both sides with a (3) three foot parkway strip. Parking permitted on one side only.

Five months later, the City Council amended their June decision, including Condition U. Condition U, as amended, required the developer to “install curb line sidewalks along both sides of the street. Parking permitted on one side of the street only.”

Apparently, the City did not require the developer to post no parking signs and did not do so at the time of acceptance of the streets. The plat was recorded in June of 2001. At the same time a set of Condition, Covenants and Restrictions for the subdivision were recorded. The recorded CC&Rs do not mention a parking restriction on the streets.

In 2014, the City received complaints of congested parking on Hobson St, due to a residence with five vehicles and the existence of in-home day care operation. At that time staff discovered the conditions of approval referenced above and a decision was made for the City post no parking signs. The Public Works Department and the Police Department at that time made a determination to post signs only on Hobson St and Grier Dr, as Hobson St was experiencing the parking issues.

Included in the packet are memos received from the Stayton Police Department and the Stayton Fire District. Staff accompanied Fire District personnel in the subdivision when they set up a ladder truck with the outriggers extended between two parked vehicles. Photos of that exercise are also included in the packet. Both the Police Department and Fire District have recommended that the Council not allow parking on both sides of the streets.

It should be noted that Section 17.24.100.2e allows streets with rights of way of 50 feet in master planned developments if, among other requirements, the on-street parking is restricted to only one side of the street.

## **RECOMMENDATION**

Whereas the streets are developed with only 28 feet of paving, there is not adequate width to have vehicles parked on both sides of the streets in the Village Creek the subdivision. Staff recommends maintaining the restriction to allow parking only one side of the street and further recommends that No Parking signs be posted on one side of the other two streets in the subdivision.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options. Staff recommends the first option.

1. Retain the condition of approval for parking on only one side of the street for the streets in Village Creek subdivision and post no parking signs on Weldon St and Whitney St east of N Third Ave.

Move to retain condition of approval U from Land Use File #121-10/01 unchanged and adopt the draft order as presented.

2. Modify the condition of approval for parking on only once side of the street and request staff to modify the draft order to reflect that decision.

Move to modify condition of approval U from Land Use File #121-10/01 as follows ... and request that staff modify the draft order to reflect that decision and return to Council with a revised draft order at the next meeting.