

## RESOLUTION NO. 659

Comes now the Stayton City Council, and for the purpose of initiating a text amendment to its Land Use and Development Code, do hereby enter into the following Resolution.

**WHEREAS** The City Council is empowered in the Land Use and Development Code to update the language of that code periodically as it in its discretion so desires. Such changes are considered legislative changes as they do not involve a specific tract of land, and the application of the new language will apply to the entire City; and

**WHEREAS** Legislative text amendments have historically been interpreted to be a “zone change” and therefore the process for zone changes, to the extent applicable to legislative amendments, set forth in §17.12.430 is used in the consideration of the proposals; and

**WHEREAS** The process for initiating legislative text amendments is by first having a Resolution passed by Council indicating an intent to consider changes to certain portions of the code; and

**WHEREAS** Three specific areas of concern in the Land Use and Development Code have arisen in the last several weeks. These areas include the FEMA changes that are on reconsideration from LUBA; required timing for production of staff reports and review of applications; and the application of the code as it relates to wireless communication facilities; and

**WHEREAS** The FEMA changes are legislative text amendments that were processed without being properly initiated pursuant to §17.12.430(3)(a). Since this case is now back to the City on reconsideration from LUBA, this processing error needs to be resolved by re-initiating the case by Resolution. The purpose of this Resolution is to make sure the code is properly followed; and

**WHEREAS** Given the staffing turn-over and the volume of work pending in the planning department, it is impossible to meet the extremely short time frames required of staff to review applications for completeness and to issue staff reports. In addition, the code provisions do not match Oregon Revised Statutes normal requirement that files be reviewed for completeness within 30 days. *In order to avoid technical violations of our code on every file, it is important to address this timeliness issue and determine if it is not in the best interests of the City to modify its processing timelines;* and

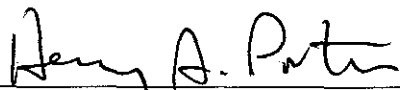
**WHEREAS** A recent land use application for a “wireless communications facility” has caused staff to review the code for its application to this use. When the code was written there was no such thing as a cellular telephone, and therefore the code does not address that use in any fashion. It is important to review cell site location issues and determine which zones, if any, they should be allowed in and under what circumstances; now

**THEREFORE IT IS HEREBY RESOLVED** the legislative text amendments are hereby initiated for the review of the Land Use and Development Code in the areas of FEMA changes; timeliness for staff processing of application; and siting of wireless communications facilities; and

**IT IS HEREBY FURTHER RESOLVED** that staff is directed to review the Land Use and Development Code in the specified areas and to propose specific textual changes to address these issues, and to schedule work sessions and public hearings as are necessary in order to properly deliberate on these subjects.

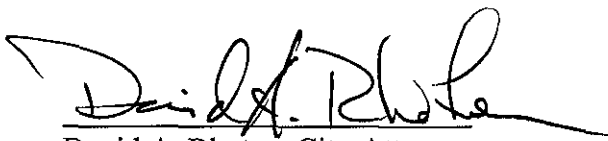
**DATED** this 6th day of March, 2000

CITY OF STAYTON.

  
Henry A. Porter, Mayor

  
Chris Childs, Interim City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney