

# **STAYTON PLANNING COMMISSION AGENDA**

**Monday, July 31, 2017  
7:00 pm Stayton Community Center**

- 1. CALL TO ORDER** **Chair Nunez**
- 2. MEETING MINUTES – June 26, 2017**
- 3. LAND USE FILE #5-06/17 –PUBLIC HEARING Proposed Code Amendments Regarding Accessory Dwelling Units**
  - a. Commencement of Public Hearing**
  - b. Staff Report**
  - c. Questions from the Commission**
  - d. Proponents' Testimony**
  - e. Opponents' Testimony**
  - f. Governmental Agencies**
  - g. General Testimony**
  - h. Questions from the Public**
  - i. Questions from the Commission**
  - j. Staff Summary**
  - k. Close of Hearing**
  - l. Commission Deliberation**
  - m. Commission Decision**
- 4. DISCUSSION of Proposed Code Amendments regarding Color Palette for Downtown Buildings**
- 5. DISCUSSION of Proposed Code Amendments regarding fence requirements in subdivisions**
- 6. ADJOURN**

**DATE OF NEXT MEETING: Monday, August 28, 2017**

**STAYTON PLANNING COMMISSION**  
**MEETING MINUTES**  
**Monday, June 26, 2017**

**COMMISSIONERS:** Jackie Carmichael  
Dixie Ellard  
Heidi Hazel  
Ralph Lewis  
Ellen Nunez

**STAFF MEMBERS:** Dan Fleishman – Planning & Development Director  
Lisa Meyer – Public Works Administrative Assistant

**OTHERS PRESENT:** Ronald Ped, Caitlin Settgast, Greg Etzel

1. **CALL TO ORDER:** Nunez opened the meeting at 7:00 pm.
2. **APPROVAL OF MINUTES:** Hazel moved and Ellard seconded to accept the minutes from May 30, 2017 as presented. Passed 5:0
3. **LAND USE FILE #3-05/17 –PUBLIC HEARING Application for Site Plan Approval, 1933 Pacific Ct., Brian and Angie Harper**
  - a. **Commencement of Public Hearing-** Nunez read the opening statement. There were no objections to the notice for the case. There were no objections for the jurisdiction of the Planning Commission to hear and consider the case. No declarations of conflict of interest, *ex parte* contact or bias by any members of the Planning Commission were made.
  - b. **Staff Introduction-** Fleishman explained this is an application for site plan review. The applicant was given an incorrect date for last month's meeting and was prepared to show up the next night.
  - c. **Applicant Presentation-** Ronald Ped, 6850 Burnette St. SE, Salem, OR 97317, is an architect from Salem, representing the applicant. The project is slightly larger than two acres. Phase one and phase two are both 12,000 sq. ft. Phase three is 10,000 sq. ft. Phase one is a one story building that is intended to facilitate needed expansion space for Summit Cleaning. The space will be used to clean items damaged from smoke or water and store those items for the short term.
  - d. **Staff Report-** Fleishman went over the application packet that includes site plans, elevation drawings, a landscape plan, and a review memo from the City engineer. There are a couple of issues that have been raised and are addressed through conditions of approval. One issue is that the site plan does not show that the development will be connected to the public water system. The City's Public Works Design Standards requires hydrants to be within 250 feet of a structure. There is a recommendation that a sidewalk be constructed on Pacific Ct. on the side of the street with the proposed building. The code requires a parking lot of this size to have a minimum of four handicap parking spaces along with two bicycle spaces. There is a requirement that a minimum of 10% of the site be landscaped and the site plan did not indicate the area of all the areas to be landscaped and whether the minimum requirement is met. The plan indicates a proposed 6-foot sight obscuring fence on the north property line, but didn't provide details on the material. The condition of approval asks for fencing detail. Staff recommends approving the application with the five conditions of approval.
  - e. **Questions from the Commission-** None
  - f. **Proponents' Testimony-** None

- g. **Opponents' Testimony-** None
  - h. **Governmental Agencies-** None
  - i. **General Testimony-** None
  - j. **Questions from the Public-** None
  - k. **Questions from the Commission-** None
  - l. **Applicant Summary:** Ped concurred with the staff report. Ped clarified that he plans to connect to the water, have 10% landscaped and provide handicap and bicycle parking.
  - m. **Staff Summary-** Fleishman had nothing else to add.
  - n. **Close of Hearing-** Nunez closed the public hearing.
  - o. **Commission Deliberation-** The Commission members discussed the application.
  - p. **Commission Decision-** Carmichael moved and Lewis seconded to approve the application based on the conditions of approval provided in the draft order. Passed 5:0
4. **LAND USE FILE #4-06/17 –PUBLIC HEARING Application To Vacate Alley, Caitlin Settgest,**
- a. **Commencement of Public Hearing:** Nunez read the opening statement. There were no objections to the notice for this case. There were no objections for the jurisdiction of the Planning Commission to hear and consider this case. No declarations of conflict of interest, *ex parte* contact or bias by any members of the Planning Commission were made.
  - b. **Staff Introduction:** Fleishman explained that this is an application to vacate an alley. The alley looks like a lawn and appears to be maintained and used as a lawn by the neighboring property owners. State law requires that all of the owners of and abutting to the proposed vacated alley approve in writing. The applicant has signatures of approval from four of the five abutting property owners. The applicant is working on obtaining the fifth signature of the property owner. Fleishman reminded the Commission that their role is to act in an advisory manner making a recommendation to the City Council. The City Council hearing will be scheduled in August. The applicant has time to get the last signature and if she is successful, then the City will vacate the whole alley. If not, then the City will vacate the portion of the alley with the signatures. There are no publicly owned utilities in the alley. There is no electric, gas, or cable on the property. The phone company has a service line to the applicant's house. Per the phone company's response, if the alley is vacated the service line will have to be relocated or the applicant will have to get an easement from the neighboring property owner.
  - c. **Applicant Presentation:** Caitlin Settgest, 1333 N. 2<sup>nd</sup> Ave., Stayton, OR 97383. Settgest stated that the neighbors are currently mowing the alley. She would like to have the alley vacated so the space could be used by the property owners. She is trying to get in touch with the fifth property owner.
  - d. **Staff Report-** Fleishman had nothing else to add.
  - e. **Questions from the Commission-** None
  - f. **Proponents' Testimony-** Greg Etzel lives at 1665 N. Sixth Ave. and owns the property at 1319 N. Third Avenue along with his wife. He currently mows part of the alley and he would like to be able to put up a nice fence and protect the property. He would appreciate it if he had use of the alley way.
  - g. **Opponents' Testimony-** None
  - h. **Governmental Agencies-** None

- i. **General Testimony-** None
  - j. **Questions from the Public-** None
  - k. **Questions from the Commission:** Hazel inquired if it is the City's responsibility to maintain the property. Fleishman explained that City code gives responsibility to maintain vegetation to the abutting owners of the alley.
  - l. **Applicant Summary-** None
  - m. **Staff Summary-** Fleishman had nothing else to add.
  - n. **Close of Hearing-** Nunez closed the public hearing.
  - o. **Commission Deliberation-** The Commission members discussed the application.
  - p. **Commission Decision:** Lewis moved and Ellard seconded to recommend to the Stayton City Council that the alley between N. Second and N. Third Ave. running from E. Hollister St. to E. Pine St. be vacated and adopt the draft order presented by Staff.
5. **REVIEW of Suggested Code Amendments Regarding Accessory Dwelling Units**
- Fleishman referred the Commission to the suggested code amendments that were provided in the packet. Fleishman offered to make the Purpose clearer by listing "a small dwelling unit that is an accessory" rather than "small dwelling units". Fleishman will also change the Location Permitted from "an accessory dwelling" to "one accessory dwelling."
- Ellard inquired about how the proposed amendment will affect structures built on wheels. Fleishman explained that the current code allows for occupancy of recreational vehicles for a period not in excess of 14 days in any 60 day period when not in a recreational vehicle park. The Commission came to a consensus to bring the proposed amendments to a public hearing at the July 31 Planning Commission meeting. Nunez inquired if other cities are allowing accessory dwelling units. Fleishman reported that most of the cities permitting accessory dwelling units are larger and not Stayton's size.
6. **ADJOURN:** Meeting was adjourned at 7:37 pm.





# City of Stayton

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## MEMORANDUM

**TO:** Chairperson Ellen Nunez and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** July 31, 2017  
**SUBJECT:** Public Hearing on Proposed Code Amendments to Allow Accessory Dwelling Units

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### ISSUE

The issue before the Planning Commission is a public hearing on proposed Code amendments to allow accessory dwelling units in residential zones.

### BACKGROUND

In May the Planning Commission, reviewed a number of issues surrounding accessory dwelling units. The Commission requested staff prepare possible code amendments that would permit ADUs in the LD and MD zones as accessory uses to single family homes. At the June meeting, the Planning Commission reviewed the suggested amendments, made some changes and scheduled the public hearing.

The suggested amendments attached would allow both attached and detached ADUs in the MD and LD zones, restrict their size to no more than 800 square feet, require that the principal dwelling remain a minimum of 1,000 square feet, and require that one of the dwelling units be owner-occupied.

It should be noted that before adjournment, the Oregon Legislature enacted Senate Bill 1051, which includes various provisions regarding housing affordability. Among the provisions is Section 6, which amends ORS 197.312 to add the following language to the statutes:

**(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.**

**(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.**

As of the writing of this staff report, the Governor has not yet signed the legislation. I will have an update for you at the meeting.

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# City of Stayton

A draft Order recommending that the City Council hold a public hearing and enact the amendments is attached.

## **RECOMMENDATION**

Staff recommends the Planning Commission forward the amendments to the City Council with a recommendation of approval.

## **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. Continue the hearing to allow for changes in the amendments and further public testimony.**

I move to continue the hearing until August 28, 2017.

### **4. Close the hearing and return the amendments to staff for further refinement.**

I move that the staff return the amendments to staff with direction to make the following changes in the proposed amendments and return the revised amendments to the Planning Commission for deliberation on August 28, 2017 (list changes).

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

**Part 1.** Amend Section 17.04.100 to modify the definition of Accessory Building:

**ACCESSORY BUILDING:** A building that is incidental and subordinate to the main building ~~and does not include dwelling units.~~

**Part 2.** Amend Chapter 17.20 to add a new section of standards for Accessory Dwelling Units:

## **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 the Low Density Residential or Medium Density Residential Zones.
3. TYPES OF ACCESSORY DWELLING UNITS PERMITTED. An accessory dwelling 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. CODE COMPLIANCE. The accessory dwelling unit shall meet all applicable structural, electrical, plumbing, fire, and life safety codes.





**BEFORE THE STAYTON PLANNING COMMISSION**

In the matter of

- ) Development Code Amendments regarding
- ) Accessory Dwelling Units
- ) Land Use File 5-06/17

**RECOMMENDATION OF APPROVAL**

**I. NATURE OF PROCEEDINGS**

The proceedings are for legislative amendments regarding accessory dwelling units in the Stayton Municipal Code, Title 17, known as the Stayton Land Use and Development Code.

**II. PUBLIC HEARING**

A public hearing was held on the proposal before the Stayton Planning Commission on June 31, 2017. At that hearing the Planning Commission reviewed Land Use File #5-06/17 to amend the Land Use and Development Code and made it part of the record. The Planning Commission has considered the testimony at the public hearing.

**III. FINDINGS OF FACT**

1. Section 17.16.070 of the Land Use and Development Code allows only one single family dwelling on a lot within the Low Density Residential (LD) and Medium Density Residential (MD) zones.
2. The creation of accessory dwelling units can provide opportunities for affordable housing.
3. The Housing policies of the Stayton Comprehensive Plan support providing a choice of housing types and meeting the needs of all income groups.
4. The proposed amendments would allow one accessory dwelling unit to be created on a lot with a single family dwelling, with appropriate standards.

**IV. PUBLIC COMMENTS**

The Planning Department received no comments prior to the public hearing.

**V. ORDER**

Based on the findings of fact, the Planning Commission voted on July 31, 2017 to recommend to the City Council enactment of proposed amendments to the Stayton Land Use and Development Code, as presented in a document entitled, "Proposed Amendments to the Stayton Land Use and Development Code to Allow Accessory Dwelling Units, For Planning Commission Public Hearing, July 31, 2017."

\_\_\_\_\_  
Ellen Nunez, Chairperson

\_\_\_\_\_  
Date

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Dan Fleishman, City Planner

\_\_\_\_\_  
Date





# City of Stayton

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## MEMORANDUM

**TO:** Chairperson Ellen Nunez and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** July 31, 2017  
**SUBJECT:** Possible Code Amendments to the Color Palette for Downtown Buildings

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### ISSUE

The issue before the Planning Commission is the discussion of a possible amendment to the Land Use and Development Code regarding the required palette of colors for buildings in the Downtown Zones.

### BACKGROUND

Section 17.20.220.3.g requires non-residential buildings in the Downtown zones have their predominant colors be earth tones, defined as shades of green, red, gray, brown and yellow with a value of 50% or less. The Code includes a table which illustrated acceptable earth tone colors. (see page 20-75 in your Code) Because the table was created by copying and pasting color patches from the internet and because the colors display in varying shades on different computer monitors or printers, the City has applied the colors standards quite liberally.

The Design Committee of the Friends of Old Town Stayton has prepared a new palette of acceptable colors by using paint sample chips and pasting them onto a display board. The Committee is proposing that the new palette be incorporated into the Code to replace the existing table.

Once the Commission discusses these issues and provides some direction on possible Code amendments, I will draft amendments to bring back to the Commission. Then a public hearing will be schedule on the proposed amendments.





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## MEMORANDUM

**TO:** Chairperson Ellen Nunez and Planning Commission Members  
**FROM:** Dan Fleishman, Director of Planning and Development  
**DATE:** July 31, 2017  
**SUBJECT:** Possible Code Amendments regarding Fences around subdivisions

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### **ISSUE**

The issue before the Planning Commission is the discussion of a possible amendment to the Land Use and Development Code regarding a requirement for fences to be erected around subdivisions.

### **BACKGROUND**

Dan Morgan, a resident of Phillips Estates subdivision will be present at the meeting to discuss his request that the Planning Commission consider an amendment to the Code to require new subdivisions to have perimeter fences constructed along existing streets.