



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: March 29, 2021
SUBJECT: Sixth Draft Proposed Code Amendments Regarding Residential Zoning; Additional Amendments

ISSUE

The issue before the Planning Commission is the continued review of the proposed Code amendments to completely reorganize the City's residential zoning. At its January 25 meeting, the Planning Commission made a few minor changes to the fifth draft of the amendments and scheduled a public hearing on the amendments for March 29.

Commission members may recall that among the discussion on January 25 were concerns that had been raised by the Public Works Director and City Engineer over allowing more than one detached single family dwelling on a parcel. Their concern can be summarized as being over the City's inability to require public improvements based on incremental growth. The Public Works Department is also concerned about the potential impacts that the minimum density standard may have on the City's infrastructure. In response to the Public Works' concerns I prepared the attached analysis of the impacts on development potential from the proposed amendments. The Public Works Department and Planning and Development Department continue to discuss these issues.

As a result of these continued concerns, the proposed amendments were reviewed by the City Attorney who raised a number of questions about the proposed amendments.

Because of the unresolved concerns of the Public Works Department and the questions raised by the City Attorney, a decision was made to cancel the March 29 public hearing, to be rescheduled once the concerns have been resolved.

In response to the issues raised by the City Attorney and the attached letter received from the Oregon Department of Land Conservation and Development, I have prepared some additional amendments to be incorporated into a future seventh draft.

One of concerns raised by the City Attorney was whether the various definitions in the Code allow more than one principal building on a lot. The City has historically permitted more than one principal building on a lot for duplex, triplex, multi-family, commercial, and industrial developments. However the City Attorney makes the point that state law now requires that local standards for residential development be "clear and objective" and that if there is any room for interpretation of the regulations, they are no longer clear and objective. Therefore, the attached "additional amendments" include amendments to various definitions and some other provisions, to make it clear that a lot may have more than one main building and to assure that all references to principal, primary, or main buildings use the term "main building."

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The concern raised by the Department of Land Conservation and Development is that the proposed architectural standards for cottage cluster developments are not clear and objective. DLCD recommended that the Planning Commission delete the architectural standards. Whereas the City has some architectural standards for all other single family dwellings, I have instead suggested some amendments to the standards so that, I believe, they are clear and objective.