



Oregon

Thasodare R. Kubongski, 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

12/22/2008

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 004-08

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: Tuesday, January 06, 2009

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Planning Director, City of Stayton
Gloria Gardiner, DLCD Urban Planning Specialist

<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

DEC 17 2008

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Stayton Local File No.: 11-09/08
(If no number, use none)

Date of Adoption: 12/15/08 Date Mailed: 12/15/08
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: _____

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.

Add definitions of automotive repair and heavy automotive repair and add them to the land use table so that auto repair is allowed in the CR and CG zones and heavy auto repair is allowed in the CG zone. _____

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.

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: _____

DLCD File No.: 004.08(NDA) [15317]

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: ___ No: x

Affected State or Federal Agencies, Local Governments or Special Districts: _____

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.

ORDINANCE NO. 907

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE, TITLE 17 (LAND USE AND DEVELOPMENT) TO DEFINE AUTOMOTIVE REPAIR FACILITIES AND CHANGE THE PERMITTED USES IN THE COMMERCIAL RETAIL ZONE

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

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, the SMC allows automotive repair garages only in the Commercial General zone, following site plan review;

WHEREAS, there are presently three automotive repair businesses in the City: one in the Commercial General zone and the other two in the Downtown Mixed Use Residential zone;

WHEREAS, following a public hearing, the Stayton Planning Commission has unanimously recommended that the Stayton City Council enact the proposed amendments to permit general auto repair business facilities in the Commercial Retail and Commercial General Zones and permit heavy auto repair business facilities in the Commercial General Zone; and,

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

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. Add two new definitions to **Section 17.04.100.**

GENERAL AUTOMOTIVE REPAIR: Establishments primarily engaged in providing (1) a wide range of mechanical and electrical repair and maintenance services or (2) engine repair and replacement for automotive vehicles, such as passenger cars, and light duty trucks and vans, and all trailers.

HEAVY AUTOMOTIVE REPAIR: Establishments primarily engaged in providing (1) a wide range of mechanical and electrical repair and maintenance services or (2) engine repair and replacement for large automotive vehicles, such as commercial trucks, farm equipment and motor vehicles other than passenger cars and light duty trucks and vans.

Part 2. Amend Table 17.16.070.1 to permit general automotive repair in the Commercial Retail Zone and permit both general automotive repair and heavy automotive repair in the Commercial General Zone.

LD MD HD DMD CR CG CCMU DRMU ID IC IL IA P

Other Services

63 General Automotive Repair S S
63a Heavy Automobile Automotive Repair-Garage S

SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance shall become effective 30 days after the date of signing.

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

ADOPTED BY THE STAYTON CITY COUNCIL this 15th day of December, 2008.

Signed: Dec 15, 2008

CITY OF STAYTON

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

Signed: 12/15, 2008

ATTEST: Don Eubank
Don Eubank, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



CITY OF STAYTON
362 N. Third Ave.
Stayton, OR 97383

SALEM OR 973
16 DEC 2008 PM 2 L



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

9730132540

