



City of Stayton

Department of Planning and Development

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MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: May 26, 2018
SUBJECT: Possible Zone Map/Comprehensive Plan Map Amendments to Eliminate the Number of Nonconforming Single Family Dwellings

ISSUE

The issue before the Planning Commission is a public hearing on proposed legislative amendments to the Official Zoning Map and the Comprehensive Plan Map to reduce the number of single family detached dwellings in the City that are nonconforming uses.

BACKGROUND

Nonconforming uses are defined as uses that are lawfully existing but do not conform to the list of permitted uses in the zone in which they are located. In general, nonconforming uses are uses that were in existence prior to the enactment of the regulations. The Code allows them to continue, but restricts their expansion or enlargement and specifies that should they be discontinued, they may not be resumed. In theory, whereas they are uses that are not permitted, we would want to see them live out their economic life and then disappear, to be replaced by conforming uses.

Single family dwellings are not permitted uses in the Commercial Retail, Commercial General, Light Industrial or Downtown Mixed Use zones. From the City's Geographic Information System, staff estimates that there are between 90 and 100 single family dwellings located in these zones.

When the City's Comprehensive Plan and Zoning Map was adopted in the mid-1970s there were several concentrations of residential uses that were zoned either commercial or industrial. When the current Comprehensive Plan Map and Zoning Map were adopted in 2013 the zoning of these areas was not changed. These "neighborhoods" have seen little or no conversion of property from residential use to commercial use.

At the March Planning Commission meeting, members looked at these areas and voted to initiate the amendment process. Notice of the proposed amendments was provided to the Department of Land Conservation and Development on April 5. Written notice of the proposed amendments was provided to property owners, as required by ORS 227.185, on April 24.

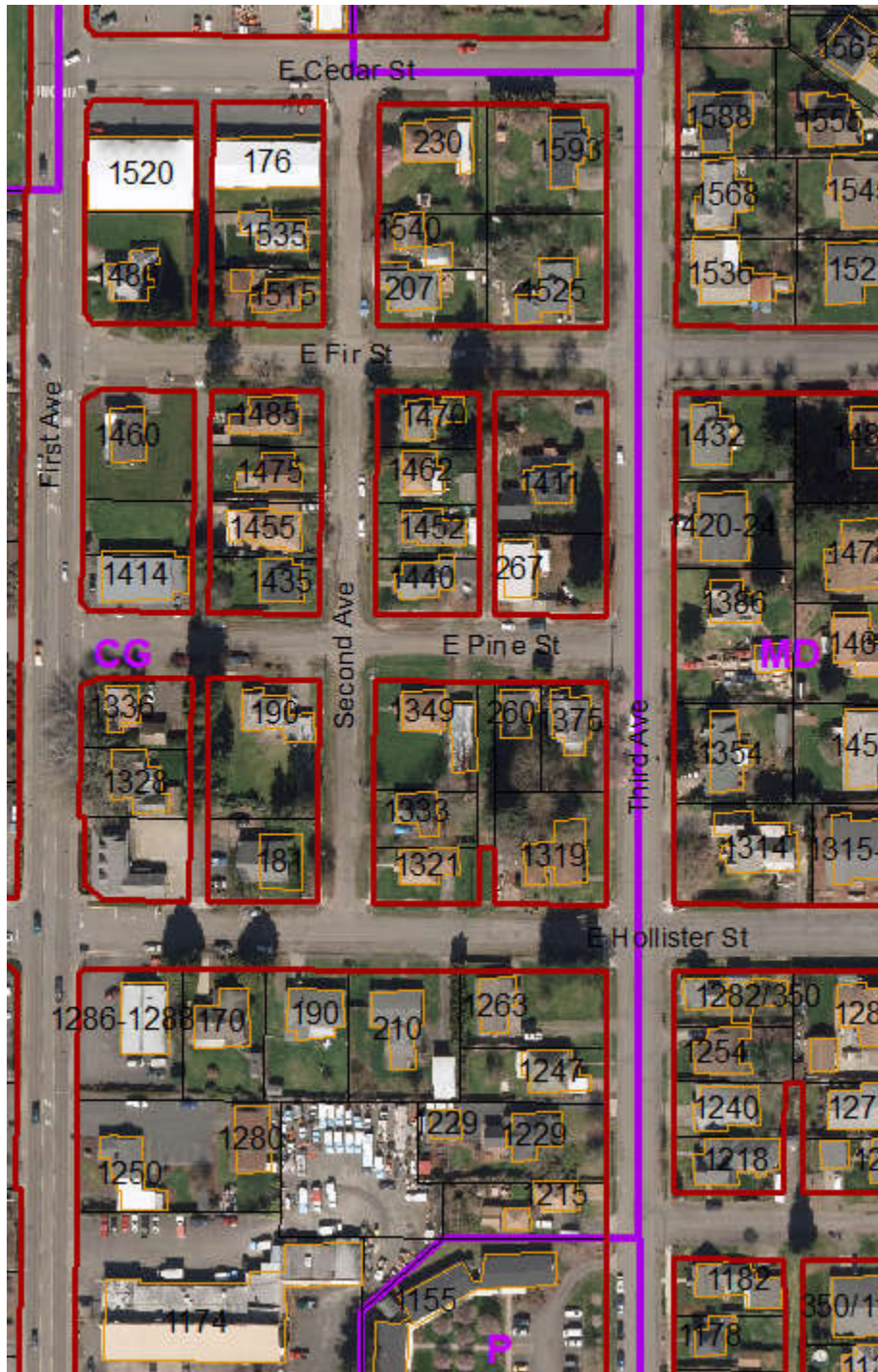
A series of six maps is attached that shows the Comprehensive Plan Map amendments and the Zoning Map amendments for each of the areas.

ANALYSIS

The Planning Commission has initiated a Comprehensive Plan Map and an Official Zone Map amendment for three areas within the city that are designated and zoned commercial or industrial and are exclusively in residential use. In this staff report "designation" refers to Comprehensive Plan Map designation and "zoned" refers to zoning by the Official Zoning Map.

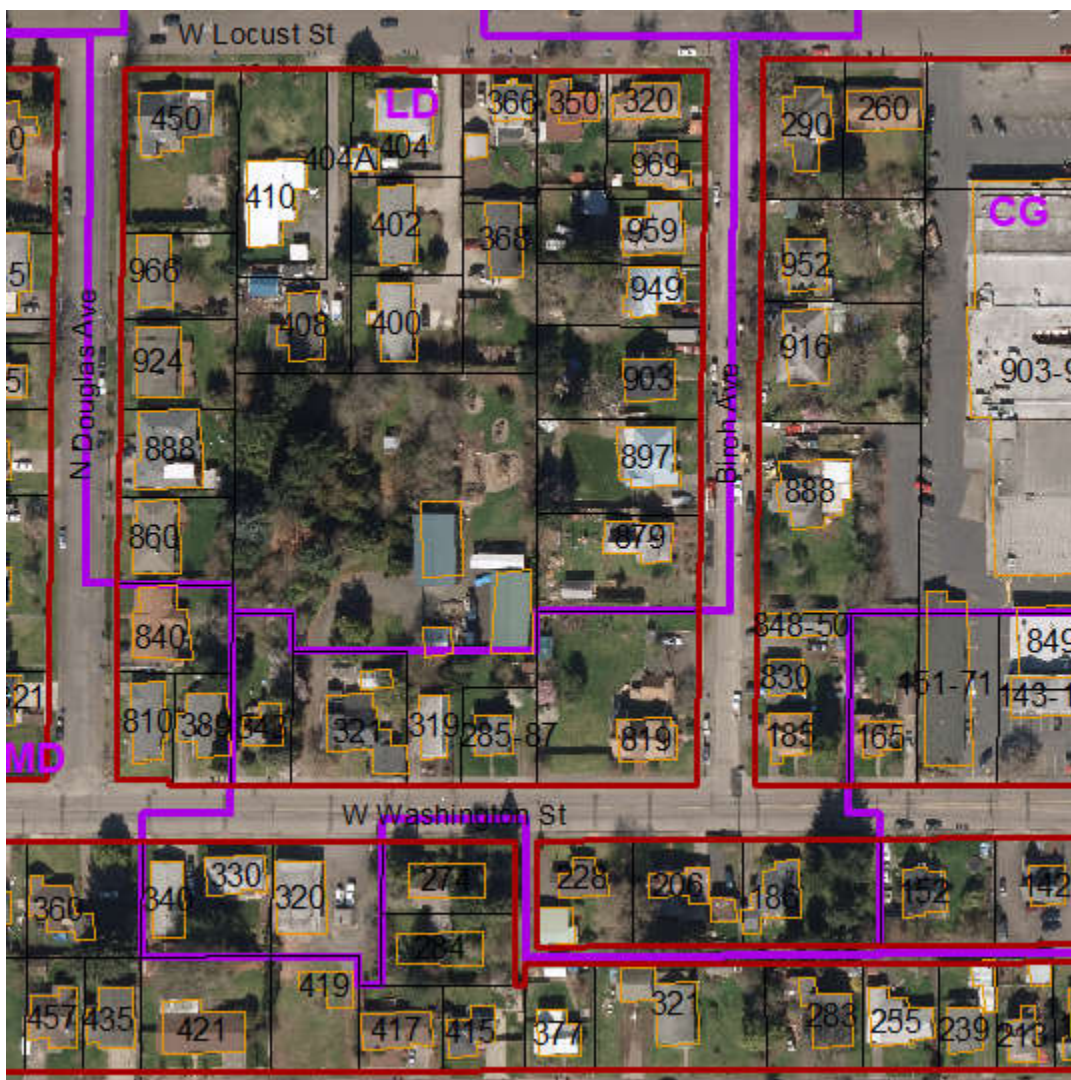
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The first area is along N Second Ave and N Third Ave between the Stayton Elementary School and E Cedar St. The seven block area includes 32 single family dwellings and just two businesses. There is also a storage building that is that is not used commercially. The proposed amendment would change the designation of 8.03 acres from Commercial to Residential and change the zoning of the same area of land from Commercial General to Medium Density Residential. The new veterinary clinic at the northwest corner of N Second and E Hollister and the pet supply warehouse at the southwest corner of N Second and E Cedar would remain in the Commercial General Zone. A 2014 aerial photo of the area showing the existing zoning is below:



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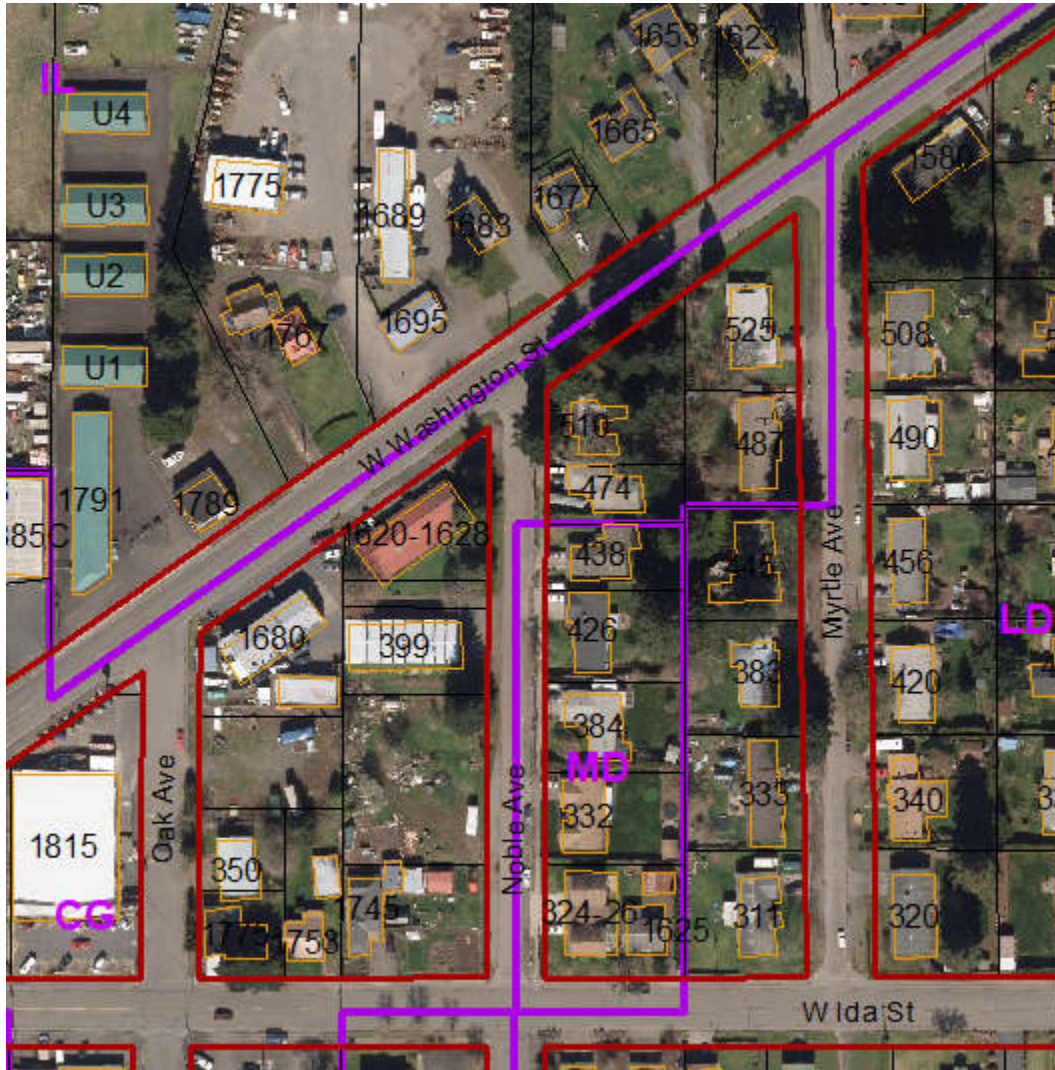
The second area is along W Washington St and N Birch Ave. West of the Stayton Plaza shopping center and the Mary Artz bookkeeping office, all of W Washington is in residential use except for Stayton Dry Cleaning and Russ Strohmeyer's photography studio. The west side of N Birch Ave is zoned Commercial General, but the entire block is in residential use. There are a total of 16 single family detached dwellings in this area. The proposed amendment would change all of N Birch into the Low Density Residential Zone, as the west side of the street currently is, the north side of W Washington into the LD zone, from the dentist office to the MD zone at N Douglas Ave, and the south side W Washington into in the MD zone from the Mary Artz bookkeeping office to the existing MD zoning. This proposal would convert 3.67 acres from Commercial General to LD and 1.46 acres from CG to MD. In addition, there would the conversion of 0.23 acres from Commercial Retail to LD and 0.27 acres from CR to MD. While this amendment would make 16 homes conforming uses it, it should be noted that two existing businesses would become nonconforming. A 2014 aerial photo of the area showing the existing zoning is below:



The third area is along W Washington St and N Noble Ave. On the north side of W Washington St, south of the Salem Ditch, there are seven single family homes on five tax parcels, zoned Light Industrial. These parcels range in size from 6,000 square feet to 2 acres, though two of the parcels extend on both sides of the Salem Ditch. On the south side of W Washington, between Myrtle and Noble, there are four single family dwellings in the CG zone. The proposed amendment is to place the properties on the north side of W Washington, the two properties on the west side of N Myrtle,

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and the two properties on the east side of N Noble in the LD zone and that the properties on west side of N Noble and east side of N Oak Ave be placed in the MD zone. This proposal would convert 2.44 acres from Light Industrial to LD and 1.40 acres from CG to LD. In addition, there would be the conversion of 1.86 acres from CG to MD. A 2014 aerial photo of the area showing the existing zoning is below:



Approval Criteria

As a legislative amendment, the criterion for approval of the comprehensive plan map amendment is found in Section 17.12.170.6.a: “The amendment is consistent with the other goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.”

There are no area plans that address any of the three areas proposed for comprehensive plan map amendment. I have scanned the goals and policies in the Comprehensive Plan relative to housing, economic development and land use and found none that provide direction relevant to the proposal. The statewide planning goals that are relevant are Goals 1, 9, 10

Goal 1 promotes citizen involvement. Public notice of the hearing was provided by publication in the Stayton Mail and by mailing to all of the affected property owners.

Goal 9 relates to providing adequate opportunities for a variety of economic activities. The proposed amendments would reduce the amount of land within the City designated for commercial

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and industrial uses. However, all of the affected land has been historically, and is currently, used for residential purposes. It has been designated/zoned for commercial and industrial use for forty years and the use remains residential. Staff would conclude that these reductions in the amount of land designated and zoned for commercial and industrial uses will not impact economic opportunity within the City, as it is unlikely the residential uses or development would be converted to commercial or industrial uses.

Goal 10 is to provide for the housing needs of citizens of the state. The proposed amendments do not impact the amount of buildable land in the City. All of the land proposed for a change in designation and zoning is developed and has no opportunity for additional development of housing, though duplexes are permitted uses in the MD zone.

In addition to the Statewide Planning Goals, OAR 660-012, the Transportation Planning Rule, impacts our decision making process. OAR 660-012-0060(1) requires a finding whether an amendment to an acknowledged comprehensive plan would significantly affect an existing or planned transportation facility. In the present case, the potential traffic generation from the proposed designation/zoning would be less than the potential traffic generation from the current designation/zoning.

As a legislative amendment, the criterion for approval of the official zoning map amendment is found in Section 17.12.180.6.a: “The amendment is consistent with the other goals and policies of the Comprehensive Plan, including any relevant area plans.”

There are no area plans that address any of the three areas proposed for comprehensive plan map amendment. I have scanned the goals and policies in the Comprehensive Plan relative to housing, economic development and land use and found none that provide direction relevant to the proposal.

RECOMMENDATION

Staff recommends adoption of the attached order, recommending to the City Council approval of the three map amendments.

OPTIONS AND SUGGESTED MOTIONS

1. Close the hearing and forward the proposed amendments to the City Council for adoption.

I move to adopt the draft order prepared by staff and forward the proposed map amendments to the City Council with a recommendation for adoption

2. Close the hearing, make changes to the proposed amendments and forward to the City Council for adoption.

I move to adopt the draft order prepared by staff, direct staff to make the following changes in the proposed map amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

3. Continue the hearing to allow for changes in the amendments and further public testimony.

I move to continue the hearing until June 25, 2018.

4. Close the hearing and return the amendments to staff for further refinement.

I move that the staff return the amendments to staff with direction to make the following changes in the proposed amendments and return the revised amendments to the Planning Commission for deliberation on June 25, 2018 (list changes).