



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/05/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment  
DLCD File Number 002-13

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: Friday, February 15, 2013

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

Cc: Dan Fleishman, City of Stayton  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative

<paa> N



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

D  
A  
T  
E  
  
S  
T  
A  
M  
P

**DEPT OF**

**JAN 29 2013**

**LAND CONSERVATION  
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Stayton**

Local file number: **10-11/12**

Date of Adoption: **1/22/2013**

Date Mailed: **1/25/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Changes the standards for fences in the front yard of corner lots in Residential Zones. Changes the standards for hedges in the front yard of lots in Residential Zones.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 002-13 (19680) [17346]

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

None

---

Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: 362 N Third Ave

Fax Number: 503-767-2431

City: Stayton

Zip: 97383-

E-mail Address: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

---

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## ORDINANCE NO. 951

### AN ORDINANCE AMENDING THE FENCE AND HEDGE REGULATIONS IN STAYTON MUNICIPAL CODE TITLE 17

WHEREAS, Stayton Municipal Code (SMC) Title 17 Section 17.04.100 defines the term Front Lot Line in such a manner that a corner lot has two front lot lines;

WHEREAS, SMC, Title 17, Section 17.20.050.1 contains the regulations for fences in the front yards of parcels in residential zones and prohibits fences taller than four feet in height within 10 feet of a front lot line;

WHEREAS, SMC Section 17.20.050.1 creates difficulty for homeowners on corner lots in creating privacy in their rear yards;

WHEREAS, the City of Stayton has experienced difficulties with homeowners planting hedges too close to the front property line, subsequently growing in such a manner to infringe on the public right of way;

WHEREAS, the Stayton Planning Commission held a public hearing on November 26, 2012 and recommended amendments to the SMC;

WHEREAS, the Stayton City Council held a public hearing on January 22, 2013;

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

**Section 1. Section 17.20.050.1 amended.** Stayton Municipal Code, Title 17, Section 17.20.050.1 is hereby amended as follows:

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

#### 17.20.050 FENCES

##### 1. RESIDENTIAL ZONES.

###### a. Front Yards.

- 1) Fences, walls and hedges must be placed on private property and not extend into or over the street right of way.
- 2) Fences, walls, and hedges that are within 10 feet of a front lot line shall be no more than 48 inches tall and that portion above 24 inches shall be 50% open. A hedge shall not be planted within three feet of the front lot line.
- 3) On a corner lot, a wall or fence of up to 6 feet in height may be placed within 10 feet of the property line on the front lot line that does not have a driveway entering a street, provided the wall or fence is not located within the sight distance triangle adjacent to a street intersection or driveway entrance to a street. On a corner lot, a hedge of up to 6 feet in height may be placed within 10 feet, but no less than 3 feet, of the property line on the front lot line that does not have a driveway entering a street, provided the hedge is not located within the sight distance triangle adjacent to a street intersection or driveway entrance to a street.
- 4) Fences, walls or hedges in a front yard more than 10 feet from the property line may be up to 6 feet in height.
- 5) Notwithstanding the above, a masonry wall up to 7 feet in height may be placed on or within 10 feet of the property line abutting a street when the wall is approved as a part of a site plan approval or a subdivision approval.

b. Side and Rear Yards.

1) Fences and walls located within a side or rear yard area may be up to 7 feet in height. Hedges on side and rear yards shall have no height restriction.

2) For lots with double frontage, the yard opposite the front of the house shall be considered a rear yard for the purposes of Section 17.20.050.

**Section 2. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

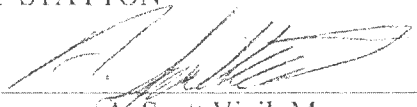
**Section 3. Notification to State.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 22nd day of January, 2013.

CITY OF STAYTON

Signed: 1-22, 2013

BY:


  
A. Scott Vigil, Mayor

Signed: 1-23, 2013

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney



**US POSTAGE**  
**\$ 01.10**  
Mailed From 97383  
01/25/2013  
031A 0004186021

**DEPT OF**

JAN 29 2013

LAND CONSERVATION  
AND DEVELOPMENT



**CITY OF STAYTON**  
**362 N. THIRD AVENUE**  
**STAYTON, OREGON 97383**

**To**

Attn: Plan Amendment Specialist  
Dept. of Land Conservation &  
Development  
635 Capitol Street NE Suite 150  
Salem OR 97301-2540