



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

09/16/2013

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 003-13

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, September 30, 2013

This amendment was submitted to DLCD for review 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 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
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
SEP 10 2013
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Stayton**

Local file number: **9-06/13**

Date of Adoption: **9/3/2013**

Date Mailed: **9/9/2013**

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

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amends procedures and standards for comprehensive plan text and map amendments, adopts procedures for land use code text amendments, adopts procedures and standards for zoning map amendments.

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

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
<input checked="" 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...

35-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. 003-13 (19868) [17603]

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

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

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 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. 960

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC)
TITLE 17, CHAPTER 12 REGARDING THE PROCEDURES AND
STANDARDS FOR AMENDMENTS TO THE COMPREHENSIVE PLAN,
OFFICIAL ZONING MAP, AND TEXT AMENDMENTS TO 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, the City of Stayton has adopted an updated Comprehensive Plan with a new Comprehensive Plan Map in March 2013;

WHEREAS, the City of Stayton has adopted a Land Use and Development Code (SMC Title 17), including an April 1, 2013 Official Zoning Map;

WHEREAS, prior to March 2013 the City of Stayton had previously adopted a unified Comprehensive Plan Map and Official Zoning Map;

WHEREAS, SMC Title 17, Chapter 12, Section 17.12.170 contains the identical provisions for the procedures and standards for amendments to the Comprehensive Plan Map and Official Zoning Map;

WHEREAS, SMC Title 17, Chapter 12, does not contain any provisions regarding the procedures and standards for a text amendment to SMC Title 17;

WHEREAS, following a public hearing, the Stayton Planning Commission has recommended that the Stayton City Council enact the proposed amendments;

WHEREAS, the Stayton City Council desires to establish different procedures and standards for the amendment of the Comprehensive Plan and the Official Zoning Map and to establish the procedures and standards for a text amendment to SMC Title 17; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapter 12 amended. Stayton Municipal Code, Title 17, Chapter 12 Section 17.12.170 is hereby repealed and replaced, and new Sections 17.12.175 and 17.12.180 are enacted as shown on Exhibit A attached hereto and incorporated herein.

Section 2. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.


Section 3. 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 3rd day of September, 2013.

CITY OF STAYTON

Signed: 9/3, 2013

BY:


A. Scott Vigil, Mayor

Signed: 9/4, 2013

ATTEST:


Christine Shaffer,
Interim City Administrator

APPROVED AS TO FORM:

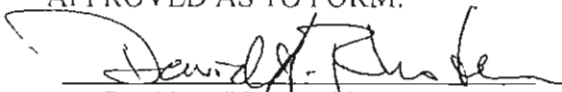

David A. Rhoten, City Attorney

EXHIBIT A

Part 1. Repeal and replace the existing Section 17.12.170 with the following:

17.12.170 COMPREHENSIVE PLAN AMENDMENTS

1. **PURPOSE.** The Comprehensive Plan is the City's official and controlling land use document, guiding public and private activities that affect Stayton's growth, development, and livability. The Plan is intended to be a flexible document, reflecting changing circumstances and community attitudes through occasional amendments. This section provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purposes. This process applies to proposed amendments to Comprehensive Plan text, goals, policies or actions, and to Comprehensive Plan Map designations.
2. **DEFINITION:** A plan amendment may be the redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. Amendments may either be legislative amendments or quasi-judicial amendments. A legislative amendment is one that is initiated by the City Council or Planning Commission, constitutes a change in policy or a correction of an error in the Plan, and affects a wide number of properties. A quasi-judicial amendment is one that is initiated by a property owner or group of property owners and results in changes in the Comprehensive Plan text or map that impacts a property or a small number of properties. Major revisions, including the updating of all or parts of the plan and affecting the framework or principal elements of the plan, are considered to be legislative amendments and may not be initiated by individual applicants.
3. **INITIATION:** A legislative Comprehensive Plan amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution. A quasi-judicial Comprehensive Plan amendment may be initiated by an applicant through the submission of an application.
4. **METHOD OF ADOPTION:** Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Comprehensive Plan amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.
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. Evidence of the applicant's right, title or interest in the property for which the amendment is requested, including the latest recorded deed for the property. If the applicant is not the owner the applicant shall submit a purchase and sales contract, option, or other document executed by the owner indicating the applicant's right to proceed with the application.
 - c. A map, drawn to scale, showing the property for which the amendment is requested, surrounding properties within 300 feet, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested land use designation(s).
 - d. A narrative statement fully explaining the request and fully addressing the criteria for approval for 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 amendment and provide reasons why the amendment is appropriate and how the Comprehensive Plan will continue to comply with all applicable statewide planning goals and administrative rules. For a Comprehensive Plan Map amendment, the narrative shall include at least the following:

- 1) A statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities.
- 2) A statement of increased demand for the above facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis.
- 3) A statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
- 4) A traffic impact analysis in accordance with the requirements of Section 17.26.050.3. The City Engineer shall define the scope of the traffic impact analysis. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
- 5) A statement outlining the method and source of financing required to provide those additional facilities identified in subsection 3) above.
- e. If the application is for a Comprehensive Plan Map amendment, the applicant shall concurrently submit an application for a Zoning Map Amendment.
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. Legislative Amendments.
 - 1) The amendment is consistent with the other goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals.
 - b. Quasi-judicial Amendments.
 - 1) The amendment is consistent with the goals and policies of the Comprehensive Plan, including any relevant area plans, and the statewide planning goals. In the case of a Comprehensive Plan Map amendment, the requested designation for the site shall be evaluated against relevant Comprehensive Plan policies and the decision authority shall find that the requested designation on balance is more supportive of the Comprehensive Plan as a whole than the old designation.

- 2) The current Comprehensive Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan.
 - 3) Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply.
 - 4) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).
 - 5) The current Comprehensive Plan Map provides more than the projected need for lands in the existing land use designation.
 - 6) Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.
 - 7) Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.
6. PLAN MAP: Whenever any land is redesignated pursuant to a plan amendment, the Comprehensive Plan Map shall be modified to accurately portray such change.

Part 2. Add a new Section 17.12.175 as follows:

17.12.175 LAND USE CODE AMENDMENTS

1. PURPOSE. This Title must be consistent with the adopted Comprehensive Plan, as amended, and as such is the implementation of the City's land use planning goals and policies. The purpose of this Section is to provide a framework for the adoption of amendments to this Title that meet the criteria of this Section.
2. DEFINITION:

A Land Use Code amendment is an amendment to the text of this Title, any of the tables or diagrams in this Title, or the addition of new Chapters or Sections to this Title, but does not include an amendment to the Official Zoning Map.

Land Use Code amendments are considered to be legislative amendments and may not be initiated by individual applicants. However, an individual may request the Planning Commission initiate an amendment.
3. INITIATION: A Land Use Code amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution. An individual may request the Planning Commission initiate a Land Use Code amendment by submitting a written request generally describing the proposed amendment.
4. METHOD OF ADOPTION: Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Land Use Code amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.
5. SUBMITTAL REQUIREMENTS: If an individual would like to request that the Planning Commission initiate a Land Use Code amendment, the following information shall be submitted to the Planning Commission:

- a. A general description of the issue to be addressed by the amendment, citing the existing the Land Use Code provisions that are proposed to be changed.
- b. A draft of a proposed amendment, showing current text to be deleted crossed out and proposed text to be added underlined.

Part 3. Add a new Section 17.12.180 as follows:

17.12.180 ZONING MAP AMENDMENTS

1. **PURPOSE.** The Official Zoning Map must be consistent with the adopted Comprehensive Plan Map, as amended, and as such is a reflection of the City's land use planning goals and policies. The Official Zoning Map has also been adopted as part of this Code and covers only the area within the City Limits, whereas the Comprehensive Plan Map covers the entire area within the Urban Growth Boundary. The purpose of this Section is to allow for amendments to the Official Zoning Map that meet the criteria of this Section.

2. **DEFINITION:**

When the Official Zoning Map is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a Comprehensive Plan designation. In these situations, the zone may be amended without a Comprehensive Plan Map amendment. Section 17.16.020.2 Classification of Zones, lists the relationship between the Comprehensive Plan Map and the Official Zoning Map designations in the City.

Official Zone Map amendments are classified as legislative or quasi-judicial, depending on how they are initiated and the number of properties involved. A legislative amendment is the amendment of the Official Zoning Map, initiated by the City Council or Planning Commission, either to create a new zoning district that does not exist within Chapter 17.16 or to reclassify a large area of the City from one zoning district to another. A quasi-judicial amendment is one requested by a property owner or group of property owners reclassifying their property from one zoning district to another, provided the new zoning district exists within Chapter 17.16.

3. **INITIATION:** A Comprehensive Plan amendment may be initiated either by the Planning Commission or City Council by the adoption of a resolution or by an applicant through the submission of an application.
4. **METHOD OF ADOPTION:** Pursuant to the requirements of Sections 17.12.060 through 17.12.100, Official Zone Map amendments shall be adopted by an ordinance passed by the City Council. All proceedings shall be conducted in accordance with this Chapter.
5. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for Official Zone Map amendments shall include the following materials and information:
 - a. Completed application forms as supplied by the City Planner.
 - b. Evidence of the applicant's right, title or interest in the property for which the amendment is requested, including the latest recorded deed for the property. If the applicant is not the owner the applicant shall submit a purchase and sales contract, option, or other document executed by the owner indicating the applicant's right to proceed with the application.

- c. A map, drawn to scale, showing the property for which the amendment is requested, surrounding properties within 300 feet, neighboring streets, existing Comprehensive Plan Map designation(s) and zoning district(s) on the property and surrounding properties, and the exact extent of requested zoning change.
- c. A narrative statement fully explaining the request and fully addressing the criteria for approval for an Official Zone Map amendment. At a minimum, the narrative shall include:
 - 1) A statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities.
 - 2) A statement of increased demand for the above facilities that will be generated by the proposed change in zone designation. The applicant shall refer to the City's facility master plans to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land use designations shall be addressed in the analysis.
 - 3) A statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
 - 4) A traffic impact analysis in accordance with the requirements of Section 17.26.050.3. The City Engineer shall define the scope of the traffic impact analysis. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis.
 - 5) A statement outlining the method and source of financing required to provide those additional facilities identified in subsection 3) above.
5. APPROVAL CRITERIA. In order to approve an Official Zoning Map amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.
 - a. Legislative Amendments. The amendment is consistent with the goals and policies of the Comprehensive Plan including any relevant area plans.
 - b. Quasi-judicial Amendments.
 - 1) The proposed zone is consistent with the Comprehensive Plan map designation for the subject property unless a Comprehensive Plan Map amendment has also been applied for and is otherwise compatible with applicable provisions of the Comprehensive Plan.
 - 2) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.

- 3) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation and the proposed amendment is in conformance with the Oregon Transportation Planning Rule (OAR 660-012-0060).
 - 4) The purpose of the proposed zoning district satisfies the goals and policies of the Comprehensive Plan.
 - 5) Balance is maintained in the supply of vacant land in the zones affected by the zone change to meet the demand for projected development in the Comprehensive Plan. Vacant land in the proposed zone is not adequate in size, configuration or other characteristics to support the proposed use or development. A Zone Map Amendment shall not eliminate all available vacant land from any zoning designation.
 - 6) The proposed zone amendment satisfies applicable provisions of Oregon Administrative Rules.
6. ZONING MAP. Whenever any premises are reclassified as to zone or a new zone established, or boundary lines of a zone changed, the Official Zoning Map shall be changed.



CITY OF STAYTON

362 N. Third Ave.
Stayton, OR 97383

Attn: Plan Amendment Specialist
Dept. of Land Conservation &
Development
635 Capitol Street NE Suite 150
Salem OR 97301-2540



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