

# Appendix 1

## Lyons UGB Alternative Sites Analysis

### January 2023

The City of Lyons has received an application for a UGB Amendment to add 28.12 acres of land to the Lyons UGB.

Lyons's certified population estimate for July 1, 2021 is 1207 people.<sup>1</sup> The City has identified a need for 78 net acres buildable land zoned for residential uses for the 20-year planning period through 2042. As of November 2019, the City of Lyons had an available supply of 49.39 acres of buildable land zoned for residential uses inside the Lyons UGB. The City's September 2022 staff report for the Hafner UGB amendment concludes the City of Lyons has a deficit of 25.71 acres of net buildable land zoned inside for residential uses inside the Lyons UGB.

The City of Lyons and applicant Dan Hafner propose to add 28.12 acres of land to the Lyons UGB and zone it for residential uses. If approved, the UGB expansion will add 19+/- acres to the City's residential inventory of buildable land.

Prior to the initial evidentiary public hearing before Lyons Planning Commission meeting, DLCD Senior Urban Planner Kevin Young reviewed the City's staff report and submitted written comments on September 2, 2022. DLCD's written testimony states the City must comply with Goal 14 requirements. DLCD advised the City to address the four Goal 14 factors to amend an urban growth boundary (UGB), complete a locational analysis of suitable UGB sites as required in OAR 660-024-0065 and OAR 660-024-0067 and address the UGB adjustment requirements in OAR 660-024-0070. This appendix includes a locational analysis of suitable/non-suitable sites for a potential adjustment or expansion of the Lyons UGB.

## I. Alternative Sites for Potential Lyons UGB Adjustment or Expansion

### A. OAR 660-024-0065 (1) to (4) - Review and Evaluation of Preliminary Study Area for UGB Expansion

OAR 660-024-0065 requires a city to establish a preliminary study area that identifies potential sites for the expansion or adjustment of the city's UGB.

#### **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. The preliminary study area shall include:

- (a) All lands in the city's acknowledged urban reserve, if any;
- (b) All lands that are within the following distance from the acknowledged UGB:
  - (A) For cities with a UGB population less than 10,000: one-half mile;
  - (B) For cities with a UGB population equal to or greater than 10,000: one mile;
- (c) All exception areas contiguous to an exception area that includes land within the distance specified in subsection (b) and that are within the following distance from the acknowledged UGB:
  - (A) For cities with a UGB population less than 10,000: one mile;
  - (B) For cities with a UGB population equal to or greater than 10,000: one and one-half miles;

<sup>1</sup> Certified Population Estimate for July 1, 2021, Prepared by Population Research Center, Portland State University April, 2022.

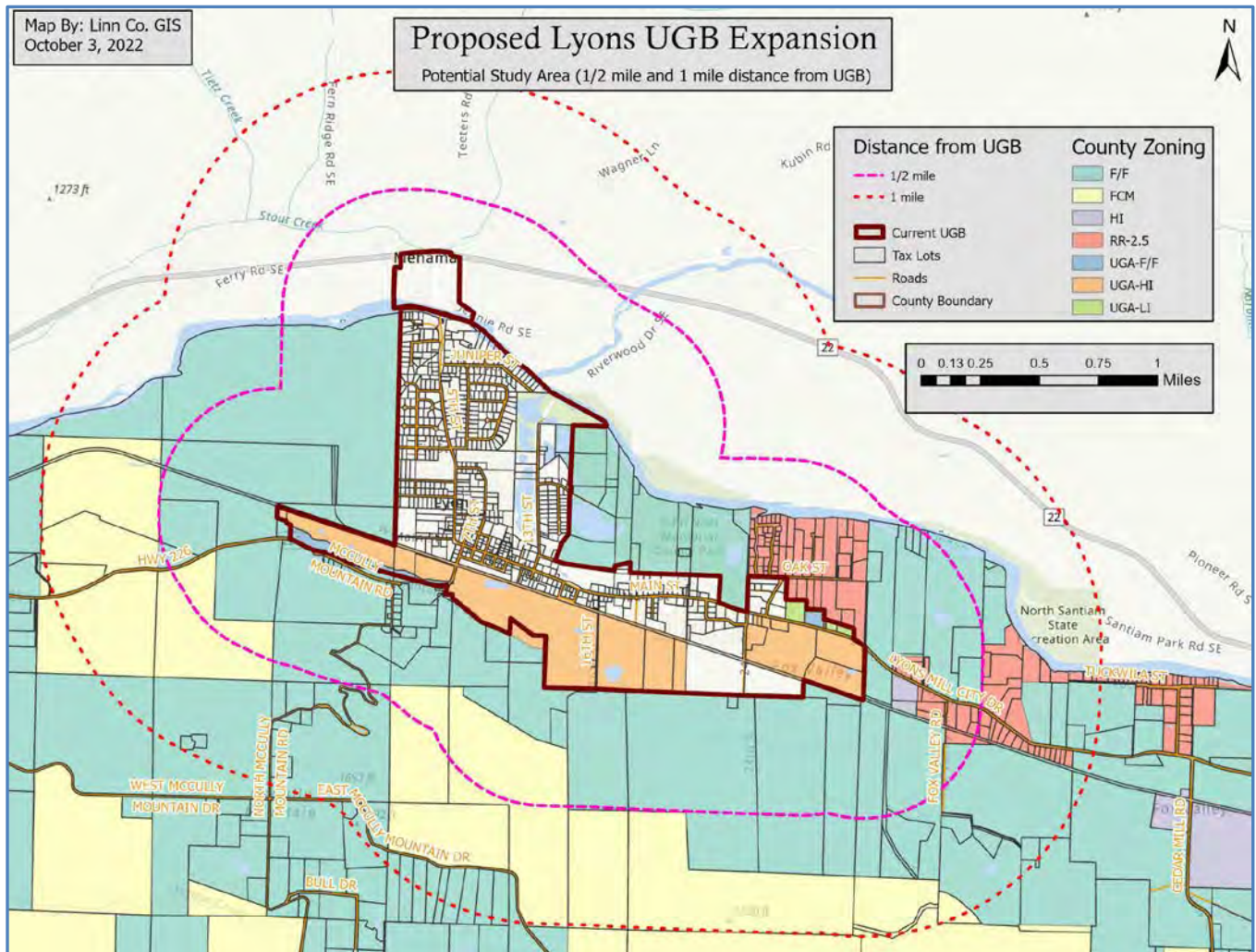
- (d) At the discretion of the city, the preliminary study area may include land that is beyond the distance specified in subsections (b) and (c).

The City used the criteria required for a city with a population under 10,000 people. Under OAR 660-024-0065, the city is required to identify and evaluate potential sites for a UGB expansion within the following areas:

- An acknowledged urban reserve; and
- All lands within a ½-mile of the acknowledged UGB;
- All lands within an identified exception area.

Map 1

### Proposed Lyons UGB Expansion – 1/2 Mile Radius Around UGB



#### Findings for OAR 660-024-0065 – Establishment of Preliminary Study Area:

The City has reviewed the applicable sections of OAR 660-024-0065 and makes the following findings:

- A.1 OAR 660-024-0065(1)(a): The City of Lyons does not have any lands designated as urban reserves. OAR 660-024-0065 (1)(a) does not apply.
- A.2 OAR 660-024-0065(1)(b): The City identified areas in Linn County within a ½-mile and a 1-mile radius of the Lyons UGB in compliance with OAR 660-024-0065(1)(b), as shown on Map 1.
- A.3 OAR 660-024-0065(1)(c): The Linn County Planning Department states there are no exception areas within one-mile of the Lyons UGB. OAR 660-024-0065 (1)(c) does not apply.

- A.4 The City excluded lands north of the North Santiam River since they do not contain lands designated or zoned for residential use and are not contiguous to the City
- A.5 The City identified seven potential study areas for expansion of the Lyons UGB. Map 2 shows the seven potential study areas, that have vacant lands within ½-mile of the Lyons UGB.

Map 2  
Seven Potential Study Areas for Lyons UGB Expansion

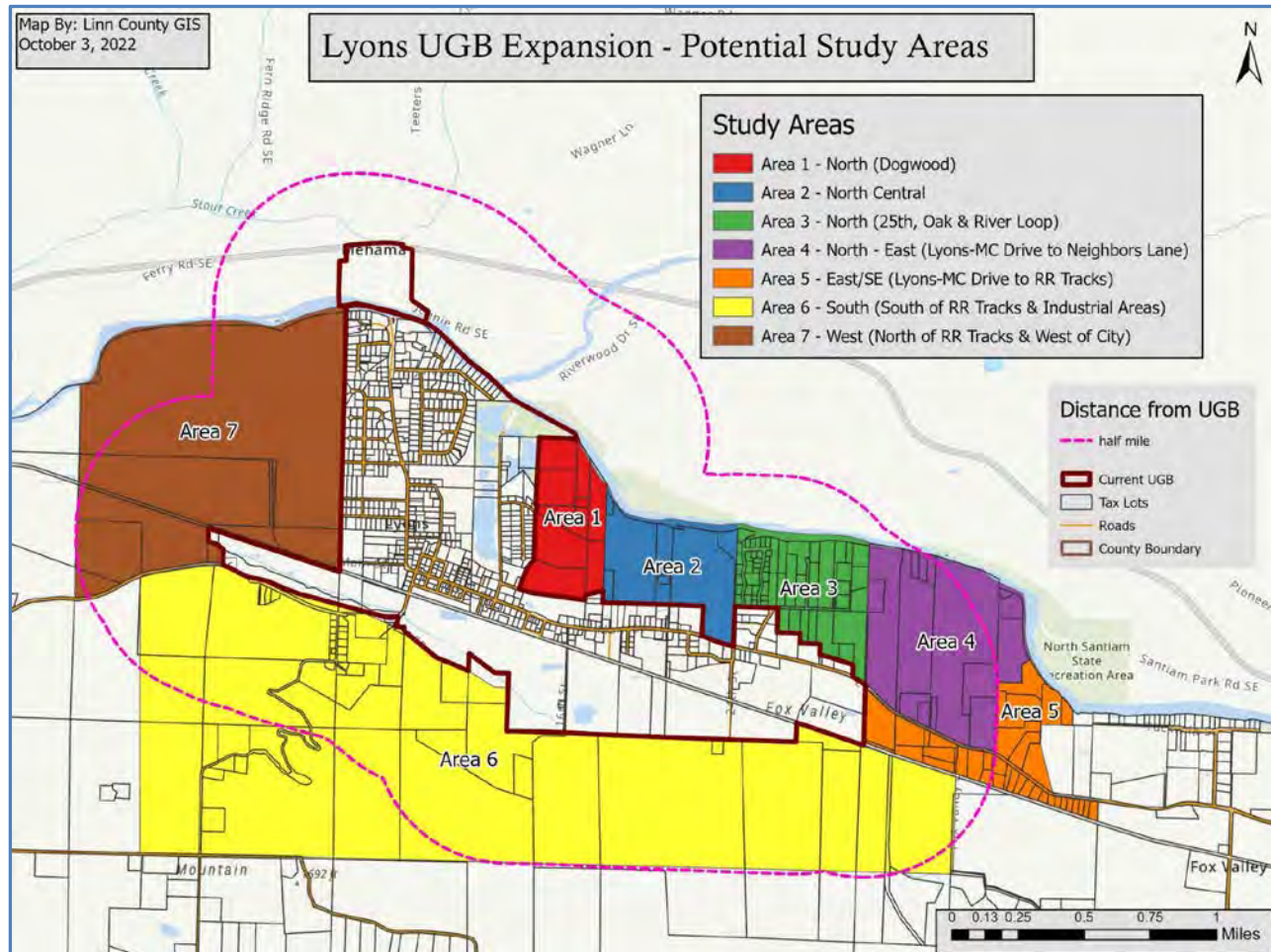


Table 1  
Potential Study Areas for Lyons UGB Expansion

Area	# Parcels	Total Acres	Linn County Zoning			
			Rural Residential (2.5)	Farm / Forest	Forest / Conservation Mgt	Heavy Industrial
1	10	96.41	0	96.41		
2	7	113.82	0	113.82		
3	60	110.55	110.55	0		
4	15	235.73	9.12	226.61		
5	35	108.42	72.56	26.16	0	9.69
6	69	1,337.33	0.14	1,097.52	231.68	0.14
7	8	560.04	0	519.87	40.17	0



ORAR 660-024-0065 (2)

- (2) A city that initiated the evaluation or amendment of its UGB prior to January 1, 2016, may choose to identify a preliminary study area applying the standard in this section rather than section (1).

A.6 ORAR 660-024-0065 (2) does not apply. The proposal was initiated in August 2022.

ORAR 660-024-0065 (3)

- (3) When the primary purpose for expansion of the UGB is to accommodate a particular industrial use that requires specific site characteristics, or to accommodate a public facility that requires specific site characteristics, and the site characteristics may be found in only a small number of locations, the preliminary study area may be limited to those locations within the distance described in section (1) or (2), whichever is appropriate, that have or could be improved to provide the required site characteristics. For purposes of this section:
- (a) The definition of “site characteristics” in ORAR 660-009-0005(11) applies for purposes of identifying a particular industrial use.
  - (b) A “public facility” may include a facility necessary for public sewer, water, storm water, transportation, parks, schools, or fire protection. Site characteristics may include but are not limited to size, topography and proximity.

A.7 ORAR 660-024-0065 (3) does not apply. This proposal for UGB expansion is not for an industrial use or for a public facility.

ORAR 660-024-0065 (4)(b)

- (4) The city may exclude land from the preliminary study area if it determines that:
- (b) The land consists of a is subject to significant development hazards, due to a risk of:
    - A. Landslides;
    - B. Flooding (within the 100-year Special Flood Hazard Area); or
    - C. Tsunamis.

A.8 The City did not exclude any of the preliminary study areas due to these risk factors.

ORAR 660-024-0065 (4)(c)

- (4) The city may exclude land from the preliminary study area if it determines that:
- (c) The land consists of a significant scenic, natural, cultural or recreational resource described in this subsection, including land that includes:
    - (A) Land that is designated in an acknowledged comprehensive plan prior to initiation of the UGB amendment, or that is mapped on a published state or federal inventory at a scale sufficient to determine its location for purposes of this rule, as:
      - (i) Critical or essential habitat for a species listed by a state or federal agency as threatened or endangered;
      - (ii) Core habitat for Greater Sage Grouse; or
      - (iii) Big game migration corridors or winter range, except where located on lands designated as urban reserves or exception areas;
    - (B) Federal Wild and Scenic Rivers and State Scenic Waterways . . . ,
    - (C) Designated Natural Areas on the Oregon State Register of Natural Heritage Resources;
    - (D) Wellhead protection areas described under [ORAR 660-023-0140 \(Groundwater Resources\)](#) and delineated on a local comprehensive plan;
    - (E) Aquatic areas subject to Statewide Planning Goal 16 that are in a Natural or Conservation management unit designated in an acknowledged comprehensive plan;
    - (F) Lands subject to acknowledged comprehensive plan or land use regulations that implement Statewide Planning Goal 17, Coastal Shoreland, Use Requirement 1;
    - (G) Lands subject to acknowledged comprehensive plan or land use regulations that implement

- A.9 The City did not exclude any of the preliminary study areas due to it consisting of a scenic, natural, cultural or recreational resource.

OAR 660-024-0065 (4)(d)

- (4) The city may exclude land from the preliminary study area if it determines that:
- (d) The land is owned by the federal government and managed primarily for rural uses.

- A.10 The City did not exclude any of the preliminary study areas due to it containing land owned by the federal government.

OAR 660-024-0065 (4)(a) and standards in OAR 660-024-0065 (7)

*Note: Strikeouts in the following sections indicate the OAR section/subsection(s) do not apply to the City of Lyons UGB expansion proposal.*

- (4) The city may exclude land from the preliminary study area if it determines that:
- (a) Based on the standards in section (7) of this rule, it is impracticable to provide necessary public facilities or services to the land;
- (7) For purposes of subsection (4)(a), the city may consider it impracticable to provide necessary public facilities or services to the following lands:
- (a) ~~Contiguous areas of at least five acres where 75 percent or more of the land has a slope of 25 percent or greater, provided that contiguous areas 20 acres or more that are less than 25 percent slope may not be excluded under this subsection.~~
- (b) Land that is isolated from existing service networks by physical, topographic, or other impediments to service provision such that it is impracticable to provide necessary facilities or services to the land within the planning period. The city's determination shall be based on an evaluation of:
- (A) The likely amount of development that could occur on the land within the planning period;
- (B) The likely cost of facilities and services; and,
- (C) Any substantial evidence collected by or presented to the city regarding how similarly situated land in the region has, or has not, developed over time.
- (c) As used in this section, "impediments to service provision" may include but are not limited to:
- (A) ~~Major rivers or other water bodies that would require new bridge crossings to serve planned urban development;~~
- (B) ~~Topographic features such as canyons or ridges with slopes exceeding 40 percent and vertical relief of greater than 80 feet;~~
- (C) Freeways, rail lines, or other restricted access corridors that would require new grade separated crossings to serve planned urban development;
- (D) ~~Significant scenic, natural, cultural or recreational resources on an acknowledged plan inventory and subject to protection measures under the plan or implementing regulations, or on a published state or federal inventory, that would prohibit or substantially impede the placement or construction of necessary public facilities and services.~~

A.11 **OAR 660-024-0065 (4)(a) - UGB Preliminary Study Area – EXCLUSION OF AREAS.**

OAR 660-024-0065 (4)(a) allows cities to exclude areas from the proposed UGB expansion study area if it is impractical to provide necessary public facilities or services to the land.

The City has excluded AREA 5, AREA 6 and AREA 7 from the final study area because it concludes it is impractical to provide necessary public facilities and services to these three areas, based on the following findings.

***Review of Existing Water & Sewer Facilities:***

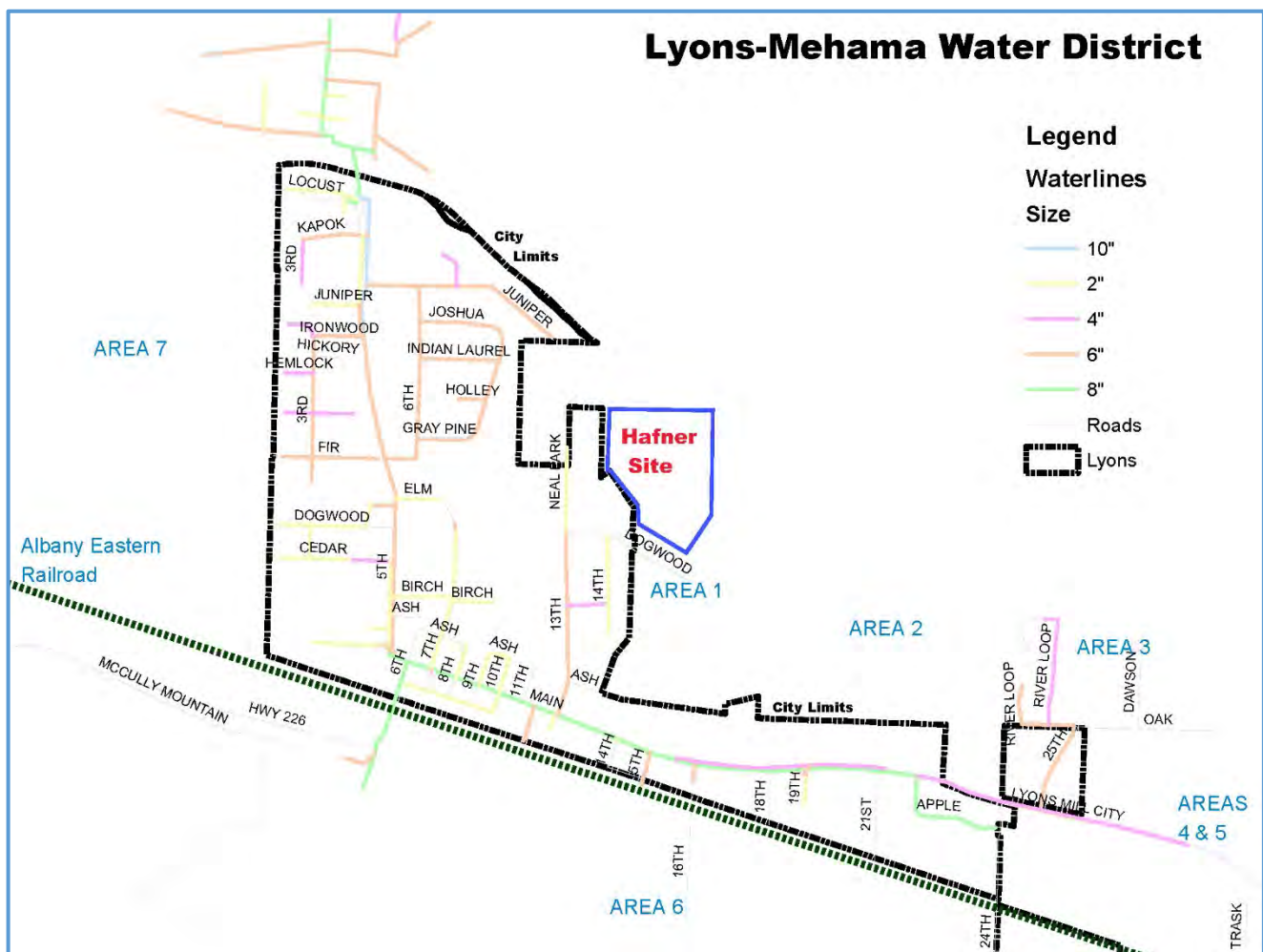
- 11.1 Sewer: The City of Lyons does not have a municipal wastewater collection and treatment

system. All developed properties are served by septic tanks or on-site disposal systems. All sites within the UGB expansion area will be served by on-site disposal systems.

11.2 Minimum Lot Sizes for an on-site Sewage Disposal system: The City of Lyons zoning ordinance requires a single-family residential lot to have a minimum lot size of 0.5-acres and an approved on-site septic permit approval for the parcel. Before the City approves a land division, the Linn County Environmental Health Department evaluates an on-site soil percolation test for the proposed home site and approves a primary & secondary drainfield area. Depending on the soil test, the parcel size may range from 0.5-acres to 1.0-acres. The Lyons Comprehensive Plan buildable lands analysis assumes an average lot size for new single-family home sites will be 0.75-acres.

11.3 Water: The Lyons-Mehama Water District “District” operates a community water system serving 1400 customers. The District provides domestic water service and fire hydrants to protect lands in the City of Lyons, a portion of the Lyons UGB, unincorporated areas of Linn County and the unincorporated community of Mehama on the north side of the N. Santiam River in Marion County, as shown on Map 3.

Map 3  
Lyons Mehama Water District – Service Area



In order for a property owner to receive service from the District, the property must be inside the District boundaries. If it is not, then the property must be annexed into the Lyons-Mehama Water District and the owner/developer must construct new water mains.

11.3.1 Water Service to AREA 1: Most parcels in AREA 1 are outside the District. The District's water main in Dogwood St. extends beyond the city limits into AREA 1. All properties in AREA 1 are located within 1,000 feet of existing water mains in Dogwood St. and 13<sup>th</sup> St. After annexation to the City & District, water mains may be extended to parcels in AREA 1.

11.3.2 Water Service to AREA 2: AREA 2 is outside the District. The District does not provide water service to properties in AREA 2. AREA 2 is located north of Main St and east of AREA 1. Properties in AREA 2 are located 500 to 2000 feet north of Main St. After annexation to the City & District, water mains may be extended to unserved parcels in AREA 2 from water mains in Main St. or Oak Street.

11.3.3 Water Service to AREA 3: AREA 3 is partially inside the District. The District provides water service to 30 developed home sites on River Loop and Oak St. west of 25<sup>th</sup> St. Existing homes east of 25<sup>th</sup> St. are served by private wells. Vacant/unserved parcels in AREA 3 are located east of 25<sup>th</sup> Street. After annexation to the District, water mains may be extended to parcels in AREA 3 east of 25<sup>th</sup> Avenue.

11.3.4 Water Service to Areas 4 & 5: The District provides water service to lots on Main St. (Lyons-Mill City) Drive at the west end of AREA 4. However, most of AREA 4 and all of AREA 5 are beyond the east end of District's service area along Lyons-Mill City Drive.

11.3.5 Water Service to AREA 6: The District does not provide service to AREA 6. Map 3 shows the District does not have water distribution mains south of the Albany-Eastern Railroad line, except for a few homes adjacent to the District's water storage reservoir and transmission main which are located on a hill just south of Hwy 226.

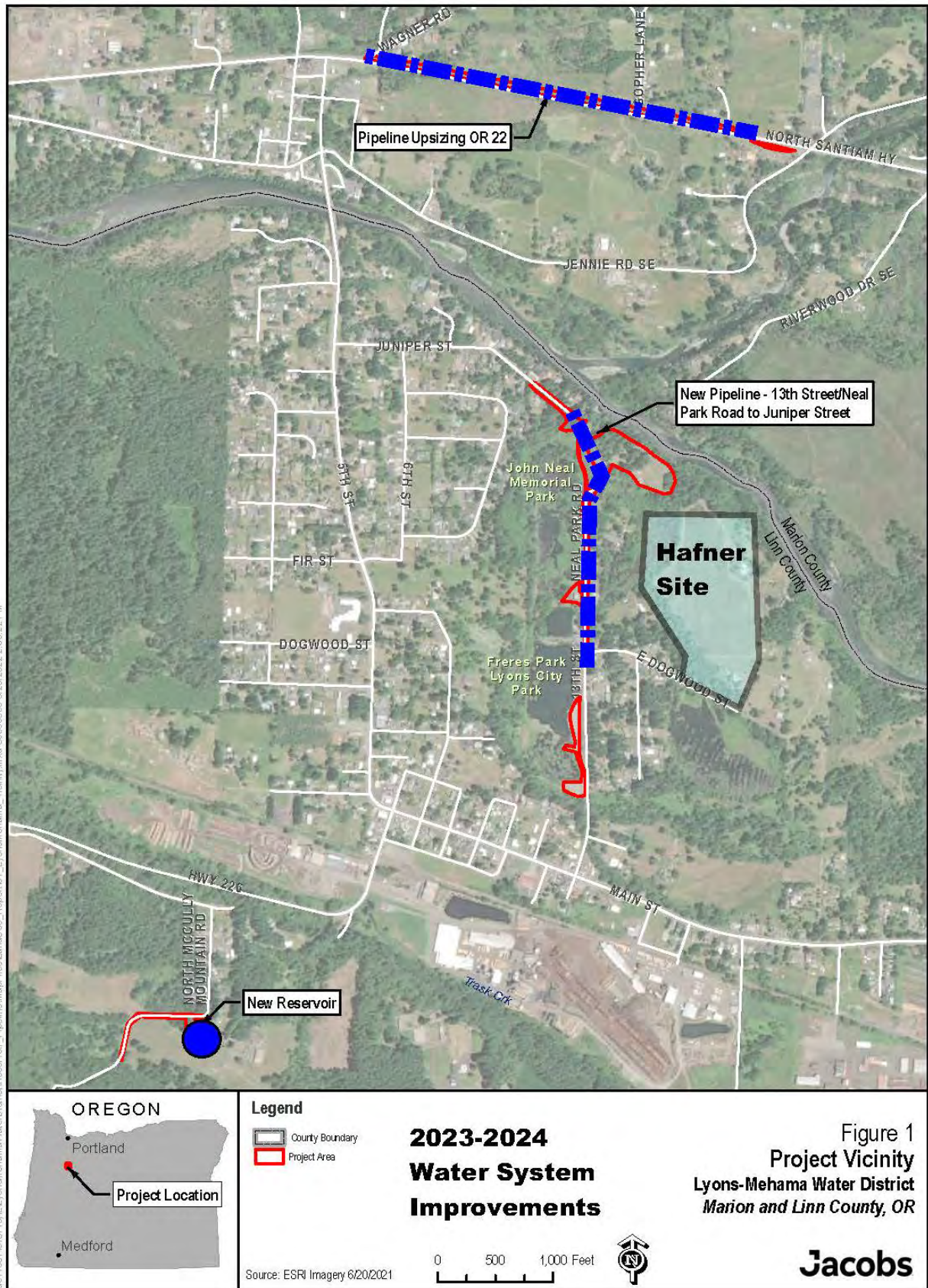
11.3.6 Water Service to AREA 7: The District does not provide service to AREA 7.

11.3.7 2023-2024 Water System Improvements: In the 2020 Beachie Creek Wildfire, the Lyons-Mehama Water District was unable to provide sufficient water to provide fire protection services during the fire. The Oregon Legislature approved an ARPA grant to the District to upgrade its water system. In 2023-2024 the District will construct a new 1.0 MG water storage reservoir south of Lyons on McCully Mtn Rd. and an additional water main on 13<sup>th</sup> Street (John Neal Park to Dogwood St.), as shown on Map 4. The improvements will enhance fire flows, provide 3-days storage capacity and loop existing water mains. Until the 2023-2024 improvements are constructed the District has notified the City it will not expand District boundaries or serve any new developments or a UGB expansion area.

11.3.8 Future Improvements (2024 to 2040): The Lyons-Mehama Water District's Superintendent Bill Grimes stated after the District completes the 2023-2024 reservoir and transmission main improvements, the District does not have any plans to expand the District's service area. In the District's January 4, 2023 letter to the City, Mr. Grimes states the *"only plans for future projects within the district service are will be to update old water mains as funds become available."*



Map 4  
Lyons-Mehama Water System 2023-2024 Improvements





11.3.8 Water District Ability to Service AREA 1. AREA 1 abuts District water mains in Dogwood St. After the District's 2023-2024 improvements are completed on 13<sup>th</sup> Street, the District will have the capacity to extend service into AREA 1. The City concludes water service can be extended to serve AREA 1 during the 20-year planning period from 2022 to 2042.

11.3.9 Water District Ability to Service AREA 2. AREA 2 is 500+ feet north of District water mains in Main St. and within 250' of water mains in Oak St. Water main extensions are feasible, but new lines must be sized and looped to meet fire flow requirements. The City concludes water service can be extended to serve AREA 2 during the 20-year planning period from 2022 to 2042, but the District has no plans to do so.

11.3.10 Water District Ability to Service AREA 3: The west 1/3<sup>rd</sup> of AREA 3 is served by District water mains in Oak St. & River Loop. The east 2/3<sup>rd</sup>s of AREA 3 east of 25<sup>th</sup> St. includes vacant, buildable land and parcels within 1750 feet of the District water main at 25<sup>th</sup> & Oak Street.

The District's existing water main on Lyons-Mill City Drive (Apple Loop to 25<sup>th</sup> St.) is an undersized 4" water main. In order to provide water service and minimal fire flows (1,000 gpm) to new development in AREA 3, 4,200 lineal feet of 8" water main will be needed. This includes replacing 2,700 lineal feet of 4" & 6" water main in Lyons-Mill City Drive and on 25<sup>th</sup> Street (to the 25<sup>th</sup> & Oak St. intersection) and installing 1,500 lineal feet of new 8" water main within AREA 3 will need to be upgraded to an 8" or larger main. Estimated cost is \$ 1,350,000.<sup>2</sup> The City concludes water service can be extended to AREA 3 during the 20-year planning period from 2022 to 2042, but the District does not have current plans or funding to upgrade this water main.

11.3.11 Water District Ability to Service Areas 4, 5, 6 and 7: AREA 4 to 7 are located east and south of the Lyons-Mehama Water District's existing water system distribution system network. The District does not have plans or funds to extend water mains to Areas 4 to 7 in the near future. The City concludes although water service can be extended to serve these four areas, it is highly unlikely to occur within the 20-year planning period.

#### ***Review of Transportation Facilities:***

##### ***11.4 Transportation (Rail):***

11.4.1 Albany & Eastern Railroad: The Albany-Eastern Railroad line runs through the City. The RR provides freight service to the wood products firms in Lyons and Mill City. The railroad tracks are at the south edge of the city limits. The Freres Lumber Co. site and several large industrial sites are located outside the city limits in the UGA-HI Industrial zone (see Map 1) adjacent to the RR tracks.

11.4.2 Rail Crossings: Three public RR crossings exist (OR-226, 16<sup>th</sup> St. and 24<sup>th</sup> St.). The 16<sup>th</sup> St. RR crossing serves industrial sites. The OR-226 and 24<sup>th</sup> St. RR crossings provide public access to AREA 6. The 24<sup>th</sup> St. crossing is unimproved; it must be upgraded to serve any UGB expansion south of the RR tracks.

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<sup>2</sup> 4,200 feet x \$320 / ft. = \$1,350,000. Based on November 2022 City of Mill City bid for a similar 8" water main replacements and main extensions.

## 11.5 Transportation (Streets):

11.5.1 Arterial & Collector Streets in the Lyons UGB. OR-226 is a state highway. Main Street/Lyons-Mill City Drive is a Linn County rural arterial.

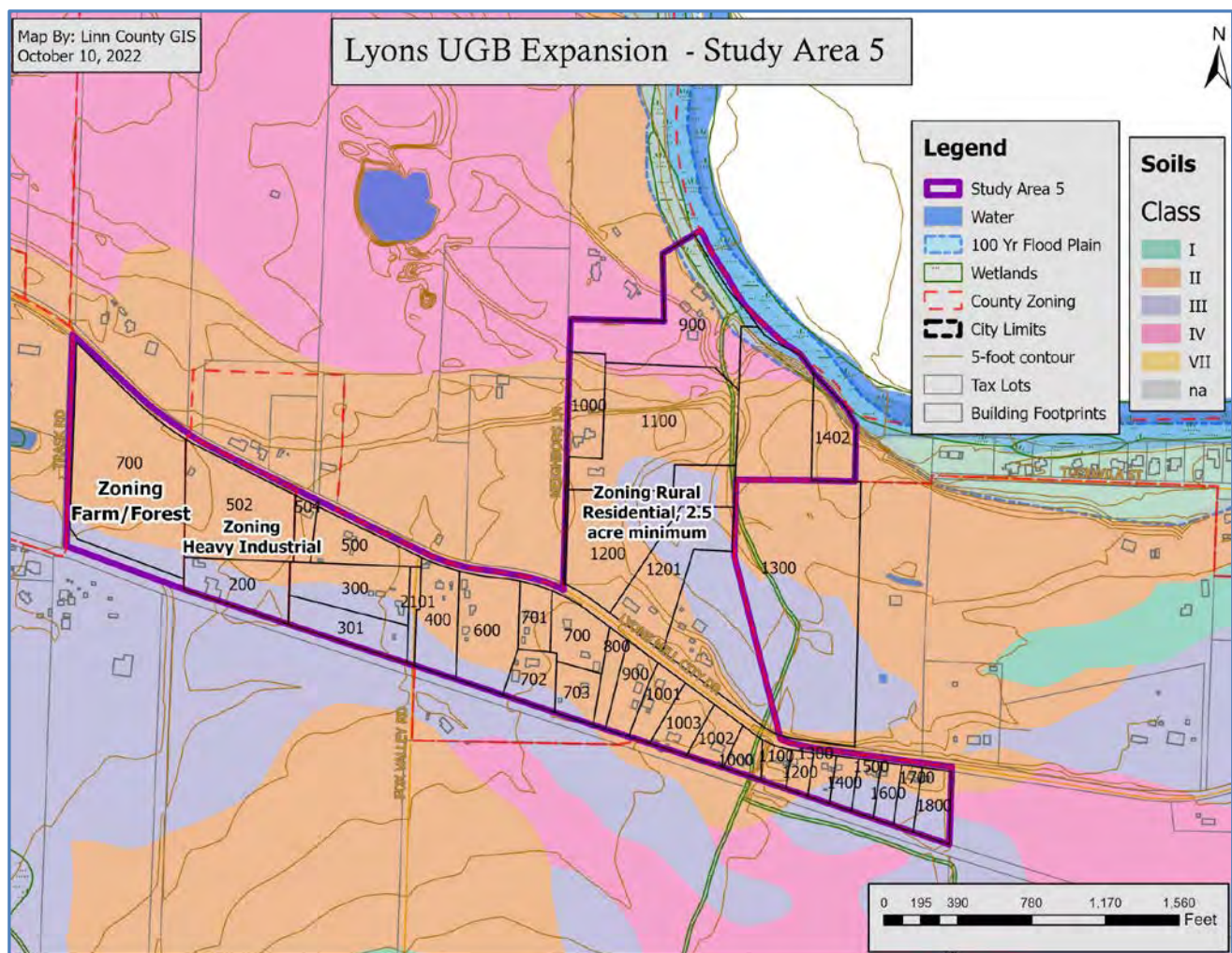
11.5.2 Local Streets. Linn County owns and maintains existing streets in the UGB. The City does not have an adopted TSP or plans for any new arterial or collector streets. New local streets must be built/improved concurrently with new development.

### ***Analysis to Determine if Areas 5, 6 and 7 should be Excluded from Final Study Area:***

## 11.6 Exclusion of AREA 5 from Study Area -- Analysis, Findings and Conclusion:

The City reviewed Study AREA 5 to determine if it should be eliminated from the study area for consideration for a UGB expansion under OAR 660-024-0065 (4)(a) because of the inability of the City to provide public facilities and services based on the criteria listed in OAR 660-024-0065 (7).

Map 5  
Lyons UGB Expansion – Study AREA 5



11.6.1 Location. AREA 5 is located east the Lyons UGB adjacent to Lyons-Mill City Drive. The majority of AREA 5 is located between ½-mile and 1-mile east of the existing

UGB line.

- 11.6.2 Soils. AREA 5 has Class II (High Value Farmland Soils) and Class III soils. The majority of the vacant, redevelopable sites in AREA 5 are Class II soils.
- 11.6.3 Sewage Disposal & Minimum Parcel Size: Under the City's ½-acre minimum lot size and Linn County Environmental Health requirements, all lots must be served with an on-site sewage disposal system (which requires ½ to 3/4-acre per lot due to the soil conditions).
- 11.6.4 Water: The Lyons-Mehama Water District water mains do not extend to AREA 5. Existing home sites are served by private wells. The District does not have plans to expand the District's boundaries or extend water mains to AREA 5 at the east end of the Lyons UGB.
- 11.6.5 Parcels Size & Ability to Redevelop: Twenty of the 35 parcels in AREA 5 are small residentially zoned ½-acre to 1.75-acre parcels with lot frontage on Lyons-Mill City Drive. If annexed into the City of Lyons, the majority of the parcels adjacent to Lyons-Mill City Drive cannot be redivided due to small parcel size, minimal street frontage, lot dimension requirements and sewage disposal limitations.
- 11.6.6 Vacant/Redevelopable Parcels in AREA 5: There are 13 residentially zoned parcels totaling 53.25 acres in AREA 5 that are either vacant or redevelopable. The majority of the sites are 2.5 to 3.5-acre parcels located between Lyons-Mill City Drive and the N. Santiam River. After subtraction of developed and non-buildable areas, there are 40+/- acres available for redevelopment.

Conclusions for Study AREA 5: The City estimates the City needs to add 25.71-acres of buildable land to the UGB for the 20-year planning period through 2042. Although AREA 5 includes 40+/- acres of vacant or redevelopable land, the Lyons Planning Commission concludes AREA 5 should be excluded from further consideration as a priority UGB expansion area as permitted under OAR 660-024-0065 (4)(a) because AREA 5 meets the criteria for exclusion under OAR 600-024-0065 (7) as follows:

- Areas 1 to 4 offer more potential redevelopment sites than AREA 5.
- AREA 5 is located ½-mile to 1-mile east of the existing UGB boundary.
- The majority of the residentially zoned parcels in AREA 5 may not be divided.
- The majority of the redevelopable sites have Class II high value farmland soils.
- Water service is unlikely to be extended to the east end of the UGB. District priorities will be to provide service to Areas 1 to 3, which are adjacent to existing water mains.

#### **11.7 Exclusion of AREA 6 from Study Area -- Analysis, Findings and Conclusion:**

The City reviewed Study AREA 6 to determine if it should be eliminated from the study area for consideration for a UGB expansion under OAR 660-024-0065 (4)(a) because of the inability of the City to provide public facilities and services based on the criteria listed in OAR 660-024-0065 (7).

- 11.7.1 Location. AREA 6 is located south of Albany & Eastern Railroad tracks and the Freres Lumber mill site and log storage area as well as the other industrial sites south of Lyons-Mill City Drive.



11.7.5 Water: The Lyons-Mehama Water District water mains do not extend to AREA 6, with the exception of the District's water storage reservoir. The District does not have plans to extend water mains to AREA 6.

Conclusions for Study AREA 6: The Lyons Planning Commission concludes AREA 6 should be excluded from further consideration as a priority UGB expansion area as permitted under OAR 660-024-0065 (4)(a) because AREA 5 meets the criteria for exclusion under OAR 660-024-0065 (7) as follows:

- Areas 1 to 4 offer more potential redevelopment sites than AREA 6.
- AREA 6 is located south of the Albany & Eastern RR tracks and there is only one at-grade crossing, which is a significant barrier to redevelopment.
- AREA 6 has steep slopes and large tracts of Forest Land owned by local timber companies.
- The Lyons-Mehama Water District storage reservoir is located in AREA 6 with a transmission main from the reservoir north to the City. The District has no plans to extend water service to any other portion of AREA 6.
- Extension of roads and construction of at-grade rail crossings to AREA 6 will require significant public investment and approval by the railroad.

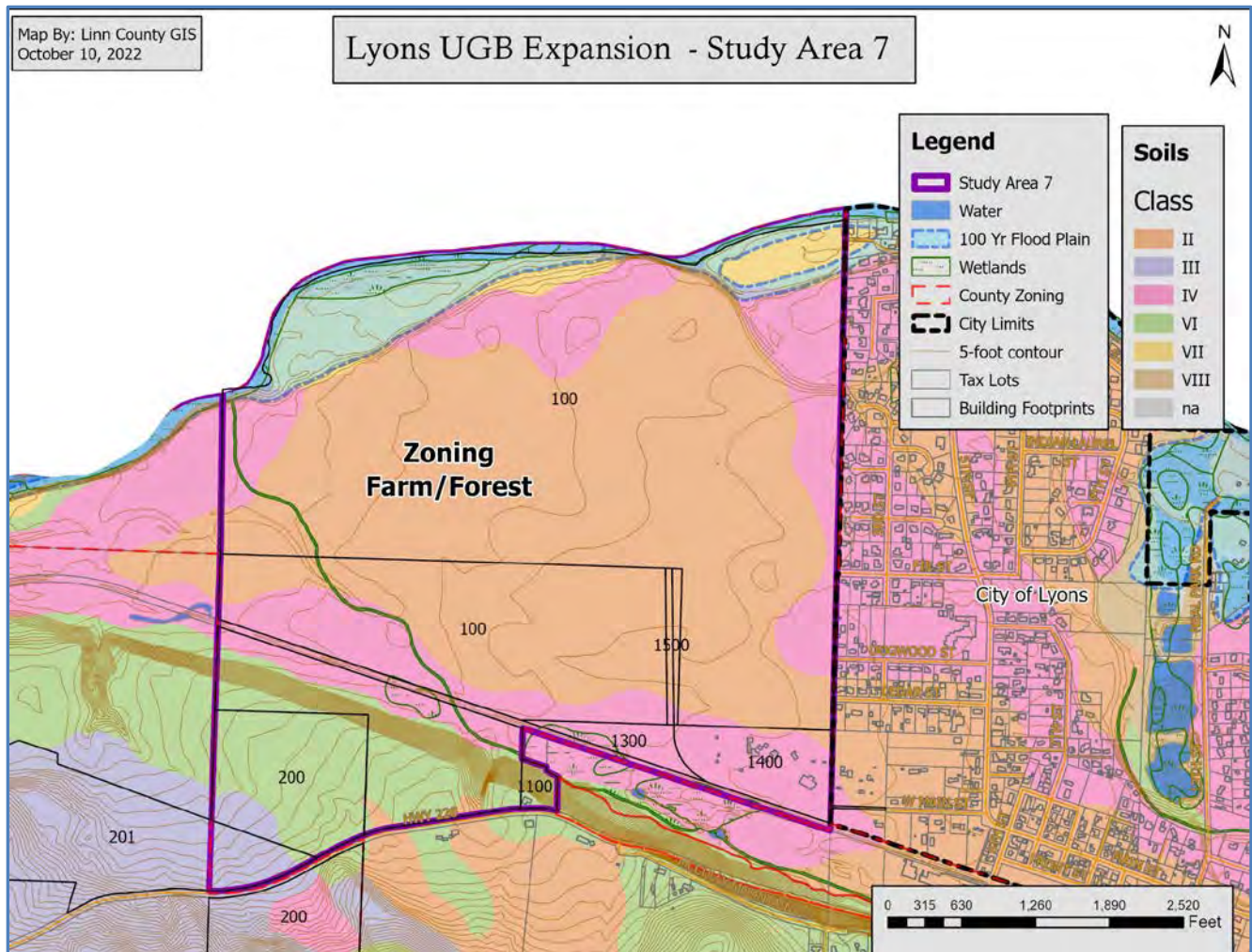
#### **11.8 Exclusion of AREA 7 from Study Area -- Analysis, Findings and Conclusion:**

The City reviewed Study AREA 7 to determine if it should be eliminated from the study area for consideration for a UGB expansion under OAR 660-024-0065 (4)(a) because of the inability of the City to provide public facilities and services based on the criteria listed in OAR 660-024-0065 (7).

- 11.8.1 Location. AREA 7 is located west of the City of Lyons south of the N. Santiam River to OR 226.
- 11.8.2 Parcels. AREA 7 includes 560 acres. There are seven parcels zoned Farm/Forest and Forest Conservation Management.
- 11.8.3 Railroad. Map 8 shows the Albany & Eastern Railroad tracks bisects AREA 7 at the base of a steep slope.
- 11.8.4 Steep Slopes. Map 8 shows AREA 7 has some steep slopes (15% to 40%) south of the RR tracks and north of OR 226. This area is not developable.
- 11.8.5 Forest Lands. AREA 7 includes two large forest parcels. There is a 350-acre parcel adjacent to the N. Santiam River and west of the city limits (9S 1E 13, 00100) and an adjoining 141-acre parcel (9S 1E 24, 00100). The two large parcels are in commercial forest use.
- 11.8.6 Soils. The predominant soil types in AREA 7 are Class II (High Value Farmland) and Class IV, adjacent to the city limits.
- 11.8.7 Water: The Lyons-Mehama Water District water mains abut AREA 7. The District's service area map shows AREA 7 can be easily served if it is annexed into the District.
- 11.8.8 Streets: Three city street streets have dead-end ROW abutting the 350-acre site west of the city limits. Streets and private utilities can be extended into AREA 7.



Map 7  
Lyons UGB Expansion – Study AREA 7



Conclusions for AREA 7: The Lyons Planning Commission concluded that AREA 7 should be excluded from further consideration as a priority UGB expansion area as permitted under OAR 660-024-0065 (4)(a) because AREA 7 meets the criteria for exclusion under OAR 600-024-0065 (7) as follows:

- Forest Lands in AREA 7:
  - North Sector: The north portion of AREA 7 (between the N. Santiam River & the Albany & Eastern RR) includes two large tracts of commercial forest land with Class II soils.
  - South Sector: The south portion of AREA 7 is located between the Albany & Eastern RR tracks and OR 226. These parcels have undevelopable steep slopes (25% to 40%). Parcels south of the RR track are zoned Forest Conservation Management and Heavy Industrial.
  - Although AREA 7 is adjacent to the City limits, the conservation of large parcels in Farm/Forest use is a priority.
- Public Utilities Extensions to Serve AREA 7:
  - Public water, streets and private utilities may be extended into AREA 7 from dead



end streets abutting the west edge of the city.

- The Lyons-Mehama Water District does not extend west of the city limits and the District does not provide service to parcels in AREA 7. It does not have plans to extend service to the west.
- Land Needs for UGB Expansion:
  - The City needs to add less than 30-acres to the UGB to provide buildable land for the 20-year planning period (2022 to 2042).
  - The 350-acre site immediately west of the City is far larger than needed to accommodate growth in the 20-year planning period. The City concludes expansion of the UGB into the resources land is bad planning and poor public policy.

### 11.9 Summary of Analysis, Findings and Conclusions for Exclusion of Areas 5, 6 & 7:

The Lyons Planning Commission concludes AREA 5, AREA 6 and AREA 7 should be excluded from further review as a potential UGB expansion area for the City of Lyons. Table 2 summarizes findings discussed above in Sections 11.6, 11.7 and 11.8. for a UGB expansion under OAR 660-024-0065 (4)(a). AREA 5, AREA 6 and AREA 7 are excluded from further consideration because of the inability of the City to provide public facilities and services based on the criteria listed in OAR 660-024-0065 (7).

Table 2

### Evaluation of Potential Study Areas for Lyons UGB Expansion - Exclusions OAR 660-024-0065 (4a) & (7)

30+/- Acres Needed in UGB		OAR 660-024-0065 (7) – Criteria								
		7a	7b			7c				
		Steep Slopes	Isolated from Existing Services			Impediments to Service				
AREA	Total Acres	>25% in 75% of area	Potential for Development 2022-2042	Likelihood & Cost of Utility / Street Extensions	Local Limitations Restricting Development	Major Rivers	Topographic Features	Rail Lines	Scenic, Cultural & Recreation Resources	Conclusion: Include or Exclude from UGB Study Area
1	96.41	NA	Likely	Yes – Adjacent		None			None	Include
2	113.82	NA	Potential	Yes – Close						Include
3	110.55	NA	Potential	Yes – Close						Include
4	235.73	NA	Potential	Outside Wtr District	Large Tracts – Potential Aggregate Extraction					Include
5	108.42	NA		Outside Wtr District – Unlikely	Small Parcels; Limited Buildable Land					Exclude
6	1,337.33	NA – Some	No	Outside Wtr District & Costly	Steep Slopes, Elevation, Industrial Uses & Forest Lands		Steep Slopes & Lack of Roadway Access	Yes		Exclude
7	560.04	NA – Some	No	Yes – Adjacent	Large Tracts Forest Lands		Steep Slopes	Yes		Exclude

## B. OAR 660-024-0065 (5) & (6) Finalization of the Preliminary Study Area

- (5) After excluding land from the preliminary study area under section (4), the city must adjust the area, if necessary, so that it includes an amount of land that is at least twice the amount of land needed for the deficiency determined under OAR 660-024-0050(4) or, if applicable, twice the particular land need described in section (3). Such adjustment shall be made by expanding the distance specified under the applicable section (1) or (2) and applying section (4) to the expanded area.
- (6) For purposes of evaluating the priority of land under OAR 660-024-0067, the “study area” shall consist of all land that remains in the preliminary study area described in section (1), (2) or (3) of this rule after adjustments to the area based on sections (4) and (5), . . .

### Findings for OAR 660-024-0065 (5) & (6) – Finalization of the Preliminary Study Area:

- B1. Areas 1, 2, 3 and 4 comprise the final “Preliminary Study Area”. The City needs to add 25.71 acres of net buildable residential land to accommodate growth for the 20-year planning period from 2022 to 2042.
- B2. Table 3 shows each study area has net buildable land to accommodate the City’s need.

Table 3  
**Lyons UGB Expansion Study Areas (Final)**

AREA	# of Parcels	Acres				Net Buildable Lands – by Linn County Zone	
		Developed	Constrained Lands <sup>1</sup>	Vacant Lands <sup>2</sup>	Total	Rural Residential (2.5)	Farm / Forest
1	10	3.50	35.80	57.36	96.41	0	42.83
2	7	2	19.73	92.09	113.82	0	69.14
3	60	24.46	18.78	67.69	110.53	47.31	0
4	15	12.20	144.50	79.03	235.73	4.73	57.13

- Note 1: Constrained Lands includes areas within the 100-Year Flood Plain, Identified Wetlands, Water, Steep Slopes (>25%) and committed to Aggregate Resources.
- Note 2: Vacant Lands include vacant parcels and the balance of developed parcels larger than 1-acre in size which may be divided to create additional buildable residential lots.
- Note 3: Net Buildable Lands is the sum of vacant lands less 25% reserved for public roads, utilities and public lands.

## C. OAR 660-024-0067 Evaluation of the Final Study Areas – AREA 1 through AREA 4

In order to determine which Area is suitable for inclusion in the Lyons UGB expansion, OAR 660-024-067 requires the City to use locational criteria to evaluate the available sites on the fringe of the existing UGB to determine if they meet the criteria in OAR 660-024-0067 (1) and (2).

### **660-024-0067 (1) & (2) Evaluation of Land in the Study Area for Inclusion in the UGB; Priorities for Inclusion in UGB**

- (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.
  - (b) If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need. The city must proceed in this manner until all the land need is satisfied, except as provided in OAR 660-024-0065(9).
  - (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.

- (d) In evaluating the sufficiency of land to satisfy a need under this section, the city may use the factors identified in sections (5) and (6) of this rule to reduce the forecast development capacity of the land to meet the need.
- (e) Land that is determined to not be suitable under section (5) of this rule to satisfy the need deficiency determined under OAR 660-024-0050 is not required to be selected for inclusion in the UGB unless its inclusion is necessary to serve other higher priority lands.

(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.
- (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.
- (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.
- (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.

***Findings for OAR 660-024-0067 (1) & (2) – Locational Evaluation of Areas for UGB Expansion Area:***

The City applied the criteria in OAR 660-024-0067 (1) and (2) in its locational analysis.

C1. Table 4 shows the amount of gross land area in each study Areas 1 to 4.

**Table 4**  
**Lyons UGB Expansion Study Areas**  
**OAR 660-024-0067 – Locational Criteria**

			Area 1 (Total acres)	Area 2 (Total acres)	Area 3 (Total acres)	Area 4 (Total acres)
First Priority – OAR 660-024-0067 (2)(a)						
A	Urban Reserve		There are no urban reserve areas			
B	Exception Areas		There are no exception areas			
C	Non-Resource (Rural Residential)		0	0		
	High Value Soils (Class I & II)				36.00	9.10
	Soils (Class III & IV)				61.00	
	Soils (Classes V to VIII)				12.50	
	Total Non-Resource Lands				110.50	9.10
Second Priority – OAR 660-024-0067 (2)(b)						
	Marginal Land		There are no marginal lands			
Third Priority – OAR 660-024-0067 (2)(c)						
	Resource Lands - Farm/Forest Zoning by Soils					
	High Value Soils (Class I & II)		15.1	25.7		72.1
	Soils (Class III & IV)		58.4	66.5		140.3
	Soils (Classes V to VIII)		20.0	16.1		3.4
	Total Farm/Forest Resource Lands		93.5	108.3		215.8



C2. First Priority Lands.

- C2.1 There are no urban reserves.
- C2.2 Linn County has not identified any exception areas in or adjacent to the Lyons UGB.
- C2.3 AREA 3 is identified as a FIRST PRIORITY under OAR 660-024-0067 (2)(c) because it has 110.5 acres of non-resource land zoned by Linn County as Rural Residential (RR 2.5) with a 2.5-acre minimum lot size.
- C2.4 Of the 110.5 acres in AREA 3, there are 47.31 net acres of buildable land, after subtraction of developed land, constrained land (wetlands, 100-year flood plain, aggregate resources areas and steep slopes). *[See Table 3 above].*
- C2.5 AREA 3 has a large number of small parcels that are fully developed. The area includes a rural residential (large lot) subdivision, has abutting streets and utilities. Remaining parcels may be difficult to redivide. See Findings D-1 through D-10 for AREA 3 in Section II-D (pp. 20-23) of this report.

C3. Second Priority Lands.

- C3.1 There are no marginal lands in Areas 1 to 4.

C4. Third Priority Lands – Resource Lands not predominantly high-value farm land.

AREA 1, AREA 2 and AREA 4 are considered THIRD PRIORITY lands under OAR 660-024-0067 (2)(c). Each of these 3 areas will be evaluated for inclusion in the Lyons UGB, in that order, if the City finds AREA 3 does not have a sufficient amount of buildable residential land to meet the City's needs.

- C4.1 AREA 1: AREA 1 includes 93.5 acres of resource lands (Farm/Forest), with 42.83 acres of net buildable lands. There are 15.1 acres (16%) of Class II soils (high value farm soils) at the south end of the AREA 1. This area is at the west end of the UGB, abuts a residential subdivision, with abutting streets and utilities. AREA 1 warrants further study. See Findings D-11 to D-22 for AREA 1 in Section II-D (pp 24-27) of this report.
- C4.2 AREA 2: AREA 2 includes 113.8 acres of resource lands (Farm/Forest), with 69.1 acres of net buildable lands. There are 25.7 acres (22%) of Class II soils in the center of the area. AREA 2 has two large parcels in agricultural use.
- C4.3 AREA 4: AREA 4 includes 235.73 acres, including 9.1 acres of RR-2.5 zoned land and 215.86 acres of resource lands zoned Farm/Forest. There are 72 acres (30%) of Class II soils. AREA 4 has two large parcels owned by Northrock, Inc. which are potential aggregate sites.

**D. OAR 660-024-0067 (5) Evaluation & Determination if Vacant/Partially Vacant Land is Suitable for Inclusion as part of a UGB Expansion**

**660-024-0067 (5)**

With respect to section (1), a city must assume that vacant or partially vacant land in a particular priority category is “suitable” to satisfy a need deficiency identified in [OAR 660-024-0050 \(Land Inventory and Response to Deficiency\)](#)(4) unless it demonstrates that the land cannot satisfy the specified need based on one or more of the conditions described in subsections (a) through (g) of this section:

- (a) Existing parcelization, lot sizes or development patterns of rural residential land make that land unsuitable for an identified need; as follows:
  - (A) Parcelization: the land consists primarily of parcels 2-acres or less in size, or
  - (B) Existing development patterns: the land cannot be reasonably redeveloped or infilled within the planning period due to the location of existing structures and infrastructure.”
- ~~(b) The land would qualify for exclusion from the preliminary study area under the factors in [OAR 660-024-0065 \(Establishment of Study Area to Evaluate Land for Inclusion in the UGB\)](#)(4) but the city declined to exclude it pending more detailed analysis.~~
- (c) The land is, or will be upon inclusion in the UGB, subject to natural resources protections under Statewide Planning Goal 5 such that that no development capacity should be forecast on that land to meet the land need deficiency.
- ~~(d) With respect to needed industrial uses only, the land is over 10 percent slope, or is an existing lot or parcel that is smaller than 5 acres in size, or both. Slope shall be measured as the increase in elevation divided by the horizontal distance at maximum ten foot contour intervals.~~
- ~~(e) With respect to a particular industrial use or particular public facility use described in [OAR 660-024-0065 \(Establishment of Study Area to Evaluate Land for Inclusion in the UGB\)](#)(3), the land does not have, and cannot be improved to provide, one or more of the required specific site characteristics.~~
- ~~(f) The land is subject to a conservation easement described in [ORS 271.715 \(Definitions for ORS 271.715 to 271.795\)](#) that prohibits urban development.~~
- ~~(g) The land is committed to a use described in this subsection and the use is unlikely to be discontinued during the planning period:
  - (A) Public park, church, school, or cemetery, or
  - (B) Land within the boundary of an airport designated for airport uses, but not including land designated or zoned for residential, commercial or industrial uses in an acknowledged comprehensive plan.~~

**Evaluation of AREA 3 to Determine Suitability as a FIRST PRIORITY Area for Lyons UGB Expansion:**

Per OAR 660-024-0067 (2) AREA 3 is considered a FIRST PRIORITY area for inclusion in the Lyons UGB. Map 8 shows AREA 3, including parcels, constrained land, soil types and existing buildings. AREA 3 has 110.5 acres of non-resource land zoned by Linn County as Rural Residential (RR 2.5) with a 2.5-acre minimum lot size. Of the 110.5 acres in AREA 3, there are 47.31 net acres of buildable land, after subtraction of developed land, constrained land (wetlands, 100-year flood plain, aggregate resources areas and steep slopes). *[See Table 3 above].*

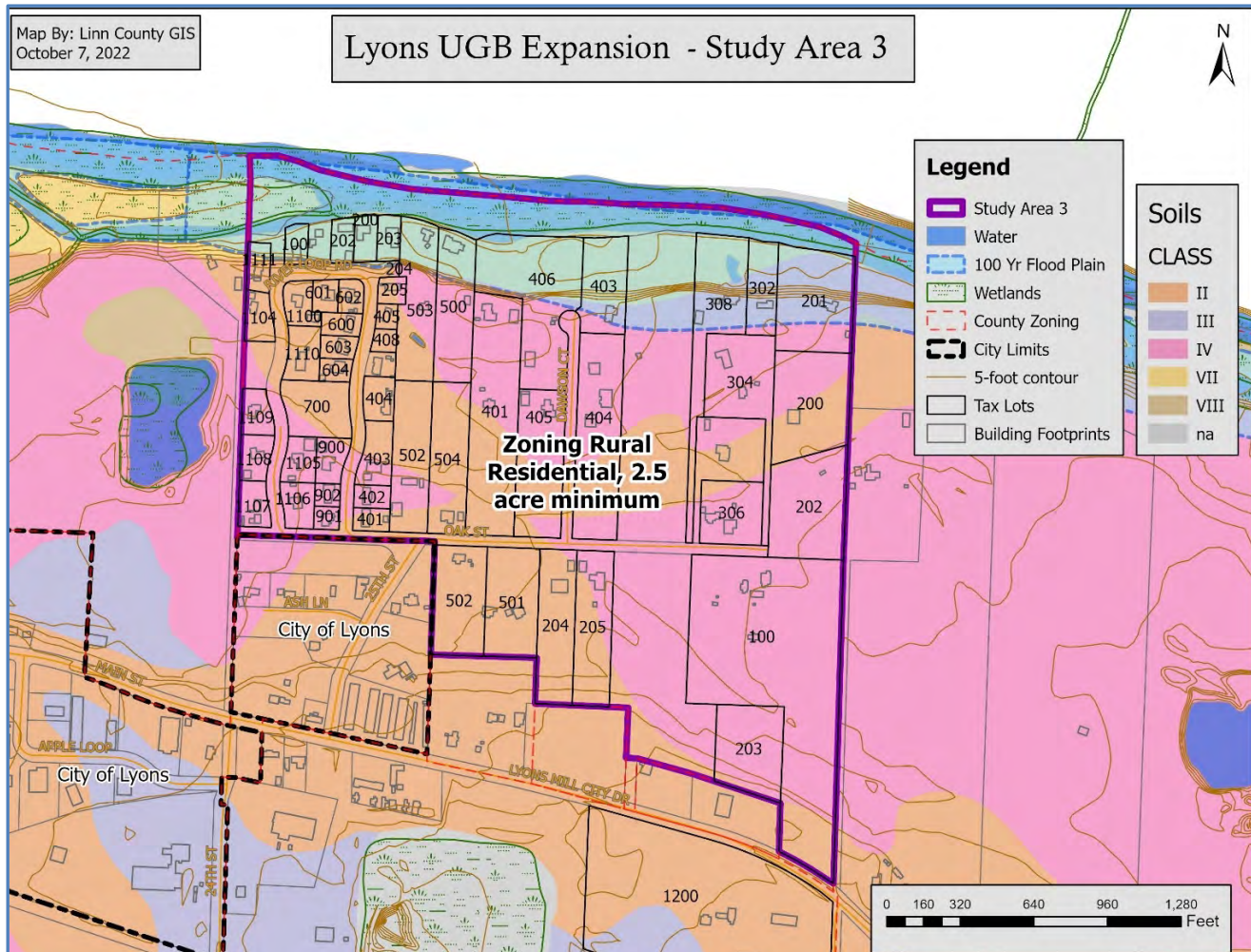
**Findings for OAR 660-024-0067 (5)(a) to (5)(g) – Evaluation of AREA 3 to determine if it is suitable:**

The City reviewed AREA 3 to determine if the existing vacant/partially vacant lands within AREA 3 are “suitable” for inclusion in a First Priority UGB expansion area and have a sufficient number of net buildable acres to meet the city’s buildable land needs for the 20-year planning period from 2022 to 2042. Area 3 is shown on Map 8.

- D1. AREA 3 includes 60 parcels with 110.93 acres of land and 47.31 acres of net buildable land.
- D2. Thirty-three (33) of the 60 parcels are developed properties on lots less than one acre in size. Minimum parcel sizes are 0.50-acres in the City of Lyons. These parcels cannot be divided and they do not include any buildable lands.
- D3. The remaining twenty-seven (27) parcels are 1.2-acres in size or larger. The City evaluated the

parcels to identify constraints that will limit land divisions and potential for urbanizable development on these parcels. Table 5 summarizes this information.

Map 8  
Lyons UGB Expansion – Study AREA 3



D4. Table 5 shows there are 16 parcels from 2.0 to 3.99 acres in size, with 20 acres of net buildable land. Parcels with homes are developed as rural residential homesites. The City reviewed these parcels and found:

- Six parcels are located in the 100-year flood plain and cannot be divided.
- Seven parcels are narrow lots and flag lots. The location of the existing homes, outbuildings and driveways will make it difficult to partition most of these properties to create additional building lots.

Map 9 identifies parcels with potential for infill or redevelopment. Although infill is possible, the Planning Commission concludes that if the City expands the UGB to include AREA 3, it is unlikely a large number of property owners will consent to annexation and partition their parcels during the 20-year planning period. Parcels that may be difficult or unlikely to be annexed or partitioned are identified with (● RED dots on Map 9).



Table 5

**AREA 3 – Suitability for Parcelization/Urban Development**

Parcel Size	# of Parcels	Total Acres	Deve- loped	Constraints				Public Use / Streets <sup>2</sup> (25%)	Net Buildable Acres C-(D+H+I)	# of Potential Lots (0.50 ac) minimum <sup>3</sup>	# of Potential Lots (0.75-ac) minimum <sup>3</sup>
				Wet-lands	100-Yr Flood Plain	Steep Slopes >25%	Total Con- strained E + F + G				
A	B	C	D	E	F	G	H	I	J	L	K
< 1.0 acre	33	14.46	14.46	0	2.25	0.52	2.77	0	0	0	0
1.0 to 1.99	5	7.79	1.50	1.17	4.05	0.39	4.39	0.63	1.90	5	3
2.0 to 2.99	11	27.55	7.50	0	1.60	0.70	2.30	4.44	13.31	23	14
3.0 to 3.99	5	16.39	3.00	0	4.59	0.62	5.21	2.08	6.25	13	8
4.0 to 4.99	2	8.68	1.50	0	2.83	0.45	3.28	0.97	2.92	7	4
5.0 to 10.0	3	22.00	0.75	0	2.85	0.60	3.45	4.45	13.34	19	12
>10 acres	1	13.66	0.75	0	0	0.14	0.14	3.19	9.58	18	12
	<b>60</b>	<b>110.53</b>	<b>29.46</b>	<b>1.17</b>	<b>20.43</b>	<b>3.95</b>	<b>18.78</b>	<b>15.77</b>	<b>47.31</b>	<b>85</b>	<b>53</b>

Note 1: Wetlands and 100-year Flood Plain partially overlap on some parcels adjacent to the N. Santiam River. Therefore, the “Total Constrained” area is less than the sum of wetlands + 100-yr flood plain + steep slopes.

Note 2: Public use areas include streets, utility easements, parks, etc.

Note 3: The number of potential building parcels assumes an average lot size of 0.50-acres to 0.75-acres per home site due to the use of septic systems in the City of Lyons and the soil types. At a minimum lot size of 0.50-acres, up to 85 new building lots could be created. At a minimum lot size of 0.75-acres, up to 53 new building lots could be created.

- D5. Table 5 shows there are six (6) larger vacant parcels, 3.42-acres to 13.6-acres in size, with access to Oak Street, identified with a  green box on Map 9. These parcels total 26.20 acres of net buildable land. If included in the UGB and annexed to the City of Lyons, these sites may be divided and have the potential to create up to 30-50 building lots, with an average parcel size of 0.50 to 0.75-acres. These sites have potential for annexation and land division during the 20-year planning period.
- D6. The Lyons-Mehama Water District provides municipal water service in Lyons. The District serves properties on Oak St. and River Loop at the west end of AREA 3, but does not provide service to the east 2/3rds of AREA 3. Existing water mains are shown on Map 9. All the existing homes not served by District water are served by wells.
- D7. The existing 4” & 6” water mains in Lyons-Mill City Drive and 25<sup>th</sup> Street are not large enough to provide sufficient fire flows to all of AREA 3. Transmission main improvements are needed on Lyons-Mill City Drive and 25<sup>th</sup> St. (Apple Loop to Oak St.) to provide required fire flows to properties in AREA 3. See discussion of the District’s water system under Section I-A.11 on pp. 6-9 of this report.
- D8. The water district will build a new 1.0 water reservoir and transmission upgrades on 13<sup>th</sup> St. in 2023-2024. The District does not have funding or plans to extend a transmission main on Lyons-Mill City Drive from Apple Loop east to AREA 3.
- D9. Properties in AREA 3, not currently served by the water district, are served by private wells. Domestic wells must have a minimum 100’ separation from septic drainfields, thereby

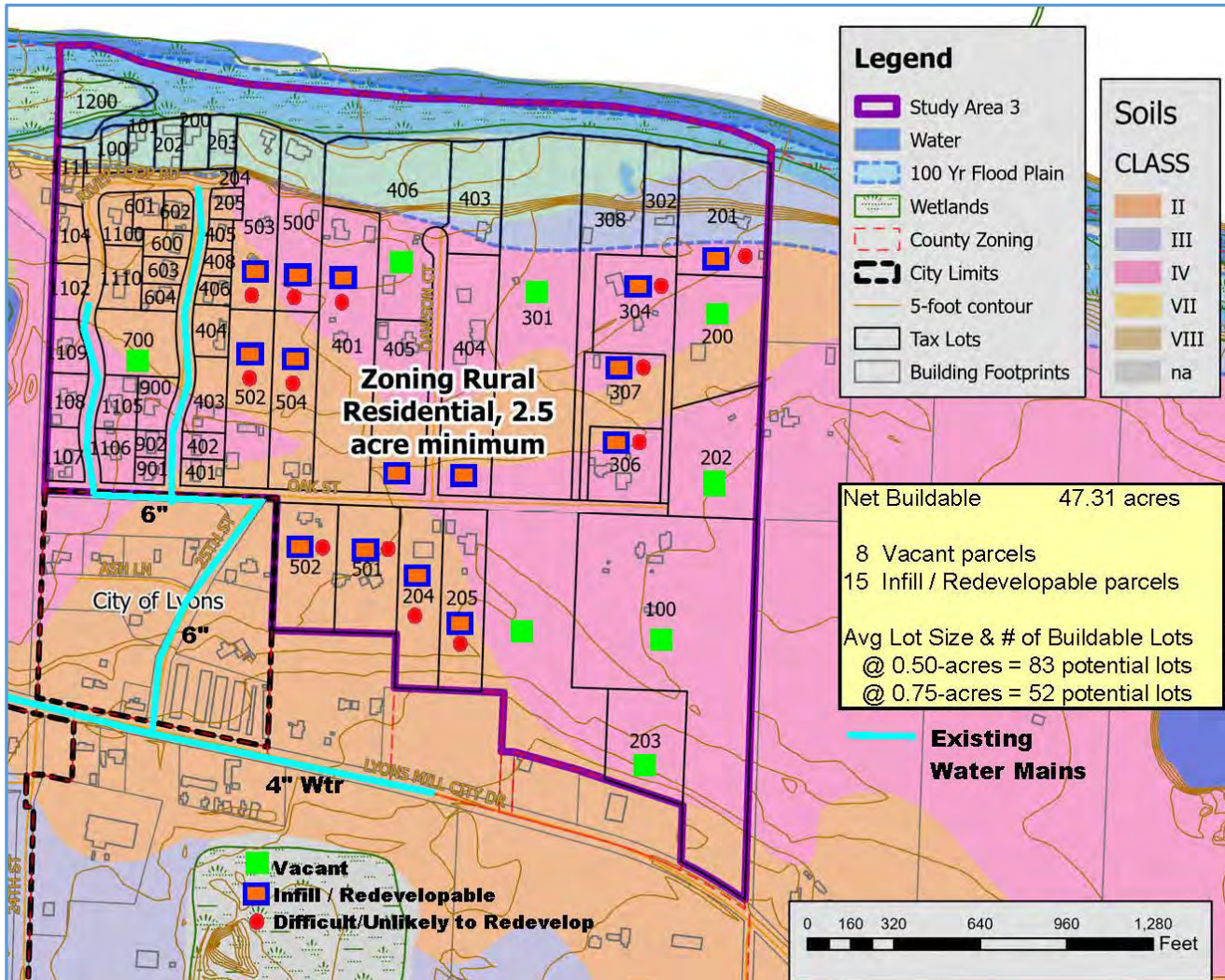
necessitating the 2.5-acre minimum lot size under County zoning.

D10. In order to be divided, properties will need to be annexed into the Water District, wells abandoned, land divisions approved and water lines extended to new development areas.

D11. OAR 660-024-0067 (5)(b) to (5)(g) do not apply to AREA 3.

Map 9

**AREA 3 – Potential Lyons UGB Expansion (Vacant & Redevelopable Sites)**



**Conclusion for AREA 3**

The Planning Commission has identified AREA 3 as a First Priority for expansion of the Lyons UGB based on the criteria in OAR 660-024-0067 (1) & (2), as shown in Table 4.

However, the Commission concludes that due to the existing parcelization of land, small rural home site lots, location of buildings and lack of infrastructure, there are limitations which make it unlikely a sufficient number of properties will be annexed, land divided and developed during the 20-year planning period from 2022 to 2042 if the City expands the UGB into AREA 3.

- Thirty-three (33) of the sixty lots are small parcels <1.0 acre in size. These lots cannot be divided

due to area requirements for septic tanks and minimum lot size requirements.

- Sixteen (16) of the lots are small parcels (1.0 to 3.99-acres) that are committed as rural home sites. Due to the location of homes, outbuildings, driveways, septic systems, wells and roads, it is unlikely property owners will annex the sites and divide land to create needed building lots. 13 of the 16 sites are marked with red circles on Map 9.
- Six larger vacant parcels (3.42-acre to 13.66 acres in size) have potential to be annexed and divided if the UGB is expanded into AREA 3. These vacant parcels have 26.20 acres of net buildable land.
- If water mains are extended into the east side of AREA 3 and all six vacant parcels abutting Oak St. are added to the UGB and annexed into the City of Lyons, they have sufficient net buildable land to meet most of the city's buildable land needs from 2022-2042. The City finds these lots have the highest likelihood of seeking to be annexed and developed for residential uses, but there are multiple challenges for property owners wish to develop their properties.
- AREA 3 is at the east edge of the Lyons-Mehama Water District. Water transmission main improvements are needed to extend water service to the east 2/3<sup>rd</sup> to AREA 3. In order to extend water mains, properties must be annexed to the water district, land divided and wells and water mains extended concurrently with development. Estimated cost for water main improvements to correct fire flow deficiencies and to serve the east side of AREA 3 is \$1,350,000 in 2022 \$\$.

The City recognizes AREA 3 is a FIRST PRIORITY area for expansion of the Lyons UGB.

However, the Lyons Planning Commission concludes, based on the above analysis of the existing parcelization, location of existing homes, small existing lot sizes, and utility deficiencies, it is highly unlikely many of the parcels in AREA 3 will be annexed to the City and Water District, divided and redeveloped for new housing during the 20-year planning period.

Although the six vacant parcels at the east end of Oak St. have the potential to be redeveloped, the City of Lyons concludes it is unlikely that many of the property owners in AREA 3 will take all of the necessary steps to:

- Annex to the City.
- Annex to the Water District
- Divide their properties into 0.50 to 0.75-acre parcels.
- Upgrade existing water mains in Lyons-Mill City Drive & 25<sup>th</sup> St. to obtain required fire flows to the Oak St. area east of 25<sup>th</sup> St., and
- Extend Water Mains on Oak Street to their development site.

Although AREA 3 has net buildable land, the Planning Commission concludes land in AREA 3 cannot be reasonably be redeveloped or infilled within the 20-year planning period, for the variety of reasons listed above. AREA 3 is unlikely to meet the City's total need of 25.71 acres of buildable residential land during the period 2022 to 2042. A second FIRST PRIORITY area should be identified for the expansion of the Lyons UGB.

**Review of THIRD PRIORITY AREAS in order to provide a sufficient number of net buildable areas.**

OAR 660-024-0067 (1)(b) states *“If the amount of suitable land in the first priority category is not sufficient to satisfy all the identified need deficiency, the city must apply section (5) to determine which land in the next priority is suitable and select for inclusion in the UGB as much of the suitable land in that priority as necessary to satisfy the need.”*

AREA 1, AREA 2 and AREA 4 are considered THIRD PRIORITY lands under OAR 660-024-0067 (2)(c) because they are zoned as Farm/Forest resource lands.

The Lyons Planning Commission evaluated these three sites, in priority order from West to East. The review AREA 1 first because of its proximity to the center of the City, access to 13<sup>th</sup> Street via Dogwood Street and Ash St., proximity to the Lyons-Mehama Water District’s water mains and the soil types.

If the City does not find sufficient buildable land in AREA 1, then the City will proceed to evaluate AREA 2 and AREA 4. [See page 29 for brief analysis].

**Evaluation of AREA 1 to Determine Suitability as a First Priority Area for Lyons UGB Expansion:**

Per OAR 660-024-0067 (2) AREA 1 is considered a Third Priority area for inclusion in the Lyons UGB Expansion. Map 10 shows AREA 1 and the surrounding neighborhood.

**Findings for OAR 660-024-0067 (5)(a) to (5)(g) – Evaluation of AREA 1 to determine if it is suitable:**

The City reviewed AREA 1 to determine if all or a portion of AREA 1 is “suitable” for inclusion as a priority UGB expansion area, because AREA 3 does not provide a sufficient amount of net buildable land to meet the projected needs of the City for the 20-year planning period from 2022-2042. The City completed a Goal 14 Factor Analysis, see Section E of this staff report on pp. 23-25.

- D12. Map 10 shows Study AREA 1. AREA 1 includes 10 parcels with 96.41 acres of land in the Farm/Forest zone.
- D13. Under OAR 660-024-0067 (1) & (2), AREA 1 is identified as a THIRD PRIORITY for inclusion in the Lyons UGB due to its resource-based zoning and uses.
- D14. One large 19.12-acre parcel (Tax Lot 204) is owned by Morse Bros. and has been used as an aggregate extraction site. The gravel pit is now a pond and the site is considered a natural resource protection area per OAR 660-024-0067 (5)(c), if the land is included in the UGB. The 19.12-acre site is not buildable or available for development.
- D15. AREA 1 includes ten parcels. The City evaluated the parcels to identify constraints that will limit land divisions and potential for urbanizable development on these parcels. Table 6 summarizes this information.
- D16. A 19.12-acre parcel (Tax Lot 204) is owned by Morse Bros. and has been used as an aggregate extraction site. The gravel pit is now a pond and the site will be considered a natural resource protection area under Goal 5 if the land is included in the UGB. Per OAR 660-024-0067 (5)(c), the 19.12-acre site is not buildable or available for development. A 30’ roadway easement for Dogwood St. runs along the north boundary.
- D17. Table 6 shows 8 parcels from 4.44 to 13.68 acres in size, with 42.38 acres of net buildable land. These sites are currently developed as rural residential homesites. Several lots have associated farm uses (Hazel nut trees, hayfields).



Map 10  
Lyons UGB Expansion – Study AREA 1

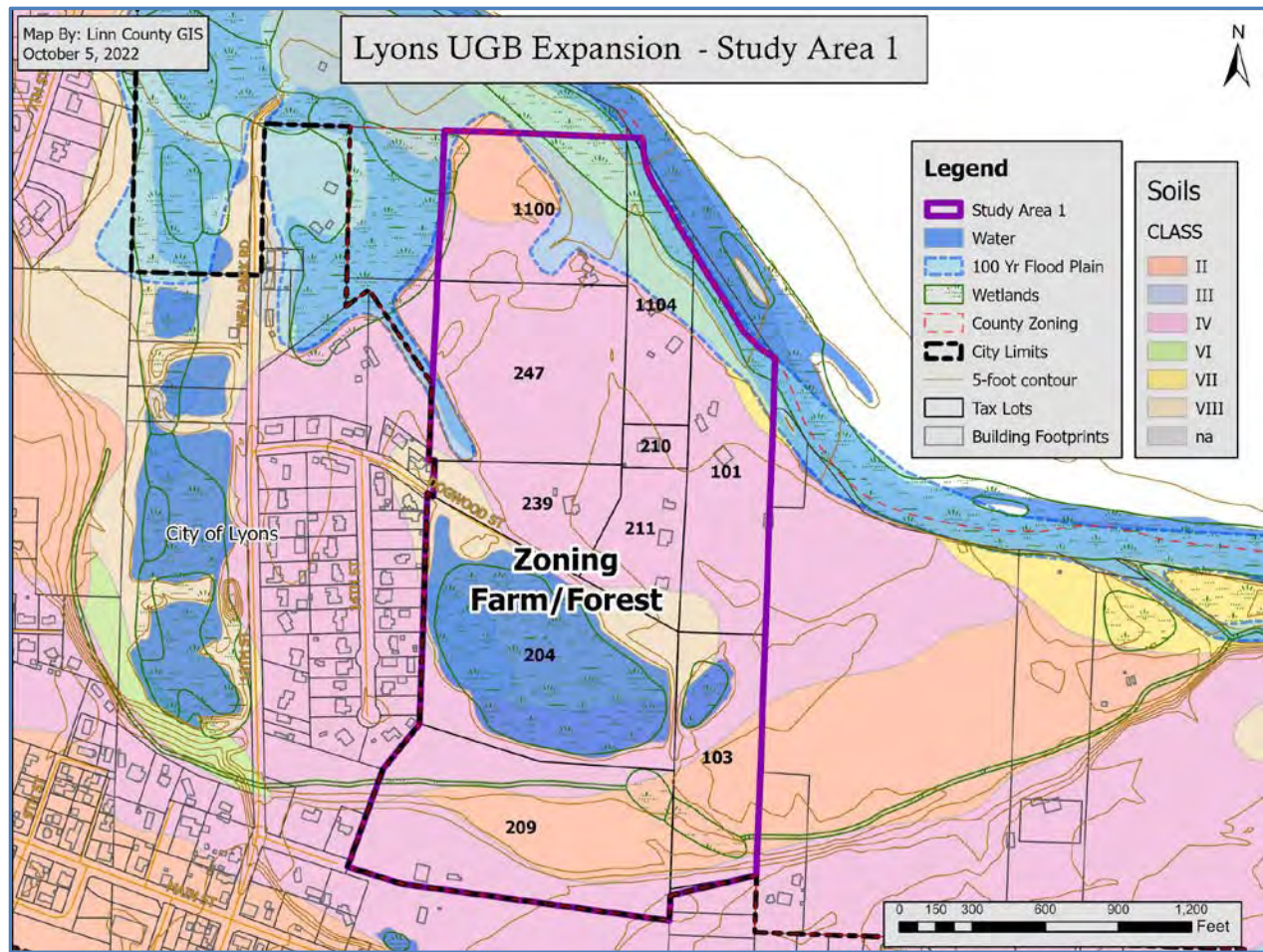


Table 6  
AREA 1 – Suitability for Parcelization/Urban Development

Parcel Size	# of Parcel s	Total Acres	Deve- Loped	Constraints				Public Use / Streets <sup>2</sup> (25%)	Net Buildable Acres C-(D+H+I)	# of Potential Building Lots <sup>3</sup>
				Water & Wet- lands	100-Yr Flood Plain	Steep Slopes >25%	Total E + F + G			
A	B	C	D	E	F	G	H	I	J	L
< 1.0 acre	0	0	0	0	0	0	0	0	0	0
1.0 to 1.99	1	1.10	0.50	0	0	0	0	0	0.60	1
2.0 to 3.99	0	0	0	0	0	0	0	0	0	0
4.0 to 4.99	1	4.44	0.50	0	0	0	0	0.99	2.95	5
5.0 to 10.0	3	19.71	1.00	2.84	2.85	0.70	6.39	3.08	9.25	17
>10 acres	4	52.04	1.50	3.71	4.97	1.61	10.29	10.06	30.18	56
>10 acres <sup>4</sup> Goal 5 resource	1	19.12		16.92		1.20	18.12	1.00	0	0
	10	96.41	3.50	24.19	7.82	3.51	35.86	14.13	42.98	79

Note 1: Wetlands and 100-year Flood Plain partially overlap on some parcels adjacent to the N. Santiam River. Therefore, the "Total Constrained" area is less than the sum of wetlands + 100-yr flood plain + steep slopes.

Note 2: Public use areas include streets, utility easements, parks, etc.

Note 3: The number of potential building lots assumes an average lot size of 0.50 to 0.75-acres per home site due to the use of septic systems in the City of Lyons and the soil types.

Note 4: Morse Bros gravel extraction pit – Goal 5 resource protection area if included in UGB.

D18. The City divided AREA 1 into two subareas for closer review.

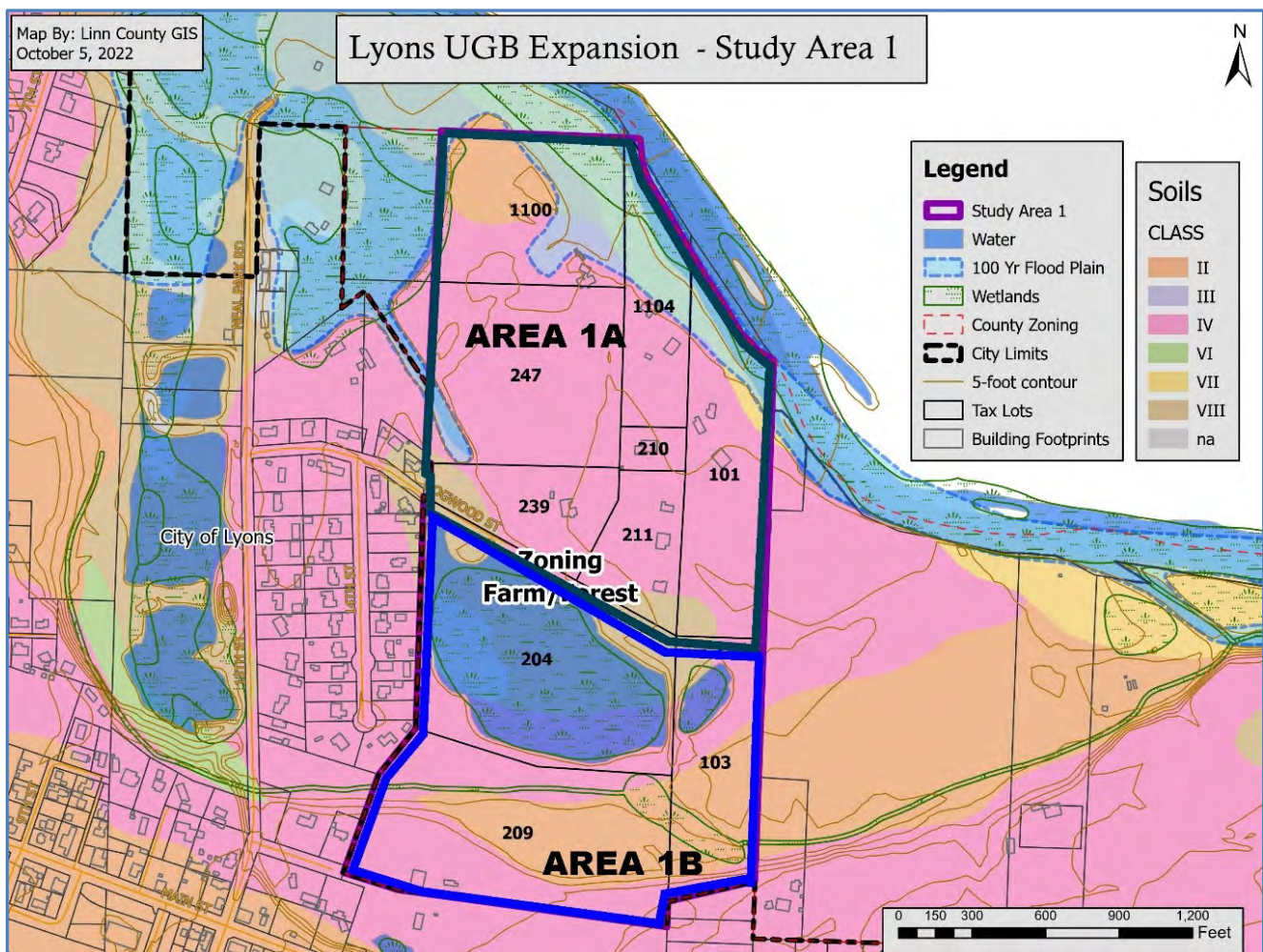
- AREA 1A: AREA 1A includes a subarea of six rural residential home sites (50.56 acres) north and east of Dogwood Street, with 27.60 acres of net buildable land that can be divided and provide 35-50 building lots. Soil types are:

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 20-30 building lots.

D19. AREA 1A has direct access to Dogwood Street, a city street and a residential subdivision.

Map 10  
Lyons UGB Expansion Study AREA 1  
AREA 1A and AREA 1B





- D20. The Lyons-Mehama Water District provides municipal water service in Lyons. The District does not provide service to existing homes in either AREA 1A or AREA 1B.
- D21. In 2023-2024, the District will build a new 1.0 water reservoir and an 8" water main upgrade on 13<sup>th</sup> St. (Juniper to Dogwood St.). The water main improvements will improve fire flows in 13<sup>th</sup> St. adjacent to AREA 1A. Water mains can be extended from the end of Dogwood St. into AREA 1A.
- D22. Properties not currently served by the water district, are served by wells, which requires a minimum 100-foot separation for septic systems. Properties will need to be annexed into the Water District, wells abandoned, land divided and water lines extended to new development areas.
- D23. If the Lyons-Mehama Water District does not approve annexation of AREA 1A, then the number of potential buildable lots in AREA 1A will be reduced by half, since parcel sizes will need to increase from 0.50-acre minimum to a 0.75 to 1.00 acre minimum to provide adequate separation between wells and septic systems.
- D24. OAR 660-024-0067 (5)(b) and (5)(d) to (5)(g) do not apply to AREA 1.

#### Conclusion for AREA 1

The Planning Commission has identified AREA 1 as a PRIORITY AREA for expansion of the Lyons UGB based on the criteria in OAR 660-024-0067 (1) & (2), as shown in Table 4 on page 13 above.

However, the Commission concludes that AREA 1A should be added as a First Priority area 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.

### **E. Goal 14 Factor Analysis for AREA 1A – Dogwood Street Area**

#### Findings for OAR 660-024-0067 (8) & (9) – Goal 14 Boundary Factor Analysis:

##### **Goal 14 – Factor 1: Efficient accommodation of identified land needs.**

- E1. The City of Lyons needs to add 25.71 acres of net buildable residential land within the UGB to accommodate growth for the 20-year planning period from 2022-2042.
- E2. AREA 3 is the First Priority Area to add land to the UGB. AREA 3 has up to 47.31 acres of net buildable residential land if included in the UGB and annexed to the City of Lyons. The Planning Commission concludes there are significant limitations due to parcelization and the lack of public infrastructure that may prevent lands in AREA 3 from being annexed and developed at an urban density during the 20-year planning period. Vacant parcels in AREA 3 can reasonably accommodate 20+/- acres of net buildable land during the 20-year planning period. A second priority area for UGB expansion is needed.
- E3. AREA 1A provides a second First Priority area for UGB expansion.
- E4. Findings in Section D above on pages 15-23, review the potential for using AREA 1A as a second priority area. The findings show AREA 1A is contiguous to the City and water district. Annexation and extension of streets and utilities can easily occur. Adjacent zoning in the City is R-1 Single-family Residential. The Planning Commission concludes that if AREA 1A is a First Priority UGB expansion area, the City can add up to 27.60 acres of net buildable land to the UGB.

*Conclusion for Factor 1:* Coupled together AREA 1A and AREA 3 have a total of 74+ acres of net buildable residential land, which is sufficient to meet the City's projected land needs. If AREA 3 cannot

be used or if only a portion of AREA 3 can be used as a UGB expansion area, then AREA 1A can provide the buildable residential land needed to accommodate projected population growth in Lyons through the year 2042.

**Goal 14 – Factor 2: Orderly and economic provision of public facilities and services;**

- E5. Private Utilities. Existing parcels in AREA 1A are served by Pacific Power (electrical) and SCTC/Peoples Telephone (telecommunication services).
- E6. Water: The Lyons-Mehama Water District provides domestic water service. Findings D18 to D20 on page 20 conclude water mains abut AREA 1A on Dogwood Street and may be extended to provide domestic water service and fire flows for new development. Property owners must annex to the water district prior to receiving service.
- E7. Streets: Dogwood Street abuts AREA 1A and a 60'-wide road easement extends east into AREA 1A. Dogwood Street and local streets in any new subdivision can be extended and constructed to City public works standards at the time of land division and development.
- E8. Septic / Sewage Disposal: The City of Lyons does not have a municipal sewer system. New buildings in a development must be served by septic tanks/on-site disposal systems. The Linn County Environmental Health Department reviews and approves all septic permits. Depending on soil conditions, minimum lot sizes are 0.50 to 1.00 acres to provide for both a primary and secondary drainfield. Typical lots sizes in Lyons are 0.50 to 0.75 acres.
- E9. Parks – John Neal Linn County Park and City of Lyons Ponds Park: These two parks are located within ¼-mile of AREA 1A on 13<sup>th</sup> St./Neal Park Road. John Neal Park abuts AREA 1A on the north.

*Conclusion for Factor 2:* Public facilities and services abut AREA 1A and can be easily extended to serve new development. When compared to the other potential UGB expansion areas, AREA 1A will be the easiest and lowest cost area to extend streets, water mains and private utilities due to the fact that existing public utilities abut the site.

**Goal 14 – Factor 3: Comparative environmental, energy, economic and social consequences; and**

- E10. Residents in AREA 1A are served by local law enforcement (LCSO), the Lyons Rural Fire District and children attend the North Santiam School District's Mari-Linn Elementary School and secondary schools in Stayton. AREA 1A is located within one-mile by road of public schools.
- E11. AREA 1A is located contiguous to the city limits. Major industrial employers (Freres Lumber and small industrial firms) are located in the center of Lyons (1/4-mile south) and along Main St./Lyons-Mill City Drive. Frank Lumber Co. and additional Freres Co. mills are located east of Lyons toward Mill City. Local industries have stressed to community leaders that additional affordable housing is needed for their employees and families.
- E12. Locating new homes in Lyons will provide existing and future employees an opportunity to live close-to-work. Employees can shorten their commute or walk to nearby industries, lessening energy usage.
- E12. The North Santiam River and John Neal Park abut AREA 1A. AREA 1A includes wetlands, riparian and 100-year flood plain areas along the river. Each has been mapped and must be avoided during development. AREA 1 is no different than the other six potential UGB expansion areas which also have steep slopes, wetlands, 100-year flood plain and protected resource lands that must be avoided.

*Conclusion for Factor 3:* The City of Lyons concludes AREA 1A is located near the center of Lyons and is the closest of the seven proposed UGB expansion areas to local schools, industries, businesses, parks and community facilities. Creating new residential areas close to the city center creates a compact urban growth form that is easy to serve and minimizes impacts to the rural lands at the edge of the city.



**Goal 14 – Factor 4: Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.**

E13. AREA 1A is proposed as a priority area for UGB expansion because it has less impact on adjacent farm/forest activities outside the UGB than any of the other six potential UGB expansion areas.

West: Inside City of Lyons – Residential subdivision with 40+ residential home sites on 13<sup>th</sup> St., 14<sup>th</sup> St. and Dogwood St.

North: John Neal County Park and the North Santiam River.

South: Inside City of Lyons – Residential uses on lots on Main Street zoned for single-family residential use.

East: Outside UGB – Farm/Forest lands. There are three parcels (113 acres) of Farm/Forest zoned land east of AREA 1A. The land is undeveloped with some mixed conifer/deciduous tree stands and pasture/hay fields. Trails crisscross the site. The north end abuts the N. Santiam River.

*Conclusions for Factor 3:* Street access and utilities to AREA 1A will come from Dogwood St. on the west. New housing developments in AREA 1A should not impact the forest and agricultural uses. The farm / forest uses on parcels east of AREA 1A take their driveway access from Main St.

**F. Goal 14 Factor Analysis for AREA 2 and AREA 4 as a Potential Area for Lyons UGB Expansion:**

Per OAR 660-024-0067 (2)(c), AREA 2 and AREA 4 are identified as THIRD PRIORITY areas for inclusion in a UGB expansion because they include resource (Farm/Forest) zoned lands and high values Soils, See Table 4 on page 17.

F1. AREA 2: AREA 2 includes a total of 113.8 acres of resource lands (Farm/Forest), with 69.1 acres of net buildable lands. There are 25.7 acres (22%) of Class II soils in the center of the area. Area 2 has two large parcels in agricultural use. Although it is adjacent to AREA 1 (west) and AREA 3 (east), there are no streets or public facilities into AREA 2.

F2 AREA 4: AREA 4 includes a total of 235.73 acres, including 9.1 acres of RR-2.5 zoned land and 215.86 acres of resource lands zoned Farm/Forest. There are 72 acres (30%) of Class II soils. Area 4 has two large parcels in the center of the tract owned by Northrock, Inc. which are potential aggregate sites. Northrock Inc. operates a large aggregate extraction site about 2 miles east of Lyons along Lyons-Mill City Drive. This parcel is a future extraction site. Area 2 is between ½-mile and 1-mile from the existing UGB boundary. A portion of AREA 4 lies along Lyons-Mill City Drive. Several parcels at the west end of AREA 4 are served by the Lyons-Mehama Water District. There are no public streets or public utilities into the undeveloped parcels within AREA 4.

Expansion of the Lyons UGB to AREA 2 and AREA 4 is a low priority for the City. With an adequate amount of available, buildable land in AREA 3 and AREA 1A, no further Goal 14 Factor Analysis was completed for AREA 2 and AREA 4.

## II. SUMMARY - Priority Areas for Expansion of the Lyons UGB

The City of Lyons needs to add 25.71 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 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. The City evaluated seven potential areas (AREA 1 to AREA 7) within ½ mile of the Lyons UGB. After a preliminary assessment, the City narrowed the list down to four areas (AREA 1 to AREA 4) for a more thorough analysis.

**Conclusions:** Table 7 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 is unlikely 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.

**Alternate:** Study AREA 1A provides an alternate FIRST PRIORITY area for expansion of the UGB. 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 7  
**Priority Areas Expansion of the Lyons UGB**

Priority	Location	Total Acres	Net Buildable Acres	Acres for UGB Expansion
First Priority				
Study Area 3	25 <sup>th</sup> & Oak St.	110.53	47.31	25.00
Study Area 1A	East of Dogwood St.	50.56	27.60	27.60
Totals		161.09	74.91	52.60
Not Recommended for inclusion in UGB				
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	

**Exhibits: Maps for Lyons UGB Expansion Study Areas**

Map By: Linn Co. GIS  
October 3, 2022

# Proposed Lyons UGB Expansion

Potential Study Area (1/2 mile and 1 mile distance from UGB)



## Distance from UGB

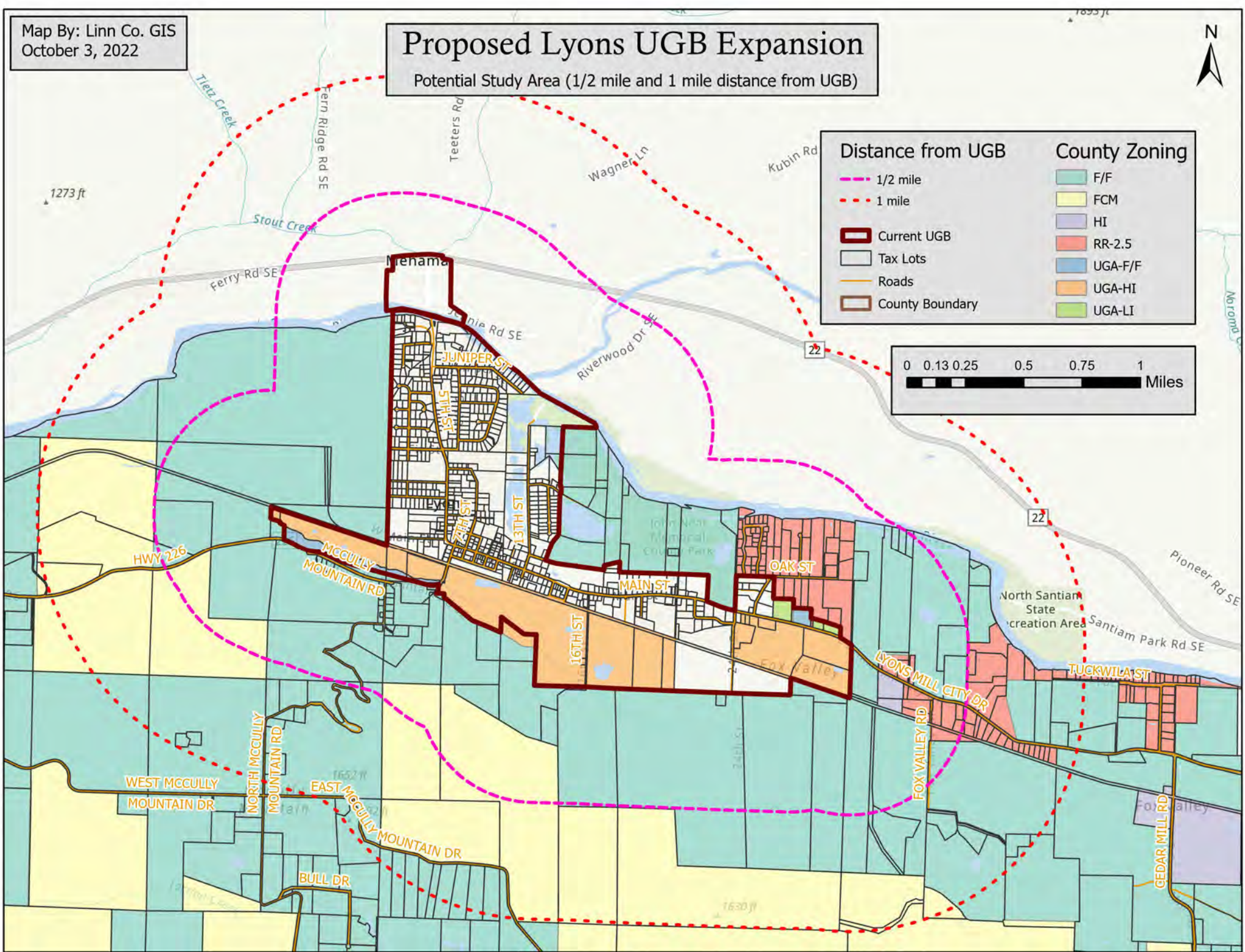
- 1/2 mile
- 1 mile

- Current UGB
- Tax Lots
- Roads
- County Boundary

## County Zoning

- F/F
- FCM
- HI
- RR-2.5
- UGA-F/F
- UGA-HI
- UGA-LI

0 0.13 0.25 0.5 0.75 1 Miles





# Lyons UGB Expansion - Potential Study Areas

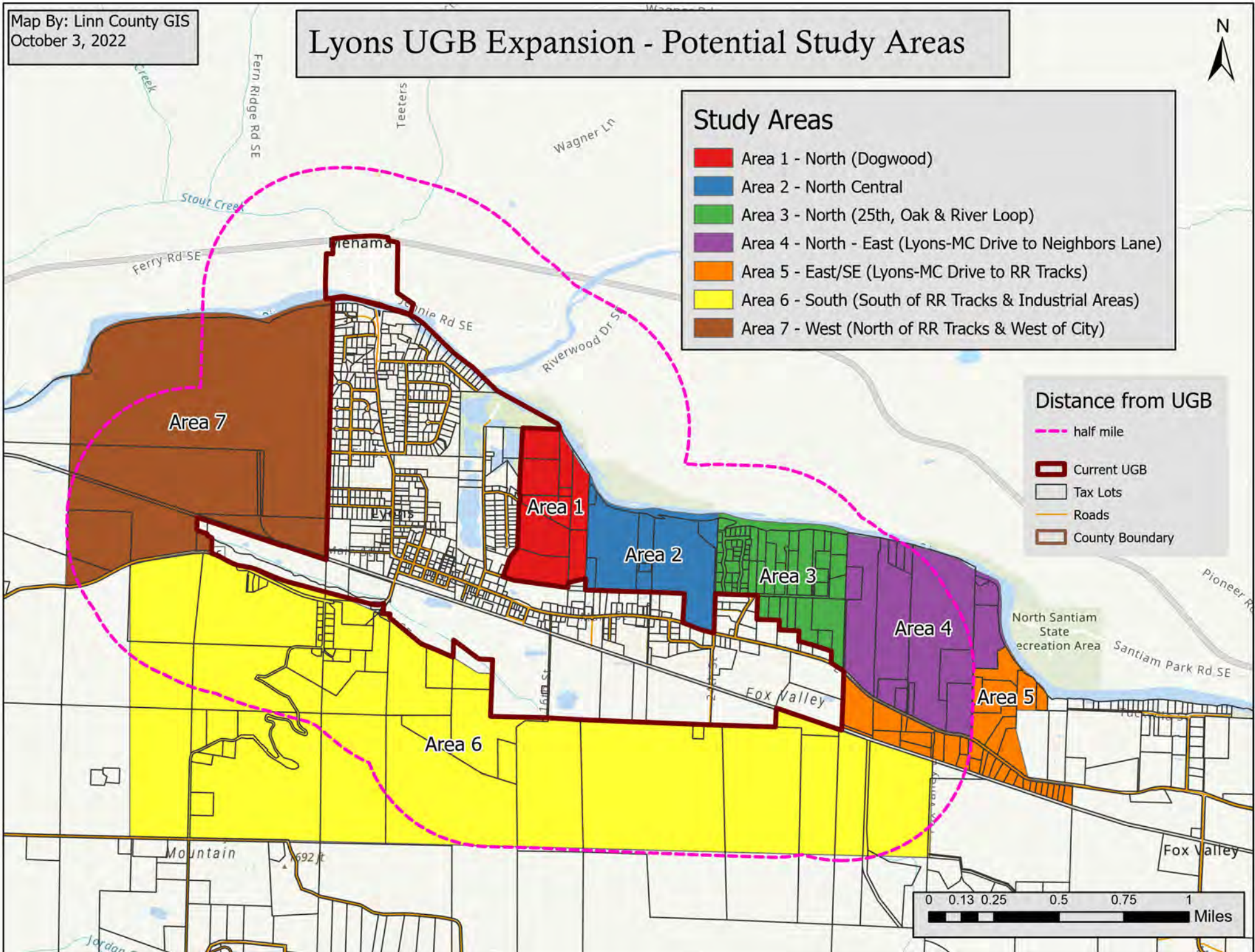


## Study Areas

- Area 1 - North (Dogwood)
- Area 2 - North Central
- Area 3 - North (25th, Oak & River Loop)
- Area 4 - North - East (Lyons-MC Drive to Neighbors Lane)
- Area 5 - East/SE (Lyons-MC Drive to RR Tracks)
- Area 6 - South (South of RR Tracks & Industrial Areas)
- Area 7 - West (North of RR Tracks & West of City)

## Distance from UGB

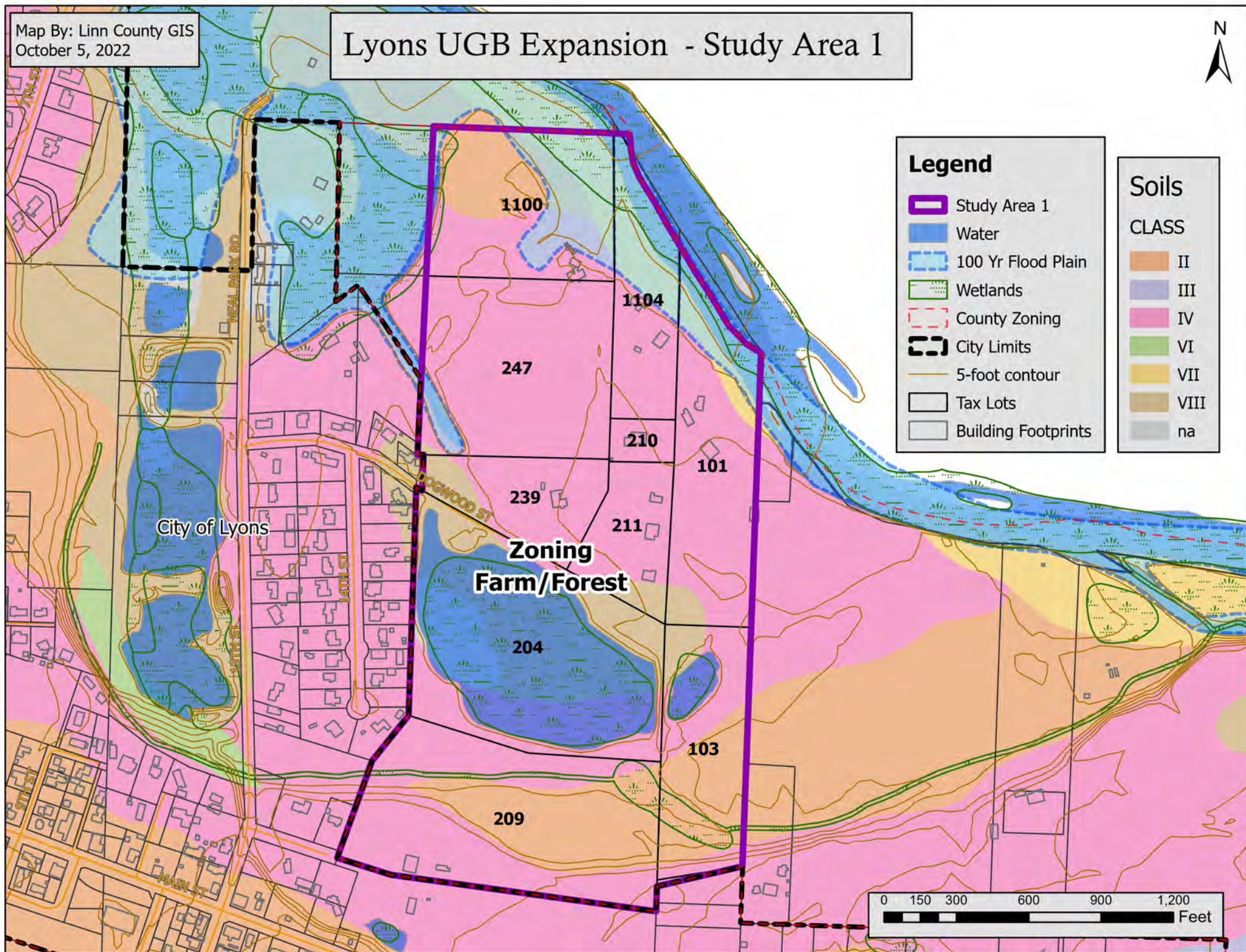
- half mile
- Current UGB
- Tax Lots
- Roads
- County Boundary





Map By: Linn County GIS  
October 5, 2022

# Lyons UGB Expansion - Study Area 1





Map By: Linn County GIS  
October 7, 2022

# Lyons UGB Expansion - Study Area 2



## Legend

- Study Area 2
- Water
- 100 Yr Flood Plain
- Wetlands
- County Zoning
- City Limits
- 5-foot contour
- Tax Lots
- Building Footprints

## Soils

### CLASS

- II
- III
- IV
- VII
- VIII
- na

**Zoning**  
**Farm/Forest**

900

801

802

800

700

1000

1100

MAIN ST

City of Lyons

City of Lyons

APPLE LOOP

RIVER LOOP RD

RIVER LOOP RD

DAWSON CT

OAK ST

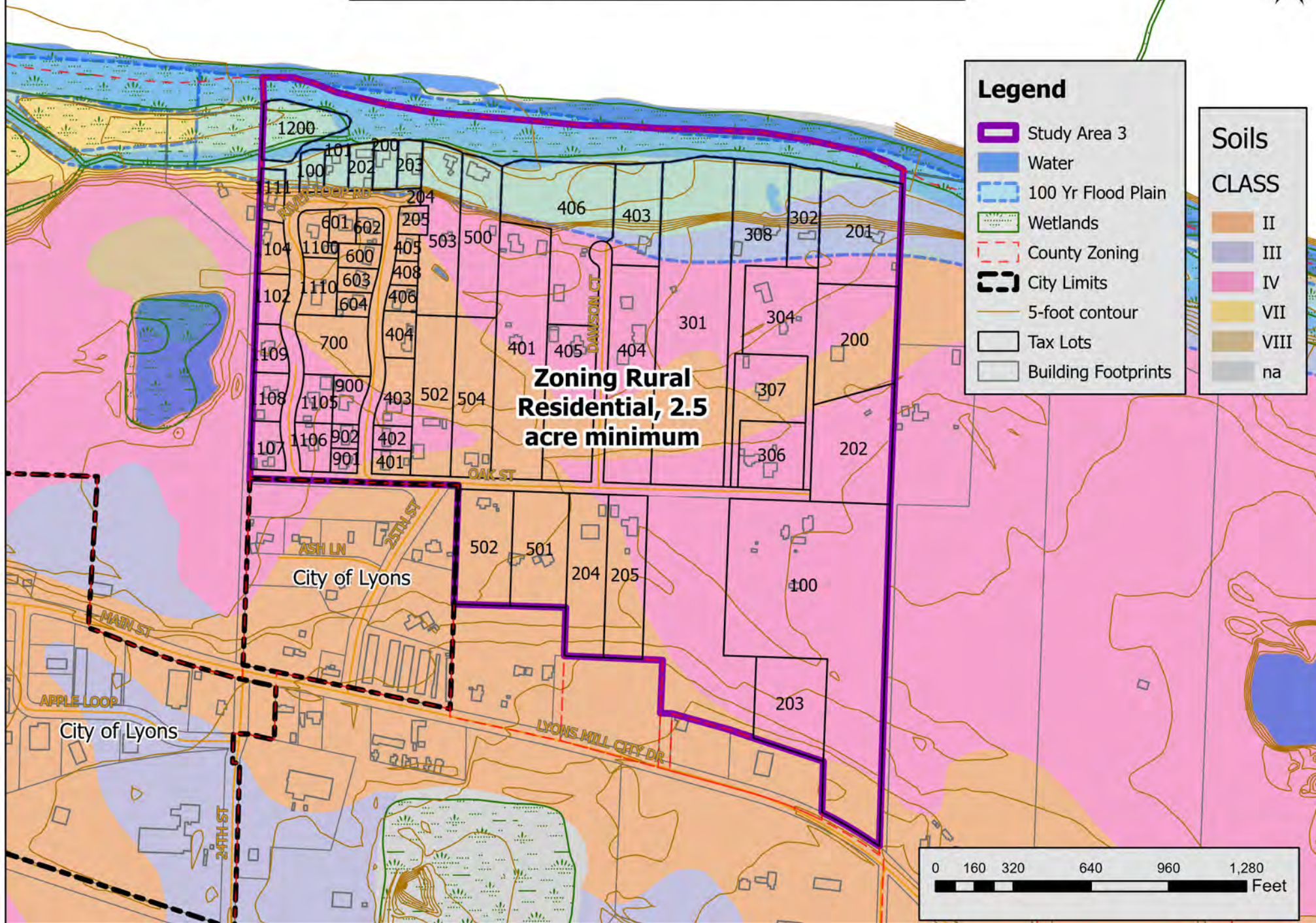
ASH LN

25TH ST

0 155 310 620 930 1,240 Feet

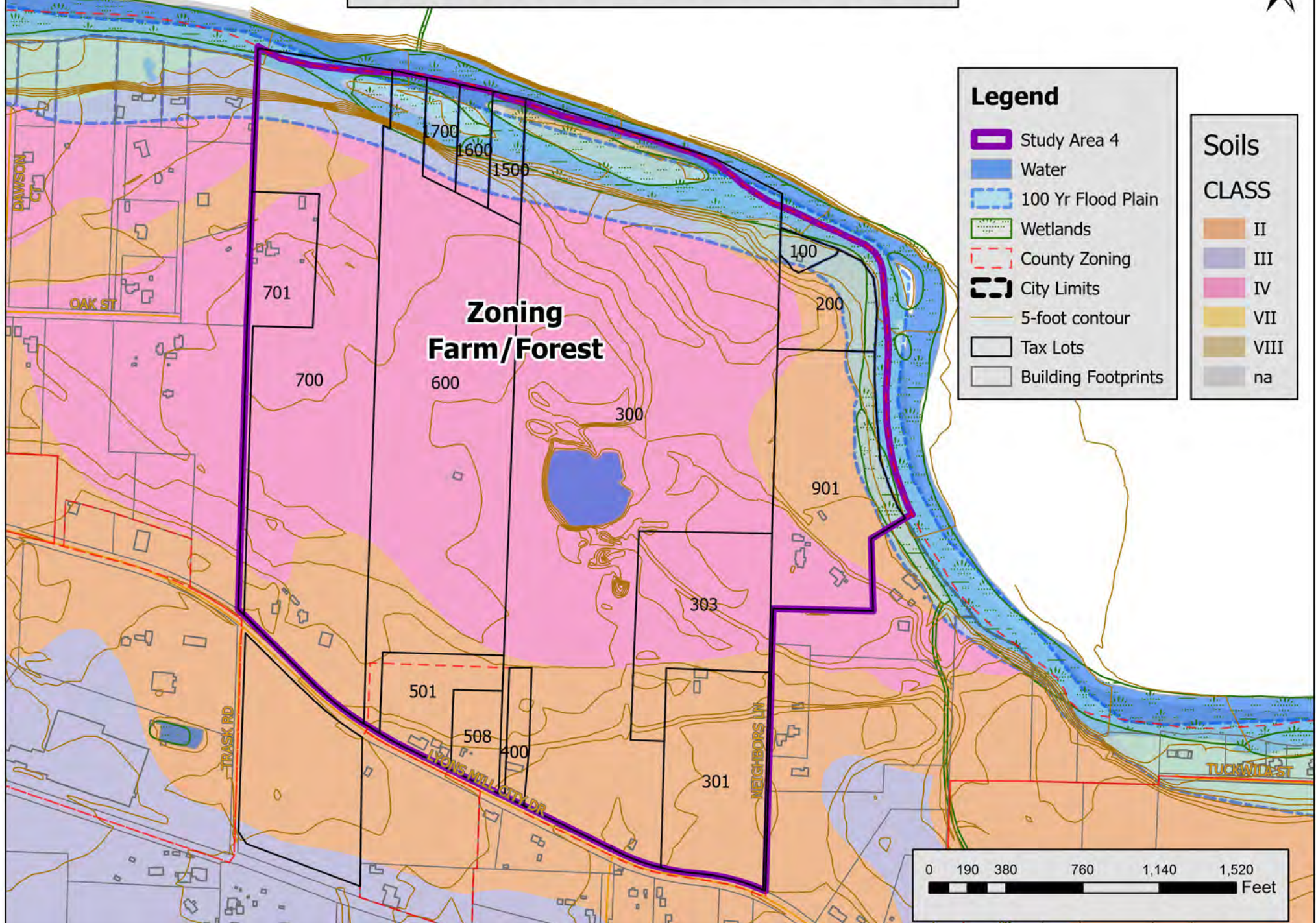


# Lyons UGB Expansion - Study Area 3





# Lyons UGB Expansion - Study Area 4





Map By: Linn County GIS  
October 10, 2022

# Lyons UGB Expansion - Study Area 5



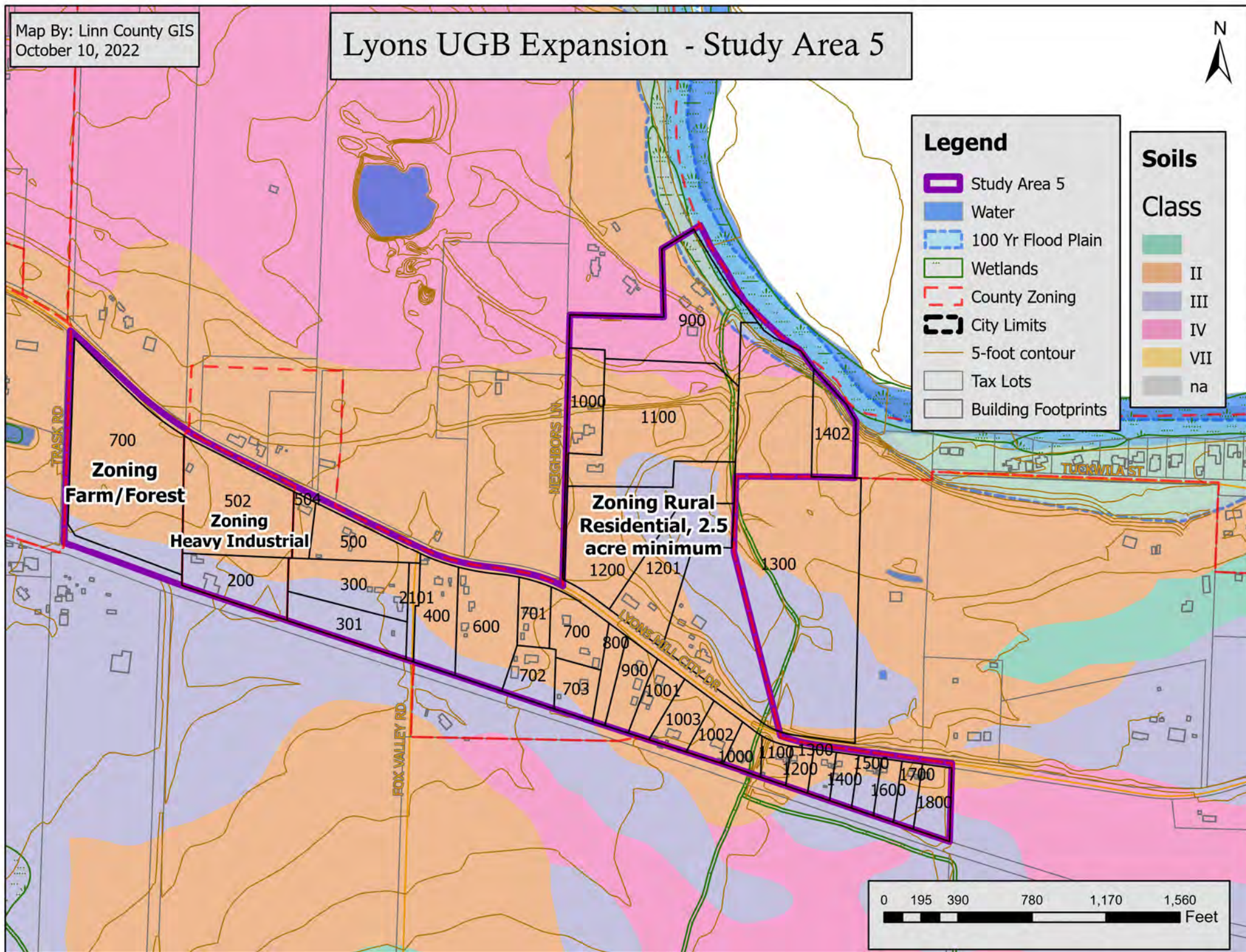
## Legend

- Study Area 5
- Water
- 100 Yr Flood Plain
- Wetlands
- County Zoning
- City Limits
- 5-foot contour
- Tax Lots
- Building Footprints

## Soils

### Class

- II
- III
- IV
- VII
- na



0 195 390 780 1,170 1,560 Feet



Map By: Linn County GIS  
October 10, 2022

# Lyons UGB Expansion - Study Area 6



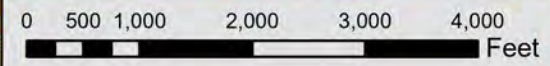
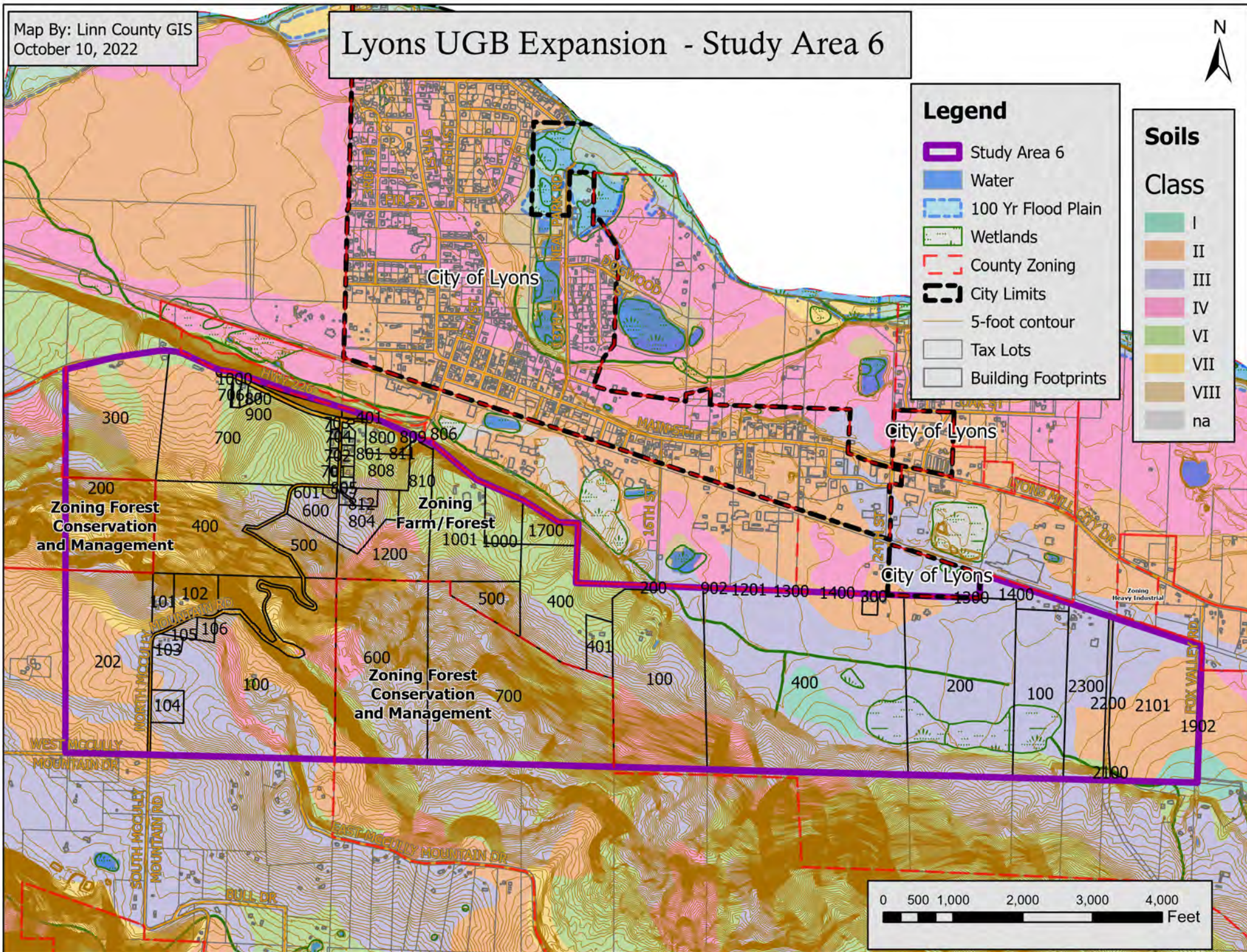
## Legend

- Study Area 6
- Water
- 100 Yr Flood Plain
- Wetlands
- County Zoning
- City Limits
- 5-foot contour
- Tax Lots
- Building Footprints

## Soils

### Class

- I
- II
- III
- IV
- VI
- VII
- VIII
- na





# Lyons UGB Expansion - Study Area 7

