

# STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, June 28, 2021

## **TELECONFERENCE MEETING**

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

Watch the meeting live streamed on YouTube: <https://youtu.be/akrEmK89Vag>

1. **CALL TO ORDER** **Chair Lewis**
2. **MEETING MINUTES – June 1, 2021**
3. **LAND USE FILE #3-02/21 –PUBLIC HEARING Application for Site Plan Review, Santiam Heritage Foundation, 425 N First Ave**
  - a. **Commencement of Public Hearing**
  - b. **Staff Introduction**
  - c. **Applicant Presentation**
  - d. **Staff Report**
  - e. **Questions from the Commission**
  - f. **Proponents' Testimony**
  - g. **Opponents' Testimony**
  - h. **Governmental Agencies**
  - i. **General Testimony**
  - j. **Questions from the Public**
  - k. **Questions from the Commission**
  - l. **Applicant Summary**
  - m. **Staff Summary**
  - n. **Close of Hearing**
  - o. **Commission Deliberation**
  - p. **Commission Decision**
4. **OTHER BUSINESS**
5. **ADJOURN**

**DATE OF NEXT MEETING: Monday, July 26, 2021**

**STAYTON PLANNING COMMISSION  
MEETING MINUTES**

**Tuesday, June 1, 2021**

**On-line Meeting held over Zoom**

**COMMISSIONERS:** Ralph Lewis, Chair  
Dixie Ellard  
Heidi Hazel  
Richard Lewis

**STAFF MEMBER:** Dan Fleishman, Planning & Development Director

**OTHERS PRESENT:** Wendy Stone

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00.
2. **APPROVAL OF MINUTES:** Hazel moved and Ellard seconded to approve the minutes from April 26, 2021 as presented. The motion was approved 4:0.
3. **LAND USE FILE #3-02/21 –PUBLIC HEARING Application for Site Plan review, Santiam Heritage Foundation, 425 N First Ave**

Chairman Lewis opened the hearing by reading the opening statement at 7:03. There were no objections to the notice of the hearing or the jurisdiction of the Planning Commission to hear the application. There were no declarations of conflict of interest or bias. Richard Lewis declared he had driven by the site.

Fleishman introduced the application as an appeal of decision may by him on a minor application. Fleishman explained that prior to proceeding with the appeal, the Planning Commission should confirm that they have jurisdiction, that the appellant has standing and that the appeal was timely filed. Richard Lewis moved and Ellard seconded to find that all three had been met. The motion was approved 4:0.

Wendy Stone, 525 N Myrtle Ave, Stayton, introduced herself as the president of the Santiam Heritage foundation and explained that the Foundation was continuing to work on options for parking for the event center. Therefore they are requesting the Planning Commission continue the hearing until their next meeting.

Fleishman noted that the City would be up against the 120-day limit for final approval of the application and Stone agreed to extend the deadline for City action and indicated she would do so in writing following the meeting. Hazel moved and Ellard seconded to continue the hearing until the June 28 meeting. The motion was approved 4:0.

4. **OTHER BUSINESS** – none.
5. **ADJOURN:** Chair Lewis adjourned the meeting at 7:20.



# City of Stayton

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## MEMORANDUM

**TO:** Chairperson Ralph Lewis and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** June 28, 2021  
**SUBJECT:** Appeal of Conditions of Approval, Site Plan Approval, Santiam Heritage Foundation, 425 N First Ave  
**120 DAYS ENDS:** extended to August 31, 2021 with permission of applicant

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### ISSUE

The issue before the Planning Commission is the continuation of a public hearing on an appeal of a conditional approval of an application from the Santiam Heritage Foundation for site plan approval to convert the Brown House at 425 N First Ave into an events center and four small offices.

Whereas the application met the definition of a minor modification, the original application was reviewed and approved by staff. The application was approved with a number of conditions. The Foundation has appealed that decision to the Planning Commission.

This hearing was previously scheduled for June 1 and the Planning Commission commenced the hearing at that time. The Planning Commission determined that it has jurisdiction, that the applicant has standing to appeal, and that the appeal had been filed in a timely manner. The applicant then requested the hearing be continued until the June 28 meeting and subsequently agreed to extend the 120-day deadline for the City to take final action on the application for 60 days.

### UPDATED ANALYSIS

The applicant, at the June 1 hearing reported an error in the application regarding the seating capacity of the first floor meeting rooms in the building. The application had stated that the total seating capacity was 150. At the hearing the applicant indicated the correct number is 88 and subsequently provided photos of the “maximum capacity” signs posted in each the rooms to verify that number.

The draft order has been revised to reflect the continuance of the public hearing and to correct the reference to the seating capacity in the finding on page 6 regarded needed parking. Whereas the requirement for 10 parking spaces, as in the original staff decision and in the draft order is based on 3.5 parking spaces per 1,000 square feet of floor space rather than the maximum capacity of the building, there is no change in the staff recommendation.

I also noticed an error in this finding that has been corrected. The original draft order stated that W High St was “an unapproved street.” This has been corrected to state that W High St is a “partially improved street.”

# City of Stayton

The two changes noted above are shown in yellow highlighting below:

Calculating the required off street parking based on seating capacity and assuming 1 space per 3 seats with a 88 seat capacity would require 30 spaces. Calculating the required off street parking based on square footage at the rate of 3.5 spaces per 1,000 square foot for 2,607 square feet results in a requirement for 10 spaces.

The application requests that no off street parking be required and notes that seven parallel parking spaces would be available along the property frontage on W High St. W High St is a partially improved street with a gravel surface and no curb and gutter.

There is no other change in the analysis from that presented in the June 1 staff report.

## RECOMMENDATION

The staff recommendation for conditional approval is reflected in the revised draft order that is attached to the staff report. This recommendation contains a number of conditions of approval to bring the plans into compliance with the requirements of the Code. The condition of approval relative to improvements to W High St has been modified from the staff Order that was issued March 31.

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

## OPTIONS AND SUGGESTED MOTIONS

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

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

I move the Stayton Planning Commission approve the application of the Santiam Heritage Foundation (Land Use File #3-02/21) and adopt the revised draft order presented by Staff.

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

I move the Stayton Planning Commission approve the application of the Santiam Heritage Foundation (Land Use File #3-02/21) and adopt the revised draft order with the following changes...

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

I move the Stayton Planning Commission approve the application of the Santiam Heritage Foundation (Land Use File #3-02/21) and direct staff to modify the revised draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the June 28, 2021 meeting.

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

I move that the Stayton Planning Commission deny the application of the Santiam Heritage Foundation (Land Use File #3-02/21) and direct staff to modify the revised draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the July 26, 2021 meeting.

### 5. Continue the hearing until June 28, 2021.

# City of Stayton

I move the Stayton Planning Commission continue the public hearing on the application of the Santiam Heritage Foundation (Land Use File #3-02/21) until July 26, 2021.

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

I move the Stayton Planning Commission close the hearing on the application of the Santiam Heritage Foundation (Land Use File #3-02/21) but maintain the record open to submissions by the applicant until July 12, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on July 26, 2021.

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

I move the Stayton Planning Commission continue the deliberation on the application of the Santiam Heritage Foundation (Land Use File #3-02/21) until July 26, 2021.

# BEFORE THE STAYTON PLANNING COMMISSION

In the matter of )  
The application of ) Site Plan Review  
Santiam Heritage Foundation, Appellant ) File #3-02/21  
)

## CONDITIONAL ORDER OF APPROVAL

### I. NATURE OF APPLICATION

The application is for site plan approval to convert the use of an historic building to offices and an event center and to make modifications to the grounds. The application qualified for review by staff under the terms of Stayton Municipal Code (SMC) Section 17.12.070.1.a. Staff issued an Order of Conditional Approval on March 31, 2021. The applicant appealed that decision to the Planning Commission. Under the terms of SMC Sections 17.12.070, 17.12.080, 17.12.090, and 17.12.100, the Planning Commission held a *de novo* hearing on the application.

### II. PUBLIC HEARING

A public hearing was commenced on the application before the Stayton Planning Commission on June 1, 2021. At that hearing the Planning Commission reviewed Land Use File #3-02/21, application for site plan approval, the staff Order of Conditional Approval, and the applicant's appeal form and statement, review comments from the other agencies, and comments from the public submitted during the staff review process and they were made part of the record. The Planning Commission determined that the appellant had standing to bring the appeal, that the Planning Commission had jurisdiction over the appeal and that the appeal was timely filed. The appellant then requested that the hearing be continued until June 28.

The hearing was continued until June 28, 2021 and there was no testimony from the public at the hearing.

### III. FINDINGS OF FACT

#### A. GENERAL FINDINGS

1. The owner of the property and the applicant is the Santiam Heritage Foundation.
2. The property can be described as tax lot 100 on Marion County Assessors Map 091W10CD and is Block 1, including the vacated alley, of the Ottomar Luttich Addition to Stayton, recorded in 1892.
3. The property is addressed as 425 N First Ave. The property has approximately 95 feet of frontage on N First Ave, 216 feet of frontage on W High St, and 126 feet of frontage on N Alder Ave. The property contains approximately 0.55 acre. Immediately to the north of the property is the Salem Ditch.
4. The property is zoned Commercial Retail (CR).
5. The surrounding property to the east, across N First Ave, is in the CR zone and is developed as an office building. The properties to the south, across W High St, are zoned CR and are developed as single family detached dwellings. The property to the west, across N Alder Ave is

zoned Medium Density Residential and is a single family dwelling. The property to the north, across the Salem Ditch, is zoned Public/Semi-Public and is the Stayton Public Library.

#### B. EXISTING CONDITIONS

The property is developed with a 2,600-square foot, 2-story building, and several outbuildings. The house was constructed in 1903 and has served as the community's hospital as well as a single family residence. The property was purchased by the Santiam Heritage Foundation in 2000. The property was listed on the National Register of Historic Places in 2002 and is on the City's list of historic resources. The Foundation has restored the building, utilizing thousands of hours of volunteer labor.

There are currently two dirt driveways entering W High St, one in the location of the vacated alley.

#### C. PROPOSAL

The application is to convert the existing building to an events center and four small offices. The application and site plan submitted indicate that one of the existing driveways will be decommissioned and a small turnaround will be constructed at the end of the remaining driveway. The plan also shows a possible future storage shed of 120 square feet.

#### D. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, WAVE Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District and Stayton Police Department. Pacific Power and Northwest Natural Gas replied that they were not impacted by the proposal. Comments were received from the City of Stayton Public Works Department through the City Engineer and Marion County Public Works.

#### E. PUBLIC COMMENT

Notice of the application was sent to the owners of all properties within 300 feet of the subject property. Comments were received from two members of the public. Both comments indicated support for the application and expressed an opinion that on-site parking is not needed. It is noted that the application included 53 "letters of support" from various members of the public. These letters are part of the record, but did not address the applicable review criteria. Therefore, the contents of these letters are not addressed below.

Notice of the Planning Commission's hearing was sent to the owners of all properties within 300 feet of the subject property and to the authors of the letters of support for whom a mailing or email address had been provided. No comments were received from the public.

#### F. ANALYSIS

Site plan review applications are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.220 and applicable provisions of the Development and Improvement Standards of SMC Title 17, Chapter 20. The applicable sections of Chapter 20 are 17.20.060 – Off-Street Parking and Loading; 17.20.080 – Special Street and Riparian Areas; 17.20.090 – Landscaping Requirements; 17.20.170 – Outdoor Lighting; and 17.20.200 – Commercial Design Standards. In addition, the application must meet the requirements of Section 17.26.020 – Access Management Requirements and Standards.

## G. APPROVAL CRITERIA

**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 City's Master Plans and Standard Specifications. Where an adopted Master Plan calls for facilities larger than necessary for service to the proposed use, the developer shall install the size facilities called for in the Master Plan, and shall be provided credit for the excess costs in accordance with SMC 13.12.245.*

Finding: There is a 12-inch water main on the west side N First Ave and a ¾-inch water main on the south side of W High St. It appears the property's current connection to the water system is on W High St. No change to the water supply to the property is proposed.

There is an 8-inch sewer main on the north side of W High St and a 12-inch sewer main in N First Ave. The City's GIS indicates that there is a 4-inch diameter sewer lateral serving the property and connecting to the N First Ave main. However, the 1965 Building Sewer Permit indicates the house was connected to the main in W High St.

There is a stormwater catch basin on the north side of W High St and at the northeast corner of the First/High intersection. The City Engineer noted that a stormwater analysis, drainage report and supporting documentation will be required in accordance with PWDS 603.01.

- 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 for vehicles, as well as bicycle and pedestrians, from those public streets which serve the property in accordance with the City's Transportation System Plan and Public Works Design Standards.*

Finding: N First Ave is designated as a major arterial street by the City's Transportation System Plan and is maintained by Marion County. W High St is designated as a residential local street by the City's Transportation System Plan. The Public Works Director has waived submission of a Transportation Assessment Letter. The proposal is to eliminate the westerly of the two existing driveway entrances onto W High St. See the findings below regarding Section 17.26.020.

- 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, the City's Transportation System Plan, and Public Works Design Standards. Improvements required as a condition of approval shall be roughly proportional to the impact of the development on transportation facilities. Approval findings shall indicate how the required improvements are directly related to and are roughly proportional to the impact of development.*

Finding: N First Ave is designated as a major arterial street by the City's Transportation System Plan. N First Ave currently has a 40-foot improvement within a 55-foot right of way, with a five-foot curbside sidewalk. Marion County Assessor's maps show there is a 20-foot half right of way on the west side of the street. The Geometric Design Requirements in the 2019 Transportation System Plan call for N First Ave to have a 30-foot half right of way at this location, with a 46-foot improvement and an 8-foot curbside sidewalk. Marion County Public



Works has commented that the development should include an upgrade to the corner pedestrian ramp at the northwest corner of the intersection of N First Ave and W High St to current ADA standards.

W High St is designated as a residential local street by the City's Transportation System Plan. W High St currently is an unimproved street with gravel surface and no curb, gutter or sidewalk adjacent to the subject property, within a 60-foot right of way. The Geometric Design Requirements in the 2019 Transportation System Plan call for W High St to have a 60-foot right of way, with a 34-foot improvement and a 5-foot property line sidewalk. The Public Works Department has indicated that dedication of additional right of way is not necessary, except at the intersection in order provide one-foot clearance behind sidewalks and sidewalk ramp.

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

Finding: See the findings below regarding Section 17.20.060.

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

Finding: No open storage areas or outdoor storage yards are proposed.

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

Finding: There will be no noise, odors or fumes.

- g. *The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Multi-family Residential Design Standards, Section 17.20.200 Commercial Design Standards, Section 17.20.220 Downtown Development Design Standards, or Section 17.20.230 Industrial Design Standards.*

Finding: Neither Sections 17.20.190, 17.20.220, nor Section 17.20.230 are applicable. Section 17.20.200 is applicable to commercial development. The proposal is convert the use to a commercial use. However, no building construction or site improvements are proposed. These standards are not applicable to this development proposal.

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

Finding: The existing site is landscaped with grass, flower beds and trees. No change in landscaping is proposed.

- k. *The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function without undue adverse impact on existing land uses.*

Finding: No barriers are proposed.

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

Finding: No outdoor lighting is proposed.

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

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

- 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 within 25 feet of Salem Ditch. There is an existing row of trees along the south bank of the Salem Ditch. No change in landscaping along the Salem Ditch is proposed.

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

Finding: The property is on the National Register of Historic Places. The findings in this order indicate that the site plan does not meet the standards of Section 17.20.060.5, 17.20.060.7.c, 17.20.060.8.a, 17.20.060.9-A.1), 17.20.060.10.b,

### **Section 17.20.060 Off-Street Parking and Loading**

The applicable provisions of Section 17.20.060 are:

*17.20.060.2: NEW AND EXISTING FACILITIES. Off street automobile parking areas and off street loading areas as set forth below shall be provided and maintained:*

- a. *For any new building.*
- b. *When additional seating capacity, floor area, guest rooms, or dwelling units are added to an existing building.*
- c. *When the use of a building as identified in Section 17.20.060.7.a is changed and would require additional parking areas or off street loading areas under the provisions of that section.*

Finding: The application is to change the use.

*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 site plan submitted does not show any off street parking.

*17.20.060.7.a REQUIREMENTS FOR AUTOMOBILE PARKING. Off-street automobile parking shall be provided in the manner required by subsection 9 of this section and approved by the City Planner in the minimum amounts described in Tables 17.20.060.7 a and b or as determined by Section 17.20.060.7.c.*

*17.20.060.7.c Determining Requirements for an Unlisted Use. When a required number of parking spaces is not specified for a particular use or facility or the Planning staff determines that the specified number of parking spaces is not appropriate, the City Planner shall prescribe a number of vehicle parking spaces or loading berths based on a determination of the traffic generation of the activity (as determined through a Traffic Impact Analysis), the amount or frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as effect the need for off street parking or loading.*

Finding: The application proposes that the building be converted to four small offices and three conference rooms for performances, gatherings, or meetings available for public use. The application notes that the conference room use would be similar to a library or museum. The use of “events center” is not listed in table 17.20.060.7.b Commercial and Industrial Parking Requirements. Therefore under Section 17.20.060.7.c the City Planner shall prescribe the number of off street parking spaces. The application has stated that the maximum seating capacity is 150. However, at the public hearing the applicant indicated that number was erroneous and provided photos of the occupancy limitations posted in the meeting rooms. The combined maximum capacity of the three rooms is 88.

Other uses in Table 17.20.060.7.b that list required parking based on seating capacity include auditorium, theater, stadium or similar use at 1 space per 3 seats; churches at 1 space per 4 seats; club or lodge at 1 space per 3 seats; and funeral homes at 1 space per 3 seats. A library or museum is required to provide 3.5 seats per 1,000 square feet of floor area.

The office use also requires 3.5 parking spaces per 1,000 square feet of floor area. The application notes a total building square footage of 1,463 square feet. The Marion County Assessors records indicate the building has 1,610 square feet on the first floor and 997 square feet on the second floor, for a total 2,607 square feet of floor area.

Calculating the required off street parking based on seating capacity and assuming 1 space per 3 seats with an 88-seat capacity would require 30 spaces. Calculating the required off street parking based on square footage at the rate of 3.5 spaces per 1,000 square foot for 2,607 square feet results in a requirement for 10 spaces.

The application requests that no off street parking be required and notes that seven parallel parking spaces would be available along the property frontage on W High St. W High St is a partially improved street with a gravel surface and no curb and gutter.

The Planning Director determines that a minimum of 10 parking spaces must be made available for the proposed uses in a combination of off-street and on-street parking. In order for on-street parking spaces to be considered available, the parking spaces must be paved and have curb and gutter. The site plan indicates the property has 216 feet of frontage on W High St. No on street parking is permitted within 20 feet of the intersection of N First Ave. No on-street parking shall be permitted within 10 feet of the driveway entrance on W High St. A minimum of one ADA accessible parking space shall be provided off-street. This space shall be paved, marked, and signed in accordance with the Oregon Transportation Commission Standards for Accessible Parking Places, August 2018.

*17.20.060.8.a: Except for single family residences and duplexes, parking spaces and accessible passenger loading zones reserved exclusively for use by handicapped or disabled persons shall be provided in accordance with Table 17.20.060.8.a and shall be located on the shortest possible accessible circulation route to an entrance of the building being accessed. Table 17.20.060.8.a requires one handicapped parking space in parking areas with 25 or fewer parking spaces.*

Finding: The applicant has not proposed any handicapped parking.

*17.20.060.9-A.1): The spaces required for bicycle parking is defined in Table 17.20.060.9-A.1. Fractional numbers of spaces shall be rounded up to the next whole space. Table 17.20.060.9-A.1 requires 1 space per 1,000 square feet of office space, library or museum, and 1 space per 50 seats for theaters and auditoriums.*

Finding: The site plan shows bicycle parking for 2 bicycles.

17.20.060.10.b: *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 site plan shows an existing gravel-surfaced driveway with a new turn around area. The site plan does not show any proposed off street parking.

17.20.060.11.a: *All parking areas shall be landscaped along the property boundaries as required by 17.20.090.11.*

Finding: The site plan does not show any off street parking.

### **Section 17.20.080 Special Street and Riparian Setbacks**

The applicable provisions of Section 17.20.080 are:

17.20.080.1.c: *A minimum 50-foot setback from the centerline of N First Ave is required for any building.*

Finding: The existing buildings meet the required setback. No new building is proposed.

17.20.080.2.b: *The riparian setback area for all new development other than a fence, sign, or pedestrian way, except as allowed under c. of this subsection, shall be 15 feet from normal high water along the Salem Ditch.*

Finding: No new building is proposed.

17.20.080.2.d.3): *Along the Salem Ditch the setback area may be used for residential landscaping adequate to maintain soil stability.*

Finding: No change in the landscaping along the Salem Ditch is proposed.

### **Section 17.20.090 Landscaping and Screening General Standards**

The applicable provisions of Section 17.20.090 are:

17.20.090.2: *A minimum of 15% of a site in the CR zone must be landscaped.*

Finding: The landscaped area exceeds 15% of the site.

### **Section 17.26.020 Access Management Requirements and Standards**

The applicable provisions of Section 17.26.020 are:

17.26.020.1.f: *Non-Conforming Access Features. Legal access connections in place as of the effective date of this section that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions: 1) Change in use as defined in 17.26.020.1.a.*

Finding: The site currently has two driveway entrances onto W High St. The applicant proposes to close the westerly driveway as part of this application.

17.26.020.2.c: *Number of Allowed Accesses for Non-Residential Uses. One driveway shall be allowed for up to 2,500 daily trips generated with a maximum of two driveways. An exception shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic.*

Finding: The site currently has two driveway entrances onto W High St. The applicant proposes to close the westerly driveway as part of this application.

17.26.020.3.a: Corner Lot Access. *Corner lot driveways on local streets shall be a minimum of 50 feet from the intersecting property lines or in the case where this is impractical, the driveway shall be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. Corner lots on arterial or collector streets shall have driveways located on the minor cross street.*

Finding: The easterly driveway is approximately 100 feet from N First Ave.

17.26.020.3.c: Access onto Lowest Functional Classification Roadway Requirement. *Access shall be provided from the lowest functional classification roadway.*

Finding: Site access is onto W High St.

17.26.020.3.h: Access Spacing Standards. *A minimum of 500 feet is required between driveways entering on local residential streets.*

Finding: The site currently has two driveway entrances onto W High St. The applicant proposes to close the westerly driveway as part of this application.

### III. CONCLUSION

Based on the findings above, the Planning Commission concludes that the application meets the criteria for approval established in SMC 17.12.220.5, and the requirements in SMC 17.20.060, 17.20.080, 17.20.090, and 17.26.020 except the following:

1. Section 17.12.220.5.c. This section requires that provision has been made for all necessary improvements to local streets, including actual improvement of traffic facilities to accommodate the additional traffic generated by the proposed development. The N First Ave right of way does not meet the right of way width requirements in the Transportation System Plan and Public Works Design Standards. W High St is a partially improved street without complete paving, curb, gutter, or sidewalks. The application proposes utilization of on-street parking in association with the proposed use. This standard could be met if the applicant dedicates right of way in order to create a 30-foot half right of way on the west side of N First Ave with a 10-foot public utility easement and 10-foot sidewalk easement behind the new right of way line and constructs a sidewalk along W High St. Should on-street parking be utilized, then the applicant shall also construct a half-street improvement including curb, gutter, and pavement from street centerline to curb in order to accommodate traffic from the site and to assure that the on-street parking spaces are adequate for use. Dedication of right of way and easement along N First Ave without requiring street improvements is roughly proportional to the impact of the development and the additional traffic to be generated by the new uses. Considering the applicant's request for use of on-street parking, the condition of a half-street improvement in W High St is roughly proportional to the impact of the development, as the applicant will not have to construct as much off-street parking and the use of on-street parking will create demand for the sidewalk to be constructed.
2. Section 17.12.220.5.d. This section requires compliance with the parking and loading facilities requirements of Section 17.20.060. See the conclusions below regarding Section 17.20.060.
3. Section 17.20.060.5 and 17.20.060.7.a. These sections require off-street parking and loading areas to be provided on the same lot with the main building, but allow uses in a commercial

district to have a parking area located within 500 feet of the main building and proscribe minimum off-street parking requirements. The application did not provide for any off-street parking. Instead, the application requested that on-street parking be permitted. The proposed use as an events center is not listed in the table of minimum parking requirements. Section 17.20.060.7.c allows the Planning Director to establish the required off-street parking for uses not listed in the table. Based on the types of uses proposed and similar uses in the table, the range of required off-street parking could be between 10 and 30 spaces. Section 17.12.220.5.o allows the decision authority to approve a site plan for a property on the National Register of Historic Places that does not meet all of the development and improvement standards of Chapter 17.20. The Planning Director concluded that this section could be met if the site plan is amended to provide a minimum of 10 parking spaces in a combination of on-street and off-street spaces. The Planning Commission concurs with this determination. In order for on-street parking spaces to be considered available, the parking spaces must be paved and have curb and gutter. On-street parking is not permitted within 20 feet of the intersection of N First Ave. On-street parking is not permitted within 10 feet of the driveway entrance on W High St.

4. Section 17.20.060.8.a. This section requires a minimum of one handicapped parking space. The site plan did not propose any handicapped parking. This section could be met if the site plan is amended to include a minimum of one off-street ADA accessible parking space, if any off-street parking is necessary in order to meet the minimum required number of parking spaces.
5. Section 17.20.060.10.b. This section requires all driveways, parking and loading areas to be paved with asphalt or concrete surfacing. The site plan shows an existing gravel-surfaced driveway with a proposed new turn-around area. The application materials note that the driveway has never shown pooling water, but does not specify the materials proposed for the new turn-around area. Section 17.12.220.5.o allows the decision authority to approve a site plan for a property on the National Register of Historic Places that does not meet all of the development and improvement standards of Chapter 17.20. The Planning Commission concludes that this section could be met if the existing driveway is maintained with a surface that is mud-free and in a condition that does not allow rain puddles to accumulate. Further, the Planning Commission concludes that this section could be met if any plans for the turn-around and off-street parking spaces assure that the turn-around area and parking spaces and access aisles have a stable surface.

#### **IV. ORDER**

Based on the conclusions above, the Planning Commission approves the application as shown on a plan entitled Brown House Change of Occupancy and New Stairway, prepared by Carlson Veit Junge Architects, P.C., dated December 4, 2019 and in the accompanying application materials on file in the Planning and Development Office, subject to the Standard Conditions of Approval for Land Use Applications attached to this decision and the following specific conditions of approval.

1. Prior to submitting an application for Site Development to the Public Works Department, the applicant shall submit to the Planning and Development Director a revised site plan that shows dedication of right of way in order to create a 30-foot half right of way on the west side of N First Ave with a 10-foot public utility easement and a 10-foot sidewalk easement behind the new right of way line, that provides a total of 10 parking spaces in a combination of on-street and off-street parking, that identifies any proposed on-street parking spaces on W High St, and shows a half-street improvement along the applicant's frontage on the north side of W High St

to the extent necessary to assure that any proposed on-street parking be paved and have curb and gutter. On-street parking shall not be permitted within 20 feet of the intersection of N First Ave. On-street parking shall not be permitted within 10 feet of the driveway entrance on W High St. If in order to provide 10 parking spaces, any off-street parking is provided, at least one off-street ADA-accessible parking space shall be provided. This space shall be paved, marked, and signed in accordance with the Oregon Transportation Commission Standards for Accessible Parking Places, August 2018. Access from the ADA parking space to the building shall be paved as required by the Building Official. Deed(s) for the dedication of right of way, public utility easement, and sidewalk easement shall be prepared by the applicant and submitted with the application for Site Development.

The revised site plan shall indicate the surfacing material for all driveways, any off-street parking areas, loading/turn-around areas, etc. Due to the listing of the subject property on the National Register of Historic Places, the surfacing material need not be asphalt or Portland cement concrete (PCC), with the exception of the ADA-accessible space noted above. However, any off-street parking, driveway, or loading/turn-around area that is not comprised of asphalt concrete pavement or PCC, shall be comprised of an all-weather stable surfacing approved by the Public Works Director that is easily distinguishable from the surrounding area and is capable of supporting standard H-20 vehicle wheel loading. The surface may include materials designed to support permeable paving options. The finish grades of the approved all-weather stable surfacing shall be such that any stormwater runoff will be directed towards an appropriate stormwater system. The details for construction of any off-street parking area, driveways and loading/turn-around areas shall be included in the site development plans required below.

2. Prior to any construction activity on the site, the applicant shall obtain a Site Development Permit from the Public Works Department. The application for Site Development shall include the following engineering plans:
  - a. Site and street improvement plans conforming to Public Works Standards. The street improvement plans shall include a 5-foot property line sidewalk and modification of the corner pedestrian ramp at the northwest corner of the intersection of N First Ave and W High St to meet current ADA standards. If the applicant chooses to utilize on-street parking, the street improvement plans shall include a half-street improvement providing a 17-foot paved improvement, curb and gutter.
  - b. If modifications to the existing water system are needed, then water system plans conforming to Public Works Standards and meeting the requirements of the Building and Fire Code Official. The applicant shall provide written documentation that the Fire Code Official has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
  - c. If modifications to the existing sanitary sewer system are needed, then sanitary sewer system plans conforming to Public Works Standards, and meeting the requirements of the Building Official. If deemed necessary by Public Works, the existing parcel's sanitary sewer service shall be televised and inspected prior to reuse.
  - d. A stormwater analysis conforming to Public Works Standards. Careful review and consideration of the area's seasonal high groundwater impacts will need to be included in the analysis. If UICs are proposed, then written documentation shall be provided to the City that UIC approval and necessary permit(s) have been obtained from DEQ.

- e. Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards. It shall be the responsibility of the Owner/Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.
- f. A stormwater operation and maintenance plan and agreement (as approved by the City) to ensure future operation and maintenance of any required stormwater quality and quantity facility.
- g. An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards.

**V. OTHER PERMITS AND RESTRICTIONS**

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

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

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

**VI. APPEAL DATES**

The Planning Commission’s action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.400 APPEALS.

\_\_\_\_\_  
 Ralph Lewis,  
 Planning Commission Chairperson

\_\_\_\_\_  
 Date

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

\_\_\_\_\_  
 Date



## 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.