

**BEFORE THE STAYTON PLANNING COMMISSION**

In the matter of  
the applications of  
Gene Jones

)  
) Annexation  
) Comprehensive Plan Amendment  
) File # 11-07/19  
)

**RECOMMENDATION OF APPROVAL AND DENIAL**

**I. NATURE OF APPLICATION**

The applicant has submitted two applications for concurrent review. The applicant is requesting annexation of a 17.9-acre parcel into the city limits. The applicant is also requesting the Comprehensive Plan Map designation of the parcel be changed from Residential to Commercial.

**II. PUBLIC HEARING**

A public hearing was held on the application before the Stayton Planning Commission on December 9, 2019. At that hearing the Planning Commission reviewed Land Use File #11-07/19, 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 the Robert H Miller Trust, Beverly M Cox Living Trust, Dan Wagner, Christine L Miller, Margaret A Williams, and Williams Living Trust.
2. The applicant is Eugene Jones, who has submitted a copy of a sales agreement.
3. The property can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 2, Tax Lots 500 and 600. Tax Lot 600 is addressed as 13601 Fern Ridge Rd, Stayton.
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 Stayton Comprehensive Plan Map.
5. The property is located on Fern Ridge Rd and also has frontage on State Highway 22. The property is approximately 19.1 acres in area with approximately 902 feet of frontage on Fern Ridge Rd.
6. State Highway 22 is a limited access highway and there is no access permitted from the property to State Highway 22.

7. The property to the west is inside the City Limits, is zoned Public/Semi-Public, was annexed in 1977, and is developed as a church. The properties to the south and across Fern Ridge Rd are located inside the City Limits, are zoned Low Density Residential, were annexed in 1953, and are developed with single family detached dwellings. The property to the east is located inside the City Limits, is zoned Medium Density Residential, was annexed in 1992, and is developed as a mobile home park. The property to the north and across State Highway 22, is zoned Exclusive Farm Use, and is farmland.
8. The property is currently vacant, with only a small storage building on the property.
9. The property is traversed by Lucas Ditch.

#### B. PROPOSAL

The proposal is to annex approximately 17.9 acres of land into the City. The applicant has also applied for a Comprehensive Plan Map amendment from Residential to Commercial. Though the applicant has not submitted an application for development approval, the application for annexation was accompanied by a conceptual plan for a recreational vehicle park.

#### C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District, Oregon Department of Transportation, and the North Santiam School District.

Marion County Planning Division replied with no comment. Comments were received from the Stayton Public Works Department through the City Engineer, from the City's transportation engineering consultant, and from Marion County Public Works. These comments are incorporated into the findings below. The comments from Marion County Public Works addressed future development of the property and were not relevant to these applications.

#### D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property. The applicant posted a city-supplied sign on the property. The Planning Department 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. 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.

#### F. REVIEW CRITERIA

##### **Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.**

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

- 1) *The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.*

Finding: The Comprehensive Plan describes the purpose of the Commercial designation as providing areas for retail, service, office and other commercial activities. The Plan indicates (action steps for Policy LU-4) that the Interchange Development zone should be for areas near the Highway 22 interchanges and shall be oriented towards commercial uses that serve the traveling public. Policy EC-4 and its action step state that the City is to discourage commercial development at Highway 22 and continue the Interchange Development Zone near the two Highway 22 interchanges. The application requests Commercial designation to allow an Interchange Development zone at a location away from the two developed interchanges, but near the Fern Ridge Rd intersection with Highway 22.

- 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 indicates there were 31 lots comprising 21 acres of vacant land inside the City Limits in the Commercial Retail, Commercial General, and Interchange Development Zones. Since adoption of the Comprehensive Plan, the City has created a new Commercial Zone: the Commerce Park zone. The Planning Department reports that at the time these applications were submitted there were 22 vacant lots, comprising 29 acres of land, in the four commercial zones. Two lots, one of about 1 acre in area and the other about 8 acres in area, have been approved by the Planning Commission for development, but applications for building permits have not yet been submitted.

Section 17.16.070 of the Land Use and Development Code allows recreational vehicle parks in the Interchange Development and the Industrial Agriculture zones. Section 17.20.250 of the Land Use and Development Code, enacted in May 2019, requires a minimum parcel size of 3 acres for a recreational vehicle park. There are two vacant adjacent parcels in the Interchange Development

Zone with a combined area of 3.4 acres. There are four vacant parcels of land in the City zoned Industrial Agriculture, all of which are larger than 3 acres in area and which total 61 acres.

- 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, 6, 7, 9, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. Lucas Ditch is identified as a “Goal 5 Resource” in the Comprehensive Plan and flows through the subject property. If the property is annexed as Residential property, then under Section 17.16.090.1.a, a Natural Resource Overlay District of 100 feet in width either of side of Lucas Ditch would be established. If the property is zoned Interchange Development, then no NROD is established. There are significant wetlands identified in the Local Wetlands Inventory on the property. The City has enacted Section 17.20.180 establishing wetland protection areas. These standards will apply equally regardless of the comprehensive plan designation or zoning applied.

Goal 6 is to maintain and improve the quality of air, water, and land resources. The City’s riparian buffer standards and stormwater management standards will apply equally regardless of the comprehensive plan designation or zoning applied.

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 Commercial could increase opportunity for economic activity in the City because there is a lack of large sized parcels designated Commercial. However, the proposed use, a recreational vehicle park, would be permitted in the Industrial Agricultural zone, in which there are four vacant parcels, totaling 61 acres in area.

Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would reduce the amount of land designated for residential use. However, the Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of about 4% in the amount of available land for residential development. It would remove one of the few larger parcels adjacent to the City Limits and easily served by utilities from the supply of residential land.

- 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 Karl Birky, PE, PTOE. The analysis concluded that if a cap of 122 PM peak hour trips were imposed on the development of the commercial property, that the Comprehensive Plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. However, the analysis did not include any information on how that conclusion was reached.

The TPR analysis was reviewed by the City's transportation planning consultant, who had the following comments:

- In order to meet submittal requirements, the applicant must submit a traffic impact analysis incorporating the full range of development potential under current vs. proposed land use designations showing the effects of the reasonable worst-case proposed zoning on the surrounding transportation system in the Transportation System Plan (TSP) horizon year. The TSP made no assumptions for areas outside of the City Limits including this site despite having a residential designation in the comprehensive plan therefore the comparison should be to existing County zoning. If the transportation system cannot support this zone change they may utilize a trip cap; however, a trip cap cannot be used to avoid completing the TIA.
- The submitted TPR analysis states that the TPR allows a 15% increase in estimated zone changes. We are not familiar with this. The applicant should state specific OARs. The finding of no significant impact needs to be documented in a TIA with reference to the criteria in the TPR.
- In order to satisfy the applicable TPR requirement, the developer will need to show that their development would have “no significant effect” on the surrounding transportation system. OAR describes a “significant effect” as:
  - Types or levels of travel that are inconsistent with the functional classification of an existing facility.
  - Trip generation that degrades the performance of an existing facility that is such that it would not meet or that is otherwise projected to not meet identified performance standards.
  - Per OHP, when a significant effect has occurred, a development that contributes less than 400 daily trips can be shown to have no significant degradation of the impacted facility.
- The trip cap shown in the submitted TPR analysis of 122 PM Peak Hour trips appears to be calculated by taking 106 PM peak hour trips (reasonable worst-case from existing residential zoning) and increasing by 15%. This is based on the statement that the TPR allows a 15% increase in estimated traffic in zone

changes. However, there is no reference to this in the TPR and the comparison should be to County zoning as the existing comprehensive plan designation of residential was not included in the TSP. The 122 PM Peak Hour trip cap should not be used.

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

Finding: There are 1,867 acres of land in the UGB designated as Residential. The Comprehensive Plan indicates that there are 921 buildable acres of land inside the UGB, and outside of the City Limits. Since that time, there have been about 54 acres of residential land annexed, not including the concurrent application for annexation. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there was 144 acres of buildable land in the city zoned for residential use.

- 6) *Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.*

Finding: There is a 10-inch sewer main located partially within a utility easement on the subject property and partially within the Fern Ridge Rd right of way along the entire length of the subject property. There is a 10-inch and 12-inch sewer main located in a utility easement along the west side of the subject property. There is a 6-inch water main located on the south side of Fern Ridge Rd. The Public Works Department has commented that the Water Master Plan calls for construction of a 16-inch water main along the north side of Fern Ridge Road connecting to the existing 16-inch mains located in the street right of way to both the east and west of the subject property. The Public Works Department has also commented that dedication of right way will be required at the time of development, in that the existing Fern Ridge Rd right of way does not meet Public Works Design Standards for a major collector street.

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

Finding: The property to the west is zoned Public/Semi-Public and is developed as a church. The property to the south, across Fern Ridge Rd is developed with single family detached dwellings. The property to the east is developed as a mobile home park. The applicant proposes construction of a recreational vehicle park.

**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.

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

Finding: There is a 10-inch sewer main located partially within a utility easement on the subject property and partially within the Fern Ridge Rd right of way along the entire length of the subject property. There is a 10-inch and 12-inch sewer main located in a utility easement along the west side of the subject property. There is a 6-inch water main located on the south side of Fern Ridge Rd. The Public Works Department has commented that the Water Master Plan calls for construction of a 16-inch water main along the north side of Fern Ridge Road connecting to the existing 16-inch mains located in the street right of way to both the east and west of the subject property. The Stayton Fire District, North Santiam School District and the Stayton Police Department were notified of the application. No comments were received from these agencies.

- 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 Karl Birky, PE, PTOE. The analysis concluded that if a cap of 122 PM peak hour trips were imposed on the development of the commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. However the analysis did not include any information on how that conclusion was reached.

The TPR analysis was reviewed by the City's transportation planning consultant, who had the following comments:

- In order to meet submittal requirements, the applicant must submit a traffic impact analysis incorporating the full range of development potential under current vs. proposed land use designations showing the effects of the reasonable worst-case proposed zoning on the surrounding transportation system in the Transportation System Plan (TSP) horizon year. The TSP made no assumptions for areas outside of the city limits including this site despite having a residential designation in the comprehensive plan therefore the comparison should be to existing County zoning. If the transportation system cannot support this zone change they may utilize a trip cap; however, a trip cap cannot be used to avoid completing the TIA.

- The submitted TPR analysis states that the TPR allows a 15% increase in estimated zone changes. We are not familiar with this. The applicant should state specific OARs. The finding of no significant impact needs to be documented in a TIA with reference to the criteria in the TPR.
  - In order to satisfy the applicable TPR requirement, the developer will need to show that their development would have “no significant effect” on the surrounding transportation system. OAR describes a “significant effect” as:
    - Types or levels of travel that are inconsistent with the functional classification of an existing facility
    - Trip generation that degrades the performance of an existing facility that is such that it would not meet or that is otherwise projected to not meet identified performance standards.
    - Per OHP, when a significant effect has occurred, a development that contributes less than 400 daily trips can be shown to have no significant degradation of the impacted facility.
  - The trip cap shown in the submitted TPR analysis of 122 PM Peak Hour trips appears to be calculated by taking 106 PM peak hour trips (reasonable worst-case from existing residential zoning) and increasing by 15%. This is based on the statement that the TPR allows a 15% increase in estimated traffic in zone changes. However, there is no reference to this in the TPR and the comparison should be to County zoning as the existing comprehensive plan designation of residential was not included in the TSP. The 122 PM Peak Hour trip cap should not be used.
  - SMC 17.16.060 states that the interchange development zone pertains to land located within 1,500 feet of a highway entrance/exit ramp. The Fern Ridge Road/OR 22 intersection does not have an entrance/exit ramp, so ID zoning is not appropriate.
- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Finding: The Comprehensive Plan describes the purpose of the Commercial designation as providing areas for retail, service, office and other commercial activities. The Plan indicates (action steps for Policy LU-4) that the Interchange Development zone should be for areas near the Highway 22 interchanges and shall be oriented towards commercial uses that serve the traveling public. Policy EC-4 and its action step state that the City is to discourage commercial development at Highway 22 and continue the Interchange Development Zone near the two Highway 22 interchanges. The application requests Commercial designation to allow an Interchange Development zone at a location away from the two developed interchanges, but near the Fern Ridge Rd intersection with Highway 22.

- 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 two vacant parcels zoned Interchange Development with a total area of 3.4 acres. The Comprehensive Plan does not project demand for commercial development. The proposed amendment would not eliminate any vacant land zoned residential, because the subject property is not currently in the City.

- 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 October 29, more than 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 is gently sloping and would allow for a wide variety of development opportunities. Though the applicant has not submitted a concurrent application for site plan review approval, the applicant has indicated an intent to develop a recreational vehicle park and submitted a conceptual plan for that development. The property is traversed by Lucas Ditch and has a seasonal drainage swale feeding Lucas Ditch. The Local Wetland Inventory indicates significant wetlands are on the property along Lucas Ditch and the seasonal drainage from Fern Ridge Rd to Lucas Ditch.

The property to the west is a church. The land adjacent to Highway 22, on the northeast of the highway, is farmland. The property to the east is a mobile home park. To the south, across Fern Ridge Rd, are single family dwellings. There is no other commercial use in the vicinity. The potential impacts on surrounding land uses could be mitigated through site design.

### **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 31 lots comprising 21 acres of vacant land inside the City limits in the Commercial Retail, Commercial General and Interchange Development Zones. Since adoption of the Comprehensive Plan, the City has created a new Commercial Zone, the

Commerce Park zone. The Comprehensive Plan noted that three adjacent parcels accounted for 7 acres, leaving 14 acres of land in 28 parcels and that there was a lack of medium-sized vacant parcels available for commercial uses. The Planning Department reports that as of the time these applications were submitted there were 22 vacant lots, comprising 29 acres of land, in the four commercial zones. Two lots, one of about 1 acre in area and the other about 8 acres in area, have been approved by the Planning Commission for development, but applications for building permits have not yet been submitted.

*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 a 10-inch sewer main located partially within a utility easement on the subject property and partially within the Fern Ridge Rd right of way along the entire length of the subject property. There is a 10-inch and 12-inch sewer main located in a utility easement along the west side of the subject property. There is a 6-inch water main located on the south side of Fern Ridge Rd. The Public Works Department has commented that the Water Master Plan calls for construction of a 16-inch water main along the north side of Fern Ridge Road connecting to the existing 16-inch mains located in the street right of way to both the east and west of the subject property. The Public Works Department has also commented that dedication of right way will be required at the time of development, in that the existing Fern Ridge Rd right of way does not meet Public Works Design Standards for a major collector street.

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

Finding: The property is adjacent to the existing City Limits on three sides. The Foothills Church property was annexed in 1977. The Boulders Mobile Home Park property was annexed in 1992. The north half of the Fern Ridge Rd right of way was annexed in 2014.

*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 developed with residential properties and a church. The applicant proposes amendment of the comprehensive plan designation to Commercial, assigning Interchange Development zoning and development of a recreational vehicle park on the property. There are no other commercial properties in the surrounding area. The Urban Growth Management policies of the City are incorporated into SMC 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. There is currently only one zoning district within the City zoned Interchange Development. This district contains a total

of about 8 acres of land, including about 1.5 acres of street right of way. The district is composed of four tax parcels, containing a total of 6.4 acres of land. Two of these tax parcels are vacant, undeveloped parcels, containing a total of 3.4 acres.

*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 owners have 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.

#### IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the application meets the criteria for approval in SMC 17.12.170.6, 17.12.180.6, and 17.12.210.4 except the following:

1. Section 17.12.170.6.b.1). This section requires the applicant to demonstrate that the amendment is consistent with the goals and policies of the Comprehensive Plan, and requires that the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation. The Planning Commission concludes that the Comprehensive Plan (Policy LU-4), and its implementation by the Land Use and Development Code (Sect 17.16.060.7), intended for the Interchange Development zone to be for areas within proximity to the interchanges at Golf Club Rd and Highway 22 and Cascade Highway and Highway 22. The intersection of Fern Ridge Rd and Highway 22 is not an interchange, but an intersection that allows cross traffic and has no entrance ramps onto Highway 22.
2. Section 17.12.170.6.b.2). This section requires the applicant demonstrate that 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. RV parks are permitted uses in the Interchange Development Zone (ID) and the Industrial Agriculture Zone (IA). There are four parcels of vacant land zoned IA, ranging in size from 3 to 33 acres in area with a total area of 61 acres. Section 17.20.250 requires a minimum parcel size of 3 acres for an RV park. Therefore, the Planning Commission concludes that there is adequate land within the City zoned to allow an RV park without the Comprehensive Plan amendment.

3. Section 17.12.170.6.b.4). This section requires the applicant to demonstrate that existing or anticipated transportation facilities are adequate for the uses permitted under the proposed designation and that the proposed amendment is in conformance with the Oregon Transportation Planning Rule (TPR). The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system, prepared by Karl Birky, PE, PTOE. The analysis concluded that if a cap of 122 PM peak hour trips were imposed on the development of the commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. However, the City's transportation planning consultant expressed a number of concerns with the analysis and the lack of a Transportation Impact Analysis. The recommendation of a 122-trip cap was based on an allowable 15% increase in estimated traffic. The City's transportation planning consultant stated there is no such provision in the TPR. The TPR describes a significant effect as types or levels of travel inconsistent with the functional classification of an existing facility or trip generation that degrades the performance of an existing facility such that it does not meet identified performance standards.
4. Section 17.12.180.6.b.3). This section requires the applicant to demonstrate that existing or anticipated transportation facilities are adequate for the uses permitted under the proposed designation and that the proposed amendment is in conformance with the Oregon Transportation Planning Rule (TPR). The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system, prepared by Karl Birky, PE, PTOE. The analysis concluded that if a cap of 122 PM peak hour trips were imposed on the development of the commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. However, the City's transportation planning consultant expressed a number of concerns with the analysis and the lack of a Transportation Impact Analysis. The recommendation of a 122-trip cap was based on an allowable 15% increase in estimated traffic. The City's transportation planning consultant stated there is no such provision in the TPR. The TPR describes a significant effect as types or levels of travel inconsistent with the functional classification of an existing facility or trip generation that degrades the performance of an existing facility such that it does not meet identified performance standards. Therefore the Planning Commission concludes the applicant has not met the required burden of proof indicating this standard has been met.
5. Section 17.12.180.6.b.4). This section requires the applicant to demonstrate that the purposes of the proposed zoning satisfies the goals and policies of the Comprehensive Plan. The Planning Commission concludes that the Comprehensive Plan (Policies LU-4 and EC-4) calls for the Interchange Development zone to be appropriate only in areas near the two Highway 22

interchanges and that the Fern Ridge/Highway 22 intersection is not an interchange.

**V. ORDER**

Based on the Findings and Conclusions above, the Planning Commission recommends approval of the application for annexation to the City Council, recommends denial of the application for Comprehensive Plan Map amendment, and further recommends amendment of the Official Zoning Map to designate the property as Low Density Residential upon finalization of the annexation.

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Ralph Lewis, Chairperson

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Date

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Dan Fleishman,  
Planning and Development Director

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Date

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