

# STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, August 29, 2022

## **HYBRID MEETING**

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also either be "attended" virtually or watched on the live stream on the City of Stayton's YouTube account.

City officials request all citizens that are able, to join the meeting online from home. Social distancing is essential in reducing the spread of COVID-19. The City is using technology to make meetings available to the public without increasing the risk of exposure. If you would like to virtually participate in the meeting, please contact the Planning and Development Department at [dfleishman@staytonoregon.gov](mailto:dfleishman@staytonoregon.gov) to receive an invitation to the online meeting.

Watch the meeting live streamed on YouTube <https://youtu.be/UjFAavqY2DI>

1. **CALL TO ORDER** **Chair Lewis**
2. **MEETING MINUTES – July 25, 2022**
3. **LAND USE FILE #12-06/22 – Legislative Amendments to the Land Use and Development Code Relative to Dwellings and Live-Work Units**
  - a. **Commencement of Public Hearing**
  - b. **Staff Report**
  - c. **Questions from the Commission**
  - d. **Proponents' Testimony**
  - e. **Opponents' Testimony**
  - f. **Governmental Agencies**
  - g. **General Testimony**
  - h. **Questions from the Public**
  - i. **Questions from the Commission**
  - j. **Staff Summary**
  - k. **Close of Hearing**
  - l. **Commission Deliberation**
  - m. **Commission Decision**
4. **OTHER BUSINESS**
5. **ADJOURN**

**DATE OF NEXT MEETING: Monday, September 26, 2022**

# STAYTON PLANNING COMMISSION MEETING MINUTES

Monday, July 25, 2022

**COMMISSIONERS:** Ralph Lewis  
Dixie Ellard  
Larry McKinley  
Richard Lewis

**STAFF MEMBER:** Dan Fleishman, Planning & Development Director (Via Zoom)  
Windy Cudd, Administrative Assistant, Minutes

**OTHERS PRESENT:** Jim Crowther, Applicant  
Chris and Heather Roberts, Owners of 9580 Golf Club Rd  
Laura LaRoque, Udell Engineering & Land Surveying, LLC (Via Zoom)

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00 pm
2. **APPROVAL OF MINUTES:** McKinley moved, and Ellard seconded to approve the minutes from June 27, 2022, as presented. The motion was approved 3:0.
3. **LAND USE FILE #11-06/22 – Applications for Annexation and Comprehensive Plan Map Amendment, James & Jolene Crowther, Golf Club Rd**
  - a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.
  - b. **Staff Introduction-** Fleishman explained there are 2 concurrent applications for review. The applicant is requesting Annexation of four tax parcels totaling approximately 11 acres into the City Limits. The applicant is also requesting the Comprehensive Plan Map designation of the property be changed from Residential to Industrial and that Light Industrial zoning be applied to the property following annexation.
  - c. **Applicant Presentation-** Laura LaRoque, Udell Engineering & Land Surveying spoke on behalf of the applicant. She stated that the property is owned by James and Jolene Crowther. They are requesting that the 11 acres be annexed into the City Limits and that the zoning be changed from Residential to Light Industrial. Public utilities are present, and the property could have access to them. They are on a private well and do not plan to hook up to City services unless expansion requires it.
  - d. **Staff Report-** Fleishman reviewed the staff report, summarized the criteria for approval, and explained the suggested condition of approval that an agreement for future street improvement and utility connection be executed.
  - e. **Questions from the Commission-** None
  - f. **Proponents Testimony-** None
  - g. **Opponents Testimony-** Chris and Heather Roberts, 9580 Golf Club Rd, Stayton OR 97383. Roberts read a letter written collectively with property owners, Terry and Teresa Garren, 9574 Golf Club Rd, Stayton OR 97383. This letter is written opposing the rezoning of the 11-acre parcel at 9654, 9694, 9704 Golf Club Rd, Stayton OR 97383. As property owners with land that directly adjoins with this property that has applied to be annexed into the city as light industrial property, Roberts stated that having industrial land at this location is not consistent with the comprehensive plan the city has invested time and money into. Having industrial property that is to be surrounded

on three sides by residential property (in the future) would be undesirable by the current and future residents of the city. Stated that if property is zoned industrial it will diminish the future value of their properties.

Specific concerns about existing and likely future conditions that impact vegetation, trees, and water properties. These issues include:

- i) Current and future noise
- ii) Current and future dust control issues
- iii) Toxic spray and weed control overlapping onto their properties impacting vegetation, trees and water quality
- iv) Ground water run off issues. The level of this property appears to have been elevated and filled in the past and currently sheds excessive water onto their properties.

They are currently and will continue to be increasingly concerned about the quality of well water if the industrial use of this land is to continue.

**h. Governmental Agencies-** None

**i. General Testimony-** None

**j. Questions from the Public-** Bill Martinak, 15556 Coon Hollow Rd, Stayton, owns property on the east side of the property. Had some concerns about the rezoning. Upon new development, will any transportation design standards be implemented? Fleishman answered that if further development did occur, they would have to meet all codes.

**k. Questions from the Commission-** None

**l. Applicant Summary-** Laura LaRoque stated that there are no other plans proposed for growth, just annexed, and rezoned at this time. Also noted they feel that the light industrial zoning will not impact the city as the property has been in such uses for decades.

**m. Staff Summary-** Fleishman explained that relative to the concerns and comments made by Roberts regarding changing the Comprehensive Plan would be a detriment to the plan and detract from it, the code establishes this process, therefore allowing for one to make such a request. Also outlined the criteria and each criterion has been met.

Fleishman recommended approving the application for annexation and comprehensive plan map amendment and adopt the draft order modified to reflect the comments made at the hearing.

**n. Close of Hearing-** Lewis closed the hearing at 7:33 pm.

**o. Commission Deliberation-** Richard Lewis noted he had some reservations of changing to Industrial. McKinley stated that he had driven by the property and he doesn't see any difference in changing it, as it appears to be light industrial now.

**p. Commission Decision-** McKinley moved and Ellard seconded to approve the application and adopt a modified draft order, to reflect public testimony presented at the public hearing, to submit to City Council. Passed 4:0

**4. OTHER BUSINESS -**

**5. ADJOURN-** Chair Lewis adjourned the meeting at 7:38 pm.



# City of Stayton

*Department of Planning and Development*

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## MEMORANDUM

**TO:** Chairperson Ralph Lewis and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** August 29, 2022  
**SUBJECT:** Public Hearing on Proposed Amendments regarding Dwelling Units as Part of a Live-Work Unit Standards

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### ISSUE

The issue before the Planning Commission is a public hearing on proposed Code amendment to establish standards for dwellings as part of a Live-Work unit.

### BACKGROUND

In 2016 the Land Use and Development Code was amended to include dwellings as part of a live-work unit in most of the industrial, commercial and downtown mixed use zones, where either residential uses would not otherwise be allowed or where single family detached dwellings are not allowed.

This spring, Staff needed to determine whether the proposed use of two buildings in the Downtown Residential Mixed Use zone qualified as a live-work unit or would merely be a single family dwelling with an accessory business use.

This resulted in a request from staff to the Planning Commission for an interpretation of Code. The Planning Commission request staff prepare amendments to clarify the Code.

### ANALYSIS

In the Commercial Retail, Commercial General, Light Industrial, Industrial Commercial, and the three Downtown mixed use zoning districts, single family detached dwellings are not permitted use. However, a dwelling as part of a live-work unit is a permitted use. The question is in the context of business activity permitted in a dwelling in the residential zones (a home occupation), what constitutes business activity necessary for a use to be considered live-work unit.

The Code includes the following definitions, distinguishing between the two:

**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.

**LIVE-WORK UNIT:** a structure or portion of a structure:

1. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and
2. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

# City of Stayton

Under these definitions, the commercial activity in a home occupation must be clearly secondary to the residential use. The standards in Section 17.20.100 of the Code are written to assure that.

## **PROPOSED AMENDMENTS**

The proposed amendment clarifies the characteristics of the unit or of the business activity necessary to qualify as a live-work unit. Staff believes that definitions should contain as little regulation as necessary and that any standards and qualifications should be placed in the body of the code, rather than the definitions sections. Therefore, the suggested amendment constitutes the creation of a new section of Code.

The proposed amendment requires that the business use be a “storefront” by being on the ground floor and have an access from the exterior without the necessity of passing through the dwelling. The amendment limits the residential use of the unit to no more than 50% of the floor area. In addition, the amendment clarifies that off street parking requirement will not be based on both the commercial use and the dwelling.

## **RECOMMENDATION**

The staff recommends the Planning Commission forward the proposed Code amendment to the City Council with a recommendation for approval. A draft order doing so is presented to the Planning Commission. There may be changes to the draft order necessary depending on the testimony at the public hearing.

## **OPTIONS AND SUGGESTED MOTIONS**

### **1. Close the hearing and forward the proposed amendments to the City Council for adoption.**

I move to adopt the draft order prepared by staff and forward the proposed amendments to the City Council with a recommendation for adoption.

### **2. Close the hearing, make changes to the proposed amendments and forward to the City Council for adoption.**

I move to adopt the draft order prepared by staff, direct staff to make the following changes in the proposed amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

### **3. Close the hearing, choose to not forward the amendments to the City Council.**

I move to not forward the proposed amendments to the City Council.

Add the following section to the Chapter 17.20:

**17.20.260 LIVE-WORK UNITS**

The following provisions shall apply to any newly created live-work unit.

1. **PURPOSE.** Whereas live-work units are permitted in zones where single family dwellings are not permitted uses, the purpose of these regulations is to distinguish between a single family dwelling with a permissible home occupation and a dwelling in a live-work unit in a building with only one dwelling unit.
2. **LOCATION OF BUSINESS USE.** The business use of live-work units shall be located on the ground floor and be accessible directly from the outside without proceeding through the residential portion of the unit.
3. **MIX OF COMMERCIAL/RESIDENTIAL SPACE.** No more than 50% of the unit floor area may be dedicated to the residential use.
4. **OFF-STREET PARKING.** The minimum off-street parking shall be the minimum required for either the commercial use or the dwelling, in accordance Section 17.20.060, but not both.
5. **COMPLIANCE WITH OTHER CODES.** The unit shall be approved by the Building Official as compliant with applicable structural codes and life/safety codes.

**BEFORE THE STAYTON PLANNING COMMISSION**

In the matter of

- ) Development Code Amendments regarding
- ) Dwelling as Part of a Live-Work Unit
- ) Land Use File 12-06/22

**RECOMMENDATION OF APPROVAL**

**I. NATURE OF PROCEEDINGS**

The proceedings are for legislative amendments to the Stayton Municipal Code, Title 17, known as the Stayton Land Use and Development Code establishing standards for live-work units.

**II. PUBLIC HEARING**

A public hearing was held on the proposal before the Stayton Planning Commission on August 29, 2022. At that hearing the Planning Commission reviewed Land Use File #12-06/22 to amend the Land Use and Development Code and made it part of the record. The Planning Commission has considered the testimony at the public hearing.

**III. FINDINGS OF FACT**

1. In 2016, the Land Use and Development Code was amended by Ordinance 998 to establish the Commerce Park Zone, to define the term live-work unit, and add dwellings as part of a live-work unit as a permitted use in a number on zones.
2. There are not standards in the Code regarding the configuration of a live-work unit, the amount for space required to be dedicated to business use, or clarifying the amount of off-street parking required.
3. Single family detached dwellings are not permitted uses in the zones where live-work units are permitted.
4. The proposed code amendment is needed to clarify the distinction between a single family dwelling with a home occupation and a dwelling as part of live-work unit.
5. The proposed amendment establishes standards to clarify that a live-work unit is primarily a commercial use with a dwelling, as compared to a residential use with a business being conducted in the dwelling.

**IV. PUBLIC COMMENTS**

The Planning Department received no comments prior to the public hearing. There was no public testimony at the public hearing opposed to the proposed amendment.

**V. ORDER**

Based on the findings of fact, the Planning Commission voted on August 29, 2022 to recommend to the City Council enactment of proposed amendments to the Stayton Land Use and Development Code, as presented in a document entitled, "Proposed Amendments For Planning Commission Public Hearing, August 29, 2022."

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Ralph Lewis, Chairperson

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Date

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Dan Fleishman, City Planner

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Date