



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/27/2014

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 005-13

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: Thursday, February 13, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

<paa> YA



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 005-13 (20100)  
[17744]  
Received: 1/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Stayton

Local file no.: **17-11/13**

Date of adoption: 1/21/14      Date sent: 1/23/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/25/13
- No

Is the adopted change different from what was described in the Notice of Proposed Change?  Yes  No  
If yes, describe how the adoption differs from the proposal:

~~Following the initial notice it was discovered that portions of some street rights of way described in the notice had already been annexed. Also, consent was not received from the owners of four parcels proposed for annexation, so these parcels were not included in the annexation.~~

Local contact (name and title): Dan Fleishman, Planning & Development Director

Phone: 503-769-2998 E-mail: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

Street address: 362 N Third Ave City: Stayton Zip: 97383

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

NONE

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from            to            .            acres.  A goal exception was required for this change.
- Change from            to            .            acres.  A goal exception was required for this change.
- Change from            to            .            acres.  A goal exception was required for this change.
- Change from            to            .            acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

NONE

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from UT-20 to LD. Acres: 11.5

Change from UT-20 to P. Acres: 59

Change from UT-20 to IL. Acres: 1

Change from UT-20 to MD. Acres: 1.5

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: NROD. Acres added: 11. Acres removed: 0

Location of affected property (T, R, Sec., TL and address): See attached for complete descriptions

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List affected state or federal agencies, local governments and special districts: Marion County, Santiam Water Control District, North Santiam School District

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This change is the annexation of nine segments of street right of way, a portion of the Stayton Middle School campus, a portion of the City's Wilderness Park (owned by the Santiam Water Control District), and the City's Pine St water reservoir. All land is currently zoned UT-20 by Marion County and will be rezoned to City zoning. Areas smaller than one acre have been annexed by the City Council. Areas larger than one acre must be approved by the electors of the City at the May 20 election.

## NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

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1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

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

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at

[http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

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**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

### **Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**ORDINANCE NO. 965**

**AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON CERTAIN REAL PROPERTY LOCATED IN VARIOUS STREET RIGHTS OF WAY AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL (UT) TO CITY OF STAYTON LOW DENSITY RESIDENTIAL (LD), LIGHT INDUSTRIAL (IL) AND NATURAL RESOURCES OVERLAY (NROD).**

WHEREAS, it is within the City of Stayton's power under ORS 222.111(2) to initiate the annexation of territory into the City limits;

WHEREAS, on December 2, 2013 the Stayton City Council adopted Resolution 906 initiating annexation of the below described territories;

WHEREAS, the Territories to be annexed are all street rights of way dedicated for public use;

WHEREAS, there is the need to clarify the jurisdiction of the Stayton Police Department;

WHEREAS, the Territories are currently designated by Marion County as Urban Land and zoned Urban Transition (UT-20) except the Stayton Road right of way which is designated and zoned and Exclusive Farm Use (EFU), and when annexed the Territories are designated Residential and Industrial by the Stayton Comprehensive Plan Map;

WHEREAS, the property adjacent to Stayton Road is zoned Light Industrial and properties adjacent to all other areas to be annexed are zoned Low Density Residential by the Stayton Official Zoning Map;

WHEREAS, the Stayton Comprehensive Plan map designates land within 50 feet of Salem Ditch as Natural Resources Overlay;

WHEREAS, a public hearing on the proposed annexations was held before the Stayton Planning Commission on December 30, 2013;

WHEREAS, the Stayton Planning Commission has recommended to the Stayton City Council the Territories be annexed into the City;

WHEREAS, the City of Stayton City Council held a public hearing as required by law on January 21, 2014;

WHEREAS, the City of Stayton City Council makes findings of fact regarding the annexations as contained in Exhibit 6 attached hereto and incorporated herein; and

WHEREAS, the City of Stayton City Council concludes, based on the findings of fact contained in Exhibit 6, that the annexations meet 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 into the City of Stayton, Oregon, of the following Territories generally described below, the specific legal descriptions of which and maps showing their locations are included in Exhibits 1 through 5, which are attached hereto and by reference incorporated herein.

- A. The Stayton Road right of way, south of Marion County Assessor's Map 091W09C Lot 900, approximately 0.4 acres of land (Exhibit 1);

- B. A portion of the Shaff Road right of way west of Wilco Road and Golf Club Road to the center of Salem Ditch, approximately 0.9 acres of land (Exhibit 2);
- C. The northern portion of the Shaff Road right of way, west of the Stayton Middle School and east of Kindle Way, approximately 0.6 acres of land (Exhibit 3);
- D. The Kindle Way right of way, adjacent to the Phillips Estates Phase I subdivision, approximately 0.4 acres of land (Exhibit 4); and
- E. The northern portion of the Fern Ridge Road right of way, south of Marion County Assessor's Map 091W02 Lot 600, approximately 0.5 acres of land (Exhibit 5).

**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 rolls, a legal description and map of the proposed boundary change, and a copy of this Ordinance. This notice shall be mailed within ten (10) 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 222.177 the Stayton City Recorder shall provide to the Oregon Secretary of State a copy of this Ordinance.

**Section 5.** 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 6.** The Stayton Official Zoning Map is hereby amended to include the Stayton Road right of way as Light Industrial, the other annexed Territories as Low Density Residential, and that portion of the Shaff Road right of way within 50 feet of Salem Ditch as Natural Resource Overlay District.

**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.

**Section 8.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE CITY COUNCIL this 21st day of January, 2014.

CITY OF STAYTON

Signed: 1/23, 2014

BY:

  
A. Scott Vigil, Mayor

Signed: 1/23, 2014

ATTEST: Christine Shaffer  
Christine Shaffer, Interim City Administrator

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APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney



EXHIBIT 1, Annexation Area, Stayton Road right of way west of Rogue Ave

**Legal Description**

An area of land in the southwest quarter of the southwest quarter of Section 9, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Marion County Market Road 32, known as Stayton Road, and more particularly described as follows:

Beginning at a point on the southeasterly margin of Market Road #32 (Washington Street), said point also being the most southerly southwest corner of that land referenced in "Exhibit A" of Final Order #76-50 of the Marion-Polk County Local Government Commission dated September 7, 1976. Said beginning point is also the intersection point of the southerly extension of the East line of that land conveyed to Harry B. Stanley by deed recorded in Volume 727, Page 689 Marion County Deed Records with the Southeasterly margin of said Market Road #32 and which point bears South 0° 14' 30" West 60.58 feet from the Southwest corner of Parcel 1 Partition 94-90; thence North 0° 14' 30" East along the southerly extension of the east line of land described in Volume 727, Page 689 a distance of 60.58 feet more or less to the intersection of said easterly line with the Northwesterly margin of Market Road #32; thence South 82° 19' 01" West along said northerly margin 30 feet from and parallel to the centerline of Market Road #32 a distance of 316.07 feet more or less to the Southwest corner of land described in said Volume 727, Page 689; thence southerly on the projection of the west line of Stanley's land South 0° 14' 30" West 60.58 feet to the intersection point with the southeast margin of Market Road #32; thence North 82° 19' 01" East along said southeast margin of Market Road #32 a distance of 316.07 feet more or less to the point of beginning, containing 0.44 Acres +/-.

Map of Annexation Area

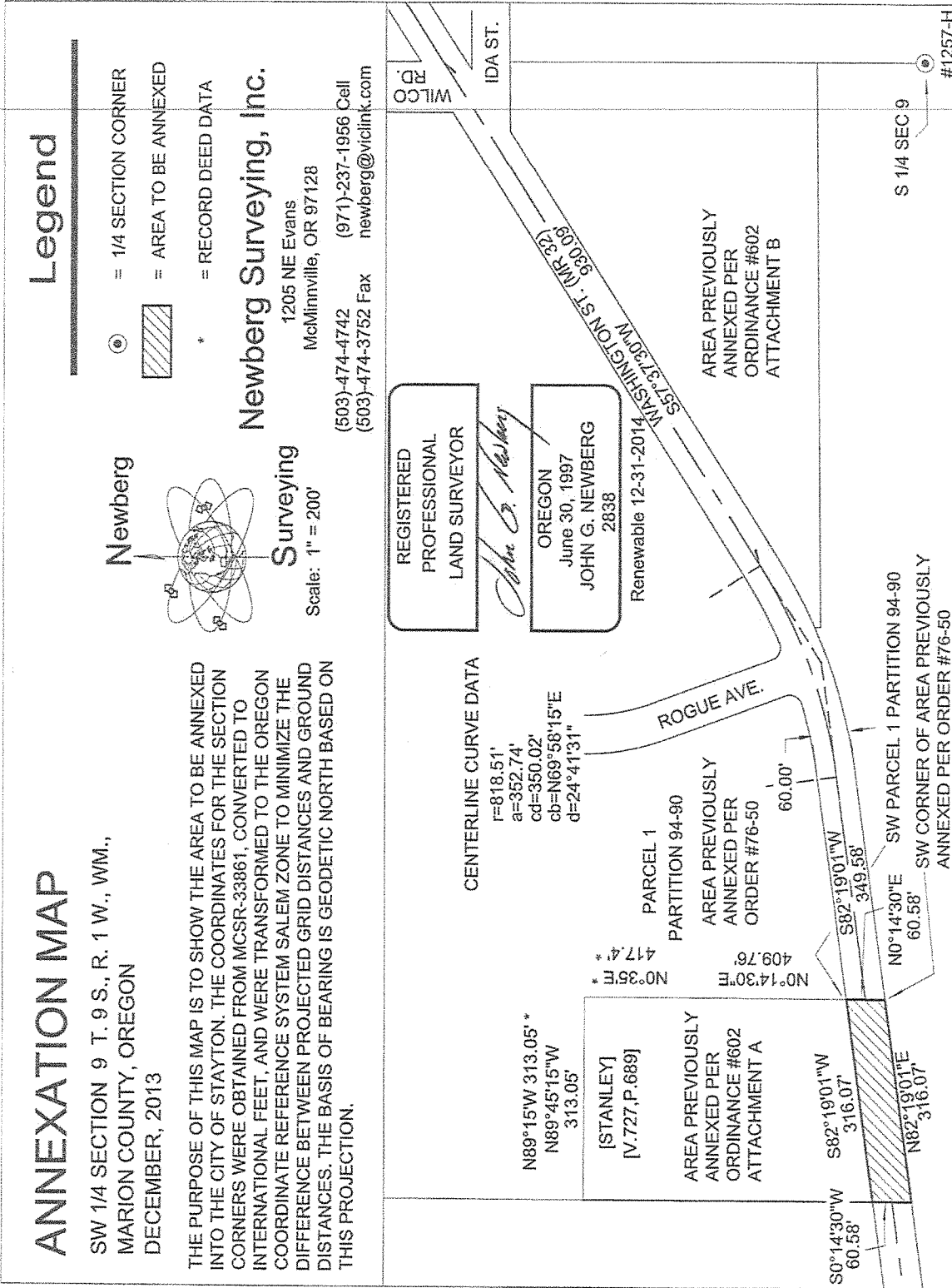


EXHIBIT 2, Annexation Area, Shaff Road right of way west of Wilco Road

**Legal Description**

An area of land in the south half of the southwest quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Marion County Market Road 83, known as Shaff Road, and more particularly described as follows:

Beginning at the intersection point of the north line of Section 9, T9S, R1W, Willamette Meridian, Marion County Oregon and the west boundary of that tract of land previously annexed and described in Exhibit B of the City of Stayton Resolution No. 219 dated August 11, 1976, said point being 550 feet South 89° 27' 28" West from the quarter corner on the north line of said Section 9 and in the center of Shaff Road; thence South 89° 27' 28" West 881.37 feet, more or less, along said north line and the center of Shaff Road to the northeast corner of that tract of land conveyed to Ronald Meier, et ux by deed recorded in Volume 658, Page 463, Marion County Deed Records, said corner being on the north line of said Section 9 and bearing North 89° 27' 28" East 1228.00 feet from the northwest corner of said Section 9; thence South 00° 32' 32" East 25.00 feet along the east line of said Meier tract to the south margin of Shaff Road; thence South 89° 27' 28" West along the south margin of Shaff Road 376.52 feet, more or less, to a point in the center of the Salem Ditch; thence in a northerly direction along the center of the Salem Ditch to the north margin of Shaff Road (approximate chord bearing North 02° 19' 08" East 50.06 feet); thence North 89° 27' 28" East 1255.61 feet, more or less, along the north margin of Shaff Road to the northwest corner of said tract of land described in Exhibit B of Resolution No. 219; thence South 00° 02' 37" East 25.00 feet to the point of beginning.

# Map of Annexation Area

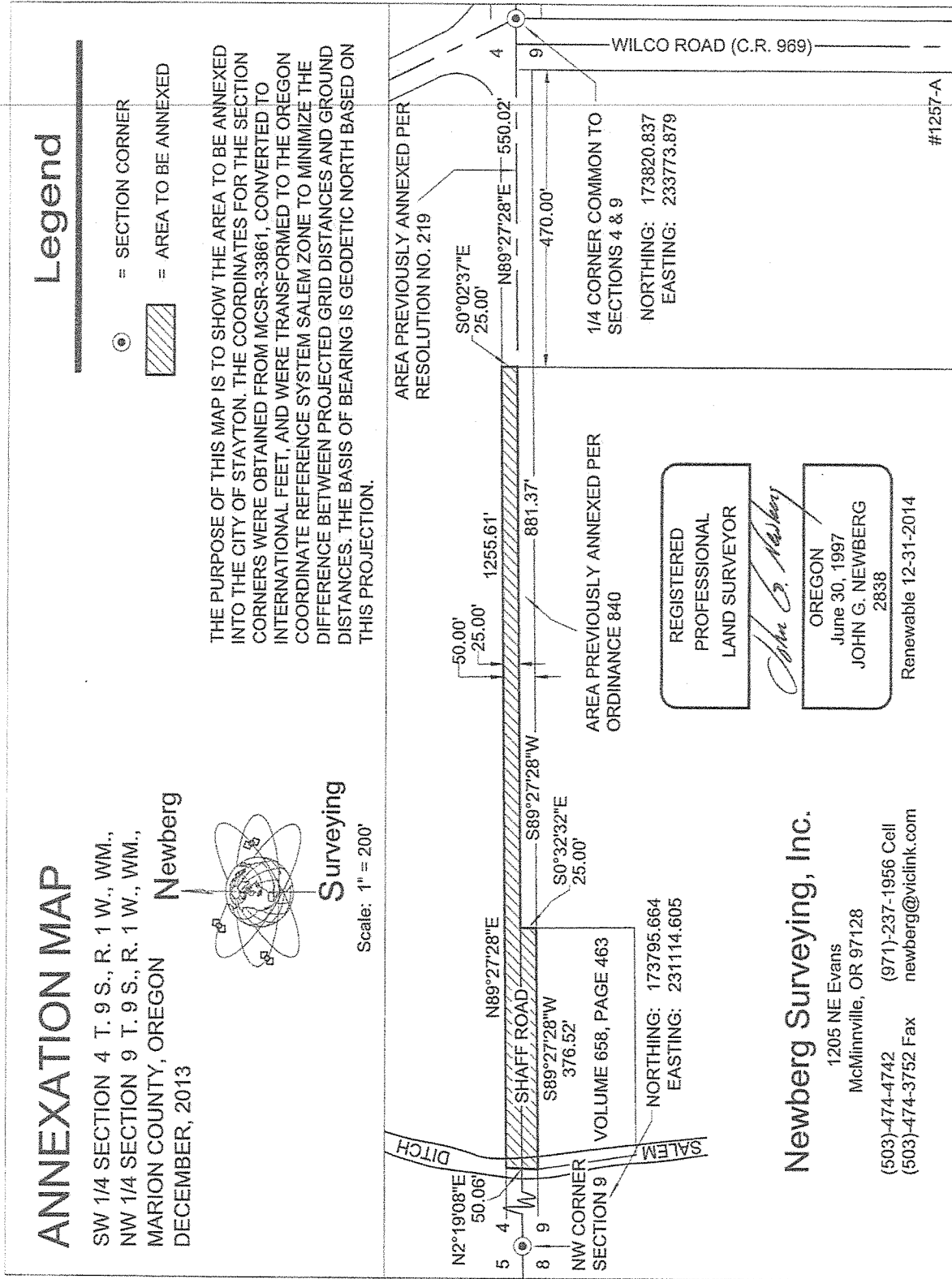


EXHIBIT 3, Annexation Area, Shaff Road right of way west of the Stayton  
Middle School and east of Kindle Way

**Legal Description**

An area of land in the south half of the southeast quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Marion County Market Road 83, known as Shaff Road, and more particularly described as follows:

Beginning at a point on the south line of Section 4, T9S, R1W, Willamette Meridian, Marion County, Oregon, said point being on the west boundary of that tract of land previously annexed in the City of Stayton Ordinance No. 376, dated April 15, 1968, said point bearing South 89° 45' West 225.37 feet from the southeast corner of said Section 4; thence North 00° 18" West 40.00 feet along said west boundary to the north margin of Shaff Road; thence South 89° 45' West 665.62 feet more or less to the easterly margin of Kindle Way also being a point on the easterly boundary of land described in City of Stayton Ordinance No. 258 dated October 15, 1979; thence South 0° 20' 27" East along said easterly margin of Kindle Way a distance of 40.00 feet more or less to the south line of Section 4 of said township and range; thence North 89° 45' East along said section line 665.59 feet more or less to the point of beginning, containing 0.61 Acres.

# Map of Annexation Area

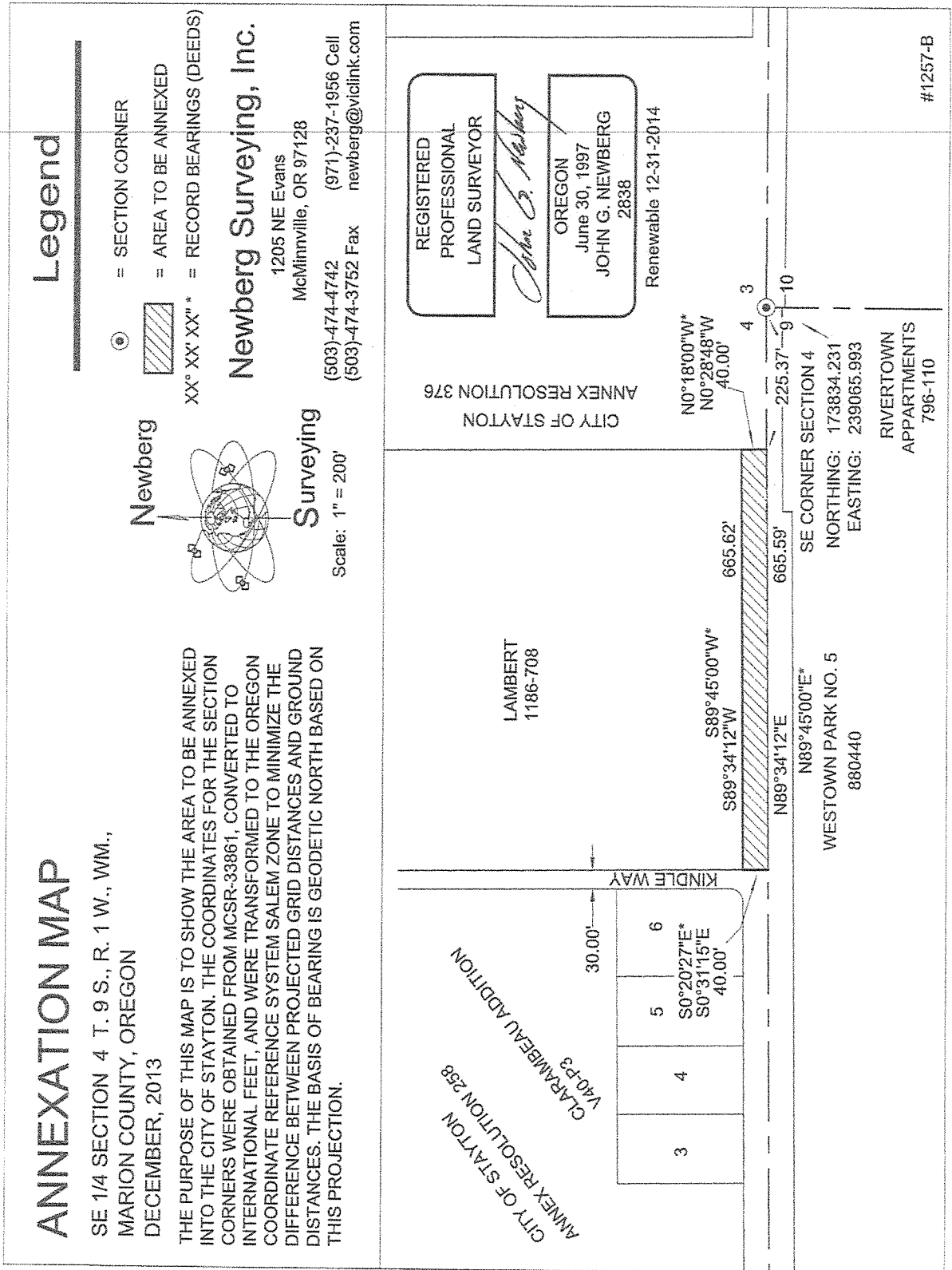


EXHIBIT 4, Annexation Area, Kindle Way right of way, adjacent to the Phillips  
Estates Phase I subdivision

**Legal Description**

An area of land in the north half of the southeast quarter of Section 4, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Kindle Way and more particularly described as follows:

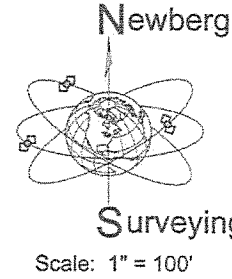
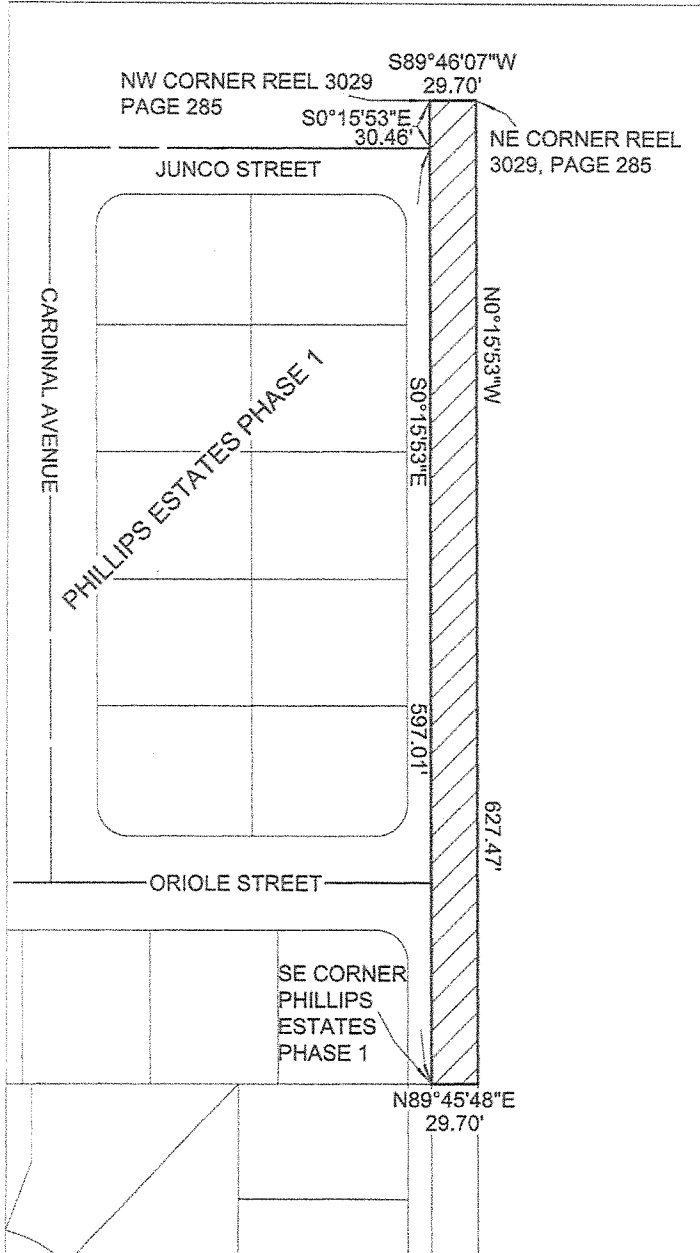
Beginning at the southeast corner of PHILLIPS ESTATES PHASE 1 Subdivision; thence North 89° 45' 48" East 29.70 feet, more or less, to a point on the east boundary of that tract of land described in Reel 3029, Page 285, Marion County Deed Records; thence North 00° 15' 53" West 627.47 feet, more or less, to the northeast corner of said tract; thence South 89° 46' 07" West 29.70 feet to the northwest corner of said tract; thence South 00° 15' 53" East 30.46 feet, more or less, to the northeast corner of said PHILLIPS ESTATES PHASE 1; thence South 00° 15' 53" East 597.01 feet to the place of beginning.

**Map of Annexation Area**

**ANNEXATION MAP**

SE 1/4 SECTION 4 T. 9 S., R. 1 W., WM.,  
 MARION COUNTY, OREGON  
 DECEMBER, 2013

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE BASIS OF BEARING IS PER THE PLAT OF PHILLIPS ESTATES - PHASE 1. THE AREA TO BE ANNEXED IS A PORTION OF THAT TRACT OF LAND DESCRIBED IN REEL 3029, PAGE 285 THAT IS ADJACENT TO PHILLIPS ESTATES - PHASE 1.



**Legend**

- = SECTION CORNER
- = AREA TO BE ANNEXED

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*John G. Newberg*

OREGON  
 June 30, 1997  
 JOHN G. NEWBERG  
 2838

Renewable 12-31-2014

**Newberg Surveying, Inc.**

1205 NE Evans  
 McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell  
 (503)-474-3752 Fax newberg@viclink.com

#1257-D



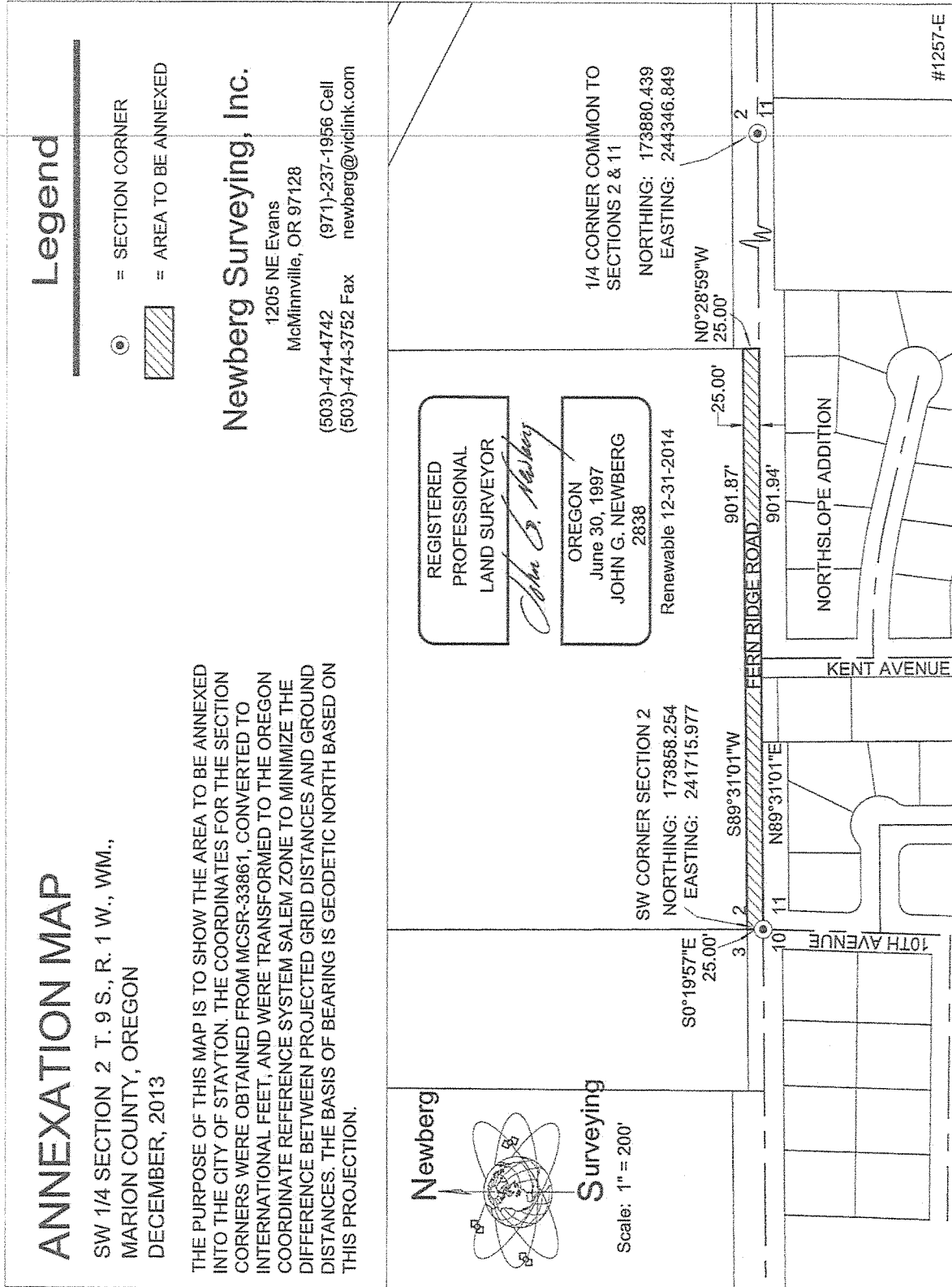
EXHIBIT 5, Annexation Area, Fern Ridge Road right of way

**Legal Description**

An area of land in the southwest quarter of the southwest quarter of Section 2, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon being a portion of the right of way of Fern Ridge Road and more particularly described as follows:

Beginning at the Southwest corner of Section 2, T9S, R1W, Willamette Meridian, Marion County Oregon; thence North 89° 31' 01" East 901.94 feet along the South line of said Section 2 to a point on the west line of the tract of land previously annexed in Resolution No. 497 adopted August 25, 1992; thence North 00° 28' 59" West 25.00 feet, more or less, along said west line of Resolution No. 497 to a point on the north margin of Fern Ridge Road; thence South 89° 31' 01" West 901.87 feet along the north margin of Fern Ridge Road to the intersection with the West line of said Section 2; thence South 00° 19' 57" East 25.00 feet to the place of beginning.

Map of Annexation Area



## EXHIBIT 6, CITY COUNCIL FINDINGS OF FACT

### LAND USE FILE #17-11/13

#### A. EXISTING CONDITIONS

The areas to be annexed are portions of street rights of way dedicated to the public or within public easements or parcels owned by a governmental agency.

#### B. PROPOSAL

The complete proposal is to annex a total of approximately 75 acres of land into the City. The areas to be annexed include nine portions of street rights of way, a portion of the Stayton Middle School campus, a portion of Wilderness Park, and the Pine St Water Reservoir property at 2365 E Pine Street. Each territory is described below.

**Minor Annexations.** The following territories constitute Minor Annexations as defined by the Stayton Municipal Code Section 17.12.210. The City Council has authority to final the annexation.

- A. The Stayton Road right of way, south of Marion County Assessor's Map 091W09C Lot 900, approximately 0.4 acres of land;
- B. A portion of the Shaff Road right of way west of Wilco Road and Golf Club Road to the center of Salem Ditch, approximately 0.9 acres of land;
- C. The northern portion of the Shaff Road right of way, west of the Stayton Middle School and east of Kindle Way, approximately 0.6 acres of land;
- D. The Kindle Way right of way, adjacent to the Phillips Estates Phase I subdivision, approximately 0.4 acres of land;
- E. The northern portion of the Fern Ridge Road right of way, south of Marion County Assessor's Map 091W02 Lot 600, approximately 0.5 acres of land;

The remainder of the proposed annexations are major annexations.

#### C. AGENCY COMMENTS

The following agencies were notified of the proposal: City of Stayton Public Works, City of Stayton Police Department, Stayton Cooperative Telephone Company, Pacific Power, NW Natural Gas, Stayton Fire District, Marion County Public Works, Marion County Planning Division, Santiam Water Control District, Wave Broadband, and the North Santiam School District.

The following comments were received:

Marion Count Planning Division noted that the Stayton Road annexation is outside of the City's Urban Growth Boundary and the Marion County Comprehensive Plan policies prohibit annexation of territory by a city outside of that city's urban growth boundary. The City has requested that the County issue an interpretation of the comprehensive plan to allow the annexation of the Stayton Road right of way whereas it is only street right of way that is proposed for annexation and, as such, would not impact development location. On December 17, 2013 Marion County consented to the annexation of the portion of the Stayton Road outside of the UGB.

**RESOLUTION NO. 909**

**A RESOLUTION REFERRING TO THE ELECTORS OF THE CITY OF STAYTON THE APPROVAL OF CITY-INITIATED ANNEXATIONS INTO THE CITY LIMITS OF TERRITORY OWNED BY THE CITY OF STAYTON AT 2635 E PINE ST, TERRITORY OWNED BY THE NORTH SANTIAM SCHOOL DISTRICT, TERRITORY OWNED BY THE SANTIAM WATER CONTROL DISTRICT, AND VARIOUS STREET RIGHTS OF WAY.**

WHEREAS, it is within the City of Stayton's power under ORS 222.111(2) to initiate the annexation of territory into the City limits; provided, however, that such annexation be submitted to the electors of the City of Stayton, pursuant to the Stayton City Charter;

WHEREAS, the Marion County Board of Commissioners has voted to close the East Marion Justice Court in July 2014, which has served as the City of Stayton municipal court,;

WHEREAS, the City of Stayton will need to establish starting in July its own municipal court 2014;

WHEREAS, the current city limits do not include portions of street rights of way that have been patrolled by the Stayton Police Department;

WHEREAS, the portion of the Stayton Middle School property north of Mill Creek is not within the current city limits;

WHEREAS, the Board of Directors of the North Santiam School District have voted to consent to annexation of the portion of the Stayton Middle School property north of Mill Creek;

WHEREAS, the City of Stayton leases its Wilderness Park from the Santiam Water Control District;

WHEREAS, that portion of Wilderness Park that is in Section 11 of Township 9 Range 1 West is not currently within the city limits;

WHEREAS, the Board of Directors of the Santiam Water Control District have voted to consent to annexation of the portion of Wilderness Park that is in Section 11 of Township 9 Range 1 West;

WHEREAS, the City of Stayton owns approximately 4.4 acres of land at 2635 E Pine St that is the location of a water storage reservoir that is not within the current city limits;

WHEREAS, the effective administration of public safety requires clear delineation of the jurisdiction of the Stayton Police Department;

WHEREAS, on December 2, 2013 the Stayton City Council adopted Resolution 906 initiating annexation of the Territories described above, all of which are larger than one acre in area;

WHEREAS, the Stayton City Charter requires that annexation of territory of one acre or more requires approval of the electors of the City;

WHEREAS, the Stayton Planning Commission held a public hearing on the proposed annexations on December 30, 2013 and recommended to the City Council that the Territory be annexed;

WHEREAS, the Stayton City Council held a public hearing on the proposed annexations on January 21, 2014;

WHEREAS, the following agencies were notified of the proposed annexation: 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;

WHEREAS, the Planning Department notified all owners of property within 300 feet of the Territories and did not receive any public comment prior to the City Council's public hearing.

WHEREAS, annexations are required to satisfy approval criteria contained within SMC Title 17, Section 17.12.210.4. Pursuant to SMC 17.12.210.4 the following criteria must be demonstrated as being satisfied. The City Council makes these findings, based on the record before it, regarding each criterion as follows:

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

Finding: The territories to be annexed are all either public street rights of way or land owned by a governmental entity. The need for the annexation is to provide clear delineation of jurisdiction between the Stayton Police Department and other public safety agencies.

*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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. City public services currently existing in the portions of Shaff Road east of Wilco Rd, Kindle Way, Cascade Highway, Fern Ridge Rd, Stayton Rd, and E Jefferson St. City public services currently exist in E Pine St adjacent to the City-owned parcel proposed for annexation. Wilderness Park is used as an undeveloped open space recreational area and does not require city public services. The Stayton Middle School property is developed with city public services available to the developed portion of the property.

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

Finding: The territories to be annexed are contiguous with the existing City limits.

*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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. The territories to be annexed that are not public street rights of way will all be zoned Public and no development is proposed in the foreseeable future.

*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 owners of the territories to be annexed that are not street rights of way have consented to annexation.

*f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.*

Finding: The proposed annexations are not contract annexations;

WHEREAS, the Stayton City Council, following the above referenced public hearing, determined that the Territories should be annexed into the City of Stayton, and established the land use designations to be applied to the Territory upon annexation.

NOW THEREFORE, BE IT RESOLVED that:

**Section 1. Measures.** Measure elections (the "Measure Elections") are hereby called for the purpose of submitting to the electors of the City of Stayton measures for the annexation of the following Territories:

- A. The northern portion of the Shaff Road right of way, west of Cascade Highway to Marion County Assessor's Map 091W04D Lot 1200, approximately 1.3 acres of land (Exhibit 1);
- B. The Cascade Highway right of way, north of Shaff Road to the center of Mill Creek, approximately 3.0 acres of land (Exhibit 2);
- C. The Fern Ridge Road right of way, north of Marion County Assessor's Map 091W011A Lot 300 and Map 091W11BA Lot 100, east to the Highway 22 right of way, approximately 2.7 acres of land (Exhibit 3);
- D. The E Jefferson Street right of way, adjacent to the Jefferson Place subdivision, approximately 1.4 acres of land (Exhibit 4);
- E. That portion of the Stayton Middle School property north of Mill Creek, identified as a portion of Marion County Assessor's Map 091W04D Lot 100, approximately 37 acres of land (Exhibit 5);
- F. That portion of Wilderness Park that is in Township 9 Range 1 West, Section 11, identified as the eastern portion of Marion County Assessor's Map 091W11C Lot 1400, approximately 17 acres of land (Exhibit 6);
- G. The property at 2365 E Pine St, identified as Marion County Assessor's Map 091W11AC Lot 100, approximately 4.4 acres of land (Exhibit 7).

A legal description of each territory to be considered for annexation and a map showing the Territory is attached hereto as Exhibits 1 through 7 and incorporated herein by reference. A copy of each measure is attached hereto as part of Exhibits 1 through 7 and incorporated herein by reference.

**Section 2. Election Conducted by Mail.** The Measure Elections shall be held in the City on May 20, 2014. As required by ORS 254.465, the Measure Elections shall be conducted by mail by the County Clerk of Marion County, Oregon, according to procedures adopted by the Oregon Secretary of State pursuant to ORS 254.470.

**Section 3. Delegation.** The City authorizes the City Administrator, or the City Administrator's designee, (the "Authorized Representative") to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**Section 4. Preparation of Ballot Title.** The City Attorney is hereby directed to prepare the ballot title for each measure, and deposit the ballot titles with the City Recorder ("City Administrator" or "City Election Officer").

**Section 5. Publication of Notice of Election.** The City Recorder (“City Administrator” or “City Election Officer”) shall publish in a newspaper of general distribution within the City, a legal advertisement describing the proposed annexations and pending elections.

**Section 6. Explanatory Statement.** The Explanatory Statement for each measure, which is attached hereto as parts of Exhibits 1 through 7 and incorporated herein by reference, are hereby approved.

**Section 7. Filing with County Elections Office.** Pursuant to ORS 254.095(2), the City Recorder (“City Administrator” or “City Election Officer”) shall deliver the Notices of Measure Election to the Elections Officer of Marion County, Oregon, on or before March 15, 2014, which is a date not later than sixty-one days prior to the May 20, 2014 election.

**Section 8. Action upon Approval.** If following the elections, the City Council finds that a majority of votes cast by the electors residing in the City of Stayton favor each annexation, the City Council shall, pursuant to ORS 222.160, adopt an ordinance proclaiming the Territory annexed to the City and apply the appropriate City of Stayton zoning to the property. The public street rights of way shall be zoned as the land adjacent to the right of way is zoned and the three other territories shall be zoned Public/Semi-Public.

This Resolution shall become effective upon adoption by the Stayton City Council.

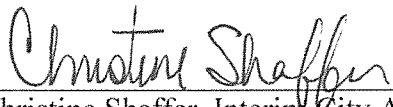
ADOPTED BY THE STAYTON CITY COUNCIL this 21<sup>st</sup> day of January, 2014

CITY OF STAYTON

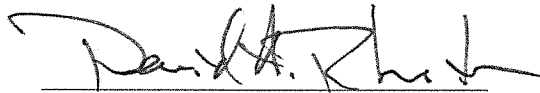
Date: 1/23, 2014

By:   
A. Scott Vigil, Mayor

Date: 1/23, 2014

Attest:   
Christine Shaffer, Interim City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

**Measure**

City of Stayton Measure No. \_\_\_\_ \_

**A Measure Proposing Annexation of a Portion of the Shaff Road Right of Way into the City of Stayton**

Section 1: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located within the right of way Shaff Road, west of Cascade Highway and more particularly described as follows be annexed into the City of Stayton?

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

Beginning at the quarter corner on the south line of Section 3, T9S, R1W, Willamette Meridian, Marion County, Oregon, thence North 00° 31' 35" West 40.00 feet along the centerline of the existing Cascade Highway to a point on the prolongation of the north margin of Shaff Road; thence North 89° 51' 35" West 1039.50 feet, more or less, along the north margin of Shaff Road to the Southwest corner of Parcel 1 of Partition Plat 99-104; thence South 00° 31' 11" East 15.00 feet; thence continuing along the north margin of Shaff Road North 89° 51' 35" West 559.75 feet, more or less, to the intersection with the east boundary of Tract 1 of MCSR-29582; thence South 00° 31' 15" East 25.00 feet to the south line of said Section 3; thence South 89° 51' 35" East 1599.25 feet, more or less, to the place of beginning.

**Explanatory Statement:**

If approved, this measure would result in annexation of 1.3 acres of territory ("the Territory") to the City of Stayton.

The Territory is the northern portion of the Shaff Road right of way, west of Cascade Highway and designated in the Stayton Comprehensive Plan as Residential. Zoning of the Territory, if annexed, would be Low Density Residential.

The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

Word Limit: 500

Word Count: 108



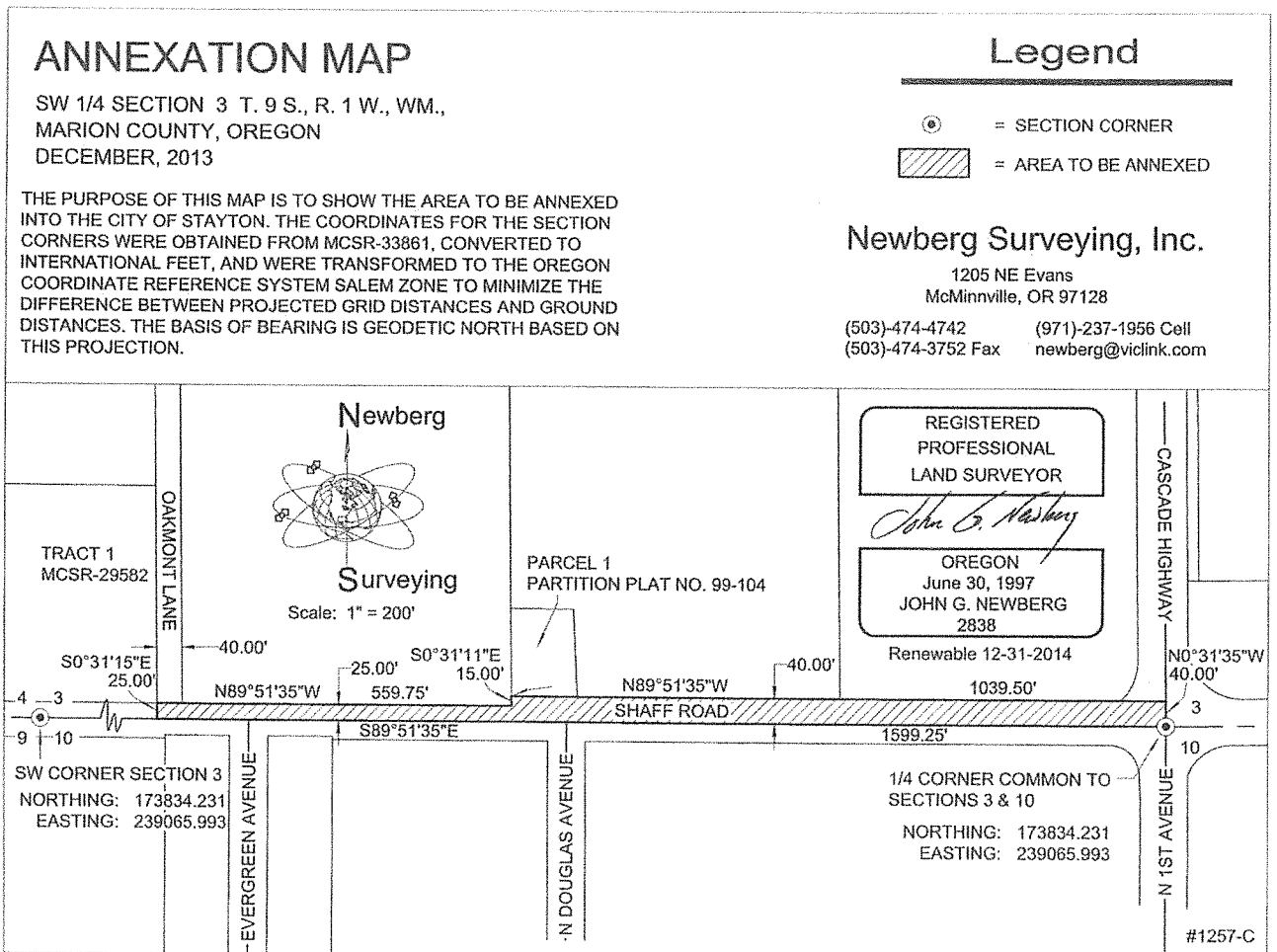
# EXHIBIT 1

## Legal Description, Map of Territory, Measure, and Explanatory Statement for the area to be Annexed: Shaff Road Right of Way, West of Cascade Highway (1.3 acres)

### Legal Description

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

Beginning at the quarter corner on the south line of Section 3, T9S, R1W, Willamette Meridian, Marion County, Oregon, thence North 00° 31' 35" West 40.00 feet along the centerline of the existing Cascade Highway to a point on the prolongation of the north margin of Shaff Road; thence North 89° 51' 35" West 1039.50 feet, more or less, along the north margin of Shaff Road to the Southwest corner of Parcel 1 of Partition Plat 99-104; thence South 00° 31' 11" East 15.00 feet; thence continuing along the north margin of Shaff Road North 89° 51' 35" West 559.75 feet, more or less, to the intersection with the east boundary of Tract 1 of MCSR-29582; thence South 00° 31' 15" East 25.00 feet to the south line of said Section 3; thence South 89° 51' 35" East 1599.25 feet, more or less, to the place of beginning.



## EXHIBIT 2

### Legal Description, Map of Territory, Measure, and Explanatory Statement for the area to be Annexed:

### Cascade Highway Right of Way, North of Shaff Road to Mill Creek, 3 acres

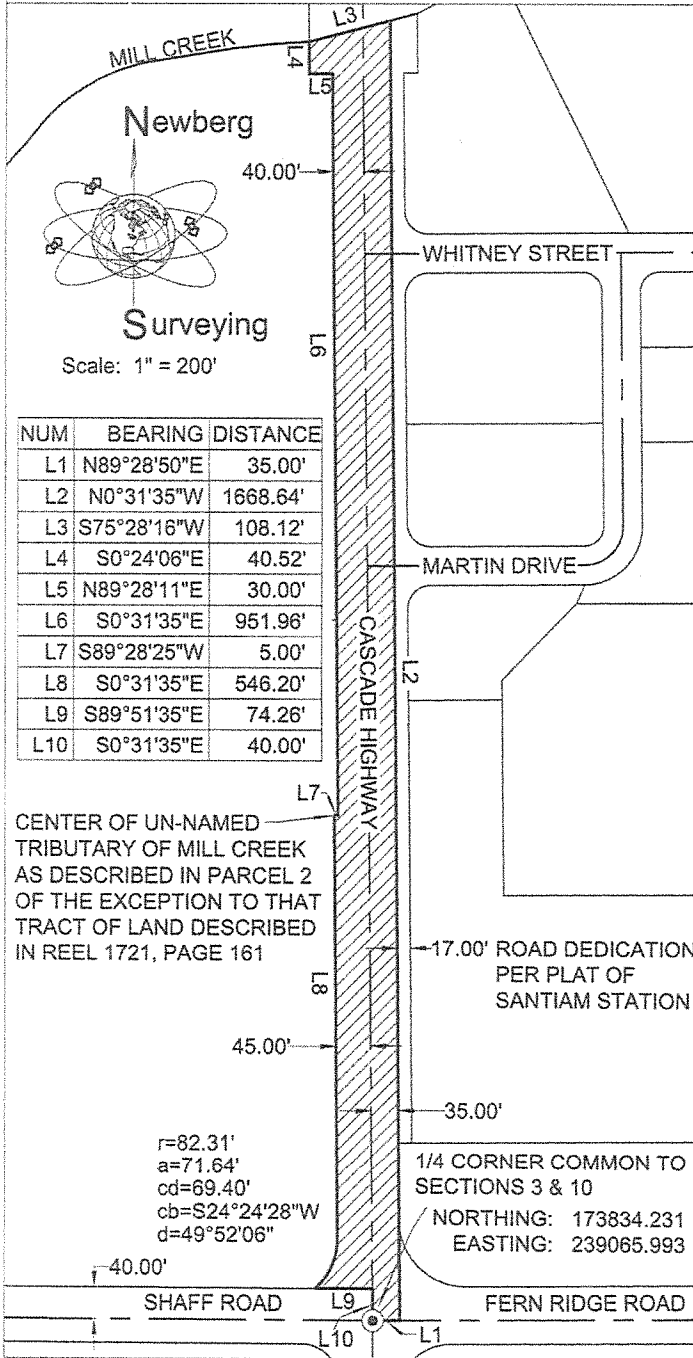
#### Legal Description

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

Beginning at the South quarter corner of Section 3, T. 9S. R. 1W., Willamette Meridian, Marion County, Oregon, said place of beginning being in the centerline of the Cascade Highway; thence North 89° 28' 50" East 35.00 feet along the south line of Said Section 3 to a point, said point being on the prolongation of the west boundary of the SANTIAM STATION Subdivision; thence North 00° 31' 35" West parallel to and 35.00 feet from said centerline and along the west boundary of said SANTIAM STATION Subdivision a distance of 1668.64, more or less, to a point in the center of Mill Creek; thence South 75° 28' 16" West 108.12 feet, more or less, along the center of Mill Creek to the intersection with the west boundary of the Cascade Highway; thence South 00° 24' 06" East 40.52 feet to an angle point in said west boundary; thence North 89° 28' 11" East 30.00 feet to an angle point in said west boundary, said point being 40.00 feet from centerline; thence South 00° 31' 35" East 951.96 feet, more or less, to the center of the unnamed tributary of Mill Creek as described in Parcel 2 of the exception to that tract of land described in Reel 1721, Page 161, Marion County Deed Records; thence South 89° 28' 25" West 5.00 feet along the center of said creek; thence South 00° 31' 35" East 546.20 feet, more or less, along the west boundary of said Parcel 2 to the intersection with the north margin of Shaff Road; thence 71.64 feet along a 82.31 foot radius curve, concave to the northwest, chord bearing South 24° 24' 28" West 69.40 feet along the north margin of Shaff Road; thence South 89° 51' 35" East 74.26 feet to the centerline of the Cascade Highway; thence South 00° 31' 35" East 40.00 feet to the place of beginning.



# ANNEXATION MAP

SW 1/4 & SE 1/4 SECTION 3 T. 9 S., R. 1 W., WM.,  
MARION COUNTY, OREGON  
JANUARY, 2014



THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION. THE RIGHT-OF-WAY ANGLE POINTS SHOWN WERE CALCULATED FROM MCSR-37982 AND REEL 1721, PAGE 161.

## Legend

-  = SECTION CORNER
-  = AREA TO BE ANNEXED

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*John G. Newberg*  
OREGON  
June 30, 1997  
JOHN G. NEWBERG  
2838

Renewable 12-31-2014

## Newberg Surveying, Inc.

1205 NE Evans  
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell  
(503)-474-3752 Fax newberg@viclink.com

#1257-G

**Measure**

City of Stayton Measure No. \_\_\_\_

**A Measure Proposing Annexation of a Portion of the Cascade Highway Right of Way into the City of Stayton**

Section 1: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located within the right of way of Cascade Highway, north of Shaff Road and south of Mill Creek and more particularly described as follows be annexed into the City of Stayton?

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

Beginning at the South quarter corner of Section 3, T. 9S. R. 1W., Willamette Meridian, Marion County, Oregon, said place of beginning being in the centerline of the Cascade Highway; thence North 89° 28' 50" East 35.00 feet along the south line of Said Section 3 to a point, said point being on the prolongation of the west boundary of the SANTIAM STATION Subdivision; thence North 00° 31' 35" West parallel to and 35.00 feet from said centerline and along the west boundary of said SANTIAM STATION Subdivision a distance of 1668.64, more or less, to a point in the center of Mill Creek; thence South 75° 28' 16" West 108.12 feet, more or less, along the center of Mill Creek to the intersection with the west boundary of the Cascade Highway; thence South 00° 24' 06" East 40.52 feet to an angle point in said west boundary; thence North 89° 28' 11" East 30.00 feet to an angle point in said west boundary, said point being 40.00 feet from centerline; thence South 00° 31' 35" East 951.96 feet, more or less, to the center of the un-named tributary of Mill Creek as described in Parcel 2 of the exception to that tract of land described in Reel 1721, Page 161, Marion County Deed Records; thence South 89° 28' 25" West 5.00 feet along the center of said creek; thence South 00° 31' 35" East 546.20 feet, more or less, along the west boundary of said Parcel 2 to the intersection with the north margin of Shaff Road; thence 71.64 feet along a 82.31 foot radius curve, concave to the northwest, chord bearing South 24° 24' 28" West 69.40 feet along the north margin of Shaff Road; thence South 89° 51' 35" East 74.26 feet to the centerline of the Cascade Highway; thence South 00° 31' 35" East 40.00 feet to the place of beginning.

**Explanatory Statement:**

If approved, this measure would result in annexation of 3.0 acres of territory ("the Territory") to the City of Stayton.

The Territory is the western portion of the Cascade Highway right of way, north of Shaff Road, to the center of Mill Creek and designated in the Stayton Comprehensive Plan as Residential and Commercial. Zoning of the Territory, if annexed, would be a mix of Low Density Residential, Commercial Retail, and Interchange Development.

The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

Word Limit: 500      Word Count: 124

## EXHIBIT 3

### Legal Description, Map of Territory, Measure and Explanatory Statement for the area to be Annexed: Fern Ridge Road Right of Way, West of Route 22, 2.7 acres

#### Legal Description

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

Beginning at a point on the South line of Section 2, T9S, R1W, Willamette Meridian, Marion County Oregon, said point being North 89° 31' 01" East 1294.26 feet from the Southwest corner of said Section and being the northeast corner of that tract of land previously annexed in Ordinance No. 282 dated April 6, 1953; thence South 00° 27' 01" West 25.00 feet along the east line of said land described in Ordinance No. 282 to the south margin of Fern Ridge Road; thence North 89° 31' 01" East 525.98 feet along the south margin of Fern Ridge Road to an angle point; thence South 00° 28' 59" East 35.00 feet to an angle point; thence North 89° 31' 02" East 599.86 feet, more or less, to the southerly margin of the North Santiam Highway (OR 22), said point being 95 feet from centerline; thence North 63° 24' 45" West 477.96 feet, more or less, to a point that is 100 feet from centerline and at an iron rod at the southeast corner of that tract of land described in Resolution No. 497, dated August 25, 1992; thence following along the boundary of that tract of land described in Resolution No. 497 the following courses: South 27° 11' 10" West 64.94 feet to an iron rod; thence South 89° 31' 01" West 454.10 feet to an iron rod; thence South 00° 29' 10" East 100.00 feet, more or less, to an angle point on the South line of Section 2; thence South 89° 31' 01" West 215.58 feet to the point of beginning.

# ANNEXATION MAP

SW 1/4 SECTION 2 T. 9 S., R. 1 W., WM.,  
 NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,  
 MARION COUNTY, OREGON  
 DECEMBER, 2013

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION. MCSR 37982 WAS USED TO CALCULATE THE ANGLE POINTS.

## Legend

-  = SECTION CORNER
-  = AREA TO BE ANNEXED

## Newberg Surveying, Inc.

1205 NE Evans  
 McMinnville, OR 97128  
 (503)-474-4742 (971)-237-1956 Cell  
 (503)-474-3752 Fax newberg@viclink.com


REGISTERED PROFESSIONAL LAND SURVEYOR

*John G. Newberg*

OREGON  
 June 30, 1997  
 JOHN G. NEWBERG  
 2838  
 Renewable 12-31-2014

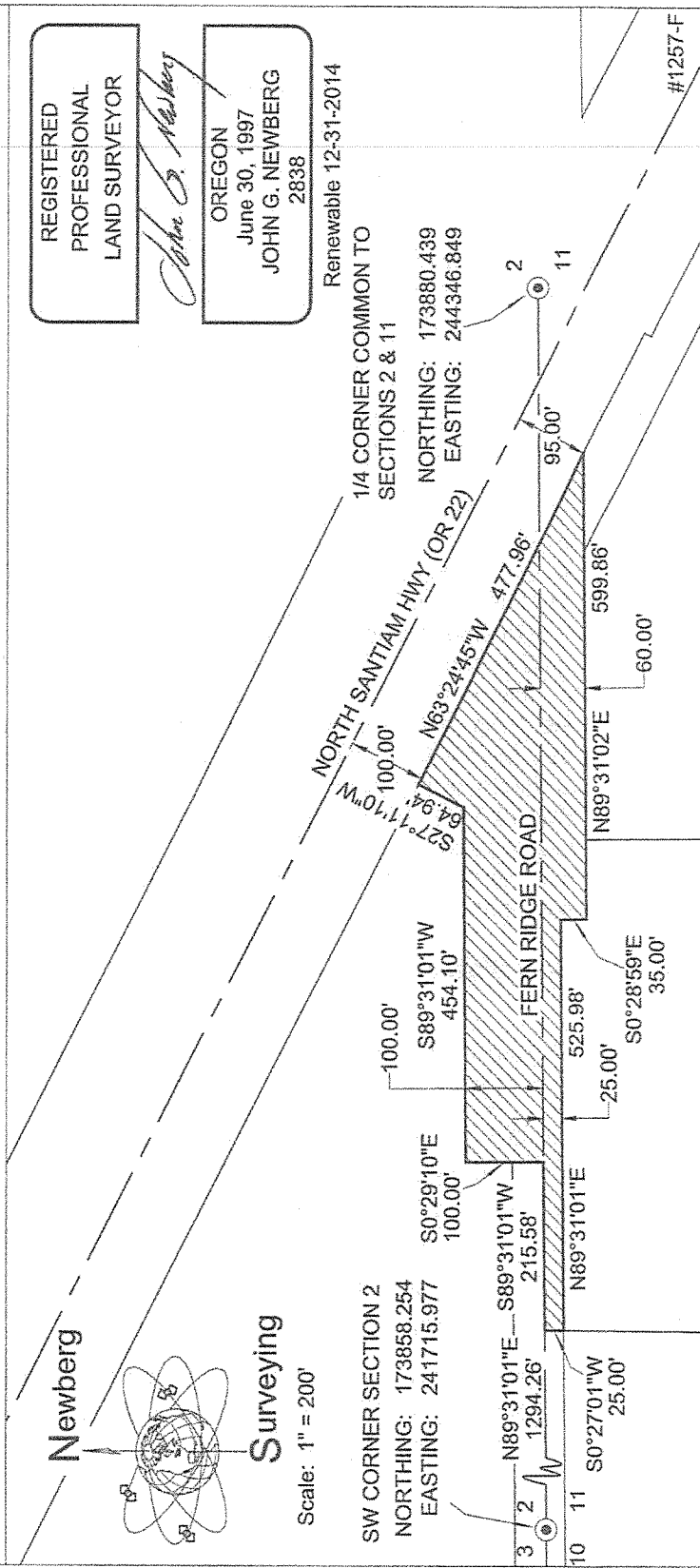
Newberg Surveying

Scale: 1" = 200'



SW CORNER SECTION 2  
 NORTHING: 173858.254  
 EASTING: 241715.977

1/4 CORNER COMMON TO SECTIONS 2 & 11  
 NORTHING: 173880.439  
 EASTING: 244346.849



## Measure

City of Stayton Measure No. \_\_\_\_\_

### **A Measure Proposing Annexation of a Portion of the Fern Ridge Road Right of Way into the City of Stayton**

Section 1: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located within the right of way Fern Ridge Road, west of Highway 22 and more particularly described as follows be annexed into the City of Stayton?

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

Beginning at a point on the South line of Section 2, T9S, R1W, Willamette Meridian, Marion County Oregon, said point being North 89° 31' 01" East 1294.26 feet from the Southwest corner of said Section and being the northeast corner of that tract of land previously annexed in Ordinance No. 282 dated April 6, 1953; thence South 00° 27' 01" West 25.00 feet along the east line of said land described in Ordinance No. 282 to the south margin of Fern Ridge Road; thence North 89° 31' 01" East 525.98 feet along the south margin of Fern Ridge Road to an angle point; thence South 00° 28' 59" East 35.00 feet to an angle point; thence North 89° 31' 02" East 599.86 feet, more or less, to the southerly margin of the North Santiam Highway (OR 22), said point being 95 feet from centerline; thence North 63° 24' 45" West 477.96 feet, more or less, to a point that is 100 feet from centerline and at an iron rod at the southeast corner of that tract of land described in Resolution No. 497, dated August 25, 1992; thence following along the boundary of that tract of land described in Resolution No. 497 the following courses: South 27° 11' 10" West 64.94 feet to an iron rod; thence South 89° 31' 01" West 454.10 feet to an iron rod; thence South 00° 29' 10" East 100.00 feet, more or less, to an angle point on the South line of Section 2; thence South 89° 31' 01" West 215.58 feet to the point of beginning.

#### **Explanatory Statement:**

If approved, this measure would result in annexation of 2.7 acres of territory ("the Territory") to the City of Stayton.

The Territory is a portion of the Fern Ridge Rd right of way, west of Highway 22, to the center of Mill Creek and designated in the Stayton Comprehensive Plan as Residential. Zoning of the Territory, if annexed, would be a mix of Low Density Residential and Medium Density Residential.

The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

Word Limit: 500

Word Count: 121

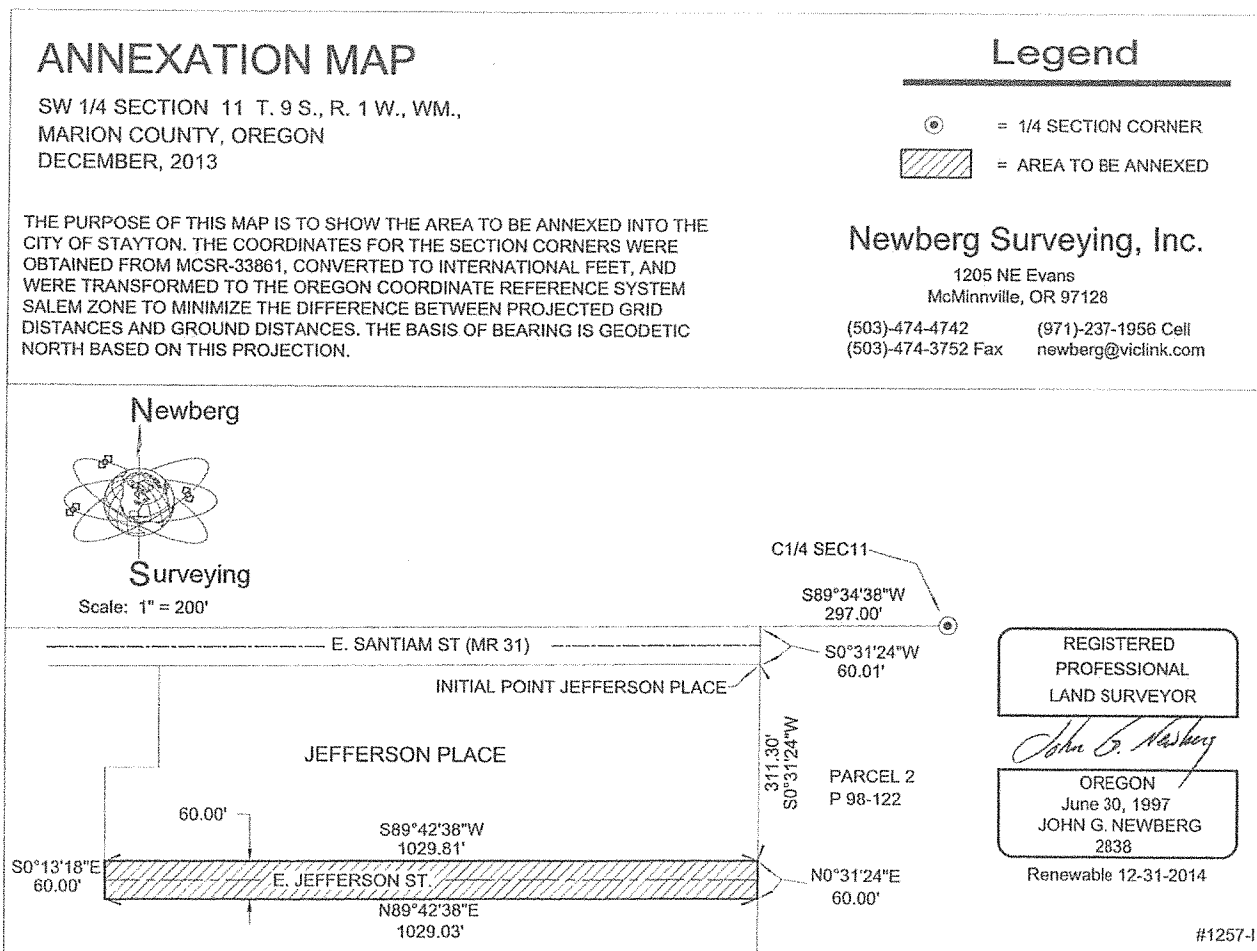
# EXHIBIT 4

## Legal Description, Map of Territory, Measure and Explanatory Statement for the area to be Annexed: E Jefferson St Right of Way, 1.4 acres

### Legal Description

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

Beginning at a point on the northerly right-of-way of East Jefferson Street which bears South 89° 34' 38" West 297.00 feet and South 0° 31' 24" West 371.31 feet from the Center 1/4 Corner of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence South 89° 42' 38" West along the Northerly right-of-way of East Jefferson Street 1029.81 feet to the Southwest corner of Lot 23 Jefferson Place Subdivision; thence South 0° 13' 18" East 60.00 feet to the Southerly right-of-way of East Jefferson Street; thence North 89° 42' 38" East 1029.03 feet to the Westerly boundary of Parcel 2 Partition 98-122; thence North 0° 31' 24" East 60.00 feet to the point of beginning, containing 1.4 Acres +/-.





**Measure**

City of Stayton Measure No. \_\_\_\_ \_

**A Measure Proposing Annexation of a Portion of the E Jefferson St Right of Way into the City of Stayton**

Section 1: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located within the right of way of E Jefferson St, south of the Jefferson Place subdivision and more particularly described as follows be annexed into the City of Stayton?

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

Beginning at a point on the northerly right-of-way of East Jefferson Street which bears South 89° 34' 38" West 297.00 feet and South 0° 31' 24" West 371.31 feet from the Center 1/4 Corner of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence South 89° 42' 38" West along the Northerly right-of-way of East Jefferson Street 1029.81 feet to the Southwest corner of Lot 23 Jefferson Place Subdivision; thence South 0° 13' 18" East 60.00 feet to the Southerly right-of-way of East Jefferson Street; thence North 89° 42' 38" East 1029.03 feet to the Westerly boundary of Parcel 2 Partition 98-122; thence North 0° 31' 24" East 60.00 feet to the point of beginning, containing 1.4 Acres +/-.

**Explanatory Statement:**

If approved, this measure would result in annexation of 1.4 acres of territory ("the Territory") to the City of Stayton.

The Territory is the eastern portion of the E Jefferson St right of way, adjacent to the Jefferson Place subdivision and designated in the Stayton Comprehensive Plan as Residential. Zoning of the Territory, if annexed, would be Low Density Residential.

The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

Word Limit: 500

Word Count: 111

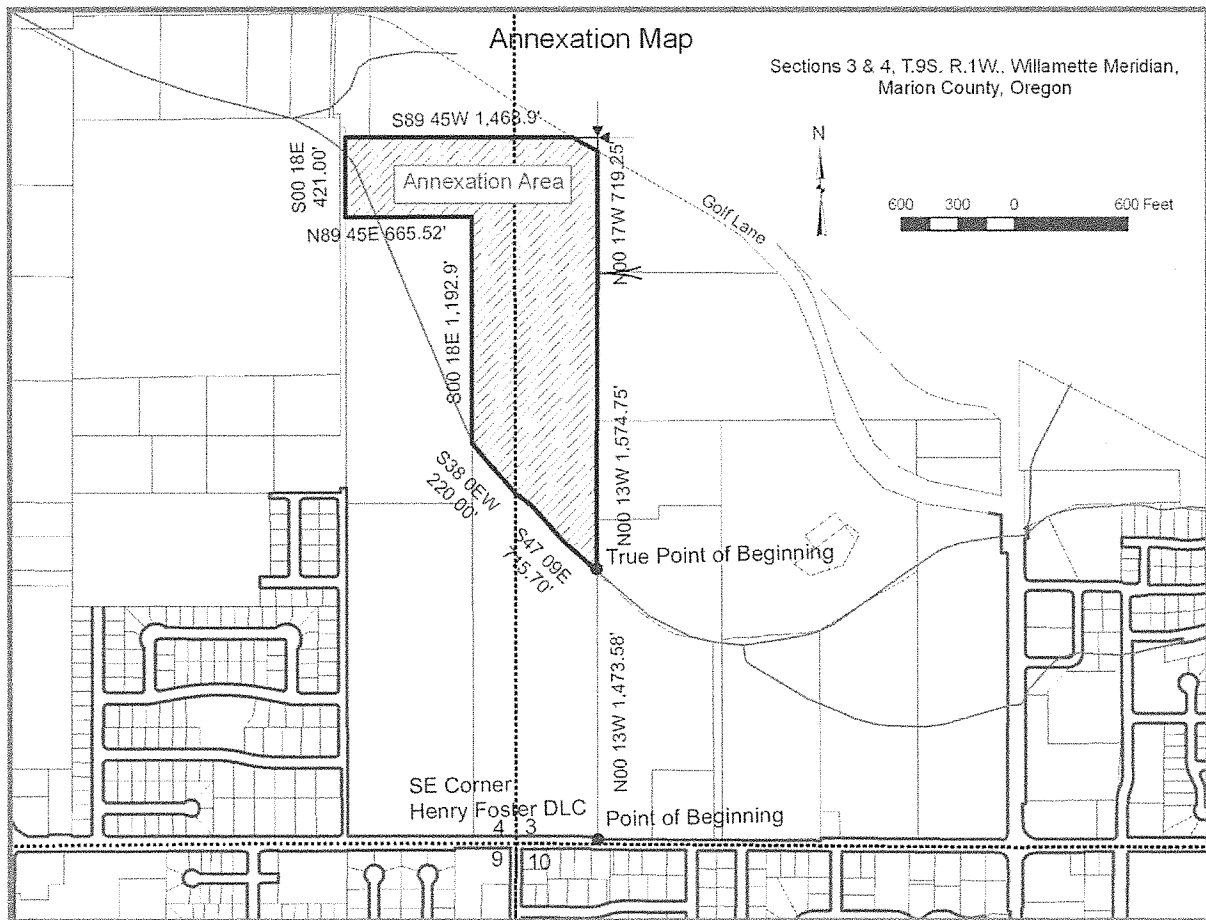
# EXHIBIT 5

## Legal Description, Map of Territory, Measure and Explanatory Statement for the area to be Annexed: Stayton Middle School property, north of Mill Creek, 37 acres

### Legal Description

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

Beginning at the Southeast corner of the Henry Foster Donation Land Claim and proceeding North  $00^{\circ}13'$  West 1,473.58 feet to the thread of Mill Creek and the true point of beginning of the territory to be annexed; then proceeding N  $00^{\circ}13'W$  1,574.75 feet; then proceeding N  $00^{\circ}17'W$  719.25; then S  $89^{\circ}45'W$  1,468.9 feet to appoint; then S  $00^{\circ}18'E$  421.00 feet to appoint; then N  $89^{\circ}45'E$  665.52 feet; then S  $00^{\circ}18'E$  1,192.9 feet to the thread of Mill Creek; then S  $38^{\circ}00'E$  220.00 feet; then S  $47^{\circ}09'E$  715.70 feet to the point of beginning, excepting that portion of the above described included in the right of way of Golf Lane.



**Measure**

City of Stayton Measure No. \_\_\_\_\_

**A Measure Proposing Annexation of a Portion of the Stayton Middle School Campus into the City of Stayton**

Section I: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located at 1021 Shaff Road, and further located north of Mill Creek, and more particularly described as follows be annexed into the City of Stayton?

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

Beginning at the Southeast corner of the Henry Foster Donation Land Claim and proceeding North 00°13' West 1,473.58 feet to the thread of Mill Creek and the true point of beginning of the territory to be annexed; then proceeding N 00° 13'W 1,574.75 feet; then proceeding N00 °17'W 719.25; then S89 °45'W1,468.9 feet to appoint; then S00 °18'E 421.00 feet to appoint; then N89 °45'E 665.52 feet; then S00 °18'E 1,192.9 feet to the thread of Mill Creek; then S38 °00'E 220.00 feet; then S 47 °09'E 715.70 feet to the point of beginning, excepting that portion of the above described included in the right of way of Golf Lane.

**Explanatory Statement:**

If approved, this measure would result in annexation of 37 acres of territory ("the Territory") to the City of Stayton.

The Territory is located generally north of Shaff Road, more particularly north of Mill Creek. The Territory is a portion of the Stayton Middle School Campus and designated in the Stayton Comprehensive Plan as Public. Zoning of the Territory, if annexed, would be Public/Semi-Public (P). The P zone district generally allows governmental uses such as parks, schools, libraries, and non-profit uses such as museums, hospitals and cemeteries. This zoning designation does not allow residential development. A complete description of uses in the P zone is available in Stayton Municipal Code (SMC) Chapter 17.16.

The Territory is owned by the North Santiam School District. The School District Board of Directors has consented to the annexation. The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation and zoning is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

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# EXHIBIT 6

## Legal Description, Map of Territory, Measure and Explanatory Statement for the area to be Annexed: Portion of Wilderness Park in Section 11, 17 acres

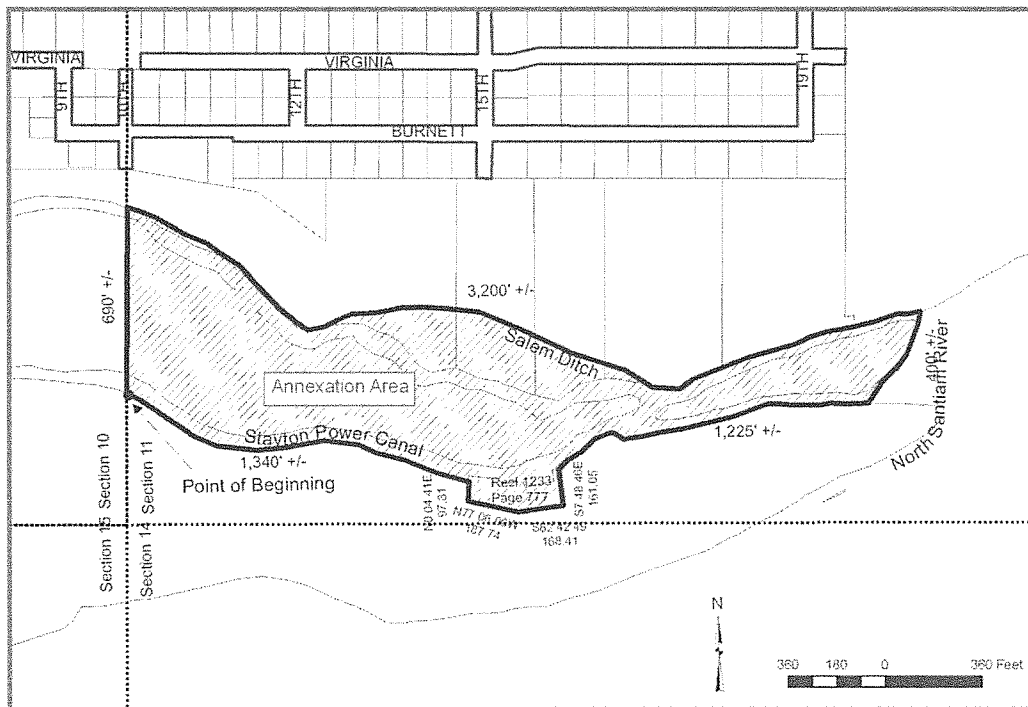
### Legal Description

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

Beginning at a point on the line between Section 10 and Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon such point being on the south bank of the Stayton Power Canal (also known as the Reid Canal); then proceeding northerly 690 feet more or less along the section line to a point on the north bank of the Salem Ditch; then proceeding along the north bank of the Salem Ditch generally easterly and south easterly 3,200 feet more or less to the north bank of the North Channel of the North Santiam River; then generally southwesterly 400 feet more or less along the north bank of the North Channel of the North Santiam River to the south bank of the Stayton Power Canal; then generally westerly along the south bank of the Stayton Power Canal 1,225 feet more or less to the easterly line of that certain tract conveyed to the Santiam Water Control District per Reel 1233, Page 777, Marion County Records; then along said easterly line S 7°48'46"E 161.05 feet, more or less, to the southeast corner thereof; thence S 82°42'49"W 168.41 feet thence along the southerly line thereof; then N 77°06'00"W 187.74 feet to the southwest corner thereof; then N 0°04'41"E 97.81 feet along said westerly line thereof to the southerly bank of the Stayton Power Canal; then generally westerly along the Stayton Power Canal 1,340 feet more or less to the line between Section 10 and Section 11 and the point of beginning.

Annexation Map

Section 11, T9S, R1W Willamette Meridian,  
Marion County, Oregon



**Measure**

City of Stayton Measure No. \_\_\_\_ \_

**A Measure Proposing Annexation of a Portion of Wilderness Park into the City of Stayton**

Section I: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), known as a portion of Wilderness Park and more particularly described as follows be annexed into the City of Stayton?

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

Beginning at a point on the line between Section 10 and Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon such point being on the south bank of the Stayton Power Canal (also known as the Reid Canal); then proceeding northerly 690 feet more or less along the section line to a point on the north bank of the Salem Ditch; then proceeding along the north bank of the Salem Ditch generally easterly and south easterly 3,200 feet more or less to the north bank of the North Channel of the North Santiam River; then generally southwesterly 400 feet more or less along the north bank of the North Channel of the North Santiam River to the south bank of the Stayton Power Canal; then generally westerly along the south bank of the Stayton Power Canal 1,225 feet more or less to the easterly line of that certain tract conveyed to the Santiam Water Control District per Reel 1233, Page 777, Marion County Records; then along said easterly line S 7°48'46"E 161.05 feet, more or less, to the southeast corner thereof; thence S 82°42'49"W 168.41 feet thence along the southerly line thereof; then N 77°06'00"W 187.74 feet to the southwest corner thereof; then N 0°04'41"E 97.81 feet along said westerly line thereof to the southerly bank of the Stayton Power Canal; then generally westerly along the Stayton Power Canal 1,340 feet more or less to the line between Section 10 and Section 11 and the point of beginning.

**Explanatory Statement:**

If approved, this measure would result in annexation of 17 acres of territory ("the Territory") to the City of Stayton.

The Territory is located generally south of E Burnett St, between the Salem Ditch and the Stayton Ditch. The Territory also includes 0.79 acres on the south side of the Stayton Ditch. The Territory is designated in the Stayton Comprehensive Plan as Public. Zoning of the Territory, if annexed, would be Public/Semi-Public (P). The P zone district generally allows governmental uses such as parks, schools, libraries, and non-profit uses such as museums, hospitals and cemeteries. This zoning designation does not allow residential development. A complete description of uses in the P zone is available in Stayton Municipal Code (SMC) Chapter 17.16.

The Territory is owned by the Santiam Water Control District. The portion of the Territory between the Salem Ditch and the Stayton Ditch is leased to the City of Stayton as the City's Wilderness Park. The portion of the Territory south of the Stayton Ditch is used for control

structures for the Santiam Water Control District's canal system. The Water Control District Board of Directors has consented to the annexation. The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation and zoning is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

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# EXHIBIT 7

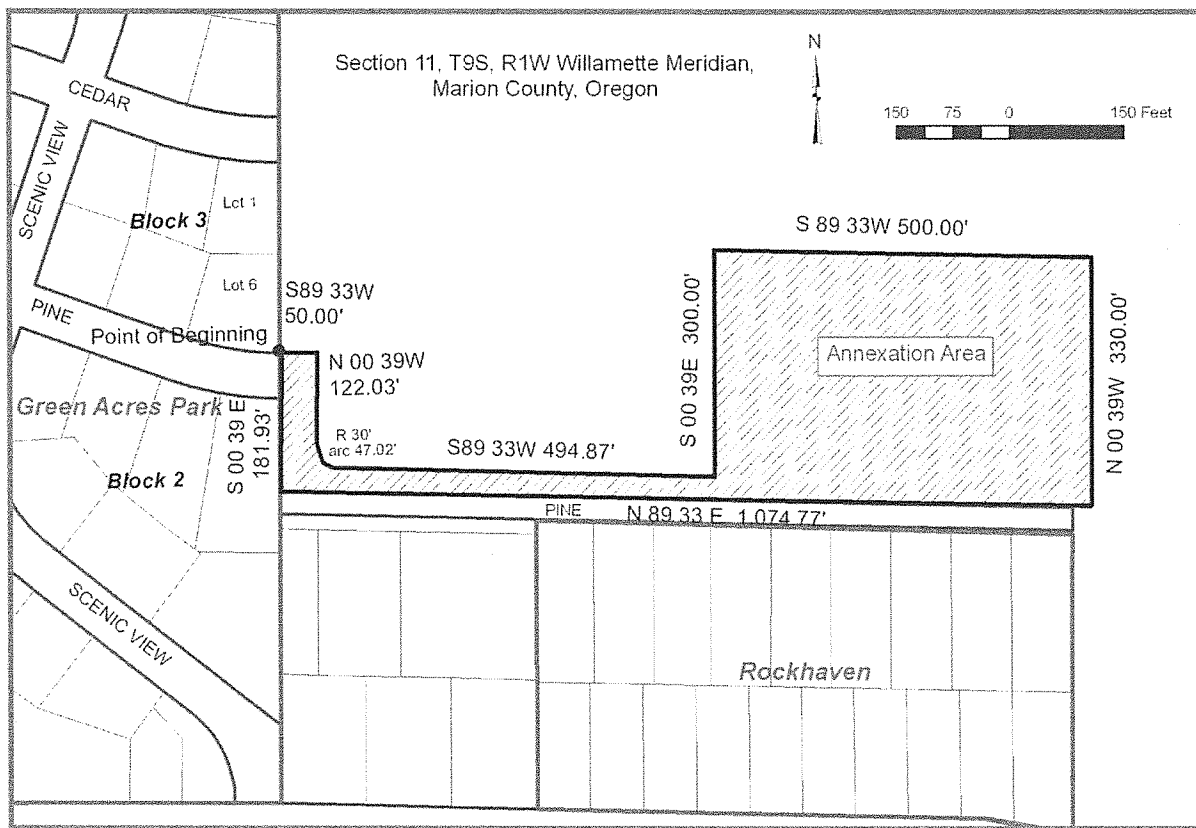
## Legal Description, Map of Territory, Measure and Explanatory Statement for the area to be Annexed: 2365 E Pine St, 4.4 acres

### Legal Description

That certain tract of land located in the southwest quarter of the northeast quarter of Section 11 Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon and which is legally described as follows:

Beginning at the southeast corner of Lot 6, Block 3 of Green Acres Park Subdivision, and proceeding along the east line of Green Acres Park Subdivision  $S00^{\circ} 39'E$  181.93 feet to a point on the north right of way line of E Pine St.; then  $N89^{\circ} 33'E$  1,074.77 feet; then  $N00^{\circ} 39'W$  330.00 feet; then  $S89^{\circ} 33'W$  500.00 feet; then  $S00^{\circ} 39'E$  300.00 feet; then  $S89^{\circ} 33'W$  494.87 feet; then curving to the right on a 30 foot radius an arc of 47.02 feet; then  $N00^{\circ} 39'W$  122.03 feet; then  $S89^{\circ} 33'W$  50.00 feet to the point of beginning.

Annexation Map



**Measure**

City of Stayton Measure No. \_\_\_\_ \_

**A Measure Proposing Annexation of the City of Stayton's Pine St Water Reservoir into the City of Stayton**

Section 1: Measure Election Called. A measure election is hereby called to take place May 20, 2014, for the purpose of submitting the following question to the electors of the City:

Shall that certain real property (the "Territory"), located at 2635 E Pine St and more particularly described as follows be annexed into the City of Stayton?

That certain tract of land located in the southwest quarter of the northeast quarter of Section 11 Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon and which is legally described as follows:

Beginning at the southeast corner of Lot 6, Block 3 of Green Acres Park Subdivision, and proceeding along the east line of Green Acres Park Subdivision S00° 39'E 181.93 feet to a point on the north right of way line of E Pine St.; then N89° 33'E 1,074.77 feet to a point; then N00° 39'W 330.00 feet to a point; then S89° 33'W 500.00 feet; then S00° 39'E 300.00 feet; then S89° 33'W 494.87 feet; then curving to the right on a 30 foot radius an arc of 47.02 feet; then N00° 39'W 122.03 feet; then S89° 33'W 50.00 feet to the point of beginning.

**Explanatory Statement:**

If approved, this measure would result in annexation of 4.4 acres of territory ("the Territory") to the City of Stayton.

The Territory is located at 2365 E Pine St and designated in the Stayton Comprehensive Plan as Public. Zoning of the Territory, if annexed, would be Public/Semi-Public (P). The P zone district generally allows governmental uses such as parks, schools, libraries, and non-profit uses such as museums, hospitals and cemeteries. This zoning designation does not allow residential development. A complete description of uses in the P zone is available in Stayton Municipal Code (SMC) Chapter 17.16.

The Territory is owned by the City of Stayton and used for a water storage reservoir. The City's Water Master Plan calls for future construction of a second water storage reservoir at the site. The Stayton City Council has initiated annexation to facilitate the determination of the jurisdiction of the Stayton Police Department.

Additional information regarding the proposed annexation and zoning is available for public review at the Stayton Department of Planning and Development, 311 N 3<sup>rd</sup> Ave, Stayton, Oregon, and on the City's web site, [www.staytonoregon.gov](http://www.staytonoregon.gov).

Word Limit: 500

Word Count: 183



#### D. PUBLIC COMMENTS

The Planning Department notified all owners of property within 300 feet of the subject properties and had not received any public comment on this application prior to the public hearing. There was no public testimony offered at the Planning Commission's December 30, 2013 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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. The need for the annexation is to provide clear delineation of jurisdiction between the Stayton Police Department and other public safety agencies.

*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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. City public services currently existing in the portions of Shaff Road east of Wilco Road, Kindle Way, Cascade Highway, Fern Ridge Road, Stayton Rd, and E Jefferson St. City public services currently exist in E Pine St adjacent to the City-owned parcel proposed for annexation. Wilderness Park is used as an undeveloped open space recreational area and does not require city public services. The Stayton Middle School property is developed with city public services available to the developed portion of the property.

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

Finding: The territories to be annexed are contiguous with the existing City limits.

*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 territories to be annexed are all either public street rights of way or land owned by a governmental entity. The territories to be annexed that are not public street rights of way will all be zoned Public and no development is proposed in the foreseeable future.

*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 owners of the territories to be annexed that are not street rights of way have consented to annexation.

*f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.*

Finding: The proposed annexations are not contract annexations.

## **Description of Properties Annexed and Zoning After Annexation**

### **City of Stayton City-Initiated Annexations**

#### **Section 1. Minor Annexation Proceedings.** (finalized by Ordinance 965)

- A. A portion of the Shaff Road right of way west of Wilco Road and Golf Club Road to the center of Salem Ditch, approximately 0.9 acres of land;

New Zoning: Low Density Residential for north half of right of way (0.7 acre);  
Light Industrial for south half of right of way (0.2 acre); that portion of the right of way within 50 feet of Salem Ditch placed in Natural Resources Overlay District (250 sq ft)

- B. The northern portion of the Shaff Road right of way, west of the Stayton Middle School and east of Kindle Way, approximately 0.6 acres of land;

New Zoning: Low Density Residential

- C. The Kindle Way right of way, adjacent to the Phillips Estates Phase I subdivision, approximately 0.4 acres of land;

New Zoning: Low Density Residential

- D. The northern portion of the Fern Ridge Road right of way, south of Marion County Assessor's Map 091W02 Lot 600, approximately 0.5 acres of land;

New Zoning: Low Density Residential

- E. The Stayton Road right of way, west of Rogue Ave, approximately 6.0 acres of land;

Proposed Zoning of W Washington St/Stayton Road: northwest half of right of way will be Commercial General, Industrial Commercial and Light Industrial; southeast half of right of way will be Light Industrial

Proposed Zoning of Wilco Road: west half of right of way will be Commercial General, Industrial Commercial and Light Industrial; east half of right of way will be Commercial General and Light Industrial

#### **Section 2. Major Annexation Proceedings.** (Land Use proceeding finalized with Resolution 909 – must be approved by voters and then enactment of ordinance by City Council)

- A. The northern portion of the Shaff Road right of way, west of Cascade Highway to Marion County Assessor's Map 091W04D Lot 1200, approximately 1.3 acres of land;

New Zoning: Low Density Residential

- B. The Cascade Highway right of way, north of Shaff Road to the center of Mill Creek, approximately 3.0 acres of land;

New Zoning: West half of the right of way will be Low Density Residential (1.5 acres); East half of right of way will be High Density Residential (0.5 acre), Commercial Retail (0.1 acre) and Interchange Development Zone (0.7 acre).

- C. The Fern Ridge Road right of way, north of Marion County Assessor's Map 091W011A Lot 300 and Map 091W11BA Lot 100, east to the Highway 22 right of way, approximately 2.7 acres of land;

New Zoning: North portion of right of way will be Medium Density Residential (1.6 acres; south half of right of way will be Low Density Residential (1.1 acres)

- D. The E Jefferson Street right of way, adjacent to the Jefferson Place subdivision, approximately 1.4 acres of land;

Proposed Zoning: Low Density Residential

- F. That portion of the Stayton Middle School property north of Mill Creek, identified as a portion of Marion County Assessor's Map 091W04D Lot 100, approximately 37 acres of land;

Proposed Zoning: Public

- G. That portion of Wilderness Park that is in Township 9 Range 1 West, Section 11, identified as the eastern portion of Marion County Assessor's Map 091W11C Lot 1400, approximately 17 acres of land;

Proposed Zoning: Public

- H. The northern portion of the property at 2000 Scenic View Dr, identified as a portion of Marion County Assessor's Map 091W11BA Lot 800, approximately 2.2 acres of land;

Proposed Zoning: Low Density Residential

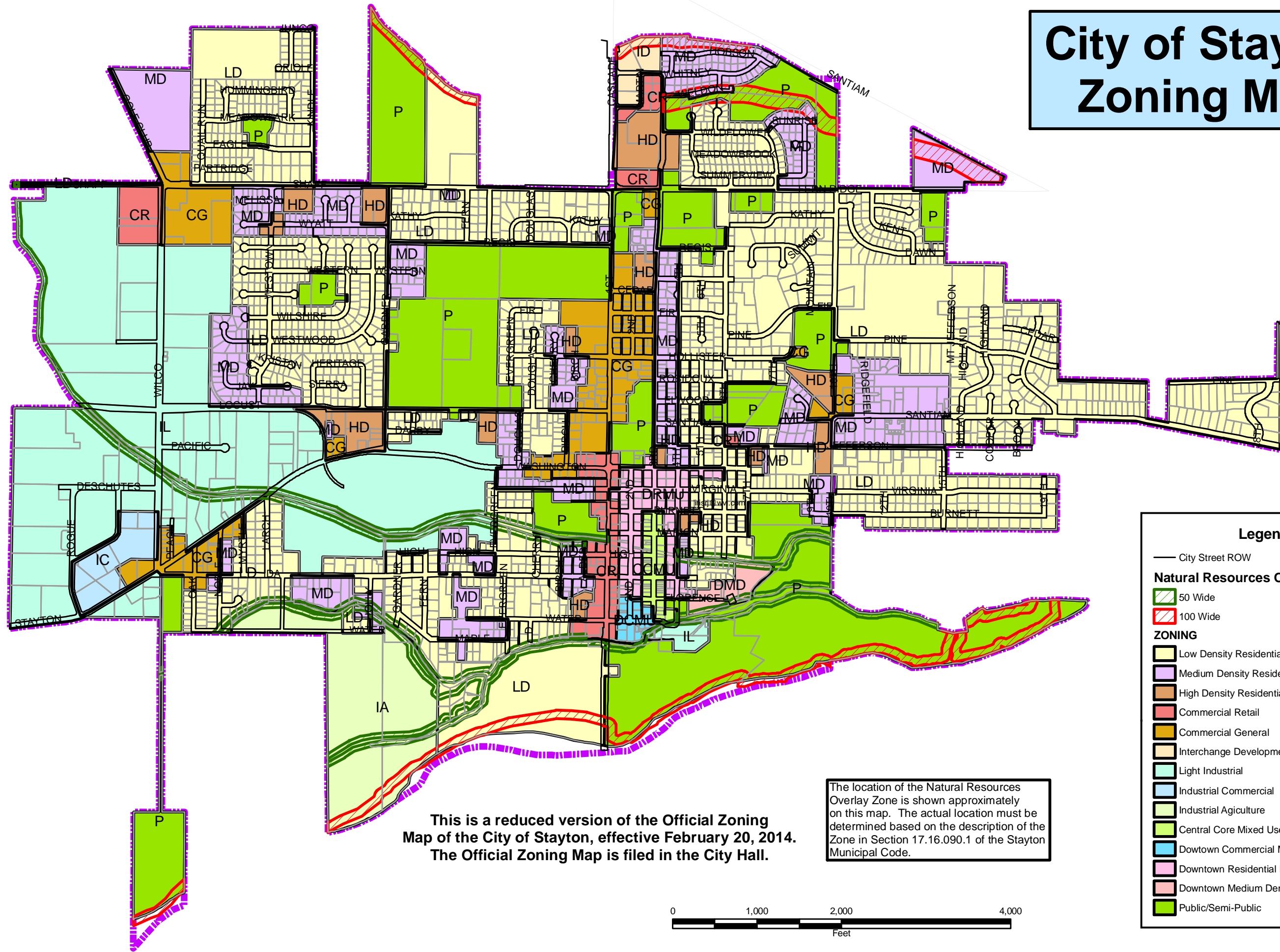
- I. The northern portion of the property at 2020 Scenic View Dr, identified as a portion of Marion County Assessor's Map 091W11BA Lot 1000, approximately 1.8 acres of land;

Proposed Zoning: Low Density Residential

- J. The property at 2635 E Pine St, identified as Marion County Assessor's Map 091W11AC Lot 100, approximately 4.4 acres of land.

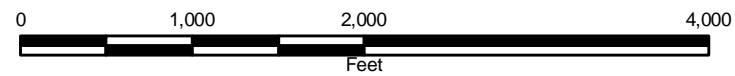
Proposed Zoning: Public

# City of Stayton Zoning Map



This is a reduced version of the Official Zoning Map of the City of Stayton, effective February 20, 2014. 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.



**Legend**

- City Street ROW
- Natural Resources Overlay District**
  - 50 Wide
  - 100 Wide
- ZONING**
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Commercial Retail
  - Commercial General
  - Interchange Development
  - Light Industrial
  - Industrial Commercial
  - Industrial Agriculture
  - Central Core Mixed Use
  - Downtown Commercial Mixed Use
  - Downtown Residential Mixed Use
  - Downtown Medium Density Residential
  - Public/Semi-Public

