



# Oregon

Theodore R. Kubongski, 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

6/1/2010

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 005-10

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: Monday, June 14, 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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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

DEPT OF

MAY 25 2010

LAND CONSERVATION  
AND DEVELOPMENT

DLCD Form 2 (10/09)

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Stayton**

Local file number: #04-02/10

Date of Adoption: **May 17, 2010**

Date Mailed: **May 24, 2010**

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

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".  
The amendment repeals the requirement for non-conforming lots in common ownership to be combined.

Does the Adoption differ from proposal? Please select one

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. 005-10 (18332) [

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

none

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Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: 362 N First Ave

Fax Number: 503-767-2134

City: Stayton

Zip: OR

E-mail Address: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp. (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 922

AN ORDINANCE AMENDING THE REGULATION OF NONCONFORMING LOTS IN  
STAYTON MUNICIPAL CODE, TITLE 17

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

WHEREAS, Title 17 of Stayton Municipal Code (SMC), Chapter 16, Section 17.16.050.5.a. establishes the regulations for legally existing parcels that do not meet the minimum lot area or lot width requirements of the Code;

WHEREAS, SMC Section 17.16.050.5.a. currently permits nonconforming lots that are not contiguous with another lot in the same ownership to be built upon. However, a nonconforming lot that is contiguous with another lot in the same ownership must be combined to the extent necessary to meet the minimum lot area or lot width requirements of the Code;

WHEREAS, the current requirements provide a disincentive to infill development within the City and establish inequities among owners of nonconforming lots;

WHEREAS, following a public hearing, the Stayton Planning Commission has recommended that the Stayton City Council enact a proposed amendment to repeal the provision that contiguous nonconforming lots be combined; and,

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

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Section 17.16.050.5.a amended.** Stayton Municipal Code, Title 17, Section 17.16.050.5.a. is hereby amended by deleting the first sentence of paragraph 1) and by deleting the second paragraph, to read,

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.~~ Proposed structures on any nonconforming lot larger than 7,000 square feet in area or with a lot width of 70 feet or more shall meet all the setback and development standards. The side and rear setback requirements of Section 17.16.070.3 may be reduced by 50% for lots that are 7,000 square feet or less in area or with a lot width of 70 feet or less. In addition, a legally existing nonconforming corner lot may have a front setback of only 75% of that required by Section 17.16.070.3 on the front which does not have vehicular access directly to a street.
- 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.~~

**Section 2. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

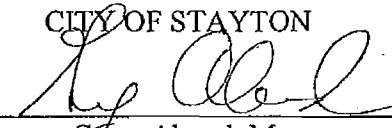
**Section 3. Notification to State.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of May, 2010.

CITY OF STAYTON


Signed: MAY 18, 2010

BY:

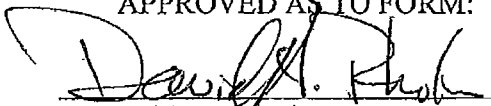
  
Gerry Aboud, Mayor

Signed: 5/18, 2010

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney



**US POSTAGE**  
**EP \$ 00.44**  
 Mailed From 97383  
 05/24/2010  
 031A 0004182302



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 05/24/2010  
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**CITY OF STAYTON**  
 362 N. THIRD AVENUE  
 STAYTON, OREGON 97383

**To**

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