LYONS PLANNING COMMISSION

STAFF REPORT

STAFF REPORT DATE: November 14, 2019, revised November 18, 2019

HEARING DATE: November 14, 2019, continued to November 19, 2019.

FILE NUMBER: 2019-04

APPLICANTS: Jeffrey D. Peters
PO Box 324, Lyons, OR 97358

PROPERTY OWNER: Jeffrey D. Peters

APPLICANT’S PROPERTY:

<table>
<thead>
<tr>
<th>Assessor’s Map</th>
<th>Tax Lot</th>
<th>Account</th>
<th>Acres</th>
<th>Nearby Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>T09S R2E 19A</td>
<td>00103 (part)</td>
<td>780268</td>
<td>1.5 +/-</td>
<td>Lyons-Mill City Drive</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1.5 +/- acres out of a 10.11-acre parcel</td>
<td></td>
</tr>
</tbody>
</table>

EXHIBITS:

EXHIBIT A Application (in file)
EXHIBIT B Notices of Public Hearing (in file)
EXHIBIT C Site Maps
  C-1 Proposed UGB Amendment, Lyons Comprehensive Plan Designation, City of Lyons Zoning and Annexation Area (See Map 1 on page 4)
Exhibit D Public Testimony (none submitted)
Exhibit E Agency Comments (in file)
  E-1 City Engineer Jim Schuette
  E-2 Linn County Planning Department
  E-3 Linn County Roads Department
PROPOSAL: City of Lyons
(1) Lyons Urban Growth Boundary (UGB) Map Amendment
   Add 1.5+/- acres to the City of Lyons UGB
(2) Lyons Comprehensive Plan Map Amendment – Farm/Forest to Residential
(3) Annexation of 1.5 +/- acres to the City of Lyons
(4) Zone Change for Annexed Property to Single-Family Residential (SFR)

Linn County
(5) Linn County approval of Lyons UGB Amendment.

CRITERIA:
A. Oregon Statewide Planning Goals 1 to 14
B. OAR 660-024 Division 24 – Urban Growth Boundaries
C. ORS 197A.320 – Goal 14 factors for modifying a UGB.
D. ORS 222 - Annexations
E. Lyons Comprehensive Plan
   • Land Use Goals and Policies
   • Housing Goals and Policies
   • Urbanization Goals and Policies
F. Lyons Municipal Code (LMC) – Title 18 and Title 19
   • Chapter 19 Comprehensive Plan
     o Section 19.05.050 to 19.05.070 Application for Amendments
     o Section 19.05.140 Approval Criteria
   • Chapter 18 Zoning Amendments
     o Section 18.50.010 to 18.50.030 Zoning Amendment Procedures
I. Applicant’s Proposal

The City has received a consolidated application for four land use proposals:

1. Lyons Comprehensive Plan Map Amendment – Add 1.5 +/- acres to the Lyons UGB.

2. Lyons Comprehensive Plan Map Amendment – Change Plan Designation from Linn County Farm / Forest to City of Lyons Residential for approximately 1.5 +/- acres, a portion of a 10.11-acre tract, T9S R2E, Section 19A, Tax Lot 00103.

3. Annexation of 1.5 +/- acres to the City of Lyons.

4. Zone Change for the Annexed Property to Single Family Residential (SFR).

The City of Lyons has received a land use application from Jeffrey Peters requesting approval of his proposal to add 1.5 +/- acres to the Lyons Urban Growth Boundary, amend the Lyons Comprehensive Plan Map to redesignate the 1.5-acre area from Farm-Forest (FF) to Residential, to annex the 1.5 acres into the City of Lyons and to amend the Lyons Zoning Map to rezone the annexed property to Single-Family Residential (SFR).

A 0.32-acre portion of the applicant’s property is located inside the Lyons UGB and is zoned SFR for single-family residential development. In order to create a buildable lot, the applicant proposes to expand the Lyons UGB to add up to 1.5 +/- acres within the UGB and City Limits and rezone the property for residential use. The applicant proposes to build one single-family home on the property. The applicant’s proposal is summarized in Table 1 below and shown on Map 1.

If the applicant’s proposal is approved by the Lyons City Council, the City will forward the City’s decision to the Linn County Planning Department. The property owner will then file an application for a UGB amendment for review and action by the Linn County Planning Commission and Board of Commissioners. If Linn County approves the proposal, the City of Lyons will adopt an ordinance to annex the property.

Table 1

Lyons UGB & Comprehensive Plan Amendment Proposal
for an existing 10.11-acre parcel

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Assessor’s Map</th>
<th>Tax Lot</th>
<th>Parcel Size</th>
<th>Existing Linn County Comp Plan</th>
<th>Existing Linn County Zoning</th>
<th>City of Lyons Comp Plan &amp; Zoning</th>
<th>Acres to be added to the Lyons UGB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>09S 02E 19A</td>
<td>00103 (part)</td>
<td>8.29 Acres</td>
<td>Farm Forest</td>
<td>FF</td>
<td>This portion of the parcel will remain outside the City. No plan or zone change.</td>
<td></td>
</tr>
<tr>
<td>Area 2</td>
<td>09S 02E 19A</td>
<td>00103 (part)</td>
<td>1.50 +/- acres</td>
<td>Farm Forest</td>
<td>FF</td>
<td>Residential Single-Family (SFR)</td>
<td>1.5 +/- acres</td>
</tr>
<tr>
<td>Area 3</td>
<td>09S 02E 19A</td>
<td>00103 (part)</td>
<td>0.32 acres</td>
<td>This portion of the parcel is in the City of Lyons No plan or zone change</td>
<td>Residential Single-Family (SFR)</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
Lyons Planning Commission Hearing 11-14-2019

City of Lyons
9S 2E 19A  00103 Peters

Map 1 – Jeff Peters Proposal

City of Lyons
Proposed UGB Amendment,
Comp Plan Map Change
Zone Change to SFR (R-1)
Annexation

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.
II. BACKGROUND INFORMATION

A. Pre-Application Information and Application Submittals:

In 2018 and 2019 the applicant spoke with Linn County Planning Department senior planner Alyssa Boles and Linn County Environmental Health Department staff to review county zoning and development requirements in the Farm/Forest zone to determine what options he had for building a new home on the 10.11-acre site. The applicant also spoke with the City’s Planning Consultant several times to review the City’s zoning and development options for the 0.32-acre portion of the site located in the City of Lyons.

In September 2019 the applicant met with the City of Lyons City Recorder and the City’s Planning Consultant to discuss a land use application to amend the Lyons Comprehensive Plan and Zoning Ordinance and annex a 1.0-acre area to the City of Lyons, in order to create a building site to construct one single-family home on the south end of the 10.11-acre site. The City’s Planning Consultant discussed the proposal with the Linn County senior planner Alyssa Boles. They concluded that the only option available to the applicant, to allow for construction of a new SFR dwelling, is to pursue a Lyons UGB amendment, comprehensive plan amendment, zone change and annexation of a portion of the property to the City of Lyons. The applicant was advised of the planners’ conclusions.

The applicant filed an application with the City on September 11, 2019. The application was deemed complete on September 25, 2019 and a public hearing date of November 14, 2019 was set. Since the application includes a proposed amendment to the Lyons UGB and Lyons Comprehensive Plan, the City’s Planner concludes the “120-day rule” does not apply to the proposal.

B. Application, Land Use Procedure and Review Requirements:

The proposal includes several inter-related land use applications and proposals. In order to expeditiously handle the multiple applications, the city staff has elected to consolidate the land use proceedings together. The following land use decisions will be considered by the City of Lyons and Linn County:

1. Lyons Urban Growth Boundary (UGB) Amendment. Add 1.5 +/- acres to the Lyons Urban Growth Boundary. City of Lyons & Linn County decisions required.

2. Lyons Comprehensive Plan Map Amendment (Residential). Redesignate 1.5 +/- acres added to the Lyons UGB as Residential land. City decision and Linn County decision required.

If applications #1 and #2 are approved by both the City of Lyons and Linn County, then the City of Lyons will take a final action by adopting an Ordinance for the following actions:

3. Annexation to the City of Lyons. Annex the 1.5 +/- acres added to the Lyons UGB.

4. Lyons Zoning Map Amendment. Rezone the annexed area to Single-Family Residential (SFR). City of Lyons decision by Ordinance and concurrent zone change to Residential (SFR).
C. Review and Decision Process:

1. **City of Lyons Planning Commission and City Council Review and Decision.** The City proposes the following schedule of proceedings:

   - **November 14, 2019**  
     Lyons Planning Commission Public Hearing  
     Applicant’s presentation and public testimony

   - **November 19, 2019**  
     Lyons Planning Commission deliberation and recommendation to City Council

   - **November 26, 2019**  
     City Council Public Hearing

     The City Council will consider the Planning Commission’s recommendation at a public hearing. At the conclusion of the City Council public hearing, the Council will make a decision to approve or deny each of the Planning Commission’s recommendations.

   - **December 17, 2019**  
     City Council Public Hearing (continued if needed)

     After the Council deliberations, the City staff will prepare a final Order with the findings and conclusions. If the proposal is approved, an ordinance will be prepared for City Council adoption at either the December 2019 or January 2020 City Council meeting.

     The City will make its decision based on the criteria listed above. The criteria listed for the Lyons Comprehensive Plan and the Lyons Zoning Code can be viewed under the “Documents” section of the City of Lyons website: [http://www.ci.mill-city.or.us/](http://www.ci.mill-city.or.us/).

2. **Linn County Planning Commission and City Council Review and Decision.**

   If approved, the City’s decision will be forwarded to the Linn County Planning Department. The applicant will then have to file an application with the Linn County Planning Department for the County planning staff to schedule the Linn County public hearings. Public hearings will be held before the Linn County Planning Commission and the Linn County Board of Commissioners.

   - **January – May 2020**  
     Linn County consideration and decision on UGB Amendment and Comprehensive Plan map amendment and County zone changes. If the Linn County Board of Commissioners approve the UGB Amendment, Linn County will notify the City of the Board of Commissioner’s decision.

3. **City of Lyons City Council Final Adoption of Annexation Ordinance & Zone Change.**

   Once the City of Lyons receives notice of the Linn County adoption of an Order approving the UGB Amendment, the City will consider adoption of an Ordinance to annex the 1.5-acres and change the zoning of the annexed area to Single Family (SFR) Residential.
C. Public Hearings and Notices of Public Hearing:

A public hearing concerning the matter was held before the Planning Commission on Thursday, November 14, 2019 beginning at 6:30 p.m. at the City Hall, 449 5th Street in Lyons.

The staff report was available to the public on November 13, 2019. Because the staff report was not available at City Hall seven days prior to the hearing, the chair of the Planning Commission continued the public hearing until Tuesday, November 19, 2019 at 6:30 p.m. at Lyons City Hall. This will provide the applicant, agencies and members of the public an opportunity to review the staff report, decision criteria and proposed findings.

Notice of any public hearings must be provided to affected governmental agencies and adjacent property owners. Written notice shall be mailed to owners of property within 500’ of the subject property at least 10 days prior to the initial evidentiary hearing before the Lyons Planning Commission and 10 days prior to a public hearing before the City Council.

Notice of the initial evidentiary hearing was published on October 15, 2019 edition of the Canyon Weekly and mailed to property owners more than 10 days prior to the hearing. The City’s Planning Consultant has coordinated the review of the proposal with the Linn County Planning Department and the Oregon Department of Land Conservation and Development. A PAPA Notice of the proposal was received by DLCD on October 7, 2019, more than 35 days prior to the initial public hearing. Agency notices were emailed to affected agencies during the week of October 7th, with a request that agency comments be returned to the City by November 7, 2019.

The City Council has scheduled a public hearing on November 26, 2019. At the conclusion of the public hearing, the Council will make a decision to approve or deny the proposal.

D. Surrounding Uses

West: 1417 Main Street. A 29-acre residential & farm tract with a single-family home, barn and outbuildings. Large pasture area.

South: 1715 Main Street. A 1.99-acre residence with a single-family home, barn and small outbuildings. Shares driveway access with Peters property.

1807 and 1809 Main Street. Single-family homes with shared driveway access to the Peters property.

East: 1725 Main Street. A 3.03-acre parcel with a single-family home, garage and outbuildings. The home is directly east of the 1.50 +/- acres that is proposed to be added to the Lyons UGB, annexed and developed with a single-family home. The parcel shares driveway access with the Peters property.

North, NW & NE: Four Farm-Forest properties (37.82-acres, 11.02-acres, 4.54-acres and 19.22 acres) north to the N. Santiam River. The 4.54-acre site has a home. The other parcels are undeveloped, with pasture, trees and a large pond.
E. Proposed Development – New Single-Family Dwelling on Area Added to the UGB

The applicants propose to add 1.5 +/- acres to the Lyons UGB. This 1.5 acres will be added to the existing 0.32 acres already inside the Lyons City Limits to create a building site for a new single-family dwelling and sufficient land to install a septic drain field. The north boundary line for the UGB is proposed to include an existing pasture up to the edge of copse of trees on the property.

The remaining 8.29-acres at the north end of the property will remain in the unincorporated area of Linn County. The Linn County Comprehensive Plan designation and zoning of the 8.29-acres will remain Farm-Forest.

F. Existing Conditions:

AREA 1: 8.29 Acres (North end of the site)

Area 1 is located at the north end of the applicant’s property. It is located north of the City of Lyons UGB toward the N. Santiam River. The parcel has a small pond, seasonal stream (flows east to west) and pasture land with scattered trees, blackberries and shrubs. The property is not currently used for agricultural crop production.

AREA 2: 1.50 +/- acres. (Area to be Added to the Lyons UGB and Annexed to the City of Lyons)

Area 2 is an open pasture area. A copse of trees (firs and deciduous trees) abuts the north end of the pasture area. The Lyons City Limits and UGB line are at the south edge of Area 2. An existing gravel driveway from Lyons-Mill City Drive is located along the east boundary.

Applicant Jeff Peters provided the following statements in his application:

- “By annexing the property to the City, the Parcel will be big enough for a home site. At current, 0.32 acres, I don’t have the room for septic system. Will also keep a 20‘ easement along the east [property] line to access the [north end of the property].”
- “I ‘would like to put a house on the property. Sell a buildable lot to one of my kids to give them a start in life, there is enough room for 2 lots.”

AREA 3: 0.32 acres. (Area currently inside the Lyons UGB and the City of Lyons)

The 0.32 acres is at the south end of the site. The area is a cleared pasture. The applicant proposes to use Area 2 and Area 3 as a building site for a single-family residence.

G. Streets and Utilities:

The following is a brief summary of public facilities available to the site:

Streets: The property has a 20’ wide access driveway from Main St. Main Street (Lyons-Mill City Drive) is a minor arterial, owned and maintained by Linn County.
Water: The Lyons-Mehama Water District has a water main in Main Street. Water district officials indicate water service can be made available to a new building lot.

Septic: A septic permit will be required. The minimum lot size for a septic permit in Lyons is 0.5-acres, subject to a soils report and inspection by the Linn County Environmental Health Department.

Storm Drainage: There are no storm drainage facilities on the property. A seasonal creek runs east-west through the site, just north of the area proposed for the expansion of the UGB, as shown on Map 1.

H. Agency Comments and Public Testimony:

1. Agency Comments. Agency comments were solicited from DLCD, Linn County Planning, the Lyons Rural Fire District, Lyons-Mehama Water District and private utilities. Agency comments were requested back by November 7, 2019. Agency comments are included in Exhibit E.

   • **City Engineer Jim Schuette:** Alyssa Boles, Sr. Planner, responded: “Site Access is currently available; Water service is available; Both are the responsibility of the applicant. Sanitary sewer drain field will require County approval. With the above comments we have no objections.”

   • **Linn County Planning Department:** Alyssa Boles, Sr. Planner, responded: “If approved, property owner will need to complete a Comprehensive Plan map amendment and zoning map amendment with Linn County.”

   • **Linn County Roads Department:** Stephanie Taylor, LC Roads Plan Reviewer, responded: “Access review prior to development.”

2. Public Testimony. The City sent notices of the public hearing to surrounding property owners within 500’ of the applicant’s property. Any written public testimony received prior to or during the public hearing is hereby made a part of the record. A summary of oral testimony will be included in the meeting minutes.

The applicant presented the proposal at the public hearing. There was no other testimony at the November 15, 2019 Planning Commission hearing.

III. Findings

The applicant’s proposal includes two amendments to the Lyons Comprehensive Plan map:

   (1) Urban Growth Boundary Adjustment
   (2) Redesignate 1.5 +/- acres as Residential land.

The applicant submitted a land use application and a map showing the proposal. The City’s Planning Consultant reviewed the proposal, including the applicant’s submittals, to determine whether or not the proposal complies with the applicable standards and criteria listed on page 2 of this staff report.

A. Statewide Planning Goals, Oregon Laws and Administrative Rules

An Urban Growth Boundary (UGB) adjustment is reviewed based on applicable criteria found in the
Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The applicable ORS and OAR requirements are listed under each statewide planning goal below.

**Statewide Planning Goals:**

**Goal 1 – Citizen Involvement**

The City of Lyons and Linn County provide opportunities for citizen involvement in all post-acknowledgement plan amendment proceedings. Notices of the city public hearings were provided to affected property owners and agencies.

Section II “Background Information” of this staff report outlines the public notice, hearings and citizen involvement process that is used by the City of Lyons. The application, applicant’s testimony, public testimony, agency reviews and comments, planning commission minutes and city council minutes are all part of the public record in this case and available to the public.

The proposal complies with Goal 1 – Citizen Involvement.

**Goal 2 – Land Use Planning**

Goal 2 requires the City to provide a 20-year supply of buildable residential and employment lands to serve the projected growth of the community.

2.1 The City of Lyons is located in Linn County. The Lyons Urban Growth Boundary contains an area of 375 acres. Of this total, 390+/-(51.5 per cent) are in the city limits and 360+/-(48.5 per cent) are outside the city limits but within the UGB.

2.2 The buildable lands analysis in the Lyons Comprehensive Plan was last updated in 1987. The Lyons Comprehensive Plan estimated the city population would reach 1,429 persons by the year 2009 and the City would need to have 167.4 acres of vacant, buildable residential land to accommodate the estimated population.1 The PSU Center for Population Research certified population estimate for the City of Lyons on July 1, 2019 was 1,200 persons.

2.3 In June 2017, the Center for Population Research at Portland State University prepared and approved the Coordinated Population Forecast for Linn County, Oregon, Its Cities and Urban Growth Boundaries. The report includes a 20-year population forecast for the City of Lyons. In 2040, the Lyons population is estimated to reach 1,403 persons.

2.4 The buildable lands analysis estimated the City needed 167.4 acres of vacant, buildable residential land to accommodate population growth from 910 people (1988) to 1,429 people. The population forecast is very close to PSU’s 20-year population forecast for Lyons by the year 2040.

2.5 Based on the 2040 PSU population forecast, the City of Lyons concludes it can use the buildable lands analysis information in the Lyons Comprehensive Plan to evaluate the current proposal.

2.6 An extrapolation of the buildable land needs estimate from the Lyons Comprehensive Plan reveals

---

the City will need approximately 75 acres of vacant buildable residential land to provide an additional 200+/- housing units to reach a population of 1429 persons.

2.7 The Linn County GIS Department prepared Map 2 on the next page showing existing vacant residential lots (0.5 acres or larger) in the City of Lyons as of November 1, 2019. Table 1 below shows there are 30 parcels with a total of 49.39 acres of vacant residential land inside the City of Lyons.

Table 2
Vacant Residential Lots (0.5 acres or larger)
in the City of Lyons, Oregon
November 2019

<table>
<thead>
<tr>
<th>City of Lyons Zoning District</th>
<th>Parcels</th>
<th>Acres</th>
<th>Potential # of Housing Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.50 to 1.0 acres in size</td>
<td>21</td>
<td>12.09</td>
<td>21 housing units</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1 house per parcel)</td>
</tr>
<tr>
<td>&gt;1.0 acres in size</td>
<td>7</td>
<td>32.48</td>
<td>43 housing units</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>@ .75 acres/unit</td>
</tr>
<tr>
<td>Multi-Family Residential</td>
<td>2</td>
<td>4.71</td>
<td>14 units</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
<td>49.39</td>
<td>64 housing units</td>
</tr>
</tbody>
</table>

2.8 The City’s planning consultant estimates the vacant 49.39 acres can accommodate up to 64 housing units, based on the densities provided in the Lyons Comprehensive Plan.

2.9 The City concludes there is a need for 65-75 acres of vacant buildable land to accommodate approximately 85 additional housing units @ 2.68 persons per household.

2.10 The City also concludes the expansion of the UGB to add 1.5 +/- acres will provide land sufficient to accommodate another 2 needed housing units.

2.11 Even if the City adds the applicant’s property to the Lyons UGB, the City will need to add land to the UGB to provide sufficient buildable land to add 20+ housing units to the City.

---

Footnote:

2 Lyons Comprehensive Plan, Section VII, page 14. Residential density projection based on Linn County Environmental Health Department conclusions regarding soil conditions in the Lyons UGB and the use of on-site sewage disposal systems for new single-family and multi-family residential development.
2.12 The applicant’s proposal will add 1.5+/- acres to the City’s inventory of buildable residential land.

2.12.1 The 0.32-acre portion of the applicant’s property inside the Lyons City Limits is not buildable, because it is not large enough to locate both a home, septic system and reserve drain field on the site. County zoning precludes development of the site for residential use.

2.12.2 The applicant proposes to add 1.5 acres to the UGB and City limits to create a buildable parcel. There are no unbuildable areas constrained by wetlands, flood hazard zone or steep slopes on the 1.5-acre area to be added to the UGB and annexed to the City.

2.12.3 The existing City Limits line was established along a section line and did not follow natural geographic features. The applicant has proposed the new UGB/City limits line to adjusted to follow a natural feature.

2.12.4 The modification of the UGB line is a housekeeping measure to ensure the applicant has a buildable lot. The inclusion of 1.5-acres to the tree line creates a logical building area/home site and ensures there is sufficient land for placement of a home and a primary and secondary drain field.

2.12.5 The remaining 8.29-acre area of the site will remain in the Farm/Forestry zone. It is not a commercial farm or timber producing property. The 8.29-acre portion of the property will remain in a “hobby” farm/pasture use. Linn County GIS maps show the 8.29-acres site does include a seasonal stream and wetlands which means it may not be suitable for urban development.

2.13 The proposal does not affect employment lands.

2.14 The proposal to make UGB adjustments must comply with Goal 14 factors required for establishing a UGB boundary and OAR 660-024-0070 “UGB Adjustments”. [Note: See Goal 14 findings for discussion of the UGB boundary location factors].

The City of Lyons concludes the proposed amendment is a minor amendment to the Lyons UGB, corrects a boundary location which currently creates an “unbuildable 0.32-acre residential parcel” and will enable the property owner to utilize the portion of his property inside the City for residential uses.

The City also concludes the UGB amendment will add 1.5+/- acres to the City’s inventory of vacant, buildable residential land. At most, the addition of 1.5-acres to the City Limits and Residential (SFR zone) creates an opportunity for no more than two SFR home sites. The City estimates it has approximately 50-acres of vacant, buildable residential land inside the City of Lyons and a need for up to 75-acres of vacant, buildable land to accommodate the 85+/- housing units needed for the 20-year planning population of 1403 by the year 2040. The addition of 1.5-acres of vacant, buildable land will help the City accommodate needed housing during the 20-year planning period.

The proposal complies with Goal 2 – Land Use Planning.

Goal 14 – Urbanization

Goal 14 requires cities to “To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure...
efficient use of land and to provide for livable communities.”

14.1 Goal 14 requires a city to consider several “urbanization” factors when establishing or modifying an urban growth boundary.

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments, or for cities applying the simplified process under ORS chapter 197A, a 14-year forecast; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

14.1.1 The Lyons Urban Growth Boundary is acknowledged as part of the Comprehensive Plan. The area within the UGB was established to enable the city to provide land for the estimated growth of the city and enable the city to accommodate the estimated 1403-person population by the year 2040 and provide land for needed housing, employment and public uses during the 20-year planning period.

14.1.2 The City’s Buildable Lands Inventory has not been updated since the Lyons Comp Plan since 1987. However, it anticipates buildable land needs to serve a population of 1429 persons, which is very close to the coordinated 2040 population estimate of 1403 persons.

The 1987 Lyons Buildable Lands Analysis was found to be in compliance with ORS 197.19A6 and Statewide Planning Goals. The City finds there is not a need to update the buildable lands analysis as part of this application.

14.1.3 Because the Lyons Buildable Lands Analysis does not reflect growth in the City over the past 35+ years, the City prepared a quick analysis of buildable residential lands based on 2019 Linn County GIS mapping and assessor’s records.

- See Map 1 – Vacant Residential Land on page 12.
- See Table 2 – Vacant Residential Parcels and Acreage on page 11.

The minimum lot size in the Single-Family Residential Zone (SFR) is 0.5-acres. This lot size was established by the City of Lyons to ensure there is sufficient acreage to comply with the Linn County Environmental Health Department requirements to the installation of a septic system, primary drain field and a secondary drain field area for each parcel.

Using the Linn County’s 2017 coordinated 20-year population forecast, the City will add 203 people to the City by the year 2040. Based on a 94% occupancy rate and 2.68 persons per household, the City will need to add 75 housing units by the year 2040. At an average lot size of 0.75-acres and land for right-of-way and public space, the City will need a minimum of 65 to 75 acres of vacant, buildable residential land to accommodate

---

3. *Coordinated Population Forecast 2017 through 2067 for Linn County, Oregon, Urban Growth Boundaries (UGB) & Areas Outside UGBs.* Population Research Center, College of Urban and Public Affairs, Portland State University, June 30, 2017. See Forecast Trends for Linn County’s small cities and Figure 18, pp. 20-22 and Figure 23, p. 60.
the estimated 20-year population growth.

The Linn County GIS review of vacant residential parcels shows there are 49.39 acres of vacant residential parcels inside the Lyons City limits, as shown in Table 2.

14.1.4 The City’s buildable lands assessment shows there is a deficit in the number of acres of vacant, buildable residential land in the UGB to meet the projected residential land needs during the 20-year planning period from 2020 to 2040. This proposal will add 1.5+- acres to the existing 50-acres of buildable, residential land.

(3) The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197A.320 or, for the Metropolitan Service District, ORS 197.19A8, and with consideration of the following factors:

1. Efficient accommodation of identified land needs;
2. Orderly and economic provision of public facilities and services;
3. Comparative environmental, energy, economic and social consequences; and
4. Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

14.1.4 The City of Lyons did not prepare a “UGB Alternative Sites Analysis”. This is a site-specific application to realign a boundary, eliminate a non-buildable area inside the city, adjust boundaries to follow a geographical feature and create a buildable residential lot.

14.2 Goal 14 requires a city to address requirements in OAR 660-024-0070 when considering a modification or adjustment to the adopted UGB.

660-024-0070

UGB Adjustments

(1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division [and ORS 197.19A8] apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.19A6 may also apply when land is added to a UGB, as specified in that statute. If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-024-0067.

14.2.1 ORS 197.19A6 applies to the Metropolitan Service District (METRO). It does not apply to this proposal.

14.2.2 ORS 197.19A8 applies to the METRO. It does not apply to this proposal.

14.2.3 The applicant proposes to add 1.5 acres to the Lyons UGB.

14.2.4 The proposal will redesignate and rezone the 1.5 acres to Single Family Residential (SFR).

14.2.5 Locational criteria in OAR 660-024-0060 through OAR 660-024-0067 may apply to the proposal.

- OAR 660-024-0060 applies to the METRO and does not apply to this application.
OAR 660-024-0065 applies when a city finds there is deficit in the amount of buildable residential lands. The Linn County GIS Department prepared a vacant residential land table and map (pp. 11-12 above), that show the City of Lyons has 49.39 acres of buildable residential land inside the Lyons UGB. The City’s Planning Consultant estimates the City has a need for 65-75 acres of vacant, buildable, residentially zoned land to provide needed housing for a population of 1403 residents during the 20-year planning period from 2019 to 2040.

OAR 660-024-0067 states a locational suitability analysis is to be completed when there a City finds during its housing needs analysis that there is a deficit in the amount of buildable residential land.

The City has included findings under 14.1 above that address locational issues relevant to the applicant’s proposal. Finding 14.1.3 above and Findings under 14.3 below address the site analysis requirements in OAR 660-024-0067.

**660-024-0067**

**Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities**

(1) A city considering a UGB amendment must decide which land to add to the UGB by evaluating all land in the study area determined under OAR 660-024-0065, as follows

(a) Beginning with the highest priority category of land described in section (2), the city must apply section (5) to determine which land in that priority category is suitable to satisfy the need deficiency determined under OAR 660-024-0050 and select for inclusion in the UGB as much of the land as necessary to satisfy the need.

14.3.1 The applicant proposes to add 1.50 acres adjacent to the Lyons UGB. The 1.50 acres are resource lands that are zoned Farm/Forest (F/F).

(c) If the amount of suitable land in a particular priority category in section (2) exceeds the amount necessary to satisfy the need deficiency, the city must choose which land in that priority to include in the UGB by applying the criteria in section (7) of this rule.

14.3.2 The City has 15 to 25-acre deficiency in the number of acres of buildable residential land needed to serve a population of 1403 residents by the year 2040. This proposal will add 1.5 acres to the existing inventory.

(2) Priority of Land for inclusion in a UGB:

(a) First Priority is urban reserve, exception land, and nonresource land. Lands in the study area that meet the description in paragraphs (A) through (C) of this subsection are of equal (first) priority:

(A) Land designated as an urban reserve under OAR chapter 660, division 21, in an acknowledged comprehensive plan;

(B) Land that is subject to an acknowledged exception under ORS 197.732; and

(C) Land that is nonresource land.

14.3.3 There are no Urban Reserve lands in the Lyons UGB or surrounding rural area. The applicant’s site is designated as resource lands on the Linn County Comp Plan map and are zoned Farm/Forest (FF).

(b) Second Priority is marginal land: land within the study area that is designated as marginal land under ORS 197.247 (1991 Edition) in the acknowledged comprehensive plan.

14.3.4 There are no marginal lands being considered for addition to the Lyons UGB.
Third Priority is forest or farm land that is not predominantly high-value farm land: land within the study area that is designated for forest or agriculture uses in the acknowledged comprehensive plan and that is not predominantly high-value farm land as defined in ORS 195.300, or that does not consist predominantly of prime or unique soils, as determined by the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS). In selecting which lands to include to satisfy the need, the city must use the agricultural land capability classification system or the cubic foot site class system, as appropriate for the acknowledged comprehensive plan designation, to select lower capability or cubic foot site class lands first.

The applicant’s property is a 10+ acre site identified as farm/forest resource lands. This site zoned Linn County Farm/Forest (F/F). Linn County GIS website shows the following soils for the applicant’s 10+ acre parcel outside the city limits:

<table>
<thead>
<tr>
<th>Series</th>
<th>Class</th>
<th>HV</th>
<th>Acres</th>
<th>Percent</th>
<th>CU FT/AC</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>IVw</td>
<td>non</td>
<td>3.61</td>
<td>35.86</td>
<td>40</td>
<td>Camas gravelly sandy loam</td>
</tr>
<tr>
<td>73</td>
<td>IIw</td>
<td>1</td>
<td>4.06</td>
<td>40.30</td>
<td>150</td>
<td>Newberg fine sandy loam</td>
</tr>
<tr>
<td>92</td>
<td>IVs</td>
<td>non</td>
<td>2.40</td>
<td>23.84</td>
<td>110</td>
<td>Sifton variant gravelly loam</td>
</tr>
</tbody>
</table>

The 1.5-acre portion of the site to be added to the UGB is entirely Class IVs, Sifton gravelly loam soils that are not high value soils. The site is used for pasture land. The applicant testified at the November 19, 2019 public hearing, that the property is not in commercial farm or forestry use.

Fourth Priority is agricultural land that is predominantly high-value farmland: land within the study area that is designated as agricultural land in an acknowledged comprehensive plan and is predominantly high-value farmland as defined in ORS 195.300. A city may not select land that is predominantly made up of prime or unique farm soils, as defined by the USDA NRCS, unless there is an insufficient amount of other land to satisfy its land need. In selecting which lands to include, to satisfy the need, the city must use the agricultural land capability classification system to select lower capability lands first.

There is no high-value farmland on the 1.5-aces proposed for inclusion in the Lyons UGB.

Notwithstanding section (2)(c) or (d) of this rule, land that would otherwise be excluded from a UGB may be included if:

- The land contains a small amount of third or fourth priority land that is not important to the commercial agricultural enterprise in the area and the land must be included in the UGB to connect a nearby and significantly larger area of land of higher priority for inclusion within the UGB; or
- The land contains a small amount of third or fourth priority land that is not predominantly high-value farmland or predominantly made up of prime or unique farm soils and the land is completely surrounded by land of higher priority for inclusion into the UGB.

OAR 660-024-067 (3) allows for a City to include a small amount of resource land in a UGB amendment if the City can make affirmative findings that the inclusion of the site is needed to “connect” to adjacent higher priority land or is completely surrounded by higher priority lands.

The applicant’s 1.5-acre parcel is third priority land that is immediately adjacent to
0.32-acres of the same parcel that is located in the Lyons UGB and zoned for single-family residential use. The east 50’ of the 1.5-acre area is a driveway that serves the remaining 8.29-acres of the site and an adjacent home at adjacent Rural Residential home site at 1725 Main St.

The City concludes the proposal complies with Goal 2 – Land Use Planning and Goal 14 – Urbanization.

**Goal 3 – Agricultural Lands**  
**Goal 4 – Forest Lands**

Goals 3 and 4 are not applicable when establishing or amending an urban growth boundary per OAR 660-024-0020(1b).

**Goal 5 – Open Spaces, Scenic and Historic Area and Natural Resources**  
**Goal 6 – Air, Land and Water Resources**

Goal 5 requires cities and counties to prepare inventories and adopt protection strategies and regulations for resources within the Lyons UGB. These resources include such features such as riparian corridors, wetlands, groundwater resources, historic and scenic areas, open spaces, etc. which exist inside the UGB. Goal 6 requires cities and counties plan for development in areas which will minimize negative impacts on land and water resources.

5.1 *Lyons Flood Plain Management Ordinance and Linn County Flood Management Study (2016).* The property does not abut the North Santiam River and is not within the 100-year floodplain.

5.2 *Lyons Wetlands Maps – NWI Maps.* The City’s has not adopted a local wetlands inventory. Linn County’s GIS maps show the north 8.29-acres of the applicant’s 10+ acre parcel do include wetlands identified on the National Wetlands Inventory maps. These areas are not affected by this proposal.

5.5 No other natural or historic resources have been identified on these parcels.

Goal 5 encourages the conservation and management of wetlands, riparian corridors and fish and wildlife habitats. Goal 6 encourages cities and counties to enact plans that will minimize negative effects of development on land and water resources. The addition of the proposed 1.5-acres to the Lyons UGB will not impact identified water or cultural resources.

The City concludes the proposal complies with Goal 5 and Goal 6.

**Goal 7 – Natural Hazards**

Goal 7 requires cities to inventory and adopt measures to protect the community from floods, landslides, earthquake and other natural disasters.

7.1 Flood Hazards. See Goal 6 findings above.
7.2 Other Natural Hazards. The City has not identified any other natural hazards that impact the affected parcels. The property is not within a landslide hazard area.

The City concludes the proposal complies with Goal 7.

**Goal 8 – Recreational Needs**

The proposal does not affect any parks or recreational resources. The City does not have an adopted Parks Master Plan and the parcel is not adjacent to any Linn County Parks facilities.

The City concludes parks and recreational resources are not affected; the proposal complies with Goal 8.

**Goal 9 – Economy**

Statewide Planning Goal 9 addresses commercial and industrial development and the economy. No industrial or commercial lands or activities are included in the proposal. The City concludes Goal 9 issues do not apply to this proposal.

**Goal 10 – Housing**

Goal 10 requires cities to inventory and make available buildable lands that are suitable, available and necessary for all types of residential development. The City’s comprehensive plan must encourage the development of needed housing units to serve persons of all income levels and provide for flexibility of housing locations, types and density.

10.1 The City of Lyons Buildable Lands Analysis (1987) is included in the Lyons Comprehensive Plan. Although prepared in 1987, the buildable lands analysis was developed to accommodate an estimated population of 1429 people; the 2040 certified population estimate for the City of Lyons is 1403 persons. The City concludes the buildable lands analysis does not need to be updated.

10.2 The City’s Planning Consultant analyzed the available vacant, buildable residential lands inside the City. There are 49.39 acres of vacant, buildable residential lands as of November 1, 2019 and a need for 65-75 acres of buildable residential lands during the 20-year planning period from 2019 to 2040. See the Goal 2 and Goal 14 findings above.

10.3 The addition of 1.5-acres of vacant, buildable residential land will add land for 1 or 2 buildable residential lots. The addition of 1.5-acres of SFR zoned land will help the city provide land for needed housing.

The City concludes the proposal complies with Goal 10.

**Goal 11 – Public Facilities**
Goal 11 requires cities to plan for the timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The City, Linn County and the Lyons Rural Fire Protection District provide a variety of public services.

11.1 Fire Protection Services. All of the affected properties are located within the Lyons Rural Fire District boundaries. Fire protection and emergency medical response services will not be affected by this proposal.

11.2 Law Enforcement Services. Linn County provides law enforcement services for the City of Lyons and the surrounding rural areas. Law enforcement services to the parcels will not be affected.

11.3 Water. The Lyons-Mehama Water District operates a municipal water system. It provides potable drinking water to customers located inside the city limits and to other customers outside the city limits along Lyons-Mill City Drive to the east of the project site. The City Engineer’s written comments note that the district’s water system is adjacent to the site.

11.4 Storm Drainage. There are no storm drainage facilities adjacent to the site. On site storm drainage will be provided for a new SFR use.

11.5 Sanitary Sewer/On-site Wastewater Disposal. The City of Lyons does not have a wastewater collection and treatment system. All homes are served by on-site disposal systems. The minimum lot size for an on-site septic system is 0.5 acres. The Linn County Environmental Health Department requires approval of a soil test and provision for both a primary and secondary drain field as part of a new development. The 1.5-acre site is large enough for two new homes.

11.6 Timing of Development. No development can occur on the site until after the property is annexed.

The City Planner concludes there are adequate law enforcement, fire protection/emergency medical services and public water system to serve the property. The City further concludes that the applicant may be able to develop up to two homes on the 1.5-acre site, once it is annexed, partitioned and on-site septic permits are obtained from the Linn County Environmental Health Department.

The City concludes the proposal complies with Goal 11.

**Goal 12 – Transportation**

Goal 12 requires cities to provide for a safe, convenient and economic transportation system. Due to its size, the City of Lyons is not required to prepare a Transportation System Plan. The Lyons Comprehensive Plan does include transportation goals and policies that encourage the development of a local streets, roads and pedestrian network to serve the residents of the city.

12.1 Lyons-Mill City Drive is an arterial street, owned and operated by the Linn County Roads Department. Within the City of Lyons, it is constructed to urban standards. The Linn County
TSP does not identify and priority improvements to Lyons-Mill City Drive.

12.2 The applicant has an existing gravel driveway to the parcel with access from Lyons-Mill City Drive.

12.3 The Linn County Roads Department submitted comments that an access permit will be required at the time of development (when the applicant applies for any building permit).

The City finds the proposal complies with Goal 12.

Goal 13 – Energy Conservation

The property is located partially within the City of Lyons. It has access to a Linn County arterial street, water services, private utilities (electric, natural gas and telecommunications) in Lyons-Mill City Drive. Services can be easily extended to serve one or two new homes; thereby minimizing costs and improving energy efficiency.

The City Planner concurs the proposed development site encourages a more compact urban form, by placing new development close to existing residential neighborhoods with existing public services.

The City finds the proposal complies with Goal 13.

B. Lyons Comprehensive Plan Amendment

Chapter 19.05 of the Lyons Municipal Code (MCMC) includes application requirements, standards and criteria for amendments to the Lyons Comprehensive Plan. The criteria that apply to this proposal are found in LMC Section 19.05.080:

<table>
<thead>
<tr>
<th>19.05.140 Approval criteria.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To approve an application for amendment of the Lyons comprehensive plan, findings shall be made that:</td>
</tr>
<tr>
<td>A. The proposed amendment is consistent with and does not alter the intent of the applicable sections of the Lyons Comprehensive Plan.</td>
</tr>
<tr>
<td>B. Other suitable locations are not presently available to accommodate the use for which the amendment is proposed.</td>
</tr>
<tr>
<td>C. The proposed amendment will be reasonably compatible with adjacent land uses, and will not adversely affect the overall land use pattern in the area.</td>
</tr>
<tr>
<td>D. The proposed amendment will not have a significant negative impact on the provision of public facilities such as police and fire protection, water supply and sewage disposal.</td>
</tr>
<tr>
<td>E. The proposed amendment will not have a significant negative impact on the provision of transportation facilities.</td>
</tr>
<tr>
<td>F. Development limitations, such as soil and foundation suitability, the presence of wetlands or flood hazard potential, will not adversely affect the land uses which would be permitted by the amendment.</td>
</tr>
</tbody>
</table>
19.05.140.A – Consistent with the Lyons Comprehensive Plan

The following goals and policies in the Lyons Comprehensive Plan\(^4\) apply to the proposal.

Urbanization

**Urbanization Goal 1:** To provide for the orderly and efficient growth within the community.

U-1.1 The Lyons and Linn County planning agreement sets forth processes and procedures to amend or update the UGB. The UGB has remained substantially the same since its adoption and acknowledgement by DLCD in 1980.

U-1.2 If the City approves this proposal to amend the UGB and Comprehensive Plan map, the City will forward the proposal to Linn County for consideration and action.

**Urbanization Policy 1:** The City of Lyons shall annex to the City, only lands within the UGB. Annexation shall be based upon the consideration of:

- a. the availability of sufficient land for various uses to insure choices in the marketplace;
- b. orderly economic provision of public facilities and services.
- c. the LCDC goals;
- d. encouragement of development within the urban areas before conversion to urbanizable land.

**Urbanization Policy 2:** The City of Lyons shall make future changes to the UGB based upon the consideration of the following factors:

- a. demonstrated need to accommodate long-term urban population growth requirements consistent with LCDC goals;
- b. needs for housing, employment opportunities and livability;
- c. orderly and economic provision of public services;
- d. maximum efficiency of land uses within and on the fringe of the existing urban areal
- e. environmental, energy, economic and social consequences;
- f. retention of agricultural land as defined with Class I being the highest value priority of retention and Class VI the lowest priority; and
- g. compatibility of the proposed urban uses with nearby agricultural activities.

**Urbanization Policy 3:** The compelling reasons and facts for any change in the UGB shall be completely set forth and shall include:

- a. why these other uses should be provided for;
- b. what alternative locations within the area could be used for the proposed uses.
- c. what are the long term environmental, social, economic, social and energy consequences to the locality, the region or the state from not apply the goal or permitting the alternative use; and

---

d. a finding that the proposed use will be compatible with other adjacent uses.

U-1.3 The City of Lyons does not have an adequate supply of buildable residential land inside the Lyons UGB (See Goal 2 and Goal 14 findings above). There is a 15 to 25 acre deficit. The applicant proposes to expand the UGB and add 1.5 acres of Farm/Forest zoned land to the UGB and annex it into the City of Lyons.

U.1-4 The LCDC Goal Findings for Goal 2 “Land Use” and Goal 14 “Urbanization” on pages 10 to 18 of this report address these criteria in detail. The following provides supplemental information:

a. Other uses: No new uses are proposed.

b. Alternative Locations: The City did not complete an alternatives site analysis for this minor, site specific amendment to the UGB. The applicant’s proposal complies with OAR 660-24-0067 (3), as a minor boundary adjustment that is contiguous to existing urban lands inside the Lyons city limits. The applicant’s 0.32-acre site inside the City is too small to obtain a septic permit.

c. Compatibility with Adjacent Uses: The surrounding uses are residences, as shown in Section II – Background information on page 7. The addition of one or two homes is consistent with the surrounding uses.

Residential Land Use and Housing Goals and Policies:

**RESIDENTIAL LAND DEVELOPMENT**

Residential Goal 1: To provide guidelines for residential use

Res Policy #1: The City of Lyons shall encourage the infilling of areas designated as Residential.

**HOUSING**

Housing Goal 1: To provide sufficient buildable lands to meet the needs of current and future residents of Lyons.

Housing Policy #1: The City of Lyons will sustain a variety in housing type, location, density and cost to meet the housing needs of current and future city residents.

The findings under Goal 2 “Land Use” on pages 10 to 18 and Goal 10 – “Housing” on page 19 of this report discuss buildable lands, urbanization and housing needs. The City concludes the addition of 1.5 acres of vacant, buildable land will help the City provide land for needed housing during the 20-year planning period through the year 2040.

Public Facilities Goals and Policies:

**Public Facilities and Services**

Public Fac Goal: To coordinate the planning and development of public facilities and services to be utilized by the City of Lyons in a timely, orderly and efficient manner.

PF Policy #16: Land outside the Lyons city limits shall not be serviced with City public facilities.

The findings under Goal 11 – “Public facilities” on page 20 of this report discuss public facilities and
services, water and on-site sewage disposal and the ability to extend service to the applicant’s property. The findings conclude there are adequate private and public utility services available in Main Street/Lyons-Mill City Drive to serve the property if it is annexed to the City of Lyons.

If the UGB expansion and annexation are approved, the applicant may apply for a partition to create one or two residential lots. The applicant will be required to submit a plan for water service, private utilities and an on-site septic suitability report. Before approving a partition of the property, the City will evaluate the proposal for compliance with the Lyons Subdivision Code and the City’s public works design standards and construction specifications.

Transportation Goals and Policies:

Transportation Facilities and Services

<table>
<thead>
<tr>
<th>Transp Goal:</th>
<th>To provide a safe, convenient and economic transportation system for the residents of the City of Lyons and for those traveling through the community.</th>
</tr>
</thead>
<tbody>
<tr>
<td>TR Policy #1:</td>
<td>The following streets shall be considered arterial roadways: Main St.-Lyons Mill City Drive.</td>
</tr>
</tbody>
</table>

The findings under Goal 12 – “Transportation” on pages 20-21 of this report discuss existing access to Main Street / Lyons-Mill City Drive and the ability to obtain access via an existing driveway. At the time the property owner applies for a building permit on the site, the Linn County Roads Department will review and grant a permit for access based on compliance with their access design standards.

The City concludes the proposal complies with the Lyons Comprehensive Plan goals and policies.

**19.05.140.B – Other Suitable Locations**

The Background section on surrounding uses and existing conditions (pp. 7-9) describe surrounding land uses adjacent to or abutting each of the parcels, available public facilities and zoning. See Findings on Goal 2, Goal 5, Goal 11 and Goal 14 for further discussion of existing uses, open space/resource issues and urbanization factors.

The City did not complete an alternative sites analysis because the City finds the proposal is a housekeeping amendment. The proposal will eliminate an unbuildable 0.32-acre parcel that is inside the city limits. The site abuts adjacent single-family residences inside the City and directly to the east in the UGB.

The applicant states that the existing property inside the City limits cannot be developed unless the UGB is expanded and a full buildable lot is annexed to the City of Lyons. The City Planning Consultant and Linn County Planning staff concur that the UGB amendment, designation of the land for Residential use, annexation and rezoning to a Single-Family Residential (SFR) zone is the logical solution to allow for development of the site.

**19.05.140.C – Compatibility with Adjacent Uses**

The surrounding uses are residences, as described in Section II – Background information on page 7.
The addition of one or two homes on the applicant’s site is consistent with the surrounding uses.

**19.05.140.D – Adequate public facilities and services are available**

See Goal 11 findings on page 20 for a discussion on available public facilities and services. The City finds the proposed land to be added to the Lyons UGB can be adequately served with public and private utility services.

**19.05.080.E – Adequate transportation facilities are available**

See Goal 12 findings on pages 20-21. The City finds the site to be added to the Lyons UGB has adequate access to a private driveway access and Main Street / Lyons-Mill City Drive.

**19.05.080.F – Site is capable of supporting proposed uses considering factors such as soil and foundation quality, geology and location in the flood plain.**

Chapter II of the Lyons Comprehensive Plan reviews natural resources, soils, geology and flood hazard areas. See findings under Goal 5, Goal 6 and Goal 7 for a detailed discussion.

The City finds the 1.5-acre site to be added to the UGB can support a proposed residential development.

**C. Annexation and Rezoning to Lyons Single Family Residential (SFR)**

The applicant’s proposal includes a proposal to annex 1.5 acres to the City of Lyons and upon annexation rezone the property to a single-family residential zone (SFR).

**ORS 222.125  Annexation**

ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed. The owner of the subject property is Jeffery D. Peters. There are no electors.

Annexation approval criteria are found in the Lyons Comprehensive Plan under Urbanization Policies #1, #2 and #3. Findings in Section III-B under “Urbanization Policies” are found on pp. 21 to 23 of this report are referenced and incorporated herein as if set forth in full.

The City finds the annexation complies with the criteria in Urbanization Policy #1 and the requirements of ORS 222.125.

If the annexation is approved by the City of Lyons City Council, the City Council will adopt an Ordinance annexing the territory to the City of Lyons. The owner will be responsible, at his sole expense, provide a legal description and annexation map that complies with the requirements of the City and the Oregon Department of Revenue (DOR). Prior to the City’s adoption of the ordinance, the City will submit the DRAFT Ordinance, map and legal description to the DOR cartographic division, which shall notify the City...
of the preliminary approval of the ordinance, annexation map and legal description.

**LMC 18.50 Amendment to the Lyons Zoning Map**

The applicant has requested the property be designated for Residential use on the *Lyons Comprehensive Plan* map and the 1.5-acres be placed in the SFR zone when the property is annexed to the City.

Chapter 18.50 of the Lyons Municipal Code outlines the amendment procedures for a zone change application. Chapter 18.50 does not include decision criteria for a zoning map amendment.

**Findings:**

The proposal must be consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) and *Lyons Comprehensive Plan* goals and policies. Findings in Section III-A- “Statewide Planning Goals et al.” and Section III-B “*Lyons Comprehensive Plan*” set forth on pp. 9 to 24 of this report are referenced and incorporated herein as if set forth in full.

Under LMC Section 18.15.030 any area annexed to the City shall be assigned to a zoning district that is consistent with the Comprehensive Plan. In the event, that no *Lyons Comprehensive Plan* map designation exists the land shall be placed in the Single-Family Residential (SFR) zone.

**Conclusion:** The Planning Commission concludes the proposal is consistent with the applicable statewide planning goals, ORS statutes, OARs requirements and the applicable goals and policies of the *Lyons Comprehensive Plan*.

If the Lyons City Council and the Linn County Board of Commissioners approve the *Lyons Comprehensive Plan* map amendments to modify the City of Lyons Urban Growth Boundary (UGB) and include 1.5+/- acres of the applicant’s property in the Lyons Residential plan designation, then the Lyons Planning Commission recommends the 1.5+/- acres be annexed to the City of Lyons and zoned Single-Family Residential (SFR).
IV. CITY PLANNER CONCLUSION and RECOMMENDATIONS

Based on the findings contained in this report, the City’s Planning Consultant concludes that the applicant’s proposal does comply with the requirements to approve a UGB amendment to add 1.5 acres to the Lyons UGB and to redesignate and rezone the properties as proposed by the applicant.

1. **Lyons UGB Adjustment.**
   a. Add 1.5 acres into the Lyons UGB as shown in Table 1 below.

<table>
<thead>
<tr>
<th>Parcel #</th>
<th>Assessor’s Map</th>
<th>Tax Lot</th>
<th>Parcel Size</th>
<th>Existing Linn County Comp Plan</th>
<th>Existing Linn County Zoning</th>
<th>City of Lyons Comp Plan &amp; Zoning</th>
<th>Acres to be added to the Lyons UGB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>09S 02E 19A</td>
<td>00103 (part)</td>
<td>8.29 Acres</td>
<td>Farm</td>
<td>Forest</td>
<td>FF</td>
<td>This portion of the parcel will remain outside the City. No plan or zone change.</td>
</tr>
<tr>
<td>Area 2</td>
<td>09S 02E 19A</td>
<td>00103 (part)</td>
<td>1.50 +/- acres</td>
<td>Farm</td>
<td>Forest</td>
<td>FF</td>
<td>Residential Single-Family (SFR) 1.5 +/- acres</td>
</tr>
<tr>
<td>Area 3</td>
<td>09S 02E 19A</td>
<td>00103 (part)</td>
<td>0.32 acres</td>
<td>This portion of the parcel is in the City of Lyons No plan or zone change</td>
<td>Residential Single-Family (SFR)</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

2. **Lyons Comprehensive Plan Map**
   Recommend the City Council designate the 1.5 acres added to the Lyons UGB as “Residential” on the **Lyons Comprehensive Plan Map**.

If the City approves 1 and 2, then the Planning Consultant recommends the City forward the proposal to Linn County to consider and make decisions to approve concurrent amendments to the Linn County Comprehensive Plan Map and Zoning Map:

3. **Linn County Comprehensive Plan Map and Rezoning**
   a. Recommend Linn County adjust the Lyons UGB as proposed.
   b. Recommend Linn County redesignate the lands added to the Lyons UGB as “Residential” on the **Lyons Comprehensive Plan Map**.

If Linn County approves item 3 and notifies the City that it concurs with the adjustment to the Lyons UGB as proposed, then Planning Consultant recommends:

4. **Annexation & Rezoning.**
   The City Council adopt an ordinance to annex the 1.5 acres to the City of Lyons and rezone the 1.5 acres as Single Family Residential (SFR).
V. OPTIONS

The Planning Commission has several options:

A. Approval
B. Approval with modifications
C. Continue the public hearing
D. Denial, if the Planning Commission concludes the proposal does not comply with the criteria.

VI. MOTIONS

The Planning Consultant recommends the City approve the proposal, subject to several modifications. Individual motions are recommended for each element of the decision

1. Lyons UGB Adjustment.

   MOTION #1: Motion to adopt the staff report for File 2019-04, that includes the updated exhibits, findings of fact, conclusions and Planning Consultant recommendations AND recommend the City Council amend the Lyons Comprehensive Plan Map to adjust the Lyons Urban Growth Boundary as shown on Map 1 and listed in Table 1 of the staff report and findings document dated November 18, 2019.

2. Lyons Comprehensive Plan Map

   MOTION #2: Motion to recommend the City Council designate the 1.5 acres added to the Lyons UGB as “Residential” on the Lyons Comprehensive Plan Map.

3. Linn County Comprehensive Plan Map and Rezoning

   MOTION #3: Motion to recommend the City Council forward the City’s Ordinance of approval to Linn County with a recommendation that Linn County concur with the City’s decision and take appropriate action to modify the Lyons UGB, amend the Linn County Comprehensive Plan and Linn County Zoning for the affected parcels.

4. City of Lyons Annexation and Rezoning

   MOTION #4: Motion to recommend that if Linn County concurs with the City decision and modifies the Lyons UGB, that the City Council adopt an ordinance to annex 1.5 acres as listed in Table 1 and concurrently rezone the property annexed to the City as Single Family Residential (SFR).