

ORDINANCE NO. 723

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTIONS 17.04.100, "DEFINITIONS"; 17.16.660, "LOW DENSITY RESIDENTIAL (LD) DISTRICT"; 17.16.670, "MEDIUM DENSITY RESIDENTIAL (MD) DISTRICT"; 17.16.680, "HIGH DENSITY (HD) RESIDENTIAL"; 17.16.690, "COMMERCIAL RETAIL (CR) DISTRICT"; 17.16.700, "COMMERCIAL GENERAL (CG) DISTRICT;" 17.20.850, "FENCES"; 17.20.890, "LANDSCAPING REQUIREMENTS"; 17.24.1050, "DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS"; AND 17.24.1070, "PLANNED UNIT DEVELOPMENT DESIGN STANDARDS".

WHEREAS, the Stayton Planning Commission drafted a series of residential policy recommendations to amend the city's comprehensive plan and zoning code to implement components for the city's preferred future; and

WHEREAS, the Stayton City Council has reviewed the planning commission's proposed amendments and conducted a public hearing on June 21, 1993 to receive and consider public testimony; and

WHEREAS, at the conclusion of the public hearing the council directed staff to prepare an order, findings of fact, and an ordinance amending certain Stayton Municipal Code Title 17., "Land Use and Development," sections related to residential policies;

NOW, THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: In Stayton Municipal Code Section 17.04.100, "Definitions," the following definitions are hereby amended to read:

RESIDENTIAL FACILITY: A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the Children's Services Division under ORS 418.205 to 418.327, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related.

RESIDENTIAL HOME: A residential treatment or training or an adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 44.3480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related.

SECTION 2: Stayton Municipal Code Section 17.16.660, "Low Density Residential (LD) District," is hereby amended to read:

17.16.660 LOW DENSITY RESIDENTIAL (LD) DISTRICT

1. PURPOSE. To provide for single-family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single-family dwelling units. Density shall not exceed six (6) units per acre.

2. PERMITTED USES

a. Detached single-family dwellings, subject to the following development standards:

1) Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.

- 2) Garage. The dwelling must have a garage with exterior materials matching the home.
 - 3) Design Features. All dwellings shall comply with the design feature requirements in Stayton Land Use and Development Code Section 17.16.660.8.
- b. Accessory structures, provided the requirements of chapter 17.20 of this title are satisfied.
 - c. Group day care home for fewer than thirteen (13) children.
 - d. Home occupations, also subject to limitations specified in chapter 17.20 of this title.
 - e. Manufactured Home on individual lots outside a designated mobile home subdivision or mobile home park, subject to the following development standards:
 - 1) Floor Area. The manufactured home shall be a multi-sectional home and enclose a floor area of not less than 1,000 square feet, as measured from the outside walls of the home.
 - 2) Width. The manufactured home must be at least 24 feet in width.
 - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in length.
 - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.
 - 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.
 - 6) Masonry Perimeter. The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home.

If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.

- 7) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
 - 8) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
 - 9) Design Features. All manufactured homes shall comply with the design feature requirements in Stayton Land Use and Development Code Section 17.16.660.8.
 - 10) Development Requirements. In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.
- f. Residential home, subject to state licensing requirements.
3. CONDITIONAL USES. The following uses are subject to conditional use approval procedures of chapter 17.12 of this title, and, where indicated, site plan review pursuant to chapter 17.12.
 - a. Bed and breakfast accommodation; also subject to state licensing requirements.
 - b. Public facilities and services; also subject to site plan review approval.
 - c. Day care facility for more than twelve (12) children; also subject to site review approval.
 - d. Public parks; also subject to site plan review approval.
 - e. Antennas in excess of 55 feet in height.
 4. HEIGHT. Thirty-five (35) feet or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be 55 feet.
 5. BUILDING SETBACKS. Minimum front yard depth shall be twenty (20) feet. Minimum sideyard depth shall be five (5) feet. Minimum rear yard depth shall be twenty (20) feet. All setbacks shall be measured from property lines and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20 of this title.
 6. LOT AREA AND WIDTH. Ten-thousand (10,000) square feet for all lots east of a north-south line from the north city limits to the south city limits running along the centerline of Tenth Avenue; Eight-thousand (8,000) square feet for all other lots. Eighty-foot (80) frontage (40-feet for cul-se-sac lots); 80-foot average width. The Stayton Planning Commission may require larger lot areas at the time a partition or subdivision is granted and when it determines that it is necessary to do one of the following:

- a. Protect natural drainage ways.
 - b. Provide drainage or utility easement.
 - c. Protect future right-of-way.
 - d. Protect unbuildable steep slope areas above 15 percent slope.
 - e. Protect flood plain hazard or wetland areas.
7. PARKING. As specified in chapter 17.20. of this title, including recreational vehicle parking restrictions.
8. DESIGN STANDARDS. Within the LD zone, all new single family dwellings, including manufactured homes, shall contain the following design features:
- a. Attached or detached garage.
 - b. Gutters and downspouts.

In addition, new single family dwellings, including manufactured homes, shall contain at least four (4) of the following design elements on the side of the home which fronts on a street to provide architectural relief:

- c. Dormers or gables.
- d. Cupolas.
- e. Bay or bow windows.
- f. Exterior shutters.
- g. Recessed entries.
- h. Front porch of at least 100 square feet, which may extend into the required front yard.
- i. Covered porch entries.
- j. Pillars or posts in the front entry area.
- k. Roof with pitch greater than three feet in height per each twelve feet in length.
- l. Front-side exterior brickwork or masonry.

SECTION 3: Stayton Municipal Code Section 17.16.670, "Medium Density Residential (MD) District," is hereby amended to read:

17.16.670 MEDIUM DENSITY RESIDENTIAL (MD) DISTRICT

1. PURPOSE. To provide for single-family, duplex, multi-family, and mobile home dwelling units and their accessory structures, and other compatible uses with conditional approval. Density of development shall not exceed twelve (12) dwelling living units per acre.
2. PERMITTED USES
 - a. Detached single-family dwelling.
 - b. Accessory structures, provided the requirements of chapter 17.20. of this title are also satisfied.
 - c. Public parks.
 - d. Duplexes.
 - e. Group day care home for fewer than thirteen (13) children.
 - f. Multiple family dwellings or complexes, all structures on site combined not to exceed twelve (12) dwelling units per acre; also subject to site plan review approval.
 - g. Mobile home parks pursuant to chapters 17.12. and 17.20. of this title, and subject to site plan review approval.
 - h. Manufactured home subdivisions pursuant to chapter 17.24. of this title.
 - i. Manufactured Home on individual lots outside a designated mobile home subdivision or mobile home park, subject to the following development standards:
 - 1) Floor Area. The manufactured home shall be a multi-sectional home and enclose a floor area of not less than 1,000 square feet, as measured from the outside walls of the home.
 - 2) Width. The manufactured home must be at least 24 feet in width.
 - 3) Roof. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in length.
 - 4) Exterior Siding. The manufactured home must have standard wood siding, T-111 wood siding, or other siding with the same exterior appearance as T-111 or standard wood siding.
 - 5) Garage. The manufactured home must have a garage with exterior materials matching the manufactured home. The garage shall be placed on the property prior to occupancy of the manufactured home.

- 6) **Masonry Perimeter.** The base of the manufactured home must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof. The home shall sit so that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home.

If the manufactured home is placed on a basement, the twelve (12) inch limitation will not apply.
 - 7) **Performance Standards.** The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
 - 8) **Hauling Mechanisms.** The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
 - 9) **Design Features.** All manufactured homes shall comply with the design feature requirements in Stayton Land Use and Development Code Section 17.16.670.9.
 - 10) **Development Requirements.** In addition to the above requirements, the manufactured home shall comply with the development requirements, including lot areas, setbacks, height limitations, and other standards, for single family dwellings in the underlying zone.
- j. Home occupations, also subject to limitations specified in chapter 17.20. of this title.
 - k. Residential homes, subject to state licensing requirements.
 - l. Residential facilities, subject to state licensing requirements.
3. **CONDITIONAL USES.** The following uses are subject to conditional use approval procedures of chapter 17.12. of this title, and where indicated, site plan review pursuant to chapter 17.12.
- a. Bed and breakfast accommodations; also subject to state licensing requirements.
 - b. Public utility facilities and services; also subject to site plan review approval.
 - c. Day care facility for more than twelve (12) children; also subject to site plan review approval.
 - e. Antennas in excess of fifty-five (55) feet in height.

4. HEIGHT. Thirty-five (35) feet, or two and one-half stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be fifty-five (55) feet.
5. BUILDING SETBACKS. Minimum front yard depth shall be twenty (20) feet. Minimum sideyard depth shall be five (5) feet. Minimum rear yard depth shall be fifteen (15) feet. All setbacks shall be measured from property lines and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
6. LOT AREA AND WIDTH. The following minimum requirements shall apply:
 - a. Single Family Dwellings and Duplexes: 7000 square feet for all lots, with a street side frontage of 70 feet (40 feet for cul-de-sacs), and an average width of 70 feet.
 - b. Multi-family dwellings: 7000 square feet for all lots, with a maximum density of one unit per 3500 square feet of lot or parcel area, 70 feet of street side frontage (40 feet for cul-de-sacs), and an average width of 70 feet.
 - c. Mobile Home Park: Five (5) acres with a maximum density of one mobile home unit per 3500 square feet of lot or parcel area.
 - d. Planned Unit Development: Four (4) acres with a maximum density of one dwelling unit per 3500 square feet of lot or parcel area.
7. PARKING. As specified in chapter 17.20. of this title, including recreational vehicle parking restrictions.
8. LANDSCAPING. Except for single-family dwellings and manufactured homes on individual lots, landscaping requirements of chapter 17.20. of this title to be satisfied for all uses requiring conditional use permit or site plan review.
9. DESIGN STANDARDS. Within the MD zone, all new manufactured homes on individual lots and in manufactured home subdivisions, shall contain the following design features:
 - a. Attached or detached garage.
 - b. Gutters and downspouts.

In addition, new manufactured homes placed on individual lots or in manufactured home subdivisions, shall contain at least four (4) of the following design elements on the side of the home which fronts on a street to provide architectural relief:

 - c. Dormers or gables.
 - d. Cupolas.

- e. Bay or bow windows.
- f. Exterior shutters.
- g. Recessed entries.
- h. Front porch of at least 100 square feet, which may extend into the required front yard.
- i. Covered porch entries.
- j. Pillars or posts in the front entry area.
- k. Roof with pitch greater than three feet in height per each twelve feet in length. (Ord. 694, Section 4., October 1991; Ord. 699, Section 2., April 1992)
- l. Front-side exterior brick work or masonry.

SECTION 4: Stayton Municipal Code Section 17.16.680, "High Density Residential (HD) District," is hereby amended to read:

17.16.680 HIGH DENSITY RESIDENTIAL (HD) DISTRICT

- 1. PURPOSE. To provide for multi-family residential units and other compatible living units and their accessory structures and, with conditional use approval, other compatible uses. Density: Thirteen (13) or more dwelling units per acre.
- 2. PERMITTED USES. Where indicated below, the following permitted uses are subject to site plan review approval pursuant to chapter 17.12. of this title.
 - a. Duplexes.
 - b. Multi-family dwellings or complexes; also subject to site plan review approval.
 - c. Accessory structures, provided the requirements of chapter 17.20 of this title are also satisfied.
 - d. Public parks.
 - e. Mobile home parks and subdivisions, provided the requirements of chapters 17.12. and 17.24. of this title are also satisfied. Mobile home parks are also subject to site plan review approval.
 - f. Group day care home for fewer than thirteen (13) children.

- g. Home occupations with no employees other than the resident-operator; also subject to limitations specified in chapter 17.20. of this title.
 - h. Residential homes, subject to state licensing requirements.
 - i. Residential facilities, subject to state licensing requirements.
3. **CONDITIONAL USES.** The following uses are subject to conditional use approval procedures of chapter 17.12. of this title, and where indicated, site plan review pursuant to chapter 17.12.
- a. Single-family dwellings.
 - b. Nursing home or retirement center; also subject to site plan review approval.
 - c. Day care facility; also subject to site plan review approval.
 - d. Bed and breakfast accommodation; also subject to state licensing requirements.
 - e. Home occupations; also subject to limitations specified in chapter 17.20. of this title.
 - f. Public facilities and services.
 - g. Antennas in excess of fifty-five (55) feet in height.
4. **HEIGHT.** Forty-five (45) feet or three (3) stories. Chimneys and antennas may exceed this limit. The maximum permitted height of antennas shall be fifty-five (55) feet.
5. **BUILDING SETBACKS.** Minimum front yard depth shall be twenty (20) feet. Minimum sideyard depth shall be five (5) feet. Minimum rear yard depth shall be 15 feet. All setbacks shall be measured from property lines and shall not encroach upon public rights-of-way. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
6. **LOT AREA AND WIDTH.** The following minimum requirements shall apply:
- a. Single Family Dwellings and Duplexes: 6000 square feet for all lots, with a street side frontage of 60 feet (40 feet for cul-de-sacs), and an average width of 60 feet.
 - b. Multi-family dwellings: 6000 square feet for all lots, with a maximum density of one unit per 3000 square feet of lot or parcel area, 60 feet of street side frontage (40 feet for cul-de-sacs), and an average width of 60 feet.

- c. Mobile Home Park: Five (5) acres with a maximum density of one mobile home unit per 3000 square feet of lot or parcel area.
 - d. Planned Unit Development: Four (4) acres with a maximum density of one dwelling unit per 3000 square feet of lot or parcel area.
- 7. LANDSCAPING. Except for single-family dwellings, landscaping requirements of chapter 17.20. of this title to be satisfied for all uses requiring conditional use permit or site plan review.
 - 8. PARKING. Parking and loading requirements, including recreational vehicle parking restrictions, of chapter 17.20. to be satisfied (Ord. 694, October 1991)

SECTION 5: Stayton Municipal Code Section 17.16.690, "Commercial Retail (CR) District," is hereby amended to read:

17.16.690 COMMERCIAL RETAIL (CR) DISTRICT

- 1. PURPOSE. To provide for retail, service, and office commercial activities, accessory uses, and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
- 2. PERMITTED USES. All uses listed below are subject to site plan review standards of chapter 17.12. of this title.
 - a. Retail sales outlet (typical uses: hobby shop, second-hand store, office supplies, department store, grocery store, pet store).
 - b. Consumer-oriented service businesses (typical uses: beauty salon, shoe repair, laundry, print shop, locksmith, photographer).
 - c. Professional offices (typical uses: medical or dental clinic, tax preparation, optician, attorney's office, bank).
 - d. Television and radio broadcasting studios .
 - e. Automobile or motorcycle sales and rental (excluding service and repair).
 - f. Commercial recreational facilities and services (typical uses: arcades, exercise gyms, miniature golf courses, swimming pools, tennis courts).
 - g. Social and public institutions (typical uses: branch educational facilities, community centers, fraternal, and civic organizations).

- h. Warehouse retail sales (typical uses: electrical equipment, floor coverings, appliance sales, furniture).
 - i. Eating and drinking establishments (typical uses: restaurants, lounges, delicatessens).
 - j. Public facilities and services.
 - k. Public parks.
 - l. Day care facility.
 - m. Hotels and motels.
 - n. Bed and breakfast accommodation; also subject to state licensing requirements.
 - o. Multi-family dwellings up to ten (10) units per acre in conjunction with a retail, service, or professional office space development.
 - p. Multi-family apartments or townhouses along either the Stayton Power Canal or Salem Ditch, including provision for public bikeways or pedestrian paths along the waterway. For distinctiveness and excellence in siting, design, and landscaping that will provide unusual enhancement to the general area, a residential density increase of up to 16 units per acre may be allowed. Examples of distinctiveness and excellence include, but are not limited to, provision of dedication of public park space; provision of public bikeways and pedestrian ways along a waterway; provision of constructed public parks and recreational facilities; preservation of wetland or open space areas; utilization of natural attributes of the site; provision of a mixture and variety of housing units sharing common design themes; use of distinctive architectural styles and materials; attention to detail; and arrangements of housing units in a manner which clearly enhances overall livability of the development.
 - q. Second or upper story residential uses.
 - r. Uses clearly accessory and subordinate to the above.
3. **CONDITIONAL USES.** All uses listed below are subject to conditional use approval procedures pursuant to chapter 17.12. of this title, and require site plan review approval pursuant to chapter 17.12.
- a. Manufactured office structures certified by the State of Oregon for commercial occupancy.
 - b. Radio, television, or telephone communication towers.

- c. Large recreational facilities, including bowling alleys, taverns, auditoriums, movie theaters, bingo parlors, dance halls, and pool halls.
 - d. Hospitals.
 - e. Transportation facilities (bus terminals, heliports).
 - f. Automotive and motorcycle service stations.
 - g. Home occupations; also subject to requirements of chapter 17.20. of this title.
 - h. Antennas in excess of 75 feet in height.
 - i. Manufactured home as a caretaker residence.
4. HEIGHT. Sixty (60) feet or four (4) stories. Chimneys and antennas may exceed this limit. The maximum height of antennas shall be no more than fifteen (15) feet above the highest point of the principal structure existing on the property.
 5. BUILDING SETBACKS. Setbacks as determined through site plan review approval. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
 6. LOT AREA AND WIDTH. No minimum.
 7. FRONTAGE. No minimum.
 8. PARKING. All uses are subject to parking and loading requirements of chapter 17.20. of this title. Within the CR zone, parking space requirements for commercial uses are reduced to 50 percent of the required number of spaces, and required customer parking may be provided on-street.
 9. LANDSCAPING. Landscaping requirements of chapter 17.20. of this title to be satisfied for all uses requiring conditional use permit or site plan review.

SECTION 6: Stayton Municipal Code Section 17.16.700, "Commercial General (CG) District," is hereby amended to read:

17.16.700 COMMERCIAL GENERAL (CG) DISTRICT

1. PURPOSE. To provide for heavier commercial activities and their accessory structures, and other compatible uses.
2. PERMITTED USES. All uses listed in this subsection are subject to site plan review standards of chapter 17.12. of this title.

- a. Any use not listed as conditional use in this subsection which is permitted or conditionally allowed in the CR District.
 - b. Boat and recreational vehicular sales, storage and service, and mobile home sales.
 - c. Transient lodging facilities (hotels, motels, recreational vehicle parks).
 - d. Day care facility.
 - e. Car washes, automotive repair garages, and tire sales/service.
 - f. Open storage areas, subject to the requirements of chapter 17.20. of this title.
 - g. Mini-warehouses.
 - h. Public facilities and services.
 - i. Multi-family dwellings up to ten units per acre along either the Stayton Power Canal or Salem Ditch including provision for public bikeways and pedestrian walkways along the waterway. For distinctiveness and excellence of siting, design, and landscaping that will provide unusual enhancement to the general area, a residential density increase of up to 16 units per acre may be allowed. Examples of distinctiveness and excellence include, but are not limited to, provision of dedication of public park space; provision of public bikeways and pedestrian ways along a waterway; provision of constructed public parks and recreational facilities; preservation of wetland or open space areas; utilization of natural attributes of the site; provision of a mixture and variety of housing units sharing common design themes; use of distinctive architectural styles and materials; attention to detail; and arrangements of housing units in a manner which clearly enhances overall livability of the development.
 - j. Second or upper story residential uses.
 - k. Uses clearly accessory and subordinate to the above.
3. **CONDITIONAL USES.** All uses listed in this subsection are subject to conditional use approval procedures pursuant to chapter 17.12. of this title, and require site plan review approval pursuant to chapter 17.12.
- a. Auctions and flea markets.
 - b. Secondhand stores, pawn shops, and transient merchants.

- c. Business and industrial wholesalers and services (typical uses: contractors' equipment yards and repair, wholesale supply warehouses, automotive body and paint shops).
 - d. Fuel dealers; cold storage lockers; heavy equipment rental, sales, and service; lumber yards and building materials outlets; plumbing and heating supplies; mini-warehouses; and outdoor storage yards.
 - e. Recreational vehicle parks.
 - f. Manufactured office structures certified by the State of Oregon for commercial occupancy.
 - g. Antennas in excess of 75 feet in height.
 - h. Manufacturing and assembly facilities subject to the following development requirements:
 - i. The building housing the facility shall be limited to 5,000 square feet of floor space.
 - ii. Outdoor storage of material and equipment shall be prohibited.
 - iii. Manufacturing and assembly operations requiring permits from the Department of Environmental Quality (DEQ) for air or water discharge or similar environmental concerns shall be prohibited.
 - iv. Primary processing of raw materials shall be prohibited.
 - v. The use shall otherwise comply with the development standards and requirements of the CG district.
4. HEIGHT. Sixty (60) feet or four (4) stories. Chimneys and antennas may exceed this limit. The maximum height of antennas shall be no more than fifteen (15) feet above the highest point of the principal structure existing on the property.
 5. BUILDING SETBACKS. Setbacks as determined through site plan review approval. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
 6. LOT AREA AND WIDTH. No minimum
 7. FRONTAGE. No minimum.
 8. PARKING. All uses are subject to parking and loading requirements of chapter 17.20. of this title. Within the CG zone south of Washington Street and east of Birch Avenue, parking space requirements for commercial uses are reduced to 50 percent of the required number of spaces, and required customer parking may be provided on-street.

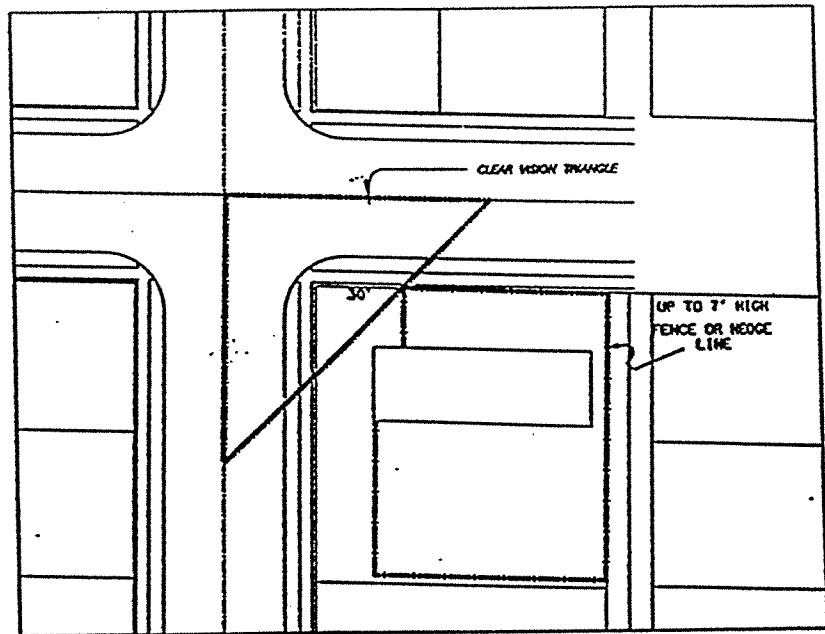
9. LANDSCAPING. Landscaping requirements of chapter 17.20. of this title to be satisfied for all uses.

SECTION 7: Stayton Municipal Code Section 17.20.850, "Fences," is hereby amended to read:

17.20.850 FENCES

1. FRONT YARDS. Fences, walls, and hedges in any yard adjacent to a street and on or within ten (10) feet of the property line may be up to 48-inches in height, provided that the portion of the fence above 24-inches in height is at least 50 percent open, except as provided below:
- a. On corner lots, a hedge, wall, or fence up to seven (7) feet in height may be placed on or within ten (10) feet of the property line on the side yard abutting a street. The hedge, wall, or fence is permitted as shown in Figure 1.

FIGURE 1.



- b. A masonry wall up to seven (7) feet in height may be placed on or within ten (10) feet of the property line abutting a street when the wall is approved as a part of a site plan approval or a subdivision approval.

2. SIDE AND INTERIOR YARDS. Fences and walls located on a side or rear property line or in a yard area may be up to seven (7) feet in height except as restricted above. Hedges on side and interior yards shall have no height restriction.
3. STREET SIDE YARDS. Exceptions to the above restrictions may be allowed on corner lots for fences of up to 6 feet in height if staff finds the site meets certain standards and there are no objections to adjacent property owners.
4. USE OF HAZARDOUS MATERIALS. Fences shall not be constructed of or contain any material which will do bodily harm such as barbed wire (except as necessary for security fences in commercial and industrial districts), electric wires (other than stock fences), broken glass, spikes, and any other hazardous or dangerous material.

SECTION 8: Stayton Municipal Code Section 17.20.890, "Landscaping Requirements," is hereby amended to read:

17.20.890 LANDSCAPING REQUIREMENTS

1. PURPOSE. The purpose of landscaping regulations is to maintain the natural visual attractiveness of the city during property development, to maintain landscaping installed pursuant to the requirements of this chapter, to provide for the preservation of significant or important vegetation, to prevent erosion and dust problems generated as a product of development and excessive runoff problems, and to protect and promote tree growth.
2. MINIMUM STANDARDS. Unless otherwise provided by this title, minimum standards for landscaping shall be as follows:
 - a. Street trees are required to be planted in the parking strip behind the curb line in accordance with the specifications and standards set forth in this section:
 - 1) Street trees shall be selected from the following list of preferred trees or of a species approved by the public works director:
 - Red maple (varieties: Armstrong, Bowhall, Karpic, Scarlet Sentinel)
 - Norway maple (varieties: Columnar, Crimson Sentry, Cleveland, Olmstead)
 - Japanese Selkova
 - Flowering pear (varieties: Aristocrat, Capital, Autumn Blaze, Cleveland Select, Redspire)
 - Red Oak
 - Skyrocket Oak
 - A selection of the listed varieties

- 2) All trees shall have at least 1½ inch caliper trunks and shall be planted in accordance with city specifications.
 - 3) Trees shall be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.
 - 4) The placement of street trees may be waived if the public works director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, public or private utilities.
- b. Preservation of all city-required street trees and other existing healthy trees over 18-inches in diameter measured four (4) feet from ground level, unless removal is required for structural placement or is necessary to satisfy safety or silvicultural needs.
 - c. Maintenance of ground cover in the form of natural grasses and shrubs or imported natural landscaping materials (bark, rock) on all exposed areas not otherwise containing vegetation or artificial cover.
 - d. Maintenance of indigenous vegetation on steep (over 25 percent) slopes within riparian setback areas and in wetlands.
 - e. Within front yard setback areas, continuous or nearly-continuous expanses of shrubbery or vegetation shall not be allowed to exceed 24-inch in height. Individual trees in this area may exceed this limit provided they are pruned of branches to a height of no less than six (6) feet and are placed no closer than 30 feet apart.
 - f. Noxious or hazardous plant species shall not be introduced to or maintained on any site.
 - g. Identifiable significant natural areas consisting of a mix of vegetative and habitat types shall be preserved to the maximum extent feasible.
3. LANDSCAPING PLAN. Where required by applicable zoning or other city regulations, a landscaping plan, in the form of one reproducible master and two copies of a to-scale drawing and accompanying narrative, shall be prepared which contains the following elements:
 - a. Existing natural and vegetative features on the property (including but not limited to such items as topographical conditions, historical features, trees, brushlands, wetlands, and waterways).
 - b. The location, of all proposed structures and development on the site.

- c. The extent and location of major proposed landscaping features (including but not limited to such elements as planters or planting strips, vegetative barriers or screening, ornamentals, yard areas, integration of major existing natural features such as waterways, ponds and undisturbed natural habitat areas, use of natural or created topographical features, preservation of identified historical features, and tree and plant groupings).
- d. Where determined to be necessary by the city planner, perspective and elevated drawings illustrating typical or representative views of the property following landscaping.
- e. Integration of accessways and walkways, benches, kiosks, etc., if proposed for the site.
- f. Provisions for irrigation and maintenance of the landscaped property.

4. REVIEW AND APPROVALS

- a. Prior to implementation of a landscaping plan following approval of any development proposal requiring such a plan, the city public works director and the city planner shall review the landscaping plan and determine that the applicable standards of this title are satisfied.
- b. Where a landscaping plan is required to be approved as a component of a conditional use or site review decision by the decision authority, the city public works director and the city planner shall review the plan and determine that the applicable standards of this title are satisfied.

SECTION 9: Stayton Municipal Code Section 17.24.1050, "Design Standards for Subdivisions and Partitions," is hereby amended to read:

17.24.1050 DESIGN STANDARDS FOR SUBDIVISIONS AND PARTITIONS

Subdivisions and partitions shall be subject to the following design criteria and objectives.

1. STREETS AND HIGHWAYS

- a. Streets, roads, or highways shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Such streets, roads, or highways shall conform to the location, alignment, and width as indicated on the official map of streets and highways or as hereafter adopted by the council.
- b. Streets, roads, or highways should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.

- c. These regulations may be modified where the commission determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification.
 - d. Bikeways and pedestrian ways may be required in accordance with the City of Stayton Master Bikeway Plan.
- 2. DEDICATION OF A RIGHT-OF-WAY
 - a. If a parcel of land to be divided includes any portion of a right-of-way, street, road, or highway, the subdivider shall dedicate such right-of-way for the purpose or use proposed.
 - b. Except as provided in subsection 7. of this section, where such dedication is greater than 60 feet in width, the city shall reimburse the owner for that portion of the right-of-way in excess of 60 feet. Payment, therefore, shall be based on the true cash value of the excess acreage as computed by the Marion County Assessor for the tax year prior to filing the subdivision plat.
- 3. DEAD-END STREETS AND CUL-DE-SACS. When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets should be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the commission, cul-de-sacs shall not exceed 450 feet in length.
- 4. RADIUS AT STREET INTERSECTIONS
 - a. The property line radius at street intersections where one or more of the streets creating the intersection has a designated right-of-way width of 80 feet or more shall be governed by the interior angle at the intersection and will be based on the square root of the interior angle formed at the intersection of property lines which equals radius in feet. The distance shall be increased to the next full foot above the figure established by such formula.
 - b. The minimum angle of any intersection shall be 40 degrees.
- 5. STREET GRADES. No street grade shall be in excess of 8 percent unless the commission finds that because of the size and shape of the property or topographic conditions a steeper grade is necessary.
- 6. RESERVE BLOCK
 - a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the commission, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the city for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the commission or such other commission as may have jurisdiction.

- b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

7. STREET WIDTHS

- a. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the commission may require dedication of streets to a greater width than herein otherwise provided.
- b. The street right-of-way in or along the boundary of a subdivision shall have the following minimum width, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties:

	<u>Right-of-Way Width</u>	<u>Curb to Curb Width</u>
Major streets or arterials	100 feet	40 feet
Minor streets	60 feet	34 feet
Collector streets	80 feet	40 feet
Cul-de-sac:		
200 to 450 feet in length	50 feet	30 feet
Less than 200 feet	50 feet	30 feet
Turn-arounds	45 feet radius	38 feet radius

Temporary dead-end streets: Dead-end streets which may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.

- c. Additional Right of Way Widths.
 - 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
 - 2) Where bikeways necessitate, additional right-of-way may be required.

8. STREET IMPROVEMENTS, SIDEWALKS, UNDERGROUND UTILITIES, AND SURFACE DRAINAGE

- a. All street improvements, including pavement, curbs, sidewalks, underground utilities, and surface drainage shall be in accordance with the specifications and standards prescribed by the city.

b. Subdivision plats and final partition plans involving public improvements shall not have final approval until such time as the city in its judgment is satisfied that the following street improvements will be completed in accord with the specifications and standards set forth in this section:

- 1) Clearing and grading to full right-of-way limits.
- 2) Storm drainage facilities both within and outside of right-of-way limits.
- 3) Base and pavement materials for roadways in place and compacted.
- 4) Concrete curbs and concrete sidewalks, the location and width thereof shall be determined by the commission. In making such determination, the commission shall take into consideration the topography of the land, the presence of improvements, trees or other plantings, the type of street, and the location of sidewalks, if any, in adjacent areas or subdivision.

In residential neighborhoods property line sidewalks shall be used whenever possible. In all cases, sidewalks shall be placed one foot from the property line on arterial and collector streets.

- 5) Bikeways, including striping and signing, if required.
- 6) Signage and traffic signalization, if required.

9. SUBDIVISION BLOCKS

a. Block lengths and widths shall be determined by giving consideration to the following factors:

- 1) The distance and alignment of existing blocks and streets.
- 2) Topography.
- 3) Lot size.
- 4) Need for and direction of the flow of through and local traffic.

b. Blocks shall not exceed 1200 feet between street right-of-way lines unless the adjacent layout or special conditions justify greater length.

c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.

10. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the commission may require the developer to install midblock pedestrian walks on a right-of-way at least six (6) feet in width, which shall be hard surfaced throughout the block, and curb to curb, in order to provide easy access to schools, parks, shopping centers, mass transportation stops, or other community services.
11. LOT SIZE, LOT LINES
 - a. Lot sizes shall be as specified in the zoning district in which the land division is being proposed. In districts having no minimums, the commission shall assign a minimum based on its consideration of the preliminary plan and the appropriate minimum lot size(s) necessary to satisfy the requirements of the code.
 - b. If topography, drainage, location, or other conditions justify, the commission may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
 - c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, and in no case shall the lot width be less than 60 feet at the building line.
 - d. When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.
 - e. Side lot lines shall be as close to right angles to the front street as practicable.
 - f. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.
12. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.
13. SEWAGE DISPOSAL
 - a. All extensions of the existing city sewage facilities including manholes, mains, laterals, and risers shall be in accordance with the specifications and standards prescribed elsewhere in this code. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the public works director.
 - b. Subdivision plans shall not have final approval until such time as the commission in its judgment is satisfied that the following sewage disposal facilities will be completed in accordance with the additional specifications and standards set forth as follows:

- 1) The existing public sewage facilities shall be extended to serve the buildings to be constructed in the proposed subdivision or partition at the subdivider's expense.
- 2) If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing city sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the city may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.
- 3) In the event that larger lines are deemed necessary by the city for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the city will pay the additional costs of such larger lines.

14. PUBLIC USE AREAS

- a. A subdivision plan shall provide a minimum of 5 percent of the gross area of the subdivision as public recreation area.
- b. Such public recreational area shall have access to a public street, and the planning commission may specify the location of such area to be compatible with existing or anticipated recreational development.
- c. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision, or where agreed upon by the commission, the developer shall pay to the city a fee, earmarked for recreational use and development, a sum equal to five percent (5) of the total assessed value of the land being platted, at the time of platting, as computed by the county assessor for the coming calendar year under the procedures set forth in ORS 92.095 as amended. Such payment shall be made prior to final approval by presenting a statement of assessed value from the office of the county assessor and a check in the amount of 5 percent thereof to the City of Stayton.

15. WATER SUPPLY

- a. All lots shall be served from the established public water system of the city or, if permitted by the commission, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Board of Health or the county health officer.

- b. The subdivider shall install the complete water system for such portion of the area as is being platted, including mains, hydrants, service stubs, and meter boxes. Such installation shall be done to city specifications and those imposed by any state or federal authority. Water mains shall be extended to the edge of the subdivision unless approved otherwise by the public works director.
- c. In the event that larger lines are deemed necessary by the city for service to adjoining areas than what would normally be required to serve the entire area to be subdivided, the city will pay the additional costs of such larger lines.

16. UNDERGROUND UTILITIES

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles or electroliers used exclusively for street lighting and other equipment appurtenant to underground facilities which are impractical for the utility companies to install underground.
- b. The subdivider shall be responsible for complying with the requirements of this section and shall:
 - 1) Provide underground electricity and telephone service and wiring for future street lighting. The subdivider shall also provide such present street lighting, gas lines, and cable television or other data transmission lines as may be required by the commission.
 - 2) Obtain all necessary permits for the placement of all underground utilities.
 - 3) Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the state.
- c. Easements for utility facilities shall be provided by the subdivider and set forth on the final subdivision plat or final partition plan. In the case of a partition, a utility easement document may be required for recording by the city.

17. STREET TREES: Subdivision plans shall not have final approval until such time as the city in its judgment is satisfied that street trees will be planted in the parking strip behind the curb line in accordance with the specifications and standards set forth in this section:

- a. Street trees shall be selected from the following list of preferred trees or of a species approved by the director of public works:
 - 1) Red maple (Varieties: Armstrong, Bowhall, Karpic, Scarlet Sentinel).
 - 2) Norway maple (Varieties: Columnar, Crimson Sentry, Cleveland, Omstead).
 - 3) Japanese Selkova
 - 4) Flowering pear (Varieties: Aristocrat, Capital, Autumn Blaze, Cleveland Select, Redspire).
 - 5) Red Oak
 - 6) Skyrocket Oak
 - 7) A selection of the listed varieties.
- b. All trees shall have at least a 1½ inch caliper trunk and shall be planted in accordance with city specifications.
- c. Trees shall be spaced 30 to 40 feet apart and shall be planted no closer than 35 feet from any intersection.
- d. The placement of street trees may be waived if the public works director finds existing street trees exist or proposed trees will interfere with existing trees, landscaping, public or private utilities.

SECTION 10: Stayton Municipal Code Section 17.24.1070, "Planned Unit Development Design Standards," is hereby amended to read:

17.24.1070 PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

The following standards shall be specific to planned unit development proposals only:

1. PLANNED UNIT DEVELOPMENT SITE STANDARDS
 - a. Planned residential, commercial, or industrial developments may be established on parcels of land which are of sufficient size to be planned and developed in a manner that is consistent with the purpose and objectives of this title.
 - b. A planned unit development site shall include not less than four (4) acres of contiguous land, unless the decision authority finds that the property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of the fact that it is in an isolated problem area.
 - c. A planned unit development may be located in any zoning district.

2. DIMENSIONAL, BULK, AND STREET STANDARDS

- a. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.
- b. Buildings sharing common walls are permitted within a planned unit development. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this title on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that obtained from the spacing standards.
- c. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection to uses outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- d. The maximum building height shall in no event exceed those building heights prescribed in the zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height.
- e. Streets may be dedicated to the public or remain in the ownership of the homeowners association. All streets shall conform to the City of Stayton's street construction standards except as noted in subsection g. of this section.
- f. Designated arterial or collector streets as identified on the Stayton Comprehensive Plan shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way.
- g. Private streets shall be designed and constructed to the following width standards:

STREET TYPE	RIGHT-OF-WAY WIDTH	CURB-TO-CURB PAVEMENT
Minor two-way (less than 200')	22'	18'
Minor one-way (less than 200')	16'	12'
Local	30'	24'

Parking need not be provided on-street; however when it is, seven (7) feet shall be added to the above for each side of the street on which parking will be allowed.

- h. Parking will be required in accordance with the provisions of chapter 17.20.; however, if no parking is to be allowed on-street, the overall parking requirements for the planned unit development will be increased 15 percent.
- i. Sidewalks will not be required adjacent to private streets; however, the overall plan for the planned unit development shall include an acceptable pedestrian circulation system.

3. RESIDENTIAL PROJECT DENSITY

- a. Within a residential planned unit development, the overall density on the development site shall not exceed the density of the zone in which it is located; however, after making proper findings, the city council may authorize the following increases in density in excess of the density otherwise allowed in the zone:
 - 1) For an approved plan of managing common open space, a maximum residential density increase of 10 percent is allowable if the space is to be continuously maintained and developed.
 - 2) For distinctiveness and excellence in siting, design, and landscaping that will provide unusual enhancement to the general area, an additional residential density increase of up to 25 percent may be allowed. Examples of distinctiveness and excellence include, but are not limited to, provision of dedication of public park space; provision of public bikeways and pedestrian ways along a waterway; provision of constructed public parks and recreational facilities; preservation of wetland or open space areas; superior recreational amenities; utilization of natural attributes of the site; provision of a mixture and variety of housing units sharing common design themes; use of distinctive architectural styles and materials; attention to detail; and arrangements of housing units in a manner which clearly enhances overall livability of the development.
- b. If the city council finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions:
 - 1) Inconvenient or unsafe access to the planned unit development.
 - 2) Traffic congestion in the streets which adjoin the planned unit development.
 - 3) An excessive burden on sewerage, water supply, parks, recreational area, schools, or other public facilities which serve or are proposed to serve the planned unit development.

4. COMMON OPEN SPACE

- a. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:
 - 1) The location, shape, size, and character of the common open space is suitable for the planned unit development.
 - 2) The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected residential population or work force, topography, and the number and type of structures provided.
 - 3) Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space. Such improvements shall be made by the developer prior to final approval of the planned unit development, or must be assured pursuant to the provisions of Section 17.20.920 of this title.
 - 4) The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of facilities in the common open space with the construction of buildings in the planned unit development.
 - 5) If buildings, structures, or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The city council shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.
- b. Land shown on the final development plan as common open space shall be conveyed under one of the following options:
 - 1) To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
 - 2) To an association of owners or tenants, created under the laws of the state, which shall adopt and impose bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the city as providing for the continuing care of the space. Such an association shall be formed

and continued for the purpose of maintaining the common open space. The association bylaws and covenants and restrictions shall be approved by the planning commission and council, with recommendations by the city attorney, such ability to reasonably provide for the continuing care of the common elements.

- c. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use; however, change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions, using liens or assessments to pay the cost to the city of enforcement.

5. PARK AND RECREATIONAL FACILITIES

- a. For residential developments in addition to common open space provided in subsection 4. of this section, an additional 5 percent of the gross acreage shall be provided for public park and recreation use. This area shall be dedicated to the city and shall be maintained and held by the city for public park and recreation use.
- b. As an alternative thereto, in cases where such recreation area would not be effectively used because of size, location, or character of the development or where agreed upon by the council, the developer shall pay to the city a fee earmarked for recreation use and development equal to 5 percent of the total assessed value of the land being developed, at the time of development, as computed by the county assessor for the coming calendar year under procedures set forth in ORS 92.095 as amended.

6. ALLOWABLE ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized by the zoning district, accessory uses approved as a part of a planned unit development may include the following uses:

- a. Golf course.
- b. Private park, lake, or waterway.
- c. Recreation area.
- d. Recreation building, clubhouse, or social hall.

- e. Other accessory structures or uses which the city determines is designed to serve primarily the occupants of the planned unit development, and is compatible with the design of the planned unit development.

PASSED BY THE STAYTON CITY COUNCIL THIS 2nd day of May, ~~1993~~ 1994.

Date: 5-05-94

By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

Date: 5-04-94

Attest: David W. Kinney
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: MAY 10 1994

David A. Rhoten
DAVID A. RHOTEN, City Attorney

b: <ord723.a>