



CITY OF STAYTON
M E M O R A N D U M

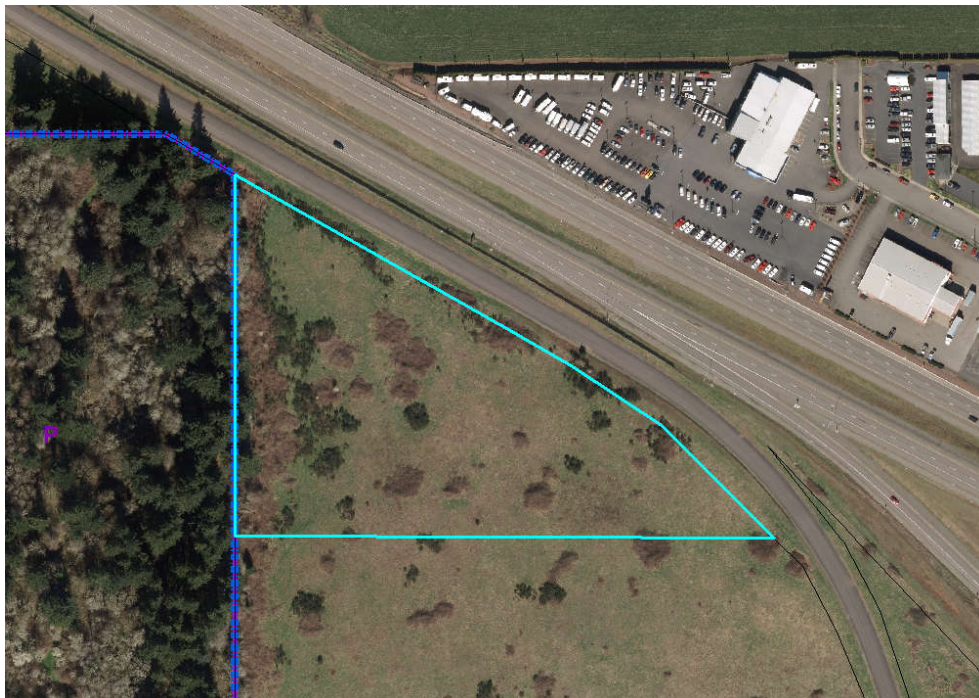
TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: January 7, 2019
SUBJECT: Annexation and Comprehensive Plan Map Amendment Applications, Hillyer Ford, Golf Lane

ISSUE

The issue before the City Council is a public hearing on applications for the annexation and comprehensive plan map amendment for approximately 8 acres of land on Golf Lane and to assign Commercial General zoning to the property. Following the public hearing, the Council will be requested to consider Ordinance 1028 that will annex the property, amend the Comprehensive Plan Map, and amend the Official Zoning Map.

BACKGROUND INFORMATION

The territory proposed for annexation is an 8 acre parcel of land on the southwest side of Golf Lane. A March, 2014 aerial photo of the property is below:



ANALYSIS

This report presents the Planning Staff's summary and analysis concerning this application. It was developed after seeking input from other City departments and agencies. As is routine for all applications that appear before the Planning Commission, notice of the application was sent to the City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District. No comments were received or concerns raised by these agencies regarding the annexation.

Attached are applications for annexation and comprehensive plan amendment from Leo Hillyer. The applications were accompanied by a concurrent application for site plan review to develop the property into an automobile dealership. Only the applications for annexation and comprehensive plan amendment are before the City Council. The application for site plan review was approved by the Planning Commission, with conditions, contingent upon the successful completion of the annexation and comprehensive plan amendment process.

The applications consist of the application form and the applicant's narrative, a 10-sheet set of site plans, a Transportation Planning Rule analysis, a transportation impact analysis, and a stormwater report. Included in the packet is the applications and narrative, the TPR analysis, and one sheet of the site plans. The remainder of the site plans, the transportation impact analysis, and stormwater report are posted on the City's website and will be sent to any Councilor who wishes to review them. However, they are not relevant to the applications pending before the Council. There were multiple versions of the Transportation Planning Rule analysis submitted during and after the Planning Commission's review. Only the latest version has been provided to the City Council. Also attached is the Planning Commission's order, containing its recommendation on the applications for annexation and comprehensive plan amendment and its approval of the site plan.

Also included in the packet are the minutes of the Planning Commission's hearings in October and November. The Planning Commission received oral testimony at the hearings that is reflected in the minutes.

The City Council must reach three independent decisions:

- Does the application meet the criteria for approval for annexation?
- Does the application meet the criteria for approval for a comprehensive plan amendment?
- If so, which zone to apply to the property?

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

Annexation Criteria

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

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

- b. The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.
- c. The proposed annexation is property contiguous to existing City jurisdictional limits.
- d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.
- e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.

Criteria b, c, and e are fairly objective and usually leave little for interpretation. However, in this case, sewer and water facilities are not available at the property line. The applicant intends to construct a sewer line within Golf Lane to connect the City sewer to the northwest, but intends to drill a private water supply well. While the City's water master plan shows a future water line in Golf Lane, there are no plans at this time to extend the water main. The conditions of approval from the Planning Commission on the site plan review application require the applicant to enter into an agreement with the City to abandon the well and connect to City water at such time as a water main is within 500 feet of the property. The area to be annexed is contiguous to the City Limits and provisions of the state law – process and consent of landowners – have been or will be followed.

This leaves the other two criteria for more careful scrutiny and analysis. The “need” for any annexation may always be debated. The application narrative merely includes a statement that adequately sized land for a car dealership is not available in the City. Some additional information, which is reflected in the draft order is presented below

The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and the 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.

There are currently 25 vacant lots totaling 22 acres within the City limits that are in the various commercial zones. The largest vacant commercially zoned tax parcel is 4 acres and the Planning Commission recently approved a partitioning that will reduce it to about 3.5 acres in area.

Inside the UGB and outside of the City Limits there are only two areas designated for commercial use in the Comprehensive Plan. The first is the northwest corner of Shaff Rd and Golf Club Rd. This is one parcel of about 10 acres in area. The other is the area on Mill Creek Road near the Golf Club Rd interchange with Highway 22. This is three parcels totaling about 9 acres and the current location of the applicant's business.

The second criterion subject to analysis is that the proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City. The property is surrounded by vacant land. To the west is an undeveloped portion of

the Stayton Middle School campus. It is a wooded area used for cross country trails. To the south is vacant land in the same ownership as the subject property. To the northeast, across Golf Lane and Oregon Highway 22 is land within the City of Sublimity, zoned for industrial and developed with an automobile dealership.

Finally, the City Council must find that the proposal complies with the urban growth program and policies of the City of Stayton. The extent that it exists, the urban growth program is contained in Chapter 8 of the Comprehensive Plan and in the City's adopted Master Plans. Comprehensive Plan Chapter 8 contains the justification for the City's Urban Growth Boundary and the policies for coordination of growth within the UGB but outside of the city limits. 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. As noted above, there is only 22 acres of vacant land zoned commercial within the City Limits.

Comprehensive Plan Amendment Criteria

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

The property in question is currently designated Residential by the Comprehensive Plan Map. The application requests the map be amended to designate the property as Commercial. The third criterion requires that compliance with the Statewide Planning Goals be demonstrated. The findings in the draft ordinance identify four Statewide Planning Goals as applicable to the application. Goal 10 is that the City provide for the housing needs of the citizens of the state. The guidelines and Administrative Rules associated with the Goal require the City to inventory the buildable land within the urban growth boundary and to assure that there is an adequate supply of land for a 20 year demand. The 2013 update of the City's Comprehensive Plan noted that there were 950 acres of land designated for residential growth in the UGB. The Plan also noted that approximately 460 acres of land would be needed for residential growth during the 20-year planning period, resulting in a surplus of 490 acres of land designated for residential growth. The conversion of 8 acres from Residential to Commercial designation should not have impact on the supply or availability of land for residential development. Included in the packet is a letter received by the City before the Planning Commission's initial public hearing on the application from the Fair Housing Council of Oregon. The findings regarding Goal 10 have been amended since receiving the letter and there has not been further comment from FHCO.

The fourth criterion for approval requires that existing or planned transportation facilities are adequate for the uses permitted under the proposed designation, in conformance with the state's Transportation Planning Rule. The applicant has submitted an analysis, required under the TPR, as to the adequacy of the transportation network. The TPR, and the court's interpretations of the TPR, require that analysis to look at the "worst case" scenario that could result from the plan amendment, not what the applicant intends to build. As mentioned in the introduction to this memorandum, there were multiple drafts of the necessary analysis submitted. The most recent draft, submitted after the Planning Commission's decision, was deemed to meet the requirements of the TPR by the City's transportation planning consultant.

That analysis looked at a 20-year planning horizon, the potential for increased traffic as the result of the plan amendment and the planned improvements to the transportation system from the City's adopted Transportation System Plan and concluded that if the development of the parcel is constrained to generate no more than 1,000 trips per day, the amendment would not have a significant impact on the system. The City's consultant concurred with the conclusions, based on the analysis provided. Therefore, the draft ordinance includes a number of findings relative to the TPR rule and a requirement that development be limited to generate no more than 1,000 trips per day. It should be noted that the TIA submitted as part of the site plan review process showed the proposed development will fall well within the proposed trip cap. But expansion of the dealership or any future use on the property will need to meet the cap.

Zone Map Amendment Criteria

Section 17.12.180.6 of the Land Use and Development Code contains six criteria for approval of applications for zone map amendments. Section 17.12.210 .5, from the annexation procedures section, indicates that "All lands that are annexed to the City shall be zoned in accordance with the designation of the property in the Comprehensive Plan. The specific zone assigned to the land being annexed shall be determined by the City Council in accordance with the proposed uses of the land and the needs identified by the buildable lands analysis in the Comprehensive Plan."

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

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

The task before the City Council is to determine which of the four zones is most appropriate considering the goals and policies of the Comprehensive Plan. The applicant has requested the City apply Commercial General zoning to the property and has submitted a concurrent

application for site plan approval, which has been approved by the Planning Commission contingent upon successful completion of the annexation process. The Planning Commission, following its analysis has recommended Commercial General zoning.

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

RECOMMENDATION

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

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

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

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve both applications and the first consideration of Ordinance 1028

Move to approve the applications of Leo Hillyer (Land Use File #19-09/18) for annexation and comprehensive plan amendment and assign Commercial General Zoning to the property by enacting Ordinance No 1028 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 1028 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1028 will be brought before the Council for a second consideration at the January 22, 2019 meeting.

2. Approve both applications and the first consideration of Ordinance 1028 with modifications

Move to approve the applications of Leo Hillyer (Land Use File #19-09/18) for annexation and comprehensive plan amendment and assign Commercial General Zoning to the property by enacting Ordinance No 1028 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. 1028 will be brought before the Council for a second consideration at its January 22, 2019 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 Leo Hillyer (Land Use File #19-09/18) for annexation and direct staff to modify Ordinance 1028 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. 1028 will be brought before the Council for a second consideration at its January 22, 2019 meeting.

4. Deny the applications

Move to deny the applications of Leo Hillyer (Land Use File #19-09/18) for annexation and direct staff to prepare a draft Order of Denial for consideration by the City Council.

5. Continue the hearing until January 22, 2019.

I move the City Council continue the public hearing on the applications of Leo Hillyer (Land Use File #19-09/18) until January 22, 2019.

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 Leo Hillyer (Land Use File #19-09/18) but maintain the record open to submissions by the applicant until January 22, 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 February 5, 2019.

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 Leo Hillyer (Land Use File #19-09/18) until January 22, 2019.