

BEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of
The application of
JoAnne Drake

) Site Plan Review
) File # 6-05/25
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is for site plan review approval to expand an existing 960-square-foot commercial building by an additional 326 square feet by enclosing porch areas. The building is mixed use with both a thrift store and a residential unit located at 155 N Second Avenue (tax lot number: 091W10DC11000) in the Downtown Commercial Mixed Use (DCMW) zone.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owner is Bryon Hatch, P.O. Box 553, Stayton, OR 97383.
2. The applicant is JoAnne Drake, 155 N 2nd Avenue, Stayton, OR 97383.
3. The property can be described on Marion County Assessors Map as 155 N Second Avenue (tax lot 091W10DC11000).
4. The property is approximately .18 acres, 7,841 square feet.
5. The property is zoned Downtown Commercial Mixed Use (DCMU).
6. The neighboring properties to the north, east across N Second Avenue, and south are Downtown Commercial Mixed Use (DCMU) and properties to the west are Commercial Retail (CR).

B. EXISTING CONDITIONS

The subject property is developed with a 1,286-square-foot building that includes a thrift store and a residential unit. The original structure was 960 square feet with a porch that was later enclosed—without land use approval or building permits—adding approximately 326 square feet of additional space.

C. PROPOSAL

The proposal is to approve the existing 326-square-foot enclosed porch addition to the 1,286-square-foot building and bring the structure into compliance through land use process of a Site Plan Review.

D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, WAVE Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District, Stayton Police Department, Salem Development Services, and Santiam Hospital.

Responses were received from Santiam Hospital Ambulance, Stayton Fire District, and the City of Salem, all of whom reported no comments or concerns regarding the proposed

development, as well as from the City of Stayton's Transportation Consultant, whose comments are reflected in the findings below.

E. 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 17.20.090 – Landscaping and Screening General Standards, and 17.20.220 – Downtown Development Design Standards.

F. APPROVAL 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 City's Master Plans and Standard Specifications.*

Analysis: The building is existing, occupied, and already served by adequate utility water, sewer, and other utility systems.

Finding: The application meets criteria.

- b. *Provisions 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.*

Analysis: The application demonstrates safe and efficient internal circulation, as the site has no off-street parking or driveway and already provides direct pedestrian access from the sidewalk to the front entrance.

Finding: The application meets criteria.

- c. *Provision of 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.*

Analysis: According to the City's traffic engineer, the proposed expansion of the enclosed area would generate fewer than one additional peak-hour trip and does not trigger the need for a traffic impact analysis. Based on the minimal trip increase, a waiver of the transportation assessment letter requirement is recommended.

Finding: The application meets criteria.

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

Analysis: No off-street parking is proposed or currently provided for the site; all available parking consists of on-street public parking. Under SMC 17.20.060.7.e, non-residential uses in the CCMU, DCMU, and DRMU zones are not subject to minimum off-street parking requirements. Because the proposed enclosure does not create a new residential

unit, no additional parking is required. However, residential uses must provide at least one off-street parking space per dwelling unit, and the absence of such a space for the existing residential use renders it a legal non-conforming condition.

Finding: The application meets criteria.

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

Finding: No new open storage areas or outdoor storage are being proposed.

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

Finding: There will be no off-site noise, odor or fumes from the proposed development project.

- g. *The proposed improvements shall meet all applicable criteria of Section 17.20.220 Downtown Development Design Standards*

Analysis: The building is a mixed-use structure, a retail and residential unit, in a DCMU – Downtown Commercial Mixed Use zone. It needs to follow the design standards for 17.20.220.3. Standards for All Commercial and Mixed Use Structures.

a. Building placement and the street. The design standards require one of two options for all street-facing building either 1. Foundation Landscaping Option or 2. Hard-Surface Sidewalk Extension Option.

Option 1 requires a 3-foot-wide landscaped area that includes at least one shrub and must meet the plant material requirements of Section 17.20.090.8 for every 3 lineal feet of foundation. Lineal feet of the foundation calculated from plans equals 147 feet ½ inch making plant material requirements for 49 feet. The applicant did not submit a landscaped plan. It appears that the landscaped area is not 3-feet-wide by 49 feet. Section 17.20.090.8 requires that at least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, evergreens and/or ground cover.

Option 2 requires buildings set back more than 6 feet from street lot line are designed as a public plaza. For each 100 square feet of hard-surface area at least one of the following amenities must be provided: bench or seating, a tree, landscape planter, a drinking fountain, or kiosk. The applicant do not provide the amount of area that is hard-surface. There are no amenities within the hard-surface area.

b. Reinforce the corner. The building is not on a corner lot. This design standard is not applicable.

c. Avoid large monumental building elevations. The front elevation of the building is approximately 192 square feet (23 feet 9 1/2 inches by 8 feet 5/8 inches). It is not considered a large structure of more than 750 square foot area. It does not need to be divided into additional district planes.

d. Residential Buffer. The property is not adjacent to Low Density Residential (LD) or Medium Density Residential (MD) zones or across the street from residential zones. This design standard is not applicable.

e. Building Orientation and Primary Entrance. This section is applicable only to new buildings. This is not a new building and this design standard is not applicable.

f. Vehicle areas. There is no off-street parking. There is only on street parking available. This design standard is not applicable.

g. Exterior finish materials. The design standards require siding to range between 4½ inches and 10 inches in height. Although the applicant did not provide the exact siding dimensions, the materials appear to fall within this range. The exposed foundation does not exceed the maximum permitted height of 3 feet.

While the exterior paint colors are visually compatible, the siding materials are not consistent across the façade. The siding on the left side of the front is noticeably thicker than the siding on the right side, resulting in a visual mismatch that does not meet the design compatibility standard. The colors are the required earthtones. There is contrasting color on the window and door. There is no trim.

h. Roof-mounted equipment. There is no roof-mounted equipment. This design standard is not applicable.

i. Ground floor windows. The applicant did not provide the exact dimensions or total area of the front-facing windows. However, the plans indicate that each window is 5 feet in width and appears to be taller than it is wide. The development standards require that windows comprise at least 50 percent of the building's ground-level façade length and a minimum of 25 percent of the ground-level wall area.

Based on the applicable frontage dimension of 8 feet 5/8 inches, the required minimum window height is 4 feet 5/16 inches to satisfy the 50-percent length standard. Because the proposed windows are taller than they are wide, their height necessarily exceeds 5 feet, thereby meeting the length requirement.

The total ground-level façade area is 192 square feet, requiring a minimum of 48 square feet of window area. Two windows with dimensions exceeding 5 feet by 5 feet each provide approximately 25 square feet per window, or a combined total of 50 square feet. Accordingly, the proposal exceeds the minimum required window area.

The windows allow views into the working area, and the bottom of the windows appears to be no more than 4 feet above the exterior grade.

j. Distinct ground floor. There is no upper story. This design standard is not applicable.

k. Roofs. This building is located in the DCMU zone and has a roof with a pitch less than 6/12 (35 feet 5 15/16 inches run and the rise is 6 feet 5 13/16 inches) and the building height is 10 feet or less. It shall have a cornice or parapet that is at least 12 inches high. There is an existing board approximately 6 feet 5 13/16 inches off the roof that may be considered a parapet.

Finding: The following are the findings for meeting the Downtown Design Standards criteria.

a. Building placement and the street. The application does not meet the requirements of the Foundation Landscaping Option because no landscape plan was submitted and the area along the foundation does not appear to provide the required 3-foot width, plant materials, or coverage. It also does not meet the Hard-Surface Sidewalk Extension Option because the applicant did not identify the amount of hard-surface area and no required pedestrian amenities are provided.

b. Reinforce the corner. This design standard is not applicable.

- c. Avoid large monumental building elevations. This design standard is not applicable.
- d. Residential Buffer. This design standard is not applicable.
- e. Building Orientation and Primary Entrance. This design standard is not applicable.
- f. Vehicle areas. There is no off-street parking. This design standard is not applicable.
- g. Exterior finish materials. The siding on the front façade is inconsistent in size and appearance, creating a visual mismatch that does not meet the design compatibility standard.
- h. Roof-mounted equipment. This design standard is not applicable.
- i. Ground floor windows. Ground floor windows design standard is met.
- j. Distinct ground floor. This design standard is not applicable.
- k. Roofs. Roofs design standard is met.

Condition: The condition for building placement and the street can be met by complying with Option 1 through the submission of a landscape plan that provides a continuous 3-foot-wide landscaped area along the required 49 feet of building frontage. At least 75 percent of this area must be planted with an appropriate combination of trees, shrubs, evergreens, and/or ground cover in accordance with Section 17.20.090.8, with ground cover plants filling the remainder. The plan must be approved by the City Planner and installed within a reasonable period, not to exceed six months.

Alternatively, this condition can be met by complying with Option 2 through the creation of a public plaza, submission of calculations documenting the total hard-surface area, and installation of the required pedestrian amenities. If the improvements add 500 square feet or more of impervious surface, stormwater mitigation will be required and must be reviewed and approved by Stayton Public Works in accordance with Stayton Public Works Design Standards.

The condition for building Exterior finish materials can be met by replacing the siding on the front façade to ensure consistency in size within the required 4½-inch to 10-inch range and by maintaining a unified earth-tone color scheme. Window and door trim shall also be installed using a contrasting color to comply with the design compatibility standards.

- h. *(Repealed Ord. 913, September 2, 2009)*
- i. *(Repealed Ord. 913, September 2, 2009)*
- 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.*

Analysis: There is no in-ground landscaping as required by the downtown design standards; only planter containers are provided.

Finding: The landscaping requirement are not met.

Condition: This condition can be met by submitting a landscape plan that provides a continuous 3-foot-wide landscaped area along the required 49 feet of building frontage. At least 75 percent of this area must be planted with an appropriate combination of trees, shrubs, evergreens, and/or ground cover in accordance with Section 17.20.090.8, with

ground cover plants filling the remainder. The plan must be approved by the City Planner and installed within a reasonable period, not to exceed six months.

- 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 without undue adverse impact on existing land uses.*

Finding: No new visual, sound, or physical barriers are proposed for this site plan development.

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

Finding: No additional lighting is proposed for this addition.

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

Finding: The applicant will be responsible for the upkeep and maintenance of the building and grounds.

- 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.*

Findings: The proposed development site is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch. This criterion is not applicable.

- o. *Notwithstanding the above requirements the decision authority may approve a site plan for a property on the National Register of Historic Places that does not meet all of the development and improvement standards of Chapter 17.20 and the access spacing standards of Chapter 17.26 provided the decision authority finds that improvements proposed are in conformance with Secretary of the Interior's Standards for Treatment of Historic Properties, the site will provide safe ingress and egress to the public street system, and that adequate stormwater management will be provided.*

Finding: This criterion is not applicable since no building on the property is listed on the National Register of Historic Places.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements for Sections 17.12.220 Site Plan Review, 17.20.090 Landscaping Requirements, and 17.20.220 Downtown Development Design Standards, except for the following:

1. 17.20.220.3.a. This section requires that the area between the structure and the property line must be improved either with foundation landscaping or a hard-surfaced pedestrian area that includes required amenities, ensuring an attractive and functional streetscape.
2. 17.20.220.3.g. This section requires the use of high-quality, complementary exterior materials and earth-tone colors on downtown buildings, while prohibiting incompatible finishes and ensuring that any alterations visually match or meet approved downtown design standards.

3. 17.20.090.8. Requirements For Plant Materials. This section requires that landscaping consist primarily of appropriately sized trees, shrubs, evergreens, vines, and ground cover—using suitable species and meeting specified planting standards—to ensure a well-vegetated, visually functional landscape area rather than large expanses of lawn.

IV. ORDER

Based on the conclusions above, the Planning Commission approves the application for site plan review as shown on sheets P4 Plot Plan, P1 Project Overview, P2 and P3 Elevations, and P1 Floor Plan prepared by Bob Thatcher for The Treasure Hunt Thrift Store dated June 30, 2025 and the accompanying materials that comprising the complete application subject to the attached standard conditions of approval and the following specific conditions for approval:

1. The applicant shall submit a landscape plan demonstrating compliance with SMC 17.20.220.3.a and SMC 17.20.090.8. to the Stayton City Planner. The plan must show a continuous 3-foot-wide foundation landscape strip along the required 49 linear feet of frontage, with at least 75 percent of the area planted in conformance with Section 17.20.090.8, including the required combination of shrubs, trees, evergreens, and/or groundcover. The landscape plan shall be reviewed and approved by the City Planner and installed within six (6) months of this approval.

Alternatively, the applicant may comply with the Hard-Surface Sidewalk Extension Option by submitting hard-surface calculations and providing the required pedestrian amenities consistent with SMC 17.20.220.3.a.2, and if the improvements result in 500 square feet or more of new impervious surface, stormwater mitigation will be required and must be reviewed and approved by Stayton Public Works in accordance with the Stayton Public Works Design Standards..

2. The applicant shall revise the exterior finish materials on the front façade to demonstrate compliance with SMC 17.20.220.3.g within six (6) months of this approval. The revised plans shall show siding that is uniform in appearance and between 4½ and 10 inches in width, maintain a single earth-tone body color, and include contrasting trim around windows and doors. All revised exterior materials shall be submitted to and approved by the City Planner and installed.

V. OTHER PERMITS AND RESTRICTIONS

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Stayton Land Use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

In accordance with Section 17.12.120.7, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein is commenced within 1 year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the City Planner at least 30 days prior to the expiration date of the approval.

VI. APPEAL DATES

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

Planning Commission Chairperson

Date

Jennifer Siciliano,
Director of Community and Economic Development

Date

Standard Conditions of Approval for Land Use Applications

1. Minor variations to the approved plan shall be permitted provided the development substantially conforms to the submitted plans, conditions of approval, and all applicable standards contained in the Stayton Land Use and Development Code.
2. Permit Approval: The applicant shall obtain all necessary permits and approvals from the City of Stayton prior to construction of the project.
3. Change in Use - Any change in the use of the premises from that identified in the application shall require the City Planner to determine that the proposed use is an allowed use and that adequate parking is provided on the parcel.
4. Landscaping - The applicant shall remain in substantial conformance to the approved landscaping plan and follow the criteria established in SMC 17.20.090 for maintenance and irrigation. Dead plants shall be replaced within six months with a specimen of the same species and similar size class.
5. Utilities - Utility companies shall be notified early in the design process and in advance of construction to coordinate all parties impacted by the construction.
6. Agency Approval - The Developer shall be responsible for all costs relating to the required public improvements identified in the approved plan and the specific conditions of approval and within the City Ordinances and Standard Specifications. The developer is also responsible for securing design approval from all City, State and Federal agencies having jurisdiction over the work proposed. This includes, but is not limited to, the City of Stayton, the Fire District, Marion County, DEQ, ODHS (water design), DSL, 1200C (state excavation permit), etc.
7. Construction Bonding - Bonding shall be required if there are any public improvements. Prior to start of construction of any public improvement, the developer shall provide a construction bond in the amount of 100% of the total project costs, plus added City costs associated with public construction. The bond shall be in a form acceptable to the Director of Public Works.
8. Inspection - At least five days prior to commencing construction of any public improvements, the Developer shall notify the Director of Public Works in writing of the date when (s)he proposes to commence construction of the improvements, so that the City can arrange for inspection. The written notification shall include the name and phone number of the contracting company and the responsible contact person. City inspection will not relieve the developer or his engineer of providing sufficient inspection to enforce the approved plans and specifications.
9. Public Works Standards - Where public improvements are required, all public and private public works facilities within the development will be designed to the City of Stayton, Standard Specifications, Design Standards & Drawings (PW Standards) plus the requirements of the Stayton Municipal Code (SMC). (SMC 12.08.310.1)

10. Engineered Plans - Where public improvements are required, the applicant's engineer shall submit design plans for approval of all public improvements identified on the approved plan or as specified in conditions of approval. All design plans must meet the Stayton PW Standards. Engineered construction plans and specifications shall be reviewed by the City Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.
11. Street Acceptance - Where public improvements are required, acceptance of completed public street improvements associated with the project shall be in accordance with SMC 12.04.210.
12. Construction Approval - All public improvements and public utilities shall be fully constructed and a letter of substantial completion provided by the City Engineer prior to any building permit applications being accepted or issued unless the required improvements are deferred under a non-remonstrance or other agreement approved and signed by the City. Construction items must be completed within a specified period of time provided in the approval letter or the approval of any additional building permits will be withdrawn by the City.
13. Maintenance Bond - After completion and acceptance of a public improvement by the City, the developer shall provide a 1-year maintenance bond in the amount of 30% of the construction bond amount. The bond shall be in a form acceptable to the Director of Public Works.
14. As-Builts - Where public improvements are required, the developer shall submit to the City, reproducible as-built drawings and an electronic file of all public improvements constructed during and in conjunction with this project. Field changes made during construction shall be drafted to the drawings in the same manner as the original plans with clear indication of all modifications (strike out old with new added beside). As-built drawings shall be submitted prior to final acceptance of the construction, initiating the one-year maintenance period.
15. Drainage Permit – A 1200C permit will be secured by the developer if required under the rules of the Oregon State DEQ.
16. SDC - Systems Development Charges are applied to the project at the time of issuance of a building permit.