



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/14/2014

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 001-14

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, April 29, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

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

FOR DLCD USE

File No.: 001-14 (20308)
[17831]
Received: 4/8/2014

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.: **5-03/14**

Date of adoption: April 7, 2014 Date sent: 4/8/2014

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 & Development Director

Phone: 503-769-2998 E-mail: 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:

Amendments to Tilte 17, Chapter 20, Section 17.20.160, standards and procedures for approval of wireless communication facilities.

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:

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

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.

The amendments:

- Add a zone where collocation of antennas is permitted.
- Allow the collocation of an antenna on an existing structure to result in an increase of the total height of the structure and antenna by up to 20 feet.
- Clarify that if collocation of an antenna extends the total height of the structure by more than 20 feet or more than 4 feet horizontally, such collocation is considered a new WCF.
- Remove the provision that new towers in P zone are permitted only on City-owned property.

☒ Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 968

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17, REGARDING THE STANDARDS AND PROCEDURES FOR WIRELESS COMMUNICATION FACILITIES

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

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.160 specifies the procedures for approval of and regulates the location and standards for the development of wireless communication facilities;

WHEREAS, a review of Section 17.20.160 has revealed that amendments are appropriate;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code in regards to the procedures and standards for wireless communication facilities, and following a public hearing, has recommended that the Stayton City Council enact the proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amends proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapter 20 amended. Stayton Municipal Code, Title 17, Chapter 20, Section 17.20.160 is hereby amended as follows:

Part 1: Amend **Section 17.20.160.3.** to allow collocation of antennas in the Downtown Commercial Mixed Use Zone and to clarify when site plan review is required.

5. COLLOCATION OF WCF ANTENNAS ON EXISTING BUILDINGS, UTILITY OR LIGHT POLES, AND WATER TOWERS.

- a. Permitted Use. Such collocation shall be considered an outright permitted use provided that the antennas and ancillary facilities comply with the standards of this section, and the antennas extend no more than 10 feet above and no more than 2 feet horizontally away from the existing structure, and the collocation site is zoned CR, CG, CCMU, DCMU, DRMU, ID, IC, IL, IA or P.
- b. Site Plan Review. Such collocation shall be a permitted use subject to a site plan review approval provided that the antennas and ancillary facilities comply with the standards of this section, the antennas extend no more than 20 feet above and no more than 4 feet horizontally away from the existing structure, and the collocation site is zoned HD, CR, CG, CCMU, DCMU, DRMU, ID, IC, IL, IA or P. As part of collocation on a utility or light pole, the existing pole may be replaced if needed for structural soundness provided the total height of the pole and antenna is not increased

by more than 20 feet above the existing height of the pole and the diameter of the pole is not increased by more than 20%.

Part 2: Amend **Section 17.20.160.5.** to clarify when site plan review is required for the expansion of an existing structure and to remove the requirement that new towers in Public/Semi-Public zone be only on property owned by the City.

5. NEW WCF WITH SUPPORT TOWER.

- a. Site Plan Review. Construction of new WCF with support tower shall be a permitted use and require site plan review approval in the IL, IC, IA, and P zoning districts. Location of antennas on an existing structure on which the antennas extend 20 feet or further above or more than 4 feet horizontally away from the existing structure shall be considered a new WCF. ~~The placement of a WCF tower in the Public/Semi-Public zone district is specifically restricted to the City of Stayton municipal property.~~

Part 3: Amend **Section 17.20.160.6.a.3)** to remove superfluous wording.

- 3) Plans showing the connection to utilities/ right-of-way cuts, and ownership of utilities and easements ~~are required.~~

Part 4: Amend **Section 17.20.160.7.d.1)** to repeal the setback requirement from a public gathering place.

- 1) WCF towers in the IL, IC, IA, and P zoning districts shall setback from all dwellings ~~and all public gathering places~~ by a distance equal to one foot greater than the total height of the tower and antennae, and by a distance of 300 feet from any residential zone boundary.

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 7th day of April, 2014.

CITY OF STAYTON

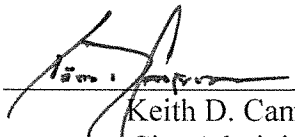
Signed: 4-7, 2014

BY:


A. Scott Vigil, Mayor

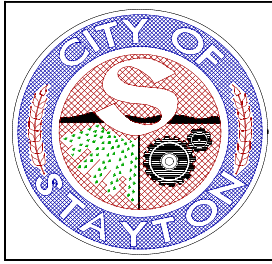
Signed: 4-7-14, 2014

ATTEST:


Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



City of Stayton

Planning and Development Department

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Office location: 311 N. Third Avenue

Phone: (503) 769-2998 · FAX: (503) 767-2134

Email: dfleishman@ci.stayton.or.us

www.staytonoregon.gov

MEMORANDUM

TO: Mayor Scott Vigil and City Council Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: April 7, 2014
SUBJECT: Public Hearing on Proposed Code Amendments regarding Wireless Communication Facilities

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 wireless communication facilities. Following the public hearing, the City Council is requested to consider enactment of Ordinance 968.

BACKGROUND

The city adopted what is now Section 17.20.160 in 2001. The section establishes the procedures and standards for the approval of wireless communication facilities, as well as the zones in which they are permitted.

The Planning Commission has reviewed current standards and procedures and developed the proposed amendments. The proposed amendments would:

- Add the DCMU zone to the zones where collocation of antennas is permitted.
- Allow the collocation of an antenna on an existing structure to result in an increase of the total height of the structure and antenna by up to 20 feet, compared to the existing structure.
- Clarify that if collocation of an antenna on an existing structure extends the total height of the structure by more than 20 feet or extends more than 4 feet horizontally from the structure, such collocation shall be considered a new WCF.
- Remove the provision that new WCF towers in the P zone are permitted only on City-owned property.
- Delete the provision that requires a setback from public gathering places.

The proposed amendments are attached.

RECOMMENDATION

The Planning Commission forwarded the amendments to the City Council with a recommendation of approval. Staff recommends enactment of the Ordinance.

OPTIONS AND SUGGESTED MOTIONS

1. Approve the first consideration of Ordinance 968

Move to approve Ordinance No 968 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. 968 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 968 will be brought before the Council for a second consideration at the April 21, 2014 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 968 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. 968 will be brought before the Council for a second consideration at its December 2, 2013 meeting.

3. Retain the Code unchanged

No motion is necessary.