



# City of Stayton

*Department of Community and Economic Development*

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**TO:** Chairperson Larry McKinley and Planning Commission Members

**FROM:** Jennifer Siciliano, Director of Community and Economic Development

**SUBJECT:** Public Hearing for a written recommendation for a Land Use Code Amendment to Add a Permitted Use with Site Plan Review to the Interchange Development - ID Zoning District

**DATE:** September 23, 2024

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## ISSUE

The issue before the Planning Commission is to consider adding a permitted use, with Site Plan Review, of “# 17 General Merchandise Stores” to the Interchange Development (ID) zone. This would be reflected by amending Table 17.16.070.1 Permitted Land Use in the Stayton Land Use and Development Code.

Due to a procedural issue, a Public Hearing for the proposed text will take place at the September 30, 2024, Planning Commission meeting. The Planning Commission will provide a written recommendation either for or against the proposed land use code amendment. The Planning Commission voted to not act in favor of a change to the land use code at their August 26, 2024, meeting, but did not vote on a written recommendation. All testimony that the previous Public Hearing on August 26, 2024, will be considered as part of the record.

## BACKGROUND

A Land Use Code Amendment is a legislative decision and must either be initiated by the Planning Commission or the City Council per 17.12.175.3. The Planning Commission voted to hold a Public Hearing to consider a recommendation for land code amendments to allow, with Site Plan Review, “# 17 General Merchandise Stores” to the Interchange Development (ID) zone.

Additionally, a study on the impact on transportation facilities is required to be conducted per 17.12.175.6, and this has been completed by the city’s traffic engineer, Kittelson & Associates, Inc. They conclude that the proposed change would not represent a significant effect on the transportation system as defined by the Transportation Planning Rule (TPR).

The Zoning Code provides a purpose for the Interchange Development – ID zone as defined in 17.16.060 DISTRICT PURPOSES. INTERCHANGE DEVELOPMENT.

“To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the



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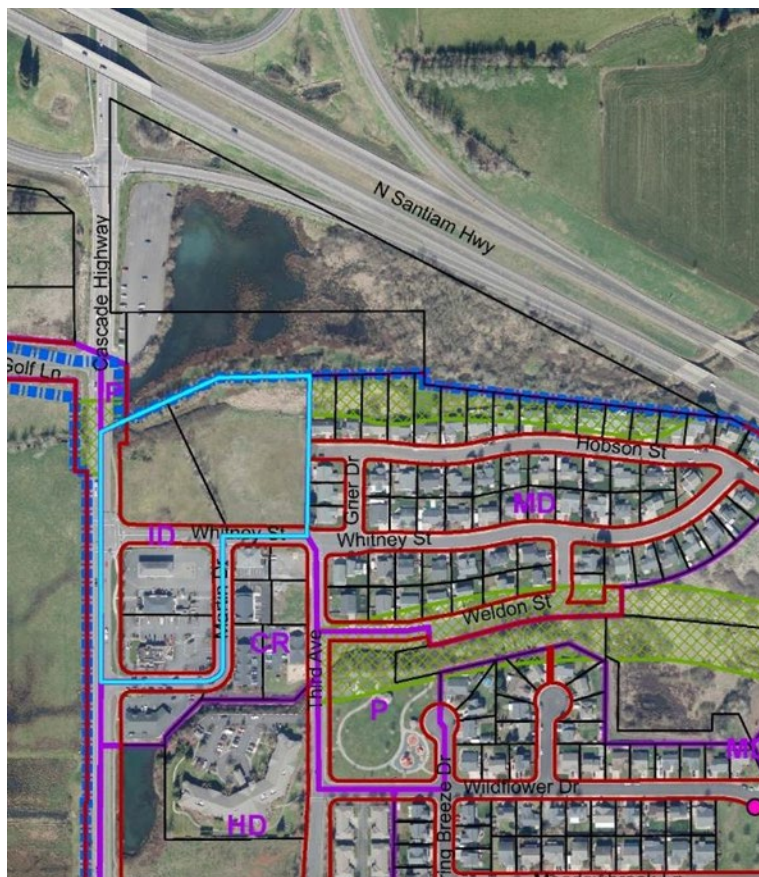
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traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.”

The ID zone covers four (4) parcels in the city and has a limited number of permitted uses. The Interchange Development – ID zone only includes the four following parcels:

- 101 Whitney St a 10,640 square foot general store proposed
- 201 Whitney St vacant
- 100 Whitney St already developed
- 101 Martin Dr already developed

Two of the four parcels are already developed. The map below shows the Interchange Development – ID zone. The four parcels are shown outlined with a light blue border.



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The Interchange Development – ID zone only allows a very limited list of permitted uses with Site Plan Review. See Table 17.16.070.1 Permitted Land Use. Here is a complete list of the uses:

- Food & Beverage Stores (Convenience stores only)
- Gasoline Stations
- Gift & Novelty stores
- Commercial Banking & Related Activities (With no less than two drive-thru lanes and a drive-up automatic teller machine.)
- Hotel, Motel, Inn
- RV Parks and Recreational Camps
- Bed & Breakfast
- Eating & Drinking Places
- Water or Sewage Collection or Distribution Facilities & Pump Stations

The Stayton Land Use and Development Code only has 10 retail types plus a category for those not listed in its use table.

- 10 Retail Stores not specifically listed below
- 11 Automobile Dealers
- 12 Automotive Parts, Accessories, & Tire Stores
- 13 Building Material & Supplies Dealers
- 14 Lawn and Garden Equipment & Supplies Stores
- 15 Food & Beverage Stores
- 16 Gasoline Stations
- 17 General Merchandise Stores
- 18 Gift & Novelty stores
- 19 Manufactured Home Dealers
- 20 Direct Selling Establishments (except food)

## ANALYSIS

The Interchange Development – ID zone is a commercial zone. If the Planning Commission wants to make changes to any use within the ID zone, these uses would need to fit with the zone’s purpose as laid out in 17.16.060 (defined previously). If any land use code amendments are approved, it would affect all four parcels. All these parcels are currently already zoned for commercial.

There are a number of zones in the city where this type of use is permitted including:  
Commercial Retail (CR) – it is limited to 8,000 square feet gross floor area  
Commercial General (CG)

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Commercial Park (CP)  
Central Core Mixed Use (CCMU)  
Downtown Commercial Mixed Use (DCMU)  
Residential Mixed Use (DRMU)

In considering a text amendment, one must refer to the Comprehensive Plan, the original intent and whether this is still relevant. In this case, there are four impacted parcels, two of which have developed consistent with the zone. Does the Planning Commission, and ultimately the City Council find that a general merchandise store is in line with the intent of the ID zone “To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public?”

Staff reviewed the applicable Comprehensive Plan policies and identified the following specific policy related to this issue:

*Comprehensive Plan Policy EC-4 It is the Policy of the City to discourage commercial development at Highway 22.*

*ACTION The City shall continue the Interchange Development Zone near the two Highway 22 interchanges to limit commercial uses to traveler-oriented.*

While a general merchandise store can bring economic development to a lot that has been vacant for years could generate new tax revenue, and potentially create jobs the proposed text amendment appears to be inconsistent with the intent of the ID zone and the Comprehensive Plan. This area is the gateway to our city and the type of development here sets the tone for what visitors will think of our community. We need to consider whether a general merchandise store truly represents the image we want to project or if it might detract from a more distinctive, welcoming entry point that reflects the character and values of our city.

## RECOMMEDATION

The staff does not recommend amending the text, however if the Planning Commission and Council feel it is appropriate, staff recommends allowing “#17 General Merchandise” with Site Plan Review and the footnote that this use is limited to 8,000 square feet gross floor area as it is in Commercial Retail. This will provide for additional use for these parcels and at the same time limiting the use to a smaller sized general merchandise retail establishment.

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## OPTIONS AND SUGGESTED MOTIONS

Staff has provided the Planning Commission with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

- 1. Recommend to the City Council that the “General Merchandise Stores” use should not be added to Table 17.16.070.1 Permitted Land Use under the Interchange Development (ID) zone, adopting the draft order as presented.**

I move the Stayton Planning Commission recommend to the Stayton City Council that the Land Use Code not be amended to allow “#17 General Merchandise” use in the Interchange Development (ID) zone and adopt the draft order presented by Staff.

- 2. Recommend to the City Council that the “General Merchandise Stores” use should not be added to Table 17.16.070.1 Permitted Land Use under the Interchange Development (ID) zone, adopting modifications to the draft order.**

I move the Stayton Planning Commission recommend to the Stayton City Council that the Land Use Code not be amended to allow “#17 General Merchandise” use in the Interchange Development (ID) zone and adopt the draft order with the following changes...

- 3. Recommend to the City Council that the “General Merchandise Stores” use should be added to Table 17.16.070.1 Permitted Land Use under the Interchange Development (ID) zone, directing staff to modify the draft order.**

I move the Stayton Planning Commission recommend to the Stayton City Council that the Land Use Code be amended to allow “#17 General Merchandise” use in the Interchange Development (ID) zone and direct staff to bring a revised draft order for the Planning Commission approval at the October 28, 2024, meeting.

- 4. Continue the hearing until October 28, 2024.**

I move the Stayton Planning Commission continue the public hearing on the legislative amendment to allow “#17 General Merchandise” use in the Interchange Development (ID) zone.

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

I move the Stayton Planning Commission close the hearing on the legislative amendment to allow “#17 General Merchandise” use in the Interchange Development (ID) zone, but maintain the record open to submissions by the applicant until October 7, 2024, 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 October 28, 2024.

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

I move the Stayton Planning Commission continue the deliberation on the legislative amendment to allow “#17 General Merchandise” use in the Interchange Development (ID) zone until October 28, 2024.

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