



Proposal: Staff is proposing to make 16 different Code text revisions. In October of last year, the City adopted the new Development Code. As staff has been implementing the all-new Code the need for small revisions have become apparent. These include clarifications to setbacks, some uses in the Commercial Zone, performance standards in the General Industrial Zone, restaurant parking, temporary signs, single-family home standards, lot standards, land use approval modification standards, subdivision and partition standards, caretakers' requirements, floodplain development requirements, driveway standards, and name-only changes to two zones.

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. A separate notice was sent to the Department of Land Conservation and Development (DLCD) on September 29, 2021. Information related to the hearing is posted on the City's website here - <http://cityofmillersbrg.org/planning-commision/>. A Measure 56 notice was sent to every tax address in the City on September 30, 2021.
- E. Review Criteria: Section 5.11.030
- F. Current Zoning: All zones will have some effect from the proposed changes.
- G. Background: Last year an all-new Development Code was adopted. Anytime an all-new Development Code is drafted, it is anticipated that some small edits would be needed to address places where the 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. Staff has been compiling a list of needed edits since the Code was adopted. At the time this staff report was written there are 16 different places where edits are proposed. Some are small, like changing the name of a zone; others are larger, such as adding a section for temporary signage.

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

Summary Table 1			
	Section	Topic	Proposed Update
1	2.03.060	Two-Story setback clarification	Clarify 8-foot setback to 2-story homes in 2 residential zones. We will also re-evaluate the definition of "story."
2	2.05 and throughout	Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM)	
3	2.09 and throughout	Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI)	
4	2.08	Revised uses in the Commercial Zone	Remove some uses from the General Commercial Zone - no mini storage, auto paint uses, RV parks, or similar.
5	2.09.040 & 3.24.010	LI and PF Zone RV Park clarifications	The RV Park standards in Section 3.24 explain that LI permits RV parks with a CUP, but the LI Permitted Uses section does not state that. This clarifies that they would not be allowed in LI. Further, the PF zone permits them with a CUP, but Section 3.24 does not state that.
6	2.10.060(7)	GI Environmental Performance Standards	The environmental performance standards were removed as it is duplicative as it's listed in other sections.
7	3.03	Restaurant Parking	Re-visit restaurant parking.
8	3.06	Temporary Signs/ROW Signs	Add a new more detailed section on Temporary Signs & allow traffic signs in ROW.
9	3.06	Blade Banner Signs	Add details about Blade Banner signs.
10	3.12.020	Revised Single Family Home Design Standards	Revise SFR design requirements, including a requirement for 12" eaves and add more choices.
11	4.02.030	Additional Lot Standards	Add language for remainder lots, phased maps, re-divisions, and lot averaging.

12	5.01.060	Modifying Land Use Approvals	Clarify the difference between a land use permit 'reconsideration' and a 'modification.'
13	5.07.060	Additional Subdivision and Partition Criteria	Add more partition and subdivision criteria.
14	1.02 & 3.28	Caretakers' revisions	Add a definition for "caretakers" and add a new Section 3.28 with standards for caretakers' units in the Special Uses section of the Code.
15	2.12.120 & 5.01.030	Floodplain Development Permit details added	We have specified a process for the review of this State required application.
16	3.03.080	Driveway pavement	Add text to 3.03.080(1) to clarify that all residential driveways in all zones except the RU zone must be paved, including the full length of the driveway to the street apron.

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 16 changes proposed.

Table 2- Criteria 1 Analysis		
	Topic	Analysis
1	Two-Story Setback Clarification	The revision to the text is not changing a requirement, just clarifying the existing provision. Therefore, the change will not impact a-f in any way.
2	Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM)	The revision is to the zone name only. No requirements are changing based on the name change. Therefore, the change will not impact a-f in any way.
3	Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI)	The revision is to the zone name only. No requirements are changing based on the name change. Therefore, the change will not impact a-f in any way.
4	Revised uses in the Commercial Zone	This change proposes to remove some uses from the General Commercial Zone, specifically mini storage, auto paint uses, cabinet manufacturing, and RV Parks. Removing the uses will not affect traffic or circulation patterns, demand for utilities or economic activities, the level of protection for resources or compliance with special programs. The removed uses are similar to other permitted uses as far as possible impacts to these categories. Park facility uses are not set by commercial activity, so there is no impact to RV Park facility levels.
5	LI and PF Zone RV Park clarifications	The revision to the text is not changing a requirement, just clarifying the existing provisions. Therefore, the change will not impact a-f in any way.
6	GI Environmental Performance Standards	The environmental performance standards were duplicative. No standards are changing, so there will be no negative impacts on categories a-f above.
7	Restaurant Parking	The reduced parking for restaurants will make us consistent with Albany's requirements. The new provisions should still allow enough parking for the

		use, because it has not created any issues in Albany. The change will have no effect to b-f because the amount of parking has does not dictate the demand for public facilities, park levels, protection for resources, or compliance with plans. Existing rules for each of these would still be applicable. Economic activity may increase, so there is no negative impact to the economy.
8	Temporary Signs/ROW Signs	The new rules for temporary signs will reduce clutter and influence the aesthetics and safety for the motorists in the City. This may require additional public services in terms of enforcement of the rules and removal of the signs, but it is for the betterment of the City, which is not a negative effect. Park facilities, natural resources, and compliance with special plans will not be effected by temporary signs. The economy could be impacted as there would be less advertising which could hurt sales; however, the lack of clutter may make the City a more desirable location for businesses, thus helping the economy.
9	Blade Banner Signs	See above.
10	Revised Single Family Home Design Standards	These changes add more flexibility and higher levels of design requirements for new homes. This will have no impact on a-f with the exception of possibly the economic activity. The way a home looks has no impact on a-f. Regarding economic activity, the higher standard will help home sales.
11	Additional Lot Standards	The change adds additional requirements for remainder lots, phased maps, re-divisions, and lot averaging. This change will result in better subdivision design by assuring there are no unmaintained and forgotten lots within the City. This change will not affect traffic patterns except that there will need to be access provided to all remainder areas now. This is not a negative effect. There will be less demand for public services because the City could be stuck with maintaining abandoned areas left over in poor subdivision designs. There will be no effect to park needs. The

		economy will improve because abandoned lots act as a deterrent to development (similar to the broken windows theory- better maintained areas perform better economically). Natural resources will be better protected because often developers who leave small portions of land in a subdivision do so to avoid responsibilities related to the protection of natural resources. Special plans in this City would include master plans, such as drainage plans, transportation system plans, and other such specialty master plans. This change will better implement these plans by assuring that every portion of a subdivision complies with the plans (rather than having the developer try to argue they are not part of the project and therefore need not comply).
12	Modifying Land Use Approvals	The revision to the text is not changing a requirement, just clarifying the existing provision. Therefore, the change will not impact a-f in any way.
13	Additional Subdivision and Partition Criteria	This change is moving an existing standard to the criteria section. The revision to the text is therefore, not changing a requirement, just clarifying the existing provision. Therefore, the change will not impact a-f in any way.
14	Caretakers' revisions	This revision has added some additional regulations for caretaker's units. These will have no impacts to the location or siting of caretaker's units, and will therefore not affect most of the items a-f.
15	Floodplain Development Permit details added	This change now specifies a process for the review of this State required application. This does not change any of the regulations, and will therefore have no effect on a-f.
16	Driveway pavement	The material of the driveways will not impact traffic, the economy, City plans, or the demand for Park space. This will improve the longevity of the street pavement as gravel is minimized on City streets, which will reduce demands of public services and make streets last longer. There will

		likely be no impact to natural resources because runoff from driveways will be similar for gravel as it is for pavement, both are hard packed surfaces that do not allow percolation.
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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. 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 the City’s Comprehensive Plan.

Table 3 below contains an analysis for each of the 16 changes proposed.

Table 3- Criteria 3 Analysis		
	Topic	Analysis
1	Two-Story Setback Clarification	Applicable goals would be Goal 10 Housing, and 14 Urbanization. This complies with both because the clarification of the setback does not affect the cost or availability of housing.
2	Change the name of the	Zone names have no relevance to the State Goals

	Residential Mixed-Use Zone (RM) to Residential Medium (RM)	and are therefore not inconsistent.
3	Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI)	Zone names have no relevance to the State Goals and are therefore not inconsistent.
4	Revised uses in the Commercial Zone	Applicable goals would be Goal 9 Economy of the State and 14 Urbanization. This complies with both because the uses that are proposed to be removed would not result in the highest and best use of the property, thereby negatively impacting the economy of the State. Removing the uses brings the Code more in line with Goal 9.
5	LI and PF Zone RV Park clarifications	Applicable goals would be Goal 2 Land Use Planning, Goal 10 Housing, Goal 9 Economy of the State, and 14 Urbanization. This complies with these Goals because it makes the Code internally consistent and assures that any new RV parks are built in a location that is more compatible with the surrounding communities. This assures proper implementation of each zone using its highest and best use.
6	GI Environmental Performance Standards	Applicable goals would be Goal 6 Air, Water and Land Resources Quality and 13 Energy. This complies with both because the clarification will help align the standards with other existing State requirements.
7	Restaurant Parking	The applicable goal would be Goal 9 Economy of the State. This complies with the Goal because it makes Millersburg's requirements more closely aligned with Albany's and makes property in the City more attractive to restaurant businesses.
8	Temporary Signs/ROW Signs	Applicable goals would be Goal 2 Land Use Planning, 9 Economy of the State, and 12 Transportation. This complies with these Goals because the rules regarding temporary signs are currently confusing. These will align better with Goal 2 when they are clear. The code revision is intended to curtail a problem the City is having with a plethora of temporary signs littering the

		streets. Stronger regulations will create a cleaner streetscape which will help attract more business, thus helping the economy. Lastly, many of the illegal signs are placed within the right-of-way which could impact safety. Removing them will address Goal 12 concerns regarding safety.
9	Blade Banner Signs	See above.
10	Revised Single Family Home Design Standards	Applicable goals would be Goal 10 Housing, and 14 Urbanization. This complies with both. It is popular to argue that higher standards could raise the cost of housing. However, the additional requirements are structured so there are several options that would comply, many of which are not expensive, and most of which are standard features on many of the homes that are currently built in the City. These would pertain only to single-family homes, not multi-family. This complies with Goal 10.
11	Additional Lot Standards	Applicable goals would be Goal 10 Housing and 14 Urbanization. This complies with both because the change only assures that small remnant lots are not created through the partition or subdivision process. These may become maintenance issues for the City. Developers also may use this loophole as a or creative way to sidestep required processes, like wetlands or frontage fees. Therefore, this will help implement State Goals.
12	Modifying Land Use Approvals	The revision to the text is not changing a requirement, just clarifying the existing provision. Therefore, the change will implement land use modifications and is fully consistent with State Goals.
13	Additional Subdivision and Partition Criteria	This change is moving an existing standard to the criteria section. The revision to the text is therefore, not changing a requirement, just clarifying the existing provision. Therefore, the change will be fully consistent with the State Goals because it was consistent when the Code was adopted.
14	Caretakers' revisions	The applicable goal would be Goal 10 Housing and to a small extent Goal 9 Economy of the Sate.

		<p>The change does not change where they can be placed but clarifies that a caretaker's unit must have some relationship to the business and cannot just be a residential use that happens to be on a commercial property. An example would be a caretaker in a storage facility. While this revision has added some additional regulations for caretaker's units, it should not play a significant role in limiting the use of caretaker's units. Especially given that caretaker's units are not very common, so this change will not impact a significant amount of housing stock in the community. Thus, the change is consistent with Goal 10. Regarding Goal 9, the use of caretaker's units may help some business come to Millersburg, and therefore help the economy. This change is consistent with this Goal as well.</p>
15	Floodplain Development Permit details added	<p>The applicable Goal for this revision would be Goal 7 Areas Subject to Natural Disasters and Hazards. This change did not alter any regulations. Our Flood Code section was taken almost directly from the FEMA regulations (as required by the State) with little deviation. Floodplain Development Permits were required in the Code, but there was no process for how to apply for Floodplain Development Permits. This was added. This does not change any of the regulations. A clear process for the application will better implement the intent of the Goal.</p>
16	Driveway pavement	<p>The applicable Goals for this revision are Goal 10 Housing and Goal 12 Transportation. This revision clarifies that driveways need to be paved unless they are rural in nature (on large lots). This will reduce maintenance needs on roads because gravel on the roadways will be reduced, and gravel damages streets. The change will also help urban homes be more consistent, helping to implement Goal 10.</p>

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 16 revisions proposed. The table below shows details.

Table 4- Criteria 4 Analysis		
	Topic	Analysis
A	1, 4, 5, 6, 10, 11, 12, 13, 15, 16	These revisions are all correcting some kind of error identified in the Code
B	1, 2, 3	These changes are proposed to better implement the Code.
C	15	This revision will better implement State requirements for floodplains.
D	1, 7, 8, 9, 14	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. 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 21-01 to the City Council.

IV. SUGGESTED MOTION FOR PLANNING COMMISSION

I motion that the Planning Commission recommend approval of DC 21-01 to the City Council because all applicable criteria are met and all findings of fact are included in the staff report.

V. 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 21-01 and adopt Ordinance No. 2021-XX

including an emergency provision to make the Ordinance effective immediately upon adoption.

VI. EXHIBITS

- A. Proposed text changes
- B. Ordinance No. 2021-XX
- C. Public Hearing Notice

DC 21-01 CODE UPDATE PROPOSED CHANGES (as of October 21, 2021)

Summary Table 1			
	Section	Topic	Proposed Update
1	2.03.060	Two Story Setback Clarification	Clarify 8 foot setback to 2 story homes in 2 residential zones. We will also re-evaluate the definition of "story"
2	2.05 and throughout	Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM)	
3	2.09	Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI)	
4	2.08	Revised Uses in the Commercial Zone	Remove some uses from the General Commercial zone - no ministorage, auto paint uses, RV Parks or similar.
5	2.09.040 & 3.24.010	LI and PF Zone RV Park clarifications	The RV Park standards in Section 3.24 explain that LI permits Parks with a CUP, but the LI Permitted Uses section does not state that. This clarifies that they would not be allowed in LI. Further, the PF zone permits them with a CUP but section 3.24 does not state that.
6	2.10.060(7)	GI Environmental Performance Standards	The environmental performance standards were removed, it is duplicative as its listed in other sections.
7	3.03	Restaurant Parking	Re-visit restaurant parking.
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13	5.07.060	Additional Subdivision and Partition Criteria	Add more partition and subdivision criteria.
14	1.02	Caretakers revisions	Add a definition for "caretakers" and add a new section 3.28 with standards for caretakers units in the Special Uses section of the code.

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16	3.03.080	Driveway pavement	Add text to 3.03.080(1) to clarify that all residential driveways in all zones except the RU zone must be paved, including the full length of the driveway to the street apron.

Proposed Text Changes

1. 2 Story Setback (changes shown in redline)-

1.02.20 Definitions

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade as defined herein, such basement or cellar shall constitute a story. **For industrial or commercial applications, a 'story' shall be considered 14 feet. For example, a 28-foot tower would be considered a two story structure.**

2.03.060 Dimensional Standards

Table 2 - RL Dimensional Standards

RL Zone Dimensional Standards	
Side Yard – two or more stories Any second story (or more) shall be at least 8 feet from the property line (Interior)	8 feet

2.05.060 Dimensional Standards

Table 4 - RM Dimensional Standards

RM Zone Dimensional Standards	
Side Yard – two or more stories Any second story (or more) shall be at least 8 feet from the property line (Interior)	8 feet

2. Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM).

The text changes are not shown here, as they are found in numerous places throughout the code and would be too voluminous to list here.

3. Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI).

The text changes are not shown here, as they are found in numerous places throughout the code and would be too voluminous to list here.

4. Revised Uses General Commercial Zone (changes shown in redline)-

CHAPTER 2.08 GENERAL COMMERCIAL (GC)

2.08.010 Purpose

The General Commercial Zone is applied to areas suitable to meet a wide range of commercial activities to serve the community. ~~All uses should be a service-type use, meaning they should be uses like restaurants, offices, and retail. Uses should not be those which see very little customer interaction such as light manufacturing uses.~~

2.08.020 Permitted Uses

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

- (1) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, and sporting goods stores.
- (2) Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels and hotels (but excluding recreational vehicle parks and campgrounds), personal instructional facilities (instructional classes), banks, real estate, and financial services.
- (3) 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.
- (4) Professional offices and clinics for medical, dental, legal, engineering, and other professions.
- (5) Banks, credit unions, investment firms; real estate offices, mortgage companies, title companies, and similar financial-related offices.
- (6) Automobile service station, including towing service and vehicle washing and polishing facilities and services.
- (7) Automobile, truck, motorcycle, trailer, agricultural equipment, recreational vehicle and boat sales, lease, and rentals.
- (8) Vehicle repair and maintenance, including electric motor repair, ~~paint and body shop~~, tire recapping, and similar automotive repair facilities.
- (9) Construction businesses such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work, or painting.
- (10) Part and accessory sales for automobiles, trucks, motorcycles, trailers, agricultural equipment, recreational vehicles, and boats, which include the installation, repair or modification of such parts and accessories; but specifically prohibiting junk yards, wrecking yards, or auto salvage and restoration yards.

Part and accessory sales which do not include the installation, repair, or modification of such items are allowed as a permitted activity.

- (11) Retail tire sales.
- (12) Laundry or dry cleaning.
- ~~(13) Warehouse for short term storage, including mini-warehouses.~~
- ~~(14)~~ (13) Lumber yard and contracting supplies for lumber, stone, masonry, or metal.
- ~~(15) Cabinet shop.~~
- ~~(16)~~ (14) Interim farm use, subject to the provisions in Chapter 3.21.040, except crops may be cultivated for commercial sales or use.
- ~~(17)~~ (15) Utility substations or pumping stations, excluding outdoor storage of equipment or materials.

2.08.030 Special Uses

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

- (1) Partitions, subject to the provisions in Chapter 4.02.050.
- (2) Subdivisions, subject to the applicable provisions of Chapter 4.02.060.
- (3) Home occupations within a pre-existing residence, subject to the provisions of Chapter 3.13.
- (4) Temporary uses, subject to provisions in Chapter 3.17.
- (5) Bed and breakfast, subject to provisions in Chapter 3.18 and located within a preexisting residence.
- (6) House of worship, subject to provisions in Chapter 3.19.
- ~~(7) Recreational vehicle park, subject to provisions in Section 3.24.~~
- ~~(8)~~ (7) Wireless communication facilities, subject to provisions in Section 3.27.

2.08.040 Conditional Uses

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

- (1) Dwelling units shall be permitted subject to one of the following provisions:
 - a. A dwelling unit may be established if it is necessary and clearly accessory and subordinate to a permitted commercial use.
 - b. A dwelling unit not accessory and subordinate to a permitted commercial use may be established on the second or upper floors of a permitted commercial use.
- ~~(2) All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses provided all operations except off-street parking and temporary activities, with or without outdoor storage.~~
- ~~(3)~~ (2) Public and private utility buildings and structures, including but not limited to electric substations, telephone exchanges, and communications antennas or towers.

- ~~(4)~~ (3) 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.
- ~~(5)~~ (4) Houses of worship, subject to provisions in Chapter 3.19.

5. LI and PF Zone RV Park clarifications (changes shown in redline)-

The removal of the use from the GC Zone is shown above in section 5.

CHAPTER 3.24 RECREATIONAL VEHICLE PARK STANDARDS

3.24.010 Purpose

Oregon Revised Statutes Chapter 446 and Oregon Administrative Rules Chapter 918, Division 650 specify the standards and regulations for Recreational Vehicle (RV) use in the State of Oregon.

3.24.015 Standards

Approved RV parks shall comply with the State of Oregon Standards and the standards of this Section:

- (1) Where Permitted: RV Parks may be permitted in the ~~Limited Industrial Zone~~ ~~LI~~ **Public Facilities Zone (PF) zone** adjacent to a City Arterial Street in accordance with the Conditional Use procedures of Section 5.04.
- (2) Each RV space shall be not less than 1,000 square feet exclusive of any common park areas.
- (3) Roadways shall be paved and designed to permit easy access to each RV space. Road widths shall meet the requirements for local residential streets. All other design features shall meet fire apparatus access road requirements
- (4) Each RV space shall be paved and designed to provide runoff of surface water. All unpaved areas shall be landscaped, and the Park shall be screened on all sides by a 6-foot-high sight-obscuring hedge or fence.
- (5) The total number of parking spaces in the Park shall be equal to 1.25 spaces per RV space. All parking spaces shall be paved.
- (6) Each RV space shall be provided with electrical service, piped potable water, and sewage disposal service. All RVs with service connections staying in the Park shall be connected to these services.
- (7) The Park shall be maintained in a neat appearance at all times. There shall be no outside storage of materials or equipment. Trash receptacles shall be provided at

convenient locations and in adequate number and capacity.

(8) RVs are limited to a stay of no more than six months in any 12-month period.

(9) The Park shall provide toilets, lavatories, and showers for each sex in ratios specified by the State of Oregon for each recreational vehicle space. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

(10) The Park shall provide one utility building or room containing three clothes washing machines, one clothes drying machine, and 50 square feet of space for each 50 recreational vehicle spaces.

(11) Public building spaces shall be lighted at all times of night and day; shall be ventilated; shall be provided with heating facilities which shall maintain a room temperature no lower than 65° F; shall have a floor of waterproof material; shall have sanitary ceiling, floor, and wall surfaces; and shall be provided with adequate floor drains to permit easy cleaning.

6. GI Environmental Performance Standards (changes shown in redline)-

CHAPTER 2.10 GENERAL INDUSTRIAL ZONE (GI)

2.10.040 Conditional Uses

The following uses require approval of a Conditional Use Permit:

- (1) Extraction and processing of minerals, rock, or other earth products.
- (2) Recycling centers greater than 5,000 feet of enclosed area, automotive dismantling, wrecking and salvage yard, and refuse transfer facility.
- (3) Petroleum products storage and distribution, including asphalt plants.
- (4) Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances **when located within 300 feet of residentially zoned land.**
- (5) Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution, excluding ammonium nitrate.
- (6) Wholesale and distribution involving these activities.
- (7) 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 3.27.**

2.10.060 Development Standards

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

~~(7) Environmental performance standards may limit placement of certain uses in the zone if the site is located within 300 feet of residentially zoned land.~~

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 3.27.**
- (5) **Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances when located within 300 feet of residentially zoned land.**

7. Restaurant Parking (changes shown in redline)-

Section 3.03.060 Off-Street Vehicle and Bicycle Parking Requirements

Table 14- Vehicle and Bicycle Parking Space Requirements

M	Eating and drinking establishments including food pods	Greater of 1 space per 4 seats, or, 1 space per 400 sq ft 1 per 800 sq ft for carryout and 1 per 200 for sit down of gross floor area
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8. Temporary Signs (changes shown in redline)-

Chapter 1.02.020 Definitions

Sign (Sign). Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol, or trademark; banner or pennant; or any other device, figure, or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a

building, structure, or device; and is used to announce, direct attention to, or advertise; and is visible from any **City or County** public right-of-way.

Portable Sign (Sign). Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are ~~also not to be~~ considered temporary signs ~~as defined and used in this Code.~~

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. ~~Also see Portable Sign (Signs).~~

Chapter 3.06 SIGNS

3.06.020 Definitions

Portable Sign (Sign). Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. ~~Portable signs are not to be considered temporary signs as defined and used in this Code.~~

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. ~~Also see Portable Sign (Signs).~~

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 ~~as a part of a permitted temporary business or otherwise permitted~~ by ~~Municipal Code 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 8-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.**

3.06.130 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.
 - ii. Signs allowed in the right-of-way for temporary traffic control shall provide a minimum of 5 feet of clear passage for pedestrians on the

sidewalk where a sidewalk exists and shall come no closer than 2 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.
- 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 1 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.
 - vii. 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. 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 towards the 90-day maximum permitted by Section 3.06.130.1.f.
 - ix. 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. Blade Banner signs are considered temporary signs and shall meet all regulations herein. In no case shall blade banner signs be taller than 7 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 3 offsite or onsite signs advertising the event, individual vendors are not permitted to use any additional off site 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.
 - 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.

9. Blade Banner Signs (changes shown in redline)-

Chapter 3.06 Signs

3.06.020 Definitions

Blade Banner Signs: aka Feather Flag, or Feather Blade signs are signs often of a temporary nature, that consist of fabric attached to a pole. The pole is typically about 6-8 feet in height where the sign mounts in a vertical nature.

10. Single Family residential Design Changes (changes shown in redline)-

CHAPTER 3.12 DESIGN STANDARDS FOR HOMES ON INDIVIDUAL LOTS

3.12.020 General Standards – All Single-family and Duplex Homes

All new site-built single-family and duplex homes and modular homes constructed or located within the City shall ~~have~~ include:

- (1) ~~At least~~ a two-car garage for each dwelling unit
- (2) ~~Eaves that project at least 12"~~
- (3) ~~No garage shall be more than 65% of the façade width.~~
- (4) ~~All trim shall be at least 4 inches~~
- (5) ~~and shall also utilize at least two of the following design features~~ A garage up to 50% of the length of the facade shall meet at least 4 of the following design standards. A garage more than 50% of the facade must meet at least 5 of the following design standards to provide visual relief along the front of the dwelling:
 - a. ~~Dormers, which are projecting structures built out from a sloping roof housing a vertical window~~
 - b. ~~Gables, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end~~
 - c. ~~Recessed entries (minimum 2 feet)~~
 - d. ~~Covered porch entry (minimum 48 square feet)~~
 - e. ~~Cupolas~~
 - f. ~~Wrapped Decorative~~ Pillars or posts
 - g. ~~Bay or bow windows~~
 - h. ~~Eaves greater than (minimum 12" projection)~~
 - i. ~~Off-set on building face or roof (minimum 16")~~

- j. Windows and doors represent a minimum of 15% of the façade, not including the roof or gables
- k. Stone, brick or other similar material used on the façade
- l. Garage doors designed to resemble 2 smaller garage doors
- m. A third garage door (or second door of a 3 car garage) that is recessed a minimum of 2 feet
- n. Decorative roofline elements including roof brackets
- o. Exterior chimney of brick, stone, composite masonry or similar materials (viable from the façade)
- p. Tower, either square, rectangular, circular or polygonal in form
- q. Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane
- r. Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar

11. Additional Lot Standards (changes shown in redline)-

4.02.030 Standards for Lots or Parcels

The following standards shall apply to all Partitions and Subdivisions.

- (8) Re-Division.** When subdividing or partitioning into large lots which may be re-subdivided, the City shall require that the design of the lots be of a size and shape to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.
- (9) Remainder areas.** When subdividing or partitioning property, any area within the tentative/final plat that is not proposed to be part of a lot, parcel, or tract is a remainder area. Tracts must serve a function. Any such remainder area must meet the minimum requirements of this Code, including any requirements by the zone such as lot size or the requirement to connect to public water and/or sanitary sewer.
- (10) Lot Averaging.** Lot averaging is not permitted. All lots must meet the minimum lot size requirements of the zone.
- (11) Phased Development.**
 - 1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a tentative plat. All phasing must be approved with the entitlement. Phasing proposed after entitlement approval requires a project modification regulated by section 5.16.060.
 - 2. The criteria for approving a phased subdivision (in addition to all standard subdivision criteria) review proposal are:

- a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - i. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
 - ii. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

12. Modifying a land use decision (changes shown in redline)-

5.01.060 **Modifying Reconsideration of a Land Use Decision**

- (1) A reconsideration of an approved project is used when a project has been recently approved by a decision body, and is found to have a glaring error (applicant or City error) that requires the decision body to re-review the approval. Alternatively, an applicant requesting to substantially change a site plan, building size, or other aspect of the project after the project is approved, but is not the result of an error in the processing of the project, would use the process outlined in Section 5.16.060. ~~Conditions of approval imposed in a land use decision may be modified by using the process outlined in 5.15.060.~~
- (2) The applicant shall have the legal right to represent all undeveloped land within the original area subject of the application.
- (3) Applications for ~~modification~~ reconsideration shall only be used in cases in which the applicant requests reconsideration of a specific condition(s) of approval. Only those conditions shall be considered for change by the decision-making body.
- (4) A reconsideration must be submitted prior to the end of the appeal period and be treated as an appeal to the approval.
- ~~(4)~~(5) Any other change requested may only be considered by filing a new application.

13. Additional Partition and Subdivision Criteria (changes shown in redline)-

5.07.060 Decision Criteria

Approval of a partition shall be subject to the following decision criteria:

- (1) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.
- (2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.
- (3) Existing **dwelling structures** and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.
- (4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy.
- (5) **Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.**

5.08.060 Decision Criteria

Approval of a Subdivision or PUD shall be subject to the following decision criteria:

- (1) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.
- (2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.
- (3) Existing buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.
- (4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy. Adequate means the development will not cause streets (including sidewalks, intersections, and traffic control devices), sewer facilities, water facilities, and storm drainage facilities to exceed the relevant capacity for each type of facility established in the most recently adopted, Sewer Master Plan, Water Master Plan, Storm Water Master Plan, and the Transportation System Plan development in accordance with the State Transportation Planning Rule for which the determination will be made in accordance with Section 3.02.120. Adequacy can be established in three ways:
 - a. Professional Engineering analysis determining the subdivision will not exceed the capacity of existing and future public facilities as projected in the most recently adopted water, sewer, and stormwater master plans and transportation system plan;
 - b. Professional Engineering analysis determining what improvements will be required to increase the capacity of public facilities to adequately accommodate the subdivision and how those will be financed; or
 - c. A combination of both a and b.

(5) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

- ~~(5)~~(6) PUD. Approval of a planned unit development shall require compliance with the following in addition to the criteria listed above:
- a. Conformance with provisions of 4.02.010 (Purpose Statement).
 - b. The proposal shall comply with the applicable development and layout provisions contained in Section 4.02.030 of this Code.
 - c. Infrastructure shall be available and appropriate to serve the proposed development.

14. Caretakers Units (changes shown in redline)-

Note: In all zones where a caretaker's use is permitted, clarify that it is a special use that has standards in the new Chapter 3.28 shown below.

CHAPTER 1.02 Definitions

Caretaker/ Caretakers unit. A caretaker is a person or persons employed principally on the lot for purposes of care and protection of plants, buildings, equipment, or other facilities on- site or on contiguous lots under the same ownership. A dwelling unit for a caretaker is a structure on the premises being cared for or guarded and is occupied exclusively by a caretaker and his/her family.

CHAPTER 3.28 CARETAKERS UNITS

3.28.010 Introduction and Purpose

The purpose of this Chapter is to establish the regulations, standards and circumstances under which a dwelling unit accessory to the main business on a lot may be established for the purpose of providing continuous on- site care for property.

3.28.020 General Standards

Caretaker units may be allowed subject to a Conditional Use Permit in designated zones subject to the following standards:

- (1) **Number allowed.** Only 1 caretaker unit per lot shall be allowed.
- (2) **Nature of structure.** Caretakers units may be detached, attached (to a primary use structure, such as in storage units), or a HUD approved manufactured home. Use of a travel trailer is not permitted. Unless set on a

ground level foundation, any manufactured home shall have skirting that in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

- (3) **Employment.** The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. Caretaker housing shall be allowed only where the principal commercial, industrial, or institutional use of the site involves operations, equipment or other resources that require twenty-four (24) hour oversight.
- (4) **Permitted Use.** The caretaker unit shall be on a lot or building site with an approved, permitted use and occupied exclusively by a caretaker and his/her family.
- (5) **Sewer.** All caretakers' units shall be served by public sewer.
- (6) **Floor Area.** The maximum floor area for a caretaker unit shall be 1,200 square feet.
- (7) **Parking.** A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
- (8) **Rentals.** The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.
- (9) **Subdivisions.** Subsequent subdivisions which divide a separate lot or parcel for a caretaker unit shall not be permitted.
- (10) **Deed Restrictions.** The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.
- (11) **Removal of Housing Unit.** A caretaker or employee housing unit shall be used no longer than the existence of the principal use of the site that justifies the caretaker or employee unit. Upon termination of the principal use, the unit shall be removed (or in the case of a site-built or apartment-type unit, converted to another approved use) within forty-five (45) days after ceasing the principal use.

15. Floodplain Development Permits (changes shown in redline)-

2.12.120 Establishment of a Development Permit

- (1) Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins, **more specifically before building permits are issued** within any area horizontally within the special flood hazard area established in Section 2.12.040. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 2.12.030, including fill and other development activities.
- (2) Application for a Development Permit. Application for a development permit **is a Type I process, maybe** made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and

elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 2.12.100(b)2.
- b. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood proofed.
- c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the flood proofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 2.12.180(C).
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base Flood Elevation data for subdivision proposals or other development when required per Sections 2.12.100(B)1, and 2.12.140.
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

5.01.030 Table of Land Use Application Procedures

Table 22 - Land Use Application Procedures

Land Use Application Procedures				
Land Use Action	Type	Staff	Planning Commission	City Council
Floodplain Development Permit	Type - I	Final Decision	No Role	No Role

16. Residential Driveway Paving (changes shown in redline)-

3.02.040 Access Standards

1. Single-family Residence and Duplex Access Standards:
 - a. For the frontage of a lot of at least 10,000 square feet and abutting a residential street: Two 20-foot parking spaces must be available on the street frontage. Driveways & aprons must be set back at least five feet from the side property line.

Driveways ~~and aprons~~ must be set back 20 feet from the tangent of the property lines as they intersect adjacent to a corner lot. Driveways ~~and aprons~~ shall be at least 10 feet in width, ~~and no more than 26 feet in width~~. All other frontage may be used for driveways ~~and aprons~~.

- b. For the frontage of a lot less than 10,000 square feet or abutting a collector or arterial street: One ~~26-foot~~ driveway ~~apron no more than 26 feet wide~~ or a circular driveway with the lane 12-15 feet wide.
- c. Driveways shall be limited to off-street parking and the parking and storage of recreational vehicles.
- d. Driveway grades shall not exceed 15%.

3.03.080 Parking, Driveway, and Loading Area Development Requirements

All parking and loading areas shall be developed and maintained as follows:

(1) Surfacing. All driveways (~~full length of the driveway~~), parking, and loading areas, ~~for all uses including single family residential (except in the RU Zone)~~, shall have a durable hard surface of asphaltic cement, ~~concrete pavers, or concrete, or other concrete materials~~. Surface improvements shall conform to the following:

- a. Paving Improvements. Paving shall comply with adopted Engineering Standards of the City of Millersburg.
- b. Timing. Unless modified by a variance or a site development review, or bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.
- c. Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.

ORDINANCE NO. XXX-21

AN ORDINANCE AMENDING THE MILLERSBURG LAND USE DEVELOPMENT CODE BY REVISING SECTIONS 1.02.20, 2.03.060, 2.05.060, 2.08, 3.24.010, 2.10.040, 2.10.060, 2.09.040, 2.12.120, 3.02.040, 3.03.060, 3.03.080, 3.06.020, 3.06.070, 3.12.020, 4.02.030, 5.01.030, 5.01.060, 5.07.060, 5.08.060, ALL REFERENCES TO TWO ZONE NAMES, AND ADDING NEW SECTION 3.06.130, 3.24.015, 3.28 OF THE MILLERSBURG LAND USE DEVELOPMENT ORDINANCE

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

WHEREAS, the adopted Lane Use Development Code contained instances where the 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; and,

WHEREAS, amendments are proposed to address sixteen such instances, including clarifications to setbacks, some uses in the Commercial Zone, performance standards in the General Industrial Zone, restaurant parking, temporary signs, single-family home standards, lot standards, land use approval modification standards, subdivision and partition standards, caretakers' requirements, floodplain development requirements, driveway standards, and name-only changes to two zones; and,

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

WHEREAS, public hearing notices were sent to all addresses in the City, in the form of a Measure fifty-six notice at least twenty days prior to the hearing; and,

WHEREAS, the Millersburg Planning Commission recommended to the Millersburg City Council on November 16, 2021 that the City Council approve the amendment to the sections listed in the title of this Ordinance; and,

WHEREAS, the Millersburg Planning Commission and City Council finds that the project meets all criteria requirements from Section 5.11 of the Millersburg Land Use Development Code and all findings are included in the staff report dated November 9, 2021;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: the Millersburg Land Use Development Code is amended as follows:

The Millersburg Land Use Development Code shall be amended as shown in Exhibit A to this Ordinance. Exhibit A reflects all changes made during the Planning Commission and City Council review process.

PASSED by the Council and approved by the Mayor this 14^h day of December, 2021.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder



NOTICE OF PUBLIC REVIEW
November 16, 2021, 6:00 p.m.
And December 14, 2021, 6:30 p.m.

**Hearing will be in person,
by phone/computer, or both.**
see Agenda on the City website for details

**THIS IS TO NOTIFY YOU THAT THE CITY OF MILLERBURG HAS PROPOSED A
LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR
PROPERTY AND OTHER PROPERTIES.**

The City of Millersburg will hold a **PLANNING COMMISSION** hearing on November 16, 2021 at the above time and place, and a **CITY COUNCIL** hearing on December 14, 2021 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. For further information, contact Millersburg City Hall at (458) 233-6306.

The location of the meeting (should it held in person) 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: City wide
CRITERIA: Millersburg Development Code; Section 5.11. These criteria also require compliance with the applicable Statewide Planning Goals and Oregon Administrative Rules, 660-004, 660-012, 660-014, 660-015, 660-022, and Oregon Revised Statutes 197.732.
FILE No.: DC 21-01
REQUEST: The City adopted an all new Development Code last year. As the new Code is being implemented, as is often the case with all-new development codes, the City noted several small changes that need to be made to the new Code. This Code Text Amendment proposes to make 16 needed changes. These include clarifications to setbacks, some uses in the Commercial Zone, performance standards in the General Industrial zone, restaurant parking, temporary signs, single-family home standards, lot standards, land use approval modification standards, subdivision and partition standards, caretakers' requirements, floodplain development requirements, driveway standards, and name changes to two zones. See this link for more detail and full Code text edits proposed: <https://www.cityofmillersburg.org/planning/page/dc-21-01-code-text-amendment-address-items-throughout-newly-adopted-development-code>