

ORDINANCE NO. 897

AN ORDINANCE AMENDING THE CITY OF STAYTON'S COMPREHENSIVE PLAN AND ZONE MAPS FROM LOW DENSITY RESIDENTIAL (LD), AND MEDIUM DENSITY RESIDENTIAL (MD) TO COMMERCIAL RETAIL (CR) FOR CERTAIN REAL PROPERTY LOCATED AT 615 E. JEFFERSON STREET.

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property at 615 E. Jefferson Street in two different zones;

WHEREAS, Land Use Policy 2 of the Stayton Comprehensive Plan calls for Zoning to follow property lines as much as practicable;

WHEREAS, there has been a commercial use continuously since 1941 at 615 E. Jefferson Street.

WHEREAS, the City Council held a public hearing on March 19, 2007, addressing the subject map amendment to the Comprehensive Plan and Zone Maps (Land Use File #01-01/07) whereupon, the Stayton City Council approved an Order with findings and conclusions (Exhibit A which is attached hereto and made a part hereof) to support the Council's action granting approval to amend the Comprehensive Plan and Zone Maps from Low Density Residential and Medium Density Residential to Commercial Retail for the property at 615 E. Jefferson Street and directed preparation of an ordinance to change the Comprehensive Plan and Zone Maps accordingly.

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

SECTION 1. Based on the findings of fact and conclusions established and set forth in the Order of the Stayton City Council dated March 19, 2007 (Exhibit A) the Stayton Comprehensive Plan and Zone Maps are amended as set forth in the Order.

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

SECTION 3. This Ordinance, with said Orders, shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 2nd day of April, 2007.

CITY OF STAYTON

Signed: 4-2-07

BY: Virginia L. Honeywell
VIRGINIA L. HONEYWELL, MAYOR

Signed: 4/2/2007

ATTEST: Chris Childs
CHRIS CHILDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:

David A. Rhoten
DAVID A. RHOTEN, CITY ATTORNEY

ATTACHMENT A

BEFORE THE STAYTON CITY COUNCIL

In the matter of
the application of
Brian Wixom

) Amendment to
) Comprehensive Plan Map
) & Zoning Map
) File # 01-01/07

ORDER OF APPROVAL

I. NATURE OF APPLICATION

The application is for a comprehensive plan map amendment and zone change for property located at 615 E Jefferson Street from Low Density Residential and Medium Density Residential to Commercial Retail.

II. PUBLIC HEARING

A public hearing was held on the application before the Stayton City Council on March 19, 2007. At that hearing, the City Council reviewed Land Use File #01-01/07, application for comprehensive plan map amendment and zone change, and it was made part of the record.

III. FINDINGS OF FACT

1. The owner and the applicant is Brian Wixom.
2. The property is located at 615 E Jefferson Street and is 0.32 acres in size.
3. The lot can be described as tax lot 1400, Township 9, Range 1 West of the Willamette Meridian, Section 10DA.
4. The lot is currently zoned Low Density (LD) Residential and Medium Density (MD) Residential.
5. The properties to the north are zoned Public/Semi-Public (P) and used for a church with related accessory uses and an elementary school, and Low Density Residential and used for a single family residence. The property to the east is zoned Medium Density (MD) Residential and is vacant. The properties to the south and east are zoned Low Density (LD) Residential and are used for single family homes.
6. The proposal is to change the Comprehensive Plan and Zone Map designation from LD and MD to Commercial Retail (CR). There is a legally existing non-conforming commercial structure and use on the property. Rezoning the property will bring the use into conformance and allow for the possibility of future expansion.

A. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Willamette Broadband, Stayton Cooperative, Pacific Power & Light, NW Natural Gas, Stayton Fire District, and the Santiam Water Control District. The Santiam Water Control District submitted comments opposed to the zone change because the possibility of future commercial construction could increase surface water run off to its facilities.

B. PUBLIC COMMENTS

The Planning Department received no public comments on this application prior to the public hearing. At the Planning Commission hearing on February 26, 2007 the following testimony was provided.

Ronald Lulay and Ruben Sisto both expressed concerns with any expansion of the existing business at this location. Neither had any objection to the current use continuing as is.

At the public hearing conducted by the City Council testimony in favor of the application was presented by John Peterson. Testimony opposed to the application was presented by Laneta Kintz and Sandy Lulay.

C. ANALYSIS

This application was submitted before the effective date of the current Code and is reviewed in accordance with the Code provisions in effect at the time of its submittal. Applications for an amendment to the comprehensive plan and zoning maps are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.420.5 and Section 17.12.430.5.

D. REVIEW CRITERIA (COMPREHENSIVE PLAN AMENDMENT)

Pursuant to SMC 17.12.420.5 the following criteria must be demonstrated as being satisfied by an application for a comprehensive plan amendment:

a. *The proposed amendment is compatible with the existing provisions of the plan, as measured by:*

1. *If a map amendment, the extent of existing and proposed land use allocations for the requested uses.*

Finding: The current use of the property is an antique business. Stayton Municipal Code (SMC) 17.16.070 categorizes this as a retail store. A retail store is a permitted use in the CR zone and any additions meeting the standards for major modification would require site plan review. There is an existing non-conforming commercial building on the property that was built in 1941 and is currently a non-conforming commercial business in a residential zone.

2. *Impact of the proposed amendment on land use and development patterns within the City, as measured by:*

a) *Traffic generation and circulation patterns;*

Finding: No expansion of the existing buildings is proposed with this amendment, though the applicant has provided a conceptual plan for future expansion of the site. There are three current access points on the property. The conceptual future expansion plan indicates there will be a reconfiguration of those access points. The existing building would also be expanded and the parking lot paved to accommodate 7 parking spaces. The applicant has stated that the expansion will likely include no more than an additional three or four employees.

The City's adopted Transportation System Plan calls for the construction of a round-about at the intersection of Jefferson and 6th Street that will impact the property.

b) *Population concentrations;*

Finding: 615 E Jefferson Street is currently zoned Low Density (LD) and Medium Density (MD) with a non-conforming commercial business. There are no dwellings on the property. At the public hearing the applicant stated an intent to create one dwelling unit as part of possible improvements to the property.

c) *Demand for public facilities and services;*

Finding: No expansions of the existing building are proposed with this application. The applicant states that urban services are fully available to the property.

d) *Maintenance of public health and safety;*

Finding: No expansion of the existing building is proposed. The applicant states that there will be little impact on health and safety since the site is currently used for non-conforming commercial and the future expansion will have little effect on health and safety.

e) *Level of park and recreation facilities;*

Finding: The property is occupied by a non-conforming commercial business with no existing residential uses. The business is currently operated by the property owner and his wife.

f) *Economic activities;*

Finding: The applicant has stated that the proposed zone change will allow for future expansion of the commercial use on the property. The applicant states that if the business is expanded he anticipates adding no more than 3 or 4 additional employees.

g) *Protection and use of natural resources;*

Finding: There are no identified natural resources on this property.

h) *Natural hazards and constraints;*

Finding: There are no identified natural hazards and constraints on this property.

i) *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.*

Finding: The site is fully developed and no further development is proposed at this time.

b. *A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment)*

Finding: The applicant has stated that the proposed map amendment will more accurately reflect the historical and future uses of the property as a business.

c. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.*

Finding:

Goal 1 Citizen Involvement- The application is subject to the public hearing standards established in SMC 17.12.360 and Oregon Revised Statutes 227.160 to 186.

Goal 2 Land Use Planning- The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) on April 10, 1980. DLCD was notified of this proposed amendment to that acknowledged plan on January 12, 2007. The applicant has provided information to show how the proposed amendment meets the requirements of the Comprehensive Plan Goals.

Goal 3 Agricultural Land- The property for this proposal is located inside the City Limits and zoned with City urban development zones.

Goal 4 Forest Lands- The property for this proposal is located inside the City Limits and zoned with City urban development zones.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources- This property is not designated as open space, scenic, or historic resources by the Comprehensive Plan or the adopted City Master Plans.

Goal 6 Air, Water and Land Resources Quality- No additional development of the site was submitted with this proposal but the applicant states that their intention is long term development and expansion of the commercial use and buildings.

Goal 7 Areas Subject to Natural Disasters and Hazards- There are no identified natural hazards on this property.

Goal 8 Recreational Needs- The site is currently used as a business and the applicant has stated that the intent is to continue and expand those facilities.

Goal 9 Economy- The Comprehensive Plan states that the Stayton area is steadily growing and that economic activity is continuing to at its present pace.

Goal 10 Housing- The property is currently used for a commercial business. The 2005 Buildable Lands Inventory indicates that 126.8 additional acres of single family, LD zoned land will be needed to meet the population growth projections for 2020. This proposal would decrease the amount of residentially zoned land by 0.3 acres.

Goal 11 Public Facilities and Services- A site plan review application was not submitted with this proposal but the applicant did provide plans of the future proposed development for the property that include improvements to parking, sidewalks, lighting and access points to public rights-of-way.

Goal 12 Transportation- No additional development of the site is proposed at this time. Future development will be subject to site plan review to address impacts on transportation systems and conformance with access management standards.

Goal 13 Energy Conservation- No additional development of the site is proposed at this time.

Goal 14 Urbanization- 615 E Jefferson is located within the City limits.

Goal 15 Willamette River Greenway- The City of Stayton is not located in the Willamette River Greenway.

Goal 16 Estuarine Resources- The City is not located near an estuarine area.

Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources- The City is not located on the Oregon Coast.

- d. *The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

Finding: The application proposes changing the designation to an existing zone.

- e. *The amendment is appropriate as measured by at least one of the following criteria:*

- 1) *It corrects identified error(s) in the provisions of the plan.*

Finding: The Comprehensive Plan Goal LU-2 states that “zoning shall follow property lines and include entire rights-of-way as much as practicable.” The current adopted zoning map splits 615 E Jefferson Street into two zones.

- 2) *It represents a logical implementation of the plan.*

Finding: The Comprehensive Plan does not make any explicit policy statements about small businesses. LU-11 states that the central business area shall be the primary retail business area of community. An antiques business is a retail store. The applicant states that the business does not conflict with the goal of concentrating retail in the central business area because the business operates on limited hours (two days a week) with limited floor space and few employees. The applicant also points out that the business has been operating at this location for several years without affecting the development of additional businesses in the central business area.

- 3) *It is mandated by changes in federal, state, or local law.*

Finding: The proposed amendments are self-initiated by the applicant.

- 4) *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: The 2007-2008 City Council goals do not address small business development in particular or the Comprehensive Plan and its maps in general.

E. DECISION CRITERIA (ZONE CHANGE)

Pursuant to SMC 17.12.430.5 the following criteria must be demonstrated as being satisfied by an application for a zone change:

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

- 1) *Land use patterns.*

Finding: The land uses in the area around the property include a church, an elementary school and single family residential dwellings. County records indicate that the site was developed as a commercial facility in 1941 and has been used as a commercial property continuously since then.

- 2) *Traffic generation and circulation.*

Finding: There are three current access points on the property. The conceptual future expansion plan indicates there will be a reconfiguration of those access points. The existing building would also be expanded and the parking lot paved to accommodate 7 parking spaces. The applicant has stated that the expansion will likely include no more than an additional three or four employees.

The City's adopted Transportation System Plan calls for the construction of a round-about at the intersection of Jefferson and 6th Street that will impact the property.

3) *Population density and impacts of population concentrations.*

Finding: The existing use of this site is a commercial use with no residential units on site.

4) *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.*

Finding: No expansion of the existing buildings is proposed with this application. The applicant states that impacts of the possible future are believed to be minimal.

5) *Other similar factors deemed to be of importance to the decision by the Planning Commission or council.*

Finding: The Council and Commission have not identified any goals regarding rezoning in general, or small businesses in particular.

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

Finding: The current use of the property is an antique business. Stayton Municipal Code (SMC) 17.16.070 categorizes this as a retail store. A retail store is a permitted use in the CR zone and any additions meeting the standards for major modification would require site plan review. There is an existing non-conforming commercial building on the property that was built in 1941 and is currently a non-conforming commercial business in a residential zone.

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

Finding: The applicant states that urban services are fully available to the property.

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

Finding:

LU-2- *Zoning shall follow property lines and include entire rights-of-way as much as practicable.* The property is currently split by two different zones. The proposal would create one parcel in the Commercial Retail zone.

LU-11 – *The central business area of Stayton shall continue to be the primary retail business area of the community.* The central business district is defined by the comprehensive plan as running from the south side of Regis to Water Street including both sides of 1st Avenue. 615 E Jefferson Street is not located in the central business district. The current and proposed use of the site is an antiques shop, which SMC 17.16.070 classifies as a retail store. The applicant states that the small and limited nature of the business on this property will not impact the central business area.

E-1 – *The central business area shall be preserved and maintained as the major shopping area of the community.* The central business district is defined by the comprehensive plan as running from the south side of Regis to Water Street including both sides of 1st Avenue. 615 E Jefferson Street is not located in the central business district. The antique store has been operating on this site as a non-conforming business without impacting the central business area.

e. *The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals*

and Administrative Rules.

Finding:

Goal 1 Citizen Involvement - The application is subject to the public hearing standards established in SMC 17.12.360 and Oregon Revised Statutes 227.160 to 186.

Goal 2 Land Use Planning - The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) on April 10, 1980. DLCD was notified of this proposed amendment to that acknowledged plan on January 12, 2007. The applicant has provided information to show how the proposed amendment meets the requirements of the Comprehensive Plan Goals.

Goal 3 Agricultural Land - The property for this proposal is located inside the City Limits and zoned with City urban development zones.

Goal 4 Forest Land s- The property for this proposal is located inside the City Limits and zoned with City urban development zones.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources - This property is not designated as open space, scenic, or historic resources by the Comprehensive Plan or the adopted City Master Plans.

Goal 6 Air, Water and Land Resources Quality - No additional development of the site was submitted with this proposal but the applicant states that their intention is long term development and expansion of the commercial use and buildings.

Goal 7 - Areas Subject to Natural Disasters and Hazards- There are no identified natural hazards on this property.

Goal 8 Recreational Needs - The site is currently used as a commercial business and the applicant has stated that the intent is to continue and expand those facilities.

Goal 9 Economy - The Comprehensive Plan states that as of 2004, the Stayton area is steadily growing and that economic activity is continuing to at its present pace.

Goal 10 Housing - 615 E Jefferson is currently used for a commercial business. The 2005 Buildable Lands Inventory indicates that 126.8 additional acres of single family, LD zoned land will be needed to meet the population growth projections for 2020.

Goal 11 Public Facilities and Services - A site plan review application was not submitted with this proposal but the applicant did provide plans of the future proposed development for the property that include improvements to parking, sidewalks, lighting and access points to public rights-of-way.

Goal 12 Transportation - No changes to the existing number of employees or the location of parking were submitted with this proposal.

Goal 13 Energy Conservation - No additional development of the sites is proposed at this time.

Goal 14 Urbanization – The property is located within the City limits.

Goal 15 Willamette River Greenway - The City of Stayton is not located in the Willamette River Greenway.

Goal 16 Estuarine Resources - The City is not located near an estuarine area.

Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, Goal 19 Ocean Resources - The City is not located on the Oregon Coast.

IV. CONCLUSIONS

The proposal is compliant with all applicable review criteria.

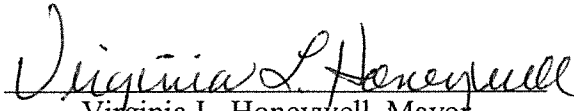
V. ORDER

Based on the above facts and conclusions, the Stayton City Council approves the application and directs the Staff to prepare an ordinance to amending the Stayton Comprehensive Plan and Zoning Map as described below:

Area to be Placed into the Commercial Retail Zone

Beginning at the intersection of the centerline of Jefferson Street and 6th Avenue and proceeding northerly 130 feet along the centerline of 6th Avenue to a point opposite the northwest corner of tax lot 1400, Township 9, Range 1 West of the Willamette Meridian, Section 10DA; then easterly 171 feet to the northeasterly corner of tax lot 1400, Township 9, Range 1 West of the Willamette Meridian, Section 10DA; then southerly 130 feet to the centerline of Jefferson Street, and then westerly along the centerline of Jefferson Street to the point of beginning.

APPROVED BY THE STAYTON CITY COUNCIL ON THE 19th DAY OF MARCH, 2007.


Virginia L. Honeywell, Mayor

4-2-07
Date


Chris Childs, City Administrator

4/2/2007
Date