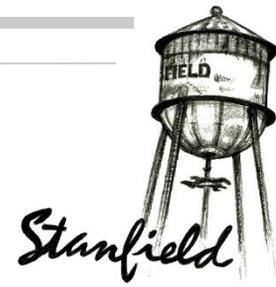


CITY OF STANFIELD

160 S Main—PO Box 369—Stanfield, OR 97875



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Staff Report Municipal Code Amendments

REQUEST: As part of the update to the City of Stanfield Comprehensive Plan and Development Code several conflicts were identified with the Municipal Code. This Staff Report outlines the conflicts or inconsistencies and suggests the appropriate action needed.

Applicant: City of Stanfield
160 South Main
Post Office Box 369
Stanfield, Oregon 97875

Newspaper Notice:

Assigned Staff: Carla McLane, Consultant
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Background: The Stanfield Municipal Code (SMC) is designed to regulate and provide guidance to the City Council and staff on a myriad of issues that include general administrative actions; business activities; animals; health and safety; vehicles and traffic; streets, sidewalks, and public places; public services; buildings and construction; subdivisions; and the floodplain. When considering how to regulate activities within a community multiple options are available to include the SMC, the Development Code, and the Public Works Standards.

Based on a review of the SMC Table of Contents several Titles or Chapters should be reviewed by the City Council based on the recommendations that follow.

Title 2 ADMINISTRATION AND PERSONNEL: This Title of the Municipal Code addresses the Planning Commission, Measure 37, and the Comprehensive Plan. The following summarize the recommendations found in the Redline version that is included with this Staff Report.

Chapter 2.08 City Planning Commission:

- Delete Section 2.08.030(b) which makes the Mayor, City Engineer, and City Attorney ex-officio members of the Planning Commission. This is not current practice nor recommended. The City Manager and other staff serve the Planning Commission as appropriate.
- Amend Section 2.08.040 Organization changing 'president' to 'chair' and deleting the requirement for a secretary; the City Manager, or future Planning Official, serve that function.
- Both Section 2.080.050 and Section 2.080.060 include recommendations to better conform with current practice and authorities granted to Planning Commissions.

Chapter 2.16 Real Property Compensation:

- Delete this Chapter in its entirety as Measure 37 was replaced by Measure 49 significantly reducing the public's ability to make claim against the land use planning system. Current Oregon Revised Statute would guide any future claim under Measure 49.

Chapter 2.24 Comprehensive Plan:

- There is also Title 16 Subdivisions and Title 17 Floodplain that are proposed to be reflective of the adopted ordinance or be deleted. The best suggestion, and what is reflected in the included Redline version of Title 2, might be to consolidate the adopted land use documents under this title and change its name to Land Use Planning. Over time it could contain a reference to the most recent adopting ordinances for the Comprehensive Plan, Development Code, Transportation System Plan, and other adopted plans that regulate or inform the land use planning process.

Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS: This Title touches a lot of areas with potential connections to the Development Code or development in general in five areas – business licenses, mobile food vendors, alcohol liquor, merchant police, and transient room tax. At the time of drafting this Staff Report there is only one suggested change to the Municipal Code language which probably doesn't rise to the level of making any changes. The important thing to remember is how these provisions should be used adjacent to the development process. Of note should be the proposed requirement for Home Occupations, discussed in Chapter 2 of the Development Code, to obtain a business license and for operators of Bed and Breakfast establishments and Vacation Rentals, also discussed in Chapter 2, to comply with the requirement to pay transient room tax. The merchant police provisions could be applicable to larger commercial or industrial developments with the alcohol liquor provisions applicable to restaurants, bars, or taverns.

Title 6 ANIMALS: This Title addresses animals broadly with the focus of this review on Chapter 6.12 Livestock and Poultry, in particular the requirements for fencing. The current regulation, found at Section 6.12.070 states in the last sentence "no electric fence shall be permitted within the city nor shall barbed wire fencing be used adjacent to traveled public way." This conflicts with the current Development Code provisions for fencing materials, prompting changes in that document. No changes are proposed currently to this Title.

Title 8 HEALTH AND SAFETY: This Title addresses a variety of items related to health and safety. The focus for this review is on Chapter 8.24 Automobile Wrecking Yards and Chapter 8.28 Junkyards with the proposal to remove both in their entirety as provisions have been incorporated into the Development Code addressing these types of land uses.

Title 10 VEHICLES AND TRAFFIC: This Title addresses a variety of items related to vehicles and their use on the streets of Stanfield. This review focuses on two Chapters – 10.20 One-way Streets and 10.30 Occupied RV Parking. The Chapter on One-way Streets is not proposed for changes currently but has been identified as a provision that should be addressed in the next review of the Transportation System Plan as well as for inclusion in the Public Works Standards.

Chapter 10.30 Occupied RV Parking is recommended for amendment as it is not consistent with Oregon Revised Statute (ORS) Chapter 197 Comprehensive Land Use Planning I (2021 Edition) MOBILE HOME, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS, specifically ORS 197.493 provided here:

197.493 Placement and occupancy of recreational vehicle.

- (1) *A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:*
 - (a)
 - (A) *Located in a manufactured dwelling park, mobile home park or recreational vehicle park;*
 - (B) *Occupied as a residential dwelling; and*
 - (C) *Lawfully connected to water and electrical supply systems and a sewage disposal system; or*
 - (b) *Is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:*
 - (A) *The dwelling has been repaired or replaced and an occupancy permit has been issued;*
 - (B) *The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or*
 - (C) *Twenty-four months after the date the dwelling first became uninhabitable.*
- (2) *Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.*

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES: A portion of this Title may be eligible for movement to either a future edition of the Transportation System Plan or the Public Works Standards. Currently the focus is on Chapter 12.20 Tree Planting and Chapter 12.30 Streetscape Plan. Chapter 12.20 Tree Planting is complementary to the provisions within the Development Code with minor changes proposed to the Municipal Code provisions. Chapter 12.30 Streetscape Plan is proposed to be moved to Title 2 under the Land Use Planning provisions as an adopted plan.

Title 13 PUBLIC SERVICES: This title is included in this Staff Report only to identify that Chapter 13.20 Standard Specifications for Public Works does require that the city council adopt the Public Works Standards by resolution and that conformance is required. As work continues the Public Works Standards affected by this update process will be adopted by the city council and the city council will have the final word on what is included.

Title 15 BUILDINGS AND CONSTRUCTION: This Title covers a variety of topics related to how buildings are constructed. Chapter 15.12 Historical Landmarks, adopted in 1978, does not conform to current Oregon Revised Statutes related to how historical buildings and landmarks are regulated. It is recommended that this Chapter be deleted in its entirety and replaced with future work either in this location or in the Development Code. There is guidance that is included in the proposed revisions to the Comprehensive Plan.

Title 16 SUBDIVISIONS: This Title is currently blank. It is recommended to delete this Title and incorporate any potential components into Title 2 Chapter 2.24 Land Use Planning as proposed above.

Title 17 FLOODPLAIN: This Title, adopted in 1998, is also out of date and not in compliance with current Oregon Revised Statute and is recommended for deletion. Current floodplain and floodway requirements are proposed in the change to the Development Code.