

# BEFORE THE STAYTON PLANNING COMMISSION

In the matter of  
the applications of  
Leo Hillyer

) Annexation  
) Comprehensive Plan Amendment  
) Site Plan Review  
) File # 19-09/18  
)

## CONDITIONAL ORDER OF APPROVAL

### I. NATURE OF APPLICATION

The applicant has submitted three applications for concurrent review. The applicant is requesting annexation of an 8-acre parcel into the city limits. The applicant is also requesting the Comprehensive Plan Map designation of the parcel be changed from Residential to Commercial and Site Plan Approval to develop the parcel into automobile dealership.

### II. PUBLIC HEARING

A public hearing was held on the application before the Stayton Planning Commission on October 29, 2018. At that hearing the Planning Commission reviewed Land Use File #19-09/18 applications for annexation, comprehensive plan map amendment, and site plan review and it was made part of the record.

### III. FINDINGS OF FACT

#### A. EXISTING CONDITIONS

1. The owner of the property and the applicant is McClain Living Trust, and William L McClain and Pamela K McClain as trustees of the trust.
2. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 3B, Tax Lot 1400.
3. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20). The property is designated as Residential by the Comprehensive Plan Map.
4. The property is a triangular lot located on Golf Lane. The property is approximately 8.0 acres in area with approximately 1,145 feet of frontage on Golf Lane.
5. The property to the west is inside the City Limits, is zoned Public/Semi-Public, was annexed in 2014, and is part of the Stayton Middle School campus. The property to the south is located outside of the City Limits, is zoned Marion County Urban Transition, and is a vacant lot. The property to the northeast, across Golf Lane and across State Highway 22, is located in the City of Sublimity is zoned Industrial, and is developed as an automobile dealership.
6. Though the property is within the Stayton Urban Growth Boundary, it is located within the boundaries of the Sublimity Fire District.

7. The property is currently vacant.

**B. PROPOSAL**

The proposal is to annex approximately 8 acres of land into the City. The applicant has also applied for a Comprehensive Plan Map amendment from Residential to Commercial and has proposed that Commercial General zoning be applied at the time of annexation. The applicant also proposes to develop the parcel into an automobile dealership with two buildings: a sales and service building of 25,000 square feet, and a truck sales and service building of 6,000 square feet.

**C. AGENCY COMMENTS**

The following agencies were notified of the proposal: City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Sublimity Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District.

Comments were received from the Stayton Public Works Department through the City Engineer, from the City's transportation engineering consultant, from Marion County Public Works and from Sublimity Fire District. These comments are incorporated into the findings below.

**D. PUBLIC COMMENTS**

The Planning Department notified all owners of property within 300 feet of the subject property and has not received any written public comment on these applications prior to the public hearing.

**E. ANALYSIS**

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210. The amendment of the Official Zoning Map, required to assign a zone to the newly annexed territory, is required to satisfy the approval criteria contained within SMC Section 17.12.180.

Comprehensive Plan Map amendment applications are required to satisfy approval criteria contained within SMC Section 17.12.170.

Site Plan Review applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17, Section 17.12.220. In addition, the access management requirements and standards of Section 17.26.020 and the traffic impact study requirements of Section 17.26.050 apply.

**F. REVIEW CRITERIA**

**Annexation Criteria**

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

*a. Need exists in the community for the land proposed to be annexed.*

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 31 lots comprising 21 acres of vacant land inside the City limits in the Commercial Retail, Commercial General and Interchange Development Zones. The Comprehensive Plan noted that three adjacent parcels accounted for 7 acres, leaving 14 acres of land in 28 parcels and that there was a lack of medium-sized vacant parcels available for commercial uses.

*b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.*

Finding: There are no City public services immediately adjacent to the parcel proposed for annexation. There is a 12-inch sewer main in Golf Lane, approximately 1,300 feet northwest of the subject property. The applicant intends to extend the sewer main to provide service to the property. There is no public water service available to the property. The applicant intends to utilize an on-site well for water. The Public Works Department has commented that oversizing of the sewer main may be required to serve future development along Golf Lane.

*c. The proposed annexation is property contiguous to existing City jurisdictional limits.*

Finding: The property is immediately to the east of the Stayton Middle School property that was annexed in 2014.

*d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and the policies of the City of Stayton.*

Finding: The surrounding area is undeveloped properties. The portion of the Stayton Middle School Campus adjacent to the subject parcel is a forested property used for cross-country races. The properties to the northeast, across Highway 22, are developed as car dealership. The property to the south is undeveloped. The Urban Growth Management policies of the City are incorporated into Section 17.08.030. These policies state that the boundaries of the City should remain relatively unchanged until a major portion of the City's usable land has been developed for urban purposes.

*e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.*

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owners have consented to the annexation.

*f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.*

Finding: The proposed annexation is not a contract annexation.

### 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 purpose of the Commercial designation as proving areas for retail, service, office and other commercial activities. The Plan indicates that the areas around the Highway 22 interchanges shall be oriented towards commercial uses that serve the traveling public. However, no other direction is provided in the Plan as to the location of commercial areas.

The City purchased the two parcels in the winter of 2016-17 for development as public facilities.

- 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 that there were 23 vacant lots zoned commercial with a total area of 19 acres. The Planning Department reports that there are currently 25 vacant commercially zoned parcels with a total area of 22 acres. Two of these parcels have received site plan approval for development, but the building permits have not yet been issued. The largest vacant commercially zoned lot is 4 acres. There are no vacant commercially zoned parcels in the City suitably sized for the proposed use.

- 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, 9, and Goal 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 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Amendment of the Comprehensive Plan Map designation to Commercial would increase opportunity for economic activity in the City because there is a lack of suitably sized parcels designated Commercial. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would reduce the amount of land designated for residential use.

However the Comprehensive Plan indicates that there was 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of less than 1% in the amount of available land for residential development..

- 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 Karl Birky, PE, PTOE. The analysis was based on two parcels, totaling 29 acres, being annexed and having the comprehensive plan designation changed. The application is for only one parcel of 8 acres. The analysis indicates that the development proposed is for a 16,000 square foot automobile sales dealership. The accompanying site plan review application is for a 25,000 square foot dealership. The analysis concluded that if a cap of 500 trips per day were imposed on the development of the commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. The analysis projected a 16,000 square foot facility would generate 445 trips per day. However the size of the combined car and truck dealerships proposed is 31,000 square feet. A revised analysis was submitted with the proper size of the facility, but did not include an estimate of daily trip generation.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Finding: There are 1,867 acres of land in the UGB designated as Residential. The Comprehensive Plan indicates that there are 921 buildable acres of land inside the UGB, and outside of the City Limits. Since that time, there have been about 54 acres of residential land annexed, including the concurrent application for annexation. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there was 144 acres of buildable land in the city zoned for residential use.

- 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: The application indicates that the proposed development will be served by public sewer and by a private well. Public sewer lines are located approximately 1,300 feet to the northwest. The nearest public water main is located in Cascade Highway at the intersection of Whitney St, approximately 2,400 feet away. The applicant does not plan to extend public water to the property. The City's Water Master Plan shows a future 12" water main in Golf Lane. The City does not have plans for the construction of this water main at this time. The Public Works Department, through the review comments of the City Engineer, has suggested that an agreement be executed committing the applicant to connect to City Water when it is available.

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

Finding: The property to the west is an undeveloped portion of the campus for the Stayton Intermediate/Middle School. The School District does not have plans for any uses on this portion of the campus. The northeast right of way of Golf Lane is adjacent to the right of way of Highway 22. The land adjacent to Highway 22, on the northeast of the highway, is developed for commercial uses. To the east, across Golf Lane, the land is owned by the Oregon Department of Transportation. To the south, the land is common ownership with the adjacent parcel and is designated Residential in the Comprehensive Plan.

**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.*

Finding: A concurrent application for a Comprehensive Plan Map amendment has been filed.

- 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.*

Finding: The application indicates that the proposed development will be served by public sewer and by a private well. Public sewer lines are located approximately 1,300 feet to the northwest. The nearest public water main is located in Cascade Highway at the intersection of Whitney St, approximately 2,400 feet away. The applicant does not plan to extend public water to the property. The City's Water Master Plan shows a future 12-inch water main in Golf Lane. The City does not have plans for the construction of this water main at this time. The Public Works Department, through the review comments of the City Engineer, has suggested that an agreement be executed committing the applicant to connect to City Water when it is available. The Sublimity Fire District expressed no concerns. The North Santiam School District and the Stayton Police Department were notified of the application. No comments were received from the School District or Police Department.

- 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).*

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 Karl Birky, PE, PTOE. The analysis was based on two parcels, totaling 29 acres, being annexed and having the comprehensive plan designation changed. The application is for only one parcel of 8 acres. The analysis indicates that the development

proposed is for a 16,000 square foot automobile sales dealership. The accompanying site plan review application is for a 31,000 square foot dealership. The analysis concluded that if a cap of 500 trips per day were imposed on the development of the commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities.

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

Finding: Policy LU-4 calls for the City to adopt development regulations that provide for a variety of commercial zones, including a zone for general business activity. Policy LU-6 calls for the central business area of Stayton to continue to be the primary retail business area of the community and that the City should discourage strip-type development.

- 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.*

Finding: The Planning Department reports that there are currently 11 vacant parcels zoned Commercial General with a total area of 6.2 acres. One of these parcels has received site plan review approval for development, but a building permit has not yet been issued. The largest vacant parcel zoned CG is 1.1 acres in size. The proposed amendment would not eliminate any vacant land zoned residential, because the subject property is not currently in the City.

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

Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 20, more than 35 days prior to the Planning Commission's hearing.

- 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.*

Finding: The property is gently sloping and would allow for a wide variety of development opportunities. The applicant has submitted a concurrent application for site plan review approval. The site is located in such a manner to provide high visibility from Highway 22.

The property to the west is an undeveloped portion of the campus for the Stayton Intermediate/Middle School. The School District does not have plans for any uses on this portion of the campus. The northeast right of way of Golf Lane is adjacent to the right of way of Highway 22. The land adjacent to Highway 22, on the northeast of the highway, is developed for commercial uses. To the east, across Golf Lane, the land is owned by

the Oregon Department of Transportation. To the south, the land is common ownership with the adjacent parcel and is designated Residential in the Comprehensive Plan.

### 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: The nearest water main is at the intersection of Cascade Highway and Whitney St, approximately 2,400 feet away. The applicant does not plan to extend public water to the property. The City's Water Master Plan shows a future 12-inch water main in Golf Lane. The City does not have plans for the construction of this water main at this time. The applicant plans to install a private well with on-site storage for domestic and fire protection for the development. The City Engineer has recommended the applicant provide documentation that all jurisdictional agencies, including, the that the Building Code Official and Fire Code Official have reviewed and approved any required water supply, storage, and fire protection devices and systems. Further the City Engineer has recommended that a development agreement be executed that will require the property owner to connect to the City public water system when such time a public water system becomes available.

There is an existing 12-inch sanitary sewer main in Golf Lane, located approximately 1,300 feet to the northwest. The applicant intends to construct a public sewer extension in Golf Lane to connect to the existing sewer main. The City Engineer has commented that the sewer service is adequate. The City Engineer has indicated that the applicant may be required to install an oversized sewer main to serve future development along Golf Lane.

Golf Lane is currently developed as two-lane rural street with open drainage. The applicant has proposed that stormwater from the site will be detained and treated on-site. 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. Marion County Public Works has indicated that any development having a half acre or more of impervious surface must provide detention and noted that infiltration systems may not be permitted if it discharges to the Golf Lane right of way.

- 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 Karl Birky, PE. Based on review comments from the City's transportation engineering consultant and from Marion County Public Works, a revised TIA was submitted. The revised TIA looked at the intersections of Cascade Highway with westbound Highway 22, eastbound Highway 22, Golf Lane, Whitney St and Shaff Road. The Cascade Highway intersections with eastbound Highway 22, Whitney St and Shaff Road are signalized. The other intersections are stop controlled. The revised TIA mischaracterizes the Cascade Highway intersection with westbound Highway 22 as all-way stop, when it is a two-way stop control.

According to the revised TIA, four of the six intersections will see no change in Level of Service during the PM peak hour as a result of traffic from the development. The revised TIA projects that the Cascade Highway intersection with eastbound Highway 22 will see a decrease in LOS from B to C and that the Cascade Highway/Golf Lane intersection will see a decrease in LOS from C to D in the PM peak hour. The TIA concludes that all intersections studied will operate at acceptable levels and no mitigation is necessary.

Review comments from the City's traffic engineering consultant and Marion County Public Works on the revised TIA were not received prior to the public hearing.

- 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: Golf Lane is currently improved as a rural street with paving for two lanes of travel, gravel shoulder and open drainage. Golf Lane has right of way of varying widths that is immediately adjacent to the Highway 22 right of way in front of the subject property. Golf Lane is designated as a future Collector street in the City's adopted Transportation System Plan. The Public Works Design Standards (PWDS) for future collector streets call for a 50-foot improvement with 8-foot sidewalks within a minimum right of way of 80 feet. The City Engineer and Marion County Public Works have recommended that dedication be required to provide an 80-foot right of way. The City Engineer and Marion County Public Works have further recommended that frontage improvements to provide a 50 foot improvement, curb, gutter, storm drainage, sidewalk and street lighting be required.

- 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: See findings relative to Section 17.20.070 below.

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

Finding: The application indicates that noise and other impacts will be minimized through buffering, setbacks and screening. The proposed site is more than 800 feet from the nearest residence, which is separated from the site by 500 feet of woods.

- 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 17.20.200 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 without undue adverse impact on existing land uses.*

Finding: The application intends to install six-foot tall black powder-coated slatted fence on three sides of the property. See the findings regarding Section 17.20.150 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 recited the maintenance responsibilities for facilities and landscaping. The City Engineer has noted that operations and maintenance agreement will be needed for the stormwater facility.

- 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 water bodies.

### **Section 17.20.050 – Fences**

The following is the applicable provision from Section 17.20.050

#### *17.20.050.2. COMMERCIAL AND DOWNTOWN ZONES.*

- a. *No fences shall be allowed in the front yard.*

Finding: The front yard is defined as the area extending across the full width of the lot between the front lot line and a line parallel to the front lot line at the nearest wall of the main building. The nearest wall of a main building appears to be approximately 45 feet from the front lot line. The site plan shows a fence along both side lot lines up to the lot front line.

- b. *Fencing of outdoor service areas shall meet the standards of Section 17.20.200.3.b.4.*

Finding: No outdoor service areas are proposed.

- c. *Open fences up to 10 feet in height and solid fences up to 7 feet in height shall be allowed for screening of open storage areas.*

Finding: The open storage area is not proposed to be fenced.

- d. *Except as provided in Section 17.20.090.13, fences located in rear and side yards shall be no more than 7 feet in height.*

Finding: A six-foot black powder-coated slatted fence is proposed along the rear and side property lines.

### **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 area will located on the same lot as the building.

*17.20.060.7.a REQUIREMENTS FOR AUTOMOBILE PARKING. The Code does not specify the minimum number of required off-street parking spaces for automobile dealership establishments. The minimum required for retail stores is 4 spaces per 1,000 square feet and the minimum required for large product retail stores such as auto parts, and tire stores or building material supply stores is 1.6 parking spaces per 1,000 gross square feet. The minimum required for auto repair garages is 4 spaces per bay or area used for repair.*

Finding: The car dealership will have 8,963 square feet of floor space, and 12 service bays. The truck dealership will have 7,286 square feet of floor space, and 4 service bays. The service bays require a minimum of 64 parking spaces. The dealerships, with a total of 16,249 square feet, required 26 spaces, for a total 90 spaces. The site plan submitted indicates the total parking provided is 62 parking spaces.

*17.20.060.8.a HANDICAPPED/DISABLED PARKING. This section requires a minimum of two handicapped parking space in the parking area for the car dealer and one handicapped parking space for the building labeled truck store.*

Finding: The plan shows two handicapped parking space in the parking area for the car dealer and one handicapped space in the parking area for the truck dealer.

*17.20.060.9-A. BICYCLE PARKING REQUIREMENTS. This section requires exempts auto-oriented services from having to provide bicycle parking.*

Finding: The plan includes bicycle racks at the front of both the car dealership and truck dealership.

*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 for Section 17.20.200 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 parking area is proposed to be paved with asphalt.

- 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 parking area will be accessed from a clearly marked driveways. The parking areas are designed such that vehicles will not be backing into a street or across a sidewalk.

- 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 site plan shows a six-foot high black powder-coated slatted, chain-link fence along the property line adjacent to the neighboring parcel designated for residential development..

- 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. (Amended Ord. 913, September 2, 2009)*
- 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 only landscape islands at the end of the 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: Divider medians are not proposed.

- 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: Terminal islands are proposed at the ends of each row of parking, except the west end of the southerly most row.

- 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 additional landscaping has been proposed to substitute for landscape islands.

- 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 species proposed to be planted in the landscape islands could not be determined from the landscape plan submitted.

- 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: There are no existing trees on the site to be preserved.

- 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: The site plan does not show pedestrian access through the parking areas.

### **Section 17.20.070 – Open Storage Areas and Outdoor Storage Yards**

*17.20.070.1 Open Storage Areas. Where allowed by zoning districts, the development and use of open storage areas shall conform to the following standards.*

*a. Open storage areas shall not occupy designated parking areas.*

Finding: The site plan separates open storage of vehicles on display from customer and employee parking.

*b. Open storage areas located between the street right-of-way and the building shall not exceed 25% of the area between the front lot line and a parallel line drawn from the nearest point of the building.*

Finding: The nearest point of the truck dealership is approximately 50 from the front lot line. The entire frontage of the site is used for open storage of vehicles on display, except at the driveway. The standard depth of a parking space is 19 feet. Therefore, the open storage area accounts for about 35% of the area between the front lot line and a parallel line drawn from the nearest point of the building.

### **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 CG zone is 15%.*

Finding: The total area of the parcel is 257,327 square feet. A minimum of 38,599 square feet of landscaping is required. The site plan indicates the size of the landscaped area is 39,152 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 a row of Raywood Ash as street trees to be planted adjacent to the Golf Lane right of way. This is a species on the list maintained by the Public Works Director.

*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 spacing of the street trees is not specified, but from the scale of the plan appears to be approximately 20 to 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 indicate how street trees will be trimmed.

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 power lines, if tree height at mature age exceeds the height of the power line.*

Finding: There are no hydrants nearby. The trees will be on private property and not under the power lines within the right of way.

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:*

- a. *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.

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.*
- f. *Shrubs shall be a minimum of 2 feet in height when measured immediately after planting.*
- i. *Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryegrass and fescues used within the local landscape industry.*
- k. *Landscaped areas may include architectural features such as sculptures, benches, masonry or stone walls, fences, and rock groupings. The exposed area developed with such features shall not exceed 25% of the required landscaped area.*

- a. *Landscaped areas may include minimal areas of non-living ground covers where the applicant can demonstrate that plant ground covers are not appropriate. Artificial ground covers such as bark, mulch chips, gravel or crushed stone shall not exceed 15% of the landscaped area. This percentage shall be based on the anticipated size of landscape plants at maturity, not at planting.*

Finding: The landscape plan calls for the establishment of landscaping with trees, shrubs, and ground covers. The landscape plan indicates shrub sizes by the volume of the container, not by shrub height. The landscape plan does not indicate the proposed treatment of the future development area on the east side of the property.

*11.20.090.11 BUFFER PLANTING-PARKING, LOADING AND MANEUVERING AREAS: Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a variety of plants shall be used to achieve the desired buffering effect.*

- a. *Buffering is required for any commercial, industrial, or multi-family development with more than 4 parking spaces. Buffering shall occur in the following manner:*
  - 1) *Any parking area, loading area, or vehicle maneuvering area shall be landscaped along property boundaries. The landscaped area shall meet the minimums in Table 17.20.090.11.a.1. Table 17.20.090.11.1 requires a 10-foot buffer between a commercial use and a collector street.*

Finding: The site plan provides for 20 feet of landscaped buffer between the outdoor storage area and Golf Lane.

### **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: An outdoor lighting plan showing pole location and specifying a fixture schedule was submitted. The plan shows six pole mounted light fixtures will be installed along the Golf Lane frontage, 5 poles along the west property line, and 12 poles throughout the parking areas and around the buildings. The pole mounted lights are cut-off fixtures. There are no abutting properties in residential use.

4. *NON-RESIDENTIAL LIGHTING STANDARDS. The following additional standards shall apply to all commercial, industrial, public and semi-public uses:*
  - b. *Lighting of Exterior Display/Sales Areas. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs*



*allowed under Section 17.20.140 shall be used for that purpose. The site plan shall designate areas to be considered display/sales areas and areas to be used a parking or passive vehicle storage areas. This designation must be approved by the decision authority.*

- 1) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas in Section 17.20. 170.4.c.*
- 2) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.*
- 3) Light fixtures shall be full cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.*
- 4) Fixtures shall be mounted no more than 20 feet above grade and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.*
- 5) Except for lighting meeting the standards of Section 17.20.060.4.c, exterior display/sales areas shall be illuminated only when the establishment is open for business.*

**Finding:** The application indicates pole mounted fixtures will be used in the parking area and along the Golf Lane frontage for vehicle display. An illuminance diagram was submitted, that indicates that the illumination level will be 49 foot candles. The diagram did not provide information on the uniformity ratio. The luminaires will be LEDs, but the coloring for which they will be programmed could not be read off the lighting plan. The pole mounted fixture is a full cut-off fixture.

*c. Lighting of Parking Areas. Parking area 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 areas shall be full cut-off fixtures.*
- 3) Parking area lighting shall meet the following mounting height, minimum illumination level, and uniformity ratios. In the CR Zone the maximum mounting height is 20 feet, the minimum illumination level is 0.3 foot-candle, the maximum average illumination level is 1.6 foot-candle and uniformity ratio is 4:1. The minimum color rendering index is 65.*

**Finding:** The application indicates pole mounted fixtures will be used in the parking area. An illuminance diagram was submitted, that indicates that the minimum illumination level will be 1 foot-candles in the parking area, that the maximum illumination level will be 12 foot candles. The diagram did not provide information on the average illumination level or uniformity ratio. The luminaires will be LEDs, but the coloring for which they will be programmed could not be read off the lighting plan. The pole mounted fixture is a full cut-off fixture. No information was provided regarding any building mounted fixtures.

## Section 17.20.200 – Commercial Design Standards

The following are the applicable provisions from Section 17.20.200

### 3. SITE DESIGN.

- a. *Height Step Down.* To provide compatible scale and relationships between new multi-story commercial buildings and existing adjacent single-story dwellings, the multi-story building(s) shall “step down” to create a building height transition to adjacent single-story 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 residential buildings.

- b. *Building Orientation.* All new commercial developments shall have their buildings oriented to the street. The following standards will apply:

*Except as provided in subsections 2 and 3 below, all buildings shall have at least 1 primary building entrance facing an adjoining street (i.e. within 45 degrees of the street property line), or if the building is turned more than 45 degrees from the street (i.e. the front door is on a side elevation), the primary entrance shall not be more than 20 feet from a street sidewalk and a walkway shall connect the primary entrance to the sidewalk.*

Finding: The proposed building has its primary entrances on the north elevations, at an angle to the street. The proposed entrance is located approximately 90 feet from the Golf Lane sidewalk, with a walkway connecting it to the street.

- 1) *In commercial districts, off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except as provided under subsection 3. Off street parking in the commercial districts shall be oriented internally to the site and divided by landscaped areas meeting the standards of Section 17.20.060.11.*

Finding: Off street parking is oriented internally to the site. The site design does not meet the exception provided under subsection 3.

- 2) *In commercial districts, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building’s primary entrance when the decision authority finds that the following criteria are met:*
  - a) *Placing vehicle areas between the street right-of-way and the building’s primary entrance will not adversely affect pedestrian safety and convenience based on: the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, available pedestrian walkways, and Section 17.26, Title 12, Standard Specifications and the adopted Transportation System Plan.*
  - b) *The proposed vehicle areas are limited to 1 driveway meeting the requirements of 17.26, Title 12, Standard Specifications and the adopted*

*Transportation System Plan, with adjoining bays of not more than 8 consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle.*

- c) *The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards of Section 17.26.020.5.*

**Finding:** This site will not generate pedestrian traffic whereas it is an automobile oriented business. There is not pedestrian connectivity between the site and Cascade Highway. There is only one driveway entrance proposed onto Golf Lane. The buildings primary entrance is connected to the street by a pedestrian walkway.

- 3) *When there is insufficient street frontage to orient buildings to the street in a development with multiple buildings, 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 lot has over 1,000 feet of frontage on Golf Lane. While two buildings are proposed, they are not oriented to a common green, plaza or courtyard.

- 4) *Outdoor Service Areas. Outdoor service areas shall face either a fenced interior area, side or rear property line, a separate service corridor, a service alley, or a service courtyard.*
  - a) *If the location of an outdoor service area as proscribed by this Section is difficult to accommodate because of site considerations, the decision authority may determine that the service area may be located in another location with additional screening requirements.*
  - b) *Screening of outdoor service areas. Screening shall be provided at the ends of all service corridors or courtyards.*
    - i. *Outdoor service areas shall be screened either with a solid evergreen hedge or solid fence of materials similar to the rest of the development that is a minimum of 6 feet in height.*
    - ii. *Screening from public view by chain-link fence with or without slats is prohibited.*

**Finding:** The outdoor service area is shown on the southwest corner of rear parking area. The landscape plans shows the outdoor service area will be screened by a chain link fence with slats.

#### 4. ARCHITECTURAL STANDARDS.

- a. *Pedestrian Orientation. The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the decision authority finds that all of the following criteria are met:*

- 1) *Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk.*

Finding: The proposed building has the primary building entrances on the north elevation and a proposed sidewalk connection to Golf Lane.

- 2) *Corner buildings shall have corner entrances or shall provide at least 1 entrance within 20 feet of the street corner or street plaza.*

Finding: The building is not located on a corner lot.

- 3) *Ground floor windows or window displays shall be provided along at least 45% of the building's ground floor street-facing elevations(s); windows and display boxes shall be integral to the building design.*

Finding: The elevation drawing indicates glazing, but the percentage is not provided.

- 4) *Primary building entrance(s) are designed with weather protection such as awnings, canopies, overhangs, or similar features.*

Finding: The building elevation drawing does not show an awning or other weather protection will be provided at the entrance.

- 5) *Drive-through facilities, when allowed, shall conform to Section 17.20.060.7.f.*

Finding: No drive-through facilities are proposed.

- b. *Human Scale design. The design of all buildings on a site shall be at a scale that is safe and inviting.*

- 1) *Regularly spaced and similarly shaped windows are provided on all building stories.*

Finding: The building elevation drawing show regularly spaced and similarly shaped windows on the north elevation. Glazing will be provided to height of 16 feet, with a parapet height of 24 feet, 4 inches.

- 2) *Ground floor retail spaces shall have display windows on the ground floor. At a minimum, the lower edge of the display windows shall be no higher than 4 feet above the sidewalk and the top edge shall be no less than 7 feet above the sidewalk.*

Finding: The glazing extends from ground level to 16 feet.

- 3) *On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features that visually identify the transition from ground floor to upper story. These features should be compatible with the surrounding architecture. Such features include, but are not limited to: cornices, trim, awnings, canopies, arbors, trellises, overhangs, string courses, or other design features.*

Finding: The proposed building is a one story building.

c. *Standards for breaks in building length.*

1) *For all buildings more than 50 feet long:*

a) *A pitched roof building shall have a break in the roof plane or wall plane, or articulation of the building face at least every 50 feet.*

b) *A flat roof building shall have a horizontal or vertical change in the wall plane, or articulation of the building face at least every 50 feet.*

2) *Horizontal and vertical offsets required by this Section shall relate to the overall design and organization of the building, its entrances, and door and window treatments. Features shall be designed to emphasize building entrances.*

3) *Offsets should be grouped and organized in a manner to provide variation in scale and massing rather than providing a series of identical repeating masses.*

4) *Exceptions.*

1. *For walls not visible from public view.*

2. *An exception to the horizontal offset provisions for zero lot line setbacks on interior or side yards to enable a building to utilize the property fully.*

3. *Exceptions to the horizontal offset provisions for buildings abutting the public sidewalk.*

*When a building abuts a public sidewalk, the horizontal offset provisions may be reduced from a depth of 3 feet to 12 inches*

Finding: The dimensions of the buildings are not provided, but both are over 50 feet long. The car dealership provide a horizontal change at least every 50 feet. The truck store does not provide any vertical or horizontal changes in the wall plane.

5) *Standards for massing.*

b) *Building(s) with a flat roof. No building shall have a wall plane more than 50 feet in length without a horizontal or vertical break in the cornice line at least 18 inches in height or 3 feet in depth and at least 12 feet wide.*

*A combination of horizontal and vertical offsets may be used to satisfy this requirement. The total width of the offset combination shall not be less than 12 feet wide.*

Finding: On the north elevation of the car dealership building, there is not a break in horizontal or vertical for more than 50 feet.

5. *LIGHTING. All new commercial development shall provide a lighting plan that meets the standards of Section 17.20.170.*

Finding: See the findings regarding 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.

#### c. Number of Allowed Accesses for Non-Residential Uses.

*The number of driveways allowed for non-residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 2,500 daily trips generated with a maximum of two driveways.*

Finding: The site plan proposes one access onto Golf Lane.

### 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. Table 17.26.020.3.h requires a minimum of 260 feet from an intersection and 150 feet from a driveway on a collector street.*

Finding: The proposed driveway is located approximately more than 500 feet from an intersection or driveway.

### 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 for commercial uses between 12 feet and 36 in width. The proposed driveway is 36 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 40 feet from the property line, or two cars, 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 250 feet along a street with a design speed of 25 mph.*

Finding: The TIA does not report the sight distances at the driveway.

**Section 17.26.050 –Transportation Impact Analysis Requirements**

The following are the applicable provisions from Section 17.26.050

2. *Intersection Operation Standards. The City of Stayton evaluates intersection operational performance based on levels of service and “volume-to-capacity” (v/c) ratio. When evaluating the volume-to-capacity ratio, the total traffic demand shall be considered.*
  - a. *Intersection Volume-to-Capacity Analysis. A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, are to be used for all intersection capacity calculations. The City of Stayton requires that all intersections within the study area must maintain a v/c ratio of 0.95 or less. It should be noted that the mobility standards in the Oregon Highway Plan apply to Oregon Department of Transportation facilities.*
  - b. *Intersection Levels of Service. The City of Stayton requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full buildout of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual (or by field studies), published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS “D”. The minimum acceptable level of service for all-way stop controlled intersections and roundabouts is LOS “D”. The minimum acceptable level of service for unsignalized two-way stop controlled intersections is LOS “E” or LOS “F” with a v/c ratio of 0.95 or less for the critical movement. Any intersections not operating at these standards will be considered to be unacceptable.*

Finding: The revised TIA looked at the intersections of Cascade Highway with westbound Highway 22, eastbound Highway 22, Golf Lane, Whitney St and Shaff Road. The Cascade Highway intersections with eastbound Highway 22, Whitney St and Shaff Road are signalized. The other intersections are stop controlled. The revised TIA mischaracterizes the Cascade Highway intersection with westbound Highway 22 as all-way stop, when it is a two-way stop control.

According to the revised TIA, four of the six intersections will see no change in Level of Service during the PM peak hour as a result of traffic from the development. The revised TIA projects that the Cascade Highway intersection with eastbound Highway 22 will see a decrease in LOS from B to C and that the Cascade Highway/Golf Lane intersection will see a decrease in LOS from C to D in the PM peak hour. The TIA concludes that all intersections studied will operate at acceptable levels and no mitigation is necessary.

#### IV. CONCLUSION

Based on the above findings, the Planning Commissions concludes that the application meets the criteria for approval in SMC 17.12.210.4, Section 17.12.170.6, 17.24.050, and 17.26.020 except

1. Section 17.12.170.6.b.4). This section requires the applicant to demonstrate that existing or anticipated transportation facilities are adequate for the uses permitted under the proposed designation. The City of Stayton and Marion County have entered into an agreement that requires the intersection of Golf Lane and Cascade Highway to be relocated to align with Whitney St when the intersection does not function. The applicant's transportation consultant recommended that the Comprehensive Plan amendment be approved with a condition that caps the trip generation to 500 trips. This standard could be met if a condition is placed on the Comprehensive Plan Amendment that limits any use on the parcel to no more than 500 trips per day.
2. Section 17.12.180.6.b.3). This section requires the applicant to demonstrate that existing or anticipated transportation facilities are adequate for the uses permitted under the proposed designation. The City of Stayton and Marion County have entered into an agreement that requires the intersection of Golf Lane and Cascade Highway to be relocated to align with Whitney St when the intersection does not function. The applicant's transportation consultant recommended that the Comprehensive Plan amendment be approved with a condition that caps the trip generation to 500 trips. This standard could be met if a condition is placed on the Zoning Amendment that limits any use on the parcel to no more than 500 trips per day.
3. 17.12.220.5.a. This section requires adequate utility systems and connections to properly serve the development. The applicant does not plant to extend public water to the property and, instead, intends to utilize a private well with storage for domestic and firefighting purposes. This standard could be met if, prior to receiving site development approval, the applicant provides documentation that all jurisdictional agencies, including, the that the Building Code Official and Fire Code Official have reviewed and approved any required water supply, storage, and fire protection devices and systems and executes a development agreement that will require the property owner to connect to the City



public water system when such time a public water system is within 500 feet of the property. Marion County Public Works noted that that infiltration based attenuation systems may not be permitted if outfalling to Golf Lane due to past experiences with failed systems within the Willamette Valley, including the Stayton area.

4. 17.12.220.5.c. This section requires provision be made for all necessary improvements to local streets, 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. Golf Lane is designated a future collector street by the adopted Transportation System Plan. Golf Lane has a variable right of way width and is not fully improved. Both Marion County Public Works and the City engineer have recommended that land be dedicated to provide an 80-foot right of way and that a half street improvement be required to provide a 50-foot improvement with curb, gutter, sidewalk, drainage and street lights. This standard could be met if, prior to receiving site development approval, the applicant submits a deed for dedication of right of way adequate to provide an 80-foot right of way along the entire frontage of the subject property and submits engineered plans for improvement to Golf Lane to provide a 50-foot improvement with curb, gutter, sidewalk, drainage and street lights.
5. Section 17.20.050.2.a. This section prohibits fences in the front yard of properties in a commercial zone. The applicant has proposed fences along the sides of the development area extending to the front lot line. This section could be revised if the applicant submits a revised site plan that removes the fences from the front yard of the property.
6. Section 17.20.060.7.a. This section establishes minimum parking space requirements. IF the auto dealerships are considered a large product retail store and the service bays are considered an auto repair garage, then the required minimum of parking spaces is 90. The site plan provides 62 spaces. This standard could be met if the site plan is revised to provide a minimum of 90 parking spaces for employees and customers, not including any spaces for vehicle storage or display.
7. Section 17.20.060.11.b.1). This section requires a landscape island for every 10 parking spaces in a row. No interior islands were shown on the site plan. This standard could be met if the site plan and landscape plan are amended to provide interior landscape islands with no more than 10 parking spaces between them.
8. Section 17.20.060.11.b.3). This section requires a landscape island at each end of a row of parking. The site plan and the landscape plan did not include a landscape island at the west end of the southerly most row of parking in the parking area. This standard could be met if the site plan and landscape plan are amended to provide a terminal landscape island at the west end of the southerly most row of parking in the parking area.
9. Section 17.20.060.11.b.5). This section requires the trees to be planted in the landscape islands in the parking area to be from a list of approved tree species. The species of tree to be planted in landscape islands in the parking area could not be determined from the landscape plan. This standard could be met if the landscape plan is amended to clearly

label the species of tree to be planted in the landscape islands in the parking area to be a species on the list of approved trees.

10. Section 17.20.060.11.c. This section requires off street parking areas provide pedestrian access. While the site plan shows a pedestrian walkway from the street to the car dealership building, it does not show any pedestrian access through the customer and employee parking areas. This standard could be met if the site plan is amended to include raised pedestrian access in the customer and employee parking areas.
11. Section 17.20.070.1.b. This section limits open storage areas between the street right of way and building to no more than 25% of the area between the front lot line and a parallel line drawn from the nearest point of the building. The site plan does not indicate the distance between the front lot line and the nearest point of the car dealership building. It appears that the open storage of vehicles on display will account for approximately 35% of the area between the street and the building. This standard could be met if site plan is amended to move reduce the area of outdoor storage of vehicles on display.
12. Section 17.20.090.7. This section requires the landscaping plan to include provisions for irrigation. An irrigation plan was not submitted. This standard could be met if the landscape plan is amended to include an irrigation plan meeting the requirements of this section.
13. Section 17.20.090.8.f. This section requires shrubs to be a minimum of two feet in height upon planting. The landscape plan gives the size of shrubs by the volume of their container, not their height. This standard could be met if the landscape plan is amended to list the height of shrubs.
14. Section 17.20.170.4.b. This section establishes maximum illumination levels in areas used for outdoor display of merchandise. The average horizontal illuminance may not exceed 5.0 foot-candle, with a uniformity ratio of 4:1. The illuminance diagram submitted did not indicate the average or the uniformity ratio. This standard could be met if the average illuminance and the uniformity ratio are submitted and they meet the standards of this section.
15. Section 17.20.170.4.c. This section establishes maximum illumination levels in parking areas. The average horizontal illuminance may not exceed 1.6 foot-candle, with a uniformity ratio of 4:1. The illuminance diagram submitted did not indicate the average or the uniformity ratio. This standard could be met if the average illuminance and the uniformity ratio are submitted and they meet the standards of this section.
16. Section 17.20.200.3.b.4). This section requires that outdoor service areas be screened with either a solid evergreen hedge or solid fence, but does not allow chain-link fence with slats. The site plan shows an outdoor service area in the southwest corner of the rear parking area, to be screened by a chain-link fence with slats. This standard could be met if the landscape plan is amended to provide a solid evergreen hedge around the outdoor service area.

17. Section 17.20.200.4.a.3). This section requires that ground floor windows or window displays be provided along at least 45% of the building's ground floor street-facing elevation. The building elevation drawing provided shows ground floor windows, but does not indicate what percentage of the street-facing elevation is windows. This standard could be met if the building elevation drawings are amended to provide the total length of the building and the length of the windows.
18. Section 17.20.200.4.a.4). This section requires that primary building entrances be designed with weather protection. The building elevation drawing provided does not show awnings, canopies, overhangs or other similar features at the primary entrance to either building. This standard could be met if the building elevation drawings and site plan are amended to show weather protection at the primary entrance to each building.
19. Section 17.20.200.4.c.1). This section establishes standards for breaks in building length for all buildings more than 50 feet long. The building elevation drawing provided does not show horizontal or vertical change in the wall plane or articulation of the building face at least every 50 feet. This standard could be met if the building elevation drawings and site plan are amended to show horizontal or vertical change in the wall plane or articulation of the building face at least every 50 feet for each building.
20. Section 17.20.200.4.c.5)b). This section establishes standards for massing of flat-roofed buildings. The building elevation drawing provided shows a wall plane more than 50 feet without a horizontal or vertical break in the cornice line. This standard could be met if the building elevation drawings are amended to show a horizontal or vertical break in the cornice line at least 18 inches in height or 3 feet in depth and at least 12 feet wide for each building.
21. Section 17.26.020.4.c. This section establishes minimum sight distance standards for driveway entrances onto public streets. The site plan and the transportation impact analysis did not provide any information on the sight distance at the proposed driveway location. This standard could be met if the transportation impact analysis is revised to provide the existing sight distances at the proposed driveway location and the site plan and landscaping plan are revised to assure the sight distance triangle is kept clear of obstructions.

## **V. ORDER**

Based on the Findings and Conclusions above, the Planning Commission recommends approval of the application for annexation to the City Council, recommends approval of the application for Comprehensive Plan Map amendment to commercial for the subject property, and amendment of the Official Zoning Map to designate the property as Commercial General. It is recommended to the City Council that the territory to be annexed include the entire width of Golf Lane from the western edge of the subject property to Cascade Highway and that portion of Cascade Highway from the Golf Lane intersection to the thread of Mill Creek. It is further recommended by the Planning Commission to the City Council, that in accordance with the recommendation from the applicant's transportation engineering consultant, the Comprehensive Plan Amendment and the

Zoning Map amendment include a condition to limit traffic generation from the site to no more than 500 trips per day.

Contingent on the final approval of the annexation and the Comprehensive Plan Map amendment by the City Council, the Planning Commission approves the application for site plan approval as shown on a 10-sheet set of plans entitled “Site Study for Leo Hillyer Golf Course Road” [sic] prepared by Ronald James Ped, Architect, P.C, dated April 25, 2018 and the accompanying materials on file in the Planning and Development Department subject to the attached standard conditions of approval with the following conditions of approval.

1. In accordance with the recommendation from the applicant’s traffic engineer the site shall be limited to an average daily traffic generation of no more than 500 trips per day. The applicant shall submit a revised Transportation Impact Analysis that estimates the average daily traffic to be generated from the proposed development. The size of the dealerships shall be adjusted, as necessary to not exceed 500 trips per day.
2. An application for a building permit may not be submitted until the applicant has received a Site Development Permit from the Stayton Public Works Department in accordance with the Public Works Design Standards.
3. Any work within the right of way for Golf Lane requires a permit from Marion County Public Works.
4. Prior to submitting an application for a Site Development Permit, the applicant shall prepare and submit to the City for acceptance a deed of dedication to provide an 80-foot wide right of way along the entire frontage of the site. If the City adopts a new Transportation System Plan that reclassifies Golf Lane to another functional classification prior to submittal of the application for Site Development, the deed of dedication may provide for a smaller right of way width as is appropriate for the functional classification of the street.
5. The following engineered plans and supporting documentation shall be submitted to Public Works Department for review and approval prior to the initiation of construction of any public improvements:
  - a. A street improvement plan for a half-street improvement to Golf Lane conforming to Marion County and City Public Works Standards (PWDS). The plans shall be provide for a 50-foot section, with two 12-foot travel lanes and a 14-foot turn center turn lane, two 6-foot bicycle lanes, and 6-foot property line sidewalks with an 8-foot landscape strip. The street improvement plans shall include appropriate tapers at each end of the improved section. Street lights shall be provided to meet PWDS 308. A 10-foot wide Public Utilities Easement shall be provided along the frontage the parcel.
  - b. Water system plans conforming to OWRD, OHA-DWS, and meeting the requirements of the Fire Code Official and Building Official. The Developer shall provide written documentation that OWRD, OHA-DWS, the Building Official, and

- the Fire Code Official has reviewed and approved the water system improvement plans.
- c. Sanitary sewer system plans conforming to DEQ, Public Works Standards, and meeting the requirements of the Building Official. The City standard minimum pipe size for a public sanitary sewer main is 8 inches and upsizing may be required to serve future development along Golf Lane. If upsizing is required, then the additional costs for the upsizing of the public sanitary sewer system will be eligible for reimbursement in accordance with SMC 13.12. This development will be connected to the Mill Creek Sanitary Sewer Interceptor, and as such, the interceptor fee associated with the connection to this system will be required at the time of building permit issuance. A utility easement in accordance with PWDS 102.08 shall be provided if a sanitary sewer main is extended outside the public right-of-way. The Developer shall provide written documentation that DEQ has reviewed and approved the public sanitary sewer improvement plans.
  - d. A final stormwater analysis and report conforming to Marion County and City Public Works Standards. The site's high seasonal groundwater elevation will need to be determined to verify that it will not have an influence on the proposed stormwater infiltration systems. Revisions to the proposed stormwater facility design will be necessary in order to comply with PWDS that will affect the overall stormwater facility size, location, and other stormwater facility design parameters.
  - e. Stormwater conveyance, quality, and quantity facility plans conforming to Marion County and City Public Works Standards. 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 designated by the Design Engineer and approved by the City and Marion County.
  - f. A stormwater operation and maintenance plan/agreement (as approved by the City) to ensure future operation and maintenance of the private stormwater quality and quantity facilities. The operation and maintenance agreement shall be recorded in the Marion County Deed Records prior to issuance of a Site Development Permit.
  - g. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to DEQ and 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. The Developer shall provide written documentation that a 1200-C permit has been issued by DEQ for the project.
6. The applicant shall complete all street improvements prior to occupancy of the dealership. Prior to issuance of a certificate of occupancy, the final sight distances shall be verified, documented, and stamped by a registered professional Civil or Traffic Engineer as meeting the sight distance requirements of Table 17.26.020.4.c.

7. The applicant shall execute an agreement with the City that requires abandonment of the private well and connection to public water at such time as a public water main is within 500 feet of the subject property.
8. Prior to submittal of an application for site development permit, submit a revised Transportation Impact Analysis that documents the existing sight distances at the proposed driveway location and makes recommendations to assure that final design and construction meets the sight distance requirements contained in Table 17.26.020.4.c.
9. Prior to submittal of an application for a building permit, the applicant shall submit a revised site plan. The revised site plan shall:
  - a. Show a minimum of 90 parking spaces for customers and employees, not including any spaces for vehicle storage or display.
  - b. Show interior landscape islands in the parking area with no more than 10 parking spaces between islands.
  - c. Show a terminal landscape island at the west end of the southerly most row of parking in the parking area.
  - d. Include raised pedestrian access in the customer and employee parking areas.
  - e. Reduce the area of outdoor storage of vehicles on display to no more than 25% of the area between the front lot line and a parallel line drawn from the nearest point of the building.
  - f. Show the sight distance triangle at the driveway intersection.
10. Prior to submittal of an application for a building permit, the applicant shall submit a revised landscape plan. The revised landscape plan shall:
  - a. Clearly label the species of tree to be planted in the landscape islands in the parking area to be a species on the list of approved trees.
  - b. Include an irrigation plan meeting the requirements of Section 17.20.090.4.
  - c. List the height of shrubs to be planted instead of the volume of their container.
  - d. Provide a solid evergreen hedge around the outdoor service area.
  - e. Show the sight distance triangle at the driveway intersection and that any landscaping proposed within the sight distance triangle will not interfere with drivers' vision.
11. Prior to submittal of an application for a building permit, the applicant shall submit a revised illuminance diagram. The revised illuminance diagram shall:
  - a. Provide analysis of the lighting levels in the outdoor display/sales area separately than the employee/customer parking area, indicating for each area the average illuminance and the uniformity ratio.
  - b. Meet the standards of Sections 17.20.170.4.b and 17.20.170.4.c.

12. With submittal of an application for a building permit, provide revised building footprint and building elevation drawings. The revised building plans shall:
  - a. Provide the total length of the building and the length of the windows. Glazing shall be provided along at least 45% of the building ground floor elevation for all elevations that face a street. Any façade that is at an angle of 50% or less from the street shall be considered to face the street.
  - b. Show a horizontal or vertical break in the cornice line at least 18 inches in height or 3 feet in depth and at least 12 feet wide for each building.
  - c. Show weather protection by means of awnings, canopies, overhangs or other similar features at the primary entrance to each building.

## **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.

According to Section 17.12.120.7 this approval shall be effective only when the right granted herein is commenced within one year of the effective date of the decision. Therefore engineered plans and supporting documentation must be submitted to the Public Works Department no later than October 29, 2019.

## **VII. EFFECTIVE DATE**

This decision in regards to the applications for annexation and comprehensive plan Map amendment is only advisory to the Stayton City Council. The Stayton City Council shall hold a public hearing on these applications and render a final decision.

This decision regarding the site plan 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.

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall also be effective only when the exercise of the rights granted herein is commenced within one year of the effective date of the decision. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time may be filed with the Director of Planning and Development at least 30 days prior to the expiration date of the approval.

**VIII. APPEAL DATES**

The Planning Commission’s action on the site plan review application may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS within 14 days of the notice of decision.

\_\_\_\_\_  
Ralph Lewis, Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dan Fleishman,  
Planning and Development Director

\_\_\_\_\_  
Date

DRAFT



## 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.