AGENDA
STAYTON CITY COUNCIL
Monday, July 20, 2020

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

TELECONFERENCE MEETING

City officials request all citizens that are able, to view the live stream on the City of Stayton's YouTube account to view the meeting from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure.

Please use the following option to view the meeting:

- Live Stream on the City of Stayton YouTube – https://youtu.be/lP2rQ79AzgE

To maintain compliance with public meeting laws, a limited number of chairs will be provided in the building for citizens to listen to the meeting; however, social distancing is essential in reducing the spread of COVID-19 and no more than 10 people total will be allowed in the building at one time. City officials strongly encourage all citizens to utilize YouTube to view the Council meeting rather than attending in person.

If you wish to testify as part of the Public Hearing, please read the following:

- **Written Testimony**: It is **strongly encouraged that interested parties provide testimony in writing** prior to the meeting and abstain from attending the meeting in person. Written testimony submitted at least two hours prior to the meeting start time will be provided to the public body in advance of the meeting. Testimony can be provided in the manner dictated for each individual public body. Submit your written testimony to cityofstayton@ci.stayton.or.us.
- **Conference Call**: Should it be necessary to provide verbal testimony, it is recommended that interested parties participate via an established City conference call line. Parties interested in participating in this manner shall contact City staff at least two hours prior to the meeting start time with their name, address, and phone number they will be calling from. Contact staff at cityofstayton@ci.stayton.or.us.
- **Participate in Person**: Although it is **strongly encouraged that people not attend the meeting in person**, the opportunity will still exist to participate in the meeting at a designated meeting location. The method of this participation may include in person public testimony, access to a phone to call into meeting via a conference call line, or other available public testimony method as allowed by the Oregon State Public Meetings law. Please note that in person meeting attendance will be subject to applicable regulations in place at the time of the meeting and are subject to change.

Public comment will be accepted as follows:

- **Public Comment on Items not on the Agenda**: There will be no verbal public comment. All parties interested in providing general public comments may email the comments to cityofstayton@ci.stayton.or.us and they will be distributed to the City Council.

- **Public Comments on Action Items:** There will be no verbal public comment on action items. All parties interested in providing public comments on action items may do so in written form. Written comments should be submitted to cityofstayton@ci.stayton.or.us. Comments received at least two hours prior to the meeting start time will be provided to the City Council in advance of the meeting.

CALL TO ORDER **7:00 PM**

CONSENT AGENDA

a. July 6, 2020 City Council Minutes

PUBLIC HEARING

Annexation and Comprehensive Plan Map Amendment Applications from Stealth Development, LLC at the Northwest Corner of Shaff and Golf Club Roads

a. Commencement of Public Hearing
b. Staff Introduction
c. Applicant Presentation
d. Staff Report
e. Questions from the Council
f. Proponents' Testimony
g. Opponents' Testimony
h. Governmental Agencies
i. General Testimony
j. Questions from the Public
k. Questions from the Council
l. Applicant Summary
m. Staff Summary
n. Close of Hearing
o. Council Deliberation
p. Council Decision on Ordinance No. 1045

GENERAL BUSINESS

Resolution No. 1012, Five-Year Local Option Tax for Partial Support of the Library, Pool, and Parks Programs **ACTION**

a. Staff Report – Keith Campbell
b. Council Discussion
c. Council Decision

Cooperative Agreement with Marion County for Community Development Block Grants **ACTION**

a. Staff Report – Dan Fleishman
b. Council Discussion
c. Council Decision

ADJOURN

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Administrative Services Manager Alissa Angelo at (503) 769-3425.

CALENDAR OF EVENTS

JULY 2020

Monday	July 20	City Council	7:00 p.m.	https://youtu.be/lP2rQ79AzgE
Monday	July 27	Planning Commission	7:00 p.m.	https://youtu.be/nwyyMqTIAK4

AUGUST 2020

Monday	August 3	City Council	7:00 p.m.	https://youtu.be/u1AkMnaXa4M
Tuesday	August 4	Parks & Recreation Board	*Cancelled*	
Tuesday	August 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	August 17	City Council	7:00 p.m.	https://youtu.be/d9In8A2UsQc
Wednesday	August 19	Library Board	*Cancelled*	
Monday	July 27	Planning Commission	7:00 p.m.	https://youtu.be/ahx6PzXkcCg

SEPTEMBER 2020

Tuesday	September 1	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 7	**CITY OFFICES CLOSED IN OBSERVANCE OF LABOR DAY HOLIDAY**		
Tuesday	September 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Tuesday	September 8	City Council	7:00 p.m.	https://youtu.be/mJhtN8cp5bM
Wednesday	September 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	September 21	City Council	7:00 p.m.	https://youtu.be/XkcVfy-cb4k
Monday	September 28	Planning Commission	7:00 p.m.	https://youtu.be/XfzeuiCP5Ww

OCTOBER 2020

Monday	October 5	City Council	7:00 p.m.	Community Center (north end)
Tuesday	October 6	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	October 13	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	October 19	City Council	7:00 p.m.	Community Center (north end)
Wednesday	October 21	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	October 26	Planning Commission	7:00 p.m.	Community Center (north end)

NOVEMBER 2020

Monday	November 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	November 3	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	November 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	November 11	**CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY**		
Monday	November 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	November 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Thursday	November 26	**CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING HOLIDAY**		
Friday	November 27			
Monday	November 30	Planning Commission	7:00 p.m.	Community Center (north end)

City of Stayton
City Council Minutes
July 6, 2020

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON	
Time Start: 7:00 P.M.	**Time End:** 7:58 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Henry Porter (via Zoom)	Alissa Angelo, Administrative Services Manager
Councilor Paige Hook (via Zoom; joined at 7:09 p.m.)	Keith Campbell, City Manager
Councilor Ben McDonald (via Zoom)	Dan Fleishman, Director of Planning & Development (via Zoom)
Councilor Christopher Molin (via Zoom)	David Frisendahl, Police Chief
Councilor Jordan Ohrt (via Zoom)	Lance Ludwick, Public Works Director (via Zoom)
Councilor David Patty (via Zoom)	Janna Moser, Library Director (via Zoom)
	Susannah Sbragia, Finance Director (via Zoom)

AGENDA	ACTIONS
TELECONFERENCE MEETING	
Consent Agenda a. June 15, 2020 City Council Minutes b. Acceptance of Abstract of Election Results – May 19, 2020	Motion from Councilor Patty, seconded by Councilor Molin, to approve the consent agenda as presented. **Motion passed 4:0.**
Public Hearing	None.
General Business **Phase II Reopening of the Stayton Family Memorial Pool** a. Staff Report – Keith Campbell b. Council Discussion c. Council Decision	 Mr. Campbell reviewed the staff report. Council discussion on reopening the pool facility. Motion from Councilor Patty, seconded by Councilor Molin, to recommend the City Manager reopen the Stayton Family Memorial Pool with the assumed risks. *Discussion:* Further Council discussion on reopening the pool and the schedule. **Motion passed 4:0 (Hook abstained).**
Update on COVID-19 Emergency Business Assistance Grants a. Staff Report – Dan Fleishman b. Council Discussion	 Mr. Fleishman reviewed the staff report. Brief discussion of grant program.

Communications from Mayor and Councilors	Council requested an update on the Pool be provided approximately one month after reopening. Staff will provide a Council update at their second meeting in August. Councilor Patty inquired about reopening of the Stayton Public Library. Mr. Campbell and Ms. Moser responded.

APPROVED BY THE STAYTON CITY COUNCIL THIS 20TH DAY OF JULY 2020, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date:_____ By:_____
Henry A. Porter, Mayor

Date:_____ Attest:_____
Keith D. Campbell, City Manager

Date:_____ Transcribed by:_____
Alissa Angelo, Administrative Services Manager

CITY OF STAYTON

M E M O R A N D U M

TO: **Mayor Henry Porter and the Stayton City Council**

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

DATE: **July 20, 2020**

SUBJECT: **Annexation and Comprehensive Plan Map Amendment Applications, from Stealth Development, LLC, at the Northwest Corner of Shaff and Golf Club Rds**

ISSUE

The issue before the City Council is a public hearing on applications for the annexation of approximately 9.6 acres of land and a comprehensive plan map amendment for 5.2 of those acres from Commercial to Residential. The property is at the northwest corner of Golf Club Rd and Shaff Rd. The applicant has requested that the City Council assign Commercial General zoning to the 4.4 acres at the intersection and High Density Residential to the 5.2 acre parcel on Golf Club Rd. Following the public hearing, the Council will be requested to consider Ordinance 1045 that will annex the property, amend the Comprehensive Plan Map, and amend the Official Zoning Map.

BACKGROUND INFORMATION

The territory proposed for annexation is a 9.6 acre parcel of land at the northwest corner of the Golf Club Rd and Shaff Rd intersection. A March, 2020 aerial photo of the property is below:

ANALYSIS

This report presents the Planning Staff's summary and analysis concerning these applications. It was developed after seeking input from City departments and other agencies. As is routine for all applications that appear before the Planning Commission, notice of the application was sent to the City of Stayton Public Works, the City Engineer, the city's transportation planning consultant, 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. Comments were received from the Public Works Department through the City Engineer, the city's transportation planning consultant, and Marion County Public Works. In addition, the City received comments from the Fair Housing Council of Oregon. The comments received have been reflected in the draft findings that are part of the proposed ordinance.

Attached are applications for annexation and comprehensive plan amendment from Stealth Development, LLC. The applications were accompanied by a concurrent application for partitioning to divide the property into two parcels. Only the applications for annexation and comprehensive plan amendment are before the City Council. The application for partitioning was approved by the Planning Commission, with three conditions, contingent upon the successful completion of the annexation and comprehensive plan amendment process.

The applications consist of the application form and the applicant's narrative, a conceptual development plan, a preliminary partition plat, and a Transportation Planning Rule analysis. Included in the packet are the applications and narrative, the TPR analysis, and the conceptual development plan. The remainder of the application packet is posted on the City's website and will be sent to any Councilor who wishes to review them. However, they are not relevant to the applications pending before the Council. Also included in the packet are review comments received from the City Engineer, from the City's transportation planning consultant, from Marion county Public Works, and from the Fair Housing Council of Oregon. Also attached is the Planning Commission's order, containing its recommendation on the applications for annexation and comprehensive plan amendment and its approval of the preliminary partitioning plat, with three conditions of approval.

The City Council must reach three independent decisions:

- Does the application meet the criteria for approval for annexation?
- Does the application meet the criteria for approval for a comprehensive plan amendment?
- Which zone(s) to apply to the property?

Information to assist the Council reach each of these decisions is discussed separately below.

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 usually leave little for interpretation. Sewer and water facilities are available to the property. The area to be annexed is contiguous to the City Limits on two 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 Code provides no guidance as to how to determine need. The application narrative has noted that the Comprehensive Plan identified a deficit of 174 multi-family housing units through the planning horizon and that the annexation and comprehensive plan amendment would address that need. Some additional information, which is reflected in the findings contained 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 31 lots comprising 21 acres of vacant land inside the City limits in the Commercial Retail, Commercial General and Interchange Development Zones. 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 applicant proposes that 4.4 acres of the property be retained as commercial.

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 40 acres of residential land. Of the land annexed into the City since 2013, no land has been zoned High Density Residential.

There are currently 83 vacant lots totaling 99 acres within the City limits that are residentially zoned. Only 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	42	4

The vacant lots in Phase 2 of the Phillips Estates subdivision may not be built on until the developer rectifies problems with the stormwater system in the subdivision.

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 subdivision with four lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County. The Lambert Place subdivision is expected to be platted during the summer of 2020.

Though there are 83 parcels totaling 99 acres in the City and residentially zoned, staff estimates that there are only 50 parcels totaling 57 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 34 lots reasonably available for development. In the MD zone there are 15 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 1,050 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 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 all of the existing vacant land in the City and 60 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

As the applicant's narrative notes, the Comprehensive Plan, in Table 6-10, projected the need for an addition 174 units of multi-family housing between 2010 and 2030. Since that time there have been only four units of multi-family housing constructed. The sole vacant parcel in the City Limits zoned High Density Residential has the capacity for 50 to 60 units. Policy HO-1 in the Comprehensive Plan is to encourage development of housing that meets the needs of all income groups. One of the implementation actions for this policy is to assure that an adequate supply of land in all residential zones. At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing.

Comprehensive Plan Amendment Criteria

Section 17.12.170.6 of the Land Use and Development Code contains seven criteria for approval of applications for comprehensive plan amendments. The draft ordinance contains recommended findings regarding these criteria, based in part on the information presented above regarding "need."

In reviewing an application for a Comprehensive Plan Amendment, the City Council must find the application is compliant with the Statewide Planning Goals. Pertinent to this application are Statewide Land Use Goals 5, 7, 9, and 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no "Goal 5 Resources" identified in the

Comprehensive Plan on or adjacent to the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property. Goal 9 is to provide adequate opportunities 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 Residential would potentially decrease the amount of land available for employment opportunities. However, the Comprehensive Plan noted that there were 23 vacant lots zoned commercial with a total area of 19 acres in the City. There are currently 22 vacant commercially zoned parcels with a total area of 28 acres. Two of these parcels have received site plan approval for development, accounting for 9 acres, but the building permits have not yet been issued. The reduction of 5 acres of commercial land will have no noticeable impact on the overall availability of land to promote economic activity. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would provide for additional opportunities for the construction of multi-family housing. It is estimated that the parcel proposed for residential use has the capacity for between 70 and 120 units.

One of the criterion for approval of the Comprehensive Plan amendment is that the current map provides more than the projected need for lands in the existing land use designation. This application proposes changing from Commercial to Residential. There is a total of 147 acres of land in the UGB currently designated as Commercial. The Comprehensive Plan was drafted before the annexation and Comprehensive Plan Map amendment of the Hillyer Ford property on Golf Lane. The Comprehensive Plan indicates that there were 6 buildable acres of land inside the UGB, and outside of the City Limits designated as commercial. Since that time, there have been about 8 acres of land annexed and designated Commercial. Currently, there are 18 acres of land inside the UGB and outside the City designated as Commercial. There are currently 32 acres of vacant land designated Commercial within the City Limits. Since adoption of the Comprehensive Plan in 2013 there have been five new commercial buildings constructed. One was a new building in a shopping center complex. The other four new buildings were on a combined total of 3.7 acres of land.

The fourth criterion for approval requires that existing or planned transportation facilities are adequate for the uses permitted under the proposed designation, in conformance with the state's Transportation Planning Rule. The applicant has submitted an analysis, required under the TPR, as to the adequacy of the transportation network. The TPR, and the court's interpretations of the TPR, require that analysis to look at the "worst case" scenario that could result from the plan amendment, not what the applicant intends to build. The applicant's analysis indicates that changing the comprehensive plan designation is likely to increase the PM peak hour traffic generation from the site, but that the planned improvements in the City's Transportation System Plan will be able to handle the increase without adverse effect. The City's transportation planning consultant deemed the analysis to meet the requirements of the TPR.

Zone Map Amendment Criteria

Section 17.12.180.6 of the Land Use and Development Code contains six criteria for approval of applications for zone map amendments. Section 17.12.210 .5, from the annexation procedures section, indicates that "All lands that are annexed to the City shall be zoned in accordance with

the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be 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."

While the property is currently designated Commercial by the Comprehensive Plan Map, the applicant as requested the designation be changed to Residential for a portion of the property. Chapter 17.16 of the Land Use and Development Code establishes four possible zoning classifications for commercial zones:

- COMMERCIAL RETAIL. To provide for retail, service, office, and other commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
- COMMERCIAL GENERAL. To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
- INTERCHANGE DEVELOPMENT. To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
- COMMERCE PARK. To provide for a mix of retail and other commercial uses as well as small-scale light manufacturing. Residential uses are permitted, provided they are part of live-work development.

Chapter 17.16 of the Land Use and Development Code establishes three possible zoning classifications for residential zones:

- LOW DENSITY RESIDENTIAL. 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.
- MEDIUM DENSITY RESIDENTIAL. 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.
- HIGH DENSITY RESIDENTIAL. 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 task before the City Council is to determine which of the various zones is most appropriate considering the goals and policies of the Comprehensive Plan. The applicant has requested the City apply Commercial General zoning to the portion of the property to be retained as Commercial and High Density Residential to the portion of the property for which they have applied to be residential and has submitted a concurrent application for partitioning, which has

been approved by the Planning Commission contingent upon successful completion of the annexation process. The Planning Commission, following its analysis has recommended the zoning requested by the applicant.

Policy LU-1 of the Comprehensive Plan is to adopt a zoning map consistent with the Comprehensive Plan Map. This policy has two implementation actions, one of which is that zoning district boundaries shall follow property lines and rights of way centerlines as much as practicable. In this case the portions of the streets are placed into the zones according to the comprehensive plan designation.

Of the four choices for the commercial zoning, one – Interchange Development – is not appropriate, because the property is not a within the specified distance of a Highway 22 interchange. Commercial General zoning would allow few more uses than the Commercial Retail, such as self-storage facilities, commercial machinery and equipment rental establishments, and heavy automotive repair. Commerce Park zoning would allow just about any use permitted in the CG or CR zone as well as uses permitted in the industrial zones, with limits on the size of manufacturing operations and additional design standards.

Of the three choices of residential zone, the HD zone is the only zone that permits multi-family buildings. The Medium Density zone would allow a multifamily development, but each building could have no more than three dwelling units.

RECOMMENDATION

The Planning Commission has recommended approval of the applications for annexation and comprehensive plan amendment and that the City Council assign Commercial General zoning to the Commercial portion of the property and High Density Residential to the Residential portion of the property, as indicated in their attached order.

The staff also recommends approval as reflected in the draft ordinance that is included in the packet.

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 both applications and the first consideration of Ordinance 1045**

   Move to approve the applications of Stealth Development, LLC (Land Use File #5-04/20) for annexation and comprehensive plan amendment and assign Commercial General Zoning to the Commercial portion of the property and High Density Residential to the Residential portion of the property by enacting Ordinance No 1045 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. 1045 is enacted and will be presented to the Mayor for his approval.

   If the vote is not unanimous, Ordinance No. 1045 will be brought before the Council for a second consideration at the August 3, 2020 meeting.

2. **Approve both applications and the first consideration of Ordinance 1045 with modifications**

   Move to approve the applications of Stealth Development, LLC (Land Use File #5-04/20) for annexation and comprehensive plan amendment and assign Commercial General Zoning to the Commercial portion of the property and High Density Residential to the Residential portion of the property by enacting Ordinance No 1045 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. 1045 will be brought before the Council for a second consideration at its August 3, 2020 meeting.

3. **Approve the application for annexation, but not the comprehensive plan amendment and direct staff to modify the Ordinance**

   Move to approve the application of Stealth Development, LLC (Land Use File #5-04/20) for annexation and direct staff to modify Ordinance 1045 to include conclusions that the criteria for approval of a comprehensive plan amendment have not been met as follows … 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. 1045 will be brought before the Council for a second consideration at its August 3, 2020 meeting.

4. **Deny the applications**

   Move to deny the applications of Stealth Development, LLC (Land Use File #5-04/20) for annexation and direct staff to prepare a draft Order of Denial for consideration by the City Council.

5. **Continue the hearing until August 3, 2020.**

   I move the City Council continue the public hearing on the applications of Stealth Development, LLC (Land Use File #5-04/20) until August 3, 2020.

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

   I move the City Council close the hearing on the applications of Stealth Development, LLC (Land Use File #5-04/20) but maintain the record open to submissions by the applicant until August 3, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on August 17, 2020.

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

   I move the City Council continue the deliberation on the applications for annexation and comprehensive plan amendment of Stealth Development, LLC (Land Use File #5-04/20) until August 3, 2020.

Submit Via Email

CITY OF STAYTON
APPLICATION FOR ANNEXATION

PROPERTY OWNER: State Investments L.L.C.

Address: PO Box 469

City/State/Zip: Salem, OR 97308

Phone: *Please contact Applicant's Consultant Email:

APPLICANT: Stealth Development LLC

Address: 3749 Dublin Avenue S

City/State/Zip: Salem, OR 97302

Phone: *Please contact Applicant's Consultant Email: *Please contact Applicant's Consultant

APPLICANT'S REPRESENTATIVE: *Please contact Applicant's Consultant

Address:

City/State/Zip:

Phone: Email: *Please contact Applicant's Consultant

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: AKS Engineering & Forestry LLC	Name: AKS Engineering & Forestry LLC
Address: 3700 River Road N, Suite 1	Address: 3700 River Road N, Suite 1
City/State/Zip: Keizer, OR 97303	City/State/Zip: Keizer, OR 97303
Phone: 503-400-6028	Phone: 503-400-6028
Email: pelzz@aks-eng.com	Email: pelzz@aks-eng.com

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

☐ owner ☐ applicant ☐ applicant's representative ☒ planning consultant ☐ engineer

LOCATION:

StreetAddress: No site address; NW corner of the intersection of Shaff Road SE & Golf Club Road SE

Assessor's Tax Lot Number and Tax Map Number:

09W04C TL 01700

Closest Intersecting Streets: Shaff Road SE & Golf Club Road SE

CURRENT COMPREHENSIVE PLAN DESIGNATION: Commercial

ZONE MAP DESIGNATION PROPOSED WITH ANNEXATION: General Commercial and High Density Residential

SIGNATURE OF APPLICANT:

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 4/29/20 Fee Paid: $ 4,050 Receipt No.

Land Use File# 5-04/20

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT *See attached Narrative

The Stayton Planning Commission, with assistance from the Planning Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.12.210.5. Please provide the following information in full and attach a narrative statement to this application.

1. NEED: What is the demonstrated need for this property to be annexed into the City?

2. ADEQUATE UTILITIES: How will the proposed annexation obtain or maintain adequate utility systems (including water, sewer, surface water drainage, power, and communications), and connections, including easements, to properly serve the subject property in accordance with accepted City standards? All public improvements must meet City of Stayton standard specifications. All design plans must be approved by the City prior to construction. The City will inspect all construction.

   a. List public services currently available to the site: *See attached narrative for responses.

      Water Supply: _____ - inch line available in _____ Street.
      Sanitary Sewer: _____ - inch line available in _____ Street.
      Storm Sewer: _____ - inch line available in _____ Street.
      Natural Gas: _____ - inch line available in _____ Street.
      Telephone: ☐ is (or) ☐ is not available in _____ Street.
      Cable TV: ☐ is (or) ☐ is not available in _____ Street.
      Electrical: ☐ is (or) ☐ is not available in _____ Street.

   b. Will existing City public services need to be replaced or upgraded to accommodate the demands created by the annexation? ☐ yes ☐ no

3. Is the subject property contiguous to the city limits? ☐ yes ☐ no

4. Is the proposed annexation compatible with the character of the surrounding area and does it comply with the urban growth program and policies of the City? *See attached narrative for responses.

5. How does the proposed annexation comply, or will be made to comply with all applicable provisions of state and local law? *See attached narrative for responses.

6. If the proposed annexation is a contract annexation, does the proposal include the cost of City facility and service extensions as calculated by the Public Works Director? *See attached narrative for responses.

Submit Via Email

CITY OF STAYTON
APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

PROPERTY OWNER: State Investments L.L.C.

Address: PO Box 469

City/State/Zip: Salem, OR 97308

Phone: (*Please co) _____-_____ Email: _____

APPLICANT: Stealth Development LLC

Address: 3749 Dublin Avenue S

City/State/Zip: Salem, OR 97302

Phone: (*Please co) _____-_____ Email: *Please contact Applicant's Consultant

APPLICANT'S REPRESENTATIVE: *Please contact Applicant's Consultant

Address: _____

City/State/Zip: _____

Phone: (___) _____-_____ Email: *Please contact Applicant's Consultant

CONSULTANTS: Please list below planning and engineering consultants.

PLANNING	ENGINEERING
Name: AKS Engineering & Forestry LLC	Name: AKS Engineering & Forestry LLC
Address: 3700 River Road N, Suite 1	Address: 3700 River Road N, Suite 1
City/State/Zip: Keizer, OR 97303	City/State/Zip: Keizer, OR 97303
Phone: (503) 400 - 6028	Phone: (503) 400 6028
Email: pelzz@aks-eng.com	Email: pelzz@aks-eng.com

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

☐ owner ☐ applicant ☐ applicant's representative ☒ planning consultant ☐ engineer

☐ COMPREHENSIVE PLAN TEXT AMENDMENT

☒ COMPREHENSIVE PLAN MAP AMENDMENT

CURRENT COMPREHENSIVE PLAN MAP DESIGNATION: Commercial

PROPOSED COMPREHENSIVE PLAN MAP DESIGNATION: Commercial and Residential

LOCATION:

Street Address: No Site address; NW Intersection of Shaff Road SE & Golf Club Road SE

Assessor's Tax Map and Lot Number(s): 09W04C TL 01700

Closest Intersecting Streets: Shaff Road SE & Golf Club Road SE

SIGNATURE OF APPLICANT: _____

DO NOT WRITE BELOW THIS LINE

Application received by: DBF Date: 4/29/20 Fee Paid: $4,050 Receipt No. _____

Land Use File# 5-04/20

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

The Stayton Planning Commission, with assistance from the Planning Department and the Public Works Department will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant presents information to show the application meets the standards and criteria set forth in the Stayton Land Use and Development Code 17.12.170.5. Please provide the following information in full and attach to this application as Exhibit B.

1. How is the amendment consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City? In the case of a Comprehensive Plan Map amendment, how does the requested designation for the site compare with relevant Comprehensive Plan policies and, on balance, more supportive of the Comprehensive Plan as a whole than the old designation?
   *See attached narrative for responses
2. Why does the current Comprehensive Plan not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation? How is the addition of this property to the inventory of lands for the proposed designated consistent with projected needs for such lands in the Comprehensive Plan?
   *See attached narrative for responses
3. Explain how the amendment is in compliance 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, how does the proposal comply with the applicable criteria in the LCDC Administrative Rules for the type of exception needed? *See attached narrative for responses
4. Are existing or anticipated transportation facilities adequate for the uses permitted under the proposed designation? Is the proposed amendment in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060)? *See attached narrative for responses
5. How does the current Comprehensive Plan Map provide more than the projected need for lands in the existing land use designation? *See attached narrative for responses
6. Are the public facilities and services necessary to support the uses allowed in the proposed designation available or likely to be available in the near future? *See attached narrative for responses
7. How will the uses allowed in the proposed designation affect existing or planned uses on adjacent land?
   *See attached narrative for responses

Consolidated Land Use Applications for Annexation, Comprehensive Plan Map Amendment, Zoning Map Amendment, and Partition of Tax Lot 1700

Date: April 2020

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

Applicant: Stealth Development, LLC
3749 Dublin Avenue S
Salem, OR 97302

AKS Job Number: 7730

AKS ENGINEERING & FORESTRY
3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

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Exhibits

Exhibit A: Preliminary Site Plan
Exhibit B: City of Stayton Application Forms
Exhibit C: Ownership Documentation
Exhibit D: Traffic Impact Analysis
Exhibit E: City of Stayton Comprehensive Plan Map
Exhibit F: Annexation Documents
Exhibit G: Partition Documentation

Consolidated Land Use Applications for Annexation, Comprehensive Plan Map Amendment, Zoning Map Amendment, and Partition of Tax Lot 1700

Submitted to:	City of Stayton Planning and Development Department 311 N. Third Avenue Stayton, OR 97383
Applicant:	Stealth Development, LLC 3749 Dublin Avenue S Salem, OR 97302
Property Owner:	State Investments, LLC P.O. Box 2099 Salem, OR 97308
Applicant's Consultant:	AKS Engineering & Forestry, LLC 3700 River Road N, Suite 1 Keizer, OR 97303 Contact(s): Zach Pelz, AICP Email: PelzZ@aks-eng.com Phone: (503) 400-6028
Site Location:	Northwest corner of Shaff Road and Golf Club Road SE in Stayton, Oregon
Marion County Assessor's Map:	Marion County Assessor's Map 9-1W-4C, Tax Lot 1700
Site Size:	±9.63 acres
Land Use Districts:	Marion County Zoning Code: Urban Transition (UT-20); and City of Stayton Comprehensive Plan: Commercial

I. Executive Summary

AKS Engineering & Forestry, LLC is pleased to submit this application on behalf of Stealth Development, LLC (Applicant) to gain approval for a consolidated package of land use applications, including an Annexation, Comprehensive Plan Map Amendment, Zoning Map Amendment, and two-parcel Partition. The project site is located immediately northwest of the intersection of Shaff Road SE and Golf Club Road SE in Stayton and identified as Tax Lot 1700 on Marion County Assessor's Map 9-1W-4C. The subject property is currently zoned Urban Transition (UT-20) under Marion County's Zoning regime and is within the City of Stayton's Urban Growth Boundary (UGB). The City of Stayton has designated the subject property as "Commercial" in its Comprehensive Plan Map.

The Applicant wishes to:

1. Amend the City of Stayton's Comprehensive Plan Map from "Commercial" to "Residential" on the northernmost ±5.22 acres of the parcel (Parcel 2 in Exhibit G);
2. Annex the property into the City of Stayton (City);
3. Apply the following City of Stayton Zoning designations:
    a. High-density Residential to the northernmost ±5.22 acres (Parcel 2)
    b. General Commercial to the southernmost ±4.41 acres (Parcel 1); and
4. Partition the property into two discrete parcels along the proposed zone boundary (see Exhibit G).

The proposed zoning map amendments complement the zoning designations on adjacent properties in the City and is consistent with the City's adopted plans and policies as expressed in the Comprehensive Plan and its supporting documents.

The Applicant has met with City staff for a Pre-Application Conference ("Pre-App Meeting") to discuss characteristics of the application and to solicit their feedback. This application incorporates the City's feedback and responds to all applicable City codes and ordinances. Further, and as provided herein, the application supports the City's comprehensive planning efforts to accommodate new and future demand for commercial and residential property.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. the evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The single lot subject to this application comprises a total area of ±9.63-acres of vacant land, located completely within the City of Stayton Urban Growth Boundary (UGB), and is contiguous with the City limits along the south and east property boundaries. The project site is located in the northwest corner of the intersection of Shaff Road SE, a collector street, and Golf Club Road SE, a minor arterial road. The subject property is across the street from the Shell gas station, at the northeast corner of the intersection of Shaff Road SE and Golf Club Road SE. Finally, McDonald's restaurant is located at the southeast corner of the intersection and the southwest corner of Shaff Road SE and Wilco Road is vacant land. Oak Estates, a manufactured housing development, is located immediately east of the site, opposite Golf Club Road SE.

The site is characterized by relatively level topography with vegetation consisting primarily of trees, shrubs and grasses. The intersection of Shaff Road SE and Golf Club Road SE is a 4-way stop controlled intersection that operates at acceptable levels during the typical weekday.

III. Applicable Review Criteria

CITY OF STAYTON MUNICIPAL CODE

Title 17 – Land Use and Development Code

CHAPTER 17.08 – COMPREHENSIVE PLAN

17.08.030 Urban Growth Management

1. The following are the policies and criteria upon which the urban growth of the City shall be based:

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

Response: The property subject to this application is located within the City of Stayton's Urban Growth Boundary and has thereby been designated as suitable for urbanization. Table 8-3 of the City of Stayton's Comprehensive Plan summarizes the amount of vacant and redevelopment land within the City limits as of February 2011. Based on the information provided in Table 8-3, approximately 83% of the City's usable High-Density Residential land was developed as of 2011, as were comparable percentages of the other classifications of land (based on zoning). It is reasonable to assume that development and construction in subsequent years has further captured land previously available for urban purposes. Therefore, the amount of developed land within the City limits constitutes a major portion of the City's usable land. The portion of the property subject to this annexation is contiguous with the City limits and anticipated for urban development. The criterion is met.

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

Response: The City of Stayton's Comprehensive Plan Policy PF-1 states that the Policy of the City the City of Stayton shall be to provide urban services, including municipal water, sanitary sewage collection and treatment, storm sewers, police protection, parks and recreational facilities, and library services. This policy was put in place by the City after careful evaluation of the community costs and benefits.

Existing public utilities are available as shown on Exhibit A and confirmed by City staff. Future development on the subject property will be preceded by infrastructure improvements. Additionally, future development will pay for capacity enhancing infrastructure improvements through payment of System Development Charge (SDC) fees. This criterion is met.

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

Response: This application includes a request to annex into the City of Stayton city limits and partition the single lot into two separate parcels. A request to develop the subject property is not included in this application and is expected at a later date. The planned commercial and multi-family developments on the partitioned lots anticipate connection to the existing City gravity flow sewage system. City staff have indicated that gravity sewer service is available to a future development on the subject site. This criterion is met.

…

CHAPTER 17.12 – DEVELOPMENT APPROVAL PROCEDURES

17.12.160 Pre-Application Meeting

…

2. **WHEN REQUIRED. A minimum of 1 pre-application meeting must be held prior to submittal of an application.**

…

Response: The Applicant met with City of Stayton staff on September 17, 2019 for a pre-application meeting, and a subsequent follow up meeting on January 15, 2020. This criterion has been met.

17.12.170 Comprehensive Plan Amendments

…

5. **SUBMITTAL REQUIREMENTS: In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Comprehensive Plan amendments shall include the following materials and information:**

   a. **Completed application forms as supplied by the City Planner.**

Response: Completed application forms are included with this submittal as Exhibit B. This criterion is met.

   b. **Evidence of the applicant's right, title or interest in the property for which the amendment is requested, including the latest recorded deed for the property. If the applicant is not the owner the applicant shall submit a purchase and sales contract, option, or other document executed by the owner indicating the applicant's right to proceed with the application.**

Response: Ownership documentation is included with this submittal as Exhibit C. This criterion is met.

   c. **A map, drawn to scale, showing the property for which the amendment is requested, surrounding properties within 300 feet, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested land use designation(s).**

Response: Exhibit A includes the preliminary site plan and map, drawn to scale and showing surrounding properties within 300 feet, streets and roads, plan designations and zoning districts on the property, as well as the exact extent of requested land use designations. This criterion is met.

   d. **A narrative statement fully explaining the request and fully addressing the criteria for approval for a plan amendment. If the request is a text-**

only amendment (e.g., no requested change in land use designation), the statement must fully explain the nature of the requested amendment and provide reasons why the amendment is appropriate and how the Comprehensive Plan will continue to comply with all applicable statewide planning goals and administrative rules. For a Comprehensive Plan Map amendment, the narrative shall include at least the following:

1) capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities.

Response: As supported by this narrative and the accompanying exhibits, the required elements for approval of a plan amendment are included with this application. The City of Stayton master plans for water, stormwater, wastewater, transportation, park, and school facilities were reviewed and relied upon for status and capacity as required as illustrated in the table below. Additionally, City staff have confirmed that sufficient capacity is available or can be made available to support future development of the subject site.

2) A statement of increased demand for the above facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis.

Response: This application includes a request to annex a ±9.63-acre property into the City of Stayton and partition it into two parcels (±5.22 acres and ±4.41 acres). As a concurrent request, Applicant seeks to change the current land designation of the north parcel (± 5.22 acres) from "Commercial" to "Residential." The public services demand anticipated from the zone change request are outlined below.

Table 1: Public Facility Demand Calculations		
	Current (Commercial) – 5.2 Acres	Proposed (Residential) – 5.2 Acres
Water	39,000 gpd	116,640 gpd
Sanitary Sewer	No increase	
Stormwater	No increase	
Transportation	120 Trips (PM Peak Hr)	40 Trips (PM Peak Hr)

Sanitary Sewer

The Stayton Wastewater Master Plan was developed in 2006 and includes a study area comprised of all land within Stayton's UGB, which includes the subject property.

Existing Sewer mains include:

- 20-inch force main running north/south along Golf Club Road SE and Wilco Road.

- 10-inch gravity sewer running north/south along Golf Club Road SE from a sanitary manhole at the intersection of Shaff Road SE and Golf Club Road SE.
- 16-inch gravity sewer running south along Wilco Road to the Wilco Pump Station.

Per Figure 8.3 of the Wastewater Collection Facilities Planning Study (February 2006), with the installation of the 20-inch force main, both gravity sewer mains are currently flowing at less than 50 percent capacity during peak flows. The demand calculations in Table 1 above, were based on City wastewater Design Flow Criteria Table 503.02.D and include 1,000 gpd allowance for inflow and infiltration as well as a 3.0 minimum peak hour factor.

The City's Interceptor System Master Plan shown in Figure 6 of the Wastewater Master Plan illustrates the future improvements, including an 18" force main along Golf Club Road SE. To serve the proposed development, new connections to the existing gravity sewer main in Golf Club Road SE will be required.

Water

The Stayton Water Master Plan was developed in 2006 and includes a study area comprised of all land within Stayton's UGB, which includes the subject property. Demand calculations for water, as provided in Table 1, are based on City Water Peak Hour Demand table 403.02.F for 120 apartment units at 2.7 capita/unit. Existing water system facilities in the project vicinity include:

- An 8-inch water main in Golf Club Road SE.
- A 10-inch water main in Shaff Road SE.

Per Figure 7.2, Appendix A, of the Water Distribution Facilities Planning Study (2006), future improvements are planned to upsize the 8-inch main to a 12-inch main and the 10-inch main to a 16-inch main. An additional 10-inch main is planned to be installed on Shaff Rd SE west of its intersection with Golf Club Rd SE. To serve the proposed development, new connections to the water main in Golf Club Road SE will be required.

Stormwater

To serve the proposed site, detention facilities will be used to maintain post-developed runoff equivalent to pre-developed runoff and therefore no increase in stormwater system demand is anticipated. Private onsite facilities shall follow the recommendations of future geotechnical investigations, as well as City Design Standards, regarding groundwater separation and infiltration rates.

Existing Facilities include:

- A 48-inch storm main along Shaff Road SE running east-west past the intersection of Shaff Road SE and Golf Club Road SE that outfalls into an open channel (ditch) and eventually drains to Salem Ditch east-west down Shaff Road SE.
- A 12-inch storm pipe fed from a catch basin located by the Shell Gas Station driveway onto Golf Club Road SE and runs north along Golf Club Road SE before

it outfalls into an open channel (ditch) that runs along Golf Club Road SE and ultimately drains into Mill Creek to the northwest.

- The Stormwater Master Plan by Keller Associates (2006) indicates a future detention basin is needed immediately to the west of the subject property along Shaff Road SE.

Transportation System

The Application seeks approval to amend the Comprehensive Plan Map designation on the northern 5.2-acres of the subject site from Commercial to Residential. The proposed amendment is anticipated to generate approximately 80 fewer vehicle trips during the normal PM peak hour as compared with allowable uses under the current Commercial designation. The net effect is a reduction in impacts to the City's planned transportation system.

Public Facilities

In 2003, Seder Architects PC of Portland worked with the City of Stayton to prepare the City's Public Facilities Master Plan. This master plan incorporated projections for City offices, Community Center, public swimming pool, a new City Hall and police facility, and the Stayton Public Library. The Plan recommends the construction of a new City Hall/Police complex and new public works shops. The City's Library was expanded in 2007 and is currently adequate for the population being served. Library services are anticipated to be adequate to accommodate future uses on the subject site.

This master plan projects the City of Stayton population to grow from 7,200 in 2003 to 15,374 by the year 2023. As of the 2019 PSU Population Research Center Certified Estimate, Stayton's Population was 7,870, which is well within the 2023 growth projection. The City's facility master plan accounts for the new demand that will be generated as a result of this application.

3) A statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.

Response: The City of Stayton master plans for water, stormwater, wastewater, transportation, park, and school facilities were reviewed and relied upon for status and capacity as required above. Additionally, City staff have confirmed that all necessary utilities are, or can be made, available to serve the property at time of development.

Additionally, future development will contribute towards capacity enhancing infrastructure improvements through payment of System Development Charge (SDC) fees. This criterion is met.

4) **A traffic impact analysis in accordance with the requirements of Section 17.26.050.3. The City Engineer shall define the scope of the traffic impact analysis. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.**

Response: A summary traffic impact analysis (TIA) is included in Exhibit D. The TIA concludes that under a reasonable future development scenario on the subject site, only marginal impacts to the City's transportation system are anticipated. Subsequently, no significant mitigation is warranted. At time of future development, the City will work with a future applicant to identify specific traffic improvements and mitigation necessary to accommodate acceptable levels of traffic operation and safety is response to that development.

5) **A statement outlining the method and source of financing required to provide those additional facilities identified in subsection 3) above.**

Response: Additional facilities in Subsection 3 above, are not anticipated. As described above, sufficient capacity is available within existing City infrastructure facilities or can be made available during future development through the implementation of proportionate on- and off-site improvements and/or through contributing SDC fees. This criterion is met.

e. **If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.**

Response: This application includes a Zoning Map Amendment application. This criterion is met.

6. **APPROVAL CRITERIA: In order to approve a Comprehensive Plan amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.**

(…) b. **Quasi-judicial Amendments.**

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.**

Response: As discussed below, the request to amend the Comprehensive Plan Map designation, for a portion of the property, from Commercial to Residential is consistent with the City's need for additional higher-density residential housing. The City's Comprehensive Plan identifies a deficiency of 174 multi-family residential homes through 2030 (see Comprehensive Plan Table 6-10). Additionally, Stayton's 2019 Economic Development Strategy and Action Plan (Objectives 3.1 and 4.1) identifies a need for more diverse housing types to support the City's goal to attract and retain new human capital (talent) to the City. This application directly supports these objectives by providing new land for multi-family housing options.

High-density residential is an ideal complement to the existing and future commercial uses that are planned in this part of the City. Existing and future commercial uses will benefit from the built-in consumer base that is expected to occupy future homes on the subject site. This balance of commercial and residential uses is more supportive of the Comprehensive Plan as a whole than the Commercial Zoning District for the entire ±9.1-acre lot. This criterion is met.

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.

Response: Stayton's Comprehensive Plan forecasts a 174-unit deficiency in multi-family homes through 2030. While development is not proposed within this application, the proposed residential portion of the subject property could support up to approximately 120 new multi-family homes and would substantially advance the City's effort to provide needed housing to new and existing residents. The criterion is met.

3) Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.

Response: Stayton's Comprehensive Plan implements the Statewide Planning Goals. Responses to the applicable Comprehensive Plan policies are further below. By virtue of demonstrating compliance with all applicable Comprehensive Plan policies, this application simultaneously demonstrates compliance with relevant Statewide Planning Goals. The application does not trigger any exception to Statewide Planning Goals. The criterion is met.

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

Response: A TIA is included in Exhibit D. The TIA confirms that existing and future transportation facilities are adequate for uses permitted under the proposed land use and zoning designations or that improvements and/or mitigation is possible to offset potential transportation impacts. The criterion is met.

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

Response: Per the 2013 Comprehensive Plan, Table 8-4, the UGB includes land for future commercial and residential development. While a greater area of land is designed for future residential development (921-acres of residential land compared to 6-acres of Commercial land) the rate of residential land absorption is substantially higher than for commercial land. Additionally, high-density residential land uses, as proposed for the north portion of the subject site, is an important and necessary complement to adjacent

commercial uses to ensure sufficient consumer potential is in convenient proximity to future nearby commercial properties. In other words, the City has identified a need for additional commercial and residential land uses and the proposed Comprehensive Plan Map Amendment and Zoning Map Amendment will support the City's efforts in providing future multi-family housing and a consumer base to support nearby commercial users. The criterion is met.

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

Response: Based on feedback from City staff, adequate public facilities are available, or can be made available, to serve future uses on the subject site through proportionate on- and off-site improvements and SDCs. A detailed analysis of system capacity and improvements necessary to serve future uses on the subject site will occur during a future site plan review application, that is not part of this application. The criterion is met.

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

Response: As described above, the planed multi-family residential designation on the north portion of the subject site will complement and support existing and future commercial uses in the area. Additionally, and as also described above, acceptable mitigation is available to ensure that the City's transportation system can safely and effectively provide ingress and egress to the subject site. This criterion is met.

…

17.12.180 Zoning Map Amendments

…

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

a. Completed application forms as supplied by the City Planner.

Response: An application form signed by the property owner is included as Exhibit B. The criterion is met.

b. Evidence of the applicant's right, title or interest in the property for which the amendment is requested, including the latest recorded deed for the property. If the applicant is not the owner the applicant shall submit a purchase and sales contract, option, or other document executed by the owner indicating the applicant's right to proceed with the application.

Response: Ownership documentation is included with this submittal as Exhibit C. This criterion is met.

c. A map, drawn to scale, showing the property for which the amendment is requested, surrounding properties within 300 feet, neighboring streets, existing Comprehensive Plan Map designation(s) and zoning district(s) on the property and surrounding properties, and the exact extent of requested zoning change.

Response: Exhibit A includes the preliminary site plan and map, drawn to scale and showing surrounding properties within 300 feet, streets and roads, plan designations and zoning districts on the property, as well as the exact extent of requested land use designations. This criterion is met.

> **c. A narrative statement fully explaining the request and fully addressing the criteria for approval for an Official Zone Map amendment. At a minimum, the narrative shall include:**
>
> **1) A statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities.**
>
> **2) A statement of increased demand for the above facilities that will be generated by the proposed change in zone designation. The applicant shall refer to the City's facility master plans to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis.**
>
> **3) A statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.**

Response: As supported by this narrative, the City's Comprehensive Plan identifies a need for additional multi-family and commercial uses as would be permissible following the planned annexation and zone change. Additionally, the City utility master plans indicate that sufficient system capacity is available, or can reasonably be made available, to serve future development on the subject site. Finally, a TIA is included in Exhibit D, which demonstrates that the City's transportation system can safely and effectively serve allowable uses on the subject site with reasonable mitigation. The criterion is met.

> **4) A traffic impact analysis in accordance with the requirements of Section 17.26.050.3. The City Engineer shall define the scope of the traffic impact analysis. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.**

Response: A TIA is included in this submittal as Exhibit D. The TIA scope was developed in coordination with City staff and their consulting traffic engineer. This criterion is met.

> **5) A statement outlining the method and source of financing required to provide those additional facilities identified in subsection 3) above.**

Response: Additional facilities in Subsection 3 above, are not anticipated. As described above, sufficient capacity is available within existing City infrastructure facilities or can be made

available during future development through the implementation of proportionate on- and off-site improvements and/or through contributing SDC fees. The criterion is met.

> 6. **APPROVAL CRITERIA. In order to approve an Official Zoning Map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.**
>
> **(…)**
>
> b. **Quasi-judicial Amendments.**
>
> 1) **The proposed zone is consistent with the Comprehensive Plan 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.**

Response: As discussed above, the subject site is in the City's UGB and carries a Commercial land use designation by the Comprehensive Plan. The application seeks approval to partition the site into two parcels, where the south parcel would be designated Commercial General (CG), and the north parcel would be designated as High-density Residential (HD). A Comprehensive Plan Map Amendment, from Commercial to Residential, is necessary to accommodate the residential zoning on the north portion of the site. As described throughout this narrative and in the accompanying exhibits, the Comprehensive Plan Map amendment and Zoning Map amendment are consistent with the City's Urbanization and Housing Goals as well as other Comprehensive Plan goals. This criterion is met.

> 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.**

Response: As discussed above, the City's public utility facility master plans indicate that future development on the subject site can be accommodated with existing public facilities or in conjunction with on- and/or off-site improvements that are proportionate and reasonable in the context of future development on the subject site. The criterion is met.

> 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).**

Response: A TIA is included in Exhibit D. The TIA concludes that impacts to the City's transportation infrastructure can be accommodated with reasonable mitigation under even the highest intensity uses permissible in the HD and CG Zoning Districts. The criterion is met.

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

Response: Compliance with applicable Comprehensive Plan policies is provided later in this narrative. Additionally, Stayton's 2019 Economic Development Strategy and Action Plan (Objectives 3.1 and 4.1) identifies a need for more diverse housing types to support the City's goal to attract and retain new human capital (talent) to the City. This application directly supports these objectives by providing new land for multi-family housing options. The criterion is met.

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.**

Response: The Zoning Map amendment included in this application is being submitted concurrent with a request to annex approximately 9.63-acres of land into the City of Stayton. The result of the application will be 5.22-acres of additional HD designated land and an additional 4.41-acres of CG land in the City. The criterion is met.

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

Response: As discussed further below, the Application complies with all application City of Stayton Comprehensive Plan policies and as such, all applicable Statewide Planning Goals. Applicable Oregon Administrative Rules are responded to alongside responses to the City's Comprehensive Plan policies. The criterion is met.

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.**

Response: As discussed above, the site is characterized by relatively flat topography, is located adjacent to convenient local and regional transportation facilities and is in proximity to complementary commercial and residential uses nearby. The site is ideally situated to accommodate new residential and commercial development without adverse impacts to adjacent uses. The criterion is met.

17.12.210 Annexations

2. METHOD OF ADOPTION.

a. Major Annexations.

1) A Major Annexation is an annexation that meets one or more of the following characteristics.

i. Consists of two or more parcels, except proposed annexations that consist of contiguous parcels in the same ownership.

ii. The area proposed for annexation exceeds 1 acre, except a health hazard annexation.

…

Response: The property subject to the annexation consists of a single tax lot ±9.63 acres in size and meets the requirements for a Major Annexation.

3. SUBMITTAL REQUIREMENTS. In order to be accepted as complete and be processed in a timely manner by the City, requests for annexation of territory shall include the following materials and information:

a. Completed application forms as supplied by the City Planner.

Response: An application form signed by the property owner is included as Exhibit B. The criterion is met.

b. **Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet, shown as a graphic scale, of the property for which the annexation is requested. The site plan shall depict the surrounding properties, neighboring streets and roads, and existing uses of the property. If the application for annexation is not accompanied by a concurrent application for site plan, subdivision, or other land use approval, three copies of a conceptual plan of proposed uses of the property subsequent to annexation. In addition, 18 reduced copies of the plan sized as 11 inches by 17 inches shall be submitted.**

Response: Exhibit A includes a site plan, drawn to a scale of 1" = 40' for the property subject to this annexation request. This application submittal includes three full-sized copies of the site plan and 18 reduced copies sized as 11 inches by 17 inches as required above. This criterion is met.

c. **A plan showing the boundary lines of the properties, certified by a professional land surveyor, and the approximate area of the properties in acres or square feet.**

Response: Exhibit F includes the annexation documents showing the boundary lines and approximate area of the properties from a professional land surveyor of AKS Engineering & Forestry, LLC. This criterion is met.

d. **A legal description of the property, meeting the requirements of ORS 308.225.**

Response: Exhibit F includes a legal description of the subject property which meets the requirements of ORS 308.225. This criterion is met.

e. **A narrative statement fully explaining the request and fully addressing the criteria for approval of an annexation.**

Response: This narrative provides comprehensive responses to all applicable criteria and demonstrates support for approval of the request. This criterion is met.

4. **APPROVAL CRITERIA. In order to approve an application for annexation, the following affirmative findings concerning the action must be made by the decision authority:**

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

Response: As outlined above, the Comprehensive Plan identifies a deficit of 174 multi-family housing units through the year 2020. The subject property is located within the City's UGB and is therefore anticipated as necessary to fulfill the City's long-term demand for new housing and employment uses. Additionally, City staff also indicated that new multi-family housing was in need in the City. Finally, this application is supported by Stayton's 2019 Economic Development Strategy and Action Plan (Objectives 3.1 and 4.1), which identifies a need for more diverse housing types to support the City's goal to attract and retain new human capital (talent) to the City. This application directly supports these objectives by providing new land for multi-family housing options. The criterion is met.

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

Response: Per above, the site is capable of being served by City facilities at levels specified by the City's various design and related standards. The criterion is met.

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

Response: As illustrated on the Site Plan included in Exhibit A, the subject property is contiguous to the existing City limits. This criterion is met.

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

Response: The requested annexation seeks approval to apply the City's HD zoning designation to the north portion of the property and the CG zoning designation to the south portion of the property. This mixed commercial-residential configuration complements abutting residential and commercial uses and designations on adjacent parcels and satisfies the City's policies to provide needed housing and jobs. Further, the project's location near important local and regional transportation facilities means that impacts to the City's transportation network will be minimized. This criterion is or can be met.

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

Response: As outlined in this narrative and the accompanying exhibits, the annexation complies with all applicable local and state law. The criterion is met.

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

Response: This application does not include a request for contract extension. The criterion does not apply.

> 5. **ZONING OF ANNEXED TERRITORY. All lands that are annexed to the City shall be zoned in accordance with the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be 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. This requirement does not prohibit an application to amend the Comprehensive Plan Map concurrent with the application for annexation.**

Response: The property subject to this application is ±9.63 acres and is currently zoned UT-20 (Marion County). The Applicant wishes to annex the property into the City of Stayton, and simultaneously amend the City's Comprehensive Plan Map to designate the north, approximately 5.22 acres of the site as High-density Residential. At the same time, a request to partition the property along this new commercial/residential boundary is also included. The Buildable Lands Inventory in Table 8-5 suggests a deficiency of multi-family housing in the City, the alleviation of which is advanced by the requested annexation and zone change.

> 6. **CONFORMANCE WITH CONCEPTUAL PLAN. Development of the property after annexation shall be in substantial conformance with any conceptual plan submitted with the application for annexation. For the**

purposes of this section, development is in substantial conformance with a conceptual plan if:

a. The development is generally consistent with the character and intent of the conceptual plan;

b. The number and types of housing units are generally consistent with those presented in the conceptual plan;

c. The impacts from the development, including but not limited to, noise, vibration, dust, odor, or fumes, detectable at the property line will not exceed the maximums typical for the categories of uses proposed in the conceptual plan;

d. The number and types of vehicular trips to and from the site will not exceed the maximums typical for the categories of uses proposed in the conceptual plan; and

e. The amount and types of outside storage, loading, and parking will not exceed the maximums typical for the categories of uses proposed in the conceptual plan.

Response: The Applicant understands that the Conceptual Development Plan (see Exhibit A) will serve as the basis for future development applications on the subject property. The application does not include a request for any development related activity at this time. Such development will be subject to the City's Site Plan review and potentially other land use review procedures before site development and vertical housing and commercial construction may commence. The criterion can be met.

CHAPTER 17.16 – ZONING

17.16.070 District Regulations

(…)

2. Dimensional Requirements for Lots.

a. All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section.

Table 17.16.070.2 Minimum Dimensional Requirements for Lots	
	HD
Lot Area (square feet)[1]	6,000
Lot Width (feet)	60[4]
Average Width (feet)	60
	CG
Lot Area (square feet)[1]	0
Lot Width (feet)	0
Average Width (feet)	0

Notes to Table 17.16.070.2
1 The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:
a. Protect natural drainage ways.
b. Provide drainage or utility easement.
c. Protect future right-of-way.
d. Protect unbuildable steep slope areas above 15 percent slope.
e. Protect flood plain hazard or wetland areas.
2 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue
3 A tri-plex requires a minimum lot area of 10,500 square feet
4 40 feet for lots with frontage on a cul-de-sac

Response: As illustrated on the Preliminary Site Plan in Exhibit A, both parcels exceed the minimum applicable dimensional requirements listed in Table 17.16.070.2. This standard is met.

3. Dimensional Requirements for Structures

a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

Table 17.16.070.3 Dimensional Requirements for Structures	
	HD
Front Yard Setback (feet)[1]	20[2]
Side Yard Setback (feet)	5
Rear Yard Setback (feet)	15
Building Height (feet)[5]	--[4]
	CG
Front Yard Setback (feet)[1]	0
Side Yard Setback (feet)	0[3]
Rear Yard Setback (feet)	0[3]
Building Height (feet)[5]	60[7]

Notes to Table 17.16.070.3
1 Front setbacks are also subject to the requirements of Section 17.20.080
2 25 feet to a garage entrance, except a garage on a back lot or flag lot. (Ord. 898, August 20, 2007)
3 10 feet when adjacent to a residential district, or as may be established through a site plan review
4 As may be established through a site plan review
5 Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.
6 Or 2 ½ stories
7 Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.
8 See the requirements of Section 17.16.080 further details and requirements.

Response: The application does not seek approval for new structures. Setbacks and building heights relative to new development on each of the proposed parcels will be reviewed at time of a future site plan review application. This standard can be met.

…

Chapter 17.24 LAND DIVISIONS

17.24.040 Application and Approval Requirements for …Partitions

…

2. **APPLICATION FOR APPROVAL OF PRELIMINARY PLANS.**

   a. **For any proposed subdivision or partition of land, the applicant shall file 3 copies of the preliminary plan at a scale of 1 inch equals not more than 50 feet and all required supplemental information with the City Planner, following the general application procedural requirements of Section 17.12.030. In addition, 12 reduced copies of the plan sized 11 inches by 17 inches shall be submitted.**

Response: Included in this submittal are all required copies of the partition request, which include the preliminary plan at a scale of 1" = 40 feet. This criterion is met.

3. **PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN SUBMITTAL REQUIREMENTS. Preliminary partition or subdivision plans shall be clearly and legibly drawn. The preliminary partition or subdivision plan shall include or be accompanied by following information:**

   a. **Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.**

Response: Exhibit G is clearly identified as a preliminary Partition Exhibit. This criterion has been met.

   b. **North arrow, graphic scale, and date of preparation of the preliminary plan.**

Response: Exhibit G includes a north arrow, graphic scale, and date of preparation of the preliminary partition plan. This criterion is met.

   c. **Names and addresses of the landowners, applicant, engineer of record, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.**

Response: Exhibit G includes the names and addresses of the party responsible for designing the preliminary partition plan. This criterion is met.

   d. **Map number (township, range, and section) and tax lot number or account of the tract being divided.**

Response: Exhibit G includes the map number and tax lot information for the parcel being partitioned. This criterion is met.

   e. **The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor registered with the State of Oregon.**

Response: Exhibit G includes the boundary lines of the tract to be partitioned with approximate area of the property in acres and has been prepared by a professional land surveyor registered with the State of Oregon. This criterion is met.

f. **The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.**

Response: Exhibit G includes the approximate location, widths, and names of existing or platted streets, including easements, adjacent to the subject property, as well as all applicable requirements stated above. This criterion is met.

g. **The location and size of any existing sanitary sewer systems, water supply systems, culverts, drainage ways, and other storm drainage systems, and any other underground utilities or structures within and immediately adjacent the tract being divided.**

Response: Exhibit G includes the locations and sizes of all public utilities within and immediately adjacent to the parcel being subdivided. This criterion is met.

h. **The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners, a description of the suitability of the area for uses contemplated and any conditions or limitations of such reservations.**

Response: The approximate location and description of the designated common areas are illustrated in Exhibit G. This criterion is met.

i. **A proposed general plan for collecting, treating, and detaining stormwater runoff from the development, developed in accordance with the City's Public Works Design Standards and the Stormwater Master Plan. Preliminary Stormwater calculations shall accompany the plan showing how the proposal will meet stormwater quality and quantity requirements.**

Response: While site development is not proposed at this time, the Applicant expects that stormwater will be managed through a combination of water quality and quantity facilities that are designed pursuant to the City's Public Works Design Standards. This criterion can be met.

j. **The proposed street pattern or layout showing the name and widths of the proposed streets and alleys in accordance with the City's Public Works Design Standards and City Transportation System Plan.**

Response: The attached Exhibit A is a preliminary conceptual layout of the proposed residential and commercial development. The conceptual development plan does not include any new internal streets or alleys and relies on private, shared access driveways and parking lots, to accommodate motor vehicle circulation and off-street parking. At time of a future site plan review or related development application, the Applicant anticipates that contribution toward planned public street and other utility improvements will occur. This criterion is met.

k. **Existing and proposed easements, together with their dimensions, purpose, and restrictions on use.**

Response: Any applicable easements are shown on Exhibit G, as required. This criterion is met.

l. **Proposed location and size of sanitary sewer systems, water supply systems, stormwater facilities, and storm drainage systems in accordance with the City's Public Works Design Standards and the City's Wastewater and Water Master Plans.**

Response: Exhibit A includes all proposed locates and sizes of sanitary sewer systems, water supply systems, stormwater facilities, and storm drainage systems as required above. This criterion is met.

m. **Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.**

Response: Exhibit G includes the preliminary partition plan as described above. This criterion is met.

n. **Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.**

Response: According to the Applicant's records, including those developed during preliminary on-site field investigation, the site does not host any of the natural resources as outlined above. This criterion is met.

o. **Copies of all existing or proposed restrictions or covenants affecting the property.**

Response: The subject property does not have any existing or proposed restrictions or covenants in place. This criterion is met.

p. **An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of the decision.**

Response: The preliminary site plan included in Exhibit A illustrates a space on the face of the plan for the action of the Planning Commission with the date of the decision. This criterion is met.

q. **An inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by Section 17.20.150.**

Response: The Existing Conditions plan in Exhibit A illustrates the location of all trees on site. The application does not seek approval to remove any trees. The criterion is met.

r. **A proposed plan showing access features required in Section 17.26.020, specifically Section 17.26.020.6.**

Response: Exhibit A includes the proposed layout including all ingress and egress. This criterion is met.

s. **Either a Transportation Assessment Letter or a Transportation Impact Analysis in accordance with the provisions of Section 17.26.050. Five copies of the traffic impact analysis shall be submitted.**

Response: Exhibit D is a TIA for the proposed development. Five copies of this report are included with the submittal as required. This criterion is met.

t. **A plan showing soils information and any proposed cuts or fills of more than 24 inches.**

Response: The application does not seek approval for construction and thus no cut or fill is proposed at this time. At such time that development is planned for the subject site, detailed soils and grading information will be supplied to the City in conformance with the requirements above. The criterion can be met.

u. **The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.**

Response: The Applicant's records indicate that wetlands are not present on the subject property. This criterion does not apply.

v. **A statement indicating the proposed timing of installation of all proposed improvements.**

Response: The application does not seek approval for site development at this time. At such time site improvements are planned, future applicants will provide detailed information to the City pertaining to the timing of proposed improvements. The criterion can be met.

w. **A Design Modification Request if the applicant proposes to not meet any design requirement in the Public Works Design Standards.**

Response: The application does not seek approval for site development at this time. At such time site improvements are planned, future applicants will coordinate with City staff as to the appropriateness of any modifications to applicable design requirements. The criterion can be met.

x. **Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted at the same time that the preliminary plan for either subdivision or partition is submitted and shall contain the following information:**

(1) **Any potential future lots (lot size shall be depicted).**

(2) **Existing and proposed utilities including water, sewer and storm drains.**

(3) **Streets and access points for potential future lots.**

Response: The Conceptual Development Plan in Exhibit A includes multi-family residential housing on the north portion of the site and general commercial uses on the south portion of the site, both of which are consistent with all lot dimensional and use requirements in the respective zoning districts requested for these portions of the site. The application further requests that the property be split along the new zoning district boundary. Although site improvements are not included with this application, the conceptual multi-family and commercial uses do not require further land division. The criterion does not apply.

…

17.24.050 Design Standards for Subdivision and Partition Preliminary Plans

Subdivisions and partition preliminary plans shall meet the following criteria and objectives. These are broad criteria and planning objectives. Detailed engineering and design will be reviewed with the construction plans.

1. **STREETS.**

a. **Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and roadway design as indicated on the official map of streets known as the Future Street Plan and the Roadway Functional Classification Map in the adopted Stayton Transportation System Plan.**

b. **Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.**

c. **The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.**

d. **Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Transportation System Plan.**

e. **Concrete curbs and concrete sidewalks shall be installed on all streets, consistent with the Geometric Design Requirements by Street Functional Classification in the Public Works Design Standards.**

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

Response: The preliminary partition plan included as Exhibit G and the Conceptual Development Plan in Exhibit A illustrate that on-site circulation for vehicles, pedestrians, and bicyclists, can occur in a manner consistent with the City objectives for good site design. At time of a formal site plan review application, the City will ensure these objectives are similarly implemented. The criterion can be met.

2. **DEDICATION OF A RIGHT-OF-WAY. If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.**

Response: Exhibit A illustrates the dedicated right-of-way required. This criterion is met.

(…)

5. STREET WIDTHS.

a. **The location, width, and grade of all streets must conform to the Public Works Design Standards and City's Transportation System Plan. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.**

b. **In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.**

c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.

d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in the Public Works Design Standards.

Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

e. Additional Right-of-Way Widths.

1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

2) Where bikeways necessitate, additional right-of-way width may be required.

Response: The proposed development does not include any new streets. Any required right-of-way or street improvements will be designed in compliance with the City's Public Works Design Standards and will be submitted for review with construction plans.

(…)

7. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the Developer to install mid-block pedestrian walks on a right-of-way 20 feet in width, which shall consist of at least 8 feet of hard surfacing throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.

Response: The proposed development does not include any mid-block walks. The above criteria do not apply.

8. LOT SIZE, LOT LINES.

a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.

b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.

c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.

d. Side lot lines shall be as close to right angles to the front street as practicable.

e. Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.

f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.

Response: The preliminary plan included in Exhibit A shows the lot lines as required. The side lot lines are as close to right angles to the front street as possible, and the rear lot line for the proposed residential lot is similar in length to the front lot line. This criterion is met.

9. **PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.**

Response: Public survey monuments are referenced in Exhibit G. The criterion is met.

10. **SEWAGE DISPOSAL.**

    a. **All extensions of the existing City sewage facilities shall be in accordance with the Public Works Design Standards and the City's Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.**

    b. **If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.**

Response: The Applicant will submit a design with a future site plan review application that is consistent with the City's Public Works Design Standards and the City's Wastewater Master Plan for any extension of sewage facilities. The criteria can be met.

11. **PUBLIC USE AREAS.**

    a. **Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.**

    b. **Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.**

    c. **As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.**

Response: The subject application does not propose development for which such public use dedication is warranted at this time. At time of a future site plan review application, the City will determine an appropriate area of land for public use that is necessary and related to impacts borne by such future development. The City's request for public use area dedication will be in proportion to the impacts generated by that future development application. The criteria can be met.

12. **WATER SUPPLY.**

a. **All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Health Authority and Oregon Water Resources Department.**

b. **In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing.**

Response: Domestic water service is available in the abutting public rights-of-way. At time of future site improvements, future applicants will be required to design and construct water service extensions to the subject property in a manner that is consistent with all applicable Public Works Design Standards. The criteria can be met.

13. **UNDERGROUND UTILITIES.**

a. **All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.**

Response: This application does not include a request for a subdivision. This criterion does not apply.

2013 CITY OF STAYTON COMPREHENSIVE PLAN

CHAPTER 4 TRANSPORTATION GOALS AND POLICIES

GOAL: THE MOBILITY OF STAYTON RESIDENTS AND BUSINESSES WILL BE MAXIMIZED BY ACCESS TO A MULTI-MODAL TRANSPORTATION SYSTEM.

Policy T-1.	**It is the Policy of the City to establish a transportation system that can accommodate a wide variety of travel modes and minimizes the reliance on any one single mode of travel.**
Policy T-2.	**It is the Policy of the City to properly plan transportation infrastructure to meet the level of service set for each type of facility.**
Policy T-3	**It is the Policy of the City to develop a local street plan to preserve future rights-of-way for future streets and to maintain adequate local circulation in a manner consistent with Stayton's existing street grid system.**
Policy T-4	**It is the Policy of the City to minimize turning movements on arterial and collector streets to maintain traffic flow.**

Response: The subject site fronts upon Shaff Rd SE and Golf Club Rd SE, both of which are under the City of Stayton's road authority. The City's TSP identifies typical improvements that will be necessary along the site's respective frontage with these roadways as site development occurs. Additionally, the City has begun the process to develop an

acceptable long-term solution from vehicular traffic growth at the intersection of Golf Club Rd SE/Shaff Rd SE and is currently investigating the feasibility of a roundabout. Regardless of the ultimate mitigation strategy, future development on the subject site will contribute toward the implementation of this improvement. These policies are met.

GOAL: **THE CITY WILL CREATE AND MAINTAIN A MULTI-MODAL TRANSPORTATION SYSTEM WITH THE GREATEST EFFICIENCY OF MOVEMENT POSSIBLE FOR STAYTON RESIDENTS AND BUSINESSES TERMS OF TRAVEL TIME, TRAVEL DISTANCE, AND EFFICIENT MANAGEMENT OF THE TRANSPORTATION SYSTEM.**

Policy T-7 **It is the Policy of the City to prevent development from "leap-frogging" beyond areas where services are presently available to minimize the need for expanding services and to more efficiently utilize existing resources.**

Response: As described above, the subject site is contiguous to existing commercial and residential development in the City of Stayton and can be reasonably served by existing City utilities and facilities and therefore represents an efficient expansion of the City's infrastructure. The policy is met.

GOAL: **THE COSTS OF DEVELOPMENT OF THE CITY'S TRANSPORTATION INFRASTRUCTURE AND SERVICES WILL BE EQUITABLY DISTRIBUTED.**

Policy T-10. **It is the Policy of the City to collect a transportation system development charge on development that reflects the demand of the new development for improvements to the transportation system.**

Policy T-11 **It is the Policy of the City to shall seek equitable funding mechanisms to maintain transportation infrastructure and services at the identified acceptable levels of service.**

Policy T-12. **It is the Policy of the City that developments will be responsible for mitigating their direct traffic impacts.**

Response: The application does not seek approval for any site development or related improvements at this time. The scope of this application is limited to an annexation, Comprehensive Plan Map amendment, Zoning Map amendment, and a partition. At such time development on the subject site is proposed, future applicants will work with the City to identify necessary improvements required to serve those future residential and commercial uses on the site. At such time, the City will outline all necessary infrastructure improvements, including street frontage improvements, that are required to provide service to the site. Additionally, the City will collect SDCs from all new development on the site to contribute toward capacity enhancing public facility improvements as established in the City's Capital Improvements Program (CIP). The policies can be met.

CHAPTER 5 PUBLIC FACILITY GOALS AND POLICIES

GOAL: **URBAN DEVELOPMENT WILL OCCUR IN AREAS WITH EXISTING SERVICES AND IN THOSE AREAS WHERE FUTURE EXTENSIONS OF THOSE SERVICES CAN BE PROVIDED IN THE MOST FEASIBLE, EFFICIENT, AND ECONOMICAL MANNER**

Policy PF-1	**It is the Policy of the City that the City of Stayton shall be the provider of the following urban services within the Stayton urban growth boundary: 1) municipal water supply; 2) sanitary sewage collection and treatment; 3) storm sewers; 4) police protection; 5) parks and recreational facilities; and 6) library services.**
Policy PF-2	**It is the Policy of the City to coordinate with other organizations that provide public services within the UGB to avoid duplication of service and assure the efficient delivery of services.**
Policy PF-3	**It is the Policy of the City that recreational facilities should be developed in accordance with accepted standards and guidelines as the City's population grows.**
Policy PF-4	**It is the Policy of the City that areas along waterways should be preserved for the passive enjoyment of the scenic and natural sites.**
Policy PF-5	**It is the Policy of the City to provide a broader range of park types in the community including natural open space and active use parks and to provide a broad range of recreational facilities within the parks to serve all ages.**
Policy PF-6	**It is the Policy of the City to minimize solid waste generation.**
Policy PF-7	**It is the Policy of the City that the costs of expanding city facilities to accommodate growth should be substantially borne by those who create the demand for that growth.**

Response: The subject site is within the City's UGB and has thus been designated as necessary to accommodate the City's demand for new housing and employment. While this application does not seek approval for any site development at this time, future development on the property will utilize the City's municipal water supply, sanitary sewer connection, police protection, and transportation services. Future capacity expansions to City public works and recreational facilities will be funded, in part, by future development on the subject site through a combination of direct improvements and SDCs. The policies can be met.

CHAPTER 7 ECONOMIC GOALS AND POLICIES

GOAL: **PROVIDE FOR THE FUTURE COMMERCIAL, INDUSTRIAL AND SOCIAL NEEDS OF THE COMMUNITY WITH A BALANCED MIX OF ECONOMIC ACTIVITY.**

Policy EC-1	**It is the Policy of the City to maintain downtown Stayton as an area for retail shops, restaurants, entertainment, government offices, and professional offices.**
Policy EC-2	**It is the Policy of the City to enhance and protect the vitality of Stayton's existing commercial and service sector while maintaining a level of retail growth that is proportional to the size of the City and encouraging the diversification of goods and services available to residents.**
Policy EC-3	**It is the Policy of the City to limit the size of retail stores and malls to maintain a competitive diversity in Stayton's retail economy, to lessen the impact on the city's air quality and adjacent land uses.**
Policy EC-4	**It is the Policy of the City to discourage commercial development at Highway 22.**
Policy EC-5	**It is the Policy of the City to promote the development of the industrial park area.**

Response: The application directly implements the City's economic goals and policies by advancing the availability of new multi-family residential and commercial land in a visible and accessible location in the City. Further, economic activity in the area is expected to be supported by consumers residing in future multi-family homes at the north portion of the subject site. As an added benefit to the City's transportation system, these residents will be able to patronize area businesses on foot or by bicycle which will promote the long-term viability of future transportation improvements in the area.

CHAPTER 8 LAND USE GOALS AND POLICIES

GOAL: PROVIDE FOR A LAND USE REGULATION PROCESS THAT PROMOTES A LIVABLE COMMUNITY AND PROVIDES FOR EXPEDITIOUS REVIEW OF DEVELOPMENT PROPOSALS.

Policy LU-1	**It is the Policy of the City to adopt a zoning map consistent with the Comprehensive Plan Map.**
Policy LU-3	**It is the Policy of the City that the availability and quality of public services shall be a criteria for approval of development proposals.**
Policy LU-4	**It is the Policy of the City that development regulations shall provide for residential zones at several densities and for a variety of commercial and industrial zones.**
Policy LU-6	**It is the Policy of the City that the central business area of Stayton shall continue to be the primary retail business area of the community.**

Response: The application is consistent with the above policies and action items as it promotes coordinated land use planning and development that is reflective of the City's short and

long-term needs and which is supported by existing infrastructure and efficient expansions/extensions of the City's public facilities and services. Additionally, the application advances the City's desire to provide more multi-family housing options for new and current residents, and will satisfy the need for these types of housing options. The application supports objectives adopted in Stayton's 2019 Economic Development Strategy and Action Plan (Objectives 3.1 and 4.1) for more diverse housing types to attract and retain new human capital (talent) to the City. Finally, the application promotes a complementary arrangement of future housing alongside jobs and retail where those commercial tenants will be supported by nearby residents and vice-versa.

GOAL: COORDINATE THE DEVELOPMENT OF LAND OUTSIDE THE CURRENT CITY LIMITS WITH MARION AND LINN COUNTIES.

Policy LU-8 **It is the Policy of the City to maintain an appropriate urban services agreement with Marion County.**

Response: The City has an Urban Services Agreement with Marion County for land outside the current city limits, but within the UGB. The property subject to this application is located in this UGB area. Marion County will be afforded an opportunity to comment on this application prior to and during the public hearing.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Stayton Municipal Code, City of Stayton Title 17 Land Development Code, and City of Stayton Comprehensive Plan. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this consolidated application for an Annexation, Comprehensive Plan Map Amendment, Partition, and Zoning Map Amendment.

NOTES
1. UTILITIES SHOWN ARE APPROXIMATE AND BASED ON CITY OF STAYTON GIS INFO.

DATE: 4/24/2020 AKS JOB: 7730

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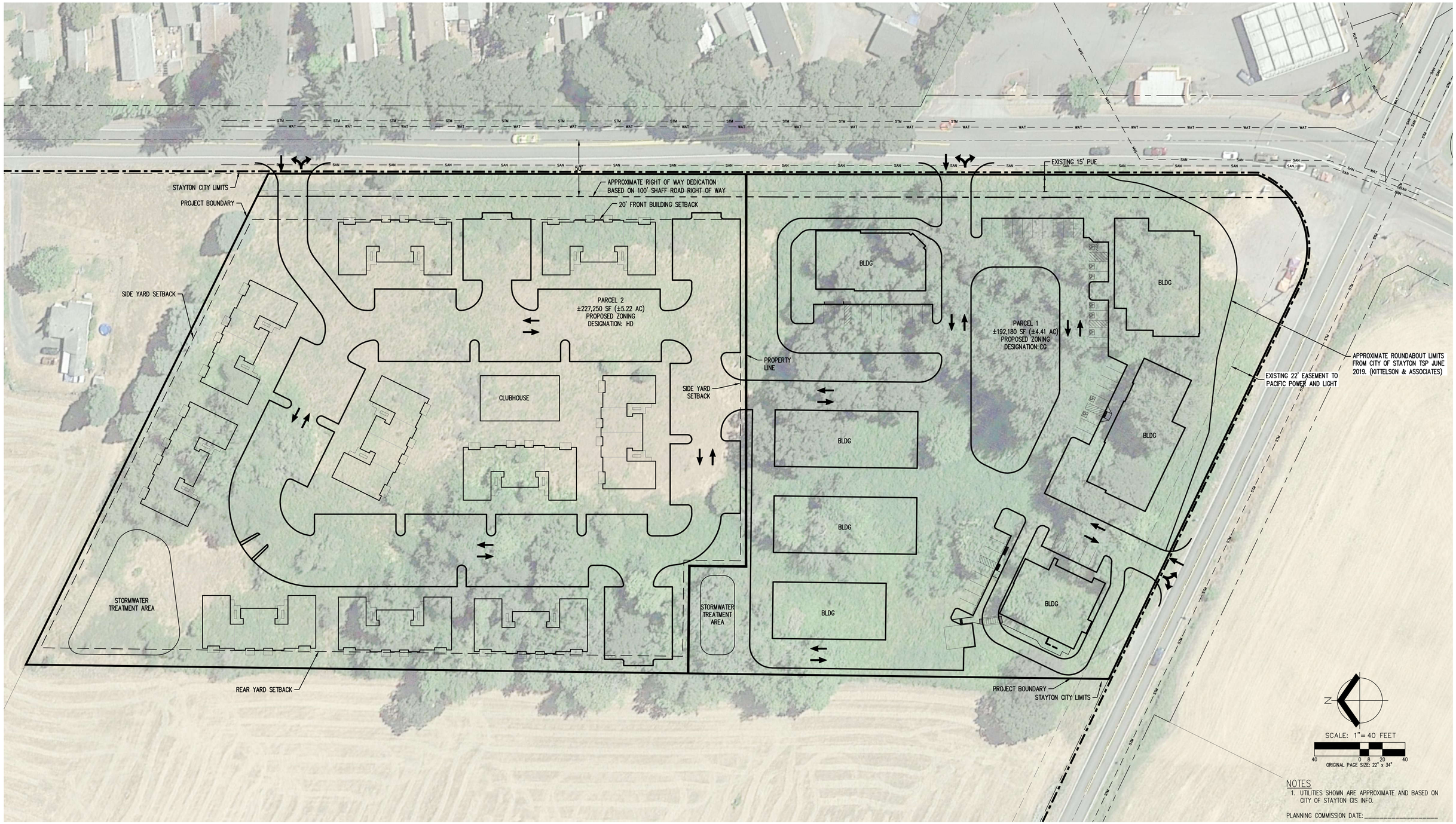
PRELIMINARY COMMERCIAL/RESIDENTIAL OVERALL LAYOUT

SHAFF ROAD AND GOLF CLUB SE

STAYTON, OREGON



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1. UTILITIES SHOWN ARE APPROXIMATE AND BASED ON CITY OF STAYTON GIS INFO.

PLANNING COMMISSION DATE: _____

DATE: 4/24/2020 AKS JOB: 7730

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PRELIMINARY COMMERCIAL/RESIDENTIAL SITE LAYOUT

SHAFF ROAD AND GOLF CLUB SE

STAYTON, OREGON

TECHNICAL MEMORANDUM

DATE: April 24th, 2020

TO: Zach Pelz | AKS Engineering

FROM: Garth Appanaitis, PE and Kelly White | DKS Associates

SUBJECT: Stayton Taxlot #091W04C01700 Annexation TPR Analysis

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The purpose of this memorandum is to address Oregon Administrative Rule (OAR) 660-012-0060, Transportation Planning Rule (TPR), requirements related to the proposed zone change of taxlot 091W04C01700 at the northwest corner of Shaff Road and Golf Club Road in Stayton, Oregon. The site is currently located outside the Stayton city limits and has Marion County zoning of Urban Transitional (UT-20). The annexation process would modify the site zoning to a combination of Stayton designated residential and commercial zoning. Based on the analysis summarized in the following sections, the proposed zone change would increase the site's trip potential but would not create a significant effect on the transportation system.

The change in zoning designation from Marion County's existing UT-20 designation to a combination of Stayton residential (HD) and commercial (CR, CG, or CP) zoning would result in a slight increase in the vehicle trip potential for the site. Additional traffic analysis at a nearby intersection determined that there would not be a significant effect to the transportation system. Therefore, TPR requirements are met.

Additional information is presented in this memorandum based on prior coordination and request from Stayton staff and the City's transportation consultant. The content included in this memorandum is intended to address TPR requirements and is not a full traffic impact study prepared for a proposed development application, which may be required later.

TPR OVERVIEW

The TPR provides a means for ensuring that future land use and traffic growth is consistent with the planned transportation system. The TPR requires that a change in land use does not create a significant impact on the transportation system without a reasonable means available to mitigate such impacts. The TPR can be addressed through a variety of means, but typically compares the change in vehicle trip potential between the allowed use (existing zoning) and proposed use (proposed zoning). In many cases, the reasonable worst-case use (for either the existing of proposed zoning) will not reflect the actual existing use for a site or the specific use that may ultimately be developed on a site. Rather, the reasonable worst case considers the allowed trip

potential for either zoning condition and is rarely development specific (e.g., no site plan, nor intent to use the site for that purpose).

SITE TRAFFIC POTENTIAL

The following sections summarize the trip potential for the site for both the existing and proposed zoning scenarios. The site is under the jurisdiction of Marion County and is located at the northwest quadrant of the Shaff Road / Golf Club Road intersection in Stayton. For the purposes of the TPR analysis, the highest and best use allowed within the existing zoning designations are considered. While considering approximate future development potential, the 9.6-acre lot was assumed to accommodate approximately 9.2-acres of developable area after reductions for stormwater needs and potential right of way dedications[1].

EXISTING ZONING (UT-20) TRAFFIC POTENTIAL

The site is currently zoned as Urban Transitional (UT-20) under Marion County zoning regulations.[2] The following uses are permitted in a UT-20 zone:

- Farm use
- Forest Harvesting purposes
- Child-care home (12 or fewer children)
- Home occupation (one person)
- Wind energy conversion system
- Single-family dwelling or mobile home
- Public utilities
- Bed and breakfast establishments (no more than four rooms and one employee)
- Condominium buildings[3]

The existing UT-20 zoning allows a wide range of land uses in addition to the uses permitted generally in all zones, which includes condominium buildings. Per coordination with Marion County Planning staff members,[4] ordinances for condominium buildings in Marion County include:

- One dwelling unit per 1,500 sq. ft. of net lot area
- Maximum height of 50 feet

---

[1] While these assumptions are the basis for the calculations provided in this memorandum, increasing the developable area to the full 9.6 acres would not change the overall findings.
[2] Chapter 16.13, Urban Transition Zone, Uses, Marion County Code.
[3] Chapter 16.25.100 G, Permitted Uses Generally – Uses permitted in all zones, Marion County Code.
[4] Phone conversation and emails with Marion County Planning staff on April 21st and 22nd, 2020.

Considering the number of dwelling units that could be achieved within this zone, the reasonable worst-case scenario for additional vehicle trips on the roadway system would result from condominium buildings.

ITE *Trip Generation, 10th Edition* was used to estimate vehicle traffic potential for the permitted condominium use. A reasonable worst-case development for a 9.2-acre site would be 211 dwelling units.[5] Assuming condominiums are Multifamily Housing (Low-Rise)[6], the trip potential for the existing zoning in this taxlot is listed in Table 1.[7]

TABLE 1. TRIP POTENTIAL UNDER EXISTING ZONING (UT-20)

	UNITS	PM PEAK HOUR TRIP RATE	AM PEAK HOUR	PM PEAK HOUR	AVERAGE WEEKDAY
CONDOMINIUMS (UT-20) – 9.2 ACRES (ITE CODE 220)	211 DU	0.56 trips/DU	97 trips *(22 in, 75 out)*	118 trips *(74 in, 44 out)*	1,545 trips *(772 in, 773 out)*

PROPOSED ZONING (HD AND CR, CG, OR CP) TRIP GENERATION POTENTIAL

If annexed to the City of Stayton, the proposed zoning for this taxlot would be 5.2 acres of High Density Residential (HD) and approximately 4 acres of either Commercial Retail (CR), Commercial General (CG), or Commerce Park (CP). HD is defined to have a minimum density of 13 units per acre with no upper limit to the maximum allowable dwelling density.[8] A review of the site determined that the reasonable maximum number of dwelling units is 120.

The range of permitted uses under CR, CG, and CP are generally similar, and include:

- Retail stores (gas stations, food & beverage stores, automobile dealers)
- Office uses (banking, finance, doctors and dentists, real estate, general office)
- Entertainment and Recreation uses (fitness and recreation facilities, hotels, eating & drinking places)
- Educational Uses (day cares, public schools, colleges and universities, technical and trade schools)

While the range of uses allowed in CR, CG, and CP provide different trip rates, a general shopping center would provide the reasonable worst case (highest) vehicle trip generation rate for the PM peak hour for each of the commercial zoning designations. **Therefore, for the purposes of this**

[5] 9.1 acres * 43,560 sqf/acre * 0.8 (reduction for internal road system) * 1 DU/1500 sqft = 211 DU)
[6] ITE Land Use Code 220, Multifamily Housing (Low-Rise), defined as apartments, townhomes, and condominiums located within the same building with at least three other dwelling units and one or two levels.
[7] AM Peak = 0.36 trips/DU, PM Peak = 0.44 trips/DU, Average Weekday = 5.44 trips/DU
[8] 17.16.060 District Purposes, Title 17 Land Use and Development Code, City of Stayton.

TPR analysis, the findings would not change if either CR, CG, or CP zoning is ultimately selected for the commercial portion of the site.

The 5.2 acres of HD could accommodate 120 multifamily dwelling units.[9] The remaining approximately 4 acres could accommodate approximately 43,560 sq. ft.[10] of retail shopping center. Trip generation calculations for these uses are listed in Table 2.

INTERNAL AND PASS BY TRIPS

The proposed mix of residential and commercial uses would result in shared internal trips. NCHRP Report 864 methodology was applied to calculate the total internal trip reductions to account for trips that may occur between the two land use types without using the surrounding transportation network. In the PM peak hour, 19 trips were reduced from those entering the residential development and exiting the retail development and 8 trips were reduced from those entering the retail development and exiting the residential development.[11]

Retail developments also include a portion of "pass-by trips." These trips come from traffic that is already using the adjacent roadway for another primary trip purpose but will make a stop at the site of interest on their way to their destination. These trips will add traffic to the site driveways but will not add additional new trips to the surrounding network. For that reason, a certain percentage of the total trips generated by the site are reduced to account for pass-by trips. According to the *ITE Trip Generation Manual*,[12] the percentage of pass-by trips for shopping center land uses is 34% on average.

As listed in Table 2

[9] Refer to footnote 6 for Multifamily Housing (Low-Rise) trip generation equations.
[10] 4 acres * 43,560 sqft/acre * 0.25 FAR = 43,560 sqft
[11] NCHRP 684 Internal Capture Estimation Tool, Page 1-P and 2-P. Attached
[12] *ITE Trip Generation Handbook, 3rd Edition*.

Table 2, the proposed site plan's encouragement of mixed-use access between residential and retail land uses increases the overall trip potential for the taxlot from 118 net new PM peak hour trips to 132 net new PM peak hour trips.

TABLE 2. SITE TRIP GENERATION FOR EXISTING AND PROPOSED ZONING

	UNITS	PM PEAK HOUR TRIP RATE	ENTERING TRIPS	EXITING TRIPS	TOTAL TRIPS
EXISTING ZONING					
CONDOMINIUMS (UT-20) – 9.2 ACRES (ITE CODE 220)	211 DU	0.56 trips/DU	74	44	118
PROPOSED ZONING					
MULTIFAMILY UNITS (HD) – 5.2 ACRES (ITE CODE 220)	120 DU	0.56 trips/DU	42	25	67
		Internal Reduction	*-19*	*-8*	*-27*
			23	17	40
SHOPPING CENTER (CR. CG, CP) – 4 ACRES (ITE CODE 820)	43.56 ksf	3.81 trips/KSF	80	86	166
		Internal Reduction	*-8*	*-19*	*-27*
		Pass-By Trips (Retail Only)	*-24*	*-23*	*-47*
			48	44	92
		Total of proposed zoning	71	61	132
DIFFERENCE BETWEEN EXISTING AND PROPOSED			**-3**	**+17**	**+14**

PRELIMINARY TRAFFIC ANALYSIS

The proposed annexation of this taxlot includes a preliminary site plan[13] and circulation for the 9 acres. Preliminary traffic analysis was conducted to determine the potential impacts to the transportation system under a reasonable worst case of the proposed zoning. The traffic analysis was conducted for the 2040 PM peak hour, consistent with the Stayton Transportation System Plan (TSP) [14] planning horizon. The TSP includes future traffic volume projections and operations.

The intersection of Shaff Road / Golf Club Road was analyzed under 2040 PM peak hour conditions for the following scenarios:

- 2040 Base Scenario (TSP scenario consistent with Comprehensive Plan) [15]
- 2040 Proposed Zoning Scenario

While it was determined that the proposed zoning would result in an increase of 14 net new vehicle trip during the PM peak hour (Table 2), the full portion of site trip potential (132 net new trips) was included to provide a conservative analysis of the transportation impacts.

Prior to full site development, a complete Traffic Impact Analysis should be completed.[16]

TRIP DISTRIBUTION AND INTERNAL CIRCULATION

Trip distribution patterns were assumed to be consistent with traffic patterns identified at the study intersection in the City's TSP:

- 40% of traffic accessing the site to and from the north
- 25% of traffic accessing the site to and from the east
- 35% of traffic accessing the site to and from the south
- 0% of traffic accessing the site to and from the west (low trip generating land uses to the west of the site)

Three driveways are identified in the preliminary site plan, with two accesses onto Golf Club Road (one directly into the residential development, and one directly into the commercial area), and one access onto Shaff Road (directly into the commercial area).

One access point is identified between the residential acreage and the commercial area, providing internal circulation potential between the two land use types.

The resulting turning movements at the site driveways and study intersection are attached.

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[13] Preliminary site plan provided by AKS Engineering from December 2019. Attached.
[14] City of Stayton Transportation System Plan, Adopted June 2019.
[15] Operations with trip potential from the existing zoning of the taxlot were assumed to be included in the TSP scenarios that are consistent with the Comprehensive Plan.
[16] Chapter 17.26.050 – Traffic Impact Study Requirements, Land Use and Development Code, City of Stayton.

STUDY INTERSECTION OPERATIONS

The Shaff Road/Golf Club Road study intersection is reported as operating at 25.3 seconds of average delay and LOS D in the TSP[17]. The intersection is under the jurisdiction of Marion County and has a mobility standard of LOS E.

Intersection traffic analysis was conducted using Vistro and Highway Capacity Manual version 6 procedures for all-way-stop-control. While all technical data inputs (traffic turn movement volumes, peak hour factor, etc.) remained the same as documented in the TSP, the change in analysis software (using the same HCM 6 base methods) resulted in reporting a nominal difference due to software rounding differences. The calculated 2040 PM peak hour Base Scenario in Vistro resulted in a reported operation of 24.2 seconds of average delay (a decrease in 1.1 seconds that would cross the threshold to LOS C).

The (conservative) Proposed Zoning operation would result in 29.7 seconds of delay and LOS D. The intersection operates within its mobility standard of LOS E in both scenarios. No further mitigation is expected for the proposed development.

PROPOSED SITE DRIVEWAY REVIEW

Proposed site driveways were reviewed for preliminary sight distance and access spacing standards.[18]

Intersection sight distance is measured along the major road to the point that coincides with the location of the minor road vehicle. Minimum intersection sight distances must be met at the driveways to ensure the safety of vehicles entering and exiting the development and are calculated using the posted speed of the major roadway. According to AASHTO intersection sight distance requirements for 45mph roadways, the minimum required sight distance is 500 feet.[19] This value applies to all driveways at the proposed site. Given the flat and straight nature of the roadways within study area, intersection sight distance requirements are likely be met at all proposed driveways following site grading and removing/trimming existing vegetation. Prior to full development of the site, AASHTO intersection sight distances should be measured in the field and confirmed by a licensed traffic engineer.

Access spacing standards for the City are described in the TSP by street classification.[20] Golf Club Road is classified as a Minor Arterial, which are required to have a minimum of 300 feet between the nearest driveway and/or street. Both proposed driveways on Golf Club Road in the preliminary site plan are spaced further than 300 feet between the nearest driveway and/or street, with the

---

[17] Table 11 – 2040 Weekday PM Peak hour Intersection Operations, City of Stayton TSP, Volume II, Existing and Future Conditions, page 38. Dated October 9, 2018.
[18] Intersection sight distance and access spacing were approximated using Google Maps on April 22, 2020.
[19] *A Policy on Geometric Design of Highways and Streets, 7th Edition*, American Association of State Highway and Transportation Officials (AASHTO), October 2019.
[20] Table 7 – City Access Spacing Standards, City of Stayton TSP, Volume I, page 46.

closest being the intersection of Golf Club Road / Shaff Road at approximately 360 feet south of the southern driveway. Both driveway locations coincide with existing intersection access points on the east side of Golf Club Road.

Shaff Road is classified as a Collector and is required to have 50 feet minimum between the nearest driveway and/or street. The proposed driveway on Shaff Road is located approximately 375 feet from the nearest intersection, and therefore is expected to meet City access spacing standards.

FINDINGS

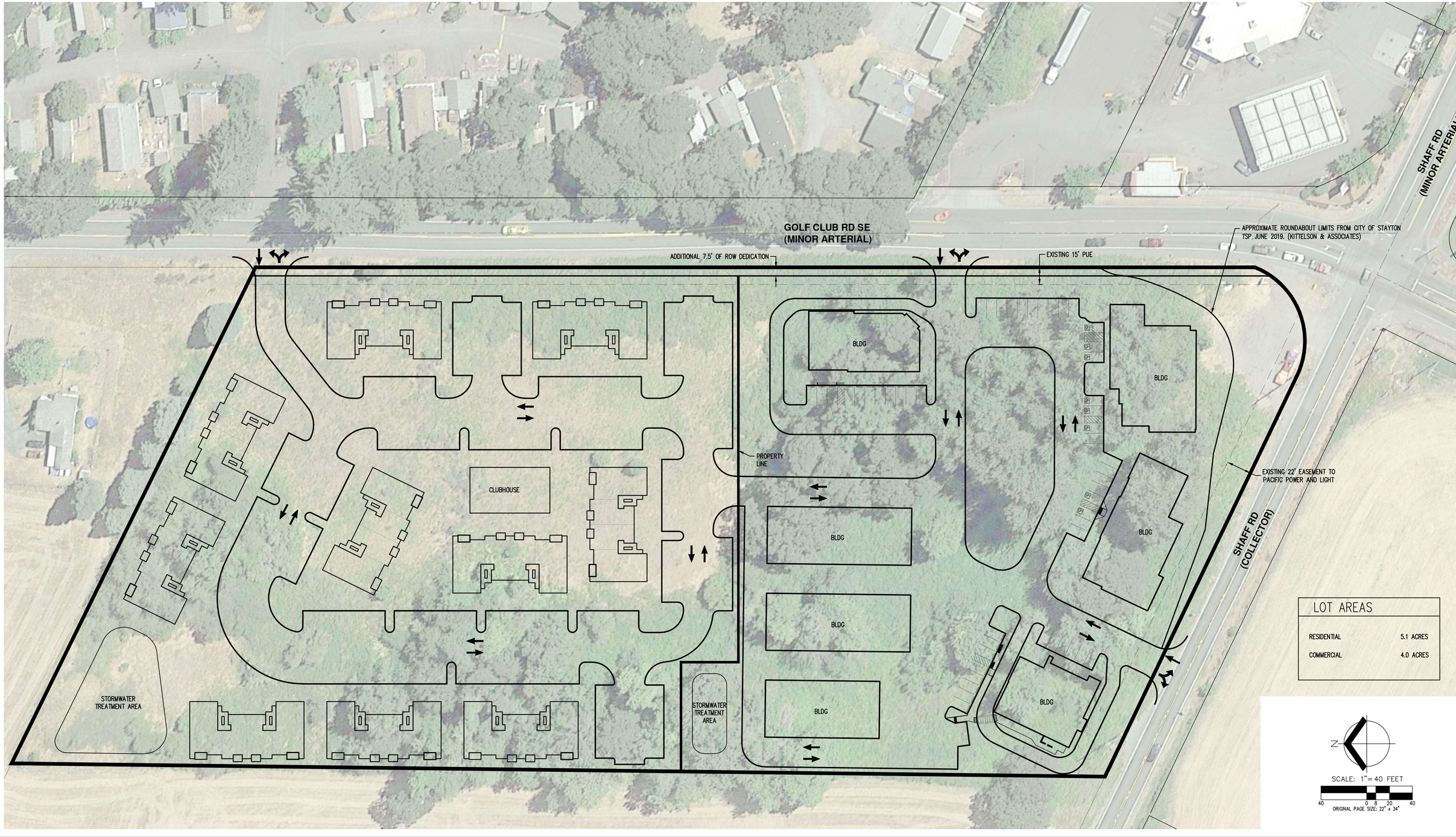
The existing UT-20 zoning under Marion County allows a range of uses for tax-lot 091W04C01700, the reasonable worst-case being condominium buildings. The proposed annexation and zoning from the City of Stayton would allow several uses, including multifamily housing and commercial land uses that would result in a slight increase in trip potential for the site. Preliminary traffic analysis conducted for the adjacent intersection of Shaff Road / Golf Club Road indicates that the intersection would continue to meet Marion County mobility standards with the added traffic of the proposed rezone.

Due to the reported traffic operations at the adjacent intersection continuing to meet mobility standards, the proposed rezone would not result in a significant effect on the transportation system and the TPR requirements of OAR 660-012-0060 are met. Prior to full site development, a complete Traffic Impact Analysis should be completed to address Stayton development requirements.

ATTACHMENTS

The following attachments are included:

- Preliminary site plan (Not specific to TPR assumed reasonable worst case)
- 2040 PM peak hour intersection operations
- Internal trip reduction worksheet



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PRELIMINARY COMMERCIAL/RESIDENTIAL LAYOUT

SHAFF ROAD AND GOLF CLUB SE

STAYTON, OREGON

Intersection Level Of Service Report
Intersection 1: Golf Club Rd / Shaff Rd

Control Type:	All-way stop	Delay (sec / veh):	29.7
Analysis Method:	HCM 6th Edition	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.882

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	1	0	0	1	0	0	0	0	0	1	0	0
Pocket Length [ft]	60.00	100.0	100.0	150.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Speed [mph]	45.00			45.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			Yes		

Volumes

Name												
Base Volume Input [veh/h]	45	264	94	244	331	12	11	66	37	80	43	159
Base Volume Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Heavy Vehicles Percentage [%]	0.00	5.00	2.00	1.00	3.00	17.00	0.00	3.00	0.00	7.00	0.00	3.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	8	16	0	9	13	0	0	11	7	0	6	12
Total Hourly Volume [veh/h]	53	280	94	253	344	12	11	77	44	80	49	171
Peak Hour Factor	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890
Other Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Total 15-Minute Volume [veh/h]	15	79	26	71	97	3	3	22	12	22	14	48
Total Analysis Volume [veh/h]	60	315	106	284	387	13	12	87	49	90	55	192
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

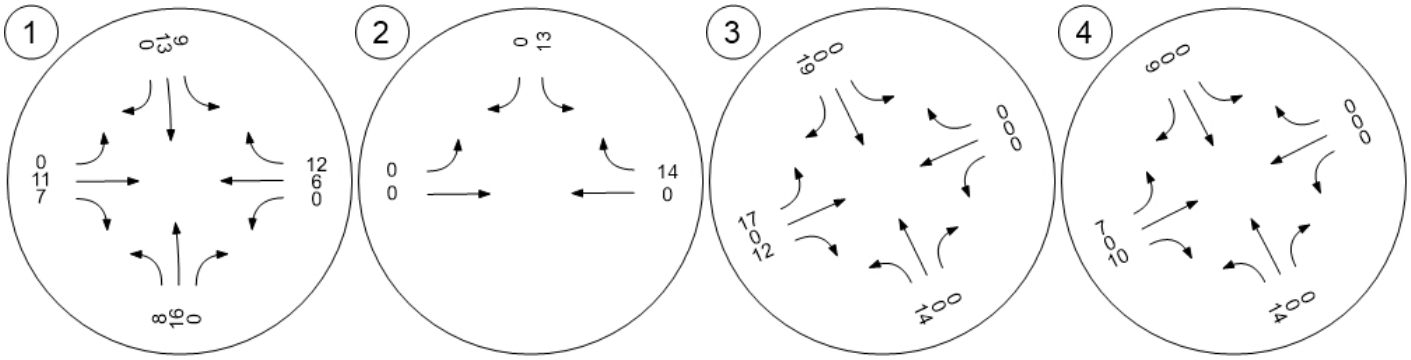
Lanes

Capacity per Entry Lane [veh/h]	441	477	454	483	423	407	467
Degree of Utilization, x	0.14	0.88	0.63	0.83	0.35	0.22	0.53

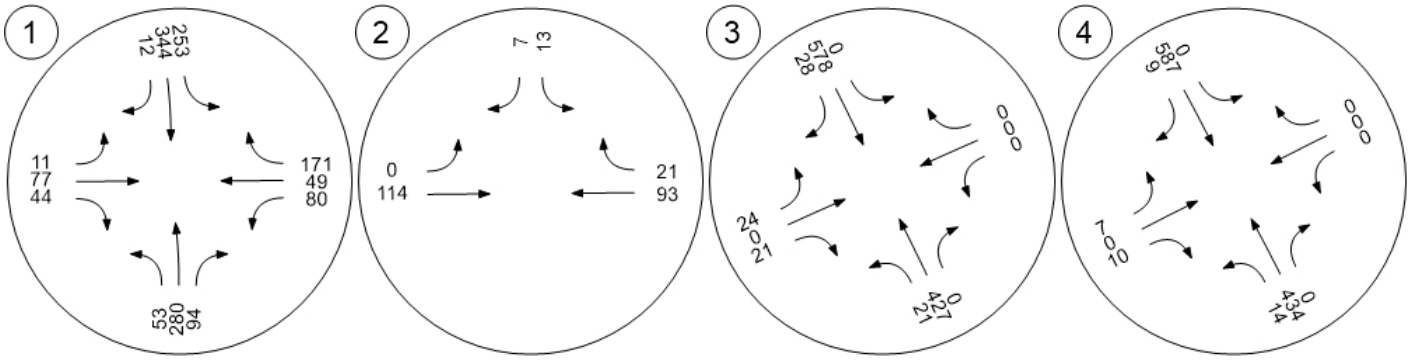
Movement, Approach, & Intersection Results

95th-Percentile Queue Length [veh]	0.47	9.53	4.20	8.10	1.54	0.83	3.03
95th-Percentile Queue Length [ft]	11.69	238.15	104.91	202.43	38.61	20.87	75.74
Approach Delay [s/veh]	40.45		31.05		16.02	17.47	
Approach LOS	E		D		C	C	
Intersection Delay [s/veh]	29.67						
Intersection LOS	D						

Traffic Volume - Other Volume



Traffic Volume - Future Total Volume



Generated with PTV VISTRO

Version 6.00-02

Intersection Level Of Service Report

Intersection 1: Golf Club Rd / Shaff Rd

Control Type:	All-way stop	Delay (sec / veh):	24.2
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.808

Intersection Setup

Name												
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration												
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	1	0	0	1	0	0	0	0	0	1	0	0
Pocket Length [ft]	60.00	100.0	100.0	150.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Speed [mph]	45.00			45.00			35.00			35.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			Yes		

Volumes

Name												
Base Volume Input [veh/h]	45	264	94	244	331	12	11	66	37	80	43	159
Base Volume Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Heavy Vehicles Percentage [%]	0.00	5.00	2.00	1.00	3.00	17.00	0.00	3.00	0.00	7.00	0.00	3.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	45	264	94	244	331	12	11	66	37	80	43	159
Peak Hour Factor	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890	0.890
Other Adjustment Factor	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Total 15-Minute Volume [veh/h]	13	74	26	69	93	3	3	19	10	22	12	45
Total Analysis Volume [veh/h]	51	297	106	274	372	13	12	74	42	90	48	179
Pedestrian Volume [ped/h]	0			0			0			0		

Intersection Settings

Lanes

Capacity per Entry Lane [veh/h]	459	499	474	507	440	421	487
Degree of Utilization, x	0.11	0.81	0.58	0.76	0.29	0.21	0.47

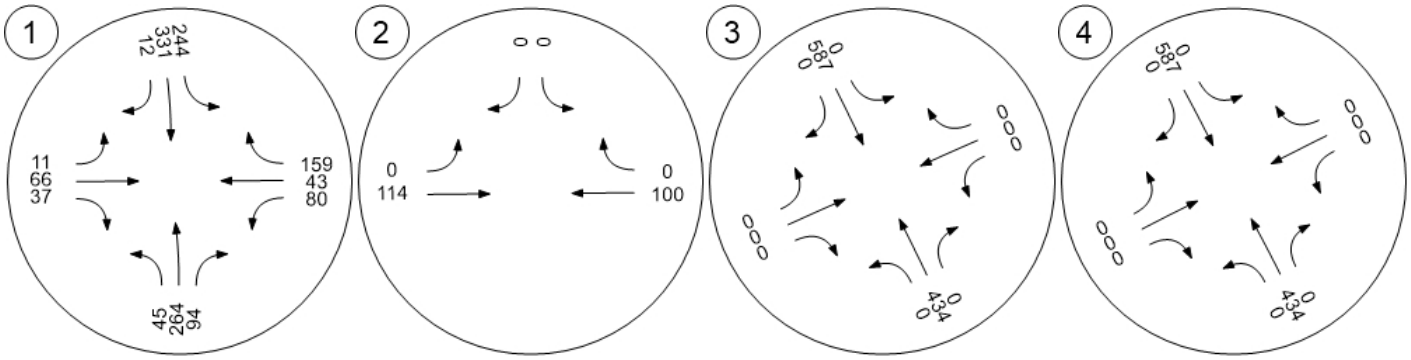
Movement, Approach, & Intersection Results

95th-Percentile Queue Length [veh]	0.37	7.70	3.59	6.62	1.19	0.80	2.44
95th-Percentile Queue Length [ft]	9.31	192.44	89.87	165.40	29.85	20.00	61.03
Approach Delay [s/veh]	31.29		25.29		14.50	15.60	
Approach LOS	D		D		B	C	
Intersection Delay [s/veh]	24.18						
Intersection LOS	C						

Generated with PTV VISTRO

Version 6.00-02

Traffic Volume - Future Total Volume



NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Stayton Shaff Rd TIA Analysis	**Organization:**	DKS Associates
Project Location:	Stayton, Oregon	**Performed By:**	GAA
Scenario Description:	Proposed Zoning	**Date:**	4/24/2020
Analysis Year:	2040	**Checked By:**	GAA, KMW, SMM
Analysis Period:	**PM Street Peak Hour**	**Date:**	4/24/2020

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail				166	80	86
Restaurant				0		
Cinema/Entertainment				0		
Residential				67	42	25
Hotel				0		
All Other Land Uses[2]				0		
				233	122	111

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		0	0	19	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	8	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	233	122	111
Internal Capture Percentage	23%	22%	24%
External Vehicle-Trips[5]	179	95	84
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	10%	22%
Restaurant	N/A	N/A
Cinema/Entertainment	N/A	N/A
Residential	45%	32%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

Project Name:	Stayton Shaff Rd TIA Analysis
Analysis Period:	**PM Street Peak Hour**

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends

Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	0	0	1.00	0	0
Retail	1.00	79.68	80	1.00	86.32	86
Restaurant	1.00	0	0	1.00	0	0
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	42.21	42	1.00	24.79	25
Hotel	1.00	0	0	1.00	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	2		25	3	22	4
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	11	5	0		1
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		6	0	0	2	0
Retail	0		0	0	19	0
Restaurant	0	40		0	7	0
Cinema/Entertainment	0	3	0		2	0
Residential	0	8	0	0		0
Hotel	0	2	0	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)

Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	0	0	0	0	0	0
Retail	8	72	80	72	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	19	23	42	23	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)

Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	0	0	0	0	0	0
Retail	19	67	86	67	0	0
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	8	17	25	17	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

[1]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

[2]Person-Trips

[3]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

ASHLEY ENGINEERING DESIGN

MEMORANDUM

Application Review – 2-Lot Partition of 091W04C, TL01700

City of Stayton – Land Use File No. 5-04/20

TO: Dan Fleishman/*City Planner*

FROM: John Ashley, P.E./*City Engineer*

COPIES: Lance Ludwick, P.E./*Public Works Director*

PROJECT: **Land Use Application Review – 2-Lot Partition at the northwest corner of the intersection of Golf Club Road and Shaff Road, 091W04C- TL01700**

DATE: June 18, 2020

Background

I received a copy of the land use application provided by AKS Engineering and Forestry, LLC., for applicant Stealth Development, LLC., with a request by the City of Stayton to review and respond. The application is for annexation of ±9.63 acres of vacant land, the partitioning of the property into a ±4.41 acre parcel and a ±5.22 acre parcel, and Comprehensive Plan amendment for the ±5.22 acre parcel from Commercial to Residential. The application requests the City assign Commercial General zoning to the commercial portion of the property and High Density Residential to the residential portion of the property. A request to develop the vacant parcel is not included as part of the application.

The following land use application review concentrates on the public works aspects and implications of the application, including anticipated impacts to existing public utilities and recommended public improvements. The review findings and public works recommendations are based on a review of the applicable public works portions of the City of Stayton Municipal Code (SMC) and Public Works Design Standards (PWDS), and does not include a review of any other agency's requirements, or any building or other specialty code requirements covered under such building, plumbing, mechanical, electrical, fire, or any other applicable codes and regulations that may be required for the project.

Should the applicant decide to pursue continuation of development, the Developer will be required to obtain any and all required reviews, approvals, and permits required by the Planning Conditions of Approval, SMC, PWDS, Marion County, DEQ, OHA-DWP, Fire Code Official, Building Official, and/or any other agencies having jurisdiction over the work. As such, the Developer shall coordinate with Public Works, Fire Code Official, Building Official, and other appropriate agencies as necessary. The City of Stayton Municipal Code and Public Works

Standards are available online at http://www.staytonoregon.gov, under the document center and the public works department menus. It is recommended that City Staff review this memorandum in conjunction with their application review.

Project Overview

Project Site and Access

The application shows the location of the development to be within Township 9 South, Range 1 West, Section 4C, TL 01700. The parcel has frontage along both Golf Club Road and Shaff Road. Future vehicular access is shown to be from new accesses into the site along Golf Club Road and a new access along Shaff Road.

Existing Site Topography and Utilities

Existing site topography was not provided with the application site plan; however, the approximate location of existing utilities was provided. GIS mapping and the application narrative indicates that there is an existing 10" sanitary sewer system and an existing 8" water main along Golf Club Road. An adequate storm drainage system is not readily available; however, Golf Club Road and Shaff Road currently have an existing open stormwater ditch system.

Findings

Transportation

- **TIA** – A Transportation Impact Analysis was submitted with the application for the City Traffic Engineer's (Kittelson & Associates) and Marion County Public Work's review. It should be noted that as part of future development, a new TIA will be required in accordance with the most current edition of the PWDS and SMC requirements at the time of development.
- **Right of Way (R/W)** – Right-of-ways shall comply with PWDS 312, Geometric Design Requirements by Street Functional Classification. It should be noted that as part of future development, right-of-ways will need to comply with the most current edition of the City's TSP, PWDS, and SMC requirements at the time of development.
    - ***Golf Club Road*** – Golf Club Road is designated in Figure-8 of the City's 2019 TSP as a Minor Arterial under Marion County jurisdiction. PWDS 312 requires a minimum of 100' of R/W for Golf Club Road. From the tax assessor's map, additional right-of-way is required along the frontage in order to meet the PWDS right-of-way half-width requirement. The standard 10' wide public utility easement is recommended to be provided along the frontage in accordance with the PWDS. Since the frontage is controlled by Marion County, any additional R/W dedication requirements will be as determined by them.

- ***Shaff Road*** – Shaff Road is designated in Figure-8 of the City's 2019 TSP as a Collector under Marion County jurisdiction. PWDS 312 requires a minimum of 80' of R/W for Shaff Road. From the tax assessor's map, additional right-of-way is required along the frontage in order to meet the PWDS right-of-way half-width requirement. The standard 10' wide public utility easement is recommended to be provided along the frontage in accordance with the PWDS. Since the frontage is controlled by Marion County, any additional R/W dedication requirements will be as determined by them.
- ***Intersection of Wilco/Shaff/Golf Club Road*** – The intersection of Wilco Road, Shaff Road, and Golf Club Road is currently all-way stop controlled. As indicated in the City's 2019 Transportation System Plan (TSP), this intersection currently meets signal warrants as prescribed in the Manual for Uniform Traffic Control Devices. As such, the City's TSP recommends a roundabout be provided at this location. Additional right-of-way will be required in order to meet the PWDS right-of-way requirement for the roundabout. Since final engineering design for the roundabout has not yet been completed, it is therefore difficult to establish as part of this partitioning application an actual dedication of right-of-way line requirement that coincides with the final engineering design of the roundabout. Because of this, as part of future development final right-of-ways will need to comply with the City and Marion County approved engineering design for the roundabout and comply with the most current edition of the PWDS and SMC requirements at the time of development.

- **Street Improvements** – It should be noted that as part of future development, street improvements will need to comply with the most current edition of the City's TSP, PWDS, and SMC requirements at the time of development.
- **Transportation System Plan** – As previously mentioned, there are transportation system improvements indentified in the City's 2019 TSP that are necessary along the frontage of this development.

Public Utilities

- **Public Utility Improvements** – It should be noted that as part of future development, public utility improvements will need to comply with the most current edition of the City's public utility master plans, PWDS, and SMC requirements at the time of development.
- **Existing Water Well(s)** – It is recommended that as part of future development, any existing water wells on the property be located and abandoned per Oregon Water Resources Department and OHA-DWP requirements. Prior to well abandonment it is recommended that the City work with the Developer to complete the necessary documentation for the City to assume any existing water rights associated with the well, and have them transferred to the City where applicable and allowed by the Oregon Water Resources Department.

Recommended Public Works Conditions of Approval

1. The City of Stayton Standard Conditions of Approval shall apply. All required easements, agreements, and other documentation required by the Planning Conditions of Approval, SMC, PWDS and other agencies having jurisdiction over the work shall be provided to the City for review and approval prior to final plat approval.
2. It is recommended that prior to final plat approval, the dedication of additional half-width right-of-way shall be shown on the plat along the frontage of Golf Club Road, Shaff Road, and the additional right-of-way necessary to accommodate the roundabout at the Wilco/Shaff/Golf Club Road intersection in accordance with the City's TSP, PWDS, and SMC requirements. The standard 10' wide public utility easement shall be provided along the frontage in accordance with the PWDS.
3. It is recommended that with submission of the final plat for approval, the Developer shall submit to the City for review and approval a Development Deferral Agreement for the street frontage improvements. The Development Deferral Agreement shall specify that frontage improvements are deferred until such time as each parcel is developed, and that the individual responsible for development of the parcel shall be responsible for improving the street frontages in accordance with the PWDS, SMC, and Marion County Public Works Standards in effect at the time of development. The final executed Development Deferral Agreement shall be recorded with Marion County Oregon Deed Records by the Developer concurrently with the recording of the final plat.
4. It is recommended that any existing water wells on the property be located and abandoned per Oregon Water Resources Department and OHA-DWP requirements. Prior to well abandonment, it is recommended that the City work with the Developer to complete the necessary documentation for the City to assume any existing water rights associated with the well, and have them transferred to the City where applicable and allowed by the Oregon Water Resources Department.

Dan Fleishman

From: Bryan Graveline <bgraveline@kittelson.com>
Sent: Thursday, May 14, 2020 12:45 PM
To: Dan Fleishman
Cc: Susan Wright
Subject: RE: Request for Comments on Land Use Application

Hi Dan,

Thanks for sending this our way. Susie and I have reviewed the traffic impact analysis included in the application materials and have found that it satisfies the TPR requirements for the zoning change and comprehensive plan amendment. Specifically:

- We agree with the applicant's decisions regarding reasonable worst-case uses for both existing and proposed zoning and the corresponding trip generations of these uses.
- We agree with the applicant's trip distribution and traffic analysis, and their finding of no significant impact caused by the proposed zone change and comprehensive plan amendment.

Let us know if you have any questions about these findings. Thank you!

Best,

Bryan Graveline, EI
Engineering Associate

I'm working from home in response to COVID-19, but Kittelson is fully operational and responsive to all projects. Please visit our website for more information, and connect with us before sending hard copy mail.

Kittelson & Associates, Inc.
Transportation Engineering / Planning
503.535.7473 (direct)

From: Dan Fleishman <dfleishman@ci.stayton.or.us>
Sent: Friday, May 08, 2020 4:45 PM
To: Adam Maurer <amaurer@santiamhospital.com>; Andy Gardner <Andy.Gardner@nsantiam.k12.or.us>; Brandon Reich <breich@co.marion.or.us>; Brent Stevenson (brents.swcd@wvi.com) <brents.swcd@wvi.com>; Brent Tomlinson <brent.tomlinson@wavebroadband.com>; brian.kelley@nwnatural.com; Bryan Graveline <bgraveline@kittelson.com>; Cooper.Whitman@pacificorp.com; Darrell Hammond (d5h@nwnatural.com) <d5h@nwnatural.com>; David Frisendahl <dfrisendahl@ci.stayton.or.us>; Jack Carriger (Jack.Carriger@staytonfire.org) <Jack.Carriger@staytonfire.org>; Janelle Shanahan <jshanahan@co.marion.or.us>; Jay Alley <jay.alley@staytonfire.org>; John Ashley, P.E. <jashley@ashleyengr.com>; John Eckis <johneckis@sctcweb.com>; John Rasmussen (jrasmussen@co.marion.or.us) <jrasmussen@co.marion.or.us>; Kent Inman <kinman@co.marion.or.us>; Kristi Wheeler <kristi.wheeler@pacificorp.com>; Lance Ludwick <lludwick@ci.stayton.or.us>; Marion Co Planning Div <planning@co.marion.or.us>; Max Hepburn <mhepburn@co.marion.or.us>; MCPW Engineering <mcldep@co.marion.or.us>; Michael Schmidt <mschmidt@ci.stayton.or.us>; Phil Jones <PRJONES@co.marion.or.us>; Robert Lee <rlee@wavebroadband.com>; Susan Wright <swright@kittelson.com>; Troy Wheeler

Marion County
OREGON

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June 18, 2020

Via email: DFleishman@ci.stayton.or.us
City of Stayton, Planning Department
Attn: Daniel Fleishman
362 North Third Ave
Stayton OR 97383

RE: Request for Comments
City Land Use File 5-04/20
ANX / PAR / CP
NWC Shaff Rd / Golf Club Rd consisting of 9.6 Acres

Dear Dan:

This is for an Annexation and Partitioning into 4.4 and 5.2-Ac parcels, followed by a Comp Plan Amendment of the 5.2-Ac parcel from Commercial to HD Residential. Below are MCPW Engineering's Background, Requested Conditions of Approval and Future Advisories for the current proposal and future developments:

BACKGROUND

- Golf Club Road and Shaff Road are inside city limits. Marion County has maintenance jurisdiction and permitting authority over both.
- Golf Club Road fronting the property's east boundary is classified in the City's 2019 TSP as a Minor Arterial and in the County's TSP as an Arterial. Shaff Road fronting the property's south line is classified as a City Collector and a County Arterial.
- The City has future plans to 3-lane Golf Club Road, and including a traffic circle roundabout at the Shaff Road intersection.
- Given the proposed partitioning and varying land uses, it is estimated that development of the subject property has the potential to be staggered.
- A TPR Traffic Assessment Letter was submitted with the application and concurred with by the City's Traffic Engineering Consultant. Based on the preliminary development plan, a TIA would still be required prior to development.

REQUESTED CONDITIONS OF APPROVAL

MCPW Engineering requests the following Conditions of Approval that may overlap with the City's:

A. *On the partition plat, dedicate sufficient public R/W along Golf Club Road meeting the City's Minor Arterial half-width standard and along Shaff Road meeting the County's Arterial half-width standard, including property line corner radius.*

Note: Regarding Shaff Road R/W standard, the County's urban Arterial half-width standard of 42' exceeds the City's Collector half-width standard of 40'. The County's standard is therefore the more stringent of the two, and should thus be applied unless otherwise agreed upon by the agencies.

B. *On the partition plat, 'reserve' sufficient public R/W for the future traffic roundabout outlined in the City's 2019 TSP. Prior to plat recordation, enter into a supporting Agreement with City for future acquisition of the aforementioned additional R/W to be depicted on the plat.*

FUTURE ADVISORIES

C. In conjunction with future application for site development through the City's SPR process, submit a TIA for both parcels as a whole.

D. Prior to future issuance of building permits, design and permit the entirety of adjacent road and utility improvements for both parcels. Prior to future issuance of Certificates of Occupancy, construct aggregate improvements in a single event or as otherwise approved by the permitting agencies.

E. MCPW Engineering will need to co-review future plans for drainage improvements on private property that may outfall to Golf Club Road and/or Shaff Road.

If you have any questions, please contact me at (503) 584-7706.

Sincerely,

John Rasmussen

John Rasmussen
Civil Engineering Associate

C: Lance Ludwick, City PWD, LLudwick@ci.stayton.or.us
John Ashley, Ashley Engineering, jashley@ashleyengr.com

G:\Engineering\LDEng&Permits\Planning Actions\2020\Cities\Stayton\File 5-04_20.docx

June 27, 2020

City of Stayton Planning Commission
362 N. 3rd Avenue
Stayton, OR 97383

RE: 5-04/20
The applicant is requesting annexation of a 9.6-acre parcel into the city limits. The applicant is also requesting the Comprehensive Plan Map designation of a portion of the parcel be changed from Commercial to Residential and preliminary plat approval for partitioning the property into a 4.4 acre parcel and a 5.2 acre parcel

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO are supportive of 5-04/20, the annexation of a 9.6-acre parcel into the city limits. Since 2013, no land annexed into the City has been zoned High Density Residential. The 5.2 acre parcel, zoned as high density, will permit 70 to 120 units to be constructed, and greatly help the City achieve its housing needs. Additionally, the staff report in its entirety was both thorough and thoughtful in its analysis. In the future, we encourage the City to apply this same thoughtfulness to its required Goal 10 findings. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

Sincerely,

Louise Dix

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD

ORDINANCE NO. 1045

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF SHAFF RD AND GOLF CLUB RD; AMENDING THE CITY OF STAYTON COMPREHENSIVE PLAN MAP FROM COMMERCIAL TO RESIDENTIAL; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITION (UT-20) TO CITY OF STAYTON COMMERCIAL GENERAL (CG) AND HIGH DENSITY RESIDENTIAL (HD).

WHEREAS, on April 29, 2020, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, Stealth Development, LLC submitted concurrent applications for annexation of an 9.6-acre parcel of land located at the northwest corner of Shaff Rd and Golf Club Rd, for a comprehensive plan amendment to change the comprehensive plan designation of a portion of that property from Commercial to Residential, and for an Official Zoning Map amendment to assign Commercial General zoning to the portion of the property designated as Commercial and High Density Residential to that portion of the property to be designated as Residential upon annexation;

WHEREAS, a public hearing was held on the applications before the Stayton Planning Commission on June 29, 2020;

WHEREAS, following the public hearing, the Stayton Planning Commission recommended that the annexation be approved; that the comprehensive plan map be amended from Commercial to Residential for a portion of the property; and that Commercial General zoning be applied to the portion of the property designated as Commercial and High Density Residential zoning be applied to that portion of the property to be designated as Residential;

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), and the applicant has requested that the property be zoned Commercial General (CG) and High Density Residential (HD) 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 July 20, 2020;

WHEREAS, notice of the City Council public hearing was published for two successive weeks prior to the hearing in the Stayton Mail;

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 the northwest corner of Shaff Rd and Golf Club Rd, including a portion of the rights 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. 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 enactment of this Ordinance.

Section 4. Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the enactment of this Ordinance, 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 5. 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 6. 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 7. The Stayton Comprehensive Plan Map is hereby amended as follows:

Area to be Changed from Commercial to Residential

Beginning at a point on the centerline of Golf Club Rd which is 552 feet northwest of the Shaff Rd centerline, proceeding S65°38’17”W 376.59 feet; thence N23°40’28”W a distance of 50 feet; thence S66°23’28”W 95.00 feet to a point on the west line Tax Lot 091W04C01700; then continuing northwesterly 585 feet along the west line of Tax Lot 091W04C01700 to the northwesterly corner of Tax Lot 091W04C01700; then easterly along the north line of Tax Lot 091W04C01700 and an extension of the north line of Tax Lot 091W04C01700 to the centerline of Golf Club Rd; thence southeasterly along the centerline of Golf Club Rd to the point of beginning.

Section 8. The Stayton Official Zoning Map is hereby amended as follows:

Newly Annexed Area to be Zoned Commercial General

Beginning at the intersection of the centerlines of Shaff Rd and Golf Club Rd, proceeding northwesterly along the centerline of Golf Club Road 552 feet; thence S65°38’17”W 376.59 feet; thence N23°40’28”W a distance of 50 feet; thence S66°23’28”W 95.00 feet to a point on the west line Tax Lot 091W04C01700; thence southeasterly along the west line Tax Lot 091W04C01700 and an extension of the west line Tax Lot 091W04C01700 to the centerline of Shaff Rd; thence easterly along the centerline of Shaff Rd to the point of beginning.

Newly Annexed Area to be Zoned High Density Residential

Beginning at a point on the centerline of Golf Club Rd which is 552 feet northwest of the Shaff Rd centerline, proceeding S65°38’17”W 376.59 feet; thence N23°40’28”W a distance of 50 feet; thence S66°23’28”W 95.00 feet to a point on the west line Tax Lot 091W04C01700; then continuing northwesterly 585 feet along the west line of Tax Lot 091W04C01700 to the northwesterly corner of Tax Lot 091W04C01700; then easterly along

the north line of Tax Lot 091W04C01700 and an extension of the north line of Tax Lot 091W04C01700 to the centerline of Golf Club Rd; thence southeasterly along the centerline of Golf Club Rd to 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 9. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

Section 10. 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 20th day of July, 2020.

CITY OF STAYTON

Signed: _____, 2020 BY: _____
Henry A Porter, Mayor

Signed: _____, 2020 ATTEST: _____
Keith D. Campbell, City Manager

DRAFT

EXHIBIT A, Annexation Area

A tract of land, and a portion of right-of-way, located in the Southwest One-Quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at the south One-Quarter corner of said Section 4, also being on the centerline of Shaff Road SE; thence along said centerline, North 88º42'41" West 45.23 feet; thence leaving said centerline, North 01º17'19" East 25.00 feet to the City of Stayton city limits line and the Point of Beginning; thence along said city limits and the north right-of-way line of Shaff Road SE, North 88º42'41" West 493.93 feet to the westerly line of Reel 4267, Page 94, Marion County Records; thence along said westerly line, North 23º36'32" West 956.62 feet to the northwest corner of said deed; thence along the north line of said deed, South 88º05'06" East 483.76 feet to the westerly right-of-way line of Golf Club Road SE and said city limits line; thence along said westerly right-of-way line and said city limits line, South 24º17'48" East 956.18 feet to the Point of Beginning.

The above described tract of land contains 9.68 acres, more or less.

EXHIBIT B, Map of Annexation Area

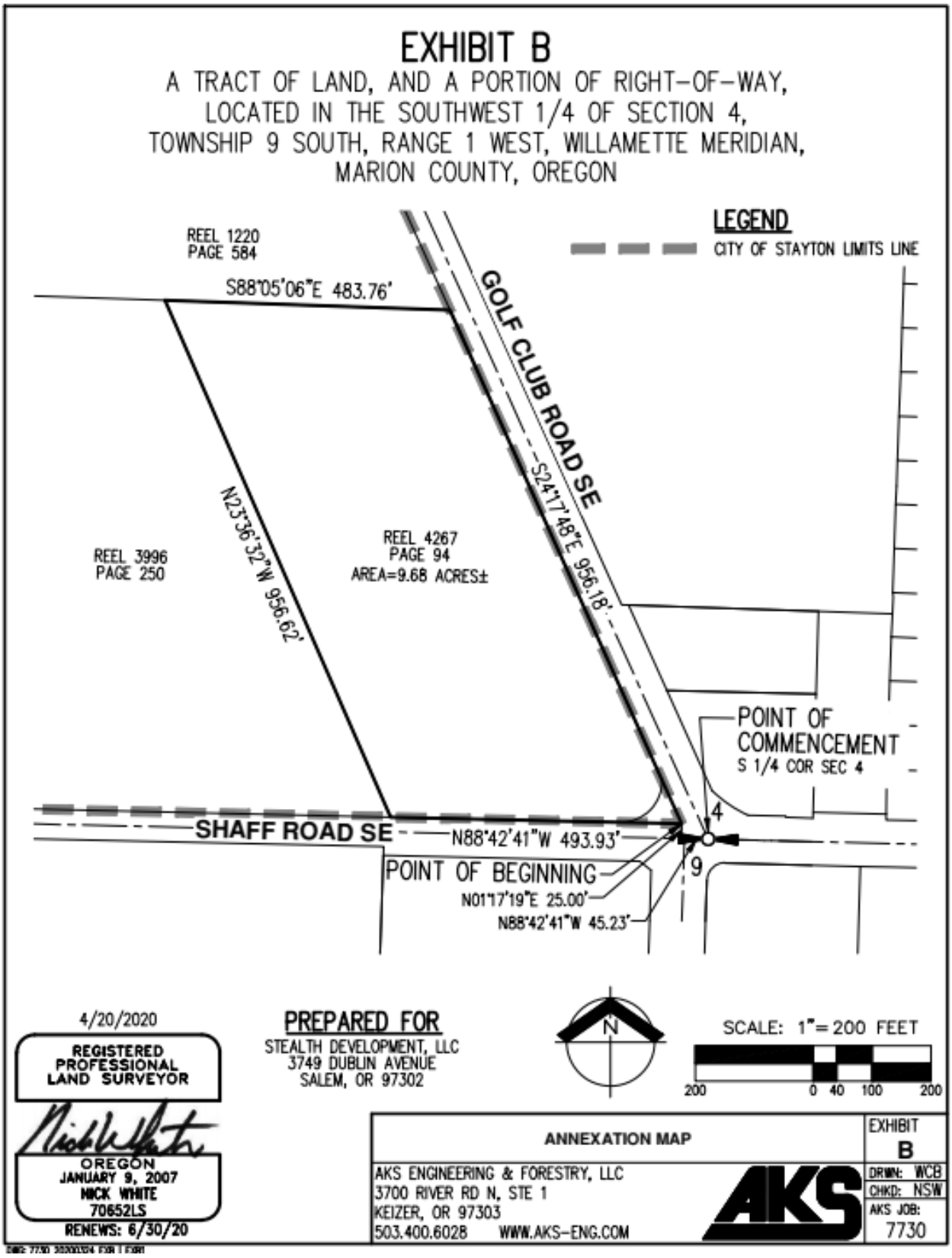


EXHIBIT C, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #5-04/20

A. GENERAL FACTS

1. The owner of the property is State Investments, LLC.
2. The applicant is Stealth Development, LLC, who has received authorization from the owner to proceed with the applications.
3. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 4C, Tax Lot 1700.
4. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20). The property is designated as Commercial by the Stayton Comprehensive Plan Map.
5. The property is located at the northwest corner of the intersection of Shaff Rd and Golf Club Rd. The property is approximately 9.6 acres in area with approximately 956 feet of frontage on Golf Club Rd and approximately 494 feet of frontage on Shaff Rd.
6. The property to the west is located outside of the City Limits, is zoned Marion County Urban Transition, and is a portion of a large acreage used for agricultural production. The property to the north, is located outside of the City Limits, is zoned Marion County Urban Transition, and has a single family dwelling and is used for agricultural production. The properties to the east are inside the City Limits, were annexed in 1976, and are zone Commercial General and Medium Density Residential. One of the properties zoned Commercial General is developed as a convenience store/gas station with car wash. The other property zoned Commercial General is developed as the parking area and driveway for the convenience store. The property zoned Medium Density Residential is developed as a mobile home park. The property to the south is located inside of the City Limits, was annexed in 1976, is zoned Commercial Retail, and is a vacant lot currently used for agricultural production.
7. The property is currently vacant.
8. The proposal is to annex approximately 9.7 acres of land into the City, including a small area of right of way at the intersection. The applicant has also applied for a Comprehensive Plan Map amendment from Commercial to Residential for a portion of the property, and for preliminary plat approval of a two-parcel partitioning. The applicant has proposed that Commercial General zoning be applied to the 4.4-acre parcel at the intersection and that High Density Residential zoning be applied to the 5.2-acre parcel at the north portion of the property. The applicant has not proposed development of the parcel at this time, but has submitted a conceptual plan (referred to below as preliminary site plan) for future development of the parcel, as required by Section 17.12.210.3.b. The preliminary site plan shows multiple commercial buildings on the commercial portion of the property and a multi-family residential development on the residential portion of the property.
9. The Stayton Planning Commission held a public hearing on June 29 on the three concurrent applications for annexation, comprehensive plan map amendment, and partitioning. The Planning Commission is the decision authority on the application for partitioning, but plays an advisory role to the City Council on the applications for annexation and comprehensive plan 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 a portion of the property; and approved the application for partitioning contingent upon the successful conclusion of the annexation and comprehensive plan map amendment. The Planning Commission's order included three conditions, which related to the partitioning.

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 an increase in the site's trip potential but 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, Santiam Water Control District, Wave Broadband, Stayton Cooperative Telephone Company (SCTC), Pacific Power, Northwest Natural Gas, Stayton Fire District, Stayton Police Department, North Santiam School District, Marion County Public Works, and Marion County Planning Division.

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.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the Planning Commission's public hearing and the applications. There was no public testimony at the Planning Commission's public hearing. Written comments were submitted to the Planning Commission from the Fair Housing Council of Oregon. This testimony is addressed in the findings below. The owners of surrounding property were also notified of the City Council's public hearing and notice was published twice in the newspaper and posted on the City's website.

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 31 lots comprising 21 acres of vacant land inside the City limits in the Commercial Retail, Commercial General and Interchange

Development Zones. 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 applicant proposes that 4.4 acres of the property be retained as commercial.

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 40 acres of residential land. Of the land annexed into the City since 2013, no land has been zoned High Density Residential.

Staff has calculated information on current buildable lands as follows. There are currently 83 vacant lots totaling 99 acres within the City limits that are residentially zoned.

Only 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	42	4

The vacant lots in Phase 2 of the Phillips Estates subdivision may not be built on until the developer rectifies problems with the stormwater system in the subdivision.

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 subdivision with four lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County. The Lambert Place subdivision is expected to be platted during the summer of 2020.

Though there are 83 parcels totaling 99 acres in the City and residentially zoned, staff estimates that there are only 50 parcels totaling 57 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 34 lots reasonably available for development. In the MD zone there are 15 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 1,050 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 541 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 all of the existing vacant land in the City and 60 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

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 intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection.

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 along the west right of way of Golf Club Rd and to the south along the north right of way of Shaff Rd.

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 and west of the subject property are farm fields, not yet annexed into the City, but within the Urban Growth Boundary. The surrounding property to the north and west is designated Residential by the Comprehensive Plan Map. To the east, across Golf Club Road is a mix of commercial development and medium density residential development. To the southeast, is a shopping center with a mix of retail and restaurants. To the south is undeveloped land zoned for commercial uses. 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 describes the purpose of the Commercial designation as proving areas for retail, service, office and other commercial activities. The Plan indicates that the areas around the Highway 22 interchanges shall be oriented towards commercial uses that serve

the traveling public. However, no other direction is provided in the Plan as to the location of commercial areas.

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: At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing.

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 Residential would potentially decrease the amount of land available for employment opportunities. However, the Comprehensive Plan noted that there were 23 vacant lots zoned commercial with a total area of 19 acres in the City. The Planning Department reports that there are currently 22 vacant commercially zoned parcels with a total area of 28 acres. Two of these parcels have received site plan approval for development, accounting for 9 acres, but the building permits have not yet been issued. The reduction of 5 acres of commercial land will have no noticeable impact on the overall availability to promote economic activity. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would provide for additional opportunities for the construction of multi-family housing. Zoning the 5.2 acre parcel as HD, as requested, would permit 70 to 120 units to be constructed.

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 Garth Appanaitis, PE. The analysis concluded proposed comprehensive plan amendment and zone map amendment would result in an increase in the site's trip potential but would not create a significant effect on the transportation system. 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: There is a total of 147 acres of land in the UGB designated as Commercial. The Comprehensive Plan was drafted before the annexation and Comprehensive Plan Map amendment of the Hillyer Ford property on Golf Lane. The Comprehensive Plan indicates that there were 6

buildable acres of land inside the UGB, and outside of the City Limits designated as commercial. Since that time, there have been about 8 acres of land annexed and designated Commercial. Staff reports that currently there are 18 acres of land inside the UGB and outside the City designated as Commercial. Staff reports there are currently 32 acres of vacant land designated Commercial within the City Limits. Since adoption of the Comprehensive Plan in 2013 there have been five new commercial buildings constructed. One was a new building in a shopping center complex. The other four new buildings were on a combined total of 3.7 acres of land.

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 intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection.

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 a farm field that part of a larger parcel, the majority of which is located west of the Salem Ditch and outside of the Urban Growth Boundary. The portion of this parcel that is within the Urban Growth Boundary is designated Residential by the Comprehensive Plan. The property to the north is a farm field, that is designated Residential by the Comprehensive Plan. To the south, across Shaff Road, the property is zoned Commercial Retail and currently used as a farm field.

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 portion of the property to be designated Residential by the amended Comprehensive Plan Map be zoned high Density Residential and that the portion of the property to retain Commercial designation be zoned Commercial General.

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 intersection. There is a 10-inch sewer main on the west side of Golf Club Road that extends approximately 400 feet northwest of the intersection. The Stayton Police Department, Pacific Power, North Santiam School District, Stayton Fire District, Stayton Cooperative Telephone, Northwest Natural, and Wave 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 Garth Appanaitis, PE. The analysis concluded proposed comprehensive plan amendment and zone map amendment would result in an increase in the site's trip potential but would not create a significant effect on the transportation system. 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 Table 6-10 projected the need for an addition 174 units of multi-family housing between 2010 and 2030. Since that time there have been only four units of multi-family housing constructed. The sole vacant parcel zoned for multi-family housing in the City Limits has the capacity for 50 to 60 units. Policy HO-1 is to encourage development of housing that meets the needs of all income groups. One of the implementation actions for this policy is to assure that an adequate supply of land in all residential zones. At present there is only one vacant parcel zoned High Density Residential. Without zoning newly annexed land as HD or rezoning other land already in the City to HD, there would not be adequate land available to meet the projected need for multi-family housing. Zoning the 5.2 acre parcel as HD would permit 70 to 120 units to be constructed.

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 20 vacant parcels zoned Commercial with a total area of 24.6 acres. Two of these parcels have received site plan review approval for development, but a building permit has not yet been issued. The proposed amendment would not eliminate any vacant land zoned commercial, because the subject property is not currently in the City. There is currently only one vacant parcel zoned High Density Residential.

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

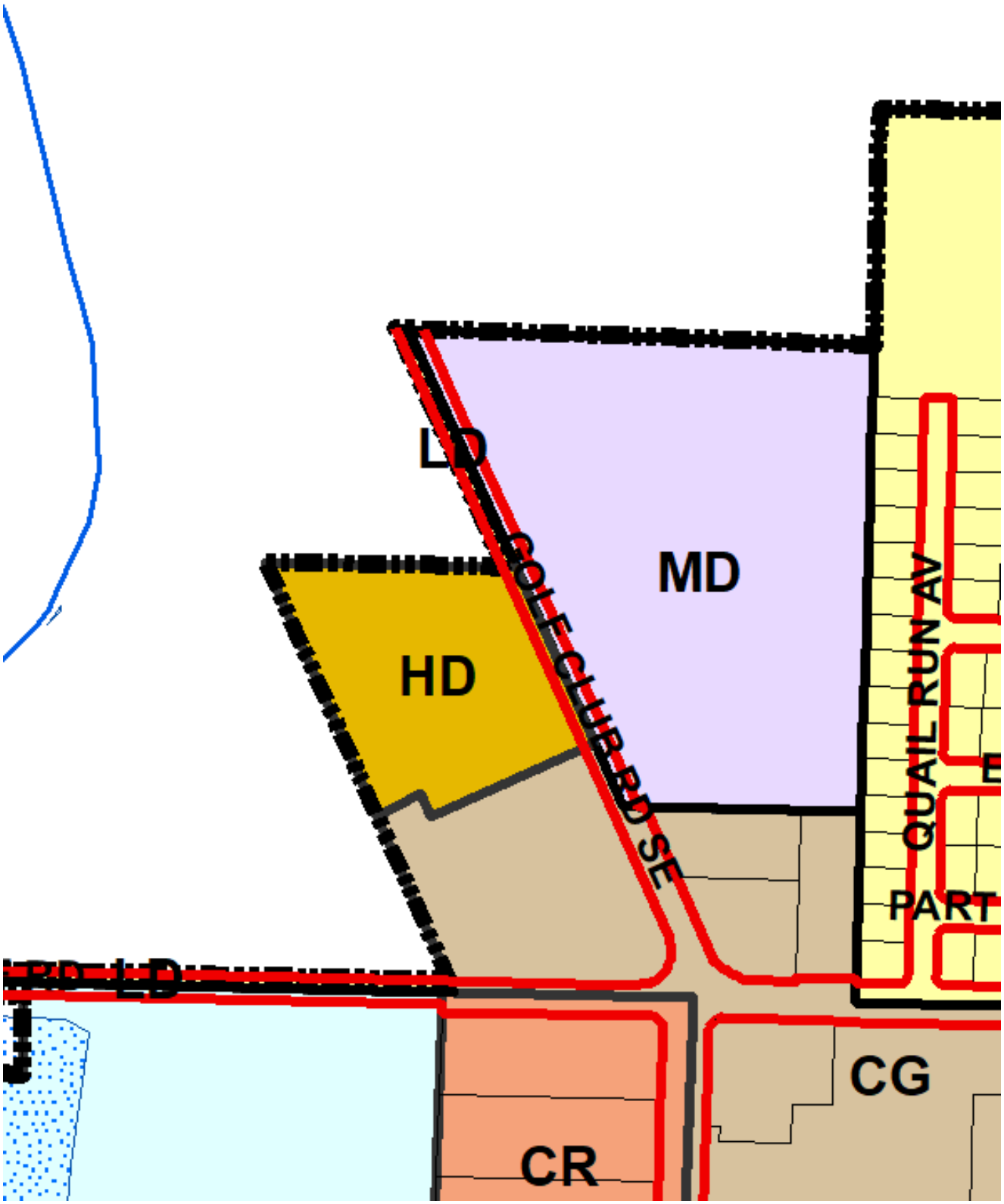
Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on May 8, more than 35 days prior to the Planning Commission's first hearing.

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 flat and would allow for a wide variety of development opportunities.

The property to the west is a farm field that part of a larger parcel, the majority of which is located west of the Salem Ditch and outside of the Urban Growth Boundary. The portion of this parcel that is within the Urban Growth Boundary is designated Residential by the Comprehensive Plan. The property to the north is a farm field, that is designated Residential by the Comprehensive Plan. To the south, across Shaff Road, the property is zoned Commercial Retail and currently used as a farm field.

EXHIBIT D, EXCERPT FROM OFFICIAL ZONING MAP



CITY OF STAYTON

M E M O R A N D U M

TO: **Mayor Henry A. Porter and the Stayton City Council**

FROM: **Keith Campbell, City Manager**

DATE: **July 20, 2020**

SUBJECT: **Res. 1012, Five-Year Local Option Tax for Partial Support of the Library, Pool, and Parks Programs**

ISSUE

Resolution No. 1012, calling for a measure election to submit to the electors of the City of Stayton the question of a five-year local option tax, levying a tax rate of $0.65 per thousand of assessed value, beginning fiscal year 2021-2022, to be placed on the ballot for the May 19, 2020 Primary Election, for partial support of the City's Library, Pool, and Parks programs.

BACKGROUND INFORMATION

The City has determined there will continue to be a need for a local option tax levy to maintain current levels of service, operations, and to assist with capital improvements for the Stayton Public Library, Stayton Family Memorial Pool, and local parks and trails. Stayton has relied on Local Option Tax levies for this purpose continuously since 1999 at a rate of $0.60 per $1,000 of assessed value. The need for Local Option Tax levies results from the statewide tax limitation measures, Measures 47 and 50, passed in 1996 and 1997 respectively.

The proposed 5-year Local Option Tax will implement a $0.05 increase per $1,000 of assessed value, going from $0.60 to $0.65 per $1,000 of assessed value. The levy will begin in the 2021-22 fiscal year and continue through the fiscal year 2025-26.

On the May 19th, 2020 General election a levy proposal at $0.70 per $1,000 of assessed value was defeated by a vote of 1,021 - 1,147 (47.09% - 52.91%). The City only has two more opportunities to attempt to pass the levy prior to the expiration of the current levy. The possible dates are November 3rd, 2020 or May 18th, 2021.

City staff met with stakeholders of the Library, Pool, and Parks to discuss the best way to move forward to attempt to successfully pass the levy. The groups unanimously recommend placing the levy on the November 3rd ballot. The group also agreed with lowering the amount on the

Levy. The group considered a graduated yearly increase to the levy, but legal counsel deemed this option was not allowed by the State.

There is not a more challenging or difficult time to attempt to pass a levy than during a Presidential Election. Failure in November could lead to ballot fatigue in the spring of 2021 from voters who will no longer continue to support a levy vote after consecutive failures. It is anticipated that the spring of 2021 could mean that the City is on the ballot with two other major local taxing entities, both seeking taxpayer support of their respective entities. The short- and long-term uncertainty of the financial impacts of COVID-19 causes an additional challenge as voters may be unwilling to support a levy during fiscal downturn or an uncertain financial future.

FISCAL IMPACT

The proposed rate will raise approximately $395,429 in 2021-22, $407,292 in 2022-23, $419,511 in 2023-24, $432,096 in 2024-25, and $445,059 in 2025-26 for a total of $2,099,388.

Failure to pass the Levy prior to the expiration of the current Levy will have a devastating impact on the operations of the City's quality of life amenities. The Pool would have to be closed, operations, services, and programs of the Library would have to be significantly reduced, and support of the operations of our parks would be curtailed.

MOTION(S)

1. Motion to approve Resolution No. 1012 as presented.
2. Motion to approve Resolution No. 1012, with the following modifications…

RESOLUTION NO. 1012

A RESOLUTION CALLING FOR A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY OF STAYTON THE QUESTION OF A FIVE-YEAR LOCAL OPTION TAX, LEVYING A TAX RATE OF $0.65 PER THOUSAND OF ASSESSED VALUE, BEGINNING FISCAL YEAR 2021-2022, TO BE PLACED ON THE NOVEMBER 3, 2020 PRIMARY ELECTION BALLOT, FOR PARTIAL SUPPORT OF THE CITY'S LIBRARY, POOL, AND PARKS PROGRAMS

WHEREAS, the City of Stayton has determined there will continue to be insufficient revenues in fiscal years 2021-22 through 2025-26 to ensure adequate funding of mandated City functions and still properly allow for other programs directed toward providing or enhancing desirable levels of recreational and leisure services to Stayton residents;

WHEREAS, the Stayton City Council has determined that $1,660,000 in additional revenue sources, not presently available within the permanent tax rate imposed by the State of Oregon Constitution are necessary, over the five fiscal years starting July 2021, to partially fund the City's Parks, Library and Pool programs;

WHEREAS, State of Oregon Ballot Measures 47 and 50, passed by Oregon voters on November 5, 1996 and May 20, 1997, respectively, provide the framework and limitations for voter-approved local option taxes;

WHEREAS, consecutive local option tax measures, for similar purposes, were approved by Stayton voters on November 3, 1998, May 21, 2002, May 18, 2004, May 20, 2008, May 15, 2012, and May 17, 2016 respectively;

WHEREAS, it is the Stayton City Council's desire to submit a ballot measure for the November 3, 2020 Statewide Primary Election, for a five-year local option tax, to the registered voters of the City of Stayton for approval.

NOW THEREFORE, THE STAYTON CITY COUNCIL RESOLVES AS FOLLOWS:

1. A measure election is hereby called for the purpose of submitting to the electors of the City of Stayton ("City") the question of a five-year local option tax at the fixed rate of $0.65 per thousand of assessed value, within the limitations of Article XI, Section 11b of the Oregon Constitution, beginning in Fiscal Year 2021-2022.

2. The measure election hereby called shall be held in the City on the 3rd day of November, 2020. As authorized by the County Clerk of Marion County, Oregon, and the Oregon Secretary of State, the election shall be conducted by mail pursuant to applicable state law.

3. The City authorizes its City Manager ("Authorized Representative"), or a designee of the Authorized Representative, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

4. The following is hereby approved as the official Ballot Title:

Referred to the People by the City Council

Title: Five Year Local Option Tax for Library, Pool, Parks Support

Question: Should City of Stayton impose $0.65 per $1,000 of assessed value for operations for five years beginning in 2021-2022? This measure may cause property taxes to increase more than three percent.

Summary: The City of Stayton is seeking a five-year local option tax of $0.65 per $1,000 of assessed value, beginning Fiscal Year 2021-2022, to continue funding of parks, library, and swimming pool programs.

The proposed tax will take the place of the existing four-year local option tax passed in 2016, which ends Fiscal Year 2020-21.

The levy is necessary to maintain current levels of service, operations, and assist with capital improvements for the Stayton Public Library, Stayton Family Memorial Pool, and local parks and trails.

The proposed rate will raise approximately $395,429 in 2021-22, $407,292 in 2022-23, $419,511 in 2023-24, $432,096 in 2024-25, and $445,059 in 2025-26 for a total of $2,099,388.

5. Pursuant to ORS 250.275(5) and 250.285, the City Elections Officer shall publish in the next available edition of *The Stayton Mail*, or in some other newspaper of general distribution within the City, a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the title is filed with the City Elections Officer in a form approved by law.

6. Pursuant to ORS 254.095(2) the City directs the City Elections Officer to deliver appropriate notice and the Ballot Title to the Marion County Elections Office immediately following approval of this Resolution by the Stayton City Council.

7. Pursuant to ORS 251.345, the City shall file, prior to applicable filing deadlines, an impartial Explanatory Statement for the local Voter's Pamphlet. The Explanatory

Statement shall be not more than 500 words and shall be a fair and impartial statement describing the proposed measure and the reasons for it.

8. This Resolution shall take effect immediately upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL 20TH DAY OF JULY 2020.

CITY OF STAYTON

Date:_____ By: _____
Henry A. Porter, Mayor

Date:_____ Attest: _____
Keith D. Campbell, City Manager

CITY OF STAYTON

M E M O R A N D U M

TO: **Mayor Henry Porter and the Stayton City Council**

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

DATE: **July 20, 2020**

SUBJECT: **Cooperative Agreement with Marion County for Community Development Block Grants**

ISSUE

The issue before the City council is a draft agreement with Marion County regarding Community Development Block Grants for the fiscal years 2021 through 2023.

BACKGROUND INFORMATION

The Community Development Block Grant (CDBG) program is a federal program through which Congress allocates funding for local governments for the support of activities around housing, neighborhood stabilization, and expanded economic opportunities. Activities funded through the CDBG program must benefit persons of low and moderate income, as defined by the federal guidelines.

The federal Department of Housing and Urban Development (HUD) distributes CDBG funds in two different categories. Larger units of local government (cities with a population over 50,000 and counties with a population over 200,000 outside of a metropolitan city) receive funds directly from the federal government. The larger governments, known as entitlement communities, determine how to spend the funds to meet local needs within the federal guidelines. Secondly, states receive funds from HUD to distribute to smaller units of local government. Each state devises its own "Small Cities" program rules and funding categories, within the federal guidelines. In the past, when Stayton has received CDBG funding, it has applied to the State of Oregon and competed with other communities across the state for the funding.

Marion County has recently crossed the population threshold to become an entitlement community. This means it will receive a direct appropriation from HUD and has notified the 19 small cities within the County that we have the option of participating in a countywide program or continuing to compete statewide for CDBG funding.

Choosing to participate in a countywide program will allow the City of Stayton to influence the programs and activities funded through the program. There are a number of activities

permitted by federal rules that Oregon has chosen not to include in the small cities CDBG program. Two examples that may benefit Stayton are infrastructure investment to promote economic development and neighborhood oriented public facilities improvements.

Currently, Salem is the only entitlement community in the county. When Marion County becomes an entitlement community, Salem will continue to have its own programs and not be included in the Marion County programs. The County program will cover all of the county other than Salem. County staff reports that all but the smallest few cities in the county have already chosen to participate. Failure to enter into a cooperative agreement means that Stayton will have no influence on the County's programs and will not be eligible for CDBG funding.

Attached is the Cooperation Agreement proposed by Marion County. In summary, the agreement would last for a three-year period, states that

- the City and County will work together on issues around CDBG, the HOME Investment partnership Program (federal funding to create affordable housing for low-income neighborhoods), and the Emergency Solutions Grant Program (funding to address homelessness issues);
- the County has the responsibility to selecting activities and submitting a Consolidated Plan for the three programs to HUD;
- the County is the responsible entity for administration of the programs;
- the City will no longer be able to apply for small cities funding through the State;
- the County will include the City in development of plans and programmatic funding; and
- the County will allow the City to carry the activities provided for in the plans.

RECOMMENDATION

Staff recommends the City enter into the cooperative agreement with Marion County.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. **Choose to enter into an agreement with Marion County**

   Move that the City of Stayton enter into a cooperative agreement with Marion County for the administration of Community Development Block Grant for the 2021, 2022, and 2023 federal fiscal years and authorize the City Manager to execute the agreement.

2. **Choose to not enter into an agreement with Marion County**

   Move that the City of Stayton not enter into a cooperative agreement with Marion County for the administration of Community Development Block Grant.

COOPERATION AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THREE FEDERAL FISCAL YEARS 2021-2023

This Cooperation Agreement for Community Development Block Grant Funds "AGREEMENT" is made and entered into this _____ day of July, 2020, by and between Marion County, a subdivision of the State of Oregon, hereinafter referred to as "COUNTY", and the City of Stayton, a municipal corporation within County, hereinafter referred to as "CITY".

WHEREAS, the Housing and Community Development (HUD) Act of 1974, as amended (24 U.S.C. 93-383 et seq.), "ACT", provides that Community Development Block Grant, hereinafter referred to as "CDBG", funds may be used for the support of activities that provide decent housing and suitable living environments and expanded economic opportunities principally for persons of low- and moderate-income; and,

WHEREAS, CDBG regulations allow contiguous units of general government to join together to qualify as an urban county under the CDBG program; and,

WHEREAS, any urban county and metropolitan city located within that county can ask HUD to approve the inclusion of the metropolitan city as part of the urban county for purposes of planning and implementing a joint community development and housing assistance program; and,

WHEREAS, HUD requires that the County and City enter into a Cooperation Agreement for joint participation in the CDBG Program, the HOME Investment Partnership Program, and Emergency Solutions Grants Program (ESG) for Fiscal Years 2021 through 2023 to define their rights and obligations as a prerequisite to participation in the CDBG program; and

WHEREAS, the CDBG regulations issued pursuant to the Act provide qualified urban counties must submit an application to HUD for funds, and cities and smaller communities within the metropolitan area not qualifying as metropolitan cities may join County in said application and thereby become a part of a more comprehensive County effort; and

WHEREAS, City and County wish to enter an Agreement for a successive three-year period effective in 2021; and

WHEREAS, the proposed Agreement is consistent with City and County policies encouraging cooperation between parties on issues of regional significance such as affordable housing; and

WHEREAS, it is the desire of County and City that this Agreement be automatically renewed every three years unless County or City elect not to participate in the urban county program in an upcoming qualification period; and

WHEREAS, the United States Department of Housing and Urban Development, will review and certify this Agreement in order to assure compliance with HUD requirements; and,

WHEREAS, as the urban county applicant, County must take responsibility and assume all obligations of an applicant under federal statues, including: the analysis of needs, the setting of objectives, the development of community development and housing assistance plans, the consolidated plan, and the assurances of certifications; and

WHEREAS, by executing this Agreement, the Parties hereby give notice of their intention to participate in the urban county CDBG, HOME, and ESG Programs.

NOW THEREFORE, in consideration of the mutual promises, recitals and other provisions hereof, the parties agree as follows:

1. GENERAL

County and City agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing; economic development, neighborhood facilities, housing rehabilitation, and other appropriate housing assistance to primarily benefit lower and moderate income people. This Agreement includes participation in the Community Development Block Grant (CDBG), the HOME Investment Partnership Program and the Emergency Solutions Grants (ESG) Program.

2. TERM

The term of this Agreement shall be for Federal Fiscal Years 2021, 2022, and 2023 after which the term shall be automatically renewed unless action is taken by City to terminate this Agreement. As provided by HUD rules and regulations, this Agreement shall automatically be renewed for participation in successive three-year qualification periods, unless County or City provides written notice it elects not to participate in a new qualification period, provided however, that this Agreement shall remain in effect until CDBG, HOME and ESG funds and income received with respect to the three-year qualification period are expended and the funded activities completed. County and City cannot terminate or withdraw from this Agreement while the Agreement remains in effect. County and City may not withdraw from this Agreement prior to expiration of Federal Fiscal Year 2023.

By the date specified in HUD's urban county qualification notice for a subsequent qualification period, County will notify City in writing of its right not to participate. Should there be changes necessary to meet the requirements for cooperation agreements set forth in the urban county qualification notice applicable for a subsequent three-year urban county qualification period, amendment(s) to this Agreement shall be executed between County and City. Such amendment(s) shall be submitted to HUD; failure to do so will void the automatic renewal of such qualification period.

3. APPLICANT RESPONSIBILITY

a. County has final responsibility for selecting CDBG, HOME, and ESG activities and submitting the Consolidated Plan to the Department of Housing and Urban Development.

   County and City shall take all actions necessary to assure compliance with the urban county's certifications under Sections 104(b) of Title I of the Housing and Community Development Act of 1974, that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act and will affirmatively further fair housing. See 24 CFR 91.225(a) and 5.105(a). County and City will comply with

section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and Section 3 of the Housing and Urban Development Act of 1968. County and City agree to comply with all other applicable laws.

County shall not provide CDBG, HOME or ESG funds for activities in, or in support of, any cooperating city that does not affirmatively further fair housing within its own jurisdiction or for activities that impede County's actions to comply with its fair housing certification.

b. Further, pursuant to 24 CFR 570.501(b), County, as applicant, has the responsibility for ensuring that CDBG, HOME and ESG funds are used in accordance with all program requirements, for determining the adequacy of performance under agreements and procurement contracts, and for taking appropriate action when performance problems arise. Therefore, before disbursing any CDBG, HOME or ESG funds to City or projects in the City, County will require City, and City agrees to enter into a written agreement for each individual project.

c. City may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but, must use such funds for activities eligible under Title I of the Act. This new requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriation Act, 2014, pub. L113-76.

4. CITY SUBJECT TO SAME REQUIREMENTS AS SUBRECIPIENTS:

Pursuant to 24 CFR 570.501(b), the City is subject to the same requirements applicable to sub recipients, including the requirements of a written agreement set forth in 24 CFR 570.503.

5. THE CITY AFFIRMS THAT IT HAS ADOPTED AND IS ENFORCING:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations;

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

6. BY EXECUTING THIS AGREEMENT, THE CITY UNDERSTANDS THAT IT:

a. May not apply for grants from appropriations under the Small Cities or State CDBG Programs for fiscal years during the period in which it participates in the urban county's CDBG program;

b. May receive a formula allocation under the HOME Program only through the urban county. Thus, even if Marion County does not receive a HOME formula allocation, City cannot form a HOME consortium with other local governments. This does not preclude County or City from applying to the state for HOME funds, if the state allows; and

c. May receive a formula allocation under the ESG Program only through the urban county, although this does not preclude the urban county or a unit of government participating with the urban county from applying to the State for ESG funds, if the state allows.

7. COUNTY'S RESPONSIBILITY TO CITY

In addition to the foregoing obligations, County agrees:

a. County shall, in preparing future plans under the Act, solicit to the extent allowed by the Act and all lawful HUD regulations, City's participation in the development of such future plans which refer to City's activities under the Act.

b. In accordance with instructions from HUD, County agrees to permit City to carry out the essential community development and housing assistance activities provided for in the application and in future plans.

c. County agrees to distribute funding it receives in accordance with the terms and provisions therein contained, or in accordance with such terms and conditions as required by the Act of HUD.

8. CITY'S RESPONSIBILITIES TO COUNTY

In addition to the foregoing obligations:

a. City agrees to expend any funds received by virtue of any of urban county's plans only in accordance with the terms and conditions stated therein, or amended by HUD.

b. City agrees to cooperate with urban county on the development of future plan applications for funds under the Act, with regard to housing and community development activities to be continued or undertaken by City within its boundaries.

9. PROGRAM INCOME

a. City must inform County of any income generated by the expenditure of CDBG, HOME or ESG funds received by City.

b. Any such program income must be paid to the County, or City may retain the program income subject to requirements set forth in this Agreement.

c. Any program income City is authorized to retain may only be used for eligible activities in accordance with all CDBG, HOME or ESG requirements as may then apply.

d. County has the responsibility for monitoring and reporting to HUD on the use of any such program income and County shall require appropriate recordkeeping and reporting by City as may be needed for this purpose.

e. In the event of close-out or change in status of City, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to County.

10. ACQUISITION, CHANGE IN USE, AND DISPOSITION OF REAL PROPERTY ACQUIRED OR IMPROVED WITH CDBG FUNDS

a. City shall notify County of any change in use including disposition of real property, within the control of City, which was acquired or improved in whole or in part with CDBG funds, from that approved at the time CDBG funds were authorized for acquisition or improvement.

b. City shall reimburse County in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations at any time prior to or subsequent to the close-out, change of status or termination of this Agreement between the County and City.

11. MINOR AMENDMENTS TO THE AGREEMENT

Notwithstanding, Section 2 above, should it become necessary to change the language of this Agreement to meet HUD approval, without making major changes and without altering the intent of the Agreement, such changes may be made administratively by the city administrator of City. All remaining provisions of said Agreement shall remain in full force and effect for the term provided herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

MARION COUNTY, OREGON	CITY of STAYTON
_____	_____
Jan Fritz Chief Administrative Officer	Keith D Campbell City Manager
Dated: _____	Dated: _____

APPROVED AS TO FORM AND CERTIFIED THAT THE TERMS AND PROVISIONS OF THIS AGREEMENT ARE FULLY AUTHORIZED UNDER STATE AND LOCAL LAWS AND THAT THIS AGREEMENT PROVIDES FULL LEGAL AUTHORITY FOR THE COUNTY TO UNDERTAKE THE ACTIONS DESCRIBED HEREIN.

_____

Jane Vetto
County Counsel

Dated: _____

Community Development Block Grant (CDBG) FAQs

1. What is the Community Development Block Grant (CDBG) program?

The CDBG program was authorized by the Housing and Community Development Act of 1974. The program consolidated several grants (urban renewal, neighborhood development, and model cities) into a single "block" grant program. The "block" grant program is one in which an entitlement community could receive a "block" of funds verses individual project applications.

The primary objective of Title 1 of the Housing and Community Development Act of 1974, as amended, is the development of viable urban communities. These viable communities are achieved by providing the following:

a. Decent housing
b. A suitable living environment
c. Expanded economic opportunities

2. What is the difference between federal fiscal year and program year?

County eligibility as an entitlement county is granted at the federal fiscal year in October, however the CDBG program works on a program year that begins the following July. So, for the 2021 eligibility, the county will be designated an entitlement county in October 2020 and begin receiving program CDBG funds in July 2021.

3. How are program priorities determined?

The Board of Commissioners determines priorities for the CDBG program based on input gathered through a public input process, local assessments of needs, and HUD guidelines. The county will develop a consolidated plan that outlines its priorities for a five year period, as well as annual action plans that will outline the strategy for implementing the county's priorities.

4. How are CDBG funds awarded?

CDBG funds are awarded through a process that involves citizen participation and coordination with participating cities within Marion County. To receive CDBG assistance a proposed project must:

a. Meet a national objective of the CDBG program;
b. Be an eligible activity under federal CDBG regulations; and
c. Meet other criteria outlined in the county's consolidated plan/action plan.

5. What are the national objectives for the CDBG program?

In order for any project to be considered for funding, it must meet one of the three broad national objectives established by Congress. A CDBG project must: benefit low and moderate-income

persons, prevent or eliminate slums and blight, or meet an urgent community development need. Primary emphasis is placed on the objective to benefit low and moderate-income persons.

6. How does an area meet the low- and moderate-income qualification?

A CDBG project meets this goal if it:

a. Benefits all residents of a residential area recognized by HUD as a low and moderate income area;
b. Benefits a group of individuals of which 51% have low or moderate incomes; or
c. Benefits low or moderate income individuals.

7. How does a project meet the guidelines for preventing or eliminating slums or blight?

Prevention or elimination of slums or blight is the second major national objective of the CDBG program. An array of projects may meet this objective if they meet HUD recognized criteria for slums and blight.

8. How does a project meet the urgent need requirement?

CDBG funds may also be used to meet the third national objective of urgent needs. In this category, the project proposed must address a problem which is demonstrated to have arisen or escalated in the past 18 months, which poses a serious threat to the health and welfare of the community, and for which other financial resources cannot be provided or have been denied.

9. What are the eligible improvements that meet the CDBG national objectives?

a. **Public facility improvements**
CDBG funds may be used for the acquisition, construction, reconstruction, rehabilitation or installation of public facilities. Examples include improvements to publicly owned properties and properties owned by private non-profit entities which serve the public, neighborhood facilities, centers for the handicapped, senior centers, utilities, streets and sidewalks, water and sewer facilities, parks, and shelters for persons with special needs.

b. **Historic preservation**
CDBG funds may be used for the rehabilitation, preservation or restoration of historic properties. Historic properties are those sites or structures that are either listed on or eligible to be listed on the National Register of Historic places, listed in a state or local inventory of historic places, or designated as a state or local landmark or historic district by appropriate law or ordinance. Historic preservation of buildings used for the general conduct of the government may not be assisted with CDBG funds.

c. **Architectural barrier removal**
CDBG funds may be used for projects designed to remove material and architectural barriers that restrict the mobility and accessibility of elderly or handicapped persons to buildings, facilities and improvements.

d. **Economic development**
CDBG funds may be used to assist economic development activities including:
   a. Acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings structures, and other real property;
   b. Assistance for private non-profit business; or
   c. Help for neighborhood-based non-profit organizations, small business investment companies, or local development corporations to carry out a neighborhood revitalization, community economic development, or energy conservation project.

e. **Housing rehabilitation**
CDBG funds may be used to finance the rehabilitation of:
   a. Privately owned buildings and improvements for residential purposes;
   b. Low-income public housing and other publicly owned residential buildings and improvements; or
   c. Manufactured housing.

10. What is the term threshold for real property acquired, changed, or improved with CDBG funds?

If more than $25,000 in CDBG funds is used to acquire or improve a property, the property must be used to meet one of the national objectives set forth above until five years after the expiration of the IGA intergovernmental agreement (IGA) between the city and county for the funds. If the property is not used to meet one of the national objectives within the five years after the expiration of the IGA, then the city must pay the county the current market value of the property less any portion of the value attributable to non-CDBG funds used for the acquisition of or improvement to the property.

11. Can a city continue to participate in the Valley Development Initiatives (VDI) housing rehab program as part of the county's entitlement program?

Yes. The VDI Housing Rehabilitation Loan Program provides financial assistance for housing repair to residents of the county and several of its cities through CDBG funds that have been signed over to the Mid-Willamette Valley Council of Governments (COG) to manage. Those funds remain in the VDI program as an available resource for VDI member cities to utilize in accordance with the original intent of the housing rehab loan program and the contact between the city and COG. As long as funds are available, residents in member cities are eligible to apply for the assistance.

12. What is the HOME program?

The HOME Program was created under Title II of the National Affordable Housing Act of 1990 to:

a. Expand the supply of decent and affordable housing, particularly rental housing, for very low- and low-income families;
b. Strengthen the abilities of state and local governments to design and implement strategies for achieving an adequate supply of decent, affordable housing; and
c. Extend and strengthen partnership among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

The regulations that govern the HOME Program are found at 24 CFR Part 92.

13. What is the Emergency Solutions Grants (ESG) program?

ESG funds are distributed through local Continuums of Care (Mid-Willamette Valley Homeless Alliance is the local CoC). The ESG program provides funding to:

a. Engage homeless individuals and families living on the street;
b. Improve the number and quality of emergency shelters for homeless individuals and families;
c. Help operate these shelters;
d. Provide essential services to shelter residents;
e. Rapidly re-house homeless individuals and families; and
f. Prevent families and individuals from becoming homeless.

ESG funds may be used for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and HMIS; as well as administrative activities.

For more information about the Marion County CDBG Program contact Lisa Trauernicht ltrauernicht@co.marion.or.us or (503)589-3264.

Marion County
OREGON

Board of Commissioners

April 10, 2020

(503) 588-5212
(503) 588-5237-FAX

Keith Campbell
City of Stayton
362 N. 3rd Avenue
Stayton, OR 97383

BOARD OF COMMISSIONERS

Colm Willis, Chair
Sam Brentano
Kevin Cameron

CHIEF ADMINISTRATIVE OFFICER

Jan Fritz

Dear Mr. Campbell,

Marion County recently became eligible to receive Community Development Block Grant (CDBG) entitlement program funding from the U.S. Department of Housing and Urban Development (HUD). First authorized by Congress under the Housing and Community Development Act of 1974, Community Development Block Grants are federal funds awarded to cities and urban counties for housing and community development projects.

Marion County's eligibility is based on the Census Bureau's July 1, 2018 population estimates and the Office of Management and Budget's September 14, 2018 Metropolitan Statistical Area updates. It is estimated that the county's allocation will be approximately $1,574,900 (based on FY 2019 allocation levels) with additional eligibility for HOME Investment Partnership Program funds to support affordable housing.

Community Development Block Grant funds can be used on a variety of projects, as long as the beneficiaries of the projects are principally low and moderate income individuals or families. A project's beneficiaries may (but need not) reside in a targeted service area. Some examples of projects include economic development activities that produce certain public benefits, neighborhood improvement projects, youth programs, and affordable housing.

Prior to becoming eligible under the urban county designation, CDBG funds allocated for Marion County have been managed by Business Oregon which distributes funds statewide. This new eligibility provides the county an opportunity to participate in the program on a more targeted local level in order to bring more funding opportunities to our local communities.

Marion County must notify each of its cities of the county's qualification for the CDBG program and the cities' options with regard to participation in the county's program. The City of Stayton is currently eligible for CDBG funds through Business

Oregon. If the city chooses to participate in the county's program, it will be ineligible to apply for grants under the Business Oregon CDBG program since it will be part of Marion County's program.

If Stayton wishes to participate in the Marion County CDBG program, no further action is needed at this time. In the coming months you will be contacted regarding entering a cooperation agreement with the county as part of the CDBG consolidated plan. As well as being eligible for CDBG funds, participation in the county's program automatically makes the city eligible for the HOME funding program should Marion County receive those funds, as well as potential future Emergency Solutions Grants Program (ESG) funds administered by the county. The city may only receive a formula allocation under the HOME and ESG programs as a part of the county, although this does not preclude the city from applying to the state for funds, if the state allows.

The city may choose to not participate in Marion County's CDBG program. If the City of Stayton chooses to be excluded from the county's CDBG program, it must notify both Marion County and the HUD Field Office of its decision to be excluded **by Friday, May 15, 2020**. Such election to be excluded will be effective for the entire three-year period for which the county qualifies, unless the city specifically requests to be included in a subsequent year for the remainder of the county's three-year qualification period.

The city's participation in the county CDBG program will help bring much needed tax dollars back to Marion County, to benefit rural communities throughout the county. If you are considering opting out, the county would appreciate the opportunity to meet to discuss this before an opt-out letter is sent. Please contact me at (503)589-3264 or ltrauernicht@co.marion.or.us if you have any questions regarding your election options or the CDBG program.

To opt out of the Marion County CDBG program, send a letter to both the local HUD field office and Marion County by May 15, 2020 to the following addresses.

Doug Carlson, CPD Director
Oregon State HUD Office
Edith Green-Wendell Wyatt Federal Building
1220 SW 3rd Avenue, Suite 400
Portland, OR 97204-2825
Doug.Carlson@hud.gov

Lisa Trauernicht
Marion County Board of Commissioners
P.O. Box 14500
Salem, OR 97309
ltrauernicht@co.marion.or.us

Please let me know if you have any questions regarding your eligibility to participate in the county's CDBG program.

Sincerely,

Lisa Trauernicht

Lisa Trauernicht
Sr. Policy Analyst
Marion County Board of Commissioners