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## City of Lyons, Oregon

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### **LYONS PLANNING COMMISSION** **STAFF REPORT**

**STAFF REPORT DATE:** August 29, 2022

**HEARING DATE:** September 6, 2022

**FILE NUMBER:** 2022-01

**APPLICANT:** Dan Hafner  
PO Box 53, Lyons, OR 97358

**APPLICANT'S  
REPRESENTATIVE:** Norm Bickell  
Norm Bickell Planning Services  
1180 Boone Rd. S, Salem, OR  
Email: nbickell0027@aol.com

**PROPERTY OWNER:** Neil Place I, LLC & Neil Place II, LLC

<b>APPLICANT'S PROPERTY:</b>	<u>Assessor's Map</u>	<u>Tax Lot</u>	<u>Account</u>	<u>Acres</u>	<u>Address</u>
	T09S R2E 18A	01100	1871	15.78 +/-	45409 E. Dogwood
	T09S R2E 19A	00247	390068	14.22 +/-	--same--

<b>ADDITIONAL PARCELS :</b>	T09S R2E 19A	00239	386215	5.24 +/-	45407 E. Dogwood
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**EXHIBITS:** EXHIBIT A Annexation Application (1-31-2022) – App in City Hall file  
Comp Plan/Zoning Amendment Application (7-22-2022)  
including applicant's statement – App in City Hall 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 City file)

E-1 Linn County Planning Department

E-2 Linn County Roads Department

E-3 Lyons-Mehama Water District

**PROPOSAL:**

**City of Lyons**

(1) Lyons Urban Growth Boundary (UGB) Map Amendment

Add 28.12+/- acres to the City of Lyons UGB

(2) *Lyons Comprehensive Plan* Map Amendment – Farm/Forest to Residential

(3) Lyons Zoning Map Amendment– Farm/Forest to Single-Family Residential

(4) Annex 34.24+/- acres to the City of Lyons

**Linn County**

(5) Linn County approval of Lyons UGB Amendment and Plan Designations.

**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**

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• <b>Chapter 19</b><ul style="list-style-type: none"><li>○ Section 19.05.050 to 19.05.070</li><li>○ Section 19.05.140</li></ul></li><li>• <b>Chapter 18</b><ul style="list-style-type: none"><li>○ Section 18.50.010 to 18.50.030</li></ul></li></ul> | <p><b><i>Comprehensive Plan</i></b><br/>Application for Amendments<br/>Approval Criteria</p> <p><b><i>Zoning Amendments</i></b><br/>Zoning Amendment Procedures</p> |
|---|---|

## **I. Applicant's Proposal**

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

- (1) *Lyons Comprehensive Plan* Map Amendment – Add 28.12 +/- 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 the 28.12 +/- acres to be added to the UGB.
- (3) Zone Change for the Annexed Property to Single Family Residential (SFR).
- (4) Annexation of 34.24 +/- acres to the City of Lyons.

The City of Lyons has received a land use application from Dan Hafner requesting approval of a proposal to add 22.88+/- acres to the Lyons Urban Growth Boundary (UGB), amend the Lyons Comprehensive Plan Map to redesignate the property from Farm-Forest (FF) to Residential, to annex the property into the City of Lyons and to rezone the entire property as Single-Family Residential (SFR), summarized in Table 1 and shown on Map 1.

Approximately 7.12 acres of the applicants 30-acre property is located inside the Lyons UGB and is designated for single-family residential development on the Lyons Comprehensive Plan map. The applicant is proposing the remaining 22.88-acres of his property be included in the Lyons UGB, annexed to the City and then rezoned to allow for development of single-family homes. If the proposal is approved and the property is annexed to the City of Lyons, the property may be subdivided into single-family residential lots with a minimum ½-acre lot size, subject to septic suitability.

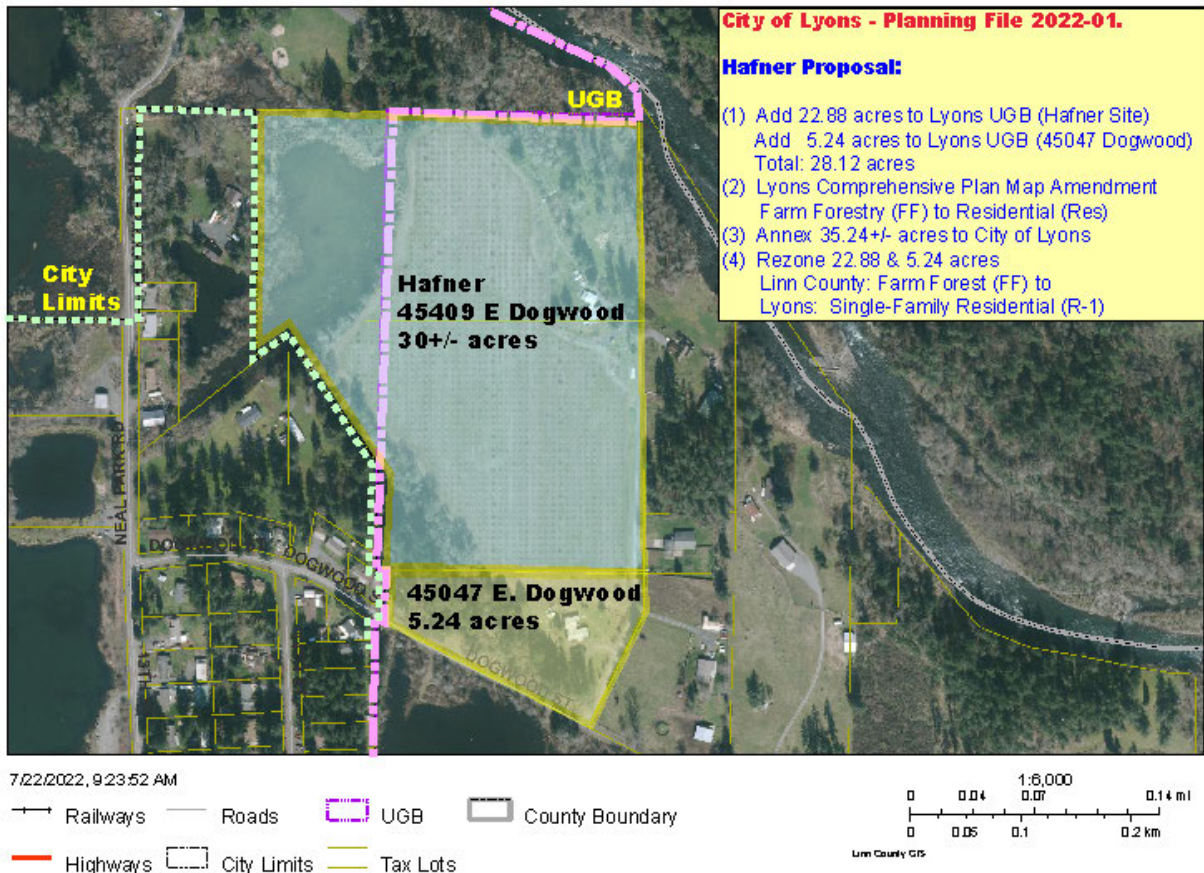
The City has included an adjacent 5.24-acre parcel at 45047 E. Dogwood Street in Lyons in the proposal. This parcel is just south of the Hafner property and adjacent to a private roadway extending from the end of E. Dogwood Street. Due to its location, the City of Lyons has included this parcel in the proposal to expand the Lyons UGB, designate the property for residential use and annex the site concurrently with the applicant's property. The property was sold at auction by Linn County on July 21, 2022 and acquired by Chong Brenner, an adjacent property owner.

Table 1  
**Lyons UGB & Comprehensive Plan Amendment Proposal**

#	Tax Acct #	Map & Tax Lot	Property Owner	Parcel Size	Existing Linn County Comp Plan	Existing Linn County Zoning	Proposed City of Lyons Comp Plan & Zoning	Acres to be added to the Lyons UGB
1	1871	09S 02E 18A 01100	Neil Place I, LLC (Hafner)	15.78 Acres	Farm Forest	FF	Residential Single-Family (SFR)	10.36
2	390068	09S 02E 19A 00247	Neil Place II, LLC (Hafner)	14.22 acres	Farm Forest	FF	Residential Single-Family (SFR)	12.52
3	386215	09S 02E 19A 00239	Brenner	5.24 acres	Farm Forest	FF	Residential Single-Family (SFR)	5.24
Total Acres in Proposal				35.24	Total Acres to be Added to UGB			28.12

## Map 1 – Dan Hafner Proposal

### File 2022-01 City of Lyons - Hafner UGB Amendment & Annexation



## II. BACKGROUND INFORMATION

### A. Pre-Application Information and Application Submittals:

Mr. Hafner owns Parcels 1 & 2 (30.00-acres) at the edge of the Lyons UGB.

- Parcel 1 (TL 01100): A 15.78-acre site - 5.42-acres inside the Lyons UGB, 10.36 acres outside.
- Parcel 2 (TL 00247): A 14.22-acre site - 1.70-acres inside the Lyons UGB, 12.52 acres outside.

In 2021 and 2022 the applicant and his planning representative Norm Bickell spoke several times with David Kinney, City of Lyons Planning Consultant and Alyssa Boles, Planning Director, Linn County Planning Department to review county zoning and development requirements in the Farm/Forest zone and the possibility of expanding the Lyons UGB and annexing the property to the City of Lyons.

In January 2022, Mr. Hafner filed an application with the City of Lyons to expand the Lyons UGB and annex the remaining 10.36-acres of Parcel 1 (TL 01100) to the City of Lyons.

Linn County Planning Department determined that Parcels 1 and 2 had not been legally partitioned. Therefore, any application to the City of Lyons and Linn County would need to include Parcels 1 and 2. The January 31, 2022 application was deemed incomplete by the City.

In June 27, 2022, the applicant resubmitted an application to the City of Lyons, but the City's Planning Consultant determined additional information was needed before the City deemed the application to be complete.

In June 2022 the City's Planning Consultant David Kinney discussed the proposal and the planning application procedure with Linn County Planning Director Alyssa Boles. On July 1, 2022 Ms. Boles sent an email to the City concurring with a land use review and decision process for a consolidated land use application for a UGB amendment, comprehensive plan map amendment, zone change and annexation of a portion of the property to the City of Lyons. The applicant was advised of the planners' conclusions and the required information needed by the City.

The applicant filed a revised application and applicant's statement to the City of Lyons on July 22, 2022. The application was deemed complete on July 31, 2022 and a public hearing date of September 6, 2022 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:

- A. Lyons Urban Growth Boundary (UGB) Amendment.** Add 28.12+/- acres to the Lyons Urban Growth Boundary. City of Lyons & Linn County decisions required.
- B. Lyons Comprehensive Plan Map Amendment (Residential).** Redesignate 28.12+/- 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:

- C. Annexation to the City of Lyons.** Annex the 35+/- acres to the Lyons UGB.
- D. 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:

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.

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

September 6, 2022      Lyons Planning Commission Public Hearing  
Applicant's presentation and public testimony

The Lyons Planning Commission may either continue the public hearing to accept more testimony or may deliberate and make a recommendation to City Council

October 4, 2022      City Council Public Hearing  
October 25, 2022      City Council Public Hearing (continued if needed)

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. If the proposal is approved, the City Council will adopt an ordinance approving the application, including the findings and conclusions.

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 "Codes & Permits" section of the City of Lyons website: [www.cityoflyons.org](http://www.cityoflyons.org)

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.

December 2022 – Spring 2023      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 Lyons 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.

#### D. Public Hearings and Notices of Public Hearing:

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, September 6, 2022 beginning at 6:30 p.m. at the City Hall, 449 5th Street in Lyons.

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.

- DLCD Notice: A PAPA Notice of the proposal was received by DLCD on July 31, 2022, more than 35 days prior to the initial public hearing.
- Agency Notice: Notice was emailed to affected agencies on August 10, 2022, with a request that agency comments be returned to the City by August 26, 2022.
- Newspaper Notice: Notice of the initial evidentiary hearing was published on August 12, 2022 edition of the Canyon Weekly.
- Property Owner Notices: Notice of the initial evidentiary hearing was mailed to property owners within 500' of the property, more than 10 days prior to the public hearing.

The City Council has scheduled a public hearing on October 4, 2022. At the conclusion of the public hearing, the Council will make a decision to approve or deny the proposal.

#### E. Existing Uses

The applicant's property is a 30+/- acre tract adjacent to the Lyons city limits. The applicant states:

*"The property is currently within a Farm Forest (FF) zone under the jurisdiction of Linn County. The property is in farm use which is predominantly an orchard and does currently contain a dwelling with related septic and well. Applications are being submitted to bring the property inside the UGB and to annex to the City of Lyons. The request will involve the change of zone from FF to SFR inside the city to allow for future residential development. Linn County Assessors identify the property as account numbers 1871 and 390068 which combined will equal 30.34 acres of land (See attached Figure 2). At this time there are no specific designs for the future residential development and this will be addressed later after the UGB and Annexation to the city."*

#### F. Surrounding Uses

- West: 628, 724, 726, 728, 810 and 820 13<sup>th</sup> Street in Lyons. Single-family residential dwellings inside the City of Lyons city limits in a SFR Residential zone. Parcels range from 0.5-acres to 6-acres in size.
- South: 19.08-acre site located outside the Lyons UGB south of E. Dogwood Street. The property is zoned Farm Forest and owned by Morse Bros, Inc. The site includes a large pond and wetlands.
- East: 45411, 45417 and 45421 E. Dogwood Street, Lyons. Three single-family homes on large parcels. Parcel sizes are: 1.09-acres, 4.43-acres and 4.81-acres. These parcels are outside the Lyons UGB and are zoned Farm/Forest. The share a

common roadway access easement at the end of E. Dogwood Street.

North: John Neal Park – Linn County. A 28-acre public park and campground adjacent to the North Santiam River. The property is inside the Lyons UGB and zoned UGA-UGM-10.

## G. Proposed Development – Future Single-Family Dwelling Subdivision

The applicant's narrative states they propose to divide the property into home sites if the UGB expansion and the annexation are approved. Due to location of the 100-year flood plain and existing wetlands, the full 30-acre site is not available for future development. No development plan has been included with the application.

## H. Streets and Utilities:

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

Streets: The property has a 60' wide access driveway and easement from the east end of E. Dogwood Street, a local street owned & maintained by the City of Lyons.

Water: The Lyons-Mehama Water District has a water main in E. Dogwood Street. The applicant's property is not in the water district boundaries.

Septic: There is an existing septic system to the existing home. On-site sewage disposal will be required at time of development. 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. There are wetlands at the north and west edge of the site.

## I. Agency Comments and Public Testimony:

1. Agency Comments. Agency comments were solicited from DLCD, Linn County Planning, the Linn County Roads Department, the Lyons Rural Fire District, Lyons-Mehama Water District and private utilities. Agency comments were requested back by November 7, 2022. Agency comments are included in Exhibit E.

- 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: "We have no comments."
- Lyons-Mehama Water District: Bill Grimes, Manager of the Lyons-Mehama Water District, responded: "We have no comments."

Applicant's Narrative – Lyons-Mehama Water District comments: In the applicant's written narrative he states: *The Lyons Water District operates a municipal water system. It provides drinking water to customers located inside the city limits and to others customers outside the city limits along Lyons-Mill City Drive to the south of the subject property. The applicant has approached the district to examine what would be needed to include the subject parcel into this service district and has been told that it will require annexation to the city and for the district to complete the installation of a new elevated*

*water reservoir. The reservoir is in the planning stage and is expected to be installed shortly. The water district will comment on this proposal and the applicant will follow their direction for inclusion in the district.*

Any other agency comments received prior to/during the hearing will be made part of the record.

2. **Public Testimony.** The City sent notices of the public hearing to surrounding property owners within 500' of the applicant's property. As of August 29, 2022, the City had not received any written testimony. Any written testimony received prior to or during the public hearing will be made a part of the record. A summary of oral testimony will be included in the meeting minutes.

### III. Findings

The proposal includes the following amendments to the *Lyons Comprehensive Plan* map:

- (1) Urban Growth Boundary Adjustment
- (2) Redesignate 22.88+/- acres as Residential land (Parcels 1 & 2 – Hafner)
- (3) Redesignate 5.24+/- acres as Residential land (Parcel 3 – Brenner).

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.

The applicant's planning consultant Norm Bickell submitted Exhibit "A" (See list on page 1) including land use applications and an applicant's narrative [See list on p. 1]. The applicant's *Comprehensive Plan Amendment Narrative* dated July 22, 2022 addresses applicable criteria. The applicant's findings and narrative are incorporated herein, as if set forth in full.

#### 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.<sup>1</sup> The PSU Center for Population Research certified population estimate for the City of Lyons on July 1, 2021 was 1,207 persons.
- 2.3 In June 2021, 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 1,500 persons, an increase of 293 persons from 2021 to 2040.
- 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 close to PSU's 20-year population forecast of 1500 people in Lyons by the year 2040.
- 2.5 Based on the 2040 PSU population forecast, the City of Lyons concludes it can use the adopted buildable lands analysis information in the Lyons Comprehensive Plan to evaluate the current proposal, with some updated assumptions, as shown in Table 2 and Table 3 below.

Table 2  
**Housing Needs Forecast (2021-2040)**  
**City of Lyons, Oregon**

Housing Needs Forecast	
2021 Population	1,207
2040 Population (PSU Forecast)	1,500
Increase in Population 2021 to 2040	293
# Persons Per Household (PPH) – PSU Forecast (2017)	2,68
<b>2040 Total Needed Housing Units (Pop ÷ PPH)</b>	<b>112</b>
# of additional units needed to account for 6% Vacancy Rate	8
<b>2040 Total Needed Housing Units</b>	<b>120</b>

- 2.6 The BLA information in the Lyons Comprehensive Plan assumes 95% of new housing units will be single-family dwellings or manufactured homes and 5% of new housing units will be multi-family

<sup>1</sup> *Lyons Comprehensive Plan*, Section VII, pp. 12-16. Population, housing and buildable land needs projections.

dwelling. Using the safe harbor approach allowed in OAR 660-024-0040 (8)(i) for the future housing mix, the City has estimated a housing mix of 75% single family homes and 25% multi-family dwelling units for the 20-year planning period from 2021 to 2040.

- 2.7 Because the City of Lyons does not have a sanitary sewer system and must rely on on-site sewage disposal (septic tanks), larger lots are required. Each SFR dwelling unit will need 0.75 acres per dwelling unit and each MFR dwelling unit will need 0.33-acres per dwelling unit.
- 2.8 The City prepared an extrapolation of the buildable land needs estimate for the period (2021 to 2040) using the assumptions from the Lyons Comprehensive Plan. The extrapolation reveals the City will need approximately 78 acres of vacant buildable residential land to provide an additional 121+/- housing units @ 2.61 persons per household to reach a population of 1500 persons by the year 2040.

Table 3  
City of Lyons, Oregon  
Estimated Housing Units for 2040 Population and  
Buildable Acres Needed for Residential Uses

Housing Type	Safe Harbor Mix	New Housing Units 2021-2040	# acres / housing unit	# buildable residential acres needed
SFR Homes & MH on Lots	75%	90	0.75	68
Multi-Family	25%	30	0.33	10
<b>TOTAL Needed</b>	<b>100%</b>	<b>120</b>		<b>78</b>

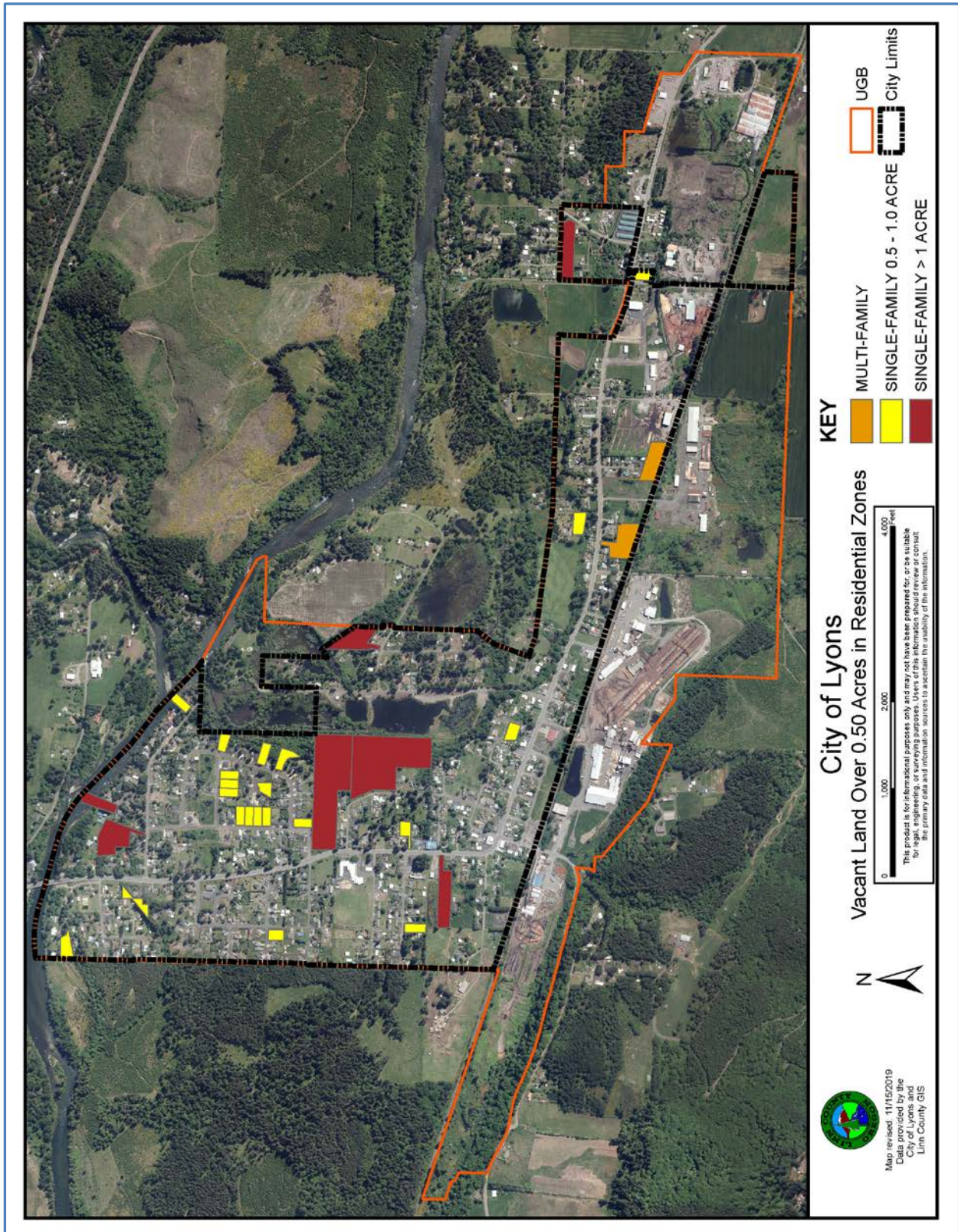
- 2.9 The Linn County GIS Department prepared data for Table 2 and a GIS Map (Map 2) on page 12 showing existing vacant residential lots (0.5 acres or larger) in the City of Lyons as of November 1, 2019. Table 4 below shows there are 30 parcels with a total of 49.39 acres of vacant residential land inside the City of Lyons.

Table 4  
Vacant Residential Lots (0.5 acres or larger) in the City of Lyons, Oregon  
November 2019

City of Lyons Zoning District	Parcels	Acres	Potential # of Housing Units Per Lyons Comp Plan Density <sup>2</sup> (0.75 acres per SFR dwelling) (0.33 acres per MFR dwelling unit)
Single Family Residential			
0.50 to 1.0 acres in size	21	12.09	21 housing units (1 house per parcel)
>1.0 acres in size	7	32.48	43 housing units @ .75 acres/unit
Multi-Family Residential	2	4.71	14 units
<b>Total</b>	<b>30</b>	<b>49.39</b>	<b>64 housing units</b>

<sup>2</sup> 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.

*Map 2 – Vacant Residential Lands in the City of Lyons  
November 2019*



- 2.10 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.
- 2.11 There is a need for 78 acres of vacant buildable residential land. The City has a supply of 49.39 acres of vacant buildable residential land. The City of Lyons has a deficit of 28.71+/-acres of vacant buildable land to meet the projected housing needs of the City through 2040.

Table 5  
City of Lyons, Oregon  
Summary of Buildable Acres Needed for Residential Uses

	Buildable Lands (Acres)
Buildable Land Needs (2021-2040)	78.00
Buildable Lands Available (2019 Linn County GIS Summary)	49.39
<b>Deficit</b> <b>Buildable Lands Needed – Add to Lyons UGB</b>	<b>28.71</b>

- 2.12 The applicant's narrative states 19.14 acres of the applicant's 30-acre site (Parcels 1 & 2) is buildable, due the existing of 11+ acres of unbuildable wetlands and area within the 100-year flood plain of the North Santiam River.
- 2.13 The inclusion of Parcel 3 in the UGB expansion and annexation as part of this application will add 5.24-acres of buildable residentially zoned land to the City's inventory.
- 2.14 In total, this proposal will add 24.38+/- acres to the City's inventory of buildable residentially zoned land.
- 2.15 Even if the City and Linn County approve this proposal, it will provide 24.38 acres of the 28.71 acres of buildable residential land needed by the City of Lyons to serve the projected 2040 population.
- 2.16 The proposal does not affect employment lands.
- 2.17 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 concludes the UGB amendment will add 24+ acres to the City's inventory of vacant, buildable residential land. The addition of the 24+ acres will provide an opportunity to add 33 to 40 new housing units in the City of Lyons.

The City estimates it has approximately 49-acres of vacant, buildable residential land inside the City of Lyons and a need for up to 78-acres of vacant, buildable land to accommodate the 112+/- housing units needed for the 20-year planning population of 1500 by the year 2040. The addition of 24+/- 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 1500-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 1403 persons, which is very close to the coordinated population estimate of 1500 persons. The 1987 Lyons Buildable Lands Analysis was found to be in compliance with ORS 197.19A6 and Statewide Planning Goals. The City concludes there is not a need to update the full 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 2 – Vacant Residential Land on page 12.
- See Table 4 – Vacant Residential Parcels and Acreage on page 11.
- See Table 5 – Buildable Residential Land Needed by 2040 on page 13.

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 2021 Linn County coordinated 20-year population forecast<sup>3</sup>, the City will add

<sup>3</sup> Coordinated Population Forecast 2021 through 2070 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, 2021. See Forecast Trends for Linn County’s small cities and Table 2, p. 15 and Table 3, p. 16.

293 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 120 housing units by the year 2040. At an average lot size of 0.75-acres, the City will need a minimum of 78 acres of vacant, buildable residential land to accommodate 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, as shown in Table 5. This proposal will add 24+/- acres to the existing 49.38-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". The applicant provided a brief analysis of the project site including soils, existing orchard use and high-value farmland. The site includes predominantly non-high-value farm land; 24.90 of the 30-acres are not high value farmland. This is a site-specific application to realign a boundary to encompass the applicant's entire site and eliminate a non-buildable area that is adjacent to the City on the north and west boundaries.

- 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 22.88 acres to the Lyons UGB and the City proposes to

include an additional 5.24-acres adjacent to the applicant's site.

14.2.4 The proposal will redesignate and rezone the 28.12 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 78 acres of vacant, buildable, residentially zoned land to provide needed housing for a population of 1500 residents during the 20-year planning period from 2021 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 22.88 acres adjacent to the Lyons UGB; the land is zoned Farm/Forest (F/F) and considered to be resource land.

- (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 29-acre deficiency in the number of acres of buildable residential land needed to serve a population of 1500 residents by the year 2040. This proposal will add 28.12 acres to the UGB and add 24+/- buildable residential acres.

(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.

(c) 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 farmland 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.

14.3.5 The applicant's property is a 30+-acre site identified as farm/forest resource lands, see applicant's Figure 3 "Linn County Soils". Linn County GIS website shows the following soils for the applicant's 10+ acre parcel outside the city limits:

<i>Series</i>	<i>Class</i>	<i>HV</i>	<i>Acres</i>	<i>Percent</i>	<i>Name</i>
39	VIIW	non	1.84	6.13	Fluvents-Fluvaquents
73	IIW	1	5.10	17.10	Newberg fine sandy loam
80	VIIIW	non	4.02	13.40	Pitts
18	IV	non	19.04	63.46	Camas gravelly sandy loam
			30.00	100.00	

The site includes 5.10 acres of Class II prime farm soils at the north end of the site next to John Neal Park. Of these 5.10-acres, 1.2-acres are already in the Lyons UGB. Of the applicant's 22.88 acres to be added to the UGB, only 4.0-acres (17%) are Class II soils.

The majority of the 18.88 acres to be added to the UGB are Camas gravelly sandy loam soils, which are non-high-value Class IV soils. The Pitts soils are located almost entirely inside the existing Lyons UGB.

(d) 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.

14.3.6 The site is not predominantly high-value farmland. Only 4 acres (17%) of the area to be added to the Lyons UGB is high-value farmland.

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

(a) 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

- (b) 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.

14.3.7 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.

14.3.8 The 4.0-acres of Class II high value farmland is surrounded by the other soils types. Camas gravelly loam is located directly south on the majority of the applicant’s property that is proposed to be added to the UGB.

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**

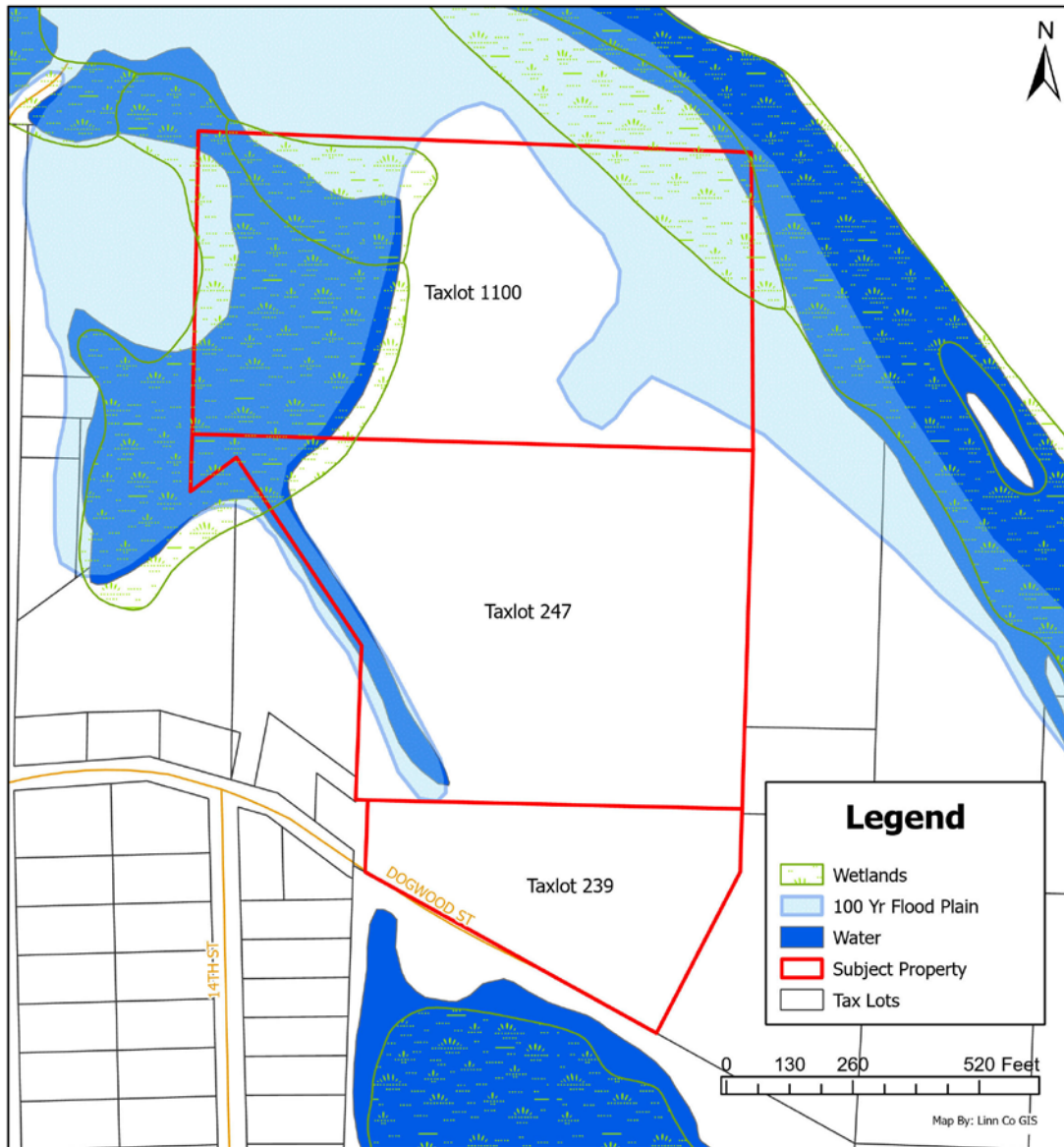
Goal 5 requires cities and counties to prepare inventories and adopt protection strategies and regulations for resources within the Lyons UGB. These resources include such features such as riparian corridors, wetlands, groundwater resources, historic and scenic areas, open spaces, etc. which exist inside 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). 10.86 acres of the applicant’s property is within the North Santiam River’s 100-year floodplain, see applicant’s Figure 4 and Map 3 below. The applicant must obtain a Flood Development Permit for any fill or development activity in the 100-year flood plain.

### ***Map 3 – Floodplain and Wetlands – Hafner Site***

## Hafner Land Use Proposal Site Map

Taxlot	Owner	Total Acre	Wetland Acre	Flood Plain Acre	Water Acre
1100	NEIL PLACE 1 LLC	15.78	7.29	9.54	4.42
247	NEIL PLACE 2 LLC	14.22	0.68	1.32	1.11
239	LINN COUNTY	5.24	0	0	0



5.2 Lyons Wetlands Maps – NWI Maps. The City's has not adopted a local wetlands inventory. County GIS maps show 7.97 acres of wetlands from National Wetlands Inventory maps, as shown on Map 3 above. The wetlands are primarily inside the existing Lyons UGB and are not buildable.

5.3 The applicant's narrative states a total of 11.86 acres of the 30.00 acres are non-buildable due to

their location of wetlands and/or 100-year flood plain. The buildable area is 19.14-acres.

5.4 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 applicant states the 11.2-acres that include existing wetlands or are located within the 100-year flood plain will be avoided during future development. The addition of the proposed 22.88 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 applicant's site is located immediately south of Linn County's John Neal Park. South of the open field and play area in John Neal Park is a 7+ acre area of the applicant's property that includes a large wetland and natural area inside the existing Lyons UGB. This area is unbuildable and will be avoided during any development. A portion of the existing orchard abuts the group camping area in John Neal Park. This orchard area is planned for a future residential development. The applicant's narrative suggests the City impose a large setback from any new development to create a buffer zone between the park and any new residential development.

The City does not have an adopted Parks Master Plan and the parcel is not adjacent to any Linn County Parks facilities. The existing Lyons Ponds park property is west of 13<sup>th</sup> Street and south of the west end of John Neal Park. This proposal will not impact the City Park.

The City concludes Linn County's John Neal Park may be impacted by a residential development, but some of the negative impacts can be mitigated by including a planted buffer zone between the park boundary and any new residential development. The City created a similar buffer at the north & west edge of John Neal Park and the adjacent subdivisions on 7<sup>th</sup> Street and Juniper Street. 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 1500 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 were 49.39 acres of vacant, buildable residential lands as of November 1, 2019. An analysis completed for this application concludes the City of Lyons needs 78+ acres of buildable residential lands during the 20-year planning period from 2021 to 2040. See the Goal 2 and Goal 14 findings above.
- 10.3 The addition of the applicant's 22.88-acre site and the adjacent 5.24-acre site, will add close 22-24 acres of net buildable residential land to the City's UGB. The addition of these tracts will enable the City to provide most of the needed buildable residential land and provide a reasonable opportunity for construction of needed housing in the community.

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, Lyons-Mehama Water District 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 water district boundaries. The District provides water service to customers in both Marion and Linn counties, including most properties inside the

Lyons UGB. The applicant's property is not located in the Lyons-Mehama Water District boundary.

The applicant's narrative states the property owner has discussed this land use proposal with the Water District's General Manager. The District cannot provide service until three things occur:

1. The City annexes the property.
2. The Lyons-Mehama Water District constructs a new 1.0-million-gallon water reservoir. Design is underway and the District as a \$5.0-million ARPA grant from the State of Oregon to construct the new water reservoir.
3. The applicant applies for and the Lyons-Mehama Water District amends the District boundaries to include the applicant's property within the District.

11.4 Storm Drainage. There are no storm drainage facilities adjacent to the site. A future residential development will require an on-site detention/retention facility. As part of a development application, the applicant's engineer will be required to design and construct storm drainage facilities in compliance with the City of Lyons and/or Linn County engineering standards.

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. As part of a development application, the applicant will be required to obtain preliminary approvals for on-site wastewater disposal systems for each lot within a proposed development.

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 and fire protection/emergency medical services to serve the property. No development can occur until the property is annexed to the City of Lyons and the Lyons-Mehama Water District. Once that occurs, engineering plans for municipal water improvements, on-site storm drainage facilities and on-site wastewater facilities can be prepared and submitted as part of a residential subdivision or residential development application to the City of Lyons.

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 E. Dogwood Street is a residential street, owned and maintained by the City of Lyons. E. Dogwood Street dead-ends at current city limits. The west end of E. Dogwood Street connects to 13<sup>th</sup> Street.

- 12.2 The existing gravel driveway on a private easement is not adequate to serve a new residential development. Dedication of an adequate width public right-of-way will be required at the time of development.
- 12.3 Development of the applicant's property will require an extension of E. Dogwood Street into the development site. At the time of development, the City of Lyons will require any new street to be constructed to the City's urban street design standards and with appropriate fire access and turn-arounds per the fire district's design standards.

The City finds the proposal complies with Goal 12.

### Goal 13 – Energy Conservation

The property is located adjacent to the existing city limits. The applicant's narrative states the site allows for the logical extension of E. Dogwood Street into the site and the logical extension of water services, private utilities (electric, natural gas and telecommunications) into the site. The City concurs with the applicant's statement that the development will *"provide housing in close proximity to the existing city of Lyons thereby reducing travel time to/from the dwellings to the city and its services,"* 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 (LMC) 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:

#### 19.05.140 Approval criteria.

To approve an application for amendment of the Lyons comprehensive plan, findings shall be made that:

- A. The proposed amendment is consistent with and does not alter the intent of the applicable sections of the *Lyons Comprehensive Plan*.
- B. Other suitable locations are not presently available to accommodate the use for which the amendment is proposed.
- 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.
- 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.
- E. The proposed amendment will not have a significant negative impact on the provision of transportation facilities.

- 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.

#### 19.05.140.A – Consistent with the *Lyons Comprehensive Plan*

The following goals and policies in the *Lyons Comprehensive Plan*<sup>4</sup> 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:*

<sup>4</sup> **Lyons Comprehensive Plan**, Goals and Policies, effective date April 22, 2003.

- 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 28.71-acre deficit of buildable residentially zoned land in the UGB. The applicant proposes to expand the UGB and add 28.12 acres of Farm/Forest zoned land to the UGB and annex it into the City of Lyons. If approved, this proposal will add approximately 22-24 acres of buildable, residentially zoned land to the UGB.
- 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 property is partially within the Lyons UGB. The applicant is proposing the City modify the UGB line to include the entire 30-acre site.
  - c. Compatibility with Adjacent Uses: Surrounding uses are described in Section II.F– Background Information on page 7. West of the site are single-family homes on large lots inside the Lyons UGB. John Neal Park abuts the site on the north. A ponded wetland is south across E. Dogwood Street. There are four residences on 4-acre to 6-acre home sites to the east. The addition of 15-20 homes on 0.5-acre to 1.0-acre parcels is consistent with the subdivision developments adjacent to E. Dogwood St. and 13<sup>th</sup> Street.

#### **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” and Goal 14 “Urbanization” on pages 10 to 18 and Goal 10 – “Housing” on page 21 of this report discuss buildable lands, urbanization and housing needs. The City concludes the addition of 28.12 acres of vacant land to the UGB will provide approximately 22-24 acres of buildable residentially zoned land inside the UGB and thereby 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 pages 21-22 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 to serve the property if it is annexed to the City of Lyons.

If the UGB expansion and annexation are approved and the property is annexed to the Lyons-Mehama Water District, the applicant may apply for a subdivision or residential development. The applicant will be required to submit engineering plans for street improvements, water service, private utilities and an on-site septic suitability report. Before approving a subdivision 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*

*Transportation Goal:* To provide a safe, convenient and economic transportation system for the residents of the City of Lyons and for those traveling through the community.

The findings under Goal 12 – “Transportation” on pages 22-23 of this report discuss existing access to E. Dogwood Street. At the time the property owner applies for a subdivision or development approval, the City will require the applicant to dedicate right-of-way for an E. Dogwood Street extension and construct street improvements into the development site, in compliance with the City of Lyons public works design and construction 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 7.12-acres of the applicant’s property is already within the Lyons UGB. The site is bordered by the City’s UGB line on the north and west.

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 only option to allow for any urban density development of the site.

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

The surrounding uses are residences, as described in Section II.F – Background information on page 7. The addition of 15-20 homes on the applicant's site is consistent with the residential subdivision development to the west & southwest adjacent to E. Dogwood Street.

#### **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 E. Dogwood Street via an existing public road easement for the current use. However, at the time of development, the applicant will be required to construct street improvements into the development in compliance with the City of Lyons public works design and construction standards and the applicant will need to comply with the Lyons Fire District's access and turnaround requirements.

#### **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. There are existing wetlands and the North Santiam River's 100-year flood plain extends into the east/northeast corner of the site. The applicant's narrative states there are 11.86-acres out of the applicant's 30-acre site that include wetlands and/or the 100-year flood plain, are not buildable and must be avoided during development of the site. The remaining soils are primarily Camas gravelly loam and are suitable for building.

The City concludes 19.14-acres of Parcels 1 and 2 plus the 5.24-acres on Parcel 3 are capable of supporting a proposed 15-20 lot residential development.

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

The applicant's proposal includes a proposal to annex Parcels 1 & 2 (30+/- acres) to the City of Lyons and upon annexation rezone the property to a Single-family Residential zone (SFR). The City has proposed that Parcel 3 (5.24-acres) be concurrently annexed and rezoned to the SFR zone. If the City of Lyons and Linn County approve the UGB expansion and Comprehensive Plan map amendments, the City can take action on the annexation petition.

#### **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 owners of the subject property are Neil Place I, LLC and Neil Place II, LLC, represented by Dan Hafner. There are no electors??? – Micki is checking on this.

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

The owner is responsible, at his sole expense, to 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 annexation 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 Parcels 1 & 2 be designated for Residential use on the *Lyons Comprehensive Plan* map and the entire 30+/- acres of Parcels 1 and 2 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.

#### **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.

**Zoning Map Amendment 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 add 28.12 acres to the Lyons UGB and designate the 28.12 acres as Residential on the Lyons Comprehensive Plan Map, then the Lyons Planning Commission recommends the entire 35.24+/- 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 (1) add 28.12 acres to the Lyons UGB, (2) redesignate the property added to the UGB to a Residential plan designation, (3) annex 35.24 acres and (4) rezone the annexed property to a Single Family Residential (SFR) zone.

### 1. Lyons UGB Adjustment.

Recommend the City Council add 28.12 acres into the Lyons UGB as shown in Table 1 below.

Table 1  
**Lyons UGB & Comprehensive Plan Amendment Proposal**

#	Tax Acct #	Map & Tax Lot	Property Owner	Parcel Size	Existing Linn County Comp Plan	Existing Linn County Zoning	Proposed City of Lyons Comp Plan & Zoning	Acres to be added to the Lyons UGB
1	1871	09S 02E 18A 01100	Neil Place I, LLC (Hafner)	15.78 Acres	Farm Forest	FF	Residential Single-Family (SFR)	10.36
2	390068	09S 02E 19A 00247	Neil Place II, LLC (Hafner)	14.22 acres	Farm Forest	FF	Residential Single-Family (SFR)	12.52
3	386215	09S 02E 19A 00239	Brenner	5.24 acres	Farm Forest	FF	Residential Single-Family (SFR)	5.24
Total Acres to be Annexed				35.24	Total Acres to be Added to UGB			28.12

### 2. Lyons Comprehensive Plan Map

Recommend the City Council designate 28.12 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

- Recommend Linn County adjust the Lyons UGB as proposed.
- 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 35.24 acres listed in Table 1 to the City of Lyons and rezone the 35.24 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 2022-01, 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 August 29, 2022.

2. [Lyons Comprehensive Plan Map](#)

**MOTION #2:** Motion to recommend the City Council designate the 28.12 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 35.24 acres as listed in Table 1 and concurrently rezone the property annexed to the City as Single Family Residential (SFR).