

## RESOLUTION NO. 877

### A RESOLUTION ACCEPTING DEDICATION OF OPEN SPACE IN THE PROPOSED OLD MILL VILLAGE MASTER PLANNED DEVELOPMENT.

WHEREAS, the Wampler Family LLC is the owner of certain land on E Florence Street;

WHEREAS, the Wampler Family LLC has submitted an application for approval of a subdivision under the Master Planned Development provisions of Section 17.24.090 and 17.24.100 of the Stayton Municipal Code (SMC);

WHEREAS, on July 27, 2009 the Stayton Planning Commission approved the preliminary conceptual plan in accordance with SMC Section 17.24.090.6;

WHEREAS, under SMC Section 17.24.100.3.e.2) of the Land Use and Development Code that was in effect at the time the application was submitted, acceptance of open space in a master planned development proposed for dedication to the public is the sole discretion of the City Council.

WHEREAS, on September 21, 2009 the Stayton City Council determined that the open space area along the north bank of the Stayton Power Canal, the open space area along the south bank of the Salem Ditch and the open space are between E Florence St and the Stayton Power Canal would be dedicated to the City of Stayton;

WHEREAS, on June 27, 2011 the Stayton Planning Commission approved the detailed development plan in accordance with SMC Section 17.24.090.7 with additional open space tracts;

WHEREAS, the applicant proposes ownership of the open space tracts other than as determined by the City Council on September 21, 2009;

WHEREAS, the approved detailed development plan shows seven tracts of open space as follows:

- Tract A is 13,446 square feet along the north bank of the Stayton Power Canal and is entirely within the Natural Resource Overlay District. This tract is designed, in conjunction with land owned by the Santiam Water Control District, to provide a strip of land 30 feet wide along the north side of the canal. The applicant has proposed Tract A be owned by the homeowners association;
- Tract B is a 20-foot wide strip of land between lots 17 and 18, consisting of 2,157 square feet, connecting E Florence Street with the open space along the Stayton Power Canal, leading to the pedestrian bridge providing access to Riverfront Park. The applicant has proposed construction of a pedestrian walkway within this strip. Tract B is currently owned by the City of Stayton. The applicant has proposed Tract B be dedicated to the City;
- Tract C is along the north bank of the Stayton Power Canal between Tract B and east edge of the development. This Tract is comprised of 3,025 square feet of land entirely within the Natural Resources Overlay District. A portion of Tract C is currently owned by the City of Stayton. The applicant has proposed Tract C be owned by the homeowners association;
- Tract D is a triangular strip of land 30 feet wide on its east end and 235 feet long along the northeasterly boundary of the property, abutting the south side of the

Salem Ditch. The area of Tract D is about 2,837 square feet in area. This Tract is entirely within the Natural Resource Overlay District. This Tract may abut Pioneer Park, based on Marion County Assessor's maps. The applicant has proposed Tract D be owned by the homeowners association;

- Tract E is located between Lot 27 and Lots 24, 25, and 26, on the northeast portion of the development and contains 5,741 square feet of land. This Tract is a common driveway for Lots 24, 25, and 26. It also contains a public access easement for future access to Pioneer Park. The applicant has proposed Tract E be owned by the homeowners association;
- Tract F, is an area within the interior of the development within the "right of way" of the proposed location of E Florence Street, consisting of 9,794 square feet. The applicant has proposed Tract F be owned by the homeowners association;
- Tract G is an alley located behind Lots 48 through 54 and provides vehicular access to the garages to be located on the rear of these lots. Tract G will be 3,836 square feet in area. The applicant has proposed Tract G be owned by the homeowners association;

WHEREAS, the Stayton Planning Commission's Order of Conditional Approval requires the submittal of a revised Detailed Development Plan, indicating ownership of the open space as determined by the City Council; and

WHEREAS, on July 18, 2011 the City Council determined the ownership of the open space in the Old Mill Village master planned development, but subsequent advice from the City Attorney indicated the City had improperly interpreted the City Council's authority under SMC Section 17.24.100.3.e.2);

NOW THEREFORE, BE IT RESOLVED that the City of Stayton City Council does hereby nullify and retract the July 18, 2011 determination of ownership of the open space and accept dedication of Tract B to the City, as proposed by the Wampler Family LLC, and that the other open space tracts will be deeded to the homeowners association.

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

ADOPTED BY THE STAYTON CITY COUNCIL this 3rd day of October, 2011

CITY OF STAYTON


Date: 10-06, 2011

By:   
A. Scott Vigil, Mayor

Date: 10/06, 2011

Attest:   
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney