

STAYTON PLANNING COMMISSION

AGENDA

7:00 pm

Tuesday, May 31, 2022

HYBRID MEETING

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also either be "attended" virtually or watched on the live stream on the City of Stayton's YouTube account.

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

Watch the meeting live streamed on YouTube <https://youtu.be/2oh3rLXPjAo>

- 1. CALL TO ORDER** **Chair Lewis**
- 2. MEETING MINUTES – April 25, 2022**
- 3. LAND USE FILE #5-03/22 –Applications for Site Plan Review & Modification of Approved Subdivision, Green Light-Home First, LLC, North Third Ave**
 - a. Commencement of Public Hearing
 - b. Staff Introduction
 - c. Applicant Summary
 - d. Staff Summary
 - e. Close of Hearing
 - f. Commission Deliberation
 - g. Commission Decision
- 4. LAND USE FILE #6-04/22 –Applications for Comprehensive Plan Map Amendment & Zoning Map Amendment, Kardboard Box LLC, 318 E Marion St**
 - a. Commencement of Public Hearing
 - b. Staff Introduction
 - c. Applicant Presentation
 - d. Staff Report
 - e. Questions from the Commission
 - f. Proponents' Testimony
 - g. Opponents' Testimony
 - h. Governmental Agencies
 - i. General Testimony
 - j. Questions from the Public
 - k. Questions from the Commission
 - l. Applicant Summary
 - m. Staff Summary
 - n. Close of Hearing
 - o. Commission Deliberation
 - p. Commission Decision
- 5. LAND USE FILE #8-05/22 – Application for Variance, Green Light-Home First, LLC, North Third Ave**
 - a. Staff Report
 - b. Staff Introduction
 - c. Applicant Presentation
 - d. Staff Report
 - e. Questions from the Commission
 - f. Proponents' Testimony
 - g. Opponents' Testimony
 - h. Governmental Agencies
 - i. General Testimony
 - j. Questions from the Public
 - k. Questions from the Commission
 - l. Applicant Summary
 - m. Staff Summary
 - n. Close of Hearing
 - o. Commission Deliberation
 - p. Commission Decision
- 6. LAND USE FILE #9-05/22 –Application for Variance, Kardboard Box LLC, 105 N Third Ave**
 - a. Commencement of Public Hearing
 - b. Staff Introduction
 - c. Applicant Presentation
 - d. Staff Report
 - e. Questions from the Commission
 - f. Proponents' Testimony

- g. Opponents' Testimony**
- h. Governmental Agencies**
- i. General Testimony**
- j. Questions from the Public**
- k. Questions from the Commission**

- l. Applicant Summary**
- m. Staff Summary**
- n. Close of Hearing**
- o. Commission Deliberation**
- p. Commission Decision**

7. ADJOURN

DATE OF NEXT MEETING: Monday, June 27, 2022

STAYTON PLANNING COMMISSION MEETING MINUTES

Monday, April 25, 2022

COMMISSIONERS: Ralph Lewis, Chair
Dixie Ellard
Heidi Hazel
Larry McKinley
Richard Lewis

STAFF MEMBER: Dan Fleishman, Planning & Development Director
Windy Cudd, Office Specialist, Minutes

OTHERS PRESENT: Bill Lulay, North Santiam Paving; Tim Lawler, Development Associate, Green Light Development; Stave Kay, Cascadia Planning; David & Rica Brant; Kevin Brower; and Julie McKinnon

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:02pm.
2. **APPROVAL OF MINUTES:** McKinley moved, and Ellard seconded to approve the minutes from March 28, 2022, as presented. The motion was approved 5:0.
3. **LAND USE FILE #3-03/22 -Application for Comprehensive Plan Map Amendment & Zoning Map Amendment, Immaculate Conception Catholic Church, 715 E Jefferson St**
 - a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.
 - b. **Staff Introduction-** Fleishman explained the application is for Comprehensive Plan Map and Zoning Map amendment for the vacant lot located at 715 E Jefferson St.
 - c. **Applicant Presentation-** Bill Lulay, North Santiam Paving, regarding vacant lot proposing a 10,500 square foot, 4 classroom building to be located just south of the existing St Mary's building. All utilities are available.
 - d. **Staff Report-** Fleishman explained that the property is currently vacant. The Code lists six criteria for approval. The applicant either meets the criteria or the criterion is not relevant in this case. Staff recommendation is Planning Commission to draft order to approve the application.
 - e. **Questions from the Commission-** None
 - f. **Proponents Testimony-** None
 - g. **Opponents Testimony-** None
 - h. **Government Agencies-** None
 - i. **General Testimony-** None
 - j. **Questions from the Public-** None
 - k. **Questions from the Commission-** None
 - l. **Applicant Summary-** Bill Lulay reiterated that the space is there and there is a waiting list for kids to attend. He asks that the Commission approve his amendment.
 - m. **Staff Summary-** Fleishman explained that applicant's representative mentioned an intent to build a new school building on this site. Should the City Council approve the Comprehensive Plan and Comprehensive zoning map, they will need to return to the Planning Commission for a Site Plan

Review process to have that development activity reviewed and there will be another public hearing at that time. Development is not before the Commission this evening; this hearing is to only change the zoning map.

- n. **Close of Hearing-** Chair Lewis closed the hearing at 7:20 pm.
- o. **Commission Deliberation-** None
- p. **Commission Decision-** Hazel moved and Ellard seconded to approve the application and adopt a draft order to submit to City Council. Passed 5:0.

4. LAND USE FILE #5-03/22 – Applications for Site Plan Review & Modification of Approved Subdivision, Green Light-Home First, LLC, N Third Ave

- a. **Commencement of Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:24 pm. No objections were made from the audience to the jurisdiction of this body to hear the case. There were about 3 persons present that did not get a notice of the hearing. Fleishman recommended to proceed with the hearing with a possibility of a continuance. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.
- b. **Staff Introduction-** Fleishman explained the application for Site Plan Review for the construction of a 72-unit apartment complex and modification to the Santiam Station Subdivision.
- c. **Application Presentation-** Tim Lawler, Development Associate, Green Light Development. Introduced the plan to build 72 affordable quality apartments consisting of 1-, 2-, and 3-bedroom floorplans.

Steve Kay, Cascadia Planning, presented information showing that the layout of the buildings on the site met the intent of the Code, even though Building A does not have a prominent entrance facing the street. Kay showed the elevation difference in elevation from N Third Ave and the ground level in front of the building, noting that the entry would not be visible from the street.

- d. **Staff Report-** Fleishman explained how the applicable criteria will be met. Revised landscaping, illumination, transportation, stormwater, and maintenance plans submitted. All can easily be handled by conditions of approval. The only issue not easily resolved is that Building A needs to have a prominent entryway facing the street or within 20 feet of the street.
- e. **Questions from the Commission-** Concerns were expressed about the wetlands. Fleishman informed there is no activity in wetland areas.
- f. **Proponents Testimony-** None
- g. **Opponents Testimony-** David & Rica Brant, 190 Shaff Rd. Visual concerns of the building. Traffic issues due to added housing, will increase traffic flow. Concerns whether there will be a traffic light at Fern Ridge Rd and N Third Ave. Concerns about maintenance being kept up on the buildings, to keep it looking nice. Homeless/fire victims being offered units. Recommended to decline the application.

Kevin Brower, 115 Shaff Rd. Concerned about location for the cheaper housing, and the assisted living next door, is that a good fit? Watershed issues? Traffic and Safety concerns, more provisions needed for safety. Safety concerns with around the pond/stormwater, watershed collection. Clean out of the storm pipe under Cascade Hwy. Flooding from impervious surface.

Julie McKinnon, daughter of owner Roselee Stephenson, 102 Shaff Rd. Concerned with traffic impact coming from Fern Ridge Rd and N Third Ave. She believes this is not a good fit. Wanted to know what the qualifications were for the people who would be renting these apartments. Concerned over the low-income aspect of the project.

- h. **Government Agencies-** None
- i. **General Testimony-** None

- j. Questions from the Public-** None
 - k. Questions from the Commission-** None
 - l. Applicant Summary-** Steve Kay, Cascadia Development. Steve spoke on the concerns raised by Public Works by stormwater design. Civil Engineer can accommodate layout for stormwater. Landscape will do whatever to make it meet requirements. Plat alterations will be amended to vacate unused Public Utility property properly. High Density residential multifamily dwelling is allowed.

Tim Lawler, Development Associate. Addressed some concerns of the opponents. Specifically, the maintenance of the buildings, they are the owners and they have budgeted the funds for the regular maintenance of the buildings and the facilities.
 - m. Staff Summary-** Fleishman explained High Density residential for 20 years. High Density meaning minimum number of units of 54, no maximum (per code). Maximum controlled by parking.

Emergency access was discussed, local fire district did not see the need for another entrance/exit. Applicant's stormwater, flow rate off this sight is less than the predevelopment run off rate, therefore, less amount of stormwater runoff after development.

Traffic concerns were noted, and Fleishman detailed out that there was a study done that resulted in no change to the amount of traffic. High visibility crosswalk to be considered by the City.
 - n. Close of Hearing-** Chair Lewis continued the hearing at 8:40pm.
 - o. Commission Deliberation-** Commission deliberated, and Hazel moved and Richard Lewis second that the Planning Commission continue the public hearing on the Green Light-Home First LLC (Land Use File #5-03/22) until May 31, 2022, with a vote of 4:1.
- 5. CODE INTERPRETATION-** The issue before the Planning Commission from staff for an interpretation of the Land Use Development Code.
- a. Staff Report-** Fleishman explained that the code defines a live-work unit as a structure of a structure;
 - i)** That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
 - ii)** Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

The staff requesting guidance from the Planning Commission as to the extent commercial activity must be present in order to classify a use as a live-work unit rather than a single-family dwelling.
 - b. Commission Deliberation-** Commission discussed whether or not a resident was considered a business location. Does an employee have to be present at the location? Retail/Service business open to the public?
 - c. Commission Decision-** The Commission referred a requested amendment by Mr. Fleishman for next meeting
- 6. ADJOURN:** Meeting adjourned at 8:40 pm.



City of Stayton

Department of Planning and Development

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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: May 31, 2022

SUBJECT: Site Plan Approval, N Third Ave Apartments; Modification to Santiam Station subdivision

100 DAYS ENDS: July 10, 2022

ISSUE

The issue before the Planning Commission is the continuance of the public hearing on applications for site plan approval for the construction of a 72-unit apartment complex and modification to the Santiam Station subdivision.

BACKGROUND

The Planning Commission commenced its public hearing on these applications on April 25. At that hearing there were participants who expressed that they did not receive notice of the hearing. Therefore, the Planning Commission continued the hearing until May 31.

Following the hearing, staff confirmed the addresses to which notices were mailed. The image on the following page shows the subject property and the properties within 300 feet outlined in blue. Mr. Brower's parents (the property owners) were included on the mailing list. The Brants and Ms. McKinnon's mother own property that is outside of the notification area, shown with small yellow arrows.

Attached to this memorandum is the complete list of names and addresses of people to whom a notice was sent. (The City owns property within the notification area but was not sent a notice.)

RECOMMENDATION

Whereas the April 25 hearing provided opportunity for testimony from the public and there was no defect in the notice for that hearing, staff recommends that hearing not be re-opened to public testimony and that the hearing start with summaries from the applicant and staff and then proceed to deliberations and a decision. Of course, attendance at the hearing room may compel a different process.

The draft order for consideration by the Planning Commission has been further revised to reflect the testimony at the April 25 hearing. In the copy in your packet, the changes from the revised draft provided at the April 25 hearing are highlighted in yellow.

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

City of Stayton



OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Approve the application, adopting the revised draft order as presented.

I move the Stayton Planning Commission approve the application of Green Light-Home First LLC (Land Use File #5-03/22) and adopt the May 31 revised draft order presented by Staff.

2. Approve the application with conditions, adopting modifications to the revised draft order.

I move the Stayton Planning Commission approve the application of Green Light-Home First LLC (Land Use File #5-03/22) and adopt the May 31 revised draft order with the following changes...

City of Stayton

3. Approve the application with conditions, directing staff to modify the revised draft order.

I move the Stayton Planning Commission approve the application of Green Light-Home First LLC (Land Use File #5-03/22) and direct staff to modify the revised draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the June 27, 2022 meeting.

4. Deny the application, adopting the findings and conclusions in the revised draft order.

I move that the Stayton Planning Commission deny the application of Green Light-Home First LLC (Land Use File #5-03/22) and staff to modify the revised draft order to reflect the Planning Commission's discussion and bring a further revised draft order for Planning Commission approval at the June 27, 2022 meeting.

5. Continue the hearing until June 27, 2022.

I move the Stayton Planning Commission continue the public hearing on the Green Light-Home First LLC (Land Use File #5-03/22) until June 27, 2022.

6. Close the hearing but keep the record open for submission of written testimony.

I move the Stayton Planning Commission close the hearing on the application of Green Light-Home First LLC (Land Use File #5-03/22) but maintain the record open to submissions by the applicant until June 14, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on June 28, 2022.

7. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the application of Green Light-Home First LLC (Land Use File #5-03/22) until June 27, 2022.

Dan Fleishman

From: Gerry Aboud <gerry@wvi.com>
Sent: Thursday, May 12, 2022 3:59 PM
To: Dan Fleishman
Subject: Green Light application

Dan,

Frankly the application and proposed findings were so extensive I did not read it all.

It may be in there but if not I would propose not parking signs be erected on both sides of Third Ave. Because the street is so steep and the the traffic at times being relatively heavy, allowing off street parking would contribute to unsafe conditions.

Also 3rd have should have a center line stripe from Whitney to Fern Ridge.

Thanks,

Gerry Aboud
836 East Kathy Street
Stayton, Or 97383
503-769-7505



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BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application for
Green Light-Home First, LLC

)
) Site Plan Review
) Modification of Subdivision Plat
) File # 5-03/22
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATIONS

The applicant is requesting site plan approval for the construction of a 72-unit multifamily development and modification of a previously approved subdivision to vacate a public utility easement.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on April 25, 2022. At that hearing the Planning Commission reviewed Land Use File #5-03/22, application for site plan approval and minor modification, and it was made part of the record. At the April 25 hearing there were attendees who claimed they did not receive mailed notice of the hearing. As a result, the Planning Commission continued the hearing until May 31, 2022.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property is Girod Investment Group, LLC.
2. The applicant is the purchaser of the property and has provided a copy of the sales contract.
3. The property can be described as tax lot 2300, on Map 91W03DC and is Lot 7 of Santiam Station, recorded on July 26, 1999, as modified by a Property Line Adjustment survey recorded as County Survey 35459 in 2000, by a deed recorded in Marion County Deed Records in Reel 1708, Page 207 in 2000 and by a deed recorded in Marion County Deed Records in Reel 3907, Page 97 in 2017.
4. The property is zoned High Density Residential (HD).
5. The property is unaddressed.
6. The property has 553.85 feet of frontage on Cascade Highway and 303.59 feet of frontage on N Third Ave. The parcel is 4.14 acres in area.
7. The adjacent properties to the north are zoned Commercial Retail and developed with a retail establishment and zoned HD and developed with an assisted living center. The property to the west, across Cascade Highway is outside of the City Limits, is zoned Marion County Urban Transition and is a 19-acre parcel developed with a single family dwelling and pasture. The properties to the south are zoned Commercial Retail, and one is vacant, the other developed with a bank and retail store. The property to the east, across N Third Ave, is zoned HD and developed with independent living cottages associated with the assisted living center.

B. EXISTING CONDITIONS

The property is vacant.

C. PROPOSAL

The application is to construct an apartment complex of 72 dwelling units in six buildings. The apartment buildings will be three stories in height and have 12 units in each building. There will be 12 1-bedroom units, 30 2-bedroom units, and 30 3-bedroom units. The application and site plan submitted indicate that a single 26-foot wide driveway onto N Third Ave will serve the development. The plan provides for 124 parking spaces. The plan shows a stormwater detention and treatment basin will be constructed at the near the existing detention pond on the property.

D. 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. Notice was also provided to the Oregon Dept of State Lands on April 1, 2022 in accordance with ORS 227.350.

SCTC and the Stayton Police Department responded with no comment. Pacific Power responded with a comment that the applicant should contact the company early because of delays in construction. Northwest Natural Gas commented that they have gas lines in a public utility easement along the east lot line. Marion county Public Works responded stating “no exception taken” to the proposed plans, but noted that county permit(s) will be required for any work in the Cascade Highway right of way. Written comments were received from the City Public Works Department through the City Engineer and the City’s transportation engineering consultant that are included in the findings below.

E. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application by mail on April 5, 2002. No comments were received from the public prior to the public hearing. Testimony was received from three individuals at the public hearing.

David Brant, 190 Shaff Rd, provided comments about the visual impact of the development, concerns about traffic impacts, impacts on school capacity, and impact on property taxes. Kevin Brower, 115 Shaff Rd mentioned the traffic fatality at Fern Ridge Rd and N Third Ave, and recommended an emergency egress onto Cascade Highway. Julie McKinnon, representing her mother, Roselee Stephenson, at 102 Shaff Rd expressed concerns about traffic and inquired as to who the tenants will be.

All three indicated that they did not receive a mailed notice of the public hearing. Staff replied that notices were mailed to all property owners within 300 feet of the subject property at least 20 days in advance of the hearing. Subsequent investigation by staff revealed that Brant’s and Stephenson’s properties are outside of the 300-foot notification area. Notice was mailed to Brower’s parents, the property owners.

F. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.220 and applicable provisions of the Development

and Improvement Standards of Title 17, Chapter 20. The applicable sections of Chapter 20 are 17.20.060 – Off-Street Parking and Loading; 17.20.080 – Special Street and Riparian Areas; 17.20.090 – Landscaping Requirements; 17.20.170 – Outdoor Lighting; 17.20.180 – Wetland Protection Areas; and 17.20.190 – Multi-family Residential Design Standards. In addition, the application must meet the requirements of Section 17.26.020 – Access Management Requirements and Standards.

Under Section 17.12.150.4, the scope of review for the modification of a previously approved plan is limited only to the modification request. Applications for modification are required to satisfy the approval criteria of the original development proposal (subdivision).

G. APPROVAL CRITERIA

Site Plan Review

Section 17.12.220.5 Site Plan Review Criteria. Pursuant to SMC 17.12.220.5 the following criteria must be demonstrated as being satisfied by the application:

- a. *The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications) and connections, including easements, to properly serve development in accordance with the City's Master Plans and Standard Specifications.*

Findings: There is an existing 12-inch water main on the west side of N Third Ave along the entire frontage of the parcel. The applicant intends to connect with a 10-inch water service to provide both a fire protection service line and a 4-inch domestic service through the development. Two new fire hydrants are proposed within the development. Buildings are proposed to have internal fire suppression systems.

The City Engineer has commented any existing water wells on the property be located an abandoned per Water Resources Department and Oregon Health Authority requirements. If there are any water rights associated with the property, the City Engineer recommended they be transferred to the City. The City Engineer noted the need for a fire hydrant to be located within 250 feet of any building. The City Engineer has recommended a secondary fire access to the site and that the applicant provide documentation that the Fire Code Official has reviewed and approved any required fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official. City Engineer noted that there are currently no sanitary sewer improvements identified in the Water Master Plan directly impacting this proposed development.

There is an existing 8-inch sewer main on the west side of N Third Ave that terminates approximately 60 feet south of the north property line of subject property. The applicant intends to construct a new manhole and install a replacement 8-inch sewer main to the next manhole to the north. The applicant intends to construct a combination of 6-inch and 8-inch sewer lines through the property that will serve the development.

The City Engineer has noted that all multifamily dwellings require a 6-inch lateral. The City Engineer has commented that a sanitary sewer monitoring manhole will be required per the PWDS to monitor the discharge from the development given the shallow groundwater depths, and the amount of sanitary sewer service piping needed to serve the private development and recommended that the private sanitary sewer system also be pressure tested. All private utilities will need to be adequately sized and designed by the Design Engineer in accordance

with applicable building/specialty codes and reviewed and approved by the Building Official. City Engineer noted that there are currently no sanitary sewer improvements identified in the Sanitary Sewer Master Plan directly impacting this proposed development.

There is a stormdrain system on the west side of N Third Ave in front of a portion of the subject property. There is an existing pond that serves as a detention facility in the northwest corner of the property. The pond was created by widening the banks of Lucas Ditch and construction of a control structure within the Cascade Highway right of way. There is an existing 12-inch stormdrain system on the east side of Cascade Highway that discharges into the pond. The site plan shows a series of area drains and catch basins draining to a detention and water quality treatment facility. The detention and treatment facility will discharge to the stormdrain in Cascade Highway with flow rated controlled by a 1.5-inch orifice in flow control manhole. A preliminary stormwater report was prepared by William J Wells, P.E. The stormwater report concludes that the 2-year, 24-hour, the 10-year, 24-hour, the 25-year, 24-hour, the 50-year, 24-hour, and the 100-year, 24-hour storm events will be released at rates less than their respective pre-developed storms.

The City Engineer noted that based on the preliminary stormwater report, the proposed stormwater infiltration facility design does not conform to PWDS and revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that might affect the overall stormwater facility size, location, and other stormwater facility design parameters, impacting the overall building and parking lot configuration. The City Engineer's main concerns with the preliminary stormwater facility design as proposed are:

- Proposed stormwater facility embankment. Per PWDS 608.05.E.2, "Any embankment for a detention facility in excess of 4-feet must be designed by a professional Geotechnical Engineer licensed in the State of Oregon and approved by the City Engineer. The geotechnical engineer shall design, inspect, and certify the construction such that the facility and earth berms are safe for the intended use. Notes to the effect of the above shall be shown on the plans submitted for approval. The minimum top width of the berm shall be 15-feet, unless otherwise approved by the City Engineer."
- Proposed stormwater facility maintenance access. Per PWDS 608.05.D.2, "A vehicular access shall be provided to the bottom of the detention facility when the bottom width of the facility is 20-feet or greater or when the height of the facility interior wall exceeds 5-feet." Access roads shall comply with PWDS 608.05.D.3.
- Provide an approved emergency escape route. Per SWMM 2.4.2.3, emergency escape routes from stormwater facilities are not the same as a piped overflow and cannot be directly piped to public storm sewer systems. Recommended emergency escape routes include safe overland flow routes to parking lots, streets, landscaped areas, or drainage ways.
- The downstream capacity of the existing conveyance system with the discharge from the proposed stormwater facility. Per PWDS Table 602.05.A, storm drainage collector mains within arterial streets shall be designed to convey the peak flows from a 50-year storm event. As such, offsite storm drainage improvements may be necessary to provide for an acceptable point of discharge, depending on the results of the downstream capacity analysis.

The City Engineer has recommended that a final stormwater analysis, report and supporting documentation will be required in accordance with Public Works Design Standards and that a

stormwater operation and maintenance plan and agreement will be required to ensure future operation and maintenance of the private stormwater quality and quantity facilities. The City Engineer noted that a 1200-C permit will be required from DEQ for any site disturbance of one or more acres.

- b. *Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.*

Finding: The applicant submitted a Transportation Impact Analysis (TIA), prepared by Jennifer Danziger, PE. The TIA estimated traffic to be generated by the development and studied four nearby intersections. The TIA estimated that the development would generate 26 morning peak hour trips, 33 evening peak hour trips, and of 346 average weekday trips.

The four intersections studied were site driveway entrance on N Third Ave, Cascade Hwy and Golf Lane, Cascade Hwy and Whitney St, and the N Third Ave/Fern Ridge Rd intersection.

The Cascade Hwy/Golf Lane intersection is currently a stop controlled intersection with a fourth leg being the entrance to the Park and Ride Lot on the east side. East and west bound traffic is stop controlled. Cascade Hwy is uncontrolled. The TIA indicates this intersection currently operates at a Level of Service C in the AM peak hour and LOS D in the PM peak hour. The TIA projects that with background growth in traffic, without the proposed development, the intersection's LOS will remain LOS C and D. Post-development, the TIA projected that the LOS will remain unchanged.

The Cascade Hwy/Whitney intersection is currently a 3-legged signalized intersection with a protected southbound left turn lane. The TIA indicates this intersection currently operates at a Level of Service A in both the AM and PM peak hours. The TIA projects that with background growth in traffic, without the proposed development, the intersection's LOS will remain LOS A in the AM but decrease to B in the PM. Post-development, the TIA projected that the LOS will decrease to B in the AM and PM.

The driveway intersection will be one-way stop-controlled. Post-development, the TIA projected that this intersection will operate at LOS A in both the AM and PM.

The N Third Ave/Fern Ridge Rd intersection is currently a 4-legged intersection with a N Third Ave traffic controlled by stop signs. The TIA indicates this intersection currently operates at a Level of Service C in the AM peak hour and LOS B in the PM peak hour. The TIA projects that with background growth in traffic, without the proposed development, the intersection's LOS will remain LOS C in the AM but decrease to C in the PM. Post-development, the TIA projected that the LOS will decrease to C in the AM and PM.

The TIA noted the 2003 agreement regarding the relocation of the Golf Lane/Cascade Hwy intersection and determined that the volumes on Golf Lane will not be sufficient to meet traffic signal warrants and is projected to be operating acceptable per Marion County standards with the proposed development in place, therefore, not causing need for the future realignment.

The TIA concluded that all the study intersections meet City and County standards for volume to capacity ratio and Level of Service, queuing analysis, and left-turn warrants. The TIA noted that the left-turn analysis for northbound traffic on Golf Club Rd indicates that a turn lane could be installed, but is not required or appropriate.

Finally, the TIA recommended that installation of a high visibility crosswalk at the intersection of N Third Ave and Fern Ridge Rd.

Kittelsohn & Associates, the City's traffic engineering consultant, reviewed the TIA and requested additional documentation in the report. In addition, Kittelsohn noted that the TIA reference an emergency access driveway onto Cascade Highway that is not shown on the site plan. Specifically, Kittelsohn asked for clarification and additional documentation on the following issues:

- Citation of sources for the signal warrant analysis;
- Noting the years being illustrated in figures 4, 5, and 6;
- Noting the prioritization of pedestrian safety improvements at the N Third/Fern Ridge intersection;
- Adding a table of contents to the appendix.

A revised TIA was submitted on April 19 and Kittelsohn indicated the revised TIA addressed all of their concerns.

The City Engineer noted the Transportation System Plan recommended the need for bicycle signage and striping on N Third Ave

- c. *Provision has been made for all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site in accordance with Chapter 17.26.*

Finding: N Third Ave is a fully improved residential local street maintained by the City. The street currently has 32 feet of pavement, within a variable width right of way. The pavement is not striped. There are 5-foot sidewalks on both sides of the street. The Public Works Design Standards (PWDS) for N Third Ave call for a 34-foot improvement with 5-foot sidewalks behind a 6.5-foot planter within a minimum right of way of 60 feet. The City Engineer noted that no improvements would be required with the exception of the removal and replacement of any existing substandard sidewalks.

Cascade Highway is a partially improved major arterial street maintained by Marion County. The street currently has 50 feet of pavement, within a 97-foot and 92-foot right of way. The pavement is striped for two travel lanes, a left turn lane, and two bicycle lanes. Along the subject property there is an 8-foot sidewalk, that meanders between the property line and near the curb. The Public Works Design Standards (PWDS) for Cascade call for a 48-foot improvement with 6-foot sidewalks behind a 6-foot planter within a minimum right of way of 100 feet. The City Engineer noted that no improvements would be required with the exception of the removal and replacement of any existing substandard sidewalks.

- d. *Provision has been made for parking and loading facilities as required by Section 17.20.060.*

Finding: See findings relative to Section 17.20.060 below.

- e. *Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070.*

Finding: There are no open storage areas or outdoor storage yards as defined proposed.

- f. *Site design shall minimize off site impacts of noise, odors, fumes or impacts.*

Finding: As a residential use, there will be no noise, odors, fumes, or other impacts.

- g. *The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Residential Design Standards, or Section 17.20.200 Commercial Design Standards.*

Finding: See findings relative to 17.20.190 below.

- j. *Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.*

Finding: See the findings regarding Section 17.20.090 below.

- k. *The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function and comply with the requirements in Sections 17.20.050 and 17.20.090.*

Finding: Section 17.20.050 regulates fences. No fences are proposed. See the findings regarding Section 17.20.090 below.

- l. *The lighting plan satisfies the requirements of Section 17.20.170.*

Finding: See the findings regarding Section 17.20.170 below.

- m. *The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.*

Finding: The application states the owner will be responsible of ongoing maintenance and upkeep of the proposed improvements and facilities.

- n. *When any portion of an application is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have an adverse impact on fish habitat.*

Finding: The property is not within the specified distances of the named waterbodies.

Section 17.20.060 – Off Street Parking Requirements

The following is the applicable provision from Section 17.20.060

17.20.060.5 LOCATION. Off street parking and loading areas shall be provided on the same lot with the main building or use except that in any commercial, industrial, or public district, the parking area may be located within 500 feet of the main building.

Finding: The parking areas will be located on the same lot as the buildings.

17.20.060.7.a REQUIREMENTS FOR AUTOMOBILE PARKING. The minimum number of required off-street parking spaces for multifamily dwellings is 1.5 parking spaces per unit, plus one space for each four units, for a total of 1.75 spaces per unit.

Finding: The site plan submitted provides for 124 parking spaces or 1.72 spaces per unit. However, Section 17.20.060.7g.4) allows a reduction of up to 5% in the number of parking spaces if the site has more than one and a half the minimum number of required bicycle parking spaces. See the finding regarding Section 17.20.060.9-A.1 below. The 2-space reduction from the minimum requirement is less than a 5% reduction.

17.20.060.8.a HANDICAPPED/DISABLED PARKING. The minimum number of required ADA accessible parking spaces for a parking area of 124 spaces is 6. ADA accessible spaces shall be

located on the shortest possible accessible circulation route to an entrance of the building being accessed.

Finding: The site plan submitted provides for 6 ADA spaces. However, it is noted that only four of the six buildings have ADA accessible spaces adjacent to them.

17.20.060.9-A.1 BICYCLE PARKING REQUIREMENTS. The minimum number of required bicycle parking spaces for multifamily dwellings is 1 parking space per 5 units.

Finding: The site plan submitted provides for 3 bicycle rack locations with each rack capable of holding eight bicycles. The site plan provides for more than 150% of the required minimum bicycle parking.

17.20.060.10. DEVELOPMENT REQUIREMENTS. All parking and loading areas shall be developed and maintained as follows:

a. The location of parking and loading, except for single family dwellings, duplexes, or triplexes, which may be located within the front yard, shall meet the applicable standards of Sections 17.20.190 or 17.20.200.

Finding: See the findings regarding Section 17.20.190 below.

b. Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk. Parking areas containing more than 5 parking spaces shall be striped to identify individual parking spaces.

Finding: The driveway and parking areas will be paved with asphalt or concrete surfacing. The parking areas will be striped.

c. Driveways. The following standards shall apply to all driveways:

2) Residential lots with 4 or more dwelling units sharing a driveway shall have 18 feet of paved width with 24 feet of clear width

Finding: The proposed driveway is 26 feet wide.

d. Design of parking areas. Except where provided for by subsection 7 of this section parking area design shall comply with Title 12 and Standard Specifications.

1) Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into and out of the area where possible and should be located at least 50 feet from intersections where possible.

2) Backing into or across a street, sidewalk, or right-of-way from any parking area shall be prohibited. The perimeter shall prevent access to or from the parking area except at designated entrances and exits.

Finding: The proposed driveway is located more than 50 feet from any intersection. The parking area will be accessed from the shared driveway. The parking areas are designed such that vehicles will not be backing into the street or across a sidewalk along the street.

e. Screening. When any development with over 6 parking spaces or a loading area is adjacent to any residential district, that area shall be screened from all adjacent residential properties. Screening shall be done with an ornamental fence, wall, or hedge at least 4 feet high but not more than 7 feet high, except along an alley.

Finding: The property to the south is in a commercial zoning district. One of the properties to the north is in a residential zoning district. There is an existing four-foot vinyl “picket” fence erected by the neighboring assisted living facility along most of the north property line. The landscape plan shows a row of shrubs to be planted along this property line with a minimum height of 4 feet.

- f. *Lighting. Any light used to illuminate a parking or loading area shall meet the standards of Section 17.20.170.*

Finding: See the findings regarding Section 17.20.170 below.

17.20.060.11 PARKING AREA LANDSCAPING DESIGN STANDARDS. Landscaping required by the following standards shall be counted towards the overall landscaping requirements of Section 17.20.090.

- a. *Perimeter Landscaping. All parking areas shall be landscaped along the property boundaries as required by 17.20.090.11.*

Finding: See the findings for Section 17.20.090 below.

- b. *Interior Landscaping. Interior landscaping of parking areas with 20 or more parking spaces shall meet the following standards.*

- 1) *One landscaped island shall be required for every 10 parking spaces in a row. The interior islands shall be a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) and shall include a minimum of 1 tree per island.*

Finding: The landscape plan shows a 6-foot wide planting island with a tree for every 10 parking spaces in a row.

- 2) *Divider medians between rows of parking spaces, that are a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped in accordance with Section 17.20.090. 8. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.*

Finding: All rows of parking are divided by drive aisles. There is no need for divider medians.

- 3) *A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width (from the inside of the curb to the inside of the curb). The terminal island shall have 1 tree is planted and shall be landscaped in accordance with Section 17.20.090.8.*

Finding: All rows of parking spaces are terminated with an island with a minimum of one tree planted.

- 4) *At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking area landscaping if the configuration of the site makes the use of islands or medians impractical.*

Finding: No deviation has been requested.

- 5) *Approved Parking Area Trees. Tree species for parking area plantings shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may only be used with approval of the decision authority.*

Finding: The landscape plan indicates that trees designated for parking area landscape islands are Flame Ash and Green Mansions Variegated Zelkova, both of which are on the list of approved species maintained by the Public Works Department.

- 6) *Preservation of existing trees is encouraged in the off street parking area and the City Planner may allow these trees to be credited toward the required total number of trees.*

Finding: Any existing trees are not practical to retain and will all be removed.

- c. *Pedestrian Access. Off street parking areas shall be required to meet the following pedestrian access standards:*
 - 1) *The off street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the buildings.*
 - 2) *All pedestrian walkways constructed within parking lots areas be raised to standard sidewalk height.*
 - 3) *Pedestrian walkways shall be attractive and include landscaping and trees.*

Finding: All parking areas are connected to the dwelling units by concrete walkways.

Section 17.20.080 – Special Street and Riparian Setbacks

The following are the applicable provisions from Section 17.20.080:

17.20.080.1.g: There shall be a minimum building setback of 50 feet measured at right angles from the centerline of Cascade Highway.

Finding: The proposed buildings will be setback more than 50 feet from the Cascade Highway centerline.

Section 17.20.090 – Landscaping Requirements

The following are the applicable provisions from Section 17.20.090

17.20.090.2: The minimum area of a site to be retained in landscaping in the HD zone is 20%.

Finding: The total area of the parcel is 4.15 acres. A minimum of 36,110 square feet of landscaping is required. The site plan shows a landscaped area of 107,129 square feet.

17.20.090.5: Required Tree Plantings. Plantings of trees is required along public street frontages, and long private driveways more than 150 feet long. Trees shall be planted outside the street right of way except where there is a designated planting strip or a City-adopted street tree plan.

- a. *Street trees species shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may be used only with approval by the decision authority.*

Finding: The landscape plan proposes the existing street trees along N Third Ave will be retained. The application proposes that 8 street trees be planted along Cascade Highway, east of the existing sidewalk.

- b. *Spacing of Street Trees. Trees with a medium canopy shall be spaced 20 feet on center. Trees with a large canopy shall be spaced 25 feet on center.*

Finding: The landscape plan proposes 8 trees will be planted along the Cascade Highway frontage south of the existing pond. The average spacing between trees will be approximately 25 feet.

- c. *Trees shall be trimmed to a height that does not impede sight distance, pedestrian traffic or vehicular traffic.*

Finding: The landscape plan does not include any notes regarding trimming street trees after planting.

17.20.090.6: TREE PLANTING RESTRICTIONS. Street trees shall not be planted:

- a. *Within 10 feet of fire hydrants and utility poles, unless approved otherwise by the City Engineer.*
- b. *Where the decision authority determines the trees may be a hazard to the public interest or general welfare.*
- c. *Under overhead powerlines, if tree height at mature age exceeds the height of the power line.*

Finding: There are no hydrants or overhead power lines on the east side of Cascade Highway.

17.20.090.7: IRRIGATION. Due to an increasing public demand for water and the diminishing supply, economic and efficient water use shall be required. Landscaping plans shall include provisions for irrigation. Specific means to achieve conservation of water resources shall be provided as follows:

- d. *Any newly planted landscaped area shall have a permanent underground or drip irrigation system with an approved back flow prevention device.*

Finding: An irrigation plan was not submitted. The applicant requested deferral of the irrigation plan.

17.20.090.8: Requirements for Plant Materials.

- a. *At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, evergreens and/or ground cover. The intent of this Section is to avoid large expanses of lawn without other landscaping features and the decision authority shall determine what constitutes a suitable combination of landscape material as part of the review of each landscape plan.*
- b. *Use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to conserve water during irrigation.*
- c. *Trees shall be species having an average mature crown spread greater than 15 feet and having trunks which can be maintained in a clear condition so there is over 5 feet without branches. Trees having a mature crown spread less than 15 feet may be substituted by grouping trees to create the equivalent of a 15 foot crown spread.*
- d. *Deciduous trees shall be balled and burlapped or in a container, be a minimum of 7 feet in overall height or 1.5 inches in caliper measured at 4 feet above ground, immediately after planting. Bare root trees will be acceptable to plant only during their dormant season.*
- f. *Shrubs shall be a minimum of 2 feet in height when measured immediately after planting.*

Finding: The landscape plan calls for the establishment of landscaping with trees, shrubs, ornamental grasses and lawn. The landscape plan indicates shrub sizes will be a minimum of two feet. The landscape plan indicates that deciduous trees will be 1.5-inch caliper.

Section 17.20.170 – Outdoor Lighting

2. *GENERAL STANDARDS. Lighting may be provided which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of the traveling public on adjacent roadways. Lighting fixtures with more than 800 lumens of light output shall be cut-off fixtures so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot candles upon abutting lots in residential use measured at the property line.*

Finding: The application included information on the type of outdoor lighting fixture to be installed and included a plan showing the location or number of fixtures and the illumination levels. Pole mounted lights around the parking area will be a 134W LED fixture on a 20-foot pole. Outdoor lighting fixtures on the buildings will include 73.2W LED wall packs. The illumination diagram indicates that the 0.5 foot candle illumination level will be away from the property line.

5. *MULTI-FAMILY RESIDENTIAL LIGHTING STANDARDS. The following additional standards shall apply to all multi-family developments:*
 - a. *Lighting of Parking Areas. Parking lot lighting shall provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.*
 - 1) *All lighting fixtures serving parking lots shall be full cut-off fixtures.*
 - 2) *Parking area lighting shall have a maximum mounting height of 15 feet, a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.4 foot candles, a uniformity ratio of 4:1, and a minimum color rendering index of 65.*

Finding: Pole mounted lights around the parking area will be a 38W LED fixture on a 15-foot pole. The parking areas will also be illuminated from the wall packs on the front of the buildings,. The illumination diagram indicates that the illumination level will exceed 1.4 foot-candles in portions of the parking lot and have a uniformity ratio of 2.5:1.

- b. *Lighting of Pedestrian Walkways. Pedestrian walkways in a multi-family development shall meet the following standards.*
 - 1) *All lighting fixtures shall be full cut-off fixtures.*
 - 2) *If pedestrian walkways are adjacent to illuminated parking areas, public rights-of-way or common open space this standard shall be met without the need for additional lighting if the ambient lighting meets the illumination levels, uniformity ratio and minimum color rendering index specified in subsection 5.b.3*
 - 3) *Pedestrian walkways between parking areas and buildings or adjacent to dwellings and off-street multi-purpose pathways shall use bollard lights with a minimum illumination level of 0.3 foot-candles, a maximum illumination level of 1.2 foot-candles, a uniformity ratio of 4:1, and a minimum color rendering index of 65.*
 - 4) *The decision authority, in consultation with the Parks and Recreation Commission and the Public Works Director, may require off-street walk and bike trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan to be illuminated in accordance with the standards of Section 17.20.1705.b.3) above.*

- 5) *Rustic trails built within or adjacent to a multifamily development in accordance with the Parks and Recreation Master Plan shall not be illuminated.*

Finding: Two walkways will be illuminated by bollard lights. The illumination diagram indicates that the illumination level will range between 0.3 foot-candles, and 2.0 foot-candles, with uniformity levels of 3.3:1 and 2.0:1. There are no trails proposed.

Section 17.20.180 – Wetland Protection Areas

The following are the applicable provisions from Section 17.20.180

4. *APPROVAL CRITERIA. The approving authority shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought. Approvals shall be based on compliance with all of the following criteria:*
- a. *The proposed project complies with the provisions of Sections 5 through 8 of this Section.*
 - b. *Except as otherwise allowed in Section 5, the proposed project will not result in excavation or filling of a wetland or reduction of wetland area on a parcel that has been identified as containing a wetland.*
 - c. *Except as otherwise allowed in Section 5, the proposed project will not result in development or filling of land within 75 feet of the boundary of wetland that has been identified only on the LWI map or by a determination, but not an approved delineation.*

Finding: The applicant submitted an approved wetland determination. No development activity is proposed within the delineated wetland protection area.

7. *CONSERVATION AND MAINTENANCE OF WETLAND PROTECTION AREAS. When approving applications for ... site plan review, or for development permits for properties containing a wetland protection area or portion thereof, the approving authority shall assure long term conservation and maintenance of the wetland protection area through one or more of the following methods:*
- c. *The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Sections 1 through 9, and any imposed by state or federal permits.*
 - d. *The area shall be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through conditions, covenants, or restrictions (CC&Rs), prescribing the conditions and restrictions set forth in Sections 1 through 9 and any imposed by state or federal permits.*
 - e. *The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Sections 1 through 9 and any imposed by state or federal permits.*

[Note: Other mechanisms for long-term protection and maintenance as deemed appropriate and acceptable by the City of Stayton attorney, that are clear and objective standards, could be added to this list. Such mechanisms shall be consistent with the purposes and requirements of this ordinance.]

Finding: The applicant has proposed conservation of the wetland area only through the site plan review process with no development activity shown on the site plan.

Section 17.20.190 – Multi-Family Residential Design Standards

The following are the applicable provisions from Section 17.20.190

2. SITE DESIGN.

- a. *Maximum Lot Coverage.* Lot coverage shall not exceed 60% for multifamily developments. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade. It does not include paved surface-level development such as driveways, parking pads, and patios.

Finding: The application indicates the lot coverage is 26,492 square feet or 15%.

- b. *Height Step Down.* To provide compatible scale and relationships between new multi-story attached residential structures and adjacent single-family dwellings, the multi-story building(s) shall “step down” to create a building height transition to adjacent single-family building(s). The transition standard is met when the height of any portion of the taller structure does not exceed 1 foot of height for every foot separating that portion of the multi-story building from the adjacent dwelling.

Finding: There are no adjacent single family dwellings.

- c. *Building Orientation Standards.* All new attached residential structures shall have buildings that are oriented to the street. The following standards will apply:

- 1) All buildings shall comply with the setback standards of the zoning district where the development is located.

Finding: The HD Zone requires a minimum front setback from the street right of way of 20 feet. As a double frontage lot, the front lot line is the line separating the lot from the street right of way from which vehicular access is gained, or N Third Ave. Buildings A and B will be set back at least 20 feet from the street right of way. The HD Zone requires a minimum side setback of 5 feet. The buildings will be setback a minimum of 10 feet from the side property lines. The HD Zone requires a minimum rear setback of 15 feet. Buildings C and D will be setback at least 15 feet from the Cascade Highway right of way.

- 2) Except as provided in subsections 3 and 4, below, all attached residential structures shall have at least 1 primary building entrance (i.e. dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units) facing an adjoining street, or if on a side elevation, not more than 20 feet from a front lot line.

Finding: Off street parking is oriented internally to the site, with most buildings having entrances facing the parking area. The buildings that front on N Third Ave will have their first floor elevation as much as 20 feet lower than the elevation of N Third Ave. Building A has its entrances on the north and south elevations. With the north entrance facing the parking area. Building B has its entrances on the west and east elevations with the west entrance facing the parking area and the east entrance facing N Third Ave. Buildings E and F are in the interior of the lot. Building C has its entrances on the east and west elevations with the west entrance facing Cascade highway and the east entrance facing the parking area. Building D has its entrances on the north and south elevations.

- 5) *Off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except that townhouses with garages that face a street may have 1 driveway access located between the street and primary building entrance for every 2 dwelling units following vehicle areas when the decision authority finds they will not adversely affect pedestrian safety and convenience.*

Finding: Parking spaces are not located between buildings and N Third Ave or Cascade Highway.

- 6) *Parking and maneuvering areas, driveways, active recreation areas, loading areas, and dumpsters shall not be located between attached residential structures and adjacent single family homes.*

Finding: There are no adjacent single family homes.

- 7) *When there is insufficient street frontage for building orientation in a development with multiple buildings to face the street, a primary entrance may be oriented to a common green, plaza or courtyard. When oriented this way, the primary entrance(s) and common green, plaza or courtyard shall be connected to the street by a pedestrian walkway meeting the standards of Section 17.26.020.5.*

Finding: The primary building entrances for each building except Building D faces a parking areas. There will be a 5-foot sidewalk, connecting each building to the parking areas and connecting the development to each street.

- 8) *Outdoor Service Areas. Trash receptacles shall be oriented away from building entrances and set back at least 10 feet from any public right-of-way and adjacent residences. Outdoor service areas shall be screened with an evergreen hedge or solid fence of materials similar to the primary building of not less than 6 feet in height. If the outdoor service area includes trash receptacles, the receptacle must be accessible to trash pick-up trucks.*

Finding: The site plan shows a single trash receptacle and adjacent storage building in the southerly portion of the site. The trash receptacle will be on three sides by a structure with the same exterior siding as the apartment buildings and metal gates on one side.

3. ARCHITECTURAL STANDARDS.

- a. *Building Length. The continuous horizontal distance as measured from end wall to end wall of individual buildings shall not exceed 100 feet:*

Finding: Four different building types are proposed. The floor plans submitted show that Building A is shown as having a total length of 92 feet, but the dimensions are not shown as stretching from end wall to end wall. Buildings B and C are shown as 79 feet. Building D is shown as having a total length of 95 feet, but the dimensions are not shown as stretching from end wall to end wall. Buildings E and F are shown as having a total length of 95 feet, but the dimensions are not shown as stretching from end wall to end wall.

- b. *Articulation. All attached residential structures shall incorporate design features to break up large expanses of uninterrupted walls or roof planes. Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least 2 of the following elements.*

- 1) *Recess (e.g. deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet.*
- 2) *Extension (e.g. deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet.*
- 3) *Dormers with peaked roofs and windows or offsets or breaks in roof elevation of 2 feet or greater in height.*

Finding: Each building includes recesses in the form of decks and entrances and gables or dormers.

- c. *Street-side facades. All building elevations visible from a street right-of-way shall provide prominent defined entrances and a combination of architectural features as specified in Section 17.20.190.3.e below.*

Finding: Buildings A, B, and F will have elevations visible from N Third Ave. The east side of Building A faces the street. The entrances on Building A are on the north and south elevations. Buildings B and F will have entrances facing the street. Buildings C and D will have elevations visible from Cascade Highway. Building C will have entrances facing the street. The west side of Building D faces the street. The entrances on Building D are on the north and south elevations. See the findings for Section 17.20.190.3.e below.

- d. *Exterior Stairways. Stairways shall be incorporated into the building design. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture. Access balconies and/or outdoor corridors longer than 16 feet shall not be used. No more than 4 units shall access from a single balcony.*

Finding: Stairways are incorporated in the building design. Stairways are located within an interior area between units.

- e. *Design Features. The minimum number of required design features for all building elevations visible from a street right of way is 8, as each building has 12 units. The following design features may be used to meet the requirements of this subsection. Features not included on the list may be used if approved by decision authority.*

- 1) *Dormers*
- 2) *Gables*
- 3) *Entries recessed a minimum of 30 inches*
- 4) *Covered porch entries or porticos*
- 5) *Cupolas or towers*
- 6) *Pillars or posts*
- 7) *Eaves; a minimum 18 inches of projection*
- 8) *Off-sets in building face or roof; a minimum 16 inches*
- 9) *Window trim; minimum of 3 inches wide*
- 10) *Bay windows*
- 11) *Balconies*

12) *Decorative patterns on exterior finish such as: shingles, wainscoting, ornamentation or similar features.*

13) *Decorative cornice or pediments (for flat roofs)*

Finding: The east elevation of Building A includes eight design features: gables; recessed entries; eaves with a 2-foot overhang; 5/4 X 4 window trim; a post; off-sets of 24 inches; balconies; and decorative patterned exterior finish in the gable. The east elevation of Building B includes eight design features: dormer; recessed entry; eaves with a 2-foot overhang; a post; offsets in building face; 5/4 X 4 window trim; balconies; and decorative patterned exterior finish. The west elevation of Building C includes eight design features: dormer; recessed entry; eaves with a 2-foot overhang; a post; offsets in building face; 5/4 X 4 window trim; balconies; and decorative patterned exterior finish. The west elevation of Building D includes eight design features: gables, recessed entries; eaves with a 2-foot overhang; off-sets of 24 inches; 5/4 X 4 window trim; a post; balconies and decorative patterned exterior finish. The east elevation of Building F includes eight design features: dormer; recessed entry; eaves with 2-foot overhang; a post; offsets in building face; 5/4 X 4 window trim; balconies; and decorative patterned exterior finish.

f. *Building Materials. Plain concrete, corrugated metal, plywood, sheet press board, or textured plywood siding with vertical grooves shall not be used as exterior finish material*

Finding: Two types of siding will be used. The ground floor will be hardie cement lap siding with 7-inch exposure. The second and third floors will be a horizontally applied hardie cement lap siding with 4-inch exposure.

4. OPEN SPACE.

a. *Common Open Space. Of the landscaping required by Section 17.20.090, a minimum of 10% of the site area shall be designated and permanently reserved as common open space in all multi-family developments with more than 10 units, in accordance with the following criteria:*

- 1) *The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way.*
- 2) *Streets, driveways, and parking areas, including areas required to satisfy parking area landscape standards, shall not be applied towards the minimum useable open space requirement.*
- 3) *In meeting the common open space standard, the multi-family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands, play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking paths, or similar open space amenities for residents.*
- 4) *The common open space shall have a minimum average width of 15 feet and a minimum average length of 15 feet.*

Finding: The site plan notes indicate that 59% of the site will be landscaped open space. The wetland area will be protected by development. However, see the findings regarding Section 17.20.180.7 above.

b. *Private Open Space. Private open space areas shall be required for dwelling units based on all of the following criteria:*

- 1) *All ground-floor housing units shall have front or rear patios or decks measuring at least 40 square feet.*
- 2) *All upper-floor housing units shall have balconies or porches measuring at least 30 square feet.*

Finding: The architectural drawings show that ground-floor units will have a rear patio exceeding 40 square feet and that upper-floor units will have balconies exceeding 30 square feet.

5. **LIGHTING.** *All attached residential structures shall meet the standards of Section 17.20.170.*

Finding: See the findings relative to Section 17.20.170 above.

Section 17.26.020 –Access Management Requirements and Standards

The following are the applicable provisions from Section 17.26.020

2. NUMBER OF ALLOWED ACCESSES.

b. Number of Allowed Accesses for Multi-Family Uses.

The number of driveways allowed for multi-family residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 1,000 daily trips generated. A maximum of two accesses shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic. The Public Works Director or his/her designee shall determine whether the traffic study adequately proves a significant traffic operations hardship to justify more accesses. Emergency access requirements shall be determined by the fire marshal and/or the Public Works Director or his/her designee. Each driveway/access shall meet the spacing standards defined in 17.26.020.3.h.

Finding: The site plan proposes a single driveway. See the findings relative to Section 17.26.020.3.h below.

3. LOCATION OF ACCESSES.

Vehicle access locations shall be provided based on the following criteria:

h. Access Spacing Standards

The streets within Stayton are classified as arterials, minor arterials, collectors, and local streets. The access spacing standards are shown in Table 17.26.020.3.h. for both full intersection spacing and driveway spacing. On a residential local street, Table 17.26.020.3.h applies a minimum spacing standard only on corner lots..

Finding: The proposed driveway will be more than 100 feet from the nearest intersection.

4. ACCESS STANDARDS.

a. Driveway Design.

- 1) *See Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22b for minimum and maximum driveway widths.*

Finding: The driveway standards have been moved into the Public Works Design Standards (PWDS). The PWDS allow driveways in residential zones between 12 feet and 24 feet in width. The proposed driveway is 26 feet in width.

- 2) *Driveways providing access into off-street, surface parking lots shall be designed in such a manner to prevent vehicles from backing into the flow of traffic on the public street or to block on-site circulation. The driveway throat approaching the public street shall have adequate queue length for exiting vehicles to queue on-site without blocking on-site circulation of other vehicles. The driveway throat approaching the public street shall also have sufficient storage for entering traffic not to back into the flow of traffic onto the public street. A traffic impact study, subject to approval by the Public Works Director or his/her designee, shall be used to determine the adequate queue length of the driveway throat. This requirement shall be applied in conjunction with the design requirements of parking lots in section 17.20.060.9. If there is a conflict between these two code provisions, then this code provision supersedes those of 17.20.060.9.*

Finding: The driveway throat is approximately 28 feet from the curb, or one car in length.

- 3) *Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Sight distance triangle requirements are identified in 17.26.020.4.c and 17.26.020.4.d.*

Finding: See the findings for Section 17.26.020.4.c below.

c. Sight Distance Triangle

Traffic entering an uncontrolled public road from a stop sign controlled public road, or from private roads or private driveways, shall have minimum sight distances, as shown in Table 17.26.020.4.c, except as allowed in 17.26.020.4.d. Table 17.26.020.4.c requires a minimum sight distance triangle of 300 feet along a street with a design speed of 30 mph.

Finding: The TIA reports the sight distances at the driveway exceeds required sight distances.

Modification of Recorded Subdivision Plat

The applicant has requested the removal of a public utility easement. The approval criteria for a preliminary subdivision plan are found in Section 17.24.040.6. There are no approval criteria related to the location of public utility easements. The design standards for subdivisions are found in Section 17.24.050. There are no design standards pertaining to the location of public utility easements.

Finding: City staff reports that the City has no facilities located with the public utility easement. City staff reports that staff contacted the franchise utilities and none reported having facilities within the public utility easement. On February 2, 2022 the City Council adopted Resolution 1032 authorizing the Mayor to execute a replat of Lot 7 in Santiam Station vacating the public utility easement over the north portion of Lot 7.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Section 17.12.220, and Sections 17.20.060, 17.20.080, 17.20.090, 17.20.170, 17.20.180, 17.20.190, and 17.26.020 except for the following:

1. 17.12.220.5.a. This section requires adequate utility systems and connections to properly serve the development in accordance with the City's master plans and Public Works Design Standards. The City Engineer noted the need for a sanitary sewer monitoring manhole at the property line to monitor discharge from the development. The City Engineer noted that the preliminary stormwater report did not meet the Public Works Design Standards. This section

could be met if engineered utility plans are submitted with the application for Site Development Permit meeting the Public Works Design Standards or receiving design exceptions from the Public Works Director.

2. 17.12.220.5.c. This section requires provision has been made for all necessary improvements to local streets, including dedication of additional right of way. The City Engineer has noted the Transportation System Plan recommends striping improvements to N Third Ave. This standard could be met by submission of a street improvement plan that includes striping to accommodate bicycles on N Third Ave.
3. 17.20.090.5.c. This section requires street trees to be trimmed to not impede sight distance or pedestrian or vehicular traffic. The landscape plan includes eight trees along the Cascade Highway frontage but does not include any notes regarding trimming the trees following their installation. This section could be met if the landscape plan was revised to include notes to assure that street trees are properly trimmed following planting.
4. 17.20.090.7. This section requires that newly planted landscaped areas have a permanent underground or drip irrigation system. An irrigation plan was not submitted with the landscape plan. This standard could be met if an irrigation plan meeting the requirements of Section 17.20.090.4 is submitted.
5. Section 17.20.170.5. This section establishes additional standards for outdoor lighting for multifamily developments, establishing criteria for parking lot and walkway illumination. The lighting plan and illumination diagram indicates that the illumination level in portions of the parking lot would exceed 1.4 foot-candles in portions of the parking area. In addition, the lighting plan and illumination diagram showed that lighting levels along the walkways will exceed the maximum permitted. However, the lighting designer has indicated that the standards in the Code are in conflict and cannot all be met. The Commission concludes that the revised lighting plan, dated April 14, 2022, meets the Code to greatest extent feasible.
6. Section 17.20.180.7. This section requires that development of a property containing a significant wetland assure the long-term conservation and maintenance of the wetland protection area. No assurance was provided. This section could be met if the applicant provides a conservation easement or proposes transfer of ownership of the wetland area to a public agency or private conservation organization.
7. Section 17.20.190.3.c. This section requires all building elevations visible from a street to provide a prominent defined entrance. Buildings A and D have elevations visible from a street without entrances. This standard could be met if the site plan or building plans were revised to provide a prominent defined entrance on the east façade of Building A and the west façade of Building D.
8. Section 17.26.020.4.a. This section requires the driveway to comply with the minimum and maximum width requirements of the Public Works Design Standards. The PWDS limits driveways in residential zones to a maximum of 24 feet. The proposed driveway is 26 feet in width. This standard could be met if the site plan is revised to provide a maximum driveway width of 24 feet, or a design exception is granted by the Public Works Director.

Based on the facts above, the Planning Commission concludes that the criteria for modification of the previously approved subdivision have been met.

V. ORDER

Based on the conclusions above, the Planning Commission approves the application for modification of the previously approved plan for the Santiam Station subdivision to vacate the public utility easement on the north line of Lot 7 and approves the application for site plan approval, as shown on a 34-sheet set of plans entitled Drawings for: Stayton Apartments, prepared by Westech Engineering Inc, dated February, 2022, Building elevation and floor plans dated April 14, 2022, landscape plan dated April 14, 2022, and an illumination plan dated April 14, 2022, and the accompanying materials that comprised the complete application, subject to the attached standard conditions of approval and the following specific conditions of approval:

1. The applicant shall submit to the Planning and Development Department a draft replat for Lot 7 of the Santiam Station subdivision, suitable for recording with Marion County. The replat shall reflect the current lot lines of Lot 7 as modified by the various deeds recorded in Marion County Deed Records since recording of the subdivision plat and show the current location of the N Third Ave right of way reflecting the deed of dedication recorded February 17, 2022 in Marion County Deed Records Reel 4595, Page 490.
2. Prior to the submittal of the application for any building permits, the applicant shall obtain a Site Development Permit from the Public Works Director.
3. Prior to the submittal of an application for a Site Development Permit, the applicant shall submit a revised site plan to the Planning and Development Director. The site plan shall be revised to reduce the driveway width to a maximum of 24 feet. Alternatively, the applicant may receive a design exception to the PWDS from the Public Works Director.
4. Prior to the submittal of an application for a Site Development Permit, the applicant shall submit a revised landscape plan to the Planning and Development Director. The revised landscape plan shall be revised to include notes regarding the trimming of street trees to assure they do not impede sight distance or pedestrian or vehicular traffic.
5. Prior to the submittal of an application for a Site Development Permit, the applicant shall submit an irrigation plan meeting the submission requirements of Section 17.20.090.4 and the standards of Section 17.20.090.7 to the Planning and Development Director.
6. With the submittal of the application for a Site Development Permit, the applicant shall submit the following engineered plans and supporting documentation for review and approval by the City Public Works Department. If any work is planned within the right of way of Cascade Highway, including planting of street trees, plans shall also be submitted to Marion County Public Works, recognizing that Marion County is the Road Authority with jurisdiction over Cascade Highway.
 - a. Site and street improvement plans conforming to Public Works Standards. Written documentation shall be provided to the City prior to final plan approval from a licensed Geotechnical Engineer indicating that the proposed retaining walls and site grading will not compromise the slope stability, or otherwise create hazardous conditions for the existing steep slopes that are located on and adjacent to the site.
 - b. Water system plans conforming to Public Works Standards and meeting the requirements of the Building and Fire Code Official. The Developer shall provide written documentation that the Stayton Fire District has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the

Stayton Fire District. A utility easement in accordance with Public Works Design Standards 102.08 shall be provided if a public water main and or fire hydrant is located outside of the public right of way.

- c. Sanitary sewer system plans conforming to Public Works Standards and meeting the requirements of the Building Official. All buildings shall be served by a minimum 6-inch sanitary sewer service lateral. A sanitary sewer monitoring manhole will be required at the property line to monitor the discharge from the private development.
- d. A final stormwater analysis, drainage report, plans and supporting documentation conforming to PWDS. Revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that may affect the overall stormwater facility size, location, and other stormwater facility design parameters. This may impact the overall building and parking lot configuration.

It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.

The Developer shall provide a stormwater operation and maintenance plan/agreement (as approved by the City) to ensure future operation and maintenance of the private stormwater facilities. The stormwater operation and maintenance plan shall be recorded in the Marion County Deed Records.

- a. An erosion and sediment control plan for any site grading or earth disturbing activities, conforming to PWDS. A 1200-C permit will need to be obtained by the Developer from DEQ for any site disturbance of one or more acres through clearing, grading, excavating, or stockpiling of fill material.
7. With the submission of an application for a building permit the applicant shall provide adequate detail to indicate the architectural standards of Section 17.20.190.3c are met or obtain a variance through a separate land use proceeding.

VI. 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.

VII. EFFECTIVE DATE

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

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within 1

year of the effective date of this decision. Construction must have commenced on site improvements with a valid Site Development Permit issued by the Public Works Department. 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.

VIII. 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

Revised Draft May 31

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.

Members of the Public Participating in the Public Hearings

David Brant
190 Shaff Rd
Stayton OR 97383

Kevin Brower
115 Shaff Rd
Stayton OR 97383

Julie McKinnon
40668 Baptist Church Dr
Lacomb OR 97355



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

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

dflleishman@staytonoregon.gov www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: May 31, 2022

SUBJECT: Comprehensive Plan Map and Zoning Map Amendments, Kardboard Box, LLC, 318 E Marion St

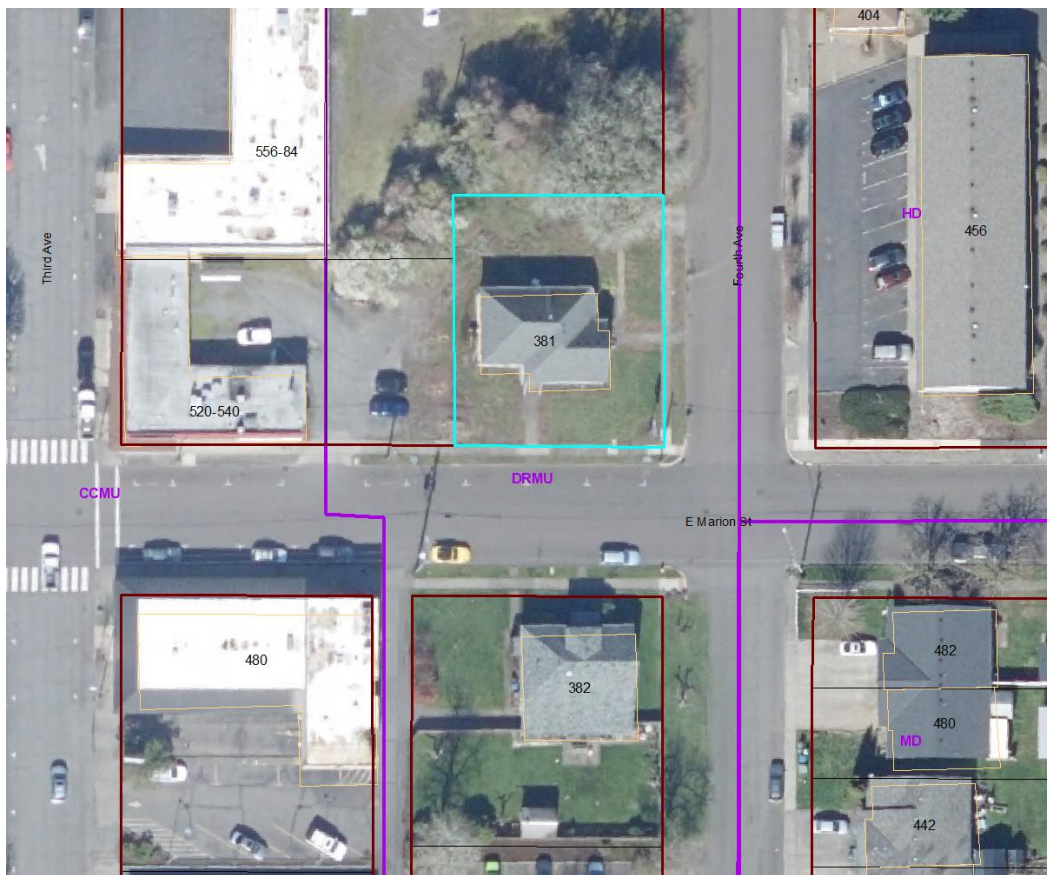
120 DAYS ENDS: N/A

ISSUE

The issue before the Planning Commission is a public hearing on applications for Comprehensive Plan Map amendment and Zoning Map amendment for the property at 318 E Marion St.

BACKGROUND

The property is located at the northwest corner of the intersection of E Marion St and N Fourth Ave. The property is currently occupied by a vacant building. A March, 2020 aerial photo of the property is below, showing the existing zoning boundaries:



City of Stayton

The property is currently designated as Downtown by the Comprehensive Plan Map and zoned as Downtown Residential Mixed Use. The application requests the Comprehensive Plan Map designation be changed to Residential land the Zoning by changed to Medium Density Residential.

As a Comprehensive Plan Map amendment and Zoning Map amendment, the Planning Commission's role is to make a recommendation to the City Council, who will hold their own public hearing and reach a final decision on the applications.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning these applications. It was developed after soliciting input of other City departments and agencies.

Attached are applications for Comprehensive Plan Map amendment and Zoning Map amendment from Kardboard Box LLC. The applications consist of the application forms and narrative, and a transportation planning rule analysis.

Also included in the packet are an email from Kittelson & Associates and a letter received from a neighboring property owner.

This property was in commercial use at the time the Downtown Residential Mixed Use zone was established. The commercial use was discontinued in 2018. The applicant has purchased the property and renovated the building. Interested purchasers of the property have all wanted to use it for as single family dwelling, which is not a permitted use in the DRMU zone. These applications will provide the opportunity for establishment of residential use on the property.

RECOMMENDATION

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

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

OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Recommend approval of the applications, adopting the draft order as presented.

I move the Stayton Planning Commission recommend approval of the application of Kardboard Box LLC (Land Use File #6-04/22) and adopt the draft order presented by Staff.

2. Recommend approval of the applications, adopting modifications to the draft order.

I move the Stayton Planning Commission recommend approval of the application of Kardboard Box LLC (Land Use File #6-04/22) and adopt the draft order with the following changes...

3. Recommend denial of the applications.

I move that the Stayton Planning Commission recommend denial of the applications of Kardboard Box LLC (Land Use File #6-04/22) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the June 27, 2022 meeting.

4. Continue the hearing until June 27, 2022.

City of Stayton

I move the Stayton Planning Commission continue the public hearing on the applications of Kardboard Box LLC (Land Use File #6-04/22) until June 27, 2022.

5. Close the hearing but keep the record open for submission of written testimony.

I move the Stayton Planning Commission close the hearing on the applications of Kardboard Box LLC (Land Use File #6-04/22) but maintain the record open to submissions by the applicant until June 14, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on June 28, 2022.

6. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the applications of Kardboard Box LLC (Land Use File #6-04/22) until June 27, 2022.



CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: Kardboard Box LLC - Julia Bochsler owner
Address: P O Box 617
City/State/Zip: Stayton OR 97383
Phone: (503) 871-6764 Email: julibox@aol.com

APPLICANT:
Address: 1660 Mt Jefferson Dr
City/State/Zip: Stayton OR 97383
Phone: (503) 871-6764 Email: julibox@aol.com

APPLICANT'S REPRESENTATIVE: Applicant is owner of Kardboard Box LLC
Address:
City/State/Zip:
Phone: () - Email:

CONSULTANTS: Please list below planning and engineering consultants.

Table with 2 columns: PLANNING and ENGINEERING. Rows include Name, Address, City/State/Zip, Phone, and Email for each category.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: DRMU

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: MD

LOCATION:

Street Address: 381 E Marion St

Assessor's Tax Map and Lot Number(s): 091W10DB09500

Closest Intersecting Streets: N 4th Avenue

SIGNATURE OF APPLICANT: [Handwritten Signature]
DO NOT WRITE BELOW THIS LINE

Application received by: Date: Fee Paid: \$ Receipt No.

Land Use File#



Submit Via Email

CITY OF STAYTON APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT

PROPERTY OWNER: Kardboard Box LLC
Address: P O Box 617
City/State/Zip: Stayton OR 97383
Phone: (503) 871 - 6764 Email: julibox@aol.com

APPLICANT: Julia Bochsler
Address: see above
City/State/Zip: _____
Phone: (____) _____ - _____ Email: _____

APPLICANT'S REPRESENTATIVE: see above
Address: _____
City/State/Zip: _____
Phone: (____) _____ - _____ Email: _____

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: _____	Name: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Phone: (____) _____ - _____	Phone: (____) _____ - _____
Email: _____	Email: _____

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

LOCATION:

Street Address: 381 E Marion Street
Assessor's Tax Lot Number and Tax Map Number: 091W10DB09500
Closest Intersecting Streets: 4th and Marion

CURRENT ZONE MAP DESIGNATION: DRMU

PROPOSED ZONE MAP DESIGNATION: MD

SIGNATURE OF APPLICANT: *Julia Bochsler* March 1, 2022

DO NOT WRITE BELOW THIS LINE

Application received by: _____ Date: _____ Fee Paid: \$ _____ Receipt No. _____

Land Use File# _____

Kardboard Box LLC - Zone Change request
381 E Marion St.
Stayton OR 97383
091W10DB09500

March 1, 2022

The Kardboard Box LLC is asking for a zoning change from DRMU to MD on a single-family home in Thomas Addition Block 7 partial of lot 7 & 8. Tax Map #091W10DB09500. The west half of Block 7 is CCMU and the east half is DRMU. The address is 381 E Marion Street, a 100' x 84' lot in the SE corner of a 200'x200' block with a single-family home of 1200 sf.

The Kardboard Box LLC is a sole proprietorship owned by Julia Bochsler, the applicant. The Kardboard Box LLC is the owner of this property.

Included with email are four pdfs:

Current zoning and vicinity
Proposed zoning and vicinity
Tax Map and lot numbers
Signed Application

This zone change would not change the availability of existing water, sewer, storm drainage, transportation, park or school facilities. There is no increased demand and no additional facilities will be needed. No financing will be needed. The amount of traffic in the zone will not increase because of this zone change.

Reasons for zone change of 381 E Marion:

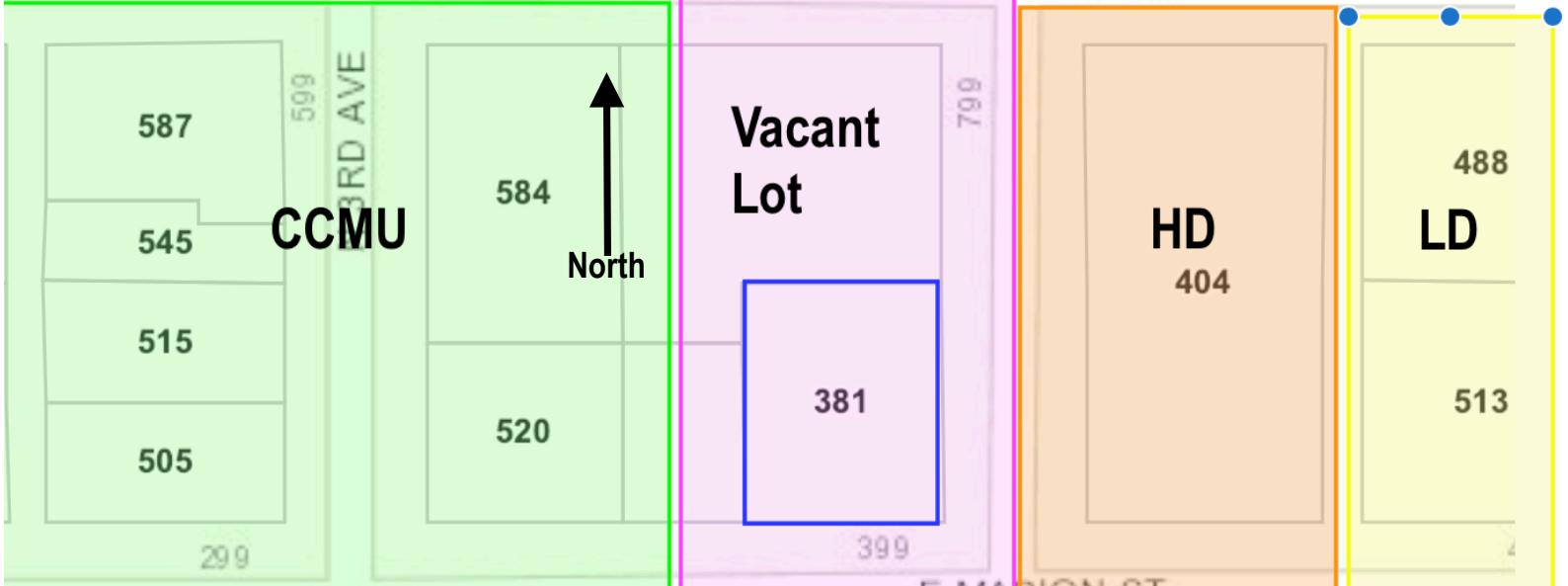
- It was built as a single-family home in 1908 by C.A. Beauchamp and his wife Louise when they were first married. It has a large front porch, a side porch, two bedrooms and a bathroom. It is a single-family home. There are five single family houses on Fourth Ave. to the north and to the south of this property that are all nonconforming in the DRMU zone. The MD zone would allow these five properties to be conforming.
- The house is for sale and City of Stayton Planning Dept. has a different interpretation of the code than the realtor and I read it. A live work with a residence and a business office was rejected. (per phone conversation with Dan 2/28/22, no detailed rejection has been received). It is hard to sell a property when approval lies in a very gray definition.

Thank you for your consideration.

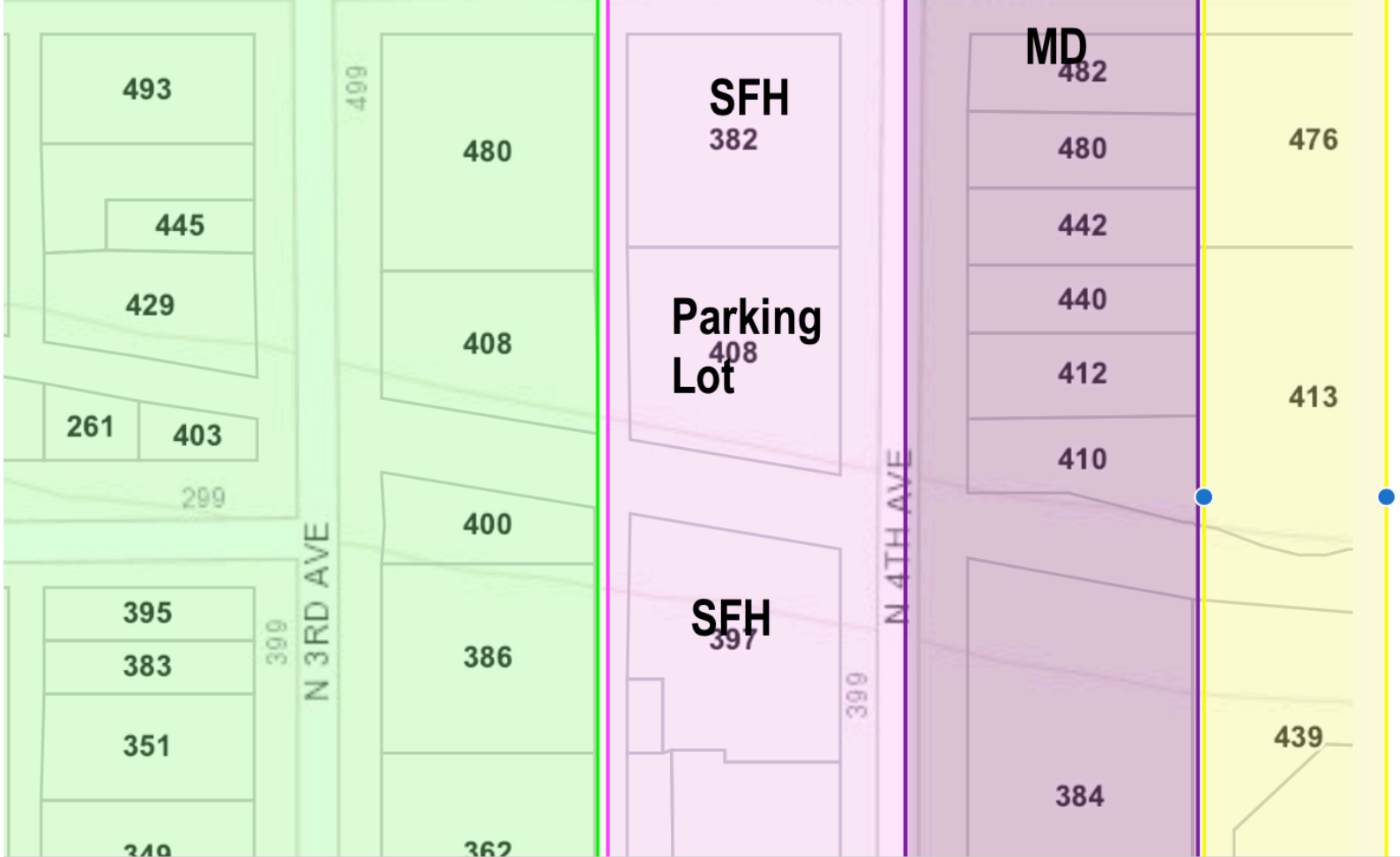
Julia Bochsler
julibox@aol.com
503-871-6764



E BURNETT ST

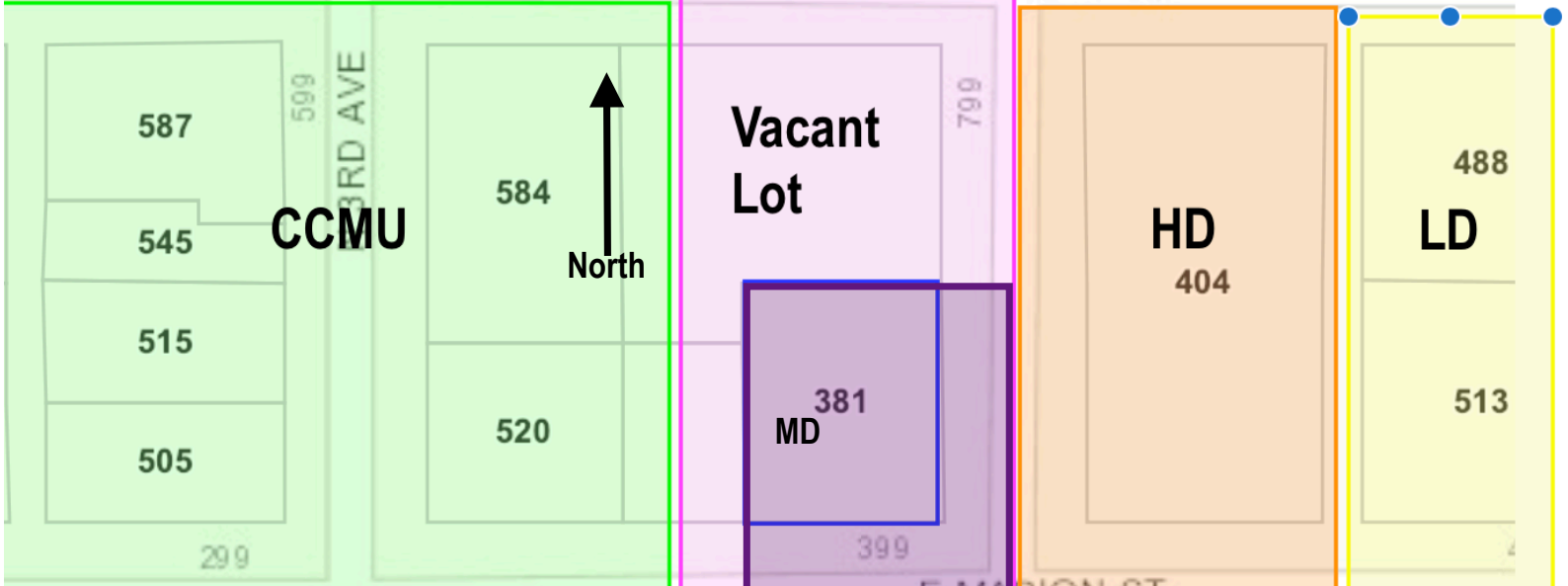


E MARION ST

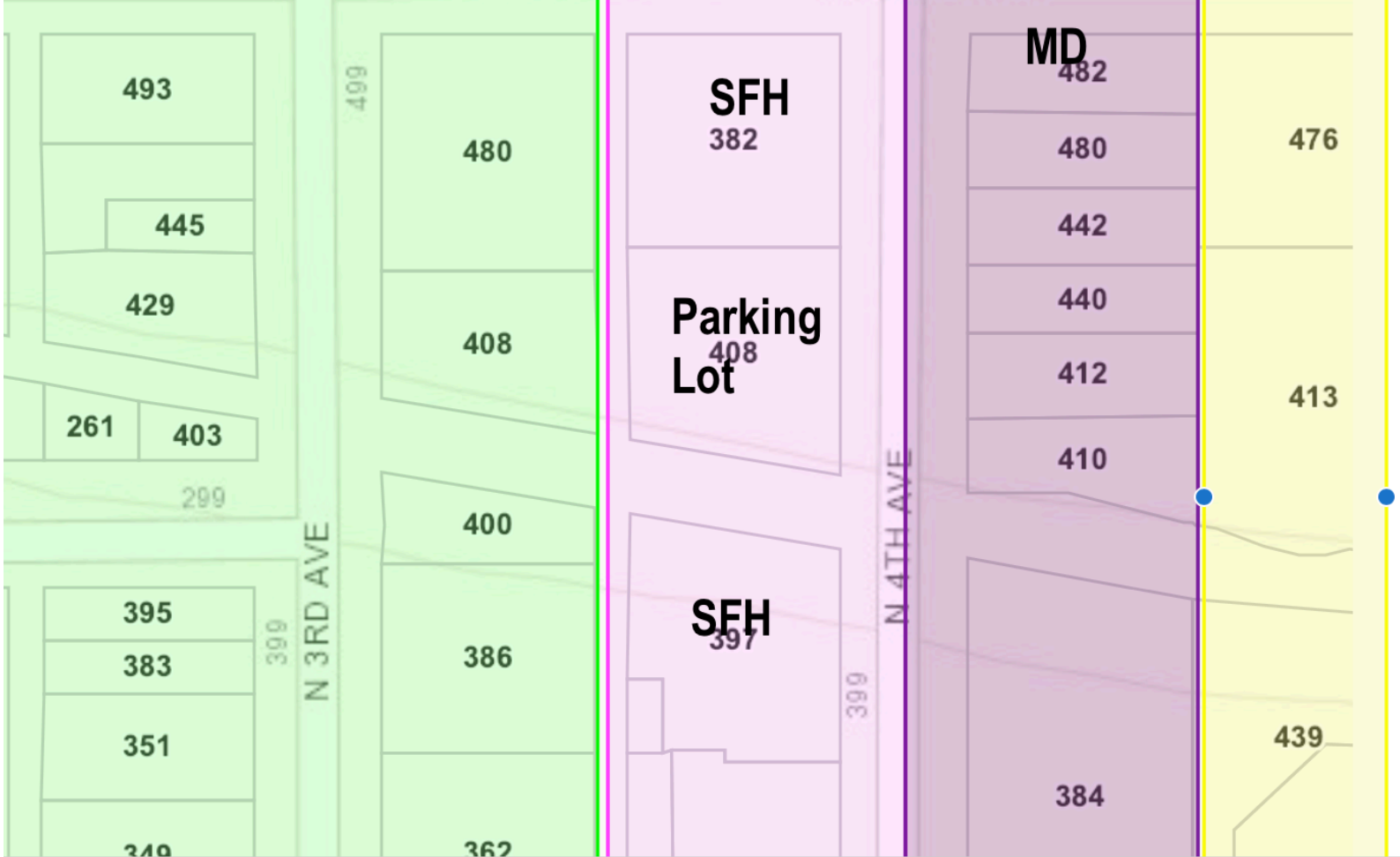




E BURNETT ST



E MARION ST





MEMORANDUM

DATE: April 13, 2022
TO: Juli Bochsler | Kardboard Box LLC.
FROM: Jenna Bogert, P.E. | DKS Associates
Scott Mansur, P.E., PTOE | DKS Associates
SUBJECT: Stayton 381 E Marion Street Rezone
Transportation Planning Rule Evaluation



P22074-000

This memorandum presents the findings of an evaluation of potential traffic impacts associated with property located at 381 E Marion Street in Stayton, Oregon on Tax Lot 091W10DB09500. The owner of the property desires to rezone the 0.19 -acre parcel from Residential Mixed Use (DRMU) to Medium Density Residential (MD). The property was previously a retail related T-shirt Screen Printing Shop.

The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

The definition of a significant effect varies by jurisdiction and no such definition is provided in the City of Stayton code. According to the Oregon Highway Plan (OHP)¹, a net increase of less than 400 daily trips does not qualify as a significant effect. While the OHP is not applicable to city streets, it provides a reasonable estimate of a significant effect for TPR analysis purposes.

This memorandum documents the expected trip generation of the reasonable worst-case development potential under existing and proposed zoning, and whether the proposed zone change will create a significant effect on the transportation system.

¹ 1999 Oregon Highway Plan, Action 1F.5, Pages 80-81.

EXISTING ZONING (DRMU) TRIP GENERATION

Under the current Downtown Residential Mixed Use (DRMU) zoning, residential land uses such as attached dwellings (e.g., duplexes) and multi-family housing are permitted as well as family child care centers.² Commercial land uses such as retail stores, professional services, and even industrial uses are also permitted with a site plan review. However, due to the size of the property (0.19 acres), there is a reasonable limit to what can be built at this location.

For the reasonable worst-case development under the existing zoning, a few permitted land uses are listed below in Table 1, including small retail, small office, and a day care. Although multiple land uses are shown, note that only one use could be accommodated on this particular property due to size. Based on the City code, a maximum building coverage of 35% of the lot is permitted. Therefore, a single-story building of 2,900 square foot was assumed for the purpose of estimating the trip generation. The current edition of the ITE Trip Generation Manual³ provides trip generation rates for the land uses listed below. As shown, the 0.19-acre parcel could generate a range of trips with the reasonable maximum amount being up to 158 daily trips, 32 AM peak hour trips, and 32 PM peak hour trips.

TABLE 1: REASONABLE WORST-CASE LAND USE AND TRIP GENERATION FOR EXISTING DRMU ZONING

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
381 E MARION STREET				
SMALL RETAIL (822)	2.9 KSF	158	7	19
SMALL OFFICE (712)	2.9 KSF	42	5	6
DAY CARE CENTER (565)	2.9 KSF	138	32	32
Total (Range of Trips)		42 - 158	5 - 32	6 - 32

² A list of permitted land uses for DRMU zoning can be found in the Stayton Land Use and Development Code, Chapter 17.16.

³ Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, 2021.

PROPOSED ZONING (MD) TRIP GENERATION

Under the proposed Medium Density Residential (MD) zoning, City code allows for a single-family home, a duplex, or a family child care center.⁴ Medium density allows for a maximum of 12 dwelling units per acre.

For the reasonable worst-case development under the proposed zoning, a few permitted land uses are listed below in Table 2, including a day care and duplex. Although multiple land uses are shown, note that only one use could be accommodated on this particular property due to size. Similar to the assumptions for the existing zoning, a maximum building coverage of 35% on the property was assumed, resulting in a 2,900 square foot, single-story building. The current edition of the ITE Trip Generation Manual⁵ provides trip generation rates for land uses listed.

Table 2 summarizes the trip generation estimates for the proposed land use.

TABLE 2: REASONABLE WORST-CASE LAND USE AND TRIP GENERATION FOR PROPOSED MD ZONING

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
381 E MARION STREET				
CHILD CARE CENTER (565)	2.9 KSF ^a	138	32	32
DUPLEX (215)	2 units	14	1	2
<i>Total Proposed (MD Zoning) Trip Range</i>		<i>14 - 138</i>	<i>1 - 32</i>	<i>2 - 32</i>
<i>Total Existing (DRMU zoning) Trip Range</i>		<i>42 - 158</i>	<i>5 - 32</i>	<i>6 - 32</i>
Net Increase (Proposed – Existing)		-20	+0	+0

^a KSF = 1,000 square feet

As shown, buildout of the 381 E Marion Street property under the proposed MD zoning could result in a net decrease of 20 daily trips. These values represent the reasonable worst-case trip generation produced by land uses allowed under the proposed MD zoning.

⁴ A list of permitted land uses for MD zoning can be found in the Stayton Land Use and Development Code, Chapter 17.16.

⁵ Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, 2021.

TRANSPORTATION PLANNING RULE FINDINGS

After evaluating the reasonable worst-case development potential of both the existing (DRMU) and proposed (MD) zoning, the proposed zone change will result in a net decrease of 20 trips per day on the 381 E Marion Street property. As such, the proposed zone change is not expected to have a significant effect on the surrounding transportation system and the Transportation Planning Rule requirements satisfied.

SUMMARY AND RECOMMENDATION

The applicant is requesting a zone change on one parcel (0.19 acres), in Stayton, Oregon located on 381 E Marion Street. The proposed change in zoning from Residential Mixed-Use (DRMU) to Medium Density Residential (MD) would result in an estimated reasonable worst-case daily trip decrease of 20 trips.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily decrease of trips. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed zone change will not significantly impact and would cause "no further degradation" to the City of Stayton transportation system. The number of additional daily and peak hour trips due to the proposed zone change is not anticipated to significantly impact transportation facilities near the project site and therefore, this application complies with TPR requirements.

Please let me know if you have any questions or comments.

Dan Fleishman

From: Caleb Cox <ccox@kittelson.com>
Sent: Tuesday, April 26, 2022 1:40 PM
To: Dan Fleishman
Cc: Susan Wright
Subject: RE: Request for Comments on Comprehensive Plan Map and Zone Map Amendments

Dan,

The TPR letter is appropriate and shows no transportation impacts with the proposed zone change. Does this also require a Comprehensive Plan Map amendment? I see the property is currently in the Downtown district which allows land uses of CCMU, DCMU, and DRMU per City Code 17.16.080. Does it also allow Medium Density residential zoning?

Thanks,
Caleb

Caleb Cox, PE
Engineer

[Kittelson & Associates, Inc.](#)
Transportation Engineering / Planning
503.535.7453 (direct)

From: Dan Fleishman <dfleishman@staytonoregon.gov>
Sent: Friday, April 22, 2022 3:07 PM
To: Adam Maurer <amaurer@santiamhospital.com>; Andy Gardner <Andy.Gardner@nsantiam.k12.or.us>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; brian.kelley@nwnatural.com; Caleb Cox <ccox@kittelson.com>; Cooper.Whitman@pacificorp.com; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; David Frisendahl <dfrisendahl@staytonoregon.gov>; Erik Hoefer <erik@sctcweb.com>; Jack Carriger (Jack.Carriger@staytonfire.org) <Jack.Carriger@staytonfire.org>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jrasmussen@co.marion.or.us) <jrasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@staytonoregon.gov>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@staytonoregon.gov>; Nicole Willis <nicole.willis@pacificorp.com>; Phil Jones <PRJONES@co.marion.or.us>; Robert Lee <rlee@wavebroadband.com>; Salem Development Services <developmentsservices@cityofsalem.net>; Susan Wright <swright@kittelson.com>; Troy Wheeler <twheeler@co.marion.or.us>; WAVE Construction Team (oregonconstruction@wavebroadband.com) <oregonconstruction@wavebroadband.com>
Subject: Request for Comments on Comprehensive Plan Map and Zone Map Amendments

The City of Stayton has received applications for Comprehensive Plan Map amendment from Downtown to Residential and Zoning Map amendment from Downtown Residential Mixed Use to Medium Density Residential for the property at 381 E Marion St.

I have attached the application forms, the applicant's narrative, the TPR analysis, the current comp plan designation, the proposed comp plan designation, and our usual request for comments form.

The public hearing will be held on May 31. Responses are needed by May 20, please.

Thank you for your assistance.

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

Ph 503-769-2998

www.staytonoregon.gov

I am working from home several days a week. On Tuesdays and Thursday, you will generally be able to reach me at 541-207-2558.

Philip Lerud
382 E Marion St
Stayton, OR 97383

May 14, 2022

Stayton Planning Committee
362 N. 3rd Avenue
Stayton, OR 97383

RE: Land Use File #6-04/22 for the property at 381 E Marion St.

Dear Stayton Planning Committee,

I am writing to express my general support in favor of the requested zoning change for the property at 381 E Marion St. I live directly across the street, and I'd love nothing more than to have someone move into this property. The applicant has put in considerable improvements to the property and had placed it on the market as a single-family home; but it is my understanding that the city has blocked the sale as a single-family home because of an interpretation of the current zoning rules. If this zoning change is necessary to allow the property to be used as a residence again, then I fully support the zoning change.

However, I do question the city's rationale to require the zoning change. My home is also zoned as Downtown Residential Mixed Use and I am allowed to live here as a legally existing nonconforming use. The only meaningful difference between the properties is that the property in question was used as a business when the current zoning was established in 2008. I will remind the planning committee that this property was constructed as a single-family home more than 100 years ago and was used as such for decades. I find it arbitrary and illogical to bind the property to its use in 2008, instead of its 1908 use as a home.

Please, do what whatever may be necessary to allow this beautiful house to be used as a home again. I just want someone to move into the property.

Sincerely,

Philip Lerud

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application for
Kardboard Box LLC

)
) Comprehensive Plan Map Amendment
) Official Zoning Map Amendment
) File # 6-04/22
)

RECOMMENDATION OF APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted applications for a Comprehensive Plan Map amendment from Downtown to Residential and an Official Zoning Map amendment from Downtown Residential Mixed Use to Medium Density Residential.

II. PUBLIC HEARING

A public hearing was held on the applications before the Stayton Planning Commission on May 31, 2022. At that hearing the Planning Commission reviewed Land Use File #6-04/22, applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property and the applicant is Kardboard Box LLC.
2. The property is tax lot 9500 as shown on Map 91W10DB.
3. The property is addressed as 318 E Marion St.
4. The property is currently designated Downtown by the Comprehensive Plan and is zoned Downtown Residential Mixed Use (DRMU).
5. The property is 0.2 acres in area. The property has 84 feet of frontage on E Marion St and 100 feet of frontage on N Fourth Ave.
6. The property is developed with a building. At the time of the establishment of the DRMU zone, the property was used exclusively for commercial use, as the location of a screen-printing business. That use was a manufacturing use with a retail component. The use was discontinued in 2018.
7. The neighboring property to the east, across N Fourth Ave, is zoned High Density Residential (HD) and is developed with a 12-unit apartment building and a single family dwelling. The neighboring properties to the southeast, across the intersection, are zoned Medium Density Residential and are developed with attached single family dwellings. The neighboring property to the south, across E Marion St, is zoned DRMU and developed with a single family dwelling. The neighboring property to the west is zoned DRMU and is vacant, used as a

parking area for the adjacent restaurant. The neighboring property to the north, is zoned DRMU, and is vacant.

8. The proposal is to amend the Comprehensive Plan Map designation for the subject property from Downtown to Residential and the zoning from Downtown Residential Mixed Use to Medium Density Residential, to allow the existing building to be used as a single family dwelling.

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, Astound 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. A notice of Post-Adoption Plan Amendment was filed with the Oregon Department of Land Conservation and Development on April 21, 2022.

Responses were received from Stayton Cooperative Telephone Company and Astound Broadband saying they were not impacted by the proposal. A response was received from Pacific Power stating they had no comment. Comments were received from the City's transportation planning consultant that are reflected in the findings below.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the applications and notice appeared on the City's website. Written comments were received from one neighboring property owner supporting the applications.

D. ANALYSIS

Comprehensive Plan Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17.12, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within SMC Chapter 17.12, Section 17.12.180.6.

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.*

Finding: The Comprehensive Plan describes the purposes of the Downtown and Residential designations. However, no other direction is provided in the Plan as to the location of these areas.

- 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.*

Finding: The Comprehensive Plan notes the need for additional residential land in the city. Single family dwellings are not permitted in the zones associated with the Downtown designation. Amendment from Downtown to Residential will provide the opportunity for an additional residence.

- 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.*

Finding: The pertinent Statewide Land Use Goals are Goals 5, 7, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no “Goal 5 Resources” identified in the Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property.

Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would increase the amount of land designated for residential use.

- 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).*

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Scott Mansur, PE and Jenna Bogert, PE. The analysis estimated that under the current DRMU zoning and Downtown designation the worst-case traffic generation would be 6-32 PM peak hour trips. The analysis projected traffic generation from a child care center as the worst-case scenario under the proposed zoning, with PM peak hour trip generation of 32 trips. The analysis concluded that the proposed zone change is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City’s transportation planning consultant who agreed 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.*

Finding: There are 43 acres of land in the UGB currently designated as Downtown. The Comprehensive Plan indicates that there are 2 buildable acres of

land. The proposal will decrease the amount of land designated as Downtown, but not affect the amount of vacant buildable land so designated. There are a total of 1,825 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. This amendment would result in an increase of 0.2 acres in the amount of available land for residential development.

- 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.*

Finding: There is a 10-inch water main in E Marion St. There is an 8-inch sewer main in N Fourth Ave with a sanitary manhole in front of the subject property. There is a 12-inch sewer main in E Marion St. There is a storm main in N Fourth Ave, with a catch basin at the northwest corner of the intersection.

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

Finding: The uses permitted in the residential designation are likely to have less of an adverse impact on adjacent properties than the uses permitted in the downtown designation.

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: There is a concurrent application to amend the Comprehensive Plan Map designation from Downtown to Residential.

- 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 10-inch water main in E Marion St. There is an 8-inch sewer main in N Fourth Ave with a sanitary manhole in front of the subject property. There is a 12-inch sewer main in E Marion St. There is a storm main in N Fourth Ave, with a catch basin at the northwest corner of the intersection.

- 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 submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Scott Mansur, PE and Jenna Bogert, PE. The analysis estimated that under the current DRMU zoning and Downtown designation the worst-case traffic generation would be 6-32 PM peak hour trips. The analysis

projected traffic generation from a child care center as the worst-case scenario under the proposed zoning, with PM peak hour trip generation of 32 trips. The analysis concluded that the proposed zone change is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Findings: Two categories of comprehensive policies are appropriate to look at with this application: housing and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The building on the subject property was originally built and occupied as a single family dwelling. At the time of establishment of the DRMU zone it was used for commercial purposes. The proposed zoning would allow it be used as a single family dwelling, increasing the city's housing stock.

Policy LU-1 is that the City will adopt a zoning map consistent with the Comprehensive Plan Map. This policy is to be implemented by an action that zoning district boundaries are to follow property lines and rights of way centerlines as much as practicable.

- 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: There are currently 6 vacant tax parcels that are zoned DRMU, with a combined area of 0.94 acres. There are currently 14 vacant tax parcels zoned MD, with a combined area 25.7 acres. The subject parcel is not vacant and therefore there will be no change in the amount of vacant land in either zone.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060. Notice was provided to the Department of Land Conservation and Development more than 35 days prior to the first evidentiary hearing on these applications as required by OAR 660-018-0020.

- 7) *The physical characteristics of the property proposed for rezoning are appropriate for the proposed zone and the potential uses allowed by the proposed zone will not have an adverse impact on the surrounding land uses.*

Findings: The subject property is flat and level. The property is already developed with a building.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Sections 17.12.170.6 and 17.12.180.6.

V. ORDER

Based on the conclusion above, the Planning Commission recommends to the City Council that the City Council approve the applications for Comprehensive Plan Map amendment and Official Zoning Map amendment.

Ralph Lewis,
Planning Commission Chairperson

Date

Dan Fleishman,
Director of Planning and Development

Date

DRAFT



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

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

dfleishman@staytonoregon.gov www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: May 31, 2022

SUBJECT: Variance Application of Green Light-Home First LLC, N Third Ave

120 DAYS ENDS: September 2, 2022

ISSUE

The issue before the Planning Commission is a public hearing on an application for a variance to the architectural design standards for multifamily buildings.

BACKGROUND

At the April Planning Commission hearing, the applicant appeared with an application for site plan review for a 72-unit apartment building. Staff had indicated that Section 17.20.190.3.c, requiring a building elevation visible from a street right of way to provide prominent defined entrances was not met. At the public hearing on the application for site plan review the applicant presented information to persuade the Planning Commission to find the intent of the standard had been met. In order to assure the project may move forward in a timely manner, the applicant filed this application, should the Planning Commission not find that the standard had been met.

The Planning Commission continued the hearing on the application for site plan review. The revised draft order presented to the Commission on that application includes a recommended condition of approval that the plans be modified to show the standards of Section 17.20.1090.3.c are met or obtain a variance. Should the Planning Commission find the standards are met, then it is anticipated that this application will be withdrawn.

ANALYSIS

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

Attached is an application for a variance from architectural design requirements for multifamily buildings. The application consists of the application form, application narrative, site plan and elevation drawings.

The Code requires, in Sections 17.20.190.3 c, that all building elevations visible from a street right of way to provide prominent defined entrances and a combination of architectural features.

RECOMMENDATION

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

City of Stayton

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

OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Approve the application, and adopt the draft order as presented.

I move the Stayton Planning Commission approve the application for a variance of Green Light-Home First, LLC (Land Use File #8-05/22) and adopt the draft order presented by Staff.

2. Approve the application, directing staff to modify the draft order.

I move the Stayton Planning Commission approve the application for a variance of Green Light-Home First, LLC (Land Use File #8-05/22) and direct staff to modify the draft order as follows...

3. Deny the application, directing staff to modify the draft order.

I move the Stayton Planning Commission deny the application for a variance of Green Light-Home First, LLC (Land Use File #8-05/22) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order to the June 27, 2022 meeting.

4. Continue the hearing until June 27, 2022.

I move the Stayton Planning Commission continue the public hearing on the application for a variance of Green Light-Home First, LLC (Land Use File #8-05/22) until June 27, 2022.

5. Close the hearing but keep the record open for submission of written testimony.

I move the Stayton Planning Commission close the hearing on the application for a variance of Green Light-Home First, LLC (Land Use File #8-05/22) but maintain the record open to submissions by the applicant until June 14, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on June 28, 2022.

6. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the application for a variance of Green Light-Home First, LLC (Land Use File #8-05/22) until June 27, 2022.



Submit Via Email

CITY OF STAYTON
APPLICATION FOR VARIANCE TO THE LAND USE AND DEVELOPMENT CODE

PROPERTY OWNER: Girod Investment Group, LLC
Address: PO Box 513
City/State/Zip: Stayton, OR 97383
Phone: () - Email:

APPLICANT: Green Light - Home First, LLC
Address: 866 N Columbia Blvd., Suite A-25
City/State/Zip: Portland, OR 97217
Phone: (503) 432 -8310 Email:

APPLICANT'S REPRESENTATIVE: Cascadia Planning + Development Services, Attn. Steve Kay
Address: PO Box 1920
City/State/Zip: Silverton, OR 97381
Phone: (503) 804 -1089 Email: steve@cascadiapd.com

CONSULTANTS: Please list below planning and engineering consultants, if any.

PLANNING
Name: Cascadia Planning + Dev. Services
Address: PO Box 1920
City/State/Zip: Silverton, OR 97381
Phone: () 503 - 804-1089
Email: steve@cascadiapd.com

ENGINEERING
Name: Westech Engineering
Address: 3841 Fairview Industrial Dr., Suite 100
City/State/Zip: Salem, OR 97302
Phone: () 503 - 585-2474
Email: jwells@westech-eng.com

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

LOCATION:

Street Address: 2300 N. 3rd Avenue
Assessor's Tax Lot Number and Tax Map Number: Tax Lot 2300 of Tax Map 091W03DC
Closest Intersecting Streets: Wildflower Drive

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: HD

LAND USE AND DEVELOPMENT CODE SECTION FROM WHICH A VARIANCE IS SOUGHT: Section 17.20.190.3.c

DESCRIBE THE PROPOSED VARIANCE REQUEST: Variance to orient the side elevation of Building A towards N 3rd Avenue, and to increase the maximum street yard setback from 20-ft. to approximately 27-feet.

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 5/5/22 Fee Paid: \$ 1800 Receipt No. 172229144PT
Land Use File# 8-05/22



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

**CITY OF STAYTON
APPLICATION FOR
LAND USE REVIEW**

**N. 3RD AVENUE
APARTMENTS
VARIANCE REQUEST**

Location: 2300 N. 3rd Avenue
Stayton, OR 97383
Tax Lot 2300 of
Tax Map 091W03DC
Marion County, Oregon

Prepared by: Steve Kay, AICP
Mason McGonagall, Ph.D. Arch.

Prepared for: Green Light – Home First, LLC
866 Columbia Blvd., Suite A-25
Portland, OR 97217

April 26, 2022

APPLICANT'S STATEMENT

PROJECT NAME: N. 3rd Avenue Apartments Variance Request

REQUEST: Approval of a Variance Application to Increase the Maximum Street Yard Setback for Building A

LEGAL DESCRIPTION: Tax Lot 2300
of Tax Map 091W03DC
Marion County, Oregon

APPLICANT'S REPRESENTATIVE: Steve Kay, AICP
Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
503-804-1089
steve@cascadiapd.com

APPLICANT: Green Light – Home First, LLC
866 N Columbia Blvd., Suite A-25
Portland, OR 97217

OWNER: Girod Investment Group, LLC
PO Box 513
Stayton, OR 97383

DEVELOPMENT AREA: 4.14 acres +/-

LOCATION: 2300 N. 3rd Avenue
Stayton, OR 97383

I. APPLICABLE REGULATIONS

A. Title 17: Land Use and Development Code

Chapter 17.12: Development Approval Procedures

- Section 17.12.150: Major Modification to Approved Plans**
- Section 17.12.200: Variances**
- Section 17.12.220: Site Plan Review**

Chapter 17.16: Zoning

- Section 17.16.070: District Regulations**
- Section 17.16.090: Natural Resource Overlay District**
- Section 17.16.100: Floodplain Overlay District**

Chapter 17.20: Development and Improvement Standards

- Section 17.20.060: Off Street Parking**
- Section 17.20.080: Special Street & Riparian Areas**
- Section 17.20.090: Landscaping**
- Section 17.20.170: Outdoor Lighting**
- Section 17.20.180: Wetland Protection Areas**
- Section 17.20.190: Multifamily Residential Design**

Chapter 17.26: Transportation Requirements

- Section 17.26.020: Access Management Requirements and Standards**
- Section 17.26.030: Bicycle Parking and Bicycle Circulation and Access**
- Section 17.26.040: Transportation Development Charge**
- Section 17.26.050: Traffic Impact Study Requirements**

II. AFFECTED JURISDICTIONS

- Domestic Water: City of Stayton**
- Fire Protection: City of Stayton**
- Electric: Pacific Power**
- Police Protection: City of Stayton**
- Schools: North Santiam School District**
- Sewer: City of Stayton**
- Streets: City of Stayton & Marion County**

III. **BACKGROUND:**

The applicant, Green Light - Home First, LLC, previously submitted Site Plan Review application with a Minor Modification application through Land Use File #5-03-22 to permit the development of 72-unit apartment complex on the subject site. On April 25, 2022, the Stayton Planning Commission review the applications and decided to continue the public hearing until May 31, 2022 since several property owners within the 300-ft. notification area indicated that they did not receive a mailed public hearing notice. During the April 25th hearing, the applicant also raised concerns regarding recommended Condition of Approval #7, which states that prior to the submittal of a building permit, the applicant shall revise the submitted plans to meet Section 17.20.190.3.c standards. As demonstrated by this narrative and the submitted exhibits, topographic challenges associated with the site create a hardship for the applicant when orienting the entrance of Building A towards N 3rd Avenue, or alternately, locating the side elevation of this structure within 20-ft. of the right-of-way to meet Section 17.20.190.3.c standards. Therefore, to satisfy Condition of Approval #7, the applicant is submitting a Variance application to orient the side elevation of Building A towards N 3rd Avenue, and to increase the maximum street yard setback from 20-ft. to approximately 27-feet. The applicant is requesting concurrent review of this Variance application with Land Use File #05-03-22 at the May 31, 2022 public hearing.

The subject site contains 4.14 acres and is identified by the Marion County Assessor as Tax Lot 2300 of Tax Map 091W03DC. The site is currently vacant and is assigned the address of 2300 N. 3rd Avenue. The property is located in an area with a mix of uses and zoning designations. To the south are several CR zone parcels which include one developed as Maps Credit Union. To the north is a large CR zoned lot that is developed as Elmcroft of Stayton, a senior living facility. To the east across N. 3rd Avenue, are the Lakeside Retirement Cottages, a senior living community on a HD zoned parcel. To the west across Cascade Highway is undeveloped farmland that is located outside of the city limits, in Marion County.

The attached Preliminary Site Plan indicates that the subject parcel fronts N. 3rd Avenue, which is under City jurisdiction and is classified as a Local Street. The site also has frontage along Cascade Highway SE, which is classified as a Principal Arterial Street and is under Marion County jurisdiction. The attached Existing Conditions Plan indicates that both frontages are fully improved with a standard paved road section, curb, planter strip, and sidewalk. The submitted plans indicated that access to the development is provided from N. 3rd Avenue. Additional right-of-way dedication is not required for either roadway. It is important to note that the through the previously approved Minor Modification, the applicant vacated an unused public utility easement along the north boundary of the site.

The Existing Conditions Plan indicates that the site generally slopes down from the southeast to the northwest corners of the site, with steeper slopes along the southern boundary of the property. The attached Geotechnical Report provides recommendations that are utilized in the prepared Preliminary Grading Plan (see Exhibits 4 and 8). As documented by the attached Wetland Report, no wetlands or hydric soils are present in the project area, and the approved development is located a minimum of 75-ft. from the delineated wetland in the northwest corner of the site (see Exhibit 7).

The submitted Site Plan illustrates that the 3-story apartment complex development includes 6 buildings containing a total of 72 affordable multi-family dwelling units. Recreation amenities for the development include walking paths, lawn areas, and viewing areas. To meet the parking demand for the apartment complex, the applicant will construct a parking lot with 124 standard and ADA stalls (see Exhibit 4). The applicant has submitted a Transportation Impact Analysis which indicates that the existing public transportation system has the capacity to accommodate the apartment complex (see Exhibit 6).

As demonstrated by the attached civil plans, public utilities are currently located adjacent to the site and can serve the approved development (see Exhibit 4). The plans demonstrate that public sanitary sewer and water service can be provided by connecting to existing main lines within N. 3rd Avenue. The attached Preliminary Storm Drainage Plan and Preliminary Stormwater Report indicates that drainage from impervious surfaces will be directed to a stormwater facility on the north side of the parking lot (see Exhibits 4 and 5). Following detention within the facility, stormwater will be released into the public storm main within Cascade Highway. The attached report demonstrates that the stormwater improvements will not impact upstream or downstream storm systems.

A copy of the Application Forms, Property Deed, Preliminary Development Plans, Preliminary Stormwater Report, Traffic Impact Analysis, Wetland Delineation Report, and Geotechnical Report were previously submitted with the Site Plan Review application and Minor Modification application packet. This narrative specifically addresses how the submitted Variance application meets the approval criteria as outlined by the Stayton Land Use Development Code.

IV. FINDINGS

A. STAYTON COMPREHENSIVE PLAN

COMMENT:

Except where required by the Stayton Land Use Development Code, this application is not required to address the City's goals and policies related to the development of land, because the Stayton Comprehensive Plan is implemented by the Code.

B. TITLE 17: STAYTON LAND USE DEVELOPMENT CODE

Chapter 17.12: Development Approval Procedures

Section 17.12.200: Variances

- 3. Variances Allowed. The decision authority shall have the power to vary or modify the strict application of only the regulations or provisions of this title governing:**

- a. Land Use Requirements.**

- 1) Lot area
- 2) Lot width
- 3) Percentage of lot coverage
- 4) Height of structures
- 5) Location of structures
- 6) Setbacks
- 7) Signs
- 8) Parking and loading space
- 9) Vision clearance
- 10) Accessory uses
- 11) Landscaping
- 12) Expansion of non-conforming uses

- b. Flood hazard management requirements.

COMMENT:

On April 25, 2022, the Stayton Planning Commission reviewed Land Use File #5-03-22 for the development of a 72-unit apartment complex on the subject site. Due to concerns regarding the City's noticing procedures, the public hearing was continued to May 31, 2022. During the April 25th hearing, the applicant also raised concerns regarding recommended Condition of Approval #7, which states that prior to the submittal of a building permit, the applicant shall revise the submitted plans to meet Section 17.20.190.3.c standards. As demonstrated by this narrative and the submitted exhibits, topographic challenges associated with the site create a hardship for the applicant when orienting the entrance of Building A towards N 3rd Avenue, or alternately, locating the side elevation of this structure within 20-ft. of the right-of-way to meet Section 17.20.190.3.c standards. Therefore, to satisfy Condition of Approval #7, the applicant is requesting approval of a Variance application to orient the side elevation of Building A towards N 3rd Avenue, and to increase the maximum street yard setback from 20-ft. to approximately 27-feet. Per the above standards, the Planning Commission has authority to vary or modify the strict application of the setback standards. The applicant is requesting concurrent review of this Variance application with Land Use File #05-03-22 at the May 31, 2022 public hearing.

4. **Submittal requirements. In order to be accepted as complete and processed in a timely manner by the City, requests for approval of a variance shall include the following materials and information:**
 - a. **Completed application forms as supplied by the City Planner.**
 - b. **A narrative statement fully explaining the code regulation for which the variance is being sought, the nature of the variance request, and addressing all applicable criteria for approval of a variance.**
 - c. **Three copies of a site plan drawn to a scale of 1 inch equals not more than 50 feet and shown**

as a graphic scale of the property for which the variance is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and, as appropriate, the condition to be varied. In addition, a reduced copy of the plan sized as 11 inches by 17 inches.

COMMENT:

In compliance with the above standards, the applicant has submitted the required application form, narrative, and site plan copies with this Variance application.

5. **Limitations. The power of the decision authority to grant variances from the strict application of the provisions of this title shall be used sparingly, within the spirit and intent of this code, and applied reasonably to maintain and not abolish the distinctive zoning classifications and other land use regulations created by this title.**

COMMENT:

The applicant's request for a variance is due to unique topographic challenges that are associated with the site. The intent of Section 17.20.190.3.c standards is to site multi-family structures where building entries are directly visible from a public right-of-way, or where the side elevation is located near the street so it is easy to navigate to the building's entry. As demonstrated by the attached Building A Section, a 10.5-ft. elevation difference prevents a direct visual connection between N 3rd Avenue and the first floor of Building A. Therefore, even if the building directly faced the street, or were moved within 20-ft. of the right-of-way, the ground floor would still not be visible from the street and the intent of this Code section would not be met. As such, unique circumstances are associated with the subject property and the applicant is faced with a hardship when addressing this standard. The Site Plan submitted with this Variance request demonstrates that pedestrians and vehicle occupants will be able to easily navigate to the entrance of Building A when utilizing the pedestrian ramp and access drive improvements (see Exhibit 4). As such, the proposed variance equally meets the intent of the Code standard.

6. **Decision criteria. A variance is subject to the following general and specific approval criteria. No variance shall be approved without affirmative findings being made that the request fully satisfies these approval criteria.**

- a. **General Criteria Applicable to All Requests.**

- 1) **The granting of the variance would not be materially detrimental to the public health, safety, or welfare or the overall public interest of the citizens of the City as expressed within this title and**

the adopted Comprehensive Plan.

- 2) The granting of the application complies with the applicable specific approval criteria as follows.**

COMMENT:

As discussed above, the intent of Section 17.20.190.3.c is to site multi-family structures so that building entries are directly visible from a public right-of-way, or locate a side elevation near the street so that pedestrians and vehicle occupants can easily navigate to the building entry. The proposed variance will permit the side elevation of Building A to be located 27-ft. from the right-of-way when 20-ft. is the standard. The submitted Building A Section demonstrates that even if the setback were reduced to 20-ft., topography prevents a visual connection between N 3rd Avenue and the ground floor of Building A. Since the approved access to the site leads pedestrians and vehicle occupants to the Building A entrance, the variance will equally meet the intent of the Code, granting of the variance will not be detrimental to the public, and the proposed building orientation is consistent with the public interest. The applicant has addressed applicable specific approval criteria is the narrative provided below

b. Specific Variance Criteria.

- 1) Variance to Land Use Regulations.**

- a) The property is subject to exceptional or extraordinary circumstances such as lot size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.**

COMMENT:

Due to presence of steep grades along N. 3rd Avenue, topographic conditions prevent the visibility of the Building A ground floor from N. 3rd Avenue. As demonstrated by the attached Building A Section, even if the entry of the structure is oriented towards 3rd Avenue, it would not be visible from N. 3rd Avenue (see Exhibit 4). Similarly, if the building were moved within 20-ft. of the right-of-way, the ground floor of Building A would still not be visible, providing no advantages to the public when navigating to the building entry. It is also important to note that a very tall retaining wall and special slope stabilization measures would be required if Building A were moved within 20-ft. of the right-of-way. Based on all of these factors, the property is subject to extraordinary topographic circumstances over which the property owner has no control and which do not generally apply to other properties which are subject to Section 17.20.190.3.c standards.

- b) The variance is necessary for the reasonable preservation of**

a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.

COMMENT:

The submitted Existing Conditions Plan indicates that a large drainage pond is located in the northwest corner of the site. In addition, steeply sloped areas are located along the east and south boundaries of the property. Due to these encumbered areas, the developable portion of the site is significantly limited. The attached Building A Section and Geotechnical Report demonstrates that Building A is located as close to the right-of-way as feasible, and with site access limited to the northeast corner of the site, the shorter side of Building A needs to be oriented towards the right-of-way (see Exhibits 4 and 8). Based on these factors, the proposed variance is necessary when preserving a reasonable property right of the applicant, which is enjoyed by other landowners in the zoning district.

- c) The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on other property in the same zoning district or vicinity.**

COMMENT:

The proposed layout and parking-lot-oriented entry for Building A meets the intent of Section 17.20.190.3.c standards since the ground floor is clearly visible on the north side of the structure. The submitted Site Plan and Building A Section demonstrates that the variance will not create an adverse impact on other properties in the vicinity of the site (see Exhibit 4).

- d) Approval of the variance would not create an identifiable conflict with the provisions of the Comprehensive Plan or achieve the same conditions as a comprehensive plan amendment or zone change for the property.**

COMMENT:

The proposed layout reasonably meets the intent of Section 17.20.190.3.c which is to site multi-family structures where pedestrians and vehicle occupants can easily navigate to a building entry. The attached Site Plan illustrates that Building A's parking-lot-oriented entry will be easily identifiable when accessing the site. However, due to the difference in elevation, a visible connection to the ground floor Building A is not possible from N 3rd Avenue, even if the building were sited to meet the standards. As such, the variance meets the intent of the code standard without creating an identifiable conflict with the comprehensive plan, or would require a zone change for the property.

- e) **The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.**

COMMENT:

To satisfy Condition of Approval #7, the applicant is requesting approval of a Variance application to orient the side elevation of Building A towards N 3rd Avenue, and to increase the maximum street yard setback from 20-ft. to approximately 27-feet. As demonstrated by the Grading Plan and Geotechnical Report, this variance is the minimum relief necessary when considering the challenges of constructing the building on a steeply sloped area of the site (see Exhibits 4 and 8).

- f) **The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.**

COMMENT:

The attached Existing Conditions Plan demonstrates that steep slopes are located along the south and east boundaries of the site, an existing large drainage pond is located in the northwest corner, and access is limited to the northeast corner of the property due to presence of Cascade Highway and topographic challenges. All of the encumbered areas of the site contribute towards the creation of unique circumstances for this HD zoned property (see Exhibit 4). Therefore, the requested variance to Section 17.20.190.3.c standards does not create a special privilege when considering permitted uses on other properties in the zoning district.

- g) **The request for the variance is not the result of an action taken by the applicant or a prior owner.**

COMMENT:

The submitted topographic survey demonstrates that the unique topography and encumbrances on the site represents existing conditions, unaltered by the applicant or by prior owner actions. Therefore, the requested variance is a necessary measure to address the challenges of developing the property.

2) Variance to Flood Hazard Regulations.

COMMENT:

The applicant is not requesting a variance to flood hazard regulations. Therefore, the variance standards to flood regulations do not apply.

V. SUMMARY AND CONCLUSIONS

Based upon the findings of this report and the submitted exhibits, the applicant has demonstrated compliance with the requirements of relevant sections of the Stayton Land Use Development Code. Therefore, the applicant requests that the submitted applications be approved.

VI. EXHIBITS

- 1. Application Form**
- 2. Property Deed**
- 3. City Pre-Application Conference Notes**
- 4. Preliminary Development Plans**
 - Sheet C0.0: Cover, Index, and Vicinity Maps**
 - Sheet S-1: Existing Conditions Plan**
 - Sheet C1.0: Erosion Control Plan – Demolition**
 - Sheet C1.1: Erosion Control Plan – Streets and Utilities**
 - Sheet C1.2: Erosion Control Plan – Vertical Construction**
 - Sheet C1.3: Erosion Control Plan – Final Landscaping**
 - Sheet C1.4: Erosion Control Notes**
 - Sheet C1.5: Erosion Control Details**
 - Sheet C2.0: Grading Plan**
 - Sheet C2.1: Drainage Plan**
 - Sheet C3.0: Utility Plan**
 - Sheet C4.0: Surfacing Plan**
 - Sheet C5.0: Civil Notes**
 - Sheet C6.0: Civil Details**
 - Sheet C6.1: Civil Details**
 - Sheet C6.2: Civil Details**
 - Sheet C7.0: City and County Details**
 - Sheet C7.1: City and County Details**
 - Sheet C8.0: Sanitary Sewer Plan and Profile**
 - Sheet A100: Site Plan**
 - Sheet A111: Building A Floor Plans**
 - Sheet A113: Building B and C Floor Plans**
 - Sheet A115: Building D Floor Plans**
 - Sheet A117: Building E and F Floor Plans**
 - Sheet A120: Trash Enclosure**
 - Sheet A200: Building A Elevations**
 - Sheet A201: Buildings B and C Elevations**
 - Sheet A202: Building D Elevations**
 - Sheet A203: Buildings E and F Elevations**
 - Sheet A204: Building A Section**
 - Sheet L0.0: Landscape Cover Sheet**
 - Sheet L1.1: Planting Plan**
 - Sheet L1.2: Plant Legend**
 - Sheet EL1.0: Exterior Lighting Plan**
- 5. Preliminary Stormwater Report**
- 6. Transportation Impact Analysis**
- 7. Wetland Delineation Report**
- 8. Geotechnical Report**

GENERAL NOTES - GRADES SHOWN ON THIS DRAWING ARE EXISTING

1. REFER TO CIVIL DRAWINGS FOR:
 - 1.1. FINISHED GRADES - ON SITE AND OFF SITE
 - 1.2. BUILDING PAD ELEVATIONS
 - 1.3. ALL WORK IN THE PUBLIC RIGHT-OF-WAY
 - 1.4. ROADWORK AND PAVING - ON SITE AND OFF SITE
 - 1.5. STORM DRAINAGE - ON SITE AND OFF SITE
 - 1.6. UTILITIES - ON SITE AND OFF SITE
2. ALL SITE WORK TO CONFORM TO THE ACCESSIBILITY REQUIREMENTS OF CHAPTER 11 OF THE 2019 OREGON STRUCTURAL SPECIALTY CODE AND ICC/ANSI A117.1-2009.
3. ALL SIDEWALKS SHOWN TO NOT EXCEED 1:20 SLOPE VERTICAL AND 1:50 CROSS SLOPE
4. REFER TO LANDSCAPE PLAN FOR PLANTING IN ALL LANDSCAPE AREAS.
5. PARKING AREA TO BE ASPHALT PAVING WITH 6" CAST IN PLACE CONCRETE CURBS AS SHOWN. VERIFY ALL REQUIREMENTS WITH CIVIL DRAWINGS.
6. SEE A101 FOR SITE LIGHTING LOCATION, FIXTURES, AND ILLUMINATION LEVELS

KEY NOTES

- | | | |
|---|---------------------------------------|---------------------------------|
| ① VEHICLE SITE ENTRY | ⑩ STRIPED ACCESS AISLE | ⑲ BICYCLE PARKING SPACE IN UNIT |
| ② PEDESTRIAN SITE ENTRY | ⑪ ACCESSIBLE PARKING SPACE | ⑳ ACCESSIBLE SITE ENTRY |
| ③ 6" CAST IN PLACE CONCRETE CURB AROUND ENTIRE PARKING AREA | ⑫ ACCESSIBLE CURB RAMP | |
| ④ PRECAST CONCRETE WHEEL STOP AT EACH PARKING SPACE WHERE SHOWN | ⑬ ACCESSIBLE PARKING SIGNAGE | |
| ⑤ PAINTED PARKING SPACE STRIPING AT EACH PARKING SPACE | ⑭ 8 LONG TERM BICYCLE PARKING 2' X 6' | |
| ⑥ ASPHALT PAVED PARKING SPACES AND DRIVEWAY | ⑮ STORAGE BUILDING | |
| ⑦ TRASH ENCLOSURE | ⑯ MANAGER OFFICE | |
| ⑧ TYPICAL PARKING SPACE: 8'-6" W. X 18' D. | ⑰ 5' WIDE PEDESTRIAN SIDEWALK | |
| ⑨ STRIPED PEDESTRIAN CROSSING | ⑱ EMERGENCY VEHICLE TURN AROUND | |

PARKING:

72 X 1.5 = 108 SPACES
 72 / 4 = 18 SPACES
 126 SPACES REQUIRED / 124 SPACES PROVIDED

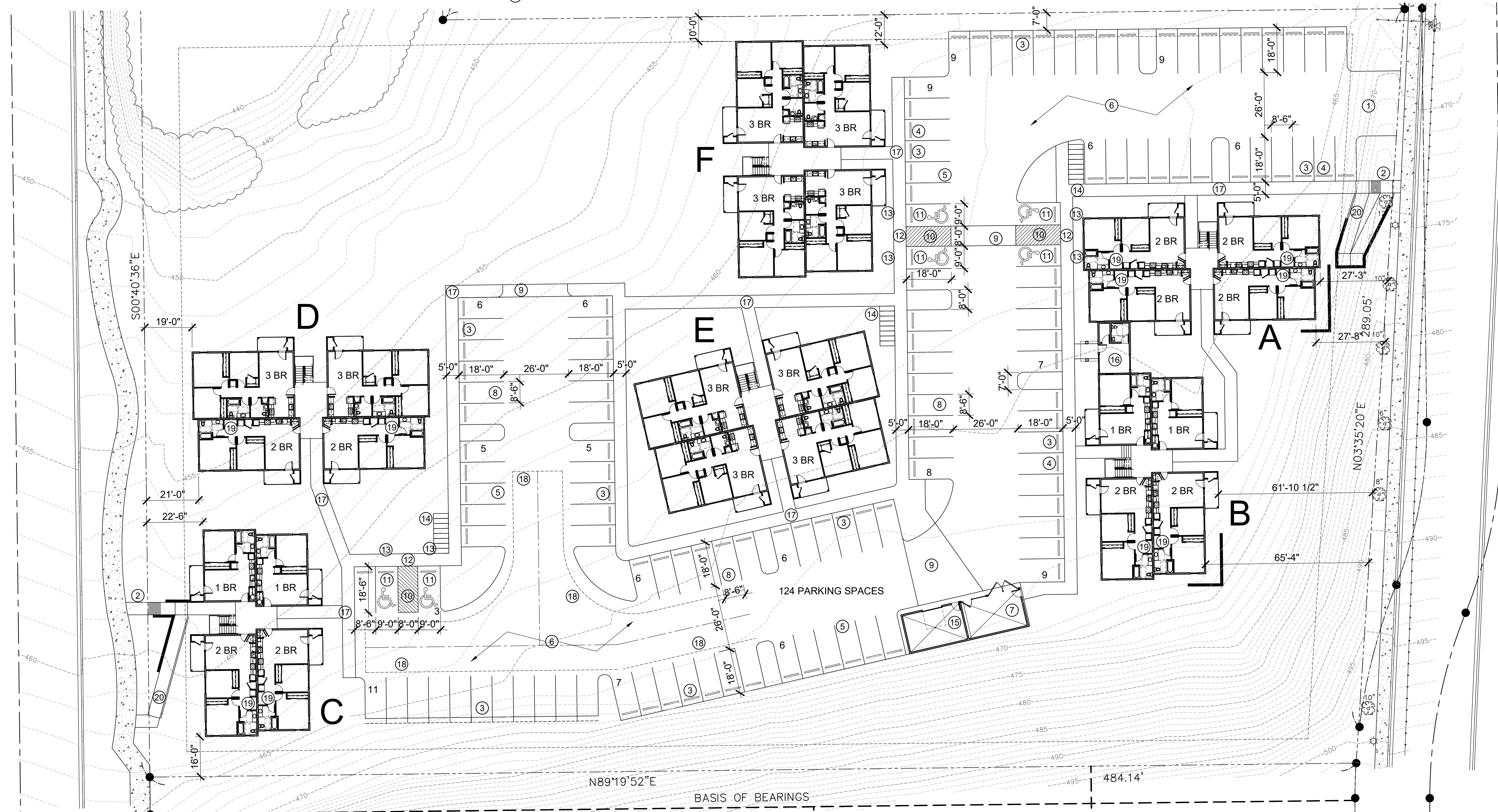
BIKE PARKING:

72 / 5 = 15 SPACES REQUIRED

24 SPACES PROVIDED OUTSIDE
 30 SPACES PROVIDED INSIDE 2 BR UNITS
 PARKING REDUCTION USED FOR ADDITIONAL BIKE PARKING SPACES



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 Doug Circosta, Architect
 503-730-6908
 14670 SW Forest Drive
 Beaverton, OR 97007



UNIT TABULATIONS:

(18) 1 BR / 1 BA UNITS AT	609 SF = 10,962 SF
(30) 2 BR / 1 BA UNITS AT	861 SF = 25,830 SF
(24) 3 BR / 1.5 BA UNITS AT	1,107 SF = 26,568 SF

72 UNITS TOTAL = 63,360 SF
 (AREA DOES NOT INCLUDE DECKS, PATIOS, OR EXTERIOR STORAGE)

MANAGER OFFICE = 274 SF

SITE AREAS:

OVERALL SITE AREA:	180,530 SF
PARKING:	39,184 SF
BUILDING COVERAGE:	26,693 SF
LANDSCAPING:	114,653 SF

1 SITE PLAN
 A100 1"=30'-0"

STAYTON APARTMENTS
 TAX LOT 091W03DC02300
 STAYTON, OR

job no.: 2112
 date: 03-16-2022

SITE PLAN

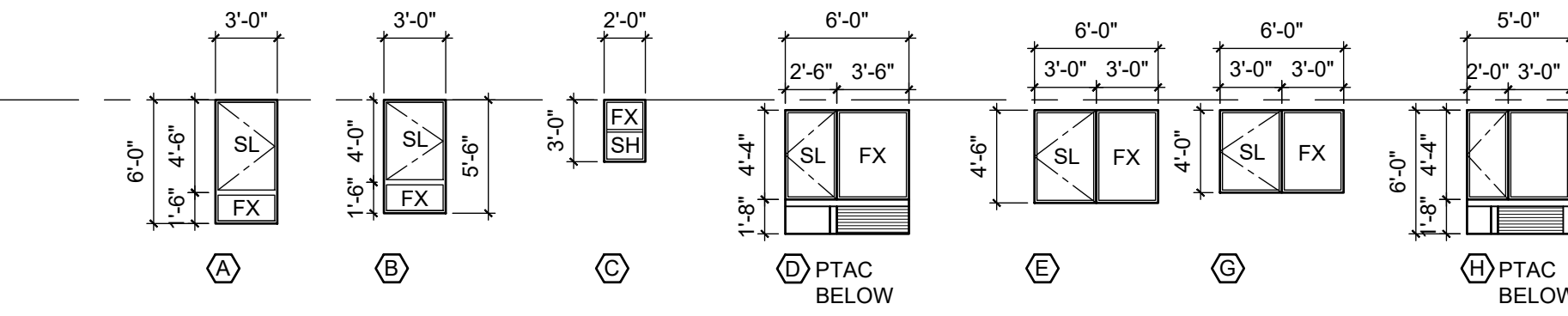
A100

KEYNOTE LEGEND

- ① 5/4 X 4 PAINTED TRIM AROUND ALL WINDOWS AND DOORS
- ② 5/4 X 8 PAINTED TRIM BAND
- ③ 2 X 8 PAINTED FASCIA BOARD AT ALL ROOF RAKE AND EAVE LOCATIONS
- ④ METAL RAILING
- ⑤ PAINTED WOOD POST AND END DECK FASCIA
- ⑥ TYPICAL PTAC HVAC UNIT ON GROUND FLOOR UNIT, BEHIND RAILING ON UPPER LEVELS
- ⑦ TYPICAL 2' ROOF OVERHANG AT ALL EAVE AND RAKE CONDITIONS
- ⑧ 3' OVERHANG AT DECK ROOFS
- ⑨ 8" X 8" TRIM WRAPPED POST

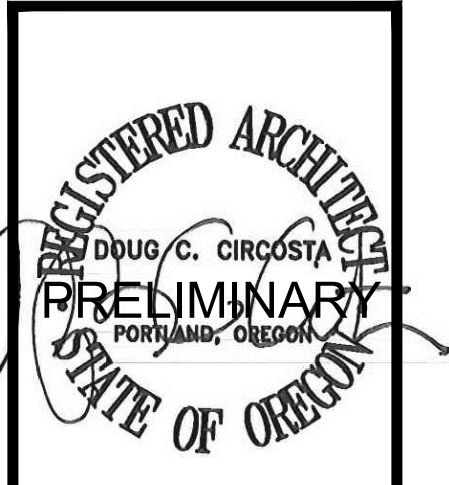
WINDOW SCHEDULE

- 1. WINDOW HEAD HEIGHT TO BE 7'-6" ABOVE FFL ON FIRST AND SECOND FLOORS.
- 2. WINDOW HEAD HEIGHT TO BE 7'-0" ABOVE FFL ON THIRD FLOORS.
- 3. PROVIDE TEMPERED SAFETY GLAZING AT ALL HAZARDOUS LOCATIONS AND AS INDICATED ON ELEVATIONS.

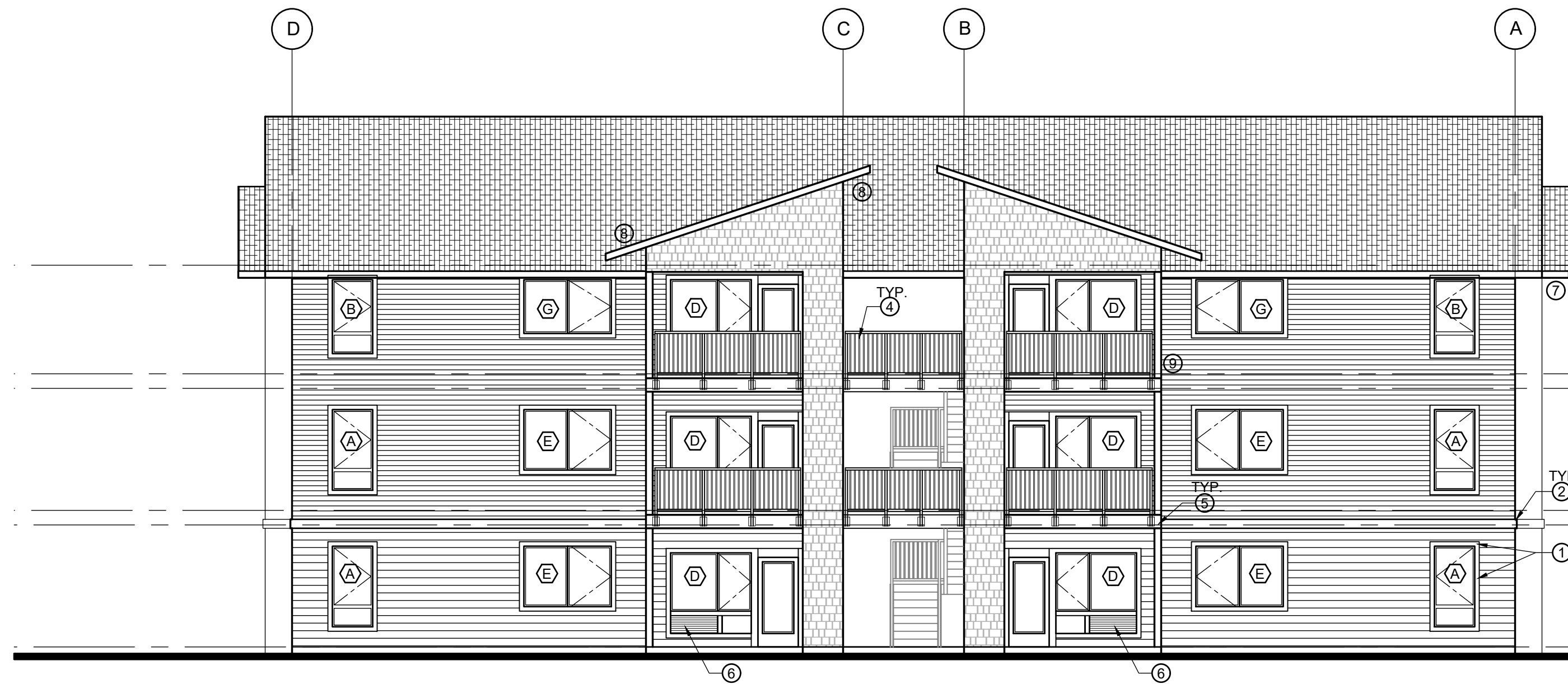


MATERIAL LEGEND

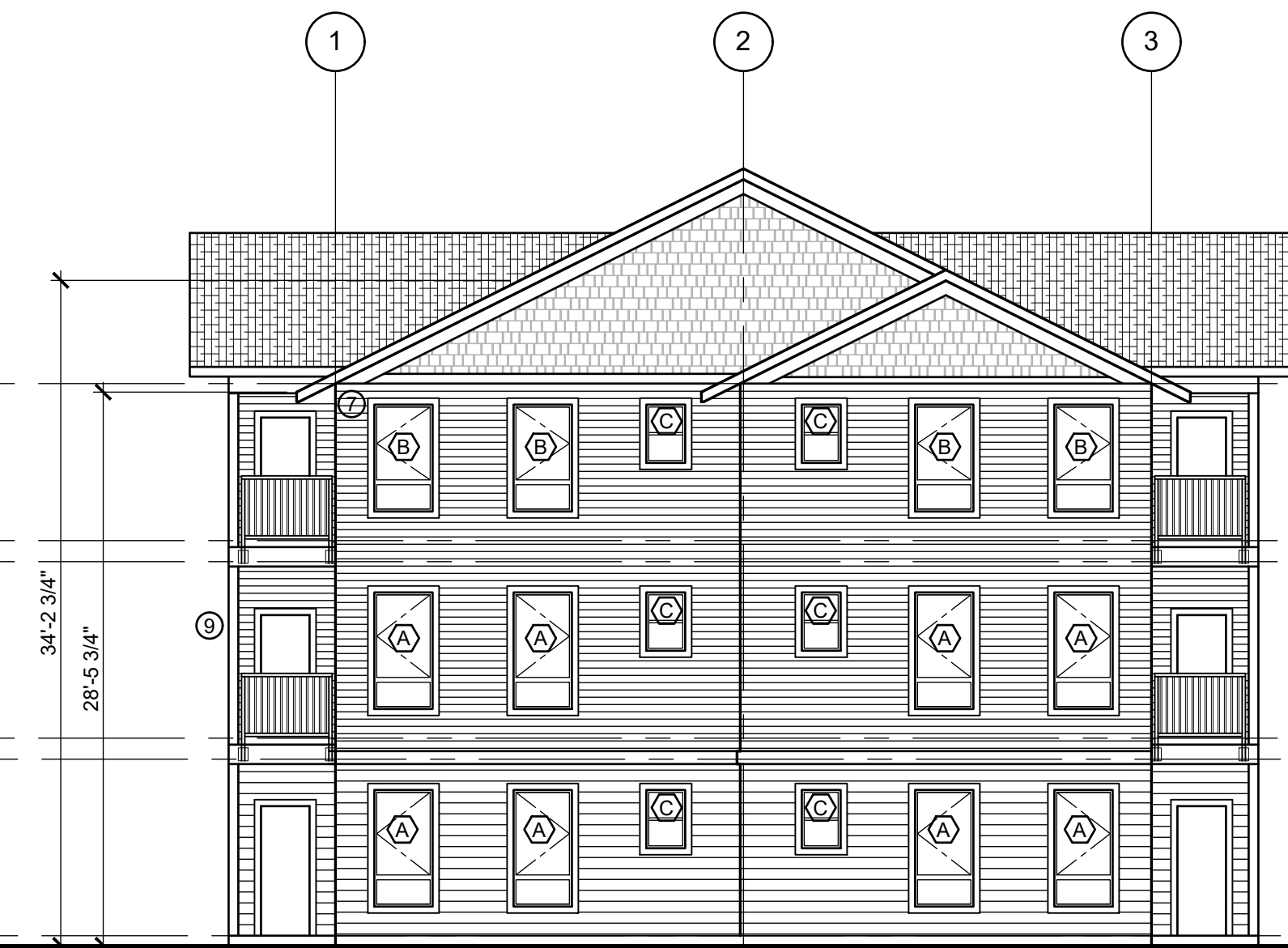
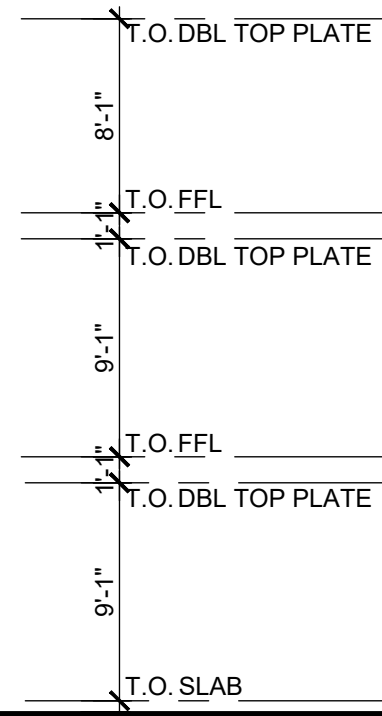
- ASPHALT SHINGLE ROOFING SYSTEM
- PAINTED FIBER CEMENT LAP SIDING WITH 4" EXPOSURE
- PAINTED FIBER CEMENT LAP SIDING WITH 7" EXPOSURE
- PAINTED FIBER CEMENT STRAIGHT EDGE SHINGLE SIDING WITH 7" EXPOSURE



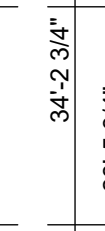
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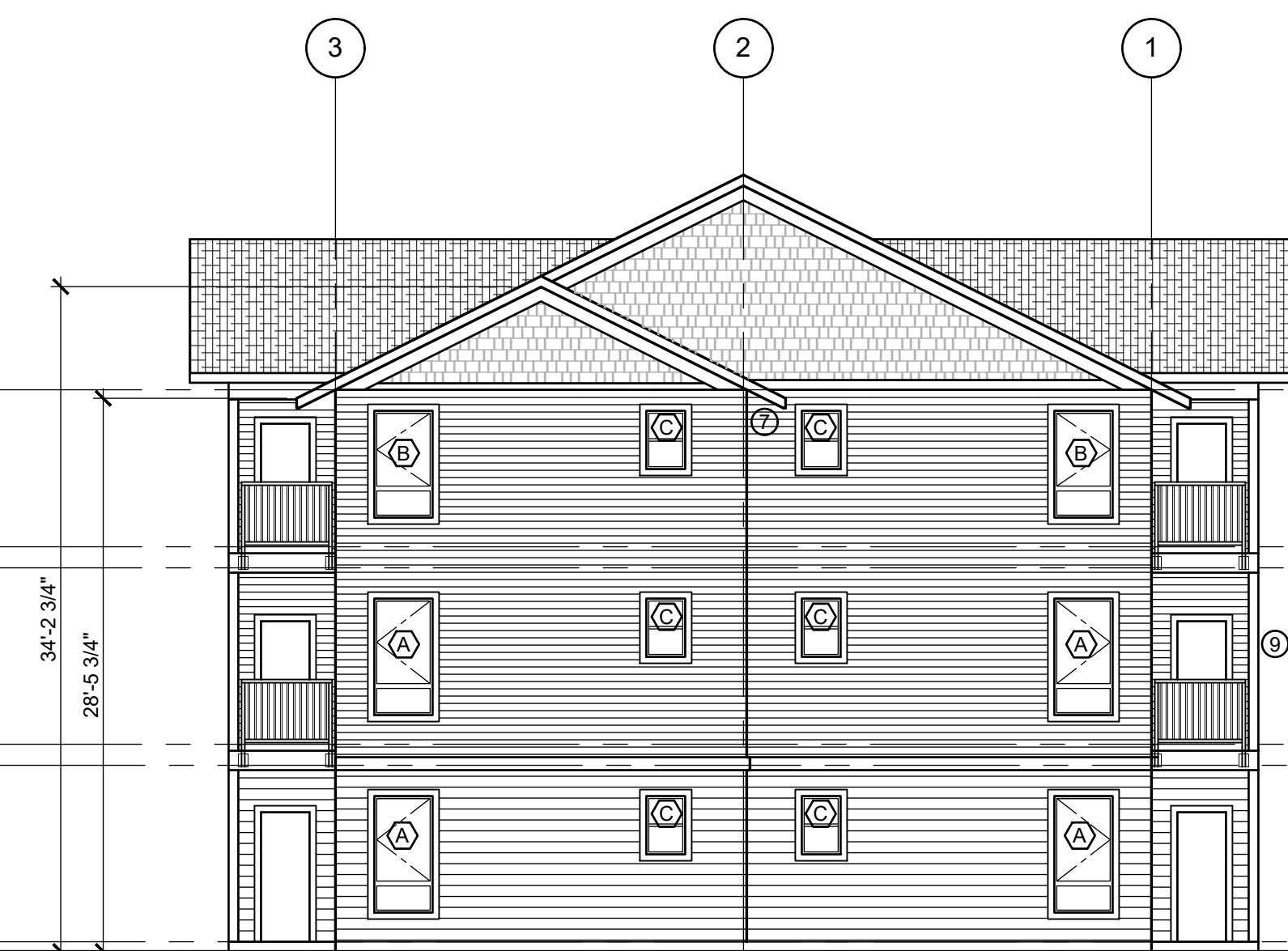
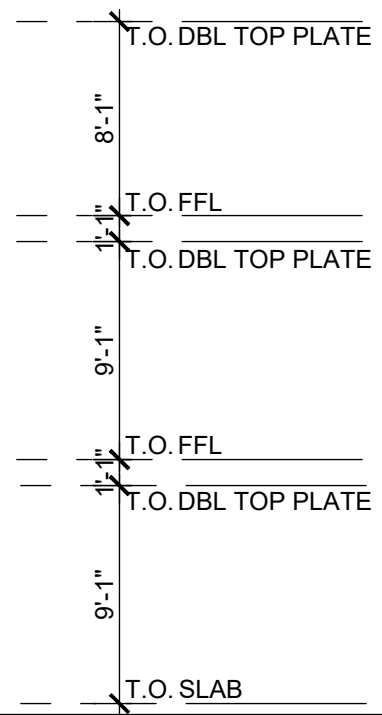
3 BUILDING ELEVATION
 A200 1/8" = 1'-0"



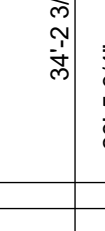
4 BUILDING ELEVATION
 A200 1/8" = 1'-0"



1 BUILDING ELEVATION
 A200 1/8" = 1'-0"



2 BUILDING ELEVATION
 A200 1/8" = 1'-0"

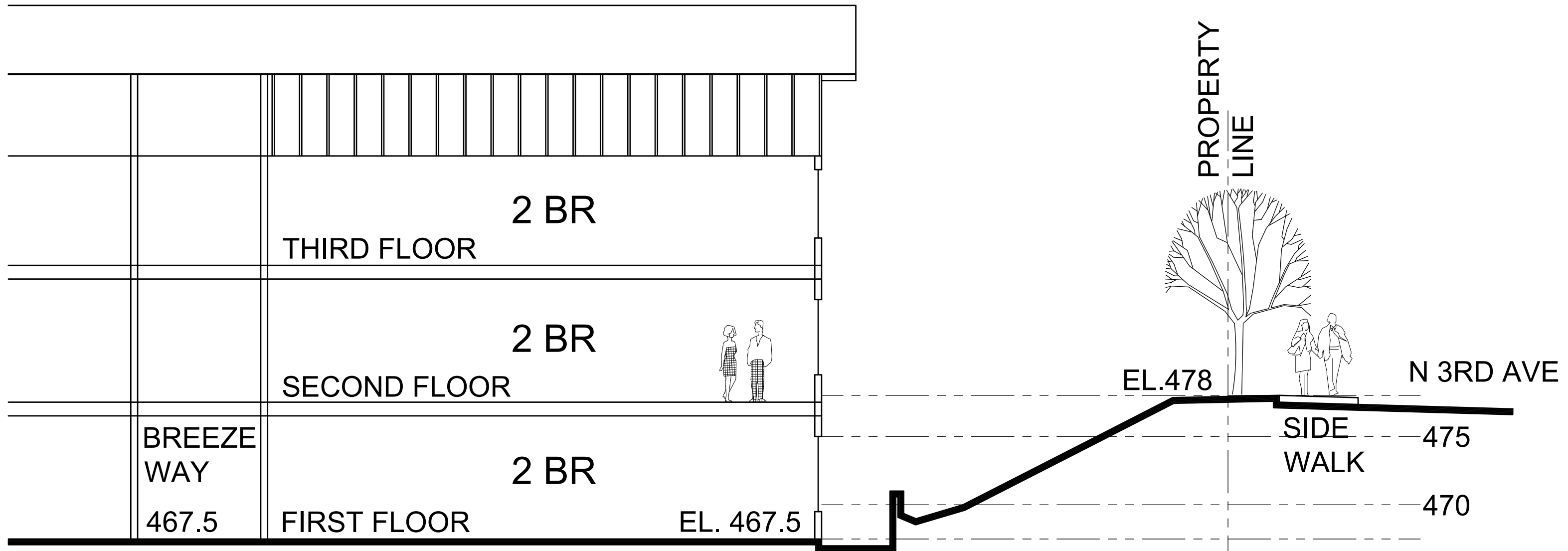


STAYTON APARTMENTS
 TAX LOT 091W03DC02300
 STAYTON, OR

job no.: 2112
 date: 03-16-2022

BUILDING A
 ELEVATIONS

A200



BUILDING A
 PARTIAL SECTION AT STREET

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of)
The application of) Variance
Green Light-Home First LLC) File # 8-05/22
)

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant is requesting a variance to a site design/architectural standard for multifamily dwellings.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on May 31, 2022. At that hearing the Planning Commission reviewed Land Use File #8-05/22, application for variance, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property is Girod Investment Group, LLC.
2. The applicant is the purchaser of the property and has provided a copy of the sales contract.
3. The property can be described as tax lot 2300, on Map 91W03DC and is Lot 7 of Santiam Station, recorded on July 26, 1999, as modified by a Property Line Adjustment survey recorded as County Survey 35459 in 2000, by a deed recorded in Marion County Deed Records in Reel 1708, Page 207 in 2000 and by a deed recorded in Marion County Deed Records in Reel 3907, Page 97 in 2017.
4. The property is zoned High Density Residential (HD).
5. The property is unaddressed.
6. The property has 553.85 feet of frontage on Cascade Highway and 303.59 feet of frontage on N Third Ave. The parcel is 4.14 acres in area.
7. The adjacent properties to the north are zoned Commercial Retail and developed with a retail establishment and zoned HD and developed with an assisted living center. The property to the west, across Cascade Highway is outside of the City Limits, is zoned Marion County Urban Transition and is a 19-acre parcel developed with a single family dwelling and pasture. The properties to the south are zoned Commercial Retail, and one is vacant, the other developed with a bank and retail store. The property to the east, across N Third Ave, is zoned HD and developed with independent living cottages associated with the assisted living center.

B. EXISTING CONDITIONS

The property is vacant.

C. CODE REQUIREMENTS

Section 17.20.190.3.c of the Land Use and Development Code requires all building elevations visible from a street right of way to provide prominent defined entrances and a combination of architectural features.

D. APPLICANT'S PROPOSAL

The applicant has submitted an application for site plan review (Land Use File 5-03/22) for development of a 72-unit apartment complex. The development will consist of six buildings, three stories in height, and having 12 units in each. Buildings are generally oriented around an internal parking area.

E. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Santiam Water Control District, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Stayton Police Department, Marion County Public Works and Marion County Planning Division. Pacific Power and NW Natural Gas replied with no comments.

F. PUBLIC COMMENTS

The surrounding property owners were notified of a pending variance. No written comments were received prior to the public hearing.

G. ANALYSIS

Variance applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.200.6.

H. APPROVAL CRITERIA

SMC 17.12.070.2 and 17.12.070.3 establish the responsibility of the applicant to provide evidence that each of the approval criteria have been or will be met. Pursuant to SMC 17.12.200.6 the following criteria must be demonstrated as being satisfied by an application for a variance:

a. General Criteria Applicable to All Requests.

- 1) *The granting of the variance would not be materially detrimental to the public health, safety, or welfare or the overall public interest of the citizens of the City as expressed within this title and the adopted Comprehensive Plan.*

Finding: The requested variance is to allow one of the six buildings in the development to be located 27 feet from the right of way and not have an entrance facing the street. The purpose of the standard is to address the visual impacts of multifamily structures from the public street. As described below, the site sits substantially below the elevation of N Third Ave. A ground level entrance would not be visible from the street.

- 2) *The granting of the application complies with the applicable specific approval criteria as follows:*

b. Specific Variance Criteria

- 1) *Variance to Land Use Regulations*

- a. *The property is subject to exceptional or extraordinary circumstances such as lot size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.*

Finding: The southern and easterly portions of the property have steep slopes, which restrict how close buildings can be to the property lines. There is a difference of more than 20 feet in elevation between the front lot line along N Third Ave and portions of the site. This condition is unique to this site.

- b. *The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.*

Finding: The site is encumbered by wetlands/pond in the northwest corner and steep slopes on the east and south. The zoning requires a minimum number of dwelling units. In order to fit all the required dwellings, parking spaces, and open space, not all buildings can be parallel to the street with their entrance facing the street.

- c. *The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on the other property in the same zoning district or vicinity.*

Finding: Due to the topography of the site, a ground floor entrance would not be visible from the street. The alignment of the building on the site will not have an adverse impact on the duplex homes across N Third Ave as they, too, sit substantially below the elevation of the street and would not have view of the building.

- d. *Approval of the variance would not create an identifiable conflict with the provisions of the Comprehensive Plan or achieve the same conditions and a comprehensive plan amendment or zone change for the property.*

Finding: There are no policies in the comprehensive plan that address the situation. The building layout meets the intent of the code to provide easy access to the building entry. Due to the topographical features of the site, pedestrian entry from the street to each building is not feasible. The site design provides for pedestrian access along the driveway entrance. The variance allows the site to meet the minimum density requirement of the zone.

- e. *The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.*

Finding: The requested variance allows the building to be setback 27 feet from the front property line. The site topography does not allow the building to be closer.

- f. *The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.*

Finding: No other property in the High Density Residential zone faces the same topographic conditions.

- g. *The request for the variance is not the result of an action taken by the applicant or a prior owner.*

Finding: The topographic conditions are not result of actions taken by the applicant or the current owner.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC 17.12.200.6.

V. ORDER

Based on the conclusion above, the Planning Commission approves the application.

VI. EFFECTIVE DATE

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

VII. 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,
Planning & Development Director

Date



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-2998 • Fax (503) 769-2134

dfeishman@staytonoregon.gov www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: May 31, 2022

SUBJECT: Variance Application of Kardboard Box LLC, 105 N Third Ave

120 DAYS ENDS: September 4, 2022

ISSUE

The issue before the Planning Commission is a public hearing on an application for a variance to the roof pitch requirements in the Downtown Commercial Mixed Use zone.

BACKGROUND

The applicant is the new owner of 105 and 145 N Third Ave, the NAPA auto parts store. In April she applied to the Planning and Development Department for site plan approval to convert a portion of the NAPA store to an events center and to establish a food truck court in the parking lot at 105 N Third Ave. The Planning Director approved the application as a minor modification to an existing use, but noted that the proposed covered seating area for the food truck court did not meet the minimum roof pitch requirements of the Code. A condition of approval was imposed to either change the design of the building to comply or receive a variance from the Planning Commission.

A March, 2020 aerial photo of the property is below:



ANALYSIS

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

City of Stayton

Attached is an application for a variance from the roof pitch requirement for buildings in the downtown zones. The application consists of the application form, application narrative, site plan and elevation drawings.

The Code requires, in Sections 17.20.220.3 k, that buildings in the Downtown zones either have a roof pitch of between 6/12 and 12/12 or, if less than a 6/12 pitch, a parapet or cornice.

The applicant, in her narrative, asks that the Planning Commission determine that the proposed covered seating area is an accessory structure to the existing building and therefore not subject to the standards of Section 17.20.220.3.k.

Staff presents the following arguments as to why the proposed covered seating area is a principal building and not an accessory building. The applicant owns two tax parcels. Tax lot 11700 is the subject property. It is 50 feet by 100 feet in dimension, located at the corner of N Third Ave and E Water St. This parcel is paved, with a minimum of landscaping, but has no building on it. For decades it has provided off-street parking for the auto parts store to its north. It is the site of the proposed food truck court. Tax lot 11600 is the adjacent property to the north. It has a building on it that has been the auto parts store. This parcel is approximately 100 feet by 100 feet in dimension. The auto parts store will be vacating the southerly 25 feet of the building. The applicant will be establishing an event center within this space.

Section 17.04.100 of the Code includes the following definitions:

ACCESSORY BUILDING: A building that is incidental and subordinate to the main building.

ACCESSORY USE: A subordinate or incidental use of a lot or building.

BUILDING: A structure with a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, or property of any kind.

BUILDING, MAIN: A building in which is conducted a principal or main use of the main building site on which it is situated.

LOT: A legally established parcel or tract of land which is occupied or is capable of being occupied by a building or group of buildings, including accessory structures, together with such yards or open spaces as are required by this code.

USE: The purpose for which land, submerged or submersible lands, the water surface, or a building is arranged, designed, or intended, or for which either land, water, or building is or may be occupied or maintained. As applied by this code, the term "land use" also includes building use and use of building.

Whereas the food truck court will be the principal use of Tax lot 11700 and the proposed covered seating area will be the principal building on the parcel, and the building to which the applicant is suggesting the seating area will be accessory to is on a different parcel or lot, then the covered seating area cannot be considered an accessory building. In order for any building to be an accessory building, there must be a main building on the lot to which it is incidental and subordinate. The covered seating area will be the main building on Tax lot 11700.

RECOMMENDATION

The staff recommendation is to rule that the proposed covered seating area is not an accessory building and is therefore subject to the architectural standards of Section 17.20.220.3 and to approve the application and is reflected in the draft order that is attached to the staff report.

City of Stayton

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

OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Determine the proposed building is not an accessory building, approve the application, and adopt the draft order as presented.

I move the Stayton Planning Commission determine that the covered seating area is not an accessory building, approve the application for a variance of Kardboard Box, LLC (Land Use File #9-05/22) and adopt the draft order presented by Staff.

2. Determine that the proposed building is an accessory building, that the architectural standards do not apply and dismiss the application.

I move the Stayton Planning Commission determine that the covered seating area is an accessory building, dismiss the application for a variance of Kardboard Box, LLC (Land Use File #9-05/22) and direct Staff to prepare an order for consideration at the June meeting.

3. Approve the application, directing staff to modify the draft order.

I move the Stayton Planning Commission approve the application for a variance of Kardboard Box, LLC (Land Use File #9-05/22) and direct staff to modify the draft order as follows...

4. Continue the hearing until June 27, 2022.

I move the Stayton Planning Commission continue the public hearing on the application for a variance of Kardboard Box, LLC (Land Use File #9-05/22) until June 27, 2022.

5. Close the hearing but keep the record open for submission of written testimony.

I move the Stayton Planning Commission close the hearing on the application for a variance of Kardboard Box, LLC (Land Use File #9-05/22) but maintain the record open to submissions by the applicant until June 14, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on June 28, 2022.

6. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the application for a variance of Kardboard Box, LLC (Land Use File #9-05/22) until June 27, 2022.



Submit Via Email

CITY OF STAYTON
APPLICATION FOR VARIANCE TO THE LAND USE AND DEVELOPMENT CODE

PROPERTY OWNER: Kardboard Box LLC

Address: P O Box 617

City/State/Zip: Stayton OR 97383

Phone: (503) 871-6764 Email: Julibox@aol.com

APPLICANT: Julia Bochsler owner, Kardboard Box LLC

Address:

City/State/Zip:

Phone: () - Email:

APPLICANT'S REPRESENTATIVE:

Address:

City/State/Zip:

Phone: () - Email:

CONSULTANTS: Please list below planning and engineering consultants, if any.

Table with 2 columns: PLANNING and ENGINEERING. Rows include Name, Address, City/State/Zip, Phone, and Email for each category.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

LOCATION:

Street Address: 105 N 3rd Avenue

Assessor's Tax Lot Number and Tax Map Number: 091W10DC11700 and 11600

Closest Intersecting Streets: Third and Water St.

ZONE MAP AND COMPREHENSIVE PLAN DESIGNATION: DCMU

LAND USE AND DEVELOPMENT CODE SECTION FROM WHICH A VARIANCE IS SOUGHT: 17.220.3k.2

DESCRIBE THE PROPOSED VARIANCE REQUEST: allow a 2.5/12 roof slope variant to a new portico

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 5/9/22 Fee Paid: \$ Receipt No.

Land Use File# 9-05/22

To the Planning Commission,

The Kardboard Box LLC, recently purchased the Napa building at 105-145 N Third Ave plus the 5,000 sq foot parking lot to the south. A change of use and minor modification was submitted to the City of Stayton in late February, to turn the southern 3,250 sq feet of the existing NAPA store and the adjoining 5,000 sq foot parking lot into an event center with an attached food truck lot. The parking lot has been a temporary food truck lot, hosting one or two different food trucks on Wednesdays thru Sundays, for more than four years.

A pre-application meeting was held via Zoom, on March 15, allowing for the required two-week notification and prep time other entities. Four people, Dan Fleishman, Lance Ludwick, a Marion County Building dept. representative and the applicant participated in the meeting. The preliminary site plan, which included a 40 x 25-foot covered area, seemed satisfactory and after the applicant worked with an architect for the next 30 days to get the food trucks and covered area positioned for good flow in to the event center, the minor modification application was filed April 12, 2022.

This variance request is due to the fact that the City of Stayton's planner has just informed the applicant, 52 days after the pre-application meeting, that the covered seating area- a structure with posts, post footings and a shed roof- is actually considered a new building, not an accessory structure (arcades, roofs, porches, alcoves, porticoes or awnings). This structure will have to follow new building code as it sits on the 5,000 sq foot parking lot. Code 17.20.220.3.6. require buildings have architectural items such as arcades, roofs, porches, alcoves, porticoes or awnings that protect pedestrians from the rain and sun. While there is a main entrance into the event center on Third Avenue, this portico would cover pedestrians entering the food truck lot from Third Ave and allow them access to the side entrance of the event center.

The proposed structure is freestanding due to unknown foundation specs of the existing building to support wind and snow loads. The proposed structure would be attached at the roofline to the side of the existing building with flashing. Should a "real building" be added to this lot, the proposed structure would have to be torn down. It has no foundation, no walls or windows, no insulation, and the existing asphalt is it's flooring. It is a portico, which by definition is "a structure consisting of a roof supported by columns at regular intervals, typically attached as a porch to a building."

It is the applicant's desire that the planning commission accepts that this is an accessory structure, a portico, to the existing building and therefore it is not required to meet new building code in the DCMU and that the planning commission returns the \$1,300 fee to the applicant. However, should that not be the case, the applicant would like to apply for the variance to code 17.220.3k.2.

This variation covers the roofline of the portico. The proposed roof is a shed roof, beginning at a 14' elevation on the existing building, sloping south to end at approximately a 9' elevation, twenty-five feet away. This is a 2.5/12 slope versus a 6/12 to 12/12 required in the code. A 6/12 slope would put the roof at 21.5' in height compared to the 16.5' height of the existing building. While different roof styles could work here, these styles create the visual aesthetic of a completely separate building from the event center. Hopefully it is the right of the property owner to create a harmonious roof line to an existing building, a roof line that enhances the existing building but does not dominate the existing building or create its own identity apart from the existing building.

The extraordinary circumstance of this property and this property alone, in the DCMU, lies in the fact that the existing building is one tax lot and an attached parking lot is another tax lot. "Attached" parking lot is important, as there are four garage doors and one man-door on the existing building which are only functional with the parking lot, as the existing building is built on the common (shared) property line. It is within this extraordinary circumstance that minimum relief could be found.

The minimum relief available to alleviate this problem, is for the planning commission to accept the proposed structure as an accessory structure and allow the roofing guidelines for such extensions of a sloped or flat roof with no slope requirements. Granting this variance is not a special privilege as other buildings are allowed protected outside seating underneath awnings, porticos, in public right away. Outside seating under a cover on private property should also be allowed.

This request is a not self-imposed condition. This request, for a variance, is in response to a City imposed interpretation of code. This variance conforms to the purposes of zoning regulations by creating a visually appealing entrance in to the food truck lot, providing shade and rain protection to pedestrians and assures a high quality, pedestrian-oriented development pattern in the downtown area consistent with the vision expressed in the Downtown Transportation and Revitalization Plan. May 6, 2022.

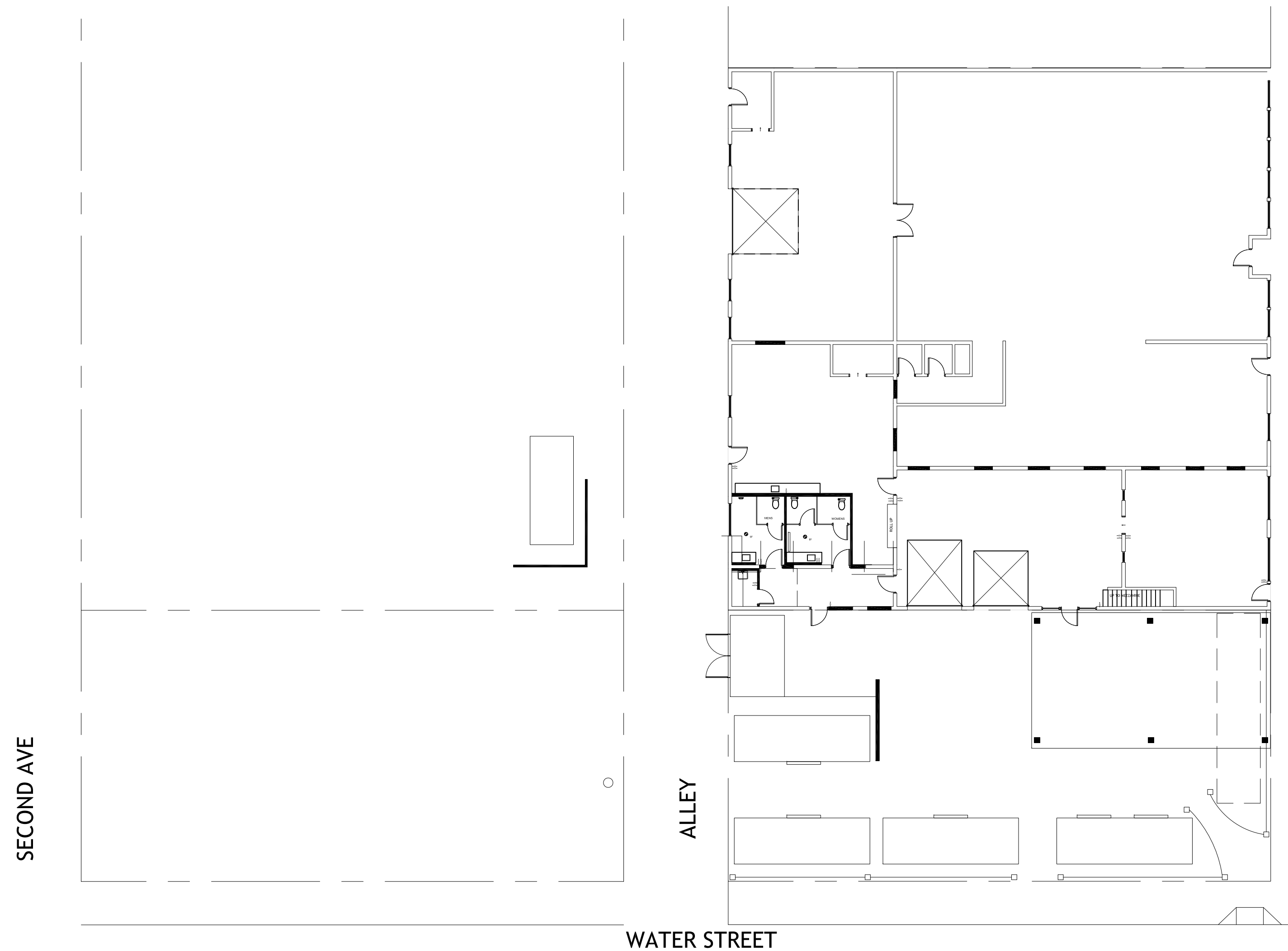
Furthermore, the portico structure helps to break up the non-conforming single plane wall on the south side of the existing building, giving the properties to the south a much more attractive view. These variances do not create an identifiable conflict with the provisions of the Comprehensive Plan. A zone change would still require a variance request to the Planning Commission.

Again, It is the applicant's desire that the planning commission accepts that this is an accessory structure to an existing building, and therefore it is not required to meet new building zoning code in the DCMU and that the planning commission returns the \$1,300 fee to the applicant.

Juli Bochsler



1 AERIAL MAP
NTS



1 PROPOSED SITE PLAN
1/8" = 1'-0"

GENERAL NOTES

GENERAL:
THESE NOTES ESTABLISH MINIMUM REQUIREMENTS. CONTRACTORS ARE TO PROVIDE ALL MATERIALS AND LABOR FOR COMPLETE SYSTEMS FOR ALL PRODUCTS AND WORK INDICATED AND COORDINATE THEIR WORK WITH ALL OTHER AFFECTED TRADES.

ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, BE OF THE HIGHEST QUALITY WORKMANSHIP, AND IN ACCORDANCE WITH ESTABLISHED PROFESSIONAL STANDARDS FOR EACH DISCIPLINE.

CONTRACTORS SHALL PROVIDE A WARRANTY ON MATERIAL AND WORKMANSHIP FOR THE TIME PERIOD INDICATED BUT IN NO CASE LESS THAN TWO YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION FOR ENVELOPE ELEMENTS AND 1 YEAR FOR ALL OTHER ITEMS.

KEEP DRAWINGS CURRENT WITH REVISIONS AND AS BUILT CONDITIONS. PROVIDE ARCHITECT WITH A CLEAN AND LEGIBLE SET OF AS BUILT DRAWING AT CLOSE OUT.

FIRE ALARM/SECURITY:

NO EXISTING FIRE ALARM, FIRE EXTINGUISHERS TO BE LOCATED PER FIRE MARSHAL. SMOKE DETECTORS PROVIDED.

ELECTRICAL:

THE ELECTRICAL CONTRACTOR IS RESPONSIBLE FOR THE DESIGN OF ALL ELECTRICAL SYSTEMS FOR THE PROJECT BASED ON ARCHITECT'S WORKING DRAWINGS. COORDINATE REQUIREMENTS FOR MECHANICAL, INCORPORATE WORK OF ARCHITECTURAL AND MECHANICAL DRAWINGS. PROVIDE POWER AS SHOWN AND AS REQUIRED FOR BUILDING SYSTEMS. SUBMIT ALL DOCUMENTS REQUIRED FOR PERMIT. TO THE ARCHITECT FOR REVIEW AND APPROVAL AS A DEFERRED SUBMITTAL. DESIGN LIGHTING BASED ON LIGHTING PLAN AND FIXTURE SCHEDULE AND SUBMIT FOR REVIEW AND APPROVAL BY OWNER. VERIFY MINIMUM LIGHT LEVELS OFFICES AND STAFF AREAS -35FC, CORRIDORS, STORAGE, -20FC, TOILET ROOMS -30FC, EGRESS PER CODE. OFFSET BOXES IN WALLS TO LIMIT SOUND TRANSFER THROUGH INSULATED WALLS. PROVIDE DATA AND COMMUNICATIONS OUTLETS PER OWNER WITH CABLES TO THE TERMINATION POINT, PLUG IN READY. ALL COMPONENTS AND INSTALLATION PER NEZT LLC. PROVIDE AS BUILT DRAWINGS SHOWING ALL CIRCUITS, HOME RUNS, AND NUMBER OF CONDUCTORS.

MECHANICAL

MECHANICAL UNITS SHOWN ON DRAWINGS IN APPROXIMATE EXISTING LOCATIONS. THE MECHANICAL CONTRACTOR IS RESPONSIBLE FOR THE DESIGN OF ALL SYSTEMS FOR THE PROJECT. COORDINATE REQUIREMENTS FOR ELECTRICAL AND ROOFTOP IF THERE ARE ANY ADDITIONS OR CHANGES.

PLUMBING:

CONTRACTOR IS RESPONSIBLE FOR COMPLETING PLUMBING REQUIREMENTS BASED ON OWNER SELECTED FIXTURES AND IS TO PROVIDE OWNER WITH AS-BUILT DRAWINGS. WATER HEATER TO BE VENTED AND SEISMICALLY STRAPPED PER CODE.

OWNER FURNISHED ITEMS.

OWNER FURNISHED/ OWNER OR VENDOR INSTALLED: FURNITURE, TOILET PAPER AND SOAP DISPENSERS, WINDOW COVERINGS, COMPUTERS, PHONES, EQUIPMENT RACKS AND DATA SWITCHES, COPIERS, PRINTERS, FAXES, SIGNAGE, SECURITY CAMERAS.

ACCESSIBILITY

EXISTING FEATURES IN THE BUILDING MAY NOT BE ACCESSIBLE PER CHAPTER 11. NEW DOOR CLEARANCES AND BATHROOM ARE DESIGNED TO MEET CHAPTER 11. DOOR OPENING PUSH OR PULL NOT TO EXCEED 5LB FORCE. THRESHOLDS NOT TO EXCEED 3/8". HARDWARE SHOULD BE AT 34". KEY OPERATED LOCKING DEVICES ARE PERMITTED ON EXIT DOORS WITH A SIGN ABOVE READING "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED" IN 1" LETTERS. FLUSH BOLTS AND SURFACE BOLTS ARE NOT PERMITTED. THE EXISTING 36" STAIRWAY IS TO THE MEZZANINE AND SERVES LESS THAN 50 OCCUPANTS.

ENERGY:

SEE COM CHECK DOCUMENTS FOR INFORMATION.
BUILDING ENVELOPE EXISTING, NEW DOORS, INSULATION ON SOUTH WALL AND NEW LIGHTING. EXIST MECHANICAL, NO CHANGE.

PROJECT INFORMATION

LEGAL DESCRIPTION & PROPERTY ID:

MAP/TAXLOT:
PROJECT DESCRIPTION:

DEVELOPMENT STANDARDS: 2019 OSSC
ZONE:

SETBACKS:
FRONT YARD:
REAR YARD:
SIDE YARD:

OCCUPANCY:
CONSTRUCTION TYPE:

OWNER:

ARCHITECT: Mill Creek Architecture, LLC
CONTACT:
Leah McMillan
503-580-4171
leah@millcreekarch.com

ENGINEER:
CONTACT:
Name
Number
Email

INDEX

- A1.0 SITE AND TITLE
- A1.1 DEMOLITION PLAN
- A1.2 OCCUPANCY PLAN
- A2.1 PROPOSED FLOOR
- A2.2 REFLECTED CEILING
- A3.1 PROPOSED ELEVATIONS
- A4.1 PROPOSED WALL AND ADA DETAILS
- A5.1 PATIO AND COVERED AREA



PRELIMINARY
NOT FOR
CONSTRUCTION

NEZT
3RD ST STAYTON, OREGON
SCHEMATIC DESIGN

A1.0

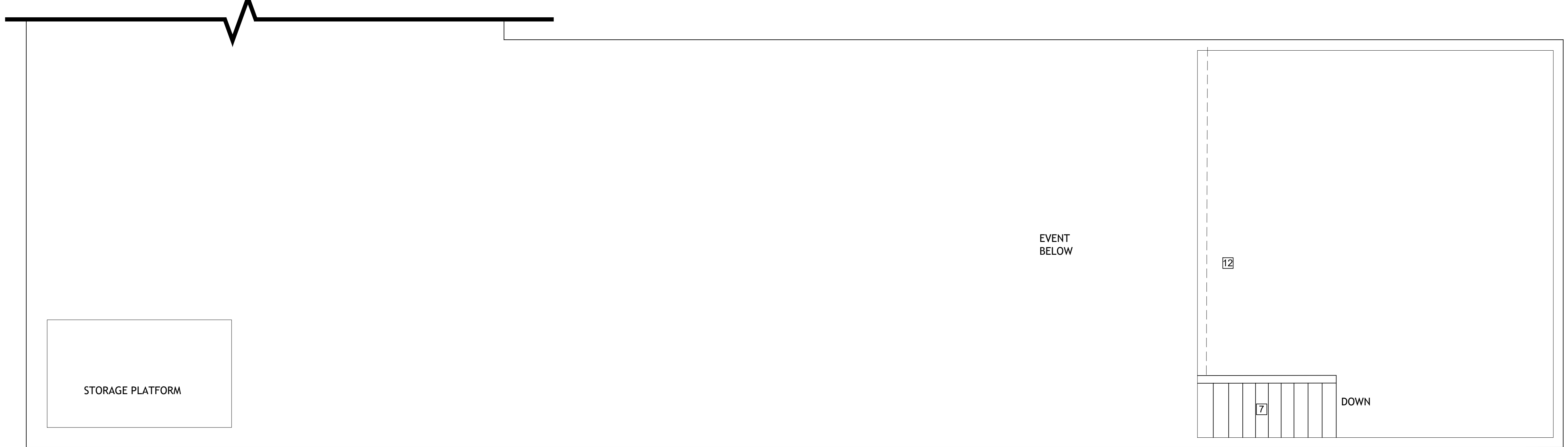
4/26/2022
SITE PLAN

If bar is not 1"
drawing is not to scale.

- NEW WALL
- EXISTING WALL TO REMAIN
- DEMO

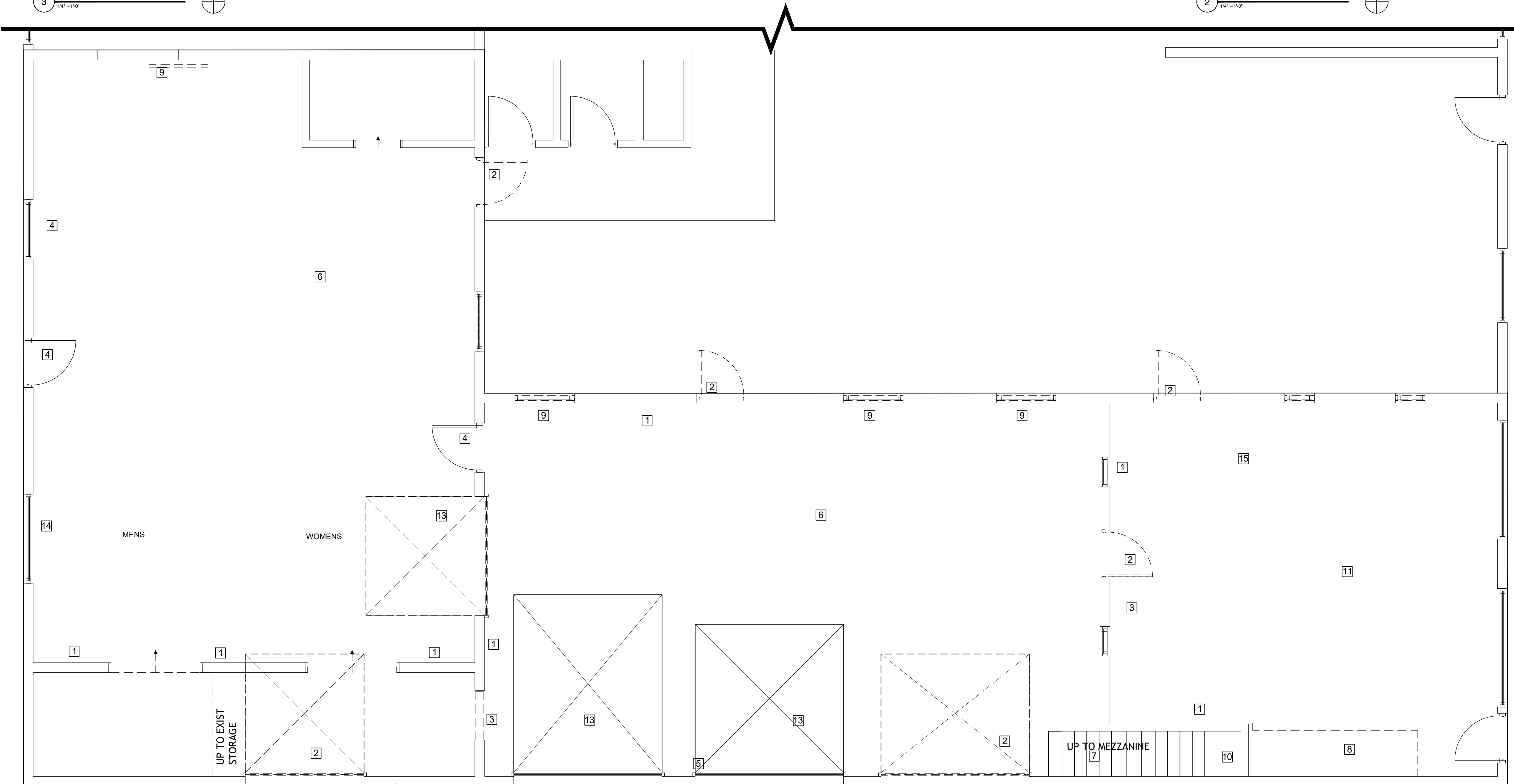
DEMO NOTES

- 1 WALL TO REMAIN
- 2 DOOR TO BE REMOVED
- 3 PARTIAL WALL TO BE REMOVED
- 4 DOOR/WINDOW TO REMAIN, PROTECT
- 5 INSULATION TO BE REPLACED
- 6 CEILING AND ROOF TO REMAIN
- 7 STAIRS TO REMAIN
- 8 CLOSET TO BE REMOVED
- 9 DOOR/FORMER WINDOW TO BE IN INFILLED
- 10 UNDER STAIR SUPPORT TO REMAIN
- 11 DROP CEILING TO BE REMOVED
- 12 WALL SHEATHING TO BE REMOVED, GUARD RAIL TO REMAIN
- 13 DOOR TO BE REPLACED
- 14 WINDOW TO BE REPLACED
- 15 WALL TO BE REMOVED



3 EXIST STORAGE MEZ
1/8" = 1'-0"

2 PROPOSED DEMOLITION MEZZANINE
1/8" = 1'-0"



1 PROPOSED DEMOLITION PLAN
1/8" = 1'-0"

PRELIMINARY
 NOT FOR
 CONSTRUCTION

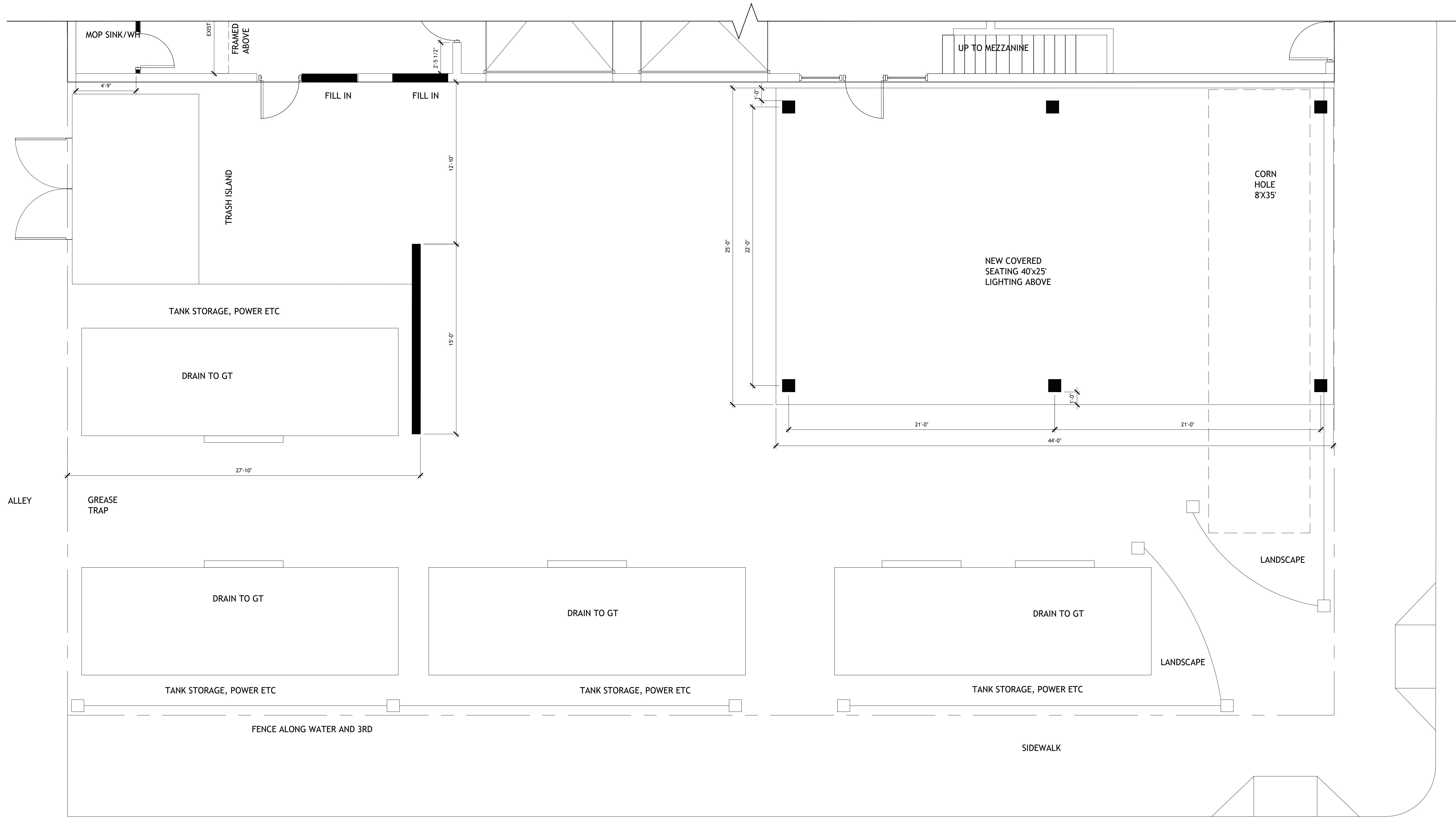
If bar is not 1"
drawing is not to scale.

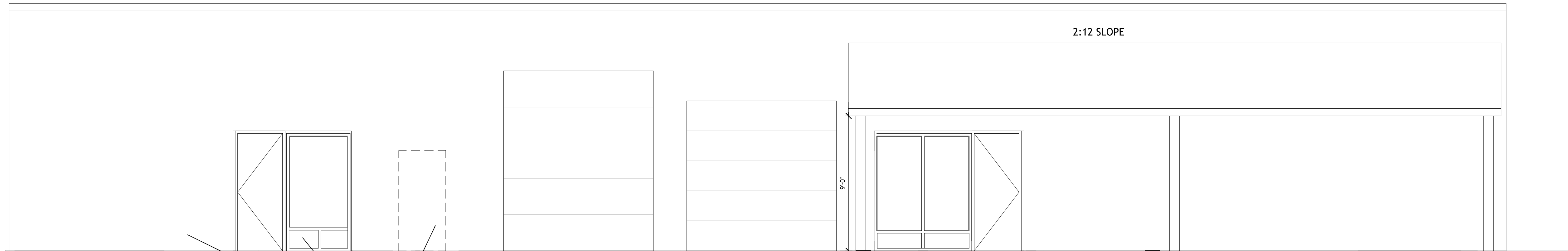
PRELIMINARY
 NOT FOR
 CONSTRUCTION

NEZT
 3RD ST STAYTON, OREGON
 SCHEMATIC DESIGN

A5.1
 4/25/2022
 PROPOSED OUTDOOR

If bar is not 1"
 drawing is not to scale.





EXIST OPENING, INFILL
TO MATCH OR PER
OWNER

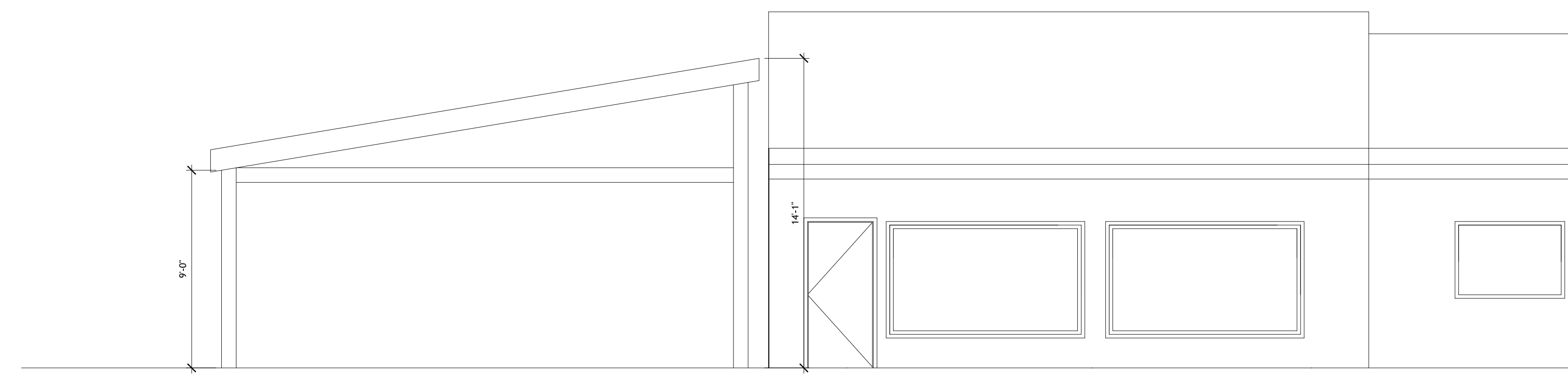
EXIST OPENING, NEW
DOOR

EXIST METAL SIDING

2:12 SLOPE

9'-0"

1 SIDE ELEVATION (SOUTH)
1/4" = 1'-0"



2 FRONT ELEVATION
1/4" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

NEZT
3RD ST STAYTON, OREGON
SCHEMATIC DESIGN

A3.1
5/6/2022
ELEVATIONS

If bar is not 1"
drawing is not to scale.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application of
Kardboard Box LLC

)
) Variance
) File # 9-05/22
)

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The applicant is requesting a variance to an architectural design standard for buildings in the downtown zones.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on May 31, 2022. At that hearing the Planning Commission reviewed Land Use File #9-05/22, application for variance, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property and the applicant are Kardboard Box, LLC.
2. The property can be described as tax lot 11700, on Map 91W10DC.
3. The property is zoned Downtown Commercial Mixed Use (DCMU).
4. The property is addressed as 105 N Third Ave.
5. The property has 50 feet of frontage on N Third Ave, 100 feet of frontage on E Water St. The parcel also borders on the alley between N Second Ave and N Third Ave. The parcel is 5,000 square feet in area.
6. The adjacent property to the north is in common ownership with the subject parcel, is zoned DCMU, and is developed with a retail building. The property to the west, across the alley, is zoned DCMU and vacant. The properties to the south, across E Water St, are zoned DCMU and are developed with offices and a micro-brewery with a tasting room. The properties to the east, across N Third Ave, is zoned Central Core Mixed Use and is vacant.

B. EXISTING CONDITIONS

The property has been used as the parking area for the retail business on the adjacent property to the north. The entire site is paved for parking with the exception of two small triangles of landscaping in the southeast and southwest corners. This property and the adjacent property were the subject of a minor modification site plan review application (Land Use File #7-04/22) approved by the Planning and Development Director to establish a food truck court and event center.

C. CODE REQUIREMENTS

Section 17.20.220.3.k.2) of the Land Use and Development Code requires new buildings in the DCMU zone to have either a roof pitch of between 6/12 and 12/12 or a cornice or parapet.

D. APPLICANT'S PROPOSAL

The applicant has received minor modification site plan approval to convert the property to a food truck court. The site plan approved by the Planning and Development Director calls for four food trucks and covered seating area. The covered seating area will be a shed-roofed building adjacent to the south wall of the building on the neighboring property to the north. The plans submitted call for a roof pitch of 2.5/12,

E. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Santiam Water Control District, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, Stayton Police Department, Marion County Public Works and Marion County Planning Division. Pacific Power and NW Natural Gas replied with no comments.

F. PUBLIC COMMENTS

The surrounding property owners were notified of a pending variance. No written comments were received prior to the public hearing.

G. ANALYSIS

Variance applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.200.6.

H. APPROVAL CRITERIA

SMC 17.12.070.2 and 17.12.070.3 establish the responsibility of the applicant to provide evidence that each of the approval criteria have been or will be met. Pursuant to SMC 17.12.200.6 the following criteria must be demonstrated as being satisfied by an application for a variance:

a. General Criteria Applicable to All Requests.

- 1) The granting of the variance would not be materially detrimental to the public health, safety, or welfare or the overall public interest of the citizens of the City as expressed within this title and the adopted Comprehensive Plan.*

Finding: The requested variance is to allow a roof pitch shallower than specified in the Code without a required parapet or cornice. The purpose of the standard is to provide for visual continuity within the downtown area. With the exception of one single family dwelling, all the nearby buildings have flat or shallow-pitched roofs with parapets. The proposed building is shed roofed covered seating area, without walls.

- 2) The granting of the application complies with the applicable specific approval criteria as follows:*

b. *Specific Variance Criteria*

1) *Variance to Land Use Regulations*

- a. *The property is subject to exceptional or extraordinary circumstances such as lot size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.*

Finding: The property is unique in its size and proximity to the existing buildings. There are no other parcels in the DCMU zone that are this size.

- b. *The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.*

Finding: The proposal is for a building that will function as if it were an accessory building to the neighboring building, but is on a separate lot. Construction of a shed roof at the required minimum pitch would result in the taller end being taller than the neighboring building.

- c. *The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on the other property in the same zoning district or vicinity.*

Finding: The covered seating area meets the other requirements of the Code and will provide a gathering space within the downtown area. The variance will prevent an adverse impact by allowing the covered seating area to be visually fit with the neighboring building.

- d. *Approval of the variance would not create an identifiable conflict with the provisions of the Comprehensive Plan or achieve the same conditions and a comprehensive plan amendment or zone change for the property.*

Finding: There are no policies in the comprehensive plan that address the situation. The covered seating area will conform to all other requirements, except for its roof slope.

- e. *The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.*

Finding: The requested variance is to allow a roof slope that will provide an adequate building height and fit with neighboring building.

- f. *The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.*

Finding: There are few other vacant lots in the DCMU zone.

- g. *The request for the variance is not the result of an action taken by the applicant or a prior owner.*

Finding: The need for the variance is to provide the best visual fit with the existing building.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC 17.12.200.6.

V. ORDER

Based on the conclusion above, the Planning Commission approves the application.

VI. EFFECTIVE DATE

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

VII. 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,
Planning & Development Director

Date

