

STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, March 27, 2023

HYBRID MEETING

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also either be "attended" virtually or watched on the live stream on the City of Stayton's YouTube account.

City officials request all citizens that are able, to join the meeting online from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure. If you would like to virtually participate in the meeting, please contact the Planning and Development Department at dfleishman@staytonoregon.gov to receive an invitation to the online meeting.

Watch the meeting live streamed on YouTube <https://youtu.be/sZ-9-FLzPWI>.

1. **CALL TO ORDER** **Chair Lewis**
2. **MEETING MINUTES – February 27, 2023**
3. **LAND USE FILE #1-02/23 –PUBLIC HEARING Proposed Code Amendments Regarding Standards for Manufactured Housing**
 - a. Commencement of Public Hearing
 - b. Staff Report
 - c. Questions from the Commission
 - d. Proponents' Testimony
 - e. Opponents' Testimony
 - f. Governmental Agencies
 - g. General Testimony
 - h. Questions from the Public
 - i. Questions from the Commission
 - j. Staff Summary
 - k. Close of Hearing
 - l. Commission Deliberation
 - m. Commission Decision
4. **LAND USE FILE #2-02/23 –PUBLIC HEARING Application for Comprehensive Plan amendment and Official Zoning Map amendment, Dark Horse Enterprises, LLC, 190 E Pine St**
 - a. Commencement of Public Hearing
 - b. Staff Introduction
 - c. Applicant Presentation
 - d. Staff Report
 - e. Questions from the Commission
 - f. Proponents' Testimony
 - g. Opponents' Testimony
 - h. Governmental Agencies
 - i. General Testimony
 - j. Questions from the Public
 - k. Questions from the Commission
 - l. Applicant Summary
 - m. Staff Summary
 - n. Close of Hearing
 - o. Commission Deliberation
 - p. Commission Decision
5. **OTHER BUSINESS**
6. **ADJOURN**

DATE OF NEXT MEETING: Monday, April 24, 2023

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, February 27, 2023

COMMISSIONERS: Ralph Lewis
Dixie Ellard
Larry McKinley
Richard Lewis
Amy Watts

STAFF MEMBER: Dan Fleishman, Planning & Development Director
Windy Cudd, Office Specialist

OTHERS PRESENT: Mayor Brian Quigley
1 unidentified woman

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 pm
2. **APPROVAL OF MINUTES:** Richard Lewis moved, and Ellard seconded to approve the minutes from January 2023, as presented. Passed 5:0.
3. **REVIEW OF PROPOSED CODE AMENDMENTS RELATIVE TO MANUFACTURING HOUSING**

Fleishman explained the consideration of some suggested amendments to the Code regarding the standards for manufacturing housing.

ORS 197.314 prohibits a local government from subjecting manufactured homes to any applicable standards that would not apply to a detached, site-built single-family dwelling on the same land.

Commissioners discussed changes to the suggested amendments and chose to delete the standards for manufactured homes regarding:

- a. Siding
- b. Roof pitch and material
- c. Perimeter enclosures

4. **OTHER BUSINESS** – None
5. **ADJOURN-** Chair Lewis adjourned the meeting at 7:55pm.



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

dfeishman@staytonoregon.gov www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: March 27, 2023
SUBJECT: Public Hearing on Proposed Amendments regarding Standards for
Manufactured Housing

ISSUE

The issue before the Planning Commission is a public hearing on proposed Code amendments to the standards for manufactured housing to bring the Code into compliance with state law.

BACKGROUND

HB 4064, as enacted by the 2022 regular session of the Oregon Legislative Assembly, included, among other provisions, two sections that require the City of Stayton to amend our Land Use and Development Code relative to the standards for manufactured housing. I have enclosed the first pages of the enacted bill, showing the pertinent sections that impact our Land Use and Development Code highlighted.

Section 1 of the law amends ORS 197.314 to prohibit a local government from subjecting manufactured homes to any applicable standards that would not apply to a detached, site-built single-family dwelling on the same land. The statute does allow exceptions as necessary to comply with protective measures adopted pursuant to a statewide goal. This statute also prohibits a local government from adopting a minimum lot size for a mobile home park that is larger than one acre.

The Planning Commission reviewed a first draft of suggested amendments and made a number of changes to those amendments.

ANALYSIS

Section 17.16.070.4 includes standards for single family dwellings and for manufactured homes on individual lots. In addition to the standards that apply to site-built homes, the Code includes a number of standards for manufactured homes. The following provisions currently apply to a manufactured home, but not a site-built home:

- 2) Width. The manufactured home must be at least 24 feet in width.
- 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.
- 4) Exterior Siding. The manufactured home must have horizontally applied wood siding, horizontally applied fiber-cement siding, or textured plywood siding with vertical grooves.

City of Stayton

- 6) **Masonry Perimeter.** The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- 7) **Hauling Mechanisms.** The transportation mechanisms, including wheels, axles, and hitch, shall be removed.

Section 17.20.130.4.a requires a mobile home park to contain a minimum of five acres.

PROPOSED AMENDMENTS

The proposed amendments reorganize Section 17.16.070.4 to apply the same standards to manufactured homes to all single family detached homes. As a result of the Planning Commission's previous discussion the current standards for manufactured homes regarding siding, roof pitch and materials, and perimeter enclosure will be deleted from the Code.

The proposed amendments also make some changes to the submission requirements for a mobile home park, to reflect that submissions now are mostly electronic, and reduce the minimum required area for a mobile home park from five acres to one acre, as is required by statute.

RECOMMENDATION

The staff recommends the Planning Commission forward the proposed Code amendments to the City Council with a recommendation for approval. A draft order doing so is presented to the Planning Commission. There may be changes to the draft order necessary depending on the testimony at the public hearing.

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 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 amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

3. Close the hearing, choose to not forward the amendments to the City Council.

I move to not forward the proposed amendments to the City Council.

17.16.070 DISTRICT REGULATIONS**4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DETACHED DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.**

- a. Within the Low Density and Medium Density Residential Districts, all new single-family detached dwellings, including manufactured homes not in a mobile home park, are subject to the following development and design standards:
 - 1) Floor Area. A ~~conventional~~ dwelling shall have a minimum floor area of 1,000 square feet. The dwelling must have a minimum horizontal dimension of at least 24 feet.
 - 2) (Repealed Ord. 898, August 20, 2007)
 - 3) Design Features. All new ~~single family~~ dwellings, ~~including manufactured homes~~, shall contain the following design feature requirements:
 - a) The site must include an attached or detached garage with exterior materials that are the same exterior materials as the primary home.
 - b) ~~Gutters~~ The building shall be provided with gutters and downspouts.
 - c) The dwelling must have a composition asphalt, fiberglass, shake, or tile roof with a minimum pitch of 3 feet in height for each 12 feet in length.
 - d) The dwelling must have horizontally applied wood siding, horizontally applied fiber-cement siding, brick or stone masonry siding, or textured plywood siding with vertical grooves.
 - e) The base of the new dwelling must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. Unless the home is placed on a basement, the home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
 - b)f) If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.
 - 4) In addition, to provide architectural relief, new ~~single family~~ dwellings, ~~including manufactured homes~~, shall contain at least ~~4~~3 of the following design elements on the side(s) of the home which fronts on a street ~~to provide architectural relief~~:
 - a) Dormers or gables.
 - b) Cupolas.
 - c) Bay or bow windows.
 - d) Exterior shutters.
 - e) Recessed entries.
 - f) Front porch of at least 100 square feet, which may extend into the required front yard.

- g) Covered porch entries.
- h) Pillars or posts in the front entry area.
- ~~i) Roof with pitch greater than 3 feet in height per each 12 feet in length.~~
- ~~j) Front-side exterior brickwork or masonry.~~

5) BUILDING ORIENTATION. If the lot ~~fronts~~ has frontage on a public street and is not a flag lot, the architectural front of the ~~single family home~~ dwelling shall face the street.

~~b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:~~

- ~~1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.~~
- ~~2) Width. The manufactured home must be at least 24 feet in width.~~
- ~~3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.~~
- ~~4) Exterior Siding. The manufactured home must have horizontally applied wood siding, horizontally applied fiber-cement siding, or textured plywood siding with vertical grooves.~~
- ~~5) Garage. The manufactured home must have a garage with exterior materials that are the same exterior materials as the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.~~
- ~~6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.~~
- ~~7) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.~~
- ~~8) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.~~
- ~~9) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.~~
- ~~10) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.~~
- ~~11) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single-family dwellings in the underlying zone.~~

17.20.130 MOBILE HOME PARKS

1. PURPOSE. The regulations contained herein are intended to provide a suitable living environment for the residents of mobile home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses. The requirements and standards set forth in this ordinance are the minimum standards to which a mobile home park must conform before approval.
2. METHOD OF ADOPTION. Mobile home parks are subject to site plan review and shall be approved pursuant to the requirements of Sections 17.12.070 through 17.12.100.
3. SUBMITTAL REQUIREMENTS. All applications submitted for approval of a mobile home park development shall consist of ~~3 copies of~~ a preliminary development plan drawn to a scale of 1 inch equals not more than 50 feet. ~~In addition, a reduced copy of the plan sized as 11 inches x 17 inches.~~ The application shall contain, but not be limited to, the following information in addition to the requirements of Section 17.12.220.
 - a. Name(s) of person owning and/or controlling the land proposed for the park.
 - b. Name of the mobile home park and address.
 - c. Boundaries and dimensions of the manufactured home park.
 - d. Facility map showing relationship of manufactured home park to adjacent properties and surrounding zoning.
 - e. Location and dimensions of each manufactured home site with each site designated by number, letter, or name.
 - f. Location and dimensions of each existing or proposed building.
 - g. Location and width of park streets and pedestrian ways.
 - h. Location of recreational areas and buildings and common area.
 - i. Location of available fire hydrants.
 - j. Enlarged plot plan of a typical manufactured home space showing location of stand, storage space, parking and sidewalks, utility connections, and landscaping.
 - k. The plan shall indicate positions of the manufactured homes on their stands so that the decision maker may determine entrances, setbacks, etc.
 - l. Access features shall conform to the requirements set forth in Section 17.26.020. Section 17.26.020 also specifies submittal requirements for requesting an access permit and approval.
 - m. A survey plat of the property.
 - n. Schematic design drawings of all new structures.
 - o. A water system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Health Division.
 - p. A sewerage system plan prepared in accordance with City standards.

- q. A drainage system plan showing all drainage system improvements on site including storm water runoff calculations showing that the system is sufficient to handle the runoff from a 5-year storm.
 - r. Method of garbage disposal.
 - s. Park rules and regulations that will be recorded as deed covenants on the property.
4. DESIGN STANDARDS. The following standards and requirements shall govern the design of a mobile home park. The City may require that specific standards be included within covenants and restrictions to be recorded on the land.
- a. A mobile home park shall not be less than ~~5-acres~~one acre in area.
 - b. Lots or spaces within the park shall contain a minimum of 3,500 square feet with a width of no less than 35 feet.
 - c. Only 1 manufactured home shall be permitted on a lot or space.
 - d. No building, structure, or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted as follows:
 - 1) Manufactured homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building.
 - 2) Private and public utilities and services as permitted by City approval.
 - 3) Community recreation facilities, including swimming pool, for the residents of the park and guests only.
 - 4) One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
 - e. All manufactured homes shall be located at least 20 feet from the property boundary line abutting upon a public street, 100 feet from the center line of a state highway and at least 10 feet from other boundary lines, except that when a sound deadening fireproof barrier, such as an earthen berm or brick wall is provided, the Planning Commission may allow the 10-foot setback to be reduced to 5 feet, but not the 20-foot setback or the 100-foot setback.
 - f. Manufactured homes shall not be located closer than 15 feet from any other manufactured home or permanent building within the manufactured home park nor closer than 10 feet to any park or private roadway. Manufactured home accessory buildings, when not attached to the manufactured home, shall not be closer than 3 feet from any manufactured home or structure.
 - g. Ramadas, cabanas, awnings, carports, and other attached structures shall be considered part of the manufactured home for setback purposes.
 - h. All manufactured homes not having a concrete perimeter foundation shall be provided with a foundation stand which shall be improved to provide adequate support for the placement of the manufactured home. The stand shall be all-weather surfaced with asphalt, concrete, or crushed rock and must be at least as large as the manufactured home placed upon it. The stand shall be constructed so that it will not

- heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure.
- i. All manufactured homes shall be required to provide foundation, minimum exterior finishing, and construction of accessories in compliance with the standards of the zoning district in which they are located. All awnings, carports, cabanas, etc., constructed shall be of material, size, and color and pattern so as to be compatible with the manufactured home and shall comply with applicable codes.
 - j. A mobile home park shall have a minimum 40-foot wide property line frontage to either a collector or arterial street.
 - k. The mobile home park entrance shall be designed to provide a clearly defined main entry and exit point to the park. Secondary entry points may be required to provide ingress and egress for emergency vehicles. The main entry shall include street lighting and a sign(s) identifying the name of the park and providing direction to the manager's office or residence. Controlled ingress and egress may be installed subject to decision authority approval of design.
 - l. Two off street parking spaces shall be provided at each manufactured home space. Also, additional parking space shall be provided in parking areas distributed around the park (not part of the common area) not to be less than 1 parking space per 10 units. All off street parking spaces shall meet City standards.
 - m. Adequate street lighting shall be provided within the park in accordance with a plan approved by the Planning Commission.
 - n. All utilities shall be installed underground unless otherwise approved by the Planning Commission.
 - o. Approved fire hydrants shall be installed so that all manufactured homes, recreational vehicles, and other structures are within 300 feet down the center line of a street of an approved fire hydrant.
 - p. The owner or operator of a manufactured home park shall provide individual mail boxes or distribution facilities for incoming mail, and at least 1 collection box for outgoing mail which shall be located in coordination with the post office.
 - q. Buffering or screening shall be installed along park boundaries in accordance with a landscaping plan approved by the Planning Commission. All buffering or screening shall be in the form of a sight obscuring fence, wall, evergreen or other suitable planting, at least 6 feet high.
 - r. Fences or windbreaks exceeding 42 inches high shall be no closer than 3 feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be 6 feet.
 - s. Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it 8 feet high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.

- t. There shall be landscaping within the front and side areas of each manufactured home lot setback and in all open areas of the manufactured home park not otherwise used for park purposes. Landscaping shall be installed in accordance with a landscaping plan approved by the decision authority. The maintenance of the open spaces shall be necessary to continue renewals of the park license.
- u. In the mobile home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accommodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis in accordance with City garbage franchise regulations.
- v. If storage yards for recreational vehicles, boats, or trailers are provided, it should be provided at the rate of up to 100 square feet per manufactured home space depending on the clientele served. An 8-foot high sight obscuring fence with a lockable gate should be erected around the perimeter of the storage yard. If no storage space for recreational vehicles is provided, storage shall not be permitted within the park boundaries.
- w. Pedestrian walkways shall be separated from vehicular traffic ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidewalks shall be at least 3 feet wide and be composed of concrete or bituminous concrete at least 3 inches thick.
- x. Although it will not be necessary for vehicular ways to be improved and maintained to City standards, all vehicular ways shall be based, graded, and paved with asphalt or concrete and shall be continuously maintained by the owner.
- y. Minimum park street improvement width for shall be 14 feet for a one-way local street and 20 feet for a two-way local street.

5. OPERATIONAL STANDARDS.

- a. Alterations and Additions. The owner and management shall be held responsible for all alterations and additions to a mobile home park, and shall make certain that all permits and inspections are obtained from the proper authorities.
 - 1) Prior to the placement of any unit in a mobile home park a building permit shall be obtained from Marion County through the City of Stayton Public Works Department.
 - 2) All units shall be installed in accordance with the Oregon Manufactured Dwelling Installation Specialty Code.
 - 3) All units shall bear an Oregon insignia of compliance or a Housing and Urban Development Certification Label.
- b. Electrical Connections. All electrical connections shall comply with the State of Oregon electrical code and be duly inspected.

- c. Fire Extinguishers. Portable fire extinguishers rated for classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and be maintained in good operating conditions.
- d. Fire Hazards. The owner of the park shall be responsible for maintaining the park free of any brush, leaves, and weeds which might facilitate the spread of fires between manufactured homes and other buildings in the park. The owner shall also be responsible to insure that no combustible materials are stowed in, around, or under any manufactured home occupying a manufactured home space.
- e. Inspections. The building official may check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance with these standards. If not in compliance, the owner must make repairs as are required or will be considered to be in violation of this code and subject to enforcement action. An extension of no more than 1 year to make repairs may be made by the decision maker, if it can be shown that risk to public health, safety, or welfare will not be created by this extension.
- f. Management Responsibilities. The owner, operator, resident manager, or similar supervisor or representative of the owner shall be available and responsible for direct management of the manufactured home park while it is in use.
- g. Refuse Burning. Burning of refuse will not be permitted.
- h. Refuse and Debris Control. All manufactured home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests. All units shall have an adequate garbage container as determined by the Marion County Health Officer.
- i. Storage of Materials. Storage of decomposing combustible or other unhealthy or unsafe.
- j. Water and Sewer Connections. All manufactured homes, service buildings, etc., shall be connected to an approved water and sewer system.
- k. Ownership and Maintenance of Water, Sewer and Storm Drainage Facilities. All water and sewer lines within the manufactured home park shall be privately owned, unless the City requests that the lines and public utility easements be granted to the City. Unless the City requires that they be made public, all sewer, water, and storm sewer lines and drainage ways shall be continuously maintained to City standards at the sole obligation and expense of the park owners.
- 1. Park Administration.
 - 1) It shall be the responsibility of the park owner(s) and manager to see that the provisions of this ordinance are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this ordinance.
 - 2) Manufactured home park spaces shall be rented or leased only.
 - 3) A minimum of 1/3 of the spaces must be available for occupancy before first occupancy is permitted.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of) Development Code Amendments regarding
) Standards for Manufactured Housing
) Land Use File 1-02/23

RECOMMENDATION OF APPROVAL

I. NATURE OF PROCEEDINGS

The proceedings are for legislative amendments to the Stayton Municipal Code (SMC), Title 17, known as the Stayton Land Use and Development Code modifying the standards for manufactured housing to bring the Code into compliance with state law.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on March 27, 2023. At that hearing the Planning Commission reviewed Land Use File #1-02/23 to amend the Land Use and Development Code and made it part of the record. The Planning Commission has considered the testimony at the public hearing.

III. FINDINGS OF FACT

1. ORS 197.314 now prohibits a local government from applying to standards manufactured homes that would not apply to a detached, site-built single-family dwelling on the same land.
2. ORS 197.314 also prohibits a local government from requiring a minimum lot size for a mobile home park that is larger than one acre.
3. SMC Section 17.16.070.4 includes standards for single family dwellings and for manufactured homes on individual lots that are different. In addition to the standards that apply to site-built homes, the Code includes standards for manufactured homes regarding building width, roof materials and pitch, exterior siding, and foundation materials that are not applicable to site-built housing.
4. SMC Section 17.20.130.4.a requires a mobile home park to contain a minimum of five acres
5. The proposed amendments reorganize Section 17.16.070.4 to apply the same standards to manufactured homes to all single family detached homes.
6. The proposed amendments reduce the minimum lot size requirement for a mobile home park to one acre and modernize the submission requirements for an application for approval of mobile home park.

IV. PUBLIC COMMENTS

The Planning Department received no comments prior to the public hearing. There was no public testimony at the public hearing.

V. ORDER

Based on the findings of fact, the Planning Commission voted on March 27, 2023 to recommend to the City Council enactment of proposed amendments to the Stayton Land Use and Development Code, as presented in a document entitled, "Proposed Amendments to Manufactured Housing Standards For Planning Commission Public Hearing March 27, 2023."

Ralph Lewis, Chairperson

Date

Dan Fleishman, City Planner

Date



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

dfeishman@staytonoregon.gov www.staytonoregon.gov

MEMORANDUM

TO: Chairperson Ralph Lewis and Planning Commission Members

FROM: Dan Fleishman, Director of Planning and Development

DATE: March 27, 2023

SUBJECT: Comprehensive Plan Map and Zoning Map Amendments, Dark Horse Enterprises, LLC, 190 E Pine St

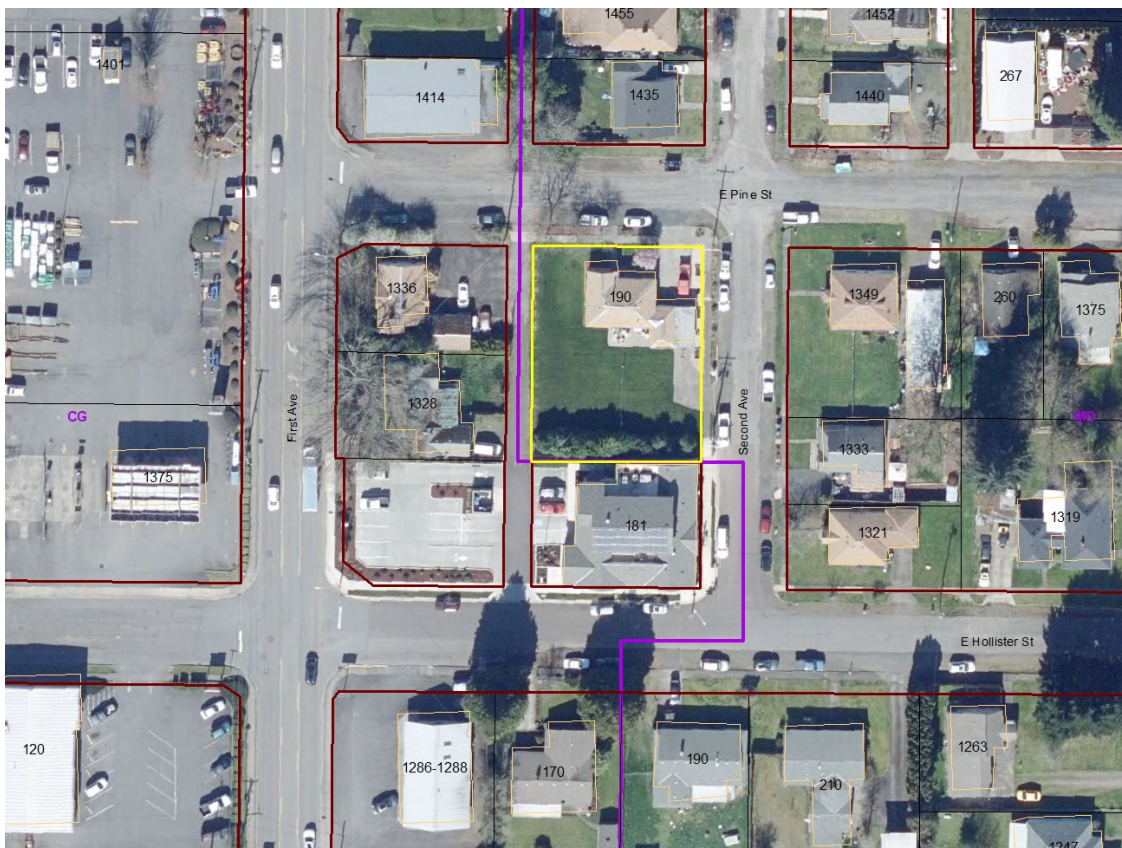
120 DAYS ENDS: N/A

ISSUE

The issue before the Planning Commission is a public hearing on applications for Comprehensive Plan Map amendment and Zoning Map amendment for the property at 190 E Pine St.

BACKGROUND

The property is located at the southeast corner of the intersection of E Pine St and N Second Ave. The property is currently occupied by a single family dwelling. A March, 2020 aerial photo of the property is below, showing the existing zoning boundaries:



City of Stayton

The property is currently designated as Residential by the Comprehensive Plan Map and zoned as Medium Density Residential. The application requests the Comprehensive Plan Map designation be changed to Commercial land the Zoning by changed to Commercial General.

As a Comprehensive Plan Map amendment and Zoning Map amendment, the Planning Commission's role is to make a recommendation to the City Council, who will hold their own public hearing and reach a final decision on the applications.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning these applications. It was developed after soliciting input of other City departments and agencies.

Attached are applications for Comprehensive Plan Map amendment and Zoning Map amendment from Dark Horse Enterprises, LLC. The applications consist of the application forms and narrative, and a transportation planning rule analysis.

Also included in the packet is an email from Kittelson & Associates.

This property was previously designated as Commercial and Zoned Commercial General. In 2018, a City-initiated rezoning of it and surrounding properties placed changed it to residential, in an effort to reduce the number of non-conforming uses throughout the City.

This property has been in residential use. It was recently purchased by the applicant, who operates the veterinary clinic on the neighboring property to the south. These applications have been filed in anticipation of a future application for the expansion of the veterinary clinic.

RECOMMENDATION

The staff recommendation for approval is reflected in the draft order that is attached to the staff report.

There may be testimony at the public hearing that requires the draft order be modified to reflect that testimony.

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 approval of the applications, adopting the draft order as presented.

I move the Stayton Planning Commission recommend approval of the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and adopt the draft order presented by Staff.

2. Recommend approval of the applications, adopting modifications to the draft order.

I move the Stayton Planning Commission recommend approval of the application of Dark Horse Enterprises, LLC (Land Use File #2-02/23) adopt the draft order with the following changes...

3. Recommend denial of the applications.

I move that the Stayton Planning Commission recommend denial of the applications of Dark Horse Enterprises, LLC (Land Use File #2-02/23) and direct staff to modify the draft order to reflect the Planning Commission's discussion and bring a revised draft order for Planning Commission approval at the April 24, 2023 meeting.

4. Continue the hearing until April 24, 2023.

City of Stayton

I move the Stayton Planning Commission continue the public hearing on the applications of Dark Horse Enterprises, LLC (Land Use File #2-02/23) until April 24, 2023.

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 applications of Dark Horse Enterprises, LLC (Land Use File #2-02/23) but maintain the record open to submissions by the applicant until April 10, 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 April 24, 2023.

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 applications of Dark Horse Enterprises, LLC (Land Use File #2-02/23) until April 24, 2023.



CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: Dark Horse Enterprises, LLC (Mike Reynolds)
Address: 1308 N. 1st Avenue
City/State/Zip: Stayton, OR 97383
Phone: (503) 769 7387 Email: mreynolds@staytonveterinary.com

APPLICANT:
Address: same as owner
City/State/Zip:
Phone: () - Email:

APPLICANT'S REPRESENTATIVE: Tracy Brown
Address: 17075 Fir Drive
City/State/Zip: Sandy, OR 97055
Phone: (503) 781 0453 Email:

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name: Tracy Brown
Address: 17075 Fir Drive
City/State/Zip: Sandy, OR 97055
Phone: () 503 781-0453
Email: tbrownplan@gmail.com

ENGINEERING
Name: Mike Ard (Ard Engineering)
Address: 21370 SW Langar Farms Rd. Ste.1
City/State/Zip: Sherwood, OR 97140
Phone: () 503 862-6960
Email: mike.ard@gmail.com

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

COMPREHENSIVE PLAN TEXT AMENDMENT

COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: Residential

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: Commercial

LOCATION:

Street Address: 190 E. Pine Street

Assessor's Tax Map and Lot Number(s): 091W10AC tax lot 2800

Closest Intersecting Streets: E. Pine Street and N. 2nd Avenue

SIGNATURE OF APPLICANT:

[Handwritten signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/17/23 Fee Paid: \$ 2000 Receipt No. 192931635PT

Land Use File# 2-02/23



Submit Via Email

CITY OF STAYTON
APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT

PROPERTY OWNER: Dark Horse Enterprises, LLC
Address: 1308 N. 1st Avenue
City/State/Zip: Stayton, OR 97383
Phone: (503) 769 7387 Email: mreynolds@staytonveterinary.com

APPLICANT: same as owner
Address:
City/State/Zip:
Phone: () - Email:

APPLICANT'S REPRESENTATIVE: Tracy Brown
Address: 17075 Fir Drive
City/State/Zip: Sandy, OR 97055
Phone: (503) 781 0453 Email: tbrownplan@gmail.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name: Tracy Brown
Address: 17075 Fir Drive
City/State/Zip: Sandy, OR 97055
Phone: () 503 781-0453
Email: tbrownplan@gmail.com

ENGINEERING
Name: Mike Ard (Ard Engineering)
Address: 21370 SW Langar Farms Rd. Ste. 1
City/State/Zip: Sherwood, OR 97140
Phone: () 503 862-6960
Email: mike.ard@gmail.com

Select one of the above as the principal contact to whom correspondence from the Planning Department should be addressed:

- owner applicant applicant's representative planning consultant engineer

LOCATION:
Street Address: 190 E. Pine Street
Assessor's Tax Lot Number and Tax Map Number: 091W10AC tax lot 2800
Closest Intersecting Streets: E. Pine Street and N. 2nd Avenue

CURRENT ZONE MAP DESIGNATION: MD, Medium Density Residential
PROPOSED ZONE MAP DESIGNATION: CG, Commercial Genral

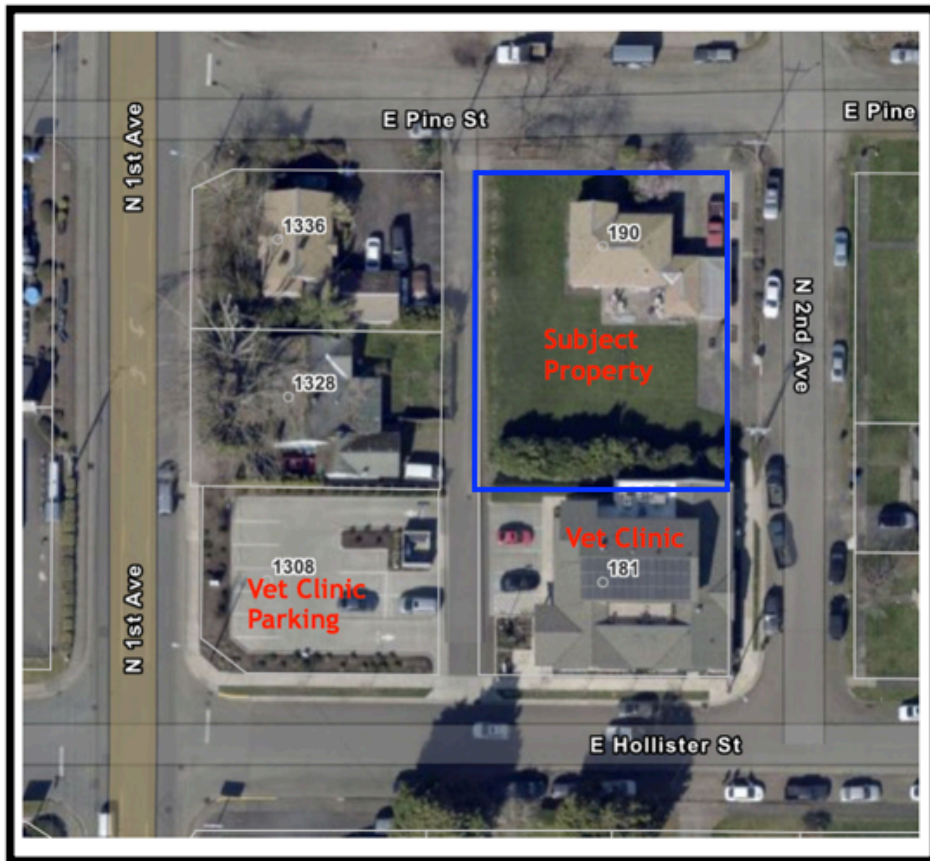
SIGNATURE OF APPLICANT: [Handwritten Signature]

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 2/17/23 Fee Paid: \$ 2000.00 Receipt No. 192931635PT
Land Use File# 2-02/23

Comprehensive Plan Map and Zoning Map Amendment
for
Dark Horse Enterprises, LLC

190 E. Pine Street (091W10AC tax lot 2800)



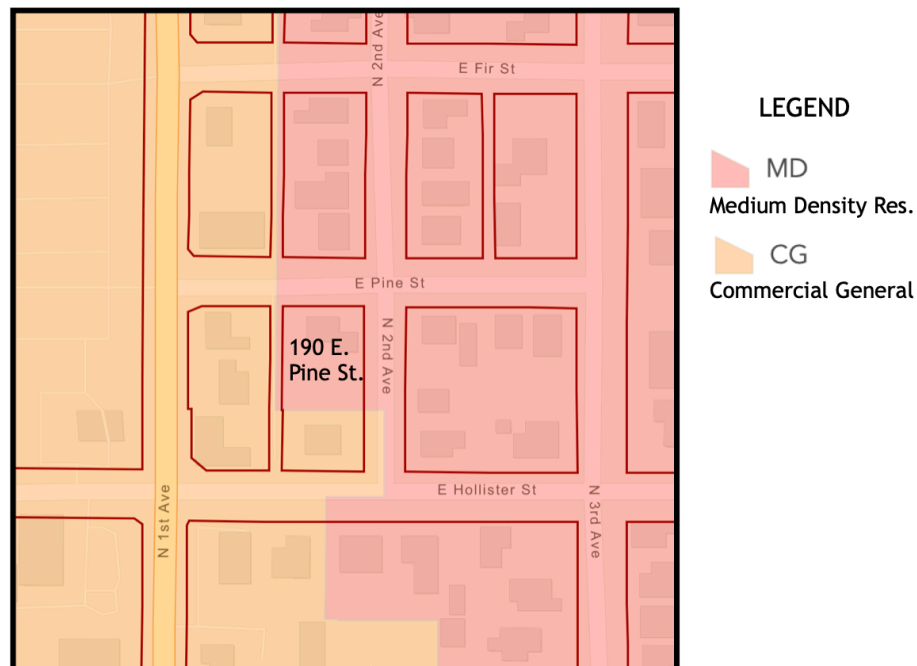
February 17, 2023

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I. Project Description

Dark Horse Enterprises, LLC requests a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they own located at 190 E. Pine Street, Stayton, OR. The subject property is legally described as tax lot 2800, 091W10AC and contains 0.29 acres. The property is located on the corner of E. Pine Street and N. 2nd Avenue and a single family residence is currently located on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation on the property to Commercial General (CG) and the Comprehensive Plan Map designation to Commercial.

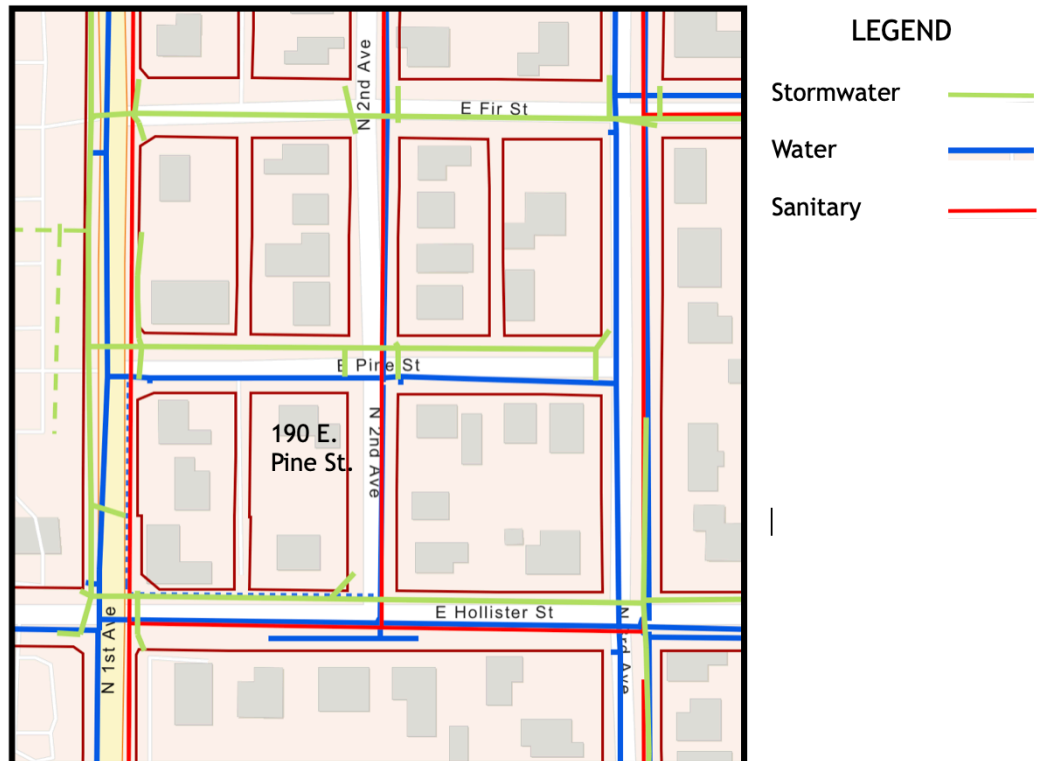
As shown on the Zoning Map below, the subject property is bordered on its southern and western boundaries by property currently zoned Commercial General (CG). These properties also carry a Commercial Comprehensive Plan Map designation. With approval of the proposed zoning change, all properties in this block will carry a CG zoning designation.



The applicant is submitting this application as a first step to prepare the property to expand the Stayton Veterinary Hospital located directly south of the subject property. Given the location of the veterinary clinic and the location of the platted alley bisecting this block, expansion of this facility onto the subject property is the only viable option. A veterinary clinic is not a permitted use in the current Medium Density Residential zoning district but is permitted outright in the Commercial General zone. The requested amendment is necessary to facilitate the expansion of this business.

Public Utilities

The subject property is well served by existing public utilities as shown on the City's GIS system. Stormwater lines border the site in E. Pine Street to the north and E. Hollister Street to the south. Water service is available in both E. Pine Street and E. Hollister Streets and sanitary sewer service is available to serve the property in N. 2nd Avenue. A review of the City's water and sanitary sewer master plans indicate the subject property is located in an area of the city where all public facilities should have sufficient capacity to serve future development of the property.



Transportation

The subject property is also well served by improved city streets. The City's Transportation System Plan classifies N. 1st Avenue west of the site as a Major Arterial, E. Hollister Street, south of the site, as a Neighborhood Collector, and E. Pine Street and N. 2nd Avenue that run along the north and east boundaries of the site as Residential Local Streets. As part of the application package, the applicant hired a Transportation Engineer to prepare an analysis regarding compliance with the Transportation Planning Rule (TPR). The Analysis Letter submitted with this application finds the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, the Transportation Engineer proposes a trip cap of 200 average daily trips be imposed with the zone change to ensure the zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule.

II. Application Approval Requests

The applicant is seeking concurrent review of the following requests with this application:

- Comprehensive Plan Map Amendment
- Zoning Map Amendment

III. Application Materials

The following items are included with this application:

- Land Use Application
- Project Narrative
- TPR Analysis Letter

IV. Review of Applicable Approval Criteria

Comprehensive Plan Map and Zoning Map amendment requests are required to comply with the code criteria found in the Stayton Development Code. This section addresses all applicable review criteria. Pertinent code provisions are cited below in regular text followed by a response describing how the proposal complies with this standard in *italics*. The following code sections are reviewed in this narrative:

| <u>Section</u> | <u>Title</u> |
|-------------------|-------------------------------|
| Section 17.12.170 | Comprehensive Plan Amendments |
| Section 17.12.180 | Zoning Map Amendments |

Section 17.12.170 Comprehensive Plan Amendments

- 1. Purpose** - The Comprehensive Plan is the City's official and controlling land use document, guiding public and private activities that affect Stayton's growth, development, and livability. ... This section provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purposes. This process applies to proposed amendments to Comprehensive Plan text, goals, policies or actions, and to Comprehensive Plan Map designations.
Response: A review of all applicable Comprehensive Plan text, goals, policies, and actions is included below.
- 2. Definition** - A plan amendment may be the redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. Amendments may either be legislative or quasi-judicial amendments.
Response: The proposed Comprehensive Plan map amendment has been initiated by a private property owner and will be processed as a quasi-judicial amendment.
- 3. Initiation** - A quasi-judicial Comprehensive Plan amendment may be initiated by an applicant through the submission of an application.
Response: The owner of the subject property has submitted this application for review.
- 4. Method of Adoption** - Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Comprehensive Plan amendments shall be adopted by an ordinance passed

by the City Council. All proceeding shall be conducted in accordance with this Chapter.

Response: *The City Council will adopt an ordinance with approval of the application request.*

5. Submittal Requirements:

- a. Completed Application form
- b. Evidence of ownership
- c. Map showing property
- d. Narrative statement explaining the request
 - 1) Statement of water, sewer, storm, transportation, park, and school availability.
 - 2) Statement of increased demand of above facilities generated by the proposed change.
 - 3) Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with project demand.
 - 4) Traffic impact analysis in accordance with Section 17.26.050.3.
 - 5) Statement outline the method and source of financing required to provide those additional facilities identified in subsection 3) above.
- e. If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.

Response: *All of the items required by this section are included with the application package. The applicant is requesting both a Comprehensive Plan Map amendment to change the Comprehensive Plan map designation from Residential to Commercial and a Zoning Map amendment to change the zoning designation from Medium Density Residential (MD) to Commercial General (CG).*

6. Approval Criteria

b. Quasi-judicial Amendment

- 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.

Response: *As reviewed below, the proposal to change the Comprehensive Plan Map designation of 0.29 acres from Residential to Commercial is consistent with applicable Comprehensive Plan goals and policies and statewide planning goals. The subject property is not located within a relevant area plan. Each applicable Comprehensive Plan goals or policies is reviewed below followed by a review of the Statewide Planning Goals. Based on this review, this criterion is satisfied.*

City of Stayton Comprehensive Plan

Chapter 4 - Transportation

Goal. Provide a transportation system that enhances the safety and security of all transportation modes.

Policy T-5 It is the Policy of the City to improve safety and operational components of existing transportation facilities.

Response: *As reviewed in the submitted TPR Analysis, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap*

will ensure that the zone change does not result in a significant effect on the transportation as defined under Oregon's Transportation Planning Rule.

Goal. Provide a transportation system that supports existing industry and encourages economic development in the City.

Policy T-19. It is the Policy of the City to provide a transportation system that supports the movement of goods and delivery of services throughout the city while balancing the needs of all users and preserving livability in residential areas and established neighborhoods.

Response: *As reviewed in the submitted TPR Analysis, with imposition of the proposed trip cap, the proposal is not expected to adversely affect compliance with this goal and policy.*

Chapter 5 - Public Facilities and Services

Goal - Urban development will occur in areas with existing services and in those areas where future extensions of those services can be provided in the most feasible, efficient, and economical manner,

Response: *The subject property is located in an area currently served by water, sewer, stormwater, and transportation facilities. As reviewed above, these facilities in the vicinity of the subject property are adequate to serve future development. This condition will not change with approval of this request.*

Chapter 6 - Housing

Goal - Existing and future residents will be provided a choice of housing types in safe and healthful housing.

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,

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

Response: *The proposal to change the designation of 0.29 acres of residential land to commercial will have not affect the ability of the city to comply with this goal and policies. The subject property currently abuts existing commercially designated properties along its western and southern boundaries.*

Chapter 7 - Economy

Goal - 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.

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.

Response: *The proposal to change the designations of this property from residential to commercial is expected to improve the city's service sector by facilitating the expansion of an existing veterinary business. The subject property*

is well suited to accommodate this use given its location and size and the location of existing public facilities.

Chapter 8 - Land Use

The discussion in this chapter addresses Statewide Planning Goals 9 (Economy), 10 (Housing), and 14 (Urbanization). As reviewed in this chapter the proposal is consistent with the goals policies in this chapter and applicable Statewide Planning Goals.

Goal - Provide for a land use regulation process that promotes a livable community and provides for expeditious review of development proposals.

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

Response: *As reviewed below, the proposal is expected to marginally affect the ability of the City to comply with the requirements of Statewide Planning Goals 9, 10, and 14.*

Statewide Planning Goals

Goal 1: Citizen Involvement

Response: *The city's review process includes citizen involvement opportunities by sending a public notice to adjoining property owners, sending a notice of the proposal to the Department of Land Conservation and Development, publishing a notice of the public hearing in the local newspaper, and holding public hearings before the Planning Commission and City Council. With these actions, this goal is satisfied.*

Goal 2: Land Use Planning

Response: *The City of Stayton has a Comprehensive Plan acknowledged by the Department of Land Conservation and Development (DLCD). Notice of the proposal will be sent to DLCD as required. This goal is satisfied.*

Goals 3 and 4: Agriculture and Forest Lands

Response: *Because the subject property is located within the existing city limits these Goals are not applicable.*

Goal 5: Natural Resources

Response: *The subject property contains 0.29 acres with an existing single family residence. The subject property does not contain any known natural resources. This goal is satisfied.*

Goal 6: Air, Land, and Water Resources

Response: *The subject property is located within the existing city limits and as such is designated for development. Any future development/redevelopment of the property will comply with this Goal. This goal is satisfied.*

Goal 7: Natural Hazards

Response: *The subject property is generally flat and does not contain any known natural hazards. This goal is satisfied.*

Goal 8: Recreational Needs

Response: *The City already has an adopted Parks Master Plan identifying community recreational needs. The subject property is not identified for any future park amenity. This goal is satisfied.*

Goal 9: Economic Development

Response: *This Goal requires the City to provide adequate opportunities for a variety of economic activities. Approval of this request will help to facilitate a small increase (0.29 acres) in the area of Commercially designated property. In addition, approval of this request also will help to facilitate expansion of the existing Stayton Veterinary Hospital located directly south. This goal is satisfied.*

Goal 10: Housing

Response: *Approval of the request is expected to reduce the area of Residential property by 0.29 acres. The City's buildable lands inventory and housing needs analysis (Table 8-3) indicates the city had 138 acres of vacant residential buildable land in the existing city limits and as shown on Table 8-4, there were an additional 921 acres of residential land outside the city limits but with the urban growth boundary. Given the fact the City had over 1,000 acres of residential land, at that time, the request to change 0.29 acres from Residential to Commercial will result in a decrease of this supply by less than 3/10 of one percent. This goal is satisfied.*

Goal 11: Public Facilities

Response: *The subject property is served by sanitary sewer and water service and this will not change with approval of this request. Following approval, the applicant's plan is to expand the veterinary hospital onto this property. This development is not expected to result in a significant increase in water or sanitary sewer use from current levels. This goal is satisfied.*

Goal 12: Transportation

Response: *This Goal is to provide and encourage a safe, convenient, and economic transportation system. The City has an adopted Transportation System Plan and a Transportation Planning Rule Analysis, prepared by Ard Engineering is included with the application package. As reviewed in this analysis, the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap ensures that the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. With imposition of the proposed trip cap, this goal is satisfied.*

Goal 13: Energy Conservation

Response: *The proposal will have no affect on the ability of the City to comply with this goal. This goal is satisfied.*

Goal 14: Urbanization

Response: *The proposal satisfies the objective of this Goal by accommodating additional commercial development within the existing Urban Growth Boundary as planned. This goal is satisfied.*

Goals 15 - 19:

Response: *These goals are not applicable.*

- 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 project needs for such lands in the Comprehensive Plan.

Response: *The subject property abuts the existing Stayton Veterinary Hospital along its southern boundary. Because of this location and the availability of existing public facilities at the site, the property represents the only reasonable and cost effective location available to expand this facility. This criterion is satisfied.*

- 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.

Response: *As reviewed above, the proposal complies with all applicable statewide planning goals. An exception to these Goals is not needed or requested. This criterion is satisfied.*

- 4) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).

Response: *As detailed in the TPR Analysis included with this application, the proposed Comprehensive Plan Map amendment from Residential to Commercial could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap will ensure the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. With imposition of the proposed trip cap, this criterion is satisfied.*

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

Response: *The City's buildable lands inventory and housing needs analysis is contained in Chapter 6, Housing and Chapter 8, Land Use in the Comprehensive Plan. Tables 8-3 8-4 of the Plan indicates the city had 138 acres of vacant residential buildable land in the existing city limits and an additional 921 acres of residential land outside the city limits but within the urban growth boundary. Given the fact the City had over 1,000 acres of residential land at that time, the applicant's proposal to change 0.29 acres from Residential to Commercial will decrease this supply by less*

than one percent. The proposal will have a negligible affect on the supply of buildable lands. This criterion is satisfied.

- 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.

***Response:** As discussed above, public facilities including water, sanitary sewer, stormwater, and streets are available and adequate to serve uses allowed under the proposed Commercial plan designation and the veterinary hospital use proposed by the applicant. This criterion is satisfied.*

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

***Response:** The subject property abuts properties already designated for Commercial use to the south and west. With approval of the current request these properties and the subject property will be available to be developed to their highest and best use. As shown on the Comprehensive Plan maps, properties to the north and east across E. Pine Street and N. 2nd Avenue are planned and zoned for residential use. With development of the subject property additional buffering may be imposed as a Conditional of Approval of a design review application with development of the property. This criterion is satisfied.*

7. Plan Map: Whenever any land is redesigned pursuant to a plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

***Response:** Following approval of this request, the City will modify the Comprehensive Plan Map to reflect the new Commercial designation on the subject property.*

Section 17.12.180 Zoning Map Amendments

1. Purpose:

The Official Zoning Map must be consistent with the adopted Comprehensive Plan Map, as amended, and as such is a reflection of the City's land use planning goals and policies. The Official Zoning Map has also been adopted as part of this Code and covers only the area within the City Limits, whereas the Comprehensive Plan Map covers the entire area within the Urban Growth Boundary. The purpose of this Section is to allow for amendments to the Official Zoning Map that meet the criteria of this Section.

***Response:** The applicant requests approval to change the zoning designation for the property from Medium Density Residential (MD) to Commercial General (CG).*

2. Definition:

When the Official Zoning Map is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a Comprehensive Plan designation. In these situations, the zone may be amended without a Comprehensive Plan Map amendment. Section 17.16.020.2 Classification of Zones, lists the relationship between the Comprehensive Plan Map and the Official Zoning Map designations in the City. Official Zone Map amendments are classified as legislative or quasi-judicial, depending on how they are initiated and the

number of properties involved. A legislative amendment is the amendment of the Official Zoning Map, initiated by the City Council or Planning Commission, either to create a new zoning district that does not exist within Chapter 17.16 or to reclassify a large area of the City from one zoning district to another. A quasi-judicial amendment is one requested by a property owner or group of property owners reclassifying their property from one zoning district to another, provided the new zoning district exists within Chapter 17.16.

Response: *A concurrent request to change the Residential Comprehensive Plan Map designation on the property to Commercial is included with the applicant's request.*

3. Initiation:

An Official Zone Map amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution or by an applicant through the submission of an application.

Response: *This request has been initiated by the owner of the subject property.*

4. Method of Adoption:

Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Official Zone Map amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.

Response: *The City Council will adopt an ordinance approving this request.*

5. Submittal Requirements:

In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Official Zone Map amendments shall include the following materials and information:

Response: *All of the required items have been submitted.*

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 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.

Response: *The applicant requests a concurrent Zoning Map and Comprehensive Plan Map amendments to change these designations on this property from Residential to Commercial. This criterion is satisfied.*

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

Response: *As discussed above, all public facilities including water, sanitary sewer, stormwater, and streets are available and have sufficient capacity to serve uses*

allowed under the proposed zoning designation. Redevelopment of the property to expand the Stayton Veterinary Hospital onto this property will be evaluated further with submittal of a design review application. This criterion is satisfied.

- 3) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).

Response: A TPR Analysis prepared by a Transportation Engineer is included with the application package. As detailed in this document, the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted. For this reason, a trip cap of 200 average daily trips is proposed in conjunction with the zone change. The proposed trip cap will ensure that the zone change does not result in a significant effect as defined under Oregon's Transportation Planning Rule. With the imposition of the proposed trip cap, this criterion is satisfied.

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

Response: A review of all applicable goals and policies from the Stayton Comprehensive Plan is addressed in criterion (1), Section 17.12.170 above. As reviewed in this section, the proposal satisfies these goals and policies. This criterion is satisfied.

- 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 land from any zoning designation.

Response: As reviewed in criterion (5) of Section 17.12.170 above, the proposal to change the zoning designation for this property will result in a change of less than one percent of the City's residential building lands. The location of the subject property is unique in that it is the only property directly abutting the existing veterinary hospital and the owners purchased this property with the intent of expanding this facility onto the subject property. This criterion is satisfied.

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

Response: Notice of the proposal will be sent as required to the Department of Land Conservation and Development. This criterion is satisfied.

- 7) The physical characteristics of the property proposed for rezoning area 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.

Response: As reviewed above, an existing veterinary hospital abuts the subject property and the owners of this property purchased the property with the intent of expanding this facility onto the subject property. The physical characteristics of the property including availability of public services, location and characteristics of the

the site are appropriate to accommodate the proposed use and development of this use will not result in adverse impact on surroundings uses.

V. Conclusion

Dark Horse Enterprises, LLC requests a consolidated Comprehensive Plan Map and Zoning Map amendment for the property they own located at 190 E. Pine Street, Stayton, OR. The subject property is legally described as tax lot 2800, 091W10AC and contains 0.29 acres. The property is located on the corner of E. Pine Street and N. 2nd Avenue and a single family residence is currently constructed on the property. The property is currently zoned Medium Density Residential (MD) and has a Residential Comprehensive Plan Map designation. The applicant requests approval to change the Zoning Map designation for the property to Commercial General (CG) and the Comprehensive Plan Map designation to Commercial in order to facilitate expansion of the Stayton Veterinary Hospital located directly south. As demonstrated above, the proposal complies with all applicable criteria and the applicant respectfully requests the application be approved.



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

Technical Memorandum

To: Mike Reynolds, Stayton Veterinary Hospital
Jeff Brubaker, Stayton Veterinary Hospital

From: Michael Ard, PE

Date: February 16, 2023

Re: 190 E. Pine Street – Zone Change Analysis

This memorandum is written to provide information and analysis related to a proposed zone change for the property located at 190 E Pine Street in Stayton, Oregon. The subject property is currently zoned “MD” Medium Density Residential and is proposed to be rezoned to “CG” Commercial General, thereby matching the zoning of all other properties on the block. The purpose of the zone change is to facilitate a future expansion of the existing Stayton Veterinary Hospital which is located immediately south of the subject property.

In order to assess the potential transportation impacts of the proposed zone change, an estimate of the trips generated under the “reasonable worst case development scenario” was prepared for the existing and proposed zoning. The potential change in trips thereby represents the maximum increase in traffic which could be attributed to the proposed zone change.

EXISTING ZONING - TRIP GENERATION

Under the existing MD zoning, the subject property can currently be developed with up to 12 dwelling units per acre. Based on the subject property’s size of 0.29 acres (12,600 sf), a maximum of 3 dwelling units could be constructed on the subject property. Since the minimum lot size permitted in the zone is 7,000 square feet, it was assumed that the three dwellings would take the form of a tri-plex on the property.

A trip generation estimate for the existing zoning was prepared using data from the *Trip Generation Manual, 11th Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 215, *Single-Family Attached Housing* and are based on the number of dwelling units.

The daily and peak-hour trip volumes projected under the existing zoning are detailed in Table 1 below. A detailed trip generation worksheet is also included in the attached technical appendix.

Table 1 - Existing Zoning "Reasonable Worst Case Development Scenario"

| | AM Peak Hour | | | PM Peak Hour | | | Daily Total |
|---------------------------|--------------|-----|-------|--------------|-----|-------|-------------|
| | In | Out | Total | In | Out | Total | |
| 3 Attached Dwelling Units | 0 | 1 | 1 | 1 | 1 | 2 | 22 |



PROPOSED ZONING - TRIP GENERATION

Under the proposed CG zoning, the subject property could be developed with a wide variety of commercial uses, including retail stores, a gas station, offices (including medical and dental offices), a fitness center, a hotel, an eating and drinking establishment, and an auto repair facility. Based on an examination of the permitted uses and assuming that any future building on the subject property could reasonably occupy up to 25 percent of the land area, the land use resulting in the highest trip generation was determined to be a 3,150 square foot convenience store.

The trip generation estimate for the proposed zoning was again prepared using data from the *Trip Generation Manual, 11th Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 851, *Convenience Store* and are based on the gross floor area of the store.

It should be noted that convenience stores attract pass-by trips. Pass-by trips occur when drivers patronize a business while traveling along the adjacent roadway. Since the driver would travel on the adjacent roadway regardless of whether they stopped at the convenience store, these trips are not considered as “new trips” on the transportation system. Accordingly, the trip estimate must be adjusted to discount the pass-by trips. Based on ITE data, it is estimated that 51 percent of the site trips will be pass-by trips.

The daily and peak-hour trip volumes projected under the proposed zoning are detailed in Table 2 below. A detailed trip generation worksheet is also included in the attached technical appendix.

Table 2 - Proposed Zoning "Reasonable Worst Case Development Scenario"

| | AM Peak Hour | | | PM Peak Hour | | | Daily Total |
|----------------------------|--------------|-----------|-----------|--------------|-----------|-----------|--------------|
| | In | Out | Total | In | Out | Total | |
| 3,150 sf Convenience Store | 99 | 98 | 197 | 79 | 76 | 155 | 2402 |
| - 51% Pass-By Trips | -50 | -50 | -100 | -39 | -39 | -78 | -1226 |
| Net Site Trips | 49 | 48 | 97 | 40 | 37 | 77 | 1,176 |

EXISTING VERSUS PROPOSED ZONING - TRIP GENERATION COMPARISON

Based on the analysis of the two reasonable worst case development scenarios, the potential increase in site trips resulting from the proposed zone change is detailed in Table 3 on the following page.



Table 3 - Net Change in Trip Generation

| | AM Peak Hour | | | PM Peak Hour | | | Daily Total |
|---------------------------------|--------------|-----------|-----------|--------------|-----------|-----------|--------------|
| | In | Out | Total | In | Out | Total | |
| Proposed Zoning Site Trips | 49 | 48 | 97 | 40 | 37 | 77 | 1,176 |
| - Existing Zoning Site Trips | 0 | -1 | -1 | -1 | -1 | -2 | -22 |
| Net Change In Site Trips | 49 | 47 | 96 | 39 | 36 | 75 | 1,154 |

In general, zone changes which result in 400 or more added daily trips are deemed likely to have a significant impact of the transportation system and require a more detailed analysis of future conditions at the planning horizon in order to identify any capacity or safety problems and facilitate identification of appropriate mitigation measures. Based on the analysis, the proposed zone change could result in significant impacts to the surrounding transportation system under the reasonable worst case development scenario, with 96 added trips during the morning peak hour, 75 added trips during the evening peak hour, and 1,154 added daily trips.

Although an impact of the magnitude described above could have significant impacts on the surrounding transportation system in the City of Stayton, it is noted that the purpose of the zone change is to accommodate a veterinary hospital expansion. This anticipated site use would generate traffic volumes far lower than those analyzed above. Accordingly, a supplemental trip generation estimate was prepared for the likely development scenario.

The trip generation estimate for the veterinary hospital expansion was again prepared using data from the *Trip Generation Manual, 11th Edition*, published by the Institute of Transportation Engineers. The trip rates used were for land use code 640, *Animal Hospital/Veterinary Clinic* and are based on the gross floor area of the potential building expansion. It is expected that the building expansion may be in the range of 6,000 to 8,000 square feet by using the existing properties on the northwest corner of the block for parking.

Table 4 - Anticipated Development Scenario

| | AM Peak Hour | | | PM Peak Hour | | | Daily Total |
|-------------------------------------|--------------|-----|-------|--------------|-----|-------|-------------|
| | In | Out | Total | In | Out | Total | |
| 8,000 sf (Max.) Veterinary Hospital | 19 | 10 | 29 | 11 | 17 | 28 | 172 |

Based on the analysis, site trips associated with the actual development anticipated on the subject property would not result in a significant impact on the surrounding transportation system and would not require analysis of conditions at the 20-year planning horizon. Accordingly, it may be appropriate to limit future development within the subject property to ensure that the zone change does not significantly affect transportation facilities as defined under Oregon's Transportation Planning Rule.



TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed zone change on the subject property, the City of Stayton must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted below, along with responses specific to the proposed zone change.

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Under the reasonable worst case development scenario, the proposed zone change would result in 96 added trips during the morning peak hour, 75 added trips during the evening peak hour, and an increase of 1,154 daily trips. It is anticipated that traffic increases of this magnitude may result in a significant



effect as measured at the planning horizon. Accordingly, some form of mitigation is required in order to approve the zone change application. Acceptable mitigation measures are described in OAR 660-012-0060(2).

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

Several potential mitigation options are then described under sub-sections (a) through (e). In this instance, mitigation is proposed pursuant to sub-section (d), which reads:

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

One mechanism to ensure that future development under the proposed zoning does not result in a significant impact on surrounding transportation facilities is to apply a trip cap to the subject property. Based on the analysis, a trip cap limiting future development within the subject property to 200 or fewer average daily trips would ensure that the proposed zone change does not significantly affect the surrounding transportation system while allowing sufficient capacity for the anticipated veterinary hospital.

It should be noted that although this Transportation Planning Rule analysis is sufficient to address the impacts of the proposed zone change on the city's long-range planning (including the adopted Transportation System Plan), it is likely that a detailed traffic study will still be needed prior to approval of a specific development plan for the site. This future analysis will ensure that the site plan is adequate to provide safe and efficient access, and that any potential safety or operational concerns associated with actual development within the site are addressed in a way that is responsive and proportionate to the actual impact of the specific development plan proposed.



CONCLUSIONS

Based on the analysis, the proposed zone change from MD to CG zoning could result in significant impacts to the surrounding transportation system if future commercial development is unrestricted within the property at 190 E Pine Street. Accordingly, a trip cap of 200 average daily trips is proposed in conjunction with the proposed zone change. This trip cap is sufficient to ensure that the zone change will not result in a significant effect as defined under Oregon's Transportation Planning Rule. No other mitigations are recommended in conjunction with the proposed zone change.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-862-6960.



Appendix

Trip Generation Calculation Worksheet



Land Use Description: Single-Family Attached Housing
ITE Land Use Code: 215
Independent Variable: Dwelling Units
Quantity: 3 Dwelling Units
Setting: General Urban/Suburban and Rural

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.48 trips per dwelling unit
Directional Distribution: 31% Entering 69% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.57 trips per dwelling unit
Directional Distribution: 57% Entering 43% Exiting

Total Weekday Traffic

Trip Rate: 7.2 trips per dwelling unit
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

3 Dwelling Units

| | Entering | Exiting | Total |
|--------------|----------|---------|-------|
| AM Peak Hour | 0 | 1 | 1 |
| PM Peak Hour | 1 | 1 | 2 |
| Weekday | 11 | 11 | 22 |

Trip Generation Calculation Worksheet



Land Use Description: Convenience Store
ITE Land Use Code: 851
Independent Variable: Gross Floor Area
Quantity: 3.15 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 62.54 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 49.11 trips per ksf
Directional Distribution: 51% Entering 49% Exiting

Total Weekday Traffic

Trip Rate: 762.28 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

3.15 ksf Convenience Store

| | Entering | Exiting | Total |
|--------------|----------|---------|-------|
| AM Peak Hour | 99 | 98 | 197 |
| PM Peak Hour | 79 | 76 | 155 |
| Weekday | 1201 | 1201 | 2402 |

Trip Generation Calculation Worksheet



Land Use Description: Animal Hospital/Veterinary Clinic
ITE Land Use Code: 640
Independent Variable: Gross Floor Area
Quantity: 8.000 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.64 trips per ksf
Directional Distribution: 67% Entering 33% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.53 trips per ksf
Directional Distribution: 40% Entering 60% Exiting

Total Weekday Traffic

Trip Rate: 21.50 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

8.000 ksf Animal Hospital/Veterinary Clinic

| | Entering | Exiting | Total |
|--------------|----------|---------|-------|
| AM Peak Hour | 19 | 10 | 29 |
| PM Peak Hour | 11 | 17 | 28 |
| Weekday | 86 | 86 | 172 |

Dan Fleishman

From: John Ashley, P.E. <jashley@ashleyengr.com>
Sent: Thursday, March 16, 2023 2:08 PM
To: Dan Fleishman; Lance Ludwick
Subject: RE: Request for Comments on Comprehensive Plan Map and Zone Map Amendments
Attachments: City of Stayton WWMP Figure 12b.pdf

CAUTION: This email originated from **Outside Your Organization. Exercise caution when opening attachments or on clicking links from unknown senders. Please **contact Information Technology for assistance**.**

Dan,

I do not have any comments regarding the planning zone map changes other than any future development will need to be in accordance with the PWDS and SMC in effect at the time of development and will need to be reviewed and approved by the City, and it should also be noted that the Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for 3 manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development with added sanitary sewer flows will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street. See attached Figure 12b from the Wastewater Master Plan.

Lance,

Any revisions to the statement above or anything else that you see that should be noted?

John Ashley, P.E.

Civil Engineer

Ashley Engineering Design, P.C.

Office: 503-864-9404

Cell: 971-241-3861

www.ashleyengr.com

From: Dan Fleishman <dfleishman@staytonoregon.gov>

Sent: Tuesday, March 7, 2023 8:54 AM

To: Adam Kohler (PacifiCorp) <Adam.Kohler@PacifiCorp.com>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; brian.kelley@nwnatural.com; Caleb Cox <ccox@kittelsohn.com>; Clark, Christopher (PacifiCorp) <Christopher.Clark@pacificorp.com>; Danny Freitag <dfreitag@santiamhospital.org>; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; Doug.Kintz@staytonfire.org; Erik Hoefer <erik@sctcweb.com>; Gwen Johns <gjohns@staytonoregon.gov>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jrasmussen@co.marion.or.us) <jrasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@staytonoregon.gov>; Lee Loving <lee.loving@nsantiam.k12.or.us>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@staytonoregon.gov>; Nicole Willis <nicole.willis@pacificorp.com>; Phil Jones <PRJONES@co.marion.or.us>;

Dan Fleishman

From: Caleb Cox <ccox@kittelson.com>
Sent: Friday, March 10, 2023 10:17 AM
To: Dan Fleishman
Cc: Susan Wright
Subject: RE: Request for Comments on Comprehensive Plan Map and Zone Map Amendments

CAUTION: This email originated from **Outside Your Organization. Exercise caution when opening attachments or on clicking links from unknown senders. Please **contact Information Technology for assistance**.**

Hi Dan,

We reviewed the TPR analysis and it is in line with what we were expecting. The proposed 200 trip cap on the property is reasonable. No additional comments from us.

In the analysis, the traffic engineer correctly notes that when it is time for the actual development review a more detailed traffic analysis will be needed. We'll anticipate that coming our way in the future.

Thanks,

Caleb Cox, PE
Senior Engineer

[Kittelson & Associates, Inc.](#)
Transportation Engineering / Planning
503.535.7453 (direct)

From: Dan Fleishman <dfleishman@staytonoregon.gov>
Sent: Tuesday, March 7, 2023 8:54 AM
To: Adam Kohler (PacifiCorp) <Adam.Kohler@PacifiCorp.com>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; brian.kelley@nwnatural.com; Caleb Cox <ccox@kittelson.com>; Clark, Christopher (PacifiCorp) <Christopher.Clark@pacificorp.com>; Danny Freitag <dfreitag@santiamhospital.org>; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; Doug.Kintz@staytonfire.org; Erik Hofer <erik@sctcweb.com>; Gwen Johns <gjohns@staytonoregon.gov>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jrasmussen@co.marion.or.us) <jrasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@staytonoregon.gov>; Lee Loving <lee.loving@nsantiam.k12.or.us>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@staytonoregon.gov>; Nicole Willis <nicole.willis@pacificorp.com>; Phil Jones <PRJONES@co.marion.or.us>; Robert Lee <rlee@wavebroadband.com>; Salem Development Services <developmentservices@cityofsalem.net>; Susan Wright <swright@kittelson.com>; Troy Wheeler <twheeler@co.marion.or.us>; WAVE Construction Team <oregonconstruction@wavebroadband.com>
Subject: Request for Comments on Comprehensive Plan Map and Zone Map Amendments

[External Sender]

The City of Stayton has received applications for Comprehensive Plan Map amendment from Residential to Commercial and Zoning Map amendment from Medium Density Residential to Commercial General for the property at 190 E Pine St.

I have attached the application forms, the applicant's narrative, the TPR analysis, the current comp plan designation, the proposed comp plan designation, and our usual request for comments form.

The public hearing will be held on March 27. Responses are needed by March 17, please.

Thank you for your assistance.

Dan Fleishman
Planning and Development Director
City of Stayton
362 N Third Avenue
Stayton, OR 97383

Ph 503-769-2998

www.staytonoregon.gov

I am working from home several days a week. On Tuesdays and Thursday, you will generally be able to reach me at 541-207-2558.

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of)
The application for) Comprehensive Plan Map Amendment
Dark Horse Enterprises, LLC) Official Zoning Map Amendment
) File # 2-02/23
)

RECOMMENDATION OF APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted applications for a Comprehensive Plan Map amendment from Residential to Commercial and an Official Zoning Map amendment from Medium Density Residential to Commercial General.

II. PUBLIC HEARING

A public hearing was held on the applications before the Stayton Planning Commission on March 27, 2023. At that hearing the Planning Commission reviewed Land Use File #2-02/23, applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, and it was made part of the record.

III. FINDINGS OF FACT

A. GENERAL FACTS

1. The owner of the property and the applicant is Dark Horse Enterprises, LLC.
2. The property is tax lot 2800 as shown on Map 91W10AC.
3. The property is addressed as 190 E Pine St.
4. The property is currently designated Residential by the Comprehensive Plan and is zoned Medium Density Residential (MD).
5. The property is 0.29 acres in area. The property has 100 feet of frontage on E Pine St and 125 feet of frontage on N Second Ave. there is an alley to the west of the property.
6. The property is developed with a single family dwelling.
7. The neighboring properties to the east and northeast, across N Second Ave, are zoned MD and is developed with single family dwellings. The neighboring property to the north, across E Pine St, is zoned Medium Density Residential and is developed with a single family dwelling. The neighboring properties to the west, across the alley, are zoned Commercial General (CG) and are developed with a professional office and single family dwelling. The neighboring property to the south is zoned CG and developed with a veterinary clinic. The neighboring property to the southwest, across the alley, is zoned CG and is developed as the parking area for the veterinary clinic.

8. The proposal is to amend the Comprehensive Plan Map designation for the subject property from Residential to Commercial and the zoning from Medium Density Residential to Commercial General, to allow for the future expansion of the veterinary clinic.

B. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, Santiam Water Control District, Astound Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division. A notice of Post-Adoption Plan Amendment was filed with the Oregon Department of Land Conservation and Development on April 21, 2022.

Responses were received from Astound Broadband, Stayton Fire District, and Stayton Cooperative Telephone Company saying they had no issues with the proposal. Responses were received from Northwest Natural Gas and Marion County Planning Division stating they had no comment. Comments were received from the City Engineer and the City's transportation planning consultant that are reflected in the findings below.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the applications and notice appeared on the City's website. A sign was posted on the property providing notice of the public hearing.

D. ANALYSIS

Comprehensive Plan Map amendments are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Chapter 17.12, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within SMC Chapter 17.12, Section 17.12.180.6.

E. APPROVAL CRITERIA

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

Pursuant to SMC 17.12.170.6.b the following criteria must be demonstrated as being satisfied by the application for a Comprehensive Plan amendment:

- 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.*

Finding: The Comprehensive Plan describes the purposes of the Commercial and Residential designations. However, no other direction is provided in the Plan as to the location of these areas. Goals and Policies within the Comprehensive Plan

that provide some direction regarding this application include the goal for public facilities and services that urban development will occur in areas with existing services and the goal to enhance and protect the vitality of the existing commercial and service sector. The subject site is served by existing utilities and will not require an extension of the public services. This application has been submitted to allow future expansion of the existing veterinary clinic on the adjacent parcel.

- 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.*

Finding: The subject property abuts the existing veterinary clinic. Because of this location and the availability of existing public facilities at the site, the property represents the only reasonable and cost effective location available to expand the clinic.

- 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.*

Finding: The pertinent Statewide Land Use Goals are Goals 5, 7, 9, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no “Goal 5 Resources” identified in the Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property.

Goal 9 is to provide adequate opportunities for a variety of economic activities. The subject property is the only parcel on this block that is not designated Commercial. Amendment of the Comprehensive Plan Map designation to Commercial would increase opportunity for economic activity in the City and would implement the adopted Economic Development Strategy of supporting the expansion of existing businesses.

Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would reduce the amount of land designated for residential use. However, the Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of about 0.06% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what was projected to be needed during the planning period.

The property proposed for the comprehensive plan amendment had been zoned CG since the adoption of city-wide zoning in the mid-1970s. In 2018 the

Planning Commission identified a number of areas in the City that were zoned Commercial but in residential use and initiated a Comprehensive Plan amendment to decrease the number of non-conforming uses throughout the City. The subject property was among the properties for which the Comprehensive Plan designation was changed from Commercial to Residential.

- 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).*

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

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

Finding: There are 1,824 acres of land in the UGB currently designated as Residential. The Comprehensive Plan indicated that there were 921 buildable acres of land inside the UGB and outside of the City Limits. Since that time there have been about 55 acres of residential land annexed, 8 acres of commercial land annexed, and 10 acres of industrial land annexed. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there were 144 acres of buildable land in the City zoned for residential use. The Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. This amendment would result in a decrease of 0.29 acres in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be needed during the planning period.

- 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.*

Finding: There is a 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jettters Way and a portion of W. Ida Street.

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

Finding: Neighboring properties on N Second Ave are all single family dwellings in the MD zone. The neighboring properties in the block between Pine and Hollister are all zoned CG. The potential impacts from increased traffic will be mitigated by the proposed trip cap of no more than 200 daily trips.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria.

Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 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.*

Finding: There is a concurrent application to amend the Comprehensive Plan Map designation from Residential to Commercial.

- 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.*

Finding: There is a 2-inch water main in N Second Ave and a 4-inch water main in E Pine St. There is an 8-inch sewer main in N Second Ave. There is a storm main in E Pine St, with catch basins at all four corners of the intersection.

The City Engineer noted that Wastewater Master Plan identifies sanitary sewer main capacity issues with existing sanitary sewer flows within Jettters Way, W. Washington Street and N. Gardner Avenue, and within W. Ida Street, N. Evergreen Avenue, W. Locust Street, and N. 1st Avenue. The Wastewater Master Plan also identifies a potential overflow situation with existing sanitary sewer flows for three manholes that are on N. Evergreen Avenue, N. 1st Avenue, and N. 2nd Avenue. As such, any added sanitary sewer flows upstream to these existing sanitary sewer mains can only exacerbate the downstream capacity issues. The timing of new development on the subject

parcel will be dependent on the City resolving the downstream capacity issues. The City is currently working on a sanitary sewer main replacement for Jetters Way and a portion of W. Ida Street.

- 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 submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Michael Ard, PE. The analysis estimated that under the current MD zoning and Residential designation the worst-case traffic generation would be 22 daily trips. The analysis projected traffic generation from a 3,150 square foot convenience store as the worst-case scenario under the proposed zoning, with daily trip generation of 1,176 trips. The analysis noted that amendments that result in 400 or more added trips are deemed likely to have a significant impact on the transportation system. Therefore, the applicant has proposed a trip cap be placed on future development of the property of no more than 200 daily trips. The analysis concluded that if a trip cap of 200 daily trips is placed on future development of the property, the proposed amendment is not expected to have significant effect on the surrounding transportation system. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions and indicated the trip cap is reasonable.

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

Findings: Three categories of Comprehensive Policies are appropriate to look at with this application: housing, economic, and land use.

Policy HO-4 is to encourage the maintenance, conservation and enhancement of existing residential areas and housing stock. The property is currently developed with a single family dwelling.

There are no economics policies in the Comprehensive Plan directly related to this application. Though not part of the of Comprehensive Plan, in August 2019, the City Council adopted a set of Economic Development Strategies. Among the guiding principles in the Strategies is to place existing businesses first. This amendment would facilitate the expansion of an existing business.

Policy LU-1 is that the City will adopt a zoning map consistent with the Comprehensive Plan Map. This policy is to be implemented by an action that zoning district boundaries are to follow property lines and rights of way centerlines as much as practicable.

- 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: There are 13 vacant lots within the City that are zoned MD, with a combined area of 25.5 acres. There are 8 vacant lots zoned CG, with a combined acreage of 15 acres. The subject parcel is adjacent to the applicant's existing business and is therefore the only parcel suitable for the proposed use or development.

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

Findings: The applicant provided an analysis required by OAR 660-012-0060. Notice was provided to the Department of Land Conservation and Development more than 35 days prior to the first evidentiary hearing on these applications as required by OAR 660-018-0020.

- 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 property is flat and level. The property is already developed with a building.

IV. CONCLUSION

Based on the facts above, the Planning Commission concludes that the application meets the requirements established in SMC Sections 17.12.170.6 and 17.12.180.6.

V. ORDER

Based on the conclusion above, the Planning Commission recommends to the City Council that the City Council approve the applications for Comprehensive Plan Map amendment and Official Zoning Map amendment, with the imposition of a trip cap of no more than 200 daily trips from any development on the subject property.

Ralph Lewis,
Planning Commission Chairperson

Date

Dan Fleishman,
Director of Planning and Development

Date