



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

02/14/2012

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 002-11

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, February 28, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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
Angela Lazarean, DLCD Urban Planner
Steve Oulman, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

FEB 08 2012

LAND CONSERVATION
AND DEVELOPMENT

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: **8-11/11**

Date of Adoption: **2/6/2012**

Date Mailed: **2/7/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/1/2011

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".

The amendment requires any unit in a mobile home park to receive a building permit, be installed in accordance with the Oregon Manufactured Dwelling Installation Specialty Code, and bear an Oregon insignia of compliance or a Housing and Urban Development Certification Label.

Does the Adoption differ from proposal? Yes, Please explain below:

A definition of the word "unit" was added, at the advice of the counsel.

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...

45-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. 002-11 (19042) [16935]

DLCD file No. _____

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

None

Local Contact: **Dan Fleishman, Planning Director**

Phone: (503) 769-2998 Extension:

Address: 362 N 3rd Ave

Fax Number: 503-767-2134

City: Stayton

Zip: 97383-

E-mail Address: 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.

ORDINANCE NO. 944

AN ORDINANCE AMENDING THE REQUIREMENTS FOR PLACING UNITS
IN A MOBILE HOME PARK IN STAYTON MUNICIPAL CODE, TITLE 17

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, Title 17 of Stayton Municipal Code (SMC; Code), Section 17.20.130 establishes the standards for mobile home parks;

WHEREAS, Title 17 of Stayton Municipal Code (SMC; Code), Section 17.20.130.4.d prohibits any structures in a mobile home park except for manufactured homes, normal accessory structures, utilities and services, community recreation facilities and the residence of a manager or caretaker;

WHEREAS, ORS 197.493(1) provides that a local government may not prohibit the placement or occupancy of a recreational vehicle or imposing any limit on the length of occupancy of recreational vehicle in a mobile home park if the vehicle is occupied as a residential dwelling and is lawfully connected to utility systems;

WHEREAS, ORS 197.4933(2) allows local governments to impose other special conditions on the placement or occupancy of a recreational vehicle;

WHEREAS, recreational vehicles are not necessarily manufactured to the same safety and construction standards as manufactured homes

WHEREAS, the determination that a recreational vehicle is lawfully connected to utilities requires an inspection of those connections;

WHEREAS, the Stayton Planning Commission, following a public hearing, has unanimously recommended that the Code be amended to require a building permit before any unit is placed within a mobile home park, that all units be installed in accordance the appropriate state codes, and that all units be manufactured under state or federal safety and construction standards for manufactured dwelling units; and

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments set forth below comply with Oregon law, the City of Stayton Comprehensive Plan and are in the interests of the health, safety and general welfare of the citizens of the City of Stayton.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Section 17.04.100 amended. Stayton Municipal Code, Title 17, Section 17.04.100 is hereby amended by adding the following definition:

UNIT: As used in Section 17.20.130.5, any structure intended to be used as dwelling unit within a mobile home park.

Section 2. Section 17.12.130 amended. Stayton Municipal Code, Title 17, Section 17.20.130.5 is hereby amended as follows: (additions are underlined, deletions are ~~crossed-out~~)

Formatted: Space Before: 6 pt, No page break before, Keep with next

5. OPERATIONAL STANDARDS.

d. Alterations and Additions. The owner and management shall be held responsible for all alterations and additions to a mobile home park, and shall make certain that all permits and inspections are obtained from the proper authorities.

- 1) Prior to the placement of any unit in a mobile home park a building permit shall be obtained from Marion County through the City of Stayton Public Works Department.
- 2) All units shall be installed in accordance with the Oregon Manufactured Dwelling Installation Specialty Code.
- 3) All units shall bear an Oregon insignia of compliance or a Housing and Urban Development Certification Label.

Formatted: Bullets and Numbering

Section 3. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 4. Notification to State. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

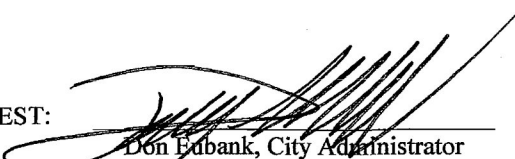
ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of February, 2012.

CITY OF STAYTON

Signed: 2-6-, 2012

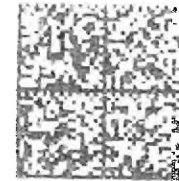
BY: 
A. Scott Vigil, Mayor

Signed: 2-6, 2012

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



US POSTAGE
\$ 01.10
Mailed From 97383
02/07/2012
031A 0004 186021



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

To

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

DEPT OF

FEB 08 2012

LAND CONSERVATION
AND DEVELOPMENT