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**Rules of Conduct for Public Meetings**

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

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

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

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

**PLANNING COMMISSION PUBLIC HEARING**

Millersburg City Hall  
4222 NE Old Salem Road, Millersburg, OR 97321  
July 6, 2022 @ 6:00 p.m.

Planning Commission meetings are in-person. Remote access continues to be available. Instructions for joining are at <https://www.cityofmillersburg.org/bc-pc/page/planning-commission-meeting>. If you need additional support, please contact City Hall prior to 5:00 p.m. on Monday, July 6.

Meeting link to join via computer:  
<https://aspenuc.accessionmeeting.com/j/1167491335>  
Phone number to join meeting: 503-212-9900  
Meeting ID: 116 749 1335

- A. CALL TO ORDER
- B. ROLL CALL
- C. PUBLIC HEARING
  - 1) File No: DC 22-04 – Development Code Update  
Action: \_\_\_\_\_
- D. ADJOURNMENT

Upcoming Meeting(s):  
<https://www.cityofmillersburg.org/calendar>

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



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

## I. **BACKGROUND**

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

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

*NOTE: Most of these proposed Code revisions are unchanged since we last meet in a workshop. The one exception is the driveway width section. That was revised to additional clarity, and to add a new maximum driveway width of 50 feet. All references to parking spaces remain removed. This allows us to apply this section to streets that would not have allowed parking, like collectors and arterials. This also allows staff to consider street frontage widths without considering parking impediments, like fire hydrants or on street swales. This will simplify implementation and make a more even application. We were also very careful to be sure this did not grant any new benefits that others in the past were denied.*

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

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

			rules for them. Lastly, some additional allowances have been added to permit temporary signs for public safety.
<b>5</b>	4.02.030(3)	4.02.030(3) reference to 3.10 is wrong	Should be referencing 3.02.040. This is simply addressing a typo.
<b>6</b>	1.02.020 & 3.08.050	Patio and Deck updates	Added clarity on the regulations for patios, decks, and porches. Most of these are not new, just restructured for clarity. The Code was inconsistent with how it referred to decks, porches, and patios. This aligns the terms and adds some additional setbacks and clarity for setbacks of the different types of residential improvements.
<b>7</b>	2.16	Add Radon text	Pursuant to a court order, text regarding radon has been added. The order by a judge was made many years ago, and the Code at the time fully complied. When the Code was updated, this was inadvertently left out. This revision is re-adding the missing text. This only applies to a few specific properties south of Conser Road and requires testing and mitigation of building requirements if certain levels of radon are detected. Even though this was ordered for specific properties, similar requirements exist for all property in the City. It should also be noted that the radon levels on these properties are not abnormally high. This was simply the result of previous legal actions. The radon levels on the property are similar to other agricultural properties.
<b>8</b>	3.06.070	Billboard clarifications	The Code is currently silent on billboards. The revisions prohibit new billboards and clarifies changes allowed to existing billboards.
<b>9</b>	3.26	Revisions to	Added more detail to the standards, partly to

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

**II. CRITERION**

**CITY OF MILLERSBURG DEVELOPMENT CODE**

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

- (1) There are no negative impacts of the proposed amendment on land use and development patterns within the city, as measured by:**
  - a. Traffic generation and circulation patterns;**
  - b. Demand for public facilities and services;**
  - c. Level of park and recreation facilities;**
  - d. Economic activities;**
  - e. Protection and use of natural resources; and**
  - f. Compliance of the proposal with existing adopted special purpose plans or programs.**

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

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

<b>2</b>	Add CO to Table 1	This is considered a typo correction and would not result in any negative land use impacts, just more clarity on implementing existing rules.
<b>3</b>	Fix link in 2.12.130(2)e	This is considered a typo correction and would not result in any negative land use impacts, just more clarity on implementing existing rules.

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

		development of residential lots with ancillary uses like these will not impact these aspects of land use. Natural resource protections will not be impacted and no changes to these protections are proposed. Any such resource protections still apply to resources located on private property. Other special plans, such as City master plans, do not typically address private property improvements, and will therefore not be impacted in any way. In summary, these regulations will not have a negative impact on land uses.
<b>7</b>	Add Radon text	The new proposed text already existed in a previous version of the Development Code. The text is simply being re-added. This text includes court-ordered requirements on a select number of properties south of NE Conser Road (they are not City wide). While these do require additional testing to the soils and possible mitigation if radon levels exceed a certain value, these should not have a negative impact on development of the property. The requirements of the text are very similar to the restrictions that would apply to any property. The only reason they are specifically required here is due to a court order. Because these requirements are similar to any property, they are not considered overly restrictive and should not have a negative impact on land uses. The City does not anticipate that this will limit development, and therefore, all traffic, demand for services, park needs, or natural resources should not be negatively impacted. Additionally, the potential economic development of the site should not be impacted, because these regulations are intended to require testing and mitigation, none of which is designed to limit the size or bulk of development. Rather, the regulations could potentially affect the way the structures are built. In summary, these regulations will not have a negative impact on land uses.
<b>8</b>	Billboard clarifications	The current version of the Code is silent on billboard standards. This proposed amendment adds standards.



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

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

		<p>structure, and thus, making a good neighbor to residential areas. However, the current restriction of this use prevents responsible users that could manage such uses responsibly. Additionally, a specific user has requested to sell new commercial trucks in the LI Zone, in addition to commercial vehicle repair. The proposed revisions would allow repair when done inside a building and when disassembled or damaged vehicles are not stored where the public can see them. This way, the use meets the intent of the LI Zone and provides limitations to possible bad actors. Because these limitations are proposed, there should be no negative impacts to the land use development. Specifically, the traffic patterns and generation should not be impacted because the traffic anticipated by the new uses is similar to the traffic patterns for other LI uses. The noise and emissions generated by the use should be similar to other LI uses because the use is required to be done indoors, specifically to address such concerns. The demand on public services and park use should be the same as other LI uses, which all would have very limited impacts to these. All natural resource protections in place to address any LI use would also address the new proposed uses. Regarding economic activities the new proposed use should allow additional development. Lastly, the added uses are fully consistent with all special plans, such as the Transportation System Plan, and other Comprehensive Plan supporting documents because the use has added protections to assure they will function in a way that is similar to other LI listed uses. In summary, these regulations will not have a negative impact on land uses.</p>
<b>12</b>	Different approach on Driveways	<p>The current version of the code requires two parking spaces on the street in front of houses. The new revision does not specifically mention parking spaces, but requires a specific lineal distance in front of homes. The intention is the same, to maintain parking, but this makes it easier to implement. The revision should not result in any negative land use impacts. The distance required is the same. Therefore, there will be no impact on traffic patterns that was not already present in the current version of the</p>

		<p>code. This should not affect public facilities, in this case, streets, in a negative way. It does not allow or disallow parking anywhere where it is not already permitted. The impacts to streets should be the same. The new re-tooled regulations will not impact park usage, because on street parking does not impact the frequency that citizens use park services. Economic activities or natural resource protection should not be impacted, because street parking does not impact either of these directly. City master plans do regularly call adequate on street parking. This helps implement these requirements and is therefore fully consistent with the plans. In summary, these regulations will not have a negative impact on land uses.</p>
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**FINDING:** Based on the analysis above, the project meets the required criteria.

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

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

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

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

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

fully consistent with the State Goals and OARs as well as the City's Comprehensive Plan.

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

Table 3- Criteria 3 Analysis		
	Topic	Analysis
1	Revised CO uses and standards	Applicable goals would be Goal 2 Land Uses, Goal 9 Economy of the State and 14 Urbanization. This complies with all of these Goals because the uses that existed in the Code today are creating confusion and not resulting in the highest and best use of the properties, thereby negatively impacting the economy of the State. The added flexibility, married with the new stronger standards should create a more predictable set of regulations that will help attract business.
2	Add CO to Table 1	The State Goals do not directly apply to these changes, they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
3	Fix link in 2.12.130(2)e	The State Goals do not directly apply to these changes, they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
4	Revised Sign requirements	The applicable goal would be Goal 2 Land Use Planning. This complies with Goal 2 because the current version of the Code complies, and the proposed amendments are not really changing as far as sign types or sizes are concerned. The revision is intended to align better with case law requiring using the content of a sign to regulate it. These will align better with Goal 2 as a result.
5	4.02.030(3) reference to 3.10 is wrong	The State Goals do not directly apply to these changes, they are just correcting errors in the text. The proposed revisions are, therefore, not inconsistent with the Goals.
6	Patio and Deck updates	This amendment is not directly applicable to any Goals except possibly Goal 2, Land Uses. The revisions essentially

		re-organize the existing rules, without changing them. Terminology was revised. Some new additional standards in the form of setbacks for certain types of home improvements are new. These are consistent with Goal 2 insofar as they will add clarity to the implementation of the Code section.
<b>7</b>	Add Radon text	This amendment is not directly applicable to any Goals except possibly Goal 2, Land Uses. This text added some additional testing requirements and specifies mitigation if certain thresholds are triggered. These fall into the requirements of Goal 2 because they help contribute to the land use process, and its ability to help regulate development. There is nothing in any of the Goals that speaks directly to radon requirements. These regulations are not inconsistent with any of the State Goals.
<b>8</b>	Billboard clarifications	The applicable goal would be Goal 2 Land Use Planning. This complies with Goal 2 because the current version of the Code is silent on billboards, and therefore confusing. This revision will add clarity. These will align better with Goal 2 as a result.
<b>9</b>	Revisions to Commercial Office design standards	These amendments are part of the changes made in item 1. As such, the analysis in item 1 applies here as well. The new standards are fully consistent with the State Goals.
<b>10</b>	Digital and Message Signage	Applicable goals would be Goal 2 Land Uses, Goal 9 Economy of the State, and Goal 12, Transportation. The amendment is consistent with the Goals because the new regulations will add clarity to the requirements for message and digital signs, and make the use of these signs safe for traffic as well as addressing nuisance concerns. Goal 2 calls for a structured order to land uses. These rules help implement that structure. The requirement to have the displays be static and not video or flashing helps address Goal 12, which in part calls for safe transportation uses.
<b>11</b>	Allowing vehicle sales and repair	The applicable goal would be Goal 2 Land Use Planning. With standards applied, the new uses will perform like other

	in LI zone	businesses in the LI Zone. Goal 2 requires a policy framework. Adding the standards assures a fair and balanced application of the uses in the zone, which supports Goal 2 while allowing for a wider range of uses.
<b>12</b>	Different approach on Driveways	These changes do not relate to a specific State Goal. This amendment is proposing to slightly reword the section for added clarity, but not actually change the requirements that currently exist in the Code.

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

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

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

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

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

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

**III. ADDITIONAL FINDINGS**

The following additional findings are included for the record.

- The City recently completed a new Housing Needs Analysis, which was

not formally adopted by the City Council. None of the proposed changes directly affect or impact housing development in the City. The regulations on patios and porches, as well as the clarification on driveway widths, are typically employed in residential areas, but do not limit or restrict the development of housing in any way. The driveway changes are intended to address when a homeowner can and cannot expand a driveway, and the regulations proposed are not new, just reformatted.

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

#### **IV. STAFF RECOMMENDATION TO THE PLANNING COMMISSION**

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

#### **V. SUGGESTED MOTION FOR PLANNING COMMISSION**

I motion that the Planning Commission recommend approval of DC 22-04 to the City Council because all applicable criteria are met and all findings of fact are included in the staff report and Ordinance 2022-XX.

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

Based on the above findings of fact the proposed amendment satisfies the applicable criteria. The Planning Commission and staff recommend that the City Council approve Application No. DC 22-04 and adopt Ordinance No. 2022-XX including an emergency provision to make the Ordinance effective immediately upon adoption.

#### **VII. EXHIBITS**

- A. Proposed text changes
- B. Ordinance No. 2022-XX
- C. Public Hearing Notice



## DC 22-04 CODE UPDATE PROPOSED CHANGES (as of May 26, 2022)

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

1. **Commercial Office Zone updates** (changes shown in redline)

**CHAPTER 2.07. COMMERCIAL OFFICE ZONE (CO)**

**2.07.010 Purpose.**

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

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

**2.07.020 Permitted Uses.**

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

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

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

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

### **2.07.030 Special Uses.**

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

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

### **2.07.040 Conditional Uses.**

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

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

### **2.07.045 Prohibited Uses.**

The following uses are prohibited:

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

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

**2.07.050 Dimensional Standards.**

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

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

**2.07.060 Development and Performance Standards.**

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

- (1) *Off-Street Parking.* Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.
- (2) *Signs.* Signs in the CO Zone shall conform to the standards contained in Chapter 3.06.
- (3) *Yards and Lots.* Yards and lots shall conform to provisions contained in Chapter 3.08.

- (4) *Site Development Review.* All new development and expansion of an existing structure or use in the Commercial Office Zone shall be subject to the Site Development Review procedures of Chapter 5.05.
- (5) *Landscaping.* Any required or established front yard shall be landscaped with trees, shrubs, and groundcover, and maintained pursuant to provisions in Chapter 3.09.
- ~~(6) *Outdoor Storage and Display.* Outdoor storage and display of merchandise, material, or equipment shall be prohibited.~~
- (6) *Plaza.* A pedestrian plaza (open to the public) is required.
- (7) *Outdoor Uses.* Outdoor storage is not permitted except for overnight/temporary storage of sidewalk tables and chairs. All uses and operations except off-street parking, loading and unloading, and outdoor eating areas, shall be confined, contained, and conducted wholly within completely enclosed buildings, unless outdoor activities have been approved as part of Site Development Review.
- (8) *Weather protection.* Weather protection features such as canopies, awnings or arcades shall be provided over at least the full width of all building entrances to a depth of at least 3 feet. Alternatively, building entrances may be set back a minimum of 3 feet behind the face of the building.
- (9) *Office Building Appearance.* All public facing facades must conform with the design standards of Chapter 3.26. No building or structure, viewable from the public right-of-way, shall have an industrial appearance, including but not limited to water towers, loading docks, railroad loading or unloading, all metal siding, cooling facilities or anything similar.
- (10) *Delivery and Loading Areas.* Maneuvering and circulation related to delivery and loading is not permitted between the street and the portion of a building that is used to comply with building setback requirements.
- (11) *Drive through Facilities.* Drive through facilities are not permitted when property is adjacent to residential zones.
- (12) *Emissions.* Emission of odorous gases or other odorous matter in quantities detectable at any time and at any point on any boundary line of the property or site on which the use is located are prohibited.
- (13) *Operations.* No building customarily used for night operation, such as a bakery, bottling and distribution plant or other similar use, shall have any opening, other than stationary windows or required fire exits, within 100 feet of any residential district and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any residential district.

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

1. Any use not permitted in the CO Zone.
2. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
3. Businesses that involve the use of prescription drugs;
4. Adult-oriented businesses, astrology palmistry, massage, head shops, and similar uses;
5. Sales, repair or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;
6. Trade or Private Schools larger than 30 students at a time.

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

**2.01.010 Zones.**

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

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

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

**2.12 Floodplain Overlay Zone**

## 2.12.130 Variance Procedure.

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

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

### Chapter 3.06 SIGNS

#### 3.06.060 - Signs Generally Permitted.

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



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

### **3.06.070 Prohibited Signs**

The following signs are prohibited in all zones:

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

- (11) Private signs that project into or over driveways and public rights-of-way, except signs under a canopy that project over a public sidewalk and the bottom of the sign is at least 8-feet above the sidewalk.
- (12) Signs that obstruct a required vision clearance area, obstruct a vehicle driver's view of official traffic control signs, or which present a traffic hazard.
- (13) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appear to direct traffic.
- (14) Signs attached to any pole, post, utility pole, or placed on its own stake and placed into the ground in the public right-of-way. This does not include traffic control or other City/County/State signs within the right-of-way.
- (15) Message signs, except by conditional use permit per Section 3.06.120.
- (16) Any sign on unimproved property, unless as an incidental sign.
- (17) Signs mounted on fences in accordance with Section 3.07.080.
- (18) Inflatable advertising signs including animal shaped inflatables and air-dancers (aka. wacky flailing arm inflatable tube men) in all non-residential zones.

### **3.06.110 Commercial and Industrial Signs.**

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

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

assign their unused allowed area to other businesses in the integrated business center. **Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.**

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

### **3.06.130 Temporary Signs**

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

1. Generally.
  - a. Illumination: No temporary sign shall be internally or externally illuminated.
  - b. Location:
    - i. No temporary sign shall be placed within, extend into, or over the public right-of-way of any street except allowed temporary traffic control signs **or signs placed by any government agency.**
    - ii. Signs allowed in the right-of-way ~~for temporary traffic control~~ **by any government agency** shall provide a minimum of 5 feet of clear passage for pedestrians on the sidewalk where a sidewalk exists and shall come no closer than 2 feet from areas subject to vehicular travel.
    - iii. No temporary sign shall extend into the vision clearance area.
  - c. Maintenance: Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
  - d. Placement: Temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.
  - e. All temporary signs in non-residential zones must be registered with the Community Development Department prior to placement in order to track

the duration of the placement. Residential properties are not required to register temporary signage.

- f. Each non-residential property shall be limited to no more 90 days for any combination of temporary signage per calendar year. This can be used in smaller intervals or all at once, at the applicant's discretion. This does not apply to election signs, pennants/streamers, or real estate signs.

## 2. Allowed Temporary Signage.

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

- ~~i. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.——~~
- ~~ii. Real Estate signs shall be removed no more than 15 days from the sale (close of escrow), lease or rental of the property.~~
- ~~iii. Contractor signs shall be removed within seven days of completion of any construction or remodeling.~~
- i. Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to five days after the public election.
- ii. A sign not exceeding six square feet in area and five feet in height during the time of sale, lease or rental of the lot or dwelling provided that the sign is removed within 15 days of the sale, lease or rental of the lot or dwelling.
- iii. A sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.
- iv. On property which has received a subdivision or development approval, from the time of the approval until issuance of a building permit for the last lot to be sold or completion of the development of the project, one temporary sign not exceeding 32 square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding 64 square feet in area (32 square feet each) and eight feet in height on properties greater than four acres in size.

- b. In any commercial, public, or industrial zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate, political or ideological positions, construction or remodeling, help wanted, or temporary activities. Standards include:
- i. There shall be no more than one temporary sign per property even if more than 1 business is located on the property.
  - ii. Signs shall not exceed six square feet per side.
  - ~~iii. Signs intended to advertise commercial services are prohibited, unless related to fund-raising for a non-profit organization or institution.~~
  - ~~iv. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.~~
  - ~~v. Real Estate shall be removed no more than 15 days from the sale, lease or rental of the property.~~
  - ~~vi. Contractor signs shall be removed within seven days of completion of any construction or remodeling.~~
  - iii. Signs not exceeding four square feet in area or five feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to five days after the public election.
  - vii. A sign not exceeding 32 square feet in area and eight feet in height during the time of sale, lease or rental of the property provided that the sign is removed within 15 days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.
  - viii. A sign not exceeding 32 square feet in an area during the period of charitable fundraising event being conducted on the property where the signs erected. This sign shall not be placed more than seven days prior to the event and must be removed within two days following the event.
  - ~~vii.~~ ix. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
  - ~~viii.~~ x. Temporary uses such as Christmas tree sales, pumpkin sales, etc. are permitted two signs not to exceed 32 square feet per side each. The signage shall be allowed for the same duration as the

temporary use; however, these signs do count towards the 90-day maximum permitted by Section 3.06.130.1.f.

- ~~ix.~~ xi. Pennants and Streamers may be used as part of an opening or promotional event only and are not counted as a temporary sign for purposes of the 90 day duration maximum permitted by Section 3.06.130.1.f.
- ~~x.~~ xii. Blade Banner signs are considered temporary signs and shall meet all regulations herein. In no case shall blade banner signs be taller than 7 feet.

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

- i. The fair or market is a temporary activity which does not require permanent site improvements.
- ii. The fair or market shall have no more than 3 offsite ~~or onsite~~ signs advertising the event, individual vendors are not permitted to use any additional off site signage (including yard signs on private property).
- iii. There are no regulations for signs within the event area, except that no sign shall be higher than 10 feet from the ground surface. **At no time shall event signs be erected more than 60 days before the event.**
- iv. All temporary signage (except those within the event space) are limited by the 90 days permitted by Section 3.06.130.1.f. These are considered cumulative and not separate regarding the accumulation of the 90 days permitted by Section 3.06.130.1.f.

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

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

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

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

**4.02.030 Standards for Lots or Parcels.**

The following standards shall apply to all Partitions and Subdivisions.

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

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

### **1.02.020 - Definitions.**

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

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

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

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

*Veranda.* see porch.

## **CHAPTER 3.08. YARD AND LOT STANDARDS**

### **3.08.030 Front Yard Projections.**

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

### **3.08.040 Side Yard Projections.**

- (1) Cornices, eaves, gutters, and fire escapes may project into a required side yard not more than one-third of the width of the required side yard.
- (2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 1.5 feet into a required side yard, provided the chimneys and flues shall not exceed six feet in width.



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

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

### **3.08.050 Rear Yard Projections.**

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

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

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

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

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

### **3.08.060 Decks, Porches, Patios and Similar Features**

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

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

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

- a. The County may require a building permit for decks.
- b. Decks taller than 12 inches (first or second story) must be setback at least 5 feet from the side and rear property line, unless they are less than 12 inches from the ground. Decks under 12 inches in height have no side or rear setback requirements.
- c. Decks of any height (first or second story) may project into a required front yard building setback but must be no closer than 10 feet from the front property line.
- d. All decks must comply with maximum lot coverage requirements of the zone.

- (3) Porches. The following standards apply to all porches.
  - a. The County may require a building permit for porches over 200 square feet.
  - b. A porch is considered part of the main structure and may not encroach into the side yard setback. A porch has the same side setbacks as the main structure based on the zone.
  - c. A porch may encroach into the rear building setback, but in no case shall the porch be closer than 5 feet from the rear property line.
  - d. A porch may encroach into a front building setback but in no case shall a porch be closer than 10 feet from the front property line.
  - e. All porches must comply with maximum lot coverage requirements of the zone.
  
- (4) Detached Patio cover or Pergola.
  - a. The County may require a building permit for patio covers or pergolas over 200 square feet.
  - b. A patio cover or pergola may encroach into side, rear or front yard setbacks. A patio cover or pergola may not be less than 5 feet from a rear or side property line, and/or 10 feet from a front property line, though it should be noted that if the structure is over 200 square feet it is considered an accessory structure and accessory structures are not permitted in front of dwelling units.
  - c. Any patio, or pergola that has a solid roof, must comply with maximum lot coverage requirements of the zone.

<b>7. Add Radon Text</b> (changes shown in redline)
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## **CHAPTER 2.16 RADON IMPACTED AREA STANDARDS – RI**

### **2.16.010 Purpose**

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

### **2.16.020 Regulations and Standards**

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

and testing. The provisions of Section 7.500 shall apply to all areas described in the recorded notice and map.

(2) **Allowed Methods of Addressing Radium Contamination.** An applicant may elect to address radium contamination by one of the two following methods:

- a. Use radon-resistant construction methods in accordance with Item (4)(a), below.
- b. Obtain prior EPA approval that the levels of radon in the buildings will be less than the Indoor Air Standard for buildings for which radon controls are not appropriate (such as open-sided sheds and parking structures). Under this method of addressing radium contamination, applicants must demonstrate to EPA's satisfaction through estimates of indoor radon concentration, using methods approved by EPA and parameters which match the particular buildings to be constructed. If this demonstration is made to EPA's satisfaction, the City may approve building permits for the building without requiring radon-resistant construction methods or soils excavation. Any subsequent changes to the building require a new land use permit under Chapter 2.16 to ensure that the change in the building would not change the assumptions used in the initial modeling, or to update the modeling to EPA's satisfaction. All costs associated with obtaining EPA approval for buildings to be constructed other than with radon-resistant construction methods shall be borne solely by the applicant.

(3) **Land Use Permits.**

- a. Application and Land Use Permit Approval.
  - i. An approved Conditional Use land use permit shall be required pursuant to Chapter 5.04 of this ordinance prior to approval of a building permit issued pursuant to Item (4)(a), below.
  - ii. In addition to all items required for an application submittal in Chapter 5.04, the applicant shall submit to the City Planner the following additional items with the application:
    - A. An election of one of two alternative methods of addressing radium and a written description of how radium will be addressed under the elected method.
  - iii. The City Planner shall determine that the application is complete and, if not, shall advise the applicant in writing what information is missing pursuant to Chapter 5.04 and 2.16 of this Development Code.
  - iv. The City Planner shall give notice of a complete application pursuant to Chapter 5.04 of this ordinance except that:

- A The notice shall specify that any party may provide written comments on the application to the City Planner within ten (10) days of the notice's mailing date; and
  - B The notice shall specify which method of addressing radium contamination has been elected by the applicant. The City shall give notice to the EPA. If the applicant changes its election of method addressing radium contamination, the City shall give EPA an amended notice.
- v. The City Planning Commission may approve or deny the application after the written comment period in Item (3)(a) 4., above, has ended. The City Planning Commission may impose conditions as the Commission determines are appropriate; however, at a minimum, an approval under Item (3)(a) for radon resistant construction methods shall include the following conditions:
- A No building permit shall be issued pursuant to Section 5.01.010 of this ordinance unless it complies with Item (4)(a), below.
  - B No final certificate of occupancy shall be issued until radon tests satisfactory to the City have been conducted and show that indoor radon levels in all principal and accessory structures are below the Indoor Air Standard. The Indoor Air Standard shall be 4 pCi/liter or EPA's published target level or promulgated standard in effect at the time for indoor radon for occupational exposure, whichever is stricter. All radon testing shall be conducted in conformance with EPA's published radon testing guidance in effect at the time the tests are conducted. If radon concentrations exceed the Indoor Air Standard in effect at the time, building owners shall be required to put in place additional radon controls and shall conduct additional testing until retesting shows that concentrations are below the standard. Such additional testing, and controls if necessary, shall also be required after major structural changes are made to the building or its HVAC system that could affect the effectiveness of the radon controls. Once testing shows that the radon concentrations meet the Indoor Air Standards, the City/County may issue a final certificate of occupancy for the building.
  - C The condition required in Item (3)(a) 5B, above, shall be satisfied within six (6) months of the issuance of a temporary certificate of occupancy. The City Planner may grant reasonable extensions if the applicant makes a written request and demonstrates good cause.

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

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

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

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

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

### 3.06.020 **Definitions**

*Billboard.* A large outdoor board for displaying advertisements.

### 3.06.070 **Prohibited Signs.**

The following signs are prohibited in all zones:

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

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

### **3.06.055 Maintenance and Repair of Existing Billboards**

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

<b>9. Revisions to Commercial Office Standards</b> (changes shown in redline)
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## **CHAPTER 3.26. COMMERCIAL DESIGN STANDARDS**

### **3.26.010 Purpose.**

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

### **3.26.020 Applicability.**

The Commercial Design Standards apply to:

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



### 3.26.030 Commercial Design Standards.

- (1) Buildings with exterior walls ~~greater than 50 feet in horizontal length~~ shall be constructed using the installation of a combination of architectural features and a variety of building materials. ~~Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.~~
- (2) Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
- (23) Architectural features shall include at least three of the following: recesses, projections, wall insets, arcades, window display areas, ~~awnings~~, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are approved in the Site Design Review process.
- (34) The predominant building materials shall be either brick, wood, stone, ~~decorative steel paneling (not standard metal wall panels)~~, and/or tinted/textured concrete masonry units, or glass products, or a combination thereof. Other materials such as smooth-faced concrete block, or undecorated tilt-up concrete panels, ~~or prefabricated steel panels~~ shall not exceed 25% of the material used for walls adjacent to the street or 75% of any other wall. All roof types are allowed including metal roofs; however, flat roofs shall be surrounded by a vertical extension of the adjacent wall.
- (45) Exterior colors shall be of low reflectance and shall be ~~warm earth tones or dark shades of primary or secondary colors~~ or as deemed by the Planning Commission to be a color that is compatible with the surrounding development and the purpose section of the zone. The use of high intensity colors such as black, neon, pink, peach, purple, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim.
- (56) ~~As an alternative, an applicant who wishes to use a design that differs from these requirements may apply for a Conditional Use Permit.~~ Awnings that provide a minimum 3 feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.
- (7) Loading areas shall be located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.
- (8) The development shall provide a plaza consistent with the following standards:

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

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

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

<b>10. Digital and Message Signage</b> (changes shown in redline)
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### **3.06.020 Definitions**

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

### **3.06.120 Conditional Use Permits - Signs.**

A conditional use approval shall be required for rotating/revolving signs, flashing signs, **digital displays**, or message signs located in a Commercial, Industrial, or Public Facility zones, or Mixed-Use Zone within 100 feet of the Interstate 5 right-of-way. A conditional

use to Chapter 3.06 shall be processed according to the conditional use procedures in Chapter 5.04, but shall be subject to the following criteria:

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

### **3.06.140 Digital Signage Standards**

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

- (1) Brightness: Digital displays are subject to the following brightness limits:
  - a. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
  - b. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
  - c. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (3) Message Duration: The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-Vision Board signs.
  - a. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.

- b. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
  - c. Divide the visibility distance by the speed limit (feet/second).
  - d. Add an additional ten (10) percent of this number to the total.
  - e. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8) seconds.
- (4) Sign Type: Digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in Section 3.06.
- (5) Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.
- (6) Area: Digital displays may be used for the full permitted sign area.
- (7) Maximum Number per property: Where permitted, one (1) digital display sign is permitted per property.
- (8) Message Display:
- a. Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
  - b. One message/display may be brighter than another, but each individual message/display must be static in intensity.
  - c. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
- (9) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (10) The addition of any digital display to a nonconforming sign is prohibited.
- (11) Public Service Announcements: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

### **3.06.150 Message Sign Standards**

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

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

- (3) Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
- (4) Height: A message sign shall have the same height limits as other permitted signs of the same type and location.
- (5) Maximum Number: Where permitted, one (1) message sign is permitted per street frontage, up to a maximum of two (2) message signs per property.
- (6) Message Display:
  - a. No message sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
  - b. The content of a message sign must transition by changing instantly (e.g., no fade-out or fade-in).
- (6) Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
- (7) The addition of any message sign to a nonconforming sign is prohibited.
- (8) Public Service Announcements: The owner of every message sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

### **3.06.140 160. - Variance Signs.**

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

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

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

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

### 2.09.040 Conditional Uses.

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

- (1) Publicly owned and operated facilities or structures, including government offices and stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.
- (2) Agricultural chemical, fertilizer, insecticide storage, and distribution, excluding ammonium nitrate.
- (3) Lumber yard and contracting supplies for lumber, stone, masonry, or metal.
- (4) A caretaker's residence, either free-standing or incorporated into another building, for an established or concurrently being developed industrial use, subject to the provisions of Chapter 3.28.
- (5) Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances when located within 300 feet of residentially zoned land.
- (6) Commercial vehicle and equipment repair, when repairs are conducted inside a structure. The outdoor storage of disassembled or damaged vehicles, in sight of a public right of way, is not permitted unless screened with vegetation or decorative fencing (not including slatted chain link).
- (7) Sales of new and used class 7 and 8 trucks designed to tow commercial trailers. Sale of used commercial vehicles alone is not permitted.

## 12. Driveways (changes shown in redline)

### 3.02.040 Access Standards.

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

~~least two 20-foot parking spaces are available on the residential street frontage. If the required setbacks and on street parking requirements are met, all other frontage may be used for driveway aprons.~~

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

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

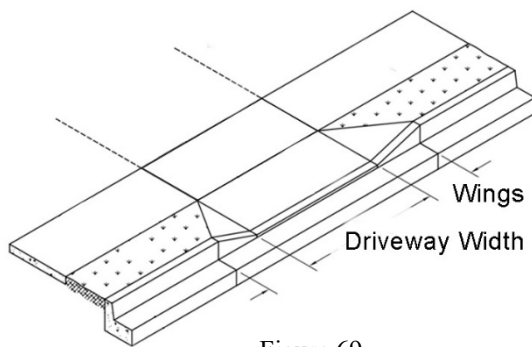


Figure 69  
Driveway width

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

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

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

ef. Driveways shall be limited to off-street parking and the parking and storage of recreational vehicles.

eg. Driveway grades shall not exceed 15%.



## **ORDINANCE NO. 2022-XX**

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

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

**WHEREAS**, the adopted Lane Use Development Code contained instances where the Code did not fully address the City's needs, something was inadvertently left out, or something was not as clear as it should have been; and,

**WHEREAS**, amendments are proposed to address twelve such instances, including clarifications to the standards and uses for the CO zone, addressing typos, revising sign requirements, clarifying deck and patio regulations, adding text regarding radon requirements, clarifying billboard regulations, revising commercial office design standards, adding digital sign regulations, adding uses to the LI Zone, and revising driveway standards; and,

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

**WHEREAS**, a public hearing notice was posted in the Albany-Corvallis newspaper on June 6, 2022, at least twenty days prior to the first hearing; and,

**WHEREAS**, the Millersburg Planning Commission recommended to the Millersburg City Council on July 6, 2022 that the City Council approved the amendment to the sections listed in the title of this Ordinance on the date below; and,

**WHEREAS**, the Millersburg Planning Commission and City Council finds that the project meets all criteria requirements from Section 5.11 of the Millersburg Land Use Development Code and all findings are included here and in the staff report dated June 29, 2022;

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

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

**PASSED by the Council and approved by the Mayor this 12<sup>h</sup> day of July, 2022.**

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Jim Lepin,  
Mayor

ATTEST:

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Kimberly Wollenburg,  
City Recorder



**NOTICE OF PUBLIC REVIEW**  
**July 6, 2022, 6:00 p.m.**  
**And July 12, 2022, 6:30 p.m.**  
**Hearing will be in person and**  
**by phone/computer.**

**See Agenda on the City website for details**

The City of Millersburg will hold a **PLANNING COMMISSION** hearing on July 6, 2022 at the above time and place, and a **CITY COUNCIL** hearing on July 12, 2022 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or attend the hearing. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. For further information, contact Millersburg City Hall at (458) 233-6306.

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

**APPLICANT:** City initiated  
**LOCATION:** 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 22-04  
**REQUEST:** The City is proposing a small maintenance update to the Development Code. This Code Text Amendment proposes to make 12 needed changes. These include clarifications to the standards and uses for the CO zone, addressing typos, revising sign requirements, clarifying deck and patio regulations, adding text regarding radon requirements, clarifying billboard regulations, revising commercial office design standards, adding digital sign regulations, adding uses to the LI Zone, and revising driveway standards. See this link for more detail and full Code text edits proposed: <https://www.cityofmillersburg.org/planning/page/dc-22-04-code-update>