



Proposal: This Development Code Text Amendment proposes to make 34¹ revisions to the existing Development Code. These include 19 changes required by the State's Climate Friendly and Equitable Communities (CFEC) mandates, a revised definition for day care and ADU's, clarity for commercial land divisions, additional clarity for ADU development standards, additions to the farm and livestock section to correct typos and prohibit exotic animals, clarification on naming streets, additional revisions to the commercial design guidelines, revisions to the historic zoning overlay section, adding clarification regarding street trees, adding details to the standards for manufactured homes, clarifying standards for RV covers, clarifying setbacks for flag lots, correcting several erroneous figures, adding new state requirements for single room occupancies, clarifying details for clear vision areas, and correcting a typo regarding trail locations.

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 November 28, 2023. Information related to the hearing is posted on the City's website here - <https://www.cityofmillersburg.org/planning/page/dc-23-02-development-code-amendments>. A Measure 56 notice was sent to every tax address in the City on December 6, 2023. A notice was also posted in the newspaper on December 16, 2023.

The DLCD provided comments by email. Some minor revisions were made at their request to have the Code updates more closely mirror the new rules in the OAR. The version of the Code update attached to this staff report includes these changes.

- E. Review Criteria: Millersburg Development Code Section 5.11.030. 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.
- F. Current Zoning: All zones will have some effect from the proposed changes. No zoning map changes are proposed.
- G. Background: A good Land Use Development Code is never completed. It should

¹ One was removed just before the hearing, so the table below still lists 35

grow and change with the community's needs. Staff regularly compiles a list of needed edits. Once the list becomes large enough (or a change is particularly urgent) then staff brings it forward for adoption. Typically, this ends up being an annual review and update. The last update was about one year ago. At the time this staff report was written there are 35 different code revisions proposed.

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

Nineteen of the proposed changes are related to the States new requirements to combat greenhouse gas emissions. These new requirements are collectively called the Climate Friendly and Equitable Communities (CFEC) requirements. These are not laws, they are called Oregon Administrative Rules (OAR). While these differ from actual laws (in Oregon the laws are called Oregon Revised Statutes or ORS's), they are treated the same as laws, because they are required by the State. Most of the CFEC rules affect larger cities, but some of the new rules will impact Millersburg. Our City is required to implement parking revisions and some design requirements for parking areas. Issues 1-19 in the table below reflect the parking changes required by CFEC.

The new CFEC rules provide different options for cities regarding the parking changes. One option requires the City to waive all parking mandates, in other words, eliminate all minimum number of parking spaces required (typically these vary based on the proposed use for each project). For our Code these are in Table 14. The second option allows the City to keep most parking mandates, but this option comes with lots of other complicated requirements, including requirements that employers pay employees to *not* drive to work. To make this transition easier for the City, staff recommends option 1- waiving all parking mandates. The following proposed edits comply with option 1.

NOTE: Most of these proposed Code revisions are unchanged since the Planning Commission last meet in a workshop. The few exceptions include:

- Several small edits were made based on the review of our City Attorneys. The most substantive of these included the addition of several standards for sidewalks internal to parking areas, see proposed edits to Section 3.03.080(9).
- RV cover standards will now permit metal RV covers, see Section 3.15.
- Single Room Occupancies (SROs) proposals.
- The previous edits proposed for non-conforming uses have been removed from the update because they may have resulted in unintended consequences.
- The proposed Zoning and Land Use map changes discussed at the workshop have been removed and will be processed under a separate case number at a later date.
- The DLCD provided comments that culminated in the following minor edits:
 - Transit stops and ADA spaces were added to the list of places that required

- internal parking lot sidewalk connections in 3.03.080(9).
- The parking lot tree requirements in 3.09.030(2)c have been revised to add a requirement for coordination with power companies when designing/ implementing a tree canopy plan.
- Section 3.03.040, a section regulating shared parking lots, was revised to clarify that no City approval is required to enter into a shared use agreement, though the requirement that there be an easement remains.

DC 23-02 CODE UPDATE PROPOSED CHANGES (as of December 6, 2023)

Code Update Summary Table			
	Section	Topic	Proposed Update
CFEC proposed Code Updates			
Remove all parking mandates OAR 660-012-0400(3)			
1	3.03.010 Purpose	Change parking purpose section	Change provide 'adequate areas' for the parking to provide 'standards' for the parking.
2	3.03.020(2) Scope	Delete the change of use exception	Delete subsection 2 which required changes of use to comply with stall number requirements.
3	3.03.030 Location	Add text to clarify that parking is not required	Add text "Any provided" before "off-street parking..."
4	3.03.030(2) Location	Remove reference to required number of spaces	Delete last sentence of the text.
5	3.03.030(4) Location	Remove reference to required number of spaces	Delete last sentence.
6	3.03.040 Joint Use	Remove reference to required number of spaces	Delete third sentence.
7	3.03.050(1) Off-street req	Remove the requirement for spaces to remain based on the number of spaces required by the code.	Delete last sentence.
8	3.03.050(2) Off-street req	Remove requirement for interpretation of uses when determining the number of spaces needed.	Delete entirely.
9	3.03.050(3) Off-street req	Remove requirement to use the sum of all uses to determine the number of spaces needed.	Delete entirely.
10	3.03.060(1) Parking	This section includes table 14 which is the table that	This section is totally revised and the table deleted. The section

	requirements	states how many spaces are needed based on the use.	will clarify that there are no specific number of spaces needed. This will clarify that parking is allowed, but not required.
11	3.03.060(2) Bike Parking	This is currently based on a ratio of the required spaces. It has been revised.	Require only 1 space for every business, then owner selects any additional.
12	3.03.060(3) Max parking spaces	This requires a ratio of parking space maximums based on a ratio of the required spaces.	This is proposed to be deleted. OAR 660-012-0405(5) requires that cities add maximums but only in appropriate locations like downtowns, so this has not been added in this revision.
13	3.24.015(5) RV Park standards	Remove reference to required number of spaces.	The first part of 5 requires 1.25 spaces per RV. Other State rules will still require a specific number of spaces. This part of 5 is deleted.
14	3.28.020(7) Caretakers units	Remove reference to required number of spaces.	Number 7 required 1 covered space per unit. This has been deleted.
Parking Regulation Improvements OAR 660-012-0405			
15	3.09.030(2) (c)	50% tree canopy coverage at 15 years on parking lots over ¼ acre	Complies with OAR 405 (4)C. The OAR has specific provisions that are all addressed in the proposed text below. This is a new subsection c. The existing c and d will be re-lettered to d and e.
16	3.03.080(9) & (10)	Pedestrian walkways & Preferential parking	Adds requirements for pedestrian walkways through parking areas. OAR Subsection (1)(a) requires that preferential parking spaces be required for carpool and vanpools.
17	3.03.080(11)	Redevelop parking areas	OAR Subsection (1)(b) requires that the City allow owners to redevelop parking areas for specific things like bus shelters.
Electrical Vehicle Charging OAR 660-012-0410			
18	3.03.080(12)	Add requirement for 40% of parking spaces to add conduit & space on MU	Added requirement as a new standard for parking lots.

		and Multi Family.	
Traffic Impact Analysis			
19	3.02.120(2) a, b, and (3)	Change to a VMT model for some cases.	This implements OAR 660-012-0210(3).
Other Code Changes (not related CFEC)			
20	1.02.020	Revise Definition of Home Day Care and ADU's.	Alter the code to allow home day care for under 12 children ONLY if the homeowner lives in the house. No vacant home may be used for child care. ADU's revised to allow at duplexes.
21	3.22.110	Nonconforming Uses- Clarify that property no longer retains any previous Land Use Approvals if the property remains vacant more than 1 year.	DELETED from Code update
22	Article IV	Land Divisions	This section was almost exclusively catered to residential subdivisions. This revision adds a new section specific to non-residential subdivisions and clarifies where standards are specific to residential or non-residential subdivisions/ partitions.
23	3.16.010	ADUs	Add clarity on garages for ADU's and increases the maximum size of the ADU to whatever the Commission decides. The edits show a suggestion, but staff encourages the PC to discuss this further. Deletes a duplicate standard.
24	3.21.040	Farm and Livestock	The Chicken section should read- 'fowl' not chickens. Prohibits exotic animals.
25	3.02.030(9)	Street Names	Add more detail to Street Names section.
26	3.26.030(2)	Revisions to Commercial Office design standards	A sentence has been deleted that required architectural features on walls that did <i>not</i> face a right-of-way.

27	Chapter 2.13 & 3.12.030 & 5.01.030	Historical Zoning Overlay	This change adds several additional details to clarify how the overlay operates.
28	4.02.060(1)j.ii	Street Tree Clarifications	Clarify that street trees are required, point to engineering street standards.
29	3.12.030(7)&(8)	Manufactured home standards	Revised the required roof pitch to conform with ORS 197.314.6(a). Clarifies that only one home and one ADU per lot is permitted.
30	Chapter 3.15	RV Covers	Revised to clarify that accessory structure rules apply to RV covers.
31	4.02.030(4)	Flag Lots	Clarify setbacks for flag lots
32	Figures 1/59, 28, 60, and 63	Figures	Correct erroneous figures.
33	Chapter 1.02, 2.03.020, 2.04.020, 2.05.020, and 2.06.020	SRO's	Adding new State requirements for Single Room Occupancy
34	3.8.060(5)	Clear Vision Area	Clarifying that clear vision areas do not just apply to residential intersections but to all intersections and adding the ability for the City Engineer to make exceptions.
35	2.10.050	Table 9 trail swap	Correcting a typo about the trail on Old Salem.

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 text amendments proposed.

Table 2 Criteria 1 Analysis		
	Section	Analysis
Remove all parking mandates OAR 660-012-0400(3)		
1	Change parking purpose section	This change was intended to simply shift the purpose description for parking from 'required areas' to 'required standards.' As discussed above, if option A from the CFEC is selected, then the number of parking spaces can no longer be regulated. This change should have no negative impacts on any of the areas listed in the criteria, a-f. Traffic should not be impacted by the number of parking spaces. While the City would no longer dictate the number of parking spaces, the market will. Parking areas, and the overall number of parking spaces for each use will likely remain the same that they would have been if the mandates stayed. For example, a restaurant will want a certain number of parking spaces, likely calculated on peak dining hours. Therefore, traffic levels should also stay the same. If Millersburg had more shopping centers this may have a negligible impact, but because we are largely an industrial city, industrial users will assure they have the right number of spaces for their staff. Public service levels should not change, nor will park usage because those are typically not dependent on the number of parking spaces. Those are driven by the use, which is not changing. It may have a benefit to the economy for Millersburg, as less restraints

		may spur additional building. The change should have no impact on natural resources because none of the protections for these will change, only parking requirements. Lastly, the Comprehensive Plan and all of its implementing studies did not specifically discuss or regulate the number of parking spaces. Therefore, this change does not implement or impact any provisions of the Comprehensive Plan or implementing studies.
2	Delete the change of use exception	Because use no longer dictates the number of parking spaces, the exception here, based on the use, is no longer required. This change shares the same analysis as item 1 above.
3	Add text to clarify that parking is not required	This section was added to clarify that there are no mandates for the number of stalls based on the use. This change shares the same analysis as item 1 above.
4	Remove reference to required number of spaces	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1.
5	Remove reference to required number of spaces	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1.
6	Remove reference to required number of spaces	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1.
7	Remove the requirement for spaces to remain based on the number of spaces required by the code.	This paragraph is proposed to be revised because it required that the proper number of parking stalls be constructed. This shares the analysis from Item 1.
8	Remove requirement for interpretation of uses	This sentence is proposed to be deleted because it addressed the required number of parking stalls.

	when determining the number of spaces needed.	This shares the analysis from Item 1.
9	Remove requirement to use the sum of all uses to determine the number of spaces needed.	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1.
10	This is the table that states how many spaces are needed based on the use.	<p>This change deletes Table 14 which currently contains the minimum number of parking spaces per use. This change shares the same analysis as item 1 above. Clearly the State is assuming that waiving these mandates will result in developers building smaller parking lots. By extension, they must assume that smaller lots will frustrate drivers into abandoning the use of a car and using a bike or walking instead; in other words, by making driving uncomfortable, they assume people will change habits. This approach overlooks the fact that a business will likely not build a small parking lot and watch frustrated customers leave because they could not find a parking space. The logic may work in dense areas in terms of residential uses. An apartment user in a downtown may elect to forgo owning a car because they have nowhere to park (or parking is financially painful). That also assumes their job is close enough to walk or bike to, which is rare. Smaller lots may also result in more space for additional uses.</p> <p>This one-size-fits-all approach will probably not have that effect in Millersburg, or in most suburb cities for that matter. Most homes are single-family homes here, which will continue to typically have enough parking for their residents. Business will also likely build enough parking for customers to arrive in a car. This proposed change will only remove the mandates. Businesses can still build as many parking spaces as they think they will need.</p>

		Industrial developments will also likely continue to provide enough parking for their staff, or they may suffer negative impacts from not having enough staff. It is true that most of the industrial uses could be reached by bike-ride from within the City; however, most employees for these industrial businesses do not live in Millersburg ² . They commute from outside the City. Therefore, Staff does not anticipate any negative impacts to traffic, facilities demand, park usage, the economy, resources or the implementation of special plans because parking is eliminated. This change will likely result in no significant changes to our unique City.
11	Bike parking is currently based on a ratio of the required parking spaces.	This section addresses bike parking. Bike parking was based on how many car spaces were required, so this was revised. This too will be ultimately driven by the market. This requires at least one, and continues to require standards for bike parking spaces. This will likely not result in any changes to the items listed in a-f in the criteria for similar reasons to those listed in item 1.
12	This requires a ratio of parking space maximums based on a ratio of the required spaces	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1.
13	Remove reference to required number of spaces	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1 and 10.
14	Remove reference to required number of spaces	This sentence is proposed to be deleted because it addressed the required number of parking stalls. This shares the analysis from Item 1.
Parking Regulation Improvements OAR 660-012-0405		

² See the Housing Needs Analysis

15	50% tree canopy coverage at 15 years on parking lots over 1/2 acre	The addition of this tree canopy requirement should have no negative impacts for the areas listed in a-f. This is a design feature, and should help reduce any heat-island effect, meaning the parking area will not absorb heat and retain the heat as much if the tree canopy is enlarged. This kind of regulation has no relationship with the categories listed in the criteria.
16	Preferential parking	This change will add a small benefit to those choosing to use a carpool. The actual impact of the change is anticipated to be minimal. In theory this could reduce traffic. The OAR requires this, specifically for parking areas over 50 spaces. Preferential parking will not have an impact on public facilities, park usage, the economy, natural resources or the implementation of the Comprehensive Plan or any special studies because Millersburg will probably not see very many parking areas of this size unless they are industrial.
17	Redevelop parking areas	This change is required by the State, but for a very small and specific purpose. This calls for the City to allow the re-development of an existing parking area if it's for a purpose that facilitates transit or bike use. Staff expects this to have a very minimal impact on Millersburg because it is unlikely that the City will have any substantial transit use now or anytime soon because the City is predominantly single-family homes on rather large lots. As such, this is not anticipated to have any negative effects on the categories listed in the criteria.
Electrical Vehicle Charging OAR 660-012-0410		
18	Add requirement for 40% of parking spaces to add conduit & space on MU and Multi Family	This change was required by the State. This may result in an increase in charging stations, though the provision will only require the construction of conduit. An increase in charging stations may lead to an increase in electric cars, but those will still be

		a one-to-one replacement of cars that were already on the streets, so there should be no impact to traffic. All other categories of possible impacts will be similar. If a car is resulting in an impact today (in one of the identified categories), it will result in an impact if it was electric as well. This will result in no change at all to the categories listed in a-f.
Traffic Impact Analysis		
19	Change to a VMT model for some cases	This will change the way traffic studies are done, by changing the baseline from how long people wait at intersections to the total number of vehicle miles traveled (VMT) based on the use. Studies will still follow a similar format though. In a traffic study today, if the analysis finds there is an impact, that impact is mitigated. The same will happen under the new regulations, but it will change the way the study is done. Identified impacts will still be mitigated. Therefore, this change also does not have any kind of relationship with the categories listed in the criteria and will have no negative impacts. Additionally, the City can elect to require the identified mitigation, or forgo said mitigation. The State believes that this may ultimately lead to less traffic, because greater mitigation will be needed for greater VMT, which, they feel, should lead to business locating closer to the populations they serve.
Other Code Changes (not related CFEC)		
20	Revise Definition of Home Day Care and ADU's	This revision ensures that 'in-home' day care takes place within someone's home. This revision would prevent a person or company from using a house as a shell to operate a day care business (where no one actually lives). The State currently see's a crisis in the lack of needed child-care facilities. While it is true that child-care should be located as close to residential areas as possible, the idea that a single-family house could be used exclusively for any kind

		<p>of business goes against the intent of the zone, which is to provide housing. After all, housing is a crisis right now too. The City does not want any home to be lost by allowing any business to supplant a housing unit. To clarify, this change will not prohibit in-home day care, but it will require that someone lives in that home in order to use it for a business. A home-based business is permitted in a residential zone, a standalone business is not. Residential areas are designed with specific residential uses in mind. They are not designed to accommodate the kind of traffic, light, noise and other impacts that are typically associated with a businesses. The number of in-home day care providers should not change, so there should be no impacts.</p> <p>The change to the Accessory Dwelling Unit definition simply allows them for duplexes to have ADU's as well, consistent with State requirements. As such, these revisions should have no negative impacts on the categories listed in the criteria. The City has very few duplexes so the addition of an ADU should not add substantially to the traffic for the area.</p>
21	Nonconforming Uses- Clarify that property voids Land Use approval if vacant more than 1 year	This was removed from the update.
22	Land Divisions	<p>This revision is not proposing anything that will change the way these maps are processed, it just clarifies which rules apply to residential maps, and which rules apply to non-residential. That was not clear before.</p> <p>None of these clarifications would impact any of the categories listed in the criteria. The changes do not specifically address parks in proposed subdivisions. Again, these are not new regulations, they do not permit anything that was not permitted</p>

		previously.
23	ADUs	<p>These changes will make it easier to build larger ADU's (in some circumstances), which may encourage additional ADU development. That may result in a slightly higher population count which may increase traffic slightly. This change is consistent with, and implements, the Comprehensive Plan which calls for the encouragement of ADU's as one portion of an address to the State's claim of a housing crisis. While traffic may be slightly higher, it is called for in the Comprehensive Plan which is supported by special studies, including the Transportation System Plan (TSP).</p> <p>More residents will also trigger slightly higher demand for public services and utilities; however, ADU's will be located where such services already exist.</p> <p>Likewise, park service levels would increase as the population increases. ADU's do still pay system development charges which is intended to offset the increase in population by providing funds to build more parks and infrastructure.</p> <p>The proposed change should not have a substantial impact on the economy shy of some increase in construction work.</p> <p>The regulations surrounding natural resources would not change, so this would have no impact on natural resources. All natural resource regulations that apply to a single-family home would apply to an ADU as well.</p>
24	Farm and Livestock	<p>The prohibition of exotic animals has no relationship with any of the categories listed in the criteria. There should be no negative impacts.</p>
25	Street Names	<p>The revisions to this section only give the City veto rights to developer-proposed street names. This change has no relationship to any of the</p>

		categories listed in the criteria.
26	Revisions to Commercial Office design standards	This revision proposes to delete one standard concerning wall design features. This change has no relationship to any of the categories listed in the criteria.
27	Historical Zoning Overlay	These revisions will change several aspects of the historical zoning overlay. Many of these revisions are substantial in terms of how the Committee operates. The City, however, does not have many historical structures or properties, and it is not anticipated that many others will be incorporated into the overlay zone. We have no historical downtown. As such this revision should not impact traffic in any way. Public services and park demand levels have no relationship to the structure of the committee or the rules they operate by. The changes may help historic properties gain access to grants, which may slightly impact the economy, but for the better. The rules do not alter the regulations regarding natural resources, so no impact is expected there. Lastly, these revisions should help the overlay zone better comply with State Planning Goal 5 and the Comprehensive Plan provisions that implement Goal 5. As such, there should be no negative impacts to any special plans or programs.
28	Street Tree Clarifications	This revision is adding details explaining where someone could go to find more information on street trees, specifically to the engineering standards. As such, this revision has no relationship to the categories listed in the criteria.
29	Manufactured home standards	This revision proposes to add standards concerning roof slope to be consistent with State requirements and number of units allowed on a lot. These changes have no relationship to any of the categories listed in the criteria.

30	RV Covers	<p>RV covers are currently permitted, but they currently cannot be metal. This would change that. Metal RV covers cost considerably less than wood covers, so this should result in more RV covers in the City. That will likely not result in more people buying RV's. With the number of RV's not changing, the traffic patterns should not change. RV covers have no relationship with the demand for public services or park need. The sales of new RV covers could be seen as a benefit to the economy. There is no change to the requirements for RV covers within natural resource areas, thus the proposed change should not impact the protection of resources. Lastly, though many citizens in the City think they should have a right to an RV pad, the Comprehensive Plan is actually silent on RV's and RV covers. There should be no impact to the Comprehensive Plan or any implementing studies.</p>
31	Flag Lots	<p>This change clarifies where the front setback should be taken from on a flag lot. Traffic, public service and park demand, or the economy should not be impacted by the proposed revision, because this will not change the number of houses in the City, just where measurements are taken from on setbacks. The setback clarification may have a relationship with the resource protection requirements, as an area designated for protection could be within a setback; however, setbacks were required previously. It was not clear previously where those setbacks were required. This change would not allow buildings in any resource area where they were not allowed previously. The Comprehensive Plan and all implementing studies are silent on flag lots.</p>
32	Figures	<p>The changes to the figures simply correct misleading and erroneous information. They did</p>

		not change any regulations. These changes have no relationship with the categories listed in the criteria.
33	SRO's	<p>These changes add an all new use to the residential zones, a single room occupancy (SRO). A homeowner can rent a single room to anyone, that does not make it a classifiable SRO. To qualify as an SRO the homeowner must rent at least 4 rooms. This use is permitted now, pursuant to State Law, whether this change is made or not. State law supersedes City laws. Staff is proposing this change just to clarify for the reader of the Code what the use is, makes it clear that the use is legal (consistent with State Law) and explains where standards can be found.</p> <p>In order to address impacts, it must first be understood that the Housing Needs Assessment assumes that each home will have 2.75 people in each unit. It is also assumed that a fair number of occupants will be children. The concept behind an SRO is that the property owner rents rooms to adults. Only 1 per room in at least 4 rooms (in order to be defined as an SRO). Thus, any SRO assumes that the structure will have at least 4 people, which is higher than the 2.75 assumed in the Housing Needs Assessment. Each SRO, then, will have a greater impact on the streets, infrastructure, utilities and parking than a standard home would based on the assumptions used in the studies. It is highly probable that each tenant could have their own car. The City has no transit option. As such, a significant amount of SROs could result in an increase in traffic, utilities and park use. The State is not allowing the City to require a Land Use review for new SROs, as such there is no way to mitigate any traffic increase that may result from a significant number of SRO's. Having that said, the City has included limitations, as the State permits, to a new SRO; however, negative impacts could result.</p>

		<p>It is also worth distinguishing- any homeowner is permitted to rent a single room to a single occupant. There are no permits needed to do this. The same is true for renting two rooms. It's not until a homeowner rents 4 rooms that the status of the unit then shifts to what the State is calling an SRO. The primary reason for this State mandate is to prevent cities from prohibiting someone renting 4 or more rooms in a house. Millersburg never had any such prohibitions. Therefore, this State change will actually change nothing in the City of Millersburg. Adding the use to the Zones is only proposed to be sure it is clear that we are complying with the State requirements.</p> <p>It is not anticipated that SRO's will become a popular option for homeowners in the City; therefore, it is not anticipated that there will be any negative impacts to traffic. There is no way to know how popular the SRO option would get, so there is no way to know what impacts they may have on these categories.</p> <p>Because this is a State mandated requirement the satisfaction of the criteria has no impact on the City's ability to approve or deny the changes.</p>
34	Clear Vision Area	<p>These revisions are addressing an error in the code. They are not altering the requirements. These changes have no relationship with the categories listed in the criteria.</p>
35	Table 9 trail swap	<p>This revision is correcting an error in the code. This change has no relationship with the categories listed in the criteria.</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 needed where 1) the Code did not fully address the City’s needs, 2) something was inadvertently left out, 3) the State has mandated changes, or 4) 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 Code update forward now for several reasons. Some of these changes are needed sooner than others. In general though, the change is proposed now because staff 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) and Oregon Revised Statutes (ORS) 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 in 2020, it was found to be fully consistent with the State Goals and OARs and ORSs as well as the City’s Comprehensive Plan.

The State has 19 Planning Goals. Some do not apply to the City of Millersburg, these include Goal 4, Forest Land, Goal 17 Coastal Shorelands, Goal 18 Beaches and Dunes, and Goal 19 Ocean Resources. Goals applicable to Millersburg include:

- | | |
|--|--|
| Goal 1 Citizen Involvement | Goal 10 Housing |
| Goal 2 Land Use Planning | Goal 11 Public Facilities and Services |
| Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces | Goal 12 Transportation |
| Goal 6 Air, Water and Land Resources Quality | Goal 13 Energy Conservation |
| Goal 7 Areas Subject to Natural Hazards | Goal 14 Urbanization |
| Goal 8 Recreational Needs | Goal 16 Estuarine Resources |

Goal 9 Economic Development

Goal 1 is the Citizen involvement Goal. The proposed Code update featured two workshops, both of which were open to the public and two planned public hearings where public testimony is permitted. The Comprehensive Plan explains that Goal 1 is met using the public hearing process. As such, all of the proposed Code revisions meet the requirements of Goal 1.

Similarly, each of these proposed changes further implements Goal 2. Goal 2 requires that Cities have a process for Land Use actions, zoning, and that the City regularly re-review the processes to tweak and make revisions that better serve the community. This change implements the very re-evaluation called for in Goal 2. Each of the changes, then, implements Goal 2. Additional analysis is also included in the table where appropriate.

Table 3 below contains an analysis for each of the changes proposed as they relate to the remaining applicable State Planning Goals.

Table 3 State Planning Goal Analysis		
	Section	Analysis
	Remove all parking mandates OAR 660-012-0400(3)	
1-14	Change parking requirements throughout the code (this analysis is for items 1-14 in the two tables above)	<p>Applicable goals for the proposed CFEC State Mandated Parking Code revisions would include Goal 2, Land Uses, Goal 6, Air, Water and Land Resources Quality, Goal 11, Public Facilities, and Goal 12, Transportation.</p> <p>Goal 2, Land Uses, apply because the revised parking rules help contribute to the Land Use process by removing some regulations for parking. Because these revisions will address the regulations for parking, this change is consistent with Goal 2.</p> <p>Goal 6, Air, Water and Land Resources Quality, apply as far as the State's assumptions are concerned. The premise behind the CFEC rules is the reduction of Greenhouse Gases. The State feels that these measures will reduce vehicle emissions by making driving more difficult,</p>

		<p>complicated, and painful. Additionally, in theory, these rules will create more transportation options, which, the State feels, will reduce vehicle trips, and thus, vehicle emissions. The State would certainly agree that these changes are consistent with, and implements, Goal 6.</p> <p>Goal 11, Public Facilities, and Goal 12, Transportation applies for the same reasons as Goal 6. In theory, this action will result in fewer vehicle trips, and thus less impact to streets, which are a public facility. The State would also argue that the new rules provide/force additional transportation choices because there is an assumption that the new rules will result in fewer parking spaces, which will further result in people seeking alternative forms for transportation. This is consistent with Goal 11 and 12 because it will shift the emphasis from vehicle planning to other forms of transportation.</p> <p>The proposed new regulations are not inconsistent with any of the State Goals.</p>
<p>Parking Regulation Improvements OAR 660-012-0405</p>		
<p>15</p>	<p>50% tree canopy coverage at 15 years on parking lots over ¼ acre</p>	<p>This revision implements Goal 6, Air, Water and Land Resources Quality.</p> <p>Trees help prevent a process called a heat island effect, where the pavement absorbs heat through the day and then radiates that heat into the night. Naturally, trees also produce oxygen. Both of these help reduce greenhouse gases. This revision supports Goal 6.</p>
<p>16</p>	<p>Preferential parking</p>	<p>For the same reasons as those listed above for items 1-14, the State would contend that this revision supports Goal 6, Air, Water and Land Resources Quality; Goal 11, Public Facilities; and Goal 12, Transportation. By requiring Cities to incentivize ride-sharing there would, in theory, be fewer cars</p>

		on the streets and beneficial effects on greenhouse gases which helps implement Goals 6, 11, and 12.
17	Redevelop parking areas	For the same reasons as those listed above for items 1-14, the State would contend that this revision supports Goal 6, Air, Water and Land Resources Quality, Goal 11, Public Facilities, and Goal 12, Transportation. By requiring Cities to permit parking to be removed in-lieu-of additional transit facilities, there would, in theory, be fewer cars on the streets and beneficial effects on greenhouse gases which helps implement Goals 6, 11, and 12. This would also result in few parking spaces which would cause a disincentive for those who elected to drive cars. That disincentive may result in alternative transportation choices.
18	Add requirement for 40% of parking spaces to add conduit & space on MU and Multi Family	<p>This revision would implement Goal 6 Air, Water and Land Resources Quality, and Goal 13, Energy. The State would argue that an increase in electric vehicles would have decrease in the production of GHG's created by internal combustion engines. Adding a requirement for conduit to be built early in the construction process will help facilitate easier rollout of additional charging stations in the future. Millersburg does not have many mixed-use areas or multi-family projects, so this will not have a substantial effect in this City, but does help implement the Goal by attempting to reduce GHG's.</p> <p>Goal 13 addresses the need to conserve all forms of energy. The concept of using electric cars shifts the energy used from gasoline to electricity. It is not clear if the long-term effects of electric vehicles will have the effect of reducing greenhouse gases, but the State's assumption is that there will be a positive correlation between the two.</p>

19	Change to a VMT model for some cases	This revision implements Goal 12, Transportation. This requires a different baseline for the analysis of vehicle use in traffic reports.
20	Revise Definition of Home Day Care and ADU's	This revision implements Goal 10 because it preserves housing. This revision prevents a business owner from using a single-family home for the exclusive purpose of day care. The home, under this change, must first and foremost be used as a home, which preserves housing and implements Goal 10.
21	Nonconforming Uses- Clarify that property vacates previous Land Uses if vacant more than 1 year	This was removed from the update.
22	Land Divisions	<p>This clarification will implement Goal 2, Land Use, and Goal 9, Economy of the State. The nexus to Goal 2 is clear enough, the current code seems to only look at land divisions (partitions and subdivisions) as if they were all residential divisions. There is nothing in the code specific to non-residential land divisions, like industrial or commercial land divisions. This better implements Goal 2 by clarifying a process for non-residential divisions as well.</p> <p>Goal 9 is implemented because an industrial or commercial user is far more inclined to invest in a property if the code is clear about the requirements for a land division on that property.</p>
23	ADUs	This revision helps implement Goal 10, Housing. This proposes to increase the minimum size of an ADU (in some circumstances) and clarifies that an attached garage is permitted (but counts as a separate accessory structure). Increased flexibility

		in the regulations for ADU's could spur additional ADU development.
24	Farm and Livestock	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would prohibit exotic animals, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
25	Street Names	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This only gives the ability for the City to exercise more guidance over the naming of streets. The proposed revisions are, therefore, not inconsistent with the Goals.
26	Revisions to Commercial Office design standards	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This changes one design standard for offices and commercial structures. This change alone is not significant enough to result in any impacts to the economy. The proposed revisions are, therefore, not inconsistent with the Goals.
27	Historical Zoning Overlay	<p>Applicable Goals for this revision include Goal 2, Land Use, and Goal 5, Open Spaces, Scenic and Historical Areas and Natural Resources. This section is seeing a lot of proposed revisions. All of them are intended to make the overlay process and function more in line with the rest of the processes in the Development Code. As such, these help implement Goal 2 because they are making the process match the rest of the City processes.</p> <p>These changes also help implement Goal 5 because it makes the overlay more implementable by making the Historic Committee a Commission, and by adding clarity where the current overlay is</p>

		vague.
28	Street Tree Clarifications	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This revision strengthens something that was already required. The change simply makes it easier for the reader of the Code to see where the tree standards are located. The proposed revisions are, therefore, not inconsistent with the Goals.
29	Manufactured home standards	The State Goals do not directly apply to these changes (except Goals 1 and 2 as mentioned previously for all revisions), though it could be seen to implement Goal 10, Housing. This revision modifies some standards for Manufactured Homes. The change to the roof pitch brings our code in-line with the requirements of the Oregon Manufactured Home Specialty Code. The proposed revisions are, therefore, not inconsistent with the Goals.
30	RV Covers	These changes address design requirements and have no relationship with any specific State Goal. The relaxed regulations may result in several new RV covers being built, but not enough to significantly impact the economy, or Goal 9.
31	Flag Lots	Zoning requirements are requirements that come directly from the designated zone for a site. This change proposes to add clarity to the setback location requirements for flag lots. This is challenging because flag lots have no direct relationship or frontage on a street. This clarity will help the process for building and sitting a new home. Goal 2 addresses the need for cities to have a clear process. This revision, therefore, helps implement Goal 2.
32	Figures	The State Goals do not directly apply to these changes (except Goals 1 and 2 as mentioned

		previously for all revisions), they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
33	SRO's	Goal 10, Housing, applies to this revision because an SRO is a form of housing. Goal 10 calls for a variety of different housing types. The State has required all Cities to permit SRO's in order to promote the least expensive form of housing available, the rental of a single room. These are required to be permitted even if the Code remains silent on them. Adding them as a permitted use simply avoids any confusion in the future. This is consistent with Goal 10.
34	Clear Vision Area	The State Goals do not directly apply to these changes (except Goals 1 and 2 as mentioned previously for all revisions), they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
35	Table 9 trail swap	The State Goals do not directly apply to these changes (except Goals 1 and 2 as mentioned previously for all revisions), they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.

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 34 revisions proposed. The table below shows details explaining which changes relate to the specific criteria listed above.

Table 4- Criteria 4 Analysis		
	Topic	Analysis
A	21, 27, 32, 34, 35	These revisions correct some kind of error identified in the Code.
B	20, 22, 24, 25, 26, 27, 28, 29, 30, 31	These changes are proposed to better implement the Code.
C	1-19, 33	Revisions mandated by State law.
D	23	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's Housing Needs Analysis was not formally adopted by the City Council. None of the proposed changes directly affect or impact housing development in the City, with the possible exception of the inclusion of SRO's in all residential zones. These are already required to be permitted by the State; adding them to the code just increases clarity on the subject. The regulations on RV covers and ADU's are typically employed in residential areas, but do not limit or restrict the development of housing in any way.
- 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 employ standards that support policies in the Plan.
- The recently revised CFEC rules require that Cities update their Development Codes. However, the CFEC OAR's include other requirements for Cities, outside of Code updates. OAR 660-012-0405(2) specifically states "Cities and counties shall adopt *policies* for on street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses" [emphasis added]. City 'policies' traditionally mean policies in the City Comprehensive Plan, and in this case by extension, the Transportation System Plan (TSP)³. In acknowledgement of the OAR requirement, the City will revise the City policies next time any changes are proposed to either of those two

³ The TSP is part of the Comprehensive Plan

documents; however, to be clear, no changes are proposed through this staff report that would revise either of them. This amendment is for the Development Code only.

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 23-02 to the City Council.

V. SUGGESTED MOTION FOR PLANNING COMMISSION

I motion that the Planning Commission recommend approval of DC 23-02 to the City Council because all applicable criteria are met and all findings of fact are included in the staff report and Ordinance 210-24.

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 23-02 and adopt Ordinance No. 210-24 including an emergency provision to make the Ordinance effective immediately upon adoption.

VII. EXHIBITS

- A. Proposed text changes
- B. Ordinance No. 210-24
- C. Public Hearing Notice

DC 23-02 CODE UPDATE PROPOSED CHANGES
(as of December 6, 2023, incorporating DLCDC requests)

Code Update Summary Table			
	Section	Topic	Proposed Update
CFEC proposed Code Updates			
Remove all parking mandates OAR 660-012-0400(3)			
1	3.03.010 Purpose	Change parking purpose section	Change provide 'adequate areas' for the parking to provide 'standards' for the parking.
2	3.03.020(2) Scope	Delete the change of use exception	Delete subsection 2 which required changes of use to comply with stall number requirements.
3	3.03.030 Location	Add text to clarify that parking is not required	Add text "Any provided" before "off-street parking..."
4	3.03.030(2) Location	Remove reference to required number of spaces	Delete last sentence of the text.
5	3.03.030(4) Location	Remove reference to required number of spaces	Delete last sentence.
6	3.03.040 Joint Use	Remove reference to required number of spaces	Delete third sentence.
7	3.03.050(1) Off-street req	Remove the requirement for spaces to remain based on the number of spaces required by the code.	Delete last sentence.
8	3.03.050(2) Off-street req	Remove requirement for interpretation of uses when determining the number of spaces needed.	Delete entirely.
9	3.03.050(3) Off-street req	Remove requirement to use the sum of all uses to determine the number of spaces needed.	Delete entirely.
10	3.03.060(1) Parking requirements	This section includes table 14 which is the table that states how	This section is totally revised and the table deleted. The section will clarify that there

These numbered changes are color coded to help the reader find the proposed edits below the table.

		many spaces are needed based on the use.	are no specific number of spaces needed. This will clarify that parking is allowed, but not required.
11	3.03.060(2) Bike Parking	This is currently based on a ratio of the required spaces. It has been revised.	Require only 1 space for every business, then owner selects any additional.
12	3.03.060(3) Max parking spaces	This requires a ratio of parking space maximums based on a ratio of the required spaces.	This is proposed to be deleted. OAR 660-012-0405(5) requires that cities add maximums but only in appropriate locations like downtowns, so this has not been added in this revision.
13	3.24.015(5) RV Park standards	Remove reference to required number of spaces.	The first part of 5 requires 1.25 spaces per RV. Other State rules will still require a specific number of spaces. This part of 5 is deleted.
14	3.28.020(7) Caretakers units	Remove reference to required number of spaces.	Number 7 required 1 covered space per unit. This has been deleted.
Parking Regulation Improvements OAR 660-012-0405			
15	3.09.030(2)(c)	50% tree canopy coverage at 15 years on parking lots over ¼ acre	Complies with OAR 405 (4)C. The OAR has specific provisions that are all addressed in the proposed text below. This is a new subsection c. The existing c and d will be re-lettered to d and e.
16	3.03.080(9) & (10)	Pedestrian walkways & Preferential parking	Adds requirements for pedestrian walkways through parking areas. OAR Subsection (1)(a) requires that preferential parking spaces be required for carpool and vanpools.
17	3.03.080(11)	Redevelop parking areas	OAR Subsection (1)(b) requires that the City allow owners to redevelop parking areas for specific things like bus shelters.

Electrical Vehicle Charging OAR 660-012-0410			
18	3.03.080(12)	Add requirement for 40% of parking spaces to add conduit & space on MU and Multi Family.	Added requirement as a new standard for parking lots.
Traffic Impact Analysis			
19	3.02.120(2)a, b, and (3)	Change to a VMT model for some cases.	This implements OAR 660-012-0210(3).
Other Code Changes (not related CFEC)			
20	1.02.020	Revise Definition of Home Day Care and ADU's.	Alter the code to allow home day care for under 12 children ONLY if the homeowner lives in the house. No vacant home may be used for child care. ADU's revised to allow at duplexes.
21	3.22.110	Nonconforming Uses- Clarify that property no longer retains any previous Land Use Approvals if the property remains vacant more than 1 year.	DELETED from Code update
22	Article IV	Land Divisions	This section was almost exclusively catered to residential subdivisions. This revision adds a new section specific to non-residential subdivisions and clarifies where standards are specific to residential or non-residential subdivisions/partitions.
23	3.16.010	ADUs	Add clarity on garages for ADU's and increases the maximum size of the ADU to whatever the Commission decides. The edits show a suggestion, but staff encourages the PC to discuss this further. Deletes a duplicate standard.

24	3.21.040	Farm and Livestock	The Chicken section should read- 'fowl' not chickens. Prohibits exotic animals.
25	3.02.030(9)	Street Names	Add more detail to Street Names section.
26	3.26.030(2)	Revisions to Commercial Office design standards	A sentence has been deleted that required architectural features on walls that did <i>not</i> face a right-of-way.
27	Chapter 2.13 & 3.12.030 & 5.01.030	Historical Zoning Overlay	This change adds several additional details to clarify how the overlay operates.
28	4.02.060(1)j.ii	Street Tree Clarifications	Clarify that street trees are required, point to engineering street standards.
29	3.12.030(7)&(8)	Manufactured home standards	Revised the required roof pitch to conform with ORS 197.314.6(a). Clarifies that only one home and one ADU per lot is permitted.
30	Chapter 3.15	RV Covers	Revised to clarify that accessory structure rules apply to RV covers.
31	4.02.030(4)	Flag Lots	Clarify setbacks for flag lots
32	Figures 1/59, 28, 60, and 63	Figures	Correct erroneous figures.
33	Chapter 1.02, 2.03.020, 2.04.020, 2.05.020, and 2.06.020	SRO's	Adding new State requirements for Single Room Occupancy
34	3.8.060(5)	Clear Vision Area	Clarifying that clear vision areas do not just apply to residential intersections but to all intersections, and adding the ability for the City Engineer to make exceptions.
35	2.10.050	Table 9 trail swap	Correcting a typo about the trail on Old Salem.

Proposed Text Changes

1-12, 16, 17, & 18	Parking section 3.03
--------------------	----------------------

CHAPTER 3.03. OFF-STREET PARKING AND LOADING

3.03.010 Purpose.

The purpose of this Chapter is to provide ~~adequate areas standards~~ for the parking, maneuvering, loading, and unloading of vehicles for all land uses in the City of Millersburg.

3.03.020 Scope.

(1) Application. Except as modified or restricted elsewhere within this Code, the provisions of this Chapter shall apply to the following types of development:

- a. Any new building or structure erected after the effective date of this Code.
- b. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.

~~(2) Change of Use Exception. A change in the use of an existing building or structure to another use identified in the zone shall not require additional parking spaces or off-street loading areas, if according to the parking space requirements, the new use requires 150% of the same amount of parking as the prior use, or less.~~

3.03.030 Location.

Any provided ~~Off-street~~ parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- (1) Yards. Off-street parking areas may be located in a required yard setback for multi-family residential, commercial, and industrial uses with an approved 10-foot landscaped buffer.
- (2) Residential. In residential zones, automobile parking for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure, or use. ~~In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.~~
- (3) Parking. Driveways may be used for off-street parking for single-family and two-family dwellings. No parking of vehicles, trailers, boats, or recreational vehicles shall be allowed in a front yard except on a driveway.
- (4) Non-Residential. In non-residential zones, parking may be located off the site of the main building, structure or use if it is within 500 feet of such site. ~~In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.~~

3.03.040 Joint Use.

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared between uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously.

~~Easements shall be used on shared parking areas to allow legal access for all parties involved. The requirements of this Chapter may be reduced accordingly. Such joint use shall not be approved unless satisfactory evidence is presented which demonstrates the access and parking rights of all parties.~~

3.03.050 General Provisions Off-Street Parking and Loading.

- (1) Parking Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. ~~Any parking area that is shown on the land use site plan may remain as parking area dedicated to off street vehicle parking. Any changes to the approved vehicle parking would require site plan review for any new use proposed where parking was located on the previously approved site plan. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code.~~
- ~~(2) Interpretation of Parking Requirements. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Director based upon the requirements of comparable uses listed and expectations of parking and loading need.~~
- ~~(3) Multiple Use Facilities. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking pursuant to Section 3.03.040.~~
- (42) Storage Prohibited. ~~Required~~ Any area shown on the land use approval as ~~dedicated off street~~ parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials, including the display of vehicles for sale.

3.03.060 Off-Street Vehicle and Bicycle Parking Requirements.

- (1) ~~Vehicle Parking Spaces. Provisions for Off-Street vehicle and bicycle parking shall comply with the following minimum requirements:~~ Purpose. The purpose and intent of this section is to set forth the standards for the development of off-street parking. There are no minimum or maximum number of parking stalls required for any use within the City, however, property owners must comply with all applicable state and federal accessibility requirements, including but

not limited to, the Americans with Disabilities Act (ADA). Parking is still permitted at the property owners' discretion. The City encourages property owners to include adequate parking for each use. It is the property owner's responsibility to determine the correct amount of parking spaces needed for each use, if parking is to be included. When parking is included, all parking development standards of this development code must be met.

~~Table 14 Vehicle and Parking Space Requirements~~

Vehicle and Bicycle Parking Space Requirements				
	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit	0	None
B.	Multi-family dwellings (4 or more units)	Studio—1 space/unit 1—2 bedroom—1.5 spaces/unit 3+ bedroom—2 spaces/unit	0.25	Per dwelling unit
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.	2	Per 20 vehicle spaces
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	0.5	Per five beds
F.	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length, or 36 sq. ft. of area w/o fixed seats	1	Per 20 vehicle spaces
G.	Elementary, junior high school	2 spaces per classroom	2	Per classroom
H.	High school	1 space per classroom and one space per employee	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces

J.	Retail store, except as provided in "K"	1 space per 500 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 800 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 400 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishments including food pods	Greater of 1 per 800 sq. ft. for carryout and 1 per 200 for sit down of gross floor area	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 800 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 800 sq. ft., plus 1 space per 2 employees	1	Per 20 vehicle spaces
P.	Manufacturing and processing:			
	0—24,900 sq. ft.	1 space per 600 sq. ft.	1	Per 20 vehicle spaces
	25,000—49,999 sq. ft.	1 space per 700 sq. ft.	1	Per 20 vehicle spaces
	50,000—79,999 sq. ft.	1 space per 800 sq. ft.	1	Per 20 vehicle spaces
	80,000—199,999 sq. ft.	1 space per 1,000 sq. ft.	1	Per 20 vehicle spaces
	200,000 sq. ft. and over	1 space per 2,000 sq. ft.	1	Per 20 vehicle spaces
Q.	Warehousing and storage			

	distribution, terminals-			
	0—49,999 sq. ft.-	1 space per 3,000 sq. ft.-	1-	Per 30-vehicle-spaces-
	50,000 sq. ft and over-	1 space per 5,000 sq. ft.-	1-	Per 30-vehicle-spaces-

(2) Bicycle Spaces. Bicycle parking development requirements

- a. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.
- b. Location. All bicycle parking shall be within 100 feet of a building entrance(s) ~~and located within a well-lit area~~. Any long-term bicycle parking spaces shall be sheltered from precipitation.
- c. Standards.
 - i. All bicycle spaces must include the ability to lock the bike in at least 2 places or be within a lockable space only available to authorized users for staff bicycle parking areas.
 - ii. The area must be well lit.
 - iii. Be installed in a manner to allow space for the bicycle to be maneuvered to a position where it may be secured without conflicts from other parked bicycles, walls, or other obstructions.
 - iv. Include sufficient space to accommodate large bicycles, including family and cargo bicycles.
- d. Number of Bicycle Spaces.
 - i. Every use shall include at least one marked and designated bicycle parking space. All developments should include an adequate number of bicycle parking spaces, at the property owner's discretion.
 - ii. Multifamily developments and mixed unit developments with 5 or more residential units shall provide at least one secure space per dwelling unit. Said unit shall be covered and allow the ability to lock the bike in at least 2 places or be within a lockable space only available to authorized users.
 - iii. Transit Stations and park-and-ride lots shall provide a covered area capable of accommodating at least 5 bicycles with the ability to lock the bike in at least 2 places.

~~(3) Maximum Vehicle Parking Spaces. The minimum spaces identified under item (1) in this Section, shall not be increased by more than 30%.~~

3.03.070 Off-Street Loading Requirements.

Commercial or industrial buildings between 10,000 to 25,000 square feet in area shall require a loading space. One additional space shall be required for each additional 25,000 square feet of gross floor area, or any portion thereof. The minimum loading space dimensions shall be 12 feet wide, 30 feet long, and 14 feet high.

3.03.080 Parking, Driveway, and Loading Area Development Requirements.

Where provided, 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, 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.
- (2) Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8.5-feet in width and 18-feet in length.
- (3) Driveways. The following standards shall apply to all driveways:
 - a. Access spacing shall be in compliance with Section 3.02.040 -Access Standards
 - b. Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.

Table 15 Internal Driveway Requirements	
Internal Driveways for Multi-family, Industrial, and Public Uses	
Without Adjacent Parking	
Direction	Driveway Width
One-way	12 feet
Two-way	26 feet
With Adjacent Parking	

Parking Angle	Driveway Width
0 to 40	12 feet*
41 to 45	13 feet*
46 to 55	15 feet*
56 to 70	18 feet*
71 to 90	24 feet
*One-way only driveways	

- (4) Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- (5) Driveway Required. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.
- (6) Traffic Safety. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.
- (7) Curbing. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.
- (8) Landscaping.
 - a. Parking lots abutting residential zones shall be screened from abutting residential zones by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and provide separation for the abutting residences.
 - b. See Chapter 3.09 for additional landscaping requirements.
- (9) Pedestrian walkways within parking areas. Walkways (also known as internal walkways or pedestrian paths) are designed to ensure that pedestrians can avoid using parking aisles or travel lanes for access to building entrances. The intention is to assure that the building or buildings can easily be accessed by a pedestrian as well as a vehicle. The following are standards for pedestrian walkways:
 - a. New parking areas must provide pedestrian walkways between:
 - i. building entrances;

- ii. building entrances and the main street sidewalks or pedestrian network;
 - iii. existing or planned pedestrian facilities in the adjacent public rights-of-way;
 - iv. buildings and parking areas;
 - v. building entrances on the same lot or business/shopping center;
 - vi. multiple uses on the same lot;
 - vii. building entrances and transit stops;
 - viii. building entrances and accessible parking spaces;
 - ix. between development on adjacent parcels where practical.
- b. Pedestrian access points must be connected to the larger pedestrian network in a manner that provides the earliest point of off-site pedestrian walkway contact, which may, or may not, be adjacent to the vehicular access point.
- c. Exceptions may be approved as part of a Design Review in the following circumstances:
- i. where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear;
 - ii. pedestrian connections to industrial uses are not required.
- d. The walkway must minimize conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances.
- e. Pedestrian Walkway Design Standards:
- i. walkways internal to the site should be at least five (5) feet wide;
 - ii. at a minimum, walkways within parking areas must be provided for every three (3) driving aisles or at distance of not more than 150-foot intervals, whichever is less;

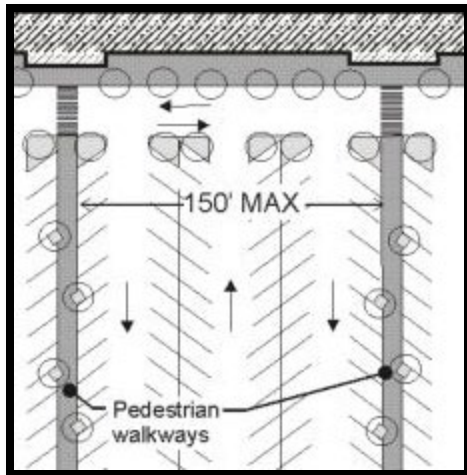


Figure 69

- iii. must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
 - iv. must have adequate lighting for safety and security;
 - v. barriers which limit pedestrian uses is not permitted.
- (10) Car and Van Pool Parking. Designated preferential employee parking areas are required for parking lots with more than 50 parking spaces. Preferred parking areas shall provide parking for at least one carpool and at least one vanpool parking space.
- (11) Redevelopment of Parking Areas.
- a. Property owners are permitted to redevelop any portion of existing off-street parking areas for bicycle or transit facilities, including but not limited to bike racks, bus stops, and park and ride stations.
 - b. The City may allow the development of underused parking areas for uses permitted in the applicable zone. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods). A study shall accompany any request for site plan review Land Use applications. The study shall demonstrate, to the satisfaction of the City, that the elimination of the existing parking will have no detrimental effects, that cannot be mitigated by the applicant, on the property or sounding properties. This includes, but is not limited to, the possibility that the elimination of parking areas may shift the need for parking onto neighboring properties, or cause any other negative impacts to surrounding properties.
- (12) Electric Vehicle Charging.
- a. New multi-family residential buildings with five or more residential dwelling units and new mixed-use buildings consisting of privately owned commercial

space and five or more residential dwelling units shall provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on the site containing the residential dwelling units.

- b. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.
- c. Any provided electrical infrastructure shall include all ADA parking spaces.
- d. Commercial development electrical vehicle charging requirements are dictated by the Oregon state building code and ORS 455.417.

13 RV Parking Standards

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 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 provided **passenger vehicle** 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.

14. Caretakers Units

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 one 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 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 one covered off-street parking space shall be provided for the caretaker unit.~~
- ~~(8)~~(7) Rentals. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.

~~(9)~~(8) Subdivisions. Subsequent subdivisions which divide a separate lot or parcel for a caretaker unit shall not be permitted.

~~(10)~~(9) 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)~~(10) Ceasing of Operations - Modular or Portable Unit. Upon termination of the principal use, if the caretaker's unit was portable or a manufactured home, the structure shall be removed from the property within 90 days.

~~(12)~~(11) Ceasing of Operations - Stick Built. Upon termination of the principal use, for any stick-built structure used for the caretaker's unit, the right to use the caretaker's unit as residential shall expire within 45 days. In the event that the caretaker's unit is vacant for a period of more than 45 days, the caretaker's use for that structure shall terminate. Any further use of the structure for caretaker's purposes will require a new action by the Planning Commission.

15. Parking lot landscaping

3.09.030 Standards.

(2) Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:

- a. Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain **at least** one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
- b. Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.
- c. **Shade Coverage.**
 - i. **All new parking areas over 1/2 acre, including all driveways and drive aisles, shall provide tree canopy covering at least 40 percent of the parking lot at maturity but no more than 15 years after planting.**

- ii. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.
- iii. Landscape plans shall show the canopy coverage at 15 years maturity as part of any land use submittal.
- iv. A specific Tree Canopy Plan shall be included as part of the Landscape Plans which shall show the canopy coverage at 15 years maturity as part of any land use submittal.
- v. Development of a Tree Canopy Plan, to comply with the requirements of this section, shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.
- vi. As an alternative, the development may provide 30 percent tree canopy coverage over all new parking areas and installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property, including the roof of a structure.
- ~~e. Alternate Plan. An alternate plan may be submitted as part of a Site Design Review application providing landscaping of at least 5% of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped accessible parking spaces.~~
- d. Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected by large boulders or by another acceptable means of protection.

- (3) Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.
- (4) Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (eight inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. No trees 6.5 feet in circumference (approximately 25 inches in diameter) or greater may be removed without a permit per Millersburg Municipal Code Section 7.30.040.

19. Traffic Impact Analysis

3.02.120 Traffic Impact Analysis.

The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

- (1) When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
 - a. A change in zoning or a plan amendment designation;
 - b. Operational or safety concerns documented in writing by a road authority;
 - c. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - d. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - e. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 - f. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 - g. A change in internal traffic patterns that may cause safety concerns; or
 - h. A TIA required by ODOT pursuant to OAR 734-051.
- (2) Traffic Impact Analysis Preparation.
 - a. **When required by the City, A a professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.**
 - b. **Pursuant to OAR 660-012-0210 for amendments to the TSP, the Comprehensive Plan, a land use regulation, including zone map changes, except expansions of an urban growth boundary as provided in OAR 660-024-0020(1) or OAR 660-0038-0020(13), the model used in the study must account for changes in vehicle miles traveled per capita that would result from the proposal and any transportation projects proposed as a part of the proposal.**

- c. A traffic study produced for substandard access (see 3.02.120.1.f) shall clearly demonstrate that the proposed access will be safe, include any mitigation required to make the proposed access safe, and assure that the level of service for neighboring intersections and access driveways will perform at grade level d or better.
- (3) Findings required. In addition to an analysis of level-of-service, pursuant to OAR 660-012-0210, any traffic study for a case type listed in (2)b, or any code regulations in the Development Code or Municipal Code, shall include an analysis using vehicle miles traveled.
- a. The study shall include an analysis of the proposed increase in vehicle miles traveled per capita.
 - b. Any identified impacts shall include a review of possible mitigation.
 - c. The Planning Commission or City Council shall consider the impacts on a case-by-case basis. Unmitigable impacts alone need not be a reason for denial of the project, unless the impacts result in an inconsistency with the Land Use criteria for the project. The findings must clarify the identified impacts and any reasons why the project was approved in spite of them.

20. Definition for Home Day Care and ADU's

1.02.020 - Definitions.

Day Care Facility. An institution, establishment, or place, appropriately licensed by the State of Oregon and not a part of a public-school system, in which are commonly received three or more children for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward. **All day care facilities in residential zones must be home occupations and therefore owner occupied.**

Accessory Dwelling Unit. An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling **or duplex.**

21. Use expires after 1 year of vacancy

DELETED from Code update

22. Commercial Land Divisions Clarity

CHAPTER 4.02. STANDARDS

4.02.020 Scope.

The provisions of this Chapter shall apply to all partitions and subdivisions within the City of Millersburg. The following shall determine the appropriate process and design standards:

- (1) Partition. A land division creating two or three parcels within a calendar year shall be processed as a Partition and subject to the design and improvement standards for a Partition.
- (2) Subdivision. A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the design and improvement standards for a Subdivision.
- (3) Serial Partition. If a Partition results in the creation of a large parcel that can be subsequently divided so that there is the potential to create more than three parcels from the original, the request shall be subject to the criteria, standards, design, and improvement standards for a Subdivision.
- (4) Some standards listed below pertain specifically to residential or non-residential (typically commercial and industrial). If the standard does not state that it is specific to one or the other, then it is applicable to all land divisions. Maps for mixed use projects shall be treated like a non-residential map.

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.
 - a. All new lots or parcels for commercial, industrial, or public uses must provide at a minimum either street frontage wide enough for a driveway, or a private access easement may be used to access parcels or lots. The following also apply:

- i. All private access easements must be at least 25 feet wide unless they are part of a parking lot, then parking lot standards apply, or in accordance with the Oregon Fire Code.
 - ii. If a building on the lot or parcel is to be available to the public, it must also provide pedestrian access to that structure, except where a private access easement is outside City boundaries.
 - b. Lots created as part of a shopping or industrial center must include a private reciprocal access easement in areas required for access. Building setbacks to the permitter of the center apply, but there no setback requirements internal to the center regardless of the proposed lot layout. Proposed lots or parcels may be coterminous with the building footprint, for example, a grocery store could be on a lot that is the same size as the store's building.
 - c. All new residential 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 Sections 3.02.040 and 4.02.030(4) when it is determined that a public street access is:
 - e.i Infeasible due to parcel shape, terrain, or location of existing structures; and
 - e.ii Unnecessary to provide for the future development of adjoining property.
 - e.iii No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.
- (4) *Flag Lots.* Flag lots shall be subject to the following development standards:
- a. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of 14 feet in width.
 - b. The access strip shall not be included in the lot area calculation.
 - c. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per Section 3.02.
- (5) *Residential Through Lots.*
- a. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography.
 - b. Conditions of approval may be added limiting access from any street.
 - c. Screening or buffering, pursuant to the provisions of Chapter 3.07, may be required during the review of the land division request.

- (6) *Lot Side Lines.* The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.
- (7) *Utility Easements.* Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.
- (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. **Shadow plats may be required. A shadow plat shows the proposed lot design does not preclude future division by showing a fully subdivided plan. The plan is not binding, it just shows that the current design does not preclude future divisions. This does not apply to industrial or public subdivisions or partitions but does apply to residential and commercial.**
- (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.*
 - a. 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.
 - b. The criteria for approving a phased subdivision (in addition to all standard subdivision criteria) review proposal are:
 - I. 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;
 - II. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 1. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
 2. 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.

- c. 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.

4.02.040 Additional Standards for Subdivisions.

- (1) General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.
- (2) **Residential Block** Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.
- (3) **Residential** Traffic Circulation. ~~The A residential~~ subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle, and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient, and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary - 1/4 mile for pedestrians and one mile for bicyclists.
- (4) **Residential** Connectivity. To achieve the objective in (3) Traffic Circulation above, the City shall require the following **in residential subdivisions**:
 - a. Stub-End Streets: Where the potential exists for additional residential development on adjacent property.
 - b. Accessways: Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.
- (5) Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining Arterial and Collector streets shall be provided **in residential subdivisions** if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.

- (6) Design Standards for Residential Pedestrian/Bicycle Accessways at the ends of cul-de-sacs. Pedestrian/bicycle accessways at the ends of cul-de-sacs shall meet the following design standards:
- a. Minimum dedicated width: 15 feet
 - b. Minimum improved width: 12 feet
 - c. Pedestrian scale lighting fixtures shall be provided along walkways and adequately lighted so the system can be used at night. Lighting shall either conform to adopted Public Works Standards or be approved by the decision authority.
 - d. The accessway shall be designed to prohibit vehicle traffic.

23.	ADU's
------------	--------------

CHAPTER 3.16. SPECIAL RESIDENTIAL DWELLINGS

3.16.010 Accessory Dwelling Units.

Where permitted as a special use, an Accessory Dwelling Unit (ADU) shall meet the following use and development standards:

- (1) Location. An ADU may be located on any lot with a single-family home or duplex. The ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of six feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. An ADU may also be located internal to the primary structure, including, but not limited to, an attic or a basement.
- (2) Number. Only one ADU shall be permitted per lot or parcel.
- (3) Design. The ADU must have the same roof pitch and material, color, and siding material as the primary residence. As an alternative, an applicant who wishes to use a design that differs from these requirements may apply for a conditional use permit. In the case of an ADU proposed to have material, color, and siding material better in terms of quality than the existing residence, the Planning Director may authorize the material, color, and siding material as part of the Building Permit process.
- (4) Area. The floor area of the ADU shall be no more than 650 square feet and not less than 250 square feet. An additional 100 square feet of floor space may be granted for every 1,000 square feet of lot size over 11,000 square feet, however, in no case shall an accessory dwelling unit exceed 900 square feet.
- (5) Setbacks. Shall be in accordance with Section 3.15.010.
- (6) Height. The maximum height shall be 20 feet for detached ADUs. Attached ADUs shall use the height limit from the underlying zone. Two-story ADUs are

not permitted though an ADU can be placed over an accessory structure such as a workshop or a garage, in which case the height limit is that of the underlying zone.

- (7) Lot Coverage. The ADU shall be included in the lot coverage calculation.
- (8) Metal shipping containers. Metal shipping containers converted into dwelling units are not permitted.
- (9) Foundation. All structures shall be placed on a continuous foundation similar to the foundation used for the primary home.
- (10) Parking. No additional off-street parking is required for an ADU.
- (11) ~~Lot Coverage. The ADU shall be included in the lot coverage calculation.~~ Garages. Any garage used for the accessory dwelling unit is permitted, but not required. The garage can be attached or detached from the accessory dwelling unit. The garage does not count toward the maximum square footage allowed for the accessory dwelling unit. The garage is still considered an accessory structure however; therefore, the size of the garage does count towards the total square footage permitted for regular accessory structures on the lot as outlined in Chapter 3.15. No garage is permitted to be converted to habitable space for an ADU or otherwise.

24. Farm and Livestock

3.21.040 Farm Uses and Livestock.

- (3) ~~Chickens Fowl~~ and Rabbits. The keeping of ~~chickens fowl~~ or rabbits in all residential zones may be approved subject to the following provisions.
 - a. The minimum property size is 10,000 square feet.
 - b. No person shall ...
- (4) Other than standard household pets including, but not limited to, dogs, cats, birds, guinea pigs, hamsters, ferrets, and smaller reptiles, any animal not listed in subsection (2) and (3) above is not permitted. No exotic animals are permitted. Bovine of any kind are not permitted.
- ~~(4)~~ (5) Stands selling produce or eggs produced on-site are permitted subject to the following standards:
 - a. The stand is no more than 200 square feet in size.
 - b. The stand may not be located in the right-of-way or block a driveway.

25. Street Names

3.02.030 General Provisions.

- (9) *Street Names.* Street names and numbers shall conform to the established pattern in the City. ~~The applicant for a partition or subdivision that creates new streets that are not listed in the Transportation System Plan shall propose street names. The City has authority to approve or deny proposed street names.~~

26. Commercial Design Standards

3.26.030 Commercial Design Standards.

- (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.~~

27. Historical Zoning Overlay

CHAPTER 2.13. HISTORICAL PROPERTY OVERLAY ZONE (HPO)

2.13.040 Historic ~~Landmark Committee Commission.~~

There is hereby established a Millersburg Historic ~~Landmark Committee Commission~~ charged with carrying out the functions of this chapter where identified.

The City Council appoints the Planning Commission as the ~~Millersburg Historic Commission Committee~~ until such time as Council determines the need for an independent Historic ~~Landmark Committee Commission~~. The ~~Committee Commission~~ will meet and operate in accordance with all standards of local and state law. When the Planning Commission is serving as the ~~Committee Historic Commission~~, it shall meet separately from a Planning Commission meeting with an independent agenda, meeting notice, and minutes. This can occur on the same night as a Planning Commission meeting, preceding or following the Commission meeting.

2.13.050 ~~Landmark and Historic Zone Designation.~~

- (1) *Process.* The process for designating a ~~landmark or~~ historic zone may be initiated by the Council, the Planning Commission acting as the Historic ~~Landmark Committee Commission~~, or by any interested person who submits an application for designation to the ~~Community Development Director City Recorder~~. At the time of application, the City shall provide the property owner and applicant with information regarding the benefits and restrictions of designation. ~~A~~

landmark can be located within a Historic Zone Overlay, however, a landmark alone cannot be designated historical. This section allows the application of a Historic Zone Overlay to a specific property. A significant historic resource is any building or other aspect of a property that contributes to the historic significance of the property for which a Historic Zone Overlay is applied. The process is a Type IV, consistent with the requirements outlined in Chapter 5.10 including all notification requirements therein except a permit shall be approved by the Historic Commission acting as the reviewing body in place of the Planning Commission. The criteria from Chapter 5.10.050 do not apply, the criteria listed in 2.13.050 shall be used instead.

- (2) *Information.* Unless proposed by the City, ~~The~~ the following information shall be required in an application:
- a. The applicant's name and address;
 - b. The owner's name and address, if different from the applicant;
 - c. A written description of the boundaries of the proposed zone or the location of the proposed ~~zone landmark~~;
 - d. A map illustrating the boundaries of the proposed zone ~~or~~ and the location of ~~any significant resource on the property~~ ~~the proposed landmark~~;
 - e. A statement explaining the following:
 - i. The reason(s) why the proposed zone ~~or landmark~~ should be designated;
 - ii. The reason(s) why the boundaries of the proposed zone are appropriate for designation;
 - iii. The potential impact, if any, the designation of the proposed zone ~~or landmark~~ would have on the residents or other property owners in the area.
 - f. Any other information deemed necessary by the City.
- (3) *Application Review and Decision.* The City Recorder shall set the application on the agenda of the Historic ~~Landmark Committee Commission~~ which will review the application against applicable criteria in Section 2.13.050(4) and develop a recommendation to the City Council. ~~This will occur within 60 days of the application being filed unless extended by the request of the applicant. Following the Historic Landmark Committee's consideration, the City Recorder will set the matter on a Council agenda within 45 days of the Historic Landmark Committee's action.~~ The Council shall hold a public hearing at which time testimony will be received with the recommendation from the Historic ~~Landmark Committee Commission~~, and the applicant, and any citizens wishing to give input. ~~The Council shall make a written record with findings approving, approving with conditions, disapproving, or postponing final action on the request.~~

(4) *Decision Criteria.* The Historic ~~Landmark Committee Commission~~ and the Council shall consider the following criteria in determining whether to approve a proposed ~~landmark or Overlay Zone Designation zone~~:

- a. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, county, state, or nation;
- b. Association with an event that has made a significant contribution to the City, county, state, or nation;
- c. Association with broad patterns of political, economic, or industrial history in the City, county, state, or nation;
- d. Significance as an example of a particular architectural style, building type, and/or convention;
- e. Significance due to quality of composition, detailing, and/or craftsmanship;
- f. Significance as an example of a particular material and/or method of construction;
- g. Significance because the resource retains its original design features, materials, and/or character;
- h. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;
- i. Significance as a visual landmark;
- j. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;
- k. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;
- l. Significance because the property is 50 years old or older in conjunction with other criteria listed above;

~~m. The resource is listed on the National Register of Historic Places.~~

(5) *Removal of Designation.* The process for removing a ~~landmark or~~ historic zone designation may be initiated by the Council, the Historic ~~Landmark Committee Commission~~, or by any interested person who submits to the City ~~Recorder~~ ~~Community Development Director~~ an application for removal of the designation. The Council may amend or rescind its designation by following procedures ~~required by this Code~~ in subsection (1) for designating a ~~Historic Zone Overlay landmark.~~ Criteria for such an action includes:

- a. Except as provided in subsection (a), a local government may only remove a resource from the resource list if the circumstances in paragraphs (i), (ii), or (iii) exist.

- i. The resource has lost the qualities for which it was originally recognized;
 - ii. Additional information shows that the resource no longer satisfies the criteria for recognition as a historic resource or did not satisfy the criteria for recognition as a historic resource at time of listing;
 - iii. The local building official declares that the resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.
- b. The decision must be consistent with ORS 660-023-0200(9). ~~including the adoption of appropriate findings.~~
- (6) *Appeals.* Any appeal goes through the Land Use Board of Appeals.
- (7) *Refusal.* Pursuant to ORS 660-023-0200(6)b a property owner is allowed to refuse a designation of their property any time during the designation process.

2.13.060 Demolition and Moving.

- (1) ~~City Manager Historic Commission~~ *Approval.* No person shall move, demolish, or cause to be demolished ~~a landmark or~~ a significant resource in an historic zone, unless a **Historical Demolition and Moving** permit to do so has first been obtained ~~from the City Manager, or designee, following of approval by the City Council.~~ Application for a **Historical Demolition and Moving** permit shall be on a form provided by the City.
- (2) *Alternative Actions.* At the time a demolition or moving application is made the ~~City Manager or designee~~ **Community Development Director** shall review alternatives to demolition or moving with the owner of the structure or resource, including local, state, and federal preservation programs, **prior to the Historic Commission review and action.**
- (3) *Review Process.* An application to move, demolish, or cause to be demolished ~~a landmark or~~ a significant resource in an historic zone shall be processed in accordance ~~of with~~ the procedure identified in ~~Section 2.13.050(3) above.~~ Chapter 5.05, including all noticing requirements, except a permit shall be approved by the Historic Commission acting as the reviewing body in place of the Planning Commission and the criteria from Chapter 5.05.060 do not apply.
- (4) *Decision Criteria.* In determining whether the requested demolition or moving is appropriate, the Historic ~~Landmark Committee Commission and the City Council~~ shall consider the following:
- a. Plans, drawings, and photographs submitted by the applicant.
 - b. Information presented at the public hearing concerning the proposal.
 - c. The purpose of this Code as set forth in this Chapter.
 - d. The criteria used in the original designation of the resource.

- e. If within an historic zone, the resource's contribution to the zone and the subsequent integrity of the zone if the resource is demolished or moved.
- f. Whether denial of the request will involve substantial hardship to the applicant.
- g. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this Code.
- h. The economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it.
- i. The physical condition of the resource.

~~j. The recommendation from the Historic Landmarks Committee.~~

(5) *Postponement.* The Historic ~~Landmarks Committee~~ Commission, acting in accordance with the review outlined in subsection (4) ~~or the City Council~~ may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the ~~Committee~~ Commission ~~or Council~~ as follows:

- a. No more than 60 days following the date of a public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of hearing, if the ~~Committee~~ Commission ~~or Council~~ makes the findings specified in item (b) of this Subsection.
- b. Further postponements as stated above may only be made if the ~~Committee~~ Commission ~~or Council~~ finds:
 - i. There is a program or project underway that could result in public or private acquisition of ~~any significant the landmark or~~ resource; and
 - ii. There is a reasonable ground for believing the program or project may be successful.
- c. After granting a further postponement, ~~the Commission may order the the~~ Community Development Director may ~~City Manager to~~ issue the permit if ~~it~~ the Commission finds:
 - i. All programs or projects to save the resource have been unsuccessful;
 - ii. The application for demolition or moving has not been withdrawn; and
 - iii. The application otherwise complies with City Codes and state law.

(6) *Additional Requirements.* During a period of postponement, the ~~Committee~~ Commission ~~or Council~~ may require the property owner to:

- a. List the resource for sale with a real estate agent for a period of not less than 90 days. The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period.
- b. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in

height. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with a. above.

- c. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies who inquire.
 - d. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource.
- (7) *Press Notification.* Prior to issuance of a demolition permit, the **Community Development Director City Manager** shall issue a press release to local and state newspapers of general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource.
- (8) *Permit Conditions.* As a condition for approval of a demolition permit, the **Council Historic Commission** may:
- a. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource.
 - b. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. The applicant shall be provided with a list of persons capable of salvaging the resource.
- (9) *Dangerous Building.* This Code shall not be construed to make it unlawful for any person, without prior approval of the **Council City**, to comply with an order by an authority having jurisdiction to remove or demolish any **landmark significant resource** determined to be dangerous to life, health, or property.
- (10) *Appeals.* Any appeal follows the appeal process outlined in Table 5.01.030 and Section 5.22.020

2.13.070 Exterior Alteration and New Construction.

- (1) *Scope.* No person shall alter a ~~landmark or~~ any significant resource in an historic zone nor shall any new building or structure be constructed in an historic zone ~~or on a landmark site~~ unless approval is first obtained under this section. In addition, no major public improvements shall be made on a ~~landmark site or in~~ an historic zone unless approved by the **Community Development Director City Manager** or Historic ~~Landmark Committee~~ **Commission** as provided below in subsections 3 and 4.
- (2) *Application Process.* Application for alteration of a ~~landmark significant resource~~ or new construction in an historic zone ~~or on a landmark site~~ shall be made to

the ~~Community Development Director~~ ~~City Manager~~. The application shall be on a form provided by the City.

- (3) *Approval Requirements.* The ~~City Manager~~ ~~Community Development Director~~ shall approve the ~~alteration~~ request if:
 - a. There is no change in the appearance or material of the resource as it exists; or
 - b. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials.
- (4) *Historic ~~Landmark Committee~~ ~~Commission~~ Action.* If a request for alteration does not meet the provisions of Subsection (3) of this Section, the ~~City Manager~~ ~~Community Development Director~~ shall forward the application to the Historic ~~Landmark Committee~~ ~~Commission~~ which shall process the request consistent with the provisions outlined in Chapter 5.05, except the Historic ~~Commission~~ acting as the reviewing body in place of the Planning Commission. Only criteria outlined in subsection (5) below shall apply. The ~~Committee~~ ~~Commission~~, after notice and public hearing, shall approve or disapprove issuance of the requested permit. The ~~Committee~~ ~~Commission~~ may attach conditions to the approval which must be adhered to for the approval to remain valid.
- (5) *Decision Criteria.* The ~~Committee~~ ~~Commission~~ shall consider the following criteria in determining whether to approve an alteration request:
 - a. The purpose of this Code.
 - b. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource.
 - c. The value and significance of the resource.
 - d. The physical condition of the resource.
 - e. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials.
 - f. Pertinent aesthetic factors as identified by the ~~Committee~~ ~~Commission~~.
 - g. Economic, social, environmental, and energy consequences of the proposed alteration.
 - h. Any design guidelines adopted by the Commission.
- (6) *Appeals.* Any appeal follows the appeal process outlined in Table 5.01.030 and Section 5.22.020

3.12.030 - General Standards - Manufactured Homes.

- (6) Historical sites. No manufactured home shall be located on property containing a historic **significant resource or Historic Zoning Overlay landmark**, or on a lot or parcel immediately adjacent to property containing a historic landmark. ~~For the purpose of this Chapter, a historic landmark is property designated by the Millersburg Comprehensive Plan as containing a significant historical resource.~~

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/Historic Commission	City Council
Floodplain Development Permit	Type - I	Final Decision	No Role	No Role
Property Boundary Adjustment	Type - I	Final Decision	No role	No role
Sign Permit	Type - I	Final Decision	No role	No role
Temporary Use Adjustment	Type - I	Final Decision	No role	No role
	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Interpretations	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Partition	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Subdivision	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Conditional Use Permits	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Home Occupation (employees or vehicles)	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Nonconforming Uses (Alteration or Expansion)	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Site Development Review	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision

Variance	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Annexation	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Comp. Plan Map Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Text Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Zone Map Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Historic Zone Designation	Type- IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Historic Demolition and Moving	Type- III	Recommendation to Commission	Final Decision unless appealed	Appeal – Commission Decision
Historic Exterior Alteration and New Construction	Type- III	Recommendation to Commission	Final Decision unless appealed	Appeal – Commission Decision
Street Vacations	Type- IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed

28. Street Tree Clarification

4.02.060 Improvement Requirements - Subdivision.

- (1) Improvements. The following improvements shall be required for all Subdivisions:
 - j. Other Requirements:
 - i. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to the City standards.
 - ii. Street trees are required pursuant to City engineering standards. All trees are to be planted prior to final occupancy of a structure or when required of the developer for areas where buildable lots do not exist (common space, open space, detention basins, etc.). Planting of street trees shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip unless infeasible due to required sight clearances and/or offsets from utilities. No tree shall be

located in the planting strip within 10 feet of a water or sewer service line. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

29. Manufactured Home Standards

3.12.030 General Standards - Manufactured Homes.

Manufactured homes are permitted in all residential zones, in accordance with the following general standards, and the design standards set forth in Section 3.12.020. The minimum lot area, setback, and height standards of the subject zone shall also apply to manufactured homes sited on individual lots.

- (7) Roofing. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of ~~four~~ **three** feet in height for each twelve 12 feet in width.
- (8) *Exterior siding and finish.* The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings.
- (11) Only one manufactured home and one Accessory Dwelling Unit is allowed per lot.**

30. RV Cover clarification

3.15.010 Single-family Residences.

Residential accessory structures for attached or detached single-family homes and duplexes, excluding Accessory Dwelling Units as defined in Chapter 3.16, shall comply with all requirements for a principal structure, except where specifically modified by this section. Accessory structures shall not be used for human habitation except as specified in this section. Accessory structures shall comply with the following standards:

- (1) Dimensions and Design Requirements. Residential accessory structures shall be subject to the following requirements:

Table 17 Residential Accessory Structures Standards				
Residential Accessory Structures Standards				
Structure Size (1)	Exterior Finish	Location on Property	Setbacks (side and rear)	Maximum Height*
Up to 200 sf	No Requirements	Side or Rear Yard	1 story - 5 feet 2 stories 8 feet	10 feet
200 to 1,200 sf	(2)	Side or Rear Yard	1 story - 5 feet 2 stories 8 feet	25 feet

Over 1,200 sf	(2)	Side or Rear Yard	1 story - 5 feet 2 stories 8 feet	25 feet
* Measured from the midpoint of the roof				
Notes:				
1. Up to 11,000 square feet of lot size, maximum accessory structure size is 1,200 square feet; over 11,000 square feet of lot size, the structure may be increased an additional 100 square feet for each 1,000 square feet of lot size.				
2. For any accessory structure located on a lot of 2.5 acres or less, the exterior siding and roofing shall have the same general materials and color as the primary dwelling. Otherwise, there are no restrictions.				
3. Total lot coverage standards as required per zone also apply to all accessory structures, including those not requiring a building permit.				
4. RV covers or carports are considered accessory structures if they are over 200 square feet.				

- (2) Setbacks. Accessory structures shall comply with the following setbacks:
 - a. Front and/or Street Side Yard: Comply with requirements of underlying zone.
 - b. Side Yard: see table.
 - c. Rear Yard: see table.
 - d. Accessory structures shall be detached from all other buildings by at least six feet unless a variance is approved.
- (3) Multiple Accessory Structures. There shall be no limit to the number of structures, provided the structures in combination comply with the area coverage requirements. When there is more than one accessory structure within a yard, all provisions in this Chapter shall apply and shall be based on the total square footage of all accessory structures within the yard.
- (4) Prohibited Structures. The use of metal shipping containers or semi-truck trailers as an accessory structure shall be prohibited.
- (5) Sales. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of Article V and the home occupation standards of Article III.
- (6) **Standards for RV covers and carports.**
 - a. **Materials.** Covers may be made from any building material including metal.
 - b. **Setbacks.** All accessory structure setbacks apply. Setbacks will be taken from the eaves of the roofline, not the structure uprights.
 - c. **The RV cover or carport has no setback requirement from the primary structure (house) and may even be connected to the primary structure.**
 - d. **Colors.** The primary color of any metal roofing material must be neutral (earth tones) or be similar to the color, or accent color, of the primary structure.

- e. Height. The maximum height of an RV cover is 20 feet, unless the cover is setback at least 20 feet from any property line, then the height limit from the zone applies.

(67) Exceptions.

- a. Farm accessory buildings in the Rural Residential zones on lots over 2.5 acres are exempt from the size requirements.
- b. Accessory structures under 200 square feet do not require a Building Permit.
- c. Boats, trailers, detached campers, recreational vehicles, fifth-wheelers, motorized dwellings, travel trailers, tent trailers, tents, and similar recreational facilities may be stored, but not used for continuous human habitation. Temporary habitation is limited to 30 consecutive days or a total of 60 days in a 12-month period within the City limits. The City Manager may grant an extension upon receiving a written justification in accordance with Section 3.17.

31.	Flag Lot Setback clarification
------------	---------------------------------------

4.02.030 Standards for Lots or Parcels.

(4) *Flag Lots.* Flag lots shall be subject to the following development standards:

- a. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of 14 feet in width.
- b. The access strip shall not be included in the lot area calculation.
- c. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per Section 3.02.
- d. All flag parcels or lots shall comply with setback requirements of the Zone, however because the parcel or lot does not front a street, the designation of where the front setback applies shall be determined on a case-by-case basis by the Community Development Director. The rear setback shall be on the opposite side of the structure from the front. Side setbacks shall apply anywhere the front and rear do not apply.

32.	Figures 1/59, 28, 60, and 63
------------	-------------------------------------

Current figure	Proposed revised figure
Figure 1 & 59	

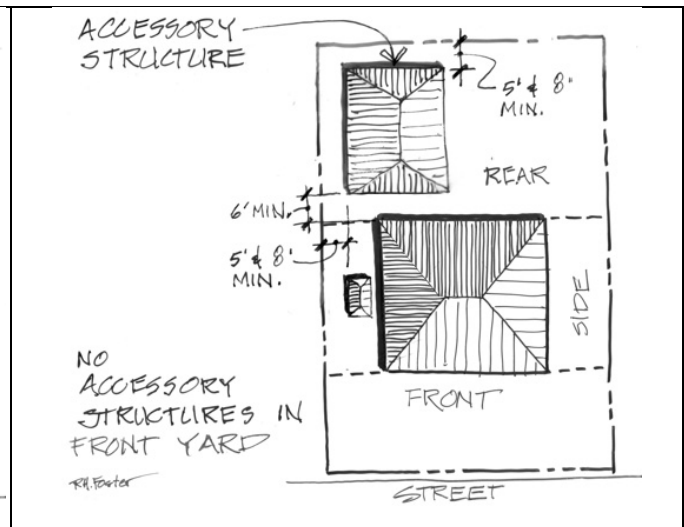
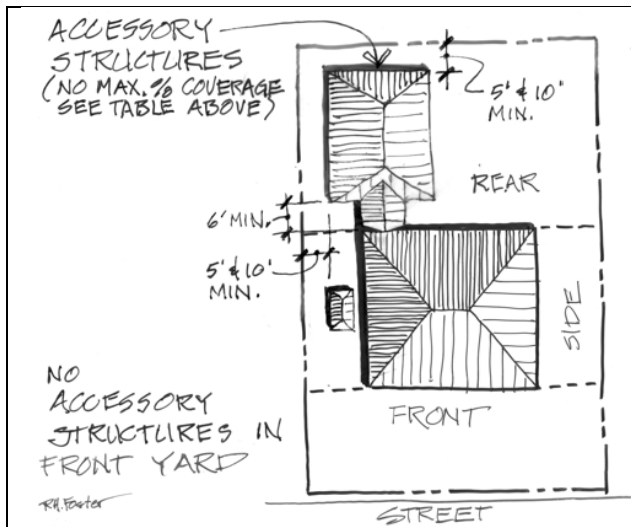


Figure 28

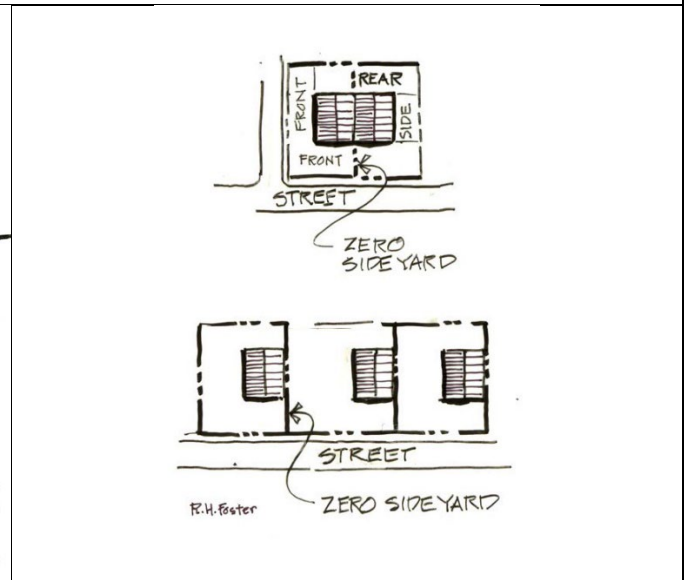
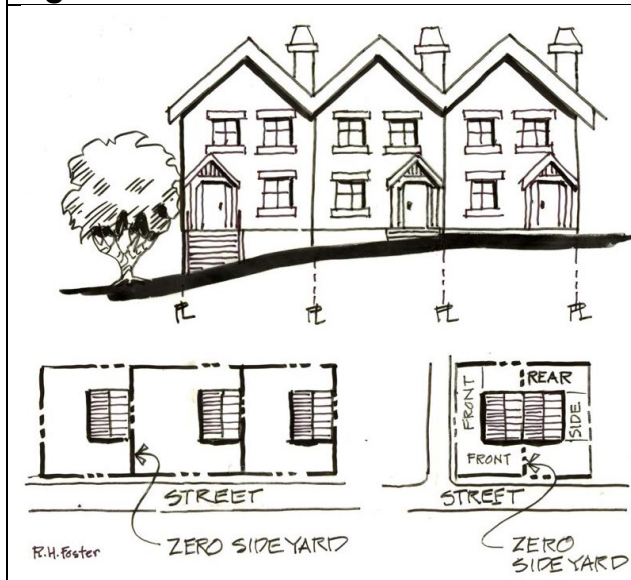


Figure 60

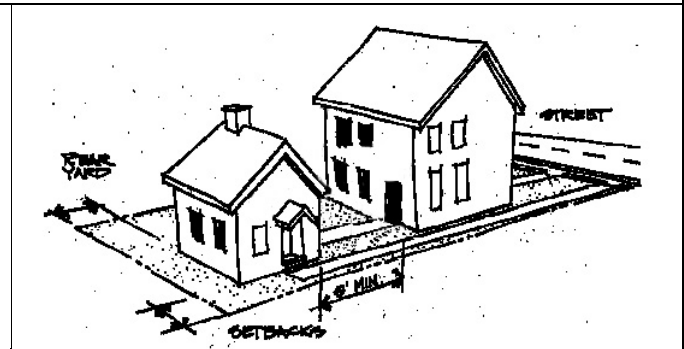
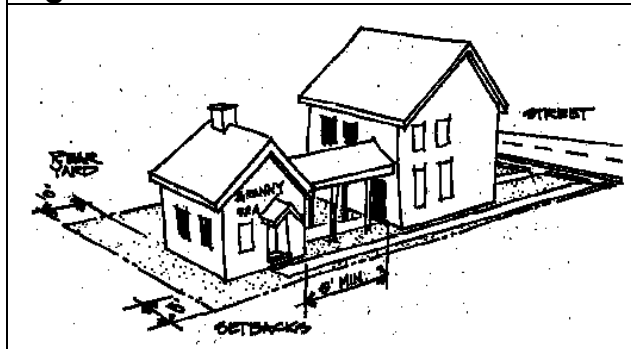
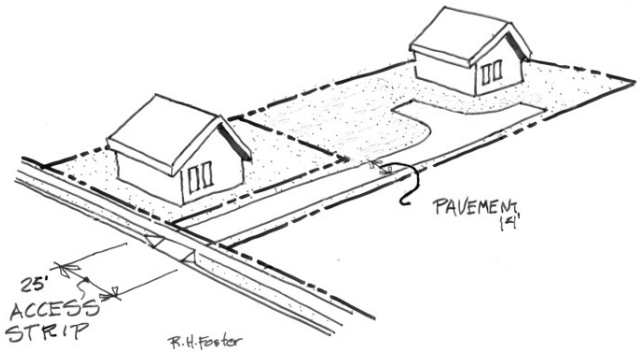
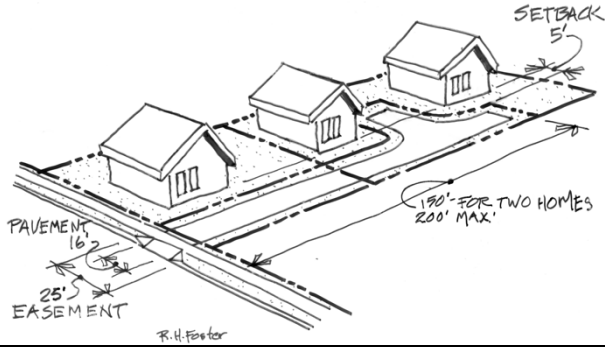


Figure 63

EASEMENT 25' MINIMUM
PAVEMENT 16' FOR TWO, 20' FOR MORE HOMES
SETBACK 5' FOR BUILDINGS FROM EASEMENT



CHAPTER 1.02. DEFINITIONS

1.02.020 Definitions.

Single Room Occupancy (SRO). A primary residential structure with no fewer than four attached SRO Dwelling units. The primary residential structure must provide access for all occupants to a location for food preparation (shared or unshared), and sanitary facilities, or both.

SRO unit. A single, independently lockable living and sleeping room for rent and exclusive use by a single occupant in a primary residential structure with access to a food preparation area and restrooms.

CHAPTER 2.03. - RESIDENTIAL LOW-DENSITY ZONE (RL)

2.03.020 - Permitted Uses.

- (7) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.

CHAPTER 2.04. - RURAL ZONE (RU)

2.04.020 - Permitted Uses.

- (7) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.

CHAPTER 2.05. – RESIDENTIAL MEDIUM ZONE (RM)

2.05.020 - Permitted Uses.

- (8) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.

CHAPTER 2.06. – MIXED-USE ZONE (RM)

2.06.020 - Permitted Uses.

- (17) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.

3.08.060 Vision Clearance.

(5) Corner Lots (Street-Street Intersection). The clear vision area for corner lots ~~on local residential streets~~ shall be measured along the curb line (or edge of pavement if no curb) as shown in Table 16 below (unless otherwise determined by the City Engineer).

<i>Table 16 Street-Street Intersection Vision Clearance Dimensions</i>		
<i>Vision Clearance Dimensions</i>		
<i>Intersected Street Classification</i>	<i>Posted Speed</i>	<i>Distance</i>
Local Residential	All	20 feet
Collector or Arterial	25 mph	95 feet
	30 mph	120 feet
	35 mph	140 feet
	40 mph	165 feet
	45 mph	190 feet
	50 mph	215 feet

35. Trail revision on Table 9

2.10.050 Dimensional Standards.

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

<i>Table 9 GI Zone Dimensional Standards</i>	
<i>GI Zone Dimensional Standards</i>	
Minimum Lot Area	
All Development	Sufficient to meet setbacks and development requirements
Minimum Setbacks	
All Yards	0 feet
Yards Adjacent to RM, RL, and RU Zones	10 feet + 5 feet per story
Yards Adjacent to Conser Road	30 feet + 5 feet per story
Yards Adjacent to Old Salem Road	10 feet south of the Murder Creek undercrossing. North of the Murder Creek undercrossing, 10 20 feet on the west side and 20 -10 feet on the east side incorporating trail as identified in the most currently adopted Transportation System Plan.
Maximum Structure Height	

Principal and Accessory building	No limit
Maximum Lot Coverage	100%

ORDINANCE NO. 210-24

AN ORDINANCE AMENDING THE MILLERSBURG LAND USE DEVELOPMENT CODE BY REVISING SECTIONS 1.02.020, 2.10.050 Table 9, 2.13.040, 3.02.030(9), 3.03.010, 3.03.020(2), 3.03.030, 3.03.030(2), 3.03.030(4), 3.03.040, 3.03.050(1), 3.03.050(2), 3.03.050(3), 3.03.050(4), 3.03.060(1), 3.03.060(2), 3.03.060(3), 3.08.060(5), 3.03.080, 3.12.030(6), 3.12.030(7), 3.12.030(8), 3.15.010 Table 17, 3.16.010(4), 3.16.010(11), 3.21.040(3), 3.24.015(5), 3.26.030(2), 3.28.020(7), 4.02.030, 4.02.030(5), 4.02.030(8), 4.02.040(2), 4.02.040(3), 4.02.040(4), 4.02.040(5), 4.02.040(6), 4.02.060(1), 5.01.030 Table 22, AND Figures 1/59, 28, 60, and 63, AND ADDING NEW SECTIONS 2.03.020(7), 2.04.020(7), 2.05.020(8), 2.06.020(17), 3.02.120(2), 3.02.120(3), 3.02.120(4), 3.02.120(5), 3.03.080(9), 3.03.080(10), 3.03.080(11), 3.03.080(12), 3.09.030(2)(c), 3.12.030(11), 3.15.010(6), 4.02.020(4), 4.02.020(3)(b), 4.02.020(3)(c), 4.02.030(3)(a), 4.02.030(5)(b), AND 4.02.030(4)(d) 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 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 35 such instances including 19 changes required by the State's Climate Friendly and Equitable Communities (CFEC) mandates, a revised definition for day care and ADU's, clarity for commercial land divisions, additional clarity for ADU development standards, additions to the farm and livestock section to correct typos and prohibit exotic animals, clarification on naming streets, additional revisions to the commercial design guidelines, revisions to the historic zoning overlay section, adding clarification regarding street trees, adding details to the standards for manufactured homes, clarifying standards for RV covers, clarifying setbacks for flag lots, correcting several erroneous figures, adding new state requirements for single room occupancies, clarifying details for clear vision areas, and correcting a typo regarding trail locations; and,

WHEREAS, the Department of Land Conservation and Development (DLCD) received hearing notice at least thirty-five days in advance of the hearing on January 2, 2024; and,

WHEREAS, a public hearing notice was posted in the Albany-Corvallis newspaper; and,

WHEREAS, a Measure 56 notice was sent to every property owner in the City of Millersburg on December 11, 2023; and,

WHEREAS, a hearing notice was posted in City Hall, on the Millersburg Website, and emailed to all parties who signed up for hearing notifications; and,

WHEREAS, on January 2, 2024, the Millersburg Planning Commission recommended the Millersburg City Council approve amendments; and,

WHEREAS, the Millersburg Planning Commission and City Council reviewed all findings in the December 26, 2023 Planning Commission 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 from the December 26, 2023, 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 1.02.020, 2.10.050 table 9, 2.13.040, 3.02.030(9), 3.03.010, 3.03.020(2), 3.03.030, 3.03.030(2), 3.03.030(4), 3.03.040, 3.03.050(1), 3.03.050(2), 3.03.050(3), 3.03.050(4), 3.03.060(1), 3.03.060(2), 3.03.060(3), 3.08.060(5), 3.03.080, 3.12.030(6), 3.12.030(7), 3.12.030(8), 3.15.010 table 17, 3.16.010(4), 3.16.010(11), 3.21.040(3), 3.24.015(5), 3.26.030(2), 3.28.020(7), 4.02.030, 4.02.030(5), 4.02.030(8), 4.02.040(2), 4.02.040(3), 4.02.040(4), 4.02.040(5), 4.02.040(6), 4.02.060(1), 5.01.030 table 22, and figures 1/59, 28, 60, and 63, shall be amended and new Development Code Sections 2.03.020(7), 2.04.020(7), 2.05.020(8), 2.06.020(17), 3.02.120(2), 3.02.120(3), 3.02.120(4), 3.02.120(5), 3.03.080(9), 3.03.080(10), 3.03.080(11), 3.03.080(12), 3.09.030(2)(c), 3.12.030(11), 3.15.010(6), 4.02.020(4), 4.02.020(3)(b), 4.02.020(3)(c), 4.02.030(3)(a), 4.02.030(5)(b), and 4.02.030(4)(d) shall be added as shown in attached Exhibit A to this Ordinance.

PASSED by the Council and approved by the Mayor this 9th day of January, 2024.

Scott Cowen,
Mayor

ATTEST:

Sheena Dickerman,
City Recorder



NOTICE OF PUBLIC REVIEW
January 2, 2024, 6:00 p.m.
And January 9, 2024, 6:30 p.m.
Hearing will be in person and
by phone/computer.
See Agenda on the City website for details.

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

The City of Millersburg will hold a **PLANNING COMMISSION** hearing on January 2, 2024 at the above time and place, and a **CITY COUNCIL** hearing on January 9, 2024 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 comments 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 Matt Straite, Community Development Director, at Millersburg City Hall- (458) 233-6300.

The location of the meeting is accessible to the disabled. If you need any special accommodation to attend or participate in the meeting, please notify City Hall at least 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 23-02
REQUEST: This Development Code Text Amendment proposes to make 34 revisions to the existing Development Code. These include 19 changes required by the State's Climate Friendly and Equitable Communities (CFEC) mandates, a revised definition for day care and ADU's, clarity for commercial land divisions, additional clarity for ADU development standards, additions to the farm and livestock section to correct typos and prohibit exotic animals, clarification on naming streets, additional revisions to the commercial design guidelines, revisions to the historic zoning overlay section, adding clarification regarding street trees, adding details to the standards for manufactured homes, clarifying standards for RV covers, clarifying setbacks for flag lots, correcting several erroneous figures, adding new state requirements for single room occupancies, clarifying details for clear vision areas, and correcting a typo regarding trail locations.

See this link for more detail and full Code text edits proposed:
<https://www.cityofmillersburg.org/planning/page/dc-23-02-development-code-amendments>