

ORDINANCE NO. 1061

**AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE
PLAN AND THE STAYTON ZONING MAP FOR PROPERTY LOCATED
AT 190 E PINE STREET**

WHEREAS, Dark Horse Enterprises LLC is the owner of 190 E Pine St, Stayton, Oregon and has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and a Zoning Map amendment from Medium Density Residential (MD) to Commercial General (CG) as to that property (“subject property”);

WHEREAS, the subject property is Tax Lot 2800 as shown on Map 91W10AC and is addressed as 190 E Pine St.

WHEREAS, the subject property is designated Residential by the Comprehensive Plan Map and zoned Medium Density Residential by the Official Zoning Map;

WHEREAS, the neighboring properties to the east and northeast, across N Second Ave, are zoned MD and are developed with single family dwellings. The neighboring property to the north, across E Pine St, is zoned Medium Density Residential and is developed with a single family dwelling. The neighboring properties to the west, across the alley, are zoned Commercial General (CG) and are developed with a professional office and single family dwelling. The neighboring property to the south is zoned CG and developed with a veterinary clinic. The neighboring property to the southwest, across the alley, is zoned CG and is developed as the parking area for the veterinary clinic;

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 March 27, 2023, 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 May 15, 2023, 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 Commercial and Residential designations. However, no other direction is provided in the Plan as to the location of these areas. Goals and Policies within the Comprehensive Plan that provide some direction regarding this application include the goal for public facilities and

services that urban development will occur in areas with existing services and the goal to enhance and protect the vitality of the existing commercial and service sector. The subject site is served by existing utilities and will not require an extension of the public services. This application has been submitted to allow future expansion of the existing veterinary clinic on the adjacent parcel.

- 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 subject property abuts the existing veterinary clinic. Because of this location and the availability of existing public facilities at the site, the property represents the only reasonable and cost-effective location available to expand the clinic.

- 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 February 21, 2023. 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. The subject property is the only parcel on this block that is not designated Commercial.

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 citizens 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 about 0.06% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what was projected to be needed during the planning period.

The property proposed for the comprehensive plan amendment had been zoned CG since the adoption of city-wide zoning in the mid-1970s. In 2018 the Planning Commission identified a number of areas in the City that were zoned Commercial but in residential use and initiated a Comprehensive Plan amendment to decrease the number of non-conforming uses throughout the City. The subject property was among the properties for which the Comprehensive Plan designation was changed from Commercial to Residential.

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 Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment 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 and indicated the trip cap is reasonable.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the expansion of an existing business within the city limits.

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 Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment 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 and indicated the trip cap is reasonable.

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

Findings: There are 1,824 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicated that there were 921 buildable acres of land inside the UGB and outside of the City Limits. Since that time there have been about 55 acres of residential land annexed, 8 acres of commercial land annexed, and 10 acres of industrial 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 0.29 acres 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.

- 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 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added

sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street.

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

Findings: Neighboring properties on N Second Ave are all single family dwellings in the MD zone. The neighboring properties in the block between Pine and Hollister are all zoned CG. The potential impacts from increased traffic will be mitigated by the proposed trip cap of no more than 200 daily trips. Testimony was received, signed by nine residents of nearby properties concerned about the impact of new commercial use on the neighboring residences. The neighbors testified that the existing veterinary clinic causes traffic problems as employees do not park in the off-street parking area provided and that large vehicles and trailers block traffic.

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 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street.

- 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 Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment 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 and indicated the trip cap is reasonable.

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

Findings: Three categories of Comprehensive Policies are appropriate to look at with this application: housing, economic, and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The property is currently developed with a single family dwelling.

There are no economics policies in the Comprehensive Plan directly related to this application. Though not part of the Comprehensive Plan, in August 2019, the City Council adopted a set of Economic Development Strategies. Among the guiding principles in the Strategies is to place existing businesses first. This amendment would facilitate the expansion of an existing business.

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 13 vacant lots within the City that are zoned MD, with a combined area of 25.5 acres. There are 8 vacant lots zoned CG, with a combined acreage of 15 acres. The subject parcel is adjacent to the applicant's existing business and is therefore the only parcel 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 was provided to the Department of Land Conservation and Development more than 35

days prior to the first evidentiary hearing on these applications 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. Testimony was received, signed by nine residents of nearby properties concerned about the impact of new commercial use on the neighboring residences. The neighbors testified that the existing veterinary clinic causes traffic problems as employees do not park in the off-street parking area provided and that large vehicles and trailers block traffic.

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 a point on the centerline of E Pine St at its intersection with the centerline of the alley running between N First Ave and N Second Ave, then proceeding easterly along the centerline of E Pine St to the centerline of E Second Ave; thence southerly along the centerline of N Second Ave a distance of 155 feet to a point opposite the southeast corner of Tax Lot 2800 of Marion County Assessor's Map 091W10AC; thence westerly to the southeast corner of Tax Lot 2800 and along the south lot line of Tax Lot 2800 to the centerline of the alley running between N First Ave and N Second Ave; thence northerly along the centerline of running between N First Ave and N Second Ave to the centerline of E Pine St 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 Medium Density Residential to Commercial General

Beginning at a point on the centerline of E Pine St at its intersection with the centerline of the alley running between N First Ave and N Second Ave, then proceeding easterly along the centerline of E Pine St to the centerline of E Second Ave; thence southerly along the centerline of N Second Ave a distance of 155 feet to a point opposite the southeast corner of Tax Lot 2800 of Marion County Assessor's Map 091W10AC; thence westerly to the southeast corner of Tax Lot 2800 and along the south lot line of Tax Lot 2800 to the centerline of the alley running between N First Ave and N Second Ave; thence northerly along the centerline of running between N First Ave and N Second Ave to the centerline of E Pine St 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. Trip Cap. The land use actions taken in this ordinance are conditioned upon any development to be constructed or otherwise developed on the subject property generating not more than 200 vehicle trips per day. Any application for development on the subject properties shall submit with the development application a Transportation Impact Analysis or a Transportation Assessment Letter as provided for in the SMC that verifies the proposed development will conform to the trip cap limitations 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 15th day of May, 2023.

CITY OF STAYTON

Signed: May 16, 2023


BY:



Brian Quigley, Mayor

Signed: May 16, 2023

ATTEST:



Julia Hajduk, City Manager

EXHIBIT A, EXCERPT FROM REVISED COMPREHENSIVE PLAN MAP

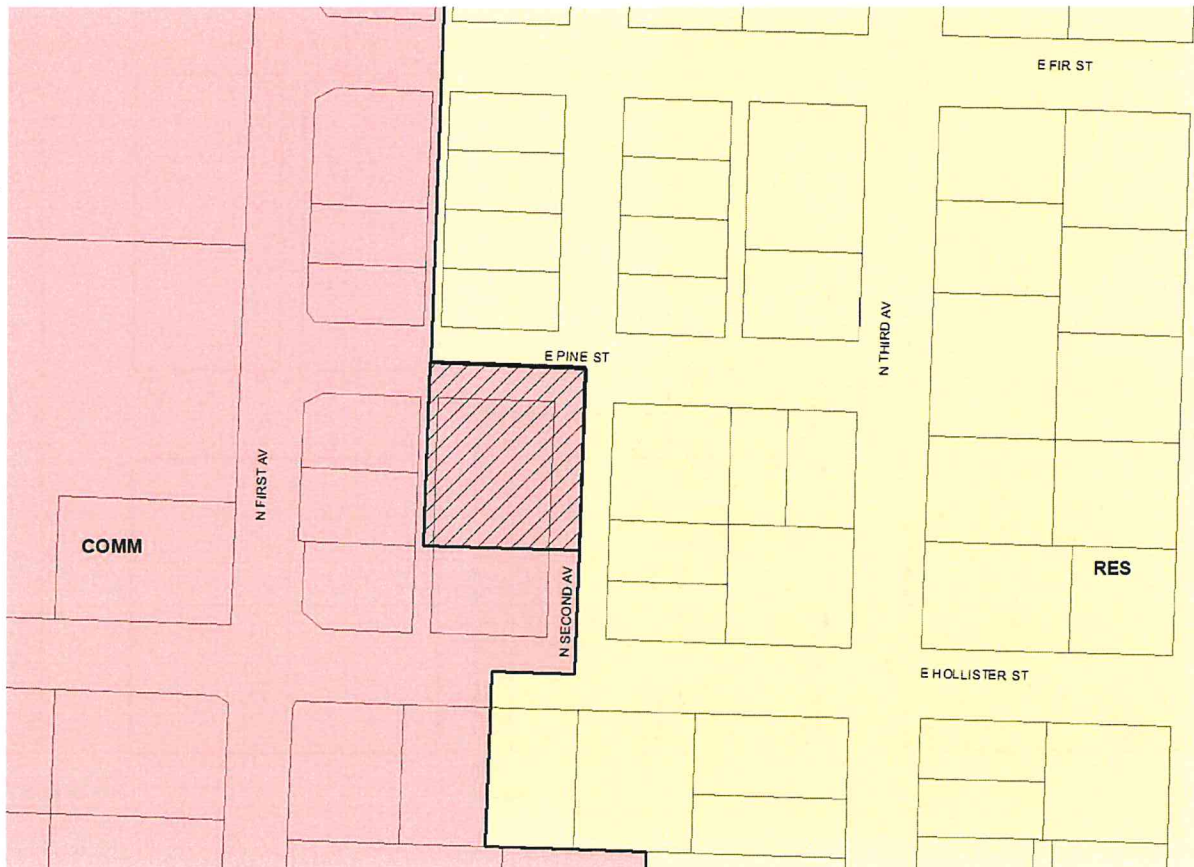


EXHIBIT B, EXCERPT FROM OFFICIAL ZONING MAP

