



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: February 19, 2016

Jurisdiction: City of Stayton

Local file no.: 1-01/16

DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/18/2016. 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



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

FOR DLCD USE

File No.: 001-16 {24290}

Received: 2/18/2016

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.: **1-01/16**

Date of adoption: Feb 16, 2016

Date sent: 2/18/2016

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

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:

Section 17.16.070.1

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.

Amends Table 17.16.070.1, to allow mixed-use developments in the Commercial Retail and Commercial Zones to have fewer than 4 dwelling units. Continues to prohibit residential use on the ground floor in these zones.

ORDINANCE NO. 993

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE
17, REGARDING MIXED USE DEVELOPMENTS IN THE COMMERCIAL
RETAIL AND COMMERCIAL GENERAL ZONES**

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 17.16.070 controls the uses in individual zones within the City and currently requires mixed use developments in the Commercial Retail and Commercial General zones to have four dwelling units or more;

WHEREAS, THE City Council has determined that it is appropriate to allow mixed use developments in commercial zones to have less than four dwelling units;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code and following a public hearing, has recommended that the Stayton City Council enact proposed amendments; and

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

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapter 16 amended. Stayton Municipal Code, Title 17, Chapter 16 is hereby amended by changing Table 17.16.070.1 to list Single-Family Detached Dwellings, Single-Family Attached Dwellings, Duplex, and Triplex as permitted uses following site plan review in the Commercial Retail and Commercial General zones, with footnote 2 applying to these uses.

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 16th day of February, 2016.

CITY OF STAYTON

Signed: 2/17/, 2016

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

Signed: Feb 17, 2016

ATTEST:



Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:



David A. Rhoten, City Attorney

BEFORE THE STAYTON PLANNING COMMISSION

In the matter of

) Development Code Amendments regarding
) Mixed Use Buildings in the CR & CG Zones
) Land Use File 1-01/16

RECOMMENDATION OF APPROVAL

I. NATURE OF PROCEEDINGS

The proceedings are for legislative amendments regarding mixed use buildings in the Stayton Municipal Code, Title 17, known as the Stayton Land Use and Development Code.

II. PUBLIC HEARING

A public hearing was held on the proposal before the Stayton Planning Commission on January 25, 2016. At that hearing the Planning Commission reviewed Land Use File #1-01/16 to amend the Land Use and Development Code and made it part of the record. The Planning Commission has considered the testimony at the public hearing.

III. FINDINGS OF FACT

1. Section 17.04.100 of the Land Use and Development Code defines "multi-family dwelling" as a building with four or more dwelling units.
2. Table 17.16.070.1 of the Land Use and Development Code permits multi-family dwellings in the Commercial Retail (CR) and Commercial General (CG) Zones with a footnote that requires the dwellings to be part of a mixed use development and prohibits residences on the ground floor.
3. Single family dwellings, duplexes and triplexes are not permitted in the CR & CG zones, thereby requiring a mixed use building to have at least four dwellings.
4. The proposed amendments would permit single family dwellings, duplexes and triplexes in the CR & CG zones under the same restrictions as multifamily dwellings.

IV. PUBLIC COMMENTS

The Planning Department received no comments prior to the public hearing.

V. ORDER

Based on the findings of fact, the Planning Commission voted on January 25, 2016 to recommend to the City Council enactment of proposed amendments to the Stayton Land Use and Development Code, as presented in a document entitled, "Proposed Amendments regarding Mixed Use Buildings, For Planning Commission Public Hearing, January 25, 2016."


Janai Hill, Vice-Chairperson

1-25-16
Date


Dan Fleishman, City Planner

1/26/16
Date



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

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: February 16, 2016
**SUBJECT: Public Hearing on Ordinance 993 Regarding Mixed Use
Developments in the Commercial Retail and Commercial
General Zones**

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 17.16 regarding mixed use developments in the Commercial Retail and Commercial General Zones

BACKGROUND INFORMATION

The Code currently allows multi-family dwellings in the CR and CG zones provided they are part of mixed use development and not on the ground floor. Single family dwellings, duplexes and triplexes are not permitted in these zones. Whereas "multi-family dwelling" is defined as a building with four or more dwelling units, the code would not allow a mixed use development with three or fewer dwellings on the upper floors of the buildings in these two zones.

ANALYSIS

The proposed amendment would permit single family dwellings, duplexes and triplexes in the CR and CG zones, under the same provisions as currently apply to multi-family dwellings, thereby allowing a mixed use building to have three or fewer dwelling units on the upper floors.

RECOMMENDATION

The Planning Commission has recommended that the City Council enact the amendments. Their Order is attached. Staff recommends the City Council enact Ordinance 993 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Approve the first consideration of Ordinance 993

Move to approve Ordinance No 993 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. 993 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 993 will be brought before the Council for a second consideration at the March 7, 2016 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 993 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. 993 will be brought before the Council for a second consideration at its March 7, 2016 meeting.

3. Return the Ordinance to Staff for further refinement

Move to direct staff to modify Ordinance No. 993 with the following changes ... and present the Ordinance to the City Council for further discussion and consideration at the March 7 meeting.

4. Retain the Code unchanged

No motion is necessary.