

ORDINANCE NO. 629

AN ORDINANCE APPROVING THE OUTLINE PLAN OF THE PLANNED UNIT DEVELOPMENT WITHIN THE CITY OF STAYTON ENTITLED, SANTIAM VALLEY MALL PROJECT, WITH THE UNDERLYING CONDITIONAL ZONE CHANGES AND AMENDING THE OFFICIAL COMPREHENSIVE PLAN AND ZONING MAP.

WHEREAS, an Outline Plan has been submitted to the City of Stayton proposing a Planned Unit Development entitled Santiam Valley Mall Project involving properties described in Attachment A and which was signed by all the landowners of the subject properties; and,

WHEREAS, the Planning Commission recognized the application, called for and held a duly noticed Public Hearing, and after which considering all the testimony, determined that the Planned Unit Development Outline Plan met or exceeded the minimum standards as set out in Stayton City Code Sections 8.11001 thru 8.11135 and recommended approval of the Outline Plan, with the underlying conditional zone changes as presented to the City Council; and,

WHEREAS, the City Council received the recommendation from the Planning Commission and considering all the testimony and evidence found the Planned Unit Development to be in the best interest of the City,

NOW THEREFORE,

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 624 is hereby repealed.

Section 2. The Findings, Conclusion and Order contained in Attachment B regarding Santiam Valley Mall Properties request for approval of an Outline Plan for the Planned Unit Development entitled Santiam Valley Mall Project with the underlying Conditional Zone Changes and Official Comprehensive Plan and Zoning Map Amendment are hereby adopted and incorporated herein.

Section 3. The underlying zones on the properties involved in the Planned Unit Development entitled Santiam Valley Mall Project are conditionally changed as indicated in the Outline Plan contained in Attachment B and the Official Comprehensive Plan and Zoning Map designations shall be amended accordingly when the legal description of each zone is submitted with the Detail Plan.

Section 4. All the improvements, structures and uses proposed for any zone inside the Planned Unit Development entitled Santiam Valley Mall Project are considered a Conditional Use and shall come before the Planning Commission in the form of a Detail Plan.

PASSED BY THE COMMON COUNCIL THIS 8th DAY OF July, 1986.

Signed by the Mayor this 15 day of July, 1986.

Gene L...
Mayor

ATTEST:

Ellis Vandehey
City Administrator

Ellis Vandehey
Ellis Vandehey
City Administrator

ATTACHMENT A

PARCEL B

The South one-half of the Southeast quarter of Section 3, Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, State of Oregon. SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by instrument recorded July 9, 1955, in Book 477, Page 435, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT: Commencing at a point which is due East 594.14 feet along the center line of Fern Ridge Road from the quarter corner between Sections 3 and 10, Township 9 South, Range 1 West, Willamette Meridian, said point being on the extended line of the Easterly right of way line of 3rd Street; thence North 0 degrees 42' East 30.0 feet to the Northerly right of way line of Fern Ridge Road, said point being the true point of beginning of this survey; thence due East 200.00 feet to a point which is 30.0 feet North of the center line of said Fern Ridge Road; thence North 0 degrees 42' East 200.0 feet; thence due West 200.0 feet; thence South 0 degrees 42' West 200.0 feet to the point of beginning.

ALSO SAVE AND EXCEPT: Beginning at a point on the last line of the Stayton-Sublimity Road 230 feet North and 30 feet East of the quarter corner on the South line of Section 3, Township 9 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; and running thence East parallel with the South line of said Section 400 feet; thence South 200 feet to the North line of the Fern Ridge Road; thence West along the North line of the Fern Ridge Road 400 feet, more or less, to its intersection with the last line of the Stayton-Sublimity Road; thence North 200 feet, more or less, to the place of beginning.

ALSO SAVE AND EXCEPT that portion conveyed to Marion County, by instrument recorded July 8, 1975, in Reel 19, Page 931, Film Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT: Beginning at the Southeast corner of Section 3, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence West, along the South line of said Section 3, a distance of 250.00 feet to a point; thence North 00 degrees 10' East 1276.72 feet to an iron rod in the Southerly right of way line of the North Santiam Highway No. 22; thence South 62 degrees 20' East along said Southerly right of way line, 281.85 feet to an iron pipe in the East line of said Section 3; thence South 00 degrees 10' West 1145.95 feet to the point of beginning.

All that portion of the South one-half of the Northwest quarter of the Southeast quarter of Section 3, Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, and the Northeast quarter of the Southeast quarter of said Section lying South of the Santiam Highway.

SAVE AND EXCEPT that part conveyed to the State of Oregon and to Northwest Woods Products, Inc., and Oregon corporation, the former being by decree of the Circuit Court of the State of Oregon for Marion County, Oregon, being Suit No. 42775 and the latter by deed recorded November 24, 1969 in Book 675, Page 50, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT a strip of land along the West side of said property 35 feet in width of which 25 feet lies within the Stayton-Sublimity Road (Market Road No. 30) as conveyed to Marion County in deed recorded May 23, 1975, in Reel 14, Page 1616, Film Records for Marion County, Oregon.

PARCEL C

Beginning at the quarter section corner between Sections 2 and 11, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence South 00 degrees 39 minutes East 13.26 chains along the legal subdivision line running North and South through the middle of Section 11; thence South 89 degrees 9 minutes West 20.46 chains; thence North 00 degrees 5 minutes East 13.26 chains to the North line of Section 11; thence North 89 degrees 9 minutes East 20.277 chains to the place of beginning; being situated in Section 11, in Township 9 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon. SUBJECT to any existing easements and roadways of record.

IN THE CITY COUNCIL
FOR THE CITY OF STAYTON

SANTIAM VALLEY MALL PROPERTIES)	
Request for approval of an)	STAYTON FILE NO. 2-1-86
Outline Plan for the Planned)	FINDINGS, CONCLUSION
Unit Development Entitled)	AND ORDER
Santiam Valley Mall Project)	
with the Underlying Conditional)	
Zone Changes and an Official)	
Comprehensive Plan and Zoning)	
Map Amendment)	

Property Description

The subject properties include two vacant parcels which are labeled Parcel B and and Parcel C. Parcel "B" consists of 88.70 acres excluding right-of-ways and is bordered by Highway 22 on the North and Cascade Highway on the West. Parcel B is adjacent to Fern Ridge Road on the South. The eastern boundary adjoins the First Baptist Church property.

Parcel C consists of 27.2 acres excluding right-of-ways and is located South of and adjacent to Fern Ridge Road at the intersection with Highway 22.

The legal descriptions for both Parcel B and Parcel C are attached hereto.

Request

The Applicant, Santiam Valley Mall Properties, Inc., is requesting that the City of Stayton approve the Outline Plan of the Planned Unit Development entitled Santiam Valley Mall Project with the underlying Conditional Zone Changes and amending the Official Comprehensive Plan and Zoning Map.

Procedural Considerations

Stayton City Code Section 8.11070 (3) states:

OUTLINE PLAN APPROVAL

After an outline plan which has had a public hearing is approved, the developer may then file a detail plan in phases

or in its entirety, however, a detail plan may not be filed until the City Council adopts a resolution of intent or approves any zone change necessary for the planned development.

Because of the zone change approval requirement stated above, the City Council considered the following three applications concurrently:

1. The Outline Plan approval request.
2. The underlying Conditional Zone Change requests.
3. The Official Comprehensive Plan and Zoning Map Amendment request.

This procedure is in compliance with Stayton City Code Section 8.11130 which states:

ZONE CHANGES

Zone changes for property within a Planned Unit Development may be considered and heard concurrently with the application for a planned development. All of the requirements for the preparation of the petition shall be observed as provided in Sections 8.2000 thru 8.3430. If the zone change is heard concurrently with the Planned Unit Development application, an additional filing fee shall be required. In the event that a zone change is included in the application for a planned development, the decision on the planned development shall not be effective until the City Council has approved the zone change.

Authority of City Council

On February 24, 1986, March 31, 1986 and April 14, 1986, the Stayton Planning Commission conducted Public Hearings regarding the Applicant's Outline Plan and underlying Conditional Zone Change approval requests and Official Comprehensive Plan and Zoning Map Amendment.

On March 31, 1986, properties which had been labeled Parcel A and Parcel B1 were withdrawn from the Planned Unit Development application:

Parcel A consisted of Marion County tax lot numbers ~~60390-000~~ and 60386-000 owned by South Ranch (a partnership) as conveyed by deed recorded in Volume 214, Page 1251, Deed Records for Marion County, Oregon.

Parcel B1 = consists of Marion County tax lot number 60382-000 owned by North Santiam Veneer, Inc., as conveyed by deed recorded in Reel 322, Page 958, Deed Records for Marion County, Oregon

Note = the attached legal description for Parcel B excludes Parcel B1.

The Planning Commission recommended to the City Council that the Outline Plan as amended and Underlying Conditional Zone Change approval requests and the Official Comprehensive Plan and Zoning Map Amendment be provisionally approved subject to the following conditions:

1. In accordance with 8.11085 (4), if a detail development plan covering at least 20 percent (20%) of the area of the outline development plan has not been submitted to the Planning Commission within 12 months following the Outline Approval, then the provisional approval will terminate unless, for good cause, the Planning Commission extends for a three months period the filing of the detail development plan.
2. The zone change approvals are subject to approval of the final development plan of the Planned Unit Development. And further, if the Planned Unit Development is ever revoked under the provisions of Stayton City Code Section 8.1115, the Conditional Zone Change approvals are also concurrently revoked.

Stayton City Code Section 8.1115 states:

REVOCATION OF APPROVAL

Any planned development or adjustment granted under this Code may be cancelled by the Common Council, the Planning Commission, or the Building Inspector if it develops that the application contained any false statement, or if the planned development does not proceed as granted. In such case, it shall be unlawful for any person to exercise any right granted by the Planning Commission or the Common Council pursuant to such application.

The City Council reviewed the Planning Commission's recommendation regarding the Outline Plan approval with the underlying conditional zone change requests and the Comprehensive Plan and Zoning Map Amendment at it's regularly scheduled meeting April 21, 1986. The City Council consolidated all matters for convenience and approved the requests by Ordinance.

At the regular City Council meeting of July 8, 1986, the City Council re-addressed the Outline Plan approval request with the underlying Conditional Zone Change request and the Comprehensive Plan and Zoning Map amendment to adopt Conditions and Findings to support it's decision of April 21, 1986.

Relevant Criteria

The Planning Commission and City Council shall approve a Planned Unit Development only if they find that the Planned Unit Development will satisfy standards of the P.U.D. Code including the following:

1. The Planned Unit Development conforms with the purpose of this Code, as stated in Section 8.11001 (1) thru (7), where applicable:
 - a. The Planned Unit Development authorization serves to encourage developing, as one project, tracts of land that are sufficiently large to allow a site design for a group of structures and that include common open space and ownerships. Planned Unit Developments may be located in any zone, utilizing the uses allowed in the zone. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the Zoning Regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety of grouping or uses or utilize the economy of shared services and facilities, or both. It is further the purpose of authorizing Planned Unit Developments to take into account the following:
 - (1) Advances in technology and design.
 - (2) Comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
 - (3) Recognition and resolution of problems created by increasing population density.

- (4) Potential of sites characterized by special features of geography, topography, size, shape, or environmental considerations.
 - (5) Potential for energy and natural resource conservation.
 - (6) Maximizing the efficiency of public facilities and services through the clustering of buildings.
 - (7) The height, bulk, and siting characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
2. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover and rough terrain.
 3. The Planned Unit Development will have no greater demand on public facilities and services than other authorized uses for the land.
 4. The applicant files a performance bond sufficient to assure completion of the Planned Unit Development.

In considering an Outline Plan approval for a Planned Unit Development the City Council must review the following information:

1. The maps which are part of the outline plan may be in general schematic form prepared on material which is suitable for printing by the Ozlid (blue-line) process, and shall contain the following information:
 - a. The existing topographic character of the land, including contour lines at minimum 5-foot intervals.
 - b. Existing and proposed land uses and the approximate location of buildings and other structures.
 - c. The character and approximate density of the proposed buildings.

- d. The approximate location of major thoroughfares.
 - e. Public uses, including schools, parks, playgrounds and other public open spaces.
2. The written statement which is part of the outline development plan shall contain the following information:
 - a. An explanation of the character of the Planned Unit Development and the manner in which it has been planned to take advantage of the Planned Unit Development regulations.
 - b. A statement of the proposed financing.
 - c. A statement of the present ownership of all the land included within the Planned Unit Development.
 - d. A general indication of the expected schedule of development.
 3. Sketch or perspective drawings of typical proposed structures.
 4. A development schedule indicating:
 - a. The approximate date when construction of the project can be expected to begin.
 - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - c. The anticipated rate of development.
 - d. The approximate dates when each stage in the development will be completed.
 - e. The area, location and degree of development of common open space that will be provided at each stage.
 - f. However, if no specific phasing plan has been determined at the time of the application, the applicant may submit as much of the information required in a. thru e. above, and in addition a written statement explaining why the phasing plan is not complete and what the general intentions are for determining the phasing details.

5. Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the Planned Unit Development and any of its common areas and facilities.
6. The following plans and diagrams, insofar as the reviewing body finds that the Planned Unit Development creates special problems of traffic, parking, landscaping, or economic feasibility, thereby justifying the time and expense to create such items:
 - a. An off-street parking and loading plan.
 - b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the Planned Unit Development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.
 - c. A landscaping and tree plan.
 - d. An economic feasibility report or market analysis.

Application of a Planned Unit Development on any parcel of land is an Overlay, and any use inside that Overlay is a Conditional Use. Also any Zone Change approval is Conditional upon final approval of the particular Planned Unit Development.

In considering a petition for a Conditional Zone Change under the Planned Unit Development Overlay the City Council must apply the following criteria:

1. The proposed Zone Change and intended use is compatible with the surrounding area.
2. Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.
3. There is a public need for the intended use.
4. There are adequate urban services to serve the possible use under the zone proposed.

Findings

The City Council finds that the Applicant has met the minimum standards as set forth in the Zoning Code and has met it's burden of proof in complying with the applicable criteria for an Outline Plan approval request, with the Conditional Underlying Zone Changes and amending the Official Comprehensive Plan and Zoning Map for the following reasons:

1. The proposed Planned Unit Development conforms with the purpose of Stayton's PUD Code in the following ways:

This Planned Unit Development entitled the Santiam Valley Mall Project, proposes the development of, as one project, two tracts of land totaling 115.9 acres (excluding right-of-ways) which will allow site designs for groups of structures and includes areas of common open space.

This Planned Unit Development will maintain compatibility with the surrounding area by using a blend of mixed land uses which will incorporate terracing, landscaping, sight and noise buffers, regulated traffic patterns, adequate off-street parking and installation of flood control to create an attractive, healthful, efficient and stable environment. The harmonious variety of land uses will utilize the economy of sharing the front-loaded costs of providing urban services to the entire subject area.

- a. Available technology and design will be used to install the flood control necessary to open the subject area to development. The final flood control plans for Mill Creek will be presented to the Stayton City Council for review and adoption. The plans will then be sent to the Federal Emergency Management Agency (FEMA) for review and a Conditional Letter of Map Revision.
- b. The Planned Unit Development will allow for comprehensive development better than that resulting from traditional lot-by-lot land use development because:
 - (1) The limited lot-by-lot development that has occurred in the areas in the Stayton Urban Growth Boundary north of Shaff/Fern Ridge Road has utilized temporary or on-site measures for provision of drainage and services.
 - (2) This proposal anticipates the extension of existing urban services and the creation of new urban services (drainage) which will adequately serve the subject area.

(3) This proposal anticipates the extension of N.Tenth Avenue and the construction of an east-west collector through the subject area. It also allows for planning of efficient traffic circulation design, adequate off-street parking and other facilities. All of these features would be economically prohibitive and difficult to coordinate and require on a lot-by-lot basis.

- c. The Planned Unit Development proposal does not anticipate increasing the density allowable in each of the underlying zones as provided in the Development Regulations for the City of Stayton. (City Code Sections 8.0000 et. al.)
- d. The potential of individual sites characterized by special features of geography, topography, size, shape and environmental considerations will be analyzed in detail during the Detail Plan Stage with flood plain and terracing considerations taken into account.
- e. The potential for energy conservation lies primarily in energy efficient construction of buildings which will be a condition considered at the Detail Plan stage.

The flood control measures will improve the hydraulic capability of Mill Creek while conserving and enhancing the natural resources (i.e. fish and wildlife habitats) in the flood plain area.

- f. The maximum efficiency of public facilities and services will be assured by complying with the Master Utilities Plan for the City of Stayton.
 - g. The ratio of buildings to open space will be in harmony with the area in which the Planned Unit Development is proposed because the dikes and detention basins required for flood control will require large areas of open space.
2. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site which is largely located on the Mill Creek flood plain. Because of the development limitations created by the flood plain, this area has seen very little growth. The applicants and the City of Stayton will work together to develop flood controls to open the area to development under the direction of the Federal Emergency Management Agency (FEMA). A unified treatment of the flooding problem is the only practical way to make development of the site economically feasible.

The flood plain of Mill Creek is a natural area and will remain in large part an open space developed into a public park after FEMA approval. The exact specifications of the park (including baseball fields, bridges, bicycle and jogging paths) will be subject to community input at the Detail Plan Stage. Areas adjacent to Mill Creek will remain in its natural state as much as practical, however, the area will be converted from a "swamp" to a public park supporting maintainable grasses and a lake and stream.

Provisions for the protection of specific natural features, such as the wooded cover in the south western area of the site will be dealt with in the Detail Plan stage.

The proposal is an effective and unified treatment addressing the highest development possibilities on the project site while remaining consistent with the Comprehensive Plan as developed throughout these findings.

3. The uses proposed for the Planned Unit Development will not make extraordinary demands on public facilities and services beyond the levels of service projected for the area by the Master Utilities Plan. Cascade Highway has been identified as a connector of public services between Stayton and Sublimity.
4. The applicants will file performance bonds sufficient to assure completion of the Planned Unit Development. Subject to negotiations with the City of Stayton during the Detail Plan Stage, the applicants will provide performance bonds in the following areas:
 - a. Assurances that all the public facilities will be completed according to City specifications.
 - b. Assurances that all improvements specified for the common open spaces will be completed as required by 8.11040 (e).
 - c. Assurances that each phase of the Planned Unit Development will be completed as presented and approved.
5. Maps which are part of the Outline Plan and in the proper form were considered by the City of Stayton and contain the following information:
 - a. The existing topographic character of the land, including contour lines at minimum 5-foot intervals.
 - b. Existing and proposed land uses and the approximate location of buildings and other structures.

- c. The character and approximate density of the proposed buildings.
 - d. The approximate location of major thoroughfares.
 - e. Public uses, including schools, parks, playgrounds and other public open spaces.
6. A written statement which is part of the Outline Development Plan has been submitted by the applicants and it contains the following statements:

- a. The character of the Santiam Valley Mall Planned Unit Development is explained as follows:

The concept of the Santiam Valley Mall is that of a mixed-use development designed to provide a blend of services for the existing Santiam Valley population. The plan includes (1) a low density single-family residential subdivision, (2) a medium density single-family residential factory home subdivision, (3) a high density multi-family housing unit, (4) a professional office park (5) an office warehouse complex, (6) a regional shopping center with amenities, (7) a motel and meeting center, and (8) a large public park area.

The location, in the general area of Highway 22 and Cascade Highway on the Stayton side, has the following advantages.

- (1) This site is located on an existing interchange with traffic easily accessible east, west, north and south.
- (2) This site has excellent eyesight visibility to Highway 22.
- (3) Public services can be extended to the development site within the estimated cost of the project.
- (4) This Development site will connect the Highway 22 traffic to the existing business district of Stayton previously isolated years ago when Highway 22 was relocated to its present right of way.
- (5) This Development site when developed, provides within the cost of the Development a partial improvement of the Mill Creek Drainage Project and converts the existing marshland into a public park-recreation area.

The advantage of using the Planned Unit Development approach for this site focuses on the unique physical characteristics of the site. By combining their efforts, the underlying property owners can feasibly provide for flood control, streets, water, sewer and other urban services to this area which would be too costly to develop otherwise.

With the proposed blend of land uses, the development cost allocations would be sufficient to fund the pump station, water mains and other costly items needed to extend services to the area.

By combining a mixed blend of interchange development, commercial retail, commercial general, industrial commercial, high-density residential, medium density residential, and low-density residential, the community is in a position to become a regional economic trade center as well as a local trade center. The visibility to Highway 22 will pull trade dollars off the highway that were previously traveling on to Salem.

With the Planned Unit Development approach, the applicants want to work closely with the City to achieve the highest, most cost-effective and most aesthetic development.

- b. The statement of proposed financing is as follows:

The Santiam Valley Mall PUD consists of seven different land-use zones on parcel B and has a potential of 150 to 200 individual tax lots. Parcel C will have 85 to 120 tax lots when fully developed.

It is anticipated that the majority of all funds used in the PUD will be individually negotiated loans with many different lenders involved in the financing. Each developer, builder, and/or owner of each parcel must qualify for the funds to finance each building.

In addition there could be as many as three loans on each parcel including the permanent loan. Those loans would be a development loan, a construction loan, and a final long term loan.

- c. The applicants presented a statement of the present ownership of all the land included within the Planned Unit Development by submitting a Title Report.

The present ownership of the subject properties are as follows:

Parcel B = John R. Lucas, Stephen L. Lindell and Jim Towery

Parcel C = James R. and Alice L. Towery

- d. A general indication of the expected schedule of development is discussed under #8.
7. Maps and photographs for sketches and perspective drawings of typical proposed structures were submitted and will be retained by the City.
8. A development schedule was submitted indicating:
 - a. The approximate date when construction of the project is expected to begin is late 1986.
 - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin are as follows:

1986

CR = Commercial Retail is intended to start development within 60 to 180 days of approval, just as soon as the applicants have secured anchor tenants.

CG = Commercial general will be partially developed as the applicants secure tenants for the office sites.

HD = High Density will start development in 1986 and complete the site as the local demand for multi-family expands.

MD = Medium Density Factory Built Homes sites for sale shall be developed in phases starting in 1986 and proceeding as the community absorbs them.

Late 1986=87

ID = Interchange Development will begin upon approval by FEMA of the flood plain and dike improvements.

Immediately upon completion of the Dikes, a 2-phase motel=restaurant=lounge=meeting facility on the water will be built.

Upon completion of the ID development site and the N. Tenth Ave. extension, the fast food site shall be developed.

IC = Industrial Commercial will start development as soon as the N. Tenth Avenue connection road is complete.

P = The public and semi-public areas will be developed at the same time the ID and IC sites are prepared. This can be done only after FEMA approval.

c. The applicants anticipate a rate of development as follows:

1-3 years for development of the ID Interchange Development and CR Commercial Retail properties.

3-5 years for development of the MD Factory Homes subdivision, HD Multi-family housing, IC Industrial Commercial and CG office park properties.

5-10 years for development of the Parcel C property.

d. Approximate completion date of:

ID and CR areas = 1989

MD and HD areas = 1991

IC and CG areas = 1991

LD areas = 1996

e. The area, location and degree of development of common open space is anticipated as follows:

With improvement of the flood plains the applicants plan to develop a baseball field, two softball fields, a parking lot and plant the balance of the area in grass.

All grass will be of a slow growing nature and compatible with high water tables.

The applicants will install an aesthetic bridge of some type across the small lake which will be connected to the creek. A small rock island with a lighted spray of water is planned in the south end of the lake.

9. The proposed provisions which govern the use, maintenance and continued protection of the project are as follows:

a. Planned Unit Development

The City will rely on the protective provisions of the PUD ordinance. This includes:

(1) All uses inside the Planned Unit Development Overlay are Conditional Uses which require Planning Commission review and approval.

(2) 8.11100 CONTROL OF DEVELOPMENT AFTER COMPLETION

The final development plan shall continue to control the Planned Unit Development after it is finished and the following shall apply:

- (a) The building official in issuing a certificate of completion of the Planned Unit Development shall note the issuance on the recorded final development plan.
- (b) After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the planned Unit Development shall be governed by the final development plan.
- (c) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - (i) Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and are not to increase the cubic footage of a building or structure.
 - (ii) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.
- (d) An amendment to a completed Planned Unit Development may be approved if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.

(e) No modification or amendment to a completed Planned Unit Development is to be considered as a waiver to the covenants limiting the use of the land, buildings, structures and improvements within the area of the Planned Unit Development; and all rights to enforce these covenants against any change permitted by this section are expressly reserved.

(3) 8.11110 GENERAL PROVISIONS

(a) A Planned Unit Development is not transferable. The Planned Unit Development project may not be transferred, except when such transfer is approved by the Planning Commission and further excepting transfer of individual lots within the development.

(b) An appeal from any decision made under the provisions of this Code may be taken to the Common Council as provided in Section 8.2055 of the Stayton Code.

b. Common Area and Facilities

The applicants plan to work with the Planning Commission, City Council, and the community to develop the substantial common area involved. Once the common areas have been developed to City specifications, the applicants anticipate dedicating the common space to the City for maintenance. No privately owned common space is anticipated.

Other protective agreements, provisions, or covenants may be put in place as the need arises.

10. The attached diagram indicates:

a. A general off-street parking and loading plan.

b. A general circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the Planned Unit Development and to and from thoroughfares.

Detailed specifications of the N. Tenth Avenue extension will be subject to negotiations between the applicants and the First Baptist Church prior to the Detail Plan Stage.

c. A very general landscaping and tree plan.

The City of Stayton reserves the right to make detailed specifications regarding the above-listed items when the Detail Plans are submitted.

d. A market analysis breaks down as follows:

The following areas are being considered as a marketing area for the Santiam Valley Mall Project. Highway 22 has 9,000 to 14,000 cars per day, depending on the time of year.

Stayton	Mehama Area
The South 1/2 of Silverton	Fox Valley
Aumsville area	Mill City
Turner = east 1/2 of area	Gates
Marion	Niagra
Jefferson = east 1/2 of area	Detroit Lake
Scio area	Detroit
Silver Falls Area	Idanha
Lyons area	Breitenbush

The population of the full time marketing area is 35,000 with an additional 10,000 population in occasional shoppers.

Santiam Valley Mall Project, only if located adjacent to and in eyesight of Highway 22, can focus the buying dollars of the entire North Santiam Valley Corridor. Location of a shopping and tourist development adjacent to Highway 22 will justify consumer traffic in a high enough volume to provide many of the goods and services now only available in Salem or Albany.

The following are other population counts of which the entities listed use these numbers for budgeting, planning, and providing their actual services to this region.

Police Emergency 911 = 36,211 plus part of Linn County
Santiam Memorial Hospital = 31,000 plus part of Linn County
Stayton Rural Fire Protection District = 35,000

Findings regarding the underlying conditional zone changes to facilitate the Planned Unit Development are as follows:

11. Proposed zone changes and intended uses are compatible with the surrounding area in that the Planned Unit Development is surrounded by flood plain, vacant land and farm land with scattered residences to the east, north and west. The Planned Unit Development is bordered by Highway 22 on the north side. To the south is primarily low density residential areas with three churches and a cemetery in the immediate area. There is a CG (Commercial General) lot adjacent to the southwest corner of Parcel B.

Parcel B, located north of Fern Ridge Road and east of Cascade Highway, is an area that has seen very little development because of the Mill Creek Flood Plain and associated drainage problems. The applicants plan to develop the flood controls necessary for the area and extend all urban services to serve the subject property according to City specifications. Flood control can increase water quality and enhance compatibility with surrounding areas.

The proposed uses within the Planned Unit Development are composed of a compatible blend of mixed land uses. The intense commercial uses are planned to front Cascade Highway. Less intense commercial uses and public parklands are proposed just to the east to provide a transition buffer zone between the more intense commercial uses and the residential uses to the east.

LD (LOW DENSITY)

The proposed use for Parcel C is an LD (Low Density) single family subdivision. This is compatible with the LD (Low Density) residential uses to the west and south. The north side of Parcel C borders on Fern Ridge Road. Across Fern Ridge Road to the North is vacant property supporting a tree farm. Parcel C touches Highway 22 in the NE corner. Across Highway 22 and to the east is farmland. When the subject property was annexed into the City Limits, the initial zoning was automatically designated as LD (Low Density). No further change of zoning will be requested as the proposed use for Parcel C is a single-family, low density residential subdivision.

To facilitate compatible public open areas, Stayton City Code Section 8.490 Provides:

PUBLIC USE AREAS

- (1) Unless waived by the Commission, a subdivision plan shall provide a minimum of five per cent of the gross area of the subdivision as public recreation area.

The City will rely on this provision to secure either access to or parkland adjoining the existing Northslope Park located in the Northslope Subdivision adjacent to the subject parcel to the west.

To facilitate compatible traffic flow between the subject property and the surrounding area, the City will specify a local residential street connection to the existing Dawn Drive and a single access point onto the adjacent arterial, Fern Ridge Road.

To further assure compatibility with the surrounding area, the City will be able to utilize landscaping requirements for noise and sight buffering.

MD (MEDIUM DENSITY)

An MD (Medium Density) residential zone is proposed for the south eastern portion of Parcel B. This would be adjacent to the LD (Low Density) residential area on E. Kathy Avenue to the south.

Design criteria including minimum lot size requirements, minimum quality and square footage requirements for the manufactured homes, landscaping and noise and sight buffering requirements specified during the Detail Plan Stage will assure compatibility between the MD (Medium Density) area and the LD (Low Density) areas to the south across Fern Ridge Road.

Adequate off-street parking, well-designed traffic flow within the MD (Medium Density) area and limited access onto the major arterials and collectors as specified at the Detail Plan Stage will also help assure the compatibility of the MD (Medium Density) residential zone with the surrounding areas.

P (PUBLIC/SEMI-PUBLIC)

A large P (Public/Semi-Public) zone is proposed for the central northern portion of Parcel B. The primary use for this area will be a public park which is compatible with the adjacent MD (Medium Density) residential zone. It will also provide a buffer between the residential uses to the east and commercial uses to the west.

This area will provide a secondary use of detaining storm water during times of peak discharges of Mill Creek. The primary and secondary uses of this area are compatible because they do not occur during the same time of year.

Adequate off-street parking and easy access requirements will help enhance compatibility. With community input at the Detail Plan Stage, the park will be designed to meet the community's needs and to provide a noise and sight buffer from Highway 22.

IC (INDUSTRIAL COMMERCIAL)

The central portion of Parcel B is proposed to be an IC (Industrial Commercial) zone for the siting of office warehouses. The traffic activity and noise level of an office warehouse complex is less intense than the traffic and noise

generated by other commercial areas and so will serve as a compatible transition buffer zone between the residential areas and the other commercial areas.

The office warehouse complex will be situated across the road to the south of the public park. Because the park area and the office warehouse complex have different peak times, the possibility of traffic congestion at that site will be ameliorated and the two areas can compatibility handle each others over=flow off=street parking.

The office warehouses will be situated at the base of a hill in a landscaped area so will not be visually prominent.

HD (HIGH DENSITY)

In the southern central area of Parcel B, an HD (High Density) multi=family housing apartment complex is proposed. This complex will be near the top of the hill and will have a view as well as relatively high visibility. The City will review the design of the buildings and the landscaping at the Detail Plan Stage consistent with the complex's high visibility.

Noise and sight buffering requirements specified at the Detail Plan Stage will help assure compatibility with the adjacent MD (medium density) residential area. The two residential areas will not share traffic flow as they are situated on different elevations.

The HD (High Density) area will share traffic flow with the proposed office complex to the west. While both uses generate a medium amount of traffic, adequate off=street parking will help moderate congestion. The access point onto Fern Ridge is proposed to be an extension of North Third Avenue. Traffic control specifications will be addressed during the Detail Plan Stage.

CG (COMMERCIAL GENERAL)

Adjacent to the HD (High Density) residential units to the west will be a CG (Commercial General) zone for the siting of a professional office park. The CG (Commercial General) area will be at the same relative geographic elevation as the HD (High Density) residential units. The CG (Commercial General) professional office is a less intensive commercial use than other proposed commercial uses in the area and so provides a compatible buffer between the residential areas and the more intense commercial areas that are proposed. Specifications for landscaping, noise and site buffers, adequate off=street parking

and compatible traffic flow will be developed during the Detail Plan Stage.

To the southwest corner of the CG (Commercial General) zone is an existing CG (Commercial General) parcel which supports Real Estate Professionals, a real estate office building.

CR (COMMERCIAL RETAIL)

North of the existing real estate office and adjacent to Cascade Highway is an area which is proposed to be a CR (Commercial Retail) zone upon which a retail shopping center will be developed. The center is proposed to be a regional shopping center.

Detailed specifications for landscaping, terracing, noise and sight buffers, adequate off-street parking and compatible traffic flow will be addressed during the Detail Plan Stage. The applicants anticipate (1) the widening of Cascade Highway to include a turn lane, (2) the building of an east/west collector street to connect Cascade Highway with North Tenth Avenue and (3) the improvement of the intersection at Shaff/Fern Ridge Road and Cascade Highway. These improvements will lessen the impact of increased traffic in the area.

The shopping center will be compatibly landscaped and noise and sight buffered from residential areas by office buildings, industrial warehouses, a public park and by the hill that rises just behind the CR (Commercial Retail) site.

ID (INTERCHANGE DISTRICT)

In the northwest corner of Parcel B, an ID (Interchange District) is proposed for a motel, restaurant, and meeting room facility. Detailed specifications for landscaping, noise and sight buffers, adequate off-street parking and compatible traffic flow will be addressed at the Detail Plan Stage. This includes a safe, well-designed access to and from Highway 22 planned in cooperation with the Oregon Department of Transportation.

The ID (Interchange District) use is compatible with the CR (Commercial Retail) use to the south. The proposed widening of Cascade Highway and other street improvements will serve both commercial areas and will help assure compatibility.

The ID (Interchange District) will be buffered from the residential uses by the public park. The motel complex will be designed to take advantage of the aesthetics provided by the park.

The Planned Unit Development will be compatible with the surrounding area as well as between the blend of land uses within the development.

The Comprehensive Plan is also concerned with the compatibility of new commercial development with the existing commercial area. This intent is stated in the policies of the plan.

Commercial Policy #2 provides:

The continued functioning and preservation of the central business district as the primary retail area of the community shall be encouraged.

This policy is restated in the Economic Policy #1:

The central business area shall be preserved and maintained as the major shopping area of the community.

The central business area or district is defined in the Comprehensive Plan adopted in 1979 in relevant part as follows:

From Regis Street south to Water Street, west of First Street approximately 200 feet, east of First Street to the center of the block; between First and Fourth Street, south of Washington to Water.

The 1979 Comprehensive Plan acknowledged First Avenue as the greatest concentration of commercial activity and since that time, First Avenue has seen significant growth of Commercial activity. Growth has occurred inside the geographic boundaries of the central business area as defined in 1979, and commercial growth has also expanded those geographic lines. The stated geographic boundaries have been allowed to expand in all directions as market conditions have warranted. The geographic boundaries of the central business area or district have expanded to include the following areas:

On the west side of First Avenue, the commercial area has expanded to approximately 500 feet in some areas. The Plaza shopping center occupies a commercially zoned parcel that extends to North Birch Avenue.

On the east side of First Avenue, the commercial area has expanded to approximately 500 feet. The CG (Commercial General) zoning now extends to N. Third Avenue.

On the south side of Water Street, the commercial zoning has extended approximately 250 feet and supports Freres Building Supply, commercial office spaces and Johnson's Auto Body Shop.

The commercial areas north of Regis Street along First Avenue now include a CR (Commercial Retail) parcel supporting Ron Bentz Real Estate Office and a CG (Commercial General) parcel upon which the Real Estate Professionals Office is located.

The acres of commercial land currently available to be developed in the central business area or district are as follows:

Zone	Currently Developed	Development Limitations	Existing Rights of Way	Approximate Area to be Developed inside the central Business area
CR	14.16	0	11.14	1.61
CG	54.34	.92	18.63	4.4*

*1.6 acres available to be developed south of Washington St.

*2.8 acres available to be developed north of Washington St.

SOURCE: Comprehensive Plan, proposed Local Review Order, November, 1985, Developed by CH2M Hill.

Because of the limited availability of area to be developed in the central business area or district, the boundaries of Stayton's Commercial area should be allowed to expand so that growth can occur.

The proposed CR (Commercial Retail) zone is compatible with the existing commercial area in the City of Stayton in that the shopping center is adjacent to, and therefore, will become part of the central business area or district in the centralized location surrounding First Avenue.

The CR (Commercial Retail) zoned site will have easy traffic access to and from Highway 22 and it will have visibility from Highway 22. The shopping center will pull shoppers driving to Salem off Highway 22 who would not normally stop in Stayton to spend their dollars in this area.

Another policy stated in the Comprehensive Plan to encourage the compatibility of new commercial development with the existing commercial area is:

Commercial Policy #1:

Strip-type development along major transportation routes shall be discouraged.

This proposal does not represent strip development in that the more intensive commercial uses will front Cascade Highway, while less intensive commercial uses will be located behind and to the east of the intensive uses (except where the flood plain requires that the land be developed into parkland. Then HD (High Density) residential will be located further west until the uses transition into MD (Medium Density) residential.

Parcel B will be an orderly development, completely filled in with a mixed blend of land uses including public open space.

A policy in the Comprehensive Plan that further addresses compatibility of new commercial development with existing commercial areas states:

Economic Policy #3:

Commercial development of Highway 22 shall be discouraged.

Since that policy was included in the 1979 Comprehensive Plan, the City of Stayton has introduced a new zone the ID (Interchange District) zone. The purpose of the ID (Interchange District) zone is to provide for the location of needed highway service commercial facilities at the intersections of controlled access highways and arterial roads.

Allowed uses in the ID (Interchange District) include the uses proposed which are traveler accommodations and eating facilities. This zoning scheme is compatible with Economic Policy #2 which states:

Commercial development outside of the central business area shall be limited to convenience facilities and heavier commercial uses.

Also since 1979, the Mill Creek Drainage Plan has been developed so that it is possible the areas near Highway 22 to be served with adequate urban facilities.

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

The current uses and zoning within the City limits of Stayton as of April 1985 breaks down as follows:

Designations zones	Currently Developed	Development Limitations	Existing Rights [≠] Way	Approx. Area to be Developed	Total Area
LD	304.25	81.48	121.20	185.34	692.27
MD	83.98	1.71	20.50	63.41	169.60
HD	19.84	0	4.54	10.28	34.66
CR	14.16	0	11.14	1.61	26.91
CG	54.34	0.92	18.63	24.46	98.35
IC	1.45	0	2.35	15.21	19.01
ID	Not in city limits				
Subtotal	622.33	89.41	196.19	397.56	1,305.49
IA (d)	Not comparable to other zones				51.04
P (d)	Not comparable to other zones				197.96

SOURCE: Comprehensive Plan, proposed Local Review Order, November 1985, developed by CH2M Hill

The zone change requests would add the following acres in the relevant zones to the City Limits:

Parcel B	Designation	Approximate acres proposed to be added	Approximate area to be developed as of April, 1986
	MD (Medium Density)	29.8	63.41
	HD (High Density)	3.8	10.28
	CR (Commercial Retail)	9.3	1.61
	CG (Commercial General)	4.5	24.46
	ID (Interchange District)	8.1	0
	IC (Industrial Commercial)	6.4	15.21
	P (Public/Semi-Public)	29.7	Not Comparable

MD (Medium Density)

This parcel of land is inside the City Limits of Stayton and is currently zoned LD (Low Density). Although there are approximately 63.41 acres of MD (Medium Density) parcels to be developed scattered throughout Stayton, the uncontradicted testimony has been that the City needs more available housing.

The purpose of the zone change from LD (Low Density) residential to MD (Medium Density) residential is not to increase the density

but to permit the siting of pre-manufactured housing which is an allowed use in an MD (Medium Density) zone.

HD (High Density)

This parcel of land is inside the City Limits of Stayton and is currently included in the LD (Low Density) inventory. The City has determined that the approximate 10.28 acres of HD (High Density) parcels to be developed scattered throughout Stayton is insufficient to satisfy current and projected needs. Accordingly, the City is currently in the process of trying to increase its inventory of HD (High Density) and this HD (High Density) parcel would help that effort.

CR (Commercial Retail)

This parcel of land is inside the City Limits of Stayton, is adjacent to Stayton's central business area or district and is currently zoned LD (Low Density).

The approximate acres available to be developed of CR (Commercial Retail) is only 1.61 which is not sufficient to meet Stayton's current and projected needs.

CG (Commercial General)

This parcel is inside the City Limits of Stayton, is adjacent to Stayton's central business area or district, and is currently zoned LD (Low Density).

Inside the current central business district or area there is approximately 4.4 acres to be developed into CG (Commercial General), excluding approximately 20 available acres of CG (Commercial General) clustered around the intersection of Shaff Road and Wilco/Golf Club Road. These 20 acres are located well outside the central business area or district and are adjacent to the industrial park.

IC (Industrial Commercial)

This parcel is inside the City Limits of Stayton and is currently zoned LD (Low Density). All of the approximately 15.21 IC (Industrial Commercial) acres available are located at the northwest corner of the intersection of Wilco Road and West Washington Street.

The purpose of the zone change to IC (Industrial Commercial) in the proposed area is to provide a needed service to the area, office warehouses, as well as to provide a buffer zone and reduce

conflicts between residential and general commercial uses in accordance with the stated purpose of the IC (Industrial Commercial) zone in City Code Section 8.8005.

ID (Interchange District)

This parcel of land is in the City Limits of Stayton, is mostly located in the flood plain of Mill Creek and is currently zoned LD (Low Density).

This proposal will add the first parcel of ID (interchange District) to the City Limits and is designed to meet the needs of the traveling public.

P (Public/Semi-Public)

This parcel of land is in the City Limits of Stayton, is located in the flood plain of Mill Creek, and is currently zoned LD (Low Density)

This area is designated in the Comprehensive Plan as open area because of the developmental limitations which exist. An improved public park is the highest and best use for this particular parcel and is not comparable to other properly zoned land in the City.

13. There is a public need for the intended uses. A market analysis shows that the population in the market area has grown to include approximately 35,000 residents. This figure, plus improved economic conditions, indicate that the area is in need of more housing at a variety of types, densities, price and rent levels.

The market analysis also indicates that the area can support a higher level of commercial goods and services while current commercial parcels available for development is very limited.

An expanded level of commercial goods and service in Stayton (i.e. the only office warehouses or motel complex in the area) would lessen the need for Stayton and area residents to travel into the Salem commercial area.

14. There will be adequate urban services to serve the specific uses proposed for the Planned Unit Development when these services are constructed by the applicant according to City specifications.

Any change in use would be a Conditional Use and the adequacy of public services issue would be addressed by the Planning Commission at that time.

Conclusions

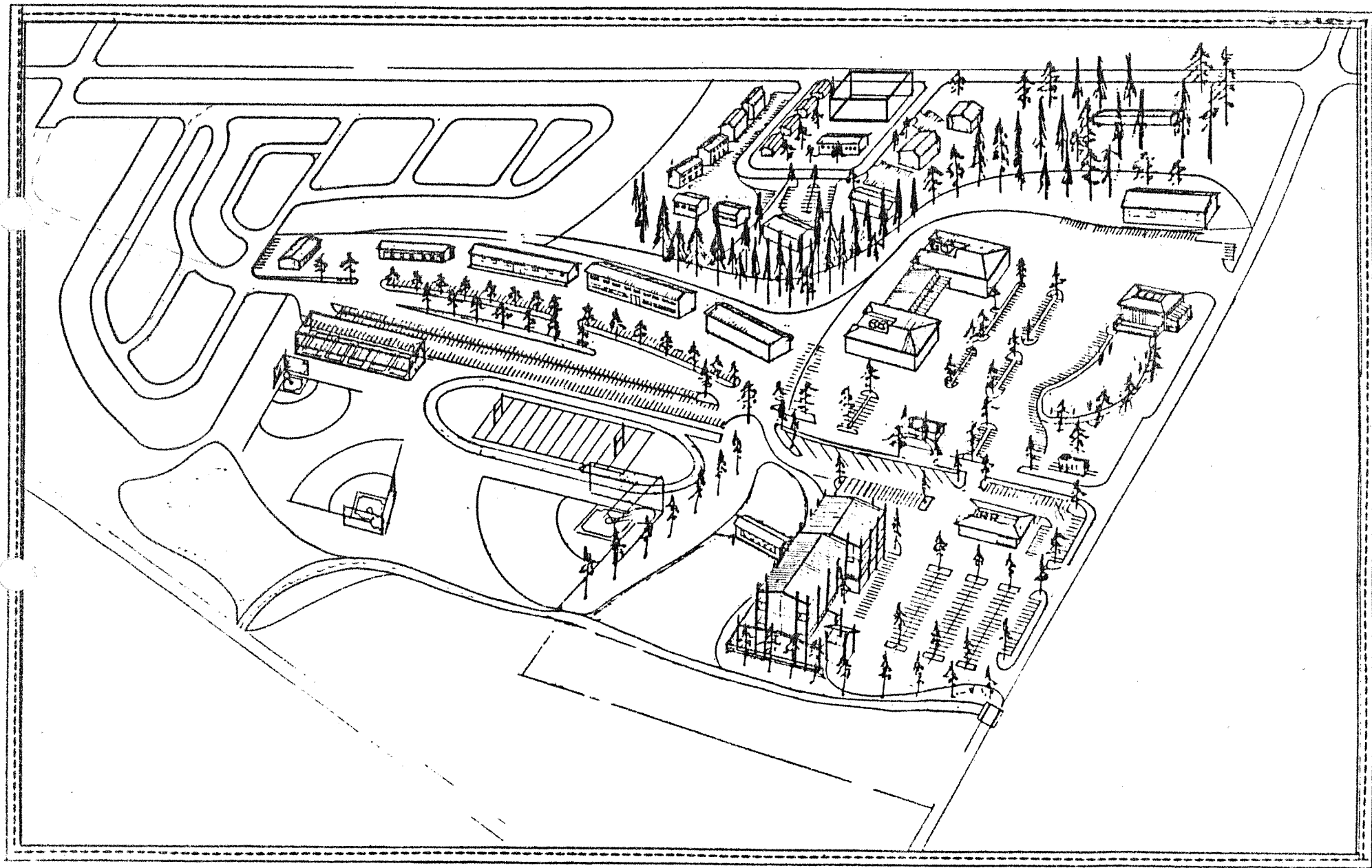
Based on the foregoing findings, the Applicant's request for an Outline Plan Approval, Conditional Zone Changes, and Official Comprehensive Plan and Zoning Map Amendment is hereby approved subject to the foregoing conditions and passage of an appropriate Ordinance.

Order

The Applicant's request as herein stated is approved. See attached Ordinance and legal description.

Passed by the Common Council on April 21, 1986.

SANTIAM VALLEY CENTER
STAYTON OREGON



SANTIAM Valley CENTER

- MD (Medium Density)
- HD (High Density)
- CG (Commercial General)
- CR (Commercial Retail)
- ID (Interchange District)
- IC (Industrial Commercial)
- P (Public/Semi-Public)

