



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

07/26/2011

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 001-11

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, August 09, 2011

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
Angela Lazarean, DLCD Urban Planning Specialist

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

JUL 21 2011

**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: **2-04/11**

Date of Adoption: **7/5/2011**

Date Mailed: **7/19/2011**

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".

Amends the allowable height of flagpoles

Does the Adoption differ from proposal? Please select one

yes - The proposal maintained the existing 20-foot height restriction in residential zones. The Council amended the proposal to increase the height to 35 feet in residential zones.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

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. 001-11 (18905) [16718]

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. 937

AN ORDINANCE AMENDING THE REGULATION OF FLAGPOLES 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 17.20.140 establishes the regulations for signs within the City of Stayton;

WHEREAS, SMC Section 17.20.140.3.f.2) currently limits the height of flagpoles to 20 feet or 110% of the building height;

WHEREAS, there are a number of existing flagpoles that exceed the maximum height established in Section 17.20.140.3.f.2);

WHEREAS, the Stayton Planning Commission, following a public hearing has unanimously recommended that the Code be amended to allow flagpoles located in non-residential zones to be 35 feet in height; and,

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments set forth below comply with 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 17.20.140.3.f. amended. Stayton Municipal Code, Title 17, Section 17.20.140.3.f. is hereby amended as follows:

- f. Official national, state, and local government flags on permanent flag poles designed to allow the raising and lowering of flags:
- 1) One flag or banner per property is exempt from the provisions of these regulations.
 - 2) In a residential zone, A flag structure shall not exceed 35 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater.
 - 3) In a Commercial, Industrial or Downtown zone, a flag structure shall not exceed 35 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater.
 - 4) All structures over 10 feet in height supporting flags require a Building Permit and an inspection(s) of the footing and structure, as per the building code, prior to installation of the structure.

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.

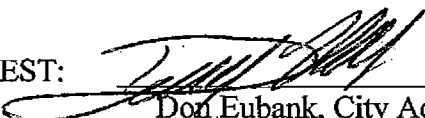
ADOPTED BY THE STAYTON CITY COUNCIL this 5th day of July, 2011.

CITY OF STAYTON


Signed: 7/8, 2011

BY: 
A. Scott Vigil, Mayor

Signed: 7/8, 2011

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



CITY OF STAYTON

362 N. Third Ave.
Stayton, OR 97383



US \$
Mailed From 97383
07/19/2011
031A 000418230

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

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