

**ORDINANCE NO. 1032**

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE  
17, PROVIDING FLEXIBILITY FROM STANDARDS FOR  
PROPERTIES ON THE NATIONAL REGISTER OF HISTORIC  
PLACES**

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 of the Land Use and Development Code, includes Development and Improvements Standards for development within the City;

WHEREAS, there are a number of properties within the City listed on the National Register of Historic Places;

WHEREAS, compliance with all of the Development and Improvement Standards of Chapter 17.20 may not be compatible with maintaining the historic features of these properties;

WHEREAS, a number of provisions in the submittal requirements and approval criteria for site plan review need updating;

WHEREAS, the Planning Commission has initiated the amendment of the Code;

WHEREAS, notice of the proposed amendment was sent to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing;

WHEREAS, following a public hearing, the Planning Commission has recommended that the City Council enact the amendments; and

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

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Site Plan Review Amended.** Stayton Municipal Code, Title 17, Chapter 12, Section 17.12.220 is hereby amended shown on Exhibit A attached hereto and incorporated herein.

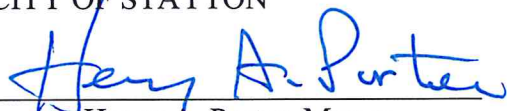
**Section 2. Effective Date.** This Ordinance shall not become effective until the 30<sup>th</sup> day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

**Section 3.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development, as required by OAR 660-018-0040.

ADOPTED BY THE STAYTON CITY COUNCIL this 20<sup>th</sup> day of May, 2019.

CITY OF STAYTON

Signed: 5/21, 2019

BY:   
Henry A. Porter, Mayor

Signed: 5/21, 2019

ATTEST:   
Keith D. Campbell,  
City Administrator

## EXHIBIT A

Additions are underlined; Deletions are ~~crossed-out~~

### 17.12.220 SITE PLAN REVIEW

1. DEFINITION. A site plan review is a detailed examination of the physical characteristics of a proposed development or improvement to property prior to any site preparation, tree removal, or development, with special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses. A site plan review requires the evaluation of specific criteria as cited herein.
2. METHOD OF ADOPTION.
  - a. Site plans shall be adopted pursuant to the requirements of Sections 17.12.070 through 17.12.100. The decision shall be made in accordance with this ~~title~~Title.
3. REQUIREMENTS FOR SITE PLAN REVIEW. Site plan review approval is required when:
  - a. A site plan review overlay district is imposed by the City Council as a condition of rezoning the parent or principal zone of a given property or properties.
  - b. Made a condition of approval of a conditional use.
  - c. Otherwise required by specific provisions of this ~~title~~Title.
  - d. (Repealed, Ord. 898, August 20, 2007)
  - e. Improvements to existing development causing more than a 15% increase in traffic or parking needs.
  - f. Improvements exceeding 15% of existing development by area, not including the area of internal roadways, parking and loading areas, and landscaping.
4. SUBMITTAL REQUIREMENTS. In order to be accepted as complete and processed in a timely manner by the City, requests for approval of site reviews shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. ~~Three copies of a~~A site plan, drawn to a scale of 1 inch equals not more than 50 feet, showing the property for which the site plan review is requested: ~~In addition, a reduced copy of the plan sized as 11 inches by 17 inches.~~ The site plan shall show, or be accompanied by, the following:
    - 1) The name of the person who prepared the plan.
    - 2) A north point, graphic scale, and date of the proposed site plan.
    - 3) Topography of the site with contour intervals of not more than 2 feet.
    - 4) The names and addresses of the landowners, applicant, and the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the proposed site plan.
    - 5) The tax map number (township, range and section) and lot number of all properties included in the proposed site plan.
    - 6) The boundary lines of the properties as certified by a professional land surveyor and approximate area of the properties in acres or square feet.

- 7) The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings and any addresses for the buildings.
- 8) The location of existing sewage systems, storm water systems and water mains, culverts, drainage ways, or other underground utilities or structures within, or immediately adjacent to the property.
- 9) A [preliminary](#) storm water management plan for the development, [prepared in accordance with the Public Works Design Standards](#).
- 10) The locations of proposed sewer disposal and water supply systems in accordance with the City's Wastewater and Water Master Plans.
- 11) The locations of any prominent natural features such as: water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
- 12) A landscaping plan prepared in accordance with Section 17.20.090.3
- 13) The location of parking facilities for the site including any parking areas shared with adjacent uses by reciprocal access agreement.
- 14) A Traffic Impact Analysis (TIA) or Transportation Assessment Letter as required by Section 17.26.050
- 15) The location of any proposed structures including the ground coverage, floor area and proposed use. Building elevation [drawings](#) shall be submitted to the extent necessary to show compliance with the requirements of Sections 17.20.190, 17.20.200, 17.20.220, and 17.20.230.
- 16) The location and dimensions of open storage areas or outdoor storage yards.
- 17) The size location, direction and intensity of illumination of all signs and a lighting plan that includes.
  - a) The location of all existing and proposed exterior lighting fixtures.
  - b) Specifications for all proposed lighting fixtures including photometric data, color-rendering index of all lamps, and other descriptive information of the fixtures.
  - c) Proposed mounting height of all exterior lighting fixtures
  - d) Analyses and illuminance level diagrams showing that the proposed installation conforms to the light level standards of Section 17.20.170.
  - e) Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.
- 18) The location of any free standing signage and the proposed size(s) and dimension(s).
- 19) The location of any proposed screening including fences, walls, hedges and berms.
- 20) When any development activity is proposed on a location a slope of 20% or steeper, a geotechnical study, prepared by a licensed geologist or registered engineer with experience in geotechnics, determining the suitability of the site for construction considering the possibility of increased erosion potential, slope stability, slippage and other concerns.

- c. A narrative statement fully explaining the request and fully addressing the criteria for approval of site plan review.
5. APPROVAL CRITERIA. The following criteria must be demonstrated as being satisfied by the application:
- a. The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications) and connections, including easements, to properly serve development in accordance with the City's Master Plans and ~~Standard Specifications~~ [Public Works Design Standards](#). Where an adopted Master Plan calls for facilities larger than necessary for service to the proposed use, the developer shall install the size facilities called for in the Master Plan, and shall be provided credit for the excess costs in accordance with SMC 13.12.245.
  - b. Provisions have been made for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and for safe access to the property from those public streets which serve the property in accordance with the City's Transportation System Plan and ~~Standard Specifications~~ [Public Works Design Standards](#).
  - c. Provision has been made for all necessary improvements to local streets and roads, including the dedication of additional right-of-way to the City and/or the actual improvement of traffic facilities to accommodate the additional traffic load generated by the proposed development of the site in accordance with Chapter 17.26, [the City's Transportation System Plan, and Public Works Design Standards](#).
  - d. Provision has been made for parking and loading facilities as required by Section 17.20.060.
  - e. Open storage areas or outdoor storage yards shall meet the standards of Section 17.20.070.
  - f. Site design shall minimize off site impacts of noise, odors, fumes or impacts.
  - g. The proposed improvements shall meet all applicable criteria of either Section 17.20.190 [Multi-family Residential Design Standards](#), Section 17.20.200 Commercial Design Standards, ~~or~~ Section 17.20.220 Downtown Development Design Standards, ~~or~~ [Section 17.20.230 Industrial Design Standards](#).
  - h. (Repealed Ord. 913, September 2, 2009)
  - i. (Repealed Ord. 913, September 2, 2009)
  - j. Landscaping of the site shall prevent unnecessary destruction of major vegetation, preserve unique or unusual natural or historic features, provide for vegetative ground cover and dust control, present an attractive interface with adjacent land uses and be consistent with the requirements for landscaping and screening in Section 17.20.090.
  - k. The design of any visual, sound, or physical barriers around the property such as fences, walls, vegetative screening, or hedges, shall allow them to perform their intended function and comply with the requirements in Sections 17.20.050 and 17.20.090.
  - l. The lighting plan satisfies the requirements of Section 17.20.170.
  - m. The applicant has established continuing provisions for maintenance and upkeep of all improvements and facilities.
  - n. When any portion of an application is within 100 feet of North Santiam River or Mill Creek or within 25 feet of Salem Ditch, the proposed project will not have adverse impact on fish habitat.

~~n.o.~~Notwithstanding the above requirements the decision authority may approve a site plan for a property on the National Register of Historic Places that does not meet all of the development and improvement standards of Chapter 17.20 and the access spacing standards of Chapter 17.26 provided the decision authority finds that improvements proposed are in conformance with Secretary of the Interior's Standards for Treatment of Historic Properties, the site will provide safe ingress and egress to the public street system, and that adequate stormwater management will be provided.

6. IMPOSITION OF RESTRICTIONS AND CONDITIONS.

- a. The decision authority may prescribe restrictions or limitations for the proposed site plan review approval as it deems necessary to fulfill the purpose and intent of ~~the code~~this Title. Such restrictions or limitations shall be based on evidence and analysis presented to or generated by the decision authority during the course of its evaluation of the request, and shall be made a part of the approval action. Conditions may limit the time or duration of the use.
- b. To ensure that required public improvements are made in a timely and acceptable manner, the applicant(s) may be required by the City to provide acceptable financial assurance to the City consistent with the requirements of Section 17.20.120.
- c. A violation of any such condition(s) or limitation(s) shall constitute a violation of this ~~code~~Title.