

STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, April 24, 2023

HYBRID MEETING

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be "attended" virtually.

City officials request all citizens that are able, to join the meeting online from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure. If you would like to virtually participate in the meeting, please contact the Planning and Development Department at dfleishman@staytonoregon.gov to receive an invitation to the online meeting.

- 1. CALL TO ORDER** **Chair Lewis**

- 2. MEETING MINUTES – March 27, 2023**

- 3. LAND USE FILE #3-02/23 –PUBLIC HEARING -- Applications for Comprehensive Plan amendment and Official Zoning Map amendment, Jason Jenniches, 320 W Washington St**
 - a. Commencement of Public Hearing**
 - b. Staff Introduction**
 - c. Applicant Presentation**
 - d. Staff Report**
 - e. Questions from the Commission**
 - f. Proponents' Testimony**
 - g. Opponents' Testimony**
 - h. Governmental Agencies**
 - i. General Testimony**
 - j. Questions from the Public**
 - k. Questions from the Commission**
 - l. Applicant Summary**
 - m. Staff Summary**
 - n. Close of Hearing**
 - o. Commission Deliberation**
 - p. Commission Decision**

- 4. OTHER BUSINESS**

- 5. ADJOURN**

DATE OF NEXT MEETING: Tuesday, May 30, 2023

**STAYTON PLANNING COMMISSION
MEETING MINUTES
Monday, March 27, 2023**

COMMISSIONERS: Ralph Lewis
Dixie Ellard
Larry McKinley
Richard Lewis
Amy Watts

STAFF MEMBER: Dan Fleishman, Planning & Development Director -Via Zoom
Windy Cudd, Office Specialist

OTHERS PRESENT: Tracy Brown, Private Land Use Planning Consultant -Via Zoom; Jeff Brubaker, Co-Owner of Stayton Veterinary Hospital; Michael Ard, Traffic Consultant; Michael Aus, 1452 N Second Ave; Callie Gullett, 2108 Cardinal Ave SE; James Baxter, 1435 N Second Ave; and 5 others

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:02pm
2. **APPROVAL OF MINUTES:** McKinley moved, and Richard Lewis seconded to approve the minutes from February 2023, as presented. Passed 5:0.
3. **LAND USE FILE #1-02/23 – PUBLIC HEARING Proposed Code Amendments Regarding Standards for Manufactured Housing**
 - a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.
 - b. **Staff Report-** The issue before the Planning Commission on proposed Code Amendments to bring Development Code into compliance with the recent changes in state law by combining the standards of site-built homes and manufactured homes and having them all have the same standards.
 - c. **Questions from the Commission-** None
 - d. **Proponents Testimony-** None
 - e. **Opponents Testimony-** None
 - f. **Governmental Agencies-** None
 - g. **General Testimony-** None
 - h. **Questions from the Public-** None
 - i. **Questions from the Commission-** None
 - j. **Staff Summary-** Fleishman had nothing more to add
 - k. **Close of Hearing-** Lewis closed the hearing at 7:10pm.
 - l. **Commission Deliberation-**
 - m. **Commission Decision-** McKinley moved and Richard Lewis seconded the move to adopt the draft order prepared by staff and forward the proposed amendments to the City Council with a recommendation for adoption.

4. **LAND USE FILE #2-02/23 – PUBLIC HEARING Application for Comprehensive Plan Amendment and Official Zoning Map Amendment, Dark Horse Enterprises, LLC, 190 E Pine St**

- a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case.
- b. **Staff Introduction-** Fleishman explained that these are 2 concurrent applications that have been submitted for the property located at 190 E Pine St. The applications are requesting to amend the comprehensive plan designated from residential to commercial and to change the zoning for the property from medium density residential to commercial general.
- c. **Applicant Presentation-** Tracy Brown, representing the applicant, request by Dark Horse Enterprises, who owns the Stayton Veterinary Hospital, to change the comprehensive plan and zoning map for the property at 190 E Pine St. Property is approximately .29 acres at the corner of Pine and Second Avenue.

Currently zoned Medium Density Residential, requesting change to Commercial General. Plans are to expand the veterinary hospital. In the future, the additional property purchased along First Avenue will be for future expansion for parking and loading and unloading.

Jeff Brubaker, co-owner of Stayton Veterinary Hospital, stated that the new building for the vet hospital was built 6 years ago, and they have since outgrown the space and are looking to expand the physical size of the hospital as well as expand for parking.

- d. **Staff Report-** Fleishman reminded the Commission that there was a missed procedure in the opening statement. He asked the Commissioners to declare any conflicts of interest, *ex parte* contact, or bias, if any. McKinley declared *ex parte*, said he knew who lived at 190 E Pine St and observed the parking issues in and around the area. Watts declared that she has driven by the area, drives by daily. Both agreed they can remain unbiased.

Fleishman explained that correspondence from neighboring residents was received after the packet had been prepared and the draft order has been revised to reflect the written testimony.

Fleishman stated there were three Criteria for approval must be met that the Planning Commission needs to pay close attention to:

- **Adequate Utilities-** Fleishman recommended that the Planning Commission make a finding that there are adequate utilities. In the future, there may be issues with the down stream sanitary sewer capacity for those sections of W Ida and N Evergreen Ave, etc., as mentioned per City Engineer.
 - **Traffic Issues-** An analysis that is required under the State's Transportation Planning Rule that was done by Michael Ard. Ard pointed out that the worst-case scenario from potential commercial development is enough that could cause traffic concerns and therefore recommended that a condition be placed on the approval that would limit any future development of this property to no more than 200 daily trips. Reviewed by the City's transportation planning consultant and they concurred with Ard's methodology and his conclusions and concurred that such a condition would be within the realm of what's permitted under the State's Transportation Planning Rule.
 - **Compatibility with Neighborhood-** A letter was submitted, signed by nine residents of nearby properties urging denial of the application. The neighbors cited traffic impacts and incompatibility to commercial use on surrounding single family homes.
- e. **Questions from the Commission-** McKinley asked about signage that would say, resident parking only signs. Fleishman answered that there are provisions in other titles of the City Codes that do allow residential parking only.

Watts asked if the property was vacant. Brubaker answered it is vacant, and they would be removing the house on 190E Pine St. The buildings on First Ave, are they going to have more parking? Brubaker answered yes. Ard explained the 200 daily trip cap to the panel.

f. Proponents Testimony- None

- g. Opponents Testimony-** Michael Aus, 1452 N Second Ave, lives half a block away from the proposed property. He and several other residents are wanting this application denied due to the fact that they all live in a primarily residential neighborhood.

h. Governmental Agencies- None

- i. General Testimony-** Callie Gullett, 2108 Cardinal Ave; Spoke on behalf of the great benefit of Stayton Veterinary Hospital.

James Baxter, 1435 N Second Ave; Spoke on behalf of the benefit to our community to welcome the expansion.

j. Questions from the Public- None

- k. Questions from the Commission-** McKinley asked about impact of parking to residents for the future determination.

- l. Applicant Summary-** Tracy Brown stated that with the building expansion, it would require them to provide parking it will be in the “need”.

Michael Ard wanted to note that the rest of the block is all zoned commercial. Only 190 E Pine is Residential. First Avenue properties could be a fast-food space, but a parking lot for that area will be proposed, to fix the on-street parking situation.

- m. Staff Summary-** Fleishman directed commissioners to look at both written and oral testimony in addressing approval criteria.

- n. Close of Hearing-** Lewis closed the hearing at 8:10pm.

- o. Commission Deliberation-** McKinley spoke about First Ave and how it is already zoned Commercial. Watts is concerned about the existing parking in the neighborhood, hopeful they will be fixed with the new parking lot. Ralph Lewis feels that applicant has met requirements for zone change, no reason to not approve.

- p. Commission Decision-** Ralph Lewis moved and McKinley second that the Planning Commission recommend approval of the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and adopt the revised draft order presented by Staff. The motion was passed unanimously.

5. OTHER BUSINESS – None

- 6. ADJOURN-** Chair Lewis adjourned the meeting at 8:15pm.



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

dfeishman@staytonoregon.gov www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: April 24, 2023

SUBJECT: Comprehensive Plan Map and Zoning Map Amendments, Jason Jenniches, 320 W Washington St

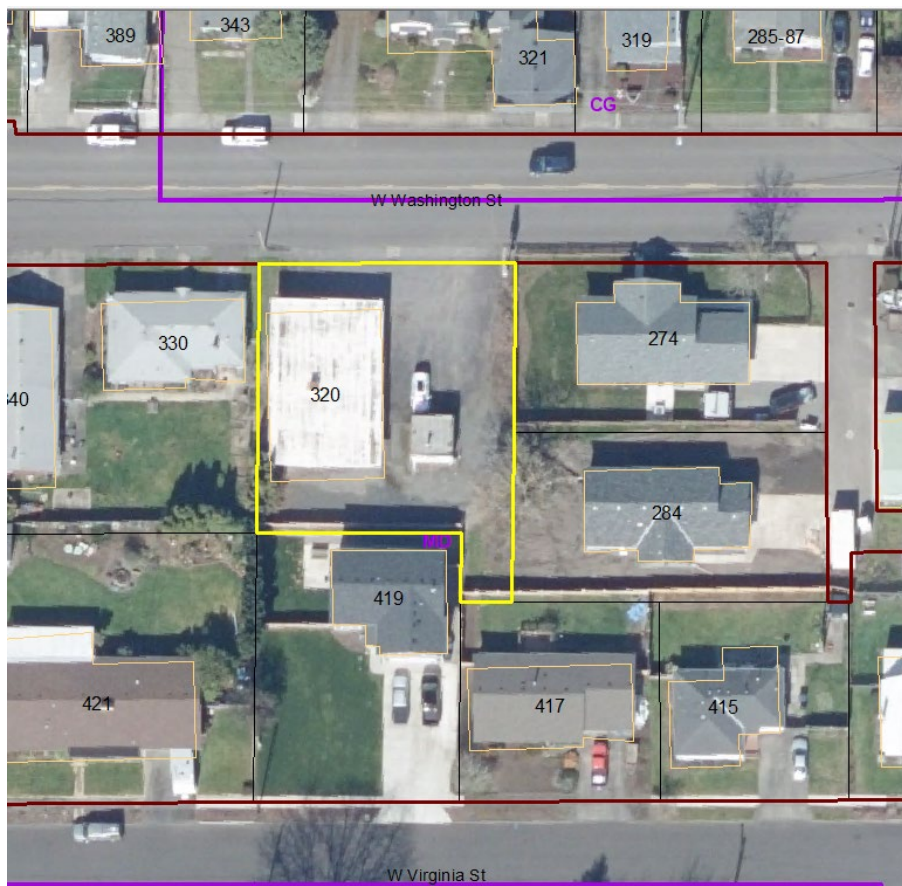
120 DAYS ENDS: N/A

ISSUE

The issue before the Planning Commission is a public hearing on applications for Comprehensive Plan Map amendment and Zoning Map amendment for the property at 320 W Washington St.

BACKGROUND

The property is currently occupied by the building that has been the Stayton Cleaners for many decades. The cleaning business closed last fall. A March, 2020 aerial photo of the property is below, showing the existing zoning boundaries:



City of Stayton

The property is currently designated as Residential by the Comprehensive Plan Map and zoned as Medium Density Residential. The application requests the Comprehensive Plan Map designation be changed to Commercial land the Zoning by changed to Commercial General.

As a Comprehensive Plan Map amendment and Zoning Map amendment, the Planning Commission's role is to make a recommendation to the City Council, who will hold their own public hearing and reach a final decision on the applications.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning these applications. It was developed after soliciting input of other City departments and agencies.

Attached are applications for Comprehensive Plan Map amendment and Zoning Map amendment from Jason Jenniches. The applications consist of the application forms and narrative, and a transportation planning rule analysis.

This property was previously designated as Commercial and Zoned Commercial General. In 2018, a City-initiated rezoning of it and surrounding properties placed changed it to residential, in an effort to reduce the number of non-conforming uses throughout the City.

This property has been in commercial use. The Stayton Cleaners, long-time occupant of the property closed this past fall. These applications have been filed in order to allow continued commercial use of the property.

RECOMMENDATION

The staff recommendation for approval is reflected in the draft order that is attached to the staff report.

There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

1. Recommend approval of the applications, adopting the draft order as presented.

I move the Stayton Planning Commission recommend approval of the application of Jason Jenniches (Land Use File #3-02/23) and adopt the draft order presented by Staff.

2. Recommend approval of the applications, adopting modifications to the draft order.

I move the Stayton Planning Commission recommend approval of the application of Jason Jenniches (Land Use File #3-02/23) adopt the draft order with the following changes...

3. Recommend denial of the applications.

I move that the Stayton Planning Commission recommend denial of the applications of Jason Jenniches (Land Use File #3-02/23) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the May 30, 2023 meeting.

4. Continue the hearing until May 30, 2023.

City of Stayton

I move the Stayton Planning Commission continue the public hearing on the applications of Jason Jenniches (Land Use File #3-02/23) until May 30, 2023.

5. Close the hearing but keep the record open for submission of written testimony.

I move the Stayton Planning Commission close the hearing on the applications of Jason Jenniches (Land Use File #3-02/23) but maintain the record open to submissions by the applicant until May 8, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on May 22, 2023.

6. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton Planning Commission continue the deliberation on the applications of Jason Jenniches (Land Use File #3-02/23) until May 30, 2023.



Submit Via Email

CITY OF STAYTON
APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT

PROPERTY OWNER: Yakis Feokhista
Address: 320 W Washington
City/State/Zip: Stayton OR 97383
Phone: (971) 218-2115 Email:

APPLICANT: Jason Jenniches
Address: 1160 Highland DR
City/State/Zip: Stayton OR 97383
Phone: (971) 218-9073 Email: jamie-jenniches@yahoo.com

APPLICANT'S REPRESENTATIVE:
Address:
City/State/Zip:
Phone: () - Email:

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name:
Address:
City/State/Zip:
Phone: () -
Email:

ENGINEERING
Name: Mike Ard
Address: 17790 SW Dodson Dr
City/State/Zip: Sherwood OR 97140
Phone: (503) 537-8511
Email: mike.ard@gmail.com > wrote.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner [] applicant [X] applicant's representative [] planning consultant [] engineer []

LOCATION:

Street Address: 320 W Washington, Stayton, OR 97383
Assessor's Tax Lot Number and Tax Map Number: 091W10CA05500
Closest Intersecting Streets: Douglas

CURRENT ZONE MAP DESIGNATION: Residential

PROPOSED ZONE MAP DESIGNATION: Commercial

SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/21/23 Fee Paid: \$ 2000.00 Receipt No. 193248933PT
Land Use File# 3-02/23



CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: Feoktista yakis
Address: 320 Washington St
City/State/Zip: Stayton OR 97383
Phone: () - Email:

APPLICANT: Jason Jenniches
Address: 1160 Highland Dr
City/State/Zip: Stayton OR 97383
Phone: (971) 218-9073 Email: jamiel-jenniches@yahoo.com

APPLICANT'S REPRESENTATIVE:
Address:
City/State/Zip:
Phone: () - Email:

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name:
Address:
City/State/Zip:
Phone: () -
Email:

ENGINEERING
Name: 17790 SW Dodson Dr
Address: Sherwood OR 97140
City/State/Zip:
Phone: (503) 537-8511
Email: Mike.ard@gmail.com > write.

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: From Residential to

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: Commercial

LOCATION:

Street Address: 320 W Washington St

Assessor's Tax Map and Lot Number(s): 091W10CA05500

Closest Intersecting Streets: Douglas

SIGNATURE OF APPLICANT: [Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/21/23 Fee Paid: \$2000.00 Receipt No. 193248933PT

Land Use File# 3-02/23

Comprehensive Plan Map and Zoning Map Amendment
for
Jamie & Jason Jenniches

320 W. Washington Street (091W10CA tax lot 5500)



February 21, 2023

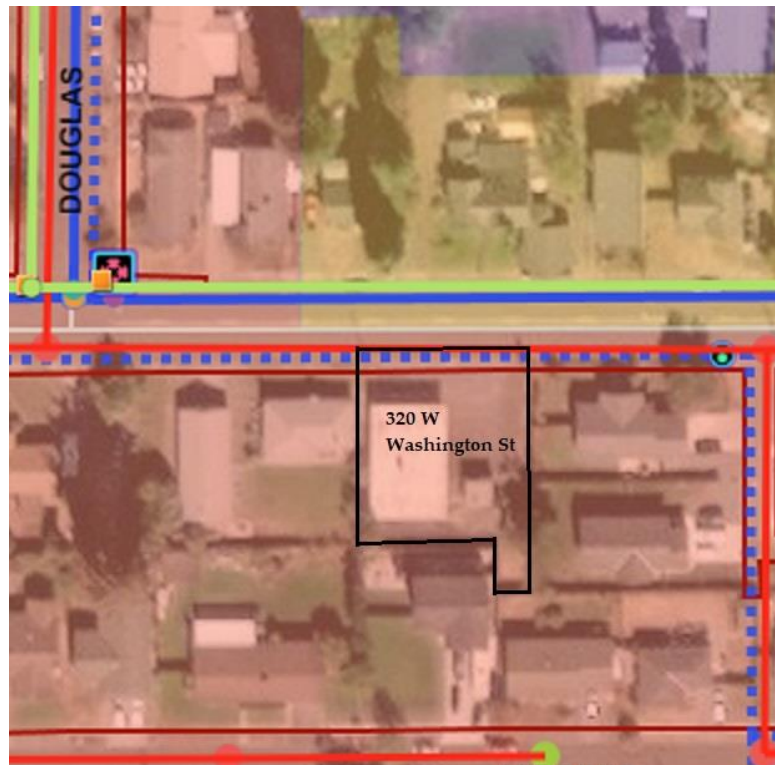
Jason & Jamie Jenniches

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I. Project Description

Jamie & Jason Jenniches requests a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they are under contract to purchase located at 320 W. Washington Street, Stayton, OR. The subject property is legally described as tax lot 5500, 091W10CA and contains 0.23 acres. The property is located in the 300 block of W. Washington Street a commercial drycleaning business is currently located on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation on the property back to Commercial General (CG) which it was previously zoned and the Comprehensive Plan Map designation to Commercial.

This property was previously zoned as Commercial General (CG) with a Commercial Comprehensive Plan Map Designation and the property has been in operation as a commercial building since 1961. As shown on the Zoning Map below, the subject property is bordered on its northern boundary by property currently zoned Commercial General (CG). These properties also carry a Commercial Comprehensive Plan Map designation. With approval of the proposed zoning change, this property will be changed back to its original and the correct zoning.



The applicant is submitting this application to ensure continued use of this building doing fabric alterations, specifically custom upholstery work. The requested amendment is necessary to facilitate the sale of this building and continue operation as a commercial building for local small businesses.

Public Utilities

The subject property is well served by existing public utilities as shown on the City's GIS system. Stormwater lines, Water & sanitary sewer service is in place and currently servicing the property in W. Washington Street to the north. A review of the City's water and sanitary sewer master plans indicate the subject property is located in an area of the city where all public facilities should have sufficient capacity to serve the property and have been doing so for 64 years.

Transportation

The subject property is also well served by improved city streets. The City's Transportation System Plan classifies N. 1st Avenue east of the site as a Major Arterial, sanitary sewer service is, North of the site, as a Neighborhood Collector, and W. Washington Street that run along the north boundaries of the site is also a Major Arterial. As part of the application package, the applicant hired a Transportation Engineer to prepare an analysis regarding compliance with the Transportation Planning Rule (TPR).

The Analysis Letter submitted with this application finds the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation system as the current use of the property would not be changing with the zone change to ensure the zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule.

II. Application Approval Requests

The applicant is seeking concurrent review of the following requests with this application:

- Comprehensive Plan Map Amendment
- Zoning Map Amendment

III. Application Materials

The following items are included with this application:

- Land Use Application
- Project Narrative
- TPR Analysis Letter

IV. Review of Applicable Approval Criteria

Comprehensive Plan Map and Zoning Map amendment requests are required to comply with the code criteria found in the Stayton Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. The following code sections are reviewed in this narrative:

<u>Section</u>	<u>Title</u>
Section 17.12.170	Comprehensive Plan Amendments
Section 17.12.180	Zoning Map Amendments

Section 17.12.170 Comprehensive Plan Amendments

1. **Purpose** - The Comprehensive Plan is the City's official and controlling land use

document, guiding public and private activities that affect Stayton's growth, development, and livability. ... This section provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purposes. This process applies to proposed amendments to Comprehensive Plan text, goals, policies or actions, and to Comprehensive Plan Map designations.

Response: *A review of all applicable Comprehensive Plan text, goals, policies, and actions is included below.*

2. **Definition** - A plan amendment may be the redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. Amendments may either be legislative or quasi-judicial amendments.
Response: *The proposed Comprehensive Plan map amendment has been initiated by a future private property owner and will be processed as a quasi-judicial amendment.*
3. **Initiation** - A quasi-judicial Comprehensive Plan amendment may be initiated by an applicant through the submission of an application.
Response: *The future owner of the subject property has submitted this application for review.*
4. **Method of Adoption** - Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Comprehensive Plan amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.
Response: *The City Council will adopt an ordinance with approval of the application request.*
5. **Submittal Requirements:**
 - a. Completed Application form
 - b. Evidence of interest in the property
 - c. Map showing property
 - d. Narrative statement explaining the request
 - 1) Statement of water, sewer, storm, transportation, park, and school availability.
 - 2) Statement of increased demand of above facilities generated by the proposed change.
 - 3) Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with project demand.
 - 4) Traffic impact analysis in accordance with Section 17.26.050.3.
 - 5) Statement outlines the method and source of financing required to provide those additional facilities identified in subsection 3) above.
 - e. If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.
Response: *All of the items required by this section are included with the application package. The applicant is requesting both a Comprehensive Plan Map amendment to change the Comprehensive Plan map designation from Residential to Commercial and a Zoning Map amendment to change the zoning designation*

from Medium Density Residential (MD) to Commercial General (CG).

6. Approval Criteria

b. Quasi-judicial Amendment

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.

Response: As reviewed below, the proposal to change the Comprehensive Plan Map designation of 0.23 acres from Residential to Commercial is consistent with applicable Comprehensive Plan goals and policies and statewide planning goals. The subject property is not located within a relevant area plan. Each applicable Comprehensive Plan goals or policies is reviewed below followed by a review of the Statewide Planning Goals. Based on this review, this criterion is satisfied.

City of Stayton Comprehensive Plan

Chapter 4 - Transportation

Goal. Provide a transportation system that enhances the safety and security of all transportation modes.

Policy T-5 It is the Policy of the City to improve safety and operational components of existing transportation facilities.

Response: As reviewed in the submitted TPR Analysis, will ensure that the zone change does not result in a significant effect on the transportation as defined under Oregon's Transportation Planning Rule.

Goal. Provide a transportation system that supports existing industry and encourages economic development in the city.

Policy T-19. It is the Policy of the City to provide a transportation system that supports the movement of goods and delivery of services throughout the city while balancing the needs of all users and preserving livability in residential areas and established neighborhoods.

Response: As reviewed in the submitted TPR Analysis, the zoning change will not have a change on the current traffic impact

Chapter 5 - Public Facilities and Services

Goal - Urban development will occur in areas with existing services and in those area where future extensions of those services can be provided in the most feasible, efficient, and economical manner,

Response: The subject property is located in an area currently served by water, sewer, stormwater, and transportation facilities. As reviewed above, these facilities in the vicinity of the subject property are adequate to serve future development. This condition will not change with approval of this request.

Chapter 6 - Housing

Goal - Existing and future residents will be provided a choice of housing types in safe and healthful housing.

Policy HO-1. It is the Policy of the City to encourage development of housing that meets the needs of all income groups of existing and future residents,

Policy HO-4. It is the Policy of the City to encourage the maintenance, conservation

and enhancement of existing residential area and housing stock.

Response: *The proposal to change the designation of 0.23 acres of residential land to commercial will have not affect the ability of the city to comply with this goal and policies. The subject property currently abuts existing commercially designated properties along its western and southern boundaries.*

Chapter 7 - Economy

Goal - It is the Policy of the City to enhance and protect the vitality of Stayton's existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the City and encouraging the diversification of goods and services available to residents.

Policy EC-2. It is the Policy of the City to enhance and protect the vitality of Stayton's

Existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the city and encouraging the diversification of goods and services available to residents.

Response: *The proposal to change the designations of this property from residential to commercial is expected to improve the city's service sector by facilitating the continued use of a commercial building by a local small business. The subject property is well suited to accommodate this use given its location and size and the location of existing public facilities.*

Chapter 8 - Land Use

The discussion in this chapter addresses Statewide Planning Goals 9 (Economy), 10 (Housing), and 14 (Urbanization). As reviewed in this chapter the proposal is consistent with the goals policies in this chapter and applicable Statewide Planning Goals.

Goal - Provide for a land use regulation process that promotes a livable community and provides for expeditious review of development proposals.

Policy LU-1 It is the Policy of the City to adopt a zoning map consistent with the Comprehensive Plan Map.

Response: *As reviewed below, the proposal is expected to marginally affect the ability of the city to comply with the requirements of Statewide Planning Goals 9, 10, and 14.*

Statewide Planning Goals

Goal 1: Citizen Involvement

Response: *The city's review process includes citizen involvement opportunities by sending a public notice to adjoining property owners, sending a notice of the proposal to the Department of Land Conservation and Development, publishing a notice of the public hearing in the local newspaper, and holding public hearings before the Planning Commission and City Council. With these actions, this goal is satisfied.*

Goal 2: Land Use Planning

Response: *The City of Stayton has a Comprehensive Plan acknowledged by the Department of Land Conservation and Development (DLCD). Notice of the proposal*

will be sent to DLCD as required. This goal is satisfied.

Goals 3 and 4: Agriculture and Forest Lands

***Response:** Because the subject property is located within the existing city limits these Goals are not applicable.*

Goal 5: Natural Resources

***Response:** The subject property contains 0.23 acres with an existing commercial structure. The subject property does not contain any known natural resources. This goal is satisfied.*

Goal 6: Air, Land, and Water Resources

***Response:** The subject property is located within the existing city limits and as such is designated for development. Any future development/redevelopment of the property will comply with this Goal. This goal is satisfied.*

Goal 7: Natural Hazards

***Response:** The subject property is generally flat and does not contain any known natural hazards. This goal is satisfied.*

Goal 8: Recreational Needs

***Response:** The City already has an adopted Parks Master Plan identifying community recreational needs. The subject property is not identified for any future park amenity. This goal is satisfied.*

Goal 9: Economic Development

***Response:** This Goal requires the city to provide adequate opportunities for a variety of economic activities. Approval of this request will help to facilitate a small increase (0.23 acres) in the area of Commercially designated property. This goal is satisfied.*

Goal 10: Housing

***Response:** Approval of the request is expected to reduce the area of Residential property by 0.23 acres. The City's buildable lands inventory and housing needs analysis (Table 8-3) indicates the city had 138 acres of vacant residential buildable land in the existing city limits and as shown on Table 8-4, there were an additional 921 acres of residential land outside the city limits but with the urban growth boundary. Given the fact the city had over 1,000 acres of residential land, at that time, the request to change 0.23 acres from Residential to Commercial will result in a decrease of this supply by less than 3/10 of one percent. This goal is satisfied.*

Goal 11: Public Facilities

***Response:** The subject property is served by sanitary sewer and water service and this will not change with approval of this request. Following approval, the applicant's plan is to continue using the property in similar fashion to its current use. This development is not expected to result in a significant increase in water or sanitary sewer use from current levels. This goal is satisfied.*

Goal 12: Transportation

Response: *This Goal is to provide and encourage a safe, convenient, and economic transportation system. The City has an adopted Transportation System Plan and a Transportation Planning Rule Analysis, prepared by Ard Engineering is included with the application package. As reviewed in this analysis, the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation. The zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. This criterion is satisfied.*

Goal 13: Energy Conservation

Response: *The proposal will have no effect on the ability of the city to comply with this goal. This goal is satisfied.*

Goal 14: Urbanization

Response: *The proposal satisfies the objective of this Goal by accommodating additional commercial development within the existing Urban Growth Boundary as planned. This goal is satisfied.*

Goals 15 - 19:

Response: *These goals are not applicable.*

- 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 project needs for such lands in the Comprehensive Plan.
Response: *The subject property current use of this property will not be changing. This criterion is satisfied.*

- 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.
Response: *As reviewed above, the proposal complies with all applicable statewide planning goals. An exception to these Goals is not needed or requested. This criterion is satisfied.*

- 4) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).
Response: *As detailed in the TPR Analysis included with this application, the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation. The zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. This criterion is satisfied.*

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

Response: The City's buildable lands inventory and housing needs analysis is contained in Chapter 6, Housing and Chapter 8, Land Use in the Comprehensive Plan. Tables 8-3 8-4 of the Plan indicates the city had 138 acres of vacant residential buildable land in the existing city limits and an additional 921 acres of residential land outside the city limits but with the urban growth boundary. Given the fact the city had over 1,000 acres of residential land at that time, the applicant's proposal to change 0.23 acres from Residential to Commercial will decrease this supply by less than one percent. The proposal will have a negligible effect on the supply of buildable lands. This criterion is satisfied.

- 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.

Response: As discussed above, public facilities including water, sanitary sewer, stormwater, and streets are available and adequate to serve uses allowed under the proposed Commercial plan designation and the buildings current use. This criterion is satisfied.

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

Response: The subject property has been in use as a commercial structure since 1961. This criterion is satisfied.

7. Plan Map: Whenever any land is redesigned pursuant to a plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

Response: Following approval of this request, the City will modify the Comprehensive Plan Map to reflect the new Commercial designation on the subject property.

Section 17.12.180 Zoning Map Amendments

1. Purpose:

The Official Zoning Map must be consistent with the adopted Comprehensive Plan Map, as amended, and as such is a reflection of the City's land use planning goals and policies. The Official Zoning Map has also been adopted as part of this Code and covers only the area within the City Limits, whereas the Comprehensive Plan Map covers the entire area within the Urban Growth Boundary. The purpose of this Section is to allow for amendments to the Official Zoning Map that meet the criteria of this Section.

Response: The applicant requests approval to change the zoning designation for the property from Medium Density Residential (MD) to Commercial General (CG).

2. Definition:

When the Official Zoning Map is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a Comprehensive Plan designation. In these situations, the zone

may be amended without a Comprehensive Plan Map amendment. Section 17.16.020.2 Classification of Zones, lists the relationship between the Comprehensive Plan Map and the Official Zoning Map designations in the city. Official Zone Map amendments are classified as legislative or quasi-judicial, depending on how they are initiated and the number of properties involved. A legislative amendment is the amendment of the Official Zoning Map, initiated by the City Council or Planning Commission, either to create a new zoning district that does not exist within Chapter 17.16 or to reclassify a large area of the city from one zoning district to another. A quasi-judicial amendment is one requested by a property owner or group of property owners reclassifying their property from one zoning district to another, provided the new zoning district exists within Chapter 17.16.

Response: *A concurrent request to change the Residential Comprehensive Plan Map designation on the property to Commercial is included with the applicant's request.*

3. Initiation:

An Official Zone Map amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution or by an applicant through the submission of an application.

Response: *This request has been initiated by the owner of the subject property.*

4. Method of Adoption:

Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Official Zone Map amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.

Response: *The City Council will adopt an ordinance approving this request.*

5. Submittal Requirements:

In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Official Zone Map amendments shall include the following materials and information:

Response: *All of the required items have been submitted.*

6. Approval Criteria:

In order to approve an Official Zoning Map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.

b. Quasi-judicial Amendments.

- 1) The proposed zone is consistent with the Comprehensive Plan 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.

Response: *The applicant requests a concurrent Zoning Map and Comprehensive Plan Map amendments to change these designations on this property from Residential to Commercial. This criterion is satisfied.*

- 2) Existing or anticipated services (water, sanitary sewer, storm sewers, school, police,

and fire protection) can be accommodate potential development in the subject area without adverse impact not be affected service area.

Response: *As discussed above, all public facilities including water, sanitary sewer, stormwater, and streets are available and have sufficient capacity to serve uses allowed under the proposed zoning designation. This criterion is satisfied.*

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

Response: *A TPR Analysis prepared by a Transportation Engineer is included with the application package. As detailed in this document, the proposed zone change from MD to CG zoning would not result in significant impacts to the surrounding transportation. The zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. This criterion is satisfied.*

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

Response: *A review of all applicable goals and policies from the Stayton Comprehensive Plan is addressed in criterion (1), Section 17.12.170 above. As reviewed in this section, the proposal satisfies these goals and policies. This criterion is satisfied.*

- 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 land from any zoning designation.

Response: *As reviewed in criterion (5) of Section 17.12.170 above, the proposal to change the zoning designation for this property will result in a change of less than one percent of the City's residential building lands. The location of the subject property is unique in that it is the only property directly abutting the existing veterinary hospital and the owners purchased this property with the intent of expanding this facility onto the subject property. This criterion is satisfied.*

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

Response: *Notice of the proposal will be sent as required to the Department of Land Conservation and Development. This criterion is satisfied.*

- 7) The physical characteristics of the property proposed for rezoning area 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.

Response: *As reviewed above, the existing building has been used for commercial use since 1961. The physical characteristics of the property including availability of public services, location and characteristics of the*

the site is appropriate to accommodate the proposed use and development of this use will not result in adverse impact on surroundings uses.

V. Conclusion

Jamie & Jason Jenniches request a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they are purchasing located at 320 W. Washington St, Stayton, OR. The subject property is legally described as tax lot 5500, 091W10CA and contains 0.23 acres. The property is located in the 300 block of W. Washington St and a commercial building is currently constructed on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation for the property to Commercial General (CG) and the Comprehensive Plan Map designation to Commercial in order to continue the use of the commercial building by local small businesses. As demonstrated above, the proposal complies with all applicable criteria and the applicant respectfully requests the application be approved.

Technical Memorandum

To: Jamie Jenniches

From: Michael Ard, PE

Date: February 21, 2023

Re: 320 W Washington Street – Zone Change Analysis

This memorandum is written to provide information and analysis related to a proposed zone change for the property located at 320 W Washington Street in Stayton, Oregon. The subject property is currently zoned “MD” Medium Density Residential and is proposed to be rezoned to “CG” Commercial General.

The subject property was previously zoned CG and was home to the Stayton Cleaners dry-cleaning business. Although the dry cleaner is currently closed, a Google Street View image taken in June 2019 confirms that the dry-cleaning business was open at the time that the zoning was changed from CG to MD. Accordingly, the city’s most recent Transportation System Plan (also dated June 2019) was prepared while the property was still in active commercial use.

The Google Street View image is shown below.



320 W Washington Street (Photo dated June, 2019)



The City initiated the zone change process on the property without a request or explicit agreement from the property owner. Since the dry-cleaning building on the subject property remains on the site and is not suitable for residential use, the re-zoning of the property led to a situation in which the building can neither be used as a residence nor occupied by a commercial business without initiating a zone change and/or rebuilding the existing structure on the site. As such, the property is proposed for rezoning back to the prior CG commercial zoning.

In order to assess the potential transportation impacts of the proposed zone change, an estimate of the trips generated under the “reasonable worst case development scenario” was prepared for the existing and proposed zoning. The potential change in trips thereby represents the maximum increase in traffic which could be attributed to the proposed zone change.

EXISTING ZONING - TRIP GENERATION

Under the existing MD zoning, the subject property can currently be developed with up to 12 dwelling units per acre. Based on the subject property’s size of 0.23 acres (10,000 sf), a maximum of 3 dwelling units could be constructed on the subject property. Since the minimum lot size permitted in the zone is 7,000 square feet, it was assumed that the three dwellings would take the form of a tri-plex on the property.

A trip generation estimate for the existing zoning was prepared using data from the *Trip Generation Manual, 11th Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 215, *Single-Family Attached Housing* and are based on the number of dwelling units.

The daily and peak-hour trip volumes projected under the existing zoning are detailed in Table 1 below. A detailed trip generation worksheet is also included in the attached technical appendix.

Table 1 - Existing Zoning "Reasonable Worst Case Development Scenario"

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
3 Attached Dwelling Units	0	1	1	1	1	2	22

PROPOSED ZONING - TRIP GENERATION

Under the proposed CG zoning, the subject property could be developed with a wide variety of commercial uses, including retail stores, a gas station, offices (including medical and dental offices), a fitness center, a hotel, an eating and drinking establishment, and an auto repair facility. Based on an examination of the permitted uses and assuming that any future building on the subject property could reasonably occupy up



to 25 percent of the land area, the land use resulting in the highest trip generation was determined to be a 2,500 square foot convenience store.

The trip generation estimate for the proposed zoning was again prepared using data from the *Trip Generation Manual, 11th Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 851, *Convenience Store* and are based on the gross floor area of the store.

It should be noted that convenience stores attract pass-by trips. Pass-by trips occur when drivers patronize a business while traveling along the adjacent roadway. Since the driver would travel on the adjacent roadway regardless of whether they stopped at the convenience store, these trips are not considered as “new trips” on the transportation system. Accordingly, the trip estimate must be adjusted to discount the pass-by trips. Based on ITE data, it is estimated that 51 percent of the site trips will be pass-by trips.

The daily and peak-hour trip volumes projected under the proposed zoning are detailed in Table 2 below. A detailed trip generation worksheet is also included in the attached technical appendix.

Table 2 - Proposed Zoning "Reasonable Worst Case Development Scenario"

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
2,500 sf Convenience Store	78	78	156	63	60	123	1906
- 51% Pass-By Trips	-40	-40	-80	-39	-39	-78	-972
Net Site Trips	38	38	76	24	21	45	934

EXISTING VERSUS PROPOSED ZONING - TRIP GENERATION COMPARISON

Based on the analysis of the two reasonable worst case development scenarios, the potential increase in site trips resulting from the proposed zone change is detailed in Table 3 on the following page.

Table 3 - Net Change in Trip Generation

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
Proposed Zoning Site Trips	38	38	76	24	21	45	934
- Existing Zoning Site Trips	0	-1	-1	-1	-1	-2	-22
Net Change In Site Trips	38	37	75	23	20	43	912

In general, zone changes which result in 400 or more added daily trips are deemed likely to have a significant impact of the transportation system and require a more detailed analysis of future conditions at



the planning horizon in order to identify any capacity or safety problems and facilitate identification of appropriate mitigation measures. Based on the analysis, the proposed zone change could result in significant impacts to the surrounding transportation system under the reasonable worst case development scenario, with 75 added trips during the morning peak hour, 43 added trips during the evening peak hour, and 912 added daily trips. Accordingly, some form of mitigation will be required to satisfy Oregon's Transportation Planning Rule.

TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed zone change on the subject property, the City of Stayton must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed zone change.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or



(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Under the reasonable worst case development scenario, the proposed zone change would result in 75 added trips during the morning peak hour, 43 added trips during the evening peak hour, and an increase of 912 daily trips. It is anticipated that traffic increases of this magnitude may result in a significant effect as measured at the planning horizon. Accordingly, some form of mitigation is required in order to approve the zone change application. Acceptable mitigation measures are described in OAR 660-012-0060(2).

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

Several potential mitigation options are then described under sub-sections (a) through (e). In this instance, mitigation is proposed pursuant to sub-section (d), which reads:

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

One mechanism to ensure that future development under the proposed zoning does not result in a significant impact on surrounding transportation facilities is to apply a trip cap to the subject property. Since the prior zone change from CG to MD zoning was not initiated by the property owner and created a situation in which the existing building cannot reasonably be occupied for either residential or commercial uses, and since the city's Transportation System Plan was prepared while the subject property was in active commercial use, it is appropriate to maximize the level of commercial use which can occur on the subject property.

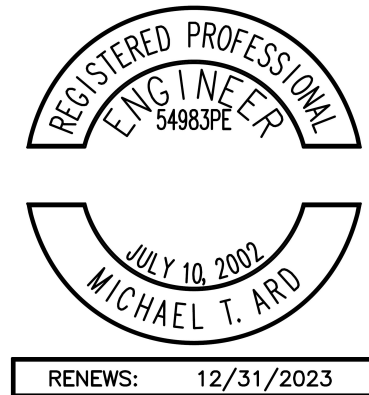
Based on the analysis, a trip cap limiting future development within the subject property to 400 or fewer average daily trips would ensure that the proposed zone change does not significantly affect the surrounding transportation system while maximizing flexibility for future commercial development on the subject property.



CONCLUSIONS

Based on the analysis, the proposed zone change reverting from MD zoning back to the prior CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted within the property at 320 W Washington Street. Accordingly, a trip cap of 400 average daily trips is proposed in conjunction with the proposed zone change. This trip cap is sufficient to ensure that the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. No other mitigations are recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-862-6960.



Appendix

Trip Generation Calculation Worksheet



Land Use Description: Single-Family Attached Housing
ITE Land Use Code: 215
Independent Variable: Dwelling Units
Quantity: 3 Dwelling Units
Setting: General Urban/Suburban and Rural

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.48 trips per dwelling unit
Directional Distribution: 31% Entering 69% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.57 trips per dwelling unit
Directional Distribution: 57% Entering 43% Exiting

Total Weekday Traffic

Trip Rate: 7.2 trips per dwelling unit
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

3 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	0	1	1
PM Peak Hour	1	1	2
Weekday	11	11	22

Trip Generation Calculation Worksheet



Land Use Description: Convenience Store
ITE Land Use Code: 851
Independent Variable: Gross Floor Area
Quantity: 2.50 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 62.54 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 49.11 trips per ksf
Directional Distribution: 51% Entering 49% Exiting

Total Weekday Traffic

Trip Rate: 762.28 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

2.50 ksf Convenience Store

	Entering	Exiting	Total
AM Peak Hour	78	78	156
PM Peak Hour	63	60	123
Weekday	953	953	1906

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
The application for
Jason Jenniches

)
) Comprehensive Plan Map Amendment
) Official Zoning Map Amendment
) File #3-02/23
)

RECOMMENDATION OF APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and an Official Zoning Map amendment from Medium Density Residential to Commercial General.

II. PUBLIC HEARING

A public hearing was held on the applications before the Stayton Planning Commission on April 24, 2023. At that hearing the Planning Commission reviewed Land Use File #3-02/23, applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property is Yakis Feoktista.
2. The applicant is Jason Jenniches, who has provided a copy of an executed purchase and sales agreement, showing a legal interest in the property.
3. The property is tax lot 5500 as shown on Map 91W10CA.
4. The property is addressed as 320 W Washington St.
5. The property is currently designated Residential by the Comprehensive Plan and is zoned Medium Density Residential (MD).
6. The property is 0.23 acres in area. The property has 95 feet of frontage on W Washington St.
7. The property is developed with a one-story commercial building that has historically been used as a dry cleaning establishment as well as associated parking and small accessory building.
8. The neighboring properties to the east and northeast, are zoned MD and are developed with single family dwellings. The neighboring properties to the south, are zoned MD and are developed with single family dwellings. The neighboring property to the west is zoned MD and is developed with two single family dwellings. The neighboring property to the north, across W Washington St, are zoned Commercial General and developed with single family dwellings.

9. Prior to 2018, the property and the surrounding properties, except the two neighboring properties to the east were zoned Commercial General.
10. The proposal is to amend the Comprehensive Plan Map designation for the subject property from Residential to Commercial and the zoning from Medium Density Residential to Commercial General, to allow for continued commercial use of the property.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, Santiam Water Control District, Astound Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the applications and notice appeared on the City's website. A sign was posted on the property providing notice of the public hearing.

D. ANALYSIS

Comprehensive Plan Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17.12, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within SMC Chapter 17.12, Section 17.12.180.6.

E. APPROVAL CRITERIA

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

Pursuant to SMC 17.12.170.6.b the following criteria must be demonstrated as being satisfied by the application for a Comprehensive Plan amendment:

- 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.*

Finding: 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 continued use of the subject property as commercial.

- 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.*

Finding: The subject property has historically been in commercial use since at least 1963 when the existing building was constructed. The property, and surrounding properties were zoned Commercial General in the late 1970s, when the original zoning map was prepared. The City initiated a zone map amendment in 2018, in order to reduce the number of non-conforming residential properties in the commercial zones. This property has been in commercial use since that time.

- 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.*

Finding: The pertinent Statewide Land Use Goals are Goals 5, 7, 9, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no “Goal 5 Resources” identified in the Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property.

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.

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.

- 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).*

Finding: 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 2,500 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 934 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 400 daily trips. The analysis concluded that if a trip cap of 400 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.

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

Finding: 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 0.23 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.*

Finding: There is a 12-inch water main in W Washington St. There is an 8-inch sewer main in W Washington St. There is a 10-inch storm main in W Washington St.

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

Finding: Neighboring properties on the south side of W Washington St are all single family dwellings in the MD zone. The neighboring properties on the north side of W Washington St are single family dwellings and a photography studio in a mix of MD and CG zoning. The potential impacts from increased traffic will be mitigated by the proposed trip cap of no more than 400 daily trips.

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.*

Finding: 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.*

Finding: There is a 12-inch water main in W Washington St. There is an 8-inch sewer main in W Washington St. There is a 10-inch storm main in W Washington St.

- 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 2,500 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 934 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 400 daily trips. The analysis concluded that if a trip cap of 400 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.

- 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 commercial building and has not been in residential use for at least the past 60 years.

There are no economic policies in the Comprehensive Plan directly related to this application.

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 has historically been in commercial use and the proposed amendment would allow commercial use to continue.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060.

- 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 and paved parking area.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Sections 17.12.170.6 and 17.12.180.6.

V. ORDER

Based on the conclusion above, the Planning Commission recommends to the City Council that the City Council approve the applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, with the imposition of a trip cap of no more than 400 daily trips from any development on the subject property.

Ralph Lewis,
Planning Commission Chairperson

Date

Dan Fleishman,
Director of Planning and Development

Date