



Oregon

Theodore R. Kubongoski, 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

2/26/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment
DLCD File Number 002-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 12, 2010

This amendment was not submitted to DLCD for review prior to adoption pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

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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

In person electronic mailed

DEPT OF

FEB 22 2010

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Stayton**

Local file number: 12-11/09

Date of Adoption: **February 16, 2010**

Date Mailed: **February 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No Date:**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Enactment of changes in the size threshold of parcels requiring voter approval for annexation from 3 acres to 1 acre in accordance with recently approved City Charter.

Does the Adoption differ from proposal? **NO**

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No.

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

Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: 362 N Third Ave

Fax Number: 503-767-2134

City: Stayton

Zip: 97383

E-mail Address: dfleishman@ci.stayton.or.us

DLCD File No. 002-10 (18131) [16003]

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

COPY

ORDINANCE NO. 918

AN ORDINANCE AMENDING ANNEXATION REQUIREMENTS OF STAYTON MUNICIPAL CODE, TITLE 17

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, Title 17, Land Use and Development, of the Stayton Municipal Code (SMC), currently contains a requirement that applications from property owners to have three or more acres of land annexed into the City Limits must be approved by the voters;

WHEREAS, the Revised City Charter approved by the voters and effective January 1, 2010 requires voter approval of annexations of one acre or more except those required by state law;

WHEREAS, following a public hearing, the Stayton Planning Commission has unanimously recommended that the Stayton City Council enact a proposed amendment to bring Title 17 into compliance with the new Charter; and,

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments comply with the Charter of the City of Stayton.

NOW, THEREFORE, the City of Stayton ordains as follows:

SECTION 1. Stayton Municipal Code, Title 17, Section 17.12.210.2.a.1)ii is hereby amended to read,

- ii. The area proposed for annexation exceeds ~~3 acres~~ 1 acre, except a health hazard annexation.

SECTION 2. Stayton Municipal Code, Title 17, Section 17.12.210.2.b.1)ii is hereby amended to read,

- ii. The area proposed for annexation is ~~3 acres~~ 1 acre or less.

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

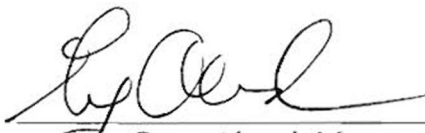
SECTION 4. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of February, 2010.

CITY OF STAYTON


Signed: FEBRUARY 17, 2010

BY:



Gerry Aboud, Mayor

Signed: 2/17, 2010

ATTEST:


Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



CITY OF STAYTON
362 N. Third Ave.
Stayton, OR 97383

Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem OR 97301

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