



# 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

January 10, 2007

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment  
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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: January 24, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Steve Oulman, DLCD Transportation Planner  
Dan Fleishman, City of Stayton

<paa> yl

**FORM 2**

**DLCD NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

**DEPT OF**

**JAN 03 2007**

Jurisdiction: City of Stayton Local File No.: 06-04/06  
(If no number, use none)

Date of Adoption: January 2, 2007 Date Mailed: January 3, 2007  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: June 28, 2006

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation  Other: \_\_\_\_\_

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write See Attached.

Amendments to Stayton's Land Use and Development Code to update ordinances and incorporate new standards.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write Same. If you did not give notice for the proposed amendment, write N/A.

See the attached document for list of changes from proposed amendment.

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No: \_\_\_\_\_

DLCD File No.: 002-06 (15346)

Did the Department of Land Conservation and Development **receive** a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  x  No:

If no, do the Statewide Planning Goals apply. Yes:   No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:   No:

Affected State or Federal Agencies, Local Governments or Special Districts:   City of Stayton,  
Marion County, Division of State Land, Santiam Water Control District

Local Contact:  Dan Fleishman  Area Code + Phone Number:  503-769-2998

Address:  362 N 3<sup>rd</sup> Ave  City:  Stayton

Zip Code+4:  97383  Email Address:  planner@stayton.org

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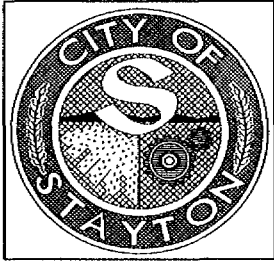
## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the [ ]Notice of Adoption[ ] is sent to DLCD.
6. In addition to sending the [ ]Notice of Adoption[ ] to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



# City of Stayton

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## *Planning*

Mailing address: 362 N. Third Avenue · Stayton, OR 97383  
Office location: 311 N. Third Avenue  
Phone: (503) 769-2998 · FAX: (503) 767-2134  
Email: [planner@stayton.org](mailto:planner@stayton.org)

January 3, 2007

Jason Locke  
Willamette Valley Regional Representative  
DLCD/Community Services Division  
635 Capitol St. NE, Suite 150  
Salem, OR 97301

DEPT OF

JAN 03 2007

LAND CONSERVATION  
AND DEVELOPMENT

Dear Jason,

I am pleased to submit the revised Land Use and Development Code for the City of Stayton. The Stayton City Council enacted Ordinance 894 last night that places the revisions in the City's Code. The revisions represent countless hours contributed by the Mayor, Council, Planning Commissioners and other community members in developing drafts, attending work sessions, conducting open houses and holding public hearings.

A previous draft of the revisions had been submitted to the DLCD in the spring of 2006. Comments from the Department were taken into consideration in the development of the drafts that were presented to public hearing in August. We believe that the new code will improve the land development process in Stayton by streamlining and clarifying the procedures, by improving the standards, and by removing a number of ambiguities and contradictions that are in the current code.

Enclosed with the submission are a completed DLCD submission form, the revised code, the ordinance enacting the new code, the City Council's order approving the code, and a list of the significant changes to the code from the version that was reviewed by the DLCD. We have also enclosed a CD-ROM that contains all of these documents in a digital form.

If you need additional information or have any questions please do not hesitate to contact me or Allison Thayer, the Assistant Planner.

Sincerely,

  
Dan Fleishman,  
City Planner

The following is a list of the changes to the Stayton Municipal Code Title 17 amendments after they were submitted to DLCD on June 28, 2006

### **General Changes**

- ▲ All sections have been renumbered so each chapter begins with 17.xx.010
- ▲ All numerical references that were previously spelled out have been changed to just numerals.

### **17.04 General Provisions**

- ▲ Add reference to the 2002 North American Industrial Classification System for commercial and industrial uses not specifically defined.
- ▲ Removed definitions of words or terms not used.
- ▲ Terms defined in other chapters of Title 17 were moved to 17.04.100.
- ▲ Definitions were added for terms used in the new lighting and wetlands sections.
- ▲ Some definitions were reorganized as subdefinitions of a general definition for clarity.
- ▲ Additional rewrites and changes were made to existing definitions for clarity.
- ▲ Removed all the reserved subchapters

### **17.12 Development Approval Procedures**

- ▲ Changes in how administrative site plan review is determined and minor clarifications of decision authority.
- ▲ Add requirement for notice before administrative site plan review decisions.
- ▲ Move sections of effective dates and deadlines to appeals.
- ▲ Eliminate redundant sections in 17.12 and add criteria for extensions.
- ▲ Change notice of decision description to accurately reflect the information provided.
- ▲ Revise major modifications. Move definitions to Chapter 17.04
- ▲ Move pre-application meetings forward in the chapter and make mandatory, revise submittal requirements and add procedures for meetings.
- ▲ Clarify and expand submittal requirements for each type of land use application.
- ▲ Clarify variance approval criteria
- ▲ Changes to when site plan review is required and approval criteria.
- ▲ Descriptions of the overlay districts and design standards moved to 17.16.
- ▲ Move and combine manufactured home parks with mobile home parks in 17.20.

### **17.16 Zoning**

- ▲ Procedures for a change of use application added to 17.16.040
- ▲ "Nonconforming buildings and uses" renamed "non-conformance," rewritten and expanded.
- ▲ Reorganization of the chapter as follows:
  - Purpose statements for all the districts appears in one section

- District regulations appear in tabular format with a land use matrix and tables for dimensional requirements. Some allowed uses for commercial and industrial districts were changed.
- ⤴ Historic District Overlays moved from Chapter 17.12
- ⤴ Public Natural Resource Overlay District renamed Natural Resource Overlay District; boundaries now described.
- ⤴ Floodplain overlay district combined with the floodplain regulations.
- ⤴ The multi-family and commercial design standards moved to Chapter 17.20.

#### **17.20 Development and Improvement Standards**

- ⤴ Additional changes to regulations for
  - Accessory Buildings
  - Fences
  - Off Street Parking and Loading
  - Open Storage Areas and Outdoor Storage Yards
  - Landscaping
  - Home Occupations
  - Occupancy of Recreational Vehicles
  - Mobile Home Parks
  - Signs
- ⤴ Regulations were added for
  - Wetland Protection Areas
  - Outdoor Lighting
  - Back Lots and Flag Lots
- ⤴ Multi-family Residential and Commercial Design Standards were moved to 17.20.
- ⤴ Regulations on Manufactured Homes from 17.12 were combined with Mobile Home Park Operational Standards and renamed Mobile Home Parks
- ⤴ Manufactured/Mobile Homes and the associated variances section were removed.

#### **17.24 Land Divisions**

- ⤴ Procedures for subdivisions and partitions were reorganized and expanded to address the initial application, construction drawings, and the final plat with separate submission and design criteria requirements for each.
- ⤴ Language on subdivision phasing was clarified.
- ⤴ Minor additions to Master Planned Developments to allow density averaging and mixing of housing types.
- ⤴ Appeals was removed

#### **17.26 Transportation Requirements**

- ⤴ Changes to the bicycle parking standards.
- ⤴ Allow limited discretion of Public Works Director to waive a transportation assessment letter.

## BEFORE THE CITY COUNCIL

In the matter of

) Development Code Amendments  
) File # 06-04/06

## ORDER OF APPROVAL

### I. NATURE OF PROCEEDINGS

The proceedings before the Council is a comprehensive update of Title 17, known as the Stayton Land Use and Development Code. The proposal is to repeal the existing Title 17 and adopt the new Title 17.

### II. PUBLIC HEARING

A public hearing was held on the application before the Stayton City Council on November 20, 2006, December 4, 2006 and December 18, 2006. At that hearing the City Council reviewed Land Use File #06-04/06 to amend the Stayton Land Use and Development Code and made it part of the record.

### III. FINDINGS OF FACT

1. The Stayton City Council identified updating the development code as one of the 2005-2006 Council Goals.
2. A comprehensive update of Title 17 has never been accomplished, only specific section updates.
3. The proposed changes in the new Title 17 will:
  - a. Correct identified errors in the Development Code
  - b. Renumber and reorganize several sections of the Code.
  - c. Improve the clarity of the regulations.
  - d. Add new provisions regarding, outdoor lighting, wetlands, commercial and multi-family design standards, back lots and flag lots, major and minor amendments, change in use procedures, Master Planned Developments, pre-application meetings, and submission and review of construction plans for partitions and subdivisions.
  - e. Remove fees and make the fee schedule adopted by resolution not ordinance.
  - f. Delete sections regarding the Aggregate Overlay zone, Planned Unit Developments, manufactured home subdivisions, and the generic Historic Overlay District.
  - g. Make major changes to site plan review, land division regulations, the Natural Resource Overlay zone, non-conformance, accessory structures, open storage areas, parking, landscaping, signs, home occupations, definitions, non-conforming uses, and allowed uses in the zoning districts.
  - h. Make minor changes to administrative decision authority, the Historic Business Overlay District and the Historic Residential and Business Overlay District, allowed uses in commercial and industrial zones, mobile home parks, bicycle parking standards, transportation assessment letter requirements,

- i. Make minor changes to the Floodplain Management standards to bring these standards into conformance with current requirements from the Federal Emergency Management Agency.
- j. Reorganize Chapter 16 to present the permitted and conditional uses and the dimensional requirements in a tabular format.

#### A. PUBLIC COMMENTS

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

Those people providing testimony at the public hearings are listed in Attachment A. A summary of the comments provided at the public hearing is included in the record.

#### IV. CONCLUSIONS

In light of the above findings, the City Council concludes that the proposed changes to the Land Use and Development Code are consistent with the Stayton Comprehensive Plan, conform to Oregon Statewide Planning Goals and Department of Land Conservation and Development administrative rule requirements, are necessary to provide for adequate regulation of land use activities in the City of Stayton, and will generally promote the general health, safety, and welfare of the citizens of Stayton.

#### V. ORDER

Based on the findings of fact and conclusions, the Stayton City Council voted on December 18, 2006 to approve the 7<sup>th</sup> Draft of the proposed Stayton Municipal Code Title 17 with the following changes (deletions from the 7<sup>th</sup> draft are shown ~~crossed-out~~, additions to the 7<sup>th</sup> draft are underlined) and directs City Staff to prepare an ordinance implementing this order.

1. Section 17.04.100, Definitions, change the definition of "Family" to read as follows,
 

**FAMILY:** An individual or 2 or more persons related by blood, marriage, legal adoption, or legal guardianship, or a group of not more than 5 persons (excluding servants) not so related, living together in a dwelling unit as an a housekeeping unit.
2. Section 17.04.100, Definitions, change the definitions of "Non-Conforming Development" and "Non-Conforming Structure or Use" to insert February 1, 2007 as the effective date of the code.
 

**NON-CONFORMING DEVELOPMENT:** Any lawful development that does not comply with the development standards of Chapter 17.20 and existed prior to February 1, 2007 (~~date of adoption~~) or any future amendments to Title 17.

**NON-CONFORMING STRUCTURE OR USE:** A lawfully existing structure or use that does not conform to the requirements of this title and either:

  1. Existed prior to February 1, 1990.
  2. Was constructed between February 1, 1990 and February 1, 2007 (~~date of this code adoption~~).
  3. Was constructed prior to any subsequent amendments to Title 17.
3. Section 17.16.050.1, insert February 1, 2007 as the effective date of the code.
  1. CONTINUATION OF LAWFUL USE. Any non-conforming structure, lot, use or development legally existing on ~~the effective date of this code~~ February 1, 2007, may be continued but may not be extended, expanded, reconstructed, enlarged, or structurally altered except as specified as follows:



4. Table 17.16.070.1, Permitted Land Use, lines 1 and 2, add a new footnote 12 following Detached Single-Family Dwelling and following Manufactured Home, with footnote 12 to be added to the list of footnotes at the end of the table to read, "<sup>12</sup> Only one single family dwelling or manufactured home per lot."
5. Table 17.16.070.1, Permitted Land Use, line 4, change triplex in the Medium Density Residential zone from a permitted use to a use that requires site plan review.

		ED	MD	HD	CR	CG	ID	IC	IL	IA	P
4.	Triplex		P <sup>12</sup> S <sup>1</sup>								

6. Section 17.20.090.8.k, Requirements for Plant Materials, change the maximum percentage of non-vegetative landscaping from 15% to 25%:
  - a. Landscaped areas may include minimal areas of non living ground covers where the applicant can demonstrate that plant ground covers are not appropriate. Artificial ground covers such as bark, mulch chips, gravel or crushed stone shall not exceed ~~15%~~25% of the landscaped area. This percentage shall be based on the anticipated size of landscape plants at maturity, not at planting.
7. Section 17.20.090.11, Buffer Planting – Parking, Loading and Maneuvering Areas, change to read as follows:
  11. **BUFFER PLANTING – PARKING, LOADING AND MANEUVERING AREAS:** Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a variety of plants shall be used to achieve the desired buffering effect.
    - a. Buffering is required for any commercial, industrial, or multi-family development with more than 4 parking spaces in conjunction with the issuance of construction permits for parking areas containing 4 or more parking spaces, loading areas, and vehicle maneuvering areas. Buffering shall occur in the following manner:
      - 1) Any parking area, loading area, or vehicle maneuvering area shall be landscaped along property boundaries. The landscaped area shall meet the minimums in Table 17.20.090.11.a.1~~Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way.~~

**Table 17.20.090.11.a Buffering Requirements in Feet**

Use of Property	Adjacent Use at Property Line				Adjacent Street		
	Single Family & Duplexes	Multi-Family Dwellings	Commercial	Industrial	Local	Collector	Arterial
Multi-family Dwellings	5	<del>0-5</del>	<del>0-5</del>	<del>0-5</del>	5	5	5
Commercial	10	5	0	0	15	10	10
Industrial	15	10	5	0	15	10	10

- 2) ~~One site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas.~~
- 3) ~~A balance of low-lying ground cover, shrubs, vertical shrubs and trees shall be used to buffer the view of these facilities.~~
- 4) ~~Decorative walls and fences may be used in conjunction with plantings; but may not be used by themselves to comply with buffering requirements and must meet the standards of Section 17.20.050.~~
- 5) ~~Exception: semi-truck or trailer truck parking lots only require exterior landscaping surrounding the lot. No internal parking bays are required due to truck maneuverability issues.~~

b. Buffering between dissimilar adjoining uses will be required by the developing property when the abutting property is zoned or developed at a lesser intensity as follows:

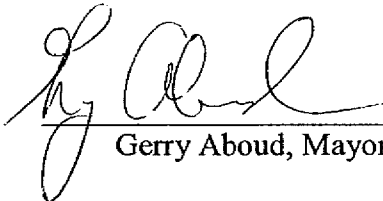
**Table 17.20.090.11.b Buffering Requirements in Feet**

Use of Property	Adjacent Use at Property Line				Adjacent Street		
	Single Family & Duplexes	Multi-Family Dwellings	Commercial	Industrial	Local	Collector	Arterial
Multi-family Dwellings	5	0	0	0	5	5	5
Commercial	10	5	0	0	15	10	10
Industrial	15	10	5	0	15	10	10

e.b. Landscaping with buffer strips may be counted towards meeting minimum percentage landscaping requirements.

8. Section 17.24.090.3 – Change the citation at the end of the sentence: Section 17.12.240160.
9. Section 17.24.090.4.d – Change the citation at the end of the sentence: Section 17.24.080100.
10. Section 17.24.100.3.a.1 – Change the citation at the end of the sentence: Section 17.24.080100.3.e.

APPROVED BY THE STAYTON CITY COUNCIL ON THE 18<sup>th</sup> DAY OF DECEMBER, 2006.

  
 Gerry Aboud, Mayor

12/20/2006  
 Date

  
 Chris Childs, City Administrator

12/28/2006  
 Date

ORDINANCE NO. 894

AN ORDINANCE REPEALING AND RESTATING TITLE 17 OF THE STAYTON MUNICIPAL CODE "LAND USE AND DEVELOPMENT"

WHEREAS, the Oregon Revised Statutes require municipalities to enact land use and development regulations (the Code) in conformance with State Goals and guidelines and a locally adopted Comprehensive Plan;

WHEREAS, the current Title 17 Stayton Municipal Code (SMC) was enacted more than 15 years ago and has been amended numerous times since without a comprehensive review of the title;

WHEREAS, there are provisions of the current Title 17, SMC that are not in compliance with the Stayton Comprehensive Plan;

WHEREAS, many provisions of Title 17, SMC do not meet the current goals of the City of Stayton in providing for open space and protection of natural resources, for the creation of desirable neighborhoods through design standards, for minimizing the visual impacts of commercial and industrial development on surrounding residential properties, and for promoting traffic safety through control of signs; and,

WHEREAS, it is appropriate that the current Title 17, SMC be repealed and substituted by a restated Title 17 SMC as set forth in Exhibit A which is attached hereto and made a part hereof.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code, Title 17 ("Land Use and Development"), is hereby repealed in its entirety whereupon the restated Title 17 SMC as set forth in Exhibit A attached to this ordinance and incorporated herein is hereby adopted.

ADOPTED BY THE STAYTON CITY COUNCIL this 2<sup>nd</sup> day of January, 2007.

Signed: Jan 2, 2007

CITY OF STAYTON

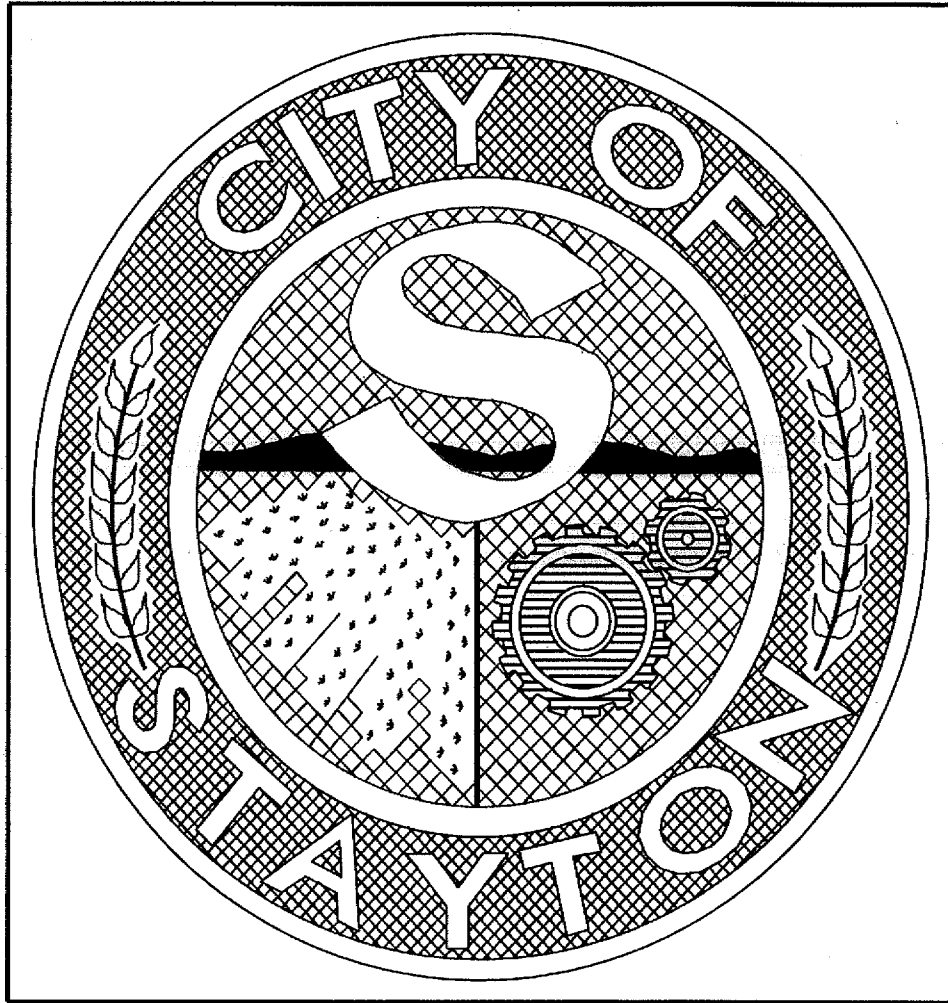
By: Virginia L. Honeywell  
Virginia L. Honeywell, Mayor

Signed: Jan. 2, 2007

ATTEST: Chris Childs  
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney



## **CHAPTER 17.04 GENERAL PROVISIONS**

**CHAPTER 17.04**

**GENERAL PROVISIONS**

**SECTIONS**

17.04.010 Short Title ..... 04 - 1

17.04.020 Purpose of Land Use and Development Code ..... 04 - 1

17.04.030 Administration ..... 04 - 1

17.04.040 Interpretations ..... 04 - 1

17.04.050 Restrictiveness..... 04 - 1

17.04.060 Severability ..... 04 - 2

17.04.070 Compliance ..... 04 - 2

17.04.080 Abrogation and Greater Restrictions..... 04 - 2

17.04.090 Grammatical Interpretation..... 04 - 2

17.04.100 Definitions..... 04 - 3

17.04.110 Violations and Penalties..... 04 - 23

**17.04.010 SHORT TITLE**

The provisions of Sections 17.04.010 through 17.26.060 shall be known as the "Stayton Land Use and Development Code."

**17.04.020 PURPOSE OF LAND USE AND DEVELOPMENT CODE**

This code is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well being, and general welfare of the City of Stayton, including but not limited to fulfilling the following objectives:

1. Establishment of uniform interpretations, terms, and definitions, and authorities for the application of land use and development regulations.
2. Implement the policies of the City Comprehensive Plan, its urban growth boundary, and procedures for amendments to the same.
3. Establishment of application, review, hearings, decision-making, and appeal procedures for consideration of land use and development requests, and the establishment of application fees and penalties for noncompliance with regulations.

**17.04.030 ADMINISTRATION**

The City Administrator or other official(s) designated as the building and planning officials by the administrator shall have the power and duty to enforce the provisions of this code.

**17.04.040 INTERPRETATIONS**

1. In the interpretation and application of this code, all provisions shall be:
  - a. Considered as minimum requirements.
  - b. Liberally construed in favor of the governing body.
  - c. Deemed neither to limit nor to repeal any other powers granted under state statutes.
2. When, in the administration of the provisions of this code, there is substantial doubt regarding the intent or meaning of the code, the City Planner may request an interpretation of the provisions by the Planning Commission, which shall issue an interpretation of the question if the Commission has determined that such interpretation is within its power and is an administrative and not a legislative act. Any interpretation of the code shall be based on the following considerations:
  - a. The purpose and intent of the code as expressed within the particular section being questioned.
  - b. Guidance provided by the City's Comprehensive Plan and related materials.
  - c. The opinion of the City Attorney when requested by the Planning Commission.

**17.04.050 RESTRICTIVENESS**

The provisions of this code shall be liberally construed to affect the purpose of the ordinance. These provisions are declared to be the minimum requirements necessary to accomplish these purposes, and where conditions herein imposed are less restrictive than comparative restrictions imposed by any other provision of this code, by provision of any other City of Stayton or State of Oregon ordinance, resolution, or regulations then the more restrictive shall govern.

**17.04.060 SEVERABILITY**

If any section, paragraph, subsection, clause, sentence, or provision of this code shall be adjusted by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the code, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the City to enact the remainder of this code notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence, or provision of this code be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subsection, clause, sentence, or provision as to any other premises or use.

**17.04.070 COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the Stayton Land Use and Development Code and other applicable regulations including all permits and licenses required.

**17.04.080 ABROGATION AND GREATER RESTRICTIONS**

The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions; however, where this code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**17.04.090 GRAMMATICAL INTERPRETATION**

Words used in the masculine include the feminine, and the feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of the American Heritage Dictionary of the English Language, Fourth Edition copyright 2000 shall be considered as providing accepted meanings. The North American Industrial Classification System, 2002 shall be used to determine the meaning and classification of a commercial or industrial land use that is not particularly defined in this Code.

**17.04.100 DEFINITIONS**

The following definitions shall be used for the purposes of this code.

**ABUTTING:** Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

**ACCESS CONNECTION:** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

**ACCESS MANAGEMENT:** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

**ACCESSORY BUILDING:** A building that is incidental and subordinate to the main building and does not include dwelling units.

**ACCESSORY, MOBILE HOME:** Any structural addition to a manufactured or mobile home including awnings, carports, cabanas, porches, ramadas, storage buildings, and similar structures.

**ACCESSORY USE:** A subordinate or incidental use of a lot or building.

**AFFECTED AREA:** Unless otherwise specified, this shall include all property within 300 feet of the proposed project location.

**ALLEY:** A public way or thoroughfare not more than 20 feet but not less than 10 feet in width which has been dedicated or deeded to the public for public use providing a secondary means of access to property.

**ALTERATION, STRUCTURAL:** Any change or repair which should affect or materially change a supporting member of a building such as a bearing wall, column, beam, or girder.

**ANTENNA:** One or more rods, panels, discs, or similar devices, and their ancillary structures used for the transmission and/or reception of electromagnetic waves for radio, television, and similar uses, but not including antennas as part of wireless communication facilities.

**APARTMENT:** A dwelling unit within a multi-family development.

**APPEAL:** A request for a review of the decision authority's action on an application or interpretation of any provision of this code.

**APPLICANT:** The owner or record or contract purchaser.

**APPLICANT'S REPRESENTATIVE:** A person or persons with written legal authorization from the applicant to speak and act on behalf of the applicant.

**AREA OF SHALLOW FLOODING:** A designated AO or AH zone on the "Flood Insurance Rate Map" (FIRM). The base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year. Designation on floodplain maps always includes the letters "A" or "V."

**AWNING:** Any stationary structure attached to a building, other than window awnings, for the purpose of providing shelter from the sun and rain and having a roof with supports.

**BALLOON:** Balloons include but are not limited to helium balloons, forced air filled balloons, or any other similar device.



**BASE FLOOD:** The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters "A" or "V."

**BASEMENT:** A space wholly or partly underground and having more than ½ of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

**BED AND BREAKFAST:** An accessory use to a single-family dwelling in which no more than 5 sleeping rooms are provided for the use of travelers or transients on a daily or weekly period. Occupancy by any one visitor is not to exceed 29 consecutive days. Provision of a morning meal is customary by definition.

**BICYCLE:** A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with 2 tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

**BICYCLE FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

**BIKEWAY:** Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The four types of bikeways are:

1. **TRAILS:** See trails definition.
2. **BIKE LANE:** A 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. **SHARED BIKEWAY:** The paved shoulder of a roadway that is 4 feet or wider; typically shared by bicyclists and pedestrians in rural areas.
4. **SHARED ROADWAY:** A travel lane that is shared by bicyclists and motor vehicles.

**BLOCK:** A parcel of land bounded by 3 or more streets.

**BUILDING:** A structure with a roof supported by columns or walls, built for the support, shelter, or enclosure of persons, animals, or property of any kind.

**BUILDING, COMMUNITY:** A building for civic, social, educational, cultural, and recreational activities of a neighborhood or community group or association and not operated primarily for gain.

**BUILDING FRONTAGE:** The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A gasoline service station may use the longer side of the canopy over the pumps as a substitute for building frontage when computing the allowable sign area.

**BUILDING HEIGHT:** The vertical distance measured between the average level of the finished ground surface adjacent to the building and the uppermost point of the building, excluding only those features which may exceed the district height limits.

**BUILDING, MAIN:** A building in which is conducted a principal or main use of the main building site on which it is situated.

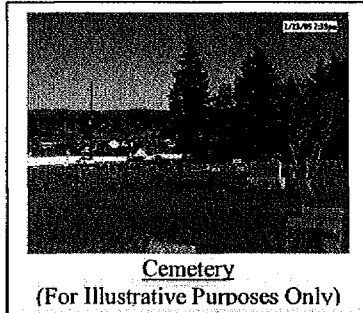
**BUILDING OFFICIAL:** The person(s) empowered by the City Council to administer and enforce this code and building, plumbing, electrical, and other similar codes.

**BUILDING SITE:** A parcel of land occupied or to be occupied by a building or groups of buildings that complies with all the requirements of this title relating to building sites.

**CAMPGROUND:** Premises under one ownership where persons camp or live in any manner other than in a permanent building.

**CANOPY SIGN:** A sign hanging from a canopy or eaves at any angle relative to the adjacent wall, the lowest portion of which is at least eight feet above the underlying grade.

**CAR PORT:** A structure that is entirely open on 2 or more sides and is used for the parking of motor vehicles.



**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary when operated in conjunction with and within the boundary of such cemetery.

**CHANGE OF USE:** The conversion of a use from one use classification to another

**CITY ADMINISTRATOR:** That official of the City hired or appointed by the City Council to serve at the pleasure of the City Council as chief administrative officer of the City or his designee.

**CITY ATTORNEY:** A licensed attorney hired or appointed by the City Council to provide legal advice and assistance to the City Council, the Planning Commission, and City officials.

**CITY PLANNER:** A qualified planner hired or appointed by the City Administrator to provide land use planning and other related information to the Planning Commission and City Council.

**CODE:** As used herein, the "Stayton Land Use and Development Code." Distinguished from "Stayton Code," which is the entire City code including the "Land Use and Development Code."

**COLLOCATION:** Placement of a wireless communication facility antenna on an existing transmission tower, building, light or utility pole, or water tower where the antenna and all supports are located on the existing structure.

**COMMON OPEN SPACE:** An area, feature, or outdoor facility within a development designed and intended for the use or enjoyment of all occupants of the development or the general public.

**COMMON WALL CONSTRUCTION:** The use of zero lot line(s) where structures join one another.

**COMPREHENSIVE PLAN:** The long-range plan, maps, and elements of the plan, adopted by the City Council, intended for guidance in the development of the community.

**CONCEALMENT TECHNOLOGY:** The use of both existing and future technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment.

**CONCRETE STONE:** Cored Portland cement and basalt aggregate building blocks locally manufactured between 1908 and 1925.

**CONFORMING:** In compliance with the applicable regulations of this code.

**CONSTRUCTION PLANS:** A collection of engineered design drawings that provide clear direction for construction of a project along with project-specific construction notes and specification references plus relevant standard details.

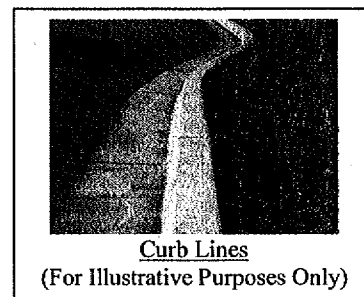
**CONVENIENCE STORE:** A store of less than 1,500 square feet of gross floor area intended to serve the convenience of the traveling public with such items as, but not limited to: basic foods, periodicals, auto supplies or other small travel supplies.

**CORNICE:** The projecting moldings forming the top bank of a wall or other element.

**CROSS ACCESS:** A service drive providing vehicular access between 2 or more contiguous sites so the driver need not enter the public street system.

**CURB LINE:** The line indicating the edge of the vehicular roadway within the overall right-of-way.

**CUT-OFF FIXTURE:** An outside lighting fixture that is designed to minimize the amount of light which is not directed towards the ground. In order to be considered a cut-off fixture, a minimum of 90% of the total lamp lumens must be directed below 80° from vertical and no more than 2.5% of the total lamp lumens may be allowed above a horizontal line from the bottom of the fixture. A cut-off fixture may be either a pole-mounted or wall-mounted fixture.



Curb Lines  
(For Illustrative Purposes Only)

**DAY CARE FACILITY:** Any facility other than a family child care center that provides day care to children. This term applies to the total day care operation. It includes the physical setting, equipment, staff, provider, program, and care of children. See ORS 657A for certification requirements.

**DE NOVO:** A new hearing where testimony and evidence is received on all aspects of the matter at hand.

**DECISION AUTHORITY:** A person or group of persons given authority by this code to review, make decisions upon, and establish conditions to those specific applications or interpretations identified within this code.

**DENSITY:** The number of dwelling units or mobile home spaces per gross acre.

**DEVELOPMENT:** Human activity physically affecting land or resources, including, but not limited to: the division of parcels, construction, installation or change of structures, grading, landfill, or excavation of land; storage of equipment or materials; drilling or substantial site alteration due to dredging, or paving, and planned selective removal of trees and vegetation.

**DRIVE THROUGH FACILITIES:** Any business with facilities designed for serving customers at a drive-through window while they are in their vehicles.

**DRIVEWAY:** A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

**DWELLING UNIT:** Any building, or any portion thereof, that contains 1 or more habitable rooms which are occupied or intended to be occupied by 1 family with facilities for living, sleeping, sanitation, cooking, and eating.

**DWELLING, MULTIPLE FAMILY:** A building or portion thereof designed for occupancy by 3 or more families living independently of each other.

**DWELLING, SINGLE FAMILY:** A detached building designed exclusively for occupancy by 1 family.

**DWELLING, TWO-FAMILY (DUPLEX):** A building designed exclusively for occupancy by 2 families living independently of each other.

**EASEMENT:** The grant of a right of use over, across, or through a parcel or strip of land for specific purposes. Does not include privately owned roadways serving buildings within a single lot.

**ELEVATED BUILDING:** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**EXPANDO:** A room or rooms that fold, collapse, or telescope into a mobile home during the transport and which can be expanded at the site to provide additional living space.

**FACADE:** Any exterior face of a building.

**FAMILY:** An individual or 2 or more persons related by blood, marriage, legal adoption, or legal guardianship, or a group of not more than 5 persons (excluding servants) not so related, living together in a dwelling unit as a housekeeping unit.

**FAMILY CHILD CARE CENTER:** Facilities that provide care and supervision for not more than 12 children in the operator's home. See ORS 657A for certification requirements.

**FARMING:** The use of land for raising and harvesting crops or for feeding, breeding, and managing livestock, or for dairying, or for any other agricultural or horticultural use, or for a combination thereof, excluding feedlots. It includes the disposal, by marketing or otherwise, of products raised on the premises. It further includes the construction and use of dwellings and other buildings customarily provided in conjunction with a farm use.

**FENCE:** An artificially constructed barrier of any material or combination of materials used to enclose, screen or separate areas.

**FINISH GROUND LEVEL:** The average elevation of the ground (excluding mounds or berms, etc., located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

**FLASHING SIGN:** A sign, any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Emergency Management Administration (FEMA) that includes flood profiles, and the water surface elevation of the base flood.

**FLOODPLAIN:** Areas shown on the Flood Insurance Rate Map as areas of special flood hazard.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot.

**FREE-STANDING SIGN:** A sign supported by one or more upright, pole, or brace placed in or upon the ground; or a sign supported by any structure primarily for the display and support of the sign. Monument signs are one type of free-standing signs.

**FRONTAGE:** The horizontal distance as measured in a straight line from the intersection of the side lot lines with the front lot lines.

**FRONTAGE ROAD:** A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

**FUNCTIONAL AREA (INTERSECTION):** That area beyond the physical intersection of 2 roads that comprises decision and maneuver distance, plus any required vehicle storage length.

**FUNCTIONAL CLASSIFICATION:** A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**GARAGE, PRIVATE:** A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or conducted except as a home occupation.

**GROUP CARE HOME:** Any home or institution maintained and operated for the care, boarding, housing, or training of 6 or more physically, mentally, or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage, or legal adoption to such person.

**HABITABLE FLOOR:** Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

**HERITAGE TREE:** Any tree of exceptional value to the community based on its size (relative to species), history, location, or species, or any combination of these criteria.

**HIGHWAY:** A public way for purposes of travel, including the entire area within the public right-of-way. A highway typically refers to a roadway that is owned and maintained by the state.

**HISTORIC:** A structure or site, usually over 50 years old, which possesses historical or architectural significance according to the City inventory and/or based on the criteria for listing in the National Register of Historic Places.

**HOME OCCUPATION:** A commercial activity carried on by the resident of a dwelling as a secondary use. This definition may include such occupations or practices which shall be conveniently, unobtrusively, and inoffensively pursued exclusively within a dwelling and/or exclusively within an accessory building.

**HOSPITAL:** An institution in which patients or injured persons are provided overnight medical care and may also include out-patient clinics, administrative offices and medical offices. Unless otherwise specified, this means for humans only.

**HOTEL:** Any building containing guest rooms intended to be used, rented, or hired out for sleeping purposes by guests.

**HYDRIC SOILS:** Soils that are rated "poorly drained" or "very poorly drained" by the National Cooperative Soil Survey.

**INCIDENTAL SIGNS:** A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

**INDIRECT ILLUMINATION:** A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

**INTEGRATED BUSINESS CENTER:** A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses or buildings are under common ownership.

**INTERNAL ILLUMINATION:** A source of illumination from within a sign.

**JOINT ACCESS (OR SHARED ACCESS):** A driveway connecting 2 or more contiguous sites to the public street system.

**JURISDICTIONAL DELINEATION:** A delineation of the wetland boundaries that is approved by the Oregon Department of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. (See OAR 141-90-005 et seq. for specifications for wetland delineation or determination reports).

**LAND AREA:** The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane, with the exception of a portion of the parcel within a recorded right-of-way or easement, subject to a servitude for a public street or scenic or preservation purpose.

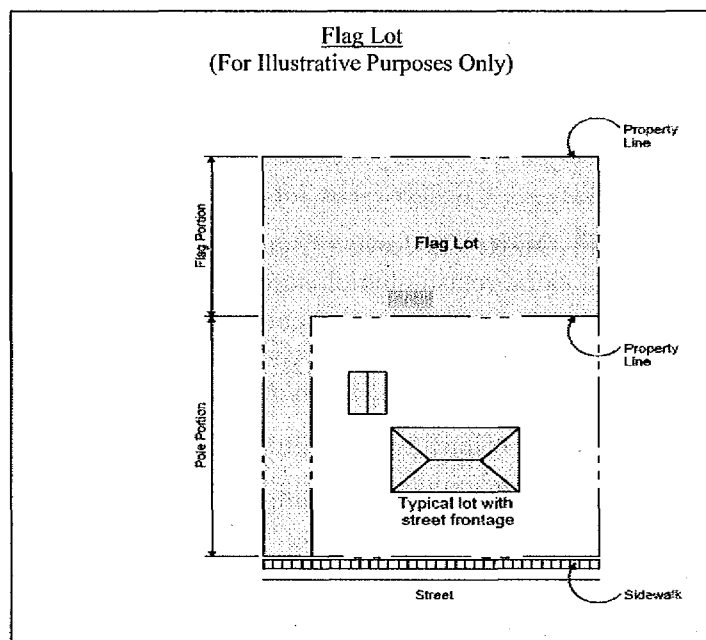
**LOADING SPACE:** An off-street space or berth on the same lot with a building, or continuous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**LOCALLY SIGNIFICANT WETLANDS:** A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions.

**LOCAL WETLANDS INVENTORY (LWI):** Maps and report adopted by the City of Stayton entitled "City of Stayton Local Wetlands and Riparian Inventory" prepared by Fishman Environmental Services, dated July 1998. The LWI is a comprehensive survey of all wetlands over ½ acre in size within the urbanizing area.

**LOT:** A legally established parcel or tract of land which is occupied or is capable of being occupied by a building or group of buildings, including accessory structures, together with such yards or open spaces as are required by this code.

1. **LOT, BACK:** A lot that does not abut a street.
2. **LOT, CORNER:** A lot with 2 adjacent sides abutting streets, other than alleys, provided the angle of the intersecting streets do not exceed 135 degrees.
3. **LOT, FLAG:** A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is within the same ownership or title.
4. **LOT, INTERIOR:** A lot other than a corner lot, back lot, or flag lot.



**LOT AREA:** The total area within a horizontal plane within the lines of a lot except in the case of a flag lot when the area shall exclude the pole portion of the lot.

**LOT AREA, MOBILE HOME PARK:** The total area reserved for exclusive use of the occupants of a mobile home space.

**LOT, DEPTH:** The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.

**LOT LINE:** The lines bounding a lot as defined below:

1. **FRONT:**

- a. On an interior lot, the line separating the lot from the street right-of-way.
- b. On a corner lot, the lines separating the lot from either street right-of-way.
- c. On a double frontage lot, the line separating the lot from the street right-of-way from which vehicular access is gained.
- d. On a flag lot, the nearest property line of the flag portion of the lot to the street right-of-way extended across the point where the pole connects with flag portion.
- e. On a back lot, the property line that is nearest to, and most parallel to the street right-of-way from which vehicular access is gained.

2. **REAR:** A lot line which is opposite and the most distant from the front lot line. On a corner lot, the line opposite the street from which vehicular access is gained. In the case of a triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

3. **SIDE:** Any lot line which is not a front or rear lot line.

**LOT LINE ADJUSTMENT:** A realignment of a common boundary between 2 contiguous lots or parcels which does not involve the creation of a new lot or parcel.

**LOT OF RECORD:** A lot which is part of a subdivision or a lot or parcel described by metes and bounds which has been recorded in the office of the county recorder.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**LOT WIDTH, AVERAGE:** The lot area divided by the lot depth.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood control element of this code.

**MALL:** A center affording access to shops, businesses, and restaurants.

**MANUFACTURED HOME:** A single family dwelling, transportable in 2 or fewer sections, designed to be used for permanent occupancy as a dwelling with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

For flood plain management purposes only, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**MASTER PLANNED DEVELOPMENT:** The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot

size, building, or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this code, and which normally includes commonly owned open space and/or facilities.

**MESSAGE SIGN:** A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

**MOBILE HOME:** A single family dwelling transportable in 1 section built on a permanent chassis and built prior to June 15, 1976 and is not a recreational vehicle as defined in ORS 801.

**MODIFICATION, MAJOR:** A modification to an approved land use application that meets 1 or more of the following criteria:

1. A change in the type and/or location of access-ways, drives or parking areas affecting off site traffic.
2. An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified.
3. A reduction of more than 10% of the area reserved for common open space or landscaping.
4. Increase in lot coverage by more than 15% over that which is approved.
5. Reduction in open space or landscaping by more than 10%.
6. Increase in automobile parking spaces by more than 10%.
7. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard.
8. Changes in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements that exceed 10 feet.
9. Change to a condition of approval, or change similar to subsections 1 through 9 that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.

**MODIFICATION, MINOR:** A modification to an approved land use application that meets none of the criteria for a major modification.

**MODULAR HOME:** A factory-built, prefabricated home designed to meet dwelling code requirements and for transport in 1 or more sections for final assembly and permanent installation on a building site. Considered a single-family dwelling within this code.

**MONOPOLES:** Monopoles consist of a single pole, approximately 3 feet in diameter at the base, narrowing to roughly 1.5 feet at the top and may support any combination of whip, panel, or dish antennas.

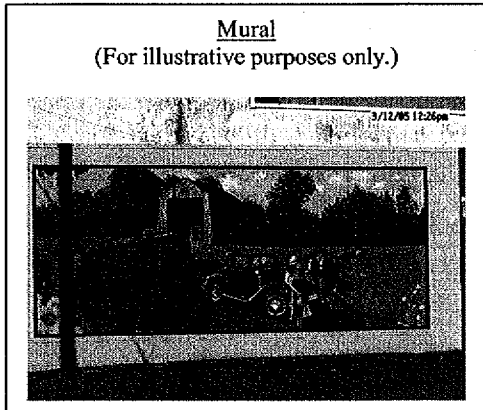
**MONUMENT SIGN:** A free-standing sign not mounted on a pole or poles where the entire sign from peak to ground is constructed of solid material.

**MULTI-FACE SIGN:** A sign which has two or more sign faces contained in a single sign structure.

**MUNICIPAL FACILITY:** Any facility which is immediately or is eventually to be taken over by the City for maintenance and operation. Facilities include, but are not limited to, public utilities, streets, sidewalks, curbs, parking lots, driveways, public buildings, and properties.

**MUNTIN:** A strip of wood or metal separating and holding panes of glass in a window.





**MURAL:** An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure.

**NEIGHBORHOOD ACTIVITY CENTER:** An attractor or destination for residents of surrounding residential areas. Includes, but not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.

**NEW CONSTRUCTION:** Means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**NON-CONFORMING ACCESS FEATURES:** Features of the property access that existed prior to the date of adoption of the current standards and do not conform with the requirements therein.

**NON-CONFORMING DEVELOPMENT:** Any lawful development that does not comply with the development standards of Chapter 17.20 and existed prior to February 1, 2007 or any future amendments to Title 17.

**NONCONFORMING SIGN:** Any lawfully existing sign that no longer complies with the height, area, and placement regulations or other provisions of Section 17.20.140.

**NON-CONFORMING STRUCTURE OR USE:** A lawfully existing structure or use that does not conform to the requirements of this title and either:

1. Existed prior to February 1, 1990.
2. Was constructed between February 1, 1990 and February 1, 2007.
3. Was constructed prior to any subsequent amendments to Title 17.

**NURSING HOME:** Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding 24 hours for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or by marriage. Convalescent care may include but need not be limited to the procedures commonly employed in nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under the Oregon Revised Statutes.

**OFF-PREMISE SIGN:** Any sign that is located on a lot other than the lot on which the business or establishment is located, or the product or services being advertised are available.

**OFFICIAL ZONING MAP:** The map or maps upon which the zone locations in the City of Stayton are indicated in detail and with exactness so as to furnish the basis for property acquisition or building restrictions.

**OPEN STORAGE AREA:** An area on a lot where the main use stores or displays merchandise.

**OREGON FRESHWATER WETLAND ASSESSMENT METHODOLOGY (OFWAM):** A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.

**ORS:** Oregon Revised Statutes

**OUTDOOR SERVICE AREA:** All the building support functions located outside of a building including, but not limited to: loading docks and bays, trash containers and compactors, storage sheds and containers, heating, ventilation, and air conditioning (HVAC) facilities, and disk antennas.

**OUTDOOR STORAGE YARD:** Where the main use of a lot is the storage of materials not in a building.

**OWNER:** The owner of record of real property as shown on the latest tax rolls or deed records of Marion County. For purposes of sign regulation in Section 17.20.140, "owner" also means the owner or lessee of the sign. If the owner or lessee of a sign cannot be determined, then "owner" shall mean owner of the land on which the sign is placed.

**PAD:** A minimum foundation treatment for a permanent mobile home installation, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines, extending the length and width of the mobile home unit or units.

**PARAPET:** A low guarding wall that projects above the roof line.

**PARKING AREA, PRIVATE:** An open area, building, or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

**PARKING AREA, PUBLIC:** Privately or publicly owned property other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, and provided as part of a parking requirement for a subject property and/or an adjoining property.

**PARTITION: PARTITION:** The division of an area or tract of land into 2 or 3 parcels within a calendar year, which such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year but does not include:

1. Divisions of land resulting from lien foreclosures, divisions resulting from the foreclosure of a recorded contract for the sale of real property, or divisions of land resulting from the creation of cemetery lots;
2. A sale or grant of a parcel resulting from the recording of a subdivision or condominium plat;
3. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
4. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.
5. Partitioning does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning requirement.

**PARTITION, MAJOR:** A partition which includes the creation of a road or street.

**PARTITION, MINOR:** A partition that does not include the creation of a road or street.

**PEDESTRIAN CROSSING:** A pedestrian crossing is also known as a crosswalk. Oregon law defines a crosswalk as the prolongation of a curb, sidewalk or shoulder across an intersection, whether it is marked or not. Outside an intersection, a crosswalk is created with markings on the road.

**PEDESTRIAN FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

**PEDESTRIAN WAY:** A right-of-way for pedestrian traffic.

**PERMITTEE:** The person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

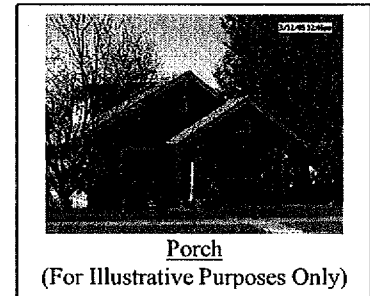
**PLAN MAP:** An officially adopted map of the City, including the urban growth boundary, showing land use designations and other graphic information which is part of the City Comprehensive Plan.

**PLANTER STRIP:** The area that lies behind the curb to the sidewalk and/or from the sidewalk to the property line.

**PLAT:** The final map, diagram, drawing, replat, and other writing containing the descriptions, location, specifications, dedications, provisions, and other information concerning a partition, subdivision or master planned development.

**PORCH:** An elevated walking surface at a building entry that is either covered or uncovered.

**PORTABLE SIGN:** Any sign not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs; signs attached to wood or metal frames and designed to be self supporting and movable; and trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.



**PERSON:** Any individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including trustees, receivers, assignees, or other similar representative thereof.

**PRIVATE ROAD:** Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

**PROJECTING SIGNS:** A sign the face of which is not parallel to the wall on which it is mounted and which projects more than 18 inches from the structure, the lowest portion of which is at least eight feet above the underlying grade.

**PUBLIC FACILITIES AND SERVICES:** Projects, activities, and facilities which are necessary for public health, safety, and welfare.

**PUBLIC ROAD:** A road under the jurisdiction of a public body that provides the means of access to an abutting property as well as servicing through traffic.

**QUALIFIED PUBLIC IMPROVEMENTS:** See Section 13.12.205.4.

**RAMADA:** A stationary structure having a roof extending over a mobile home, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from weather.

**REAL ESTATE SIGN:** A sign the purpose of which is to rent, lease, sell, etc., real property, building opportunities, or building space.

**REASONABLE ACCESS:** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this section and any applicable plans and policies of the City of Stayton.

**RECREATIONAL VEHICLE:** A vacation trailer or other vehicular or portable unit which is either self-propelled, towed, or carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not a permanent residence. Recreational vehicles include travel trailers, motor homes, campers, boats, boat trailers, snowmobiles, personal water craft, all-terrain vehicles (ATVs), and trailers designed primarily to carry ATVs or snowmobiles. Recreational vehicles do not include utility trailers or canopies.

**REIMBURSEMENT FEE:** See Section 13.12.205.5.

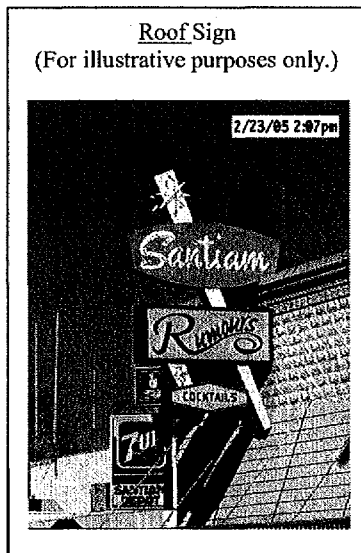
**REMODEL:** To alter the structure of a wall or building.

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**RESERVE BLOCK:** A strip of land, usually 1 foot in width, across the end of a street or alley and terminating at the boundary of a subdivision, or strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

**RESIDENTIAL FACILITY:** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 to 15 individuals, who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL GROUP HOME:** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals, who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.



**RETAIL STORE:** A store providing the sale of goods or commodities directly to the consumer.

**RIGHT-OF-WAY:** The area between boundary lines of a street or other easement.

**ROOF LINE:** Either the eaves of the roof or the top of the parapet at the exterior wall. A “mansard roof” is below the top of a parapet and, for the purposes of this chapter, is considered to be a wall.

**ROOF SIGN:** A sign or any portion of a sign displayed above the highest point of the roof, whether or not such sign is a wall sign.

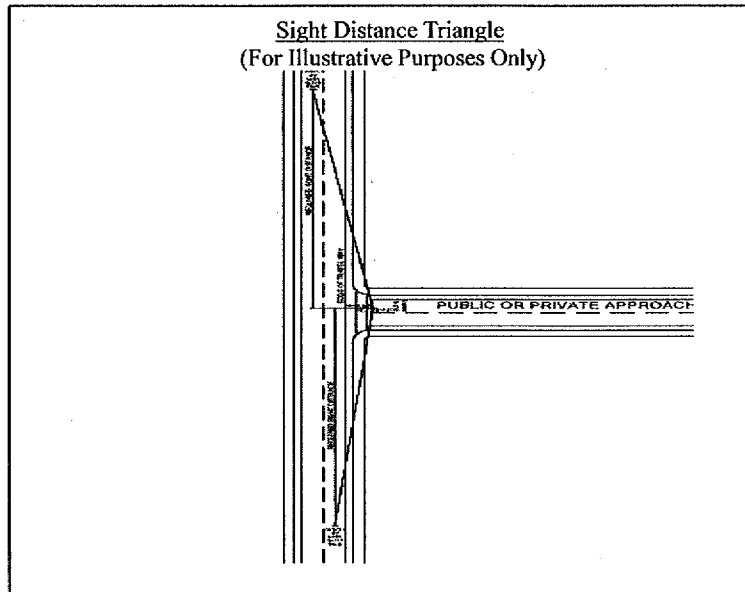
**ROTATING/REVOLVING SIGN:** A sign all or a portion of which moves in some manner.

**SELF-STORAGE FACILITY:** A business establishment that provides individual spaces for lease or rent to individuals for the storage of personal property.

**SEMI-PUBLIC USE:** A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

**SETBACK:** The distance between a specified lot line and the foundation or nearest exterior wall of a building or structure.

**SIGHT DISTANCE TRIANGLE:** The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. The intersection and driveway sight distance is measured from an eye height of 3.5 feet above the controlled road at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road. For driveways along local access roads in urban and residential areas, the sight distance triangle is measured along the property lines of the street and along the driveway.



**SIGN:** Any writing, including letter, word, or numeral, pictorial representation, including mural, illustration, or decoration; emblem, including device, symbol, or trademark; flag, including banner or pennant; or any other device, figure, or similar thing which is a structure, or any part thereof; or which is attached to, painted on, or in any other manner represented on any building or structure or device; is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

**SIGN ALTERATION:** Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

**SIGN AREA:** The entire area within the perimeter of the smallest parallelogram that encloses the outer limits of any writing, representation, emblem, figure, or character. Area shall be determined as follows:

1. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face.

2. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used.
3. Area of a sign having no perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram.

The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

**SIGN FACE:** The surface of a sign containing the message. Sign face shall be measured as defined as "sign area" above.

**SIGN HEIGHT:** Distance from the finished ground level to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

**SIGN, NUMBER:** For the purpose of computing the number of signs, all writing included within a sign area shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure.

**SIGN STRUCTURE:** Supports, uprights, braces, framework, and other structural components of a sign.

**SITE PLAN REVIEW:** A detailed examination of the physical characteristics of a proposed development or improvement to property, which special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses.

**SPACE, MOBILE HOME:** An area or lot reserved exclusively for the use of a mobile home occupant.

**STAFF:** Appropriate department heads and those other City employees they deem necessary.

**STANDARD SPECIFICATIONS:** The most recent version of the City of Stayton Standard Specifications, Design Standards and Drawings, which contains uniform design, materials, and workmanship standards under which all public works facilities shall be constructed in the city, and which have been adopted by the City Council.

**START OF CONSTRUCTION:** The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STAYTON CODE:** The complete, duly adopted and amended municipal code of the City of Stayton.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than 50% of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story. (see "Basement")

**STORY, HALF:** A story under a gable, hip, or gambrel roof, the wall plates of which are on at least 2 opposite exterior walls and are not more than 2 feet above the floor of such story.

**STREET:** A public or private way that is created to provide ingress or egress for motor vehicles to 1 or more lots, parcels, areas, or tracts of land. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other such terms.

1. **PRINCIPAL ARTERIAL:** A street that carries the highest volume of traffic in the city and primarily provides access through the city or from the city to other cities. The principal arterial streets are identified in the Stayton Transportation System Plan.
2. **MINOR ARTERIAL:** A street that collects and distributes traffic from the principal arterials to streets of lower functional classifications providing for movement within specific areas of the city. Minor arterials service through traffic and provide direct access for commercial, industrial, office, and multi-family development but, generally not for single family residential properties. The minor arterial streets are identified in the Stayton Transportation System Plan.
3. **MAJOR COLLECTOR:** A street that provides for land access and circulation within and between residential neighborhoods and commercial and industrial areas. Collectors provide direct access to adjacent land uses but still service through traffic. The major collector streets are identified in the Stayton Transportation System Plan.
4. **MINOR COLLECTOR:** A street that is primarily within a residential area that is used to funnel traffic to major collectors. Minor collectors allow direct access for abutting properties. The minor collector streets are identified in the Stayton Transportation System Plan.
5. **CUL-DE-SAC:** A short, dead-end street with a circular vehicular turn-around at the dead-end.
6. **DEAD-END STREET:** A street with only one connection with another street.
7. **HALF-STREET:** A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be provided when adjacent property is subdivided.
8. **LOCAL STREET:** A street used exclusively for access to abutting properties. Also referred to as a minor street.

**STREET TREE:** A street tree is defined as a living, woody plant typically having a single trunk of at least 1.5 inches in diameter at a point 4 feet above mean ground level at the base of the trunk that is located in the public right-of-way.

**STRINGCOURSE:** Ornamental trim or brick work that separates the first story from the second story.

**STRUCTURE:** That which is built or constructed: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade, including a gas or liquid storage tank that is principally above ground.

**STUB-OUT (STUB STREET):** A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**SUBDIVIDER:** Any person who undertakes the division of a parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

**SUBDIVISION:** To partition a parcel of land into 4 or more parcels for the purpose of transfer of ownership or building development, either immediate or future, when such a parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll of year preceding the partitioning, or has existed as a unit or contiguous units under a single ownership as shown on the tax roll for any year subsequent to the passage of this code.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and was being restored before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not however, include either:

1. Any project for improvement of structure to correct existing violations of state or local health, sanitary code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SYSTEM DEVELOPMENT CHARGE:** See Section 13.12.205.6

**TEMPORARY SIGN:** A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as a free-standing sign support.

**TOWNHOUSES:** A multiple family dwelling of at least 2 stories in which each dwelling unit has space on the ground floor.

**TRAIL:** A pathway designed to provide walking, bicycling, equestrian and other non-motorized recreational and transportation opportunities.

**TRAILHEAD:** A designated location where the trail user accesses a specific trail or the trail system. It may be the point where the trail begins or anywhere along the trail system where the public is invited to access it.

**TRANSPORTATION CAPITAL IMPROVEMENTS:** Facilities or assets used for transportation purposes.

**TRANSOM WINDOW:** An opening above a door or window filled with clear or opaque glass.

**UNOBSTRUCTED:** Not to block off and cut off from sight.

**URBAN GROWTH BOUNDARY:** An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County and Linn County.

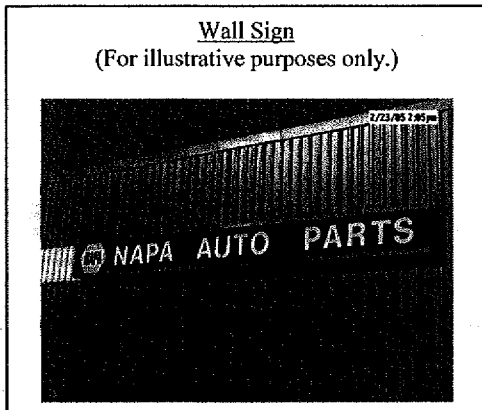
**USE:** The purpose for which land, submerged or submersible lands, the water surface, or a building is arranged, designed, or intended, or for which either land, water, or building is or may be occupied or



maintained. As applied by this code, the term "land use" also includes building use and use of building.

**VARIANCE:** A grant of relief from the requirement of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**WALKWAY:** A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.



**WALL SIGN:** A sign attached to, erected against, or painted on an exterior wall of a building or structure, with the exposed face of the sign on a plane approximately parallel to the face of the wall and not projecting more than 18 inches from the wall.

**WATER DEPENDENT:** A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

**WETLAND:** An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support and which, under normal circumstances, does support, a

prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas, but also include seasonally wet meadows, farmed wetlands and other areas that may not appear "wet" all the time. (City of Stayton Local Wetlands & Riparian Inventory, 1998).

**WETLAND PROTECTION AREA:** An area subject to the provisions of Section 17.20.180 that includes all wetlands determined to be locally significant.

**WETLAND RESOURCE MAP:** The locally adopted map used as the basis for the regulations of Section 17.20.180, which incorporates the DSL-approved LWI map and identifies locally significant wetlands.

**WIRELESS COMMUNICATION FACILITIES:** An unstaffed facility for the transmission and/or reception of wireless communication services or radio frequency signals, consisting of antenna, transmission cables, equipment shelters, ancillary structures, and a support structure to achieve the necessary elevation. The support structure includes but is not limited to a building or part thereof, water tower, light or utility pole, or monopoles.

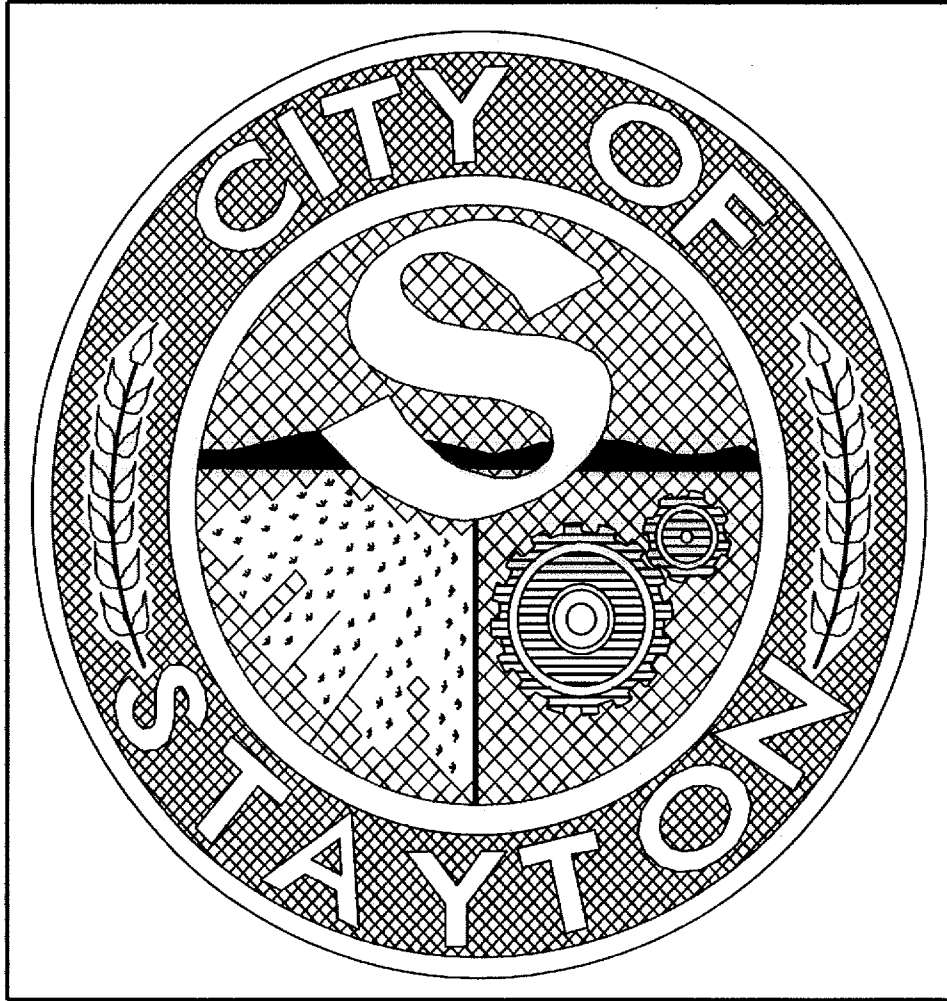
**YARD:** An open space, on the same lot with a building that is unobstructed from the ground upward except as otherwise provided herein.

1. **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest wall of the main building.
2. **YARD, LANDSCAPED:** An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. Complementary features such as fountains, pools, screens, decorative lighting, sculpture, and outdoor furnishings, may be placed within said area.
3. **YARD, REAR:** A yard extending across the full width of the lot between the nearest wall of the main building and the rear lot line.

4. **YARD SIDE:** A yard between the nearest wall of the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard.

**17.04.110 VIOLATIONS AND PENALTIES**

1. Any person, firm, or corporation who violates any provision of this code title is punishable upon conviction by a fine as provided in subsection 2 of this section. Each day that the violation persists shall be deemed as a separate offense.
2. Violation of any portion of this code is punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each infraction.
3. The remedies provided hereunder are cumulative and not exclusive. In addition to the penalties provided above and those specifically set out in particular sections of this code, the City, by and through its authorized personnel, may pursue any remedy provided by law including the institution of injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate a code violation.



## **CHAPTER 17.08 COMPREHENSIVE PLAN**

**CHAPTER 17.08**

**COMPREHENSIVE PLAN**

**SECTIONS**

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**17.08.010 PURPOSE**

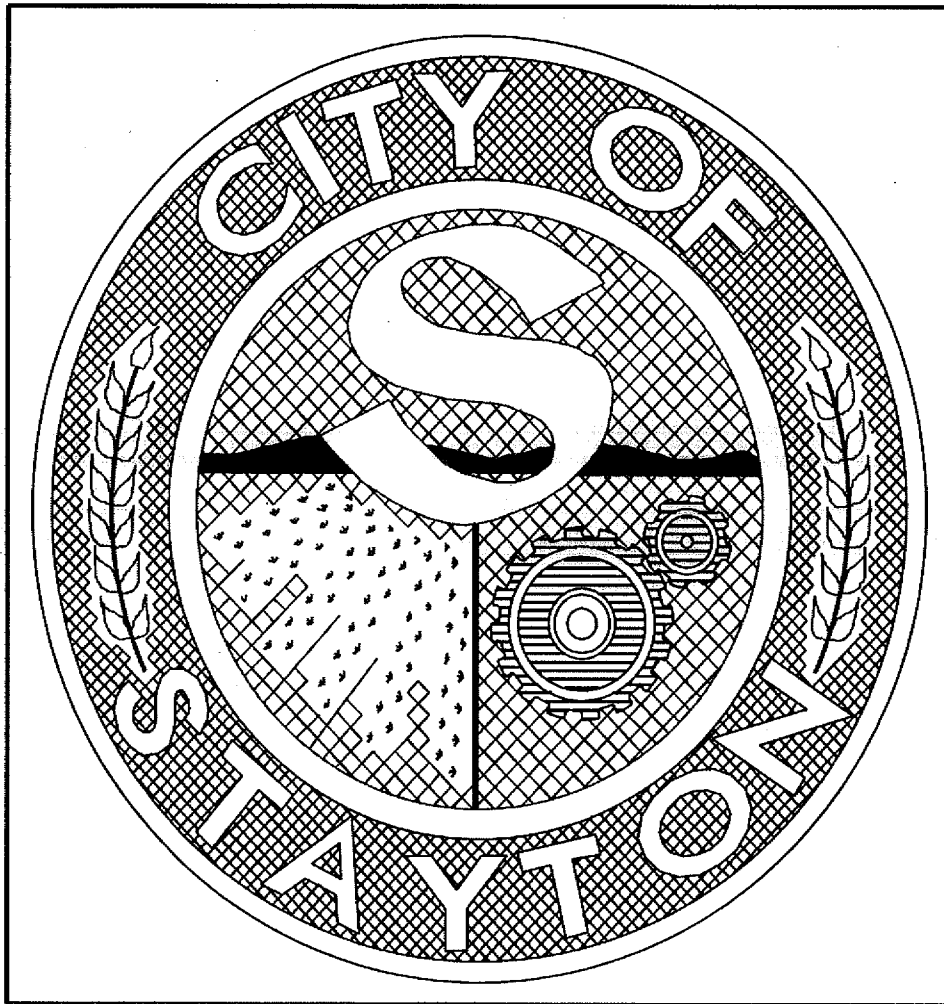
The purpose of this chapter is to provide a policy framework for the City to accommodate long-range urban population growth while maintaining the maximum efficiency of land uses within and on the fringe of the existing urban area; to maintain the compatibility of proposed urban uses with existing nearby agricultural activities; to comply with state regulations concerning comprehensive plan adoption; and to establish programs and policies by which the framework for urban growth can be developed and implemented.

**17.08.020 COMPREHENSIVE PLAN**

1. The City has adopted and shall maintain a comprehensive plan document consisting of written text and maps and supportive technical information. This comprehensive plan shall be the principal document to guide the future growth and development of the City. It shall be the function of the comprehensive plan to provide a basis for land use regulations as set forth in this code. The plan shall be an expression of City public policy toward growth and development. The plan shall contain but not be limited to the following elements:
  - a. Policies Element
  - b. Natural Resources Element
  - c. Transportation Element
  - d. Parks and Recreation Element
  - e. Public Facilities and Services Element
  - f. Land Use Element
  - g. Economic Element
  - h. Energy Element
  - i. Urban Growth Program
2. Adoption and Changes to Plan
  - a. Method: The plan and amendments thereto shall be adopted by ordinance, following proceedings conducted in accordance with the standards and criteria set forth in Chapter 17.12.
  - b. Categories of Changes
    - 1) Amendment: A plan amendment may be a redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. An amendment in any form is generally considered to be site-specific. An amendment will be processed pursuant to Chapter 17.12.
    - 2) Revision or Update: Major revisions, including the updating of all or parts of the plan and affecting the framework or principal elements of the plan, are not considered to be amendments and may not be initiated by individual applicants. Revisions or updates shall be considered legislative rather than quasi-judicial changes.

**17.08.030 URBAN GROWTH MANAGEMENT**

1. The following are the policies and criteria upon which the urban growth of the City shall be based:
  - a. The existing boundaries of the City should remain relatively unchanged until a major portion of the City's usable land has been developed for urban purposes.
  - b. Extension of the City's urban services should be preceded by a careful evaluation of the facts, with major emphasis given to the overall community costs and benefits.
  - c. Developments which can be served by a gravity flow sewage system should be given priority.
  - d. The City is the logical provider of services in the defined urban service area; therefore, development outside the City boundaries should be coordinated closely with the City.
  - e. All government units whose responsibilities affect the growth and development of the Stayton area should review the urban growth program for the City.
  - f. The physical size of the urban service area will be relative only to time and the changing needs of the community. If the criteria used to delineate the urban service area change, the City will have need to re-evaluate its urban growth program.
  - g. The concept of acreage residential zoning as defined in the Marion County Zoning Ordinance should be applied to areas north and east of the City. This type of zoning permits acreage residential homesite at a specific density (i.e., two, three, five acres, etc.) based on the needs and physical limitations of the area. In some cases, farm use zoning may also be appropriate, especially for the area west of the City.
2. The urban growth boundary of the City shall be that depicted as the urban growth boundary line on the Comprehensive Plan Map of the City of Stayton.



## **CHAPTER 17.12 DEVELOPMENT APPROVAL PROCEDURES**

**CHAPTER 17.12**

**DEVELOPMENT APPROVAL PROCEDURES**

**SECTIONS**

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**17.12.010 PURPOSE**

The purpose of this chapter is to provide clear and uniform procedures for the application for, review of, and decisions upon requests for land use and development permits.

**17.12.020 APPLICATIONS FOR CHANGES AND EXCEPTIONS**

All applications for land use and development approval actions as governed by the land use and development code are subject to the procedures and conditions set forth herein.

**17.12.030 APPLICATION PROCEDURE**

Any application for a land use or development approval action authorized in this title shall be filed in the following manner.

1. **FORMS.** The application shall be submitted on forms provided by the City Planner.
2. **FILING LOCATION.** Unless stated otherwise, the application shall be filed with the City Planner at City Hall.
3. **PROPERTY OWNER AUTHORIZATION.** If the property owners are not the applicants, then the application shall be accompanied by a notarized statement certifying the authority of anyone representing the owner(s) of property involved in the application. The application shall be signed by the property owner or authorized representative.
4. **SUPPLEMENTAL INFORMATION.** All supplemental documentation and information specified in those sections governing the approval or action being requested shall accompany the application. The applicant shall be responsible for providing any and all information required for a complete application.
5. **COST FOR SERVICES.**
  - a. **Basic Application Costs.** Basic application costs are intended to recover expenses incurred by the City in the receipt, review and processing of a land use application. A deposit in an amount established in the Deposit Schedule will be required at the time an application is filed.
  - b. **Outside Planning Services.** An applicant may, upon permission of the City, choose outside planning services at the applicant's expense, approved by the City, to process any land use application. The outside planning service will be tantamount to the function of the City Planner and will be subject to the supervision, direction and review of the City Planner. Utilizing outside planning services does not forego the City's requirement as to costs (including non-refundable deposit).
  - c. In the event the application is withdrawn before City action, the applicant shall be responsible to pay for the costs incurred up to the time of its withdrawal.
  - d. **Waiver of Charges.** The City Council may, at its discretion, waive some or all charges for the processing of applications determined by the City Council to be in the public interest.
6. **DEPOSIT SCHEDULE.** A deposit schedule shall be in resolution form and adopted by the City Council.

**17.12.040 MULTIPLE APPLICATIONS**

1. **PROCESSING.** Combined or multiple requests by the same applicant(s) for approvals of different land use and development permits which are governed by the provisions of this chapter and which affect the same property or properties, shall be considered concurrently by the City. In the case of different applications requiring Planning Commission final action for one and City Council final action for another, the City Council may act upon both together.
2. **CHARGES FOR MULTIPLE APPLICATIONS.** Multiple applications shall be assessed charges as provided in Section 17.12.030 for each individual application which is part of a multiple application. The City Administrator shall be empowered to waive all but the highest charge for multiple applications.

**17.12.050****STAFF RESPONSIBILITY AND ACTIONS**

1. Upon receiving an application, the City staff will review the application for completeness. Staff has a total of 30 days to review the application for completeness. The 120-day decision period begins the day after the application is deemed complete. It shall be the duty of staff to notify the applicant within three days of an application being deemed complete.

If the information contained in the application is not sufficient for complete staff review, staff will return the application to the applicant with a written explanation disclosing what information, forms, or fees are missing. It shall be the responsibility of the applicant to revise or supplement the application as required by the City staff in order to make it a complete application. If appropriate, a written agreement from the applicant may be accepted by the City staff, explaining how the technical problems will be resolved or information prepared. Failure of the applicant to provide a complete application within 181 days of the original submission shall result in the application being considered withdrawn. City staff shall notify the applicant that the application is considered withdrawn and inform the applicant that the application may be resubmitted at any time.

2. For all cases in which City staff does not make the initial decision on an application, City staff shall refer the file, together with their report as required by this title, to the appropriate decision maker (Planning Commission or City Council), and shall schedule a public hearing therefore at the next available, regularly scheduled meeting.
3. For purposes of planning coordination, the City staff shall provide to local, state, and federal agencies likely to be impacted by the proposal or entitled to receive such notice under law, referrals of the request with an explanation of the character of the proposal and an indication of potential City action, to . This referral will be made within 5 days of application acceptance. Agencies so contacted will be requested to reply within 12 days of mailing of the referral, and will be notified that failure to reply or participate in the hearing may be interpreted as no objection to the proposal.
4. For all applications other than a comprehensive plan amendment, the City staff will prepare a written staff report on the proposed action within 20 days after the application is deemed complete, or 7 days before a duly scheduled public hearing, whichever occurs earlier. A written report on a proposed comprehensive plan amendment shall be prepared within 30 days after the application is deemed complete, or 7 days before a duly scheduled public hearing, whichever occurs earlier.
5. For comprehensive plan amendment and zone change applications, the City staff shall notify the Oregon Department of Land Conservation and Development of the proposed amendment pursuant to the requirements of ORS 197.610. Comments or objections received as a result of the notification shall be made a part of the staff report to the Planning Commission and/or the City Council.
6. The staff shall present their report on the application to the Planning Commission at the scheduled public hearing.
7. For all cases in which the Planning Commission acts as the decision authority on an application, City staff shall refer the file, together with their report on the action of the Planning Commission, to the City Council. In the event a public hearing is required by this title, or requested by the City Council, City staff shall schedule the public hearing for the next available, regularly scheduled meeting. City staff shall provide notice for the public hearing as required by this title.

8. It shall be the duty of the City staff to monitor the 120-day decision period and to notify the Planning Commission and City Council in a timely manner to allow completion of the prescribed process within the 120-day period.

**17.12.060 NOTICE OF PUBLIC HEARING**

1. Public notice of any public hearing before the Planning Commission or City Council shall include the following information:
  - a. Identification of the application by City file number.
  - b. Identification of the property involved in the request by ownership and tax map and tax lot numbers, and street address if available.
  - c. Identification of the property owner and applicant.
  - d. Date, time, and place of the hearing and the decision authority to conduct the hearing.
  - e. A brief description of the nature of the application and the proposed activities or uses which could be allowed by a favorable decision.
  - f. List the applicable criteria from the Comprehensive Plan and its implementing ordinances that apply to and govern the decision on the application under consideration.
  - g. The name of the City staff or designee and a telephone number to contact where information may be obtained.
  - h. A statement that the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at the office of the City staff and that copies will be provided at reasonable cost.
  - i. A statement that the staff report on the application will be available for inspection at the office of the City staff and that copies will be provided at reasonable cost within 7 days of the hearing.
  - j. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - k. A statement that the failure to raise an issue in person or by letter during the open record period, or failure to provide sufficient specificity to afford the City an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.
  - l. A statement that indicates the day in which the application was deemed complete.
  - m. If the hearing is an appeal, identification of the appellant's name if different than the property owner's name or applicant's name.
2. Notices of public hearing shall be mailed to each property owner of record within the affected area not later than 20 days prior to the first public hearing on a case, and not later than 10 days prior to any additional public hearings on the same case. The notification area shall be for all properties located a minimum of 300 feet from the exterior boundaries of the property which is the subject of the notice. Failure to receive such notice shall not affect the validity of the proceedings.
3. The applicant shall be required to post the property, 10 days prior to the hearing date, with a sign or placard provided by the City. The applicant shall file written certification or affidavit of such posting with the City staff prior to the hearing date. Posting shall be placed as near to a public street as possible, and shall be done in such a manner that the notice sign is easily visible from a public street.

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 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.

**17.12.070 DECISION AUTHORITY**

1. **AUTHORITY.** The decision authority on applications shall be as follows:
  - a. **Staff Decisions.** City staff shall be required and empowered to review, evaluate and render decisions on the following land use applications:
    - 1) **Site Plan Review**
      - a) Development on a previously vacant lot for which the area of development is 5,000 square feet or less.
      - b) Expansions, additions or other modifications to a previously developed lot that would increase the floor area of the structure by less than 15% or increase the number of parking spaces needed by less than 15%.
      - c) The change of use from one category in Table 17.16.070.1 to another category.
    - 2) Final subdivision and partition plats.
    - 3) Minor modifications
  - b. **Planning Commission Decisions.** The Planning Commission shall be empowered to review, evaluate and render decisions on applications for site plan reviews except as specified in 17.12.070.1.a.1; conditional uses; variances; partitions; preliminary and detailed development plans for master planned developments not associated with annexations, comprehensive plan changes, or zone changes; and subdivisions not associated with annexations, comprehensive plan amendments or zone changes.
  - c. **Planning Commission Recommendations.** The Planning Commission shall be required to review, evaluate, and make recommendations to the City Council on all land use applications involving changes to the development code; comprehensive plan amendments; zone changes; annexations; and subdivisions or master planned developments associated with annexations, comprehensive plan amendments, or zone changes.
  - d. **City Council Decisions.** The City Council shall be required and empowered to review, evaluate, and render final decisions on all land use applications involving changes to the development code; comprehensive plan amendments; zone changes; annexations; and subdivisions or master planned developments associated with annexations, comprehensive plan amendments or zone changes.
  - e. **City Council Authority.** Notwithstanding the division of the authority to make decisions set forth above, the City Council shall have at its sole discretion, the authority to review and consider any land use action of the staff or Planning Commission.
  - f. **Combined Authority.** At the discretion of the City Council, proceedings of the Council and Planning Commission may be combined in the form of mutual or joint public meetings, work sessions, or hearings. Unless otherwise determined by the Council, decisions or actions taken on applications subject to or following such proceedings shall have the status of final Council decisions or actions.
2. **STANDARDS.** It is the responsibility of the applicant to provide evidence that allows the decision authority to make findings that the application is in conformance with applicable standards of the Comprehensive Plan, this title, and other state and local law; and that the specific approval criteria for the application, as contained within applicable sections of this code, have been satisfied.



3. **BURDEN OF PROOF.** The applicant has the burden of proof for any land use action before the City of Stayton. According to law, the applicant must present to the decision authority facts, evidence, analysis, and justification for each and every decision criteria in order to carry that burden of proof. The burden of proof lies with the applicant to prove why their proposal complies with the Stayton Comprehensive Plan and the City's land use ordinances. There is no assumption that the applicant is entitled to an approval from the City of Stayton and the burden of proof does not lie with the City of Stayton, staff, or appointed or elected officials.

**17.12.080 ADMINISTRATIVE DECISION PROCEDURE**

1. **ADMINISTRATION STAFF EVALUATION.** The City staff shall consider the following matters in evaluating and reaching a decision on an application:
  - a. Consistency of the proposed action with the mandatory approval criteria for the application including the objectives of this title and other applicable ordinances and policies of the City.
  - b. Staff's own analysis and evaluation of the proposal; including all facts submitted relevant to the application, any information in the record by the staff, and any other information that is of general knowledge.
2. **NOTICE OF APPLICATION.** Notice shall be mailed to each property owner of record within the affected area not later than 20 days prior to City staff taking any action on a land use application for which it is the decision maker. The notification area shall be for all properties located a minimum of 300 feet from the exterior boundaries of the property which is the subject of the notice. Failure to receive such notice shall not affect the validity of the proceedings.
3. **ADMINISTRATIVE STAFF ACTION.** On any application for which the City staff is empowered to make a decision pursuant to Section 17.12.070.1.a, staff may:
  - a. Approve the proposal as submitted, including the establishment of conditions of approval as may be deemed appropriate.
  - b. Request the proposal be modified in order to comply with this code before making a decision.
  - c. Deny the proposal.
  - d. Refer the application to the Planning Commission for a decision in accordance with Section 17.12.090.
4. **FORM OF ADMINISTRATIVE ACTION.** The decision of City staff shall be in the form of a written Notice of Decision, which shall be distributed pursuant to Section 17.12.130.
5. **EFFECTIVE DATE OF ADMINISTRATIVE DECISION.** Unless appealed or called up by the Planning Commission or City Council, a decision of City staff shall become final 14 days following the date of mailing of the Notice of Decision.

**17.12.090 PLANNING COMMISSION HEARING AND DECISION PROCEDURE**

1. **TIMING.** The staff report shall be placed before the Planning Commission no less than 7 days prior to the scheduled public hearing or meeting. The Planning Commission shall hold at least 1 public hearing on the proposal unless otherwise provided by this title. A work session(s) open to the public may also be held at the Commission's discretion.
2. **RULES OF PROCEDURE.** All public hearings shall be conducted in accordance with Stayton City Land Use Hearings Rules of Procedure, as amended. Copies of the Rules of Procedure shall be made available to applicants and other participants at the hearings.
3. **EVIDENCE.** Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs, and shall become part of the record for the application. Evidence shall address the mandatory approval criteria listed in the notice of hearing. The Planning Commission may reject any evidence that is immaterial or irrelevant to the approval criteria. Evidence that has been rejected shall be kept with the record on the application, but shall be noted on the face of that evidence that it was rejected, and the basis for the rejection.
4. **PLANNING COMMISSION EVALUATION.** The Planning Commission shall also consider the following matters in evaluating and reaching a decision on the application:
  - a. Consistency of the proposed action with the mandatory approval criteria for the application, the objectives of this title, and other applicable ordinances and policies of the City.
  - b. Staff analysis and evaluation of the proposal.
  - c. The Planning Commission's own analysis and evaluation of the proposal including all facts submitted relevant to the application and any other information that is of general knowledge.
5. **PLANNING COMMISSION ACTION.** The Planning Commission shall make a decision on any application following a public hearing and other Commission action, except those requiring final action by the City Council. The Commission may:
  - a. Approve the proposal as submitted, and establish conditions of approval as deemed appropriate by the Commission in order to bring the proposal into compliance with this Code.
  - b. Request the proposal be modified in order to comply with this code before making a decision.
  - c. Remand the application back to the City staff.
  - d. Deny the proposal.
  - e. Refer the matter on to the City Council without action or recommendation.
  - f. On those actions requiring final approval by the City Council, the Planning Commission shall perform the same function as described in a. through c. of this section, except the Commission action shall be in the form of a recommendation to the Council rather than a final decision.
  - g. If additional information is required to allow completion of action by the Planning Commission, it shall be prepared within 1 week, if possible, and brought before either a special meeting or the next regularly scheduled meeting of the Commission.

- h. If so requested by a participant, the record of the hearing shall be held open for at least 7 days after the hearing is completed.
6. **PLANNING COMMISSION REVIEW OF ADMINISTRATIVE DECISIONS.** For actions where a Notice of Decision has been issued by City staff, any individual member of the Planning Commission may elect to call up the application to further consider the decision. A call up must be made within the appeal period as specified in Section 17.12.110, and shall be in writing on forms provided by City staff. When a decision is called up, the Planning Commission may elect to hold a public hearing, or refer the case back to the City staff with directions on how to proceed.
7. **FORM OF ACTION.** Planning Commission action shall be in the form of an order stating the Commission's findings of fact, conclusions of law, decision and any conditions of approval which shall be signed by the presiding officer of the Commission.
8. A Notice of Decision shall be distributed pursuant to Section 17.12.130.
9. **REFERRAL OF ACTION.** For those actions in which the Planning Commission is called upon to make only a recommendation to the City Council, the record of the matter, including Planning Commission orders and findings, and all information received by the Planning Commission shall be referred to the Council for review and further action.
10. **EFFECTIVE DATE OF DECISION.** Unless appealed or called up by the City Council or Mayor, a decision of the Planning Commission shall become final 14 days following the date of the Notice of Decision.

**17.12.100 CITY COUNCIL HEARING AND DECISION PROCEDURES**

1. **COUNCIL HEARING REQUIRED.** For zone changes, comprehensive plan amendments, and annexations, the City Council shall conduct at least one public hearing on the application. Notice of public hearing shall be given pursuant to the procedures of Section 17.12.060.
2. **COUNCIL HEARING OPTIONAL.** The City Council, in its sole discretion, may hold a public hearing for any application, other than zone changes, comprehensive plan amendments, and annexations, which is before the Council for decision.
3. **COUNCIL REVIEW OF ADMINISTRATIVE AND PLANNING COMMISSION DECISIONS.** For those actions where a Notice of Decision has been issued by either City staff or Planning Commission, any member of the Council or the Mayor may elect to call-up the application to further consider the decision. A call up must be made within the appeal period as specified in Section 17.12.110, and shall be in writing on forms provided by City staff. The Council may elect to hold a public hearing, or refer the case back to the original decision authority with directions on how to proceed when a decision is called up. Once a case is called up, staff and/or the Planning Commission lose jurisdiction to further consider the matter unless the Council directs otherwise.
4. **HEARINGS.** For those matters requiring City Council decision, the Council will consider recommendations of the Planning Commission and other information related to the application before the Council in the form of a de novo procedure. Hearings on appeals only may be de novo or on the record, as the Council deems appropriate. In cases heard on the record, no new evidence shall be allowed, however the applicant or appellant as the case shall be afforded a brief opportunity to argue the merits of the case to the Council, so long as no new evidence is presented.
5. **PROCEDURES.** Conduct and procedures of the hearing and matters to be considered by the City Council shall be the same as those prescribed for the Planning Commission hearing as described in Section 17.12.090.
6. **COUNCIL ACTION.** As the final decision maker for all City business, the City Council shall have the right to take whatever action it deems necessary on any land use case brought before it. The power and the authority of the Council in this regard are not limited in any way.
7. **FORM OF ACTION.** Any decision or action by the City Council on a land use case shall be by Order, except for annexations, zone changes, and comprehensive plan amendments which shall be by Ordinance. The Order and/or Ordinance shall contain detailed findings of fact and conclusions as to whether or not the facts satisfy the approval criteria. The decision shall contain the effective date of the decision, and the appeal rights of the parties. If the application is approved, the Order/Ordinance shall specify any conditions of approval established by the Council. The Council decision shall be mailed to all persons who are entitled to receive the Notice of Decision as specified in Section 17.12.130.
8. **REMAND TO PLANNING COMMISSION.** The City Council may remand any land use case to the Planning Commission for further proceedings, including conducting a new public hearing and making a new decision or recommendation. In the event of remand, the application shall be processed just as if it was a new application.

**17.12.110 APPEALS**

1. **APPEAL OF ADMINISTRATIVE DECISION.** An administrative decision of the City staff may be appealed to the Planning Commission by an affected person within 14 days of the mailing of the Notice of Decision. The notice of appeal shall indicate the nature of the decision that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of this title.
2. **APPEAL OF PLANNING COMMISSION DECISION.** A Planning Commission decision may be appealed to the City Council by an aggrieved party within 14 days of the mailing of the Notice of Decision. The appeal shall be in writing and shall clearly state the issue being appealed and the grounds for the appeal. The appeal shall be placed before the Council. The Council will consider the appeal and either accept the appeal and set a date for public hearing, or elect to deny the appeal based on the record. If the Council accepts an appeal of a Commission action, the Council may at its discretion remand the decision back to the Commission for further consideration and findings which will then be reported to the Council prior to a final Council decision on the appeal.
3. **JURISDICTIONAL DETERMINATION.** In order for the appeal to be jurisdictionally adequate, and therefore able to be considered by the appropriate appellate authority, the appeal must meet all of the requirements set forth herein. These include: specificity, use of proper form (properly filled out), payment of fee, and timely filing.
4. **SPECIFICITY.** Issues of appeal must be raised with sufficient specificity before the appeal body to have afforded the decision authority and the applicant, if appropriate, an adequate opportunity to respond to and resolve each issue.
5. **STAY OF PROCEEDINGS.** When an appeal is filed, it shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the determination of such appeal is completed.
6. **FEE.** An appeal pursuant to Section 17.12.100.1 shall be accompanied by an application fee and deposit as required by the adopted Fee Schedule.
7. **APPEAL FORM.** In order to be properly considered, an appeal shall be submitted on an appeal form created by the City. Appeal forms shall be readily available to members of the public at not cost for the form. The appeal shall be filed with the City Planner.
8. Unless otherwise specified, where ever this code refers to "days", that reference is to calendar days, not working days. To calculate the last day for appeal, the date of the notice should be excluded, and the last day of the appeal period should be included. The last day concludes at 5:00 p.m. If the last day falls on a legal holiday or a weekend, the last day shall be the next regularly scheduled workday thereafter. To be effective, appeals must be physically received by the Planning Department.

**17.12.120 EFFECTIVE DATES AND DEADLINES FOR ACTIONS**

1. **EFFECTIVE DATE.** A final decision on a quasi-judicial land use action is intended to provide certainty to the applicants and all parties participating in the process. If a decision is not appealed pursuant as specified in 17.12.110, the decision becomes final.
2. **EVIDENTIARY MATERIAL SUBMITTED.** All documents or evidence relied upon by the applicant shall be submitted to the City staff at least 20 days prior to the first evidentiary hearing on the matter.
3. **DEADLINES EXCEPT FOR PLAN AMENDMENT.** The City shall take final action on an application, except for a comprehensive plan amendment, including resolution of all appeals under Section 17.12.030 within 120 days after the application is submitted and deemed complete.
4. **MINIMUM TIME FOR REAPPLICATION:** An application denied after due consideration may not be resubmitted in less than 1 year's time unless the applicant can demonstrate that the factual circumstances which brought about the denial no longer exist or are no longer applicable to the proposal.
5. **EXTENSIONS.** The applicant may elect to waive or grant an extension to the 120-day time requirement stated in subsection 3 of this section by oral consent at public hearing or by written statement to the City staff. Such waiver requests shall be made a part of the record on the application. The total of all extensions may not exceed 245 days.
6. **TIME CALCULATIONS.** Unless otherwise specified, where ever this code refers to "days", that reference is to calendar days, not working days. To calculate the last day for appeal, the date of the notice should be excluded, and the last day of the appeal period should be included. The last day concludes at 5:00 p.m. If the last day falls on a legal holiday or a weekend, the last day shall be the next regularly scheduled workday thereafter.
7. **RIGHT MUST BE EXERCISED.** Land use approvals granted under this title shall be effective only when the exercise of the right granted therein is commenced within 1 year of the effective date of that decision, unless a longer period be specified or thereafter allowed by the decision authority. In case such right has not been exercised or extension obtained the approval shall be void. A written request for an extension of time filed with the City Planner at least 30 days prior to the expiration date of the approval shall extend the duration of the one-year period until the decision authority has taken action on the request if the following criteria are met:
  - a. Progress has been made on final engineering.
  - b. Applications to other regulatory agencies for necessary approvals have been filed.

Only one extension may be granted.

**17.12.130 NOTICE OF DECISION**

All administrative, Planning Commission, and City Council decisions shall be produced as a written Notice of Decision. This Notice of Decision shall contain at a minimum, the following information:

1. A brief description of the proposal contained in the application.
2. The nature of the decision, including a description of any conditions of approval.
3. The effective date of the decision.
4. A brief description of the rights and procedures for appeals.

This Notice of Decision shall be mailed to: the applicant, all persons within the notification area, anyone who has requested a copy of the decision, and all members of the Planning Commission and City Council, within 3 days of the decision.



**17.12.140 SUBSTANTIAL CHANGES IN APPLICATION AFTER FILING**

In the event, at the City Council level, the applicant proposes changes to the land use application under consideration that make it substantially different from the proposal that was considered by the Planning Commission, then the Council shall remand the case to the Planning Commission to consider the proposed changes. Changes that shall make the application substantially different include, but are not limited to, substantial changes to the following:

1. Change in access including size, number, or location.
2. Elimination of landscaping.
3. Change in the size or configuration of the subject property.
4. Increase in the density of the proposal.
5. Change in the location of the parking areas.

The application must be considered without the proposed changes in the event the applicant does not waive or appropriately extend the 120 day application completion requirement (Oregon Revised Statutes 227.179) prior to further consideration by the City.

**17.12.150 MAJOR MODIFICATIONS TO APPROVED PLANS**

1. **PURPOSE STATEMENT.** The purpose of this section is to provide an efficient process for modifying land use decisions in recognition of the cost and complexity of land development.
2. **METHOD OF ADOPTION.** Major modifications shall be adopted pursuant to the requirements of Sections 17.12.070 through 17.12.100. The decision shall be made in accordance with this title.
  - a. This Section applies to all site plan reviews, subdivisions (but not partitions), and Master Planned Developments.
  - b. Major modifications shall constitute a new land use application and not a continuation of the original approved land use application.

This Section does not apply to Comprehensive Plan amendments, zone map amendments, annexations, variances or conditional use permits.

3. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of major modifications shall include the following materials and information.
  - a. Completed application forms as supplied by the City Planner.
  - b. Three copies of the site plan to a scale of 1 inch equals not more than 50 feet showing the proposed modifications to the approved plan, the surrounding properties, neighboring streets and roads, and the previously approved plan. In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a major modification.
4. **APPROVAL CRITERIA.** The scope of the review shall be limited only to the modification request. The decision authority shall use as decision criteria, the criteria for the original development proposal (e.g. subdivision, site plan, master planned development) that apply within the scope of the modification request and the any conditions of approval from the original application. (This includes public infrastructure requirements under Standard Specifications and adopted Master Plans.)
5. **IMPOSITION OF RESTRICTIONS AND CONDITIONS.**
  - a. The decision authority may prescribe restrictions or limitations for the proposed modification to an approved plan as it deems necessary to fulfill the purpose and intent of the zoning district in which the modification is being proposed and the requirements of this code. Such restrictions or limitations shall be based on evidence and analysis presented during the course of evaluation of the request, and shall be made a part of the approval action.
  - b. Any reduction or change of the requirements of the zoning regulations must be considered as varying those regulations and must be processed as a variance pursuant to Section 17.12.190.

**17.12.160 PRE-APPLICATION MEETING**

1. **PURPOSE STATEMENT.** The purpose of this section is to have conferences with prospective applicants to gather general information and City guidelines before the applicants enter into binding commitments or incurring substantial expense in the preparation of plans and land use applications.
2. **WHEN REQUIRED.** A minimum of 1 pre-application meeting must be held prior to submittal of the following types of applications:
  - a. Site Plan Review
  - b. Annexation
  - c. Subdivision or Partition
  - d. Master Planned Development
3. **SUBMITTAL REQUIREMENTS.** A pre-application meeting will be scheduled only upon submission of the following materials to the City Planner 7 days prior to the meeting. The meeting shall be scheduled no more than 14 days after the City Planner has determined adequate information has been submitted.
  - a. **Form.** A completed form provided by the City Planner requesting a pre-application meeting.
  - b. **Map(s).** The applicant should provide a map(s) that allow staff to understand the general aspects of the proposed development. Maps do not need to be to scale, but it is recommended.
    - 1) The approximate topography.
    - 2) Approximate location of any existing buildings or proposed buildings.
    - 3) The approximate location of all proposed driveways, sidewalks and parking facilities.
    - 4) The approximate location of all proposed landscaping.
    - 5) Approximate location of any proposed land divisions.
  - c. **Narrative Statement.** The applicant shall provide a brief narrative statement detailing the proposed uses for the site.
4. **PROCEDURES FOR PRE-APPLICATION MEETINGS.**
  - a. The pre-application meeting shall be attended by representatives of the Planning and Public Works Departments.
  - b. The applicant shall make a brief description of the project proposed project.
  - c. City staff shall inform the applicant of the issues that will need to be addressed when the application is submitted and identify any potential sections of this code for which compliance may not be easily achieved.
  - d. The opinions given by City staff at the pre-application meeting are non-binding upon the City and failure of staff to identify a Code provision for which compliance later becomes an issue shall not relieve the applicant from compliance with that provision should an application be submitted.

**17.12.170 COMPREHENSIVE PLAN AMENDMENTS**

1. **PURPOSE STATEMENT.** The purpose of this section is to provide for amendment(s) to the City's Comprehensive Plan text or maps that meet the criteria of this section.
2. **DEFINITION.** A comprehensive plan amendment is a redesignation of an area from one land use classification to another or a modification to the policies or text of the Comprehensive Plan. Major revisions, including the updating of all or parts of the Comprehensive Plan and affecting the framework or principal elements of the Comprehensive Plan, may not be initiated by individual applicants.
3. **METHOD OF ADOPTION.** Pursuant to the requirements of Sections 17.12.070 to 17.12.100, comprehensive plan amendments shall be adopted by ordinance passed by the City Council. All proceedings shall be conducted in accordance with this title.
4. **INITIATION OF AMENDMENT.** A comprehensive plan amendment may be initiated in any one of the following ways:
  - a. By resolution of the City Council.
  - b. By motion of the Planning Commission, followed by a public hearing before the Planning Commission and submission of a recommendation to the City Council.
  - c. By application of property owners or persons purchasing property under contract in accordance with procedures outlined herein.
5. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for comprehensive plan amendments shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. If a land use designation amendment, 3 copies of a map, drawn to a scale of 1 inch equals not more than 50 feet, showing the property for which the amendment is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new land use designation(s). In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a plan amendment. If the request is a text-only amendment (e.g., no requested change in land use designation), the statement must fully explain the nature of the requested change and provide reasons why the change is appropriate.
6. **APPROVAL CRITERIA.** In order to approve a comprehensive plan amendment, the following affirmative findings concerning the action must be able to be made by the decision authority
  - a. The proposed amendment is compatible with the existing provisions of the Comprehensive Plan as measured by:
    - 1) If a map amendment, list:
      - a) The land area affected by change.
      - b) Current use(s) in that area.
      - c) The proposed use(s).
    - 2) Impact of the proposed amendment on land use and development patterns within the City as measured by:

- a) Traffic generation and circulation patterns
  - b) Population concentrations
  - c) Demand for public facilities and services
  - d) Maintenance of public health and safety
  - e) Level of park and recreation facilities
  - f) Economic activities
  - g) Protection and use of natural resources
  - h) Natural hazards and constraints
  - i) Compliance of the proposal with existing adopted special purpose plans or programs such as public facilities improvement programs.
- b. A demonstrated need exists for the product of the proposed amendment based on the lack of available land in the districts where the proposed use(s) is allowed.
  - c. The proposed amendment complies with all applicable Statewide Planning Goals and Oregon Administrative Rule (OAR) requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.030) if a change in the urban growth boundary is requested.
  - d. The proposed amendment is possible within the existing framework of the Comprehensive Plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).
  - e. The amendment is appropriate as measured by at least one of the following criteria:
    - 1) It corrects identified error(s) in the provisions of the Plan.
    - 2) It represents a logical implementation of the Plan.
    - 3) It is mandated by changes in federal, state, or local law.
    - 4) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.
7. PLAN MAP: Whenever any land is redesignated pursuant to a comprehensive plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

**17.12.180 ZONE CHANGES**

1. **PURPOSE STATEMENT.** The purpose of this section is to provide for amendment(s) to the Official Zoning Map that meet the criteria established by this section.
2. **DEFINITION.** A zone change is reclassification of an area from the current zoning district to another zoning district that exists within Chapter 17.16. The creation of new zoning districts requires a comprehensive plan prior to their application to any property in the City.
3. **METHOD OF ADOPTION.** Pursuant to the requirements of Section 17.12.070 through 17.12.100, zone changes shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this title.
4. **INITIATION OF ZONE CHANGE.** The process for a zone change may be initiated in any one of the following ways:
  - a. By resolution of the City Council.
  - b. By motion of the Planning Commission, followed by a public hearing before the Planning Commission and submission of a recommendation to the Council.
  - c. By application of property owners or persons purchasing property under contract, in accordance with procedures outlined herein.
5. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for zone changes shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. Three copies of a map, drawn to a scale of 1 inch equals not more than 50 feet and shown as a graphic scale of the property for which the zone change is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new zoning district(s). In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
6. **APPROVAL CRITERIA.** In order to approve a zone change, the following affirmative findings concerning the action must be able to be made by the decision authority.
  - a. The proposed zone change and intended use is compatible with the surrounding area, as measured by:
    - 1) Land use patterns.
    - 2) Traffic generation and circulation.
    - 3) Population density and impacts of population concentrations.
    - 4) Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.
    - 5) Other similar factors deemed to be of importance to the decision by the Planning Commission or City Council.
  - b. Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.
  - c. There are adequate urban services to serve the possible use under the zone proposed.

- d. The proposed zone change is compatible with applicable provisions of the Comprehensive Plan.
  - e. The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Oregon Administrative Rules.
7. ZONING MAP. Whenever any land is redesignated, the official zoning map shall be modified to accurately portray the change.

**17.12.190 CONDITIONAL USES**

1. **DEFINITION.** A conditional use is an activity which is basically consistent with other uses permitted in the zone, but due to some of the characteristics of the activity which might not be entirely compatible with the zone, such use requires City review to determine and/or control potential adverse impacts.
2. **METHOD OF ADOPTION.** Conditional uses shall be adopted pursuant to the requirements of Sections 17.12.070 through 17.12.100. All decisions shall be made in accordance with this title.
3. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of conditional uses shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet and shown as a graphic scale of the property for which the conditional use is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed development and improvements of the property pursuant to the conditional use request. In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a conditional use.
4. **APPROVAL CRITERIA.** In order to approve a conditional use request, the following affirmative findings concerning the action must be able to be made by the decision authority.
  - a. The proposed conditional use is compatible with the surrounding area as measured by factors such as noise, odors, appearance, traffic congestion, hazards to the public, generation of waste products, scale of development, excessive glare of lighting, and demand on public services and facilities.
  - b. The proposed conditional use is compatible with the purposes and standards of the zoning district in which it is proposed.
  - c. Identified adverse impacts may be mitigated or eliminated through the imposition of special conditions on the proposed use or by modifying the proposed use.
  - d. There will be no adverse affects on the normal flow or movement of traffic in the immediate area.
  - e. There are available urban services to the property.
  - f. Other property in the City that would allow the proposed use outright is not reasonably available.
5. **IMPOSITION OF RESTRICTIONS AND CONDITIONS.**
  - a. The decision authority may prescribe restrictions or limitations for the proposed conditional use as it deems necessary to fulfill the purpose and intent of the zoning district in which the use is being proposed and the requirements of this code. Such restrictions or limitations shall be based on evidence and analysis presented during the course of evaluation of the request and shall be made a part of the approval action. Conditions may limit the time or duration of the use.



- b. Any reduction or change in the requirements of the zoning regulations must be considered as varying those regulations and processed as a variance pursuant to Section 17.12.200.

**17.12.200 VARIANCES**

1. **DEFINITION.** A variance is an approved modification to, or relief from a specific regulation or set of regulations imposed by provisions of this title. A variance approval is limited to the individual condition and/or instance for which the variance has been requested.
2. **METHOD OF ADOPTION.** Variances shall be adopted pursuant to the requirements of Sections 17.12.070 through 17.12.100. All decisions shall be made in accordance with this title.
3. **VARIANCES ALLOWED.** The decision authority shall have the power to vary or modify the strict application of only the regulations or provisions of this title governing:
  - a. **Land Use Requirements.**
    - 1) Lot area
    - 2) Lot width
    - 3) Percentage of lot coverage
    - 4) Height of structures
    - 5) Location of structures
    - 6) Setbacks
    - 7) Signs
    - 8) Parking and loading space
    - 9) Vision clearance
    - 10) Accessory uses
    - 11) Landscaping
    - 12) Expansion of non-conforming uses
  - b. **Flood hazard management requirements.**
4. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of a variance shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. A narrative statement fully explaining the code regulation for which the variance is being sought, the nature of the variance request, and addressing all applicable criteria for approval of a variance.
  - c. Three copies of a site plan drawn to a scale of 1 inch equals not more than 50 feet and shown as a graphic scale of the property for which the variance is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and, as appropriate, the condition to be varied. In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
5. **LIMITATIONS.** The power of the decision authority to grant variances from the strict application of the provisions of this title shall be used sparingly, within the spirit and intent of this code, and applied reasonably to maintain and not abolish the distinctive zoning classifications and other land use regulations created by this title.

6. **DECISION CRITERIA.** A variance is subject to the following general and specific approval criteria. No variance shall be approved without affirmative findings being made that the request fully satisfies these approval criteria.
- a. **General Criteria Applicable to All Requests.**
    - 1) The granting of the variance would not be materially detrimental to the public health, safety, or welfare or the overall public interest of the citizens of the City as expressed within this title and the adopted Comprehensive Plan.
    - 2) The granting of the application complies with the applicable specific approval criteria as follows.
  - b. **Specific Variance Criteria.**
    - 1) **Variance to Land Use Regulations.**
      - a) The property is subject to exceptional or extraordinary circumstances such as lot size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.
      - b) The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.
      - c) The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on other property in the same zoning district or vicinity.
      - d) Approval of the variance would not create an identifiable conflict with the provisions of the Comprehensive Plan or achieve the same conditions as a comprehensive plan amendment or zone change for the property.
      - e) The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.
      - f) The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.
      - g) The request for the variance is not the result of an action taken by the applicant or a prior owner.
    - 2) **Variance to Flood Hazard Regulations.**
      - a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
      - b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
      - c) Variances shall only be issued upon
        - i. A showing of good and sufficient cause
        - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant

- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, ordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Sections 17.16.100, or conflict with existing local laws or ordinances.
- iv. A determination that the technical factors identified in subsection e) of this section will be met.
- d) When evaluating applications for a flood control regulation variance, the decision authority shall examine: all technical evaluations, all relevant factors, standards specified in other sections of the flood control provisions (Section 17.16.100) and determine that:
  - i. The danger that materials may be swept onto other lands to the injury of others will be minimized.
  - ii. The danger to life and property due to flooding or erosion damage will be minimized.
  - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner is not more susceptible to flood damage as a result of the variance.
  - iv. There are no available alternative locations for the proposed use which are not subject to flooding or erosion damage.
  - v. The proposed use will be compatible with existing and anticipated development
  - vi. The proposed use conforms to the Comprehensive Plan and flood plain management program for that area.
  - vii. There will be safe access to the property in times of flood for ordinary and emergency vehicles.
  - viii. The proposed use has been designed to withstand damage considering the heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - ix. There will be no increase in the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 6.b.2.a to 6.b.2.d of this section have been fully considered.
- f) Upon consideration of the factors 6.b.2.a to 6.b.2.d of this section, the decision authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this code section.
- g) The City Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base

flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**7. IMPOSITION OF RESTRICTIONS AND CONDITIONS.**

- a. The decision authority may prescribe restrictions or limitations for the proposed variance as it deems necessary to fulfill the purpose and intent of the code provisions which are requested to be varied, and the requirements of this code. These restrictions may include but not be limited to: the area to which it is effective within the subject property, and the terms governing the exercise of the variance approval. Such restrictions or limitations shall be based on evidence and analysis presented during the course of evaluation of the request and shall be made a part of the approval action.
- b. A violation of any such condition(s) or limitation(s) shall constitute a violation of this title.

**17.12.210 ANNEXATIONS**

1. **DEFINITION.** An annexation is an expansion of the City limits through the addition of territory to the jurisdictional boundaries of the City, including "contract annexation" agreements between applicants and the City.
2. **METHOD OF ADOPTION.** Pursuant to the requirements of Sections 17.12.070 through 17.12.100, the City Council shall adopt, by ordinance, annexation approvals. All proceedings shall be conducted in accordance with this title.
3. **PLANNING COMMISSION RESPONSIBILITY.** Applicant-initiated requests for annexation of territory to the City shall be referred to the Planning Commission for review and recommendation to the Council pursuant to the criteria below.
4. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and be processed in a timely manner by the City, requests for annexation of territory shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet shown as a graphic scale the property for which the annexation is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed uses of the property subsequent to annexation. In addition, a reduced copy of the plan sized as 11 inches by 17 inches.
  - c. The boundary lines of the properties as certified by a professional land surveyor and approximate area of the properties in acres or square feet.
  - d. A legal description of the property.
  - e. A narrative statement fully explaining the request and fully addressing the criteria for approval of an annexation.
5. **REVIEW CRITERIA.** In order to approve an annexation request, the following affirmative findings concerning the action must be able to be made by the decision authority:
  - a. Need exists in the community for the land proposed to be annexed.
  - b. The site is or is capable of being serviced by adequate City public services including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.
  - c. The proposed annexation is property contiguous to existing City jurisdictional limits.
  - d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.
  - e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.
  - f. If a proposed contract annexation, the terms and conditions, including the cost of City facility and service extensions to the annexed area shall be calculated by the Public Works Director.
6. **ZONING OF ANNEXED TERRITORY.** All lands which are annexed to the City shall be zoned in conformance with the designation of the property in the Comprehensive Plan.

**17.12.220 SITE PLAN REVIEW**

1. **DEFINITION.** A site plan review is a detailed examination of the physical characteristics of a proposed development or improvement to property prior to any site preparation, tree removal, or development, with special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses. A site plan review requires the evaluation of specific criteria as cited herein.
2. **METHOD OF ADOPTION.**
  - a. Site plans shall be adopted pursuant to the requirements of Sections 17.12.070 through 17.12.100. The decision shall be made in accordance with this title.
3. **REQUIREMENTS FOR SITE PLAN REVIEW.** Site plan review approval is required when:
  - a. A site plan review overlay district is imposed by the City Council as a condition of rezoning the parent or principal zone of a given property or properties.
  - b. Made a condition of approval of a conditional use.
  - c. Otherwise required by specific provisions of this title.
  - d. Any change of use to a use that requires site plan review in that zoning district.
  - e. Improvements to existing development causing more than a 15% increase in traffic or parking needs.
  - f. Improvements exceeding 15% of existing development by area, not including the area of internal roadways, parking and loading areas, and landscaping.
4. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of site reviews shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. Three copies of a site plan, drawn to a scale of 1 inch equals not more than 50 feet shown as a graphic scale, showing the property for which the site plan review is requested: In addition, a reduced copy of the plan sized as 11 inches by 17 inches. The site plan shall show, or be accompanied by, the following:
    - 1) The name of the person who prepared the plan.
    - 2) A north point, graphic scale, and date of the proposed site plan.
    - 3) Topography of the site with contour intervals of not more than 2 feet.
    - 4) The names and addresses of the landowners, applicant, and the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the proposed site plan.
    - 5) The tax map number (township, range and section) and lot number of all properties included in the proposed site plan.
    - 6) The boundary lines of the properties as certified by a professional land surveyor and approximate area of the properties in acres or square feet.
    - 7) The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings and any addresses for the buildings.

- 8) The location of existing sewage systems, storm water systems and water mains, culverts, drainage ways, or other underground utilities or structures within, or immediately adjacent to the property.
  - 9) A storm water management plan for the development.
  - 10) The locations of proposed sewer disposal and water supply systems in accordance with the City's Wastewater and Water Master Plans.
  - 11) The locations of any prominent natural features such as: water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
  - 12) A landscaping plan prepared in accordance with Section 17.20.090.3
  - 13) The location of parking facilities for the site including any parking areas shared with adjacent uses by reciprocal access agreement.
  - 14) A Traffic Impact Analysis (TIA) or Transportation Assessment Letter as required by Section 17.26.050
  - 15) The location of any proposed structures including the ground coverage, floor area and proposed use.
  - 16) The location and dimensions of open storage areas or outdoor storage yards.
  - 17) The size location, direction and intensity of illumination of all signs and a lighting plan that includes.
    - a) The location of all existing and proposed exterior lighting fixtures.
    - b) Specifications for all proposed lighting fixtures including photometric data, color-rendering index of all lamps, and other descriptive information of the fixtures.
    - c) Proposed mounting height of all exterior lighting fixtures
    - d) Analyses and illuminance level diagrams showing that the proposed installation conforms to the light level standards of Section 17.20.170.
    - e) Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.
  - 18) The location of any free standing signage and the proposed size(s) and dimension(s).
  - 19) The location of any proposed screening including fences, walls, hedges and berms.
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of site plan review.
5. APPROVAL CRITERIA. The following criteria must be demonstrated as being satisfied by the application:
- a. The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications) and connections, including easements, to properly serve development in accordance with the City's Master Plans and Standard Specifications.
  - b. Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public



streets and roads which serve the property in accordance with the City's Transportation System Plan and Standard Specifications.

- c. Provision has been made for all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site in accordance with Chapter 17.26.
- d. Provision has been made for parking and loading facilities as required by Section 17.20.060.
- e. Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070.
- f. Site design shall minimize off site impacts of noise, odors, fumes or impacts.
- g. The proposed improvements shall meet all applicable criteria of either Section 17.20.190 Residential Design Standards, or Section 17.20.200 Commercial Design Standards.
- h. The design and placement of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties.
- i. The design of the proposed improvements will fulfill the intended purpose of the requested use and will properly serve customers or clients of the proposed improvements.
- j. Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historical features, provide for vegetative ground cover and dust control, presents an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.
- k. The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function and without undue adverse impact on existing land uses.
- l. The lighting plan satisfies the requirements of Section 17.20.170.
- m. The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.

#### 6. IMPOSITION OF RESTRICTIONS AND CONDITIONS.

- a. The decision authority may prescribe restrictions or limitations for the proposed site plan review approval as it deems necessary to fulfill the purpose and intent of the code. These restrictions may include but not be limited to: the area to which it is effective within the property of the applicant, and the terms or conditions governing the exercise of the site plan approval. Such restrictions or limitations shall be based on evidence and analysis presented to or generated by the decision authority during the course of its evaluation of the request, and shall be made a part of the approval action.
- b. To ensure that required public improvements are made in a timely and acceptable manner, the applicant(s) may be required by the City to provide acceptable financial assurance to the City consistent with the requirements of Section 17.20.120.
- c. A violation of any such condition(s) or limitation(s) shall constitute a violation of this code.

**17.12.230****HISTORIC PRESERVATION PROCEDURE**

1. **PURPOSE.** This procedure shall apply to historic resources listed in the City of Stayton Historic Structures Inventory of sites designated within the Comprehensive Plan. The intent of this procedure is to provide a means of designating and protecting historic resources in a manner complying with state land use planning requirements.
2. **INCLUSION OF HISTORIC SITES OR STRUCTURES.** Addition of sites or structures to those currently designated in the Comprehensive Plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.170.

Proceedings for the inclusion of a property within the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City Council, or a property owner, including contract purchaser, of a site or structure as follows:

- a. The applicant or City may initiate proceedings for designation or withdrawal by submitting an application to the City Planner.
- b. The application shall contain the following minimum information:
  - 1) The owner's name and address.
  - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
  - 3) A statement explaining the following:
    - a) Reasons why the proposed landmark should be designated, based on the criteria set forth under Section 17.12.230.2.d.
    - b) The potential positive and negative effects and financial impacts, if any, which designation of the proposed landmark would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed inclusion in the Comprehensive Plan's designation of historic inventory sites pursuant to the procedures and notification requirements of this title. The City shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.
- d. The decision authority may designate a building, structure, or site as an historic landmark upon findings that the proposed historic landmark meets one of the following criteria:
  - 1) It is included in the National Register of Historic Places; or
  - 2) It retains physical integrity in original design, condition, setting and is characterized by any one of the following:
    - a) It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history.
    - b) It is identified with persons or events significant in local, state, or national history.
    - c) It embodies distinctive characteristics of a style, type, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship.
    - d) It is representative of the notable work of a builder, designer, or architect.

- e) It is an open waterway of historical interest and significance to the community.
  - e. The age of the proposed landmark alone shall not be sufficient grounds for designation.
3. **REMOVAL OF HISTORIC SITES OR STRUCTURES FROM INVENTORY.** Removal of sites or addition of structures to those currently designated in the Comprehensive Plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.170.

Proceedings for the removal of a property from the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City Council, or property owner, including a contract purchaser, of the site or structure as follows:

- a. The applicant or City may initiate proceedings for removal of a site from the inventory by submitting an application to the City Planner.
- b. The application shall contain the following minimum information:
  - 1) The owner's name and address.
  - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
  - 3) A statement explaining the following:
    - a) Reasons why the proposed landmark should not remain on the Inventory of Historic Places, based on the criteria set forth under Section 17.12.230.3.d.
    - b) The potential positive and negative effects and financial impacts, if any, which removal of the resource from the inventory would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed removal of a resource from the inventory sites pursuant to the procedures and notification requirements of this title.

The City shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.

- d. The decision authority may remove a building, structure, or site from the historic landmarks inventory upon findings that the building, structure, or site meets any one of the following criteria:
    - 1) The building or portion thereof is in such condition that it is unfeasible to preserve or restore it, taking into consideration building code requirements and the economic feasibility of preserving the structure.
    - 2) The structure has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster.
    - 3) The resource no longer meets any of the criteria for designation as an historic landmark set forth in Section 17.12.170.2.d.
  - e. The age of the proposed landmark alone shall not be sufficient grounds for not removing it from the inventory.
4. **ORDINARY MAINTENANCE AND REPAIR.** Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external

appearance thereof. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the Planning Commission.

5. **DUTY TO KEEP IN GOOD REPAIR.** The owner of a designated historic resource shall keep such resource in good repair.
6. **PERMITS.** An historic modification permit is required for alteration, demolition, or relocation of a structure or site which is a designated historic resource. Actual physical modification of the structure or site may not take place without the issuance of a construction or demolition permit subsequent to approval of the historic modification permit.

Alteration as governed by this section means any addition to, removal from, or change in the appearance of any part or portion of a designated historic resource.

7. **REVIEW PROCEDURE.** The decision shall be made pursuant to the procedures of this chapter.
8. **DECISION CRITERIA.** Decisions on applications for modification of an historic site or structure shall be based on applicable state and local codes and ordinances related to building, fire, and life and safety and the following standards:
  - a. **Alteration.**
    - 1) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
    - 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
    - 3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
    - 4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
    - 5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
    - 6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
    - 7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical,

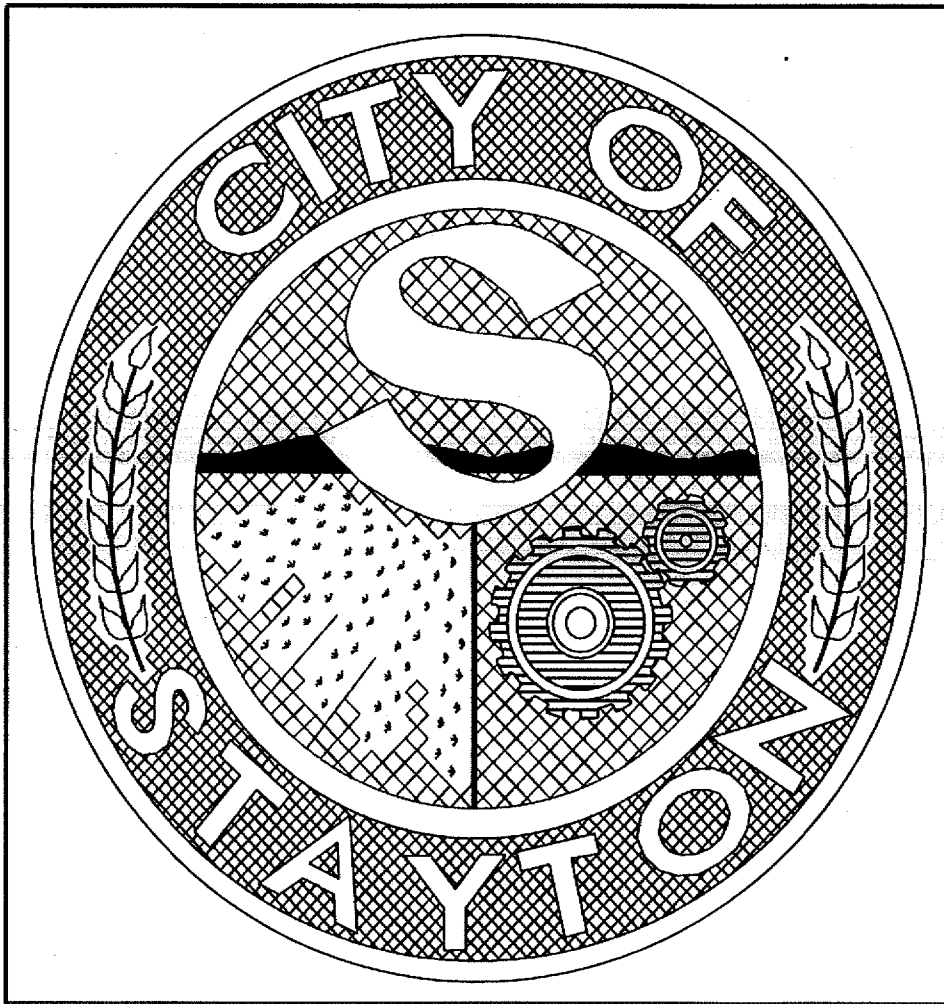
architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

- 8) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be repaired.
  - 9) If an historical ditch, alterations shall not be permitted which would significantly impact the historical character of the site, including waterway and shore lands.
- b. Demolition. Decisions on applications for permits to demolish a designated historic structure shall be based on the following criteria:
- 1) The state of repair of the building and reasonableness of the cost of repair.
  - 2) Whether a program or project may exist that could result in preservation of the structure.
  - 3) Unnecessary and substantial hardship to the applicant that may result from denial or conditions of approval.
  - 4) Effects on the public welfare if the structure were demolished considering the significance of the structure and the economic, cultural, and energy consequences of demolition.
  - 5) Whether any other reasonable alternative exists.
- c. Relocation. Decisions on applications for permits to relocate a designated historic resource shall be based on the following:
- 1) Effects of the relocation on the historic and architectural integrity of the structure.
  - 2) Compatibility with the designated historic resource of the surrounding of the proposed location.
  - 3) Other factors considered appropriate by the decision authority.
9. LAND USE ACTION IMPACTS ON HISTORIC RESOURCES. Potential impacts to historic resources resulting from proposed land use actions shall be considered as part of the review on conditional uses, variances, and zone changes. Review and decision on such applications shall be based on:
- a. The state of repair of the building.
  - b. The reasonableness of the cost of restoration and repair.
  - c. The purpose of preserving such designated historical buildings or sites.
  - d. The character of the neighborhood.
  - e. Other factors considered appropriate by the decision authority.
10. EXEMPTION TO DEMOLITION PERMIT REQUIREMENTS. If the structure for which the demolition permit request has been filed has been damaged in excess of 70% of its assessed value due to fire, flood, wind, or other natural or man-caused disaster, a demolition permit may be approved by staff without processing the request as set forth in this chapter.

**17.12.240 HISTORIC OVERLAY DISTRICT PROCEDURES**

1. **PURPOSE.** The review process for the historic downtown overlay districts shall serve not only as a reference for preserving the historic character of the downtown area, but are also a guide for new development. The objective in identifying historic districts is to retain and maintain buildings and to support development that will result in a compact town center that is economically healthy and promotes a wide variety of uses.
2. **DESIGN REVIEW CRITERIA - STATEMENT OF INTENT.** The design review criteria are intended to provide a frame of reference for the applicant in the development of site, building and landscape plans, as well as providing the City with a means of reviewing proposed plans. These criteria are intended to be flexible requirements that allow creativity. The specification of one or more architectural styles is not intended by these criteria.
  - a. It is not the intent, as part of the design review process, to approve projects which exceed specific developmental standards provided for by Stayton Municipal Code (SMC) Title 17.
  - b. Potential full development of a site, based solely on the standards of the zoning ordinance (e.g., building height, building setback) may be inappropriate for a given site. It is for this reason that discretion, through the application of the design review criteria may require that the building or site may not realize the potential for full build out as authorized by this title. The basic components of this section are:
    - 1) Site design. Only the exterior façade.
    - 2) Architectural design. Only the exterior façade.
    - 3) Streetscape/landscape design.
3. **DECISION AUTHORITY**
  - a. The decision authority shall be as follows:
    - 1) Staff Decisions: City staff shall be empowered to review, evaluate and render decisions on structural and or façade alterations affecting less than 10% of the exterior of any given wall of a building.
    - 2) Planning Commission decisions: The Planning Commission shall be empowered to review, evaluate and render decisions on the following applications:
      - a) Alterations. Alterations that exceed 10% of the exterior of a building.
      - b) New construction. Any structure that requires a building permit. The Planning Commission shall hold a public hearing on any proposed request, pursuant to procedures and notification requirements of this title.
    - 3) City Council decisions. The Council shall be empowered to review and render final decisions on all Planning Commission and City staff decisions. The Council shall hold a public hearing on any proposed request and pursuant to procedures and notification requirements of this title.
4. **ORDINARY MAINTENANCE AND REPAIR.** Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous

condition. Prior to such emergency action, notification shall be provided to the Planning Commission and City Council.



## **CHAPTER 17.16 ZONING**



**CHAPTER 17.16**

**ZONING**

**SECTIONS**

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**17.16.010 PURPOSE**

This chapter is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City, and not limited to, but specifically to achieve the following designated objectives:

1. To protect the character and values of land and buildings and economic stability of sound residential, business, and industrial districts, and to enhance the quality of the desired environment in them by:
  - a. Preventing the intrusion of inharmonious uses.
  - b. Preventing the encroachment on desirable open space appurtenant to each district.
  - c. Providing for safe and efficient movement of existing and future traffic.
  - d. Assuring the provision of necessary off-street parking space for vehicles.
2. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City and strengthen the basis of its private and governmental economy.
3. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the City from costs which may be incurred when unsuitable, scattered, or premature development occurs.
4. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
5. To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
6. To promote within various City areas an attractive and pleasing appearance and to aid in the development of the City by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly, and attractive.
7. To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base area wide, thereby enlarging the opportunity for private investment.

**17.16.020 BASIC PROVISIONS**

1. **COMPLIANCE WITH CODE REQUIRED.** A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. **CLASSIFICATION OF ZONES.** In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

Residential

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

Commercial

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development

Industrial

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

Public

- P Public/Semi Public

Overlay Districts

- HDR Historic Downtown Residential Business Overlay District
- HDB Historic Downtown Business Overlay District
- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

3. **OFFICIAL ZONING MAP**

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of January 1989 and thereafter as the map may be modified in accordance with the provisions of this title.
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.

4. **ZONING OF ANNEXED LAND**

All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the Comprehensive Plan.

**17.16.030 GENERAL REQUIREMENTS**

1. **MINIMUM REQUIREMENTS.** In interpreting and applying this Chapter, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. **MINIMUM STREET WIDTH.** All street rights-of-way shall conform to requirements in Chapter 17.26.
3. **LOTS ABUTTING A PARTIAL STREET**
  - a. No building permit shall be issued for a building or structure on a lot which abuts that side of a partially dedicated street that has not yet been dedicated or condemned.
  - b. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this title.
4. **STREET DEDICATIONS AND PUBLIC IMPROVEMENTS.** Street dedications and public improvements are to be installed in accordance with the provisions of Chapters 12.04 and 12.08.
5. **BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET.** Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon:
  - a. A public street
  - b. City-approved easement in accordance with 17.26.020.4.f. An easement shall not serve more than 4 dwelling units.

**17.16.040 GENERAL ADMINISTRATIVE****1. INTERPRETATIONS OF ZONING CODE**

- a. When, in the administration of this title, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission, who shall issue an interpretation of the question if the Planning Commission has determined that such interpretation is within their power and is not a legislative act.
- b. Any interpretation of the general provisions of this chapter shall be as specified in Section 17.04.040. Interpretations of zone boundaries and of allowed uses within specific zoning districts shall take place as specified in Sections 17.16.040.2 and 17.16.040.3.

**2. INTERPRETATION OF ZONING BOUNDARIES.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- a. Where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of such district.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be block lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- c. Where the district boundaries appear to cross non-subdivided parcels on the zoning map, the district boundaries shall be determined by use of the scale contained on such map.

**3. USES NOT SPECIFICALLY COVERED.** The City Planner may permit in a zone any use not referenced as a permitted or conditional use in any district listed in this chapter, if he finds that the proposed use is in general keeping with the uses authorized in such district as measured by criteria in this section. In making such an interpretation, the Planner shall consider the following factors:

- a. Size, scale, configuration, bulk, and other characteristics of the requested use.
- b. Physical and operational similarity of the use to uses now allowed in the zone.
- c. Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

The Planner shall issue written findings reporting the results of this interpretation. By use of this procedure the Planner shall not permit a use that is allowed in another zone. All uses authorized by this process shall, prior to development, be subject to site plan review approval.

**4. CHANGE OF USE**

- a. Permit Required. The change of use of a building, a portion of building, or a lot shall require a permit from the City Planner.
- b. Application Requirements.
  - 1) An application for a change of use permit shall be submitted on a form prescribed by the City.

- a) Within 5 days of submittal the City Planner shall determine whether the application is complete.
  - b) Within 10 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
  - c) The decision shall be issued in writing.
- 2) Prior to approval of the application for a change of use permit, the City Planner shall determine that the proposed use is a permitted use in the zone in which the use is proposed. If the proposed use is a conditional use, the City Planner shall inform the applicant and provide the applicant with an application for a Conditional Use. If the proposed use is not permitted in the zone, the City Planner shall deny the application.
  - 3) Prior to approval of the application for a change of use permit, the City Planner shall determine that the standards of Section 17.20.060.7.a will be met.

**17.16.050 NON-CONFORMANCE**

1. CONTINUATION OF LAWFUL USE. Any non-conforming structure, lot, use or development legally existing on February 1, 2007, may be continued but may not be extended, expanded, reconstructed, enlarged, or structurally altered except as specified as follows:
2. REPAIR AND MAINTENANCE. Except as otherwise provided in this chapter, non-conforming developments and premises occupied by non-conforming uses may be repaired and maintained without restriction.
3. NON-CONFORMING STRUCTURES.
  - a. Restoration or Reconstruction. Any non-conforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within 1 year of the date of the damage or destruction provided its non-conformity is not increased and it complies with the building code.
  - b. Alteration. Non-conforming structures may be altered or enlarged provided the changes conform to all applicable provisions of this code.
4. NON-CONFORMING USES
  - a. Discontinuation of Use. If a non-conforming use is discontinued for more than 1 year, or superseded by a conforming use, the non-conforming use shall not be resumed. Any subsequent use shall conform to the underlying zoning district.
  - b. Expansion. A non-conforming use shall not be extended into a different or greater area of a lot.
5. NON-CONFORMING LOTS
  - a. Vacant Non-conforming Lots.
    - 1) A vacant non-conforming lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership at the time of or since adoption or amendment of this code, provided the proposed structures can meet all the setback and development standards.
    - 2) If two or more contiguous lots of record are in same or common ownership at the time of or since adoption or amendment of this code, and if all or some of the lots do not meet the dimensional requirements of this code, the lots shall be combined to the extent necessary to meet the dimensional standards of the district in which it is located.
  - b. Built Nonconforming Lots. A structure on a nonconforming lot may be expanded or altered provided those changes can meet all the setback and development standards.
6. NONCONFORMING DEVELOPMENT. A nonconforming development shall not be altered or expanded unless the development complies with all applicable standards of this code.

**17.16.060 DISTRICT PURPOSES**

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not exceed 6 units per acre.
2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not exceed 12 dwelling units per acre.
3. **HIGH DENSITY RESIDENTIAL.** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. The minimum density shall be 13 units per acre. There shall be no upper limit to the maximum allowable dwelling density.
4. **COMMERCIAL RETAIL.** To provide for retail, service, and office commercial activities, accessory uses, and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
5. **COMMERCIAL GENERAL.** To provide for heavier commercial activities, their accessory structures, and other compatible uses.
6. **INTERCHANGE DEVELOPMENT.** To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
7. **INDUSTRIAL COMMERCIAL.** To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
8. **LIGHT INDUSTRIAL.** To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
9. **INDUSTRIAL AGRICULTURE.** To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
10. **PUBLIC/SEMI-PUBLIC.** To allow for the location and use of lands, buildings, and facilities that are used by the public in a manner that will not unreasonably disrupt or alter areas of the community.
11. **HISTORIC DOWNTOWN RESIDENTIAL BUSINESS AND BUSINESS OVERLAY DISTRICTS.** To encourage continuity in the development pattern already established in the area and to provide flexible guidelines for design alternatives of downtown properties. To create a specific theme or reflect a specific period is not the purpose of this section. The architectural and site design standards established by the downtown historic overlay districts provide guidelines for alteration and new structures.
12. **NATURAL RESOURCES OVERLAY DISTRICT.** To protect aquifers, the natural riparian area adjacent to the North Santiam River, Mill Creek, Stayton Ditch, Salem Ditch, and Lucas Ditch. The overlay district establishes siting criteria and operating standards that minimize environmental impacts.



13. FLOODPLAIN OVERLAY.DISTRICT. To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.

**17.16.070 DISTRICT REGULATIONS**

1. PERMITTED AND CONDITIONAL USES. The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
- C = Conditional Use
- S = Permitted Use after Site Plan Review
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

**Table 17.16.070.1 Permitted Land Use**

		LD	MD	HD	CR	CG	ID	IC	IL	IA	P
<b>RESIDENTIAL USES</b>											
1.	Detached Single-Family Dwellings <sup>12</sup>	P <sup>1</sup>	P <sup>1</sup>								
2.	Manufactured Home <sup>12</sup>	P <sup>1</sup>	P								
3.	Duplex		P								
4.	Triplex		S <sup>1</sup>								
5.	Multi-Family Dwellings			S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>					
6.	Mobile Home Park		S	S							
7.	Dwelling as a caretaker residence								S		
8.	Residential Group Home	P	P								
9.	Residential Facilities		S	S							
<b>COMMERCIAL USES</b>											
<b>Retail Trade</b>											
10.	Retail Stores not specifically listed below				S	S					
11.	Automobile Dealers				C/S	S					
12.	Automotive Parts, Accessories, & Tire Stores				S	S					
13.	Building Material & Supplies Dealers				S	S					
14.	Lawn and Garden Equipment & Supplies Stores				S	S		S		S	
15.	Food & Beverage Stores				S <sup>3</sup>	S	S <sup>4</sup>				
16.	Gasoline Stations				S	S	S				
17.	General Merchandise Stores				S <sup>3</sup>	S					
18.	Gift & Novelty stores				S	S	S				
19.	Manufactured Home Dealers							S			
20.	Direct Selling Establishments (except food)					S		C			
<b>Finance and Insurance</b>											
21.	Commercial Banking & Related Activities				S	S					
22.	Securities, Other Financial Investments & Related Activities				S	S					
23.	Insurance Carriers & Related Activities				S	S					

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	CR	CG	ID	IC	IL	IA	P
<b>Professional, Scientific and Technical Services</b>											
24.	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services				S	S					
25.	Offices of Physicians, Dentists, & Other Health Practitioners				S	S					
26.	Outpatient Care Centers				S	S		S			
27.	Medical & Diagnostic Laboratories					S		S			
28.	Home Health Care Services					S		S			
29.	Architectural, Engineering, & Related Services				S	S		S			
30.	Specialized Design Services				S	S		S			
31.	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services				S	S					
32.	Scientific Research & Development Services				C/S	S		S			
33.	Veterinary & Pet Care Services				S	S					
<b>Information</b>											
34.	Offices of Publishing Industries (except internet)					S		S			
35.	Radio & Television Broadcasting Offices & Studios				S	S					
36.	Internet Publishing & Broadcasting				S	S					
37.	Broadcast or Telephone Tower			C/S	C/S	C/S					
38.	Libraries & Archives					S					S
39.	Offices of Real Estate Sales & Rental Companies				S	S					
40.	Self-Storage Facilities					C/S		S	S		
41.	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services					C/S		S			
42.	Consumer Goods Rental				C/S	S					
43.	General Rental Centers					S					
44.	Commercial & Industrial Machinery & Equipment Rental and Leasing Services							S	S		
<b>Management of Companies and Enterprises</b>											
45.	Offices of Businesses, Non-Profit Organizations, & Governmental Agencies				S	S					
<b>Arts, Entertainment and Recreation</b>											
46.	Performing Arts, Spectator Sports, & Amusement & Recreation Facilities				S	S				S <sup>5</sup>	S <sup>6</sup>
47.	Museums, Historical Sites, & Similar Institutions										S

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48.	Golf Courses											S	
49.	Public Parks												S

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	CR	CG	ID	IC	IL	IA	P
<b>Accommodations &amp; Food Services</b>											
50.	Hotel, Motel, Inn				S	S	S				
51.	RV Parks and Recreational Camps						S			S	
52.	Bed & Breakfast	C	C	C	S	S	S				
53.	Eating & Drinking Places				S	S	S				
54.	Caterers & Mobile Food Services					S					
<b>Administrative Support Services</b>											
55.	Office Administrative Services				S	S					
56.	Employment Services					S		S			
57.	Business Support Services				S	S					
58.	Travel Arrangement & Reservation Services				S	S					
59.	Investigation & Security Services				S	S					
60.	Exterminating & Pest Control Service							S	S		
61.	Janitorial, Carpet & Upholstery Cleaning Services					S		S			
62.	Landscaping Services					S		S		S	
<b>Other Services</b>											
63.	Automobile Repair Garage					S					
64.	Automotive Body, Paint, Interior, and Glass Repair					C/S		S	S		
65.	Automobile Oil Change & Lubrication Shops				C/S	S		S			
66.	Car Washes				C/S	S		S			
67.	Electronic & Precision Equipment Repair & Maintenance					S					
68.	Commercial & Industrial Machinery & Equipment (except Automotive & Electric)							S	S		
69.	Personal & Household Goods Repair & Maintenance					S		S			
70.	Personal Care Services				S	S					
71.	Funeral Homes & Funeral Services				S	S					
72.	Cemeteries & Crematories										S
73.	Dry Cleaning & Laundry Services				S	S					
74.	Photofinishing				S	S					
75.	Parking Lots and Garages				S	S					S
<b>INDUSTRIAL USES</b>											
<b>Manufacturing</b>											
76.	Food Manufacturing (except for animal slaughtering and processing and seafood preparation)				S	S		S	S	C/S'	
77.	Beverage Manufacturing							S	S		
78.	Textile Mills & Textile Product Mills								C/S		
79.	Apparel & Leather Manufacturing							S	S		
80.	Paper Mills & Paperboard Mills								S		

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81.	Converted Paper Product Manufacturing								S		
82.	Printing & Related Support Activities				S <sup>8</sup>	S <sup>8</sup>		S			

**Table 17.16.070.1 Permitted Land Use - cont.**

		LD	MD	HD	CR	CG	ID	IC	IL	IA	P
83.	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing								C/S		
84.	Primary Metal Manufacturing								C/S		
85.	Fabricated Metal Product Manufacturing							S	S		
86.	Machinery Manufacturing							S	S		
87.	Computer & Electronic Product Manufacturing							S	S		
88.	Electrical Equipment, Appliance & Component Manufacturing							S	S		
89.	Transportation Equipment Manufacturing							S	S		
90.	Furniture & Related Product Manufacturing							S	S		
91.	Miscellaneous Manufacturing							S	S		
<b>Construction</b>											
92.	Building Construction Contractors							S	S		
93.	Heavy & Civil Engineering Construction Contractors							S	S		
94.	Specialty Trade Contractors							S	S		
<b>Transportation and Warehousing</b>											
95.	Air Transportation (passenger or freight)								C/S <sup>9</sup>		C/S
96.	Rail Transportation								S		
97.	Truck Transportation (general freight & specialized freight)							S	S		
98.	Transit & Ground Passenger Transportation				C/S	S		S			S
99.	Motor Vehicle Towing							S	S		
100.	Postal Service					S					S
101.	Couriers & Messenger Service				C/S	S					
102.	Warehousing & Storage (except self-storage)							S	S		
103.	Automotive Wrecking Yard							S	C/S		
104.	Boat & RV Storage							S			
<b>Wholesale Trade</b>											
105.	Merchant Wholesalers					C/S					
106.	Wholesale Electronic Markets & Agents & Brokers					S		S			
<b>Utilities</b>											
107.	Electric Power Generation Facilities								S		C/S
108.	Electricity Transmission & Distribution Facilities							S	S	S	S
109.	Natural Gas Distribution Facilities							S	S		S
110.	Water or Sewage Treatment Plants										S

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111.	Water or Sewage Collection or Distribution Facilities & Pump Stations	S	S	S	S	S	S	S	S	S	S	S
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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	CR	CG	ID	IC	IL	IA	P
<b>Waste Management and Remediation Services</b>											
112.	Solid Waste Collection Facilities								S		S
113.	Solid Waste Treatment and Disposal										S
114.	Waste Remediation Services								C/S		
115.	Materials Recovery Facilities								S		S <sup>6</sup>
<b>AGRICULTURAL USES</b>											
116.	Crop Production									S	
<b>PUBLIC INSTITUTIONS</b>											
<b>Public Administration</b>											
117.	Justice, Public Order, & Safety Activities				S	S					S
<b>Health and Social Assistance</b>											
118.	Hospitals				C/S	S					S
119.	Nursing & Residential Care Facilities	C	C	C/S							
120.	Day Care Facility	C/S	C/S	C/S	S	S		S	S <sup>10</sup>		S <sup>10</sup>
121.	Family Child Care Center	P	P	P							
<b>Educational Services</b>											
122.	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools				S	S					S
123.	Business Schools & Computer & Management Training				S	S					
124.	Technical, Trade or Other Schools & Instructions				S	S					
125.	Educational Support Services				S	S					S
<b>Religious and Civic Organizations</b>											
126.	Places of Worship										S
127.	Social & Civic Organizations				S	S					
<b>ACCESSORY &amp; OTHER USES</b>											
128.	Antennas > 55 feet high	C	C	C	P	P	P	P	P	C	P
129.	Antennas > 75 feet high	C	C	C	C/S	C/S	C/S	C/S	C/S	C	C/S
130.	Home Occupations	P	P	P <sup>11</sup>	P	P					
131.	Accessory Uses	P	P	P	P	P	P	P	P	P	P
132.	Accessory Structures	P	P	P	P	P	P	P	P	P	P
133.	Open Storage Areas				P	P		P	P	P	P
134.	Outdoor Storage Yard							P	P		

Notes to Table 17.16.070.1

- <sup>1</sup> Subject to design requirements, see Chapter 17.20
- <sup>2</sup> Only as part of mixed use development, and not on the ground floor
- <sup>3</sup> Limited to 10,000 square feet gross floor area
- <sup>4</sup> Convenience stores only
- <sup>5</sup> Limited to arenas and fairgrounds
- <sup>6</sup> Only owned by a public/semi-public entity

- <sup>7</sup> Fruit and Vegetable Canning, Pickling, Freezing, and Drying only
- <sup>8</sup> Quick printing or under 10,000 square feet gross floor area
- <sup>9</sup> Heliport only
- <sup>10</sup> As an accessory use only
- <sup>11</sup> Only if no employees other than residents, otherwise, C
- <sup>12</sup> Only one single family or manufactured home per lot

2. DIMENSIONAL REQUIREMENTS FOR LOTS.

- a. All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section.

**Table 17.16.070.2 Minimum Dimensional Requirements for Lots**

	LD	MD	HD	CR	CG	ID	IC	IL	IA	P
Lot Area (square feet) <sup>1</sup>	8,000 <sup>2</sup>	7,000 <sup>3</sup>	6,000	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 <sup>4</sup>	70 <sup>4</sup>	60 <sup>4</sup>	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	0	0	0	0	0	0	0

Notes to Table 17.16.070.2

- <sup>1</sup> The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:
  - a. Protect natural drainage ways.
  - b. Provide drainage or utility easement.
  - c. Protect future right-of-way.
  - d. Protect unbuildable steep slope areas above 15 percent slope.
  - e. Protect flood plain hazard or wetland areas.
- <sup>2</sup> 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue
- <sup>3</sup> A tri-plex requires a minimum lot area of 10,500 square feet
- <sup>4</sup> 40 feet for lots with frontage on a cul-de-sac

3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

- a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

**Table 17.16.070.3 Dimensional Requirements for Structures**

	LD	MD	HD	CR	CG	ID	IC	IL	IA	P
Front Yard Setback (feet) <sup>1</sup>	20 <sup>2</sup>	20 <sup>2</sup>	20 <sup>2</sup>	0	0	0	0	0	0	0
Side Yard Setback (feet)	5	5	5	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>4</sup>	0 <sup>5</sup>	0	0 <sup>3</sup>
Rear Yard Setback (feet)	20	15	15	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>4</sup>	0 <sup>3</sup>	0	0 <sup>3</sup>
Building Height (feet) <sup>5</sup>	35 <sup>6</sup>	35 <sup>6</sup>	-- <sup>4</sup>	60 <sup>7</sup>	60 <sup>7</sup>	60 <sup>7</sup>	-- <sup>4</sup>	-- <sup>4</sup>	-- <sup>4</sup>	60 <sup>7</sup>

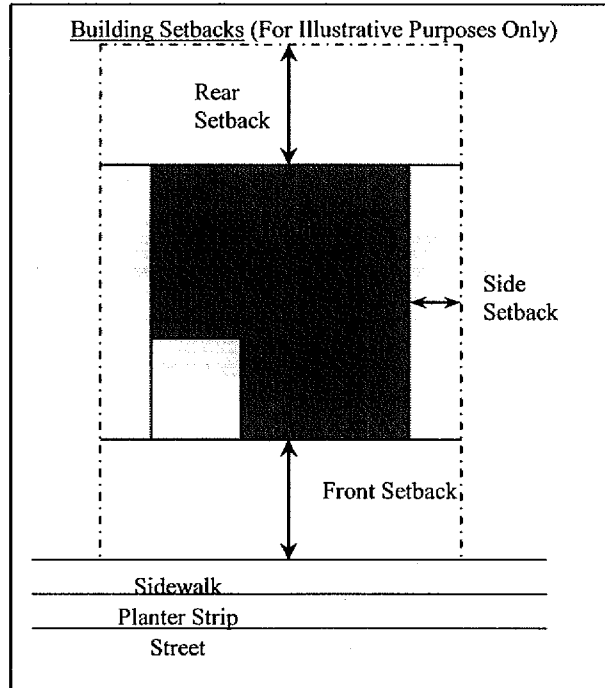
Notes to Table 17.16.070.3

- <sup>1</sup> Front setbacks are also subject to the requirements of Section 17.20.080
- <sup>2</sup> 25 feet to a garage
- <sup>3</sup> 10 feet when adjacent to a residential district, or as may be established through a site plan review
- <sup>4</sup> As may be established through a site plan review

<sup>5</sup> Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.

<sup>6</sup> Or 2 ½ stories

<sup>7</sup> Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.



4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.

a. Within the Low Density and Medium Density Residential Districts, all new single-family dwelling, subject to the following development standards:

1) Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.

2) Garage. The dwelling must have a garage with exterior materials matching the home.

3) Design Features. All new single family dwellings, including manufactured homes, shall contain the following design feature requirements:

a) Attached or detached garage.

b) Gutters and downspouts.

4) In addition, new single family dwellings, including manufactured homes, shall contain at least 4 of the following design elements on the side(s) of the home which fronts on a street to provide architectural relief:

a) Dormers or gables.

b) Cupolas.

c) Bay or bow windows.

d) Exterior shutters.

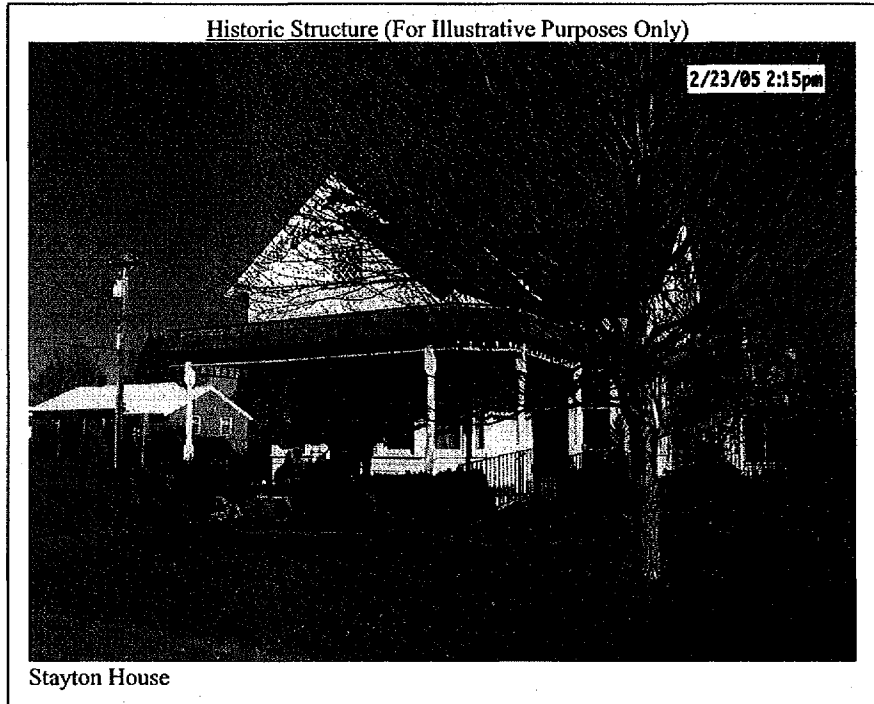


- e) Recessed entries.
  - f) Front porch of at least 100 square feet, which may extend into the required front yard.
  - g) Covered porch entries.
  - h) Pillars or posts in the front entry area.
  - i) Roof with pitch greater than 3 feet in height per each 12 feet in length.
  - j) Front-side exterior brickwork or masonry.
- 5) BUILDING ORIENTATION. If the lot fronts a public street, the architectural front of the single family home shall face the street.
- b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:
- 1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.
  - 2) Width. The manufactured home must be at least 24 feet in width.
  - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of 3 feet in height for each 12 feet in length.
  - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.
  - 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.
  - 6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
  - 7) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.
  - 8) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
  - 9) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
  - 10) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.
  - 11) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.

17.16.080

**HISTORIC DOWNTOWN RESIDENTIAL AND BUSINESS OVERLAY DISTRICTS**

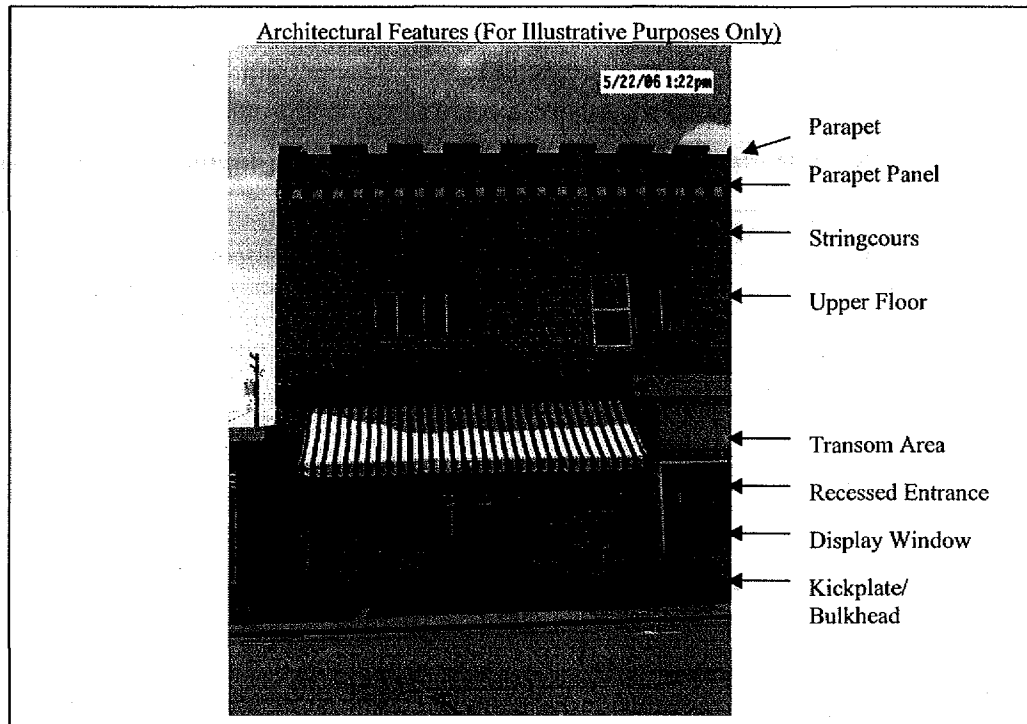
1. The Architectural and Site Design Standards established by the downtown historic overlay districts provide guidelines for alteration and new structures.
2. BOUNDARIES OF THE DOWNTOWN HISTORIC BUSINESS AND RESIDENTIAL OVERLAY DISTRICTS.
  - a. The Historic Downtown Business Overlay District is described as: both sides of Third Avenue from the south side of Burnett Street to the south side of Water Street and both sides of Second Avenue from the south side of Ida Street to the south side of Water Street, and intersecting east/west cross streets.
  - b. The Historic Downtown Residential Business Overlay District is described as: both side of Third Avenue from the south side of Washington Street to the north side of Burnett Street, and both sides of Second Avenue from the south side of Washington Street to the north side of Ida Street, and intersecting east/west cross streets.



3. HISTORIC DOWNTOWN BUSINESS OVERLAY DISTRICT.
  - a. Description. This area is defined by historic commercial buildings built with wood, brick, or tile and cast stone that are: built without setback from the sidewalk, having no space between buildings, often having architectural detailing, and hosting a diverse system of awnings, canopies and overhangs to encourage pedestrian use.
  - b. Alterations/Restorations. A property owner shall obtain approval for alteration/restorations from the City for any construction that requires a building permit.
  - c. The following items are encouraged for alterations and restorations:
    - 1) Repainting of block
    - 2) Restoration of original materials

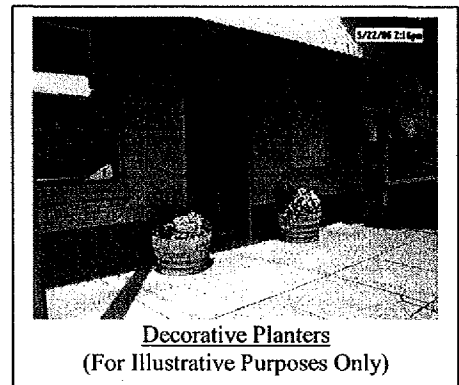
- 3) Detailing of parapets with patterned or relief cornices and stepping
  - 4) Recessed entries oriented toward the street
  - 5) Large plate glass windows with transoms on the first floor
  - 6) Upper story use of vertical, double-hung windows
  - 7) Fabric awnings (retractable or fixed) and flat awnings
  - 8) Natural color of original materials should be retained
  - 9) Use of 2-3 colors when painting
  - 10) Replacing lost architectural elements
  - 11) Eliminating multiple pane windows except in restoration of transoms
  - 12) Kickplate/Bulkhead
  - 13) Stringcourse
- d. The following are discouraged in restorations:
- 1) Painting of brick
  - 2) Sandblasting unless treated
  - 3) Plastic bubble awnings
  - 4) Replacement or addition of doors, windows or other architectural features and materials that are not compatible with the original building design
  - 5) Multi-pane windows/muntins
- e. New Buildings and Structures. New buildings and structures fronting streets should be in keeping with the original architectural character, color, mass, scale and materials of the building to which they are added and to the neighboring buildings. New buildings and structures should maintain the continuity of the multi-story buildings and the clear distinction between street level commerce and upper floor offices or residences through facade treatment and articulation.
- 1) Site Design.
    - a) Sidewalks should be adjacent to the street.
    - b) Buildings should promote viewing of waterways. Pedestrian walkways are encouraged.
    - c) Landscaped off street parking should be provided behind buildings or on designated city parking lots.
    - d) Service delivery areas shall be located behind buildings.
    - e) Building fronts and entrances shall face the street with facades at the front property line except for any eating establishment with outdoor seating between the building and the front lot line.
    - f) For corner lots, entrances shall be oriented to the corner.
  - 2) Architectural Design.
    - a) Building Height.

- i. Corner buildings, 2 stories, 35 feet maximum, should be the tallest building on the block.
  - ii. Interior buildings, 2 stories, 30 feet maximum.
- b) Building Width.
- i. All new buildings should build from side lot line to side lot line. An exception to this standard would be an area specifically designed as plaza space, courtyard, dining space or rear access for public pedestrian walkways.



- ii. New buildings whose street frontage is more than 25 feet shall be designed so they convey a sense of division through the use of either, pilasters, windows and door openings, recessed entries, off-sets or other architectural details.
- c) Building Scale. The overall size and proportions of new structures shall be compatible with the scale of adjacent historic buildings. The relationship between the height and width of the main facade of the building shall be compatible with adjoining buildings.
- d) Roof Form.
- i. Roof forms should be consistent with those commercial buildings of the downtown core.
  - ii. Parapet, parapet gables and flat roof forms are acceptable.
  - iii. Pitched roof forms visible from the street and associated with residential structures are unacceptable.
  - iv. Detailing of the parapets with patterned or relief cornices and stepping is strongly recommended.

- e) **Materials.**
- i. Building materials should be consistent with predominant materials used on buildings of a similar period within the downtown core.
  - ii. The use of wood for windows is encouraged. Reflective and smoked glass is discouraged. Window design should replicate the windows of the historic period and be consistent with those used in other buildings in the downtown core.
- f) **Color.**
- i. The predominant color shall be derived from a specific color palette of earth tones similar to those used from 1905-1930. New colors may be designated by the decision authority to allow for the same kind of flexibility and freedom that created the original appearance of downtown.
  - ii. Buildings should retain variety and each building should be painted in a different color palette.
  - iii. Very bright or neon paint used to attract attention to the building is prohibited.
- f. **Streetscape Design.** A comprehensive streetscape program consisting of street trees, street lighting, sidewalk and crosswalk paving shall be developed for the Historic Downtown Business Overlay District.
- 1) **Landscape.**
    - a) The building architecture should be the dominant feature and street trees should be planted and pruned back from building facades.
    - b) Tree plantings meet the standards as specified in Sections 17.20.090.7 and 17.20.170.2.
    - c) Planters beautify the downtown and should be encouraged throughout downtown and near benches. Bench height should provide for easy seating. Sidewalk elements, such as planters, should be designed and made with materials compatible with the architecture of the downtown area.
    - d) Pedestrian rights-of-way should be improved with materials, such as concrete blocks, brick or stone, at the pedestrian crossings.
  - 2) **Street Lights.** A light fixture identified on the International Dark-Sky Association's list of Period or Vintage light fixtures (or other equivalent fixture approved by the City Planner) on a decorative aluminum post shall be placed within the public right-of-way.
- g. **Signage.** It is recognized that signage is a key component in identifying businesses and in contributing to the livelihood of the street. Individuality is encouraged, but signage should not be the dominant feature of a building or site in the Historic Downtown Business Overlay District. New design and restoration should maintain a system of signage that identifies businesses and is visible to both pedestrian and automobile traffic without detracting from the architecture or overpowering the streetscape.



- 1) Permitted Signs. Exclusive of all signs allowed in Section 17.20.140.3
  - a) Wall signs, window signs, canopy and projecting signs attached to buildings should be comparable in scale without obscuring the architectural features.
  - b) Window signs should be at eye level to entice pedestrians.
  - c) The use of gold leaf window signs and custom-made neon signs at an appropriate scale is encouraged.
  - d) Awning or valance signs are encouraged.
  - e) Hanging signs that use front lighting are encouraged.
  - f) The size of wall, awning, window and projecting right-angle signs shall be suggestive of those used during the historic period.
  - g) The re-creation of old signs, using historic photos and paint analysis to determine the character and color of an old sign, is encouraged where allowable by the standards of Section 17.20.140.
  - h) Signs under awnings may be as low as 6'6" above the sidewalk if needed to accommodate an historic awning design.
  - i) Murals, which do not advertise and have a cultural theme, are not considered commercial signs and are exempt from the requirements of this code.
  - j) Real estate signs not to exceed 16 square feet.
  - k) All signage existing on February 18, 2003.
- h. Demolition. A demolition permit shall be required in this district where there is common wall construction.
  - 1) A demolition permit shall be obtained from the City Planner
  - 2) Upon securing a demolition permit, the property owner shall notify in writing, the City of Stayton and adjoining property owner(s) that share a common wall construction 10 days prior to beginning demolition.
4. HISTORIC DOWNTOWN RESIDENTIAL BUSINESS OVERLAY DISTRICT (TRANSITION AREA).
  - a. Description. This area was once predominantly residential in nature and now include homes that have been converted to businesses or new buildings constructed for the purpose of conducting business but featuring residential-like facades. The area is architecturally residential and should remain so to maintain continuity and retain its neighborhood appearance.
  - b. Restoration of existing buildings is encouraged.
    - 1) Additions to residential buildings in the Historic District are controversial and shall be reviewed by the Planning Commission to ensure compatible massing, roof forms, materials and window and door types.
    - 2) To maintain the residential character of the district a minimum 4/12 roof pitch and/or one that is compatible with neighboring uses shall be required for all new buildings.

- 3) Setbacks for new buildings shall be determined through the site plan review process in Section 17.12.220 except the front yard which shall be either the average front yard setback for buildings in the block in which the property is located but no less than 10 feet.
  - 4) Landscaping beyond the minimum proscribed by Section 17.20.090 of this code is encouraged.
- c. Streetscape Design. A comprehensive streetscape program, consisting of street trees, street lighting, sidewalk and crosswalk paving is encouraged in the Historic Downtown Residential Business Overlay District.
- 1) Street Lights. A light fixture identified on the International Dark-Sky Association's list of Period or Vintage light fixtures (or other equivalent fixture approved by the City Planner) on a decorative aluminum post shall be placed within the public right-of-way.
  - 2) Street Trees. Tree plantings shall meet the standards as specified in Sections 17.20.090.7 and 17.20.170.2.
- d. Signage. It is recognized that signage is a key component in identifying businesses and in contributing to the livelihood of the street. Individuality is encouraged, but signage should not be the dominant feature of a building or site in the Historic Downtown Residential Business Overlay District. New design and restoration should maintain a system of signage that identifies businesses and is visible to both pedestrian and automobile traffic without detracting from the architecture or overpowering the streetscape.
- 1) Permitted Signs shall be:
    - a) Wall signs, window signs, canopy and projecting signs attached to buildings should be comparable in scale without obscuring the architectural features.
    - b) Window signs should be at eye level to entice pedestrians.
    - c) The use of gold leaf window signs and custom-made neon signs at an appropriate scale is encouraged.
    - d) Awning or valance signs are encouraged.
    - e) Hanging signs that use front lighting are encouraged.
    - f) The size of wall, awning, window and projecting right-angle signs shall be suggestive of those used during the historic period.
    - g) The re-creation of old signs, using historic photos and paint analysis to determine the character and color of an old sign, is encouraged where allowable by the standards of Section 17.20.140.
    - h) Signs under awnings may be as low as 6'6" above the sidewalk if needed to accommodate an historic awning design.
    - i) Murals, which do not advertise and have a cultural theme, are not considered commercial signs and are exempt from this section.
    - j) Real estate signs not to exceed 16 square feet.
    - k) Monument signs are allowed.
    - l) All signage existing on February 18, 2003.

- e. Demolition. A demolition permit shall be required in this district where there is common wall construction.
  - 1) A demolition permit shall be obtained from the City Planner
  - 2) Upon securing a demolition permit, the property owner shall notify in writing, the City of Stayton and adjoining property owner(s) that share a common wall construction 10 days prior to beginning demolition.



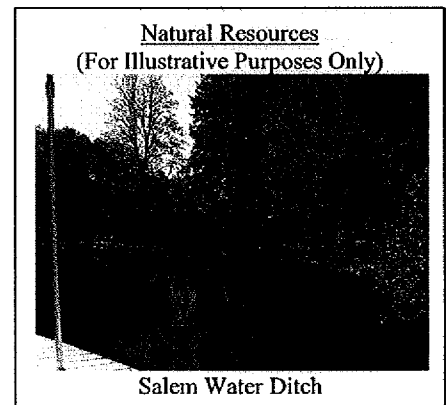
**17.16.090 NATURAL RESOURCE OVERLAY DISTRICT**

1. **BOUNDARIES OF THE NR DISTRICT.** The NR Overlay district shall include lands that are:
  - a. 100 feet from the normal high water line of the North Santiam River, Mill Creek, Lucas Ditch, Salem Ditch north of Shaff Road, except for areas within the HD, CR, CG, and ID zones.
  - b. 50 feet from the normal high water line of the Salem Ditch and the Stayton Ditch, except for areas within the CR and CG zones.

The provisions, requirements, and restrictions found herein shall be in addition to those found in the underlying primary zone. Where there are conflicts between the requirements of the NR Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.

2. **PERMITTED USES.** All uses are subject to site plan review.

- a. Publicly owned buildings and facilities related to water supply and treatment, including parking and storage areas.
- b. Recreational trails, walkways, and bikeways.
- c. Public parks and river-related recreational facilities, including meeting rooms, viewing platforms, displays, signs, restrooms, and parking areas.
- d. Resource enhancement projects.
- e. Road and access drives.
- f. Accessory uses.



3. **DEVELOPMENT CRITERIA.** Proposals for development will be subject to the following criteria in addition to the site plan review criteria in Section 17.12.220.6.
  - a. The proposal shall have as few significant detrimental environmental impacts on water as possible.
  - b. All identified impacts are mitigated through implementation of a mitigation plan approved by the City.
  - c. Existing trees and other vegetation shall be retained to the greatest extent possible pursuant to Chapter 17.20.150.
  - d. The proposal shall balance the impacts on the area with the potential for public enjoyment of the riparian environment and recreational use of the protected water body.
4. **IMPACT EVALUATION.** An impact evaluation may be required for proposals in the NR Overlay zone. The impact evaluation shall include:
  - a. Identification of all natural resources.
  - b. A storm water runoff report and plan detailing the quantity and quality of any storm water runoff from the construction or developed use of the property. The report shall detail the potential impact storm water runoff will have, if any, on the protected water bodies and shall provide a mitigation plan showing how these impacts will be averted.

- c. The functional values of the identified resource are defined by their natural characteristics, quantity, and quality.
- d. Erosion and sedimentation control plan adequate to keep sedimentation out of water bodies.
- e. Alternative locations, design modifications, or alternative methods of development of the subject property to reduce the impacts on the water supply intakes, aquifer, and natural riparian resources are identified and evaluated.
- f. If there is any resulting degradation or loss of functional values of the natural resource as a result of development, a mitigation plan is required which will compensate for the degradation or loss.

**17.16.100 FLOODPLAIN OVERLAY DISTRICT**

1. **PURPOSE.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.
2. **LOCATION.** All areas designated as flood plain on the Federal Insurance Rate Maps (FIRM).
3. **AUTHORITY.** Pursuant to applicable federal, state, and local building and zoning law, the City is empowered to take steps to evaluate flood potential and provide plans to reduce the possibility of flood damage through land use and building requirements and restriction.
4. **FINDINGS OF FACT.**
  - a. The flood hazard areas of Stayton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and, when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
5. **STATEMENT OF PURPOSE.** It is the purpose of this title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - a. To protect human life and health.
  - b. To minimize expenditure of public money and costly flood control projects.
  - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  - d. To minimize prolonged business interruptions.
  - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
  - f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
  - g. To ensure that potential buyers are notified that property is in area of special flood hazard.
  - h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
6. **METHODS OF REDUCING FLOOD LOSSES.** In order to accomplish its purposes, this section includes methods and provisions for:
  - a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
  - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters.
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage.
  - e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
7. **LANDS TO WHICH THIS CODE SECTION APPLIES.** This code section shall apply to all areas of special flood hazards within the jurisdiction of the City of Stayton.
  8. **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for Marion County Oregon and incorporated areas Volume 1 and 2, Revised January 19, 2000, with accompanying flood insurance maps, is hereby adopted by reference and declared to be part of this code. The Flood Insurance Study is on file at Stayton City Hall.
  9. **COMPLIANCE.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations.
  10. **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This code section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code section shall not create liability on the part of the City of Stayton, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on these requirements or any administrative decision lawfully made thereunder.
  11. **ESTABLISHMENT OF DEVELOPMENT PERMIT.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this section. The permit shall be for all structures including manufactured houses and for all other development including fill and other activities as set forth in the "Definitions" section of Chapter 17.04. Application for a development permit shall be made on forms provided by the City Planner. Specifically, the following information is required:
    - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
    - b. Elevation in relation to mean sea level to which any structure has been flood proofed.
    - c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 17.16.180.15.b.
    - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  12. **DESIGNATION OF THE DECISION AUTHORITY.** The City Planner is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

13. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the building official shall include, but not be limited to:
- a. Permit Review.
    - 1) Review all development permits to determine that the standards of Section 17.12.180.15 and 16 have been satisfied.
    - 2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
    - 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.16.180.17 are met.
  - b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.16.180.8, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 17.16.180.16.a, 17.16.180.16.b, 17.16.180.17 and 17.16.180.18.
  - c. Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 17.16.180.13.b.
    - 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    - 2) For all new or substantially improved flood-proofed structures:
      - a) Verify and record the actual elevation (in relation to mean sea level), and
      - b) Maintain the flood proofing certifications required in Section 17.16.180.11.
  - d. Alteration of Watercourses.
    - 1) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
    - 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - e. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact locations of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the locations of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.0 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).
14. VARIANCES. Variances shall be processed and acted upon pursuant to the procedures and criteria of Section 17.12.220. Approvals of variances may be conditional upon the satisfaction of both general variance criteria and those criteria and standards particular to flood hazard regulatory objectives.

15. GENERAL CONSTRUCTION AND DEVELOPMENT STANDARDS. In all areas of special flood hazards, the following standards are required:

a. Anchoring.

- 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2) All manufactured housing must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top of frame ties to ground anchors. Specific requirements shall be that:
  - a) Over-the-top ties are provided at each of the four corners of the manufactured house, with 2 additional ties per side at intermediate locations, with manufactured housing less than 50 feet long requiring 1 additional tie per side.
  - b) Frame ties are provided at each corner of the house with 5 additional ties per side at intermediate points, with manufactured housing less than 50 feet long requiring 4 additional ties per side.
  - c) All components of the anchoring system are capable of carrying a force 4,800 pounds.
  - d) Any additions to the manufactured house are similarly anchored.
- 3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the local building official that this standard has been met.

b. Construction Materials and Methods.

- 1) All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Utilities.

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

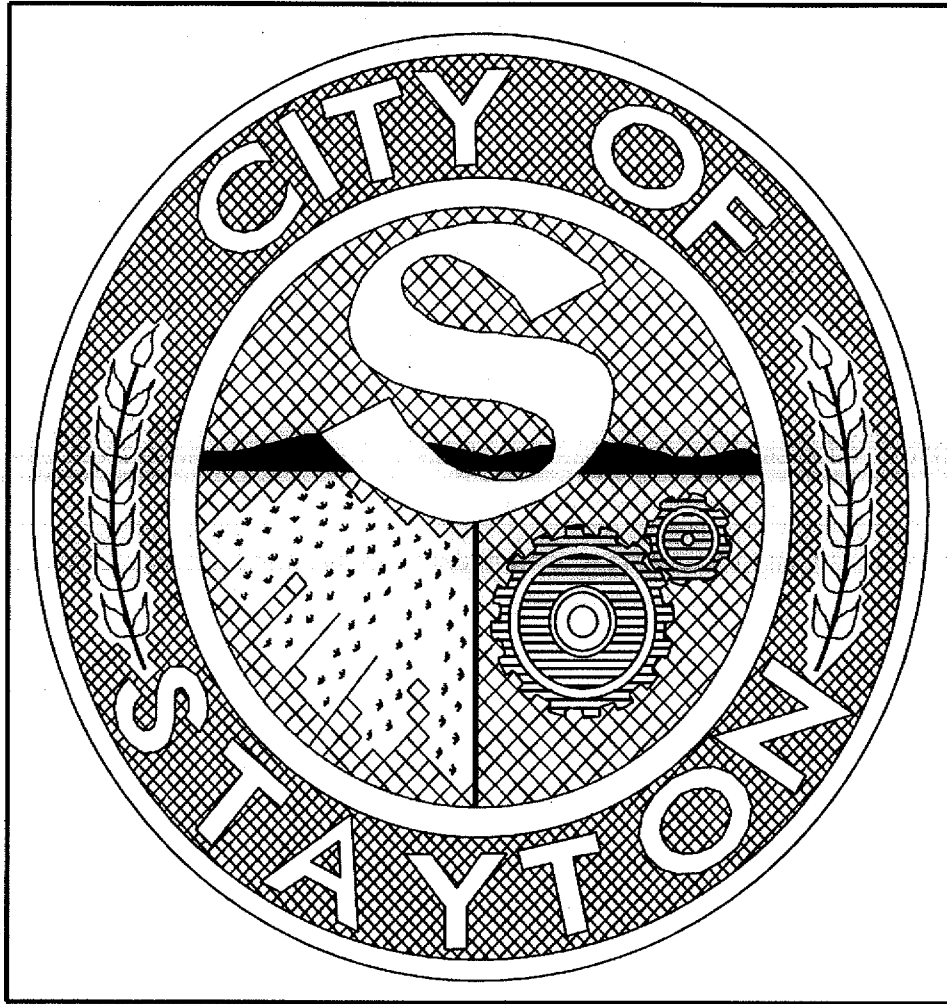
d. Subdivision Proposals. The following standards apply to subdivision and partition proposals in areas subject to flood hazard. These standards shall be applied to approval of subdivisions or partitions in addition to approval criteria and procedures of Section 17.24.040.

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage.
  - 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
  - 4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposal and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- e. **Review of Building Permits.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 17.16.180.13), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.
16. **SPECIFIC STANDARDS.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.16.180.6, or Section 17.16.180.11.b, the following provisions are required:
- a. **Residential Construction.**
    - 1) New construction and substantial improvement of any residential structure shall have the lowest floor, elevated to 1 foot above the base flood elevation per Oregon State Law.
    - 2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      - a) A minimum to 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
      - b) The bottom of all openings shall be no higher than 1 foot above grade.
      - c) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - b. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to 1 foot above the base flood elevation or, together with attendant utility and sanitary facilities, shall:
    - 1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
    - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
    - 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural

- design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.16.180.
- 4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 17.16.180.14.a.2
  - 5) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).
- c. **Manufactured Homes.** All manufactured homes to be placed or substantially improved within Zones AH and AE on the FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 1 foot above the base flood elevation and be securely anchored to and adequately designed foundation system to resist flotation, collapse and lateral movement.
- d. **Recreational Vehicles.** Recreational vehicles placed on sites within Zones AH and AE on the FIRM either:
- 1) Be on the site for fewer than 180 consecutive days,
  - 2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
  - 3) Meet the requirements of elevation and anchoring or manufactured homes.
17. **ENCROACHMENTS.** The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1 foot at any point.
18. **FLOODWAYS.** Located within areas of special flood hazard established in Section 17.16.180.8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- a. The following development is allowed within the floodway:
    - 1) Protection of property and structures during a flooding emergency declared by the City of Stayton. Such protection shall be the minimum necessary to protect property and structures. A subsequent Development Permit shall be required for the protection work done during the flooding emergency, and shall demonstrate compliance with all applicable provisions of Section 17.16.180.
    - 2) Signs, markers, aids, etc., placed by a public agency to serve the public.
    - 3) Pervious driveways, streets, and parking lots for existing uses where no alteration of the topography will occur.
    - 4) Maintenance of existing structures, (such as flood control structures, fish and wildlife structures, public facilities, public utilities, and other permitted structures), provided no alteration of the topography occurs.
    - 5) Public facilities and public utilities, provided a Development Permit demonstrating compliance with all applicable provisions of Section 17.16.180 is obtained.



- b. Any development not listed in Section 17.16.180.18.a. above shall not be allowed except by variance, per Section 17.12.190.6.b.2 and all applicable provisions of Section 17.16.180.
- c. Any development allowed within the floodway, except for development listed in Section 17.16.180.18.a.2, 3, and 4 above, must provide through certification by a registered professional civil engineer demonstrating through hydraulic and hydrologic analysis performed in accordance with standard engineering practice that such development shall not result in any increase in flood levels during the occurrence of the base flood discharge.



**CHAPTER 17.20  
DEVELOPMENT  
AND  
IMPROVEMENT STANDARDS**

**CHAPTER 17.20****DEVELOPMENT AND IMPROVEMENT STANDARDS****SECTIONS**

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**17.20.010**

**PURPOSE**

The intent of this chapter is to designate specific standards and criteria for the development of property within the City. The purpose of these standards and criteria are to require the development and improvement of property within the City in a manner which will not bring about potential land use conflicts, which will comply with all applicable City regulations, which will provide for site development in a logical and efficient manner, and which will promote a safe, healthful, and attractive urban environment within the city.

**17.20.020**

**INTERPRETATION**

Provisions of this chapter are applied in addition to the standards and criteria of other chapters of this title. Nothing in this chapter is intended to waive or otherwise limit the applicability of other provisions of this title.

1. **LOCATION OF BUILDINGS.** Every building erected shall be located on a lot as herein defined.
2. **YARDS APPLY ONLY TO ONE BUILDING.** No required yard or open space provided for any building to comply with requirements of this code shall be considered as providing a yard or open space for any other building. No required yard or open space on an adjoining lot shall be considered as providing a yard or open space on the lot whereon the building is to be erected.
3. **SETBACKS.** The setback provision cited below modify the building setbacks cited in zoning districts in Chapter 17.16, but are applicable only to the specific items listed below.
  - a. **Front Yard Projections.**
    - 1) Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features which extend horizontally not more than 24 inches from main buildings are exempt from front setback requirements.
    - 2) Uncovered porches and covered unenclosed porches not more than 1 story high, the floors of which are not more than 4 feet above grade, may extend not more than 10 feet beyond the front walls of the building; but in no case shall such projection come closer than 10 feet from the front lot line.
  - b. **Side Yard Projections.**
    - 1) Cornices, eaves, gutters, and fire escapes, when not prohibited by any other code or ordinance, may project into a required side yard not more than 1/3 the width of the side yard or more than 3 feet, whichever is the lesser.
    - 2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and other ornamental features may project not more than 1 ½ feet into a required side yard, provided, however, that chimneys and flues do not exceed 6 feet in width.
    - 3) Uncovered decks and patios attached to the main building, when 3 feet or less in height from ground level, may be extended to the side yard property line, but in no case shall be closer than 10 feet to a street right-of-way.
  - c. **Rear Yard Projections.**
    - 1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and other ornamental features may project not more than 1 ½ feet into a required rear yard, provided, however, that chimneys and flues do not exceed 6 feet in width.
    - 2) A fire escape, balcony, outside stairway, cornice, or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard, provided they are set back at least 6 feet from any property line.
    - 3) Planter boxes, steps, uncovered porches, covered but unenclosed porches, and covered patios, when not more than 1 story high and the floors of which are not more than 4 feet above grade, shall not come closer than 14 feet from the rear lot line.
    - 4) Except as allowed under 5 of this subsection, no permitted projection into a required rear yard shall extend within 10 feet of the centerline of an alley, of a rear lot line if no alley exists, or within 6 feet of an accessory building.

- 5) Uncovered decks and patios attached to the main building, when 3 feet or less in height above ground level may be extended to the rear yard property line.

**17.20.040**

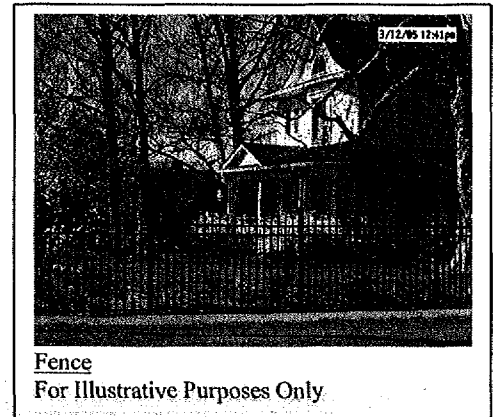
**SPECIAL REGULATIONS FOR ACCESSORY BUILDINGS**

1. APPLICATION OF REGULATIONS. The regulations set forth herein shall apply to all residential zones and to buildings in any other zone used in connection with residential purposes.
2. HEIGHT. No portion of an accessory building shall be taller than 8 feet plus one foot for each foot of distance from the lot line to that portion of the accessory building. An accessory building shall be no higher than the main building.
3. FRONT YARDS. Any accessory building shall meet the setback requirements of the district in which they are located.
4. SIDE YARDS, INTERIOR. Accessory buildings not attached to the main building located in an interior side yard shall be set back at least 5 feet from any lot line.
5. REAR YARDS. An accessory building shall have a minimum setback of 3 feet from the rear lot line.

**17.20.050****FENCES****1. RESIDENTIAL ZONES.**

- a. **Front Yards.** Fences, walls, and hedges that are within 10 feet of a front lot line shall be no more than 48 inches tall and that portion above 24 inches shall be 50% open. Fences more than 10 feet from the property line may be up to 6 feet in height.

Notwithstanding the above, a masonry wall up to 7 feet in height may be placed on or within 10 feet of the property line abutting a street when the wall is approved as a part of a site plan approval or a subdivision approval.



Fence  
For Illustrative Purposes Only

- b. **Side and Rear Yards.** Fences and walls located within a side or rear yard area may be up to 7 feet in height. Hedges on side and rear yards shall have no height restriction.

For lots with double frontage, the yard opposite the front of the house shall be considered a rear yard for the purposes of Section 17.20.050.

**2. COMMERCIAL ZONES.**

- a. No fences shall be allowed in the front yard.
- b. Fencing of outdoor service areas shall meet the standards of Section 17.20.200.3.b.4.
- c. Open fences up to 10 feet in height and solid fences up to 7 feet in height shall be allowed for screening of open storage areas.
- d. Except as provided in Section 17.20.090.13, fences located in rear and side yards shall be no more than 7 feet in height.

**3. INDUSTRIAL ZONES.**

- a. Fences shall be set back from the front lot line in order to accommodate the buffering requirements of 17.20.090.12.
- b. Fences shall not be taller than 7 feet in height. In addition, 18 inches over the maximum standard shall be allowed to string barbed wire along the top of the fence for security purposes.

- 4. USE OF HAZARDOUS MATERIALS.** Fences shall not be constructed of or contain any material which will do bodily harm such as barbed wire (except as necessary for security fences in commercial and industrial districts), electric wires (other than stock fences), broken glass, spikes, and any other hazardous or dangerous material.



1. **PURPOSE STATEMENT.** The purposes of this section are to ensure adequate off street parking is provided by each land use in a manner that avoids street congestion, minimizes impacts on neighboring properties, increases vehicular and pedestrian safety, and promotes good aesthetic design to create and preserve an attractive community character.
2. **NEW AND EXISTING FACILITIES.** Off street automobile parking areas and off street loading areas as set forth below shall be provided and maintained:
  - a. For any new building.
  - b. When additional seating capacity, floor area, guest rooms, or dwelling units are added to an existing building.
  - c. When the use of a building as identified in Section 17.20.060.7.a is changed and would require additional parking areas or off street loading areas under the provisions of that section.
3. **RESIDENTIAL AND RECREATIONAL VEHICLE PARKING RESTRICTIONS.**
  - a. **Motor Vehicles other than Recreational Vehicles.** No parking shall be allowed except on driveways. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this title.
  - b. **Recreational Vehicles.** The following standards apply to the off-street parking and storage of recreational vehicles within any residential zone:
    - 1) No off-street parking or storage of recreational vehicles shall be allowed within the front yard except on driveways. Recreational vehicles may be parked either in a driveway, side yard, or rear yard. On corner lots, recreational vehicles may be parked in the front yard from which vehicular access is not gained.
    - 2) A maximum of 3 recreational vehicles may be parked or stored outside a fully enclosed structure on a single lot.
    - 3) Recreational vehicles shall be required to display a current and valid state registration if parked or stored outside a fully enclosed structure.
    - 4) Recreational vehicles shall not be parked or stored on any portion of a lot when parking of the vehicle inhibits the necessary view of street traffic.
    - 5) No portion of a parked recreational vehicle may block any portion of a sidewalk.
    - 6) Permanent occupancy of recreational vehicles is prohibited. Temporary occupancy must comply with Section 17.20. 110.
    - 7) On-street parking of recreational vehicles and boats is prohibited except in compliance with City traffic code requirements.
    - 8) The City Planner may grant a permit for outside storage of a single recreational vehicle in a portion of the front yard when the following circumstances exist:
      - a) The storage area is on a concrete pad.
      - b) The recreational vehicle storage area is screened from the street and/or sidewalk by a sight-obscuring hedge or fence. The screening, hedge, or fence must comply with Section 17.20. 050.

- c) The recreational vehicle storage area does not create any safety hazards to street traffic.
  - d) The recreational vehicle storage area, recreational vehicle screening or fencing is continuously maintained.
4. REDUCTION OF REQUIRED AREAS PROHIBITED. Off street parking and loading areas which existed on February 1, 1990 shall not be reduced below the required minimum as set forth in this title unless a parking plan is approved by the City Planner as being suitable to meet the needs of the use or uses proposed.
  5. LOCATION. Off street parking and loading areas shall be provided on the same lot with the main building or use except that in any commercial, industrial, or public district, the parking area may be located within 500 feet of the main building.
  6. JOINT USE. A parking area may have joint use by 2 or more businesses only when it can be shown that all uses can be adequately served at their respective peak hours and cross-over easement agreements are obtained from all users.
  7. REQUIREMENTS FOR AUTOMOBILE PARKING. Off-street automobile parking shall be provided in the manner required by subsection 9 of this section and approved by the City Planner in the minimum amounts described in Tables 17.20.060.7 a and b or as determined by Section 17.20.060.7.a.

a. Minimum Required Parking Spaces

Table 17.20.060.7.a Residential Parking Requirements

Residential Uses	Per Unit	Other Requirements
Single Family Dwelling or Duplex	2	
Multi-family Dwelling	1.5	Plus 1 visitor space per 4 units

Table 17.20.060.7.b Commercial and Industrial Parking Requirements

Commercial and Industrial Uses	Per 1,000 Square Feet	Other Requirements
Auditorium, Theater, Stadium or Similar Use	0	1 space per 3 seats 1 space per 4 seats if associated with a school
Auto Repair Garage, Automotive Body, Paint, Interior, and Glass Repair; Automobile Oil Change & Lubrication Shops	0	4 spaces per bay or area used for repair
Commercial Banking & Related Activities	3.3	See the requirements of Section 17.20.060.7.g regarding drive-through facilities
Barber Shop or Beauty Parlor	0	3 per station
Family Child Care Center or Day Care Facility	2	Drop-off and pick-up facilities
Churches	0	1 space per 4 seats
Club, Lodge	0	1 space per 3 seats
Construction/Contractor Facility, excluding office	1	
Eating or Drinking Establishments	10	See the requirements of Section 17.20.060.7.g regarding drive-through facilities
Elementary or Middle School	0	2 spaces per classroom plus off street student drop-off and pick-up facilities
Fitness Center	5	

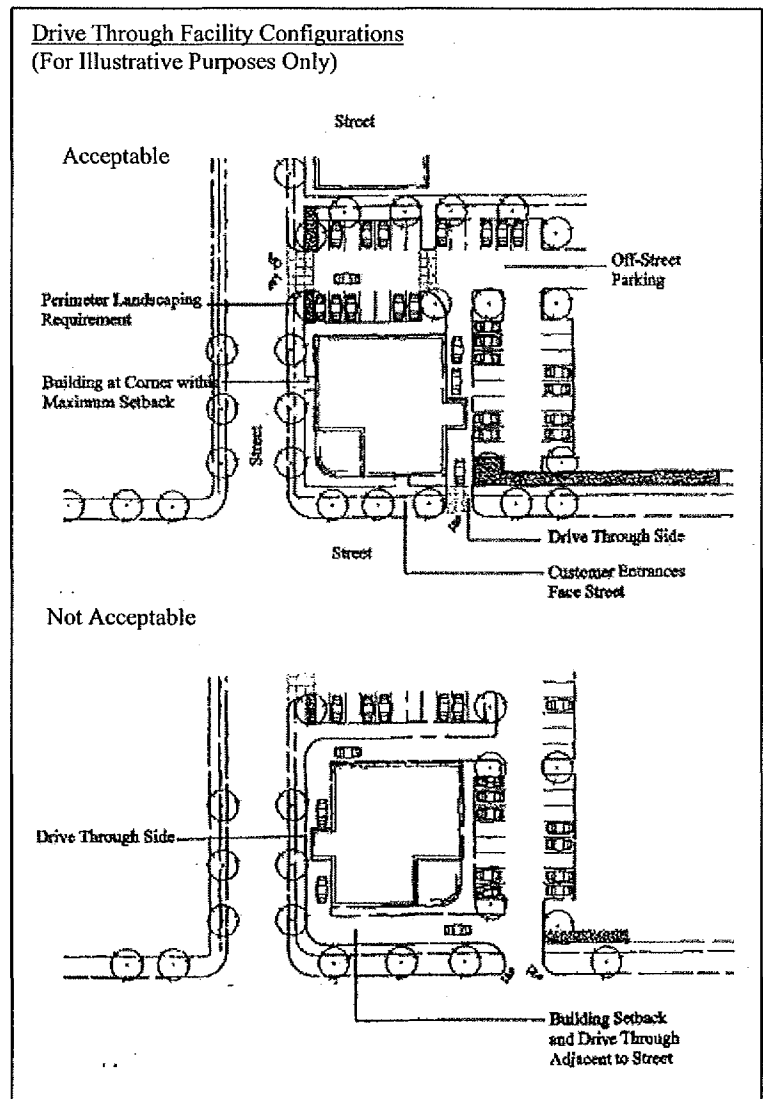
TITLE 17 LAND USE AND DEVELOPMENT CODE

Commercial and Industrial Uses	Per 1,000 Square Feet	Other Requirements
Funeral Homes & Funeral Services	0	1 space per 3 seats
High School	0	6 spaces per classroom plus off street student drop-off and pick-up facilities
Hospital, Nursing Home	0	2 spaces per 1,000 square feet of laboratory and outpatient care plus 0.5 per bed
Hotel, Motel, Boarding House	1	1 space per guest room
Manufacturing	1	
Offices of Physicians, Dentists, & Other Health Practitioners; Outpatient Care Centers	5.5	
Library, Museum	3.5	
Offices for: Finance & Insurance Businesses; Professional Technical Services except offices of Physicians, Dentists, & Other Health Practitioners and Outpatient Care Centers; Information businesses; Real Estate Sales & Rental Companies; Municipal and government buildings	3.5	
Rental Centers	1	1 space per 700 square feet of net area of outdoor storage or display of merchandise
Retail Store	4	
Large Product Retail Store, such as: Automotive Parts, Accessories, & Tire Stores; Building Material & Supplies Dealers; Lawn and Garden Equipment & Supplies Stores; Manufactured Home Dealers	1.6	
Repair & Maintenance Facility	2	
Self-Storage Facility	1	
Spectator Sports & Amusement & Recreation Facilities	8	
Warehouse:0-49,999 sq. feet	1	
Warehouse:50,000 – 99,000 sq. feet	0.5	
Warehouse:100,00 or more	0.3	
Wholesale establishment*	1	Plus 1 space per 700 square feet of net area for sales and display of merchandise.

- b. Calculating Spaces. When the required spaces are calculated by this subsection becomes greater than 1/3 of a space, the number shall be rounded up.
- c. Determining Requirements for an Unlisted Use. When a required number of parking spaces is not specified for a particular use or facility or the Planning staff determines that the specified number of parking spaces is not appropriate, the City Planner shall prescribe a number of vehicle parking spaces or loading berths based on a determination of the traffic generation of the activity (as determined through a Traffic Impact Analysis), the amount or frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as effect the need for off street parking or loading.

- d. Additional Parking Required. The decision authority may require additional parking beyond the minimum parking requirements of Table 17.20.060.7.b when it finds:
  - 1) There are other similar uses in the City of Stayton that provide parking in amount similar to the required minimum and have experienced problems associated with too little parking availability;
  - 2) The site is more than 300 feet from a public parking lot; or
  - 3) There are physical constraints preventing spillover parking from being accommodated off-site such as, topography, adjacent water bodies, barriers to effective and safe pedestrian access, or no adjacent uses or streets.
- e. Historic District Parking Standards. Within the HDR and HDB overlay districts, parking space requirements for commercial uses are reduced to 50 percent of the required number of spaces, and required customer parking may be provided on-street.
- f. Drive-Through Facilities Standards. When drive-through uses and facilities are proposed, they shall conform to all of the following standards:

- 1) The service window of drive-through facility shall face to an alley, driveway, or interior parking area, and not a street.
- 2) None of the drive-through facilities (e.g. windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. Automatic Teller Machines and kiosks that serve only pedestrians may be oriented to a street.
- 3) The drive-through facility's queuing area shall be adequate for three vehicles in addition to those being serviced and shall not block travel lanes of a parking area or driveway.
- 4) Pedestrian ways shall not cross the dedicated drive-through queuing areas.



8. HANDICAPPED/DISABLED PARKING.

- a. Except for single family residences and duplexes, parking spaces and accessible passenger loading zones reserved exclusively for use by handicapped or disabled persons shall be provided in accordance with Table 17.20.060.8.a and shall be located on the shortest possible accessible circulation route to an entrance of the building being accessed:

**Table 17.20.060.8.a Handicapped Parking Requirements**

Total Spaces	Minimum Required H/D Spaces
1 to 25	1
26 to 50	2
51 to 100	4
101 to 200	6
201 to 300	7
301 or more	7 plus 1 for each 50 spaces over 300

- b. Handicapped/disabled parking spaces shall be designated as reserved for such use by a sign showing the international symbol of accessibility. Such a sign shall be designed so as to not be obscured by a vehicle parked in the space.
  - c. Parking spaces for handicapped/disabled persons shall be at least 9 feet wide and 18 feet long, and shall have an abutting access aisle of at least 6 feet in width.
  - d. Passenger loading zones shall provide an access aisle at least 4 feet wide and 20 feet long abutting and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided.
9. OFF STREET LOADING REQUIREMENTS. Off street loading space shall be provided and maintained as listed below in the case of new construction, alterations, and changes of use.
- a. The following minimum off-street loading bays or berths shall be provided.
    - 1) Office buildings, hotels, and motels with a gross floor area of more than 25,000 square feet require one bay.
    - 2) Retail, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following:

**Table 17.20.060.9.a Minimum Loading Bay Requirements**

Square Feet (gross floor area)	Number of Bays
5,001 to 40,000	1
40,001 to 70,000	2
70,001 to 100,000	3
100,001 to 140,000	4

Each 90,000 square feet over 140,000 square feet requires one additional bay.

- b. Each loading bay shall be a minimum of 12 feet wide and 14 feet high. Truck parking in front of the bay shall be a minimum of 40 feet long exclusive of streets, alleys, driveway, or sidewalks.
- c. Loading spaces shall be designed so delivery or shipment vehicles do not block access aisles of parking areas, any parking spaces, or extend into a public right-of-way.
- d. No loading area shall be located within 10 feet of a street curb or 5 feet of a front lot line.

10. DEVELOPMENT REQUIREMENTS. All parking and loading areas shall be developed and maintained as follows:
- a. The location of parking and loading, except for single family dwellings, duplexes, or triplexes, or lots in the HDR and HDB overlay districts, which may be located within the front yard, shall meet the applicable standards of Sections 17.20.190 or 17.20.200.
  - b. Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded, and drained as required by the Public Works Director. In no case shall drainage be allowed to flow across a public sidewalk. Parking areas containing more than 5 parking spaces shall be striped to identify individual parking spaces.
  - c. Driveways. The following standards shall apply to all driveways:
    - 1) Residential lots with 3 or fewer dwelling units sharing a driveway shall have 16 feet of paved width with 20 feet of clear width.
    - 2) Residential lots with 4 or more dwelling units sharing a driveway shall have 18 feet of paved width with 24 feet of clear width
  - d. Design of parking areas. Except where provided for by subsection 7 of this section parking area design shall comply with Title 12 and Standard Specifications.
    - 1) Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into and out of the lot where possible and should be located at least 50 feet from intersections where possible.
    - 2) Backing into or across a street, sidewalk, or right-of-way from any parking lot shall be prohibited. The perimeter shall prevent access to or from the parking lot except at designated entrances and exits
  - e. Screening. When any development with over 6 parking spaces or a loading area is adjacent to any residential district, that area shall be screened from all adjacent residential properties. Screening shall be done with an ornamental fence, wall, or hedge at least 4 feet high but not more than 7 feet high, except along an alley.
  - f. Lighting. Any light used to illuminate a parking or loading area shall meet the standards of Section 17.20.170.
8. PARKING LOT LANDSCAPING DESIGN STANDARDS. Landscaping required by the following standards shall be counted towards the overall landscaping requirements of Section 17.20.090.
- a. Perimeter Landscaping. All parking lots shall be landscaped along the property boundaries as required by 17.20.090.11
  - b. Interior Landscaping. Interior landscaping of parking lots with 20 or more parking spaces shall meet the following standards.
    - 1) One landscaped island shall be required for every 10 parking spaces in a row. The interior islands shall be a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) and shall include a minimum of 1 tree per island.
    - 2) Divider medians between rows of parking spaces ,that are a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped

in accordance with Section 17.20.090. 8. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.

- 3) A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width (from the inside of the curb to the inside of the curb). The terminal island shall have 1 tree is planted and shall be landscaped in accordance with Section 17.20.090.8.
  - 4) At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking lot landscaping if the configuration of the site makes the use of islands or medians impractical.
  - 5) Approved Parking Lot Trees. Tree species for parking lot plantings shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may only be used with approval of the decision authority.
  - 6) Preservation of existing trees is encouraged in the off street parking area and the City Planner may allow these trees to be credited toward the required total number of trees.
- c. Pedestrian Access. Off street parking areas shall be required to meet the following pedestrian access standards:
- 1) The off street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the buildings.
  - 2) All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height.
  - 3) Pedestrian walkways shall be attractive and include landscaping and trees.

**17.20.070****OPEN STORAGE AREAS AND OUTDOOR STORAGE YARDS**

1. Open Storage Areas. Where allowed by zoning districts, the development and use of open storage areas shall conform to the following standards.
  - a. Open storage areas shall not occupy designated parking areas.
  - b. Open storage areas located between the street right-of-way and the building shall not exceed 25% of the area between the front lot line and a parallel line drawn from the nearest point of the building.
2. Outdoor Storage Yards. Where allowed by zoning districts, the development and use of outdoor storage yards shall conform to the following standards.
  - a. Outdoor storage yards that are adjacent to Commercial or Residential districts or are directly across the street right-of-way from those districts shall be enclosed with an ornamental, sight-obscuring fence or wall of at least 6 feet in height, or a compact evergreen hedge planted at 3 feet in height and capable of obtaining a minimum height of 6 feet.
  - b. If any material or equipment projects above the 6 foot screen, then a screening plan must be submitted to the Planning Commission for approval.
  - c. The surface of such area shall be maintained at all times in a dust-free condition, except that all driveways and loading areas shall be paved as required in Section 17.20.060.9.a and b.
  - d. Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets.



1. SPECIAL STREET SETBACKS. On the following named streets there shall be a minimum building setback of 50 feet, measured at right angles from the centerline of the street right-of-way:
  - a. Ida Street, extending from N. Fourth Avenue to the west City limits
  - b. First Avenue, from south City limits to north City limits.
  - c. Washington Street, extending from N. Sixth Avenue to the west city limits.
  - d. N. Sixth Avenue from Washington Street to E. Jefferson Street.
  - e. E. Jefferson Street from N. Sixth Avenue to N. Tenth Avenue.
  - f. East Santiam Road from N. Tenth Avenue to the east City limits on Mehama Road.
  - g. Golf Club Road from Highway 22 to Shaff Road.
  - h. Wilco Road
2. RIPARIAN SETBACK AND VEGETATION MAINTENANCE REQUIREMENTS.
  - a. Application of Riparian Setback Standards. Setbacks for development as defined in this title shall be observed for all lands within the City adjacent to Mill Creek, Salem Ditch, Stayton Ditch, and the North Santiam River.
  - b. Riparian Setback Areas. The riparian setback area for all new development other than a fence, sign, or pedestrian way, except as allowed under c. of this subsection, shall be 15 feet from normal high water along the Salem Ditch, Stayton Ditch and 35 feet along Mill Creek and the North Santiam River.
  - c. Improvements Within Setback Areas. Along the Salem Ditch and Stayton Ditch, decks or patios attached to a dwelling which do not exceed 4 feet above ground level may extend into the setback area no more than 5 feet from normal high water.
  - d. Vegetation Maintenance Standards. Within the riparian setback area, the following standards for maintenance of riparian vegetation shall apply:
    - 1) Along Mill Creek and the North Santiam River, no more of a parcel's existing riparian vegetation shall be removed from the setback area than is necessary for the placement or development, outside of the riparian zone, of use(s) permitted by the zoning district. Vegetation removed in such a manner shall, to the extent practicable, be replaced with similar or the same indigenous vegetation during the next planting season. In no case shall more than 25% by area on any given lot, of existing natural riparian vegetation shall be removed for any reason within the riparian setback area.
    - 2) Dead or diseased vegetation or vegetation which constitutes a hazard to public safety or a threat to existing healthy indigenous vegetation.
      - a) Vegetation to be removed for pedestrian access (pathways) to, or along the waterway.
      - b) Removal of vegetation necessary for the maintenance or placement of artificial or structural shoreline stabilization, provided a showing is made that natural erosion control measures or other non-structural solutions are not feasible and only where applicable state and federal standards are met.

- c) Removal of blackberry vines, scotch broom, or other introduced or invasive species, provided that such vegetation is replaced with other species that are equally suited for ground cover and erosion control.
- 3) Along the Salem Ditch the setback area may be used for residential landscaping adequate to maintain soil stability.
- e. Variance from Riparian Vegetation Requirements. Requests for relief from the above standards shall be processed pursuant to the variance process specified in Section 17.12.190.

1. **PURPOSE.** The purposes of this Section are to provide a process and definable standards for landscaping, buffering, and screening of land use within the City of Stayton. The City recognizes the aesthetic and economic value of landscaping and encourages its use: to establish a pleasant community character, unify developments, and buffer or screen unsightly features, to soften and buffer large scale structures and parking lots, and to aid in energy conservation by providing shade from the sun and shelter from the wind, to prevent erosion and dust problems generated as a product of development, to aid in preventing excessive runoff due to increased impervious surfaces, and to protect and promote tree growth.
2. **BASIC PROVISIONS.** Landscaping and screening standards apply to all zones except Low Density (LD) Residential. The minimum area of a site to be retained in landscaping shall be as follows:

**Table 17.20.090.2 Minimum Landscape Percentage**

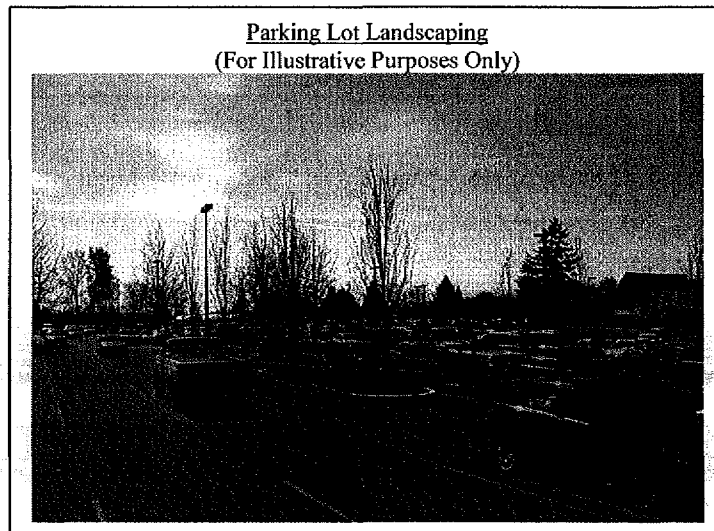
<b>Zoning District or Use</b>	<b>Minimum Improvement Per Lot</b>
Medium Density (MD) Residential	20%
High Density (HD) Residential	20%
Commercial Retail (CR)	15%
Commercial General (CG)	15%
Interchange District (ID)	15%
Industrial Commercial (IC)	15%
Light Industrial (IL)	
Lots 2.00 acres in area or less	15%
Lots larger than 2.00 acres but smaller than 4.00 acres	10%
Lots of 4.00 acres in area or more	8%
Public, Semi-Public (P)	15%

3. **SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLAN.** The following information shall be included on a landscape plan:
  - a. Lot dimensions and footprint of structure(s), drawn to scale.
  - b. The dimensions and square footage of all landscaped areas, the total square footage of the parking lot, building square footage, and total number of parking spaces.
  - c. The location and size of the plant species, identified by common and botanical names, and expected size within 5 growing seasons.
  - d. The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculptures, benches, and trash receptacles.
  - e. Adjacent land-uses. For any residence within 50 feet of the subject site, indicates the building's location and its distance from the subject property boundary.
  - f. Location and classification of existing trees greater than 4 inches caliper and measured at 4 feet above ground. Where the site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
4. **SUBMITTAL REQUIREMENTS FOR IRRIGATION PLAN.** The irrigation plan shall indicate the source of water and show the materials, size and location of all components, including back flow or anti-siphon devices, valves, and irrigation heads.

- a. Minimum Landscape Standards.
- 1) Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent public right-of-way is the right and responsibility of the property owner, unless the Code specifies otherwise for general public and safety reasons. If street trees or other plant material do not survive or are removed, materials shall be replaced in kind within 1 year.
  - 2) Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of the development. Trees of 25 inches or greater in circumference measured at a height of 4 feet above grade are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved if no cutting, filling, or compacting of the soil takes place between the trunk of the tree and the area 5 feet outside of the tree's drip line. Trees to be retained shall be protected from damage during construction by a construction fence located 5 feet outside the drip line.
  - 3) Planter and boundary areas used for required plantings shall have a minimum diameter of 5 feet inside dimensions. Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7 ½ feet.
  - 4) In no case shall shrubs, conifer trees, or other screening be permitted within the sight distance triangle or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
  - 5) Landscaped planters and other landscaped features shall be used to define, soften or screen the appearance of off street parking areas and other activity from the public street. Up to 25% of the total required landscaped area may be developed into pedestrian amenities, including, but not limited to sidewalk cafes, seating, water features, and plazas, as approved by the decision authority.
  - 6) All areas not occupied by parking lots, paved roadways, walkways, patios, or building shall be landscaped.
  - 7) All landscaping shall be continually maintained, including necessary watering, pruning, weeding, and replacing.
5. REQUIRED TREE PLANTINGS. Planting of trees is required along public street frontages, and along private drives more than 150 feet long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or a City-adopted street tree plan.
- a. Street trees species shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may be used only with approval by the decision authority.
  - b. Spacing of Street Trees. Trees with a medium canopy shall be spaced 20 feet on center. Trees with a large canopy shall be spaced 25 feet on center.
  - c. Trees shall be trimmed to a height that does not impede sight distance, pedestrian traffic or vehicular traffic.

6. TREE PLANTING RESTRICTIONS. Street trees shall not be planted:
  - a. Within 10 feet of fire hydrants and utility poles, unless approved otherwise by the City Engineer.
  - b. Where the decision authority determines the trees may be a hazard to the public interest or general welfare.
  - c. Under overhead power lines, if tree height at mature age exceeds the height of the power line.
7. IRRIGATION. Due to an increasing public demand for water and the diminishing supply, economic and efficient water use shall be required. Landscaping plans shall include provisions for irrigation. Specific means to achieve conservation of water resources shall be provided as follows:
  - a. Any newly planted landscaped area shall have a permanent underground or drip irrigation system with an approved back flow prevention device.
  - b. Wherever feasible, sprinkler heads irrigating lawns or other high-water demand landscape areas shall be separated so that they are on a separate system than those irrigating trees, shrubbery or other reduced-water requirement areas.
  - c. Irrigation shall not be required in wooded areas, wetlands, along natural drainage channels, or stream banks.
8. REQUIREMENTS FOR PLANT MATERIALS.
  - a. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, evergreens and/or ground cover.
  - b. Use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to conserve water during irrigation.
  - c. Trees shall be species having an average mature crown spread greater than 15 feet and having trunks which can be maintained in a clear condition so there is over 5 feet without branches. Trees having a mature crown spread less than 15 feet may be substituted by grouping trees to create the equivalent of a 15 foot crown spread.
  - d. Deciduous trees shall be balled and burlapped or in a container, be a minimum of 7 feet in overall height or 1.5 inches in caliper measured at 4 feet above ground, immediately after planting. Bare root trees will be acceptable to plant only during their dormant season.
  - e. Coniferous trees shall be a minimum 5 feet in height above ground at time of planting.
  - f. Shrubs shall be a minimum of 2 feet in height when measured immediately after planting.
  - g. Hedges, where required to screen and buffer off-street parking from adjoining properties shall be planted with an evergreen species maintained so as to form a continuous, solid visual screen, planted with a minimum height of 2 feet.
  - h. Vines for screening purposes shall 30 inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.
  - i. Turf areas shall be planted in species normally grown as permanent lawns in western Oregon. Either sod or seed are acceptable. Acceptable varieties include improved perennial ryes and fescues used within the local landscape industry.

- j. Landscaped areas may include architectural features such as sculptures, benches, masonry or stone walls, fences, and rock groupings. The exposed area developed with such features shall not exceed 25% of the required landscaped area.



- k. Landscaped areas may include minimal areas of non living ground covers where the applicant can demonstrate that plant ground covers are not appropriate. Artificial ground covers such as bark, mulch chips, gravel or crushed stone shall not exceed 15% of the landscaped area. This percentage shall be based on the anticipated size of landscape plants at maturity, not at planting.
- l. Artificial plants are prohibited in any required landscaped area.
9. REPLANTING NATURAL LANDSCAPE AREAS
- a. Areas that are not affected by the landscaping requirements where natural vegetation has been removed or damaged through construction activity shall be replanted.
  - b. Plant material shall be watered at intervals sufficient to assure survival and growth.
  - c. The use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.
10. LANDSCAPING IN THE PLANTER STRIP. Except for portions allowed for parking, loading, or traffic maneuvering, the planter strip shall be landscaped. The planter strip shall not count as part of the lot area percentage to be landscaped.
11. BUFFER PLANTING-PARKING, LOADING AND MANEUVERING AREAS: Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a variety of plants shall be used to achieve the desired buffering effect.
- a. Buffering is required for any commercial, industrial, or multi-family development with more than 4 parking spaces. Buffering shall occur in the following manner:
    - 1) Any parking area, loading area, or vehicle maneuvering area shall be landscaped along property boundaries. The landscaped area shall meet the minimums in Table 17.20.090.11.a.1

- 2) Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements and must meet the standards of Section 17.20.050.

**Table 17.20.090.11.a Buffering Requirements in Feet**

Use of Property	Adjacent Use at Property Line				Adjacent Street		
	Single Family & Duplexes	Multi-Family Dwellings	Commercial	Industrial	Local	Collector	Arterial
Multi-family Dwellings	5	5	5	5	5	5	5
Commercial	10	5	0	0	15	10	10
Industrial	15	10	5	0	15	10	10

- b. Landscaping with buffer strips may be counted towards meeting minimum percentage landscaping requirements.

12. SCREENING (HEDGES, FENCES, WALLS, BERMS). Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

- a. Height and Capacity. Where landscaping is used for required screening, it shall be at least 6 feet in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 2 years following establishment of the primary use of the site.
- b. Chain Link Fencing. A chain link fence with sight obscuring slats shall qualify for screening only if a landscape buffer is also provided.
- c. Height Measurement. The height of fences, hedges, walls and berms shall be measured from the lowest adjoining finished grade, except where used to comply with screening requirements for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is prohibited within the sight distance triangle.
- d. Berms. Earthen berms up to 6 in height may be used to comply with screening requirements. Slope of berms may not exceed 2:1 and both faces of the slope shall be planted with ground cover, shrubs and trees. Bark mulch or other non-living materials shall not be used as the ground cover for an earthen berm.

**17.20.100 HOME OCCUPATIONS**

In addition to any criteria applied by the zoning regulations or conditional use procedures which allow for home occupations, the following criteria and standards apply to such uses:

1. The occupation or activity shall be carried on by the resident or residents of a dwelling as a secondary use. No more than 1 employee (or equivalent of 1 full time employee) who is not a resident of the dwelling may be employed.
2. The home occupation shall be continuously conducted in such a way that does not create any off-premises nuisance including, but not limited to, noise, odors, vibrations, fumes, smoke, fire hazards, hazardous materials, traffic congestion, or electronic, electrical, or electromagnetic interference.
3. The home occupation is not limited as to type of activity, provided that the scale or intensity of the activity does not have the practical effect of rezoning the property to a commercial or industrial use.  

To determine if a home occupation does not have the practical effect of rezoning, the number of vehicle trips per day related to the business may not exceed 6 trips per day.
4. The home occupation shall be limited to a maximum area of 0.5 the floor area of the dwelling unit or 500 square feet, whichever is less, and the home occupation shall be located exclusively within the dwelling unit and/or an accessory building.
5. Structural alterations to accommodate home occupations are permitted, provided the residential character of the building(s) and property remains unchanged.
6. The repair or maintenance, including body repair and painting of automobiles, trucks, motorcycles, trailers, recreational vehicles, boats, all-terrain vehicles, and similar vehicles, shall be prohibited.
7. The outdoor storage of materials, products, equipment, or supplies shall be prohibited.
8. Customers and deliveries shall be limited to the hours of 9:00 am to 8:00 pm.
9. The property shall have off-street parking consistent with the parking space requirements in Section 17.20.060.7. One required residential parking space may be substituted for a required employee parking space. In addition, there shall be sufficient room on the premises to load and unload materials, supplies, and products.
10. Signs identifying the business shall be limited to 1 sign containing a maximum of 4 square feet of area. The sign may be attached flat against a wall of the home or accessory building or may be located within a window. Free standing signs and sign illumination shall be prohibited.
11. Violations shall be enforced in accordance with Section 17.04.190.



**17.20.110 OCCUPANCY OF RECREATIONAL VEHICLES**

Occupancy of a recreational vehicle unless located in a recreational vehicle park may be allowed for a period not in excess of 14 days in a 60-day period, provided the unit is parked on private property.

1. **PURPOSE.** Financial performance requirements are necessary to provide reasonable and prudent guarantees to the City that proposed improvements required as part of an approved subdivision or development are properly implemented by the applicant, and to provide financial assurance to the City in the event that the applicant is unable to complete such improvements and the City is required to assume responsibility for completing the improvements.
2. **APPLICATION.** Financial performance requirements may be imposed as part of subdivision approval, site review approval, or conditional use approval.
3. **DEPOSIT.** The satisfaction of financial performance requirements may take one of the following forms, to be made a part of a financial performance agreement between the City and the applicant:
  - a. Surety bond executed by a surety company authorized to transact business in the State of Oregon.
  - b. Letter of credit or assignments of savings from a bank authorized to transact business in the State of Oregon.
  - c. Personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - d. Certified check or cash deposit with the City Recorder, interest upon which shall not be paid to the applicant.
4. Such financial assurance shall be for a sum approved by the City as sufficient to cover the cost of required development, improvements, or repairs, including related engineering and incidental expenses, and to cover the cost of inspection by the City or agents for the City. Financial performance deposits will be reviewed by the City Attorney and placed before the City Council for acceptance.
5. Failure of the applicant to properly carry out required development, improvements, or repairs within the time restrictions imposed as part of the approval action will, at the City's option, bring about forfeiture of the financial performance deposit and enable the City to call on the bond, letter of credit, assignment of savings, or cash deposits to reimburse costs or expenses which incur to the City. If the amount of the financial performance deposit is less than the cost or expense incurred by the City as a result of the applicant's action, the applicant shall be liable to the City for the difference.

**17.20.130 MOBILE HOME PARKS**

1. **PURPOSE.** The regulations contained herein are intended to provide a suitable living environment for the residents of mobile home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses. The requirements and standards set forth in this ordinance are the minimum standards to which a mobile home park must conform before approval.
2. **METHOD OF ADOPTION.** Mobile home parks are subject to site plan review and shall be approved pursuant to the requirements of Sections 17.12.070 through 17.12.100.
3. **SUBMITTAL REQUIREMENTS.** All applications submitted for approval of a mobile home park development shall consist of 3 copies of a preliminary development plan to a scale of 1 inch equals not more than 50 feet. In addition, a reduced copy of the plan sized as 11 inches x 17 inches. The application shall contain, but not be limited to, the following information in addition to the requirements of Section 17.12.220.
  - a. Name(s) of person owning and/or controlling the land proposed for the park.
  - b. Name of the mobile home park and address.
  - c. Boundaries and dimensions of the manufactured home park.
  - d. Facility map showing relationship of manufactured home park to adjacent properties and surrounding zoning.
  - e. Location and dimensions of each manufactured home site with each site designated by number, letter, or name.
  - f. Location and dimensions of each existing or proposed building.
  - g. Location and width of park streets and pedestrian ways.
  - h. Location of recreational areas and buildings and common area.
  - i. Location of available fire hydrants.
  - j. Enlarged plot plan of a typical manufactured home space showing location of stand, storage space, parking and sidewalks, utility connections, and landscaping.
  - k. The plan shall indicate positions of the manufactured homes on their stands so that the decision maker may determine entrances, setbacks, etc.
  - l. Access features shall conform to the requirements set forth in Section 17.26.020. Section 17.26.020 also specifies submittal requirements for requesting an access permit and approval.
  - m. A survey plat of the property.
  - n. Schematic design drawings of all new structures.
  - o. A water system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Health Division.
  - p. A sewerage system plan prepared in accordance with City standards.
  - q. A drainage system plan showing all drainage system improvements on site including storm water runoff calculations showing that the system is sufficient to handle the runoff from a 5-year storm.

- r. Method of garbage disposal.
  - s. Park rules and regulations that will be recorded as deed covenants on the property.
4. DESIGN STANDARDS. The following standards and requirements shall govern the design of a mobile home park. The City may require that specific standards be included within covenants and restrictions to be recorded on the land.
- a. A mobile home park shall not be less than 5 acres in area.
  - b. Lots or spaces within the park shall contain a minimum of 3,500 square feet with a width of no less than 35 feet.
  - c. Only 1 manufactured home shall be permitted on a lot or space.
  - d. No building, structure, or land within the boundaries of a mobile home park shall be used for any purpose except for the uses permitted as follows:
    - 1) Manufactured homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building.
    - 2) Private and public utilities and services as permitted by City approval.
    - 3) Community recreation facilities, including swimming pool, for the residents of the park and guests only.
    - 4) One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
  - e. All manufactured homes shall be located at least 20 feet from the property boundary line abutting upon a public street or highway, 100 feet from the center line of a state highway and at least 10 feet from other boundary lines, except that when a sound deadening fireproof barrier, as an earthen berm or brick wall is provided, the Planning Commission may allow the 10-foot setback to be reduced to 5 feet, but not the 20-foot setback or the 100-foot setback.
  - f. Manufactured homes shall not be located closer than 15 feet from any other manufactured home or permanent building within the manufactured home park nor closer than 10 feet to any park or private roadway. Manufactured home accessory buildings, when not attached to the manufactured home, shall not be closer than 3 feet from any manufactured home or structure.
  - g. Ramadas, cabanas, awnings, carports, and other attached structures shall be considered part of the manufactured home for setback purposes.
  - h. All manufactured homes not having a concrete perimeter foundation shall be provided with a foundation stand which shall be improved to provide adequate support for the placement of the manufactured home. The stand shall be all-weather surfaced with asphalt, concrete, or crushed rock and must be at least as large as the manufactured home placed upon it. The stand shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure.
  - i. All manufactured homes shall be required to provide foundation, minimum exterior finishing, and construction of accessories in compliance with the standards of the zoning district in which they are located. All awnings, carports, cabanas, etc., constructed shall be

- of material, size, and color and pattern so as to be compatible with the manufactured home and shall comply with applicable codes.
- j. A mobile home park shall have a minimum 40-foot wide property line frontage to either a collector or arterial street.
  - k. The mobile home park entrance shall be designed to provide a clearly defined main entry and exit point to the park. Secondary entry points may be required to provide ingress and egress for emergency vehicles. The main entry shall include street lighting and a sign(s) identifying the name of the park and providing direction to the manager's office or residence. Controlled ingress and egress may be installed subject to decision authority approval of design.
  - l. Two off street parking spaces shall be provided at each manufactured home space. Also, additional parking space shall be provided in parking areas distributed around the park (not part of the common area) not to be less than 1 parking space per 10 units. All off street parking spaces shall meet City standards.
  - m. Adequate street lighting shall be provided within the park in accordance with a plan approved by the Planning Commission.
  - n. All utilities shall be installed underground unless otherwise approved by the Planning Commission.
  - o. Approved fire hydrants shall be installed so that all manufactured homes, recreational vehicles, and other structures are within 300 feet down the center line of a street of an approved fire hydrant.
  - p. The owner or operator of a manufactured home park shall provide individual mail boxes or distribution facilities for incoming mail, and at least 1 collection box for outgoing mail which shall be located in coordination with the post office.
  - q. Buffering or screening shall be installed along park boundaries in accordance with a landscaping plan approved by the Planning Commission. All buffering or screening shall be in the form of a sight obscuring fence, wall, evergreen or other suitable planting, at least 6 feet high.
  - r. Fences or windbreaks exceeding 42 inches high shall be no closer than 3 feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be 6 feet.
  - s. Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it 8 feet high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.
  - t. There shall be landscaping within the front and side areas of each manufactured home lot setback and in all open areas of the manufactured home park not otherwise used for park purposes. Landscaping shall be installed in accordance with a landscaping plan approved by the decision authority. The maintenance of the open spaces shall be necessary to continue renewals of the park license.
  - u. In the mobile home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accommodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or

screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis in accordance with City garbage franchise regulations.

- v. If storage yards for recreational vehicles, boats, or trailers are provided, it should be provided at the rate of up to 100 square feet per manufactured home space depending on the clientele served. An 8-foot high sight obscuring fence with a lockable gate should be erected around the perimeter of the storage yard. If no storage space for recreational vehicles is provided, storage shall not be permitted within the park boundaries.
- w. Pedestrian walkways shall be separated from vehicular traffic ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidewalks shall be at least 3 feet wide and be composed of concrete or bituminous concrete at least 3 inches thick.
- x. Although it will not be necessary for vehicular ways to be improved and maintained to City standards, all vehicular ways shall be based, graded, and paved with asphalt or concrete and shall be continuously maintained by the owner.
- y. Minimum park street improvement width for shall be 14 feet for a one-way local street and 20 feet for a two-way local street.

#### 5. OPERATIONAL STANDARDS.

- a. 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.
- b. Electrical Connections. All electrical connections shall comply with the State of Oregon electrical code and be duly inspected.
- c. Fire Extinguishers. Portable fire extinguishers rated for classes A, B and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and be maintained in good operating conditions.
- d. Fire Hazards. The owner of the park shall be responsible for maintaining the park free of any brush, leaves, and weeds which might facilitate the spread of fires between manufactured homes and other buildings in the park. The owner shall also be responsible to insure that no combustible materials are stowed in, around, or under any manufactured home occupying a manufactured home space.
- e. Inspections. The building official may check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance with these standards. If not in compliance, the owner must make repairs as are required or will be considered to be in violation of this code and subject to enforcement action. An extension of no more than 1 year to make repairs may be made by the decision maker, if it can be shown that risk to public health, safety, or welfare will not be created by this extension.
- f. Management Responsibilities. The owner, operator, resident manager, or similar supervisor or representative of the owner shall be available and responsible for direct management of the manufactured home park while it is in use.
- g. Refuse Burning. Burning of refuse will not be permitted.
- h. Refuse and Debris Control. All manufactured home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places

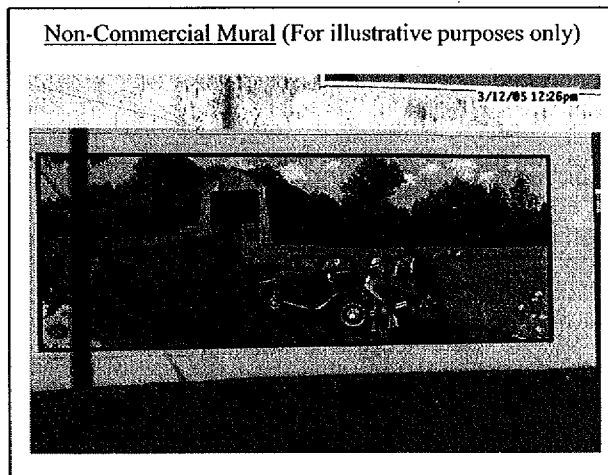
for flies, mosquitoes, or other pests. All units shall have an adequate garbage container as determined by the Marion County Health Officer.

- i. **Storage of Materials.** Storage of decomposing combustible or other unhealthy or unsafe.
- j. **Water and Sewer Connections.** All manufactured homes, service buildings, etc., shall be connected to an approved water and sewer system.
- k. **Ownership and Maintenance of Water, Sewer and Storm Drainage Facilities.** All water and sewer lines within the manufactured home park shall be privately owned, unless the City requests that the lines and public utility easements be granted to the City. Unless the City requires that they be made public, all sewer, water, and storm sewer lines and drainage ways shall be continuously maintained to City standards at the sole obligation and expense of the park owners.
- l. **Park Administration.**
  - 1) It shall be the responsibility of the park owner(s) and manager to see that the provisions of this ordinance are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this ordinance.
  - 2) Manufactured home park spaces shall be rented or leased only.
  - 3) A minimum of 1/3 of the spaces must be available for occupancy before first occupancy is permitted.

1. **PURPOSE.** The purposes of these sign regulations are to provide equitable signage rights; reduce signage conflicts; promote traffic and pedestrian safety; and increase the aesthetic value and economic viability of the city by classifying and regulating the location, size, type, and number of signs and related matters.
2. **PERMIT PROCEDURES.**
  - a. **Permit Required.** No person shall construct or alter any sign without first obtaining a permit from the City Planner.
  - b. **Current Signs.** Owners of conforming or nonconforming signs existing as of the January 10, 1999 shall not be required to obtain a sign permit except as required under the abatement procedure described in subsection 5.c below.
  - c. **Application Requirements.**
    - 1) An application for a sign permit shall be submitted on a form prescribed by the City.
      - a) Within 7 days of submittal the City Planner shall determine whether the application is complete.
      - b) Within 14 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
      - c) The decision shall be issued in writing.
    - 2) Sign permits mistakenly issued in violation of these regulations or other provisions of the Code are void. The Stayton City Administrator may revoke a sign permit if it is found that material errors or misstatements of fact were made by the applicant on the permit application.
    - 3) The sign permit does not take the place of any required building (e.g. structural, mechanical, electrical) permits which may be required to construct or locate an approved sign.
  - d. **Permit Fees.** Permit fees shall be established by City Council resolution.
  - e. **Construction and Maintenance.** All signs shall be designed, constructed, and maintained in accordance with the following standards:
    - 1) All signs shall comply with the applicable provisions of the Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical, and other regulations. Issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
    - 2) Except for temporary signs, signs shall be constructed of durable materials and be firmly attached to the ground, to a building, or to another structure by direct attachment to a rigid wall, frame, or structure.
    - 3) All signs shall be maintained in a good structural condition and be readable at all times.
3. **SIGNS GENERALLY PERMITTED.** Subject to the limitations listed in this subsection, the following signs and sign erection or alterations are permitted in all zones. These signs shall not require a permit and shall not be included when determining compliance with total allowed area:



- a. Painting or otherwise changing the sign face or copy, and maintenance of legally existing signs. If structural changes are made, the sign shall conform in all respects to these regulations.
- b. Signs not exceeding 32 square feet which advertise the sale, rental, or lease of the premises upon which the sign is located.
- c. Signs posted by or under governmental authority, including legal notices, traffic, danger, no trespassing, emergency, and signs related to public services or safety.
- d. One sign, not to exceed 32 square feet, at each street entrance of a residential development or subdivision.
- e. Incidental signs not exceeding 6 square feet.
- 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) A flag structure shall not exceed 20 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater. 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.
- g. Signs within a building that are not visible from the street, sidewalk or other public property.
- h. Signs painted or hung on the inside of a window or door that do not exceed 30% of the window or door area. This area limit shall not apply to neon signs.



- i. Commercial murals shall count as a sign in determining total sign area for a business. Murals that do not advertise or identify a business, with a cultural or heritage theme, are not considered commercial signs and are exempt from this ordinance.
- j. Name signs, not exceeding 2 square feet, identifying the occupants of a dwelling.
- k. Restoration, repair, or replacement of signs that have been demonstrated by the owner to have been in existence since January 1, 1949, provided the sign substantially retains its original appearance and location.

- l. Temporary and portable signs announcing community events, including signs hung with the guy wires located on 1<sup>st</sup> Avenue between Cedar and Regis Streets, are permitted for up to four weeks.
4. PROHIBITED SIGNS. The following signs shall be prohibited:
    - a. Balloons or similar tethered objects.
    - b. Roof signs.
    - c. Signs emitting an odor, visible matter, or sound.
    - d. Signs supported by guy wires of any type except for the guy wires located on 1<sup>st</sup> Avenue between Cedar and Regis Streets.
    - e. Signs that obstruct a fire escape, required exit, window, or door opening used as a means of egress.
    - f. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
    - g. Rotating/revolving signs.
    - h. Flashing signs, except as allowed by conditional use permit under the regulations of this sign code.
    - i. Signs that project into or over driveways or public rights-of-way, except signs under a canopy that projects over a public sidewalk. Such sign shall not be less than eight feet above the ground.
    - j. Signs within the sight clearance triangle that obstruct the required vision areas or represent a hazard to pedestrian or vehicle traffic.
    - k. Signs that interfere with, imitate, or resemble any official traffic control sign, signal, or device; emergency lights; or which appear to direct traffic (e.g., a beacon light).
    - l. Signs attached to any pole, post, utility pole, or placed by its own stake in the ground in a public right-of-way. This restriction shall not apply to bulletin boards for public use as authorized by the City Council.
    - m. Message signs, except by conditional use permit.
    - n. Any new or relocated off-premise sign, unless specifically allowed as a permitted sign in this sign code.
    - o. No vehicle or trailer shall be parked for an extended period of time so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or another premises, unless such sign meets the requirements of this section. This provision applies only to a vehicle the primary purpose of which is advertisement; it is not intended to prohibit any form of sign attached to or on a vehicle the primary use of which is for business purposes other than advertising.
    - p. Signs on city property placed by a nongovernmental entity.
    - q. Free standing and illuminated signs for all home occupations.

## 5. Illumination of Signs

- a. No sign shall be comprised of or illuminated by intermittent light except digital public service messages, such as time, date, temperature, etc.
- b. Externally Illuminated Signs
  - 1) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed 2:1.
  - 2) Lighting fixtures illuminating signs shall be carefully located, aimed, and hooded or shielded to prevent direct illumination of public streets or abutting properties.
  - 3) Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent public streets or properties.
  - 4) To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed downward (i.e. below the horizontal).
- c. Internally Illuminated Signs.
  - 1) Internally lit signs are permitted only in the commercial and industrial zones.

In order to prevent internally illuminated signs from becoming light fixtures, such signs shall consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.
  - 2) The lettering or symbols shall constitute no more than 40% of the surface area of the sign.
  - 3) The luminous transmittance for the lettering or symbols shall not exceed 35%.
  - 4) The luminous transmittance for the background portion of the sign shall not exceed 15%.
  - 5) Light sources shall be fluorescent tubes, spaced at least 12 inches on center, mounted at least 3.5 inches from the translucent surface material.
  - 6) The standards of this subsection shall not apply to gas-filled tubing exposed to view (neon signs).

## 6. NONCONFORMING SIGNS.

- a. Alteration of Nonconforming Sign Faces. Legally existing nonconforming signs are subject to the following provision regarding alteration.
  - 1) A change in sign face alone is allowed without requiring compliance with these regulations.
  - 2) When a nonconforming sign face is damaged or destroyed, such sign face may be restored to its original condition provided such work is completed within sixty days of the damage. However, a sign structure or support mechanism so damaged shall not be replaced except in conformance with the provisions of these regulations.
- b. Permits for Properties with Nonconforming Signs.
  - 1) Businesses Not In Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations.

- 2) Business and Integrated Business Centers. For individual businesses in integrated business centers, no permits shall be issued for new or altered signs unless all signs of the individual businesses comply with these regulations. No free-standing sign permits will be issued for the integrated business center unless all free-standing signs conform to the design format.
  - 3) Nonconforming Sign Area. All signs in existence as of the date of the permit application shall be included in the total allowed area, number, or size when reviewing applications for new or altered signs to be allowed on the property.
- c. Abatement of Nonconforming Signs.
- 1) All permanent, free-standing signs, and wall, canopy, projecting or other similar permanent signs in existence on the effective date of these regulations, which are not in conformance with the provisions of these regulations may be repaired, maintained (including a change in sign face) until such time the sign structure is altered or the entire sign is replaced, at which time the sign must conform to applicable sign regulations. All permanent signs not in compliance on the effective date of these regulations must conform on or before February 9, 2013.
  - 2) Temporary and portable signs which are not in conformance with the provisions of these regulations shall be regarded as nonconforming and shall be removed on or before August 9, 1998.
  - 3) The City Planner shall, as a public service, notify nonconforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline. Failure of the administrator or designate to notify the owner of the deadline shall not relieve the owner of responsibility to conform with these regulations within the time period therein.
  - 4) Existing permanent free-standing signs on properties annexed to the city shall be in conformance with the provisions of these regulations within one year following annexation or on or before February 9, 2008, whichever comes later. Temporary signs shall conform to the regulations within 6 months following annexation.
- d. Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, and the entire sign structure shall be removed within one year of such cessation of operation.
7. SIGNS IN THE PUBLIC/SEMI-PUBLIC ZONE. The following regulations apply to signs in the Public/Semi-public zone:
- a. Sign Types. The following sign types are allowed:
    - 1) Wall, canopy, projecting, free-standing, and window signs.
    - 2) Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365 day period. Owners or parties responsible for such displays shall be considered responsible for any public or private nuisance.
  - b. Any combination of wall, canopy, or free-standing sign not exceeding the sign area and height limitations set forth below shall be allowed.
  - c. Total signage area on a property shall not exceed 64 square feet.

- d. Maximum Sign Height.
  - 1) Wall or wall mounted signs shall not project above the parapet or roof eaves.
  - 2) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
- e. Permitted Locations.
  - 1) Wall, canopy or projecting signs may project into the required setback no more than 1.5 feet.
  - 2) A free-standing sign shall be setback at least 5 feet from any property line.
- f. Home occupations are subject to this rule and the provisions of Stayton Municipal Code governing home occupations.
- 8. SIGNS IN RESIDENTIAL ZONES. Other than signs permitted under Section 17.020.140.3, signs in the Residential zones are limited to signs for home occupations. Home occupation signs are subject to the provisions of Section 17.020.100.10.
- 9. SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES. The following regulations shall apply to signs commercial and industrial zones:
  - a. Signs for businesses not in integrated business centers:
    - 1) Total Allowed Area. The total allowed sign area of all signs for a business not in an integrated business center is two square feet of for each lineal foot of building frontage up to a maximum of 100 square feet.
    - 2) Type, Maximum Number, and Size of Signs. Within the total allowed signage area, one free-standing sign for each street frontage, and one wall, canopy or projecting signs is permitted. A free-standing sign shall be limited to a maximum of 50% of the total allowed area.
    - 3) Maximum Sign Height.
      - a) Wall or wall mounted signs shall not project above the parapet or roof eaves.
      - b) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
    - 4) Location.
      - a) Wall or canopy signs may project up to 1.5 feet from the building.
      - b) Projecting signs may project up to 3 feet from the building.
      - c) Monument signs shall not project over street rights-of-way and they shall not be located within a sight clearance triangle or special street setback. Other free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.

- b. Signs for integrated business centers.
- 1) Total Allowed Area.
    - a) Signs attached to a building for an individual business within an integrated business center shall be no larger than one square foot of sign area for each lineal foot of building frontage for the individual business, up to a maximum of 80 square feet per business. If a building is located more than 50 feet from the front lot line, the maximum sign area may be increased by 50%. If a building is located more than 100 feet from the front lot line, the maximum sign area may be increased by 100%. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center.
    - b) Integrated business center. One free-standing sign is permitted for each street on which an integrated business center has frontage. If there is only one street frontage, the sign shall not exceed 150 square feet in area; otherwise, the maximum sign area for each sign shall be 100 square feet.
  - 2) Maximum Sign Height.
    - a) Wall or wall mounted signs shall not project above the parapet or roof eaves.
    - b) A monument sign shall not exceed 6 feet in height. Any other free-standing sign shall not exceed a total height of 6 feet within the first 10 feet of a property boundary; otherwise, the maximum height is 16 feet.
  - 3) Location.
    - a) Wall or canopy signs may project up to 1.5 feet from the building.
    - b) Projection signs may project up to 3 feet from the building.
    - c) Monument signs shall not project over street right-of-way and they shall not be located within a sight clearance triangle or special street setbacks.
    - d) Other free-standing signs shall be setback a minimum of 5 feet from any property line. Any sign located within a sight clearance triangle shall either be no taller than 3 feet in height or have the lowest portion of the sign at least 8 feet in height.
- c. Additional Signs. Within the limitation of this subsection, the types of sign discussed in this subsection do not require a permit and are not included in calculations for allowed area and number of signs:
- 1) When a business has two public entrances on separate building walls, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance.
  - 2) Directional signs (e.g., "Exit" or "Entrance") are allowed either as wall or free-standing signs. Each such sign shall be limited to three square feet in area and there shall be no more than two signs per driveway. Free-standing directional signs shall be limited to a height of 4 feet.
  - 3) Order signs describing products and/or order instructions to a customer (e.g., menu boards at a drive-through restaurant) shall be limited to 40 square feet in area and a maximum height of 8 feet. Any order sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall, or hedge in accordance with Section 17.20.090.

d. Temporary and Portable Signs.

- 1) Temporary Signs. No more than one temporary or portable sign per business shall be permitted at any one time. Temporary and portable signs shall conform to the following:
  - a) A temporary or portable sign shall not exceed 16 square feet in area.
  - b) The placement of temporary and portable signs shall be limited to a period not exceeding 90 days within any calendar year. This restriction applies to the display of all temporary and portable signs through out a calendar year and not to each individual sign.
  - c) A portable sign shall not be located within the public right-of-way or violate vision clearance provisions.
  - d) Except for public safety, all trailer-mounted reader boards shall be prohibited.
- e. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs other than trailer-mounted reader boards or any other sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. No individual sign shall be larger than 16 square feet. All temporary signs must be placed within ten feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

10. CONDITIONAL USE PERMITS. Applications for conditional use permits for or message signs shall be processed according to procedures set forth in the Stayton Land Use and Development Code. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this section:

- a. Proposed sign is located in a Commercial or Industrial zone.
- b. Proposed sign, when conditioned, will not significantly increase street level sign clutter or adversely dominate the visual image of the area.
- c. Proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
- d. Proposed sign will not represent a traffic or safety hazard.
- e. The following standards shall apply.
  - 1) With the exception of a message sign that displays only the time or temperature, the message or display may be changed no more than once every 5 minutes.
  - 2) The message or display must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending.
  - 3) The message or display may consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images.
  - 4) The display may comprise no more than 50% of the surface area of a message sign.
  - 5) No more than one changeable sign with 2 sides is allowed per lot.
- f. The total allowed sign area for an establishment shall be reduced by 25% if the establishment has a message sign.

- g. Proposed sign shall comply with all other regulations including, but not limited to, height and placement restriction.
11. VARIANCES. Any deviation from the standards set forth in these regulations shall be by variance. No variance shall be approved without affirmative findings that the request fully satisfies the following criteria:
- a. There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.
  - b. Granting of the variance compensates for those circumstances in a manner equitable with other property owners and is not a special privilege to any business. Any variance granted shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.
  - c. Granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified public welfare considerations.
  - d. Granting a variance shall not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. Desire to match standard sign sizes (e.g., chain store signs) shall not be considered as a reason for a variance.
  - e. The need for a variance shall not be the result of condition created by the applicant or a previous owner.
  - f. The variance must be consistent with the purposes of this section.
12. VIOLATIONS. A violation of the provisions of this chapter is an infraction and is subject to the provisions of Section 17.04.190.



1. **NEW DEVELOPMENT AND REDEVELOPMENT.** Except for tree farms, development sites are vigorously encouraged to preserve existing trees. Site plans for new development, grade and fill plans shall disclose the details of tree removal including numbers of trees, size and species of trees to be removed.
2. **STREET TREES.** Unless specifically authorized in writing by the Public Works Director, or designee, no person shall intentionally damage, cut (save pruning), carve, transplant, or remove any street tree; attach any rope or wire (unless required in order to stabilize the tree), nails, advertising posters, or other contrivance; allow any substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. Private property owners are responsible for the maintenance and replacement of street trees within adjacent public rights-of-way.
3. **HERITAGE TREES.** Unless specifically authorized in writing by the Public Works Director, or designee, no person shall intentionally damage, cut (save pruning), carve, transplant or remove any Heritage tree; attach any rope or wire (unless required in order to stabilize the tree), nails, advertising posters, or other contrivance; allow any substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree. A list of community Heritage trees will be kept and maintained by the City Administrator or designee.

Recognition of Heritage Trees. Stayton citizens wishing to have trees recognized by the City as Heritage trees shall submit their request in writing to the City Council. The request shall explain why the subject tree is of exceptional value to the community. A majority vote of approval of the City Council will add the tree to the Heritage Tree list. No tree shall be designated a Heritage tree unless the property owner agrees. Property owners may request the removal of the Heritage Tree designation from trees on their property.

1. **PURPOSE.** The provisions of this section are intended to ensure that wireless communication facilities (WCF) are located, installed maintained, and removed in a manner that:
  - a. Minimizes the number of transmission towers throughout the City.
  - b. Minimizes the impact to residential areas.
  - c. Encourages the collocation of WCF.
  - d. Encourages the use of existing buildings, utility and light poles, water towers, and similar structures for locating WCF instead of new towers.
  - e. Ensures that all WCF including support towers, antennas, and ancillary facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the City, and minimize public inconvenience and disruption. Nothing in this section shall apply to amateur radio antennas, or facilities used exclusively for the transmission or reception of television and radio signals.
2. **SITING RESTRICTED.** No WCF may be constructed, modified, installed or otherwise located within the City except as provided in this section. Depending on the type, height, and location of a WCF, it shall be a permitted use not subject to site plan review, or a permitted use subject to site plan review.
  - a. **Outright Permitted Use.** No land use permit is required for a WCF which pursuant to subsections 3 through 5 of this section, is an outright permitted use not subject to site plan review. Such a WCF shall require a building and/or electrical permit, depending on the type of installation.
  - b. **Site Plan Review.** A WCF which, pursuant to subsection 3 through 5 of this section is a permitted use subject to site plan review, and shall be processed in accordance with the site plan review procedures of Section 17.12.220. The approval criteria and standards contained in this section, as well as the criteria of Section 17.12.220, shall govern the approval or denial and any conditions of approval, of the site plan review. In the event of a conflict in criteria or other requirements, this section shall govern.
3. **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, 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, 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 height of the pole is not increased and the diameter of the pole is not increased by more than 20%.

## 4. COLLOCATION OF ADDITIONAL ANTENNAS ON EXISTING WCF TOWER.

- a. Permitted Use. Collocation of additional antenna(s) on an existing WCF support tower shall be considered an outright permitted use if the existing WCF was specifically approved, as part of a prior land use approval (by the City) of a WCF tower, for collocation of additional antennas.
- b. Site Plan Review. Collocation of additional antennas on an existing WCF tower shall be a permitted use subject to site plan review approval if the existing WCF was not specifically approved as part of prior land use approval of a WCF tower, for collocation of additional antennas.

## 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. The placement of a WCF tower in the Public/Semi-Public zone district is specifically restricted to the City of Stayton municipal property.

Water Tower with Collocation  
(For illustrative purposes only.)



## 6. APPLICATION REQUIREMENTS.

- a. Collocation of WCF Antennas. In addition to application materials required elsewhere in this Code, an applicant shall submit the following information:
  - 1) A description, site plan, and elevation drawing of the proposed antennas and any ancillary structures location, design, and height. The description must include a response to how the proposed facility meets applicable Code standards and requirements.
  - 2) A statement documenting that placement of the antennas is designed to allow future collocation of additional antennas if technologically possible.
  - 3) Plans showing the connection to utilities/ right-of-way cuts, and ownership of utilities and easements are required.
  - 4) Documents demonstrating that necessary easements and leases have been obtained.
  - 5) Plans showing how vehicle access and parking will be provided.
  - 6) If ancillary facilities will be located on the ground, a landscape plan and fencing plan, showing how these facilities will be buffered from adjacent property.
- b. Construction of New WCF Tower. In addition to application materials required elsewhere in this Code, an applicant shall submit the following information:
  - 1) A description, site plan, and elevation drawing of the proposed WCF and tower location, design, and height. The description must include a response to how the proposed facility meets applicable Code standards and requirements.
  - 2) The general capacity of the WCF tower in terms of the number and type of antennas it is designed to accommodate.
  - 3) A signed agreement stating that the applicant and any future owners of the WCF will allow collocation with other users, provided all safety, structural, and technological requirements are met.

- 4) Plans showing the connection to utilities/ right-of-way cuts, and ownership of utilities and easements are required.
  - 5) Documents demonstrating that necessary easements and leases have been obtained.
  - 6) Plans showing how vehicle access and parking will be provided.
  - 7) If ancillary facilities are located on the ground, a landscape and fencing plan shall be required showing how these facilities will be buffered from adjacent property.
  - 8) A visual study showing a graphic or computer simulation of the proposed WCF tower, antennas and ancillary facilities from at least 5 points (representing a wide variety of views) within a 2 mile radius. Such points shall be chosen by the applicant with review and approval by the City Planner.
  - 9) Evidence demonstrating collocation is impractical on existing buildings, utility and light poles, water towers, existing WCF towers, and existing WCF sites for reasons of structural support capabilities, safety, available space, receiving or transmitting interference, or failing to meet service coverage area needs.
  - 10) A statement providing the reasons for the location, design, and height of the proposed WCF tower and antennas.
7. STANDARDS FOR WCF SITES. Installation, construction, or modification of all WCF towers, antennas, and ancillary facilities shall comply with the following standards:
- a. Separation between WCF towers. No WCF tower may be constructed within 2,000 feet of any pre-existing WCF tower and no closer than 3,500 feet from Wilderness, Pioneer, and Stayton Riverfront Parks. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower which is closest to the base of any pre-existing tower.
  - b. Height Limitation. Within the IL, IA, IC and P zoning districts, the maximum tower height shall be 140 feet, as measured from the ground elevation to the highest point of the tower or antennas.
  - c. Collocation. WCF towers shall be designed to accommodate collocation of additional providers antennas:
    - 1) WCF towers at 75 feet or less in height shall be designed to accommodate collocation of at least one additional antenna either outright or through future modification.
    - 2) WCF towers over 75 feet in height shall be designed to accommodate collation of at least two additional antennas either outright or through future modification.
  - d. Setback. In addition to required setbacks in each zoning district, the following setbacks from adjacent property lines and streets shall be required:
    - 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.
    - 2) Should the use of "Concealment Technology" be implemented, the decision makers may allow the proposed towers setback to be reduced by 100 feet.
  - e. Buffering. In the IL, IC, IA and P zoning districts, a sight obscuring fence of a minimum height equal to the height of any ground-based ancillary shelters is required around the

perimeter of the tower and ancillary structures. Landscaping is required in accordance with Section 17.20.090, and the decision authority may impose a condition on the size of ground-based ancillary facilities to limit the visual impact of such facilities.

When a tower is proposed within 1,320 feet of a residential zoning district or when the visual impact study required in Section 17.20.160.6.b.8 demonstrates that the proposed tower will be highly visible from a large geographic area of residences, the tower shall be designed so as to be camouflaged to the greatest extent possible by the use of concealment technology.

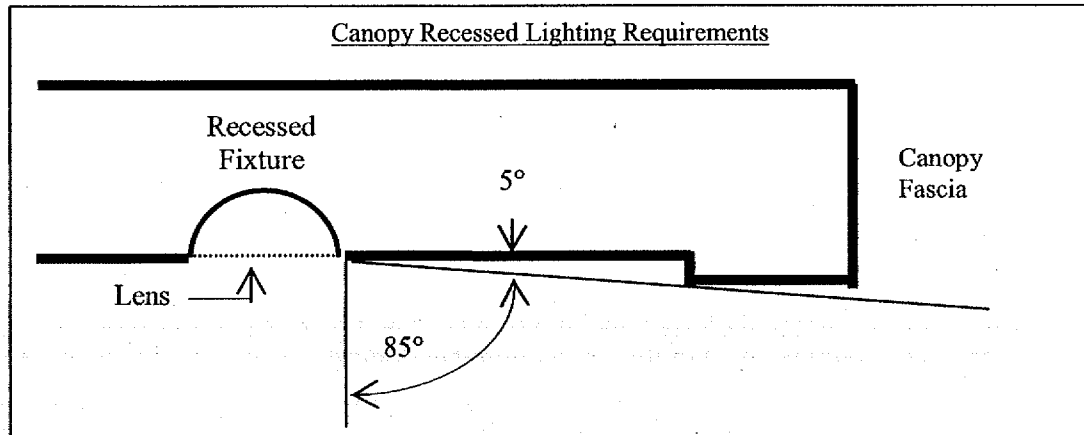
- f. **Lighting.** No lighting shall be permitted on the tower, antennas, or ancillary structures except as required by the Federal Aviation Administration or the Oregon State Aeronautics Division.
  - g. **Color.** The tower, antennas, ancillary structures and fencing shall be surfaced with nonreflective paint and/or materials. The surfaces must be neutral colors or shades as approved by the City.
  - h. **Signs.** No signs, striping, graphics or other attention-getting devices are permitted on the tower, ancillary structures, or fencing, except for warning and safety signage with a surface of no more than 4 square feet. Such signage shall be attached to the fence or gate (or structure if no ground-based ancillary structures) and is limited to a maximum of 2 signs.
  - i. **Removal of Facilities.** All tower, antenna, and ancillary structures shall be removed by the facility owner or property owner within 12 months of the date the facility ceases to be operational. The facility owner shall inform the property owner, in writing, of this condition with a copy submitted to the Planning Department prior to issuance of a building permit.
  - j. **Cooperation.** A WCF permittee shall cooperate with other wireless communication providers in collocating additional antennae on towers and support structures. A permittee shall exercise good faith in collocating and sharing the permitted site with other providers, provided the shared use does not result in substantial technical impairment of the permitted use. Good faith shall include sharing technical information sufficient to evaluate the feasibility of collocation.
  - k. **Maintenance.** It is required that a monopole tower maintain original appearance with additional collocation cables and wires to be added internally, and the towers exterior paint be maintained.
  - l. **Variance.** Any deviations from the standards set forth in these regulations shall be by Variance. No variance shall be approved without affirmative findings that the request fully satisfies the criteria as outlined in Section 17.12.190.
8. **FEES.** Notwithstanding other fees or deposits for permits required elsewhere in the Code or by resolution, the City Administrator may require that applicants for WCFs (whether for permitted use or site plan review), submit an amount sufficient to recover all of the City's costs in retaining wireless communications consultants to verify statements in the application materials.

1. **PURPOSE.** The purposes of these lighting standards are: conservation of energy, minimizing glare on adjacent properties, protecting residential uses from neighboring commercial or industrial uses, promoting traffic safety.
2. **GENERAL STANDARDS.** Lighting may be provided which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of the traveling public on adjacent roadways. Lighting fixtures with more than 800 lumens of light output shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot candles upon abutting lots in residential use measured at the property line.

Whenever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting. When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire lighting installation shall be subject to the requirements of this Section.

- a. Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.
  - b. For the purposes of this Section, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.
  - c. Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this section, provided that such lighting does not create dangerous glare on adjacent streets or properties.
3. **PROCESS.** When an application for land use approval contains outdoor lighting installation or replacement, the decision authority shall review and approve the lighting installation as part of the application. Lighting installation or replacement that is not part of a land use approval application need not submit a lighting plan or obtain a permit beyond that which may be required by the Electrical Code, but shall meet the standards below.
  4. **NON-RESIDENTIAL LIGHTING STANDARDS.** The following additional standards shall apply to all commercial, industrial, public and semi-public uses:
    - a. **Lighting of Gasoline Station/Convenience Store Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Section 17.20.140 shall be used for that purpose.
      - 1) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
      - 2) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.5 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 foot-candles.

- 3) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85° from vertical, as shown in the figure below.



- 4) As an alternative to recessed ceiling lights, indirect lighting may be used where light is beamed upward and reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- 5) Lights shall not be mounted on the top or sides (fascias) of the canopy and the sides (fascias) of the canopy shall not be illuminated.
- b. Lighting of Exterior Display/Sales Areas. Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under Section 17.20.140 shall be used for that purpose. The site plan shall designate areas to be considered display/sales areas and areas to be used a parking or passive vehicle storage areas. This designation must be approved by the decision authority.
- 1) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking areas in Section 17.20.060.4.c.
  - 2) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.
  - 3) Light fixtures shall be cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.
  - 4) Fixtures shall be mounted no more than 25 feet above grade and mounting poles shall be located either inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area.
  - 5) Except for lighting meeting the standards of Section 17.20.060.4.c, exterior display/sales areas shall be illuminated only when the establishment is open for business.

- c. **Lighting of Parking Areas.** Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
- 1) All lighting fixtures serving parking lots shall be cut-off fixtures.
  - 2) As an alternative in the Historic Downtown Business Overlay and Historic Downtown Residential Business Overlay Districts, the design for an area may suggest the use of parking lot lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above.
    - a) If such fixtures are not cut-off fixtures, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).
    - b) Mounting heights of such alternative fixtures shall not exceed 15 feet.
  - 3) Parking area lighting shall meet the following mounting height, minimum illumination level, and uniformity ratios.

**Table 17.20.170.4.c.3 Parking area lighting standards**

Feature	Commercial	Industrial
Maximum Mounting Height	20 feet	25 feet
Maximum Average Illumination Level	0.3 foot-candle	0.5 foot-candle
Uniformity Ratio*	4:1	4:1
Minimum Color Rendering Index**	65	20

\*\* Color rendering Index is a measure of how a light changes perception of colors. Incandescent lamps have a CRI of 100, metal halide 70-75, mercury vapor 50, high pressure sodium 22 and low pressure sodium 44.

\* Uniformity ratio is the ratio of average illumination to minimum illumination

- d. **Security Lighting.** The purpose of and need for security lighting (i.e. lighting for safety of persons and property) must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. To the extent that the designated areas is illuminated for other purposes (parking or display), independent security lighting is discouraged.
- 1) In addition to the application materials required as part of the lighting plan, applications for security lighting installations shall include a written description of the need for a purposes of the security lighting, a site plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.
  - 2) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures is discouraged unless the above standards can be met.



- 3) Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level 8 feet above grade or 8 feet above the bottoms of doorways or entries, whichever is greater.
- 4) Security lighting fixtures may be mounted on poles located no more than 10 feet from the perimeter of the designated secure area.
- 5) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located with 5 feet of the perimeter.
- 6) Security lighting shall meet the standards of the table below:

**Table 17.20.170.4.d.6 Security area lighting standards**

<b>Feature</b>	<b>Commercial</b>	<b>Industrial</b>
Maximum Mounting Height	20 feet	25 feet
Average Horizontal Illumination Level on Ground	no more than 1.0 foot-candle	no more than 1.5 foot-candle
Average Illumination Level on Vertical Surface	no more than 1.0 foot-candle	no more than 1.5 foot-candle
Minimum Color Rendering Index*	65	20

\* Color Rendering Index is a measure of how a light changes the perception of colors. Incandescent lamps have a CRI of 100, metal halide 70-75, mercury vapor 50, high pressure sodium 22 and low pressure sodium 44.

1. **PURPOSE.** The purposes of establishing wetland protection areas are:
  - a. To implement the goals and policies of the City of Stayton Comprehensive Plan.
  - b. To satisfy the requirements of Statewide Planning Goal 5.
  - c. To protect Stayton's wetland areas, thereby protecting the hydrologic and ecologic functions these areas provide for the community.
  - d. To protect fish and wildlife habitat.
  - e. To protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding.
  - f. To protect the amenity values and educational opportunities of Stayton's wetlands as community assets.
  - g. To improve and promote coordination among local, state, and federal agencies regarding development activities near wetlands.
2. **DETERMINATION OF LOCALLY SIGNIFICANT WETLANDS.** Through the process of adopting the local wetlands inventory and adoption of this Section, the City of Stayton has determined which wetlands are locally significant in accordance with rules adopted by Department of State Lands (DSL). Locally significant wetlands are identified on the City of Stayton Local Wetlands Inventory (LWI) map.
3. **WETLAND PROTECTION AREAS, APPLICABILITY, AND APPLICATION SUBMITTAL REQUIREMENTS.**
  - a. Wetland protection areas consist of locally significant wetlands.
  - b. Unless otherwise stated, the City of Stayton shall apply the provisions of Sections 1 through 9 in conjunction and concurrently with the requirements of any other development permit being sought by an applicant. If no other permit is being sought the City Planner shall serve as the approving authority.
  - c. Applications for plan approvals, development permits, building permits, or plans for proposed public facilities on parcels containing a wetland protection area or a portion thereof, shall include the following:
    - 1) A delineation of the wetland boundary completed by a professional wetland scientist, or similar expert, qualified to delineate wetlands in accordance with Oregon Department of State Lands rules. If the proposed project is designed to avoid and development activity within 75 feet of wetlands, a wetland determination report may be provided in place of the delineation.
    - 2) A scale drawing that clearly depicts the wetland boundary, the surface water source, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.
    - 3) Verification that the application packet has been submitted to the Oregon Department of Fish and Wildlife for review and comment.
4. **APPROVAL CRITERIA.** The approving authority shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought. Approvals shall be based on compliance with all of the following criteria:

- a. The proposed project complies with the provisions of Sections 5 through 8 of this Section.
  - b. Except as otherwise allowed in Section 5, the proposed project will not result in excavation or filling of a wetland or reduction of wetland area on a parcel that has been identified as containing a wetland.
  - c. Except as otherwise allowed in Section 5, the proposed project will not result in development or filling of land within 75 feet of the boundary of wetland that has been identified only on the LWI map or by a determination, but not an approved delineation.
5. ALLOWED ACTIVITIES WITHIN WETLAND PROTECTION AREAS.
- a. Any use, sign, or structure, and the maintenance thereof, that was lawfully existing on the date of adoption of this ordinance [insert date], is allowed to continue within a wetland protection area. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of this ordinance. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a wetland protection area so long as no additional native vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a wetland protection area.
  - b. The following activities and maintenance thereof are allowed within a wetland protection area, provided that any applicable state or federal permits are secured:
    - 1) Wetland restoration and rehabilitation activities.
    - 2) Restoration and enhancement of native vegetation.
    - 3) Cutting and removal of trees that pose a hazard to life or property due to threat of falling.
    - 4) Removal of non-native vegetation, if replaced with native plant species at similar coverage or density, so that natives are dominant.
    - 5) Normal farm practices such as grazing, plowing, planting, cultivating and harvesting, that meet the following criteria and limitations:
      - a) The farm practices were in existence or occurring on the property on the date of adoption of the provisions herein,
      - b) The farm practices are of no greater scope or intensity than the operations that were in existence on the date of adoption of the provisions herein, and
      - c) Normal farm practices do not include new or expanded structures, roads, or other facilities involving placement of fill material, excavation, or new drainage measures
    - 6) Maintenance of existing drainage ways, ditches, or other structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation, and any spoils are placed in uplands.
    - 7) Replacement of a permanent, legal, nonconforming structure in existence on the date of adoption of this ordinance with a structure on the same building footprint, if it does not disturb additional area, and in accordance with the provisions of Section 17.16.050.4.
    - 8) Expansion of a permanent, legal, nonconforming structure in existence on the date of adoption of this ordinance, if the expansion area is not within and does not disturb the wetland protection area, and in accordance with the provisions of Section 17.16.050.4.

- 9) Emergency stream bank stabilization to remedy immediate threats to life or property.
  - 10) Maintenance and repair of existing roads and streets, including repaving and repair of existing bridges, and culverts, provided that such practices avoid sedimentation and other discharges into the wetland or waterway.
- c. New fencing may be permitted by the City Planner where the applicant demonstrates that the following criteria are satisfied:
- 1) The fencing does not affect the hydrology of the site.
  - 2) The fencing does not present an obstruction that would increase flood velocity or intensity.
  - 3) Fish habitat is not adversely affected by the fencing.
  - 4) The fencing is the minimum necessary to achieve the applicant's purpose.
- Applications for new fencing within a wetland protection area shall contain a scale drawing that clearly depicts the wetland area boundary.
6. **PROHIBITED ACTIVITIES WITHIN WETLAND PROTECTION AREAS.** Except as allowed in Section 5, the following activities are prohibited within a wetland protection area.
- a. Placement of new structures or impervious surfaces.
  - b. Excavation, drainage, grading, fill, or removal of vegetation except for fire protection purposes or removing hazard trees.
  - c. Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the wetland protection area.
  - d. Disposal or temporary storage of refuse, yard debris, or other material.
  - e. Discharge or direct runoff of untreated stormwater.
  - f. Uses not allowed in the list of permitted uses for the underlying zone.
  - g. Any use not specifically allowed in Section 5.
7. **CONSERVATION AND MAINTENANCE OF WETLAND PROTECTION AREAS.** When approving applications for land divisions, Master Planned Developments, conditional use permits, and site plan review, or for development permits for properties containing a wetland protection area or portion thereof, the approving authority shall assure long term conservation and maintenance of the wetland protection area through one or more of the following methods:
- a. The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Sections 1 through 9, and any imposed by state or federal permits.
  - b. The area shall be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through conditions, covenants, or restrictions (CC&Rs), prescribing the conditions and restrictions set forth in Sections 1 through 9 and any imposed by state or federal permits.
  - c. The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Sections 1 through 9 and any imposed by state or federal permits.

[Note: Other mechanisms for long-term protection and maintenance as deemed appropriate and acceptable by the City of Stayton attorney, that are clear and objective standards, could be added to this list. Such mechanisms shall be consistent with the purposes and requirements of this ordinance.]

#### 8. NOTIFICATION AND COORDINATION WITH STATE AGENCIES.

- a. The City of Stayton shall notify the Oregon Department of State Lands in writing of all applications to the City of Stayton for development activities including development applications, building permits, and other development proposals that may affect any wetland identified in the Local Wetlands Inventory. This applies for both significant and non-significant wetlands.
- b. When reviewing wetland development permits authorized under this Section, the approving authority shall consider recommendations from the Oregon Department of Fish and Wildlife regarding OAR 635.415.

#### 9. VARIANCES.

- a. The Planning Commission shall be the approving authority for applications for variances to the Wetland Protection Area provisions. The procedures of Section 17.12.190 shall be followed for approval of a variance except that the variance criteria of this section shall apply.
- b. Mapping Error Variances and Corrections. The City Planner may correct the location of the wetland protection overlay zone when the applicant has shown that a mapping error has occurred and the error has been verified by the DSL. Delineations verified by DSL shall be used to automatically update and replace LWI mapping. No formal variance application or plan amendment is needed for map corrections where approved delineations are provided.
- c. Hardship Variances. The Planning Commission may grant a variance to the provisions of this ordinance only when the applicant has shown that all of the following conditions exist:
  - 1) Through application of this ordinance, the property has been rendered not buildable.
  - 2) The applicant has exhausted all other options available under this chapter to relieve the hardship.
  - 3) The variance is the minimum necessary to afford relief.
  - 4) No significant adverse impacts on water quality, erosion, or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible.
  - 5) Loss of vegetative cover shall be minimized.

**17.20.190****MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS**

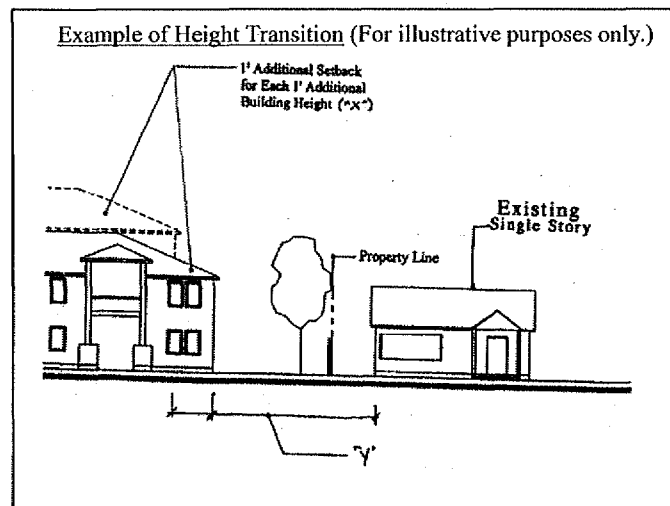
1. **PURPOSE.** The purpose of the multi-family design standards is to promote development that is aesthetically pleasing, compatible with the surrounding neighborhoods and provides a variety of pleasing architectural styles while reducing any adverse effects on surrounding property owners and the general public. These standards shall apply to any new duplexes or multi-family dwellings.
2. **SITE DESIGN.**
  - a. **Maximum Lot Coverage.** Lot coverage shall not exceed the percentages shown in Table 17.20.190.2.a:

**Table 17.20.190.2.a Maximum Lot Coverage for Multi-family Uses**

Multi-Family Use	Maximum Coverage
Duplex or Triplex	50%
Buildings with 4 or more multi-family units	60%

Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade. It does not include paved surface-level development such as driveways, parking pads, and patios.

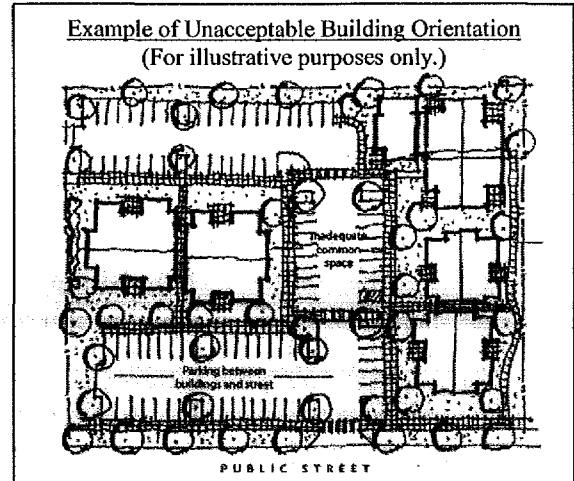
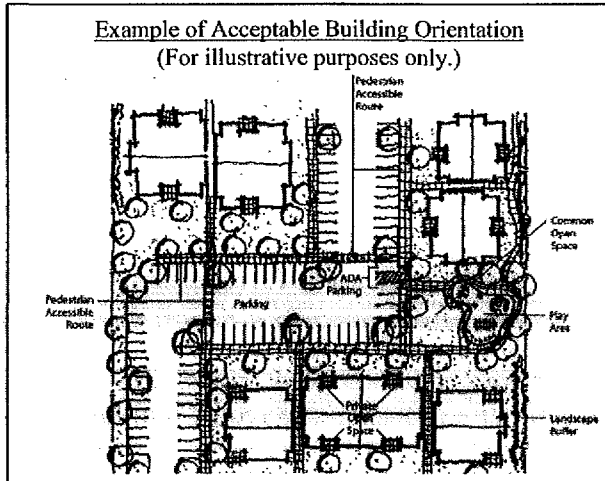
- b. **Height Step Down.** To provide compatible scale and relationships between new multi-story duplexes and multi-family buildings and adjacent single-family dwellings, the multi-story building(s) shall "step down" to create a building height transition to adjacent single-family building(s).



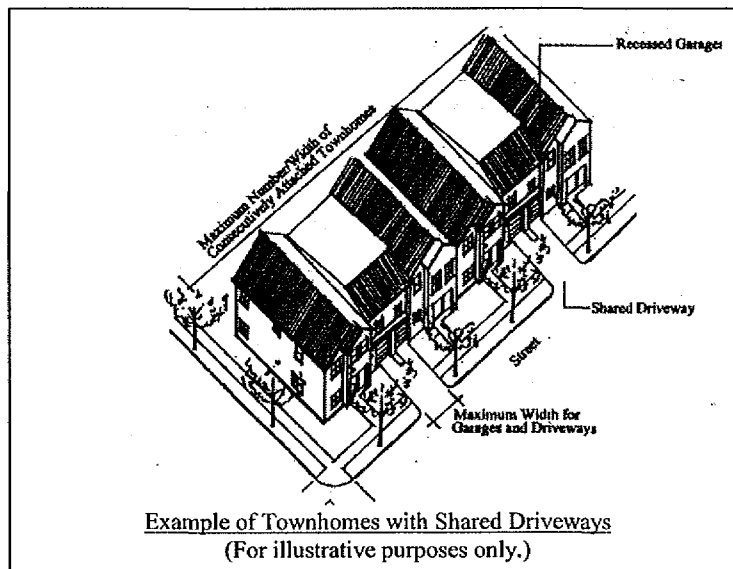
The transition standard is met when the height of any portion of the taller structure does not exceed 1 foot of height for every foot of separation between adjacent single-family building and that portion of the taller structure.

- c. **Building Orientation Standards.** All new duplexes and multi-family developments shall have buildings that are oriented to the street. The following standards will apply:
  - 1) All buildings shall comply with the setback standards of the zoning district where the development is located.

- 2) Except as provided in subsections 3 and 4, below, all duplexes and multi-family buildings shall have at least 1 primary building entrance (i.e. dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units) facing an adjoining street, or if on a side elevation, not more than 20 feet from a front lot line.



- 3) Any duplex located on a corner lot shall be oriented so that the architectural front of each unit faces a separate street.
- 4) Long access balconies and/or corridors shall not be used. No more than 4 units shall access from a single balcony.
- 5) Off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except that townhouses with garages that face a street may have 1 driveway access located between the street and primary building entrance for every 2 dwelling units following vehicle areas when the decision authority finds they will not adversely affect pedestrian safety and convenience.



- 6) Parking and maneuvering areas, driveways, active recreation areas, loading areas, and dumpsters shall not be located between multi-family buildings and adjacent single family homes.

- 7) When there is insufficient street frontage for building orientation in a development with multiple buildings to face the street, a primary entrance may be oriented to a common green, plaza or courtyard. When oriented this way, the primary entrance(s) and common green, plaza or courtyard shall be connected to the street by a pedestrian walkway meeting the standards of Section 17.26.020.5 of this title.
- 8) Trash Receptacles. Trash receptacles shall be oriented away from building entrances and set back at least 10 feet from any public right-of-way and adjacent residences. Receptacles shall be screened with an evergreen hedge or solid fence of materials similar to the primary building of not less than 6 feet in height. The receptacle must be accessible to trash pick-up trucks.

**3. ARCHITECTURAL STANDARDS.**

- a. **Building Length.** The continuous horizontal distance as measured from end wall to end wall of individual buildings shall not exceed 100 feet.
- b. **Articulation.** All duplexes and multi-family dwellings shall incorporate design features to break up large expanses of uninterrupted walls or roof planes. Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least 2 of the following elements.
  - 1) Recess (e.g. deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet.
  - 2) Extension (e.g. deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet.
  - 3) Offsets or breaks in roof elevation of 2 feet or greater in height.
- c. **Street-side facades.** All building elevations visible from a street right-of-way shall provide prominent defined entrances and a combination of windows, porches, and/or balconies. A minimum of 40% of an elevation facing a street, and a minimum of 30% of other elevations visible from a public right-of-way shall meet this standard.  
  
 "Percent of elevation" is measured as the total square footage of a vertical plane containing doorways, porches, balconies, terraces and/or windows divided by the total square footage of that elevation (front, rear or side).
- d. **Exterior Stairways.** Stairways shall be incorporated into the building design. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture.
- e. **Design Features.** The minimum number of required design features for a multi-family development is determined by the number of dwelling units in each building as shown in Table 17.20.190.3.e.

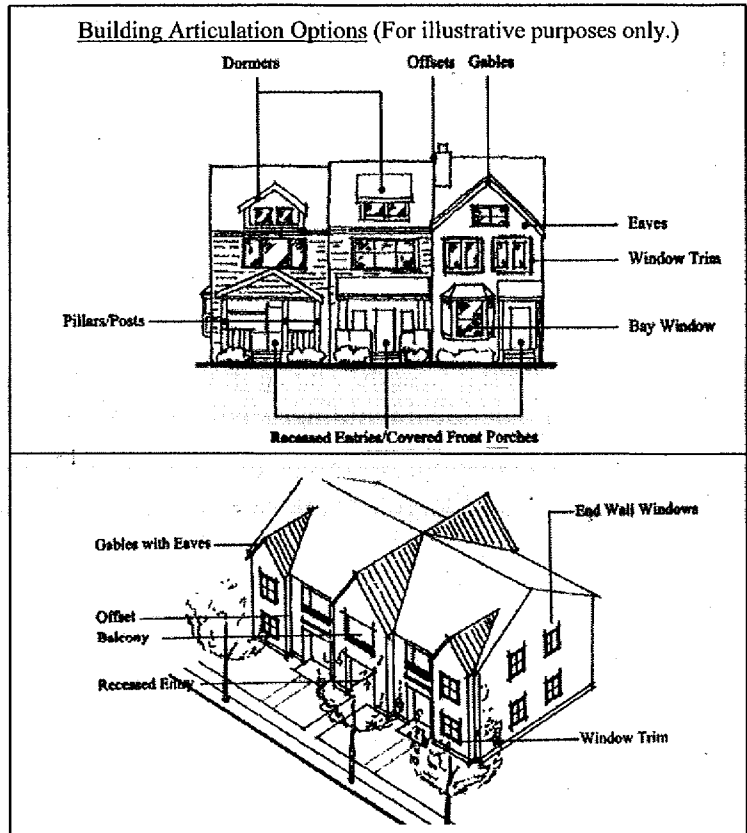
**Table 17.20.190.3.e Minimum Number of Design Features**

Number of Units	Minimum Number of Features
2 - 6	5
7 - 20	8
21 or more	10

The following design features may be used to meet the requirements of this subsection. Features not included on the list may be used if approved by the decision authority.



- 1) Dormers
- 2) Gables
- 3) Recessed entries
- 4) Covered porch entries or porticos
- 5) Cupolas or towers
- 6) Pillars or posts
- 7) Eaves; a minimum 18 inches of projection
- 8) Off-sets in building face or roof; a minimum 16 inches
- 9) Window trim; minimum of 3 inches wide
- 10) Bay windows
- 11) Balconies
- 12) Decorative patterns on exterior finish such as: shingles, wainscoting, ornamentation or similar features.
- 13) Decorative cornice or pediments (for flat roofs)



f. Building Materials. Plain concrete, corrugated metal, plywood, sheet press board, T-111 siding shall not be used as exterior finish material.

4. OPEN SPACE.

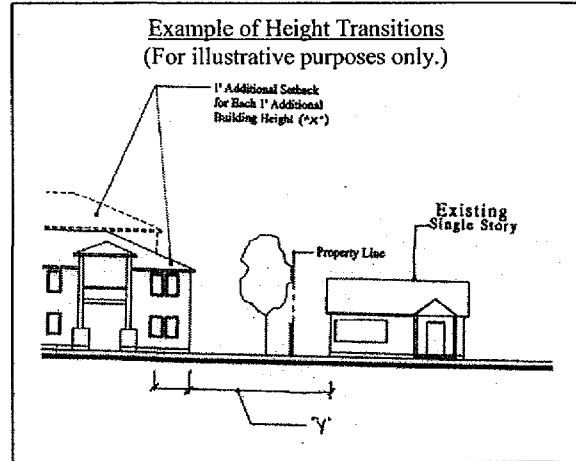
- a. Common Open Space. Of the landscaping required by Section 17.20.090, a minimum of 10% of the site area shall be designated and permanently reserved as common open space in all multi-family developments with more than 10 units, in accordance with the following criteria:
  - 1) The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way.
  - 2) Streets, driveways, and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied towards the minimum useable open space requirement.
  - 3) In meeting the common open space standard, the multi-family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands, play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking paths, or similar open space amenities for residents.
  - 4) The common open space shall have a minimum average width of 15 feet and a minimum average length of 15 feet.

- b. Private Open Space. Private open space areas shall be required for dwelling units based on all of the following criteria:
  - 1) A minimum of 60% of all ground-floor housing units shall have front or rear patios or decks measuring at least 40 square feet.
  - 2) A minimum of 60% of all upper-floor housing units shall have balconies or porches measuring at least 30 square feet.
- 5. LIGHTING. All duplexes and multi-family dwellings shall meet the standards of Section 17.20.170.

1. **PURPOSE.** The purpose of the commercial standards to ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility, and innovation in site planning and development including architecture, landscaping, parking design and enhancement of the special characteristics that make Stayton a unique place to live.

2. **SIZE RESTRICTIONS.**

- All retail stores are limited to 30,000 square feet of gross floor area.
- Malls are limited to 80,000 square feet of gross floor area with no retail store exceeding 30,000 square feet.
- A mall that is larger than 30,000 square feet gross floor area shall not be located on a lot that is contiguous with or directly across a street from an existing mall that is larger than 30,000 square feet gross floor area.



3. **SITE DESIGN.**

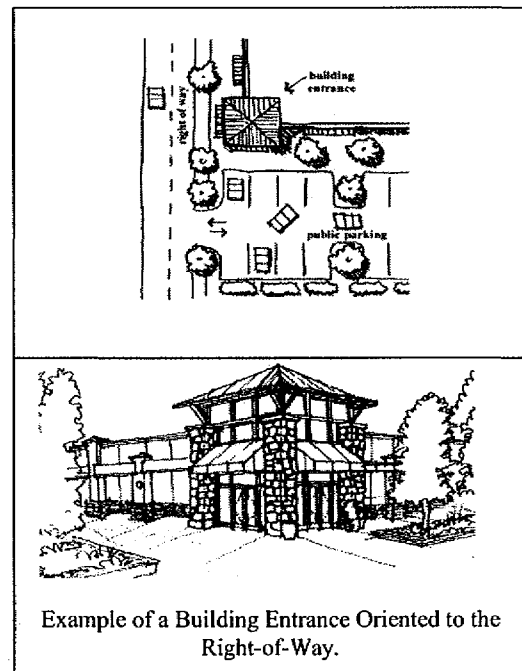
- Height Step Down.** To provide compatible scale and relationships between new multi-story commercial buildings and existing adjacent single-story dwellings, the multi-story building(s) shall “step down” to create a building height transition to adjacent single-story building(s).

The transition standard is met when the height of any portion of the taller structure does not exceed 1 foot of height for every foot separating that portion of the multi-story building from the adjacent dwelling.

- Building Orientation.** All new commercial developments shall have their buildings oriented to the street. The following standards will apply:

Except as provided in subsections 2 and 3 below, all buildings shall have at least 1 primary building entrance facing an adjoining street (i.e. within 45 degrees of the street property line), or if the building is turned more than 45 degrees from the street (i.e. the front door is on a side elevation), the primary entrance shall not be more than 20 feet from a street sidewalk and a walkway shall connect the primary entrance to the sidewalk.

- In commercial districts, off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except



as provided under subsection 3. Off street parking in the commercial districts shall be oriented internally to the site and divided by landscaped areas meeting the standards of Section 17.20.060.10.

2) In commercial districts, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building's primary entrance when the decision authority finds that the following criteria are met:

a) Placing vehicle areas between the street right-of-way and the building's primary entrance will not adversely affect pedestrian safety and convenience based on: the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, available pedestrian walkways, and Section 17.26, Title 12, Standard Specifications and the adopted Transportation System Plan.

b) The proposed vehicle areas are limited to 1 driveway meeting the requirements of 17.26, Title 12, Standard Specifications and the adopted Transportation System Plan, with adjoining bays of not more than 8 consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle.

c) The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards of Section 17.26.020.5.

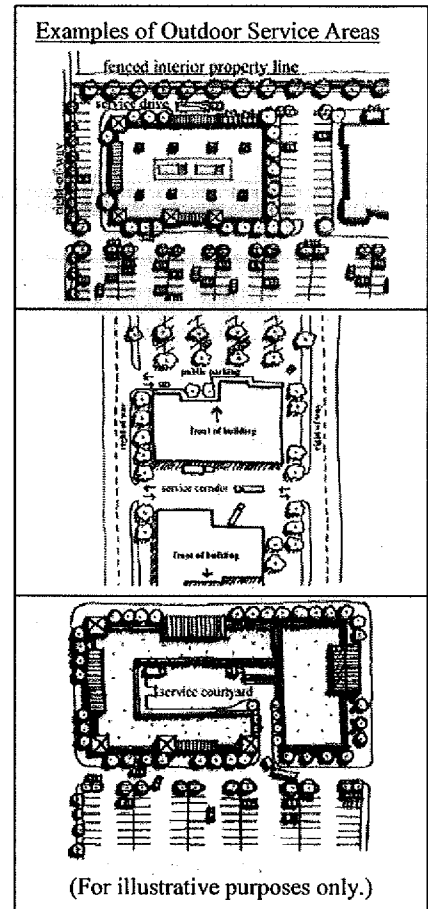
3) When there is insufficient street frontage to orient buildings to the street in a development with multiple buildings, a primary entrance may be oriented to a common green, plaza or courtyard. When oriented this way, the primary entrance(s) and common green, plaza or courtyard shall be connected to the street by a pedestrian walkway meeting the standards of Section 17.26.020.5.

4) Outdoor Service Areas. Outdoor service areas shall face either a fenced interior area, side or rear property line, a separate service corridor, a service alley, or a service courtyard.

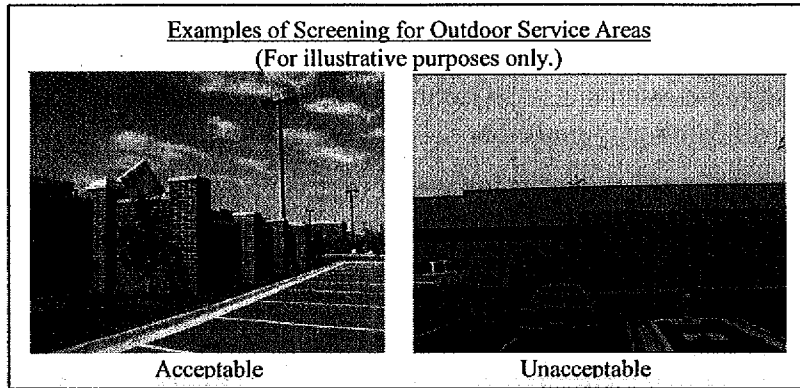
a) If the location of an outdoor service area as proscribed by this Section is difficult to accommodate because of site considerations, the decision authority may determine that the service area may be located in another location with additional screening requirements.

b) Screening of outdoor service areas. Screening shall be provided at the ends of all service corridors or courtyards.

i. Outdoor service areas shall be screened either with a solid evergreen hedge or solid fence of materials similar to the rest of the development that is a minimum of 6 feet in height.



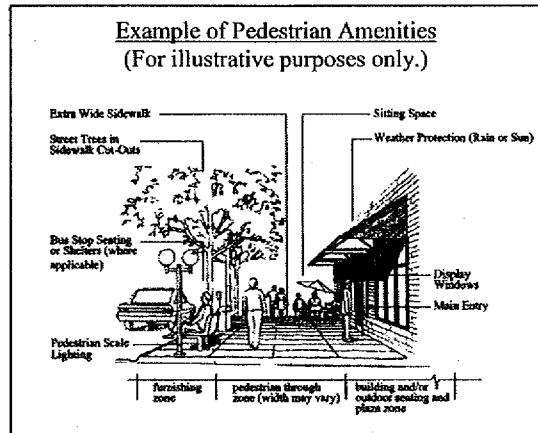
- ii. Screening from public view by chain-link fence with or without slats is prohibited.



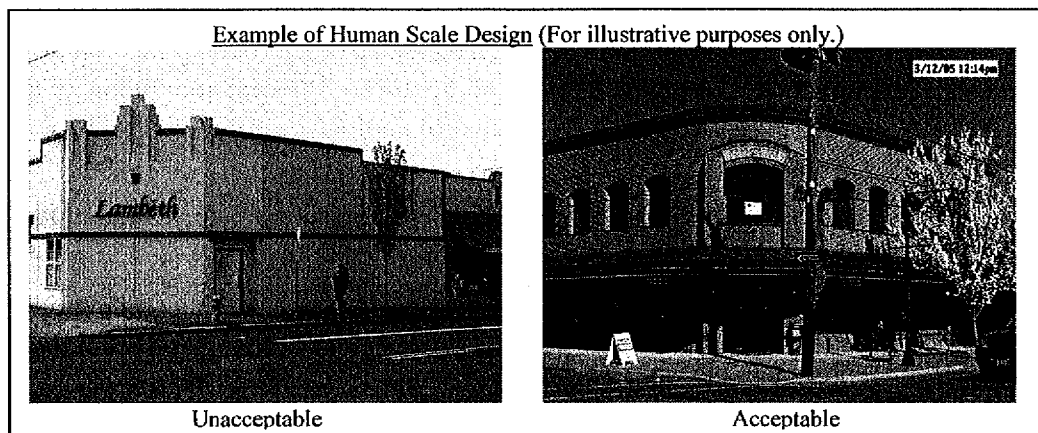
4. ARCHITECTURAL STANDARDS.

a. Pedestrian Orientation. The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the decision authority finds that all of the following criteria are met:

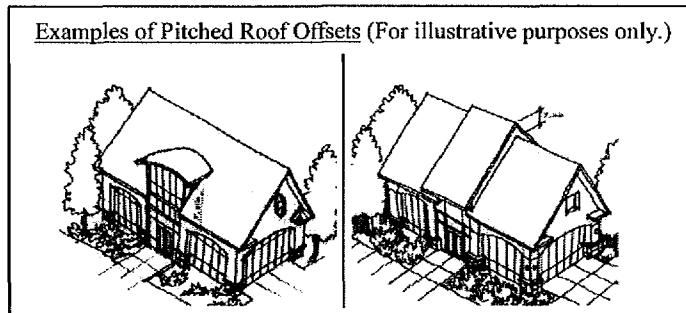
- 1) Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk.
- 2) Corner buildings shall have corner entrances or shall provide a least 1 entrance within 20 feet of the street corner or street plaza.
- 3) Ground floor windows or window displays shall be provided along at least 45% of the building's ground floor street-facing elevations(s); windows and display boxes shall be integral to the building design.
- 4) Primary building entrance(s) are designed with weather protection such as awnings, canopies, overhangs, or similar features.
- 5) Drive-through facilities, when allowed, shall conform to Section 17.20.860.6.t.



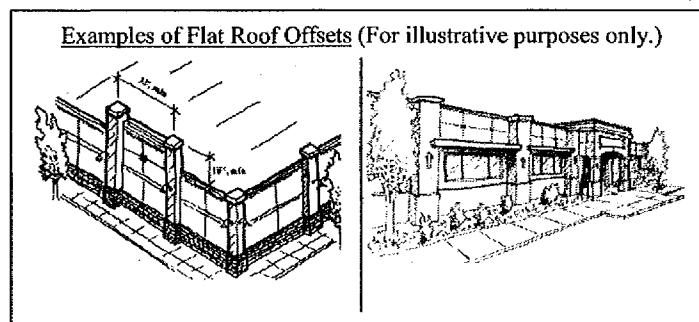
b. Human Scale design. The design of all buildings on a site shall be at a scale that is safe and inviting.



- 1) Regularly spaced and similarly shaped windows are provided on all building stories.
  - 2) Ground floor retail spaces shall have ceilings of 12 to 16 feet in height with display windows on the ground floor. At a minimum, the lower edge of the display windows shall be no higher than 4 feet above the sidewalk and the top edge shall be no less than 7 feet above the sidewalk.
  - 3) On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features that visually identify the transition from ground floor to upper story. These features should be compatible with the surrounding architecture. Such features include, but are not limited to: cornices, trim, awnings, canopies, arbors, trellises, overhangs, string courses, or other design features.
- c. Standards for breaks in building length.
- 1) For all buildings more than 50 feet long:
    - a) A pitched roof building shall have a break in the roof plane or wall plane, or articulation of the building face at least every 50 feet.
    - b) A flat roof building shall have a horizontal or vertical change in the wall plane, or articulation of the building face at least every 50 feet.



- 2) Horizontal and vertical offsets required by this Section shall relate to the overall design and organization of the building, its entrances, and door and window treatments. Features shall be designed to emphasize building entrances.
- 3) Offsets should be grouped and organized in a manner to provide variation in scale and massing rather than providing a series of identical repeating masses.
- 4) Exceptions.
  - a) For walls not visible from public view.
  - b) An exception to the horizontal offset provisions for zero lot line setbacks on interior or side yards to enable a building to utilize the property fully.



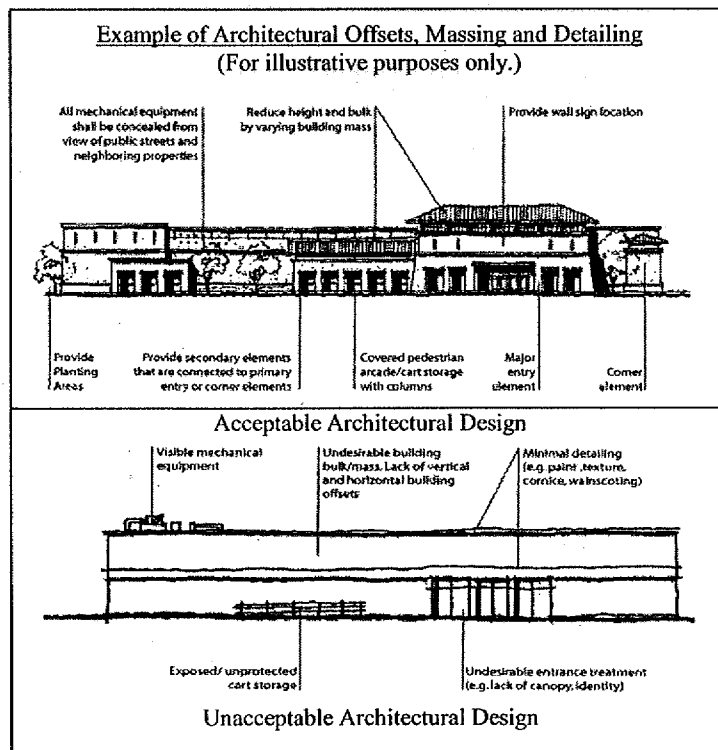
- c) Exceptions to the horizontal offset provisions for buildings abutting the public sidewalk.

When a building abuts a public sidewalk, the horizontal offset provisions may be reduced from a depth of 3 feet to 12 inches

5) Standards for massing.

- a) Building(s) with a pitched/false pitched roof. No building shall have a sloping roof plane more than 50 feet in length measured at the eave line without a break in the roof plane between the ridge/peak and the eave line at least 3 feet in height and 12 feet wide.

A combination of offsets and breaks in the roof plane may be used to satisfy this requirement. The total width of the offset combination shall not be less than 12 feet wide.



- b) Building(s) with a flat roof. No building shall have a wall plane more than 50 feet in length without a horizontal or vertical break in the cornice line at least 18 inches in height or 3 feet in depth and at least 12 feet wide.

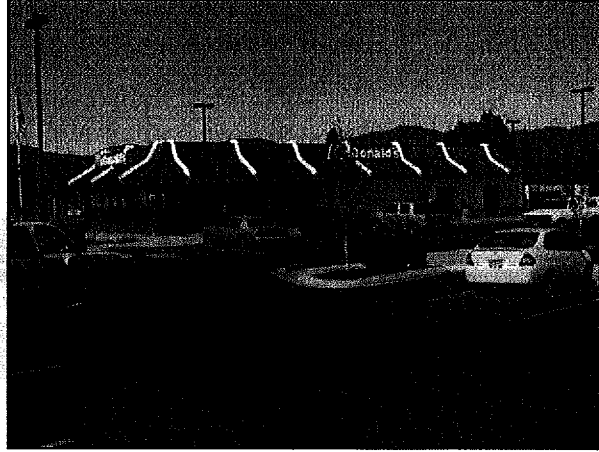
A combination of horizontal and vertical offsets may be used to satisfy this requirement. The total width of the offset combination shall not be less than 12 feet wide.

- c) Grouping, variation and a combination of features is desirable to avoid repetition of offsets that are identical in size and shape.

5. LIGHTING. All new commercial development shall provide a lighting plan that meets the standards of Section 17.20.170.

- a. Rooftop Illumination. Buildings shall not have rooftop illumination other than indirect spotlighting

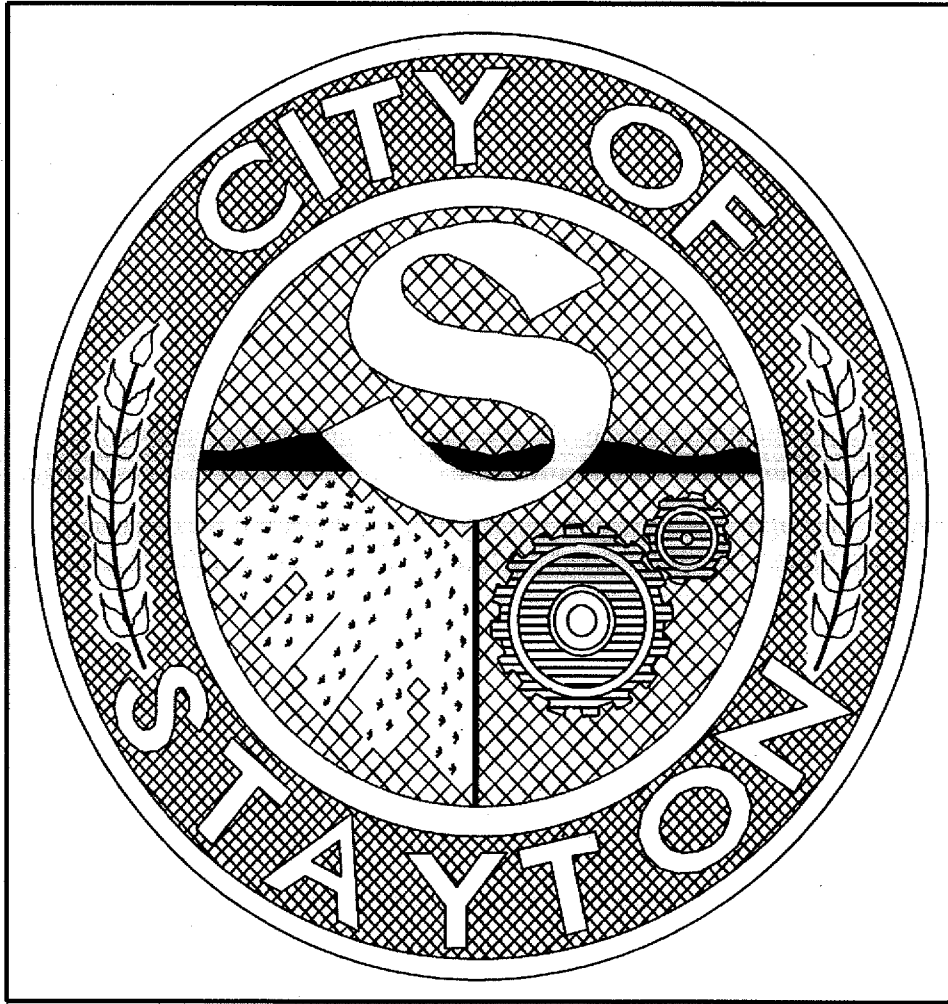
Example of Unacceptable Rooftop Illumination  
(For illustrative purposes only.)





**17.20.210 BACK LOTS AND FLAG LOTS**

1. **PURPOSE.** The purposes of this section are to provide flexibility in the creation of new lots, while assuring proper access to city streets and services.
2. **BACK LOTS.** A back lot may be created only by partition. A new back lot shall not be created in a subdivision.
  - a. The driveway serving a back lot shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. The driveway shall be centered within an access easement.
  - b. The easement for access to a back lot shall have a minimum width of 6 feet wider than the driveway throughout its entire length.
3. **FLAG LOTS.** A flag lot may be created either by partition or within a subdivision.
  - a. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
  - b. The driveway serving a flag lot shall meet the access standards of Section 17.26.020.4.e.
  - c. The pole of a flag lot shall have a minimum width of 6 feet wider than the driveway throughout its entire length.



## **CHAPTER 17.24 LAND DIVISIONS**

**CHAPTER 17.24**

**LAND DIVISIONS**

**SECTIONS**

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**17.24.010**

**PURPOSE AND INTENT OF LAND DIVISION  
REGULATIONS**

1. In the interpretation and application of this title, the provisions hereof shall be held to be the minimum provisions adopted to promote the public health, safety, and welfare.
2. The broad intent of these land division regulations is to provide for alternative forms of development while assuring full compliance during the process of development with all applicable laws and regulations. Further, the intent of these regulations is to achieve the following:
  - a. Better living conditions within newly developed areas.
  - b. Efficient use of lands which may be economically developed.
  - c. Simplification and clarity of land descriptions.
  - d. Proper establishment and development of streets, utilities, and public areas.
  - e. Stabilization of property values within divided lands and adjacent areas.
  - f. Application of specific development standards, such as master planned developments, where necessary to implement comprehensive plan policies concerning the protection of resources or mitigation of natural hazards.

**17.24.020 CONFORMITY WITH ZONING**

Except as otherwise authorized herein, all land divisions shall comply with the specifications of applicable zoning district and other land use regulations of the City. Deviations from those requirements shall be allowed only through the variance procedures as specified in Section 17.12.190.

**17.24.030 CLASSIFICATION OF LAND DIVISIONS**

This chapter authorizes two major categories of land divisions and establishes procedures herein for City review and approval of each prior to any site preparation, tree removal, and development. Lot line adjustments which do not create a new parcel of land and which bring about parcels still in compliance with zoning district minimum area requirements are not considered to be land divisions. The two major categories of land divisions are identified as follows:

1. **CONVENTIONAL SUBDIVISIONS AND PARTITIONS.** Conventional subdivisions and partitions are those occurring in strict compliance with state and local regulations governing the same, including but not limited to the provisions of ORS Chapter 92 and land use and zoning regulations of the City. Major flexibility in design, densities, and land uses are not generally provided for by this category of land division. Provisions for conventional subdivisions and partitions are contained in Section 17.24.040 through 17.24.060.
2. **MASTER PLANNED DEVELOPMENTS.** The provisions for master planned developments provide for major flexibility in design, densities, and land uses while assuring overall compatibility with the principles and legal requirements of land divisions law. Provisions for master planned developments are contained in Sections 17.24.090 and 17.24.100.

**17.24.040****APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS**

1. **PURPOSE STATEMENT.** Subdivisions and partitions are intended to provide for a permanently wholesome community environment, adequate public services, and safe streets through the accomplishment of property division and development in a traditional manner.
2. **APPLICATION FOR APPROVAL OF PRELIMINARY PLANS.**
  - a. For any proposed subdivision or partition of land, the applicant shall file 3 copies of the preliminary plan at a scale of 1 inch equals not more than 50 feet and all required supplemental information with the City Planner, following the general application procedural requirements of Section 17.12.030. In addition, 12 reduced copies of the plan sized 11 inches by 17 inches shall be submitted.
  - b. The City Planner shall forward the preliminary plan to the Planning Commission with copies of the complete application to the Public Works Director and the City Engineer, all affected City, county, state, and federal agencies, and all affected special districts which may attend the Planning Commission hearing at which the plan is considered.
3. **PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN SUBMITTAL REQUIREMENTS.** Preliminary partition or subdivision plans shall be clearly and legibly drawn. The preliminary partition or subdivision plan shall include or be accompanied by following information:
  - a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
  - b. North point, graphic scale, and date of preparation of the preliminary plan.
  - c. Names and addresses of the landowners, applicant, and the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
  - d. Map number (township, range, and section) and tax lot number or account of the tract being divided.
  - e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor registered with the State of Oregon.
  - f. The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
  - g. The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within or immediately adjacent the tract.
  - h. The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners, a description of the suitability of the area for uses contemplated and any conditions or limitations of such reservations.

- i. A proposed general plan for draining surface water from the development, developed in accordance with the City's Stormwater Master Plan.
  - j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys in accordance with the City's Transportation Systems Plan.
  - k. Existing and proposed easements, together with their dimensions, purpose, and restrictions on use.
  - l. Proposed means and location of sewage disposal and water supply systems in accordance with the City's Wastewater and Water Master Plans.
  - m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
  - n. Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
  - o. Copies of all existing or proposed restrictions or covenants affecting the property.
  - p. An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of the decision.
  - q. An inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by Section 17.20.150.
  - r. A proposed plan showing access features required in Section 17.26.020, specifically Section 17.26.020.6.
  - s. Either a Transportation Assessment Letter or a Transportation Impact Analysis in accordance with the provisions of Section 17.26.050. Five copies of the traffic impact analysis shall be submitted.
4. ADDITIONAL SUBMITTAL REQUIREMENTS FOR PRELIMINARY SUBDIVISION PLANS. Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited above.
- a. Topography within and adjacent to the proposed subdivision. The base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than 2 feet for slopes of less than 10% and no greater than 5 feet for slopes of more than 10%.
  - b. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, storm drainage, sewer, water, and utility services.
  - c. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
  - d. A plan showing soils information and any proposed cuts or fills of more than 24 inches.
  - e. The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.
  - f. A statement indicating the proposed timing of installation of all proposed improvements.
  - g. The plan shall otherwise conform to the requirements of ORS 92.090 as amended.

- h. If a phased development of a subdivision is proposed, then the plan shall illustrate the phases of development and a timeline for the phases.
  - i. Such additional information as the applicant may have been requested to submit at any pre-application meetings with City Staff. If, upon initial investigation by the decision authority, it is found that further information is necessary, it shall be furnished by the applicant.
5. REVIEW AND APPROVAL PROCEDURES: PRELIMINARY PLAN. The decision authority shall review and act upon the preliminary subdivision or partition plan pursuant to the procedures in Sections 17.12.070 through 17.12.100 except where modifications to that procedure are indicated below.
  - a. A preliminary plan shall be considered an application and shall be processed as such.
  - b. In the review of a preliminary plan by the Planning Commission, the Commission shall consider the review comments of the Public Works Director and the City Engineer. Reports from the City Engineer and Public Works Director, and any comments received from local and state agencies shall be made a part of the City Planner's report.
  - c. The action of the decision authority shall be noted on 2 copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner.
  - d. Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
6. PRELIMINARY PLAN APPROVAL CRITERIA. In determining whether to approve a subdivision or partition preliminary plan, the decision authority shall determine that the applicant has demonstrated the following criteria and standards have been or will be met:
  - a. The proposed subdivision or partition is generally compatible with the surrounding area.
  - b. Adequate urban services are available to the property.
  - c. The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area.
  - d. All streets shall be in a location and have a right of way and traveled way width in accordance with in the City's Transportation System Plan.
  - e. The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.
  - f. The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.
  - g. All applicable standards of Chapter 17.16 and Chapter 17.20 are satisfied.
  - h. No wetlands as identified in the City of Stayton Local Wetlands and Riparian Inventory are impacted by the development without a permit from the Department of State Lands and appropriate mitigation.
  - i. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision



bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a major partitioning.

- j. Compliance exists with the provisions of ORS 92.090 as amended.

**17.24.050****DESIGN STANDARDS FOR SUBDIVISION AND PARTITION  
PRELIMINARY PLANS**

Subdivisions and partition preliminary plans shall meet the following criteria and objectives. These are broad criteria and planning objectives. Detailed engineering and design will be reviewed with the final plat.

**1. STREETS AND HIGHWAYS.**

- a. Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Such streets, roads, or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways known as the Future Street Plan in the adopted Stayton Transportation System Plan.
- b. Streets, roads, or highways should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.
- c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.
- d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System Plan.
- e. Concrete curbs and concrete sidewalks shall be installed on all streets. The location and width of sidewalks shall be determined by the decision authority. In making such determination, the decision authority shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

2. **DEDICATION OF A RIGHT-OF-WAY.** If a parcel of land to be divided includes any portion of a right-of-way, street, road, or highway, the preliminary plan shall show where such right-of-way will be dedicated for the purpose or use proposed.
3. **DEAD-END STREETS AND CUL-DE-SACS.** When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.
4. **RESERVE BLOCK.**
  - a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.

- b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

#### 5. STREET WIDTHS.

- a. The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.
- b. In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.
- c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.
- d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.

Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

- e. Additional Right-of-Way Widths.
  - 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
  - 2) Where bikeways necessitate, additional right-of-way width may be required.

#### 6. SUBDIVISION BLOCKS.

- a. Block lengths and widths shall be determined by giving consideration to the following factors:
  - 1) The distance and alignment of existing blocks and streets.
  - 2) Topography.
  - 3) Lot size.
  - 4) Need for and direction of the flow of through and local traffic.
- b. Block length and perimeter standards are specified in Section 17.26.1020.5.c.
- c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

7. **MID-BLOCK WALKS.** Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the developer to install mid-block pedestrian walks on a right-of-way at least 6 feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.
8. **LOT SIZE, LOT LINES.**
  - a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed.
  - b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
  - c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
  - d. Side lot lines shall be as close to right angles to the front street as practicable.
  - e. Unless otherwise approved, rear lot lines shall be not less than  $\frac{1}{2}$  the width of the front lot lines.
  - f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.
9. **PUBLIC SURVEY MONUMENTS.** Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.
10. **SEWAGE DISPOSAL.**
  - a. All extensions of the existing City sewage facilities shall be in accordance with the adopted Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.
  - b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.
11. **PUBLIC USE AREAS.**
  - a. Subdivision and partition preliminary plans shall provide a minimum of 5% of the gross area of the subdivision or partition as public recreation area.
  - b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development.
  - c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition,

or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.

**12. WATER SUPPLY.**

- a. All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.
- b. In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City will pay the additional costs of such larger lines based on the current rate schedule adopted by the City.

**13. UNDERGROUND UTILITIES.**

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.
- b. The subdivider shall provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as are available within 500 feet of the proposed subdivision.

**SUBMISSION AND APPROVAL PROCEDURES FOR  
CONSTRUCTION PLANS****1. CONSTRUCTION PLANS SUBMITTAL REQUIREMENTS.**

- a. **Submittal Deadline.** No later than one year from the date of approval of the preliminary partition or subdivision plan the applicant shall submit two sets of construction plans to the City Planner.
- b. **Conformance to Preliminary Plan.** The construction plans shall substantially conform to the preliminary plan as approved.
- c. **Preparation.** All construction plans shall be prepared by a professional engineer registered with the State of Oregon.
- d. **Format.** Construction plans shall be clearly and legibly drawn to a standard engineer's scale in a manner which allows all detail to be easily read. The overall size of construction plans shall be 22 inches by 34 inches. Construction plans consisting of more than one sheet shall be bound or stapled on the left side.
- e. **Construction Plans Information.** The construction plans shall be drawn in accordance with and contain the information required by the Standard Specifications.

**2. REVIEW AND APPROVAL OF CONSTRUCTION PLANS.**

- a. Approval of construction plans shall be a routine administrative action.
- b. The City Planner shall issue a written receipt indicating the date the construction plans were submitted.
- c. The City Planner shall forward the construction plans to the City Engineer for review and approval.
- d. Within 14 days of submittal of the construction plans, the City Engineer shall determine if the plans are complete. If the City Engineer determines the construction plans are incomplete, the applicant shall be notified in writing of the additional information that must be submitted in order to complete the construction plans.
- e. Within 21 days of determining the construction plans the City Engineer shall determine whether the construction plans are in conformance with the requirements of this Title, Title 12, the Standard Specifications, and any conditions of approval.
- f. If any portion of the construction plans is not in conformance with the required standards or specifications, the applicant shall be informed in writing of the necessary changes in the plan to bring them into conformity.
- g. Once the City Engineer has determined that the construction plans conform to all applicable standards or specifications, the City Engineer shall notify the applicant and the engineer who prepared the plans in writing that a specified number of copies of the approved plans be provided for City Engineer signature.
- h. Upon approval and signing of the approved construction plans by the City Engineer, the applicant is authorized to schedule a preconstruction conference prior to commencement of construction. This conformance and all subsequent construction activities shall conform to the Standard Specifications.

**17.24.070 DESIGN STANDARDS FOR CONSTRUCTION PLANS**

1. STREET IMPROVEMENTS, SIDEWALKS, UNDERGROUND UTILITIES, AND SURFACE DRAINAGE.
  - a. All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with the Standard Specifications.
  - b. All utilities and public agencies shall be made aware of the street construction so that every chance is provided to install conduit where the actual placement of lines is not practical and to advise them of penalties for street excavation during the first 5 years after construction.
  - c. Construction plans involving public improvements shall not receive approval until such time as the City Engineer is satisfied that the following street improvements will be completed in accord with the Standard Specifications:
    - 1) Clearing and grading to full right-of-way limits.
    - 2) Storm drainage facilities both within and outside of right-of-way limits.
    - 3) Base and pavement materials for roadways in place and compacted.
    - 4) Bikeways, including striping and signing, if required.
    - 5) Signage and traffic signalization, if required.
    - 6) Access management standards as specified in Section 17.26.020.
2. SEWAGE DISPOSAL. Construction plans shall not receive approval until such time as the City Engineer is satisfied that the sewage disposal facilities will be completed in accordance with the Standard Specifications.
  - a. The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision or partition at the subdivider's expense.
  - b. In the event that larger lines are deemed necessary by the Director of Public Works for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the City will pay the additional costs of such larger lines.
3. WATER INSTALLATION. The applicant shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs, and meter boxes. Such installation shall be done to Standard Specifications and those imposed by any state or federal authority. Water mains shall be extended to the edge of the subdivision unless approved otherwise by the Public Works Director.
4. UNDERGROUND UTILITIES.
  - a. The construction plans shall include written evidence that the applicant has made necessary arrangements with utility companies and other persons or corporations affected by the installation of underground utility lines and facilities. Easements for utility facilities shall be provided by the applicant as set forth on the approved preliminary plan. In the case of a partition, a utility easement document may be required for recording by the City.
  - b. The applicant shall obtain all necessary permits for the placement of all underground utilities prior to the start of construction.

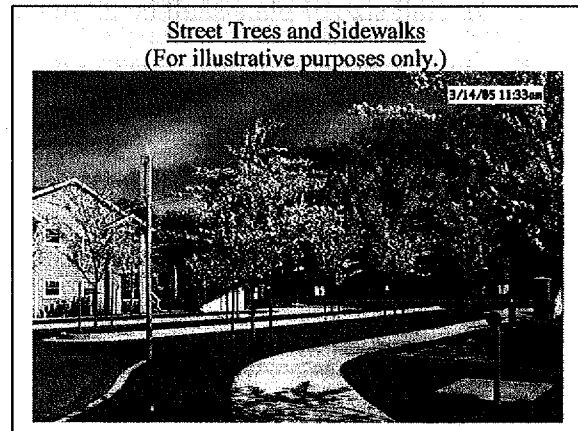
5. RADIUS AT STREET INTERSECTIONS.

- a. The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 80 feet or more shall be the square root of the interior angle at the intersection. The distance shall be increased to the next full foot above the figure established by such formula.
- b. The minimum angle of any intersection shall be 40 degrees.

6. STREET GRADES. No street grade shall be in excess of 8% unless the decision authority, in the review of the preliminary plan, has found that because of the size and shape of the property or topographic conditions a steeper grade is necessary

7. STREET TREES. The construction plans shall include a plan for street trees to be planted in the parking strip behind the curb line in accordance with the Standard Specifications.

- a. Street trees shall be selected from a list of approved species maintained by the Public Works Director:
- b. All trees shall have at least a 1 ½ inch caliper trunk measured at 4 feet above the ground.
- c. Trees shall be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.
- d. The placement of street trees may be waived if the Public Works Director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, public or private utilities.





**17.24.080 SUBDIVISION AND PARTITION FINAL PLATS****1. FINAL PARTITION PLAT SUBMITTAL REQUIREMENTS**

- a. Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.
- b. Submittal Deadline. The final plat shall be submitted following substantial completion of construction of the public improvements, but no later than two years from the date of approval of the construction plans.
- c. Preparation. All final plats for partitions shall be prepared by a professional land surveyor registered with the State of Oregon.
- d. Format. All plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the county surveyor. The overall size of plats shall be 22 inches by 34 inches.
- e. Survey Requirements. Surveys for partitions shall:
  - 1) Comply with ORS 209.250 as amended, and
  - 2) Comply with the survey mapping standards set by the Marion County Surveyor.
- f. Plat Information. Notwithstanding the requirements of subsection e. above, the partition plat shall contain or be accompanied by the following information:
  - 1) The boundary lines with distance and bearings, the name and exact location and widths of existing or recorded streets intersecting the boundary of the tract.
  - 2) The lengths of arc, radii, internal angles, lengths, and bearings of the tangents, and the length and bearings of chords.
  - 3) The area of each parcel in square feet, or if a parcel is larger than one acre, to the nearest 1/100th acre.
  - 4) The dimensions shown on the map shall be of such accuracy that the error of closure on any portion shall not exceed one foot in 10,000 feet. Copies of closure calculation sheets may be requested.
  - 5) The location of the parcel by one-fourth Section and Township, Range.
  - 6) Names and addresses of the applicant, owner, mortgagee, if any, the person preparing the map, and partition number.
  - 7) A north arrow, graphic scale, and the date the plat was prepared.
  - 8) All easements provided for public services, utilities, access, or any type must be shown on the face of the plat along with the recorder's number if filed for record. If the easement is not recorded, a copy of the executed easement document capable of being reproduced must be provided to the City.
  - 9) Zoning classification.
  - 10) Basis of bearing and the course of either a section corner, 1/16 corner or a donation land claim corner or a lot corner of a platted subdivision and the basis or source document, if not by survey, of the course to a corner.

- 11) A written legal description of all parcels contained in the land partition. An additional sheet of the same quality and size as required for the partition plat may be used.
- 12) A line for the approval signature of the City Administrator or his designee, and the date and any other lines which show approvals required by the City shall be placed on the plat.
- 13) Additional information made a condition of the preliminary plan.
- 14) A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.
- 15) Information and data in addition to the above as may be required by ORS 92.090, as amended.

## 2. FINAL SUBDIVISION PLAT SUBMITTAL REQUIREMENTS

- a. **Submittal Deadline.** The final map shall be submitted following substantial completion of construction of the public improvements but no later than two years from the date of approval of the construction plans. If deemed necessary by the decision authority, a 6-month extension to the one-year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval.
- b. **Preparation.** All plats shall be prepared by a licensed land surveyor registered with the State of Oregon.
- c. **Format.** All plats shall be clearly and legibly drawn at a scale of one inch equals no more than 60 feet in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the county surveyor. The overall size of plats shall be 22 inches by 34 inches.
- d. **Plat Information.** Notwithstanding the requirements of subsection c above, the plat shall contain or be accompanied by the following information:
  - 1) The affidavit of the surveyor who did the plat and survey work, certifying that plat complies with:
    - a) ORS 209.250, as amended, and
    - b) The survey mapping standards set by the Marion County Surveyor.
  - 2) Date, north point, and graphic scale.
  - 3) A sufficient legal description to define the location and boundaries of the plat area.
  - 4) The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.
  - 5) The location and dimensions of all existing and proposed public or private roads and names as appropriate. This shall include any adjacent future streets and other street improvements designated in the City's Transportation System Plan. Also, adjacent driveways and other access features must be shown on both sides of the roadway in the site vicinity.
  - 6) A description and location of all permanent reference monuments.
  - 7) The width and location of all existing or proposed public utility easements.

- 8) A graphic designation of all areas being reserved for common use and the conditions being imposed thereon.
  - 9) A designation of all areas covered by water and the location, width, and direction of flow of all watercourses.
  - 10) The location of any wetlands, delineated in accordance with the requirements of the Oregon Department of State Lands.
  - 11) A designation of any area being dedicated by the applicant, including its purpose, and an effective written dedication thereof.
  - 12) A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.
  - 13) A designation of any special notice, requirement, or restriction required by the City as a condition of approval.
  - 14) Information and data in addition to the above as may be required by ORS 92.050, as amended.
- e. Accompanying Materials. The plat shall be accompanied by the following:
- 1) An exact reproducible transparency which complies with the requirements of subsection 17.24.040.7.c.
  - 2) A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.
  - 3) Computational sheets for all boundary lines and of all lot lines.
  - 4) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants, and restrictions.
  - 5) A copy of any documents relating to special notice, requirement, or restriction required by the City as a condition of approval.
3. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PARTITION PLATS AND SUBDIVISION PLATS.
- a. Procedure. Approval of final partition plans shall be routine administrative actions.
  - b. Approval Criteria. The City Planner shall recommend to the City Administrator that the final partition or subdivision plat be approved only if the following criteria are found to be satisfied:
    - 1) The final plat and any supporting documents are in substantial conformity with the approved preliminary plan. Changes from the approved preliminary plan may be approved when the City Planner finds that they are minor modifications.
    - 2) Any conditions imposed by the decision authority have been satisfied and/or assured through bonding agreement(s).
    - 3) If a proposed subdivision is not in a location where the City's Parks Master Plan has designated a new park, the applicant shall, with submission of the final plat, submit a certified check for a sum equal to 5% of the total assessed value of the land being platted, at the time of platting, as computed by the county assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended. Such payment

shall be accompanied by a statement of assessed value from the office of the county assessor.

- c. Approval. Final partition and subdivision plats shall be considered approved when the administrator's signature and dates thereof have been written on the face of the plats and the plats have been recorded.
  - d. Notice. Approval or denial of a final partition or subdivision plat shall be in writing to the applicant or the applicant's representative.
  - e. Staff approval of a final partition or subdivision plat is the final decision of the City, and is not a land use decision or a limited land use decision as defined in ORS 197.015.
  - f. For subdivisions, financial performance guarantees shall be required for public improvements that have not been constructed by the applicant and inspected and approved by the City in accordance with Section 17.20.120.
  - g. The final plat, along with any conditions, covenants and restrictions, and development plan shall be recorded within 30 days of final plat approval. Within 45 days of final plat approval, applicant shall submit to the City Planner a copy of the final plat with the recording number referenced on the final plat.
4. PHASED DEVELOPMENT. An applicant may choose to phase the development of a subdivision by submittal of a final plat that contains only a portion of the approved preliminary plan. The final plat of the first phase must be submitted to the City Planner within 3 years of the date of preliminary plan approval, and must be accompanied by a drawing that shows all of the subsequent phases of development. A final plat for each subsequent phase must be filed within 2 years of the submission of the final plat for the previous phase. Failure to submit a final plat for a phase of the subdivision within 2 years of the submission of the final plat for the previous phase shall result in expiration of the preliminary approval for the unplatted portions. Prior to approval of the final plat of any phase, the applicant shall demonstrate to the City Planner that each phase of the subdivision would be substantially and functionally self-contained and self-sustaining with regard to access, utilities, open spaces, and similar physical features; and be capable of substantial occupancy, operation, and maintenance should the subsequent phases of the subdivision not be developed.
  5. COPIES OF RECORDED PLATS TO BE FURNISHED. The final plat shall be recorded pursuant to ORS 92.120. Within 15 days after the recording of a plat with Marion County, the applicant or his representative shall furnish the City 3 prints from the reproduction of the recorded plat.
  6. EXCEPTIONS TO SUBDIVISION REGULATIONS. If an applicant requests that any of the requirements set forth in these regulations be waived, the Planning Commission shall be the decision-authority and the application shall follow the criteria and procedures set forth in Section 17.12.190.

**17.24.090****APPLICATION AND APPROVAL REQUIREMENTS FOR MASTER PLANNED DEVELOPMENTS**

1. **PURPOSE STATEMENT.** The purpose of a Master Planned Development is to allow flexibility in design and creative site planning for residential, commercial or industrial development consistent with the following objectives: encourage creative and efficient uses of the land, provide and ensure preservation and enhancement of open space, ensure that the project design integrates all adopted Facility Master Plans (Transportation, Water, Sewer, Parks, Facilities, etc.), Standard Specifications, and provide an attractive living and working environment.
2. **APPLICABILITY.** The Master Planned Development designation may be applied in any zoning district. An applicant may elect to develop a project as a Master Planned Development in compliance with the requirements of this Section. In addition, the City may require that the following types of development be processed using the provisions of this Section:
  - a. Where a land division and associated development is to occur on a parcel or site containing wetland(s) identified in the City of Stayton Local Wetlands and Riparian Inventory or by Department of State Lands as being significant wetland site(s) requiring protection.
  - b. Where the land division is to occur on slopes of 15% slope or greater.
  - c. Where Comprehensive Plan policies require any development in the area to occur as a Master Planned Development.
3. **PRE-APPLICATION CONFERENCE.** Prior to submitting a Preliminary Master Planned Development for review, the applicant shall attend a pre-application conference as provided in Section 17.12.160.
4. **APPLICATION AND INFORMATION REQUIREMENTS FOR PRELIMINARY APPROVAL OF A MASTER PLANNED DEVELOPMENT.** The application and submission requirements for a preliminary master planned development plan shall be the same as in Sections 17.24.040.2, 040.3, and 040.4. In addition, the preliminary plan and accompanying materials shall include:
  - a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
  - b. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
  - c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
  - d. Narrative report or letter documenting compliance with the all applicable approval criteria contained in Section 17.24.100.
  - e. Special studies prepared by qualified professionals (licensed engineers, architects, planners, etc.) may be required by the City Planner, Public Works Director, City Engineer, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource, and other impacts and required mitigation.
  - f. **Specific Information.** In addition to the general information described above, the concept plan, data, and narrative shall include the following exhibits and information:

- 1) Existing Conditions map. At a minimum the existing conditions map shall contain the following:
  - a) The applicant's entire property and the surrounding property to a distance of 300 feet to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified by:
    - i. The location and width of all streets drives, sidewalks, pathways, rights-of-way and easements on the site and adjoining the site.
    - ii. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards.
    - iii. Resource areas, including wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies requiring protection.
    - iv. Site features including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches.
    - v. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots.
    - vi. The location, size and species of trees and other vegetation having a diameter of 6 inches or greater at 4 feet above grade.
    - vii. Location and impact on any facilities in the adopted Water, Sewer, Transportation, Storm Drainage, and Parks Master Plans
- 2) Conceptual site plan, including:
  - a) Lot configuration and identification of proposed uses
  - b) Average density (by phase, if a phased project)
  - c) Building footprints
  - d) Circulation including all rights-of-way for streets, parking areas and pedestrian and bicycle facilities.
  - e) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, and similar public, semi public areas and uses.
  - f) Other information necessary to convey the concept plan.
- 3) Grading concept (for hillside or sloping properties or where extensive grading is anticipated)
- 4) Landscape plan meeting requirements of Section 17.20.090 that identifies varieties and sizes of trees, varieties of plant materials, other landscape features and irrigation systems required to maintain plant materials.
- 5) Architectural concepts including:
  - a) Typical elevations of buildings and structures sufficient to describe architectural styles
  - b) Building heights

- c) General materials
  - 6) Sign concept plan that includes general size, style, and location of any proposed signs.
- 5. PRELIMINARY CONCEPT APPROVAL CRITERIA. The decision authority may approve the preliminary plan or approve with conditions if appropriate if the plan is found to satisfy the following criteria.
  - a. All relevant provisions of the Comprehensive Plan are met.
  - b. The proposed Master Planned Development's general design and character will be reasonably compatibly to the surrounding neighborhood.
  - c. There are special physical or geographic conditions or objectives of development which warrant a departure from the standard ordinance requirements.
  - d. If new lots or parcels are created as part of the Master Planned Development, all applicable criteria of Section 17.24.050 (excluding subsection 11), Section 17.24.060 (excluding subsection 4), Chapter 17.26, Title 12, Standard Specifications, and adopted Master Plans shall be met.
  - e. If a phased development, each phase shall be:
    - 1) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development.
    - 2) Arranged to avoid conflicts between higher and lower density development.
    - 3) Properly related to other services of the community as a whole and to those facilities and services yet to be provided.
    - 4) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Master Planned Development.
  - f. The design criteria of Section 17.24.080 are met.
- 6. PRELIMINARY PLAN APPROVAL PROCEDURES. The review and approval procedures Section 17.24.040.5 shall apply.
- 7. APPLICATION FOR DETAILED APPROVAL OF A MASTER PLANNED DEVELOPMENT.
  - a. Time Limit on Filing of Detailed Development Plan. Within one year after the date of approval of the preliminary plan, the applicant shall prepare and file with the City Planner a detailed development plan in conformance with subsections 8 and 9 of this Section.
  - b. Extension. If deemed necessary by the decision authority, a 6-month extension to the one-year period may be made by written request of the applicant, submitted to the City Planner prior to the expiration of the 1-year deadline from approval.
    - 1) The applicant can show intent of applying for detailed development plan review within the 6-month extension period.
    - 2) There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

8. **DETAILED DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.** The contents of the detailed development plan shall be determined based on the conditions of approval for the preliminary plan. At a minimum, the detailed development plan shall identify the detailed proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. If the planned master development is a subdivision, the submission requirements of Section 17.24.040.8 shall apply.
9. **DETAILED DEVELOPMENT PLAN APPROVAL CRITERIA.** The decision authority shall approve the detailed development plan upon finding that the detailed development plan conforms to the concept plan and required conditions of approval. Minor changes to the approved preliminary plan may be approved with the detailed plan when the approval body finds that the modification(s) are consistent with the criteria below. Changes exceeding those specified below must be reviewed as major modifications under Section 17.12.150.
- a. Increased residential densities by no more than 20% provided such increase conforms to the Comprehensive Plan and underlying district.
  - b. Increase in lot coverage or impervious surface by no more than 15% over that which is approved.
  - c. Reduction in open space or landscaping by no more than 10%.
  - d. Increase in overall automobile parking spaces by no more than 10%.
  - e. No change in land use shall be permitted without a major modification to the preliminary plan.
  - f. Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard shall require major modification to the preliminary plan.
  - g. Changes in the location of buildings, public infrastructure, landscaping or other site improvements by more than 50 feet, or 15% relative to setbacks.

Modifications not listed in a-g above shall require approval of a major modification in conformance with Section 17.12.150.

10. **DETAILED PLAN APPROVAL PROCEDURES.**

- a. The decision authority for approval of the detailed plan is specified in Section 17.12.070.
- b. The procedures for a public hearing and decision of Section 17.12.090 shall be followed in the review of a detailed plan for a master planned development.



**17.24.100****MASTER PLANNED DEVELOPMENT DESIGN STANDARDS**

Master Planned Developments shall be subject to the following design criteria and objectives.

1. **REGULATIONS THAT MAY BE MODIFIED.** The site development standards of this Title shall apply to a Master Planned Development except the following which may be modified.
  - a. Minimum lot area, width, frontage, setbacks, and height.
  - b. Where the development provides common parking areas for adjacent uses, no minimum number of parking spaces will be required. It is the developer's responsibility to provide adequate off street parking and loading areas. In proposing the parking areas, the developer shall provide the decision authority with information in expected demand for parking.
2. **PROFESSIONAL DESIGN TEAM.** A professional design team will be required for all Master Planned Developments. The applicant must certify, in writing, that the following professionals will be provided:
  - a. A licensed architect or professional designer.
  - b. A registered professional engineer
  - c. A landscape architect, or landscape designer.
3. **DESIGN STANDARDS.** The following design standards shall be met by preliminary plans for Master Planned Developments.
  - a. **Density.** When calculating the density for a Master Planned Development, the density may be averaged across the development to meet the density criteria, allowing a clustering of development and preservation of open space. If a development is located in more than one zone, the maximum number of dwelling units shall be calculated by determining the number of units permitted in those portions of the development in each zone. Dwelling units may be provided in any mix of single family, duplex or multifamily dwellings.

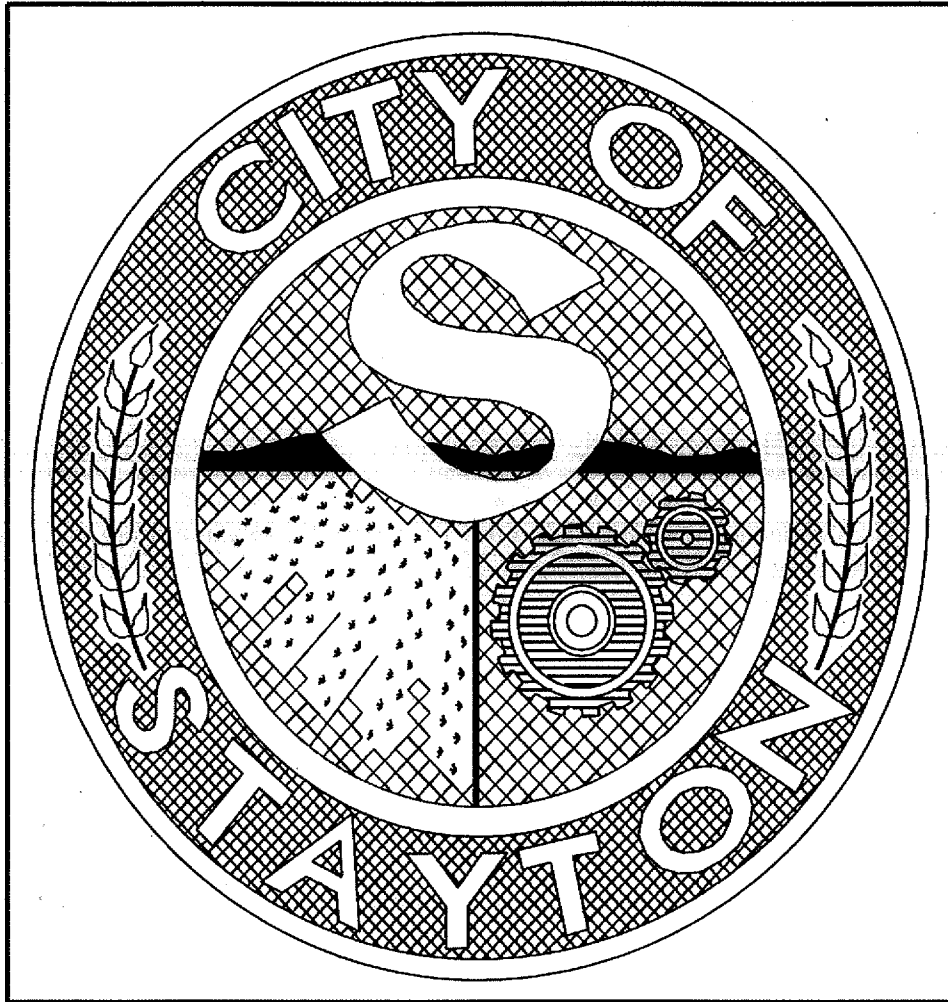
Density bonuses may be granted when one or more of the following criteria are met up to a 25% increase in density.

    - 1) Where the percentage of open space increases. The bonus shall permit a 1% increase in the maximum dwelling density for each percentage point increase of open space above the minimum required in Section 17.24.100.3.e.
    - 2) When the decision authority determines that the architectural standards proposed for the development exceed the design standards provided by the underlying zone district through quality, distinctive and innovative design, and use of architectural amenities, a density bonus of up to 5% may be granted.
    - 3) Up to a 5% density increase may be granted by the decision authority for provision of additional facilities including, but not limited to: community buildings, indoor recreation facilities (e.g. athletic club, fitness center, tennis courts, swimming pool), or outdoor recreation facilities (e.g. golf course, driving range, swimming pool, tennis court, basketball courts, or similar use).
    - 4) Up to a 5% density increase may be granted by the decision authority for preservation of significant natural features, historical landmarks, or wetlands through clustering and site design.

- b. All of the applicable land use, development, and design standards contained in Sections 17.16, 17.20, and 17.26, Title 12, Standard Specifications and adopted Master Plans shall be met except as may be modified in accordance with subsection 1 of this Section.
- c. Natural Landscape. Open spaces, pedestrian and vehicular circulation facilities, parking facilities, and other pertinent amenities shall be an integral part of the landscape and particular attention shall be given to the retention of natural features of the site.
- d. Recreational areas (active and passive) shall be dispersed throughout the development.
- e. Master Planned Developments shall contain a minimum of 25% open space. Open space shall be integral to the master plan. Plans shall emphasize gathering places such as plazas, parks and trails. Where public or common private open space is designated the following standards apply:
  - 1) The open space area shall be shown on the detailed plan and recorded with the final plat.
  - 2) The open space shall be conveyed in accordance with one of the following methods:
    - a) At the sole discretion of the City Council, open space may be dedicated to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planner and Public Works Director with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities.
    - b) By conveying title to a nonprofit corporation, lot-owners association or other legal entity, with a conservation easement deeded to the City. The terms of such lease or other instrument of conveyance must include provisions for maintenance suitable to the decision authority, with advice from the City Planner, Public Works Director, and City Attorney.
- f. Whenever any privately owned open space areas, recreation facilities, community buildings or other facilities are provided, an association of owners shall be created under state law. Owners within the development shall automatically be members and shall be assessed levies for maintenance of the facilities. The period of existence of such association will be at least 20 years, and it shall continue thereafter until a majority vote of the members shall terminate it.

**17.24.110 ENFORCEMENT**

1. Enforcement of this chapter shall be as specified in Chapter 17.04.190.
2. Where the City deems it necessary, the applicant shall insure that the provisions of this title are followed, and will, if required by the City:
  - a. Furnish proof of financial performance, pursuant to the provisions of Section 17.20.120 to insure that the development or project will be carried out in accordance with the approved specifications.
  - b. Agree that where the applicant does not conform to specifications of this title or will not conform to the City's ruling, then the City may enter the premises, expending such money and labor as necessary to make such specifications conform, and any such expense shall constitute a lien upon the improvements as improved.
  - c. Make any other agreement that the City would approve between the City and the applicant.



## **CHAPTER 17.26 TRANSPORTATION REQUIREMENTS**

**CHAPTER 17.26**

**TRANSPORTATION REQUIREMENTS**

**SECTIONS**

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**17.26.010 PURPOSE AND INTENT**

The purpose of this chapter is to implement the findings of the City of Stayton Transportation System Plan through a series of transportation standards, practices, and requirements. These transportation standards, practices, and requirements apply mostly to new developments and redevelopments. However, they may also apply in the development of transportation infrastructure unrelated to land development. The transportation standards, practices, and requirements in this chapter encompass access management requirements and standards; bicycle parking and bicycle circulation and access; transportation development charge; traffic impact study requirements, and a method for reviewing transportation improvement projects not identified in the Stayton Transportation System Plan.

## INTENT AND PURPOSE.

This section of the land use and development code identifies who is subject to apply for an access permit, how the number of accesses are determined, where the access(es) may be located, access standards that must be met, and development review procedure and submittal requirements in relation to access management.

## 1. ACTIONS REQUIRING ACCESS PERMITS AND AUTHORITY TO GRANT ACCESS PERMITS.

## a. Projects Requiring Access Permits.

Access permits are required for all projects requiring any type of permitting from the City of Stayton that result in additional trip generation or change in use. A change in use is defined as a change in tenant, a change in land use, an expansion of an existing use, or remodel of an existing use those results in increased traffic.

## b. Access Permits onto City Streets.

Permits for access onto city streets shall be subject to review and approval by the Public Works Director and/or his/her designee. The criteria for granting access permits shall be based on the standards contained in this section. The access permit may be granted in the form of a "City of Stayton access permit" or it may be attached to a land use decision notice as a condition of approval.

## c. State Highway Access Permits.

Permits for access onto State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City of Stayton or Marion County. In that case, the City of Stayton and/or Marion County shall determine whether access is granted based on ODOT's adopted standards.

## d. Marion County Roadway Access Permits.

Permits for access onto Marion County roadways shall be subject to review and approval by Marion County, except where the county has delegated this responsibility to the City of Stayton, in which case the City of Stayton shall determine whether access is granted based on adopted City of Stayton standards.

## e. Conditions of Approval with Granting of Access Permit.

The City of Stayton or other agencies with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e. for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street system.

## f. Non-Conforming Access Features.

Legal access connections in place as of the effective date of this section that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- 1) Change in use as defined in 17.26.020.1.a.

## 2) When new access connection permits are requested or required.

## g. City's Authority to Change Accesses.

The City of Stayton has the authority to change accesses for all uses if it is constructing a capital improvement project along that section of the public street. The access changes shall meet all current standards. If it is not possible to change a particular access to meet all the current standards, then a non-conforming access shall be acceptable only if it improves the condition to more closely meet the current standards.

## 2. NUMBER OF ALLOWED ACCESSES.

## a. Number of Allowed Accesses for Single-Family Residential Lots.

A single-family residential lot may request up to two driveways on a local street. If two residential driveways are requested from a single-family lot, then it shall be subject to spacing standards of 17.26.020.3.b.

## b. Number of Allowed Accesses for Multi-Family Uses.

The number of driveways allowed for multi-family residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 1,000 daily trips generated. A maximum of two accesses shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic. The Public Works Director or his/her designee shall determine whether the traffic study adequately proves a significant traffic operations hardship to justify more accesses. Emergency access requirements shall be determined by the fire marshal and/or the Public Works Director or his/her designee. Each driveway/access shall meet the spacing standards defined in 17.26.020.3.h.

## c. Number of Allowed Accesses for Non-Residential Uses.

The number of driveways allowed for non-residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 2,500 daily trips generated with a maximum of two driveways. An exception shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic. The primary criteria to allow more driveways will be level of service (see standards in 17.26.050) analysis, queuing analysis, and safety analysis of the site accesses. If a development has a need for more than two access points, then signalization of the main access shall be investigated as a potential option prior to allowing additional driveways. A signal warrant study will then be required to study whether or not signalization of the main access is required. The Public Works Director or his/her designee shall determine whether the traffic study adequately proves that more accesses are needed for a particular project.

## 3. LOCATION OF ACCESSES.

Vehicle access locations shall be provided based on the following criteria:

## a. Corner Lot Access.

Corner lot driveways on local streets shall be a minimum of 50 feet from the intersecting property lines or in the case where this is impractical, the driveway shall be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. Corner lots on arterial, minor arterial, or collectors shall have driveways located on the minor cross street. If this is not feasible, then the corner lot driveway on an arterial, minor arterial, or collector must follow the minimum access spacing standard in Table



17.26.020.3h. or in the case where this is impractical, the driveway shall be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line.

b. Two Single-Family Residential Driveway Spacing for One Lot.

Where driveways are permitted for one single-family residential lot, a minimum separation of 50 feet shall be required. The 50-foot separation shall be measured from the perpendicular near edge to perpendicular near edge.

c. Access onto Lowest Functional Classification Roadway Requirement.

Access shall be provided from the lowest functional classification roadway. If a tax lot has access to both an arterial and a lower classified roadway, then the arterial driveway shall be closed and access shall be granted along the lower functional classification roadway. This shall also apply for a series of non-residential contiguous tax lots under the same ownership or control of a development entity per the requirements set for in 17.26.020.5.a.5.

d. Conditional Access Permits.

Conditional access permits may be given to developments that cannot meet current access spacing and access management standards as long as other standards such as sight distance and other geometric standards can be met. In conjunction with the conditional access permit, crossover easements shall be provided on all compatible parcels without topography and land use conflicts. The conditional access permit shall allow temporary access until it is possible to consolidate and share access points in such a manner to either improve toward the current standards or to meet the current access spacing standards. Figure 17.26.020.3.d illustrates the concept of how the crossover easements eventually work toward meeting access spacing standards.

e. Shared Driveway Requirement for Adjacent Non-Residential Parcels with Non-Conforming Access(es).

Adjacent non-residential parcels with non-conforming access(es) shall be required to share driveways along arterial, minor arterial, and collector roadways pursuant to 17.26.020.1 which defines when the requirement is triggered. If the adjacent use refuses to allow for a shared driveway, then a conditional access permit may be given. As a condition of approval, cross-easements shall be granted to the adjacent non-residential parcel to secure a shared driveway later when the adjacent parcel redevelops, seeks to obtain an access permit, or becomes available.

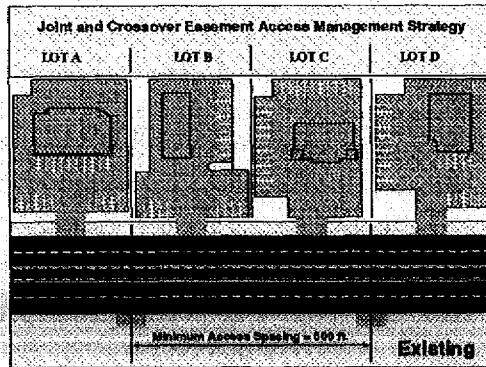
f. Residential Subdivision Access Requirements.

Residential subdivisions fronting an arterial, minor arterial, or collector roadway shall be required to provide access from secondary local streets for access to individual lots. When secondary local streets cannot be constructed due to topographic or physical constraints, access shall be provided by consolidating driveways per the requirements set for in 17.26.020.3.d. In this situation, the residential subdivision shall still meet driveway spacing requirements of the arterial, minor arterial, or collector roadway.

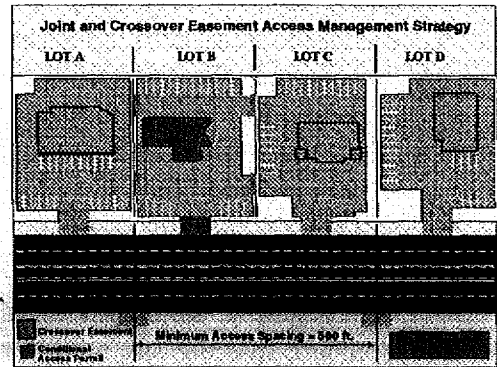
g. Phased Development Plans.

In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as a single property in relation to the access standards of this section. The number of access points permitted shall be as defined in

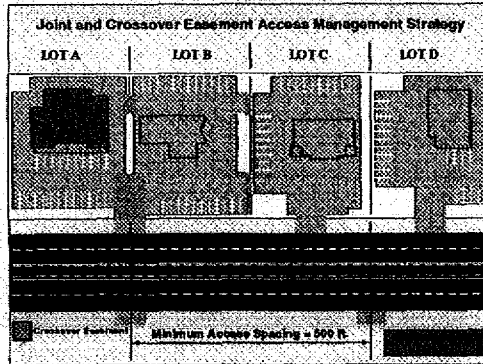
**Figure 17.26.020.3.d**  
**Example of Crossover Easement and Conditional Access Policy**



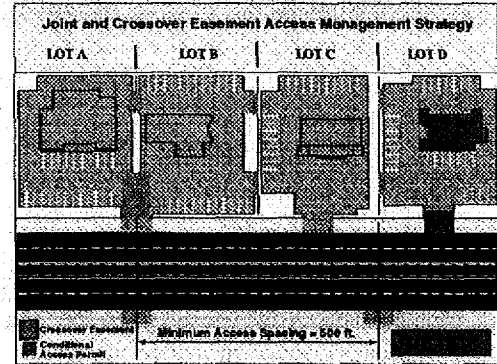
**Step 1**



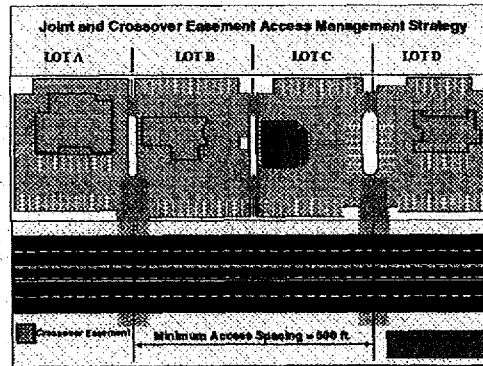
**Step 2**



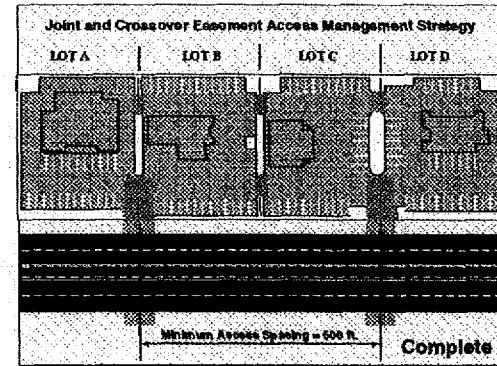
**Step 3**



**Step 4**



**Step 5**



**Step 6**

**Figure 17.26.020.3.d, continued**  
**Example of Crossover Easement and Conditional Access Policy**

Step	Process
1	EXISTING – Currently Lots A, B, C, and D have site-access driveways that neither meet the access spacing criteria of 500 feet nor align with driveways or access points on the opposite side of the highway. Under these conditions motorists are put into situations of potential conflict (conflicting left turns) with opposing traffic. Additionally, the number of side-street (or site-access driveway) intersections decreases the operation and safety of the highway
2	REDEVELOPMENT OF LOT B – At the time that Lot B redevelops, the local jurisdiction would review the proposed site plan and make recommendations to ensure that the site could promote future crossover or consolidated access. Next, the local jurisdiction would issue conditional permits for the development to provide crossover easements with Lots A and C, and ODOT would grant a conditional access permit to the lot. After evaluating the land use action, ODOT would determine that LOT B does not have either alternative access, nor can an access point be aligned with an opposing access point, nor can the available lot frontage provide an access point that meets the access spacing criteria set forth for this segment of highway.
3	REDEVELOPMENT OF LOT A – At the time Lot A redevelops, the local jurisdiction and ODOT would undertake the same review process as with the redevelopment of LOT B (see Step 2); however, under this scenario ODOT and the local jurisdiction would use the previously obtained cross-over easement at Lot B to consolidate the access points of Lots A and B. ODOT would then relocate the conditional access of Lot B to align with the opposing access point and provide safe and efficient access to both Lots A and B. The consolidation of site-access driveways for Lots A and B will not only reduce the number of driveways accessing the highway, but will also eliminate the conflicting left-turn movements on the highway by the alignment with the opposing access point.
4	REDEVELOPMENT OF LOT D – The redevelopment of Lot D will be handled in the same manner as the redevelopment of Lot B (see Step 2)
5	REDEVELOPMENT OF LOT C – The redevelopment of Lot C will be reviewed once again to ensure that the site will accommodate crossover and/or consolidated access. Using the crossover agreements with Lots B and D, Lot C would share a consolidated access point with Lot D and will also have alternative frontage access via the shared site-access driveway of Lots A and B. By using the crossover agreement and conditional access permit process, the local jurisdiction and ODOT will be able to eliminate another access point and provide the alignment with the opposing access points.
6	COMPLETE – After Lots A, B, C, and D redevelop over time, the number of access points will be reduced and aligned, and the remaining access points will meet the Category 4 access management standard of 500-foot spacing.

17.26.020.2.b. All necessary easement agreements and stipulations within the phased development shall be met to assure that all tenants within the development have adequate access. This shall also apply to phased development plans:

All access to individual uses or buildings within a phased development must be internalized within the site plan using the shared circulation system of the principal development. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

**h. Access Spacing Standards**

The streets within Stayton are classified as arterials, minor arterials, collectors, and local streets. The access spacing standards are shown in Table 17.26.020.3.h. for both full intersection spacing and driveway spacing.

**Table 17.26.020.3.h. Access Spacing Standard**

<b>Functional Roadway Classification</b>	<b>Minimum Public Intersection Spacing Standard</b>	<b>Minimum Spacing between Driveways and/or Streets</b>
Limited Access Principal Arterial	750 feet	375 feet
Urbanized Area Principal Arterial <sup>1</sup>	260 feet	260 feet
Minor Arterial	600 feet	300 feet
Collector	260 feet	150 feet
Neighborhood Collector	260 feet	50 feet
Local Residential Street	260 feet	50 feet <sup>2</sup>
Local Commercial/Industrial Street	260 feet	50 feet

<sup>1</sup> This standard applies to 1<sup>st</sup> Avenue from Shaff/Fern Ridge Road to Ida Street.

<sup>2</sup> This standard only applies to a corner residential lot driveway spacing from the adjacent street and may be modified per 17.26.1020.3.a).

**i. Highway 22 Terminal Ramps Control Zone**

This subsection adopts the 1999 Oregon Highway Plan for access management spacing standards for the Highway 22 interchange ramps at Golf Club Road and Cascade Highway. The proposed Golf Lane realignment in the Stayton Transportation System Plan shall also be considered as an allowed deviation to the control standards. All future development adjacent to the control zone around the on-and off-ramp intersections must comply with the standards set forth in OAR 734-051.

**j. Joint and Cross Access for Properties with Non-Conforming Access(es)**

- 1) Adjacent non-residential uses shall provide a crossover easement drive and pedestrian access to allow circulation between sites.
- 2) A system of joint use driveways and crossover easements shall be established wherever feasible.
- 3) Pursuant to this section, property owners shall:
  - a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.
  - b) Record an agreement with the City of Stayton pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.

- c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- k. The City of Stayton may reduce required separation distance of access points defined in 17.26.020.3.h where they prove impractical as defined by the Public Works Director or his/her designee, provided all of the following requirements are met:
  - 1) Joint access driveways and cross access easements are provided in accordance with this section.
  - 2) The site plan incorporates a unified access and circulation system in accordance with this section.
  - 3) The property owner enters into a written agreement with the City of Stayton, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- l. The City of Stayton may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical based on physical site characteristics that make meeting the access standards infeasible.
  - 1) The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.
  - 2) The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
  - 3) Applicants for variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
    - a) Indirect or restricted access cannot be obtained;
    - b) No engineering or construction solutions can be applied to mitigate the condition; and
    - c) No alternative access is available from a road with a lower functional classification than the primary roadway.
  - 4) No variance shall be granted where such hardship is self-created.

#### 4. ACCESS STANDARDS.

##### a. Driveway Design.

- 1) See Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22b for minimum and maximum driveway widths.
- 2) Driveways providing access into off-street, surface parking lots shall be designed in such a manner to prevent vehicles from backing into the flow of traffic on the public street or to block on-site circulation. The driveway throat approaching the public street shall have adequate queue length for exiting vehicles to queue on-site without blocking on-site circulation of other vehicles. The driveway throat approaching the public street shall also have sufficient storage for entering traffic not to back into the flow of traffic onto the public street. A traffic impact study, subject to approval by the Public Works Director or his/her designee, shall be used to determine the adequate queue length of the driveway throat. This requirement shall be applied in conjunction with the design

requirements of parking lots in section 17.20.060.9. If there is a conflict between these two code provisions, then this code provision supersedes those of 17.20.060.9.

- 3) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Sight distance triangle requirements are identified in 17.26.020.4.c and 17.26.020.4.d. Construction of driveways along acceleration lanes, deceleration lanes, or tapers shall be prohibited due to the potential for vehicular weaving conflicts unless there are no other alternatives for driveway locations. Only after a traffic impact study is conducted as defined in 17.26.050 and concludes that the driveway does not create a safety hazard along acceleration lanes, deceleration lanes, or taper shall the driveway be considered for approval. Approval of a driveway location along an acceleration lane, deceleration lane, or taper shall be based on the Public Works Director or his/her designee agreeing with the conclusions of the traffic impact study.

b. Public Road Stopping Sight Distance

Public roads shall have a minimum stopping sight distance requirement as summarized in Table 17.26.020.4.b. The minimum stopping sight distance is measured from a height of 3.5 feet to a target on the roadway nominally 6 inches in height.

**Table 17.26.020.4.b  
Stopping Sight Distance Requirement**

Design Speed (mph)	Minimum Distance (feet)
25	155
30	200
35	250
40	305
45	360
50	425

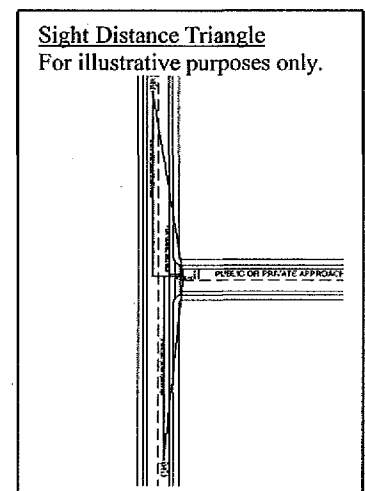
The minimum stopping sight distance is based on design speed of the roadway. Design speed of the roadway is defined in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.08. If a design speed is not known, then the assumed design speed shall be at least 5 mph more than the posted speed or may be measured as the 90<sup>th</sup> percentile speed.

c. Sight Distance Triangle

Traffic entering an uncontrolled public road from a stop sign controlled public road, or from private roads or private driveways, shall have minimum sight distances, as shown in Table 17.26.020.4.c, except as allowed in 17.26.020.4.d.

Requirements regarding sight distance in 8.04.060 shall also be met.

The sight distance triangle is based on design speed of the roadway. Design speed of the roadway is defined in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.08. If a design speed is not known, then the assumed design speed shall be at least 5 mph more than the posted speed or may be measured as the 90<sup>th</sup> percentile speed.



The intersection and driveway sight distance is measured from an eye height of 3.5 feet above the controlled road at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road in accordance with the table below. This definition for measuring sight distance is consistent with AASHTO (American Association of State Highway and Transportation Officials) standards.

**Table 17.26.020.4.c  
Intersection/Driveway Sight Distance Triangle Requirement**

Design Speed (mph)	Minimum Distance (feet)
20	200
25	250
30	300
35	350
40	400
45	450
50	500

d. Uncontrolled Intersection and Driveway Sight Distance Triangle in Residential Areas

This subsection only applies to local access roads in urban and rural residential areas. Uncontrolled intersections shall have an unobstructed sight distance triangle of 30 feet along the property lines of both intersection approaches. Any vegetation within the sight distance triangle must be 24 inches in height or less. For driveways, the sight distance triangle along the driveway and property line adjacent to the public street shall be a minimum of 10 feet for each leg. Requirements regarding sight distance in 8.04.060 and 8.04.130 shall also be met.

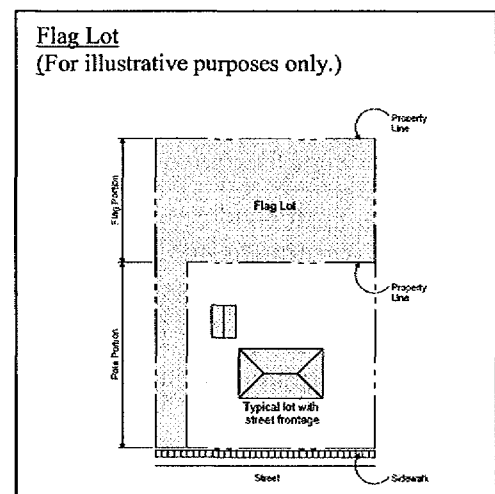
e. Flag Lot Access Standard

1) Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

2) Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:

a) Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.

b) The flag lot driveway shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. This supersedes the requirements contained in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22, for minimum and maximum driveway widths.



## 5. CONNECTIVITY AND CIRCULATION STANDARDS.

## a. Connectivity.

- 1) The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as specified in 17.24.050.1.a.
- 2) Wherever a proposed development abuts unplatted, developable land a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. This is consistent with and an extension of 17.24.050.1.a.
- 3) Neighborhood collectors and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic calming measures are the preferred means of discouraging through traffic. These measures are defined in the Stayton Transportation System Plan.
- 4) Developers shall construct roadways within their development site to conform to the Future Street Plan in the transportation system plan. Flexibility of the future roadway alignment shall be at the discretion of the Public Works Director and/or his designee but must maintain the intent of the Future Street Plan.
- 5) A system of joint use driveways and crossover easements shall be established wherever feasible and shall incorporate the following:
  - a) A continuous service drive or crossover easement corridor extending the entire length of each block served to provide for driveway separation consistent with the access standards set for each functional roadway classification.
  - b) A design speed of 10 mph and a maximum width defined in the Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22, to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - c) Access stub-outs and other design features to make it visually obvious that the abutting properties will be tied in to provide crossover easement via a service drive;
  - d) A unified access and circulation system plan shall be submitted as part of the documentation for joint and cross access. A unified access and circulation system plan encompasses contiguous, adjacent parcels that share access(es). The unified access and circulation system plan shows how the joint and cross access(es) work together to meet the needs of all property owners and uses. It includes showing how parking areas of the various uses sharing access(es) coordinate and work with each other.

## b. Cul-de-sac and Accessways.

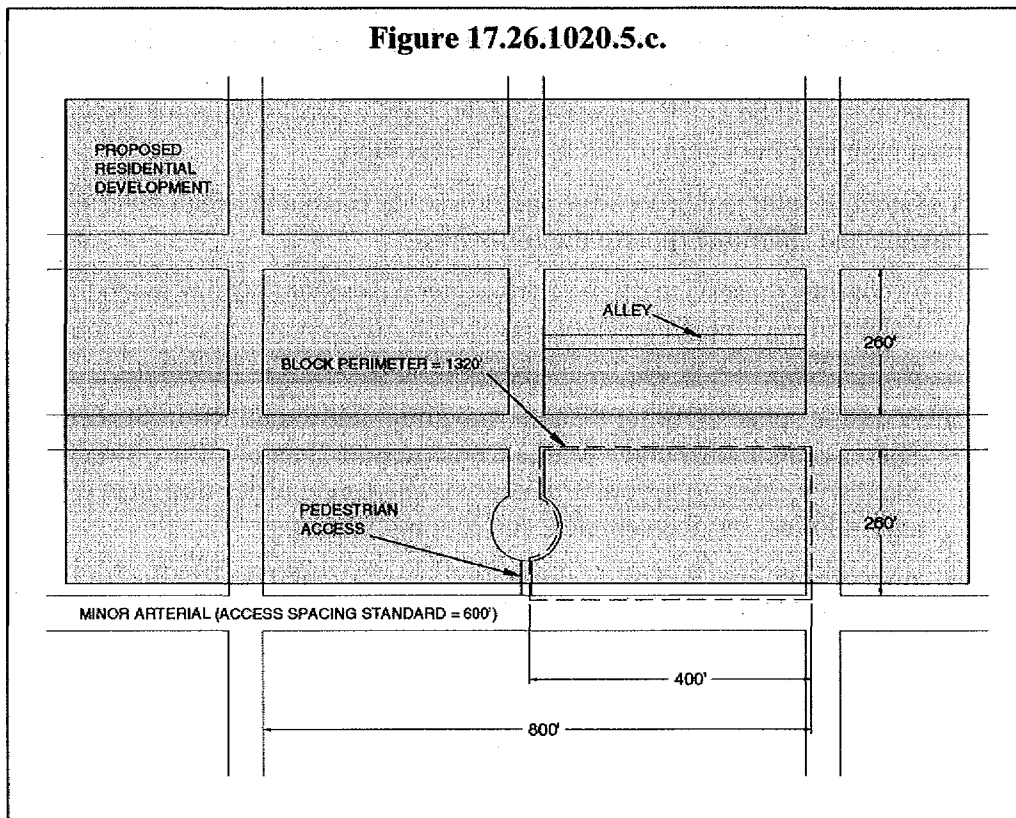
- 1) Cul-de-sacs or permanent dead-end streets may be used as part of a development plan only if topographical, environmental, or existing adjacent land use constraints make connecting and through streets infeasible. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers unless topographical, environmental, or existing adjacent land use constraints make it infeasible.



2) Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 15-foot-wide right-of-way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted at residential/residential illumination standard. See Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.21, Street Lighting for actual specific street lighting standards. Stairs or switchback paths may be used where grades are steep. Any vegetation planted within the accessway shall be less than 30 inches in height and must not create a safety issue for pedestrians and bicyclists.

c. Street Connectivity and Formation of Blocks (Block Length and Perimeter Standard).

In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site development shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway measured from right-of-way line to right-of-way line as shown in Figure 17.26.1020.5.c.



1) Residential Districts.

Minimum 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter;

2) Downtown/Main Streets.

Minimum 100-foot block length and maximum of 400-foot length; maximum 1,200 feet block perimeter;

3) General Commercial Districts.

Minimum 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter;

**4) Industrial Districts. Not applicable**

If a hardship can be demonstrated in which it is not practically feasible to meet these standards due to topographical, environmental, or other significant constraints, then these conditions may be requested to be modified through the Public Works Director or his/her designee. At no time shall any block length be greater than 600 feet and its maximum block perimeter 1,800 feet for roadways with urbanized area principal arterials, minor arterials, or lower classification.

Alleys as defined in the City's Street Design Standards may be used within residential subdivisions but cannot be used in the maximum block perimeter calculation. The maximum alley length is 600 feet between ties to public streets. Midblock access(s) to alleys must align with existing or planned public streets.

**6. DEVELOPMENT REVIEW PROCEDURE FOR ACCESS MANAGEMENT.**

- a. Applicants for Development Reviews impacting access shall submit a preliminary site plan that shows:
  - 1) Location of existing and proposed access point(s) on both sides of the roadway for a distance equal to the spacing standard for that facility;
  - 2) Distances from proposed access point to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property; Number and direction of lanes to be constructed on the driveway plus striping plans;
  - 3) All planned transportation features (such as sidewalks, bikeways, signs, signals, etc.);
- b. Development Reviews shall address the following access criteria:
  - 1) Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
  - 2) The external road system to the project site and internal road system within the project site shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
  - 3) The access shall be consistent with the access management standards adopted in the Transportation System Plan and contained within 17.26.010.
- c. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards. Any application that involves access to Marion County's roadway system shall be reviewed by City of Stayton staff for conformance with City of Stayton access management standards.

## 1. PURPOSE

The purpose of this chapter is to create requirements to development that encourage the use of non-motorized modes of transportation such as walking and bicycling. These requirements are bicycle parking and circulation and access requirements that enhance pedestrian and bicycle facilities.

## 2. BICYCLE PARKING REQUIREMENTS

- a. The spaces required for bicycle parking is defined in table 17.26.030.2.
- b. The following shall be used for Calculating the Number of Required Bicycle Parking Spaces:

Fractional numbers of spaces shall be rounded up to the next whole space.

- c. Although many land uses in the following table are exempt from needing to provide bicycle parking, they may do so to meet one of the requirements of the design review incentive list. If an applicant desires to provide bicycle parking to meet one of the requirements of the design review incentive list, then they must provide bicycle parking at the ratio listed in Table 17.26.030.2.

## 3. BICYCLE PARKING SPACE DIMENSIONS

- a. Bicycle parking spaces shall be at least 6 feet long and 2 feet wide. If the bicycle parking space is covered, then it shall have an overhead clearance of at least 7 feet. For covered bicycle parking, the covering shall extend at least 2 feet beyond the parking area.
- b. To provide for bicycle maneuvering, an aisle of 5 feet shall be provided and maintained beside or between each row of bicycle parking.

## 4. SITE PLANS

Required elements for a site plan shall include the design and location of bicycle and pedestrian circulation elements such as accessways, walkways, and transit facilities.

- a. All site plans shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems.
- b. All site plans shall construct pedestrian facilities as identified on the city's trails map.
- c. Preliminary subdivision plans and final plats shall show the location and design of all proposed pedestrian and bicycle facilities, including accessways.

## 5. BICYCLE CIRCULATION AND ACCESS

Bicycle circulation and access requirements as it relates to cul-de-sacs and accessways are contained in Section 17.26.020.5.b.

TITLE 17. LAND USE AND DEVELOPMENT CODE

**Table 17.26.030.2.**

<b>Land Use Category</b>	<b>Minimum Required Bicycle Parking Spaces</b>
<b>Residential</b>	
Single-family	Exempt
Multi-family residential, general	1 space per 5 units
Multi-family residential, seniors or With physical disabilities	Exempt
<b>Institutional</b>	
Schools – Elementary	4 spaces per classroom
Schools – Jr. Hi or Middle School	4 spaces per classroom
Schools – High School	2 spaces per classroom
College	1 space per 10 student
Transit Centers and Park & Ride Lots	5% of auto spaces (or 100% of demand depending on accessibility to bicyclists)
Religious Institutions	1 space per 50 seat capacity
Hospitals	1 space per 20 beds
Doctor, Dentist Offices	1 space per 1,000 ft <sup>2</sup>
Libraries, Museums	1 space per 1,000 ft <sup>2</sup>
<b>Commercial</b>	
Retail Sales	1 space per 5,000 ft <sup>2</sup>
Auto-oriented Services	Exempt
Groceries/Supermarkets	1 space per 5,000 ft <sup>2</sup>
Office	1 space per 1,000 ft <sup>2</sup>
Restaurant	1 space per 1,000 ft <sup>2</sup>
Drive-In Restaurant	2 space per 1,000 ft <sup>2</sup>
Shopping Center	1 space per 5,000 ft <sup>2</sup>
Financial Institutions/Banks	1 space per 1,000 ft <sup>2</sup>
Theaters, Auditoriums	1 space per 50 seat capacity
<b>Industrial</b>	
Industrial Park	1 per 10,000 ft <sup>2</sup>
Warehouse	2 or 0.1 space per 1000 ft <sup>2</sup> , whichever is greater
Manufacturing	2 or 0.15 space per 1000 ft <sup>2</sup> , whichever is greater
<b>Other Uses</b>	For uses not defined in this table, The Planning Commission shall have the authority to set bicycle parking requirements.

**17.26.040 TRANSPORTATION SYSTEM DEVELOPMENT CHARGE**

Refer to Chapter 13.12 for transportation system development charge requirements.

**17.26.050 TRANSPORTATION IMPACT ANALYSIS REQUIREMENTS****INTENT AND PURPOSE**

A transportation impact analysis (TIA) provides an objective assessment of the anticipated modal transportation impacts associated with a specific land use action. A TIA is useful for answering important transportation-related questions such as:

- Can the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What transportation system improvements are necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system?
- What transportation impacts will the proposed development have on the adjacent land uses, including commercial, institutional, and residential uses?
- Will the proposed development meet current standards for roadway design?

Throughout the development of the TIA (and beginning as early as possible), cooperation between City of Stayton staff, the applicant, and the applicant's traffic engineer is encouraged to provide an efficient and effective process.

City of Stayton staff may, at its discretion, and depending on the specific situation, require additional study components in a TIA beyond what is outlined in this section.

The City of Stayton assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of a transportation impact analysis.

1. When a Transportation Impact Analysis is Required. A TIA shall be required when:
  - a. The development generates 25 or more peak-hour trips or 250 or more daily trips.
  - b. An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
  - c. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
  - d. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school
2. When a Transportation Assessment Letter is Required. If a TIA is not required, the applicant's traffic engineer shall submit a transportation assessment letter to the City indicating the proposed land use action is exempt. This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet City of Stayton sight-distance requirements and roadway design standards.

The Public Works Director may waive the requirement for a transportation assessment letter if a clear finding can be made that the proposed land use action does not generate 25 or more peak-hour trips or 250 or more daily trips and the existing and or proposed driveway(s) meet the City's sight-distance requirements and access spacing standards

3. Contents of a Transportation Impact Analysis. As a guide in the preparation of a transportation impact analysis, the City of Stayton recommends the following format be used to document the analysis.

- a. Table of Contents. Listing of all sections, figures, and tables included in the report.
- b. Executive Summary. Summary of the findings and recommendations contained within the report.
- c. Introduction. Proposed land use action, including site location, building square footage, and project scope. Map showing the proposed site, building footprint, access driveways, and parking facilities. Map of the study area, which shows site location and surrounding roadway facilities.
- d. Existing Conditions. Existing site conditions and adjacent land uses. Roadway characteristics (all transportation facilities and modal opportunities located within the study area, including roadway functional classifications, street cross section descriptions, posted speeds, bicycle and pedestrian facilities, on-street parking, and transit facilities). Existing lane configurations and traffic control devices at the study area intersections. Existing traffic volumes and operational analysis of the study area roadways and intersections. Roadway and intersection crash history analysis.
- e. Background Conditions (without the proposed land use action). Approved developments and funded transportation improvements in the study area. Traffic growth assumptions. Addition of traffic from other planned developments. Background traffic volumes and operational analysis.
- f. Full Buildout Traffic Conditions (with the proposed land use action). Description of the proposed development plans. Trip-generation characteristics of the proposed development (including trip reduction documentation). Trip distribution assumptions. Full buildout traffic volumes and intersection operational analysis. Intersection and site-access driveway queuing analysis. Expected safety impacts. Recommended roadway and intersection mitigations (if necessary).
- g. Site Circulation Review. Evaluate internal site access and circulation. Review pedestrian paths between parking lots and buildings. Ensure adequate throat depth is available at the driveways and that vehicles entering the site do not block the public facilities. Review truck paths for the design vehicle.
- h. Turn Lane Warrant Evaluation. Evaluate the need to provide turn lanes at the site driveways.
- i. Conclusions and Recommendations. Bullet summary of key conclusions and recommendations from the transportation impact analysis.
- j. Appendix. Traffic counts summary sheets, crash analysis summary sheets, and existing/background/full buildout traffic operational analysis worksheets. Other analysis summary sheets such as queuing and signal warrant analyses.
- k. Figures. The following list of figures should be included in the Transportation Impact Analysis: Site Vicinity Map; Existing Lane Configurations and Traffic Control Devices; Existing Traffic Volumes and Levels of Service (all peak hours evaluated); Future Year Background Traffic Volumes and Levels of Service (all peak hours evaluated); Proposed Site Plan; Future Year Assumed Lane Configurations and Traffic Control Devices; Estimated Trip Distribution Pattern; Site-Generated Traffic Volumes (all peak hours evaluated); Full Buildout Traffic Volumes and Levels of Service (all peak hours evaluated).
- l. Preparer Qualifications. A professional engineer registered in the State of Oregon shall prepare the Transportation Impact Analyses. In addition, the preparer should have extensive experience in the methods and concepts associated with transportation impact studies.

4. **Study Area.** The study area shall include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street; the study shall include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage. Beyond the minimum study area, the transportation impact analysis shall evaluate all intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume. In addition to these requirements, the Public Works Director (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. The applicant and the Public Works Director (or his/her designee) will agree on these intersections prior to the start of the transportation impact analysis.
5. **Study Years to be Analyzed in the Transportation Impact Analysis.** A level-of-service analysis shall be performed for all study roadways and intersections for the following horizon years:
  - a. **Existing Year.** Evaluate all existing study roadways and intersections under existing conditions.
  - b. **Background Year.** Evaluate the study roadways and intersections in the year the proposed land use is expected to be fully built out, without traffic from the proposed land use. This analysis should include traffic from all approved developments that impact the study intersections, or planned developments that are expected to be fully built out in the horizon year.
  - c. **Full Buildout Year.** Evaluate the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy. For phased developments, an analysis shall be performed during each year a phase is expected to be completed.
  - d. **Twenty-Year Analysis.** For all land use actions requesting a Comprehensive Plan Amendment and/or a Zone Change, a long-term level-of-service analysis shall be performed for all study intersections assuming buildout of the proposed site with and without the comprehensive plan designation and/or zoning designation in place. The analysis should be performed using the future year traffic volumes identified in the Transportation System Plan (TSP). If the applicant's traffic engineer proposes to use different future year traffic volumes, justification for not using the TSP volumes must be provided along with documentation of the forecasting methodology.
6. **Study Time Periods to be Analyzed in the Transportation Impact Analysis.** Within each horizon year, a level-of-service analysis shall be performed for the time period(s) that experience the highest degree of network travel. These periods typically occur during the mid-week (Tuesday through Thursday) morning (7:00 a.m. to 9:00 a.m.), mid-week evening (4:00 p.m. to 6:00 p.m.), and Saturday afternoon (12:00 p.m. to 3:00 p.m.) periods. The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed lane use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak-hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed.

Depending on the proposed land use action and the expected trip-generating characteristics of that development, consideration of non-peak travel periods may be appropriate. Examples of land uses that have non-typical trip generating characteristics include schools, movie theaters,



and churches. The Public Works Director (or his/her designee) and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7. **Traffic Count Requirements.** Once the study periods have been determined, turning movement counts should be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m., depending on the proposed land use. Historical turning movement counts may be used if the data are less than 12 months old, but must be factored to meet the existing traffic conditions.
8. **Trip Generation for the Proposed Development.** To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:
  - a. Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition).
  - b. Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak-hour trip-generating characteristics. The Public Works Director (or his/her designee) should approve the use of these studies prior to their inclusion in the transportation impact analysis.
  - c. In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the most recent version of the Trip Generation Handbook (ITE) should be used to account for pass-by and internal trips.
9. **Trip Distribution.** Estimated site-generated traffic from the proposed development should be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:
  - a. An analysis of local traffic patterns and intersection turning movement counts gathered within the previous 12 months.
  - b. A detailed market study specific to the proposed development and surrounding land uses.
10. **Intersection Operation Standards.** The City of Stayton evaluates intersection operational performance based on levels of service and "volume-to-capacity" (v/c) ratio. When evaluating the volume-to-capacity ratio, the total traffic demand shall be considered.
  - a. **Intersection Volume-to-Capacity Analysis.** A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, are to be used for all intersection capacity calculations. The City of Stayton requires that all intersections within the study area must maintain a v/c ratio of 0.95 or less. It should be noted that the mobility standards in the Oregon Highway Plan apply to Oregon Department of Transportation facilities.
  - b. **Intersection Levels of Service.** The City of Stayton requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full buildout of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical

movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual (or by field studies), published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS "D". The minimum acceptable level of service for all-way stop controlled intersections and roundabouts is LOS "D". The minimum acceptable level of service for unsignalized two-way stop controlled intersections is LOS "E" or LOS "F" with a v/c ratio of 0.95 or less for the critical movement. Any intersections not operating at these standards will be considered to be unacceptable.

11. **Review Policy and Procedure.** The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.
  - a. The road system is designed to meet the projected traffic demand at full build-out.
  - b. Proposed driveways do not adversely affect the functional character of the surrounding roadways.
  - c. Adequate intersection and stopping sight distance is available at all driveways.
  - d. Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.
  - e. Opportunities for providing joint or crossover access have been pursued.
  - f. The site does not rely upon the surrounding roadway network for internal circulation.
  - g. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
  - h. A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.
12. **Conditions of Approval.** As part of every land use action, the City of Stayton, Marion County (if access to a County roadway is proposed), and ODOT (if access to a state roadway is proposed) will be required to identify conditions of approval needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of Approval that should be evaluated as part of subdivision and site plan reviews include:
  - a. Crossover easement agreements for all adjoining parcels to facilitate future access between parcels.
  - b. Conditional access permits for new developments which have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
  - c. Right-of-way dedications for future planned roadway improvements.
  - d. Half-street improvements along site frontages that do not have full-buildout improvements in place at the time of development.
13. **Transportation Impact Analysis Checklist.** As part of the transportation impact analysis review process, all transportation impact analyses submitted to the City of Stayton must satisfy the requirements illustrated in the Checklist for Acceptance of Transportation Impact Analyses.

Checklist for Acceptance of Transportation Impact Analysis

Title of Report: \_\_\_\_\_

Author: \_\_\_\_\_

Date: \_\_\_\_\_

Yes No N/A

**BACKGROUND INFORMATION**

- P. E. Stamp and Signature
- Proper format including Table of Contents, Executive Summary, Conclusions, and Appendices

**EXISTING CONDITIONS**

- Description of proposed land use action
- Figure - Proposed Site Plan
- Figure - Site Vicinity Map showing the minimum study area boundary
- Description of existing site conditions and adjacent land uses
- Description of existing transportation facilities including roadway, transit, bicycle, and pedestrian facilities
- Figure - Existing Lane Configurations and Traffic Control Devices
- Figure - Existing traffic-volumes measured within previous 12 months
- Existing conditions analysis of the study area intersections
- Roadway and intersection crash history analysis

**BACKGROUND CONDITIONS**

- Approved planned developments and funded transportation improvements
- Documentation of traffic growth assumptions and added traffic from other planned developments
- Figure - Background traffic volumes at study area intersections
- Background conditions analysis of the study area intersections

**FULL BUILDOUT CONDITIONS**

- Description of proposed land use action and intended use
- Trip Generation - Based on most recent edition of ITE Trip Generation or approved other rates; include daily, AM, and PM peak hour (other time periods where applicable); provide complete documentation of calculations.
- Trip Distribution - Based on a regional planning model, supplied by staff, or analysis of local traffic patterns based on collected data.
- Figure - Estimated Trip Distribution Pattern (showing assignment onto major arterial/collector system)
- Figure - Site-Generated Traffic Volumes at study area intersections
- Figure - Full Buildout Traffic Volumes at study area intersections
- Full Buildout conditions analysis of the study area intersections
- Identify study area intersection and access driveway deficiencies

**WARRANTS/SAFETY ANALYSIS**

- Verify compliance to Access Spacing Standard or justify any variance needed
- Address potential safety problems resulting from conflicting turn movements with other driveways and internal traffic circulation
- Determine need for storage lanes, right-turn lanes, and left-turn lanes
- Address availability of adequate sight distance at frontage road access points, for both existing and ultimate road configuration
- Evaluate need for deceleration lanes, and channelization when determined necessary by accepted standards and practices.
- Evaluate whether traffic signals are warranted at study area intersections

**IMPROVEMENT RECOMMENDATIONS**

- Identify alternate methods of mitigating identified deficiencies

TITLE 17. LAND USE AND DEVELOPMENT CODE

If a signal is warranted, recommend type of signal control and phasing

If turn lanes required, recommend amount of storage

OTHER

Technical Appendix-sufficient material to convey complete understanding to staff of technical adequacy

COMMENTS:

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Reviewed by: \_\_\_\_\_

Date of Review: \_\_\_\_\_

NOTE: This checklist displays the minimum information required for a Transportation Impact Analysis to be accepted as complete. Acceptance does not certify adequacy and is in no way an approval. Additional information may be required after acceptance of the Transportation Impact Analysis.

**METHOD FOR REVIEWING TRANSPORTATION  
IMPROVEMENT PROJECTS NOT IDENTIFIED IN THE  
TRANSPORTATION SYSTEM PLAN****1. PURPOSE.**

A Method for Reviewing Transportation Improvement Projects Not Identified in the Transportation System Plan and those projects permitted outright.

**2. PERMITTED USES.**

Except where otherwise specifically regulated by the Stayton Municipal Code, the following improvements are permitted outright:

- a. Installation of utilities is permitted outright without a land use permitting process but is subject to Stayton Municipal Code.
- b. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- c. Installation or reconstruction of bridges, culverts, pathways, bicycle/pedestrian facilities, storm drainage facilities, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- d. Projects specifically identified in the Transportation System Plan not located in exclusive farm use or forest zones as not requiring further land use regulation.
- e. Landscaping as part of a transportation facility.
- f. Emergency measures necessary for the safety and protection of life, property, and/or environment.
- g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
- h. Construction, widening, or reconstruction of a new or existing street, pathways, bicycle/pedestrian facilities, storm drainage facilities, bridges, or other transportation project as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

**3. CONDITIONAL USES.**

Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned unit development shall follow procedures outlined in Sections 17.12.420.1-6 in addition to the following criteria:

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
- b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

- d. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan, transportation system plan, and other requirements of the Stayton Municipal Code.