

ORDINANCE 864

AN ORDINANCE AMENDING THE CITY OF STAYTON'S COMPREHENSIVE PLAN AND ZONE MAPS FROM LOW DENSITY RESIDENTIAL (LD) TO PUBLIC SUMI/PUBLIC (P) FOR THE CITY OF STAYTON WATER RESERVIOR LOCATED AT 560 REGIS STREET.

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property at 560 Regis Street as Low Density Residential (LD) District;

WHEREAS, a Low Density Residential District does not allow the placement of water reservoirs;

WHEREAS, the water reservoir was placed at 560 Regis Street prior to the property being designated as Low Density Residential;

WHEREAS, the Public/Semi-Public (P) Comprehensive Plan and zone Maps reflect the correct land use designation for the property located at 560 Regis Street; and

WHEREAS, the Stayton Planning Commission held a public hearing on April 26, 2004 and the City Council held its public hearing on May 17, 2004 addressing the subject map amendments to the Comprehensive Plan and Zone Maps (Land Use File #02-03/04) where upon, the Stayton City Council directed preparation of the Order with findings and conclusions to support the Council's action granting approval to amend the Comprehensive Plan and Zone Maps from (LD) to (P).

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

SECTION 1. Based on the findings of fact established and set forth in the Order of the Stayton City Council dated may 17, 2004, the Stayton Comprehensive Plan and Zone Maps are amended as set forth in said Order (Exhibit A).

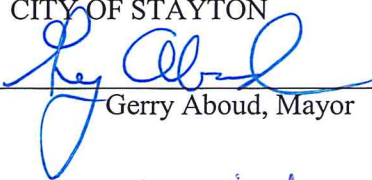
SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance with the Order (Exhibit A) shall become effective 30 days after the date of signing.

SECTION 3. This Ordinance, with said Order dated May 17, 2004, shall be furnished to the Stayton of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 17<sup>th</sup> day of May 2004, by a 5:0 VOTE.

CITY OF STAYTON

Signed: MAY 18, 2004

By:   
Gerry Aboud, Mayor

Signed: May 19, 2004

ATTEST:   
Chris Childs, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

**BEFORE THE STAYTON CITY COUNCIL**

In the matter of the  
Application of  
City of Stayton  
Land Use File #02-03/04

)Comprehensive Plan Map  
)Zone Map Amendment

**ORDER**

**I. NATURE OF APPLICATION**

This matter comes before the Stayton City Council on the application of the City of Stayton for approval of a Comprehensive Plan Amendment and Zone Change to change the current zone of (LD) Low Density Residential to (P) Public/Semi-Public for the City of Stayton Water Reservoir site, located at 550 E. Regis Street.

**II. PUBLIC HEARING**

Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission on April 26, 2004. At the hearing, Land Use File #02-03/04 was made part of the record.

At the conclusion of the hearing, the Planning Commission recommended approval of the application with findings and conditions. The Planning Commission found the application to be consistent with the Comprehensive Plan and the Development Code as set forth in the findings incorporated in their Order.

City Council Action

A public hearing was duly held on this application before the Stayton City Council on May 17, 2004. At the hearing, Land Use File #02-03/04 was made part of the record.

At the conclusion of the hearing, the City Council approved the application, with findings, for the subject amendments to the Comprehensive Plan and zone Maps from (LD) Low Density Residential to (P) Public/Semi-Public for the City of Stayton Water Reservoir site.

**III. FINDINGS**

A. FINDINGS OF FACT GENERAL

1. The applicant is the City of Stayton.

2. The subject parcel is located at 500 E. Regis Street, just west of N. Sixth Avenue.
3. The property is designated (LD) Low Density Residential in the Stayton Comprehensive Plan and Zone Maps.
4. The parcel is further described as tax lot 3400, Township 9 south, range 1 west of the Willamette meridian, section 10AB.
5. Adjacent properties to the east, west and south are designated (LD) Low Density Residential. The parcel of land directly north of the subject parcel is a cemetery and is zoned (P) Public/Semi-Public.
6. Regis water reservoir is located at the site. This property is required to site physical facilities associated with water and telecommunication ancillary uses, and, encourages the collocation of WCF pursuant to Stayton Municipal Code (SMC) 17.20.980. Currently a cell phone company is utilizing the reservoir tower as a telecommunication facility. Due to strong public demand for cell phone service another telecommunication company will be co-locating at this site.

#### B. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Uvision, Stayton Cooperative Telephone Company, Pacific Power & Light, Northwest Natural Gas, Stayton Fire District and Stayton Police Department.

- \* Stayton Fire District and Northwest Natural Gas stated they are not affected by this proposal.
- \* Stayton Police Department reviewed the proposal and had no comments.
- \* City Engineer, Ed Sigurdson commented there is no land use action involved except the zone change. Normally conditions of approval do not apply to zone changes. As an informational item, through negotiations with Sprint, the frontage of the parcel will be fenced.

#### C. PUBLIC COMMENTS

The Planning Department has not received any public comments on this application.

#### D. APPROVAL CRITERIA -ZONE CHANGES

Stayton Municipal Code (SMC) 17.12.430.5 Approval Criteria: "In order to approve a zone change, the following affirmative findings concerning the action must be able to be made by the decision authority and placed into written format as part of the action on the proposal."

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

a. Land Use Patterns

**Finding:** *Adjoining properties to the west, south and east consist of (LD) Low Density Residential properties. Property directly to the north is zoned (P) Public/Semi-Public. The proposed use may not be compatible with adjoining land uses, but existed prior to dwellings in the immediate area.*

b. Traffic generation and circulation.

**Finding:** *Traffic generation will be minimal with two vehicles per week estimated to the subject site.*

c. Population density and impacts of population concentrations.

**Finding:** *The anticipated impact whether the property is zoned (LD) Low Density Residential or (P) Public/Semi-Public is not reflective of the density in the surrounding area.*

d. 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:** *There are no adverse impacts associated with this proposal.*

e. Other similar factors deemed to be of importance to the decision by the Planning Commission or Council.

**Finding:** *The proposed use would not change.*

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

**Finding:** *The location of the water reservoir site is existing and was not properly designated for public use initially.*

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

**Finding:** *Adequate urban services are available in respect to direct street access and electrical power to run the pumps.*

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

**Finding:** *To maintain compatibility requires the Comprehensive Plan and Zone Map Amendment represent the same land use designation.*

5. The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.

**Finding:** *The proposed zone change meets the spirit of the Oregon State Wide Planning Goal 1 Citizen Involvement and Goal 11 Public Facilities.*

#### COMPLIANCE WITH STATEWIDE GOALS

##### **Goal 1: Citizen Involvement**

"Calls for the opportunity for citizens to be involved in all phases of the planning process."

**Finding:** *Public notice of the hearing was mailed to adjacent property owners, to the newspaper and posted at city hall, community center and library buildings. Also, a public hearing sign was posted at the subject property.*

##### **Goal 11: Public Facilities and Services**

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

**Finding:** *All public facilities in the way of water, sewer and storm are available to the site.*

**Conclusion:** The site meets statewide goals 2 & 11.

#### E. APPROVAL CRITERIA - COMPREHENSIVE PLAN AMENDMENT

Stayton Municipal Code (SMC) 17.12.420.5 Approval Criteria: "In order to approve a plan amendment, the following affirmative findings concerning the action must be able to be made by the decision authority."

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 subject property is designated for (LD) Low Density Residential in an area primarily developed for residential use. The existing parcel size does not render it capable for residential use as it contains a city water reservoir.*

2. Impact of the proposed amendment, the extent of existing and proposed land use allocations for the requested uses.

a. Traffic generation and circulation patterns:

**Finding:** *Since the parcel is being utilized for public use, traffic is substantially less than that of a residential site.*

b. Population concentrations;

**Finding:** *The proposal does not involve residential development so that the area's population density will not be affected.*

c. Demand for public facilities and services;

**Finding:** *Existing public facilities will be utilized; no new facilities are required as the result of the plan map amendment.*

d. Maintenance of public health and safety;

**Finding:** *Comparisons can only be based on the potential development associated with each land use designation. On the whole, the proposed public/semi-public use is less likely to have a far greater adverse impact on public health and safety than residential uses.*

e. Level of park and recreation facilities;

**Finding:** *Development of the site will not impact recreational facilities.*

f. Economic activities;

**Finding:** *This action does reduce the amount of land available for low density residential activity; however, the site is currently being utilized for public use rather than residential use.*

g. Protection and use of natural resources;

**Finding:** *Based on the Stayton Comprehensive Plan, significant natural resources requiring special consideration are not located on the property.*

h. Natural hazards and constraints

**Finding:** *The Stayton Comprehensive Plan does not identify natural hazards at this location.*

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

**Finding:** *Since the current use of the parcel is a city water reservoir site, on-going maintenance and improvements to the facility will take place.*

**Comprehensive Plan Policies:**

Chapter 5, Land Use Policies:

LU-1 "Land use designations and zoning shall be consistent."

**Finding:** *The request is to amend the Comprehensive Plan and Zone Map from its present designation of (LD) Low Density Residential to (P) Public/Semi-Public. The Comprehensive Plan and Zone Map designations will be consistent with one another.*

Chapter 5, Land Use Policies:

LU-2 "Zoning shall follow property lines and include entire rights of way as much as practicable."

**Finding:** *The subject parcel being re-zoned with the plan and zone map designations follow the property line boundary.*

#### IV. CONCLUSION

The proposal is a compatible use at this location and is compliant with all applicable approval criteria.

#### V. ORDER

It is hereby found the application does meet the relevant standards and criteria for approval. THEREFORE, it is the decision of the Stayton City Council that the Comprehensive Plan and Zone Map Amendment be approved.

#### VI. CONDITION OF APPROVAL

1. All affected agencies shall be notified of the zone change and comprehensive plan amendment.

#### VII. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State, or Federal agencies.

The City of Stayton land use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits,



or satisfy and restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way covenants or restriction imposed on this property by deed or other instrument.

**VIII. APPEAL DATES**

The Planning Commission's action may be appealed to the Stayton City Council pursuant to Stayton Municipal Code (SMC) Section 17.12.400 APPEALS.

APPROVED BY A 5:0 VOTE OF THE STAYTON CITY COUNCIL ON THIS 17<sup>TH</sup> DAY OF MAY, 2004.

\_\_\_\_\_  
Gerry Aboud, Mayor

\_\_\_\_\_  
Date

ATTEST

\_\_\_\_\_  
Chris Childs, City Administrator

\_\_\_\_\_  
Date

Attachment 'A'

The following is a list of individuals who testified at the City Council public hearing, May 17, 2004, regarding Land Use File #02-03/04, City of Stayton Zone Map and Comprehensive Plan Map Amendment.

None.