



# 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:** June 27, 2022  
**SUBJECT:** Discussion regarding clarification of definition of Live Work Unit

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### ISSUE

The issue before the Planning Commission is the consideration of some suggested amendments to the Code regarding the definition of live-work unit, and its application.

### BACKGROUND

At the April 25 meeting, staff requested that the Planning Commission render an interpretation of the Code as proscribed in Section 17.04.040. The issue at hand was the definition of live-work unit and what level of business activity was necessary in order to qualify as live-work unit in a zone where a single family dwelling is not permitted.

At the April meeting the Planning Commission directed staff to develop some proposed Code amendments so that interpretation was not necessary. The May agenda was filled with four public hearings, so this item was not on that agenda.

### ANALYSIS

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

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

**HOME OCCUPATION:** A commercial activity carried on by the resident of a dwelling as a secondary use. This definition may include such occupations or practices which shall be conveniently, unobtrusively, and inoffensively pursued exclusively within a dwelling and/or exclusively within an accessory building.

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

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

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

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

It should be noted that the standards for Home Occupations in Section 17.20.100 limit the business use of the home to no more than 500 sq ft or 50% of the floor area of the dwelling. It has been suggested, therefore that a reverse standard be applied to live-work units. In addition, the amend clarifies that off street parking requirement will not be based on both the commercial use and the dwelling, that the commercial use be on the ground floor and be directly accessible from the outside.

The following suggestion was prepared after reviewing a number of resources on the internet and looking at code provisions of other cities. It should be noted that the examples of code found from other cities are all from communities substantially larger than Stayton (Grand Rapids, MI; Oakland, CA; Tacoma, WA; Berkely, CA).

## **17.20.260 LIVE-WORK UNITS**

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

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

Once the Planning Commission has come to an agreement on a proposed amendment, a public hearing may be scheduled. The earliest that hearing could be held is the August meeting, due to the requirement for a 35-day notice to the Department of Land Conservation and Development.