



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

02/14/2012

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 002-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 28, 2012

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

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

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

Cc: Dan Fleishman, City of Stayton
Angela Lazarean, DLCD Urban Planner
Steve Oulman, DLCD Regional Representative

<paa> N

FORM **2****DLCD****Notice of Adoption**

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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	FEB 08 2012
	LAND CONSERVATION AND DEVELOPMENT <small>For Office Use Only</small>

Jurisdiction: **City of Stayton**Local file number: **9-11/11**Date of Adoption: **2/6/2012**Date Mailed: **2/7/2012**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 reduces the number of individuals that received a notice of decision following a land use proceeding. The code currently requires all property owners who receive a notice of the hearing also receive a notice of decision. The amendment requires a notice be sent only to those who participated in the proceedings..

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **N/A**Acres Involved: **0**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 002-12 NOA (19177) [16936]

DLCD file No. _____

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

None

Local Contact: **Dan Fleishman, Planning Director**

Phone: (503) 769-2998 Extension:

Address: 362 N 3rd Ave

Fax Number: 503-767-2134

City: Stayton

Zip: 97383-

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

ADOPTION SUBMITTAL REQUIREMENTS

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 945

AN ORDINANCE AMENDING THE REQUIREMENTS FOR MAILING A NOTICE OF DECISION IN LAND USE PROCEEDINGS IN STAYTON MUNICIPAL CODE, TITLE 17

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

WHEREAS, Title 17 of Stayton Municipal Code (SMC; Code), Section 17.12.060 establishes the procedures for mailing a notice of a public hearing for a land use proceeding;

WHEREAS, Title 17 of Stayton Municipal Code (SMC; Code), Section 17.12.130 establishes the procedures for mailing a notice of decision for a land use proceeding and requires that all persons within the notification area be provided notice of the decision;

WHEREAS, ORS 227.173(4) requires that written notice of a decision for a permit application be given to all parties in the proceedings;

WHEREAS, ORS 197.763(1) requires that an issue which may be the basis for an appeal must be raised before the close of the record, and therefore individuals who do not participate in a hearing may not appeal the decision made;

WHEREAS, reducing the number of notices sent will reduce the cost of processing an application to the applicant;

WHEREAS, the Stayton Planning Commission, following a public hearing, has unanimously recommended that the Code be amended to send notices of decision only to the applicant, to those who participate in the proceedings and to any party that has requested to be notified; and

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments set forth below comply with Oregon law, the City of Stayton Comprehensive Plan and are in the interests of the health, safety and general welfare of the citizens of the City of Stayton.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Section 17.12.130 amended. Stayton Municipal Code, Title 17, Section 17.12.130 is hereby amended as follows: (additions are underlined, deletions are ~~crossed-out~~)

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 or electronically mailed to: the applicant, all persons who submitted comments in writing or electronically prior to the public hearing or testified at the public hearing, 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.

Deleted: within the notification area


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 6th day of February, 2012.

CITY OF STAYTON

Signed: 2-6-, 2012

BY: 
A. Scott Vigil, Mayor

Signed: 2-6, 2012

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney



US POSTAGE
\$ 01.10
Mailed From 97383
02/07/2012
031A 0004186021



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

DEPT OF

FEB 08 2012

LAND CONSERVATION
AND DEVELOPMENT