

RESOLUTION NO. 890

A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY OF STAYTON THE APPROVAL OF A CITY-INITIATED ANNEXATION INTO THE CITY LIMITS OF 10 ACRES OF LAND (“THE TERRITORY”) LOCATED AT THE NORTHERN TERMINUS OF QUAIL RUN ROAD.

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; provided, however, that such annexation be submitted to the electors of the City of Stayton, pursuant to the Stayton City Charter;

WHEREAS, C/E Phillips Family LTC Partnership was the owner of a 20-acre parcel of land of which 10 acres was within the city limit;

WHEREAS, in 1999, the City of Stayton and C/E Phillips Family LTC Partnership had entered into an Agreement for the future annexation of that certain real property located north of Shaff Road, more particularly described in Exhibit 1 attached hereto and incorporated herein (“the Territory,” “the property”), and further illustrated on a map shown in Exhibit 2 attached hereto and incorporated herein;

WHEREAS, in 2003, the City of Stayton and C/E Phillips Family LTC Partnership agreed to an addendum to the 1999 Agreement that provided for the termination of the agreement in October, 2008;

WHEREAS, in May 2006, JCNW Family LLC purchased the property from C/E Phillips Family LTC Partnership;

WHEREAS, in August 2006, JCNW Family LLC’s application for approval of a subdivision of the property was approved by the Stayton Planning Commission;

WHEREAS, the JCNW Family LLC constructed Phase I of the subdivision on that portion of the parcel within the City limits in the summer of 2008 and recorded the plat for Phase I of Phillips Estates on April 14, 2009;

WHEREAS, the JCNW Family LLC has consented in writing to the annexation of the Territory;

WHEREAS, the Stayton Comprehensive Plan designates the Territory be in the Low Density Residential (LD) Zone upon annexation into the City;

WHEREAS, on June 18, 2012 the Stayton City Council adopted a Resolution 888 initiating annexation of the Territory;

WHEREAS, the Stayton Planning Commission held a public hearing on the proposed annexation on June 25, 2012 and recommended to the City Council that the Territory be annexed;

WHEREAS, the Stayton City Council held a public hearing on the proposed annexation on August 6, 2012;

WHEREAS, the following agencies were notified of the proposed annexation: 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;

WHEREAS, the Planning Department notified all owners of property within 300 feet of the Territory and did not receive any public comment prior to the City Council’s public hearing.

WHEREAS, annexations 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. 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.

Staff has calculated approximate information on current buildable lands as follows. There are currently 126 vacant lots totaling 64 acres within the City limits that are residentially zoned and may be considered as reasonably available for development. Since the time of the last BLI, the City has annexed 24 acres (Jefferson Place, the Roger Roberts property and the Koenig property, all in the LD zone).

Six subdivisions have been platted since 2005. 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	4	3	1
Jefferson Place	2007	23	12	11
Mountain Estates No.3	2007	5	5	0
Roth Estates	2009	12	5	7
Phillips Estates, Phase 1	2009	20	4	16

There are currently 64 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Within the LD zone there are 103 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.

The City's growth rate between 2000 and 2010 was an average annual rate of about 1.2%, with a population change of 828 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 and a steady average household size, there would be the need for 540 new dwelling units over the next 20 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 Stayton 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 partially in within the City limits, half of it having been annexed in 1979. The Territory to be annexed is contiguous with the existing City limits along its south and east boundaries and a small portion of its west boundary.

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 Territory is a portion of the property that has been approved by the Planning Commission for a single-family subdivision. Half of the property is in the City. Within the portion that is within the City, Phase I of the subdivision has been constructed and a plat recorded. The Territory is adjacent to a single family subdivision and a mobile home park. The City's urban growth program and policies call for the urbanization of the Territory.

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 owner of the Territory has 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;

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 annexation of 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 November 6, 2012. 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 ("City Administrator" or "City Election Officer").

Section 5. Publication of Notice of Election. The City Recorder ("City Administrator" or "City Election Officer") shall publish in a newspaper of general distribution within the City, a legal advertisement describing the proposed annexation and pending election.

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 ("City Administrator" or "City Election Officer") shall deliver the Notice of Measure Election to the Elections Officer of Marion County, Oregon, on or before September 6, 2012, which is a date not later than sixty-one days prior to the November 6, 2012 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, adopt an ordinance proclaiming the Territory annexed to the City and apply City of Stayton Low Density Residential (LD) zoning to the property as shown on the Stayton Comprehensive Plan Map.

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

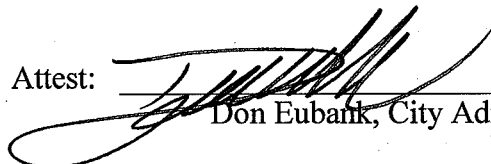
ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of August, 2012

CITY OF STAYTON

Date: 8-20, 2012

By: 
A. Scott Vigil, Mayor

Date: 8/20, 2012

Attest: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

EXHIBIT 1

Territory to be Annexed

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

The Westerly one half of the following described property:

Beginning at an iron pipe which is 1,349.70 feet South 89° 45' West and 1,254.00 feet North 00° 17' West from the Southeast corner of the Henry Foster Donation Land Claim in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, and running thence South 89° 45' West 1,423.49 feet to an iron pipe in the West line of that certain tract of land conveyed to William Rauscher by deed recorded in Volume 506, Page 619, Marion County Deed Records; thence North 00° 09' 30" West, along said West line, 596.90 feet to an iron pipe, which iron pipe is 602.13 feet South 00° 09' 30" East from the Northwest corner of said Rauscher Tract; thence North 89° 45' East 1,422.19 feet to an iron pipe; thence South 00° 17' East 596.90 feet to the point of beginning and containing 19.50 acres of land.

EXHIBIT 2

Map of Territory to be Annexed

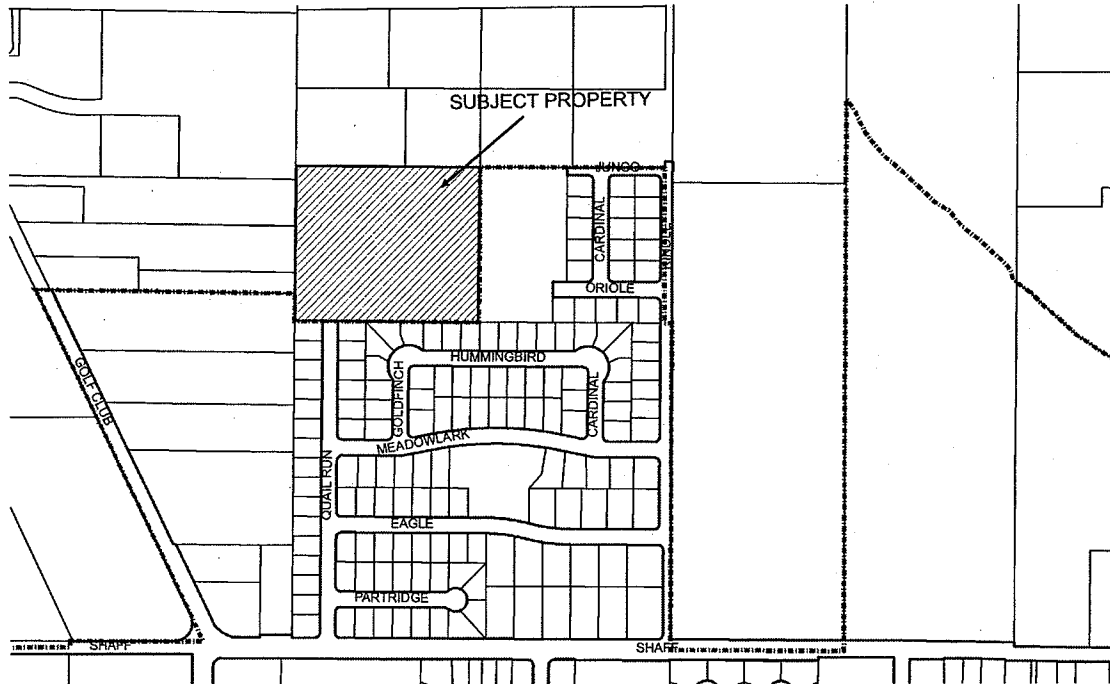


EXHIBIT 3

City of Stayton Measure No. ____

A Measure Proposing Annexation of 10 Acres of Territory into the City of Stayton

Section 1: Measure Election Called. A measure election is hereby called to take place November 6, 2012, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located generally north of Shaff Road, at the northern terminus of Quail Run Road and more particularly described as follows be annexed into the City of Stayton?

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

The Westerly one half of the following described property:

Beginning at an iron pipe which is 1349.70 feet South 89° 45' West and 1254.00 feet North 00° 17' West from the Southeast corner of the Henry Foster Donation Land Claim in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, and running thence South 89° 45' West 1423.49 feet to an iron pipe in the West line of that certain tract of land conveyed to William Rauscher by deed recorded in Volume 506, Page 619, Marion County Deed Records; thence North 00° 09' 30" West, along said West line, 596.90 feet to an iron pipe, which iron pipe is 602.13 feet South 00° 09' 30" East from the Northwest corner of said Rauscher Tract; thence North 89° 45' East 1422.19 feet to an iron pipe; thence South 00° 17' East 596.90 feet to the point of beginning and containing 19.50 acres of land.

EXHIBIT 4

MEASURE EXPLANATORY STATEMENT:

If approved, this measure would result in annexation of 10 acres of territory ("the Territory") to the City of Stayton.

The Territory is located generally north of Shaff Road, at the northern terminus of Quail Run Road 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 Territory was subject to an Agreement for Annexation that has expired. The Territory is a portion of a 72-lot subdivision approved by the Stayton Planning Commission in 2006. Phase I of that subdivision is within the current City limits and has been constructed, approved by the City, and recorded. Annexation of the Territory would allow for the construction of the remainder of the approved subdivision.

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.

Word Limit: 500

Word Count: 217