



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

8/25/2009

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Stayton Plan Amendment  
DLCD File Number 004-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Saturday, August 08, 2009

This amendment was not submitted to DLCD for review prior to adoption Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

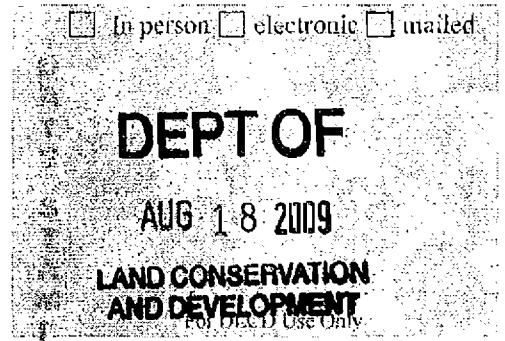
**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Dan Fleishman, City of Stayton  
Gloria Gardiner, DLCD Urban Planning Specialist

Steve Oulman, DLCD Regional Representative

<paa>

# Notice of Adoption



**THIS FORM MUST BE MAILED TO DLCD  
 WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **City of Stayton**

Local file number: **9-06/09**

Date of Adoption: **August 3, 2009**

Date Mailed: **August 14, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **No Date:**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Adoption of of miscellaneous amendments to land use and development code. Most of amendments were of a non-policy nature and either corrected errors, moved sections of the code or deleted superfluous or meaningless provisions. Changes in policy from the current code are more summarized below.

- o A change in the definition of an "integrated business center" removes a provision in the sign regulations that two businesses on separate lots that share a driveway are allowed only on free standing sign.
- o Provisions regulating nonconforming structures, nonconforming lots and nonconforming developments are relaxed. The amendment allows additions to nonconforming structures to match the existing wall line, provide the building does not become any more nonconforming. The amendment allows setbacks to be reduced for non-conforming lots smaller than 7,000 square feet and with less than 70 feet of frontage. The current code requires that any change. The amendment requires only substantial changes to a nonconforming development, instead of any change, cause the entire development must be brought into conformance with current standards.
- o The decision authority to determine what is a "suitable combination of vegetation" to implement a policy that large expanses of grass lawn are not encouraged in commercial developments.
- o Restrictions on temporary banners are clarified.
- o The amendments require decks or patios for all units in a multifamily development instead of minimum percentage.

Does the Adoption differ from proposal? **No**

Plan Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable statewide planning goals:

**1** **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted?  YES  NO

004-09 (17673) [15675]

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

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**DLCD file No. 002-08** VOID NOT ASSOCIATED W/ THIS ADOPTION *Larry French*  
Please list all affected State or Federal Agencies, Local Governments or Special Districts: *Dist 8, 9, 10*

None

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Local Contact: **Dan Fleishman**  
Address: 362 N Third Ave  
City: Stayton

Zip: 97383

Phone: (503) 769-2998 Extension:  
Fax Number: 503-767-2134  
E-mail Address: [dfleishman@ci.stayton.or.us](mailto:dfleishman@ci.stayton.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing [larry.french@state.or.us](mailto:larry.french@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [larry.french@state.or.us](mailto:larry.french@state.or.us) - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

ORDINANCE NO. 913

AN ORDINANCE AMENDING THE STAYTON MUNICIPAL CODE, TITLE 17

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 Stayton Comprehensive Plan contains policies to promote the development of property within the City as preferable to expanding the City Limits;

WHEREAS, Title 17, Land Use and Development, of the Stayton Municipal Code (SMC), currently contains several provisions which hinder the ability of land within the city to be developed in an efficient manner;

WHEREAS, SMC Title 17, Land Use and Development, currently contains several provisions which are duplicative or potentially confusing;

WHEREAS, following a public hearing, the Stayton Planning Commission has unanimously recommended that the Stayton City Council enact the proposed amendments; and,

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments comply with the Comprehensive Plan.

NOW, THEREFORE, the City of Stayton ordains as follows:

SECTION 1. Stayton Municipal Code, Title 17, is hereby amended as shown on Exhibit A attached hereto and incorporated herein.

SECTION 2. Upon adoption by the Stayton City Council and Mayor's signing, this Ordinance shall become effective 30 days after enactment.

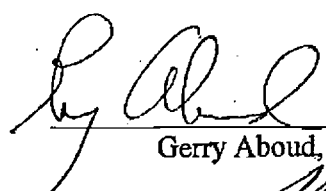
SECTION 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 3rd day of August, 2009.

CITY OF STAYTON

Signed: August 4, 2009

BY:

  
Gerry Aboud, Mayor

Signed: 8/5, 2009

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney

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

**Part 1.** Amend **Section 17.04.100** to add definitions of Pillar/Post, Automotive Wrecking Yard, and Junkyard.

**PILLAR OR POST:** A vertical shaft or structure, with a minimum horizontal dimension of eight inches, used as a support for a roof, canopy or other architectural feature.

**AUTOMOTIVE WRECKING YARD:** An establishment engaged in the business of purchasing or acquiring salvage vehicles for the purpose of: reselling the vehicle or its component parts; rebuilding or repairing the vehicle for the purpose of resale; selling the vehicle's basic materials; displaying or storing the vehicle or its parts; or acting as a scrap processor.

**JUNKYARD:** a yard, field or other outside area used to store, dismantle or otherwise handle:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture;
- B. Discarded, scrap and junked lumber; or
- C. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap material.

**Part 2.** Amend **Section 17.04.100** to delete the definition of Highway.

~~**HIGHWAY:** A public way for purposes of travel, including the entire area within the public right-of-way. A highway, as distinguished from other types of streets, typically refers to a roadway that is owned and maintained by the state or county. (Ord. 898, August 20, 2007)~~

**Part 3.** Amend **Section 17.04.100** to modify the definitions of Integrated Business Center, Major Modification and Right of Way.

**INTEGRATED BUSINESS CENTER:** A group of two or more businesses that are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses or buildings are under common ownership. (Ord. 898, August 20, 2007)

**MODIFICATION, MAJOR:** A modification to an approved land use application that meets 1 or more of the following criteria:

- 1) A change in the type and/or location of access-ways, drives or parking areas affecting off site traffic.
- 2) An increase in the floor area proposed for non-residential use by more than 15% of the area previously specified.
- 3) A reduction of more than 10% of the area reserved for common open space or landscaping.
- 4) Increase in lot coverage by more than 15% over that which is approved.
- 5) Reduction in open space or landscaping by more than 10%.
- 6) Increase in automobile parking spaces by more than 10%.
- 7) Proposals to add or increase lot coverage within an environmentally sensitive area or areas subject to a potential hazard.
- 8) Changes that exceed 10 feet in the location of buildings, proposed streets, parking configuration, utility easements, landscaping or other site improvements. (Ord. 898, August 20, 2007)
- 9) Change to a condition of approval, or change similar to subsections 1 through 9 that could have a detrimental impact on adjoining properties. The City Planner shall have discretion in determining detrimental impacts warranting a major modification.

**RIGHT-OF-WAY:** The area between boundary lines of a street or other easement.

**Part 4.** Amend **Section 17.12.220.4.b.15)** to add building elevations to the list of required submissions.

- 15) The location of any proposed structures including the ground coverage, floor area and proposed use. Building elevations shall be submitted to the extent necessary to show compliance with the requirements of Sections 17.20.190, 17.20.200, 17.20.220, and 17.20.230.

**Part 5.** Amend **Section 17.12.220.5.a** to clarify the requirements regarding compliance with master plans.

- a. The existence of, or ability to obtain, adequate utility systems (including water, sewer, surface water drainage, power, and communications) and connections, including easements, to properly serve development in accordance with the City's Master Plans and Standard Specifications. Where an adopted Master Plan calls for facilities larger than necessary for service to the proposed use, the developer shall install the size facilities called for in the Master Plan, and shall be provided credit for the excess costs in accordance with SMC 13.12.245.

**Part 6.** Repeal **Section 17.12.220.5.h.**

- h. ~~The design and placement of buildings and other structural improvements on a site shall provide compatibility in size, scale, and intensity of use between the development proposed and similar development on neighboring properties.~~

**Part 7.** Repeal **Section 17.12.220.5.i.**

- i. ~~The design of the proposed improvements will fulfill the intended purpose of the requested use and will properly serve customers or clients of the proposed improvements.~~

**Part 8.** Amend **Section 17.16.050** to relax the restrictions on non-conforming buildings, lots, and developments.

## **17.16.050 NON-CONFORMANCE**

The standards and regulations of this code embody the City's vision for the future development of the City. It is the intent of this Code that non-conformances be allowed to continue but that with future development, be brought into conformance with the standards and regulations.

1. CONTINUATION OF LAWFUL USE. Any non-conforming structure, lot, use or development legally existing on February 1, 2007, may be continued but may not be extended, expanded, reconstructed, enlarged, or structurally altered except as specified as follows:
2. REPAIR AND MAINTENANCE. Except as otherwise provided in this chapter, non-conforming developments and premises occupied by non-conforming uses may be repaired and maintained without restriction.
3. NON-CONFORMING STRUCTURES.
  - a. Restoration or Reconstruction. Any non-conforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed within 1 year of the date of the damage or destruction provided its non-conformity is not increased and it complies with the building code.
  - b. Alteration. Non-conforming structures may be altered or enlarged provided the changes conform to all applicable provisions of this code addition or alteration is no more nonconforming than the existing structure. If the addition or alteration is within the required

side or rear setbacks, the applicant shall present a written statement from the Fire Chief that the expansion will not cause a fire or safety hazard.

4. NON-CONFORMING USES

- a. Discontinuation of Use. If a non-conforming use is discontinued for more than 1 year, or superseded by a conforming use, the non-conforming use shall not be resumed. Any subsequent use shall conform to the underlying zoning district.
- b. Expansion. A non-conforming use shall not be extended into a different or greater area of a lot.

5. NON-CONFORMING LOTS

a. Vacant Non-conforming Lots.

- 1) A vacant non-conforming lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership at the time of or since adoption or amendment of this code, ~~provided the Proposed structures on any nonconforming lot larger than 7,000 square feet in area or with a lot width of 70 feet or more shall~~ meet all the setback and development standards. The side and rear setback requirements of Section 17.16.070.3 may be reduced by 50% for lots that are 7,000 square feet or less in area or with a lot width of 70 feet or less. In addition, a legally existing nonconforming corner lot may have a front setback of only 75% of that required by Section 17.16.070.3 on the front which does not have vehicular access directly to a street.
- 2) If two or more contiguous lots of record are in same or common ownership at the time of or since adoption or amendment of this code, and if all or some of the lots do not meet the dimensional requirements of this code, the lots shall be combined to the extent necessary to meet the dimensional standards of the district in which it is located.

- b. Built Nonconforming Lots. A structure on a nonconforming lot may be expanded or altered provided those changes can meet all the setback and development standards.

6. NONCONFORMING DEVELOPMENT. A nonconforming development shall not be substantially altered or expanded unless the development complies with all applicable standards of this code. In determining whether an alteration or expansion of a nonconforming development is substantial, the decision authority shall consider the square footage of the alteration in comparison to the total square footage of the development, the value of the alteration compared to the total value of the development, and the extent to which the portion of the development is leased property.

**Part 9.** Amend **Table 17.16.070.1.** to add photographic services, other professional services, telecommunications, and junkyards as uses requiring site plan review.

	ED	MD	HD	DMD	CR	CG	CCMU	DRMU	ID	IC	IL	IA	P
<b>COMMERCIAL USES</b>													
<b>Professional, Scientific and Technical Services</b>													
30a Photographic Services					S	S	S	S		S			
33a Other Professional Services					S	S	S	S		S			
<b>Information</b>													
37 Telecommunications except Broadcast and Telephone Towers					S	S	S	S		S			
37a Broadcast and Telephone Towers				C/S		C/S	C/S	C/S	C/S				
103 Automotive Wrecking Yard, Junkyard											S	C/S	

**Part 10.** Amend **Table 17.20.060.7.a**, to add "elder care housing" and "group home."

**Table 17.20.060.7.a Residential Parking Requirements**

Residential Uses	Per Unit	Other Requirements
Single Family Dwelling or Duplex	2	
Multi-family Dwelling/Development	1.5	Plus 1 visitor space per 4 units
Elder housing	1	Plus 1 visitor space per 4 units
Residential facility		0.75 spaces per resident for which the facility is licensed
Residential group home	2	

**Part 11.** Add a new **Section 17.20.060.9-A** to move the bicycle parking standards currently in Section 17.26.030.

**9-A. BICYCLE PARKING REQUIREMENTS**

- 1) The spaces required for bicycle parking is defined in Table 17.20.060.9-A.1. Fractional numbers of spaces shall be rounded up to the next whole space.
- 2) Bicycle parking spaces shall be at least 6 feet long and 2 feet wide. If the bicycle parking space is covered, then it shall have an overhead clearance of at least 7 feet. For covered bicycle parking, the covering shall extend at least 2 feet beyond the parking area.
- 3) To provide for bicycle maneuvering, an aisle of 5 feet shall be provided and maintained beside or between each row of bicycle parking.

**Table 17.20.060.9-A.1 Bicycle Parking Requirements**

<b>Land Use Category</b>	<b>Minimum Required Bicycle Parking Spaces</b>
<b>Residential</b>	
Single-family	Exempt
Multi-family residential, general	1 space per 5 units
Multi-family residential, seniors or with physical disabilities	Exempt
<b>Institutional</b>	
Schools – Elementary	4 spaces per classroom
Schools – Jr. Hi or Middle School	4 spaces per classroom
Schools – High School	2 spaces per classroom
College	1 space per 10 student
Transit Centers and Park & Ride Lots	5% of auto spaces (or 100% of demand depending on accessibility to bicyclists)
Religious Institutions	1 space per 50 seat capacity
Hospitals	1 space per 20 beds
Libraries, Museums	1 space per 1,000 ft <sup>2</sup>
<b>Commercial</b>	
Retail Sales	1 space per 5,000 ft <sup>2</sup>
Auto-oriented Services	Exempt
Groceries/Supermarkets	1 space per 5,000 ft <sup>2</sup>
Office	1 space per 1,000 ft <sup>2</sup>
Restaurant	1 space per 1,000 ft <sup>2</sup>
Drive-In Restaurant	2 space per 1,000 ft <sup>2</sup>
Shopping Center	1 space per 5,000 ft <sup>2</sup>
Financial Institutions/Banks	1 space per 1,000 ft <sup>2</sup>
Theaters, Auditoriums	1 space per 50 seat capacity



<u>Industrial</u>	
<u>Industrial Park</u>	1 per 10,000 ft <sup>2</sup>
<u>Warehouse</u>	2 or 0.1 space per 1000 ft <sup>2</sup> , whichever is greater
<u>Manufacturing</u>	2 or 0.15 space per 1000 ft <sup>2</sup> , whichever is greater
<u>Other Uses</u>	For uses not defined in this table, The Planning Commission shall have the authority to set bicycle parking requirements.

**Part 12.** Amend **Section 17.20.060.10.a** to delete reference to the HDR and HDB districts.

- a. The location of parking and loading, except for single family dwellings, duplexes, or triplexes, ~~or lots in the HDR and HDB overlay districts,~~ which may be located within the front yard, shall meet the applicable standards of Sections 17.20.190 or 17.20.200.

**Part 13.** Amend **Section 17.20.060.10.d**, to change "parking lot" to "parking areas."

- d. Design of parking areas. Except where provided for by subsection 7 of this section parking area design shall comply with Title 12 and Standard Specifications.
  - 1) Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into and out of the ~~lot~~ area where possible and should be located at least 50 feet from intersections where possible.
  - 2) Backing into or across a street, sidewalk, or right-of-way from any parking ~~lot~~ area shall be prohibited. The perimeter shall prevent access to or from the parking ~~lot~~ area except at designated entrances and exits.

**Part 14.** Amend **Section 17.20.060.11** to change "parking lot" to "parking areas."

**11. PARKING ~~LOT~~ AREA LANDSCAPING DESIGN STANDARDS.** Landscaping required by the following standards shall be counted towards the overall landscaping requirements of Section 17.20.090.

- a. Perimeter Landscaping. All parking ~~lots~~ areas shall be landscaped along the property boundaries as required by 17.20.090.11
- b. Interior Landscaping. Interior landscaping of parking ~~lots~~ areas with 20 or more parking spaces shall meet the following standards.
  - 1) One landscaped island shall be required for every 10 parking spaces in a row. The interior islands shall be a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) and shall include a minimum of 1 tree per island.
  - 2) Divider medians between rows of parking spaces, that are a minimum of 6 feet in width (as measured from the inside of the curb to the inside of the curb) may be substituted for interior islands, provided that 1 tree is planted for every 40 feet and shall be landscaped in accordance with Section 17.20.090. 8. Where divider medians are parallel with the buildings, there shall be designated pedestrian crossings to preserve plant materials.
  - 3) A row of parking spaces shall be terminated on each end by a terminal island that is a minimum of 6 feet in width (from the inside of the curb to the inside of the curb). The terminal island shall have 1 tree is planted and shall be landscaped in accordance with Section 17.20.090.8.
  - 4) At the sole discretion of the decision authority, the requirement for landscaped islands or medians may be met through the design of additional parking ~~lot~~ area landscaping if the configuration of the site makes the use of islands or medians impractical.

- 5) Approved Parking ~~Lot~~ Area Trees. Tree species for parking ~~lot~~ area plantings shall be selected from a list of approved species maintained by the Director of Public Works. Other varieties may only be used with approval of the decision authority.
  - 6) Preservation of existing trees is encouraged in the off street parking area and the City Planner may allow these trees to be credited toward the required total number of trees.
- c. Pedestrian Access. Off street parking areas shall be required to meet the following pedestrian access standards:
- 1) The off street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the buildings.
  - 2) All pedestrian walkways constructed within parking ~~lots~~ areas shall be raised to standard sidewalk height.
  - 3) Pedestrian walkways shall be attractive and include landscaping and trees.

**Part 15.** Amend **Section 17.20.090.8.a**

- a. At least 75% of the required landscaping area shall be planted with a suitable combination of trees, shrubs, evergreens and/or ground cover. The intent of this Section is to avoid large expanses of lawn without other landscaping features and the decision authority shall determine what constitutes a suitable combination of landscape material as part of the review of each landscape plan.

**Part 16.** Amend **Section 17.20.140.3.1** to clarify the restrictions on temporary banners.

1. Temporary and portable signs, no larger than 16 square feet in area, announcing community events. ~~Banners, including signs~~ hung with the guy wires located on 1<sup>st</sup> Avenue between Cedar and Regis Streets, are permitted for up to four weeks in advance of the event and shall be removed within 5 days of the end of the event. Banners shall be no larger than 80 square feet in area.

**Part 17.** Amend **Section 17.20.170.4.c** to change "parking lot" to "parking areas."

- c. Lighting of Parking Areas. Parking ~~lot~~ area lighting shall provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.
  - 1) All lighting fixtures serving parking ~~lots~~ areas shall be full cut-off fixtures.
  - 2) As an alternative in the Downtown Districts, the design for an area may suggest the use of parking ~~lot~~ area lighting fixtures of a particular "period" or architectural style, as either alternatives or supplements to the lighting described above.
    - e) If such fixtures are not cut-off fixtures, the maximum initial lumens generated by each fixture shall not exceed 2,000 (equivalent to a 150-watt incandescent bulb).
    - f) Mounting heights of such alternative fixtures shall not exceed 15 feet.
  - 3) Parking area lighting shall meet the following mounting height, minimum illumination level, and uniformity ratios.

**Table 17.20.170.4.c.3 Parking area lighting standards**

<b>Feature</b>	<b>Commercial Zones</b>	<b>Downtown Zones</b>	<b>Industrial Zones</b>
Maximum Mounting Height	20 feet	14 feet	25 feet
Minimum Illumination Level	0.3 foot-candle	0.3 foot-candle	0.5 foot-candle
Maximum Average Illumination Level	1.6 foot-candle	2.0 foot-candle	2.6 foot-candle
Uniformity Ratio	4:1	4:1	4:1
Minimum Color Rendering Index	65	65	20

(Amended Ord. 902, May 7, 2008) (Amended Ord. 908, May 20, 2009)

**Part 18.** Amend **Section 17.20.190.4.a.2)** to change "parking lot" to "parking area."

- 2) Streets, driveways, and parking areas, including areas required to satisfy parking lot-area landscape standards, shall not be applied towards the minimum useable open space requirement.

**Part 19.** Amend **Section 17.20.190** to clarify references, reorganize and eliminate superfluous requirements.

**17.20.190 MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS**

1. **PURPOSE.** The purpose of these design standards is to promote development that is aesthetically pleasing, compatible with the surrounding neighborhoods and provides a variety of pleasing architectural styles while reducing any adverse effects on surrounding property owners and the general public. These standards shall apply to any new attached residential structure. (Amended Ord. 902, May 7, 2008)

2. **SITE DESIGN.**

- a. **Maximum Lot Coverage.** Lot coverage shall not exceed the percentages shown in Table 17.20.190.2.a:

**Table 17.20.190.2.a Maximum Lot Coverage for Multi-family Uses**

<b>Multi-Family Use</b>	<b>Maximum Coverage</b>
Single Family Attached, Duplex or Triplex	50%
Multiifamily dwellings	60%

(Amended Ord. 902, May 7, 2008)

Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade. It does not include paved surface-level development such as driveways, parking pads, and patios.

- b. **Height Step Down.** To provide compatible scale and relationships between new multi-story attached residential structures and adjacent single-family dwellings, the multi-story building(s) shall "step down" to create a building height transition to adjacent single-family building(s). (Amended Ord. 902, May 7, 2008)

The transition standard is met when the height of any portion of the taller structure does not exceed 1 foot of height for every foot of separation between the adjacent single-family building and that portion of the taller structure. (Amended Ord. 902, May 7, 2008)

- c. Building Orientation Standards. All new attached residential structures shall have buildings that are oriented to the street. The following standards will apply: (Amended Ord. 902, May 7, 2008)

- 1) All buildings shall comply with the setback standards of the zoning district where the development is located.

Except as provided in subsections 3 and 4, below, all attached residential structures shall have at least 1 primary building entrance (i.e. dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units) facing an adjoining street, or if on a side elevation, not more than 20 feet from a front lot line. (Amended Ord. 902, May 7, 2008).

- 2) Any duplex located on a corner lot shall be oriented so that the architectural front of each unit faces a separate street.
- 3) ~~Long access balconies and/or corridors shall not be used. No more than 4 units shall access from a single balcony.~~
- 4) Off street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, except that townhouses with garages that face a street may have 1 driveway access located between the street and primary building entrance for every 2 dwelling units following vehicle areas when the decision authority finds they will not adversely affect pedestrian safety and convenience.
- 5) Parking and maneuvering areas, driveways, active recreation areas, loading areas, and dumpsters shall not be located between attached residential structures and adjacent single family homes. (Amended Ord. 902, May 7, 2008)
- 6) When there is insufficient street frontage for building orientation in a development with multiple buildings to face the street, a primary entrance may be oriented to a common green, plaza or courtyard. When oriented this way, the primary entrance(s) and common green, plaza or courtyard shall be connected to the street by a pedestrian walkway meeting the standards of Section 17.26.020.5.
- 7) ~~Trash receptacles~~Outdoor Service Areas. ~~Trash receptacles~~Outdoor service areas shall be oriented away from building entrances and set back at least 10 feet from any public right-of-way and adjacent residences. ~~Receptacles~~Outdoor service areas shall be screened with an evergreen hedge or solid fence of materials similar to the primary building of not less than 6 feet in height. ~~The~~If the outdoor service area includes trash receptacles, the receptacle must be accessible to trash pick-up trucks.

### 3. ARCHITECTURAL STANDARDS.

- a. Building Length. The continuous horizontal distance as measured from end wall to end wall of individual buildings shall not exceed 100 feet.
- b. Articulation. All attached residential structures shall incorporate design features to break up large expanses of uninterrupted walls or roof planes. Along the vertical face of all building stories, such elements shall occur at a minimum interval of 30 feet and each floor shall contain at least 2 of the following elements. (Amended Ord. 902, May 7, 2008)
- 1) Recess (e.g. deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet.

- 2) Extension (e.g. deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet.
  - 3) Dormers with peaked roofs and windows or ~~Offsets or breaks in roof elevation of 2 feet or greater in height.~~
- c. Street-side facades. All building elevations visible from a street right-of-way shall provide prominent defined entrances and a combination of ~~windows, porches, and/or balconies~~ architectural features as specified in Section 17.20.190.3.e below. ~~A minimum of 40% of an elevation facing a street, and a minimum of 30% of other elevations visible from a public right-of-way shall meet this standard.~~
- ~~"Percent of elevation" is measured as the total square footage of a vertical plane containing doorways, porches, balconies, terraces and/or windows divided by the total square footage of that elevation (front, rear or side).~~
- d. Exterior Stairways. Stairways shall be incorporated into the building design. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture. Long access balconies and/or corridors shall not be used. No more than 4 units shall access from a single balcony
- e. Design Features. The minimum number of required design features for an attached residential structure is determined by the number of dwelling units in each building as shown in Table 17.20.190.3.e. (Amended Ord. 902, May 7, 2008)

**Table 17.20.190.3.e Minimum Number of Design Features**

Number of Units	Minimum Number of Features
2 - 6	5
7 - 20	8
21 or more	10

The following design features may be used to meet the requirements of ~~the~~ this subsection. Features not included on the list may be used if approved by decision authority.

- 1) Dormers
- 2) Gables
- 3) Recessed entries
- 4) Covered porch entries or porticos
- 5) Cupolas or towers
- 6) Pillars or posts
- 7) Eaves; a minimum 18 inches of projection
- 8) Off-sets in building face or roof; a minimum 16 inches
- 9) Window trim; minimum of 3 inches wide
- 10) Bay windows
- 11) Balconies
- 12) Decorative patterns on exterior finish such as: shingles, wainscoting, ornamentation or similar features.

13) Decorative cornice or pediments (for flat roofs)

f. Building Materials. Plain concrete, corrugated metal, plywood, sheet press board, T-111 siding shall not be used as exterior finish material.

4. OPEN SPACE.

a. Common Open Space. Of the landscaping required by Section 17.20.090, a minimum of 10% of the site area shall be designated and permanently reserved as common open space in all multi-family developments with more than 10 units, in accordance with the following criteria:

1) The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way.

2) Streets, driveways, and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied towards the minimum useable open space requirement.

3) In meeting the common open space standard, the multi-family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands, play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking paths, or similar open space amenities for residents.

4) The common open space shall have a minimum average width of 15 feet and a minimum average length of 15 feet.

b. Private Open Space. Private open space areas shall be required for dwelling units based on all of the following criteria:

1) ~~A minimum of 60% of all~~ All ground-floor housing units shall have front or rear patios or decks measuring at least 40 square feet.

2) ~~A minimum of 60% of all~~ All upper-floor housing units shall have balconies or porches measuring at least 30 square feet.

5. LIGHTING. All attached residential structures shall meet the standards of Section 17.20.170. (Amended Ord. 902, May 7, 2008)

**Part 20.** Amend **Section 17.20.210.7** by incorporating the additional standards on flag lots to be moved from Chapter 17.26.

7. FLAG LOTS. A flag lot may be created either by partition or within a subdivision.

a. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.

b. Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.

c. The flag lot driveway shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. This supersedes the requirements contained in Standard Specifications for Public Works Construction, Section 300 – Street Design Standards, 2.22, for minimum and maximum driveway widths.

d. ~~The driveway serving a flag lot shall meet the access standards of Section 17.26.020.4.e.~~ The pole of a flag lot shall have a minimum width of 6 feet wider than the driveway throughout its entire length.

**Part 21.** Amend **Section 17.20.220.3.f.4)** to change "parking lot" to "parking area."

- 4) Parking lot area coverage. No more than 35 percent of the site may be used for vehicle parking areas.

**Part 22.** Repeal **Section 17.24.040.2.b**

- ~~b. The City Planner shall forward the preliminary plan to the Planning Commission with copies of the complete application to the Public Works Director and the City Engineer, all affected City, county, state, and federal agencies, and all affected special districts which may attend the Planning Commission hearing at which the plan is considered.~~

**Part 23.** Amend **Section 17.24.040.6.h** to refer to Section 170.20.180.

- ~~h. No wetlands as identified in the City of Stayton Local Wetlands and Riparian Inventory are impacted by the development without a permit. All applicable standards of 17.20.180 shall be met and the applicant shall obtain any necessary permits from the Department of State Lands and for appropriate mitigation.~~

**Part 24.** Delete the provisions from **Section 17.26.020.4.e** that were inserted into Section 17.20.210.

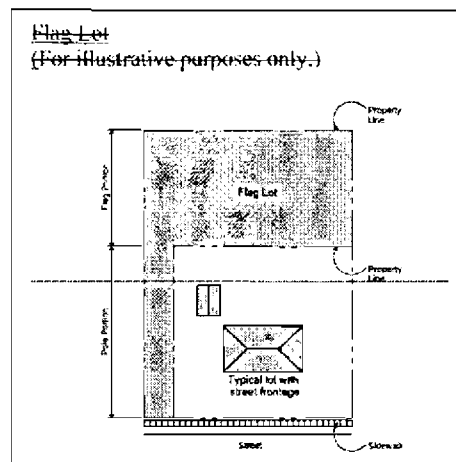
#### 1) ~~Flag Lot Access Standard~~

- ~~• Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.~~

- ~~• Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources, under the following conditions:~~

- ~~• Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.~~

- ~~• The flag lot driveway shall have a minimum pavement width of 14 feet and maximum pavement width of 20 feet. This supersedes the requirements contained in Standard Specifications for Public Works Construction, Section 300—Street Design Standards, 2.22, for minimum and maximum driveway widths.~~



**Part 25.** Delete the provisions from **Section 17.26.030.6.h** that were inserted into Section 17.20.060.

## 8. BICYCLE PARKING REQUIREMENTS

~~2) The spaces required for bicycle parking is defined in table 17.26.030.2.~~

~~3) The following shall be used for Calculating the Number of Required Bicycle Parking Spaces:  
Fractional numbers of spaces shall be rounded up to the next whole space.~~

~~4) Although many land uses in the following table are exempt from needing to provide bicycle parking, they may do so to meet one of the requirements of the design review incentive list.~~

If an applicant desires to provide bicycle parking to meet one of the requirements of the design review incentive list, then they must provide bicycle parking at the ratio listed in Table 17.26.030.2.

**9. BICYCLE PARKING SPACE DIMENSIONS**

- 5) Bicycle parking spaces shall be at least 6 feet long and 2 feet wide. If the bicycle parking space is covered, then it shall have an overhead clearance of at least 7 feet. For covered bicycle parking, the covering shall extend at least 2 feet beyond the parking area.
- 6) To provide for bicycle maneuvering, an aisle of 5 feet shall be provided and maintained beside or between each row of bicycle parking.

**Table 17.26.030.2.**

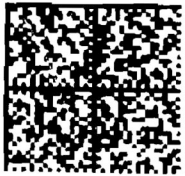
Land Use Category	Minimum Required Bicycle Parking Spaces
<b>Residential</b>	
— Single family	Exempt
— Multi-family residential, general	1 space per 5 units
— Multi-family residential, seniors — or With physical disabilities	Exempt
<b>Institutional</b>	
— Schools — Elementary	4 spaces per classroom
— Schools — Jr. Hi or Middle — School	4 spaces per classroom
— Schools — High School	2 spaces per classroom
— College	1 space per 10 student
— Transit Centers — and Park & Ride Lots	5% of auto spaces (or 100% of demand depending on accessibility to bicyclists)
— Religious Institutions	1 space per 50 seat capacity
— Hospitals	1 space per 20 beds
— Doctor, Dentist Offices	1 space per 1,000 ft. <sup>2</sup>
— Libraries, Museums	1 space per 1,000 ft. <sup>2</sup>
<b>Commercial</b>	
— Retail Sales	1 space per 5,000 ft. <sup>2</sup>
— Auto-oriented Services	Exempt
— Groceries/Supermarkets	1 space per 5,000 ft. <sup>2</sup>
— Office	1 space per 1,000 ft. <sup>2</sup>
— Restaurant	1 space per 1,000 ft. <sup>2</sup>
— Drive In Restaurant	2 space per 1,000 ft. <sup>2</sup>
— Shopping Center	1 space per 5,000 ft. <sup>2</sup>
— Financial Institutions/Banks	1 space per 1,000 ft. <sup>2</sup>
— Theaters, Auditoriums	1 space per 50 seat capacity
<b>Industrial</b>	
— Industrial Park	1 per 10,000 ft. <sup>2</sup>
— Warehouse	2 or 0.1 space per 1000 ft. <sup>2</sup> , whichever is greater
— Manufacturing	2 or 0.15 space per 1000 ft. <sup>2</sup> , whichever is greater
<b>Other Uses</b>	For uses not defined in this table. The Planning Commission shall have the authority to set bicycle parking requirements.





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