

ORDINANCE NO. 1056

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ON GOLF CLUB RD; AMENDING THE CITY OF STAYTON COMPREHENSIVE PLAN MAP FROM RESIDENTIAL TO INDUSTRIAL; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITION (UT-20) TO CITY OF STAYTON LIGHT INDUSTRIAL (IL).

WHEREAS, on June 17, 2022, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, James and Jolene Crowther submitted concurrent applications for annexation of four parcels of land totaling 10.4 acres located at 9654, 9694, and 9704 Golf Club Rd, for a Comprehensive Plan amendment to change the Comprehensive Plan designation of that property from Residential to Industrial, and for an Official Zoning Map amendment to assign Light Industrial zoning to the property upon annexation;

WHEREAS, a public hearing was held on the applications before the Stayton Planning Commission on July 25, 2022;

WHEREAS, following the public hearing, the Stayton Planning Commission recommended that the annexation be approved; that the comprehensive plan map be amended from Residential to Industrial for the property; and that Light Industrial zoning be applied to the property;

WHEREAS, the Stayton Planning Commission recommended that the City Council require the applicant to execute an agreement with the City binding the applicant or subsequent property owners to construct frontage improvements and connect to City utilities upon future development of the property;

WHEREAS, the territory to be annexed is contiguous to the City Limits on the east and south sides;

WHEREAS, the property is currently zoned Urban Transition (UT-20) by Marion County, and the applicant has requested that the property be zoned Light Industrial (IL) in accordance with the concurrent amendment of the Stayton Comprehensive Plan Map;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on August 15, 2022;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the applications as contained in Exhibit C attached hereto and incorporated herein;

WHEREAS, ORS 222.127 requires the City Council to finalize the annexation and not forward the application to the voters of the City as required by City Charter and SMC Section 17.12.210.2.a.2); and

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit 3 that the applications meet the criteria for approval in SMC Section 17.12.210.4 for annexations, Section 17.12.170.6 for Comprehensive Plan amendments, and Section 17.12.180.6 for Official Zone Map amendments.

NOW THEREFORE, the City of Stayton ordains:

Section 1. The City of Stayton City Council makes findings of fact and conclusions of law regarding the applications as contained in Exhibit C attached hereto and incorporated herein.

Section 2. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory located at 9654, 9694, and 9704 Golf Club Rd, including a portion of

the adjacent Golf Club Rd right of way, the legal description of which is described in Exhibit A and is shown in Exhibit B, which are attached hereto and by reference incorporated herein.

Section 3. The applicant shall execute an agreement with the City, 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 at such time of future development of the property.

Section 4. Pursuant to ORS 222.005 the Stayton City Recorder shall provide by certified mail to all public utilities, telecommunication facilities, and franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax rolls, a legal description and map of the proposed boundary change, and a copy of this Ordinance. This notice shall be mailed within (10) ten working days of the signing of the agreement required by Section 3.

Section 5. Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the signing of the agreement required by Section 3, send to the Marion County Clerk and Marion County Assessor a report of the annexation including a detailed legal description of the new boundaries established by the City.

Section 6. Pursuant to ORS 308.225(2) the Stayton City Recorder shall provide to the Oregon Department of Revenue a copy of this Ordinance, containing the legal description and map of the territory being annexed.

Section 7. Pursuant to ORS 222.177 the Stayton City Recorder shall provide to the Oregon Secretary of State a copy of this Ordinance, containing the legal descriptions and maps of the territories being annexed, and a copy of documents indicating consent of the property owners.

Section 8. The Stayton Comprehensive Plan Map is hereby amended as follows:

Area to be Changed from Residential to Industrial

Beginning at a point on the centerline of Golf Club Rd which is 1,513 feet northwest of the Shaff Rd centerline, proceeding northwesterly along the centerline of Golf Club Rd 485.5 feet; thence easterly to the northeast corner of Tax Lot 091W04C00700; thence southerly along the east lines of Tax Lot 091W04C00700 and Tax Lot 091W04C00900 to the southeasterly corner of Tax Lot 091W04C00900; then westerly along the south lines of Tax Lot 091W04C00900 and Tax Lot 091W04C01000 to the centerline of Golf Club Rd and the point of beginning.

Section 9. The Stayton Official Zoning Map is hereby amended as follows:

Newly Annexed Area to be Zoned Light Industrial

Beginning at a point on the centerline of Golf Club Rd which is 1,513 feet northwest of the Shaff Rd centerline, proceeding northwesterly along the centerline of Golf Club Rd 485.5 feet; thence easterly to the northeast corner of Tax Lot 091W04C00700; thence southerly along the east lines of Tax Lot 091W04C00700 and Tax Lot 091W04C00900 to the southeasterly corner of Tax Lot 091W04C00900; then westerly along the south lines of Tax Lot 091W04C00900 and Tax Lot 091W04C01000 to the centerline of Golf Club Rd and the point of beginning.

Newly Annexed Area to be Zoned Low Density Residential

Beginning at a point on the centerline of Golf Club Rd which is 1,513 feet northwest of the Shaff Rd centerline, proceeding northwesterly 485.5 feet; thence westerly to the west right of way line of Golf Club Rd; thence southeasterly along the west right of way line of Golf

Club Rd to a point opposite the northwesterly corner of Tax Lot 091W04C01500; then easterly to the centerline of Golf Club Rd and the point of beginning.

A portion of the revised Official Zoning Map, illustrating the amendments to the Official Zoning Map is included as Exhibit D, attached hereto and incorporated herein.

Section 10. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing of the agreement required by Section 3 above.

Section 11. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE CITY COUNCIL this 19th day of September, 2022.

CITY OF STAYTON

Signed: 9/20, 2022

BY:

Henry A. Porter
Henry A. Porter, Mayor

Signed: 9/20, 2022

ATTEST:

Julia Hajduk
Julia Hajduk, City Manager

EXHIBIT A, Annexation Area

AN AREA OF LAND IN THE SOUTHWEST AND SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 9 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, IN MARION COUNTY, STATE OF OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE LAND DESCRIBED AS "PARCEL 2" IN MARION COUNTY DEED RECORDS REEL 4102, PAGE 284; THENCE ALONG THE NORTH LINE OF SAID "PARCEL 2", NORTH 90°00'00" WEST 1195.83 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY OF GOLF CLUB ROAD, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 25°30'00" EAST 485.49 FEET MORE OR LESS TO THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE PROPERTY DESCRIBED AS "PARCEL 3" IN MARION COUNTY DEED RECORDS REEL 4102, PAGE 284; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 90°00'00" EAST 990.13 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID "PARCEL 3", THENCE ALONG THE EAST LINE OF SAID "PARCEL 3" AND "PARCEL 2", NORTH 00°26'00" WEST 438.21 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED AREA CONTAINS ± 11 ACRES

EXHIBIT B, Map of Annexation Area

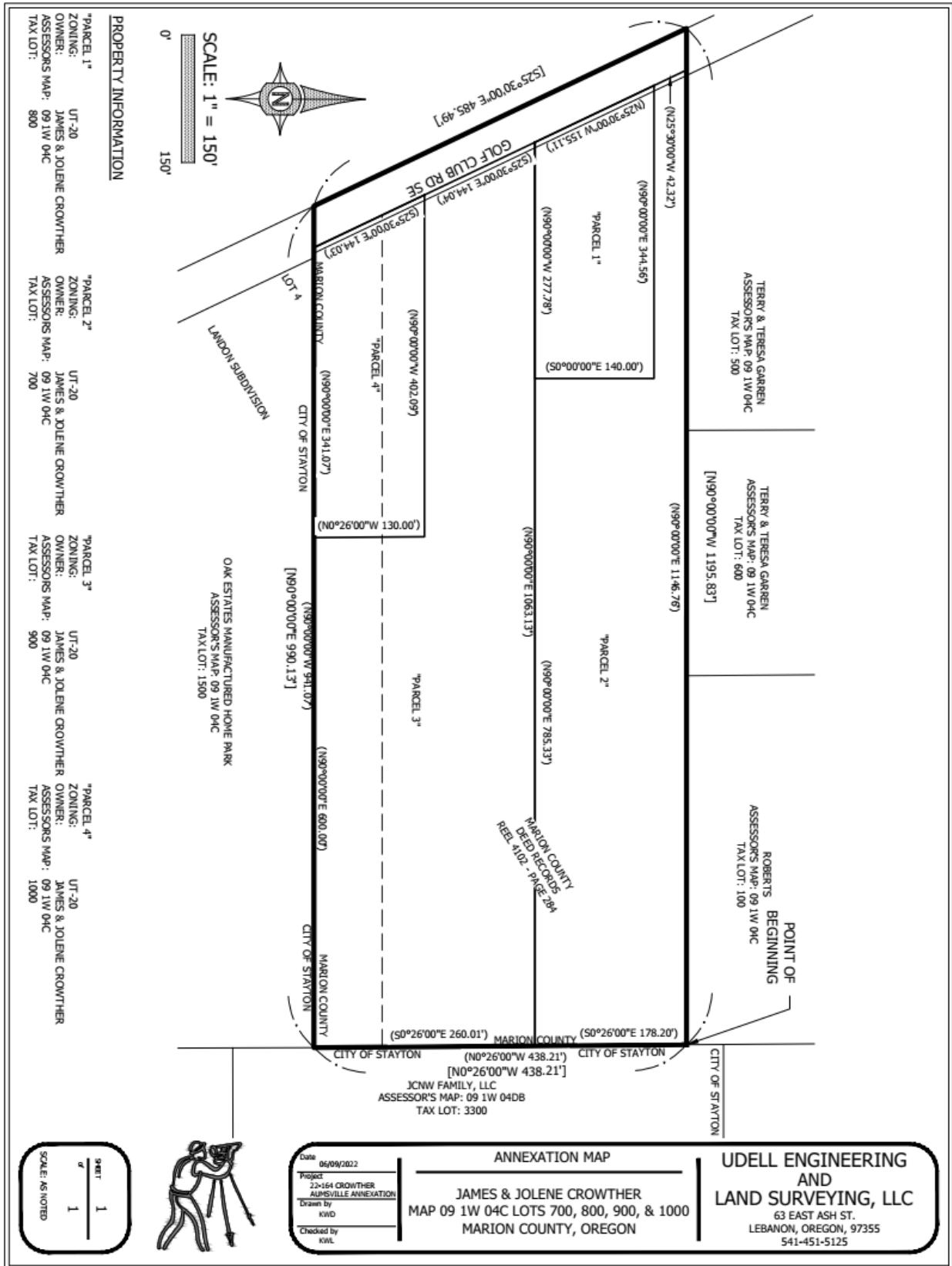


EXHIBIT C, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #5-04/20

A. GENERAL FACTS

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).
8. 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.
9. The Stayton Planning Commission held a public hearing on July 25 on the three concurrent applications for annexation, comprehensive plan map amendment, and zone map amendment.
10. Following their public hearing, the Planning Commission adopted an order that recommended to the City Council annexation of the property; recommended to the City Council the comprehensive plan map amendment for the property; and recommended application of Light Industrial zoning to the property upon. The Planning Commission's order included a recommendation that the City

Council require execution of an agreement with the property to assure future extension and connection to public utilities upon future development activity on the property.

11. This proposal must comply with the Transportation Planning Rule (TPR), which implements Statewide Planning Goal 12 when considering amendments to acknowledged comprehensive plans and land use regulations. The City's transportation engineers concurred with the applicant's consultant's determination that the proposed comprehensive plan amendment and zone map amendment would result in a decrease in the site's trip potential and therefore would not create a significant effect on the transportation system.

B. 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.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the Planning Commission's public hearing and the applications and of the City Council's public hearing. At the Planning Commission's public hearing there was testimony from two members of the public.

Chris Roberts spoke in opposition to the Comprehensive Plan amendment application and submitted a letter signed from other neighboring property owners. Roberts expressed concerns that deviating from the Comprehensive Plan would detract from the Plan, that it would not be in the best interests of the City, and that changing the zoning to Light Industrial would diminish values of nearby properties. Roberts also raised concerns about stormwater and water quality with the possibility of future development.

Staff responded that the City Code provides for the Comprehensive Plan amendment procedure, establishing the criteria for approval of such an application. Therefore, should an amendment meet the criteria for approval there would not be a detraction from the Plan.

Bill Martinak, owner of adjacent property to the east, raised a number of questions regarding the Comprehensive Plan amendment application. Those questions focused on the previous Conditional Use issued by Marion County for some of the existing uses on the property, the possibility of future development, the standards that would apply to future development, and stormwater management. Staff responded to the questions.

Written testimony was submitted for the City Council public hearing from Bill Martinak stating he did not believe that the application addresses compatibility with the existing and future uses of the surrounding properties. Written testimony was also submitted by Roger Roberts, expressing concern that the existing development does not conform to the City's standards for stormwater management.

D. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210. 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.

Comprehensive Plan Map amendment applications are required to satisfy approval criteria contained within SMC Section 17.12.170.

E. APPROVAL CRITERIA

Section 17.12.210.4 Annexation Approval Criteria. Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by an application for Comprehensive Plan amendment:

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 property owner has consented to the annexation. ORS 222.127 requires a city to annex the territory without submitting the proposal to the electors if the territory is within the urban growth boundary, the territory will be subject to an acknowledged comprehensive plan, the territory is contiguous to the city limits, and the proposal conforms to all other requirements of the City's ordinances.

- 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.

Public testimony addressed this issue with written correspondence expressing concern with the impacts of Light Industrial zoning on the use of neighboring properties.

The Council finds that 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.

The Stayton Police Department, Pacific Power, North Santiam School District, Stayton Fire District, Stayton Cooperative Telephone, Northwest Natural, and Astound Broadband were all notified of the applications and requested to comment. No comments expressing concerns about the ability to provide service were received.

- 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 and 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.

EXHIBIT D, EXCERPT FROM OFFICIAL ZONING MAP

