



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor Henry Porter and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: November 16, 2020
SUBJECT: Proposed Code Amendments Regarding Residential Zoning

Informational

ISSUE

The issue before the City Council is the first presentation regarding a set of Code amendments that have been the subject of discussion by the Planning Commission since July 2019. The Planning Commission is likely to complete its discussion at their November 30 meeting and initiate the adoption process. Prior to the initial public hearing in late January, there will be some type of public presentation and discussion session and information presented on the City's website. Staff and the Planning Commission thought it important to have a presentation to the City Council prior to presentation of the amendments to the City Council for a public hearing and consideration for adoption.

BACKGROUND INFORMATION

The basic framework of Stayton's residential zoning has not substantially changed since its original adoption over 45 years ago, when the community was only half the size it is today. The Land Use and Development Code established three residential zones, each with different minimum lot size and lot width requirements and each with different permitted types of housing. In summary, these three zones are:

- Low Density Residential (LD) – 8,000 sq ft minimum lot size (but 10,000 sq ft east of N Tenth Ave) with a minimum frontage of 80 feet. Single family detached is the only permitted housing type.
- Medium Density Residential (MD) – 7,000 sq ft minimum lot size with a minimum frontage of 70 feet. Single family detached, duplexes, and triplexes are permitted, as well as mobile home parks. Triplexes require a minimum of 10,500 sq ft
- High Density Residential (HD) – 6,000 sq ft minimum lot size with a minimum frontage of 60 feet. Single family attached and multi-family dwellings are permitted, as well as mobile home parks.

In 2008, a fourth residential zone was established to implement the Downtown Revitalization and Transportation Plan: the Downtown Medium Density Residential zone (DMD). This zone has

a 7,000 sq ft minimum lot size with a minimum frontage of 40 feet. This zone allows all types of housing structures, but not mobile home parks. The DMD zone is the only residential zone that currently includes a minimum density requirement as well as a maximum limit. The Code requires development in the DMD zone to be between 10 and 15 units per acre.

State law requires that cities and counties coordinate their land use planning, in part through coordinated projections of population growth and through the designation of urban growth areas around each city. The Marion County Comprehensive Plan incorporates an Urban Growth Management Framework that includes a land efficiency guideline for the 20 cities in the county. The guideline “represents the average density for new housing that will be zoned and allowed under clear and objective standards by the city.” For cities like Stayton, with populations between 5,000 and 25,000, the land efficiency guideline calls for 5 to 6 housing units per gross acre of land zoned residential. The intent of the guideline is to address new residential development created since the adoption date of the guideline. More detail regarding the Marion County Comprehensive Plan Urban Growth Management Framework may be found [here](#).

The Land Use and Development Code currently establishes density standards for each of the four residential zones. For the LD and MD zones, the maximum allowed density is 6 units per acre and 12 units per acre, respectively. For the DMD zone, the Code requires between 10 and 15 units per acre. For the HD zone, the Code establishes a minimum density of 13 units per acre, with no maximum density.

Although the Code allows a density of up to 6 units per acre in the LD zone, the minimum lot size and frontage requirements do not allow that density to be achieved, combined with the land that is necessary for a street right of way. With 8,000 sq ft lots, 80 feet of frontage, and a 60-foot street right of way, the maximum density achievable in the LD zone is 4.2 units per acre. Even with duplexes on each lot, the maximum density achievable in the MD zone is 9.6 units per acre.

The 2013 Comprehensive Plan notes that the subdivisions recorded between 2000 and 2010 resulted in an average of 2.3 units per acre in the LD zone and an average of 2.8 overall. Since that time, Phillips Estates Phase II would be 3.7 units per acre when fully built out and Wildlife Meadows will be 3.4 units per acre, assuming a third duplex is constructed on one of the remaining vacant lots. The recently recorded Lambert Place subdivision will be 3.9 units per acre. Analysis conducted by staff shows that the Stayton’s current average city-wide residential density is about 3.1 units per acre of land in residential zones, including vacant lots and undeveloped land.

PROPOSED AMENDMENTS

The overall aims of the proposed Code amendments are to establish greater flexibility in the design of new residential development, to promote infill development within the current city limits, and to better meet the density goals in the Marion County and City of Stayton comprehensive plans. Currently, a level of flexibility is provided in Sections 17.24.090 and 17.24.100 of the Code in the standards for Master Planned Developments. The Master Planned Development standards allow lot sizes and lot widths smaller than otherwise permitted in exchange for the creation of open space, and also allows any type of housing unit to be constructed. The Planning Commission’s proposed amendments would provide a level of flexibility and innovation for all development throughout the residential zones, as well as providing for new forms of development not permitted today.

The most significant change in the proposed amendments being worked on by the Planning Commission is moving away from a minimum lot size/frontage-based regulation of land development to a density-based regulation. The proposed amendments would maintain the existing maximum density standards in the LD and MD zone but establish new *minimum* density requirements, and would establish a maximum density in the HD zone that is not in the current Code. The proposed amendments require development in the LD zone to be between 4.5 and 6 units per acre, in the MD zone to be between 7 and 12 units per acre, and in the HD zone to be between 13 and 24 units per acre. There is no change proposed to the density requirements of the DMD zone.

In addition, the current prohibition on more than one single family detached dwelling on a lot is removed. An analysis of residentially zoned lots revealed that in the City today there are 252 lots that are more than twice the minimum lot size and have a single family dwelling. Removing lots in subdivisions that were platted since 1990 and are likely to have a deed covenant restricting the lot to only one single family dwelling resulted in 157 lots with single family homes on lots more than twice the minimum lot size requirement. A number of these lots either have irregular boundaries, include a portion of one of the irrigation ditches through the City, or have the existing house positioned such that placement of a second home on the property would be impossible without removal of the existing home. Removing these lots results in 95 lots that are available for a potential new home development under the proposed amendments. Further analysis indicated that there are only 40 lots with a single family home that could conceivably be divided under the current regulations. In order to be considered dividable under the current requirements, a lot would have to either have twice the minimum frontage and the existing house positioned to allow a vacant lot with frontage, or be able to create a back lot or flag lot with a 20-foot wide easement or “flag pole” and the existing house still meet the setbacks from all new property lines. The proposed amendments would provide property owners with greater flexibility in further development of their property without the necessity and expense of a partitioning and dividing the property into two lots.

The proposed amendments continue to differentiate between the types of housing structures that are permitted in each zone. The LD zone would allow single family detached (including manufactured housing) and single family attached only. The MD zone would allow single family detached (including manufactured housing), duplexes, triplexes and mobile home parks, as it does currently. The HD zone would permit single-family attached, multifamily dwellings, and mobile home parks, as it currently does. The DMD zone would continue to allow all types of housing structures, but continue to prohibit a mobile home park.

The proposed amendments, while eliminating the minimum lot size requirement, continue to impose a minimum lot width regulation and require additional width if there is more than one principal structure on a lot. In addition, provisions are added to allow zero lot line developments, where a house is located on one of the side lot lines with twice the side yard on the opposite side. This is commonly done when lot widths become narrow to provide a more useable side yard.

Finally, among the other major changes in the proposed amendments is the establishment of standards for what are known as “cottage cluster” developments. This relatively new form of residential development attempts to provide flexibility and affordability by providing smaller housing units designed around a central courtyard. The proposed amendments establish

common open space requirements, private open space requirements, site design standards, architectural standards, and property maintenance standards.

Also included in the amendment package being developed by the Planning Commission are the following other Code changes:

- Amendment of the Accessory Dwelling Units standards to comply with recent changes to state law. State law now says that our standards for ADUs may not require owner-occupancy or additional off-street parking.
- Allowing smaller single family dwellings in the MD, DMD, and HD zones. The current code requires all new single family homes to have a minimum of 1,000 square feet of floor area. The amendments would allow a home of 900 square feet in the MD and DMD zones and 750 square feet in the HD zone.
- Require a garage to be set back a minimum of four feet behind the front wall of the house, so that the overhead door is not the primary architectural feature facing the street.
- Make a number of amendments to the subdivision approval standards to reflect the changes outlined above, to update the submission and approval procedures, and the requirements for open space and public use areas.