

ORDINANCE NO. 1016

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17,
ALLOWING ADDITIONS TO SINGLE FAMILY DWELLINGS THAT ARE
NONCONFORMING USES**

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, detached single family dwellings are not permitted in the commercial, industrial, and downtown mixed use zones;

WHEREAS, SMC Title 17, Chapter 16 of the Land Use and Development Code, Section 17.16.050.4.b, prohibits a nonconforming use from being extended into a different or greater area of a lot;

WHEREAS, staff has estimated that there are between 90 and 100 detached single family dwellings that are legally existing nonconforming uses throughout the City;

WHEREAS, the owners of these nonconforming dwellings are prohibited from enlarging their homes by Section 17.16.050.4.b;

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, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code, in accordance with Section 17.12.175.3, and following a public hearing has recommended that the Stayton City Council enact the recommended amendments; and

WHEREAS, the Stayton City Council, following a public hearing, notice of which was published in the Stayton Mail on March 7, 2018, does find that the amendments proposed by the Planning Commission are appropriate and are consistent with the Comprehensive Plan.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Expansion of Nonconforming Uses Restriction Amended. Section 17.16.050.4.b. is hereby amended as follows:

- a. Expansion. Except for single family detached dwellings, a~~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.

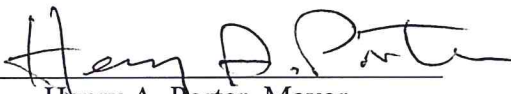
Section 2. Effective Date. This Ordinance shall not become effective until the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is 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 forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 19th day of March, 2018.

CITY OF STAYTON

Signed: 3/19, 2018

BY: 
Henry A. Porter, Mayor

Signed: 3/19, 2018

ATTEST: 
Keith D. Campbell,
City Administrator