

STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, September 30, 2024

HYBRID MEETING

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be "attended" virtually. If you would like to virtually participate in the meeting, please contact the Planning and Development Department at wcudd@staytonoregon.gov to receive an invitation to the online meeting.

1. **CALL TO ORDER** **Chair McKinley**
2. **MEETING MINUTES – Approval of August 26, 2024, Minutes**
3. **LAND USE FILE #3-01/24 –PUBLIC HEARING (Continuation) – Application for Preliminary Partition Plan to divide 313 N Evergreen Ave into 3 parcels, Ross Bochsler, Kardboard Box LLC, PO Box 516, Stayton OR 97383**
 - a. **Staff Introduction and Report**
 - b. **Applicant Presentation**
 - c. **Questions from the Commission**
 - d. **Questions and Testimony from the Public**
 - e. **Applicant Summary (Planning Commission continued the Public Hearing)**
 - f. **Staff Summary**
 - g. **Close of Hearing**
 - h. **Commission Deliberation**
 - i. **Commission Decision**
4. **LAND USE FILE #9-08/24 – PUBLIC HEARING – Written Recommendation for Legislative Amendments to permit use “General Merchandise Stores” in the Interchange Development ID Zone**
 - a. **Staff Introduction and Report**
 - b. **Applicant Presentation**
 - c. **Questions from the Commission**
 - d. **Questions and Testimony from the Public**
 - e. **Applicant Summary**
 - f. **Staff Summary**
 - g. **Close of Hearing**
 - h. **Commission Deliberation**
 - i. **Commission Decision**
5. **LAND USE FILE #10-06/24 – PUBLIC HEARING (Continuation)- Application for a Site Plan Review to develop a vacant lot at 101 Whitney Street in an Interchange Development (ID) zone into a 10,640 sq. ft. commercial building for a proposed Dollar General, including parking, access, and landscaping.**
 - a. **Staff Introduction and Report**
 - b. **Applicant Presentation**
 - c. **Questions from the Commission**
 - d. **Questions and Testimony from the Public**
 - e. **Applicant Summary (Planning Commission continued the Public Hearing)**
 - f. **Staff Summary**

- g. Close of Hearing**
- h. Commission Deliberation**
- i. Commission Decision**

6. OTHER BUSINESS

7. ADJOURN

DATE OF NEXT MEETING: Monday, October 28, 2024

City of Stayton

MEMORANDUM - Revised V.2 -

TO: Chairperson Larry McKinley and Planning Commission Members
FROM: Jennifer Siciliano, Director of Community and Economic Development
DATE: September 23, 2024
SUBJECT: Preliminary Plan for Kardboard Box, LLC and Ross Bochsler for 313 N Evergreen Avenue
120 DAYS ENDS: November 1, 2024.

ISSUE

The issue before the Planning Commission is a public hearing on an application for a Preliminary Partition Plan to divide 313 N Evergreen Avenue into 3 parcels creating Lot 1 - 11,230 square feet with frontage on both W Evergreen Avenue and Ida Street, Lot 2, 11,146 square feet with frontage on W Ida Street and is vacant, and Lot 3, 31,629 square feet with frontage on W High Street.



BACKGROUND

313 N Evergreen is a parcel that is approximately 1.24 acres and fronts W Ida Street, N Evergreen Avenue, and W High Street. Two single-family homes are currently on the property and the proposed preliminary partition plans to provide a separate lot for each of these homes. The three parcel will be vacant and be able to be developed with a residential use.

W High Street is an unimproved local road without sidewalks. N Evergreen Avenue has a substandard sidewalk that will need to be replaced. W Ida Street has substandard sidewalks that also will need replacing and are not up to the current standards to be consistent with Stayton's Transportation System Plan. The Transportation System Plan has pedestrian and bike projects scheduled along the frontage of W Ida Street: pedestrian project P13, and bike project B9.

City of Stayton

The city has provided three water and sewer connections for future development of Lot 2 as part of Phase II upgrades to Ida Street.

The applicant will need to work with Marion County's Surveyor's Office when recording their final approved plan.

ANALYSIS

This report and the draft order presents the Planning Staffs summary and analysis concerning this application. It was developed with the input of other City departments and agencies.

Attached is an application for preliminary partition plan from Kardboard Box, LLC and Ross Bochslar. The application consists of a stamped plan, a narrative, and an application form. The complete application submission has been posted on the City's website.

As future developments progress on these partitioned parcels, depending on what is proposed in future developments, additional will be asked of the developer.

The attached draft order provides findings and analysis of each approval criteria for Preliminary Partition Plan.

RECOMMENDATION

The staff recommends option one to approve the draft order as presented.

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 to approve the draft order as presented.

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

I move the Stayton Planning Commission approve the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 313 N Evergreen Avenue, (Land Use File #3-01/24) and adopt the draft order presented by Staff.

2. Approve the application, adopting modifications to the draft order.

I move the Stayton Planning Commission approve the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 313 N Evergreen Avenue, (Land Use File #3-01/24) and adopt the draft order with the following changes...

3. Deny the application, directing staff to modify the draft order.

I move the Stayton Planning Commission deny the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 313 N Evergreen Avenue, (Land Use File #3-01/24) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the October 28, 2024, meeting.

4. Continue the hearing until October 28, 2024.

I move the Stayton Planning Commission continue the public hearing on the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochslar for 313 N Evergreen Avenue, (Land Use File #3-01/24) until October 28, 2024.

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

City of Stayton

I move the Stayton Planning Commission close the hearing on the application for a Preliminary Plan for Kardboard Box, LLC and Ross Bochsler for 313 N Evergreen Avenue, (Land Use File #3-01/24) but maintain the record open to submissions by the applicant until October 7, 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 October 28, 2024.

6. 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 for a Preliminary Plan for Kardboard Box, LLC and Ross Bochsler for 313 N Evergreen Avenue, (Land Use File #3-01/24) until October 28, 2024.

SBEFORE THE STAYTON PLANNING DEPARTMENT

In the matter of) Preliminary Partition Plan
The application of) File # 3-1/24
Ross Bochsler, Kardboard Box, LLC, Applicant)

ORDER OF CONDITIONAL APPROVAL

I. NATURE OF APPLICATION

The application is to divide an existing parcel with two dwellings into three (3) parcels creating one vacate lot and two (2) parcels with a single-family home each.

II. FINDINGS OF FACT

A. GENERAL FINDINGS

1. The owner and applicant are Kardboard Box, LLC and Ross Bochsler.
2. The properties can be described on Marion County Assessors Map as 313 W Evergreen Avenue (tax lot 091W10CC03000).
3. The property has approximately the following frontage: 205 feet along W Ida Street, 200 feet along W Evergreen Ave, and 294 feet along W High Street. The property is approximately 1.25 acres.
4. The property is zoned Medium Density (CG) Residential.
5. The neighboring properties to the north across W High Street are a mix of Low Density (LD) Residential and Light Industrial (IL) zoned parcels. To the east across W Evergreen Avenue, the properties are zoned LD. To the south across W Ida Street, the parcels are zoned LD. The properties to the west across are zoned LD.

B. EXISTING CONDITIONS

The subject property is currently developed with two single family homes: one single-family home fronts W High Street and has the number 650 W High Street and the other home has the address 313 W Evergreen Avenue.

C. PROPOSAL

The proposal is to divide the parcel into three. Lot 1 will be 11,230 square feet with frontage on both W Evergreen Avenue and Ida Street with an existing single-family house with required setbacks. Lot 2 will be 11,146 square feet with frontage on W Ida Street and be vacant. Lot 3 will be 31,629 square feet with frontage on W High Street with an existing single-family house with required setbacks.

D. AGENCY COMMENTS

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

A response from Marion County Building Inspection indicating they are not impacted. SCTC said they have no issues with this development. Stayton Fire Department stated that they had no comments.

Responses were received from Stayton's Public Works, City of Stayton's Transportation and Engineering Consultants, Marion County Surveyor Office, Pacific Power, Northwest Natural Gas, whose comments are reflected in the findings below.

E. PUBLIC COMMENTS

The Community and Economic Development Department received no public comments on this application prior to the hearing.

F. APPROVAL CRITERIA

Partitioning applications are required to satisfy approval criteria contained within the Stayton Municipal Code (SMC) 17.24.040.6 Preliminary Plan Approval Criteria and 17.24.050 Design Standards for Subdivisions and Partitions.

Pursuant to SMC 17.24.040.6 the following criteria must be demonstrated as being satisfied by the application:

- a. *(Repealed).*
- b. *Adequate urban services are available to the property.*

Finding: Water, sewer and other urban services are available to these 3 lots created by the partition and are adequate for future development. There is an 8-inch water line on W High Street, and W Evergreen Avenue, and a 16-inch water line in W Ida Street. There is an 8-inch sewer line on W High Street, a 10-inch sewer line W Evergreen Avenue, and a 15-inch sewer line in W Ida Street. Three water and sewer laterals lines are being installed to Lot 2 as part of the city's Phase 2 Ida Street Sanitary Sewer Replacement project.

- c. *The proposed parcels or lots meet the minimum dimensional requirements of Section 17.16.070.2.*

Finding: The proposed partition creates three (3) lots that meet the minimum dimensional requirements of SMC 17.16.070.2. The three (3) lots are at least 7,000 square feet and have a lot width of at least 70 feet and an average width of 70 feet. The proposal creates three lots with approximately Lot 1 – 11,230 square feet and frontage of 202 feet, Lot 2 – 11,146 square feet and frontage of 105 feet, and Lot 3 – 31,834 square feet and frontage of 294 feet.

- d. *All streets shall be in a location and have a right of way and traveled way width in accordance with the City's Transportation System Plan. Street spacing and location and block dimensions shall meet the standards of Section 17.26.020.5.c.*

Finding: The proposed partition fronts W Ida Street, N Evergreen Avenue, and W High Street. W Ida Street is a collector street and N Evergreen Avenue, and W High Street are local roads. To have a required right-of-way of 60 feet for each road, there needs to be an additional 5 feet (plus additional 1 foot past the sidewalk if needed), 10 feet, and 5 feet (plus additional 1 foot past the sidewalk if needed), respectively.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.

- e. *The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.*

Finding: See the Finding below regarding Section 17.24.050. This is only a 3-lot partition creating one vacant lot. When the lot is developed, it will need to follow the access management standards. The city's traffic consultant stated that adhering to spacing should be viable.

- f. *The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.*

Finding: The Comprehensive Plan map shows the proposed partition as residential use. It will continue to be residential and vacant use. The parcels will all conform to current zoning. The two parcels (Lot 1 and 3) will have single-family homes that conform to current zoning. The vacant Lot 2 is proposed to be larger than the minimum lot size and have more frontage than required.

- g. *The subdivision or partitioning preliminary plan provides adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels.*

Finding: To allow adequate access for utilities a 10 foot wide Public Utility Easement (PUE) should run the length of frontage areas in addition to the rights-of-way. For further development of Lot 2, since W Ida Street is a collector road, a 150-foot distance is required from adjacent driveway. Lot 2 has a frontage of 105 feet, so future development shall require strategic driveway placement from the driveway at 609 W Ida Street.

Condition: Ten-foot PUE are added along frontage where the right-of-way areas are required to be increased to be consistent with Public Works Design Standards.

- h. *Multiple Access Roads: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units shall be provided with not less than two approved means of access. Exceptions may be allowed when the proposed CC&Rs for the development will require an automatic sprinkler system approved in accordance with the provisions of ORS 455.610(6).*

Finding: The dwelling units will not exceed 30 since this is not allowed in Medium Density (MD) Residential for this size partition. Density maximum for this zone is 12 units per acre. The parcel to be partitioned is an approximate total of 1.24 acres.

- i. *All applicable standards of Chapter 17.20 are satisfied.*

Finding: There are no standards of Chapter 17.20 applicable to this partitioning.

- j. *All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.*

Finding: There are no identified wetlands on this property.

- k. *The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town,"*

"place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a partitioning.

Finding: As a partition, there is no name.

- l. The land division complies with the provisions of ORS 92.090 as amended.*

Finding: The applicable provisions of ORS 92.090 are that a tentative plan for a proposed partition shall not be approved unless the streets and roads are laid out so as to conform to the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and in all other respects; streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon; and the tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under ORS 92.044. There are no streets proposed as part of the partitioning. The MD zone establishes a 7,000 square foot minimum lot size with a minimum of 70 feet of frontage. The proposal is to create three lots with approximately more than 7,000 square feet of lot area and more than 70 feet of frontage.

- m. When any portion of a subdivision or partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the land division and site development shall comply with the requirements of Sections 17.16.090.3, 17.16.090.4, and 17.20.080.2. Conditions, Covenants and Restrictions for the parcels shall assure that the vegetation maintenance standards of Section 17.20.080.2.d will be met.*

Finding: The subject property is not within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch.

Section 17.24.050 Design Standards for Subdivision and Partition Preliminary Plans.

Pursuant to SMC 17.24.050 the following criteria and objectives must be demonstrated as being satisfied by the application for preliminary plan approval of a partitioning:

1. STREETS.

a. Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and roadway design as indicated on the official map of streets known as the Future Street Plan and the Roadway Functional Classification Map in the adopted Stayton Transportation System Plan.

b. Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.

c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.

d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Transportation System Plan.

e. Concrete curbs and concrete sidewalks shall be installed on all streets, consistent with the Geometric Design Requirements by Street Functional Classification in the Public Works Design Standards.

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

Findings: No new streets are proposed. The Transportation System Plan does call for Project P13 and Project B9 of the Transportation System Plan. The sidewalk along W. Ida Street is currently substandard. Therefore, the frontages of Lot 1 and Lot 2 on W. Ida Street will require the removal of the existing substandard sidewalk and sidewalk ramp. These will need to be replaced with a 6' wide curb-tight sidewalk and compliant sidewalk ramps, in accordance with the PWDS, at the time of development, unless an alternative is approved by the Public Works Director.

In addition, the sidewalk on N Evergreen is substandard. The frontage of Lot 1 along N Evergreen needs to be removed and replaced with a 5' wide curb-tight sidewalk and compliant sidewalk ramps, in accordance with the PWDS, at the time of development, unless an alternative is approved by the Public Works Director.

It is unlikely that W High Street will be improved at this time. However, the applicant shall agree to a non-remonstrance agreement for future development with any required improvements shall apply to the full right-of-way (ROW) width, with costs shared equally among adjacent property owners.

The applicant may request an alternative to these Design Standards and will be considered for approval by the City Engineer as need arises and conditions warrant modification. Request must show that the modification meets the intent of the Design Standards and will not compromise safety, impact other properties or cause an increase in maintenance. This consideration will be on a case-by-case basis and require sufficient justification prior to approval. All requests will be in writing and be accompanied by engineered drawings and final design calculations.

Condition: Sidewalks along frontage of Lot 1 and 2 along W Ida Street are removed and replaced with six-foot sidewalks, and sidewalks along the frontage of Lot 1 on N Evergreen Avenue are removed and replaced with 5-foot sidewalks. In addition, a non-remonstrance agreement between the owner of Lot 3 and the city is agreed to for the future development of W High Street with any required improvements shall apply to the full right-of-way (ROW) width, with costs shared equally among adjacent property owners. Or the applicant obtains approval in writing prior to final partition approval to modify these Public Works Design Standards as warranted which meet the intent of the Design Standards and will not compromise safety, impact other properties or cause an increase in maintenance.

2. DEDICATION OF A RIGHT-OF-WAY.

If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.

Findings: The preliminary plan is required to show an additional right-of-way of 5' along the frontage of W Ida Street on Lots 1 and 2, additional right-of-way of 10' along the frontage of N Evergreen Avenue on Lots 1 and 3, and additional right-of-way of 5' along frontage of W High Street on Lot 3.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.

3. DEAD-END STREETS AND CUL-DE-SACS.

When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-desacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.

Findings: No dead-end or cul-de-sacs are proposed.

4. RESERVE BLOCK.

a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.

b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

Findings: No reserve blocks are proposed.

5. STREET WIDTHS.

a. The location, width, and grade of all streets must conform to the Public Works Design Standards and City's Transportation System Plan. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.

b. In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.

d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in the Public Works Design Standards.

Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

e. Additional Right-of-Way Widths.

- 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
- 2) Where bikeways necessitate, additional right-of-way width may be required.

Findings: No new streets are proposed. Yet additional right-of-way areas need to be included to be consistent with the Stayton Transportation System Plan. There needs to be an additional right-of-way of 5' along the frontage of W Ida Street on Lots 1 and 2, additional right-of-way of 10' along the frontage of N Evergreen Avenue on Lots 1 and 3, and additional right-of-way of 5' along frontage of W High Street on Lot 3.

Condition: Right-of-way areas along frontages are increased to Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.

6. SUBDIVISION BLOCKS.

a. Block lengths and widths shall be determined by giving consideration to the following factors:

- 1) The distance and alignment of existing blocks and streets.
- 2) Topography.
- 3) Lot size.
- 4) Need for and direction of the flow of through and local traffic.

b. Block length and perimeter standards are specified in Section 17.26.020.5.c.

c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

Findings: The application is for partitioning. No blocks will be created.

7. MID-BLOCK WALKS.

Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the Developer to install mid-block pedestrian walks on a right-of-way 20 feet in width, which shall consist of at least 8 feet of hard surfacing throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

Findings: The application is for partitioning. No blocks will be created.

8. LOT SIZE, LOT LINES.

- a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.
- b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
- c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
- d. Side lot lines shall be as close to right angles to the front street as practicable.
- e. Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.
- f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.

Findings: The MD zone requires a 7,000 square foot minimum lot size with a minimum 70 feet of lot width. The proposal creates three lots with approximately Lot 1 – 11,230 square feet and frontage of 202 feet, Lot 2 – 11,146 square feet and frontage of 105 feet, and Lot 3 – 31,834 square feet and frontage of 294 feet.

9. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

Findings: There are no public survey monuments on the parcel.

10. SEWAGE DISPOSAL.

- a. All extensions of the existing City sewage facilities shall be in accordance with the Public Works Design Standards and the City's Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.
- b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.

Findings: There is an 8-inch sewer line on W High Street, a 10-inch sewer line W Evergreen Avenue, and a 15-inch sewer line in W Ida Street. Three sewer laterals lines are being installed to Lot 2 as part of the city's Phase 2 Ida Street Sanitary Sewer Replacement project.

11. PUBLIC USE AREAS.

- a. Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.
- b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.

Findings: There are no proposed public use areas with this partition and no parks planned for the area in the Parks Master Plan.

12. WATER SUPPLY.

- a. All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Health Authority and Oregon Water Resources Department.
- b. In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing.

Findings: There is an 8-inch water line on W High Street, and W Evergreen Avenue, and a 16-inch water line in W Ida Street. Three water laterals meter lines are being installed to Lot 2 as part of the city's Phase 2 Ida Street Sanitary Sewer Replacement project.

13. UNDERGROUND UTILITIES.

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.

Findings: This application is for partitioning. Permanent overhead power lines already exist for the two existing single-family homes on Lots 1 and 3. New overhead utility services are not proposed for the vacant Lot 2.

III. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements for Sections 17.24.040.6, 17.24.050, and 17.26.020 are met, except 17.24.040.6.d.,

Planning Commission Order, Land Use File #3-01/24
Kardboard Box, LLC and Ross Bochsler Preliminary Partition Plan

17.24.040.6.g., 17.24.050.1. Section 17.24.050.2., and Section 17.24.050.5. These sections can be met if prior to the issuance of a building permits on the parcels the applicant submits plans for street, sewer, water, and stormwater improvement to meet Public Works Design Standards. The conditions can be found in their respective criteria findings.

IV. ORDER AND CONDITIONS OF APPROVAL

Based on the conclusions above, the Planning Commission approves the application for preliminary plan to divide 313 N Evergreen Avenue into 3 parcels as shown on sheet C1 dated May 29, 2024 prepared by Levi Warriner from North Santiam Paving Company, Stayton, OR and the accompanying materials that comprising the complete application subject to the attached standard conditions of approval and the following specific conditions for approval:

1. The Final Partitioning Plan shall show additional 5-foot wide right-of-way along frontage of W Ida Street, additional 10-foot wide right-of-way along the frontage of N Evergreen Avenue, and additional 5-foot right-of-way along the frontage on W High Street to meet the requirements of consistency with the Public Works Design Standards or the applicant agrees to sign and record a restrictive covenant agreeing to future dedication for road and utility purposes of those same right-of-way areas prior to final partition approval.
2. The Final Partitioning Plan shall show additional 10-foot wide Public Utility Easement along all required frontages on W Ida Street, N Evergreen Avenue, and W High Street to meet the requirements of consistency with the Public Works Design Standards.
3. Engineered plans and supporting documentation shall be submitted to the City for review and approval prior to issuance of a Site Development Permit:
 - a) Site and street improvement plans conforming to the SMC and Public Works Standards. Any new driveway approaches on W Ida Street shall comply with the Public Works Design Standards. This includes removal of sidewalks on frontage of W Ida Street, and N Evergreen Avenue with replacement of the sidewalk along W Ida Street, and along N Evergreen Avenue including an ADA ramp at the corner of W Ida Street and N Evergreen Avenue. Any modifications to sidewalk width standards shall be requested in writing and approved in the manner set forth in the Public Works Design Standards. A non-remonstrance agreement would need to be entered into for future full ROW street improvements along the frontage of W High Street with any required improvements shall apply to the full right-of-way (ROW) width, with costs shared equally among adjacent property owners.
 - b) Water system plans conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official and Fire Code Official. The Developer shall provide written documentation that the Fire Code Official has reviewed and approved all required private fire access, protection devices, and system modifications, unless otherwise deferred in writing by the Fire Code Official.
 - c) Sanitary sewer system plans conforming to the SMC, Public Works Standards, and meeting the requirements of the Building Official.

- d) A stormwater analysis and report conforming to Public Works Standards. Careful review and consideration of the area's seasonal high groundwater impacts, including the necessary vertical separation requirements, will need to be included in the analysis.
- e) Stormwater conveyance, quality, and quantity facility plans conforming to Public Works Standards and meeting the requirements of the Building Official. It shall be the responsibility of the Developer to provide an acceptable point of discharge for stormwater from the development which will not harm or inconvenience any adjacent or downstream properties and that conforms to Public Works Standards. An acceptable point of discharge is to be designed by the Design Engineer and approved by the City.
- f) A stormwater operation and maintenance plan and agreement (as approved by the City) to ensure future operation and maintenance of the stormwater quality and quantity facilities.
- g) An erosion and sediment control plan for the site grading and earth disturbing activities conforming to Public Works Standards. A 1200-C permit will need to be obtained by the Developer from DEQ for any site disturbance of one or more acres through clearing, grading, excavating, or stockpiling of fill material.

V. OTHER PERMITS AND RESTRICTIONS

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

The City of Stayton land use review and approval process does not take the place of, 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.

DRAFT

VI. EFFECTIVE DATE

This decision regarding this 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. Section 17.12.120.7.c requires submittal and acceptance of a draft partition final plat. In case such right has not been exercised or extension obtained, this approval shall be void. A written request for an extension of time may be filed with the Director of Community and Economic Development at least 30 days prior to the expiration date of the approval.

VII. APPEAL DATES

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

Planning Commission Chairperson

Date

Jennifer Siciliano,
Director of Community and Economic Development

Date

Standard Conditions of Approval for Land Use Applications

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

Engineer and signed approved by the City Engineer, or Stayton Public Works Department, prior to construction.

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



City of Stayton

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TO: Chairperson Larry McKinley and Planning Commission Members

FROM: Jennifer Siciliano, Director of Community and Economic Development

SUBJECT: Public Hearing for a written recommendation for a Land Use Code Amendment to Add a Permitted Use with Site Plan Review to the Interchange Development - ID Zoning District

DATE: September 23, 2024

ISSUE

The issue before the Planning Commission is to consider adding a permitted use, with Site Plan Review, of “# 17 General Merchandise Stores” to the Interchange Development (ID) zone. This would be reflected by amending Table 17.16.070.1 Permitted Land Use in the Stayton Land Use and Development Code.

Due to a procedural issue, a Public Hearing for the proposed text will take place at the September 30, 2024, Planning Commission meeting. The Planning Commission will provide a written recommendation either for or against the proposed land use code amendment. The Planning Commission voted to not act in favor of a change to the land use code at their August 26, 2024, meeting, but did not vote on a written recommendation. All testimony that the previous Public Hearing on August 26, 2024, will be considered as part of the record.

BACKGROUND

A Land Use Code Amendment is a legislative decision and must either be initiated by the Planning Commission or the City Council per 17.12.175.3. The Planning Commission voted to hold a Public Hearing to consider a recommendation for land code amendments to allow, with Site Plan Review, “# 17 General Merchandise Stores” to the Interchange Development (ID) zone.

Additionally, a study on the impact on transportation facilities is required to be conducted per 17.12.175.6, and this has been completed by the city’s traffic engineer, Kittelson & Associates, Inc. They conclude that the proposed change would not represent a significant effect on the transportation system as defined by the Transportation Planning Rule (TPR).

The Zoning Code provides a purpose for the Interchange Development – ID zone as defined in 17.16.060 DISTRICT PURPOSES. INTERCHANGE DEVELOPMENT.

“To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the



City of Stayton

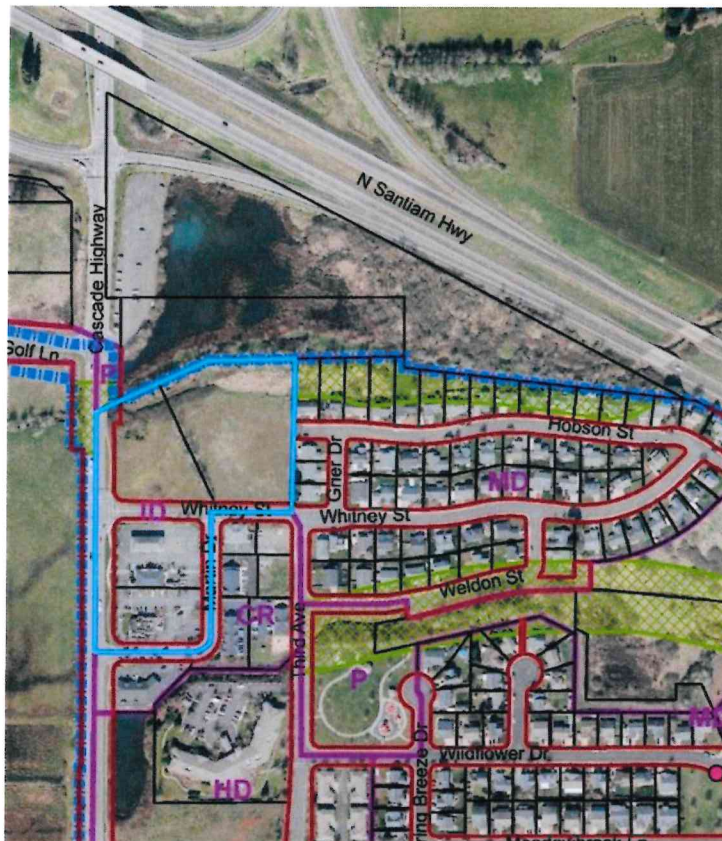
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traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.”

The ID zone covers four (4) parcels in the city and has a limited number of permitted uses. The Interchange Development – ID zone only includes the four following parcels:

- 101 Whitney St a 10,640 square foot general store proposed
- 201 Whitney St vacant
- 100 Whitney St already developed
- 101 Martin Dr already developed

Two of the four parcels are already developed. The map below shows the Interchange Development – ID zone. The four parcels are shown outlined with a light blue border.



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The Interchange Development – ID zone only allows a very limited list of permitted uses with Site Plan Review. See Table 17.16.070.1 Permitted Land Use. Here is a complete list of the uses:

- Food & Beverage Stores (Convenience stores only)
- Gasoline Stations
- Gift & Novelty stores
- Commercial Banking & Related Activities (With no less than two drive-thru lanes and a drive-up automatic teller machine.)
- Hotel, Motel, Inn
- RV Parks and Recreational Camps
- Bed & Breakfast
- Eating & Drinking Places
- Water or Sewage Collection or Distribution Facilities & Pump Stations

The Stayton Land Use and Development Code only has 10 retail types plus a category for those not listed in its use table.

- 10 Retail Stores not specifically listed below
- 11 Automobile Dealers
- 12 Automotive Parts, Accessories, & Tire Stores
- 13 Building Material & Supplies Dealers
- 14 Lawn and Garden Equipment & Supplies Stores
- 15 Food & Beverage Stores
- 16 Gasoline Stations
- 17 General Merchandise Stores
- 18 Gift & Novelty stores
- 19 Manufactured Home Dealers
- 20 Direct Selling Establishments (except food)

ANALYSIS

The Interchange Development – ID zone is a commercial zone. If the Planning Commission wants to make changes to any use within the ID zone, these uses would need to fit with the zone's purpose as laid out in 17.16.060 (defined previously). If any land use code amendments are approved, it would affect all four parcels. All these parcels are currently already zoned for commercial.

There are a number of zones in the city where this type of use is permitted including:
Commercial Retail (CR) – it is limited to 8,000 square feet gross floor area
Commercial General (CG)

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Commercial Park (CP)
Central Core Mixed Use (CCMU)
Downtown Commercial Mixed Use (DCMU)
Residential Mixed Use (DRMU)

In considering a text amendment, one must refer to the Comprehensive Plan, the original intent and whether this is still relevant. In this case, there are four impacted parcels, two of which have developed consistent with the zone. Does the Planning Commission, and ultimately the City Council find that a general merchandise store is in line with the intent of the ID zone “To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public?”

Staff reviewed the applicable Comprehensive Plan policies and identified the following specific policy related to this issue:

Comprehensive Plan Policy EC-4 It is the Policy of the City to discourage commercial development at Highway 22.

ACTION The City shall continue the Interchange Development Zone near the two Highway 22 interchanges to limit commercial uses to traveler-oriented.

While a general merchandise store can bring economic development to a lot that has been vacant for years could generate new tax revenue, and potentially create jobs the proposed text amendment appears to be inconsistent with the intent of the ID zone and the Comprehensive Plan. This area is the gateway to our city and the type of development here sets the tone for what visitors will think of our community. We need to consider whether a general merchandise store truly represents the image we want to project or if it might detract from a more distinctive, welcoming entry point that reflects the character and values of our city.

RECOMMEDATION

The staff does not recommend amending the text, however if the Planning Commission and Council feel it is appropriate, staff recommends allowing “#17 General Merchandise” with Site Plan Review and the footnote that this use is limited to 8,000 square feet gross floor area as it is in Commercial Retail. This will provide for additional use for these parcels and at the same time limiting the use to a smaller sized general merchandise retail establishment.

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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. Recommend to the City Council that the “General Merchandise Stores” use should not be added to Table 17.16.070.1 Permitted Land Use under the Interchange Development (ID) zone, adopting the draft order as presented.**

I move the Stayton Planning Commission recommend to the Stayton City Council that the Land Use Code not be amended to allow “#17 General Merchandise” use in the Interchange Development (ID) zone and adopt the draft order presented by Staff.

- 2. Recommend to the City Council that the “General Merchandise Stores” use should not be added to Table 17.16.070.1 Permitted Land Use under the Interchange Development (ID) zone, adopting modifications to the draft order.**

I move the Stayton Planning Commission recommend to the Stayton City Council that the Land Use Code not be amended to allow “#17 General Merchandise” use in the Interchange Development (ID) zone and adopt the draft order with the following changes...

- 3. Recommend to the City Council that the “General Merchandise Stores” use should be added to Table 17.16.070.1 Permitted Land Use under the Interchange Development (ID) zone, directing staff to modify the draft order.**

I move the Stayton Planning Commission recommend to the Stayton City Council that the Land Use Code be amended to allow “#17 General Merchandise” use in the Interchange Development (ID) zone and direct staff to bring a revised draft order for the Planning Commission approval at the October 28, 2024, meeting.

- 4. Continue the hearing until October 28, 2024.**

I move the Stayton Planning Commission continue the public hearing on the legislative amendment to allow “#17 General Merchandise” use in the Interchange Development (ID) zone.

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

I move the Stayton Planning Commission close the hearing on the legislative amendment to allow “#17 General Merchandise” use in the Interchange Development (ID) zone, but maintain the record open to submissions by the applicant until October 7, 2024, 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 October 28, 2024.

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

I move the Stayton Planning Commission continue the deliberation on the legislative amendment to allow “#17 General Merchandise” use in the Interchange Development (ID) zone until October 28, 2024.

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BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

-) Development Code Amendments regarding
-) Use within Interchange Development (ID) zone
-) Land Use File 9-08/24

RECOMMENDATION OF DENIAL

I. NATURE OF PROCEEDINGS

The proceeding is for a legislative amendment to the Stayton Municipal Code, Title 17, known as the Stayton Land Use and Development Code, to allow “#17 General Merchandise” use to be permitted in the Interchange Development (ID) zone and be reflected in Table 17.16.070.1 Permitted Land Use.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on August 26, 2024, and September 30, 2024. At those hearings, the Planning Commission reviewed Land Use File #9-08/24 to amend the Land Use and Development Code and made it part of the record. The Planning Commission has considered the testimony at the public hearing.

III. FINDINGS OF FACT

1. The parcels in the Interchange Development (ID) zone are part of the Sublimity Interchange Area Management Plan adopted in November 2006 and the uses in the Interchange Development zone need careful consideration due to its proximity to the interchange.
2. The city desires to have the land developed in a manner that promotes health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City of Stayton.
3. The Stayton Comprehensive Plan Policy EC-4 states “It is the Policy of the City to discourage commercial development at Highway 22.”
4. The Action item under Policy EC-4 states that “The City shall continue the Interchange Development Zone near the two Highway 22 interchanges to limit commercial uses to traveler-oriented.”
5. The Stayton Planning Commission has determined that the “#17 General Merchandise” use is not traveler-oriented.

IV. PUBLIC COMMENTS

The Planning Department received a comment opposed to the proposed amendment prior to the public hearing. There was public testimony at the public hearing opposed to the proposed amendment.

V. ORDER

Based on the findings of fact, the Planning Commission voted on September 30, 2024, to recommend to the City Council deny the proposed amendments to the Stayton Land Use and Development Code, to allow “#17 General Merchandise” use in Table 17.16.070.1 Permitted Land Use.

Larry McKinley, Chairperson

Date

Jennifer Siciliano, City Planner

Date

From: [Sue Hatten](#)
To: [Jennifer Siciliano](#)
Subject: Land Use File#10-06-/24 Dollar General
Date: Sunday, August 18, 2024 3:47:33 PM

CAUTION: This email originated from **Outside Your Organization**. Exercise caution when opening attachments or on clicking links from unknown senders. Please contact Information Technology for assistance.

Turner, Aumsville, Mill City, Salem, Silverton, Jefferson are towns that have Dollar General stores which surround the city of Stayton. There are over 100 Dollar General Stores in Oregon. Dollar General has a distribution center close to I-5. This really helps Dollar General in its expansion.

Usually, Dollar General stores are placed in Economic Depressed areas. Is Stayton an Economic Depressed Area.? Does Stayton have businesses that would be hurt by having a Dollar General? Stayton has prided itself with improving the downtown business area. By having a Dollar General store, Stayton would be willing to stop growth in the downtown. Is that what the City of Stayton really wants?

Let Stayton have **quality** and not quantity! The city of Stayton should be concerned about its business community and not jump into a business which would degrade the City.

Please vote against this idea.

Thank you,
Susan Hatten
183 W. Kathy
Stayton, Or. 97383

area



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September 23, 2024

Garrett H. Stephenson
Admitted in Oregon
D: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA E-MAIL

Jennifer Siciliano
Community and Economic Development Director
City of Stayton, Oregon
311 N. 3rd Street
Stayton, OR 97383

RE: Continuation of September 30, 2024 Planning Commission Hearings

Dear Director Siciliano:

Please be advised that this firm has been retained by 6S DG Stayton OR LLC (the "Applicant") to assist with its land use applications. It is our understanding that at its September 30, 2024 meeting, the Stayton Planning Commission is scheduled to hold public hearings for a text amendment application (Land Use File #09-12/23), and a Site Plan Review application (Land Use File #10-06/24).

We request that both hearings are continued to the Planning Commission's October 28, 2024 meeting. Thank you for your consideration of this request.

Best regards,

SCHWABE, WILLIAMSON & WYATT, P.C.

A handwritten signature in blue ink, appearing to read "G. Stephenson".

Garrett H. Stephenson

GST:jmhi

City of Stayton

MEMORANDUM

TO: Chairperson Larry McKinley and Planning Commission Members
FROM: Jennifer Siciliano, Director of Community and Economic Development
DATE: September 23, 2024
SUBJECT: Site Plan Review, Dollar General for 6S DG Stayton OR, LLC/ Sam Moore at 101 Whitney Street
120 DAYS ENDS: October 12, 2024.

ISSUE

The issue before the Planning Commission is a public hearing on an application for a Site Plan Review to develop a vacant lot into a 10,640 square foot commercial building with 8,750 square feet of retail floor space for a proposed Dollar General with required parking, access, and landscaping at 101 Whitney Street in an Interchange Development (ID) zone.

The applicant asked for a continuance of the Site Plan Review to the next scheduled Planning Commission meeting which is September 30, 2024. Then on September 23, 2024, they sent a letter to continue this hearing until October 28, 2024.

BACKGROUND AND ANALYSIS

See the previous staff report from August 19, 2024, for additional information regarding the Site Plan Review.

RECOMMENDATION

The staff recommends continuing the Public Hearing until October 28, 2024, and requesting that the applicant provide an extension to the 120-day review period, as allowed under ORS 227.178.

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 until the City Council hears the Public Hearing regarding the amendment to the Land Use Code is made.

1. Continue the hearing until October 28, 2024.

I move the Stayton Planning Commission continue the public hearing on the application for a Site Plan Review for 6S DG Stayton OR, LLC/ Sam Moore at 101 Whitney Street (Land Use File #10-06/24) until October 28, 2024.

2. Deny the application, adopting the draft order as presented.

I move the Stayton Planning Commission deny the application for a Site Plan Review for 6S DG Stayton OR, LLC/ Sam Moore at 101 Whitney Street (Land Use File #10-06/24) and adopt the draft order presented by Staff.

3. Approve the application, directing staff to modify the draft order.

I move the Stayton Planning Commission approve the application for a Site Plan Review for 6S DG Stayton OR, LLC/ Sam Moore at 101 Whitney Street (Land Use File #10-06/24) and direct

City of Stayton

staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the October 28, 2024, meeting.

4. 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 for a Site Plan Review for 6S DG Stayton OR, LLC/ Sam Moore at 101 Whitney Street (Land Use File #10-06/24) but maintain the record open to submissions by the applicant until October 7, 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 October 28, 2024.

5. 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 for a Site Plan Review for 6S DG Stayton OR, LLC/ Sam Moore at 101 Whitney Street (Land Use File #10-06/24) until October 28, 2024.