

ORDINANCE NO. 754

AN ORDINANCE AMENDING THE CITY OF STAYTON OFFICIAL COMPREHENSIVE PLAN MAP TO REDESIGNATE CERTAIN PROPERTY FROM LIGHT INDUSTRIAL TO PUBLIC/SEMI-PUBLIC; AND AMENDING THE ZONING MAP TO REZONE CERTAIN PROPERTY FROM LIGHT INDUSTRIAL (IL) TO PUBLIC/SEMI-PUBLIC (P) WITHIN THE CITY OF STAYTON, COUNTY OF MARION, STATE OF OREGON.

WHEREAS, an application for a comprehensive plan map and zoning map amendment was initiated by the City of Stayton for property at Fourth and Florence, owned by the City of Stayton and described in Exhibit A., attached hereto; and

WHEREAS, the property is currently designated and zoned for light industrial use; and

WHEREAS, the city wishes to redesignate and rezone the property for public use; and

WHEREAS, the Stayton City Council conducted a public hearing on the matter on November 6, 1995 and rendered a decision approving the amendment to the Official Comprehensive Plan Map and Zoning Map; and

WHEREAS, the Stayton City Council adopted an order containing findings and conclusions in support of its decision, which is attached hereto as Exhibit B.;

NOW, THEREFORE, the Stayton City Council ordains as follows:

SECTION 1: That the Official Comprehensive Plan Map designation for property at Fourth and Florence streets in the City of Stayton, described in Exhibit A attached hereto, be changed from Light Industrial to Public/Semi-Public, and that the Zoning Map be amended from Light Industrial (IL) to Public/Semi-Public (P) as shown on Exhibit A., attached hereto.

PASSED BY THE STAYTON CITY COUNCIL this 4th day of December, 1995.

Date: 12-6-95

By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

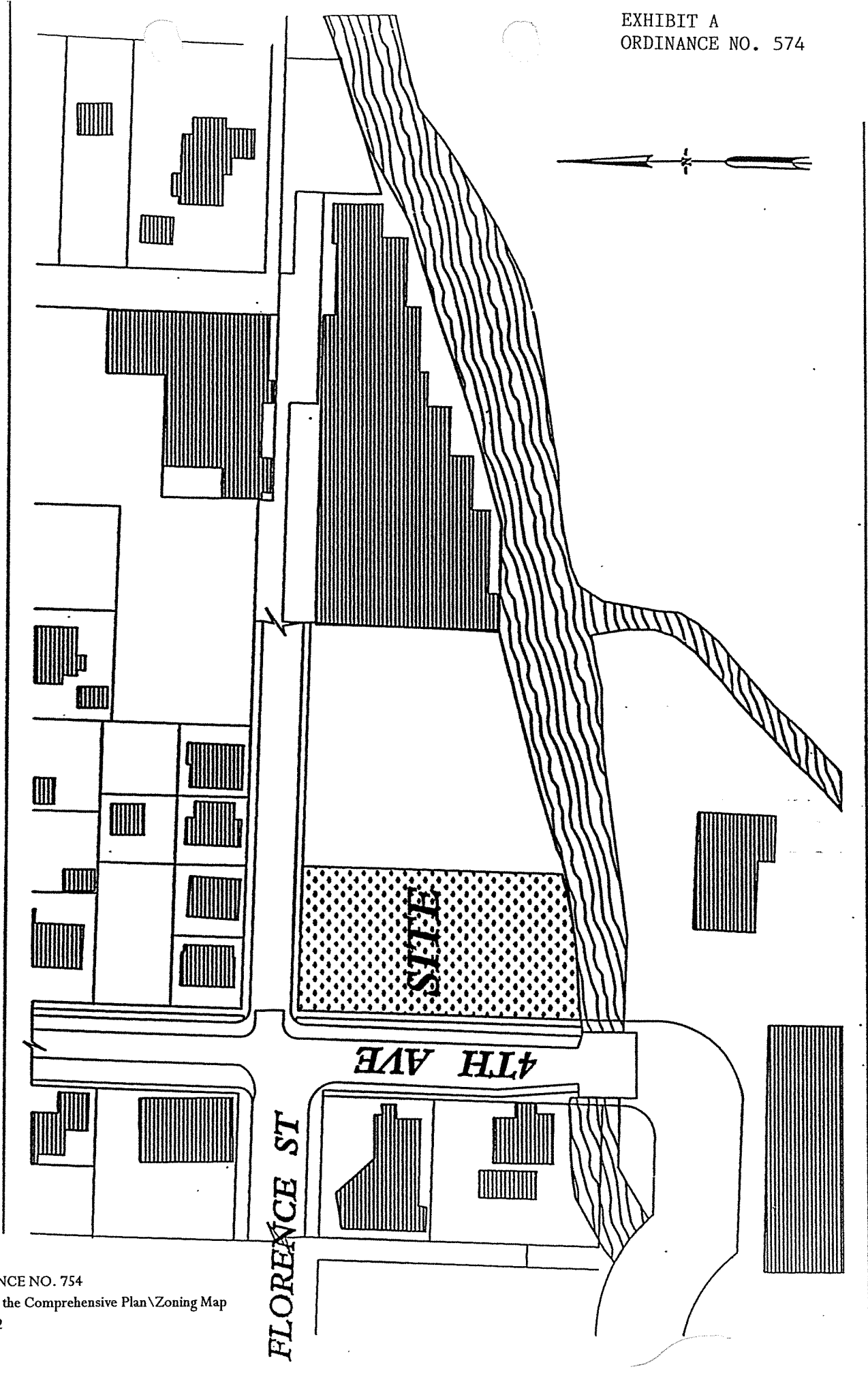
Date: 12/5/95

Attest: Thomas L. Barthel
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM

Date: NOV 27 1995

David A. Rhoten
DAVID A. RHOTEN, City Attorney



BEFORE THE STAYTON CITY COUNCIL

In the Matter of the)	File No. 15-08/95
)	
Application of the)	1. Plan Amendment
)	
City of Stayton)	2. Zone Change

ORDER

I. NATURE OF THE APPLICATION

This matter comes before the Stayton City Council on the application of the City of Stayton for a Stayton Comprehensive Plan Amendment to change the map designation from Light Industrial to Public/Semi-Public, and a zone change from Industrial, Light (IL) to Public/Semi-Public (P) on property located at the southeast corner of East Florence Street and North Fourth Avenue.

II. GENERAL INFORMATION

A. Location and Site Description

The subject property is located on the southeast corner of the intersection of East Florence Street and North Fourth Avenue and is identified as being within Township 9 South; Range 1 West; Section 10DC; Tax Lot No. 60609-000. The approximate 20,000 square foot property is currently vacant. The property is designated Light Industrial in the Stayton Comprehensive Plan and zoned Industrial, Light (IL).

B. Surrounding Zoning

The Paris Woolen Mill is located on IL zoned property to the east. To the north is Commercial Retail (CR) zoned land containing single family homes. Commercial General (CG) zoned property is located to the west. Land uses include a vacant commercial building and feed mill/storage building on separate parcels. The Stayton Power Canal borders the property along the south.

C. Public Services

The parcel fronts two improved public streets and is served by public sewer, water, storm sewer, and private utilities.

D. Background Information

The proposal will change the Stayton Comprehensive Plan map designation from Light Industrial to Public/Semi-Public and change the zoning from Industrial, Light (IL) to Public/Semi-Public (P) on the subject property. There is no concurrent development proposal.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission on September 28, 1995. At the hearing, City Planning File #15-08/95 was made a part of the record. Notice of the hearing was sent to abutting property owners. 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 adopted an Order approving the proposed Plan Amendment and Zone Change. The planning commission found the Plan amendment and zone change request comply with requirements, policies, and provisions in the Stayton Land Use and Development Code and the Stayton Comprehensive Plan.

B. Stayton City Council Action

A public hearing on this matter was called for the Stayton City Council's regularly scheduled meeting on November 6, 1995. At the hearing, Stayton Planning File No. 15-08/95 was made a part of the record. Notice of the hearing was sent to all property owners within the notice area. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. Persons offering testimony before the council are listed on Attachment A.

At the conclusion of the hearing, the Stayton City Council deliberated on material in the record, staff summary, and public testimony. The council found the Plan amendment and zone change request comply with requirements, policies, and provisions in the Stayton Land Use and Development Code and with the Stayton Comprehensive Plan.

IV. FINDINGS OF FACT-GENERAL

The Stayton City Council, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact:

- A. The applicant is the City of Stayton.
- B. The subject property is located on the southeast corner of the intersection of East Florence Street and North Fourth Avenue and is identified as being located within Township 9 South; Range 1 West; Section 10DC; Tax Lot No. 12600.
- C. The approximate 20,000 square foot property is currently vacant.
- D. The parcel fronts two improved public streets and is served by public sewer, water, storm sewer, and private utilities.
- E. The property is designated Light Industrial in the Stayton Comprehensive Plan and zoned Industrial, Light (IL).
- F. The Paris Woolen Mill is located on IL zoned property to the east. To the north is Commercial Retail (CR) zoned land containing single family homes. Commercial General (CG) zoned property is located to the west. Land uses include a vacant commercial building and feed mill/storage building on separate parcels. The Stayton Power Canal borders the property along the south.
- G. The proposal will change the Stayton Comprehensive Plan map designation from Light Industrial to Public/Semi-Public and change the zoning from Industrial, Light (IL) to Public/Semi-Public (P) on the subject property. There is no concurrent development proposal.

V. RELEVANT CRITERIA - PLAN AMENDMENT

- A. The standards and criteria relevant to the Plan Amendment request are found in the Stayton Land Use and Development Code Section 17.12.420, "Plan Amendment." The city council reviewed the application with regard to the criteria.
 - 1. **SC 17.12.420.1. defines a plan amendment as a redesignation of an area from land use designation to another, or a modification to policies or text of the plan.** The request meets this definitional requirement since the proposal would redesignate the subject property from Light Industrial to Public/Semi-Public.

2. **SC 17.12.420.2. requires plan amendments be adopted by ordinance passed by the city council. Pursuant to section 17.12.370 to .390, the planning commission is to provide a recommendation on the request. This section outlines the review procedures. Actions by the planning commission and city council must comply with these procedures.**
3. **SC 17.12.420.3. establishes plan amendment initiation procedures. Subsection c. allows petition by property owners for a site specific plan amendment. The property owner is requesting a change in the Stayton Comprehensive Plan map.**
4. **SC 17.12.420.4. identifies the submittal requirements. The council finds the applicant submitted the required information.**
5. **SC 17.12.420.5. establishes the approval criteria. These criteria, and the council's responses are as follow:**

- a. **If a map amendment, the extent of the existing and proposed land use allocations for the requested use. The subject property is designated for industrial uses in an area primarily developed for commercial activities. The small parcel size does not render it capable of significant development for uses permitted in the IL zone. In addition, its isolation from designated truck routes further limits its utility.**

The majority of the city's industrial land consists of acreage parcels located on the west side of the city with convenient rail and highway access. This parcel is not suitable for industrial uses based on size, location, and access. Other Plan designations, such as the Public/Semi-Public, would allow uses more in keeping with the character of the surrounding area.

- b. **Impact of the proposed amendment on land use development patterns within the city as measured by the following:**
 - i. **Traffic generation and circulation patterns. Since the parcel is vacant, comparisons can only be made based upon the potential development associated with each land use designation. Industry-related uses are likely to have a far greater adverse impact on trip generation and circulation than public-related activities. This impact is further compounded by potential truck traffic associated with industrial uses. For these reasons, the council concludes the change in the Plan designation will reduce adverse traffic impacts.**

- ii. **Population concentrations.** The proposal does not involve residential development so that the area's population density will not be affected.
- iii. **Demand for public facilities and services.** Existing public facilities will be utilized; no new facilities are required as the result of the Plan map amendment.
- iv. **Maintenance of public health and safety.** As with traffic impacts, comparisons can only be based on the potential development associated with each land use designation. On the whole, industrial uses are likely to have a far greater adverse impact on public health and safety than public related activities. The change in the Plan designation will reduce potential adverse public health and safety impacts associated with development of the property.
- v. **Level of park and recreational facilities.** Development of the site will not impact recreational facilities. The Public/Semi-Public designation offers some potential for park facilities that are not available with the Light Industrial designation.
- vi. **Economic activities.** This action does reduce the amount of land available for industrial activity; however, as the council has found, the industrial potential of this land is minimal. The council also notes positive economic benefits may accrue if the site is developed for uses which enhance existing commercial development.

The council concludes the loss of the industrial designation will have negligible impact on the city's economy. Positive economic benefits are more likely with a non-industrial designation.
- vii. **Protection and use of natural resources.** Based on the Stayton Comprehensive Plan, significant natural resources requiring special consideration are not located on the property.
- viii. **Natural hazards and constraints.** The Stayton Comprehensive Plan does not identify natural hazards or other physical constraints on the property.

- ix. **Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.** There are no special purpose programs which affect or apply to this development.

- c. **Other properly zoned land is not available in sufficient quantities within the City to satisfy current and projected needs.** The intended use of the property was not identified; however, the council notes that a Public/Semi-Public designation and zone is required for most public or semi-public activities. The use is specific to the parcel so that alternative Public zoned property cannot be considered.

- d. **There are adequate urban services to serve the possible use under the zone proposed.** Comments supplied by the Department of Public Works indicate there are adequate urban services to serve the property. Public facility improvements may be required if additional development occurs on site; however, this can be reviewed at the time a formal development application is received.

- e. **The proposed zone change is compatible with applicable provisions of the Stayton Comprehensive Plan.** The applicable comprehensive plan policies fall under two categories: public facilities and land use. Applicable public facility policies require the adequate provision of services to accommodate development. Public facility provisions are not an issue with this request.

Industrial policies (LU-15 to LU-18) encourage well-designed industrial facilities which employ local residents but do not detract from the area's environmental quality. The city will encourage and promote the development of an industrial designated area, park-like in atmosphere, along Wilco Road. Industrial development will meet pollution abatement requirements and be buffered from adjacent residential uses. This property's Industrial designation is inconsistent with the Plan policies. It is not located on or near Wilco Road, is not conducive to the park-like atmosphere envisioned by the Plan, and its small size and location make it difficult to establish buffering and still allow reasonable industrial use of the property.

The sole Stayton Comprehensive Plan policy on publicly owned property requires the establishment of the Public/Semi-Public designation and plan. The proposed change is consistent with this policy. Moreover, the Stayton

City Council finds the existing Plan designation is inconsistent with the industrial lands policies. The change to the Public/Semi-Public designation is entirely consistent with the Plan requirements.

- f. **The proposed change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.** Compliance with the Statewide Goals is as follows:

Goal 1: Public hearings on the proposed Plan map change were held before both the commission and city council. This is consistent with city procedures.

Goal 2: The proposal does not require exceptions to the Statewide Goals.

Goals 3 and 4: The proposal does not affect identified farm or forest lands.

Goal 5: The subject property does not contain identified historic, cultural, mineral, or natural resources.

Goal 6: Any future development will be served by public facilities. The council finds these services will reduce or eliminate environmental impacts.

Goal 7: The subject property does not include land containing natural hazards.

Goal 8: The proposal does not involve identified recreational land or park land nor does it establish uses or activities which may impact area parks.

Goal 9: As indicated by previous findings, the proposal is likely to have negligible economic impacts, although some positive benefits for development within the immediate area are possible.

Goal 10: The change in Plan designation does not involve residential lands.

Goal 11: Sufficient facility capacity is available to serve the property and necessary public services are available to the site.

Goal 12: Conversion to a non-industrial designation is likely to have less adverse transportation impacts.

Goal 13: The proposal will likely reduce the expected level of development on the property thereby having positive energy impacts.

Goal 14: The proposal involves property within the urban growth boundary.

Goals 15 to 19: The proposal does not include land within the Willamette Greenway or coastal areas.

The Stayton City Council finds the proposed change in the Plan designation has either positive impacts or else does not directly affect issues addressed by the goals.

VI. RELEVANT CRITERIA: ZONE CHANGE

The standards and criteria relevant to the zone change request are found in the Stayton Land Use and Development Code Section 17.12.430, "Zone Changes." The Stayton City Council reviewed the application with regard to the criteria and determined the following:

- A. **SC 17.12.430.1. establishes definitions.** A zone change is the reclassification of an area from one zoning district to another, provided the new zoning district exists within Chapter 17.16. The proposal meets this definitional requirement as the P zone is found in Chapter 17.16.
- B. **SC 17.12.430.2. establishes the method of adoption.** Zone changes must be adopted by ordinance. This section outlines the review procedures; actions by the planning commission and city council are required to comply with these procedures.
- C. **SC 17.12.430.3. establishes zone change initiation procedures.** Subsection c. allows petition by property owners for a zone change. The council notes the application complies with provisions in this section.
- D. **SC 17.12.430.4. identifies the submittal requirements.** The council finds the applicants submitted the required information.

E. **SC 17.12.430.5. establishes the approval criteria.** These criteria and the council's responses are as follows:

1. **The proposed zone change and intended use is compatible with the surrounding area as measured by:**
 - a. **Land use patterns.** The existing zoning would permit industrial activities which is inconsistent with surrounding commercial and residential uses. The proposed P zone allows uses and activities which are more consistent and compatible with regard to the existing land use pattern.
 - b. **Traffic generation and circulation.** Previous findings indicated the change in land use will not likely reduce adverse traffic impacts.
 - c. **Population density and impacts of population concentrations.** Previous findings indicated the zone change would not affect the area's population density.
 - d. **Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products excessive glare of lighting, and demand on public services and facilities.** As previous findings indicate, industrial related uses are likely to have a far greater adverse impact than public uses regarding noise, odors, appearance and similar factors. The council concludes the change in the zone will reduce potential noise, odor, and waste material impacts or other hazards to the general public.
2. **Other properly zoned land is not available in sufficient quantities within the City to satisfy current and projected needs.** The city council has found that the Public/Semi-Public designation and zone is required for most public or semi-public land use activities. The use is specific to the parcel so that alternative Public zoned property cannot be considered. In addition, the Stayton Comprehensive Plan requires the P zoning for publicly held property.
3. **There are adequate urban services to serve the possible use under the zone proposed.** Comments supplied by the Stayton Department of Public Works indicate there are adequate urban services to serve the property and no new services will be required.
4. **The proposed zone change is compatible with applicable provisions of the Stayton Comprehensive Plan.** The proposed zone change is consistent with the

proposed change in the comprehensive plan map. Consistency with the comprehensive plan was previously reviewed under the Plan amendment. The council finds comments and conclusions for the Plan amendment also apply to the zone change.

5. **The proposed change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.** Applicability to the Statewide Planning Goals was reviewed under the proposed Plan amendment. Again, the council finds comments and conclusions for the Plan amendment also apply to the zone change.

VII. CONCLUSION

The submitted plan map amendment and zone change requests comply with the applicable decision criteria and should be granted.

VIII. CONDITIONS OF APPROVAL

The Stayton City Council finds the plan map amendment and zone change in compliance with the Stayton Land Use and Development Code criteria. Plan map amendments and zone change requests are not subject to conditions of approval.

IX. ORDER

It is hereby found that the application meets the relevant standards and criteria for a zone change. **THEREFORE**, it is the decision of the Stayton City Council that the proposed plan amendment and zone change are hereby approved subject to the conditions of approval in Section VIII.

X. 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 or other local, state, or federal agencies.

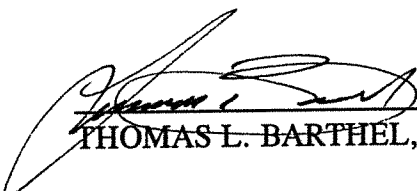
The City of Stayton land use and review and approval process does not take the place of or relieve the Applicant of responsibility for acquiring such other permits or to satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any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

XI. APPEAL DATES

Any appeals pertaining to this application must be made to the Land Use Board of Appeals in accordance with state law.

APPROVED BY A 5:0 vote of the Stayton City Council on the 6th day of November 1995.

Date: 11-8-95 By: 
WILLMER VAN VLEET, Mayor

Date: 11/7/95 Attest: 
THOMAS L. BARTHEL, City Administrator

..:b

Attachment A.

PUBLIC TESTIMONY
before the
STAYTON CITY COUNCIL
6 November 1995

Stayton File No. 15-08/95, Comprehensive Plan/Zone Amendment
City of Stayton, Applicant

WALLACE LIEN

1191 Capitol NE

Salem OR 97301