



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

September 4, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: September 18, 2007

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Dan Fleishman, City of Stayton

<paa>

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

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

(See reverse side for submittal requirements)

AUG 28 2007

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: City of Stayton Local File No.: 08-07/07
(If no number, use none)

Date of Adoption: August 24, 2007 Date Mailed: August 28, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Proposed amendment notice not sent per conversation with DLCD rep.

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

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

The amendment corrected errors and omissions in Stayton's Land Use and Development Code that was recently updated in January 2007. The amendments did not make any policy changes to the code, only textual corrections.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

n/a

Plan Map Changed from : n/a to _____
Zone Map Changed from: n/a to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1

Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 003-07 (NOA)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: ___ No: x

If no, do the Statewide Planning Goals apply. Yes: x No: ___

If no, did The Emergency Circumstances Require immediate adoption. Yes: x No: ___

Affected State or Federal Agencies, Local Governments or Special Districts: none

Local Contact: Dan Fleishman Area Code + Phone Number: 503-769-2998

Address: 362 N 3rd Ave City: Stayton

Zip Code+4: 97383 Email Address: dfleishman@ci.stayton.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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

AN ORDINANCE CORRECTING ERRORS AND OMISSIONS AND CLARIFYING PROVISIONS OF TITLE 17 OF THE STAYTON MUNICIPAL CODE "LAND USE AND DEVELOPMENT"

WHEREAS, the Oregon Revised Statutes require municipalities to enact land use and development regulations (the Code) in conformance with State Goals and guidelines and a locally adopted Comprehensive Plan;

WHEREAS, the adoption of the current Title 17 Stayton Municipal Code (SMC) in January 2007 was the first comprehensive revision enacted in more than 15 years;

WHEREAS, five months of working with the revised Title 17 SMC has revealed a number of errors and omissions in the code, resulting from the comprehensive rewrite;

WHEREAS, there are sections of Title 17, the meaning of which can be made more clear,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City council and signing by the Mayor.

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

SECTION 1. Stayton Municipal Code, Title 17 ("Land Use and Development"), is hereby amended as follows.

Additions are underlined; Deletions are ~~crossed out~~.

Part 1. Amend Section 17.04.100 by adding, amending, or deleting the following definitions.

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of an application under this Title; a person whose land or residence abuts land for which an application has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such application. Owners or persons are precluded from appeals of decisions unless they participated in the decision-maker's proceedings.

BASEMENT: A space wholly or partly underground and having more than ½ of its height, measured from its floor to its ceiling, below the average adjoining finished grade. As used in Section 17.16.100 for floodplain management purposes, a basement is any area of a building having its floor below ground level on all sides.

HIGHWAY: A public way for purposes of travel, including the entire area within the public right-of-way. A highway, as distinguished from other types of streets, typically refers to a roadway that is owned and maintained by the state or county.

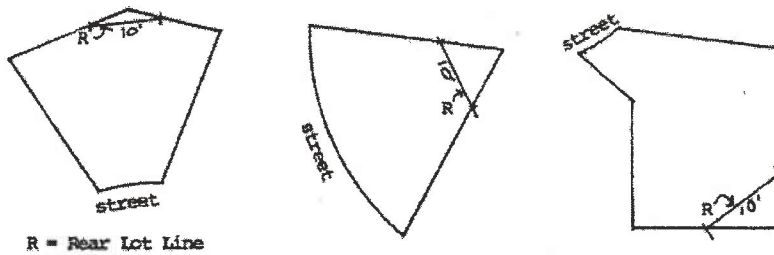
INDIRECT ILLUMINATION: A source of illumination directed toward ~~such a~~ sign so that the beam of light falls upon the exterior surface of the sign.

INTEGRATED BUSINESS CENTER: A group of two or more businesses ~~which that~~ are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses or buildings are under common ownership.

LOADING SPACE: An off-street space or berth on the same lot with a building, or ~~continuous~~ contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

LOT LINE: The lines bounding a lot as defined below:

- a. On an interior lot, the line separating the lot from the street right-of-way.
 - b. On a corner lot, the lines separating the lot from either street right-of-way.
 - c. On a double frontage lot, the line separating the lot from the street right-of-way from which vehicular access is gained.
 - d. On a flag lot, the nearest property line of the flag portion of the lot to the street right-of-way extended across the point where the pole connects with flag portion.
 - e. On a back lot, the property line that is nearest to, and most parallel to the street right-of-way from which vehicular access is gained.
2. **REAR:** A lot line which is opposite and the most distant from the front lot line. On a corner lot, the line opposite the street from which vehicular access is gained. In the case of a triangular shaped lot or other lot without a lot line opposite the front line, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.



3. **SIDE:** Any lot line which is not a front or rear lot line.

MODIFICATION, MAJOR: A modification to an approved land use application that meets 1 or more of the following criteria:

- 1. A change in the type and/or location of access-ways, drives or parking areas affecting off site traffic.
- 2. An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified.
- 3. A reduction of more than 10% of the area reserved for common open space or landscaping.
- 4. Increase in lot coverage by more than 15% over that which is approved.
- 5. Reduction in open space or landscaping by more than 10%.
- 6. Increase in automobile parking spaces by more than 10%.
- 7. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard.
- 8. Changes that exceed 10 feet in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements that exceed 10 feet.
- 9. Change to a condition of approval, or change similar to subsections 1 through 9 that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.

NON-CONFORMING STRUCTURE OR USE: A lawfully existing structure or use that does not conform to the requirements of this title ~~and either:~~

- ~~1. Existed prior to February 1, 1990.~~
- ~~1. Was constructed between February 1, 1990 and February 1, 2007.~~

~~2. Was constructed prior to any subsequent amendments to Title 17.~~

~~PARTITION, MINOR:~~ ~~A partition that does not include the creation of a road or street.~~

SIGNS, NUMBER OF: For the purpose of computing the number of signs, all writing included within a sign area shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure.

YARD: An open space, on the same lot with a building that is unobstructed from the ground upward except as otherwise provided herein.

1. **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest wall of the main building.
2. **YARD, LANDSCAPED:** An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. Complementary features such as fountains, pools, screens, decorative lighting, sculpture, and outdoor furnishings, may be placed within said area.
3. **YARD, REAR:** A yard extending across the full width of the lot between the nearest wall of the main building and the rear lot line.
4. **YARD, SIDE:** A yard between the nearest wall of the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard.

Part 2. Amend **Section 17.04.110.1** to clarify that the Section applies to violations of any provision of the entire Title.

1. Any person, firm, or corporation who violates any provision of this ~~code title~~ Title is punishable upon conviction by a fine as provided in subsection 2 of this section. Each day that the violation persists shall be deemed as a separate offense.

Part 3. Amend **Section 17.08.020** to make the references of the required comprehensive plan elements more closely reflect the current Statewide Planning Goals.

1. The City has adopted and shall maintain a comprehensive plan document consisting of written text and maps and supportive technical information. This comprehensive plan shall be the principal document to guide the future growth and development of the City. It shall be the function of the comprehensive plan to provide a basis for land use regulations as set forth in this code. The plan shall be an expression of City public policy toward growth and development. The plan shall contain but not be limited to the following elements:
 - a. Policies Element
 - b. Natural Resources, Scenic and Historic Areas, and Open Space Element
 - c. Transportation Element
 - d. Parks and Recreation Element
 - e. Public Facilities and Services Element
 - f. Land Use Element
 - g. Economic Element
 - h. Energy Element
 - i. Housing Element
 - j. Urban Growth Program

Part 4. Amend Section 17.12.050.3 to remove extraneous language.

3. For purposes of planning coordination, the City staff shall provide to local, state, and federal agencies likely to be impacted by the proposal or entitled to receive such notice under law, referrals of the request with an explanation of the character of the proposal ~~and an indication of potential City action, to~~. This referral will be made within 5 days of application acceptance. Agencies so contacted will be requested to reply within 12 days of mailing of the referral, and will be notified that failure to reply or participate in the hearing may be interpreted as no objection to the proposal.

Part 5. Amend Section 17.12.050.6 to include reference to the City Council

6. The staff shall present their report on the application to the Planning Commission and/or the City Council at the scheduled public hearing.

Part 6. Amend Section 17.12.050.7 regarding notification to the City Council of Planning Commission decisions.

7. For all cases in which the Planning Commission acts as the decision authority on an application, City staff shall ~~refer the file, together with their report on the action of the Planning Commission, provide notice of the Planning Commission's actions to the City Council in accordance with Section 17.12.130. In the event a public hearing is required by this title, or requested by the City Council, City staff shall schedule the public hearing for the next available, regularly scheduled meeting. City staff shall provide notice for the public hearing as required by this title.~~

Part 7. Delete Section 17.12.070.1.a.c) to clarify that the change of use of an existing building does not require site plan review, only a permit from the City Planner under Section 17.16.040.

- ~~e) The change of use from one category in Table 17.16.070.1 to another category.~~

Part 8. Amend Section 17.12.070.1.d to comply with Section 17.12.100.1.

- d. City Council Decisions. The City Council shall be required and empowered to review, evaluate, and render final decisions on all land use applications involving ~~changes to the development code, comprehensive plan amendments; zone changes; annexations; and subdivisions or master planned developments associated with annexations, comprehensive plan amendments or zone changes.~~

Part 9. Amend Section 17.12.100.1 to more completely refer to the types of application over which the City Council has decision authority.

1. COUNCIL HEARING REQUIRED. For all land use applications involving zone changes, comprehensive plan amendments, and annexations, and subdivisions or master planned developments associated with annexations, comprehensive plan amendments or zone changes the City Council shall conduct at least one public hearing on the application. Notice of public hearing shall be given pursuant to the procedures of Section 17.12.060.

Part 10. Amend Section 17.12.100.3 to clarify the time by which a member of the City Council must "call up" a decision

3. COUNCIL REVIEW OF ADMINISTRATIVE AND PLANNING COMMISSION DECISIONS. For those actions where a Notice of Decision has been issued by either City staff or the Planning Commission, any member of the Council or the Mayor may elect to call-up the application to further consider the decision. A ~~call~~ call-up must be made ~~within the appeal period as specified in Section 17.12.110~~ 14 days of the mailing of the notice of decision, and shall be in writing on forms provided by City staff. The Council may elect to hold a public hearing, or refer the case back to the original decision authority with directions on how to proceed when a decision is called up. Once a case is called up, staff and/or the Planning Commission lose jurisdiction to further consider the matter unless the Council directs otherwise.

Part 11. Amend Section 17.12.110.1 to require a person to participate in the process of an administrative decision in order to appeal that decision.

1. APPEAL OF ADMINISTRATIVE DECISION. An administrative decision of the City staff may be appealed to the Planning Commission by an ~~affected person~~ aggrieved party within 14 days of the mailing of the Notice of

Decision. The notice of appeal shall indicate the nature of the decision that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of this title.

Part 12. Amend **Section 17.12.120.3** to exclude applications for annexation from the 120-day deadline for decisions.

3. **DEADLINES EXCEPT FOR PLAN AMENDMENT.** The City shall take final action on an application, except for a comprehensive plan amendment or an annexation, including resolution of all appeals under Section 17.12.030 within 120 days after the application is submitted and deemed complete.

Part 13. Amend **Section 17.12.140** to remove redundancies.

In the event, at the City Council level, the applicant proposes changes to the land use application under consideration that make it substantially different from the proposal that was considered by the Planning Commission, then the Council shall remand the case to the Planning Commission to consider the proposed changes. Changes that shall make the application substantially different include, but are not limited to, substantial changes to the following:

1. ~~Change in access including~~ The size, number, or location of accesses.
2. Elimination of landscaping.
3. ~~Change in the~~ The size or configuration of the subject property.
4. Increase in the density of the proposal.
5. ~~Change in the~~ The location of the parking areas.

The application must be considered without the proposed changes in the event the applicant does not waive or appropriately extend the 120 day application completion requirement (Oregon Revised Statutes 227.179) prior to further consideration by the City.

Part 14. Amend **Section 17.12.160.2** to require preapplication meetings for all applications.

2. **WHEN REQUIRED.** A minimum of 1 pre-application meeting must be held prior to submittal of ~~the following types of an~~ applications:
 - a. ~~Site Plan Review~~
 - b. ~~Annexation~~
 - c. ~~Subdivision or Partition~~
 - d. ~~Master Planned Development~~

Part 15. Amend **Section 17.12.160.4** to include a requirement for notification of other agencies of a preapplication meeting.

1. The City Planner shall notify the Public Works Department, City Engineer, Marion County Public Works, and the Stayton Fire District of the preapplication meeting.
2. The pre-application meeting shall be attended by representatives of the Planning and Public Works Departments.
23. The applicant shall make a brief description of the project proposed project.
34. City staff shall inform the applicant of the issues that will need to be addressed when the application is submitted and identify any potential sections of this code for which compliance may not be easily achieved.
45. The opinions given by City staff at the pre-application meeting are non-binding upon the City and failure of staff to identify a Code provision for which compliance later becomes an issue shall not relieve the applicant from compliance with that provision should an application be submitted.

Part 16. Amend Section 17.12.170 to combine the procedures for a comprehensive plan amendment and zone map amendment, and delete Section 17.12.180.

17.12.170

COMPREHENSIVE PLAN AND ZONE MAP AMENDMENTS

1. PURPOSE STATEMENT. The purpose of this section is to provide for amendment(s) to the City's Comprehensive Plan ~~text or~~ Zoning maps that meet the criteria of this section.
2. DEFINITION. A comprehensive plan amendment is a redesignation of an area from one land use classification to another or a modification to the policies or text of the Comprehensive Plan. Major revisions, including the updating of all or parts of the Comprehensive Plan and affecting the framework or principal elements of the Comprehensive Plan, may not be initiated by individual applicants.
3. METHOD OF ADOPTION. Pursuant to the requirements of Sections 17.12.070 to 17.12.100, comprehensive plan and zoning map amendments shall be adopted by ordinance passed by the City Council. All proceedings shall be conducted in accordance with this title.
4. INITIATION OF AMENDMENT. A comprehensive plan and zoning map amendment may be initiated in any one of the following ways:
 - a. By resolution of the City Council.
 - b. By motion of the Planning Commission, followed by a public hearing before the Planning Commission and submission of a recommendation to the City Council.
 - c. By application of property owners or persons purchasing property under contract in accordance with procedures outlined herein.
5. SUBMITTAL REQUIREMENTS. In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for comprehensive plan and zoning map amendments shall include the following materials and information:
 - a. Completed application forms as supplied by the City Planner.
 - b. ~~If a land use designation amendment, 3~~ Three copies of a map, drawn to a scale of 1 inch equals not more than 50 feet, showing the property for which the amendment is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new land use designation(s). In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
 - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a plan amendment. If the request is a text-only amendment (e.g., no requested change in land use designation), the statement must fully explain the nature of the requested change and provide reasons why the change is appropriate.
6. APPROVAL CRITERIA. In order to approve a comprehensive plan and zoning map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority
 - a. The proposed amendment is compatible with the existing provisions of the Comprehensive Plan as measured by:
 - 1) If a map amendment, ~~list~~:
 - a) The land area affected by change.
 - b) Current use(s) in that area.
 - c) The proposed use(s).
 - 2) Impact of the proposed amendment on land use and development patterns within the City as measured by:
 - a) Traffic generation and circulation patterns
 - b) Population concentrations

- c) Demand for public facilities and services
 - ~~d) Maintenance of public health and safety~~
 - e) Level of park and recreation facilities
 - f) Economic activities
 - g) Protection and use of natural resources
 - h) Natural hazards and constraints
 - i) Compliance of the proposal with existing adopted special purpose plans or programs such as public facilities improvement programs.
- b. A demonstrated need exists for the ~~product of the proposed~~ amendment based on the lack of available land in the districts where the proposed use(s) is allowed.
 - c. The proposed amendment complies with all applicable Statewide Planning Goals and Oregon Administrative Rule (OAR) requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.030) if a change in the urban growth boundary is requested.
 - d. The proposed amendment is possible within the existing framework of the Comprehensive Plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).
 - e. The amendment is appropriate as measured by at least one of the following criteria:
 - 1) It corrects identified error(s) in the provisions of the Plan.
 - 2) It represents a logical implementation of the Plan.
 - 3) It is mandated by changes in federal, state, or local law.
 - 4) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.
7. PLAN MAP: Whenever any land is redesignated pursuant to a comprehensive plan amendment, the Comprehensive Plan Map and Official Zoning Map shall be modified to accurately portray such change. The date of the change and brief description of the change shall be noted on the maps.

17.12.180 — ZONE CHANGES

- ~~1. PURPOSE STATEMENT. The purpose of this section is to provide for amendment(s) to the Official Zoning Map that meet the criteria established by this section.~~
- ~~2. DEFINITION. A zone change is reclassification of an area from the current zoning district to another zoning district that exists within Chapter 17.16. The creation of new zoning districts requires a comprehensive plan prior to their application to any property in the City.~~
- ~~3. METHOD OF ADOPTION. Pursuant to the requirements of Section 17.12.070 through 17.12.100, zone changes shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this title.~~
- ~~4. INITIATION OF ZONE CHANGE. The process for a zone change may be initiated in any one of the following ways:~~
- ~~a. By resolution of the City Council.~~
 - ~~b. By motion of the Planning Commission, followed by a public hearing before the Planning Commission and submission of a recommendation to the Council.~~
 - ~~c. By application of property owners or persons purchasing property under contract, in accordance with procedures outlined herein.~~
- ~~5. SUBMITTAL REQUIREMENTS. In order to be accepted as complete and processed in a timely manner by the City, applicant initiated requests for zone changes shall include the following materials and information:~~

a. Completed application forms as supplied by the City Planner.

b. Three copies of a map, drawn to a scale of 1 inch equals not more than 50 feet and shown as a graphic scale of the property for which the zone change is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new zoning district(s). In addition, a reduced copy of the plan sized as 11 inches by 17 inches.

6. APPROVAL CRITERIA. In order to approve a zone change, the following affirmative findings concerning the action must be able to be made by the decision authority:

a. The proposed zone change and intended use is compatible with the surrounding area, as measured by:

1) Land use patterns.

2) Traffic generation and circulation.

3) Population density and impacts of population concentrations.

4) Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.

5) Other similar factors deemed to be of importance to the decision by the Planning Commission or City Council.

b. Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.

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

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

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

7. ZONING MAP. Whenever any land is redesignated, the official zoning map shall be modified to accurately portray the change.

Part 17. Amend Section 17.12.190.3.b to delete superfluous language.

b. Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet, and shown as a graphic scale of the property for which the conditional use is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed development and improvements of the property pursuant to the conditional use request. In addition, a reduced copy of the plan sized as 11 inches by 17 inches.

Part 18. Amend Section 17.12.190.5.b to clarify that a variance is required for any proposal that fails to meet a Code requirement.

b. Any ~~reduction or change in request to not comply with~~ the requirements of the zoning regulations Chapters 16, 20, 24 or 26 of this Title must be considered as varying those regulations and processed as a variance pursuant to Section 17.12.200.

Part 19. Amend Section 17.12.200.7.a to clarify the paragraph.

a. The decision authority may prescribe restrictions or limitations for the proposed variance as it deems necessary to fulfill the purpose and intent of the code provisions which are requested to be varied, and the requirements of this code. ~~These restrictions may include but not be limited to: the area to which it is effective within the subject property, and the terms governing the exercise of the variance approval.~~ Such restrictions or limitations shall be based on evidence and analysis presented during the course of evaluation of the request and shall be made a part of the approval action.

- Part 20. Amend Section 17.12.220.4.b to remove superfluous language.
- b. Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet ~~shown as a graphic scale,~~ showing the property for which the site plan review is requested: In addition, a reduced copy of the plan sized as 11 inches by 17 inches. The site plan shall show, or be accompanied by, the following:
- Part 21. Amend Section 17.12.220.5.b to remove superfluous language.
- b. Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets ~~and roads~~ which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.
- Part 22. Amend Section 17.12.220.5.j to correct a grammatical error.
- j. Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.
- Part 23. Amend Section 17.12.220.5.k to clarify the intent.
- k. The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function and ~~without undue adverse impact on existing land uses~~ comply with the requirements in Sections 17.20.050 and 17.20.090.
- Part 24. Amend Section 17.12.220.6.a to remove superfluous language.
- a. The decision authority may prescribe restrictions or limitations for the proposed site plan review approval as it deems necessary to fulfill the purpose and intent of the code. ~~These restrictions may include but not be limited to: the area to which it is effective within the property of the applicant, and the terms or conditions governing the exercise of the site plan approval.~~ Such restrictions or limitations shall be based on evidence and analysis presented to or generated by the decision authority during the course of its evaluation of the request, and shall be made a part of the approval action. Conditions may limit the time or duration of the use.
- Part 25. Amend Section 17.12.230 to combine the procedures for addition or removal of properties to the Historic Structures Inventory.

17.12.230 HISTORIC PRESERVATION PROCEDURE

1. PURPOSE. This procedure shall apply to historic resources listed in the City of Stayton Historic Structures Inventory of sites designated within the Comprehensive Plan. The intent of this procedure is to provide a means of designating and protecting historic resources in a manner complying with state land use planning requirements.
2. INCLUSION OR REMOVAL OF HISTORIC SITES OR STRUCTURES. ~~Addition~~The addition or removal of sites or structures to those currently designated in the Comprehensive Plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.170.

Proceedings for the inclusion or removal of a property within the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City Council, or a property owner, including contract purchaser, of ~~a~~the site or structure as follows:

- a. The applicant or City may initiate proceedings for designation or withdrawal by submitting an application to the City Planner.
- b. The application shall contain the following minimum information:
 - 1) The owner's name and address.
 - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
 - 3) A statement explaining the following:
 - a) Reasons why the proposed landmark should be designated, based on the criteria set forth under Section 17.12.230.2.d.

- b) The potential positive and negative effects and financial impacts, if any, which designation of the proposed landmark would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed inclusion in or removal from the Comprehensive Plan's designation of historic inventory sites pursuant to the procedures and notification requirements of this title. The City shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.
- d. The decision authority may designate a building, structure, or site as an historic landmark upon findings that the proposed historic landmark meets one of the following criteria:
 - 1) It is included in the National Register of Historic Places; or
 - 2) It retains physical integrity in original design, condition, setting and is characterized by any one of the following:
 - a) It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history.
 - b) It is identified with persons or events significant in local, state, or national history.
 - c) It embodies distinctive characteristics of a style, type, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship.
 - d) It is representative of the notable work of a builder, designer, or architect.
 - e) It is an open waterway of historical interest and significance to the community.

~~e. The age of the proposed landmark alone shall not be sufficient grounds for designation.~~

~~3. REMOVAL OF HISTORIC SITES OR STRUCTURES FROM INVENTORY. Removal of sites or addition of structures to those currently designated in the Comprehensive Plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.170.~~

~~Proceedings for the removal of a property from the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City Council, or property owner, including a contract purchaser, of the site or structure as follows:~~

- ~~a. The applicant or City may initiate proceedings for removal of a site from the inventory by submitting an application to the City Planner.~~
- ~~b. The application shall contain the following minimum information:

 - 1) ~~The owner's name and address.~~
 - 2) ~~The address and/or the assessor map number and tax lot number of property proposed for designation.~~
 - 3) ~~A statement explaining the following:

 - a) ~~Reasons why the proposed landmark should not remain on the Inventory of Historic Places, based on the criteria set forth under Section 17.12.230.3.d.~~
 - b) ~~The potential positive and negative effects and financial impacts, if any, which removal of the resource from the inventory would have on the property owner, residents or other land owners in the neighborhood.~~~~~~
- ~~c. The decision authority shall hold a public hearing on any proposed removal of a resource from the inventory sites pursuant to the procedures and notification requirements of this title.~~

~~The City shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.~~

- de. The decision authority may remove a building, structure, or site from the historic landmarks inventory upon findings that the building, structure, or site meets any one of the following criteria:
- 1) The building or portion thereof is in such condition that it is unfeasible to preserve or restore it, taking into consideration building code requirements and the economic feasibility of preserving the structure.
 - 2) The structure has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster.
 - 3) The resource no longer meets any of the criteria for designation as an historic landmark set forth in Section 17.12.170.2.d.
- ef. The age of the proposed landmark alone shall not be sufficient grounds for designation on or not removing it from the inventory.
43. **ORDINARY MAINTENANCE AND REPAIR.** Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Planning Commission.
54. **DUTY TO KEEP IN GOOD REPAIR.** The owner of a designated historic resource shall keep such resource in good repair.
65. **PERMITS.** An historic modification permit is required for alteration, demolition, or relocation of a structure or site which is a designated historic resource. Actual physical modification of the structure or site may not take place without the issuance of a construction or demolition permit subsequent to approval of the historic modification permit.
- Alteration as governed by this section means any addition to, removal from, or change in the appearance of any part or portion of a designated historic resource.
76. **REVIEW PROCEDURE.** The decision shall be made pursuant to the procedures of this chapter.
87. **DECISION CRITERIA.** Decisions on applications for modification of an historic site or structure shall be based on applicable state and local codes and ordinances related to building, fire, and life and safety and the following standards:
- a. **Alteration.**
 - 1) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - 3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
 - 4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
 - 5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- 6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - 7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
 - 8) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be repaired.
 - 9) If an historical ditch, alterations shall not be permitted which would significantly impact the historical character of the site, including waterway and shore lands.
- b. Demolition. Decisions on applications for permits to demolish a designated historic structure shall be based on the following criteria:
- 1) The state of repair of the building and reasonableness of the cost of repair.
 - 2) Whether a program or project may exist that could result in preservation of the structure.
 - 3) Unnecessary and substantial hardship to the applicant that may result from denial or conditions of approval.
 - 4) Effects on the public welfare if the structure were demolished considering the significance of the structure and the economic, cultural, and energy consequences of demolition.
 - 5) Whether any other reasonable alternative exists.
- c. Relocation. Decisions on applications for permits to relocate a designated historic resource shall be based on the following:
- 1) Effects of the relocation on the historic and architectural integrity of the structure.
 - 2) Compatibility with the designated historic resource of the surrounding of the proposed location.
 - 3) Other factors considered appropriate by the decision authority.

98. LAND USE ACTION IMPACTS ON HISTORIC RESOURCES. Potential impacts to historic resources resulting from proposed land use actions shall be considered as part of the review on conditional uses, variances, and zone changes. Review and decision on such applications shall be based on:

- a. The state of repair of the building.
- b. The reasonableness of the cost of restoration and repair.
- c. The purpose of preserving such designated historical buildings or sites.
- d. The character of the neighborhood.
- e. Other factors considered appropriate by the decision authority.

109. EXEMPTION TO DEMOLITION PERMIT REQUIREMENTS. If the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other natural or man-caused disaster, a demolition permit may be approved by staff without processing the request as set forth in this chapter.

Part 26. Amend Section 17.16.040.1.a to clarify the paragraph.

- a. When, in the administration of this title, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission. ~~The Planning Commission who shall~~ issue an interpretation of the question only if the Planning Commission has determined that such interpretation is within their power and is not a legislative act.

Part 27. Amend Section 17.16.060.4 to clarify the purposes of the Commercial Retail Zone.

4. COMMERCIAL RETAIL. To provide for retail, service, ~~and office, and other~~ commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).

Part 28. Amend Section 17.16.060.5 to clarify the purposes of the Commercial General Zone.

5. COMMERCIAL GENERAL. To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).

Part 29. Amend Table 17.16.070.1 to add footnote 13 on line 3 indicating that more than one duplex on a parcel is subject to site plan review.

	LD	MD	HD	CR	CG	ID	IC	IL	IA	P
3. Duplex		P ¹³								

¹³ Site plan review is required if there is more than one duplex on a parcel.

Part 30. Amend Table 17.16.070.1 to add an industry designation line between lines 38 and 39 for the Real Estate and Rental and Leasing industries.

Real Estate and Rental and Leasing

Part 31. Amend Table 17.16.070.1 to insert Wood Products Manufacturing as a conditional use with site plan review in the Light Industrial Zone.

	LD	MD	HD	CR	CG	ID	IC	IL	IA	P
79a Wood Products Manufacturing								C/S		

Part 32. Amend Table 17.16.070.3 to correct the footnote for the side yard setback in the light industrial zone.

	LD	MD	HD	CR	CG	ID	IC	IL	IA	P
Side Yard Setback (feet)	5	5	5	0 ³	0 ³	0 ³	0 ⁴	0 ^{3,4}	0	0 ³

Part 33. Amend footnote 2 to Table 17.16.070.3 to clarify that the 25-foot front setback requirement for a garage does not apply to a back lot or flag lot.

² 25 feet to a garage entrance, except a garage on a back lot or flag lot.

Part 34. Delete Section 17.16.070.4.a to correct the grammar and to remove a redundancy.

- a. Within the Low Density and Medium Density Residential Districts, all new single-family dwelling, are subject to the following development standards:
 - 1) Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.
 - 2) ~~Garage. The dwelling must have a garage with exterior materials matching the home.~~
 - 23) Design Features. All new single family dwellings, including manufactured homes, shall contain the following design feature requirements:
 - a) Attached or detached garage with exterior materials matching the home.
 - b) Gutters and downspouts.
 - 34) In addition, new single family dwellings, including manufactured homes, shall contain at least 4 of the following design elements on the side(s) of the home which fronts on a street to provide architectural relief:

- a) Dormers or gables.
- b) Cupolas.
- c) Bay or bow windows.
- d) Exterior shutters.
- e) Recessed entries.
- f) Front porch of at least 100 square feet, which may extend into the required front yard.
- g) Covered porch entries.
- h) Pillars or posts in the front entry area.
- i) Roof with pitch greater than 3 feet in height per each 12 feet in length.
- j) Front-side exterior brickwork or masonry.

45) BUILDING ORIENTATION. If the lot fronts a public street, the architectural front of the single family home shall face the street.

Part 35. Amend Section 17.16.100.8 to correct the reference to the most recent flood maps.

- 8. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Marion County Oregon and incorporated areas Volume 1 and 2, Revised January 19, 2000, 2003, with accompanying flood insurance maps Flood Insurance Rate Maps, is hereby adopted by reference and declared to be part of this code. The Flood Insurance Study is on file at Stayton City Hall.

Part 36. Amend Section 17.16.100.11 c to correct a citation.

- c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 17.16.180.15.b.

Part 37. Amend Section 17.16.100.13 to clarify, to come into conformance with federal requirements and to correct citations.

- 13. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the building official shall include, but not be limited to:

- a. Permit Review.
 - 1) Review all development permits to determine that ~~The~~ the standards of this Section ~~17.12.180.15 and 16~~ have been satisfied.
 - 2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
 - 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.16.180.17 ~~100.18~~ are met.
- b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.16.180.8, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the standards of this Sections ~~17.16.180.16.a, 17.16.180.16.b, 17.16.180.17, and 17.16.180.18.~~
- c. Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 17.16.180.13.b. ~~100.16.b.3.~~
 - 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - 2) For all new or substantially improved flood-proofed structures:

- a) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed, and
- b) Maintain the flood proofing certifications required in Section 17.16.180100.11.
- 3) Maintain for public inspection all records pertaining to the provisions of this section.
- d. Alteration of Watercourses.
 - 1) Notify adjacent communities and the Department of Land Conservation and Development~~state coordinating agency~~ prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact locations of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the locations of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.0 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

Part 38. Amend Section 17.16.100.16 to come into conformance with federal requirements and to correct citations.

16. SPECIFIC STANDARDS. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.16.180.6100.8, or Section 17.16.180.14.b100.13.b, the following provisions are required:

- a. Residential Construction.
 - 1. New construction and substantial improvement of any residential structure shall have the lowest floor, elevated to 1 foot above the base flood elevation per Oregon State Law.
 - 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a) A minimum to 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b) The bottom of all openings shall be no higher than 1 foot above grade.
 - c) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to 1 foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - 1) Be flood proofed so that below 1 foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.16.180100.13.c.
 - 4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 17.16.180.14.a.2100.16.a.2.

- 5) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).
- c. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones AH and AE on the FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 1 foot above the base flood elevation and be securely anchored to and adequately designed foundation system to resist flotation, collapse and lateral movement.
- d. **Recreational Vehicles.** Recreational vehicles placed on sites within Zones AH and AE on the FIRM either:
 - 1) Be on the site for fewer than 180 consecutive days,
 - 2) Be fully licensed and ready for ~~highway-use~~ on a street, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
 - 3) Meet the requirements of elevation and anchoring for manufactured homes.

Part 39. Amend **Section 17.16.100.18** to correct citations.

18. **FLOODWAYS.** Located within areas of special flood hazard established in Section 17.16.~~180.8~~100.8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. The following development is allowed within the floodway:
 - 1) Protection of property and structures during a flooding emergency declared by the City of Stayton. Such protection shall be the minimum necessary to protect property and structures. A subsequent Development Permit shall be required for the protection work done during the flooding emergency, and shall demonstrate compliance with all applicable provisions of Section 17.16.~~180.100.~~
 - 2) Signs, markers, aids, etc., placed by a public agency to serve the public.
 - 3) Pervious driveways, streets, and parking lots for existing uses where no alteration of the topography will occur.
 - 4) Maintenance of existing structures, (such as flood control structures, fish and wildlife structures, public facilities, public utilities, and other permitted structures), provided no alteration of the topography occurs.
 - 5) Public facilities and public utilities, provided a Development Permit demonstrating compliance with all applicable provisions of Section 17.16.~~180.100~~ is obtained.
- b. Any development not listed in Section 17.16.~~180.18.a~~100.18.a above shall not be allowed except by variance, per Section 17.12.~~190.6.b.2~~200.6.b.2 and all applicable provisions of this Section-~~17.16.180.~~
- c. Any development allowed within the floodway, except for development listed in Sections 17.16.~~180.18.a.2~~100.18.a.2, 17.16.~~100.18.a.3~~, and 17.16.~~00.18.a.4~~ above, must provide through certification by a registered professional civil engineer demonstrating through hydraulic and hydrologic analysis performed in accordance with standard engineering practice that such development shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Part 40. Amend **Section 17.20.030.3.c** to clarify the types and amounts of projections allowed into the required rear yard setback.

- c. **Rear Yard Projections.**
 - 1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and other ornamental features may project not more than 1 ½ feet into a required rear yard, provided, however, that chimneys and flues do not exceed 6 feet in width.
 - 2) A fire escape, balcony, outside stairway, cornice, or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard, provided they are set back at least 6 feet from any property line.

- 3) Planter boxes, steps, uncovered decks and porches, covered but unenclosed decks and porches, and covered patios, when not more than 1 story high and the floors of which are not more than 4 feet above grade, ~~shall not come closer than 14 feet from~~ may extend up to 6 feet into the rear lot line setback.
- 4) ~~Except as allowed under 5 of this subsection, no permitted projection into a required rear yard shall extend within 10 feet of the centerline of an alley, of a rear lot line if no alley exists, or within 6 feet of an accessory building.~~
- 5) ~~Uncovered decks and patios attached to the main building, when 3 feet or less in height above ground level may be extended to the rear yard property line.~~

Part 41. Amend Section 17.20.050.2 to provide for fence regulations in the Public/Semi-Public Zone.

2. COMMERCIAL AND PUBLIC ZONES.

Part 42. Delete Section 17.20.100.11 to remove a redundancy.

~~11. Violations shall be enforced in accordance with Section 17.04.190.~~

Part 43. Amend Section 17.20.130.2.4.e to remove a redundancy.

- e. All manufactured homes shall be located at least 20 feet from the property boundary line abutting upon a public street or highway, 100 feet from the center line of a state highway and at least 10 feet from other boundary lines, except that when a sound deadening fireproof barrier, as an earthen berm or brick wall is provided, the Planning Commission may allow the 10-foot setback to be reduced to 5 feet, but not the 20-foot setback or the 100-foot setback.

Part 44. Amend Section 17.20.140.2.b to correct a citation.

- b. Current Signs. Owners of conforming or nonconforming signs existing as of the January 10, 1999 shall not be required to obtain a sign permit except as required under the abatement procedure described in subsection 5.e.6.c below.

Part 45. Amend Section 17.20.140.10 to correct typographical error.

10. CONDITIONAL USE PERMITS. Applications for conditional use permits for ~~or~~ message signs shall be processed according to procedures set forth in the Stayton Land Use and Development Code. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this section:

Part 46. Delete Section 17.20.140.12 to remove a redundancy.

~~12. VIOLATIONS. A violation of the provisions of this chapter is an infraction and is subject to the provisions of Section 17.04.190.~~

Part 47. Amend Section 17.20.200.1 to apply the commercial design standards to all types of non-residential development.

1. PURPOSE. The purpose of the commercial standards to ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility, and innovation in site planning and development including architecture, landscaping, parking design and enhancement of the special characteristics that make Stayton a unique place to live. The standards of this section apply to all types of non-residential development and to any building with a mix of non-residential and residential uses.

Part 48. Amend Section 17.20.200.4.b.2) to delete the requirement for first floor retail uses to have a minimum 12-foot ceiling.

- 2) Ground floor retail spaces shall have ~~ceilings of 12 to 16 feet in height with~~ display windows on the ground floor. At a minimum, the lower edge of the display windows shall be no higher than 4 feet above the sidewalk and the top edge shall be no less than 7 feet above the sidewalk.

Part 49. Delete Section 17.24.040.6.a to remove a redundancy.

- a. ~~The proposed subdivision or partition is generally compatible with the surrounding area.~~

Part 50. Amend Section 17.24.040.6.e to correct a typographical error.

- d. All streets shall be in a location and have a right of way and traveled way width in accordance with ~~in~~ the City's Transportation System Plan.

Part 51. Delete Section 17.24.040.6.g to remove a redundancy.

- g. All applicable standards of ~~Chapter 17.16 and~~ Chapter 17.20 are satisfied.

Part 52. Amend Section 17.24.040.6.i so that names are not required for all partitions.

- i. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a ~~major~~ partitioning.

Part 53. Amend Section 17.24.050.1 to delete reference to roads and highways.

1. ~~STREETS AND HIGHWAYS.~~

- a. ~~Streets, roads, or highways~~ shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. ~~Such streets, roads, or highways~~ Streets shall conform to the location, alignment, and width as indicated on the official map of streets ~~and highways~~ known as the Future Street Plan in the adopted Stayton Transportation System Plan.
- b. ~~Streets, roads, or highways~~ should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.
- c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.
- d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.
- e. Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.
- f. In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

Part 54. Amend Section 17.24.060.1.a to clarify that construction plans are not required for minor partitions.

- a. Submittal Deadline. No later than one year from the date of approval of the preliminary plan for a major partition or subdivision ~~plan~~ the applicant shall submit two sets of construction plans to the City Planner.

Part 55. Amend Section 17.24.050.3.g to remove a redundancy.

- g. The final plat, along with any conditions, covenants and restrictions, and development plan shall be recorded within 30 days of final plat approval. ~~Within 45 days of final plat approval, applicant shall submit to the City Planner a copy of the final plat with the recording number referenced on the final plat.~~

Part 56. Amend Section 17.24.090.5.d to correct a citation.

- d. If new lots or parcels are created as part of the Master Planned Development, all applicable criteria of Section 17.24.050 (excluding subsections 8 and 11), Section 17.24.060-080 ~~(excluding subsection 4)~~, Chapter 17.26, Title 12, Standard Specifications, and adopted Master Plans shall be met.

Part 57. Amend Section 17.24.090.5.f to correct a citation.

f. The design criteria of Section 17.24.080100 are met.

Part 58. Amend Section 17.26.020.2.a to clarify the number of driveways permitted for single-family residential lots.

a. Number of Allowed Accesses for Single-Family Residential Lots.

A single-family residential lot may request up to two driveways on a local street. A single-family residential lot may have only one driveway on any other classification of street. If two residential driveways are requested from a single-family lot, then it shall be subject to spacing standards of 17.26.020.3.b.

Part 59. Amend Section 17.26.020.3.a to remove redundancies.

a. Corner Lot Access.

Corner lot driveways on local streets shall be a minimum of 50 feet from the intersecting property lines or in the case where this is impractical, the driveway shall be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. Corner lots on arterial, ~~minor-arterial~~, or collector ~~streets~~ shall have driveways located on the minor cross street. If this is not feasible, then the corner lot driveway on an arterial, ~~minor-arterial~~, or collector ~~street~~ must follow the minimum access spacing standard in Table 17.26.020.3.h. or in the case where this is impractical, the driveway shall be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line.

Part 60. Amend Section 17.26.020.3.f to refer to streets instead of roadways.

f. Residential Subdivision Access Requirements.

Residential subdivisions fronting an arterial, ~~minor-arterial~~, or collector ~~street roadway~~ shall be required to provide access from secondary local streets for access to individual lots. When secondary local streets cannot be constructed due to topographic or physical constraints, access shall be provided by consolidating driveways per the requirements set for in 17.26.020.3.d. In this situation, the residential subdivision shall still meet driveway spacing requirements of the arterial, ~~minor-arterial~~, or collector ~~street roadway~~.

Part 61. Amend Section 17.26.020.3.h to clarify how the separation distance between driveways, between driveways and streets and between streets is measured.

h. Access Spacing Standards

The streets within Stayton are classified as arterials, ~~minor arterials~~, collectors, and local streets. The access spacing standards are shown in Table 17.26.020.3.h. for both full intersection spacing and driveway spacing. The access spacing standards shown in Table 17.26.020.3.h shall be measured as defined below.

a. Access spacing between two driveways on Neighborhood Collector, Local Residential, and Local Commercial/Industrial Streets (50 feet) shall be measured from the perpendicular near edge of the driveway to the perpendicular near edge of the driveway.

b. Access spacing between a driveway and a street intersecting a Neighborhood Collector, Local Residential, or Local Commercial/Industrial Street (50 feet) shall be measured from the perpendicular near edge of the driveway to the start of the tangent for the intersecting street.

c. All other access spacing between driveways, between streets, and between streets and driveways (>50 feet) shall be measured from center-to-center of the driveway or street.

Part 62. Amend footnote 2 in Table 17.26.020.3.h to correct a citation.

² This standard only applies to a corner residential lot driveway spacing from the adjacent street and may be modified per 17.26.020.3.a).

Part 63. Amend Section 17.26.060.2.d to delete reference to types of zones not located within the city limits.

d. Projects specifically identified in the Transportation System Plan ~~not located in exclusive farm use or forest zones~~ as not requiring further land use regulation.

Part 64. Amend Section 17.26.060.2.g to delete reference to types of zones not located within the city limits.

g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan ~~except for those that are located in exclusive farm use or forest zones.~~

Part 65. Amend Section 17.26.060.3 to clarify and correct citations.

3. CONDITIONAL USES.

Construction, reconstruction, or widening of ~~highways, roads~~ streets, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or master planned unit development shall ~~meet~~ follow procedures outlined in Sections ~~17.12.420.1-6~~ in addition to the following criteria in addition to the approval criteria of Section 17.12.190.4:

SECTION 2. An emergency is declared to exist to resolve confusion that may result as the result of the existing errors, omissions and lack of clarity in provisions of Title 17 SMC. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of August, 2007.

Signed: 08/24, 2007

CITY OF STAYTON

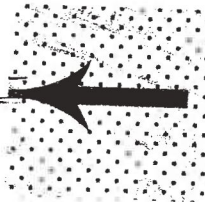
By: Virginia L. Honeywell
Virginia L. Honeywell, Mayor

Signed: Aug 24, 2007

ATTEST: Chris Childs
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten
David A. Rhoten, City Attorney



**SIGN
& DATE**