

ORDINANCE NO. 1025

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ON E VIRGINIA ST; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON MEDIUM DENSITY RESIDENTIAL (MD).

WHEREAS, Coe Construction, LLC has initiated annexation of that certain real property located in the southwest quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, more particularly described in Exhibit A attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit B attached hereto and incorporated herein;

WHEREAS, Coe Construction, LLC, representing a majority of the property owners of the property, has consented to the annexation of the property;

WHEREAS, on June 1, 2018, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, Coe Construction, LLC, filed with the City of Stayton, Oregon, an annexation application and a request to assign Medium Density Residential Zoning to the annexed territory;

WHEREAS, the territory to be annexed is a portion of the property owned by Coe Construction, LLC and a majority of the property has been within the City Limits since the original formation of the City of Stayton;

WHEREAS, the applicant's proposal is to annex the property with the intent of constructing a residential subdivision on the property;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on July 30, 2018;

WHEREAS, the territory to be annexed is an island of unannexed land completely surrounded by the City Limits;

WHEREAS, the portion of the property in the City Limits is zoned Medium Density Residential;

WHEREAS, territory to be annexed is currently zoned Urban Transition (UT-20), and the applicant has requested that the territory to be annexed be zoned Medium Density (MD) Residential in accordance with the Stayton Comprehensive Plan Map;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on August 20, 2018;

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

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit C that the application meets 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 to the City of Stayton, Oregon, of territory in the southwest quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, the legal description of which is described in Exhibit A, which is attached hereto and by reference incorporated herein.

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 roles, a

legal description and map of the proposed boundary change, and a copy of this ordinance. This notice shall be mailed within (10) ten 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, send 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 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 5. Pursuant to ORS 222.177 the Stayton City Recorder shall provide to the Oregon Secretary of State a copy of this Ordinance, containing the legal description and map of the territory being annexed, and a copy of documents indicating consent of the property owner.

Section 6. The Stayton Official Zoning Map is hereby amended to include the annexed territory as Medium Density Residential.

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.

ADOPTED BY THE CITY COUNCIL this 20th day of August, 2018.

CITY OF STAYTON

Signed: 8/20, 2018

BY:

Henry A Porter
Henry A Porter, Mayor

Signed: 8/20, 2018

ATTEST:

Keith D. Campbell
Keith D. Campbell, City Administrator

EXHIBIT A, Annexation Area

A tract of land located in the Southwest One-Quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, being more particularly described as follows:

Beginning at the northwest corner of Lot 44 in the plat of "Pioneer Meadows – Phase II" filed in Book 41 of plats at Page 40, records of Marion County, Oregon, said northwest corner being on a westerly line of said plat; thence South $01^{\circ}46'19''$ West along said westerly line of said plat and also along the city limits line for the City of Stayton a distance of 226.24 feet to a point on the south right-of-way line of East Virginia Street, said point also being on a northerly line of said plat; thence North $88^{\circ}13'00''$ West along said northerly line of said plat and also along the city limits line for the City of Stayton a distance of 49.93 feet to the west line of said Section 11; thence leaving said northerly line of said plat North $01^{\circ}36'44''$ East along said west line of said Section 11 and also along the city limits line for the City of Stayton a distance of 226.00 feet to the southwest corner of that certain tract of land conveyed to Douglas J. Mack filed in Reel 1696 of Deeds at Page 567, records of Marion County, Oregon; thence leaving said west line of said Section 11 South $88^{\circ}29'32''$ East along the south line of said Mack tract and also along the city limits line for the City of Stayton a distance of 50.56 feet to the Point of Beginning.

The above described tract of land contains 11,361 square feet, more or less.

EXHIBIT B

MAP FOR ANNEXATION LEGAL DESCRIPTION
 A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 11,
 T9S, R1W, W.M., MARION COUNTY, OREGON

REEL 2122
 PAGE 030

REEL 1696
 PAGE 567

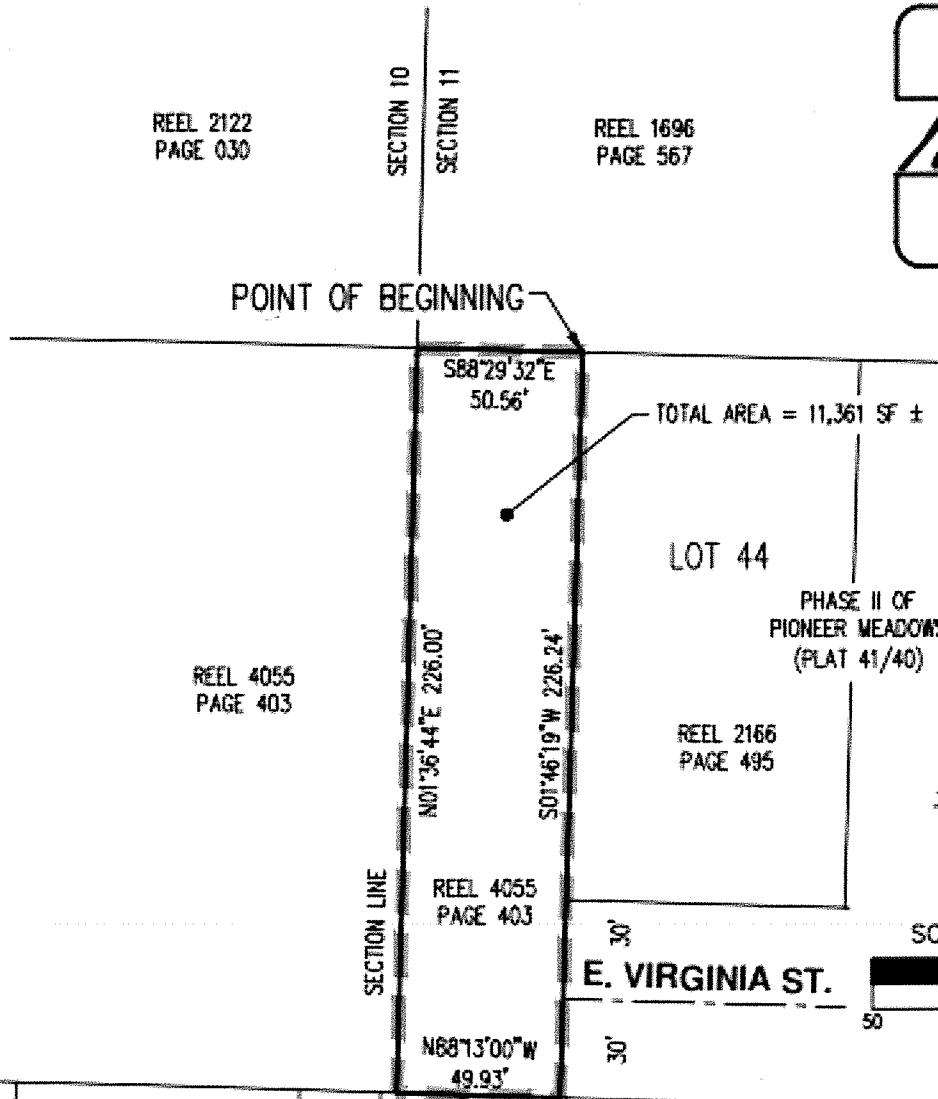
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White

OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS

RENEWS: 6/30/18

POINT OF BEGINNING



TOTAL AREA = 11,361 SF ±

LOT 44

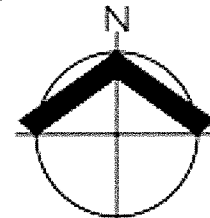
PHASE II OF
 PIONEER MEADOWS
 (PLAT 41/40)

PREPARED FOR
 COE CONSTRUCTION CO
 7070 SW BAYLOR STREET
 PORTLAND, OR 97223

REEL 4055
 PAGE 403

REEL 2166
 PAGE 495

REEL 4055
 PAGE 403



SCALE: 1" = 50 FEET



E. VIRGINIA ST.

N. 10TH AVE.

REEL 3784
 PAGE 300

REEL 3475
 PAGE 458

LEGEND

CITY OF STAYTON CITY LIMITS LINE

DATE: 31 MAY 2018

CITY OF STAYTON ANNEXATION

EXHIBIT
B

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 P: 503.563.6151 F: 503.563.6152 aks-eng.com



DRAWN: KLT
 CHECK: NSW
 AKS JOB:
 6595

EXHIBIT C, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #13-06/18

A. EXISTING CONDITIONS

1. The owner of the property and the applicant is Coe Construction Co.
2. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 10DA, Tax Lot 3100.
3. The property is currently partially in the City Limits and zoned Medium Density Residential (MD) and partially outside of the City Limits and zoned Marion County Urban Transition (UT-20).
4. The property is located on E Virginia St where a section of the street has not been dedicated. The entire property is approximately 1.1 acres in area with approximately 214 feet of lot width between the two sections of E Virginia St and approximately 227 feet of depth.
5. The property to the east is zoned Low Density Residential (LD), was annexed in 1994, and is developed with a single family dwelling. The properties to the north, are zoned LD and High Density Residential and is a vacant lot and a lot developed with a multi-family complex. The property to the west is zoned MD, was part of the original Charter for the Town of Stayton, and is developed as a single family home. The properties to the south are zoned MD, were part of the original Charter for the Town of Stayton, and are developed with single family dwellings. Neighboring single family residential properties range in size from 7,300 square feet to 14,300 square feet in area.
6. The property is currently vacant.

B. PROPOSAL

The proposal is to annex 11,361 square feet of land into the City. The applicant has proposed that Medium Density Residential zoning be applied at the time of annexation. The applicant also proposes to subdivide the property into four lots and complete the construction of E Virginia St on the southern portion of the parcel. The preliminary plan for subdivision was approved by the Stayton Planning Commission, contingent upon final completion of the annexation process.

C. AGENCY COMMENTS

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.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property. A letter and six printed emails were submitted prior to the Planning Commission's public hearing. All of these emails and letters were on the subject of saving a tree that is partially on others' property and partly on the subject property and will be in the dedicated right of way for E Virginia St. These comments are addressed in the findings below.

At the Planning Commission's public hearing there was testimony from seven individuals. This testimony was offered in opposition to the application. Concern was expressed by those testifying regarding the impacts of continuing E Virginia St and speed once it is a through street, about the condition of E Virginia St between N Fourth Ave and N Ninth Ave to handle additional traffic, about the oak tree to

be saved, and impact of duplexes on the neighborhood of single family dwellings. This testimony is addressed in the findings below.

E. ANALYSIS

The amendment of the Official Zoning Map must meet the criteria contained within SMC Title 17, Section 17.12.180.6. Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210.4.

F. REVIEW CRITERIA

Pursuant to SMC 17.12.180.6 the following criteria for approval of a zone map amendment must be demonstrated as being satisfied by the application:

- 1) *The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.*

Finding: The Comprehensive Plan map designates the property as Residential. The requested zoning designation is Medium Density Residential. Policy LU-1 states it is the policy of the City to adopt a zoning map consistent with the Comprehensive Plan map and one of the actions under this policy is that zoning district boundaries shall follow property lines and rights of way centerlines as much as practicable. Whereas the portion of the property currently in the City is zoned MD, the proposal to zone the newly annexed territory MD would comply with this action step and policy.

- 2) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.*

Finding: There is a 20-inch water main in E Virginia St. There is a 10-inch sewer main in E Virginia and N Tenth Ave with sewer manhole in N Tenth Ave. There is a 15-inch stormwater main on the subject property. The North Santiam School District, Stayton Police Department, and Stayton Fire District were notified of the application and did not express any concerns with impacts of the proposed zoning application or potential development on their abilities to provide services.

- 3) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).*

Finding: The adopted Transportation System Plan includes growth projections for the entire urban growth area, used in determining the transportation improvements necessary as the City grows, dividing the urban growth area into a number of “traffic analysis zones.” The TAZ that is bounded by E Santiam St, N 15th Ave, E Burnett includes the subject property. Figure 6-2 of the TSP shows that the TSP was based on an assumption that this TAZ would see an increase of less than 50 housing units between the year 2000 and 2025. Figure 1-2 of the TSP, the Future Street Plan, shows the missing section of E Virginia Street as future neighborhood collector or local street. The Stayton Transportation System Plan anticipated the development of this parcel as residential with the density of development in the range of what is proposed, anticipated the completion of E Virginia St, and existing or anticipated transportation facilities will be adequate for the uses permitted under the proposed zone designation. Approval of this application will not significantly affect a transportation facility and therefore complies with the Transportation Planning Rule.

- 4) *The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.*

Finding: Policy HO-1 calls for the City to encourage development of housing that meets the needs of all income groups of existing and future residents. The action to implement this policy is to assure that an adequate supply of land in all residential zones is available for development within the City. Staff reports that there are currently 42 vacant lots reasonably available for development within the LD zone, of which nine are large enough to be further divided and that there are 14 vacant lots in the MD zone, of which five are large enough to be further divided, including the subject property. Further, the Comprehensive Plan notes that the established residential density guideline for Stayton is between 5 and 6 housing units per gross acre of residentially zoned land. During the period between 2000 and the drafting of the Comprehensive Plan the subdivisions recorded were at a density of only 2.8 units per acre. Since the time of drafting the comprehensive plan only two additional subdivisions have been platted, with a combined density of 3.5 units per acre. The proposed subdivision, if duplexes are built on each lot, would have a density of 7.3 units per acre. Assigning MD zoning would assist the City meet its density goal.

Policy LU-1 states it is the policy of the City to adopt a zoning map consistent with the Comprehensive Plan map and one of the actions under this policy is that zoning district boundaries shall follow property lines and rights of way centerlines as much as practicable. Whereas the portion of the property currently in the City is zoned MD, the proposal to zone the newly annexed territory MD would comply with this action step and policy.

5) *Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.*

Finding: The Comprehensive Plan projects that 70% of the new housing units will be single-family detached, 15% of the new housing units will be single-family attached or duplexes, and that 13% will be multifamily. The proposed MD zoning would potentially allow single family attached, duplexes, triplexes and a mobile home park. Of the two annexations of residential property since the adoption of the Comprehensive Plan, one has been zoned Low Density and one zoned Medium Density. The subdivision approved in the MD zoned territory is proposed for single family dwellings. By assigning MD zoning to the territory to be annexed, the City will be providing for a slightly higher density and providing the potential for housing types other than single family detached.

Annexation of the subject property and assigning MD zoning would increase the supply of MD zoned land without decreasing the supply of land in any other zone. The annexation and assignment of zoning would not eliminate any available vacant land.

6) *The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.*

Finding: The applicable Oregon Administrative Rules are OAR 660-012-0060 regarding transportation planning and OAR 660-008-0010 regarding the allocation of buildable lands. OAR 660-012-0060 requires certain measures if the proposed rezoning significantly affects a transportation facility. The Stayton Transportation System Plan anticipated development of the subject property in the range of density proposed. OAR 660-008-0010 requires that sufficient buildable land be designated on the comprehensive plan map to satisfy the needs by type and density range as determined in the housing needs projection. The requested assigning of MD zoning does not change the designation on the comprehensive plan map and assists the city meet the identified need for housing in the comprehensive plan.

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 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time, there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of additional 320 acres of residential to be annexed into the City. Since the time that analysis was conducted, the City has annexed 40 acres of residential land.

Staff has calculated information on current buildable lands as follows. There are currently 97 vacant lots totaling 97 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 5 years. Six subdivisions have been platted in the past 10 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
Third Avenue Subdivision	2008	4	4	0
Roth Estates	2009	12	12	0
Phillips Estates, Phase 1	2009	20	16	4
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	33	13

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, and the Lambert Place with 51 lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

Though there are 97 parcels totaling 97 acres in the City and residentially zoned, staff estimates that there are only 57 parcels totaling 58 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Lack of utility availability, ownership by a governmental entity, wetlands and floodplain issues, and violations of City approval constrain the ability of the remaining land to be available for development. Within the LD zone there are 42 lots reasonably available for development. In the MD zone there are 14 vacant lots. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 50 to 60 dwelling units.

The City's growth rate from 2000 to 2017 has been at an average annual rate of about 1%, with a population change of 954 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 rate from the most recent certified population estimate of the City, there would be the need for 541 new dwellings units over the next 10 years. At an average of 5 units per acre for single family development, there would be the need for all of the existing vacant land in the City and 65 acres of land beyond the vacant land considered reasonably available for development 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: There is a 20-inch water main in E Virginia St. There is a 10-inch sewer main in E Virginia and N Tenth Ave with sewer manhole in N Tenth Ave. There is a 15-inch stormwater main on the subject property.

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

Finding: The unannexed portion of the property is an island of unannexed land surrounded by the City.

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 preliminary subdivision plan submitted with the annexation application shows a four-lot subdivision. The preliminary plan shows lots ranging in size from 7,047 square feet to 9,116 square feet in area. The properties to the south and west that are zoned MD range in size from about 7,200 square feet to 16,400. The properties to the east that are zoned LD range in size from 9,700 square feet to 14,360 square feet.

There was testimony at the Planning Commission public hearing that the planned duplexes would not be compatible with the surrounding single family dwellings. The Commission found that the property has been zoned MD since 1979 and duplexes are permitted uses in the MD zone. The City Council also finds that the property has been zoned MD since 1979, that duplexes are permitted uses in the MD zone, and that policy of the City is that zoning boundaries follow parcel boundaries.

There was testimony at the Planning Commission public hearing that the proposed street would not be compatible with the existing section of E Virginia St to the west of the subject property. The Commission found the applicant proposes to construct the missing section of E Virginia St in accordance with the Public Works Design Standards for a local street and the portion of E Virginia St to the west, though not fully improved has a full right of way and a paved section adequate for two-way traffic. The City Council concurs with the Planning Commission's finding.

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 property owners have consented to 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.

