

ORDINANCE NO. 1037

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17, TO CONFORM TO THE STATUTORY REQUIREMENT THAT STANDARDS FOR RESIDENTIAL DEVELOPMENT BE CLEAR AND OBJECTIVE

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, the City of Stayton has adopted Title 17 of the Stayton Municipal Code (SMC) as the Land Use and Development Code;

WHEREAS, Oregon Revised Statutes, Chapter 197, Section 307, specifically mandates that a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing;

WHEREAS, SMC Title 17, Chapter 20 of the Land Use and Development Code, includes a number of standards for housing that are not clear or objective;

WHEREAS, the Planning Commission has initiated the amendment of the Code;

WHEREAS, notice of the proposed amendment was sent to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing;

WHEREAS, following a public hearing, the Planning Commission has recommended that the City Council enact the amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate and are consistent with the Comprehensive Plan.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Land Use and Development Code Amended. Stayton Municipal Code, Title 17, is hereby amended shown on Exhibit A attached hereto and incorporated herein.

Section 2. Effective Date. This Ordinance shall not become effective until the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

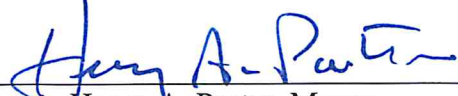
Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development, as required by OAR 660-018-0040.

ADOPTED BY THE STAYTON CITY COUNCIL this 7th day of October, 2019.

CITY OF STAYTON

Signed: 10/7, 2019

BY:


Henry A. Porter, Mayor

Signed: 10/7, 2019

ATTEST:



Keith D. Campbell,
City Administrator

EXHIBIT A

Additions are underlined; Deletions are ~~crossed-out~~

Part 1. Amend the standards for Single Family Dwellings in **Section 17.16.070.4** as follows:

4. ADDITIONAL REGULATIONS FOR SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES ON INDIVIDUAL LOTS.
 - a. Within the Low Density and Medium Density Residential Districts, all new 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) [repealed]
 - 3) Design Features. All new single family dwellings, including manufactured homes, shall contain the following design feature requirements:
 - a) Attached or detached garage with exterior materials ~~matching that are the same~~ exterior materials as the primary home.
 - b) Gutters and downspouts.
 - 4) In addition, new single family dwellings, including manufactured homes, shall contain at least 4 of the following design elements on the side(s) of the home which fronts on a street to provide architectural relief:
 - a) Dormers or gables.
 - b) Cupolas.
 - c) Bay or bow windows.
 - d) Exterior shutters.
 - e) Recessed entries.
 - f) Front porch of at least 100 square feet, which may extend into the required front yard.
 - g) Covered porch entries.
 - h) Pillars or posts in the front entry area.
 - i) Roof with pitch greater than 3 feet in height per each 12 feet in length.
 - j) Front-side exterior brickwork or masonry.
 - 5) BUILDING ORIENTATION. If the lot fronts a public street, the architectural front of the single family home shall face the street.
 - b. In the Low Density and Medium Density Districts, manufactured homes on individual lots shall meet the following development standards:
 - 1) Floor Area. The manufactured home shall have a minimum floor area of 1,000 square feet.
 - 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 3 feet in height for each 12 feet in length.

- 4) Exterior Siding. The manufactured home must have ~~standard horizontally applied~~ wood siding, horizontally applied fiber-cement siding, T-111 or textured plywood siding with vertical grooves, ~~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~~ that are the same exterior materials as 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 12 inches of the enclosing material is exposed above grade. Where the building site has a ~~sloped~~-grade with a slope of more than 10%, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home.
- 7) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.
- 8) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
- 9) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 10) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.
- 11) 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.

Part 2. Amend the standards for Duplexes, Triplexes and Multifamily Dwellings in **Section 17.20.190** as follows:

1. ~~PURPOSE. The purpose of these design standards is to promote development that is aesthetically pleasing, compatible with the surrounding neighborhoods and provides a variety of pleasing architectural styles while reducing any adverse effects on surrounding property owners and the general public.~~ These standards shall apply to any new attached residential structure.
2. ARCHITECTURAL STANDARDS.
 - a. Building Length. The continuous horizontal distance as measured from end wall to end wall of individual buildings shall not exceed 100 feet.
 - b. Articulation. All attached residential structures shall incorporate design features to break up large expanses of uninterrupted walls or roof planes. Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least 2 of the following elements.
 - 1) Recess (e.g. deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet.
 - 2) Extension (e.g. deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet.

- 3) Dormers with peaked roofs and windows or offsets or breaks in roof elevation of 2 feet or greater in height.
- c. Street-side facades. All building elevations visible from a street right-of-way shall provide prominent defined entrances and a combination of architectural features as specified in Section 17.20.190.3.e below.
- d. Exterior Stairways. Stairways shall be incorporated into the building design. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture. ~~Long~~ Access balconies and/or outdoor corridors longer than 16 feet shall not be used. No more than 4 units shall access from a single balcony.
- e. Design Features. The minimum number of required design features for an attached residential structure is determined by the number of dwelling units in each building as shown in Table 17.20.190.3.e.

Table 17.20.190.3.e Minimum Number of Design Features

Number of Units	Minimum Number of Features
2 - 6	5
7 - 20	8
21 or more	10

The following design features may be used to meet the requirements of this subsection. Features not included on the list may be used if approved by decision authority.

- 1) Dormers
- 2) Gables
- 3) ~~Recessed entries~~ Entries recessed a minimum of 30 inches
- 4) Covered porch entries or porticos
- 5) Cupolas or towers
- 6) Pillars or posts
- 7) Eaves; a minimum 18 inches of projection
- 8) Off-sets in building face or roof; a minimum 16 inches
- 9) Window trim; minimum of 3 inches wide
- 10) Bay windows
- 11) Balconies
- 12) Decorative patterns on exterior finish such as: shingles, wainscoting, ornamentation or similar features.
- 13) Decorative cornice or pediments (for flat roofs)
- f. Building Materials. Plain concrete, corrugated metal, plywood, sheet press board, or textured plywood ~~T-111~~ siding with vertical grooves shall not be used as exterior finish material.

Part 3. Amend the approval criteria for partitions and subdivision in **Section 17.24.040.6** as follows:

6. PRELIMINARY PLAN APPROVAL CRITERIA. In determining whether to approve a subdivision or partition preliminary plan, the decision authority shall determine that the applicant has demonstrated the following criteria and standards have been or will be met:
 - a. (Repealed, Ord. 898, August 20, 2007)
 - b. Adequate urban services are available to the property.
 - c. The proposed parcels, or lots meet the minimum dimensional requirements of Section 17.16.070.2. ~~, or roads are compatible with the existing pattern of development in the area~~
 - d. All streets shall be in a location and have a right of way and traveled way width in accordance with the City's Transportation System Plan. Street spacing and location and block dimensions shall meet the standards of Section 17.26.020.5.c.
 - e. The design standards of Section 17.24.050 below are satisfied as well as the access management standards in Section 17.26.020.
 - f. The plan complies with the provisions of the Comprehensive Plan and the zoning district(s) in which it is or will be located.
 - g. The subdivision or partitioning preliminary plan provides adequate access and utilities to allow future development of the remainder of the parcel and adjacent parcels.
 - h. Multiple Access Roads: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units ~~and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official,~~ shall be provided with not less than two approved means of access. Exceptions may be allowed when the proposed CC&Rs for the development will require an automatic sprinkler system approved in accordance with the provisions of ORS 455.610(6).
 - i. All applicable standards of Chapter 17.20 are satisfied.
 - j. All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands for appropriate mitigation.
 - k. 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 partitioning.
 - l. ~~Compliance exists~~ The land division complies with the provisions of ORS 92.090 as amended.
 - m. When any portion of a subdivision or partition is within 100 feet of the North Santiam River or Mill Creek or within 25 feet of the Salem Ditch, the ~~proposed project will not have an adverse impact on fish habitat~~ land division and site development shall comply with the requirements of Sections 17.16.090.3, 17.16.090.4, and 17.20.080.2. Conditions, Covenants and Restrictions for the parcels shall assure that the vegetation maintenance standards of Section 17.20.080.2.d will be met.