

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of
the applications of
James and Jolene Crowther

)
) Annexation
) Comprehensive Plan Amendment
) File # 11-06/22
)

RECOMMENDATION OF APPROVAL

I. NATURE OF APPLICATION

The applicant has submitted two applications for concurrent review. The applicant is requesting annexation of four tax parcels totaling approximately 11 acres into the city limits. The applicant is also requesting the Comprehensive Plan Map designation of the property be changed from Residential to Industrial and that Light Industrial zoning be applied to the property following annexation.

II. PUBLIC HEARING

A public hearing was held on the applications before the Stayton Planning Commission on July 25, 2022. At that hearing the Planning Commission reviewed Land Use File #11-06/22, applications for annexation and comprehensive plan map amendment, and it was made part of the record.

III. FINDINGS OF FACT

A. EXISTING CONDITIONS

1. The owners of the property are James and Jolene Crowther.
2. The applicants are the owners.
3. The property can be described as Township 9, Range 1 West of the Willamette Meridian, Section 4C, Tax Lots 700, 800, 900, and 1000. Three of the four tax parcels have addresses assigned: 9654, 9694, and 9704 Golf Club Rd SE, Aumsville.
4. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20). The property is designated as Residential by the Comprehensive Plan Map.
5. The property is located on the east side of Golf Club Rd. The property is approximately 10.4 acres in area with approximately 485.5 feet of frontage on Golf Club Rd.
6. The properties to the west, across Golf Club Rd, are located outside of the City Limits, are zoned Marion County Urban Transition, and each have a single family dwelling and are used for agricultural production. The properties to the north, are located outside of the City Limits, are zoned Marion County Urban Transition, and are rural large lot residences. The property to the east is inside the City Limits, was annexed in 2013, and is zoned Low Density Residential. This property is the unplatted remainder of the

Phillips Estates subdivision and includes a stormwater detention pond. The property to the south is located inside of the City Limits, was annexed in 1976, is zoned Medium Density Residential, and is developed as a mobile home park.

7. The property was substantially developed in the mid-1970s. Tax parcel 700 is approximately 3.5 acres in area and includes approximately 2.5 acres of a gravel-surfaced area currently used for outdoor storage of RVs, boats, and motor vehicles. Tax parcel 800 is approximately 1.0 acre in area and is vacant undeveloped land. Tax parcel 900 is approximately 4.9 acres in area and is developed with a single family detached dwelling, and four buildings used for commercial/industrial purposes. Approximately 2.3 acres of tax parcel 900 is gravel-surfaced parking and storage. The current tenants of the buildings include an automobile repair garage, a heavy construction contractor, an RV repair establishment. Tax parcel 1000 is approximately 1.0 acre in area and is developed with a single family detached dwelling and accessory structures. The driveway access to tax parcels 800 and 900 is across this tax parcel. All of the development on the property is served by private well(s) and septic system(s).

B. PROPOSAL

The proposal is to annex approximately 11 acres of land into the City, including the Golf Club Rd right of way adjacent to the property. The applicant has also applied for a Comprehensive Plan Map amendment from Residential to Industrial for the property. The applicant has proposed that Light Industrial zoning be applied to the property. The applicant has not proposed any further development of the parcel at this time.

C. AGENCY COMMENTS

The following agencies were notified of the proposal: Oregon Department of Land Conservation and Development, City of Stayton Public Works, City of Stayton Police Department, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Astound Broadband, Stayton Fire District, Sublimity Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District, Santiam Hospital Ambulance Service, and the North Santiam School District.

Pacific Power, NW Natural Gas, Stayton Cooperative Telephone Company, and Marion County Planning Division replied with no comments. Marion County Surveyors Office replied, pointing out a possible error in the deed citation in the legal description provided.

The City Engineer pointed out the need for an agreement with the property owner obligating the property to frontage improvements and utility connections when there is future development on the property.

D. PUBLIC COMMENTS

The Planning and Development Department notified all owners of property within 300 feet of the subject property and has not received any written public comment on these applications prior to the public hearing.

E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.4. 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 17.12.180.6.

Comprehensive Plan Map amendment applications are required to satisfy approval criteria contained within SMC Section 17.12.170.6.

F. REVIEW CRITERIA

Annexation Criteria

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

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

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 17 lots comprising 142 acres of vacant land inside the City limits in the three industrial zones. In addition, there was 113 acres of land designated Industrial outside the city but inside the urban growth boundary.

At the time of the 2013 BLI, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the Comprehensive Plan indicates the expected need of additional 320 acres of residential land to be annexed into the City. Since the time that analysis was conducted, the City has annexed 60 acres of residential land.

Staff has calculated information on current buildable lands as follows. There are currently 22 vacant lots totaling 149 acres in the three industrial zones. There are currently 77 vacant lots totaling 120 acres within the City limits that are residentially zoned.

Of the 22 vacant lots zoned industrial, four, totaling 63 acres, are land formerly owned by Norpac and previously used for disposal of their treated process wastewater. Sewer and water are not readily available to facilitate their development. Another three, though included on the City's vacant parcel list because there are no buildings, are used for outdoor storage.

Though there are 77 parcels totaling 120 acres in the City and residentially zoned, staff estimates that there are 40 parcels totaling 69 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues constrain the ability of the remaining land to be available for development. Within the LD zone there are 25 lots reasonably available for development. In the MD zone there are 13 vacant lots. There are two vacant lots in the High Density Residential Zone. They have both been approved for development, with a total of 171 units, but construction has not yet commenced on either.

The City's growth rate from 2000 and 2021 has been at an average annual rate of about 0.9%, with a population change of 1,449 people. The Comprehensive Plan's projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the twenty-year planning horizon. At a 1.6% growth rate from the most recent certified population estimate of the City, there would be the need for 441 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for only 19 acres of land beyond the vacant land considered reasonably available for development to accommodate this number of homes.

The subject property is already developed with uses that fit in the Industrial zone.

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

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the Shaff Rd intersection. The approved plans for construction of an apartment complex on the west side of Golf Club Rd will result in the extension of the water main to within 500 feet of the subject property. The water service could be extended north when additional development is proposed on the site. Sewer service could be provided by construction of a main in Golf Club Rd flowing north to the Mill Creek lift station.

The Public Works Department, through the City Engineer, has recommended a recorded agreement to obligate the owner and future owners to connection to city utilities with future development of the property.

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

Finding: The property is contiguous to the existing city limits to the east and to the south.

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

Finding: The surrounding area is a mix of undeveloped properties and developed properties. To the north are large lot residential properties. To the east is the undeveloped and unplatted remainder of the Phillips Estates subdivision. To the south is the Oak Estates Mobile Home Park. To the west, across Golf Club Rd are two parcels used for agricultural purposes, each with a single-family dwelling. The subject property has been developed with a mix of residential and industrial/commercial uses since the mid-1970s. No additional development of the property is proposed. The Urban Growth Management policies of the City are incorporated into Section 17.08.030. These policies state that the boundaries of the City should remain relatively unchanged until a major portion of the City's usable land has been developed for urban purposes.

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

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owner has consented to the annexation.

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

Finding: The proposed annexation is not a contract annexation.

Section 17.12.170.6 Comprehensive Plan Amendment Approval Criteria.

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

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

Finding: The Comprehensive Plan, in the chapter on the city's economy notes that the City could consider expansion of the industrial area north of Shaff Rd. There are no specific policies in the comprehensive Plan regarding the location of land designated for industrial uses. The subject property has been in a mix of residential and industrial/commercial uses since the mid-1970s.

Designation of the subject property as Industrial would further the City's economic development goals by providing opportunity for businesses to utilize the existing buildings rather than having the property be constrained by County zoning.

- 2) The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.*

Finding: The Comprehensive Plan notes that there was a total of 393 acres of land, including street rights of way, zoned Industrial in the city limits, of which 142 acres was considered vacant lots. The Comprehensive Plan noted that an additional 113 acres of land was outside of the city limits and designated Industrial.

The Plan notes that 170 acres of land was owned by Norpac and the Industrial Agriculture zone allowed the plat to utilize that land for spray irrigation of the wastewater from the cannery. This acreage is not readily available for development due to lack of utility services.

The subject property has been primarily used for industrial purposes since the mid-1970s.

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

Finding: The pertinent Statewide Land Use Goals are Goals 5, 7, 9, and Goal 10. Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces. There are no "Goal 5 Resources" identified in the Comprehensive Plan on or adjacent to

the subject property. Goal 7 is to protect people and property from natural hazards. There are no natural hazards identified on or adjacent to the subject property. Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Amendment of the Comprehensive Plan Map designation to Industrial would increase the amount of land available for employment opportunities and allow most of the existing uses of the property to be expand. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would decrease the amount of land in a Residential designation. However, a majority of the property is already developed for commercial/industrial purposes and is not likely to be available for residential development. The two existing dwellings on the property would continue to be available for residential occupancy.

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

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Jenna Bogert, PE and Scott Mansur, PE. The analysis assumed the property would be zoned Medium Density Residential if annexed and the Residential designation retained and concluded the proposed comprehensive plan amendment and zone map amendment would result in a decrease in the site's trip potential. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Finding: The Comprehensive Plan projected the city would need to annex 320 acres of land for residential uses in the twenty-year planning period. There are currently 834 acres of land outside of the city limits designated Residential by the Comprehensive Plan.

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

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the Shaff Rd intersection. The approved plans for construction of an apartment complex on the west side of Golf Club Rd will result in the extension of the water main to within 500 feet of the subject property. The water service could be extended north when additional development is proposed on the site. Sewer service could be provided by construction of a main in Golf Club Rd flowing north to the Mill Creek lift station.

The Public Works Department, through the City Engineer, has recommended a recorded agreement to obligate the owner and future owners to connection to city utilities with future development of the property.

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

Finding: The surrounding area is a mix of undeveloped properties and developed properties. To the north are large lot residential properties. To the east is the undeveloped and unplatted remainder of the Phillips Estates subdivision. To the south is the Oak Estates Mobile Home Park. To the west, across Golf Club Rd are two parcels used for agricultural purposes, each with a single-family dwelling. The subject property has been developed with a mix of residential and industrial/commercial uses since the mid-1970s. Annexation of the property into the City will provide the opportunity for the City administer and enforce the land use code, rather than relying on Marion County.

Section 17.12.180.6 Official Zoning Map Amendment Approval Criteria. Pursuant to SMC 17.12.180.6.b the following criteria must be demonstrated as being satisfied by the application for Zoning Map amendment:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Finding: A concurrent application for a Comprehensive Plan Map amendment has been filed. The applicant has requested that the property be designated Industrial by the amended Comprehensive Plan Map and be zoned Light Industrial.

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

Finding: There is an 8-inch water main along the east side of Golf Club Rd that extends approximately 475 feet northwest of the Shaff Rd intersection. The approved plans for construction of an apartment complex on the west side of Golf Club Rd will result in the extension of the water main to within 500 feet of the subject property. The water service could be extended north when additional development is proposed on the site. Sewer service could be provided by construction of a main in Golf Club Rd flowing north to the Mill Creek lift station.

The Public Works Department, through the City Engineer, has recommended a recorded agreement to obligate the owner and future owners to connection to city utilities with future development of the property.

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

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Jenna Bogert, PE and Scott Mansur, PE. The analysis assumed the property would be zoned Medium Density Residential if annexed and the Residential designation retained and concluded the proposed comprehensive plan amendment and zone map amendment would result in a decrease in the site's trip potential. The analysis was reviewed by the City's transportation planning consultant who agreed with the methodology and conclusions.

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

Finding: The Comprehensive Plan, in Chapter 7 discusses consideration of expansion of the industrial zone north of Shaff Rd. There are no goals or policies directly related to the location of industrial zones.

- 5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Finding: The Planning Department reports that there are currently 22 vacant lots totaling 149 acres in the three industrial zones. One of these parcels has received site plan review approval for development, but a building permit has not yet been issued. There are currently 77 vacant lots totaling 120 acres within the City limits that are residentially zoned. The proposed amendment would not eliminate any vacant land zoned residential, because the subject property is not currently in the City and the property is not vacant.

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

Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on June 20, 35 days prior to the Planning Commission's hearing.

- 7) *The physical characteristics of the property proposed for rezoning are appropriate for the proposed zone and the potential uses allowed by the proposed zone will not have an adverse impact on the surrounding land uses.*

Finding: The property was filled in the 1970s when it was developed for industrial purposes. The property currently has four large buildings that are not suitable for residential use and that have been used for commercial/industrial uses since construction. Of the 10.4 acres in the property, 5.7 acres is currently gravel-surfaced parking and storage area or buildings.

The surrounding area is a mix of undeveloped properties and developed properties. To the north are large lot residential properties. To the east is the undeveloped and unplatted remainder of the Phillips Estates subdivision. To the south is the Oak Estates Mobile Home Park. To the west, across Golf Club Rd are two parcels used for agricultural purposes, each with a single-family dwelling. The property has been used for commercial/industrial uses since the mid-1970s.

IV. CONCLUSION

Based on the above findings, the Planning Commission concludes that the applications meet the criteria for approval in SMC 17.12.210.4, Section 17.12.170.6, and Section 17.12.180.6.

V. ORDER

Based on the Findings and Conclusions above, the Planning Commission recommends approval of the application for annexation to the City Council, recommends approval of the application for Comprehensive Plan Map amendment, and amendment of the Official Zoning Map to designate the property as Light Industrial, as requested by the applicant, and further recommends that the City Council require the execution of an agreement with the applicant, to be recorded in the Marion County Deed Records, obligating the applicant and future property owners to construct frontage improvements and to connect the existing buildings to city utilities with future development of the property.

Ralph Lewis, Chairperson

Date

Dan Fleishman,
Planning and Development Director

Date

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