

RESOLUTION No. 308

RESOLUTION OF INTENT TO REZONE PROPERTY

WHEREAS, the Stayton Canning Co. Cooperative applied for a Zone Change from LD (Low Density) to IL (Industrial Light) for certain real property, the legal description of which is attached as Exhibit A; and,

WHEREAS, following a duly noticed public hearing, and after considering the testimony and evidence therein presented, the Stayton City Council indicated its general approval of the rezoning but felt that certain limitations, conditions and stipulations should be required as a prerequisite to final action,

NOW THEREFORE, BE IT RESOLVED

THAT the City Council declares its intent to rezone the property described in Exhibit A from LD to IL upon satisfaction of the following conditions:

1. That improvement of the lot be in accordance with applicant's building plans showing a warehouse situated on the northerly 13 feet of the property.
2. That the color of the building be light green.
3. That the building be no higher than the existing concrete wall abutting the property to the west, and that the building slope toward the street.
4. That the only entrance into the building be from an attached building to the west.
5. That the East and South walls be insulated for soundproofing equal to or better than that found in the existing East wall of the building to the south (not to exceed 50 decimals).
6. That a site plan be approved by the Council showing, at a minimum, the location of proposed structures, access and landscaping. Said site plan shall reserve the southerly 37 feet of the property as permanent open space. Once approved, the site plan shall be binding on the property and no departures from the approved site plan may be made except pursuant to a Council-approved amendment, variance, or release from site plan restrictions.

This Resolution is based on the facts and conclusions found in the Staff Report, incorporated herein by reference, and the supplemental findings attached hereto.

PASSED BY THE COMMON COUNCIL THIS 1st DAY OF November, 1982.

Signed by the Mayor this 3~~rd~~ day of November, 1982.

Mayor Henry A. Patis

ATTEST:

Ellis Vandenberg
City Administrator

SUPPLEMENTAL FINDINGS

Based upon testimony received at the public hearing, consideration of the proposed action's consistency with the Comprehensive Plan, and personal knowledge the Council possesses of facts relating to the proposal and area in questions, the Council further finds:

1. By passing the Resolution of Intent to Rezone and attaching conditions precedent to the change of zone, the Comprehensive Plan is complied with in the following particulars:
 - a. The Plan's industrial Policy No. 3, namely 'The City shall strive to protect the interest of the Stayton Cannery by creating adequate buffers around the site,' will be met. By operation of the Resolution, a 37-foot open space buffer is created. This space, required to be landscaped, will serve as a visual, spatial, and sound buffer to nearby residences. Denial of the Resolution, assuming development according to zone, will observe a single family residence flanked by the Cannery's warehouse wall, a condition inconsistent with the above policy.
 - b. The Comprehensive Plan's Industrial Development Goal -- "Promote the continued development and expansion of quality industrial facilities" is met for the reasons that, by the Resolution, the contemplated warehouse expansion will be more attractive, better designed and more sound-proof than the building allowed as of right would otherwise be. (Outside of the resolution of intent requirement of acceptable site planning, Stayton lacks design-review control).
 - c. The Plan's Physical Development Goal No. 4 -- promote a desirable balance and location of land uses based on identified needs of the community is also supported. The Council finds that the community's goals of reasonable, cost efficient industrial expansion and preservation of neighborhood identity, protection of property values and land use compatibility are served by assurance of an attractive building and the maintenance of a landscaped buffer strip between the warehouse and neighboring residences. Contrarywise, the above mentioned goal would not be served by the appearance and effect of the development according to the present zoning which will observe a residence and warehouse separated only by five feet, the required setback.
2. There is a public need for the Resolution of Intent to rezone for the reasons that with the Resolution, the community will observe a more attractive, better designed building separated from the nearest residence by 37 feet of landscaped open space. This fosters land use compatibility and makes industry and residences better neighbors, a relationship for which there is a public need. Stated conversely, there is a public need to avoid the consequences of full buildout as currently allowed (without buffer, without design review control, without landscaping and without noise insulation), or in the alternative, the maintenance of the entire parcel in a vacant state as the result of residential use unmarketability. Such is viewed to be a public as well as private disinvestment.

Public need is further construed to be met by that which is in compliance with the Comprehensive Plan and as such, the discussion in Section 1 above

is likewise found to support the finding of public need.

3. The Council finds that the proposed rezoning by Resolution is compatible with the surrounding area for same reasons advanced in 1c above, which reasons are incorporated herein as if fully set forth. Compatibility is found in the greater visual, spatial and sound buffering created by the open space strip. The building height limitation, color designation and requirement of attached building access will facilitate a similarity of scale, enhanced visual attractiveness and avoidance of the traffic and noise of street access that may well have attended construction on the Cannery's north lot only.
4. There appears to be an unavailability of properly zoned land in sufficient quantity to satisfy current and projected needs. Availability is construed to mean reasonable availability, not absolute availability. The Cannery has indicated that unused IL zoned land in the area is either not for sale or sells for a price which, relative to the costs of utilizing the subject parcel, makes these other parcels reasonably unavailable to meet the need for cannery warehouse space. The current and projected needs component has a locational aspect to it. The Cannery has indicated a need for warehouse space in this area. More distant parcels are not reasonably and economically utilized and are therefore not available to meet the need for industrially zoned land near functioning industry.
5. With respect to availability of urban services, the findings associated with Goal 11, below, is incorporated herein by reference.

FINDINGS REGARDING THE STATEWIDE PLANNING GOALS
AS THEY RELATE TO THE COMPREHENSIVE PLAN MAP AMENDMENT

1. Goal 1. Citizen Involvement. The Council finds that each of the hearings regarding the Plan Amendment were duly noticed, were conducted according to hearing procedures established by City Code and enabled citizens to identify and comprehend the issues.
2. Goal 2. Land Use Planning. The procedure applicable to minor changes in the Comprehensive Plan appears to have been followed. The public need and justification for the Map Amendment has been established and is reflected elsewhere in the findings.
3. Goals 3-5. Resource Goals. As no agricultural land, forest land, or other identified resource land is involved in this case, Goals 3, 4, and 5 are found to be inapplicable.
4. Goal 6. Air, Water and Land Resource Quality. The limited scale of the use associated with the proposal will not materially exceed the carrying capacity of, consume or degrade these resources.

5. Goal 7. Natural Hazards. Found not to apply to the proposed amendment as the subject site is not subject to natural disasters and hazards.
6. Goal 8. Recreational Needs. The subject site is neither in, or reasonably utilized as a recreational area and as such Goal 8 is found not to apply.
7. Goal 9. Economy of the State. The proposed change will observe the efficient and economical warehouse expansion of one of the most important industrial employers in the City. Such will affirmatively improve the economy of the City and State.
8. Goal 10. Housing. The proposal will reduce the City's residential lot supply by one. The magnitude of such a reduction is not found to detrimentally impact needed housing in Stayton.
9. Goal 11. Public Facilities. The applicant indicates that no water or sewer hookup is needed to serve the warehouse. Amending the Comprehensive Plan will therefore not affect the provision of public facilities and services.
10. Goal 12. Transportation. As access to the proposed improvement is from the abutting building, the transportation system is not impacted, and the safety of the transportation system is furthered.
11. Goal 13. Energy Conservation. Utilization of the subject site, compared to alternative sites, will reduce the handling costs of warehoused material, thereby conserving energy.
12. Goal 14. Urbanization. Held not to apply as no urban/rural land conversion is involved.
13. Goals 15-19. Held not applicable as the Amendment does not concern the Willamette River, estuarine resources, coastal shorelands or ocean resources.

EXHIBIT A

STAYTON CANNING COMPANY COOPERATIVE

The land referred to in this policy is described as:

Beginning at a point in the center of Northwest "E" Street in Stayton, Marion County, Oregon, said point being 20 feet South 89° West from the Northwest corner of Lot 1 of Smith's Addition to Stayton, Oregon; and running thence South 0° 11' East along the center line of said Northwest "E" Street, 150 feet; thence South 89° 20' West 120 feet; thence North 0° 11' West parallel with the center line of said Northwest "E" Street, 150 feet to the South line of Northwest Washington Street; thence North 89° 20' East along said South line 120 feet to the place of beginning, being a portion of Section 10, Township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

SAVE AND EXCEPT: therefrom, the East 20 feet of the above described premises conveyed to the Town of Stayton, Oregon, for street purposes, by instrument recorded in Volume 223, Page 331, Deed Records for Marion County, Oregon.