

ORDINANCE NO. 880

**AN ORDINANCE 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 EAST OF 3<sup>RD</sup> AVENUE AND WEST OF SPRING BREEZE CIRCLE.**

WHEREAS, Stayton's Comprehensive Plan and Zone Maps designate the property at the 2200 block of Spring Breeze Circle as Low Density Residential (LD) District;

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

WHEREAS, the property on Spring Breeze Circle is identified as 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 on Spring Breeze Circle; 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 (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 Comprehensive Plan and Zone Maps from (LD) to (P).

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

SECTION 1. 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 2. 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 3. This Ordinance, with said Order (Exhibit A) shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 29<sup>th</sup> day of June 2005.

CITY OF STAYTON

Signed: June 23, 2005

BY:

Gerry Aboud  
GERRY ABOUD, MAYOR

Signed: June 23, 2005

ATTEST:

Chris Childs  
CHRIS CHILDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:

David A. Rhoten  
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 Comprehensive Plan  
Amendment, Zone Map Change

**ORDER OF APPROVAL**

**I. NATURE OF THE APPLICATION**

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

1. Comprehensive Plan Map Amendment from Low Density (LD) Residential to Public Semi-Public (P).
2. 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 City 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 Comprehensive Map Plan Amendment and Zone Map Amendment. The City Council found the Comprehensive Map Plan Amendment and Zone Map Amendment met the intent of the standards in the Stayton Municipal Code (SMC) Sections 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 at the 2200 block of Spring Breeze Court.

- C. The subject property is further described as tax lot 7300, Township 9 South, Range 1 West of the Willamette Meridian, Section 03DC.
- D. The applicant is seeking approval of two land use requests. 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).

## 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 park land in the city. The park will help the city meet the recommended service level of 0.29 acres/1,000 population established by the Stayton Parks and Recreation Master Plan to meet needs through 2020.

- 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 parcel is currently bordered by streets on two sides. When the parcel is added to the other two adjoining parcels to the west to complete the park it will be bordered on three sides by 3<sup>rd</sup> Avenue, Wildflower Drive, and Spring Breeze Court. Spring Breeze Court might have problems with additional cars parking in the cul-de-sac and there is no parking allowed on 3<sup>rd</sup> Street so on street parking would be limited to Wildflower Drive. It is anticipated that many of the users of this park will come from the surrounding neighborhood who will walk to the park instead of driving.

- b. *Population concentrations*

Finding: The subject property will serve the needs of the surrounding population as a neighborhood park. The area to the west is Commercial General (CG) and High Density (HD) Residential development. There are HD duplexes and LD homes to the south, and LD homes to the east. There is also Medium Density (MD) Residential homes to the north of the property.

*c. Demand for public facilities and services;*

Finding: The subject property, together with the two adjoining public parcels to the west, is identified in the Stayton Parks and Recreation Master Plan as a needed neighborhood park in the park inventory. A neighborhood park is identified in the Stayton Parks and Recreation Master Plan as a combination of playground and park for informal, unorganized gatherings and activities that serves an area with a half mile radius and a size ranging from two to ten acres. The subject property, together with the other two parcels already designated Public Semi-Public (P) create a 2.3 acre park.

*d. Maintenance of public health and safety;*

Finding: The Stayton Parks and Recreation Master Plan states that restroom facilities are not recommended for neighborhood parks. Site amenities may include picnic tables, benches, bike racks, trash receptacles or other amenities. The subject property will be visible from adjoining streets for safety purposes.

*e. Level of park and recreation facilities;*

Finding: The subject parcel will bring the current level of service, closer to the 1.74 acres per 1,000 population recommended in the Stayton Parks and Recreation Master Plan. The site plan and the Parks Plan for Santiam Park list improvements for the park that include that a playground, plaza, overlook area and path along Lucas Ditch.

*f. Economic activities;*

Finding: Parks enhance the livability of neighborhoods by providing community space for gathering and recreation. Parks add to the aesthetic value of a neighborhood and preserve open space in a city.

*g. Protection and use of natural resources;*

Finding: The subject property is adjacent to, and will become part of a developed City Park as identified in the Stayton Parks and Recreation Master Plan.

*h. Natural hazards and constraints;*

Finding: There is a possibility of flooding in this area. This has been partially mitigated through the development of the Sylvan Springs subdivision. The area where the park is located is part of a redesignation project for FEMA flood maps. Regardless, the park serves as an area to allow natural flood patterns and mitigate the hazards of flooding for surrounding properties.

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

Finding: The subject property is adjacent to and will become a part of a developed City Park as identified in the Stayton Parks and Recreation Master Plan.

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

Finding: The subject parcel is one of three needed neighborhood parks identified in the Stayton Parks and Recreation Master Plan. This will bring the current service ratio from 1.32 acres per 1,000 population to 1.74 acres per 1,000 population.

- 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 parcel is providing open space within the city. The subject parcel does not have wetlands, wildlife corridors, scenic waterways, energy sources or cultural resources. This parcel is part of a park established as part of a larger subdivision development for open space preservation.

Goal 6. Air, Water, and Land Resource Quality. Goal 7. Areas Subject to Natural Disasters and Hazards. These goals do not apply to the subject property.

Goal 8. Recreational Needs. The subject parcel is identified as a needed park in the Stayton Parks and Recreation Master Plan, developed in compliance with Goal 8. This parcel is part of a neighborhood park designed to service the needs of the general public and more specifically the surrounding residential development.

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 4 Public Facilities and Services Policies PF-9. "Addition to local recreation resources shall be required as a condition of approval of subdivision developments. Either land dedication or payment to a development fund shall be a requirement in the development ordinances."*

Finding: Santiam Park was created through open space dedications as part of the Sylvan Springs PUD, a land swap with the city, and the purchase of property on Spring Breeze Court.

*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: Santiam Park was identified by the Stayton Parks and Recreation Master Plan as a neighborhood park to be developed. The facilities proposed for this park are consistent with the recommendations made by the Parks Plan for neighborhood parks.

*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: While there are other existing neighborhood parks, the City requires additional neighborhood parks to meet the need. Santiam Park is one of three new parks of different types that are being added to the City park system in this hearings process.

*Chapter 4 Public Facilities and Services Policies PF-12 "Provide a broader range of recreation facilities within the parks."*

Finding: The site plan and Parks Plan for Santiam Park indicate improvements for the park that include a playground, plaza, overlook area and path along Lucas Ditch.

- 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 parcel has been identified as a neighborhood park in the Stayton Parks and Recreation Master Plan and was set aside as part of the development of the Sylvan Springs PUD for use as a neighborhood 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 parcel is currently bordered by streets on two sides. When the parcel is added to the other two adjoining parcels to the west to complete the park it will be bordered on three sides by 3<sup>rd</sup> Avenue, Wildflower Drive, and Spring Breeze Court. Spring Breeze Court might have problems with additional cars parking in the cul-de-sac and there is no parking allowed on 3<sup>rd</sup> Street so on street parking would be limited to Wildflower Drive. It is anticipated that many of the users of this park will come from the surrounding neighborhood and will walk to the park instead of driving.

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

Findings: There is an impact on population density. The proposal eliminates property in the LD zone and the Sylvan Springs PUD.

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: The subject property, when added to the two properties to the west to form Santiam Park, will be maintained by the city. There will be minimal noise impacts

typical of neighborhood parks. Any potential impacts of odors, appearance, and hazards to the public will be controlled through proper maintenance of the park. The generation of waste products shall be limited because of the recommendation to not place public restrooms in the park. There will be no light impacts because decorative street lighting will be used. The rezoning of this property from LD to P will result in a decrease in the demand on park facilities for the City by increasing the amount of park land available for use by the public.

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: Based on the Stayton Parks and Recreation Master Plan the City is deficient in neighborhood parks. Santiam Park is identified in the master plan as an undeveloped but existing neighborhood park with planned improvements.

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

Finding: The park site has full utility services.

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

*Chapter 4 Public Facilities and Services Policies PF-9. "Addition to local recreation resources shall be required as a condition of approval of subdivision developments. Either land dedication or payment to a development fund shall be a requirement in the development ordinances."*

Finding: Santiam Park was created as part of the Sylvan Springs Phase II PUD and dedicated to the City as part of the conditions of approval.

*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: Santiam Park was identified by the Stayton Parks and Recreation as a neighborhood park to be developed. The facilities proposed for this park are consistent with the recommendations made by the Parks Plan for neighborhood parks.

*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: While there are other existing neighborhood parks, the City requires additional neighborhood parks to meet the need. Santiam Park is one of three new parks of different types that are being added to the City park system.



*Chapter 4 Public Facilities and Services Policies PF-12 "Provide a broader range of recreation facilities within the parks."*

Finding: The site plan and Parks Plan for Santiam Park indicate improvements for the park that include a playground, plaza, overlook area and path along Lucas Ditch.

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

Finding: See Comprehensive Plan Map 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 City Council finds the proposed Comprehensive Plan Map Amendment and Zone Map Amendment comply with the review criteria contained within Sections 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 Comprehensive Plan Map Amendment and Zone Map Amendment. THEREFORE, it is the decision of the Stayton City Council to **APPROVE** the applications.

## **VI. CONDITIONS OF APPROVAL**

The Park Plan design for Santiam Station was approved by City Council on March 21, 2005. This addressed any potential conditions of approval.

## **VIII. OTHER PERMITS AND RESTRICTIONS**

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State, or Federal agencies.

The City of Stayton land use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits or satisfy and restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way covenants or restrictions imposed on this property by deed or other instrument.

## **IX. EXERCISE RIGHTS**

The Council's action may be appeal 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.