

ORDINANCE NO. 965

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED IN VARIOUS STREET RIGHTS OF WAY AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD), LIGHT INDUSTRIAL (IL) AND NATURAL RESOURCES OVERLAY (NROD).

WHEREAS, it is within the City of Stayton's power under ORS 222.111(2) to initiate the annexation of territory into the City limits;

WHEREAS, on December 2, 2013 the Stayton City Council adopted Resolution 906 initiating annexation of the below described territories;

WHEREAS, the Territories to be annexed are all street rights of way dedicated for public use;

WHEREAS, there is the need to clarify the jurisdiction of the Stayton Police Department;

WHEREAS, the Territories are currently designated by Marion County as Urban Land and zoned Urban Transition (UT-20) except the Stayton Road right of way which is designated and zoned and Exclusive Farm Use (EFU), and when annexed the Territories are designated Residential and Industrial by the Stayton Comprehensive Plan Map;

WHEREAS, the property adjacent to Stayton Road is zoned Light Industrial and properties adjacent to all other areas to be annexed are zoned Low Density Residential by the Stayton Official Zoning Map;

WHEREAS, the Stayton Comprehensive Plan map designates land within 50 feet of Salem Ditch as Natural Resources Overlay;

WHEREAS, a public hearing on the proposed annexations was held before the Stayton Planning Commission on December 30, 2013;

WHEREAS, the Stayton Planning Commission has recommended to the Stayton City Council the Territories be annexed into the City;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on January 21, 2014;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the annexations as contained in Exhibit 6 attached hereto and incorporated herein; and

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit 6, that the annexations meet the criteria for approval in SMC 17.12.210.5;

NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation into the City of Stayton, Oregon, of the following Territories generally described below, the specific legal descriptions of which and maps showing their locations are included in Exhibits 1 through 5, which are attached hereto and by reference incorporated herein.

- A. The Stayton Road right of way, south of Marion County Assessor's Map 091W09C Lot 900, approximately 0.4 acres of land (Exhibit 1);

- B. A portion of the Shaff Road right of way west of Wilco Road and Golf Club Road to the center of Salem Ditch, approximately 0.9 acres of land (Exhibit 2);
- C. The northern portion of the Shaff Road right of way, west of the Stayton Middle School and east of Kindle Way, approximately 0.6 acres of land (Exhibit 3);
- D. The Kindle Way right of way, adjacent to the Phillips Estates Phase I subdivision, approximately 0.4 acres of land (Exhibit 4); and
- E. The northern portion of the Fern Ridge Road right of way, south of Marion County Assessor's Map 091W02 Lot 600, approximately 0.5 acres of land (Exhibit 5).

Section 2. Pursuant to ORS 222.005 the Stayton City Recorder shall provide by certified mail to all public utilities, telecommunication facilities, and franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax rolls, a legal description and map of the proposed boundary change, and a copy of this Ordinance. This notice shall be mailed within ten (10) working days of the passage of this Ordinance.

Section 3. Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the passage of this Ordinance, provide to the Marion County Clerk and Marion County Assessor a report of the annexation including a detailed legal description of the new boundaries established by the City.

Section 4. Pursuant to ORS 222.177 the Stayton City Recorder shall provide to the Oregon Secretary of State a copy of this Ordinance.

Section 5. Pursuant to ORS 308.225(2) the Stayton City Recorder shall provide to the Oregon Department of Revenue a copy of this Ordinance containing the legal description and map of the territory being annexed.

Section 6. The Stayton Official Zoning Map is hereby amended to include the Stayton Road right of way as Light Industrial, the other annexed Territories as Low Density Residential, and that portion of the Shaff Road right of way within 50 feet of Salem Ditch as Natural Resource Overlay District.

Section 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

Section 8. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE CITY COUNCIL this 21st day of January, 2014.

CITY OF STAYTON

Signed: 1/23, 2014

BY:


A. Scott Vigil, Mayor

Signed: 1/23, 2014

ATTEST: Christine Shaffer
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

EXHIBIT 1, Annexation Area, Stayton Road right of way west of Rogue Ave

Legal Description

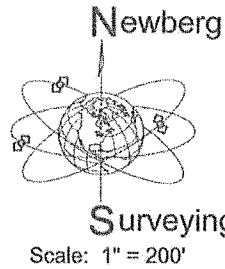
An area of land in the southwest quarter of the southwest quarter of Section 9, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Marion County Market Road 32, known as Stayton Road, and more particularly described as follows:

Beginning at a point on the southeasterly margin of Market Road #32 (Washington Street), said point also being the most southerly southwest corner of that land referenced in "Exhibit A" of Final Order #76-50 of the Marion-Polk County Local Government Commission dated September 7, 1976. Said beginning point is also the intersection point of the southerly extension of the East line of that land conveyed to Harry B. Stanley by deed recorded in Volume 727, Page 689 Marion County Deed Records with the Southeasterly margin of said Market Road #32 and which point bears South 0° 14' 30" West 60.58 feet from the Southwest corner of Parcel 1 Partition 94-90; thence North 0° 14' 30" East along the southerly extension of the east line of land described in Volume 727, Page 689 a distance of 60.58 feet more or less to the intersection of said easterly line with the Northwesterly margin of Market Road #32; thence South 82° 19' 01" West along said northerly margin 30 feet from and parallel to the centerline of Market Road #32 a distance of 316.07 feet more or less to the Southwest corner of land described in said Volume 727, Page 689; thence southerly on the projection of the west line of Stanley's land South 0° 14' 30" West 60.58 feet to the intersection point with the southeast margin of Market Road #32; thence North 82° 19' 01" East along said southeast margin of Market Road #32 a distance of 316.07 feet more or less to the point of beginning, containing 0.44 Acres +/-.

ANNEXATION MAP

SW 1/4 SECTION 9 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON
DECEMBER, 2013

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION.



Legend

- = 1/4 SECTION CORNER
- = AREA TO BE ANNEXED
- = RECORD DEED DATA

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1205 NE Evans
McMinnville, OR 97128
(503)-474-4742 (971)-237-1956 Cell
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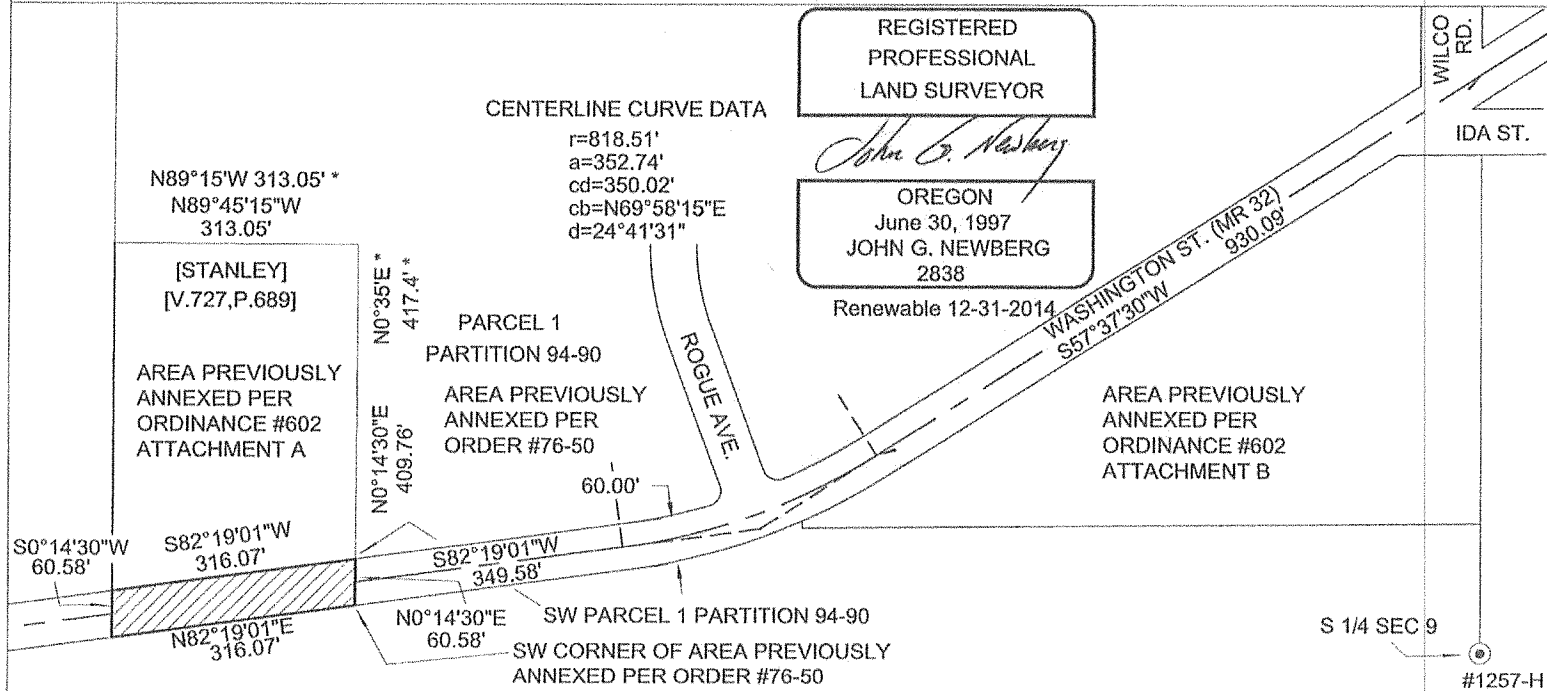


EXHIBIT 2, Annexation Area, Shaff Road right of way west of Wilco Road

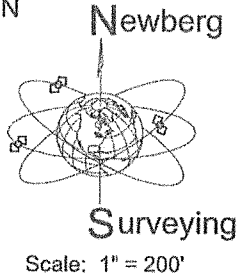
Legal Description

An area of land in the south half of the southwest quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Marion County Market Road 83, known as Shaff Road, and more particularly described as follows:

Beginning at the intersection point of the north line of Section 9, T9S, R1W, Willamette Meridian, Marion County Oregon and the west boundary of that tract of land previously annexed and described in Exhibit B of the City of Stayton Resolution No. 219 dated August 11, 1976, said point being 550 feet South 89° 27' 28" West from the quarter corner on the north line of said Section 9 and in the center of Shaff Road; thence South 89° 27' 28" West 881.37 feet, more or less, along said north line and the center of Shaff Road to the northeast corner of that tract of land conveyed to Ronald Meier, et ux by deed recorded in Volume 658, Page 463, Marion County Deed Records, said corner being on the north line of said Section 9 and bearing North 89° 27' 28" East 1228.00 feet from the northwest corner of said Section 9; thence South 00° 32' 32" East 25.00 feet along the east line of said Meier tract to the south margin of Shaff Road; thence South 89° 27' 28" West along the south margin of Shaff Road 376.52 feet, more or less, to a point in the center of the Salem Ditch; thence in a northerly direction along the center of the Salem Ditch to the north margin of Shaff Road (approximate chord bearing North 02° 19' 08" East 50.06 feet); thence North 89° 27' 28" East 1255.61 feet, more or less, along the north margin of Shaff Road to the northwest corner of said tract of land described in Exhibit B of Resolution No. 219; thence South 00° 02' 37" East 25.00 feet to the point of beginning.

ANNEXATION MAP

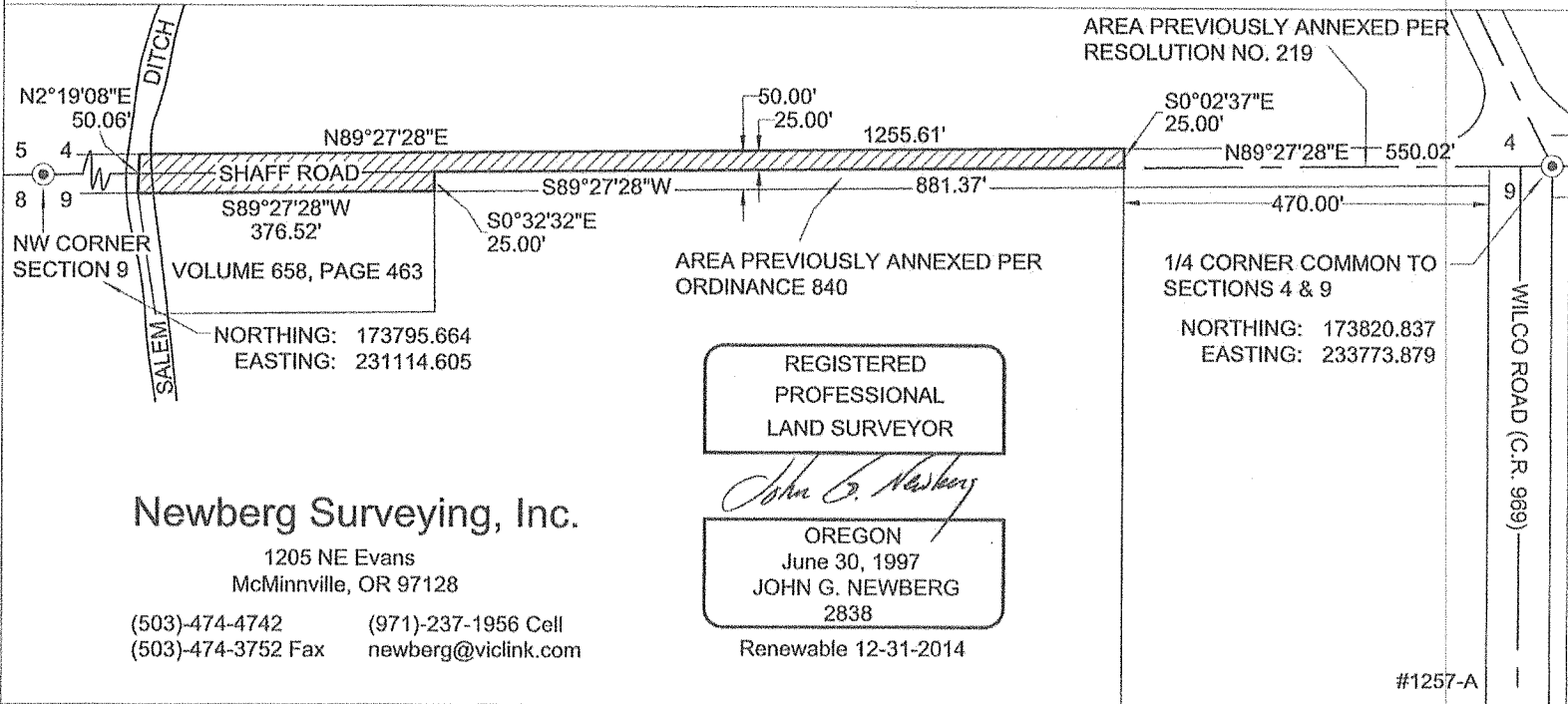
SW 1/4 SECTION 4 T. 9 S., R. 1 W., WM.,
 NW 1/4 SECTION 9 T. 9 S., R. 1 W., WM.,
 MARION COUNTY, OREGON
 DECEMBER, 2013



Legend

- = SECTION CORNER
- = AREA TO BE ANNEXED

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION.



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John G. Newberg
 OREGON
 June 30, 1997
 JOHN G. NEWBERG
 2838

Renewable 12-31-2014

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 McMinnville, OR 97128

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#1257-A

EXHIBIT 3, Annexation Area, Shaff Road right of way west of the Stayton
Middle School and east of Kindle Way

Legal Description

An area of land in the south half of the southeast quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Marion County Market Road 83, known as Shaff Road, and more particularly described as follows:



Beginning at a point on the south line of Section 4, T9S, R1W, Willamette Meridian, Marion County, Oregon, said point being on the west boundary of that tract of land previously annexed in the City of Stayton Ordinance No. 376, dated April 15, 1968, said point bearing South 89° 45' West 225.37 feet from the southeast corner of said Section 4; thence North 00° 18" West 40.00 feet along said west boundary to the north margin of Shaff Road; thence South 89° 45' West 665.62 feet more or less to the easterly margin of Kindle Way also being a point on the easterly boundary of land described in City of Stayton Ordinance No. 258 dated October 15, 1979; thence South 0° 20' 27" East along said easterly margin of Kindle Way a distance of 40.00 feet more or less to the south line of Section 4 of said township and range; thence North 89° 45' East along said section line 665.59 feet more or less to the point of beginning, containing 0.61 Acres.

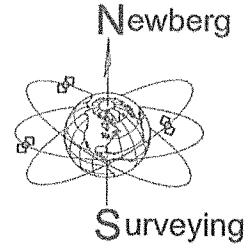
ANNEXATION MAP

SE 1/4 SECTION 4 T. 9 S., R. 1 W., WM.,
 MARION COUNTY, OREGON
 DECEMBER, 2013

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Legend

-  = SECTION CORNER
-  = AREA TO BE ANNEXED
- XX° XX' XX" * = RECORD BEARINGS (DEEDS)

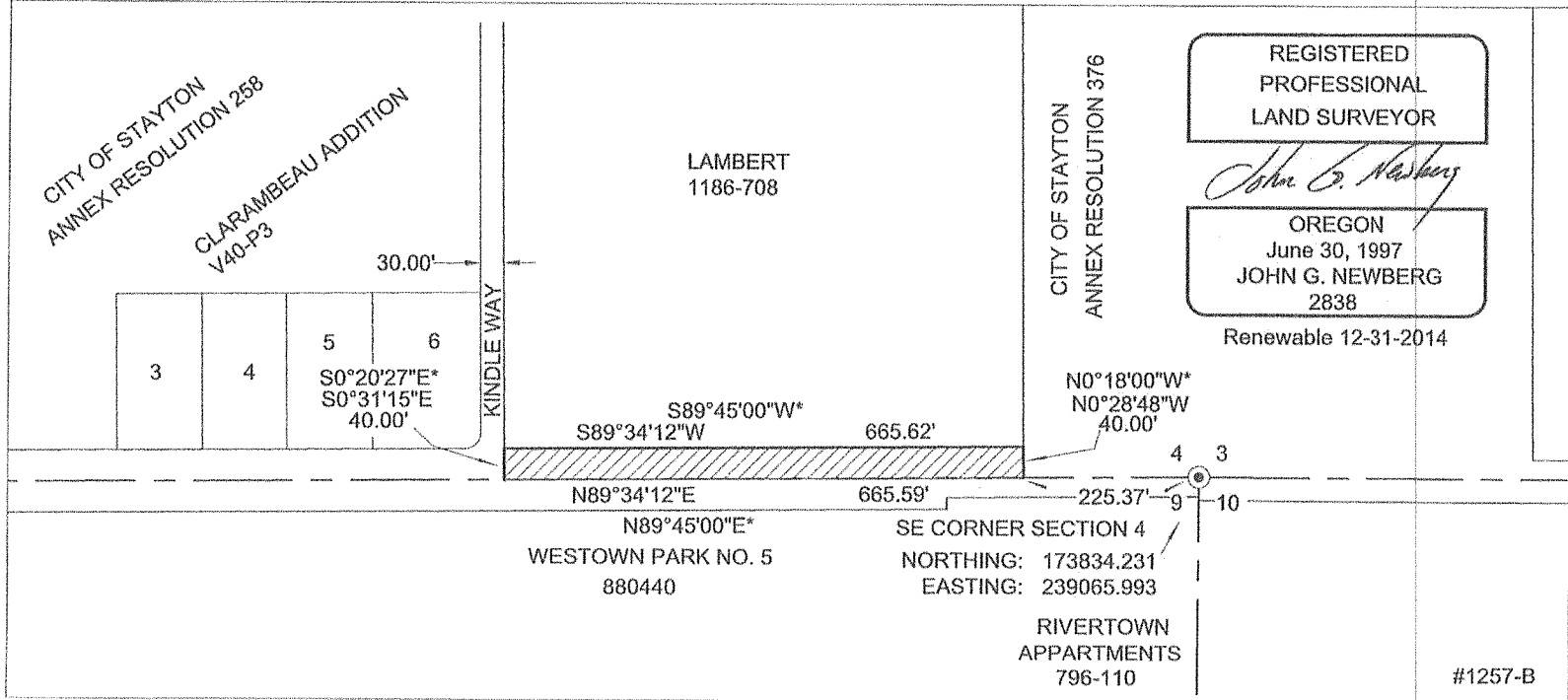


Scale: 1" = 200'

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Renewable 12-31-2014

#1257-B

EXHIBIT 4, Annexation Area, Kindle Way right of way, adjacent to the Phillips
Estates Phase I subdivision

Legal Description

An area of land in the north half of the southeast quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Kindle Way and more particularly described as follows:

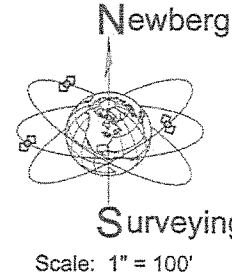
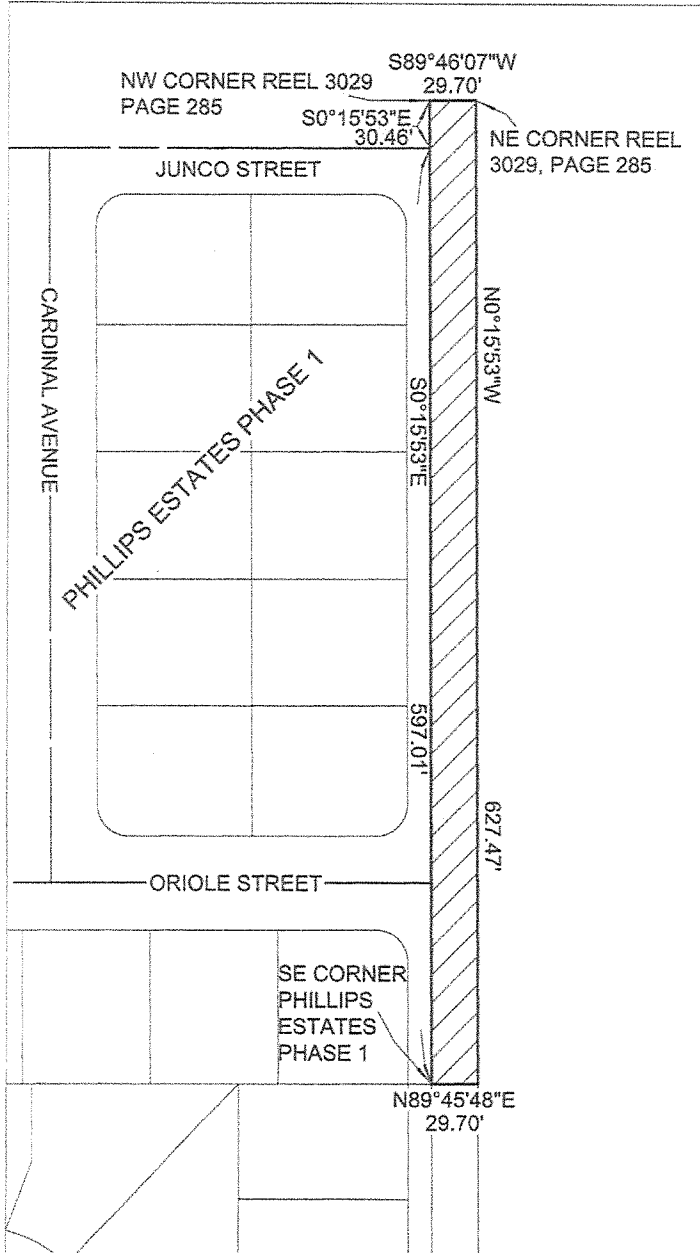
Beginning at the southeast corner of PHILLIPS ESTATES PHASE 1 Subdivision; thence North $89^{\circ} 45' 48''$ East 29.70 feet, more or less, to a point on the east boundary of that tract of land described in Reel 3029, Page 285, Marion County Deed Records; thence North $00^{\circ} 15' 53''$ West 627.47 feet, more or less, to the northeast corner of said tract; thence South $89^{\circ} 46' 07''$ West 29.70 feet to the northwest corner of said tract; thence South $00^{\circ} 15' 53''$ East 30.46 feet, more or less, to the northeast corner of said PHILLIPS ESTATES PHASE 1; thence South $00^{\circ} 15' 53''$ East 597.01 feet to the place of beginning.

Map of Annexation Area

ANNEXATION MAP

SE 1/4 SECTION 4 T. 9 S., R. 1 W., WM.,
 MARION COUNTY, OREGON
 DECEMBER, 2013

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE BASIS OF BEARING IS PER THE PLAT OF PHILLIPS ESTATES - PHASE 1. THE AREA TO BE ANNEXED IS A PORTION OF THAT TRACT OF LAND DESCRIBED IN REEL 3029, PAGE 285 THAT IS ADJACENT TO PHILLIPS ESTATES - PHASE 1.



Legend

- = SECTION CORNER
- = AREA TO BE ANNEXED

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#1257-D

EXHIBIT 5, Annexation Area, Fern Ridge Road right of way

Legal Description

An area of land in the southwest quarter of the southwest quarter of Section 2, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Fern Ridge Road and more particularly described as follows:



Beginning at the Southwest corner of Section 2, T9S, R1W, Willamette Meridian, Marion County Oregon; thence North 89° 31' 01" East 901.94 feet along the South line of said Section 2 to a point on the west line of the tract of land previously annexed in Resolution No. 497 adopted August 25, 1992; thence North 00° 28' 59" West 25.00 feet, more or less, along said west line of Resolution No. 497 to a point on the north margin of Fern Ridge Road; thence South 89° 31' 01" West 901.87 feet along the north margin of Fern Ridge Road to the intersection with the West line of said Section 2; thence South 00° 19' 57" East 25.00 feet to the place of beginning.

ANNEXATION MAP

SW 1/4 SECTION 2 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON
DECEMBER, 2013

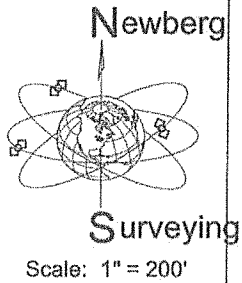
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Legend

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-  = AREA TO BE ANNEXED

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1/4 CORNER COMMON TO
SECTIONS 2 & 11
NORTHING: 173880.439
EASTING: 244346.849

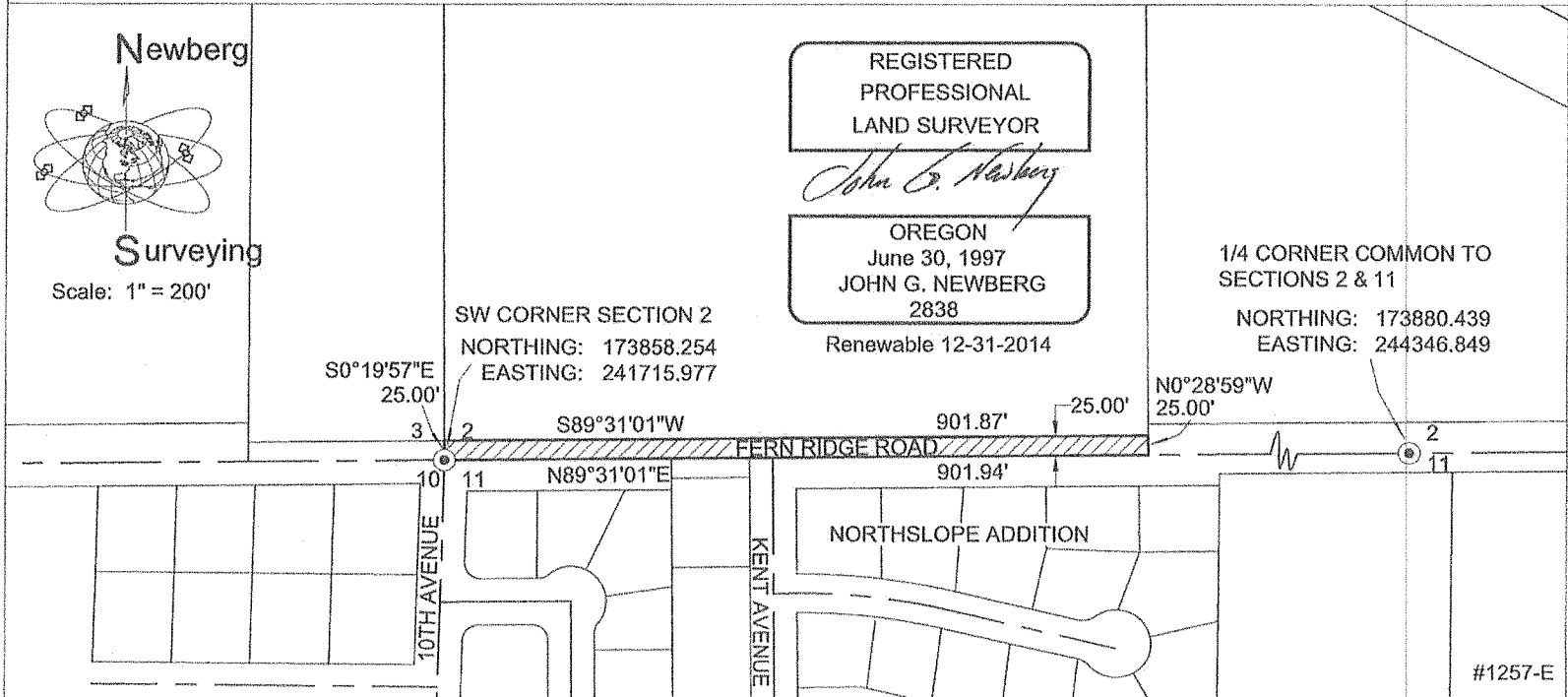


EXHIBIT 6, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #17-11/13

A. EXISTING CONDITIONS

The areas to be annexed are portions of street rights of way dedicated to the public or within public easements or parcels owned by a governmental agency.

B. PROPOSAL

The complete proposal is to annex a total of approximately 75 acres of land into the City. The areas to be annexed include nine portions of street rights of way, a portion of the Stayton Middle School campus, a portion of Wilderness Park, and the Pine St Water Reservoir property at 2365 E Pine Street. Each territory is described below.

Minor Annexations. The following territories constitute Minor Annexations as defined by the Stayton Municipal Code Section 17.12.210. The City Council has authority to final the annexation.

- A. The Stayton Road right of way, south of Marion County Assessor's Map 091W09C Lot 900, approximately 0.4 acres of land;
- B. A portion of the Shaff Road right of way west of Wilco Road and Golf Club Road to the center of Salem Ditch, approximately 0.9 acres of land;
- C. The northern portion of the Shaff Road right of way, west of the Stayton Middle School and east of Kindle Way, approximately 0.6 acres of land;
- D. The Kindle Way right of way, adjacent to the Phillips Estates Phase I subdivision, approximately 0.4 acres of land;
- E. The northern portion of the Fern Ridge Road right of way, south of Marion County Assessor's Map 091W02 Lot 600, approximately 0.5 acres of land;

The remainder of the proposed annexations are major annexations.

C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, City of Stayton Police Department, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District, Wave Broadband, and the North Santiam School District.

The following comments were received:

Marion Count Planning Division noted that the Stayton Road annexation is outside of the City's Urban Growth Boundary and the Marion County Comprehensive Plan policies prohibit annexation of territory by a city outside of that city's urban growth boundary. The City has requested that the County issue an interpretation of the comprehensive plan to allow the annexation of the Stayton Road right of way whereas it is only street right of way that is proposed for annexation and, as such, would not impact development location. On December 17, 2013 Marion County consented to the annexation of the portion of the Stayton Road outside of the UGB.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject properties and had not received any public comment on this application prior to the public hearing. There was no public testimony offered at the Planning Commission's December 30, 2013 public hearing.

E. ANALYSIS

Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210 ANNEXATIONS.

F. REVIEW CRITERIA

Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied by the application:

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

Finding: The territories to be annexed are all either public street rights of way or land owned by a governmental entity. The need for the annexation is to provide clear delineation of jurisdiction between the Stayton Police Department and other public safety agencies.

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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. City public services currently existing in the portions of Shaff Road east of Wilco Road, Kindle Way, Cascade Highway, Fern Ridge Road, Stayton Rd, and E Jefferson St. City public services currently exist in E Pine St adjacent to the City-owned parcel proposed for annexation. Wilderness Park is used as an undeveloped open space recreational area and does not require city public services. The Stayton Middle School property is developed with city public services available to the developed portion of the property.

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

Finding: The territories to be annexed are contiguous with the existing 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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. The territories to be annexed that are not public street rights of way will all be zoned Public and no development is proposed in the foreseeable future.

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 owners of the territories to be annexed that are not street rights of way have consented to 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 annexations are not contract annexations.