

RESOLUTION NO. 278

RESOLUTION OF INTENT TO REZONE PROPERTY NORTH OF SHAFF ROAD BETWEEN GOLF CLUB ROAD AND KINDLE WAY

The City Council of the City of Stayton finds that:

John Morrison has submitted a petition for change of zone from LD (Low Density) to MD (Medium Density) for certain real property, a legal description of which is attached as Exhibit "A". The purpose of the zone change petition is to allow development of the property as a mobile home park and a mobile home subdivision.

The Stayton Planning Commission considered this zone change petition at its meeting of November 19, 1980. After considering the testimony and evidence presented, the Planning Commission unanimously recommended approval of the zone change petition by a "Resolution of Intent".

The City Council conducted a public hearing on the zone change petition on December 15, 1980. After considering the report of the Planning Commission and the testimony and evidence presented at its own hearing, the City Council approved a Resolution of Intent to Rezone by a 3-2 vote.

On January 5, 1981, the City Council decided to reconsider its action on this zone change petition. Accordingly, the City Council conducted a further public hearing on February 2, 1981, at which time additional testimony was presented by City staff, the applicant and interested members of the public.

The evidence submitted during the public hearings on this zone change petition has demonstrated that the application meets all of the criteria for approval of a zone change request. That evidence is set forth in the attached findings of fact as Exhibit "B" and is incorporated herein by this reference and made a part of this resolution as if fully set forth.

While this zone change petition meets all applicable criteria, it is necessary to establish certain conditions to ensure the proper development of the subject property. The applicant, Mr. Morrison, has agreed to the conditions specified below.

Now, therefore, based upon the above findings, and the testimony presented before the Planning Commission and this Council,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STAYTON, a municipal corporation of the State of Oregon as follows:

Section 1. The City Council declares its intent to rezone the property described in exhibit "A". Final approval of the rezoning of any portion of this property shall occur when the appropriate conditions specified in Section 2 below have been satisfied.

Section 2. In order to ensure the proper development of this property, the following conditions shall be complied with:

- a. An overall, schematic development plan for the entire property shall be submitted for review and approval by the Planning Commission prior to the submission of detailed plans for any phase of the development. This schematic master plan shall be submitted within 9 months of the effective date of this resolution. Detailed plans for any phase of the development shall be in substantial conformity with the approved schematic master plan.
- b. Those phases of the development intended for mobile home park use shall be reviewed in accordance with the applicable provisions of Section 8 of the Stayton City Code governing review of mobile home parks.
- c. Those portions of the development intended for use as a mobile home subdivision shall be reviewed and approved in accordance with the applicable provisions of Section 8 of the Stayton City Code governing review of subdivisions.
- d. The development shall occur in phases to be filed one at a time, and each phase shall contain a minimum of eight acres and not more than 12 acres. In the event any particular phase includes both mobile home park and mobile home subdivision development, the combined acreage of the two developments shall conform with the minimum and maximum acreage figures specified here.
- e. The Commission and Council will not approve a final subdivision plat or mobile home park plan for the second and any subsequent phases of this development unless 50% of the lots in the preceding phases have been sold or rented.
- f. The gross density of the entire development shall not exceed six dwelling units per acre.
- g. Each phase of the development shall be governed by a performance agreement which ensures development and maintenance of the project in substantial conformity with the approved plans.

Section 3. In light of the Stayton City Code requirement that a MD (Medium Density) zone designation be a condition precedent to mobile home park development this resolution shall serve as that necessary precondition for the limited purpose of application for approval of mobile home park and mobile home subdivision plans

The foregoing resolution was adopted by the Stayton City Council on the 2nd day of March, 1981 and signed by the Mayor on the ~~4th~~ day of March, 1981.

Mayor Henry A. Porter

ATTEST

Allen Vandenberg
City Administrator

Exhibit "A"

Beginning on South boundary of the Henry Foster Donation Land Claim No. 45 in Township 9 South, Range 1 West, 20.00 chains Westerly from the Southeast corner of L. S. Lamberts land deeded to him by J. I. Crabtree, said deed being recorded in Volume 61, Page 453; thence Westerly on said South boundary of said Donation Land Claim 21.48 Chains to the Southeast corner of a 20 acre tract of land formerly owned by Mary J. Cartwright, thence North 0 15' West on line of said 20 acre tract 19.00 chains; thence Easterly, parallel with the South boundary of said Donation Land Claim 21.68 chains to L. S. Lambert's West Line,; thence South 0 45; East 19.00 chains along the L. S. Lambert's West line to the beginning.

Exhibit "B"

MORRISON ZONE CHANGE

Summary Findings of Fact

The following findings summarize the evidence presented at the Planning Commission and City Council hearings (residential record).

1. There is a public need for new housing areas in Stayton due to the lack of land available for large scale development at this time.
2. The development of the subject property will help meet the public need for new housing areas.
3. Housing prices in Stayton have escalated to the point where a significant portion of the public cannot afford to purchase homes.
4. Manufactured housing provides an alternative housing ownership opportunity that helps to meet the need for lower cost housing. A greater percentage of the population will need this housing type in the future.
5. Use of the subject property for both a mobile home park and a mobile home subdivision will provide to the citizens of Stayton an opportunity to own housing in price ranges that a greater portion of the population can afford.
6. Public testimony presented to the Council indicated a need for desirable, alternative mobile home facilities in Stayton.
7. While there is a public need for the proposed use, the need may not be pressing at the present time for all 40 acres of the property to be developed at once. In order to assure that the project is keeping pace with the public need, it is best to require phasing with the development of each phase dependent on the success of preceeding phases.
8. The subject property is particularly well suited to accommodate the proposed use due to its size, configuration, proximity to arterial streets, and availability of public facilities and services.
9. The proposed zone change conforms to the Stayton Comprehensive Plan and helps to implement the goal and policies of that plan. The applicant's reports and testimony include detailed discussion of this conformance.

10. There are no other properties in the Stayton area, regardless of zoning, that would meet the public need as well as the subject property, due to their size or proximity to other types of land uses.
11. The zone change to MD is necessary only to accommodate the provisions of the Zoning Ordinance. The development will conform to the standards of the LD zone, including density.
12. The subject property can be used for LD uses and the reasonableness of such uses depends on the amount of property being developed and the market need for LD uses relative to alternative uses. A MD designation to allow manufactured housing development is comparatively more reasonable, provided the project is phased and proceeds on a showing of market demand
13. Sufficient guarantees can be made that the project will develop in the best public interest by utilizing the intent to rezone procedure. This will allow the applicant to develop a master plan for the property helping to assure desirable and rational development patterns. The applicant will develop the project in phases. Each phase will be reviewed in accordance with applicable provisions of the Stayton City Code. This process will assure the City that the project will develop in a manner that is constantly guided by the Planning Commission and that will be responsive to the public needs. Further, the applicant approves the Intent to Rezone procedure and the conditions contained therein, and accepts this form of zoning and modified application of the Stayton City Code.