



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/9/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Marion County Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, September 23, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Brandon Reich, Marion County
Jon Jinings, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Katherine Daniels, DLCD Regional Representative

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Notice of Adoption

In person electronic mailed

DEPT OF
SEP 02 2010
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

DATE STAMP

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Marion County**

Local file number: **LA 10-2**

Date of Adoption: **9/1/2010**

Date Mailed: **9/3/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/17/2010

- | | |
|---|---|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

An amendment to the Marion County Comprehensive Plan Urban Growth Policy #10 to allow land outside the city limits of Keizer to be annexed into the City of Keizer while remaining outside the urban growth boundary for public park purposes for Keizer Rapids Park.

Does the Adoption differ from proposal? No

Plan Map Changed from: **n/a** to: **n/a**

Zone Map Changed from: **n/a** to: **n/a**

Location: **1900 block of Chemawa Road North, Keizer** Acres Involved: **66**

Specify Density: Previous: **n/a** New: **n/a**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 001-10 (18363) [16314]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Keizer, Marion County

Local Contact: **Brandon Reich**

Phone: (503) 588-5038 Extension: 5901

Address: **PO Box 14500**

Fax Number: 503-589-3284

City: **Salem**

Zip: **97309-5036**

E-mail Address: **breich@co.marion.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Kirandon

MARION COUNTY BOARD OF COMMISSIONERS PUBLIC HEARING SIGN UP SHEET

Public hearing to consider proposed amendments to the Marion County Comprehensive Plan to allow Keizer to annex land into the city for Keizer Rapids Park.

August 18, 2010
9:30 a.m.

PUBLIC WORKS – PLANNING

A. Public hearing to consider proposed amendments to the Marion County Comprehensive Plan to allow Keizer to annex land into the city for Keizer Rapids Park.

NAME (PLEASE PRINT)	STREET ADDRESS CITY & STATE ZIP CODE & TELEPHONE #	SUPPORT	OPPOSITION	GENERAL COMMENTS
Kew LeDuc	4789 KEIZER, TATE AVEN			NEED MORE INF
Sam Litke	City of Keizer	✓		
Nate Brown				
Wil Lathrop	Tate St - Keizer			

Bryan Cosgrove
City Manager, City of Silverton
306 S Water St
Silverton OR 97381

Carrie Corcoran
City Recorder, City of Sublimity
PO Box 146
Sublimity OR 97385

Glen Gross
City Of Salem
555 Liberty St Se Rm 305
Salem Or 97301-3503

Christine Pavoni
City Recorder, City of Detroit
PO Box 589
Detroit OR 97342

Christopher Eppley
City Manager, City of Keizer
PO Box 21000
Keizer OR 97307

Dan Fleishman
Planning Director, City Of Stayton
362 N 3rd Av
Stayton Or 97383

Dan Fricke
Region 2, Oregon Dept Of
Transportation
455 Airport Rd SE Bldg B
Salem Or 97301

Stacie Cook
City Administrator, City of Mill City
PO Box 256
Mill City OR 97360

David Sawyer
City Administrator, City of Turner
PO Box 456
Turner OR 97392

Gary Fish
Land Conservation and
Development
635 Capitol St NE Ste 150
Salem Or 97301-2540

Gloria Gardiner
Land Conservation and
Development
635 Capitol St NE Ste 150
Salem Or 97301-2540

Pete Wall
City Administrator, City of Mt Angel
PO Box 960
Mt Angel OR 97362

Janet Lane
City Manager, City of Donald
PO Box 388
Donald OR 97020

Jim Hendryx
CD Director, City Of Woodburn
270 Montgomery St
Woodburn Or 97071

Jim Johnson
Dept Of Agriculture
635 Capitol St NE Ste 150
Salem Or 9301-2532

Scott Derickson
City Administrator, City of Woodburn
270 Montgomery St
Woodburn OR 97071

Judy Downer
City Recorder, City of Gates
PO Box 577
Gates OR 97346

Katherina Martin
City Recorder, City of Scotts Mills
871 Grandview Hts
Scotts Mills OR 97375

Larry Wells
Marion County Farm Bureau
3415 Commercial St Ste G
Salem Or 97302

Laurie Boyce
City Recorder, City of Aurora
21420 Main St NE
Aurora OR 97002

Linda Norris
Interim City Manager, City of Salem
555 Liberty St SE Rm 220
Salem OR 97301

Lorrie Biggs, City Administrator
City of St Paul
PO Box 7
St Paul OR 97137

Maryann Hills
City Administrator, City of Aumsville
595 Main St
Aumsville OR 97325

Nate Brown
CD Director, City Of Keizer
Po Box 21000
Keizer Or 97307-1000

Patrick Carty
Mayor, City of Detroit
PO Box 589
Detroit OR 97342

Rebecca Petersen
Deputy City Recorder, City of
Stayton
362 N Third Ave
Stayton OR 97383

Richard Bjelland
Oregon Housing & Community
Services
725 Summer St NE
Salem Or 97301

Roger Kaye
Friends Of Marion County
PO Box 3274
Salem Or 97302

Sam Sasaki, City Manager
City of Gervais
PO Box 329
Gervais OR 97026

Sarah Cook
City Recorder, City of Jefferson
PO Box 83
Jefferson OR 97352

Mia Nelson
220 E 11th Ave Ste 5
Eugene, OR 97401

Suzanne Dufner
MWVCOG
105 High St Se
Salem Or 97301-3667

Wenonah Ammon
City Recorder, City of Idanha
PO Box 430
Idanha OR 97350

Karen Odenthal
Public Works/Transportation
(inter-office mail)

Statesman Journal
280 Church St NE
Salem OR 97301

Silverton Appeal Tribune
PO Box 35
Silverton OR 97381

Jeff Bickford
(Public Works/Environmental
Services)
(inter-office mail)

Wil Lathrop
4818 Tate Ave N
Keizer, OR 97303

Steve Kay
Planning Director, City Of Silverton
306 S Water St
Silverton Or 97381

Lisa Anderson-Ogilvie
City Of Salem
555 Liberty St Se Rm 305
Salem Or 97301-3503

City of Lyons
449 5th St
Lyons, Or 97358

Vicki Hardin Woods
City Of Salem
555 Liberty St Se Rm 305
Salem Or 97301-3503

Mike Erdmann
Marion-Polk Homebuilders Assn
385 Taylor St NE
Salem OR 97301

Keizer Times
142 Chemawa Road N
Keizer OR 97303

Lisa Anderson-Ogilne
City Of Salem
555 Liberty St Se Rm 305
Salem Or 97301-3503

Steve Oulman
Land Conservation and
Development
635 Capitol St NE Ste 150
Salem Or 97301-2540

Austin McGuigan, Director
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Polk County
850 Main St
Dallas OR 97338

John Gervais
Woodburn Independent
PO Box 96
Woodburn OR 97071

Ben Williams
Friends of French Prairie
PO Box 403
Donald OR 97020

Carl Sampson
The Stayton Mail
400 N 3rd St
Stayton OR 97383

Kim Moreland
City Of Salem
555 Liberty St Se Rm 305
Salem Or 97301-3503

Ken LeDuc
4789 Tate Ave N
Keizer, OR 97303

Area Advisory Committees

AAC 1

AILEEN KAYE
10095 PARRISH GAP RD SE
TURNER OR 97392

LAUREL HINES
10371 LAKE DR SE
SALEM OR 97306

AAC 2

JOE SPENNER
15016 COON HOLLOW SE
STAYTON OR 97383

RAYMOND BARTOSZ
10443 W STAYTON RD SE
AUMSVILLE OR 97325

DENNIS KOENIG
7538 STAYTON RD SE
TURNER OR 97392

AAC 3

None

AAC 4

None

AAC 5

PHILLIP MAHONY
4179 MAHONY RD NE
ST PAUL OR 97137

JIM & JOAN THOMPSON
7628 CHAMPOEG RD NE
ST PAUL OR 97137

AAC 6

JOHN SINGER
21875 BUTTEVILLE RD NE
AURORA OR 97002

AAC 7

VIRGIL DIEHL
PO BOX 1160
MT. ANGEL OR 97362

DAWN OLSON
15056 QUALL RD
SILVERTON OR 97381

JAMES SINN
3168 CASCADE HWY NE
SILVERTON OR 97381

AAC 8

RANDALL TINNEY
PO BOX 242
MEHAMA OR 97384

GENE COLES
PO BOX 184
MEHAMA OR 97384

EUGENE FIEF
20293 N SANTIAM HWY
STAYTON OR 97383

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the matter of an Ordinance amending the) LA10-2
Marion County Comprehensive Plan by adopting)
an amendment to the Marion County Comprehensive Plan)
Urban Growth Policy #10 to allow land outside the)
city limits of Keizer to be annexed into the City of Keizer)
while remaining outside the urban growth boundary)
for public park purposes for Keizer Rapids Park,)
and declaring an emergency.)

ORDINANCE NO. 1208

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This ordinance is enacted pursuant to the authority granted general law counties in the State of Oregon by Oregon Revised Statutes (ORS) Chapter 203, and the comprehensive land use planning and coordination with local government provisions under Chapters 195 and 197, by amending the Marion County Comprehensive Plan by adopting an amendment to the Marion County Comprehensive Plan Urban Growth Policy #10 to allow land outside the city limits of Keizer to be annexed into the City of Keizer while remaining outside the urban growth boundary for public park purposes for Keizer Rapids Park.

SECTION II. Authorization

The Marion County Board of Commissioners initiated a legislative amendment to the Marion County Comprehensive Plan by Resolution No. 10-18R dated July 7, 2010. The legislative amendments came before the Board by an application of the City of Keizer requesting the county consider an amendment to the Marion County Comprehensive Plan Urban Growth Policy #10 to allow land outside the city limits of Keizer to be annexed into the City of Keizer while remaining outside the urban growth boundary for public park purposes for Keizer Rapids Park. The Board held a public hearing on August 18, 2010, for which proper public notice and advertisement was given. All persons present during the public hearing and those provided notice of the hearing, were given the opportunity to speak or present written statements on the proposed amendments.

SECTION III. Evidence and Findings

The Board has reviewed the evidence and testimony in the record. Based on the facts and findings in the record, as contained in Exhibit C, which is incorporated herein by this reference, the Board determines that the amendments to the Marion County Comprehensive Plan conform with the requirements under ORS Chapter 197 and the Statewide Land Use Planning Goals and Administrative Rules for the development and revision of comprehensive plans, with ORS Chapter 195 for county coordination with local comprehensive plan activities, and with applicable Marion County Comprehensive Plan Goals and Policies.

SECTION IV. Amendments to Marion County Comprehensive Plan

The Marion County Comprehensive Plan is amended as shown on Exhibit B, which is incorporated herein by this reference. A map showing the area to which the amendment applies is shown on Exhibit A.

SECTION V. Repeal Of Portions Of Existing Ordinances

Those portions of Marion County Ordinance No. 601, and subsequent revisions thereto, adopting the Marion County Comprehensive Plan, are hereby repealed or amended as set forth in this ordinance through the adoption of these amendments herein.

SECTION VI. Severability

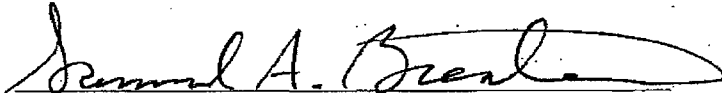
Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or any policy, provision, findings, statement, conclusion, or designation to a particular land use or area of land, or any other portion, segment or element of this Ordinance or of any amendments thereto and adopted hereunder, be declared invalid for any reason, such declaration shall not affect the validity and continued application of any other portion or element of this Ordinance or amendments to the Comprehensive Plan, as amended herein; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which this Ordinance or any portion thereof was enacted.

SECTION VII. Effective Date

This Ordinance amending the Marion County Comprehensive Plan Urban Growth Policy #10 to allow land outside the city limits of Keizer to be annexed into the City of Keizer while remaining outside the urban growth boundary for public park purposes for Keizer Rapids Park, being necessary to protect the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall become effective upon its passage.

SIGNED and FINALIZED this 12th day of September, 2010 at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS



Chair



Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes (ORS) Chapter 197.830 provides that land use decisions may be reviewed by the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal within 21 days from the date this ordinance becomes final.

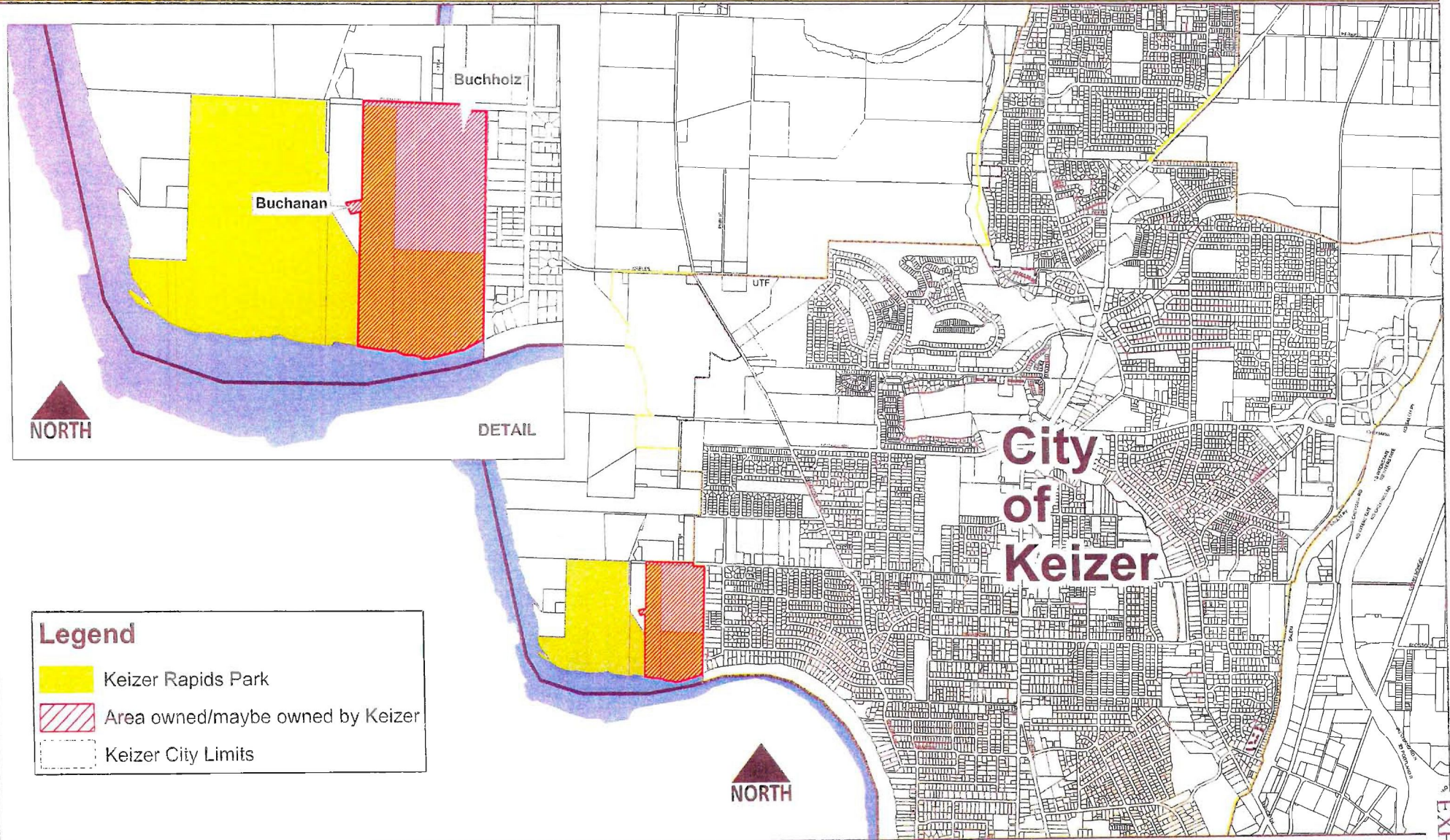
Keizer Rapids Park - Legislative Amendment 10 - 2

Marion County
Public Works




Date
10/21/2010

Project
Water requests for and on Keizer rapids.mxd

Prepared by
Burnie



Legend

-  Keizer Rapids Park
-  Area owned/maybe owned by Keizer
-  Keizer City Limits

**Proposed Amendment to the
Marion County Comprehensive Plan
Urban Growth Policy #10**

Existing

10. The annexation of rural lands into the legal boundary of any city shall be limited to the area contained within the mutually adopted Urban Growth Boundary. Exceptions to this prohibition may be allowed consistent with Special District Policies 6, 7 and 8. The annexation of lands outside of an Urban Growth Boundary shall be limited to lands having a prior exception to Statewide Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). Annexation procedures shall be consistent with the requirements of state law and the local coordination policies contained in the Urban Growth Boundary and Policy Agreement or Urban Growth Boundary Coordination Agreement.

Proposed

10. The annexation of rural lands into the legal boundary of any city shall be limited to the area contained within the mutually adopted Urban Growth Boundary. Exceptions to this prohibition may be allowed ***as follows:***
 - a.*** Consistent with Special District Policies 6, 7 and 8. The annexation of lands outside of an Urban Growth Boundary shall be limited to lands having a prior exception to Statewide Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). ~~Annexation procedures shall be consistent with the requirements of state law and the local coordination policies contained in the Urban Growth Boundary and Policy Agreement or Urban Growth Boundary Coordination Agreement.~~
 - b.*** **All or portions of Keizer Rapids Park owned by the City of Keizer or with an option to purchase by the city, including Chemawa Road, to be included in the park. Lands annexed outside the urban growth boundary shall remain designated and zoned for rural resource use consistent with state law until the annexed properties are brought into the urban growth boundary. The annexed lands shall be subject to terms of a separate intergovernmental agreement between the city and the county.**

Annexation procedures shall be consistent with the requirements of state law and the local coordination policies contained in the Urban Growth Boundary and Policy Agreement or Urban Growth Boundary Coordination Agreement.

Facts and Findings

In order to approve an amendment to the Marion County Comprehensive Plan, compliance with applicable state and local laws must be demonstrated, including Statewide Land Use Goals, Oregon Revised Statutes, Oregon Administrative Rules, and applicable policies in the Marion County Comprehensive Plan and Keizer Comprehensive Plan.

Statewide Land Use Goals

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided and a public hearing was held before the Marion County Board of Commissioners. Citizens were afforded the opportunity to participate in the public process. Finally, the Marion County Board of Commissioners meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules. In addition, with the intent of this revision to allow the city of Keizer to be able to annex land that is currently outside of the urban growth boundary so that it can be developed as a park in a manner that will compliment the adjacent Keizer Rapids Park will result in there being public hearings before the Keizer Planning Commission and also before the Keizer City Council which will further allow for public participation and so will be consistent with this goal.

Goal 2 – Land Use Planning: This ordinance amends the Marion County Comprehensive Plan. The adoption proceeding was conducted in a manner consistent with requirements of the County's Comprehensive Plan, Development Code, and applicable state law. A public hearing was conducted before the Marion Board of Commissioners where an opportunity for both verbal and written testimony was provided. The extraordinary circumstances that relate to this proposal is that the City of Keizer seeks to be able to annex land adjacent to the Keizer Rapids park and then be able to include it as part of the operation of the Keizer Rapids Park. For the acquisition of the property to occur the area must be within the city limits in order to use the urban renewal funds. The ultimate goal is for the area to be included as part of the urban growth boundary however, that process will be a long and complicated land use process. After the city concludes its periodic review update it will likely endeavor upon an urban growth boundary amendment and most likely this area will be considered at that time for inclusion. However, because time is of the utmost concern that process was determined to not be a viable option. Therefore, the revision to Policy #10 of the Urbanization chapter of the Marion County Comprehensive Plan is consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within Marion County there are several zones that are designated to allow and to support commercial agricultural uses. Agriculture is a key component of the county's overall

economic strategies and the county has adopted an Exclusive Farm Use (EFU) zone designation that is applied to the majority of agricultural resource lands within the county. This zone is consistent with state requirements and implements Oregon Administrative Rules affecting the use of agricultural lands. This amendment to Policy #10 of the Urbanization Element of the Comprehensive Plan will not impact any properties that are designated to allow for agricultural uses. This amendment will affect only a very tiny set of properties. Specifically, they are lands which are outside of Keizer's urban growth boundary and which are also contiguous to the Keizer Rapids Park. These perimeters will greatly restrict the number of parcels which can apply for consideration for this revision to this policy. It is designed to be very narrow in scope. Currently, Marion County Comprehensive Plan policies allow for the annexation of land that is outside of the urban growth boundary for health reasons such as failing groundwater supplies, or sanitary sewerage related issues. This revision will expand the list to include land which is adjacent to the Keizer Rapids Park and which is also adjacent to the city limits.

This policy change will only allow the City of Keizer to be able to process an annexation application, it will not in and of itself annex any land. Because the land in question is currently outside to the City of Keizer's urban growth boundary the annexation of the land will not result in the land being brought into the urban growth boundary and so will necessitate it being designated with an EFU qualifying zone designation. Any use of the property will need to be in accordance with those uses permitted within that EFU qualifying zone designation. In this case the land is currently designated Marion County EFU and upon annexation the City of Keizer will designate it with a similar EFU qualifying zone. The City of Keizer has indicated that the purpose for this annexation is so the land can be purchased and then become part of the adjacent Keizer Rapids Park. This will require the city to obtain conditional use approval prior to any park uses occurring on the property. Consistent with other regulations the City of Keizer will not extend sanitary sewer lines to serve the newly annexed land. Therefore, the amendment to Marion County's Comprehensive Plan Urbanization Policy #10 complies with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. A significant portion of the eastern portion of the county is designated to allow commercial forestry. The amendment to the Marion County Comprehensive Plan Urbanization Policy #10 does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, floodplain, big game habitat, etc. The county established overlay zones to maintain, preserve and protect the natural resources that are identified within the comprehensive plan. The amendment to the comprehensive plan will enhance the county's natural resources protection regulations. The City of Keizer has a number of Goal 5 protections already in place such as an inventory of wetlands within the city limits, floodplain regulations, and Willamette River Greenway regulations. There are no identified wetlands on the area proposed to be annexed. A very small portion of the area is shown on the floodplain maps and there is no greenway area on the site. The site is flat and does not have any steep slopes. The area is not identified as being in a big game habitat area. The intent of the

proposal is for the area to be incorporated as part of the adjacent Keizer Rapids Park. This will ensure that it is protected consistent with all city, county, and state regulations. It is the goal of the Keizer Rapids Park Master Plan to preserve and maintain all the natural resources that are associated with the Keizer Rapids Park. By including a new parcel into the park will result in it then being given the same resources protections as other lands with the park. Therefore, the amendment to the Marion County Comprehensive Plan will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the county’s air, water and land qualities. The county has a number of regulations in place which aim to protect, maintain and enhance its natural resources such as air, water and land. To that end the county has land use regulations which are geared to protecting these resources. The City of Keizer provides its residents with city water from groundwater sources. Since the land the city seeks to be able to annex will be used for a park there will be no new construction thereby eliminating the possibility of groundwater contamination from failing on-site septic systems. The revision to the Marion County Comprehensive Plan Urbanization Policy #10 regarding annexation of lands which are outside of the urban growth boundary will have a positive impact on the quality of air, water, or land resources. This action will allow the land to be included as part of the Keizer Rapids Park which has an adopted master plan that stresses the protection of the park’s natural resources. As such the proposal complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The City of Keizer along with Marion County each has adopted floodplain regulations that govern the placement of structures within identified 100-year floodplains. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. A small portion of the property which the city would like to annex is within the identified 100 year floodplain. Any use within this area will need to be consistent with the city’s floodplain regulations. The revision to Urbanization Policy #10 of the Marion County Comprehensive Plan will be consistent with this goal and any administrative rules.

Goal 8 – Recreation: This goal requires the county to identify and plan for the current and future recreation needs of the residents of the county. There are a number of parks, playgrounds, and other recreational opportunities within the county as identified in the parks master plan. The policy will affect only the annexation of land that is adjacent to the existing Keizer Rapids Park. The Keizer Rapids Park is located on the west end of the city of Keizer at the terminus of Chemawa Road. This is a 120 acre regional park that was recently developed through the cooperation of the City of Keizer, Marion County, and the State of Oregon. The Keizer Rapids Park has received conditional use approval from Marion County (CUP06-44) to operate as a park and has its own master plan to guide the development of this park.

The Keizer Rapids Park master plan includes a buffer along the east property line with properties fronting 15th Avenue and Rafael Court. This “good neighbor” buffer is a combination of trees and shrubs that affords a natural buffer between the park and neighboring properties.

The plan includes a boat ramp/dock located in the area where the open field adjoins the forested river bank. The location is related to various aspects associated with river hydrology and boat ramp design. It is recognized that the boat ramp will be required to be designed and engineered consistent with State Marine Board requirements and with applicable requirements of the floodplain/floodway regulations. Included in this feature is a parking area located adjacent to the boat ramp and the access road that will connect to Chemawa Road and a restroom located in close proximity to the parking area. The City of Keizer has recently received all necessary permits required to be able to construct a boat ramp. Given that this amenity will be funded by a State Marine Board grant its actual construction is therefore tied directly to receiving grant funding.

The large area that is currently an open field will be developed as a multi-use open space that can accommodate a baseball field and soccer field. In the northwest corner of the multiuse area will be a playground with play equipment suitable for small children. A parking area is located in this portion of the park and would serve the playground/ multi-use park users.

To the west of the access road near the playground is a cluster of park uses that includes the caretaker’s dwelling, amphitheater, and a planned educational facility. While there is no set design for the educational facilities it is envisioned that it could be large enough to provide for environmental education and take advantage of the natural environs associated with the park. The amphitheater has been constructed and is a small venue for music or presentations. The City has obtained an option to acquire the Buchanan property (the home is on close proximity to the former Charge residence). The plan is to allow flexibility in the placement of the caretaker and educational facilities situated around the central area of the residential structures.

North of the caretaker/educational hub is a cluster of uses along the east side of the access way. This includes parking area, restroom facility, and an off-leash dog park. The dog park comprises 4 to 5 acres and is fenced to allow a safe area where dog owners can allow their dogs to run and play without being on a leash. At the intersection of the access road and Chemawa Road will be a gateway feature that will greet visitors into the park along with a small demonstration garden. In addition, a multi-use sport courts and playground are planned for this area.

The western portion of the park is significantly less developed than the eastern portion and captures the natural feeling of this portion of the park. The existing access road that serves this part of the park has been upgraded. Farther west is a small campsite along the river’s edge that is

available for use by water craft users. This camping area is accessible via the multi-use path and by water only. It is not intended that this site be available to car campers. In the northwest corner of the park is a parking area and disc golf course. The forested area adjacent to the boat ramp is restricted in use in a conservation easement area. Funding from Marion County using Title III funds required that 6 acres of the forested section be controlled by an easement that specially limits development so as to retain its natural environment. Impervious surfaces are limited to a 5-foot wide path crossing the easement area with pervious soft surface trails allowed within the easement area and other non-invasive improvements such as interpretive signage.

Throughout the park is a system of trails constructed of both hard and soft surfaces. The hard surface portion of the system allows access for bikers, runners, and walkers as well as park maintenance and public safety personnel. The soft surface portions of the trail system are made of gravel, wood chips, or other organic material. The hard surface system provides access around the perimeter of the park with soft surface trails looping throughout the interior portions and within the conservation easement area where development is limited. The majority of the hard surface trails are in the more developed portion of the park. Areas prone to flooding will be developed with only seasonal trails. A fitness course with various exercise stations is planned to be located at intervals along the trail system depending on funding availability.

The plan emphasizes retaining a large portion of the park in a natural state and to allow ample opportunity for wildlife viewing, nature study and other passive recreational pursuits. Also, with a significant portion of the having access to the river there will be opportunities for fishing. A vegetation management program will be developed to deal with invasive species such as Himalayan Blackberry, Scotch Broom, and English Ivy.

The entire site is designated with the Federal 6F designation, which requires the site to be used for recreational purposes consistent with that designation. Additionally, Marion County has required a recreation easement on the 18 acres of the former Buchholz property.

The amendment to the Marion County Comprehensive Plan complies with this goal and any related rules.

Goal 9 – Economic Development: The intent of this goal is to ensure that the county plans for its overall economic vitality. The intent of this amendment is to expand the option of annexing land that is outside of Keizer’s urban growth boundary and adjacent to the Keizer Rapids Park and which will be used as part of the Keizer Rapids Park upon annexation. The amendment does not impact the ability of either the county or the City of Keizer to seek any additional types of commercial development nor will it affect any established economic development strategies to encourage economic growth. The City of Keizer and Marion County, along with the cities of Salem and Turner, and Polk County have been participating in a regional economic opportunities analysis. The purpose of this planning study is to identify economic potentials and constraints within the Salem – Keizer regional area. This will allow for better planning efforts to be made so as to enhance local economies. The area that the City of Keizer seeks to be able to annex is planned to be developed as park land and is not planned to be developed with any commercial or industrial uses. The land which the city seeks to annex is not served by public facilities nor is any planned to be extended that would be necessary to serve such a type of uses. As such the amendment to Urbanization Policy #10 will have no impact on this goal.

Goal 10 – Housing: This goal requires the county to plan and provide for the housing needs of its residents. The area that the City of Keizer seeks to be able to annex is planned to be developed as a park in conjunction with the adjacent Keizer Rapids Park and is not planned to be developed with any single family residential or multiple family residential uses. The area which the city seeks to be able to annex is not served by public facilities nor are any planned to be extended. The City of Keizer has recently begun a regional housing needs analysis with Marion County, Polk County, and the City of Salem to conduct a housing inventory and then to be able to do a housing needs analysis for the region for the upcoming 20 year planning period. The amendment to the Marion County Comprehensive Plan will not impact either this goal or any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of county. The county’s residents who reside in the urbanized portions of the county are in some cases provided with sanitary sewer and water through arrangements with other providers such as the city of Salem. The county has an established street system, and provides administrative and police and public safety to its residents. The City of Keizer provides its residents with water, sanitary sewer (through an arrangement with the city of Salem), has an established street system, administrative and police and public safety is also provided by the city. This amendment will not allow the extension of urban services outside of the urban growth limits except as allowed in state law. The City of Keizer has agreed in an Intergovernmental Agreement that will expressly prohibit the extension of sanitary sewers lines outside the existing urban growth boundary to serve any area which may be affected by this proposal. However, pursuant to OAR 660-011-0065 the city of Keizer will be able to extend water to serve the newly annexed area. OAR 660-011-0065 provides that while water service may be extended outside the urban growth boundary, that water service shall not:

- (a) Allow an increase in a base density in a residential zone due to the availability of service from a water system;
- (b) Allow a higher density for residential development served by a water system than would be authorized without such service; or
- (c) Allow an increase in the allowable density of residential development due to the presence, establishment, or extension of a water system.

Since no residential development is proposed to be served by the extension of water and the base zoning would not change (i.e., the land would remain zoned for rural resource use and the same parcel size minimums would apply), the provision of water service would be consistent with OAR 660-011-0065.

As a result of this amendment the City of Keizer will be able to process an annexation application and if that area is annexed into the city limits it will be the responsibility of the City of Keizer to provide police and administrative services to the area to be annexed. Fire service will continue to be provided by the Keizer Fire District. As part of the previous land use decision granted by the county to operate the Keizer Rapids Park (CUP06-44) the city and the

county entered into an intergovernmental agreement regarding the maintenance of the western portion of Chemawa Road. This agreement outlines that the city of Keizer shall be responsible for the maintenance and improvement of this section of the road as a condition of CUP06-44. As specified in an updated IGA the city will voluntarily take ownership of this portion of Chemawa Road thereby eliminating the county from being responsible for any improvement and maintenance issues associated with this portion of the street. The amendment to Marion County Comprehensive Plan will not impact the county's public facilities and services, and so this goal and any rules are satisfied.

Goal 12 – Transportation: The county has an adopted Transportation System Plan (TSP) that describes the county's transportation systems. This TSP includes streets, transit, bike, rail, and pedestrian transportation systems. Likewise, the City of Keizer also has an adopted Transportation System Plan that documents the city's transportation systems and plans for future transportation improvements over the coming 20-year planning period. As part of the previous land use decision which was granted by the county to operate the Keizer Rapids Park (CUP06-44) the city and the county entered into an intergovernmental agreement regarding the maintenance of the western portion of Chemawa Road. This agreement outlines that the City of Keizer shall be responsible for the maintenance and improvement of this section of the road as a condition of CUP06-44. As specified in an updated IGA the city will voluntarily take ownership of this portion of Chemawa Road thereby eliminating the county from being responsible for any improvement and maintenance issues associated with this portion of the street. The revisions to the Urbanization Policy #10 within the Marion County Comprehensive Plan will have no impact on either the county's or the city's transportation systems, and so this goal and any rules will be met.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The amendment to Marion County Comprehensive Plan will have not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The county and the city each have adopted Comprehensive Plans and zone codes that each comply with this goal. The revision is to Policy #10 of the Urbanization section of the Marion County Comprehensive Plan will allow the City of Keizer to be able to annex land that is adjacent to the Keizer Rapids Park. The land which the City of Keizer seeks to be able to annex is land that is adjacent to the city limits and also adjacent to the Keizer Rapids Park. The Keizer Rapids Park received conditional use approval from Marion County in 2006 to allow its development as a regional park. If this action is approved the land will be able to be annexed in to the city limits of Keizer, however the property will not be included within the urban growth boundary. Therefore, it will be unique in that it will be inside the city limits of Keizer yet outside the urban growth boundary and subject to the rural requirements within the county's comprehensive plan. The city is not pursuing an exception to Goal 14 since the land upon annexation will be zoned with an EFU qualifying zone designation. The city will designate the land with an EFU qualifying zone that will be similar to the EFU zone designation currently placed on the land by Marion County. This EFU qualifying zone is tentatively called City of Keizer Special Agriculture. Any uses of the land will need to be in accordance with this land use

designation. Prior to using the land as a park the city would need to process a conditional use approval consistent with the provisions of the conditional use application process. Park use is consistent with state administrative rules subject to obtaining a conditional use permit. Sanitary sewer will not be extended outside of the urban growth boundary and so will not be extended to serve any land that the City Keizer would annex through this process. The Special Agriculture zone designation will not permit any subdivisions within this zone district. For these reasons the proposal is consistent with this goal and with its implementing administrative rules.

Goal 15 – Willamette River Greenway: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the text amendment will not impact the Willamette River. Portions of property located along the Willamette River are within the 100-year floodplain along the river. In addition, some properties which may extend into the river also have the floodway portion of the river on these properties. The regulations seek to prohibit development which is within the floodway, or channel of the river. This is the portion of the floodplain which can experience high water flows and high river velocity during flood events. The risk of loss of life or property damage in the floodway during these events can be considered extreme. The City of Keizer has its own Greenway regulations. The majority of the area which the city seeks to be able to annex is outside of the Greenway along the Willamette River. However, some portion of the Keizer Rapids Park is within the Greenway and all development within this area needs to be done in accordance with the greenway regulations. The amendment will positively impact the ability of the city to regulate uses along the river through compliance with the City’s Willamette River Greenway overlay zone regulations and so this goal is met.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since neither the city of Keizer nor Marion County are located along the coast these goals are not applicable.

In consideration of the above findings, the revision to Urban Growth Policy #10 of the Marion County Comprehensive Plan complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

Oregon Revised Statutes and Oregon Administrative Rules

The proposal complies with ORS 197.175 since both the city and the county each have adopted land use regulations that comply with state goals. In particular the area that is proposed to be annexed into the city limits of Keizer will be designated with an EFU qualifying zone (Special Agriculture) and the city will adopt an amendment to its comprehensive plan detailing the new zone district and establishing agricultural goals, and policies and so complies with this state requirement.

With the City of Keizer enacting an EFU qualifying zone designation (Special Agriculture) on the area that is proposed to be annexed will result in the proposal being consistent with ORS 215.203. This section requires that county, or city adopts zoning ordinances which establishes

an exclusive farm use zone. The new Special Agriculture zone will be an EFU qualifying zone and so complies with this requirement.

The amendment to the County's comprehensive plan will allow the City of Keizer to be able to process an application to annex land that is currently outside of its jurisdiction. The property will then need to be annexed in a manner that is both consistent with the city annexation regulations and with state requirements in ORS 222. The area to be annexed will be contiguous to the existing city limits and the city will be the applicant so it will be a voluntary annexation request. The city does not require annexation to be voter approved so it will only require a public hearing before the planning commission with their recommendation to the city council for their approval.

The proposal complies with ORS 227 since Keizer has a planning commission which will hear a public hearing on a potential annexation request and hearing are handled in manner that is consistent with all state requirements.

With the City of Keizer and Marion County entering into an intergovernmental agreement relating to planning activities in the area proposed to be annexed into the city limits. No goal exception will be required for use of the land for park purposes so the proposal will be consistent with the requirements outlined in ORS 195.

ORS 215.283 permits in an EFU zone: Public parks, open spaces, and playgrounds including only those uses specified under OAR 660-034-035, OAR 660-033-100(10), and consistent with ORS 195.120 and with filing of the Declaratory Statement in Section 136.100(c).

Finding:

This application seeks approval to allow the City of Keizer to be able to then develop the property as a public park in conjunction with the adjacent Keizer Rapids Park. The park is to be developed consistent with the master plan adopted by the Keizer City Council and submitted with this application. The requirements within OAR 660-034-035 govern the development of state parks rather than local municipal parks therefore is not considered to be applicable. OAR 660-033-100(10) governs minimum lot size provisions. This application is not proposing to divide the park; therefore, this section is not applicable. ORS 195.120 contains the rules and planning goal amendments relating to parks which mostly govern state park planning process although it does contain a provision sub-(5) that indicates that a local government shall comply with the provisions within ORS 215.296 which contains provisions in sub (1) that need to be addressed for uses allowed in ORS 215.213 (2) or 215.283 (2). Since ORS 215.215 applies to marginal lands in counties this section is not applicable. ORS 215.283 (2) (d) permits a public park consistent with the provisions within ORS 195.120. The City of Keizer has an adopted master plan for the Keizer Rapids Park. The City also has no issues with filing a Declaratory Statement as indicated in Section 136.100 (c).

Marion County Comprehensive Plan Urban Land Use Goals

The Urbanization Goal of Marion County is to provide for an orderly and efficient transition from rural to urban land use. Sub-goals for beneficial patterns of urban land use include the following:

a. Development of urbanization consistent with area-wide goals and objectives.

Finding:

The amendment does not impact this sub-goal so it is determined to be not applicable.

b. Establish Urban Growth Boundaries to identify and separate urbanizable land from rural land and contain urban land uses within those areas most capable of supporting such uses.

Finding:

The City of Keizer, like all cities in Marion County has an established Urban Growth Boundary. Development is directed to lands that are within this urban growth boundary so as to be consistent with not only this sub-goal but also with state land use requirements. The impetus for this amendment to the comprehensive plan is so that the City of Keizer can then be able to annex land that is adjacent to the Keizer Rapids Park. While the land will be annexed, it will however, remain outside the urban growth boundary and will thus be considered rural land that will require a land use zoning designation of an Exclusive Farm Use qualifying designation. The City of Keizer has crafted a designation called Special Agriculture that is modeled on Marion County's Exclusive Farm Use zone. Any use, such as a park, will need to be consistent with this zoning designation and with all applicable state requirements. The land then will not be used for any other urban type of development such as residential, commercial, or industrial. Therefore, with this zone designation it will be consistent with this sub-goal.

c. To provide for an orderly transition from rural to urban land use.

Finding:

The amendment to Urbanization Policy #10 of the Comprehensive Plan will result in the City of Keizer being able to propose to annex land and have it included as part of the Keizer Rapids Park. This will result in an orderly transition from urban uses just to the east to farm uses to the north and further to the west. With the land being developed as part of the Keizer Rapids Park it will provide an excellent transition from rural uses to urban uses, although it will remain zoned for rural resource use until such time it is included in Keizer's Urban Growth Boundary, and so complies with this sub-goal.

d. Development of a population distribution pattern in which most persons employed within an urban community live in and participate in the activities and government of that community.

Finding:

The City of Keizer provides its citizens with opportunities for employment, education, and a variety of activities including the opportunity for participation in city government. As such the amendment to the county's comprehensive plan will have no impact on this sub-goal. The amendment to the county's comprehensive plan will allow the City of Keizer to be able to annex land that is next to the Keizer Rapids and then incorporate this land as part of the park.

e. Development of stable and attractive residential areas protected from incompatible land uses and containing a wide variety of housing types and densities.

Finding:

The City of Keizer is currently engaged in a regional housing needs analysis along with the City of Salem, and Marion and Polk counties. This planning study will inventory and determine the housing needs of the region, and in particular Keizer's housing needs, for the upcoming 20 year planning period. From this planning effort the city will determine the amount of land needed to serve this projected population increase and will be able to assign density values so as to be consistent with this population projection. The city recognizes that certain land uses are incompatible with residential uses and through its zoning regulations tries to protect residential areas from incompatible uses. The area that the City of Keizer seeks to be able to annex as a result of this comprehensive plan amendment will be used in conjunction with the Keizer Rapids Park and will not be used to serve any current or future residential needs. The adjacent residential areas will be protected through the use of vegetative buffering, screening and placement of any park uses that may be determined to be incompatible with these nearby residential uses. Therefore, the proposal will be consistent with the sub-goal.

f. Development of a commercial land use pattern which assures a convenient and adequate supply of goods and services to the resident, transient and trade area population.

Finding:

The City of Keizer, along with Marion County, City of Salem and Polk County are all currently working on a regional economic opportunities analysis which will inventory and identify the commercial and employment needs of the region, including Keizer, during the upcoming 20 year planning period. One of the assumptions is that commercial lands are best suited inside urban areas. Land which would be considered for possible annexation as a result of this comprehensive plan amendment and be included as part of the Keizer Rapids Park is not planned to be used for any commercial uses and so will satisfy this sub-goal.

g. Development of commercial areas and employment centers that favor being located in relation to the urban transportation system.

Finding:

One of the requirements within the city's adopted Transportation System Plan is that commercial and employment areas are to be located so they can be served by the city's transportation system. Virtually all of the city's commercial and employment areas are located on either collector or arterial streets. These are streets that are improved to be able to handle the increased volumes of traffic that result from these types of land uses. The land which the City of Keizer seeks to be considered for possible annexation as a result of this comprehensive plan amendment will be used as part of the Keizer Rapids Park and is not planned to be used for any commercial or employment uses. Therefore this amendment will not affect this sub-goal.

h. Development of industrial land use within urbanized areas unless an industry specifically is best suited to a rural site.

Finding:

The City of Keizer, along with Marion County, City of Salem and Polk County are all currently working on a regional economic opportunities analysis which will inventory and identify the industrial needs of the region, including Keizer during the upcoming 20 year planning period. One of the assumptions is that industrial lands are best suited inside urban areas. Land which would be considered for possible annexation as a result of this comprehensive plan amendment will be used as part of the Keizer Rapids Park and is not planned to be used for any industrial uses and so will satisfy this sub-goal.

i. Provision of sufficient areas for future industrial land use.

Finding:

The City of Keizer, along with Marion County, the City of Salem and Polk County are all currently working on a regional economic opportunities analysis which will inventory and identify the industrial needs of the region, including Keizer during the upcoming 20 year planning period. One of the assumptions is that industrial lands are best suited inside urban areas. Land which would be considered for possible annexation as a result of this comprehensive plan amendment will be used as part of the Keizer Rapids Park and is not planned to be used for any industrial uses and so this sub-goal is not applicable in this specific application.

j. Direct urbanization away from agricultural areas composed of major units of Class I through IV soils.

Finding:

The result of this revision to Urbanization Policy #10 will be that the City of Keizer will be able to annex land that is adjacent to the Keizer Rapids Park. This land will then be used as part of the Keizer Rapids Park. In that sense the land will be developed for park and recreation uses. There will be no residential, commercial, or industrial development of the land. In that regard this type of use will avoid any urbanization development of the land and will allow only for uses that are allowed within the EFU qualifying zone designation that the City of Keizer will designate the land, and so will be consistent with the intent of this sub-goal.

k. Provide adequate review of development of permanent structures in the identified natural hazard or damage areas to minimize potential loss of life or property.

Finding:

Any structures that may be built (although at this time none are planned) will be required to obtain building permits and all the necessary plan review that goes along with that process. The land which the City of Keizer is seeking to annex into the city and then develop as a park is flat land and so there will be no steep slope hazard issues. A small portion of the area is within a 100 year floodplain and so any development within this area will need to be done in accordance with the city's floodplain regulations and so will allow for compliance with this sub-goal.

Marion County Comprehensive Plan Urban Growth Policies

Policy 1. The type and manner of development of the urbanizable land shall be based upon each community's land use proposals and development standards that are jointly agreed upon by each city and Marion County and are consistent with the LCDC Goals.

Finding:

The City of Keizer's development standards have been adopted by the city council and are consistent with LCDC land use goals. Currently, the city is within periodic review and is involved in a regional economic opportunities analysis and a regional housing needs analysis in an effort to better determine its land use needs for the coming 20 year planning period. These studies will help to determine the City of Keizer's housing, commercial, and industrial land needs. The city has adopted development standards, and these are consistent with LCDC Goals. One of the tasks of the city's periodic review is to update its growth management agreement with the county. For these reasons the proposal complies with this policy.

Policy 2. The provision of urban services and facilities should be in an orderly economic basis according to a phased growth plan.

Finding:

The amendment to the Comprehensive Plan will allow the City of Keizer to be able to annex land that is outside the urban growth boundary so that it might then be added to the adjacent Keizer Rapids Park. With this land then being annexed into the city limits this amendment will not result in Keizer or any other city being able to leap-frog development out beyond its urban growth boundary in a manner that is inconsistent with state planning requirements. Therefore the proposal will be consistent with this policy.

Policy 3. Development of the urban area should proceed from its center outward.

Finding:

The amendment to the Comprehensive Plan will allow the City of Keizer to be able to annex land that is outside the urban growth boundary so that it might then be added to the adjacent Keizer Rapids Park. The City of Keizer has developed outward from its center. In fact, the majority of its urban services and facilities and commercial and employment options are located in this core section of the community. The amendment will not result in Keizer or any other city being able to leap-frog development out beyond its urban growth boundary in a manner that is inconsistent with state planning requirements and so will be consistent with this policy.

Policy 4. Development should occur in areas of existing services before extending new services.

Finding:

The amendment to the Comprehensive Plan will allow the City of Keizer to be able to annex land that is outside the urban growth boundary so that it might then be added to the adjacent Keizer Rapids Park. The land the city seeks to be able to annex will only be developed with park uses. No urban services will be extended as a result of this plan amendment. As such, no other type of urban development will occur. Also, other than water no urban services or facilities will

need to be extended to service this area. As such, the proposal will be consistent with this policy.

Policy 5. Divisions of urbanizable land shall consider the maximum utility of the land resource and enable the logical and efficient extension of services to such parcels.

Finding:

The amendment will allow the City of Keizer to be able to annex land that is outside the urban growth boundary so that it might then be added to the adjacent Keizer Rapids Park. No division of any land is envisioned. Other than municipal water no urban services will be extended as a result of this plan amendment so therefore the proposal will be consistent with this policy.

Policy 6. Generally cities are the most logical providers of urban services. Where special service districts exist beyond the city limits and within the urban growth boundary such as around Salem, all parties shall work towards the development of the most efficient and economical method of providing needed services. Urban services shall not be extended beyond the urban growth boundary, except as provided for in Special District Policies 6, 7 and 8.

Finding:

No special service district will be created as a result of this Comprehensive plan amendment. This amendment will allow the City of Keizer to be able to annex land that is outside the urban growth boundary so that the land might then be added to the adjacent Keizer Rapids Park. Other than municipal water no urban services will be extended as a result of this plan amendment so therefore the proposal will be consistent with this policy.

Policy 7. Urban densities shall be established only within recognized urban growth boundaries unless an exception to Goal 14 (Urbanization) is obtained.

Finding:

The City of Keizer, the City of Salem, Marion County and Polk County are all involved in an update of a regional housing analysis and one of the over bearing assumption is that the majority of the projected population increases during the coming 20 year planning period will occur within urban areas. The land that the City of Keizer seeks to be able to annex is not planned to accommodate any residential needs and so this proposal will be consistent with this policy.

Policy 8. The majority of the projected population increases in Marion County should be directed to the urban areas.

Finding:

The City of Keizer, the City of Salem, Marion County and Polk County are all involved in an update of a regional housing analysis and one of the overbearing assumption is that the majority of the projected population increases during the coming 20 year planning period will occur within urban areas. The land that the City of Keizer seeks to be able to annex is not planned to accommodate any residential needs and so this proposal will be consistent with this policy.

Policy 9. Sufficient developable land shall be made available to provide choices in the market place.

Finding:

This Comprehensive Plan policy amendment will not impact this policy.

Policy 10. The annexation of rural lands into the legal boundary of any city shall be limited to the area contained within the mutually adopted Urban Growth Boundary. Exceptions to this prohibition may be allowed consistent with Special District Policies 6, 7 and 8. The annexation of lands outside of an Urban Growth Boundary shall be limited to lands having a prior exception to Statewide Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). Annexation procedures shall be consistent with the requirements of state law and the local coordination policies contained in the Urban Growth Boundary and Policy Agreement or Urban Growth Boundary Coordination Agreement.

Finding:

In its present format the City of Keizer would not be able to process an application for the annexation of land outside of the city's UGB because it would be in violation of this policy. With the revision to this policy the City of Keizer will then be able to consider processing an annexation application which will then be consistent with this comprehensive plan policy.

Policy 11. Any city proposing to annex rural lands located outside of an Urban Growth Boundary into a city limits shall carry the burden of proving compliance with the applicable goals and policies of the Marion County Comprehensive Plan, the city's comprehensive plan, the Urban Growth Boundary and Policy Agreement or Urban Growth Boundary Coordination Agreement and state statute and administrative rules.

Finding:

The City of Keizer recognizes that it has the burden of proving compliance for this application. This written statement gives testimony to their being full compliance with all of the applicable goals and policies within the county's comprehensive plan, and with the City's comprehensive plan, and with the agreement between the city and the county. As indicated in response to Policy 12 below the city is willing to work with the county to develop and updated Urban Growth Boundary Coordination Agreement after the tasks associated with the economic opportunities analysis and the housing needs analysis are completed.

Policy 12. An updated intergovernmental agreement between the County and a city that is consistent with the Urban Growth Management Framework shall be required as each city goes through Periodic Review or updates its comprehensive plan where County concurrence is necessary.

Finding:

The City of Keizer is committed to working with Marion County to develop an updated intergovernmental agreement (IGA). A draft IGA has been included for the county's review as part of the proposal to consider a comprehensive plan amendment. Presently the city is undertaking a number of tasks as part of periodic review. One of those is to update this

agreement. The city proposing that this be done after the current Economic Opportunities Analysis and the Housing Needs Analysis studies are completed as each will have updated information that will need to be incorporated into the agreement. With this agreement to occur after these studies are completed will assure that up to date information is included and so will be consistent with this policy.

Marion County Comprehensive Plan Parks and Recreation Policies:

The Marion County Comprehensive Plan establishes goals and policies for parks and recreation that intend to provide for a variety of recreation opportunities and access to open spaces and park amenities. These goals and policies are specifically focused on the park and recreation resources which are within Marion County, and not located within local cities. The plan recognizes, however, that local jurisdictions play an important role in providing for park and recreation facilities. The amendment to the County Comprehensive Plan Urban Growth Policy #10 will allow for the future annexation of land into Keizer which is currently outside of the UGB. The property is directly adjacent to Keizer Rapids Park, which was established by conditional use approval 06-54. Keizer Rapids Park was made possible through a coordinated effort of Keizer, Marion County and the State of Oregon. The amendment will allow for a portion of the existing park as well as an adjacent property to be annexed into the city, with remaining acreage located in the county.

In particular, the Parks and Recreation Policies which apply to this amendment are:

Regional Parks

16. *Due to regional service of these parks, it should be the State's responsibility to provide them.*

Local Community Parks

18. *Local jurisdictions shall have the responsibility of providing these parks.*

20. *The County should maintain a role of:*

- a. *Encouraging local jurisdictions to provide local community parks;*
- b. *Assisting local jurisdictions in acquiring park land inside an adopted Urban Growth Boundary;*
- c. *Providing technical expertise;*
- d. *Assisting in securing funds.*

Finding:

The park is managed and maintained by the City, and is recognized in the city's adopted Parks and Recreation Master Plan as a regional park. It is currently located outside of the UGB within

Marion County, and a portion of the park is owned by the State of Oregon. Because of the unique circumstances surrounding the ownership, maintenance, and management of the park, the park tends to function as a sort of hybrid, being not only a regional facility, but a large community park as well. This is especially true since it is located just outside the existing city limits and all of the maintenance and management functions are provided by the city. Because of this status, Policy #16 and #18 both are met by the proposal. The county is complying with Policy #20 by working with Keizer to manage the park, acquire additional park land when possible, and otherwise coordinate with park planning and development.

This amendment will promote goals and policies of the County plan. It will help provide for a system of multi-purpose parks for active and passive recreation as it will allow for the expansion and future development of Keizer Rapids Park. This proposal will also optimize use of the public dollar through cooperative and coordinated facility acquisition and development since it will allow the city to acquire property with revenue that otherwise could not be spent if the property were to remain outside the city limits. Through cooperation of the county and their willingness to amend this policy, this acquisition and future development can become a reality. The acquisition will expand a water oriented park facility and give more access to the Willamette River, which is encouraged by the comprehensive plan. This acquisition will also ensure that the land is preserved for open space and park and recreation uses which are a goal of the lands adjacent to the UGB and so complies with the policies within the section of the comprehensive plan.

Marion County Comprehensive Plan Agricultural Lands Policies

The Agricultural Lands Policies of the Marion County Comprehensive Plan are intended to protect and preserve high value farmlands and agricultural production. It is recognized in the comprehensive plan that Parks should be allowed within the EFU zone as prescribed in ORS 215.283 and OAR 660-033 as a conditional use subject to meeting criteria that ensure there are no significant impacts on farming and other natural resources and that the use will have adequate services. Upon annexation, the City of Keizer will designate the land with an EFU qualifying zone, and prior to the operation of the land as a park a conditional use permit will be obtained. The existing Keizer Rapids Park was previously approved by Marion County Conditional Use 06-54 and was found to be consistent with the applicable ORS and OAR's. It is recognized that it may be necessary to modify the previously approved conditional use approval as part of the process for incorporating the newly acquired land into the park. It should be noted that at the time the park was approved, part of the approval included an acknowledgment and acceptance of the adopted Keizer Rapids Park Master Plan. The master plan includes 8 objectives; one of which is *Objective 6: Park Shape*, which not only anticipated future land acquisition and expansion of the park, but actively encourages pursuing property acquisitions to maximize the parks recreational potential. While the lands in question are designated EFU, it has been previously determined and recognized by the conditional use approval, that park uses are not only acceptable, but are a desirable use of the lands in this specific area. Therefore, the proposal to amend County Comprehensive Plan Urban Growth policy #10 and allow for the annexation of land into the City of Keizer for park use is consistent with the Agricultural Lands Policies outlined in the County Comprehensive Plan. The specific Agricultural Lands Policies applicable to this proposal as follows.

1. *Preserve lands designated as Primary Agriculture by zoning them EFU (EXCLUSIVE FARM USE). Lands designated as Special Agriculture should be protected by the corresponding SA zone and farmland in the Farm/Timber designation should be protected by the Farm/Timber zone.*

Finding:

The property that is proposed to be annexed into the City of Keizer is currently zoned EFU and designated as Primary Agriculture by the county. The amendment to the County Comprehensive Plan Urban Growth Policy #10 will not in itself, change the zoning designation of the property. Upon annexation into the city of Keizer, an EFU qualifying zoning designation will be placed upon the property, and this will be ensured by the execution of an intergovernmental agreement between the City of Keizer and Marion County and so will assure compliance with this provision.

3. *Discourage development of non-farm uses on high value farmland and ensure that if such uses are allowed that they do not cause adverse impacts on farm uses.*

Finding:

Keizer Rapids Park was previously approved by Marion County Conditional Use 06-54, and at that time it was found that park use was acceptable and would not cause any significant adverse impacts on surrounding farm uses. Upon annexation of the property, a conditional use will be required to be obtained prior to the operation of the property as a park. This will ensure that adverse impacts are kept to a minimum or are adequately mitigated. In addition, it should be noted that there are no other immediately adjacent farm uses, since the property is bordered on the west and south by Keizer Rapids Park and on the east by single family dwellings within the city limits of Keizer. There are properties located across Chemawa Road to the north which are designated EFU, but it is not anticipated that this proposal will adversely affect those uses.

4. *Limit residential uses so high value lands to those dwellings where past income from the sale of farm products demonstrate that the dwelling will be in conjunction with the farm use. Non-farm dwellings should be limited to existing parcels composed of non-high value soils where the dwelling will be compatible with the surrounding farm area. The approval of non-farm residences shall be based upon findings that the proposed dwelling meets the applicable criteria in OAR 660-033. Approval of a dwelling in the Farm/Timber designation shall be based on the applicable criteria in OAR 660-033 or OAR 660-006.*

Finding:

No new dwellings are proposed. There is an existing home and outbuilding on the subject property which have functioned as a farm dwelling. With the conversion of this land to park use, it is uncertain as to whether or not the dwelling and outbuilding will be retained for park use, demolished, or partitioned onto a separate parcel. As was addressed earlier, the City of Keizer will place an EFU qualifying zoning designation on the subject property, which will ensure consistency with this policy.

City of Keizer Comprehensive Plan Parks And Recreation

The Keizer Comprehensive Plan has goals and policies relating to Parks and Recreation which intend to provide for the park and recreation facilities of the City of Keizer. A recent update to the overall Parks Master Plan for the City of Keizer was adopted and incorporated into the Comprehensive Plan in 2008. The Parks and Recreation Master Plan has specific goals and policies relating to Keizer Rapids Park, and references the Keizer Rapids Park Master Plan which was adopted in 2006 by the City Council.

Objective 6: Park Shape of the Keizer Rapids Park Master Plan indicates that “*The development of the Keizer Rapids Park will require future property acquisition to maximize the area’s fullest recreation potential and to provide a more uniform park boundary. Opportunities to maximize the park development through voluntary acquisition of additional property should be pursued.*”

Finding:

The amendment to the County Comprehensive Plan Urban Growth Policy #10 will allow for the City of Keizer to pursue this objective, in that it will allow for additional acquisition of land directly adjacent to Keizer Rapids Park, and it will make the eastern boundary of the park uniform. It is recognized that the Keizer Rapids Park Master Plan will need to be amended to include this newly acquired land. Therefore, the amendment is consistent with the applicable portions of the City of Keizer Comprehensive Plan.

Based on the above facts and findings, the Board finds the amendment complies with all applicable laws and criteria.

**INTERGOVERNMENTAL AGREEMENT
FOR
ANNEXING A PORTION OF KEIZER RAPIDS PARK**

PARTIES:

City of Keizer, an Oregon municipal corporation ("Keizer")

Marion County, a political subdivision of the State of Oregon ("County")

RECITALS:

- A. With the assistance of Marion County and others, Keizer has acquired lease rights and/or ownership of approximately 120 acres adjacent or nearby the Willamette River for development of a regional park known as Keizer Rapids Park.
 - B. Keizer Rapids Park is currently outside the City limits and under the jurisdiction of Marion County. Keizer has applied for and the County has approved Conditional Use Permit No. 06-44 allowing use of the subject property as a park.
 - C. Keizer and the County wish to enter into this Intergovernmental Agreement pursuant to ORS Chapter 190 to provide guidance and an understanding of process related issues and responsibility for tasks associated with the agreed upon conditions necessary to meet the intent of Marion County urbanization goals and policies, as amended.
 - D. Keizer has an opportunity to purchase land known as the Buchholz and the Buchanan properties. These properties would be purchased using "program income" urban renewal funds and these funds may be expended only for property and for projects within its city limits. All of the Buchholz property and the Buchanan property is contiguous to the Keizer Rapids Park and is to be included as part of the Keizer Rapids Park. The Keizer Rapids Park is a regional park serving the recreational needs of the citizens of Keizer and the region. The development of the Keizer Rapids Park is a result of a joint partnership between Keizer, the County, and others.
 - E. The properties Keizer is seeking to annex are located outside of the city limits and outside of the city's urban growth boundary. Annexation of these properties is consistent with state land use regulations provided the property continues to carry a zoning designation matching its current designation.
-

NOW, THEREFORE, the parties, based on the mutual promises and covenants made hereby, agree as follows:

AGREEMENT:

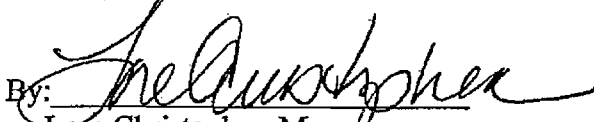
1. County agrees to consider adopting a comprehensive plan amendment to allow annexation of property outside the Urban Growth Boundary, as shown on Exhibit A, as long as annexation is for regional park purposes and meets other reasonable conditions. County is not obligated to adopt an amendment and, if it adopts one, is not obligated to defend it on appeal.
 2. If County adopts the amendment referenced above, Keizer shall move forward with annexation of the Buchholz parcel, the Buchanan parcel, and a portion of Keizer Rapids Park. Upon annexation of these properties, Keizer shall zone the properties with a comprehensive plan and zone designation consistent with the prior County comprehensive plan and zone designation. Annexation of these properties shall be permitted by the County at this time without requiring that these properties be brought into the Urban Growth Boundary.
 3. Properties that are annexed shall be used for uses consistent with the City of Keizer EFU designation until such time as the annexed properties are brought within Keizer's Urban Growth Boundary.
 4. The properties annexed into the city limits of Keizer that are governed by conditions specified in Conditional Use Permit (hereafter CUP)#06-44 shall remain subject to the terms of that permit. The property is to be used for park purposes consistent with that permit until such time as the property is within Keizer's Urban Growth Boundary and Keizer amends that permit under its own process.
 5. Keizer shall include the Buchholz and Buchanan parcels in the Keizer Rapids Park Master Plan and obtain conditional use approval, issued by Keizer, to operate a park on properties not under the terms of CUP #06-44 prior to operating a park on that property.
 6. Keizer shall not provide sanitary sewer service to any lands outside of the urban growth boundary.
 7. Keizer agrees to annex the Chemawa Road right-of-way that abuts the Keizer Rapids Park and newly annexed property, and shall become responsible for the improvement and maintenance of all facilities within that right-of-way. Keizer
-

agrees to initiate the jurisdictional transfer of the right-of-way within 120 days of the annexation of the adjacent property.

8. This agreement shall no longer apply to a property once the property is included in the urban growth boundary.
9. Subject to the provisions of the Oregon Tort Claims Act and the Oregon Constitution, Keizer and County each agrees to indemnify and hold harmless the other for, from and against all claims, costs, expenses (including attorney fees), losses, damages, fines, charges, actions or other liabilities arising from its own intentional or negligent acts or those of its officers, agents, contractors or employees.

CITY OF KEIZER, an Oregon
Municipal corporation

MARION COUNTY, a political sub-
division of the State of Oregon

By: 
Lore Christopher, Mayor

By: _____
Janet Carlson, Chair
Board of Commissioners

Dated: 8/4/10

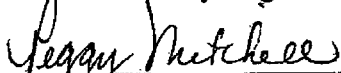
Dated: _____

Approved as to form:

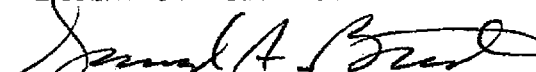
Approved as to form:

 8-5-10
City Attorney

 25 August 2010
Marion County Legal Counsel Date

 8/24/10
Marion County Contracts Date

BOARD OF COMMISSIONERS:

 9/1/10
Chair Absent at Signing Date

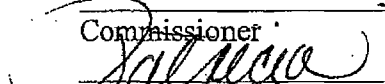
 9/1/10
Commissioner Date

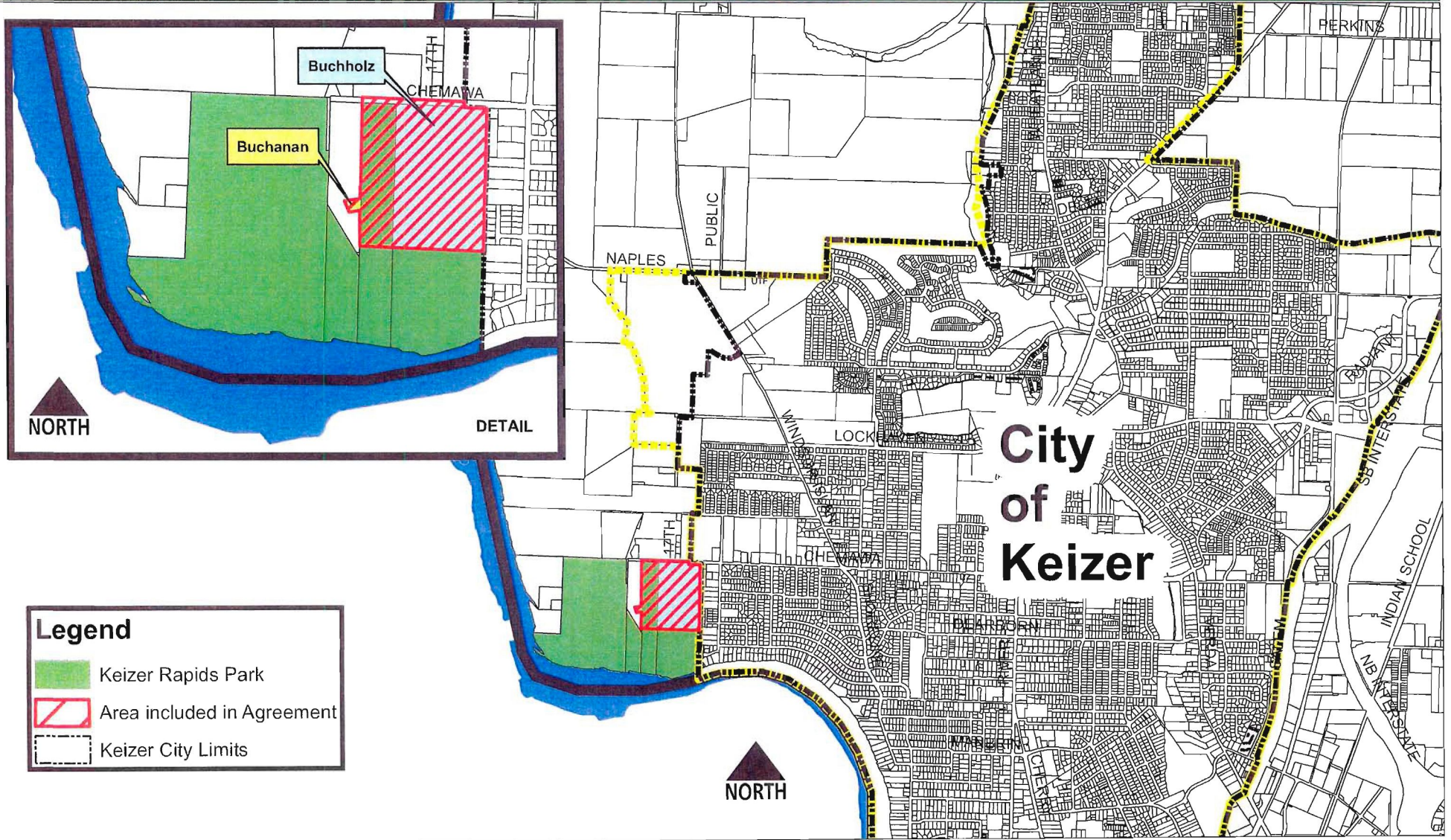
Exhibit A - Keizer Rapids Park City of Keizer/ Marion County Intergovernmental Agreement

Marion County
Public Works




Date: 05/21/2010

Project: \\staff\requests\brandon\keizer\rapids\ExhibitA.mxd

Prepared by: Burnie



Legend

-  Keizer Rapids Park
-  Area included in Agreement
-  Keizer City Limits