

ORDINANCE NO. 1055

AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN AND THE STAYTON ZONING MAP FOR PROPERTY LOCATED AT 381 E MARION STREET

WHEREAS, Kardboard Box, LLC is the owner of 381 E Marion St, Stayton, Oregon and has submitted applications for a Comprehensive Plan Map amendment from Downtown to Residential and a Zoning Map amendment from Downtown Residential Mixed Use (DRMU) to Medium Density Residential (MD) as to that property (“subject property”);

WHEREAS, the subject property is Tax Lot 9500 as shown on Map 91W10DB and is addressed as 381 E Marion St.

WHEREAS, the subject property is designated Downtown by the Comprehensive Plan Map and zoned Downtown Residential Mixed Use by the Official Zoning Map;

WHEREAS, the neighboring property to the east, across N Fourth Ave, is zoned High Density Residential (HD) and is developed with a 12-unit apartment building and a single family dwelling. The neighboring properties to the southeast, across the intersection, are zoned Medium Density Residential and are developed with attached single family dwellings. The neighboring property to the south, across E Marion St, is zoned DRMU and developed with a single family dwelling. The neighboring property to the west is zoned DRMU and is vacant, used as a parking area for the adjacent restaurant. The neighboring property to the north, is zoned DRMU, and is vacant;

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 May 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 June 20, 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 purposes of the Downtown and Residential designations. However, no other direction is provided in the Plan as to the location of these areas. It is noted that on the west side of N Fourth Ave, between E Washington St and E Ida St, there are eight main buildings. Two of these buildings are

commercial, including the building on the subject property. One building is a four-unit multifamily dwelling. The remaining five buildings are single family detached structures, which are nonconforming uses in the DRMU zone and not in conformance with the purposes of the Downtown designation.

- 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 the need for additional residential land in the city. Single family dwellings are not permitted in the zones associated with the Downtown designation. Amendment from Downtown to Residential will provide the opportunity for an additional residence.

- 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 April 21, 2022. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regard to 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 from Downtown to Residential would decrease opportunity for economic activity in the City but is in

response to the property having been on the market for several months and perspective purchasers interested only in residential use.

Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would increase the amount of land designated for residential use. FHCO and HLA commented that the above finding was not adequate to address the requirements of Goal 10. It is further noted that the Housing Needs Projection in the Comprehensive Plan indicates the need for 1,281 additional housing units during the planning period. The Buildable Lands Inventory in the Comprehensive Plan indicated that there were 244 acres of vacant and redevelopable land zoned residential in the city limits, and 947 acres of land in the urban growth boundary and out of the city limits that were designated residential for a total of 1,191 acres of residential buildable land. The Comprehensive Plan indicates that approximately 460 acres of land will be needed for the expected housing growth during the planning period, providing a surplus of over 700 acres of land. The proposal will increase the amount of residentially zoned land by 0.2 acres.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is 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 Scott Mansur, PE and Jenna Bogert, PE. The analysis estimated that under the current DRMU zoning and Downtown designation the worst-case traffic generation would be 6-32 PM peak hour trips. The analysis projected traffic generation from a child care center as the worst-case scenario under the proposed zoning, with PM peak hour trip generation of 32 trips. The analysis concluded that the proposed zone change is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the creation of a residential unit within walking distance to the downtown core.

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 Scott Mansur, PE and Jenna Bogert, PE. The analysis estimated that under the current DRMU zoning and Downtown designation the worst-case traffic generation would be 6-32 PM peak hour trips. The analysis projected traffic generation from a child care center as the worst-case scenario under the proposed zoning, with PM peak hour trip generation of 32 trips. The analysis concluded that the proposed zone change is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Findings: There are 43 acres of land in the UGB currently designated as Downtown. The Comprehensive Plan indicates that there are 2 buildable acres of land. The proposal will decrease the amount of land designated as Downtown, but not affect the amount of vacant buildable land so designated. There are a total of 1,825 acres of land in the UGB currently designated as Residential. 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 an increase of 0.2 acres in the amount of available land for residential development.

- 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: There is a 10-inch water main in E Marion St. There is an 8-inch sewer main in N Fourth Ave with a sanitary manhole in front of the subject property. There is a 12-inch sewer main in E Marion St. There is a storm main in N Fourth Ave, with a catch basin at the northwest corner of the intersection.

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

Findings: The uses permitted in the residential designation are likely to have less of an adverse impact on adjacent properties than the uses permitted in the downtown designation.

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 Downtown to Residential.

- 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 10-inch water main in E Marion St. There is an 8-inch sewer main in N Fourth Ave with a sanitary manhole in front of the subject property. There is a 12-inch sewer main in E Marion St. There is a storm main in N Fourth Ave, with a catch basin at the northwest corner of the intersection.

- 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 Scott Mansur, PE and Jenna Bogert, PE. The analysis estimated that under the current DRMU zoning and Downtown designation the worst-case traffic generation would be 6-32 PM peak hour trips. The analysis projected traffic generation from a child care center as the worst-case scenario under the proposed zoning, with PM peak hour trip generation of 32 trips. The analysis concluded that the proposed zone change is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Findings: Two categories of comprehensive policies are appropriate to look at with this application: housing and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The building on the subject property was originally built and occupied as a single family dwelling. At the time of establishment of the DRMU zone it was used for commercial purposes. The proposed zoning would allow it be used as a single family dwelling, increasing the city's housing stock.

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.

- 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 currently 6 vacant tax parcels that are zoned DRMU, with a combined area of 0.94 acres. There are currently 14 vacant tax parcels zoned MD, with a combined area 25.7 acres. The subject parcel is not vacant and therefore there will be no change in the amount of vacant land in either zone.

- 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 was provided to the Department of Land Conservation and Development more than 35 days prior to the first evidentiary hearing 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. The property is already developed with a building.

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 Downtown to Residential

Beginning at a point on the centerline of E Marion St at its intersection with the centerline of N Fourth Ave, then proceeding northerly along the centerline of N Fourth Ave for a distance of 130 feet to a point 30 feet east of the northeast corner of Tax Lot 9500 of Marion County Assessor's Map 091W10DB; thence westerly to the northeast corner of Tax Lot 9500 and continuing along the north line of Tax Lot 9500 to the northwest corner of Tax Lot 9500; thence southerly to the southwest corner of Tax Lot 9500 and continuing to the centerline of E Marion St; thence easterly 114 feet to the centerline of N Fourth Ave and 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 Downtown Residential Mixed Use to Medium Density Residential

Beginning at a point on the centerline of E Marion St at its intersection with the centerline of N Fourth Ave, then proceeding northerly along the centerline of N Fourth Ave for a distance of 130 feet to a point 30 feet east of the northeast corner of Tax Lot 9500 of Marion County Assessor's Map 091W10DB; thence westerly to the northeast corner of Tax Lot 9500 and continuing along the north line of Tax Lot 9500 to the northwest corner of Tax Lot 9500; thence southerly to the southwest corner of Tax Lot 9500 and continuing to the centerline of E Marion St; thence easterly 114 feet to the centerline of N Fourth Ave and 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. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 4. 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 20th day of June, 2022.

CITY OF STAYTON

Signed: 6/21, 2022

BY: Henry A. Porter
Henry A Porter, Mayor

Signed: 6/21, 2022

ATTEST: Julia Hajduk
Julia Hajduk, City Manager

EXHIBIT A, EXCERPT FROM REVISED COMPREHENSIVE PLAN MAP



EXHIBIT B, EXCERPT FROM OFFICIAL ZONING MAP

