

**BEFORE THE STAYTON PLANNING DEPARTMENT**

In the matter of ) Site Plan Review  
The application of ) File # 10-06/24  
6S DG Stayton OR, LLC/ Sam Moore, Applicant )

**ORDER OF CONDITIONAL DENIAL**

**I. NATURE OF APPLICATION**

The application is 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.

**II. FINDINGS OF FACT**

**A. GENERAL FINDINGS**

1. The owner is Daphne Girod.
2. The applicant is Sam Moore of 6S DG Stayton OR, LLC.
3. The properties can be described on Marion County Assessors Map as 101 Whitney Street (tax lot 091W03DB00400).
4. The property has approximately the following frontage: 261 feet along Whitney Street, and 176 feet along Cascade Highway SE. The property is approximately 1.49 acres.
5. The property is zoned Interchange Development (ID). Part of the property is within the Natural Resources Overlay District (NR); the area 100 feet from the normal high-water line of the Mill Creek. A portion of the property to the north is in the AE Zone and is under the Floodplain Overlay District (FR).
6. The ID zone does not permit the use of #17 "General Merchandise Stores" in Table 17.16.070.1.
7. The property to the north is owned by the State of Oregon ODOT for management of interchange of Cascade Highway and Highway 22 and is out of city limits. The property to the east is another vacant lot and zoned ID. The property to the south across Whitney Street is developed and is zone ID. The property to the west across from Cascade Highway is vacant is out of city limits.

**B. EXISTING CONDITIONS**

The subject property is currently undeveloped and has been vacant for several years.

**C. PROPOSAL**

The proposal 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.

**D. AGENCY COMMENTS**

The following agencies were notified of the proposal: City of Stayton Public Works, Marion County Public Works, WAVE Broadband, Stayton Cooperative Telephone Company, Pacific Power, Northwest Natural Gas, Santiam Water Control District, Stayton Fire District, Stayton Police

Department, Salem Development Services, Santiam Hospital, and Oregon Department of Transportation.

Responses were received from Stayton Public Works, City of Stayton's Transportation Consultant, Oregon Department of Transportation, and NW Natural whose comments are reflected in the findings below.

#### E. ANALYSIS

Site plan Review applications need to comply with the Stayton Land Use and Development Code (SMC) 17.04 General Provisions and comply with 17.16.020 Basic Provisions and are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.220.

#### F. APPROVAL CRITERIA

Pursuant to SMC 17.04.070 Compliance, *“No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the Stayton Land Use and Development Code and other applicable regulations including all permits and licenses required.”*

Pursuant to SMC 17.16.020.1. Compliance with Code Required, *“A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.”*

Analysis: The proposal does not currently meet this standard because SMC 17.04.070, and SMC 17.12.220.2, the Interchange Development (ID) zone does not allow for “General Merchandise Stores”. The City Council has determined at their November 4, 2024 at not allow this use in the ID zone. For this Site Plan Review application to be considered to be in compliance with SMC 17.04.070, and SMC 17.12.220.2, the Interchange Development (ID) zone must allow for #17 “General Merchandise Stores” in Table 17.16.070.1.

Finding: This standard has not been meet and according to the current Stayton Land Use and Development Code, this use is not allowed on the parcel proposed.

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.*

Analysis: According to the City Engineer City GIS mapping indicates that there is an existing 8” sanitary sewer system and an existing 12” water main within Whitney Street. It also indicates that there is an existing storm drainage system within Whitney Street, along with an open swale/ditch system located along the easterly property line of the proposed development that partially serves the existing Santiam Station development.

It does not appear that there are any wastewater master planned improvements identified in Figure 15 of the Wastewater Master Plan along the frontage of the proposed development site. It does not appear that there are any water master planned improvements identified in Figure 4 of the Water Master Plan along the frontage of the proposed development site.

A drainage memorandum was submitted. It is unclear what part of the property is within the Natural Resources Overlay District (NR) which should be 100 feet from the normal high-water line of the Mill Creek. This will affect the stormwater drainage system. In addition, a preliminary storm water management in accordance with Public Works Design Standards needs to be submitted to discern whether stormwater can be handled with the current proposed development.

Finding: As discussed above, staff can not find that this standard has been met, however it appears feasible that this standard if the applicant meets the condition below.

Condition 2: Provide a revised site plan that shows the location of the NR and shows all necessary setbacks/resource overlays for the existing natural drainage features located onsite.

Condition 3: Provide a preliminary stormwater management plan that follows Public Works Design Standards.

- b. *Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.*

Analysis: The Site Plan proposed a 44' wide driveway with access on Whitney Street. The driveway exceeds the maximum driveway width on a Commercial local street per the City's public work design standards 303.11.E. The maximum driveway width is 36 feet per city standard.

Whitney Street is a designated local street and based on Table 17.26.020.3.h Access Spacing Standard, there should be a minimum spacing of 50 feet between the driveways and/or street. The driveway does not appear to be spaced 50 feet (center-to-center) from the Martin Drive Street.

Additionally, there is a Memorandum of Understanding regarding Golf Lane realignment between Marion County and the city dated May 19, 2003. It requires on page 4 "tax lots 500 & 400 on Marion County Assessors Map 091W03DB00 shall access Whitney Street via a shared driveway ..."

The internal traffic circulation will change depending on how the parking requirements are modified to meet conditions in d.

Finding: As discussed above this standard has not been met. It appears feasible that this standard could be met through compliance with the conditions below.

Condition 4: Provide a revised site plan that shows a driveway with a maximum driveway width of 36 feet and that continued to shows safe and efficient internal traffic circulation and safe access to property taking into account other conditions in d.

Condition 5: Provide a revised site plan that shows a shared commercial driveway with the lot to the east per section 17.26.020.3.d to be aligned with Martin Drive with crossover easement that would allow future re-configuration of the driveway when 201 Whitney Street (taxlot 091W03DB00500) is developed.

Condition 6: Prior to issuance of building permits, obtain approval from Public Works for site development demonstrating that the access is consistent with Public Works Design Standards.

- c. *Provision of all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site.*

Analysis: The proposed development fronts Cascade Highway SE with approximately 176 feet of frontage and Whitney Street with 261 feet of frontage.

Regarding rights-of-way, Cascade Highway SE is a Principal Arterial under Marion County jurisdiction. A 100' of right-of-way is required. From the tax assessor's map, it appears that there is approximately 52' of existing right-of-way along the east half of Cascade Highway along the frontage of this development. No additional right-of-way is necessary to meet the standard half-width. However, the frontage is controlled by Marion County and any additional R/W dedication requirements will be as determined by them. The standard 10' wide public utility easement shall be provided along the frontage unless otherwise approved by the Public Works Director.

Whitney Street is a Local Street under City jurisdiction. A right-of-way minimum of 60' is required for local streets. From the tax assessor's map, it appears that there is approximately 50' of existing right-of-way along the frontage. Therefore, it appears that 5' of additional right-of-way will be needed along the frontage in order to meet the right-of-way halfwidth requirement. In addition, additional right-of-way dedication shall be provided at the intersection to at minimum provide 1' clearance behind the sidewalks and curb ramps at the intersection. The standard 10' wide public utility easement shall be provided along the frontage unless otherwise approved by the Public Works Director.

Cascade Highway SE is considered to be developed along the frontage with asphalt pavement, curb and gutter, sidewalks, and storm drainage. However, since the frontage is controlled by Marion County, any street improvement requirements will be as determined by them. No comments were received by the County.

Whitney Street is considered to be developed along the frontage with asphalt pavement, curb and gutter, and storm drainage, but it does not have sidewalks and the existing pavement width is narrow compared to what would typically be required for a 3-lane street section. As such, the existing street section, the new driveway access, and any recommended street improvements necessary for the existing 3-lane street section at the intersection will need to be included in the review and analysis by the Developer's Traffic Engineer as part of the Traffic Impact Analysis (TIA). The applicant did not include a TIA with the application and, therefore staff and the Planning Commission cannot determine if this criterion is met without an accurate traffic load analysis (TIA) to assess whether the proposed design can accommodate the increased traffic generated by the site development.

Finding: As discussed above, staff can not find that this standard has been fully met, however with compliance with the condition below, this standard will be met.

Condition 7: Prepare a Traffic Impact Analysis per SMC 17.26.050.

Condition 8: Submit a revised Site Plan that include dedication of an additional 5 foot right-of-way along the frontage of Whitney Street and show the required street improvements along Whitney Street.

Condition 9: Obtain PW approval for site development that includes 6-foot side walk necessary street improvements

Condition 10: Dedicate the necessary Public Utility Easements along frontage on Cascade Highway SE and Whitney Street.

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

Analysis: All proposed off-street parking is located on the development. The Site Plan shows a total of 37 parking spaces including 2 handicap spots, a carpool parking spot, and a bike rack. Perimeter landscaping is shown in the landscape plan on the west side along Cascade Highway SE which is a major arterial and on the south side along Whitney Street which is considered a residential local street. The trees shown in the parking area are from the approved list maintained by the Department of Public Works.

According to Table 17.20.060.7.b Commercial and Industrial Parking Requirements, the Retail Store use requires 4 parking spaces per 1,000 square feet, which would require 43 parking spaces. The site plan depicts 37 parking spaces; this is deficient by 8.

Two handicap spaces are required and are shown on the submitted site plans.

One loading facility is required since the building is between 5,001 to 40,000 gross floor area. This requirement has not been shown on the plan.

There is a requirement to have 3 bike parking spots. The Site Plan only proposes a bike rack and not bike parking. This requirement has not been met.

The Site Plan does show required perimeter landscaping as required in SMC 17.20.090.11 along Cascade Highway SE and Whitney Street. No perimeter landscaping on the property line on the east side because of its adjacency to a commercial property.

The Site Plan does not show landscaped islands that are required for every 10 parking spaces or divider medians that may be used as a substitute in the two solid rows of 14 parking spaces. The Site Plan does not show terminal island at the intersection of the 9 and 14 parking space rows.

The Site Plan does not identify pedestrian walkways connecting the parking areas to the building entrance way. The code requires that pedestrian walkways be attractive and include landscaping and trees.

Finding: As discussed above, multiple of the parking and loading standards have not been met. Given the amount of standards that have not been met in this section, staff is not certain how the applicant can meet the standards without significant modification to the site layout. In order to meet this standard, the applicant would need to:

- Increase the number of off-street parking spaces by eight using standard dimensions.
- Show a loading facility that follows the requirements of SMC 17.20.060.9.b., c., and d.
- Show 3 bike parking spots that fulfill requirements in SMC 17.20.060.9-A.1)a. and b.
- Show appropriate interior landscaped islands and terminal islands fulfilling the requirements SMC 17.20.060.11.b.
- Show a pedestrian connection from parking area to the buildings entrance.

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

Analysis: The only proposed storage area will be a trash enclosure in the northeast section of the property that will be fully contained with a landscape buffer.

Finding: This requirement is met.

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

Analysis: There are no off-site noise, odors or fumes anticipated from the proposed development project

Finding: This requirement is met.

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

Analysis: The building proposed is a 10,640 square foot with 8,750 square feet of retail floor space to have a Dollar General retail space.

Finding: The submitted architectural elevation drawings show a building that does not meet the city's architectural standards for pedestrian orientation, human scale design, breaks in building length, and standards for massing. If the applicant submits revised plans that fully comply with the condition below, this condition will be met.

Condition 11: Prior to submittal of building permits, submit a revised site plan and architectural drawings that follow architectural standards in particular the following:

Follow 4. a. 2) Add a corner entrance or have an entrance that is within 20 feet of the street corner.

Follow 4. a. 3) Add window displays at least along 45% of the building's ground floor street facing elevations(s) making them integral to the building design.

Follow 4. a. 4) Add weather protection such as awnings, canopies, overhangs, or similar features to the primary building entrance(s).

Follow 4. b. 1) Add regularly spaced and similarly shaped windows on all building stories.

Follow 4. b. 2) Provide display windows where the lower edge of the display windows shall be no higher than 4 feet above the sidewalk and the top edge shall be no less than 7 feet above the sidewalk.

Follow 4. c.1)b) Provide articulation of the building face at least every 50 feet.

Follow 4. c.2) Provide horizontal and vertical offsets relating to the overall design and organization of the building, its entrances, and door and window treatments. The features shall be designed to emphasize building entrances.

Follow 4. c.3) Provide offsets that are grouped and organized in a manner to provide variation in scale and massing rather than providing a series of identical repeating masses.

Follow 4. c.5)b) Provide architecture and site plans showing a building without a wall plane exceeding 50 feet in length fitting this sections criteria. Use a combination of horizontal and vertical offsets may be used to satisfy this requirement. The total width of the offset combination shall not be less than 12 feet wide. A horizontal or vertical break in the cornice line needs to be at least 18 inches in height or 3 feet in depth and at least 12 feet wide.

Follow 4. c.5)c) Provide architecture and site plans showing a building that avoids repetition of offsets that are identical in size and shape.

*h. (Repealed Ord. 913, September 2, 2009)*

*i. (Repealed Ord. 913, September 2, 2009)*

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

Analysis: The submitted landscape plan shows landscaping for the proposed site. It does not state what percentage of landscape area is purposed. A minimum landscaped area of 15% is required in the ID zone. No irrigation plan was submitted. The landscape plan shows trees along Cascade Highway SE but does not show any street trees along Whitney Street. Interior landscaped islands are discussed in condition d.

Finding: As discussed above, staff cannot find that the standard has been met but if the applicant complies with the condition below, this standard will be met.

Condition 12: Provide revised site plan noting the amount of landscape area and provide the required minimum of 15%.

Condition 13: Provide an irrigation plan indicating the source of water and show the materials, size and location of all components, including back flow or anti-siphon devices, valves, and irrigation heads.

Condition 14: Provide revised site plan showing street trees along the frontage of Whitney Street as required SMC 17.20.090.5.

*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.*

Analysis: The provided Lighting Plan show average area footcandles of 2.3. The maximum allowed is 1.6 in the commercial area. The height of the lights were not provided in the plans.

Finding: As discussed above, staff cannot determine if this standard has been met. If the applicant complies with the conditions below, this standard will be met.

Condition 15: Submit a revised Lighting plan that states the mounting height with a maximum of 20 feet.

Condition 16: Revise lighting plan to have a minimum of .3 footcandles and a maximum average illumination level of 1.6 footcandles.

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

Analysis: The property owner will be responsible for upkeep and maintenance of the property and all parts of the development. As part of a Site Development Permit, the applicant will be

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required to submit a stormwater operations and maintenance (O&M) plan to be approved by the Public Works Department.

Finding: The required O & M plan will layout requirements for proper maintenance of stormwater drainage maintenance.

- 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.*

Analysis: The proposed development site is within 100 feet of Mill Creek. It is not clear where the high-water mark is within Mill Creek. The applicant will need to provide revised plans showing the portion of the parcel within the 100 feet of Mill Creek.

Conditions 17: The applicant submits a revised plan clearly showing where the portion of the parcel is within the 100 feet of Mill Creek and show that there will be on adverse impact on fish habitat.

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

Finding: This criterion is not applicable since no building on the property is listed on the National Register of Historic Places.

### **III. CONCLUSION**

Based on the facts above, the Planning Commission determines that the application does not meet the requirements for Sections 17.16.020.1 Compliance with Code Required, 17.12.220 Site Plan Review, 17.20.060 Off-Street Parking and Loading, 17.20.090 Landscaping Requirements, 17.20.170 Outdoor Lighting, and 17.20.200 Commercial Design Review.

### **IV. ORDER**

Based on the conclusions above, the Planning Commission denies the application for site plan review as shown on Site Plan, and Landscaping Plan dated 05/13/2024, prepared by Tectonics Design Group, Reno, Nevada, Narrative dated 05/14/2024 by Tectonics Design Group, Reno, Nevada, Lighting Photometric Plan, and Architecture Plan by Dollar General inhouse architecture and engineering department dated 12/04/2023 and the accompanying materials due to the proposed use of #17 "General Merchandise Stores" in the ID zone is not permitted as stated in Stayton Land Use and Development Code Table 17.16.070.1.



**VI. APPEAL DATES**

The Planning Commission’s action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code Section 17.12.110 APPEALS.

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Siciliano,  
Director of Community and Economic Development

\_\_\_\_\_  
Date

DRAFT

## 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.