

STAYTON PLANNING COMMISSION AGENDA

**7:00 pm Monday,
September 28, 2020**

TELECONFERENCE MEETING

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.

Please use the following option to participate in the meeting:

<https://us02web.zoom.us/j/86950535874?pwd=VFBxZWdFVGIHWkFCNFo2UmYzQ0RIUT09>

Meeting ID: 869 5053 5874

Passcode: 019490

- 1. CALL TO ORDER** **Chair Lewis**
- 2. MEETING MINUTES – August 31, 2020**
- 3. REVIEW OF SUGGESTED CODE AMENDMENTS REGARDING RESIDENTIAL ZONING**
- 4. OTHER BUSINESS**
- 5. ADJOURN**

DATE OF NEXT MEETING: Monday, October 26, 2020

**STAYTON PLANNING COMMISSION
MEETING MINUTES**

Monday, August 31, 2020

On-line Meeting held over Zoom

COMMISSIONERS: Jackie Carmichael, Vice-Chair
Dixie Ellard
Heidi Hazel
Ralph Lewis, Chair
Richard Lewis

STAFF MEMBER: Dan Fleishman, Planning & Development Director

OTHERS: Jesse Lovrien

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00.
2. **APPROVAL OF MINUTES:** Ellard moved and Carmichael seconded to approve the minutes from July 27, 2020 as presented. The motion was approved 4:0.

Hazel joined the meeting.

3. REVIEW OF SUGGESTED CODE AMENDMENTS REGARDING RESIDENTIAL ZONING

Fleishman reviewed the suggested amendments to residential zoning, summarizing the changes he had made since the most recent discussion, at the July meeting. As a result of the discussion from the February meeting, Fleishman had reduced the minimum lot width requirement in the three residential zones by 20 feet. Also, as a result of changes in state law, the amendments to the Accessory Dwelling Unit standards were proposed – eliminating the requirement for owner-occupancy and an additional off-street parking space.

Lovrien expressed his opinion that the minimum density standards and the minimum lot width requirement were still not compatible. He is concerned that if the City wants the minimum density to be achieved, then narrower lots must still be allowed.

The Planning Commission will review the proposed amendments again in September prior to initiating a public discussion.

4. **OTHER BUSINESS** – None
5. **ADJOURN:** Chair Lewis adjourned the meeting at 7:40



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: September 28, 2020
SUBJECT: Fourth Draft Proposed Code Amendments Regarding Residential Zoning

ISSUE

The issue before the Planning Commission is the review of the fourth draft of proposed Code amendments to completely reorganize the City's residential zoning. The Planning Commission has discussed these amendments at various times between the fall and winter and again at the July and August meetings.

CHANGES FROM THIRD DRAFT

At the August meeting the Commission reviewed the third draft and received comments from Jesse Lovrien that the proposed minimum densities and minimum lot width requirements were still incompatible. One of Mr. Lovrien's other comments was that the City's stormwater requirements and the requirement for open space in our subdivision standards made meeting the minimum density requirement more difficult. Mr. Lovrien suggested that either the minimum density requirement be lowered or narrower lots be allowed in the LD and MD zones.

Included with the packet are the "typical" density/lot size diagrams I had provided to the Commission last winter. Without providing for open space or stormwater facilities, a density of 6 units per acre would be feasible with 60-foot lots and that 7 units per acre would be feasible with 50-foot lots. The provision of some lots for duplexes in the MD zone would further allow the density requirement to be met. The duplexes constructed in the Wildlife Meadows subdivision show how well duplexed can be integrated into a single family neighborhood.

The Planning Commission could either further reduce the lot width requirements or reduce the minimum density requirement in the LD and MD zones. The fourth draft includes a minimum of 4.5 units per acre in the LD zone with a minimum lot width of 60 feet. 7,200 sq ft lots at 60 X 120 provide about 4.8 units per acre. The fourth draft also includes a minimum of 7 units per acre in the MD zone with a minimum lot width of 50 feet. 4,500 sq ft lots at 50 X 90 provides for 7.3 units per acre.

Reviewing the statistics in the February staff report reveals that since 2000, the average density of all subdivisions platted in the City has been only 3.0 units per acre, with the most dense subdivision in that time being 5.3 units per acre.

While Section 17.24.050.11.a requires that a minimum of 5% of any subdivision or partition be provided as a public recreation area, this has not been enforced on a regular bases for at least the past twenty years. A review of recorded plats shows that since 1999 the following subdivisions did not provide any open space or public recreation area: Ridgefield (1999), Mountain Estates No. 1

City of Stayton

(2000), Mountain Estates No. 2 (2001), Village Creek (2001), Pemberton Estates (2003), Jefferson Place (2007), Mountain Estates No. 3 (2007), Third Avenue (2008), Phillips Estates Phase 1 (2009); Roth Estates (2009), and Phillips Estates Phase 2 (2014). Oakridge Vista (2002) dedicated less than 3% of the subdivision to the City in a strip of land that would not have otherwise been buildable.

Since the enactment of the City's Parks System Development Charge, the City has not enforced the 5% public recreation area requirement, as requiring dedication of land and charging an SDC on the homes in the development would be double charging.

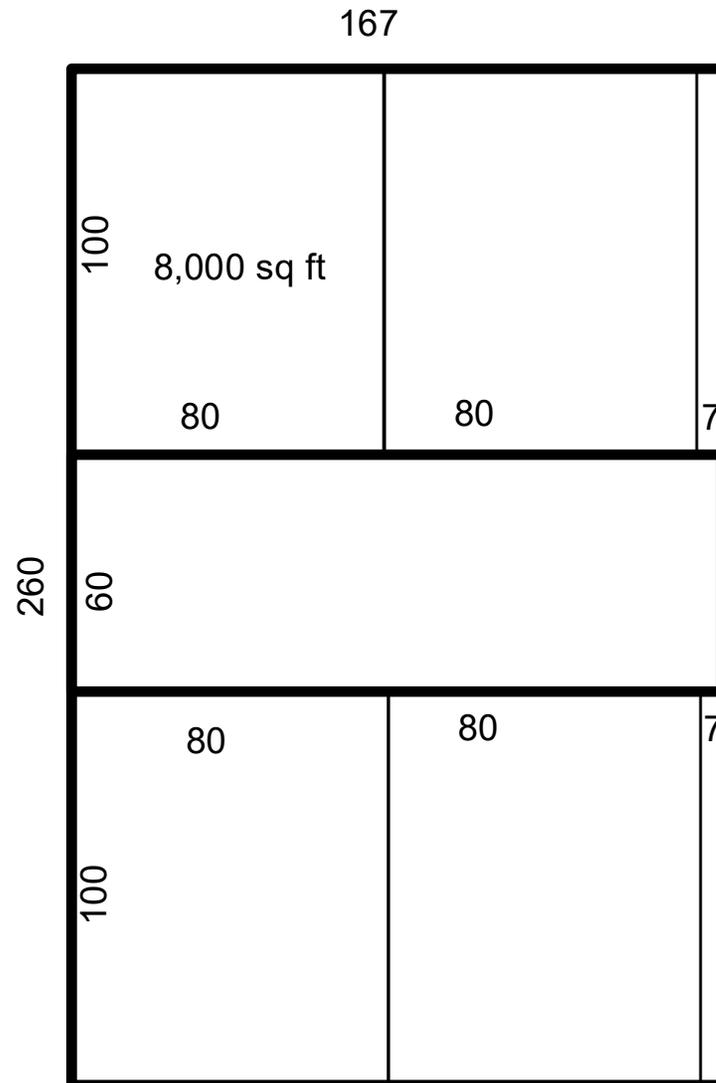
Therefore, the fourth draft of the amendments now includes amendments to Chapter 17.24 as well as Chapter 17.16. In addition to changes to Section 17.24.050.11 on the requirement for public recreation areas, there also some changes to the submission requirements reflecting our current practice of electronic submissions, and other changes that better coordinate the land division standards with the other changes in the amendment package as far reference to lot sizes and density.

Rather than a blanket requirement of 5% of a subdivision or partition being available for public recreation, the proposed amendment ties the need to dedicate land for recreation to the designated future parks and open space areas in the City's Parks and Recreation Master Plan. The amendment recognizes that should a dedication requirement be beyond the rough proportionality of the impact of the development, compensation is required.

Once the Planning Commission is ready to proceed, I will:

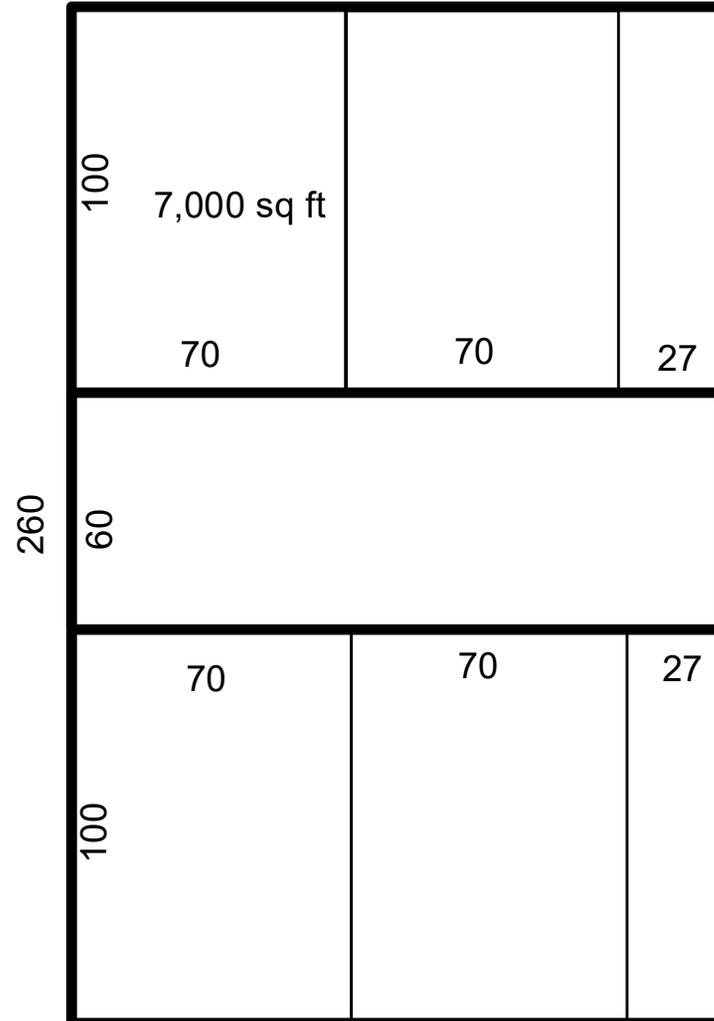
- Post the proposed amendments on the City Website as a separate page, with a method of individuals to express their opinions or suggest changes to the proposed amendments;
- Schedule a public Zoom meeting outside of the regular planning commission meeting schedule for people to discuss the proposed amendments.
- Provide a briefing to the City Council – most likely at their November 19 meeting; and
- Schedule a public hearing for the November Planning Commission meeting. The 35-day notice requirement to DLCD means we can't hold the hearing at the October meeting.

4.2 Units Per Acre



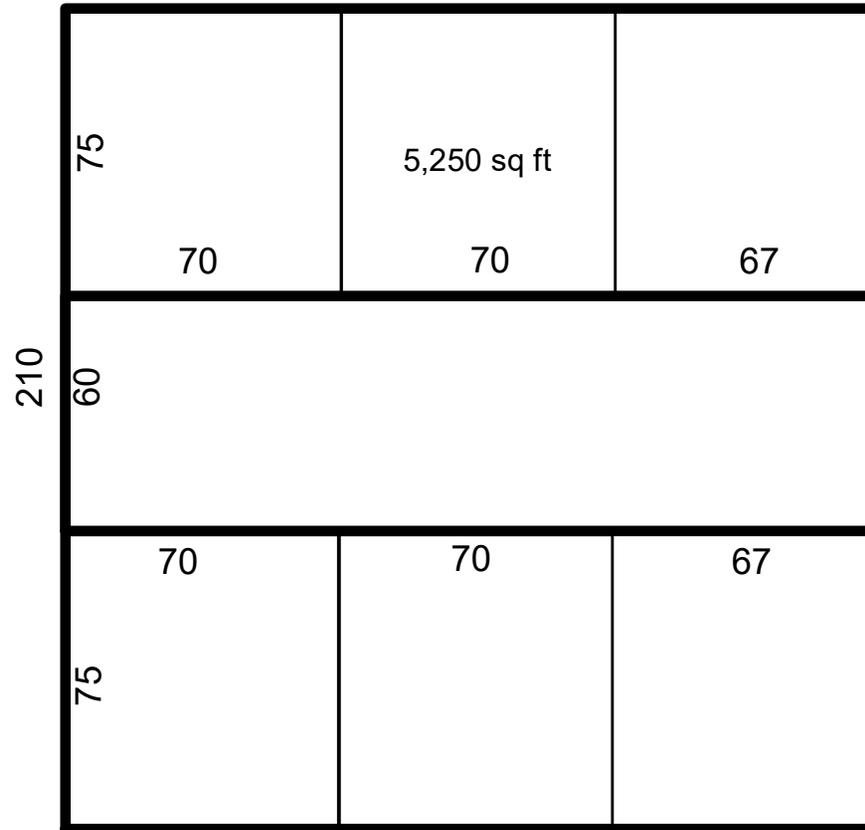
4.8 Units Per Acre

167

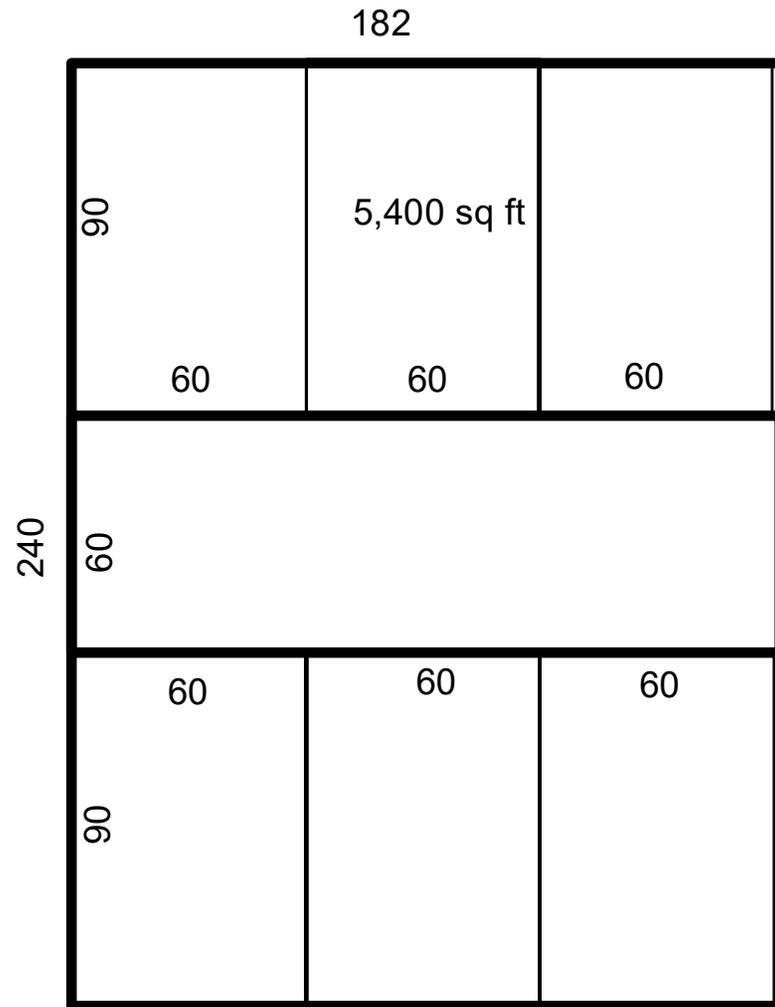


5.9 Units Per Acre

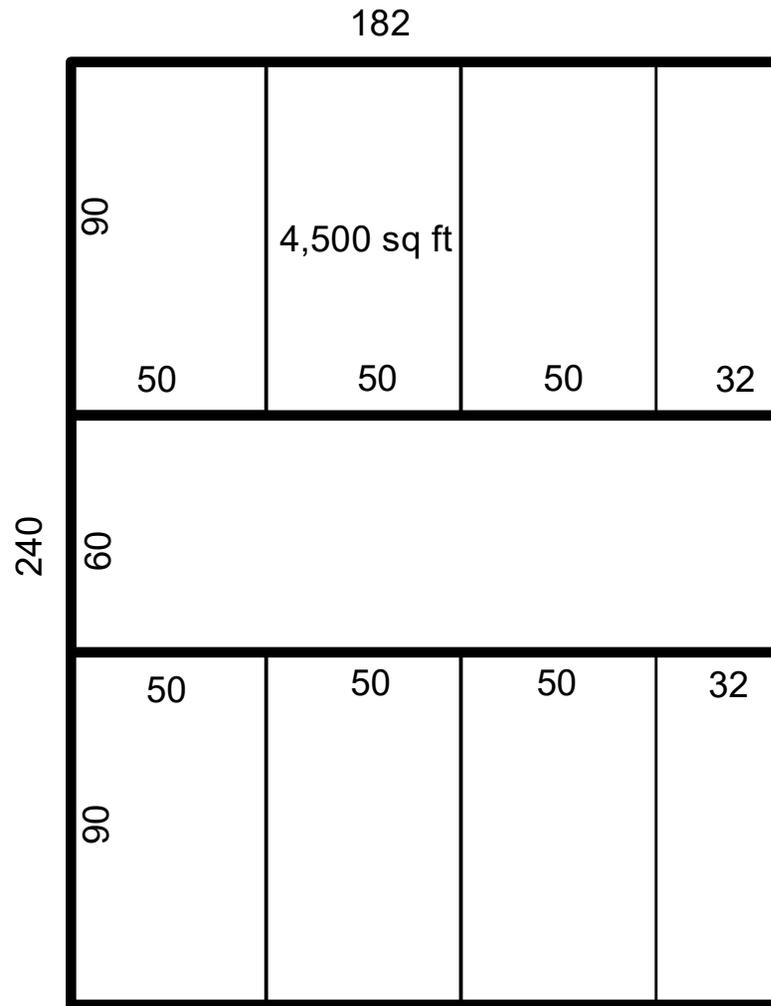
207



6.1 Units Per Acre

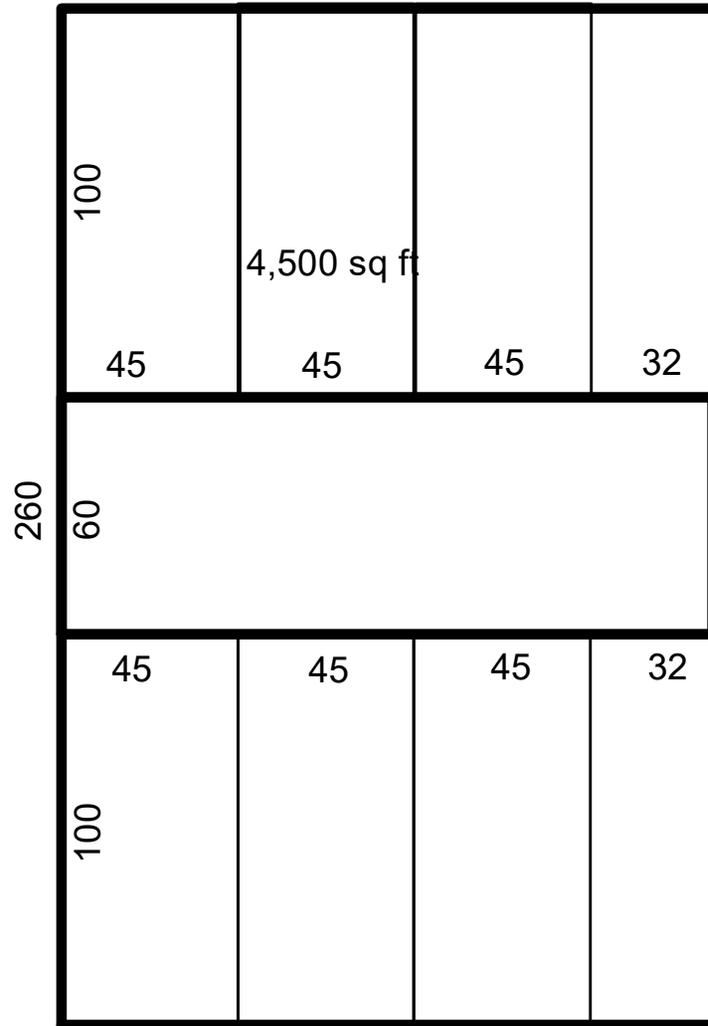


7.3 Units Per Acre



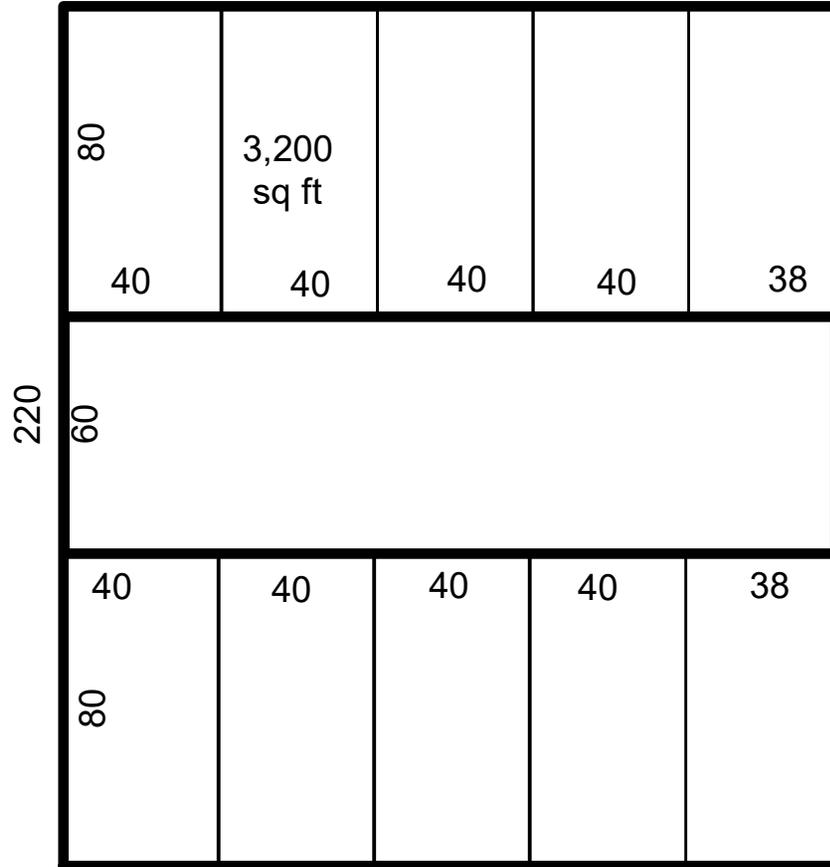
7.5 Units Per Acre

167



9.9 Units Per Acre

198





PROPOSED RESIDENTIAL ZONING AMENDMENTS

**FOURTH DRAFT
FOR PLANNING COMMISSION REVIEW
SEPTEMBER 28, 2020**

17.16.020 BASIC PROVISIONS

1. COMPLIANCE WITH CODE REQUIRED. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this ~~title~~ Title permits, and then only after applying for and securing all permits and licenses required by all applicable laws.
2. CLASSIFICATION OF ZONES. In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

Residential

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

Downtown

- CCMU Central Core Mixed Use
- DCMU Downtown Commercial Mixed Use
- DRMU Residential Mixed Use
- DMD Downtown Medium Density Residential

Commercial

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development
- CP Commerce Park

Industrial

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

Public

- P Public/Semi Public

Overlay Districts

- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

3. OFFICIAL ZONING MAP
 - a. The zones and their boundaries as specified in this title are shown upon a map which is designated as the "Official Zoning Map" of the City and which is hereby adopted as part of this ~~code~~ Title.
 - b. Such map shall constitute the official record of the zones within the City as of August 15, 2019 and thereafter as the map may be modified in accordance with the provisions of this ~~title~~ Title.
 - c. The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments and signed by the City Recorder.
4. ZONING OF ANNEXED LAND

All lands which may hereafter be annexed to the City shall be zoned in conformance with the designation of the property on the Comprehensive Plan.

17.16.030 GENERAL REQUIREMENTS

1. **MINIMUM REQUIREMENTS.** In interpreting and applying this Chapter, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.
2. **MINIMUM STREET WIDTH.** All street rights-of-way shall conform to requirements in Chapter 17.26.
3. **LOTS ABUTTING A PARTIAL STREET**
 - a. No building permit shall be issued for a building or structure on a lot which abuts that side of a partially dedicated street that has not yet been dedicated or condemned.
 - b. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this ~~title~~[Title](#).
4. **STREET DEDICATIONS AND PUBLIC IMPROVEMENTS.** Street dedications and public improvements are to be installed in accordance with the provisions of Chapters 12.04 and 12.08.
5. **BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET.** Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon:
 - a. A public street
 - b. City-approved easement in accordance with 17.26.020.4.f. An easement shall not serve more than 4 dwelling units.

17.16.040 GENERAL ADMINISTRATIVE

1. INTERPRETATIONS OF ZONING CODE

- a. When, in the administration of this ~~title~~ Title, there is doubt regarding its intent or provisions, the City Planner shall request an interpretation of the provisions by the Planning Commission. The Planning Commission shall issue an interpretation of the question only if the Planning Commission has determined that such interpretation is within their power and is not a legislative act.
- b. Any interpretation of the general provisions of this ~~chapter~~ Chapter shall be as specified in Section 17.04.040. Interpretations of zone boundaries and of allowed uses within specific zoning districts shall take place as specified in Sections 17.16.040.2 and 17.16.040.3.

2. INTERPRETATION OF ZONING BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning map, the following rules shall apply:

- a. Where the districts designated on the zoning map are bounded approximately by street or alley lines, the centerline of the street or alley shall be construed to be the boundary of such district.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be block lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- c. Where the district boundaries appear to cross non-subdivided parcels on the zoning map, the district boundaries shall be determined by use of the scale contained on such map.

3. USES NOT SPECIFICALLY COVERED. The City Planner may permit in a zone any use not referenced as a permitted or conditional use in any district listed in this chapter, if he finds that the proposed use is in general keeping with the uses authorized in such district as measured by criteria in this section. In making such an interpretation, the Planner shall consider the following factors:

- a. Size, scale, configuration, bulk, and other characteristics of the requested use.
- b. Physical and operational similarity of the use to uses now allowed in the zone.
- c. Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.

The Planner shall issue written findings reporting the results of this interpretation. By use of this procedure the Planner shall not permit a use that is allowed in another zone. All uses authorized by this process shall, prior to development, be subject to site plan review approval.

4. CHANGE OF USE

- a. Permit Required. The change of use of a building, a portion of building, or a lot shall require a permit from the City Planner.

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For Planning Commission Review September 28, 2020

b. Application Requirements.

- 1) An application for a change of use permit shall be submitted on a form prescribed by the City.
 - a) Within 5 days of submittal the City Planner shall determine whether the application is complete.
 - b) Within 10 days of submission of a complete application, the City Planner shall either: approve, approve with conditions, or deny the application.
 - c) The decision shall be issued in writing.
- 2) Prior to approval of the application for a change of use permit, the City Planner shall determine that the proposed use is a permitted use in the zone in which the use is proposed. If the proposed use is a conditional use, the City Planner shall inform the applicant and provide the applicant with an application for a Conditional Use. If the proposed use is not permitted in the zone, the City Planner shall deny the application.
- 3) Prior to approval of the application for a change of use permit, the City Planner shall determine that the standards of Section 17.20.060.7.a will be met.

17.16.050 NON-CONFORMANCE

The standards and regulations of this ~~code~~-Title embody the City's vision for the future development of the City. It is the intent of this ~~Code~~-Title that non-conformances be allowed to continue but that with future development, be brought into conformance with the standards and regulations.

1. CONTINUATION OF LAWFUL USE. Any non-conforming structure, lot, use or development legally existing on February 1, 2007, may be continued but may not be extended, expanded, reconstructed, enlarged, or structurally altered except as specified as follows:
2. REPAIR AND MAINTENANCE. Except as otherwise provided in this chapter, non-conforming developments and premises occupied by non-conforming uses may be repaired and maintained without restriction.
3. NON-CONFORMING STRUCTURES.
 - a. Restoration or Reconstruction. Any non-conforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within 1 year of the date of the damage or destruction provided its non-conformity is not increased and it complies with the building code.
 - b. Alteration. Non-conforming structures may be altered or enlarged provided the addition or alteration is no more nonconforming than the existing structure. If the addition or alteration is within the required side or rear setbacks, the applicant shall present a written statement from the Fire Chief that the expansion will not cause a fire or safety hazard.
4. NON-CONFORMING USES
 - a. Discontinuation of Use. If a non-conforming use is discontinued for more than 1 year, or superseded by a conforming use, the non-conforming use shall not be resumed. Any subsequent use shall conform to the underlying zoning district.
 - b. Expansion. Except for single family detached dwellings, a non-conforming use shall not be extended into a different or greater area of a lot. Single family detached dwellings that are non-conforming uses may be enlarged as long as the dimensional requirements of the district in which they are located are met.
5. NON-CONFORMING LOTS
 - a. Vacant Non-conforming Lots.
 - 1) A vacant non-conforming lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership at the time of or since adoption or amendment of this code. Proposed structures on any nonconforming lot larger than 7,000 square feet in area or with a lot width of 70 feet or more shall meet all the setback and development standards. The side and rear setback requirements of Section 17.16.070.3 may be reduced by 50% for lots that are 7,000 square feet or less in area or with a lot width of 70 feet or less. In addition, a legally existing nonconforming corner lot may have a front setback of only 75% of that required by Section 17.16.070.3 on the front which does not have vehicular access directly to a street.
 - 2) If two or more contiguous lots of record are in same or common ownership at the time of or since adoption or amendment of this code, and if all or some of the lots do not meet the

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dimensional requirements of this code, the lots shall be combined to the extent necessary to meet the dimensional standards of the district in which it is located.

- b. **Built Nonconforming Lots.** A structure on a nonconforming lot may be expanded or altered provided those changes can meet all the setback and development standards.
6. **NONCONFORMING DEVELOPMENT.** A nonconforming development shall not be substantially altered or expanded unless the development complies with all applicable standards of this code. In determining whether an alteration or expansion of a nonconforming development is substantial, the decision authority shall consider the square footage of the alteration in comparison to the total square footage of the development, the value of the alteration compared to the total value of the development, and the extent to which the portion of the development is leased property.

17.16.060 **DISTRICT PURPOSES** DESCRIPTIONS

1. **LOW DENSITY RESIDENTIAL.** To provide for single family dwelling units and their accessory uses and, with conditional use approval, other uses compatible with single family dwelling units. Density shall not be less than 4.5 units per acre and not exceed 6 units per acre.
2. **MEDIUM DENSITY RESIDENTIAL.** To provide for single family, duplex, tri-plex, and mobile home parks, and other compatible uses with conditional approval. Density of development shall not be less than 7 units per acre and not exceed 12 dwelling units per acre.
3. **HIGH DENSITY RESIDENTIAL.** To provide for multifamily residential units, other compatible living units, their accessory structures and, with conditional use approval, other compatible uses. Density shall not be less than ~~The minimum density shall be~~ 13 units per acre and not exceed 24 units per acre. ~~There shall be no upper limit to the maximum allowable dwelling density.~~
4. **DOWNTOWN MEDIUM DENSITY RESIDENTIAL.** To provide for compact residential development in proximity to the downtown core, subject to design requirements to assure a high level of quality. Density of development shall not be less than 10 dwelling units per acre and not exceed 15 dwelling units per acre.
5. **COMMERCIAL RETAIL.** To provide for retail, service, office, and other commercial activities, accessory uses and, with conditional use approval, other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
6. **COMMERCIAL GENERAL.** To provide for heavier commercial activities, their accessory structures, and other compatible uses. Not intended for exclusive residential uses although where the ground floor is devoted exclusively to commercial activities, residential units may be located on higher floor(s).
7. **INTERCHANGE DEVELOPMENT.** To assure that land located within 1,500 feet of a highway entrance/exit ramp is available for uses that are oriented to providing goods and services oriented to the traveling public. In providing for the location of highway-oriented service firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.
- 7-A **COMMERCE PARK.** To provide for a mix of retail and other commercial uses as well as small-scale light manufacturing. Residential uses are permitted, provided they are part of live-work development.
8. **CENTRAL CORE MIXED USE.** To promote compact commercial and mixed commercial-residential development within the central downtown area of the city. This district encompasses the existing core area of the downtown, centered on 3rd Avenue.
- 8-A **DOWNTOWN COMMERCIAL MIXED USE.** To promote compact commercial and mixed commercial-residential development the portion of the 2nd Avenue that has traditionally had a concentration of automobile repair and other auto-oriented businesses. Residential uses are permitted, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.
9. **DOWNTOWN RESIDENTIAL MIXED USE.** To provide opportunities for residential, commercial and mixed use developments as part of the downtown area. This designation is

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applied to property north, west and east of the 3rd Avenue central core area, intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.

10. **INDUSTRIAL COMMERCIAL.** To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between industrial and general commercial uses.
11. **LIGHT INDUSTRIAL.** To provide for light manufacturing, assembly, or storage areas that will not conflict with less intensive uses.
12. **INDUSTRIAL AGRICULTURE.** To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
13. **PUBLIC/SEMI-PUBLIC.** To allow for the location and use of lands, buildings, and facilities that are used by the public in a manner that will not unreasonably disrupt or alter areas of the community.
14. **NATURAL RESOURCES OVERLAY DISTRICT.** To protect aquifers, the natural riparian area adjacent to the North Santiam River, Mill Creek, Stayton Ditch, Salem Ditch, and Lucas Ditch. The overlay district establishes siting criteria and operating standards that minimize environmental impacts.
15. **FLOODPLAIN OVERLAY.DISTRICT.** To protect lives and property from the periodic inundation of flood waters and to comply with federal flood control regulations as expressed in the National Flood Insurance Program.

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17.16.070 DISTRICT REGULATIONS

1. PERMITTED AND CONDITIONAL USES. The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
- C = Conditional Use
- S = Permitted Use after Site Plan Review for new construction or expansion of an existing structure. See Section 17.16.040.4 for existing structures
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

Table 17.16.070.1 Permitted Land Use

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
RESIDENTIAL USES																
1	Single-Family Detached Dwellings ⁻¹²	P ¹	P ¹		P ¹	S ²	S ²									
1a	Single-Family Attached Dwellings ^s	S ¹		S ¹	S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
2	Manufactured Home ⁻¹²	P ¹	P		P ¹											
3	Duplex		P ¹³		P ¹³	S ²	S ²		C ¹	P ¹	P ¹					
4	Triplex		S ¹		S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
5	Multi-Family Dwellings ^s			S ¹	S ¹	S ²	S ²		C/S ¹	S ¹	S ¹					
6	Mobile Home Park		S	S												
7	Dwelling as a caretaker residence													S		
7a	Dwelling as part of a live-work unit					S	S	S	S	S	S		S	S		
8	Residential Group Home	P	P		P ¹											
9	Residential Facilities		S	S	S				C ¹	P ¹	P ¹					
COMMERCIAL USES																
Retail Trade																
10	Retail Stores not specifically listed below					S	S	S	S	S	S					
11	Automobile Dealers					C/S	S	S								

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Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
12	Automotive Parts, Accessories, & Tire Stores				S	S	S	S	S	S					
13	Building Material & Supplies Dealers				S	S	S	S	S	S					
14	Lawn and Garden Equipment & Supplies Stores				S	S	S	S	S	S		S		S	
15	Food & Beverage Stores				S ³	S	S ³	S	S	S	S ⁴				
16	Gasoline Stations				S	S	S				S				
17	General Merchandise Stores				S ³	S	S	S	S	S					
18	Gift & Novelty stores				S	S	S	S	S	S	S				
19	Manufactured Home Dealers						S					S			
20	Direct Selling Establishments (except food)					S	S					C			
Finance and Insurance															
21	Commercial Banking & Related Activities				S	S	S	S	S	S	S ¹⁴				
22	Securities, Other Financial Investments & Related Activities				S	S	S	S	S	S					
23	Insurance Carriers & Related Activities				S	S	S	S	S	S					
Professional, Scientific and Technical Services															
24	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services				S	S	S	S	S	S					
25	Offices of Physicians, Dentists, & Other Health Practitioners				S	S	S	S	S	S					
26	Outpatient Care Centers				S	S	S	S	S	S		S			
27	Medical & Diagnostic Laboratories					S	S	S	S	S		S			
28	Home Health Care Services					S	S	S	S	S		S			
29	Architectural, Engineering, & Related Services				S	S	S	S	S	S		S			
30	Specialized Design Services				S	S	S	S	S	S		S			
30a	Photographic Services				S	S	S	S	S	S		S			

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
31	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services					S	S	S	S	S	S					
32	Scientific Research & Development Services					C/S	S	S	S	S	S		S			
33	Veterinary & Pet Care Services					S	S	S	S	S	S					
33a	Other Professional Services					S	S	S	S	S	S		S			
	Information															
34	Offices of Publishing Industries (except internet)						S	S	S	S	S		S			
35	Radio & Television Broadcasting Offices & Studios					S	S	S	S	S	S					
36	Internet Publishing & Broadcasting					S	S	S	S	S	S					
37	Telecommunications except Broadcast and Telephone Towers					S	S	S	S	S	S		S			
37a	Broadcast or Telephone Tower			C/S		C/S	C/S	C/S	C/S	C/S	C/S					
38	Libraries & Archives						S	S	S	S	S					S
	Real Estate and Rental and Leasing															
39	Offices of Real Estate Sales & Rental Companies					S	S	S	S	S	S					
40	Self-Storage Facilities						C/S	C/S					S	S		
41	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services						C/S	C/S		S			S			
42	Consumer Goods Rental					C/S	S	S	S	S	S					
43	General Rental Centers						S	S								
44	Commercial & Industrial Machinery & Equipment Rental and Leasing Services							S					S	S		

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
	Management of Companies and Enterprises															
45	Offices of Businesses, Non-Profit Organizations, & Governmental Agencies					S	S	S	S	S	S					
	Arts, Entertainment and Recreation															
46	Performing Arts, Spectator Sports, & Amusement & Recreation Facilities					S	S	S	C/S	C/S	C/S				S ⁵	S ⁶
46a	Fitness and Recreation Sports Centers					S	S	S	S	S	S					
47	Museums, Historical Sites, & Similar Institutions								S	S	S					S
48	Golf Courses														S	
49	Public Parks															S
50	Hotel, Motel, Inn					S	S	S	C/S			S				
51	RV Parks and Recreational Camps											S			S	
52	Bed & Breakfast	C	C	C	C	S	S		S	S	S	S				
53	Eating & Drinking Places					S	S	S	S	S	S	S				
54	Caterers & Mobile Food Services						S	S								
	Administrative Support Services															
55	Office Administrative Services					S	S	S	S		S					
56	Employment Services						S	S	S		S		S			
57	Business Support Services					S	S	S	S		S					
58	Travel Arrangement & Reservation Services					S	S	S	S		S					
59	Investigation & Security Services					S	S	S	S		S					
60	Exterminating & Pest Control Service							S					S	S		
61	Janitorial, Carpet & Upholstery Cleaning Services						S	S					S			
62	Landscaping Services						S	S					S		S	
	Other Services															
63	General Automotive Repair					S	S	S		S						

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
63a	Heavy Automotive Repair						S	S								
64	Automotive Body, Paint, Interior, and Glass Repair						C/S	C/S		S			S	S		
65	Automobile Oil Change & Lubrication Shops					C/S	S	S					S			
66	Car Washes					C/S	S	S					S			
67	Electronic & Precision Equipment Repair & Maintenance						S	S								
68	Commercial & Industrial Machinery & Equipment (except Automotive & Electric) Repair & Maintenance							S					S	S		
69	Personal & Household Goods Repair & Maintenance						S	S	S	S	S		S			
70	Personal Care Services					S	S	S	S	S	S					
71	Funeral Homes & Funeral Services					S	S	S	S	S	S					
72	Cemeteries & Crematories															S
73	Dry Cleaning & Laundry Services					S	S	S	S	S	S					
74	Photofinishing					S	S	S	S	S	S					
75	Parking Lots and Garages					S	S	S	S	S	S					S
INDUSTRIAL USES																
	Manufacturing															
76	Food Manufacturing (except for animal slaughtering and processing and seafood preparation)					S	S	S	S ¹⁶	S ¹⁶	S ¹⁶		S	S	C/S ⁷	
77	Beverage Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
78	Textile Mills & Textile Product Mills							C/S	S ¹⁶	S ¹⁶	S ¹⁶			C/S		
79	Apparel & Leather Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
79a	Wood Products Manufacturing							C/S	S ^{16, 17}	S ^{16, 17}	S ^{16, 17}			C/S		

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
80	Paper Mills & Paperboard Mills							S						S		
81	Converted Paper Product Manufacturing							S						S		
82	Printing & Related Support Activities					S ⁸	S ⁸	S ⁸	S ⁸	S ⁸	S ⁸		S	S		
83	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing													C/S		
84	Primary Metal Manufacturing													C/S		
85	Fabricated Metal Product Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
86	Machinery Manufacturing							S					S	S		
87	Computer & Electronic Product Manufacturing							S					S	S		
88	Electrical Equipment, Appliance & Component Manufacturing							S					S	S		
89	Transportation Equipment Manufacturing							S					S	S		
90	Furniture & Related Product Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
91	Miscellaneous Manufacturing							S	S ¹⁶	S ¹⁶	S ¹⁶		S	S		
	Construction															
92	Building Construction Contractors							S					S	S		
93	Heavy & Civil Engineering Construction Contractors							S					S	S		
94	Specialty Trade Contractors							S					S	S		
	Transportation and Warehousing															
95	Air Transportation (passenger or freight)							C/S ⁹						C/S ⁹		C/S
96	Rail Transportation													S		
97	Truck Transportation (general freight & specialized freight)							S					S	S		

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Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
98	Transit & Ground Passenger Transportation (amended by Ord. 906, June 16, 2008)					C/S	S	S	C/S	C/S	C/S		S	S		S
99	Motor Vehicle Towing							S					S	S		
100	Postal Service						S	S	S	S	S					S
101	Couriers & Messenger Service					C/S	S	S	S	S	S					
102	Warehousing & Storage (except self-storage)							S					S	S		
103	Automotive Wrecking Yard, Junkyard												S	C/S		
104	Boat & RV Storage												S			
Wholesale Trade																
105	Merchant Wholesalers						C/S	C/S								
106	Wholesale Electronic Markets & Agents & Brokers						S	S					S			
107	Electric Power Generation Facilities													S		C/S
108	Electricity Transmission & Distribution Facilities												S	S	S	S
109	Natural Gas Distribution Facilities												S	S		S
110	Water or Sewage Treatment Plants															S
Waste Management and Remediation Services																
111	Water or Sewage Collection or Distribution Facilities & Pump Stations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
112	Solid Waste Collection Facilities													S		S
113	Solid Waste Treatment and Disposal															S
114	Waste Remediation Services													C/S		
115	Materials Recovery Facilities							S						S		S ⁶
AGRICULTURAL USES																
116	Crop Production							S ¹⁵					S ¹⁵	S ¹⁵	S	

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	LD	MD	HD	DMD	CR	CG	CP	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
PUBLIC INSTITUTIONS															
Public Administration															
117	Justice, Public Order, & Safety Activities				S	S	S	S	S	S					S
Health and Social Assistance															
118	Hospitals				C/S	S	S								S
119	Nursing & Residential Care Facilities	C	C	C/S											
Educational Services															
120	Day Care Facility	C/S	C/S	C/S		S	S	S	S	S	S		S	S ¹⁰	S ¹⁰
121	Family Child Care Center	P	P	P				P	P	P					
122	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools				S	S	S	S	S	S					S
123	Business Schools & Computer & Management Training				S	S	S	S	S	S					
124	Technical, Trade or Other Schools & Instructions				S	S	S	S	S	S					
125	Educational Support Services				S	S	S	S	S	S					S
Religious and Civic Organizations															
126	Places of Worship							S	S	S					S
127	Social & Civic Organizations				S	S	S	S	S	S					
ACCESSORY & OTHER USES															
128	Antennas > 55 feet high	C	C	C		P	P	P	P	P	P	P	P	C	P
129	Antennas > 75 feet high	C	C	C		C/S	C/S	C/S	C/S	C/S	C/S	C/S	C/S	C	C/S
130	Home Occupations	P	P	P ¹¹		P	P		P	P	P				
131	Accessory Uses	P	P	P		P	P	P	P	P	P	P	P	P	P
132	Accessory Structures	P	P	P		P	P	P	P	P	P	P	P	P	P
133	Open Storage Areas					P	P	P				P	P	P	P
134	Outdoor Storage Yard											P	P		

Notes to Table 17.16.070.1

¹ Subject to design requirements, see Chapter 17.20

² Only as part of mixed use development, and not on the ground floor

³ Limited to 8,000 square feet gross floor area

⁴ Convenience stores only

⁵ Limited to arenas and fairgrounds

⁶ Only owned by a public/semi-public entity

⁷ Fruit and Vegetable Canning, Pickling, Freezing, and Drying only

⁸ Quick printing or under 10,000 square feet gross floor area

⁹ Heliport only

¹⁰ As an accessory use only

¹¹ Only if no employees other than residents, otherwise, C

~~¹² Only one single family or manufactured home per lot~~

¹³ Site plan review is required if there is more than one duplex on a parcel.

¹⁴ With no less than two drive-thru lanes and a drive-up automatic teller machine.

¹⁵ Indoors only

¹⁶ Limited to 8,000 square feet gross floor area; a minimum of 15% of floor area must be for retail sales of products to the public accessible directly from the street

¹⁷ Not including Sawmills and Wood Preservation; Veneer, Plywood, and Engineered Wood Product Manufacturing; Wood Container and Pallet Manufacturing; or Manufactured Home Manufacturing

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2. ~~DIMENSIONAL REQUIREMENTS FOR LOTS~~DENSITY AND LOT DIMENSIONS.

a. ~~All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section~~Residential Zones.

1) Residential zones within the City are intended to provide the full range of needed housing to the residents of the City and the Region in accordance with Statewide Planning Goal 10, the Housing and Land Use goals and policies of the Stayton Comprehensive Plan, and ORS Chapter 197. Residential Districts are also intended to promote the livability, stability, and improvement of the City’s neighborhoods. The City’s three residential zones vary primarily by the number of dwellings that shall be constructed per acre and the type of housing structures permitted. Developers of new housing shall adhere to the minimum and maximum density standards for each zone. No minimum or maximum lot size is established, but instead the review will look at the overall density of development on the original lot.

2) The range of density in each zone shall comply with the minimum and maximum density specified in Section 17.16.060 above. The types of structures permitted in each zone is specified in Table 17.16.070.1 above. Multiple structures on one lot require site plan approval and are permitted provided adequate provision is made for access and off-street parking.

b. Commercial, Industrial, Downtown, and Public Zones. There is no minimum lot size requirement in the Commercial, Industrial, Downtown, or Public zones. Residential developments in the Downtown zones shall meet the minimum and maximum density specified in Section 17.16.060 above.

c. Lots created by partition or subdivision after the effective date of this section shall meet the minimum lot width requirements of Table 17.16.070.2.

Table 17.16.070.2 Minimum ~~Dimensional~~Lot Width Requirements ~~for Lots~~

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Lot Area <u>(square feet)¹</u>	8,000²	7,000³	6,000	7,000	0	5-acres	0								
<u>Lot Width for a single principle building (feet)</u>	80 <u>60⁴</u>	70 <u>50⁴</u>	60 <u>40⁴</u>	40	0	0	0	0	0	0	0	0	0	0	0
<u>Lot Width for multiple principle buildings (feet)</u>	<u>80</u>	<u>70</u>	<u>60</u>	<u>60</u>	<u>0</u>	<u>0</u>									
Average Width (feet)	80 <u>60</u>	70 <u>50</u>	60 <u>40</u>	40	0	0	0	0	0	0	0	0	0	0	0

Notes to Table 17.16.070.2

- ~~¹The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:

 - ~~a. Protect natural drainage ways.~~
 - ~~b. Provide drainage or utility easement.~~
 - ~~c. Protect future right of way.~~
 - ~~d. Protect unbuildable steep slope areas above 15 percent slope.~~
 - ~~e. Protect flood plain hazard or wetland areas.~~~~
- ~~²10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue~~
- ~~³A tri-plex requires a minimum lot area of 10,500 square feet~~
- ⁴ 40 feet for lots with frontage on a cul-de-sac

3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

- a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

Table 17.16.070.3 Dimensional Requirements for Structures

	LD	MD	HD	DMD	CR	CG	ID	CP	CCMU	DCMU	DRMU	IC	IL	IA	P
Front Yard Setback (feet) ¹	20 ²	20 ²	20 ²	-- ⁸	0	0	0	0	-- ⁸	-- ⁸	-- ⁸	0	0	0	0
Side Yard Setback (feet)	5 ⁹	5 ⁹	5 ⁹	-- ⁸	0 ³	0 ³	0 ³	0 ⁴	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ⁴	0	0 ³
Rear Yard Setback (feet)	20 ¹⁰	15 ¹⁰	15	-- ⁸	0 ³	0 ³	0 ³	0 ⁴	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ³	0	0 ³
Building Height (feet) ⁵	35 ⁶	35 ⁶	-- ⁴	-- ⁸	60 ⁷	60 ⁷	60 ⁷	-- ⁴	-- ⁸	-- ⁸	-- ⁸	-- ⁴	-- ⁴	-- ⁴	60 ⁷

Notes to Table 17.16.070.3

- ¹ Front setbacks are also subject to the requirements of Section 17.20.080. [On a corner lot, a structure may be located no less than ten feet from a front lot line provided the following requirements are met:](#)
 - [a. The rear lot line of the lot is also the rear lot line of the abutting lot.](#)
 - [b. There is no driveway entering the street from the front lot line from which the building is less than the setback required by the table.](#)

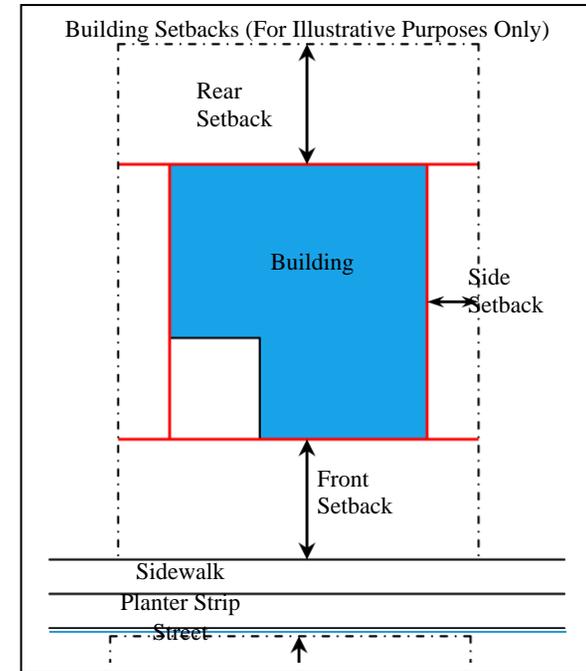
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- ² 25 feet to a garage entrance, except a garage on a back lot or flag lot.
- ³ 10 feet when adjacent to a residential district, or as may be established through a site plan review
- ⁴ As may be established through a site plan review
- ⁵ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.
- ⁶ Or 2 ½ stories
- ⁷ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.
- ⁸ See the requirements of Section 17.16.080 further details and requirements.

⁹ Side setbacks for single-family detached dwellings on individual lots may be combined on one side and reduced to zero on the other side if a no-build easement is included on the abutting lot to maintain a separation between houses equivalent to twice the setback otherwise required. This provides for an actual useable side yard with access to the rear yard instead of two side yards that may be too narrow to be of use.

¹⁰ A garage (attached or detached) that is accessed from an alley shall have a minimum 5-foot rear yard setback.

b. When there is a more than one single family detached dwelling, duplex, triplex or multifamily dwelling on a lot, the minimum distance between structures shall be 10 feet for any structure of 2 ½ stories or less and 20 feet for any structures taller than 2 ½ stories.



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~~In the LD Zone a dwelling shall have a minimum floor area of 1,000 square feet. In the MD and DMD Zones, a dwelling shall have a minimum floor area of 900 square feet. In the HD Zone, a dwelling shall have a minimum floor area 750 square feet.
 - 2) (Repealed Ord. 898, August 20, 2007)
 - 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 that are the same exterior materials as the primary home. If the garage door faces a street, the front of the garage shall be setback from the front of the house a minimum of 4 feet.
 - 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) 1) Width. The manufactured home must be at least 24 feet in width.~~
 - ~~3) 2) 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~~3) Exterior Siding. The manufactured home must have horizontally applied wood siding, horizontally applied fiber-cement siding, or textured plywood siding with vertical grooves.
- ~~5~~4) Garage. The manufactured home must have a garage with exterior materials 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~~5) 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 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~~6) If the manufactured home is placed on a basement, the 12-inch limitation will not apply.
- ~~8~~7) Performance Standards. The exterior thermal envelope must meet the energy performance standards specified by state law for single-family dwellings.
- ~~9~~8) Hauling Mechanisms. The transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- ~~10~~9) Design Features. All manufactured homes shall comply with the design feature requirements in Section 17.16.070.4.a.
- ~~11~~10) 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.

5. COTTAGE CLUSTER HOUSING.

a. Purpose. The purpose of this section is to:

- 1) Provide a housing type that responds to differing household sizes and ages (e.g. retirees, small families, single-person households), and offers opportunities for affordability.
- 2) Provide opportunities for small, single-family dwellings in all residential zoning zones by creating development regulations that allow this type of use.
- 3) Encourage creation of usable open space for residents of the development through flexibility in density and development standards.

b. Applicability. Cottage Cluster Housing developments are allowed in all residential zones, subject to site plan review. A Cottage Cluster Housing development may either be a land division, with each cottage on an individual lot or maintain one lot with multiple cottages.

c. Units in Each Cluster. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents.

d. Common Open Space Requirements. Common open space is intended to be an amenity shared by all residents of the cottage cluster housing development.

- 1) The common open space shall contain a minimum of 400 square feet per cottage.

- 2) The common open space shall abut at least 50 percent of the cottages in a cottage housing development.
 - 3) Cottages shall abut on at least two sides of the common open space.
 - 4) Cottages shall be oriented around and have the main entry accessed from the common open space.
 - 5) All cottages shall be within 60 feet walking distance of the common open space.
 - 6) The common open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet.
 - 7) The common open space shall be constructed and landscaped prior to the occupancy of the first cottage constructed in the development.
- e. Private Open Space Requirements. Private open space adjacent to each cottage is intended for the exclusive use by the cottage occupant.
- 1) The development design shall provide a total of 400 square feet of private open space adjacent to each cottage. Front porches shall not be included in the private open space calculation.
 - 2) No more than 50 percent of the private opens space may be within an unenclosed covered patio.
- f. Site Design Standards
- 1) Paved pedestrian pathways must be included to provide for movement of residents from parking areas to homes and other amenities.
 - 2) Garages shall not exceed 450 square feet of floor area and no more than 18 feet in height at the peak. Only one garage is allowed per cottage.
 - 3) Accessory structures for common usage of the residents are allowed in the common open space area and shall not exceed more than 25% of the common open space area. Other accessory structures, except garages, are prohibited.
 - 4) Parking areas shall be identified on the site plan or preliminary subdivision plan. Parking may be located in a common tract if intended to be shared by the entire development in groups of not more than five adjoining parking spaces. Each group of parking spaces shall be separated by at least 8 feet of landscaping. Parking shall not be located in the exterior setback areas and must be screened from public streets and adjacent residential uses by a 10-foot wide landscape buffer. A minimum of off street parking spaces shall be provided per cottage, including spaces within a garage.
- g. Architectural Standards.
- 1) Cottages shall meet the minimum floor space standards of section 17.16.070.4.a.1) above but shall not be larger than 1,200 square feet of floor area, not including a garage.
 - 2) Cottages shall meet the design requirements of Section 17.16.070.4.a.4) above on each side of a cottage that faces a street or the common open space. The other sides of the cottage shall have same siding materials and color and trim as the sides of the cottage facing the street.

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- 3) Cottages located adjacent to a public street shall provide a covered entry feature (with a minimum dimension of six feet by six feet) facing the street.
- 4) All cottages shall be designed within the same “family” of architectural styles. Example elements include:
 - a) Similar building/roof form and pitch;
 - b) Similar siding materials;
 - c) Similar porch detailing; and/or
 - d) Similar window trim.
- ~~12)~~h. Property Maintenance. Provisions for maintenance and upkeep of the property shall be filed with City. If the development is a subdivision, a set of conditions, covenants and restrictions (CC&Rs) for the development shall be submitted to the Planning Director for review and approval. The CC&Rs shall provide a mechanism to assure that the exterior appearance of the cottages is maintained and shall create a homeowner’s associate to provide for the maintenance of all common open space and facilities in the development. If the development is not a subdivision the applicant shall execute an agreement with City providing for maintenance of the exterior of the cottages and all common open spaces.

17.20.240 ACCESSORY DWELLING UNITS (Added Ord. 1010, Oct. 20, 2017)

1. **PURPOSE.** The purpose of these standards is to provide for opportunity for the construction or placement of a small dwelling unit that is accessory to and subordinate to the principal dwelling unit on a single family lot without requiring additional lot area for the lot.
2. **LOCATION PERMITTED.** One accessory dwelling unit may be located on a lot with a single family detached dwelling in the Low Density Residential or Medium Density Residential Zones.
3. **TYPES OF ACCESSORY DWELLING UNITS PERMITTED.** An accessory dwelling may be created by any of the following means:
 - a. Division of an existing single family detached dwelling to include an accessory dwelling unit.
 - b. Addition to an existing single family detached dwelling to create an accessory dwelling unit.
 - c. Creation of an accessory dwelling unit in an existing accessory building.
 - d. Construction or placement of an accessory building on the parcel detached from the principal dwelling unit.
4. **SETBACKS.** If attached to the principal dwelling unit, the accessory dwelling unit shall meet the minimum setback requirements of Section 17.16.070.3.a. Detached accessory dwelling units shall meet the setback and height restrictions of Section 17.20.040.
5. **GROSS FLOOR AREA.** The minimum gross floor area permitted for an accessory dwelling unit shall be 250 square feet. The maximum gross floor area permitted for an accessory dwelling unit shall be 800 square feet. Creation of an accessory dwelling unit shall not reduce the gross floor area of the principal dwelling unit below 1,000 square feet.
- ~~6. **OWNER OCCUPANCY REQUIRED.** Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the parcel.~~
- ~~7. **OFF STREET PARKING.** In addition to the off street parking required for the principal dwelling unit by Section 17.20.060.7.a, one off street parking space shall be required for the accessory dwelling unit.~~
- ~~8.~~6. **CODE COMPLIANCE.** The accessory dwelling unit shall meet all applicable structural, electrical, plumbing, fire, and life safety codes.

**APPLICATION AND APPROVAL REQUIREMENTS FOR
CONVENTIONAL SUBDIVISIONS AND PARTITIONS**

1. PURPOSE STATEMENT. Subdivisions and partitions are intended to provide for a permanently wholesome community environment, adequate public services, and safe streets through the accomplishment of property division and development in a traditional manner.
2. APPLICATION FOR APPROVAL OF PRELIMINARY PLANS.
 - a. For any proposed subdivision or partition of land, the applicant shall file ~~3 copies of the~~ preliminary plan at a scale of 1 inch equals not more than 50 feet and all required supplemental information with the City Planner, following the general application procedural requirements of Section 17.12.030. ~~In addition, 12 reduced copies of the plan sized 11 inches by 17 inches shall be submitted.~~
 - b. (Repealed Ord. 913, September 2, 2009)
3. PRELIMINARY PARTITION PLAN AND SUBDIVISION PLAN SUBMITTAL REQUIREMENTS. Preliminary partition or subdivision plans shall be clearly and legibly drawn. The preliminary partition or subdivision plan shall include or be accompanied by following information:
 - a. Appropriate identification clearly stating the drawing is a preliminary partition or subdivision plan.
 - b. North arrow, graphic scale, and date of preparation of the preliminary plan.
 - c. Names and addresses of the landowners, applicant, engineer of record, surveyor, land planner, landscape architect, or any other person responsible for designing the preliminary plan.
 - d. Map number (township, range, and section) and tax lot number ~~or account~~ of the tract being divided.
 - e. The boundary lines of the tract to be divided and approximate area of the property in acres or square feet, on a plan prepared by a professional land surveyor registered with the State of Oregon.
 - f. The approximate location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing buildings and any addresses for the buildings, railroad rights-of-way, and other important features such as section lines and political subdivision boundary lines.
 - g. The location and size of any existing sanitary sewer systems, water supply systems, culverts, drainage ways, and other storm drainage systems, and any other underground utilities or structures within and immediately adjacent the tract being divided.
 - h. The approximate location, size, and use of all existing and proposed public areas or areas within the proposed subdivision or partition reserved for the common use of the property owners, a description of the suitability of the area for uses contemplated and any conditions or limitations of such reservations.
 - i. A proposed general plan for collecting, treating, and detaining stormwater runoff from the development, developed in accordance with the City's Public Works Design Standards and the Stormwater Master Plan. Preliminary Stormwater calculations shall

accompany the plan showing how the proposal will meet stormwater quality and quantity requirements.

- j. The proposed street pattern or layout showing the name and widths of the proposed streets and alleys in accordance with the City's Public Works Design Standards and City Transportation System Plan.
- k. Existing and proposed easements, together with their dimensions, purpose, and restrictions on use.
- l. Proposed location and size of sanitary sewer systems, water supply systems, stormwater facilities, and storm drainage systems in accordance with the City's Public Works Design Standards and the City's Wastewater and Water Master Plans.
- m. Proposed parcels, dimensions, sizes, and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes shall be identified with letters.
- n. Predominant natural features such as water courses (including direction of their flow), wetlands, rock outcroppings, and areas subject to flooding or other natural hazards.
- o. Copies of all existing or proposed restrictions or covenants affecting the property.
- p. An appropriate space on the face of the plan to indicate the action of the Planning Commission, including the date of the decision.
- q. An inventory of existing trees and any proposals for tree removal, detailing numbers of trees, size, and species of trees to be removed as required by Section 17.20.150.
- r. A proposed plan showing access features required in Section 17.26.020, specifically Section 17.26.020.6.
- s. Either a Transportation Assessment Letter or a Transportation Impact Analysis in accordance with the provisions of Section 17.26.050. ~~Five copies of the traffic impact analysis shall be submitted.~~
- t. A plan showing soils information and any proposed cuts or fills of more than 24 inches.
- u. The location and functional characteristics of any wetlands on the property to be divided as shown in the City of Stayton Local Wetlands and Riparian Inventory, July 1998.
- v. A statement indicating the proposed timing of installation of all proposed improvements.
- w. A Design Modification Request if the applicant proposes to not meet any design requirement in the Public Works Design Standards.
- x. Future Development Plan. Submission of a future development plan is required when it is evident that the property to be divided can be further divided or provides street or utility connections to adjacent property. The future development plan shall be submitted at the same time that the preliminary plan for either subdivision or partition is submitted and shall contain the following information:
 - (1) Any potential future lots (lot size shall be depicted).
 - (2) Existing and proposed utilities including water, sewer and storm drains.
 - (3) Streets and access points for potential future lots.

4. **ADDITIONAL SUBMITTAL REQUIREMENTS FOR PRELIMINARY SUBDIVISION PLANS.** Preliminary subdivision plans shall show all information cited below in addition to submittal requirements cited above.
 - a. Topography within and adjacent to the proposed subdivision. The base for such information shall be the data obtained from any official bench mark in Marion County or the City of Stayton providing its location, description, and elevation are furnished. Contour intervals shall be no greater than 2 feet for slopes of less than 10% and no greater than 5 feet for slopes of more than 10%.
 - b. A vicinity map clearly showing the relationship of the proposed subdivision to surrounding developments and streets.
 - c. An outline of areas proposed for partial recording of a final plat if phased recording is proposed.
 - d. The plan shall otherwise conform to the requirements of ORS 92.090 as amended.
 - e. If a phased development of a subdivision is proposed, then the plan shall illustrate the phases of development and a timeline for the phases.
 - f. Such additional information as the applicant may have been requested to submit at any pre-application meetings with City Staff. If, upon initial investigation by the decision authority, it is found that further information is necessary, it shall be furnished by the applicant.
5. **REVIEW AND APPROVAL PROCEDURES: PRELIMINARY PLAN.** The decision authority shall review and act upon the preliminary subdivision or partition plan pursuant to the procedures in Sections 17.12.070 through 17.12.100 except where modifications to that procedure are indicated below.
 - a. A preliminary plan shall be considered an application and shall be processed as such.
 - b. In the review of a preliminary plan by the Planning Commission, the Commission shall consider the review comments of the Public Works Director and the City Engineer. Reports from the City Engineer and Public Works Director, and any comments received from local and state agencies shall be made a part of the City Planner's report.
 - c. The action of the decision authority shall be noted on 2 copies of the preliminary plan, including reference to any attached documents describing conditions. One copy shall be provided to the applicant and the other shall be placed on file with the City Planner.
 - d. Approval of a preliminary plan subject to this section shall be valid for a period of one year from the date of approval.
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.

- 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 ~~and~~; multiple-family residential projects having more than 100 dwelling units 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. 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 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.

Subdivisions and partition preliminary plans shall meet the following criteria and objectives. These are broad criteria and planning objectives. Detailed engineering and design will be reviewed with the construction plans.

1. **STREETS.**

- a. Streets shall be in alignment with existing streets in the vicinity of the proposed subdivision, either by prolongation of existing centerlines or by connection with suitable curves. Streets shall conform to the location, alignment, and roadway design as indicated on the official map of streets known as the Future Street Plan and the Roadway Functional Classification Map in the adopted Stayton Transportation System Plan.
- b. Streets should intersect at or near right angles as practicable, and in no case shall the angle of intersection exceed 120 degrees.
- c. The criteria of a and b above may be modified where the applicant can demonstrate to the decision authority that the topography, or the small number of lots involved, or any other unusual conditions justify such modification.
- d. Bikeways and pedestrian ways shall be required in accordance with the City of Stayton Transportation System Plan.
- e. Concrete curbs and concrete sidewalks shall be installed on all streets, consistent with the Geometric Design Requirements by Street Functional Classification in the Public Works Design Standards.

In residential neighborhoods, sidewalks shall be placed along the property line whenever possible. In all cases, sidewalks shall be placed 1 foot from the property line on arterial and collector streets.

2. **DEDICATION OF A RIGHT-OF-WAY.** If a parcel of land to be divided includes any portion of a right-of-way or street, the preliminary plan shall show where such right-of-way or street will be dedicated for the purpose or use proposed.
3. **DEAD-END STREETS AND CUL-DE-SACS.** When it appears necessary to continue a street into a future subdivision or adjacent acreage, streets shall be dedicated or platted to the boundary of a division without a turn-around. In all other cases, dead-end streets and cul-de-sacs shall have a turn-around with a radius of not less than 45 feet to the property line. Unless otherwise approved by the decision authority, the length of the street to the cul-de-sac bulb shall not exceed 450 feet in length.
4. **RESERVE BLOCK.**
 - a. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the decision authority, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the land comprising such strips is placed in the name of the City for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the decision authority.
 - b. In no case shall a reserve block be platted along a street that is dedicated to the required full width.

5. STREET WIDTHS.

- a. The location, width, and grade of all streets must conform to the Public Works Design Standards and City's Transportation System Plan. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance or conformance to existing streets impractical or where no plan has been previously adopted.
- b. In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.
- c. When an area within a subdivision is set aside for commercial uses or where probable future conditions warrant, the decision authority may require dedication of streets to a greater width than herein otherwise provided.
- d. The street right-of-way in or along the boundary of a subdivision shall have the minimum width as specified in the Public Works Design Standards. (Amended Ord. 1017, April 18, 2018)

Temporary dead-end streets. Dead-end streets that may in the future be extended shall have a right-of-way and pavement width that will conform to the development pattern when extended.
- e. Additional Right-of-Way Widths.
 - 1) Where topographical requirements necessitate either cuts or fill for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.
 - 2) Where bikeways necessitate, additional right-of-way width may be required.

6. SUBDIVISION BLOCKS.

- a. Block lengths and widths shall be determined by giving consideration to the following factors:
 - 1) The distance and alignment of existing blocks and streets.
 - 2) Topography.
 - 3) Lot size.
 - 4) Need for and direction of the flow of through and local traffic.
 - b. Block length and perimeter standards are specified in Section 17.26.020.5.c.
 - c. Except where topographical or other physical features require otherwise, block widths shall not be less than 180 feet.
7. MID-BLOCK WALKS. Where topographical or other conditions make necessary blocks of unusual length, the decision authority may require the Developer to install mid-block pedestrian walks on a right-of-way 20 feet in width, which shall consist of at least 8 feet of hard surfacing throughout the block, and curb to curb, in order to provide easy access to schools,

parks, shopping centers, mass transportation stops, or other community services. (Amended Ord. 1017, April 18, 2018)

8. ~~LOT SIZE~~RESIDENTIAL DENSITY, LOT LINES.

- a. ~~Lot sizes~~The residential density shall be as specified in the zoning district in which the land division is being proposed.
- b. If topography, drainage, location, or other conditions justify, the decision authority may require greater area and frontage widths on any or all lots within a subdivision, or it may allow smaller area or front line widths if the surrounding area and other conditions justify such requirements.
- c. In a cul-de-sac, the minimum lot line fronting the turn-around shall be 40 feet, ~~and in no case shall the lot width be less than 60 feet at the building line.~~
- d. Side lot lines shall be as close to right angles to the front street as practicable.
- e. Unless otherwise approved, rear lot lines shall be not less than ½ the width of the front lot lines.
- ~~f. The subdividing or partitioning of developed property shall not create lots or parcels that are in violation of the dwelling density limitations of the underlying zone.~~

9. PUBLIC SURVEY MONUMENTS. Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced to at least two monuments.

10. SEWAGE DISPOSAL.

- a. All extensions of the existing City sewage facilities shall be in accordance with the Public Works Design Standards and the City's Wastewater Master Plan. Sewer mains shall be extended to the edge of the subdivision unless otherwise approved by the Public Works Director.
- b. If adequate public sewage facilities are not available to the parcel of land proposed for subdivision, or if extension of the existing City sewage facilities to serve the buildings to be constructed in the proposed subdivision does not appear practical and economically feasible because of topographic or other considerations, and if all lots in a subdivision are of proper size and soil conditions are suitable, as determined by percolator or other tests made by or approved by the health officer having jurisdiction, the City may allow individual sewage disposal facilities approved by the health officer to be installed on each lot when and as buildings are erected thereon.

11. PUBLIC USE AREAS.

- a. ~~When a S~~ubdivision and or partition preliminary plans ~~shall provide a minimum of 5% of~~includes an area that the Parks and Recreation Master Plan has designated for a future park or open space, the gross area of the subdivision or partition as a public recreation area shall be depicted on the preliminary plan for dedication at the time of final plat. Dedication of public recreation area shall be roughly proportional to the impact of the development on recreational facilities. The applicant shall be eligible for reimbursement upon an analysis by City staff of the proportional impact of the subdivision or partition. Reimbursement, when warranted, shall be provided by credit of the improvement fee portion of Parks System Development Charges.

b. Such public recreational area shall have access to a public street, and the decision authority may specify the location of such area to be compatible with existing or anticipated recreational development, [as described in the Parks and Recreation Master Plan](#).

~~e. As an alternative to subsection a. of this section, in cases where such recreational area would not be effectively used because of size or the location of the subdivision or partition, or where agreed upon by the decision authority, the developer shall pay to the City a fee, earmarked for recreational use and development.~~

12. WATER SUPPLY.

- a. All lots shall be served from the established public water system of the City or, if permitted by the decision authority, from community or public wells, of which the water quality and system maintenance shall be in accordance with the requirements of the Oregon Health Authority and Oregon Water Resources Department.
- b. In the event that larger lines are deemed necessary by the City for service to adjoining areas than what would normally be required to serve the area to be subdivided, the City and the Developer will enter into an agreement that specifies what, if any costs the City will reimburse the Developer for the oversizing.

13. UNDERGROUND UTILITIES.

- a. All permanent utility service to lots in a subdivision shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted with the exception of poles used exclusively for street lighting and other equipment appurtenant to underground facilities that the utility companies have indicated in writing that there would be impractical difficulty to install underground.