



CITY OF STAYTON
MEMORANDUM

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: March 2, 2020
SUBJECT: Annexation Application, Gene Jones, 13601 Fern Ridge Rd

ISSUE

The issue before the City Council is a public hearing on an application for the annexation for approximately 19 acres of land at 13601 Fern Ridge Rd and to assign Medium Density Residential zoning to the property. Following the public hearing, the Council will be requested to consider Ordinance 1043 that will annex the property and amend the Official Zoning Map.

BACKGROUND INFORMATION

The territory proposed for annexation is a 19-acre parcel of land on the north side of Fern Ridge Road, between Foothills Church and the Boulders mobile home park. The property has frontage along Highway 22, but has no legal access to the highway. The property is currently vacant, with a small storage shed located on it. A March, 2014 aerial photo of the property is shown below.



The applicant originally submitted a concurrent application for a Comprehensive Plan Map amendment with the application for annexation, requesting the Comprehensive Plan Map designation be changed from Residential to Commercial. At that time the applicant intended to develop the property as a recreational vehicle park. Following the Planning Commission's public hearing in December that application was withdrawn.

The applicant is now requesting that the City Council assign Medium Density Residential zoning to the property, indicating his current intention to develop a 98-space mobile home park.

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning this application. It was developed after seeking input from other City departments and agencies. As is routine for all land use applications, notice of the application was sent to the 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 and the North Santiam School District. No comments were received or concerns raised by these agencies regarding the annexation. Some comments were received regarding future development of the property and those comments are reflected below and in the findings that are part of the draft Ordinance.

Attached is an application for annexation from Gene Jones. The application consist of the application form and the applicant's narrative, as well as a conceptual plan of a possible future mobile home park to be developed on the property. Also attached is the Planning Commission's order, containing its findings and recommendation.

Annexation Criteria

Section 17.12.210 of the Land Use and Development Code contains six criteria for approval of applications for annexation. The sixth criterion applies only to contract annexations and is not applicable to this application. The other five criteria are:

- a. Need exists in the community for the land proposed to be annexed.
- 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.
- c. The proposed annexation is property contiguous to existing City jurisdictional limits.
- 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.
- e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.

Criteria b, c, and e are fairly objective and leave little for interpretation. Sewer and water facilities are available in Fern Ridge Rd and on the property. The area to be annexed is contiguous to the City Limits on three sides and provisions of the state law – process and consent of landowners – have been or will be followed.

This leaves the other two criteria for more careful scrutiny and analysis. The “need” for any annexation may always be debated. The application narrative merely includes a statement regarding the economic boost to the City’s economy from development of the property. Some additional information, which is reflected in the draft ordinance is presented below.

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 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 City Comprehensive Plan indicates the expected need of an additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 38 acres of residential land.

Staff maintains data on the vacant parcels within the City Limits. There are currently 81 vacant lots totaling 110 acres within the City Limits that are residentially zoned.

Only one subdivision has been platted in the past 5 years. Two subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	41	5

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, the Lambert Place subdivision with 51 lots, and the E Virginia St Terrace with four lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

Though there are 81 parcels totaling 110 acres in the City and residentially zoned, staff estimates that there are only 74 parcels totaling 60 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 59 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City’s growth rate from 2000 and 2019 has been at an average annual rate of about 0.8%, with a population change of 1,054 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next ten years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 495 new dwellings units over the next 10 years. At an average of 4 units per acre for single family development, there would be the need for all of the

existing vacant land in the City and 40 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

The second criterion for approval of an annexation is that the site is or will be capable of being serviced by adequate City public services. The application narrative does not provide any information regarding the existing and planned utilities in the vicinity of the parcels to be annexed. Instead, the narrative includes a statement that the City has adopted codes regulating public facilities and development is subject to the City's standards. The application form does indicate that there is an 8-inch water main and an 8-inch sewer main in Fern Ridge Rd. The application form also indicates that the private franchise utilities are available. Some additional information, which is reflected in the draft ordinance, is presented below.

The City's records indicate that there are the following publicly-owned utilities present at the property. 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 fourth criterion for approval of an annexation is that the proposal is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City. The application narrative notes that "the subject property is surrounded by a mobile home park to the east, vacant land to the northwest and commercial use to the southwest. All design and code standards will ensure that when the site is developed it is consistent with the character of the neighborhood." Staff is concerned with the accuracy of the above statements and is further concerned with relying on a future application for development for making the determination needed now regarding compatibility. Some additional information, which is reflected in the findings within the draft ordinance, is presented below.

The surrounding area is developed with residential properties and a church. The property to the west is zoned Public/Semi-Public, and is developed as a church. The properties to the south and across Fern Ridge Rd are zoned Low Density Residential, and are developed with single family detached dwellings. The property to the east is zoned Medium Density Residential 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. The applicant requests the property be zoned Medium Density Residential and intends to develop the property as a mobile home park.

Zone Map Amendment

When property is annexed into the City, its zoning is changed from a Marion County zone to a City of Stayton zone. Therefore, upon the advice of the then-City Attorney a few years ago, we must go through the criteria for approval for a Zone Map amendment with any annexation.

Section 17.12.180.6 of the Land Use and Development Code contains six criteria for approval of applications for zone map amendments. Under the terms of Section 127.12.210.5, the specific zone assigned to the land being annexed is determined by the City Council in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan.

The property is designated Residential by the Comprehensive Plan Map. Chapter 17.16 of the Land Use and Development Code establishes three possible zoning classifications for residential zones:

- **LOW DENSITY RESIDENTIAL (LD).** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre. The minimum lot size in the LD zone east of Tenth Ave is 10,000 square feet with an 80-foot lot width requirement.
- **MEDIUM DENSITY RESIDENTIAL (MD).** To provide for single family, duplex, triplex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre. The minimum lot size in the MD zone is 7,000 square feet with a 70-foot lot width requirement.
- **HIGH DENSITY RESIDENTIAL (HD).** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre. There shall be no upper limit to the maximum allowable dwelling density. The minimum lot size in the HD zone is 6,000 square feet with a 60-foot lot width requirement.

The task before the City Council is to determine which of the three zones is most appropriate considering the goals and policies of the Comprehensive Plan. The applicant has requested the City apply Medium Density Residential zoning to the property and has presented a conceptual plan for development of the property as a mobile home park. The Planning Commission, following its analysis has recommended Medium Density Residential zoning.

The Comprehensive Plan notes the need for the City's Comprehensive Plan to be coordinated with the Marion County Comprehensive Plan and that the urban growth framework in the County Plan calls for an overall density guideline of between 5 and 6 units per acre of land zoned for residential use. Table 3.8 of the Comprehensive Plan notes that overall, the City had only 3.1 dwelling units per acre of land zoned residential, ranging from as high as 11.4 units per acre for land zoned HD, to 4.6 units per acre in the MD zone to as low as 2.2 units per acre in the LD zone. It should be noted that this includes vacant parcels and parcels with potential for redevelopment and is a density calculation based on the gross acreage of land zone residential, including streets.

The Comprehensive Plan also included an analysis of the density of recent development in the City. For residential subdivisions recorded between 2000 and 2009, the density was 2.8 dwelling units per gross acre of land developed, about half of the targeted density.

Staff has recently updated that analysis as part of the Planning Commission’s review of the residential zoning requirements. Currently, the Low Density Residential (LD) is almost 70% of the residentially zoned land, at 706 acres. Within the LD zone are 1,574 housing units for a density of 2.23 units per acre.

The Medium Density Residential (MD) zone is about 25% of the residentially zoned land, at 229 acres. Within the MD zone are 1,015 housing units for a density of 4.43 units per acres.

The High Density Residential (HD) zone is the remaining 5% of the residentially zoned land, but contains about 15 % of the housing units. There are 44 acres of land zoned HD, with 495 dwellings for a density of 11.25 units per acre.

Since 2000 there have been 17 subdivision plats recorded within the City, in addition to a number of partitions. The Lambert Place subdivision is currently under construction and is expected to have a plat recorded this spring. The Virginia Terrace subdivision is expected to be constructed this summer and the plat recorded before the end of the year. The 19 subdivisions have been analyzed for the density of development. It should be noted that the more recent subdivisions are not completely built-out. The analysis below assumes that platted lots in the LD zone and Lambert Place will be built on with a single family detached homes and that Virginia Terrace will be four duplexes.

Residential Density in Subdivisions Platted Since 2000

Subdivision	Year Platted	Zone	Total Area	Lot Area	No of Lots	No of Dwellings	Density
Mountain Estates 1	2000	LD	7.26	6.09	10	10	1.4
Mountain Estates 2	2001	LD	12.11	8.56	13	13	1.1
Sylvan Springs 2A	2001	LD	3.54	2.65	14	14	4.0
Sylvan Springs 2B	2001	LD	2.67	2.04	12	12	4.5
Village Creek	2001	MD	16.77	12.24	68	68	4.1
Oakridge Vista	2002	LD	19.81	16.06	31	31	1.6
Pemberton Estates	2003	MD	2.77	2.36	12	12	4.3
Sylvan Springs 1C	2003	LD	8.04	2.41	15	15	1.9
Sylvan Springs 2C	2003	LD	7.05	3.87	22	22	3.1
Village at Sylvan Springs	2005	MD	9.41	6.93	37	37	3.9
Jefferson Place	2007	LD	7.03	5.73	23	23	3.3
Mountain Estates 3	2007	LD	2.35	2.03	5	5	2.1
Third Avenue	2008	MD	0.76	0.72	4	4	5.3
Phillips Estates 1	2009	LD	5.34	3.75	20	20	3.7
Roth Estates	2009	MD	3.23	2.62	12	13	4.0
Phillips Estates 2	2014	LD	7.04	4.86	26	26	3.7
Wildlife Meadows	2017	LD	13.92	7.54	44	47	3.4
Lambert Place	2020	MD	13.12		51	51	3.9
Virginia Terrace	2020	MD	1.10		4	8	7.3
Total			143.32			423	3.0

Without any new multi-family developments, the development pattern during the past 20 years has not met the guideline established by the Marion County Plan. The density of “new” residential subdivisions is slightly lower than the density for all residential property including vacant land.

In the past 20 years, there have been 142 acres of land included in recorded and approved but not yet recorded subdivisions. Of these, 96 acres were zoned LD and 47 were zoned MD.

Since 2000, there have been only two developments on land zoned HD: the assisted living facility on N Third Ave in 2000 and a 4-unit apartment on Locust St in 2002.

Within the LD zone there are 60 lots reasonably available for development. Of these, only ten are large enough to be further divided and only four are larger than one acre. In the MD zone there are 15 vacant lots, of which seven are large enough to be further divided. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

Assigning MD or HD zoning to the subject parcel will assist the City meet its target of 5-6 units per acre of residentially zoned land.

The Comprehensive Plan Map also designates land within 100 feet of Lucas Ditch to have a Natural Resource Overlay District.

Voter Approval

Chapter 1, Section 4 of the Stayton City Charter requires that an annexation over one acre not required by state law must be approved by the city voters before the annexation takes effect. Section 17.12.210.2.a.2) of the Stayton Municipal Code spells out the details of the process for the annexation of more than one acre of land into the City. The process envisioned by the Code is that following a public hearing, should the City Council determine the criteria for approval are met, the Council will enact a resolution forwarding a measure to the voters of the City at the next available scheduled election.

In March, 2016, the Oregon Legislative Assembly enacted and Governor Brown signed Chapter 51 of the Oregon Laws of 2016. Section 2 of this law applies to cities whose laws require a petition proposing annexation of territory to be submitted to the electors of the city, as Stayton’s do. The law requires “the legislative body of the city [to] annex the territory without submitting the proposal to the electors of the city if”

- (a) the territory is within an urban growth boundary adopted by the city;
- (b) the territory will be subject to an acknowledged comprehensive plan of the city;
- (c) at least one lot or parcel within the territory is contiguous to the city limits; and
- (d) the proposal conforms to all other requirement of the city’s ordinances.

It is staff’s determination that all four of the criteria above are met and therefore the Council is required by statute to not refer the application to the voters.

RECOMMENDATION

The Planning Commission has recommended approval of the application and that the City Council assign Medium Density Residential zoning to the property, with Natural Resource Overlay zone within 100 feet of Lucas Ditch, as indicated in their attached order.

The staff has enclosed the draft ordinance in the packet, without recommendation. The Council's decision is to determine if the property should be annexed at this time and if so, which residential zone is appropriate.

There may be testimony at the public hearing that requires the findings in the draft ordinance be modified to reflect that testimony.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the application for annexation, assign MD Zoning, and approve the first consideration of Ordinance 1043

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Medium Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 1043 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1043 will be brought before the Council for a second consideration at the March 16, 2019 meeting.

2. Approve the application for annexation, assign MD Zoning, and approve the first consideration of Ordinance 1043 with modifications

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Medium Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1043 will be brought before the Council for a second consideration at its March 16, 2019 meeting.

3. Approve the application for annexation, assign HD zoning and the first consideration of Ordinance 1043 with modifications

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign High Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 changing the assigned zoning to High Density Residential and direct staff to incorporate this change into

the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1043 will be brought before the Council for a second consideration at its March 16, 2019 meeting.

4. Approve the application for annexation, assign LD zoning and the first consideration of Ordinance 1043 with modifications

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Low Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 changing the assigned zoning to Low Density Residential and direct staff to incorporate this change into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1035 will be brought before the Council for a second consideration at its September 16, 2019 meeting.

5. Deny the application

Move to deny the applications of application of Gene Jones (Land Use File #11-07/19) for annexation and direct staff to prepare a draft Order of Denial for consideration by the City Council.

6. Continue the hearing until March 16, 2019.

I move the City Council continue the public hearing on the application of Gene Jones (Land Use File #11-07/19) until March 16, 2019.

7. Close the hearing but keep the record open for submission of written testimony.

I move the City Council close the hearing on the application of Gene Jones (Land Use File #11-07/19) but maintain the record open to submissions by the applicant until March 16, 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 March 28, 2020.

8. Close the hearing and record, and continue the deliberation to the next meeting.

I move the City Council continue the deliberation on the application of Gene Jones (Land Use File #11-07/19) until March 16, 2019.