

ORDINANCE NO. 945

AN ORDINANCE AMENDING THE REQUIREMENTS FOR MAILING A NOTICE OF DECISION IN LAND USE PROCEEDINGS IN STAYTON MUNICIPAL CODE, TITLE 17

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, Title 17 of Stayton Municipal Code (SMC; Code), Section 17.12.060 establishes the procedures for mailing a notice of a public hearing for a land use proceeding;

WHEREAS, Title 17 of Stayton Municipal Code (SMC; Code), Section 17.12.130 establishes the procedures for mailing a notice of decision for a land use proceeding and requires that all persons within the notification area be provided notice of the decision;

WHEREAS, ORS 227.173(4) requires that written notice of a decision for a permit application be given to all parties in the proceedings;

WHEREAS, ORS 197.763(1) requires that an issue which may be the basis for an appeal must be raised before the close of the record, and therefore individuals who do not participate in a hearing may not appeal the decision made;

WHEREAS, reducing the number of notices sent will reduce the cost of processing an application to the applicant;

WHEREAS, the Stayton Planning Commission, following a public hearing, has unanimously recommended that the Code be amended to send notices of decision only to the applicant, to those who participate in the proceedings and to any party that has requested to be notified; and

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments set forth below comply with Oregon law, the City of Stayton Comprehensive Plan and are in the interests of the health, safety and general welfare of the citizens of the City of Stayton.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Section 17.12.130 amended. Stayton Municipal Code, Title 17, Section 17.12.130 is hereby amended as follows: (additions are underlined, deletions are ~~crossed-out~~)

17.12.130 NOTICE OF DECISION

All administrative, Planning Commission, and City Council decisions shall be produced as a written 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. The nature of the decision, including a description of any conditions of approval.
3. The effective date of the decision.
4. A brief description of the rights and procedures for appeals.

This Notice of Decision shall be mailed or electronically mailed to: the applicant, all persons who submitted comments in writing or electronically prior to the public hearing or testified at the public hearing, anyone who has requested a copy of the decision, and all members of the Planning Commission and City Council, within 3 days of the decision.

Deleted: within the notification area


Section 2. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

Section 3. Notification to State. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.


ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of February, 2012.

CITY OF STAYTON

Signed: 2-6-, 2012

BY: 
A. Scott Vigil, Mayor

Signed: 2-6, 2012

ATTEST: 
Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney