

STAYTON PLANNING COMMISSION AGENDA

7:00 pm

Monday, June 27, 2022

HYBRID MEETING

The Stayton Planning Commission will be holding a hybrid meeting utilizing Zoom video conferencing software. The meeting will be in-person but can also either be "attended" virtually or watched on the live stream on the City of Stayton's YouTube account.

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. If you would like to virtually participate in the meeting, please contact the Planning and Development Department at dfleishman@staytonoregon.gov to receive an invitation to the online meeting.

Watch the meeting live streamed on YouTube <https://youtu.be/osNaffewjlg>

- 1. CALL TO ORDER** **Vice-Chair Hazel**
- 2. MEETING MINUTES – May 31, 2022**
- 3. CONSIDERATION OF CODE AMENDMENT –Live-Work Units**
- 4. OTHER BUSINESS**
- 5. ADJOURN**

DATE OF NEXT MEETING: Monday, July 25, 2022

STAYTON PLANNING COMMISSION MEETING MINUTES

Tuesday, May 31, 2022

COMMISSIONERS: Ralph Lewis, Chair
Dixie Ellard
Heidi Hazel
Larry McKinley
Richard Lewis

STAFF MEMBER: Dan Fleishman, Planning & Development Director
Windy Cudd, Office Specialist, Minutes

OTHERS PRESENT: Tim Lawler, Greenlight Development; Steve Kay, Cascadia Planning; Julie Boschler, Kardboard Box; Aaron Frichtl, 12376 Golf Lane SE, Stayton; Doug Circosta (via Zoom), Rob Justus (via Zoom), Mark Desbrow (via Zoom)

1. **CALL TO ORDER:** Chair Lewis called the meeting to order at 7:00
2. **APPROVAL OF MINUTES:** McKinley moved, and Hazel seconded to approve the minutes from April 25, 2022, as presented. The motion was approved 5:0.
3. **LAND USE FILE #5-03/22 –Applications for Site Plan Review & Modification of Approved Subdivision, Green Light-Home First, LLC, North Third Ave**
 - a. **Commencement of Public hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.
 - b. **Staff Introduction-**Fleishman stated that this is the continuance of the public hearing that commenced on April 25. The Planning Commission continued the hearing the because there had been objection that some people had not received written notice of the hearing. Staff had subsequently determined that those individuals' properties were not within the notification area. Whereas the April hearing had provided adequate opportunity for public testimony and that it had been five weeks opportunity for written testimony since that time, Staff is recommending that this evening's hearing not allow additional public testimony and pick up at applicant's summary.

Fleishman noted the changes to the draft order to reflect the April hearing. Fleishman also described correspondence received since the packet was compiled.
 - c. **Applicant Summary-** Tim Lawler discussed the fire access issue, stating the buildings will be fully sprinklered and Fire District has indicated the access is acceptable. Lawler also mentioned compliance with Section 17.20.190.3.
 - d. **Staff Summary-** Fleishman reviewed the changes to the draft order. Fleishman recommended approval of the applications and adoption of the revised draft order.
 - e. **Close of Hearing-**Chair Lewis closed the hearing at 7:30.
 - f. **Commission Deliberation-** Hazel, Chair Lewis and Richard Lewis discussed the need for the development and its compliance with the standards.
 - g. **Commission Decision –** McKinley moved, and Richard Lewis seconded to approve the applications and adopt the May 31 revised draft order. Motion was approved 5-0.

4. LAND USE FILE #6-04/22 – Applications for Comprehensive Plan Map Amendment & Zoning Map Amendment, Kardboard Box LLC, 318 E Marion St

- a. Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 7:02 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.

Richard Lewis noticed that a sign was not posted on the site. Fleishman confirmed that staff failed to provide the applicant a sign. Richard Lewis moved to postpone the hearing. There was no second.

- b. Staff Introduction-** Fleishman introduced the applications.
- c. Applicant Presentation-** Julia Bochsler of Kardboard Box, LLC described the situation requiring the amendment.
- d. Staff Report-**Fleishman reviewed the staff report and distributed correspondence that had been received after the packet was compiled from the Fair Housing Council of Oregon and Housing Land Advocates. Fleishman explained revisions to the draft order to address the concerns of FHCO/HLA regarding Goal 10.
- e. Questions from the Commission-**none
- f. Proponents' Testimony-** none. Fleishman noted a letter in the packet.
- g. Opponents' Testimony-** none
- h. Government Agencies-** none
- i. General Testimony-** Aaron Frichtl noted that the testimony of FHCO/HLA did not take into account the specifics of the property.
- j. Questions from the Public-** none
- k. Questions from the Commission-** none
- l. Applicant Summary-**none
- m. Staff Summary-** Fleishman noted the revised draft order addresses the concerns raised by FHCO/HLA and recommended that the Planning Commission forward recommendations
- n. Close of Hearing-** After discussion it was determined that whereas there will be a second hearing on these applications before the City Council there will be opportunity for the sign. The Planning Commission decided to proceed with deliberation and a decision. Chair Lewis closed the hearing at 7:55
- o. Commission Deliberation-**
- p. Commission Decision-** Richard Lewis moved and McKinley seconded to recommend approval and adopt the revised order. Motion was approved 5-0.

5. LAND USE FILE #08-05/22 – Application for Variance, Green Light-Home First LLC, North Third Ave

- a. Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 8:00 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission.

- b. Staff Introduction-** Fleishman introduced the application.

- c. Applicant Presentation-** Steve Kay explained that the topography of the site constrains the placement of buildings and that they cannot be closer to the street than they are placed due to

slope issues. Due to the differences in elevation between the street and the ground floor of the buildings, the entrances would not be visible from the street.

- d. **Staff Report-** Fleishman reviewed the staff report and recommended approval of the application.
 - e. **Questions from the Commission-**none
 - f. **Proponents' Testimony-** none
 - g. **Opponents' Testimony-** none
 - h. **Government Agencies-** none
 - i. **General Testimony-** none
 - j. **Questions from the Public-** none
 - k. **Questions from the Commission-** none
 - l. **Applicant Summary-** none
 - m. **Staff Summary-** none
 - n. **Close of Hearing-** Chair Lewis closed the hearing at 8:12.
 - o. **Commission Deliberation-**
 - p. **Commission Decision-**McKinley moved and Hazel seconded to approve the application and adopt the draft order as presented. Motion was approved 5-0.
- 6. LAND USE FILE #9-05/22 – Application for Variance, Kardboard Box LLC, 105 N Third Ave**
- a. **Commencement of Public Hearing-** Chair Lewis read the opening statement and opened the hearing at 8:13 pm. No objections were made from the audience to the notice in this case or the jurisdiction of this body to hear the case. There were no declarations of conflict of interest, *ex parte* contact, or bias by members of the Planning Commission. Richard Lewis pointed out a sign was not posted on the property. There was discussion as to whether the hearing could commence. It was decided to hold the hearing and then determine whether it needed to be continued.
 - b. **Staff Introduction-**Fleishman introduced the application as one for to the roof pitch requirements in a Downtown zone.
 - c. **Applicant Presentation-** Juli Bochsler presented her application, stating the reasons it should be considered an accessory structure, not a primary structure: it is under 1,000 sq ft; it has posts and roof; and it will be attached to the building by flashing to keep the rain out. Bochsler presented a series of slides showing the proposed building and supporting the need for a variance.
 - d. **Staff Report-** Fleishman explained why the proposed building may not be considered an accessory building. The proposed building will be the only building on the parcel. It is not subordinate to any other building on the parcel. Therefore, it is the principal building and a variance is required.
 - e. **Questions from the Commission-** McKinley and Hazel asked questions about setbacks, accessory structures, and lot line adjustments.
 - f. **Proponents' Testimony-** none
 - g. **Opponents' Testimony-**none
 - h. **Governmental Agencies-** none
 - i. **General Testimony-** Aaron Frichtl identified himself as president of Revitalize Downtown Stayton and said he was excited by the proposal and the proposed variance is in character of the downtown core and the adjacent building.
 - j. **Questions from the Public-** none

- k. Questions from the Commission-** none
 - l. Applicant Summary-** Bochsler referred to the original plat of the property, stating the lots ran north to south and the current lots run from N Third Ave to the alley.
 - m. Staff Summary-**none
 - n. Close of Hearing-** After discussion about whether to continue the hearing because of the lack of a sign posted at the site, the Planning Commission determined to proceed with deliberation and decision. Chair Lewis closed the hearing at 8:44
 - o. Commission Deliberation-**none
 - p. Commission Decision-** Hazel moved and Ellard seconded that the proposed building is not an accessory building, approved the application for a variance, and adopt the draft order as presented. The motion was approved 5-0.
- 7. OTHER BUSINESS -** Hazel announced she will be moving out of the city at the end of June.
- 8. ADJOURN-** The meeting was adjourned at 8:47

DATE OF NEXT MEETING: Monday, June 27th, 2022



City of Stayton

Department of Planning and Development

362 N. Third Avenue • Stayton, OR 97383

Phone: (503) 769-2998 • Fax (503) 769-2134

dflleishman@staytonoregon.gov www.staytonoregon.gov

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

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.

City of Stayton

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.