

BEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of) Site Plan Review and Variance
The application of) File # 4-2/24
Michael Reynolds, Dark Horse Enterprises, LLC, Applicant)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is for site plan review and variance approval to increase an animal clinic to 11,488 square feet with a variance to decrease the required landscaped buffer from 10-feet to 5-feet and lessen the bike parking requirements.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owner and applicant are Michael Reynolds, Dark Horse Enterprises, LLC.
2. The properties can be described on Marion County Assessors Map as 190 E Pine St (tax lot 091W10AC02800), 1308 N 1st Ave (tax lots 091W10AC02700 and 091W10AC02600), 1328 N 1st Ave (tax lot 091W10AC02500), and 1336 N 1st Ave (tax lot 091W10AC02400).
3. The properties have approximately the following frontage: 200 feet along N 1st Ave, 200 feet along N 2nd Ave, 215 feet along E Pine Street, and 215 feet along E Hollister. The properties together contain approximately .98 acres.
4. The property is zoned Commercial General (CG).
5. The neighboring properties to the north across Pine Street are a mix of CG and Medium Density Residential (MD) zoned parcels. To the east across N 2nd Avenue, the properties are zoned MD. To the south across E Hollister, the parcels are zoned CG and MD. The properties to the west across N 1st Avenue are zoned CG.

B. EXISTING CONDITIONS

The subject property is currently developed as a veterinary hospital with associated parking. The parcels to the north were residential uses that have recently been demolished.

C. PROPOSAL

The proposal is to expand the veterinary hospital from 5,701 square feet to 11,488 square feet and add necessary parking with requested variances for a landscape buffer and bike parking reduction.

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 Stayton Public Works, 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 Section 17.12.200.

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.*

Finding: The applicant provided a utility layout showing water and sanitary sewer services. The City Engineer states that according to the City's Water Master Plan, a 8" CLCI waterline is needed along the frontage of N 2nd Ave and the E Pine Street. There is an existing fire hydrant at the intersection of N 1st Ave and E Pine Street that is connected to a 4" water main within E Pine Street and does not meet current Public Work Design Standards. The developer will need to coordinate with the Fire Code Official to ensure compliance as layout in conditions for approval.

Regarding sanitary sewer, there is an existing 8" sanitary sewer main in N 1st Avenue, E Hollister St, and N 2nd Avenue. Since stormwater from any development must be infiltrated onsite, a potential stormwater infiltration area is proposed on the south side near E Hollister St.

- 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.*

Finding: The development site has seven existing access areas to the parcels. Three are on E Pine Street and two on N 1st Avenue, and one on N 2nd Avenue. The site development proposes to consolidate these access points down to two. One access point will be on E Pine Street and the other on N 2nd Avenue. The parking lot shall minimize congestion and comply with standard engineering practice. There are pedestrian connections to the site. Public Works Development Standards require that driveway spacing be 260' on a Major Arterial and 50' on a Neighborhood Collector Road.

- 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.*

Finding: This development is bound by four public right-of-ways: E Hollister Street, N 2nd Avenue, E Pine Street, and N 1st Avenue. The City Engineer provided information about the necessary right-of-ways, and street improvements on the four roads.

E Hollister Street is a Neighborhood Collector Street with an existing 60' right-of-way. Providing a 10' public utility easement is recommended. It is considered to be developed along the frontage with asphalt pavement, curb and gutters, and sidewalks.

N 2nd Avenue is a Local Street and needs an additional 5' right-of-way unless waived by the Public Works Director and a standard 10' public utility easement. The area in front of 190 E Pine Street is sub-standard and most likely past its designed life. If the section is found to be sub-

standard, the existing pavement will need to be removed and replaced per Public Works Development Standards. Five-foot-wide sidewalks and intersection curb ramps shall be provided in accordance with Public Works Development Standards.

E Pine Street is a Neighborhood Collector Street and does not need an additional right-of-way. Providing a 10' public utility easement is recommended. The street pavement may be sub-standard and will need core testing. If the pavement is found to be sub-standard, the existing pavement section will need to be removed and replaced per Public Works Development Standards. The pavement Five-foot-wide sidewalks and intersection curb ramps shall be provided in accordance with Public Works Development Standards.

N 1st Avenue is a Major Arterial under Marion County jurisdiction. An additional 5' right-of-way is needed unless waived by both the Public Works Director and Marion County. Providing a 10' public utility easement is recommended. The existing sidewalks do not comply with current Public Works Standards. As such, the removal and replacement of any existing sub-standard sidewalks and existing sub-standard intersection curb ramps will be required along the frontage, unless otherwise approved by the Public Works Director and Marion County Public Works. The street improvements will need to comply with the City and Marion County Public Works approved engineering design at the time of development.

A Transportation Assessment Letter was submitted providing an analysis of projected trip generation, driveway access, and intersection sight distances.

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

Finding: All proposed off-street parking is located on the development. According to Table 17.20.060.7.b Commercial and Industrial Parking Requirements, the Professional Technical Services use requires 3.5 parking spaces per 1,000 square feet, which would require 41 parking spaces. The site plan exceeds this requirement with 45 parking spaces. Two handicap spaces are required and are shown on the submitted site plans. No loading facilities are required since the building is under 25,000 square feet. There is a requirement to have 12 bike parking spots. The development proposes having 7 bike spots. The applicant has submitted a variance for the change in the requirement. See finding of facts under variance criteria for approval.

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

Finding: The only proposed storage area will be a trash enclosure near the N 2nd Avenue driveway, and it will be appropriately screened. It meets the requirements of 17.20.070. It does not occupy a designated parking area and is properly located on the proposed site.

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

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

- g. *The proposed improvements shall meet all applicable criteria of Section 17.20.200 Commercial Design Standards*

Finding: Regarding site design standards and architectural standards, the proposed building is two stories and it is approximately 90 feet from the neighboring residential building to the north. The primary building entrance has a 5-foot sidewalk connection to the front entrance on E Hollister St. The submitted architecture plans show an overhang over the entrance providing required weather protection. The architectural drawings show multi-story buildings with an overall height

of 29'-7" and wall planes less than 50 feet in length. Design features include pitched roofs, regularly evenly spaced ground floor windows, ground floor and second story offsets, and variations in wall finishes and trim. These meet the city's commercial site design and architectural 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.*

Finding: The proposed development shows 10,129 square feet of landscaped area, which is 23.8% of the lot. This exceeds the 15% requirement in the Commercial General (CG) zone. The landscaping plan states that irrigation is to be automatic and underground. Before a Site Development Permit, the applicant should submit an irrigation plan that the source of water and show the materials, size and location of all components, including back flow or anti-siphon devices, valves, and irrigation heads to be approved by Public Works. The required street tree planting are denoted on the landscape plans along N 1st Avenue. There is a suitable mixture of trees and shrubs throughout the proposed development shown on the landscape plan. A landscape buffer is required along N 1st Avenue (a major arterial) and E Pine Street (a local street). A variance for the width of the buffer is being requested. See finding of facts under variance criteria for approval.

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 barriers are proposed. The development takes up a full city block.

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

Finding: The provided Lighting Plan satisfies the requirement of 17.20.170.4 Non-Residential Lighting Standards. C. Lighting for Parking Areas. All 3 additional pole light proposed within the parking lot will be full-cut off. The Illumination levels were supplied on the plans and conform to the standard, but the height of the lights were not stated. They should be a maximum of 20 feet. Any additional security lights to the development should conform to 17.20.170.4 Non-Residential Lighting Standards. D. Security Lighting.

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

Finding: The property owner will be responsible for upkeep and maintenance of the animal hospital and all parts of the development. As part of a Site Development Permit, the applicant will be required to submit a stormwater operations and maintenance (O&M) plan to be approved by the Public Works Department.

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.

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: Granting the variances to reduce the required 10-foot-wide landscape buffer to a 5-foot-wide landscape buffer along E Pine Street and reduce bicycle parking spots from 12 to 7 will not materially be detrimental to the public health, safety or welfare of the City. It will provide necessary automobile parking at the same time will provide a buffer between parking and the roadway and create bike parking spaces.

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 for infill development is unusual because it is bounded on all sides by public roads. Other properties in the same zoning district generally do not have this limitation.

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 variance for reduced landscape buffer and bicycle parking spaces is reasonable to provide additional needed parking spaces. Other infill developments in the Commercial General (CG) zone may

have similar issues in regard to fulfilling necessary requirements in parcels that are bounded by public roads on all sides.

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 purpose of the landscape buffer is to improve the aesthetics of the city and minimize impacts of parking areas on neighboring residential properties. A 5-foot-wide landscape buffer will still provide a physical separation between the sidewalks and the parking area. The purpose of bicycle parking spaces is to allow for alternative modes of transportation. The seven bicycle parking spaces are enough to accommodate this need.

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 landscape buffer widths, number of vehicle parking spaces, or number of bicycle parking spaces.

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

Finding: The reduction in the landscape buffer width from 10-feet to 5-feet along Pine Street and reduction in bike spaces from 12 to 7 are least amount that is needed to create enough parking spaces for the development.

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: The site is bounded by public roads on all sides. The development fully builds out the parcel and lacks undeveloped area to meet all development code landscaping standards and additional bike parking. This variance would not grant any special privileges.

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

Finding: The request for variances is needed to meet commercial design and dimensional development standards for an infill redevelopment site surrounded by all sides by public roads.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements for Sections 17.12.200 Variances, 17.12.220 Site Plan Review, 17.20.060 Off-Street Parking and Loading, 17.20.090 Landscaping Requirements, 17.20.170 Outdoor Lighting, and 17.20.200 Commercial Design Review, except for the following.

1. 17.12.220.5.c. This section requires that provisions be made for all necessary improvements to local street, including dedication of additional right of way. N 2nd Avenue is a Local Street and

needs an additional 5' right-of-way unless waived by the Public Works Director. This standard can be met with a waiver from the Public Works Director or an adjustment to the right-of-way area knowing that there is an existing building within the right-of-way area.

2. 17.20.090.4 This section requires landscaped areas to have a permanent underground or drip irrigation. No irrigation plan was submitted. This standard can be met if an irrigation plan is submitted.
3. Table 17.20.170.4.c.3. This section requires that any light in a Commercial Zone have a maximum mounting height of 20 feet. This standard can be met if a lighting plan was resubmitted denoted light heights and if they are 20 feet or shorter.

IV. ORDER

Based on the conclusions above, the Planning Commission approves the application for variances to allow a reduction of the required landscape buffer along E Pine Street from 10 to 5 feet and to allow a reduction of required bike parking spaces from 12 to 7 spaces. Further the Planning Commission approves the application for site plan review as shown on sheets A0.2, A1.01, A1.1.1, A1.1.2, A1.1.3, and A2.1 dated April 8, 2024 prepared by MD Architects from Kirkland, WA, and sheets C100, C102 (Existing Conditions), C102 (Preliminary Site Plan), C200, and C400 dated April 2, 2024 prepared by Udell Engineering and Land Surveying, LLC, Lebanon, OR, and sheet L1.1 dated April 8, 2024 prepared by Laurus Designs, Silverton, OR, and Lighting Plan dated March 25, 2024 prepared by Pure Energy Group 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. Prior to the submittal for Site Development Permit, the applicant shall submit an irrigation plan that meets the requirements of Section 17.20.090.4.
2. Prior to the submittal for Site Development Permit, the applicant shall submit revised light plans that show the height of the pole parking lights to meet Table 17.20.170.4.c.3.
3. Engineered plans and supporting documentation shall be submitted to the City for review and approval prior to issuance of a Site Development Permit:
 - a) Site and street improvement plans conforming to the SMC and Public Works Standards.
 - b) Water system plans conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official and Fire Code Official. The Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
 - c) Sanitary sewer system plans conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official. It is recommended that in order to verify the applicant's compliance with SMC 17.12.220.5.a for the sewer system, the Developer shall submit with the Site Development Permit application, sewer calculations to the City documenting the expected occupancy of the building (number of people and days/hours of occupancy), the number and type of plumbing fixtures, and the expected sewage generation for the project. The City will then incorporate the expected sewage generation from the project into the City's Wastewater Master Plan model to review the impacts to the

downstream sewer mains. The Public Works Director will then verify, based on the sewer modeling results, that there is adequate capacity for the expected sewage generation from the project.

- d) A stormwater analysis and report conforming to Public Works Standards. Careful review and consideration of the area's seasonal high groundwater impacts, including the necessary vertical separation requirements, will need to be included in the analysis.
- e) Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards and meeting the requirements of the Building Official. 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.
- f) An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards. 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.
- g) An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards. 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.

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.