

BEFORE THE STAYTON CITY COUNCIL

In the matter of)
the reconsideration of) Land Use File
Condition of Approval U,) #20-10/18
Village Creek Subdivision)

ORDER OF DENIAL

I. NATURE OF THE APPLICATION

The application was initiated by the City Council to consider possible amendment to Condition of Approval U from Land Use File 21-10/01. The City Council was approached by residents of the subdivision requesting that the restriction on parking on one side of the street be removed.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton City Council on November 19, 2018. Notice of the hearing was provided to the owners of all parcels within the Village Creek subdivision and the owners of all property within 300 feet of the subdivision. At that hearing the Planning Commission reviewed Land Use File #20-10/18 and it was made part of the record.

III. FINDINGS OF FACT

The Stayton City Council, after careful consideration of the testimony and evidence in the record adopts the following findings of fact:

1. The Village Creek Subdivision was approved and platted in 2001. The subdivision contains 68 lots.
2. The streets in the subdivision have 50-foot wide rights of way.
3. The streets in the subdivision were constructed with a 28-foot wide improvement, sloped curbs and 5-foot wide curbside sidewalks.
4. The streets were constructed when the developer intended to create a mobile home park.
5. The streets were constructed prior to approval to create a subdivision.
6. The City Council, in Land Use File #03-02/01 approved the subdivision on May 7, 2001, with conditions. The Council findings from 2001 included 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.
7. Condition of approval U from Land Use File #03-02/01 required that parking be allowed on only one side of the street. In its entirety, Condition U read:

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

8. In October 2001, the developer requested modification to two of the conditions of approval, including Condition U. Following a public hearing, the City Council, in Land Use File #21-10/01, approved a modification to Condition U to require curb line sidewalks instead of property line sidewalks. As modified on November 15, 2001, Condition U read, "Install curb line sidewalks along both sides of the street. Parking permitted on one side of the street only."
9. No Parking signs are currently posted on one side of Grier Dr and Hobson St.

B. PROPOSAL

1. On September 17, 2018 the issue of parking restrictions was brought to the attention of the City Council by a resident of the subdivision. The City Council requested that staff prepare a report outlining the history of subdivision.
2. On October 1, 2018 the staff report was provided to the City Council. At that meeting, petitions seeking to remove the existing No Parking signs, signed by 41 individuals were submitted to the City Council.
3. The City Council voted to hold a public hearing to consider possible modification to Condition U.

C. AGENCY COMMENTS

The following agencies were notified of the hearing: City of Stayton Public Works, WAVE Broadband, Stayton Telephone Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Santiam Water Control District, Marion County Public Works, Marion County Planning Division, North Santiam School District, Republic Services, Santiam Hospital, and the Stayton Police Department.

Comments were received from the Stayton Police Department, Stayton Fire District. Republic Services replied that they are not impacted by the proposal.

The Stayton Fire District noted that on streets with less than 34 feet of travel way parking on both sides severely hampers or eliminates their ability to provide fire suppression. The District commented that narrow streets restrict or eliminate the required working space around apparatus that firefighters need to utilize the apparatus and equipment in safe and efficient manner. With vehicles parked on both sides of a narrow street, the District commented that it is unable to deploy its ladder truck. The Stayton Fire District recommended that parking be limited to one side of the street.

The Stayton Police Department commented that in 2014 numerous traffic complaint issues regarding the Village Creek neighborhood were received. These complaints resulted in posting of the existing signs, to comply with the 2001 condition of approval. The Police Chief recommends retaining the restriction to allow parking on only one side of the street.

D. PUBLIC COMMENTS

The Planning Department has received no public comments on this issue prior to the hearing.

E. APPROVAL CRITERIA

Subdivision applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.24.040.6, Preliminary Plan Approval Criteria and 17.24.050

Design Standards for Subdivisions and Partitions. Whereas this decision is in regards to the possible modification of a condition of approval previously imposed on the approval of a subdivision application only, the criteria relevant to Condition U are listed below.

Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application:

- b. All streets shall be in a location and have a right of way and traveled way width in accordance with in the City's Transportation Plan.*

Finding: All of the streets in Village Creek subdivision are designated as local streets. All four streets have a right of way width of 50 feet, with the exception of a portion of Weldon St, which a right of way of variable width where the right of way extends to Lucas Ditch. All four streets were constructed with a 28-foot improvement with sloped curbs and curb line sidewalks, except the south side of Weldon St where no sidewalk was installed.

The City design standards for a residential local street call for a 34-foot improvement located within a 60-foot right of way. Standard design for a residential local street calls for 5-foot property line sidewalks with a 7.5-foot landscape strip between curb and sidewalk.

- c. 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.

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.)*
- 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.

Finding: All of the streets in Village Creek subdivision are designated as local streets. All four streets have a right of way width of 50 feet, with the exception of a portion of Weldon St, which a right of way of variable width where the right of way extends to Lucas Ditch. All four streets were constructed with a 28-foot improvement with sloped curbs and curb line sidewalks, except the south side of Weldon St where no sidewalk was installed.

The City design standards for a residential local street call for a 34-foot improvement located within a 60-foot right of way. Standard design for a residential local street calls for 5-foot property line sidewalks with a 7.5-foot landscape strip between curb and sidewalk.

IV. CONCLUSION

Based on the findings of fact above, the City Council concludes that Condition U as modified in Land Use File #21-10/01 remains justified in order to provide adequate space for public safety vehicles.

V. ORDER

The City Council orders that Condition U from Land Use File #21-10/01 shall remain unmodified. The Public Works Department shall post No Parking signs on one side of Weldon St and Whitney St.

VI. APPEAL DATES

The City Council’s decision may be appealed to the Land Use Board of Appeals within 21 days in accordance with ORS 197.830.

Henry A Porter, Mayor

Date

Keith D Campbell,
City Manager

Date