

ORDINANCE NO. 975

AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN AND THE STAYTON ZONING MAP FOR THE PROPERTY LOCATED AT 274 W WASHINGTON STREET

WHEREAS, William Martinak is the owner of 274 W Washington St, Stayton, Oregon and has submitted applications for a Comprehensive Plan amendment from Commercial to Residential and a Zoning Map amendment from Commercial General to Medium Density Residential as to that property (“subject property”);

WHEREAS, the subject property is identified as tax lot 5700, Township 9, Range 1 West of the Willamette Meridian, Section 10CA, Stayton, Oregon;

WHEREAS, the subject property is 14,459 square feet in area with approximately 115 feet of frontage on W Washington St and 125 feet of frontage on an alley along the parcel’s east side. The subject property was formerly developed with a single family detached dwelling, but is now vacant;

WHEREAS, the neighboring properties to the south are zoned Medium Density Residential (MD) and are developed with single family dwellings. The neighboring property to the west is zoned CG and is developed as a dry cleaning and laundry service establishment. The neighboring properties to the north, across W Washington St, are zoned CG and are developed with single family dwellings. One of the properties to the north also has a photography studio. The adjacent property to the east, across the alley, is zoned CG and is developed with a single family dwelling.

WHEREAS, applications for an amendment to the Comprehensive Plan are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, section 17.12.170.6.

WHEREAS, applications for an amendment to the 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 October 27, 2014, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the applications;

WHEREAS, the Stayton City Council held a public hearing on November 17, 2014, and, pursuant to SMC 17.12.170.6 and SMC 17.12.180.5, makes the following findings regarding each of the approval criteria:

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area is designated Commercial, it is a residential area. Conversion from Commercial

designation to Residential designation shall help maintain the residential area. There are no area plans relative to this area. See the findings under compliance with statewide planning goals below.

- 2) *The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Findings: The adopted Comprehensive Plan notes that there were 28 vacant lots zoned Medium Density Residential in February 2011 for a total land area of 10 acres. The Planning Department reports that development activity since that time has resulted in a current inventory of 17 vacant lots with a total land area of 7.7 acres. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

- 3) *Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.*

Findings:

Goal 1 is in regards to citizen involvement. The application is subject to the public hearing standards established in SMC 17.12.090 and 17.12.100 and Oregon Revised Statutes 227.160 to 186. Two public hearings were held on the applications

Goal 2 is in regards to land use planning. The City's adopted Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in May, 2013. DLCD was notified of this application on September 15, 2014. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regards the preservation of agricultural lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 4 is in regards to the preservation of forest lands. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 5 is in regards to open spaces, scenic and historic areas and natural resources. This property is not designated as open space, scenic, or historic by the Comprehensive Plan.

Goal 6 is in regards air, water and land resources. The property for this application is located inside the City Limits and zoned with City urban development zones.

Goal 7 is in regard to areas subject to natural disasters and hazards. There are no identified natural hazards on this property

Goal 8 is regards to recreation. The City has a Parks Master Plan that addresses the recreational needs of the community. This property is not identified for any future recreational facilities.

Goal 9 is to provide adequate opportunities for a variety of economic activities. The proposed amendment would reduce the amount of land designated as commercial. However, this property has historically been used as residential. The neighborhood is mostly residential. The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City.

Goal 10 is to provide for the housing needs of the State. The proposed amendment would increase the opportunities for residential development. The property has historically been used as residential. The Comprehensive Plan notes the need for an additional 193 attached single family and duplex units during the planning period. Conversion to Medium Density Residential would provide the opportunity for duplex units to be constructed.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcel is served by public water and sewer without any extension of facilities needed.

Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The City has an adopted Transportation System Plan. The applicant has submitted a Traffic Impact Analysis (TIA), completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the construction of new residences, meeting modern energy codes.

Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendment does not impact the City's urban growth boundary and is completely within the City Limits.

Goals 15 through 19 are regarding the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes, and ocean resources, respectively. The City is not located on the Willamette River or on the Oregon Coast.

- 4) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Findings: The applicant has submitted a Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

- 5) *The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.*

Findings: The Comprehensive Plan indicates that there are 23 vacant commercial parcels comprising 19 acres of land in the City. There have been only two proposals for new construction of commercial structures in the past eight years.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Findings: The site is fully served with sewer, water and storm drainage services. The proposal will have no impact on these services.

- 7) *Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.*

Findings: Most of the adjacent lands are currently in residential use, with the exception of the parcel to the west, which is a dry cleaning and laundry establishment. The proposed amendment would allow residential development.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria. Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 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: A concurrent application for a Comprehensive Plan Map amendment has been filed.

- 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 12-inch water line on the north side of W Washington St. There is an 8-inch sewer main in the alley to the east of the parcel. There is a 10-inch storm drain line on the north side of W Washington St. with a catch basin on the south side, approximately 15 feet east of the alley. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

- 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 Traffic Impact Analysis, completed by Frank Charbonneau. The Analysis concludes that the potential traffic from the comprehensive plan amendment and zoning amendment would not adversely impact the transportation system. The TIA was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions.

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

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. Though this area has been designated Commercial and zoned Commercial General, it is primarily a residential area and the property has previously been used as a single family residence.

- 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 Comprehensive Plan notes that there were 12 vacant lots zoned Commercial General comprising 6 acres of land in February 2011. The Plan also notes that there were 28 vacant lots, comprising 10 acres of land, zoned Medium Density Residential. The subject property was not vacant at the time that inventory was completed, having a single family dwelling that has since been demolished. Since the completion of the Comprehensive Plan, the Planning Department reports development activity has resulted in a current inventory of 17 vacant lots zoned Medium Density with a total land area of 7.7 acres. With the exception of the subject property there has been no change in the amount of vacant land zoned Commercial General.

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

Findings: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 15, 2014.

WHEREAS, pursuant to the findings above, the City Council concludes that the Comprehensive Plan amendment and Zoning Map amendment are compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Comprehensive Plan Map Changed. Based on the Findings and Conclusions set forth above, the Stayton Comprehensive Plan Map is amended as follows:

Area to be changed from Commercial to Residential

Beginning at the intersection of the centerline of W Washington Street and the centerline of an alley at the west end of Potters Addition, Stayton, proceeding southerly along the centerline of the alley a distance of 150 feet; then westerly 125.48 feet; then northerly 150 feet to the centerline of W Washington Street; then easterly to the point of beginning.

Section 2. Zoning Map Changed. Based on the Findings and Conclusions set forth above, the Stayton Official Zoning Map is amended as follows:

Area to be changed from Commercial General to Medium Density Residential

Beginning at the intersection of the centerline of W Washington Street and the centerline of an alley at the west end of Potters Addition, Stayton, proceeding southerly along the centerline of the alley a distance of 150 feet; then westerly 125.48 feet; then northerly 150 feet to the centerline of W Washington Street; then easterly to the point of beginning.


Section 3. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 4. 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 17th day of November, 2014.

CITY OF STAYTON

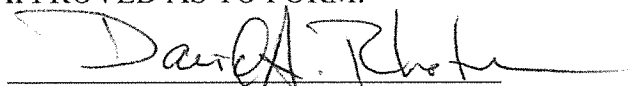
Signed: 11-17, 2014

BY: 
Scott Vigil, Mayor

Signed: 11-17-14, 2014

ATTEST: 
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney