



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: August 29, 2022
SUBJECT: Public Hearing on Proposed Amendments regarding Dwelling Units as Part of a Live-Work Unit Standards

ISSUE

The issue before the Planning Commission is a public hearing on proposed Code amendment to establish standards for dwellings as part of Live-Work unit.

BACKGROUND

In 2016 the Land Use and Development Code was amended to include dwellings as part of live-work unit in most of the industrial, commercial and downtown mixed use zones, where either residential uses would not otherwise be allowed or where single family detached dwellings are not allowed.

This spring Staff needed to determine whether proposed use of two buildings in the Downtown Residential Mixed Use zone qualified as a live-work unit or would merely be a single family dwelling with a business use.

This resulted in a request from staff to the Planning Commission for an interpretation of Code. The Planning Commission request staff prepare amendments to clarify the Code.

ANALYSIS

In the Commercial Retail, Commercial General, Light Industrial, Industrial Commercial, 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 Section 17.20.100 of the Code are written to assure that.

PROPOSED AMENDMENTS

The proposed amendment clarifies 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.

The proposed amendment requires that the business use be a “storefront” by being on the ground floor and have an access from the exterior without the necessity of passing through the dwelling. The amendment limits the residential use of the unit to no more than 50% of the floor area. In addition, the amend clarifies that off street parking requirement will not be based on both the commercial use and the dwelling.

RECOMMENDATION

The staff recommends the Planning Commission forward the proposed Code amendment to the City Council with a recommendation for approval. A draft order doing so is presented to the Planning Commission. There may be changes to the draft order necessary depending on the testimony at the public hearing.

OPTIONS AND SUGGESTED MOTIONS

1. Close the hearing and forward the proposed amendments to the City Council for adoption.

I move to adopt the draft order prepared by staff and forward the proposed amendments to the City Council with a recommendation for adoption.

2. Close the hearing, make changes to the proposed amendments and forward to the City Council for adoption.

I move to adopt the draft order prepared by staff, direct staff to make the following changes in the proposed amendments and forward the proposed amendments to the City Council with a recommendation for adoption (list changes).

3. Close the hearing, choose to not forward the amendments to the City Council.

I move to not forward the proposed amendments to the City Council.