

ORDINANCE NO. 628

AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE STAYTON CITY LIMITS AND AMENDING THE OFFICIAL COMPREHENSIVE PLAN AND ZONING MAP

WHEREAS, a petition has been submitted to the City of Stayton requesting annexation of certain territory described in Attachment A and which is part of a proposed Planned Unit Development entitled Santiam Valley Mall Project; and

WHEREAS, the petition was signed by more than one-half of the landowners who also own more than one-half of the subject territory to be annexed; and

WHEREAS, the Planning Commission recognized said petition, called for and held a public hearing after which considering all testimony regarding the proposed annexation, found the annexation to be in the best interest of the City and recommended approval to the City Council; and

WHEREAS, the City Council received the recommendation to approve the annexation from the Planning Commission and after considering all testimony regarding the proposed annexation found the annexation to be in the best interest of the City,

NOW THEREFORE

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 623 is hereby repealed.

Section 2. The Findings, Conclusion And Order contained in Attachment A regarding Santiam Valley Mall Properties request to annex certain territory into the Stayton City Limits and amend the Official Comprehensive Plan and Zoning Map is hereby adopted and incorporated herein.

Section 3. Annexation Area. The contiguous territory, the legal description for which is attached as Attachment B is hereby proclaimed to be annexed to the City of Stayton.

Section 4.

Record. The City Administrator shall submit to the Oregon Secretary of State a copy of this Ordinance and the Petition for Annexation. A description by metes and bounds and a map depicting the new boundaries of the City within ten (10) days of the effective date of annexation to the Marion County Assessor, County Clerk, and the State Department of Revenue.

PASSED BY THE COMMON COUNCIL THIS 8th DAY OF July, 1986.

Signed by the Mayor this 15 day of July, 1986.

Clayton Larson
Mayor

ATTEST

Ellis Vandehey
City Administrator

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City Administrator

IN THE CITY COUNCIL
FOR THE CITY OF STAYTON

SANTIAM VALLEY MALL PROPERTIES)
 Request to annex certain) STAYTON FILE NO. 2-1-86
 territory into the Stayton City)
 Limits and amend the Official) FINDINGS, CONCLUSION
Comprehensive Plan And Zoning Map.) AND ORDER

Property Description

The subject property is a 27.2 acre parcel located south of and adjacent to Fern Ridge Road at the intersection with Highway 22. The legal description is attached hereto and is labeled Parcel "C".

Request

The applicant, Santiam Valley Mall Properties, Inc., is requesting the City of Stayton annex property described as Parcel "C" into the City Limits as part of a Planned Unit Development entitled Santiam Valley Mall Project and amend the City of Stayton's Official Comprehensive Plan and Zoning Map.

Authority of City Council

On February 24, 1986, March 31, 1986 and April 14, 1986, the Stayton Planning Commission conducted Public Hearings regarding the Applicant's annexation request and Planned Unit Development. The Planning Commission recommended to the City Council that the annexation request and the Official Comprehensive Plan and Zoning Map Amendment request be approved subject to the following conditions:

1. That the public utilities and development fees be negotiated with the City Council in compliance with the Master Utilities Plan; and
2. That the physical extension of all utilities be completed to the subject property within 3 years, and
3. That the Planned Unit Development Overlay be approved.

The City Council, reviewed the recommendation of the Planning Commission to conditionally approve the annexation request and the Official Comprehensive Plan and Zoning Map Amendment request at it's regularly scheduled meeting April 21, 1986. The City Council consolidated both matters for convenience and approved the requests by Ordinance.

At the regularly scheduled City Council meeting of July 8, 1986 the City Council readdressed the annexation request and the Official Comprehensive Plan and zoning map amendment request to adopt conditions and Findings to support its decision of April 21, 1986.

Relevant Criteria

In considering a petition for annexation, the City Council must apply the following criteria:

- a. A need exists in the community for the use proposed to be made of the site.
- b. The site is or is capable of being served by adequate public services.
- c. The proposed annexation is compatible with the surrounding area.
- d. The annexation is compatible with the Urban Growth Policies as defined in the Comprehensive Plan of the City of Stayton:

The Urban Growth Policies:

1. The existing boundaries of the City of Stayton should remain relatively unchanged until a major portion of the city's usable land has been developed for urban purposes.
2. Extension of the city's urban services should be preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits.
3. Developments which can be served by a gravity flow sewage system should be given priority.
4. The City of Stayton is the logical provider of services in the defined urban service area. Therefore, development outside the city boundaries should be coordinated closely with the City of Stayton.
5. All governmental units whose responsibilities affect the growth and development of the Stayton area should review and concur with the urban growth program for Stayton.
6. The physical size of the urban service area will be relative only to time and the changing needs of the community. If the criteria used to delineate the urban service area change, the city will have need to re-evaluate its urban growth program.

7. The concept of EFU zoning as defined in the Marion County Zoning Ordinance should be applied to the areas north and east of Stayton. This type of zoning permits acreage residential homesites at a density (i.e., 2, 3, 5 acres etc.) based on the needs and physical limitations of the area.

Findings

The Stayton City Council finds that the Applicant's have met their burden of proof in complying with the applicable criteria for an Annexation and Official Comprehensive Plan and Zoning Map Amendment. The City finds as follows:

1. That a need exists in the community for the use proposed to be made of that site in that there is a shortage of readily available, LD (low density) parcels for single-family residential development.

Although in constant fluctuation, there are only about 14 acres of scattered readily available LD (low density) parcels on the market for Low Density single family development.

The Comprehensive Plan provides that there will be a variety of housing types and densities, at varying price and rent levels, to accommodate the needs of Stayton area residents.

2. That the site is or is capable of being served by adequate public services in that the applicants will be extending all public services according to City specifications

The City of Stayton adopted its Master Utilities Plan by Resolution in 1981. The Plan, which is hereby incorporated by reference, carefully evaluates the extension of urban services to all areas of the Urban Growth Area encompasses the subject property. The City has specified to the Applicants that all urban services, including streets, curbs, sidewalks, water, sanitary sewer and storm drainage, will be put in place consistent with the guidelines of the Master Utilities Plan in order to assure adequate urban services.

3. That the proposed annexation is compatible with the surrounding area in that the proposed use of the subject property is low density residential in a low density residential area.

Parcel C is surrounded by LD (low density) residential uses on the south and west. The north side borders on Fern Ridge Road. Across Fern Ridge Road to the North is vacant property supporting a tree farm. Parcel C touches Highway 22 in the NE

corner. Across Highway 22 and to the east is farmland. When the subject property is annexed into the City Limits, the initial zoning will automatically be designated as LD (low density). No further change of zoning will be requested as the proposed use for Parcel C is a single-family, low density residential subdivision.

To facilitate compatible public open areas, Stayton City Code Section 8.490 provides.

PUBLIC USE AREAS

- (1) Unless waived by the Commission, a subdivision plan shall provide a minimum of five per cent of the gross area of the subdivision as public recreation area.

The City will rely on this provision to secure either access to or parkland adjoining the existing Northslope Park.

To facilitate compatible traffic flow between the subject property and the surrounding area, the City will specify a local residential street connection to the existing Dawn Drive and a single access point on to Fern Ridge Road.

To further assure compatibility with the surrounding area, the City will be able to utilize landscaping requirements for noise and sight buffering.

- 4. That the annexation is compatible with the Urban Growth Policies as defined in the Comprehensive Plan of the City of Stayton for the following reasons:

- (a) The existing boundaries of the City of Stayton should be allowed to expand in that a major portion of the City's usable land has been developed for urban purposes.

The current LD (low density) zoning within the City Limits of Stayton as of April 1985 breaks down as follows:

<u>(In acres)</u> <u>Zone</u>	<u>Currently</u> <u>Developed</u>	<u>Development</u> <u>Limitation(a)</u>	<u>Existing</u> <u>Rights of</u> <u>Way</u>	<u>Area to</u> <u>be</u> <u>Developed</u>	<u>Total</u> <u>Area</u>
LD	304.25	81.48	121.20	185.34	692.27

- (a) Development Limitations include floodplain, steep slopes, and waterways.

SOURCE: Comprehensive Plan, proposed Local Review Order, November, 1985, Developed by CH2M Hill

There are 185.34 acres listed under "Area to be Developed". These acres include large parcels that are underdeveloped. Examples of significant underdeveloped areas are as follows:

Property	Use	Approximate Acres
Freres	Three single-family homes and a tree farm	27.5
Frank	Two single-family homes and a tree farm	22.7
Dozler	One single-family home	13.9
Darley	Two single-family homes	32.8

These underdeveloped parcels are each held by one family and are not anticipated to be subdivided or readily available for further development in the near future.

Other than the Lucas property, which is currently under consideration for a Planned Unit Development, only one large parcel of vacant LD (Low Density) exists in the City Limits. The Spyglass/Phillips property held by an investment group located in Eugene, is a site north of Shaff Road on the northern periphery of the Stayton City Limits and consists of about 50.0 acres. The property is not currently on the market nor are there any Land Use applications submitted for the property and so is not readily available for development at this time.

The City of Stayton has within it's City Limits approximately 14 acres of scattered LD (low density) parcels readily available for sale for low density single family residential development.

- (b) Approval of the extension of the City's urban services has been preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits. The Master Utilities Plan is the documentation of this evaluation and will serve as the guideline.

The costs of the extension of urban services will be borne by the applicants. The applicants will be responsible for the installation of all standard sized public works within the subject property. This includes:

Streets = 36#ft. wide with curb and sidewalk

Storm Sewers = Minimum 8" and adequately sized
to drain subject property.

Water Main = up to and including 8"

Sanitary Sewer = up to and including 8"

The costs of the oversizing required for this project will be paid for out of the Systems Development Fund. The applicant will also contribute to the Systems Development Fund an amount that is yet to be negotiated with the City.

The benefit to the community would be felt primarily by the current Northslope residents as their water quantity and water pressure would improve. The Northslope area is now being served by a 6" water main in N. Tenth Avenue which would be replaced by a 12" water main when service is extended to the subject area. The entire community would benefit from extension of the 12" water main to the subject area. This parcel is considered urbanizable and this action facilitates orderly growth in the Urban Growth area.

(c) Developments which can be served by a gravity flow system have been given priority by our Comprehensive Plan in the past. This proposed development cannot be served by gravity, however, there would none-the-less be an overall community benefit. The existing pump Station located at Fern Ridge Road and Kent Avenue is currently at capacity. Extension of urban services to the subject property would necessitate the moving of the pump station to First Avenue as shown in the Master Utilities Plan. This First Avenue pump station which is dependent upon the development of Parcel B, would be capable of serving a much larger area. The community would then benefit from expanded service at less cost and from the enhancement of orderly growth in the urbanizable area in the north part of Stayton and its Urban Growth Boundary.

(d) The City of Stayton is the logical provider of services in the defined urban service area. The proposed development of the subject property requesting annexation has been coordinated closely with the City of Stayton.

(e) All governmental units whose responsibilities affect the growth and development of the Stayton area, including Marion County and LCDC, have reviewed and concurred with the Urban Growth program for the City of Stayton.

- (f) The criteria used to delineate the urban service area has not changed as of this application. Highway 22, the northern boundary of Stayton's Urban Growth Boundary, is a natural barrier. This annexation to the City Limits of a parcel in the northern Urban Growth Boundary will not create a pressure to expand the Urban Growth Boundary in that area because of the practical barrier provided by Highway 22.
- (g) The concept of EFU zoning as defined in the Marion County Zoning Ordinance has been considered by the City of Stayton as it applies to the subject property which is north of the City Limits. The proposed use of the subject property is for Low Density single-family residential which is not in conflict with this concept.

Conclusion

Based on the foregoing Findings, the Applicants request for an Annexation and Official Comprehensive Plan and Zoning Map Amendment is hereby approved subject to the foregoing conditions and passage of an appropriate Ordinance.

Order

The Applicant's request as herein stated is approved. These Findings, Conclusions and Order are hereby adopted and attached to the approving Ordinance.

ATTACHMENT B

Beginning at the quarter section corner between Sections 2 and 11, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence South 00 degrees 39 minutes East 13.26 chains along the legal subdivision line running North and South through the middle of Section 11; thence South 89 degrees 9 minutes West 20.46 chains; thence North 00 degrees 5 minutes East 13.26 chains to the North line of Section 11; thence North 89 degrees 9 minutes East 20.277 chains to the place of beginning; being situated in Section 11, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon. SUBJECT to any existing easements and roadways of record.