

ORDINANCE NO. 881

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON AND AMENDING THE CITY OF STAYTON'S COMPREHENSIVE PLAN AND ZONE MAPS FROM LOW DENSITY (LD) RESIDENTIAL TO PUBLIC SEMI-PUBLIC (P) FOR CERTAIN REAL PROPERTY LOCATED ALONG THE NORTH BANK OF THE NORTH SANTIAM RIVER.

WHEREAS, the City of Stayton is owner of 38.07 acres between Stayton Ditch and the North Santiam River, situated in Marion County, State of Oregon;

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property located between the Stayton Ditch and the North Santiam River Low Density Residential (LD) District;

WHEREAS, a Low Density Residential (LD) District does not make allowance for use as a public park/open space;

WHEREAS, the property which is subject to annexation is a part, and is contained within the City of Stayton's Urban Growth Boundary and is contiguous to the City limits;

WHEREAS, the property located between Stayton Ditch and the North Santiam River is identified as open space park in the Stayton Parks and Recreation Master Plan;

WHEREAS, the Public Semi-Public (P) Comprehensive Plan and Zone Maps reflect the correct land use designation for the property located between Stayton Ditch and the North Santiam River; and,

WHEREAS, the Stayton Planning Commission held a public hearing on May 23, 2005 and the City Council held its public hearing on June 20, 2005 addressing the subject map amendments to the Comprehensive Plan and Zone Maps and annexation (Land Use File 02-03/05) whereupon, the Stayton City Council directed preparation of the Order with findings and conclusions (Exhibit A) to support the Council's action granting approval to amend the Annexation, Comprehensive Plan and Zone Maps from (LD) to (P).

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. That pursuant to ORS 222.125, the Stayton City Council hereby initiates proceedings and proclaims the annexation to the City of Stayton, Oregon, of territory located between Stayton Ditch and the North Santiam River and the legal description of which is described in Exhibit A which is attached hereto and by reference incorporated herein.

SECTION 2. That pursuant to ORS 222.005 the City Administrator shall provide by certified mail to all public utilities, telecommunications utilities, 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. That pursuant to ORS 222.010 the City Administrator shall, within (10) ten working days of the passage of this ordinance, provide to the Oregon Department of Revenue, 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. Based on the findings of fact established and set forth in the Order of the Stayton City Council dated June 20, 2005, the Stayton Comprehensive Plan and Zone Maps are amended as set forth in said Order (Exhibit A).

SECTION 5. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance with said Order (Exhibit A) shall become effective 30 days after the date of signing.

SECTION 6. This Ordinance, with said Order (Exhibit A) shall be furnished to the State of Oregon, Secretary of State and Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of June 2005.

CITY OF STAYTON

Signed: June 23, 2005 BY: 
GERRY ABOUD, MAYOR

Signed: June 23, 2005 ATTEST: 
CHRIS CHILDS, CITY ADMINISTRATOR


APPROVED AS TO FORM: 
DAVID A. RHOTEN, CITY ATTORNEY

EXHIBIT 'A'

BEFORE THE STAYTON CITY COUNCIL

In the Matter of the
Application of the City of Stayton

)File #02-03/05 Annexation,
Comprehensive Plan Map
Amendment, Zone Map Amendment

ORDER OF APPROVAL

I. NATURE OF THE APPLICATION

This matter comes before the Stayton City Council for the approval of the following actions:

1. Annexation into the City.
2. Comprehensive Plan Map Amendment from Low Density (LD) Residential to Public Semi-Public (P).
3. Zone Map Amendment from Low Density (LD) Residential to Public Semi-Public (P).

II. PUBLIC HEARING

A. City Council Action

A public hearing was duly held on the application before the Stayton City Council on June 20, 2005. At the hearing of the City Council, Land Use File #02-03/05 was made part of the record. Notice of the hearing was sent to surrounding property owners, published in the Stayton Mail and posted at City Hall, Library and the Community Center building.

The persons listed in "Attachment A" appeared at the hearing and provided testimony on the application. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the City Council deliberated on the issue and adopted an Order to approve the Annexation, the Comprehensive Map Plan Amendment and Zone Map Amendment. The City Council found the Annexation, the Comprehensive Map Plan Amendment and Zone Map Amendment met the intent of the standards in the Stayton Municipal Code (SMC) Sections 17.12.460 Annexations and 17.12.420 Plan Amendments and 17.12.430 Zone Changes.

III. FINDINGS OF FACT – GENERAL

The Stayton City Council, after careful consideration of the testimony and evidence in the record, adopt the following findings of fact:

- A. The City of Stayton is the owner of record, according to Marion County Assessor's office.

- B. The subject property is located adjacent to the north bank of the North Santiam River and adjacent to the southern edge of Stayton Ditch.
- C. The subject property is further described as tax lot 1200 Township 9, Range 1 West of the Willamette Meridian, Section 10DD. As tax lot 300, Township 9, Range 1 West of the Willamette Meridian, Section 14. As tax lot 301, Township 9, Range 1 West of the Willamette Meridian, Section 14. As tax lot 1400, Township 9, Range 1 West of the Willamette Meridian, Section 11C.
- D. The applicant is seeking approval of three land use requests. An Annexation into the City limits. A Comprehensive Plan Map Amendment from Low Density (LD) Residential to Public Semi-Public (P). A Zone Map Amendment from Low Density (LD) Residential to Public Semi-Public (P).

Property A

COMPREHENSIVE PLAN MAP AMENDMENT

APPROVAL CRITERIA

Pursuant to SMC 17.12.420(5) the following criteria must be demonstrated as being satisfied by the application:

a. *The proposed amendment is compatible with the existing provisions of the plan, as measured by:*

1. *If a map amendment, the extent of existing and proposed land use allocations for the requested uses.*

Finding: There are currently 29.8 acres of park land within the City. A further 68.27 will be added through this hearings process. A proposed 267 acres are to be added over the next 20 years. This park is part of the effort to increase the amount of open space within the city. Riverfront Park is identified in the Stayton Parks and Recreation Master Plan as open space.

2. *Impact of the proposed amendment on land use and development patterns within the City, as measured by:*

a. *Traffic generation and circulation patterns;*

Finding: The subject property is not accessible by any roads currently. When the trail system in Riverfront Park has been developed, the park will be accessible from one point off of Florence Street where a footbridge will allow pedestrian access to the site. **See Attachment II**

b. *Population concentrations*

Finding: The subject property will serve the needs of the city for open space/wetlands preservation. This parcel is identified as open space in the Stayton Parks and Recreation Master Plan. The areas to the north and west are P and LD properties.

c. Demand for public facilities and services;

Finding: The Stayton Parks and Recreation Master Plan identifies a need for open spaces to meet the needs of the City through 2020. This subject property has already been identified in the plan as open space and will accommodate sections of the City trail system.

d. Maintenance of public health and safety;

Finding: Open space provides areas for pedestrian and bicyclist use of trails, provides healthy habitat for wildlife. Open space also addresses flood hazards by providing an undeveloped space for flooding in more natural patterns and reducing the opportunities for flooding in developed areas.

e. Level of park and recreation facilities;

Finding: The subject parcel will contribute to the 105 acres of open space required in the Stayton Parks and Recreation Master Plan. Other areas include a North Santiam River Greenway and the Mill Creek area.

f. Economic activities;

Finding: This criterion does not apply to publicly zoned land.

g. Protection and use of natural resources;

Finding: The subject property is identified as open space/wetlands in the Stayton Local Wetlands and Riparian Inventory.

h. Natural hazards and constraints;

Finding: Part of the Riverfront Park is in an identified flood plain according to FEMA flood maps. Use of the subject property as a minimally developed park will help to mitigate flooding hazards by providing an undeveloped location for the North Santiam River to flood naturally without substantially damaging developed areas.

i. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.

Finding: The subject property is identified in the Stayton Parks and Recreation Plan as open space park and will have a trail system for pedestrian use that connects into the City trail system.

b. A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment).

Finding: The need for additional open space parks has been identified as a goal in the Stayton Parks and Recreation Master Plan. The subject property has been identified as an open space park in the Parks Plan.

- c. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.*

Finding:

Goal 1. Citizen Involvement. The hearings process being conducted for this subject property is compliant with the requirements of Goal 1.

Goal 2. Land Use Planning. The comprehensive plan amendment requested for the subject parcel is a minor revision of the Stayton Comprehensive Plan. The evidence presented in this report is in compliance with the requirements of Goal 2 by providing factual support for the amendment.

Goal 3. Agricultural Lands Goal 4. Forest Lands. These goals do not apply to the subject property.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces. The subject property is providing open space within the city. The subject property borders the North Santiam River and has identified wetlands in the Stayton Wetlands and Riparian Inventory. The subject property borders the North Santiam River; a river not designated as either a state or federal scenic waterway. The subject property is a wildlife corridor. Quoting a biology study done on the area, the Trust for Public Land states that there are more than 135 species that may use this area for nesting, foraging, roosting or migration, including bald endangered and sensitive species. The North Santiam is also habitat for endangered and threatened fish species. The property has no energy resources or cultural resources. The property is identified as open space park in the Stayton Parks and Recreation Master Plan.

Goal 6. Air, Water, and Land Resource Quality. The subject property has designated wetlands which are natural filters that help maintain water quality.

Goal 7. Areas Subject to Natural Disasters and Hazards. Large parts of the subject property are located in the flood plain along the North Santiam River. Preserving this area allows flooding to occur in a more natural pattern without as much danger for surrounding development.

Goal 8. Recreational Needs. The subject property will allow limited access to the site in the form of pedestrian trails but will remain an undeveloped open space park for purposes of habitat and open space preservation. Access will be limited to help minimize the human impact on the fragile riparian and wetland habitats.

Goal 9. Economic Development. Goal 10. Housing. These goals do not apply to the subject property.

Goal 11. Public Facilities and Services. The subject parcel is providing additional recreational facilities for the City to address the need identified in the Stayton Parks and Recreation Master Plan.

Goal 12. Transportation. Goal 13. Energy Conservation. Goal 14. Urbanization. Goal 15. Willamette River Greenway. Goal 16. Estuarine Resources. Goal 17. Coastal Shorelines. Goal 18. Beaches and Dunes. Goal 19. Ocean Resources. These goals do not apply to the subject property.

- d. *The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

Chapter 2 Natural and Historic Resources Policies NR-11 “Vegetation along streams and rivers should be maintained in a natural state. As a buffer between urban development and fish habitat, a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek.

Finding: The creation of Riverfront Park will provide a significant buffer of natural vegetation between the North Santiam River and development. Since the park will remain undeveloped, relatively undisturbed natural habitat will be provided for fish.

Chapter 2 Natural and Historic Resources Policies NR-13 “The City of Stayton shall consider the effect on fish habitats when a discretionary land use actions (plan and zone change, subdivision or major partition, planned unit development, conditional use, variance) is proposed on a parcel adjacent to Mill Creek, Salem Ditch, or the North Santiam River.

Finding: The proposed comprehensive plan map amendment and zone map amendment will serve to protect fish habitat in the North Santiam River. By changing the zoning from LD to P the property will not have residential development and by keeping the property undeveloped and with natural vegetation fish habitat will be protected.

Chapter 4 Public Facilities and Services Policies PF-8 “Areas along the waterways should be preserved for the passive enjoyment of the scenic and natural sites. The fish ladder near the City of Salem water works and on the power canal should have controlled public access.”

Finding: The proposed comprehensive plan map amendment and zone map amendment will redesignate the subject property from LD to P for use as a limited access, undeveloped open space park for habitat, wetlands, and open space preservation.

Chapter 4 Public Facilities and Services Policies PF-10 “Need to provide parks and facilities as outlined in the Stayton Parks and Recreation Master Plan”

Finding: The subject property will provide open space/wetlands to the City and will help to satisfy the need for an additional 105 acres to meet the 2020 need projections. The trail provided on the subject property will be part of the City trails system according to the Parks Master Plan.

Chapter 4 Public Facilities and Services Policies PF-11 "Provide a broader range of park types in the community including natural open space, active use parks."

Finding: The Stayton Parks and Recreation Master Plan recommends the addition of more open space parks to supplement the two existing open space parks to diversify the types of parks within the City. The subject property will be part of that increase in open space parks.

e. The amendment is appropriate as measured by at least one of the following criteria:

1. It corrects identified error(s) in the provisions of the plan.

Finding: The proposed amendment is not correcting errors in the provisions of the plan.

2. It represents a logical implementation of the plan.

Finding: The proposed amendment does represent a logical implementation of the plan because it is addressing the recommendations of the Stayton Parks and Recreation Master Plan.

3. It is mandated by changes in federal, state, or local law.

Finding: The proposed amendment is not mandated. There have not been any applicable changes in federal, state, or local law.

4. It is otherwise deemed by the council to be desirable, appropriate, and proper.

Finding: The proposed amendment is deemed to be desirable, appropriate and proper by the council through the adoption of Ordinance 875, the Stayton Parks and Recreation Master Plan, whose recommendations are the basis of this application.

CONCLUSION

The applicant's request meets the requirements established in SMC 17.12.420(5)

ZONE MAP AMENDMENT

APPROVAL CRITERIA

Pursuant to SMC 17.12.430(5) the following criteria must be demonstrated as being satisfied by the application:

a. The proposed zone change and intended use is compatible with the surrounding area, as measured by:

1. Land use patterns.

Finding: The subject property is identified as open space park in the Stayton Parks and Recreation Master Plan and was purchased by the City for use as a park. Rezoning the property to P from LD will more accurately reflect the intended use of the property.

2. *Traffic generation and circulation.*

Finding: The subject property is not accessible by any roads currently. When the trail system in Riverfront Park has been developed, the park will be accessible from one point off of Florence Street where a footbridge will allow pedestrian access to the site.

3. *Population density and impacts of population concentrations.*

Findings: There is no impact on population density. The subject property is identified as park in the Stayton Parks and Recreation Master Plan.

4. *Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.*

Finding: Impacts will be minimal because of limited access to the subject property for habitat preservation.

5. *Other similar factors deemed to be of importance to the decision by the Planning Commission or council.*

Finding: No additional factors have been identified.

b. *Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.*

Finding: The subject parcel will contribute to the 105 acres of open space required in the Stayton Parks and Recreation Master Plan. Other areas include a North Santiam River Greenway and the Mill Creek area.

c. *There are adequate urban services to serve the possible use under the zone proposed.*

Finding: Minimal urban services will be provided at the entrance to the park. Facilities along the trails other than benches and trail maintenance will not be provided in keeping with the parks undeveloped, open space designation under the Stayton Parks and Recreation Master Plan.

d. *The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.*

Chapter 2 Natural and Historic Resources Policies NR-11 "Vegetation along streams and rivers should be maintained in a natural state. As a buffer between urban development and fish habitat, a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek.

Finding: The creation of Riverfront Park will provide a significant buffer of natural vegetation between the North Santiam River and development. Since the park will remain undeveloped, relatively undisturbed natural habitat will be provided for fish.

Chapter 2 Natural and Historic Resources Policies NR-13 “The City of Stayton shall consider the effect on fish habitats when a discretionary land use actions (plan and zone change, subdivision or major partition, planned unit development, conditional use, variance) is proposed on a parcel adjacent to Mill Creek, Salem Ditch, or the North Santiam River.

Finding: The proposed comprehensive plan map amendment and zone map amendment will serve to protect fish habitat in the North Santiam River. By changing the zoning from LD to P the property will not have residential development and by keeping the property undeveloped and with natural vegetation fish habitat will be protected.

Chapter 4 Public Facilities and Services Policies PF-8 “Areas along the waterways should be preserved for the passive enjoyment of the scenic and natural sites. The fish ladder near the City of Salem water works and on the power canal should have controlled public access.”

Finding: The proposed annexation, comprehensive plan map amendment and zone map amendment will redesignate the subject property from LD to P for use as a limited access, undeveloped open space park for habitat, wetlands, and open space preservation.

Chapter 4 Public Facilities and Services Policies PF-10 “Need to provide parks and facilities as outlined in the Stayton Parks and Recreation Master Plan”

Finding: The subject property will provide open space/wetlands to the City and will help to satisfy the need for an additional 105 acres to meet the 2020 need projections. The trail provided on the subject property will be part of the City trails system according to the Parks Master Plan.

Chapter 4 Public Facilities and Services Policies PF-11 “Provide a broader range of park types in the community including natural open space, active use parks.”

Finding: The Stayton Parks and Recreation Master Plan recommends the addition of more open space parks to supplement the two existing open space parks to diversify the types of parks within the City. The subject property will be part of that increase in open space parks.

- e. *The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.*

Finding: See Comprehensive Plan Amendment Findings

CONCLUSION

The applicant’s request meets the requirements established in SMC 17.12.430(5)

Property B

ANNEXATION

REVIEW CRITERIA

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

Finding: Need for additional open space within the city has been identified in the Stayton Parks and Recreation Master Plan. The subject property is identified by the parks master plan as open space by the City.

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 subject property will remain largely undeveloped as open space with an improved trail system. It will not require urban services.

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

Finding: The proposed annexation is contiguous to the southern city limits.

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

Finding: The proposed annexation is compatible with the surrounding area. There is P land both to the west and north of the subject property. The property adjacent to the west is also part of Riverfront Park and is redesignated to P as part of this application.

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

Finding: The proposed annexation can comply with all applicable provisions of state and local law.

f. *If a proposed contract annexation, the terms and conditions, including the cost, extent, and timing of City facility and service extension to the annexed area.*

Finding: This is not a proposed contract annexation.

COMPREHENSIVE PLAN MAP AMENDMENT

APPROVAL CRITERIA

Pursuant to SMC 17.12.420(5) the following criteria must be demonstrated as being satisfied by the application:

a. *The proposed amendment is compatible with the existing provisions of the plan, as measured by:*

1. *If a map amendment, the extent of existing and proposed land use allocations for the requested uses.*

Finding: There are currently 29.8 acres of park land within the City. A further 71.67 will be added through this hearings process. A proposed 267 acres are to be added over the next 20 years. This park is part of the effort to increase the amount of open space within the city. Riverfront Park is identified in the Stayton Parks and Recreation Master Plan as open space.

2. *Impact of the proposed amendment on land use and development patterns within the City, as measured by:*

- a. *Traffic generation and circulation patterns;*

Finding: The subject property is not accessible by any roads currently. When the trail system in Riverfront Park has been developed, the park will be accessible from one point off of Florence Street where a footbridge will allow pedestrian access to the site.

- b. *Population concentrations*

Finding: The subject property will serve the needs of the city for open space/wetlands preservation. This parcel is identified as open space in the Stayton Parks and Recreation Master Plan. The areas to the north and west are P and LD properties.

- c. *Demand for public facilities and services;*

Finding: The Stayton Parks and Recreation Master Plan identifies additional need for open spaces to meet the needs of the City through 2020. This subject property has already been identified in the plan as open space and will accommodate sections of the City trail system.

- d. *Maintenance of public health and safety;*

Finding: Open space provides areas for pedestrian and bicyclist use of trails, provides healthy habitat for wildlife and is a way to address flood hazards.

- e. *Level of park and recreation facilities;*

Finding: The subject parcel will contribute to the 105 acres of open space required in the Stayton Parks and Recreation Master Plan. Other areas include a North Santiam River Greenway and the Mill Creek area.

- f. *Economic activities;*

Finding: This criteria does not apply to publicly zoned land.

- g. *Protection and use of natural resources;*

Finding: The subject property is identified as open space/ wetlands in the Stayton Local Wetlands and Riparian Inventory.

h. Natural hazards and constraints;

Finding: Part of the Riverfront Park is in an identified flood plain according to FEMA flood maps. Use of the subject property as a minimally developed park will help to mitigate flooding hazards by providing an undeveloped location for the North Santiam River to flood naturally without substantially damaging developed areas.

i. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.

Finding: The subject property is identified in the Stayton Parks and Recreation Plan as open space park and will have a trail system for pedestrian use that connects into the City trail system.

b. A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment).

Finding: The need for additional open space parks has been identified as a goal in the Stayton Parks and Recreation Master Plan. The subject property has been identified as an open space park in the Parks Plan.

c. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.

Finding:

Goal 1. Citizen Involvement. The hearings process being conducted for this subject property is compliant with the requirements of Goal 1.

Goal 2. Land Use Planning. The comprehensive plan amendment requested for the subject parcel is a minor revision of the Stayton Comprehensive Plan. The evidence presented in this report is in compliance with the requirements of Goal 2 by providing factual support for the amendment.

Goal 3. Agricultural Lands Goal 4. Forest Lands. These goals do not apply to the subject property.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces. The subject property is providing open space within the city. The subject property borders the North Santiam River and has identified wetlands in the Stayton Wetlands and Riparian Inventory. The subject property borders the North Santiam River; a river not designated as either a state or federal scenic waterway. The subject property is a wildlife corridor. Quoting a biology study done on the area, the Trust for Public Land states that there are

more than 135 species that may use this area for nesting, foraging, roosting or migration, including bald endangered and sensitive species. The North Santiam is also habitat for endangered and threatened fish species. energy resources or cultural resources. The property is identified as open space park in the Stayton Parks and Recreation Master Plan.

Goal 6. Air, Water, and Land Resource Quality. The subject property has designated wetlands which are natural filters that help water quality.

Goal 7. Areas Subject to Natural Disasters and Hazards. Large parts of the subject property are located in the flood plain along the North Santiam River. Preserving this area allows flooding to occur in a more natural pattern without as much danger for surrounding development.

Goal 8. Recreational Needs. The subject property will allow limited access to the site in the form of pedestrian trails but will remain an undeveloped open space park for purposes of habitat and open space preservation. Access will be limited to help minimize the human impact on the fragile riparian and wetland habitats.

Goal 9. Economic Development. Goal 10. Housing. These goals do not apply to the subject property.

Goal 11. Public Facilities and Services. The subject parcel is providing additional recreational facilities for the City to address the need identified in the Stayton Parks and Recreation Master Plan.

Goal 12. Transportation. Goal 13. Energy Conservation. Goal 14. Urbanization. Goal 15. Willamette River Greenway. Goal 16. Estuarine Resources. Goal 17. Coastal Shorelines. Goal 18. Beaches and Dunes. Goal 19. Ocean Resources. These goals do not apply to the subject property.

- d. *The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).*

Chapter 2 Natural and Historic Resources Policies NR-11 "Vegetation along streams and rivers should be maintained in a natural state. As a buffer between urban development and fish habitat, a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek.

Finding: The creation of Riverfront Park will provide a significant buffer of natural vegetation between the North Santiam River and development. Since the park will remain undeveloped, relatively undisturbed natural habitat will be provided for fish.

Chapter 2 Natural and Historic Resources Policies NR-13 "The City of Stayton shall consider the effect on fish habitats when a discretionary land use actions (plan and zone change, subdivision or major partition, planned unit development, conditional use, variance) is proposed on a parcel adjacent to Mill Creek, Salem Ditch, or the North Santiam River.

Finding: The proposed comprehensive plan map amendment and zone map amendment will serve to protect fish habitat in the North Santiam River. By changing the zoning from LD to P the property will not have residential development and by keeping the property undeveloped and with natural vegetation fish habitat will be protected.

Chapter 4 Public Facilities and Services Policies PF-8 “Areas along the waterways should be preserved for the passive enjoyment of the scenic and natural sites. The fish ladder near the City of Salem water works and on the power canal should have controlled public access.”

Finding: The proposed annexation, comprehensive plan map amendment and zone map amendment will redesignate the subject property from LD to P for use as a limited access, undeveloped open space park for habitat, wetlands, and open space preservation.

Chapter 4 Public Facilities and Services Policies PF-10 “Need to provide parks and facilities as outlined in the Stayton Parks and Recreation Master Plan”

Finding: The subject property will provide open space/wetlands to the City and will help to satisfy the need for an additional 105 acres to meet the 2020 need projections. The trail provided on the subject property will be part of the City trails system according to the Parks Master Plan.

Chapter 4 Public Facilities and Services Policies PF-11 “Provide a broader range of park types in the community including natural open space, active use parks.”

Finding: The Stayton Parks and Recreation Master Plan recommends the addition of more open space parks to supplement the two existing open space parks to diversify the types of parks within the City. The subject property will be part of that increase in open space parks.

- e. *The amendment is appropriate as measured by at least one of the following criteria:*
1. *It corrects identified error(s) in the provisions of the plan.*

Finding: The proposed amendment is not correcting errors in the provisions of the plan.

2. *It represents a logical implementation of the plan.*

Finding: The proposed amendment does represent a logical implementation of the plan because it is addressing the recommendations of the Stayton Parks and Recreation Master Plan.

3. *It is mandated by changes in federal, state, or local law.*

Finding: The proposed amendment is not mandated. There have not been any applicable changes in federal, state, or local law.

4. *It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: The proposed amendment is deemed to be desirable, appropriate and proper by the council through the adoption of Ordinance 875, the Stayton Parks and Recreation Master Plan, whose recommendations are the basis of this application.

CONCLUSION

The applicant's request meets the requirements established in SMC 17.12.420(5)

ZONE MAP AMENDMENT

APPROVAL CRITERIA

Pursuant to SMC 17.12.430(5) the following criteria must be demonstrated as being satisfied by the application:

a. *The proposed zone change and intended use is compatible with the surrounding area, as measured by:*

1. *Land use patterns.*

Finding: The subject property is identified as open space park in the Stayton Parks and Recreation Master Plan and was purchased by the City for use as a park. Rezoning the property to P from LD will more accurately reflect the intended use of the property.

2. *Traffic generation and circulation.*

Finding: The subject property is not accessible by any roads currently. When the trail system in Riverfront Park has been developed, the park will be accessible from one point off of Florence Street where a footbridge will allow pedestrian access to the site.

3. *Population density and impacts of population concentrations.*

Findings: There is no impact on population density. The subject property is identified as park in the Stayton Parks and Recreation Master Plan.

4. *Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.*

Finding: Impacts will be minimal because of limited access to the subject property for habitat preservation.

5. *Other similar factors deemed to be of importance to the decision by the Planning Commission or council.*

Finding: No additional factors have been identified.

b. *Other properly zoned land is not available in sufficient quantity within the City to satisfy*

current and projected needs.

Finding: The subject parcel will contribute to the 105 acres of open space required in the Stayton Parks and Recreation Master Plan. Other areas include a North Santiam River Greenway, the Mill Creek.

- c. *There are adequate urban services to serve the possible use under the zone proposed.*

Finding: Minimal urban services will be provided at the entrance to the park. Facilities along the trails other than benches and trail maintenance will not be provided in keeping with the parks undeveloped, open space designation under the Stayton Parks and Recreation Master Plan.

- d. *The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.*

Chapter 2 Natural and Historic Resources Policies NR-11 “Vegetation along streams and rivers should be maintained in a natural state. As a buffer between urban development and fish habitat, a strip of riparian vegetation should be retained along the North Santiam River and Mill Creek.

Finding: The creation of Riverfront Park will provide a significant buffer of natural vegetation between the North Santiam River and development. Since the park will remain undeveloped, relatively undisturbed natural habitat will be provided for fish.

Chapter 2 Natural and Historic Resources Policies NR-13 “The City of Stayton shall consider the effect on fish habitats when a discretionary land use actions (plan and zone change, subdivision or major partition, planned unit development, conditional use, variance) is proposed on a parcel adjacent to Mill Creek, Salem Ditch, or the North Santiam River.

Finding: The proposed comprehensive plan map amendment and zone map amendment will serve to protect fish habitat in the North Santiam River. By changing the zoning from LD to P the property will not have residential development and by keeping the property undeveloped and with natural vegetation fish habitat will be protected.

Chapter 4 Public Facilities and Services Policies PF-8 “Areas along the waterways should be preserved for the passive enjoyment of the scenic and natural sites. The fish ladder near the City of Salem water works and on the power canal should have controlled public access.”

Finding: The proposed annexation, comprehensive plan map amendment and zone map amendment will redesignate the subject property from LD to P for use as a limited access, undeveloped open space park for habitat, wetlands, and open space preservation.

Chapter 4 Public Facilities and Services Policies PF-10 “Need to provide parks and facilities as outlined in the Stayton Parks and Recreation Master Plan”

Finding: The subject property will provide open space/wetlands to the City and will help to satisfy the need for an additional 105 acres to meet the 2020 need projections. The trail provided on the subject property will be part of the City trails system according to the Parks Master Plan.

Chapter 4 Public Facilities and Services Policies PF-11 "Provide a broader range of park types in the community including natural open space, active use parks."

Finding: The Stayton Parks and Recreation Master Plan recommends the addition of more open space parks to supplement the two existing open space parks to diversify the types of parks within the City. The subject property will be part of that increase in open space parks.

- e. *The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.*

Finding: See Comprehensive Plan Amendment Findings

CONCLUSION

The applicant's request meets the requirements established in SMC 17.12.430(5)

IV. CONCLUSION

Upon review of the application and submitted material, the Planning Commission finds the proposed Annexation, Comprehensive Plan Map Amendments and Zone Map Amendments comply with the review criteria contained within Sections 17.12.460 Annexation, 17.12.420 Plan Amendments and 17.12.430 Zone Changes.

The proposal is a permitted and compatible use at this location and is in compliance or can be remedied through conditions of approval.

V. ORDER

It is hereby found the applications meet the relevant standards and criteria for Annexation, Comprehensive Plan Map Amendment and Zone Map Amendment. THEREFORE, it is the decision of the Stayton Planning Commission to recommend **APPROVAL** of the applications.

VI. CONDITIONS OF APPROVAL

The subject properties will remain as dedicated open space park.

IX. EXERCISE RIGHTS

The Council's action may be appealed within 21 days of their decision. This may be appealed to the Land Use Board of Appeals pursuant to Oregon State Statute 197.805-855.

