

ORDINANCE NO. 1014

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED AT 2800 KINDLE WAY AND PORTIONS OF THE REAL PROPERTY LOCATED AT 1450 GOSHEN RD SE AND 2847 KINDLE WAY; AMENDING THE CITY OF STAYTON COMPREHENSIVE PLAN MAP FROM RESIDENTIAL TO PUBLIC; AMENDING THE CITY OF STAYTON ZONING MAP FROM MEDIUM DENSITY RESIDENTIAL TO PUBLIC/SEMI-PUBLIC; AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL AND PUBLIC/SEMI-PUBLIC; AND ESTABLISHING A NATURAL RESOURCE OVERLAY DISTRICT.

WHEREAS, the Stayton City Council has, through the approval of Resolution 966, initiated annexation of that certain real property located at 2800 Kindle Way, Stayton, Marion County, Oregon, more particularly described in Exhibit 1 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 2 attached hereto and incorporated herein;

WHEREAS, on August 23, 2016, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, the City of Stayton, Oregon, submitted current applications for annexation of the property located at 2800 Kindle Way, for a comprehensive plan amendment to change the comprehensive plan designation of 2400 Kindle Way and 2800 Kindle way from Residential to Public, and for an Official Zoning Map amendment to assign Public/Semi-Public Zoning to both parcels;

WHEREAS, on October 6, 2017, Kirk A Kindle, as the owner the properties, has consented to the annexation of the portions of the real properties located at 1450 Goshen Rd SE and 2847 Kindle Way, Stayton, Marion County, Oregon, more particularly described in Exhibit 3 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 4 attached hereto and incorporated herein;

WHEREAS, a public hearing was held on the applications before the Stayton Planning Commission on September 25, 2017 and continued until October 30, 2017;

WHEREAS, the property to be annexed is contiguous to the City Limits on three sides;

WHEREAS, the property is currently zoned Urban Transition (UT-20), and the applicant has requested that the property be zoned Public/Semi-Public 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 November 20, 2017;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the applications as contained in Exhibit 5 attached hereto and incorporated herein;

WHEREAS Chapter 51 of the Oregon Laws of 2016 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 5 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 regarding the applications as contained in Exhibit 5 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 at 2800 Kindle Way, 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 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory comprising portions of the properties located at 1450 Goshen Rd SE and 2847 Kindle Way, the legal description of which is described in Exhibit 3 and is shown in Exhibit 4, which are attached hereto and by reference incorporated herein.

Section 4. 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 5. 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 6. 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 7. 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 8. The Stayton Comprehensive Plan Map is hereby amended as follows:

Area to be Changed from Residential to Public

Beginning at the intersection of the centerline of Kindle Way and the centerline of Shaff Rd, proceeding northerly along the centerline of Kindle Way a distance of 1,801 feet to the southwest corner of Tax Lot 091W04D00200; then continuing northerly along the west line of Tax Lot 091W04D00200 a distance of 1,507.5 feet; then easterly 665 feet; then southerly 2,291 feet to the southeast corner of Tax Lot 091W04D00301; then westerly 585.5 feet; then southerly 1,016 feet to the centerline of Shaff Rd; then westerly 80 feet to the point of beginning.

Section 9. The Stayton Official Zoning Map is hereby amended as follows:

Area to be changed from Medium Density Residential to Public/Semi-Public

Beginning at the intersection of the centerline of Kindle Way and the centerline of Shaff Rd, proceeding northerly along the centerline of Kindle Way a distance of 1,801 feet to the southwest corner of Tax Lot 091W04D00200; then easterly 670 feet; then southerly 785 feet to the southeast corner of Tax Lot 091W04D00301; then westerly 585.5 feet; then southerly 1,016 feet to the centerline of Shaff Rd; then westerly 80 feet to the point of beginning.

Newly Annexed Area to be Zoned Public/Semi-Public

Beginning at the southwest corner of Tax Lot 091W04D00200, proceeding northerly along the west line of Tax Lot 091W04D00200 1,445 feet; then easterly 665 feet; then southerly 1,445 feet; then westerly 665 feet to the point of beginning.

Newly Annexed Area to be Zoned Low Density Residential

Beginning at the northeast corner of Tax Lot 091W04DA02100, proceeding westerly along 29.7 feet; then southerly 1,306 feet to the southeast corner of Tax Lot 091W04A02100; then westerly 30 feet; then southerly 662 feet to the north right of way line of Junco St; then easterly to Kindle Way; then northerly along the right of way line of Kindle Way; then easterly along the terminus of the Kindle Way right of way; then northerly 1,905 feet to the point of beginning.

Newly Annexed Area to be Placed within Natural Resource Overlay District

Those portions of the newly annexed areas 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 6.

Section 10. The land use actions taken in this ordinance are conditioned upon any development to be constructed or otherwise developed on the subject properties generating not more than 3,570 daily trips, of which can be no more than 673 AM peak hour trips and no more than 226 PM peak hour trips. 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 here

Section 11. 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 12. 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 4th day of December, 2017.

CITY OF STAYTON

Signed: 12/5/, 2017

BY: Henry A. Porter
Henry A Porter, Mayor

Signed: 12/5, 2017

ATTEST: Keith D. Campbell
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:


Wallace W Lien, Acting City Attorney

EXHIBIT 1, Annexation Area, City-owned Property

The 23 acres identified as Marion County Tax Lot 091W04D 00200 and addressed as 2800 Kindle Way and further described as:

Parcel I:

Beginning at a point on the westerly line of a tract of land conveyed to Lola Lambert by deed recorded in Volume 564, Page 428, Deed Records for Marion County, Oregon, which point of beginning is 20 chains South 89° 45' West and 1865.00 feet North 0° 18' West from the Southeast corner of the Henry Foster Donation Land Claim No. 45 in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; Thence N0° 18' West 1445.00 feet to the Northwest corner of said Lambert tract; Thence North 89° 45' East 665.52 feet to the Northeast Corner of said tract; Thence South 0° 18' East 1445.00 feet along the easterly line of said tract; Thence South 89° 45' West 665.52 feet to the point of beginning.

Parcel II:

A parcel of land in the Southeast Quarter of Section 4, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, said parcel being part of the Henry Foster Donation Land Claim No. 45, said township and range and bound by the following:

Beginning at a point on the East line of the land described in the deed recorded at Reel 1186, Page 708, Marion County Deed Records, which point is 1801.00 feet North 00° 17' 51" West from a point on the South line of the Henry Foster Donation Land Claim No. 45 which is 225.37 feet West from a 3-inch brass disk which marks the Southeast corner of Section 4, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; Thence South 89° 45' 00" West, parallel with the said south line, 665.38 feet; Thence North 00° 17' 25" West, on the west line of the said land described in Reel 1186, Page 708, 64.00 feet; Thence North 89° 45' 00" East, on the south line of land described in the deed recorded at Reel 1178, Page 41, said deed records, 665.52 feet; Thence South 00° 17' 51" East, on the said east line, 64.00 feet to the point of beginning.

EXHIBIT 2, Map of Annexation Area, City-owned Property

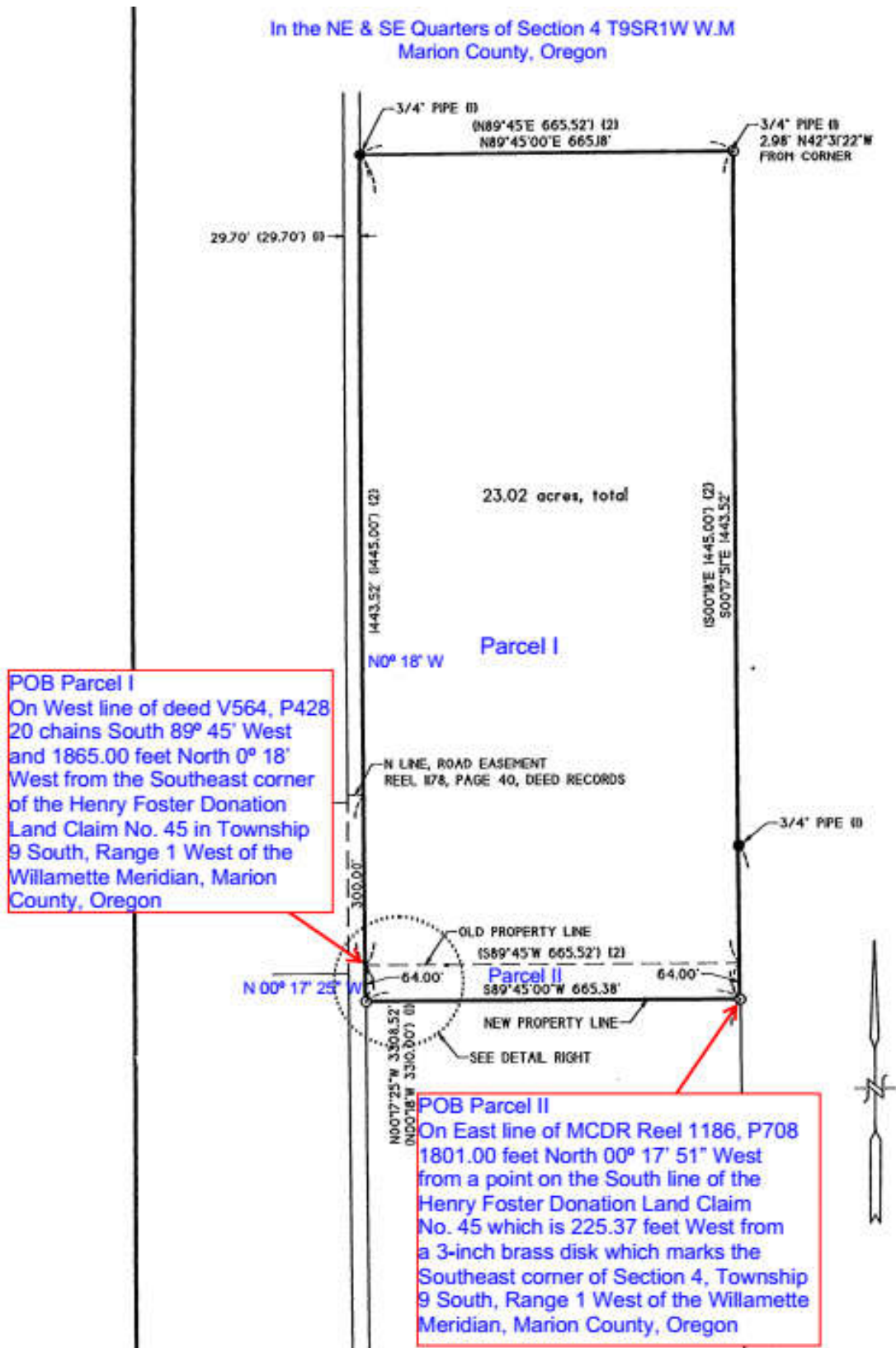


EXHIBIT 3, Annexation Area, Kindle Property

Beginning at the Northeast corner of that parcel deeded to the City of Stayton and described in a deed recorded in Reel 3029, Page 285, Deed records for Marion County, Oregon which point is 1320 feet south 89° 45' West and 1881.00 feet North 00° 17' West from the Southeast corner of the Henry Foster Donation Land Claim No. 45 in township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon;

Thence North 00° 17' West along the East line of Parcel II of Tract VI as described in a Deed recorded in Reel 2607, Page 001, Deed Records for Marion County, Oregon a distance of 1936.90 feet to a parcel of land deed to the City of Sublimity in Reel 14, Page 486, Deed Records for Marion County, Oregon;

Thence South 89° 45' West 29.70 feet to the West line of Said Parcel II;

Thence South 00° 17' East along the West line of said Parcel II a distance of 1313.90 feet to the Northeast corner of Tract VII as described in a Deed recorded in Reel 2607, Page 001, Deed Records for Marion County, Oregon;

Thence South 89° 45' West 25.00 feet to a point;

Thence South 00° 17' East to the south line of Parcel II of Tract VI as described in a Deed recorded in Reel 2607, Page 001, Deed Records for Marion County, Oregon and the north right of way line of W Hobson Road as shown on the plat of Phillips Estates – Phase I recorded in the Marion County Book of Town Plats, Volume H47, Page 8;

Thence North 89° 45' East 25.00 feet along the south line of the said Parcel II of Tract VI to the west line of the parcel deeded to the City of Stayton ad described in a deed recorded in Reel 3029, Page 285, Deed Records for Marion County, Oregon;

Thence North 00° 17' West along the west line of the City of Stayton Parcel to the northwest corner of that parcel;

Thence North 89° 45' East 29.70 feet to the Point of Beginning.

EXHIBIT 4, Map of Annexation Area, Kindle Property

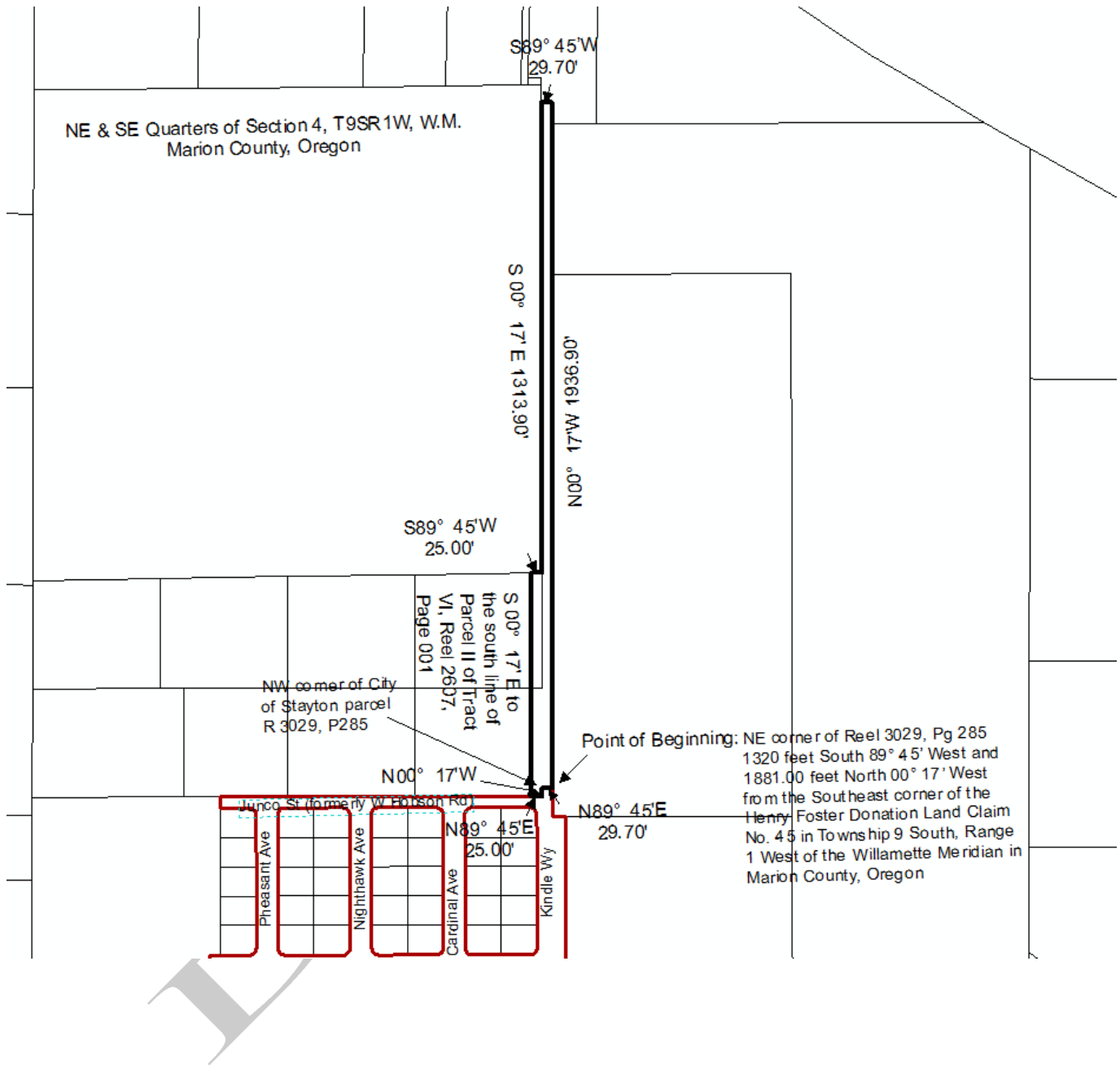


EXHIBIT 5, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #7-08/17

A. GENERAL FACTS

1. The owners of the properties and the applicants are the City of Stayton and Kirk Kindle.
2. The properties can be described as tax lots 301 and 200 on Map 91W04D and portions of tax lots 2100 and 2200 on Map 91W04DA.
3. The properties are located at 2400 Kindle Way, 2800 Kindle Way, a portion of 2847 Kindle Way, and a portion of 1450 Goshen Rd SE.
4. 2400 Kindle Way is Parcel 2 of Partitioning Plat 2016-057. It was annexed into the City in February 2017. The property is designated Residential by the Comprehensive Plan Map. It was zoned Medium Density Residential (MD) when annexed. The property is 12.23 acres in area with approximately 1,740 feet of frontage on Kindle Way and 45 feet of frontage Shaff Road. The property is vacant. The property was purchased by the City from the Lambert family and will be referred to in these findings as the Lambert property.
5. 2800 Kindle Way is approximately 23 acres in area with approximately 80 feet of frontage on Kindle Way. The property is developed with a single family detached dwelling and accessory buildings. The property is outside of the City Limits, is designated as Residential by the Comprehensive Plan Map and is zoned Marion County Urban Transition (UT). The property is bisected by Mill Creek. The Comprehensive Plan Map designates a 200-foot wide Natural Resource Overlay District along Mill Creek. The property was purchased by the City from the Puntney family and will be referred to in these findings as the Puntney property.
6. The portions of 2847 Kindle Way and 1450 Goshen Rd SE that are proposed for annexation together comprise approximately 1.7 acres of land and are referred to in this order as the Kindle Property. This area is owned by Kirk A Kindle, who has consented in writing to its annexation. This area is outside of the City Limits, is designated as Residential by the Comprehensive Plan Map and is zoned Marion County Urban Transition (UT).
7. The neighboring property to the east and the north is zoned Public/Semi-Public (P) and is developed as the Stayton Middle School. The neighboring properties to the west are zoned Low Density Residential (LD) and are developed as single family detached dwellings or are located outside of the City Limits, are zoned Marion County UT, and are developed as acreage residential properties or are vacant. The neighboring property to the south is zoned MD, is developed with a single family dwelling, and has been approved by the Planning Commission for a 51-lot single family subdivision.
8. The Puntney property and the Lambert property were purchased by the City of Stayton in the winter of 2016-2017. The City intends to use the Lambert property as a stormwater detention facility. The City intends to develop the Puntney property into a park.
9. Annexation of the Kindle property will allow for future dedication of right of way for the future extension of Kindle Way.
10. The proposal is to annex the Puntney property and Kindle property into the City Limits, to amend the comprehensive plan designation from Residential to Public for the Puntney and Lambert properties, to amend the zoning from MD to P for the Lambert property, to assign P zoning to the

Puntney property, to assign LD zoning to the Kindle Property, and to establish a 100-foot wide Natural Resource Overlay District along Mill Creek on the Puntney and Kindle property.

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 and housing in MD zones may not to exceed 12 dwelling units per acre. For this analysis the northern parcel is assumed to be zoned LD when annexed and the southern parcel is zoned MD. To assess a reasonable worst case for the existing zoning, the City's transportation consultant correctly assumed that both parcels could be built out according to the zoning designation. Per SMC 17.16.060, the P zone allows lands, buildings and facilities that are common to a public area and will not unreasonably change the area of the community. Based on the designation, it was assumed that a reasonable worst case for a public area would be a public school or schools.
13. The proposed zone change site was compared to existing school sites in the mid-Willamette valley. For a site of approximately 35 acres, a combined middle school and elementary school was determined to represent the reasonable worst case. The average Floor to Area Ratio (FAR) was analyzed at three combined middle school & elementary school sites in the mid-Willamette valley. This average was applied to the two parcels to determine a reasonable building size for both a middle school and an elementary school. Reasonable worst case trip generation estimates were prepared for the existing and proposed zoning development scenarios based on information provided in the standard reference manual, Trip Generation, 10th Edition, published by the Institute of Transportation Engineers. The Single-Family Detached Housing land use was used for both of the existing zoning parcels and represents the reasonable worst case. The middle school and elementary school trip generation reflect an average FAR determined from similar sites and applied to the gross area of the two parcels (35.28 acres). The proposed zone change could result in an increase of 878 daily trips, an increase of 1,013 weekday AM peak hour trips, and a reduction of 57 trips PM peak hour trips. The proposed zoning has the potential to create an increased impact and possible significant effect on the surrounding transportation system because of the increase in daily and weekday AM peak hour trips.
14. Per OAR 660-012-0060, if a 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.

15. The City’s transportation engineers determined 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 properties of 3,570 daily trips, of which can be no more than 673 AM peak hour trips and 226 PM peak hour trips.
16. The city intends to develop the northern parcel into a park and the southern parcel into a storm water detention facility. A trip generation analysis was performed based on these land uses. Assuming the imposition of the “trip cap” as recommended by the transportation engineers, the trip generation potential of the subject site would be held to an amount equal to or less than what is allowed under the existing zoning. 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. A traffic impact analysis may be required for the development application if the proposed uses require a traffic impact analysis per the SMC. The currently envisioned uses would not trigger a traffic impact analysis.
17. In conclusion, the results of this analysis indicate the proposed P zoning designation has the potential to “significantly affect” the transportation system, per the criteria outlined in the TPR. As such, a “trip cap” is proposed as suitable mitigation to limit the any site development’s trip generation potential to be the same or less trips than what could be generated by the existing residential zoning. The proposed site development of a public park and storm water detention facility can be built on the re-zoned parcels while staying under the “trip cap.”

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.

C. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the applications and notice appeared in the newspaper and on the City’s website.

D. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.4. Comprehensive Plan amendment applications are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.170.6. Official Zoning Map amendments are required to satisfy approval criteria contained within SMC Chapter 17, Section 17.12.180.6.

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 2004 Stayton Parks and Recreation Master Plan identifies the need for an additional 40 acres of community parks in the City by the year 2020. The Puntney property was purchased with the intention of developing a community park. Annexation of the Kindle property will facilitate extension of Kindle Way in accordance with the Transportation System Plan.

- 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 water and sewer service to the Puntney property. The development of the property into a community park will not create substantial demand on the city or private utility services.

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

Finding: The property is contiguous to the City Limits on the north, east, and south sides.

- 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 development of the Puntney property as a community park is in compliance with the adopted Parks and Recreation Master Plan and will provide recreational opportunities to the residents of the northwest corner of the City. Annexation of the Kindle property will facilitate extension of Kindle Way in accordance with the Transportation System Plan.

- 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. Chapter 51 of the Oregon Laws of 2016 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 Public land use designation as appropriate for land owned by governmental agencies, churches, golf club, utilities or not-for-profit organizations. The Plan narrative indicates that the public designation will be applied after land is acquired by a public agency in order to avoid affecting private property values.

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 envisions that land obtained by public institutions will be designated for public use after it is obtained, in order to avoid limitations on privately owned property. The Comprehensive Plan indicates that there may be the need for additional public land for park purposes. The Parks and Recreation Master Plan identifies the need for an additional 40 acres of community parks in the City by the year 2020. The subject property was purchased by the City for park and stormwater management needs. There is no other City-owned land that is appropriate for these uses.

- 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 Goal 8 and Goal 11. Goal 8 is to satisfy the recreational needs of the citizens of the state and visitors. The City has purchased the Puntney property to provide recreational opportunities and in compliance with the City's Parks and Recreation Master Plan. Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The City has purchased the Lambert property to develop a stormwater facility in accordance with the City's Stormwater Master Plan.

- 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: A trip generation analysis was prepared by Patrick Marnell, PE, of Kittelson & Associates. The Analysis determined that the comprehensive plan amendment could result in an increase in total daily trips and AM peak hour trips, but a decrease in PM peak hour trips from the area. The Transportation Planning Rule requires an analysis of the "worst-case" trip generation from the current zoning and comprehensive plan designation compared to the "worst-case" trip generation from the proposed zoning and comprehensive plan designation. For purposes of the analysis, it was assumed that the Puntney property would be zoned as Low Density Residential and developed at a density of 6 units per acre. The Lambert property is zoned as Medium Density Residential and has the potential to be developed at 12 dwelling units per acre. For purposes of the analysis, the "worst-case" traffic generation scenario under the proposed Comprehensive Plan designation of Public was determined to be a public school complex with a 71,720 square foot elementary school and a 107,580 square foot middle school. Based on the analysis, Kittelson & Associates concluded that the comprehensive plan amendment would have a significant effect on existing or planned transportation facility unless the traffic from the site is capped by a condition of approval.

- 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 concurrent 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.

- 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 properties are serviced by public water and by public sewer. The development of the Lambert property as a stormwater detention facility will not require any utility services. The development of the Puntney property as a public park will have minimal public water and sewer demand.

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

Finding: The development of a park will provide needed public recreation opportunities to nearby residents. The stormwater detention facility will have no impact on neighboring properties.

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 properties are serviced by public water and by public sewer. The development of the Lambert property as a stormwater detention facility will not require any utility services. The development of the Puntney property as a public park will have minimal public water and sewer demand. The North Santiam School District, the Stayton Police Department, and the Stayton Fire District were notified of the application. No comments were received from the School District, Police Department, or Fire District.

- 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: A trip generation analysis was prepared by Patrick Marnell, PE, of Kittelson & Associates. The Analysis determined that the comprehensive plan amendment could result in an increase in total daily trips and AM peak hour trips, but a decrease in PM peak hour trips from the area. The Transportation Planning Rule requires an analysis of the “worst-case” trip generation from the current zoning and comprehensive plan designation compared to the “worst-case” trip generation from the proposed zoning and comprehensive plan designation. For purposes of the analysis, it was assumed that the Puntney property would be zoned as Low Density Residential and developed at a density of 6 units per acre. The Lambert property is zoned as Medium Density Residential and has the potential to be developed at 12 dwelling units per acre. For purposes of the analysis, the “worst-case” traffic generation scenario under the proposed zoning of Public/Semi-Public was determined to be a public school complex with a 71,720 square foot elementary school and a 107,580 square foot middle school. Based on the analysis, Kittelson & Associates concluded that the zone map amendment would have a significant effect on existing or planned transportation facility unless the traffic from the site is capped by a condition of approval.

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

Finding: Policy PF-1 calls for the City to provide storm water management and parks and recreational facilities within the urban growth boundary. The City has purchased the properties for stormwater and park facilities. Policy PF-3 is for that recreational facilities should be developed as the City's population grows.

- 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 Comprehensive Plan indicates that the public designation will be applied after land is acquired by a public agency in order to avoid affecting private property values. There is no other City-owned land that is appropriate for these uses. Following the zone map amendment, the Planning Department reports there will be 15 vacant parcels zoned MD within the City, with a total land area of approximately 7 acres.

- 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 14.

- 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 properties are generally flat and would allow for a wide variety of development opportunities. The Puntney property is bisected by Mill Creek and the portion of the property on the north side of the creek is mapped as forested wetlands. Development of the properties as a park and as stormwater detention facility will provide open space and recreational opportunities for nearby residents. The properties are adjacent to the Stayton Middle School campus, already zoned Public/Semi-Public.

EXHIBIT 6, EXCERPT FROM OFFICIAL ZONING MAP

Proposed Zoning

