



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: July 27, 2015  
Jurisdiction: City of Stayton  
Local file no.: 6-06/15  
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/24/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
 File No.: 001-15 {23920}  
 Received: 7/24/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Stayton

Local file no.: **6-06/15**

Date of adoption: July 6, 2015

Date sent: 7/24/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Dan Fleishman, Planning and Development Director

Phone: 503-769-2998

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

Street address: 362 N Third Ave

City: Stayton

Zip: 97383-

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

**For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Title 17, Section 17.12.060.4

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: none

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Amendment removes the requirement to publish notice of land use hearings in newspaper.

## ORDINANCE NO. 982

### AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17, REGARDING PUBLISHING NOTICES OF LAND USE PUBLIC HEARINGS IN A NEWSPAPER

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

WHEREAS, ORS 197.763 further contains requirements for notification for land use public hearings, but does not require publication of a notice in a newspaper;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, SMC Section 17.12.060 specifies the requirements for notice of public hearings required by the Land Use and Development Code;

WHEREAS, SMC 17.12.060.2 requires notice of a hearing be mailed to all owners of property within 300 feet of the subject property, compared to the 100-foot requirement of state law;

WHEREAS, SMC Section 17.12.060.3 requires notice of a hearing be posted on the subject property;

WHEREAS, SMC Section 17.12.060.4 requires notice of a hearing be published in a newspaper of general circulation within the City (“the community”);

WHEREAS, the cost of a newspaper notice averages \$275 and that cost is passed on to the applicant;

WHEREAS, circulation of the local newspaper has declined in the community;

WHEREAS, in addition to the notifications required by the SMC 17.12.060, it is the practice of the City to post notices of public hearings on the windows of City Hall, at the Stayton Public Library, and at the Stayton Community Center as well as on the City’s website, and by email to those have signed up to receive such emails;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code in regards to the necessity of publishing notices of public hearings in a newspaper and has recommended this SMC amendment; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the SMC amendments proposed by the Stayton Planning Commission are appropriate and that adequate public notice of hearings will continue to be provided.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. SMC Title 17, Chapter 12 amended.** Stayton Municipal Code, Title 17, Chapter 12, Section 17.12.060.4 is hereby amended as follows:

4. In addition, ~~notice of each public hearing shall be published in a newspaper of general circulation not later than 10 days prior to the public hearing, except in the case of~~ for

an application for annexations; ~~where~~ notice of each public hearing shall be published in a newspaper of general circulation in the community once each week for two successive weeks prior to the day of the public hearing.

**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.** 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 6th day of July, 2015.

CITY OF STAYTON

Signed: July 6, 2015

BY: Henry A. Porter  
Henry A. Porter, Mayor

Signed: July 6, 2015

ATTEST: Keith D. Campbell  
Keith D. Campbell,  
City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Henry A Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: July 6, 2015**  
**SUBJECT: Public Hearing on Proposed Code Amendments regarding Newspaper Notices for Land Use Public Hearings**

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**ISSUE**

The issue before the City Council is a public hearing on proposed legislative text amendments to the Stayton Land Use and Development Code, Title 17, Chapter 17.20 regarding the requirement to publish a notice in a newspaper for public hearings on applications for approval under the Land Use and Development Code.

**BACKGROUND INFORMATION**

Stayton Municipal Code Section 17.12.060.4 requires that notices of land use public hearings be published in a newspaper of general circulation in the City at least 10 days prior to the public hearing. This is in addition to the notice that is sent to the owners of all property within 300 feet of the subject property, posting a sign on the property, posting notice at the City Hall, Community Center and Library, and posting on the City's web site. While mailing a notice to owners of neighboring property is a requirement of state law, there is no statutory requirement to publish a notice in a newspaper. The average cost of a newspaper notice is about \$300, which is passed on to the applicant.

The proposed amendment removes the requirement for a newspaper notice, but continues to require all other methods of notification.

It should be noted that the revised fee schedule presented to the City Council for approval on the same evening assumes that the requirement for a notice in the newspaper will be removed. Staff is proposing that the fees for most land use applications be reduced by \$300.

**RECOMMENDATION**

The Planning Commission has recommended that the City Council enact the amendment as presented. Their Order is attached. Staff recommends the City Council enact Ordinance 982 as presented.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

### **1. Approve the first consideration of Ordinance 982**

Move to approve Ordinance No 982 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 982 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 982 will be brought before the Council for a second consideration at the July 20, 2015 meeting.

### **2. Approve the Ordinance with modifications**

Move to approve Ordinance No. 982 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 982 will be brought before the Council for a second consideration at its July 20, 2015 meeting.

### **3. Retain the Code unchanged**

No motion is necessary.