

ORDINANCE NO. 1054

AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE PLAN AND THE STAYTON ZONING MAP FOR PROPERTY LOCATED AT 715 E JEFFERSON STREET

WHEREAS, Immaculate Conception Catholic Church is the owner of 715 E Jefferson St, Stayton, Oregon and has submitted applications for a Comprehensive Plan Map amendment from Residential to Public and a Zoning Map amendment from Medium Density Residential (MD) to Public/Semi-Public (P) as to that property (“subject property”);

WHEREAS, the subject property is Tax Lot 1200 as shown on Map 91W10DA and is addressed as 715 E Jefferson St.

WHEREAS, the subject property is designated Residential and zoned Medium Density Residential (MD);

WHEREAS, the neighboring property to the east is zoned Low Density Residential (LD) and is developed with a single family detached dwelling. The neighboring properties to the south, across E Jefferson St, are zoned High Density Residential and developed with a single family dwelling and zoned LD and developed with a single family dwelling. One of the neighboring properties to the west is zoned Commercial Retail and is developed as a live-work unit. The other property to the west is zoned MD and is developed with three single family dwellings. The neighboring property to the north is owned by the applicant, is zoned Public/Semi-Public, and is developed as the campus for the St Mary School;

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 SMC Title 17, section 17.12.180.5.

WHEREAS, following a public hearing on April 25, 2022, 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 May 16, 2022, 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: The Comprehensive Plan describes the purpose of the Public designation as providing uses that serve the public on land owned by government and non-profit organizations. The Plan indicates that the Public designation should not be applied

before land is owned by a government agency or non-profit organization. However, no other direction is provided in the Plan as to the location of Public areas.

- 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 Comprehensive Plan notes that there was one vacant lot zoned Public with a total area of 1 acre. The Planning Department reports that there are currently 16 Public zoned parcels with an improvement value of 0 reported by the Assessor's records. The parcels are either parks, open space tracts in subdivisions owned by a homeowners association, vacant land for future parks owned by the City, cemeteries, or parcels owned by churches and schools who own multiple adjacent parcels with the improvement value assigned to one tax parcel.

- 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 regard 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 regard 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 March 8, 2022. No exception is required whereas this is an amendment within the existing city limits.

Goal 3 is in regard to 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 regard 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 regard to open spaces, scenic and historic areas, and natural resources. There are no "Goal 5 Resources" identified in the Comprehensive Plan on or adjacent to the subject properties.

Goal 6 is in regard to 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 in regard 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. Amendment of the Comprehensive Plan Map designation to Commercial would

increase opportunity for economic activity in the City and would implement the adopted Economic Development Strategy of supporting the expansion of existing businesses.

Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would reduce the amount of land designated for residential use. However, the Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of about 0.1% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be needed during the planning period.

The property proposed for the comprehensive plan amendment has been zoned MD since the adoption of city-wide zoning in the mid-1970s. It appears from the City's records that there was a single family dwelling on it in the mid-1960s. There is no record of when the dwelling was demolished. The Marion County Assessor's records report that the property was obtained by the Church in 1998. The proposal would reduce the amount of land zoned MD by 1.09 acres.

The City has just annexed a 19.1-acre parcel of land which has been zoned MD and will see a mix of single family detached, single family attached, duplex and triplex development.

The Comprehensive Plan projected a need for 193 new single family attached and duplex dwelling units during the 20-year planning period. The city has seen construction of or approved development of 22 units since that time.

Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services. The parcels are 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 submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Tegan Enloe, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 15 peak hour trips. The analysis projected traffic generation from a library as the worst-case scenario under the proposed zoning, with a net increase of 99 peak hour trips. The analysis concluded that all of the study intersections would function within their applicable mobility standards under a worst-case scenario for the proposed changes. The analysis was reviewed by the City's transportation planning consultants who agreed with the methodology and conclusions.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the construction of a new classroom building on the campus on an existing primary school.

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 submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Tegan Enloe, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 15 peak hour trips. The analysis projected traffic generation from a library as the worst-case scenario under the proposed zoning, with a net increase of 99 peak hour trips. The analysis concluded that all the study intersections would function within their applicable mobility standards under a worst-case scenario for the proposed changes. The analysis was reviewed by the City's transportation planning consultants who agreed 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: There are 1,825 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicates that there are 921 buildable acres of land inside the UGB, and outside of the City Limits. Since that time, there have been about 73 acres of residential land annexed. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there were 144 acres of buildable land in the city zoned for residential use. The Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. This amendment would result in a decrease of about 0.1% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be need during the planning period.

- 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 application indicates that the proposed development will be a four-classroom school building for early childhood education. There is an 8-inch water main in E Jefferson St. There is an 8-inch sewer main in E Jefferson St with a sanitary manhole in front of the subject property. The sewer main flowing from the manhole is a 12-inch sewer main. There is a 12-inch storm main flowing west and a 10-inch storm main flowing east in E Jefferson St, meeting at a storm drain manhole in front of the subject property. There is a 12-inch storm drain through the subject property from the St Mary School campus to the storm drain manhole in E Jefferson St. The outflow from the storm drain manhole is an 18-inch storm main.

Development of the property for the learning center will require site plan review approval, for which an application for approval has not yet been submitted. At the time

of site plan review a detailed analysis of the impact of the development on public facilities and services will be conducted.

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

Findings: The properties to the east, south, and west of the subject property are zoned residential and in residential uses, except for the property at the northeast corner of E Jefferson St and N Sixth Ave, which was rezoned to CR in 2007. The property to the north is the applicant's campus for the St Mary School.

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: There is a concurrent application to amend the Comprehensive Plan Map designation from Residential to Public.

- 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 main in E Jefferson St. There is an 8-inch sewer main in E Jefferson St with a sanitary manhole in front of the subject property. The plowing flowing from the manhole is a 12-inch sewer main. There is a 12-inch storm main flowing west and a 10-inch storm main flowing east in E Jefferson St, meeting at a storm drain manhole in front of the subject property. There is a 12-inch storm drain through the subject property from the St Mary School campus to the storm drain manhole in E Jefferson St. The outflow from the storm drain manhole is an 18-inch storm main.

- 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 submitted an analysis of the potential impacts of the Zone Map amendment on the transportation system. The analysis was prepared by Tegan Enloe, PE. The analysis estimated that under the current MD zoning and the worst-case traffic generation would be 15 peak hour trips. The analysis projected traffic generation from a library as the worst-case scenario under the proposed zoning, with a net increase of 99 peak hour trips. The analysis concluded that all the study intersections would function within their applicable mobility standards under a worst-case scenario for the proposed changes. The analysis was reviewed by the City's transportation planning consultants who agreed with the methodology and conclusions.

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

Findings: Two categories of comprehensive policies are appropriate to look at with this application: housing and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The subject property is vacant.

Policy LU-1 is that the City will adopt a zoning map consistent with the Comprehensive Plan Map. This policy is to be implemented by an action that zoning district boundaries are to follow property lines and rights of way centerlines as much as practicable.

While there are no policies directly related to the Public/Semi-Public zone, the Comprehensive Plan narrative discusses applying the Public designation to property after it acquired by a public agency or nonprofit organization.

- 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 currently 16 vacant lots within the City that are zoned MD, with a combined area of 27 acres. Eleven of the parcels are smaller than one acre. One parcel is over 19 acres. While there may be 16 parcels zoned P without any improvement value according to the Assessor's records, they are not necessarily available for development purposes. For instance, the existing St Mary School campus is made up of five tax parcels, three of which are assigned 0 value for improvements. The subject parcel is adjacent to the existing school campus therefore the only parcel suitable for the proposed use without the removal of existing housing.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060. Notice was provided to the Department of Land Conservation and Development more than 35 days prior to the first evidentiary hearing as required by OAR 660-018-0020.

- 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 subject property is flat and level. No physical characteristics, natural resources or hazards are identified that create obstacles or prevent its use in the proposed zone or for the proposed use.

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 Residential to Public

Beginning at a point on the centerline of E Santiam St at a point 17 feet north and 51 feet east of the northeast corner of Lot 1, Block 1, Hollister's Addition in Section 10, Township 9 South, Range 1 West, then proceeding easterly along the centerline of E Santiam St to a

point 17 feet north of the easterly terminus of the south right of way of E Santiam St; thence southerly to the easterly terminus of the south right of way E Santiam St; thence easterly to the northeast corner of Tax Lot 1200 of Marion County Assessor's Map 091W10DA; thence southerly 202 feet along the east line of Tax Lot 1200 to the southeast corner of Tax Lot 1200; thence southerly 30 feet to a point on the centerline of E Jefferson St; thence westerly along the centerline of E Jefferson St 229.5 feet; thence northerly 30 feet to the southwest corner of Tax Lot 1200; thence northerly 100 feet; thence easterly 10 feet; thence northerly 117 feet to the centerline of E Santiam St and the point of beginning.

A portion of the revised Comprehensive Plan Map, illustrating the amendments to the Comprehensive Plan Map is included as Exhibit A, attached hereto and incorporated herein.

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 Medium Density Residential to Public/Semi-Public

Beginning at a point on the centerline of E Santiam St at a point 17 feet north and 51 feet east of the northeast corner of Lot 1, Block 1, Hollister's Addition in Section 10, Township 9 South, Range 1 West, then proceeding easterly along the centerline of E Santiam St to a point 17 feet north of the easterly terminus of the south right of way of E Santiam St; thence southerly to the easterly terminus of the south right of way E Santiam St; thence easterly to the northeast corner of Tax Lot 1200 of Marion County Assessor's Map 091W10DA; thence southerly 202 feet along the east line of Tax Lot 1200 to the southeast corner of Tax Lot 1200; thence southerly 30 feet to a point on the centerline of E Jefferson St; thence westerly along the centerline of E Jefferson St 229.5 feet; thence northerly 30 feet to the southwest corner of Tax Lot 1200; thence northerly 100 feet; thence easterly 10 feet; thence northerly 117 feet to the centerline of E Santiam St and the point of beginning.

A portion of the revised Official Zoning Map, illustrating the amendments to the Official Zoning Map is included as Exhibit B, attached hereto and incorporated herein.

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 16th day of May, 2022.

CITY OF STAYTON

Signed: 5/16, 2022 BY: Henry A. Porter
Henry A Porter, Mayor

Signed: 5/16, 2022 ATTEST: Alissa Angelo
Alissa Angelo, Interim City Manager

EXHIBIT A, EXCERPT FROM REVISED COMPREHENSIVE PLAN MAP



EXHIBIT B, EXCERPT FROM OFFICIAL ZONING MAP

