

ORDINANCE NO. 1053

**AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE
PLAN AND THE STAYTON ZONING MAP FOR PROPERTIES
LOCATED ON W WATER STREET AND AMENDING THE STAYTON
ZONING MAP FOR A PORTION OF 182 W IDA STREET**

WHEREAS, Freres Building Supply is the owner of 205 W Water St and 209 W Water St, Stayton, Oregon and has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and a Zoning Map amendment from High Density Residential (HD) to Commercial Retail (CR) as to those properties (“subject properties”);

WHEREAS, the subject properties are a portion of Tax Lot 6300 and Tax Lots 6500 and 6600 as shown on Map 91W10CD. A majority of Tax Lot 6300 and Tax Lot 6600 are Parcel 2 of Partition Plat 2021-094, recorded December 14, 2021, but not yet depicted on the assessor’s maps;

WHEREAS, Parcel 2 is addressed as 205 W Water St. Tax Lot 6500 is addressed as 209 W Water St. Parcel 1 of Partition Plat 2021-094 is addressed as 182 W Ida St.

WHEREAS, most of Parcel 2 is designated Residential and zoned High Density Residential (HD). A 4,168 square foot portion of Parcel 2 that was previously Tax Lot 6600 before Partition Plat 2021-094 was recorded is designated Commercial and zoned CR. Tax Lot 6500 is designated Residential and zoned HD;

WHEREAS, Parcel 2 is a back lot with 32,647 square feet in area. The property has access to W Water St by means of a private access easement over Tax Lot 6500. The property is currently vacant;

WHEREAS, Tax Lot 6500 has 108 feet of frontage on W Water St and is 150 feet deep, with a lot area of 16,200 square feet. The property is developed with a single family detached dwelling and a 1,300 square foot storage shed;

WHEREAS, the neighboring properties to the east are zoned CR. The property at the corner of N First Ave and W Water St is developed with a building materials retail establishment and is in the same ownership as the subject parcels. The property at 205-275 N First Ave is developed with a shopping center with retail, laundromat/dry cleaning establishment, office, and eating/drinking establishments. The neighboring property to the south, across W Water St, is zoned CR and is developed with a single-family dwelling and a storage warehouse for the building materials retail establishment. One of the neighboring properties to the west is zoned HD and is developed with a single-family dwelling. The other property to the west is zoned Low Density Residential and is developed with a single-family dwelling. One of the neighboring properties to the north is Parcel 1 of Partition Plat 2021-094, is zoned HD and Medium Density Residential (MD), reflecting the lot lines prior to the Partition Plat 2021-094, is developed with a single-family dwelling and is in the same ownership as the subject parcels. The other property to the north is zoned MD and developed with a single-family dwelling;

WHEREAS, applications for an amendment to the Comprehensive Plan are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, section 17.12.170.6.

WHEREAS, applications for an amendment to the Zoning Map are required to satisfy approval criteria contained within SMC Title 17, section 17.12.180.5.

WHEREAS, following a public hearing on January 31, 2022, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the applications;

WHEREAS, the Stayton City Council held a public hearing on February 22, 2022, and, pursuant to SMC 17.12.170.6 and SMC 17.12.180.5, makes the following findings regarding each of the approval criteria:

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

- 1) *The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Findings: The Comprehensive Plan describes the purpose of the Commercial designation as proving areas for retail, service, office, and other commercial activities. The Plan indicates that the areas around the Highway 22 interchanges shall be oriented towards commercial uses that serve the traveling public. However, no other direction is provided in the Plan as to the location of commercial areas.

The Stayton Economic Development Strategy and Action Plan, adopted by the City Council in June 2019, stresses the importance of retention and expansion of existing businesses in growing the City's economic base.

- 2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: The Comprehensive Plan notes that there were 23 vacant lots zoned commercial with a total area of 19 acres. The Planning Department reports that there are currently 19 vacant commercially zoned parcels with a total area of 26 acres, one of which is a portion of Parcel 2 that was a separate parcel prior to Partition Plat 21-094. There are six vacant commercially zoned lots larger than one acre, with one at 4.41 acres and one at 7.9 acres.

- 3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Findings:

Goal 1 is in regard to citizen involvement. The application is subject to the public hearing standards established in SMC 17.12.090 and 17.12.100 and Oregon Revised Statutes 227.160 to 186. Two public hearings were held on the applications

Goal 2 is in regard to land use planning. The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in May 2013. DLCD was notified of this application on September 15, 2014. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regard the preservation of agricultural lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 4 is in regard to the preservation of forest lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 5 is in regard to open spaces, scenic and historic areas, and natural resources. There are no "Goal 5 Resources" identified in the Comprehensive Plan on or adjacent to the subject properties.

Goal 6 is in regard to air, water and land resources. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 7 is in regard to areas subject to natural disasters and hazards. There are no identified natural hazards on this property

Goal 8 is in regard to recreation. The City has a Parks Master Plan that addresses the recreational needs of the community. This property is not identified for any future recreational facilities.

Goal 9 is to provide adequate opportunities for a variety of economic activities. Amendment of the Comprehensive Plan Map designation to Commercial would increase opportunity for economic activity in the City and would implement the adopted Economic Development Strategy of supporting the expansion of existing businesses.

Goal 10 is to provide for the housing needs of the State. The proposed amendment would reduce the amount of land designated for residential use. However, the Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of less than 0.1% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be needed during the planning period. The properties proposed for the comprehensive plan amendment have been zoned HD since the adoption of city-wide zoning in the mid-1970s. Until 2019, they each had a single-family dwelling on them. One of the single-family dwellings was demolished. The proposal would reduce the amount of land zoned HD by 1.2 acres.

The City has recently annexed 5.2 acres of land zoned HD for which a 100-unit multifamily development has received site plan approval. The City has just annexed a 19.1 acre parcel of land which has been zoned MD and will see a mix of single-family detached, single-family attached, duplex, and triplex development.

The Comprehensive Plan projected a need for 174 new multifamily dwelling units during the 20-year planning period. The City has approved development of 104 units since that time

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcels are served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient, and economic transportation system. The City has an adopted Transportation System Plan. The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Lacy Brown, PE. The analysis was based on two parcels, totaling 1.03 acres having the Comprehensive Plan designation changed. The analysis noted that under the Oregon Highway Plan, a net increase of 400 daily trips qualifies as a significant effect. The analysis estimated that under the current HD zoning and Residential designation the worst-case traffic generation would be 523 daily trips. The analysis projected traffic generation from a possible small office building, day care center and high turnover sit down restaurant as the worst-case scenario under the proposed zoning, with a net increase of 260 daily trips. The analysis was reviewed by the City's transportation planning consultants who agreed with the methodology and conclusions. In light of the Oregon Highway Plan's qualification of a net increase of less than 400 daily trips as not significant, the City transportation planning consultant recommended a cap on the trips from future development of the properties to no more than 400.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the construction of warehouse for a building supply retailer.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

Goals 15 through 19 are regarding the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively. The City is not located on the Willamette River or on the Oregon Coast.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Lacy Brown, PE. The analysis was based on two parcels, totaling 1.03 acres having the Comprehensive Plan designation changed. The analysis noted that under the Oregon Highway Plan, a net increase of 400 daily trips qualifies as a significant effect. The analysis estimated that under the current HD zoning and Residential designation the worst-case traffic generation would be 523 daily trips. The analysis projected traffic generation from a possible small office building, day care center and high turnover sit down restaurant as the worst-case scenario under the proposed zoning, with a net increase of 260 daily trips. The analysis was reviewed by the City's transportation planning consultants who agreed with the methodology and conclusions. In light of the Oregon Highway Plan's qualification of a net increase of less than 400 daily trips as not significant, the City transportation planning consultant recommended a cap on the trips from future development of the properties to no more than 400.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Findings: There are 1,827 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicates that there are 921 buildable acres of land inside the UGB, and outside of the City Limits. Since that time, there have been about 54 acres of residential land annexed. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there were 144 acres of buildable land in the city zoned for residential use. The Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. This amendment would result in a decrease of less than 0.1% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be need during the planning period.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Findings: The application indicates that the proposed development will be a building supplies warehouse. There is a 16-inch water main in W Water Street. Access to the water main for the warehouse would require a public utility easement or a private water easement benefitting Parcel 2 over Tax Lot 6500. There is an 8-inch sewer main in N Alder Ave and an 8-inch sewer main in W Water St. Parcel 2 benefits from a public utility easement over Parcel 1 of Partition Plan 2021-094 providing access to the sewer main in N Alder Ave.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Findings: The properties to the east and south of the subject properties are zoned commercial and in commercial uses. The properties to the north and west are zoned residential and developed with single family dwellings. Tax Lot 6500 already has commercial use established on it and no change in the use is projected. Parcel 2, being a back lot, is not likely to be developed with any other commercial use than the proposed building supplies warehouse. The application states that it will not be open to retail customer traffic and will generate traffic mainly from the delivery and shipping of building materials.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria. Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Findings: There is a concurrent application to amend the Comprehensive Plan Map designation from Residential to Commercial.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Findings: There is a 16-inch water main in W Water Street. Access to the water main for the warehouse would require a public utility easement or a private water easement benefitting Parcel 2 over Tax Lot 6500. There is an 8-inch sewer main in N Alder Ave and an 8-inch sewer main in W Water St. Parcel 2 benefits from a public utility easement over Parcel 1 of Partition Plat 2021-094 providing access to the sewer main in N Alder. The application states that only electric power service is anticipated to serve the proposed development.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Lacy Brown, PE. The analysis was based on two parcels, totaling 1.03 having the comprehensive plan designation changed. The analysis noted that under the Oregon Highway Plan, a net increase of 400 daily trips qualifies as a significant effect. The analysis estimated that under the current HD zoning and Residential designation the worst-case traffic generation would be 523 daily trips. The analysis projected traffic generation from a possible small office building, day care center and high turnover sit down restaurant as the worst-case scenario under the proposed zoning, with a net increase of 260 daily trips. The analysis was reviewed by the City's transportation planning consultants who agreed with the methodology and conclusions. In light of the Oregon Highway Plan's qualification of a net increase of less than 400 daily trips as not significant, the City transportation planning consultant recommended a cap on the trips from future development of the properties to no more than 400.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Findings: There are three categories of Comprehensive Plan policies appropriate to look at with these applications: housing, land use, and economic development.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. There is an existing single-family home on Tax Lot 6500. Parcel 2 is vacant.

Policy LU-1 is that the City will adopt a zoning map consistent with the Comprehensive Plan Map. This policy is to be implemented by an action that zoning district boundaries are to follow property lines and rights of way centerlines as much as practicable. The recently recorded Partition Plat 2021-094 has adjusted property lines of the subject properties. The proposed Zoning Map amendments would adjust zoning district boundaries to follow property lines. This ordinance also adjusts the line between the HD and MD zone to follow the new parcel line between Parcel 1 and Parcel 2 of the partitioning.

Policy LU-6 is that the central business area of Stayton shall continue to be the primary retail business area of the community. The proposed zoning amendment would expand the commercial zoning to an area adjacent to the central business district.

Policy EC-1 is to maintain downtown Stayton as an area for retail shops, restaurants, entertainment, government offices, and professional offices. Though the applicant's

existing business is not in the area designated as Downtown by the Comprehensive Plan it is in the area covered by the City's Downtown Revitalization and Transportation Plan. The subject properties are adjacent to the downtown area and this amendment will support the retail business located on N First Ave.

Policy EC-2 is to enhance and protect the vitality of the City's existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the City. This proposal will allow the gradual expansion of an existing retail business.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Findings: There are 3 vacant lots within the City that are zoned HD, with a combined area of 10 acres. One of the vacant HD parcels has received site plan review approval for an apartment complex, but construction has not commenced. There are 8 vacant lots zoned CR, including the portion of Tax Parcel 2 that was previously a separate parcel, with a combined acreage of 8.6 acres. The subject parcels are adjacent to the existing retail use and are therefore the only parcels suitable for the proposed use or development.

- 6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Findings: The applicant provided an analysis required by OAR 660-012-0060. Notice of the first evidentiary hearing on these applications was provided to the Department of Land Conservation and Development as required by OAR 660-018-0020.

- 7) *The physical characteristics of the property proposed for rezoning are appropriate for the proposed zone and the potential uses allowed by the proposed zone will not have an adverse impact on the surrounding land uses.*

Findings: The subject property is flat and level. No physical characteristics, natural resources or hazards are identified that create obstacles or prevent its use in the proposed zone or for the proposed use.

WHEREAS, pursuant to the findings above, the City Council concludes that the Comprehensive Plan amendment and Zoning Map amendment are compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Comprehensive Plan Map Changed. Based on the Findings and Conclusions set forth above, the Stayton Comprehensive Plan Map is amended as follows:

Area to be changed from Residential to Commercial

Beginning at the intersection of the centerline of W Water Street at a point 216 feet from the westerly right of way of N First Ave, proceeding northerly a distance of 225 feet; then easterly 84 feet; then northerly 85.55 feet to the northeast corner of Parcel 2 of Partition Plat 2021-094; then westerly 193.75 feet along the north line of said Parcel 2; then southwesterly 60.41 feet to the northwest corner of Parcel 2, then southerly 108.76 feet to

the southwest corner of Parcel 2; then easterly 58 feet to the northwest corner of Tax Lot 6500 on Marion County Assessor's Map 091W10CD; thence southerly 175 feet to the centerline of W Water Street; then easterly to the point of beginning.

A portion of the revised Comprehensive Plan Map, illustrating the amendments to the Comprehensive Plan Map is included as Exhibit A, attached hereto and incorporated herein.

Section 2. Zoning Map Changed. Based on the Findings and Conclusions set forth above, the Stayton Official Zoning Map is amended as follows:

Area to be changed from High Density Residential to Commercial Retail

Beginning at the intersection of the centerline of W Water Street at a point 216 feet from the westerly right of way of N First Ave, proceeding northerly a distance of 225 feet; then easterly 84 feet; then northerly 85.55 feet to the northeast corner of Parcel 2 of Partition Plat 2021-094; then westerly 193.75 feet along the north line of said Parcel 2; then southwesterly 60.41 feet to the northwest corner of Parcel 2, then southerly 108.76 feet to the southwest corner of Parcel 2; then easterly 58 feet to the northwest corner of Tax Lot 6500 on Marion County Assessor's Map 091W10CD; then southerly 175 feet to the centerline of W Water Street; then easterly to the point of beginning.

Area to be changed from High Density Residential to Medium Density Residential

Beginning at the southeast corner of Tax Lot 3300 on Marion County Assessor's Map 091W10CD, as printed on October 17, 2020, proceeding northwesterly along the southern line of Tax Lot 3300 to a point in the former right of way N Alder Ave; then southwesterly along the southern boundary of Tax Lot 3300 to the southeast corner of Tax Lot 3400 on Marion County Assessor's Map 091W10CD; then continuing southwest to the southwest corner of Parcel 2 of Partition Plat 2021-094; then easterly along the south line of Parcel 2 to southeast corner of Parcel 2; then northerly to the point of beginning.

A portion of the revised Official Zoning Map, illustrating the amendments to the Official Zoning Map is included as Exhibit B, attached hereto and incorporated herein.

Section 3. Cap on Traffic Generation. The land use actions taken in this ordinance are conditioned upon any development to be constructed or otherwise developed on the subject properties generating not more than 400 vehicle trips per day. Any application for the development of the subject properties shall submit with the development application a Transportation Impact Analysis or a Transportation Assessment Letter, as provided for in SMC Chapter 17.26, that verifies the proposed development will conform to the trip cap limitation stated herein.

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. 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 22nd day of February, 2022.

CITY OF STAYTON

Signed: 2/22 2022

BY: Henry A. Porter
Henry A Porter, Mayor

Signed: 2/22, 2022

ATTEST: Alissa Angelo
Alissa Angelo, Interim City Manager

EXHIBIT A, EXCERPT FROM REVISED COMPREHENSIVE PLAN MAP

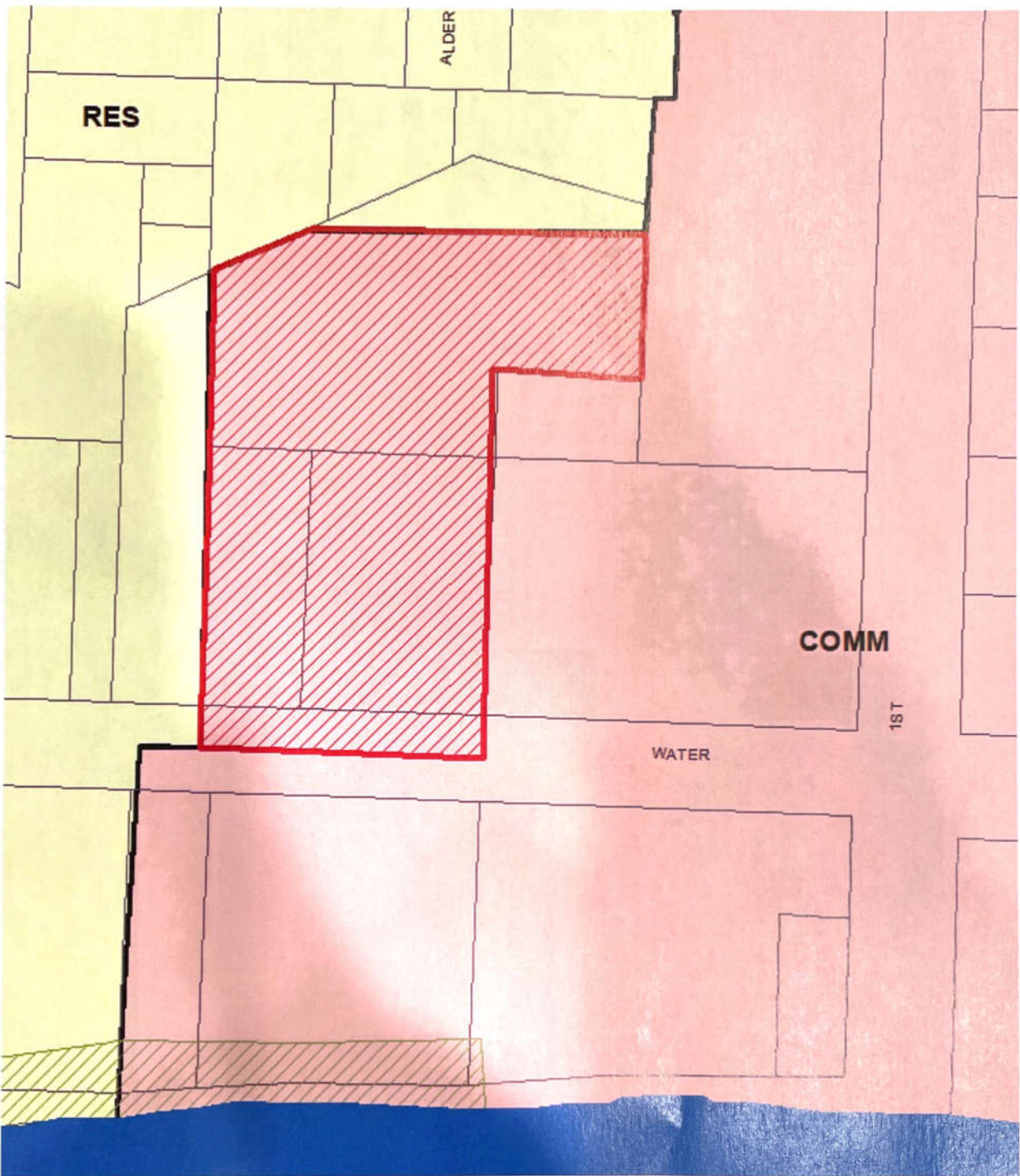


EXHIBIT B, EXCERPT FROM OFFICIAL ZONING MAP

