

ORDINANCE NO. 949

AN ORDINANCE ADOPTING THE STAYTON COMPREHENSIVE PLAN UPDATE, THE APRIL 1, 2013 OFFICIAL ZONING MAP, AND AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17

WHEREAS, Oregon statutes and administrative rules require every municipality to enact a Comprehensive Plan and land use regulations in conformance with Statewide Planning Goals and Guidelines, and coordinated with other affected units of government;

WHEREAS, the Stayton Comprehensive Plan was adopted in 1979, and has undergone periodic review and amendment, but not been thoroughly updated since adoption;

WHEREAS, in April 2010, the Stayton City Council appointed a 13-member committee to review and update the Comprehensive Plan. That Committee met on a monthly basis. Upon completing a draft of an updated Comprehensive Plan, the Committee held a public informational session on April 25, 2012 and made changes to the draft plan and the draft official zoning map in response to comments received at the informational session;

WHEREAS, drafts of each chapter of the Plan were sent to the Department of Land Conservation and Development and to Marion County Planning Division as each chapter was written. Review comments from Marion County were incorporated as appropriate;

WHEREAS, the draft Comprehensive Plan was sent to the Oregon Department of Land Conservation and Development which sent review comments and suggestions on July 13, 2012;

WHEREAS, the Stayton Planning Commission held a public hearing on August 27 and September 24, 2012 and made changes to the draft plan and the draft amendments to the Stayton Municipal Code in response to the comments received at the public hearing and in response to the comments and suggestions received from the Oregon Department of Land Conservation and Development;

WHEREAS, the Stayton City Council held a public hearing on October 15, 2012;

WHEREAS, following the public hearing the Stayton City Council made the following findings:

1. The proposed comprehensive plan contains chapters on demographics, economics, transportation, public facilities and services, housing, land use, energy, and a fiscal analysis of the City. In each chapter, other than the chapter on demographics, there is an updated inventory and analysis, the relative Statewide Planning Goals, and one or more local goals. For each local goal there are one or more policies for achieving the local goal. For each policy there are one or more action steps to be taken to implement the policy.
2. Stayton's population has grown from 5,011 in 1990 to 7,644 in 2010. After decades of growth of more than 30%, Stayton's population grew only 12% between 2000 and 2010, the slowest since 1910-1920.
3. In 2010 Marion County adopted "coordinated population projections" for the County and each of the cities within the County. The Marion County projections included a low growth, medium growth and high growth projection for each jurisdiction. The medium growth projected 2030 population for Stayton is 11,359.
4. The number of occupied housing units in the City has grown from 1,862 in 1990 to 2,882 in 2010. 42% of the occupied housing units are renter-occupied. 381 housing units were added between 2000 and 2010, 95% of which were single family detached units. In order

to accommodate the projected 2030 population, an additional 1,281 housing units will be needed.

5. Elevations within the urban growth area range from a low of 400 to a high of 665 feet. There are small areas on the east side of the City and urban growth area with slopes steeper than 20%.
6. The Plan identifies 13 buildings and sites as historic resources.
7. There is no land in Stayton identified as terrestrial wildlife habitat. The North Santiam River, Salem Ditch and Stayton Power Canal have been identified as fisheries habitat, including habitat for endangered species. Water quality in the North Santiam River is excellent but is impaired by high temperatures during the summer.
8. Within the UGB there are 358 acres of open space land, including city parks, school property and the golf course.
9. Stayton has historically had a resident unemployment rate that is 50% higher than neighboring cities, Marion County or the State.
10. There are 138 acres of buildable land zoned residential within the City limits. There are 21 acres of buildable land zoned commercial or downtown mixed use within the City limits. There are 142 acres of buildable land zoned industrial in the City limits.
11. Marion County establishes a target for residential density of between 5 and 6 units per gross acre of land zoned residential for cities of Stayton's size. Looking at land within the City limits zoned residential, the City currently has a residential density of 3.1 units per acre.
12. In subdivisions recorded since 2000, the residential density has been 2.8 units per acre. If residential development continues at this density, the City will need to annex 320 acres of land during the next 20 years.
13. The City of Stayton currently has a "one map" system in which the Comprehensive Plan Map and Official Zoning Map show identical detail. The 2012 Comprehensive Plan proposes establishing a "two map" system in which the Comprehensive Plan Map shows broad categories of land use: residential, commercial, industrial, downtown, and public.
14. A new Official Zoning Map is proposed to be adopted. The new map makes approximately 30 zoning changes, mostly to address either existing non-conforming uses or parcels split by a zoning boundary. The Zone Map amendments result in a net loss of 16.4 acres of land zoned residential, no change in the land zoned commercially, a net gain of 7.3 acres of land zoned industrially, and a net gain of 11 acres of land zoned public;
15. The owner of the A.D Gardner House, 633 N 3rd Ave objected to the property being included on the City's inventory of historic resources.

WHEREAS, based on the above findings, the Stayton City Council concludes the 2012 City of Stayton Comprehensive Plan meets the Statewide Planning Goals, Guidelines and Administrative Rules;

WHEREAS, based on the above findings, the Stayton City Council concludes that the October 1, 2012 Official Zoning Map is in compliance with the Comprehensive Plan Map; and

WHEREAS, based on the above findings the Stayton City Council concludes that the proposed text amendments to Title 17, described below, implement the 2012 City of Stayton Comprehensive Plan.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

Section 1. The October 15, 2012 Draft of the City of Stayton Comprehensive Plan, attached as Exhibit A and made a part hereof, is hereby adopted with the following amendments:

Additions are underlined, Deletions are ~~crossed-out~~

Part 1. In Chapter 1, page 1, in the recitation of goals, change Goal 5 as follows:

5. ~~Habitat for rare and endangered fish species~~ Fisheries habitat will be maintained and improved.

Part 2. In Chapter 3, page 15, amend the third paragraph under Surface Water Bodies as follows:

Additionally, the Salem Ditch and Stayton Power Canal (West Stayton irrigation ditch) divert water from the North Santiam River and pass through the southern part of Stayton. Salem Ditch forms part of the western edge of the UGB just before its confluence with Mill Creek. The Salem Ditch and the Santiam Power Canal were originally constructed for water power. The ditches were used for a variety of industrial uses, for wastewater disposal and flood control, but Both ditches are now owned and operated by the Santiam Water Control District as conveyances of irrigation water, and which has ongoing operational rights and responsibilities. The two canals also receive the majority of the City's storm water.

Part 3. In Chapter 3, page 38, amend the third Goal as follows:

GOAL **FISHERIES HABITAT FOR RARE AND ENDANGERED FISH SPECIES WILL BE MAINTAINED AND IMPROVED**

Part 4. In Chapter 3, page 38, amend the first Action under Policy NR-4 as follows:

ACTION The City will continue to apply regulations ~~to apply standards for maintenance of vegetation and limiting uses within 100 feet of the North Santiam River, and Mill Creek and that portion of Salem Ditch north of Shaff Road.~~

Part 5. In Chapter 3, page 38, amend the second Action under Policy NR-4 as follows:

ACTION The City will continue to apply regulations ~~to apply standards for maintenance of vegetation and limiting uses within 25-50 feet of the Salem Ditch, south of Shaff Road, and the Stayton Ditch.~~

Part 6. In Chapter 4, page 40, amend the first paragraph under Streets and Highways as follows:

Automotive transport is and will continue to be the dominant form of moving people and goods to, through, and within the City of Stayton. The TSP contains a complete inventory of the street and highway system, an analysis of the needed improvements, and a recommended capital improvements plan. Based on the analysis of projected traffic in 2025, the TSP calls for ~~eight significant~~ various changes to the existing street and highway system, ~~two of which had been completed by 2010.~~ These improvements are

- ~~1.Rebuild the Highway 22-Cascade Highway interchange (completed 2010)~~
- ~~2.Widen Cascade Highway between Highway 22 and Regis Street to 5 lanes~~
- ~~3.Widen Golf Club Road between Highway 22 and Shaff Road to 5 lanes~~

- 4. Construct four roundabouts at ~~Washington St, 6th Ave, Jefferson St, 10th Ave, and Santiam St~~
- 5. Signalize east bound ramp onto Highway 22 at Golf Club Road
- 6. Signalize intersection of Golf Club Road and Mill Creek Road
- 7. Signalize the Cascade Highway/Whitney St intersection with left turn lanes (completed 2008)
- 8. Construct roundabout at corner of Wilco Rd, Washington St, and Ida St.

Part 7. In Chapter 4, page 45, delete the third Action under Policy T-7.

Part 8. In Chapter 4, page 47, amend the fourth Action under Policy T-14 to read as follows:

ACTION The City will require striped bicycle lanes on all new and improved collector streets.

Part 9. In Chapter 6, page 76, delete the second Action under Policy HO-1.

Part 10. In Chapter 7, page 87, amend the first Action under Policy EC-3 to read as follows:

ACTION The City shall ~~continue to~~increase the limit on the size of shopping center malls to ~~80,000~~100,000 square feet.

Part 11. In Chapter 7, page 87, amend the second Action under Policy EC-3 to read as follows:

ACTION The City shall ~~continue to~~increase the limit on the size of retail stores to ~~30,000~~45,000 square feet.

Part 12. In Chapter 7, page 88, amend the Policy EC-5 to read as follows:

Policy EC-5 It is the Policy of the City to promote the development of the industrial park area, ~~with non-polluting light industries having a low energy demand.~~

Section 2. The April 1, 2013 Official Zoning Map, attached as Exhibit B and made a part hereof, is hereby adopted.

Section 3. Stayton Municipal Code Title 17, is hereby amended and restated as follows:

Additions are underlined, Deletions are ~~crossed-out~~

Part 1. Amend **Section 17.12.210.5** to indicate that the zoning district shall be assigned when territory is annexed into the City in accordance with the comprehensive plan designation and the proposed use of the territory being annexed.

5. ZONING OF ANNEXED TERRITORY. All lands that are annexed to the City shall be zoned in conformance ~~accordance~~ with the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be determined by the City Council in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan. This requirement does not prohibit an application to amend the Comprehensive Plan and ~~Zoning Maps~~Map concurrent with the application for annexation.

Part 2. Add **Section 17.12.220.4.b.20)** to add a submission requirement for a geotechnical study when development activity is proposed on sites with slopes of 20% or steeper.

20) When any development activity is proposed on a location a slope of 20% or steeper, a geotechnical study, prepared by a licensed geologist or registered engineer with experience in geotechnics, determining the suitability of the site for construction considering the possibility of increased erosion potential, slope stability, slippage and other concerns.

Part 3. Add **Section 17.12.220.5.n** to add an approval criterion for Site Plan Review applications regarding impacts on fish habitats.

n. When any portion of an application is within 100 feet of North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have adverse impact on fish habitat.

Part 4. Amend **Section 17.16.020.3** to refer to an updated Official Zoning Map.

3. OFFICIAL ZONING MAP

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of ~~January 1989~~ April 1, 2013 and thereafter as the map may be modified in accordance with the provisions of this title.
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.

Part 5. Amend Section 17.20.200.2.a to increase the allowable area in a retail store.

- a. All retail stores are limited to ~~30,000~~ 45,000 square feet of gross floor area.

Part 6. Amend **Section 17.20.200.2.b** to increase the allowable area in a mall.

- b. Malls are limited to ~~80,000~~ 100,000 square feet of gross floor area with no retail store exceeding 30,000 square feet.

Part 7. Add **Section 17.24.040.6.k** to an approval criterion for subdivisions and partitions regarding impacts on fish habitat.

k. When any portion of subdivision or partition is within 100 feet of North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have adverse impact on fish habitat.

Part 8. Amend **Section 17.24.090.2** to require parcels of land containing significant wetlands to be developed as master planned developments.

2. APPLICABILITY. The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. ~~However~~ In addition, the City ~~may~~ shall require that the following types of development be processed using the provisions of this Section:

- a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as ~~being a significant wetland site(s) requiring protection.~~

- b. Where the land division is to occur on slopes of 15% slope or greater.
- c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development.

Part 9. Amend **Section 17.24.100.2.g.2)** regarding density bonuses in master planned developments.

- 2) Residential density bonuses may be granted when one or more of the following criteria are met, up to a 50% increase in density.
 - a) Where the percentage of open space increases. The bonus shall permit a 5% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.d.
 - b) When the decision authority determines that the architectural standards proposed for the development exceed the applicable design standards of Sections 17.20.190, 17.20.200 and subsection 2.b through quality, distinctive and innovative design, and use of architectural amenities, such as locating garages behind the primary building line of the house, side loaded garages, or alley-access garages, a density bonus of up to ~~±520%~~ may be granted.
 - c) Up to a 15% density increase may be granted by the decision authority if the development exceeds the standards of subsection 2.d.8.
 - d) Up to a 15% density increase may be granted by the decision authority if open space amenities such as those identified in subsection 2.d.8 are open to the public.

Section 4. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 5. Notification to State. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of March, 2013.

CITY OF STAYTON

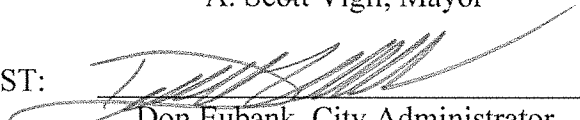
Signed: 3-18, 2013

BY:


A. Scott Vigil, Mayor

Signed: 3/21, 2013

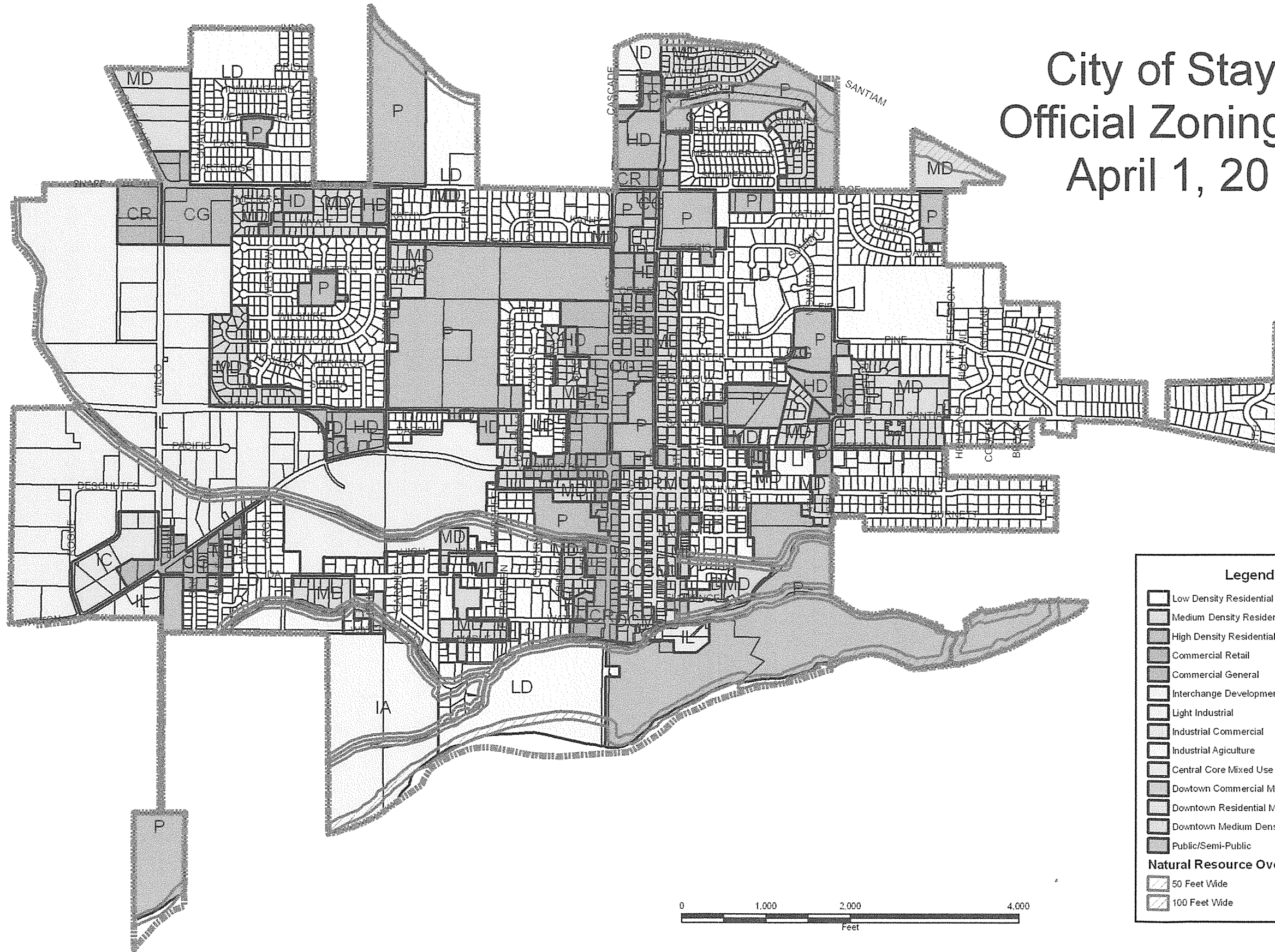
ATTEST:


Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

City of Stayton Official Zoning Map April 1, 2013



Legend

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial Retail
- Commercial General
- Interchange Development
- Light Industrial
- Industrial Commercial
- Industrial Agriculture
- Central Core Mixed Use
- Downtown Commercial Mixed Use
- Downtown Residential Mixed Use
- Downtown Medium Density Residential
- Public/Semi-Public

Natural Resource Overlay District

- 50 Feet Wide
- 100 Feet Wide