

ORDINANCE NO. 851

AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN AND ZONE MAPS FROM (LD) LOW DENSITY RESIDENTIAL, STAYTON MUNICIPAL CODE 17.16.660 (SMC) TO (MD) MEDIUM DENSITY RESIDENTIAL, STAYTON MUNICIPAL CODE 17.16.670.

WHEREAS, Rick and Leslie Olson are the owners of the subject parcel which is located at 840 Shaff Road, Stayton, Marion County Oregon the property is described as tax lots 1900 & 2100, Township 9 South, Range 1 West of the Willamette Meridian, Section 10BB;

WHEREAS, the owners made application to the City of Stayton for amendment to the Comprehensive Plan and Zone Map from Low Density Residential (LD) to Medium Density Residential (MD);

WHEREAS, Statewide Planning Goal 2: Land Use Planning: "The citizens in the area and any affected governmental unit should be given an opportunity to review and comment prior to any changes in the plan and implementing ordinances"; Goal 10: Housing: "To provide for the needed housing need of citizens of the state"; Goal 11: Public Facilities and Services: "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development", have been reviewed and are in compliance with this proposal; and

WHEREAS, the Stayton Planning Commission conducted a public hearing on June 30, 2003 at which time the Commission recommended approval to the Stayton City Council of the proposed amendment to Stayton's Comprehensive Plan and Zone Map; and

WHEREAS, the Stayton City Council conducted a public hearing on July 21, 2003 whereupon it approved said amendment (with conditions) to Stayton's Comprehensive Plan and Zone Map proposal and entered its Order accordingly (Exhibit A hereto and made a part hereof).

NOW THEREFORE, the Stayton City Council does ordain as follows:


SECTION 1. Based on findings of fact and conditions of approval established and as set forth in the Order of the Stayton City Council (Exhibit A), the Stayton Comprehensive Plan and Zone Maps are amended from Low Density Residential (LD) to Medium Density Residential (MD) as to tax lots 1900 and 2100, Township 9 South, Range 1 West of the Willamette Meridian, Section 10BB.

SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.


ADOPTED BY THE STAYTON CITY COUNCIL this 4th day of August 2003.

CITY OF STAYTON


Signed: 8/5/ 2003

By: 
Gerry Aboud, Mayor

Signed: August 5, 2003

ATTEST: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

BEFORE THE STAYTON CITY COUNCIL

In the matter of the) Comprehensive Plan Map
Application of) Zone Map Amendment
Rick & Leslie Olson
Land Use File #09-04/03

ORDER

I. NATURE OF APPLICATION

This matter comes before the Stayton City Council on the application of Rick & Leslie Olson for approval of the following actions:

1. Comprehensive Plan Map from (LD) Low Density Residential (MD) to Medium Density Residential.
2. Zone Map Amendment from (LD) Low Density Residential (MD) to Medium Density Residential.

II. PUBLIC HEARING

Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission June 30, 2003. At the hearing the Planning Commission Land Use File #09-04/03 Comprehensive Plan Map and Zone Map Amendment were made part of the record. Notice of the hearing was sent to surrounding property owners, published in the Stayton Mail, posted on the cable access channel, posted at city hall, library and community center buildings.

Rick Olson, 4906 Kensington Street SE, Salem, Oregon 97302 and John Brandt, 625 N. Seventh Avenue, Stayton, Oregon 97383 appeared at the hearing and provided testimony on the application. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and recommended approval of the application with findings and conditions. The Planning Commission found the application to be consistent with the Comprehensive Plan and the Land Use and Development Code as set forth in the findings incorporated in their Order.

City Council Action

A public hearing was duly held on this application before the Stayton City Council July 21, 2003. At the hearing the City Council Land Use File #09-04/03 Comprehensive Plan Map and Zone Map Amendment were made part of the record. Notice of the hearing was sent to surrounding property owners, published in the Stayton Mail, posted on the cable access channel, posted at city hall, library and community center buildings.

At the conclusion of the hearing, the City Council deliberated on the issue and recommended approval of the application with findings and conditions. The City Council found the application to be consistent with the Comprehensive Plan and the Land Use and Development Code as set forth in the findings incorporated in their Order.

III. FINDINGS OF FACT - GENERAL

The Stayton City Council, after careful consideration of the testimony and evidence in the record, adopt the following findings of fact:

1. The application is for a Comprehensive Plan Map Amendment from (LD) Low Density Residential to (MD) Medium Density Residential.
2. The applicants and owners of the property are Rick and Leslie Olson.
3. The subject parcel is located at 840 Shaff Road in the block between Gardner Road and Fern Avenue. The property is described as tax lots 1900 & 2100, Township 9 south, Range 1 west of the Willamette Meridian, Section 10BB.
4. The property is 130' x 134' and consists of 17,420 square feet. **See Map 1**
5. The property is currently leased to Marion County Sheriffs Office, but due to budget constraints the Sheriffs Office will no longer be able to lease the site.
6. The applicant's are requesting a zone change and comprehensive plan change to (MD) Medium Density Residential from (LD) Low Density Residential.

AGENCY COMMENTS

The following agencies were contacted regarding this proposal: Northwest Natural Gas, Pacific Power & Light, Stayton Cooperative Telephone Company, Stayton Police Department, Stayton Fire District, City of Stayton Public Works & Engineer, Uvision Cable and Marion County Public Works.

Uvision stated services are available to serve the site.

Stayton Fire District & Stayton Police Department reviewed the proposal and had no comments.

City of Stayton Engineer stated public services are available to serve the site. These are outlined in the Commission's conditions of approval.

PUBLIC COMMENTS

No public comments were received.

B. COMPREHENSIVE PLAN AMENDMENT

COMPLIANCE WITH STATEWIDE GOALS

Goal 2: Land Use Planning

"The citizens in the area and any affected governmental unit should be given an opportunity to review and comment prior to any changes in the plan and implementing ordinances."

***Finding:** Public notice of the hearing was mailed to 25 adjacent property owners, to the newspaper and posted on the property.*

Goal 10: Housing

"To provide for the needed housing need of citizens of the state."

***Finding:** The City of Stayton's Buildable Lands Inventory shows the current housing mix, as compared against the projected housing mix of 60% single family residential; 5% manufactured mobile home parks and 35% multi-family, has virtually remained the same over the last 3 years.*

Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

***Finding:** All city services are provided at the site. There is adequate capacity to handle both water, sewer, and fire service.*

Conclusion: The site meets the statewide goals 2,10 and 11.

COMPREHENSIVE PLAN MAP AMENDMENT FINDINGS

Decision Authority:

Exhibit A

Stayton Municipal Code (SMC) 17.12.370.1.c. "Planning Commission Recommendations": The Planning Commission shall be required to review, evaluate, and make recommendations to the City Council on all land use applications involving any change to the development code, zone map, text, or map of the comprehensive plan, or any annexation."

Comprehensive Plan Policies:

Chapter 1 A. Physical Development, D. Housing 1. "Provide necessary public facilities and services to maintain safe and healthful living conditions in residential areas."

Finding: *All public facilities in the way of water, sewer, storm drainage and street access are available to the site.*

Existing Facilities: 4" water main in Shaff Road. Storm water system consisting of a 12" main with a catch basin within 500'.

8" sewer main in Shaff Road. Existing right of way width of Shaff Road is 55'.

Chapter 1 A. Physical Development, D. Housing 2. "Foster the maintenance and development of an adequate quantity and variety of housing types to satisfy the desired life styles and financial capabilities of the communities population".

Finding: *Stayton's housing balance, as to the ratios listed in the buildable lands inventory, are being maintained.*

Chapter 5 Land Use Policies LU - 1 "Land use designations and zoning shall be consistent."

Finding: *The applicant's request is consistent in that the Comprehensive Plan and Zone Map designations complement each other with a Medium Density Residential (MD) land use designation.*

Chapter 5 Land Use Policies LU - 2 "Zoning shall follow property lines and include entire rights of way as much as practicable. "

Finding: *The proposed zone change would incorporate all property lines in its entirety.*

Chapter 5 Land Use Policies LU -5 " The availability and quality of public services shall be considered an approval or denial of commercial, residential, and industrial uses."

Finding: *All public services are available.*

Land Use Impacts:

Traffic Generation: An average of 6.59 daily vehicular trips per day. (Per ITE Manual, 6th Edition)

Population Impact: An average of 2.7 persons per dwelling or 8.1 persons for the three units. (Per 2000 census).

Conclusion: The application meets criteria identified in Stayton's Comprehensive Plan.

ZONE MAP AMENDMENT FINDINGS

Zone Changes:

SMC 17.12.430.5 Approval Criteria: "In order to approve a zone change, the following affirmative findings concerning the action must be able to be made by the decision authority and placed into a written format as part of the action on the proposal."

1. The proposed zone change and intended use is compatible with the surrounding area, as measured by:

A.) Land use patterns.

***Finding:** The proposal will have little impact on the adjacent residential uses and would be more compatible than the previous uses of a restaurant or Sheriff's substation.*

B.) Traffic generation and circulation.

***Finding:** The applicant is proposing to build a dual access driveway.*

C.) Population density impacts.

***Finding:** It is anticipated there will be 2.7 persons per household, according to the Bureau of Census, or a total of 8.1 individuals occupying the site.*

D.) Potential adverse impacts.

***Finding:** Noise generation could be an adverse impact to adjoining residences. However, the City Council finds the potential impact to be less obtrusive than the previous uses of a restaurant and Sheriff's substation.*

E.) Other similar factors:

Exhibit A

Finding: *The issue of privacy by the single family residences at the east and south property lines could be of some concern. However, the property on the applicants west property line contains a duplex.*

2. Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.

Finding: *The majority of the MD acreage is "in fill" lots representing approximately 35 acres. 3.63 acres, is a recently approved subdivision, Storehouse Ministries and 10 acres in Santiam Station. Based on recent building activity the MD district has realized a substantial increase in building activity since January 1, 2003. Fifty percent plus (50%+) of residential building permits have been in the MD districts. Over the past four years, Stayton has averaged less than 20 building permits per year in the MD zone. This indicates a recent acceleration in the development of MD land.*

3. There are adequate urban services to serve the possible use under the zone proposed.

Finding: *Adequate urban services are available according to the Public Works Department as outlined in the conditions of approval.*

4. The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.

Finding: *The proposed Comprehensive Plan and Zone Map amendments would compliment one another by both being designated for medium density use.*

5. The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.

Finding: *The applicants proposal is in compliance with the Statewide Housing Goal 10.*

Conclusion: The application complies with the identified criteria.

IV. ORDER

It is hereby found the application does meet the relevant standards and criteria for a Comprehensive Plan & Zone Map Amendment approval. THEREFORE, it is the decision of the Stayton City Council that the Comprehensive Plan & Zone Map Amendment be APPROVED with the following conditions.

V. CONDITIONS OF APPROVAL

CITY OF STAYTON PLANNING DEPARTMENT CONDITIONS

1. The applicant shall obtain all necessary building permits from Marion County Building Inspection Division. Permit applications may be obtained from the City of Stayton Public Works Department, 311 N. Third Avenue, Stayton, Oregon.
2. All debts to the City of Stayton associated with land development of the subject site shall be paid prior to any building permit applications being accepted by the City.
3. The Planning Commission recommends the planting of street trees in the right of way strip.

CITY OF STAYTON PUBLIC WORKS DEPARTMENT CONDITIONS

4. The double driveway proposed is not standard and will required careful review as the development plans are submitted. Permitting cars to realign on the site so backing into the arterial street is reduced or eliminated will be encouraged.
5. A street improvement for this section of Shaff Road is being studied by the Public Works Department. This project may involve assessments of abutting properties. If this condition is possible, a non-remonstrance agreement should be signed by the developer. If not, he/she should be informed that the project is being considered for some period in the future when funding becomes available.
6. Impacts to water and sewer service connections will be considered at the time of building permit submission.
7. The possible assessment of systems Development Charges (SDC) will be considered at the time of building permit request.
8. Only one (1) tri-plex shall be constructed on the parcel.

VI. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City of other local, State, or Federal agencies.

The City of Stayton land use review and approval process does not take the place of, or relieve the Applicant os responsibility for acquiring such other permits, or satisfy and restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way covenants or restrictions imposed on this property by deed or other instrument.

VI. APPEAL DATES

The City Council's action may be appealed within 21 days of its mailing. This may be appealed to the Land Use Board of Appeals (LUBA) pursuant to Oregon State Statutes (ORS) 197-805-855.

VII. ORDER

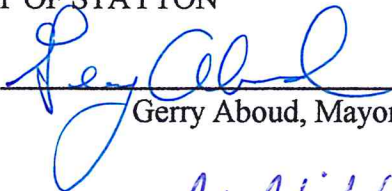
It is hereby found the application meets the relevant standards and criteria for a Comprehensive Plan Map and Zone Map Amendment.

APPROVED BY A 4:0 VOTE OF THE STAYTON CITY COUNCIL ON THIS 21st DAY OF JULY, 2003.


Dated at Stayton, Oregon, this _____ day of July 2003.

CITY OF STAYTON

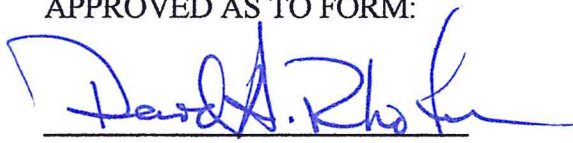
Signed: 8/5/ 2003

By: 
Gerry Aboud, Mayor

Signed: August 5, 2003

ATTEST: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney