



This meeting is being recorded for public review on the City of Millersburg website.

Rules of Conduct for Public Meetings

No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

CITY COUNCIL MEETING & PUBLIC HEARING
In-Person Meeting with Remote Access Available
Millersburg City Hall
4222 NE Old Salem Road, Millersburg OR 97321
July 12, 2022 @ 6:30 p.m.

Revised

Agenda

Remote access for the meeting is available. Instructions for joining the meeting can be found at <https://www.cityofmillersburg.org/citycouncil/page/city-council-regular-meeting>. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, July 11.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/11597014359>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 9701 4359

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. CONSENT AGENDA
 - 1) Approval of June 14, 2022 City Council Meeting & Public Hearing Minutes
 - 2) Annual Liquor License Renewals
 - 3) Acceptance of City Accounts Payable ReportAction: _____
- F. GUEST PRESENTATIONS
 - 1) Linn County Sheriff's Office Monthly Report
 - 2) Albany Fire Department Quarterly Report

G. PUBLIC COMMENT

The public has the opportunity to address the Council during "Public Comment." Those attending virtually may raise their hand electronically or request to speak upon unmuting. The public may also send written comments by email to cityclerk@cityofmillersburg.org. Please limit comments to one page and include your name and address. Emails received before 5:00 p.m. on the day of the meeting will be included and read into the record for comments by the Council.

H. PUBLIC HEARINGS

- 1) Modification of Territory (De-annexation) – Order

Action: _____

- 2) Development Code Update - Ordinance 195-22

Action: _____

I. COUNCIL MEMBER AND STAFF COMMENTS

J. CITY MANAGER'S REPORT

- 1) Fire Station Project
- 2) Project Updates
- 3) Caselle Update – YTD Budget Review

K. CITY ATTORNEY'S REPORT

- 1) Psilocybin Ban – Verbal Report

L. UNFINISHED BUSINESS

M. NEW BUSINESS

- 1) Acceptance of Right-of-Way Dedication – Resolution 2022-11

Action: _____

- 2) Changing Monthly Meeting Date to 1st Tuesday of the Month for Planning Commission – Verbal Report

Action: _____

N. CLOSING PUBLIC COMMENT

O. CLOSING COUNCIL COMMENT

P. ADJOURNMENT OF REGULAR MEETING

Q. WORK SESSION

Council will enter into a work session to meet with residents of Anthony Lane.

R. EXECUTIVE SESSION

After the work session, Council may adjourn to an executive session in accordance with ORS 192.660(2)(e) or 192.660(2)(h).

Upcoming Meetings & Events:

For a schedule of meetings and events, visit the City's website calendar at

<https://www.cityofmillersburg.org/meetings>

The meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.



CITY COUNCIL MEETING & PUBLIC HEARING MINUTES

June 14, 2022 @ 6:30 p.m.

A. CALL TO ORDER Meeting called to order by Mayor Lepin at 6:28 p.m.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Councilors Present: Mayor Jim Lepin, Councilors Scott Cowan, Dave Harms, Mark Raum, and John Sullivan

Councilors Absent: None

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Kimberly Wollenburg, City Recorder, Forrest Reid, City Attorney; Matt Straite, Community Development Director

Presenters: Linn County Sheriff's Office

D. CHANGES AND ADDITIONS TO THE AGENDA

E. CONSENT AGENDA

- 1) Approval of May 10, 2022, City Council Special Meeting Minutes
- 2) Acceptance of City Accounts Payable Report
- 3) Contract for Professional Services Amendment 15 – Jacobs (CH2M Hill)

Action: **Motion to approve Consent Agenda as presented made by Councilor Scott Cowan; seconded by Councilor John Sullivan.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

F. GUEST PRESENTATIONS

- 1) Linn County Sheriff's Office Monthly Report

Sergeant Steve Frambes, LCSO, presented the May 2022 report. He asked for residents to keep aware of their surroundings noting that the ring cameras can really be helpful in investigating crimes. He spoke about an increase in animal control calls in May and anticipates more in June as the weather improves.

Sergeant Frambes said that residents should continue to note and share concerns about people and vehicles that don't seem to fit their neighborhoods, or slow-moving vehicles.

G. PUBLIC COMMENT

None

Mayor Lepin opened the public hearing at 6:37 p.m.

H. PUBLIC HEARINGS

1) State Sharing Revenue Funds

a. Resolution 2022-05 – Certifying Eligibility to Receive State Sharing Revenue Funds

b. Resolution 2022-06 – Election to Receive State Sharing Revenue Funds

Action: **Motion to approve Resolutions 2022-05 and 2022-06 regarding the certification and election for State Shared Revenue Funds made by Councilor Scott Cowan; seconded by Councilor Dave Harms.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

Mayor Lepin closed the public hearing at 6:39 p.m. with no public comments received.

Mayor Lepin opened the public hearing at 6:40 p.m.

2) FY 2022-23 Budget - Resolution 2022-07 – Adopting Budget & Making Appropriations

Action: **Motion to approve Resolution 2022-07 adopting the proposed budget for FY 2022-23 and making appropriations made by Councilor John Sullivan; seconded by Councilor Scott Cowan.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

Mayor Lepin closed the public hearing at 6:41 p.m. with no public comments received.

I. COUNCIL MEMBER AND STAFF COMMENTS

None

J. CITY MANAGER'S REPORT

1) Fire Station Project Report

Assistant City Manager/City Engineer Booth did a brief review of the staff report regarding the current status. She also reviewed the schedule of upcoming work and provided a financial update.

2) Project Updates

Community Development Director Straite reported on the demolition of the old nursery structure that has begun.

Assistant City Manager/City Engineer Booth provided an update regarding various projects in progress within the City, including maintenance at the parks and rights-of-way within the City.

Councilor Cowan asked about the summer help scheduled to start. Assistant City Manager/City Engineer Booth shared that it was one person who would be working full time hours and he has started.

3) Caselle Update – YTD Budget Review

City Manager Kreitman reviewed the Caselle Connect Online dashboard for City finances and provided information on some of the line items.

K. CITY ATTORNEY'S REPORT

None

L. UNFINISHED BUSINESS

None

M. NEW BUSINESS

1) Cost of Living Adjustment

Mayor Lepin spoke about the proposed cost-of-living adjustment of 5% for FY 2022-23 based on adopted City policy. He also spoke about a 7% increase for the Community Development Director.

Action: **Motion to adopt a cost-of-living adjustment of 5% for fiscal year 2021-22 and 7% for the Community Development Director as of July 1, 2022 made by Councilor Dave Harms; seconded by Councilor John Sullivan.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

2) Adoption of 2022-2026 Capital Improvements Program (CIP)

Assistant City Manager/City Engineer Booth shared that the CIP was reviewed during Budget Committee meetings. No comments were received and no changes made.

Action: **Motion to adopt the 2022-2026 Capital Improvements Program made by Councilor Mark Raum; seconded by Councilor Dave Harms.**

Mayor Jim Lepin: Aye

Councilor Scott Cowan: Aye

Councilor Dave Harms: Aye

Councilor Mark Raum: Aye

Councilor John Sullivan: Aye

Motion PASSED: 5/0

- 3) Intent to Withdraw Territory (De-annex Property) – Resolution 2022-08
Community Development Director Straite provided information from the staff report regarding the withdrawing (de-annexation) of property in Millersburg explaining why it is important to remove the property. He then shared the process to accomplish the de-annexation. This de-annexation is the first step in a larger planned Urban Growth Boundary (UGB) Swap. The revised UGB will come to the City Council as a later and separate action.

Action: **Motion to approve Resolution 2022-08 made by Councilor Dave Harms; seconded by Councilor Scott Cowan.**

Mayor Jim Lepin: Aye
Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mark Raum: Aye
Councilor John Sullivan: Aye

Motion PASSED: 5/0

- 4) Master Fee Schedule Revision – Resolution 2022-09
Assistant City Manager/City Engineer Booth reviewed the staff report and noting some of the changes particularly in the water service fees.

Action: **Motion to approve Resolution 2022-09 Master Fee Schedule revision made by Councilor Mark Raum; seconded by Councilor John Sullivan.**

Mayor Jim Lepin: Aye
Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mark Raum: Aye
Councilor John Sullivan: Aye

Motion PASSED: 5/0

- 5) Contract for Professional Services Amendment 5 – David Evans & Associates
Assistant City Manager/City Engineer Booth reviewed the amendment explaining the reasons for the increase.

Action: **Motion to made by Councilor Dave Harms; seconded by Councilor Mark Raum.**

Mayor Jim Lepin: Aye
Councilor Scott Cowan: Aye
Councilor Dave Harms: Aye
Councilor Mark Raum: Aye
Councilor John Sullivan: Aye

Motion PASSED: 5/0

Mayor Lepin asked staff to provide an update regarding the tasks originally provided for the MS4 permit. Assistant City Manager/City Engineer Booth will provide the update at the next Council meeting or work session.

N. CLOSING PUBLIC COMMENT

- 1) None

O. CLOSING COUNCIL COMMENT

- 1) Councilor Cowan asked about the City's rental house. City Manager Kreitman noted that funds are included in the FY 2022-23 budget for demolition of the house and staff will be requesting quotes for demolition.

P. ADJOURNMENT Mayor Lepin adjourned the regular meeting at 7:22 p.m.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Kevin Kreitman
City Manager

DRAFT



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Kimberly Wollenburg, City Recorder
DATE: May 31, 2022 for the July 12, 2022 City Council Meeting
SUBJECT: Annual Liquor License Renewals

Action Requested:
Council approval for the following annual liquor license renewals.

Discussion:
The businesses below have submitted an application for liquor license renewals and have paid their fees.

Center Market
Humpty's Dump
Love's Travel Stop

The Linn County Sheriff's Office was contacted May 3, 2022 for input. They had nothing negative to report.

Budget Impact:
Revenue of \$45.00 to cover administrative costs

District 3 Renewals

MILLERSBURG

Page 1

License No./ Premises No.	Tradename/Licensee/License Type	Premises Address & Phone	Premises Mailing Address
Lic. 344177 Prem. 51686	CENTER MARKET #37 KAMAL INC O - OFF-PREMISES SALES	4050 OLD SALEM RD NE ALBANY, OR 97321 503-927-2993	PO BOX 1195 JEFFERSON, WA 97352
Lic. 334714 Prem. 4981	HUMPTY'S BAR & GRILL SMB LLC F-COM - FULL ON-PREMISES SALES	916 OLD SALEM RD NE ALBANY, OR 97321 541-926-3111	488 SW FAIRLAWN CT DALLAS, OR 97338
Lic. 332862 Prem. 59052	LOVE'S TRAVEL STOP #728 LOVE'S TRAVEL STOPS & COUNTRY S O - OFF-PREMISES SALES	6457 OLD SALEM RD NE ALBANY, OR 97321 541-928-1900	PO BOX 26210 OKLAHOMA CITY, OK 73126

Count for MILLERSBURG

3

Oregon Liquor Control Commission
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

Your Due Date For Renewal is June 10, 2022.

License Type: OFF-PREMISES SALES	District: 3	License: 344177	Premises: 51686	Code: 227
---	--------------------	------------------------	------------------------	------------------

KAMAL INC
PO BOX 1195
JEFFERSON, WA 97352

Licensee(s)

KAMAL INC

Tradename

CENTER MARKET #37
4050 OLD SALEM RD NE
ALBANY OR 97321

Operational Questions:											
(1) List contact information for the business.	Phone Number: <u>503-977-7993</u> Email: <u>Centermarket17@gmail.com</u>										
(2) List all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last 18 months even if they are not liquor related for any owner of the business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Name</th> <th style="width: 15%;">Offense</th> <th style="width: 15%;">Date</th> <th style="width: 15%;">City/State</th> <th style="width: 15%;">Result</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;"><u>None</u></td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	<u>None</u>				
Name	Offense	Date	City/State	Result							
<u>None</u>											
(3) Were there any changes of ownership (i.e.: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										
(4) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										
(5) Will you be holding beer or wine tastings at your location, other than those conducted by a manufacturer?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES										

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. YOUR LICENSE EXPIRES ON 06/30/2022. If you do not renew before this date, you must stop selling or serving alcohol immediately. NO EXCEPTIONS! Selling or serving alcohol with an expired license is a crime.

PAID
 PAID MAY 31 2022 PAID

Licensee(s): KAMAL INC

License: 344177

Premises: 51686

Payment #1 to OLCC: <i>Make check or money order payable to OLCC. Do not mail cash. Send your application and payment to OLCC License Renewals; PO Box 22297; Milwaukie, OR 97269.</i>	Dollar Amount (\$)
If completed renewal application is postmarked by 06/10/2022 pay this amount.	\$200.00
If completed renewal application is postmarked after 06/10/2022 but on or before 06/30/2022 pay this amount.	\$250.00
If completed renewal application is postmarked after 06/30/2022 pay this amount.	\$280.00

Payment #2 to Local Government: <i>Make check or money order payable to City/County listed below if a fee is required. Do not mail cash.</i>	
Local government City of Millersburg located at 4222 NE Old Salem Rd ; Albany, OR 97321 requires a \$15.00 processing fee. Send a copy of your completed application with this fee. Have you paid this processing fee? We will not process your application until this has been paid.	<input checked="" type="checkbox"/> YES

MANDATORY DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER

Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) on the license renewal application. The OLCC will refuse a renewal if an applicant signing the renewal fails to provide his/her Social Security Number. The Social Security Number will be used only for Child Support Enforcement purposes, unless you authorize the use of your Social Security Number for the additional administrative purposes listed below (42 USC § 666(a)(13) & ORS 25.785).

SOCIAL SECURITY NUMBER AUTHORIZATION

The OLCC also asks for your authorization to use your Social Security Number(s) for additional administrative purposes, to make our application process more efficient and accurate. We use your Social Security Number to:

- 76. Help us keep accurate records about your identity because applicants often have the same last name and birth date.
- 77. Ensure your identity when we run a criminal background check through law enforcement agencies.
- 78. Match your license application to your Alcohol Server Education class and test score (applies only to applicants who are required by law to take and pass an alcohol server education program).

Our authority to request this use is ORS 471.311 and OAR 845-005-0312(6). Please check the box next to your signature to authorize our use of your Social Security Number for the additional administrative purposes listed above. You will not be denied a right, benefit or privilege if you do not authorize the OLCC to use your Social Security Number for these additional administrative purposes (5 US § C 552(a)).

Signature Section: <i>Who must sign -- One member of an LLC. One officer of a corporation. One partner in a limited partnership. Each person if licensed as individuals.</i>						
Print Name	Social Security Number	Date of Birth	Sex M/F	Today's date	Signature	SSN Authorization
Kavandep Kaur	[REDACTED]		F	5-31-22	<i>[Signature]</i>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES



O_12

Your Due Date For Renewal is June 10, 2022.

License Type: FULL ON-PREMISES SALES	District: 3	License: 334714	Premises: 4981	Code: 225
--------------------------------------	-------------	-----------------	----------------	-----------

SMB LLC
 488 SW FAIRLAWN CT
 DALLAS, OR 97338

Licensee(s) SMB LLC

Server Education Designee(s)
 BUCHANAN, SHIRLEY 6/3/2026

Tradenname HUMPTY'S BAR & GRILL
 916 OLD SALEM RD NE
 ALBANY OR 97321

Operational Questions:

(1) If there has been a change in your Server Education Designee please list the new person's full name and date of birth.	Name _____ DOB _____										
(2) List contact information for the business.	Phone Number: _____ Email: <u>shirley@humblybar.com</u>										
(3) List all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last 18 months even if they are not liquor related for any owner of the business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result					
Name	Offense	Date	City/State	Result							
(4) List Insurance Company and Policy #. Under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of NO LESS THAN \$300,000 .	Insurance Company <u>Accord</u> <u>Stelair</u> <u>503-601-8800</u> Policy # <u>WS464047</u> <u>and 5498581</u> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										
(5) Were there any changes of ownership (i.e.: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:										
(6) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN: <u>7 to 2</u> <u>Tent. Patio hooked on out door</u> <u>Patio</u>										

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. YOUR LICENSE EXPIRES ON 06/30/2022. If you do not renew before this date, you must stop selling or serving alcohol immediately. NO EXCEPTIONS! Selling or serving alcohol with an expired license is a crime.

PAID
 MAY 25 2022
PAID

Licensee(s): SMB LLC

License: 334714

Premises: 4981

Payment #1 to OLCC: <i>Make check or money order payable to OLCC. Do not mail cash. Send your application and payment to OLCC License Renewals; PO Box 22297; Milwaukie, OR 97269.</i>	Dollar Amount (\$)
If completed renewal application is postmarked by 06/10/2022 , pay this amount.	\$800.00
If completed renewal application is postmarked after 06/10/2022 but on or before 06/30/2022 , pay this amount.	\$1000.00
If completed renewal application is postmarked after 06/30/2022 , pay this amount.	\$1120.00

Payment #2 to Local Government:
Make check or money order payable to City/County listed below if a fee is required. Do not mail cash.

Local government City of Millersburg located at 4222 NE Old Salem Rd ; Albany, OR 97321 requires a \$15.00 processing fee. Send a copy of your completed application <u>with</u> this fee. Have you paid this processing fee? We will not process your application until this has been paid.	<input type="checkbox"/> YES
--	------------------------------

MANDATORY DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER

Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) on the license renewal application. The OLCC will refuse a renewal if an applicant signing the renewal fails to provide his/her Social Security Number. The Social Security Number will be used only for Child Support Enforcement purposes, unless you authorize the use of your Social Security Number for the additional administrative purposes listed below (42 USC § 666(a)(13) & ORS 25.785).

SOCIAL SECURITY NUMBER AUTHORIZATION

The OLCC also asks for your authorization to use your Social Security Number(s) for additional administrative purposes, to make our application process more efficient and accurate. We use your Social Security Number to:

- 3286. Help us keep accurate records about your identity because applicants often have the same last name and birth date.
- 3287. Ensure your identity when we run a criminal background check through law enforcement agencies.
- 3288. Match your license application to your Alcohol Server Education class and test score (applies only to applicants who are required by law to take and pass an alcohol server education program.)

Our authority to request this use is ORS 471.311 and OAR 845-005-0312(6). Please check the box next to your signature to authorize our use of your Social Security Number for the additional administrative purposes listed above. You will not be denied a right, benefit or privilege if you do not authorize the OLCC to use your Social Security Number for these additional administrative purposes (5 US § C 552(a)).

Signature Section:
Who must sign -- One member of an LLC: One officer of a corporation. One partner in a limited partnership. Each person if licensed as individuals.

Print Name	Social Security Number	Date of Birth	Sex M/F	Today's date	Signature	SSN Authorization
<i>Shirley Buchana</i>	[REDACTED]	[REDACTED]	F	5-20-22	<i>Shirley Buchana</i>	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES



Oregon Liquor Control Commission
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

Your Due Date For Renewal is June 10, 2022.

<i>License Type:</i> OFF-PREMISES SALES	<i>District:</i> 3	<i>License:</i> 332862	<i>Premises:</i> 59052	<i>Code:</i> 227
---	--------------------	------------------------	------------------------	------------------

LOVE'S TRAVEL STOPS & COUNTRY STORES INC
 ATTN: STORE LICENSING
 PO BOX 26210
 OKLAHOMA CITY, OK 73126

Licensee(s)

LOVE'S TRAVEL STOPS & COUNTRY STORES INC

Tradenname

LOVE'S TRAVEL STOP #728
 6457 OLD SALEM RD NE
 ALBANY OR 97321

CONFIDENTIAL

Operational Questions:

(1) List contact information for the business.	Phone Number [REDACTED] Email: storelicensing@loves.com										
(2) List all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last 18 months even if they are <u>not liquor related</u> for any owner of the business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td colspan="5">None</td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	None				
Name	Offense	Date	City/State	Result							
None											
(3) Were there any changes of ownership (i.e.: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES ^{or} EXPLAIN:										
(4) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES ^{or} EXPLAIN:										
(5) Will you be holding beer or wine tastings at your location, other than those conducted by a manufacturer?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES										

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. YOUR LICENSE EXPIRES ON 06/30/2022. If you do not renew before this date, you must stop selling or serving alcohol immediately. NO EXCEPTIONS! Selling or serving alcohol with an expired license is a crime.

Licensee(s): LOVE'S TRAVEL STOPS & COUNTRY STORES INC

License: 332862

Premises: 59052

CONFIDENTIAL

Payment #1 to OLCC: <i>Make check or money order payable to OLCC. Do not mail cash. Send your application and payment to OLCC License Renewals; PO Box 22297; Milwaukie, OR 97269.</i>	Dollar Amount (\$)
If completed renewal application is postmarked by 06/10/2022 pay this amount.	\$200.00
If completed renewal application is postmarked after 06/10/2022 but on or before 06/30/2022 pay this amount.	\$250.00
If completed renewal application is postmarked after 06/30/2022 pay this amount.	\$280.00

Payment #2 to Local Government: <i>Make check or money order payable to City/County listed below if a fee is required. Do not mail cash.</i>	
Local government City of Millersburg located at 4222 NE Old Salem Rd ; Albany, OR 97321 requires a \$15.00 processing fee. Send a copy of your completed application <u>with</u> this fee. Have you paid this processing fee? We will not process your application until this has been paid.	<input checked="" type="checkbox"/> YES

MANDATORY DISCLOSURE OF YOUR SOCIAL SECURITY NUMBER

Federal and State laws require you to provide your Social Security Number to the Oregon Liquor Control Commission (OLCC) on the license renewal application. The OLCC will refuse a renewal if an applicant signing the renewal fails to provide his/her Social Security Number. The Social Security Number will be used only for Child Support Enforcement purposes, unless you authorize the use of your Social Security Number for the additional administrative purposes listed below (42 USC § 666(a)(13) & ORS 25.755).

SOCIAL SECURITY NUMBER AUTHORIZATION

The OLCC also asks for your authorization to use your Social Security Number(s) for additional administrative purposes, to make our application process more efficient and accurate. We use your Social Security Number to:

- 460. Help us keep accurate records about your identity because applicants often have the same last name and birth date.
- 461. Ensure your identity when we run a criminal background check through law enforcement agencies.
- 462. Match your license application to your Alcohol Server Education class and test score (applies only to applicants who are required by law to take and pass an alcohol server education program.)

Our authority to request this use is ORS 471.311 and OAR 345-005-0312(b). Please check the box next to your signature to authorize our use of your Social Security Number for the additional administrative purposes listed above. You will not be denied a right, benefit or privilege if you do not authorize the OLCC to use your Social Security Number for these additional administrative purposes (5 US § C 552(a)).

Signature Section: <i>Who must sign -- One member of an LLC. One officer of a corporation. One partner in a limited partnership. Each person if licensed as individuals.</i>						
Print Name	Social Security Number	Date of Birth	Sex M/F	Today's date	Signature	SSN Authorization
Timothy J. Doty, II	[REDACTED]		M	4/28/2022	DocuSigned by: <i>TJD</i> B0DFC486E5E748E...	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES
						<input type="checkbox"/> NO <input type="checkbox"/> YES



Kim Wollenburg

From: STEVEN FRAMBES <sframbes@linnsheiff.org>
Sent: Tuesday, May 3, 2022 11:03 AM
To: Kim Wollenburg
Subject: Re: Liquor License Renewal

Thanks! No concerns here!

Get [Outlook for iOS](#)

From: Kim Wollenburg <kwollenburg@cityofmillersburg.org>
Sent: Tuesday, May 3, 2022 10:43:53 AM
To: STEVEN FRAMBES <sframbes@linnsheiff.org>
Subject: Liquor License Renewal

Hi Steve!

Attached is the businesses who are up for renewal. Kevin has asked me to send this to LCSO to just get a head nod, if you will, if you have any concerns with us approving their renewals. Like suddenly there's a lot of issues and you have a concern. Michelle has done this before and has just noted that there are no concerns. Up to you how you want to reply.



Thanks!

Kimberly Wollenburg

City Recorder
4222 NE Old Salem Road
Millersburg, OR 97321
(458)-233-6300



Report Criteria:

Report type: Invoice detail
Check.Type = {<->} "Adjustment"

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
19168					
06/03/2022	19168	Art Plus Signs & Designs	Wii Canate name plate	01-40-221	26.00
Total 19168:					26.00
19169					
06/03/2022	19169	Barrett Business Services Inc.	Week ending 5/22/2022 Jaydin Brockmann	01-45-211	100.10
Total 19169:					100.10
19170					
06/03/2022	19170	City of Albany	Fire Protection Millersburg	01-50-210	365,168.50
Total 19170:					365,168.50
19171					
06/03/2022	19171	David Evans & Associates, Inc.	Water SDC Fund	05-95-611	15,488.83
Total 19171:					15,488.83
19172					
06/03/2022	19172	Dustin Patton	Cell Phone Reimbursement May 2022	01-40-240	35.00
Total 19172:					35.00
19173					
06/03/2022	19173	Eljio Villa	Move out refund	99-10990	16.22
Total 19173:					16.22
19174					
06/03/2022	19174	Forrest Reid	City Attorney - Monthly	01-40-230	7,000.00
Total 19174:					7,000.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
19175					
06/03/2022	19175	Heath's Laundry	City Hall rug service	01-40-221	31.60
06/03/2022	19175	Heath's Laundry	City Hall rug service	01-40-221	31.60
Total 19175:					63.20
19176					
06/03/2022	19176	Kristin Gordon	Rec Reimbursement	01-45-210	200.00
Total 19176:					200.00
19177					
06/03/2022	19177	Linn County Print & Supplies	City Business Cards	01-40-221	135.00
Total 19177:					135.00
19178					
06/03/2022	19178	Metereaders LLC.	Metereaders through May 2022	05-90-212	1,102.95
Total 19178:					1,102.95
19179					
06/03/2022	19179	MetLife - Group Benefits	Billing period April 2022	01-40-135	827.74
Total 19179:					827.74
19180					
06/03/2022	19180	Pacific Northwest Development Group	Economic Development through May 2022	01-40-229	3,500.00
Total 19180:					3,500.00
19181					
06/03/2022	19181	Pamela Thomas	Library reimbursement	01-40-231	40.00
Total 19181:					40.00
19182					
06/03/2022	19182	Rexius	Fiberex for City Park	01-45-211	1,765.00
06/03/2022	19182	Rexius	Fiberex for City Park	01-45-211	1,765.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 19182:					3,530.00
19183					
06/03/2022	19183	Summer Wood	Rec Reimbursement	01-45-210	200.00
Total 19183:					200.00
19184					
06/03/2022	19184	US Bank	Roundup, measuring pitcher, & coveralls	01-45-211	3,486.93
Total 19184:					3,486.93
19185					
06/03/2022	19185	Witherspoon Industries LLC	City Hall Janitorial	01-40-223	600.00
Total 19185:					600.00
19186					
06/08/2022	19186	City of Albany	3rd Qtr FY 21/22	05-90-711	49,048.14
06/08/2022	19186	City of Albany	3rd Qtr FY 21/22	04-80-712	275,378.46
06/08/2022	19186	City of Albany	3rd Qtr FY 21/22	04-80-215	3,468.43
Total 19186:					327,895.03
19187					
06/08/2022	19187	Dick Welker Construction Inc.	Flush & TV Stormdrains for warranty	03-70-215	6,506.00
Total 19187:					6,506.00
19188					
06/08/2022	19188	FEI Testing & Inspection Inc	FEI - Professional Services - Fire Station concrete	02-65-202	1,421.80
Total 19188:					1,421.80
19189					
06/08/2022	19189	Handy Hands Landscape C&M LLC	Millersburg city park	01-40-223	8,500.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 19189:					8,500.00
19190					
06/08/2022	19190	J&J Electric	Fire station ceiling fan	01-50-725	50.82
Total 19190:					50.82
19191					
06/08/2022	19191	Linn County Planning and Building	Monthly Building Permit Bill	01-52-211	765.10
Total 19191:					765.10
19192					
06/08/2022	19192	OHA Cashier	Annual fee	05-90-212	1,200.00
Total 19192:					1,200.00
19193					
06/08/2022	19193	Pacific Office Automation	Printer Overages	01-40-222	86.19
Total 19193:					86.19
19194					
06/08/2022	19194	Pacific Power	Monthly Power Usage	04-80-217	5,816.88
Total 19194:					5,816.88
19195					
06/08/2022	19195	Sierra Springs	Sierra water-May 2022	01-40-221	51.15
Total 19195:					51.15
19196					
06/08/2022	19196	Valley Merchant Police, Inc	Unlock Gate weekends and holidays	01-45-211	307.50
Total 19196:					307.50

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
19197					
06/08/2022	19197	Wheat LLC	Monthly Sweeping	02-60-214	2,199.17
Total 19197:					2,199.17
19200					
06/21/2022	19200	ADS, LLC	ADS - Amendment 15	04-80-213	2,316.00
Total 19200:					2,316.00
19201					
06/21/2022	19201	Aflac	AFLAC - through May 2022	01-40-134	44.52
Total 19201:					44.52
19202					
06/21/2022	19202	Barrett Business Services Inc.	Week ending 6/5/2022 Jaydin Brockmann	01-45-211	232.05
06/21/2022	19202	Barrett Business Services Inc.	Week ending 6/12/2022 Jaydin Brockmann	01-45-211	63.70
Total 19202:					295.75
19203					
06/21/2022	19203	Business Connections, Inc.	Answering Service	01-40-215	45.00
Total 19203:					45.00
19204					
06/21/2022	19204	CECO, INC.	Monthly Fuel	01-45-211	213.97
06/21/2022	19204	CECO, INC.	Monthly Fuel	01-45-211	384.06
Total 19204:					598.03
19205					
06/21/2022	19205	Clear Innovations	Film install for firestation	01-50-725	350.00
Total 19205:					350.00
19206					
06/21/2022	19206	Convergent Technologies LLC	Millersburg Station 15 security project	01-50-725	6,747.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 19206:					6,747.00
19207					
06/21/2022	19207	David Evans & Associates, Inc.	Water SDC Fund	05-95-611	16,751.75
Total 19207:					16,751.75
19208					
06/21/2022	19208	Handy Hands Landscape C&M LLC	Handy Hands - Landscape City Hall	01-40-223	1,536.00
Total 19208:					1,536.00
19209					
06/21/2022	19209	Lindsey Craig	Library reimburesment	01-40-231	40.00
Total 19209:					40.00
19210					
06/21/2022	19210	LS Networks	Monthly internet and Phones	01-40-215	374.35
Total 19210:					374.35
19211					
06/21/2022	19211	Michele Ferguson	Rec reimbursement	01-45-210	200.00
Total 19211:					200.00
19212					
06/21/2022	19212	Pacific Power	Fire Station power	01-50-725	701.15
Total 19212:					701.15
19213					
06/21/2022	19213	Professional Security Alarm	Service call city park restroom	01-45-211	218.00
06/21/2022	19213	Professional Security Alarm	Central Station Monitoring Services	01-40-223	123.00
Total 19213:					341.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
19214					
06/21/2022	19214	Rexius	Deco Bark nuggets	01-40-223	3,960.00
06/21/2022	19214	Rexius	Deco Bark nuggets	01-40-223	4,140.00
06/21/2022	19214	Rexius	Deco Bark nuggets	01-40-223	3,780.00
Total 19214:					11,880.00
19215					
06/21/2022	19215	Saalfeld Griggs PC	General Real Estate	01-40-230	6,022.42
06/21/2022	19215	Saalfeld Griggs PC	Purchase of City Right of Way- Consor Road Intersection	01-40-230	3,653.50
Total 19215:					9,675.92
19216					
06/21/2022	19216	Sarah Rae	Rec reimbursement	01-45-210	172.00
Total 19216:					172.00
19217					
06/21/2022	19217	Sarah Rae	Library reimbursement	01-40-231	40.00
Total 19217:					40.00
19218					
06/21/2022	19218	Wildish Paving Co.	Public Street (includes storm)	02-65-202	511,723.20
Total 19218:					511,723.20
19220					
06/30/2022	19220	Barrett Business Services Inc.	Week ending 6/19/2022 Jaydin Brockmann	01-45-211	313.95
Total 19220:					313.95
19221					
06/30/2022	19221	Cascade Sound	Celebration-sound & lighting	01-56-210	1,000.00
Total 19221:					1,000.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
19222					
06/30/2022	19222	CH2MHill Engineers Inc	Task 8.1.3 Req Sup WMCP	05-90-218	9,524.50
Total 19222:					9,524.50
19223					
06/30/2022	19223	De Lage Landen Financial Services, Inc.	Monthly Printer Lease	01-40-222	374.55
Total 19223:					374.55
19224					
06/30/2022	19224	Eric Metz	Wetland Permitting for Central Industrial Property Services	01-40-235	824.64
Total 19224:					824.64
19225					
06/30/2022	19225	LOC Foundation	Membership Dues FY 22-23	01-40-227	.00
Total 19225:					.00
19226					
06/30/2022	19226	Matt Straite	Dessert for CC	01-40-224	29.20
Total 19226:					29.20
19227					
06/30/2022	19227	MetLife - Group Benefits	Billing period June 2022	01-40-135	827.74
Total 19227:					827.74
19228					
06/30/2022	19228	Nicole Rennaker	Rec reimbursement	01-45-210	136.00
06/30/2022	19228	Nicole Rennaker	Library reimbursement	01-40-231	40.00
Total 19228:					176.00
19229					
06/30/2022	19229	Northwest Tractor Services LLC	Roadside mowing	02-60-212	225.00

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
Total 19229:					225.00
19230					
06/30/2022	19230	Pacific Northwest Development Group	Economic Development through June 2022	01-40-229	3,500.00
Total 19230:					3,500.00
19231					
06/30/2022	19231	Party Perfection Oregon	Celebration-kids fun zone	01-56-210	1,500.00
Total 19231:					1,500.00
19232					
06/30/2022	19232	Peter Spencer	Rec reimbursement	01-45-210	200.00
Total 19232:					200.00
19233					
06/30/2022	19233	Providence Health Plan	Medical Insurance	01-40-132	6,703.65
Total 19233:					6,703.65
19234					
06/30/2022	19234	Saif Corporation	Policy term 7/22-7/23	01-40-133	5,750.60
Total 19234:					5,750.60
19235					
06/30/2022	19235	Sierra Springs	Sierra water June 2022	01-40-221	42.85
Total 19235:					42.85
19236					
06/30/2022	19236	Soderstrom Architects Ltd	Fire Station Design	01-50-721	1,890.88
Total 19236:					1,890.88

Check Issue Date	Check Number	Payee	Description	Invoice GL Account	Check Amount
19237					
06/30/2022	19237	Travis & Katie Younger	Rec reimbursement	01-45-210	200.00
Total 19237:					200.00
19238					
06/30/2022	19238	Vanessa Kennedy	Library reimbursment	01-40-231	40.00
Total 19238:					40.00
Grand Totals:					1,353,275.34

Report Criteria:

Report type: Invoice detail
Check.Type = {<>} "Adjustment"



LINN COUNTY SHERIFF'S OFFICE

Michelle Duncan, Sheriff
1115 S.E. Jackson Street, Albany, OR 97322
Albany, OR. 97322
Phone: 541-967-3950
www.linnsheriff.org

2022

MONTHLY REPORT TO THE CITY OF MILLERSBURG FROM THE LINN COUNTY SHERIFF'S OFFICE

FOR THE MONTH OF: June

TRAFFIC CITATIONS: -----	9
TRAFFIC WARNINGS: -----	7
TRAFFIC CRASHES: -----	2
ADULTS CITED/VIOLATIONS: -----	0
ADULTS ARRESTED : -----	2
JUVENILES CITED/VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	2
COMPLAINTS/INCIDENTS INVESTIGATED:-----	129

TOTAL HOURS SPENT: 168.25 hours

CONTRACT HOURS= 153 HOURS

**Michelle Duncan,
Sheriff, Linn County**

By: Sergeant Steven Frambes

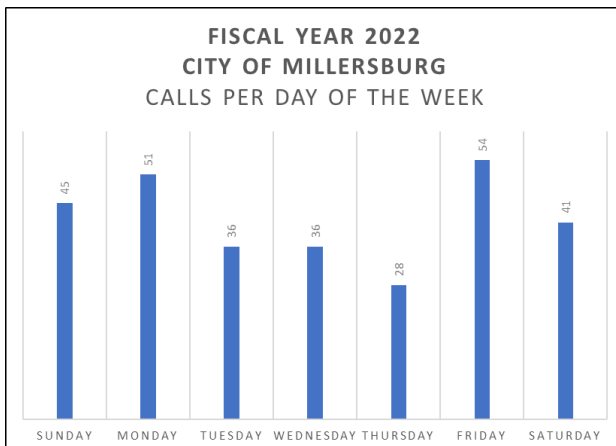


CITY OF MILLERSBURG QUARTERLY REPORT JULY 12, 2022



City of Millersburg Total Responses			
Month	Fiscal Year 20	Fiscal Year 21	Fiscal Year 22
July	18	17	35
August	26	26	34
September	15	28	27
October	30	29	26
November	14	21	20
December	23	30	24
January	24	29	24
February	28	26	22
March	28	21	19
April	18	28	24
May	16	36	20
June	17	23	16
Total	257	314	291

Millersburg Response Times Average 911 Call Received to Arrival Time			
	FY 20	FY 21	FY 22
All Incidents	7:41	7:34	7:41



<i>Type of Call</i>	<i>Count</i>
SICK PERSON	35
FIRE ALARM ACTIVATION	32
BREATHING PROBLEMS	30
FALL	26
UNCONSCIOUS FAINTING	18
CHEST PAIN	17
LIFT ASSIST	15
MVC INJURY	15
UNKNOWN MEDICAL PROBLEM	12
SEIZURE	9
STROKE	8
STRUCTURE FIRE	6
HEART PROBLEMS AICD	5
TRAUMA INJURY	5
CARDIAC ARREST	5
WIRE DOWN	5
SMOKE INVESTIGATION	5
OD INGESTION POISONING	4
HEMORRHAGE BLEED	4
HAZMAT INCIDENT	3
ABDOMINAL PAIN OR PROBLEMS	3
ASSAULT, RAPE, VIOLENT TRAUMA	2
ODOR INVESTIGATION	2
SMALL MISC FIRE	2
BURN COMPLAINT	2
TRUCK FIRE	2
MUTUAL AID TO SCENE	2
PUBLIC ASSISTANCE	2
ALLERGY, HIVES, REACTION STING	1
BACK PAIN	1
TREE FIRE	1
LARGE NATURAL COVER FIRE	1
PSYCHIATRIC SUICIDE ATTEMPT	1
FLUE FIRE	1
FIRE AGENCY ASSIST	1
CHOKING	1
AIRCRAFT INCIDENT	1
CAR FIRE	1
FIRE MOVEUP ONLY	1
DIABETIC PROBLEM	1
ELECTROCUTION LIGHTNING	1
HEADACHE	1
ANIMAL BITES ATTACKS	1
Grand Total	291

**City of Millersburg
Fire & Life Safety Evaluations**

Month	FY 21	FY 22
July	5	0
August	4	2
September	1	1
October	1	2
November	2	1
December	15	2
January	6	4
February	10	4
March	16	3
April	1	6
May	3	4
June	7	N/A
Total	71	29

**City of Millersburg
Community Paramedic Referrals**

Month	FY 21	FY 22
July	0	2
August	4	1
September	2	4
October	2	0
November	0	0
December	0	0
January	2	0
February	0	0
March	0	0
April	2	N/A
May	0	N/A
June	2	N/A
Total	14	7



Proposal: The City is proposing to remove about 171.84 acres of property from the City limits. A change to the City limits is considered a Comprehensive Plan Map and Zoning Map amendment because these are the official records of the City limits.

It should be noted that this process of de-annexation (technically called a removal of territory) is a standalone process; however, it is meant to be part of a larger Urban Growth Boundary (UGB) swap. The property is generally unbuildable and this City limit change is the first step in swapping this unbuildable property for other property that would allow industrial development. The file number for the de-annexation is DC 22-03, but the UGB update is DC 22-01 and is a separate process that will be heard at a future date.

Pursuant to State law requirements, the de-annexation action has three steps- first the City Council adopts a Resolution stating what the limits of the proposed City limit change will be. Second, the City Council holds a public hearing for the public to provide comment on the revision. The Council can then change the Resolution and the limits of the change if they so desire. Third, the City Council makes the change official by adopting an Ordinance effectuating the new City limits on the Comprehensive Plan Map and the Zoning Map. This staff report is for the second step- the public hearing.

I. **BACKGROUND**

- A. Applicant: City of Millersburg
- B. Location: The sites have no address. They are located along the western edge of the City, generally south of NE Conser Road, along the Willamette River. The tax lot numbers are 10S-03W-33-200, 300, and 201.
- C. Review Type: The proposal is a Development Code Amendment (DC) because it changes the City Limits which is formalized in the Comprehensive Plan Map and Zoning Map; however, while the City's Development Code requires specific steps for a Development Code Amendment. The State regulations have different requirements, specifically a three step process (see project description above). The hearing before the Planning Commission is scheduled for July 19, which is prior to the planned adoption by the City Council on August 23, 2022. The Commission will make a recommendation to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

- D. Public Notice and Hearing: A notice was posted in City Hall and the newspaper twice. A separate notice was sent to the Department of Land Conservation and Development (DLCD) on June 8, 2022. Information related to the hearing is posted on the City's website here <https://www.cityofmillersburg.org/bc-pc/page/dc-22-03-de-annexation-property-city-limits>
- E. Review Criteria: Section 5.09.050 and 5.10.050
- F. Current Zoning: General Industrial (GI)
- G. Proposed Zoning: Unincorporated County (zoning designation to be determined by the County)
- H. Background: As outlined above in the project description, the process to remove property from the City Limits is a very specific process, which is different from any other land use process in the State. This requires three steps, the City Council adopts a resolution stating the limits of the de-annexation, the City Council then holds a hearing where the public can address the Council about the proposed limits of the change, and the last step is an adoption of an Ordinance. The State process is silent on the need for any action by the Planning Commission. However, this is considered a Comprehensive Plan Map change and a Zoning Map change. As such, they are required to follow the processes identified in the City Land Use Development Code as well, which does include a requirement for the Planning Commission to advise the City Council on the change. Traditionally, the Planning Commission holds a hearing before the City Council does. In this case, based on the way the City Council and Planning Commission dates normally fall on the calendar, we are holding the public hearing before the City Council first and the Planning Commission second. This is permitted because the City Council cannot take action on the de-annexation on the July 12th City Council hearing. The scheduled Ordinance adoption is on August 23rd. Thus, the Planning Commission recommendation will still be presented to the City Council prior to the City Council action on August 23rd.

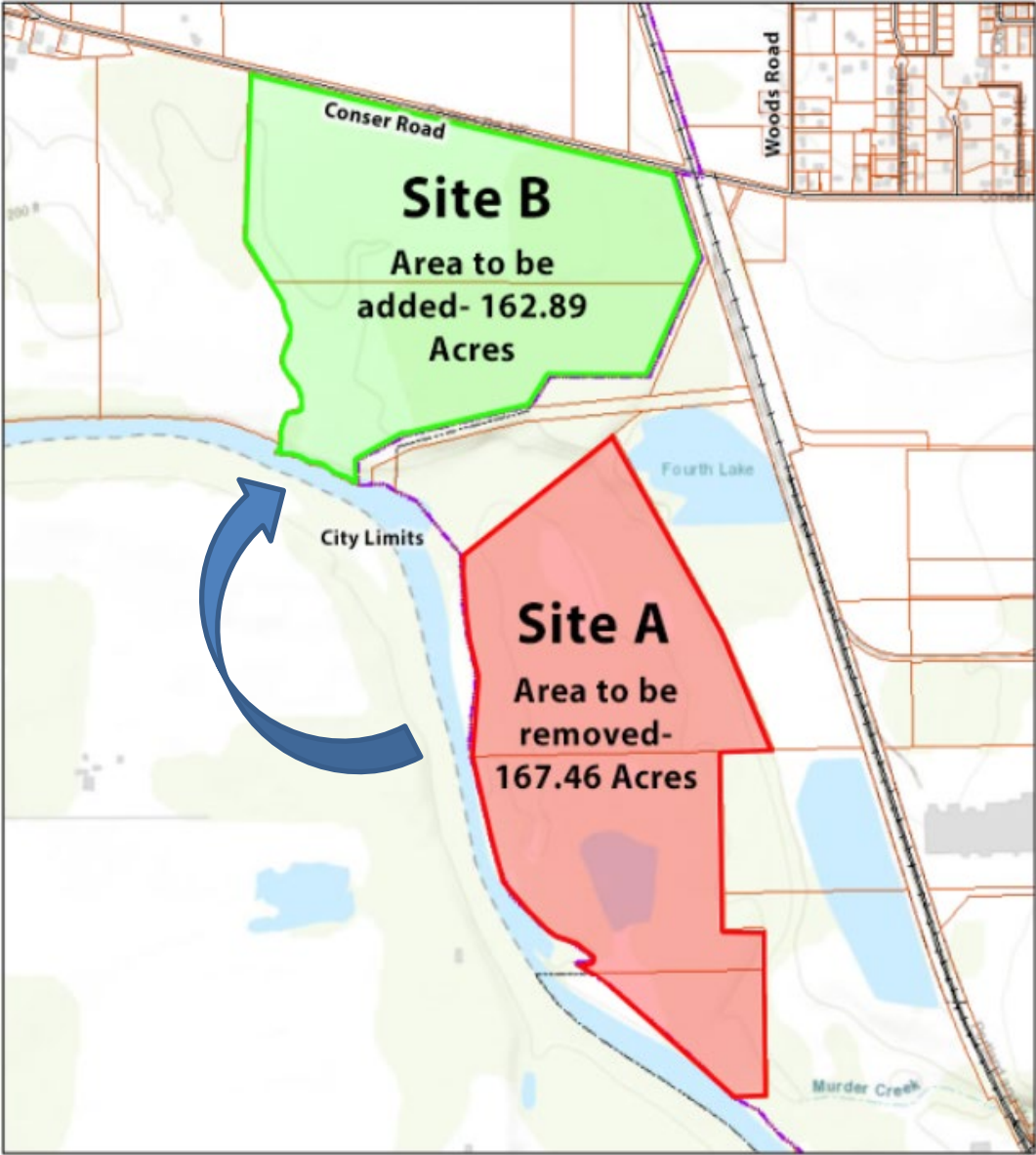
This staff report is for the City Council public hearing, which is the second step in the process. On June 14th the City Council adopted a resolution stating the intent to remove the property from the City limits and identifying the area to be removed. This also set the date for this hearing on July 12th.

During the public hearing the City Council can change the area to be

removed, based on public input, by changing the resolution and re-adopting it.

The proposed de-annexation is shown below. Site A in red is the subject for the proposed de-annexation. The green area, Site B, is planned to be added to the UGB. This is the subject of a future (and separate) land use action.

DC 22-03 UGB Swap



II. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

5.09.050 Decision Criteria for Comprehensive Plan Map Amendments

Plan map amendment proposals shall be approved if the applicant provides evidence substantiating the following:

- (1) **All information and analysis must justify the proposed change relative to the map designation to which the property is proposed to change, and to the map designation from which the property is changing. The analysis must speak to the impacts from the decrease in land acreage of one map designation and the increase in land acreage for the proposed map designation.**

ANALYSIS: The map change is unique. The City is not proposing to change a designation on the map, it is proposing to change the City Limits by removing three properties from the City. At the time the property is removed, the City will no longer have jurisdiction of them. They will still be within the Millersburg Urban Growth Boundary (UGB), but that does not give the City any jurisdictional control of land uses. The County will become the jurisdiction with land use authority on all three properties once the change is made. The County will apply Comprehensive Plan Land Use designations to the properties at some time in the future.

The City is proposing to move the three properties out of the City limits for a number of reasons including:

- All three properties are almost completely within a Floodway. A Floodway is a FEMA designation for areas of very high probability of flooding. Typically, this is an area where water is frequently present and of fairly high velocity. Though FEMA has a pathway to develop within a Floodway (with mitigation and studies), the City has more strict requirements (which FEMA encourages). City regulations do not permit any development within a Floodway. Therefore, even though these three properties have a Zoning designation of GI, they are unbuildable because of this designation.
- The properties have no public access, meaning there are no streets to these properties. The City's Transportation System Plan does not propose any streets in this area. Having that said, there are ways to build streets to these areas, but that would require FEMA mitigation and expensive construction techniques to create them. It is not practical, probable, or efficient to add streets to these lots.

- Based on the wooded nature of the three properties, their location along the Willamette River, and the Floodway designation, these properties are better suited to a natural open space land use than an industrial one.
- The County is better suited to designate these properties with a Comprehensive Plan Land Use designation that would be intended to provide long-term protections to the area. The City has no such designations. The highest and best use for these properties is open space.
- Because the property cannot build out as industrial, leaving them in an Industrial Comprehensive Plan Land Use designation is misleading and creates complications in the City's ability to plan development of other industrial areas. Therefore, removing these properties will have a positive impact on the amount of industrially designated property within the City, because it will give the City ability to change the UGB and City limits to add more industrial property to the City. The new property will be better suited to development.
- Removing these properties from the City will allow the City the ability to alter the UGB to include other property into the City Limits that is more able to build-out with industrial uses.
- Further development of industrial areas add more tax revenues to the City and allows a lower tax rate to the residents of the City.

Based on the reasons listed above, it is in the public's best interest to remove these properties from the City.

FINDING: Based on the analysis above, the project meets the required criteria.

- (2) Compliance is demonstrated with the Statewide Land Use Planning Goals and Guidelines and any relevant Administrative Rules applying to the subject properties or to the proposed land use designation. If the proposed designation requires an exception to the Goals, the applicable criteria in the Oregon Land Conservation and Development Commission Administrative Rules for the type of exception needed shall also apply.**

ANALYSIS: The project does comply with the State Planning Goals, no exception is needed. The following is a summary of the project's consistency with the State Goals.

- Goal 1 calls for citizen participation. The project will have hearings at the Planning Commission and City Council levels. There will be ample

opportunity for public input. The project is consistent with, and implements, Goal 1.

- Goal 2 calls for the City to provide Land Use designations that help guide development in locations that are appropriate for development. The property proposed to be removed from the City is not appropriate for the current Land Use Designation of Industrial, for the reasons listed above. The project is consistent with, and implements, Goal 2.
- Goals 5 and 6 call for the protection of areas that have natural resources or are scenic. Removing the properties from the City will help their protection by affording them County Land Use Designations that are far better suited to protecting the wooded natural riverfront property. The project is consistent with, and implements, Goals 5 and 6.
- Goal 7 calls for Cities to protect development (or restrict it) from natural hazards. As discussed previously, the three properties are almost completely within a Floodway. Removing the Industrial Land Use designation, by removing it from the City, will assure development does not occur in this hazard area. The project is consistent with, and implements, Goal 7.
- Goal 9 calls for Cities to use planning as a way to help the economy of the State or Oregon. Removing these properties from the City will allow the City to designate other areas, currently outside the City and far more developable, as Industrial. Increasing the likelihood of building out the City's Land Use designations helps the State's Economy. This also helps the State place industrial development in a location (of the State) that is best suited to additional Industrial development. Ample water, power, train access and many other features make Millersburg best suited to industrial development.
- Goal 11, public facilities, and Goal 14, Urbanization, call for cities to maximize land uses to prevent continual expansion into farmland. The project will not result in additional land expansion, rather it will facilitate a swap, almost one-for-one, of acreage. The project simply allows the City to swap the designation to a location that makes more sense to develop, and maximizes the efficiency of public infrastructure.

FINDING: Based on the analysis above, the project meets the required criteria.

(3) Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated.

ANALYSIS: Based on Staff's review of the Comprehensive Plan goals and policies, the proposed project is fully constant with the Comprehensive Plan. Many of the Comprehensive Plan goals and policies implement and reiterate the State Planning Goals. Therefore, most of the State Goal analysis is applicable here as well. Below is a summary of the projects consistency with the Comprehensive Plan.

- Section 9.100 calls for the public to be able to comment on planning issues. This project will be before the Planning Commission and the City Council in a hearing format which allows for ample public comment.
- Section 9.160 calls for all affected public agencies to review projects. This was transmitted to several public agencies for review.
- Section 9.190, the Planning Section, calls for the City to review and monitor land uses to change them when they are not working. This project implements this because the property cannot be developed, and others can. Removing these from the City will allow other property to be added as industrial property, and allow the City more opportunity for industrial development.
- Section 9.200 address the environment. Eliminating these lots from the City will help protect them long term, thus implementing the policies of this section.
- Section 9.300 addresses the economy. As explained above, removing these unbuildable lots from the City limits allows the City the ability to change the UGB and include other lots in the City that are more viable for industrial development, thus impending the policies of Section 9.400.
- Section 9.500 is the Land Use section of the Plan. This section requires a balance of land uses in the City, it requires that adequate area for each land use be provided, this section contains the Land Use map, and contains an entire section of policies specific to the development of industrial uses. None of these three lots can implement any of these Comprehensive Plan policies, because they are not buildable. Removing them from the City will help us re-designate other properties

that can implement these policies.

- Section 9.500 also contains policies regarding the protection of the Willamette River Greenway, a State priority. One of these policies requires a 150 foot setback from the ordinary low water line of the River. Another policy says that development should be placed as far from the river as possible. These policies further limit possible development of these properties. Removing the lots from the City will assist with implementing the Greenway policies.
- Section 9.800 is the Growth Management section. This section includes policies that encourage boundary changes to use existing property lines, coordinate boundary changes with the County, grow where public facilities can be reasonably provided, protect natural drainage areas, and avoid of hazards to name a few. The proposed project implements all of these because it uses existing property lines to identify the three lots for removal, the City coordinated with the County prior to beginning the change, removes property that would have been difficult for public facilities to service (and allows the City the opportunity to add new property closer to existing utilities), and the removal of the lots will protect the floodway and allow it to remain in place.

In summary, the proposed project is highly consistent with the Comprehensive Plan.

FINDING: Based on the analysis above, the project meets the required criteria.

- (4) The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Plan.**

ANALYSIS: This criteria does not apply to the proposed change. The proposal is to remove areas from the City. The plan is to make this part of a swap of properties, that generally match in size. When complete there will be no significant change on the amount of industrial properties in the City. Further, the existing lots are not buildable, so the question of the total City-wide amount of industrial property is irrelevant. This is the first step in a series of actions that make the full amount if industrial property buildable.

FINDING: Based on the analysis above, this criteria does not apply.

- (5) The Plan provides more than the projected need for lands in the existing land use designation.**

ANALYSIS: See analysis for criteria 4 above. This criteria does not apply.

FINDING: Based on the analysis above, this criteria does not apply.

- (6) The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands.**

ANALYSIS: Because the City is not going to provide a new designations to the three lots removed from the City, this criteria does not apply. By removing the property from the City limits, the responsibility of designating the Land Use designation to the three lots will fall on the County. The City has meet with the County. They explained that they plan to designate the property with an open space designation. Having that said, looking forward to an ultimate open space designation by the County, such a land use designation will not destabilize land use patterns of the surrounding properties. The three properties will ultimately have open space uses on the west and south (the River), and industrial uses on the east and north. Industrial uses have regulations that will assure their uses do not pollute the air or water. These regulations (City, region, and State) will assure that the industrial uses will not detrimentally impact the open space uses. Likewise, the neighboring open space will have no deleterious effects on the industrial uses. In fact, the open space property could eventually be used for purposes that may help neighboring uses develop, such as wetland mitigation banking for example.

FINDING: Based on the analysis above, while the criteria does not apply, it will be met.

- (7) Public facilities and services necessary to support uses allowed in the proposed designation are available or will be available in the near future.**

ANALYSIS: No use is proposed, but the ultimate use of open space will need no services.

FINDING: Based on the analysis above, the project meets the required criteria.

5.10.050 Zoning Map Amendment Decision Criteria.

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- (1) **The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.**

ANALYSIS: The City is proposing to eliminate the Comprehensive Plan Land Use designation for the properties. Likewise, the three properties being removed will also no longer have City Zoning classifications. The change proposed is not changing the classifications, it is changing the boundary of the map itself. As such, this criteria does not apply to the project. The County has indicated that an open space zone will be applied at some point to the properties.

FINDING: Based on the analysis above, the criteria does not apply to the project.

- (2) **The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.**

ANALYSIS: No new zone is proposed on the site, thus no new uses are proposed. The County will ultimately add an open space zone to the site. Uses in an open space zone typically do not allow development and would therefore not exceed the capacity of the property.

FINDING: Based on the analysis above, the criteria does not apply to the project, though it will be met.

- (3) **Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.**

ANALYSIS: No new zone is proposed on the site, thus no new uses are proposed. The County will ultimately add an open space zone to the site. Uses in an open space zone typically do not allow development. Any uses would have to comply with County development requirements. Therefore, this criteria does not apply.

FINDING: Based on the analysis above, the criteria does not apply to the project, though it will be met.

- (4) Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.**

ANALYSIS: An open space zone would not typically require public facilities. There is no transportation network in place to access the site, there are no public roads to the three properties proposed to be removed. Thus, adequate facilities do exist, in that there are none and the proposed use (by the County) will require none.

FINDING: Based on the analysis above, this criteria is met.

- (5) For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met.**

ANALYSIS: The change is not residential.

FINDING: Based on the analysis above, this criteria does not apply.

III. TRANSPORTATION PLANNING RULE

Oregon's Transportation Planning Rule (TPR), Oregon Administrative Rule 660-012-000, was enacted to support Oregon's Goal 12- the Transportation Goal. The TPR explains that local governments and state agencies are responsible for assuring that land uses and transportation planning remain linked. Section 0060 directs cities and counties to assess whether proposed plan amendments and zone changes will have a significant effect on the transportation system.

As explained previously, the project proposes to remove three lots from the City limits. There are no streets servicing these three lots and none were planned or proposed in the Transportation System Plan for the City. Further, the eventual open space Land Use designations that will be applied by the County will not permit any significant development of these three lots. The proposed amendment will have no effect on the existing or proposed transportation system. As such, the proposed project is fully consistent with the TPR.

IV. STAFF RECOMMENDATION TO THE CITY COUNCIL

Based on the above findings of fact, the proposed Comprehensive Plan Map and Zoning Map amendment satisfies the applicable criteria. Staff recommends, pursuant to the State ORS requirements for de-annexations, that the City Council direct the Mayor to sign an order formalizing the limits of the

change and setting a date for the final adoption of an Ordinance formally removing the property from the City.

V. RECOMMENDED MOTION

Staff recommends the following as a sample motion:

The City Council hereby directs the Mayor to sign an order declaring that the Council still favors the withdrawal of territory pursuant to the resolution as approved, and setting forth the boundaries of the area to be withdrawn, and sets a date of August 23, 2022, 6:00 P.M. at the Millersburg City Hall, for final hearing on the Ordinance withdrawing the territory from the City, and amending the Comprehensive Plan Land Use Map and Zoning Map to reflect the change.

VI. EXHIBITS

- A. Resolution 2022-08
- B. Draft Ordinance No. 2022-XX
- C. Public Hearing Notice

RESOLUTION NO. 2022-08

**A RESOLUTION INITIATING WITHDRAWAL OF TERRITORY
FROM THE CITY OF MILLERSBURG**

WHEREAS, except as expressly prohibited by a city charter, ORS 222.460 provides that the legislative body of a city may order the withdrawal of territory from the city limits when it determines that it is in the public interest to take such action; and,

WHEREAS, ORS 222.460 further sets out procedures for withdrawing territory, including information that must be contained in city resolutions, requirements for public hearings, thresholds for when elections are required, and disposition of taxes and assessments; and,

WHEREAS, the City of Millersburg is requesting the removal of three properties from the City (totaling 167.46 acres): tax lot 10S03W2900200, 16.94 acres, tax lot 10S03W2900201, 86.92 acres, and tax lot 10S03W2900300, 63.60 acres; and,

WHEREAS, the three properties have no planned or existing public access (street) and are generally undevelopable because they are located completely within a floodway; and,

WHEREAS, the three properties are currently zoned General Industrial (GI), but are better suited to long-term protection from development interests based on reasons listed in this resolution; and,

WHEREAS, the City has no zoning designations that could assure long-term protection; and,

WHEREAS, leaving the current zoning designation of General Industrial (GI) on the three properties creates a false presumption that the property is viable for industrial development, which has negative ramifications on the presumed availability of land for non-residential development within the City limits, which could hamper any future economic development; and,

WHEREAS, the General Industrial (GI) zoning designation on the three properties is misleading due to a prohibition on any development due to its location within a floodway, and because no urban development of any kind would be permitted on these properties without unrealistic mitigation to remove the properties from the floodway; and,

WHEREAS, the City does not intend to revise the City's Urban Growth Boundary (UGB) at this time; and,

WHEREAS, the City Council discussed the proposal at the January 13, 2022 meeting and in subsequent meetings, where the Council indicated support for a series of land use actions that would essentially swap one set of properties out of the Urban Growth Boundary (UGB)

and another set into the UGB, the first step of which is a resolution to officially initiate removal of property from the City limits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILLERSBURG as follows:

1. It is the intention of the City of Millersburg to change the boundary of the City by means of withdrawing the three properties listed below from the City limits.
2. The territories to be withdrawn from the City of Millersburg are real property in the County of Linn, State of Oregon, described as follows (full legal descriptions of each are attached as Exhibit B):
 - a. Tax lot 10S03W2900200, 16.94 acres
 - b. Tax lot 10S03W2900201, 86.92 acres
 - c. Tax lot 10S03W2900300, 63.60 acres
3. The territory is further illustrated on the Linn County Assessor's Map attached as Exhibit A.
4. The City will schedule a public hearing on July 12, 2022 to receive public input on the boundary change proposed. A tentative date to adopt an Ordinance to formally remove the property from the City is scheduled for August 23, 2022.

ADOPTED AND EFFECTIVE THIS 14TH DAY OF JUNE, 2022.

Jim Lepin, Mayor

ATTEST:

Kimberly Wollenburg
City Recorder

Exhibit A- Linn County Assessors Map



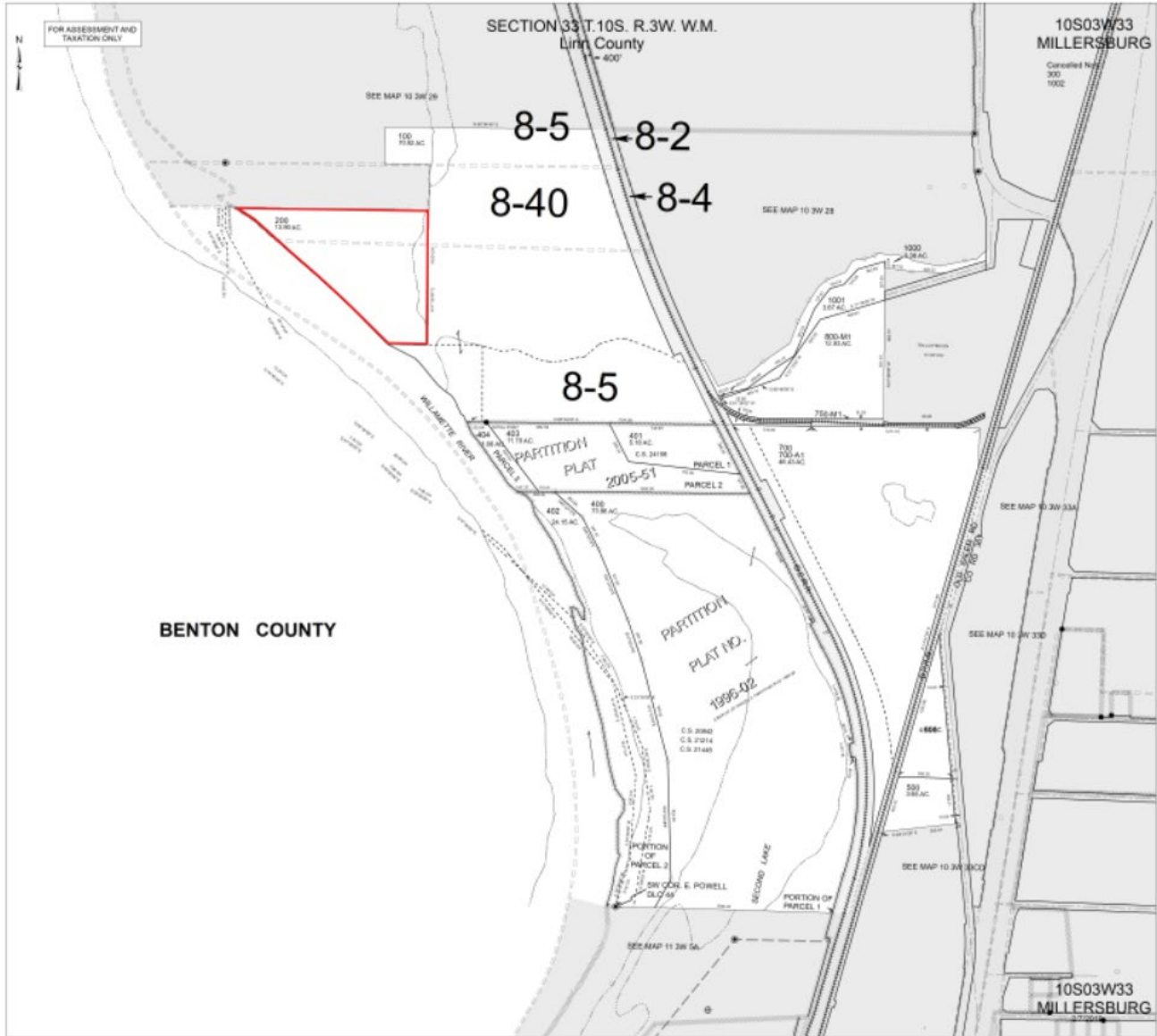


Exhibit B- Deeds with legal descriptions for all three properties.¹

¹ Two deeds are attached as one deed represents both tax lot 300 and tax lot 201, the second deed represents tax lot 100.

After recording return to Tigor Title

After recording return to:
Millersburg Power LLC
PO Box 2087
Salem, OR 97308

LINN COUNTY, OREGON **2013-08997**
 D-WD
 Cal=1 Str=1 COUNTER **05/31/2013 11:21:25 AM**
 \$50.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$105.00**



00204506201300089970100101

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



Feb 1 2013 18:14

GRANTOR: International Paper Company
 6400 Poplar Avenue
 Memphis, TN 38197

GRANTEE: Millersburg Power LLC
 PO Box 2087
 Salem, OR 97308

Until a change is requested, all tax statements shall be sent to Grantee at the following address:
 Millersburg Power LLC
 PO Box 2087
 Salem, OR 97308

STATUTORY SPECIAL WARRANTY DEED

International Paper Company, successor and assign to IP Eat Three LLC ("Grantor") conveys and specially warrants to Millersburg Power LLC ("Grantee") the real property in Linn County, Oregon, more particularly described on Exhibit A attached hereto and by this reference incorporated herein (the "Real Property" or the "Land"), free of encumbrances created or suffered by the Grantor, except for those encumbrances set forth on Exhibit B, attached hereto and by this reference incorporated herein.

Together with a non-exclusive easement thirty feet (30') in width over, on and under the adjacent lands of Grantor, running in a northerly direction from the suction point of the withdrawal pipe of the ASB pond to the common boundary between the lands conveyed to Grantee by this deed for the sole purposes of ingress and egress, operating, repairing, maintaining, removing, improving and replacing the ASB Delivery System in such a manner as not to interfere with Grantor's operations on such lands. A sketch identifying the location of the aforementioned easement is attached hereto as Exhibit C and by this reference incorporated herein.

The true consideration for this conveyance in terms of dollars is \$1,200,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR



✓ After recording return to:
 First American Title Insurance
 Company
 2101 Fourth Avenue, Suite 800
 Seattle, WA 98121
 Attn: Donna Koerber/T2007-439
 Until a change is requested all tax statements
 shall be sent to the following address:
 IP EAT Three LLC
 c/o International Paper Company
 PO Box 2118
 Memphis, TN 38101
 File No.: 309302 CP7 (dk)

First American Title # 0808-2005 (A)(w)
 FATCO. NO. 205 - 309302 - CP7

THIS SPACE RESERVED FOR RECORDER'S USE

LINN COUNTY, OREGON **2008-15425**
 O-BS
 Cnt=1 Sln=1 COUNTER **08/04/2008 11:58:45 AM**
 \$130.00 \$11.00 \$10.00 **\$151.00**



0008888200800154250260266

I, Steve Druckenmiller, County Clerk for Linn
 County, Oregon, certify that the instrument
 identified herein was recorded in the Clerk
 records.
 Steve Druckenmiller - County Clerk



STATUTORY BARGAIN AND SALE DEED

Weyerhaeuser Company, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, as to Parcels I, II, III, IV, VI, VII, XI, XII and XV and **Weyerhaeuser Company**, a Washington corporation, successor by merger to Willamette Industries, Inc., an Oregon corporation, successor by merger to Western Kraft Corporation, an Oregon corporation, as to Parcels V, VIII, IX, X, XIII, XIV and XVI, GRANTOR, conveys to **IP EAT Three LLC**, a Delaware limited liability company, GRANTEE, the following described real property: **See Exhibit "A"**

TOGETHER WITH all the tenements, hereditaments and appurtenances belonging or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject only to those matters set forth in **Exhibit "B"**, attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

And GRANTOR hereby covenants with GRANTEE that GRANTOR is lawfully seized of the Property in fee simple; that GRANTOR has good right and lawful authority to sell and convey the Property; and that GRANTOR does hereby fully warrant the title to the Property and will defend the same against lawful claims of all persons claiming by, through or under GRANTOR, but against none other.

ORDINANCE NO. 2022-XX

AN ORDINANCE TO REMOVE TAX LOTS 10S-03W-33-200, 300, AND 201 FROM THE CITY LIMITS AND AMEND THE MILLERSBURG COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP TO SHOW THE REVISED CITY LIMITS.

WHEREAS, the City of Millersburg City Council directed staff to move forward with an exchange of property (a swap) to remove property from the City limits and Urban Growth Boundary (UGB) and alter the UGB to include different property in a more viable location; and,

WHEREAS, in order to swap property by changing the UGB, two different land use actions are required; the first step is to withdraw territory, the second step is to revise the UGB; and,

WHEREAS, Oregon Revised Statute (~~ORS~~) 222.524 and 222.460 contains requirements specific to the land use action of a de-annexation; and,

WHEREAS, on June 14, 2022, the City Council approved Resolution 2022-08 stating an intent to withdraw territory (de-annex) property and identifying tax lots 10S-03W-33-200, 300, and 201 as the properties intended for removal; and,

WHEREAS, City and County staff met to discuss the proposed project and the County did not register any specific concerns with the City's proposal; and,

WHEREAS, a de-annexation does not require any land use actions on the part of the County; and,

WHEREAS, the project is fully consistent with the Urban Growth Management Agreement between the City and the County (and Urban Growth Boundary Procedural Ordinance 80-163); and,

WHEREAS, Oregon Revised Statute (~~ORS~~) 222.524 and 222.460 contains requirements specific to the land use action of a de-annexation; and,

WHEREAS, public notice was posted twice in a newspaper for a public hearing to occur on July 12, 2022, before the City Council; and,

WHEREAS, on July 12, 2022, the City Council held a public hearing to provide the public with an opportunity to address the City Council about the de-annexation, the Comprehensive Plan Map, and the Zoning Map amendment; and,

WHEREAS, on July 19, 2022, the Planning Commission held a public hearing and recommended the City Council adopt an ordinance to remove the property from the City limits, and furthermore, to amend the City's Comprehensive Plan Map and Zoning Map; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received hearing notice thirty-five days in advance of the first hearing; and,

WHEREAS, the Millersburg Planning Commission and City Council find that the project meets all criteria requirements from Section 5.09 and 5.10 of the Millersburg Land Use Development Code and all findings are included here and within the staff report dated July 5, 2022;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: tax lots 10S-03W-33-200, 300, and 201 are hereby removed from the City limits and the Millersburg Comprehensive Plan Map and Zoning Map are amended as shown in Exhibit A.

This Ordinance shall become effective 30 days after its approval.

PASSED by the Council and approved by the Mayor this 23rd day of August, 2022.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder

Attachments:
Exhibit A- Amended Comprehensive Plan Map and Zoning Map



NOTICE OF PUBLIC REVIEW
July 12, 2022, 6:00 p.m.
Hearing will be in person and
by phone/computer.

See Agenda on the City website for details

The City of Millersburg will hold a **CITY COUNCIL** hearing on July 12, 2022 at the above time and place, and a **PLANNING COMMISSION** hearing on July 19, 2022 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or attend the hearing. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. A final action on the project is planned on August 23, 2022 in the form of an Ordinance adoption. For further information, contact Millersburg City Hall at (458) 233-6306.

The location of the meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify City Hall twenty-four (24) hours before the meeting.






- APPLICANT:** City initiated
- LOCATION:** South of NE Conser Road along the western edge of the City in the wooded property along the Willamette River. For a map see the link below.
- CRITERIA:** The project is a de-annexation, to remove property from the City limits. The State Oregon Revised Statutes (ORS) have a specific process for such an action. This does not include specific criteria. The change is considered a Comprehensive Plan Map Amendment and a Zoning Map Amendment, both of these have City criteria, specifically those found in Development Code Sections 5.09.050 and 5.10.050.
- FILE No.:** DC 22-03
- REQUEST:** The City is proposing to remove about 171.84 acres of property from the City limits, see map on following page (opposite side of this notice). This area is designated as General Industrial. The property is generally unbuildable and this City limit change is the first step in swapping this unbuildable property for other property that would allow industrial development. This is not proposing to make any changes to the Urban Growth Boundary. See this link for more detail and full Code text edits proposed:
<https://www.cityofmillersburg.org/bc-pc/page/dc-22-03-de-annexation-property-city-limits>

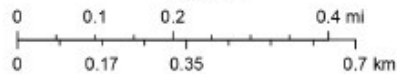
DC 22-03 Vicinity Map



6/7/2022, 11:30:31 AM

1:18,056

-  Highways
-  Roads
-  Railroad
-  City Boundary
-  Tax Lots



Linn County GIS, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, METVNASA, EPA, USDA, GeoTerra, 2021

ArcGIS Web AppBuilder
City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, GeoTechnologies,

ORDER DECLARING THAT THE MILLERSBURG CITY COUNCIL FAVORS THE WITHDRAWAL OF TERRITORY PURSUANT TO RESOLUTION 2022-08 ADOPTED BY THE MILLERSBURG CITY COUNCIL ON JUNE 14, 2022, AS APPROVED OR MODIFIED

The Millersburg City Council, after receiving testimony at a public hearing on July 12, 2022, finds and orders that the Millersburg City Council still favors the withdrawal of territory pursuant to Resolution 2022-08 of June 14, 2022; and,

FURTHERMORE, the boundaries of the area to be withdrawn are commonly known as tax lot numbers 10S-03W-33-200, 300, and 201, located along the western edge of the City, generally south of NE Conser Road, along the Willamette River; and,

FURTHERMORE, the final hearing on Resolution 2022-08 of June 14, 2022, shall be held before the Millersburg City Council, at the Millersburg City Hall, on Tuesday, August 23, 2022, @ 4:00 PM; and,

FURTHERMORE, if written requests for an election are not filed as provided by ORS 222.460(6), the Millersburg City Council, at the August 23, 2022 hearing, will adopt an ordinance detaching the territory from the city and approving the Comprehensive Plan Map and Zoning Map amendments.

IT IS SO ORDERED:

Jim Lepin
Mayor, City of Millersburg, OR

Date

Proposal: Staff is proposing to make 12 different Code text revisions. Some are considered maintenance; others are considered new regulations. The City keeps a running list of changes that need to be made and then processes them in batches when appropriate. These proposed changes include clarifications to the standards and uses for the CO zone, addressing typos, revising sign requirements, clarifying deck and patio regulations, adding text regarding radon requirements, clarifying billboard regulations, revising commercial office design standards, adding digital sign regulations, adding uses to the LI zone, and revising driveway standards. See Attachment No 1 for detailed proposed changes.

I. BACKGROUND

- A. Applicant: City of Millersburg
- B. Location: City Wide
- C. Review Type: The proposed Development Code Amendment (DC) requires a hearing before the Planning Commission whereby the Commission makes a recommendation to the City Council. A subsequent hearing before the City Council is required for a final action, including the adoption of an ordinance. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: A notice was posted in City Hall and the *Albany Democrat-Herald* newspaper. A separate notice was sent to the Department of Land Conservation and Development (DLCDC) on May 26, 2022. Information related to the hearing is posted on the City's website at <http://cityofmillersbrg.org/planning-commission>.
- E. Review Criteria: Section 5.11.030
- F. Current Zoning: All zones will have some effect from the proposed changes.
- G. Background: Staff has been compiling a list of needed edits. At the time this staff report was written there are 12 different places where edits are proposed.

A table is shown below to illustrate all changes proposed at a glance. The actual proposed changes are attached in a separate document.

NOTE: Most of these proposed Code revisions are unchanged since we last meet in a workshop. The one exception is the driveway width section. That was revised to additional clarity, and to add a new maximum driveway width of 50 feet. All references to parking spaces remain removed. This allows us

to apply this section to streets that would not have allowed parking, like collectors and arterials. This also allows staff to consider street frontage widths without considering parking impediments, like fire hydrants or on street swales. This will simplify implementation and make a more even application. We were also very careful to be sure this did not grant any new benefits that others in the past were denied.

DC 22-04 CODE UPDATE PROPOSED CHANGES (as of June 1, 2022)

Summary Table 1			
	Section	Topic	Proposed Update
1	2.07.020 through 060	Revised CO uses and standards	This revision proposes to make the CO operate as a form-based code. Also added live-work standards. Specifically, most of the individual permitted uses have been removed and a new prohibited uses section has been added. With that, the standards have been revised so that a specific form of development is now required, and individual possible impacts to neighbors have been addressed.
2	2.01.010	Add CO to Table 1	The CO zone was missing from the table. This is simply addressing a typo.
3	2.2.130(2)e	Fix link in 2.12.130(2)e	Corrected an incorrect Code reference. This is simply addressing a typo.
4	3.06	Revised Sign requirements	Revised sign requirements to allow additional signage for large frontages. Revised temporary sign section to align better with the First Amendment. Specifically, staff will no longer need to read the sign in order to implement the rules for them. Lastly, some additional allowances have been added to permit temporary signs for public safety.
5	4.02.030(3)	4.02.030(3) reference to 3.10 is wrong	Should be referencing 3.02.040. This is simply addressing a typo.

6	1.02.020 & 3.08.050	Patio and Deck updates	Added clarity on the regulations for patios, decks, and porches. Most of these are not new, just restructured for clarity. The Code was inconsistent with how it referred to decks, porches, and patios. This aligns the terms and adds some additional setbacks and clarity for setbacks of the different types of residential improvements.
7	2.16	Add Radon text	Pursuant to a court order, text regarding radon has been added. The order by a judge was made many years ago, and the Code at the time fully complied. When the Code was updated, this was inadvertently left out. This revision is re-adding the missing text. This only applies to a few specific properties south of Conser Road and requires testing and mitigation of building requirements if certain levels of radon are detected. Even though this was ordered for specific properties, similar requirements exist for all property in the City. It should also be noted that the radon levels on these properties are not abnormally high. This was simply the result of previous legal actions. The radon levels on the property are similar to other agricultural properties.
8	3.06.070	Billboard clarifications	The Code is currently silent on billboards. The revisions prohibit new billboards and clarifies changes allowed to existing billboards.
9	3.26	Revisions to Commercial Office design standards	Added more detail to the standards, partly to work with the Commercial Office (CO) zone form-based code updates, though these would apply to other properties as well outside the CO zone. These add some additional developments standards similar to surrounding communities.

10	3.06	Digital and Message Signage	Added more detail to message board standards and added all new digital sign regulations. These new regulations were largely taken from sample sign regulations from the League of Oregon Cities. As such, these regulations are very similar to those of other cities in Oregon. They essentially limit overly bright signs or signs that feature moving content which could distract drivers.
11	2.09	Allowing vehicle sales and repair in LI zone	This amendment is proposing to add these two uses in the LI zone. Auto repair was left out of the LI zone intentionally to avoid a use that could potentially leave dilapidated vehicles in the public view. However, staff feels that commercial vehicle repair and sales could be added without such negative results, if standards are added to have all repair uses done inside a building, and all sales allowed if they are commercial vehicles (and not used cars). These revisions propose to include standards that will assure the use would be similar to any other LI uses.
12	3.02.040	Different approach on driveways	These revisions propose to eliminate the references to 'parking spaces' on streets and instead just reference dimensional standards linked to frontage widths. The required length is currently 40 feet and that is not proposed to change. The text would also allow additional driveway cuts on collectors (by omitting the reference to 'parking spaces'). This also introduces a maximum driveway width now of 50 feet.

II. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

5.11.030 Decision Criteria. Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

(1) There are no negative impacts of the proposed amendment on land use and development patterns within the city, as measured by:

- a. Traffic generation and circulation patterns;
- b. Demand for public facilities and services;
- c. Level of park and recreation facilities;
- d. Economic activities;
- e. Protection and use of natural resources; and
- f. Compliance of the proposal with existing adopted special purpose plans or programs.

ANALYSIS: Table 2 below contains an analysis for each of the 12 changes proposed.

Table 2- Criteria 1 Analysis		
	Topic	Analysis
1	Revised CO uses and standards	The proposed amendment is intended to add flexibility to the implementation of uses in the Commercial Office zone, while securing an aesthetic standard the City is looking for. This change may help solicit more businesses to build in the areas zoned CO. Associated impacts would result. The criteria are specific to possible negative impacts. All levels of possible impacts would be the result of the full implementation of the zone. Therefore, all impacts that may result were analyzed in all City master plans (which all study full buildout of the City uses). No negative impacts are anticipated, because all buildouts will still be consistent with the analysis in all master plans. In other words, traffic may increase, but not in a way that would be inconsistent with the traffic levels envisioned by the City. In summary, these regulations will not have a negative impact on land uses.
2	Add CO to Table 1	This is considered a typo correction and would not result in any negative land use impacts, just more clarity on implementing existing rules.
3	Fix link in 2.12.130(2)e	This is considered a typo correction and would not result in any negative land use impacts, just more clarity on

		implementing existing rules.
4	Revised Sign requirements	Most of the sign updates simply strengthen the Code requirements consistency with current case law precedent. Specifically, the amendment proposes to allow implementation of the Code requirements without having to read the content of the signs. This change will not alter any of the other Code requirements that impact traffic or change the size of the sign allowances which could have impacts on economic activity. This proposal would not affect natural resources, the level of park use, or the demand for public services, because signs do not impact these areas of land use. In short, no land use impacts are anticipated.
5	4.02.030(3) reference to 3.10 is wrong	This is considered a typo correction and would not result in any negative land use impacts, just more clarity on implementing existing rules.
6	Patio and Deck updates	The patio and deck amendments are mostly clarifying in nature. Specifically the existing regulations were restructured to make the nomenclature consistent throughout the regulations. Some new regulations are being proposed; specifically setbacks have been introduced where the Code was silent on them currently; however, these kinds of changes are not anticipated to create any negative impacts on land use development patterns. The added clarity will make it easier to understand the requirements for patios and decks. These changes will also not have any impacts to traffic, park use, or economic activities because the private development of residential lots with ancillary uses like these will not impact these aspects of land use. Natural resource protections will not be impacted and no changes to these protections are proposed. Any such resource protections still apply to resources located on private property. Other special plans, such as City master

		plans, do not typically address private property improvements, and will therefore not be impacted in any way. In summary, these regulations will not have a negative impact on land uses.
7	Add Radon text	The new proposed text already existed in a previous version of the Development Code. The text is simply being re-added. This text includes court-ordered requirements on a select number of properties south of NE Conser Road (they are not City wide). While these do require additional testing to the soils and possible mitigation if radon levels exceed a certain value, these should not have a negative impact on development of the property. The requirements of the text are very similar to the restrictions that would apply to any property. The only reason they are specifically required here is due to a court order. Because these requirements are similar to any property, they are not considered overly restrictive and should not have a negative impact on land uses. The City does not anticipate that this will limit development, and therefore, all traffic, demand for services, park needs, or natural resources should not be negatively impacted. Additionally, the potential economic development of the site should not be impacted, because these regulations are intended to require testing and mitigation, none of which is designed to limit the size or bulk of development. Rather, the regulations could potentially affect the way the structures are built. In summary, these regulations will not have a negative impact on land uses. In addition, this section was proposed but inadvertently left out in the final Code.
8	Billboard clarifications	The current version of the Code is silent on billboard standards. This proposed amendment adds standards. Specifically it prevents any new billboards in the City. This will have no impact on traffic generation, because signs do not generate vehicle trips. Eliminating new billboards would have no impact on the demand for public facilities, parks, or natural resources. One could argue that there could be an economic impact both in terms of

		<p>potential revenue and advertisements for business in Millersburg. An equal argument could be made that this will help the economy because there would be less visual clutter which could make the City more desirable for new residents. Regulating billboards essentially balances a desire for a greater aesthetic with the business interests that billboards bring. It should be noted that the State of Oregon does not allow any new billboards. Any new billboard erection requires an equal billboard removal somewhere else in the State. Cities are allowed to prevent them. The City master plans do not specifically discuss billboards. In summary, these regulations will not have a negative impact on land uses.</p>
<p>9</p>	<p>Revisions to Commercial Office design standards</p>	<p>The standards being revised go hand in hand with the form-based approach for the uses that are being proposed with these changes. A form-based approach simply means that the uses are vaguer and more permissive but require a specific form in the buildings design and layouts of the structures instead. The only real restriction on uses is intended to address possible impacts to residential neighbors, such as possible noise or emissions. The standards will impact the land uses development, but the criteria are specific to negative impacts. While a form-based approach is a newer style of zoning implementation, it has had proven results in other communities. This zoning style has been used in Eugene and Wilsonville to name a few examples, and has been very successful. Because the nature of this zoning style specifically addresses possible negative impacts, staff does not anticipate any such results. Traffic generation should be the same as it is with the current version of the Code. The demand for public facilities should not change. The new standards do require public plazas, but these are owned and operated by the private owner, not the City. Regarding possible impacts to economic activity, the added flexibility should result in more attraction of potential businesses and/ or residential uses. No negative impacts to land uses are anticipated.</p>

10	Digital and Message Signage	<p>Message signs have always been permitted. The Code was silent on digital signage. New standards for both have been introduced in this proposed Code update. The new regulations limit sign flashing and moving images or videos. The intent is to keep the images static so they have a look and feel of traditional signage. The brightness of the screen is required to change throughout the day to not be overly bright at night. These are all intended to address possible impacts to neighbors and to drivers. As such, the proposed regulations should have no negative impacts to traffic patterns because possible distraction issues have been addressed. The changes will have no impact to public facilities. City Hall uses a message board, but the existing sign would comply with the new regulations. The level of park demand would not be affected, nor would any natural resources. Any limits to sign placement have not changed. The City's master plans do not specifically address digital signage, therefore, there will be no negative impacts to adopted plans or programs. Regarding the economy, the new regulations clarify where digital signs and message boards can and cannot be used and includes regulations for them. The added clarity will likely help promote the usage of digital signage and therefore possibly help businesses create more effective signs. This will help the economy. In summary, these regulations will not have a negative impact on land uses.</p>
11	Allowing vehicle sales and repair in LI zone	<p>When the Code was recently revised, vehicle repair and sales were intentionally left out of the Light Industrial Zone. The idea was that vehicle repair often resulted in excessive outside storage of dilapidated vehicles, which had a negative aesthetic impact on the surrounding community. The LI zone was to have concrete tilt up business, highly landscaped, that had all uses inside the structure, and thus, making a good neighbor to residential areas. However, the current restriction of this use prevents responsible users that could manage such uses responsibly. Additionally, a specific user has requested to sell new commercial trucks in the LI zone, in addition to commercial vehicle repair. The proposed</p>

		<p>revisions would allow repair when done inside a building and when disassembled or damaged vehicles are not stored where the public can see them. This way, the use meets the intent of the LI zone and provides limitations to possible bad actors. Because these limitations are proposed, there should be no negative impacts to the land use development. Specifically, the traffic patterns and generation should not be impacted because the traffic anticipated by the new uses is similar to the traffic patterns for other LI uses. The noise and emissions generated by the use should be similar to other LI uses because the use is required to be done indoors, specifically to address such concerns. The demand on public services and park use should be the same as other LI uses, which all would have very limited impacts to these. All natural resource protections in place to address any LI use would also address the new proposed uses. Regarding economic activities the new proposed use should allow additional development. Lastly, the added uses are fully consistent with all special plans, such as the Transportation System Plan, and other Comprehensive Plan supporting documents because the use has added protections to assure they will function in a way that is similar to other LI listed uses. In summary, these regulations will not have a negative impact on land uses.</p>
12	Different approach on Driveways	<p>The current version of the Code requires two parking spaces on the street in front of houses. The new revision does not specifically mention parking spaces, but requires a specific lineal distance in front of homes. The intention is the same, to maintain parking, but this makes it easier to implement. The revision should not result in any negative land use impacts. The distance required is the same. Therefore, there will be no impact on traffic patterns that was not already present in the current version of the Code. This should not affect public facilities, in this case, streets, in a negative way. It does not allow or disallow parking anywhere where it is not already permitted. The impacts to streets should be the same. The new re-tooled regulations will not impact park usage, because on street parking does not impact the frequency that citizens use</p>

		<p>park services. Economic activities or natural resource protection should not be impacted, because street parking does not impact either of these directly. City master plans do regularly call for adequate on street parking. This helps implement these requirements and is therefore fully consistent with the plans. In summary, these regulations will not have a negative impact on land uses.</p>
--	--	---

FINDING: Based on the analysis above, the project meets the required criteria.

(2) A demonstrated need exists for the proposed amendment.

ANALYSIS: Staff has been tracking many small revisions that were needed to address places where the new Code did not fully address the City’s needs, something was inadvertently left out, or something was not as clear as it should have been. The need for the change is clear. These were all places where the Code was underperforming in some way and needed to be fixed. Staff decided to bring this forward now for several reasons. Some of these changes are needed sooner than others. In general though, the change is proposed now because we had amassed a large enough number of changes to justify the time needed to change the Code.

FINDING: Based on the analysis above, the project meets the required criteria.

(3) The proposed amendment complies with all applicable Statewide Planning Goals and Administrative Rule requirements.

ANALYSIS: The State Planning Goals act as the foundation for land use planning in the State of Oregon. The Oregon Administrative Rules (OAR) help implement those Goals. On a local level the State Goals are implemented by City Comprehensive Plans, and Comprehensive Plans are implemented by Zoning Codes. When the current Development Code was adopted, it was found to be fully consistent with the State Goals and OARs as well as the City’s Comprehensive Plan.

Table 3 below contains an analysis for each of the 12 changes proposed.

Table 3- Criteria 3 Analysis		
	Topic	Analysis
1	Revised CO uses and standards	Applicable goals would be Goal 2 Land Uses, Goal 9 Economy of the State and 14 Urbanization. This complies with all of these Goals because the uses that existed in the Code today are creating confusion and not resulting in the highest and best use of the properties, thereby negatively impacting the economy of the State. The added flexibility, married with the new stronger standards should create a more predictable set of regulations that will help attract business.
2	Add CO to Table 1	The State Goals do not directly apply to these changes, they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
3	Fix link in 2.12.130(2)e	The State Goals do not directly apply to these changes, they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
4	Revised Sign requirements	The applicable goal would be Goal 2 Land Use Planning. This complies with Goal 2 because the current version of the Code complies, and the proposed amendments are not really changing as far as sign types or sizes are concerned. The revision is intended to align better with case law requiring using the content of a sign to regulate it. These will align better with Goal 2 as a result.
5	4.02.030(3) reference to 3.10 is wrong	The State Goals do not directly apply to these changes, they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
6	Patio and Deck updates	This amendment is not directly applicable to any Goals except possibly Goal 2, Land Uses. The revisions essentially re-organize the existing rules, without changing them. Terminology was revised. Some new additional standards in the form of setbacks for certain types of home

		improvements are new. These are consistent with Goal 2 insofar as they will add clarity to the implementation of the Code section.
7	Add Radon text	This amendment is not directly applicable to any Goals except possibly Goal 2, Land Uses. This text added some additional testing requirements and specifies mitigation if certain thresholds are triggered. These fall into the requirements of Goal 2 because they help contribute to the land use process, and its ability to help regulate development. There is nothing in any of the Goals that speaks directly to radon requirements. These regulations are not inconsistent with any of the State Goals.
8	Billboard clarifications	The applicable goal would be Goal 2 Land Use Planning. This complies with Goal 2 because the current version of the Code is silent on billboards, and therefore confusing. This revision will add clarity. These will align better with Goal 2 as a result.
9	Revisions to Commercial Office design standards	These amendments are part of the changes made in item 1. As such, the analysis in item 1 applies here as well. The new standards are fully consistent with the State Goals.
10	Digital and Message Signage	Applicable goals would be Goal 2 Land Uses, Goal 9 Economy of the State, and Goal 12, Transportation. The amendment is consistent with the Goals because the new regulations will add clarity to the requirements for message and digital signs, and make the use of these signs safe for traffic as well as addressing nuisance concerns. Goal 2 calls for a structured order to land uses. These rules help implement that structure. The requirement to have the displays be static and not video or flashing helps address Goal 12, which in part calls for safe transportation uses.
11	Allowing vehicle sales and repair in LI zone	The applicable goal would be Goal 2 Land Use Planning. With standards applied, the new uses will perform like other businesses in the LI zone. Goal 2 requires a policy framework. Adding the standards assures a fair and balanced application of the uses in the zone, which

		supports Goal 2 while allowing for a wider range of uses.
12	Different approach on driveways	These changes do not relate to a specific State Goal. This amendment is proposing to slightly reword the section for added clarity, but not actually change the requirements that currently exist in the Code.

FINDING: Based on the analysis above, the project meets the required criteria.

(4) The amendment is appropriate as measured by at least one of the following criteria:

- a. It corrects identified error(s) in the provisions of the Plan.
- b. It represents a logical implementation of the Plan.
- c. It is mandated by changes in Federal, State, or local law.
- d. It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

ANALYSIS: There are 12 revisions proposed. The table below shows details.

	Topic	Analysis
A	2, 3, 5, 7, 8, 10, 12	These revisions correct some kind of error identified in the Code.
B	1, 4, 6, 8, 9, 10, 11, 12	These changes are proposed to better implement the Code.
C	4	Revisions mandated by State law.
D	7	These changes are intended to better implement the direction of the City Council.

FINDING: Based on the analysis above, the project meets the required criteria.

III. ADDITIONAL FINDINGS

The following additional findings are included for the record.

- The City recently completed a new Housing Needs Analysis, which was not formally adopted by the City Council. None of the proposed changes directly affect or impact housing development in the City. The regulations on patios and porches, as well as the clarification on driveway widths, are

typically employed in residential areas, but do not limit or restrict the development of housing in any way. The driveway changes are intended to address when a homeowner can and cannot expand a driveway, and the regulations proposed are not new, just reformatted.

- Based on staff's analysis, all proposed amendments are fully consistent with the City's Comprehensive Plan and serve to better implement the policies of the Plan because they add additional clarity, address errors, and allow additional mitigated uses.

IV. STAFF RECOMMENDATION TO THE PLANNING COMMISSION

Based on the above findings of fact, the proposed text Code amendment satisfies the applicable criteria. Staff recommends that the Planning Commission recommend approval of Application No. DC 22-04 to the City Council.

V. SUGGESTED MOTION FOR PLANNING COMMISSION

I motion that the Planning Commission recommend approval of DC 22-04 to the City Council because all applicable criteria are met and all findings of fact are included in the staff report and Ordinance 195-22.

VI. STAFF RECOMMENDATION TO THE CITY COUNCIL *(assuming the Planning Commission recommends approval)*

Based on the above findings of fact the proposed amendment satisfies the applicable criteria. The Planning Commission and staff recommend that the City Council approve Application No. DC 22-04 and adopt Ordinance No. 195-22 including an emergency provision to make the Ordinance effective immediately upon adoption.

VII. EXHIBITS

- A. Proposed text changes
- B. Ordinance No. 195-22
- C. Public Hearing Notice

DC 22-04 CODE UPDATE PROPOSED CHANGES (as of July 7, 2022)

Summary Table 1			
	Section	Topic	Proposed Update
1	2.07.020 through 060	Revised CO standards	This revision proposes to make the CO operate as a form-based code. Also added Live-Work standards.
2	2.01.010	Add CO to Table 1	The CO zone was missing from the Table.
3	2.2.130(2)e	Fix link in 2.12.130(2)e	Corrected an incorrect Code reference.
4	3.06	Revised Sign requirements	Revised sign requirements to allow additional signage for large frontages. Revised temporary sign section to align better with the First Amendment. Changing temp signs for public safety.
5	4.02.030(3)	4.02.030(3) reference to 3.10 is wrong	Should be referencing 3.02.040.
6	1.02.020 & 3.08.050	Patio and Deck updates	Added clarity on the regulations for patios, decks, and porches. Most of these are not new, just restructured for clarity.
7	2.16	Add Radon text inadvertently deleted	Pursuant to a court order, text regarding radon has been added.
8	3.06.070	Billboard clarifications	The revisions prohibit new billboards and clarifies changes allowed to existing billboards.
9	3.26	Revisions to Commercial Office design standards	Added more detail to the standards, partly to work with CO updates.
10	3.06	Digital and Message Signage	Added more detail to message board standards and added all new digital sign regulations.
11	2.09	Allowing vehicle sales and repair in LI zone	
12	3.02.040	Different approach on Driveways	We are proposing to eliminate reference to parking spaces on streets and just speak about frontage widths.

1. Commercial Office Zone updates (changes shown in redline)**CHAPTER 2.07. COMMERCIAL OFFICE ZONE (CO)****2.07.010 Purpose.**

~~The Commercial Office Zone is primarily designed to attract professional offices, with limited supporting commercial retail activities, to serve the community.~~

The Commercial Office zone is intended to create a highly aesthetic appearance along NE Old Salem Road and to protect any residential neighbors from incompatible uses. This section operates as a form-based code which focuses more on building form than permitting specific uses. As such the uses are very flexible, but the potential impacts and form of the buildings are closely regulated.

2.07.020 Permitted Uses.

~~The following uses, when developed under the applicable development standards in the Code, are permitted in the CO zone:~~

- ~~(1) Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services.~~
- ~~(2) Professional offices and clinics for medical, dental, legal, engineering, and other professions.~~
- ~~(3) Banks, credit unions, investment firms; real estate offices, mortgage companies, title companies, and similar financial related offices.~~
- ~~(4) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption, not to exceed 2,000 square feet in area and located within an office building.~~
- ~~(5) Eating and drinking establishments located within an office building and without drive-in/drive-through service.~~
- ~~(6) Interim farm use, subject to the provisions in Chapter 3.21.040, except crops may be cultivated for commercial sales or use.~~
- ~~(7) Utility substations or pumping stations, excluding outdoor storage of equipment or materials.~~

Unless listed in subsection 2.07.040 or 045, the following uses are permitted in the CO zone subject to the applicable development standards:

- (1) Any permitted uses listed in the General Commercial (GC) zone or Light Industrial (LI) zone, assuming all development standards of these zones are met.

2.07.030 Special Uses.

The following uses, when developed under the applicable development standards of this Code and special development requirements, are permitted in the CO zone:

- (1) Partitions, subject to the provisions in Chapter 4.02.050.
- (2) Subdivisions, subject to the applicable provisions of Chapter 4.02.050.
- ~~(3) Home occupations within a pre-existing residence, subject to the provisions of Chapter 3.13.~~
- (43) Temporary uses, subject to provisions in Chapter 3.17.
- ~~(5) Bed and breakfast, subject to provisions in Chapter 3.18 and located within a pre-existing residence.~~
- (64) Wireless communication facilities, subject to provisions in Section 3.27.

2.07.040 Conditional Uses.

Unless listed in subsection 2.07.040 or 045, the following uses require approval of a Conditional Use Permit ~~and are subject to~~ in addition to a Site Development Review:

- (1) Public and private utility buildings and structures, including, but not limited to, electric substations, telephone exchanges, and communications antennas or towers.
- (2) Publicly owned and operated facilities or structures, including government offices and stations, fire stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.
- (3) Live-work units.
- (4) Any conditional uses listed in the GC or LI zones.

2.07.045 Prohibited Uses.

The following uses are prohibited:

- (1) If located in or adjacent to a residentially zoned property, any use that will create noise, odors, lighting, or other disturbances that may negatively impact neighboring residential uses. Examples include, but are not limited to, drive-through speakers, kennels, and/or amusement centers.
- (2) Uses inconsistent with the purpose statement in Section 2.07.010.
- (3) Retail trade establishments, unless located within 100 feet of residentially zoned property.
- (4) Automobile service stations, including towing service and vehicle washing and polishing facilities and services.

- (5) Automobile, truck, motorcycle, trailer, agricultural equipment, recreational vehicles and boat sales, lease and/or rentals.
- (6) Residential uses except live-work units.
- (7) Houses of worship.
- (8) Any use or activity that, without mitigation, violates the standards specified in subsection 2.07.060.

2.07.050 Dimensional Standards.

Unless otherwise permitted in this Code, the following minimum dimensional standards shall be required for all development in the CO zone:

Table 6 CO Zone Dimensional Standards	
CO Zone Dimensional Standards	
Minimum Lot Area	
All Development	5,000 square feet
Minimum Setbacks	
Front Yard	0 feet
Side Yard	0 feet
Side Yard (only when adjacent to "RL" zone)	5 feet + 5 feet per story
Side Yard Street (only when adjacent to "RL" zone)	10 feet
Rear Yard	0 feet
Rear Yard (only when adjacent to "RL" zone)	5 feet + 5 feet per story
Maximum Structure Height	
Principal and Accessory Building	35 feet (or higher with Conditional Use Permit)
Maximum Lot Coverage	90%

2.07.060 Development and Performance Standards.

All development in the CO zone shall comply with following specific standards:

- (1) *Off-Street Parking.* Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.
- (2) *Signs.* Signs in the CO zone shall conform to the standards contained in Chapter 3.06.
- (3) *Yards and Lots.* Yards and lots shall conform to provisions contained in Chapter 3.08.
- (4) *Site Development Review.* All new development and expansion of an existing structure or use in the Commercial Office zone shall be subject to the Site Development Review procedures of Chapter 5.05.

- (5) *Landscaping.* Any required or established front yard shall be landscaped with trees, shrubs, and groundcover and maintained pursuant to provisions in Chapter 3.09.
- ~~(6) *Outdoor Storage and Display.* Outdoor storage and display of merchandise, material, or equipment shall be prohibited.~~
- (6) *Plaza.* A pedestrian plaza (open to the public) is required.
- (7) *Outdoor Uses.* Outdoor storage is not permitted except for overnight/temporary storage of sidewalk tables and chairs. All uses and operations, except off-street parking, loading and unloading, and outdoor eating areas, shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Site Development Review.
- (8) *Weather Protection.* Weather protection features such as canopies, awnings or arcades shall be provided over at least the full width of all building entrances to a depth of at least three feet. Alternatively, building entrances may be set back a minimum of three feet behind the face of the building.
- (9) *Office Building Appearance.* All public facing facades must conform with the design standards of Chapter 3.26. No building or structure, viewable from the public right-of-way, shall have an industrial appearance, including but not limited to water towers, loading docks, railroad loading or unloading, all metal siding, cooling facilities, or anything similar.
- (10) *Delivery and Loading Areas.* Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
- (11) *Drive-through Facilities.* Drive-through facilities are not permitted when property is adjacent to residential zones.
- (12) *Emissions.* Emission of odorous gases or other odorous matter in quantities detectable at any time and at any point on any boundary line of the property or site on which the use is located are prohibited.
- (13) *Operations.* No building customarily used for night operation, such as a bakery, bottling and distribution plant, or other similar use, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any residential district, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any residential district.
- (14) *Live-work units.* A live-work unit, defined as a single unit consisting of both a commercial/office and a residential component that is occupied by the same resident, are required to comply with the following standards:

- a. The residential and the commercial space must be occupied by the same tenant, and no portion of the live-work unit may be rented or sold separately;
- b. Units are typically a studio, loft, or one bedroom though there is no bedroom limit;
- c. The site plan shall clearly demarcate commercial and residential areas;
- d. Residential areas are permitted above the commercial component, to the side or in back of the business component (not permitted in front). Internal access between the residential and commercial space is permitted but not required;
- e. The commercial component as designated on the floor plan approved through the conditional use permit/site development review shall remain commercial and cannot be converted to residential use;
- f. The residential component as designated on the floor plan approved through the conditional use permit/site development review shall remain residential and cannot be converted to commercial use;
- g. The commercial component shall be restricted to the unit and shall not be conducted in any residential yard, garage, or any accessory structure as shown on the site plan;
- h. All signage shall comply with Chapter 3.06;
- i. The external access for the commercial component shall have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live-work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments;
- j. The commercial use shall not generate external noise, odor, glare, vibration, or electrical interference detectable to the normal sensory perception by adjacent neighbors;
- k. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
- l. Prohibited commercial uses in live-work units include the following:
 1. Any use not permitted in the CO zone.
 2. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
 3. Businesses that involve the use of prescription drugs;

- 4. Adult-oriented businesses, astrology palmistry, massage, head shops, and similar uses;
- 5. Sales, repair, or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;
- 6. Trade or private schools larger than 30 students at a time.

2. Add CO to Table 1 (changes shown in redline)

2.01.010 Zones.

For the purposes of this Code, and the implementation of the Millersburg Comprehensive Plan, the following zoning zones are hereby established:

Table 1 Classification of Zones	
Classification of Zones	
Zone	Map Symbol
Residential Low-Density	RL
Rural	RU
Residential Mixed Density Medium	RM
Mixed-Use	MU
Commercial Office	CO
General Commercial	GC
Limited Industrial	LI
General Industrial	GI
Public Facility	PF
Floodplain Overlay	FPO
Historic Property Overlay	HPO
Willamette Greenway Overlay	WGO
Airport Approach Area Overlay	AAO

3. Fix link on 2.12.130(2)e (changes shown in redline)

2.12 Floodplain Overlay Zone

2.12.130 Variance Procedure.

- (1) The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.
- (2) *Conditions for Variances.*

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Section 2.12.120(B)3. and 5.; and, Section 2.12.120(C). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increase.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon:
 - I. A showing of good and sufficient cause;
 - II. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - III. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the ~~criteria-standards~~ of Section ~~2.12.140 2.12.120(B)2 to 4.~~, are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

4. Revised Temporary Sign Section (changes shown in redline)

Chapter 3.06 SIGNS

3.06.060 - Signs Generally Permitted.

The following signs and sign work are permitted in all zones. No permit shall be required, and the sign shall not be included when determining compliance with total allowed area:

- (1) Painting, change of sign face or copy, and maintenance of signs legally existing on the effective date of this Code. If structural changes are made, the sign shall conform in all respects with these regulations.

- (2) Signs posted by or under any governmental authority including le notices, traffic, danger, no trespassing, emergency, and signs related to public services or safety including any signs within the right-of-way.
- (3) Incidental signs that do not exceed six square feet in area.
- (4) Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- (5) Signs within a building.
- (6) Signs painted or hung on the inside of windows.
- (7) One residential name plate not exceeding three square feet in area.
- (8) Murals for commercial and industrial uses. Otherwise, that portion of the mural considered advertising shall be included in the sign area calculation. The calculation shall be in accordance with provisions in the "sign area" definition.
- ~~(9) Temporary signs placed on private property used in conjunction with political campaigns and elections. Political signs shall be displayed no earlier than 90 days before an election and shall be removed within three days after the election~~

3.06.070 Prohibited Signs

The following signs are prohibited in all zones:

- (1) Balloons or similar types of tethered objects.
- (2) Portable or temporary signs, except where allowed by Section 3.06.130.
- (3) Roof signs.
- (4) Signs that emit odor, visible matter, or sound; however, an intercom system for customers remaining in their vehicles, such as used in banks and "drive-through" restaurants, shall be allowed.
- (5) Signs that use or employ side guy lines of any type.
- (6) Signs that obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- (7) Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.
- (8) The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This provision applies where the primary purpose of the vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, which is primarily used for business purposes other than advertising.
- (9) Rotating/revolving signs, except by conditional use permit per Section 3.06.120.
- (10) Flashing signs, except by conditional use permit per Section 3.06.120.

- (11) Private signs that project into or over driveways and public rights-of-way except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least eight feet above the sidewalk.
- (12) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.
- (13) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- (14) Signs attached to any pole, post, utility pole, or placed on its own stake and placed into the ground in the public right-of-way. This does not include traffic control or other City/County/State signs within the right-of-way.
- (15) Message signs, except by Conditional Use Permit per Section 3.06.120.
- (16) Any sign on unimproved property, unless as an incidental sign.
- (17) Signs mounted on fences in accordance with Section 3.07.080.
- (18) Inflatable advertising signs including animal shaped inflatables and air-dancers (aka. wacky flailing arm inflatable tube men) in all non-residential zones.

3.06.110 Commercial and Industrial Signs.

The following regulations apply to signs for commercial and industrial uses:

- (1) Signs for businesses not in integrated business centers:
 - a. Total Sign Area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage facing the street, up to a maximum total allowed area of 150 square feet. **Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.**
 - b. Type, Number, and Sign Size. Within the total allowed area, one freestanding sign per street frontage, and a total of no more than two wall or canopy signs. Regardless of total allowed area, each freestanding sign shall be limited to a maximum of 48 square feet in area. **Properties with more than 1,000 lineal feet of street frontage on any single street may have one additional freestanding sign.**
 - c. Sign Height. The maximum sign height shall be as follows:
 - i. Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - ii. Freestanding signs: Maximum height of 12 feet above finished ground level.
 - d. Sign Location. Signs shall be located as follows:
 - i. Wall signs: May project up to 1.5 feet from the building.
 - ii. Freestanding sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
- (2) Signs for integrated business centers:
 - a. Total Sign Area. For wall and canopy signs on individual businesses within an integrated business center, 1.5 square feet of total allowed sign area for each

lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. **Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.**

- b. Freestanding Sign. In addition to this allowed area, for each integrated business center, one freestanding sign per street frontage not exceeding 100 square feet in area. **Properties with more than 1,000 lineal feet of street frontage on any single street may have one additional freestanding sign.**
- c. Sign Height. The maximum sign height shall be as follows:
 - i. Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - ii. Freestanding signs: Maximum total height of 12 feet above grade.
- d. Sign Location. Signs shall be located as follows:
 - i. Wall signs: May project up to 1.5 feet from the building.
 - ii. Freestanding sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

3.06.130 Temporary Signs

Temporary signs are prohibited except as permitted by this section. The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit, or application is required. Registration for all temporary signs is required. Registration must occur at the Millersburg City Hall and be completed and filed prior to erecting the temporary signs. These include portable signs such as A-frame or sandwich board signs.

1. Generally.
 - a. Illumination: No temporary sign shall be internally or externally illuminated.
 - b. Location:
 - i. No temporary sign shall be placed within, extend into, or over the public right-of-way of any street except allowed temporary traffic control signs **or signs placed by any government agency.**
 - ii. Signs allowed in the right-of-way ~~for temporary traffic control by any government agency~~ shall provide a minimum of five feet of clear passage for pedestrians on the sidewalk where a sidewalk exists and shall come no closer than two feet from areas subject to vehicular travel.
 - iii. No temporary sign shall extend into the vision clearance area.
 - c. Maintenance: Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged, or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - d. Placement: Temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.

- e. All temporary signs in non-residential zones must be registered with the Community Development Department prior to placement in order to track the duration of the placement. Residential properties are not required to register temporary signage.
- f. Each non-residential property shall be limited to no more 90 days for any combination of temporary signage per calendar year. This can be used in smaller intervals or all at once, at the applicant's discretion. This does not apply to election signs, pennants/streamers, or real estate signs.

2. Allowed Temporary Signage.

a. In a residential zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling, farm stands, etc. Standards for residential temporary signs include:

- ~~i. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.~~
- ~~ii. Real Estate signs shall be removed no more than 15 days from the sale (close of escrow), lease or rental of the property.~~
- ~~iii. Contractor signs shall be removed within seven days of completion of any construction or remodeling.~~
- iv. Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to seven days after the public election.
- v. A sign not exceeding six square feet in area and five feet in height during the time of sale, lease, or rental of the lot or dwelling provided that the sign is removed within seven days of the sale, lease or rental of the lot or dwelling.
- vi. A sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to 32 square feet. In no case shall the sign or signs remain erected if building or construction permits are no longer active.
- vii. On property which has received a subdivision or development approval, from the time of the approval until issuance of a building permit for the last lot to be sold or completion of the development of the project, one temporary sign not exceeding 32 square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding 64 square feet in area

(32 square feet each) and eight feet in height on properties greater than four acres in size.

- b. In any commercial, public, or industrial zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate, political or ideological positions, construction or remodeling, help wanted, or temporary activities. Standards include:
- i. There shall be no more than one temporary sign per property even if more than one business is located on the property.
 - ii. Signs shall not exceed six square feet per side.
 - ~~iii. Signs intended to advertise commercial services are prohibited, unless related to fund-raising for a non-profit organization or institution.~~
 - ~~iv. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.~~
 - ~~v. Real Estate shall be removed no more than 15 days from the sale, lease or rental of the property.~~
 - ~~vi. Contractor signs shall be removed within seven days of completion of any construction or remodeling.~~
 - iii. Signs not exceeding four square feet in area or five feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to seven days after the public election.
 - iv. A sign not exceeding 32 square feet in area and eight feet in height during the time of sale, lease, or rental of the property provided that the sign is removed within 15 days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to 32 square feet. In no case shall the sign or signs remain erected if building or construction permits are no longer active.
 - v. A sign not exceeding 32 square feet in an area during the period of charitable fundraising event being conducted on the property where the signs erected. This sign shall not be placed more than seven days prior to the event and must be removed within seven days following the event.
 - ~~vii.~~ ~~ix.~~ An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.

- ~~viii.~~ x. Temporary uses such as Christmas tree sales, pumpkin sales etc. are permitted two signs not to exceed 32 square feet per side each. The signage shall be allowed for the same duration as the temporary use; however, these signs do count toward the 90-day maximum permitted by Section 3.06.130.1.f.
- ~~ix.~~ xi. Pennants and streamers may be used as part of an opening or promotional event only and are not counted as a temporary sign for purposes of the 90-day duration maximum permitted by Section 3.06.130.1.f.
- ~~x.~~ xii. Blade banner signs are considered temporary signs and shall meet all regulations herein. In no case shall blade banner signs be taller than seven feet.

- c. Fair/Market Vendor Signs. In addition to any other temporary sign requirement, the following additional requirements apply: (For purposes of this subsection, "vendor" includes persons selling or displaying information or products)
 - i. The fair or market is a temporary activity which does not require permanent site improvements.
 - ii. The fair or market shall have no more than three offsite ~~or onsite~~ signs advertising the event, individual vendors are not permitted to use any additional offsite signage (including yard signs on private property).
 - iii. There are no regulations for signs within the event area, except that no sign shall be higher than 10 feet from the ground surface. **At no time shall event signs be erected more than 60 days before the event.**
 - iv. All temporary signage (except those within the event space) are limited by the 90 days permitted by Section 3.06.130.1.f. These are considered cumulative and not separate regarding the accumulation of the 90 days permitted by Section 3.06.130.1.f.
- d. Temporary Signs Requiring Permit. The City Manager may allow temporary signs larger than those allowed by this section (but not additional signs or to allow a sign to be posted for a longer duration than the times listed in this section) with a sign permit. This signage shall not be restricted by content, but is usually and customarily used to advertise special events and store openings on banners. The City Manager shall allow the placement of such signs only if the City Manager finds that the proposed sign will not materially impair the purposes of the sign code.
- e. Additional Duration. Additional duration of temporary sign placement cannot be added through a sign variance process.

3. Sign Collection and Retrieval. Signs determined to be in violation will be removed and disposed of.

5. 4.02.030(3) reference to 3.10 is wrong (changes shown in redline)

4.02.030 Standards for Lots or Parcels.

The following standards shall apply to all Partitions and Subdivisions.

- (1) Minimum Lot Area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
- (2) Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial, or public uses shall be exempt from width to depth ratio provisions.
- (3) Access. All new lots or parcels shall provide a minimum of 40 feet of frontage on an existing or proposed public street, or 25 feet of frontage along a cul-de-sac except residential lots or parcels may be accessed by a private street or private access easement developed in accordance with the provisions of ~~Chapter 3.10~~ Section 3.02.040 and 4.02.030(4) when it is determined that a public street access is:
 - a. Infeasible due to parcel shape, terrain, or location of existing structures; and
 - b. Unnecessary to provide for the future development of adjoining property
 - c. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.

6. **Patio and Deck updates** (changes shown in redline)

1.02.020 - Definitions.

Deck. A raised platform, typically made of wood, that is either flush with a home or business or detached from a structure. A deck is an accessory structure if over 200 square feet, though separate rules apply. See Section 3.08.060.

Patio. A landscape feature that is flush with the ground consisting of gravel, stone pavers, concrete, or similar material. If covered by a pergola or similar feature, only the material on the ground is considered the patio.

Pergola. A built cover, either open to the sky with slats or covered by a solid roof. These are detached from a structure and have open sides. They are typically freestanding. A pergola is an accessory structure if over 200 square feet, though separate rules apply. See Section 3.08.060.

Porch. A covered and elevated platform attached to a house or business. These can sometimes be called a veranda, which is a porch that wraps around a corner. For the purposes of this Development Code a veranda is considered a porch. An uncovered platform is considered a deck even when attached to a home or structure. Once enclosed, the area is considered interior to the structure and no longer a porch. A porch is not considered an accessory structure though separate rules apply. See Section 3.08.060.

Veranda. See porch.

CHAPTER 3.08. YARD AND LOT STANDARDS

3.08.030 Front Yard Projections.

The following features, when not more than one story high, may project into the front yard setback area, provided the projection shall come no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features. ~~uncovered porches, covered but unenclosed porches.~~

3.08.040 Side Yard Projections.

- (1) Cornices, eaves, gutters, and fire escapes may project into a required side yard not more than one-third of the width of the required side yard.

(2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 1.5 feet into a required side yard, provided the chimneys and flues shall not exceed six feet in width.

~~(3) Uncovered decks and patios attached to the main building, and no more than three feet in height when measured directly beneath the outside edge of the deck or patio, may be extended to the side yard property line.~~

(3) For details regarding decks, porches, patios, and similar features, see Section 3.08.060.

3.08.050 Rear Yard Projections.

(1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features, may project not more than 1.5 feet into a required rear yard, provided the chimneys and flues shall not exceed six feet in width.

(2) A fire escape, balcony, outside stairway, ~~or cornice, or other unenclosed, unroofed projections~~ may project not more than five feet into a required rear yard.

(3) The following features, when not more than one story high, may project into the rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, ~~uncovered porches, covered but unenclosed porches.~~

(4) No permitted projection into a required rear yard shall extend within 10 feet of the center line of an alley or within five feet of a rear lot line if no alley exists.

(5) For details regarding decks, porches, patios, and similar features, see Section 3.08.060.

3.08.060 Decks, Porches, Patios, and Similar Features

(1) *Patios.* The following standards apply to all patios.

- a. There is no building permit requirement for patios.
- b. There are no setbacks for patios though all patios must comply with maximum lot coverage requirements of the zone.

(2) *Decks.* The following standards apply to all decks.

- a. The County may require a building permit for decks.
- b. Decks taller than 12 inches (first or second story) must be setback at least five feet from the side and rear property line, unless they are less than 12 inches from the ground. Decks under 12 inches in height have no side or rear setback requirements.
- c. Decks of any height (first or second story) may project into a required front yard building setback but must be no closer than 10 feet from the front property line.

- d. All decks must comply with maximum lot coverage requirements of the zone.
- (3) *Porches.* The following standards apply to all porches.
- The County may require a building permit for porches over 200 square feet.
 - A porch is considered part of the main structure and may not encroach into the side yard setback. A porch has the same side setbacks as the main structure based on the zone.
 - A porch may encroach into the rear building setback, but in no case shall the porch be closer than five feet from the rear property line.
 - A porch may encroach into a front building setback but in no case shall a porch be closer than 10 feet from the front property line.
 - All porches must comply with maximum lot coverage requirements of the zone.
- (4) *Detached Patio Cover or Pergola.*
- The County may require a building permit for patio covers or pergolas over 200 square feet.
 - A patio cover or pergola may encroach into side, rear, or front yard setbacks. A patio cover or pergola may not be less than five feet from a rear or side property line, and/or 10 feet from a front property line, though it should be noted that if the structure is over 200 square feet it is considered an accessory structure, and accessory structures are not permitted in front of dwelling units.
 - Any patio, or pergola that has a solid roof, must comply with maximum lot coverage requirements of the zone.

7.	Add Radon Text (changes shown in redline)
----	--

CHAPTER 2.16 RADON IMPACTED AREA STANDARDS – RI

2.16.010 Purpose

The purpose of the Radon Impacted Area (RI) Standards is to promote the public health, safety, and welfare by preventing migration of radon from the soil to indoor air in amounts that exceed EPA standards and to promote industrial development of such areas consistent with Statewide Planning Goal 9, "Economic Development," and the acknowledged Millersburg Comprehensive Plan.

2.16.020 Regulations and Standards

- (1) **Area Subject to the Radon Impacted Area.** The City shall record a notice in the Linn County public records that legally describes the area subject to the Radon Impacted Area, including a map showing the area's boundaries, state

that the area is subject to the requirements of the Radon Impacted Area and that the Radon Impacted Area requires radon resistant construction methods and testing. The provisions of Section 7.500 shall apply to all areas described in the recorded notice and map.

- (2) **Allowed Methods of Addressing Radium Contamination.** An applicant may elect to address radium contamination by one of the two following methods:
- a. Use radon-resistant construction methods in accordance with item (4)(a), below.
 - b. Obtain prior EPA approval that the levels of radon in the buildings will be less than the Indoor Air Standard for buildings for which radon controls are not appropriate (such as open-sided sheds and parking structures). Under this method of addressing radium contamination, applicants must demonstrate to EPA's satisfaction through estimates of indoor radon concentration, using methods approved by EPA and parameters which match the particular buildings to be constructed. If this demonstration is made to EPA's satisfaction, the City may approve building permits for the building without requiring radon-resistant construction methods or soils excavation. Any subsequent changes to the building require a new land use permit under Chapter 2.16 to ensure that the change in the building would not change the assumptions used in the initial modeling, or to update the modeling to EPA's satisfaction. All costs associated with obtaining EPA approval for buildings to be constructed other than with radon-resistant construction methods shall be borne solely by the applicant.
- (3) **Land Use Permits.**
- a. Application and Land Use Permit Approval.
 - i. An approved Conditional Use land use permit shall be required pursuant to Chapter 5.04 of this Development Code prior to approval of a building permit issued pursuant to Item (4)(a), below.
 - ii. In addition to all items required for an application submittal in Chapter 5.04, the applicant shall submit to the City Planner the following additional items with the application:
 - A. An election of one of two alternative methods of addressing radium and a written description of how radium will be addressed under the elected method.
 - iii. The City Planner shall determine that the application is complete and, if not, shall advise the applicant in writing what information is missing pursuant to Chapter 5.04 and 2.16 of this Development Code.
 - iv. The City Planner shall give notice of a complete application pursuant to Chapter 5.04 of this Development Code except that:

- A The notice shall specify that any party may provide written comments on the application to the City Planner within 10 days of the notice's mailing date; and
 - B The notice shall specify which method of addressing radium contamination has been elected by the applicant. The City shall give notice to the EPA. If the applicant changes its election of method addressing radium contamination, the City shall give EPA an amended notice.
- v. The City Planning Commission may approve or deny the application after the written comment period in item (3)(a) 4., above, has ended. The Commission may impose conditions as the Commission determines are appropriate; however, at a minimum, an approval under item (3)(a) for radon-resistant construction methods shall include the following conditions:
- A No building permit shall be issued pursuant to Section 5.01.010 of this Code unless it complies with item (4)(a), below.
 - B No final certificate of occupancy shall be issued until radon tests satisfactory to the City have been conducted and show that indoor radon levels in all principal and accessory structures are below the Indoor Air Standard. The Indoor Air Standard shall be 4 pCi/liter or EPA's published target level or promulgated standard in effect at the time for indoor radon for occupational exposure, whichever is stricter. All radon testing shall be conducted in conformance with EPA's published radon testing guidance in effect at the time the tests are conducted. If radon concentrations exceed the Indoor Air Standard in effect at the time, building owners shall be required to put in place additional radon controls and shall conduct additional testing until retesting shows that concentrations are below the standard. Such additional testing, and controls if necessary, shall also be required after major structural changes are made to the building or its HVAC system that could affect the effectiveness of the radon controls. Once testing shows that the radon concentrations meet the Indoor Air Standards, the City/County may issue a final certificate of occupancy for the building.
 - C The condition required in item (3)(a) 5B, above, shall be satisfied within six months of the issuance of a temporary certificate of occupancy. The City Planner may grant reasonable extensions if the applicant makes a written request and demonstrates good cause.

- D Building owners and lessees shall be required to maintain the radon control system in proper working order. Satisfactory maintenance shall, at a minimum, conform to maintenance requirements set forth in the Large Building Guidance, or updated EPA guidance.
- E At least once every five years, buildings shall be inspected for slab settling, floor or basement wall cracks and other conditions that may reduce the effectiveness of the radon-resistant construction. If such conditions are found during the inspection, the affected buildings must be tested for radon using EPA-approved sampling methods. Building owners and lessees shall be required to take appropriate actions to reduce radon concentrations if radon levels in buildings exceed the Indoor Air Standard in effect at the time.
- F All radon testing results shall be submitted to the City. All testing results must identify the building address and ownership and shall include a description of the reason for radon sampling (i.e. for occupancy, results of prior sampling, changes in building or HVAC configuration, etc.). Where results exceed the Indoor Air Standard, the information shall include a description of measures taken to modify the radon system to reduce concentrations and the retest results showing compliance with the standard. Records of radon testing, radon system maintenance, and inspection logs shall be kept on site or be electronically accessible on site and must be readily available for inspection by building occupants, and/or representatives of the City, EPA, or DEQ.
- G Building owners and lessees shall provide notifications to building occupants in writing or electronically that the building they occupy needs radon controls for potential risk reduction. Such notification shall include, at a minimum, a posted notice in a prominent place within the building. Content of the notification to building occupants shall include information on the location of the site records, the radon controls that are in place at the site, and the reasons for the radon controls.
- H The applicant shall provide access on, over and across the property, and the City of Millersburg, EPA and DEQ shall have the right to enter upon any portion of the property at all reasonable times, for purposes of verifying any data or information submitted to the City, EPA or DEQ or verifying that no action is being taken on the property in violation of

the terms of this ordinance. As a condition to approval under this Code, such access will last indefinitely and so long as the land at issue may be described by item (2) above.

- vi. An appeal of the City Planners decision in item (3)(a) 5., above, shall be pursuant to Chapter 5 of this Code.
- (4) **Building Permit.** All building permits approved under a land use approval for radon-resistant construction methods under item (2)(a) must comply with the following:
- a. All principal and accessory structures shall use radon-resistant construction methods consistent with the most current edition of the EPA publication entitled "Radon Prevention in the Design and Construction of Schools and Other Large Buildings" (June, 1993) (EPA625-R-92-016) or the latest adopted edition of the "State of Oregon Structural Specialty Code", whichever the City Manager and Building Official determines, provides greater radon-resistant construction methods. Construction will utilize either: (1) active systems such as active soil depressurization ("ASD") or building pressurization or (2) passive soil depressurization combined with sealing of radon entry routes. ASD consists of a layer of coarse aggregate below the building slab, radon suction pits below the slab, vent pipes, and suction fans. If passive soil depressurization is used, the system consists of the same components as ASD except for the fans, but will include a rough-in for the addition of fans to convert it to ASD if necessary. Sealing of radon entry routes shall be done using the methods described in the EPA guidance or using a gas-impermeable membrane.
 - b. No building permit shall be issued unless an approval has been granted pursuant to item (3)(a), above.
 - c. The City Planner may issue a temporary certificate of occupancy prior to a final certificate of occupancy.
- (5) **Residential Development Prohibited.** Residential development shall be prohibited in the Radon Impacted Area.

8. **Billboard Clarifications** (changes shown in redline)

3.06.020 Definitions

Billboard. A large outdoor board for displaying advertisements.

3.06.070 Prohibited Signs.

The following signs are prohibited in all zones:

- (1) Balloons or similar types of tethered objects.

- (2) Portable or temporary signs, except where allowed by Section 3.06.130.
- (3) Roof signs.
- (4) Signs that emit odor, visible matter, or sound; however, an intercom system for customers remaining in their vehicles, such as used in banks and "drive-through" restaurants, shall be allowed.
- (5) Signs that use or employ side guy lines of any type.
- (6) Signs that obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- (7) Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.
- (8) The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This provision applies where the primary purpose of the vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, which is primarily used for business purposes other than advertising.
- (9) Rotating/revolving signs, except by conditional use permit per Section 3.06.120.
- (10) Flashing signs, except by conditional use permit per Section 3.06.120.
- (11) Private signs that project into or over driveways and public rights-of-way, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least eight feet above the sidewalk.
- (12) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.
- (13) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- (14) Signs attached to any pole, post, utility pole, or placed on its own stake and placed into the ground in the public right-of-way. This does not include traffic control or other City/County/State signs within the right-of-way.
- (15) Message signs, except by Conditional Use permit per Section 3.06.120.
- (16) Any sign on unimproved property, unless as an incidental sign.
- (17) Signs mounted on fences in accordance with Section 3.07.080.
- (18) Inflatable advertising signs including animal shaped inflatables and air-dancers (aka., wacky flailing arm inflatable tube men) in all non-residential zones.
- (19) Billboards - including digital billboards

3.06.055 Maintenance and Repair of Existing Billboards

- (1) Any billboard lawfully erected prior August of 2022 shall be maintained in accordance with Department of Transportation standards.
- (2) Any lawfully erected billboard damaged by the negligent or malicious action of another party shall be repaired to its original condition or removed.
- (3) Any lawfully erected billboard which deteriorates either through ordinary wear and tear or is damaged by natural forces to the extent that the cost of repair or reconstruction of the billboard exceeds 50% of its fair market value as determined by the Department of Transportation shall be removed by the owner.
- (4) Repair, reconstruction, and maintenance of a billboard shall only include those actions required to restore the billboard to its original structural and mechanical condition. Such actions shall not include increasing the size or height of the billboard, converting the billboard to a multiple message or Tri-vision sign, or adding any attachments to the billboard.

9. Revisions to Commercial Office Standards (changes shown in redline)

CHAPTER 3.26. COMMERCIAL DESIGN STANDARDS

3.26.010 Purpose.

The purpose of Commercial Design Standards is to create commercial developments and areas presenting a relatively attractive vista to those passing by or patronizing the commercial businesses, thereby enhancing the ability to attract business investment and the livability of the community.

3.26.020 Applicability.

The Commercial Design Standards apply to:

- (1) All new construction of commercial and office buildings in all zones, and all new buildings in the Commercial Office (CO) zone;
- (2) All additions to existing commercial or office buildings exceeding 25% of the floor area of the existing building;
- (3) All remodels, resurfacing, or repainting changing the color of existing building facade;
- (4) All paving or expansion of existing parking lots not including resurfacing or repair of existing pavement; and,

- (5) All revisions to existing landscaping when the revision involves more than 25% of the existing landscaped area.

3.26.030 Commercial Design Standards.

- (1) ~~Exterior walls of buildings greater than 50 feet in horizontal length shall be constructed using the installation of a combination of architectural features and a variety of building materials. Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.~~
- (2) Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10% of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
- (23) Architectural features shall include at least three of the following: recesses, projections, wall insets, arcades, window display areas, ~~awnings~~, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are approved in the Site Design Review process.
- (34) The predominant building materials shall be either brick, wood, stone, decorative steel paneling (not standard metal wall panels), and/or tinted/textured concrete masonry units, or glass products, or a combination thereof. Other materials such as smooth-faced concrete block, or undecorated tilt-up concrete panels, ~~or prefabricated steel panels~~ shall not exceed 25% of the material used for walls adjacent to the street or 75% of any other wall. All roof types are allowed including metal roofs; however, flat roofs shall be surrounded by a vertical extension of the adjacent wall.
- (45) Exterior colors shall be of low reflectance and shall be warm earth tones ~~or dark shades of primary or secondary colors~~ or as deemed by the Planning Commission to be a color that is compatible with the surrounding development and the purpose section of the zone. The use of high intensity colors such as black, neon, pink, peach, purple, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim.
- (56) ~~As an alternative, an applicant who wishes to use a design that differs from these requirements may apply for a Conditional Use Permit.~~ Awnings that provide a minimum three feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
- (7) Loading areas shall be located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or

collector, it must be screened with vegetation or a screen made of materials matching the building materials.

- (8) The development shall provide a plaza consistent with the following standards:
- a) The plaza must be at least 10 square feet of (public use) or similar active and usable public space (not just landscaped area), in addition to required sidewalk(s), for every 1,000 square feet of floor space.
 - b) The plaza must include at least one of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower, or other similar focal feature or amenity.
 - c) The plaza may be located within a setback or landscape area.

As an alternative the Planning Commission may approve a public art piece to substitute for the plaza. The size of the art shall scale in proportion to the amount of plaza space required.

- (9) As an alternative to the standards listed above, an applicant may apply for a Conditional Use Permit (CUP), satisfying all CUP criterion and the following additional criterion:
- a) The proposed development meets the intent of, or exceeds, the applicable standards;
 - b) The proposed design of the structures, including all finishes and architectural features, will blend with the surrounding community.
 - c) All portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment.
 - d) Building façades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.

10. Digital and Message Signage (changes shown in redline)

3.06.020 Definitions

Digital Display. A display of a sign message that is made up of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically. Digital Displays may include but are not limited to television screens, holographic displays, programmable ink, LCD, LED, or plasma displays.

3.06.120 Conditional Use Permits - Signs.

A conditional use approval shall be required for rotating/revolving signs, flashing signs, digital displays, or message signs located in a Commercial, Industrial, or Public Facility zones, or Mixed-Use zone within 100 feet of the Interstate 5 right-of-way. A conditional use to Chapter 3.06 shall be processed according to the conditional use procedures in Chapter 5.04, but shall be subject to the following criteria:

- (1) The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
- (2) The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
- (3) The proposed sign will not present a traffic or safety hazard.
- (4) If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effects consisting of external lights, lamps, bulbs, or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed.
- (5) If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five revolutions per minute.
- ~~(6) The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.~~
- (76) The proposed sign will comply with all other regulations, including, but not limited to, height and placement restrictions.

3.06.140 Digital Signage Standards

Digital display signs are subject to the following regulations in addition to all other requirements established in this section.

- (1) Brightness: Digital displays are subject to the following brightness limits:
 - a. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
 - b. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
 - c. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (2) Message Duration: The length of time each message may be displayed on a message center sign, digital display, or Tri-vision board sign is based upon the visibility and speed limit unique to individual signs and adjacent road

conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-vision board signs.

- a. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
- b. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
- c. Divide the visibility distance by the speed limit (feet/second).
- d. Add an additional 10% of this number to the total.
- e. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight seconds in which the minimum message duration shall be no less than eight seconds.

- (3) Sign Type: Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Section 3.06.
- (4) Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.
- (5) Area: Digital displays may be used for the full permitted sign area.
- (6) Maximum Number per property: Where permitted, one digital display sign is permitted per property.
- (7) Message Display:
 - a. Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - b. One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - c. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
- (8) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (9) The addition of any digital display to a nonconforming sign is prohibited.
- (10) Public Service Announcements: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters.

Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

3.06.150 Message Sign Standards

Message signs are subject to the following regulations, in addition to all other requirements established in this section.

- (1) Sign Type: Message signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Section 3.06.
- (2) Brightness: Message signs are subject to the following brightness limits:
 - a. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
 - b. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
- (3) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (4) Height: A message sign shall have the same height limits as other permitted signs of the same type and location.
- (5) Maximum Number: Where permitted, one message sign is permitted per street frontage, up to a maximum of two message signs per property.
- (6) Message Display:
 - a. No message sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
 - b. The content of a message sign must transition by changing instantly (e.g., no fade-out or fade-in).
- (6) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (7) The addition of any message sign to a nonconforming sign is prohibited.
- (8) Public Service Announcements: The owner of every message sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

3.06.140 160. - Variance Signs.

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Chapter 3.06 shall be processed according to the variance procedures in Chapter 5.03 but shall be subject to the following criteria:

- (1) There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship;
- (2) The requested variance is consistent with the purpose of the chapter as stated in Section 3.06.010;
- (3) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;
- (4) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare;
- (5) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance; and
- (6) The variance request shall not be the result of a self-imposed condition or hardship, including the existence of corporate or business signage standards which conflict with this Code.

11. Commercial Vehicle Repair Sales in LI (changes shown in redline)

2.09.040 Conditional Uses.

The following uses require approval of a conditional use permit and are subject to Site Development Review:

- (1) Publicly owned and operated facilities or structures, including government offices and stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.
- (2) Agricultural chemical, fertilizer, insecticide storage, and distribution, excluding ammonium nitrate.
- (3) Lumber yard and contracting supplies for lumber, stone, masonry, or metal.
- (4) A caretaker's residence, either free-standing or incorporated into another building, for an established or concurrently being developed industrial use, subject to the provisions of Chapter 3.28.

- (5) Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances when located within 300 feet of residentially zoned land.
- (6) Repair and maintenance of vehicles on commercial chassis and commercial equipment, when repairs are conducted inside a structure. The outdoor storage of disassembled or damaged vehicles, in sight of a public right of way, is not permitted unless screened with vegetation or decorative fencing (not including slatted chain link).
- (7) Sales of new and used class 4 through 10 commercial vehicles. The sale of used commercial vehicles alone is not permitted.

12. Driveways (changes shown in redline)

3.02.040 Access Standards.

- (1) Single-family Residence and Duplex Access Standards:
 - a. ~~Driveway aprons shall be no more than 26 feet in width and not less than 10 feet in width. All driveway aprons must be set back at least five feet from the side property line and 20 feet from the tangent of the property lines as they intersect adjacent to a corner lot. Driveway aprons for lots of at least 10,000 square feet and abutting a residential street may be wider than 26 feet if at least two 20-foot parking spaces are available on the residential street frontage. If the required setbacks and on street parking requirements are met, all other frontage may be used for driveway aprons.~~

The maximum width of driveway (as measured at the edge of the roadway or curb line, not including wings, or as determined by the City Engineer) is as follows:

- 1. Twenty feet for property with less than 50 feet of frontage;
- 2. Twenty-six feet for property between 50 and 79 feet of frontage;
- 3. Thirty feet for property with more than 79 feet of frontage.
- 4. Driveways between 30 feet and 50 feet are allowed if at least 40 feet of street frontage that is not part of the driveway measurement remains.

5. In no case shall a residential driveway exceed 50 feet in width.

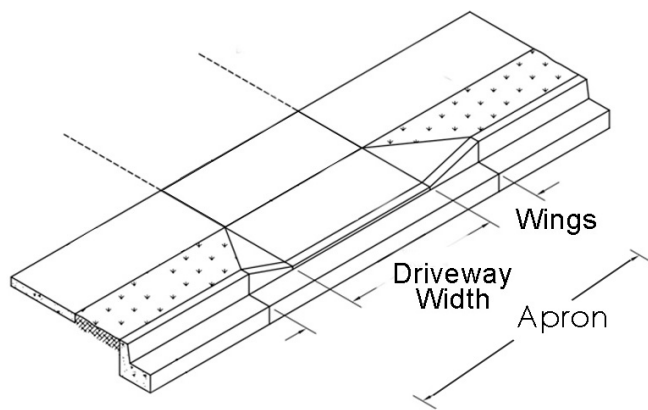


Figure 69
Driveway width

- a. ~~For the frontage of a lot less than 10,000 square feet or abutting a collector or arterial street: One driveway apron no more than 26 feet wide or a circular driveway with the lane 12-15 feet wide.~~

Allowable driveway width may be divided between up to two driveways for property with greater than 79 feet of frontage.

- b. For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.
- c. All driveway aprons must be set back at least five feet from the side property line and 20 feet from the tangent of the property lines as they intersect adjacent to a corner lot.
- d. Although physical obstructions, such as utilities, curb ramps, mailboxes, and stormwater facilities, may impact frontage available for driveway construction, they are not excluded from the frontage measurement in determining maximum allowable driveway width.
- ee. Driveways shall be limited to off-street parking and the parking and storage of recreational vehicles.
- ef. Driveway grades shall not exceed 15%.

ORDINANCE NO. 195-22

**AN ORDINANCE AMENDING THE MILLERSBURG LAND USE
DEVELOPMENT CODE BY REVISING SECTIONS 2.07.020-60, 2.01.010,
2.2.130(2)e, 3.06.060, 3.06.110, 3.06.130, 4.02.030, 1.02.020, 3.08.030-50, 3.06.020,
3.26.020-30, 3.06.120, 2.09.040, 3.02.040 AND ADDING NEW SECTIONS 2.07.045,
3.08.060, 2.16, 3.06.055, AND 3.06.140-60 OF THE MILLERSBURG LAND USE
DEVELOPMENT CODE**

WHEREAS, the City of Millersburg in October of 2020 adopted an all-new Land Use Development Code; and,

WHEREAS, the adopted Land Use Development Code contained instances where the Code did not fully address the City's needs, items were inadvertently excluded, or need clarification; and,

WHEREAS, these amendments to the Millersburg Land Use Code will address twelve (12) such instances including clarifications to the standards and uses for the CO zone, addressing typos, revising sign requirements, clarifying deck and patio regulations, adding text regarding radon requirements, clarifying billboard regulations, revising commercial office design standards, adding digital sign regulations, adding uses to the LI zone, and revising driveway standards; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received hearing notice thirty-five (35) days in advance of the hearing of July 6, 2022; and,

WHEREAS, a public hearing notice was posted in the *Albany Democrat-Herald* newspaper on June 6, 2022, at least twenty (20) days prior to the first hearing of July 6, 2022; and,

WHEREAS, on July 6, 2022, the Millersburg Planning Commission recommended the Millersburg City Council approve amendments to Sections 2.07.020-60, 2.01.010, 2.2.130(2)e, 3.06.060, 3.06.110, 3.06.130, 4.02.030, 1.02.020, 3.08.030-50, 3.06.020, 3.26.020-30, 3.06.120, 2.09.040, 3.02.040 and adding new Sections 2.07.045, 3.08.060, 2.16, 3.06.055, and 3.06.140-60; and,

WHEREAS, the Millersburg Planning Commission and City Council reviewed all findings of the June 29, 2022 Staff Report and determined that the project meets all criteria requirements from Section 5.11 of the Millersburg Land Use Development Code;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS:

The Millersburg City Council adopts all findings of the June 29, 2022 Staff Report and finds that the project meets all criteria requirements from Section 5.11 of the Millersburg Land Use Development Code; and,

FURTHERMORE, the Millersburg Land Use Development Code Sections 2.07.020-60, 2.01.010, 2.2.130(2)e, 3.06.060, 3.06.110, 3.06.130, 4.02.030, 1.02.020, 3.08.030-50, 3.06.020, 3.26.020-30, 3.06.120, 2.09.040, 3.02.040 shall be amended as shown in attached Exhibit A to this Ordinance; AND ADDING NEW SECTIONS 2.07.045, 3.08.060, 2.16, 3.06.055, 3.06.140-160.

FURTHERMORE, the City Council finds that this Ordinance is required for the peace, health, and safety of the City, and so declares an emergency. This Ordinance is effective upon its passage by the City Council.

PASSED by the Council and approved by the Mayor this 12^h day of July, 2022.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder

Exhibit A

CHAPTER 1.01 PURPOSE AND SCOPE

1.02.020 - Definitions.

Deck. A raised platform, typically made of wood, that is either flush with a home or business or detached from a structure. A deck is an accessory structure if over 200 square feet, though separate rules apply. See Section 3.08.060.

Patio. A landscape feature that is flush with the ground consisting of gravel, stone pavers, concrete, or similar material. If covered by a pergola or similar feature, only the material on the ground is considered the patio.

Pergola. A built cover, either open to the sky with slats or covered by a solid roof. These are detached from a structure and have open sides. They are typically freestanding. A pergola is an accessory structure if over 200 square feet, though separate rules apply. See Section 3.08.060.

Porch. A covered and elevated platform attached to a house or business. These can sometimes be called a veranda, which is a porch that wraps around a corner. For the purposes of this Development Code a veranda is considered a porch. An uncovered platform is considered a deck even when attached to a home or structure. Once enclosed, the area is considered interior to the structure and no longer a porch. A porch is not considered an accessory structure though separate rules apply. See Section 3.08.060.

Veranda. See porch.

CHAPTER 2.01 CLASSIFICATION OF ZONES

2.01.010 Zones

For the purposes of this Code, and the implementation of the Millersburg Comprehensive Plan, the following zoning zones are hereby established:

Table 1 – Classification of Zones

Classification of Zones	
Zone	Map Symbol
Residential Low-Density	RL
Rural	RU
Residential Mixed Density Medium	RM
Mixed-Use	MU
Commercial Office	CO
General Commercial	GC
Limited Industrial	LI
General Industrial	GI
Public Facility	PF
Floodplain Overlay	FPO
Historic Property Overlay	HPO
Willamette Greenway Overlay	WGO
Airport Approach Area Overlay	AAO

CHAPTER 2.07. COMMERCIAL OFFICE ZONE (CO)

2.07.010 Purpose

~~The Commercial Office Zone is primarily designed to attract professional offices, with limited supporting commercial retail activities, to serve the community.~~

The Commercial Office zone is intended to create a highly aesthetic appearance along NE Old Salem Road and to protect any residential neighbors from incompatible uses. This section operates as a form-based code which focuses more on building form than permitting specific uses. As such the uses are very flexible, but the potential impacts and form of the buildings are closely regulated.

2.07.020 Permitted Uses.

~~The following uses, when developed under the applicable development standards in the Code, are permitted in the CO zone:~~

- ~~(1) Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services.~~
- ~~(2) Professional offices and clinics for medical, dental, legal, engineering, and other professions.~~
- ~~(3) Banks, credit unions, investment firms; real estate offices, mortgage companies, title companies, and similar financial related offices.~~
- ~~(4) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption, not to exceed 2,000 square feet in area and located within an office building.~~
- ~~(5) Eating and drinking establishments located within an office building and without drive-in/drive-through service.~~
- ~~(6) Interim farm use, subject to the provisions in Chapter 3.21.040, except crops may be cultivated for commercial sales or use.~~
- ~~(7) Utility substations or pumping stations, excluding outdoor storage of equipment or materials.~~

Unless listed in subsection 2.07.040 or 045, the following uses are permitted in the CO zone subject to the applicable development standards:

- (1) Any permitted uses listed in the General Commercial (GC) zone or Light Industrial (LI) zone, assuming all development standards of these zones are met.

2.07.030 Special Uses

The following uses, when developed under the applicable development standards of this Code and special development requirements, are permitted in the CO zone:

- (1) Partitions, subject to the provisions in Chapter 4.02.050.
- (2) Subdivisions, subject to the applicable provisions of Chapter 4.02.050.
- ~~(3) Home occupations within a pre-existing residence, subject to the provisions of Chapter 3.13.~~
- (43) Temporary uses, subject to provisions in Chapter 3.17.
- ~~(5) Bed and breakfast, subject to provisions in Chapter 3.18 and located within a pre-existing residence.~~
- (64) Wireless communication facilities, subject to provisions in Section 3.27.

2.07.040 Conditional Uses

The following uses require approval of a Conditional Use Permit ~~and are subject to in addition to~~ a Site Development Review:

- (1) Public and private utility buildings and structures, including, but not limited to, electric substations, telephone exchanges, and communications antennas or towers.
- (2) Publicly owned and operated facilities or structures, including government offices and stations, fire stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.
- (3) Live-work units.
- (4) Any conditional uses listed in the GC or LI zones.

2.07.045 Prohibited Uses

The following uses are prohibited:

- (1) If located in or adjacent to a residentially zoned property, any use that will create noise, odors, lighting, or other disturbances that may negatively impact neighboring residential uses. Examples include, but are not limited to, drive-through speakers, kennels, and/or amusement centers.
- (2) Uses inconsistent with the purpose statement in Section 2.07.010.
- (3) Retail trade establishments, unless located within 100 feet of residentially zoned property.
- (4) Automobile service stations, including towing service and vehicle washing and polishing facilities and services.
- (5) Automobile, truck, motorcycle, trailer, agricultural equipment, recreational vehicles and boat sales, lease and/or rentals.
- (6) Residential uses except live-work units.
- (7) Houses of worship.

(8) Any use or activity that, without mitigation, violates the standards specified in subsection 2.07.060.

2.07.050 Dimensional Standards

Unless otherwise permitted in this Code, the following minimum dimensional standards shall be required for all development in the CO zone:

Table 1 - CO Zone Dimensional Standards

CO Zone Dimensional Standards	
Minimum Lot Area	
All Development	5,000 square feet
Minimum Setbacks	
Front Yard	0 feet
Side Yard	0 feet
Side Yard (only when adjacent to "RL" zone)	5 feet + 5 feet per story
Side Yard Street (only when adjacent to "RL" zone)	10 feet
Rear Yard	0 feet
Rear Yard (only when adjacent to "RL" zone)	5 feet + 5 feet per story
Maximum Structure Height	
Principal and Accessory Building	35 feet (or higher with Conditional Use Permit)
Maximum Lot Coverage	90%

2.07.060 Development and Performance Standards

All development in the CO zone shall comply with following specific standards:

- (1) **Off-Street Parking.** Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.
- (2) **Signs.** Signs in the CO zone shall conform to the standards contained in Chapter 3.06.
- (3) **Yards and Lots.** Yards and lots shall conform to provisions contained in Chapter 3.08.
- (4) **Site Development Review.** All new development and expansion of an existing structure or use in the Commercial Office zone shall be subject to the Site Development Review procedures of Chapter 5.05.
- (5) **Landscaping.** Any required or established front yard shall be landscaped with trees, shrubs, and groundcover and maintained pursuant to provisions in Chapter 3.09.

- ~~(6) **Outdoor Storage and Display.** Outdoor storage and display of merchandise, material, or equipment shall be prohibited.~~
- (6) **Plaza.** A pedestrian plaza (open to the public) is required.
- (7) **Outdoor Uses.** Outdoor storage is not permitted except for overnight/temporary storage of sidewalk tables and chairs. All uses and operations, except off-street parking, loading and unloading, and outdoor eating areas, shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Site Development Review.
- (8) **Weather Protection.** Weather protection features such as canopies, awnings or arcades shall be provided over at least the full width of all building entrances to a depth of at least three feet. Alternatively, building entrances may be set back a minimum of three feet behind the face of the building.
- (9) **Office Building Appearance.** All public facing facades must conform with the design standards of Chapter 3.26. No building or structure, viewable from the public right-of-way, shall have an industrial appearance, including but not limited to water towers, loading docks, railroad loading or unloading, all metal siding, cooling facilities, or anything similar.
- (10) **Delivery and Loading Areas.** Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
- (11) **Drive-through Facilities.** Drive-through facilities are not permitted when property is adjacent to residential zones.
- (12) **Emissions.** Emission of odorous gases or other odorous matter in quantities detectable at any time and at any point on any boundary line of the property or site on which the use is located are prohibited.
- (13) **Operations.** No building customarily used for night operation, such as a bakery, bottling and distribution plant, or other similar use, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any residential district, and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any residential district.
- (14) **Live-work Units.** A live-work unit, defined as a single unit consisting of both a commercial/office and a residential component that is occupied by the same resident, are required to comply with the following standards:
- a. The residential and the commercial space must be occupied by the same tenant, and no portion of the live-work unit may be rented or sold separately;
 - b. Units are typically a studio, loft, or one bedroom though there is no bedroom limit;
 - c. The site plan shall clearly demarcate commercial and residential areas;

- d. Residential areas are permitted above the commercial component, to the side or in back of the business component (not permitted in front). Internal access between the residential and commercial space is permitted but not required;
- e. The commercial component as designated on the floor plan approved through the conditional use permit/site development review shall remain commercial and cannot be converted to residential use;
- f. The residential component as designated on the floor plan approved through the conditional use permit/site development review shall remain residential and cannot be converted to commercial use;
- g. The commercial component shall be restricted to the unit and shall not be conducted in any residential yard, garage, or any accessory structure as shown on the site plan;
- h. All signage shall comply with Chapter 3.06;
- i. The external access for the commercial component shall have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live-work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments;
- j. The commercial use shall not generate external noise, odor, glare, vibration, or electrical interference detectable to the normal sensory perception by adjacent neighbors;
- k. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
- l. Prohibited commercial uses in live-work units include the following:
 - 1. Any use not permitted in the CO zone.
 - 2. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
 - 3. Businesses that involve the use of prescription drugs;
 - 4. Adult-oriented businesses, astrology palmistry, massage, head shops, and similar uses;
 - 5. Sales, repair, or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;
 - 6. Trade or private schools larger than 30 students at a time.

CHAPTER 2.09 LIMITED INDUSTRIAL ZONE (LI)

2.09.040 Conditional Uses

The following uses require approval of a conditional use permit and are subject to Site Development Review:

- (1) Publicly owned and operated facilities or structures, including government offices and stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.
- (2) Agricultural chemical, fertilizer, insecticide storage, and distribution, excluding ammonium nitrate.
- (3) Lumber yard and contracting supplies for lumber, stone, masonry, or metal.
- (4) A caretaker's residence, either free-standing or incorporated into another building, for an established or concurrently being developed industrial use, subject to the provisions of Chapter 3.28.
- (5) Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances when located within 300 feet of residentially zoned land.
- (6) Repair and maintenance of vehicles on commercial chassis and commercial equipment, when repairs are conducted inside a structure. The outdoor storage of disassembled or damaged vehicles, in sight of a public right of way, is not permitted unless screened with vegetation or decorative fencing (not including slatted chain link).
- (7) Sales of new and used class 4 through 10 commercial vehicles. The sale of used commercial vehicles alone is not permitted.

CHAPTER 2.12 FLOODPLAIN OVERLAY ZONE (FPO)

2.12.130 Variance Procedure

- (1) The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.
- (2) Conditions for Variances
 - a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Section 2.12.120(B)3. and 5.; and, Section 2.12.120(C). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increase.
 - b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon:
 - I. A showing of good and sufficient cause;
 - II. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - III. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the ~~criteria-standards~~ of Section ~~2.12.140 2.12.120(B)2 to 4.~~ are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

CHAPTER 2.16 RADON IMPACTED AREA STANDARDS – RI

2.16.010 Purpose

The purpose of the Radon Impacted Area (RI) Standards is to promote the public health, safety, and welfare by preventing migration of radon from the soil to indoor air in amounts that exceed EPA standards and to promote industrial development of such areas consistent with Statewide Planning Goal 9, "Economic Development," and the acknowledged Millersburg Comprehensive Plan.

2.16.020 Regulations and Standards

- (1) **Area Subject to the Radon Impacted Area.** The City shall record a notice in the Linn County public records that legally describes the area subject to the Radon Impacted Area, including a map showing the area's boundaries, state that the area is subject to the requirements of the Radon Impacted Area and that the Radon Impacted Area requires radon resistant construction methods and testing. The provisions of Section 7.500 shall apply to all areas described in the recorded notice and map.
- (2) **Allowed Methods of Addressing Radium Contamination.** An applicant may elect to address radium contamination by one of the two following methods:
 - a. Use radon-resistant construction methods in accordance with item (4)(a), below.
 - b. Obtain prior EPA approval that the levels of radon in the buildings will be less than the Indoor Air Standard for buildings for which radon controls are not appropriate (such as open-sided sheds and parking structures). Under this method of addressing radium contamination, applicants must demonstrate to EPA's satisfaction through estimates of indoor radon concentration, using methods approved by EPA and parameters which match the particular buildings to be constructed. If this demonstration is made to EPA's satisfaction, the City may approve building permits for the building without requiring radon-resistant construction methods or soils excavation. Any subsequent changes to the building require a new land use permit under Chapter 2.16 to ensure that the change in the building would not change the assumptions used in the initial modeling, or to update the modeling to EPA's satisfaction. All costs associated with obtaining EPA approval for buildings to be constructed other than with radon-resistant construction methods shall be borne solely by the applicant.

(3) Land Use Permits

- a. Application and Land Use Permit Approval.
 - i. An approved Conditional Use Permit shall be required pursuant to Chapter 5.04 of this Development Code prior to approval of a building permit issued pursuant to Item (4)(a), below.
 - ii. In addition to all items required for an application submittal in Chapter 5.04, the applicant shall submit to the City Planner the following additional items with the application:
 - A An election of one of two alternative methods of addressing radium and a written description of how radium will be addressed under the elected method.
 - iii. The City Planner shall determine that the application is complete and, if not, shall advise the applicant in writing what information is missing pursuant to Chapter 5.04 and 2.16 of this Development Code.
 - iv. The City Planner shall give notice of a complete application pursuant to Chapter 5.04 of this Development Code except that:
 - A The notice shall specify that any party may provide written comments on the application to the City Planner within 10 days of the notice's mailing date; and
 - B The notice shall specify which method of addressing radium contamination has been elected by the applicant. The City shall give notice to the EPA. If the applicant changes its election of method addressing radium contamination, the City shall give EPA an amended notice.
 - v. The City Planning Commission may approve or deny the application after the written comment period in item (3)(a) 4., above, has ended. The Commission may impose conditions as the Commission determines are appropriate; however, at a minimum, an approval under item (3)(a) for radon-resistant construction methods shall include the following conditions:
 - A No building permit shall be issued pursuant to Section 5.01.010 of this Code unless it complies with item (4)(a), below.
 - B No final certificate of occupancy shall be issued until radon tests satisfactory to the City have been conducted and show that indoor radon levels in all principal and accessory structures are below the Indoor Air Standard. The Indoor Air Standard shall be 4 pCi/liter or EPA's published target level or promulgated standard in effect at the time for indoor radon for occupational exposure, whichever is stricter. All radon testing shall be conducted in

conformance with EPA's published radon testing guidance in effect at the time the tests are conducted. If radon concentrations exceed the Indoor Air Standard in effect at the time, building owners shall be required to put in place additional radon controls and shall conduct additional testing until retesting shows that concentrations are below the standard. Such additional testing, and controls if necessary, shall also be required after major structural changes are made to the building or its HVAC system that could affect the effectiveness of the radon controls. Once testing shows that the radon concentrations meet the Indoor Air Standards, the City/County may issue a final certificate of occupancy for the building.

- C The condition required in item (3)(a) 5B, above, shall be satisfied within six months of the issuance of a temporary certificate of occupancy. The City Planner may grant reasonable extensions if the applicant makes a written request and demonstrates good cause.
- D Building owners and lessees shall be required to maintain the radon control system in proper working order. Satisfactory maintenance shall, at a minimum, conform to maintenance requirements set forth in the Large Building Guidance, or updated EPA guidance.
- E At least once every five years, buildings shall be inspected for slab settling, floor or basement wall cracks and other conditions that may reduce the effectiveness of the radon-resistant construction. If such conditions are found during the inspection, the affected buildings must be tested for radon using EPA-approved sampling methods. Building owners and lessees shall be required to take appropriate actions to reduce radon concentrations if radon levels in buildings exceed the Indoor Air Standard in effect at the time.
- F All radon testing results shall be submitted to the City. All testing results must identify the building address and ownership and shall include a description of the reason for radon sampling (i.e. for occupancy, results of prior sampling, changes in building or HVAC configuration, etc.). Where results exceed the Indoor Air Standard, the information shall include a description of measures taken to modify the radon system to reduce concentrations and the retest results showing compliance with the standard. Records of radon testing, radon system maintenance, and inspection logs shall be kept on site or be electronically accessible on site and must be readily available for inspection by building occupants, and/or representatives of the City, EPA, or DEQ.

G Building owners and lessees shall provide notifications to building occupants in writing or electronically that the building they occupy needs radon controls for potential risk reduction. Such notification shall include, at a minimum, a posted notice in a prominent place within the building. Content of the notification to building occupants shall include information on the location of the site records, the radon controls that are in place at the site, and the reasons for the radon controls.

H The applicant shall provide access on, over and across the property, and the City of Millersburg, EPA and DEQ shall have the right to enter upon any portion of the property at all reasonable times, for purposes of verifying any data or information submitted to the City, EPA or DEQ or verifying that no action is being taken on the property in violation of the terms of this ordinance. As a condition to approval under this Code, such access will last indefinitely and so long as the land at issue may be described by item (2) above.

vi. An appeal of the City Planners decision in item (3)(a) 5., above, shall be pursuant to Chapter 5 of this Code.

(4) **Building Permit.** All building permits approved under a land use approval for radon-resistant construction methods under item (2)(a) must comply with the following:

- a. All principal and accessory structures shall use radon-resistant construction methods consistent with the most current edition of the EPA publication entitled "Radon Prevention in the Design and Construction of Schools and Other Large Buildings" (June, 1993) (EPA625-R-92-016) or the latest adopted edition of the "State of Oregon Structural Specialty Code", whichever the City Manager and Building Official determines, provides greater radon-resistant construction methods. Construction will utilize either: (1) active systems such as active soil depressurization ("ASD") or building pressurization or (2) passive soil depressurization combined with sealing of radon entry routes. ASD consists of a layer of coarse aggregate below the building slab, radon suction pits below the slab, vent pipes, and suction fans. If passive soil depressurization is used, the system consists of the same components as ASD except for the fans, but will include a rough-in for the addition of fans to convert it to ASD if necessary. Sealing of radon entry routes shall be done using the methods described in the EPA guidance or using a gas-impermeable membrane.
- b. No building permit shall be issued unless an approval has been granted pursuant to item (3)(a), above.
- c. The City Planner may issue a temporary certificate of occupancy prior to a final certificate of occupancy.

- (5) **Residential Development Prohibited.** Residential development shall be prohibited in the Radon Impacted Area.

Chapter 3.02 STREET STANDARDS

3.02.040 Access Standards

(1) Single-family Residence and Duplex Access Standards:

- a. ~~Driveway aprons shall be no more than 26 feet in width and not less than 10 feet in width. All driveway aprons must be set back at least five feet from the side property line and 20 feet from the tangent of the property lines as they intersect adjacent to a corner lot. Driveway aprons for lots of at least 10,000 square feet and abutting a residential street may be wider than 26 feet if at least two 20-foot parking spaces are available on the residential street frontage. If the required setbacks and on street parking requirements are met, all other frontage may be used for driveway aprons.~~

The maximum width of driveway (as measured at the edge of the roadway or curb line, not including wings, or as determined by the City Engineer) is as follows:

1. Twenty feet for property with less than 50 feet of frontage;
2. Twenty-six feet for property between 50 and 79 feet of frontage;
3. Thirty feet for property with more than 79 feet of frontage.
4. Driveways between 30 feet and 50 feet are allowed if at least 40 feet of street frontage that is not part of the driveway measurement remains.
5. In no case shall a residential driveway exceed 50 feet in width.

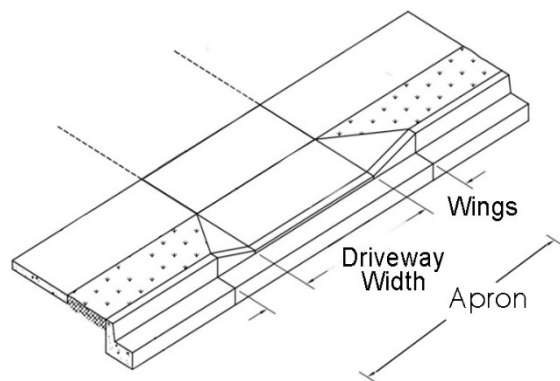


Figure 69
Driveway

- a. ~~For the frontage of a lot less than 10,000 square feet or abutting a collector or arterial street: One driveway apron no more than 26 feet wide or a circular driveway with the lane 12-15 feet wide.~~

Allowable driveway width may be divided between up to two driveways for property with greater than 79 feet of frontage.

- b. For frontage in excess of 100 feet, each additional 100 feet or fraction thereof shall be considered as separate frontage.
- c. All driveway aprons must be set back at least five feet from the side property line and 20 feet from the tangent of the property lines as they intersect adjacent to a corner lot.
- d. Although physical obstructions, such as utilities, curb ramps, mailboxes, and stormwater facilities, may impact frontage available for driveway construction, they are not excluded from the frontage measurement in determining maximum allowable driveway width.
- ee. Driveways shall be limited to off-street parking and the parking and storage of recreational vehicles.
- ef. Driveway grades shall not exceed 15%.

Chapter 3.06 SIGNS

3.06.020 Definitions

Billboard. A large outdoor board for displaying advertisements.

Digital Display. A display of a sign message that is made up of internally illuminated components that display an electronic image, which may or may not include text and is capable of changing the message periodically. Digital Displays may include but are not limited to television screens, holographic displays, programmable ink, LCD, LED, or plasma displays.

3.06.055 Maintenance and Repair of Existing Billboards

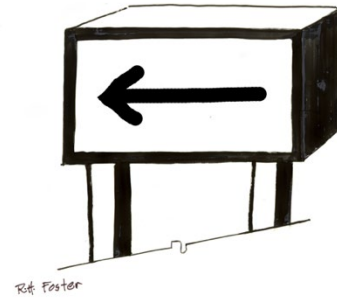
- (1) Any billboard lawfully erected prior August of 2022 shall be maintained in accordance with Department of Transportation standards.
- (2) Any lawfully erected billboard damaged by the negligent or malicious action of another party shall be repaired to its original condition or removed.
- (3) Any lawfully erected billboard which deteriorates either through ordinary wear and tear or is damaged by natural forces to the extent that the cost of repair or reconstruction of the billboard exceeds 50% of its fair market value as determined by the Department of Transportation shall be removed by the owner.
- (4) Repair, reconstruction, and maintenance of a billboard shall only include those actions required to restore the billboard to its original structural and mechanical condition. Such actions shall not include increasing the size or height of the billboard, converting the billboard to a multiple message or Tri-vision sign, or adding any attachments to the billboard.

3.06.060 Signs Generally Permitted

The following signs and sign work are permitted in all zones. No permit shall be required, and the sign shall not be included when determining compliance with total allowed area:

- (1) Painting, change of sign face or copy, and maintenance of signs legally existing on the effective date of this Code. If structural changes are made, the sign shall conform in all respects with these regulations.
- (2) Signs posted by or under **any** governmental authority including legal notices, traffic, danger, no trespassing, emergency, and signs related to public services or safety **including any signs within the right-of-way.**
- (3) Incidental signs that do not exceed six square feet in area.

- (4) Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- (5) Signs within a building.
- (6) Signs painted or hung on the inside of windows.
- (7) One residential name plate not exceeding three square feet in area.
- (8) Murals for commercial and industrial uses. Otherwise, that portion of the mural considered advertising shall be included in the sign area calculation. The calculation shall be in accordance with provisions in the "sign area" definition.

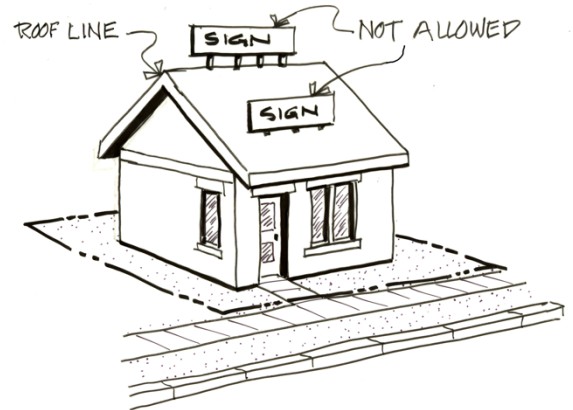
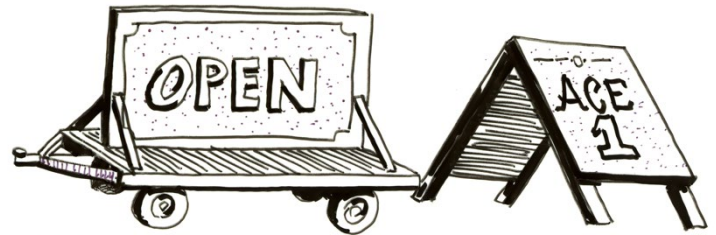


~~(9) Temporary signs placed on private property used in conjunction with political campaigns and elections. Political signs shall be displayed no earlier than 90 days before an election and shall be removed within three days after the election~~

3.06.070 Prohibited Signs

The following signs are prohibited in all zones:

- (1) Balloons or similar types of tethered objects.
- (2) Portable or temporary signs, except where allowed by Section 3.06.130.
- (3) Roof signs.
- (4) Signs that emit odor, visible matter, or sound; however, an intercom system for customers remaining in their vehicles, such as used in banks and "drive-through" restaurants, shall be allowed.
- (5) Signs that use or employ side guy lines of any type.
- (6) Signs that obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- (7) Signs closer than 36-inches horizontally or vertically from any overhead power line or public utility guy wire.
- (8) The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity. This provision applies where the primary purpose of the vehicle is for



advertising purposes and is not intended to prohibit any form of vehicular sign, which is primarily used for business purposes other than advertising.

- (9) Rotating/revolving signs, except by conditional use permit per Section 3.06.120.
- (10) Flashing signs, except by conditional use permit per Section 3.06.120.
- (11) Private signs that project into or over driveways and public rights-of-way, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least eight feet above the sidewalk.
- (12) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.
- (13) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- (14) Signs attached to any pole, post, utility pole, or placed on its own stake and placed into the ground in the public right-of-way. This does not include traffic control or other City/County/State signs within the right-of-way.
- (15) Message signs, except by Conditional Use Permit per Section 3.06.120.
- (16) Any sign on unimproved property, unless as an incidental sign.
- (17) Signs mounted on fences in accordance with Section 3.07.080.
- (18) Inflatable advertising signs including animal shaped inflatables and air-dancers (aka. wacky flailing arm inflatable tube men) in all non-residential zones.
- (19) Billboards - including digital billboards.

3.06.120 Conditional Use Permits Signs

A conditional use approval shall be required for rotating/revolving signs, flashing signs, digital displays, or message signs located in a Commercial, Industrial, or Public Facility zones, or Mixed-Use zone within 100 feet of the Interstate 5 right-of-way. A conditional use to Chapter 3.06 shall be processed according to the conditional use procedures in Chapter 5.04, but shall be subject to the following criteria:

- (1) The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area.
- (2) The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree.
- (3) The proposed sign will not present a traffic or safety hazard.
- (4) If the application is for a flashing and/or message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effects consisting of external lights, lamps, bulbs, or neon tubes are allowed. Only flashing effects by way of internal illumination are allowed.

(5) If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than five revolutions per minute.

~~(6) The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign.~~

(76) The proposed sign will comply with all other regulations, including, but not limited to, height and placement restrictions.

3.06.140 Digital Signage Standards

Digital display signs are subject to the following regulations in addition to all other requirements established in this section.

(1) **Brightness:** Digital displays are subject to the following brightness limits:

- a. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
- b. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
- c. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.

(2) **Message Duration:** The length of time each message may be displayed on a message center sign, digital display, or Tri-vision board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-vision board signs.

- a. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
- b. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
- c. Divide the visibility distance by the speed limit (feet/second).
- d. Add an additional 10% of this number to the total.
- e. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight seconds in which the minimum message duration shall be no less than eight seconds.

(3) **Sign Type:** Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Section 3.06.

- (4) **Height:** A digital display shall have the same height limits as for other permitted signs of the same type and location.
- (5) **Area:** Digital displays may be used for the full permitted sign area.
- (6) **Maximum Number Per Property:** Where permitted, one digital display sign is permitted per property.
- (7) **Message Display:**
 - a. Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - b. One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - c. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
- (8) **Default Design:** The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (9) The addition of any digital display to a nonconforming sign is prohibited.
- (10) **Public Service Announcements:** The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

3.06.150 Message Sign Standards

Message signs are subject to the following regulations, in addition to all other requirements established in this section.

- (1) **Sign Type:** Message signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Section 3.06.
- (2) **Brightness:** Message signs are subject to the following brightness limits:
 - a. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
 - b. At all other times, luminance shall be no greater than two hundred fifty (250) nits.

- (3) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (4) **Height:** A message sign shall have the same height limits as other permitted signs of the same type and location.
- (5) **Maximum Number:** Where permitted, one message sign is permitted per street frontage, up to a maximum of two message signs per property.
- (6) **Message Display:**
 - a. No message sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
 - b. The content of a message sign must transition by changing instantly (e.g., no fade-out or fade-in).
- (7) **Default Design:** The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (8) The addition of any message sign to a nonconforming sign is prohibited.
- (9) **Public Service Announcements:** The owner of every message sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

3.06.140 160 **Variance Signs**

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Chapter 3.06 shall be processed according to the variance procedures in Chapter 5.03 but shall be subject to the following criteria:

- (1) There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship;
- (2) The requested variance is consistent with the purpose of the chapter as stated in Section 3.06.010;
- (3) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;
- (4) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare;

(5) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance; and

(6) The variance request shall not be the result of a self-imposed condition or hardship, including the existence of corporate or business signage standards which conflict with this Code.



3.06.110 Commercial and Industrial Signs

The following regulations apply to signs for commercial and industrial uses:

(1) Signs for businesses not in integrated business centers:

- a. **Total Sign Area.** One and one-half square feet of total allowed sign area for each lineal foot of building frontage facing the street, up to a maximum total allowed area of 150 square feet. **Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.**
- b. **Type, Number, and Sign Size.** Within the total allowed area, one free-standing sign per street frontage, and a total of no more than two wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 48 square feet in area. **Properties with more than 1,000 lineal feet of street frontage on any single street may have one additional freestanding sign.**
- c. **Sign Height.** The maximum sign height shall be as follows:
 - i. Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - ii. Free-standing signs: Maximum height of 12 feet above finished ground level.
- d. **Sign Location.** Signs shall be located as follows:
 - i. Wall signs: May project up to 1.5 feet from the building.
 - ii. Free-standing sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

(2) Signs for Integrated Business Centers:

- a. **Total Sign Area.** For wall and canopy signs on individual businesses within an integrated business center, 1.5 square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. **Properties with**

more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.

- b. **Free-Standing Sign.** In addition to this allowed area, for each integrated business center, one free-standing sign per street frontage not exceeding 100 square feet in area. **Properties with more than 1,000 lineal feet of street frontage on any single street may have one additional free-standing sign.**
- c. **Sign Height.** The maximum sign height shall be as follows:
 - i. Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - ii. Free-standing signs: Maximum total height of 12 feet above grade.
- d. **Sign Location.** Signs shall be located as follows:
 - i. Wall signs: May project up to 1.5 feet from the building.
 - ii. Free-standing sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

3.06.130 Temporary Signs

Temporary signs are prohibited except as permitted by this section. The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit, or application is required. Registration for all temporary signs is required. Registration must occur at the Millersburg City Hall and be completed and filed prior to erecting the temporary signs. These include portable signs such as A-frame or sandwich board signs.

(1) Generally

- a. **Illumination:** No temporary sign shall be internally or externally illuminated.
- b. **Location:**
 - i. No temporary sign shall be placed within, extend into, or over the public right-of-way of any street except allowed temporary traffic control signs **or signs placed by any government agency.**
 - ii. Signs allowed in the right-of-way ~~for temporary traffic control by any government agency~~ shall provide a minimum of five feet of clear passage for pedestrians on the sidewalk where a sidewalk exists and shall come no closer than two feet from areas subject to vehicular travel.
 - iii. No temporary sign shall extend into the vision clearance area.
- c. **Maintenance:** Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged, or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

- d. **Placement:** Temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.
- e. All temporary signs in non-residential zones must be registered with the Community Development Department prior to placement in order to track the duration of the placement. Residential properties are not required to register temporary signage.
- f. Each non-residential property shall be limited to no more 90 days for any combination of temporary signage per calendar year. This can be used in smaller intervals or all at once, at the applicant's discretion. This does not apply to election signs, pennants/streamers, or real estate signs.

(2) Allowed Temporary Signage

- a. In a residential zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling, farm stands, etc. Standards for residential temporary signs include:
 - i. ~~Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.~~
 - ii. ~~Real Estate signs shall be removed no more than 15 days from the sale (close of escrow), lease or rental of the property.~~
 - iii. ~~Contractor signs shall be removed within seven days of completion of any construction or remodeling.~~
 - iv. Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to seven days after the public election.
 - v. A sign not exceeding six square feet in area and five feet in height during the time of sale, lease, or rental of the lot or dwelling provided that the sign is removed within seven days of the sale, lease or rental of the lot or dwelling.
 - vi. A sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to 32 square feet. In no case shall the sign or signs remain erected if building or construction permits are no longer active.

- vii. On property which has received a subdivision or development approval, from the time of the approval until issuance of a building permit for the last lot to be sold or completion of the development of the project, one temporary sign not exceeding 32 square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding 64 square feet in area (32 square feet each) and eight feet in height on properties greater than four acres in size.
- b. In any commercial, public, or industrial zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate, political or ideological positions, construction or remodeling, help wanted, or temporary activities. Standards include:
- i. There shall be no more than one temporary sign per property even if more than one business is located on the property.
 - ii. Signs shall not exceed six square feet per side.
 - ~~iii. Signs intended to advertise commercial services are prohibited, unless related to fund raising for a non-profit organization or institution.~~
 - ~~iv. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.~~
 - ~~v. Real Estate shall be removed no more than 15 days from the sale, lease or rental of the property.~~
 - ~~vi. Contractor signs shall be removed within seven days of completion of any construction or remodeling.~~
 - iii. Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to seven days after the public election.
 - iv. A sign not exceeding 32 square feet in area and eight feet in height during the time of sale, lease, or rental of the property provided that the sign is removed within seven days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. In no case shall the sign or signs remain erected if building or construction permits are no longer active.
 - v. A sign not exceeding 32 square feet in an area during the period of charitable fundraising event being conducted on the property where the sign is erected. This sign shall not be placed more than seven days prior to the event and must be removed within seven days following the event.
 - ~~vii.~~ vi. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.

- ~~viii.~~ **vii.** Temporary uses such as Christmas tree sales, pumpkin sales, etc. are permitted two signs not to exceed 32 square feet per side each. The signage shall be allowed for the same duration as the temporary use; however, these signs do count toward the 90-day maximum permitted by Section 3.06.130.1.f.
- ~~ix.~~ **viii.** Pennants and streamers may be used as part of an opening or promotional event only and are not counted as a temporary sign for purposes of the 90-day duration maximum permitted by Section 3.06.130.1.f.
- ~~x.~~ **ix.** Blade banner signs are considered temporary signs and shall meet all regulations herein. In no case shall blade banner signs be taller than seven feet.

c. **Fair/Market Vendor Signs.** In addition to any other temporary sign requirement, the following additional requirements apply: (For purposes of this subsection, "vendor" includes persons selling or displaying information or products)

- i. The fair or market is a temporary activity which does not require permanent site improvements.
- ii. The fair or market shall have no more than three offsite ~~or onsite~~ signs advertising the event, individual vendors are not permitted to use any additional offsite signage (including yard signs on private property).
- iii. There are no regulations for signs within the event area, except that no sign shall be higher than 10 feet from the ground surface. **At no time shall event signs be erected more than 60 days before the event.**
- iv. All temporary signage (except those within the event space) are limited by the 90 days permitted by Section 3.06.130.1.f. These are considered cumulative and not separate regarding the accumulation of the 90 days permitted by Section 3.06.130.1.f.

d. **Temporary Signs Requiring Permit.** The City Manager may allow temporary signs larger than those allowed by this section (but not additional signs or to allow a sign to be posted for a longer duration than the times listed in this section) with a sign permit. This signage shall not be restricted by content, but is usually and customarily used to advertise special events and store openings on banners. The City Manager shall allow the placement of such signs only if the City Manager finds that the proposed sign will not materially impair the purposes of the sign code.

e. **Additional Duration.** Additional duration of temporary sign placement cannot be added through a sign variance process.

(3) Sign Collection and Retrieval. Signs determined to be in violation will be removed and disposed of.

CHAPTER 3.08. YARD AND LOT STANDARDS

3.08.030 Front Yard Projections

The following features, when not more than one story high, may project into the front yard setback area, provided the projection shall come no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features, ~~uncovered porches, covered but unenclosed porches.~~

3.08.040 Side Yard Projections

- (1) Cornices, eaves, gutters, and fire escapes may project into a required side yard not more than one-third of the width of the required side yard.
- (2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 1.5 feet into a required side yard, provided the chimneys and flues shall not exceed six feet in width.
- ~~(3) Uncovered decks and patios attached to the main building, and no more than three feet in height when measured directly beneath the outside edge of the deck or patio, may be extended to the side yard property line.~~
- (3) For details regarding decks, porches, patios, and similar features, see Section 3.08.060.

3.08.050 Rear Yard Projections

- (1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features, may project not more than 1.5 feet into a required rear yard, provided the chimneys and flues shall not exceed six feet in width.
- (2) A fire escape, balcony, outside stairway, ~~or cornice, or other unenclosed, unroofed projections~~ may project not more than five feet into a required rear yard.
- (3) The following features, when not more than one story high, may project into the rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features; ~~uncovered porches, covered but unenclosed porches.~~
- (4) No permitted projection into a required rear yard shall extend within 10 feet of the center line of an alley or within five feet of a rear lot line if no alley exists.
- (5) For details regarding decks, porches, patios, and similar features, see Section 3.08.060.

3.08.060 Decks, Porches, Patios, and Similar Features

- (1) **Patios.** The following standards apply to all patios.
 - a. There is no building permit requirement for patios.
 - b. There are no setbacks for patios though all patios must comply with maximum lot coverage requirements of the zone.
- (2) **Decks.** The following standards apply to all decks.
 - a. The County may require a building permit for decks.
 - b. Decks taller than 12 inches (first or second story) must be setback at least five feet from the side and rear property line, unless they are less than 12 inches from the ground. Decks under 12 inches in height have no side or rear setback requirements.
 - c. Decks of any height (first or second story) may project into a required front yard building setback but must be no closer than 10 feet from the front property line.
 - d. All decks must comply with maximum lot coverage requirements of the zone.
- (3) **Porches.** The following standards apply to all porches.
 - a. The County may require a building permit for porches over 200 square feet.
 - b. A porch may not encroach into the side yard setback. A porch has the same side setbacks as the main structure based on the zone.
 - c. A porch may encroach into the rear building setback, but in no case shall the porch be closer than five feet from the rear property line.
 - d. A porch may encroach into a front building setback but in no case shall a porch be closer than 10 feet from the front property line.
 - e. All porches must comply with maximum lot coverage requirements of the zone.
- (4) **Detached Patio Cover or Pergola**
 - a. The County may require a building permit for patio covers or pergolas over 200 square feet.
 - b. A patio cover or pergola may encroach into side, rear, or front yard setbacks. A patio cover or pergola may not be less than five feet from a rear or side property line, and/or 10 feet from a front property line, though it should be noted that if the structure is over 200 square feet it is considered an accessory structure, and accessory structures are not permitted in front of dwelling units.
 - c. Any patio, or pergola that has a solid roof, must comply with maximum lot coverage requirements of the zone.

CHAPTER 3.26. COMMERCIAL DESIGN STANDARDS

3.26.010 Purpose.

The purpose of Commercial Design Standards is to create commercial developments and areas presenting a relatively attractive vista to those passing by or patronizing the commercial businesses, thereby enhancing the ability to attract business investment and the livability of the community.

3.26.020 Applicability.

The Commercial Design Standards apply to:

- (1) All new construction of commercial and office buildings in all zones, **and all new buildings in the Commercial Office (CO) zone;**
- (2) All additions to existing commercial or office buildings exceeding 25% of the floor area of the existing building;
- (3) All remodels, resurfacing, or repainting changing the color of existing building facade;
- (4) All paving or expansion of existing parking lots not including resurfacing or repair of existing pavement; and,
- (5) All revisions to existing landscaping when the revision involves more than 25% of the existing landscaped area.

3.26.030 Commercial Design Standards.

- (1) ~~Exterior walls of buildings greater than 50 feet in horizontal length shall be constructed using the installation of a combination of architectural features and a variety of building materials. Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.~~
- (2) ~~Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10% of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.~~
- (23) Architectural features shall include at least three of the following: recesses, projections, wall insets, arcades, window display areas, **awnings**, balconies,

window projections, landscape structures, or other features that complement the design intent of the structure and are approved in the Site Design Review process.

- (34) The predominant building materials shall be either brick, wood, stone, decorative steel paneling (not standard metal wall panels), and/or tinted/textured concrete masonry units, or glass products, or a combination thereof. Other materials such as smooth-faced concrete block, or undecorated tilt-up concrete panels, or prefabricated steel panels shall not exceed 25% of the material used for walls adjacent to the street or 75% of any other wall. All roof types are allowed including metal roofs; however, flat roofs shall be surrounded by a vertical extension of the adjacent wall.
- (45) Exterior colors shall be of low reflectance and shall be warm earth tones or dark shades of primary or secondary colors or as deemed by the Planning Commission to be a color that is compatible with the surrounding development and the purpose section of the zone. The use of high intensity colors such as black, neon, pink, peach, purple, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim.
- (56) ~~As an alternative, an applicant who wishes to use a design that differs from these requirements may apply for a Conditional Use Permit.~~ Awnings that provide a minimum three feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
- (7) Loading areas shall be located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.
- (8) The development shall provide a plaza consistent with the following standards:
- The plaza must be at least 10 square feet. The area must be for public use or similar activated and usable public space (not just landscaped area), in addition to required sidewalk(s), for every 1,000 square feet of floor space.
 - The plaza must include at least one of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower, or other similar focal feature or amenity.
 - The plaza may be located within a setback or landscape area.
- As an alternative the Planning Commission may approve a public art piece to substitute for the plaza. The size of the art shall scale in proportion to the amount of plaza space required.
- (9) As an alternative to the standards listed above, an applicant may apply for a Conditional Use Permit (CUP), satisfying all CUP criterion and the following additional criterion:

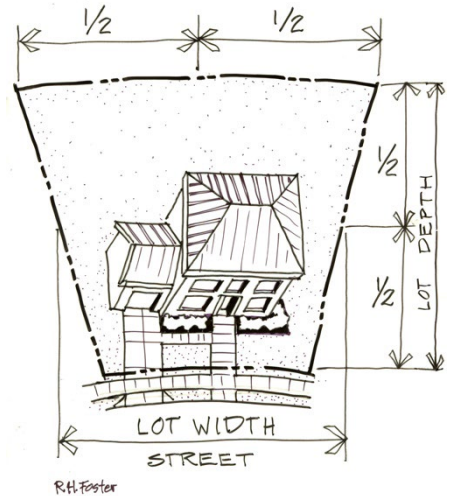
- a) The proposed development meets the intent of, or exceeds, the applicable standards;
- b) The proposed design of the structures, including all finishes and architectural features, will blend with the surrounding community.
- c) All portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment.
- d) Building façades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.

CHAPTER 4.02 STANDARDS

4.02.030 Standards for Lots or Parcels

The following standards shall apply to all Partitions and Subdivisions.

- (1) **Minimum Lot Area.** Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
- (2) **Lot Width and Depth.** The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial, or public uses shall be exempt from width to depth ratio provisions.
- (3) **Access.** All new lots or parcels shall provide a minimum of 40 feet of frontage on an existing or proposed public street, or 25 feet of frontage along a cul-de-sac except residential lots or parcels may be accessed by a private street or private access easement developed in accordance with the provisions of [Chapter 3.10 Section 3.02.040 and 4.02.030\(4\)](#) when it is determined that a public street access is:
 - a. Infeasible due to parcel shape, terrain, or location of existing structures; and
 - b. Unnecessary to provide for the future development of adjoining property
 - c. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.





TO: Millersburg City Council
 VIA: Kevin Kreitman, City Manager
 FROM: Janelle Booth, Assistant City Manager/City Engineer
 DATE: July 9 for the July 12, 2022, City Council Meeting
 SUBJECT: Fire Station 15 Project Report

Project Summary:

Architect: Soderstrom
 Owner's Representative: David Evans and Associates
 Contractor: Wildish Building Company
 Construction Notice to Proceed Date: 4/1/2021
 Construction Completion Date: **7/29/2022**
 Project Description: Construction of a 10,200 square foot new fire station, including site work and construction of new public street.

Overall Project Schedule:

- Project is now substantially complete. Station became operational and occupied on June 30. Contract was extended to a final completion date of July 29, 2022.

Work Remaining to be Completed:

- Traffic signs/beacons on Old Salem Road
- Glass for display case shelves
- Garbage/recycle pullout in kitchen
- Wall panels in dayroom
- Replace vent hood
- Miscellaneous lighting changes and lighting control adjustments
- Road striping replacement
- Miscellaneous punchlist items

Financial Status:

- Total Invoiced and Paid to Date: \$6,016,896 (100% of total project cost minus 5% retainage)
- Change Order 1 – miscellaneous framing changes, over-excavation, additional sewer stubs. Total amount of CO 1 – \$34,896.
- Change Order 2 – meeting room window, glazing-only. Total amount of CO 2 - \$1,173.
- Change Order 3 – site electrical modifications, store front door changes, wood framing changes, plumbing modifications for truss deflection, weather barrier at fascia. Total amount of CO 3 - \$50,083.
- Change Order 4 – flashing modifications, louver reframing, relocate UPS to laundry room, move gas line valve. Total amount of CO 4 - \$36,316.
- Change Order 5 – cabinet changes, gas service line reroute and installation of gas main piping. Total amount of CO 5 - \$59,253.

- Change Order 6 – electrical changes, access and video surveillance, other misc. changes, over excavation for roadway. Total amount of CO 6 - \$29,506.
- Change Order 7 – ceiling framing and sheet rock changes, light curtains, equipment locations, added cameras, miscellaneous electrical, street lighting conduit, sink and faucet changes, mechanical access panels, revised grades, additional rack for IT. Total amount of CO 7 - \$42,008.
- Change Order 8 – additional painting, wall panel changes, added corner guard, plant substitutions, additional concrete work, riprap pad at storm outfall, over-excavation and regrading. Total amount of CO 8 - \$35,796
- Change Order 9 – landscaping changes, concrete flatwork modifications, street lighting changes (credit), and acoustic panels. Total amount of CO 9 - \$19,314

	Original Contract Cost	Change Orders	% of Contract
Total	\$6,025,230	\$308,345	5.1%
Station	\$5,142,570	\$274,469 ^{1,2}	5.3%
Public Infrastructure	\$882,660	\$33,876 ³	3.8%

¹Includes over-excavation of \$11,304 based on price established in bid

²Includes natural gas main line installation to serve future commercial area

³Includes over-excavation of \$5,555 based on price established in bid

Grand Opening:

- July 30, 2:00 p.m. – Hose Decoupling and Grand Opening
- July 31, 10:00 a.m. to 12:00 p.m. – Family Tours



TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: City Staff
DATE: July 6, 2022, for Council Meeting June 12, 2022
SUBJECT: Project Updates Memo

Monthly Update on Projects:

Staff are currently in the process of implementing many projects and activities in the City to address objectives of the Strategic Plan, direction from Council, and needs staff have identified.

There are many tasks currently in progress. An overview of several specific tasks and projects is provided below.

Development Projects

Valley Pressure Washing – received land use approval, working on site and public infrastructure design. The project includes a 7,500 square foot dual-bay truck wash facility located near Love's.

Aymium (National Carbon Technologies)- A preapplication was completed for a new industrial project. The applicants have been working on wetland permits in advance of submitting land use applications, which is expected in late August. The project proposes to further develop the former paper mill site, along NE Old Salem Road, into a biocarbon production and shipping facility producing a pelletized biocarbon product from sawmill byproducts, logging residuals, and orchard pruning fiber.

City Projects

- Woods Road Shared Use Path – Surveying work underway
- Crack Sealing – RFQ under development
- Old Salem Road AC Waterline – Design ongoing, waiting for ODOT response to work within their right-of-way
- Stormwater Management Plan – Under contract with David Evans, gathering information
- Revised City Boundaries - The City has been working with the County GIS department to correct some scrivener's errors on the City limits and the Urban Growth Boundary. Some small changes were made on the northern part of the City near Love's. These changes corrected errors and made the online map consistent with previous City annexation records. Further changes are in process along the southeast portion of the City, so that the UGB does not extend to the east side of I-5.

Oregon Psilocybin Services Section

Oregon Psilocybin Services is a new section housed within the Oregon Health Authority Public Health Division's Center for Health Protection. The OPS team has been designed around three program areas:

- Policy and Engagement
- Licensing
- Compliance

Each program will center on health equity, including outreach to partners and communities and working to ensure access to services.

In November of 2020, Ballot Measure 109, the Oregon Psilocybin Services Act was passed by voters in Oregon. The ballot measure is now codified as ORS 475A.

M109 created a license and regulatory framework for production of psilocybin and facilitation of psilocybin services for adults 21 years of age and older and created the Oregon Psilocybin Advisory Board that makes recommendations to OHA. M109 does not:

- Create a consumer market for psilocybin
- Allow for export or import of psilocybin
- Allow licensees to interact with unregulated markets

PUBLIC HEALTH DIVISION Oregon Psilocybin Services License Types

Manufacturer License

- Cultivates fungi and manufactures psilocybin products
- Cannot cultivate outdoors
- Premise must have defined boundaries
- Cannot exceed production quantities established in rule
- Product tracking system required to track manufacturing, sale and transfer of psilocybin products to prevent diversion, ensure accurate accounting, ensure accurate reporting of lab testing results

Laboratory License

- All psilocybin products must be tested by a licensed lab prior to sale.
- Labs must be accredited by the Oregon Environmental Laboratory Accreditation Program
- Testing results must be entered in the product tracking system

Facilitator License

- Supervises sessions where clients consume psilocybin.
- Must complete OHA approved training program as a condition of licensure.
- Must pass exam approved or administered by OHA

Service Center License

- Cannot be located within 1000 feet of a school
- Must have defined boundaries
- Transfers psilocybin products to client for use during administration session

Psilocybin Services

Psilocybin will only be administered to persons 21 years or older in licensed service center settings under the supervision of trained and licensed facilitators. Psilocybin Services may include:

- Preparation Session
- Administration Session

- Integration Session (optional)
Product tracking system required to track manufacturing, sale and transfer of psilocybin products to:
 - Prevent diversion
 - Ensure accurate accounting
 - Ensure accurate reporting of lab testing results

Local Government Issues Local Government Opt-Out

- Local governments (cities and counties) may adopt ordinances that prohibit Manufacturers and Service Centers
- Ordinances must be referred to voters at the next general election

Local Government Time Place and Manner Regulations

- Local governments may adopt reasonable regulations on hours, location, and operation of licenses

Land Use Compatibility Statements (LUCS)

- Applicants for Service Center and Manufacturer licenses are required to request a LUCS from their local government before submitting a license application

Service Centers

Site Requirements

- GIS mapping tool for school proximity
- Cannot be located on public land; must have defined boundaries
- Cannot be located within a residence
- Cannot be located in an area within city limits that is zoned exclusively for residential use
Manufacturers:
 - Cannot be located on public land; must have defined boundaries
 - Outdoor cultivation is prohibited
 - Landlord must consent to use

TPM (Time, Place and Manner)

- OPS will not track local time place and manner regulations

License and Application Fees, Taxes

License and Application Fees

- License and application fees will be set in rule later this year
- Oregon Psilocybin Services will be a fee-based program and fees must cover the costs associated with the agency's work

Taxes

- Service Centers collect a 15% tax on the sale of psilocybin products payable to Oregon Department of Revenue
- Local taxes and fees are prohibited
- Psilocybin services are not taxed

January 2, 2023: OHA begins accepting applications for licensure

BALLOT TITLE

Prohibits psilocybin-related businesses within Millersburg.

QUESTION

Shall Millersburg prohibit psilocybin-related businesses in Millersburg?

SUMMARY

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a Millersburg City Council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of psilocybin project manufacturers and/or psilocybin service center operators within the City of Millersburg.

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of psilocybin-related businesses within the City of Millersburg.

A city council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the city, but the council must refer the ordinance to the voters at a statewide general election. The Millersburg City Council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the City of Millersburg and, as a result, has referred this measure to the voters.

ORDINANCE NO. XXX-22

**AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS
AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of July 12, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Millersburg is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Millersburg City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place, and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of Millersburg; and

WHEREAS, the City Council seeks to refer to the voters of Millersburg the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the city's jurisdictional boundaries.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN
AS FOLLOWS**

Section 1. Prohibition.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Millersburg.

Section 2. Referral.

This Ordinance is referred to the electors of the city of Millersburg for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

PASSED by the Council and approved by the Mayor this 12th day of July, 2022.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder

BALLOT TITLE

Prohibits psilocybin-related businesses within Millersburg. Prohibition sunsets after two years.

QUESTION

Shall Millersburg prohibit psilocybin-related businesses in Millersburg?

SUMMARY

State law allows operation manufacturer, distribution and possession of psilocybin and psilocin. State law provides that a Millersburg City Council may adopt an ordinance to be referred to the voters to prohibit the establishment of any of those registered or licensed activities.

Approval of this measure would prohibit the establishment of psilocybin project manufacturers and/or psilocybin service center operators within the City of Millersburg.

EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment and operation of psilocybin-related businesses within the City of Millersburg.

A city council may adopt an ordinance prohibiting the establishment of psilocybin related businesses within the city, but the council must refer the ordinance to the voters at a statewide general election. The Millersburg City Council has adopted an ordinance prohibiting the establishment of psilocybin-related businesses within the City of Millersburg and, as a result, has referred this measure to the voters.

If approved, this measure would prohibit psilocybin-related businesses within the City of Millersburg until December 31, 2024.

ORDINANCE NO. XXX-22

AN ORDINANCE DECLARING A TEMPORARY BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of July 12, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Millersburg is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the Millersburg City Council believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries to enable the adoption of the state's psilocybin licensing and regulatory program and to allow the city to adopt reasonable time, place and manner regulations on the operation of psilocybin facilities is in the best interest of the health, safety and welfare of the people of Millersburg; and

WHEREAS, the City Council seeks to refer to the voters of Millersburg the question of whether to establish a two-year temporary ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS

Section 1. Prohibition.

The establishment of psilocybin product manufacturers licensed under ORS 275A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Millersburg.

Section 2. Referral.

This Ordinance is referred to the electors of the city of Millersburg for approval at the next statewide general election on November 8, 2022.

Section 3. Effective Date.

This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

Section 4. Sunset.

This Ordinance is repealed on December 31, 2024.

PASSED by the Council and approved by the Mayor this 12th day of July, 2022.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder

TO: Millersburg City Council
VIA: Kevin Kreitman, City Manager
FROM: Janelle Booth, Assistant City Manager/City Engineer
DATE: July 6, for the July 12, 2022 City Council Meeting
SUBJECT: Right-of-Way Dedication



Action Requested: Adoption of Resolution 2022-11 accepting dedication of approximate 83 ft by 12 ft property for street and utility right-of-way.

Discussion:

When the Sarah's Meadows subdivision was completed new public streets, Royal Drive and Crown Lane, were created. Working with the subdivision developer, an adjacent property owner performed a partition, which created an additional lot in this subdivision on the corner of Royal and Crown. When created, the lot had frontage on Royal, but was separated from Crown by a strip of property owned by the property owner to the east (not a part of the subdivision). The buyer of the new lot negotiated the purchase of this strip and would like to dedicate it as right-of-way to the City so that the new house can take access from Crown instead of Royal.

Accepting this right-of-way dedication will provide the full right-of-way width for Crown along the frontage of this lot and allow construction of a sidewalk. Currently there is not sufficient room for a sidewalk on the north side of Crown Lane.

Budget Impact:

None.

Recommendation:

Staff recommends Council adopt Resolution 2022-11.

Attachment(s):

- Resolution 2022-11
- Dedication Deed and Exhibits A and B

RESOLUTION 2022-11

**A RESOLUTION TO ACCEPT A DEED FOR STREET AND UTILITY
RIGHT-OF-WAY PURPOSES**

WHEREAS, the City of Millersburg (City) uses street and utility rights-of-way to provide necessary ingress and egress for people, their various modes of transportation, and City and private utilities; and,

WHEREAS, Jack Dean Peschel wishes to dedicate to the City of Millersburg certain real property, hereinafter more particularly referred to in attached Exhibits A and B, to be used for street and utility right-of-way purposes; and,

WHEREAS, the City can use the dedicated property for street and utility right-of-way;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF MILLERSBURG, OREGON, THAT:**

The City of Millersburg accepts the Dedication Deed from Jack Dean Peschel pertaining to that property described in Exhibits A and B.

**ADOPTED BY THE CITY COUNCIL AND EFFECTIVE THIS 12th DAY OF
July, 2022.**

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder

After recording return to:
City of Millersburg
4222 NE Old Salem Rd
Albany, OR 97321

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that, **Jack Dean Peschel**, hereinafter referred to as the Grantor, does dedicate to the City of Millersburg for street and utility right-of-way purposes, all that real property situated in Linn County, State of Oregon, described as follows:

See legal description on attached Exhibit A, and map on attached Exhibit B are attached herewith and made a part hereof this agreement.

and covenants that the Grantor is the owner of the above described property free of all encumbrances save and except reservations in patents and easements, covenants, conditions, and restrictions of record, and will warrant and defend the same against all persons who may lawfully claim the same.

The deed granted herein is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

Jack Dean Peschel

STATE OF OREGON)
County of Linn) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by Jack Dean Peschel.

Notary Public for _____
My Commission Expires: _____

CITY OF MILLERSBURG:

STATE OF OREGON)
County of Linn) ss.
City of Millersburg)

I, Kevin Kreitman, as City Manager of the City of Millersburg, Oregon, do hereby accept on behalf of the City of Millersburg, the above instrument pursuant to the terms thereof this _____ day of _____ 2022.

City Manager: Kevin Kreitman

ATTEST

City Recorder: Kimberly Wollenburg

Exhibit A

Legal Description
Right-of-Way Dedication
Portion of

Tax Lot 401 of Linn County Assessor Map 10S-03W-20DA

A portion of Parcel II of the parcels conveyed to Jack Dean Peschel by Statutory Warranty Deed recorded as Documents Number 2019-06334 on April 26, 2019 said portion being more particularly described as follows:

Beginning a 5/8 inch rod at the southwest corner of said Parcel II said corner being at the intersection of the north right-of-way line of Crown Lane NE with the east right-of-way line of Royal Drive NE: thence North 00°02'04" East, along said east right-of-way line, 12.00 feet to a 5/8 inch rod at the northwest corner of said Parcel II; thence South 89°51'56" East, along the north line of said Parcel II, a distance of 83.29 feet to a 5/8 inch rod; thence South 00°02'11" West 12.00 feet to a point on south line of said Parcel II said point also being on said north right-of-way line; thence North 89°51'48" West, along said the south line, 83.29 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

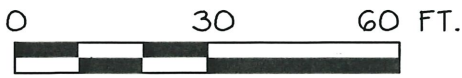
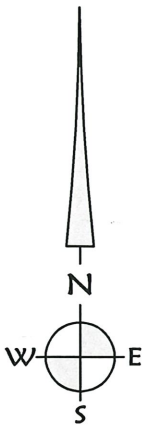
Joe J. Cota
OREGON
JULY 9, 2002
JOE J. COTA
58561

RENEWS: *12-31-22*

EXHIBIT B R-O-W DEDICATION

Item 12)

LOCATED IN
PORTION OF PARCEL 2 OF DEED DOC. 2019-06334
TAX LOT 401 10S-3W-20DA
IN THE
CITY OF MILLERSBURG, LINN COUNTY, OREGON
JUNE 16, 2022



SCALE: 1" = 30'

LEGEND:

- FOUND MONUMENT, PER C.S. 26195 + C.S. 27063
- CALCULATED POINT PER RECORD DATA
- { } RECORD DATA PER C.S. 27063 SAME AS MEASURED
- AREA TO BE DEDICATED TO RIGHT-OF-WAY

