



**AGENDA**  
**STAYTON CITY COUNCIL**  
**Monday, May 15, 2023**  
Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

**HYBRID MEETING**

The Stayton City Council will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also be live streamed on the City of Stayton's YouTube account. Please use the following option to view the meeting:

- 7:00 p.m. – City Council Regular Session – [https://youtu.be/tdiE\\_OlRg8](https://youtu.be/tdiE_OlRg8)

**Public Comment and Public Hearing Testimony:** Meetings allow for in-person, virtual, or written public comment. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **no less than three hours prior to the meeting start time** to make arrangements to participate.

Comments and testimony are limited to three minutes. All parties interested in providing public comment or testifying as part of a public hearing shall participate using one of the following methods:

- **In-Person Comment:** Parties interested in providing in-person verbal public comment shall fill out a "Request for Recognition" form available at the meeting. Forms must be filled out and submitted to the Assistant City Manager or designee prior to the meeting start time.
- **Video or Audio Conference Call:** Parties interested in providing virtual public comment shall contact City staff at [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** with their request. Staff will collect their contact information and provide them with information on how to access the meeting to provide comment.
- **Written Comment:** Written comment submitted to [citygovernment@staytonoregon.gov](mailto:citygovernment@staytonoregon.gov) **at least three hours prior to the meeting start time** will be provided to the public body in advance of the meeting and added to the City Council's webpage where agenda packets are posted.

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- 1. CALL TO ORDER** **7:00 PM**
  - 2. FLAG SALUTE**
  - 3. ANNOUNCEMENTS**
    - a. Additions to the agenda
    - b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

**4. APPOINTMENTS**

**5. PUBLIC COMMENT**

**6. CONSENT AGENDA**

- a. May 1, 2023 City Council Regular Session Minutes

**7. PRESENTATIONS**

- a. Shaff Rd. and Golf Club Rd. Roundabout – Caleb Cox, Kittelson & Associates

**8. PUBLIC HEARING**

**Ordinance No. 1061 Comprehensive Plan Zone Map  
Amendment Stayton Vet Clinic**

**ACTION**

- a. Commencement of Public Hearing
- b. Staff Introduction
- c. Applicant Presentation
- d. Staff Report
- e. Questions from the Council
- f. Proponents’ Testimony
- g. Opponents’ Testimony
- h. Neutral/Other Testimony
- i. Questions from the Council
- j. Applicant Summary
- k. Staff Summary
- l. Close of Hearing
- m. Council Deliberation
- n. Council Decision on Ordinance No. 1061

**9. COMMUNICATIONS FROM CITY STAFF**

- a. City Manager Updates / Announcements

**10. COMMUNICATION FROM MAYOR AND COUNCIL**

**11. ADJOURN**

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations, contact City Hall at (503) 769-3425.*

## CALENDAR OF EVENTS

<b>MAY 2023</b>				
Monday	May 15	City Council	7:00 p.m.	<a href="https://youtu.be/tdiE_OLtRg8">https://youtu.be/tdiE_OLtRg8</a>
Monday	May 22	Budget Committee	6:00 p.m.	<a href="https://youtu.be/GdgrfLz-HFc">https://youtu.be/GdgrfLz-HFc</a>
Wednesday	May 24	Budget Committee	6:00 p.m.	<a href="https://youtu.be/T5RFPCUVk2A">https://youtu.be/T5RFPCUVk2A</a>
Thursday	May 25	Budget Committee	6:00 p.m.	<a href="https://youtube.com/live/Z1rvJYxP0Vw">https://youtube.com/live/Z1rvJYxP0Vw</a>
Monday	May 29	<b>CITY OFFICES CLOSED IN OBSERVANCE OF MEMORIAL DAY</b>		
Tuesday	May 30	Planning Commission	7:00 p.m.	Stayton Community Center
<b>JUNE 2023</b>				
Monday	June 5	City Council	7:00 p.m.	<a href="https://youtu.be/u_mAHKNfDXI">https://youtu.be/u_mAHKNfDXI</a>
Tuesday	June 6	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	June 12	Homeless Task Force	6:00 p.m.	Stayton Community Center
Monday	June 19	City Council	7:00 p.m.	<a href="https://youtu.be/ljITNVuYlfc">https://youtu.be/ljITNVuYlfc</a>
Wednesday	June 21	Library Board	6:00 p.m.	Stayton Public Library
Monday	June 26	Planning Commission	7:00 p.m.	Stayton Community Center
<b>JULY 2023</b>				
Monday	July 3	City Council	7:00 p.m.	<a href="https://youtu.be/dskXUVCL23E">https://youtu.be/dskXUVCL23E</a>
Tuesday	July 4	<b>CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY</b>		
Monday	July 10	Homeless Task Force	6:00 p.m.	Stayton Community Center
Tuesday	July 11	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	July 17	City Council	7:00 p.m.	<a href="https://youtu.be/WpRmQT6c8dA">https://youtu.be/WpRmQT6c8dA</a>
Wednesday	July 19	Library Board	6:00 p.m.	Stayton Public Library
Monday	July 31	Planning Commission	7:00 p.m.	Stayton Community Center
<b>AUGUST 2023</b>				
Tuesday	August 1	Parks and Recreation Board	6:00 p.m.	Stayton Community Center
Monday	August 7	City Council	7:00 p.m.	<a href="https://youtu.be/0q6BeCBrToo">https://youtu.be/0q6BeCBrToo</a>
Monday	August 14	Homeless Task Force	6:00 p.m.	Stayton Community Center
Monday	August 21	City Council	7:00 p.m.	<a href="https://youtu.be/-kcQELCRBsI">https://youtu.be/-kcQELCRBsI</a>
Wednesday	August 16	Library Board	6:00 p.m.	Stayton Public Library
Monday	August 28	Planning Commission	7:00 p.m.	Stayton Community Center



**City of Stayton  
City Council Minutes  
May 1, 2023**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA, STAYTON  
**Time Start:** 7:02 P.M. **Time End:** 7:40 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

COUNCIL	STAYTON STAFF
Mayor Brian Quigley	Julia Hajduk, City Manager
Councilor David Giglio	Alissa Angelo, Assistant City Manager
Councilor Ben McDonald	Lance Ludwick, Public Works Director (excused)
Councilor Jordan Ohrt (excused)	Dan Fleishman, Director of Planning & Development (Zoom)
Councilor David Patty	Gwen Johns, Police Chief (arrived @ 7:18 p.m.)
Councilor Stephen Sims	Janna Moser, Library Director
	Tammy Bennett, Office Specialist

AGENDA	ACTIONS
<b>REGULAR MEETING</b>	
<b>Announcements</b>	
a. Additions to the agenda	None.
b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None.
<b>Appointments</b>	None.
<b>Public Comment</b>	
a. Erin Cramer	Mr. Cramer is running for re-election on the North Santiam School District Board.
<b>Consent Agenda</b>	
a. April 17, 2023 City Council Regular Session	Motion from Councilor Patty, seconded by Councilor McDonald, to approve the consent agenda as presented. <b>Motion passed 4:0.</b>
<b>Presentations</b>	
Fiscal Year 2021-22 Audit – SingerLewak LLP	Brad Bingenheimer of SingerLewak LLP gave an overview of the City audit.
<b>General Business</b>	
<b>Resolution No. 1061 Plan of Action for Audit FY2021-22</b>	
a. Staff Report – Julia Hajduk	Ms. Hajduk reviewed the staff report.
b. Public Comment	None.
c. Council Discussion	None.

<p>d. Council Decision</p> <p><b>Discussion of Council Rules</b></p> <p>a. Staff Report – Julia Hajduk</p> <p>b. Public Comment</p> <p>c. Council Discussion</p>	<p>Motion from Councilor McDonald, seconded by Councilor Giglio, to accept and adopt the attached plan of action in response to the audit findings for FY 2021-22 and authorizes the City Manager and Mayor to sign the Plan of Action.</p> <p><b>Motion passed 4:0.</b></p> <p><i>Council postponed this discussion to a later date due to the absence of Councilor Ohrt.</i></p>
<p><b>Communications from City Staff</b></p> <p>a. City Manager Updates / Announcements</p>	<p>Ms. Hajduk introduced the City’s new Finance Director, James Brand.</p> <p>Ms. Hajduk shared the “Mayor Monday” segment that aired on KOIN TV, May 1, 2023 featuring Mayor Quigley.</p>
<p><b>Communications from Mayor and Council</b></p>	<p>Mayor Quigley reminded citizens that the Budget Committee has one position still open.</p> <p>Councilor Patty expressed appreciation in the collaboration between the City Council and the North Santiam School District Board.</p> <p>Mayor Quigley and Councilor Sims will attend the Ways and Means Committee, Wednesday, May 3, 2023 requesting funding for the Ida Street Sewer Project.</p>

APPROVED BY THE STAYTON CITY COUNCIL THIS 15<sup>th</sup> DAY OF MAY 2023, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_

Brian Quigley, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Julia Hajduk, City Manager

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_

Tammy Bennett, Office Specialist



**CITY OF STAYTON**  
**M E M O R A N D U M**

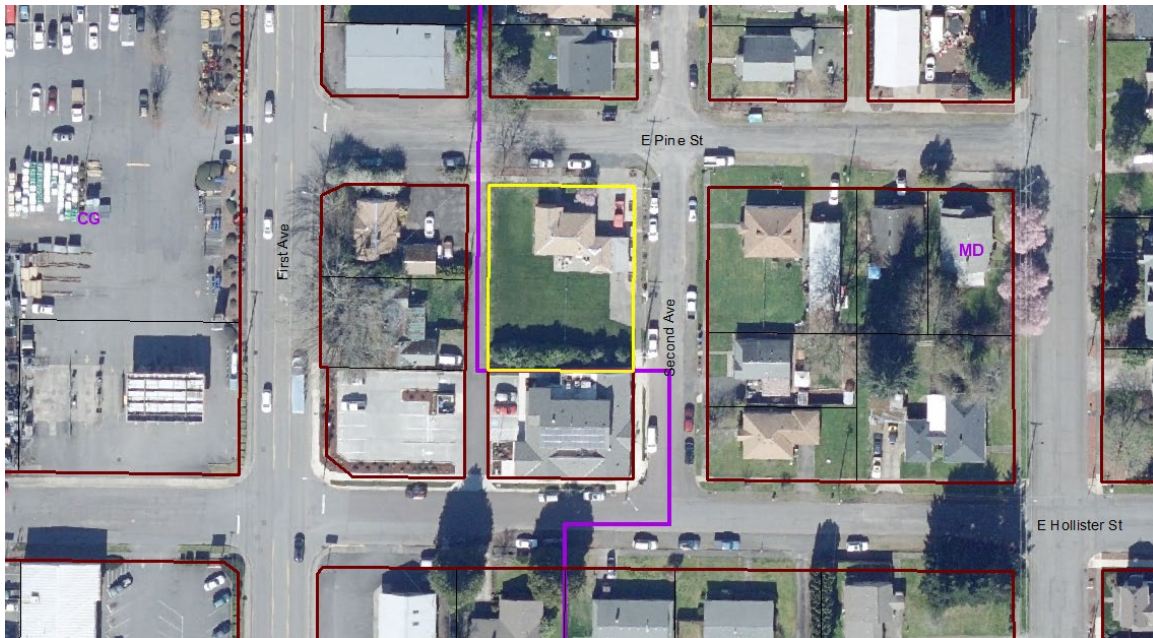
**TO: Mayor Brian Quigley and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: May 15, 2023**  
**SUBJECT: Comprehensive Plan Map and Zone Map Amendments, 190 E Pine St**

**ISSUE**

The issue before the City Council is a public hearing on applications to amend the Comprehensive Plan Map and the Official Zoning Map for the property at 190 E Pine St. The Comprehensive Plan Map amendment is from Residential to Commercial. The Official Zoning Map amendment is from Medium Density Residential to Commercial General. Following the public hearing, the Council will be requested to consider Ordinance 1061 to amend the Comprehensive Plan Map and the Official Zoning Map.

**BACKGROUND INFORMATION**

The subject property is comprised of a 0.2-acre parcel addressed as 190 E Pine St. The parcel is developed with a building that has been a single family dwelling. The parcel is shown below in a March 2020 aerial photo:



Between the time Zoning was enacted and 2018, the property had been designated Commercial and zoned Commercial General. In 2018, the city initiated a zoning amendment in several areas of the City to reduce the number of nonconforming single family dwellings. At that time the Comprehensive Plan designation was changed from Residential to Commercial and the Zoning from Commercial General to Medium Density Residential.

The property had been used as a single family detached dwelling. The applicant purchased the property in October 2022, along with the properties to the west of the alley between N First Ave and N Second Ave.

All of the other properties in the block bordered by N First Ave, E Pine St, N Second Ave, and E Hollister St are currently designated Commercial and zoned Commercial General.

### **ANALYSIS**

This report presents the Planning Staff's summary and analysis concerning this application. It was developed with the input of other City departments and agencies.

The application consists of the application form, the applicant's narrative, and an analysis required by the state's Transportation Planning Rule.

There are three criteria that staff brings to the Council's attention as requiring your analysis and conclusions the criteria are met.

The City's transportation planning consultant has reviewed the TPR analysis and concurred with the conclusion that the potential development from the zone map amendment will not have a detrimental impact on the City's transportation system, provided that a trip cap of no more than 200 vehicle trips per day is established.

The City Engineer has pointed out that while the utility facilities in the area of the property are adequate, this property drains to the portions of the sewer system that are experiencing capacity issues. Future development of the property may be impacted by the ability of the sewer system to handle increased flows.

There was oral testimony at the Planning Commission's hearing and written testimony submitted that included with the Council's packet regarding impacts of the amendments on the neighborhood. The City Council will need to determine that uses allowed in the proposed designation will not significantly adversely affect existing or planned uses in the area.

### **RECOMMENDATION**

The Planning Commission has recommended approval, as indicated in the attached order.

The staff also recommends approval as reflected in the draft ordinance that is included in the packet, which includes the recommended cap on vehicle trips from the property.

There may be testimony at the public hearing that requires the draft ordinance be modified to reflect that testimony.

### **OPTIONS AND MOTIONS**

The City Council is presented with the following options.



**1. Approve the application and the first consideration of Ordinance 1061**

Move to approve the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and Ordinance 1061 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance 1061 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance 1061 will be brought before the Council for a second consideration at the June 5, 2023 meeting.

**2. Approve the application and Ordinance 1061 with modifications**

Move to approve the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and Ordinance 1061 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance 1061 will be brought before the Council for a second consideration at its June 5, 2023 meeting.

**3. Deny the application**

Move to deny the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and direct staff to prepare a draft Order of Denial for consideration by the City Council.

**4. Continue the hearing until June 5, 2023.**

Move to continue the public hearing on the applications Dark Horse Enterprises, LLC (Land Use File #2-02/23) until June 5, 2023.

**5. Close the hearing but keep the record open for submission of written testimony.**

Move to close the hearing on the applications of Dark Horse Enterprises, LLC (Land Use File #2-02/23) but maintain the record open to submissions by the applicant until May 30, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on June 13, 2023.

**6. Close the hearing and record and continue the deliberation to the next meeting.**

Move to continue the deliberation on the applications of Dark Horse Enterprises, LLC (Land Use File #2-02/23) until June 5, 2023.



CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: Dark Horse Enterprises, LLC (Mike Reynolds)
Address: 1308 N. 1st Avenue
City/State/Zip: Stayton, OR 97383
Phone: (503) 769 7387 Email: mreynolds@staytonveterinary.com

APPLICANT:
Address: same as owner
City/State/Zip:
Phone: ( ) - Email:

APPLICANT'S REPRESENTATIVE: Tracy Brown
Address: 17075 Fir Drive
City/State/Zip: Sandy, OR 97055
Phone: (503) 781 0453 Email:

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name: Tracy Brown
Address: 17075 Fir Drive
City/State/Zip: Sandy, OR 97055
Phone: ( ) 503 781-0453
Email: tbrownplan@gmail.com

ENGINEERING
Name: Mike Ard (Ard Engineering)
Address: 21370 SW Langar Farms Rd. Ste. 1
City/State/Zip: Sherwood, OR 97140
Phone: ( ) 503 862-6960
Email: mike.ard@gmail.com

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: Residential

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: Commercial

LOCATION:

Street Address: 190 E. Pine Street

Assessor's Tax Map and Lot Number(s): 091W10AC tax lot 2800

Closest Intersecting Streets: E. Pine Street and N. 2nd Avenue

SIGNATURE OF APPLICANT:

[Handwritten signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/17/23 Fee Paid: \$ 2000 Receipt No. 192931635PT

Land Use File# 2-02/23



### CITY OF STAYTON APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT

PROPERTY OWNER: Dark Horse Enterprises, LLC  
Address: 1308 N. 1st Avenue  
City/State/Zip: Stayton, OR 97383  
Phone: (503) 769 7387 Email: mreynolds@staytonveterinary.com

APPLICANT: same as owner  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

APPLICANT'S REPRESENTATIVE: Tracy Brown  
Address: 17075 Fir Drive  
City/State/Zip: Sandy, OR 97055  
Phone: (503) 781 0453 Email: tbrownplan@gmail.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING  
Name: Tracy Brown  
Address: 17075 Fir Drive  
City/State/Zip: Sandy, OR 97055  
Phone: ( ) 503 781-0453  
Email: tbrownplan@gmail.com

ENGINEERING  
Name: Mike Ard (Ard Engineering)  
Address: 21370 SW Langar Farms Rd. Ste. 1  
City/State/Zip: Sherwood, OR 97140  
Phone: ( ) 503 862-6960  
Email: mike.ard@gmail.com

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner
- applicant
- applicant's representative
- planning consultant
- engineer

LOCATION:  
Street Address: 190 E. Pine Street  
Assessor's Tax Lot Number and Tax Map Number: 091W10AC tax lot 2800  
Closest Intersecting Streets: E. Pine Street and N. 2nd Avenue

CURRENT ZONE MAP DESIGNATION: MD, Medium Density Residential

PROPOSED ZONE MAP DESIGNATION: CG, Commercial Genral

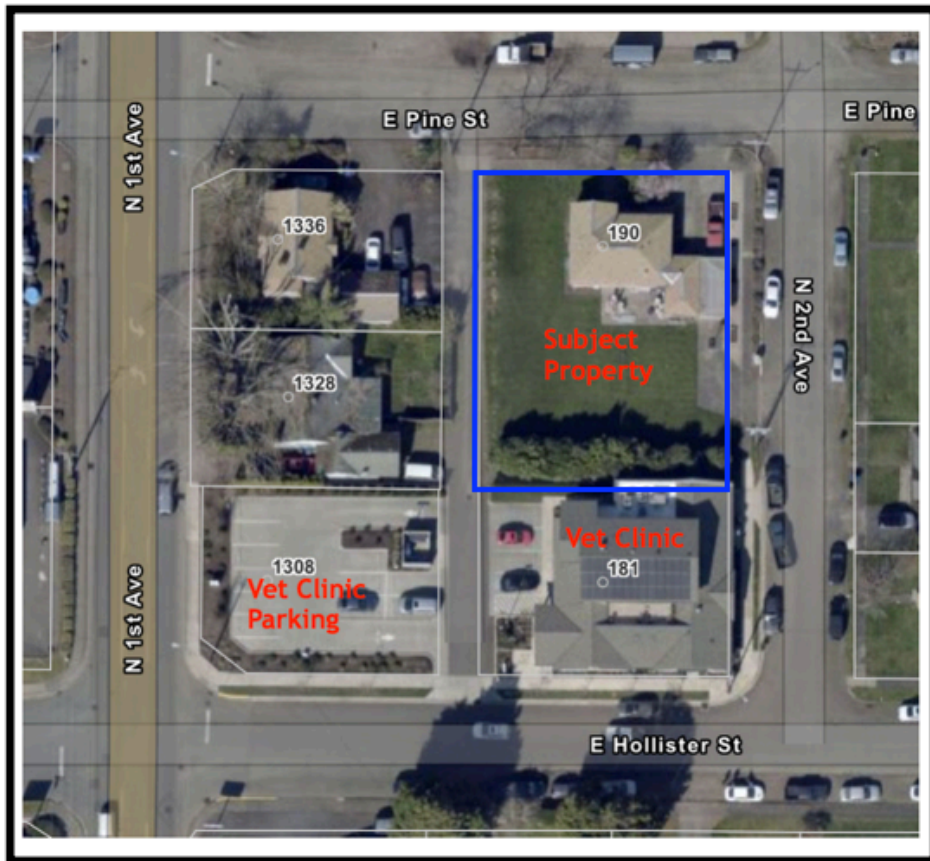
SIGNATURE OF APPLICANT: 

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/17/23 Fee Paid: \$ 2000.00 Receipt No. 192931635PT  
Land Use File# 2-02/23

Comprehensive Plan Map and Zoning Map Amendment  
for  
Dark Horse Enterprises, LLC

190 E. Pine Street (091W10AC tax lot 2800)



February 17, 2023

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## I. Project Description

Dark Horse Enterprises, LLC requests a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they own located at 190 E. Pine Street, Stayton, OR. The subject property is legally described as tax lot 2800, 091W10AC and contains 0.29 acres. The property is located on the corner of E. Pine Street and N. 2nd Avenue and a single family residence is currently located on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation on the property to Commercial General (CG) and the Comprehensive Plan Map designation to Commercial.

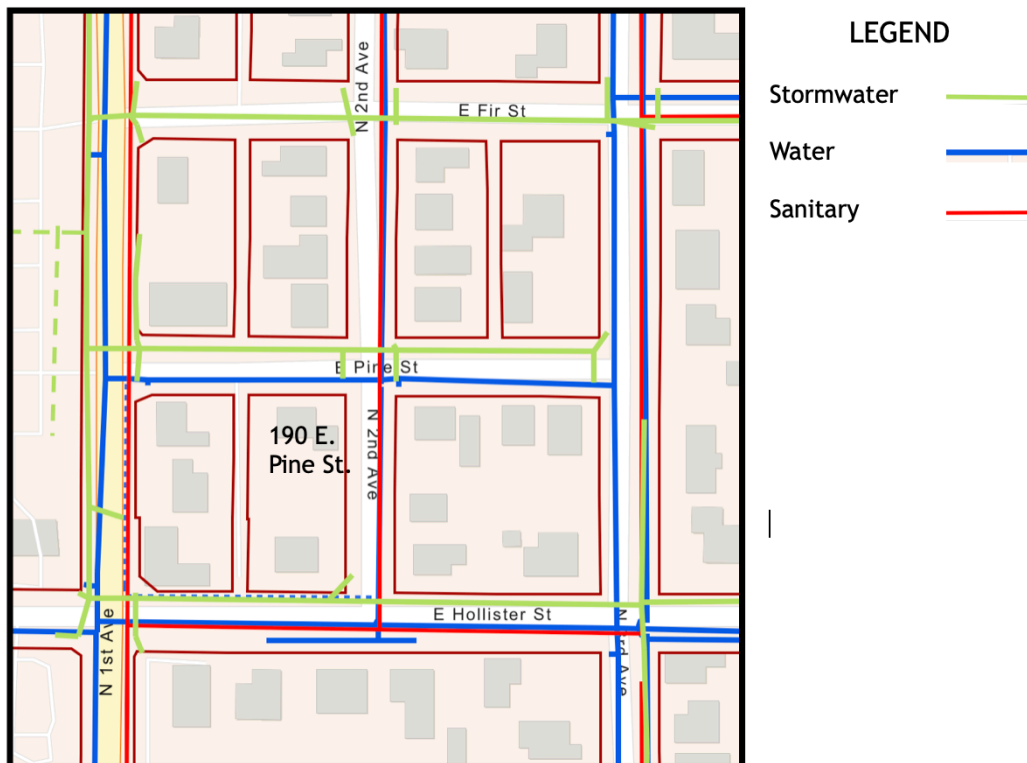
As shown on the Zoning Map below, the subject property is bordered on its southern and western boundaries by property currently zoned Commercial General (CG). These properties also carry a Commercial Comprehensive Plan Map designation. With approval of the proposed zoning change, all properties in this block will carry a CG zoning designation.



The applicant is submitting this application as a first step to prepare the property to expand the Stayton Veterinary Hospital located directly south of the subject property. Given the location of the veterinary clinic and the location of the platted alley bisecting this block, expansion of this facility onto the subject property is the only viable option. A veterinary clinic is not a permitted use in the current Medium Density Residential zoning district but is permitted outright in the Commercial General zone. The requested amendment is necessary to facilitate the expansion of this business.

## Public Utilities

The subject property is well served by existing public utilities as shown on the City's GIS system. Stormwater lines border the site in E. Pine Street to the north and E. Hollister Street to the south. Water service is available in both E. Pine Street and E. Hollister Streets and sanitary sewer service is available to serve the property in N. 2nd Avenue. A review of the City's water and sanitary sewer master plans indicate the subject property is located in an area of the city where all public facilities should have sufficient capacity to serve future development of the property.



## Transportation

The subject property is also well served by improved city streets. The City's Transportation System Plan classifies N. 1st Avenue west of the site as a Major Arterial, E. Hollister Street, south of the site, as a Neighborhood Collector, and E. Pine Street and N. 2nd Avenue that run along the north and east boundaries of the site as Residential Local Streets. As part of the application package, the applicant hired a Transportation Engineer to prepare an analysis regarding compliance with the Transportation Planning Rule (TPR). The Analysis Letter submitted with this application finds the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, the Transportation Engineer proposes a trip cap of 200 average daily trips be imposed with the zone change to ensure the zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule.

## II. Application Approval Requests

The applicant is seeking concurrent review of the following requests with this application:

- Comprehensive Plan Map Amendment
- Zoning Map Amendment

## III. Application Materials

The following items are included with this application:

- Land Use Application
- Project Narrative
- TPR Analysis Letter

## IV. Review of Applicable Approval Criteria

Comprehensive Plan Map and Zoning Map amendment requests are required to comply with the code criteria found in the Stayton Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. The following code sections are reviewed in this narrative:

<u>Section</u>	<u>Title</u>
Section 17.12.170	Comprehensive Plan Amendments
Section 17.12.180	Zoning Map Amendments

### Section 17.12.170 Comprehensive Plan Amendments

1. **Purpose** - The Comprehensive Plan is the City's official and controlling land use document, guiding public and private activities that affect Stayton's growth, development, and livability. ... This section provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purposes. This process applies to proposed amendments to Comprehensive Plan text, goals, policies or actions, and to Comprehensive Plan Map designations.  
*Response: A review of all applicable Comprehensive Plan text, goals, policies, and actions is included below.*
2. **Definition** - A plan amendment may be the redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. Amendments may either be legislative or quasi-judicial amendments.  
*Response: The proposed Comprehensive Plan map amendment has been initiated by a private property owner and will be processed as a quasi-judicial amendment.*
3. **Initiation** - A quasi-judicial Comprehensive Plan amendment may be initiated by an applicant through the submission of an application.  
*Response: The owner of the subject property has submitted this application for review.*
4. **Method of Adoption** - Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Comprehensive Plan amendments shall be adopted by an ordinance passed



by the City Council. All proceeding shall be conducted in accordance with this Chapter.

**Response:** *The City Council will adopt an ordinance with approval of the application request.*

#### 5. Submittal Requirements:

- a. Completed Application form
- b. Evidence of ownership
- c. Map showing property
- d. Narrative statement explaining the request
  - 1) Statement of water, sewer, storm, transportation, park, and school availability.
  - 2) Statement of increased demand of above facilities generated by the proposed change.
  - 3) Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with project demand.
  - 4) Traffic impact analysis in accordance with Section 17.26.050.3.
  - 5) Statement outline the method and source of financing required to provide those additional facilities identified in subsection 3) above.
- e. If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.

**Response:** *All of the items required by this section are included with the application package. The applicant is requesting both a Comprehensive Plan Map amendment to change the Comprehensive Plan map designation from Residential to Commercial and a Zoning Map amendment to change the zoning designation from Medium Density Residential (MD) to Commercial General (CG).*

#### 6. Approval Criteria

##### b. Quasi-judicial Amendment

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.

**Response:** *As reviewed below, the proposal to change the Comprehensive Plan Map designation of 0.29 acres from Residential to Commercial is consistent with applicable Comprehensive Plan goals and policies and statewide planning goals. The subject property is not located within a relevant area plan. Each applicable Comprehensive Plan goals or policies is reviewed below followed by a review of the Statewide Planning Goals. Based on this review, this criterion is satisfied.*

#### ***City of Stayton Comprehensive Plan***

##### ***Chapter 4 - Transportation***

Goal. Provide a transportation system that enhances the safety and security of all transportation modes.

Policy T-5 It is the Policy of the City to improve safety and operational components of existing transportation facilities.

**Response:** *As reviewed in the submitted TPR Analysis, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap*

*will ensure that the zone change does not result in a significant effect on the transportation as defined under Oregon's Transportation Planning Rule.*

Goal. Provide a transportation system that supports existing industry and encourages economic development in the City.

Policy T-19. It is the Policy of the City to provide a transportation system that supports the movement of goods and delivery of services throughout the city while balancing the needs of all users and preserving livability in residential areas and established neighborhoods.

**Response:** *As reviewed in the submitted TPR Analysis, with imposition of the proposed trip cap, the proposal is not expected to adversely affect compliance with this goal and policy.*

#### Chapter 5 - Public Facilities and Services

Goal - Urban development will occur in areas with existing services and in those areas where future extensions of those services can be provided in the most feasible, efficient, and economical manner,

**Response:** *The subject property is located in an area currently served by water, sewer, stormwater, and transportation facilities. As reviewed above, these facilities in the vicinity of the subject property are adequate to serve future development. This condition will not change with approval of this request.*

#### Chapter 6 - Housing

Goal - Existing and future residents will be provided a choice of housing types in safe and healthful housing.

Policy HO-1. It is the Policy of the City to encourage development of housing that meets the needs of all income groups of existing and future residents,

Policy HO-4. It is the Policy of the City to encourage the maintenance, conservation and enhancement of existing residential area and housing stock.

**Response:** *The proposal to change the designation of 0.29 acres of residential land to commercial will have not affect the ability of the city to comply with this goal and policies. The subject property currently abuts existing commercially designated properties along its western and southern boundaries.*

#### Chapter 7 - Economy

Goal - It is the Policy of the City to enhance and protect the vitality of Stayton's existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the City and encouraging the diversification of goods and services available to residents.

Policy EC-2. It is the Policy of the City to enhance and protect the vitality of Stayton's

Existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the City and encouraging the diversification of goods and services available to residents.

**Response:** *The proposal to change the designations of this property from residential to commercial is expected to improve the city's service sector by facilitating the expansion of an existing veterinary business. The subject property*

*is well suited to accommodate this use given its location and size and the location of existing public facilities.*

### Chapter 8 - Land Use

The discussion in this chapter addresses Statewide Planning Goals 9 (Economy), 10 (Housing), and 14 (Urbanization). As reviewed in this chapter the proposal is consistent with the goals policies in this chapter and applicable Statewide Planning Goals.

Goal - Provide for a land use regulation process that promotes a livable community and provides for expeditious review of development proposals.

Policy LU-1 It is the Policy of the City to adopt a zoning map consistent with the Comprehensive Plan Map.

**Response:** *As reviewed below, the proposal is expected to marginally affect the ability of the City to comply with the requirements of Statewide Planning Goals 9, 10, and 14.*

### Statewide Planning Goals

#### Goal 1: Citizen Involvement

**Response:** *The city's review process includes citizen involvement opportunities by sending a public notice to adjoining property owners, sending a notice of the proposal to the Department of Land Conservation and Development, publishing a notice of the public hearing in the local newspaper, and holding public hearings before the Planning Commission and City Council. With these actions, this goal is satisfied.*

#### Goal 2: Land Use Planning

**Response:** *The City of Stayton has a Comprehensive Plan acknowledged by the Department of Land Conservation and Development (DLCD). Notice of the proposal will be sent to DLCD as required. This goal is satisfied.*

#### Goals 3 and 4: Agriculture and Forest Lands

**Response:** *Because the subject property is located within the existing city limits these Goals are not applicable.*

#### Goal 5: Natural Resources

**Response:** *The subject property contains 0.29 acres with an existing single family residence. The subject property does not contain any known natural resources. This goal is satisfied.*

#### Goal 6: Air, Land, and Water Resources

**Response:** *The subject property is located within the existing city limits and as such is designated for development. Any future development/redevelopment of the property will comply with this Goal. This goal is satisfied.*

#### Goal 7: Natural Hazards

**Response:** *The subject property is generally flat and does not contain any known natural hazards. This goal is satisfied.*

Goal 8: Recreational Needs

**Response:** *The City already has an adopted Parks Master Plan identifying community recreational needs. The subject property is not identified for any future park amenity. This goal is satisfied.*

Goal 9: Economic Development

**Response:** *This Goal requires the City to provide adequate opportunities for a variety of economic activities. Approval of this request will help to facilitate a small increase (0.29 acres) in the area of Commercially designated property. In addition, approval of this request also will help to facilitate expansion of the existing Stayton Veterinary Hospital located directly south. This goal is satisfied.*

Goal 10: Housing

**Response:** *Approval of the request is expected to reduce the area of Residential property by 0.29 acres. The City's buildable lands inventory and housing needs analysis (Table 8-3) indicates the city had 138 acres of vacant residential buildable land in the existing city limits and as shown on Table 8-4, there were an additional 921 acres of residential land outside the city limits but with the urban growth boundary. Given the fact the City had over 1,000 acres of residential land, at that time, the request to change 0.29 acres from Residential to Commercial will result in a decrease of this supply by less than 3/10 of one percent. This goal is satisfied.*

Goal 11: Public Facilities

**Response:** *The subject property is served by sanitary sewer and water service and this will not change with approval of this request. Following approval, the applicant's plan is to expand the veterinary hospital onto this property. This development is not expected to result in a significant increase in water or sanitary sewer use from current levels. This goal is satisfied.*

Goal 12: Transportation

**Response:** *This Goal is to provide and encourage a safe, convenient, and economic transportation system. The City has an adopted Transportation System Plan and a Transportation Planning Rule Analysis, prepared by Ard Engineering is included with the application package. As reviewed in this analysis, the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap ensures that the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. With imposition of the proposed trip cap, this goal is satisfied.*

Goal 13: Energy Conservation

**Response:** *The proposal will have no affect on the ability of the City to comply with this goal. This goal is satisfied.*

Goal 14: Urbanization

**Response:** *The proposal satisfies the objective of this Goal by accommodating additional commercial development within the existing Urban Growth Boundary as planned. This goal is satisfied.*

Goals 15 - 19:

**Response:** *These goals are not applicable.*

- 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 project needs for such lands in the Comprehensive Plan.  
**Response:** *The subject property abuts the existing Stayton Veterinary Hospital along its southern boundary. Because of this location and the availability of existing public facilities at the site, the property represents the only reasonable and cost effective location available to expand this facility. This criterion is satisfied.*
  
- 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.  
**Response:** *As reviewed above, the proposal complies with all applicable statewide planning goals. An exception to these Goals is not needed or requested. This criterion is satisfied.*
  
- 4) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).  
**Response:** *As detailed in the TPR Analysis included with this application, the proposed Comprehensive Plan Map amendment from Residential to Commercial could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap will ensure the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. With imposition of the proposed trip cap, this criterion is satisfied.*
  
- 5) The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.  
**Response:** *The City's buildable lands inventory and housing needs analysis is contained in Chapter 6, Housing and Chapter 8, Land Use in the Comprehensive Plan. Tables 8-3 8-4 of the Plan indicates the city had 138 acres of vacant residential buildable land in the existing city limits and an additional 921 acres of residential land outside the city limits but within the urban growth boundary. Given the fact the City had over 1,000 acres of residential land at that time, the applicant's proposal to change 0.29 acres from Residential to Commercial will decrease this supply by less*

*than one percent. The proposal will have a negligible affect on the supply of buildable lands. This criterion is satisfied.*

- 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.  
**Response:** *As discussed above, public facilities including water, sanitary sewer, stormwater, and streets are available and adequate to serve uses allowed under the proposed Commercial plan designation and the veterinary hospital use proposed by the applicant. This criterion is satisfied.*
- 7) Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.  
**Response:** *The subject property abuts properties already designated for Commercial use to the south and west. With approval of the current request these properties and the subject property will be available to be developed to their highest and best use. As shown on the Comprehensive Plan maps, properties to the north and east across E. Pine Street and N. 2nd Avenue are planned and zoned for residential use. With development of the subject property additional buffering may be imposed as a Conditional of Approval of a design review application with development of the property. This criterion is satisfied.*
7. Plan Map: Whenever any land is redesigned pursuant to a plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.  
**Response:** *Following approval of this request, the City will modify the Comprehensive Plan Map to reflect the new Commercial designation on the subject property.*

## **Section 17.12.180 Zoning Map Amendments**

### **1. Purpose:**

The Official Zoning Map must be consistent with the adopted Comprehensive Plan Map, as amended, and as such is a reflection of the City's land use planning goals and policies. The Official Zoning Map has also been adopted as part of this Code and covers only the area within the City Limits, whereas the Comprehensive Plan Map covers the entire area within the Urban Growth Boundary. The purpose of this Section is to allow for amendments to the Official Zoning Map that meet the criteria of this Section.

**Response:** *The applicant requests approval to change the zoning designation for the property from Medium Density Residential (MD) to Commercial General (CG).*

### **2. Definition:**

When the Official Zoning Map is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a Comprehensive Plan designation. In these situations, the zone may be amended without a Comprehensive Plan Map amendment. Section 17.16.020.2 Classification of Zones, lists the relationship between the Comprehensive Plan Map and the Official Zoning Map designations in the City. Official Zone Map amendments are classified as legislative or quasi-judicial, depending on how they are initiated and the

number of properties involved. A legislative amendment is the amendment of the Official Zoning Map, initiated by the City Council or Planning Commission, either to create a new zoning district that does not exist within Chapter 17.16 or to reclassify a large area of the City from one zoning district to another. A quasi-judicial amendment is one requested by a property owner or group of property owners reclassifying their property from one zoning district to another, provided the new zoning district exists within Chapter 17.16.

**Response:** *A concurrent request to change the Residential Comprehensive Plan Map designation on the property to Commercial is included with the applicant's request.*

### 3. Initiation:

An Official Zone Map amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution or by an applicant through the submission of an application.

**Response:** *This request has been initiated by the owner of the subject property.*

### 4. Method of Adoption:

Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Official Zone Map amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.

**Response:** *The City Council will adopt an ordinance approving this request.*

### 5. Submittal Requirements:

In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Official Zone Map amendments shall include the following materials and information:

**Response:** *All of the required items have been submitted.*

### 6. Approval Criteria:

In order to approve an Official Zoning Map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.

#### b. Quasi-judicial Amendments.

- 1) The proposed zone is consistent with the Comprehensive Plan 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.

**Response:** *The applicant requests a concurrent Zoning Map and Comprehensive Plan Map amendments to change these designations on this property from Residential to Commercial. This criterion is satisfied.*

- 2) Existing or anticipated services (water, sanitary sewer, storm sewers, school, police, and fire protection) can be accommodate potential development in the subject area without adverse impact on the affected service area.

**Response:** *As discussed above, all public facilities including water, sanitary sewer, stormwater, and streets are available and have sufficient capacity to serve uses*

*allowed under the proposed zoning designation. Redevelopment of the property to expand the Stayton Veterinary Hospital onto this property will be evaluated further with submittal of a design review application. This criterion is satisfied.*

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

*Response: A TPR Analysis prepared by a Transportation Engineer is included with the application package. As detailed in this document, the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap will ensure that the zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. With the imposition of the proposed trip cap, this criterion is satisfied.*

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

*Response: A review of all applicable goals and policies from the Stayton Comprehensive Plan is addressed in criterion (1), Section 17.12.170 above. As reviewed in this section, the proposal satisfies these goals and policies. This criterion is satisfied.*

- 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 land from any zoning designation.

*Response: As reviewed in criterion (5) of Section 17.12.170 above, the proposal to change the zoning designation for this property will result in a change of less than one percent of the City's residential building lands. The location of the subject property is unique in that it is the only property directly abutting the existing veterinary hospital and the owners purchased this property with the intent of expanding this facility onto the subject property. This criterion is satisfied.*

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

*Response: Notice of the proposal will be sent as required to the Department of Land Conservation and Development. This criterion is satisfied.*

- 7) The physical characteristics of the property proposed for rezoning area 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.

*Response: As reviewed above, an existing veterinary hospital abuts the subject property and the owners of this property purchased the property with the intent of expanding this facility onto the subject property. The physical characteristics of the property including availability of public services, location and characteristics of the*



*the site are appropriate to accommodate the proposed use and development of this use will not result in adverse impact on surroundings uses.*

## **V. Conclusion**

Dark Horse Enterprises, LLC requests a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they own located at 190 E. Pine Street, Stayton, OR. The subject property is legally described as tax lot 2800, 091W10AC and contains 0.29 acres. The property is located on the corner of E. Pine Street and N. 2nd Avenue and a single family residence is currently constructed on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation for the property to Commercial General (CG) and the Comprehensive Plan Map designation to Commercial in order to facilitate expansion of the Stayton Veterinary Hospital located directly south. As demonstrated above, the proposal complies with all applicable criteria and the applicant respectfully requests the application be approved.



21370 SW Langer Farms Pkwy  
Suite 142, Sherwood, OR 97140

## Technical Memorandum

**To:** Mike Reynolds, Stayton Veterinary Hospital  
Jeff Brubaker, Stayton Veterinary Hospital

**From:** Michael Ard, PE

**Date:** February 16, 2023

**Re:** 190 E. Pine Street – Zone Change Analysis

This memorandum is written to provide information and analysis related to a proposed zone change for the property located at 190 E Pine Street in Stayton, Oregon. The subject property is currently zoned “MD” Medium Density Residential and is proposed to be rezoned to “CG” Commercial General, thereby matching the zoning of all other properties on the block. The purpose of the zone change is to facilitate a future expansion of the existing Stayton Veterinary Hospital which is located immediately south of the subject property.

In order to assess the potential transportation impacts of the proposed zone change, an estimate of the trips generated under the “reasonable worst case development scenario” was prepared for the existing and proposed zoning. The potential change in trips thereby represents the maximum increase in traffic which could be attributed to the proposed zone change.

### ***EXISTING ZONING - TRIP GENERATION***

Under the existing MD zoning, the subject property can currently be developed with up to 12 dwelling units per acre. Based on the subject property’s size of 0.29 acres (12,600 sf), a maximum of 3 dwelling units could be constructed on the subject property. Since the minimum lot size permitted in the zone is 7,000 square feet, it was assumed that the three dwellings would take the form of a tri-plex on the property.

A trip generation estimate for the existing zoning was prepared using data from the *Trip Generation Manual, 11<sup>th</sup> Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 215, *Single-Family Attached Housing* and are based on the number of dwelling units.

The daily and peak-hour trip volumes projected under the existing zoning are detailed in Table 1 below. A detailed trip generation worksheet is also included in the attached technical appendix.

**Table 1 - Existing Zoning "Reasonable Worst Case Development Scenario"**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
3 Attached Dwelling Units	0	1	1	1	1	2	22



### ***PROPOSED ZONING - TRIP GENERATION***

Under the proposed CG zoning, the subject property could be developed with a wide variety of commercial uses, including retail stores, a gas station, offices (including medical and dental offices), a fitness center, a hotel, an eating and drinking establishment, and an auto repair facility. Based on an examination of the permitted uses and assuming that any future building on the subject property could reasonably occupy up to 25 percent of the land area, the land use resulting in the highest trip generation was determined to be a 3,150 square foot convenience store.

The trip generation estimate for the proposed zoning was again prepared using data from the *Trip Generation Manual, 11<sup>th</sup> Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 851, *Convenience Store* and are based on the gross floor area of the store.

It should be noted that convenience stores attract pass-by trips. Pass-by trips occur when drivers patronize a business while traveling along the adjacent roadway. Since the driver would travel on the adjacent roadway regardless of whether they stopped at the convenience store, these trips are not considered as “new trips” on the transportation system. Accordingly, the trip estimate must be adjusted to discount the pass-by trips. Based on ITE data, it is estimated that 51 percent of the site trips will be pass-by trips.

The daily and peak-hour trip volumes projected under the proposed zoning are detailed in Table 2 below. A detailed trip generation worksheet is also included in the attached technical appendix.

**Table 2 - Proposed Zoning "Reasonable Worst Case Development Scenario"**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
3,150 sf Convenience Store	99	98	197	79	76	155	2402
- 51% Pass-By Trips	-50	-50	-100	-39	-39	-78	-1226
<b>Net Site Trips</b>	<b>49</b>	<b>48</b>	<b>97</b>	<b>40</b>	<b>37</b>	<b>77</b>	<b>1,176</b>

### ***EXISTING VERSUS PROPOSED ZONING - TRIP GENERATION COMPARISON***

Based on the analysis of the two reasonable worst case development scenarios, the potential increase in site trips resulting from the proposed zone change is detailed in Table 3 on the following page.



**Table 3 - Net Change in Trip Generation**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
Proposed Zoning Site Trips	49	48	97	40	37	77	1,176
- Existing Zoning Site Trips	0	-1	-1	-1	-1	-2	-22
<b>Net Change In Site Trips</b>	<b>49</b>	<b>47</b>	<b>96</b>	<b>39</b>	<b>36</b>	<b>75</b>	<b>1,154</b>

In general, zone changes which result in 400 or more added daily trips are deemed likely to have a significant impact of the transportation system and require a more detailed analysis of future conditions at the planning horizon in order to identify any capacity or safety problems and facilitate identification of appropriate mitigation measures. Based on the analysis, the proposed zone change could result in significant impacts to the surrounding transportation system under the reasonable worst case development scenario, with 96 added trips during the morning peak hour, 75 added trips during the evening peak hour, and 1,154 added daily trips.

Although an impact of the magnitude described above could have significant impacts on the surrounding transportation system in the City of Stayton, it is noted that the purpose of the zone change is to accommodate a veterinary hospital expansion. This anticipated site use would generate traffic volumes far lower than those analyzed above. Accordingly, a supplemental trip generation estimate was prepared for the likely development scenario.

The trip generation estimate for the veterinary hospital expansion was again prepared using data from the *Trip Generation Manual, 11<sup>th</sup> Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 640, *Animal Hospital/Veterinary Clinic* and are based on the gross floor area of the potential building expansion. It is expected that the building expansion may be in the range of 6,000 to 8,000 square feet by using the existing properties on the northwest corner of the block for parking.

**Table 4 - Anticipated Development Scenario**

	AM Peak Hour			PM Peak Hour			Daily Total
	In	Out	Total	In	Out	Total	
8,000 sf (Max.) Veterinary Hospital	19	10	29	11	17	28	172

Based on the analysis, site trips associated with the actual development anticipated on the subject property would not result in a significant impact on the surrounding transportation system and would not require analysis of conditions at the 20-year planning horizon. Accordingly, it may be appropriate to limit future development within the subject property to ensure that the zone change does not significantly affect transportation facilities as defined under Oregon's Transportation Planning Rule.



### ***TRANSPORTATION PLANNING RULE ANALYSIS***

In order to allow the proposed zone change on the subject property, the City of Stayton must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed zone change.

#### **660-012-0060**

##### **Plan and Land Use Regulation Amendments**

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

No changes are proposed to the functional classification of existing or planned transportation facilities.

*(b) Change standards implementing a functional classification system; or*

No changes are proposed to the standards implementing the functional classification system.

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Under the reasonable worst case development scenario, the proposed zone change would result in 96 added trips during the morning peak hour, 75 added trips during the evening peak hour, and an increase of 1,154 daily trips. It is anticipated that traffic increases of this magnitude may result in a significant



effect as measured at the planning horizon. Accordingly, some form of mitigation is required in order to approve the zone change application. Acceptable mitigation measures are described in OAR 660-012-0060(2).

*(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*

Several potential mitigation options are then described under sub-sections (a) through (e). In this instance, mitigation is proposed pursuant to sub-section (d), which reads:

*(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*

One mechanism to ensure that future development under the proposed zoning does not result in a significant impact on surrounding transportation facilities is to apply a trip cap to the subject property. Based on the analysis, a trip cap limiting future development within the subject property to 200 or fewer average daily trips would ensure that the proposed zone change does not significantly affect the surrounding transportation system while allowing sufficient capacity for the anticipated veterinary hospital.

It should be noted that although this Transportation Planning Rule analysis is sufficient to address the impacts of the proposed zone change on the city's long-range planning (including the adopted Transportation System Plan), it is likely that a detailed traffic study will still be needed prior to approval of a specific development plan for the site. This future analysis will ensure that the site plan is adequate to provide safe and efficient access, and that any potential safety or operational concerns associated with actual development within the site are addressed in a way that is responsive and proportionate to the actual impact of the specific development plan proposed.



**CONCLUSIONS**

Based on the analysis, the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted within the property at 190 E Pine Street. Accordingly, a trip cap of 200 average daily trips is proposed in conjunction with the proposed zone change. This trip cap is sufficient to ensure that the zone change will not result in a significant effect as defined under Oregon’s Transportation Planning Rule. No other mitigations are recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at [mike.ard@gmail.com](mailto:mike.ard@gmail.com) or via phone at 503-862-6960.



## Appendix



# Trip Generation Calculation Worksheet



Land Use Description: Single-Family Attached Housing  
 ITE Land Use Code: 215  
 Independent Variable: Dwelling Units  
 Quantity: 3 Dwelling Units  
 Setting: General Urban/Suburban and Rural

## Summary of ITE Trip Generation Data

### **AM Peak Hour of Adjacent Street Traffic**

Trip Rate: 0.48 trips per dwelling unit  
 Directional Distribution: 31% Entering 69% Exiting

### **PM Peak Hour of Adjacent Street Traffic**

Trip Rate: 0.57 trips per dwelling unit  
 Directional Distribution: 57% Entering 43% Exiting

### **Total Weekday Traffic**

Trip Rate: 7.2 trips per dwelling unit  
 Directional Distribution: 50% Entering 50% Exiting

## Site Trip Generation Calculations

3 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	0	1	1
PM Peak Hour	1	1	2
Weekday	11	11	22

# Trip Generation Calculation Worksheet



Land Use Description: Convenience Store  
 ITE Land Use Code: 851  
 Independent Variable: Gross Floor Area  
 Quantity: 3.15      Thousand Square Feet

## Summary of ITE Trip Generation Data

### **AM Peak Hour of Adjacent Street Traffic**

Trip Rate:                    62.54 trips per ksf  
 Directional Distribution:            50% Entering            50% Exiting

### **PM Peak Hour of Adjacent Street Traffic**

Trip Rate:                    49.11 trips per ksf  
 Directional Distribution:            51% Entering            49% Exiting

### **Total Weekday Traffic**

Trip Rate:                    762.28 trips per ksf  
 Directional Distribution:            50% Entering            50% Exiting

## Site Trip Generation Calculations

3.15 ksf Convenience Store

	Entering	Exiting	Total
AM Peak Hour	99	98	197
PM Peak Hour	79	76	155
Weekday	1201	1201	2402

# Trip Generation Calculation Worksheet



Land Use Description: Animal Hospital/Veterinary Clinic  
 ITE Land Use Code: 640  
 Independent Variable: Gross Floor Area  
 Quantity: 8.000 Thousand Square Feet

## Summary of ITE Trip Generation Data

### **AM Peak Hour of Adjacent Street Traffic**

Trip Rate: 3.64 trips per ksf  
 Directional Distribution: 67% Entering 33% Exiting

### **PM Peak Hour of Adjacent Street Traffic**

Trip Rate: 3.53 trips per ksf  
 Directional Distribution: 40% Entering 60% Exiting

### **Total Weekday Traffic**

Trip Rate: 21.50 trips per ksf  
 Directional Distribution: 50% Entering 50% Exiting

## Site Trip Generation Calculations

8.000 ksf Animal Hospital/Veterinary Clinic

	Entering	Exiting	Total
AM Peak Hour	19	10	29
PM Peak Hour	11	17	28
Weekday	86	86	172

## Dan Fleishman

---

**From:** John Ashley, P.E. <jashley@ashleyengr.com>  
**Sent:** Thursday, March 16, 2023 2:08 PM  
**To:** Dan Fleishman; Lance Ludwick  
**Subject:** RE: Request for Comments on Comprehensive Plan Map and Zone Map Amendments  
**Attachments:** City of Stayton WWMP Figure 12b.pdf

**CAUTION: This email originated from **Outside Your Organization**. Exercise caution when opening attachments or on clicking links from unknown senders. Please **contact Information Technology for assistance**.**

Dan,

I do not have any comments regarding the planning zone map changes other than any future development will need to be in accordance with the PWDS and SMC in effect at the time of development and will need to be reviewed and approved by the City, and it should also be noted that the Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for 3 manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development with added sanitary sewer flows will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street. See attached Figure 12b from the Wastewater Master Plan.

Lance,

Any revisions to the statement above or anything else that you see that should be noted?

**John Ashley, P.E.**

*Civil Engineer*

Ashley Engineering Design, P.C.

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Cell: 971-241-3861

[www.ashleyengr.com](http://www.ashleyengr.com)

---

**From:** Dan Fleishman <dfleishman@staytonoregon.gov>

**Sent:** Tuesday, March 7, 2023 8:54 AM

**To:** Adam Kohler (PacifiCorp) <Adam.Kohler@PacifiCorp.com>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; brian.kelley@nwnatural.com; Caleb Cox <ccox@kittelton.com>; Clark, Christopher (PacifiCorp) <Christopher.Clark@pacificorp.com>; Danny Freitag <dfreitag@santiamhospital.org>; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; Doug.Kintz@staytonfire.org; Erik Hoefler <erik@sctcweb.com>; Gwen Johns <gjohns@staytonoregon.gov>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jrasmussen@co.marion.or.us) <jrasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@staytonoregon.gov>; Lee Loving <lee.loving@nsantiam.k12.or.us>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@staytonoregon.gov>; Nicole Willis <nicole.willis@pacificorp.com>; Phil Jones <PRJONES@co.marion.or.us>;

## Dan Fleishman

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**From:** Caleb Cox <ccox@kittelson.com>  
**Sent:** Friday, March 10, 2023 10:17 AM  
**To:** Dan Fleishman  
**Cc:** Susan Wright  
**Subject:** RE: Request for Comments on Comprehensive Plan Map and Zone Map Amendments

**CAUTION: This email originated from **Outside Your Organization**. Exercise caution when opening attachments or on clicking links from unknown senders. Please **contact Information Technology for assistance**.**

Hi Dan,

We reviewed the TPR analysis and it is in line with what we were expecting. The proposed 200 trip cap on the property is reasonable. No additional comments from us.

In the analysis, the traffic engineer correctly notes that when it is time for the actual development review a more detailed traffic analysis will be needed. We'll anticipate that coming our way in the future.

Thanks,

Caleb Cox, PE  
 Senior Engineer

[Kittelson & Associates, Inc.](#)  
 Transportation Engineering / Planning  
 503.535.7453 (direct)

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**From:** Dan Fleishman <dfleishman@staytonoregon.gov>  
**Sent:** Tuesday, March 7, 2023 8:54 AM  
**To:** Adam Kohler (PacifiCorp) <Adam.Kohler@PacifiCorp.com>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; brian.kelley@nwnatural.com; Caleb Cox <ccox@kittelson.com>; Clark, Christopher (PacifiCorp) <Christopher.Clark@pacificorp.com>; Danny Freitag <dfreitag@santiamhospital.org>; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; Doug.Kintz@staytonfire.org; Erik Hofer <erik@sctcweb.com>; Gwen Johns <gjohns@staytonoregon.gov>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jrasmussen@co.marion.or.us) <jrasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@staytonoregon.gov>; Lee Loving <lee.loving@nsantiam.k12.or.us>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@staytonoregon.gov>; Nicole Willis <nicole.willis@pacificorp.com>; Phil Jones <PRJONES@co.marion.or.us>; Robert Lee <rlee@wavebroadband.com>; Salem Development Services <developmentservices@cityofsalem.net>; Susan Wright <swright@kittelson.com>; Troy Wheeler <twheeler@co.marion.or.us>; WAVE Construction Team <oregonconstruction@wavebroadband.com>  
**Subject:** Request for Comments on Comprehensive Plan Map and Zone Map Amendments

[External Sender]

The City of Stayton has received applications for Comprehensive Plan Map amendment from Residential to Commercial and Zoning Map amendment from Medium Density Residential to Commercial General for the property at 190 E Pine St.

I have attached the application forms, the applicant's narrative, the TPR analysis, the current comp plan designation, the proposed comp plan designation, and our usual request for comments form.

The public hearing will be held on March 27. Responses are needed by March 17, please.

Thank you for your assistance.

Dan Fleishman  
Planning and Development Director  
City of Stayton  
362 N Third Avenue  
Stayton, OR 97383

Ph 503-769-2998

[www.staytonoregon.gov](http://www.staytonoregon.gov)

I am working from home several days a week. On Tuesdays and Thursday, you will generally be able to reach me at 541-207-2558.

Michael Aus  
1452 N. 2<sup>nd</sup> Ave  
Stayton, OR 97383

March 20, 2023

City of Stayton Planning Commission  
362 N 3<sup>rd</sup>  
Stayton, OR 97383

RE: Land Use File #2-02/23

Dear Planning Commission Members

I, and the undersigned residents, urge you to deny this zone change being considered in this application. We are located in an area that is largely single family homes and allowing this zone change would allow the specified lot to develop, for commercial purposes, it will have a significant impact on our homes.

Approximately 6 years ago, the lot where the veterinary clinic was zoned, Commercial General and the home that was situated on it was torn down and the new Veterinary building was built. The old Veterinary Building was torn down and turned into a parking lot. Most of us did not object because we believed that the parking lot would be large enough for both customers and employees of the Vet to park in. How **WRONG** we were! Although there are plenty of parking spaces in the parking lot, the Vet does not allow his employees to park there. Instead, our residential neighborhood has been inundated with his employees' vehicles. His employees take up almost every single spot on Holister Street between 1<sup>st</sup> and 3<sup>rd</sup>, Second Street between Hollister and just past Pine Street, and Pine Street between First and Third Streets. It is so bad that the residents cannot have visitors at their homes during the day as there is no place to park. Also, please be aware that the Vet also uses 2<sup>nd</sup> Avenue to bring in horses, cows, and sheep in trailers and services these animals in the middle of the street. The trucks and trailers hauling these animals block the entire street for up to 2 hours at a time, which again block the residents from their homes and also emergency vehicles. Allowing this zone change will lead to the property being developed as a commercial property employing even more people which will only exacerbate the parking problem in our residential neighborhood. We urge you to not allow this change

Secondly, this particular property, as well as all of our homes went through a zone change approximately two years ago specifically to avoid this exact scenario. We went from Commercial General to Medium Density which does not allow commercial development. Please do not undo that change. Leaving the current zoning helps create at least a small buffer between the Vet Clinic and those living to the north of Pine Street.

Lastly, if you do approve this zone change, please make it a condition of approval that the Vet makes his employee's park in his large parking lot.

Respectfully,



Michael Aus

And:

Rebecca Peterson, 1440 N 2nd Ave, Stayton

Alain Deary 140 E. Hollister, Stayton

Rheta E. Powell 170 E Hollister Stayton

Mark & Dunham 210 E. Hollister Stayton

Sasha Ramsey 1263 N T 4th Ave Stayton

Blonda Hurstow 1283 N. 3rd Ave

Kayla Dorn 1319 N 3rd Ave.

Eric Ramirez 1455 N 2<sup>nd</sup> Ave



## BEFORE THE STAYTON PLANNING COMMISSION

In the matter of The application for Dark Horse Enterprises, LLC	) ) ) ) ) )	Comprehensive Plan Map Amendment Official Zoning Map Amendment File # 2-02/23
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## RECOMMENDATION OF APPROVAL

### I. NATURE OF APPLICATION

The applicant has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and an Official Zoning Map amendment from Medium Density Residential to Commercial General.

### II. PUBLIC HEARING

A public hearing was held on the applications before the Stayton Planning Commission on March 27, 2023. At that hearing the Planning Commission reviewed Land Use File #2-02/23, applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, and it was made part of the record.

### III. FINDINGS OF FACT

#### A. GENERAL FACTS

1. The owner of the property and the applicant is Dark Horse Enterprises, LLC.
2. The property is tax lot 2800 as shown on Map 91W10AC.
3. The property is addressed as 190 E Pine St.
4. The property is currently designated Residential by the Comprehensive Plan and is zoned Medium Density Residential (MD).
5. The property is 0.29 acres in area. The property has 100 feet of frontage on E Pine St and 125 feet of frontage on N Second Ave. there is an alley to the west of the property.
6. The property is developed with a single family dwelling.
7. The neighboring properties to the east and northeast, across N Second Ave, are zoned MD and is developed with single family dwellings. The neighboring property to the north, across E Pine St, is zoned Medium Density Residential and is developed with a single family dwelling. The neighboring properties to the west, across the alley, are zoned Commercial General (CG) and are developed with a professional office and single family dwelling. The neighboring property to the south is zoned CG and developed with a veterinary clinic. The neighboring property to the southwest, across the alley, is zoned CG and is developed as the parking area for the veterinary clinic.

8. The proposal is to amend the Comprehensive Plan Map designation for the subject property from Residential to Commercial and the zoning from Medium Density Residential to Commercial General, to allow for the future expansion of the veterinary clinic.

#### B. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, Santiam Water Control District, Astound Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division. A notice of Post-Adoption Plan Amendment was filed with the Oregon Department of Land Conservation and Development on April 21, 2022.

Responses were received from Astound Broadband, Stayton Fire District, and Stayton Cooperative Telephone Company saying they had no issues with the proposal. Responses were received from Northwest Natural Gas and Marion County Planning Division stating they had no comment. Comments were received from the City Engineer and the City's transportation planning consultant that are reflected in the findings below.

#### C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the applications and notice appeared on the City's website. A sign was posted on the property providing notice of the public hearing. A letter submitted signed by nine residents of nearby property urging denial of the applications. The neighbors cited traffic impacts and incompatibility of commercial use on surrounding single family homes.

#### D. ANALYSIS

Comprehensive Plan Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17.12, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within SMC Chapter 17.12, Section 17.12.180.6.

#### E. APPROVAL CRITERIA

##### **Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.**

Pursuant to SMC 17.12.170.6.b the following criteria must be demonstrated as being satisfied by the application for a Comprehensive Plan amendment:

- 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.*

Finding: The Comprehensive Plan describes the purposes of the Commercial and Residential designations. However, no other direction is provided in the Plan as to the location of these areas. Goals and Policies within the Comprehensive Plan that provide some direction regarding this application include the goal for public facilities and services that urban development will occur in areas with existing services and the goal to enhance and protect the vitality of the existing commercial and service sector. The subject site is served by existing utilities and will not require an extension of the public services. This application has been submitted to allow future expansion of the existing veterinary clinic on the adjacent parcel.

- 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.*

Finding: The subject property abuts the existing veterinary clinic. Because of this location and the availability of existing public facilities at the site, the property represents the only reasonable and cost-effective location available to expand the clinic.

- 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.*

Finding: The pertinent Statewide Land Use Goals are Goals 5, 7, 9, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no “Goal 5 Resources” identified in the Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property.

Goal 9 is to provide adequate opportunities for a variety of economic activities. The subject property is the only parcel on this block that is not designated Commercial. 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 0.06% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what was projected to be needed during the planning period.

The property proposed for the comprehensive plan amendment had been zoned CG since the adoption of city-wide zoning in the mid-1970s. In 2018 the Planning Commission identified a number of areas in the City that were zoned Commercial but in residential use and initiated a Comprehensive Plan amendment to decrease the number of non-conforming uses throughout the City. The subject property was among the properties for which the Comprehensive Plan designation was changed from Commercial to Residential.

- 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).*

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

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

Finding: There are 1,824 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicated that there were 921 buildable acres of land inside the UGB and outside of the City Limits. Since that time there have been about 55 acres of residential land annexed, 8 acres of commercial land annexed, and 10 acres of industrial 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 0.29 acres 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.

- 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.*

Finding: There is a 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jetters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jetters Way and a portion of W. Ida Street.

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

Finding: Neighboring properties on N Second Ave are all single family dwellings in the MD zone. The neighboring properties in the block between Pine and Hollister are all zoned CG. The potential impacts from increased traffic will be mitigated by the proposed trip cap of no more than 200 daily trips. Testimony was received, signed by nine residents of nearby properties concerned about the impact of new commercial use on the neighboring residences. The neighbors testified that the existing veterinary clinic causes traffic problems as employees do not park in the off-street parking area provided and that large vehicles and trailers block traffic.

#### **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.*

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

- 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.*

Finding: There is a 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jeters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jeters Way and a portion of W. Ida Street.

- 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 Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

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

Findings: Three categories of Comprehensive Policies are appropriate to look at with this application: housing, economic, and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The property is currently developed with a single family dwelling.

There are no economics policies in the Comprehensive Plan directly related to this application. Though not part of the of Comprehensive Plan, in August 2019, the City Council adopted a set of Economic Development Strategies.

Among the guiding principles in the Strategies is to place existing businesses first. This amendment would facilitate the expansion of an existing business.

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.

- 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 13 vacant lots within the City that are zoned MD, with a combined area of 25.5 acres. There are 8 vacant lots zoned CG, with a combined acreage of 15 acres. The subject parcel is adjacent to the applicant's existing business and is therefore the only parcel suitable for the proposed use or development.

- 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 on these applications 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. The property is already developed with a building. Testimony was received, signed by nine residents of nearby properties concerned about the impact of new commercial use on the neighboring residences. The neighbors testified that the existing veterinary clinic causes traffic problems as employees do not park in the off-street parking area provided and that large vehicles and trailers block traffic.

#### IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Sections 17.12.170.6 and 17.12.180.6.

#### V. ORDER

Based on the conclusion above, the Planning Commission recommends to the City Council that the City Council approve the applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, with the imposition of a trip cap of no more than 200 daily trips from any development on the subject property.

*Ralph R. Lewis*

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Ralph Lewis,  
Planning Commission Chairperson

*4-3-23*

\_\_\_\_\_  
Date

*Dan Fleishman*

\_\_\_\_\_  
Dan Fleishman,  
Director of Planning and Development

*4/2/23*

\_\_\_\_\_  
Date

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**ORDINANCE NO. 1061**

**AN ORDINANCE AMENDING THE STAYTON COMPREHENSIVE  
PLAN AND THE STAYTON ZONING MAP FOR PROPERTY LOCATED  
AT 190 E PINE STREET**

WHEREAS, Dark Horse Enterprises LLC is the owner of 190 E Pine St, Stayton, Oregon and has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and a Zoning Map amendment from Medium Density Residential (MD) to Commercial General (CG) as to that property (“subject property”);

WHEREAS, the subject property is Tax Lot 2800 as shown on Map 91W10AC and is addressed as 190 E Pine St.

WHEREAS, the subject property is designated Residential by the Comprehensive Plan Map and zoned Medium Density Residential by the Official Zoning Map;

WHEREAS, the neighboring properties to the east and northeast, across N Second Ave, are zoned MD and are developed with single family dwellings. The neighboring property to the north, across E Pine St, is zoned Medium Density Residential and is developed with a single family dwelling. The neighboring properties to the west, across the alley, are zoned Commercial General (CG) and are developed with a professional office and single family dwelling. The neighboring property to the south is zoned CG and developed with a veterinary clinic. The neighboring property to the southwest, across the alley, is zoned CG and is developed as the parking area for the veterinary clinic;

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 March 27, 2023, 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 15, 2023, 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 purposes of the Commercial and Residential designations. However, no other direction is provided in the Plan as to the location of these areas. Goals and Policies within the Comprehensive Plan that provide some direction regarding this application include the goal for public facilities and

services that urban development will occur in areas with existing services and the goal to enhance and protect the vitality of the existing commercial and service sector. The subject site is served by existing utilities and will not require an extension of the public services. This application has been submitted to allow future expansion of the existing veterinary clinic on the adjacent parcel.

- 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 subject property abuts the existing veterinary clinic. Because of this location and the availability of existing public facilities at the site, the property represents the only reasonable and cost-effective location available to expand the clinic.

- 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 February 21, 2023. 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. The subject property is the only parcel on this block that is not designated Commercial.

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 0.06% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what was projected to be needed during the planning period.

The property proposed for the comprehensive plan amendment had been zoned CG since the adoption of city-wide zoning in the mid-1970s. In 2018 the Planning Commission identified a number of areas in the City that were zoned Commercial but in residential use and initiated a Comprehensive Plan amendment to decrease the number of non-conforming uses throughout the City. The subject property was among the properties for which the Comprehensive Plan designation was changed from Commercial to Residential.

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 submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

Goal 13 is in regards to energy conservation. The proposed amendment would allow for the expansion of an existing business within the city limits.

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 Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

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

Findings: There are 1,824 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicated that there were 921 buildable acres of land inside the UGB and outside of the City Limits. Since that time there have been about 55 acres of residential land annexed, 8 acres of commercial land annexed, and 10 acres of industrial 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 0.29 acres 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.

- 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: There is a 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added

sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street.

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

Findings: Neighboring properties on N Second Ave are all single family dwellings in the MD zone. The neighboring properties in the block between Pine and Hollister are all zoned CG. The potential impacts from increased traffic will be mitigated by the proposed trip cap of no more than 200 daily trips. Testimony was received, signed by nine residents of nearby properties concerned about the impact of new commercial use on the neighboring residences. The neighbors testified that the existing veterinary clinic causes traffic problems as employees do not park in the off-street parking area provided and that large vehicles and trailers block traffic.

**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 Commercial.

- 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 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street.

- 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 Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

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

Findings: Three categories of Comprehensive Policies are appropriate to look at with this application: housing, economic, and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The property is currently developed with a single family dwelling.

There are no economics policies in the Comprehensive Plan directly related to this application. Though not part of the Comprehensive Plan, in August 2019, the City Council adopted a set of Economic Development Strategies. Among the guiding principles in the Strategies is to place existing businesses first. This amendment would facilitate the expansion of an existing business.

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.

- 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 13 vacant lots within the City that are zoned MD, with a combined area of 25.5 acres. There are 8 vacant lots zoned CG, with a combined acreage of 15 acres. The subject parcel is adjacent to the applicant's existing business and is therefore the only parcel suitable for the proposed use or development.

- 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 on these applications 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. The property is already developed with a building. Testimony was received, signed by nine residents of nearby properties concerned about the impact of new commercial use on the neighboring residences. The neighbors testified that the existing veterinary clinic causes traffic problems as employees do not park in the off-street parking area provided and that large vehicles and trailers block traffic.

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 Commercial

Beginning at a point on the centerline of E Pine St at its intersection with the centerline of the alley running between N First Ave and N Second Ave, then proceeding easterly along the centerline of E Pine St to the centerline of E Second Ave; thence southerly along the centerline of N Second Ave a distance of 155 feet to a point opposite the southeast corner of Tax Lot 2800 of Marion County Assessor's Map 091W10AC; thence westerly to the southeast corner of Tax Lot 2800 and along the south lot line of Tax Lot 2800 to the centerline of the alley running between N First Ave and N Second Ave; thence northerly along the centerline of running between N First Ave and N Second Ave to the centerline of E Pine 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 Commercial General

Beginning at a point on the centerline of E Pine St at its intersection with the centerline of the alley running between N First Ave and N Second Ave, then proceeding easterly along the centerline of E Pine St to the centerline of E Second Ave; thence southerly along the centerline of N Second Ave a distance of 155 feet to a point opposite the southeast corner of Tax Lot 2800 of Marion County Assessor's Map 091W10AC; thence westerly to the southeast corner of Tax Lot 2800 and along the south lot line of Tax Lot 2800 to the centerline of the alley running between N First Ave and N Second Ave; thence northerly along the centerline of running between N First Ave and N Second Ave to the centerline of E Pine 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. Trip Cap.** The land use actions taken in this ordinance are conditioned upon any development to be constructed or otherwise developed on the subject property generating not more than 200 vehicle trips per day. Any application for development on the subject properties shall submit with the development application a Transportation Impact Analysis or a Transportation Assessment Letter as provided for in the SMC that verifies the proposed development will conform to the trip cap limitations stated herein.

**Section 4. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor’s signing.

**Section 5.** 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 15th day of May, 2023.

CITY OF STAYTON

Signed: \_\_\_\_\_, 2023

BY: \_\_\_\_\_

Brian Quigley, Mayor

Signed: \_\_\_\_\_, 2023

ATTEST: \_\_\_\_\_

Julia Hajduk, City Manager

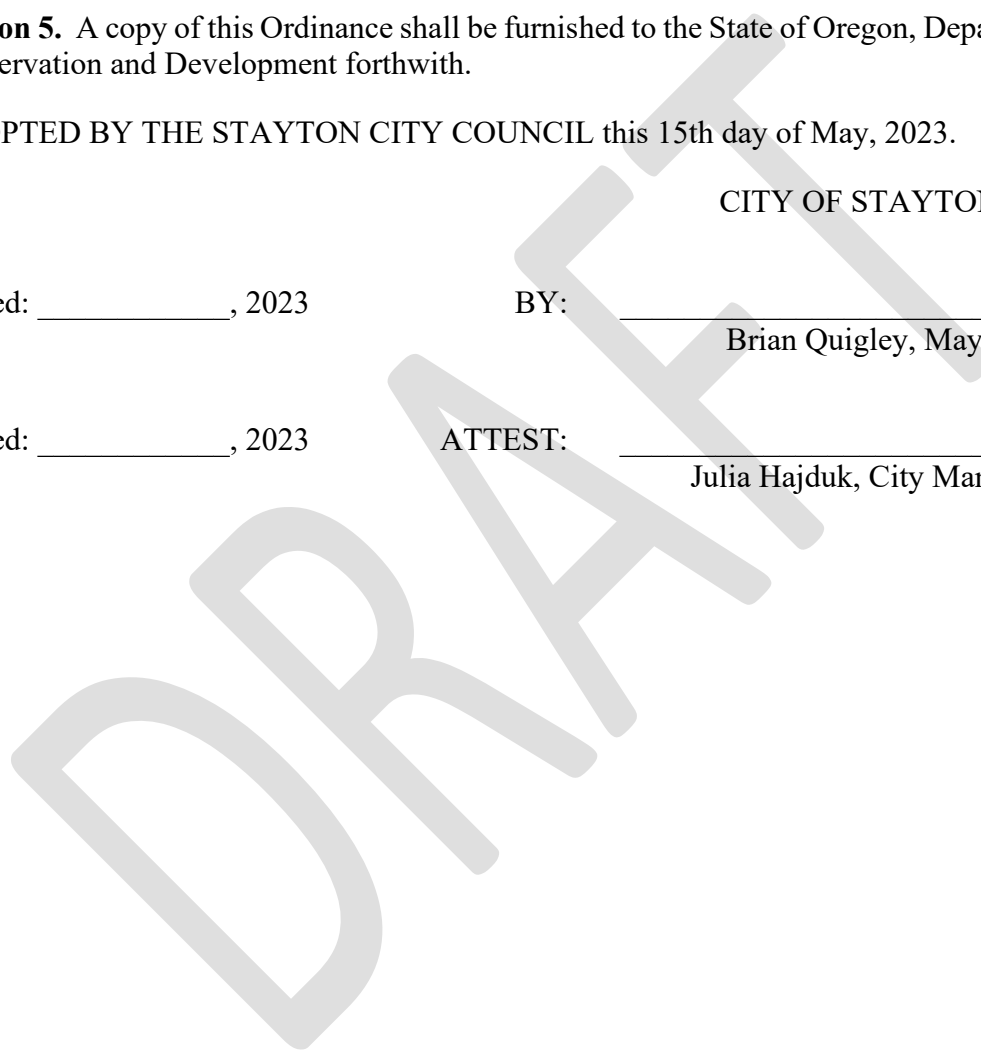




EXHIBIT A, EXCERPT FROM REVISED COMPREHENSIVE PLAN MAP

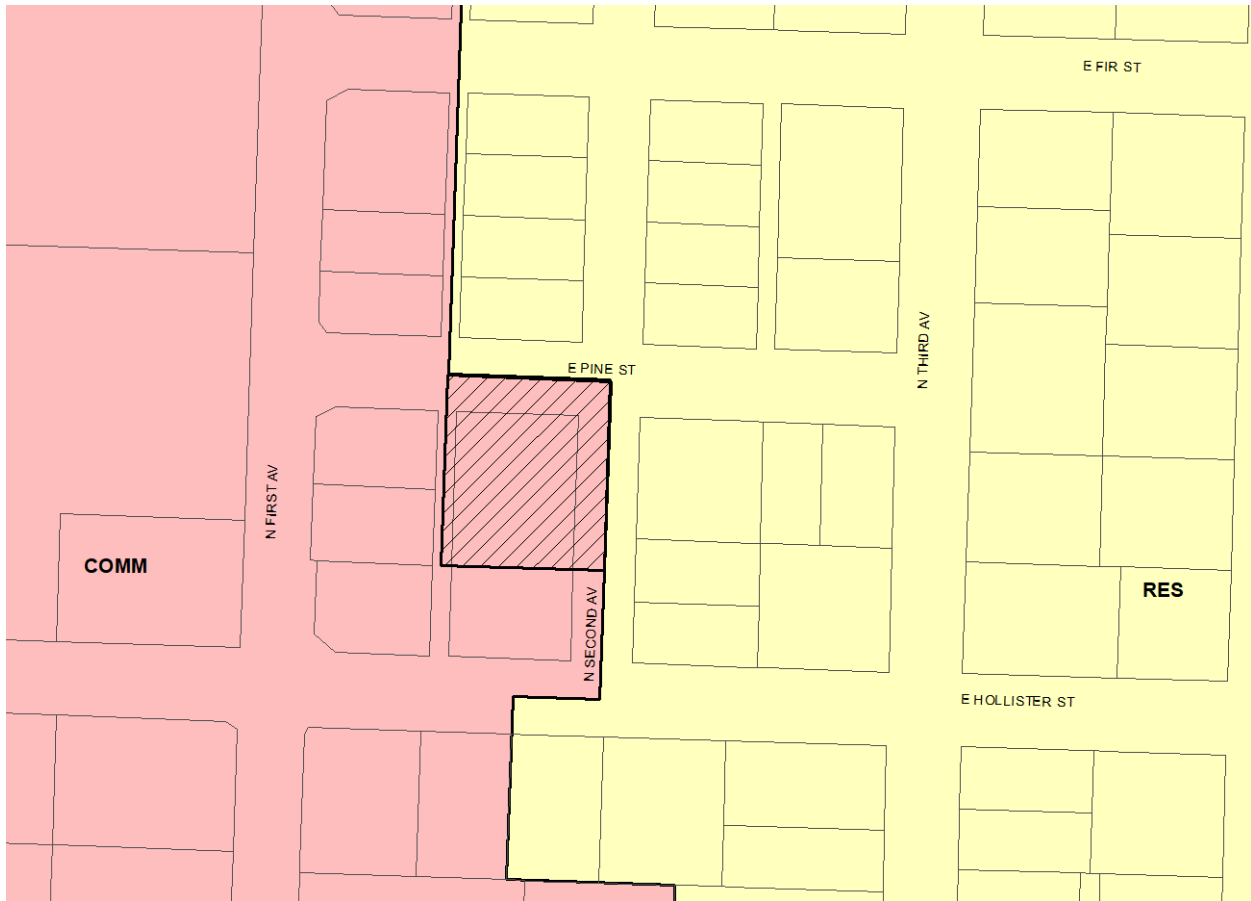


EXHIBIT B, EXCERPT FROM OFFICIAL ZONING MAP

