

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of)
The application for) Site Plan Review
Stayton Area Rotary) File # 3-04/19

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATIONS

The applicant is requesting site plan approval for the establishment of a recreational trail in the Natural Resource Overlay District.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on March 25, 2019. At that hearing the Planning Commission reviewed Land Use File #3-04/19, application for site plan approval, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property is Norpac Foods, Inc.
2. The applicant is the Stayton Area Rotary, who has obtained written permission to construct the trail from the owner. The owner has agreed to issue a public access easement to the City, but the easement has not yet been executed.
3. The property can be described as tax lot 2400, on Map 91W10CB, tax lot 600 on Map 91W10CC, and tax lot 100 on Map 91W9DD.
4. The property is zoned Light Industrial (IL). That portion of the property that is within 50 feet of the Salem Ditch is also in the Natural Resource Overlay District.
5. Tax lot 2400, on Map 91W10CB is addressed as 930 W Washington St. Tax lot 600 on Map 91W10CC is addressed as 725-727 W High St. Tax lot 100 on Map 91W9DD is an unaddressed parcel with frontage on W Ida St.
6. Tax lot 2400 is approximately 51 acres in area with a portion of the property on the north side of W Washington St used as a parking area, the portion of the property between W Washington St and the Salem Ditch used as the manufacturing facility for processing fruits and vegetables, and a portion on the south side of the Salem Ditch. Tax lot 600 is approximately 1.4 acres and is developed with a duplex. Tax lot 100 is approximately 13.5 acres in area, with 275 feet of frontage on W Ida St and is vacant.
7. Together, the three properties have approximately 2,650 feet of frontage along the both side of the Salem Ditch.
8. The proposal is to construct a pedestrian path within a 25-foot wide easement along the south side of the Salem Ditch. The location of the path will vary within the easement area, but generally be 8 to 15 feet from the bank of the Ditch. The path will be made of wood chips and be 8 feet wide.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: 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.

Written comments were received from the Public Works Department, Marion County Building Inspection and the Santiam Water Control District. The Public Works Department and Marion County Building Inspection replied they were not impacted by the proposal. The Water Control District expressed concern that the trail not interfere with their easement rights along the Ditch. The application shows a bridge over the Salem Ditch. The District noted that approval from the District will be required to place a bridge over the Ditch. The District noted the site plan did not show the possible relocation of a fence on the north side of the Ditch and that possible relocation not interfere with their easements rights for maintenance of the Ditch.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application. No comments were received from the public prior to the public hearing.

D. ANALYSIS

Section 17.16.090 lists the permitted uses in the Natural Resource Overlay District, indicating that all uses are subject to site plan review. Section 17.16.090.3 includes the Development Criteria for uses in the NROD.

E. APPROVAL CRITERIA

Section 17.16.090.3 NROD Development Criteria. Pursuant to SMC 17.16.090.3 the following criteria must be demonstrated as being satisfied by the application:

- a. *The proposal shall have as few significant detrimental environmental impacts on water as possible.*

Findings: The proposed trail will be located within a 25-foot wide easement along the Salem Ditch. The trail will be 8 feet wide with a wood-chip surface, constructed without excavating any soil. The trail will be located between 10 and 15 feet from the bank of the Ditch. The Santiam Water Control District requested that they be consulted with in order to prevent unintended water quality issues.

- b. *All identified impacts are mitigated through implementation of a mitigation plan approved by the City.*

Finding: There have been no impacts identified.

- c. *Existing trees and other vegetation shall be retained to the greatest extent possible pursuant to Chapter 17.20.150.*

Finding: No additional tree or vegetation removal is planned. The Santiam Water Control District's easement provides the responsibility to maintain the vegetation along the banks of the Ditch. The Santiam Water Control District has recently removed brush from along the banks of the Ditch.

- d. *The proposal shall balance the impacts on the area with the potential for public enjoyment of the riparian environment and recreational use of the protected water body.*

Finding: The proposal provides for public enjoyment of the riparian environment in accordance with the Master Trails Plan adopted as part of the Transportation System Plan and the Parks and Recreation Master Plan.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Section 17.16.090.3.

IV. ORDER

Based on the conclusion above, the Planning Commission approves the application for site plan approval, as shown on a 3-sheet set of plans entitled 2019 Rotary Path Project, dated March, 2019, prepared by the City of Stayton Public Works Department and the accompanying materials that comprised the complete application subject to the attached standard conditions of approval and the following condition of approval.

1. The applicant shall obtain written approval from the Santiam Water Control District prior to the construction or placement of any bridge over the Salem Ditch.

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 1 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.

Ralph Lewis,
Planning Commission Chairperson

Date

Dan Fleishman,
Director of Planning and Development

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.