

ORDINANCE No. 610

AN ORDINANCE AMENDING THE STAYTON URBAN GROWTH BOUNDARY AND RECOGNIZING THE COUNTY'S ID COMP PLAN MAP DESIGNATION TO THE SUBJECT PROPERTIES

WHEREAS, the Petitioners, Vern Morgan, Gertrude Morgan, Pamela Morgan, Daniel Carver, Steven Wheeler and Marie Wheeler, have requested the City of Stayton amend its Urban Growth Boundary to include the properties described in Attachment "A" which necessitates a Comprehensive Plan Amendment and a Plan Map designation; and,

WHEREAS, the Stayton Planning Commission and the City Council both conducted duly noticed public hearings on the matter and upon consideration of the request and the public testimony presented, the City Council approved the petition with Conditions deemed necessary to protect the public interest; and,

WHEREAS, it is the intent of the City of Stayton to adopt an ID designation into the Comprehensive Plan that is compatible with the ID designation of Marion County and the adoption process has not been completed; and

WHEREAS, as long as the parcels remain in the County, and are zoned by the County, they will remain with the ID Zoning designation and only those uses in which the City of Stayton concurs, will be allowed,

NOW, THEREFORE,

Based on the Findings of Fact adopted by the City Council, which findings are on file at Stayton City Hall and incorporated by reference herein,

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. That the property described in Attachment "A" and the contiguous and connecting public rights-of-way shall be included within the Stayton Urban Growth Boundary subject to the following conditions mutually agreed to:

- (1) It is mutually understood between the Petitioners and the City that Petitioners intend to provide their own systems for on-site Sewage disposal.
- (2) The Petitioners acknowledge that the City currently has no plans to extend urban services to the subject intersection area.
- (3) The City recognizes its obligation to be the eventual provider of services within its own UGB and retains the authority to program the timing of those services within its UGB.
- (4) The City agrees to provide urban services to the subject properties at such time as those services can reasonably be made available.
- (5) Petitioners agree to participate in the extension and provision of services in conformance with the ordinances and policies in effect at the time the particular property is benefitted.

- (6) The Petitioners acknowledge this Ordinance and the Conditions and understand the same as witnessed by their signatures on Attachment "B."

Section 2. Section 8.610 of the Stayton City Code is hereby amended to read as stated on Attachment "C."

Section 3. The Stayton Comprehensive Plan Map is hereby amended to include the properties described in Attachment "A" and the City shall recognize the County's ID Comp Plan Designation for the above referenced properties subject to the following conditions:

- (1) Commercial uses within the area described in Attachment "A." No building, structure or premises shall be used, arranged or designed to be used, erected, structurally altered or enlarged, except for one or more of the following commercial uses:
- (a) Service Station (gas, oil, lubricating, minor repair);
  - (b) Towing Service;
  - (c) Traveler accommodations (hotels and motels);
  - (d) Eating place, restaurant, cafe, coffee shop, dining room and tea room;
  - (e) Drive-in eating and snack facilities;
  - (f) Vending machines, automatic merchandising;
  - (g) Outdoor advertising signs (billboards).
- (2) Conditional Uses. The following uses may be permitted in the subject area after such uses have been approved according to the Marion County Conditional Use procedures:
- (a) All non-residential uses set forth in CG (Commercial General) Zone.
  - (b) All conditional uses set forth in a CG (Commercial General) Zone.
  - (c) All uses set forth in Subsection (b) of the IC Zone.
- (3) Front Yard (Commercial). There shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
- (4) Side and Rear Yards (Commercial). There shall be a side yard and a rear yard on every lot within the subject area, which yards have a minimum depth as follows:
- (a) One (1) story - 6 feet;
  - (b) Two (2) Stories - 7 feet;
  - (c) Two and one-half (2½) Stories - 8 feet.

Provided there shall be added to the side yard and rear yard minimum requirements aforesaid, 1 foot for each multiple of 15 feet or portion thereof that the length of that side of the building measures over 30 feet. The rear yard shall be measured from the property line.

- (5) Height (Commercial). No building or structure hereafter erected or enlarged shall exceed 3 stories or 45 feet in height, whichever is the lesser.
- (6) Landscaped Yards (Commercial). All required yards shall be landscaped as provided in the pertinent portions in the City Code.
- (7) Front Yard (Industrial). There shall be a front yard on every lot in the subject area, which front yard shall have a minimum depth of 20 feet. Any front yard provided adjacent to a street shall not be used for off-street parking or loading areas, except ingress and egress lanes.
- (8) Rear and Side Yards (Industrial). There shall be a rear and side yard on every lot in the subject area, which rear and side yard shall have a minimum depth of 10 feet. The minimum depth shall be increased 1 foot for each additional foot of building height above 10 feet, except a rear or side yard is not required adjacent to a railroad right-of-way, siding or spur track; provided, however, any rear or side yard provided adjacent to a street shall have a minimum depth of 20 feet.
- (9) Height (Industrial). No building or structure shall exceed 45 feet.
- (10) Landscaped Yards (Industrial). All yards shall be landscaped as provided in the pertinent provisions of the City Code.
- (11) Industrial Performance Standards. Standards for industrial performance in the subject area shall be the same as for Section 8.8055 of the City Code.
- (12) Access Control and Driveway Control Lanes. These control lanes shall be governed by the applicable regulations of Marion County.
- (13) Landscaping and Screening Requirements:
  - (a) There shall be provided a 10-foot landscaped yard adjacent to every street exclusive of driveways.
  - (b) All required side and rear yards shall be landscaped exclusive of driveways.
  - (c) Landscaping of yards shall be done as an integral part of the development.
  - (d) All rear and side yards which are adjacent to property used or zoned for residential purposes, shall be contained by an ornamental sight-obscuring fence, wall or hedge 6 feet in height. If a hedge is used, it may be planted at the 3-foot level provided it is capable of attaining a height of at least 6 feet.
  - (e) Open Storage Yards. All yard areas, exclusive of those required to be landscaped, may be used for materials and equipment storage yards or areas provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of 6 feet or a compact evergreen hedge planted at 3 feet and

capable of attaining a minimum height of 6 feet; provided that, in no case, shall any fence or hedge be placed in vision clearance area. Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.


Open storage yards shall be paved or graveled and maintained in a dust-free condition.

- (15) Loading and Parking Facilities. Every vehicle loading and parking area shall be clearly designated as such and paved as provided in Section 8.10360 of the City Code.
- (16) Signs. All signing shall be governed by the applicable ORS and OAR Regulations.
- (17) Lights. Outdoor lighting is permitted provided all lights or groups of lights used for the purpose of illuminating a structure, sign, storage yard or outdoor sales and parking area shall be directed away from a public street or highway and any adjacent residential structures.
- (18) Removal Agreements. In the event that any landscaped yard, structure or sign is allowed to extend into the special setback, a removal agreement must be first signed by the property owner.

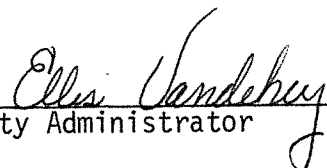
Section 4. Upon formal adoption by the City of the ID designation into Stayton's Comprehensive Plan, the designation for the subject properties will be reconsidered.

PASSED BY THE COMMON COUNCIL THIS 15<sup>th</sup> DAY OF April, 1985.

Signed by the Mayor this 16<sup>th</sup> day of April, 1985.

  
Mayor  
Council Pres.

ATTEST:

  
City Administrator

ATTACHMENT "A"

PARCEL A

Beginning at a point that is West 10.60 chains along the line dividing Section 9 into North and South halves and South parallel with the East line of said Section, a distance of 4 chains from the Quarter Section corner between Sections 9 and 10, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; and running thence South parallel with the East line of said Section, a distance of 5.01 chains to the North line County Road; thence South  $67^{\circ}$  West on North line said road, 253.054 feet; thence North parallel with East line said Section, a distance of 424 feet; thence East 238 feet 8 inches to the place of beginning.

SAVE AND EXCEPT that portion of the above described tract lying within a strip of land 30.00 feet in width, being 15.00 feet on each side of the following described centerline: beginning at a point in the North line of the above described tract, which point is 36.35 feet West of the Northeast corner thereof; and running thence Southeasterly on a  $15^{\circ}$  curve to the right, (the chord of which bears South  $10^{\circ} 08' 45''$  East 136.12 feet), an arc distance of 135.85 feet to a point; thence South  $00^{\circ} 02' 30''$  West 210 feet to a point in the County Road; the Easterly and Westerly lines of said 30.00 foot strip of land are to be extended to intersect the North and South lines of the above described tract.

PARCEL B

Commencing at a point 22.51 chains north of the southeast corner of Section Nine, in Township Nine, South Range One, West of the Willamette Meridian; running thence West Nine chains; thence north at right angles to the Stayton Salem Water Ditch; thence in a northeasterly and easterly direction following the meanderings of said Stayton Salem Water Ditch to the east boundary line of said Section Nine; thence south along said east boundary line of said section to the place of beginning, containing 3.75 acres; save and excepting therefrom a strip of land 30 feet wide on the east side thereof to be used as a public highway or street.

ALSO: Commencing at a point 13.63 chains north of the southeast corner of Section Nine (9), Township Nine (9) South Range One (1) West of the Willamette Meridian and running thence west Nine (9) chains; thence north 8.88 chains; thence east Nine (9) chains to the east boundary line of said Section Nine (9); thence south along said east boundary line of said Section Nine 8.88 chains to the place of beginning, containing eight acres more or less in Marion County, Oregon; save and except therefrom a strip of land on the east side thereof thirty feet wide to be used as a public highway or street.

ALSO: Beginning at a point 27 chains North and 7 chains and  $12\frac{1}{2}$  links, west of the Southeast corner of Section 9 in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, running thence North to the County Road; thence

PARCEL B - Continued

South 72 degrees West fifteen feet; thence south parallel to said first mete to the north bank of the Salem Water Company Ditch; thence easterly along the north bank of said water ditch to a point due south of the place of beginning; thence north to the place of beginning.

ALSO: Beginning at a point on the line dividing Section 9 in Township 9 South, Range 1 West of the Willamette Meridian, into North and South halves, 15.60 chains westerly from the quarter section corner between Section 9 and 10 in said Township and Range, running thence south parallel to the east line of said Section 9, 11.00 chains to the north line of the county road; thence south 67 degrees West 17 links to the angle in said road; thence south 55 degrees West 3.10 chains to a point 20 feet north of the center of said road; thence north 1.50 chains; thence west 2.39 chains; thence north 11.30 chains to the legal subdivision line; thence easterly on said line 5.21 chains more or less to the place of beginning, and containing 6 acres of land more or less in Marion County, State of Oregon.

Also, beginning at a point 20.81 chains west and 11.30 chains south of the quarter section corner between Sections 9 and 10, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, running thence east 2.39 chains; thence south 1.80 chains to the center of the county road; thence southwesterly along the center of said road to a point directly south of the place of beginning; thence north 3.00 chains more or less to the place of beginning, and containing one-half acre of land, more or less.

ATTACHMENT "B"

AGREEMENT

THIS AGREEMENT entered into this 4 day of February, 1985, between VERN MORGAN, GERTRUDE MORGAN, PAMELA MORGAN, DANIEL CARVER, STEVEN WHEELER and MARIE WHEELER, hereinafter referred to as Petitioners and the CITY OF STAYTON, hereinafter referred to as City,

WITNESSETH

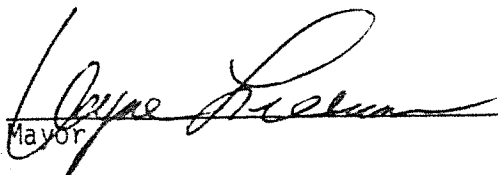
The Petitioners, in consideration for the Conditional acceptance into the Stayton Urban Growth Boundary by the City of certain properties described in Attachment A, have agreed to acknowledge in writing the terms of the Conditional Approval hereinafter stated.

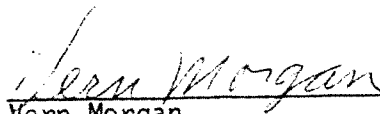
THE TERMS AND CONDITIONS OF THIS AGREEMENT ARE AS FOLLOWS:

1. It is mutually understood between the Petitioners and the City that Petitioners intend to provide their own systems for on-site Sewage disposal.
2. The Petitioners acknowledge that the City currently has no plans to extend urban services to the subject intersection area.
3. The City recognizes its obligation to be the eventual provider of services within its own UGB and retains the authority to program the timing of those services within its UGB.
4. The City agrees to provide urban services to the subject properties at such time as those services can reasonably be made available.
5. Petitioners agree to participate in the extension and provision of services in conformance with the ordinances and policies in effect at the time the particular property is benefitted.
6. The Petitioners acknowledge this Resolution and its conditions and understand the same.

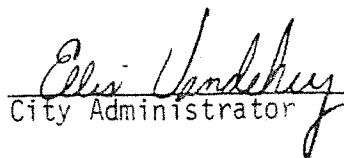
CITY OF STAYTON


PETITIONERS

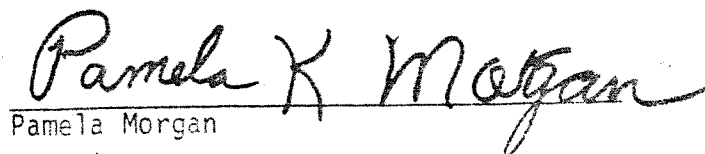
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Vern Morgan

ATTEST:

  
\_\_\_\_\_  
City Administrator

  
\_\_\_\_\_  
Gertrude Morgan

  
\_\_\_\_\_  
Pamela Morgan

\_\_\_\_\_  
Daniel Carver

*Daniel S. Carver*  
\_\_\_\_\_  
Daniel Carver

*Steven S. Wheeler*  
\_\_\_\_\_  
Steven Wheeler

*Marie Wheeler*  
\_\_\_\_\_  
Marie Wheeler

I certify that the foregoing is a true and correct  
copy of the original. *Betty Johnson*  
*Admin. Secy.*



ATTACHMENT "C"

Urban Growth Boundary

Beginning on the south line of the Santiam Highway (State Highway 22) at a point which is the northwest corner of that certain tract of land described in Marion County Deed Records on Reel 211, Page 1180 and running thence south along the west line of said tract to the south line of Market Road #29; thence easterly along said south line to the most westerly point of property described in Volume 479, Page 258; thence southeasterly along the west line of said tract to the southwest corner of that property described in Volume 780, Page 680; thence easterly along the south line of said property to the east line of Market Road 85; thence south along the west line of that property described in Volume 499, Page 788 to the northwest corner of that property described in Volume 611, Page 79; thence west to the westerly line of Market Road #85; thence southeasterly along said westerly line to the intersection with the south line of property described in Volume 429, page 537; thence westerly along said south line to the east bank of Salem Creek (also know as Salem Ditch); thence southerly along said east bank to the north line of property described in Volume 742, Page 151; thence west on said north line to the northwest corner of said property; thence south along the west line of said property to the north line of Market Road 87; thence easterly along the north line of said road to the northerly extension of the west line of the property described in Volume 295, Page 227; thence southerly along said northerly extension and west line of said tract and the northerly extension thereof to the southwest corner of said property; thence east along the south line of said property to the west line of property described in Volume 568, Page 74, Deed Records for Marion County, Oregon; thence south along said west line to the north bank of the north channel of the Santiam River; thence easterly upstream along the said north bank to the east line of Section 15, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence north along the east line of said Section 15 and Section 10 of said Township and Range to the north bank of Reid Canal (a channel of the Santiam River); thence upstream along said north bank to the north bank of Salem Ditch; thence upstream along the north bank of Salem Ditch to the north bank of the North Fork of the North Santiam River to the intersection of said north bank with the south line of Section 12 of the above mentioned Township and Range; thence east along the south line of Section 12 to the intersection with the north bank of the North Fork of the North Santiam River; thence easterly along said north bank of the intersection with the west line of the J. Hause Donation Land Claim No. 49; thence north along said west line to the north line of Market Road No. 31; thence westerly along the north line of said Market Road to the west line of property described in Volume 315, Page 58; thence north along the west line of said property to a point on the south line of the North Santiam Highway; thence in a northwesterly direction on the south line of said highway to a place of beginning; lying in and being part of Section 32 and 33 in Township 8 South, Range 1 West, and Section 2, 3, 4, 5, 9, 10, 11, 12, 14, 15, and 16 in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, State of Oregon.