



**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 3, 2021**  
**SUBJECT: Annexation Application, Gene Jones, 13601 Fern Ridge Rd**

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**ISSUE**

The issue before the City Council is the continuation of the public hearing from December 6 on an application for the annexation for approximately 19 acres of land at 13601 Fern Ridge Rd and to determine which zoning to assign the property.

Following the public hearing, the Council will have the option to consider Ordinance 1043 that will annex the property and amend the Official Zoning Map.

**BACKGROUND INFORMATION**

The City Council held their first public hearing on March 2, 2020 and continued the hearing to allow the applicant to submit a conceptual plan of a proposed multifamily development. The continuance of the public hearing was not scheduled until October 11, 2021. Following the closure of the public hearing the City Council approved the first consideration of an ordinance to annex the property and to assign Medium Density Residential zoning to the property. Whereas the vote was unanimous, a second consideration of the ordinance is required by the City Charter. At the October 18 meeting, rather than approving the second consideration, the City Council voted to reopen the public record and hold another public hearing.

On December 6 the City Council reviewed a revised conceptual plan, and requested the applicant make changes to the conceptual plan in order to find that the proposed development was compatible with the character of the surrounding area. The City Council requested that the conceptual plan include a minimum of 20% of the housing units as single family detached and no more than 50% of the units be in multifamily buildings. The revised conceptual plan was submitted on December 23.

The City Council also expressed concern over the fact that when City departments and other service providers were asked to provide their review comments, the application included to a comprehensive plan amendment to allow development of a recreational vehicle park. The applicant is now proposing a residential development. On December 16 a new request for

comments was sent out to all of the departments/agencies on the list. Staff has received responses from Marion County Public Works, Pacific Power and SCTC. Those responses are included in the packet and referenced in the findings attached to the Ordinance.

The packet for the January 3 hearing includes this memorandum, the latest conceptual plan, review comments received, and a revised draft of Ordinance 1043. If City Council members are interested in reviewing past staff memoranda, previous drafts of the ordinance, or previous submissions by the applicant, they are posted on the City's website and may be accessed at [http://staytonoregon.gov/page/gov\\_planning\\_agendas\\_minutes](http://staytonoregon.gov/page/gov_planning_agendas_minutes) (click on the Public Hearing Notices tab, scroll down, click on the Jones Annexation tab, and scroll down for the documents posted on-line).

### **ANALYSIS**

The City Council had requested the applicant submit a revised conceptual plan in order to find that the annexation would be compatible with the surrounding area. Testimony from staff and the public had indicated that the proposal for a residential development that included 81% of the housing units in multifamily buildings and no single family detached units was not compatible with surrounding development that was exclusively single family detached with the exception of one home with an attached accessory dwelling unit. The City Council directed the applicant to revise the conceptual plan to include a minimum of 20% of the dwellings as single family detached and no more than 50% of the dwellings in multifamily buildings. This would leave the remaining 30% to be in duplex and triplex buildings.

The applicant submitted a new conceptual plan on December 23. The December 23 conceptual plan presents an entirely new concept for the development of the property and reflects the concerns expressed by staff, the City Council, and in public testimony. The latest plan is for a master planned development with a total of 107 dwellings, to be located on 91 lots. The proposal shows 8 single family attached units, 20 duplex units, and 6 triplex units. The 73 remaining homes will be single family detached.

Section 17.12.210.3.b requires an application for annexation not accompanied by a concurrent application for development approval be accompanied by a conceptual plan of the proposed use of the property subsequent to annexation. Section 17.12.210.6 further states that the development of the property after annexation "shall be in substantial conformance" with the conceptual plan and describes "substantial conformance" for a residential development as meaning "the number and types of housing units are generally consistent with those presented in the conceptual plan."

### **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.

The previous staff reports discuss the criteria extensively and at the October 11 meeting it appeared that a majority of the Council had determined the criteria had been met. At the October 18 meeting, a number of Councilors expressed concern over the issue of whether development of the property as proposed would be compatible with the character of the surrounding area. At the December 6 meeting a majority of the City Council appeared concerned over whether the previous conceptual plan was compatible with the character of the surrounding area and with the capability of public services for the type/size of development.

With the submission of the new conceptual plan, the Council has the opportunity to reevaluate the criterion regarding compatibility with the character of the surrounding area.

The surrounding area is developed with residential properties and a church. The property to the west is zoned Public/Semi-Public and is developed as a church. To the west of the church are properties zoned MD and developed with single family detached dwellings. The properties to the south and across Fern Ridge Rd are zoned Low Density Residential and are developed with single family detached dwellings. The property to the east is zoned Medium Density Residential and is developed as a mobile home park. The property to the north and across State Highway 22 is zoned Exclusive Farm Use and is farmland.

The applicant is still requesting the property be zoned MD. The conceptual plan submitted now includes 68% single family detached dwellings, 8% single family attached dwellings, 19% duplexes, and 6% triplexes. The City Council must decide whether the conceptual plan is compatible with the character of the surrounding area.

### **RECOMMENDATION**

Staff's recommendation is to approve the application for annexation and assign Medium Density Residential zoning to the property, as reflected in the current draft of Ordinance 1043.

All changes in the draft ordinance since the draft presented to the City Council on December 6 are shown by **yellow highlighting**.

### **OPTIONS AND MOTIONS**

The City Council is presented with the following options. The first option reflects the staff recommendation.

**1. Approve the application for annexation, assign MD Zoning, and approve the first consideration of Ordinance 1043**

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Medium Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting the revised draft of Ordinance No 1043 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. 1043 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1043 will be brought before the Council for a second consideration at the January 18, 2022 meeting.

**2. Approve the application for annexation, assign MD Zoning, and approve the first consideration of Ordinance 1043 with modifications**

Move to approve the application of Gene Jones (Land Use File #11-07/19) for annexation, assign Medium Density Residential Zoning to the property with the Natural Resource Overlay District applying within 100 feet of Lucas Ditch by enacting Ordinance No 1043 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. 1043 will be brought before the Council for a second consideration at its January 18, 2022 meeting.

**3. Deny the application**

Move to deny the application of application of Gene Jones (Land Use File #11-07/19) for annexation, finding that the following criteria for approval have not been met ... and direct staff to prepare a draft Order of Denial for consideration by the City Council.

**4. Continue the hearing until January 18, 2022.**

I move the City Council continue the public hearing on the application of Gene Jones (Land Use File #11-07/19) until January 18, 2022.

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

I move the City Council close the hearing on the application of Gene Jones (Land Use File #11-07/19) but maintain the record open to written submissions by the applicant until January 17, 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 January 31, 2022.

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

I move the City Council continue the deliberation on the application of Gene Jones (Land Use File #11-07/19) until January 18, 2022.