

ORDINANCE NO. 1035

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED ON E JEFFERSON ST; CHANGING THE ZONING OF THE PROPERTY FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD); AND ADOPTING A NEW OFFICIAL ZONING MAP

WHEREAS, Robert & Kay Pendleton have 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, Robert & Kay Pendleton, representing a majority of the property owners of the property, have consented to the annexation of the property;

WHEREAS, on April 30, 2019, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, Robert & Kay Pendleton filed with the City of Stayton, Oregon, an annexation application and a request to assign Low Density Residential zoning to the annexed territory;

WHEREAS, the applicant's proposal is to annex the property with the intent of connecting the existing single family dwelling on the property to the City sewer system;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on June 24, 2019;

WHEREAS, the territory to be annexed is contiguous to the City Limits on two sides;

WHEREAS, the nearby properties in the City Limits are zoned Low 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 Low Density 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 19, 2019;

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; and

WHEREAS, the April 1, 2013 Official Zoning Map of the City Stayton has no more room to note amendments on its face;

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.

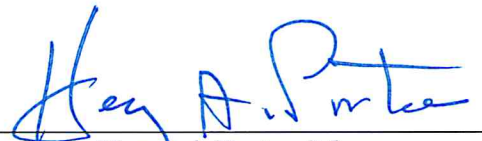
Section 6. Stayton Municipal Code Section 17.16.020.3.b is hereby amended to delete reference to the April 1, 2013 Official Zoning Map and to insert reference to the August 15, 2019 Stayton Official Zoning Map which shall include the annexed territory as Low Density Residential.

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 19th day of August, 2019.

CITY OF STAYTON

Signed: 8/19, 2019

BY: 
Henry A Porter, Mayor

Signed: 8/19, 2019

ATTEST: 
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 an iron pipe 6.444 chains South and 31.44 Chains East of the Quarter Corner between Sections 10 and 11 in Township 9 South Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence South 305.94 feet to an iron pipe; thence West 178.96 feet to an iron pipe; thence N 7° 32' East 116.70 feet to an iron pipe; thence S 89° 40' West 22.25 feet to an iron pipe; thence N. 4° 10' West 192.37 feet to an iron pipe on the south line of a public road; thence East 199.40 feet along the South line of said road to the iron pipe at the place of beginning.

EXHIBIT C, CITY COUNCIL FINDINGS OF FACT
LAND USE FILE #7-04/19

A. EXISTING CONDITIONS

1. The owners of the property and the applicants are Robert L & Kay L Pendleton.
2. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 11CA, Tax Lot 500.
3. The property is currently outside of the City Limits and zoned Marion County Urban Transition (UT-20).
4. The property is located at 1660 E Jefferson St. The entire property is approximately 1.4 acres in area with approximately 200 feet of frontage on E Jefferson St and approximately 306 feet of depth. The property is currently developed with a single family dwelling constructed in the 1950s. The existing dwelling was served by a private water supply well and private subsurface wastewater disposal system. The wastewater disposal system has failed and the owners have connected to the City sewer system.
5. The property to the east is not yet annexed into the City, is zoned Marion County Urban Transition (UT-20) and is developed with a single family dwelling. The properties to the north, are zoned Low Density Residential (LD), were annexed in 2005, and are developed with single family dwellings. The property to the west is zoned Marion County Urban Transition (UT-20) and is developed as a single family dwelling. The properties to the south are zoned LD, were annexed in 1996, and are developed with single family dwellings. Neighboring single family residential properties within the City range in size from 10,700 square feet to 18,300 square feet in area.

B. PROPOSAL

The proposal is to annex 1.4 acres of land into the City. The applicant has proposed that Low Density Residential zoning be applied at the time of annexation.

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.

No review comments were received.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property and has not received any public comment on the application prior to the public hearing.

E. ANALYSIS

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

F. REVIEW CRITERIA

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

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

Finding: The 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 86 vacant lots totaling 100 acres within the City limits that are residentially zoned.

Only two subdivisions have been platted in the past 5 years. Four 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.

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

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Roth Estates	2009	12	13	0
Phillips Estates, Phase 1	2009	20	16	4
Phillips Estates, Phase 2	2014	26	5	21
Wildlife Meadows	2017	44	39	7

Though there are 86 parcels totaling 100 acres in the City and residentially zoned, staff estimates that there are only 76 parcels totaling 61 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 constrain the ability of the remaining land to be available for development. Within the LD zone there are 61 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 and 2018 has been at an average annual rate of about 1%, with a population change of 1,000 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 60 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 an 8-inch water main in E Jefferson St. There is an 8-inch sewer main in E Jefferson St. There is an 18-inch stormwater main in E Jefferson St.

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

Finding: The property is adjacent to the City limits to the north and to the south.

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: No development activity is proposed by the applicants. The application has been submitted due to failure of the subsurface wastewater disposal system on the property and the need to connect to the City sewer system.

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.