



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/29/2010

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 004-10

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: Friday, November 12, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dan Fleishman, City of Stayton
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
S
T
A
M
P

DEPT OF

OCT 25 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Stayton**

Local file number: **08-04/10**

Date of Adoption: **October 18, 2010**

Date Mailed: **October 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/14/10

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".

The amendment establishes a new zoning district so that some existing nonconforming uses become conforming.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **DRMU**

to: **DCMU**

Zone Map Changed from: **DRMU**

to: **DCMU**

Location: **south end of N 2nd Ave**

Acres Involved: **3.6**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

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

DLCD file No. 004-10 (18243) [16371]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Dan Fleishman**

Phone: (503) 769-2998 Extension:

Address: 362 N 3rd Ave

Fax Number: 503-767-2134

City: Stayton

Zip: 97383

E-mail Address: dfleishman@ci.stayton.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 930

AN ORDINANCE AMENDING STAYTON COMPREHENSIVE PLAN AND STAYTON MUNICIPAL CODE, TITLE 17 TO ESTABLISH A DOWNTOWN COMMERCIAL MIXED USE ZONE

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, in the Downtown Transportation and Revitalization Plan, and Title 17 of Stayton Municipal Code (SMC; Code), Chapter 16, Section 17.16.070 establishes a Downtown Residential Mixed Use Zone (DRMU) and proscribes the permitted uses and standards for development in that zone;

WHEREAS, adoption of the DRMU created a cluster of nonconforming uses in the southern portion of N 2nd Ave and on E Water St;

WHEREAS, the Planning Commission and City Council have determined that these businesses have a history being established in this area and serve to bring customers to the downtown area;

WHEREAS, Title 17 SMC, Chapter 16, Section 17.16.050 prohibits the expansion of nonconforming uses;

WHEREAS, Oregon Department of Land Conservation and Development was notified of the initial evidentiary hearing more than 45 days in advance of the hearing and has not provided any comments;

WHEREAS, following study and a public hearing, the Stayton Planning Commission has recommended that the Comprehensive Plan and the Code be amended to create a new zone that would expand the list of permitted uses to include general auto repair, auto body repair, and trailer and vehicle leasing services; and,

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments set forth below comply with the Statewide Planning Goals and are in the interests of the health, safety and general welfare of the citizens of the City of Stayton.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Findings and Conclusions. The Stayton City Council makes findings of fact and conclusions as contained in Exhibit A attached hereto and incorporated herein.

Section 2. Comprehensive Plan text amended. The Stayton Comprehensive Plan is hereby amended as shown on Exhibit B, attached hereto and incorporated herein.

Section 3. Comprehensive Plan Map amended. The Stayton Comprehensive Plan Map is hereby amended to show a Downtown Commercial Mixed Use Zone as shown on Exhibit C, attached hereto and incorporated herein.

Section 4. Land Use and Development Code text amended. The Stayton Municipal Code, Title 17, is hereby amended, as shown on Exhibit D, attached hereto and incorporated herein.

Section 5. Official Zoning Map amended. The Stayton Official Zoning Map, dated October 18, 2010, is hereby adopted a detailed portion of which is shown as Exhibit E, and a reduced copy in its entirety is shown as Exhibit F, both of which are attached hereto and incorporated herein.

Section 6. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

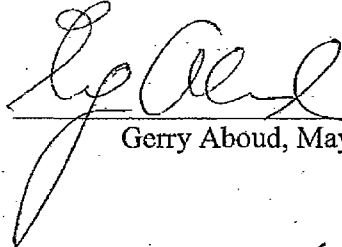
Section 7. Notification to State. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 18th day of October, 2010.

CITY OF STAYTON

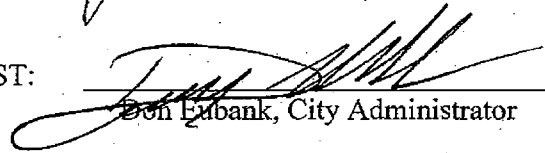
Signed: 10/19, 2010

BY:

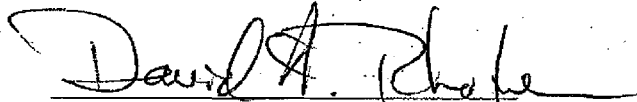

Gerry Aboud, Mayor

Signed: 10/19, 2010

ATTEST:


Don Eubank, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney

BEFORE THE STAYTON CITY COUNCIL

In the matter of

) Comprehensive Plan and Development
) Code Amendments to establish
) a Downtown Commercial Mixed Use Zone
) File #8-04/10

FINDINGS AND CONCLUSIONS

I. NATURE OF PROCEEDINGS

The proceedings are for a legislative amendment to the Stayton Comprehensive Plan and to Stayton Municipal Code, Title 17, known as the Stayton Land Use and Development Code. The amendments establish a new zone, to be known as the Downtown Commercial Mixed Use Zone.

II. PUBLIC HEARINGS

A public hearing was held on the proposal before the Stayton Planning Commission on June 1, 2010. At that hearing the Planning Commission reviewed Land Use File #8-04/10 to amend the Stayton Comprehensive Plan and the Stayton Land Use and Development Code and made it part of the record. A public hearing was held on the proposal before the Stayton City Council on October 18, 2010. At that hearing the City Council reviewed Land Use File #8-04/10.

The Planning Department received no written comments prior to the Planning Commission public hearing. There was no testimony from the public at the Planning Commission public hearing.

III. FINDINGS OF FACT

1. The Stayton Comprehensive Plan and the Stayton Land Use and Development Code establish a number of zones throughout the City directing the types of land uses permitted and the development standards in each, as required by Oregon Revised Statutes Chapter 197.
2. The Stayton Downtown Transportation and Revitalization Plan was adopted as a special area plan amendment to the Stayton Comprehensive Plan in October 2007. The Revitalization Plan called for the establishment of three new zones for the downtown area with development standards applicable within those zones.
3. The Stayton Land Use and Development Code (SMC, Title 17) was amended in April 2008 to implement the Revitalization Plan. The three new zones called for in the Revitalization Plan were enacted into the Code along with design standards for development in the downtown area.
4. The 2008 amendment created the Downtown Residential Mixed Use Zone (DRMU) along N 2nd Ave, N 4th Ave, a portion of N 3rd Ave and portion of E Water St.
5. The DRMU does not permit general auto repair garages, auto body, paint, interior and glass repair, automobile and trailer rental establishments.
6. On N 2nd Ave, between Florence St and E Water St, and on E Water St, between N 1st Ave and N 3rd Ave there are two general auto repair garages, one auto body repair establishment and an automobile and trailer rental establishment. These businesses became nonconforming uses upon the establishment of the DRMU Zone.
7. The proposed amendment creates a new zone, to be known as the Downtown Commercial Mixed Use Zone (DCMU) and that will retain all of the permitted uses and standards of the

DRMU, but also allow general auto repair garages, auto body, paint, interior and glass repair establishments and automobile and trailer rental establishments.

8. The DCMU will include the properties on both sides of N 2nd Ave between E Florence St and E Water Street, the properties on the south side of E Water St between N 2nd Ave and N 3rd Ave, and the two most southerly properties on the east side of N 3rd Ave. The two most southerly properties on the east side of N 3rd Ave were included because, although the principal use of the property is a retail establishment, the business also provides auto repair services.

IV. CONCLUSIONS

CRITERIA FOR APPROVAL

As a legislative amendment, the amendments to the Comprehensive Plan text must meet the Statewide Planning Goals and Guidelines and their implementing Administrative Rules. The appropriate Statewide Goals are Goal 1 – Citizen Involvement, Goal 2 – Land Use Planning, and Goal 9 – Economic Development.

Goal 1 requires cities to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. This amendment was initiated by the Planning Commission as the result of identification of the issue by citizens. There were several public meetings where the issue was discussed before the public hearing, a public hearing before the Planning Commission, and a public hearing before the City Council. Property owners within the affected area were involved in the development of the amendment and were notified by mail of the Planning Commission public hearing.

Goal 2 is to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and assure an adequate factual base for such decisions and actions. The City's land use planning processes have been in place throughout the development of the amendments. Once the issue was identified, the Planning Commission requested the staff to research the facts and report back to the Commission. The Planning Commission then developed the framework for the amendments and requested staff return with a draft. Following its public hearing, the Planning Commission unanimously recommended to the City Council that it hold a hearing and adopt the amendments.

Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of the state's citizens. The amendments provide for the continuation and expansion of existing economic activities where those activities are currently nonconforming uses.

The other statewide planning goals are either not applicable or not impacted by the amendments.

Comprehensive Plan Map and Zoning Map amendments must meet the criteria for approval in the Section 17.12.170.6.

- a. The proposed amendment is compatible with the existing provisions of the Comprehensive Plan as measured by:

- 1) If a map amendment:

- a) The land area affected by change.

Finding: The area of land affected by the change will be 3.6 acres, of which 1.2 acres is street and alley rights of way.

b) Current use(s) in that area.

Finding: The new zone encompasses 16 tax parcels as currently mapped. However, several of these are contiguous lots in common ownership and common use. There are, effectively, only 11 lots. The following uses are found in the new zone:

- Vacant building previously used as a warehouse
- Social and civic organization (Food Bank)
- Two general auto repair garages
- Auto, truck and trailer leasing
- Utility
- Auto body repair
- Retail with auto service
- Two lots used for parking
- Vacant lot

Four of the uses are currently nonconforming and would become conforming uses.

c) The proposed use(s).

Finding: This is a legislative amendment; no uses are proposed.

2) Impact of the proposed amendment on land use and development patterns within the City as measured by:

a) Traffic generation and circulation patterns

Finding: No change in traffic generation or circulation will result from the proposal, as the uses that would be permitted are currently existing nonconforming uses.

b) Population concentrations

Finding: The amendment will not affect the ability to create new housing.

c) Demand for public facilities and services

Finding: No change in demand for public facilities or services will result from the proposal, as the uses that would be permitted are currently existing nonconforming uses.

d) Level of park and recreation facilities

Finding: No change in demand for park and recreation facilities will result from the proposal, as the uses that would be permitted are currently existing nonconforming uses.

e) Economic activities

Finding: The proposal will allow existing nonconforming uses to expand. All uses currently permitted will continue to be permitted.

f) Protection and use of natural resources

Finding: The Natural Resource Overlay District and the riparian setback and vegetation management requirements of Section 17.20.080.2 will continue to protect the Stayton Ditch.

g) Natural hazards and constraints

Finding: The Comprehensive Plan does not identify any natural hazards or constraints in or near the area affected by the amendment.

h) Compliance of the proposal with existing adopted special purpose plans or programs such as public facilities improvement programs.

Finding: The proposal amends the Downtown Transportation and Revitalization Plan of the Comprehensive Plan.

b. A demonstrated need exists for the amendment based on the lack of available land in the districts where the proposed use(s) is allowed.

Finding: As a legislative amendment, there are no proposed uses associated with the amendment. The amendment changes four non-conforming uses to conforming uses, precluding the necessity of their moving should they wish to expand.

c. The proposed amendment complies with all applicable Statewide Planning Goals and Oregon Administrative Rule (OAR) requirements, including compliance with Goal 14 and the Urban Growth Policies of the City of Stayton (Section 17.08.030) if a change in the urban growth boundary is requested.

Finding: No change to the location of the Urban Growth Boundary is proposed in this case, therefore *compliance* with Goal 14 and the Urban Growth Policies of the City is not necessary or relevant here.

The relevant and applicable Goals in this case are 1, 2, and 9. Goal 1 is complied with based on the process used for consideration of this case. This matter was initiated by the Planning Commission as a result of input received from a property owner in the affected area.

Goal 2 involves coordination with other relevant governments and agencies. In this case the Santiam Water Control District was notified of the Planning Commission and City Council public hearings. The Santiam Water Control District did not participate at the public hearings.

Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of the state's citizens. The amendments provide for the continuation and expansion of existing economic activities where those activities are currently nonconforming uses.

d. The proposed amendment is possible within the existing framework of the Comprehensive Plan (e.g., no new land use designation categories, policy categories, or plan elements are necessary to accommodate the amendment).

Finding: As a legislative amendment this criterion is not applicable.

e. The amendment is appropriate as measured by at least one of the following criteria:

1) It corrects identified error(s) in the provisions of the Plan.

Finding: The amendment will allow the continuation and expansion of existing economic activities where those activities are currently nonconforming uses.

2) It represents a logical implementation of the Plan.

Finding: No finding is required, as the only one of the criterion must be met.

3) It is mandated by changes in federal, state, or local law.

Finding: No finding is required, as the only one of the criterion must be met.

4) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

Finding: The City Council has determined the amendment is desirable, appropriate and proper in order to remove an overly restrict requirement on property within the City Limits and still maintain water quality in the ditches.

Conclusions

Based on the facts above, the Stayton City Council concludes that:

1. The proposed amendments conform to the statewide planning goals and guidelines.
 - a. Statewide Planning Goal 1: Citizen Participation. The City Council concludes that the city has satisfied the requirements for citizen participation through the involvement of the Council and Planning Commission in the process of developing the amendments and through the public hearings held by both the Planning Commission and the City Council.
 - b. Statewide Planning Goal 2: Land Use Planning. The City Council concludes that the City has satisfied its obligations to coordinate its planning efforts with other levels of government and other quasi-governmental organizations through notification of these other entities of the planning process.
 - c. Statewide Planning Goal 3: Agricultural Lands. The City Council concludes that the amendment addresses only a change in the comprehensive plan within the city limits and does not have any impact on agricultural lands.
 - d. Statewide Planning Goal 4: Forest Lands. The City Council concludes that the amendment addresses only a change in the comprehensive plan within the city limits and does not have any impact on forest lands.
 - e. Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces. The City Council concludes that the "Goal 5 Resources" identified by the Comprehensive Plan in this area will not be impacted by these amendments. The same protections to natural and historic resources will be provided because there is no change to the natural resource management or historic property provisions in the land use code.
 - f. Statewide Planning Goal 6: Air, Water and Land Resources Quality. The City Council concludes that the amendment will not have any adverse impacts on air water or land resources quality as it affects only land within the downtown area. There is not change in the riparian setback or vegetation management standards in the land use code.
 - g. Statewide Planning Goal 7: Natural Hazards. The City Council concludes that the amendment addresses areas that are not subject to natural hazards.
 - h. Statewide Planning Goal 8: Recreational Area: The City Council concludes that the amendment will not have in impact on the demand for or supply of recreational facilities, particularly destination resorts.
 - i. Statewide Planning Goal 9: Economic Development. The City Council concludes that amendments will provide additional opportunity for a variety of economic activities.
 - j. Statewide Planning Goal 10: Housing. The City Council concludes that the amendments will not have any effect on the amount of buildable lands available for housing.
 - k. Statewide Planning Goal 11: Public Facilities and Services. The City Council concludes that the amendment will not have any impact on the demand for public facilities and services.

- l. Statewide Planning Goal 12: Transportation. The City Council concludes that the amendment will not have an impact on the transportation systems of the city.
 - m. Statewide Planning Goal 13: Energy Conservation: The City Council concludes that the amendment may have a positive impact on energy conservation by making additional businesses available within the downtown area.
 - n. Statewide Planning Goal 14: Urbanization: The City Council concludes that the amendment will have not impact on the orderly and efficient transition form rural to urban land use as there is no change in the urban growth boundary proposed.
 - o. Statewide Planning Goal 15-19 Are not applicable in Stayton:
2. The proposed amendments meet the requirements of Stayton Municipal Code, Title 17, Land Use and Development, Section 17.12.170, Comprehensive Plan and Zone Map Amendments, Section 17.12.170.6, Criteria for Approval, more specifically,
 - a. The proposed amendments are compatible with the existing provisions of the Comprehensive Plan as measured by the impact of the proposed amendments on land use and development patterns within the City as measured by:
 - i. Traffic generation and circulation patterns
 - ii. Population concentrations
 - iii. Demand for public facilities and services
 - iv. Level of park and recreation facilities
 - v. Economic activities
 - vi. Protection and use of natural resources
 - vii. Natural hazards and constraints
 - viii. Compliance of the proposal with existing adopted special purpose plans or programs such as public facilities improvement programs.
 - b. The proposed amendments comply with all applicable Statewide Planning Goals and Oregon Administrative Rule requirements.
 - c. The amendment is appropriate as it corrects identified errors in provisions of the Comprehensive Plan.

Exhibit B. Proposed Amendments to the Stayton Downtown Transportation and Revitalization Plan

Additions are underlined; deletions are ~~crossed out~~.

Part 1. On the second bullet of Page 14 of the Plan, amend the description of the proposed zones to include a third mixed use zone.

- ***Distinguishing between the downtown commercial zones and commercial zones in other parts of the city.** Currently, there are two commercial zones and the same standards and uses are in place downtown as along outer 1st Ave or Shaff Road. This does not recognize the different nature of downtown development and shopping center and highway-oriented development.*

The Plan changes existing zoning requirements by the creation of ~~two~~ three new zones. These new zones would have standards and permitted uses that distinguish them from the existing commercial zones. Appendix A- *Draft Downtown Stayton Mixed Use Districts* describes ~~two~~ the three new zones that will be applied only in the downtown area.

1. Central Core Mixed Use (CCMU)

This district encompasses the existing core area. It is centered on 3rd Avenue, but also extends for ½ block eastward and westward along cross streets to allow for expansion of this village commercial environment. Primary uses permitted in CCMU are retail commercial, services, and office uses. Mixed-use developments, dwellings located above or behind commercial uses, multi-family attached dwellings, and various institutional uses (e.g. library, public meeting halls, churches, government facilities) are also permitted. The scale and character of new development is intended to be similar to the existing, traditional "Main Street" environment. These include two-story to four-story buildings placed close to sidewalks, with parking lots behind or to the side of buildings.

2. Downtown Commercial Mixed Use (DCMU)

This designation is applied to property at the southern end of 2nd Avenue, where there is an existing concentration of auto repair facilities and other auto-oriented businesses. DCMU designated areas are intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre, but recognizes that the existing businesses use make it less desirable as a residential neighborhood. Typical forms of housing would include multi-family attached dwellings, garden apartments, condominiums, and townhouses. Mixed-use and neighborhood-scale commercial uses, including automobile repair are also permitted.

3. Downtown Residential Mixed Use (DRMU)

This designation is applied to property north, west and east of the 3rd Avenue central core area. DRMU designated areas are intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre. Typical forms of housing would include multi-family attached dwellings, garden apartments, condominiums, and townhouses. Mixed-use and neighborhood-scale commercial uses are also permitted.

Part 2. On the last paragraph of Page 19 of the Plan, amend the description of the proposed improvements to include the new DCMU area.

In mixed use residential areas (DCMU and DRMU zones), a 10 foot sidewalk is acceptable and a broader canopy street tree is desirable. Figure 5 shows the design concept for typical streets in the DCMU and DRMU zones.

Part 3 On Page 20 of the Plan, amend the title of Figure 5.

Figure 5. Downtown Streetscape Design Concepts, DCMU and DRMU Streets

Part 4 On Pages 36 to 41 of the Plan, amend Appendix A, the description of the mixed use districts to include the Downtown Commercial Mixed Use Zone.

APPENDIX A

Downtown Stayton Mixed Use Districts

Downtown Stayton Transportation & Revitalization Plan

Purpose

This section of the Community Development Code implements the Downtown Stayton Transportation & Revitalization Plan which calls for the downtown area to accommodate intensive commercial, residential, and mixed-use development. The downtown area is envisioned as the focus of the community, incorporating these uses in a pedestrian-oriented district. In order to accomplish these purposes, two mixed use districts apply to the downtown area, as shown on the Official Zoning Map. All of the districts of the Downtown permit commercial, residential, and mixed-use developments. These districts are designed to work together to result in a lively, prosperous downtown which serves as an attractive place to live, work, shop, and recreate with less reliance on the automobile than might be found elsewhere in the community.

Downtown Districts Characteristics

1. Central Core Mixed Use (CCMU)

This district encompasses the existing core area. It is centered on 3rd Avenue., but also extends eastward and westward along cross streets to allow for expansion of this village commercial environment. Primary uses permitted in CCMU are retail commercial, services, and office uses. Mixed-use developments, dwellings located above or behind commercial uses, multi-family attached dwellings, and various institutional uses (e.g. library, public meeting halls, churches, government facilities) are also permitted. The scale and character of new development is intended to be similar to the existing, traditional "Main Street" environment. These include two-story to four-story buildings placed close to sidewalks, with parking lots behind or to the side of buildings.

2. Downtown Commercial Mixed Use (DCMU)

This designation is applied to property at the southern end of 2nd Avenue, where there is an existing concentration of auto repair facilities and other auto-oriented businesses. DCMU designated areas are intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre, but recognizes that the existing businesses use make it less desirable as a residential neighborhood. Typical forms of housing would include multi-family attached dwellings, garden apartments, condominiums, and townhouses. Mixed-use and neighborhood-scale commercial uses, including automobile repair are also permitted.

3. Downtown Residential Mixed Use (DRMU)

This designation is applied to property north, west and east of the 3rd Avenue central core area. DRMU designated areas are intended to become neighborhoods made up mainly of moderate-density residential uses, ranging from 12 - 30 units per acre. Typical forms of housing would include multi-family attached dwellings, garden apartments, condominiums, and townhouses. Mixed-use and neighborhood-scale commercial uses are also permitted.

Permitted Uses

1. Permitted Land Uses

The types of land uses which are permitted in the Downtown are listed in Table 1. A "P" in this table indicates that a use type is permitted in that district, subject to conformance with applicable provisions of this section and other sections of the Development Code. An "C" in this table indicates a use type which may be permitted in that district as a Conditional Use in accordance with Section 17.12.190. An "NP" in this table indicates a

use type which is not permitted in that district. Existing uses which are not permitted in a particular district may continue in existence, subject to provisions of 17.16.050 Non-Conformance.

Table 1. Permitted Land Uses

Use Categories:	CCMU	DCMU	DRMU
Commercial Uses			
(A) Offices	P	<u>C^{2,3}</u>	C ^{2,3}
(B) Clinics	P	<u>C^{2,3}</u>	C ^{2,3}
(C) Retail Trade	P	<u>C^{2,3}</u>	C ^{2,3}
(D) Retail Service	P	<u>C^{2,3}</u>	C ^{2,3}
(E) Business Service	P	<u>C^{2,3}</u>	C ^{2,3}
(F) Auto-Dependent Use	NP	<u>C^{2,3}</u>	NP
(G) Outdoor Commercial	NP	<u>NP</u>	NP
(H) Mini-Storage Facilities	NP	<u>NP</u>	NP
Residential Uses			
(I) Attached Dwellings on a Single Lot	C ¹	<u>P</u>	P
(J) Single Family Attached Dwelling	P	<u>P</u>	P
(K) Single Family Detached Dwelling	NP	<u>NP</u>	NP
(L) Ancillary Dwelling	P ⁴	<u>P⁴</u>	P ⁴
(M) Residential Homes	NP	<u>NP</u>	NP
(N) Residential Facilities	C ¹	<u>P</u>	P
(O) Mixed-Use Development	P	<u>P</u>	P
(P) Temporary Health Hardship Dwellings	C ⁵	<u>C⁵</u>	C ⁵
(Q) Temporary Uses	P	<u>P</u>	P
(R) Home Occupations	P	<u>P</u>	P
(S) Community Service Uses	P	<u>P</u>	P

Table 1 Notes:

- ¹ New attached dwellings on a single lot shall be permitted only within buildings where the entire ground floor is in commercial use, or behind buildings where the entire ground floor is in commercial use.
- ² If included in a mixed-use development, commercial uses shall occupy no more than 50% of total floor area, or 10,000 square feet of floor area, whichever is larger.
- ³ The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 10,000 square feet.

⁴ An ancillary dwelling shall be limited in size to a maximum of 750 square feet of floor area.

⁵ Permitted only in conjunction with pre-existing single-family homes.

Downtown Plan District Standards

1. Downtown Plan District Standards

Table 2 summarizes development standards which apply within the Downtown. Existing developments which do not meet the standards specified for a particular district may continue in existence and be altered, subject to provisions of Section 17.16.050 Non-Conformance.

Table 2 Downtown District Development Standards

Standard:	CCMU	DCMU & DRMU
(A) Minimum Lot Size	None	None
(B) Minimum Floor Area Ratio (FAR)	.5 : 1 ⁶	.35 : 1 ⁶
(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
(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

Standard:	CCMU	DCMU & DRMU
(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.

A. Floor Area Ratio

(A) Purpose

The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum FARs help to ensure that more intensive forms of building development will occur in those areas appropriate for larger-scale commercial buildings and higher residential densities.

(B) FAR Standard

The minimum floor area ratios contained in apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR.

B. Building Height

(A) Purpose

The minimum and maximum building height standards are used to establish building scales in specific areas of the downtown, in order to achieve a pedestrian-friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a neighborhood and helps to bring about the successful mixing of diverse land uses and activities.

(B) Height Standards

Minimum and maximum building heights are specified in Table 2. Any required building story must contain a habitable floor.

- (1) 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.

- (2) Where a minimum building height of two stories is required, a building containing only one habitable floor will be considered to be in compliance with this requirement when the applicant demonstrates that the building is designed and built, in accordance with applicable codes, to provide for later installation of a second floor within the building shell as originally constructed. An applicant for a development permit may be required to provide drawings demonstrating the feasibility of later installation of the second floor, although detailed construction plans for the second floor need not be submitted until the time it is proposed to be installed. When construction of the second floor is deferred under this subsection, only the actual floor area available at the time of initial occupancy shall be used in calculations to determine conformance with a minimum floor area ratio requirement.
- (3) When constructing or installing a required second story, the floor area of the second story shall comprise not less than 50% of the total ground floor area. When such a partial second story is constructed or installed, the second story floor space shall be located over that portion of the ground floor which is nearest the abutting street or streets.
- (4) In addition to conforming to the Ground Floor Windows requirements for any new commercial or mixed-use building subject to a 2-story height minimum, at least 20% of the upper facade area shall be made up of display areas or windows for all facades facing a street.

C. Setbacks

(A) Purpose

Required building setbacks work with standards for building height and size, and floor area ratios to ensure placement of buildings in a way which creates an attractive streetscape and pleasant pedestrian experience. These regulations also ensure compatibility of building scale, leading to a coherent design scheme appropriate for the various land use districts of the Downtown.

(B) Building Setback Standard

Required minimum and maximum setback standards are specified in Table 2.

- (1) Minimum setback distances shall be determined in conformance with the definition for "Setback" as specified in Section 17.04.100.
- (2) Conformance with maximum setback distance is achieved when no portion of a building facade is farther from the property line than the distance specified for Maximum Building Setback in Table 2. However, maximum building setbacks may be exceeded when a development incorporates enhanced pedestrian spaces and amenities in the setback area. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks.
- (3) For single-family attached dwellings with direct auto access from the street, garage entrances shall not be closer to the street property line than any other portion of the front facade of the building.
- (4) For community service uses in the Downtown districts, minimum and maximum setbacks shall conform with setback requirements for commercial uses, subject to modification as provided in Section 17.12.200.

Exhibit C. Portion of Revised Comprehensive Plan Map Showing
New Downtown Commercial Mixed Use Zone

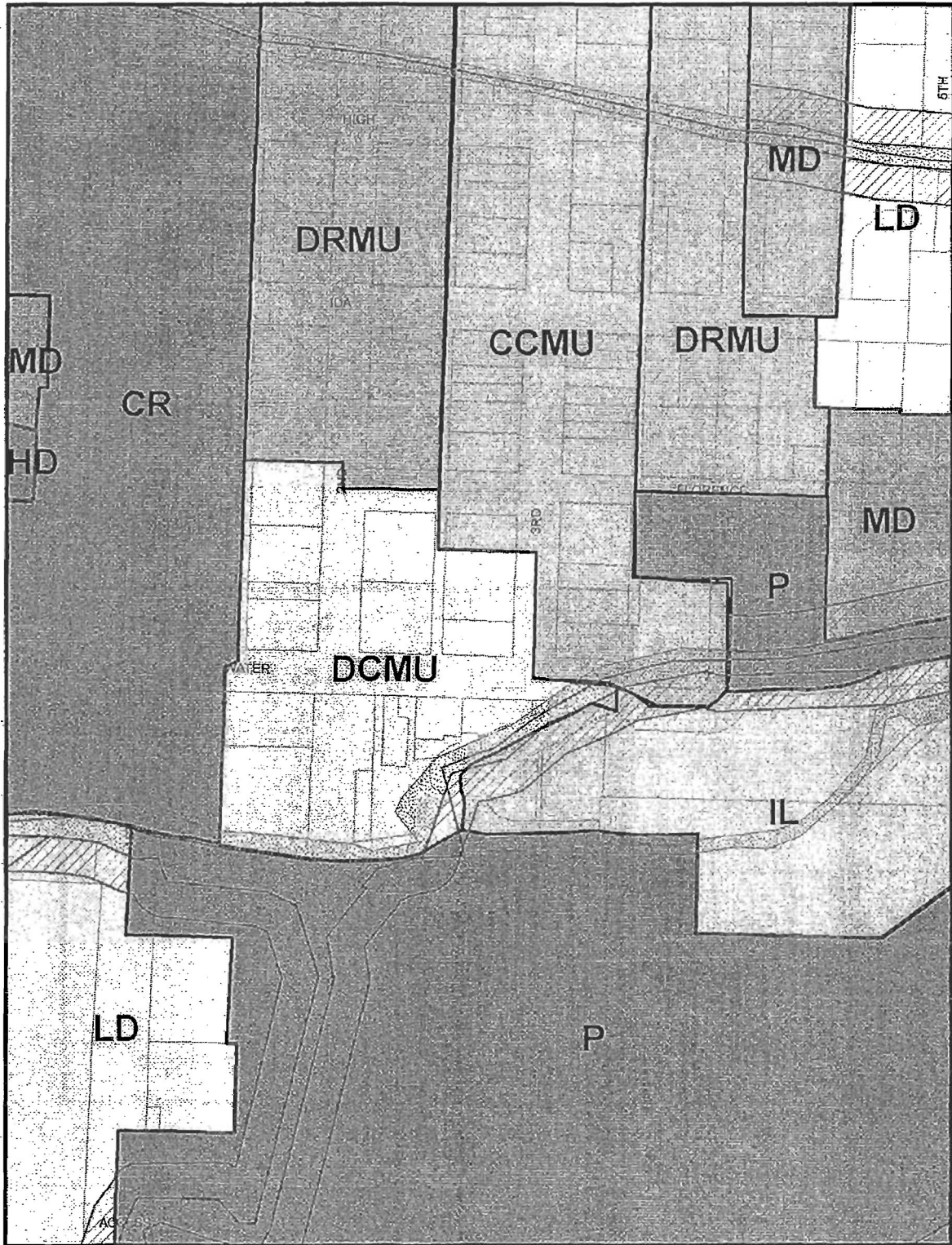


Exhibit D -- Proposed Amendments to City of Stayton Title 17 Land Use and Development Code to Establish a New Zone in the Downtown Area

Additions are underlined; deletions are ~~crossed out~~.

Part 1. Amend Section 17.16.020.2 to add the Downtown Commercial Mixed Use Zone to the list of zones in the city.

2. **CLASSIFICATION OF ZONES.** In order to designate and regulate the size and use of structures and lands within the City, the City is hereby divided into the following zoning districts:

Residential

- LD Low Density Residential
- MD Medium Density Residential
- HD High Density Residential

Downtown (Added Ord. 902, May 7, 2008)

- CCMU Central Core Mixed Use (Added Ord. 902, May 7, 2008)
- DCMU Downtown Commercial Mixed Use
- DRMU Downtown Residential Mixed Use (Added Ord. 902, May 7, 2008)
- DMD Downtown Medium Density Residential (Added Ord. 902, May 7, 2008)

Commercial

- CR Commercial Retail
- CG Commercial General
- ID Interchange Development

Industrial

- IC Industrial Commercial
- IL Light Industrial
- IA Industrial/Agricultural

Public

- P Public/Semi Public

Overlay Districts

- NR Natural Resource Overlay District
- FP Flood Plain Overlay District

Part 2. Add a new Section 17.16.060.8-A describing the purpose of the Downtown Commercial Mixed Use Zone.

8-A DOWNTOWN COMMERCIAL MIXED USE. To promote compact commercial and mixed commercial-residential development the portion of the 2nd Avenue that has traditionally had a concentration of automobile repair and other auto-oriented businesses. Residential uses are permitted, ranging from 12 - 30 units per acre, including attached residential structures, condominiums, and townhouses, but also allowing appropriate commercial uses and mixed use developments.

Part 3. Amend Section 17.16.070 to insert the Downtown Commercial Mixed Use Zone into Table 17.16.070.1 and list the permitted uses in the zone; to insert the DCMU Zone into Table 17.16.070.2 and list the dimensional requirements for lots; and to insert the DCMU Zone into Table 17.16.070.3 and list the dimensional requirements for structures.

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
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

Table 17.16.070.1 Permitted Land Use

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	HD	IC	IL	IA	P
RESIDENTIAL USES															
1	Single-Family Detached Dwellings ¹²	P ¹	P ¹		P ¹										
1a	Single-Family Attached Dwellings			S ¹	S ¹			C/S ¹	S ¹	S ¹					
2	Manufactured Home ¹²	P ¹	P		P ¹										
3	Duplex		P ¹³		P ¹³			C ¹	P ¹	P ¹					
4	Triplex		S ¹		S ¹			C/S ¹	S ¹	S ¹					
5	Multi-Family Dwellings			S ¹	S ¹	S ²	S ²	C/S ¹	S ¹	S ¹					
6	Mobile Home Park		S	S											
7	Dwelling as a caretaker residence												S		
8	Residential Group Home	P	P		P ¹										
9	Residential Facilities		S	S	S			C ¹	P ¹	P ¹					
COMMERCIAL USES															
Retail Trade															
10	Retail Stores not specifically listed below					S	S	S	S	S					
11	Automobile Dealers					C/S	S								

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CGMU	DCMU	DRMU	ID	IC	IL	IA	P
12	Automotive Parts, Accessories, & Tire Stores					S	S	S	<u>S</u>	S					
13	Building Material & Supplies Dealers					S	S	S	<u>S</u>	S					
14	Lawn and Garden Equipment & Supplies Stores					S	S	S	<u>S</u>	S		S		S	
15	Food & Beverage Stores					S ³	S	S	<u>S</u>	S	S ⁴				
16	Gasoline Stations					S	S				S				
17	General Merchandise Stores					S ³	S	S	<u>S</u>	S					
18	Gift & Novelty stores					S	S	S	<u>S</u>	S	S				
19	Manufactured Home Dealers											S			
20	Direct Selling Establishments (except food)						S					C			
Finance and Insurance															
21	Commercial Banking & Related Activities					S	S	S	<u>S</u>	S					
22	Securities, Other Financial Investments & Related Activities					S	S	S	<u>S</u>	S					
23	Insurance Carriers & Related Activities					S	S	S	<u>S</u>	S					
Professional, Scientific and Technical Services															
24	Offices of Professionals providing Legal, Accounting, Tax Preparation, Bookkeeping, Payroll, Advertising & Related Services					S	S	S	<u>S</u>	S					
25	Offices of Physicians, Dentists, & Other Health Practitioners					S	S	S	<u>S</u>	S					
26	Outpatient Care Centers					S	S	S	<u>S</u>	S		S			
27	Medical & Diagnostic Laboratories						S					S			
28	Home Health Care Services						S					S			
29	Architectural, Engineering, & Related Services					S	S					S			
30	Specialized Design Services					S	S	S	<u>S</u>	S		S			

Table 17.16.070.1 Permitted Land Use - cont.

		ED	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
30	Photographic Services					S	S	S	<u>S</u>	S		S			
a															
31	Management, Scientific, Technical Consulting, Computer Systems Design, & Related Services					S	S	S	<u>S</u>	S					
32	Scientific Research & Development Services					C/S	S					S			
33	Veterinary & Pet Care Services					S	S	S	<u>S</u>	S					
33	Other Professional Services					S	S	S	<u>S</u>	S		S			
a															
Information															
34	Offices of Publishing Industries (except internet)						S	S	<u>S</u>	S		S			
35	Radio & Television Broadcasting Offices & Studios					S	S	S	<u>S</u>	S					
36	Internet Publishing & Broadcasting					S	S	S	<u>S</u>	S					
37	Telecommunications except Broadcast and Telephone Towers					S	S	S	<u>S</u>	S		S			
37	Broadcast or Telephone Tower			C/S		C/S	C/S	C/S	<u>C/S</u>	C/S					
a															
38	Libraries & Archives						S	S	<u>S</u>	S					S
Real Estate and Rental and Leasing															
39	Offices of Real Estate Sales & Rental Companies					S	S	S	<u>S</u>	S					
40	Self-Storage Facilities						C/S					S	S		
41	Automotive Utility Trailer, & RV Equipment Rental and Leasing Services						C/S		<u>S</u>			S			
42	Consumer Goods Rental					C/S	S	S	<u>S</u>	S					
43	General Rental Centers						S								
44	Commercial & Industrial Machinery & Equipment Rental and Leasing Services											S	S		

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	D	IC	TU	TA	P
Management of Companies and Enterprises															
45	Offices of Businesses, Non-Profit Organizations, & Governmental Agencies					S	S	S	<u>S</u>	S					
Arts, Entertainment and Recreation															
46	Performing Arts, Spectator Sports, & Amusement & Recreation Facilities					S	S	C/S	<u>C/S</u>	C/S				S ⁵	S ⁶
47	Museums, Historical Sites, & Similar Institutions							S	<u>S</u>	S					S
48	Golf Courses													S	
49	Public Parks														S
50	Hotel, Motel, Inn					S	S	C/S			S				
51	RV Parks and Recreational Camps										S			S	
52	Bed & Breakfast	C	C	C	C	S	S	C	<u>C</u>	C	S				
53	Eating & Drinking Places					S	S	S	<u>S</u>	S	S				
54	Caterers & Mobile Food Services						S								
Administrative Support Services															
55	Office Administrative Services					S	S	S		S					
56	Employment Services						S	S		S		S			
57	Business Support Services					S	S	S		S					
58	Travel Arrangement & Reservation Services					S	S	S		S					
59	Investigation & Security Services					S	S	S		S					
60	Exterminating & Pest Control Service											S	S		
61	Janitorial, Carpet & Upholstery Cleaning Services						S					S			
62	Landscaping Services						S					S		S	
Other Services															
63	General Automotive Repair					S	S		<u>S</u>						
63a	Heavy Automotive Repair						S								

Table 17.16.070.1 Permitted Land Use - cont.

		ED	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
64	Automotive Body, Paint, Interior, and Glass Repair						C/S		<u>S</u>			S	S		
65	Automobile Oil Change & Lubrication Shops					C/S	S					S			
66	Car Washes					C/S	S					S			
67	Electronic & Precision Equipment Repair & Maintenance						S								
68	Commercial & Industrial Machinery & Equipment (except Automotive & Electric)											S	S		
69	Personal & Household Goods Repair & Maintenance						S	S	<u>S</u>	S		S			
70	Personal Care Services					S	S	S	<u>S</u>	S					
71	Funeral Homes & Funeral Services					S	S	S	<u>S</u>	S					
72	Cemeteries & Crematories														S
73	Dry Cleaning & Laundry Services					S	S	S	<u>S</u>	S					
74	Photofinishing					S	S	S	<u>S</u>	S					
75	Parking Lots and Garages					S	S	S	<u>S</u>	S					S
INDUSTRIAL USES															
Manufacturing															
76	Food Manufacturing (except for animal slaughtering and processing and seafood preparation)					S	S					S	S	C/S ⁷	
77	Beverage Manufacturing											S	S		
78	Textile Mills & Textile Product Mills											C/S			
79	Apparel & Leather Manufacturing											S	S		
79a	Wood Products Manufacturing											C/S			
	Paper Mills & Paperboard Mills											S			
	Converted Paper Product Manufacturing											S			
82	Printing & Related Support Activities					S ⁸	S ⁸	S ⁸	<u>S⁸</u>	S ⁸	S				

Table 17.16.070.1 Permitted Land Use - cont.

		LD	MD	HD	BMD	CR	CG	CCMU	DCME	DRMU	ID	IC	IL	IA	P
83	Chemical, Plastics, Rubber Products, & Nonmetallic Mineral Products Manufacturing											C/S			
84	Primary Metal Manufacturing												C/S		
85	Fabricated Metal Product Manufacturing											S	S		
86	Machinery Manufacturing											S	S		
87	Computer & Electronic Product Manufacturing											S	S		
88	Electrical Equipment, Appliance & Component Manufacturing											S	S		
89	Transportation Equipment Manufacturing											S	S		
90	Furniture & Related Product Manufacturing											S	S		
91	Miscellaneous Manufacturing											S	S		
Construction															
92	Building Construction Contractors											S	S		
93	Heavy & Civil Engineering Construction Contractors											S	S		
94	Specialty Trade Contractors											S	S		
Transportation and Warehousing															
95	Air Transportation (passenger or freight)												C/S ⁹		C/S
96	Rail Transportation												S		
97	Truck Transportation (general freight & specialized freight)											S	S		
98	Transit & Ground Passenger Transportation (amended by Ord. 906, June 16, 2008)					C/S	S	C/S	C/S	C/S		S	S		S
99	Motor Vehicle Towing											S	S		
100	Postal Service						S	S	S	S					S

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IE	IA	P
101					C/S	S	S		S					
102											S	S		
103											S	C/S		
104											S			
Wholesale Trade														
105						C/S								
106						S					S			
107												S		C/S
108											S	S	S	S
109											S	S		S
110														S
Waste Management and Remediation Services														
111	S	S	S	S	S	S	S	S	S	S	S	S	S	S
112												S		S
113														S
114												C/S		
115												S		S ⁶
AGRICULTURAL USES														
116													S	
PUBLIC INSTITUTIONS														
Public Administration														
117					S	S	S	S	S					S
Health and Social Assistance														
118					C/S	S								S
119	C	C	C/S											

Table 17.16.070.1 Permitted Land Use - cont.

	LD	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P	
Educational Services															
120	Day Care Facility	C/S	C/S	C/S		S	S	S	<u>S</u>	S		S	S ¹⁰	S ¹⁰	
121	Family Child Care Center	P	P	P			P	<u>P</u>	P						
122	Elementary & Secondary Schools, Junior Colleges, Colleges, Universities, & Professional Schools					S	S	S	<u>S</u>	S				S	
123	Business Schools & Computer & Management Training					S	S	S	<u>S</u>	S					
124	Technical, Trade or Other Schools & Instructions					S	S	S	<u>S</u>	S					
125	Educational Support Services					S	S	S	<u>S</u>	S				S	
Religious and Civic Organizations															
126	Places of Worship							S	<u>S</u>	S				S	
127	Social & Civic Organizations					S	S	S	<u>S</u>	S					
ACCESSORY & OTHER USES															
128	Antennas > 55 feet high	C	C	C		P	P	P	<u>P</u>	P	P	P	P	C	P
129	Antennas > 75 feet high	C	C	C		C/S	C/S	C/S	<u>C/S</u>	C/S	C/S	C/S	C/S	C	C/S
130	Home Occupations	P	P	P ¹¹		P	P	P	<u>P</u>	P					
131	Accessory Uses	P	P	P		P	P	P	<u>P</u>	P	P	P	P	P	
132	Accessory Structures	P	P	P		P	P	P	<u>P</u>	P	P	P	P	P	
133	Open Storage Areas					P	P				P	P	P	P	
134	Outdoor Storage Yard										P	P			

Notes to Table 17.16.070.1

- ¹ Subject to design requirements, see Chapter 17.20
- ² Only as part of mixed use development, and not on the ground floor
- ³ Limited to 10,000 square feet gross floor area
- ⁴ Convenience stores only
- ⁵ Limited to arenas and fairgrounds
- ⁶ Only owned by a public/semi-public entity
- ⁷ Fruit and Vegetable Canning, Pickling, Freezing, and Drying only

⁸ Quick printing or under 10,000 square feet gross floor area

⁹ Heliport only

¹⁰ As an accessory use only

¹¹ Only if no employees other than residents, otherwise, C

¹² Only one single family or manufactured home per lot

¹³ Site plan review is required if there is more than one duplex on a parcel.

(Table and footnote 13 amended by Ord. 898, August 20, 2007)

(Table amended by Ord. 902, May 7, 2008, Ord. 907, January 14, 2009, Ord. 913, September 2, 2009)

2. DIMENSIONAL REQUIREMENTS FOR LOTS.

a. All lots shall comply with the minimum requirements of Table 17.16.070.2. Additional requirements may be imposed by other provisions of this Code. It is a violation of this Code to create a lot which does not meet the dimensional requirements of this section.

Table 17.16.070.2 Minimum Dimensional Requirements for Lots

	ED	MD	HD	DMD	CR	CG	CCMU	DCMU	DRMU	ID	IC	IL	IA	P
Lot Area (square feet) ¹	8,000 ²	7,000 ³	6,000	7,000	0	0	0	0	0	0	0	0	5 acres	0
Lot Width (feet)	80 ⁴	70 ⁴	60 ⁴	40	0	0	0	0	0	0	0	0	0	0
Average Width (feet)	80	70	60	40	0	0	0	0	0	0	0	0	0	0

(Table amended by Ord. 902, May 7, 2008)

Notes to Table 17.16.070.2

¹ The decision authority may require larger lot areas at the time a partition or subdivision is approved if they determine that it is necessary to do any of the following:

- a. Protect natural drainage ways.
- b. Provide drainage or utility easement.
- c. Protect future right-of-way.
- d. Protect unbuildable steep slope areas above 15 percent slope.
- e. Protect flood plain hazard or wetland areas.

² 10,000 square feet for all lots east of a north-south line from the north City limits to the south City limits running along the center line of Tenth Avenue

³ A tri-plex requires a minimum lot area of 10,500 square feet

⁴ 40 feet for lots with frontage on a cul-de-sac.

3. DIMENSIONAL REQUIREMENTS FOR STRUCTURES.

- a. All structures shall comply with the requirements of Table 17.16.070.3. Setback requirements are minimum requirements. Building height is a maximum requirement. Additional requirements may be imposed by other provisions of this Code.

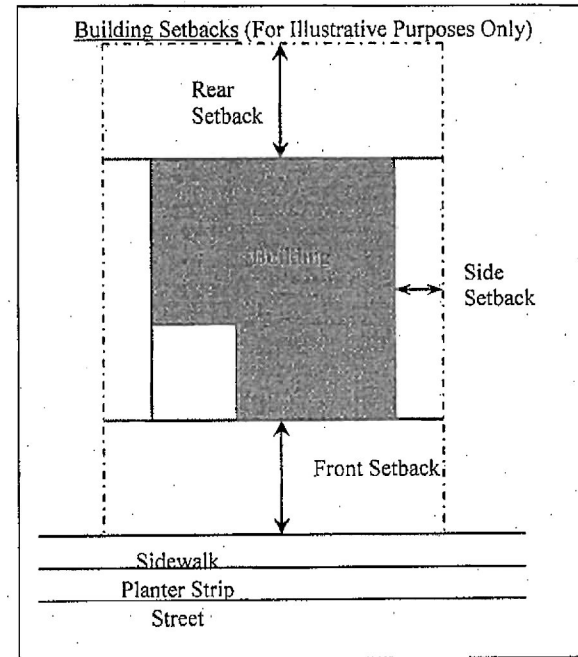
Table 17.16.070.3 Dimensional Requirements for Structures

	1D	MD	HD	DMD	CR	CG	ID	CCMU	DCMU	DRMU	IC	IL	IA	P
Front Yard Setback (feet) ¹	20 ²	20 ²	20 ²	-- ⁸	0	0	0	-- ⁸	-- ⁸	-- ⁸	0	0	0	0
Side Yard Setback (feet)	5	5	5	-- ⁸	0 ³	0 ³	0 ³	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ⁴	0	0 ³
Rear Yard Setback (feet)	20	15	15	-- ⁸	0 ³	0 ³	0 ³	-- ⁸	-- ⁸	-- ⁸	0 ⁴	0 ³	0	0 ³
Building Height (feet) ⁵	35 ⁶	35 ⁶	-- ⁴	-- ⁸	60 ⁷	60 ⁷	60 ⁷	-- ⁸	-- ⁸	-- ⁸	-- ⁴	-- ⁴	-- ⁴	60 ⁷

(Table amended by Ord. 902, May 7, 2008)

Notes to Table 17.16.070.3

- ¹ Front setbacks are also subject to the requirements of Section 17.20.080
- ² 25 feet to a garage entrance, except a garage on a back lot or flag lot. (Ord. 898, August 20, 2007)
- ³ 10 feet when adjacent to a residential district, or as may be established through a site plan review
- ⁴ As may be established through a site plan review
- ⁵ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 55 feet, unless conditional use approval is obtained.
- ⁶ Or 2 ½ stories
- ⁷ Chimneys and antennas may exceed this limit. The maximum height of antennas shall be 15 feet above the highest point of the principal structure existing on the structure unless conditional use approval is obtained.
- ⁸ See the requirements of Section 17.16.080 further details and requirements. (Added Ord. 902, May 7, 2008)



Part 4. Amend Section 17.16.080 to insert the Downtown Commercial Mixed Use Zone.

17.16.080 DOWNTOWN CENTRAL CORE MIXED USE, DOWNTOWN COMMERCIAL MIXED USE, AND DOWNTOWN RESIDENTIAL MIXED USE ZONES (Amended Ord. 902, May 7, 2008)

1. **PURPOSES.** This section implements the Downtown Stayton Transportation & Revitalization Plan which calls for the downtown area to accommodate intensive commercial, residential, and mixed-use development. The downtown area is envisioned as the focus of the community, incorporating these uses in a pedestrian-oriented district. The Downtown Central Core Mixed Use (CCMU), Downtown Commercial Mixed Use (DCMU), and Downtown Residential Mixed Use (DRMU) zones are designed to work together to result in a lively, prosperous downtown which serves as an attractive place to live, work, shop, and recreate with less reliance on the automobile than might be found elsewhere in the community. (Amended Ord. 902, May 7, 2008)

2. **USE AND DIMENSIONAL RESTRICTIONS.** (Added Ord. 902, May 7, 2008)

In addition to the restrictions contained in Section 17.16.070, the following additional restrictions apply with the CCMU, DCMU, and DRMU Zones. (Amended Ord. 902, May 7, 2008)

a. Within the CCMU Zone, new dwellings shall be permitted only within buildings where the entire ground floor is in commercial use, or behind buildings where the entire ground floor is in commercial use. (Added Ord. 902, May 7, 2008)

b. The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 10,000 square feet. (Added Ord. 902, May 7, 2008)

c. **Floor Area Ratio** (Added Ord. 902, May 7, 2008)

1) **Purpose.** The floor area ratio (FAR) is a tool for regulating the intensity of development. Minimum ratios help to ensure that more intensive forms of building development will occur in those areas appropriate for larger-scale commercial buildings and higher residential densities. (Added Ord. 902, May 7, 2008)

2) **FAR Standard.** The minimum floor area ratios below apply to all non-residential building development. In mixed-use developments, residential floor space is included in the calculations of floor area ratio to determine conformance with minimum FAR. (Added Ord. 902, May 7, 2008)

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 Zone shall be 0.35:1. There is no maximum floor area ratio in these zones. (Added Ord. 902, May 7, 2008)

d. Any property with only residential use shall contain a minimum of 12 dwelling units per acre. There is no maximum density restriction. (Added Ord. 902, May 7, 2008)

e. **Building Setback Requirements.** (Added Ord. 902, May 7, 2008)

1) **Purpose.** Required building setbacks work with standards for building height and size, and floor area ratios to ensure placement of buildings in a way which creates an attractive streetscape and pleasant pedestrian experience. These regulations also ensure compatibility of building scale, leading to a coherent design scheme appropriate for the various land use districts of the Downtown. (Added Ord. 902, May 7, 2008)

- 2) Minimum Setbacks. (Added Ord. 902, May 7, 2008)
- a) Front. (Added Ord. 902, May 7, 2008)
 - i. There is no minimum front setback requirement in the CCMU, DCMU, or the DRMU zones for nonresidential buildings or mixed use buildings. (Added Ord. 902, May 7, 2008)
 - ii. Residential buildings shall have a minimum 5-foot front yard setback. For single-family attached dwellings or multifamily dwellings with direct auto access from the street, the garage entrance must be either less than 5 feet or more than 18 feet from the front lot line. For single-family attached dwellings with direct auto access from the street, a garage entrance shall not be closer to the front lot line than any other portion of the front facade of the building. (Added Ord. 902, May 7, 2008)
 - b) Side. There is no minimum side yard setback in the CCMU, DCMU, or the DRMU zones. However, any building located less than 4 feet from a side lot line shall be built at the side lot line with a common wall or provision for a future common wall. (Added Ord. 902, May 7, 2008).
 - c) Rear. There is no minimum rear setback requirement in the CCMU, DCMU, or the DRMU zones for nonresidential buildings or mixed use buildings. Residential buildings shall have a minimum 10-foot rear yard setback. (Added Ord. 902, May 7, 2008)
- 3) Maximum Setbacks. (Added Ord. 902, May 7, 2008)
- a) Front. (Added Ord. 902, May 7, 2008)
 - i. Within the CCMU Zone, a nonresidential building or mixed use building shall not be more than 10 feet from the front lot line. However, a front setback of no more than 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided in accordance with section 17.16.080.2.h. A residential building shall not be more than 20 feet from the front lot line. (Added Ord. 902, May 7, 2008)
 - ii. Within the DCMU or DRMU Zone, a building shall not be more than 20 feet from the front lot line. However, a front setback exceeding 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided in accordance with section 17.16.080.2.h. (Added Ord. 902, May 7, 2008)
 - iii. In both downtown the CCMU, DCMU, or DRMU zones, there is no maximum setback for a residential building that is located behind a nonresidential building. (Added Ord. 902, May 7, 2008)
 - b) Side. There is no maximum side yard setback in the CCMU, DCMU, or the CRMU zones. (Added Ord. 902, May 7, 2008)
 - c) Rear. There is no maximum rear setback requirement in the CCMU, DCMU, or the CRMU zones. (Added Ord. 902, May 7, 2008)
 - d) Conformance with maximum setback distance is achieved when no portion of a building facade is farther from the lot line than the distance specified above. (Added Ord. 902, May 7, 2008)

f. Building Height. (Added Ord. 902, May 7, 2008)

- 1) Purpose. The minimum and maximum building height standards are used to establish building scales in specific areas of downtown, in order to achieve a pedestrian-friendly character that supports a wide variety of residential and commercial uses. Buildings that are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a neighborhood and helps to bring about the successful mixing of diverse land uses and activities. (Added Ord. 902, May 7, 2008)
- 2) Minimum. In the CCMU, DCMU, or DRMU zones the minimum building height shall be 2 stories. 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. (Added Ord. 902, May 7, 2008)
- 3) Maximum. In the CCMU, DCMU, or DRMU zones the maximum building height shall be 4 stories, which in total shall not exceed 60 feet. (Added Ord. 902, May 7, 2008)
- 4) The floor area of the second story shall comprise not less than 50% of the total ground floor area. When such a partial second story is constructed or installed, the second story floor space shall be located over that portion of the ground floor which is nearest the abutting street or streets. (Added Ord. 902, May 7, 2008)
- 5) In addition to conforming to the Ground Floor Windows requirements of Section 17.20.220.4.i for any new commercial or mixed-use building subject to a 2-story height minimum, at least 20% of the upper facade area shall be made up of display areas or windows for all facades facing a street. (Added Ord. 902, May 7, 2008)

h. Enhanced pedestrian spaces and amenities. Enhanced pedestrian spaces and amenities consist of features such as plazas, arcades, courtyards, outdoor cafes, widened sidewalks, benches, shelters, street furniture, public art, or kiosks. (Added Ord. 902, May 7, 2008)

Part 5. Amend Section 17.20.060.7.d to insert reference to the Downtown Commercial Mixed Use Zone in the parking standards in Downtown Zones.

e. Downtown Parking Standards. (Added Ord. 902, May 7, 2008)

1) Minimum Parking Requirements. (Added Ord. 902, May 7, 2008)

The provisions of Section 17.20.060.7.a above do not apply within the CCMU, DCMU, and DRMU zones. The City recognizes that the Downtown Zones have provision for public parking and shared parking spaces as well as a supply of on-street parking without adverse affects on traffic movement. Therefore there is no required minimum off-street parking for non-residential uses in the CCMU, DCMU, and DRMU zones. Residential uses in the DCMU and DRMU zones must provide a minimum of 1.0 parking space per dwelling unit. (Added Ord. 902, May 7, 2008)

2) Maximum Off-Street Parking Permitted. (Added Ord. 902, May 7, 2008)

In order to prevent off-street parking from covering more land area than necessary, a maximum parking limit is established in the CCMU, DCMU, and DRMU zones. In these zones, a property shall not provide more parking spaces than 125% of the minimum otherwise required by Section 17.20.060.7.a for the uses on the property, except a residential use may provide up to 2.0 parking spaces per dwelling unit

provided at least one of the spaces is within an enclosed garage. (Added Ord. 902, May 7, 2008)

Part 6. Amend Section 17.20.060.9 to insert reference to the Downtown Commercial Mixed Use Zone in the off-street loading requirements.

9. OFF STREET LOADING REQUIREMENTS. Off street loading space shall be provided and maintained as listed below in the case of new construction, alterations, and changes of use.

b. The following minimum off-street loading bays or berths shall be provided.

- 1) Office buildings, hotels, and motels with a gross floor area of more than 25,000 square feet require one bay.
- 2) Except in the CCMU and DRMUDowntown zones, retail, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following: (Amended Ord. 902, May 7, 2008)

Table 17.20.060.9.a Minimum Loading Bay Requirements

Square Feet (gross floor area)	Number of Bays
5,001 to 40,000	1
40,001 to 70,000	2
70,001 to 100,000	3
100,001 to 140,000	4

Each 90,000 square feet over 140,000 square feet requires one additional bay.

In the CCMU and DRMUDowntown zones loading bays are not required. However, site design for retail trade uses and eating and drinking places shall provide for delivery access from an alley where possible and shall otherwise allow delivery vehicles to park in such a manner as to not block a sidewalk or driveway entrance from a street. (Added Ord. 902, May 7, 2008)

- c. Each loading bay shall be a minimum of 12 feet wide and 14 feet high. Truck parking in front of the bay shall be a minimum of 40 feet long exclusive of streets, alleys, driveway, or sidewalks.
- d. Loading spaces shall be designed so delivery or shipment vehicles do not block access aisles of parking areas, any parking spaces, or extend into a public right-of-way.
- e. No loading area shall be located within 10 feet of a street curb or 5 feet of a front lot line.

Part 7. Amend Section 17.20.090.2 to insert reference to the Downtown Commercial Mixed Use Zone in the table of minimum landscape percentages.

2. BASIC PROVISIONS. Landscaping and screening standards apply to all zones except the Low Density (LD) Residential and Commercial Core Mixed Use. The minimum area of a site to be retained in landscaping shall be as follows: (Amended Ord. 902, May 7, 2008)

Table 17.20.090.2 Minimum Landscape Percentage

Zoning District or Use	Minimum Improvement Per Lot
Medium Density (MD) Residential	20%
High Density (HD) Residential	20%
Commercial Retail (CR)	15%
Commercial General (CG)	15%

Downtown Commercial Mixed Use (DCMU)	8%
Downtown Residential Mixed Use (DRMU)	8%
Interchange District (ID)	15%
Industrial Commercial (IC)	15%
Light Industrial (IL)	
Lots 2.00 acres in area or less	15%
Lots larger than 2.00 acres but smaller than 4.00 acres	10%
Lots of 4.00 acres in area or more	8%
Public, Semi-Public (P)	15%

(Amended Ord. 902, May 7, 2008)

Part 8. Amend Section 17.20.140.9-A to insert reference to the Downtown Commercial Mixed Use Zone in the sign regulations for the downtown zones. Note: there is currently an amendment to Section 9-A pending. The language below represents the current Code. The amendment will be update to reflect the other amendment upon passage of the other amendment.

9-A. SIGNS IN THE DOWNTOWN ZONES. The following regulations shall apply to signs in the Downtown Zones. (Added Ord. 902, May 7, 2008)

- a. Sign Types and Maximum Number of Signs. Within the CCMU, DCMU, and DRMU zones, the following sign types are allowed: (Added Ord. 902, May 7, 2008)
 - 1) Any combination of wall, canopy, projecting, and window signs not exceeding the sign area limitations. (Added Ord. 902, May 7, 2008)
 - 2) Sidewalk signs in conformance with Section 17.20.140.9-A.e. below. (Added Ord. 902, May 7, 2008)
- b. Number of Signs. Each business may have one wall, canopy or projecting sign attached to a building for each side of the building facing a street or public sidewalk the business occupies, not including awning signs. (Added Ord. 902, May 7, 2008)
- c. Total Allowed Area. The total allowed sign area for any business in the CCMU, DCMU, or DRMU zones is one square foot of sign area per lineal foot of building frontage for the individual business, up to a maximum of 30 square feet. (Added Ord. 902, May 7, 2008)
- d. Maximum Sign Height. Wall or wall-mounted signs shall not be taller than 20 feet and shall not project above the parapet or roof eaves. (Added Ord. 902, May 7, 2008)
- e. Sidewalk Signs. Any business located in the CCMU, DCMU, or DRMU zone may have one sign erected on the public sidewalk in conformance with the following standards. (Added Ord. 902, May 7, 2008)
 - i. A sidewalk sign shall be either an A-frame sandwich sign or be a hanging sign supported by a metal frame inserted into a hole the sidewalk provided by the City. (Added Ord. 902, May 7, 2008)

- ii. The sign shall be entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 17.20.140.9-A.1 (Added Ord. 902, May 7, 2008)

Figure 17.20.140.9-A.1
Placement of Portable Signs in the R-O-W

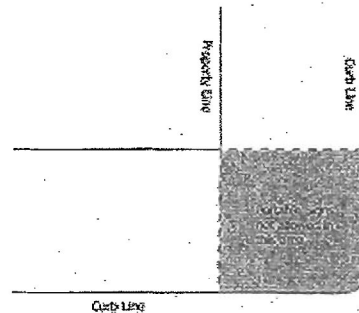
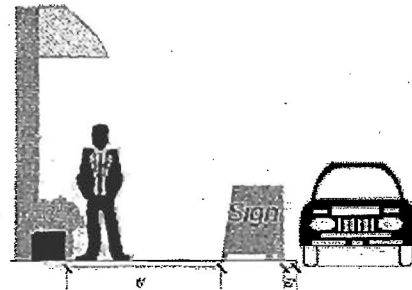


Figure 17.20.140.9-A.2
Placement of Portable Signs in the R-O-W



- iii. A sidewalk sign shall be placed either within six inches of the curb line or within 2 feet of the front lot line, in order to minimize interference with pedestrians. In either location, the sign shall not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 17.20.140.9-A.2 (added Ord. 902, May 7, 2008)
- iv. The maximum sign area of a sandwich sign shall be 6 square feet, counting only one side of the sandwich sign. The maximum sign area of a hanging sign shall be 4 square feet. (Added Ord. 902, May 7, 2008)
- v. A sidewalk sign may be erected only during the hours a business is open. (Added Ord. 902, May 7, 2008)
- vi. A sidewalk sign shall not be illuminated. (Added Ord. 902, May 7, 2008)

Part 9. Amend Section 17.20.220.2.f to insert reference to the Downtown Commercial Mixed Use Zone in the design requirements for attached residential structures.

- f. Main entrance. The purpose of this standard is to locate and design building entrances that are safe, accessible from the street, and have weather protection.
 - 1) Location of main entrance. The main entrance of the primary structure must face the street lot line or plaza. Where there is more than one front lot line or plaza, the entrance may face either of them or to the corner. For residential developments there are the following exceptions:
 - a) For buildings that have more than one main entrance only one entrance must meet this requirement.
 - b) Entrances that face a shared landscaped courtyard are exempt from this requirement.
 - 2) Front porch at main entrances to residential uses in a mixed-use development. In the DCMU and DRMU Zones, there must be a front porch at the main entrance to residential portions of a mixed-use development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to a porch that provides the entrance to 2 or more

dwelling units, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

Part 10. Amend Section 17.20.220.3.k to insert reference to the Downtown Commercial Mixed Use Zone in the design requirements for commercial and mixed use structures and to correct an erroneous citation.

k. Roofs. The purpose of this standard is to encourage traditional roof forms consistent with existing development patterns in downtown Stayton.

1) In the CCMU Zone, roofs shall be flat, and designed with a cornice or parapet.

Buildings must have a roof with a pitch of less than 6/12 and a cornice or parapet that meets the following:

a) There must be two parts to the cornice or parapet. The top part must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice or parapet.

b) The height of the cornice or parapet is based on the height of the building as follows:

i. Buildings 10 feet or less in height must have a cornice or parapet at least 12 inches high.

ii. Buildings greater than 10 feet and less than 30 feet in height must have a cornice or parapet at least 18 inches high.

iii. Buildings 30 feet or greater in height must have a cornice or parapet at least 24 inches high.

2) In the DCMU and DRMU Zones, roofs shall be flat, and designed with a cornice or parapet, or steeply pitched. Buildings must have:

a) A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or

b) A roof with a pitch of less than 6/12 and a cornice or parapet that meets the standards of Section 17.20.220.3.k.1)b) ~~17.20.220.4.k.1)b)~~ above.

Exhibit E – Detail of Zoning Map showing new Downtown Commercial Mixed Use Zone

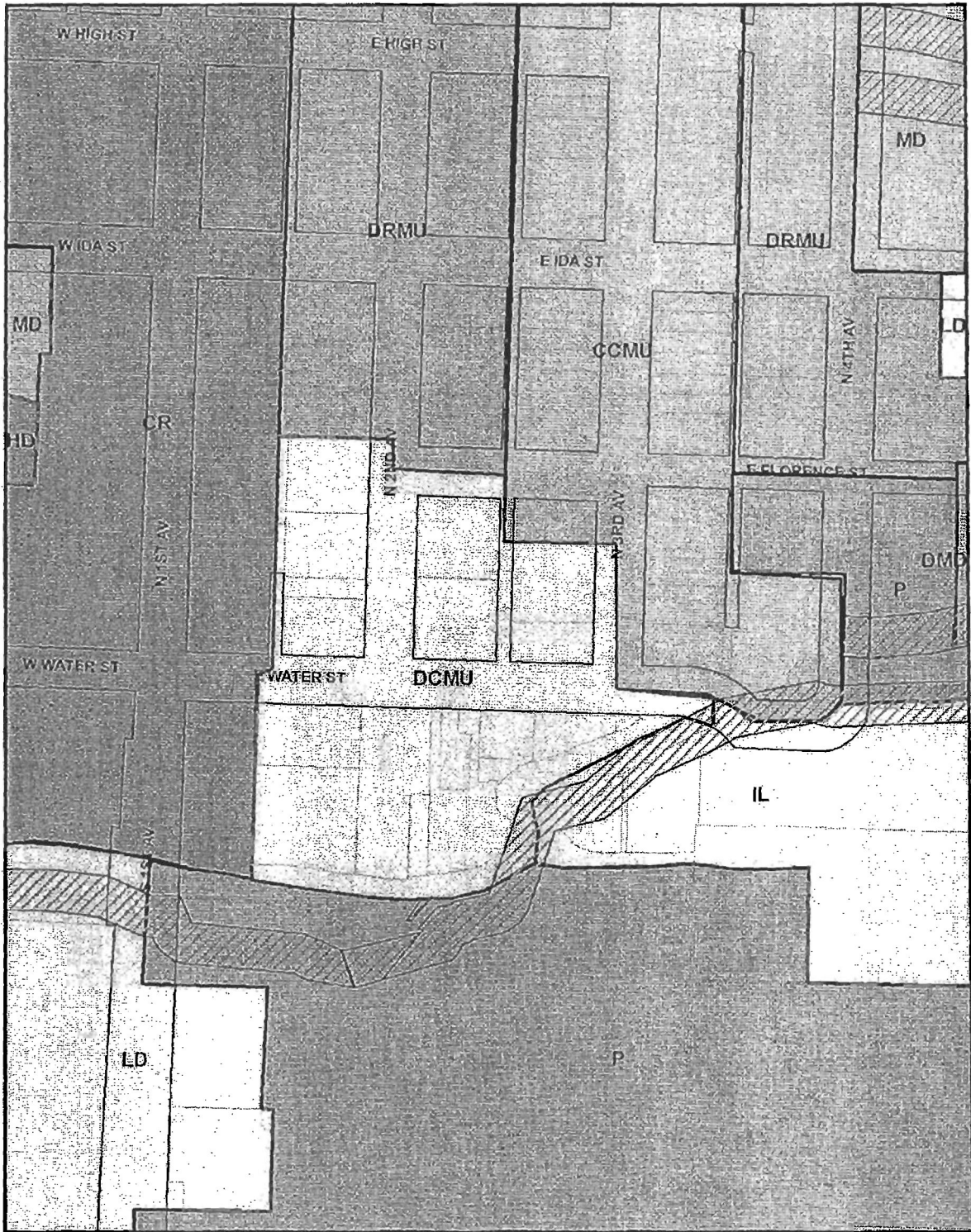
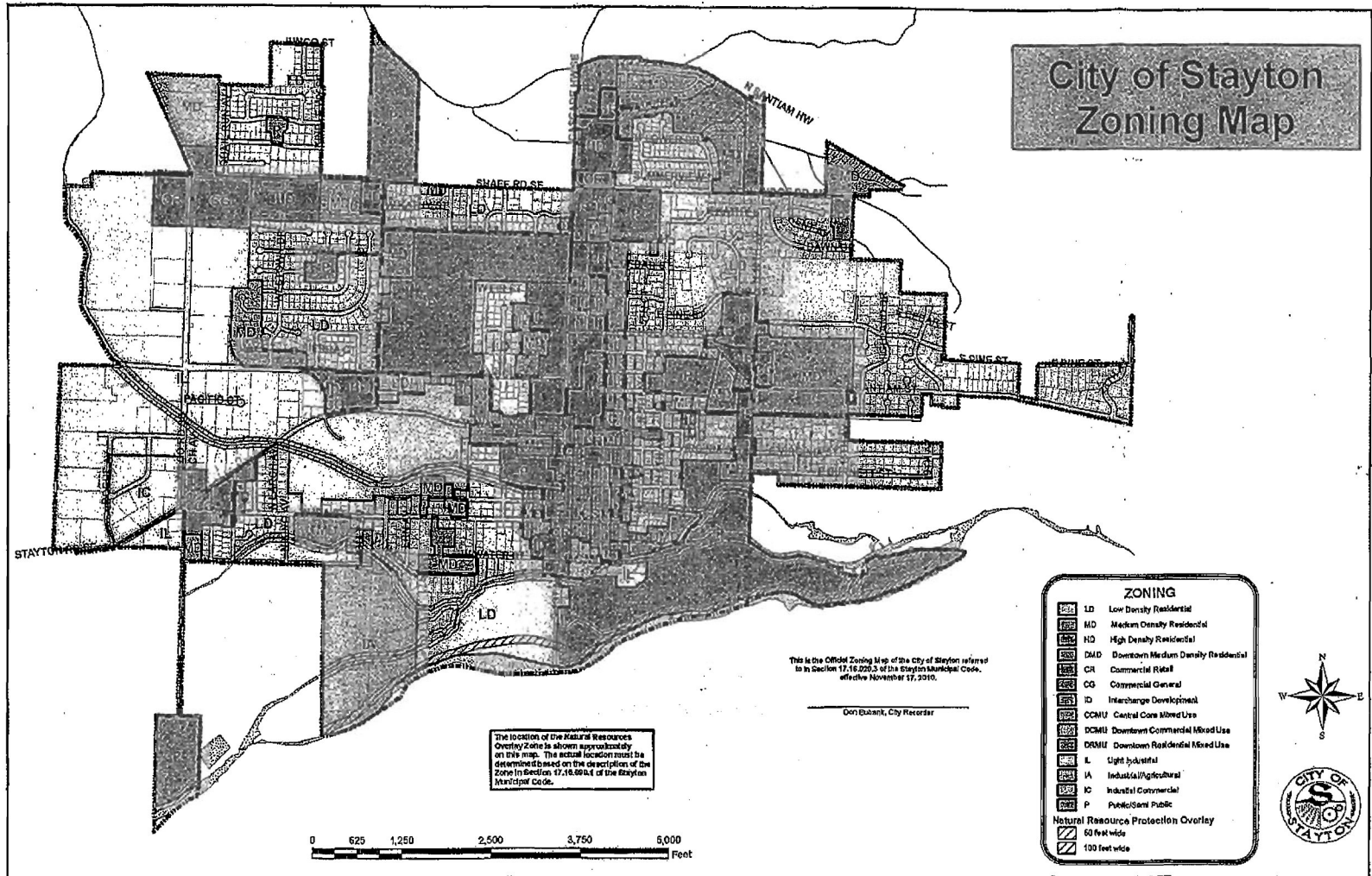


Exhibit F – Reduced Version of Official Zoning Map showing new Downtown Commercial Mixed Use Zone





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362 N. THIRD AVENUE
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ATTN: PLAN AMENDMENT
SPECIALIST
DEPT. OF LAND CONSERV. & DEV.
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540