



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: January 3, 2022
SUBJECT: Ordinance 1052 Amending Land Use Code Standards for Accessory Dwelling Units

ISSUE

The issue before the City Council is a public hearing Ordinance 1052, legislative amendments to the Land Use and Development Code to amend the standards for accessory dwelling units, including the zones in which accessory dwelling units are permitted. Following the public hearing, the Council will be requested to consider Ordinance 1052 to amend the Code.

BACKGROUND INFORMATION

In 2017 the Land Use and Development Code was amended to permit accessory dwelling units on lots with a single-family detached dwelling. The Code allows ADUs on a lot with a single-family dwelling in the Low Density Residential and Medium Density Residential zones. It does not list an ADU as permitted if there is a single-family dwelling in the High Density Residential zone, presumably because single-family dwellings are non-conforming uses in the HD zone.

There are seven single-family dwellings on an individual lot in the HD zone. The City has received an inquiry from the owner of one home in the HD zone regarding placing an ADU on the property.

State law requires that that cities with a population greater than 2,500 permit ADUs on any lot zoned for a single-family dwelling, subject to reasonable standards regarding siting and design. Recent changes to state law specify that "reasonable standards" does not include an owner occupancy requirement or the requirement for additional off-street parking. An excerpt from ORS 197.312 is presented below.

197.312 Limitation on city and county prohibitions.

(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 within the urban growth boundary that are 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:

(A) “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.

(B) “Reasonable local regulations relating to siting and design” does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

PROPOSED AMENDMENT

The proposed amendment would allow an ADU on a lot with a single family detached dwelling in any Residential zone.

In addition, the proposed amendments would repeal to provisions in the Code that the Legislature in 2019 prohibited cities from including in the local regulation of ADUs. The amendment will repeal the owner-occupancy requirement and the requirement for an additional parking space.

RECOMMENDATION

Following their November public hearing, the Planning Commission has recommended adoption of the amendments. Staff recommends adoption of Ordinance 1052 as presented.

OPTIONS AND MOTIONS

The City Council is presented with the following options.

1. Close the hearing and approve the first consideration of Ordinance 1052

Move to approve Ordinance No 1052 as presented.

The Administrative Services Manager shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 1052 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 1052 will be brought before the Council for a second consideration at the January 21, 2022 meeting.

2. Close the hearing and approve the Ordinance with modifications

Move to approve Ordinance No. 1052 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 1052 will be brought before the Council for a second consideration at its January 21, 2022 meeting.

3. Continue the hearing

Move to continue the public hearing until January 21, 2022.

4. Close the hearing and retain the Code unchanged

No motion is necessary.