

# City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503)864-4501



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## **LAFAYETTE PLANNING COMMISSION MEETING**

THURSDAY, MAY 23, 2019, 7:00 p.m.  
LAFAYETTE CITY HALL, MEETING ROOM, 486 THIRD STREET (99W)  
ENTRANCE ON THE WEST SIDE OF CITY HALL

### AGENDA

1. CALL MEETING TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: April 19, 2018 meeting minutes.
4. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA.
5. PUBLIC HEARINGS: The 3 hearings will be combined into one hearing because the 3 applications were submitted concurrently and they relate to the proposed City Fire Station. They have been assigned one case number, CUP/SDR/PLA 2019-01.
  - A. Conditional Use Permit (CUP) to allow a fire station in the C-1 District and to allow a parking lot associated with the fire station in the R-2 District.
  - B. Site Development Review (SDR) to address the development standards for a fire station in the C-1 District.
  - C. Property Line Adjustment (PLA) to allow the 3 lots that comprise the fire station subject property to be consolidated into 1 lot.
6. NEW BUSINESS
7. OLD BUSINESS
8. NEXT MEETING: June 20, 2019.
9. ADJOURNMENT

The location of this meeting is accessible to the disabled. If you will need any special accommodations to attend and participate in the meeting, please notify City Hall, at (503) 864-2451, at least 24 hours before the meeting.

CITY OF LAFAYETTE  
PLANNING COMMISSION MEETING MINUTES  
APRIL 19, 2018

**Call to Order:** Marian Chasse called the meeting to order at 7:00 p.m.

**Roll Call:** Lori Martino, Community Development Clerk, called the roll.

*Present:* Brienne Carpenter, Ron Kerr, Mike Karl, Marian Chasse, vacant position.

*Absent:* Lee Gilgan (excused), Doreen Vantye (excused)

*Staff Present:* Jim Jacks; City Planner Lori Martino; Community Development Clerk

*Others:* Don Leard

**Approval of Minutes:**

Brienne Carpenter made a motion to approve the minutes from October 19, 2017, November 16, 2017 and February 15, 2018. Mike Karl seconded the motion. Motion passed unanimously.

**Public Hearing:** Lafayette Zoning and Development Ordinance Amendments. ADU's and Residences at Houses of Worship.

Marian Chasse opened the hearing at 7:04 pm.

Jim Jacks entered the staff report into the record (7:59 pm)

Jim Jacks went over the staff report.

Brienne Carpenter asked the Commission if they would like to revisit the requirement of 1 off-street parking space since SB 1051 states that regulations must be reasonable. After a discussion between the Commission and staff, Brienne Carpenter recommended deleting the requirement for off-street parking. There was further discussion on the issue. Marian Chasse seconded a motion and called for a vote; however, Brienne Carpenter noted that she did not make a motion, she made a recommendation. Discussion ensued.

Don Leard, 220 Madison Street, noted that he felt there should be a requirement for off-street parking.

Discussion ensued. The consensus was 4-1 to keep the language to require the off-street parking.

Don Leard, 220 Madison Street questioned how SDC's would be charged. Staff informed him that it was a decision of the City Council, not the Planning Commission.

Jim Jacks continued with the staff report.

There was a discussion on meaning of gross floor area of a dwelling unit.

Jim Jacks continued with the staff report.

After a discussion on non-conforming structures (2.312.02, I, page 23 in staff report), the consensus of the Planning Commission was to word it based on the February Planning Commission consensus which was *"The majority (5-1) agreed to prohibit the conversion of non-conforming detached structures but to allow an ADU addition to a non-conforming dwelling as*

*long as it meets current setbacks and does not expand the non-conforming use*". Jim Jacks noted that he would change the language to reflect the previous decision.

Jim Jacks continued with the staff report.

There was a discussion regarding the Architectural design standards on pg. 25 of the staff report. The consensus of the Planning Commission was to changed item N;4;a, to read, *Covered or uncovered porch at least twelve (12) square feet in area.*

Jim Jacks continued with the staff report.

Hearing closed at 9:09 pm.

Commission Deliberation:

Ron Kerr made a motion to recommend that the City Council approve the amendments as changed by Commission. Mike Karl seconded the motion. Motion passed unanimously.

**New Business:**

It was announced that Wade Witherspoon had been appointed to the City Council so he would no longer be on Planning Commission.

Lori Martino noted that new Zoning & Development Ordinance books have been made for the Commissioners.

**Old Business:**

No updates from the owners of the 40 acre parcel in the UGB.

**Adjourn:** Ron Kerr made a motion to adjourn. Mike Karl seconded the motion. Motion passed unanimously. Meeting adjourned at 9:17 pm.

CERTIFIED:

\_\_\_\_\_  
Chairperson, Marian Chasse

ATTESTED:

\_\_\_\_\_  
Community Development Clerk, Lori Martino

# City of Lafayette

486 Third Street, P.O. Box 55  
Lafayette, Oregon 97127  
Phone: (503) 864-2451 Fax: (503) 864-4501



TO: LAFAYETTE PLANNING COMMISSION  
FROM: JIM JACKS, CITY PLANNER  
SUBJ: CONDITIONAL USE PERMIT  
CASE NUMBER CUP/SDR/PLA 2019-01  
DATE: MAY 23, 2019

This conditional use permit (CUP) comes to the Planning Commission upon the application of the City of Lafayette requesting approval to allow a fire station (Government or Public Facility Structure) in the Commercial Core (C - 1) District and an additional parking area in the Medium Density Residential (R-2) District.

Concurrent with the CUP application for the fire station are applications for:

1. Site Development Review (SDR) for the fire station, parking and landscaping.
2. Property Line Adjustment (PLA) for the fire station property to eliminate 2 common property lines thereby creating one deeded property.

Each application is addressed in a separate staff report. Note that the fire station CUP must be approved for the SDR application to be approved. The PLA can be approved regardless of the CUP or the SDR.

The Planning Commission public hearing will combine the 3 hearings into one hearing. Parties desiring to testify orally or in writing can address all the applications at once and will not have to testify 3 times, and it will not be necessary for the Planning Commission to listen to repetitive testimony.

The Lafayette Zoning and Development Ordinance (LZDO) allows multiple applications to be reviewed and decided concurrently. Section 3.101.07, Multiple Applications, states:

Applications for more than one action for the same property may, at the applicant's request, be reviewed and decided concurrently. Multiple applications involving different Types shall be reviewed and decided using the higher Type. For example, a concurrent application for Type I and Type II actions shall be reviewed and decided using the Type II process.

The applicant (the City) has requested the 3 applications be reviewed and decided concurrently. The CUP is a Type II action and must be decided by the Planning Commission. The SDR and PLA are Type I actions which can be decided by the City Administrator, but because they are concurrent with a Type II application, they will be decided by the Planning Commission.

## I. CONDITIONAL USE PROCESS

The review and approval of a conditional use permit is a Type II-A action per the LZDO, Section 3.101.02, A. A Type II-A action is decided by the Planning Commission. An appeal would be heard by the City Council.

## II. FINDINGS, GENERAL

- A. APPLICANT: City of Lafayette.
- B. PROPERTY OWNER: City of Lafayette.
- C. LOCATION: Primary Site: 375 Market, 437 4<sup>th</sup> & 388 Jefferson (the northern one-half block bounded by Market, 4<sup>th</sup> and Jefferson)(Township 4 South; Range 3 West; Section 06CC; Tax Lots 8100, 8101 & 8200). See the Site Plan on p. 4, the Landscape Plan on p. 4.

Additional Parking Site: 490 E. 4<sup>th</sup> across 4<sup>th</sup> Street to the north (NW corner of 4<sup>th</sup> and Market Streets)(T4S, R3W, Section 06CC, Tax Lot 6800). See the Location Map on p. 4.

Per an email from the City to the City Planner, May 3, 2019, the address for the proposed fire station is 375 N. Market since that will be the front of the building and it is an existing address.

Vicinity Map.

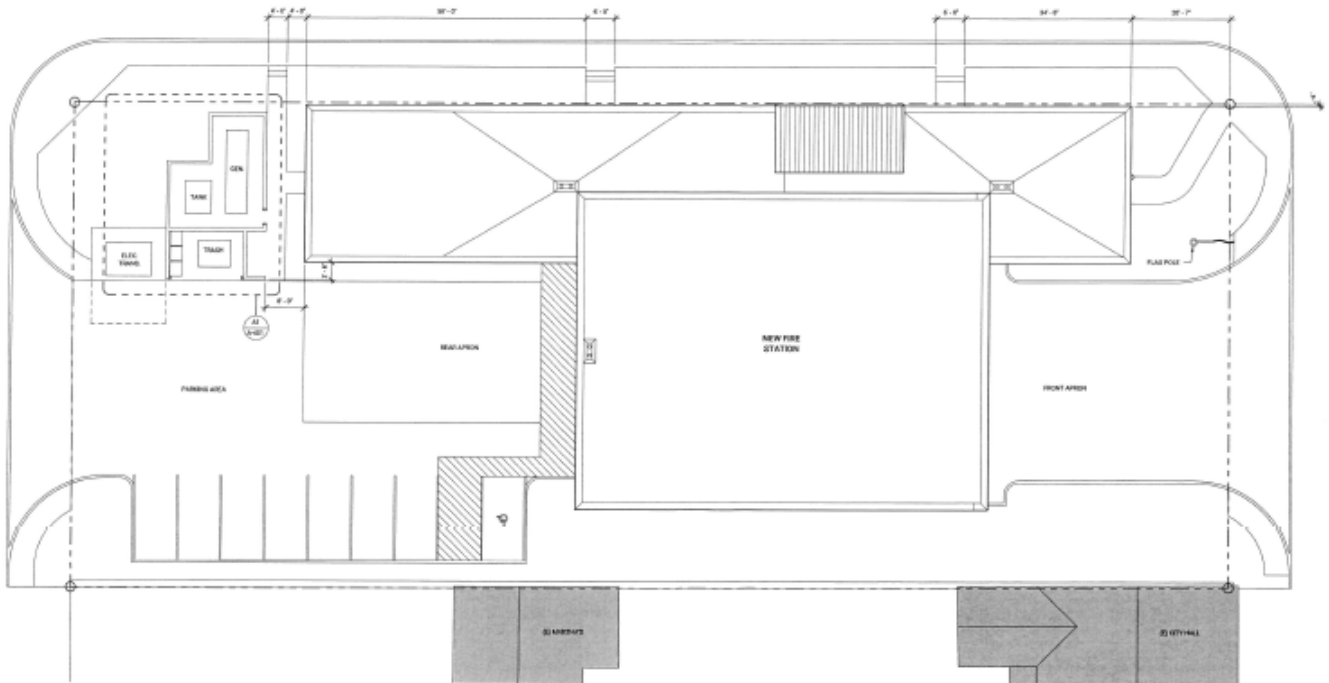


Additional Parking Site Map ( X ).

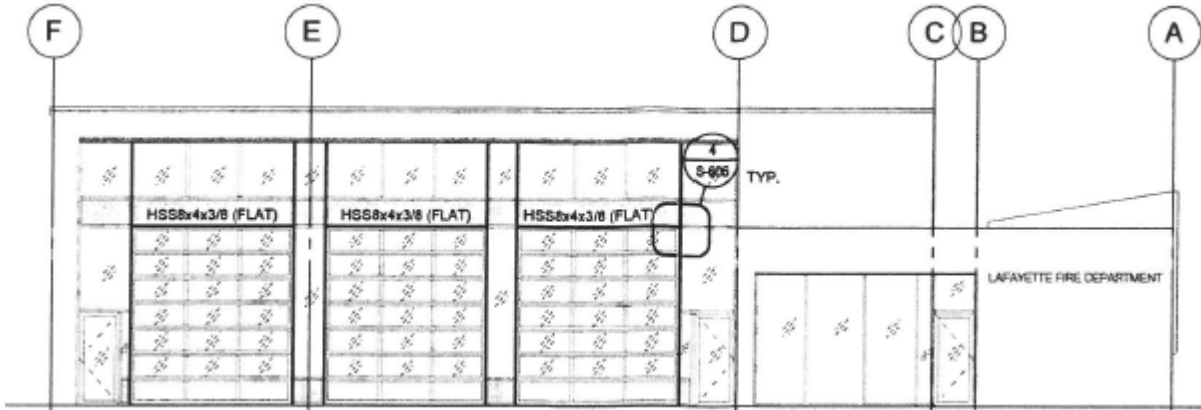


- D. REQUEST: A Conditional Use Permit (CUP) to allow a new 9,646 square foot fire station (Government or Public Facility Structure) on the primary site and parking on the additional parking site.

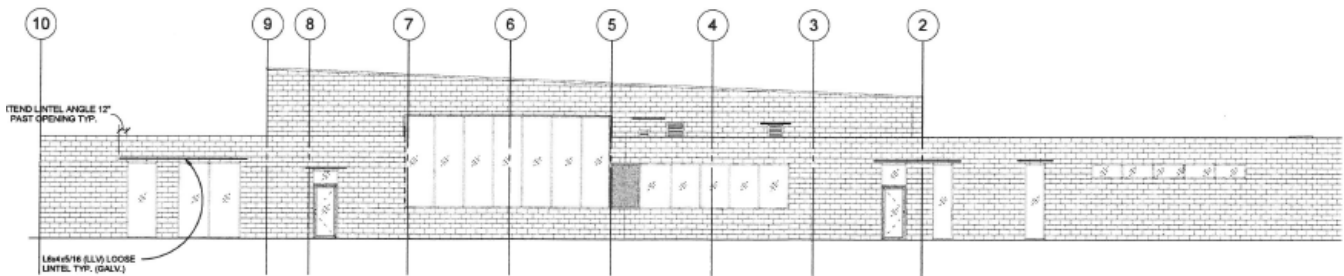
*Site Plan with Jefferson Street on the left (west), 4<sup>th</sup> Street on top (north) and Market Street on the right (east). Disregard the black arrows as they do not relate to the layout of the site.*



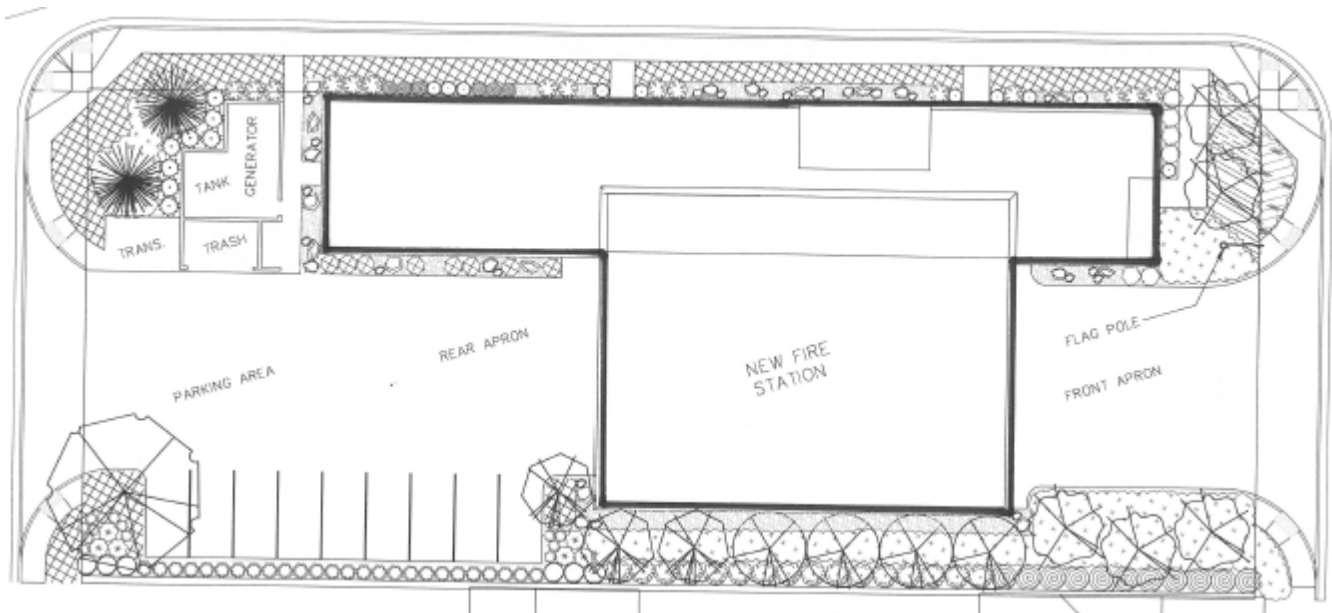
Market Street Elevation – Front (east side) of Fire Station.



4<sup>th</sup> Street Elevation – North Side (4<sup>th</sup> Street) of Fire Station.



Landscape Plan with Jefferson Street on the left (west), 4<sup>th</sup> Street on top (north) and Market Street on the right (east).



- E. ZONING: Primary Site: Commercial Core (C-1). Additional Parking Site: Medium Density Residential (R-2).
- F. PARCEL SIZE: Primary Site: 24,000 sq. ft. or 0.55 acres. Additional parking site: 7,993 sq. ft. or 0.18 acres. Total Area: 31,993 sq. ft. or 0.73 acres.
- G. EXISTING DEVELOPMENT: Primary Site: A duplex is on the middle lot. It is scheduled to be demolished via a “burn to learn” by the Fire Department. The two lots to each side of the middle lot are vacant.

Additional Parking Site: Vacant.

H. ADJACENT ZONING AND LAND USE:

Primary Site:

North: Medium Density Residential (R-2) District. Across 4<sup>th</sup> Street to the north on the SW portion of the block is a vacant parcel in private ownership (422 Jefferson – 4306CC 6700). The SE portion of the block is owned by the City of Lafayette with the intended purpose of providing additional parking for the fire station (490 E. 4<sup>th</sup> – 4306CC 6800). The lot in the middle is a detached single family dwelling in private ownership (450 E. 4<sup>th</sup> – 4306CC 6801).

East: Commercial Core (C – 1) District. Across Market Street to the east is a nonconforming detached single family dwelling. The dwelling is nonconforming as to its use because single family dwellings are not a permitted use in the C – 1 District. Abutting this property to the south is the gas station.

South: Commercial Core (C – 1) District. Abutting the eastern portion of the fire station site to the south is the City Hall. Abutting the western portion of the fire station site to the south is Martha’s Restaurant and the former Antonio’s Restaurant.

West: Commercial Core (C – 1) District. Across Jefferson Street to the west are two lots (357 and 391 Jefferson – 4306CC 7600 and 7690), each with a nonconforming detached single family dwelling. The two lots are under the same ownership. They are nonconforming as to their use because single family dwellings are not a permitted use in the C – 1 District. Abutting these properties to the south is the 1-story brick building at the NW corner of 3<sup>rd</sup> and Jefferson Streets.

Additional Parking Site:

North: Medium Density Residential (R-2) District. Abutting the parking area to the north is a manufactured home with the driveway off of Market Street and the front door facing Market Street (475 Market – 4306CC 6400). The driveway is on the south portion of the property next to the additional parking area.

East: Low Density Residential (R-1) District. Across Market Street to the east (on the NE corner of Market and 4<sup>th</sup> Streets) is a single family dwelling with the driveway off of Market Street and the front door facing Market Street (414 Market – 4306CC 6200).

South: Commercial Core (C – 1) District. Across 4<sup>th</sup> Street to the south is the proposed fire station site.



West: Medium Density Residential (R-2) District. Abutting the parking area to the west is a single family dwelling with the driveway off of 4<sup>th</sup> Street and the front door facing 4th Street (450 4<sup>th</sup> Street – 4306CC 6801).

- I. CRITERIA: Lafayette Zoning and Development Ordinance, Section 3.103.04.
- J. FILE NO.: Planning File No. CUP/SDR/PLA 2019-01.

### III. FINDINGS – CUP CRITERIA

The LZDO, Section 3.103.04, states:

Conditional Use Permit applications may be approved only if the applicant provides evidence substantiating all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- A. The use is listed as a conditional use in the underlying district.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.
- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.

Each of the above criterion are addressed below.

#### **A. The use is listed as a conditional use in the underlying district.**

FINDINGS: Primary Site: The LZDO, Section 2.105.03, A, C-1 District, Conditional Uses, lists "Government or Public Facility Structure" as a conditional use. The LZDO, Section 1.200.02, Definitions, does not define "Government or Public Facility Structure," however, it defines "Public Facilities and Services" as, "Projects, activities, and facilities which are necessary for the public health, safety, and welfare."

The proposed fire station will provide a public facility which is necessary for the health, safety and welfare of the public, therefore, the proposed fire station is a "Government or Public Facility Structure." Criterion 2.103.03, A, is met for the primary site.

Additional Parking Site: The LZDO, Section 2.103.03, A, R-2 District Conditional Uses, lists "Government or Public Facility Structure" as a conditional use. The LZDO, Section 1.200.02, Definitions, does not define "Government or Public Facility Structure," however, it defines "Public Facilities and Services" as, "Projects, activities, and facilities which are necessary for the public health, safety, and welfare."

The proposed additional parking area for the fire station is functionally related to the fire station and is necessary for the health, safety and welfare of the public, therefore, the proposed additional parking area is a "Government or Public Facility Structure." Criterion 2.103.03, A, is met for the additional parking site.

**B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.**

**FINDINGS:**

Size:

The primary site is 24,000 square feet or 0.55 acres on three tax lots (Tax Lots 8100, 8101, 8200). The concurrent PLA application will eliminate the 2 common property lines between the three lots resulting in one lot of 24,000 square feet once a professional land surveyor prepares and records the necessary follow-up documents. The primary site can accommodate the proposed 9,646 square foot fire station, the required setbacks, parking and landscaping.

The additional parking site across 4<sup>th</sup> Street to the north is owned by the City (490 E. 4<sup>th</sup> Street -- NW corner of 4<sup>th</sup> and Market). It is 7,993 square feet (79.96' x 99.96'). It is vacant. It is proposed to provide parking in addition to the parking on the fire station site. It can accommodate approximately 16 – 20 parking spaces, although only 8 spaces are required to be provided on the additional parking site..

The total size of the fire station site and the additional parking site is 31,993 square feet (24,000 + 7,993). The size is suitable for the proposed fire station.

Shape:

The primary site is rectangular (100' x 240') and encompasses the north half of the block bounded by Jefferson, 4<sup>th</sup>, Market and 3<sup>rd</sup> Streets. The 100' width and the 240' length are adequate for the fire station to be located in the approximate middle of the site. The circulation on the site will be from Jefferson Street to Market Street. The fire apparatus will enter off of Jefferson and proceed easterly into the station and when responding to a call, will leave the station easterly onto Market Street. Employees and customers will enter off of Jefferson and proceed easterly to the parking spaces and when leaving will back out of the parking spaces and exit the site westerly to Jefferson Street via the 2-way drive aisle.

The additional parking site is rectangular (79.96' x 99.96'). The 79.96' width is adequate to accommodate a double loaded parking lot with a drive aisle in the middle extending from 4<sup>th</sup> Street into the site.

The shape of the two properties is suitable to accommodate the proposed fire station and parking.

Location:

The primary site's location is the north half of the block bounded by Jefferson, 4<sup>th</sup>, Market and 3<sup>rd</sup> Streets. The primary site is centrally located along 4<sup>th</sup> Street. The apparatus will access the site from Jefferson Street on the west, enter the west end of the station and exit the station headed east onto Market Street. The central location and the circulation pattern on the primary site will allow emergency vehicles, once they have left the station, to proceed to the north, south, east and west. The primary site abuts the City Hall to the south, thus the City's Fire Department will be located physically close to City Hall. The primary site's location is suitable for the proposed use.

The additional parking area is at 490 E. 4<sup>th</sup> Street (NW corner of 4<sup>th</sup> and Market Streets). The additional parking site is across 4<sup>th</sup> Street to the north. It is close to the fire station building where employees,

customers and others can park and be close to the fire station. The additional parking area's location is suitable for the proposed use.

Topography:

The primary site and the additional parking site do not include any notable natural features and, generally, are flat. The topography is, essentially, flat for the primary site and is slightly uphill to the north for the additional parking site. The topography is suitable for the proposed fire station and parking lot.

Location of Improvements:

The primary site includes public water and sewer lines in Jefferson, 4<sup>th</sup> and Market Streets. A public storm drainage pipe is on the west side of Market Street with catch basins at the NW corner of Market and 4<sup>th</sup>, mid-block between 4<sup>th</sup> and 3<sup>rd</sup> and the NW corner of 3<sup>rd</sup> and 4<sup>th</sup>. The primary site is served by paved street surfaces in Jefferson, 4<sup>th</sup> and Market Streets. The paved surfaces do not meet City street standards because the travel lane widths are too narrow and there are no gutters, curbs or sidewalks.

Any necessary improvements to the public water, sewer and storm drainage lines and streets will be installed by the City as part of the fire station project. Half-street improvements will be constructed on Jefferson, 4<sup>th</sup> and Market Streets.

The additional parking site includes public water and sewer lines in Jefferson, 4<sup>th</sup> and Market Streets. A public storm drainage pipe is on the west side of Market Street with a catch basin at the NW corner of Market and 4<sup>th</sup>. The additional parking site is served by paved street surfaces in Jefferson, 4<sup>th</sup> and Market Streets. The paved surfaces do not meet City street standards because the travel lane widths are too narrow and there are no gutters, curbs or sidewalks.

Any necessary improvements to the public water, sewer and storm drainage lines and streets will be installed by the City as part of constructing the parking lot on the additional parking site.

Location of Natural Features:

The primary site and the additional parking site do not include any natural features. The topography is, essentially, flat for the primary site and is slightly uphill to the north for the additional parking site.

Conclusory Finding:

The characteristics of the site are suitable for the proposed fire station and parking considering size, shape, location, topography, and location of improvements and natural features provided the conditions of approval are met. Criterion 3.103.04, B, is met with the conditions of approval.

**C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.**

FINDINGS: See finding B, Location of Improvements, above, regarding the public water, sewer, storm drainage and street systems. The current water, sewer, storm drainage and street systems have served the existing station at the north end of City Hall. The proposed fire station project will provide any necessary improvements in the Jefferson, 4<sup>th</sup> and Market Street rights-of-way to the public water, sewer and storm drainage lines and streets as part of the fire station project. Criterion 3.103.04, C, is met with the condition of approval.

**D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties of the primary uses listed in the underlying district.**

## FINDINGS:

### Primary Site:

The current fire station is at the north end of City Hall with its driveway onto Market Street. The proposed fire station site abuts the City Hall property. The operations of the new fire station will be similar to the operations of the current fire station. The new fire station building will occupy an area that in the past was occupied by single family residences and a duplex in the C-1 District. The residences and the duplex were nonconforming as to the use because dwellings are not allowed in the C-1 District. The properties to the west across Jefferson Street are in the C-1 District where the primary uses allowed are commercial uses. The existing uses across Jefferson Street are two nonconforming single family residences which, in the future, will be replaced with conforming commercial uses. The property to the east across Market Street is in the C-1 District where the primary uses allowed are commercial uses. The existing use is a nonconforming manufactured home which, in the future, will be replaced with a conforming commercial use.

The 3 properties to the north across 4<sup>th</sup> Street are in the Medium Density Residential (R-2) District where the primary uses allowed are residential, i.e., single family, duplex, townhomes, apartments, condominiums, and other uses such as bed and breakfast, and adult care facilities. The R-2 conditional uses include hospitals, schools and places of worship. The lot at the NE corner of 4<sup>th</sup> and Jefferson is vacant. Previously, a single family dwelling was on the lot. The middle lot is developed with a single family dwelling. The lot at the NW corner of 4<sup>th</sup> and Market is the vacant City owned additional parking site.

The character of the area surrounding the primary site will not be altered in a manner which substantially limits, impairs, or precludes the use of surrounding properties of the primary uses listed in the C-1 and R-2 Districts.

### Additional Parking Site:

The additional parking site is in the R-2 District. The properties abutting to the north and west are in the R-2 District and are developed with single family dwellings. The property across Market Street to the east (on the NE corner of Market and 4<sup>th</sup> Streets) is in the R-1 District and is developed with a single family dwelling with the driveway off of Market Street and the front door facing Market Street (414 Market – 4306CC 6200). The property across 4<sup>th</sup> Street to the south is in the C-1 District and it is the site of the proposed fire station.

The additional parking site is proposed for parking which is a low intensity use. When the parking lot is developed and meets the parking lot landscape standards set forth in the LZDO, Section 2.203.08, Parking and Loading Area Development Requirements, and the buffering standards in 2.207.05, Screening and Buffering, the proposed parking will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties of the primary uses listed in the underlying district. Criterion 3.103.04, D, is met.

### **E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.**

FINDINGS: The goals and policies of the Comprehensive Plan have been carefully reviewed and none were found to apply to the proposed fire station and parking additional parking area. Criterion E does not apply.

Overall, the conditional use permit decision criteria have been met, or will be met, provided the conditions of approval are met.

#### IV. COMMENTS BY OWNERS IN THE NOTIFICATION AREA

No comments were received at the time of this writing.

#### V. OTHER PERMITS

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 Lafayette land use and review and approval process does not take the place of, or relieve the applicant of the responsibility for acquiring such other permits, or satisfying any restrictions or conditions thereon. The land use permit approval recommended herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

#### VI. EXPIRATION OF APPROVAL

The LZDO, Section 3.103.05, A, indicates a Conditional Use Permit decision will lapse one and one half (1 ½) years from the effective date of the decision unless the applicant has secured a building permit and commenced construction. An extension of the one and one half (1 ½) year period may be requested in accordance with Section 3.103.05, C.

#### VII. STAFF RECOMMENDATION

The proposal complies with the decision criteria, or will comply provided the conditions of approval are met, and staff recommends the Planning Commission approve the application for a Conditional Use Permit to allow the placement of a fire station on the primary site and a parking lot on the additional site, subject to the following Conditions of Approval:

1. The CUP application approval is contingent upon approval of the Site Development Review application.
2. Development on the primary site shall comply with the applicable requirements of the C-1 District (Section 2.105) and any other applicable sections of the Lafayette Zoning and Development Ordinance (LZDO).
3. Development on the additional parking site shall comply with the applicable requirements of the R-2 District (Section 2.103) and any other applicable sections of the Lafayette Zoning and Development Ordinance (LZDO).
4. Stormwater runoff generated from the new building must be directed to a storm system or a defined drainage way or a feasible discharge point. A plan addressing this concern shall be submitted to the City for review and approval.
5. Development on the sites shall comply with the Oregon Fire Code and Lafayette Public Works Construction Code as interpreted by the Fire Chief and City Engineer, respectively.
6. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

## VIII. PLANNING COMMISSION ACTION

The Planning Commission has the following options:

1. Pass a motion directing staff to prepare an Order for the Chair's signature approving the CUP as recommended in this staff report; or
2. Pass a motion directing staff to prepare an Order for the Chair's signature approving the CUP with changes to the staff report as discussed by the Planning Commission during its deliberation after the public hearing is closed, including the Commission's reasons for the changes; or
3. Pass a motion directing staff to prepare an Order for the Chair's signature denying the CUP for the reasons discussed by the Planning Commission during its deliberation after the public hearing is closed, including the Commission's reasons for the denial; or.
4. Pass a motion continuing the public hearing to a date/time/location certain to obtain additional information and state what the additional information must cover.

A sample motion for 1, above, is, "I move the Planning Commission approve the application, adopting the findings and conditions contained in the staff report, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission."

A sample motion for 2, above, is, "I move the Planning Commission approve the application, adopting the findings and conditions contained in the staff report, as changed by the Planning Commission during deliberations, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission." And then the maker of the motion would provide reasons for the Planning Commission's changes to the staff report's findings.

A sample motion for 3, above, is, "I move the Planning Commission deny the application, for the following reasons and then state the reasons."

A sample motion for 4, above, is, "I move the Planning Commission continue the public hearing to a date/time/location certain to obtain additional information, and state what the information is."

# City of Lafayette

486 Third Street, P.O. Box 55

Lafayette, Oregon 97127

Phone: (503) 864-2451 Fax: (503) 864-4501



TO: LAFAYETTE PLANNING COMMISSION  
FROM: JIM JACKS, CITY PLANNER  
SUBJ: SITE DEVELOPMENT REVIEW  
CASE NUMBER CUP/SDR/PLA 2019-01  
DATE: MAY 23, 2019

This Site Development Review (SDR) Application comes to the Planning Commission upon the application of the City of Lafayette requesting approval to develop a fire station (Government or Public Facility Structure) in the Commercial Core (C - 1) District and construct a parking lot on an additional parking area in the Medium Density Residential (R-2) District. The applicant's materials are at Attachment 1.

Concurrent with the SDR application for the fire station are applications for:

1. Conditional Use Permit (CUP) to allow a fire station in the C-1 District and to allow additional parking on property in the R-2 District.
2. Property Line Adjustment (PLA) for the fire station property to eliminate 2 common property lines thereby creating one deeded property.

Each application is addressed in a separate staff report. Note that the fire station CUP must be approved for the SDR application to be approved. The PLA can be approved regardless of the CUP or the SDR.

The Planning Commission public hearing will combine the 3 hearings into one hearing. Parties desiring to testify orally or in writing can address all the applications at once and will not have to testify 3 times, and it will not be necessary for the Planning Commission to listen to repetitive testimony.

The Lafayette Zoning and Development Ordinance (LZDO) allows multiple applications to be reviewed and decided concurrently. Section 3.101.07, Multiple Applications, states:

Applications for more than one action for the same property may, at the applicant's request, be reviewed and decided concurrently. Multiple applications involving different Types shall be reviewed and decided using the higher Type. For example, a concurrent application for Type I and Type II actions shall be reviewed and decided using the Type II process.

The applicant (the City) has requested the 3 applications be reviewed and decided concurrently. The CUP is a Type II action and must be decided by the Planning Commission. The SDR and PLA are Type I actions which can be decided by the City Administrator, but because they are concurrent with a Type II application, they will be decided by the Planning Commission.

## I. SITE DEVELOPMENT REVIEW PROCESS

The review and approval of a Site Development Review application is a Type I-C action per the LZDO, Section 3.101.01, C, 2. A Type I-C action is decided by the City Administrator, however, when a SDR is submitted concurrently with Type II applications, the SDR will be decided by the Planning Commission. An appeal would be heard by the City Council.

## II. BACKGROUND INFORMATION

- A. APPLICANT: City of Lafayette.
- B. PROPERTY OWNER: City of Lafayette.
- C. LOCATION: Primary Site: 375 Market, 437 4<sup>th</sup> & 388 Jefferson (the northern one-half block bounded by Market, 4<sup>th</sup> and Jefferson)(Township 4 South; Range 3 West; Section 06CC; Tax Lots 8100, 8101 & 8200). See the Vicinity Map below and the Additional Parking Site Map on p. 3.

Per an email from the City to the City Planner, May 3, 2019, the address for the proposed fire station is 375 N. Market Street since the front of the building faces Market Street and 375 is an existing dress.

Additional Parking Site (APS): 490 E. 4<sup>th</sup> (NW corner of 4<sup>th</sup> and Market Streets)(T4S, R3W, Section 06CC, Tax Lot 6800). The additional parking site is addressed in the CUP and it is recommended to be approved in the CUP decision. It is mentioned in this staff report because it is part of the fire station project, but it may be funded separately depending on the results of the bids to construct the fire station with its on-site parking and landscaping. In the event the bids come in high and the additional parking lot must be constructed separately, as a contingency the design of the APS parking lot is funded in the adopted budget for fiscal year 19/20 (July 1, 2019 – June 30, 2020) and construction will be proposed in the budget for fiscal year 20/21 (July 1, 2020 – June 30, 2021). Due to the timing of the additional parking lot's construction, it will be the subject of a separate Site Development Review application in FY 19/20 or FY 20/21. The 8 parking spaces on the primary site are adequate over the next two years for the fire station operations.

*Vicinity Map.*



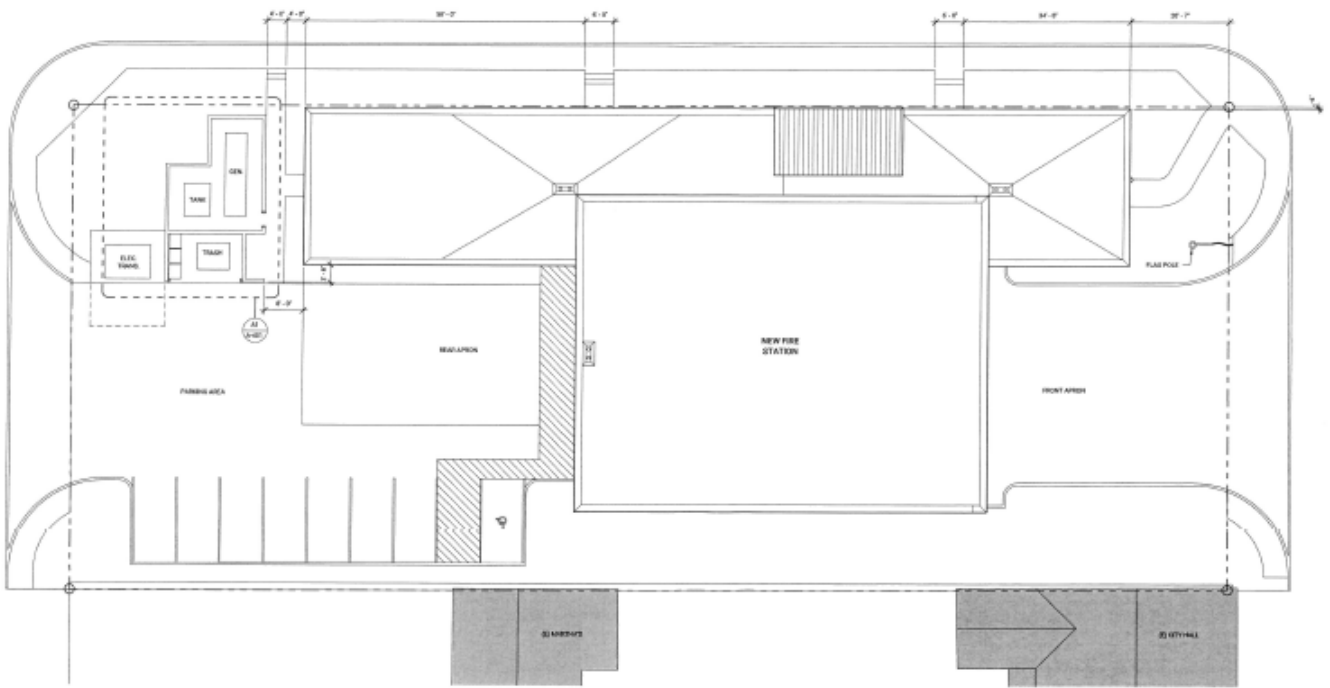


*Additional Parking Site Map ( X ).*

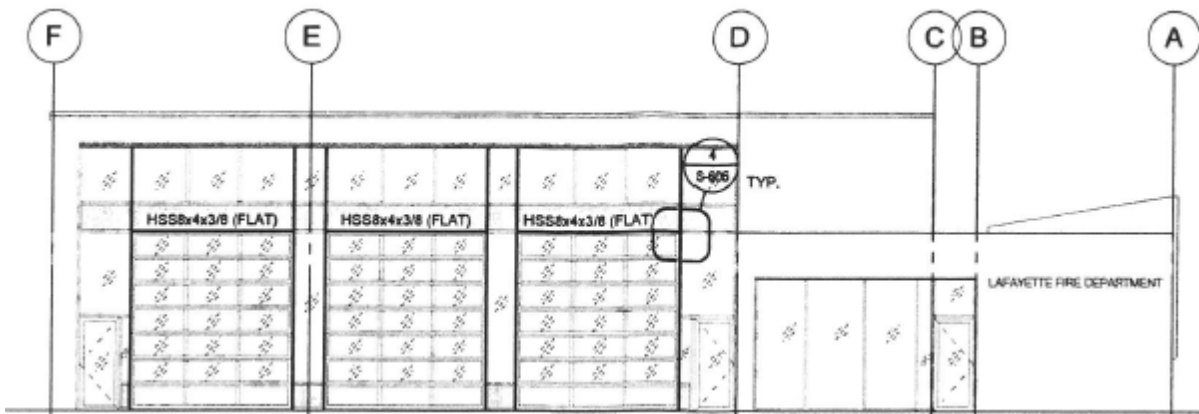


- D. REQUEST: A Site Development Review (SDR) to allow a new 9,646 square foot fire station (Government or Public Facility Structure) with landscaping and parking on the primary site. The additional parking site (APS) will be the subject of a separate Site Development Review application in FY 19/20 or FY 20/21.

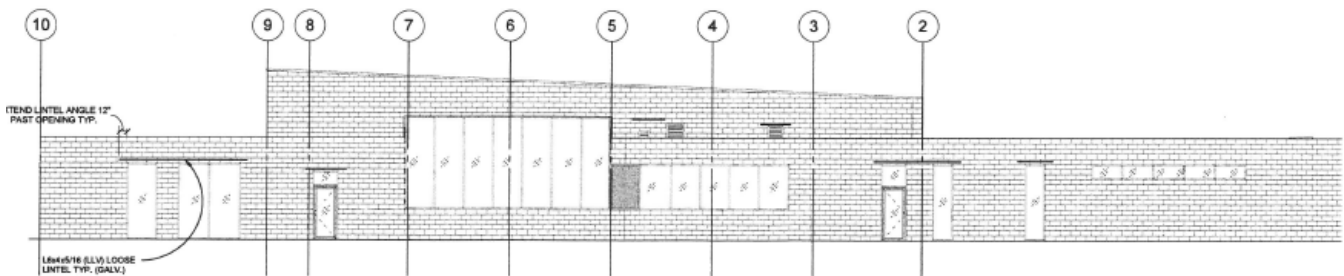
*Site Plan with Jefferson Street on the left (west), 4<sup>th</sup> Street on top (north) and Market Street on the right (east). Disregard the black arrows as they do not relate to the layout of the site.*



Market Street Elevation – Front (east side) of Fire Station.



4<sup>th</sup> Street Elevation – Side (north) of Fire Station.



E. ZONING: Commercial Core (C-1).

- F. PARCEL SIZE: 24,000 sq. ft. or 0.55 acres.
- G. EXISTING DEVELOPMENT: A duplex is on the middle lot. It is scheduled to be demolished via a “burn to learn” by the Fire Department. The two lots to each side of the middle lot are vacant.
- H. ADJACENT ZONING AND LAND USE:
 

North: Medium Density Residential (R-2) District. Across 4<sup>th</sup> Street to the north on the SW portion of the block is a vacant parcel in private ownership (422 Jefferson – 4306CC 6700). The SE portion of the block is owned by the City of Lafayette with the intended purpose of providing additional parking for the fire station (490 E. 4<sup>th</sup> – 4306CC 6800). The lot in the middle is a detached single family dwelling in private ownership (450 E. 4<sup>th</sup> – 4306CC 6801).

East: Commercial Core (C – 1) District. Across Market Street to the east is a nonconforming detached single family dwelling. The dwelling is nonconforming as to its use because single family dwellings are not a permitted use in the C – 1 District. Abutting this property to the south is the gas station.

South: Commercial Core (C – 1) District. Abutting the eastern portion of the fire station site to the south is the City Hall. Abutting the western portion of the fire station site to the south is Martha’s Restaurant and the former Antonio’s Restaurant.

West: Commercial Core (C – 1) District. Across Jefferson Street to the west are two lots (357 and 391 Jefferson – 4306CC 7600 and 7690), each with a nonconforming detached single family dwelling. The two lots are under the same ownership. They are nonconforming as to their use because single family dwellings are not a permitted use in the C – 1 District. Abutting these properties to the south is the 1-story brick building at the NW corner of 3<sup>rd</sup> and Jefferson Streets.
- I. CRITERIA: Lafayette Zoning and Development Ordinance – Section 3.105 (Site Development Review), Section 2.105 (Commercial Core – C-1).
- J. FILE NO.: Planning File No. CUP/SDR/PLA 2019-01.

III. CRITERIA AND FINDINGS – SITE DEVELOPMENT REVIEW

1. **SECTION 3.105.06, EVALUATION OF SITE DEVELOPMENT REVIEW APPLICATION.**

**The review of a Site Development Review application shall be based upon compliance with the provisions and regulations of the underlying district, applicable overlay districts and consideration of A – H.**

The findings begin with the criterion included above in the lead-in sentence which refers to compliance with the underlying district. The fire station is in the C-1 District. The following addresses the C-1 District.

The proposal must be found to comply, or with conditions of approval, can comply, with the standards. The development standards are reviewed in the following paragraphs.

**2.105.03, A - D, Conditional Uses. The C- 1 District allows four Conditional Uses.**

**FINDINGS:** The application indicates the use will be a fire station and related uses which are permitted as a Conditional Use Permit in the C - 1 District (2.105.03, A).

**2.105.04, A, Minimum Lot Area. There is no minimum lot size for commercial uses.**

**FINDINGS:** The Primary Site is 24,000 square feet (0.55 acres) which exceeds the minimum lot area of 0 square feet. Criterion 2.105.04, A, is met.

**2.105.04, B 1-3, Minimum Yard Setbacks.**

**B, 1: Front Yard: No setback required.** (See also 2.105.04, C, below.)

**FINDINGS:** The plans provided to the City do not show the distances from the walls of the fire station to the property lines because the front yard setback is zero. Criterion B, 1 is met.

**B, 2, a: Rear Yard: When the site abuts a non-residential district: No setback required.**

**FINDINGS:** The plans provided to the City do not show the distances from the walls of the fire station to the property lines because the rear yard setback is zero. Criterion B, 2, a is met.

**B, 2, b: Rear Yard: When the site abuts a residential district, excluding RC: 10 feet.**

**FINDINGS:** Criterion B, 2, b, does not apply because the site does not abut a residential district.

**B, 3, a: Side Yard: When the site abuts a non-residential district: None.**

**FINDINGS:** The plans provided to the City did not show the distances from the walls of the fire station to the property lines because the side yard setback is zero. Criterion B, 3, a is met.

**B, 3, b: Side Yard: When the site abuts a residential district, excluding R-3: None.**

**FINDINGS:** Criterion B, 3, b, does not apply because the site does not abut a residential district.

**2.105.04, C, Maximum 3<sup>rd</sup> Street Setback: 10 feet.**

**FINDINGS:** Criterion 2.105.04, C, does not apply because the site does not have frontage on 3<sup>rd</sup> Street.

**2.105.04, D, Maximum Structure Height: 55 feet.**

**FINDINGS:** The plans provided to the City show the fire station's height is 23 feet. The fire station will not exceed the 55 foot limit. Criterion 2.105.04, D, is met.

**2.105.05, Development Standards.** All developments in the C-1 District shall comply with the applicable provisions of Section 2.400, General Provisions. In addition, the following standards shall apply:

**2.105.05, A, Off-Street Parking. Off-street parking shall comply with the following provisions:**

**A, 1. Parking space, dimension and improvement requirements shall comply with Section 2.203. All parking spaces shall be located behind the primary building. For corner lots, this shall be identified as being opposite, and furthest from, the primary building access.**

**FINDINGS:** Regarding corner lots, Criterion 2.105.05, A, 1, does not match the subject property which is a corner lot, but it is a triple frontage corner lot. The parking is proposed along the south and west portion of the Primary Site. The proposed parking will be on the south side of the building and given the shape of the building it will screen the parking from 4<sup>th</sup> and Market Streets. Criterion 2.105.05, A, 1, is met.

**A, 2. As an alternative to providing the on-site parking required in A, 1, above, the owner may contribute to a City Council adopted municipal parking fund, an amount equivalent to the parking spaces required by the proposed use.**

**FINDINGS:** Subsection A, 2 provides an alternative for a situation where A, 1, above, cannot be met. Subsection A, 2, is not applicable because, with the Alternative Parking Site, Subsection A, 1, is met.

**2.105.05, A, Off-Street Parking. Off-street parking shall comply with the following provisions:**

**1. Parking space, dimension and improvement requirements shall comply with Section 2.203. The requirements of Section 2.203, Off-Street Parking and Loading, follow.**

**2.203.05, O, Municipal and Governmental.** Subsection O requires 1 space per 600 square feet of building.

**FINDINGS:** The proposed fire station is 9,646 square feet which requires 16.0 parking spaces (9,646 / 600 = 16.07 rounded down to 16.0).

The plans provided to the City show 8 spaces on the Primary Site (7 regular spaces and 1 van accessible handicap space). Section 2.203.06 requires 1 handicap space where 1 – 25 spaces are required. The 1 handicap van accessible space meets the requirement.

The Primary Site will accommodate 8 spaces and the remaining 8 required spaces are proposed to be on the Alternative Parking Site (APS) at the NW corner of 4<sup>th</sup> and Market. The Lafayette Fire Department is a City Department (not a rural fire protection district) which covers only the City Limits. When asked to assist other departments such as the McMinnville Fire Department or other districts such as the Dayton Fire District, it responds to those fires. The Department is, essentially, a volunteer Department with a part time Fire Chief shared with the Carlton Fire District. On a day-to-day basis there are few Fire Department personnel at the fire station, therefore the 7 regular spaces on the Primary Site will accommodate the need and the 16 spaces are not now needed. Criterion 2.203.05, O, is met.

**2.203.06, Standards for Disabled Person Parking Spaces.** One ADA space is to be provided when a parking lot contains 1 to 25 parking spaces. Additionally, the Americans With Disabilities Act Accessibility Guidelines (ADAAG) as set forth in the Federal Register apply, including but not limited to providing access from a public right-of-way (street) to each development.

**FINDINGS:** The plans provided show 1 van accessible handicap space on the Primary Site. Criterion 2.203.06 is met.

**2.203.07, A and B, Off-Street Loading Space.** No off-street loading space is required for a Government or Public Facility Structure.

**FINDINGS:** Criterion 2.203.07 is not applicable because no off-street loading space is required for a Government or Public Facility Structure.

**2.203.08, A, Parking and Loading Area Development Requirements -- Surfacing.** All driveways, parking and loading areas shall have a durable, hard surface and comply with the American Public Works Association Oregon Chapter requirements (APWA 1990 Standard Specification for Public Works Construction), or other standards acceptable to the City Engineer.

**FINDINGS:** The Primary Site parking area is proposed to include a durable hard surface. Criterion 2.203.08, A, is met.

**2.203.08, B, Parking and Loading Area Development Requirements -- Size of Spaces and Driveways.** Subsection B refers to a table that requires 90 degree parking spaces to be at least 9 feet wide and 19 feet in length and a two-way drive aisle is required to be at least 24 feet wide. It requires angled parking spaces to provide other widths and lengths.

**FINDINGS:** The proposed parking spaces on the Primary Site are 90 degrees and are proposed to be at least 9 feet wide and 19 feet in length. The Primary Site will include a drive aisle off of Jefferson Street into the parking area which will also be the access for Fire Department vehicles. The Fire Department vehicles will continue easterly into the station bays via the 2-way drive aisle which is at least 24 feet wide. Criterion 2.203.08, B, is met.

**2.203.08, C, Parking and Loading Area Development Requirements -- Screening.** When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least 4 feet in height, but not more than 7 feet in height. Along alleys, the fence, wall, or hedge shall be four feet in height.

**FINDINGS:** The Primary Site parking is not within or adjacent to a residential zone, therefore Section 2.203.08, C, does not apply.

**2.203.08, D, Parking and Loading Area Development Requirements -- Lighting.** Any lighting used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.

**FINDINGS:** Any lighting used to illuminate parking on the Primary Site will be arranged to be directed entirely onto the parking area, will be deflected away from any residential use and will not cast a glare or reflection onto moving vehicles on public rights-of-way. Criterion 2.203.08, D, is met.

**2.203.08, E, Parking and Loading Area Development Requirements -- Paved Parking.** Areas used for parking and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across sidewalks.

**FINDINGS:** This criterion is addressed above under 2.203.08, A, Surfacing, above.

**2.203.08, F, Parking and Loading Area Development Requirements -- Minimize Disturbance to Residents.** Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

**FINDINGS:** The Primary Site is not adjacent to a residential zone, therefore, Criterion 2.203.08, F, does not apply to the Primary Site. Criterion 2.203.08, F, is met.

**2.203.08, G, Parking and Loading Area Development Requirements -- Groups of More Than 4 Spaces.** Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

**FINDINGS:** Criterion 2.203.08, G, does not apply to the Primary Site because the site plan shows no parking space will back-out or maneuver within Jefferson, 4<sup>th</sup> or Market Streets.

**2.203.08, H, Parking and Loading Area Development Requirements -- Service Drives to Off-Street Parking.** Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.

**FINDINGS:** The Primary Site parking will be accessed from Jefferson Street via a 2-way drive aisle which is the same drive aisle the Fire Department apparatus will use to enter the site. Employee and customer vehicles will back out into the drive aisle and exit to the west via Jefferson Street using the 2-way drive aisle. Fire Department apparatus, after entering from Jefferson Street will continue easterly and enter the station's bays and exist onto Market Street. The on-site circulation facilitates the flow of traffic, provides maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. Criterion 2.203.08, H, is met.

**2.203.08, I, Service Drive Exists.** Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 15 feet from their intersection.

**FINDINGS:** The Primary Site exits provide at least the 15 foot distance required by Section 2.203.08, I. Criterion 2.203.08, I, is met.

**2.203.08, J, Parking Spaces Along Outer Boundaries.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line to prevent a motor vehicle from extending over an adjacent property or a street, except where the provisions of subsection 2.106.05, A (C-2 District, Off-Street Parking), of this ordinance apply.

**FINDINGS:** The Primary Site parking spaces along the boundary of the parking areas provide a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line. Criterion 2.203.08, J, is met.

The exception set forth in Subsection 2.106.05 relates to off-street parking in the C-2 District, therefore, it does not apply because the subject property is in the C-1 District.

**2.203.08, K, Compact Parking Spaces.** Compact parking spaces shall be permitted on sites with more than five (5) parking spaces. No more than 25% of the required parking shall be "compact" parking.

**FINDINGS:** Criterion 2.203.08, K, does not apply because no compact spaces are proposed.

**2.203.09, C, General Provisions Off-Street Parking and Loading -- Multiple Uses.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street

parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.203.04, Joint Use.

**FINDINGS:** Section 2.203.09, C, does not apply because there will be no multiple uses on the Primary Site.

**2.203.10, A, 1, B, Bicycle Parking, Minimum Space Requirements.** All new development or expansions of more than 20 percent of the original floor area are required to provide a minimum of 2 bicycle parking spaces.

**FINDINGS:** The proposed fire station is “new development,” therefore, a minimum of 2 bicycle spaces shall be provided. The 2 bicycle parking spaces are not shown on the materials. A condition of approval requires a site plan be submitted prior to the issuance of a building permit showing the 2 spaces. With the condition of approval, 2.203.10, A, 1, B, is met.

**2.203.10, B, 1, Bicycle Parking, Minimum Development Requirements.** Bicycle parking spaces are to be located within 100 feet from a building entrance, within a well-lighted area and clearly visible from the building entrance.

**FINDINGS:** The 2 bicycle parking spaces are not shown on the materials within 100 feet of the building entrance. A condition of approval requires a revised site plan be submitted prior to the issuance of a building permit showing the 2 spaces are within 100 feet from a building entrance, within a well-lighted area and that they are clearly visible from the building entrance. The front or rear entrance will suffice.

**2.203.10, B, 2, Bicycle Parking, Minimum Development Requirements.** Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.

**FINDINGS:** The 2 bicycle parking spaces are not shown on the materials. A condition of approval requires a revised site plan be submitted prior to the issuance of a building permit showing the 2 spaces are convenient and easy to find, and where necessary, the revised site plan shall show a sign to direct users to the bicycle parking spaces.

**2.203.10, B, 3, Bicycle Parking, Minimum Development Requirements.** Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.

**FINDINGS:** The 2 bicycle parking spaces are not shown on the materials with the 2 by 6 foot areas. A condition of approval requires a revised site plan be submitted prior to the issuance of a building permit showing the 2 spaces and the 2 foot by 6 foot areas.

**2.203.10, B, 4, Bicycle Parking, Minimum Development Requirements.** An access aisle of at least 5 feet in width shall be provided in each bicycle parking facility.

**FINDINGS:** The 2 bicycle parking spaces are not shown on the materials with the 5 foot wide access area. A condition of approval requires a revised site plan be submitted prior to the issuance of a building permit showing the 2 spaces and the 5 foot wide access area.

**2.203.10, B, 5, Bicycle Parking, Minimum Development Requirements.** Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a “rack”, upon which the bicycle can be locked. Structures that require a user supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.)



**FINDINGS:** Bicycle parking spaces are not shown on the materials, therefore, it is not clear if the bicycle parking spaces offer the ability to secure a parked bicycle. A condition of approval requires a revised site plan be submitted prior to the issuance of a building permit showing 2 spaces which offer the ability to secure a parked bicycle.

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This concludes the findings for Section 2.203, Off-Street Parking and Loading which was referred to in Section 2.105.05, A, above. The following findings pick-up the 2.105.05 C-1 District requirements with 2.105.05, B.

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**2.105.05, Development Standards.** All developments in the C-1 District shall comply with the applicable provisions of Section 2.400, General Provisions. In addition, the following standards shall apply:

**2.105.05, B, Development Standards, Architectural Design Standards.** The following standards are intended to support downtown development and revitalization consistent with Lafayette's vision for the future. The standards build on the historic integrity of downtown Lafayette while allowing contemporary interpretations of building forms and styles.

#### **1. Orientation.**

**a. Public entrances and primary structures shall be oriented to the street. All buildings shall have at least one entrance abutting a street within 45 degrees.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 1, a, does not apply because the fire station is not on 3<sup>rd</sup> Street.

**b. Eighty percent of the abutting street frontage shall have a building placed no farther than 10 feet from the street property line.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 1, b, does not apply because the fire station is not on 3<sup>rd</sup> Street.

**c. Trash storage and ground level utilities (e.g., utility vaults and similar obstructions) shall not be placed between buildings and the street.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. The Landscape Plan shows a "trash" enclosure at the west end of the station. Criterion 2.105.05, B, 1, c, does not apply because the fire station is not on 3<sup>rd</sup> Street.

#### **2. Large Buildings.**

**Where a building with more than 15,000 square feet of gross floor area is proposed, it shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features every 40 feet of building (horizontal length):**

- a. Windows;**
- b. Weather protection (awnings, canopies);**
- c. Building offsets;**
- d. Projections, changes in elevation of horizontal direction;**

- e. Terraces;
- f. A distinct pattern of divisions in surface materials; or
- g. Screening trees.

The use of ornamentation, changes in cladding materials or color, lighting (wall-mounted), and/or similar features is encouraged but by itself is not sufficient to meet the articulation standard.

**FINDINGS:** Criterion 2.105.05, B, 2, is not applicable because the fire station is 9,646 square feet which is less than 15,000 square feet of gross floor area.

### **3. Landscaping/pedestrian amenities.**

If a building is setback from Third Street, at least 75 percent of the setback area shall be improved with pedestrian and landscaping amenities. Permitted landscaping and pedestrian amenities include plazas or extensions of a sidewalk with plants, planters, shrubbery, benches, tables, public art, water fountains, or similar features.

**FINDINGS:** Criterion 2.105.05, B, 3, does not apply because the fire station does not front on 3<sup>rd</sup> Street.

**4. Storefront Design. All elevations of a building shall contribute to the storefront character of Third Street buildings. This criterion is met by providing all of the architectural features listed in a - f, below, along the front building elevation (i.e., facing the street), as applicable:**

#### **a. Corner building entrances on corner lots.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, a, does not apply because the fire station is not on 3<sup>rd</sup> Street.

#### **b. Regularly spaced and similarly-shaped windows with window hoods or trim on all upper building stories.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, b, does not apply because the fire station is not on 3<sup>rd</sup> Street.

#### **c. Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice that separates the ground-floor from the second story.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, c, does not apply because the fire station is not on 3<sup>rd</sup> Street.

#### **d. Decorative cornice or parapet at the top of building (flat roof); or eaves provided with pitched roof.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, d, does not apply because the fire station is not on 3<sup>rd</sup> Street.

#### **e. Completely transparent ground level entrances oriented to a street for natural surveillance and to encourage an inviting business environment.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, e, does not apply because the fire station is not on 3<sup>rd</sup> Street.

**f. Pedestrian shelters that are visually compatible with the architecture of the building, including awnings, canopies, or recesses provided along at least 75 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access ways.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, f, does not apply because the fire station is not on 3<sup>rd</sup> Street.

**g. Siding materials. Exterior siding materials visible from the street right-of-way shall be wood or masonry, or another material indistinguishable in appearance from wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are acceptable. Acceptable wood substitutes such as pressed wood products shall only be permitted as a horizontal lap siding. Such masonry type siding as brick and stone are acceptable; stucco material is prohibited. Acceptable masonry substitutes include masonry veneer and concrete or other similar material formed to simulate rock or brick.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, g, does not apply because the fire station is not on 3<sup>rd</sup> Street.

**h. Color Palette. Building exterior paint colors shall conform to the Color Palette in Appendix A.**

**FINDINGS:** The intent of the development standards is to regulate buildings with frontage on 3<sup>rd</sup> Street. Criterion 2.105.05, B, 4, h, does not apply because the fire station is not on 3<sup>rd</sup> Street.

**2.105.05, C, Signs. Signs in the C-1 District shall be subject to the provisions of Section 2.206, Signs.**

**FINDINGS:** Criterion 2.105.05, C, does not apply because no signage is proposed as part of the SDR application. The proposed signage for City Hall along the 3<sup>rd</sup> Street frontage is addressed in a separate CUP application for an electronic message sign in accordance with Section 2.206, Signs.

**2.105.05, D, Subdivisions and Partitions.**

**FINDINGS:** Criterion 2.105.05, D, does not apply because no subdivision or partition is proposed.

**2.105.05, E, Design Review. Development within the C-1 zone shall be subject to the provisions in Section 3.105, Site Development Review.**

**FINDINGS:** The application submitted to the city is for a Site Development Review. Criterion 2.105.05, E, is met.

**2.105.05, F, Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times.**

**FINDINGS:** Criterion 2.105.05, F, is an ongoing requirement and will be met in an ongoing manner. Criterion 2.105.05, F, is met.

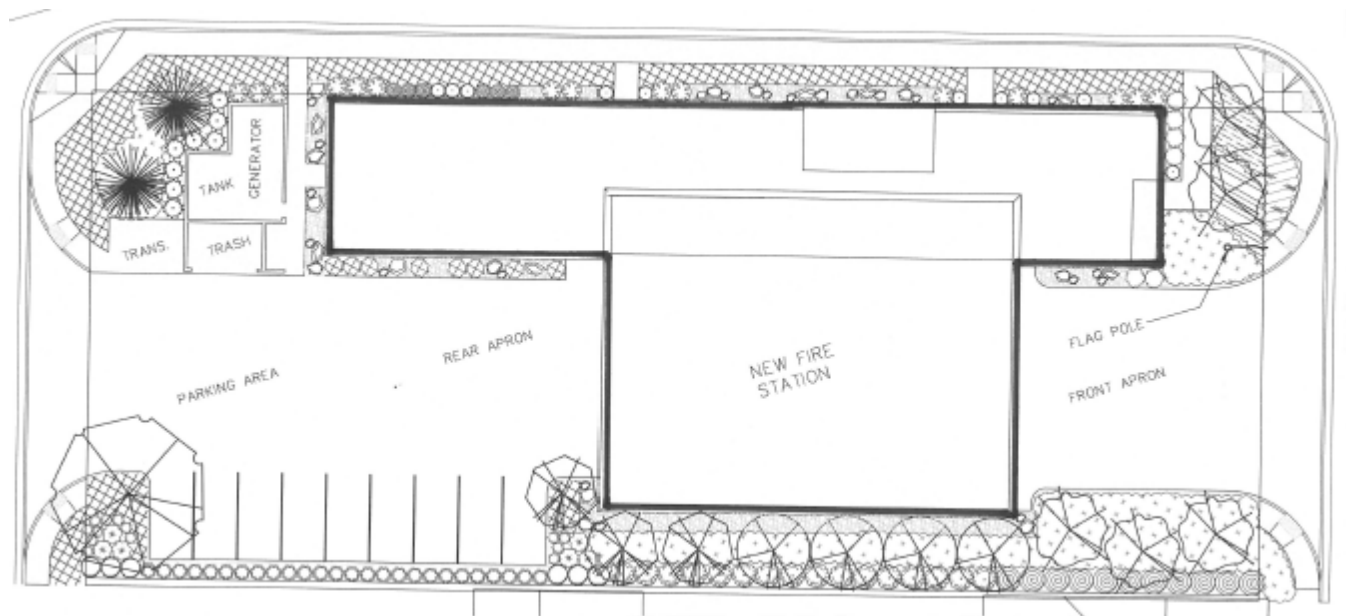
**2.105.05, G, Minimum Landscaped Area.** In addition to the specific requirements in 2.105.05, B, 3, above, all areas not containing structures or parking shall be landscaped.

**FINDINGS:** The Landscape Plan shows all areas not containing structures or parking will be landscaped.

**2.207.03, A, 2, Minimum Area Requirements, for landscaping. Commercial developments:** A minimum of 6 percent of the gross land area shall be devoted to landscaping in commercial developments.

**FINDINGS:** The site is 24,000 square feet and 6% of the site equals 1,440 square feet. The Landscape Plan shows the site is heavily landscaped. For example, along the south property line is an approximately 600 square foot (5 foot x 120 foot) landscaped area between the row of parking spaces and the property line (SW corner of the site). Also, the area between the station and the south property line is about 1,800 square feet (15 feet x 120 feet) for a total just along the south portion of the site of 2,400 square feet which exceeds the required 1,440 square feet. Criterion 2.207.03, A, 2, is met.

*Landscape Plan with Jefferson Street on the left (west), 4<sup>th</sup> Street on top (north) and Market Street on the right (east).*



The landscaping is proposed to be on the east side of the station along Market Street; on the west side of the station and on the west side of the westernmost parking space along Jefferson Street; and along the south side of the station and the row of parking along the south property line. The landscaping on the north side of the station along 4<sup>th</sup> Street is not on the subject property and instead it is in the public right-of-way. The landscaping in the right-of-way is to screen the station from the dwelling across 4<sup>th</sup> Street to the north. It is not counted toward the 6% requirement.

The second sheet of the Landscape Plan includes the details of the plant species, locations, planting details and other information required in Section 2.207. The second sheet is not shown here, but it is in the case file. Criterion 2.105.05, G, is met.

**2.207.03, D, Parking Areas, Landscaping. The following standards shall be met for each parking lot or each parking bay where a development contains multiple parking areas, and for the expansion of existing parking lots.**

**1. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and ground cover plants, as approved by the City. At a minimum, one shade tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area.**

**FINDINGS:** The row of parking spaces along the south property line is about 81 feet wide (9 spaces at 9' per space = 81') and is about 43 feet deep (19' deep spaces and a 24' drive aisle = 43' total depth). The 81' x 43' area is 3,483 square feet. Ten percent of 3,483 is 348 square feet. The site is heavily landscaped. The area between the westernmost parking space and the west property line is about 12' x 19' or 228 square feet. The area between the easternmost parking space and the west wall of the station is about 9' x 19' or 171 square feet. The total is 399 square feet which exceeds the minimum 348 square feet. Criterion 2.207.03, D, 1, is met.

**2. All parking areas with more than 10 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 10 contiguous parking spaces. All landscaped islands shall have minimum dimensions of 48 square feet to ensure adequate soil, water, and space for healthy plant growth.**

**FINDINGS:** Criterion 2.207.03, D, 2, does not apply because the row of parking spaces along the south property line is less than 10 spaces.

**3. All required parking lot landscaped areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that within 2 years of planting, not less than 50 percent of that area is covered with living plants.**

**FINDINGS:** The Landscape Plan shows the parking lot landscape area not planted with trees are planted with shrubs and groundcover. Criterion 2.207.03, D, 3, is met.

**4. Wheel stops, curbs, bollards and other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall not be planted fewer than 2 feet from any such barriers.**

**FINDINGS:** The Landscape Plan shows curbs along the edges of vehicle maneuvering areas. Criterion 2.207.03, D, 4, is met.

**5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with best management practices.**

**FINDINGS:** The Landscape Plan's "General Deciduous Tree Planting Detail" shows trees planted within paved surfaces will be installed with root barriers. Criterion 2.207.03, D, 5, is met.

This concludes the findings for Section 2.105.05 (the C-1 Development Standards). The following findings pick-up the 3.105.06 requirements.

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**2. 3.105.06, A – CONFORMANCE WITH THE GENERAL DEVELOPMENT STANDARDS CONTAINED IN THIS ORDINANCE.**

**FINDINGS:** Section 2.200 is the General Development Standards. The sections of 2.200 address transportation and access, parking and loading, storm drainage, utility lines and facilities, and landscaping design. This criterion is a general requirement which is addressed by the following criteria and findings.

**3. SECTION 3.105.06, B. – CHARACTERISTICS OF ADJOINING AND SURROUNDING USES.**

**FINDINGS:**

Primary Site:

North: Medium Density Residential (R-2) District. Across 4<sup>th</sup> Street to the north on the SW portion of the block is a vacant parcel in private ownership (422 Jefferson – 4306CC 6700). The SE portion of the block is owned by the City of Lafayette with the intended purpose of providing additional parking for the fire station (490 E. 4<sup>th</sup> – 4306CC 6800). The lot in the middle is a detached single family dwelling in private ownership (450 E. 4<sup>th</sup> – 4306CC 6801).

East: Commercial Core (C – 1) District. Across Market Street to the east is a nonconforming detached single family dwelling. The dwelling is nonconforming as to its use because single family dwellings are not a permitted use in the C – 1 District. Abutting this property to the south is the gas station.

South: Commercial Core (C – 1) District. Abutting the eastern portion of the fire station site to the south is the City Hall. Abutting the western portion of the fire station site to the south is Martha's Restaurant and the former Antonio's Restaurant.

West: Commercial Core (C – 1) District. Across Jefferson Street to the west are two lots (357 and 391 Jefferson – 4306CC 7600 and 7690), each with a nonconforming detached single family dwelling. The two lots are under the same ownership. They are nonconforming as to their use because single family dwellings are not a permitted use in the C – 1 District. Abutting these properties to the south is the 1-story brick building at the NW corner of 3<sup>rd</sup> and Jefferson Streets.

The characteristics of adjoining and surrounding uses is a mix of commercial uses, public uses and single family residences. The residences to the west across Jefferson Street and to the east across Market Street are nonconforming. In the future the nonconforming residential uses will be replaced with conforming uses allowed in the C-1 District. The characteristics of the adjoining and surrounding uses have been carefully considered and the characteristics are found to be commercial in character.

**4. SECTION 3.105.06, C. – DRAINAGE AND EROSION CONTROL NEEDS.**

**FINDINGS:** The plans provided to the City are 75% Construction Documents and they contain drainage and erosion control provisions. A Storm Water Report dated April 2019 was submitted

addressing stormwater drainage. The City Engineer will review it and determine the appropriate stormwater requirements.

The Lafayette Zoning and Development Ordinance (LZDO), Section 2.204.03, A, states, in part:

A. No construction of any facilities in a development included in Subsection 2.204.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City.

The drainage and erosion control needs have been carefully considered. Criterion 3.105.06, C, is met.

## 5. SECTION 3.105.06, D, PUBLIC HEALTH FACTORS.

**FINDINGS:** Section 3.105.06, D, Public health factors, is intended to address sewer and water facilities.

### 2.201, PUBLIC FACILITIES

**2.201.03, Application of Public Facility Standards. Standards for the provision and utilization of public facilities or services available within the City of Lafayette shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 3.105.08.**

**FINDINGS:** The proposed development is a fire station and additional parking area on the north side of 4<sup>th</sup> street..

The table, "Public Facilities Improvement Requirements," lists fire hydrant, street improvement, water hook-up, sewer hook-up, storm drain, street lights and bike parking as required improvements. Storm drainage and bicycle parking are addressed above.

The improvements proposed by the City include half-street improvements consisting of the engineered plans to be approved by the City Engineer.

On Jefferson Street there will be a sidewalk improvement and a driveway apron to the fire station parking lot. The new sidewalk will connect to the existing sidewalk/driveway to Auggie's on the south end of Jefferson Street between 3<sup>rd</sup> and 4<sup>th</sup> streets.

On 4<sup>th</sup> Street there will be curb, gutter, sidewalk, and storm drainage if needed on the south side of 4<sup>th</sup> Street between Jefferson and Market streets.

On Market Street there will be storm drainage, an ADA ramp on the sidewalk at the SW corner of Market and 4<sup>th</sup>, and a short portion of sidewalk to connect to the Fire Station driveway apron. The remainder of Market southerly toward 3<sup>rd</sup> will be asphalt tapering to the existing street paving.

**Fire Hydrant.** A fire hydrant is located at the southwest corner of Jefferson and 4th and another is at the northwest corner of Market and 4th. At the time of building permit review and approval, it is anticipated that no additional fire hydrants will be required.

Street Improvements. The street improvements are as described above. The trips generated by the fire station will be accommodated by the proposed street improvements.

Water and Sewer System. Public water and sewer are available to the site. Water and sewer services serve the site.

Street Lights. Street lights on power poles exist at the NE corner of Jefferson and 4<sup>th</sup> and at the NE corner of Market and 4<sup>th</sup>. Sufficient street lighting exists to accommodate the fire station.

Recycling/Garbage. A condition of approval requires the applicant to contact Recology Western Oregon at 503 472-3176 to determine the necessary recycling and garbage facilities for the development. The applicant's site plan shows a "trash" area at the western end of the station.

Environmental Assessment. The area of the proposed foyer is currently vacant and was the site of single family dwellings that were demolished. No environmental assessment is needed.

ADA Compliance. The Americans With Disability Act (ADA) provisions are addresses above. The Site Plan shows one van accessible handicap parking space next to the fire station. ADA compliant plans are submitted, reviewed and approved at the Building Permit step.

Section 2.201, Public Facilities, is met, or will be met when the conditions of approval are met.

## **2.205, UTILITY LINES AND FACILITIES**

**2.205.02, C, Standards.** All development which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.

**FINDINGS:** The proposed development will need private sector utilities. A condition of approval is not included because 2.205.02, C, which requires private utilities to be installed underground, is required of all development. Section 2.205.02, C, Utility Lines and Facilities, will be met.

### **6. SECTION 3.105.06, E. – TRAFFIC SAFETY, INTERNAL CIRCULATION AND PARKING.**

**FINDINGS:** The proposed vehicle ingress point is on Jefferson Street and the exit is on Market Street. The access points meet the vision clearance standards. The internal circulation meets the parking lots standards. The parking meets the parking requirements. Section 3.105.06, E, is met.

### **7. SECTION 3.105.06, F. – PROVISION FOR ADEQUATE NOISE AND/OR VISUAL BUFFERING FROM NON-COMPATIBLE USES.**

#### **FINDINGS:**

The existing fire station abuts the proposed site on the south side and the noises and visual affects have not been an issue to date. Moving the noises and visual affects to the north end of the block will not negatively affect surrounding uses.



Commercial uses exist to the south of the station. Nonconforming residential uses exist to the west across Jefferson Street and to the east across Market Street. The nonconforming uses will be replaced in the future by conforming commercial uses.

The conforming residential uses to the north and west of the Additional Parking Site will be screened and buffered in accordance with the requirements for parking lots abutting residential districts and uses.

The noise and/or visual buffering from non-compatible uses have been carefully considered. Section 3.105.06, F, is met.

**8. SECTION 3.105.06, G. – RETENTION OF EXISTING NATURAL FEATURES ON SITE.**

**FINDINGS:** Section 3.105.06, G, does not apply because there are no natural features on the Primary Site and the Additional Parking Site.

**9. SECTION 3.105.06, H. – PROBLEMS THAT MAY ARISE DUE TO DEVELOPMENT WITH POTENTIAL HAZARD AREAS.**

**FINDINGS:** The Primary Site is not located in an identified hazard area, for example, it is not in the 100-year flood plain and the site does not include steep slopes. Section 3.105.06, H, is met.

**10. SECTION 3.105.06, I. – CONNECTIVITY OF INTERNAL CIRCULATION TO EXISTING AND PROPOSED STREETS, BIKEWAYS AND PEDESTRIAN FACILITIES.**

**FINDINGS:** The Primary is small, 24,00. The connectivity of internal circulation to existing streets and pedestrian facilities will consist of public sidewalks.

The connectivity of internal circulation has been carefully considered and the LZDO requirements and the conditions of approval address the issues. Section 3.105.06, I, is met.

**OVERALL CONCLUSORY FINDING:** The application meets the approval criteria, or will meet the approval criteria when the conditions of approval are met.

**IV. COMMENTS FROM NEARBY PROPERTY OWNERS**

No comments were received from nearby property owners as of this writing.

**V. OTHER PERMITS**

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 Lafayette land use and review and approval process does not take the place of, or relieve the applicant of the responsibility for acquiring such other permits, or satisfying any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

The applicant/owner/developer is responsible for the cost of any public and private infrastructure improvements.

## VI. EXPIRATION OF APPROVAL

The LZDO, Section 3.105.07, A, indicates a Site Development Review decision is effective for 1.5 years from the date of approval. If substantial construction of the approved plan has not begun within 1.5 years from the date of approval, the approval will lapse, unless an extension is granted in accordance with Section 3.105.07, C.

Section 3.105.07, C, allows one 1-year extension provided a request for extension is submitted in accordance with 3.105.07, C, and the request is submitted within the required timeframe.

The City has requested construction of the Additional Parking Site be allowed to begin not later than June 1, 2021.

## VII. STAFF RECOMMENDATION

The proposal complies with the decision criteria, or will comply provided the conditions of approval are met. Staff recommends the Planning Commission approve the application for a Site Development Review application to allow the placement of a fire station on the primary site and a parking lot on the additional parking site, subject to the following Conditions of Approval:

1. The SDR application approval is contingent upon approval of the Conditional Use Permit and Property Line Adjustment applications.
2. Development on the primary site shall comply with the applicable requirements of the C-1 District (Section 2.105) and any other applicable sections of the Lafayette Zoning and Development Ordinance (LZDO).
3. A revised site plan shall be submitted prior to the city issuing a building permit showing a minimum of 2 bicycle parking spaces within 100 feet of the station, which are convenient and easy to find, in a minimum area of 2 feet by 6 feet for each space, with a minimum 5 foot wide access and that are secure, i.e., that comply with the applicable bicycle parking standards set forth in 2.203.10, A, 1, B and 2.203.10, B, 1 - 5.
4. Development on the Primary Site shall comply with the Oregon Fire Code and Lafayette Public Works Construction Code as interpreted by the Fire Chief and City Engineer, respectively.
5. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.
6. Development on the Primary Site shall be consistent with the plans submitted for the Site Development Review application.
7. The applicant shall contact Recology Western Oregon at 503 472-3176 to determine the necessary recycling and garbage facilities for the development.
8. All public improvements shall comply with the current City of Lafayette Public Works Design Standards, Oregon Standard Specifications for Public Works Construction, Public Right of Way

Accessibility Guidelines, and State and Federal regulations, unless otherwise approved by the City Engineer.

9. Prior to the City issuing a certificate of occupancy, any existing water and sewer laterals to be abandoned shall be abandoned in accordance with the city standards or as directed by the City Engineer.

### VIII. PLANNING COMMISSION ACTION

The Planning Commission has the following options:

1. Pass a motion directing staff to prepare an Order for the Chair's signature approving the SDR as recommended in this staff report; or
2. Pass a motion directing staff to prepare an Order for the Chair's signature approving the SDR with changes to the staff report as discussed by the Planning Commission during its deliberation after the public hearing is closed, including the Commission's reasons for the changes; or
3. Pass a motion directing staff to prepare an Order for the Chair's signature denying the SDR for the reasons discussed by the Planning Commission during its deliberation after the public hearing is closed, including the Commission's reasons for the denial; or.
4. Pass a motion continuing the public hearing to a date/time/location certain to obtain additional information and state what the additional information must cover.

A sample motion for 1, above, is, "I move the Planning Commission approve the application, adopting the findings and conditions contained in the staff report, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission."

A sample motion for 2, above, is, "I move the Planning Commission approve the application, adopting the findings and conditions contained in the staff report, as changed by the Planning Commission during deliberations, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission." And then the maker of the motion would provide reasons for the Planning Commission's changes to the staff report's findings.

A sample motion for 3, above, is, "I move the Planning Commission deny the application, for the following reasons and then state the reasons."

A sample motion for 4, above, is, "I move the Planning Commission continue the public hearing to a date/time/location certain to obtain additional information, and state what the information is."

# City of Lafayette

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TO: LAFAYETTE PLANNING COMMISSION  
FROM: JIM JACKS, CITY PLANNER  
SUBJ: PROPERTY LINE ADJUSTMENT  
CASE NUMBER CUP/SDR/PLA 2019-01  
DATE: MAY 23, 2019

This property line adjustment (PLA) application comes to the Planning Commission upon the application of the City of Lafayette requesting approval to eliminate 2 common property lines to create 1 lot where 3 lots currently exist. The subject property for the fire station addressed in CUP/SDR/PLA 2019-01 is currently composed of 3 lots which may cause setback issues or building code compliance issues or other problems unknown at this time, thus the City desires the 3 lots to be consolidated into 1 lot.

Concurrent with the PLA application for the fire station site are applications for:

1. Conditional Use Permit (CUP) to allow a fire station in the C-1 District and to allow additional parking on property in the R-2 District.
2. Site Development Review (SDR) for the fire station.

Each application is addressed in a separate staff report. Note that the fire station CUP must be approved for the SDR application to be approved. The PLA can be approved regardless of the CUP or the SDR.

The Planning Commission public hearing will combine the 3 hearings into one hearing. Parties desiring to testify orally or in writing can address all the applications at once and will not have to testify 3 times, and it will not be necessary for the Planning Commission to listen to repetitive testimony.

The Lafayette Zoning and Development Ordinance (LZDO) allows multiple applications to be reviewed and decided concurrently. Section 3.101.07, Multiple Applications, states:

Applications for more than one action for the same property may, at the applicant's request, be reviewed and decided concurrently. Multiple applications involving different Types shall be reviewed and decided using the higher Type. For example, a concurrent application for Type I and Type II actions shall be reviewed and decided using the Type II process.

The applicant (the City) has requested the 3 applications be reviewed and decided concurrently. The CUP is a Type II action and must be decided by the Planning Commission. The SDR and PLA are Type I actions which can be decided by the City Administrator, but because they are concurrent with a Type II application, they will be decided by the Planning Commission.

I. PROPERTY LINE ADJUSTMENT PROCESS

The review and approval of a property line adjustment is a Type I-A action per the LZDO, Section 3.101.01, A, 1. A Type I-A action is decided by the City Administrator, however, when a PLA is submitted concurrently with Type II applications, the PLA will be decided by the Planning Commission. An appeal would be heard by the City Council.

II. FINDINGS, GENERAL

- A. APPLICANT: City of Lafayette.
- B. PROPERTY OWNER: City of Lafayette.
- C. LOCATION: 375 Market, 437 4<sup>th</sup> & 388 Jefferson (the northern one-half block bounded by Market, 4<sup>th</sup> and Jefferson)(Township 4 South; Range 3 West; Section 06CC; Tax Lots 8100, 8101 & 8200).

Per an email from the City to the City Planner, May 3, 2019, the address for the proposed fire station is 375 N. Market since that will be the front of the building and it is an existing address.

*Lots (dark outline) before the PLA with Jefferson Street on the left (west), 4<sup>th</sup> Street on top (north) and Market Street on the right (east).*



D. REQUEST: A Property Line Adjustment (PLA) to eliminate 2 common property lines to create 1 lot where 3 lots currently exist. See pp. 2 and 3.

Lot (dark outline) after the PLA.



- E. ZONING: Commercial Core (C-1).
- F. PARCEL SIZE: 24,000 sq. ft. or 0.55 acres. Each of the 3 existing lots is 8,000 sq. ft.
- G. EXISTING DEVELOPMENT: A duplex is on the middle lot. It is scheduled to be demolished via a “burn to learn” by the Fire Department. The two lots to each side of the middle lot are vacant.
- H. ADJACENT ZONING AND LAND USE:  
  
North: Medium Density Residential (R-2) District. Across 4<sup>th</sup> Street to the north on the SW portion of the block is a vacant parcel in private ownership (422 Jefferson – 4306CC 6700). The SE portion of the block is owned by the City of Lafayette with the intended purpose of providing additional parking for the fire station (490 E. 4<sup>th</sup> – 4306CC 6800). The lot in the middle is a detached single family dwelling in private ownership (450 E. 4<sup>th</sup> – 4306CC 6801).

East: Commercial Core (C – 1) District. Across Market Street to the east is a nonconforming detached single family dwelling. The dwelling is nonconforming as to its use because single family dwellings are not a permitted use in the C – 1 District. Abutting this property to the south is the gas station.

South: Commercial Core (C – 1) District. Abutting the eastern portion of the fire station site to the south is the City Hall. Abutting the western portion of the fire station site to the south is Martha’s Restaurant and the former Antonio’s Restaurant.

West: Commercial Core (C – 1) District. Across Jefferson Street to the west are two lots (357 and 391 Jefferson – 4306CC 7600 and 7690), each with a nonconforming detached single family dwelling. The two lots are under the same ownership. They are nonconforming as to their use because single family dwellings are not a permitted use in the C – 1 District. Abutting these properties to the south is the 1-story brick building at the NW corner of 3<sup>rd</sup> and Jefferson Streets.

- I. CRITERIA: Lafayette Zoning and Development Ordinance, Section 3.110.02.
- J. FILE NO.: Planning File No. CUP/SDR/PLA 2019-01.

### III. FINDINGS – PLA CRITERIA

The review and approval of a PLA is a Type I-A action per the LZDO, Section 3.101.01, A, 1. A Type I-A action is decided by the City Administrator, but when it is requested concurrently with another application that is of a higher decision authority, the higher decision authority (the Planning Commission in this situation) also decides the Type I-A action.

The LZDO, Section 3.110.02, states:

- A. A property line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.
- B. Following the property line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject properties or surrounding properties.
- C. If there are existing structures on the parcels, the property line adjustment may not result in a setback violation.
- D. The adjustment should not reorient or significantly reconfigure the lots or parcels.

Each of the above criterion are addressed below.

**A. A property line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.**

FINDINGS: Oregon Revised Statute 92.010(12) defines the term “property line adjustment.” When the LZDO was written ORS 92.010(12) did not include the word “eliminate” and it was thought that a PLA could not be used to eliminate a property line. ORS 92.010(12) was amended by the Legislature a few years ago to include the word “eliminate” and thus allow a PLA to eliminate a property line, but the LZDO has not been updated to be consistent with the new ORS language.

ORS 92.010(12) states:

(12) “Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel. (emphasis added)

The proposed PLA is consistent with ORS 92.010(12) because the request is to eliminate 2 common property lines thereby combining the 3 lots identified as Tax Lots 8100, 8101 & 8200 on Assessor’s Map Township 4 South; Range 3 West; Section 06CC, into 1 deeded lot. As part of combining the deeded lots, the City will submit a form to the Assessor’s Office to consolidate the tax lots and the Assessor’s Office will assign one Tax Lot number to the single lot. Criterion A is met.

**B. Following the property line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall not increase the degree of non-conformance of the subject properties or surrounding properties.**

FINDINGS: The minimum lot size in the C-1 District is set forth in Section 2.105.04, A, Dimensional Standards. The minimum lot size is zero, i.e., “No Limitation.” Each of the 3 lots to be combined is 8,000 square feet (80’ x 100’) and once combined the size of the single lot will be 24,000 square feet which is larger than zero. There are no lot dimensional standards in the C-1 District. Following the property line adjustment, the single combined lot will comply with lot size and dimensional standards of the C-1 District. None of the subject lots are non-conforming. Criterion B is met.

**C. If there are existing structures on the parcels, the property line adjustment may not result in a setback violation.**

FINDINGS: A duplex is on the middle lot. It is scheduled to be demolished via a “burn to learn” by the Fire Department. The two lots to each side of the middle lot are vacant.

**D. The adjustment should not reorient or significantly reconfigure the lots or parcels.**

FINDINGS: The proposed PLA does not reorient or significantly reconfigure the lots because the 3 existing lots will be combined into 1 lot. Criterion D is met.

Overall, the property line adjustment decision criteria have been met or are not applicable.

#### IV. OTHER PERMITS

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 Lafayette land use and review and approval process does not take the place of, or relieve the applicant of the responsibility for acquiring such other permits, or satisfying any restrictions or conditions thereon. The land use permit approval recommended herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.



## V. EXPIRATION OF APPROVAL

The LZDO, Section 3.110.05, A, indicates a PLA decision will lapse one year from the effective date of the decision unless the applicant has met Subsection A, 1, or A, 2. An extension of the one year period may be requested in accordance with Section 3.110.05, B.

## VI. STAFF RECOMMENDATION

The proposal complies with the decision criteria and staff recommends the Planning Commission approve the application for a Property Line Adjustment to eliminate 2 common property lines to create 1 lot where 3 lots currently exist.

## VII. PLANNING COMMISSION ACTION

The Planning Commission has the following options:

1. Pass a motion directing staff to prepare an Order for the Chair's signature approving the requested PLA as recommended in this staff report; or
2. Pass a motion continuing the public hearing to a date/time/location certain to obtain additional information, and state the information that is to be obtained.

A sample motion for 1, above, is, "I move the Planning Commission approve the application, adopting the findings contained in the staff report, and direct the staff to prepare a Planning Commission Order for the Planning Commission Chairperson's signature based upon the decision of the Planning Commission."

A sample motion for 2, above, is, "I move the Planning Commission continue the public hearing to a date/time/location certain to obtain additional information, and state what the information is."