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City of Lyons, Oregon

LYONS CITY COUNCIL **STAFF REPORT**

STAFF REPORT DATE: January 11, 2023

HEARING DATE: January 24, 2023

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

APPLICANT'S PROPERTY:	<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--

ADDITIONAL PARCELS :	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 and annexation petitions

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 Roads Department

E-2 Department of Land Conservation and Development 9-02-2022

E-3 Fair Housing Council of Oregon

E-4 Lyons Mehama Water District 1-04-2023

APPENDIX 1 – “Lyons UGB Alternative Sites Analysis” dated January 2023

PROPOSAL:

City of Lyons

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

Add 29.43+/- 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">• Chapter 19<ul style="list-style-type: none">○ Section 19.05.050 to 19.05.070○ Section 19.05.140• Chapter 18<ul style="list-style-type: none">○ Section 18.50.010 to 18.50.030 | <p><i>Comprehensive Plan</i></p> <p>Application for Amendments</p> <p>Approval Criteria</p> <p><i>Zoning Amendments</i></p> <p>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.

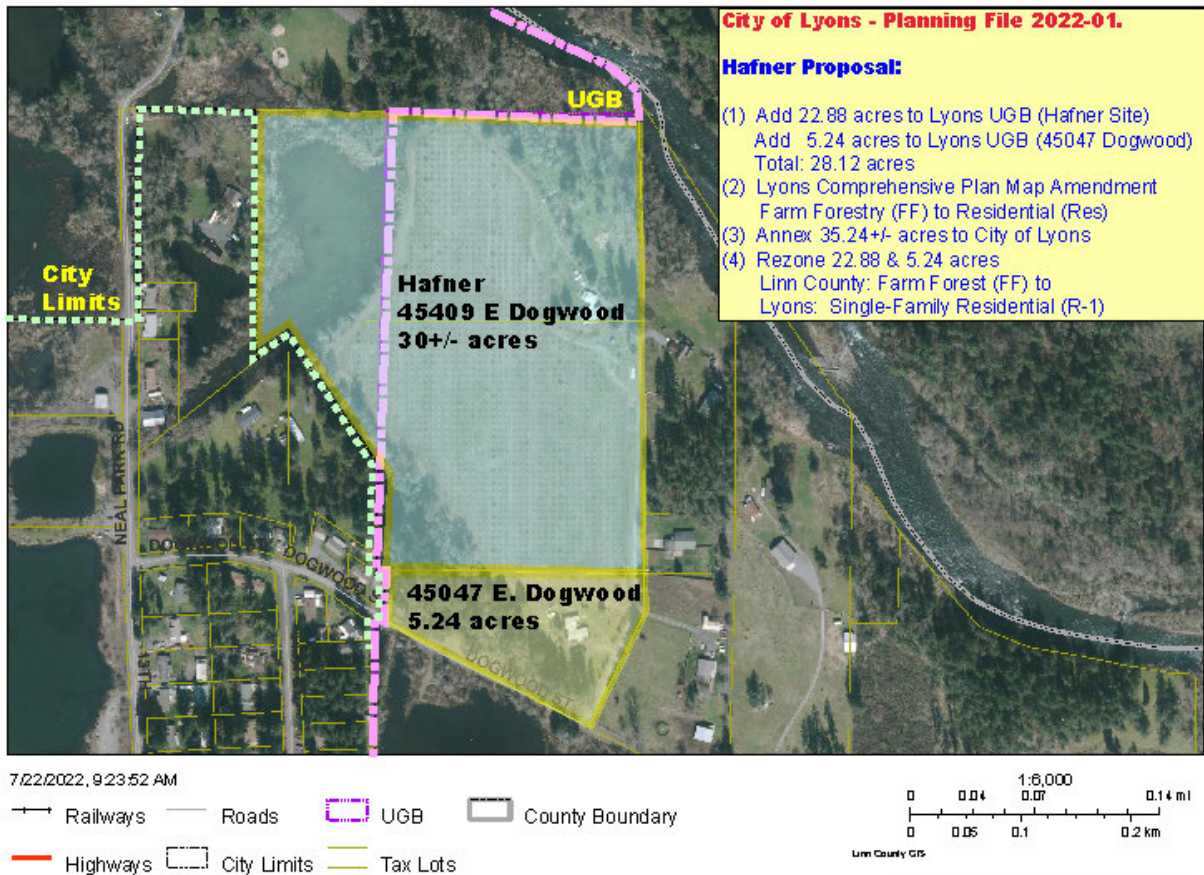
The City included an adjacent 5.24-acre parcel at 45047 E. Dogwood Street in Lyons in the proposal. This parcel is just south of the Hafner property and adjacent to a private roadway extending from the end of E. Dogwood Street. The City proposes to add the parcel to the Lyons UGB, designate the property 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. She concurs with the proposal and signed a petition requesting annexation of her parcel.

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 – 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 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:

Lyons Planning Commission Meetings:

September 6, 2022	Initial Public Hearing
October 18, 2022	Continued Public Hearing (mtg cancelled)
November 15, 2022	Continued Public Hearing & Close of Hearing
November 29, 2022	Deliberation and Recommendation to the City Council

On November 29, 2022, the Lyons Planning Commission unanimously recommended the City Council approve the application.

Lyons City Council Meetings:

January 24, 2023	City Council Public Hearing
February 28, 2023	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

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.

Spring 2023	Linn County Planning Commission and Commissioners
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Linn County will consider and make decisions on the UGB Amendment, 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 was 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. The public hearing was continued to special meetings on November 15, 2022 and November 29, 2022. A public hearing will be held by the Lyons City Council on January 24, 2023 at 6:30 p.m. at City Hall.

Notice of 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 and notice of the continued hearing before the Planning Commission was published on October 7, 2022. Notice of the City Council hearing was published in the January 6, 2023 edition of the Canyon Weekly.
- Property Owner Notices: Notice of the initial evidentiary hearing was mailed to property owners within 500' of the property on August 9, 2022, more than 10 days prior to the Planning Commission's initial public hearing. Notice of the City Council's public hearing was mailed to property owners more than 10 days before prior to hearing on January 24, 2023.

At the conclusion of the City Council's 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 13th 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 in a letter dated January 4, 2023 (Exhibit E-5): “The Lyons-Mehama Water District is currently working on water improvement projects to replace water mains along Juniper Street and 13th Street/Neal Park Rd. up to Dogwood Street. The district is also building a new storage tank to meet increasing capacity needs. These projects will take several years to complete.

The district does not have plans to expand our service area, other than for new housing within our service area. The only plans for future projects within the district service area will be to update old water mains as funds become available.”

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.*

- **Oregon Department of Land Conservation and Development:** On September 2, 2022, Kevin Young, Senior Urban Planner, responded with a 3-page letter noting the following deficiencies in the City’s staff report and findings:
 - UGB Study Area and Analysis Required by OAR 660-024-0065 was not included.
 - Evaluation of Lands in the Study Area and Prioritization of Lands for inclusion in a UGB expansion required by OAR 660-024-0067 was not included.
 - Clarify if the proposal is for a UGB Expansion
 - Clarify building land needs analysis and requirements for the 20-year planning period.
- **Fair Housing Council of Oregon:** *FHCO requested a copy of the City’s staff report, but did not provide any additional comments.*

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

3. **Public Testimony.** The City sent notices of the public hearing to surrounding property owners within 500’ of the applicant’s property. No written testimony was submitted to the Lyons Planning Commission prior to or at the public hearings. Any written testimony received prior to or during the City Council’s public hearing will be made a part of the record. A summary of oral testimony will be included in the meeting minutes.

2. **Annexation Petitions.**

- 3.1 Brenner: On November 29, 2022, Chong Brenner, property owner of the 5.24-acre parcel at 45047 E. Dogwood Street submitted a notarized petition for annexation. There are no registered voters living on the property.
- 3.2 Hafner & Schuch: As part of the application, property owner Dan Hafner and Susanne Schuch submitted a petition for annexation. As of November 29, 2022 there were three registered voters on the site (Dan L. Hafner, Sarah Anne Kepler and Suzanne Marie Schuch. Under ORS 222.170, a city can forego an election on the annexation if the property owners and at least 50% of the registered voters living on the property consent to the annexation. The City received a notarized petition signed by 67% of the residents on the site.

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 988 acres, with a small area in Mehama north of the N. Santiam River located in Marion County.
- 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 in the Lyons UGB to accommodate the estimated population.¹ The PSU Center for Population Research certified

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

population estimate for the City of Lyons on July 1, 2021 was 1,207 persons.

Table 2
City of Lyons UGB - Total Area (Acres)

	City of Lyons (In-City)	UGB Area (Out of City)	Total UGB
Linn County	559	385	944
Marion County	0	44	44
Total	559	429	988

- 2.3 In June 2021, the Center for Population Research at Portland State University 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 Lyons UGB area. In 2040, the Lyons population is estimated to reach 1,500 persons, an increase of 293 persons from 2021 to 2040.
- 2.4 The adopted buildable lands analysis (1987) estimated the City needed 167.4 acres of vacant, buildable residential land in the Lyons UGB 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 3 and Table 4 below.

Table 3
Housing Needs Forecast (2021-2040)
City of Lyons, Oregon

Housing Needs Forecast	
Population	1,207
Population (PSU Forecast)	1,500
Population 2022 to 2040	293
Per Household (PPH) – PSU Forecast (2017)	2.68
2040 Total Needed Housing Units (Pop ÷ PPH)	109
# of additional units needed to account for 6% Vacancy Rate	7
2040 Total Needed Housing Units	116

- 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 dwellings. 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 Since 2016, the City has approved 4 land divisions (3 partitions and a 4-lot subdivision) as in-fill projects on vacant parcels inside the city limits. The total acreage of the 4 land divisions was 12.4 acres. Thirteen SFR building lots were created with an average lot size of 0.95-acres per lot. This is consistent with the Lyons Comp Plan projections in the 1987 buildable lands analysis.
- 2.9 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 in Table 4 reveals the City will need approximately 75 acres of vacant buildable residential land to provide an additional 116+/- housing units @ 2.68 persons per household to reach a population of 1500 persons by the year 2040.

Table 4
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%	87	0.75	65
Multi-Family	25%	29	0.33	10
TOTAL Needed	100%	116		75

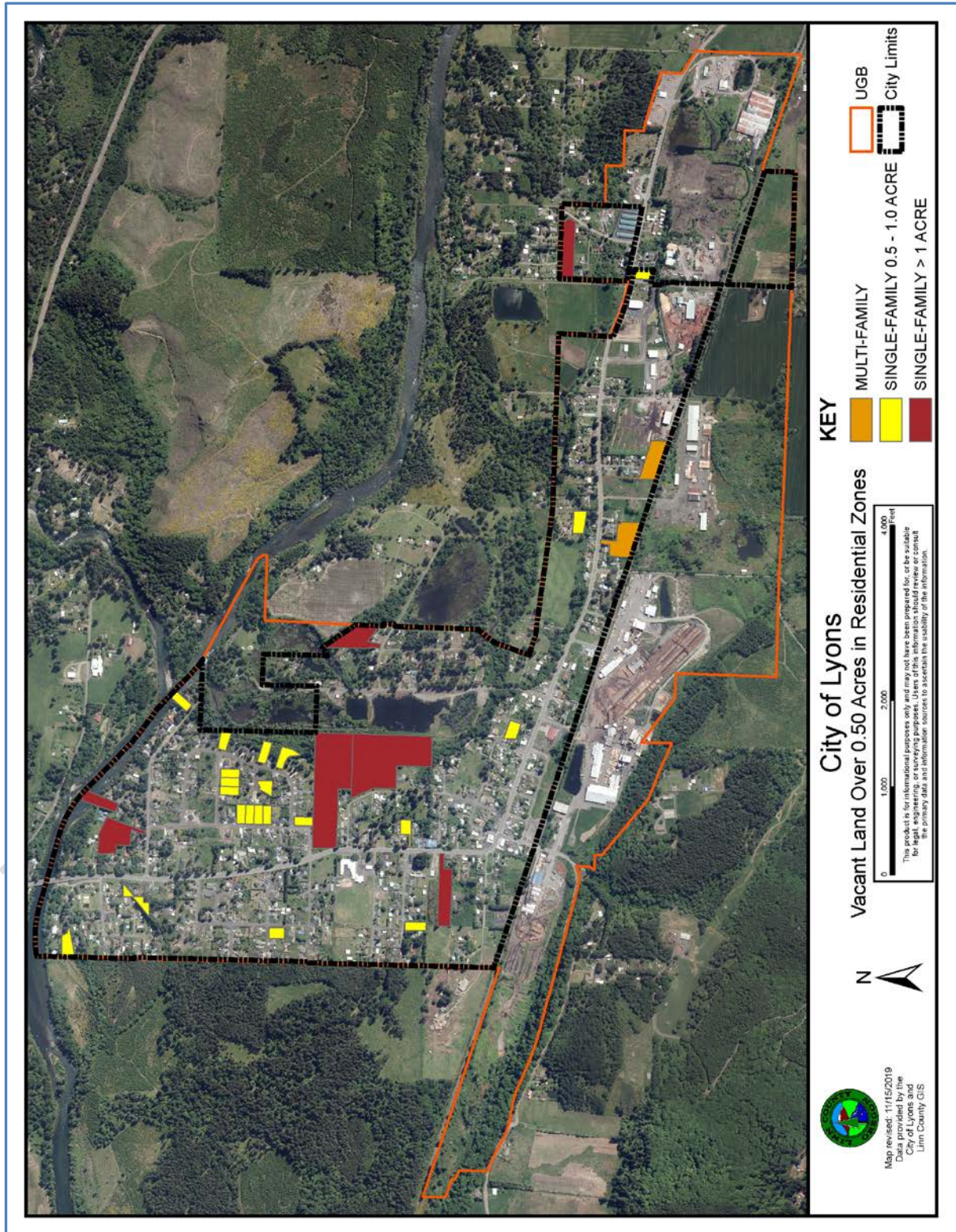
- 2.10 The Linn County GIS Department compiled data for Table 5 and prepared Map 2 showing existing vacant residential lots (0.5 acres or larger) in the City of Lyons as of November 1, 2019. Table 5 below shows there are 30 parcels with a total of 49.39 acres of vacant residential land inside the City of Lyons. Since 2019, approximately 2-acres of the 49.39 acres have been developed.

Table 5
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 ² (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
Total	30	49.39	64 housing units

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.

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



- 2.11 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.
- 2.12 There is a need for 75 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 25.71+/-acres of vacant buildable land to meet the projected housing needs of the City through 2040.

Table 6
City of Lyons, Oregon
Summary of Net Buildable Acres Needed for Residential Uses

	Buildable Lands (Acres)
Buildable Land Needs (2021-2040)	75.00
Buildable Lands Available (2019 Linn County GIS Summary)	49.39
Deficit Buildable Lands Needed – Add to Lyons UGB	25.71

- 2.13 The applicant's narrative states 19.14 acres of the applicant's 30-acre site (Parcels 1 & 2) is buildable, after subtraction of 11+/- acres of unbuildable wetlands and area within the 100-year flood plain of the North Santiam River.
- 2.14 The inclusion of Parcel 3 in the UGB expansion and annexation as part of this application will add 5.24-acres of residentially zoned land to the City's inventory.
- 2.15 In total, this proposal will add 28.12 gross acres to the City's inventory of residentially zoned land.
- 2.16 As part of the "Lyons UGB Alternative Sites Analysis", the City determined the three parcels the proposal will not add 19.14-acres of buildable land, as estimated by the applicant (Finding 2.12 above). The proposal will add 14.85+/- acres of net buildable land to the city's inventory, after existing developed areas, wetlands, 100-year flood plain and public use areas are subtracted, as shown in Table 7.

Table 7
City of Lyons, Oregon
Hafner UGB Expansion
Summary of Net Buildable Acres to be Added to UGB

A	B	C	D	E	F	G	H	I	J	K
#	Tax Acct #	Map & Tax Lot	Parcel Size	Parcel Area to be added to UGB	Existing Developed Area	Constrained (Wetlands, Flood Plain & Steep Slopes)	Vacant	Public Use (25%)	Net Buildable	# of Potential Lots
									= E – (F+G+H+I)	
1	386215	09S02E19A 00239	5.24	5.24	0.50	0.06	4.68	1.17	3.51	6-7
2	390068	09S02E19A 00247	14.22	12.52	0.00	0.68	11.84	2.96	8.88	16-18
3	386214	09S02E18A 01100	15.78	10.36	0.50	6.58	3.28	0.82	2.46	4-5
			35.24	28.12	1.00	7.32	21.26	5.32	14.85	26-30

- 2.17 If the City and Linn County approve this proposal, the UGB expansion will provide 15+/- acres of the 25.71 acres of buildable residential land needed by the City of Lyons to serve the projected 2040 population.
- 2.18 The proposal does not affect employment lands.
- 2.19 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].

Conclusion: The City concludes the UGB amendment will add 15+/- acres to the City’s inventory of vacant, buildable residential land. The addition of the 15+/- acres will provide an opportunity to add up to 30 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 75-acres of vacant, buildable land to accommodate the 116+/- housing units needed for the 20-year planning population of 1500 by the year 2040. The addition of 15+/- 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 brief analysis of buildable residential lands based on 2019 Linn County GIS mapping and assessor's records.

- Map 2 – Vacant Residential Land on page 13.
- Table 4 – Vacant Residential Parcels and Acreage on page 12.
- Table 5 – Summary of Net 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 forecast³, the City will add 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 116 housing units by the year 2040. At an average lot size of 0.75-acres per single-family building lot, the City will need a minimum of 75 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. Table 6 shows this proposal will add 15+/- 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.

- 14.1.5 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. Of the 5.1 acres of high value farm land, 4.32 acres is in the area proposed to be added to the Lyons UGB.

- 14.1.6 The City of Lyons prepared a "Lyons UGB Alternative Sites Analysis" in January 2023. The analysis reviews alternative sites within ½-mile of the existing Lyons UGB and recommends priority areas for the expansion of the Lyons UGB. The analysis addresses processes, criteria and requirements listed in Goal 14, 660-024-0065 and OAR 660-024-0067.⁴

- 14.2 Goal 14 requires a city to address requirements in OAR 660-024-0070 when considering

³ 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.

⁴ Lyons UGB Alternative Sites Analysis – January 2023, prepared by City of Lyons Planning Consultant David W. Kinney, attached as Appendix 1 of this staff report.

a modification, exchange of land or adjustment to add or remove land to an adopted UGB. On December 28, 2022 DLCD Senior Planner Kevin Young confirmed OAR 660-024-0070 does not apply to this proposal.

- 14.3 Goal 14 requires a city prepare an alternative sites analysis of land within ½-mile of the existing urban growth boundary and select FIRST PRIORITY areas for inclusion in a UGB expansion. The alternative sites analysis must be completed by the City prior to approving an amendment to the UGB. OAR 660-024-0065 and OAR 660-024-0067 identify the procedural steps and criteria the city must address in its decision.

660-024-0065 Establishment of Study Area to Evaluate Land for Inclusion in the UGB

- (I) When considering a UGB amendment to accommodate a need deficit identified in OAR 660-024-0050(4), a city outside of Metro must determine which land to add to the UGB by evaluating alternative locations within a “study area” established pursuant to this rule. To establish the study area, the city must first identify a “preliminary study area” which shall not include land within a different UGB or the corporate limits of a city within a different UGB.

660-024-0067 Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities

- (I) 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 Appendix 1 of this staff report, the “*Lyons UGB Alternative Sites Analysis*” dated January 2023, addresses the OAR 660-024-0065 and OAR 660-024-0067 requirements.
- 14.3.2 The following conclusion from the “*Lyons UGB Alternative Sites Analysis*” summarizes the priority locations for land to be added to the Lyons UGB.

I. Priorities for Expansion or Adjustment of the Lyons UGB

The City of Lyons needs to add 28.71 acres of buildable residential land to the UGB to ensure it has a sufficient inventory of net buildable land for the planning period 2022 to 2042.

The Lyons Planning Commission evaluated seven proposed areas (AREA 1 to AREA 7) for UGB expansion within ½-mile of the Lyons Urban Growth Boundary to identify which lands are logical locations for the adjustment or expansion of the Lyons UGB for future residential development and comply with OAR 660-024-0065, OAR 660-024-0067 and Goal 14 urbanization factors. After a preliminary assessment was completed, the City narrowed the list down to four areas (AREA 1 to AREA 4) for a more thorough analysis.

Conclusions: *Table 8 lists priorities for areas for the City of Lyons expansion of the Urban Growth Boundary.*

First Priority: Study AREA 3 is a FIRST PRIORITY area for expansion of the UGB.

However, the Lyons Planning Commission finds and concludes AREA 3 may not be able to provide a sufficient amount of buildable land to meet the City’s need for the 20-year planning period. The existence of small parcels, development constraints and infrastructure limitations led the Planning Commission to conclude that a second first priority area is needed to ensure the City can provide a sufficient amount of buildable land to meet the City’s needs for the planning period.

First Priority (Alternate): Study AREA 1A provides an alternate FIRST PRIORITY area for expansion of the UGB. [Note: The Hafner site is in AREA 1A].

AREA 1A is contiguous to the city limits, abuts an existing streets and utilities can be easily extended into the site. Although the site is designated and zoned Farm/Forest, AREA 1 complies with Goal 14 factors to allow for future urbanization.

Table 8
Priorities for UGB Adjustment and/or UGB Expansion

Priority	Location	Total Acres	Net Buildable Acres
First Priority			
Study Area 3	25 th & Oak St.	110.53	47.31
Study Area 1A (includes HAFNER Site)	East of Dogwood St.	50.56	27.60
Totals		161.09	74.91

Not Recommended for inclusion in UGB in 2022			
Study Area 1B	East of Ash St. / South of Pond	25.63	15.49
Study Area 2	North of Main St.	113.82	69.14
Study Area 4	East on Lyons-Mill City Drive	235.73	129.00
Totals		375.18	213.63

14.3.2 In the “Lyons UGB Alternative Sites Analysis”, the City divided AREA 1 into two subareas for closer review.

- AREA 1A: Area 1A includes a subarea of six rural residential home sites (50.56 acres) north and east of Dogwood Street, with 27.60 acres of net buildable land that can be divided and provide 45-50 building lots. Soil types are:

Class II (High Value)	4.35 acres	(7.7%)
Class IV	38.13	(73.2%)
Class VII & VIII	8.68	(19.1%)
- AREA 1B: AREA 1B includes two parcels (TL 209 & TL 103 = 25.63 acres) south of the Morse Bros. pond site with access to Ash Street. These two parcels have 10.86-acres of Class II (high value) soils, a drainage course and wetlands, which may limit development potential. The two parcels have 15.49 acres of net buildable land and after land division can accommodate 25-30 building lots.

14.3.3 Streets and Private Utilities (Electrical & Telecommunications): AREA 1A has abuts and has direct access to E. Dogwood Street, a city street. AREA 1A abuts a developed residential subdivision with 1/2- to 3/4 -acre lots. Power and telecommunication facilities currently serve the homes in AREA 1A.

14.3.4 Water: The Lyons-Mehama Water District provides municipal water service in Lyons. The District does not provide service to the applicant’s property. The water district will build a

new 1.0 water reservoir and an 8" water main upgrade on 13th St. (Juniper to Dogwood St.) in 2023-2024. The improvements will improve fire flows in 13th St. adjacent to AREA 1A (identified in the Lyons UGB Alternative Sites Analysis). Water mains can be extended from the end of Dogwood St. into AREA 1A. Properties in AREA 1A will need to be annexed into the Water District, wells abandoned, land divided and water lines extended to new development areas.

14.3.5 Inclusion of AREA 1A as a Priority for Lyons UGB Expansion: In its conclusion as part of the "Lyons UGB Alternative Sites Analysis", the Lyons Planning Commission concludes AREA 1A is a "FIRST PRIORITY" for expansion of the Lyons UGB because of the location of the site, direct access to Dogwood St., availability of municipal water services, the site is contiguous to the city limits and water district, proximity to existing subdivisions to the west and the likely potential all or a portion of AREA 1A may be developed during the 20-year planning period from 2022 to 2042.

Conclusion: The Lyons Planning Commission concludes the proposal complies with Goal 14 criteria to be included as a priority area for expansion of the Lyons UGB.

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 660-0020(1b).

Goal 5 – Open Spaces, Scenic and Historic Area and Natural Resources

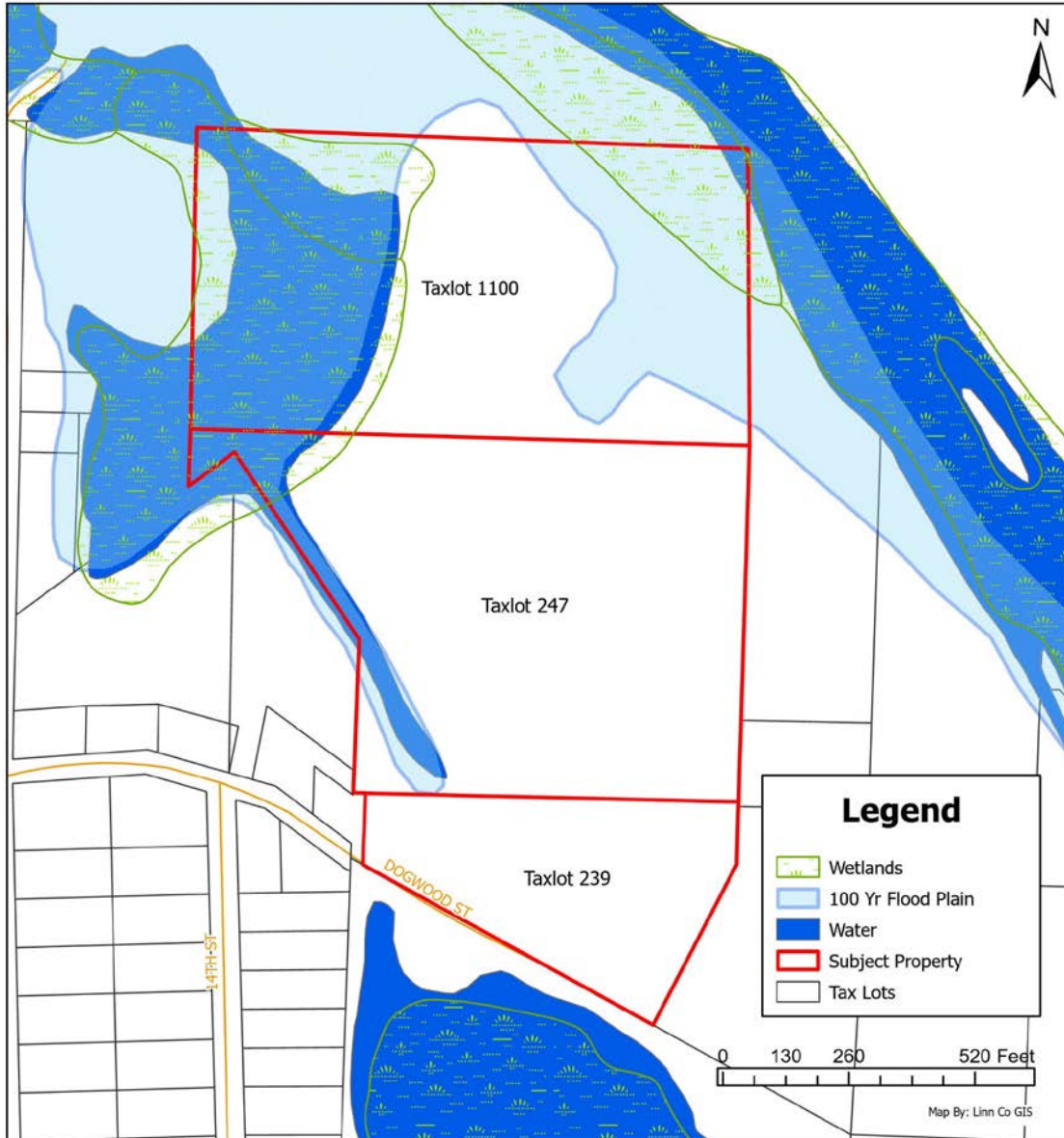
Goal 6 – Air, Land and Water Resources

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.
- 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.

Map 3 – Floodplain and Wetlands – Hafner Site

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



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 13th 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 7th 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 75+ 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 15+/- 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 13th 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*⁵ 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

⁵ **Lyons Comprehensive Plan**, Goals and Policies, effective date April 22, 2003.

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 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 15+/- acres of net 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 20 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 prepared the “Lyons UGB Alternative Sites Analysis”, included as Appendix 1. The applicant’s property is included in a First Priority area for

expansion of the Lyons UGB.

- 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 13th 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 pp. 10-20 and Goal 10 – “Housing” on pp. 22-23 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 15+/- 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 pp. 23-24 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 page 24 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 completed the “Lyons UGB Alternative Sites Analysis”, which is attached as Appendix 1. The Hafner site is included in a First Priority area for expansion of the Lyons UGB.

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 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 pp. 23-24 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 page 24. 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+ 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. Table 1 on page 3 lists the parcels and property owners.

Hafner Site: Neil Place I, LLC and Neil Place II, LLC, represented by Dan Hafner, are the owners of parcels 1 & 2. He and Susanne Schuch submitted a petition to annex the property. As of November 29, 2022 there were three registered voters on the site (Dan L. Hafner, Sarah Anne Kepler and Suzanne Marie Schuch. Dan Hafner & Susanne Schuch signed a petition to annex the property.

Brenner Site: Chong Brenner is the owner of the property. She submitted a petition to annex the property on November 29, 2022. There are no electors living on the property.

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.

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 28 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 AND LYONS PLANNING COMMISSION CONCLUSION and RECOMMENDATIONS

Based on the findings contained in this report, the City's Planning Consultant and the Lyons Planning Commission conclude the applicant's proposal complies 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 City Council has several options:

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

VI. MOTIONS

The Planning Consultant and Lyons Planning Commission recommend the City approve the proposal in File 2022-01. Individual motions are recommended for each element of the decision

1. [Lyons UGB Adjustment.](#)

MOTION #1: Motion to amend the Lyons Urban Growth Boundary as proposed in File 2022-01 and to adopt the staff report, including the updated exhibits, findings of fact and conclusions and to direct the City Manager to prepare an ordinance to 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.

2. [Lyons Comprehensive Plan Map](#)

MOTION #2: Motion to 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 forward the City’s Ordinance of approval of the Lyons UGB Amendment and Comprehensive Plan Map Amendment for File 2022-01 to Linn County with a request 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 Map for the affected parcels.

4. [City of Lyons Annexation and Rezoning](#)

MOTION #4: Motion that if Linn County concurs with the City decision and modifies the Lyons UGB and Lyons Comprehensive Plan, that the City Manager will present an ordinance to the City Council to annex 35.24 acres as listed in Table 1 and concurrently rezone the property annexed to the City as Single Family Residential (SFR).