



Oregon

Theodore R. Kulongoski, 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

June 20, 2008



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 003-08

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: July 8, 2008

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
Steve Oulman, DLCD Regional Representative
Dan Fleishman, City of Stayton

<paa>

FORM 2

DLCD NOTICE OF ADOPTION

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)

DEPT OF

JUN 18 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Stayton Local File No.: 5-04/08
(If no number, use none)

Date of Adoption: June 16, 2008 Date Mailed: June 17, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: not mailed

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____

(Please Specify Type of Action)

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

An amendment to the Light Industrial (IL) zone to allow transit and ground passenger transportation facilities.

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.]

Because the change to the code was so minor, no notice of proposed amendment was sent after consulting with our DLCD region representative. _____

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1

Was an Exception Adopted? Yes: _____ No: x

DLCD File No.: 003-08 (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:

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

If no, did The Emergency Circumstances Require immediate adoption. Yes: 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 Avenue 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.

ORDINANCE NO. 904

**AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE, TITLE 17
TO PERMIT AN ADDITIONAL USE IN THE LIGHT INDUSTRIAL ZONE AND
DECLARING AN EMERGENCY**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the Stayton Comprehensive Plan and Title 17, Land Use and Development, of the Stayton Municipal Code (SMC) divide the City into Zones for the establishment of differing land uses;

WHEREAS, there are no suitable locations within the Commercial Retail, Commercial General, Downtown Residential Mixed Use, or Central Core Mixed Use zones for a new facility;

WHEREAS, the current provisions in Title 17, SMC, do not allow for transit and ground passenger transportation facilities in the Light Industrial Zone;

WHEREAS, establishment of a ground passenger transportation facility in the Light Industrial Zone would not interfere with other uses permitted in the zone and would minimize impacts of such a facility on residential uses in other zones;

WHEREAS, following a public hearing, the Stayton Planning Commission has unanimously recommended that the Stayton City Council enact the proposed amendments to permit transit and ground passenger transportation facilities in the Light Industrial Zone;

WHEREAS, following a public hearing, the Stayton City Council deems the proposed amendments to comply with the provisions of the Comprehensive Plan; and

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 the Mayor's signing.

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

SECTION 1. Table 17.16.070.1 Permitted Land Use is hereby amended to list Transit and Ground Passenger Transportation facilities (land use #98) as a use permitted after site plan review in the Light Industrial Zone.

SECTION 2. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.

SECTION 3. This Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 16 day of June, 2008.

CITY OF STAYTON

Signed: June 17, 2008

BY: Virginia L. Honeywell
Virginia L. Honeywell, Mayor

Signed: 6/17, 2008

ATTEST: Don Eubank
Don Eubank, Interim City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

BEFORE THE STAYTON CITY COUNCIL

In the matter of a Legislative) Amendments to the
Amendment to Stayton Municipal) Permitted Uses in the
Code, Title 17 (Land Use and Development)) Light Industrial Zone
Land Use File # 5-04/08)

FINDINGS AND CONCLUSIONS

I. NATURE OF APPLICATION

The matter comes before the Stayton Planning Commission to amend Title 17 of the Stayton Municipal Code, in order to revise the uses permitted in the Light Industrial Zone according to Table 17.16.070.1. The proposed amendment would allow North American Industrial Classification 485, Transit and Ground Passenger Transportation as use permitted after site plan review.

II. PUBLIC INVOLVEMENT

Public comments were solicited at a public hearing held by the Planning Commission on May 27, 2008. At the public hearing the only testimony received was from the North Santiam School District 29J and a representative of the student transportation provided under contract to the School District. The testimony provided by both parties was in favor of the amendment.

Additional public comment was solicited a public hearing held by the City Council on June 16, 2008. At that public hearing the only testimony received was again from the North Santiam School District 29J and a representative of the student transportation provided under contract to the School District. The testimony provided by both parties was again in favor of the amendment.

III. FINDINGS OF FACT

The Stayton City Council, after careful consideration of the testimony and evidence in the record, adopts the following facts:

As an amendment to Title 17 of the Stayton Municipal Code, the amendments must address the following Statewide Planning Goals.

1. *GOAL 1: CITIZEN INVOLVEMENT: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. Citizen involvement was solicited by means of advertisements for the public hearing.*
2. *GOAL 2, LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. There was an established process used by the City in the development of the draft code amendments.*
3. *GOAL 11, PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The amendments allow for an important aspect of a vital public service, education, to continue to be provided within the community.*

IV. CONCLUSIONS

1. The amendments adhere to the State Wide Planning Goal 1, Citizen Involvement; Goal 2, and Goal 11, Public Services.

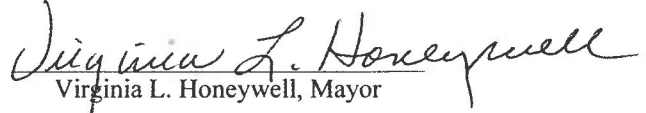
2. The amendments implement the goals and policies of the Stayton Comprehensive Plan, in that Transit and Ground Passenger Transportation facilities are an appropriate use in the Light Industrial Zone and will not be a conflict with the other permitted uses in the zone.

ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of June, 2008.

CITY OF STAYTON

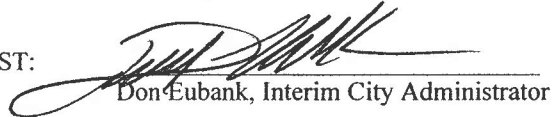
Signed: 6-17-, 2008

BY:


Virginia L. Honeywell, Mayor

Signed: 6/17, 2008

ATTEST:


Don Eubank, Interim City Administrator

ity of Stayton
52 N Third St
ayton, OR 97383



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ATTN. PLAN AMENDMENT
SPECIALIST
DEPT. OF LAND CONSERV. & DEV.
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540