



AGENDA STAYTON CITY COUNCIL MEETING

Monday, November 18, 2013

Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. Donation to Park Fund from Car Show Committee by Chair Alan Kingsley
- b. Paul Manning, CEO of the Family YMCA of Marion and Polk Counties
- c. Sidewalk Maintenance Presentation by David Kinney

Request for Recognition: If you wish to address the Council, please fill out a green "Request for Recognition" form. Forms are on the table at the back of the room.

Recommended time for presentation is 10 minutes.

Recommended time for comments from the public is 3 minutes.

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

CONSENT AGENDA

- a. November 4, 2013 City Council Action Minutes

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations please contact Alissa Angelo, Deputy City Recorder at (503) 769-3425.

PUBLIC HEARING

Ordinance No. 962, Amendments in the Downtown Zone

- a. Commencement of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision

Ordinance No. 963, Amendments for the Interchange Development Zone

- a. Commencement of Public Hearing
- b. Staff Report – David Kinney
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision

NEW BUSINESS

ODOT Fund Exchange Agreement

Action

- a. Staff Report – David Kinney
- b. Council Deliberation
- c. Council Decision

City Administrator Recruitment

Action

- a. Staff Report – Christine Shaffer
- b. Council Deliberation
- c. Council Decision

Santiam Water Control District Memorandum of Agreement

Action

- a. Staff Report – Christine Shaffer
- b. Council Deliberation
- c. Council Decision

UNFINISHED BUSINESS

Potential Annexation of Various Street Right-of-Ways and other properties

Action

- a. Staff Report – Chief Rich Sebens and Dan Fleishman
- b. Council Deliberation
- c. Council Decision

STAFF/COMMISSION REPORTS

Finance Director's Report – Christine Shaffer

Informational

- a. October 2013 Monthly Finance Department Report

Police Chief's Report – Rich Sebens

Informational

- a. October 2013 Statistical Report

Public Works Director's Report – Dave Kinney

Informational

- a. October 2013 Operating Report

Planning & Development Director's Report – Dan Fleishman

- a. October 2013 Activities Report

Library Director's Report – Louise Meyers

Informational

- a. October 2013 Activities

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

BUSINESS FROM THE MAYOR

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS

- a. Review of City Charter
- b. TMDL 5th Year Report

ADJOURN

CALENDAR OF EVENTS

NOVEMBER 2013

| | | | | |
|-----------|--------|--|-----------|------------------------------|
| Monday | Nov 18 | City Council | 7:00 p.m. | Community Center (north end) |
| Wednesday | Nov 20 | Library Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | Nov 25 | Planning Commission | 7:00 p.m. | Community Center (north end) |
| Thursday | Nov 28 | CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING | | |
| Friday | Nov 29 | | | |

DECEMBER 2013

| | | | | |
|-----------|--------|---|-----------|------------------------------|
| Monday | Dec 2 | City Council | 7:00 p.m. | Community Center (north end) |
| Tuesday | Dec 3 | Parks & Recreation Board | 7:00 p.m. | E.G. Siegmund Meeting Room |
| Tuesday | Dec 10 | Commissioner's Breakfast | 7:30 a.m. | Covered Bridge Café |
| Friday | Dec 13 | Community Leaders Meeting | 7:30 a.m. | Covered Bridge Café |
| Monday | Dec 16 | City Council | 7:00 p.m. | Community Center (north end) |
| Wednesday | Dec 18 | Library Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Wednesday | Dec 25 | CITY OFFICES CLOSED IN OBSERVANCE OF CHRISTMAS | | |

JANUARY 2014

| | | | | |
|------------------|-------------------|---|-----------|------------------------------|
| Wednesday | January 1 | CITY OFFICES CLOSED IN OBSERVANCE OF NEW YEARS DAY | | |
| Monday | January 6 | City Council | 7:00 p.m. | Community Center (north end) |
| Tuesday | January 7 | Parks & Recreation Board | 7:00 p.m. | E.G. Siegmund Meeting Room |
| Friday | January 10 | Community Leaders Meeting | 7:30 a.m. | Covered Bridge Café |
| Tuesday | January 14 | Commissioner's Breakfast | 7:30 a.m. | Covered Bridge Café |
| Wednesday | January 15 | Library Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | January 20 | CITY OFFICES CLOSED IN OBSERVANCE OF MARTIN LUTHER KING, JR. DAY | | |
| Monday | January 21 | City Council | 7:00 p.m. | Community Center (north end) |
| Monday | January 27 | Planning Commission | 7:00 p.m. | Community Center (north end) |

FEBRUARY 2014

| | | | | |
|---------------|--------------------|---|------------|------------------------------|
| Monday | February 3 | City Council | 7:00 p.m. | Community Center (north end) |
| Tuesday | February 4 | Parks & Recreation Board | 7:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | February 10 | PEG Access Commission | 12:00 p.m. | City Hall Conference Room |
| Tuesday | February 11 | Commissioner's Breakfast | 7:30 a.m. | Covered Bridge Café |
| Friday | February 14 | Community Leaders Meeting | 7:30 a.m. | Covered Bridge Café |
| Wednesday | February 19 | Library Board | 6:00 p.m. | E.G. Siegmund Meeting Room |
| Monday | February 17 | CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY | | |
| Tuesday | February 18 | City Council | 7:00 p.m. | Community Center (north end) |
| Monday | February 24 | Planning Commission | 7:00 p.m. | Community Center (north end) |

**City of Stayton
City Council Meeting Action Minutes
November 4, 2013**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 7:48 P.M.

ATTENDANCE LOG

| COUNCIL | STAFF |
|-------------------------------------|---|
| Mayor Scott Vigil | Alissa Angelo, Deputy City Recorder |
| Councilor Emily Gooch | Dan Fleishman, Director of Planning & Development |
| Councilor Catherine Hemshorn | David Kinney, Public Works Director |
| Councilor Jennifer Niegel (excused) | Louise Meyers, Library Director (excused) |
| Councilor Henry Porter (excused) | Rich Sebens, Police Chief |
| Councilor Brian Quigley | Christine Shaffer, Finance Director |
| | David Rhoten, City Attorney (excused) |

| AGENDA | ACTIONS |
|---|---|
| REGULAR MEETING | |
| Presentations / Comments from the Public | |
| a. Presentation of Deed for Disc Golf Course by Hope Derrickson | The Mayor was presented with a deed for the Disc Golf Course. |
| b. Paul Manning, CEO of the Family YMCA of Marion and Polk Counties | Mr. Manning was not present. He had been notified by staff via letter requesting his presence at the meeting. |
| Announcements | |
| a. Additions to the Agenda | None |
| b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc. | None |
| Consent Agenda | |
| a. October 21, 2013 City Council Action Minutes | Motion from Councilor Gooch, seconded by Councilor Hemshorn, to approve the consent agenda. Motion passed 3:0. |
| Public Hearings | |
| None | |
| Unfinished Business | |
| None | |
| New Business | |
| a. Resolution No. 905, Adopting Fees and Charges for City Services | Motion from Councilor Hemshorn, seconded by Councilor Gooch, to enact Resolution No. 905, adopting Fees and Charges for City Services. Motion passed 3:0. |
| b. Ordinance No. 961, Revision to Stayton Municipal Code 10.44 | Motion from Councilor Quigley, seconded by Councilor Gooch, to enact Ordinance No. 961 relating to Stayton Municipal Code Title 10, Section 10.44 as presented. Motion passed 3:0. |

| | |
|--|--|
| c. Application for Committees / Commissions | Motion from Councilor Quigley, seconded by Councilor Hemshorn, to approve the Commission / Committee application as amended. Motion passed 3:0. |
| d. Potential Annexation of Various Street Right-of-Ways and Other Properties | The Council deferred a decision until the November 18 City Council meeting. |
| Staff / Commission Reports | None |
| Presentations / Comments From the Public | None |
| Business from the City Administrator | |
| a. Schedule an Executive Session for November 13 at 5:30 p.m. at City Hall | Staff will send out a meeting invitation and work to coordinate with the Council. |
| b. City Administrator Recruitment – Formal Interview Questions | Interview questions were distributed and staff will provide the Council with tour schedules on Tuesday. |
| c. Downtown Tree Lighting | The Stayton-Sublimity Chamber of Commerce will no longer be hosting a downtown tree lighting event. However, citizens expressed interest in still holding a holiday event. The group has requested the City participate as a host and assist by providing the required liability insurance coverage for the event. It was the consensus of the Council to move forward with supporting this event. |
| Business from the Mayor | None |
| Business from the Council | Councilor Hemshorn was contacted by a Salem City Councilor who would like to meet with members of the Council. Councilor Quigley recognized fallen Oregon City Reserve Officer Robert Libke who was killed in the line of duty over the weekend. He thanked Stayton’s officers and all those in law enforcement for their service. |
| Future Agenda Items | |
| a. Review of City Charter | |
| b. Downtown Zoning Amendment | |

APPROVED BY THE STAYTON CITY COUNCIL THIS 18TH DAY OF NOVEMBER 2013, BY A ____ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____

By: _____

A. Scott Vigil, Mayor

Date: _____

Attest: _____

Christine Shaffer, Interim City Administrator

Date: _____

Transcribed by: _____

Alissa Angelo, Deputy City Recorder



City of Stayton

Planning and Development Department

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MEMORANDUM

TO: Mayor Scott Vigil and City Council Members
FROM: Dan Fleishman, Director of Planning and Development
DATE: November 18, 2013
SUBJECT: Public Hearing and Consideration of Ordinance 962 regarding Permitted Uses and Development Standards in the Downtown Zones

ISSUE

The issue before the City Council is a public hearing on and consideration of Ordinance 962, legislative text amendments to the Stayton Downtown Transportation and Revitalization Plan and the Stayton Land Use and Development Code, Title 17, Chapters 17.16 and 17.20 regarding the permitted uses and development standards in the Downtown Zones.

BACKGROUND

In 2008 the City adopted the Downtown Transportation and Revitalization Plan as an area refinement plan to the Comprehensive Plan. Subsequently, Land Use and Development Code amendments were adopted to implement the Plan. Based on a conversation with the owner of one of the few vacant parcels in the Downtown Residential Mixed Use (DRMU) zone about the practical aspects of complying with the development requirements or issues of interpretation, staff brought to the Planning Commission a number of amendments to the Code.

The Planning Commission discussed the issues behind the amendments at their June and July meetings and scheduled a public hearing for their September meeting. Through the discussion and hearing process the original amendments proposed by staff were revised

PROPOSAL

The amendments forwarded to the City Council by the Planning Commission would accomplish the following:

- Add a note at the beginning of the Land Use Table to clarify that site plan review is permitted only for new construction or expansion of an existing structure and not for changing the use of an existing structure.
- Add four categories of land use as permitted uses, with site plan review, in the three downtown mixed use zones. These uses are all within the industry grouping of Professional, Scientific and Technical Services and all other uses within this industry grouping are permitted in these zones.

- Distinguish Fitness and Recreation Sports Centers from the broader category of Performing Arts, Spectator Sports, and Amusement and Recreation Facilities. Due to the potential impacts of a larger facility this broader category is listed as a conditional use. Fitness and recreation sports centers would be listed as permitted after site plan review.
- Change Bed and Breakfast facilities from conditional use to permitted after site plan review in the three downtown mixed use zones.
- Reduce the minimum floor area ratio (FAR) in DRMU zone and establish one for the Downtown Commercial Mixed Use (DCMU) zone. The floor area ratio is the ratio of the total floor area in a building compared to the lot area. The DCMU zone was created after the other three downtown zones and the section establishing minimum floor area ratios was overlooked in the amendments establishing the zone. Currently, therefore, there is not a minimum FAR in the DCMU zone. The suggested amendments reduce the minimum FAR in the DRMU from 0.35 to 0.30. Using data from Marion County Assessor’s Office, staff has calculated the FAR for all of the developed parcels in the DRMU. In the DRMU zone there are 54 parcels with buildings. The FAR ranges from 0.14 to 1.65. The average FAR in the zone is 0.31 and 37 of the 54 buildings do not meet the current minimum FAR of 0.35.

In the DCMU zone, there are 8 parcels with buildings. The FAR ranges from 0.12 to 1.05. The average FAR in the Zone is 0.48. If the suggested FAR of 0.35 is adopted, then half of the buildings would comply and the other half would not.

- The Code currently requires a minimum 2-story building in the downtown zones. The Downtown Plan District Standards in the Downtown Transportation and Revitalization Plan call for a minimum building height of “2 stories or a minimum of 20 feet.” The proposed amendment aligns the Code more closely with the language in the Plan.
- Section 17.20.030 establishes the setback requirements for accessory buildings. Whereas the commercial, industrial and downtown zones have no minimum setback requirements, an amendment is proposed to clarify that the setback requirements in Sect 17.20.030 only apply in the residential zones.
- Code has standards for the exterior siding of commercial and mixed use buildings in the downtown zones. For horizontally applied siding such as hardiplank, the code currently requires application with a maximum 6-inch spacing. A review of existing buildings in the downtown area reveals a variety of spacing for clapboards, hardiplank, and other horizontal siding, ranging from 3 inches to 14 inches. The proposed amendments, rather than establishing a maximum of 6 inches, allow a range of between 4 ½ inches and 10 inches. There are two different sections in the Code that are amended, one for attached residential structures, the other for commercial and mixed use structures.

Whereas the minimum FAR and siding standards are specifically referenced in the Downtown Transportation and Revitalization Plan, these changes also require amendment to the Plan. Ordinance 962 contains two different exhibits. The first is Plan amendments and the other Code amendments.

RECOMMENDATION

The Planning Commission forwarded the amendments to the City Council with a recommendation of approval. Staff recommends enactment of the Ordinance.

OPTIONS AND SUGGESTED MOTIONS

1. Approve the first consideration of Ordinance 962

Move to approve Ordinance No 962.

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 vote is unanimous, Ordinance No. 962 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 962 will be brought before the Council for a second consideration at the December 2, 2013 meeting.

2. Approve the Ordinance with modifications

Move to approve Ordinance No. 962 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. 962 will be brought before the Council for a second consideration at its December 2, 2013 meeting.

3. Retain the Code unchanged

No motion is necessary.

**Proposed Amendments to the Downtown Transportation and Revitalization Plan and the Provisions of Title 17 relating to the Downtown Zones
For City Council Public Hearing, November 18, 2013**

Additions are underlined; Deletions are ~~crossed-out~~.

Part 1. On **Page 39** of the Revised Downtown Transportation and Revitalization Plan amend **Table 2** as follows:

Table 2 Downtown District Development Standards

| Standard: | CCMU | DRMU & DCMU |
|---|--|---|
| (A) Minimum Lot Size | None | None |
| (B) Minimum Floor Area Ratio (FAR) | .5 : 1 ⁶ | <u>DCMU -- .35 : 1⁶</u> <u>DRMU -- .30 : 1⁶</u> |
| (C) Minimum Residential Density | 12 units/ acre ¹ | 12 units/ acre ¹ |
| (D) Maximum Residential Density | None | None |
| (E) Minimum Building Setbacks | 0 feet front, side and rear for commercial; 5 feet front and 10 feet rear for single-family attached dwellings ² | 0 feet front, side and rear for commercial; 5 feet front and 10 feet rear for single-family attached dwellings ² |
| (F) Maximum Building Setbacks | <u>Commercial</u> 10 feet front ³ ; None for side and rear. <u>Residential</u> 20 feet front ² ; None for side and rear | 20 feet front ^{2,4} ; None for rear and side |
| (G) Minimum Building Height | 2 stories or a minimum of 20 feet | 2 stories or a minimum of 20 feet |
| (H) Maximum Building Height | 4 stories, which in total is not to exceed 60 feet | 4 stories, which in total is not to exceed 60 feet |

| Standard: | CCMU | DRMU & DCMU |
|---|--|---|
| (I) Ground Floor Window Standards Apply | Yes | Yes |
| (J) Minimum Off-Street Parking Required | None required for commercial uses; 1 space/ unit for residential | None required for commercial; 1 space/ unit for residential |
| (K) Maximum Off-Street Parking Permitted | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential. ⁵ | Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential ⁵ |
| (L) Screening & Buffering Required | No | No |

Table 2 Notes

- 1 Minimum residential density applies to residential projects only. There is no minimum density for residential uses in a mixed-use development.
- 2 For single-family attached dwellings with direct auto access from the street, the garage entrance must be less than 5 feet from the street property line, or more than 18 feet from the street property line. There is no maximum setback for attached dwellings on a single lot which are located behind commercial buildings.
- 3 A maximum front setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.
- 4 The maximum front setback may be exceeded when enhanced pedestrian spaces and amenities are provided.
- 5 For commercial uses, when included in a mixed-use development, the maximum amount of off-street parking permitted is 125% of the parking required in Section 17.20.060. When not included in a mixed-use development, the maximum amount of off-street parking permitted is 50% of parking required in Section 17.20.060.
- 6 These are minimum floor area ratios, expressed as the ratio of floor area to site area. There is no maximum permitted floor area ratio.

Note: When the DCMU Zone was created out of the DRMU Zone, this table was mistakenly not amended to include the DCMU Zone. This amendment corrects that error and reduces the minimum FAR in the DRMU Zone from 0.35 to 0.30.

Part 2. On **Page 47** of the Revised Downtown Transportation and Revitalization Plan amend the **exterior finish materials requirements for non-residential and mixed use buildings** as follows:

I. Exterior finish materials. The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.

1. Smooth concrete block, plain concrete, corrugated metal, full-sheet

plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. ~~Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the visible portion of the board product is less than 6 inches wide.~~

- 2. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
- 3. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards composite boards manufactured from wood or other products, such as hardboard or hardiplank~~with an exposure of 3 to 6 inches~~, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6-10 inches or less in width.

Note: This amendment increases the allowable width of horizontally applied siding from 6 inches to 10 inches and, in paragraph 3, corrects a typographical error.

Part 3. On **Page 51** of the Revised Downtown Transportation and Revitalization Plan amend the **exterior finish materials requirements for non-residential and mixed use buildings** as follows:

G. Exterior finish materials. The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.

- 1. Along 3rd Avenue, commercial and mixed use buildings shall be constructed of materials complementary to existing materials including textured pre-cast concrete block, clay (terra cotta) tile, brick, stucco and wood frame.
- 2. Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the board product is less than 6-10 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend for more than 3 feet above the finished grade level adjacent to the foundation wall.
- 3. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph HG.1, above, any material that meets the standards of Paragraph HG.1 may be used.

Note: This amendment increases the allowable width of horizontally applied siding from 6 inches to 10 inches and, in paragraph 3, corrects a typographical error.

Part 4. Amend Stayton Municipal Code, Title 17, Chapter 16, **Section 17.16.070.1** to change the description of the meanings of the symbols in the table, as follows.

1. **PERMITTED AND CONDITIONAL USES.** The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
- C = Conditional Use
- S = Permitted Use after Site Plan Review [for new construction or expansion of an existing structure. See Section 17.16.040.4 for existing structures.](#)
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

Note: This amendment clarifies that site plan review is not required for a change of occupancy in an existing building.

Part 5. Amend Stayton Municipal Code, Title 17, Chapter 16, **Table 17.16.070.1 Permitted Land Use** to allow several uses in the Downtown Zones that are currently not permitted, to add a new use to the table, and to change how Bed and Breakfast establishments are permitted. (Note that columns in the table that are not proposed to be changed are not shown below.)

| | | CR | CG | CCMU | DCMU | DRMU |
|--|--|----------|----------|---------------|---------------|---------------|
| Professional, Scientific and Technical Services | | | | | | |
| 27 | Medical & Diagnostic Laboratories | | S | <u>S</u> | <u>S</u> | <u>S</u> |
| 28 | Home Health Care Services | | S | <u>S</u> | <u>S</u> | <u>S</u> |
| 29 | Architectural, Engineering, & Related Services | S | S | <u>S</u> | <u>S</u> | <u>S</u> |
| 32 | Scientific Research & Development Services | C/S | S | <u>S</u> | <u>S</u> | <u>S</u> |
| Arts, Entertainment and Recreation | | | | | | |
| <u>46a</u> | <u>Fitness and Recreation Sports Centers</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| 52 | Bed & Breakfast | S | S | CS | CS | CS |

Note: All other categories of Professional, Scientific and Technical Services are permitted in the Downtown Zones. Fitness and Recreation Sports Centers are currently included in Land Use Category 46 Performing Arts, Spectator Sports, & Amusement & Recreation Facilities which is listed as a conditional use with site plan review in the three downtown zones. Some Performing Arts, Spectator Sports or Recreational Facilities have the potential for greater impact on the surrounding properties and will remain conditional uses. Fitness centers typically have less of an impact on surrounding area and this amendment allows them in the downtown zones without the need for a conditional use review. Being mixed-use zones, Bed and Breakfast is proposed to no longer require conditional use approval.

Part 6. Amend **Section 17.16.080.2.c.3)** to specify the minimum floor area ratio in the DCMU zone and reduce the minimum floor area ratio in the DRMU zone.

- 3) The minimum floor area ratio for the construction of a new building in the CCMU Zone shall be 0.5:1; ~~and in the DRMU-DCMU Zone shall be 0.35:1~~ and in the DRMU Zone shall be 0.3:1. There is no maximum floor area ratio in these zones.

Note: When the DCMU Zone was created out of the DRMU Zone, this section was mistakenly not amended to include a minimum FAR in the DCMU Zone. This amendment corrects that error and reduces the minimum FAR in the DRMU Zone from 0.35 to 0.30.

Part 7. Amend **Section 17.16.080.2.F.2)** to clarify the minimum height requirement and better reflect the policy of the Downtown Transportation and Revitalization Plan.

- 2) Minimum. In the CCMU, DCMU, or DRMU zones the minimum building height shall be 2 stories or 20 feet. The minimum building height standard applies to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.

Note: The Comprehensive Plan specifies a minimum height of 2 stories or 20 feet. This amendment inserts the alternate measurement of 20 feet, which could allow a 1-story building provided it meets the 20-foot height requirement.

Part 8. Amend **Section 17.20.030.3** to clarify that the provisions of that section only apply to reduce the setback requirements of Chapter 17.16.

2. SETBACKS. The setback provision cited below modify the building setbacks ~~cited in zoning districts~~ for Residential Zones cited in Chapter 17.16, but are applicable only to the specific items listed below.

Note: As currently written, the Code could be interpreted to establish wider setbacks in the Commercial, Downtown and Industrial zones than would otherwise be required in by Section 17.16.070.3.

Part 9. Amend **Section 17.20.220.2.i** to change the standard for siding for attached residential buildings.

- i. Exterior finish materials. The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.
- 1) Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. ~~Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the visible portion of the board product is less than 6 inches wide.~~
 - 2) Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes or board and batten.

- 3) Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards, composite boards manufactured from wood or other products, such as hardboard or hardiplank~~with an exposure of 3 to 6 inches~~, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where ~~the boards in the pattern are 6 inches or less in width.~~ when the visible portion of the product is at least 4 ½ inches and no more than 10 inches wide.

Note: This amendment changes to the standard for horizontally applied siding on attached residential structures in the downtown zones to provide an acceptable range of application. It more closely reflects the existing buildings in the downtown zones.

Part 10. Amend **Section 17.20.220.3.g.2)** to change the standard for siding for non-residential and mixed use buildings.

- 2) Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10% of the surface area of any facade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when visible portion of the board product is at least 4 ½ inches and no more ~~less than 6-10~~ inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend for more than 3 feet above the finished grade level adjacent to the foundation wall.

Note: This amendment changes to the standard for horizontally applied siding on commercial structures in the downtown zones to provide an acceptable range of application. It more closely reflects the existing buildings in the downtown zones.

November 12, 2014

Mayor Scott Vigil and the Stayton City Council

Dear Mayor and City Councilors;

I would like this letter entered into the record of the public hearing for proposed amendments to Title 17 related to the Floor Area Ratio (FAR) in the downtown DRMU zone.

The Planning Commission has recommended that you adopt the staff proposal to reduce the FAR in the DRMU from .35 to .30. Excuse the pun, but staff proposal does not go far enough.

It is my belief that the City should not set a minimum size building requirement at any level in the DRMU and if it does feel the necessity to do so, it should be .20 to match most of the existing structures in that zone already, which consist of mostly residential buildings or commercial buildings designed to look residential. The FAR is not conducive to development.

Please consider the following:

1. There are only three undeveloped lots in the DRMU. I own one of those lots.
2. To meet the FAR requirement as proposed will be hard accomplish if one wants to build a commercial "home" type structure.
3. It is unlikely that larger structures will be built considering costs of around \$130 per square foot, plus street, sidewalk, and curb improvements, sewer and water connections and system development fees.
4. The market for commercial rentals is for spaces around 300 to 500 square feet, and from my experience, to design a multi tenant structure with those sized units the structure would have to max out at around 1700 square feet. The total cost of construction of such a building is feasible and would "pencil out". A 1700 square foot building on a 8700 square foot lot, with landscaping, parking and storm water runoff amenities would not only be a good use of land, it would look good and fit into the neighborhood defined by the DRMU.

I own two multi unit commercial buildings and am in the process of converting a single use structure into three units to meet tenant needs. Large empty structures are not being rented. Look down 3rd Ave.

One other item please. At the planning commission hearing one member suggested an individual could always ask for a variance from the FAR requirement. Based on the criteria in the code that would need to be met, it is virtually impossible to get a variance.

I respectfully ask you to either remove the FAR requirement or reduce it to .20.

Sincerely,

Gerry Aboud
836 East Kathy Street
Stayton, Or 97383

ORDINANCE NO. 962

**AN ORDINANCE AMENDING THE STAYTON DOWNTOWN
TRANSPORTATION AND REVITALIZATION PLAN AND STAYTON
MUNICIPAL CODE (SMC) TITLE 17, REGARDING THE PERMITTED USES
AND STANDARDS FOR DEVELOPMENT IN THE DOWNTOWN ZONES**

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 a Downtown Transportation and Revitalization Plan as an area refinement plan to the Stayton Comprehensive Plan;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, the Downtown Commercial Mixed Use (DCMU) Zone was created by amendment of the Downtown Transportation and Revitalization Plan and that amendment failed to establish a minimum floor area ratio in the DCMU Zone;

WHEREAS, both the Downtown Transportation and Revitalization Plan and SMC Title 17, Chapter 16, Section 17.16.080.2.c establish a minimum floor area ratio of 0.35 in the Downtown Residential Mixed Use Zone which is not met by more than two-thirds of the existing developed parcels;

WHEREAS, both the Downtown Transportation and Revitalization Plan and SMC Title 17, Chapter 20, Section 17.20.220 establish standards for horizontally applied siding which is not reflective of the range of horizontally applied siding existing in the Downtown Zones;

WHEREAS, the introduction to Table 17.16.070.1 in the SMC could be interpreted as contradicting the provisions of SMC Title 17, Section 17.16.040.4 regarding the change of use of an existing building;

WHEREAS, most but not all professional, scientific and technical services industries are permitted in the Downtown Zones;

WHEREAS, fitness and recreation sports centers are not as likely to have similar impacts on surrounding properties as other performing arts, spectator sports and amusement and recreation facilities and need not be considered a conditional use;

WHEREAS, as mixed use zones it is appropriate to allow bed and breakfast uses in the DRMU and DCMU and Central Core Mixed Use zones without the need for conditional use approval;

WHEREAS, SMC Section 17.16.080.2.F.2) regarding the minimum height of buildings in the Downtown Zones does not reflect the provisions of the Downtown Transportation and Revitalization Plan; and

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Downtown Transportation and Revitalization Plan and SMC, including notice to the Department of Land Conservation and Development, and following a public hearing, has recommended that the Stayton City Council enact the proposed amendments.

NOW, THEREFORE, the City of Stayton ordains:

