

ORDINANCE NO. 1046
AN ORDINANCE CHANGING THE ZONING OF
THE PROPERTY AT 977 W IDA ST

WHEREAS, Andrew and Lily Westlund are the owners of 977 W Ida St, Stayton, Oregon and have submitted an application for a Zone Map Amendment from Low Density Residential (LD) to Medium Density Residential (MD) as to that property (“subject property”);

WHEREAS, the subject property can be identified as tax lot 301, Township 9, Range 1 West of the Willamette Meridian, Section 9DD, Stayton, Oregon, and is Parcel 1 of Partition Plat 2011-007;

WHEREAS, the subject property is 8,115 square feet or 0.19 acre in size and has access to W Ida St by means of an easement over Parcel 2 of Partition Plat 2011-007

WHEREAS, the subject property is currently vacant;

WHEREAS, the subject property is zoned LD;

WHEREAS, the neighboring properties to the south are zoned LD. Parcel 2 of Partition Plat 2011-2007 is developed with a non-conforming multi-family dwelling and the other parcel is developed with a single family dwelling. The neighboring property to the west is zoned LD and is developed with a single family dwelling. The neighboring property to the north is zoned Light Industrial and is vacant. The adjacent property to the east is zoned LD and is narrow strip of land which is part of a larger parcel. To the east of that is a public alley. To the east of that is a property zoned LD and developed with a single family dwelling;

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

WHEREAS, following a public hearing on November 30, 2020, 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 September 30, 2020, more than 35 days in advance, as required by ORS 197.610.

WHEREAS, the City Council held a public hearing on the application on January 4, 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 Residential.

- 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 an 8-inch water line in W Ida St. There is a 15-inch sewer main on the south side of W Ida St. There is an 8-inch storm drain line in W Ida St with a catch basin on the north side just west of the Parcel 1. The conditions of approval from 2009 for the partitioning included the following:

- The applicant shall install at his sole cost and expense either:
 - a. a fire hydrant connecting to the 8” water main on W. Ida St. The hydrant will be located near the west property boundary on Parcel 2, either in the W. Ida ROW or in the new PUE required under condition #1 above, or
 - b. an on-site building sprinkler system complying with requirements of the Oregon State Fire Marshall and/or the applicable State of Oregon building codes.
 - Parcel 1 will require a separate new 4-inch service individually connected to the City sewer. Sewer services longer than 100 feet require a cleanout every 100 feet.
 - Parcel 1 will require a separate new water service. The water meters will be located in the Ida St right-of-way adjacent to the driveway.
- 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: Policy HO-1 calls for the City to encourage development of housing that meets the needs of all income groups of existing and future residents. The Zone Map amendment will create an additional vacant lot available for duplex development. The Comprehensive Plan indicates the need for an additional 193 units in duplexes and attached single family homes. Since adoption of the plan there have been only six new units in duplexes constructed and no attached single family homes.

- 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 66 vacant lots within the City that are zoned LD, with a combined acreage of 87 acres. There are 65 vacant lots zone MD, with a combined acreage of 17 acres.

- 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 potential uses allowed by the proposed zone that are not permitted currently would include duplex and triplex. The parcel is not large enough to be partitioned into two parcels in the MD zone. The parcel is not large enough for a triplex. The adjacent Parcel 1 is already developed with a nonconforming fourplex.

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 Low Density Residential to Medium Density Residential

Beginning at the southeast corner of tax lot 091W09DB00301; thence northerly 79.75 feet to the northeast corner of tax lot 091W09DB00301; thence westerly 157.82 feet to the northwest corner of tax lot 091W09DB00301; thence southerly 27.17 feet to the northerly southwest corner of tax lot 091W09DB00301; then easterly 33.09 feet to a curve to the south and southerly 27.25 feet to the southerly southwest corner of tax lot 091W09DB00301; thence easterly 79.26 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 4th day of January, 2021.

CITY OF STAYTON

Signed: 1/11, 2021

BY:


Henry A. Porter, Mayor

Signed: 1/11, 2021

ATTEST:


Keith D. Campbell,
City Manager

