

ORDINANCE NO. 1028

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ON GOLF LANE AND PORTIONS OF THE RIGHTS OF WAY OF GOLF LANE AND CASCADE HIGHWAY; AMENDING THE CITY OF STAYTON COMPREHENSIVE PLAN MAP FROM RESIDENTIAL TO COMMERCIAL; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON COMMERCIAL GENERAL, LOW DENSITY RESIDENTIAL, PUBLIC/SEMI-PUBLIC, AND NATURAL RESOURCES OVERLAY.

WHEREAS, on August 3, 2018, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, Leo Hillyer submitted concurrent applications for annexation of an eight-acre parcel of land located on Golf Lane, for a comprehensive plan amendment to change the comprehensive plan designation of that property from Residential to Commercial, and for an Official Zoning Map amendment to assign Commercial General zoning to the property upon annexation;

WHEREAS, a public hearing was held on the applications before the Stayton Planning Commission on October 29, 2018 and continued until November 26, 2018;

WHEREAS, following the public hearing, the Stayton Planning Commission recommended that the annexation be approved; that the territory to be annexed also include the full width of the right of way of Golf Lane between the west boundary of the property and Cascade Highway and that portion of the Cascade Highway right of way between Mill Creek and Golf Lane; that the comprehensive plan map be amended from Residential to Commercial for the property; and that Commercial General zoning be applied to the property;

WHEREAS, the territory to be annexed is contiguous to the City Limits on the west side;

WHEREAS, the property is currently zoned Urban Transition (UT-20), and the applicant has requested that the property be zoned Commercial General 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 January 7, 2019;

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 3 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 3 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 on Golf Lane, including a portion of the rights of way for Golf Lane

and Cascade Highway, the legal description of which is described in Exhibit 1 and is shown in Exhibit 2, 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 roles, 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 Residential to Commercial

Beginning at a point on the north line of the right of way of Golf Lane on the extension of the west line of Tax Lot 091W03B 01400, proceeding southeasterly along the north line of the right of way of Golf Lane to the northerly corner of Tax Lot 091W03B 01501; thence southerly to the centerline of Golf Lane; thence southeasterly along the centerline of Golf Lane to a point on the extension of the south line Tax Lot 091W03B; then continuing westerly along the south line of Tax Lot 091W03B 01400 to the southwesterly corner of Tax Lot 091W03B 01400; then northerly along the west line of Tax Lot 091W03B 01400 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 a point on the north line of the right of way of Golf Lane opposite the west line of Tax Lot 091W03B 01400, proceeding southeasterly along the north line of the right of way of Golf Lane to the northerly corner of Tax Lot 091W03B 01501; thence southerly to the centerline of Golf Lane; thence southeasterly along the centerline of Golf Lane to a point on the extension of the south line Tax Lot 091W03B 01400; thence continuing westerly along the south line of Tax Lot 091W03B 01400 to the southwesterly corner of Tax Lot 091W03B 01400; then northerly along the west line of Tax Lot 091W03B 01400 to the point of beginning.

Newly Annexed Area to be Zoned Low Density Residential

Beginning at a point on the centerline of Golf Lane opposite the south line of Tax Lot 091W03B 01400, proceeding south easterly along the centerline of Golf Lane to a point on the extension of the south line of Tax Lot 091W03B 01501; thence easterly to the southwest corner of Tax Lot 091W03B 01501; thence southeasterly along the northeast right of way line of Golf Lane to the centerline of Cascade Highway; thence southerly along the centerline of Cascade Highway to the thread of Mill Creek; thence westerly

along the thread of Mill Creek to the west right of way line of Cascade Highway; thence northerly along the west right of way line of Cascade Highway to the south right of way line of Golf Lane; thence westerly and northwesterly along the right of way line of Golf Lane to the south line of Tax Lot 091W03B 01400; thence easterly to the point of beginning.

Newly Annexed Areas to be Placed within Public/Semi-Public Zone

Beginning at the northerly corner of Tax Lot 091W03B 01501; thence southerly to the centerline of Golf Lane; thence southeasterly along the centerline of Golf Lane to a point on the extension of the south line Tax Lot 091W03B 01501; thence easterly to the southwest corner of Tax Lot 091W03B 01501; thence northwesterly along the northeast right of way of Golf Lane to the point of beginning. Also,

Also, beginning at a point on the centerline of Cascade Highway at the thread of Mill Creek, proceeding northerly along the centerline of Cascade Highway to a point opposite from the north right of way of Golf Lane; thence easterly to the east right of way of Cascade Highway; thence southerly along the east right of way of Cascade Highway to the thread of Mill Creek; thence westerly along the thread of Mill Creek to the point of beginning.

Newly Annexed Area to be Placed within the Natural Resources Overlay District

Those portions of the newly annexed territory that are within 100 feet of Mill Creek.

A portion of the revised Official Zoning Map, illustrating the amendments to the Official Zoning Map is included as Exhibit 4, attached hereto and incorporated herein.

Section 9. The land use actions taken in this ordinance are conditioned upon any development to be constructed or otherwise developed on the subject property generating not more than 1,000 vehicle trips per day. Any application for development on the subject properties shall submit with the development application a Transportation Impact Analysis or a Transportation Assessment Letter as provided for in the SMC that verifies the proposed development will conform to the trip cap limitations stated herein.

Section 10. 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 11. 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 7th day of January, 2019.

CITY OF STAYTON

Signed: _____, 2019

BY: _____
Henry A Porter, Mayor

Signed: _____, 2019

ATTEST: _____
Keith D. Campbell, City Manager

DRAFT

EXHIBIT 1, Annexation Area

All of Parcel 1 of that tract of land as conveyed to William L. McClain and Pamela K. McClain, trustees, or their successors in interest of the McClain Living Trust, per Reel 3666, Page 253 of Marion County Deed Records, Marion County, Oregon, Together with a portion Golf Lane SE (County Road 9004), Together with a portion of Market Road No. 30 (Cascade Highway), lying in Section 3, Township 9 South, Range 1 West of the Willamette Meridian, in the County of Marion and State of Oregon, being more specifically described as follows:

Beginning at a 1 1/8" Iron Pipe being the Southwest corner of the Minden tract as described in Book 338, Page 79. Also, being the Southwest corner of the McClain tract, lying on the East line the Gabriel Brown D.L.C.; Thence North 00°10'18" West 642.21 feet along said Gabriel Brown D.L.C. line (West line of Minden Tract & West line of McClain Tract) to the intersection with the Southerly Right-of-Way line of Golf Lane (County Road 9004)

Thence continuing along same line North 00°10'18" West 77.70 feet to the intersection with the Southerly Right-of-Way line of the relocated North Santiam Highway No. 22;

Thence Easterly along the said Southerly line the following 5 courses;
Along the Arc of a non tangent curve to the left having a 23028.31 foot radius (a chord of South 61°25'26" East 722.07 feet) and a distance of 722.09 feet;
Thence South 62°31'02" East 169.81 feet to a 5/8" Iron rod;
Thence South 52°24'07" East 81.85 feet to a 5/8" Iron rod;
Thence South 52°16'26" East 84.91 feet to a 5/8" Iron rod;
Thence South 52°41'37" East 87.32 feet to a 5/8" Iron rod at the intersection of Southerly Right-of-Way line of the relocated North Santiam Highway with the Northerly Right-of-Way line of Golf Lane (County Road 9004);

Thence Southeasterly along the Northerly & Easterly Right-of-Way Lines of Golf Lane the following 14 courses;
South 36°56'41" East 166.24 feet to a 5/8" Iron rod;
Thence South 28°39'12" East 14.61 feet to a 5/8" Iron rod;
Thence South 28°21'28" East 128.81 feet to a 5/8" Iron rod;
Thence South 17°46'02" East 333.06 feet to a 5/8" Iron rod;
Thence South 17°44'05" East 34.06 feet to a 5/8" Iron rod;
Thence South 23°16'01" East 114.78 feet to a 5/8" Iron rod;
Thence South 23°07'33" East 183.86 feet to a 5/8" Iron rod lying under an asphalt driveway;
Thence South 28°03'40" East 181.38 feet to a 5/8" Iron rod;
Thence South 47°41'18" East 51.99 feet to a 5/8" Iron rod;
Thence South 47°58'39" East 125.06 feet to a 5/8" Iron rod;
Thence South 66°19'30" East 47.85 feet to a 5/8" Iron rod;
Thence South 66°28'13" East 136.40 feet to a 5/8" Iron rod;
Thence South 85°44'26" East 280.82 feet to a 5/8" Iron rod;
Thence South 85°44'25" East 98.79 feet to a 5/8" Iron rod at the intersection with the West Right-of-Way of Market Road No. 30 (Cascade Highway);

Thence crossing said Road South 88°38'58" East 138.49 feet to the East Right-of-Way of Market Road No. 30 (Cascade Highway);

Thence Southerly along the East Right-of-Way of Market Road No. 30 (Cascade Highway) the following 3 courses;
South 00°17'23" East 65.84 feet;
Thence South 00°17'09" East 168.97 feet;
Thence South 00°17'24" East 5.31 feet to the intersection of said Right-of-Way with the Thread of Mill Creek

Thence Southwesterly along the centerline of the thread of Mill Creek South 81°20'40" West 141.80 feet to the Westerly Right-of-Way of Market Road No. 30 (Cascade Highway);

Thence Northerly along the Westerly Right-of-Way of Market Road No. 30 (Cascade Highway) the following 2 courses;
North 00°14'45" West 25.89 feet;
Thence North 00°12'29" West 137.59 feet to a 5/8" Iron rod at the intersection with the Southerly Right-of-Way of Golf Lane (County Road 9004);

Thence Northwesterly along the Southerly & Westerly Right-of-Way Lines of Golf Lane the following 13 courses;
North 89°01'11" West 101.03 feet to a 5/8" Iron rod;
Thence North 89°01'55" West 302.37 feet to a 5/8" Iron rod;
Thence North 69°14'07" West 167.49 feet to a 5/8" Iron rod;
Thence North 68°48'43" West 62.11 feet to a 5/8" Iron rod;
Thence North 45°25'51" West 160.77 feet to a 5/8" Iron rod;
Thence North 49°37'32" West 63.57 feet to a 5/8" Iron rod;
Thence North 27°57'26" West 220.14 feet to a 5/8" Iron rod;
Thence North 11°59'41" West 188.76 feet to a 5/8" Iron rod;
Thence North 11°55'10" West 115.18 feet to a 5/8" Iron rod;
Thence North 17°49'03" West 34.17 feet to a 5/8" Iron rod;
Thence North 20°16'50" West 322.63 feet to a 5/8" Iron rod;
Thence North 28°21'28" West 132.74 feet to a 5/8" Iron rod;
Thence North 45°59'27" West 53.06 feet to a 5/8" Iron rod at the intersection with the South Line of the Minden Tract & South line of McClain Tract;

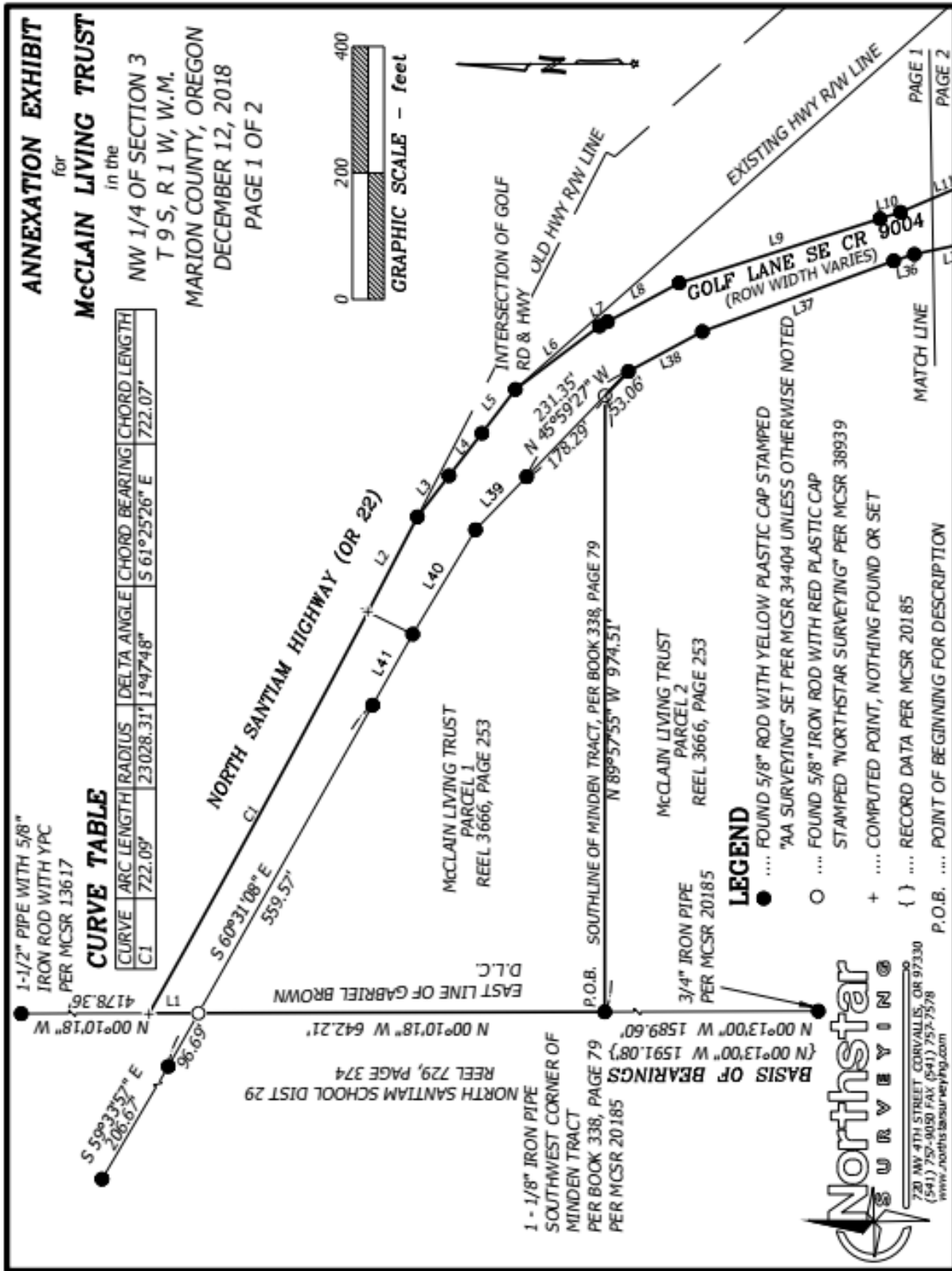
Thence along said South line N 89°57'55" West 974.51 feet back to the point of beginning.

Containing approximately 15.51 Acres.

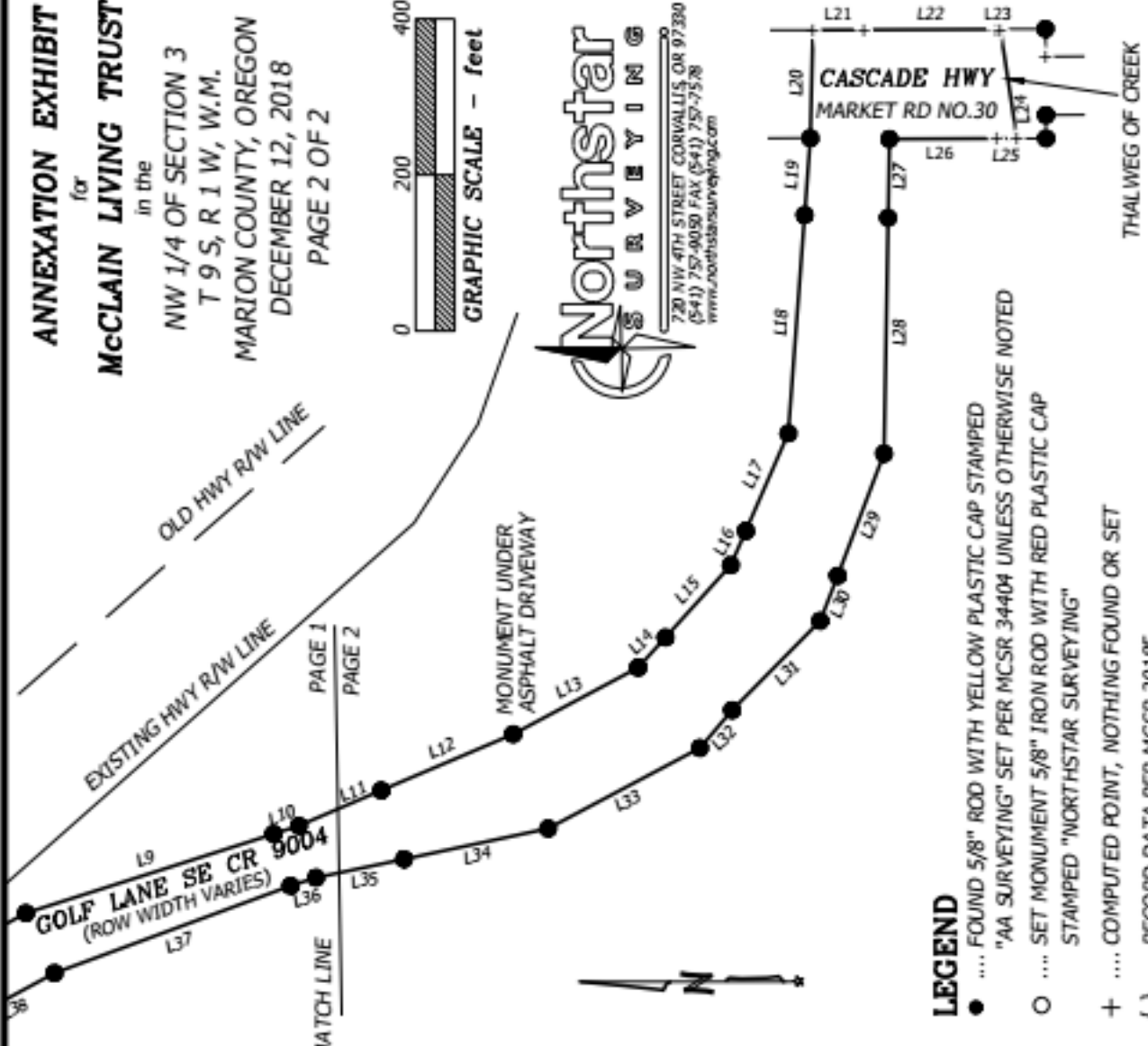
The basis of bearings for this description is from a 3/4" Iron Pipe and a 1-1/8" Iron Pipe at the Southwest corner of said Parcel 1 as shown on MCSR 20185.



EXHIBIT 2, Map of Annexation Area



ANNEXATION EXHIBIT
for
McCLAIN LIVING TRUST
in the
NW 1/4 OF SECTION 3
T 9 S, R 1 W, W.M.
MARION COUNTY, OREGON
DECEMBER 12, 2018
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- LEGEND**
- FOUND 5/8" ROD WITH YELLOW PLASTIC CAP STAMPED "AA SURVEYING" SET PER MCSR 34404 UNLESS OTHERWISE NOTED
 - SET MONUMENT 5/8" IRON ROD WITH RED PLASTIC CAP STAMPED "NORTHSTAR SURVEYING"
 - + COMPUTED POINT, NOTHING FOUND OR SET
 - { } RECORD DATA PER MCSR 2018S

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°10'18" W	77.70'
L2	S 62°31'02" E	169.81'
L3	S 52°24'07" E	81.85'
L4	S 52°16'26" E	84.91'
L5	S 52°41'37" E	87.32'
L6	S 36°56'41" E	166.24'
L7	S 28°39'12" E	14.61'
L8	S 28°21'28" E	128.81'
L9	S 17°46'02" E	333.06'
L10	S 17°44'05" E	34.06'
L11	S 23°16'01" E	114.78'
L12	S 23°07'33" E	183.86'
L13	S 28°03'40" E	181.38'
L14	S 47°41'18" E	51.99'
L15	S 47°58'39" E	125.06'
L16	S 66°19'30" E	47.85'
L17	S 66°28'13" E	136.40'
L18	S 85°44'26" E	280.82'
L19	S 85°44'25" E	98.79'
L20	S 88°38'58" E	138.49'
L21	S 00°17'23" E	65.84'
L22	S 00°17'09" E	168.97'
L23	S 00°17'24" E	5.31'
L24	S 81°20'40" W	141.80'
L25	N 00°14'45" W	25.89'
L26	N 00°12'29" W	137.59'
L27	N 89°01'11" W	101.03'
L28	N 89°01'55" W	302.37'
L29	N 69°14'07" W	167.49'
L30	N 68°48'43" W	62.11'
L31	N 45°25'51" W	160.77'
L32	N 49°37'32" W	63.57'
L33	N 27°57'26" W	220.14'
L34	N 11°59'41" W	188.76'
L35	N 11°55'10" W	115.18'
L36	N 17°49'03" W	34.17'
L37	N 20°16'50" W	322.63'
L38	N 28°21'28" W	132.74'
L39	S 46°00'33" E	116.58'
L40	S 58°59'58" E	192.74'
L41	N 60°31'19" W	128.66'

EXHIBIT 3, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #7-08/17

A. GENERAL FACTS

1. The owners of the property are William L McClain and Pamela K McClain, Trustees and the McClain Living Trust. The Applicant is Leo Hillyer who is has a contract to purchase the property.
2. The property can be described as tax lot 1400 on Map 91W03B.
3. The property is located on the southwest side of Golf Lane and is not assigned an address.
4. The property is approximately 8 acres in area. The property is triangular in shape, approximately 1,145 feet of frontage on Golf Lane
5. The neighboring property to the west is inside the City Limits, is zoned Public/Semi-Public (P) and is an undeveloped portion of the Stayton Middle School campus. The neighboring property to the south is located outside of the City Limits, is zoned Marion County Urban Transition, and is a vacant lot. The property to the northeast, across Golf Lane and across State Highway 22, is located in the City of Sublimity, is zoned Industrial, and is developed as an automobile dealership.
6. Though the property is within the Stayton Urban Growth Boundary, it is located within the boundaries of the Sublimity Fire District.
7. The property is currently vacant.
8. The proposal is to annex approximately 8 acres of land into the City. The applicant has also applied for a Comprehensive Plan Map amendment from Residential to Commercial and has proposed that Commercial General zoning be applied to the property at the time of annexation. The applicant also proposes to develop the parcel into an automobile dealership with two buildings: a sales and service building of 25,000 square feet, and a truck sales and service building of 6,000 square feet.
9. The Stayton Planning Commission held a public hearing on October 29 and November 26 on the three concurrent applications for annexation, comprehensive plan map amendment, and site plan review. The Planning Commission is the decision authority on the application for site plan review, 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, along with annexation of a portion of the Golf Lane right of way and a portion of the Cascade Highway right of way; recommended to the City Council the comprehensive plan map amendment for the property; and approved the application for site plan approval contingent upon the successful conclusion of the annexation and comprehensive plan map amendment. The Planning Commission's order included twelve conditions, most of which related to the site plan approval, but one of which related to the comprehensive plan map amendment.
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 process for analysis of the TPR is a two-step process for evaluating a proposal's impacts on the transportation system. First, the trip generation potential of a site is

assessed assuming a “reasonable worst-case” development scenario under the existing and proposed zoning. If the proposed zoning has the potential to increase the number of trips, an analysis of long-term transportation impacts can be studied to assess whether the rezone will significantly affect the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional operational analysis is necessary to conclude that the proposal does not significantly affect the transportation system.

12. The test for significant effect involves an analysis of land uses representing “reasonable worst-case” development scenarios. These “reasonable worst-case” scenarios are independent of current or planned site uses. Per SMC 17.16.060, housing in LD zones may not to exceed 6 dwelling units per acre. For this analysis the parcel is assumed to be zoned LD when annexed. To assess a reasonable worst case for the existing zoning, the applicant’s consultant assumed that the parcel could be built out according to the zoning designation. Per SMC 17.16.060, the CG zone allows a variety of commercial uses. Based on the designation, it was assumed that trips from the site would be capped at no more than 1,000 trips per day, which would not allow, for example, a 3,000 square foot fast food restaurant.
13. Per OAR 660-012-0060, if a comprehensive plan or zone change amendment is found to significantly affect an existing or planned transportation facility, then the local government must put in place measures which mitigate the significant effect. One potential remedy is a “trip cap” designed to limit the vehicle trips associated with future development of the property. To mitigate the potential for possible significant effect, the City of Stayton may impose a “trip cap” to restrict future development on the subject properties to a level allowed under the existing zoning.
14. The City’s transportation engineers concurred with the applicant’s consultant’s determination that if a “trip cap” was applied, the application would be in compliance with the TPR. The necessary “trip cap” as proposed by the transportation engineers would be a limit of traffic to be generated from the subject property of 1,000 daily trips.
15. The applicant intends to develop the parcel into an automobile dealership. A trip generation analysis was performed based on this proposed land use and was submitted with the concurrent application site plan approval, reviewed and approved by the Planning Commission. Based on the proposed size of the automobile dealership, the projected traffic generated was under the trip cap of 1,000 daily trips. With a “trip cap” in place, no additional further transportation analysis is necessary to support the zone change, as the “trip cap” would not trigger a significant effect on the transportation system. Additional traffic impact analysis will be required for any development application other than the proposed uses approved by the Planning Commission.

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, from Marion County Public Works and from Sublimity Fire 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 testimony at the Planning Commission's public hearing from a number of neighbors. The testimony raised concerns about traffic, stormwater, and impacts of the private well on neighboring private water supplies. This testimony is addressed in the findings below. The 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.

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 are no City public services immediately adjacent to the parcel proposed for annexation. There is a 12-inch sewer main in Golf Lane, approximately 1,300 feet northwest of the subject property. The applicant intends to extend the sewer main to provide service to the property. There is no public water service available to the property. The applicant intends to utilize an on-site well for water. The Public Works Department has commented that oversizing of the sewer main may be required to serve future development along Golf Lane.

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

Finding: The property is immediately to the east of the Stayton Middle School property that was annexed in 2014.

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

Finding: The surrounding area is undeveloped properties. The portion of the Stayton Middle School Campus adjacent to the subject parcel is a forested property used for cross-country races. The properties to the northeast, across Highway 22, are developed as car dealership. The property to the south is undeveloped. 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 owners have 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.

The City purchased the two parcels in the winter of 2016-17 for development as public facilities.

- 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 were 23 vacant lots zoned commercial with a total area of 19 acres. The Planning Department reports that there are currently 25 vacant commercially zoned parcels with a total area of 22 acres. Two of these parcels have received site plan approval for development, but the building permits have not yet been issued. The largest vacant commercially zoned lot is 4 acres. There are no vacant commercially zoned parcels in the City suitably sized for the proposed use.

- 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 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 Commercial would increase opportunity for economic activity in the City because there is a lack of suitably sized parcels designated Commercial. Goal 10 is to provide for the housing needs of the citizens of the state. The proposed amendment would reduce the amount of land designated for residential use. However, the Comprehensive Plan indicates that there were 950 acres of land designated for residential growth in the urban growth area. The Comprehensive Plan indicated that approximately 460 acres of land would be needed for residential growth during the planning period. This amendment would result in a decrease of less than 1% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be needed during the planning period. The Fair Housing Council of Oregon and Housing Land Advocates commented that the findings in the October draft of the Planning Commission order did not adequately address the impacts of the decrease in land designated for residential development. In response, this finding has been revised to specifically mention the amount of land designated for residential development in excess of the demand forecast in the Buildable Lands Inventory and Housing Needs Analysis. The Council finds that, if approved, this amendment will not impact the availability of land for needed housing.

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

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Karl Birky, PE, PTOE. The original analysis submitted with the application was based on two parcels, totaling 29 acres, being annexed and having the comprehensive plan designation changed. The application is for only one parcel of 8 acres. The analysis indicates that the development proposed is for a 16,000 square foot automobile sales dealership. The accompanying site plan review application was for a 31,000 square foot dealership. The analysis concluded that if a cap of 500 trips per day were imposed on the development of each commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. The analysis projected a 16,000 square foot facility would generate 445 trips per day. However the size of the combined car and truck dealerships proposed is 31,000 square feet. A revised analysis was submitted with the proper size of the facility, but did not include an estimate of daily trip generation.

A revised Transportation Planning Rule analysis letter was submitted on November 5 for consideration by the Planning Commission. The letter assumed the dealership will have a total of 26,800 square feet of floor area and projects daily traffic at 746 trips with a PM peak hour of 65 trips. The letter concluded that if a trip cap of 1,000 trips per day from development of the parcel was imposed, then the Comprehensive Plan Map amendment would not have a significant impact on the transportation system. The City's transportation planning consultant commented that the

1999 Oregon Highway Plan (OHP) provides guidance on evaluating the impacts of land uses changes pursuant to the Transportation Planning Rule. The OHP indicates that the threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes is 400 trips per day. The City's consultant points out that a proposed trip cap of 1,000 trips per day would not be considered a small increase and would therefore significantly affect the transportation system unless the applicant provided further analysis.

The Planning Commission's order recommended to the City Council that the Comprehensive Plan Map amendment be approved. However, as a condition of this recommendation, the Planning Commission required that a revised analysis of the impact of the proposed amendments, prepared in accordance with the Transportation Planning Rule and the Oregon Highway Plan be submitted that provides sufficient evidence to conclude that the proposed amendments will not significantly affect the surrounding transportation network. A third TPR analysis letter was submitted on November 28. The third version of the analysis letter includes a 20-year planning horizon to assess the impacts of the proposed plan map amendment on the transportation system. The analysis letter concludes that if a cap of no more than 1,000 trips per day is imposed on the development of the property, then the comprehensive plan map amendment would not have a significant impact on the transportation system in the planning horizon year of 2040. The City's transportation planning consultant concurred with the methodology and conclusions included in the analysis letter.

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

Finding: There are 1,867 acres of land in the UGB designated as Residential. The Comprehensive Plan indicates that there are 921 buildable acres of land inside the UGB, and outside of the City Limits. Since that time, there have been about 54 acres of residential land annexed, including the current application for annexation. The Plan also indicates that the City will need approximately 460 acres of land for residential development over the course of the planning period, and that there was 144 acres of buildable land in the city zoned for residential use. The Comprehensive Plan indicates that there was 950 acres of land designated for residential growth in the urban growth area. This amendment would result in a decrease of less than 1% in the amount of available land for residential development, and still leave a surplus of almost 500 acres above what is projected to be need during the planning period.

- 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: The application indicates that the proposed development will be served by public sewer and by a private well. Public sewer lines are located approximately 1,300 feet to the northwest. The nearest public water main is located in Cascade Highway at the intersection of Whitney St, approximately 2,400 feet away. The applicant does not plan to extend public water to the property. The City's Water Master Plan shows a future 12" water main in Golf Lane. The City does not have plans for the construction of this water main at this time. The Public Works Department, through the review comments of the City Engineer, has suggested that an agreement be executed committing the applicant to connect to City Water when it is available. The Planning Commission's conditions of approval on the site plan require the applicant to execute an agreement with the City that the well will be abandoned and the property connected to public water service when a water main is extended to within 500 feet of the property.

- 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 an undeveloped portion of the campus for the Stayton Intermediate/Middle School. The School District does not have plans for any uses on this portion of the campus. The northeast right of way of Golf Lane is adjacent to the right of way of Highway 22. The land adjacent to Highway 22, on the northeast of the highway, is developed for commercial uses. To the east, across Golf Lane, the land is owned by the Oregon Department of Transportation. To the south, the land is common ownership with the adjacent parcel and is designated Residential in the Comprehensive Plan. There was testimony at the public hearing from neighboring property owners expressing concern over the impact of the proposed private well on the water table and their drinking water wells. The Planning Commission's conditions of approval on the site plan require the applicant to conduct a groundwater assessment prior to submittal of an application for site development that demonstrates that the proposed private well will not reduce the groundwater levels at the property lines of the subject property.

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

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

Finding: A concurrent application for a Comprehensive Plan Map amendment has been filed.

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

Finding: The application indicates that the proposed development will be served by public sewer and by a private well. Public sewer lines are located approximately 1,300 feet to the northwest. The nearest public water main is located in Cascade Highway at the intersection of Whitney St, approximately 2,400 feet away. The applicant does not plan to extend public water to the property. The City's Water Master Plan shows a future 12-inch water main in Golf Lane. The City does not have plans for the construction of this water main at this time. The Public Works Department, through the review comments of the City Engineer, has suggested that an agreement be executed committing the applicant to connect to City Water when it is available. The Sublimity Fire District expressed no concerns. The North Santiam School District and the Stayton Police Department were notified of the application. No comments were received from the School District or Police Department.

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

Finding: The applicant submitted an analysis of the potential impacts of the Comprehensive Plan Map amendment on the transportation system. The analysis was prepared by Karl Birky, PE, PTOE. The original analysis submitted with the application was based on two parcels, totaling 29 acres, being annexed and having the comprehensive plan designation changed. The application is for only one parcel of 8 acres. The analysis indicates that the development proposed is for a 16,000 square foot automobile sales dealership. The accompanying site plan review application

was for a 31,000 square foot dealership. The analysis concluded that if a cap of 500 trips per day were imposed on the development of each commercial property, that the comprehensive plan map amendment and zoning amendment would not have an adverse impact on transportation facilities. The analysis projected a 16,000 square foot facility would generate 445 trips per day. However the size of the combined car and truck dealerships proposed is 31,000 square feet. A revised analysis was submitted with the proper size of the facility, but did not include an estimate of daily trip generation.

A revised Transportation Planning Rule analysis letter was submitted on November 5 for consideration by the Planning Commission. The letter assumed the dealership will have a total of 26,800 square feet of floor area and projects daily traffic at 746 trips with a PM peak hour of 65 trips. The letter concluded that if a trip cap of 1,000 trips per day from development of the parcel was imposed, then the Comprehensive Plan Map amendment would not have a significant impact on the transportation system. The City's transportation planning consultant commented that the 1999 Oregon Highway Plan (OHP) provides guidance on evaluating the impacts of land uses changes pursuant to the Transportation Planning Rule. The OHP indicates that the threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes is 400 trips per day. The City's consultant points out that a proposed trip cap of 1,000 trips per day would not be considered a small increase and would therefore significantly affect the transportation system unless the applicant provided further analysis.

The Planning Commission's order recommended to the City Council that the Comprehensive Plan Map amendment be approved. However, as a condition of this recommendation, the Planning Commission required that a revised analysis of the impact of the proposed amendments, prepared in accordance with the Transportation Planning Rule and the Oregon Highway Plan be submitted that provides sufficient evidence to conclude that the proposed amendments will not significantly affect the surrounding transportation network. A third TPR analysis letter was submitted on November 28. The third version of the analysis letter includes a 20-year planning horizon to assess the impacts of the proposed plan map amendment on the transportation system. The analysis letter concludes that if cap of no more than 1,000 trips per day is imposed on the development of the property, then the comprehensive plan map amendment would not have a significant impact on the transportation system in the planning horizon year of 2040. The City's transportation planning consultant concurred with the methodology and conclusions included in the analysis letter.

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

Finding: Policy LU-4 calls for the City to adopt development regulations that provide for a variety of commercial zones, including a zone for general business activity. Policy LU-6 calls for the central business area of Stayton to continue to be the primary retail business area of the community and that the City should discourage strip-type development.

- 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 11 vacant parcels zoned Commercial General with a total area of 6.2 acres. One of these parcels has received site plan review approval for development, but a building permit has not yet been issued. The largest vacant parcel zoned CG is 1.1 acres in size. The proposed amendment would not eliminate any vacant land zoned residential, because the subject property is not currently in the City.

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

Finding: Notice of the proposed amendment was provided to the Department of Land Conservation and Development on September 20, 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 gently sloping and would allow for a wide variety of development opportunities. The applicant has submitted a concurrent application for site plan review approval. The site is located in such a manner to provide high visibility from Highway 22.

The property to the west is an undeveloped portion of the campus for the Stayton Intermediate/Middle School. The School District does not have plans for any uses on this portion of the campus. The northeast right of way of Golf Lane is adjacent to the right of way of Highway 22. The land adjacent to Highway 22, on the northeast of the highway, is developed for commercial uses. To the east, across Golf Lane, the land is owned by the Oregon Department of Transportation. To the south, the land is in common ownership with the adjacent parcel and is designated Residential in the Comprehensive Plan.

EXHIBIT 4, EXCERPT FROM OFFICIAL ZONING MAP

