

BEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of
The application of
Randy Cranston

) Conditional Use
) File # 15-10/24
)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is requesting conditional use approval for automotive sales at 333 N 1st Avenue in a Commercial Retail (CR) zone.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owner and applicant are Randy Cranston.
2. The properties can be described on Marion County Assessors Map as 333 N 1st Avenue (tax lot 091W10CD03000).
3. The properties have approximately the following frontage: 100 feet along N 1st Ave, and 100 feet along W Ida Street. The property is approximately .23 acres.
4. The property is zoned Commercial Retail (CR).
5. The neighboring properties to the north, east, west, and south are all zoned Commercial Retail (CR).

B. EXISTING CONDITIONS

The subject property is currently developed an automotive detailing company with associated parking. The parcel abuts residential properties in commercially zoned parcels.

C. PROPOSAL

The proposal is to add an auto dealership to display cars for sale on the lot and keep the automotive detailing commercial use.

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 City of Stayton's Transportation Consultant, and the Stayton Police whose comments are reflected in the findings below.

E. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application. No written comments were received before the public hearing.

F. ANALYSIS

Conditional Use applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.190.

G. APPROVAL CRITERIA

Pursuant to SMC 17.12.190.4 the following criteria must be demonstrated as being satisfied by the application:

- a. *The proposed conditional use is compatible with the surrounding area as measured by factors such as noise, odors, appearance, traffic congestion, hazards to the public, generation of waste products, scale of development, excessive glare of lighting, and demand on public services and facilities.*

Analysis: A commercial business, automotive detailing, is already operating on this parcel and will continue to do so. The proposal to utilize the existing parking lot for displaying used automobiles for sale will not introduce any additional noise, odor, excessive lighting glare, or demands on public services beyond what is typical for commercial use.

Finding: The proposal is unlikely to generate additional noise, odors, public hazards, or glare beyond what is typical for commercial use. The parking lot may appear fuller with cars, and there may also be an increase in visitors coming to view and inspect the automobiles for sale.

- b. *The proposed conditional use is compatible with the purposes and standards of the zoning district in which it is proposed.*

Analysis: The current use of automobile detailing, which will remain, and the addition of an automobile dealer are typical commercial uses.

Finding: The Code explicitly permits automotive dealerships in the Commercial Retail Zone, which is designated to support commercial activities and is not intended solely for residential use.

- c. *Identified adverse impacts may be mitigated or eliminated through the imposition of special conditions on the proposed use or by modifying the proposed use.*

Analysis: The existing use on the site, an automobile detailing business, will remain in operation. This business includes two (2) bays, requiring a total of eight (8) parking spaces. Parking requirements for automobile dealerships are typically based on the square footage of the building. However, since no building is proposed for the used auto dealership at this time, no additional parking spaces are required for this use. Usually, one handicapped/disabled parking is required for every 25 parking spaces.

Finding: Eight (8) dedicated parking spaces with at least one (1) designated as handicapped/disabled parking should be allocated for the automotive detailing business, based on the use of its two (2) bays. The remaining parking spaces may be utilized for the automotive dealership.

Conditions: To comply with zoning requirements, eight (8) parking spaces must be reserved for

the automotive detailing business with one (1) parking spot designated for handicapped/disabled parking with stripping and sign, while the remaining parking spaces may be used by the automotive dealership.

- d. *There will be no adverse affects on the normal flow or movement of traffic in the immediate area.*

Analysis: The current parcel includes three (3) existing driveways: one along Ida Street, which spans nearly the entire length of the parcel, and two (2) along 1st Avenue. Two of these driveways are located very close to the intersection and do not comply with the city's access spacing standards. Ida Street, classified as a collector, requires 150 feet of spacing, while 1st Avenue, a Neighborhood Collector, requires 50 feet of spacing. According to the city's traffic engineer, the anticipated traffic generated by the change in use falls well below the threshold that would require a comprehensive traffic impact study.

Finding: Since no additional building is being constructed and based on rough proportionality, the applicant is not required to adjust the driveway spacing at this time. However, it is important to note that future development may necessitate modifications to the driveway access to meet spacing requirements.

- e. *There are available urban services to the property.*

Analysis: The property is developed with urban services including water, and sewer.

Finding: The property has existing urban services utilities.

- f. *Other property in the City that would allow the proposed use outright is not reasonably available.*

Analysis: The proposed use is permitted in the Commercial General (CG) and Commerce Park (CP) zones with a Site Plan Review and in the Commercial Retail (CR) zone with a Conditional Use Permit. However, the potential applications for a used automotive dealership within these zones are limited.

Finding: There are a limited amount of Commercial General (CG) and Commerce Park (CP) properties for the use of an automotive dealership. The Commercial Retail (CR) zone allows this use with conditional use approval.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements for Sections 17.12.190 Conditional Uses, and Table 17.20.060.7.b Commercial and Industrial Parking Requirements, except for the following.

1. Table 17.20.060.7.b - Commercial and Industrial Parking Requirements: This section mandates the provision of eight (8) dedicated parking spaces for the existing and remaining automotive detailing business. Compliance with this requirement can be achieved by ensuring that eight (8) dedicated parking spaces are allocated for the automotive detailing use.

IV. ORDER

Based on the conclusions above, the Planning Commission approves the application for conditional use application as detailed in a letter from Dale Auto dated December 2, 2024, 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 revised parking plan designating eight (8) parking spaces with one (1) handicapped/disable space that is stripped and signed for the automotive detailer use.

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.