



Oregon

Theodore R. Kubongoski, 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

02/05/2013

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 001-13

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: Friday, February 15, 2013

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  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative

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FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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LAND CONSERVATION  
AND DEVELOPMENT

JAN 29 2013

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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: **5-5/12**

Date of Adoption: **1/22/2013**

Date Mailed: **1/25/2013**

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:

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

10 acres of land was annexed into the City and the Zoning Map was amended to include the newly annexed land in the Low Density Residential Zone as specified by the Comprehensive Plan Map.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **Marion Co UT-5**

to: **Stayton Low Density Residential**

Location: **North of the northern terminous of Quail Run Ave**

Acres Involved: **10**

Specify Density: Previous: **minimum 5 acre lot**

New: **8,000 sq ft per lot**

Applicable statewide planning goals:

**1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **12**  **13**  **14**  **15**  **16**  **17**  **18**  **19**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-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.** 001-13 (19679) [17345] NOA

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

None

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Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: 362 N Third Ave

Fax Number: 503-767-2431

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. 952

### AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON 10 ACRES OF LAND AT THE NORTHERN TERMINUS OF QUAIL RUN AVENUE AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD).

WHEREAS, JCNW Family LLC, 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 the northern terminus of Quail Run Avenue, 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 June 18, 2012 pursuant to ORS 222.125, the Stayton City Council enacted a resolution initiating annexation proceedings for the territory;

WHEREAS, the Stayton City Council held a public hearing as required by law on August 20, 2012, whereupon the Stayton City Council adopted Resolution 890 containing findings and conclusions in support of its decision and referring the application to the electors of the City of Stayton a measure to approve the proposed annexation; and

WHEREAS, on November 6, 2012, a majority of the electors of the City of Stayton voted in the affirmative regarding the annexation.

NOW THEREFORE, the City of Stayton ordains:

**Section 1.** Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation into the City of Stayton, Oregon, of territory at the northern terminus of Quail Run Avenue, 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, provide 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.** The Stayton Official Zoning Map is hereby amended to include the annexed territory as Low Density Residential.

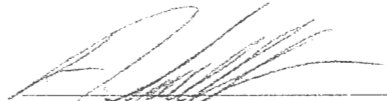
**Section 6.** Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

ADOPTED BY THE CITY COUNCIL this 22nd day of January, 2013.

CITY OF STAYTON

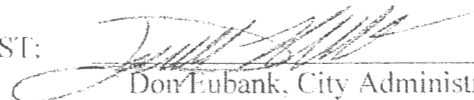
Signed: 1-22, 2013

BY:

  
A. Scott Vigil, Mayor

Signed: 1/23, 2013

ATTEST:

  
Dor Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

## EXHIBIT 1, Annexation Area

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

The Westerly one half of the following described property:

Beginning at an iron pipe which is 1,349.70 feet South 89° 45' West and 1,254.00 feet North 00° 17' West from the Southeast corner of the Henry Foster Donation Land Claim in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, and running thence South 89° 45' West 1,423.49 feet to an iron pipe in the West line of that certain tract of land conveyed to William Rauscher by deed recorded in Volume 506, Page 619, Marion County Deed Records; thence North 00° 09' 30" West, along said West line, 596.90 feet to an iron pipe, which iron pipe is 602.13 feet South 00° 09' 30" East from the Northwest corner of said Rauscher Tract; thence North 89° 45' East 1,422.19 feet to an iron pipe; thence South 00° 17' East 596.90 feet to the point of beginning and containing 19.50 acres of land.



EXHIBIT 2, Map of Annexed Territory



US POSTAGE  
**\$ 01.10**  
Mailed From 97383  
01/25/2013  
031A 0004186021

DEPT OF

JAN 29 2013

LAND CONSERVATION  
AND DEVELOPMENT



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

**To**

Attn: Plan Amendment Specialist  
Dept. of Land Conservation &  
Development  
635 Capitol Street NE Suite 150  
Salem OR 97301-2540