

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

) Comprehensive Plan Map Amendments and
) Official Zoning Map Amendments
) Land Use File 5-04/18

RECOMMENDATION OF APPROVAL

I. NATURE OF PROCEEDINGS

The proceedings are for legislative amendments to the Comprehensive Plan Map and the Official Zoning Map. Three different areas of the City will have the Comprehensive Plan Map designation changed from commercial or industrial to residential and the zoning changed from the existing commercial or industrial zone to a residential zone.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on May 29, 2018. At that hearing the Planning Commission reviewed Land Use File #5-04/18 to amend the Comprehensive Plan Map and the Official Zoning Map and made it part of the record.

Testimony at the public hearing was offered supporting the changes along N Third Ave and N Second Ave. Testimony at the public hearing was offered opposing changing the north side of W Washington St from Industrial to Residential. Testimony at the public hearing was offered opposing changing the northeast corner of W Washington and N Birch from commercial to residential. The Planning Commission has considered the testimony at the public hearing.

III. FINDINGS OF FACT

1. Section 17.04.100 of the Land Use and Development Code defines a nonconforming use as a use that does not conform to the requirements of the code.
2. Under Section 17.16.070 of the Land Use and Development Code detached single family dwellings are not a permitted use in the Commercial or Industrial zones.
3. Staff reports that there are between 90 and 100 legally existing nonconforming detached single family dwellings in the non-residential zones.
4. The Planning Commission has identified three areas within the City where there are concentrations of nonconforming single family dwellings.
5. On March 26, 2018 the Planning Commission voted to initiate the amendments to the Comprehensive Plan Map and the Official Zoning Map.
6. The proposed Comprehensive Plan Map amendments are more specifically described below and would change the designation of three areas from Commercial or Industrial to Residential
7. The proposed Official Zoning Map amendments are more specifically described below and would change the zoning from Light Industrial, Commercial Retail, or Commercial General to Low Density Residential or Medium Density Residential.
8. The area along N Second Ave and N Third Ave between the Stayton Elementary School and E Cedar St is seven blocks that includes 32 single family dwellings and two businesses. There is also a storage building that is that is not used commercially. The proposed amendment would change the Comprehensive Plan Map designation of 8.03 acres from Commercial to Residential

and change the zoning of the same area from Commercial General to Medium Density Residential.

9. Within the area 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 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 original 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 have converted 3.67 acres from Commercial General to LD and 1.46 acres from CG to MD. In addition, there would be the conversion of one 0.23 acre parcel from Commercial Retail to LD and one 0.27 acre parcel from CR to MD. As originally proposed, this amendment would make 16 homes conforming uses, and two existing businesses would become nonconforming.

Following the testimony from the owners of the properties at the northeast corner of W Washington and N Birch Ave, opposing the change, the Planning Commission eliminated these two properties from the proposed amendment, keeping them in the Commercial designation and zoned Commercial Retail and Commercial General respectively. Following the public hearing the Commission requested that staff specifically contact the owners of the properties with the two existing businesses to be impacted by the proposed amendments. The owner of the photography studio on the north side of W Washington St also owns three tax parcels in residential use. Staff reported that the owner prefers that all four parcels remain in the Commercial General Zone. There was no comment from the owner of the dry cleaning establishment on the south side of W Washington St.

The Planning Commission has further revised the proposed amendment to eliminate all properties on the north side of W Washington St from the change, and to maintain the current comprehensive Plan Map designation and zoning for these properties.

As revised, the proposal for this area will convert four tax parcels on the east side of N Birch Ave from Commercial General to Low Density Residential, with a combined area of 1.23 acres; one 0.27 acre parcel from Commercial Retail to Medium Density Residential; and 5 parcels with a combined area of 1.12 acres from Commercial General to MD.

10. Within the area 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 original proposed amendment is to place the properties on the north side of W Washington, the two properties on the west side of N Myrtle, and the two properties on the east side of N Noble in the LD zone and the properties on the west side of N Noble and east side of N Oak Ave be placed in the MD zone. As originally proposed, 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.

Following the testimony from the owners of the properties on the north side of W Washington St, the Planning Commission eliminated these six parcels from the amendment and maintain the Industrial designation and Light Industrial zoning for the north side of W Washington St.

Therefore, the revised proposal is to change only the designation and zoning along Oak, Noble and Myrtle Avenues, between W Ida St and W Washington St. The revised proposal is to convert four tax parcels with a combined area of 0.75 acres from CG to LD. In addition, there would be the conversion of six tax parcels with a combined area of 1.38 acres from CG to MD.

11. Notice of the proposed amendments was provided to the Department of Land Conservation and Development on April 5.
12. Written notice of the proposed amendments was provided to property owners, as required by ORS 227.185, on April 24.

IV. PUBLIC COMMENTS

Written testimony was submit prior to the public hearing from most of the owners of industrially zoned properties on the north side of W Washington St. These properties expressed opposition to the proposal. There was oral testimony at the public hearing expressing support of the changes along N Second and N Third and opposing the changes at the northeast corner of N Birch Ave and W Washington St.

V. ORDER

Based on the findings of fact, the Planning Commission voted on June 25, 2018 to recommend to the City Council enactment of the proposed Comprehensive Plan Map amendments as shown on three maps entitled, "Proposed Comprehensive Plan Map Amendment N Second Ave & N Third Ave, As Recommended by Planning Commission, June 25, 2018," "Proposed Comprehensive Plan Map Amendment W Washington St & N Birch Ave, As Recommended by Planning Commission, June 25, 2018," and "Proposed Comprehensive Plan Map Amendment N Oak, N Noble & N Myrtle Ave, As Recommended by Planning Commission, June 25, 2018," attached hereto and made a part of this order. Further, the Planning Commission recommends to the City Council enactment of the proposed Official Zoning Map amendments as shown on three maps entitled, "Proposed Zone Map Amendment N Second Ave & N Third Ave, As Recommended by Planning Commission, June 25, 2018," "Proposed Zone Map Amendment W Washington St & N Birch Ave, As Recommended by Planning Commission, June 25, 2018," and "Proposed Zone Map Amendment N Oak, N Noble & N Myrtle Ave, As Recommended by Planning Commission, June 25, 2018," attached hereto and made a part of this order.



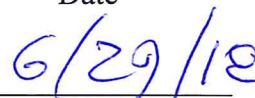
Ralph Lewis, Chairperson



Date



Dan Fleishman, City Planner



Date

