

ORDINANCE NO. 751

AN ORDINANCE AMENDING TITLE 17., "LAND USE AND DEVELOPMENT," OF THE STAYTON MUNICIPAL CODE, SECTIONS 17.16.660, "LOW DENSITY RESIDENTIAL (LD) DISTRICT"; 17.16.670, "MEDIUM DENSITY RESIDENTIAL (MD) DISTRICT"; AND 17.16.680, "HIGH DENSITY RESIDENTIAL (HD) DISTRICT."

WHEREAS, the issue of street-side setbacks on corner lots was referred to the Stayton City Council by the Stayton Planning Commission; and

WHEREAS, the Stayton City Council conducted a public hearing on the matter on August 7, 1995; and

WHEREAS, at the conclusion of the hearing, the council concurred with the Stayton Planning Commission's findings that, for reasons of public safety and aesthetics, 20-foot setbacks on street-side frontages are advisable; and

WHEREAS, the Stayton City Council adopted an order containing findings and conclusions in support of this request, which is attached hereto as Exhibit A.;

NOW, THEREFORE, the Stayton City Council hereby ordains as follows:

SECTION 1: Stayton Municipal Code Section 17.16.660, "Low Density Residential (LD) District," subsection 5., "Building Setbacks," is hereby amended to read:

5. BUILDING SETBACKS. The minimum front yard depth, and sideyard depths adjacent to a street, shall be 20 feet. Minimum sideyard depth shall be five feet. Minimum rear yard depth shall be 20 feet. Effective August 1, 1995, 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 of Chapter 17.20 of this title.

SECTION 2: Stayton Municipal Code Section 17.16.670, "Medium Density Residential (MD) District," subsection 5., "Building Setbacks," is hereby amended to read:

5. BUILDING SETBACKS. The minimum front yard depth, and sideyard depths adjacent to a street, shall be 20 feet. Minimum sideyard depth shall be five feet. Minimum rear yard depth shall be 15 feet. Effective August 1, 1995, 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 of Chapter 17.20 of this title.

SECTION 3: Stayton Municipal Code Section 17.16.670, "High Density Residential (HD) District," subsection 5., "Building Setbacks," is hereby amended to read:


5. BUILDING SETBACKS. The minimum front yard, and sideyard depths adjacent to a street, shall be 20 feet. Minimum sideyard depth shall be five feet. Minimum rear yard depth shall be 15 feet. Effective August 1, 1995, 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.

Adopted by the Stayton City Council this 5th day of September 1995.

Date: 9-7-95

By: 
WILLMER VAN VLEET, Mayor

Date: 9/6/95

Attest: 
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM

Date: AUG 22 1995


DAVID A. RHOTEN, City Administrator

BEFORE THE STAYTON CITY COUNCIL

In the Matter of the)	File No. 11-06/95
)	
Application of the)	1. Development Code Amendment
)	
City of Stayton)	

ORDER OF APPROVAL

I. NATURE OF THE APPLICATION

This matter comes before the Stayton City Council on the application of the City of Stayton to amend the Stayton Land Use and Development Code, Section 17.16.660.5, Section 17.16.670.5, and Section 17.16.680.5, requiring a twenty (20) foot street-side setback for residential corner lots.

II. GENERAL INFORMATION

A. Location and Site Description

The text amendment will affect residential development on corner lots located in the Low Density Residential (LD), Medium Density Residential (MD) and High Density Residential (HD) zones.

B. Background Information

The proposed changes to the Development Code text were initiated by the Planning Commission.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Stayton Planning Commission on June 26, 1995. At the hearing, City Planning File #11-06/95 was made a part of the record. Notice of the hearing was published in the Stayton Mail. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and adopted an Order recommending approval of the amendments to the Development Code. The Planning Commission found the amendments comply with requirements, policies and provisions in the Comprehensive Plan, and, the Land Use and Development Code.

B. City Council Action

A public hearing was duly held on this application before the Stayton City Council on August 7, 1995. At the hearing, City Planning File #11-06/95 was made a part of the record. Notice of the hearing was published in the Stayton Mail. The persons listed in Exhibit 'B' appeared at the hearing and provided testimony on the application. The proposed text amendments are adopted as Exhibit 'A'. No objection was raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, and after considering recommendations from the Stayton Planning Commission, the City Council deliberated on the issue and adopted an Order approving amendments to the Development Code. The City Council found the amendments to comply with requirements policies and provisions in the Comprehensive Plan, and, the Land Use and Development Code.

IV. FINDINGS OF FACT-GENERAL

The Stayton City Council, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact:

- A. The applicant is the City of Stayton.
- B. The application will amend Stayton Land Use and Development Code, Section 17.16.660.5, Section 17.16.670.5, and Section 17.16.680.5, requiring a twenty (20) foot street-side setback for residential corner lots. The actual code language is found in Exhibit "A."
- C. The text amendment will affect residential development on corner lots located in the Low Density Residential (LD), Medium Density Residential (MD) and High Density Residential (HD) zones.
- D. The proposed changes to Development Code text were initiated by the Planning Commission.

V. RELEVANT CRITERIA

This action would amend the text of the Stayton Land Use and Development Code. Pursuant to SC 17.08.220 2.b. of the Development Code, Comprehensive Plan revisions are considered legislative actions. The City Council finds this requirement is also applicable to text changes in the Development Code as the Code implements the Comprehensive Plan. The decision criteria for Plan and text changes are found in Development Code Section 17.12.420 PLAN AMENDMENTS.

- A. 17.12.420 (1. - 4.) establishes definitions, adoption methods, initiation methods and submittal requirements.

FINDING: The Council finds the application complies with the requirements and sufficient information was presented to render a decision.

- B. 17.12.420 5. a., requires the proposed amendment be 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 requested use; and, (2) impact of the proposed amendment on land use and development including impacts on traffic generation and circulation, population density, public facility demand, public health and safety, recreational facilities, economic activities, natural resource protection, natural hazards, and compliance with special purpose plans.

FINDING: The proposed amendments do not affect the Comprehensive Plan maps or zone maps. The establishment of a street-side setback for a corner lot will improve traffic safety as visibility at the street intersection will likely be approved. Otherwise, these actions do not affect the factors identified in Section 17.12.420.5.

- C. 17.12.420 5. b., requires a demonstrated need exists for the proposed amendment.

FINDING: The setback provision addresses a need to promote traffic safety at street intersections.

- D. 17.12.420 5. c., requires the proposed amendment to comply with the Statewide Planning Goals, administrative rules and Stayton Urban Growth Policies.

FINDING: The City's Urban Growth Policies do not apply as the proposal does not expand the Urban Growth Boundary. Compliance with the Statewide Goals is noted as follows:

Goal 1: Public hearings on the proposed amendments will be held before both the Planning Commission and City Council. This is consistent with City procedures.

Goal 2: The proposed changes do not involve exceptions to the Statewide Planning Goals.

Goals 3 and 4: The proposed changes do not involve or affect identified farm or forest lands.

Goal 5: Identified historic, cultural, mineral, or natural resources are not affected by the proposed changes.

Goal 6: The proposed changes will have negligible environmental impact.

Goal 7: The proposed changes do not affect areas identified as containing natural hazards.

Goal 8: The proposed changes do not impact recreational needs.

Goal 9: The proposed changes will have negligible economic impact.

Goal 10: The proposed changes may reduce the size of some houses on corner lots but will not otherwise prohibit their construction.

Goal 11: The proposed changes will have negligible public facility impact.

Goal 12: The proposed changes are expected to improve traffic safety.

Goal 13: The proposed changes will have negligible energy impacts.

Goal 14: All proposals involve urban uses within an urban area.

Goals 15 to 19: The proposals do not involve land within the Willamette Greenway or coastal areas.

In general, the proposed amendments to the Development Code are found to either have positive impacts, or, do not directly affect issues addressed by the goals.

- E. 17.12.420 5. d., requires the proposal to be possible within the existing Plan framework; new land use designations, policy categories or plan elements are unnecessary.

FINDING: The text amendments modify and revise existing sections of the Development Code and are therefore wholly possible within the existing Plan framework.

- F. 17.12.420 5. e., requires the amendment to be appropriate based on one of the following criteria: (1) it corrects an identified error in the Plan; (2) it represents a logical implementation of the plan; (3) it is mandated by changes in Federal, State or local law; or, (4) it is otherwise deemed to be desirable, appropriate and proper.

FINDING: The Council finds the setback provisions desirable and appropriate for reasons of public safety.

VI. CONCLUSION

The proposal amends the Development Code text to require a twenty (20) foot street-side setback for residential property.

VII. CONDITIONS OF APPROVAL

The Stayton City Council finds the amendment complies with the relevant decision criteria. Conditions of Approval do not apply as the proposal involves changes to the Development Code text.

VIII. ORDER

It is hereby found that the application meets the relevant standards and criteria for a Development Code text amendment. THEREFORE, the Stayton City Council approves the proposed changes in the Land Use and Development Code text.

APPROVED BY A 3:1 VOTE OF THE STAYTON CITY COUNCIL ON THE 7TH DAY OF AUGUST, 1995.

DATED at Stayton, Oregon, this 9th day of August 1995.

Willmer Van Vleet 8-9-95
Willmer Van Vleet, Mayor Date

ATTEST:

Tom Barthel
Tom Barthel, City Administrator

8/9/95
Date

EXHIBIT "A"

Note: Deleted language is ~~struck out~~; amending language is underlined.

A. Amend Section 17.16.660.5., as follows:

5. ~~Minimum front yard depth~~The minimum front yard depth, and sideyard depth adjacent to a street, shall be twenty (20) feet. Minimum sideyard depth shall be five (5) feet. Minimum rear yard depth shall be twenty (20) feet. Minimum setback to the garage entrance 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.

B. Amend Section 17.16.670.5., as follows:

5. ~~Minimum front yard depth~~The minimum front yard depth, and sideyard depth adjacent to a street, shall be twenty (20) feet. Minimum sideyard depth shall be five (5) feet. Minimum rear yard depth shall be fifteen (15) feet. Minimum setback to the garage entrance 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.

C. Amend Section 17.16.680.5., as follows:

5. ~~Minimum front yard depth~~The minimum front yard depth, and sideyard depth adjacent to a street, shall be twenty (20) feet. Minimum sideyard depth shall be five (5) feet. Minimum rear yard depth shall be 15 feet. Minimum setback to the garage entrance 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.