DOR 24-1268-2017

Notice to Taxing Districts

ORS 308.225

Log# 84

OREGON DEPARTMENT OF REVENUE

Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@oregon.gov

City of Stayton
Deputy City Recorder
362 North Third Ave.
Stayton OR 97383

Description and Map Approved
January 24, 2017
As per ORS 308.225

☑ Description ☑ Map - Received from: Alissa Angelo
On: 1/9/2017

Prop Class = 551 & F90

This is to notify you that your boundary change in Marion County for:
ANNEX to CITY OF STAYTON

ORD No. 1004 (Land Use File #22-11/16)

From: 029-00-04-0
To: 029-04-04-0

has been: ☑ Approved 1/24/2017
☐ Disapproved

R33946 = 09-1W-04D-300
R353856 = 09-1W-04D-301

R 33946: Prop Class is chg from 551 to 541 if they apply for non-EFU SA; otherwise, will be 491

R353856: Now Exempt by ownership

Department of Revenue File Number: 24-1268-2017
Reviewed by: Tammy Keen, Tammy.E.Keen@oregon.gov
Boundary: ☑ Change ☐ Proposed Change

If you have not already done so, the approved version of the map(s), legal descriptions(s) and signed ordinance must also be filed with the County Assessor and Secretary of State

The change is for:
☐ Formation of a new district
☑ Annexation of a territory to a district
☐ Withdrawal of a territory from a district
☐ Dissolution of a district
☐ Transfer
☐ Merge
☐ Establishment of Tax Zone

Done:
5/3/2017
SDB

City of Stayton

Administration • Finance
362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-3425 • Fax (503) 769-1456

RECEIVED
JAN 10 2017
MARION COUNTY
ASSESSOR

January 6, 2017

Marion County Assessor – Annexations
P.O. Box 14500
Salem, OR 97309

RE: Notice of Real Property Annexations

Pursuant to Oregon State Statute 222.010, the City of Stayton is providing you with a copy of the ordinance approving the annexation, legal description and map of the proposed boundary change within 10 days from the effective date of the change.

Please contact me at (503) 769-3425 if you have any questions regarding this notification. Questions regarding the map should be directed to Dan Fleishman, Director of Planning & Development at (503) 769-2998.

Sincerely,

Alissa Angelo

Alissa Angelo
Deputy City Recorder

ORDINANCE NO. 1004

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED AT 1103 SHAFF ROAD; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON MEDIUM DENSITY RESIDENTIAL (MD).

WHEREAS, Hayden Homes, Inc. has initiated annexation of that certain real property located at 1103 Shaff Rd, Stayton, Marion County, Oregon, more particularly described in Exhibit 1 attached hereto and incorporated herein, and further illustrated on a map shown in Exhibit 2 attached hereto and incorporated herein;

WHEREAS, Rebecca M McLellan, as a joint owner and as a trustee of the Lambert Living Trust, and William R Lambert, as a joint owner of a portion of the property, and the City of Stayton as the owner of a portion of the property represent a majority of the property owners of the property, have consented to the annexation of the property;

WHEREAS, on November 1, 2016, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, the applicants, Hayden Homes, filed with the City of Stayton, Oregon, an annexation application and a request to assign Medium Density Residential Zoning to the annexed territory;

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

WHEREAS, the City of Stayton is the owner of the remainder of the property;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on November 28, 2016 and continued until December 27, 2016;

WHEREAS, the application consists of two parcels, as shown on a Partition Plat filed with the Marion County Surveyors office;

WHEREAS, the property is contiguous to the City Limits on three sides;

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

WHEREAS, the City of Stayton City Council held a public hearing as required by law on January 3, 2017;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the application as contained in Exhibit 3 attached hereto and incorporated herein;

WHEREAS Chapter 51 of the Oregon Laws of 2016 requires the City Council to finalize the annexation and not forward the application to the voters of the City as required by City Charter and SMC Section 17.12.210.2.a.2); and

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit 3 that the application meets the criteria for approval in SMC 17.12.210.5;

NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation to the City of Stayton, Oregon, of territory at 1103 Shaff Road, the legal description of which is described in Exhibit 1, 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 documents indicating consent of the property owner.

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

Section 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

ADOPTED BY THE CITY COUNCIL this 3rd day of January, 2017.

CITY OF STAYTON

Signed: 1/3/, 2017 BY: Henry A. Porter
Henry A Porter, Mayor

Signed: 1-3, 2017 ATTEST:
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney

EXHIBIT 1, Annexation Area

A tract of land located in the Southeast One-Quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon, and being more particularly described as follows:

Commencing at the southeasterly corner of Lot 6 of the plat "Clarambeau Addition," also being the northerly right-of-way line of Shaff Road (40.00 feet from centerline); thence along said northerly right-of-way line, North 89°45'00" East 50.03 feet to the easterly right-of-way line of Kindle Way SE, also being the City of Stayton city limits line and the Point of Beginning; thence along said easterly right-of-way line, North 00°20'27" West 1761.00 feet to the northerly line of Reel 2712 Page 8; thence leaving said easterly right-of-way line and said city limits line along said northerly line, North 89°45'00" East 665.38 feet to the easterly line of said deed and the City of Stayton city limits line; thence along said easterly line and said city limits line, South 00°20'27" East 1761.00 feet to the northerly right-of-way line of Shaff Road (40.00 feet from centerline); thence along said northerly right-of-way line and said city limits line, South 89°45'00" West 665.38 feet to the Point of Beginning.

The above described tract of land contains 26.90 acres, more or less.

EXHIBIT 2, Map of Annexation Area

Map 1. Showing a tract of land, located in the Southeast quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon

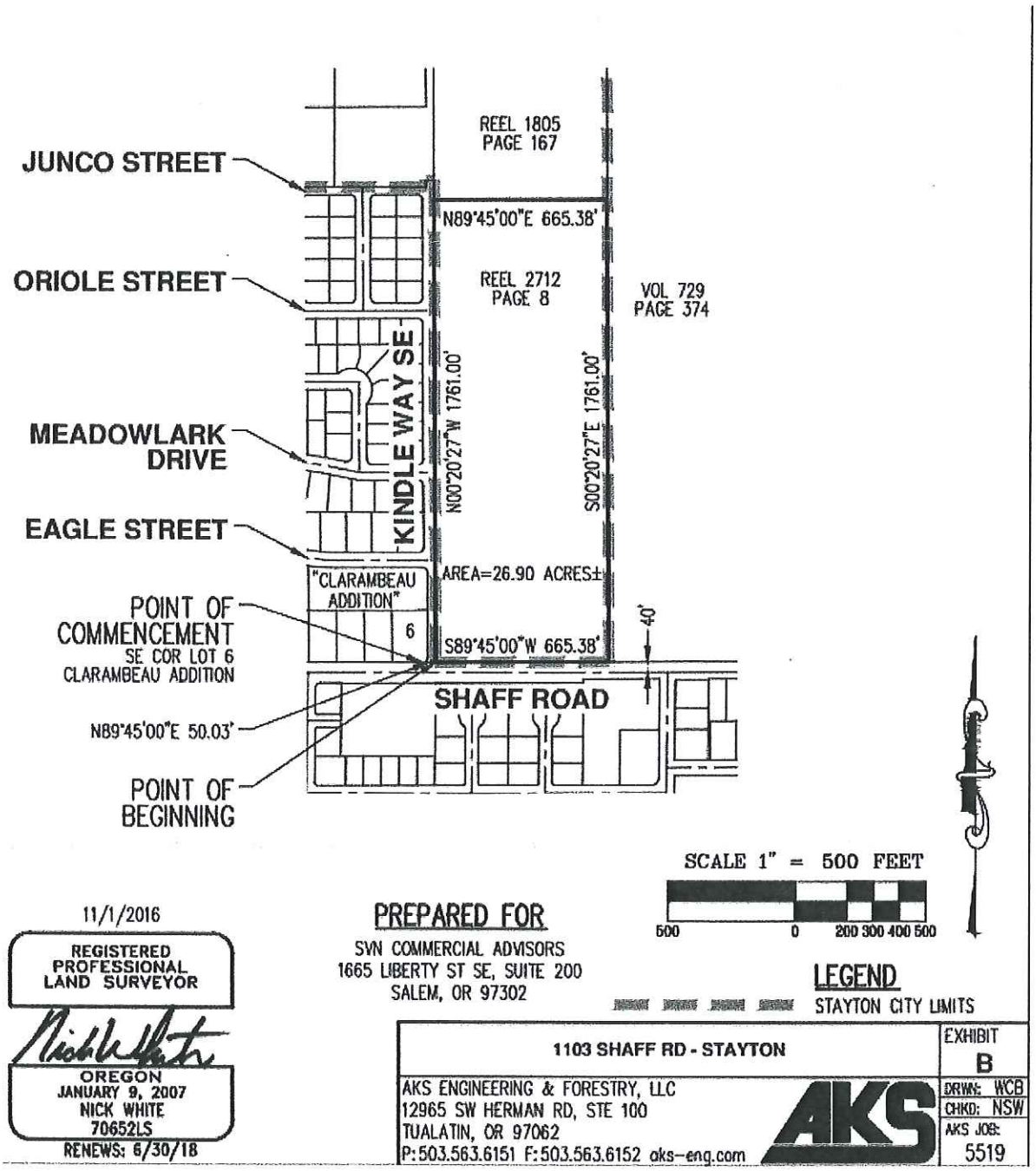


EXHIBIT 3, CITY COUNCIL FINDINGS OF FACT

LAND USE FILE #22-11/16

A. EXISTING CONDITIONS

1. At the time of application, the owners of the property were Joyce Lambert and Rebecca McLellan as Trustees of the Lambert Living Trust, Rebecca Mable McLellan, and William Rodney Lambert. Since the application was filed, Joyce Lambert is deceased, leaving Ms. McLellan as the sole trustee of the Lambert Living Trust. Since the application was filed, the property has been partitioned into two parcels and Parcel 2 has been sold. The City of Stayton is now the owner of Parcel 2.
2. The applicant is Hayden Homes who has a purchase and sales contract on Parcel 1 of the partitioning.
3. The properties can be described as Township 9, Range 1 West of the Willamette Meridian, Section 4D, tax lots 300 and 301.
4. The property is currently zoned Marion County Urban Transition (UT-20).
5. The property is located at the intersection of Shaff Road and Kindle Way. The property has 665.38 feet of frontage on Shaff Road and 1,761 feet of frontage on Kindle Way.
6. The property to the east is zoned Public/Semi Public, was annexed in 1968 and is developed as the Stayton Middle School. The property to the north, is zoned Marion County UT-20 and is developed with a single family dwelling. The properties to the west across Kindle Way are zoned Low Density Residential (LD), were annexed in 1979 and are developed as single family homes. The properties to the south across Shaff Rd are zoned Medium Density (MD) and High Density (HD) Residential, were annexed in 1915 and 1961, and are developed with duplexes and a multifamily development. Neighboring single family residential properties range in size from 8,000 square feet to 27,600 square feet in area.
7. The property is currently developed with a single family dwelling and associated outbuildings. The existing home is served by a well and septic system. The City of Stayton received approval from Marion County Planning Division to partition the property into two parcels. The final partitioning plat dedicated additional right of way for Kindle Way and created two parcels. The final partitioning plat was recorded in December __, 2016.

B. PROPOSAL

The proposal is to annex approximately 27 acres of land into the City. The applicant has requested that Medium Density Residential zoning be applied at the time of annexation. The applicant has submitted a concept plan showing a proposed single family subdivision with 50 lots and the creation of new streets on the southern portion of the parcel.

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 comments were received from any of the review agencies.

D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject property of all public hearings on the proposed annexation and notices of the Planning Commission hearing and City Council hearing were published in the *Stayton Mail*.

Written testimony was submitted at the Planning Commission public hearing jointly from the Fair Housing Council of Oregon and Housing Land Advocates. These organizations questioned compliance of the staff report and draft order with the requirements of Statewide Planning Goal 10. Following additional information in a supplemental staff report and revised findings, reflected below, these organizations expressed satisfaction with compliance with Statewide Planning Goal 10.

Oral testimony was presented at the November Planning Commission public hearing by six individuals in opposition to the application. Marion Barker, stated his concern with the traffic safety on Shaff Rd. Steve Frank, stated his concerns with Senate Bill 1573, and that the City of Stayton does not need more homes or new students within the community. Mr. Frank expressed his opinion that the annexation will place a burden on the community and schools. David Farley questioned the annexation of the property, and the looks of the property once developed. Mr. Farley asked the Commission members to pay close attention to the aesthetics of the development once brought to the Planning Commission for development approval. Farley stated he was not in favor of the Medium Density zoning. Dan Morgan questioned the improvements that will be required along Shaff Road for the applicant. Mr. Morgan also stated his concerns with the traffic on Shaff Road during school hours and stated that Kindle Way is currently a very narrow street and there may be more congestion to come with this new development. Joe Shindelus was not in favor of the Medium Density zoning or the Senate Bill. Eric Whisman stated his concern for facts that seem to be missing in the presentation regarding the ability of municipal facilities and services to handle this type of new infrastructure. Mr. Whisman also questioned whether or not a traffic study has been completed.

E. ANALYSIS

The amendment of the Official Zoning Map must meet the criteria contained within SMC Title 17, Section 17.12.180 ZONE MAP AMENDMENTS. Annexation applications are required to satisfy approval criteria contained within Stayton Municipal Code (SMC) Title 17, Section 17.12.210 ANNEXATIONS.

F. REVIEW CRITERIA

Pursuant to SMC 17.12.180.6 the following criteria must be demonstrated as being satisfied by the application:

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

Finding: The Comprehensive Plan map designates the property as Residential. The requested zoning designation is Medium Density Residential.

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

Finding: There is a 10-inch water main in Shaff Rd and an 8-inch water main in Kindle Way. There is a sewer manhole in Kindle Way near the Shaff Rd intersection with a 12-inch outlet. There is a sewer manhole in Kindle Way at the Meadowlark Dr intersection with an 8-inch outlet. There is an 18-inch

sewer main on the east side of the subject property. The North Santiam School District, Stayton Police Department, and Stayton Fire District were notified of the application and did not express any concerns with impacts of the proposed zoning application or potential development on their abilities to provide services.

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

Finding: The adopted Transportation System Plan includes growth projections for the entire urban growth area, used in determining the transportation improvements necessary as the City grows, dividing the urban growth area into a number of "traffic analysis zones." The TAZ that is bounded by Shaff Road, Kindle Way, Mill Creek and Oakmont Lane includes the subject property, property to the north, the Middle School and the approved but not yet platted Wildlife Meadows subdivision. Figure 6-2 of the TSP shows that the TSP was based on an assumption that this TAZ would see an increase of between 15 and 200 housing units between the year 2000 and 2025. The Wildlife Meadows subdivision will contain 48 housing units. Complete build-out of the subject property in Medium Density Zoning would be about 100 homes. The Stayton Transportation System Plan anticipated the development of this parcel as residential with the density of development in the range of what is proposed and existing or anticipated transportation facilities will be adequate for the uses permitted under the proposed zone designation. Approval of this application will not significantly affect a transportation facility and therefore complies with the Transportation Planning Rule.

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

Finding: Policy HO-1 calls for the City to encourage development of housing that meets the needs of all income groups of existing and future residents. The action to implement this policy is to assure that an adequate supply of land in all residential zones is available for development within the City. Staff reports that there are currently 62 vacant lots reasonably available for development within the LD zone, of which nine are large enough to be further divided and that there are 15 vacant lots in the MD zone, of which five are large enough to be further divided. Further, the Comprehensive Plan notes that the established residential density guideline for Stayton is between 5 and 6 housing units per gross acre of residentially zoned land. During the period between 2000 and the drafting of the Comprehensive Plan the subdivisions recorded were at a density of only 2.8 units per acre. Since the time of drafting the comprehensive plan only one additional subdivision has been platted, with a density of 3.7 units per acre. Assigning MD zoning would assist the City meet its density goal.

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

Finding: The Comprehensive Plan projects that 70% of the new housing units will be single-family detached, 15% of the new housing units will be single-family attached or duplexes, and that 13% will be multifamily. The proposed MD zoning would potentially allow single family attached, duplexes, triplexes and a mobile home park. All annexations of residential property since the adoption of the Comprehensive Plan have been zoned Low Density. By assigning MD zoning to this parcel the City will be providing for a slightly higher density and providing the potential for housing types other than single family detached.

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

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

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

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

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

Finding: The 2013 Stayton Comprehensive Plan update included a Buildable Lands Inventory (BLI). The 2013 BLI provides the following information on projected growth and need for additional land in the community. At that time there were 114 lots comprising 106 acres of vacant land inside the City limits in the Low, Medium, and High Density Residential Zones. The projected population for the City in 2030 (at a growth rate of 1.7%) was 11,359 people, requiring an additional 1,281 dwellings. To meet that need, the City Comprehensive Plan indicates the expected need of additional 320 acres of residential to be annexed into the City. Since the time that analysis was conducted, the City has annexed 27 acres of residential land.

Staff has calculated approximate information on current buildable lands as follows. There are currently 90 vacant lots totaling 116 acres within the City limits that are residentially zoned.

Only one subdivision has been platted in the past 5 years. Six subdivisions have been platted in the past 10 years. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Jefferson Place	2007	23	21	2
Mountain Estates No.3	2007	5	5	0
Third Avenue Subdivision	2008	4	4	0
Roth Estates	2009	12	13	0
Phillips Estates, Phase 1	2009	20	16	4
Phillips Estates, Phase 2	2014	26	5	21

In addition, there is a possible third phase of the Phillips Estates subdivision, accounting for a potential of 10 lots, and the Wildlife Meadows Subdivision with 44 lots that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

Though there are 90 parcels totaling 116 acres in the City and residentially zoned, staff estimates that there are only 78 parcels totaling 55 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 62 lots reasonably available for development. In the MD zone there are 15 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 2015 has been at an average annual rate of about 1.2%, with a population change of 900 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.7% average annual growth rate for the next twenty years. At a 1.7% growth rate from the most recent certified population estimate of the City, there would be the need for 580 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 a 10-inch water main in Shaff Rd and an 8-inch water main in Kindle Way. There is a sewer manhole in Kindle Way near the Shaff Rd intersection with a 12-inch outlet. There is a sewer manhole in Kindle Way at the Meadowlark Dr intersection with an 8-inch outlet. There is an 18-inch sewer main on the east side of the subject property.

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

Finding: The property is contiguous to the City Limits on the east, west, and south sides.

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: A concept plan for a single family subdivision has been submitted by the applicant. The concept plan shows lots ranging in size from 7,000 square feet to 12,000 square feet in area. The properties to the west are single family homes located in the Quail Run and Phillips Estates subdivisions on lots of about 8,000 square feet. The properties to the south are duplexes on 13,000 square foot lots and a multifamily development.

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

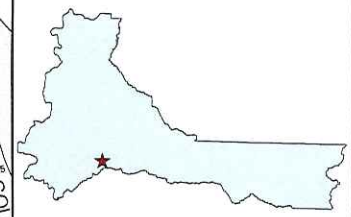
Finding: The criteria of ORS 222 apply to the adoption of an annexation ordinance which is a City Council action. The property owners have consented to the annexation, by submission of the application and by adoption of Resolution 952. Chapter 51 of the Oregon Laws of 2016 requires a city to annex the territory without submitting the proposal to the electors if 1) the territory is within the urban growth boundary, 2) the territory will be subject to an acknowledged comprehensive plan, 3) the territory is contiguous to the city limits, and 4) the proposal conforms to all other requirements of the city's ordinances. The City of Stayton Comprehensive Plan was acknowledged in 2013. The territory to be annexed is within the City's urban growth boundary. The territory is contiguous to the city limits on three sides. The other findings contained herein demonstrate the requirements of the City's code have been met.

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.

BEFORE

09 1W 04D
STAYTON



MARION COUNTY, OREGON
SE1/4 SEC4 T9S R1W W.M.
SCALE 1" = 200'

LEGEND

LINE TYPES

- Taxlot Boundary
- Historical Boundary
- Road Right-of-Way
- Easement
- Railroad Right-of-Way
- Railroad Centerline
- Private Road ROW
- Taxcode Line
- Subdivision/Plat Bndry
- Map Boundary
- Waterline - Taxlot Bndry
- Waterline - Non Bndry

SYMBOL TYPES

- Survey Monument
- 1/16TH Section Cor.
- Road Station
- 1/4 Section Cor.
- DLC Corner
- Section Corner

NUMBERS

Tax Code Number
000 00 00 0

Acreage 0.25 AC — All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

400, 401, 402, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1201, 1300, 1301, 1302, 1303, 1400

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

Marion County OREGON — Assessors Office Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

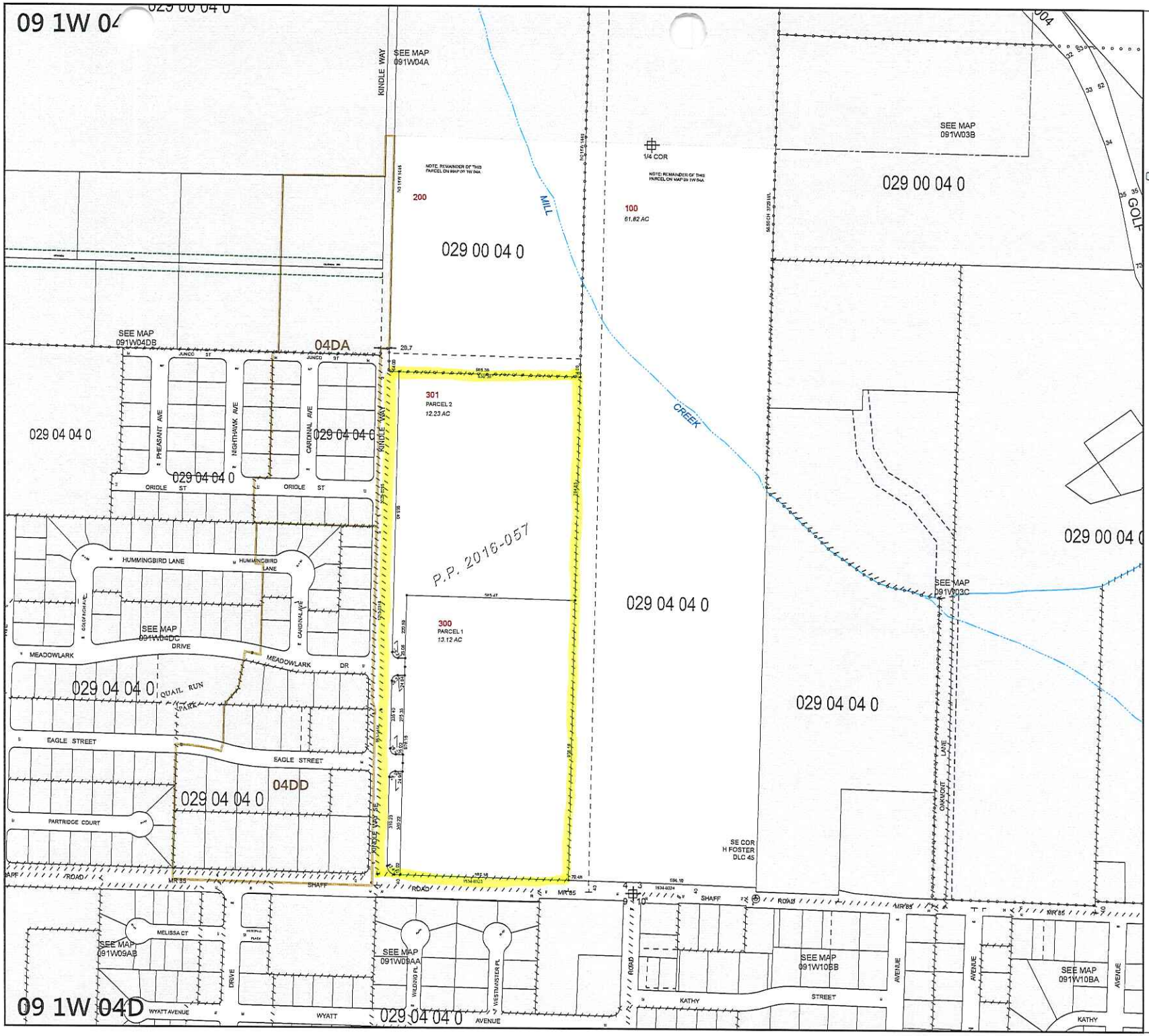
PLOT DATE: 2/21/2017

STAYTON
09 1W 04D

AFTER

09 1W 04D
STAYTON

MARION COUNTY, OREGON
SE1/4 SEC4 T9S R1W W.M.
SCALE 1" = 200'



LEGEND

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- Road Right-of-Way
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- Private Road ROW
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Marion County OREGON — Assessors Office Cartography Dept

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PLOT DATE: 5/3/2017

STAYTON
09 1W 04D