

RESOLUTION NO. 865

A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY OF STAYTON THE APPROVAL OF A PETITIONER-INITIATED ANNEXATION OF 17.5 ACRES OF LAND LOCATED NORTH OF SHAFF ROAD INTO THE CITY LIMITS.

WHEREAS, it is within the City of Stayton's power under ORS 222.111(2) and Stayton Municipal Code (SMC) Chapter 17.12 to initiate the annexation of territory upon application; provided, however, that such annexation be submitted to the electors of the City of Stayton, pursuant to the Stayton City Charter;

WHEREAS, Roger and Joan Roberts and RJR Properties, Co (Applicants) are a majority of the property owners who also own the majority of the property within the territory and of real property therein representing the majority of the assessed value of all real property in the territory have initiated annexation of that certain real property located north of Shaff Road, more particularly described in Exhibit 1 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 2 attached hereto and incorporated herein, and, by submission of a valid annexation application (Land Use File #12-09/10) to the City pursuant to SMC Section 17.12.210 and ORS 222.111 (2);

WHEREAS, the applicant's proposal is to annex the property with the intent of constructing a residential subdivision. However, a subdivision application was not filed concurrently with applicant's the intention that one be filed if the annexation is approved;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on October 25, 2010. Other than from the Applicant, there was no testimony at that public hearing;

WHEREAS, the Stayton City Council held a public on the application on December 6, 2010. At that hearing the City Council reviewed Land Use File #12-09/10, an application for annexation, and it was made part of their record;

WHEREAS, the application consists of two tax parcels, described as: Township 9, Range 1 West of the Willamette Meridian, Section 3C, tax lots 1100 and 1200, and the adjacent portion of the Shaff Road right of way. Tax Lot 1100 is 13.8 acres in area and, with the exception of a small pond in the north east corner is field. Tax Lot 1200 is 2.8 acres in area is developed with a single family home;

WHEREAS, the property is currently zoned Urban Transition (UT-20), when annexed, the property will be zoned Low Density (LD) Residential and Natural Resources Overlay District in accordance with the Stayton Comprehensive Plan Map;

WHEREAS, the property has frontage on the 700 and 800 block of Shaff Road, with 615 feet of frontage on Shaff Road. The property also has frontage on its east side on a private road known as Oakmont Lane. The north boundary of the property is Mill Creek;

WHEREAS, the property to the east, across Oakmont Lane is zoned UT-20 and is used for a single family residence and horticultural production. The property to the west is in the city limits, is zoned Public/Semi-Public (P) and is the Stayton Middle School. The property to the north, across Mill Creek, is a 9.5-acre vacant parcel, mostly wooded, zoned UT-20. The properties to the south, across Shaff Road are in the city limits, are zoned Medium Density Residential (MD) and LD and are developed with a triplex, a duplex and several single family homes on lots that range in size from 9,500 to 17,400 square feet;

WHEREAS, the applicant has submitted a conceptual plan of a possible residential subdivision with the application, but a concurrent application for subdivision approval has not been submitted. SMC Section 12.210.6 requires that subsequent development of the property substantially conforms to the conceptual plan;

WHEREAS, the following agencies were notified of the proposal: City of Stayton Public Works, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District and the North Santiam School District. Marion County Public Works provided a number of comments that address the future development of the parcel, but provided no comments or suggested conditions on the annexation. Marion County Planning Division had no objections to the proposal, citing it as a logical expansion of the City Limits. Stayton Cooperative Telephone Company replied with no comments. NW Natural replied they are not affected by the proposal. Stayton Public Works Department provided comments stating that public facilities are available to the site. However, water line improvements on Shaff Road will be required;

WHEREAS, the Planning Department notified all owners of property within 300 feet of the subject property and did not receive any public comment on this application prior to the Planning Commission's public hearing. There was no public testimony at the Planning Commission's public hearing. The Planning Department has not received any public comment before the City Council public hearing;

WHEREAS, annexation applications are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.210.4. Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application. The City Council makes these findings, based on the record before it, regarding each criterion as follows:

a. Need exists in the community for the land proposed to be annexed.

Finding: The Stayton Buildable Lands Inventory (BLI) was last adopted in 2005. The 2005 BLI provides the following information on projected growth and need for additional land in the community. At that time there were 91 acres of vacant residential land inside the City limits in the Low, Medium, and High Density Residential Zones. Between 2003 and 2004, 28 acres were developed for single family dwellings and 1 acre was developed for multi-family dwellings. There were 728 acres of residentially zoned land within the City of which 600 (82 percent) were developed in 2004. The projected population for the City in 2020 (at a rate of 2.4%) was 10,700 people, requiring an additional 716 single family and 470 multi-family dwellings. To meet that need, the City needed an additional 91 acres of residential to be annexed in addition to the 91 vacant acres currently in the City.

Since the time of the last BLI, the City has annexed 6 acres (Jefferson Place, in the LD zone) in 2005.

Staff has calculated approximate information on current buildable lands as follows. There are currently 110 vacant lots totaling 64 acres within the City limits that are residentially zoned and may be considered as reasonably available for development.

Six subdivisions have been platted in the past 5 years. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No. of Lots	Existing Homes	Vacant Lots
Village at Sylvan Spring	2005	36	36	0
Third Avenue Subdivision	2007	3	2	1
Jefferson Place	2007	23	10	13
Mountain Estates No.3	2007	5	4	1
Roth Estates	2009	12	0	12
Phillips Estates, Phase 1	2009	20	2	18

In addition, there are subsequent phases of the Phillips Estates subdivision, accounting for an additional 50 lots, that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

There are currently 64 acres of vacant property within the city limits that are residentially zoned and reasonably available for development. Within the LD zone there are 87 lots large enough to accommodate development and not owned by the City or some other governmental or quasi-governmental agency. In the MD zone there are 22 vacant lots. Only two of these lots are large enough to be further divided; one could likely accommodate 4 new lots, the other 5. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 45 to 50 dwelling units. No multi-family dwellings have been built in the City in over six years. The applicant's proposed sketch plan shows a proposal for 16 attached townhouses.

The City's growth rate for the past decade has been at an average annual rate of about 1.6%, with a population change since 2000 of just over 1,000 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years.

At a 1.6% growth and a steady average household size, there would be the need for 540 new dwelling units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for approximately 40 acres of land beyond the available vacant land in the City to accommodate this number of homes.

b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.

Finding: The Public Works Department has reviewed the submitted plans for annexation and determined that public facilities can be made available to the site but will require off site improvements by the developer. The Department has stated that the design of the development will be required to conform to the adopted master plans for public transportation, sewer, storm water, and water facilities and Public Works Standard Specifications.

c. The proposed annexation is property contiguous to existing City jurisdictional limits.

Finding: The property is contiguous to the city limits along the western property line. The annexation also includes the right of way of Shaff Road in front of the property. The land on the south side of the right of way is in the city limits.

d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and the policies of the City of Stayton.

Finding: The site is adjacent to the Stayton Middle School on the west and otherwise surrounded by unincorporated land with rural density development. The urban land across the street is a combination of single family, duplex and triplex homes on lots approximating the lot sizes shown on the conceptual plan. The City's urban growth program and policies call for the urbanization of this property.

e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.

Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The applicant has requested the annexation.

f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.

Finding: The proposed annexation is not a contract annexation;

WHEREAS, based on the above findings, the City Council concludes that the application meets the criteria for approval in SMC 17.12.210.5;

WHEREAS, under the provisions of Stayton Municipal Code Section 17.12.210.2.a.1), the application is for a "major annexation;" and

WHEREAS, the Stayton City Council, following the above referenced public hearing, determines that the Territory should be annexed into the City of Stayton, and established the land use designations to be applied to the Territory upon annexation.

NOW THEREFORE, BE IT RESOLVED that:

Section 1. Measure. A measure election (the "Measure Election") is hereby called for the purpose of submitting to the electors of the City of Stayton a measure for the Territory, a copy of which is attached hereto as "Exhibit 3," and incorporated herein by reference.

Section 2. Election Conducted by Mail. The Measure Election shall be held in the City on May 17, 2011. As required by ORS 254.465, the Measure Election shall be conducted by mail by the County Clerk of Marion County, Oregon, according to procedures adopted by the Oregon Secretary of State pursuant to ORS 254.470.

Section 3. Delegation. The City authorizes the City Administrator, or the City Administrator's designee, (the "Authorized Representative") to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

Section 4. Preparation of Ballot Title. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the City Recorder as required by SMC Section 17.12.210.2.

Section 5. Publication of Notice of Election. The City Administrator shall publish in a newspaper of general distribution within the City, a legal advertisement describing

the proposed annexation and pending election, in accordance with the requirements of SMC Section 17.12.220.2.

Section 6. Explanatory Statement. The Explanatory Statement for the measure, which is attached hereto as "Exhibit 4," and incorporated herein by reference, is hereby approved.

Section 7. Filing with County Elections Office. Pursuant to ORS 254.095(2), the City Recorder shall deliver the Notice of Measure Election to the Elections Officer of Marion County, Oregon, on or before March 17, 2011, which is a date not later than sixty-one days prior to the election.

Section 8. Action upon Approval. If following the election, the City Council finds that a majority of votes cast by the electors residing in the City of Stayton favor the annexation, the City Council shall, pursuant to ORS 222.160 and SMC Section 17.12.221.2, adopt an ordinance proclaiming the Territory annexed to the City and apply City of Stayton Low Density Residential (LD) and Natural Resources Overlay District zoning to the property as shown on the Stayton Comprehensive Plan Map.

This Resolution shall become effective upon adoption by the Stayton City Council.


ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of December, 2010

CITY OF STAYTON

Date: 12/06, 2010

By: 
Gerry Aboud, Mayor

Date: 12/6, 2010

Attest: 
Don Eubank, City Administrator

APPROVED AS TO FORM:

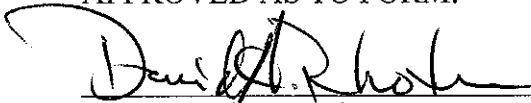

David A. Rhoten, City Attorney

EXHIBIT 1

Annexation Area

An area of land in the Southwest corner of Section 3, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being more particularly described as follows:

Beginning at a point on the South line of Section 3 and bearing North 89°57'20" East 429.21 feet from a 2-1/2" brass cap marking the Southwest corner of Section 3, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 00°33'00" West 1439.20 feet to the centerline of Mill Creek from which a 3/4" iron pipe bears South 00°33'00" East 13.91 feet; thence along the center of said Mill Creek the following courses and distances; South 51°24'59" East 87.70 feet; thence South 47°06'01" East 130.85 feet; thence South 44°25'13" East 89.99 feet; thence South 56°18'23" East 90.51 feet; thence South 63°16'04" East 127.52 feet; thence South 72°21'42" East 94.38 feet; thence South 78°30'50" East 86.92 feet; thence South 82°59'35" East 25.47 feet; thence leaving said centerline South 00°38'08" East 1104.09 feet to the existing city limits per the City of Stayton 1918 proclamation; thence South 89°57'20" West 615.14 feet; thence North 00°33'00" West 30.00 feet to the point of beginning.

EXHIBIT 3

City of Stayton Measure No. ____

A Measure Proposing Annexation of 17.5 Acres of Territory into the City of Stayton

Section 1: Measure Election Called. A measure election is hereby called for the purpose of submitting the following question to the electors of the city:

Shall that certain real property (the "Territory"), located at 777 Shaff Road and north of Shaff Road, west of Oakmont Lane (a private road) and south of Mill Creek and more particularly described as follows be annexed into the City of Stayton?

An area of land in the Southwest corner of Section 3, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being more particularly described as follows:

Beginning at a point on the South line of Section 3 and bearing North 89°57'20" East 429.21 feet from a 2-1/2" brass cap marking the Southwest corner of Section 3, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 00°33'00" West 1439.20 feet to the centerline of Mill Creek from which a 3/4" iron pipe bears South 00°33'00" East 13.91 feet; thence along the center of said Mill Creek the following courses and distances; South 51°24'59" East 87.70 feet; thence South 47°06'01" East 130.85 feet; thence South 44°25'13" East 89.99 feet; thence South 56°18'23" East 90.51 feet; thence South 63°16'04" East 127.52 feet; thence South 72°21'42" East 94.38 feet; thence South 78°30'50" East 86.92 feet; thence South 82°59'35" East 25.47 feet; thence leaving said centerline South 00°38'08" East 1104.09 feet to the existing city limits per the City of Stayton 1918 proclamation; thence South 89°57'20" West 615.14 feet; thence North 00°33'00" West 30.00 feet to the point of beginning.

EXHIBIT 4

MEASURE EXPLANATORY STATEMENT:

If approved, this measure would result in annexation of 17.5 acres of territory ("the Territory") to the City of Stayton.

The Territory is located at 777 Shaff Road and surrounding land, north of Shaff Road, east of Oakmont Lane (a private street) and south of Mill Creek and designated in the Stayton Comprehensive Plan as Low Density Residential." Zoning of the Territory if annexed would be LD (Low Density Residential). The LD zone district generally allows single family residential uses, bed and breakfast establishments, residential group homes, day care facilities, and family child care centers. This zoning designation allows a maximum density of 6 dwelling units per acre. A complete description of uses in the LD zone district is available in Stayton Municipal Code (SMC) Chapter 17.16. The portion of the Territory that is within 100 feet of the normal high water of Mill Creek would be placed within the City's Natural Resource Overlay District.

Adequate public facilities exist to serve the Territory, in accordance with the City's adopted budget, master plans, *Capital Improvement Plan* and *urban growth management process*.

Additional information regarding the proposed annexation and zoning is available for public review at the Stayton Department of Planning and Development, 311 N 3rd Ave, Stayton, Oregon, and on the City's web site, www.staytonoregon.gov.

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