

ORDINANCE NO. 1049

**AN ORDINANCE CHANGING THE ZONING OF THE
PROPERTY AT 1973 PACIFIC COURT**

WHEREAS, JEES Properties LLC is the owner of the property located at 1973 Pacific Ct, Stayton, Oregon and has submitted an application for a Zone Map Amendment from Light Industrial (IL) to Industrial Commercial (IC) as to that property (“subject property”);

WHEREAS, the subject property can be identified as tax lot 2100, Township 9, Range 1 West of the Willamette Meridian, Section 9DB, Stayton, Oregon, and is Parcel 1 of Partition Plat 2016-036;

WHEREAS, the subject property is 2.84 acre in size;

WHEREAS, the subject property is currently used as a gravel-surfaced outdoor storage yard;

WHEREAS, the subject property is zoned IL;

WHEREAS, the neighboring properties to the south, across Pacific Ct are zoned IL and are developed as a building materials and supplies dealer; the neighboring property to the west, across Wilco Rd, is zoned IL and is developed with a number of buildings in multiple uses such as equipment repair and warehousing and storage; the neighboring property to the north is a railroad right of way; north of the railroad right of way, across Locust St, the property is zoned IL and is developed with an agricultural harvesting equipment manufacturer; and the adjacent property to the east is zoned IL and is developed with a warehouse and storage building;

WHEREAS, an application for an amendment to the Official Zoning Map is required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.180.5;

WHEREAS, following a public hearing on February 22, 2021, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the application;

WHEREAS, notice of the first evidentiary hearing on the application was provided to the Oregon Department of Land Conservation and Development on January 19, 2021, more than 35 days in advance, as required by ORS 197.610;

WHEREAS, requests for comments on the application were sent to various city departments, other units of government, and private utilities that could be impacted by the proposal and comments were received from Northwest Natural that they were not affected by the proposal, comments were received from the City’s transportation planning consultant that are reflected in the findings below, and comments were received from Marion County Public Works addressing future development of the property and were not pertinent to the criteria for approval of an application for a zone map amendment;

WHEREAS, the City Council held a public hearing on the application on March 15, 2021, and, pursuant to SMC Section 17.12.180.5, makes the following findings regarding each of the approval criteria:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Findings: The Comprehensive Plan Map designation is Industrial.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Findings: There is a 6-inch water line on the north side of Pacific Ct and on the east side of Wilco Rd. There is a 2-inch pressurized sewer main in a Public Utility Easement along subject parcel's frontage along Pacific Ct. The as-built drawings for the construction of Pacific Ct show there is a service connection with a gate valve providing service to the subject parcel. There is a 12-inch storm drain line on the east side of Wilco Rd that terminates to an open ditch along the frontage of the subject parcel. The as-built drawings for the construction of Pacific Ct show there is a catch basin on the north side of Pacific Ct that discharges through a 10-inch storm drain line to the open ditch on the east side of Wilco Rd, south of Pacific Ct. The property is subject to a 1991 agreement to participate in the future street and storm water improvements along Wilco Rd.

- 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 has submitted a Transportation Planning Rule Analysis, completed by Lacy Brown, PhD, PE. The Analysis concludes that the potential traffic from the zoning amendment would not significantly impact the transportation system. The analysis was reviewed by the City's transportation planning consultant, who concurred with the methodology and conclusion.

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

Findings: The City Council finds that while there are Comprehensive Plan goals addressing the supply of industrially zoned land, there are no goals or policies that directly address the particular industrial zone applied to a parcel of land designated as Industrial by the Comprehensive Plan map.

- 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: The Buildable Lands Analysis in the 2013 Comprehensive Plan showed that there were 15 net acres of vacant and redevelopment land zoned IC, and 282 acres zoned IL. Since that time the Commerce Plan map was amended to remove some land from the IC zone, which is now zoned Commerce Park. The Planning Department reports that there are currently two vacant parcels zoned IC, with a total of 3.3 acres and total of 16 vacant parcels zoned IL, with total of 82.3 acres. Because of the site improvements of the subject parcel, it is not included in the inventory of vacant IL parcels.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060. Notice was provided to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing, as required by OAR 660-018-0005, *et. seq.*

- 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 property is flat and currently a gravel-surfaced outdoor storage yard. The zone map amendment has been requested to allow establishment of a manufactured housing dealership, which is a permitted use in the IC zone, but not the IL zone. All of the surrounding land uses are industrial in nature.

WHEREAS, pursuant to the findings above, the City Council concludes that the application is compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Official Zoning Map amended. Based on the Findings and Conclusion set forth above, the Official Zoning Map is amended as follows:

Area to be changed from Light Industrial to Industrial Commercial

Beginning at a point along the centerline of Pacific Ct, opposite the southeast corner of tax lot 091W09DB02100; thence westerly along the centerline of Pacific Ct to the centerline of Wilco Road; thence northerly to the centerline of the Union Pacific Railroad right of way; thence easterly along the centerline of the Union Pacific Railroad right of way to a point opposite the northwest corner of tax lot 091W09DB02100; thence southerly to the point of beginning.


Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 15th day of March, 2021.

CITY OF STAYTON

Signed: 3/21, 2021

BY: 
Henry A. Porter, Mayor

Signed: 3/21, 2021

ATTEST: 
Keith D. Campbell,
City Manager