

APPLICANT'S STATEMENT
for
FRERES BUILDING SUPPLY
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE
for a NEW BUILDING MATERIALS WAREHOUSE

SUMMARY OF THE PROPOSAL

Freres Building Supply (FBS) proposes to add a new building materials warehouse to its facilities at its downtown location. The proposed location is a property it owns adjacent on the north to its retail store at 101 N. 1st Avenue, identified as Tax Lot 6300. The property is approximately 32,647 s.f., or .75 acre, and it is vacant.

The parcel is currently zoned HD/ High-Density Residential and CR/Commercial Retail. Its dual zoning was part of a recent Minor Modification (lot line adjustment) that consolidated Tax Lot 6300 (HD) with former Tax Lot 6600 (CR). As a result, approximately 27,878 s.f. of the parcel is HD and 4,769 s.f is CR.

In order to allow the new warehouse a change is requested to the HD portion's Comprehensive Plan designation from Residential to Commercial, with a zone change to CR. Another parcel, Tax Lot 6500, which is adjacent on the south of TL 6300 and to the west of the store, is also proposed for the same Plan and zone change. That parcel will be the location of the driveway access to the proposed new warehouse.

BACKGROUND

Freres Building Supply has been an anchor at the south end of the Stayton downtown business district since the store was established in 1946 at the northwest corner of N. 1st Avenue and W. Water Street. Over time the business has expanded to meet the needs of the community and it currently occupies several additional parcels along the south side of W. Water St., west of 1st Avenue. These contiguous parcels are used for warehousing and outdoor storage of a wide range of building materials including lumber, siding, roofing, and fencing, among others. The retail store is identified on County Assessor's map 9-1W-10CD as Tax Lot 6800, and the warehouse parcels on the south side of W. Water Street are Tax Lots 6900, 7000, 7400, and 7500. All of these parcels are designated Commercial on the Comprehensive Plan Map, and they are zoned CR/Commercial Retail. The business is a permitted use in the CR zone.

To further improve its operation and its ability to serve the community, FBS proposes to build a new warehouse on a vacant parcel that is adjacent on the north to the retail store. This is Tax Lot 6300 (recently consolidated with former adjacent Tax Lot 6600). Most of parcel 6300 is currently designated Residential on the Comprehensive Plan Map and is zoned HD/High-Density Residential. In order to allow the new building materials warehouse FBS requests to change the Comp Plan Map designation to Commercial and the zone to CR. Former Tax Lot 6600 was designated Commercial and zoned CR, and that zoning remains as part of the consolidated parcel.

Parcel 6300 lacks frontage on a public street, which causes it to be "landlocked" and limits its development regardless of how it is zoned. To provide it with access to a public street FBS proposes a concurrent Comp Plan Map Change and Zone Change for adjacent Tax Lot 6500, which is on the north side of W. Water St. adjacent to the west of the retail store, and directly across from the properties already occupied by the business. This parcel is also designated Residential and zoned HD, and the Plan/Zone Change to Commercial/CR is requested in order to allow its use as an access to the future warehouse on parcel 6300.

Site Plan

A preliminary site plan is included as a part of this application to show the proposal in relation to the existing retail store and warehouse at 101 N. 1st. The new warehouse is planned to be located in the south-east part of parcel 6300, just north of the retail store. This compact arrangement will allow for efficient movement of personnel and materials between and through the FBS facilities. Vehicle access to the new warehouse will be provided by a 20' wide driveway easement through parcel 6500 to W. Water St. The easement will access Water St. directly across from other properties used by the business, which are already zoned CR. By its location next to the store and directly across Water St. from other facilities used by the business, the two additional parcels and the new warehouse will become part of the FBS cluster at the south end of the downtown commercial center.

Relationship to the Land Use Pattern

The cluster of FBS facilities represents the south end of the 1st Avenue commercial district. This district is reflected by the commercial zoning along the west side of the 1st Street frontage. Residential zones and neighborhoods are to the west of the commercial zoning.

North of parcel 6300, the residential area along W. Ida Street, is zoned MD - Medium Density Residential. However, this area is composed of single-family homes and there is at present no medium density housing. To the west the neighborhood is zoned LD - Low Density Residential, which accurately reflects the neighborhood's composition of single-family homes. The two parcels that are the subject of this application (as well as adjacent parcel 6400) are the only properties in the neighborhood zoned for high-density residential use, and none have developed for that purpose. Parcel 6300 is the only vacant property. Parcels 6500 and 6400, which front on W. Water St., are occupied by single-family homes which makes their conversion to high-density housing unlikely in any case.

The proposed Comp Plan Change and Zone Change will change the land use pattern of the immediate area by replacing HD zoning with CR. The change will result in a zoning pattern that is familiar and consistent with existing conditions. Residential zones currently border the existing CR zoning, and the same pattern will result if the HD zone is changed to CR as proposed. The depth of CR zoning west of 1st Ave. will be similar to the existing, variable pattern of nearby CR properties, and it will be no greater than its current extent along the south side of W. Water St. By contrast, the current HD zoning would allow high-density residential development to intrude into this area of single-family homes, on an interior property that does not have frontage on a public street.

The two parcels that are the subject of the application are adjacent to the existing FBS location. Since parcel 6300 is undeveloped no existing multifamily housing units will be lost. There is one single-family house on parcel 6500. A new building materials warehouse will create low demand on public services. All public

services are available and can be provided to the proposed use, but electric power is the only service that is anticipated. No new streets or changes to existing streets will be required.

The proposed Plan and Zone Change for the building materials warehouse will contribute to maintaining the viability of the business at its long-time location in the downtown core. Freres Building Supply is a major retail business that contributes to the vitality of the downtown business district. Its long-term presence in the downtown core contrasts with other communities where similar businesses have relocated to outlying commercial areas, which draws customer traffic away from the historic city center. The proposed Plan and Zone Change will assure the continued presence of this major retailer where it contributes to the character of the central city.

CRITERIA

The Criteria for a quasi-judicial Comprehensive Plan Amendment are provided in the Land Use and Development Code (LUDC) Chapter 17.12.170, part 6.b.

6. APPROVAL CRITERIA: In order to approve a Comprehensive Plan amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.

b. Quasi-judicial Amendments.

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.

The property is currently designated Residential and zoned HD. Parcel 6300 is vacant and provides no housing units. Parcel 6500 has one house. The Comprehensive Plan policies relevant to this application are addressed as follows:

Housing Goals and Policies

Statewide Planning Goal: To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The housing needs of the city are presented in Chapter 6 of the Comprehensive Plan. A housing needs analysis is provided in that Chapter. A buildable lands analysis for residential land and other land use categories is provided in Chapter 8 of the Comprehensive Plan.

The Housing Needs Projection is included in Chapter 6. Table 6-10 estimates the needed housing to the year 2030 based upon the population projection in Chapter 2 and the detailed information provided in Marion County's coordinated population projections. As shown in that Table, at the time of the Projection there were 3,056 existing housing units in the city, of which 607 were multifamily units. A total of 4,337 housing units were projected to be needed by 2030, of which a total of 781 would be multifamily units. Therefore, 1,281 total additional housing units would be needed by 2030, of which an additional 174 multifamily units (781 - 607) would be needed.

The Buildable Lands Inventory (BLI) is provided in Chapter 8. As shown in Table 8-2 there are 1,559 net acres in the City Limits. There are 1,203 net acres outside the city limits and within the Urban Growth Boundary (UGB), referred to as OCIB. The total net acreage within the urban growth area (city limits + OCIB) is 2,762 net acres.

As shown in Table 8-3, as of February, 2011 there were 763 net acres of residential land within the city limits. Of that total 164 net acres were zoned MD and 36 net acres were zoned HD. There were 138 acres of buildable residential land in the city, of which 18 acres were zoned MD and 4 were zoned HD. This proposal would rezone an acre of HD to CR, leaving 3 acres of buildable HD land.

The MD and HD zones apply throughout the city (the Downtown Medium Density Residential Zone applies only within a defined part of the city). The predominant zone

for multifamily housing is MD. The maximum allowed residential density in the MD zone is 12 units/acre. There is no upper limit to the allowable density in the HD zone, although it requires a minimum of 13 units/acre. Using the maximum allowed density in the MD zone of 12 units/acre, which would require a greater amount of land to accommodate the projected future need for 174 additional multifamily units than the unlimited density of HD, the amount of land needed for the projected additional 174 future units of multifamily housing would be $174 \div 12 = 14.5$ acres. As shown in Table 8-3 there were 18 acres of buildable MD zoned land, which exceeds the projected need.

As described in Chapter 6, the City can be expected to add 1,281 dwelling units during the planning period (to the year 2030). This will require approximately 460 acres of land. There are 138 net acres of buildable residential land within the city, and as shown in Table 8-4 there are 921 net acres of land designated for residential use within the UGB (OCIB) area, for a total of 1,059 acres designated for additional residential development within the overall urban growth area. This total results a surplus of $(1059 - 460 =) 599$ acres over the projected need to 2030. It is reasonable to assume that at least 14.5 acres of the buildable residential land will be designated to fulfill the projected need for multifamily housing, and that some of it will be zoned HD. In any case the large amount of land that is already designated for future residential use provides more than adequate opportunity to provide additional land for the needed multifamily housing.

Because the City has inventoried its buildable land for residential use, which accommodates the projected need for housing of all types as shown by the housing needs analysis, there is adequate land within the urban growth area to provide for future multifamily housing and Statewide Planning Goal 10: Housing, is satisfied.

Stayton City Goals and Policies

GOAL EXISTING AND FUTURE RESIDENTS WILL BE PROVIDED A CHOICE OF HOUSING TYPES IN SAFE AND HEALTHFUL HOUSING

There is a large supply of land in the urban area to provide for multiple types of housing opportunities for existing and future residents, in keeping with this Goal.

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.

ACTION The City shall assure that adequate supply of land in all residential zones is available for development within the city.

ACTION The City shall continue to allow manufactured homes on individual lots with design standards similar to those for site-built housing.

ACTION The City shall continue to allow mobile home parks in the Medium Density and High Density Residential Zones.

This Policy states the City's intent to accommodate the variety of needed housing, which includes multifamily. The first Action item directs the City to maintain land in all residential zones, which include the multifamily zones. By doing so the opportunity will exist to satisfy the range of projected future housing needs. As shown in the Plan there is adequate land in the city and the OCIB to provide for all needed housing types. The residential zones provide for manufactured housing, in keeping with the second and third Action items pertaining to manufactured homes and mobile home parks. The large amount of land designated for future residential use will provide existing and future residents with a choice of housing types, in keeping with this Goal.

Policy HO-2 It is the Policy of the City to assure that all occupied housing units are safe, decent, and suitable for healthful habitation.

ACTION The City shall enforce existing standards for health and safety in housing.

ACTION The City shall enact additional standards to assure the health and safety of residents, as appropriate.

This Policy and associated Actions pertain to the condition of housing units. This proposal involves only one existing housing unit (on TL 6500), which is in good condition. The proposal does not affect the condition of occupied housing units.

Policy HO-3 It is the Policy of the City to allow the use of flexible lot sizes and building placement, and density transfers to reduce development costs, make efficient use of land, and promote housing variety and affordability.

ACTION The City shall continue to allow master planned developments in all residential districts.

ACTION The City shall continue to allow residential and mixed use developments in the downtown area and mixed use developments in the commercial zones.

This Policy and associated Actions pertain to residential development proposals. This application is not a residential development proposal. However, the stated intent to apply flexibility in density and land use can reduce the amount of land needed for future housing and reduce new housing development costs, which could make development of multifamily housing more attractive and feasible.

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

ACTION The City shall continue to participate in the Valley Development Initiatives cooperative effort for the management of its housing rehabilitation program.

ACTION The City shall pursue applications for additional funding for housing rehabilitation and neighborhood stabilization efforts.

ACTION The City shall work cooperatively with local non-profit organizations to enable the construction of new affordable housing.

The site for the proposed warehouse is vacant and provides no existing housing stock. Because there is no housing stock it is not an opportunity for housing rehabilitation. There is one single-family house on parcel 6500. The subject parcels are bordered by commercial use on the east and south, and residential areas to the north and west. The current zoning of the parcels is unlike the adjoining residential land. The proposed zone change will not affect the maintenance, conservation or enhancement of housing in the nearby residential areas. The warehouse site is land-locked which is not an appropriate situation for high-density housing, which should have access that can accommodate traffic from high residential density. The traffic impact of the propose warehouse will be less than would result from high-density housing on the site. The Action items are directives to the City for seeking partnerships and funding for housing rehabilitation and construction. These Actions do not apply to this proposal. The use of the parcels will be specific and accessory to the existing FBS store.

GOAL NEW RESIDENTIAL DEVELOPMENTS WILL BE DESIGNED AND BUILT TO BECOME ATTRACTIVE NEIGHBORHOODS

Policy HO-5 It is the Policy of the City to encourage alternative placement of garages and storage buildings.

ACTION The City shall amend the Land Use Code to include incentives for the following design elements: locate garages behind the primary building line of the house and side-loading garages, or garages in the rear with alley access.

ACTION The City shall continue to require design review approval for all multi-family developments and manufactured home parks.

Policy HO-6 It is the Policy of the City to encourage the use of sustainable development practices in residential site planning, building materials, and environmental control systems, including use of active and passive solar energy, energy efficient designs, and low water use landscaping.

ACTION The City shall amend the Land Use Code to protect existing solar energy systems from shade.

ACTION The City shall continue to encourage the use of underground irrigation and native vegetation in landscaping.

This Goal and Policies are specific to new residential development. The proposal does not involve new residential development and this Goal and Policies HO-5 and HO-6 do not apply.

Commercial Land Use

As shown in Table 8-5 there are 107 net acres of designated commercial land within the UGB. Of this total 93 net acres are within the city limits and 14 net acres are within the OCIB area.

As described in the Commercial Land Use section four major concentrations of commercial land use are identified, along with some scattered activity outside of those areas. The four major concentrations are the Downtown area; "Upper First Avenue"; the area around the intersection of Wilco Road, Ida Street and Washington; and the intersection of Wilco and Schaff Road.

The Downtown area, which includes both sides of First Avenue to Third and from Washington to Water St., is recognized as the greatest concentration of commercial activity in the city. The FBS complex is within this recognized area.

This Section identified 21 acres of vacant developable land for commercial use in the city. However, it also recognizes that in recent years a lack of medium sized vacant lots available for commercial uses was noted by merchants and developers.

Also, that more intensive commercial use of the downtown business district is expected over time, and that the continued conversion of houses and residential lots in the commercial zones will allow for new business locations. Commercial development and visual improvements may also have the effect of attracting new types of residential development to downtown, in accordance with the Downtown Revitalization Plan.

The FBS proposal to add a warehouse to its existing operation is consistent with this expectation and to maintaining the downtown area as a center of commercial activity. There is no vacant commercial land adjacent to its location. The only adjacent vacant land is parcel 6300. Rezoning that parcel to allow the proposed storage warehouse will help to maintain the business at this location. No existing multifamily housing will be lost, and as the housing analysis shows, there is a surplus of land within the urban growth area to provide for the long-term future housing needs of the community. For these reasons the proposed Plan and zone change will help to maintain the vitality of the downtown commercial district without detracting from the ability to provide adequate housing with the community.

Land Use Goals and Policies

Statewide Planning Goals: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. City ... plans and actions related to land use shall be consistent with the comprehensives plans of cities and counties and regional plans. 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. Urban growth boundaries shall be established and maintained by cities, counties, and regional government to provide land for urban development needs, and to identify and separate urban and urbanizeable land from rural land.

The first (bold) part of this Statewide Goal statement tracks Statewide Planning Goal 2 - Land Use Planning. The City has met this Goal by adopting a Comprehensive Plan and implementing ordinances in conformance with the

requirements of the Statewide Goals. The second (bold) part of this statement tracks Statewide Planning Goal 14 - Urbanization. The City has adopted an Urban Growth Boundary that separates urban and urbanizeable land from rural land. The land within the UGB provides for the long-term buildable land needs of the city. The FBS proposal is inside the city and does not affect the UGB.

Stayton City Goals and Policies

GOAL PROVIDE FOR A LAND USE REGULATION PROCESS THAT PROMOTES A LIVABLE COMMUNITY AND PROVIDES FOR EXPEDITIOUS REVIEW OF DEVELOPMENT PROPOSALS

The City has adopted land use regulations that provide for the various land uses within the city, and which specify a review process for development proposals. This application follows the provisions and requirements of the land use review process, and by doing so it conforms to this Goal.

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

ACTION The City shall adopt an amended Official Zoning Map consistent with the Comprehensive Plan Map

ACTION Zoning district boundaries shall follow property lines and rights-of-way centerlines as much as practicable.

The City has adopted a zoning map that is consistent with the Comprehensive Plan map, in conformance with this Policy.

Policy LU-2 It is the Policy of the City that development regulations include clear and objective standards for the review of development proposals or variances.

ACTION The City shall adopt a Land Use and Development Code that minimizes the number of subjective standards.

The City has adopted a Land Use and Development Code that sets forth criteria that provide standards for review of development proposals, in satisfaction of this Policy. The adopted review standards are addressed in this application.

Policy LU-3 It is the Policy of the City that the availability and quality of public services shall be a criteria for approval of development proposals.

ACTION The City shall adopt a Land Use and Development Code that requires the provision of adequate public facilities and services for new development.

The criteria that apply to this proposal include the availability of public facilities

and services. The facilities and services required for the proposed storage warehouse are available at appropriate levels and quality, which satisfies this Policy.

Policy LU-4 It is the Policy of the City that development regulations shall provide for residential zones at several densities and for a variety of commercial and industrial zones.

ACTION The City shall adopt a Land Use and Development Code and Official Zoning Map in which the Comprehensive Plan designation of residential is divided into at least three zoning districts: a low density zone providing for detached single family dwellings; a medium density zone providing for a mix of single family, duplex and triplex development; and a high density zone for multifamily developments.

ACTION The City shall adopt a Land Use and Development Code and Official Zoning Map in which the Comprehensive Plan designation of commercial is divided into at least three zoning districts: zone primarily for retail businesses; a

zone for general business activity; and a zone near the interchanges with Highway 22 primarily for businesses oriented towards the travelling public.

ACTION The City shall adopt a Land Use and Development Code and Official Zoning Map in which the Comprehensive Plan designation of industrial is divided into at least three zoning districts: a zone primarily for manufacturing, warehousing and similar industries; a zone that allows limited commercial uses; and a zone designated for agricultural-related industries.

ACTION The City shall adopt a Land Use and Development Code and Official Zoning Map in which the Comprehensive Plan designation of downtown is divided into at least three zoning districts: a zone along 3rd Ave where commercial uses are required on the ground level; a commercial zone providing for a mix of commercial and residential development that allows automobile oriented uses; and a residential zone that allows a mix of residential and commercial uses.

ACTION The City shall adopt a Land Use and Development Code and Official Zoning Map in which the Comprehensive Plan designation of public/semi-public for the location of parks, schools, churches, hospitals, and similar uses.

The City has adopted a Land Use and Development Code and Official Zoning Map that provide for the variety of zoning districts in each of the identified categories for residential, commercial, industrial, and downtown uses. The adoption of these development regulations and map satisfies this Policy.

Policy LU-5 It is the Policy of the City that master planned developments shall be allowed in all zones in order to encourage better use of large or unique sites.

ACTION The City shall continue the master planned development provisions of the Land Use and Development Code that provide for flexibility of design and layout of subdivisions in exchange for the provision of open space.

This Policy is a directive that requires the City to allow master planned developments. This application does not propose a master planned development and in this case this Policy does not apply.

Policy LU-6 It is the Policy of the City that the central business area of Stayton shall continue to be the primary retail business area of the community.

ACTION The City shall limit commercial zones to those areas designated as commercial on the Comprehensive Plan Map, discouraging strip-type development.

ACTION A pedestrian-oriented atmosphere in the downtown area shall be provided through requirements for commercial uses that include curb cuts, sidewalks and street hardware for pedestrian and the disabled.

The FBS operation is part of the downtown central business area, where it has been one of the major retail anchors since it was established in 1946. The proposed storage warehouse is needed to help sustain the business as part of the central business area. The warehouse site is proposed to be designated Commercial on the Comprehensive Plan map, and zoned CR which is consistent with that Plan map designation. The site is adjacent to the existing FBS retail store, and it will be part of the cluster of FBS properties that make up this retail business operation. The warehouse site is not on the street frontage which avoids creating the appearance of strip-type development. For these reasons the proposal is consistent with this Policy to maintain the central business area as the primary retail business area of the community and to discourage strip-type development.

Policy LU-7 It is the Policy of the City to encourage an industrial park-like atmosphere along Wilco Road.

ACTION The City shall maintain the requirements for landscaping and architectural controls in the areas designated as industrial.

The FBS site is not along Wilco Road and it is not designated as industrial , and this Policy does not apply.

CHAPTER 7 ECONOMY

Economic Goals and Policies

Statewide Planning Goal: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

This Goal tracks Statewide Planning Goal 9 - Economic Development. The City has complied with the requirements of this Goal by identifying the various types of economic activity within the community and providing for them in the Code through Comprehensive Plan designations with corresponding zoning; by creating an inventory of those activities and the buildable lands that are designated for their growth, and by providing for the availability of public facilities and services. By adopting these measures in the Comprehensive Plan and Code the City is in conformance with the Economic Development Goal.

Stayton City Goals and Policies

GOAL PROVIDE FOR THE FUTURE COMMERCIAL, INDUSTRIAL AND SOCIAL NEEDS OF THE COMMUNITY WITH A BALANCED MIX OF ECONOMIC ACTIVITY

Policy EC-1 It is the Policy of the City to maintain downtown Stayton as an area for retail shops, restaurants, entertainment, government offices, and professional offices.

ACTION The City shall continue to allow a mix of commercial uses in the downtown area.

ACTION The City shall consider all available tools to finance infrastructure improvements and business attraction and promotion.

The FBS application is consistent with this Goal and its Policies. The business consists of a building supply retail store and its support facilities for the storage and display of the materials and goods it provides. Because these include

large-sized and bulk materials such as lumber, siding, roofing, fencing, pipes, etc., the operation by necessity requires substantial indoor and outdoor storage space which is greater than the retail store itself. The store has been at its downtown location since 1946, which predates many of the other businesses in the downtown area. The proposed storage warehouse is necessary to provide for the continued long-term operation of the business. There is no vacant commercial property contiguous to the existing business. By maintaining the operation at this location the proposal will help to maintain downtown Stayton as the retail center of the community.

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.

ACTION The City shall continue to limit commercial development in the IC zone to convenience facilities and heavy commercial uses.

ACTION The City shall designate areas outside of the city limits for future commercial growth, but not consider their annexation and development until commercial areas within the city limits are fully utilized.

The addition of the subject property to the commercial sector will help to protect the vitality of the City's commercial economy by maintaining a long-standing retail business in the central business area. The FBS operation is proportional to the size of the City and has undergone gradual and incremental expansion as the City has grown. This proposal is another step in maintaining local retail services in the community. The proposal does not involve the IC zone, or affect areas outside the city limits.

Policy EC-3 It is the Policy of the City to limit the size of retail stores and malls to maintain a competitive diversity in Stayton's retail economy, to lessen the impact on the city's air quality and adjacent land uses.

ACTION The City shall increase the limit on the size of shopping center malls to 100,000 square feet.

ACTION The City shall increase the limit on the size of retail stores to 45,000 square feet.

ACTION The City shall continue to limit two or more malls from being contiguous to one another.

The FBS business is a single independent retail operation. It is not part of a multi-tenant mall, and the proposal to add a storage warehouse does not create a shopping center mall. By their nature the products and services offered by the building supply business requires large amount of storage space for bulk materials.

The size of the retail store is in keeping with the limits of this policy. Maintaining the business in the city helps to reduce the flow of local dollars to larger-scale national retailers located outside of the city. These factors are consistent with the Policy directive to maintain competitive diversity in the city's retail economy.

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.

The subject property is not at Highway 22. It is at the south end of the downtown 1st Street retail core, which is the opposite end of the City from Highway 22. The proposal does not request or involve the ID zone.

Policy EC-5 It is the Policy of the City to promote the development of the industrial park area.

ACTION The City shall continue to the Oregon Enterprise Zone designation for the industrial area.

ACTION The City shall pursue all available opportunities for funding infrastructure improvements to serve the industrial zones.

ACTION The City shall seek state and federal programs and grants for economic development to improve the economy of the area.

The property is not in the industrial park and is not proposed for industrial use or an industrial zone, and this policy does not apply.

Summary

Because there is a surplus of land in the overall urban growth area to provide for the projected housing needs of the community, and because the proposal will serve to sustain and maintain a major retail business in the central business district, and because there is no other vacant commercial zoned property adjacent to the existing use to provide for the proposed use, the proposal satisfies the applicable Goals and Policies of the Comprehensive Plan and criteria b.1) is satisfied.

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.

The proposal is site-specific to the existing FBS store. The purpose of the Plan Amendment is to provide for a new storage warehouse contiguous to the existing facilities that make up the FBS retail cluster. A distant, off-site location on commercial land in another part of the city would not fulfill the functional need that exists at this location. There is no other contiguous undeveloped property that is zoned for commercial use along the west side of the 1st Ave. commercial corridor. The Comp Plan encourages maintenance of retail activity in the central business area, and the purpose of this proposal is consistent with that directive. In this case, the current Comprehensive Plan does not provide an adequate area at an appropriate location for the proposed storage warehouse, and the subject property will be a minor addition to the commercial inventory that is appropriate to maintain a major retail business in the city's central business area.

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.

An exception to the Statewide Goals is not required. The Statewide Planning Goals that apply the proposal are addressed as follows:

GOAL 1 CITIZEN INVOLVEMENT

The City's land use review process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to surrounding property owners within the notification area, published in the newspaper, and posted on the property. Public hearings to consider the request will be held by the Planning Commission and City Council. Through the notice and public hearing process all interested parties are afforded the opportunity to review and comment on the application, and participate in the decision. These procedures satisfy the requirements of this Goal.

GOAL 2 LAND USE PLANNING

The Stayton Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Plan provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed with regards to the Plan's applicable goals and policies, and the criteria for a Quasi-Judicial Comprehensive Plan Map Amendment and a

Zone Change. The City's adopted land use planning process provides a framework for evaluating the proposal. These factors satisfy the requirements of this Goal.

GOAL 5 OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

The subject property is not designated as open space, as a scenic or historic area, or as any other type of natural, scenic, historic or cultural resource area. No resources requiring consideration by this Goal are indicated.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposal is for a new storage warehouse for use as part of the existing building supply business. This will be a low-impact activity with regards to air, water and land resources quality. The use does not involve processing, fabrication or manufacturing activities that would generate emissions to the air, land or water. There are no water resources on the site. The small volume of traffic associated with the use will not have a significant effect on the quality of the air. The building will be typical of other buildings in commercial areas of the city. There are no specific topographic features on the property that need to be considered, and development for the proposed use will be typical of development on urban land. Public services and facilities are available to support the proposed use, including water and waste water disposal; but only electric power service is anticipated. There will be no withdrawal of groundwater or discharges of waste water into a water body or the subsurface. The availability of public utility services, if needed, will protect the quality of water and land resources. Because its impact will be low the proposed Plan change will maintain and protect the quality of the air, water and land resources at this location.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards that are specific or unique to the site have been identified. The property is not identified as subject to a specific natural disaster or hazard.

GOAL 8 - RECREATIONAL NEEDS

The site is not designated for recreational use and this Goal does not apply.

GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is currently designated Residential on the Plan Map. The proposal is to change the designation to Commercial to allow an additional storage warehouse to support the FBS operation. This will help to sustain a local business, and help to maintain the downtown business district as the main commercial area in the city, which is consistent with the economic development policies of the city. These factors are consistent with this Goal.

GOAL 10 - HOUSING

The proposed warehouse site (Tax Lot 6300) is currently designated residential and commercial. The residential part is approx. .62 acre (27,000 sq. ft.). The HD zone minimum density would require 8 housing units on the property. Together with parcel 6500, .37 acre, a total of an acre is proposed to be redesignated, which

would require a minimum of 13 residential units. The warehouse site is vacant and currently provides no housing units, so no existing housing will be lost from that parcel as a result of its redesignation. There is a single-family home on parcel 6500, which is not high density housing. As discussed previously there are 138 acres of buildable residential land in the city, and 921 acres designated for residential use in the OCIB. The plan projects a future need for 460 acres, leaving a surplus of 599 acres within the overall urban area that is already designated for residential use. The two parcels that are the subject property total an acre. The City's inventory of buildable and future residential land is more than adequate to provide for projected housing needs of all types in the community, including multifamily housing.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

The level of public facilities and services necessary for a storage warehouse is low. Public services including water supply, waste water disposal, storm drainage, streets, fire and police protection, electricity, telephone and electronic communication, and solid waste disposal, are available and can be provided to the site at levels that will be adequate for the proposed use. Water and sewer lines are located in W. Water St. and a stormwater line is in 1st. Avenue. Fire and police services are provided by the City. All other utility services are available at this location. The public services available to the site conforms to the requirements of this Goal.

GOAL 12 - TRANSPORTATION

The transportation impact of the proposal has been evaluated by DKS Associates, Inc. Traffic Engineers, and presented in a report August 5, 2020. The report addresses the State Planning Goal 12 Transportation Planning Rule (TPR), OAR 660-012-0060. The report is included as a part of this application.

Using the "reasonable worst-case" analysis methodology required by the TPR, the DKS report calculates that high-density residential use as allowed in the existing HD zone for the two parcels could generate up to 523 daily trips. The uses allowed in the CR zone that would generate the highest volume of traffic (not the proposed warehouse) would result in 783 daily trips, or an increase of 260 daily trips over HD zoning. This increase is below the estimated threshold of 400 daily trips for a "significant effect" on the transportation system.

However, the proposal is to use the site for storage of building materials as part of the FBS operation. No expansion of the retail store is planned, and trip generation data for building materials storage alone is not available. Using the trip generation data that applies to a building materials store, which includes both storage and retail sales, the report estimates the proposal will generate a total of 275 daily trips. Since the store already exists and no expansion is proposed, this figure is higher than what would actually be expected. In any case, the report concludes that even with an increase of 275 daily trips the proposal will not significantly impact or degrade the transportation system, and the requirements of the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

The new storage building will be required to meet the building code standards for energy efficiency at the time it is built, which will serve to conserve energy.

GOAL 14 - URBANIZATION

The subject property is within the city. All necessary public services and facilities can be made available to the site. The site is contiguous to the existing FBS cluster. The location of the site in relation to the existing store will help to maintain a compact and efficient urban area. The proposal does not affect the Urban Growth Boundary.

Based on the facts and reasons presented, the proposed change in the Comprehensive Plan land use designation is consistent with the applicable Statewide land use goals, and this criterion is satisfied.

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).

The findings provided to address Statewide Goal 12 also apply here. In summary, the DKS traffic impact analysis (TPR report) provided with this application to address OAR 660-012-0060 shows that the daily volume of traffic that can be expected from the proposed use under the proposed designation will not have a significant impact on the transportation system. No changes to the transportation system are required or recommended. The report shows that the proposed amendment is in conformance with the TPR. Because the existing transportation facilities are adequate to support the proposed use, and the amendment conforms to the TPR, this criterion is satisfied.

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

The existing Comp Plan land use designation for the subject site is Residential. The Comp Plan map designates 1059 acres for Residential use within the overall urban area. The Plan projects that 460 acres will be needed for the projected housing needs of the city to 2030. The total acreage that is designed Residential by

the Plan Map represents a surplus of 599 acres of Residential land. Therefore, the current Plan Map provides more than the projected need for land in the existing Residential designation, which satisfies this criterion.

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.

The public facilities and services that are necessary to support the use in the proposed designation are available and can be provided. These include City water, sewer and stormwater utilities, fire and police protection, and power and communications services. The availability of the necessary public facilities and services satisfies this criterion.

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

The lands to the east and south of the site are zoned CR, and the existing or planned uses on those lands are commercial. The lands to the north are zoned MD. The existing uses are single family residential, and the planned uses include multifamily residential. The lands to the west are zoned LD, and the existing and planned uses are single family residential.

The current zoning on the subject property is HD. The minimum density required in the HD zone is greater than the maximum density allowed in either LD and MD, and there is no maximum density limit. The maximum density in HD is unlimited. As a result a high-density residential project on this interior property could have a significant adverse impact on the adjacent lower-density neighborhoods.

Similarly, certain uses allowed in the proposed commercial designation such as a fast-food drive-through restaurant could have an adverse impact on the adjacent residential uses; although that type of intensive commercial use is highly unlikely because the property is not situated for that type of use due to its lack of vehicular access and visibility. The proposal is for a storage warehouse as part of the adjacent building materials supply business. The storage warehouse will not be

open to retail customer traffic, and it will generate only low volumes of traffic mainly from the delivery and shipping of building materials. Activity will occur mainly within the enclosed building space. The impacts of the use will primarily be vehicle noise as trucks deliver materials, and pick them up for transport to job sites, and noise from a forklift unloading, stocking, and loading materials. These impacts are similar to other types of retail activities, and will occur during daily business hours. The impacts to adjacent properties will generally be low, and will not be significantly adverse to the existing and planned uses on adjacent lands.

Based on the affirmative findings provided the proposal meets the criteria for a quasi-judicial Comprehensive Plan Amendment.

Zoning Map Amendments

The Criteria for a quasi-judicial Zoning Map Amendment are provided in Land Use and Development Code (LUDC) Chapter 17.12.180, part 6.b. The criteria are addressed as follows:

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 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.

The proposed Zoning Map Amendment from HD to CR is not consistent with the current Plan Map designation of Residential. An amendment to change the Plan Map designation to Commercial has been applied for as a part of this application. The Plan Map amendment has been reviewed according to the applicable criteria, and is compatible with the applicable provisions of the Comp Plan, as shown in the review and analysis provided in this report.

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.

Public facilities and services are available to accommodate the proposed use and can be provided without adverse impact on the service area. These include City water, sewer and stormwater utilities, fire and police protection, and power and communications services. Only electric power service is anticipated to be utilized. The proposed warehouse will not affect schools. The availability of the necessary facilities and services satisfies this criterion.

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).

The proposed use will be served primarily by 1st Avenue and W. Water St. The traffic impact of the proposed use has been evaluated in a report by DKS Associates, Traffic Engineers. The DKS report is a part of this application, and it addresses the Oregon Transportation Planning Rule. The report shows that the existing transportation facilities are adequate for the proposed use and that it will not have a significant adverse impact on those facilities. The traffic analysis shows that the proposed amendment is in conformance with the TPR.

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

The relationship of the proposed zoning district to the applicable goals and policies of the Comprehensive Plan have been reviewed and addressed above. The information and conclusions in that review also apply here. Based on that review the purpose of the zoning district is shown to satisfy the goals and policies of the Comprehensive Plan.

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.

The zones affected by the zone change are HD and CR. The proposal is for a site-specific addition to the existing FBS business location. The purpose of the zone change cannot be fulfilled by an off-site location. There is no vacant CR land adjacent to the existing business. The proposal will add one acre to the commercial land inventory, for this specific purpose. The lands designated for commercial use in other parts of the community will not be affected, and the zone change to CR will not alter the balance of vacant commercial land in the community. The proposal will reduce the supply of HD residential land by one acre but there are 138 acres of buildable residential land in the city, and another 921 acres designated for Residential use within the OCIB. Because of the specific location of the site, and the inventory of buildable land for additional residential use within the city and the overall urban area, the effect of the zone change on the supply of vacant residential land will be minimal and not consequential. Considering these factors and circumstances the Zone Map Amendment will not eliminate all available vacant land from either zone designation, and balance will be maintained in the zones affected by the zone change to meet the demand for expected development in the Comprehensive Plan.

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

The Oregon Administrative Rules embodied in the Comprehensive Plan Goals and Policies and the Statewide Planning Goals have been addressed and satisfied by the proposal, as shown in this report, above.

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.

The subject property is flat and level. No physical characteristics, natural resources

or hazards are identified that create obstacles or prevent its use in the proposed zone or for the proposed use.

Certain uses allowed in the proposed CR zone, such as traffic intensive service uses, could have an adverse impact on the surrounding residential uses, but the proposal is specifically for a building materials storage warehouse. Because the property is an internal site with no street frontage and little exposure to the public street its suitability for other types of commercial uses, such as those that require high volumes of customer access, is very limited and highly unlikely. This proposal is specifically for a storage warehouse as part of the existing building materials supply business. The storage warehouse will not be open to retail customer traffic, and will itself generate low volumes of traffic consisting mainly of supply deliveries and pick-up. Activity will occur mainly within the building, during normal business hours. These functional characteristics of the use will reduce impacts on existing and planned uses on adjacent lands and it will not have an adverse impact on surrounding uses.

Summary

The proposed Zone Change is consistent with the applicable Comprehensive Plan Goals and Policies and State Administrative Rules. The physical characteristics of the site are appropriate for the proposed zone and the use. Required public facilities and services are available to serve the site as may be needed. The use will not have a significant adverse affect on the transportation system, and it will be compatible with the surrounding uses. For these reasons the criteria for a zone map amendment are satisfied.