

## ORDINANCE NO. 920

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE TO REFLECT THE OREGON LEGISLATIVE AND AGENCY ADMINISTRATIVE CHANGES (from 2005 to 2009); AND, DECLARING AN EMERGENCY

WHEREAS, this ordinance shall be known as the:

**“2005-2009 Oregon Revised Statutes Incorporation Ordinance;”**

WHEREAS, the purpose of this ordinance is to amend the Stayton Municipal Code (“SMC”) by adopting the legislative and administrative rule changes, including amendments, additions, and repeals, made by the Oregon Legislature and the applicable Oregon Agencies, to the Oregon Revised Statutes (“ORS”) and the Oregon Administrative Rules (“OAR”; “Rules”) that are referenced in the SMC during the 2005 Regular Legislative Session, 2006 Special Legislative Session, 2007 Regular Legislative Session, 2008 First and Second Special Legislative Sessions, and 2009 Regular Legislative Session; and,

WHEREAS, in the interest of facilitating consistency between references to the ORS and the OAR in the SMC, and amendments, additions, and repeals to those ORS and OAR references by Oregon Laws, it is the policy and intent of the City of Stayton to adopt the amendments to, additions to, and repeals of those ORS and OAR references, following consideration thereof, as provided in the Oregon Laws; and,

WHEREAS, because the legislative and agency changes reflected in this ordinance date back to 2005, and in order to accomplish this task as soon as possible, it is appropriate that an emergency be declared in the enactment of this Ordinance so that it is immediately in full force and effect once adopted by the Stayton City Council and signed by the Mayor.

NOW, THEREFORE, the City of Stayton ordains:

### **DIVISION 1. GENERAL PROVISIONS**

**Section 1. Short Title.** This ordinance shall be known as the “2005-2009 Oregon Revised Statutes and Administrative Rules Incorporation Ordinance,” and cited herein as “ordinance.”

**Section 2. Attachment.** Attached is Exhibit A summarizing the legislative changes, including amendments, additions, and repeals, made by the Oregon Legislature and the applicable Oregon Agencies, to the ORS and the OAR that are referenced in the SMC during the 2005 Regular Legislative Session, 2006 Special Legislative Session, 2007 Regular Legislative Session, 2008 First and Second Special Legislative Sessions, and 2009 Regular Legislative Session. The full text of the above-referenced legislative changes is available at Stayton City Hall at the office of the Deputy City Recorder.

**Section 3. Adoption.** The SMC is amended to adopt and incorporate all above-referenced amendments to Oregon Laws and Rules from 2005 through 2009.

**DIVISION 2. SPECIFIC AMENDMENTS**

The following SMC sections are amended as follows:

**Section 1.** All general and non-specific references in the SMC are amended to reflect the state law as it exists on the effective date of this ordinance.

**Section 2. SMC § 13.04.010 is amended and restated to read as follows:**

13.04.010 DEFINITIONS

**MASTER UTILITIES PLAN:** The "master utilities plan," a support document to the comprehensive plan for the City, describes water, sanitary sewer, and storm sewer (exclusive of the Mill Creek Flood Basin) utilities which are to support the land uses designated within the urban growth boundary by the comprehensive plan as required by OAR 660-11-0045.

**Section 3. SMC § 17.04.100 is amended and restated to read as follows:**

17.04.100 DEFINITIONS

**JURISDICTIONAL DELINEATION:** A delineation of the wetland boundaries that is approved by the Oregon Department of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. (See OAR 141-090-0005 et seq. for specifications for wetland delineation or determination reports).

**Section 4. SMC § 17.20.180(8)(b) is amended and restated to read as follows:**

17.20.180(8)(b) WETLAND PROTECTION AREAS

When reviewing wetland development permits authorized under this Section, the approving authority shall consider recommendations from the Oregon Department of Fish and Wildlife regarding OAR 635-415-0000 et seq.

**Section 5. SMC § 17.26.020(3)(i) is amended and restated to read as follows:**

17.26.020(3)(i) ACCESS MANAGEMENT REQUIREMENTS AND STANDARDS

Highway 22 Terminal Ramps Control Zone. This subsection adopts the 1999 Oregon Highway Plan for access management spacing standards for the Highway 22 interchange ramps at Golf Club Road and Cascade Highway. The proposed Golf Lane realignment in the Stayton Transportation System Plan shall also be considered as an allowed deviation to the control standards. All future development adjacent to the control zone around the on-and off-ramp intersections must comply with the standards set forth in OAR 734-051-0010 et seq.

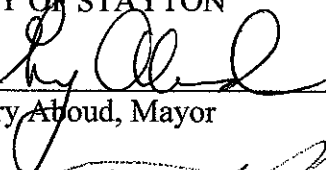
**DIVISION 3. EMERGENCY CLAUSE**

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

ADOPTED BY THE STAYTON CITY COUNCIL \_\_\_\_\_, 2010.

Signed: MAY 3, 2010, 2010

CITY OF STAYTON

By:   
Gerry Aboud, Mayor

Signed: MAY 3, 2010

ATTEST:   
Don L. Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney