

ORDINANCE NO. 750

AN ORDINANCE AMENDING THE CITY OF STAYTON OFFICIAL COMPREHENSIVE PLAN AND ZONING MAP TO REDESIGNATE CERTAIN PROPERTY FROM MEDIUM DENSITY TO PUBLIC/SEMI-PUBLIC, WITHIN THE CITY OF STAYTON URBAN GROWTH BOUNDARY, COUNTY OF MARION, STATE OF OREGON.

WHEREAS, an application for a comprehensive plan/zoning map amendment was initiated by Stayton School District 77J, owner of property at 1101 N. Third Avenue, described in Exhibit A., attached hereto; and

WHEREAS, the property at 1101 N. Third Avenue is currently zoned for Medium Density use; and

WHEREAS, owner wishes to utilize the property as an extension of the existing school property; and

WHEREAS, the Stayton City Council conducted a public hearing on 7 August 1995 and rendered a decision approving the amendment to the Official Comprehensive Plan/Zoning Map; and

WHEREAS, the Stayton City Council adopted an order containing findings and conclusions in support of this request, which is attached hereto as Exhibit B;

NOW, THEREFORE, the Stayton City Council ordains as follows:

SECTION 1: That the Official Comprehensive Plan and Zoning Map designation for the property at 1101 N. Third Avenue, described in Exhibit A., be changed from Medium Density (MD) to Public/Semi-Public (P), and that the Official Comprehensive Plan and Zoning Map be amended as shown on Exhibit A, attached hereto.

PASSED BY THE STAYTON CITY COUNCIL this 5th day of September 1995.

Date: 9-7-95 By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

Date: 9/6/95 Attest: Thomas L. Barthel
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM
Date: AUG 22 1995 David A. Rhoten
DAVID A. RHOTEN, City Attorney

BEFORE THE STAYTON CITY COUNCIL

In the Matter of the
Application of the
Stayton School District 77J

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File No. 09-05/95
1. Plan Amendment
2. Zone Change

ORDER OF APPROVAL

I. NATURE OF THE APPLICATION

This matter comes before the Stayton City Council on the application of Stayton School District 77J for a Comprehensive Plan Amendment to change the Plan map designation from Medium Density Residential to Public/Semi-Public, and, a Zone Change from Medium Density Residential (MD) to Public/Semi-Public (P) on property located at 1101 North Third Street.

II. GENERAL INFORMATION

A. Location and Site Description

The subject property is located on the west side of N. Third Street, approximately opposite its intersection with Elwood Street. The property address is 1101 N. Third Street. The 20,000 square foot property contains an older residential structure modified into an apartment building. The property is designated Medium Density Residential in the Stayton Comprehensive Plan and zoned Medium Density Residential (MD).

B. Surrounding Zoning

The Stayton Elementary School surrounds the property on the north, west and south. The School is zoned Public/Semi-Public (P). Land to the east is zoned Medium Density Residential (MD) and is developed with single family homes.

C. Background Information

The proposal will change the Comprehensive Plan map designation from Medium Density Residential to Public/Semi-Public and change the zoning from Medium Density Residential (MD) to Public/Semi-Public (P) on the subject property. The purpose of the request is to allow expansion of the school property. There is no concurrent development proposal.

D. Public Services

The parcel fronts an improved public street and is served by public sewer, water and storm sewer, as well as private utilities.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission on June 26, 1995. At the hearing, City Planning File #09-05/95 was made a part of the record. Notice of the hearing was published in the Stayton Mail. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and adopted an Order recommending approval of the proposed Plan map amendment and zone change. The Planning Commission found the proposal complied with requirements, policies and provisions in the Comprehensive Plan, and, the Land Use and Development Code.

B. City Council Action

A public hearing was duly held on this application before the Stayton City Council on August 7, 1995. At the hearing, City Planning File #09-05/95 was made a part of the record. Notice of the hearing was published in the Stayton Mail. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, and after considering recommendations from the Stayton Planning Commission, the City Council deliberated on the issue and adopted an Order approving the proposed Plan map amendment and zone change. The City Council found the proposals comply with requirements, policies and provisions in the Comprehensive Plan and the Land Use and Development Code.

IV. FINDINGS OF FACT-GENERAL

The Stayton City Council, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact:

- A. The applicant is Stayton School District 77J.
- B. The subject property is located on the west side of N. Third Street, approximately opposite its intersection with Elwood Street. The property address is 1101 N. Third Street.
- C. The 20,000 square foot property contains an older residential structure modified into an apartment building.
- D. The parcel fronts an improved public street and is served by public sewer, water and storm sewer, as well as private utilities.
- E. The property is designated Medium Density Residential in the Stayton Comprehensive Plan and zoned Medium Density Residential (MD).
- F. The Stayton Elementary School surrounds the property on the north, west and south. The School is zoned Public/Semi-Public (P). Land to the east is zoned MD and is developed with single family homes.
- G. The application is for a Comprehensive Plan Amendment to change the Plan map designation from Medium Density Residential to Public/Semi-Public, and, for a Zone Change from Medium Density Residential (MD) to Public/Semi-Public (P).
- H. The purpose of the Plan map and zone change is to allow expansion of the school property. There is no concurrent development proposal for the subject property.

V. RELEVANT CRITERIA - PLAN AMENDMENT

- A. The standards and criteria relevant to the Plan Amendment request are found in the Stayton Land Use and Development Code Section 17.12.420, PLAN AMENDMENT. The City Council reviewed the application with regard to the criteria.

- B. SC 17.12.420.1., defines a Plan Amendment as a redesignation of an area from land use designation to another, or a modification to policies or text of the Plan.

FINDING: The request meets this definitional requirement as the proposal would redesignate the subject property from Medium Density Residential to Public/Semi-Public.

- C. SC 17.12.420.2., requires plan amendments to be adopted by ordinance passed by the City Council. Pursuant to Section 17.12.370 to .390, the Planning Commission provides a recommendation on the request.

FINDING: This section outlines the review procedures; actions by the Planning Commission and City Council are required to comply with these procedures.

- D. SC 17.12.420.3., establishes Plan amendment initiation procedures. Subsection c., allows petition by property owners for a site specific Plan amendments

FINDING: Consistent with this decision, the property owner is requesting a change in the Comprehensive Plan map.

- E. SC 17.12.420.4., identifies the submittal requirements.

FINDING: The Council finds the applicants submitted the required information.

- F. SC 17.12.420.5., establishes the approval criteria. These criteria, and the Commission's responses are as follows:

1. If a map amendment, the extent of the existing and proposed land use allocations for the requested use.

FINDING: Schools are only allowed on the Public designated and zoned property so that alternative sites are not readily available for school expansion. Expanding school activities onto adjacent property is efficient, cost effective and logical in comparison to obtaining property apart from the existing school site.

2. Impact of the proposed amendment on land use development patterns within the City as measured by the following:

- a. Traffic generation and circulation patterns.

FINDING: Removal of the dwelling and expansion of the school onto the subject property is likely to reduce traffic in the immediate area. Existing circulation patterns will not be altered.

- b. Population concentrations.

FINDING: The proposal does not involve residential development so that the area's population density will not be affected.

- c. Demand for public facilities and services.

FINDING: Existing public facilities will be utilized; no new facilities are required as the result of the Plan map amendment.

- d. Maintenance of public health and safety.

FINDING: This action will expand an existing use and will not establish a new use or activity that is incompatible with adjacent residences or create noise, odors, waste material or other hazards to the general public.

- e. Level of park and recreational facilities.

FINDING: Expansion of the school will likely increase open space recreational opportunities. Conversely, if the site where to be developed in the future, this action does not eliminate park land or recreational facilities.

- f. Economic activities.

FINDING: This action neither promotes nor detracts from economic activity.

- g. Protection and use of natural resources.

FINDING: Based on the Comprehensive Plan, significant natural resources requiring protection or special consideration are not located on the property.

- h. Natural hazards and constraints.

FINDING: The Comprehensive Plan does not identify natural hazards or other physical constraints on the property.

- i. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.

FINDING: There are no special purpose programs which affect or apply to this development.

- 3. Other properly zoned land is not available in sufficient quantities within the City to satisfy current and projected needs.

FINDING: The proposed expansion is site specific with regard to the existing school so that alternative Public zoned property cannot be considered.

- 4. There are adequate urban services to serve the possible use under the zone proposed.

FINDING: Comments supplied by the Department of Public Works, and contained in the application file, indicate there are adequate urban services to serve the property. Public facility improvements may be required if additional development occurs on site; however, this can be reviewed at the time a formal development application is received.

- 5. The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.

FINDING: The applicable Comprehensive Plan policies fall under two categories: public facilities and land use. Applicable public facility policies require the

adequate provision of services to accommodate development, and, coordination between the City and School District. Public facility provisions are not an issue with this request. This action was initiated by the School District; the City has adequate opportunity to comment through the public hearings process. In general, the request is not an issue requiring coordination between the two agencies.

Housing policies seek to maintain an adequate supply of residential zoning to meet the housing needs of the community. The proposed Plan map amendment effectively removes 20,000 square feet of residential land. Based on a maximum density of 12 units per acre, this loss amounts to approximately 6 dwelling units.

While the City Council recognizes this potential loss, the Council also notes the applicant is limited as to where schools may be located and where an expansion can occur. A great deal of alternative residential sites are available within the City; this option is not readily afforded the School District. In general, the Council finds the potential loss of 6 dwelling units is outweighed by the specific needs of the school site and there is sufficient available land within the City to compensate for the potential loss of 6 units.

6. The proposed change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.

FINDING: Of the 10 Statewide Land Use Goals, only one is affected by this request: Goal #10 - Housing. As noted, the proposed Plan map amendment effectively eliminates the potential to construct up to 6 dwelling units. However, the Council also noted the potential loss of 6 dwelling units is outweighed by the specific needs of the school site. Sufficient land is available within the City to compensate for the potential loss of 6 units.

VI. RELEVANT CRITERIA - ZONE CHANGE

- A. The standards and criteria relevant to the Zone Change request are found in the Stayton Land Use and Development Code Section 17.12.430, ZONE CHANGES. The City Council reviewed the application with regard to the criteria and determined the following:
- B. SC 17.12.430.1., establishes definitions.

FINDING: A zone change is the reclassification of an area from one zoning district to another, provided the new zoning district exists within Chapter 17.16. The City Council finds the proposal meets this definitional requirement as the proposed P zone is found in Chapter 17.16.

- C. SC 17.12.430.2., establishes the method of adoption.

FINDING: Zone changes must be adopted by Council Ordinance. This section outlines the review procedures; actions by the Planning Commission and City Council are required to comply with these procedures.

- D. SC 17.12.430.3., establishes zone change initiation procedures.

FINDING: Subsection c., allows petition by property owners for a zone change. The Council notes the application complies with provisions in this section.

E. SC 17.12.430.4., identifies the submittal requirements.

FINDING: The Council finds the applicants submitted the required information.

F. SC 17.12.430.5., establishes the approval criteria. These criteria, and the Commission's responses are as follows:

1. The proposed zone change and intended use is compatible with the surrounding area as measured by:

a. Land use patterns.

FINDING: The existing land use pattern in the immediate area has Public zoned land, containing the school, on the west side of Third Street while residential development on MD zoned land is situated along the east side of the street. The school borders the subject property along the north, west and south. This change would effectively create one Public zoned parcel from Jefferson Street south to Ribodoux Street. The proposed change is entirely consistent with the existing pattern.

b. Traffic generation and circulation.

FINDING: Previous findings indicated the change in land use will not impact the existing traffic pattern or circulation and will likely reduce traffic generation along this street.

c. Population density and impacts of population concentrations.

FINDING: As previously noted, the proposal does not involve residential development so that the area's population density will not be affected.

d. Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products excessive glare of lighting, and demand on public services and facilities.

FINDING: As previously noted, this action will not establish a new use or activity that is incompatible with adjacent residences or create noise, odors, waste material or other hazards to the general public.

2. Other properly zoned land is not available in sufficient quantities within the City to satisfy current and projected needs.

FINDING: The City Council previously noted the unique location of the property adjacent to the school grounds. Since schools are only allowed on the Public designated and zoned property, alternative sites are not readily available for school expansion. Expanding school activities onto this adjacent property is efficient, cost effective and logical in comparison to obtaining property apart from the existing school site.

3. There are adequate urban services to serve the possible use under the zone proposed.

FINDING: Comments supplied by the Department of Public Works, and contained in the application file, indicate there are adequate urban services to serve the property and no new services will be required.

4. The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.

FINDING: The proposed zone change is consistent with the proposed change in the Comprehensive Plan map. Consistency with the Comprehensive Plan was previously reviewed under the Plan amendment. The Council finds comments and conclusions for the Plan amendment also apply to the zone change.

5. The proposed change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.

FINDING: Applicability to the Statewide Planning Goals was reviewed under the proposed Plan amendment. Again, the Council finds comments and conclusions for the Plan amendment also apply to the zone change.

VII. CONCLUSION

The submitted Plan map amendment and Zone Change requests comply with the applicable decision criteria and should be granted.

VIII. CONDITIONS OF APPROVAL

The Stayton City Council finds the Plan map amendment and Zone Change in compliance with the Land Use and Development Code criteria. Plan map amendments and Zone Change requests are not subject to conditions of approval.

IX. ORDER

It is hereby found that the application meets the relevant standards and criteria for a Zone Change. THEREFORE, it is the decision of the Stayton City Council to approve the proposed Plan amendment and Zone Change.

APPROVED BY A 4:0 VOTE OF THE STAYTON CITY COUNCIL ON THE 7TH DAY OF AUGUST, 1995.

DATED at Stayton, Oregon, this 9th day of August, 1995.

Willmer Van Vleet 8-9-95
Willmer Van Vleet, Mayor Date

ATTEST:

Tom Barthel 8/9/95
Tom Barthel, City Administrator Date

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