

ORDINANCE 797

1
2
3 AN ORDINANCE AMENDING THE CITY OF STAYTON OFFICIAL COMPREHENSIVE
4 PLAN AND ZONING MAP TO RECLASSIFY CERTAIN PROPERTY FROM LOW DENSITY
5 RESIDENTIAL (LD) TO MEDIUM DENSITY RESIDENTIAL (MD), HIGH DENSITY
6 RESIDENTIAL (HD), COMMERCIAL RETAIL (CR), AND INTERCHANGE DEVELOPMENT
7 (ID) WITHIN THE CITY OF STAYTON, COUNTY OF MARION, STATE OF OREGON.

8
9 WHEREAS, a zone change was initiated by a petition of Fern Ridge Properties, LLC for
10 the proposed Fern Ridge development identified as tax lots 500 and 600 in the Se ¼
11 Section 3, T9S, R1W; and

12
13 WHEREAS, the subject property is currently zoned for Low Density Residential use and
14 designated in the Comprehensive Plan for Medium Density Residential use; and

15
16 WHEREAS, there is a proposal to subdivide the 46.43 acre property into four different
17 zoned parcels to accommodate the development of a manufactured home park, motel,
18 commercial retail space, sit-down restaurant, fast-food restaurant, gas station, apartment
19 complex, and assisted care complex; and

20
21 WHEREAS, the proposed development of the property requires a zone change of 12.24
22 acres from LD to HD, of 3.44 acres from LD to CR, and of 8.15 acres from LD to ID;
23 and of 17.20 acres from LD to MD; and

24
25 WHEREAS, the Stayton Planning Commission conducted a public hearing on June 29,
26 1998 and on that date voted to recommend approval of the zone change proposal to the
27 City Council and proposing Findings of Fact;

28
29 WHEREAS, the Stayton City Council conducted a public hearing and subsequently
30 rendered a decision on September 21, 1998 approving the change to the Official
31 Comprehensive Plan and Zoning Map;


32
33 NOW THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:


34
35 SECTION 1: That the zone district for the property described in Exhibit A be
36 changed from Low Density Residential (LD) to Medium Density
37 Residential (MD), High Density (HD) Residential, Commercial Retail
38 (CR), and Interchange Development (ID), and that the Official
39 Comprehensive Plan and Zoning Map be amended as shown on
40 Exhibit A attached hereto subject to the conditions of approval
41 found in Section VIII of the Council Order in the Matter of the
42 Application of Fern Ridge Properties, LLC dated September 21, 1998
43 attached as Exhibit B.

44
45 SECTION 3: It is hereby adjudged and declared that existing conditions are such that
46 this ordinance redesignating certain parcels of property described in
47 EXHIBIT A is necessary to serve the public health, safety, welfare,

1 SECTION 3: It is hereby adjudged and declared that existing conditions are such that this
2 ordinance redesignating certain parcels of property described in EXHIBIT A is
3 necessary to serve the public health, safety, welfare, convenience, and
4 environmental amenities of the City of Stayton and the inhabitants thereof;
5 and that the changes as conditioned meet all applicable criteria as delineated
6 in the Council Order in the Matter of the Application of Fern Ridge Properties,
7 LLC dated September 21, 1998 adopting Findings of Fact and attached as
8 Exhibit B; and that this ordinance shall be in full force and effect when
9 executed by the Council President.

10 PASSED BY THE STAYTON CITY COUNCIL this 21st day of _____, 1998.

11
12
13 Date: 9/23/98 By: 
14 STACEY GRAHAM, Council President

15
16 ATTEST
17
18 Date: 9-25-98 By: 
19 THOMAS L. BARTHEL, City Administrator


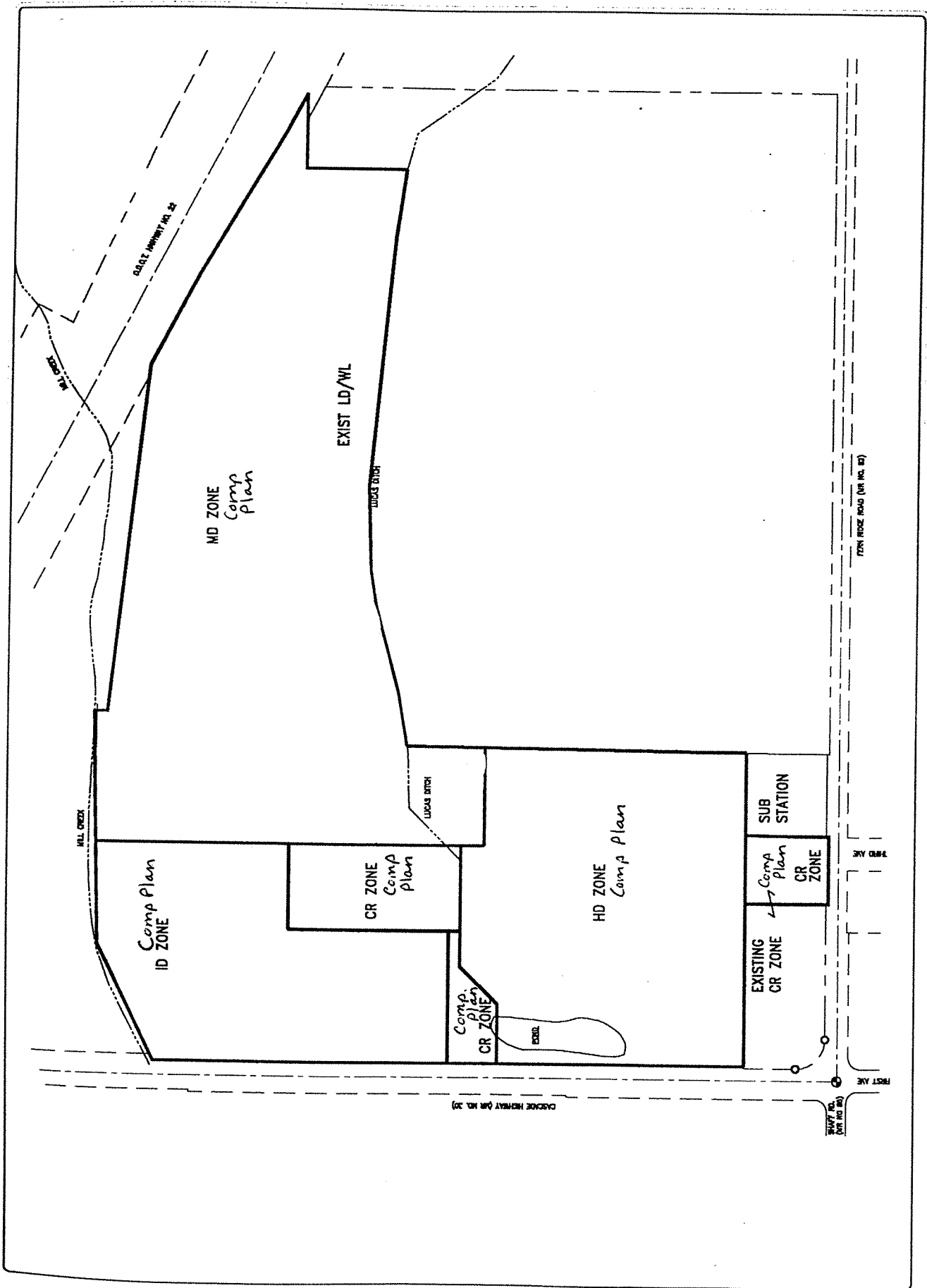
20
21 APPROVED AS TO FORM
22
23 Date: OCT 8 - 1998 By: 
24 DAVID A. RHOTEN, City Attorney
25
26

Exhibit 'A'

AREA ZONING MAP

DATE	1-11-10
SCALE	1"=100'
PROJECT NO.	1000
SHEET	5A
OF	5

PROPERTY CONCEPTS INC.
 PLANNING-DESIGNING-ENGINEERING
 1000 W. 10th St. Suite 100
 Oklahoma City, OK 73106
 TEL: 405.521.1000
 FAX: 405.521.1001



FROM WIDE MAP (SR NO. 30)

1st Ave

2nd Ave

CROCKER HIGHWAY (SR NO. 30)

MILL CREEK

LUCAS DITCH

POND

SUB STATION

CR ZONE

EXISTING CR ZONE

HD ZONE Comp Plan

CR ZONE Comp Plan

ID ZONE Comp Plan

MD ZONE Comp Plan

EXIST LD/WL

1st Ave

2nd Ave

DATE	
SCALE	
PROJECT NO.	
SHEET	
OF	

VII. CONCLUSION – SUBDIVISION

1
2
3 FINDING: Upon review of the application and submitted material, the City Council finds the
4 proposed subdivision complies with the review criteria contained within Section 17.12.1050
5 of the Land Use and Development Code.
6
7

VIII. CONDITIONS OF APPROVAL

8
9
10 FINDING: The Stayton City Council finds that the Comprehensive Plan Amendment, Zone
11 Change, preliminary subdivision plan, and lot line adjustment are in compliance with the City
12 Development Code criteria provided certain conditions are made part of the approval. The
13 Council therefore adopts the following Conditions of Approval:
14

- 15 a) The development shall be platted and developed in substantial conformance with the
16 submitted site plan, the conditions of approval, and the land use and traffic generation
17 assumptions incorporated into the Traffic Impact Analysis and subsequent analysis by
18 Marion County. The project may be phased, however all improvements to Cascade
19 Highway will be completed by the applicant with the first phase as will the installation
20 of required turnlanes and a traffic signal at the intersection of Cascade Highway and
21 Fern Ridge Road. Any change to the approved development plan or site plan shall be
22 processed as a zone change.
23
- 24 b) Site Plan reviews required for development of any portion of the subject property, and
25 any zone change or other amendment to the approved plan, shall come before the
26 City Council for the initial hearing and final decision.
27
- 28 c) No single retail use on the subject property shall occupy more than 10,000 square feet
29 of floor area, excluding restrooms, stairways, hallways, and storage rooms.
30
- 31 d) The applicant shall install at least one sign with easy visibility within the CR or ID zones
32 identifying the direction of the Downtown Business District.
33
- 34 e) In addition to any regulation regarding signage, the following additional requirements
35 are imposed:
36
- 37 1. A sign plan providing detail on the architectural style, color, and themes for all
38 signs for the entire project, and that conforms with the adopted design stan-
39 dards for the project, shall be reviewed and approved as part of the first site
40 plan review for the property.
41
 - 42 2. Freestanding signs shall be limited to monument signs no greater than eight feet
43 in height. Monument signs are defined as signs not mounted on a pole or poles
44 where the entire sign area from peak to ground is constructed of solid material.
45

1 3. A company or corporate standard for sign design or a desire to have visibility
2 from Highway 22 shall not be used as justification for any variance to any sign
3 standard.

4
5 f) The wetland mitigation plan approved by the Division of State Lands will be adhered
6 with throughout and following the development process.

7
8 g) Adequate performance guarantees in a form acceptable to the City are required to as-
9 sure successful completion of the improvements included in the floodplain develop-
10 ment permit. For a period of five years after completion or build out of the final phase
11 of the development, and acceptance by the City of all required improvements, the
12 specific requirements of the Flood Plain Development Permit will be reevaluated by
13 the City Council with each site plan review process that creates new impervious sur-
14 face and/or storm drainage systems. The reevaluation will be based on an engineering
15 report submitted by the applicant for site plan review demonstrating that the proposed
16 improvements do not change the assumptions or facts used in the original flood plain
17 development permit to the extent that the conclusions of the original study and the re-
18 quirements of the original permit are no longer appropriate for managing a 100 year
19 flood event in accordance with the standards of the City's Flood Plain Overlay Zone.
20 This requirement shall be recorded by the City against the property and shall pass with
21 the land in any change of ownership.

22
23 h) The developer shall include in the Covenants, Conditions, and Restrictions applicable
24 to all portions of the property located within the 100 year flood plain as shown on the
25 FEMA Federal Insurance Rate Map adopted August 15, 1979 (Community Panel
26 Number 410154 0300B) a statement to the following effect:

27
28 *A valid FEMA flood insurance policy shall be maintained for the property and*
29 *its improvements at all times. In lieu thereof a waiver absolving the City of any*
30 *liability due to flood damage on a form provided by the City and recorded*
31 *against the property must be provided prior to occupancy of any structure.*

32
33 The City Attorney shall approve the form of the statement.

34
35 i) The applicant, and its principals, shall enter into an Agreement with the City, on a
36 form provided by the City, that shall require that the applicant, and its principals per-
37 sonally and any assigns or successors in interest, to indemnify and hold the City harm-
38 less in perpetuity for any liability in the approval, design, engineering or construction
39 of any improvement on the subject property or for improvement located off-site but
40 which is required by the terms and conditions of this approval. Such indemnity
41 agreement shall include the cost of defense of any action to which the City is a party.
42 This agreement shall be signed and recorded in the deed records of the subject prop-
43 erty prior to issuance of any building permit for any development.

- 1 j) The street and transportation recommendations outlined in the June 18, 1998 letter
2 from Bob Hansen, Marion County Public Works, to John Morgan, Planner, are re-
3 quired to be met, except as noted in 1, 2, and 3 below. All improvements shall be
4 completed prior to issuing a Certificate of Occupancy for any building within the proj-
5 ect or the particular phase under development.
- 6
- 7 1. The intersection of Cascade Highway and Fern Ridge Road shall be improved
8 with the first phase of the project, as is discussed in k) and l) below.
- 9
- 10 2. Improvements to Cascade Highway shall be complete before any access is
11 made to the highway.
- 12
- 13 3. Street "H" shall extend to a new intersection with Fern Ridge Road at 3rd
14 Street, as is discussed in o), below.
- 15
- 16 k) A traffic signal and associated turn lanes with necessary shoulder widening (including
17 sidewalks adjacent to the subject property), along with signal lights warning of a traffic
18 signal ahead installed at locations approved by the City on First Avenue and Fern
19 Ridge Road approaches, shall be installed as part of the first phase of the project. The
20 City will contribute the funds from other properties committed to participate in the
21 signal costs now or in the future. The applicant is responsible for the balance of the
22 costs.
- 23
- 24 l) In order to monitor the traffic impacts, a traffic impact analysis will be provided with
25 each site plan review for specific development proposals to show that the proposed
26 development will not cause the Fern Ridge Road and Cascade Highway intersection to
27 exceed a volume to capacity ratio of 0.85 as calculated by the critical movement
28 analysis methodology.
- 29
- 30 m) A street connection shall be made between this project and the Spring Meadow proj-
31 ect to the west via an extension of Wildflower Drive from within Spring Meadow.
- 32
- 33 n) The pathway extending from Spring Meadows along Lucas Ditch shall be extended
34 through the subject property to Cascade Highway. The pathway shall be eight feet in
35 width. It shall be constructed of asphalt except for portions that are standard city
36 sidewalks, which shall be constructed to Stayton Public Works Department specifica-
37 tions.
- 38
- 39 o) Street "H" shall be extended to intersect Fern Ridge Road at 3rd Street and any sight
40 distance conflicts associated with the intersection shall be resolved to the satisfaction of
41 the Stayton Public Works Department.
- 42
- 43 p) The required bike lane and sidewalk on the entire Cascade Highway frontage shall be
44 developed as a separate path no less than eight feet in width offset from the travel
45 lanes of the highway in both distance and elevation. It shall be located in either the

1 right-of-way or a public easement. Final design to be approved by the City of Stayton
2 and Marion County.

- 3
- 4 q) The bridge structures to be constructed along Cascade Highway and over Lucas Ditch
5 within the project boundaries shall include decorative railings along their length be-
6 tween the sidewalks and bridge edges. Also, electrical decorative lighting shall be in-
7 corporated into the design of each bridge. The specific designs shall be reviewed and
8 approved by the City Administrator.
- 9
- 10 r) All recommendations outlined in the June 15, 1998 memo from Allan Drawson of the
11 Stayton Public Works Department to the Planning Department will be completed by
12 the applicant. Adequate guarantees of completion will be made to the City in a form
13 prescribed by the Public Works Department.
- 14
- 15 s) Parkland of no less than 2.32 acres, in one or two sites, will be dedicated in central
16 locations away from the water feature. No single site shall encompass less than 0.75
17 acres. No site shall have a dimension ratio greater than 2:1. The park sites shall be
18 graded and planted with grass seed and shall have an irrigation system installed. All
19 work will be to City standards and will be reviewed and approved by the Stayton Pub-
20 lic Works Department. The actual costs for designing and installing the irrigation sys-
21 tem shall be eligible for reimbursement from future revenue from parks systems devel-
22 opment charges levied against construction within this development. The City Ad-
23 ministrator and the applicant shall enter into a reimbursement agreement.
- 24
- 25 t) The Final Plan shall show, and the Applicant shall construct at its own expense, child-
26 proof barriers around the wetlands area, the drainage ponds, Lucas Ditch, and Mill
27 Creek. The form of this barrier shall be submitted to the City Administrator for ap-
28 proval prior to construction, however, the barrier along the eastern wetland area shall
29 include the installation of thorny plant material.
- 30
- 31 u) In addition to all other landscaping standards in the Stayton Municipal Zoning Code,
32 street trees shall be required along all streets in all CR, ID, and HD zones. The City
33 during site plan review of all subsequent developments shall prescribe the number of
34 street trees, their spacing and species. In the event no site plan review process is re-
35 quired, then the street tree requirement shall be satisfied as part of the building permit
36 process.
- 37
- 38 v) Special height restrictions shall be imposed as follows:
- 39
- 40 1. No building in the area east of "H" Street shall exceed 30 feet in height above
41 finished grade.
 - 42
 - 43 2. No building in the area west of "H" Street shall exceed 35 feet in height above
44 finished grade except a hotel and assisted living complex, which may be no
45 more than 45 feet in height.

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- w) No building in the HD zone and adjacent to the eastern property line shall have a straight and continuous wall facing the eastern property line greater than 40 feet in length. Offsets and jogs between straight sections of wall shall be at least eight feet in depth.

- x) A setback standard is established along the eastern property line of Parcel "G" and any other parcel platted between Street "H" and the eastern property line, that is equal to the setback of the adjacent parcels.

- y) The City Council, while considering the site plan review application for a future mobile home park or subdivision on Parcel "H," shall assure the following design standards are met:
 - 1. Mobile home park spaces shall average no less than 5,000 square feet in area. No mobile home park space shall be less than 4,500 square feet in area.
 - 2. Housing shall be limited to Type A manufactured homes (Land Use and Development Code Section 17.20.940.1.a) conforming to all the design standards found in Section 17.16.670.9. subsections a through l.
 - 3. Adequate screening is provided to effectively buffer the view of the property from adjacent land.
 - 4. The street layout shall be redesigned so that no street is relatively straight for a distance greater than 300 feet. Street "A" shall not extend east beyond Street "H" as Street "F" is shown on the proposed site plan.
 - 5. No less than 15,000 square feet of the property shall be developed as common landscaped open space. This shall include substantial landscaped areas at the termini of Streets "A" and "H" designed to serve as visual focal points and screening views of housing. Permanent maintenance of the open space shall be the responsibility of the owners of the park, or a homeowners association.
 - 6. Homes shall be sited so that no more than two adjacent houses have the same front yard setback. Differences in front yard setbacks between adjacent houses shall be at least three feet.

- z) The developer will prepare a set of draft CC&R's. The City staff will provide to the applicant a list of the topics to be included in the Design Standards. This draft document will contain a set of Design Guidelines that will be consistent with the elements outlined in the August 3, 1998 memorandum from Lawren Duncan, Traditions West Designs, to Tim Vezie, Pennbrook Homes. The CC&R's will also contain referenced illustrations presented at the Council hearings. The Design Guidelines in the draft CC&R's will be reviewed and considered for approval by the City Council after a pub-

1 lic hearing. Prior to the hearing, the draft Design Standards shall be reviewed by a Citi-
2 zen Committee to be appointed by the Council. The Citizens Committee will prepare
3 recommendations to the Council on the proposed standards. The Council will hold
4 the public hearing within 45 days of the receipt of the draft standards, and will ap-
5 prove standards within 30 days of the hearing. After Council approval is given, the
6 CC&R's will be recorded at the time the final subdivision map is recorded. A copy of
7 the recorded Design Guidelines shall accompany any application for a site review pro-
8 cess, and the applicant for a site review process will be required to demonstrate how
9 the proposed site plan meets the requirements of the approved and recorded Design
10 Guidelines.

11
12
13 IX. ORDER

14
15 It is hereby found that the application meets the relevant standards and criteria for a Compre-
16 hensive Plan Amendment, Zone Change, preliminary subdivision plan, and lot line adjust-
17 ment..

18
19 THEREFORE, it is the decision of the Stayton City Council that the Comprehensive Plan
20 Amendment, Zone Change, preliminary subdivision plan, and lot line adjustment be
21 APPROVED subject to the Conditions of Approval specified in Section VIII.

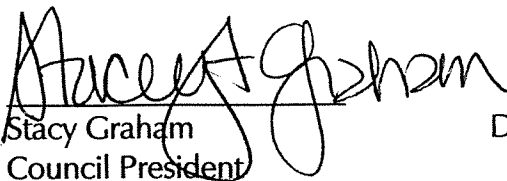
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23
24 X. OTHER PERMITS AND RESTRICTIONS

25
26 The Applicant is herein advised that the use of the property involved in this application may
27 require additional permits from the City or other local, State, or Federal agencies.

28
29 The City of Stayton land use review and approval process does not take the place of, or re-
30 lieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions
31 or conditions thereon. The land use permit approval herein does not remove, alter, or impair
32 in any way covenants or restrictions imposed on this property by deed or other instrument.

33
34
35 APPROVED BY A 2 to 1 VOTE OF THE STAYTON CITY COUNCIL ON THE 21st DAY OF
36 SEPTEMBER, 1998.

37
38
39 DATED at Stayton, Oregon, this 23rd day of Sept. , 1998.

40
41
42 
43
44 Stacy Graham
45 Council President

Date 9.23.98

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ATTEST:



Tom Barthel
City Administrator

Date 9-23-99