

ORDINANCE NO. 982

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE
(SMC) TITLE 17, REGARDING PUBLISHING NOTICES OF
LAND USE PUBLIC HEARINGS IN A NEWSPAPER**

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

WHEREAS, ORS 197.763 further contains requirements for notification for land use public hearings, but does not require publication of a notice in a newspaper;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, SMC Section 17.12.060 specifies the requirements for notice of public hearings required by the Land Use and Development Code;

WHEREAS, SMC 17.12.060.2 requires notice of a hearing be mailed to all owners of property within 300 feet of the subject property, compared to the 100-foot requirement of state law;

WHEREAS, SMC Section 17.12.060.3 requires notice of a hearing be posted on the subject property;

WHEREAS, SMC Section 17.12.060.4 requires notice of a hearing be published in a newspaper of general circulation within the City (“the community”);

WHEREAS, the cost of a newspaper notice averages \$275 and that cost is passed on to the applicant;

WHEREAS, circulation of the local newspaper has declined in the community;

WHEREAS, in addition to the notifications required by the SMC 17.12.060, it is the practice of the City to post notices of public hearings on the windows of City Hall, at the Stayton Public Library, and at the Stayton Community Center as well as on the City’s website, and by email to those have signed up to receive such emails;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code in regards to the necessity of publishing notices of public hearings in a newspaper and has recommended this SMC amendment; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the SMC amendments proposed by the Stayton Planning Commission are appropriate and that adequate public notice of hearings will continue to be provided.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. SMC Title 17, Chapter 12 amended. Stayton Municipal Code, Title 17, Chapter 12, Section 17.12.060.4 is hereby amended as follows:

4. In addition, ~~notice of each public hearing shall be published in a newspaper of general circulation not later than 10 days prior to the public hearing, except in the case of~~ for

an application for annexations; ~~where~~ notice of each public hearing shall be published in a newspaper of general circulation in the community once each week for two successive weeks prior to the day of the public hearing.

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 6th day of July, 2015.

CITY OF STAYTON

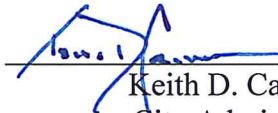
Signed: July 6, 2015

BY:



Henry A. Porter, Mayor

Signed: July 6, 2015

ATTEST:


Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney