

**ORDINANCE NO. 869**

**AN ORDINANCE AMENDING AND ADDING NEW CHAPTERS AND SECTIONS TO THE STAYTON MUNICIPAL CODE, CHAPTERS 17.04 (REVISED), 17.12 (REVISED), 17.16 (REVISED), 17.24 (REVISED), TOGETHER WITH ADDING CHAPTER 17.26 RELATING TO LAND USE DEVELOPMENT, ZONING, AND TRANSPORTATION MATTERS; AND, DECLARING AN EMERGENCY .**

WHEREAS, the City of Stayton has established its Land Use and Development Code, Development Procedures, Zoning Criteria, and Land Division; and, the Stayton City Council desires to amend the Stayton Municipal Code provisions in certain respects regarding transportation matters in conjunction with the adoption of the City of Stayton’s Transportation System Plan;

WHEREAS, the Stayton Planning Commission and the Stayton City Council conducted public hearings regarding the amendments and additions to the Stayton Municipal Code in respect to land use and transportation matters (including Stayton’s Transportation System Plan), etc.;

WHEREAS, the Stayton City Council desires to amend and establish new sections in the Stayton Municipal Code as to land use and transportation matters, etc.; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance so that it is in full force and effect immediately from and after its adoption by the Stayton City Council and the Mayor’s signing.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Stayton Municipal Code, Chapter 17.04 “General Provisions” is amended and restated as follows:

CHAPTER 17.04

GENERAL PROVISIONS

SECTIONS

17.04.010	Short Title
17.04.020	Purpose of Land Use and Development Code
17.04.030	Administration
17.04.040	Interpretations
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17.04.010                    SHORT TITLE

The provisions of Sections 17.04.010 through 17.24.1100 shall be known as the "Stayton Land Use and Development Code."

17.04.020                    PURPOSE OF LAND USE AND DEVELOPMENT CODE

This code is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well being, and general welfare of the City of Stayton, including but not limited to fulfilling the following objectives:

1.        Establishment of uniform interpretations, terms, and definitions, and authorities for the application of land use and development regulations.
2.        Statement of policies relating to the City Comprehensive Plan and its urban growth boundary and procedures for amendments to the same.
3.        Establishment of application, review, hearings, decision-making, and appeal procedures for consideration of land use and development requests, and the establishment of application fees and penalties for noncompliance with regulations.
4.        Establishment of specific purposes, regulations, and standards for the zoning and rezoning of land, administration of flood control regulations, development of mobile home parks, the processing of specific applications for conditional uses, variances to zoning regulations and site reviews, the division of land, and the development of planned unit developments.

17.04.030                    ADMINISTRATION

The City Administrator or other official(s) designated as the building and planning officials by the administrator shall have the power and duty to enforce the provisions of this code.

17.04.040                    INTERPRETATIONS

1.        In the interpretation and application of this code, all provisions shall be:

- a. Considered as minimum requirements;
  - b. Liberally construed in favor of the governing body; and
  - c. Deemed neither to limit nor to repeal any other powers granted under state statutes.
2. When, in the administration of the provisions of this code, there is substantial doubt regarding the intent or meaning of the code, the City Planner may request an interpretation of the provisions by the Planning Commission, which shall issue an interpretation of the question if the commission has determined that such interpretation is within its power and is an administrative and not a legislative act. Any interpretation of the code shall be based on the following considerations:
- a. The purpose and intent of the code as expressed within the particular section being questioned;
  - b. Guidance provided by the City's comprehensive plan and related materials; and
  - c. The opinion of the City attorney when requested by the Planning Commission.

17.04.050 RESTRICTIVENESS

The provisions of this code shall be liberally construed to effect the purpose of the ordinance. These provisions are declared to be the minimum requirements necessary to accomplish these purposes, and where conditions herein imposed are less restrictive than comparative restrictions imposed by any other provision of this code, by provision of any other City of Stayton or State of Oregon ordinance, resolution, or regulations then the more restrictive shall govern.

17.04.060 SEVERABILITY

If any section, paragraph, subsection, clause, sentence, or provision of this code shall be adjusted by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the code, and the effect thereof shall be confined to the section, paragraph, subsection, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the City to enact the remainder of this code notwithstanding the parts so declared unconstitutional or invalid. Further, should any section, paragraph, subsection, clause, sentence, or provision of this code be judicially declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subsection, clause, sentence, or provision as to any other premises or use.

17.04.070 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of the Stayton Land Use and Development Code and other applicable regulations including all permits and licenses required.

17.04.080 ABROGATION AND GREATER RESTRICTIONS

The provisions of this code are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions; however, where this code and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

17.04.090 GRAMMATICAL INTERPRETATION

Words used in the masculine include the feminine, and the feminine the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New international Dictionary of the English Language, principal copyright 1961, shall be considered as providing accepted meanings.

17.04.100 DEFINITIONS

For the purposes of this code, terms, phrases, words, abbreviations, and their derivatives shall be construed as specified herein:

**ABUTTING:** Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

**ACCESS CONNECTION:** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

**ACCESS MANAGEMENT:** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

**ACCESSORY BUILDING:** Means a subordinate building detached from or attached to a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises, but does not include dwellings or living quarters.

**ACCESSORY, MOBILE HOME:** An accessory is defined as any structural addition to a mobile home including awnings, carports, cabanas, porches, ramadas, storage buildings, and similar structures.

**ACCESSORY USE:** A use incidental, appropriate, and subordinate to the main use of a lot or building.

**ACCESSWAY:** A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, and transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

**AFFECTED AREA:** Unless otherwise specified, this shall include all property within 250 feet of the proposed project location.

**ALLEY:** A public way or thoroughfare not more than 20 feet but not less than ten (10) feet in width which has been dedicated or deeded to the public for public use providing a secondary means of access to property.

**ALTERATION, STRUCTURAL:** Any change or repair which should affect or materially change a supporting member of a building such as a bearing wall, column, beam, or girder.

**ANTENNA:** One or more rods, panels, discs, or similar devices, and their ancillary uses (support structure, wires, ground equipment shelter, etc.) used for the transmission and/or reception of electromagnetic waves for radio, television, and similar uses, but not including antennas as part of wireless communication facilities. (Ord. No. 831, July 16, 2001)

**APARTMENT:** A room or suite of rooms within a structure which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

**APPEAL:** A request for a review of the decision authority's action on an application or interpretation of any provision of this code.

**APPLICANT:** The owner of record or contract purchaser.

**APPLICANT REPRESENTATIVE:** A person or persons with written legal authorization from the applicant to speak and act on behalf of the applicant.

**AREA OF SHALLOW FLOODING:** A designated AO or AH zone on the "Flood Insurance Rate Map" (FIRM). The base flood depths range from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on flood plain maps always includes the letters "A" or "V."

**AUTOMOBILE OR TRAILER SALES AREA:** A lot used for display, sale, or rental of new or used automobiles or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold, or rented on the premises.

**AWNING:** Means any stationary structure, permanent or demountable, used in conjunction with a mobile home or other structure, other than window awnings, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

**BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters "A" or "V."

**BASEMENT:** That portion of a building between floor and ceiling which is partly below and above average grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.

**BED AND BREAKFAST:** An accessory use to be carried on with a structure designed for and occupied as a single-family dwelling in which no more than five (5) sleeping rooms are provided on a daily or weekly period not to exceed twenty-nine (29) consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary by definition.

**BICYCLE:** A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

**BICYCLE FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

**BIKEWAY:** Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- 1) Trails. See trails definition.
- 2) Bike Lane: A 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- 3) Shared Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- 4) Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.

**BLOCK:** A parcel of land bounded by three (3) or more streets.

**BREAKAWAY WALL:** means a wall that is not part of the structural support of the building and is intended through design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Ord. 775, October 8, 1997)

**BUILDING:** A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING, COMMUNITY:** A building for civic, social, educational, cultural, and recreational activities of a neighborhood or community group or association and not operated primarily for gain.

**BUILDING, EXISTING:** Any building upon which construction was lawfully begun prior to the effective date of amendments to this code may be completed and thereafter shall be considered an existing building.

**BUILDING HEIGHT:** The vertical distance measured between the average level of the finished ground surface adjacent to the building and the uppermost point of the building, excluding only those features which may exceed the district height limits.

**BUILDING LINES:** The lines indicated on the subdivision plat or otherwise described limiting the area upon which structures may be erected.

**BUILDING, MAIN:** A building in which is conducted a principal or main use of the main building site on which it is situated.

**BUILDING OFFICIAL:** That employee of the City empowered by the City council to administer and enforce building regulations.

**BUILDING SITE:** A parcel, lot, or plot of land occupied or to be occupied by a principal use and accessory uses and/or a building or groups of buildings, which parcel, lot, or plot complies with all the requirements of this title relating to building sites.

**BUILDING SITE, AVERAGE WIDTH:** That figure obtained by dividing the total area of the parcel of land by the maximum depth of such parcel measured in the general direction of side lines.

**CABANA:** Means a stationary, lightweight structure, which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home to provide additional living space meant to be moved with the mobile home.

**CAMPGROUND OR CAMP GROUNDS:** A premises under one ownership where persons camp or live in any manner other than in a permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks and trailer parks.

**CAR PORT:** A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, intended for use for sheltering a motor vehicle.

**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary when operated in conjunction with and within the boundary of such cemetery.

**CITY ADMINISTRATOR:** That official of the City hired or appointed by the council to serve at the pleasure of the council as chief administrative officer of the City.

**CITY ATTORNEY:** A licensed attorney hired or appointed by the council to provide legal advice and assistance to the council, the Planning Commission, and City officials.

**CITY PLANNER:** A qualified planner hired or appointed by the City Administrator to provide land use planning and other related information to the Planning Commission and council.

**CLUB:** An organization, group, or association supported by members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business.

**CODE:** As used herein, the "Stayton Land Use and Development Code." Distinguished from "Stayton Code," which is the entire City code including the "Land Use and Development Code."

**COLLOCATION:** Placement of a wireless communication facility antenna on an existing transmission tower, building, light or utility pole, or water tower where the antenna and all supports are located on the existing structure. (Ord. No. 831, July 16, 2001)

**COMMERCIAL AMUSEMENT ESTABLISHMENT:** Any place where entertainment or amusement is provided where the public on a commercial basis may observe or join in the activities.

**COMMISSION:** City Planning Commission.

**COMMON OPEN SPACE:** An area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the public in general.

**COMPREHENSIVE PLAN:** The long-range plan, maps, and elements of the plan, adopted by the City council, intended for guidance in the development of the community.

**CONCEALMENT TECHNOLOGY:** The use of both existing and future technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment. (Ord. No. 831, July 16, 2001)

**CONDOMINIUM:** Property submitting to the provisions of ORS 94.004 to 94.480 and 94.991.



**CONFORMING:** In compliance with the regulations of the pertinent district.

**CONSTRUCTION**

- a. Beginning Of: The placing of construction materials in their permanent position, fastened in a permanent manner. Includes reconstruction and alteration (see "Start of Construction").
- b. New: Structures for which the beginning of construction commenced on or after 16 October 1989.

**COUNCIL:** The City council of the City of Stayton.

**CORNER LOT:** A lot two (2) adjacent sides of which abut streets, other than alleys, provided the angle of intersection of the adjacent street does not exceed 135 degrees.

**CRITICAL FACILITY:** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Ord. 775, October 8, 1997)

**CROSS ACCESS:** A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

**CURB LINE:** The line indicating the edge of the vehicular roadway within the overall right-of-way.

**DAY CARE FACILITY:** Any facility which provides day care to children, including a child day care center; group day care home; home of a family day care provider, including those known under a descriptive name such as nursery school, preschool, kindergarten, child play-school, child development center, except for those facilities excluded by law. This term applies to the total day care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

**DECISION AUTHORITY:** A person or group of persons given authority by this code to review, make decisions upon, and establish conditions to those specific applications or interpretations identified within this code.

**DENSITY:** The number of dwellings, mobile homes, or mobile home spaces per gross acre.

**DESIGN:** The design of any street or alley alignments, grade width, or alignment of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width, and layout.

**DEVELOPMENT:** Human activity physically affecting land or resources, including but not limited to the division of parcels; the erection, reconstruction, modification, relocation, or enlargement of structures; grading, landfill, or excavation of land; storage on land or resource surfaces; drilling or substantial site alteration such as that involved in mining; surfacing such as paving; and planned selective removal of trees and vegetation. (Ord. 798, May 17, 1999).

**DOUBLE FRONTAGE LOT:** A lot having frontage on two (2) parallel or approximately parallel streets.

**DRIVE-IN**

- a. An establishment dispensing food and/or drink and catering to customers who remain or leave and return to their automobiles for consumption of said food or drink on the premises.
- b. Any business designed for serving customers at a drive-up window or while they are in their car.

**DRIVEWAY:** A minor private way used by vehicles and pedestrians to gain access from an approved public access or right-of-way onto a lot or parcel of land.

**DWELLING:** Any building or any portion thereof which is not an apartment house or a hotel as defined in this code which contains one or more dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes; but excluding hotels, motels, boarding or rooming houses, mobile homes, travel trailers, and campers. The term "dwelling" as used in this code shall mean a single-family dwelling unless otherwise indicated. Modular home as defined herein is considered a dwelling.

**DWELLING UNIT:** One or more habitable rooms which are occupied or intended to be occupied by one family with facilities for living, sleeping, cooking, and eating.

**DWELLING, SINGLE FAMILY:** A detached building designed exclusively for occupancy by one family.

**DWELLING, TWO-FAMILY (DUPLEX):** A building designed exclusively for occupancy by two families living independently of each other.

**DWELLING, MULTIPLE FAMILY:** A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

**EASEMENT:** The grant of a right of use over, across, or through a parcel or strip of land for specific purposes. Does not include privately owned roadways serving buildings within a single lot.

**ELEVATED BUILDING:** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. (Ord. 775, October 8, 1997)

**EXPANDO:** An "expando" is defined as room or rooms that fold, collapse, or telescope into a mobile home during the transport and which can be expanded at the site to provide additional living space.

**FAMILY:** An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, or a group of not more than five (5) persons (excluding servants) not so related, living together in a dwelling unit as an housekeeping unit.

**FARMING:** The use of land for raising and harvesting crops or for feeding, breeding, and managing livestock, or for dairying, or for any other agricultural or horticultural use, or for a combination thereof, excluding feedlots. It includes the disposal, by marketing or otherwise, of products raised on the premises. It further includes the construction and use of dwellings and other buildings customarily provided in conjunction with a farm use.

**FENCE:** An unroofed barrier or an unroofed, enclosing structure such as masonry, ornamental iron, woven wire, wood pickets, or solid wood, or any other material used as a barrier to light, sight, air, or passage.

**FLAG LOT:** A lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is within the same ownership or title.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; and/or
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM):** The official map on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Emergency Management Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FRATERNITY, SORORITY, STUDENT HOME:** A residential building in which living accommodations are furnished to students.

**FRONTAGE ROAD:** A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

**FUNCTIONAL AREA (INTERSECTION):** That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

**FUNCTIONAL CLASSIFICATION:** A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**GARAGE, PRIVATE:** A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or is in any way conducted.

**GROUP CARE HOME:** Any home or institution maintained and operated for the care, boarding, housing, or training of six or more physically, mentally, or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage, or legal adoption to such person.

**GROUP DAY CARE HOME:** A child day care facility located in a building constructed as a single family dwelling which is certified to care for no more than twelve (12) children at any given time.

**GUEST HOUSE:** A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

**HABITABLE FLOOR:** Any floor usable for living purposes which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not an "habitable floor."

**HEIGHT OF BUILDING:** The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the height of the highest gable of a pitch or hip roof.

**HERITAGE TREE:** Any tree of exceptional value to the community based on its size (relative to species), history, location, or species, or any combination of these criteria. (Ord. 795, Jan.7, 1999)

**HIGHWAY:** A public way for purposes of travel, including the entire area within the public right-of-way. A highway typically refers to a roadway that is owned and maintained by the state.

**HOME OCCUPATION:** A commercial activity carried on by the resident of a dwelling as a secondary use. This definition may include such occupations or practices which shall be conveniently, unobtrusively, and inoffensively pursued exclusively within a dwelling and/or exclusively within an accessory building.

**HOSPITAL:** An institution in which patients or injured persons are given medical or surgical care. Unless otherwise specified, this means for humans only.

**HOTEL:** Any building containing guest rooms intended to be used, rented, or hired out for sleeping purposes by guests.

**IMPROVEMENT FEE:** A fee for costs associated with transportation capital improvements to be constructed after the date the fee is adopted pursuant to Section 17.26.1030.3.

**JOINT ACCESS (OR SHARED ACCESS):** A driveway connecting two or more contiguous sites to the public street system.

**JUNKYARD OR WRECKING YARD:** Primary or accessory use of more than 200 square feet of land for storage, dismantling, or selling of castoff or salvage material of any sort in other than the original form in which it was manufactured and/or assembled and not including reconditioned secondhand furniture or fixtures sold from within a walled building.

**KENNEL:** A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, training, or sale.

**LAND AREA:** The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

**LOADING SPACE:** An off-street space or berth on the same lot with a building, or continuous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**LOT:** A unit of land that is created by a subdivision of land or a parcel or tract of land having a frontage upon a street, occupied or to be occupied by a building or unit group of buildings and its accessory buildings, together with such yards or open spaces as are required by this code.

**LOT AREA:** The total area within a horizontal plane within the lines of a lot.

**LOT AREA, MOBILE HOME PARK:** The total area reserved for exclusive use of the occupants of a mobile home space.

**LOT, DEPTH:** The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT LINE:** The lines marking or bounding a designated lot, as designated herein, on all perimeters.

**LOT LINE ADJUSTMENT:** A realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel.

**LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face.

**LOT LINE, REAR:** A lot line which is opposite and the most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot line which is not a front or rear lot line.

**LOT OF RECORD:** A lot which is part of a subdivision or a lot or parcel described by metes and bounds which has been recorded in the office of the county recorder.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood control element of this code.

**MAJOR PARTITION:** A partition which includes the creation of a road or street.

**MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING:** A parcel (or contiguous parcels) of land divided into two or more manufactured house lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum the installation of utilities, either final site grading, or the pouring of concrete paths and the construction of streets) is completed on or after 28 February 1979. This definition is a federal definition intended to apply to areas subject to flood hazard regulations.

**MANUFACTURED HOUSING PARK OR MANUFACTURED HOUSING SUBDIVISION, EXPANSION TO:** Preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured houses are to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete paths, and the construction of streets). This definition is a federal definition intended to apply to areas subject to flood hazard regulations.

**MINOR PARTITION:** A partition that is subject to approval by a City or county under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.

**MOBILE HOME OR MANUFACTURED HOME:** A single-family dwelling or structure, transportable in one or more sections, each built on a permanent chassis, and which is designed to be used for permanent occupancy as a dwelling and is not designated as a recreation vehicle or prefabricated modular home as defined by the State of Oregon. The term "mobile home" includes manufactured homes, which are structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. A

manufactured/mobile home shall be Class A, B, C, or D, as further defined in Chapter 17.20 and stated within other portions of this code.

For flood plain management purposes, the term "manufactured house" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured house" does not include park trailers, travel trailers, and other similar vehicles.

**MOBILE HOME PARK:** A privately owned place where four (4) or more mobile home spaces for rent exist within 500 feet of one another on a lot, tract, or parcel of land under the same ownership and used for human occupancy.

**MOBILE HOME SUBDIVISION:** A privately owned place where mobile homes are parked on adjacent lots, tracts, or parcels of land under different ownerships and used for human occupancy.

**MODULAR HOME:** A factory-built, prefabricated home designed for transport in one or more sections, without permanent chassis, for final assembly and permanent installation on a building site. Considered a single-family dwelling within this code.

**MONOPOLES:** Monopoles consist of a single pole, approximately three feet in diameter at the base, narrowing to roughly 1.5 feet at the top and may support any combination of whip, panel, or dish antennas. (Ord. No. 831, July 16, 2001)

**NEIGHBORHOOD ACTIVITY CENTER:** An attractor or destination for residents of surrounding residential areas. Includes, but not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.

**NEW CONSTRUCTION:** means structures for which the "start of construction" commenced on or after the effective date of this ordinance. (Ord. 775, October 8, 1997)

**NON-CONFORMING ACCESS FEATURES:** Features of the property access that existed prior to the date of adoption of the current standards and do not conform with the requirements therein.

**NON-CONFORMING STRUCTURE OR USE:** A lawful existing structure or use on 19 February 1979 or when an amendment to the zoning code becomes effective, which does not conform to the requirements of the zone in which it is located.

**NURSING HOME:** Any home, place, or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four (24) hours for two (2) or more ill or infirm patients not related to the nursing home administrator or owner by blood or by marriage. Convalescent care may include but need not be limited to the procedures commonly employed in nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under the Oregon Revised Statutes.

**OCCUPIED AREA:** That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

**OFFICIAL ZONING MAP:** The map or maps upon which the zone locations in the City of Stayton are indicated in detail and with exactness so as to furnish the basis for property acquisition or building restrictions.

**OWNER:** The owner of record of real property as shown on the latest tax rolls of Marion County, or by the deed records of such county, or a person who is purchasing a parcel of property under contract.

**PAD:** A minimum foundation treatment for a permanent mobile home installation, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines, extending the length and width of the mobile home unit or units.

**PARCEL OF LAND:** A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open space required under the zoning, subdivision, or other land use and development code.

**PARKING AREA, PRIVATE:** An open area, building, or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

**PARKING AREA, PUBLIC:** An open area, building, or structure, other than a private parking area, street, or alley, used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by the public or by persons patronizing a particular building or establishment.

**PARTITIONING:** The division of an area or tract of land into two or three parcels within a calendar year (January to December), which such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition Land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from the creation of cemetery lots, and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession, and partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning requirement.

**PEDESTRIAN CROSSING:** A pedestrian crossing is also known as a crosswalk. Oregon law defines a crosswalk as the prolongation of a curb, sidewalk or shoulder across an intersection, whether it is marked or not. Outside an intersection, a crosswalk is created with markings on the road.

**PEDESTRIAN FACILITIES:** A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.



**PEDESTRIAN WAY:** A right-of-way for pedestrian traffic.

**PERMITTEE:** The person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

**PLAN MAP OR DIAGRAM:** An officially adopted map of the City, including urban growth boundary, showing land use designations and other graphic information which is part of the City plan.

**PLANNED UNIT DEVELOPMENT:** The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, building, or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by this code, and which normally includes commonly owned open space and/or facilities.

**PLAT:** The final map, diagram, drawing, replat, and other writing containing the descriptions, location, specifications, dedications, provisions, and other information concerning a partition, subdivision or planned unit development.

**PORCH:** A porch is an outside walking area, the floor of which is elevated more than eight (8) inches from the ground.

**PERSON:** Any individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including trustees, receivers, assignees, or other similar representative thereof.

**PRIVATE ROAD:** Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

**PUBLIC FACILITIES AND SERVICES:** Projects, activities, and facilities which are necessary for the public health, safety, and welfare.

**PUBLIC FACILITY:** Any facility which is immediately or is eventually to be taken over by the city for maintenance and operation. Facilities include, but are not limited to, public utilities, streets, sidewalks, curbs, parking lots, driveways, public buildings, and properties.

**PUBLIC ROAD:** A road under the jurisdiction of a public body that provides the means of access to an abutting property as well as servicing through traffic.

**QUALIFIED PUBLIC IMPROVEMENTS:** See Section 13.12.205, 4.

**RAMADA:** Means a stationary structure having a roof extending over a mobile home, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from the sun and rain.

**REASONABLE ACCESS:** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this section and any applicable plans and policies of the City of Stayton.

**RECREATION VEHICLE:** A vacation trailer or other vehicular or portable unit which is either self-propelled or carried by a motor vehicle and which is intended for human occupancy and is designed for vacation or recreational purposes but not a permanent residence. Recreational vehicles also include travel trailers, motor homes, campers, boats, boat trailers, snowmobiles, all-terrain vehicles (ATVs), and trailers designed primarily to carry ATVs or snowmobiles. Recreational vehicles do not include utility trailers or canopies.

**REIMBURSEMENT FEE:** See Section 13.12.205, 5.

**RESERVE BLOCK:** A strip of land, usually one foot in width, across the end of a street or alley and terminating at the boundary of a subdivision, or strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

**RESIDENTIAL FACILITY:** A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460, 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. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL HOME:** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 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. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

**RIGHT-OF-WAY:** The area between boundary lines of a street or other easement.

**SCHOOL, TRADE OR COMMERCIAL:** A building where instruction is given to pupils for a fee in money or otherwise, which fee is the principal reason for the existence of the school.

**SCHOOL, ELEMENTARY, JUNIOR HIGH, OR HIGH:** An institution, public or parochial, offering instruction in several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

**SEMI-PUBLIC USE:** A structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

**SERVICE STATION:** Any lot used in the normal course of business primarily for the retail sales of motor vehicle fuel and lubricants for delivery on the premises, and minor automobile repair and service.

**SETBACK:** The distance between a specified lot line and the foundation or nearest exterior wall of a building or structure.

**SIGHT DISTANCE TRIANGLE:** The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. The intersection and driveway sight distance is measured from an eye height of 3.5 feet above the controlled road at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road. For driveways along local access roads in urban and residential areas, the sight distance triangle is measured along the property lines of the street and along the driveway.

**SIGN:** Advertising sign, outdoor advertising sign, on-premise sign, display, temporary sign, message, light, emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose, or to inform, or to attract the attention of the public, and includes, where applicable, the sign structure, display surface, and all other components of the sign.

**SIGN AREA:** The total area of the smallest rectangle that will contain the entire sign or sign structure.

**SIGN STRUCTURE:** Any structure located outdoors primarily as a support or as surface for sign display.

**SITE PLAN REVIEW:** A detailed examination of the physical characteristics of a proposed development or improvement to property, which special attention given to the design of the development or improvement and the potential impacts on adjoining properties or land uses.

**SPACE, MOBILE HOME:** An area or lot reserved exclusively for the use of a mobile home occupant.

**STAFF:** Appropriate department heads and those other City employees they deem necessary.

**STANDARD SPECIFICATIONS:** Uniform design, material, and workmanship standards under which all public works facilities shall be constructed in the city. "Public facilities" include public utility systems which are constructed to be immediately or eventually operated and maintained by the city. See Section 12.04.015.

**START OF CONSTRUCTION:** The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it

include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STAYTON CODE:** The complete, duly adopted and amended municipal code of the City of Stayton.

**STREET:** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place, or other such terms.

- a. **Principal Arterial:** A street that is the basic element of the city's roadways system. All other functional classification streets supplement the principal arterial network. Access is generally limited to intersections with other arterials and collectors. Direct land access is minimal and controlled.
- b. **Minor Arterial:** This street collects and distributes traffic from the principal arterials to streets of lower functional classifications and may allow for traffic to directly access destinations. They provide for movement within specific areas of the city. Minor arterials service through traffic and provide direct access for commercial, industrial, office, and multi-family developments but, generally not for single family residential properties.
- c. **Collector:** A street that provides for land access and circulation within and between residential neighborhoods and commercial and industrial areas. Collectors provide direct access to adjacent land uses but still service through traffic. Typically, these roadways are not continuous for any great length nor do they form a connected network by themselves.
- d. **Neighborhood Collector:** A street that is primarily within a residential area that is used to funnel traffic to collectors. Neighborhood collectors allow direct access for abutting properties. Through trips are discouraged along these streets.
- e. **Cul-de-sac:** A short, dead-end street with vehicular turn-around at or near the dead-end.
- f. **Dead-end Street:** The same as cul-de-sac, except usually longer, which is intended to be extended and which has no permanent turn-around at the present termination. Pre-existing dead-end streets may exist which cannot be and are not intended for extension.
- g. **Half-Street:** A portion of the ultimate width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be provided when adjacent property is subdivided.
- h. **Local Residential Street, Local Commercial Street, Local Industrial Street, and Minor Street:** A street used exclusively for access to abutting properties.

**STREET TREE:** A street tree is defined as a living, woody plant typically having a single trunk of at least 1 ½ inches in diameter at a point six inches above mean ground level at the base of the trunk that is located in the public right-of-way. (Ord. 795, Jan. 7, 1999)

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered a story. (see "Basement")

**STORY, HALF-:** A story under a gable, hip, or gambrel roof, the wall plates of which are on at least two opposite exterior walls and are not more than two (2) feet above the floor of such story.

**STRUCTURE:** That which is built or constructed: An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade, including a gas or liquid storage tank that is principally above ground.

**SUBDIVIDER:** Any person who undertakes the division of a parcel of land for the purpose of transfer of ownership or development and including changes in street or lot lines.

**SUBDIVISION:** To partition a parcel of land into four or more parcels for the purpose of transfer of ownership or building development, either immediate or future, when such a parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll of year preceding the partitioning, or has existed as a unit or contiguous units under a single ownership as shown on the tax roll for any year subsequent to the passage of this code.

**STUB-OUT (STUB STREET):** A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**SUBSTANTIAL DAMAGE:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before damage occurred. (Ord. 775, October 8, 1997)

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started; or
- b. If the structure has been damaged and was being restored before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not however, include either:

- c. Any project for improvement of structure to correct existing violations of state or local health, sanitary code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (Ord. 814, May 17, 2000).
- d. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 814, May 17, 2000).

**SYSTEM DEVELOPMENT CHARGE:** See Section 13.12.205, 6.

**TRAILS:** The definition of trails include the following terms and their definitions:

- 1) **Trails and Pathways:** Trails and pathways are designed to provide walking, bicycling, equestrian and other non-motorized recreational and transportation opportunities. By providing linkages to other areas and facilities, they can assist in providing non-vehicular options for travel throughout the community. Trails and pathways may also be provided to permit users to exercise and enjoy the environment in which they were constructed. Trails can be designed for single or multiple type of uses. The trails and pathways in Stayton must be designed to serve the broadest range of users including recreation, health and fitness and transportation. Bike routes, placed on streets designed for motor vehicles, are an independent element of the path and trails system designed as an element of the City transportation system but also must be considered part of a City wide path and trail system. The two work together to provide a seamless practical system for the non-motorized traveler. The terms path and trail are used interchangeably within these standards.
- 2) **Trail and Pathway Surfacing:** Paths and trails may be either soft surfaced or treated with a variety of hard surfacing materials including concrete, asphalt or specialty materials such as recycled rubberized asphalt. Soft surfaced trails may be left in their natural condition or supplemented with gravel, bark chips, shredded bark, sand or other material. Surfacing will be dependent upon soil type, drainage and slopes plus the amount and type of use. Runners generally prefer the soft surfaces to ease impacts on knees and other joints while many users prefer a hard surface.
- 3) **Motorized and Non-Motorized Trails:** The Stayton trail system is generally intended for use by pedestrians and non-motorized vehicles. As funds permit, signage will inform users of the type of use intended for each trail. Although motorized vehicles will be prohibited for trail users, most trails will be designed to permit access of motorized City maintenance vehicles except some rustic trails which may be too narrow for these vehicles. Non-motorized vehicles, such as bicycles, will generally be permitted on trails but may be restricted by signage on some specific trails intended for foot traffic only. In general, horses will not be permitted on the trail system unless specific trail segments are signed for that purpose. No motorized trails (trails where motorized vehicles are permitted) are planned for the Stayton system.

4) **Trailhead:** A trail head is a designated location where the trail user accesses a specific trail or the trail system. It may be the point where the trail begins or anywhere along the trail system where the public is invited to access it. Trail heads generally provide a place to park cars and may provide signs or displays providing information about the trail or rules for using the trail. Major trail heads may also offer a restroom. Trail head design should consider installation of bollards or special fencing to physically restrain restricted vehicles, such as cars or ATV's, from the trail. ADA access shall be considered in the design of a trail head.

**TOWN HOUSES:** Attached or semi-detached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

**TRANSPORTATION CAPITAL IMPROVEMENTS:** Facilities or assets used for transportation purposes.

**TRAVEL TRAILER:** A recreational vehicle that is not used as a permanent residence and is designated solely as a temporary dwelling for travel, vacation, and recreation.

**UNOBSTRUCTED:** Not to block off and cut off from sight.

**URBAN GROWTH BOUNDARY:** An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County and Linn County.

**USE:** The purpose for which land, submerged or submersible lands, the water surface, or a building is arranged, designed, or intended, or for which either land, water, or building is or may be occupied or maintained. As applied by this code, the term "land use" also includes building use and use of building.

**VARIANCE:** means a grant of relief from the requirement of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. (Ord. 775, October 8, 1997)

**WALKWAY:** A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

**WATER DEPENDENT:** means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. 775, October 8, 1997)

**WIRELESS COMMUNICATION FACILITIES:** An unstaffed facility for the transmission and/or reception of wireless communication services or radio frequency signals, consisting of antenna, transmission cables, equipment shelters, ancillary structures, and a support structure to achieve the necessary elevation. The support structure includes but is not limited to a building or part thereof, water tower, light or utility pole, or monopoles. (Ord. No. 831, July 16, 2001)

**WRECKING YARD:** See JUNK YARD.

**YARD:** A space other than a court on the same lot with a building open from the ground upward except as otherwise provided herein.

**YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

**YARD, LANDSCAPED:** An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. Complementary features such as fountains, pools, screens, decorative lighting, sculpture, and outdoor furnishings, may be placed within said area.

**YARD, REAR:** A yard extending across the full width of the lot between the foundation of the rearmost main building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line.

**YARD SIZE:** A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building. When the side yard is adjacent to a street, the same shall be considered a front yard for the purposes of any setback requirements. (Ord 682, §1, February 1990)

**ZONE A:** Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

**ZONE AO:** Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.

**ZONE AH:** Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.

**ZONE A1-A30:** Areas of 100-year flood; base flood elevations and flood hazard factors determined.

**ZONE A99:** Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.

**ZONE B:** Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)

**ZONE C:** Areas of minimal flooding. (No shading)

**ZONE D:** Areas of undetermined, but possible, flood hazards.

**ZONE V:** Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.

**ZONE V1-V30:** Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined. (Ord. 775, October 8, 1997)



SECTIONS 17.04.110 TO 17.04.190 RESERVED FOR EXPANSION

17.04.190 VIOLATIONS AND PENALTIES

1. Any person, firm, or corporation who violates any provision of this code title is punishable upon conviction by a fine as provided in subsection 2. of this section. Each day that the violation persists shall be deemed as a separate offense.
2. Violation of any portion of this code is punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each infraction.
3. The remedies provided hereunder are cumulative and not exclusive. In addition to the penalties provided above and those specifically set out in particular sections of this code, the City, by and through its authorized personnel, may pursue any remedy provided by law including the institution of injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate a code violation.

SECTION 2. Stayton Municipal Code, Chapter 17.12 “Development Approval Procedures” is amended and restated as follows:

CHAPTER 17.12

DEVELOPMENT APPROVAL PROCEDURES

SECTIONS

17.12.310	Purpose
17.12.320	Applications for Changes and Exceptions
17.12.330	Application Procedure
17.12.340	Multiple Applications
17.12.350	Staff Responsibility and Actions
17.12.360	Notice of Public Hearing
17.12.370	Decision Authority
17.12.375	Administrative Decision Procedure (Ord. 767, August 9, 1997)
17.12.380	Planning Commission Hearing and Decision Procedure
17.12.390	City Council Hearing and Decision Procedure
17.12.400	Appeals
17.12.410	Effective Dates and Deadlines for Actions
17.12.415	Notice of Decision (Ord. 767, August 9, 1997)
17.12.417	Substantial Changes in Application After Filing (Ord. 767, August 9, 1997)
17.12.420	Plan Amendments
17.12.430	Zone Changes
17.12.440	Conditional Uses
17.12.450	Variances
17.12.460	Annexations
17.12.470	Site Plan Review
17.12.480	Historic Preservation Procedure

- 17.12.490 Mobile Home Parks
- 17.12.500 Penalties

17.12.310 PURPOSE

The purpose of this chapter is to provide clear and uniform procedures for the application for, review of, and decisions upon requests for land use and development permits.

17.12.320 APPLICATIONS FOR CHANGES AND EXCEPTIONS

All applications for land use and development approval actions as governed by the land use and development code are subject to the procedures and conditions set forth herein.

17.12.330 APPLICATION PROCEDURE

Any application for a land use or development approval action authorized in this title shall be filed in the following manner.

1. FORMS: The application shall be in writing on forms provided by the City Planner, with supplementary maps and material as set forth herein.
2. FILING LOCATION: Unless stated otherwise, the application shall be filed with the City Planner at City hall. (Ord. 767, August 9, 1997)(Ord. 794, December 8, 1998).
3. PROPERTY OWNER AUTHORIZATION: The application shall be accompanied by a notarized statement certifying the authority of anyone representing the owner(s) of property involved in the application, if the owner(s) are not the applicants. The application shall be signed by the property owner or authorized representative.
4. SUPPLEMENTAL INFORMATION: All documentation and information specified in those portions of this title governing the approval or action being requested shall accompany the application. The applicant shall be responsible for providing any and all information required to bring about an acceptable application.
5. COST FOR SERVICES (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000)
  - a. Basic Application Costs: Basic application costs are intended to recover expenses incurred by the City in the receipt, review and processing of a land use application and/or supporting documentation. A deposit in an amount established by Council resolution will be required at the time an application is filed. A portion of the deposit shall represent a non-refundable charge. The actual costs for processing an application will be computed through the date of final disposition of the application. Actual costs and charges, based on criteria determined by the City Administrator will be assessed against non-refundable portion of the deposit. Charges in excess of the non-refundable portion accruing during the land use

application process will be collected at the time of accrual. At the completion of the process, all uncollected associated costs will be assessed and collected; if there is any remaining balance of the (unused) deposits it will be refunded. (Ord. 794, December 9, 1998)(Ord. 824, December 18, 2000).

- b. Deposits: All applications shall be accompanied by payment of the base deposit in the amount as declared in a Deposit Resolution Schedule adopted by the Stayton City Council. (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000).
  - c. Engineering Deposit: Upon request by the City, an applicant shall deposit an additional \$500.00 to the City to be applied toward the cost of an engineering review of the application and/or improvement plans. Such deposit shall be credited and charged in accordance with 17.12.330.5.a above (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000).
  - d. Legal Deposit: Upon request by the City, the applicant shall deposit an additional \$500.00 to the City to be applied toward the cost of a legal review of the application and/or improvement plans. Such deposit shall be credited and charged in accordance with 17.12.330.5.a (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000).
  - e. Outside Planning Services: An applicant may, upon permission of the City, choose outside planning services at the applicant's expense, approved by the City, to process any land use application. The outside planning service will be tantamount to the function of a city staff planner and will be subject to the supervision, direction and review of the City Planner. Utilizing outside planning services does not forego the City's requirement as to costs (including non-refundable deposit). (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000).
  - f. In the event the application is withdrawn before City action, the applicant shall be responsible to pay for the costs incurred up to the time of its withdrawal. (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000).
  - g. Waiver of Charges: The Council may, at its discretion, waive some or all charges for the processing of applications determined by the Council to be in the public interest. (Ord. 794, December 8, 1998)(Ord. 824, December 18, 2000).
6. DEPOSIT SCHEDULE: A deposit schedule shall be in resolution form and adopted by the Stayton City Council. (Ord. 794, December 8, 1998).

17.12.340

#### MULTIPLE APPLICATIONS

1. PROCESSING: Combined or multiple requests by the same applicant(s) for approvals of different land use and development permits which are governed by the provisions of this chapter and which affect the same property or properties, shall be considered concurrently by the City. In the case of different applications requiring Planning Commission final action for one and Council final action for another, the Council may act upon both together.
2. CHARGES FOR MULTIPLE APPLICATIONS: Multiple applications shall be assessed charges as provided in Section 17.12.330 for each individual application which is part of a multiple application. The City Administrator shall be empowered to waive all but the highest charge for multiple applications. (Ord. 794, December 8, 1998).

17.12.350

STAFF RESPONSIBILITY AND ACTIONS

1. Upon receiving an application, the City staff will review the application within thirty (30) days after its initial submission by the applicant. The application shall be deemed acceptable upon determination by the City staff that all submittal requirements pursuant to this code have been satisfied. If the information contained in the application is not sufficient for complete staff review, staff will return the application to the applicant with a written explanation disclosing what information, forms, or fees are missing. It shall be the responsibility of the applicant to revise or supplement the application as required by the City staff in order to make it an acceptable application. If appropriate, a written agreement from the applicant may be accepted by the City staff, explaining how the technical problems will be resolved or information prepared. Failure of the applicant to provide an acceptable application within thirty (30) days of the date of receipt of notification shall be grounds for the application being deemed by the City staff as complete for review and action, and may lead to denial of the application. Staff has a total of thirty (30) days to review the application for completeness. The 120 day decision period begins either the day after the 30th day, beginning the day after the date received, or the day after the application is deemed complete. It shall be the duty of staff to notify the applicant within (3) days of an application deemed complete. (Ord. 767, August 9, 1997)(Ord. 815, July 19, 2000).
2. For all cases in which City staff does not make the initial decision on an application, City staff shall refer the file, together with their report as required by this title, to the appropriate decision maker (Planning Commission or City council), and shall schedule a public hearing therefore at the next available, regularly scheduled meeting. (Ord. 767, August 9, 1997).
3. For purposes of planning coordination, the City staff shall make referrals of the request, with an explanation of the character of the proposal and an indication of potential City action, to local, state, and federal agencies likely to be impacted by the proposal or entitled to receive such notice under law. This referral will be made within five (5) days of application acceptance. Agencies so contacted will be requested to reply within twelve (12) days of mailing of the referral, and will be notified that failure to reply or participate in

the hearing may be interpreted as no objection to the proposal. (Ord. 767, August 9, 1997).

4. For all applications other than a plan amendment, the City staff will prepare a written staff report on the proposed action within twenty (20) working days after the final, complete application is accepted, or seven (7) calendar days before a duly scheduled public hearing, whichever occurs later. A written report on a proposed plan amendment shall be prepared within thirty (30) working days after acceptance of a complete application, or seven (7) days before a duly scheduled public hearing, whichever occurs later. (Ord. 767, August 9, 1997).
5. For plan amendment and zone change applications, the City staff shall notify the Oregon Department of Land Conservation and Development of the proposed amendment pursuant to the requirements of ORS 197.610. Comments or objections received as a result of the notification shall be made a part of the staff report to the Planning Commission and/or the council. (Ord. 767, August 9, 1997).
6. The staff shall present their report on the application to the Planning Commission at the scheduled public hearing. (Ord. 767, August 9, 1997).

Upon having made a decision on an application, City staff will prepare written findings and conclusions based on the material contained in the application; the information presented at any public hearing; or on appeal; any agreements between the applicant and the City; and all pertinent discussion of the decision maker. City staff shall notify the applicant, and shall provide a short form notice of decision to all members of the Planning Commission and City council. (Ord. 767, August 9, 1997).

7. For all cases in which the Planning Commission has become involved in a case as a decision maker (for either final decision or as a recommendation to the council) on an application, City staff shall refer the file, together with their report on the action of the Planning Commission, to the City council. In the event a public hearing is required by this title, or requested by the City council, City staff shall schedule the public hearing for the next available, regularly scheduled meeting. City staff shall provide notice for the public hearing as required by this title. (Ord. 767, August 9, 1997).

It shall be the duty of the City staff to monitor the 120 day decision period and to notify the Planning Commission and City council in a timely manner to allow completion of the prescribed process within the 120 day period. (Ord. 767, August 9, 1997).

#### 17.12.360 NOTICE OF PUBLIC HEARING

1. Public notice of any public hearing before the Planning Commission or City council shall include the following information:
  - a. Identification of the application by City file number.

- b. Identification of the contiguous property involved in the request by ownership and tax map and tax lot numbers, and street address if available. (Ord. 767, August 9, 1997).
  - c. Identification of the property owner and applicant.
  - d. Date, time, and place of the hearing and the decision authority to conduct the hearing.
  - e. A brief description of the nature of the application and the proposed activities or uses which could be allowed by a favorable decision.
  - f. List the applicable criteria from the comprehensive plan and its implementing ordinances that apply to and govern the decision on the application under consideration. (Ord. 767, August 9, 1997).
  - g. The name of the City staff or designee and a telephone number to contact where information may be obtained. (Ord. 767, August 9, 1997)
  - h. A statement that the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at the office of the City staff and that copies will be provided at reasonable cost within seven (7) days of the hearing. (Ord. 767, August 9, 1997).
  - i. A statement that the staff report on the application will be available for inspection at the office of the City staff and that copies will be provided at reasonable cost within seven (7) days of the hearing. (Ord. 767, August 9, 1997).
  - j. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. (Ord. 767, August 9, 1997).
  - k. A statement that the failure to raise an issue in person or by letter during the open record period, or failure to provide sufficient specificity to afford the City an opportunity to respond to the issue precludes appeal to LUBA on that issue. (Ord. 767, August 9, 1997).
  - l. A statement that indicates the day in which the application was deemed complete. (Ord. 767, August 9, 1997).
  - m. If the hearing is an appeal, identification of the appellant's name if different than the property owner's name or applicant's name. (Ord. 767, August 9, 1997).
2. Notices of public hearing shall be mailed to each property owner of record within the affected area not later than twenty (20) days prior to the first public hearing on a case, and not later than ten (10) days prior to any additional public hearings on the same case. The notification area shall be for all properties located a minimum of three hundred (300)

feet from the exterior boundaries of the property which is the subject of the notice. Failure to receive such notice shall not affect the validity of the proceedings. (Ord. 767, August 9, 1997).

3. The applicant shall be required to post the property, ten (10) days prior to the hearing date, with a sign or placard provided by the City. The applicant shall file written certification or affidavit of such posting with the City staff prior to the hearing date. Posting shall be placed as near to a public street as possible, and shall be done in such a manner that the notice sign is easily visible from a public street. (Ord 694, October 1991) (Ord. 767, August 9, 1997).
4. In addition, notice of each public hearing shall be published in a newspaper of general circulation not later than ten (10) days prior to the public hearing. (Ord. 767, August 9, 1997).

17.12.370 DECISION AUTHORITY

1. AUTHORITY: The decision authority on applications shall be as follows:
  - a. Staff Decisions: City staff shall be required and empowered to review, evaluate and render decisions on the following land use applications:

(1) Commercial site plan reviews of 1 acre or less that are currently served by utilities and front an improved public street which meets City standards.

(2) Industrial site plan reviews of 3 acres or less that are currently served by utilities and front an improved public street which meets City standards.

(3) Variances. (Ord. 767, August 9, 1997).

In their sole discretion, City staff may elect to refer consideration and decision in any particular application to the Planning Commission or City council. Upon referral, all of the applicable rules for the Planning Commission or City council decision contained in this code shall apply to decision on the referred application. (Ord. 767, August 9, 1997).

- b. Planning Commission Decisions: The Planning Commission shall be empowered to review, evaluate and render final decisions on all land use applications in the City, except for applications involving any change to the development code, zone map, text or map of the comprehensive plan, or any annexations. (Ord. 767, August 9, 1997).

In their sole discretion, the Planning Commission may elect to refer consideration and decision in any particular application to the City council. Upon referral, all of the rules for City council decision contained in this code shall apply to decision on the referred application. (Ord. 767, August 9, 1997).

- c. Planning Commission Recommendations: The Planning Commission shall be required to review, evaluate, and make recommendations to the City council on all land use applications involving any change to the development code, zone map, text or map of the comprehensive plan, or any annexation. (Ord. 767, August 9, 1997).
  - d. City Council Decisions: The council shall be required and empowered to review, evaluate, and render final decisions on all land use applications involving change to the development code, zone map, text or map of the comprehensive plan, or any annexation. (Ord. 767, August 9, 1997).
  - e. City Council Authority: In addition to the decisions set forth above, the council shall have at its sole discretion, the authority to review and consider any other land use action of the staff or Planning Commission. (Ord. 767, August 9, 1997).
  - f. The council shall also have the authority to empower the City staff to act at its discretion in the acceptance of final land division plats pursuant to Chapter 17.24 of this title. (Ord. 767, August 9, 1997).
  - g. Combined Authority: At the discretion of the council, proceedings of the council and Planning Commission may be combined in the form of mutual or joint public meetings, work sessions, or hearings. Unless otherwise determined by the council, decisions or actions taken on applications subject to or following such proceedings shall have the status of final council decisions or actions. (Ord. 767, August 9, 1997).
2. STANDARDS: In order to approve proposed action, the applicant shall provide evidence which allows the City to make findings that the proposal is in conformance with applicable standards of the comprehensive plan, this title, and other state and local law; and that the specific approval criteria for the application, as contained within applicable sections of this code, have been satisfied. (Ord. 767, August 9, 1997)
3. BURDEN OF PROOF: The applicant has the burden of proof for any land use action before the City of Stayton. According to law, the applicant must present to the decision maker facts, evidence, analysis, and justification for each and every decisional criteria in order to carry that burden of proof. The burden of proof lies with the applicant to prove why their proposal complies with the Stayton Comprehensive Plan and the City's land use ordinances. There is no assumption that the applicant is entitled to an approval from the City of Stayton and the burden of proof does not lie with the City of Stayton, staff, appointed or elected officials. (Ord. 767, August 9, 1997).

17.12.375

#### ADMINISTRATIVE DECISION PROCEDURE



1. **ADMINISTRATION STAFF EVALUATION:** In addition to those standards and criteria specified by this title for any application before it, the City staff shall also consider the following matters in evaluating and reaching a decision on the application:
  - a. Consistency of the proposed action with the mandatory approval criteria for the application; the objectives of this title and other applicable ordinances and policies of the City.
  - b. Staff's own analysis and evaluation of the proposal; including all facts submitted relevant to the application, and any other information that is of general knowledge. (Ord. 767, August 9. 1997).
  
2. **ADMINISTRATIVE STAFF ACTION:** On any application for which the City staff is empowered to make the initial decision pursuant to 17.12.370. 1(a), staff may:
  - a. Approve the proposal as submitted, including the establishment of conditions of approval as may be deemed appropriate.
  - b. Request the proposal be modified in order to comply with City land use regulations before making a decision.
  - c. Deny the proposal.
  - d. Refer the application to the Planning Commission for decision in accordance with 17.12.380. (Ord. 767, August 9. 1997).
  
3. **TIMING OF DECISION:** If additional information is required to allow completion of action by the City staff, the applicant shall be given written notice of the items which must be submitted and granted up to thirty (30) days to submit the required information. Staff must ask for additional information within the first fourteen (14) days. Staff shall have five (5) days to review additional information once submitted. After submittal of the additional materials the 120 day decision period begins and the letter deeming the application complete is sent. (Ord. 767, August 9. 1997).
  
4. **FORM OF ADMINISTRATIVE ACTION:** The administrative decision shall be in the form of a written Notice of Decision, which shall be distributed pursuant to 17.12.415. (Ord. 767, August 9. 1997).
  
5. **EFFECTIVE DATE OF ADMINISTRATIVE DECISION:** Unless appealed or called up by the council, an administrative decision shall become final fourteen (14) days following the date of mailing of the Notice of Decision. (Ord. 767, August 9. 1997).

17.12.380 PLANNING COMMISSION HEARING AND DECISION PROCEDURE

1. **TIMING:** The staff report shall be placed before the Planning Commission no less than seven (7) days prior to the scheduled public hearing or meeting. The Planning

Commission shall hold at least one public hearing on the proposal unless otherwise provided by this title. A work session(s) open to the public may also be held at the commission's discretion. (Ord. 767, August 9, 1997).

2. **RULES OF PROCEDURE:** All public hearings shall be conducted in accordance with Stayton City Land Use Hearings Rules of Procedure, as amended. Copies of the Rules of Procedure shall be made available to applicants and other participants at the hearings. (Ord. 767, August 9, 1997).
3. **EVIDENCE:** Evidence received at any hearing shall be of the quality that reasonable persons rely upon in the conduct of their everyday affairs, and shall become part of the record for the application. Evidence shall address the mandatory approval criteria listed in the notice of hearing. The decision maker may reject any evidence that is immaterial or irrelevant to the approval criteria. Evidence that has been rejected shall be kept with the record on the application, but shall be noted on the face of that evidence that it was rejected, and the basis for the rejection. (Ord. 767, August 9, 1997).
4. **PLANNING COMMISSION EVALUATION:** In addition to those standards and criteria specified by this title for any application before it, the Planning Commission shall also consider the following matters in evaluating and reaching a decision on the application:
  - a. Consistency of the proposed action with the mandatory approval criteria for the application; the objectives of this title and other applicable ordinances and policies of the City. (Ord. 767, August 9, 1997).
  - b. Staff analysis and evaluation of the proposal.
  - c. The commission's own analysis and evaluation of the proposal; including all facts submitted relevant to the application, and any other information that is of general knowledge. (Ord. 767, August 9, 1997).
5. **PLANNING COMMISSION ACTION:** On any application except those requiring final action by the City council, following public hearing and other commission action, the commission shall make a decision. The commission may:
  - a. Approve the proposal as submitted, including the establishment of conditions of approval as may be deemed appropriate by the commission.
  - b. Request the proposal be modified in order to comply with City land use regulations before making a decision. (Ord. 767, August 9, 1997).
  - c. Remand the application back to the City staff. (Ord. 767, August 9, 1997).
  - d. Deny the proposal. (Ord. 767, August 9, 1997).

- e. Refer the matter on to the City council without action, hearing, or recommendation, if in the discretion of the Planning Commission administration of this code necessitates referral without action. (Ord. 767, August 9, 1997).
  - f. On those actions requiring final approval by the council, the commission shall perform the same function as described in a. through c. of this section, except the commission action shall be in the form of a recommendation to the council rather than a final decision. (Ord. 767, August 9, 1997).
  - g. If additional information is required to allow completion of action by the commission, it shall be prepared within one (1) week, if possible, and brought before either a special meeting or the next regularly scheduled meeting of the commission. (Ord. 767, August 9, 1997).
  - h. If so requested by a participant, the record of the hearing shall be held open for at least seven (7) days after the hearing is completed. (Ord. 767, August 9, 1997).
6. **PLANNING COMMISSION REVIEW OF ADMINISTRATIVE DECISIONS:** For those actions where a Notice of Decision has been issued by the staff, any individual member of the Planning Commission may elect to call up the application to further consider the decision. A call up must be made within the appeal period set forth in this code, and shall be in writing on forms provided by City staff. On decisions which are called up, the Planning Commission may elect to hold a public hearing, or refer the case back to the City staff with directions on how to proceed. (Ord. 767, August 9, 1997).
  7. **FORM OF ACTION:** Commission action shall be in the form of a Notice of Decision, which shall be signed by the presiding officer of the Planning Commission, and shall be distributed pursuant to 17.12.415. (Ord. 767, August 9, 1997).
  8. **REFERRAL OF ACTION:** For those actions in which the Planning Commission is called upon to make only a recommendation to the council, the record of the matter, including commission orders and findings, and all information received by the Planning Commission shall be referred to the City council for review and further action. (Ord. 767, August 9, 1997).
  9. **EFFECTIVE DATE OF DECISION:** Unless appealed or called up by the council, a decision of the Planning Commission shall become final fourteen (14) days following the date of the Notice of Decision. (Ord. 767, August 9, 1997).

17.12.390

**CITY COUNCIL HEARING AND DECISION PROCEDURES**

1. **COUNCIL HEARING REQUIRED:** For zone changes, plan amendments, and certain annexations where a public hearing is required by state law, the Council shall conduct at least one public hearing on the application. Notice of public hearing shall be given

pursuant to the procedures of Section 17.12.360 of this chapter. (Ord. 767, August 9, 1997).

2. **COUNCIL HEARING OPTIONAL:** For any application, other than plan amendments and certain annexations, which is before the Council for decision, a public hearing may be held if so required by the Council in its sole discretion. (Ord. 767, August 9, 1997).
3. **COUNCIL DELEGATION (Final Plat):** For acceptance of final subdivision plats and planned unit development plats, the Council may authorize approval of said plat by City staff, subject to the applicant's compliance with all conditions of approval as specified in the final decision. The Council may, at its discretion, hold one or more public hearing on the matter of approval of the final plat. Notice of public hearing shall be given pursuant to the procedures of Section 17.12.360 of this chapter for this hearing. (Ord. 767, August 9, 1997).
4. **COUNCIL REVIEW OF ADMINISTRATIVE AND Planning Commission DECISIONS:** For those actions where a Notice of Decision has been issued by either the staff or Planning Commission, any member of the Council may elect to call-up the application to further consider the decision. A call up must be made within the appeal period set forth in this code, and shall be in writing on forms provided by City staff. On decisions which are called-up, the Council may elect to hold a public hearing, or refer the case back to the original decision-maker with directions on how to proceed. Once a case is called up, staff and/or the Planning Commission lose jurisdiction to further consider the matter until and unless so directed by the Council. (Ord. 767, August 9, 1997).
5. **HEARINGS:** For those matters specified by this title as requiring City Council decision, the Council will consider recommendations of the Planning Commission and other information related to the application before the Council in the form of a de novo procedure. Hearings on appeals only may be de novo or on the record, as the Council deems appropriate. In cases heard on the record, no new evidence shall be allowed, however the applicant or appellant as the case may be, shall be afforded a brief opportunity to argue the merits of the case to the Council, so long as no new evidence is presented. (Ord. 767, August 9, 1997).
6. **PROCEDURES:** Conduct and procedures of the hearing and matters to be considered by the Council shall be the same as those prescribed for the Planning Commission hearing as described in Section 17.12.380 of this chapter.
7. **COUNCIL ACTION:** As the final decision maker for all City business, the Council shall have the right to take whatever action it deems necessary on any land use case brought before it. The power and the authority of the Council in this regard is not limited in any way. (Ord. 767, August 9, 1997).
8. **FORM OF ACTION:** Any decision or action by the Council on a land use case shall be by Order, except for annexations, zone changes, and plan amendments which shall be by Ordinance. The Order and/or Ordinance shall contain detailed findings of fact and

conclusions as to whether or not the facts satisfy the approval criteria. The decision shall contain the effective date of the decision, and the appeal rights of the parties. If the application is approved, the Order/Ordinance shall specify any conditions found to be necessary. The Council decision shall be mailed to all persons who are entitled to receive the Notice of Decision as specified in 17.12.415. (Ord. 767, August 9, 1997).

9. REMAND TO Planning Commission: The Council may remand any land use case to the Planning Commission for further proceedings, including conducting a new public hearing and making a new decision or recommendation. In the event of remand, the application shall be processed just as if it was a new application. (Ord. 767, August 9, 1997).

17.12.400 APPEALS

1. APPEAL OF ADMINISTRATIVE DECISION: An administrative decision of the City staff may be appealed to the Planning Commission by an affected party within fourteen (14) days of the action. The notice of appeal shall indicate the nature of the decision that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of this title. (Ord. 767, August 9, 1997).
2. APPEAL OF PLANNING COMMISSION DECISION: Following the decision of the Planning Commission, any person aggrieved by the decision of the Commission has the right to file within fourteen (14) days of mailing of notice of the decision, an appeal of that decision. The appeal shall be in writing and shall clearly state the issue being appealed and the grounds for the appeal. The appeal shall be placed before the City Council. The Council will consider the appeal and either accept the appeal and set a date for public hearing, or elect to deny the appeal based on the record. If the Council accepts an appeal of a Commission action, the Council may at its discretion remand the decision back to the Commission for further consideration and findings which will then be reported to the Council prior to a final Council decision on the appeal. (Ord. 767, August 9, 1997).
3. SPECIFICITY: Issues of appeal must be raised with sufficient specificity before the appeal body to have afforded the decision authority and the applicant, if appropriate, an adequate opportunity to respond to and resolve each issue. (Ord. 767, August 9, 1997).
4. STAY OF PROCEEDINGS: When an appeal is filed, it shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the determination of such appeal is completed. (Ord. 767, August 9, 1997).
5. FEE: An appeal pursuant to subsection 1. of this section shall be accompanied by an application fee and deposit as required by the duly adopted Fee Schedule. (Ord. 767, August 9, 1997).

17.12.410 EFFECTIVE DATES AND DEADLINES FOR ACTIONS

1. EFFECTIVE DATE: A final decision on a quasi-judicial land use action is intended to provide certainty to the applicants and all parties participating in the process. If a decision

is appealed pursuant to the provisions of this title, the decision becomes final. (Ord. 767, August 9, 1997).

2. **EVIDENTIARY MATERIAL SUBMITTED:** All documents or evidence relied upon by the applicant shall be submitted to the City staff at least twenty (20) days prior to the first decision authority evidentiary hearing on the matter. (Ord. 767, August 9, 1997).
3. **DEADLINES EXCEPT FOR PLAN AMENDMENT:** The City shall take final action on an application, excluding a plan amendment case, including resolution of all appeals under Section 17.12.330 of this chapter within 120 days after the application is submitted and deemed complete. (Ord. 767, August 9, 1997).
4. **MINIMUM TIME FOR REAPPLICATION:** An application denied after due consideration pursuant to this title may not be resubmitted in less than one year's time unless the applicant can demonstrate that the factual circumstances which brought about the denial no longer exist or are no longer applicable to the proposal. (Ord. 767, August 9, 1997).
5. **WAIVER:** The applicant may elect to waive or grant an extension to the 120-day time requirement stated in subsection 3. of this section by oral consent at public hearing or by written statement to the City staff. Such waiver requests shall be made a part of the record on the application. (Ord. 767, August 9, 1997).
6. **APPEAL FORM:** In order to be properly considered, an appeal shall be submitted on an appeal form created by the City. Appeal forms shall be readily available to members of the public at not cost for the form. The appeal shall be filed with the City Recorder. (Ord. 767, August 9, 1997).
7. **TIME CALCULATIONS:** Unless otherwise specified, where ever this code refers to "days", that reference is to calendar days, not working days. To calculate the last day for appeal, the date of the notice should be excluded, and the last day of the appeal period should be included. The last day concludes at 5:00 p.m. If the last day falls on a legal holiday or a weekend, the last day shall be the next regularly scheduled workday thereafter. To be effective, appeals must be physically received in the planning office. (Ord. 767, August 9, 1997).
8. **JURISDICTIONAL DETERMINATION:** In order for the appeal to be jurisdictionally adequate, and therefore able to be considered by the appropriate appellate authority, the appeal must meet all of the prerequisites-requisites set forth herein. These include specificity; use of proper form (properly filled out); payment of fee; and timely filing. (Ord. 767, August 9, 1997).

17.12.415 NOTICE OF DECISION

All administrative and Planning Commission decisions shall be reduced to writing in a Notice of Decision. This Notice of Decision shall contain at a minimum, the following information:

1. A brief description of the proposal contained in the application.
2. A summary of the facts found to be relevant to the decision.
3. A summary of the conclusions reached regarding application of the facts to the mandatory approval criteria governing the case.
4. The nature of the decision, including conditions of approval if any.
5. The number and a summary of comments received on the application, if any.
6. The effective date of the decision.
7. Rights of appeal from the decision.

This Notice of Decision shall be mailed to the applicant; all persons within the notification area; anyone who has requested a copy of the decision; all members of the Planning Commission and City Council; and shall be posted at City Hall. (Ord. 767, August 9, 1997).

**17.12.417 SUBSTANTIAL CHANGES IN APPLICATION AFTER FILING**

In the event at the City Council level, the applicant proposes changes to the land use application under consideration that make the application substantially different from that proposal that was considered by the Planning Commission, the City Council shall remand the case to the Planning Commission for consideration by the Planning Commission of the additional changes. Changes that shall constitute making the application substantially different include, but are not limited to substantial changes to the following:

1. Change in access, including size, number, and location.
2. Elimination of landscaping.
3. Change in the size or configuration of the subject property.
4. Increase in the density of the proposal.
5. Change in the location of the parking areas.

In the event the applicant does not waive or appropriately extend the 120 day application completion requirement of Oregon Revised Statutes prior to further consideration by the City, the application must be considered without the proposed changes. (Ord. 767, August 9, 1997).

**17.12.420 PLAN AMENDMENTS**

1. **DEFINITION:** A plan amendment may be a redesignation of an area from one land use classification to another, or a modification to policies or text of the plan. An amendment

in any form is generally considered to be site-specific. Major revisions, including the updating of all or parts of the plan and affecting the framework or principal elements of the plan, are not considered to be amendments and may not be initiated by individual applicants.

2. **METHOD OF ADOPTION:** Pursuant to the requirements of Sections 17.12.370 to 17.12.390, plan amendments shall be adopted by ordinance passed by the council. All proceedings shall be conducted in accordance with provisions of this chapter.
3. **INITIATION OF AMENDMENT:** A plan amendment may be initiated in any one of the following ways:
  - a. By resolution of the council.
  - b. By motion of the Planning Commission, followed by a public hearing before the commission and submission of a recommendation to the council, or
  - c. By petition of property owners or persons purchasing property under contract in accordance with procedures outlined herein.
4. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for plan amendments shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. If a land use designation amendment, one reproducible master and two copies of a map, drawn to scale, showing the property for which the amendment is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new land use designation(s).
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a plan amendment. If the request is a text-only amendment (e.g., no requested change in land use designation), the statement must fully explain the nature of the requested change and provide reasons why the change is appropriate.
  - d. Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
5. **APPROVAL CRITERIA:** In order to approve a plan amendment, the following affirmative findings concerning the action must be able to be made by the decision authority.
  - a. The proposed amendment is compatible with the existing provisions of the plan, as measured by:



- 1) If a map amendment, the extent of existing and proposed land use allocations for the requested uses.
- 2) Impact of the proposed amendment on land use and development patterns within the City, as measured by:
  - a) Traffic generation and circulation patterns;
  - b) Population concentrations;
  - c) Demand for public facilities and services;
  - d) Maintenance of public health and safety;
  - e) Level of park and recreation facilities;
  - f) Economic activities;
  - g) Protection and use of natural resources;
  - h) Natural hazards and constraints;
  - i) Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs.
- b. A demonstrated need exists for the product of the proposed amendment (land use designation or plan text adjustment).
- c. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.230 of this title) if a change in the urban growth boundary is requested.
- d. The proposed amendment is possible within the existing framework of the plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).
- e. The amendment is appropriate as measured by at least one of the following criteria:
  - 1) It corrects identified error(s) in the provisions of the plan.
  - 2) It represents a logical implementation of the plan.
  - 3) It is mandated by changes in federal, state, or local law.
  - 4) It is otherwise deemed by the council to be desirable, appropriate, and proper.
6. PLAN MAP: Whenever any land is redesignated pursuant to a plan amendment, the comprehensive plan map shall be modified to accurately portray such change.

17.12.430 ZONE CHANGES

1. **DEFINITION:** A zone change is a reclassification of an area from one zoning district to another, provided the new zoning district exists within chapter 17.16. of this title. Application of new zoning districts require legislative amendment of this code prior to such action, and are therefore not classified zone changes in the meaning of this chapter.
2. **METHOD OF ADOPTION:** Pursuant to the requirements of Section 17.12.370 through 17.12.390, zone changes shall be adopted by an ordinance passed by the council. All proceedings shall be conducted in accordance with this title.
3. **INITIATION OF ZONE CHANGE:** A zone change may be initiated in any one of the following ways:
  - a. By resolution of the council;
  - b. By motion of the Planning Commission, followed by a public hearing before the commission and submission of a recommendation to the council; or
  - c. By petition of property owners or persons purchasing property under contract, in accordance with procedures outlined herein.
4. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, applicant-initiated requests for zone changes shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.
  - b. One reproducible master and two copies of a map, drawn to scale, showing the property for which the zone change is requested, surrounding properties, neighboring streets and roads, existing plan designation(s) and zoning district(s) on the property, and the exact extent of requested new zoning district(s).
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a zone change.
  - d. Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
5. **APPROVAL CRITERIA.** In order to approve a zone change, the following affirmative findings concerning the action must be able to be made by the decision authority and placed into written form as part of the action on the proposal.
  - a. The proposed zone change and intended use is compatible with the surrounding area, as measured by:

- 1) Land use patterns.
  - 2) Traffic generation and circulation.
  - 3) Population density and impacts of population concentrations.
  - 4) Potential adverse impacts such as noise, odors, appearance, hazards to the public, generation of waste products, excessive glare of lighting, and demand on public services and facilities.
  - 5) Other similar factors deemed to be of importance to the decision by the Planning Commission or council.
- b. Other properly zoned land is not available in sufficient quantity within the City to satisfy current and projected needs.
  - c. There are adequate urban services to serve the possible use under the zone proposed.
  - d. The proposed zone change is compatible with applicable provisions of the City Comprehensive Plan.
  - e. The proposed zone change satisfies applicable provisions of Oregon Statewide Planning Goals and Administrative Rules.
6. ZONING MAP. Whenever any premises are reclassified as to zone or a new zone established, or boundary lines of a zone changed, the official zoning map shall be changed.

17.12.440                      **CONDITIONAL USES**

1. **DEFINITION.** A conditional use is an activity which is basically consistent with other uses permitted in the zone, but due to some of the characteristics of the activity which might not be entirely compatible with the zone, such use requires City review to determine and/or control potential adverse impacts.
2. **METHOD OF ADOPTION:** Conditional uses shall be adopted pursuant to the requirements of Sections 17.12.370 through 17.12.390. All decisions shall be made in accordance with this title. (Ord. 767, August 9, 1997).
3. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of conditional uses shall include the following materials and information:
  - a. Completed application forms as supplied by the City Planner.

- b. One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the conditional use is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed development and improvements of the property pursuant to the conditional use request.
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a conditional use.
  - d. Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
4. APPROVAL CRITERIA: In order to approve a conditional use request, the following affirmative findings concerning the action must be able to be made by the decision authority.
- a. The proposed conditional use is compatible with the surrounding area, as measured by factors such as noise, odors, appearance, traffic congestion, hazards to the public, generation of waste products, scale of development, excessive glare of lighting, and demand on public services and facilities.
  - b. The proposed conditional use is compatible with the purposes and standards of the zoning district in which it is proposed.
  - c. Identified adverse impacts may be mitigated or eliminated through the imposition of special conditions on the proposed use or by modifying the proposed use.
  - d. There will be no adverse affects on the normal flow or movement of traffic in the immediate area. Also, the access requirements of Section 17.26.1020 are met or can be met.
  - e. There are available urban services to the property.
  - f. Other property in the City that would allow the proposed use outright is not reasonably available.

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5. IMPOSITION OF RESTRICTIONS AND CONDITIONS

- a. The decision authority may prescribe restrictions or limitations for the proposed conditional use as it deems necessary to fulfill the purpose and intent of the zoning district in which the use is being proposed and the requirements of this code. Such restrictions or limitations shall be based on evidence and analysis presented during the course of 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. Any reduction or change of the requirements of the zoning regulations must be considered as varying those regulations, and must be processed as a variance pursuant to Section 17.12.450 of this chapter.

- 6. **RIGHT MUST BE EXERCISED:** Conditional uses granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that decision, unless a longer period be specified or thereafter allowed by the decision authority. In case such right has not been exercised or extension obtained the approval shall be void. A written request for an extension of time filed with the City Administrator at least thirty (30) days prior to the expiration date of the conditional use shall extend the duration of the one year period until the decision authority has taken action on the request.

17.12.450                      VARIANCES

- 1. **DEFINITION:** A variance is an approved modification to or relief from a specific regulation or set of regulations imposed by provisions of this title. A variance approval is limited to the individual condition and/or instance for which the variance has been requested.
- 2. **METHOD OF ADOPTION.** Variances shall be adopted pursuant to the requirements of Sections 17.12.370 through 17.12.390. All decisions shall be made in accordance with this title. (Ord. 767, August 9, 1997).
- 3. **VARIANCES ALLOWED:** Subject to the restrictions and provisions contained in this title, the decision authority shall have the power to vary or modify the strict application of any of the regulations or provisions of this title governing:

- a.        Zoning Requirements:

- 1)        Lot area.
- 2)        Lot width.
- 3)        Percentage of lot coverage and number of dwelling units or structures permitted on lot.
- 4)        Height of structures.
- 5)        Location of structures.
- 6)        Setbacks.
- 7)        Signs.
- 8)        Parking and loading space.
- 9)        Vision clearance also known as sight distance triangle.
- 10)       Dimension restrictions.
- 11)       Accessory uses.
- 12)       Landscaping standards.
- 13)       Expansion of nonconforming uses (limited as cited in Section 17.16.6-50[4.b]).

- b.        Flood hazard management requirements.

- c. Land division regulations.
4. **SUBMITTAL REQUIREMENTS:** In order to be accepted as complete and processed in a timely manner by the City, requests for approval of a variance shall include the following materials and information:
- a. Completed application forms as supplied by the City Planner.
  - b. A narrative statement fully explaining the code regulation for which the variance is being sought, the nature of the variance request, and addressing all applicable criteria for approval of a variance.
  - c. One reproducible master and two copies of a site plan drawn to scale showing the property for which the variance is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and, as appropriate, the condition to be varied.
  - d. Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
5. **LIMITATIONS:** The power of the decision authority to grant variances from the strict application of the provisions of this title shall be used sparingly, within the time limits granted the decision authority, within the spirit and intent of this code, and applied reasonably to maintain and not abolish the distinctive zoning classifications and other land use regulations created by this title.
6. **CRITERIA:** A variance is subject to the following general and specific approval criteria. No variance shall be approved without affirmative findings being made that the request fully satisfies these approval criteria.
- a. **General Criteria Applicable to All Requests.**
    - 1) The granting of the variance would not be materially detrimental to the public health, safety, or welfare, or the overall public interest of the citizens of the City as expressed within this title and the adopted City Comprehensive Plan.
    - 2) The granting of the application complies with the applicable specific approval criteria as defined herein.
  - b. **Specific Variance Criteria.**
    - 1) Variance to Zoning Regulations.

- a) The property is subject to exceptional or extraordinary circumstances, such as lot size, shape, topography, or other similar circumstances over which the property owner has no control and which do not generally apply to other properties in the same zoning district and/or vicinity.
- b) The variance is necessary for the reasonable preservation of a property right of the applicant which is the same as that enjoyed by other landowners in the zoning district.
- c) The variance would conform to the purposes of the applicable zoning regulations and would not generate a significant adverse impact on other property in the same zoning district or vicinity.
- d) Approval of the variance would not create an identifiable conflict with the provisions of the City plan or achieve the same conditions as would result from a new plan designation or zone being placed on the property.
- e) The variance being requested is the minimum relief available to alleviate the difficulty giving rise to the application.
- f) The variance would not have the effect of granting a special privilege not generally shared by other property in the same zoning district.
- g) The request for the variance is not the result of a self-imposed condition or hardship.

2) Variance to Flood Hazard Regulations.

- a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c) Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, ordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Sections 17.16.780 through 17.16.790 of this title, or conflict with existing local laws or ordinances.
  - iv. Consideration of the technical factors identified in subsection e) of this section.
- d) In passing upon flood control regulation variance applications, the decision authority shall consider all technical evaluations, all relevant factors, standards specified in other sections of the flood control provisions of this title (chapter 17.16), and
- i. The danger that materials may be swept onto other lands to the injury of others;
  - ii. The danger to life and property due to flooding or erosion damage;
  - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iv. The importance of the services provided by the proposed facility to the community;
  - v. The necessity to the facility of a waterfront location, where applicable;
  - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - vii. The compatibility of the proposed use with existing and anticipated development;
  - viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing



items 6.b.(2)(a) to 6.b.(2)(e) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- f) Upon consideration of the factors 6.b.(2)(a) to 6.b.(2)(e) of this section, the decision authority may attach such conditions to the granting of variances as it deems necessary to further the purposes of this code section. (Ord. 767, August 9, 1997).
- g) The City Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduce lowest floor elevation. (Ord. 814, May 17, 2000).

3) Variance to Land Division Regulations

- a) Special conditions or circumstances peculiar to the property under consideration make a variance necessary.
- b) The variance is necessary for the proper development of the subdivision or partition and the preservation of property rights and values.
- c) The variance will not be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the subdivision or partition, and the condition varied will remain in compliance with applicable state law (specifically, ORS 92).

7. IMPOSITION OF RESTRICTIONS AND CONDITIONS

- a. The decision authority may prescribe restrictions or limitations for the proposed variance as it deems necessary to fulfill the purpose and intent of the code provisions which are requested to be varied, and the requirements of this code. These restrictions may include but not be limited to the time or duration of the variance, the area to which it is effective within the property of the applicant, and the terms or conditions governing the exercise of the variance approval. Such restrictions or limitations shall be based on evidence and analysis presented during the course of evaluation of the request and shall be made a part of the approval action.
  - b. If the variance is granted, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the decision authority's approval.
  - c. A violation of any such condition(s) or limitation(s) shall constitute a violation of this title.
8. **RIGHT MUST BE EXERCISED.** Variances granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that variance, unless a longer period be specified or thereafter allowed by the decision authority. In case such right has not been exercised or extension obtained, the variance shall be void. A written request for an extension of time filed with the City Administrator at least thirty (30) days prior to the expiration date of the variance shall extend the duration of the one year period until the decision authority has taken action on the request.

17.12.460                      ANNEXATIONS

1. **DEFINITION.** An annexation is an expansion of the City limits through the addition of territory to the jurisdictional boundaries of the City. Includes "contract annexation" agreements between applicants and the City.
2. **METHOD OF ADOPTION.** Pursuant to the requirements of Sections 17.12.370 through 17.12.390, the City council shall adopt, by order, annexation approvals. All proceedings shall be conducted in accordance with this title.
3. **PLANNING COMMISSION RESPONSIBILITY.** Applicant-initiated requests for annexation of territory to the City shall be referred to the Planning Commission for review and recommendation to the Council pursuant to the criteria listed herein.
4. **SUBMITTAL REQUIREMENTS.** In order to be accepted as complete and be processed in a timely manner by the City, requests for annexation of territory shall include the following materials and information:

- a. Completed application forms as supplied by the City Planner.
  - b. One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the annexation is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and proposed uses of the property subsequent to annexation.
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of an annexation.
  - d. Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
5. REVIEW CRITERIA. In order to approve an annexation request, the following affirmative findings concerning the action must be able to be made by the decision authority:
- a. Need exists in the community for the land proposed to be annexed.
  - b. The site is or is capable of being serviced by adequate City public services, including such services as may be provided subject to the terms of a contract annexation agreement between the applicant and the City.
  - c. The proposed annexation is property contiguous to existing City jurisdictional limits.
  - d. The proposed annexation is compatible with the character of the surrounding area and complies with the urban growth program and policies of the City of Stayton.
  - e. The annexation request complies or can be made to comply with all applicable provisions of state and local law.
  - f. If a proposed contract annexation, the terms and conditions, including the cost, extent, and timing of City facility and service extension to the annexed area.
6. ZONING OF ANNEXED TERRITORY. As part of its review of proposed annexations, the Planning Commission may recommend a proposed zoning district to be placed upon the property subsequent to completion of the annexation procedure. The proposed zoning district shall exist in the code and shall be recommended in compliance with the City Comprehensive Plan designation for the property.

17.12.470

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. (Ord 798, May 17, 1999).
  
2. **METHOD OF ADOPTION:** Site plan reviews shall be subject to the following methods of adoption:
  - a. Site plans shall be adopted pursuant to the requirements of Sections 17.12.370 through 17.12.390. The decision shall be made in accordance with this title. (Ord. 767, August 9, 1997).
  
  - b. New development and improvements on land within Commercial districts containing one (1) acre or less or on land within Industrial districts containing three (3) acres or less; and served by public sewer and water facilities; and fronting a public street improved to City engineering standards; shall be reviewed by the City planning staff subject to the following provisions:
    - 1) Staff review of the development shall conform to the review procedures and standards contained in Sections 17.12.470.5. and 6.
  
    - 2) The planning staff shall provide a written determination of the site plan review to applicant. Development requirements shall be limited to those specifically contained within the Land Use and Development Code.
  
    - 3) The planning staff shall inform the Planning Commission within seven (7) days of all site plan applications and determinations.
  
    - 4) The applicant or the planning staff shall have the option of forwarding staff determined site plan reviews before the Planning Commission. This option may be exercised either before, during, or after the staff review process. Planning Commission review shall be consistent with the requirements in Section 17.12.470.2.a.
  
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 conditional of approval of a conditional use.
  - c. Otherwise required by specific provisions of this title.
4. **SITE PLAN REVIEW NOT REQUIRED:** Certain improvements or development of property otherwise subject to site plan review provisions of this title are exempt from review requirements. Such improvements or development include:
- a. Minor improvements to existing development: "Minor" shall be defined as improvements not exceeding 25 percent of existing development by area, not including the area of internal roadways, parking and loading areas, and outside storage areas.
  - b. Internal Improvements: "Internal" shall be defined as improvements which are within the perimeter of current development of the property, excepting roadways, parking and loading areas, and landscaped areas.
  - c. Signs, provided they are for use(s) permitted by the parent zoning district, that they are located within all setback areas of the property, that their surface area (both sides) does not exceed 100 square feet, that they are not illuminated by moving or flashing lights, and that they do not exceed in height the average height of primary structures on the property.
5. **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. One reproducible master and two copies of a site plan, drawn to scale, showing the property for which the site plan review is requested, surrounding properties, neighboring streets and roads, existing uses of the property, and all details of all proposed development of and/or improvements to the property including plans for tree removal as required by chapter 17.20.970. (Ord. 798, May 17, 1999).
  - c. A narrative statement fully explaining the request and fully addressing the criteria for approval of a site plan review permit.
  - d. Other additional information as may be deemed appropriate and suitable by the City Planner prior to acceptance of the application.
6. **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 on the subject property in accordance with accepted City standards where applicable.
- b. Provisions for safe and efficient internal traffic circulation, including both pedestrian and motor vehicle traffic, and provision for safe access to and from the property to those public streets and roads which serve the property. Refer to Section 17.26.1020 for specific access requirements.
- c. Provision of 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. Refer to Section 17.26.1010 through 17.26.1060 for specific requirements.
- d. Provision of parking areas and adequate loading/unloading areas and facilities as required by chapter 17.20 of this code; minimization of noise, odors, fumes, or other impacts affecting offsite areas.
- e. The design and placement on the site of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties.
- f. Location, design, and size of the proposed improvements to the site in a manner which will fulfill the intended purpose of the requested use of the site and which will properly serve anticipated customers or clients of the proposed improvements.
- g. Landscaping of the site in a manner consistent with the requirements of chapter 17.20 of this code, and which prevents unnecessary destruction of major vegetation such as trees, preserves unique or unusual natural or historical features, provides for vegetative ground cover and dust control, and presents an attractive interface with adjacent land use and development.
- h. Design of any visual or physical barriers around the property, such as fences, walls, vegetative screening or hedges, in a manner allowing them to perform their intended function and have no undue adverse impact on existing or contemplated land uses.

- i. Lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by excessive brightness or glare) upon adjacent land uses or traffic movements.
- j. Establishment of continuing provisions for maintenance and upkeep of all improvements and facilities. (Ord. 767, August 9, 1997).
- k. Proof of financial responsibility that the proposed development will be properly implemented as approved. To ensure that required public and/or private improvements are made in a timely and acceptable manner, the applicants may be required by the City to provide acceptable financial assurance to the City consistent with the requirements of chapter 17.20 of this code. (Ord. 767, August 9, 1997).

7. 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 provisions which are requested to be varied and the requirements of this code. These restrictions may include but not be limited to the time or duration of the site plan review approval, the area to which it is effective within the property of the applicant, and the terms or conditions governing the exercise of the site plan approval. 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. (Ord. 767, August 9, 1997).
- b. If the site plan review is approved, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the decision authority's approval within one year from the date of final approval.
- c. A violation of any such condition(s) or limitation(s) shall constitute a violation of this code.

8. **RIGHT MUST BE EXERCISED:** Site plan review approvals granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of the approval, unless a longer period be specified or thereafter allowed by the decision authority. In case such right has not been exercised or extension obtained, the site plan shall be void. A written request for an extension of time filed with the City Administrator at least thirty (30) days prior to the expiration date of the approval shall extend the duration of the one year period until the decision authority has taken action on the request (Ord. 694, October 1991).(Ord. 767, August 9, 1997).

## HISTORIC PRESERVATION PROCEDURE

1. **PURPOSE:** This procedure shall apply to historic resources listed in the City of Stayton Historic Structures Inventory of sites designated within the Stayton Comprehensive Plan. The intent of this procedure is to provide a means of designating and protecting historic resources in a manner complying with state land use planning requirements.
2. **INCLUSION OF HISTORIC SITES OR STRUCTURES:** Addition of sites or structures to those currently designated in the comprehensive plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.420 of this code.

Proceedings for the inclusion of a property within the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City Council, or a property owner, including contract purchaser, of a site or structure as follows:

- a. The applicant or City may initiate proceedings for designation or withdrawal by submitting an application to the City Administrator.
- b. The application shall contain the following minimum information:
  - 1) The owner's name and address.
  - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
  - 3) A statement explaining the following:
    - a) Reasons why the proposed landmark should be designated, based on the criteria set forth under Section 17.12.480 (2d).
    - b) The potential positive and negative effects and financial impacts, if any, which designation of the proposed landmark would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed inclusion in the comprehensive plan's designation of historic inventory sites pursuant to the procedures and notification requirements of this title.

The City shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent,



under this provision, to require owner consent in the designation of properties as historic landmarks.

- d. The decision authority may designate a building, structure, or site as an historic landmark upon findings that the proposed historic landmark meets one of the following criteria:
- 1) It is included in the National Register of Historic Places; or
  - 2) It retains physical integrity in original design, condition, setting; and is characterized by any one of the following:
    - a) It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
    - b) It is identified with persons or events significant in local, state, or national history; or
    - c) It embodies distinctive characteristics of a style, type, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
    - d) It is representative of the notable work of a builder, designer, or architect; or
    - e) It is an open waterway of historical interest and significance to the community.

e. The age of the proposed landmark alone shall not be sufficient grounds for designation.

3. **REMOVAL OF HISTORIC SITES OR STRUCTURES FROM INVENTORY:** Removal of sites or structures to or from those currently designated in the comprehensive plan shall be by plan amendment and shall follow the procedures specified in Section 17.12.420 of this code.

Proceedings for the removal of a property from the Historic Structures Inventory may be initiated by motion of the Planning Commission, resolution of the City council, or property owner, including a contract purchaser, of the site or structure as follows:

- a. The applicant or City may initiate proceedings for removal of a site from the inventory by submitting an application to the City Administrator.
- b. The application shall contain the following minimum information:
- 1) The owner's name and address.
  - 2) The address and/or the assessor map number and tax lot number of property proposed for designation.
  - 3) A statement explaining the following:
    - a) Reasons why the proposed landmark should not remain on the Inventory of Historic Places, based on the criteria set forth under Section 17.12.480 (3d).
    - b) The potential positive and negative effects and financial impacts, if any, which removal of the resource from the inventory would have on the property owner, residents or other land owners in the neighborhood.
- c. The decision authority shall hold a public hearing on any proposed removal of a resource from the inventory sites pursuant to the procedures and notification requirements of this title.

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The City shall take into account the desires of the owners of property with respect to its designation as an historic landmark. However, it is not the intent, under this provision, to require owner consent in the designation of properties as historic landmarks.

- d. The decision authority may remove a building, structure, or site from the historic landmarks inventory upon findings that the building, structure, or site meets any one of the following criteria:

- 1) The building or portion thereof is in such condition that it is unfeasible to preserve or restore it, taking into consideration building code requirements and the economic feasibility of preserving the structure; or
  - 2) The structure has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster; or
  - 3) The resource no longer meets any of the criteria for designation as an historic landmark set forth in Section 17.12.420(2)(d).
- e. The age of the proposed landmark alone shall not be sufficient grounds for not removing it from the inventory.
4. **ORDINARY MAINTENANCE AND REPAIR:** Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building official determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the commission.
  5. **DUTY TO KEEP IN GOOD REPAIR:** The owner of a designated historic resource shall keep such resource in good repair.
  6. **PERMITS:** An historic modification permit is required for alteration, demolition, or relocation of a structure or site which is a designated historic resource. Actual physical modification of the structure or site may not take place without the issuance of a construction or demolition permit subsequent to approval of the historic modification permit.
    - a. **Definition:** Alteration as governed by this section means any addition to, removal from, or change in the appearance of any part or portion of a designated historic resource.
  7. **REVIEW PROCEDURE:** The decision shall be made pursuant to the procedures of this chapter. (Ord. 779, March 3, 1998).
  8. **DECISION CRITERIA:** Decisions on applications for modification of an historic site or structure shall be based on applicable state and local codes and ordinances related to building, fire, and life and safety and the following standards: (Ord. 779, March 3, 1998)
    - a. **Alteration:**
      - 1) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or

alteration of any historic material or distinctive architectural features should be avoided when possible.

- 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- 5) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 6) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- 7) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- 8) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be repaired.
- 9) If an historical ditch, alterations shall not be permitted which would significantly impact the historical character of the site, including waterway and shore lands.

- b. Demolition: Decisions on applications for permits to demolish a designated historic structure shall be based on the following criteria:

- 1) The state of repair of the building and reasonableness of the cost of repair.
  - 2) Whether a program or project may exist that could result in preservation of the structure.
  - 3) Unnecessary and substantial hardship to the applicant that may result from denial or conditions of approval.
  - 4) Effects on the public welfare if the structure were demolished considering the significance of the structure and the economic, cultural, and energy consequences of demolition.
  - 5) Whether any other reasonable alternative exists.
- c. Relocation: Decisions on applications for permits to relocate a designated historic resource shall be based on the following:
- 1) Effects of the relocation on the historic and architectural integrity of the structure.
  - 2) Compatibility with the designated historic resource of the surrounding of the proposed location.
  - 3) Other factors considered appropriate by the decision authority. (Ord. 779, March 3, 1998)
9. LAND USE ACTION IMPACTS ON HISTORIC RESOURCES: Potential impacts to historic resources resulting from proposed land use actions shall be considered as part of the review on conditional uses, variances, and zone changes. Review and decision on such applications shall be based on: (Ord. 779, March 3, 1998)
- a. The state of repair of the building.
  - b. The reasonableness of the cost of restoration and repair.
  - c. The purpose of preserving such designated historical buildings or sites.
  - d. The character of the neighborhood.
  - e. Other factors considered appropriate by the decision authority.
10. EXEMPTION TO DEMOLITION PERMIT REQUIREMENTS: If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other natural or man-caused disaster, a

demolition permit may be approved by staff without processing the request as set forth in this chapter (Ord. 707, July 1992)(Ord. 7779, March 3, 1998).

17.12.490

MANUFACTURED HOME PARKS (Ord. 779, March 3, 1998)

1. PURPOSE: The regulations contained herein are intended to provide a suitable living environment for the residents of manufactured home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses. The requirements and standards set forth in this ordinance are the minimum standards to which a manufactured home park must conform before approval. (Ord. 779, March 3, 1998).

2. METHOD OF ADOPTION: Manufactured home parks shall be adopted pursuant to the requirements of Sections 17.12.370 through 17.12.390. The decision shall be made in accordance with the requirements of this title. (Ord. 779, March 3, 1998).

3. APPLICATION ON SUBMITTAL REQUIREMENTS

a. All applications submitted for approval of a manufactured home park development shall consist of one reproducible master and two copies of a preliminary development plan. Such plan shall be submitted thirty (30) days before the meeting at which they will be reviewed and shall contain, but not be limited to, the following information. (Ord. 779, March 3, 1998).

- 1) Name of the person who prepared the plan.
- 2) Name(s) of person owning and/or controlling the land proposed for the park.
- 3) Name of the manufactured home park and address. (Ord. 779, March 3, 1998)
- 4) Scale and north point of the plan.
- 5) Boundaries and dimensions of the manufactured home park. (Ord. 779, March 3, 1998).
- 6) Facility map showing relationship of manufactured home park to adjacent properties and surrounding zoning.(Ord. 779, March 3, 1998).
- 7) Location and dimensions of each manufactured home site with each site designated by number, letter, or name. (Ord. 779, March 3, 1998).
- 8) Location and dimensions of each existing or proposed building.
- 9) Location and width of park streets and pedestrian ways.
- 10) Location of each lighting fixture for lighting the park.
- 11) Location of recreational areas and buildings and common area.
- 12) Location and type of landscaping, fences, walls, or combination of any of these or other screening material.

- 13) Extent, location, arrangement, and improvements of all off-street parking and loading facilities.
- 14) Location of available fire hydrants.
- 15) Enlarged plot plan of a typical manufactured home space showing location of stand, storage space, parking and sidewalk, utility connections, and landscaping. (Ord. 779, March 3, 1998).
- 16) The plan shall indicate positions of the manufactured home on their stands so that the decision maker may determine entrances, setbacks, etc. (Ord. 779, March 3, 1998).
- 17) The plan shall show the topography of the park site with contour intervals of not more than two feet.
- 18) The plan shall indicate the locations of proposed sewerage, water, drainage, and storm sewer systems and all private utilities, including the location and dimensions of all proposed easements.
- 20) Adjacent property owners list.
- 21) Letter or statement from property owner(s) authorizing submittal of the application and development plan.
- 22) Access features shall conform to the requirements set forth in Section 17.26.1020. Section 17.26.1020 also specifies submittal requirements for requesting an access permit and approval.

b. At the time of application the applicant shall submit, in addition to the above and as part of the development plan, one reproducible and two copies of the following supplemental materials:

- 1) A survey plat of the property.
- 2) Schematic design drawings of all new structures.
- 3) A water system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Health Division.
- 4) A sewerage system plan prepared by a registered civil engineer meeting the requirements for approval of the State of Oregon Department of Environmental Quality.



- 5) A drainage system plan showing all drainage system improvements on site including storm water runoff calculations showing that the system is sufficient to handle the runoff from a 5-year storm.
  - 6) Method of garbage disposal.
  - 7) Park rules and regulations that will be recorded as deed covenants on the property.
4. APPROVAL CRITERIA: In order to approve a manufactured home park request, the following affirmative findings concerning the action must be able to be made by the decision maker. (Ord. 779, March 3, 1998).
- a. The proposed park is allowable within, and is compatible with the purposes and standards of, the zoning district in which it is proposed.
  - b. The proposed park satisfies all standards and criteria for manufactured home park development and operation as specified in this code. (Ord. 779, March 3, 1998).
5. DESIGN STANDARDS: The following standards and requirements shall govern the application of a manufactured home park development in an area which it is allowed. The City may require that specific standards be included within covenants and restrictions to be recorded on the land. (Ord. 779, March 3, 1998).
- a. A manufactured home park shall not be less than five (5) acres in area. (Ord. 779, March 3, 1998).
  - b. Lots or spaces within the park shall contain a minimum of 3,500 square feet with a width of no less than thirty (30) feet.
  - c. Only one (1) manufactured home dwelling shall be permitted on a lot or space. (Ord. 779, March 3, 1998).
  - d. Manufactured homes within a park shall be Class A, B, C or D manufactured/mobile units as defined in chapter 17.20 of this title. A Class D unit must bear a state insignia of compliance with standards in effect at the time of its manufacturing. (Ord. 779, March 3, 1998).
  - e. No building, structure, or land within the boundaries of a manufactured home park shall be used for any purpose except for the uses permitted as follows: (Ord. 779, March 3, 1998).

- 1) Manufactured homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building. (Ord. 779, March 3, 1998).
  - 2) Private and public utilities and services as permitted by City approval.
  - 3) Community recreation facilities, including swimming pool, for the residents of the park and guests only.
  - 4) One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
- f. All manufactured homes shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, 100 feet from the center line of a state highway and at least ten (10) feet from other boundary lines, except that when a sound deadening fireproof barrier, as an earthen berm or brick wall is provided, the Planning Commission may allow ten (10) feet setback to be reduced to five (5) feet, but not the twenty foot setback or the 100 foot setback. (Ord. 779, March 3, 1998).
- g. Manufactured homes shall not be located closer than fifteen (15) feet from any other manufactured home or permanent building within the manufactured home park nor closer than ten (10) feet to any park or private roadway. Manufactured home accessory buildings, when not attached to the manufactured home, shall not be closer than three (3) feet from any manufactured home or structure. (Ord. 779, March 3, 1998).
- h. Ramadas, cabanas, awnings, carports, and other attached structures shall be considered part of the manufactured home for setback purposes. (Ord. 779, March 3, 1998).
- i. All manufactured homes not having a concrete perimeter foundation shall be provided with a foundation stand which shall be improved to provide adequate support for the placement of the manufactured home. The stand shall be all-weather surfaced with asphalt, concrete, or crushed rock and must be at least as large as the manufactured home placed upon it. The stand shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. (Ord. 779, March 3, 1998).
- j. All manufactured homes shall be required to provide foundation, minimum exterior finishing, and construction of accessories in compliance with the manufactured/mobile home classification standards of chapter 17.20 of this code.

All awnings, carports, cabanas, etc., constructed shall be of material, size, and color and pattern so as to be compatible with the manufactured home and shall comply with applicable codes. (Ord. 779, March 3, 1998).

- k. A manufactured home park shall meet the minimum right-of-way requirements along its frontage based on the roadway classification of the roadway it fronts.
- l. The manufactured home park entrance shall be designed to provide a clearly defined main entry and exit point to the park. Secondary entry points may be required for parks over five (5) acres in size to provide ingress and egress for emergency vehicles. The main entry shall include street lighting and a sign(s) identifying the name of the park and providing direction to the manager's office or residence. Controlled ingress and egress may be installed subject to decision maker approval of design. (Ord. 779, March 3, 1998).
- m. Two (2) off street parking spaces shall be provided at each manufactured home space. Also, additional parking space shall be provided in parking areas distributed around the park (not part of the common area) not to be less than one (1) parking space per ten (10) units. All off street parking spaces are to be all-weather surfaces. (Ord. 779, March 3, 1998).
- n. Adequate street lighting shall be provided within the park in accordance with a plan approved by the Planning Commission.
- o. All utilities shall be installed underground unless otherwise approved by the Planning Commission.
- p. Buffering or screening shall be installed along park boundaries in accordance with a landscaping plan approved by the Planning Commission. All buffering or screening shall be in the form of a sight obscuring fence, wall, evergreen or other suitable planting, at least six (6) feet high.
- q. Fences or windbreaks exceeding forty-two (42) inches high shall be no closer than three (3) feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be six (6) feet.
- r. Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it eight (8) feet high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.

- s. There shall be landscaping within the front and side areas of each manufactured home lot setback and in all open areas of the manufactured home park not otherwise used for park purposes. Landscaping shall be installed in accordance with a landscaping plan approved by the decision maker. The maintenance of the open spaces shall be necessary to continue renewals of the park license. (Ord. 779, March 3, 1998).
  - t. In the manufactured home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accommodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis in accordance with City garbage franchise regulations. (Ord. 779, March 3, 1998).
  - u. If storage yards for recreational vehicles, boats, or trailers is provided, it should be provided at the rate of up to 100 square feet per manufactured home space depending on the clientele served. An eight (8) foot high sight obscuring fence with a lockable gate should be erected around the perimeter of the storage yard. If no storage space for recreational vehicles is provided, storage shall not be permitted within the park boundaries. (Ord. 779, March 3, 1998).
  - v. Signs identifying the manufactured home park shall be placed at the entry of the park and shall conform with the requirements of the zoning ordinance for the particular zone in which the manufactured home park is located. (Ord. 779, March 3, 1998).
  - w. Pedestrian walkways shall be separated from vehicular traffic ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidewalks shall be at least five (5) feet wide and be composed of concrete or asphaltic concrete at least three (3) inches thick.
  - x. Although it will not be necessary for vehicular ways to be improved and maintained to City standards, all vehicular ways shall be based, graded, and paved with asphalt or concrete and shall be continuously maintained by the owner.
  - y. Minimum park street improvement width for unobstructed streets shall be 14 feet for a one-way local street and 20 feet for a two-way local street.
6. **RIGHT MUST BE EXERCISED:** Manufactured home park approvals granted under these provisions shall be effective only when the exercise of the right granted therein is commenced within one year of the effective date of that approval, unless a longer period

is specified or thereafter allowed by the decision authority. In case such right has not been exercised or extension obtained, the approval shall be void. A written request for an extension of time filed with the City Administrator at least thirty (30) days prior to the expiration date of the approval shall extend the duration of the one year period until the decision authority has taken action on the request. (Ord. 779, March 3, 1998).

7. **BASIC PROVISIONS AND OPERATIONAL REGULATIONS FOR MANUFACTURED HOME PARKS:** Manufactured home parks shall be operated and maintained in the manner set forth in manufactured home park operational standards in chapter 17.20. of this code. (Ord. 779, March 3, 1998).

Any person, firm, or corporation who violates any provision of this chapter is punishable upon conviction by a fine as provided in chapter 17.04 of this title.

SECTION 3. Stayton Municipal Code, Chapter 17.16 "Zoning" is amended and restated as follows:

#### CHAPTER 17.16

#### ZONING

#### SECTIONS

- 17.16.610 Purpose
- 17.16.620 Basic Provisions
- 17.16.630 General Requirements
- 17.16.640 General Administrative
- 17.16.650 Nonconforming Buildings and Uses
- 17.16.660 Low Density Residential (LD) District
- 17.16.670 Medium Density Residential (MD) District
- 17.16.680 High Density Residential (HD) District
- 17.16.690 Commercial Retail (CR) District
- 17.16.700 Commercial General (CG) District
- 17.16.710 Interchange (ID) District
- 17.16.720 Industrial Commercial (IC) District
- 17.16.730 Light Industrial (IL) District
- 17.16.740 Industrial Agriculture (IA) District
- 17.16.750 Public/Semi-Public (P) District
- 17.16.760 Historical (H) Overlay District
- 17.16.770 Aggregate Extraction Overlay (AE) District
- 17.16.775 Public Natural Resource (PNR) Overlay District
- 17.16.780 Floodplain Overlay (FP) District
- 17.16.790 Flood Control Regulations (National Flood Insurance Program)

#### 17.16.610 PURPOSE

This chapter is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the City, and not limited to, but specifically to achieve the following designated objectives:

1. To protect the character and values of land and buildings and economic stability of sound residential, business, and industrial districts, and to enhance the quality of the desired environment in them by:
  - a. Preventing the intrusion of inharmonious uses;
  - b. Preventing the encroachment on desirable open space appurtenant to each district;

- c. Providing for safe and efficient movement of existing and future traffic;
  - d. Assuring the provision of necessary off-street parking space for vehicles.
2. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City and strengthen the basis of its private and governmental economy.
  3. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the City from costs which may be incurred when unsuitable, scattered, or premature development occurs.
  4. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
  5. To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
  6. To promote within various City areas an attractive and pleasing appearance and to aid in the development of the City by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly, and attractive.
  7. To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base area wide, thereby enlarging the opportunity for private investment.

17.16.620 BASIC PROVISIONS

1. COMPLIANCE WITH CODE REQUIRED. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. CLASSIFICATION OF ZONES. In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

LD	Low Density Residential
MD	Medium Density Residential
HD	High Density Residential
CR	Commercial Retail
CG	Commercial General
ID	Interchange Development
IC	Industrial Commercial
IL	Light Industrial
IA	Industrial/Agricultural
P	Public/Semi Public
H	Historical Overlay

AE Aggregate Extraction Overlay  
FP Flood Plain Overlay

3. OFFICIAL ZONING MAP

- a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this code.
- b. Such map shall constitute the official record of the zones within the City as of January 1989 and thereafter as the map may be modified in accordance with the provisions of this title.
- c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments.

4. ZONING OF ANNEXED OR VACATED LAND

- a. All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the City Comprehensive Plan.
- b. Whenever any street, alley, or public way is vacated, the zone on each side of such street, alley, or public way shall be automatically extended to the center of such vacated area.

17.16.630 GENERAL REQUIREMENTS

1. MINIMUM REQUIREMENTS. In interpreting and applying this title, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. MINIMUM STREET WIDTH. All street rights-of-way shall conform to requirements in chapter 17.24 of this code.
3. LOTS ABUTTING A PARTIAL STREET
  - a. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned, unless the yard provided on such lot includes both that portion of the lot lying within the required street and the required yards.
  - b. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this title.
4. STREET DEDICATIONS AND PUBLIC IMPROVEMENTS. Street dedications and public improvements are to be installed in accordance with the provisions of the Stayton Municipal Code, chapter 12.04 and 12.08.
5. BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET. Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon a public street or



a City-approved easement or private road with a right of way of not less than 20 feet. An easement or road shall not serve more than four (4) dwelling units, except when approved under a site plan review or a planned unit development. The terms "easement" and "private road" do not include privately owned roadways serving buildings within a single lot.

17.16.640 GENERAL ADMINISTRATIVE

1. INTERPRETATIONS OF ZONING CODE

- a. When, in the administration of this title, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission, who shall issue an interpretation of the question if the commission has determined that such interpretation is within their power and is not a legislative act.
- b. Any interpretation of the general provisions of this chapter shall take place as specified in chapter 17.04. of the title. Interpretations of zoning boundaries and of uses allowed within specific zoning districts shall take place as specified in Sections 2. and 3. of this section.

2. INTERPRETATION OF ZONING BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- a. Where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of such district.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be block lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- c. Where the district boundaries appear to cross nonsubdivided parcels on the zoning map, the district boundaries shall be determined by use of the scale contained on such map.

3. USES NOT SPECIFICALLY COVERED. The City Administrator or his designee may permit in a zone any use not specifically named or referenced as "typical use" in any district listed in this chapter, if he finds that the proposed use is in general keeping with the uses authorized in such district as measured by criteria in this section. In making such an interpretation, the administrator shall consider the following factors:

- a. Size, scale, configuration, bulk, and other characteristics of the requested use.
- b. Physical and operational similarity of the use to uses now allowed in the zone.

- c. Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

The administrator shall issue written findings reporting the results of this interpretation. Uses specifically allowed in other zones may not be added to zones not containing them and being interpreted in the above manner. All uses authorized by this process shall, prior to development, be subject to site plan review approval. The decision of the administrator shall be placed before the City council for review in the manner described in Section 17.12.380 for review of Planning Commission actions. The decision shall become final within ten days of the decision being placed before the council unless appealed pursuant to Section 17.12.400.

#### 17.16.650 NONCONFORMING BUILDINGS AND USES

1. CONTINUATION OF LAWFUL USE. The lawful use of a building or land existing on January 1989 may be continued although such does not conform to the regulations specified for the zone in which the land or building is located.
2. CESSATION OF USE. If the actual operation of a nonconforming use of a building or land ceases for a period of twelve (12) months, such building and/or land shall be subject to all the regulations specified by this title for the zone in which such building or land is located.
3. REPAIR. A nonconforming structure may be repaired and maintained so long as any such repair or maintenance does not in any way increase its nonconformity and it remains otherwise lawful.
4. ALTERATION OR EXPANSION
  - a. A nonconforming building may be altered or changed only provided such change conforms in all respects to the regulations of the zoning district in which the building is located.
  - b. The expansion of a nonconforming building or use is prohibited, except that the building or use may be extended to a portion of a structure or property clearly designed or intended for such use as of the time of adoption of this title. Such expansion shall be subject to variance approval procedures pursuant to chapter 17.12. of this title.

#### 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 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 20 feet. Minimum side yard depth shall be 5 feet. Minimum rear yard depth shall be 20 feet. Minimum setback to the garage entrance shall be 25 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 in Chapter 17.20 of this title.
- The 25 foot garage setback requirement shall be effective and shall apply to all land use applications filed with the City on and after August 1, 1995 (Ord. 752, §1, November 1995).
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 center line of Tenth Avenue; Eight-thousand (8,000) square feet for all other lots. Eighty-foot (80) frontage (40-feet for cul-du-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.

- 9. **BUILDING ORIENTATION:** If the subject property fronts a public street, the architectural front of the single family home shall face the street. (Ord. 741, §1, May 1995)

**17.16.670 MEDIUM DENSITY RESIDENTIAL (MD) DISTRICT**

- 1. **PURPOSE.** To provide for single-family, duplex, tri-plex, 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, 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 17.16.670.9.(Ord. 771, August 4, 1997)
- b. Accessory structures, provided the requirements of chapter 17.20. of this title are also satisfied.
- c. Public parks.

- d. Duplexes, tri-plexes.
- e. Group day care home for fewer than thirteen (13) children.
- f. Any combination of single family homes, duplexes, or tri-plexes; all structures on site combined not to exceed 12 dwelling units per acre. Also subject to the 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.
  - d. 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 20 feet. Minimum side yard depth shall be 5 feet. Minimum rear yard depth shall be 15 feet. Minimum setback to the garage entrance shall be 25 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 in Chapter 17.20 of this title.

The 25 foot garage setback requirement shall be effective and shall apply to all land use applications filed with the City on and after August 1, 1995 (Ord. 752, §2, November 1995).
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 single family dwellings, 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 single family dwellings, 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.
- l. Front-side exterior brick work or masonry.(Ord. 771, August 4, 1997)

10. BUILDING ORIENTATION: If the subject property fronts a public street, the architectural front of the single family home shall face the street (Ord. 741, §2, May 1995).

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. The minimum density shall be 13 units per acre; there shall be no upper limit to the maximum allowable dwelling density.



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 17.20.
  - a. 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 17.16.680.9. (Ord. 771, August 4, 1997).
  - 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:** Height limits shall be determined through the site plan review process. The building height shall be compatible with adjacent land uses.
5. **BUILDING SETBACKS:** Minimum front yard depth shall be 20 feet. Minimum side yard depth shall be 5 feet. Minimum rear yard depth shall be 15 feet. Minimum setback to the garage entrance shall be 25 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 in Chapter 17.20 of this title.

The 25 foot garage setback requirement shall be effective and shall apply to all land use applications filed with the City on and after August 1, 1995 (Ord. 752, §3, November 1995).

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: 6,000 square feet for all lots, 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. 741, §3, May 1995).
9. **DESIGN STANDARDS.** Within the HD zone, all new single family dwellings, 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 single family dwellings, 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 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 brick work or masonry. (Ord. 771, August 4, 1997)

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.
  - s. Wireless Communication Facilities, if provided in SMC17.20.980(3) or (4). (Ord. No. 831, July 16, 2001)
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 17.20.860 of this title. Within the CR zone Historic Downtown and Residential Business District overlay, and Historic Downtown Residential Business District overlays (17.12.485) (Transition Area)(17.12.485), 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. (Ord. 723 §5, May 1994)

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.

- I. Wireless Communication Facilities, if provided in SMC 17.20.980 (3) or (4). (Ord. No. 831, July 16, 2001)
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 17.20.860 of this title. Within the CG zone Historic Downtown and Residential

Business District, overlay (17.12.485) 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. (Ord. 723 §6, May 1994)

17.16.710 INTERCHANGE DEVELOPMENT (ID) DISTRICT

1. PURPOSE. To provide for the location of needed highway service commercial facilities at the intersections of controlled access highways and arterial roads. All land zoned ID shall have frontage (but not necessarily access) on Highway 22 or an arterial. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
2. PERMITTED USES. All uses listed below are subject to site plan review procedures pursuant to chapter 17.12. of this title.
  - a. Service station (gas, oil, lubricating, minor repair).
  - b. Towing services, not including storage of vehicles.
  - c. Traveler accommodations, including camping and recreational vehicle parks.
  - d. Eating places (restaurant, cafe, coffee shop, dining room, and tea room).
  - e. Drive-in eating and snack facilities.
  - f. Day care facility.
  - g. Manufactured office structures certified by the State of Oregon for commercial or industrial occupancy.
  - i. Public facilities and services.
  - j. Uses clearly accessory and subordinate to the above.
  - k. Wireless Communication Facilities, if provided in SMC 17.20.980 (3) or (4). (Ord. No. 831, July 16, 2001)
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 17.12.
  - a. Commercial uses not listed in Section 17.16.710 that the decision authority finds meet the purposes of the ID zone.
  - b. Any use set forth in the P (Public/Semi-Public) district.
  - c. Drive-in theaters.
  - d. Antennas in excess of 75 feet in height.
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.** None except as determined upon site plan review as being necessary to protect existing adjacent or allowed uses. 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.
9. **LANDSCAPING.** Landscaping requirements of chapter 17.20. to be satisfied for all uses.
10. **OPEN STORAGE AREAS.** Subject to the requirements of chapter 17.20. of this title.

17.16.720 **INDUSTRIAL COMMERCIAL (IC) DISTRICT**

1. **PURPOSE.** To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
2. **PERMITTED USES.** All uses listed below are subject to site plan review standards of chapter 17.12. of this title.
  - a. Any use allowed in the IL (Light Industrial) district.
  - b. Service commercial uses (typical uses: collection agencies, interior decorating services, printing services and publishing houses, commercial storage facilities, upholstery shops, parcel delivery, wholesale trade, lumber brokers' offices).
  - c. Heavy commercial uses (typical uses: cabinet shops; mobile home repair; industrial and heavy equipment service, rental, and repair; recycling centers; carpet cleaning works).
  - d. Combination of industrial and commercial businesses (typical uses: sheet metal shops, irrigation equipment supply, ceramic and glass studios, bottling works, freight yards and terminals).
  - e. Day care facility.
  - f. Mini-warehouses.
  - g. 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.
  - h. Antennas over 75 feet in height.
  - i. Uses clearly accessory and subordinate to the above.
  - j. Wireless Communication Facilities, in accordance with SMC 17.20.980. (Ord. No. 831, July 16, 2001)
3. **HEIGHT.** No maximum, or as may be established to protect adjacent uses as a part of a conditional use or site plan review approval action.



4. YARD AREA. No minimum.
5. BUILDING SETBACKS. None except as determined upon site plan review as being necessary to protect existing adjacent or allowed uses. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
6. FRONTAGE. No minimum.
7. PARKING. All uses are subject to parking and loading requirements of chapter 17.20. of this title.
8. LANDSCAPING. Landscaping requirements of chapter 17.20. of this title to be satisfied for all uses.
9. OPEN STORAGE AREAS. Subject to the requirements of chapter 17.20. of this title.

17.16.730 LIGHT INDUSTRIAL (IL) DISTRICT

1. PURPOSE. To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
2. PERMITTED USES. All uses listed below are subject to site plan review standards of chapter 17.12. of this title.
  - a. Dwelling for a caretaker or watchman.
  - b. Manufacturing of metal products (not including primary manufacturing).
  - c. Metal stampings.
  - d. Manufacturing of prefabricated wood and metal products.
  - e. Prefabrication of modular housing components and products.
  - f. Machinery manufacturing and processing.
  - g. Industrial machinery service.
  - h. Paper and allied products manufacturing (excluding pulp mills).
  - i. Petroleum, petroleum byproducts manufacturing and storage.
  - j. Transportation equipment manufacturing.
  - k. Real and personal property auction yard.
  - l. Machinery service and repair.
  - m. Wood fuel dealer.
  - n. Construction and mining equipment manufacturing.
  - o. Electrical equipment and components manufacturing.
  - p. Warehouses, mini-warehouses.

- q. Wholesale distributing firm.
- r. Business form manufacturing.
- s. Cannery, canning, freezing, drying, food processing, and preserving.
- t. Retail uses, including 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.
- u. Public facilities and services.
- v. Open storage areas subject to the provisions of chapter 17.20. of this title.
- w. Commercial uses associated with agricultural activities (typical uses: seed and feed supply; farm implement sales and service; garden and yard supplies; irrigation equipment sales and service; landscaping equipment and services).
- x. Manufactured office structures certified by the State of Oregon for commercial or industrial occupancy.
- y. Day care facility.
- z. Uses clearly accessory and subordinate to the above.
- aa. Wireless Communication Facilities, in accordance with SMC 17.20.980 (Ord. No. 831, July 16, 2001)

3. **CONDITIONAL USES.** All uses listed below are subject to conditional use approval procedures pursuant to chapter 17.20. of this title and require site plan review approval pursuant to chapter 17.20.

- a. Mineral and aggregate manufacturing and processing; also subject to the provisions of the AE (Aggregate Extraction) Overlay district (Section 17.16.770).
- b. Cement, glass, clay, and stone products manufacturing.
- c. Pulp mill.
- d. Primary metal, wood, or fabric manufacturing.
- e. Livestock auction yard.
- f. Sawmill.
- g. Automotive wrecking yards.
- h. Industrial activities involving the use or storage of chemicals or explosive or flammable compounds.
- i. Solid waste disposal sites and facilities.
- j. Heliport, personal use airport.
- k. Antennas over 75 feet in height.

5. HEIGHT. No maximum, or as may be established to protect adjacent uses as a part of a conditional use or site plan review approval action.
6. BUILDING SETBACKS. Ten (10) feet where adjacent to a residential district, or as established to protect adjacent uses through a site plan review. Setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
7. LOT AREA AND WIDTH. No minimum.
8. FRONTAGE. No minimum.
9. PARKING. All uses are subject to parking and loading requirements of chapter 17.20. of this title.
10. LANDSCAPING. Landscaping requirements of chapter 17.20. of this title to be satisfied for all uses.

17.16.740 INDUSTRIAL AGRICULTURE (IA) DISTRICT

1. PURPOSE. To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
2. PERMITTED USES. Where indicated below, subject to site plan review approval.
  - a. Cannery spray irrigation by Department of Environmental Quality (DEQ) permit; also subject to site plan review.
  - b. Agricultural activities.
  - c. Commercial uses associated with agricultural activities (typical uses: seed and feed supply; farm implement sales and service; garden and yard supplies; irrigation equipment sales and service; landscaping equipment and services).
  - d. Public facilities and services subject to site plan review approval.
  - e. Uses clearly accessory and subordinate to the above.
  - f. Wireless Communication Facilities, in accordance with SMC 17.20.980. (Ord. No. 831, July 16, 2001)
3. CONDITIONAL USES. All uses subject to conditional use procedures of chapter 17.12. of this title.
  - a. Canning, freezing, drying, and other similar processing and preserving of agricultural products.
  - b. Single family dwellings.
  - c. Outdoor recreation facilities (typical uses: golf courses, campgrounds, riding stables and arenas, playgrounds, stadiums, racetracks, fairgrounds) subject to site plan review approval.
  - d. Antennas over 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-five (25) feet. Minimum side yard depth shall be ten (10) feet. Minimum rear yard depth shall be twenty-five (25) 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.** Minimum five (5) acres.
7. **FRONTAGE.** No minimum.

17.16.750 **PUBLIC/SEMI-PUBLIC (P) DISTRICT**

1. **PURPOSE.** To allow for the location and use of public lands, buildings, and facilities in a manner that will not unreasonably disrupt or alter areas of the community.
2. **PERMITTED USES.** Where indicated below subject to site plan review approval.
  - a. All publicly owned buildings and facilities (typical uses: City halls, community centers, libraries, schools, fire stations, water and sewage facilities)
  - b. Semi-public facilities (churches, temples, lodges, cemeteries, mortuaries, crematoriums, golf courses, etc.), subject to site plan review.
  - c. Public outdoor recreational facilities (playgrounds, parks, swimming pools, golf courses, picnic grounds).
  - d. Public open space uses (nature preserves, scenic areas, beaches).
  - e. All uses clearly accessory and subordinate to the above.
  - f. Wireless Communication Facilities, in accordance with SMC 17.20.980. on City of Stayton Municipal property only. (Ord. No. 831, July 16, 2001)
3. **CONDITIONAL USES.** All uses subject to conditional use provisions of chapter 17.12. of this title, and are subject to site plan review approval pursuant to chapter 17.12.
  - a. Commercial recreational services (typical uses: marinas, yachting clubs and marinas, recreational vehicle rentals, amusement parks, race tracks).
  - b. Fraternal and civic organizational facilities.
  - c. Hospitals and overnight clinics.
  - d. Private schools and branch educational facilities.
  - e. Solid waste disposal and recycling sites and facilities.
  - f. Commercial airport.
  - g. Mineral and aggregate manufacturing and processing; also subject to the provisions of the AE (Aggregate Extraction) Overlay District (Section 17.16.770), limited to operations under the management of a public agency.
  - h. Antennas in excess of 75 feet in height.

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. SETBACKS. No minimums except as provided through a conditional use permit.
7. Lot Area and Width. No minimum, although setbacks in certain areas are subject to special street and riparian setback provisions of chapter 17.20. of this title.
8. FRONTAGE. No minimum.

17.16.760 HISTORICAL (H) OVERLAY DISTRICT

1. PURPOSE. This District is intended to apply to those lands containing historical sites or structures as identified within the City Historic Structures Inventory and within the City's comprehensive plan, and to protect these designated sites or structures from loss.
2. REGULATIONS. No structure or site designated as historical in the comprehensive plan may be altered in such a manner as to destroy its historical significance. The destruction, except by natural causes, of any structure designated historical in the comprehensive plan is prohibited.
3. USES.
  - a. Historical structures or sites may be used for the uses described in the parent zoning district in which it is located, provided the character of the structure is not changed so as to destroy its historical significance.
  - b. Designation, deletion, and modification of structures listed in the City of Stayton Historic Structures Inventory shall be subject to the requirements of Section 17.12.480 (historic preservation regulations) of this code.

17.16.770 AGGREGATE EXTRACTION (AE) OVERLAY DISTRICT

1. PURPOSE. The purpose of the AE Overlay district is to protect identified extraction sites for present and future use; to provide for the development and utilization of identified deposits of aggregate resource materials on land that is zoned and planned for other uses; to establish siting criteria and operating standards for aggregate resource extraction that minimize present and future on-site and off-site land use and environmental conflicts; and to provide for the timely and satisfactory reclamation of land used for aggregate resource activity.
2. APPLICATION. The AE Overlay district may be placed on properties identified in the City's comprehensive plan as appropriate for the extraction of aggregate resources, when developed in accordance with the standards herein. This overlay zone shall be designated for a given property and the provisions, requirements, and restrictions found herein shall be in addition to those found in the underlying primary zone. Where there are conflicts between the requirements of the AE Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.
3. PERMITTED USES. All permitted uses in the underlying primary zone.
4. CONDITIONAL USES. Requires conditional use approval pursuant to chapter 17.20. of this title, and a minimum parcel size of five (5) acres. Findings must also be made that a sufficient quality and quantity of aggregate resource exists at the site to satisfy a market or public agency need, and that approval of the use will not cause immediate or long-term land use conflicts which cannot be satisfactorily mitigated. Conditional uses are:

- a. Aggregate extraction, processing, and stockpiling from the same site where extraction takes place.
- b. Any structure necessary and appurtenant to the above use.

5. OPERATING STANDARDS

- a. Setbacks.
  - 1) Extraction shall not be conducted within 100 feet of any property boundary and shall not be conducted closer than 300 feet from any dwelling existing at the time of the adoption of this district.
  - 2) All extraction-related structures shall be set back a minimum of 100 feet from property boundaries.
  - 3) No processing of aggregate shall take place within 300 feet of any property boundary.
  - 4) No stockpiling of aggregate shall take place within 100 feet of any property boundary and shall not be any closer than 500 feet from any dwelling existing at the time of adoption of this ordinance.
  - 5) Notwithstanding the above, setbacks in certain areas are also subject to special street and riparian setback provisions of chapter 17.20. of this title.
- b. Screening. Adequate screening with indigenous planting shall be preserved or established to block the view of the extraction site from any public road, residential zoning district, and from any existing dwelling located within 1,000 feet of the site prior to establishment of the AE Overlay designation. Existing trees and other natural vegetation shall be preserved and maintained at the perimeter of the site to provide screening. The plan for this landscaping, fencing, beams, or other similar site obscuring devices shall be submitted on the site plan for conditional use approval.
- c. Operations.
  - 1) All excavation, processing, and stockpiling of aggregate resources shall take place under conditions which will provide for the reclamation of the site for future uses and will protect the safety of the public.
  - 2) There shall be no blasting at the site.
  - 3) No more than 10,000 cubic yards of aggregate material may be excavated from the site in any 365 day period.
  - 4) All excavation, processing, stockpiling operations, maintenance, and truck traffic shall be conducted in a manner that minimizes the adverse effect to persons and activities on adjoining property due to noise, dust, odor, vibration, surface water pollution, or erosion.
  - 5) Any extraction operation shall not exceed Department of Environmental Quality noise emissions, air contamination, and water quality standards. Additionally, appropriate federal environmental quality permits shall be

obtained for each site. All required permits shall be obtained from the Oregon Department of Geology and Mineral Industries (DOGMI)

- 6) Excavation which results in ponding shall be deep enough to prevent stagnation and development of mosquito breeding areas or shall be backfilled with a material that will not impair groundwater quality.
- 7) All access to an aggregate extraction site shall be by a route or routes approved by the Planning Commission and shall be constructed and maintained in such a manner as to eliminate, as far as practicable, noise or dust which adversely affects persons living in the vicinity or crops or livestock being raised in the vicinity.

d. Land Reclamation.

- 1) Any parcel or site used as a mineral resource site for which a reclamation plan is required by DOGMI shall be reclaimed in accordance with a site operation and reclamation plan on file with and approved by the City that is consistent with the DOGMI reclamation plan.
- 2) The required reclamation plan shall be filed as part of the conditional use permit application and shall be a condition of the conditional use permit. If any change in the reclamation plan requires that an amendment be approved by DOGMI, said amendment shall also require approval by the City.
- 3) Aggregate extraction operations that existed of the date of the adoption of this section are required to file with the Planning Commission a reclamation plan within one year of the date of the adoption.
- 4) The approved reclamation plan shall be implemented in accordance with a schedule contained therein showing the planned order and sequence of said reclamation.
- 5) The approved reclamation plan shall require all excavations to be back-filled, contoured or terraced, or put to a use shown on the reclamation plan which is compatible with the final depth and slopes within the excavation site.
- 6) The approved reclamation plan shall require topsoil to be saved and stored in such a manner as to prevent erosion, and that said topsoil shall be replaced to at least the depth of the original overburden, or to a depth adequate to achieve the required reclamation use.
- 7) The approved reclamation plan may, at the City's discretion, provide for reclamation of portions of the site prior to total exhaustion of the resource found on the site.

6. APPLICATION REQUIREMENTS. In addition to the standard procedures for applying for a conditional use as set forth in chapter 17.20. of this title, the following material must be included. All plans must be prepared and submitted as a scale no smaller than one foot to two hundred feet (1:200).

- a. Documentation required for site plan review approval pursuant to chapter 17.12. of this title.

- b. Plans showing the location, area, dimension, acreage, and legal description of the parcel to be developed or used, together with north point, scale, date of application, and all intended uses, including estimates of the total volume of the resource to be mined and initial contours for the proposed site.
- d. Provisions for landscaping and screen-planting of all parts of the site.
- e. Provisions for preventing the collection and stagnation of water at all times of the operation.
- f. Plans for reclamation at the site.

17.16.775

PUBLIC NATURAL RESOURCE (PNR) OVERLAY DISTRICT

1. **PURPOSE:** The purpose of the PNR Overlay district is to protect the identified aquifer surrounding the City's water treatment plant and natural riparian area adjacent to the North Santiam River and to establish siting criteria and operating standards for public and natural resource uses that minimize environmental impacts.
2. **APPLICATION:** The PNR Overlay district may be placed on such properties as are identified in the City's comprehensive plan as appropriate for protection of the City's underground aquifer or surface water supply from the North Santiam River or the Stayton Power Canal and the adjacent riparian area along the North Santiam River.

This overlay zone shall be designated for a given property and the provisions, requirements, and restrictions found herein shall be in addition to those found in the underlying primary zone. Where there are conflicts between the requirements of the PNR Overlay zone and the requirements of the underlying primary zone, the more restrictive requirements shall apply.

3. **PERMITTED USES:** All uses are subject to site plan review approval unless otherwise noted.
  - a. Publicly owned buildings and facilities related to water supply and treatment, including parking and storage areas.
  - b. Recreational trails, walkways, and bikeways.
  - c. Public parks and river-related recreational facilities, including meeting rooms, viewing platforms, displays, signs, restrooms, and parking areas. Development of the site consistent with the June, 1992 Parks Master Plan, for Area I adjacent to First Avenue of the Riverfront Park development, may proceed without site plan review.
  - d. Resource enhancement projects.
  - e. Road and access drives.
  - f. All uses clearly accessory and subordinate to the above.
  - g. Other uses permitted within the Public (P) zone are not permitted in the PNR overlay zone unless findings are made which show the use is consistent with the intent of the PNR Overlay zone and no significant environmental impact will occur.



4. **DEVELOPMENT REQUIREMENTS:** Proposals for development will be subject to the following requirements in addition to the site plan review requirements in Stayton Municipal Code Chapter 17.20.
  - a. The proposal has as few significant detrimental environmental impacts on surface and subsurface water sources as possible.
  - b. All identified impacts will be compensated through implementation of a mitigation plan approved by the City.
  - c. Existing trees and other vegetation are retained to the greatest extent possible pursuant to Chapter 17.20.970 of this code. (Ord. 798, May 17, 1999)
  - d. The proposal is being developed for the enjoyment of the natural resource and the facility balances the impacts on the area with the potential for public enjoyment of the riparian environment and recreational use of the river.
  
5. **IMPACT EVALUATION:** An impact evaluation may be required for proposals in the PNR Overlay zone. The following steps describe the process for evaluating the impacts of a proposal:
  - a. The natural resources are identified.
  - b. A storm water runoff report and plan are provided detailing the quantity and quality of any storm water runoff from the construction or developed use of the property. The report shall detail the potential impact storm water runoff will have, if any, on the well or surface water intakes of the City water system from the North Santiam River or the Stayton Power Canal and shall provide a mitigation plan showing how these impacts will be averted.
  - c. The functional values of the identified resource are defined by their natural characteristics, quantity, and quality.
  - d. Alternative locations, design modifications, or alternative methods of development of the subject property to reduce the impacts on the water supply intakes, aquifer, and natural riparian resources are identified and evaluated.
  - e. If there is any resulting degradation or loss of functional values of the natural resource as a result of development, a mitigation plan is required which will compensate for the degradation or loss. (Ord. 714, §1, April 1993)

17.16.780 FLOODPLAIN (FP) OVERLAY DISTRICT

1. **PURPOSE.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.
2. **REGULATIONS.** Except as in subsection 3. of this section, as provided in Section 17.16.790 of this title (National Flood Insurance Program).
3. **FLOODWAY.** Except as specifically permitted in SMC Section 17.16.790.16, no development shall be allowed in the floodway, as defined on the Federal Emergency Management Agency (FEMA) flood maps developed for the City. (Ord. 810, Jan. 18, 2000) (Ord. 814, May 17, 2000)

4. FLOOD FRINGE. Development must conform to the building code, zoning district, and the flood protection regulations of the Flood Insurance Program. All structures must have the ground floor elevated one foot above the 100-year flood elevations.

17.16.790 FLOOD CONTROL REGULATIONS (NATIONAL FLOOD INSURANCE PROGRAM)

1. AUTHORITY. These regulations are intended to apply to those lands subject to the FP (Floodplain) Overlay district (Section 17.16.780). Pursuant to applicable federal, state, and local building and zoning law, the City is empowered to take steps to evaluate flood potential and provide plans to reduce the possibility of flood damage through land use and building requirements and restriction.
2. FINDINGS OF FACT
  - a. The flood hazard areas of Stayton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
3. STATEMENT OF PURPOSE. It is the purpose of this title to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - a. To protect human life and health;
  - b. To minimize expenditure of public money and costly flood control projects;
  - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - d. To minimize prolonged business interruptions;
  - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
  - f. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  - g. To ensure that potential buyers are notified that property is in area of special flood hazard; and
  - h. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
4. METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purposes, this section includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
  - b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
  - d. Controlling filling, grading, dredging, and other development which may increase flood damage; and
  - e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
5. **LANDS TO WHICH THIS CODE SECTION APPLIES.** This code section shall apply to all areas of special flood hazards within the jurisdiction of the City of Stayton.
6. **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Stayton" dated March 1, 1979, with accompanying flood insurance maps, is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study is on file at Stayton City Hall, 362 N. Third Avenue, Stayton, Oregon 97383.

For lands annexed from Marion County into the City of Stayton hereby adopt by reference and declared part of this ordinance the Marion County Flood Insurance Rate Maps, Floodway maps and Flood Insurance Study for those annexed lands including January 19, 2000 and any subsequent updates. (Ord. 775, October 8, 1997)(Ord. 810, January 18, 2000)(Ord. 814, May 17, 2000).

7. **COMPLIANCE.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations.
8. **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This code section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code section shall not create liability on the part of the City of Stayton, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on these requirements or any administrative decision lawfully made thereunder.
9. **ESTABLISHMENT OF DEVELOPMENT PERMIT.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this section. The permit shall be for all structures including manufactured houses and for all other development including fill and other activities as set forth in the "Definitions" section of chapter 17.04. of this title. Application for a development permit shall be made on forms provided by the City Planner. Specifically, the following information is required:
- a. Elevation in relation to mean sea level of the lowest (including basement) of all structures;

- b. Elevation in relation to mean sea level to which any structure has been flood proofed;
  - c. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 17.16.790(14)(b). (Ord. 775, October 8, 1997).
  - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
10. DESIGNATION OF THE CITY ADMINISTRATOR. The City Administrator is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions.
11. DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL. Duties of the building official shall include, but not be limited to:
- a. Permit Review
    - 1) Review all development permits to determine that the permit requirements of this title have been satisfied.
    - 2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
    - 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.16.790.16 are met. (Ord. 814, May 17, 2000).
  - b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.16.790.6, "Basis for Establishing the Areas of Special Flood Hazard," the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer sections 17.16.790.14.a., "Specific Standards, Residential Construction," and 17.16.790.14.b., "Specific Standards, Nonresidential Construction," and 17.16.790.15, "Floodways." "Encroachments" and 17.16.790.16 "Floodways". (Ord. 814, May 17, 2000).
  - c. Information to be Obtained and Maintained. Where base flood elevation data is provided through the Flood Insurance Study or required as in section 17.16.790.11.b.
    - 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    - 2) For all new or substantially improved flood-proofed structures:
      - a) Verify and record the actual elevation (in relation to mean sea level), and
      - b) Maintain the flood proofing certifications required in chapter 17.16.790.9 of this title.

- d. Alteration of Watercourses
  - 1) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  
- f. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact locations of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the locations of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.0 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76). (Ord. 775, October 8, 1997)
  
- 12. VARIANCES. Variances shall be processed and acted upon pursuant to the procedures and criteria of chapter 17.12. of this title. Approvals of variances may be conditional upon the satisfaction of both general variance criteria and those criteria and standards particular to flood hazard regulatory objectives.
  
- 13. GENERAL CONSTRUCTION AND DEVELOPMENT STANDARDS. In all areas of special flood hazards, the following standards are required:
  - a. Anchoring
    - 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - 2) All manufactured housing must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top of frame ties to ground anchors. Specific requirements shall be that:
      - a) Over-the-top ties be provided at each of the four corners of the manufactured house, with two additional ties per side at intermediate locations, with manufactured housing less than 50 feet long requiring one additional tie per side.
      - b) Frame ties be provided at each corner of the house with five additional ties per side at intermediate points, with manufactured housing less than 50 feet long requiring four additional ties per side.
      - c) All components of the anchoring system be capable of carrying a force 4,800 pounds.
      - d) Any additions to the manufactured house be similarly anchored.
    - 3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the local building official that this standard has been met.

- b. Construction Materials and Methods.
- 1) All new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage.
  - 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  - 3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c. Utilities

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Subdivision Proposals. The following standards apply to subdivision and partition proposals in areas subject to flood hazard. These standards shall be applied to approval of subdivisions or partitions in addition to approval criteria and procedures within chapter 17.24. of this title.

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- 4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposal and other proposed developments which contain at least 50 lots or five acres (whichever is less).

e. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 17.16.790.11), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

14. **SPECIFIC STANDARDS.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 17.16.790.6, "Basis for Establishing the Areas of Special Flood Hazard," or Section 17.16.790.11.b., "Use of Other Base Flood Data," the following provisions are required:

a. Residential Construction

- 1) New construction and substantial improvement of any residential structure shall have the lowest floor, elevated to one foot above the base flood elevation per Oregon State Law. (Ord. 775, October 8, 1997)
- 2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a) A minimum to two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b) The bottom of all openings shall be no higher than one foot above grade.
  - c) Opening may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- 1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- 3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.16.790.
- 4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in 17.16.790.14.a.2 (Ord. 775, October 8, 1997)
- 5) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

c. Manufactured Homes

- 1) All manufactured homes to be placed or substantially improved within Zones A1-A30, AH and AE on the community's FIRM on sites:
  - (i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision,

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-A30, AH and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

(i) The lowest floor of the manufactured home is elevated one foot above the floor elevation, or base

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist floatation, collapse, and lateral movement.

d. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-A30, AH and AE on the community's FIRM either:

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

(iii) Meet the requirements of elevation and anchoring or manufactured homes.

15. ENCROACHMENTS. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 775, October 8, 1997)

16. FLOODWAYS. Located within areas of special flood hazard established in Section 17.16.790.6 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. The following development is allowed within the floodway:

1) Protection of property and structures during a flooding emergency declared by the City of Stayton. Such protection shall be the minimum necessary to protect property and structures. A subsequent Development Permit shall be required for the protection work done during the flooding emergency, and shall demonstrate compliance with all applicable provisions of SMC 17.16.790. (Ord. 814, May 17, 2000)



- 2) Signs, markers, aids, etc., placed by a public agency to serve the public.
  - 3) Pervious driveways, streets, and parking lots for existing uses where no alteration of the topography will occur. (Ord. 814, May 17, 2000).
  - 4) Maintenance of existing structures, (such as flood control structures, fish and wildlife structures, public facilities, public utilities, and other permitted structures), provided no alteration of the topography occurs. (Ord. 814, May 17, 2000).
  - 5) Public facilities and public utilities, provided a Development Permit demonstrating compliance with all applicable provisions of SMC 17.16.790 is obtained. (Ord. 814, May 17, 2000).
- b. Any development not listed in SMC 17.16.790.16.a. above shall not be allowed except by variance, per SMC 17.120.450.6.b.2) and all applicable provisions of SMC 17.16.790. (Ord. 814, May 17, 2000).
  - c. Any development allowed within the floodway, except for development listed in SMC 17.16.790.16.a.2), 3), and 4) above, must demonstrate through certification by a registered professional engineer that such development shall not result in any increase in flood levels during the occurrence of the base flood discharge. (Ord. 814, May 17, 2000).

SECTION 4. Stayton Municipal Code, Chapter 17.24 “Land Divisions” is amended and restated as follows:

#### CHAPTER 17.24

#### LAND DIVISIONS

#### SECTIONS

- 17.24.1010 Purpose and Intent of Land Division Regulations
- 17.24.1020 Conformity with Zoning
- 17.24.1030 Classification of Land Divisions
- 17.24.1040 Application and Approval Requirements for Conventional Subdivisions and Partitions
- 17.24.1050 Design Standards for Subdivisions and Partitions
- 17.24.1060 Application and Approval Requirement for Planned Unit Developments
- 17.24.1070 Planned Unit Development Design Standards
- 17.24.1080 Application and Approval Requirements for Manufactured Home Subdivisions
- 17.24.1090 Appeals
- 17.24.1100 Enforcement

#### 17.24.1010 PURPOSE AND INTENT OF LAND DIVISION REGULATIONS

1. In the interpretation and application of this title, the provisions hereof shall be held to be the minimum provisions adopted to promote the public health, safety, and welfare.
2. The broad intent of these land division regulations is to provide for alternative forms of development as defined in Section 17.24.1030 of this chapter while assuring full compli-

ance during the process of development with all applicable laws and regulations. Further, the intent of these regulations is to achieve the following:

- a. Better living conditions within newly developed areas.
- b. Efficient use of lands which may be economically developed.
- c. Simplification and clarity of land descriptions.
- d. Proper establishment and development of streets, utilities, and public areas.
- e. Stabilization of property values within divided lands and adjacent areas.
- f. Application of specific development standards, such as planned unit developments, where necessary to implement comprehensive plan policies concerning the protection of resources or mitigation of natural hazards.

#### 17.24.1020 CONFORMITY WITH ZONING

Except as otherwise authorized herein, all land divisions shall comply with the specifications of applicable zoning district and other land use regulations of the City. Deviations from those requirements shall be dealt with through variance procedures as specified in chapter 17.12.

#### 17.24.1030 CLASSIFICATION OF LAND DIVISIONS

This chapter authorizes three major categories of land divisions and establishes procedures herein for City review and approval of each prior to any site preparation, tree removal, and development. Lot line adjustments which do not create a new parcel of land and which bring about parcels still in compliance with zoning district minimum area requirements are not considered to be land divisions. The three major categories of land divisions are identified as follows: (Ord. 798, May 17, 1999).

1. **CONVENTIONAL SUBDIVISIONS AND PARTITIONS.** Conventional subdivisions and partitions are those occurring in strict compliance with state and local regulations governing the same, including but not limited to the provisions of ORS Chapter 92 and land use and zoning regulations of the City. Major flexibility in design, densities, and land uses are not generally provided for by this category of land division. Conventional subdivisions and partitions are intended to provide for a permanently wholesome community environment, adequate public services, and safe streets through the accomplishment of property division and development in a traditional manner. Provisions for conventional subdivisions and partitions are contained in Section 17.24.1040 through 17.24.1050 this chapter.
2. **PLANNED UNIT DEVELOPMENTS.** The planned unit development provides for major flexibility in design, densities, and land uses while assuring overall compatibility with the principles and legal requirements of land divisions law. The authorization serves to encourage developing, as one project, tracts of land that are sufficiently large to allow a site design for a group of structures and that include common open space and ownerships. The planned approach is intended to maintain compatibility with the surrounding area and create an attractive, healthful, efficient, and stable environment. It

shall either promote a harmonious variety of grouping or uses, or utilize the economy of shared services and facilities, or both.

- a. Purposes of Planned Unit Developments. It is the purpose of authorizing planned unit developments to take advantage of the following:
  - 1) Advances in development-related technology and design.
  - 2) Comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas, and other facilities.
  - 3) Recognition and resolution of problems created by increasing population density.
  - 4) Potential of sites characterized by special features of geography, topography, size, shape, or environmental considerations.
  - 5) Potential for energy and natural resource conservation through specialized development techniques.
  - 6) Maximizing the efficiency of public facilities and services through the clustering of buildings.
  - 7) Variance in height, bulk, and siting characteristics of buildings provided the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- b. Planned Unit Developments Required. Planned unit developments shall be required in lieu of other forms of land division within the City, under the following circumstances:
  - 1) Where the land division and associated development is to occur on a parcel or site containing wetland(s) inventoried within the City Comprehensive Plan as being significant wetland site(s) requiring protection, and where Plan policy requires any development in the area to occur as a planned unit development.
  - 2) Where the land division is to occur on steep slopes (15 percent slope or greater) identified as steep slope areas by the City Comprehensive Plan, and where Plan policy requires the processing of land development in such areas occur as a planned unit development.

Provisions for planned unit developments are contained in Sections 17.24.1060 and 17.24.1070 of this chapter.

3. **MANUFACTURED HOME SUBDIVISIONS.** Manufactured home subdivisions are intended to follow conventional subdivision development procedures as described in 1. above while also providing for the needs of and taking advantage of the special

characteristics of manufactured/mobile homes. Provisions for these subdivisions are contained in Section 17.24.1080 of this title.

17.24.1040 APPLICATION AND APPROVAL REQUIREMENTS FOR CONVENTIONAL SUBDIVISIONS AND PARTITIONS

1. APPLICATION FOR APPROVAL OF PRELIMINARY PLANS

- a. For any proposed subdivision or partition of land, the applicant shall file one reproducible master and two copies of the preliminary plan and required supplemental information with the City Planner, following the general application procedural requirements of chapter 17.12. of this title.
- b. The City Planner shall forward the preliminary plan or map to the Planning Commission with copies thereof to the public works director, the City engineer, all affected City, county, state, and federal agencies, and all affected special districts which may attend the Planning Commission hearing at which the plan is considered.
- c. Preliminary subdivision plans shall include the data set forth in subsections 2. and 3. of this section. Preliminary partition plans shall include the data set forth in subsection 2. of this section.

2. PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN INFORMATION REQUIREMENTS. Preliminary partition plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed. The following information is required on a preliminary partition plan:

- a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
- b. North point, scale, and date of the preliminary plan.
- c. Names and addresses of the landowners, applicant, and the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
- d. Map number (township, range, and section) and tax lot number or account of the tract being divided.
- e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet.
- f. The approximate 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, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.

- g. The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto.
- h. Approximate location, acreage, and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.
- i. Proposed plan, if any, for draining surface water from the development.
- j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys.
- k. Easements, together with their dimensions, purpose, and restrictions on use.
- l. Proposed means and location of sewage disposal and water supply systems.
- m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
- n. Predominant natural features, such as water courses and direction of their flow, marshes, rock outcroppings, and areas subject to flooding, sliding, or other natural hazards.
- o. Copies of all existing or proposed restrictions or covenants affecting the property shall accompany the application.
- p. The partition or subdivision plan shall conform with applicable provisions of the design standards within Section 17.24.1050 of this title.
- q. For parcels of a size to permit subsequent division within the applicable zoning district, an overall development plan.
- r. Inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by chapter 17.20.970 of this code. (Ord. 798, May 17, 1999).
- s. A proposed plan showing access features required in Section 17.26.1020 and specifically Section 17.26.1020, 6. The access features shown must conform with the requirements of Section 17.26.1020.
- t. A traffic impact study is required if the thresholds defined in Section 17.26.1050 are met. If a traffic study is required, then the traffic impact study shall be based on the standards and requirements set forth in Section 17.26.1050.

3. **ADDITIONAL INFORMATION REQUIREMENTS FOR SUBDIVISION PLANS.**  
Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited in subsection 2. of this section.

- a. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat or subdivision in Marion County, except for the use of suffixes such as "town," "place," "court," "addition," or similar generic terms, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed. A name shall not be required for a major partitioning.
- b. The location, size and use of all contemplated and existing public areas within the proposed subdivision and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the commission shall be dedicated for such use and indicated on the final plat.
- c. Topography within and adjacent to the proposed subdivision. If a topographic map or elevations at designated points are required, the base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than two (2) feet for slopes of less than 10 percent and no greater than five (5) feet for slopes of more than 10 percent.
- d. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments, streets, storm drainage, sewer, water, and utility services.
- e. The location, width, name, and grade and radii of street curves, and the relationship of streets to any existing or proposed streets as shown on the City Transportation System Plan which is part of the City Comprehensive Plan.
- f. The location and dimensions of lots and the proposed lot and block numbers.
- g. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
- h. The relationship of the proposed land division to future streets controlled by the applicant.
- i. A plan showing soils information and major cuts and/or fills associated with subdivision development.
- j. Information concerning contemplated method of sewage and waste water disposal, including a plan for sewage disposal, storm water drainage, and flood control with profiles of proposed drainage ways and pipe lines.
- k. Adequacy and source of water supply, including a plan and profiles for domestic water supply lines and related water service facilities.
- l. A statement indicating the timing of installation of all proposed improvements.

- m. The plan or map shall otherwise conform to the requirements of ORS 92.090 as amended.
  - n. Such additional information as the decision authority deems necessary. If, upon initial investigation by the decision authority, it is found that further information is necessary, it shall be furnished by the applicant. (Ord. 779, March 3, 1998).
4. REVIEW AND APPROVAL PROCEDURES: PRELIMINARY PLAN. The decision authority shall review and act upon the preliminary subdivision or partition plan pursuant to the procedures in Sections 17.12.370 through 17.12.390 of this title except where modifications to that procedure are indicated below. (Ord. 779, March 3, 1998).
- a. "Preliminary Plan" shall be construed as an application and shall be processed as such. (Ord. 779, March 3, 1998).
  - b. Any preliminary approval of the plan by the commission shall also be subject to review by the public works director and the City engineer. Reports from the City engineer and City public works director, and responses if any from local and state agencies as noted in 1. of this section, shall be made a part of the City Planner's report. (Ord. 779, March 3, 1998).
  - c. The action of the decision authority shall be noted on two copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner. (Ord. 779, March 3, 1998).
  - d. Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
5. PRELIMINARY PLAN APPROVAL CRITERIA: In order to be approved by the decision authority, the proposed preliminary subdivision or partition shall satisfy the following criteria and standards: (Ord. 779, March 3, 1998).
- a. It is generally compatible with the surrounding area.
  - b. Adequate urban services are available to the property.
  - c. The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area. This shall include compatibility with the Future Street Plan in the City's Transportation System Plan.
  - d. Design standards of Section 17.24.1050 below are satisfied as well as the access management standards in Section 17.26.1020.
  - e. Compliance exists with the provisions of the City plan and the zoning district(s) in which the action is proposed.
  - f. Special-purpose standards where applicable, including flood hazard area regulations and riparian setbacks pursuant to chapter 17.16. of this title, are satisfied.

g. No wetlands as identified in the City Comprehensive Plan are included in the development.

h. Compliance exists with the provisions of ORS 92.090 as amended.

6. FINAL PARTITION PLAT SUBMITTAL REQUIREMENTS

a. Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.

b. Submittal Deadline. The final plat shall be submitted no later than one year from the date of preliminary partition map approval.

c. Preparation. All maps for partitions shall be prepared by a professional land surveyor registered with the State of Oregon.

d. Format. All plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the county surveyor. The overall size of plats shall be 18 inches by 27 inches.

e. Survey Requirements. Surveys for partitions shall:

1) Comply with ORS 209.250 as amended, and

2) Comply with the survey mapping standards set by the Marion County Surveyor.

f. Plat Information. Notwithstanding the requirements of subsection e. of this section, the partition plat shall contain the following information:

1) The boundary lines with distance and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the tract.

2) The lengths of arc, radii, internal angles, lengths, and bearings of the tangents, and the length and bearings of chords.

3) The area of each parcel in either acres to the nearest 1/100th, or in square feet.

4) The dimensions shown on the map shall be of such accuracy that the error of closure on any portion shall not exceed one foot in 10,000 feet. Copies of closure calculation sheets may be requested.

5) Location of the parcel by one-fourth Section and Township, Range.

6) Names and addresses of the partitioner, owner, mortgagee, if any, the person preparing the map, and partition number.



- 7) North arrow, scale, and date submitted.
- 8) The name of any street intersecting or within the parcels.
- 9) All easements provided or public services, utilities, access, or any type must be shown on the face of the map along with the recorder's number if filed for record. If the easement is not recorded, a copy of the executed easement document capable of being reproduced must be provided to the City.
- 10) Zoning classification.
- 11) Basis of bearing and the course of either a section corner, one-sixteenth corner or a donation land claim corner or a lot corner of a platted subdivision and the basis or source document, if not by survey, of the course to a corner.
- 12) A written legal description of all parcels contained in the land partition. An additional sheet of the same quality and size as required for the partition map may be used.
- 13) A line for the approval signature of the City Administrator or his designee, and the date and any other lines which show approvals required by the City may be placed on the map.
- 14) Additional information made a condition of the preliminary plan.
- 15) A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.
- 16) Information and data in addition to the above as may be required by ORS 92.050, as amended.

7. FINAL SUBDIVISION PLAT SUBMITTAL REQUIREMENTS

- a. Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.
- b. Submittal Deadline. The final map shall be submitted no later than one year from the date of preliminary subdivision map approval.
- c. Preparation. All plats shall be prepared by a licensed land surveyor registered with the State of Oregon.
- d. Format. All plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying and as specified by ORS 92.080 and the county surveyor. The overall size of plats shall be 18 inches by 27 inches.

- e. Survey Requirements. Surveys for subdivisions shall:
- 1) Comply with ORS 209.250, as amended, and
  - 2) Comply with the survey mapping standards set by the Marion County Surveyor.
- f. Plat Information. Notwithstanding the requirements of subsection e. of this section, the plat shall contain the following information:
- 1) The affidavit of the surveyor who did the plat and survey work.
  - 2) Date, north point, and scale of the drawing.
  - 3) A sufficient legal description to define the location and boundaries of the plat area.
  - 4) The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet.
  - 5) The location and dimensions of all existing and proposed public or private roads and names as appropriate. This shall include any adjacent future streets designated in the Future Street Plan and other street improvements contained in the City Transportation System Plan. Also, adjacent driveways and other access features must be shown on both sides of the roadway in the site vicinity.
  - 6) Description and location of all permanent reference monuments.
  - 7) The width and location of all existing or proposed public utility easements.
  - 8) A graphic designation of all areas being reserved for common use and the conditions being imposed thereon, or, in the case of a cluster subdivision, covenants and restrictions, including the final development plan which governs the use of all common areas, may be substituted for said graphic designation. The conditions, covenants and restrictions, and development plan shall be recorded prior to final plat approval and the recording number referenced on the final plat.
  - 9) A designation of all areas covered by water and the location, width, and direction of flow of all watercourses.
  - 10) A designation of any area being dedicated by the applicant, including its purpose, and an effective written dedication thereof.
  - 11) A notarized document complying with state law for recordation showing water rights claimed or a disclaimer.

12) A designation of any special notice, requirement, or restriction required by the City as a condition of approval.

13) Information and data in addition to the above as may be required by ORS 92.050, as amended.

g. Accompanying Materials. The plat shall be accompanied by the following:

1) An exact reproducible transparency which complies with the requirements of subsection 17.24.1040.7.d. of this section.

2) A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.

3) Computational sheets for all boundary lines and of all lot lines.

4) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants, and restrictions.

5) A copy of any documents relating to special notice, requirement, or restriction required by the City as a condition of approval.

8. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PARTITION PLATS AND SUBDIVISION PLATS

a. Procedure. The application for final approval shall be filed with the City Planner within one year of the date of approval of the preliminary plan. Approval of final partition plans shall be routine administrative actions. (Ord. 779, March 3, 1998).

b. Approval Criteria. Final approval of a partition or subdivision plat may take place if the following criteria are found to be satisfied:

1) The final map or plat and any supporting documents are in substantial conformity with the approved preliminary plan; and

2) Any conditions imposed by the decision authority have been satisfied.

c. Approval. Final partition and subdivision plats shall be considered finally approved when the administrator's signature and dates thereof have been written on the face of the maps or plats and, where applicable, the maps or plats have been recorded. (Ord. 779, March 3, 1998).

d. Notice. Approval or denial of final partition or subdivision plats shall be in writing to the applicant and/or the applicant's representative. (Ord. 779, March 3, 1998).

9. PARTIAL PLATTING. If desired by the applicant, the final plat may contain only a portion of the approved preliminary plan, and if such portion is filed and recorded within one year of the date of approval, the approval of the preliminary plan shall remain effective for a period of five (5) years unless extended by the decision authority. If any portion of an

approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void. (Ord. 779, March 3, 1998).

10. COPIES OF RECORDED PLATS TO BE FURNISHED. The final plat shall be recorded pursuant to ORS 92.120. Within fifteen (15) days after the recording of a plat with Marion County, the applicant or his representative shall furnish the City three (3) prints from the reproduction of the recorded plat.
11. EXCEPTIONS TO SUBDIVISION REGULATIONS. The decision authority may authorize a variance of any requirements set forth in these regulations pursuant to the criteria and procedures set forth in chapter 17.12. of this title. (Ord. 779, March 3, 1998).

#### 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 known as the Future Street Plan in the adopted Stayton Transportation System Plan.
- 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 decision authority determines that the topography, or the small number of lots involved, or any other unusual conditions, justify such modification. (Ord. 779, March 3, 1998).
- d. Bikeways and pedestrian ways may be required in accordance with the City of Stayton Non-Motorized Plan in the adopted Stayton Transportation System 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 decision authority, cul-de-sacs shall not exceed 450 feet in length. (Ord. 779, March 3, 1998).

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 decision authority finds that because of the size and shape of the property or topographic conditions a steeper grade is necessary. (Ord. 779, March 3, 1998).

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 decision authority, 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 decision authority or such other commission as may have jurisdiction. (Ord. 779, March 3, 1998).
- 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 decision authority may require dedication of streets to a greater width than herein otherwise provided. (Ord. 779, March 3, 1998).
- b. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in Standard Specifications for Public Works Construction, Section 300 - Street Design Standards, 2.07, except a boundary street may be half such width where it is apparent that the other half will be dedicated from adjacent properties.

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 standard specifications for public works construction. All utilities and public agencies shall be made aware of the street construction so that every chance is provided to install conduit where the actual placement of lines is not practical and to advise them of penalties for street excavation during the first five years after construction.
- 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 hereof shall be determined by the decision authority. In making such determination, the decision authority 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. (Ord. 779, March 3, 1998).

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.
- 7) Access management standards have been met as specified in Section 17.16.1020.

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. Block length and perimeter standards are specified in Section 17.26.1020, 5.c).

- 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 decision authority 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. (Ord. 779, March 3, 1998).
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 decision authority 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. (Ord. 779, March 3, 1998).
  - 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.
  - g. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.
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 decision authority 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: (Ord. 779, March 3, 1998).

- 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 decision authority may specify the location of such area to be compatible with existing or anticipated recreational development. (Ord. 779, March 3, 1998).
- 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 decision authority, 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. (Ord. 779, March 3, 1998).

#### 15. WATER SUPPLY

- a. All lots shall be served from the established public water system of the City or, if permitted by the decision authority, 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. (Ord. 779, March 3, 1998).
- 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 based on the current rate schedule adopted by the City.

#### 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 decision authority.
  - 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 (Ord. 741, §4, May 1995).

17.24.1060 APPLICATION AND APPROVAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT PLAN

1. APPLICATION FOR APPROVAL OF PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN (Ord. 798, May 17, 1999)

- a. For any proposed planned unit development, the applicant shall file one reproducible master and two copies of the preliminary plan and required supplemental information with the City Planner, following the general application procedural requirements of chapter 17.12. of this title.
- b. The City Planner shall forward the preliminary plan or map to the decision authority with copies thereof to the public works director, the City engineer, all affected City, county, state, and federal agencies and all affected special districts. (Ord. 779, March 3, 1998).
- c. Preliminary planned unit development plan submittals shall include the data set forth in subsection 2. of this section.

2. PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN INFORMATION REQUIREMENTS. Preliminary plans, in the form of maps and written materials, shall show and/or contain all required information cited below. Maps shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed. Written narrative or other written information shall be presented in a clear and understandable manner.

- a. Map Contents. The maps which are part of the submittal shall be of a size of 18 inches by 27 inches, shall be reproducible, and shall contain the following information:
  - 1) North point, scale, and date of the preliminary plan.
  - 2) Names and addresses of the landowners, applicant, and the engineer, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
  - 3) Map number (township, range, and section) and tax lot number(s) or account(s) of the tract being divided.
  - 4) The boundary lines of the tract to be divided and approximate acreage of the property in acres or square feet.

- 5) 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, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
- 6) The location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways, or other underground utilities or structures within the tract or immediately adjacent thereto.
- 7) The location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.
- 8) Proposed plan, if any, for draining surface water from the development.
- 9) The proposed street pattern or layout showing the name and widths of the proposed streets and alleys. This shall include any adjacent future streets designated in the Future Street Plan and other street improvements contained in the City Transportation System Plan. Also, adjacent driveways and other access features must be shown on both sides of the roadway in the site vicinity.
- 10) Easements, together with their dimensions, purpose, and restrictions on use.
- 11) Proposed means and location of sewage disposal and water supply systems.
- 12) Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels to be used for other than residential purposes shall be identified with letters.
- 13) Predominant natural features, such as water courses and their flow, marshes, rock outcroppings, and areas subject to flooding, sliding, or other natural hazards.
- 14) Copies of all existing or proposed restrictions or covenants affecting the property shall accompany the application.
- 15) The location, size, and use of all contemplated and existing public areas within the proposed planned unit development and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the City shall be dedicated for such use and indicated on the final plat.
- 16) Topography within and adjacent to the proposed planned unit development. If a topographic map or elevations at designated points are required, the base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than two (2) feet for slopes of less than 10 percent and no greater than five (5) feet for slopes of more than 10 percent.

- 17) A vicinity map clearly showing the relationship of the proposed planned unit development to surrounding developments, streets, storm drainage, sewer, water, and utility services.
- 18) The location, width, name, and grade and radii of street curves, and the relationship of streets to any existing or proposed streets as shown in the Stayton Transportation System Plan which is part of the City Comprehensive Plan.
- 19) The location and dimensions of lots and the proposed lot and block numbers.
- 20) An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
- 21) The relationship of the proposed planned unit development to future streets controlled by the applicant. This shall include those future streets identified in the Future Street Plan in the Stayton Transportation System Plan.
- 22) A plan showing soils information and major cuts and/or fills associated with the development.
- 23) Information concerning contemplated method of sewage and waste water disposal, including a plan for sewage disposal, storm water drainage, and flood control with profiles of proposed drainage ways and pipe lines.
- 24) Adequacy and source of water supply, including a plan and profiles for domestic water supply lines and related water service facilities.
- 25) A statement indicating the timing of installation of all proposed improvements.
- 26) The location of all pedestrian thoroughfares and walks, their widths, and the nature of the improvement and whether they are to be public or private.
- 27) The location, layout, and the surfacing of all off-street parking areas.
- 28) A landscaping, tree planting and tree removal plan pursuant to the requirements of chapter 17.20 of this title. (Ord. 798, May 17, 1999).
- 29) Common open areas as defined herein, spaces, and facilities, and the particular uses which are intended for them.
- 30) Unless otherwise identified above, those areas proposed to be conveyed, dedicated, reserved, or used for parks, scenic ways, playgrounds, schools, public buildings, and similar public and semi-public uses and whether such areas are to be public or private.
- 31) A plan showing the following for each existing or proposed building or structure:
  - a) Its location on the lot and/or within the planned unit development;
  - b) The intended use;
  - c) The number of dwelling units in each residential building;

- d) Elevation drawings of all typical proposed structures except single-family detached residences. The drawings shall be accurate and to scale but need not be the final working drawings.
    - 32) The location of all buildings on abutting properties.
    - 33) The location of comprehensive plan-inventoried significant wetland sites and/or steep slope areas.
  - b. For planned unit developments proposed on sites identified in the City Comprehensive Plan as steep slope areas, a geotechnical study of the site's characteristics and capability to support development, such study to be prepared by a qualified professional such as a licensed geologist or engineer.
  - c. A statement from the director of public works that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area.
  - d. A development time schedule indicating:
    - 1) The approximate date when construction of the project can be expected to begin.
    - 2) The phases in which the project will be built, areas affected, and the approximate date when construction of each stage will begin and be completed.
    - 3) The area and location of open space that will be provided at each phase.
    - 4) However, if no specific phasing plan has been determined at the time of the application, the applicant may submit a written statement explaining why the phasing plan is not complete and when a schedule will be made available, determining the phasing detail as required above.
  - e. A traffic impact study identifying the traffic impacts created by the PUD. The traffic impact study shall be conducted based on the standards set forth in Section 17.26.1050.
3. REVIEW AND APPROVAL PROCEDURES: PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN. The decision authority shall review and act upon the preliminary planned unit development plan pursuant to the procedures in Sections 17.12.370 through 17.12.390 of this title, except where modifications to that procedure are indicated below. (Ord. 779, March 3, 1998).
- a. Prior to a public hearing on the preliminary plan, an optional commission work session may be scheduled to examine the details of the plan. The work session shall be open to the public; it shall be confined to the presentation of factual information only and shall not involve discussions of the merits of the proposal. A work session shall be held at the discretion of the commission and may be requested by the applicant. (Ord. 779, March 3, 1998).
  - b. "Preliminary Planned Unit Development Plan" shall be construed as an application and shall be processed as such. Public hearing(s) shall be scheduled and held on preliminary plan requests in the same manner as an application processed according to the requirements of chapter 17.12. of this title.
  - c. Any preliminary approval of the plan by the decision authority shall also be subject to review by the public works director and the City engineer. Reports

from the City engineer and City public works director and responses, if any, from local and state agencies as noted in Section 17.24.1060.1 of this chapter, shall be made a part of the City Planner's report. (Ord. 779, March 3, 1998).

- d. The action of the decision authority shall be noted on two copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner. (Ord. 779, March 3, 1998).
- e. Approval of a preliminary planned unit development plan subject to this section shall be valid for a period of one year from the date of approval.

4. **PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL CRITERIA.** The decision authority may approve the preliminary plan, or approve with conditions if appropriate, if it is found to satisfy the following criteria. (Ord. 779, March 3, 1998).

- a. The applicant's submittal is adequate and complete as required by subsection 2. of this section.
- b. Definitions and purposes of the planned unit development concept as expressed in this title are satisfied.
- c. The planned unit development generally complies with applicable provisions of the City Comprehensive Plan, including the City's urban growth program and policies.
- d. The planned unit development is compatible with surrounding lands, existing and projected public facilities and services, overall growth pattern of the City, and existing development in the area.
- e. Assurance exists that the planned unit development will be implemented as represented by the applicant.
- f. The planned unit development conforms with all applicable purposes, criteria, and standards of this title, including design standards for planned unit developments as specified in Section 17.24.1070 of this chapter.
- g. The planned unit development is an effective and unified treatment of the development possibilities of the project site while making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover, and rough terrain.
- h. The planned unit development will generate no greater demand on public facilities and services than other authorized uses for the land.
- i. The applicant files a performance bond pursuant to the procedures of chapter 17.20. of this title sufficient to assure completion of public improvements within the planned unit development.
- j. The planned unit development complies with special-purpose standards, where applicable, including flood hazard area regulations pursuant to chapter 17.16. of this title.
- k. The planned unit development will not intrude upon nor adversely impact wetland areas identified as significant wetland resources within the City Comprehensive Plan, or that all identified adverse impacts can be mitigated through design features of the planned unit development.

- i. For planned unit developments on steep slope areas identified in the City Comprehensive Plan as requiring special geotechnical analysis, a finding that the design of the planned unit development, as implemented, will not threaten public safety through accentuating the risk of slope-related hazards or will itself not be adversely impacted by the presence of the slope hazard.

5. APPROVAL PROCEDURES AND CRITERIA FOR FINAL PLANNED UNIT DEVELOPMENT PLANS

- a. Filing Procedure. The application for final approval shall be filed with the City Planner within one year of the date of approval of the preliminary plan. Approval and acceptance of final planned unit development plans shall be City council actions.
- b. Approval Criteria. Final approval of a planned unit development may take place if the following criteria are found to be satisfied:
  - 1) The final plan and any supporting documents are in substantial conformity with the approved preliminary plan; and
  - 2) All conditions imposed by the decision authority are satisfied.
- c. Phasing. If desired by the applicant and acceptable to the City, the final plan may contain only the first phase(s) of the approved preliminary plan. Subsequent phases must be filed for final approval in intervals of no more than twelve (12) months. If the planned unit development is subject to an approved phasing schedule, preliminary plan approval shall remain effective until that schedule is completed, or for a period of no greater than five (5) years unless authorized by the decision authority. If any portion of an approved preliminary plan is not covered by a recorded final plat within the five year period, the preliminary approval for the unplatted area shall be deemed null and void. (Ord. 779, March 3, 1998).
- d. Approval. If, following all appropriate actions, the planned unit development is approved by the decision authority, an ordinance shall be adopted setting forth such approval and designating the planned unit development on the comprehensive plan map with any conditions which may be deemed to be necessary by the decision authority. (Ord. 779, March 3, 1998).
- e. Notice. Approval or denial of final planned unit development plans shall be in writing to the applicant and/or the applicant's representative. (Ord. 779, March 3, 1998).
- f. Final Plat. The final plat shall comply with all standards for a final subdivision plat as set forth in Section 17.24.1040 of this chapter. The final development plat shall be the plat to be recorded. If found to conform to the provisions of the approved final plan, the City Administrator shall affix his signature and the date on the face of the plat. The plat shall be recorded pursuant to ORS 92.120. The plat shall be considered finally approved when the administrator's signature and dates thereof have been written on the face of the maps or plats and the maps or plats have been recorded. (Ord. 779, March 3, 1998).
- g. Amendments. If the City Administrator finds evidence of a material deviation from the approved final development plan, the administrator shall not sign the final plat but shall advise to applicant that an amendment of the planned unit development is necessary.

6. GENERAL REQUIREMENTS

- a. Control of Development After Completion. The final development plan shall continue to control the planned unit development after it is completed. The use of the land and the construction, modification, or alteration of a building or structure within the planned unit development shall be governed by the final development plan. No change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
- 1) Minor modifications of existing buildings or structures may be authorized by the City Planner if they are consistent with the purposes and intent of the final plan and are not to increase the cubic footage of a building or structure.
  - 2) A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is in compliance with the purpose and intent of the final development plan.
- b. Building Approvals. Following final approval of the planned unit development, the developer is required to make application to the building official and receive approval of plans for building construction and for all site development. The site development plans will include all private thoroughfares and driveways, sidewalks, walls, fences, screen planting, and other permanent installation. Each permanent installation shall be included in a permit issued by the building official.
- c. Amendments. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in City development policy as reflected by the comprehensive plan or this title. Approval of an amendment shall follow the same procedures of this title as are applied to initial approval of a planned unit development.
- d. Covenants. No modification or amendment to a completed planned unit development is to be considered as a waiver to the covenants limiting the use of the land, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these covenants against any change permitted by this section are expressly reserved.
- e. Transferability. A planned unit development approval is not transferable except when such transfer is approved by the council as an amendment to the original approval. After the planned unit development is recorded, transfers of individual lots within the development are not subject to this restriction.
- f. Enforcement. Any planned unit development approval is subject to enforcement procedures specified in this title. In such case, it shall be unlawful for any person to exercise any right granted by the council pursuant to such approval.
- g. Zone Changes. Zone changes for property within a planned unit development may be considered and heard concurrently with the application for a planned unit development. Requirements for the submittal and approval of a zone change shall be satisfied as provided in chapter 17.12. of this title.

#### 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 Transportation System Plan which is part of the 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 in accordance with SMC 17.24.1050.
- 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 decision authority may authorize the

following increases in density in excess of the density otherwise allowed in the zone: (Ord. 779, March 3, 1998).

- 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 decision authority 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: (Ord. 779, March 3, 1998).

- 1) Inconvenient or unsafe access to the planned unit development.
- 2) Traffic congestion in the streets which adjoin the planned unit development. A traffic impact study per Section 17.26.1050 shall determine the traffic congestion impacts if a traffic impact study is required from the criteria set forth in Section 17.26.1050.
- 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 staff shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan. (Ord. 779, March 3, 1998).

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 decision authority, 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. (Ord. 779, March 3, 1998).

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. (Ord. 723 §10, May 1994)

17.24.1080 **APPLICATION AND APPROVAL REQUIREMENTS MANUFACTURED HOME SUBDIVISIONS**

1. **GENERAL PROVISIONS.** The development, submittal, and City approval of manufactured home subdivision proposals shall be in accordance with the standards and procedures for conventional subdivisions as cited in Sections 17.24.1040 and 17.24.1050 herein except as provided otherwise in subsections 17.24.1080.1 and 17.24.1080.2 of this section.
- a. **Minimum Standards.** The requirements and standards set forth in this section are the minimums to which a manufactured home subdivision must conform before City approval. No land within the City of Stayton shall be developed for use as manufactured home subdivision and no plan or plat will be filed or recorded until submitted to and approved by the City.
  - b. **Location.** A manufactured home subdivision shall be permitted only in those zoning districts where specified by chapter 17.20 of this title (zoning), and shall be subject to the lot area and other standards of those districts.
  - c. **Code Conformance.** Dwellings in manufactured home subdivisions must conform in all respects to local, state, and federal requirements in effect at the time of their installation.
2. **SPECIFIC STANDARDS**
- a. **Dwelling Types Permitted.**
    - 1) Manufactured home subdivisions shall contain only Class A mobile homes as defined in chapter 17.20. of this title.
    - 2) Only one manufactured dwelling shall be permitted on a lot.
    - 3) Each unit in the subdivision shall have an attached garage or carport made up of like materials and color of the dwelling. Accessory structures may be constructed in similar fashion, and unless otherwise provided for

herein, shall comply with the minimum requirements of the zoning district in which the subdivision is located.

- b. Yard Regulations. Minimum setbacks and yard regulations shall be as indicated below. Where such setbacks are not consistent with those specified by the applicable zoning district, the more restrictive standards shall apply.
  - 1) Front Yard. No garage or parking structures shall be closer than twenty (20) feet from the front property line. All other buildings shall be set back at least fifteen (15) feet.
  - 2) Side Yards. A yard of not less than five (5) feet shall be on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats, recreational vehicles, or any materials.
  - 3) Rear Yards. Dwelling units shall be set back not less than ten (10) feet from the rear property line. Accessory buildings shall be set back not less than five (5) feet from the rear property line.
  - 4) All patio structures and swimming pools shall be a minimum of five (5) feet from any side or rear property line. Swimming pools shall be enclosed within sight-obscuring fence seven (7) feet high.
- c. Building or Structure Height Limitations.
  - 1) Residential Buildings. The maximum building or structural height shall be twenty-eight (28) feet.
  - 2) Accessory Buildings. The maximum building or structural height shall not exceed fifteen (15) feet.
  - 3) Non-Residential Buildings. The maximum building or structural height shall not exceed twenty-eight (28) feet.
- d. Removal. If a unit is removed from its foundation and not replaced by another home within thirty (30) days, the owner of the lot shall disconnect and secure all utilities.

17.24.1090 APPEALS.

Appeals of actions or decisions authorized by this chapter shall be made pursuant to the appeal procedures of chapter 17.12. of this title.

17.24.1100 ENFORCEMENT

- 1. Enforcement of this chapter shall be as specified in chapter 17.04. of this title.
- 2. Where the City deems it necessary, the applicant shall insure that the provisions of this title are followed, and will, if required by the City:
  - a. Furnish proof of financial performance, pursuant to the provisions of chapter 17.20 of this title to insure that the development or project will be carried out in accordance with the approved specifications.
  - b. Agree that where the applicant does not conform to specifications of this title or will not conform to the City's ruling, then the City may enter the premises,

expending such money and labor as necessary to make such specifications conform, and any such expense shall constitute a lien upon the improvements as improved.

- c. Make any other agreement that the City would approve between the City and the applicant.

SECTION 5. Adding to the Stayton Municipal Code, the new Chapter 17.26 “Transportation Requirements” as follows:

CHAPTER 17.26

TRANSPORTATION REQUIREMENTS

SECTIONS

17.26.1010	Purpose and Intent
17.26.1020	Access Management Requirements and Standards
17.26.1030	Bicycle Parking and Bicycle Circulation and Access
17.26.1040	Transportation Development Charge
17.26.1050	Traffic Impact Study Requirements
17.26.1060	Method for Reviewing Transportation Improvement Projects Not Identified in the Transportation System Plan

17.26.1010 PURPOSE AND INTENT

The purpose of this chapter is to implement the findings of the City of Stayton Transportation System Plan through a series of transportation standards, practices, and requirements. These transportation standards, practices, and requirements apply mostly to new developments and redevelopments. However, they may also apply in the development of transportation infrastructure unrelated to land development. The transportation standards, practices, and requirements in this chapter encompass access management requirements and standards; bicycle parking and bicycle circulation and access; transportation development charge; traffic impact study requirements, and a method for reviewing transportation improvement projects not identified in the Stayton Transportation System Plan.

17.26.1020 ACCESS MANAGEMENT REQUIREMENTS AND STANDARDS

INTENT AND PURPOSE

This section of the land use and development code identifies who is subject to apply for an access permit, how the number of accesses are determined, where the access(es) may be located, access standards that must be met, and development review procedure and submittal requirements in relation to access management.

1. ACTIONS REQUIRING ACCESS PERMITS AND AUTHORITY TO GRANT ACCESS PERMITS

a) Projects Requiring Access Permits

Access permits are required for all projects requiring any type of permitting from the City of Stayton that result in additional trip generation or change in use. A change in use is defined as a change in tenant, a change in land use, an expansion of an existing use, or remodel of an existing use those results in increased traffic.

b) Access Permits onto City Streets

Permits for access onto city streets shall be subject to review and approval by the Public Works Director and/or his/her designee. The criteria for granting access permits shall be based on the standards contained in this section. The access permit may be granted in the form of a "City of Stayton access permit" or it may be attached to a land use decision notice as a condition of approval.

c) State Highway Access Permits

Permits for access onto State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City of Stayton or Marion County. In that case, the City of Stayton and/or Marion County shall determine whether access is granted based on ODOT's adopted standards.

d) Marion County Roadway Access Permits

Permits for access onto Marion County roadways shall be subject to review and approval by Marion County, except where the county has delegated this responsibility to the City of Stayton, in which case the City of Stayton shall determine whether access is granted based on adopted City of Stayton standards.

e) Conditions of Approval with Granting of Access Permit

The City of Stayton or other agencies with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e. for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street system.

f) Non-Conforming Access Features

Legal access connections in place as of the effective date of this section that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- (1) Change in use as defined in 17.26.1020, 1.a);
- (2) When new access connection permits are requested or required.

g) City's Authority to Change Accesses

The City of Stayton has the authority to change accesses for all uses if it is constructing a capital improvement project along that section of the public street. The access changes shall meet all current standards. If it is not possible to change a particular access to meet all the current standards, then a non-conforming access shall be acceptable only if it improves the condition to more closely meet the current standards.

2. NUMBER OF ALLOWED ACCESSSES

a) Number of Allowed Accesses for Single-Family Residential Lots

A single-family residential lot may request up to two driveways on a local street. If two residential driveways are requested from a single-family lot, then it shall be subject to spacing standards of 17.26.1020, 3.b).

b) Number of Allowed Accesses for Multi-Family Uses

The number of driveways allowed for multi-family residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 1,000 daily trips generated. A maximum of two accesses shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic. The Public Works Director or his/her designee shall determine whether the traffic study adequately proves a significant traffic operations hardship to justify more accesses. Emergency access requirements shall be determined by the fire marshal and/or the Public Works Director or his/her designee. Each driveway/access shall meet the spacing standards defined in 17.26.1020, 3.h).

c) Number of Allowed Accesses for Non-Residential Uses

The number of driveways allowed for non-residential uses shall be based on the daily trip generation of the site in question. One driveway shall be allowed for up to 2,500 daily trips generated with a maximum of two driveways. An exception shall be allowed if it is proven through a traffic impact study that this limitation creates a significant traffic operations hardship for on-site traffic. The primary criteria to allow more driveways will be level of service (see standards in 17.26.1050) analysis, queuing analysis, and safety analysis of the site accesses. If a development has a need for more than two access points, then signalization of the main access shall be investigated as a potential option prior to allowing additional driveways. A signal warrant study will then be required to study whether or not signalization of the main access is required. The Public Works Director or his/her designee shall determine whether the traffic study adequately proves that more accesses are needed for a particular project.

3. LOCATION OF ACCESSES

Vehicle access locations shall be provided based on the following criteria:

a) Corner Lot Access

Corner lot driveways on local streets shall be a minimum of fifty (50) feet from the intersecting property lines or in the case where this is impractical, the driveway shall be located five (5) feet from the property line away from the intersection or as a joint use driveway at this property line. Corner lots on arterial, minor arterial, or collectors shall have driveways located on the minor cross street. If this is not feasible, then the corner lot driveway on an arterial, minor arterial, or collector must follow the minimum access spacing standard in Table 17.26.1020-3h. or in the case where this is impractical, the driveway shall be located five (5) feet from the property line away from the intersection or as a joint use driveway at this property line.

b) Two Single-Family Residential Driveway Spacing for One Lot

Where two single-family residential driveways are permitted for one single-family residential lot, a minimum separation of 50 feet shall be required. The 50 feet separation shall be measured from the perpendicular near edge to perpendicular near edge.

c) Access onto Lowest Functional Classification Roadway Requirement

Access shall be provided from the lowest functional classification roadway. If a tax lot has access to both an arterial and a lower classified roadway, then the arterial



driveway shall be closed and access shall be granted along the lower functional classification roadway. This shall also apply for a series of non-residential contiguous tax lots under the same ownership or control of a development entity per the requirements set for in 17.26.1020-5.a)(5).

d) Conditional Access Permits

Conditional access permits may be given to developments that cannot meet current access spacing and access management standards as long as other standards such as sight distance and other geometric standards can be met. In conjunction with the conditional access permit, crossover easements shall be provided on all compatible parcels without topography and land use conflicts. The conditional access permit shall allow temporary access until it is possible to consolidate and share access points in such a manner to either improve toward the current standards or to meet the current access spacing standards. Figure 17.26.1020, 3.d) illustrates the concept of how the crossover easements eventually work toward meeting access spacing standards.

e) Shared Driveway Requirement for Adjacent Non-Residential Parcels with Non-Conforming Access(es)

Adjacent non-residential parcels with non-conforming access(es) shall be required to share driveways along arterial, minor arterial, and collector roadways pursuant to 17.26.1020-1 which defines when the requirement is triggered. If the adjacent use refuses to allow for a shared driveway, then a conditional access permit may be given. As a condition of approval, cross-easements shall be granted to the adjacent non-residential parcel to secure a shared driveway later when the adjacent parcel redevelops, seeks to obtain an access permit, or becomes available.

f) Residential Subdivision Access Requirements

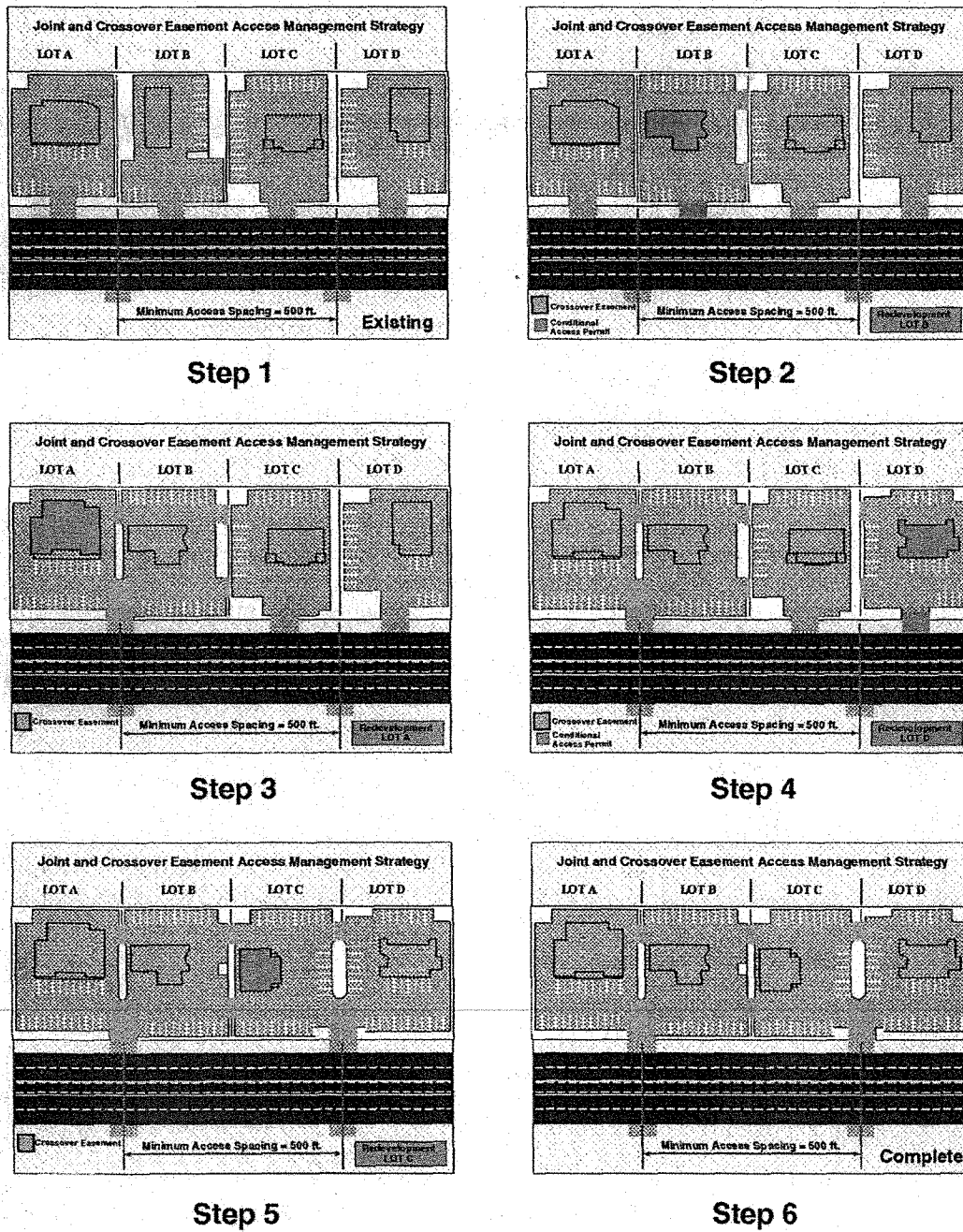
Residential subdivisions fronting an arterial, minor arterial, or collector roadway shall be required to provide access from secondary local streets for access to individual lots. When secondary local streets cannot be constructed due to topographic or physical constraints, access shall be provided by consolidating driveways per the requirements set for in 17.26.1020-3.d). In this situation, the residential subdivision shall still meet driveway spacing requirements of the arterial, minor arterial, or collector roadway.

g) Phased Development Plans

In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as a single property in relation to the access standards of this section. The number of access points permitted shall be as defined in 17.26.1020, 2.b). All necessary easement agreements and stipulations within the phased development shall be met to assure that all tenants within the development have adequate access. This shall also apply to phased development plans.

All access to individual uses or buildings within a phased development must be internalized within the site plan using the shared circulation system of the principal development. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

Figure 17.26.1020, 3.d)  
 Example of Crossover Easement and Conditional Access Policy



**Continued Figure 17.26.1020, 3.d)**  
**Example of Crossover Easement and Conditional Access Policy**

Step	Process
1	<i>EXISTING</i> – Currently Lots A, B, C, and D have site-access driveways that neither meet the access spacing criteria of 500 feet nor align with driveways or access points on the opposite side of the highway. <i>Under these conditions motorists are put into situations of potential conflict (conflicting left turns) with opposing traffic. Additionally, the number of side-street (or site-access driveway) intersections decreases the operation and safety of the highway</i>
2	<i>REDEVELOPMENT OF LOT B</i> – At the time that Lot B redevelops, the local jurisdiction would review the proposed site plan and make recommendations to ensure that the site could promote future crossover or consolidated access. Next, the local jurisdiction would issue conditional permits for the development to provide crossover easements with Lots A and C, and ODOT would grant a conditional access permit to the lot. <i>After evaluating the land use action, ODOT would determine that LOT B does not have either alternative access, nor can an access point be aligned with an opposing access point, nor can the available lot frontage provide an access point that meets the access spacing criteria set forth for this segment of highway.</i>
3	<i>REDEVELOPMENT OF LOT A</i> – At the time Lot A redevelops, the local jurisdiction and ODOT would undertake the same review process as with the redevelopment of LOT B (see Step 2); however, under this scenario ODOT and the local jurisdiction would use the previously obtained cross-over easement at Lot B to consolidate the access points of Lots A and B. ODOT would then relocate the conditional access of Lot B to align with the opposing access point and provide safe and efficient access to both Lots A and B. <i>The consolidation of site-access driveways for Lots A and B will not only reduce the number of driveways accessing the highway, but will also eliminate the conflicting left-turn movements on the highway by the alignment with the opposing access point.</i>
4	<i>REDEVELOPMENT OF LOT D</i> – The redevelopment of Lot D will be handled in the same manner as the redevelopment of Lot B (see Step 2)
5	<i>REDEVELOPMENT OF LOT C</i> – The redevelopment of Lot C will be reviewed once again to ensure that the site will accommodate crossover and/or consolidated access. Using the crossover agreements with Lots B and D, Lot C would share a consolidated access point with Lot D and will also have alternative frontage access via the shared site-access driveway of Lots A and B. <i>By using the crossover agreement and conditional access permit process, the local jurisdiction and ODOT will be able to eliminate another access point and provide the alignment with the opposing access points.</i>
6	<i>COMPLETE</i> – After Lots A, B, C, and D redevelop over time, the number of access points will be reduced and aligned, and the remaining access points will meet the <i>Category 4</i> access management standard of 500-foot spacing.

h) Access Spacing Standards

The streets within Stayton are classified as arterials, minor arterials, collectors, and local streets. The access spacing standards are shown in Table 17.26.1020-3.h. for both full intersection spacing and driveway spacing.

**Table 17.26.1020–3h. Access Spacing Standard**

Functional Roadway Classification	Minimum Public Intersection Spacing Standard	Minimum Spacing between Driveways and/or Streets
Limited Access Principal Arterial	750 feet	375 feet
Urbanized Area Principal Arterial <sup>1</sup>	260 feet	260 feet
Minor Arterial	600 feet	300 feet
Collector	260 feet	150 feet
Neighborhood Collector	260 feet	50 feet
Local Residential Street	260 feet	50 feet <sup>2</sup>
Local Commercial/Industrial Street	260 feet	50 feet

<sup>1</sup> This standard applies to 1<sup>st</sup> Avenue from Shaff/Fern Ridge Road to Ida Street.

<sup>2</sup> This standard only applies to a corner residential lot driveway spacing from the adjacent street and may be modified per 17.26.1020, 3.a).

i) 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.

j) Joint and Cross Access for Properties with Non-Conforming Access(es)

(1) Adjacent non-residential uses shall provide a crossover easement drive and pedestrian access to allow circulation between sites.

(2) A system of joint use driveways and crossover easements shall be established wherever feasible.

(3) Pursuant to this section, property owners shall:

(a) Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.

(b) Record an agreement with the City of Stayton pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.

(c) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

k) The City of Stayton may reduce required separation distance of access points defined in 17.26.1020, 3.h) where they prove impractical as defined by the Public Works Director or his/her designee, provided all of the following requirements are met:

(1) Joint access driveways and cross access easements are provided in accordance with this section.

(2) The site plan incorporates a unified access and circulation system in accordance with this section.

- (3) The property owner enters into a written agreement with the City of Stayton, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- l) The City of Stayton may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical based on physical site characteristics that make meeting the access standards infeasible.
  - (1) The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.
  - (2) The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
  - (3) Applicants for variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
    - (a) Indirect or restricted access cannot be obtained;
    - (b) No engineering or construction solutions can be applied to mitigate the condition; and
    - (c) No alternative access is available from a road with a lower functional classification than the primary roadway.
  - (4) No variance shall be granted where such hardship is self-created.

#### 4. ACCESS STANDARDS

##### a) Driveway Design

- (1) See Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22b for minimum and maximum driveway widths.
- (2) Driveways providing access into off-street, surface parking lots shall be designed in such a manner to prevent vehicles from backing into the flow of traffic on the public street or to block on-site circulation. The driveway throat approaching the public street shall have adequate queue length for exiting vehicles to queue on-site without blocking on-site circulation of other vehicles. The driveway throat approaching the public street shall also have sufficient storage for entering traffic not to back into the flow of traffic onto the public street. A traffic impact study, subject to approval by the Public Works Director or his/her designee, shall be used to determine the adequate queue length of the driveway throat. This requirement shall be applied in conjunction with the design requirements of parking lots in section 17.20.860, 9. If there is a conflict between these two code provisions, then this code provision supercedes those of 17.20.860, 9.
- (3) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Sight distance triangle requirements are identified in 17.26.1020, 4.c) and 17.26.1020, 4.d). Construction of driveways along acceleration lanes, deceleration lanes, or tapers shall be prohibited due to the potential for vehicular weaving conflicts unless there are no other alternatives for driveway locations. Only after a traffic impact study is conducted as defined in 17.26.1050 and concludes that the driveway does not create a safety hazard along acceleration lanes, deceleration lanes, or taper shall the driveway be

considered for approval. Approval of a driveway location along an acceleration lane, deceleration lane, or taper shall be based on the Public Works Director or his/her designee agreeing with the conclusions of the traffic impact study.

b) Public Road Stopping Sight Distance

Public roads shall have a minimum stopping sight distance requirement as summarized in Table 17.26.1020-4.b). The minimum stopping sight distance is measured from a height of 3.5 feet to a target on the roadway nominally six (6) inches in height.

The minimum stopping sight distance is based on design speed of the roadway. Design speed of the roadway is defined in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.08. If a design speed is not known, then the assumed design speed shall be at least 5 mph more than the posted speed or may be measured as the 90<sup>th</sup> percentile speed.

**Table 17.26.1020–4.b)  
Stopping Sight Distance Requirement**

<b>Design Speed (mph)</b>	<b>Minimum Distance (feet)</b>
25	155
30	200
35	250
40	305
45	360
50	425

c) Sight Distance Triangle

Traffic entering an uncontrolled public road from a stop sign controlled public road, or from private roads or private driveways, shall have minimum sight distances, as shown in Table 17.26.1020, 4.c), except as allowed in 17.26.1020, 4.d). Requirements regarding sight distance in 8.04.060 shall also be met.

The sight distance triangle is based on design speed of the roadway. Design speed of the roadway is defined in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.08. If a design speed is not known, then the assumed design speed shall be at least 5 mph more than the posted speed or may be measured as the 90<sup>th</sup> percentile speed.

The intersection and driveway sight distance is measured from an eye height of 3.5 feet above the controlled road at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road in accordance with the table below. This definition for measuring sight distance is consistent with AASHTO (American Association of State Highway and Transportation Officials) standards.

**Table 17.26.1020, 4.c)  
Intersection/Driveway Sight Distance Triangle Requirement**

<b>Design Speed (mph)</b>	<b>Minimum Distance (feet)</b>
20	200
25	250
30	300
35	350
40	400
45	450
50	500

d) **Uncontrolled Intersection and Driveway Sight Distance Triangle in Residential Areas**

This subsection only applies to local access roads in urban and rural residential areas. Uncontrolled intersections shall have an unobstructed sight distance triangle of 30 feet along the property lines of both intersection approaches. Any vegetation within the sight distance triangle must be 24 inches in height or less. For driveways, the sight distance triangle along the driveway and property line adjacent to the public street shall be a minimum of 10 feet for each leg. Requirements regarding sight distance in 8.04.060 and 8.04.130 shall also be met.

e) **Flag Lot Access Standard**

- (1) Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.
- (2) Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:
  - (a) Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.
  - (b) The flag lot driveway shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. The flag lot driveway shall be either a private right-of-way or access easement. This supercedes the requirements contained in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22, pages 32-33 for minimum and maximum driveway widths.
  - (c) The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
  - (d) No more than two flag lots shall be permitted per private right-of-way or access easement.

5. **CONNECTIVITY AND CIRCULATION STANDARDS**

a) **Connectivity**

- (1) The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as specified in 17.24.1050, 1.a.
- (2) Wherever a proposed development abuts unplatted, developable land a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. This is consistent with and an extension of 17.24.1050, 1.a.
- (3) Neighborhood collectors and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design and traffic calming measures are the preferred means of discouraging through traffic. These measures are defined in the Stayton Transportation System Plan.
- (4) Developers shall construct roadways within their development site to conform to the Future Street Plan in the transportation system plan. Flexibility of the future roadway alignment shall be at the discretion of the Public Works Director and/or his designee but must maintain the intent of the Future Street Plan.
- (5) A system of joint use driveways and crossover easements shall be established wherever feasible and shall incorporate the following:
  - (a) A continuous service drive or crossover easement corridor extending the entire length of each block served to provide for driveway separation consistent with the access standards set for each functional roadway classification.
  - (b) A design speed of 10 mph and a maximum width defined in the Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22, to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - (c) Access stub-outs and other design features to make it visually obvious that the abutting properties will be tied in to provide crossover easement via a service drive;
  - (d) A unified access and circulation system plan shall be submitted as part of the documentation for joint and cross access. A unified access and circulation system plan encompasses contiguous, adjacent parcels that share access(es). The unified access and circulation system plan shows how the joint and cross access(es) work together to meet the needs of all property owners and uses. It includes showing how parking areas of the various uses sharing access(es) coordinate and work with each other.

b) Cul-de-sac and Accessways

- (1) Cul-de-sacs or permanent dead-end streets may be used as part of a development plan only if topographical, environmental, or existing adjacent land use constraints make connecting and through streets infeasible. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers unless topographical, environmental, or existing adjacent land use constraints make it infeasible.



- (2) Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 15-foot-wide right-of-way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted at residential/residential illumination standard. See Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.21, Street Lighting for actual specific street lighting standards. Stairs or switchback paths may be used where grades are steep. Any vegetation planted within the accessway shall be less than 30 inches in height and must not create a safety issue for pedestrians and bicyclists.

c) Block Length and Perimeter Standard

The standard maximum block length from right-of-way line to right-of-way line shall be 300 feet with a maximum block length perimeter of 1,000 feet. Along limited access principal arterials, the maximum block length shall be 1,100 feet with a maximum block perimeter of 2,800 feet.

If a hardship can be demonstrated in which it is not practically feasible to meet these standards due to topographical, environmental, or other significant constraints, then these conditions may be requested to be modified through the Public Works Director or his/her designee. At no time shall any block length be greater than 600 feet and its maximum block perimeter 1800 feet for roadways with urbanized area principal arterials, minor arterials, or lower classification.

Alleys may be used within residential subdivisions. The maximum alley length is 300 feet between ties to public streets. Midblock access(es) to alleys must align with existing or planned public streets.

6. DEVELOPMENT REVIEW PROCEDURE FOR ACCESS MANAGEMENT

a) Applicants for Development Reviews impacting access shall submit a preliminary site plan that shows:

- (1) Location of existing and proposed access point(s) on both sides of the roadway for a distance equal to the spacing standard for that facility;
- (2) Distances from proposed access point to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- (3) Number and direction of lanes to be constructed on the driveway plus striping plans;
- (4) All planned transportation features (such as sidewalks, bikeways, signs, signals, etc.);

b) Development Reviews shall address the following access criteria:

- (1) Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
- (2) The external road system to the project site and internal road system within the project site shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.

(3) The access shall be consistent with the access management standards adopted in the Transportation System Plan and contained within 17.26.1010.

- c) Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards. Any application that involves access to Marion County's roadway system shall be reviewed by City of Stayton staff for conformance with City of Stayton access management standards.

17.26.1030

## BICYCLE PARKING AND BICYCLE CIRCULATION AND ACCESS

### 1. PURPOSE

The purpose of this chapter is to create requirements to development that encourage the use of non-motorized modes of transportation such as walking and bicycling. These requirements are bicycle parking and circulation and access requirements that enhance pedestrian and bicycle facilities.

### 2. BICYCLE PARKING REQUIREMENTS

- a. The spaces required for bicycle parking is defined in the following table.
- b. The following shall be used for Calculating the Number of Required Bicycle Parking Spaces:

Fractional numbers of spaces shall be rounded up to the next whole space.

- c. Although many land uses in the following table are exempt from needing to provide bicycle parking, they may do so to meet one of the requirements of the design review incentive list. If an applicant desires to provide bicycle parking to meet one of the requirements of the design review incentive list, then they must provide bicycle parking at the ratio listed in Table 17.26.1030, 2.

### 3. BICYCLE PARKING SPACE DIMENSIONS

- a. Bicycle parking spaces shall be at least 6 feet long and 2 feet wide. If the bicycle parking space is covered, then it shall have an overhead clearance of at least 7 feet. For covered bicycle parking, the covering shall extend at least 2 feet beyond the parking area.
- b. To provide for bicycle maneuvering, an aisle of 5 feet shall be provided and maintained beside or between each row of bicycle parking.

### 4. SITE PLANS

Required elements for a site plan shall include the design and location of bicycle and pedestrian circulation elements such as accessways, walkways, and transit facilities.

- a. All site plans shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems.
- b. All site plans shall construct pedestrian facilities as identified on the city's trails map.
- c. Preliminary subdivision plans and final plats shall show the location and design of all proposed pedestrian and bicycle facilities, including accessways.

**Table 17.26.1030, 2.  
Bicycle Parking Requirement**

<b>Land Use Category</b>	<b>Minimum Required Bicycle Parking Spaces</b>
<b>Residential</b>	
Single-family	Exempt
Multi-family residential, general	Exempt, but 1 space per 5 units to meet design review incentives list
Multi-family residential, seniors or With physical disabilities	Exempt
<b>Institutional</b>	
Schools – Elementary	4 spaces per classroom
Schools – Jr. Hi or Middle School	4 spaces per classroom
Schools – High School	2 spaces per classroom
College	1 space per 10 student
Transit Centers and Park & Ride Lots	5% of auto spaces (or 100% of demand depending on accessibility to bicyclists)
Religious Institutions	Exempt, but 1 space per 50 seat capacity to meet design review incentives list
Hospitals	Exempt, but 1 space per 20 beds to meet design review incentives list
Doctor, Dentist Offices	Exempt, but 1 space per 1,000 ft <sup>2</sup> to meet design review incentives list
Libraries, Museums	Exempt, but 1 space per 1,000 ft <sup>2</sup> to meet design review incentives list
<b>Commercial</b>	
Retail Sales	Exempt, but 1 space per 5,000 ft <sup>2</sup> to meet design review incentives list
Auto-oriented Services	Exempt
Groceries/Supermarkets	Exempt, but 1 space per 5,000 ft <sup>2</sup> to meet design review incentives list
Office	Exempt, but 1 space per 1,000 ft <sup>2</sup> to meet design review incentives list
Restaurant	Exempt, but 1 space per 1,000 ft <sup>2</sup> to meet design review incentives list
Drive-In Restaurant	Exempt, but 2 space per 1,000 ft <sup>2</sup> to meet design review incentives list
Shopping Center	Exempt, but 1 space per 5,000 ft <sup>2</sup> to meet design review incentives list
Financial Institutions/Banks	Exempt, but 1 space per 1,000 ft <sup>2</sup> to meet design review incentives list
Theaters, Auditoriums	Exempt, but 1 space per 50 seat capacity to meet design review incentives list
<b>Industrial</b>	
Industrial Park	1 per 10,000 ft <sup>2</sup>
Warehouse	2 or 0.1 space per 1000 ft <sup>2</sup> , whichever is greater
Manufacturing	2 or 0.15 space per 1000 ft <sup>2</sup> , whichever is greater
<b>Other Uses</b>	
	For uses not defined in this table, The Planning Commission shall have the authority to set bicycle parking requirements.

5. BICYCLE CIRCULATION AND ACCESS

Bicycle circulation and access requirements as it relates to cul-de-sacs and accessways are contained in 17.26.1020, 5.b).

17.26.1040 TRANSPORTATION SYSTEM DEVELOPMENT CHARGE

Refer to Chapter 13.12 for transportation system development charge requirements.

17.26.1050 TRANSPORTATION IMPACT ANALYSIS REQUIREMENTS

INTENT AND PURPOSE

A transportation impact analysis (TIA) provides an objective assessment of the anticipated modal transportation impacts associated with a specific land use action. A TIA is useful for answering important transportation-related questions such as:

- Can the existing transportation system accommodate the proposed development from a capacity and safety standpoint?
- What transportation system improvements are necessary to accommodate the proposed development?
- How will access to the proposed development affect the traffic operations on the existing transportation system?
- What transportation impacts will the proposed development have on the adjacent land uses, including commercial, institutional, and residential uses?
- Will the proposed development meet current standards for roadway design?

Throughout the development of the TIA (and beginning as early as possible), cooperation between City of Stayton staff, the applicant, and the applicant's traffic engineer is encouraged to provide an efficient and effective process.

City of Stayton staff may, at its discretion, and depending on the specific situation, require additional study components in a TIA beyond what is outlined in this section.

The City of Stayton assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of a transportation impact analysis.

**1. When a Transportation Impact Analysis is Required. A TIA shall be required when:**

- a. The development generates 25 or more peak-hour trips or 250 or more daily trips.
- b. An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.
- c. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
- d. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas

that contain a high concentration of pedestrians or bicyclists such as school zones.

2. **When a Transportation Assessment Letter is Required.** If a TIA is not required, the applicant's traffic engineer shall submit a transportation assessment letter to the City indicating the proposed land use action is exempt. This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet City of Stayton sight-distance requirements and roadway design standards.
3. **Contents of a Transportation Impact Analysis.** As a guide in the preparation of a transportation impact analysis, the City of Stayton recommends the following format be used to document the analysis.
  - a. **Table of Contents.** Listing of all sections, figures, and tables included in the report.
  - b. **Executive Summary.** Summary of the findings and recommendations contained within the report.
  - c. **Introduction.** Proposed land use action, including site location, building square footage, and project scope. Map showing the proposed site, building footprint, access driveways, and parking facilities. Map of the study area, which shows site location and surrounding roadway facilities.
  - d. **Existing Conditions.** Existing site conditions and adjacent land uses. Roadway characteristics (all transportation facilities and modal opportunities located within the study area, including roadway functional classifications, street cross section descriptions, posted speeds, bicycle and pedestrian facilities, on-street parking, and transit facilities). Existing lane configurations and traffic control devices at the study area intersections. Existing traffic volumes and operational analysis of the study area roadways and intersections. Roadway and intersection crash history analysis.
  - e. **Background Conditions (without the proposed land use action).** Approved developments and funded transportation improvements in the study area. Traffic growth assumptions. Addition of traffic from other planned developments. Background traffic volumes and operational analysis.
  - f. **Full Buildout Traffic Conditions (with the proposed land use action).** Description of the proposed development plans. Trip-generation characteristics of the proposed development (including trip reduction documentation). Trip distribution assumptions. Full buildout traffic volumes and intersection operational analysis. Intersection and site-access driveway queuing analysis. Expected safety impacts. Recommended roadway and intersection mitigations (if necessary).
  - g. **Site Circulation Review.** Evaluate internal site access and circulation. Review pedestrian paths between parking lots and buildings. Ensure adequate throat depth is available at the driveways and that vehicles entering the site do not block the public facilities. Review truck paths for the design vehicle.
  - h. **Turn Lane Warrant Evaluation.** Evaluate the need to provide turn lanes at the site driveways.
  - i. **Conclusions and Recommendations.** Bullet summary of key conclusions and recommendations from the transportation impact analysis.

- j. **Appendix.** Traffic counts summary sheets, crash analysis summary sheets, and existing/background/full buildout traffic operational analysis worksheets. Other analysis summary sheets such as queuing and signal warrant analyses.
  - k. **Figures.** The following list of figures should be included in the Transportation Impact Analysis: Site Vicinity Map; Existing Lane Configurations and Traffic Control Devices; Existing Traffic Volumes and Levels of Service (all peak hours evaluated); Future Year Background Traffic Volumes and Levels of Service (all peak hours evaluated); Proposed Site Plan; Future Year Assumed Lane Configurations and Traffic Control Devices; Estimated Trip Distribution Pattern; Site-Generated Traffic Volumes (all peak hours evaluated); Full Buildout Traffic Volumes and Levels of Service (all peak hours evaluated).
  - l. **Preparer Qualifications.** A professional engineer registered in the State of Oregon shall prepare the Transportation Impact Analyses. In addition, the preparer should have extensive experience in the methods and concepts associated with transportation impact studies.
4. **Study Area.** The study area shall include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street; the study shall include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage. Beyond the minimum study area, the transportation impact analysis shall evaluate all intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume. In addition to these requirements, the Public Works Director (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. The applicant and the Public Works Director (or his/her designee) will agree on these intersections prior to the start of the transportation impact analysis.
5. **Study Years to be Analyzed in the Transportation Impact Analysis.** A level-of-service analysis shall be performed for all study roadways and intersections for the following horizon years:
- a. **Existing Year.** Evaluate all existing study roadways and intersections under existing conditions.
  - b. **Background Year.** Evaluate the study roadways and intersections in the year the proposed land use is expected to be fully built out, without traffic from the proposed land use. This analysis should include traffic from all approved developments that impact the study intersections, or planned developments that are expected to be fully built out in the horizon year.
  - c. **Full Buildout Year.** Evaluate the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy. For phased developments, an analysis shall be performed during each year a phase is expected to be completed.
  - d. **Twenty-Year Analysis.** For all land use actions requesting a Comprehensive Plan Amendment and/or a Zone Change, a long-term level-of-service analysis shall be performed for all study intersections assuming buildout of the proposed site with and without the comprehensive plan designation and/or zoning designation in place. The analysis should be performed using the future year traffic volumes identified in the Transportation System Plan (TSP). If the applicant's traffic engineer proposes to use different future year traffic volumes, justification for not using the TSP volumes must be provided along with documentation of the forecasting methodology.

6. **Study Time Periods to be Analyzed in the Transportation Impact Analysis.** Within each horizon year, a level-of-service analysis shall be performed for the time period(s) that experience the highest degree of network travel. These periods typically occur during the mid-week (Tuesday through Thursday) morning (7:00 a.m. to 9:00 a.m.), mid-week evening (4:00 p.m. to 6:00 p.m.), and Saturday afternoon (12:00 p.m. to 3:00 p.m.) periods. The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed lane use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak-hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed.

Depending on the proposed land use action and the expected trip-generating characteristics of that development, consideration of non-peak travel periods may be appropriate. Examples of land uses that have non-typical trip generating characteristics include schools, movie theaters, and churches. The Public Works Director (or his/her designee) and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.

7. **Traffic Count Requirements.** Once the study periods have been determined, turning movement counts should be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m., depending on the proposed land use. Historical turning movement counts may be used if the data are less than 12 months old, but must be factored to meet the existing traffic conditions.
8. **Trip Generation for the Proposed Development.** To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:

- a. Institute of Transportation Engineers (ITE) *Trip Generation Manual* (latest edition).
  - b. Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak-hour trip-generating characteristics. The Public Works Director (or his/her designee) should approve the use of these studies prior to their inclusion in the transportation impact analysis.
  - c. In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the most recent version of the *Trip Generation Handbook* (ITE) should be used to account for pass-by and internal trips.
9. **Trip Distribution.** Estimated site-generated traffic from the proposed development should be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:
- a. An analysis of local traffic patterns and intersection turning movement counts gathered within the previous 12 months.
  - b. A detailed market study specific to the proposed development and surrounding land uses.
10. **Intersection Operation Standards.** The City of Stayton evaluates intersection operational performance based on levels of service and "volume-to-capacity" (v/c) ratio. When evaluating the volume-to-capacity ratio, the total traffic demand shall be considered.
- a. **Intersection Volume-to-Capacity Analysis.** A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the *Highway Capacity Manual*, published by the Transportation Research Board, are to be used for all intersection capacity calculations. The City of Stayton requires that all intersections within the study area must maintain a v/c ratio of 0.95 or less. It should be noted that the mobility standards in the Oregon Highway Plan apply to Oregon Department of Transportation facilities.
  - b. **Intersection Levels of Service.** The City of Stayton requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full buildout of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the *Highway Capacity Manual* (or by field studies), published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS "D". The minimum acceptable level of service for all-way stop controlled intersections and roundabouts is LOS "D". The minimum acceptable level of service for unsignalized two-way stop controlled intersections is LOS "E" or LOS "F" with a v/c ratio of 0.95 or less for the critical movement. Any intersections not operating at these standards will be considered to be unacceptable.



11. **Review Policy and Procedure.** The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review.
  - a. The road system is designed to meet the projected traffic demand at full build-out.
  - b. Proposed driveways do not adversely affect the functional character of the surrounding roadways.
  - c. Adequate intersection and stopping sight distance is available at all driveways.
  - d. Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.
  - e. Opportunities for providing joint or crossover access have been pursued.
  - f. The site does not rely upon the surrounding roadway network for internal circulation.
  - g. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
  - h. A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities per the Transportation Planning Rule.
  
12. **Conditions of Approval.** As part of every land use action, the City of Stayton, Marion County (if access to a County roadway is proposed), and ODOT (if access to a state roadway is proposed) will be required to identify conditions of approval needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of Approval that should be evaluated as part of subdivision and site plan reviews include:
  - i. Crossover easement agreements for all adjoining parcels to facilitate future access between parcels.
  - ii. Conditional access permits for new developments which have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.
  - iii. Right-of-way dedications for future planned roadway improvements.
  - iv. Half-street improvements along site frontages that do not have full-buildout improvements in place at the time of development.
  
13. **Transportation Impact Analysis Checklist.** As part of the transportation impact analysis review process, all transportation impact analyses submitted to the City of Stayton must satisfy the requirements illustrated in the Checklist for Acceptance of Transportation Impact Analyses. A sample checklist is provided as an Attachment.

Transportation Impact Analysis Checklist

Title of Report: \_\_\_\_\_

Author: \_\_\_\_\_ Date: \_\_\_\_\_

Yes    No    N/A

**BACKGROUND INFORMATION**

- P. E. Stamp and Signature
- Proper format including Table of Contents, Executive Summary, Conclusions, and Appendices

**EXISTING CONDITIONS**

- Description of proposed land use action
- Figure - Proposed Site Plan
- Figure - Site Vicinity Map showing the minimum study area boundary
- Description of existing site conditions and adjacent land uses
- Description of existing transportation facilities including roadway, transit, bicycle, and pedestrian facilities
- Figure - Existing Lane Configurations and Traffic Control Devices
- Figure - Existing traffic-volumes measured within previous 12 months
- Existing conditions analysis of the study area intersections
- Roadway and intersection crash history analysis

**BACKGROUND CONDITIONS**

- Approved planned developments and funded transportation improvements
- Documentation of traffic growth assumptions and added traffic from other planned developments
- Figure – Background traffic volumes at study area intersections
- Background conditions analysis of the study area intersections

**FULL BUILDOUT CONDITIONS**

- Description of proposed land use action and intended use
- Trip Generation - Based on most recent edition of ITE Trip Generation or approved other rates; include daily, AM, and PM peak hour (other time periods where applicable); provide complete documentation of calculations.
- Trip Distribution - Based on a regional planning model, supplied by staff, or analysis of local traffic patterns based on collected data.
- Figure – Estimated Trip Distribution Pattern (showing assignment onto major arterial/collector system)
- Figure – Site-Generated Traffic Volumes at study area intersections
- Figure – Full Buildout Traffic Volumes at study area intersections
- Full Buildout conditions analysis of the study area intersections
- Identify study area intersection and access driveway deficiencies

**WARRANTS/SAFETY ANALYSIS**

- Verify compliance to Access Spacing Standard or justify any variance needed
- Address potential safety problems resulting from conflicting turn movements with other driveways and internal traffic circulation
- Determine need for storage lanes, right-turn lanes, and left-turn lanes

- ⊙    ⊙    ⊙    Address availability of adequate sight distance at frontage road access points, for both existing and ultimate road configuration
- ⊙    ⊙    ⊙    Evaluate need for deceleration lanes, and channelization when determined necessary by accepted standards and practices.
- ⊙    ⊙    ⊙    Evaluate whether traffic signals are warranted at study area intersections

**IMPROVEMENT RECOMMENDATIONS**

- ⊙    ⊙    ⊙    Identify alternate methods of mitigating identified deficiencies
- ⊙    ⊙    ⊙    If a signal is warranted, recommend type of signal control and phasing
- ⊙    ⊙    ⊙    If turn lanes required, recommend amount of storage

**OTHER**

- ⊙    ⊙    ⊙    Technical Appendix-sufficient material to convey complete understanding to staff of technical adequacy

**COMMENTS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date of Review: \_\_\_\_\_

NOTE: This checklist displays the minimum information required for a Transportation Impact Analysis to be accepted as complete. Acceptance does not certify adequacy and is in no way an approval. Additional information may be required after acceptance of the Transportation Impact Analysis.

17.26.1060

**METHOD FOR REVIEWING TRANSPORTATION IMPROVEMENT PROJECTS NOT IDENTIFIED IN THE TRANSPORTATION SYSTEM PLAN**

1. **PURPOSE**

A Method for Reviewing Transportation Improvement Projects Not Identified in the Transportation System Plan and those projects permitted outright.

2. **PERMITTED USES**

Except where otherwise specifically regulated by the Stayton Municipal Code, the following improvements are permitted outright:

- a. Installation of utilities is permitted outright without a land use permitting process but is subject to Stayton Municipal Code.
- b. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

- b. Installation or reconstruction of bridges, culverts, pathways, bicycle/pedestrian facilities, storm drainage facilities, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- d. Projects specifically identified in the Transportation System Plan not located in exclusive farm use or forest zones as not requiring further land use regulation.
- e. Landscaping as part of a transportation facility.
- f. Emergency measures necessary for the safety and protection of life, property, and/or environment.
- g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
- h. Construction, widening, or reconstruction of a new or existing street, pathways, bicycle/pedestrian facilities, storm drainage facilities, bridges, or other transportation project as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

3. CONDITIONAL USES

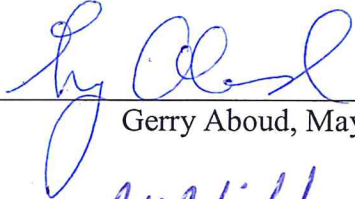
- a. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned unit development shall follow procedures outlined in 17.12.420, 1-6 in addition to the following criteria:
  - 1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
  - 2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - 3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - 4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan, transportation system plan, and other requirements of the Stayton Municipal Code.

SECTION 6. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become immediately effective.


ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of September, 2004.

CITY OF STAYTON

Signed: 9/23, 2004

By:   
Gerry Aboud, Mayor

Signed: 9/23, 2004

ATTEST:   
Chris Childs, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney