

ORDINANCE NO. 997
AN ORDINANCE CHANGING THE ZONING OF
THE PROPERTY AT 1510 E SANTIAM ST

WHEREAS, the Richard and Diane Koenig Trust is the owner of 1510 E Santiam St, Stayton, Oregon and has 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 property can be identified as tax lot 202, township 9, Range 1 West of the Willamette Meridian, Section 11CB, in Stayton, Oregon;

WHEREAS, the subject property is 18,001 square feet or 0.41 acres in size with 112 feet of frontage on E Santiam St;

WHEREAS, the subject property was formerly used as the shop of a construction contracting company and is developed with a 1,416 square foot building and gravel-surfaced storage area;

WHEREAS, the neighboring properties to the south are zoned LD and MD and are developed with single family dwellings. The neighboring property to the west is zoned MD and is developed with a duplex. The neighboring properties to the north, across E Santiam St, are zoned MD and LD and are developed with single family dwellings. The adjacent property to the east is zoned LD and is 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 June 27, 2016, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the application;

WHEREAS, the City Council held a public hearing on the application on August 1, 2016 and reopened the hearing to additional testimony on August 15, 2016;

WHEREAS, 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. Applicable Comprehensive Plan Policies include HO-1 and HO-4. See finding 4 below regarding these policies.

- 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 E Santiam St. There is an 8-inch sewer main on the south side of E Santiam St. There is a 24-inch storm drain line in an easement along the east side of the subject property with three catch basins on the south side of E Santiam St. The North Santiam School District, Stayton Police

Department and Stayton Fire District were asked to comment on the impact of the proposed zone map amendment on the services they provide. None of these service providers replied that there would be adverse impacts. See finding 3 below regarding transportation services.

- 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 Karl Birky, PE, PTOE. The Analysis determined that during peak traffic periods there would be an estimated 1 additional vehicle using the transportation system. The Analysis concluded that the potential traffic from the zoning amendment would not significantly impact the transportation system. The Analysis was reviewed by the City's transportation engineering consultant who concurred with the methodology and conclusions. There was testimony at the public hearing from the public expressing general concerns about traffic impacts and traffic safety.

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

Findings: Policy HO-1 encourages development of housing that meets the needs of all income groups. The applicant intends to construct a triplex on the property. There has been no triplexes or multi-family housing built within the City in over 15 years. The Comprehensive Plan notes the need for 174 additional multi-family housing units in by 2030. Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. This property has previously been used as commercial use, though the commercial use was discontinued and could not be resumed.

- 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 78 vacant lots zoned Low Density Residential comprising 86 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 Planning Department reports development activity has resulted in a current inventory of 75 vacant lots zoned LD with total land area of 104 acres and 18 vacant lots zoned Medium Density with a total land area of 7.7 acres. At the time of the Comprehensive Plan analysis, the ratio of vacant LD land to vacant MD land was 8.6:1. It is currently 13.5:1. Changing the subject property from LD to MD would help restore the ratio of vacant land closer to what existed at the time of the comprehensive plan.

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

Findings: The only applicable administrative rule is the Transportation Planning Rule (OAR 660-012-0060). See finding 3 above regarding compliance with the TPR.

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 Parcel 3 in Partition Plat No 96-10 as recorded in the Marion County Deed Records and proceeding northerly to the centerline of E Santiam St; thence westerly along the centerline of E Santiam St a distance of 112 feet; thence southerly to the southwest corner of Parcel 3 in Partition Plat No 96-10; thence easterly along the south line of Parcel 3 in Partition Plat 96-10 112 feet to the southeast corner of Parcel 3 in Partition Plat No 96-10 and 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 19th day of September, 2016.

CITY OF STAYTON

Signed: 9/19, 2016

BY:



Henry A. Porter, Mayor

Signed: 9/19, 2016

ATTEST:


Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney