

ORDINANCE NO. 830

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ADJACENT TO EAST SANTIAM STREET EAST OF SCENIC VIEW DRIVE; AND AMENDING THE CITY OF STAYTON OFFICIAL COMPREHENSIVE PLAN MAP TO REDESIGNATE CERTAIN PROPERTY FROM (P) PUBLIC/SEMI PUBLIC TO (LD) LOW DENSITY RESIDENTIAL; AND AMENDING THE ZONING MAP TO REZONE CERTAIN PROPERTY FROM MARION COUNTY (UTF) URBAN TRANSITIONAL FARM TO (LD) LOW DENSITY RESIDENTIAL; AND APPROVING A SUBDIVISION KNOWN AS RIVERVIEW HEIGHTS.

WHEREAS, Santiam Properties, LLC are owners of a 19.68 acre tract on the north side of East Santiam Street, Assessor's Tax Lot Number 60997-000, situated in Marion County, State of Oregon;

WHEREAS, on June 15, 2000, owners filed with the City of Stayton, Oregon pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.460 and 17.12.420, and Annexation Application, Comprehensive Plan and Zone map amendment request pursuant to SMC 17.08.220 and 17.12.430 and preliminary subdivision proposal pursuant to SMC 17.24.1040 for Riverview Heights Subdivision;

WHEREAS, the City of Stayton Planning Commission and City Council held public hearings as required by law and on May 07, 2001, the Stayton City Council adopted the Order (Land Use File #'s 15-06/00, 16-06/00 & 17-06/00) containing findings and conclusions and conditions in support of it's decision granting approval to the Annexation, Comprehensive Plan and Zone Map Amendment and Subdivision known as Riverview Heights, hereto attached as Exhibit A;

WHEREAS, the property which is subject to annexation is a part, and is contained within the City of Stayton's (UGB) Urban Growth Boundary; and,

WHEREAS, the subject property is now ready for completion of the annexation process, and the applicant's (Santiam Properties, LLC) have filed with the City a consent to annexation form.

NOW THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. That pursuant to ORS 222.125, the Stayton City Council hereby initiates proceedings and proclaims the annexation to the City of Stayton, Oregon, of territory east of Scenic View Drive and contiguous to East Santiam Street and the legal description of which is described in Exhibit B which is attached hereto and by reference in incorporated herein.

SECTION 2. That pursuant to ORS 222.005 the City Administrator shall provide by certified mail to all public utilities, telecommunication utilities, and

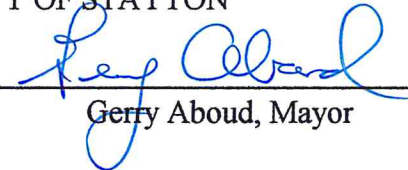
franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax roles, a legal description and map of the proposed boundary change, and a copy of this ordinance. This notice shall be mailed with (10) ten working days of the passage of this ordinance.

SECTION 3. That pursuant to ORS 222.010 the City Administrator shall, within (10) ten working days of the passage of this ordinance, provide to the Oregon Department of Revenue, 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.

ADOPTED BY THE STAYTON CITY COUNCIL this 21st day of May, 2001.

Signed: MAY 22, 2001

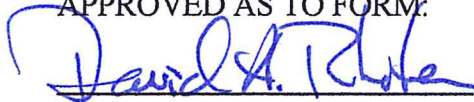
CITY OF STAYTON

By: 
Gerry Aboud, Mayor

Signed: May 23, 2001

ATTEST: 
Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

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BEFORE THE STAYTON CITY COUNCIL

In the Matter of the
Application of
Riverview Heights

) Annexation File #17-06/00
) Comprehensive Plan Amend File #16-06/00
) Subdivision File #15-06/00

ORDER

I. NATURE OF THE APPLICATION

This matter comes before the Stayton City Council on the application of Riverview Heights for approval of the following actions:

1. Annexation of approximately 19.68 acres.
2. Comprehensive Plan Map Amendment from (P) Public/Semi Public to (LD) Low Density Residential and (LD) Low Density Residential Zone to be consistent with the Comprehensive Plan.
3. Preliminary plat approval of a (31) thirty one lot Subdivision.

II. PUBLIC HEARINGS

Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission on October 30, 2000 continued to and closed on January 29, 2001. At the hearing the Planning Commission Annexation File #17-06/00 Comprehensive Plan Amendment File #16-06/00 and Subdivision File #15-06/00 were made part of the record.

At the conclusion of the hearing, the Planning Commission instructed staff to bring back an order recommending approval of the application with findings and conditions. The Planning Commission found the application to be consistent with the Comprehensive Plan, the Land Use and Development Code as set forth in the findings incorporated in their Order.

City Council Action

A public hearing was duly held on this application before the Stayton City Council on April 02, 2001 continued to and closed on April 16, 2001. At the hearing the City Council Annexation File #17-06/00 Comprehensive Plan Amendment File #16-06/00 and Subdivision File #15-06/00 were made part of the record.

The persons listed in Attachment 'A' appeared at the hearings and provided testimony on the application.

At the conclusion of the hearing, the City Council instructed staff to bring back an order

recommending approval of the application with findings and conditions. The City Council found the application to be consistent with the Comprehensive Plan, the Land Use and Development Code as set forth in the findings incorporated in this Order.

On May 21, 2001, the Stayton City Council approved Annexation File #17-06/00, Comprehensive Plan Amendment File #16-06/00 and Subdivision File #15-06/00.

III. FINDINGS

A. FINDINGS OF FACT GENERAL

1. The application is for an Annexation into the City of Stayton, Comprehensive Plan Amendment from (P) Public/Semi-Public to (LD) Low Density Residential, and a Preliminary Subdivision Plat. If the Annexation and Comprehensive Plan Amendment is approved, the property's zoning is also changed to (LD) to be consistent with the Comprehensive Plan.
2. The applicant is Santiam Properties LLC, owners of the subject site.
3. The subject parcel contains approximately 19.68 (from application), although the assessors map shows it to be 18.67 acres of land (for the subject tax lot). The applicant is requesting that the annexation include not only the subject property but the right-of-way of East Santiam Street. The addition of the road right-of-way of East Santiam Street from the subject property west to the existing city limits line, makes this a "cherry stem" annexation.
4. The property is located about 270 feet east of the existing Stayton city limits on East Santiam Street in the eastern part of the city, and is also described as tax lot 500, Township 9 south, Range 1 west of the Willamette Meridian, Section 11A.
5. The subject property is currently undeveloped and unimproved except for a small part in the property's south end on East Santiam Street being used as a rock quarry. The quarry has a permit from the state Department of Geology and Mineral Industries (DOGAMI) for up to 5,000 cubic yards of rock per year. According to Marion County Planning, no county permits have been issued for the quarry, and none are required as long as the quarry operates according to the D.O.G.A.M.I. permit.
6. The property lies within the Stayton Urban Growth Boundary, outside the city limits, and is designated in the Stayton Comprehensive Plan as Public/Semi-Public. Current zoning of the property (UTF) Urban Transitional Farm is under the jurisdiction of Marion County.
7. Properties to the north lie outside of the City Limits. The current land use in this area is farming, and it is zoned (UTF). Property to the east and west lie outside the city limits. The current use of this area is undeveloped (it is sloped with natural vegetation) and is zoned for (UTF).

8. Zoning is established when the property is annexed by the City; in this instance the zoning district (P) would normally follow the Public Plan designation, except that the applicant is also requesting a Plan Amendment to Low Density Residential with an (LD) zoning district.
9. Public facilities are not all currently available at the property line of the subject property. Access is from East Santiam Street, along the property's south property line, and water, sanitary sewer, and storm water are available at the existing city limits, some 270 feet west of the subject property on East Santiam Street. These facilities could be extended to the property at the owners expense as part of developing the property.

AGENCY COMMENTS

10. The following agencies were contacted regarding this proposal and had no comments:
 - a. Northwest Natural Gas
 - b. Stayton Police Department
 - c. Stayton School District
 - d. Stayton Cooperative Telephone Co.
 - e. Pacific Power and Light

The Stayton Public Works Department reviewed the proposal and developed a report regarding the availability of public services to the site. The report is summarized below:

A 20-inch water line and an 8 inch sanitary sewer line are available at the city limits line on East Santiam Street - they would need to be extended to serve the property. Storm drainage is currently served by a ditch, and would need to be developed to handle run-off from the site. East Santiam Street is a county road and designated a minor arterial on the city's Transportation System Plan.

The Marion County Public Works Department submitted a letter dated November 14th that identified several requirements for the proposed subdivision. Their comments can be summarized as having E. Santiam Street improved to County standards with ½ street improvements, storm drainage collected and discharged to a suitable location, and the dedication of a twenty foot property corner radius at the intersection of proposed N. 29th Avenue with E. Santiam Street.

The Stayton Parks Board sent a copy of the minutes of their December 12, 2000 meeting in which they discussed the subject application. The minutes indicate that the Board desires the dedication of the strip of land running to Highway 22 to be considered the park allocation of the proposed subdivision. They further suggest that proposed E. 29th Street be widened to include a bike and pedestrian path along with a landscaped strip.

The Stayton Fire District reviewed the proposal and stated the N. 29th Avenue grade is not to exceed 12%.

PUBLIC COMMENTS

The City received letters and testimony from John Brandt at the October 29th, 2000 and January 29, 2001 Planning Commission hearings that addressed trees and requested the development meet the city's code in preserving significant trees on the site. It also stated support for the pathway from E. Santiam Street to Highway 22. The Planning Commission also received some other testimony in support of the proposal at their October 29th, 2000 and January 29, 2001 hearings.

B. FINDINGS OF FACT - ANNEXATION

1. The criteria relevant to the annexation request are found in the Stayton Land Use and Development Code Section 17.12.460 ANNEXATIONS. Six criteria, listed in 17.12.460.5.a through 17.12.460.5.f, must be met before an annexation can be approved.
2. The applicant bears the burden of proving the proposal meets the criteria. The applicant has provided in the application and proposal statement a discussion of the project and its conformance with the criteria. The applicant has met the burden of proving how the annexation complies with each of the approval criteria. We elaborate below.

Criteria A - Need exists in the community for the land proposed to be annexed.

This criteria relates to the specific request, in this case, that low density residential land is needed. The Planning Commission has applied this criteria to mean that there must be a need for low density residential land that is not available within the existing city limits.

The City of Stayton conducted a "Buildable Land and Housing Analysis" in 1998 that was adopted by the City Council on May 24, 1999. This analysis updated the buildable land inventory in the Stayton Comprehensive Plan. Table 10 on page 20 of the Analysis shows that there was a surplus of 30.83 acres of Low Density Residential land in the city limits. The applicant has submitted current information that revises the buildable LD lands from a surplus of 30 acres to a need for 26 19+ acres. Because the applicants site contains 19.68 acres, it meets the projected need.

The applicant has submitted additional information that demonstrates a need for 19.43 acres of buildable low density residential lands. Staff has reviewed this information, dated April 05, 2001, and concurs with its conclusion. In brief, since 1998 when the "City of Stayton: Buildable Land and Housing Analysis (November, 1998)" was completed, 71 building permits for houses have been issued in the LD zone, the Sylvan Springs PUD, Phases 1A and 1B have been platted in subdivisions, and 41.03 acres of LD (Low Density) several lots have been platted in subdivisions, and some previous LD (Low Density) designated lands have been rezoned for non residential use. Specifically, Santiam Station rezoning from LD to CR, HD, MD and ID; This accounts for an approximate 62 acre swing in the balance of vacant LD lands. Because these lands should now be counted as "developed" and not "vacant", the amount of buildable acres went from 139 to 56 77. Given a need for 96+ acres, it therefore leaves a need to add 19+ acres to the buildable land inventory (96-77 = 19).

Based on the foregoing analysis, staff finds that there is a need to annex land into the city limits at this time because there is an inadequate amount of vacant Low Density Residential land within the city limits to support the City's projected housing needs over the next 20 years. The applicant has met their burden of proof in demonstrating conformance with criteria A.

Criteria B - The site is or is capable of being served 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.

The property to be annexed is capable of being served by all public services and facilities, based on responses from city departments responsible for providing those services and facilities (i.e., police, fire, and public works).

The site is capable of being serviced by all public services, subject to conditions of an approved subdivision and/or contract annexation. The applicant has asked the city to annex the parcel without a contract annexation. A contract annexation is required when the city is unsure of how or when the applicant will develop a property, or in cases of complex infrastructure extension. We have neither in this case. Therefore, the applicant meets this criteria as all services will be provided when the subdivision is developed.

Criteria C - The proposed annexation is property contiguous to existing City jurisdictional limits.

The subject parcel is not contiguous to the existing Stayton City Limits, as stated in the applicant's application. The applicant's remedy for this is to include a 270 foot "cherry stem" to attach the parcel to the city limits. This "cherry stem" would be the right-of-way of East Santiam Street from the existing city limits to the subject parcel.

State annexation law, expressed in ORS 222.111(1) casts a cloud over whether "cherry-stem" annexations are legal. The statute provides (at ORS 222.111(1)) that ". . .the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water." (emphasis added). An Oregon Court of Appeals case (138 Or.App. 222) in 1995 also raised questions about "cherry-stem" annexations. The case was similar to the current application in that the applicant attached a "cherry-stem" (a road right-of-way) to the subject property to make it "contiguous" to the city limits. The court held that "cherry-stem" annexations are not illegal per se, but found that they must meet a test of reasonableness under the statute. In the referenced case, the court found that a parcel separated by a 1,500 foot road "cherry-stem" did not satisfy the "separated only" test of ORS 222.111(1). In the subject annexation application, we have a 270 foot road "cherry-stem", and the question is whether that meets the "separated only" test. Staff believes that the annexation is contiguous with the city limits and meets the "separated only" test of the statute. And, it is far less than the 1500 foot "cherry stem" the court found unreasonable. In this annexation, the applicant's property is only separated from the existing city limits by one parcel and a distance of 270 feet, less than the length of a typical city block. Although it would be preferable to include land other than the right-of-way to make the site contiguous, it is reasonable to believe the subject site is separated only by a right-of-way.

Based on the above analysis, staff finds that the applicant has met the burden of proof in showing conformance with criteria C.

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

The proposed annexation, proposed as a low density residential development, would be compatible with the character of the surrounding area. The surrounding area is characterized by residential, farming, and natural resources. The proposed development can be made compatible with conditions attached to the subdivision approval.

The proposed annexation complies with the urban growth program and policies of the City of Stayton as described below. The Stayton Comprehensive Plan, chapter 1, section H, and Stayton Municipal Code (SMC) 17.08.230 - Urban Growth Management lists seven policies and criteria upon which the urban growth of the City is to be based. Three of these criteria are relevant to this proposal. An evaluation of each as they relate to this matter follow:

1. *The existing boundaries of the city should remain relatively unchanged until a major portion of the city's usable land has been developed for urban purposes.*

As described above under Annexation criteria A, the annexation application is needed to meet the need for low density residential land. The city's boundaries have remained relatively the same for some time. Growth within the city has now reduced the amount of buildable land to a point where it needs to be replaced. The applicant states that "those larger areas available for development in the city have been substantially completed, which in terms of a major portion, could be construed as meeting the requirement." This is supported by the need for additional LD land found in criteria A above. The applicant has met the burden of proof and therefore staff finds that the application meets this criteria.

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.*

There is no response in the application other than "applicants would extend city services to the site, which would in turn provide for further extension at a later date when other properties are annexed into the city. The present city services are adequate for this proposed development. The city will not be required to make changes in order to meet the demand of this proposal. Oversizing is not necessary." The applicant has also stated that the proposal will help implement the Transportation System Plan by providing a north-south street connection and by providing a pedestrian pathway along the eastern city limits. Lastly, the applicant has submitted data to show that the proposal will generate over \$267,000 in SDC income and over \$21,000 annually from property taxes to the City of Stayton. Overall, given the transition of this site from a quarry to a subdivision, the community benefits outweigh the costs.

The applicant has met the burden of proof and therefore staff finds that the application meets this criteria.

3. *Developments which can be served by a gravity flow sewage system should be given priority.*

This property can be served by a gravity flow sewage system. Staff therefore finds that the application meets this criteria.

Other policies that apply to this annexation application are found in the Stayton Comprehensive Plan. They are:

Natural Resource Policy NR-4:

This policy states "The city of Stayton shall designate the Stayton (Zimmerman) quarry site of the Oregon State Highway Division "Public" due to its ownership. . . shall allow continuation of the quarrying . . ." And, supportive of this policy, the city's Comprehensive Plan, in chapter 2 (Natural and Historical Resources), section D. Mineral and Aggregate Resources, states, "the quarry is important enough to include in the Goal 5 inventory of aggregate sites.", and "In order to protect the resource, the site is designated as Public Use on the Comprehensive Plan and would be zoned Public/Semi-Public upon annexation to the city."

The applicant states that this policy no longer applies to this site because of the change of ownership. The language in the Plan refers to the state "Highway Division" and the Public Plan designation was clearly a response to that. It was important at the time to keep quarry sites the state owned in operation for a source of rock to maintain highways. However, the state sold the site as surplus to the applicants. Although the site still has a fair amount of usable rock, the applicants believe it is better suited as residential use. The applicant states "it is appropriate for the Riverview Heights property to be developed as a residential subdivision, to eliminate any potential conflicts of use. The Stayton Comp Plan anticipates the quarry site will be reclaimed and converted to residential use once the public use for the quarry ends."

In addition, the applicant has submitted information on Marion County's inventory of aggregate sites. Morse Bros. aggregate site just south of Stayton and others in the area from Turner to Aumsville are sufficient for aggregate resources in the area. The site is therefore not needed and is in conflict with planned residential use on all sides of the site (within the UGB).

Therefore the applicant complies with this Comprehensive Plan policy.

Natural Resource Policy NR-15:

This policy states " Steep slopes: the areas of Stayton with slopes above 15 percent are regarded as having development limitations. Due to the potential for problems with erosion, degradation of views, slippages, etc., construction in these areas shall require a geotechnical study, prepared by a qualified licensed geologist or engineer, that determines the suitability of the site for development. All development in these areas shall be processed as a planned unit development so that densities can be transferred from the steep slope areas onto more suitable construction sites."

This site has slopes over 15%, so therefore this policy applies. The applicant has met the first part of this policy by submitting a geotechnical study prepared by GeoStandards. The study included off and on site research, supported by borings and test pit samples. The study identifies the steep rock face of the quarry as area "A" on figure 3 of the study report. The report also identifies areas "B" through "E". Areas "A" and "B" are the steepest areas and represent the most potential difficulty for stabilizing future structures. The report indicates that the site has no geologic hazards that would make it unbuildable. However, the report indicates further study is needed in certain areas, primarily for the proposed road and for lots in areas "B", "C", and "D". Area "A" is the quarry face and should not be built on, and area "E" is a shallow sloped area with no hazards for building (refer to GeoStandards Geologic Hazards Evaluation, dated December 14, 2000).

The second part of the policy requires the proposed development to be a PUD, ". . . so that densities can be transferred from the steep slope areas onto more suitable construction sites." The applicant requests that this part of the policy be waived because the same result (transferring buildable areas) can be accomplished with a conventional subdivision. They further assert that the Rock Haven Subdivision did the same thing, and avoided building on the steepest slopes. Although the policy is supported by a provision in the code, staff concurs that this policy is needed only if a true PUD is proposed. Simply moving lot lines and restricting buildable areas can accomplish the same result as a PUD. The applicants are not proposing a true PUD where lot sizes and setbacks are varied and where common open space is proposed. Therefore, because the steep areas will be restricted from building, the intent of this policy is met.

Transportation Policy as expressed in the Transportation System Plan (TSP):

Transportation System Plan (TSP) figure 7-1 "Street Functional Classification Plan" shows an extension of Pine Street east along its present alignment and a new street north and south connecting East Santiam Street with an as yet developed collector from Fern Ridge Road to East Santiam Street. The extension of Pine Street is consistent with this plan and the proposed N. 29th Avenue from East Santiam Street to the properties's north boundary appears to be in a location closely aligned with the north-south future roadway in figure 7-1.

The grade of the proposed N. 29th Avenue is 11% which is acceptable for streets of a short distance. Comprehensive Plan Policy T-10 allows a maximum dead end length of 400 feet. Because E. Pine Street and N. 29th Avenue do not yet connect to other streets, they exceed the 400 feet standard. However, this policy is intended to apply to streets fully built out. With the future extension of Pine Street from the east, and with the extension of E. 29th Avenue to the north, there will be no "dead end" streets. Therefore, this annexation proposal meets this policy.

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

This proposal complies with the public hearing and planning procedures within the City of Stayton's acknowledged Plan and implementing Code (State-wide Land Use Goals 1 and 2). The site is within the identified urban growth area of Stayton, and if annexed to the corporate limits of the City, resource Goals 3 and 4 do not apply. This action does not occur within the Willamette

Greenway (Goal 15) or on the Oregon Coast (Goals 16 thru 19), and therefore these Goals do not apply.

The property does not contain any wetland or riparian resource based on a review of the Local Wetland and Riparian Inventory for Stayton that was adopted by the City Council (Goal 5). The proposal is not expected to have any adverse effect on air, water, or land quality as any development proposed for this property will be required to have in place the necessary capital improvements first (Goal 6).

The parcel does not lie within a floodplain or floodway, nor are there any known hazards identified on the property (Goal 7). The Stayton Master Parks Plan shows a community park being needed in the vicinity of the subject parcel, and this would be reviewed as part of a development application (Goal 8). The addition of parkland, or cash in lieu of land, would be addressed as part of the subdivision application.

Residential development of the property might encourage more people to move to or visit Stayton. This would likely add more dollars to the tax base and increase the customer and employee base for local commercial businesses and industries (Goal 9). The most recent inventory of land and housing needs in the community found that a need exists for 26 acres that this (19.68 acre) site can supply within the city limits to help meet the housing needs of the City over the next 20 years (Goal 10).

The site has adequate public facilities available to it (when such facilities are extended) and is located on a County Road that has adequate capacity to handle traffic generated from future development of the property (Goals 11 and 12). The subject site, because it's not contiguous, will not allow the extension of Pine Street easterly from its terminus. However, Pine Street will be extended once the property immediately west of the site is developed, and this is expected within the next 20 years. Also, proposed N. 29th Avenue meets the TSP's local street connectivity plan for this area, as it provides a north-south connection in an area needing one, and is therefore consistent with Goal 12's Transportation Planning Rule and the city's Transportation Plan (Goal 12). The proposal will not require the establishment of additional energy resources (Goal 13). Annexation of Low Density Zoned land is an urban type activity consistent with Goal 14 if it shows that the proposed annexation meets a need for additional residential land. This proposal demonstrates a need for additional residential land, the land is within the UGB, it is serviceable, and is therefore consistent with Goal 14.

Based on the above findings, staff concludes that the proposal complies with the applicable provisions of the Statewide Land Use Planning Goals.

Criteria F - If a proposed contract annexation, the terms and conditions, including the cost, extent, and timing of City facility and service extension to the annexed area.

The applicant does not propose a contract annexation, and states that the public improvements and extensions to city facilities will be made upon the development of the subdivision. Therefore this criteria is met.

CONCLUSION: The applicant's request for Annexation meets the burden of proof.

C. COMPREHENSIVE PLAN AMENDMENT FINDINGS

1. The applicant is proposing a Comprehensive Plan Amendment from "Public" to "Low Density Residential". Approval criteria are located in Stayton Municipal Code section 17.12.420.5.
2. Staff will summarize its findings and conclusions about the proposal's conformance with the criteria below:

Criteria a: - The proposed amendment is compatible with the existing provisions of the plan as measured by:

1) if a map amendment, the extent of existing and proposed land use allocations for the requested uses.

This is a map amendment. The proposed land use allocations for the low density residential use is satisfied by findings in "D. ANALYSIS - ANNEXATION" of this report. In further support of this finding, the existing "Public" designation of the subject site is no longer applicable since the site was sold to a private owner.

2) Impact of the proposed amendment on land use development patterns within the city, as measured by:

a) Traffic generation and circulation patterns;

The City and County Public Works comments regarding this proposal do not indicate an impact on traffic or circulation patterns in the city. The existing road system and the system to be developed with this subdivision will be adequate to handle the expected traffic.

b) Population concentrations;

The expected population concentrations from the Low Density Residential designation will be consistent with the Plan designation and with neighboring property. It will therefore have no impact.

c) Demand for public facilities and services;

Based on comments from service providers that no service deficiencies exist, and the requirements for public facility improvements, the proposed designation will have no impact.

d) Maintenance of public health and safety;

The proposed amendment to Low Density Residential will have less impact on public health and

safety than the rock quarry which has health and safety impacts, such as noise, dust, and truck traffic.

e) Level of park and recreational facilities;

Because the city has a requirement for dedication of 5% of the land for park facilities, there will be no impact on the level of park and recreational facilities in the city.

f) Economic activities;

There will be little impact on economic activities except for short term construction and more residents to support local commercial uses.

g) Protection and use of natural resources;

Because this site has not been identified as having any protectable natural resources, there will be no impact. As stated in the findings under the Annexation Analysis, the rock resources will be more than offset by existing quarries in the vicinity of the city.

h) Natural hazards and constraints;

A geologic hazards study was conducted and no hazards were found on the site. Steep slopes were found on the site, however, those slope constraints can be mitigated during subdivision approval.

i) Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs;

There are no special purpose plans or programs that apply to this property.

Criteria b) - A demonstrated need exists for the product of the proposed amendment.

A demonstrated need exists for additional residential land as found in the findings of "D ANALYSIS - ANNEXATION" of this report.

Criteria c) - The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton if a change in the urban growth boundary is requested.

The proposal complies with all applicable Statewide Planning Goals as found in the findings of "D ANALYSIS - ANNEXATION" of this report. A change of the UGB is not requested by the subject proposal - it is located within the city's UGB.

Criteria d) - The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are

necessary to accommodate the amendment).

The proposed amendment is for a change to Low Density Residential which is within the existing framework of the Comprehensive Plan.

Criteria e) - The amendment is appropriate as measured by at least one of the following criteria:

2) - It represents a logical implementation of the plan.

The proposal is logical in that the change from Public to Low Density Residential is consistent with the fact that since the Plan was created, the site has been sold by the Public (State Department of Transportation) to a private owner. It is also logical since it is within the UGB of the City of Stayton and all surrounding properties will be designated Low Density Residential when they are annexed to the city.

Zoning: upon approval of the Plan Amendment the site will be rezoned to "LD", which is consistent with the Comprehensive Plan designation of Low Density Residential.

CONCLUSION: The Applicant's request meets the criteria test to amend the Comprehensive Plan and zone designation.

D. SUBDIVISION PRELIMINARY PLAT FINDINGS

1. The applicable requirements for a subdivision are found in Stayton Municipal Code 17.24.1040.5 (approval criteria) and 17.24.1050 (design standards).
2. Staff will summarize its findings and conclusions about the proposal's conformance with the criteria and standards below:

1040.5 Approval Criteria:

Criteria a. - It is generally compatible with the surrounding area.

The surrounding area is unused hillside to the east and west, and farming to the north and south. The proposed subdivision is generally compatible with these uses because it is very low density and the development is oriented inward towards the site or to East Santiam Street. In addition, roads will separate the future residences from adjacent farming operations located north and south of the site.

Criteria b. - Adequate urban services are available to the property.

The proposed subdivision has access to adequate services as found in the comments from service providers. City facilities such as sewer and water will be extended from the east (approximately 270 feet) at the developer's expense.

Criteria c. - The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.

The proposed subdivision is laid out in the same general manner as other subdivisions along E. Santiam Street are. Because of a ridge north of the street, lots are laid out along E. Santiam Street and along Pine Street on the north side of the property. This is compatible with the Rockhaven Subdivision just to the west of the subject site.

Criteria d. - Design standards of section 17.24.1050 below are satisfied.

The design standards are met as found in the findings below under section 17.24.1050.

Criteria e. - Compliance exists with the provisions of the City Plan and zoning districts in which the action is proposed.

The proposed lots are all well over 10,000 square feet, which is the minimum allowed in the LD zoning district for this area of the city.

Criteria f. - Special purpose standards where applicable, including flood hazard area regulations and riparian setbacks pursuant to chapter 17.16 of this title, are satisfied.

No special purpose standards of chapter 17.16 apply to this property.

Criteria g. - No wetlands as identified in the City Comprehensive Plan are included in the development.

No identified or designated wetlands exist on the subject property.

Criteria h. - Compliance exists with the provisions of ORS 92.090 as amended.

The subdivision meets the provisions of ORS chapter 92, and the final plat will be conditioned on meeting such provisions.

1050 Design Standards:

1. STREETS AND HIGHWAYS

a. Shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Such streets, roads, or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways or as hereafter adopted by the council.

The proposed subdivision complies by having E. Pine Street extended along the site's north property line and by having N. 29th Avenue extended from E. Santiam Street north to the north

property line. Both streets are consistent with the city's Transportation policy and the Transportation System Plan (TSP).

b. Streets, roads, or highways should intersect at or near right angles as practicable, and no case shall the angle of intersection exceed 120 degrees.

The proposed extension of N. 29th Avenue from E. Santiam to E. Pine Streets will form a right angle at the intersection of those streets. The proposal complies.

c. These regulations may be modified where the decision authority determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.

No modifications to the requirements in this section are necessary.

d. Bikeways and pedestrian ways may be required in accordance with the City of Stayton Master Bikeway Plan.

A bicycle and pedestrian path (north of proposed E. Pine Street extension) and sidewalk/bicycle lane combination (along proposed N. 29th Avenue from E. Santiam to E. Pine Streets) is proposed. The proposal is consistent with a regional path called for in the Master Bikeway Plan, Policy T-16 of the Comprehensive Plan, and the TSP.

2. DEDICATION OF RIGHT-OF-WAY

The subdivision shows a proposed dedication of 80 feet for N. 29th Avenue and 35 feet for E. Pine Street. Both streets are designated as collectors and according to the standards in subsection 7 below, require 80 feet of right-of-way (ROW). E. Santiam Street is an arterial, and according to the same standards, requires 100 feet of ROW. Conditions of approval will require the necessary ROW dedication. Because of the steep slope and the necessity to complete the bike lane and sidewalks along N. 29th Avenue, the provisions of subsection 2.b. (reimbursement) should not apply.

3. DEAD-END STREETS AND CUL-DE-SACS

The subdivision will create a temporary dead-end street over 450 feet in length (both E. Pine Street and N. 29th Avenue). Because it is likely that development to the west and north of the site will correct this, the city should allow the non-conforming length of road. However, because this may create problems for emergency vehicles, it will be necessary to create a temporary turnaround. This is addressed in the conditions.

4. RADIUS AT STREET INTERSECTIONS

The subdivision plan does not show street radii at the intersections with E. Santiam and E. Pine Streets. Although the streets intersect at right angles, no radius is shown. These are required both by city and county standards, and will be made a condition of approval.

5. STREET GRADES

The grade of proposed E. Pine Street will be less than 8% and therefore complies with the standard. The grade of proposed N. 29th Avenue will be 11%. Because of the shortness of the length of this street, and the amount of cut and fill to bring it to an 8% grade, and because the fire district's comments accept it, staff finds the steeper grade of 11% is necessary and acceptable. However, a Variance is required to change any street design standards pursuant to Stayton Municipal Code 17.24.1050.5.

6. RESERVE BLOCK

None proposed. The subdivision complies.

7. STREET WIDTHS

E. Pine Street is proposed as a 35 foot ROW with 24 foot half street improvements. E. Pine Street is a collector street. Based on the requirements of subsection 7.a, which call for an 80 foot ROW, 40 feet must be dedicated.

N. 29th Avenue is proposed as an 80 foot ROW with a 34 foot curb-to-curb full street improvement. N. 29th Avenue is also identified on the TSP as a collector street. Because of the need to have a bike lane with the standard collector profile (which includes a parking lane), the improvement should be a 40 foot curb-to-curb profile, with a landscape strip and a 5 foot sidewalk.

E. Santiam Street is designated an arterial on the city's TSP. Subsection 7.a of 17.24.1050 requires a 100 foot ROW and 40 foot curb-to-curb improvement for arterials. However, the city's TSP and Comprehensive Plan, while both identifying E. Santiam Street as an arterial, have different standards. They call for an 80 foot ROW and 40 foot pavement width. Since E. Santiam Street currently is a 60 foot ROW, an additional 10 feet of ROW dedication will be required to meet standards. Because E. Santiam Street is not improved in either side of this site to City standards, it will also be necessary to construct half-street improvements along E. Santiam Street to a 40 foot width, including a bike lane, landscape strip, and sidewalk.

8. STREET IMPROVEMENTS, SIDEWALKS, UNDERGROUND UTILITIES, AND SURFACE DRAINAGE.

The standard street and public facility requirements of the city of Stayton shall be met, and the applicant has not asked for any deviation (except for the N. 29th Avenue grade).

9. SUBDIVISION BLOCKS

The proposed block length is 1150 feet which is less than the 1200 foot maximum length. Given the topography and the existing street system in the area, the proposed block length and width is reasonable.

10. MID-BLOCK WALKS

Although the proposed block is lengthier than normal, no adjacent destination (school, park, etc) requires a mid-block walk.

11. LOT SIZE, LOT LINES

Lot sizes are all over 10,000 square feet in size, and even with the additional ROW requirements called for in the proposed conditions, all lots will continue to be over 10,000 square feet in size. Because proposed N. 29th Avenue curves to attain a reasonable grade, some side lot lines are not at right angles to it. However, they are nearly so, and are at right angles with the other lot lines which form the lines perpendicular to E. Santiam and E. Pine Streets.

12. PUBLIC SURVEY MONUMENTS

These monuments must be shown as a condition of the final plat.

13. SEWAGE DISPOSAL

Public sewer will be extended from the existing sewer west of the site to provide service to each lot. Such cost shall be paid by the developer. Any oversizing necessary would be paid by the city.

14. PUBLIC USE AREAS

The applicant is proposing to dedicate a 40 foot wide strip of land running from the site north to Highway 22. This will form part of the regional pathway called for in the Parks Plan. Combining this area with the extra width and improvement of the path as it becomes part of N. 29th Avenue, the amount of land dedicated will be .99 acres, which is slightly more than the required .98 acres (5% of the total site). This complies with the standard.

15. WATER SUPPLY

Public water supply will be extended from the existing water line west of the site to provide service to each lot. Such cost shall be paid by the developer. Any oversizing necessary would be paid by the city.

16. UNDERGROUND UTILITIES

All utilities are proposed to be installed underground - this complies with the standard.

17. STREET TREES

Although not shown on the subdivision plan, the applicant will be required to plant street trees behind the curb line as required by this standard.

IV. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for the Annexation, Comprehensive Plan Map Amendment and Subdivision:

1. An Annexation Ordinance (annexing subject property into the City of Stayton) be adopted by the City Council.
2. A Comprehensive Plan and Zoning Map amendment Ordinance (changing the Plan and Zoning designation to Low Density Residential and LD, respectively) be adopted by the City Council.
3. A subdivision plat for the Riverview Heights Subdivision, complying with the Stayton Municipal Code (SMC) requirements, and suitable for recording by Marion County shall be submitted for final approval within one (1) year of the date of the City Council Ordinance granting tentative plat approval. The Final Plat shall comply with the platting requirements in SMC 17.24.1040.7 and 8, and with ORS Chapter 92. The final plat shall include the following:
 - a. Extension of E. Pine Street ROW to the east property line.
 - b. Correct ROW dedications for all public streets to include an additional 10 foot dedication along E. Santiam Street, an 80 foot dedication for N. 29th Avenue and a 40 foot dedication (half-street) for E. Pine Street. Dedications shall include the proper radius at all street intersections. Rename N. 29th Avenue to N. 28th Avenue.
 - c. Public utility easements shall be located as follows:

• E. Santiam Street	10' PUE adjacent to ROW
• E. Pine Street	10' PUE adjacent to ROW
• E. 28 th Avenue	10' PUE adjacent to ROW
• Lot 1 & 31	10' PUE west side of lot
• Lots 20 to 31	Rear of lot as needed for sanitary & storm sewers
 - d. All public utilities shall be located in a dedicated street ROW or as approved by the Public Works Director.
 - e. Driveways on E. Santiam Street shall be constructed with a turn-around to eliminate backing movements onto E. Santiam Street. A CC&R shall require driveways, with interior driveway turnarounds for Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 13, to eliminate the need for backing movements onto E. Santiam Street.
 - f. Non-access reservation strip along E. Santiam Street for lots 11 and 12 (they shall only have access to N. 28th Avenue).

- g. A temporary public turnaround easement of 15 feet in width and 20 feet in depth along the east property line of lot 31 adjacent to E. Pine Street.
 - h. A "no building" area delineating the extent of areas to remain off limits to development - such area to represent slopes over 20% or as determined by the future geotechnical study (see condition 4 below). A line and note on the plat and reference to the restriction in the deed CC&R's must be made. If the "no building" area reduces the buildable area of any lot below 4,000 square feet, lot lines may be adjusted to increase a lot's buildable area.
 - i. Deed covenants, restrictions, and easements shall be executed concurrently with the final plat.
4. A detailed geotechnical study of Areas "A" and "B", as identified by the GeoStandards Analysis, must be completed prior to final platting. The geotechnical study must analyze the site and provide detailed recommendations to safeguard the public to be approved by the Public Works Director.

The study must map the "no building" area for each lot within areas "A" and "B". The "no building" areas shall be shown on the final plat.

The study shall also provide recommendations for safety measures and/or reclamation of disturbed slopes affected by the quarry operations. Recommendations may include, but are not limited to, cuts and fills, terracing, fencing, clearing of vegetation that does not adversely affect soil stability or slope, drainage management to protect downslope property owners, planting (utilizing native plants as warranted) and other recognized engineering practices. The Public Works Director shall review the recommendations with the city engineer and applicant. The Public Works Director shall have the authority to approve safety and reclamation measures to be constructed either by the developer or to be placed in the CC&R's for each lot. The applicant may appeal these recommendations to the Planning Commission.

5. The developer shall comply with SMC 17.20.970 regarding trees to be preserved on the site. Engineering plans for the subdivision, including grade and fill plans, shall disclose details for tree removal including numbers of trees and size and species of trees to be removed.
6. Construction Plans shall be submitted to and approved by the city of Stayton Public Works Director and City Engineer (and, where applicable, the Marion County Public Works Department for E. Santiam Street), prior to the submittal of the final plat. Plans shall include, at a minimum:
- a. Street and surface drainage design with cross section specifications and flow details for storm drainage.
 - b. Storm sewer design and specifications in accordance with the master storm sewer

plan of the city based upon the City Engineer's design specifications and NPDES storm water permit, if required.

Water main design and specifications including provisions for adequate fire flow.

d. Sewer line design and specifications, including DEQ approval of plans.

The applicant shall be responsible for reimbursing the city for all engineering plans review and inspection costs incurred by the city.

8. The applicant shall comply with all the requirements of Marion County Public Works Department as stated in their letter of November 14, 2000.

9. Either all public facilities, including street improvements, shall be in place prior to obtaining final plat approval or the applicants shall provide a bond, letter of credit, or other financial instrument acceptable to the city of Stayton to ensure completion of the facilities and improvements.

a. All improvements required to serve the development shall be made solely at the expense of the applicants with the exception of any oversizing that may be required, which shall be paid by the city.

b. Construction of public improvements shall be in accordance with city approved plans and specifications. Improvements shall include the following items in addition to any others which may be determined necessary by the Public Works Director or City Engineer:

1. The city shall install street name signs at all intersections at the applicants' expense.

2. Sidewalks will not be required prior to subdivision platting, but shall be required at the time of building permits.

3. All streets shall have pavement, curbs, street lighting and street trees installed. Street trees will not be required prior to subdivision platting. CC&R's must include a statement that street trees shall be planted by the property owner, subject to the approved subdivision plans and in accordance with the City of Stayton street tree requirements, within six months of the issuance of a building permit.

4. A paved turnaround "hammerhead" on lot 31 adjacent to the street.

10. Completion of the subdivision, including development of the individual lots, shall comply with all applicable provisions in the Stayton Municipal Code.

11. No commercial aggregate operation of any kind and at any time shall be undertaken on the subject property, unless approved in writing by the City Engineer and Public Works Director. The City Council shall be informed of such decision. This restriction includes the extraction of any kind and by any means; crushing, sorting, conveying, washing, stockpiling, selling (either retail or wholesale) or any other type of commercial aggregate activity. Aggregate activity also includes removal and sale of topsoil. Excepted from this restriction is normal grade and fill activities associated with the necessary construction of the subdivision provided all applicable local, state and federal permits for such grade and fill activity are obtained and maintained. The property owner shall be allowed to use topsoil and aggregate removed during the grade and fill activities in the construction of the subdivision. On-site use of aggregate and top soil shall be limited to that which is excavated pursuant to the grade and fill permit. Any violation of this condition shall result in immediate revocation of this approval, and may result in entry of a mandatory injunction against the property owner to compel compliance with this condition.

If it is determined by the Public Works Director and the City Engineer that blasting is required by way of a geotechnical study from the applicant, for the purpose of right of way excavation or other public improvements the City may allow such to occur. The City Council shall be informed, in writing, when such is to occur and surrounding property owners within 1000 feet of the applicant's subdivision shall be informed in writing by the developer 48 hours, prior to any blasting.

12. All lots 1-13 fronting East Santiam Street, that require excavation of the toe of the slope, at the 490 foot contour, shall first secure a favorable geologic report prior to the issuance of any building permits.
13. It is required the Quarry be closed and the applicant follow reclamation regulations pursuant to the D.O.G.A.M.I. permit.
14. Dedicate a 40' wide strip of land running from the site north to Highway 22. This will form part of the regional pathway called for in the Parks Plan. Combining this area with the extra width and improvement of the path as it becomes part of N. 29th Avenue, the amount of land dedicated will be .99 acres, which is slightly more than the required .98 acres (5% of the total site).

V. ORDER

It is hereby found the application meets the relevant standards and criteria for an Annexation.

THEREFORE, it is the decision of the Stayton City Council to approve the Annexation (File #17-06/00).

APPROVED BY A 2:1 (Nielson) VOTE OF THE STAYTON CITY COUNCIL ON THIS 21ST DAY OF MAY, 2001.

It is hereby found the application meets the relevant standards and criteria for a Comprehensive Plan and Zone Map Amendment.

THEREFORE, it is the recommendation of the Stayton City Council to approve the Comprehensive Plan and Zone Map Amendment (File #16-06/00) subject to conditions of approval specified in Section IV of this order.


APPROVED BY A 2:1 (Nielson) VOTE OF THE STAYTON CITY COUNCIL ON THIS 21ST DAY OF MAY, 2001.

It is hereby found the application meets the relevant standards and criteria for an Subdivision.

THEREFORE, it is the recommendation of the Stayton City Council to approve the Subdivision (File #15-06/00) subject to conditions of approval specified in Section IV of this order.

APPROVED BY A 2:1 (Nielson) VOTE OF THE STAYTON CITY COUNCIL ON THIS 21ST DAY OF MAY, 2001.

DATED At Stayton, Oregon, this 25th Day of MAY 2001.



Gerry Aboud, Mayor

ATTEST



Chris Childs, City Administrator

ATTACHMENT 'A'

The following is a list of individuals who testified at the City Council on hearings on April 02, 2001 and April 16, 2001.

Jean Frederic, 2310 E. Pine Street, Stayton, Oregon 97383.

John Frederic, 2310 E. Pine Street, Stayton, Oregon 97383.

Sandy Edwards, 2230 E. Pine Street, Stayton, Oregon 97383

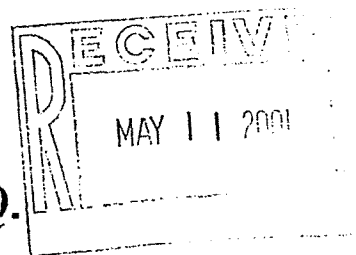
David W. Kinney, 791 E. Hollister Street, Stayton, Oregon 97383

Steve Frank, 1515 E. Jefferson, Stayton, Oregon 97383.

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BARKER SURVEYING CO.
2685 26th STREET S.E. • SALEM, OREGON 97302



May 4, 2001

Description of a portion of East Santiam Street (Market Road No. 31) to be annexed into the City of Stayton

Beginning at the Southeast corner of Lot 10, Block 2, ROCKHAVEN SUBDIVISION as platted and recorded in Volume 39, Page 92, Book of Town Plats for Marion County, Oregon and being situated in Section 11, Township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon;

thence South $79^{\circ}38'$ East along the northerly right-of-way line of said Market Road, a distance of 1600 feet, more or less, to a point on the East line of said Section 11;

thence southerly along said East line, a distance of 61 feet, more or less, to a point on the southerly right-of-way line of said Market Road;

thence North $79^{\circ}38'$ West along said southerly right-of-way line, a distance of 1600 feet, more or less, to a point on the southerly extension of the East line of said Lot 10;

thence North $0^{\circ}26'10''$ West 61 feet, more or less, to the point of beginning.

EXHIBIT 'B'
PAGE 1 OF 3

LAND SURVEYORS

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May 4, 2001

Tax Lot 500, 9-1W-11A

Beginning at an iron rod on the northerly right-of-way line of E. Santiam Street (Market Road No. 31) which bears South $79^{\circ}42'13''$ East 278.03 feet from the Southeast corner of Lot 10, Block 2, ROCKHAVEN SUBDIVISION as platted and recorded in Volume 39, Page 92, Book of Town Plats for Marion County, Oregon and being situated in Section 11, Township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon;

thence North $01^{\circ}15'49''$ West 488.10 feet, more or less, to a point which is 400 feet northerly of the East-West center line of said Section 11;

thence easterly parallel with said East-West centerline of said Section 11, a distance of 1280 feet, more or less, to a point which is 40.00 feet westerly of the East line of said Section 11;

thence northerly parallel with said East line, a distance of 690 feet, more or less, to a point on the southerly right-of-way line of the North Santiam Highway (No. 22);

thence southeasterly along said right-of-way line, a distance of 41 feet, more or less, to a point on the East line of said Section 11;

thence southerly along said East line a distance of 1380 feet, more or less, to a point on the northerly right-of-way line of said E. Santiam Street;

thence North $79^{\circ}38'$ West along said right-of-way line, a distance of 1322 feet, more or less, to the point of beginning.

Contains 18.67 acres of land, more or less.

EXHIBIT 'B'

PAGE 2 OF 3

LAND SURVEYORS

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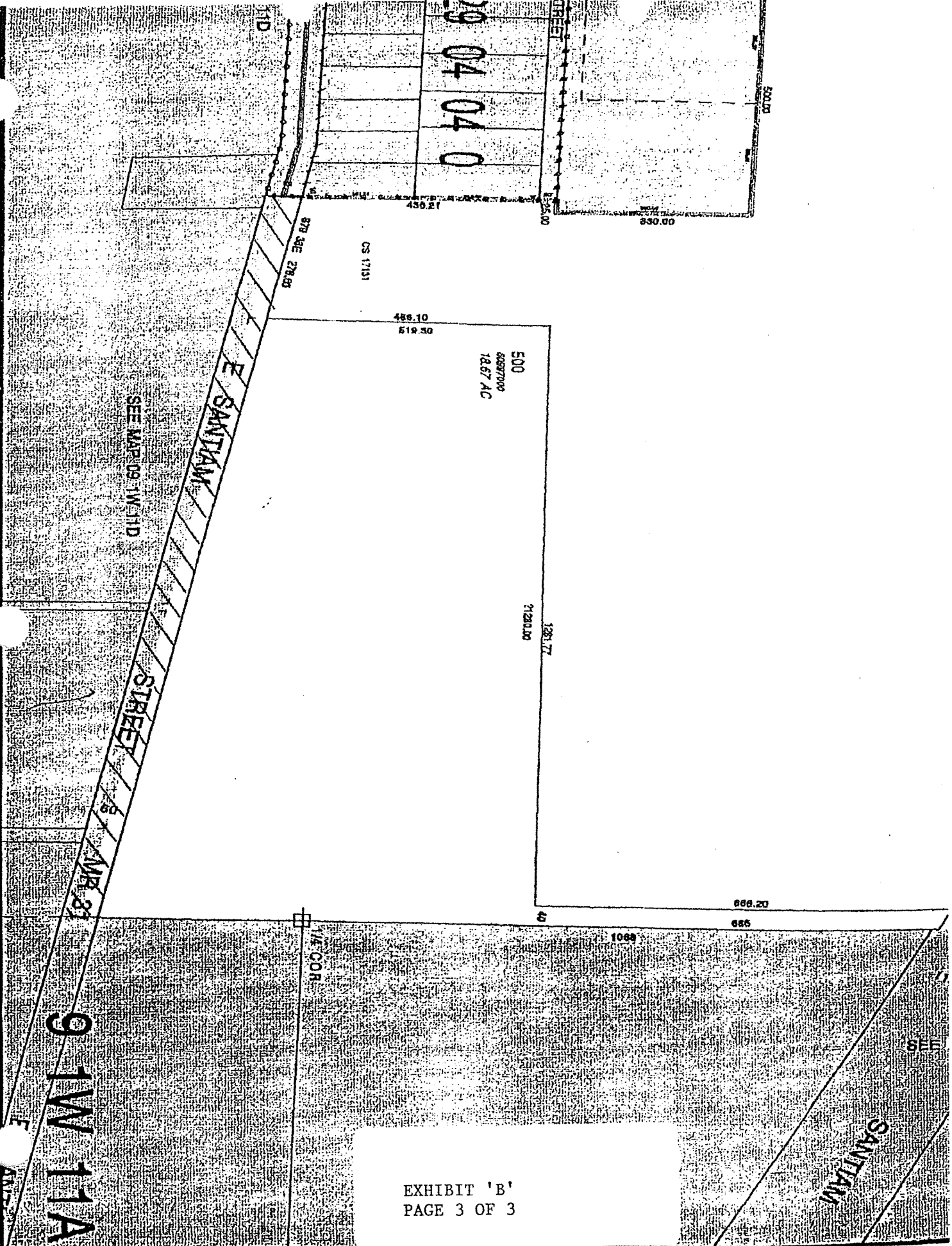


EXHIBIT 'B'
PAGE 3 OF 3