

RESOLUTION No. 342

RESOLUTION FOR CONDITIONAL APPROVAL OF URBAN GROWTH BOUNDARY EXTENSION TO INCLUDE CERTAIN PROPERTIES WEST OF GOLF CLUB ROAD AND SOUTH OF HIGHWAY 22, AND AMENDING THE COMPREHENSIVE PLAN MAP

WHEREAS, Vern Morgan, Gertrude Morgan, Pamela Morgan, Daniel Carver, Steven Wheeler and Marie Wheeler have filed a petition requesting extension of the Urban Growth Boundary of the City of Stayton to include certain properties described in Attachment "A," which necessitates a Comprehensive Plan Amendment and Plan Map designation; and,

WHEREAS, a second public hearing has been held before the City Council and upon consideration of the request and public testimony presented, the Council deems it necessary to impose conditions on the request in order to protect the public interest while accommodating the Petitioners' request prior to the implementation of a Master Utilities Plan that would provide urban services to the subject property,

NOW THEREFORE,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF STAYTON:


Section 1. That the property described in Attachment "A" and the contiguous and connecting public rights-of-way shall be included within the Stayton Urban Growth Boundary subject to the following conditions:

- (1) It is mutually understood between the Petitioners and the City that Petitioners intend to provide their own systems for on-site Sewage disposal.
- (2) The Petitioners acknowledge that the City currently has no plans to extend urban services to the subject intersection area.
- (3) The City recognizes its obligation to be the eventual provider of services within its own UGB and retains the authority to program the timing of those services within its UGB.
- (4) The City agrees to provide urban services to the subject properties at such time as those services can reasonably be made available.
- (5) Petitioners agree to participate in the extension and provision of services in conformance with the ordinances and policies in effect at the time the particular property is benefitted.
- (6) The Petitioners acknowledge this Resolution and the Conditions and understand the same as witnessed by their signatures on Attachment "B."

Section 2. That the Stayton Comprehensive Plan Map be amended to include the above-described property and bear an ID (Interchange District) designation.

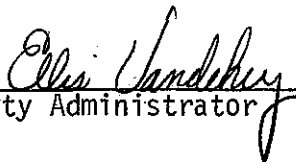
PASSED BY THE COMMON COUNCIL THIS 4th DAY OF March, 1985.

Signed by the Mayor this 5 day of March, 1985.



Mayor

ATTEST:



City Administrator

ATTACHMENT "A"

PARCEL A

Beginning at a point that is West 10.60 chains along the line dividing Section 9 into North and South halves and South parallel with the East line of said Section, a distance of 4 chains from the Quarter Section corner between Sections 9 and 10, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; and running thence South parallel with the East line of said Section, a distance of 5.01 chains to the North line County Road; thence South 67° West on North line said road, 253.054 feet; thence North parallel with East line said Section, a distance of 424 feet; thence East 238 feet 8 inches to the place of beginning.

SAVE AND EXCEPT that portion of the above described tract lying within a strip of land 30.00 feet in width, being 15.00 feet on each side of the following described centerline: beginning at a point in the North line of the above described tract, which point is 36.35 feet West of the Northeast corner thereof; and running thence Southeasterly on a 15° curve to the right, (the chord of which bears South $10^{\circ} 08' 45''$ East 136.12 feet), an arc distance of 135.85 feet to a point; thence South $00^{\circ} 02' 30''$ West 210 feet to a point in the County Road; the Easterly and Westerly lines of said 30.00 foot strip of land are to be extended to intersect the North and South lines of the above described tract.

PARCEL B

Commencing at a point 22.51 chains north of the southeast corner of Section Nine, in Township Nine, South Range One, West of the Willamette Meridian; running thence West Nine chains; thence north at right angles to the Stayton Salem Water Ditch; thence in a northeasterly and easterly direction following the meanderings of said Stayton Salem Water Ditch to the east boundary line of said Section Nine; thence south along said east boundary line of said section to the place of beginning, containing 3.75 acres; save and excepting therefrom a strip of land 30 feet wide on the east side thereof to be used as a public highway or street.

ALSO: Commencing at a point 13.63 chains north of the southeast corner of Section Nine (9), Township Nine (9) South Range One (1) West of the Willamette Meridian and running thence west Nine (9) chains; thence north 8.88 chains; thence east Nine (9) chains to the east boundary line of said Section Nine (9); thence south along said east boundary line of said Section Nine 8.88 chains to the place of beginning, containing eight acres more or less in Marion County, Oregon; save and except therefrom a strip of land on the east side thereof thirty feet wide to be used as a public highway or street.

ALSO: Beginning at a point 27 chains North and 7 chains and $12\frac{1}{2}$ links, west of the Southeast corner of Section 9 in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, running thence North to the County Road; thence

PARCEL B - Continued

South 72 degrees West fifteen feet; thence south parallel to said first mete to the north bank of the Salem Water Company Ditch; thence easterly along the north bank of said water ditch to a point due south of the place of beginning; thence north to the place of beginning.

ALSO: Beginning at a point on the line dividing Section 9 in Township 9 South, Range 1 West of the Willamette Meridian, into North and South halves, 15.60 chains westerly from the quarter section corner between Section 9 and 10 in said Township and Range, running thence south parallel to the east line of said Section 9, 11.00 chains to the north line of the county road; thence south 67 degrees West 17 links to the angle in said road; thence south 55 degrees West 3.10 chains to a point 20 feet north of the center of said road; thence north 1.50 chains; thence west 2.39 chains; thence north 11.30 chains to the legal subdivision line; thence easterly on said line 5.21 chains more or less to the place of beginning, and containing 6 acres of land more or less in Marion County, State of Oregon.

Also, beginning at a point 20.81 chains west and 11.30 chains south of the quarter section corner between Sections 9 and 10, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, running thence east 2.39 chains; thence south 1.80 chains to the center of the county road; thence southwesterly along the center of said road to a point directly south of the place of beginning; thence north 3.00 chains more or less to the place of beginning, and containing one-half acre of land, more or less.

ATTACHMENT "B"

AGREEMENT

THIS AGREEMENT entered into this 4 day of February, 1985, between VERN MORGAN, GERTRUDE MORGAN, PAMELA MORGAN, DANIEL CARVER, STEVEN WHEELER and MARIE WHEELER, hereinafter referred to as Petitioners and the CITY OF STAYTON, hereinafter referred to as City,

WITNESSETH

The Petitioners, in consideration for the Conditional acceptance into the Stayton Urban Growth Boundary by the City of certain properties described in Attachment A, have agreed to acknowledge in writing the terms of the Conditional Approval hereinafter stated.

THE TERMS AND CONDITIONS OF THIS AGREEMENT ARE AS FOLLOWS:

1. It is mutually understood between the Petitioners and the City that Petitioners intend to provide their own systems for on-site Sewage disposal.
2. The Petitioners acknowledge that the City currently has no plans to extend urban services to the subject intersection area.
3. The City recognizes its obligation to be the eventual provider of services within its own UGB and retains the authority to program the timing of those services within its UGB.
4. The City agrees to provide urban services to the subject properties at such time as those services can reasonably be made available.
5. Petitioners agree to participate in the extension and provision of services in conformance with the ordinances and policies in effect at the time the particular property is benefitted.
6. The Petitioners acknowledge this Resolution and its conditions and understand the same.

CITY OF STAYTON

PETITIONERS

Mayor

Vern Morgan

ATTEST:

City Administrator

Gertrude Morgan

Pamela Morgan

Daniel Carver

Daniel L. Carver
Daniel Carver

Steven S. Wheeler
Steven Wheeler

Marie Wheeler
Marie Wheeler

ATTACHMENT "C"

Findings of Fact

1. The three subject parcels total 8.5 acres and are currently designated "Interchange Development" in the Marion County Comprehensive Plan and are correspondingly zoned ID. All three parcels contain commercial structures. The building on the Morgan property was formerly a retail furniture store, but is currently unused. This parcel is proposed to be used for an automobile dealership, a service station including fuel and incidental repair, as permitted by the ID zone, and a 24-hour towing service.
2. All three parcels are located south of Highway 22 and west of Golf Course Road. These are the only parcels designated ID on the south side of the intersection. Henry's Garage Restaurant, located east of Gold Course Road, is zoned EFU as is the rest of the Santiam Golf Club. The Golf Club and restaurant are inside the Stayton UGB. The three subject parcels are within approximately 1000' of the UGB, and are the only parcels included within this UGB amendment.
3. The Marion County Comprehensive Plan, which has been acknowledged to be in compliance with the Statewide Planning Goals, included an Exception for the ID parcels at this interchange. The Exception described the existing development conditions and concluded that the parcels were not suitable or available for resource use. This UGB amendment includes only the three ID parcels south of Highway 22 that were included in the County's acknowledged exception.

4. LCDC Goal 14 Factors

(1) Need to accommodate long-range urban population growth requirements:

The population of the City of Stayton is projected to increase to 6,130 by the year 2000, according to the 208 Wastewater Management program projection used in the Comprehensive Plan. The projected population represents a 40% increase over the 1975 population of 3,650. The 208 projection is below the U.S. Census Bureau's low estimate of 6,970 for 2000, which is also represented in the Plan. The Census Bureau high estimate for 2000 is 10,740, with a middle estimate of 8,700. (Plan, pp. 6-7)

Although Stayton's population is projected to increase the proposed UGB amendment will not effect the supply of residential land required to accommodate future population increases. The subject parcels are zoned ID and therefore are not available for residential use. No land designated for future housing will be affected by this proposal. The proposed UGB amendment will have no effect on the capacity of the UGB to accommodate future population growth.

The importance of the Highway 22 - Golf Course Road intersection to the future development of the city is described in the Plan. The Transportation Plan states that the auto will remain the dominant factor in transportation, and the street and highway system is the dominant element in the Transportation Plan. Highway 22 is the major east-west route in Marion County, and accounts for the greatest amount of traffic to and from the Stayton area. Of the four points of access provided to Stayton from Highway 22 Golf Course Road carries the highest volume of traffic, as shown in Table 6 on p. 21 of the Plan. The Oregon Department of Transportation (ODOT) reported 5,964 vehicles per day at this intersection in

1977, the last year reported in the Plan. (Plan, p. 21) The average daily traffic volume for the intersection reported by ODOT in 1983 is 6,300 vehicles per day.

In recognition of these high traffic volumes and the importance of the intersection, Golf Course Road is designated as an arterial by the Transportation Plan. This designation commits the road to continued heavy usage. In addition, the Plan recommended designating Golf Course Road as the "Stayton Truck Route" to provide a bypass around the central business district. (p. 22) Improving this road to arterial standards and designating it as the truck route will serve to further increase traffic volumes on the road. At the time the Plan was prepared ODOT had identified the intersection for several improvement projects in its Six-Year Plan, and the Comp Plan recommends adding an overpass to the list of projects. (p. 22) As a result of these measures Golf Course Road is the primary Highway 22 intersection providing direct access to Stayton. Based on the designation of Golf Course Road as an arterial and a truck route by the Transportation Plan and the general recognition of its importance as an access for Stayton, the Plan clearly integrates the function of the intersection with the future population growth and development of the urban area.

The three subject parcels are currently designated for commercial development, and are already developed. The development designation permits more intensive development than the existing uses. The relationship of commercial development on these parcels to the use of the interchange and the urban area should be integrated with the Transportation Plan and plans for providing services to adjacent areas in the UGB. Considering the importance of the intersection to the urban area and the recommendation for its development stated in the Plan, it is appropriate to include the designated interchange area on the south side of

Highway 22 into the UGB in order to carry out a comprehensive urban area planning program.

(2) Need for housing, employment opportunities and livability:

As previously described, as the major access to Stayton from Highway 22 the designated interchange area serves as a "gateway" to the city. Appropriate commercial development at an interchange can serve as an important attraction to the city. Highway 22 is the major east-west route through Marion County, but the only land inside the Stayton UGB that borders the highway at this intersection is the Santiam Golf Course, which includes Henry's Garage restaurant and is zoned EFU.

A major highway is a primary source of business opportunities. Highway 22 serves as a major route for travellers and tourists through the area, daily commuters, farm and logging commerce and the transportation industry, as well as the entire spectrum of commercial activity that is conducted between towns in the mid-valley, and central Oregon. Commercial activities that are appropriate for an interchange with these locational characteristics include those that serve travellers as well as businesses that serve the region and require a central location with convenient access.

The existing Wheeler Tire Shop, the restaurant, and the auto dealer north of the highway are oriented to a regional clientele. The former use of the building on the Morgan property as a retail furniture outlet was also dependent upon a regional base. All of the existing or former uses at the interchange are urban uses in terms of their orientation and operation, as they are not dependent upon highway users as their primary source of business.

The relationship of this interchange to Stayton, as described in (1), requires that development of the three ID zoned parcels on the south side of Highway 22 be coordinated with the future development of the city. Due to the location of these ID parcels at the intersection of a designated arterial and the highway, and the existing urban-style uses, they are appropriate for additional urban-style development in keeping with City policies. The location of ID parcels along an arterial and the highway is unique in proximity to Stayton. The employment opportunities that could be created at this location could not be recreated at another location that would be beneficial to Stayton. The new businesses on the Morgan parcel will create an estimated 24 jobs. In order to receive the full benefits of development at this intersection, the ID parcels must be included in the Stayton UGB.

The subject parcels are not available for housing development due to the ID zoning. No land designated for future housing will be affected by this proposal.

The livability of the area will be enhanced by providing for commercial services conveniently located within the area, and by providing increased efficiency for the provision of urban services to the interchange, as described in the engineer's report which is attached and made a part of these findings.

(3) Orderly and economic provision for public facilities and services:

The Stayton UGB currently extends to Highway 22 along the east side of Golf Course Road. City services are currently about ~~8,000~~^{7500 W} feet from the interchange. The only commercial use currently inside the UGB at this location is Henry's Garage restaurant. The restaurant and adjacent golf course are zoned EFU.

In order for public services to be efficiently and economically provided to this area there must be additional development to participate in the cost of providing and maintaining service. The golf course is not likely to develop in the foreseeable future. With the exception of the three subject parcels, none of the other lands outside of the UGB are zoned for development. Although the existing and proposed development on the ID parcels does not require urban services, the development of the interchange area will be available to use and support services when they become available. Correspondingly, the availability of urban services may promote intensified development within the ID area. The ID zone currently permits more intensive development than currently exists, such as truck stops and motels, but it is unlikely that such development could take place without urban services due to restrictions on sewage disposal. Providing services to the interchange area will therefore allow full use to be made of the parcels designated for development, in keeping with applicable City policies.

As intensification of commercial uses takes place and traffic volumes increase the interchange itself may need to be improved. More intensive uses than currently exist are allowed by the ID zone, however, and the timing and level of improvements to the intersection has not been determined. In any case, the proposed development of the Morgan property will not require improvements to the intersection.

(4) Maximum efficiency of land use on the fringe of the existing urban area:

The three parcels are already zoned ID. A variety of uses more intensive than those that exist are permitted by the County ID zone. Certain permitted uses, including restaurants and motels, are equivalent to urban-intensity uses. Urban-

intensity development adjacent to an urban area should participate in using City services. Including the three ID parcels within the UGB would achieve this result.

(5) Consequences:

The primary environmental consequences of including the three parcels within the UGB would be to require the use of urban services when they are available by development on those parcels, rather than allowing reliance on individual sewage disposal and water supply systems. Participation in using the services by these parcels would help reduce the per-user cost of providing and maintaining the services.

Energy consequences include allowing commercial facilities along a designated arterial and major highway at a central location in the region, the most efficient location in terms of minimizing travel time and distance for customers.

Economic consequences consist of providing new jobs, enhancing the role of Stayton as a retail and service center, attracting additional commerce to Stayton, and, for the Morgan property, increasing the assessed valuation through improvements. The proposed development is estimated to create 24 new full-time jobs. The Ford auto dealership will be the only one in eastern Marion County - northern Linn County. In addition to vehicle sales, farmers and businesses that operate Ford trucks will be able to obtain parts and service locally, an important consideration to equipment operators.

Social consequences include allowing lands already designated for development to provide services or products that are not currently available within the area, in participation with the local planning process. In this manner proposed development

can be coordinated with plans for urban services, transportation, and other land use considerations. The proposal would also expand the local employment base. The proposed development on the Morgan property is estimated to provide 24 full-time jobs, a significant number for the Stayton community.

Based on the foregoing, the proposal will have beneficial environmental, energy, economic and social consequences within the Stayton UGB.

(6) Retention of agricultural land:

Each of the three parcels is developed, and none can be used for agriculture. As shown on the accompanying map a tire store occupies the one acre parcel along Golf Course Road, and a mobile home sales lot occupies the 1.5 acre parcel along Mill Creek Road, adjacent to the interchange. The south half of the six acre Morgan property has been developed with a building and a compacted gravel parking area on the east side of the building. The north half of the property, bordering Santiam Highway, has been graded to allow drainage away from the building. Although undeveloped, it would be impractical to consider farm use on this small area of the property.

No land currently used or capable of being used for commercial agriculture is included in this proposal.

(7) Compatibility of urban uses with nearby agricultural activities:

The lands to the south and west of the subject parcels are zoned EFU and Special Agriculture (SA). These lands are used for farm and woodlot purposes. The farm use of these properties has continued unimpeded while the subject parcels have developed and been used for urban-level commercial activities. New

development on the small ID parcels will be similar to the existing uses and will be self-contained, and should not produce any effects upon any nearby farm uses.

Based on the seven factors of Goal 14, the three parcels must be considered to be committed to urban development and are appropriately included within the Stayton UGB.

5. Relationship to the Stayton Comprehensive Plan

Urban Growth Program

As stated in the Plan, the purpose of the urban growth program for Stayton is to encourage the ". . . orderly and efficient development of the community based on social, physical and economic factors." (p. 66) The orderly and efficient development of the community cannot take place without consideration for and management of developed lands that can influence the future urbanization of the community. The three parcels that are the subject of the proposed UGB amendment represent such lands, as previously described in this report, and should be within the future management and jurisdiction of the City.

Also as stated in the Plan, the implementation of the urban growth program is based on the "overriding premise" that the City has a "definite interest" in the development of those areas which it may eventually service. The relationship of the three ID parcels to the north end of the UGB has been described, and the importance and appropriate participation of these parcels to the future provision of services has been demonstrated. As a fundamental planning concept, it would be incorrect to provide services east of Golf Course Road without servicing these three developed, ID-zoned parcels.

Urban Growth Policies:

1. This proposal does not require a change to the existing boundaries of the incorporated City.
2. City services are not required at this time to provide for development on the three parcels. All three parcels are provided with individual sewage disposal and water supply systems adequate for present needs.
3. The north end of the UGB will require pumped service. The additional cost of providing services makes inclusion of the three developed parcels especially appropriate as a means of reducing the per-user cost of services.
4. Inclusion of the three parcels within the UGB will provide the City with a mechanism for requiring coordination and participation in City service programs.
5. (Not applicable to this proposal.)
6. This proposal provides the City with an opportunity to re-evaluate the UGB in relation to the interchange area. The proposal can have environmental, economic and social benefits to the City, as described, in relation to the current and future needs of the community.
7. The three parcels are currently zoned ID for development, by the County, and as a result are not suitable or appropriate for EFU zoning. The description of EFU zoning provided in this policy is outdated and consequently is no longer a valid concept. EFU zoning no longer provides for acreage homesites.

The proposal is in keeping with the urban growth program and conforms to the urban growth policies.

Commercial Land Use

This section of the Plan notes that an increase in the population of the North Santiam corridor over the long term will lead to an increased need for commercial services in Stayton. (p. 50) The increased need will include auto sales and service.

The Commercial Goal is to develop a balanced commercial base to provide for area residents and visitors. Meeting this goal logically includes encouraging new retail and service businesses not currently located in Stayton. An auto dealer is a major business in terms of its investment in land, buildings, stock and employees. A new auto dealership at Stayton will be a major addition to the commercial base and help provide balance to the local economy.

Commercial Policies:

1. The three parcels are the only parcels designated for development on the south side of the interchange. In contrast to the linear form of development fronting continuously along a major road that typifies "strip" development, the three parcels form a cluster around the interchange that is limited in area and extent. The UGB amendment does not propose to expand the area designated for development. The proposal will not create strip development.
2. Modern auto dealerships do not typically locate in downtown areas. Rather, they choose sites along high traffic volume corridors for maximum exposure and visibility. Conversely, this type of location does not detract from downtown as the retail core of the community. The downtown core depends upon the availability of a variety of goods and services to serve the function of the central business district, and auto dealers are not a part of the usual mix of retailers found downtown. Consequently, the proposal will have no effect upon the downtown function as the CBD.

3. The auto dealership will provide adequate off-street parking to serve its customers, as required by the County.
4. (Not applicable to this proposal.)

Based on the foregoing the proposal conforms to the Commercial Goal and Policies of the Comprehensive Plan.

Economic Development

Like most of western Oregon, Stayton has experienced a stagnant or declining economy during the recent, severe recession. The Comp Plan, which was written before the full impact of the recession was felt, does not reflect the downturn in the economy that has affected the city and its citizens during this period. The length and depth of the recession has motivated many communities to rethink and revise their policies to reflect a more positive attitude toward economic development. A primary lesson of the recession has been to emphasize the need to expand the local economic base to help protect against future slowdowns in the economy.

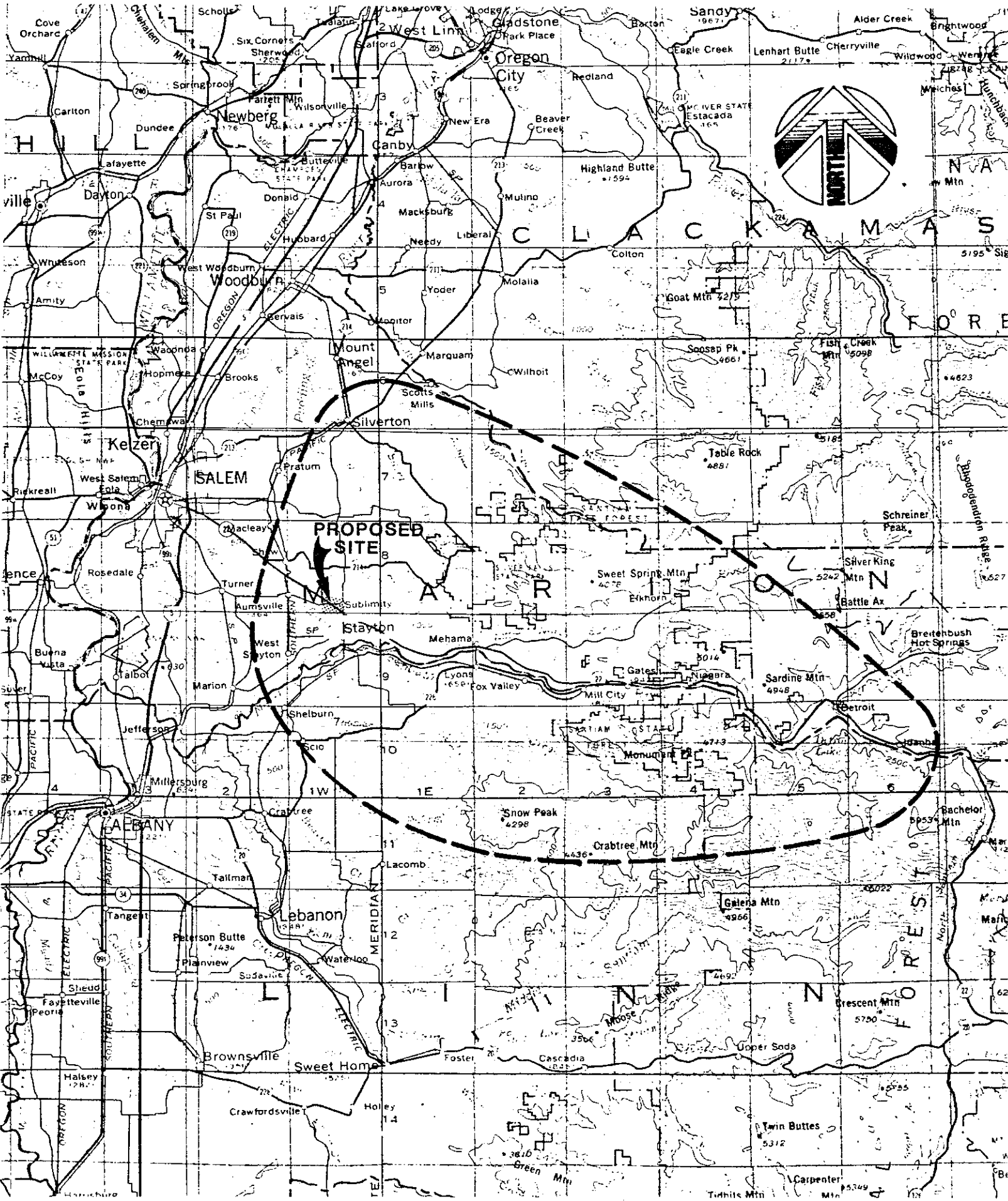
At the time the Comp Plan was written the two major industries in Stayton were food processing (Stayton Canning) and two mobile home manufacturers. These industries, especially the mobile home manufacturers, can no longer be depended upon to support the local economy. The Economic Development Goal is to provide a balanced mix of economic and social units for the community. The proposed auto dealership will serve not only the residents of Stayton, but a wide market area. In this way, the dealership will serve as a magnet to attract additional business to the community.

Economic Policies:

1. As described above, auto dealerships do not typically locate in the downtown retail core due to the need for ease of access and high visibility to the market area. The proposed dealership will not detract from the downtown core by locating at the interchange. Rather, the dealership may attract additional business to the city.
2. The auto dealership qualifies as a "heavier commercial use" due to the type of merchandise, the associated services and its large building and land requirement relative to typical downtown core retail uses. The dealership's location outside the core area is appropriate, and conforms to this policy.
3. The proposed site is already designated for commercial development. The existing building has been used for a commercial purpose. The County ID zone permits a variety of relatively high-intensity commercial uses as outright uses. These uses can be developed without any County review process, and totally outside of City jurisdiction. A large area inside the UGB borders Highway 22, and due to the heavy traffic volumes on the road the adjacent lands would be unsuitable for residential use. Prohibiting commercial uses on Highway 22 would be inconsistent with the typical use of interchange property and the appropriate economic development of this part of the urban area. Including the site within the UGB would provide for the coordination of development with the City planning process.
4. (Not applicable to this request.)
5. The auto dealership represents a new business not currently located in Stayton. The business will create jobs for an estimated 24 full-time employees. By creating a new source of employment in a business that is currently not available in Stayton the local economic base will be diversified and strengthened.
6. (Not applicable to this request.)

Based on the introduction of a new business into the community and the creation of 24 new jobs, the proposal conforms to the Economic Development Goal and Policies.

MARKET AREA MAP



**CITY OF STAYTON
PROPOSED CHANGE IN URBAN GROWTH BOUNDARY
SANTIAM HWY. AT GOLF COURSE ROAD**

Public Facilities Aspects

A. Water System Master Plan

The City of Stayton has studied the Urban Growth Boundary in its present configuration. A water system to serve the present area within the U.G.B. at the Santiam Hwy. and Golf Course Rd. intersection will require the extension of a sizeable water main from the city's present system. The size of the main will be determined largely from the criteria of providing fire flows to this area. The proposed addition to the U.G.B. will result in a larger base to share in the cost of the main. Serving the proposed addition will very likely not require any additional increase in the line sizes.

B. Sanitary Sewer System Master Plan

The City of Stayton has studied the existing area in the U.G.B. and has determined that a pump station and force main will be required to serve the northwest part of the U.G.B. The proposed addition to the U.G.B. will not contribute major flows to the system but will again be a significant factor in reducing costs to each user.