

ORDINANCE NO. 1052

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17,
REGARDING THE LOCATIONS ACCESSORY DWELLING UNITS ARE
PERMITTED AND BRINGING THE STANDARDS FOR ACCESSORY DWELLING
UNITS INTO COMPLIANCE WITH STATE LAW**

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, SMC Title 17, Chapter 20, Section 17.20.240 of the Land Use and Development Code, includes standards for the creation of Accessory Dwelling Units within the City, including the zones in which accessory dwelling units are permitted;

WHEREAS, Section 17.20.240.2 currently does not allow a single family detached dwelling in the High Density Residential zone to have an accessory dwelling unit;

WHEREAS, there are seven single family detached dwellings presently located on a lot zoned High Density Residential;

WHEREAS, Section 17.20.240.6 currently requires the principal dwelling unit or the accessory dwelling unit to be owner-occupied;

WHEREAS, Section 17.20.240.7 currently requires one off-street parking space for an accessory dwelling unit;

WHEREAS, ORS 197.312(5)(a) requires a city with a population greater than 2,500 to allow at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design;

WHEREAS, ORS 197.312(5)(b)(B) stipulates that reasonable local regulations may not include a requirement for owner-occupancy or a requirement to construct additional off-street parking;

WHEREAS, Statewide Planning Goal 10 requires local governments to provide for the housing needs of the citizens of the state and the proposed amendment will further expand the opportunity for needed housing in the City and assist the City meet its projected housing needs in the Comprehensive Plan;

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 housing goals and policies of Chapter 6 of the Stayton Comprehensive Plan, with Statewide Planning Goal 10, and with ORS 197.312(5).

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Site Plan Review Amended. Stayton Municipal Code, Title 17, Chapter 20, Section

17.20.240 is hereby amended as 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 Third day of January, 2022.

CITY OF STAYTON

Signed: Jan 3, 2022

BY:

Henry A. Porter
Henry A. Porter, Mayor

Signed: 1/3, 2022

ATTEST:

Alissa Angelo
Alissa Angelo,
Interim City Manager

EXHIBIT A

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

17.20.240 ACCESSORY DWELLING UNITS

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 a ~~the Low Density Residential or Medium Density Residential Zones.~~
3. TYPES OF ACCESSORY DWELLING UNITS PERMITTED. An accessory dwelling unit 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.