



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

The City Council has received two pieces of correspondence prior to this evening's public hearing. The Council's findings have an obligation to mention the testimony received at the hearing and where comments about compliance with the criteria for approval are raised, to specifically respond to the testimony. I have therefore attached a revised draft Ordinance 1045, with revisions to the findings.

On Sunday an email from Susan Hatten was received. This email was forwarded to the City Council on Monday morning. The email expresses opposition to the annexation and raises a number of questions. However, Ms. Hatten does not direct her testimony toward any of the criteria for approval of application. Reference to Ms Hatten's testimony is in on page 2 of 7 of exhibit C of the ordinance, in the paragraph regarding public comment.

At 3:26 this afternoon an email was received from the Santiam Water Control District with an attached letter. The email and letter were forwarded to the Council shortly after receipt. The letter raised two issues: adequate public facilities to serve the property proposed for annexation and compliance with Statewide Planning Goal 11.

The gist of the SWCD's comments regarding stormwater are basically that not enough information was submitted with the application for annexation to determine whether the design of the development will meet the City's stormwater standards. The application for annexation was *not* accompanied by an application for development of the property. The criteria for approval of an annexation is that the property is capable of being served. Following annexation, the developer will need to go through the Site Plan Review process. At that time a preliminary stormwater report will be required with preliminary design and analysis. Following Planning Commission review of the Site Plan Review application, the developer will need to complete final engineering of the site and undergo a thorough review of the detailed

stormwater management plan by the Public Works Department. The SWCD comment is premature, in that no development is proposed.

The statewide planning goals, including Goal 11 regarding utility planning, are applicable to the development of the City's Comprehensive Plan, the adoption of our utility master plans, the drawing of our urban growth boundary and the development of our land use regulations. The statewide planning goals are not applicable to individual applications to develop property or to applications for annexation. The property in question is in the Urban Growth Boundary and adjacent to the city limits. The City's Comprehensive Plan and utility master plans have been acknowledged by State.

Finally, the SWCD makes reference to the Stormwater Master Plan calling for a regional stormwater facility in the vicinity of the subject property. Several years ago, the City looked at this area for the construction of a regional stormwater facility. Because none of the owners of the property in this area were willing to sell, the City shifted its sight to the east, purchased land and constructed the Mill Creek Detention Basin. That basin implemented the intent of the Master Plan and will divert a substantial percentage of the stormwater currently in the Shaff Rd drainage swale to Mill Creek, decreasing the impacts of stormwater on the SWCD's Salem Ditch.

RECOMMENDATION

The staff continues to recommend approval as reflected in the revised draft ordinance that is attached to this supplemental staff report.

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 revised.

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 as revised 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.

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 88°42'41" West 45.23 feet; thence leaving said centerline, North 01°17'19" 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 88°42'41" West 493.93 feet to the westerly line of Reel 4267, Page 94, Marion County Records; thence along said westerly line, North 23°36'32" West 956.62 feet to the northwest corner of said deed; thence along the north line of said deed, South 88°05'06" 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 24°17'48" 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

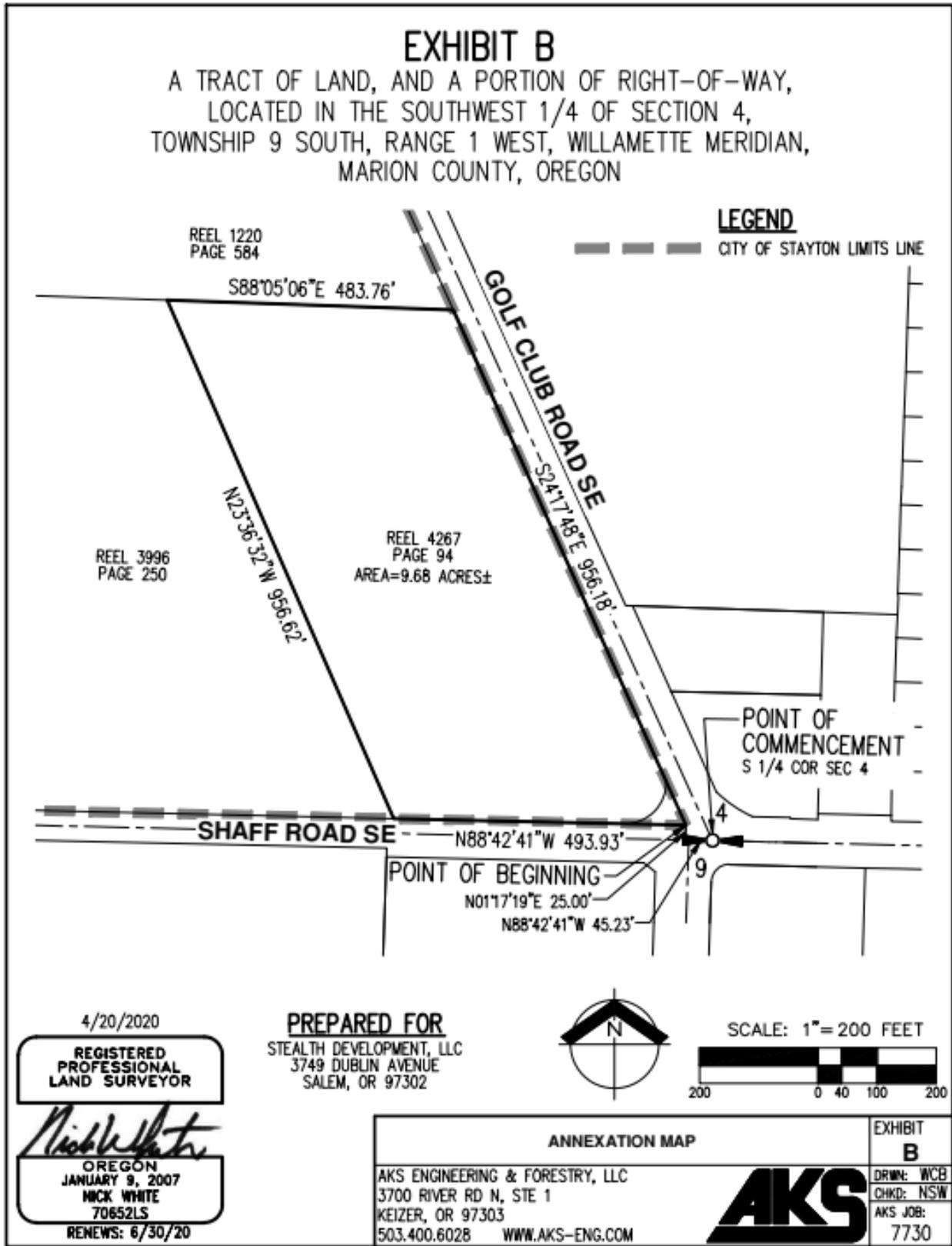


EXHIBIT C, CITY COUNCIL FINDINGS OF FACT
LAND USE FILE #5-04/20

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 and the Santiam Water Control District. 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. One email was received from the public prior to the City Council hearing. That email expressed opposition to the annexation and development of the property, but did not directly address any of the criteria for approval.

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. There is a stormwater drainage swale along Shaff Rd which is available to the site.

The Santiam Water Control District has commented that the applicant has failed to demonstrate that adequate stormwater facilities are available, noting that additional studies, tests and engineering is required and that the conceptual plan lacks the information needed to determine with the proposed detention basins are large enough or will work. The application for annexation does not include an application to develop the property. This criterion requires only a finding that the site is capable of being serviced in order for the property to be brought into the city limits. When development activity is proposed for the property, the Site Plan Review process will require submission of a preliminary stormwater analysis that provides the basis for determining that the design of the site will meet the City's Public Works Design Standards.

The Santiam Water Control District also raised compliance with Statewide Planning Goal 11. The statewide planning goals are not applicable to applications for annexation. The statewide planning goals are applicable to the development of the City's comprehensive plan and the adoption of the various utility master plans.

- 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 providing 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

