



# Oregon

John A. Kitzhaber, M.D., Governor

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## **NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION**

Date: 09/19/2014  
Jurisdiction: City of Stayton  
Local file no.: 11-08/13  
DLCD file no.: 004-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/19/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 60 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

**FOR DLCD USE**  
File No.: 004-13 {19590}  
Received: 9/19/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Stayton

Local file no.: **11-08/13**

Date of adoption: 9/15/14

Date sent: 9/19/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted):

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

None

Local contact (name and title): Dan Fleishman, Planning and Development Director

Phone: 503-769-2998

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

Street address: 362 N Third Ave

City: Stayton

Zip: 97383-

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

### For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

Tilte 17, Section 17.20.040.3 -- front yard setback requirements for accessory structures

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:                      Acres added:                      Acres removed:

Location of affected property (T, R, Sec., TL and address):

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List affected state or federal agencies, local governments and special districts: None

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Attached are Ordinance 973 and staff reports to the Planning Commission and City Council.

**ORDINANCE NO. 973**

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE  
(SMC) TITLE 17, REGARDING THE SETBACKS FOR  
ACCESSORY STRUCTURES ON CORNER LOTS**

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 Title 17 of the Stayton Municipal Code (SMC) as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.040 contains standards applicable to accessory structures;

WHEREAS, under the definitions in SMC Section 17.04.100 a corner lot has two front yards;

WHEREAS, SMC Section 17.20.040.3 requires accessory structures on corner lots to meet the front setback requirements from both streets;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code in regards to the setback requirements for accessory structures on a corner lot, and following a public hearing, has recommended that the Stayton City Council enact the proposed amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. SMC Title 17, Chapter 20 amended.** Stayton Municipal Code, Title 17, Chapter 20, Section 17.20.040 is hereby amended as follows:

**Part 1:** Amend **Section 17.20.040.3.** to allow small accessory structures to be located up to five feet of one front lot line.

3. **FRONT YARDS.** Any accessory building shall meet the setback requirements of the district in which ~~they are~~ it is located except on a corner lot. On a corner lot, an accessory structure shall meet the front setback requirement but an accessory structure of less than 200 square feet in floor area and less than 10 feet tall may be located no less than five feet from a front lot line provided the following requirements are met.
  - a. The rear lot line of the lot is also the rear lot line of the abutting lot.
  - b. The accessory structure is located in the rear yard.
  - c. The accessory structure is located behind a site-obscuring fence no less than 6 feet in height.
  - d. There is no driveway entering the street from the front lot line from which the accessory building is less than required front setback.

Part 2: Amend Section 17.20.040.4. to make the Code more concise.

4. ~~SIDE YARDS, INTERIOR.~~ Accessory buildings not attached to the main building located in an interior side yard shall have a minimum setback of at least 5 feet from ~~any a side lot line.~~

**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.** 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 15th day of September, 2014.

CITY OF STAYTON

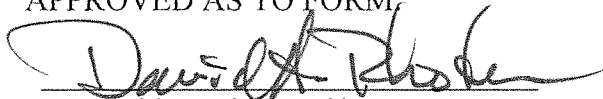
Signed: 9-15, 2014

BY:   
A. Scott Vigil, Mayor

Signed: 9-15, 2014

ATTEST:   
Keith D. Campbell,  
City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor A. Scott Vigil and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: September 15, 2014**  
**SUBJECT: Public Hearing on Proposed Code Amendments regarding  
Wireless Communication Facilities**

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**ISSUE**

The issue before the City Council is a public hearing on proposed legislative text amendments to the Stayton Land Use and Development Code, Title 17, Chapter 17.20 regarding the wireless communication facilities. Following the public hearing, the City Council is requested to consider enactment of Ordinance 968.

**BACKGROUND INFORMATION**

Under SMC Section 17.04.100 a corner lot has two front lot lines. Therefore, the front setback requirements apply from both streets. SMC Section 17.20.040.3 requires an accessory building to meet the front setback requirements of the district in which it is located.

SMC Section 17.20.050.1.a.3) allows a fence up to 6 feet in height to be along the front lot line without a driveway on a corner lot.

The Planning Department was approached by a homeowner in the Phillips Estates subdivision who is planning on having a fenced-in rear yard and who questioned the purpose of allowing a fence but not an accessory structure within the "front" setback area along the side of a corner lot.

At the July Planning Commission meeting, the Planning Commission discussed the issue and decided to hold a public hearing on amendments that would allow an accessory structure up to five feet from the front line on a corner a lot under certain circumstances. The Planning Commission held a public hearing at their August 25 meeting. Following the public hearing, at which only one person offered testimony, the Planning Commission forwarded the amendments to the City Council with a recommendation for adoption.

The proposed amendment would allow an accessory structure in the front setback area under the following circumstances:

- The lot is a corner lot.
- The rear lot line of the lot is also the rear line of the abutting lot.

- The accessory structure is less than 200 square feet in floor area and less than 10 feet tall.
- The accessory structure is located in the rear yard.
- The accessory structure is located behind a site-obscuring fence no less than 6 feet in height.
- There is not driveway on the lot front from which the setback is reduced.

I will have illustrations at the hearing to make the issue more understandable.

## **RECOMMENDATION**

The Planning Commission has recommended that the City Council enact the amendments as presented. Their Order is attached. Staff recommends the City Council enact Ordinance 973 as presented.

## **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

### **1. Approve the first consideration of Ordinance 973**

Move to approve Ordinance No 973 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 973 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 973 will be brought before the Council for a second consideration at the October 6, 2014 meeting.

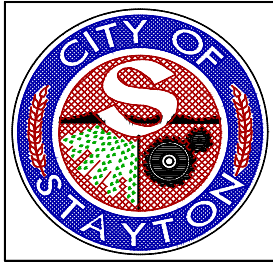
### **2. Approve the Ordinance with modifications**

Move to approve Ordinance No. 973 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 973 will be brought before the Council for a second consideration at its October 6, 2014 meeting.

### **3. Retain the Code unchanged**

No motion is necessary.



# City of Stayton

## *Planning and Development Department*

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Email: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

[www.staytonoregon.gov](http://www.staytonoregon.gov)

## MEMORANDUM

**TO:** Chairperson Rich Hatfield and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** August 25, 2014  
**SUBJECT:** Proposed Code Amendments regarding Accessory Structures on Corner Lots

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### ISSUE

The issue before the Planning Commission is a public hearing legislative text amendments to the Stayton Land Use and Development Code, Title 17, Chapter 17.20 regarding the front setback requirements for accessory structures on corner lots.

### BACKGROUND

Under Section 17.04.100 a corner lot has two front lot lines. Therefore, the front setback requirements apply from both streets. Section 17.20.040.3 requires an accessory building to meet the front setback requirements of district in which it is located.

Section 17.20.050.1.a.3) allows a fence up to 6 feet in height to be along the front lot line without a driveway on a corner lot.

At the July Planning Commission meeting, the Planning Commission discussed and decided to hold a public hearing on amendments that would allow an accessory structure up to five feet from the front line on a corner a lot under certain circumstances. The proposed amendment would allow an accessory structure in the front setback area under the following circumstances:

- The lot is a corner lot.
- The rear lot line of the lot is also the rear line of the abutting lot.
- The accessory structure is less than 200 square feet in floor area and less than 10 feet tall.
- The accessory structure is located in the rear yard.
- The accessory structure is located behind a site-obscuring fence no less than 6 feet in height.
- There is not driveway on the lot front from which the setback is reduced.



## **RECOMMENDATION**

Staff recommends the Planning Commission forward the amendments to the City Council with a recommendation of approval. A draft order has been prepared that would accomplish that recommendation.

Depending on the testimony presented at the public hearing, changes to the draft order may be necessary.

## **OPTIONS AND SUGGESTED MOTIONS**

### **1. Close the hearing and forward the proposed amendments to the City Council for adoption.**

I move to adopt the draft order prepared by staff and forward the proposed amendments to the City Council and a recommendation for adoption.

### **2. Close the hearing, make changes to the proposed amendments and forward to the City Council for adoption.**

I move to adopt the draft order prepared by staff, direct staff to make the following changes in the proposed amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

### **3. Continue the hearing to allow for changes in the amendments and further public testimony.**

I move to continue the hearing until September 29, 2014.

### **4. Close the hearing and return the amendments to staff for further refinement.**

I move that the staff return the amendments to staff with direction to make the following changes in the proposed amendments and return the revised amendments to the Planning Commission for deliberation on September 29, 2014 (list changes).

### **5. Close the hearing and leave the Code unchanged.**

No motion necessary.