

# STAYTON PLANNING COMMISSION

## AGENDA

7:00 pm

Monday, July 25, 2022

### **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](mailto:dfleishman@staytonoregon.gov) to receive an invitation to the online meeting.

Watch the meeting live streamed on YouTube <https://youtu.be/osNaffewjlg>

1. **CALL TO ORDER** **Chair Lewis**
2. **MEETING MINUTES – June 27, 2022**
3. **LAND USE FILE #6-04/22 – Applications for Annexation and Comprehensive Plan Map Amendment, James & Jolene Crowther, Golf Club Rd**
  - 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**
4. **OTHER BUSINESS**
5. **ADJOURN**

**DATE OF NEXT MEETING: Monday, August 29, 2022**

**STAYTON PLANNING COMMISSION  
MEETING MINUTES**

**Tuesday, June 27, 2022**

**COMMISSIONERS:** Dixie Ellard  
Heidi Hazel, Vice Chair  
Larry McKinley  
Richard Lewis

**STAFF MEMBER:** Dan Fleishman, Planning & Development Director  
Julia Hajduk, City Manager

**OTHERS PRESENT:**

1. **CALL TO ORDER:** Vice-Chair Hazel called the meeting to order at 7:00
2. **APPROVAL OF MINUTES:** McKinley moved, and Ellard seconded to approve the minutes from May 31, 2022, as presented. The motion was approved 4:0.
3. **INTRODUCTION OF CITY MANAGER:** Julia Hajduk introduced herself as the new City Manager.
4. **CONSIDERATION OF CODE AMENDMENT -- Live-Work Units**

Fleishman reviewed the staff report and suggested amendments to establish standards for Live-Work Units. The standards are drafted to distinguish between a home occupation (primarily residential with an accessory business use) and live-work (primarily a business use with an accessory residence). McKinley thought it important that live-work have a “storefront.” Fleishman explained that the proposed standard regarding the business use on the ground floor and directly accessible from the exterior was intended to address that without the necessity of defining “storefront.”

After discussion it was agreed to hold a public hearing on the proposed amendments at the August meeting.

5. **OTHER BUSINESS -** With this being Hazel’s last meeting a new Vice-Chair is needed. Lewis nominated Ellard. Ellard declined. McKinley volunteered and was unanimously elected.
6. **ADJOURN-** The meeting was adjourned at 7:33



# City of Stayton

*Department of Planning and Development*

362 N. Third Avenue • Stayton, OR 97383

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

dfleishman@staytonoregon.gov www.staytonoregon.gov

## MEMORANDUM

**TO:** Chairperson Ralph Lewis and Planning Commission Members

**FROM:** Dan Fleishman, Director of Planning and Development

**DATE:** July 25, 2022

**SUBJECT:** Applications for Annexation and Comprehensive Plan Amendment – James & Jolene Crowther

**120 DAYS ENDS:** not applicable

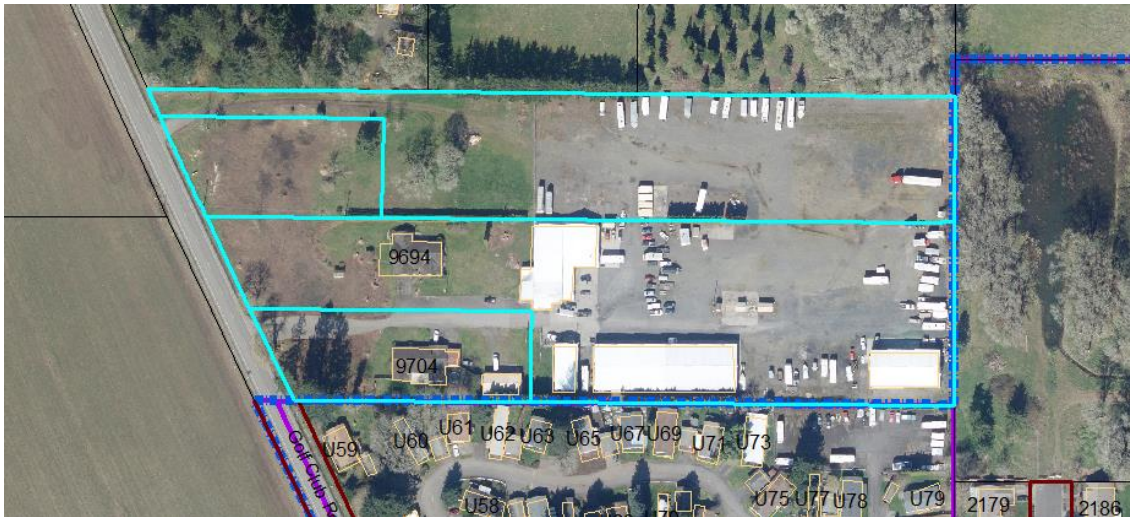
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This report presents the Planning Staff's summary and analysis concerning these applications. It was developed after requesting input of other City departments and agencies. Please note that this memorandum and the draft order were written earlier in order to accommodate my vacation schedule. There could be written comments received after their drafting and before the public hearing that results in a revised draft order.

Attached are applications for annexation, comprehensive plan map amendment, and zone map amendment of a 10.4-acre parcel of land consisting of four tax parcels on Golf Club Rd.

The application consists of the application forms and narrative, a legal description and map of the annexation area, a Transportation Planning Rule analysis, and maps showing the property.

An aerial photo from March of 2020 showing the property is below.



*THE CITY OF STAYTON IS AN EQUAL OPPORTUNITY EMPLOYER AND SERVICE PROVIDER*

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386 N. THIRD AVENUE  
STAYTON, OR 97383  
(503) 769-3423  
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**PLANNING AND  
DEVELOPMENT**  
362 N. THIRD AVENUE  
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950 JETTERS WAY  
STAYTON, OR 97383  
(503) 769-2810  
FAX (503) 769-7413

**LIBRARY**  
515 N. FIRST AVENUE  
STAYTON, OR 97383  
(503) 769-3313  
FAX (503) 769-3218

# City of Stayton

Review comments were received by from the City's transportation engineering consultant, which are included in the packet.

## **RECOMMENDATION**

The staff recommendation is to recommend approval of both applications to the City Council.

A draft order is attached that reflects the findings, recommended conclusions and recommendation. 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 annexation and comprehensive plan map amendment and approve the draft order as presented.**

I move the Stayton Planning Commission recommend approval of the applications for annexation and comprehensive plan map amendment of James and Jolene Crowther (Land Use File #11-06/22) and adopt the draft order presented by Staff.

### **2. Recommend approval of the annexation and comprehensive plan map amendment, adopting modifications to the draft order.**

I move the Stayton Planning Commission recommend approval of the applications for annexation and comprehensive plan map amendment of James and Jolene Crowther (Land Use File #11-06/22) and adopt the draft order with the following changes...

### **3. Recommend approval of the annexation and comprehensive plan map amendment, directing staff to modify the draft order.**

I move the Stayton Planning Commission recommend approval of the applications for annexation and comprehensive plan map amendment, of James and Jolene Crowther (Land Use File #11-06/22) 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 August 29, 2022 meeting.

### **4. Recommend denial of the applications for annexation and/or comprehensive plan amendment, directing Staff to develop the findings and conclusions to justify that decision.**

I move that the Stayton Planning Commission recommend denial of the application for annexation (*and/or*) comprehensive plan amendment of James and Jolene Crowther (Land Use File #11-06/22) 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 August 29, 2022 meeting.

### **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 for annexation, and comprehensive plan amendment of James and Jolene Crowther (Land Use File #11-06/22) but maintain the record open to submissions by the applicant until August 8, 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 August 22, 2022.

# City of Stayton

**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 for annexation and comprehensive plan amendment of James and Jolene Crowther (Land Use File #11-06/22) until August 29, 2022.



Submit Via Email

# CITY OF STAYTON APPLICATION FOR ANNEXATION

PROPERTY OWNER: James and Jolene Crowther  
Address: P.O. Box 83  
City/State/Zip: Sublimity, OR 97385  
Phone: (503) 910-4848 Email: jimjolene@gmail.com

APPLICANT: James and Jolene Crowther  
Address: P.O. Box 83  
City/State/Zip: Sublimity, OR 97385  
Phone: (503) 910-4848 Email: jimjolene@gmail.com

APPLICANT'S REPRESENTATIVE: Laura LaRoque; Udell Engineering and Land Surveying, LLC  
Address: 63 E. Ash Street  
City/State/Zip: Lebanon, OR 97355  
Phone: (541) 990-8661 Email: laura@udelleng.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING  
Name: Laura LaRoque  
Address: 63 E. Ash Street  
City/State/Zip: Lebanon, OR 97355  
Phone: (541) 990-8661  
Email: laura@udelleng.com

ENGINEERING  
Name: Brian Vandetta  
Address: 63 E. Ash Street  
City/State/Zip: Lebanon, OR 97355  
Phone: (541) 451-5125  
Email: brian@udelleng.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:

StreetAddress: Unassigned

Assessor's Tax Lot Number and Tax Map Number:

Marion Co. Tax Assessor's Map No. 9S-1W-4C Tax Lots 700, 800, 900, and 1000

Closest Intersecting Streets: North of Shaff Road SE

CURRENT COMPREHENSIVE PLAN DESIGNATION: Marion Co. - UT-20 / City of Stayton - Residential

ZONE MAP DESIGNATION PROPOSED WITH ANNEXATION: Marion Co. - UT-20

SIGNATURE OF APPLICANT:

  
Jim Crowther (Jan 16, 2022 20:13 PDT)

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

Land Use File# \_\_\_\_\_



CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: James and Jolene Crowther
Address: P.O. Box 83
City/State/Zip: Sublimity, OR 97385
Phone: (503) 910 -4848 Email: jimjolene@gmail.com

APPLICANT:
Address: P.O. Box 83
City/State/Zip: Sublimity, OR 97385
Phone: (503) 910 -4848 Email: jimjolene@gmail.com

APPLICANT'S REPRESENTATIVE: Laura LaRoque; Udell Engineering and Land Surveying, LLC
Address: 63 E. Ash Street
City/State/Zip: Lebanon, OR 97355
Phone: (541) 990 -8661 Email: laura@udelleng.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name: Laura LaRoque, Udell
Address: 63 E. Ash Street
City/State/Zip: Lebanon, OR 97355
Phone: ( ) (541) - 990-8661
Email: laura@udelleng.com

ENGINEERING
Name: Brian Vandetta, Udell
Address: 63 E. Ash Street
City/State/Zip: Lebanon, OR 97355
Phone: ( ) (551) - 990-8661
Email: brian@udelleng.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: Industrial

LOCATION:

Street Address: Unassigned

Assessor's Tax Map and Lot Number(s): 9S-01W-4C Tax Lots 700, 800, 900, and 1000

Closest Intersecting Streets: North of Shaff Road SE

SIGNATURE OF APPLICANT: Jim Crowther

DO NOT WRITE BELOW THIS LINE

Application received by: Date: Fee Paid: \$ Receipt No.

Land Use File#





CITY OF STAYTON
APPLICATION FOR AN OFFICIAL ZONE MAP AMENDMENT

PROPERTY OWNER: James and Jolene Crowther
Address: P.O. Box 83
City/State/Zip: Sublimity, OR 97385
Phone: (503) 910-4848 Email: jimjolene@gmail.com

APPLICANT: James and Jolene Crowther
Address: P.O. Box 83
City/State/Zip: Sublimity, OR 97385
Phone: (503) 910-4848 Email: jimjolene@gmail.com

APPLICANT'S REPRESENTATIVE: Laura LaRoque, Udell Engineering and Land Surveying, LLC
Address: 63 E. Ash Street
City/State/Zip: Lebanon, OR 97355
Phone: (541) 990-8661 Email: laura@udelleng.com

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING
Name: Laura LaRoque, Udell
Address: 63 E. Ash Street
City/State/Zip: Lebanon, OR 97355
Phone: ( ) (541) - 990-8661
Email: laura@udelleng.com

ENGINEERING
Name: Brian Vandetta, Udell
Address: 63 E. Ash Street
City/State/Zip: Lebanon, OR 97355
Phone: ( ) (541) - 451-5125
Email: brian@udelleng.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: Unassigned
Assessor's Tax Lot Number and Tax Map Number: 9S-1W-4C Tax Lots 700, 800, 900, and 1000
Closest Intersecting Streets: North of Shaff Road SE

CURRENT ZONE MAP DESIGNATION: Marion Co. - UT-20

PROPOSED ZONE MAP DESIGNATION: Light Industrial

SIGNATURE OF APPLICANT: Jim Crowther

DO NOT WRITE BELOW THIS LINE

Application received by: Date: Fee Paid: \$ Receipt No.
Land Use File#



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**CONSOLIDATED LAND USE APPLICATIONS FOR  
ANNEXATION/COMPREHENSIVE PLAN MAP/ZONE MAP AMENDMENTS**

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Submitted to: City of Stayton  
Planning and Development Department  
311 N. Third Avenue  
Stayton, OR 97383

Applicants/Property Owners: James and Jolene Crowther  
P.O. Box 83  
Sublimity, Oregon 97385  
(503) 910-4848  
Jimjolene1@gmail.com

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355

Contact: Laura LaRoque  
Email: [laura@udelleng.com](mailto:laura@udelleng.com)  
Phone: (541) 990-8661

Site Location: 9654, 9694, and 9704 Golf Club Rd. SE, Aumsville, OR 97325  
East of Golf Club Rd SE; North of Shaff Rd. SE

Marion County Assessor's Map No.: 9S-1W-4C Tax Lots 700, 800, 900, and 1000

Site Size: ±11.00-acres

Existing Land Use: Mixed Residential, Commercial, and Industrial Uses

Zone Designation: Urban Transition (UT-20) (Marion Co.)

Comprehensive Plan Designation: Urban Transition (UT) (Marion Co.) / Residential (Stayton)

Surrounding Zoning: North: UT-20  
South: Medium Density Residential (MD) District  
East: Low Density Residential (LD) District  
West: UT-20 (across Golf Club Road SE)

Surrounding Uses: North: Residential Single-Family  
South: Manufactured Home Park  
East: Residential Single-Family  
West: Agriculture (across Golf Club Road SE)



22-164 Crowther Stayton  
Golf Club Rd.  
Annexation/Comp. Plan/Zone Map Amendment

June 16, 2021  
Page 1 of 17

## I. Executive Summary

Udell Engineering and Land Surveying, LLC is pleased to submit this application on behalf of James and Jolene Crowther (Applicant) to gain approval for a consolidated package of land use applications, including a Comprehensive Plan Map Amendment, Annexation, and Zoning Map Amendment.

The project site is located  $\pm 1,500$  feet north of Shaff Road SE to the east of Golf Club Road SE. The subject property has assigned addresses of 9654, 9694, and 9704 Golf Club Rd. SE, Aumsville, OR 97325 and can be further identified by Marion County Assessor's Map No. Township 9S; Range 1W; Section 4C; Tax Lots 700, 800, 900, and 1000.

The subject property is currently under the jurisdiction of Marion County and has a Marion County zone designation of Urban Transition-20-acre minimum (UT-20) and Marion County Comprehensive Plan designation of Urban Transition (UT). The property is also contiguous with the Stayton city limits, within the Stayton Urban Growth Boundary, and designated as Residential in the Stayton Comprehensive Plan.

The application request include:

1. Amendment of the Stayton Comprehensive Plan Map from "Residential" to "Industrial" for the entirety of the  $\pm 11.00$ -acre site.
2. Annexation of the property and abutting right-of-way into the Stayton city limits.
3. Initial assignment of Stayton zone map designation of "Light Industrial".

This application includes the city application forms, written materials, and plans necessary for city staff to review and determine compliance with the applicable approval criteria. The evidence provided supports the city's approval of the application.

## II. Site Description / Setting

The subject property is comprised of four parcels with a total area of  $\pm 11.00$ -acres of land, located completely within the Stayton Urban Growth Boundary (UGB), and is contiguous with the Stayton city limits along the south and east property boundaries.

The project site is located north of Oak Estates manufactured home park, west of a storm water detention pond, south of three single-family dwelling parcels (two of which are developed), and east of the Golf Club Road SE right-of-way.

The site has relatively level topography with little vegetation. It is comprised of four parcels (i.e., Tax Lots 700, 800, 900, and 1000). Tax Lot 700 is utilized for open storage of recreational vehicles. Tax Lot 800 is unimproved. Tax Lots 900 is improved/occupied by existing residential dwellings and associated accessory buildings, 50-foot-tall communications tower, four warehouses occupied by

various industrial and commercial tenants, and open storage for recreational vehicles. Tax Lot 1000 is improved with a residential single-family dwelling and associated accessory structures.

New development is not proposed at this time. Existing development is currently and adequately served by private well and septic system. Extension of public utilities can be made in association with a new development proposal.

### III. Analysis of Development Code Criteria

When a proposal involves more than one application for the same property, the applicant may submit concurrent applications for review and approval (SMC §17.12.040). The applications are consolidated for review in accordance with the highest number procedure. Review procedures include Type I (Administrative Decisions), Type II (Limited Land Use Decisions), Type III (Quasi-Judicial Decisions), and Type IV (Quasi and Legislative Decisions). The highest number procedure, Type IV, requires review and recommendation by the Planning Commission and approval by City Council.

Land use applications that are site specific in nature are classified as Type IV quasi-judicial decisions. Since the application is site specific it is classified as a quasi-judicial amendment to the Comprehensive Plan Map and Zoning Map requiring approval by City Council.

The SMC includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

### IV. Annexation (SMC 17.12.210(4))

#### a. **Need exists in the community for the land proposed to be annexed.**

Finding of Fact and Conclusions

- 1.1 The Stayton Comprehensive Plan (Plan) identifies a future need for expansion of industrial zone north of Shaff Road to provide for continued industrial growth in the community.
- 1.2 The subject property is located within the City's Urban Growth Boundary (UGB) and is therefore anticipated as necessary to fulfill the City's long-term demand for industrial development.
- 1.3 This application directly supports these objectives by providing industrial development and/or redevelopment within the city. Therefore, this criterion is met.

#### b. **The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.**

Finding of Fact and Conclusions

- 2.1 Fire: Adequate public water and access for fire protection is currently available for this area. There are properties on two sides currently being served by the Stayton Rural Fire

Protection District. Fire service to this property would be a logical expansion of the current service boundaries.

2.2 Police: There are properties on two sides currently being served by the Stayton Police Department. Police service to this property would be a logical expansion of the current service boundaries.

2.3 Sanitary Sewer: City utility maps show a 20-inch public sanitary sewer force main running along the subject property's west property frontage within the Golf Club Road SE rights-of-way.

Existing development on the subject property is currently and adequately served by private septic system(s).

Future development and/or redevelopment of the site may require connections to public utilities. Any future development application for the site can be conditioned for connections public utilities to serve the site.

2.4 Water: City utility maps show an 8-inch public water main in Golf Club Road SE right-of-way  $\pm 1,000$  feet south of the subject site.

Existing development on the subject property is currently and adequately served by private well system(s).

Future development and/or redevelopment of the site may require connections to public utilities. Any future development application for the site can be conditioned for connections public utilities to serve the site.

2.5 Storm Drainage: City utility maps show an open ditch public storm drainage system along both sides of the Golf Club Road SE right-of-way along the property's frontage.

2.6 Transportation Infrastructure: The proposed annexation is a  $\pm 11.00$ -acre parcel located on the east side of Golf Club Road SE and abutting Golf Club Road right-of-way.

Golf Club Road SE is classified as a minor arterial and under the jurisdiction of Marion County. The right-of-way is improved to a turnpike street standard and includes a vehicle travel lane in each direction with an open drainage ditch on either side.

Stayton's Transportation System Plan (TSP) assumed this site would be annexed into the city and will be improved to city minor arterial standards upon development or redevelopment.

2.7 The property is currently zoned for residential development (i.e., Urban Transition (UT-20)). The requested initial zone designation of Light Industrial (LI) would have no impact on the number of children attending school in this area.

**c. The proposed annexation is property contiguous to the existing City limits.**

Finding of Fact and Conclusions

3.1 As illustrated on the Site Plan included in Exhibit B, the subject property is contiguous to the existing city limits along the property's south and east boundary. Therefore, this criterion is met.

**d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.**

Finding of Fact

4.1 The policies and criteria in which urban growth of the city shall be based is provided in SMC Section 17.08.030 and italicized below:

*a. The existing boundaries of the city should remain relatively unchanged until a major portion of the City's usable land has been developed for urban purposes.*

Table 8-3 of the Stayton Comprehensive Plan summarizes the amount of vacant and redevelopment land within the city limits as of February 2011. Based on the information provided in Table 8-3, approximately 91 percent of the city's usable Light Industrial land was developed as of 2011, as were comparable percentages of the other classifications of land (based on zoning). It is reasonable to assume the development and construction in subsequent years has further captured land previously available for urban purposes. Therefore, the amount of developed Light Industrial land within the city limits constitutes a majority of the City's usable. Therefore, this criterion is met.

*b. Extension of the City's urban services should be preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits.*

Policy PF-1 of the Stayton Comprehensive Plan states that the policy of the city shall be to provide urban services, including municipal water, sanitary facilities, and library services. This policy was put in place by the city after careful evaluation of the community costs and benefits.

Existing public utilities are described in section "b" above and incorporated herein by reference.

*c. Developments which can be served by a gravity flow sewage system should be given priority.*

This application includes a request to annex property and right-of-way into the Stayton city limits. A request to development/redevelop the subject property is not included in this application. Therefore, this criterion is not applicable.

- d. *The city is the logical provider of services in the defined urban service area; therefore, development outside the city boundaries should be coordinated closely with the city.*

This application includes a request to annex property and right-of-way into the Stayton city limits. A request to development/redevelop the subject property is not included in this application. Therefore, this criterion is not applicable.

- e. *All government units whose responsibilities affect the growth and development of the Stayton area should review the urban growth program for the city.*

The urban growth program is continuously reviewed by city staff through master plan updates, which includes outreach to applicable government officials and adoption through a public hearing process that includes public notice.

- f. *The physical size of the urban service area will be relative only to time and the changing needs of the community. If the criteria used to delineate the urban service area change, the city will have need to re-evaluate its urban growth program.*

The urban growth program is continuously reviewed by city staff through master plan updates.

- g. *The concept of acreage residential zoning as defined in the Marion County Zoning Ordinance should be applied to areas north and east of the city. This type of zoning permits acreage residential homesite at a specific density (i.e., two, three, five acres, etc.) based on the needs and physical limitations of the area. In some cases, farm use zoning may also be appropriate, especially for the area west of the city.*

The application includes a request for amendment of the Comprehensive Plan Map from “Residential” to “Industrial” and assignment of Stayton zone map designation of “Light Industrial”. Therefore, this criterion is not applicable.

- e. **The annexation request complies, or can be made to comply, with all applicable provisions of state and local law.**

#### Finding of Fact and Conclusions

- 5.1 The annexation process is governed by the City of Stayton Charter, Title 17 of the Stayton Municipal Code, and Chapter 222 of the Oregon Revised Statutes.
- 5.2 The City Charter grants authority to City Council to add land into the Stayton city limits. ORS 222.120 establishes procedures for annexation without election. This application includes one property owner and no electors. Under ORS 222.125, upon receiving written consent to annexation by owners and electors the legislative body of the city (City Council), by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. It has been the City’s practice to approve

annexations by ordinance rather than by resolution since resolutions are reserved for administrative actions by the City Charter, and annexation is a legislative matter.

- 5.3 State law (ORS 222.111) requires that territory annexed be contiguous with the current city limits or only separated by a public right-of-way or body of water such as a stream. The property subject to this annexation application is contiguous with city limits along the property's south and east boundary.
- 5.4 Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city (City Council), by resolution or ordinance, may set the final boundaries of the area for annexation based on a map and legal description adopted by ordinance. A city zoning designation is also applied to the property as part of the annexation process.
- 5.5 According to ORS 222.120(3) the City legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. Notice of public hearings on this matter will be published in the Statesman Journal in advance of the Planning Commission and City Council public hearings.
- 5.6 After the annexation request is approved by the City, the local decision is provided to the Oregon Department of Revenue for final approval of the required parcel map and legal description. After Department of Revenue's approval, the local decision is provided to the Oregon Secretary of State's office. The annexation is deemed complete upon filing with the Secretary of State as provided in ORS 222.177 and 222.900. The date of filing with the Secretary of State is the effective date of the annexation.

- f. **If a proposed contract annexation, within the terms and conditions of the contract the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.**

#### Finding of Fact and Conclusion

- 6.1 Existing development on the subject property is currently and adequately served by private well and septic system.
- 6.2 Future development and/or redevelopment of the site may require connections to public utilities. Any future development application for the site can be conditioned for connections public utilities to serve the site.
- 6.3 The city has not adopted an annexation plan pursuant to ORS 195.205. Therefore, this criterion is not applicable.



V. **Comprehensive Plan Map Amendment (SMC 17.12.170(6)(b))**

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 of Fact

- 1.1 As discussed below, the request to amend the Comprehensive Plan Map designation from Residential to Industrial is consistent with the City's need for additional employment land. The Stayton Comprehensive Plan identifies a need for industrial land that has the availability to be adequately served by public transportation system and utilities, that is in proximity to housing.
- 1.2 Amending the Comprehensive Plan designation of the subject property would further Stayton's economic goals because the new designation would provide opportunities for businesses to utilize the existing buildings on the subject property rather than having the building be underutilized and constrained by the Marion County Development Code.
- 1.3 For the reasons stated above, changing the subject property's Comprehensive Plan designation would diversify the economic base in the City of Stayton by allowing the subject site to accommodate new zoning and allow existing structures to house viable businesses to operate and grow the economic base of the City of Stayton. Changing the Comprehensive Plan and zoning designations so that they are consistent with the existing uses on the property would provide the most supportive environment for the development and expansion of desired businesses.

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 of Fact

- 2.1 Table 8-4, of the Stayton Comprehensive Plan denotes buildable land inside the UGB (outside of the city) for future residential and industrial development. A greater land area is designated for residential development (921-acres of residential land compared to 113-acres of industrial land).
- 2.2 Table 8-5, of the Stayton Comprehensive Plan summarizes the land uses planned by the area within the UGB for future residential and industrial development. A greater land area is designated for residential development (60 percent of residential land compared to 17 percent of industrial land).

- 2.3 Furthermore, it is important to note that the term “buildable” land is narrowly defined in the Oregon Revised Statutes and does not account for items such as landowner’s reluctance to sell or develop and/or properties that have exceedingly high improvements cost due to items such as wetland permitting, or infrastructure improvements often exceed market value. Once these factors are added the amount of actual industrial buildable land significantly decreases.
- 2.4 Based on these factors and constraints that limit development or redevelopment of industrial buildable industrial land it is timely and appropriate to amend the Comprehensive Plan designation of the subject site from Residential to Industrial.

**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 of Fact

- 3.1 Oregon’s 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Stayton Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals.
- 3.2 Responses to the applicable Plan policies are provide in this section and incorporated herein by reference. By virtue of demonstrating compliance with all applicable Plan policies this application simultaneously demonstrates compliance with relevant Statewide Planning Goals. The application does not trigger any exceptions to Statewide Planning Goals. This criterion is met.

**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 of Fact

- 4.1 A Transportation Planning Rule evaluation (TPR) is included in Exhibit C. The TPR confirms that existing and future transportation facilities are adequate for uses permitted under the proposed land use and zoning designation. This criterion is met.

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

Finding of Fact

5.1 Table 8-4, of the Stayton Comprehensive Plan denotes buildable land inside the UGB (outside of the city) for future residential and industrial development. A greater land area is designated for residential development (921-acres of residential land compared to 113-acres of industrial land).

5.2 Table 8-5, of the Stayton Comprehensive Plan summarizes the land uses planned by the area within the UGB for future residential and industrial development. A greater land area is designated for residential development (60 percent of residential land compared to 17 percent of industrial land).

5.1 Therefore, the current Stayton Comprehensive Plan provides more than the projected need for residential 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.**

Finding of Fact

6.4 Existing development on the subject property is currently and adequately served by private well and septic system.

6.5 Future development and/or redevelopment of the site may require connections to public utilities. Any future development application for the site can be conditioned for connections public utilities to serve the site.

6.6 Adequate public facilities are available, or can be made available, to serve future uses on the subject site through proportionate on- and off-site improvements and System Development Charges. Therefore, this criterion is satisfied.

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

Finding of Fact

7.1 The site is comprised of four parcels (i.e., Tax Lots 700, 800, 900, and 1000). Tax Lot 700 is utilized for open storage of recreational vehicles. Tax Lot 800 is unimproved. Tax Lots 900 is improved/occupied by existing residential dwellings and associated accessory buildings, 50-foot-tall communications tower, four warehouses occupied by various industrial and commercial tenants, and open storage for recreational vehicles. Tax Lot 1000 is improved with a residential single-family dwelling and associated accessory structures.

- 7.2 The uses on subject site pre-date the majority of existing or planned uses on adjacent land. Any new development and/or redevelopment of the site will be in accordance with development code standards which will be unsure compatible with adjacent development.

**VI. Zoning Map Amendments (SMC 17.12.180(6)(b))**

Zoning Map amendments will be approved if the council finds that the applicant has shown that all the following criteria are met.

- 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 of Fact

- 1.1 The applicant requests Light Industrial (LI) zoning designation be assigned upon annexation. The property is currently designated as Residential (R) by the Comprehensive Plan.
- 1.2 The proposed LI zoning is not consistent with Residential Plan designation of the site. Therefore, a concurrent request to change the Comprehensive Plan Map designation from Residential to Industrial (I) has been submitted.
- 1.3 As shown on the Classification of Zone (SMC 17.16.020), the IL zone designation is consistent with the proposed Industrial designation of the property.
- 1.4 This criterion is satisfied, provided that the amendment to the Comprehensive Plan Map is approved.
- 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 of Fact

- 2.1 This criterion is addressed under Criterion “b” of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The property is currently zoned for residential development (i.e., Urban Transition (UT-20)). The requested initial zone designation of Light Industrial (LI) would have no impact on the number of children attending school in this area.
- 2.3 Public services and utilities (sanitary sewer, water, and storm drainage) can be made available to serve potential development on the subject property under the proposed LI zoning district.

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).

Finding of Fact

- 3.1 Stayton's Transportation Plan (TSP) was developed with the assumption that this site would be occupied by residential uses. The proposed zone change alters that assumption.
- 3.2 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant affect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and proposed amendment, it can be determined that the proposed zone change will cause "no further degradation" to the surrounding roadway network.
- 3.3 The application includes a TPR Analysis. The analysis was performed by DKS Associates and is dated May 2, 2022. The analysis evaluated the incremental difference in trip generation that would result from site development under the Medium Density Residential (MD) zone designation with development under the requested Light Industrial (LI) designation.
- 3.4 The reasonable worst case uses assumed for site development under the MD zone designation. Assumed uses included: family childcare center and detached single-family homes. Based on ITE trip generation rates, that combination of uses would generate a total of 1,012 vehicle trips per day. Of those, 118 would occur during the peak PM traffic hour.
- 3.5 The reasonable worst-case use assumed by the TIA for site development under the requested LI zone designation included a light manufacturing building. Based on ITE trip generation rates, a light manufacturing building would generate a total of 715 vehicle trips per day. Of those, 101 during the peak PM traffic hour.
- 3.6 Based on the study results, development of the site under the requested LI zone designation would result in a decrease of 297 average daily trips beyond what could be expected to occur under the MD zone designation. The number of expected PM peak hour trips would decrease by 17.
- 3.7 Because the net increase in daily trips that would result from the zone change is less than the 400-trip threshold identified in the OHP, the TPR analysis concluded that the requested change could be approved without having any significant effect on the transportation system.

- 3.8 Therefore, the TIA confirms that existing and future transportation facilities are adequate for uses permitted under the proposed land use and zoning designation.
- 3.9 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 3.10 The TSP does not identify any capacity or level of service problems associated with the proposed Zone Map amendment.
- 3.11 There are no other applicable City-contracted or funded land use or transportation plan or study that applies to the subject area.

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

Finding of Fact

- 4.1 The Comprehensive Plan states that “the policies contained therein are adopted statement of public policy which will serve, not only as a guide in the decision-making process, but also to communicate an understanding of community’s growth policies to the general public, other agencies, and the private landowner.”
- 4.2 Goals and policies are categorized under the following topics: natural and historic resource goals; transportation goals; public facility goals; housing goals; economic goals; land use goals; energy goals; and fiscal goals.
- 4.3 Comprehensive Plan goals are shown below in **bold** print:

**A. Natural and Historic Resource Goals**

- 1) **Noise levels in the city will continue to not be detrimental to the welfare of the citizens**
- 2) **The Mill Creek and North Santiam River floodplains will be used and managed in order to minimize flood damage and preserve water quality**
- 3) **Adequate open space will be provided in the urban growth area through the provision of public parks, and private open space**
- 4) **Historic resources of the city will maintain their integrity and significance for the benefit of future generations**
- 5) **Fisheries habitat will be maintained**
- 6) **Identified significant wetlands will continue their functions unimpaired by development activity**
- 7) **Development activity will be designed to avoid potential hazards associated with steep slopes**

**B. Transportation Goals:**

- 1) Optimize the performance of the transportation system for the efficient movement of people and goods
- 2) Provide a transportation system that enhances the safety and security of all transportation modes.
- 3) Provide an equitable, balanced, and connected multimodal transportation system
- 4) Limit and mitigate adverse environmental impacts associated with traffic and transportation system development
- 5) Develop and maintain a transportation system plan that is consistent with the goals and objectives of the city, Marion County, and the state.
- 6) Seek funding for and invest in financially feasible infrastructure projects that will serve the city for years to come.
- 7) Provide a transportation system that enhances the health of residents and users.
- 8) Create a balanced built environment where desired existing and planned land uses are supported by an efficient multi-modal transportation system
- 9) Provide a transportation system that supports existing industry and encourages economic development in the city.

**C. Public Facility Goal:**

- 1) 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

**D. Housing Goals:**

- 1) Existing and future residents will be provided a choice of housing types in safe and healthful housing
- 2) New residential developments will be designed and built to become attractive neighborhoods

**E. Economic Goal:**

- 1) Provide for the future commercial, industrial and social needs of the community with a balanced mix of economic activity

**F. Land Use Goals**





- 1) Provide for a land use regulation process that promotes a livable community and provides for expeditious review of development proposals
- 2) Coordinate the development of land outside the current city limits with Marion and Linn Counties

**G. Energy Goal:**

- 1) Conserve energy resources and encourage the use of renewable energy resources

**H. Fiscal Goal:**

- 1) Provide and maintain essential public services and facilities in a sustainable manner reflective of the available revenue

- 4.4 The subject property is presently served by private utilities. Any future development will have the ability to be served public services.
- 4.5 The facts surrounding the transportation system are more fully addressed in the TPR Analysis completed by DKS Associates. The TPR Analysis found that the allowable land uses under the LI zone would produce similar levels of trip generation to the MD zone and would cause no further degradation to the transportation system.
- 4.6 The proposed change will not hinder the city of Stayton in providing an efficient transportation system that provides for the local and regional movement of people and goods. It will not hinder the city's goal of providing a safe transportation system that ensures mobility for all community members and providing alternatives to automobile travel.
- 4.7 The current Comprehensive Plan designation and applicable zoning designation prohibit many of the viable uses for existing buildings on-site. The subject property is simply not compatible with MD, and accordingly the range of uses allowable in MD zone are not consistent with a building of such a size.

For the reasons stated above, changing the subject property's Comprehensive Plan designation and zoning from its residential to light industrial would diversify the economic base in the city of Stayton by allowing the subject site to accommodate LI zoning district and allow existing buildings to house viable businesses to operate and grow the economic base of the city of Stayton. Changing the Comprehensive Plan and zoning designation so that they are consistent with the structure on the property would provide the most supportive environment for the development and expansion of desired businesses.

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.

Finding of Fact

- 5.1 Table 8-4, of the Stayton Comprehensive Plan denotes buildable land inside the UGB (outside of the city) for future residential and industrial development. Approximately, 921-acres is designated for residential development and 113-acres is designated as industrial land.
- 5.2 Table 8-5, of the Stayton Comprehensive Plan summarizes the land uses planned by the area within the city limits for future residential and industrial development. Approximately, 752-acres is designated for residential development and 358-acres is designated as industrial land.
- 5.3 Therefore, there is sufficient buildable land available with the city and outside of the city in the UGB. This criterion is satisfied.

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

Finding of Fact

- 6.1 As discussed under section 4, above, the application complies with all applicable Stayton Comprehensive Plan policies and as such, all applicable Statewide Planning Goals.

**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.**

Finding of Fact

- 7.1 The subject property is comprised of four parcels with a total area of ±11.00-acres of land, located completely within the city of Stayton Urban Growth Boundary (UGB), and is contiguous with the city limits along the south and east property boundaries.
- 7.2 The project site is located ±1,500 feet north of the Shaffer Road SE and Golf Club Road SE intersection to the east of Golf Club Road SE, a minor arterial road. The subject property is north of Oak Estates manufactured home park, west of a storm water detention pond, south of three single-family dwelling parcels (two of which are developed), and east of Golf Club Road.
- 7.3 The site is characterized by relatively level topography with little vegetation. The site is comprised of four tax lots (i.e., Tax Lots 700, 800, 900, and 1000). Tax Lot 700 is utilized for open storage of recreational vehicles. Tax Lot 800 is unimproved. Tax Lots 900 is improved/occupied by existing residential dwellings and associated accessory buildings, 50-foot-tall communications tower, four warehouses occupied by various industrial and



commercial tenants, and open storage for recreational vehicles. Tax Lot 1000 is improved with a residential single-family dwelling and associated accessory structures.

- 7.4 The subject site is located adjacent local and regional transportation facilities and is in proximity to complementary commercial and residential uses. The site is ideally situated to accommodate new light industrial uses without adverse impacts to adjacent uses. This criterion is met.

## VII. Overall Conclusion

Based on the above analysis, the consolidated package of land use applications is consistent with the applicable provisions of Title 17 of the City of Stayton Municipal Code and Comprehensive Plan. Therefore, the Applicant respectfully requests that the Stayton City Council approve this consolidated package of land use applications including, a Comprehensive Plan Map Amendment, Annexation, and Zoning Map Amendment.

## VIII. Exhibits

- A. Annexation Legal Description
- B. Annexation Map
- C. Transportation Planning Rule Evaluation, DKS Associates, dated May 2, 2022
- D. Marion County Tax Assessor's Map No 09-01W-04C
- E. Comprehensive Plan Map



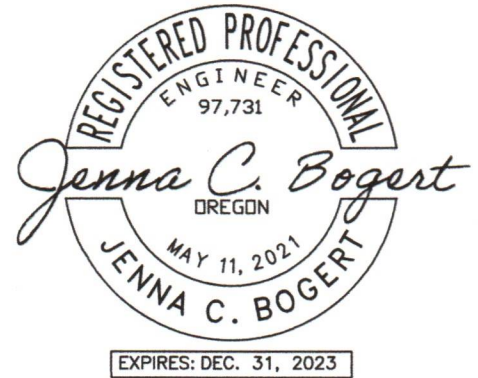
## MEMORANDUM

DATE: May 2, 2022

TO: Jim and Jolene Crowther

FROM: Jenna Bogert, P.E. | DKS Associates  
Scott Mansur, P.E., PTOE | DKS Associates

SUBJECT: Stayton 9694 Golf Club Road SE Rezone  
Transportation Planning Rule Evaluation



P22094-000

This memorandum presents the findings of an evaluation of potential traffic impacts associated with property located at 9694 Golf Club Road SE in Stayton, Oregon. The owners of the property desire to rezone the 10.4-acre parcel from Medium Density Residential (MD) to Light Industrial (IL) to allow for the existing use, which is an excavation company. As part of the rezone, the property will also be annexed into City limits. The owners of the property are not looking to expand the property or any of the current buildings.

The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

The definition of a significant effect varies by jurisdiction and no such definition is provided in the City of Stayton code. According to the Oregon Highway Plan (OHP)<sup>1</sup>, a net increase of less than 400 daily trips does not qualify as a significant effect. While the OHP is not applicable to city streets, it provides a reasonable estimate of a significant effect for TPR analysis purposes.

This memorandum documents the expected trip generation of the reasonable worst-case development potential under existing and proposed zoning, and whether the proposed zone change will create a significant effect on the transportation system.

<sup>1</sup> 1999 Oregon Highway Plan, Action 1F.5, Pages 80-81.

## EXISTING ZONING (MD) TRIP GENERATION

Currently, the parcel is zoned as Medium Density Residential (MD). Under MD zoning, City code allows for single-family homes, manufactured homes, duplexes, or a family child care center.<sup>2</sup>

Under the existing zoning, both a family child care center and detached single-family homes were assumed for the reasonable worst-case development for the property. For this analysis, we have assumed that the average daycare size is approximately 3,000 square feet. Assuming some of the property acreage is devoted to the daycare parking lot and internal streets, we have assumed that 7.1 acres remain for the development of single-family homes. Per City code, a maximum of 12 dwelling units per acre are permitted under MD zoning, resulting in 85 homes.

The current edition of the ITE Trip Generation Manual<sup>3</sup> provides trip generation rates for the land uses identified above. As shown in Table 1, the 10.4-acre parcel could generate up to 1,012 daily trips, 97 AM peak hour trips, and 118 PM peak hour trips.

**TABLE 1: REASONABLE WORST-CASE TRIP GENERATION FOR EXISTING MD ZONING**

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
<b>9694 GOLF CLUB ROAD SE</b>				
SINGLE-FAMILY HOMES (210)	85 units	869	64	85
DAY CARE CENTER (565)	3 KSF <sup>a</sup>	143	33	33
	<b>Total</b>	<b>1,012</b>	<b>97</b>	<b>118</b>

<sup>a</sup> KSF = 1,000 square feet

<sup>2</sup> A list of permitted land uses for MD zoning can be found in the Stayton Land Use and Development Code, Chapter 17.16.

<sup>3</sup> Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, 2021.



## PROPOSED ZONING (IL) TRIP GENERATION

Under the proposed Light Industrial (IL) zoning, City code allows for light manufacturing, repair services, assembly, or storage areas with a Site Plan Review for any new construction.<sup>4</sup>

Under the proposed zoning, a light manufacturing building was assumed for the reasonable worst-case development for the property. For this analysis, we have assumed that the building size would occupy up to 30% of the total lot, resulting in 136,000 square feet of gross building floor area.

The current edition of the ITE Trip Generation Manual<sup>5</sup> provides trip generation rates for manufacturing uses. As shown in Table 2, the 10.4-acre parcel could generate up to 715 daily trips, 93 AM peak hour trips, and 101 PM peak hour trips under the proposed zoning.

**TABLE 2: REASONABLE WORST-CASE TRIP GENERATION FOR PROPOSED IL ZONING**

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
<b>9694 GOLF CLUB ROAD SE</b>				
MANUFACTURING (140)	136 KSF <sup>a</sup>	715	93	101
<i>Total Proposed (IL Zoning) Trips</i>		<i>715</i>	<i>93</i>	<i>101</i>
<i>Total Existing (MD Zoning) Trips</i>		<i>1,012</i>	<i>97</i>	<i>118</i>
<b>Net Increase (Proposed – Existing)</b>		<b>-297</b>	<b>-4</b>	<b>-17</b>

<sup>a</sup> KSF = 1,000 square feet

As shown at the bottom of Table 2, reasonable worst-case buildout of the 9694 Golf Club Road SE property under the proposed IL zoning would result in a net decrease of 297 daily trips. These values represent the reasonable worst-case trip generation produced by land uses allowed under the proposed IL zoning.

## TRANSPORTATION PLANNING RULE FINDINGS

After evaluating the reasonable worst-case development potential of both the existing (MD) and proposed (IL) zoning, the proposed zone change would result in a net decrease of 297 trips per day on the 9694 Golf Club Road SE property. As such, the proposed zone change is not expected to have a significant effect on the surrounding transportation system and the Transportation Planning Rule requirements satisfied.

<sup>4</sup> A list of permitted land uses for IL zoning can be found in the Stayton Land Use and Development Code, Chapter 17.16.

<sup>5</sup> Trip Generation Manual, 11<sup>th</sup> Edition, Institute of Transportation Engineers, 2021.

## SUMMARY AND RECOMMENDATION

The applicant is requesting a zone change on a 10.4-acre property, in Stayton, Oregon located at 9496 Golf Club Road SE. The proposed change in zoning from Medium Density Residential (MD) to Light Industrial (IL) would result in an estimated reasonable worst-case daily trip decrease of 297 trips.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily decrease of trips. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed zone change will not significantly impact and would cause "no further degradation" to the City of Stayton transportation system. The change in number of daily and peak hour trips due to the proposed zone change is not anticipated to significantly impact transportation facilities near the project site and therefore, this application complies with TPR requirements.

Please let me know if you have any questions or comments.



## Dan Fleishman

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**From:** Caleb Cox <ccox@kittelson.com>  
**Sent:** Wednesday, July 6, 2022 4:59 PM  
**To:** Dan Fleishman  
**Cc:** Susan Wright  
**Subject:** RE: Request for Comments on Annexation and Comprehensive Plan Amendment Applications  
**Attachments:** RE: Preapplication meeting scheduled for March 1

Hi Dan,

The TPR analysis looks appropriate. However, according to 17.12.170.5.d.4, my understanding is that the comprehensive plan amendment requires a full traffic impact analysis. We noted this in our first round of comments in February 2022 (see attached). I know the owner has a conditional use permit that allows all uses in the IL zone, does that change the TIA requirements at all?

Based on the TPR analysis which shows no increase in traffic resulting from the zone change, I suppose an argument could be made that a TIA isn't necessary. That said, I don't know whether there is the flexibility within the code to allow it to be waived.

Let us know if you want to discuss further.

Thanks,

Caleb Cox, PE  
Senior Engineer

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

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**From:** Dan Fleishman <dfleishman@staytonoregon.gov>  
**Sent:** Monday, June 27, 2022 4:26 PM  
**To:** Adam Maurer <amaurer@santiamhospital.com>; Andy Gardner <Andy.Gardner@nsantiam.k12.or.us>; 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>; Cooper.Whitman@pacificorp.com; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; David Frisendahl <dfrisendahl@staytonoregon.gov>; Erik Hoefer <erik@sctcweb.com>; Jack Carriger (Jack.Carriger@staytonfire.org) <Jack.Carriger@staytonfire.org>; 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>; 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 <developmentsservices@cityofsalem.net>; Susan Wright <swright@kittelson.com>; Troy Wheeler <twheeler@co.marion.or.us>; WAVE Construction Team (oregonconstruction@wavebroadband.com) <oregonconstruction@wavebroadband.com>  
**Subject:** Request for Comments on Annexation and Comprehensive Plan Amendment Applications

## Dan Fleishman

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**From:** John Ashley, P.E. <jashley@ashleyengr.com>  
**Sent:** Friday, July 15, 2022 1:17 PM  
**To:** Dan Fleishman; Lance Ludwick  
**Subject:** RE: Request for Comments on Annexation and Comprehensive Plan Amendment Applications

Dan/Lance,

I think the main concern for public works would be primarily with regards to the existing structures, and when connection to public utilities will be required and what will be required when development occurs.

As such, does it make sense to include the need for a Development Deferral Agreement that specifies that frontage improvements and connection to public utilities are deferred until such time as each parcel is developed (e.g. Site Development Permit or Building Permit, as deemed appropriate by the Public Works Director), and that the individual responsible for development of the parcel shall be responsible for improving the street frontages and connecting to public utilities (including any offsite public utility improvements needed to serve the development) in accordance with the PWDS, SMC, and Marion County Public Works Standards in effect at the time of development, or earlier for the connection to public utilities if required by SMC 13.16 and SMC 13.24. There may need to also be something in the Agreement with regards to the existing sewer, water, and stormwater systems, and that the property owner is to maintain compliance with OHA-DWS, DEQ, and Marion County permits/requirements for those existing systems. The final executed Development Deferral Agreement will need to be recorded with Marion County Oregon Deed Records by the Developer (or concurrently if there is to be a recording of a final plat).

For sewer, it is my understanding that per SMC 13.24.770, a connection to a public sewer is required when ". a public sewer is available to or on the property and/or at a property line of said property and the structures or buildings are within one hundred meters [328 feet] of the public sewer.", unless an exception to the use of public sewers is granted to the property owner in accordance with SMC 13.24.780. Any modifications to the existing sanitary sewer system will need to comply with DEQ and Public Works Standards and meet the requirements of the Building Official at the time the sewer system improvement is made. Also, at the time the sewer system improvement is made, any existing septic tank systems on the property will need to be located and pumped out, and either abandoned, filled and capped, or removed, in accordance with Oregon DEQ and Marion County Sanitarian requirements.

For water, I did not find in SMC 13.16 where it gives a distance as to when a water connection will be required, unless you know of one. However it does say that in accordance with SMC 13.16.390, ".each single-family dwelling, each dwelling unit in a two-family dwelling, each dwelling unit in a three-family dwelling, and each non-residential establishment shall have a separate water service line and water meter, provided that if special circumstances of construction render metering of such individual service impractical the Public Works Director may waive such requirements." As such, a separate water service and water meter will need to be provided for each dwelling and non-residential establishment in accordance with SMC 13.16.390 at the time of development. Any modifications to the existing water system will need to comply with OHA-DWS and Public Works Standards, and meet the requirements of the Building Official at the time the water system improvement is made. Also, at the time the water system improvement is made, any existing water wells on the property will need to be located and abandoned per Oregon Water Resources Department and OHA-DWS requirements. Prior to well abandonment, it is recommended that the City work with the Developer to complete the necessary documentation for the City to assume any existing water rights associated with the well(s), and have them transferred to the City where applicable and allowed by the Oregon Water Resources Department.

For stormwater, they will need to comply with Public Works Standards and make any necessary stormwater system improvements at the time of development.

Your thoughts/comments???

John Ashley, P.E.  
Civil Engineer  
Ashley Engineering Design, P.C.  
Office: 503-864-9404  
Cell: 971-241-3861  
www.ashleyengr.com

-----Original Message-----

From: Dan Fleishman [mailto:dfleishman@staytonoregon.gov]

Sent: Monday, June 27, 2022 4:26 PM

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Subject: Request for Comments on Annexation and Comprehensive Plan Amendment Applications

The City of Stayton has received an application for annexation of approximately 11 acres of property on Golf Club Rd, Marion Co Assessor's Map/Lot 091W04C00700, 00800, 00900, and 01000. The properties are addressed as 9694 and 9704 Golf Club Rd. The property is a mix of commercial and industrial uses and two single family dwellings. No additional development activity is anticipated at this time.

The property, though outside of the City Limits, is designated as Residential by the Comprehensive Plan Map. The property was developed in the 1970s as the shops and yard for the Emery & Sons construction company. Since Emery & Sons moved out a number of years ago there has been a variety of commercial and industrial uses on the property. The owner is requesting the Comprehensive Plan designation be amended from Residential to Industrial.

The application materials include an application forms, the applicant's narrative, and transportation planning rule analysis.

The public hearing will be held on July 25. Responses are needed by July 15, please.

Thank you for your assistance.

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# BEFORE THE STAYTON PLANNING COMMISSION

In the matter of  
the applications of  
James and Jolene Crowther

)  
) Annexation  
) Comprehensive Plan Amendment  
) File # 11-06/22  
)

## RECOMMENDATION OF APPROVAL

### I. NATURE OF APPLICATION

The applicant has submitted two applications for concurrent review. The applicant is requesting annexation of four tax parcels totaling approximately 11 acres into the city limits. The applicant is also requesting the Comprehensive Plan Map designation of the property be changed from Residential to Industrial and that Light Industrial zoning be applied to the property following annexation.

### II. PUBLIC HEARING

A public hearing was held on the applications before the Stayton Planning Commission on July 25, 2022. At that hearing the Planning Commission reviewed Land Use File #11-06/22, applications for annexation and comprehensive plan map amendment, and it was made part of the record.

### III. FINDINGS OF FACT

#### A. EXISTING CONDITIONS

1. The owners of the property are James and Jolene Crowther.
2. The applicants are the owners.
3. The property can be described as Township 9, Range 1 West of the Willamette Meridian, Section 4C, Tax Lots 700, 800, 900, and 1000. Three of the four tax parcels have addresses assigned: 9654, 9694, and 9704 Golf Club Rd SE, Aumsville.
4. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20). The property is designated as Residential by the Comprehensive Plan Map.
5. The property is located on the east side of Golf Club Rd. The property is approximately 10.4 acres in area with approximately 485.5 feet of frontage on Golf Club Rd.
6. The properties to the west, across Golf Club Rd, are located outside of the City Limits, are zoned Marion County Urban Transition, and each have a single family dwelling and are used for agricultural production. The properties to the north, are located outside of the City Limits, are zoned Marion County Urban Transition, and are rural large lot residences. The property to the east is inside the City Limits, was annexed in 2013, and is zoned Low Density Residential. This property is the unplatted remainder of the

Phillips Estates subdivision and includes a stormwater detention pond. The property to the south is located inside of the City Limits, was annexed in 1976, is zoned Medium Density Residential, and is developed as a mobile home park.

7. The property was substantially developed in the mid-1970s. Tax parcel 700 is approximately 3.5 acres in area and includes approximately 2.5 acres of a gravel-surfaced area currently used for outdoor storage of RVs, boats, and motor vehicles. Tax parcel 800 is approximately 1.0 acre in area and is vacant undeveloped land. Tax parcel 900 is approximately 4.9 acres in area and is developed with a single family detached dwelling, and four buildings used for commercial/industrial purposes. Approximately 2.3 acres of tax parcel 900 is gravel-surfaced parking and storage. The current tenants of the buildings include an automobile repair garage, a heavy construction contractor, an RV repair establishment. Tax parcel 1000 is approximately 1.0 acre in area and is developed with a single family detached dwelling and accessory structures. The driveway access to tax parcels 800 and 900 is across this tax parcel. All of the development on the property is served by private well(s) and septic system(s).

#### **B. PROPOSAL**

The proposal is to annex approximately 11 acres of land into the City, including the Golf Club Rd right of way adjacent to the property. The applicant has also applied for a Comprehensive Plan Map amendment from Residential to Industrial for the property. The applicant has proposed that Light Industrial zoning be applied to the property. The applicant has not proposed any further development of the parcel at this time.

#### **C. AGENCY COMMENTS**

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, City of Stayton Police Department, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Astound Broadband, Stayton Fire District, Sublimity Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District, Santiam Hospital Ambulance Service, and the North Santiam School District.

Pacific Power, NW Natural Gas, Stayton Cooperative Telephone Company, and Marion County Planning Division replied with no comments. Marion County Surveyors Office replied, pointing out a possible error in the deed citation in the legal description provided.

The City Engineer pointed out the need for an agreement with the property owner obligating the property to frontage improvements and utility connections when there is future development on the property.

#### **D. PUBLIC COMMENTS**

The Planning and Development Department notified all owners of property within 300 feet of the subject property and has not received any written public comment on these applications prior to the public hearing.

## E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.4. The amendment of the Official Zoning Map, required to assign a zone to the newly annexed territory, is required to satisfy the approval criteria contained within SMC Section 17.12.180.6.

Comprehensive Plan Map amendment applications are required to satisfy approval criteria contained within SMC Section 17.12.170.6.

## F. REVIEW CRITERIA

### Annexation Criteria

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

- a. *Need exists in the community for the land proposed to be annexed.*

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 17 lots comprising 142 acres of vacant land inside the City limits in the three industrial zones. In addition, there was 113 acres of land designated Industrial outside the city but inside the urban growth boundary.

At the time of the 2013 BLI, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the Comprehensive Plan indicates the expected need of additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 60 acres of residential land.

Staff has calculated information on current buildable lands as follows. There are currently 22 vacant lots totaling 149 acres in the three industrial zones. There are currently 77 vacant lots totaling 120 acres within the City limits that are residentially zoned.

Of the 22 vacant lots zoned industrial, four, totaling 63 acres, are land formerly owned by Norpac and previously used for disposal of their treated process wastewater. Sewer and water are not readily available to facilitate their development. Another three, though included on the City's vacant parcel list because there are no buildings, are used for outdoor storage.

Though there are 77 parcels totaling 120 acres in the City and residentially zoned, staff estimates that there are 40 parcels totaling 69 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 25 lots reasonably available for development. In the MD zone there are 13 vacant lots. There are two vacant lots in the High Density Residential Zone. They have both been approved for development, with a total of 171 units, but construction has not yet commenced on either.

The City's growth rate from 2000 and 2021 has been at an average annual rate of about 0.9%, with a population change of 1,449 people. The Comprehensive Plan's projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the twenty-year planning horizon. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 441 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for only 19 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

The subject property is already developed with uses that fit in the Industrial zone.

*b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.*

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the Shaff Rd intersection. The approved plans for construction of an apartment complex on the west side of Golf Club Rd will result in the extension of the water main to within 500 feet of the subject property. The water service could be extended north when additional development is proposed on the site. Sewer service could be provided by construction of a main in Golf Club Rd flowing north to the Mill Creek lift station.

The Public Works Department, through the City Engineer, has recommended a recorded agreement to obligate the owner and future owners to connection to city utilities with future development of the property.

*c. The proposed annexation is property contiguous to existing City jurisdictional limits.*

Finding: The property is contiguous to the existing city limits to the east and to the south.

*d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and the policies of the City of Stayton.*

Finding: The surrounding area is a mix of undeveloped properties and developed properties. To the north are large lot residential properties. To the east is the undeveloped and unplatted remainder of the Phillips Estates subdivision. To the south is the Oak Estates Mobile Home Park. To the west, across Golf Club Rd are two parcels used for agricultural purposes, each with a single-family dwelling. The subject property has been developed with a mix of residential and industrial/commercial uses since the mid-1970s. No additional development of the property is proposed. The Urban Growth Management policies of the City are incorporated into Section 17.08.030. These policies state that the boundaries of the City should remain relatively unchanged until a major portion of the City's usable land has been developed for urban purposes.

*e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.*

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owner has consented to the annexation.

*f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.*

Finding: The proposed annexation is not a contract annexation.

### **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, in the chapter on the city's economy notes that the City could consider expansion of the industrial area north of Shaff Rd. There are no specific policies in the comprehensive Plan regarding the location of land designated for industrial uses. The subject property has been in a mix of residential and industrial/commercial uses since the mid-1970s.

Designation of the subject property as Industrial would further the City's economic development goals by providing opportunity for businesses to utilize the existing buildings rather than having the property be constrained by County zoning.

- 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 Comprehensive Plan notes that there was a total of 393 acres of land, including street rights of way, zoned Industrial in the city limits, of which 142 acres was considered vacant lots. The Comprehensive Plan noted that an additional 113 acres of land was outside of the city limits and designated Industrial.

The Plan notes that 170 acres of land was owned by Norpac and the Industrial Agriculture zone allowed the plat to utilize that land for spray irrigation of the wastewater from the cannery. This acreage is not readily available for development due to lack of utility services.

The subject property has been primarily used for industrial purposes since the mid-1970s.

- 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 Goal 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 throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Amendment of the Comprehensive Plan Map designation to Industrial would increase the amount of land available for employment opportunities and allow most of the existing uses of the property to be expand. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would decrease the amount of land in a Residential designation. However, a majority of the property is already developed for commercial/industrial purposes and is not likely to be available for residential development. The two existing dwellings on the property would continue to be available for residential occupancy.

- 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 Jenna Bogert, PE and Scott Mansur, PE. The analysis assumed the property would be zoned Medium Density Residential if annexed and the Residential designation retained and concluded the proposed comprehensive plan amendment and zone map amendment would result in a decrease in the site's trip potential. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Finding: The Comprehensive Plan projected the city would need to annex 320 acres of land for residential uses in the twenty-year planning period. There are currently 834 acres of land outside of the city limits designated Residential by the Comprehensive Plan.

- 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 an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the Shaff Rd intersection. The approved plans for construction of an apartment complex on the west side of Golf Club Rd will result in the extension of the water main to within 500 feet of the subject property. The water service could be extended north when additional development is proposed on the site. Sewer service could be provided by construction of a main in Golf Club Rd flowing north to the Mill Creek lift station.

The Public Works Department, through the City Engineer, has recommended a recorded agreement to obligate the owner and future owners to connection to city utilities with future development of the property.

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

Finding: The surrounding area is a mix of undeveloped properties and developed properties. To the north are large lot residential properties. To the east is the undeveloped and unplatted remainder of the Phillips Estates subdivision. To the south is the Oak Estates Mobile Home Park. To the west, across Golf Club Rd are two parcels used for agricultural purposes, each with a single-family dwelling. The subject property has been developed with a mix of residential and industrial/commercial uses since the mid-1970s. Annexation of the property into the City will provide the opportunity for the City administer and enforce the land use code, rather than relying on Marion County.

**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: A concurrent application for a Comprehensive Plan Map amendment has been filed. The applicant has requested that the property be designated Industrial by the amended Comprehensive Plan Map and be zoned Light Industrial.

- 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 an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the Shaff Rd intersection. The approved plans for construction of an apartment complex on the west side of Golf Club Rd will result in the extension of the water main to within 500 feet of the subject property. The water service could be extended north when additional development is proposed on the site. Sewer service could be provided by construction of a main in Golf Club Rd flowing north to the Mill Creek lift station.

The Public Works Department, through the City Engineer, has recommended a recorded agreement to obligate the owner and future owners to connection to city utilities with future development of the property.

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

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 Jenna Bogert, PE and Scott Mansur, PE. The analysis assumed the property would be zoned Medium Density Residential if annexed and the Residential designation retained and concluded the proposed comprehensive plan amendment and zone map amendment would result in a decrease in the site's trip potential. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Finding: The Comprehensive Plan, in Chapter 7 discusses consideration of expansion of the industrial zone north of Shaff Rd. There are no goals or policies directly related to the location of industrial zones.

- 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.*

Finding: The Planning Department reports that there are currently 22 vacant lots totaling 149 acres in the three industrial zones. One of these parcels has received site plan review approval for development, but a building permit has not yet been issued. There are currently 77 vacant lots totaling 120 acres within the City limits that are residentially zoned. The proposed amendment would not eliminate any vacant land zoned residential, because the subject property is not currently in the City and the property is not vacant.

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

Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on June 20, 35 days prior to the Planning Commission's hearing.

- 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.*

Finding: The property was filled in the 1970s when it was developed for industrial purposes. The property currently has four large buildings that are not suitable for residential use and that have been used for commercial/industrial uses since construction. Of the 10.4 acres in the property, 5.7 acres is currently gravel-surfaced parking and storage area or buildings.

The surrounding area is a mix of undeveloped properties and developed properties. To the north are large lot residential properties. To the east is the undeveloped and unplatted remainder of the Phillips Estates subdivision. To the south is the Oak Estates Mobile Home Park. To the west, across Golf Club Rd are two parcels used for agricultural purposes, each with a single-family dwelling. The property has been used for commercial/industrial uses since the mid-1970s.

#### **IV. CONCLUSION**

Based on the above findings, the Planning Commission concludes that the applications meet the criteria for approval in SMC 17.12.210.4, Section 17.12.170.6, and Section 17.12.180.6.

**V. ORDER**

Based on the Findings and Conclusions above, the Planning Commission recommends approval of the application for annexation to the City Council, recommends approval of the application for Comprehensive Plan Map amendment, and amendment of the Official Zoning Map to designate the property as Light Industrial, as requested by the applicant, and further recommends that the City Council require the execution of an agreement with the applicant, to be recorded in the Marion County Deed Records, obligating the applicant and future property owners to construct frontage improvements and to connect the existing buildings to city utilities with future development of the property.

\_\_\_\_\_  
Ralph Lewis, Chairperson

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Date

\_\_\_\_\_  
Dan Fleishman,  
Planning and Development Director

\_\_\_\_\_  
Date

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