

ORDINANCE NO. 1030

AN ORDINANCE CHANGING THE ZONING OF THE PROPERTY AT 1160 E JEFFERSON ST

WHEREAS, Tadd Humphreys and Scott Humphreys are the owners of 1160 E Jefferson St, Stayton, Oregon and have submitted an application for a Zone Map Amendment from Low Density Residential (LD) to Medium Density Residential (MD) as to that property (“subject property”);

WHEREAS, the property can be identified as tax lot 4000, Township 9, Range 1 West of the Willamette Meridian, Section 11CB, Stayton, Oregon;

WHEREAS, the subject property is 15,000 square feet or 0.35 acres in size with 100 feet of frontage on E Jefferson St;

WHEREAS, the subject property is currently developed with a duplex, which has been in existence since the 1940s;

WHEREAS, the subject property is zoned LD;

WHEREAS, the existing duplex is a legally existing nonconforming use in the LD zone

WHEREAS, the neighboring properties to the east is zoned LD and is developed with a single family dwelling. The neighboring property to the south is zoned LD and is an undeveloped parcel. The neighboring property to the west is zoned LD and is developed with a single family dwelling. The adjacent properties to the north, across E Jefferson St, are zoned MD and are developed with a single family dwellings;

WHEREAS, applications for an amendment to the Official Zoning Map are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.180.5;

WHEREAS, following a public hearing on March 25, 2019, the Stayton Planning Commission unanimously approved an order recommending that the City Council hold a hearing and approve the application;

WHEREAS, the City Council held a public hearing on the application on April 15, 2019, and, pursuant to SMC Section 17.12.180.5, makes the following findings regarding each of the approval criteria:

- 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: The Comprehensive Plan Map designation is Residential.

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

Findings: There is an 8-inch water line in E Jefferson St. There is an 8-inch sewer main on the north side of E Jefferson St. There is a 10-inch storm drain line on the south side of E Jefferson St that terminates 175 feet west of the subject property.

- 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 has submitted a Transportation Planning Rule Analysis, completed by Tegan Enloe, PE. The Analysis concludes that the potential traffic from the zoning amendment would not significantly impact the transportation system.

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

Findings: Policy HO-4 calls for the City to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The Zone Map amendment will make the existing duplex a conforming use.

- 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: The subject parcel is developed with a duplex. The proposed Zone Map amendment will not have any impact the supply of vacant land.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060.

- 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 parcel is developed with a duplex, which is a legally existing nonconforming use. The zone map amendment would make the existing use conforming. The potential uses allowed by the proposed zone that are not permitted currently would include duplex and triplex. The parcel is large enough to be partitioned into two parcels in the MD zone, but not in the LD zone. If split, each parcel could be developed with a duplex.

WHEREAS, pursuant to the findings above, the City Council concludes that the application is compliant with all applicable review criteria.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Official Zoning Map amended. Based on the Findings and Conclusion set forth above, the Official Zoning Map is amended as follows:

Area to be changed from Low Density Residential to Medium Density Residential

Beginning at a point on the centerline of E Jefferson St which is 450 feet east of the north-south centerline of Section 11 of Township 9, Range 1 West of the Willamette Meridian and proceeding south 180 feet to the southwest corner of tax lot 091W11CB04000; thence easterly 100 feet to the southeast corner of tax lot 091W11CB04000; thence northerly 180

feet to the centerline of E Jefferson St; thence westerly 100 feet along the centerline of E Jefferson St to the point of beginning.

Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 3. 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 April, 2019.

CITY OF STAYTON

Signed: _____, 2019

BY: _____
Henry A. Porter, Mayor

Signed: _____, 2019

ATTEST: _____
Keith D. Campbell,
City Manager

DRAFT