



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

01/20/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment  
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 02, 2012

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline. this Plan Amendment is acknowledged.

Cc: Dan Fleishman, City of Stayton  
Angela Lazarean, DLCD Urban Planner  
Steve Oulman, DLCD Regional Representative

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DATE STAMP

DEPT OF  
JAN 13 2012  
LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Stayton**

Local file number: **07-10/11**

Date of Adoption: **1/3/2012**

Date Mailed: **1/11/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

13,500 square feet of land was annexed into the City, resulting in a change to the Official Zoning Map. The land is designated as Low Density Residential by the Comprehensive Plan Map and has been brought into the City and zoned Low Density Residential.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **Marion Co UT-20**

to: **City LD**

Location: **1510 E Santiam St**

Acres Involved: **0.3**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD File No. 001-12 (



**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Marion County, Santiam Water Control District

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Local Contact: **Dan Fleishman, Planning Director**

Phone: (503) 769-2998 Extension:

Address: 362 N 3<sup>rd</sup> Ave

Fax Number: 503-767-2134

City: Stayton

Zip: 97383-

E-mail Address: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

ORDINANCE NO. 943

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED AT 1510 E SANTIAM STREET; AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD).

WHEREAS, Richard and Diane Koenig, a majority of the property owners who also own the majority of the property within the territory and of real property therein representing the majority of the assessed value of all real property in the territory, have initiated annexation of that certain real property located at 1510 E Santiam Street, 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, on October 26, 2011, pursuant to ORS 222.125 and Stayton Municipal Code (SMC) Section 17.12.210, the owners filed with the City of Stayton, Oregon, an annexation application;

WHEREAS, the applicant's proposal is to annex the property with the intent of constructing a residential dwelling;

WHEREAS, a public hearing was held on the application before the Stayton Planning Commission on November 28, 2011. Other than from the Applicant, there was no testimony at that public hearing;

WHEREAS, the application consists of a portion of one tax parcel, described as: Township 9 South, Range 1 West of the Willamette Meridian, Section 11CB, tax lot 202;

WHEREAS, the property is an enclave of unannexed land completely surrounded by the City Limits;

WHEREAS, the property is currently zoned Urban Transition (UT-20), and when annexed the property will be zoned Low Density (LD) 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, 2012;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the application as contained in Exhibit 3 attached hereto and incorporated herein; 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 1510 E Santiam Street, 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, 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.** The Stayton Official Zoning Map is hereby amended to include the annexed territory as Low Density Residential.

**Section 6.** 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, 2012.

CITY OF STAYTON


Signed: 1-3, 2012

BY:


  
A. Scott Vigil, Mayor

Signed: 1-3, 2012

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

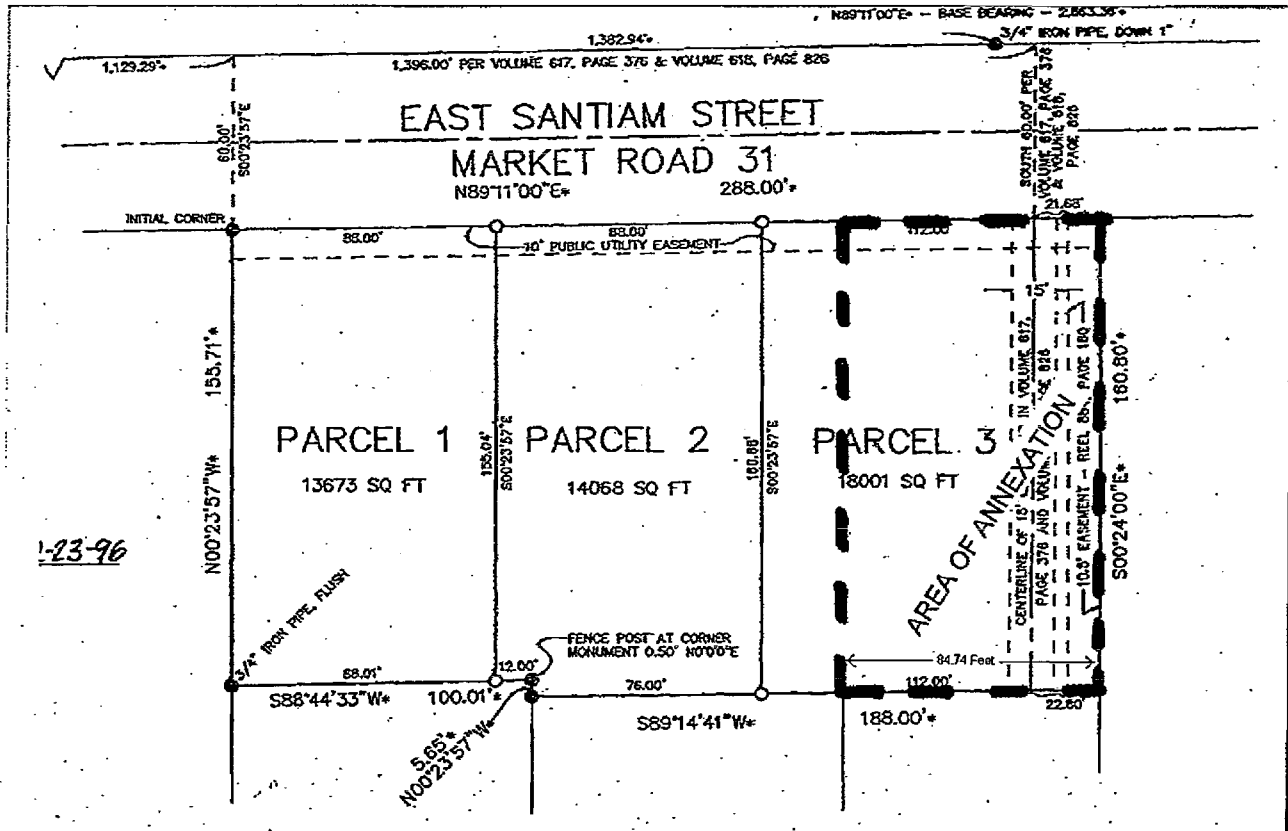
**EXHIBIT 1, Annexation Area**

An area of land in the Northeast quarter of the Southwest quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of Marion County Assessors Map 91W11CB, Lot 202 and more particularly described as follows:

The Easterly 84.74 feet of Parcel 3 of Partition Plat 1996-010.

EXHIBIT 2, Map of Annexation Area

Map 1. Showing a portion of Partition Plat 1996-010, located in the Southwest quarter of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon shown on Marion County Assessors Map 91W11CB



## EXHIBIT 3, CITY COUNCIL FINDINGS OF FACT

### LAND USE FILE #7-10/11

#### A. EXISTING CONDITIONS

1. The application consists of a portion of one tax parcel. The parcel is approximately 18,000 square feet in area and was created by Partition Plat 1996-010 in 1996. Approximately 4,200 square feet of the parcel are currently in the City.
2. The owners and applicants are Richard & Diane Koenig.
3. The parcel can be described as: Township 9, Range 1 West of the Willamette Meridian, Section 11CB, tax lot 202 and is Parcel 3 of the Partition Plan 96-010.
4. The portion of the parcel in the City was annexed in 1950 and is currently zoned Low Density Residential (LD). The portion of the parcel outside of the City is currently zoned Marion County Urban Transition (UT-20). When annexed, the property will be zoned LD.
5. The parcel has 112 feet of frontage on E Santiam St. The portion of the parcel that is currently in the City has about 24 feet of frontage and the portion that is proposed to be annexed has approximately 88 feet of frontage.
6. The property to the east is zoned LD and is a vacant parcel in the Jefferson Place subdivision, which was annexed in 2005. The property to the west is zoned Medium Density Residential (MD) and is developed as a duplex. The properties to the north, across E Santiam St, zoned MD and LD, were annexed in 1963 and are developed as single family dwellings. The properties to the south are zoned MD and LD and are developed with a single family home and two vacant lots in the Jefferson Place subdivision. Neighboring properties range in size from 3,500 square feet to 15,500 square feet in area.
7. The property is currently developed with a "shop" building that has historically been used for commercial purposes. There is no curb along E Santiam Street and no defined driveway. There is no sidewalk along E Santiam Street.
8. The property is subject to a non-remonstrance agreement, executed at the time of the partitioning, for the construction of street, curb, and sidewalk improvements.

#### B. PROPOSAL

The proposal is to annex approximately 13,500 square feet of land into the City. The applicant has submitted a site plan showing the location of a proposed single family dwelling.

#### 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.

The following comments were received:

Marion County Public Works provided a number of comments that address the future development of the parcel, but provided no comments or suggested conditions on the annexation.

Marion County Planning Division had no objections to the proposal, citing it as a logical expansion of the City Limits.



NW Natural replied they have no conflict with the proposal

Stayton Public Works Department provided comments that address the future development of the parcel, but provided no comments or suggested conditions on the annexation.

Santiam Water Control District provided comments in opposition of the annexation request, indicating that future development of the property may ultimately drain into SWCD facilities and that there is not an agreement between SWCD and the City to allow future discharges into SWCD facilities. SWCD requested permit to discharge or an agreement between the City and the SWCD before annexation.

#### 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 this application prior to the public hearing. There was no public testimony at the Planning Commission's public hearing.

#### E. ANALYSIS

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 17.12.210.4 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 Stayton Buildable Lands Inventory (BLI) was last adopted in 2005. The 2005 BLI provides the following information on projected growth and need for the community. At that time there were 90.6 vacant acres of residential land inside the City limits in the Low, Medium, and High Density Residential Zones. Between 2003 and 2004, 28 acres were developed for single family dwellings and 1 acre was developed for multi-family dwellings. There were 728 acres of residentially zoned land within the City of which 600 (82 percent) were developed in 2004. The projected population for the City in 2020 (at a rate of 2.4%) was 10,700 people, requiring an additional 716 single family and 470 multi-family dwellings. To meet that need, the City needed an additional 91 acres of residential to be annexed in addition to the 91 vacant acres currently in the City.

Staff has calculated approximate information on current buildable lands as follows. There are currently 127 vacant lots totaling 64 acres within the City limits that are residentially zoned and may be considered as reasonably available for development. Since the time of the last BLI, the City has annexed 6 acres (Jefferson Place, in the LD zone) in 2005.

Six subdivisions have been platted since 2005. The total number of lots in each and the current status is shown in the table below.

Recent Subdivisions in Stayton

Subdivision Name	Year Platted	No of Lots	Existing Homes	Vacant Lots
Village at Sylvan Spring	2005	36	36	0
Third Avenue Subdivision	2007	4	3	1
Jefferson Place	2007	23	12	11
Mountain Estates No.3	2007	5	5	0
Roth Estates	2009	12	0	12
Phillips Estates, Phase 1	2009	20	4	16

In addition, there are subsequent phases of the Phillips Estates subdivision, accounting for an additional 50 lots, that have received preliminary plan approval from the Planning Commission but not yet been platted with Marion County.

There are currently 64 acres of vacant property within the City limits that is residentially zoned and reasonably available for development. Within the LD zone there are 104 lots large enough to accommodate development and not owned by the City or some other governmental or quasi-governmental agency. In the MD zone there are 22 vacant lots. Only two of these lots are large enough to be further divided; could likely accommodate 4 new lots, the other 5. There is only one vacant lot in the High Density Residential Zone. With 4 acres, it has the potential capacity for 45 to 50 dwelling units.

The City's growth rate between 2000 and 2010 has been at an average annual rate of about 1.2%, with a population change of 828 people. The Marion County Coordinated Growth projection for 2030 is 11,360, reflecting a 1.6% average annual growth rate for the next twenty years.

At a 1.6% growth rate and a steady average household size, there would be the need for 540 new dwelling units over the next 20 years. At an average of 5 units per acre for single family development, there would be the need for approximately 40 acres of land beyond the available vacant land in the City to accommodate this number of homes.

*b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.*

Finding: The site is currently served by City water and sewer. The site is currently almost entirely covered with a compacted gravel surface. Future development of the property would not increase the impervious surface area.

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

Finding: The property is partially within the City Limits and is completely surrounded by the City.

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

Finding: The site is surrounded by single family dwellings on individual lots or by vacant lots in an approved subdivision. The City's urban growth program and policies call for the urbanization of this property.

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

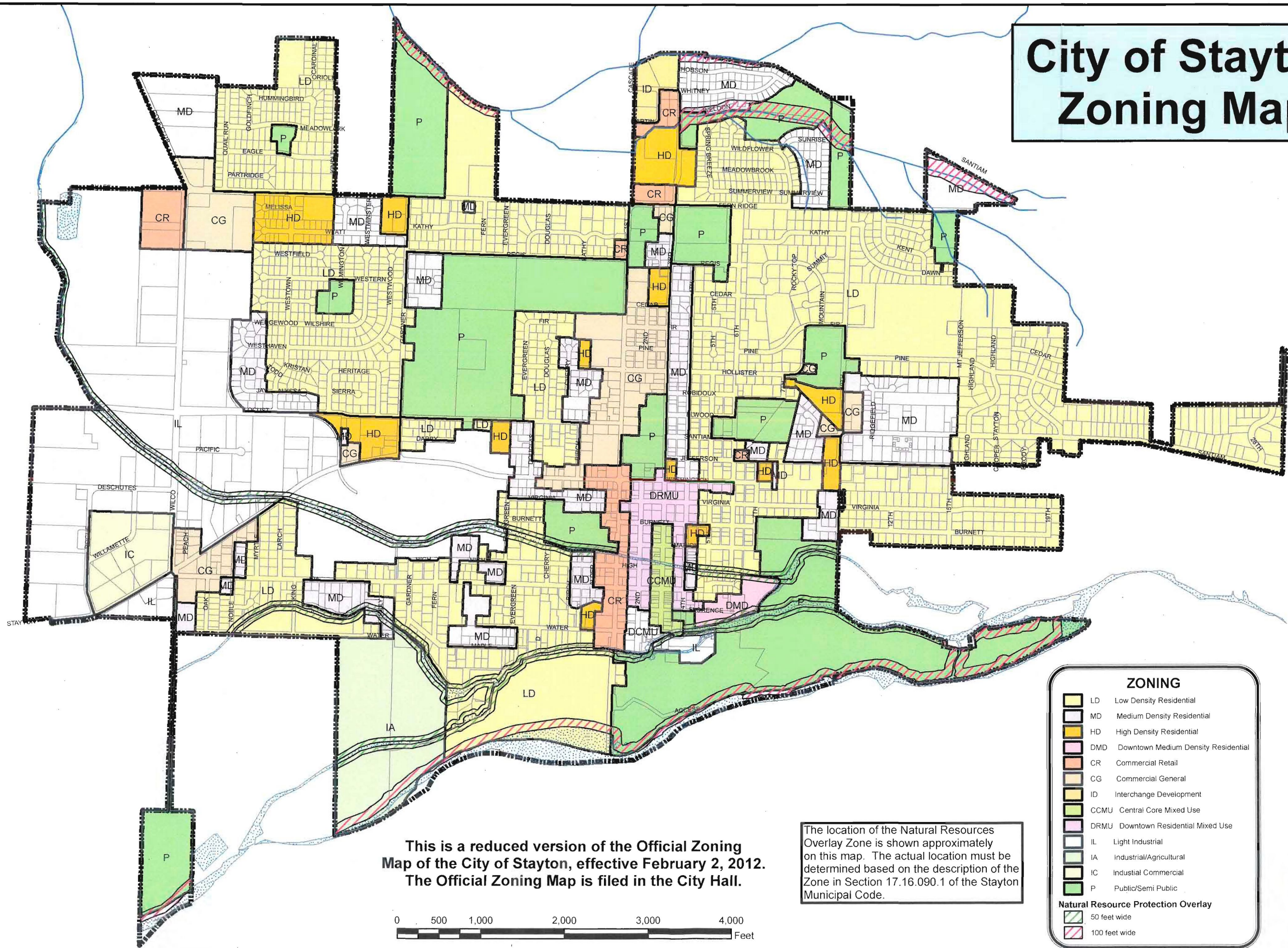
Finding: The provisions of ORS 222 regarding consent of landowners have been complied with by the applicant request for the annexation. There are no electors residing in the territory to be annexed.

*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.



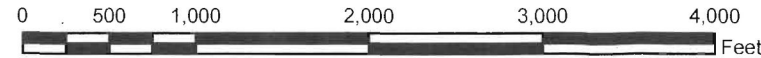
# City of Stayton Zoning Map



This is a reduced version of the Official Zoning Map of the City of Stayton, effective February 2, 2012. The Official Zoning Map is filed in the City Hall.

The location of the Natural Resources Overlay Zone is shown approximately on this map. The actual location must be determined based on the description of the Zone in Section 17.16.090.1 of the Stayton Municipal Code.

ZONING	
[Light Yellow Box]	LD Low Density Residential
[Light Orange Box]	MD Medium Density Residential
[Orange Box]	HD High Density Residential
[Pink Box]	DMD Downtown Medium Density Residential
[Light Orange Box]	CR Commercial Retail
[Light Yellow Box]	CG Commercial General
[Light Yellow Box]	ID Interchange Development
[Light Green Box]	CCMU Central Core Mixed Use
[Light Purple Box]	DRMU Downtown Residential Mixed Use
[Light Green Box]	IL Light Industrial
[Light Green Box]	IA Industrial/Agricultural
[Light Green Box]	IC Industrial Commercial
[Light Green Box]	P Public/Semi Public
Natural Resource Protection Overlay	
[Green Box with Red Dashed Border]	50 feet wide
[Green Box with Red Dotted Border]	100 feet wide







Mailed From:  
01/12/2012  
031A 00041



**CITY OF STAYTON**  
362 N. THIRD AVENUE  
STAYTON, OREGON 97383

**To**

ATTN: PLAN AMENDMENT  
SPECIALIST  
DEPT. OF LAND CONSERV. & DEV.  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540

DEPT OF

JAN 13 2012

LAND CONSERVATION  
AND DEVELOPMENT