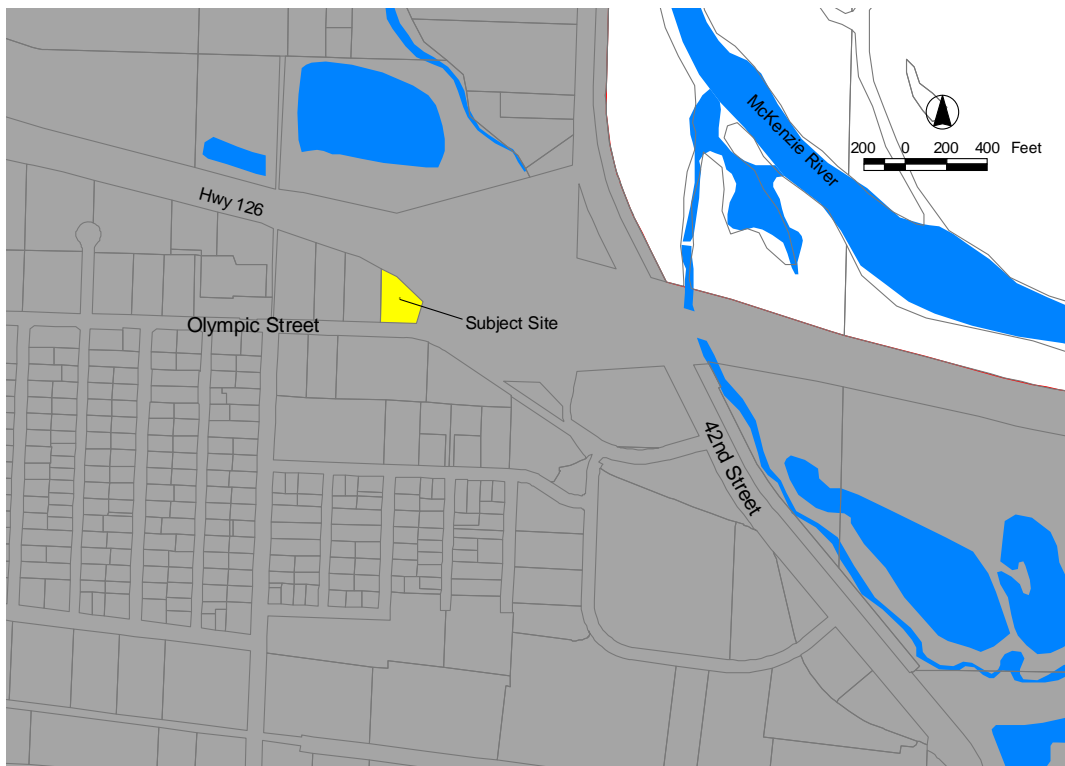


# Discretionary Use- Type III Impounded Vehicle Storage—Baby-Face Towing

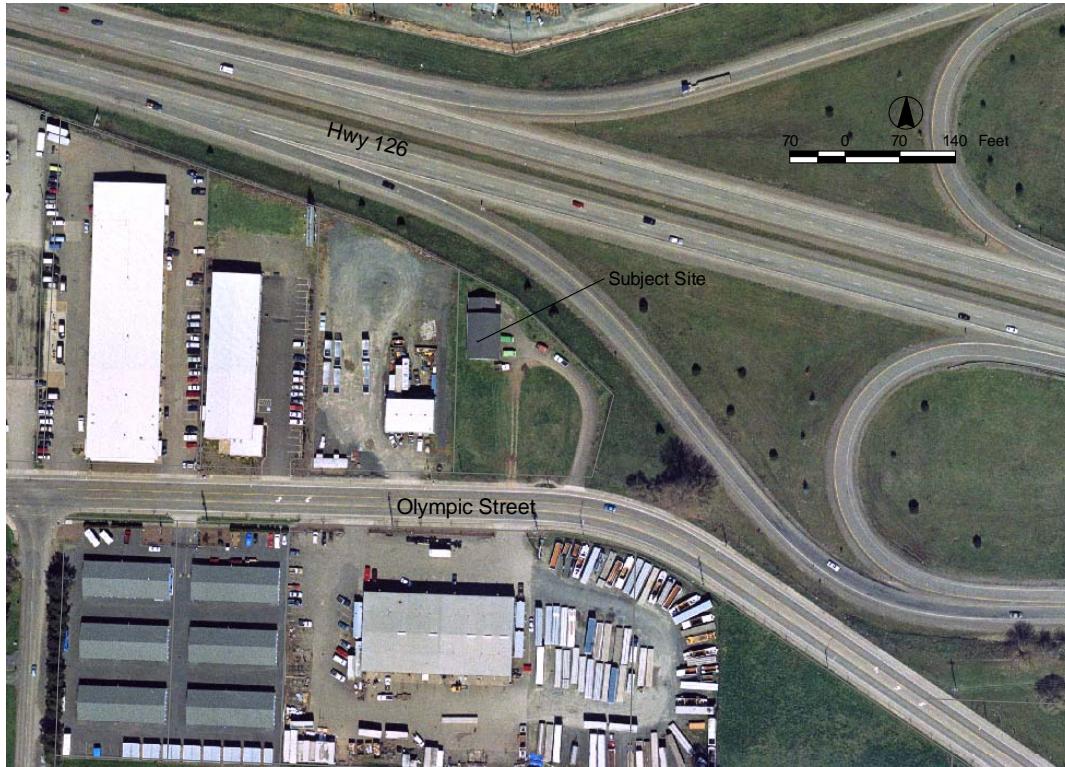


## DRC 2008-00056 Staff Report and Recommendation

<b>Applicant:</b> Roger Haugen, Baby-Face Towing P.O. Box 24534 Eugene, OR 97402 501-2068	<b>Owner:</b> Nick Cheney 1771 Balboa Street Eugene, OR 97408 359-8507
<b>Project Location:</b> 3626 Olympic Street; Assessor's Map 17-02-30-00 TL 1903.	<b>Plan/Zone Designation:</b> Heavy Industrial
<b>Proposed Activity:</b> The applicant proposes to use an existing industrial building for storing impounded vehicles that are towed to the site. All vehicles would be stored indoors. Staff would be on site during normal working hours to allow owners to pick up their vehicles. Vehicles may be towed to the site any time of day or night.	<b>Related Applications:</b> DRC2008-00058 Drinking Water Protection Permit DRC2008-00030 Chaney Industrial Site Plan



**Baby-Face Towing- Discretionary Use  
Vicinity Map**



**Baby-Face Towing- Discretionary Use  
Aerial Photo**

## **I. EXECUTIVE SUMMARY AND DECISION**

The applicant has requested to a discretionary use hearing to consider his proposed use of an existing industrial building to store impounded vehicles. He proposes to contract with various law enforcement agencies including the City of Springfield, to provide vehicle impound storage.

In the application narrative (Appendix A), the applicant emphasizes that the facility is an impound storage facility as opposed to a wrecking yard. Wrecking yards dismantle vehicles for parts and recycling. Although the proposed impound storage activity is significantly different from a wrecking yard, SDC Section 3.2-410 lists “Auto Wrecking, Storage and Towing Services” as a **discretionary use** in the Heavy Industrial zoning district.

The notation of this use as a “discretionary use” is what triggers the need for Planning Commission review. **The issue before the Planning Commission is the type of use proposed and not the site design per se.** No new construction is being proposed by this action.

The likely impact of the vehicle storage activity on nearby businesses is small. The larger development being considered on this site by the property owner assumes that the existing building will be retained. A site plan for that new development is being processed parallel to this application.

Based the findings set forth in this report, **staff recommends approval** of the proposed vehicle impound storage use at this location.



*Alternative perspective of subject site.*



*Building proposed for impounded vehicle storage.*

## **II. PROCEDURAL REQUIREMENTS FOR DISCRETIONARY USE**

Discretionary Review applications are reviewed under Type III (quasi-judicial) procedure which includes a public hearing before the Planning Commission or a Hearings Official. The procedural requirements for a Type III land use decision are listed in Springfield Development Code (SDC) Section 5.1-135. This section requires mailed notice of the public hearing to be sent to residents and landowners within 300 feet of the subject property and to any applicable neighborhood association (SDC Section 5.1-135 (B)). SDC Section 5.2-115 (A) describes the required content of

the mailed notices. Section 5.2-115 (B) states that Type III quasi-judicial procedures also require published notice of the proposed action in a newspaper of general circulation.

Any person seeking to respond to the issue may provide written comments to the Director through the day of the public hearing or may testify in person.

Evaluation of the proposal by the Development Review Committee is also required under SDC Section 5.1-135 (C). The Development Review Committee is composed of staff from various city departments and staff from various other agencies which provide urban services with Springfield's planning jurisdiction.

**Finding #1.** Mailed notice of the proposed site plan modification was sent to residents and property owners within 300 feet of the subject site on September 16, 2008 as verified by affidavit.

**Finding #2.** Notice was sent to participants in the Development Review Committee and a meeting was held on August 30, 2008 to review issues of compliance of the proposal with applicable development policies and standards.

**Finding #3.** No comments, written or verbal, were received from the public during the 14-day comment period.

**Conclusion:** Procedural requirements for processing a Type III Discretionary Use Hearing have been followed.

### **III. CRITERIA OF APPROVAL—DISCRETIONARY USE**

The following section reviews the criteria for approving Discretionary Use applications and makes findings for each individual criterion as they are listed.

SDC Section 5.9-120 states, "Discretionary Use may be approved only if the Planning Commission or Hearings Official finds that the proposal conforms with the Site Plan Review approval criteria specified in Section 5.17-125, where applicable, and the following approval criteria:

**A. *The proposed use conforms with applicable:***

**1. *Provisions of the Metro Plan;***

**Finding #4.** The Metro Plan designation for the site is Heavy Industrial. The proposed use is consistent with the types of uses allowed in the Heavy Industrial plan areas.

**2. *Refinement plans;***

**Finding #5.** This criterion is not applicable. The subject site is not within a refinement plan area.

**3. *Plan District standards;***

**Finding #6.** This criterion is not applicable. The subject site is not within a refinement plan area.

**4. *Conceptual Development Plans or***

**Finding #7.** The subject site is not part of any conceptual development plan. The subject site is, however, part of a larger site plan for development of the property. A small scale drawing of the site plan is attached as Appendix B. That site plan shows that the existing building will be retained and integrated into the larger site development.

**5. *Specific Development Standards in this Code;***

**Finding #8.** SDC Section 3.2-410 does not reference any of the specific development standards found in Section 4.7-100.

**Conclusion:** Most of the criteria listed in SDC Section 5.9-120 (A) do not apply to this application. The project complies with those criteria which do apply.

**B. *The site under consideration is suitable for the proposed use, considering:***

**1. *The location, size, design and operating characteristics of the use (operating characteristics include but are not limited to parking, traffic, noise, vibration, emissions, light, glare, odor, dust, visibility, safety, and aesthetic considerations, where applicable);***

**Finding #9.** The narrative portion of the application states that impounded vehicles will be stored indoors on the site, and that impounded vehicles may be brought to the site at various times of day and night.

**Finding #10.** The subject site is located in a heavy industrial zoning district where noise, and 24-hour activity is expected and allowed.

**Finding #11.** The small scale of the activity and the proposed indoor storage of the impounded vehicles will reduce the visual impact of the activity on nearby industrial development, including the planned new development on the site.

**2. *Adequate and safe circulation exists for vehicular access to and from the proposed site, and on-site circulation and emergency response as well as pedestrian, bicycle and transit circulation;***

**Finding #12.** The proposed use was reviewed by the Public Works Transportation Division and the Deputy Fire Marshall. Their comments indicate that the existing access to the single subject building on the site is adequate. The site plan for the remainder of the site provides for proper circulation and access to future development as well as the existing building where vehicles will be stored.

**Finding #13.** In the event the site plan is not approved, the City would be required to seek improvements to the site under SDC Section 5.15-100—Minimum Development Standards. Such improvements are not required at this time since the site plan more than meets the standards set in Section 5.15-100.

**3. *The natural and physical features of the site, including but not limited to, riparian areas, regulated wetlands, natural stormwater management/drainage areas and wooded areas shall be adequately considered in the project design; and***

**Finding #14.** The subject site does not impact any inventoried natural resource area or any natural features.

**4. *Adequate public facilities and services are available, including but not limited to, utilities, streets, storm drainage facilities, sanitary sewer and other public infrastructure.***

**Finding #15.** The proposed use was reviewed by the Public Works Engineering Division and by the Springfield Utility Board. No comments were received that indicated any lack of capacity to serve the proposed use.

**Finding #16.** Impound yards secure and store vehicles until the owner comes to retrieve them. Such cars are almost always in operating condition. Impounded vehicles offer a lower threat of fluid release than auto wrecking/dismantling operations. The visual impact of an indoor vehicle storage facility are significantly less than that posed by an auto wrecking yard.

**Finding #17.** In addition to the Discretionary Use application, a Drinking Water Protection permit is being processed with the assistance of SUB staff. The applicant shall be required to demonstrate that the impound vehicle storage will be properly managed to minimize the threat of any spilled vehicle fluids to Springfield's drinking water supply through the implementation of spill prevention and containment procedures. In addition, the floor of the storage building shall be treated with sealants specified by SUB to prevent fluid spills from penetrating the floor.

**Conclusion:** The proposed activity is consistent with the criterion in SDC Section 5.9-120 (B).

#### **IV. CONCLUSION AND STAFF RECOMMENDATION**

Based on the findings made with regard to the decision criteria for discretionary uses found in SDC Section 5.9-120, staff concludes that there is adequate basis for the Planning Commission to approve the proposed vehicle impound storage activity (DRC2008-00056).

**Applicant's Narrative**

**APPENDIX B**

**Nick Chaney Site Plan  
DRC2008-0030**