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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 WORK SESSION**

Millersburg City Hall  
4222 NE Old Salem Road, Millersburg, OR 97321  
June 6, 2023 @ 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-work-session-10>. If you need additional support, please contact City Hall prior to 5:00 p.m. on Monday, December 5, 2022.

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. MEETING MINUTE APPROVAL

- 1) Approval of May 2, 2023, Planning Commission Minutes  
Action: \_\_\_\_\_

D. CODE UPDATE WORKSHOP

E. PLANNING UPDATE

F. ADJOURNMENT

Upcoming Meeting(s):

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

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## PLANNING COMMISSION PUBLIC HEARING MINUTES

4222 NE Old Salem Road

Millersburg OR 97321

May 2, 2023

6:00 p.m.

- A. CALL TO ORDER: Community Development Director Matt Straite explained that due to Chair Anne Peltier attending virtually and Vice-Chair Wil Canate being absent Commissioner Monte Ayers would be acting Chair.

Commissioner Monte Ayers called the meeting to order at 6:05 p.m.

B. ROLL CALL:

Members Present: Chair Anne Peltier (Virtual), Commissioners Monte Ayers, Doug Iverson and Caryl Thomas

Members Absent: Vice-Chair Wil Canate, Ryan Penning, and vacant

Staff Present: Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Kevin Kreitman, City Manager; and Janelle Booth, Assistant City Manager/City Engineer

Commissioner Monte Ayers asked new Commissioner Doug Iverson to introduce himself.

C. MEETING MINUTE APPROVAL

6:06 p.m.

**ACTION: Motion to Approve the April 4, 2023, minutes as written, made by Commissioner Caryl Thomas; seconded by Commissioner Doug Iverson.**

Chair Anne Peltier: Aye

Commissioner Ayers: Aye

Commissioner Iverson: Aye

Commissioner Thomas: Aye

**Motion Passed: 4/0**

D. PUBLIC HEARING

6:09 p.m.

Commissioner Monte Ayers called to order 6:09 p.m.

City Recorder Sheena Dickerman read the disclosure statement.

Commissioners had no declarations, site visits or exparte contacts to disclose.

Site Development Review and Partition for Pure Energy Group

The applicant is proposing concurrent review of a Tentative Partition for a two-lot split; one parcel is proposed to be 4.50 acres and the second parcel is proposed to be 1.25 acres, and a Site Development Review for a new 7,480-square-foot building for a solar sales and installation facility that will include an office, showroom open to the public, warehouse/ storage space and 15 parking spaces with landscaping.

Community Development Director Matt Straite commented that there was a vacancy on the Planning Commission.

Straite presented the project. He showed where it was located. The zoning is General Commercial (GC). The project includes a Site Development Review and Partition. The Partition will split into two parcels; Parcel 1 will be 1.5 acres and Parcel 2 will be 1.25 acres. The Site Development Review is for a 7,480-square-foot building, landscaping will be part of the project. The applicant is proposing, an office show room. He presented how it met the criteria requirements for approval.

Straite showed the parking spaces and described the landscaping. He shared that the applicant is proposing office use, a showroom and a warehouse. He emphasized that it would not be compatible with the Commercial Zone unless it had a retail-type use.

Straite explained that the subdivision criteria is used due to the partition being able to be redivided in the future. The first criterion is that the project meet all of the General Commercial zoning standards. The minimum lot size is 5,000 square feet, the parcels are above that size and are consistent for the partition. The second criterion requires that any existing structures will continue to meet the GC setback requirements. He explained that there is one existing structure on the site and will be far from any property lines.

Straite continued saying that the next criterion requires that all facilities are included in the design. He showed the vehicle access and pedestrian access. He explained that the applicant had proposed to run the pedestrian access from Parcel 1 to Parcel 2, and an easement is shown that owner of Parcel 1 can never block or eliminate it. Parcel 1's access exists and meets code.

Straite said that there is some utility infrastructure on the south that will block the required width of access, to address this the applicant has included an easement on Parcel 1 so the actual access pavement can shift to the north to avoid the infrastructure.

The applicant is required to show the City how they plan to connect to water, sewer, and stormwater. Water and sewer are located within Old Salem Road and all connections run through the cherry stem access for Parcel 2. Stormwater runs north and matches requirements. For Parcel 1 meets requirements.

Straite said that in the GC zone there are different uses. The first is a showroom that is open to the public, a simple office closed to the public would not meet the criteria. Next the project would need to meet all the zoning requirements. The project height is under 35 feet, the proposed lot is over 5,000 square feet, and there are no setbacks. There is a fire setback of 5 feet, which the applicant has met. The lot coverage has 95% allowance and the project proposed comes in at 86.8%. Projects can't create negative impacts on their neighbors, as the staff report showed there should be minimal impact and consistent

with the neighbors. There are 15 parking spaces which meets the criteria. Per Linn County request the applicant is to dedicate 10 feet on Old Salem Road. The applicant is required to have streetlights, which already exist. Bike lanes are required, but the City does not require an individual project. There is room in the future.

Straite said there is a condition of approval for landscaping because no plans were provided. The Code does require protection next to gravel areas, a condition of approval has been added to require this.

Straite said that for Chapter 4, Land Division, all the flag lot requirements for land division were met. He went through Chapter 3, Architecture, showing what the applicant met and the condition of approval to include a plaza.

Straite explained that the condition of approval can be subjective. The Planning Commission would be delegating reviewing back to the Community Development Director. If the Commission was uncomfortable with that they could deny the project because the applicant didn't include the applicable information or the Planning Commission could continue the item to allow the applicant to provide the information.

Commissioner Doug Iverson pointed out a correction to the staff report section 3.01.02 term access "steam" should say "stem". Straite affirmed it was a misspelling.

#### Applicants Testimony-

Laura LaRoque, Udell Engineering, said the conditions of approval that are proposed are supported and reasonable.

Matthew Henderson, Pure Energy Group, they have customers that want to see how solar works and going into homes can be invasive. The company is excited to have a showroom for customers to see how it works. They currently have 21 employees that serve the entire state.

Iverson asked if the applicant had reviewed the conditions of approval and were comfortable with them. LaRoque affirmed.

No public testimony.

#### **Commissioner Monte Ayers closed the public hearing at 6:43 p.m.**

Ayers asked what Straite meant by coverage. Straite explained that it was anything that was paved and nonporous, where stormwater cannot go into the ground.

Iverson asked if there was going to be development on the other piece of property. Straite replied that nothing was presented, but the applicant does want to develop.

**ACTION: Motion that the Planning Commission recommend approval of made by Commissioner Caryl Thomas; seconded by Commissioner Doug Iverson.**

Commissioner Ayers: Aye  
Chair Anne Peltier: Aye  
Commissioner Iverson: Aye  
Commissioner Thomas: Aye

**Motion Passed: 4/0**

E. PLANNING UPDATE

**6:47 p.**

Straite gave a brief update about the Planning Commission vacancies. He mentioned a partition that was proposed by the City, it has nothing to do with the Urban Growth Boundary (UGB) land swap. The next step would be a final plat.

Straite added that 10 building permits had come in for a vacant subdivision on Woods Road. Iverson asked if it was an individual company. Straite replied that Chad Davis had bought 20 of the 27 lots and 10 more building permits would be coming in later.

ADJOURNMENT: Meeting adjourned by Commission at 6:50 p.m.

Respectfully submitted:

Reviewed by:

Sheena Dickerman  
City Recorder

Matt Straite  
Community Development Director

**DC 23-02 CODE UPDATE PROPOSED CHANGES (as of May 30, 2023)**

<b>CFEC Code Update Summary Table</b>			
	<b>Section</b>	<b>Topic</b>	<b>Proposed Update</b>
	Remove all parking mandates OAR 660-012-0400(3)		
<b>1</b>	3.03.010 Purpose	Change parking purpose section	Change 'provide adequate areas' for the parking to provide 'standards' for the parking
<b>2</b>	3.03.020(2) Scope	Delete the change of use exception	Delete subsection 2 which required changes of use to comply with stall number requirements.
<b>3</b>	3.03.030 Location	Add text to clarify that parking is not required	Add text "Any provided" before "off-street parking..."
<b>4</b>	3.03.030(2) Location	Remove reference to required number of spaces	Delete last sentence of the text.
<b>5</b>	3.03.030(4) Location	Remove reference to required number of spaces	Delete last sentence
<b>6</b>	3.03.040 Joint Use	Remove reference to required number of spaces	Delete third sentence
<b>7</b>	3.03.050(1) Off-street req	Remove the requirement for spaces to remain based on the number of spaces required by the code.	Delete last sentence
<b>8</b>	3.03.050(2) Off-street req	Remove requirement for interpretation of uses when determining the number of spaces needed.	Delete entirely
<b>9</b>	3.03.050(3) Off-street req	Remove requirement to use the sum of all uses to determine the number of spaces needed.	Delete entirely
<b>10</b>	3.03.060(1) Parking requirements	This is the table that states how many spaces are needed based on the use.	This section needs totally revised and the table deleted. The section will clarify that there are no specific number of spaces

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

			needed. This will clarify that parking is allowed, but not required.
<b>11</b>	3.03.060(2) Bike Parking	This is currently based on a ratio of the required spaces. It needs totally revamped.	Require only 1 space for every business, then owner selects any additional. Require a charging location at each business.
<b>12</b>	3.03.060(3) Max parking spaces	This requires a ratio of parking space maximums based on a ratio of the required spaces	This is proposed to be deleted. OAR 660-012-0405(5) requires that cities add maximums but only in appropriate locations like downtowns.
<b>13</b>	3.24.015(5) RV Park standards	Remove reference to required number of spaces	The first part of 5 requires 1.25 spaces per RV. Other State rules will still require a specific number of spaces. This part of 5 is deleted.
<b>14</b>	3.28.020(7) Caretakers units	Remove reference to required number of spaces	Number 7 required 1 covered space per unit. This has been deleted.
Parking Regulation Improvements OAR 660-012-0405			
<b>15</b>	3.09.030(2)(c)	50% tree canopy coverage at 15 years on parking lots over ¼ acre	Complies with OAR 405 (4)C. The OAR has specific provisions that are all addressed in the proposed text below. This is a new subsection c. The existing c and d will be re-lettered to d and e.
<b>16</b>	3.03.080(9)	Preferential parking	OAR Subsection (1)(a) requires that preferential parking spaces be required for carpool and vanpools.
<b>17</b>	3.03.080(10)	Redevelop parking areas	OAR Subsection (1)(b) requires that the City allow owners to redevelop parking areas for specific things like bus shelters.
Electrical Vehicle Charging OAR 660-012-0410			
<b>18</b>	3.03.080(11)	Add requirement for 40% of parking spaces to add	Added requirement as a new standard for parking lots.

		conduit & space on MU and Multi Family	
<b>Other Code Changes (not related CFEC)</b>			
<b>19</b>	1.02.020	Revise Definition of Home Day Care and ADU's	Alter the code to allow home day care for under 12 children ONLY if the homeowner lives in the house. No vacant home may be used for child care. ADU's revised to allow at duplexes.
<b>20</b>	3.22.110	Nonconforming Uses- Clarify that property loses land use if vacant more than 1 year	The intent of the code was make any use expire once a property sits vacant for more than 1 year, but this was only added to the nonconforming uses section. The revised section allows the City Manager discretion to waive this.
<b>21</b>	Muni Code 7.30	Tree Removal Regulations	Clarify criteria and add mitigation requirements
<b>22</b>	Article IV	Land Divisions	This section was almost exclusively catered to residential subdivisions. This would add a new section specific to non-residential subdivisions.
<b>23</b>	3.16.010	ADUs	Add clarity on garages for ADU's and increases the maximum size of the ADU to whatever the Commission decides. Deletes a duplicate standard.
<b>24</b>	3.21.040	Farm and Livestock	The Chicken section should read- 'fowl' not chickens. Prohibits exotic animals.
<b>25</b>	3.02.010(9)	Street Names	Add more detail to Street Names section.
<b>26</b>	3.26	Revisions to Commercial Office design standards	Added more detail to the standards, partly to work with CO updates.
<b>27</b>	Chapter 2.13	Historical Zoning Overlay	This change adds several additional details to clarify how it is processed.



<b>28</b>	4.02.060(1)j.ii	Street Tree Clarifications	Clarify that street trees are required, point to engineering street standards.
<b>29</b>	3.12.030	Manufactured home standards	Add clarity on skirting, compares them to stick built homes.
<b>30</b>	New Section 3.28	Street Vacations section added	Add a street vacations section
<b>31</b>	4.02.030	Flag Lots	Clarify setbacks for flag lots
<b>32</b>	Figures 1/59, 28, 60, and 63	Figures	Correct erroneous figures.
<b>Zone Map Change Summary</b>			
	<b>Tax Lot</b>	<b>Change from/to</b>	<b>Why</b>
<b>36</b>	11S-03W-05A-00103 & 00400	From GI to PF	These lots are the old Simpson timber lots. They have a conservation easement on them and they are part of Simpson Park
<b>37</b>	10S-03W-29-00100	A 19.3 portion of the 21.32 acre property from GI to PF	Most of this property is not buildable based on topography and floodway restrictions.

## Proposed Text Changes

1-12, 16, 17, & 18	Parking section 3.03
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### CHAPTER 3.03. OFF-STREET PARKING AND LOADING

#### 3.03.010 Purpose.

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

#### 3.03.020 Scope.

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

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

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

#### 3.03.030 Location.

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

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

### 3.03.040 Joint Use.

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared between uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. ~~The requirements of this Chapter may be reduced accordingly.~~ Such joint use shall not be approved unless satisfactory evidence is presented which demonstrates the access and parking rights of all parties.

### 3.03.050 General Provisions Off-Street Parking and Loading.

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

### 3.03.060 Off-Street Vehicle and Bicycle Parking Requirements.

- (1) Vehicle Parking Spaces. ~~Provisions for Off-Street vehicle and bicycle parking shall comply with the following minimum requirements:~~ There are no minimum or maximum number of parking stalls required for any use. Parking is still permitted at the property owners' discretion. The City encourages property owners to include adequate parking for each use. It is the property owner's responsibility to determine the correct amount of parking spaces needed for each use, if parking is to be included. When parking is included, all parking standards of this development code must be met.

<del>Table 14 Vehicle and Parking Space Requirements</del>			
<del>Vehicle and Bicycle Parking Space Requirements</del>			
<del>Land Use Activity</del>	<del>Vehicle Spaces</del>	<del>Bicycle Spaces</del>	<del>Measurement</del>

<del>A.</del>	<del>1, 2, and 3 family dwellings-</del>	<del>2 spaces per dwelling unit-</del>	<del>0-</del>	<del>None-</del>
<del>B.</del>	<del>Multi family dwellings (4 or more units)-</del>	<del>Studio—1 space/unit 1—2 bedroom—1.5 spaces/unit 3+ bedroom—2 spaces/unit-</del>	<del>0.25-</del>	<del>Per dwelling unit-</del>
<del>C.</del>	<del>Hotel, motel, boarding house-</del>	<del>1 space per guest room plus 1 space for the owner or manager-</del>	<del>1-</del>	<del>Per 20 guest rooms-</del>
<del>D.</del>	<del>Club, lodge-</del>	<del>Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.-</del>	<del>2-</del>	<del>Per 20 vehicle spaces-</del>
<del>E.</del>	<del>Hospital, nursing home-</del>	<del>1 space per two beds and 1 space per 2 employees-</del>	<del>0.5-</del>	<del>Per five beds-</del>
<del>F.</del>	<del>Churches, auditorium, stadium, theater-</del>	<del>1 space per 4 seats or every 8 feet of bench length, or 36 sq. ft. of area w/o fixed seats-</del>	<del>1-</del>	<del>Per 20 vehicle spaces-</del>
<del>G.</del>	<del>Elementary, junior high school-</del>	<del>2 spaces per classroom-</del>	<del>2-</del>	<del>Per classroom-</del>
<del>H.</del>	<del>High school-</del>	<del>1 space per classroom and one space per employee-</del>	<del>1-</del>	<del>Per classroom-</del>
<del>I.</del>	<del>Bowling alley, skating rink, community center-</del>	<del>1 space per 100 sq. ft. plus 1 space per two employees-</del>	<del>1-</del>	<del>Per 20 vehicle spaces-</del>
<del>J.</del>	<del>Retail store, except as provided in "K"-</del>	<del>1 space per 500 sq. ft. plus 1 space per 2 employees-</del>	<del>1-</del>	<del>Per 20 vehicle spaces-</del>
<del>K.</del>	<del>Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture-</del>	<del>1 space per 800 sq. ft. of gross floor area, plus 1 space per 2 employees-</del>	<del>1-</del>	<del>Per 30 vehicle spaces-</del>

L.	Bank; office buildings; medical and dental clinic	1 space per 400 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishments including food pods	Greater of 1 per 800 sq. ft. for carryout and 1 per 200 for sit down of gross floor area	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 800 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 800 sq. ft., plus 1 space per 2 employees	1	Per 20 vehicle spaces
P.	Manufacturing and processing:			
	0—24,900 sq. ft.	1 space per 600 sq. ft.	1	Per 20 vehicle spaces
	25,000—49,999 sq. ft.	1 space per 700 sq. ft.	1	Per 20 vehicle spaces
	50,000—79,999 sq. ft.	1 space per 800 sq. ft.	1	Per 20 vehicle spaces
	80,000—199,999 sq. ft.	1 space per 1,000 sq. ft.	1	Per 20 vehicle spaces
	200,000 sq. ft. and over	1 space per 2,000 sq. ft.	1	Per 20 vehicle spaces
Q.	Warehousing and storage distribution, terminals			
	0—49,999 sq. ft.	1 space per 3,000 sq. ft.	1	Per 30 vehicle spaces
	50,000 sq. ft. and over	1 space per 5,000 sq. ft.	1	Per 30 vehicle spaces

- (2) Bicycle Spaces. Bicycle parking development requirements
  - a. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.
  - b. Location. All bicycle parking shall be within 100 feet of a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.
  - C. Every use shall include at least one marked and designated bicycle parking space. All developments should include an adequate number of bicycle parking spaces, at the property owners discretion.
  - D. All bicycle parking spaces should include outlets for electrical bicycle and scooter charging.
- ~~(3) Maximum Vehicle Parking Spaces. The minimum spaces identified under item (1) in this Section, shall not be increased by more than 30%.~~

**3.03.070 Off-Street Loading Requirements.**

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

**3.03.080 Parking, Driveway, and Loading Area Development Requirements.**

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

- (1) Surfacing. All driveways (full length of the driveway), parking, and loading areas, for all uses including single-family residential (except in the RU Zone), shall have a durable hard surface of asphaltic cement, concrete pavers, concrete, or other concrete materials. Surface improvements shall conform to the following:
  - a. Paving Improvements. Paving shall comply with adopted Engineering Standards of the City of Millersburg.
  - b. Timing. Unless modified by a variance or a site development review, or bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.
  - c. Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.
- (2) Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8.5-feet in width and 18-feet in length.
- (3) Driveways. The following standards shall apply to all driveways:

- a. Access spacing shall be in compliance with Section 3.02.040 -Access Standards
- b. Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.

Table 15 Internal Driveway Requirements	
Internal Driveways for Multi-family, Industrial, and Public Uses	
Without Adjacent Parking	
Direction	Driveway Width
One-way	12 feet
Two-way	26 feet
With Adjacent Parking	
Parking Angle	Driveway Width
0 to 40	12 feet*
41 to 45	13 feet*
46 to 55	15 feet*
56 to 70	18 feet*
71 to 90	24 feet
*One-way only driveways	

- (4) Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- (5) Driveway Required. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.
- (6) Traffic Safety. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.
- (7) Curbing. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.
- (8) Landscaping.
  - a. Parking lots abutting residential zones shall be screened from abutting residential zones by a combination of fences, walls, and landscaping

adequate to screen lights, provide privacy and provide separation for the abutting residences.

b. See Chapter 3.09 for additional landscaping requirements.

- (9) Car and Van Pool Parking. Designated employee parking areas in new developments shall provide parking for carpools and vanpools.
- (10) Redevelopment of Parking Areas.
  - a. Underutilized parking areas may be converted to other uses. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods).
  - b. Property owners are permitted to redevelop any portion of existing off-street parking areas for bicycle or transit facilities, including but not limited to bike racks, bus stops, park and ride stations.
- (11) Electric Vehicle Charging. New multi-family residential buildings with five or more residential dwelling units and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units shall provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on the site containing the residential dwelling units. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation. Any provided electrical infrastructure shall include provisions for people with disabilities.

## 13 RV Parking Standards

### 3.24.015 Standards.

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

- (1) Where Permitted: RV Parks may be permitted in the Public Facilities Zone (PF) zone adjacent to a City Arterial Street in accordance with the Conditional Use procedures of Section 5.04.
- (2) Each RV space shall be not less than 1,000 square feet exclusive of any common park areas.
- (3) Roadways shall be paved and designed to permit easy access to each RV space. Road widths shall meet the requirements for local residential streets. All other design features shall meet fire apparatus access road requirements
- (4) Each RV space shall be paved and designed to provide runoff of surface water. All unpaved areas shall be landscaped, and the Park shall be screened on all sides by a 6-foot-high sight-obscuring hedge or fence.
- (5) ~~The total number of parking spaces in the Park shall be equal to 1.25 spaces per RV space.~~ All parking spaces shall be paved.



- (6) Each RV space shall be provided with electrical service, piped potable water, and sewage disposal service. All RVs with service connections staying in the Park shall be connected to these services.
- (7) The Park shall be maintained in a neat appearance at all times. There shall be no outside storage of materials or equipment. Trash receptacles shall be provided at convenient locations and in adequate number and capacity.
- (8) RVs are limited to a stay of no more than six months in any 12-month period.
- (9) The Park shall provide toilets, lavatories, and showers for each sex in ratios specified by the State of Oregon for each recreational vehicle space. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- (10) The Park shall provide one utility building or room containing three clothes washing machines, one clothes drying machine, and 50 square feet of space for each 50 recreational vehicle spaces.
- (11) Public building spaces shall be lighted at all times of night and day; shall be ventilated; shall be provided with heating facilities which shall maintain a room temperature no lower than 65° F; shall have a floor of waterproof material; shall have sanitary ceiling, floor, and wall surfaces; and shall be provided with adequate floor drains to permit easy cleaning.

<b>14.</b>	<b>Caretakers Units</b>
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**3.28.020 General Standards.**

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

- (1) Number allowed. Only one caretaker unit per lot shall be allowed.
- (2) Nature of structure. Caretakers units may be detached, attached (to a primary use structure, such as in storage units), or a HUD approved manufactured home. Use of a travel trailer is not permitted. Unless set on a ground level foundation, any manufactured home shall have skirting that in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
- (3) Employment. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on- site or on contiguous lots under the same ownership. Caretaker housing shall be allowed only where the principal commercial, industrial, or institutional use of the site involves operations, equipment or other resources that require 24-hour oversight.

- (4) Permitted Use. The caretaker unit shall be on a lot or building site with an approved, permitted use and occupied exclusively by a caretaker and his/her family.
- (5) Sewer. All caretakers' units shall be served by public sewer.
- (6) Floor Area. The maximum floor area for a caretaker unit shall be 1,200 square feet.
- ~~(7) Parking. A minimum of one covered off street parking space shall be provided for the caretaker unit.~~
- ~~(8)~~(7) Rentals. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.
- ~~(9)~~(8) Subdivisions. Subsequent subdivisions which divide a separate lot or parcel for a caretaker unit shall not be permitted.
- ~~(10)~~(9) Deed Restrictions. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.
- ~~(11)~~(10) Ceasing of Operations - Modular or Portable Unit. Upon termination of the principal use, If the caretaker's unit was portable or a manufactured home, the structure shall be removed from the property within 90 days.
- ~~(12)~~(11) Ceasing of Operations - Stick Built. Upon termination of the principal use, for any stick-built structure used for the caretaker's unit, the right to use the caretaker's unit as residential shall expire within 45 days. In the event that the caretaker's unit is vacant for a period of more than 45 days, the caretaker's use for that structure shall terminate. Any further use of the structure for caretaker's purposes will require a new action by the Planning Commission.

<b>15.</b>	<b>Parking lot landscaping</b>
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**3.09.030 Standards.**

- (1) General Requirements. Landscaping requirements by type of use are listed below:
  - a. Landscaping Required - Residential other than in the Mixed-Use (MU) Zone. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued or final building permit approved. In all residential zones except Rural (RU), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
    - i. One tree at least six feet tall when planted.
    - ii. Four one-gallon shrubs or accent plants.
    - iii. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

- b. Landscaping Required - Mixed-Use and Non-Residential Zones. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial zones is as follows:
    - i. One tree at least six feet tall when planted for every 30 feet of street frontage.
    - ii. Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.
    - iii. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
    - iv. When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.
  - c. Alternate Plan - Non-Residential. As part of a Site Design Review application approval, placement of the required setback landscaping in public right-of-way may be approved when the following conditions are met:
    - i. The site contains existing development that includes substantial building(s), and is subject to improvement requirements due to a change of use or vacancy; and
    - ii. The appropriate government agency grants written permission for use of the right-of-way; and
    - iii. The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
    - iv. The Commission finds the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
    - v. The Commission finds providing the landscaping in the public right-of-way in the interim fulfills the intent this Code established in Section 3.09.010.
- (2) Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:
- a. Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain **at least** one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor

their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.

- b. Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.
- c. Shade Coverage. All parking areas over ¼ acre shall provide tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting. Tree spacing and species planted must be designed to maintain a continuous canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Landscape plans shall show the canopy coverage at 15 years maturity as part of any land use submittal.
- ~~e.d.~~ Alternate Plan. An alternate plan may be submitted as part of a Site Design Review application providing landscaping of at least 5% of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
- ~~d.e.~~ Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected by large boulders or by another acceptable means of protection.

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

<b>19. Definition for Home Day Care and ADU's</b>
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**1.02.020 - Definitions.**

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

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

<b>20. Use expires after 1 year of vacancy</b>
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### **3.21.110- Land Use Expiration**

Any use that has temporarily or otherwise ceased operations and remains vacant (excluding security) for a period of more than 1 year shall void all previous Land Use Permits. No use or operation may commence on the property until all new Land Use permits are obtained even if the new use is identical to the previous use. The City Manager has authority to waive this provision for circumstances that include, but are not limited to, the level of investments previously made on the property.

<b>21. Muni Chapter 7.30 Tree Regulations</b>
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#### **7.30.170 Permit approval.**

The City Planner or designee shall approve or conditionally approve permits when it has been demonstrated that one or more criteria in MMC 7.30.180 have been met.

#### **7.30.180 Tree removal permit criteria.**

- (1) Tree removal may be approved when:
  - (a) It has been determined by a certified arborist, without objection from the City, that a tree is hazardous, dangerous, or significantly impacted by aggressive pests or pathogens, with a potential to spread and no other viable options are reasonably available to minimize hazard or alleviate risk of pest or pathogen to spread; or
  - (b) Trees are overcrowded and it is determined by a certified arborist that removal will have a positive impact on the overall site and will not compromise the health of residual trees; or
  - (c) When unique circumstances specific to the applicant's situation have been expressed in writing with the application the City Planner may approve removal. **Unique circumstances do not include the need for tree maintenance, the replacement of pavement or the cracking of sidewalks, the removal of tree litter or other minor inconveniences.** Unique

circumstances that could allow for a ~~variance removal~~ may include but are not necessarily limited to:

- (i) A tree that is causing significant negative impacts to improvements or personal property;
  - (ii) Personal health reasons such as severe allergic conditions; or
  - (iii) The tree is invasive, having significant negative impact to surrounding vegetation;
  - (iv) When ~~a building is proposed on a property for which there is no alternative design is feasible~~ and no other feasible alternatives exist for locating the structure. ~~A building permit shall be obtained prior to the approval of the tree removal. necessary pursuant to a building permit for an improvement for which a site plan approval is not required;~~
- (d) It has been determined by the City that a street tree is not in compliance with this chapter and must be removed.
- (e) ~~Mitigation consistent with 7.30.201 has been incorporated as a condition of approval.~~
- (2) In all other cases, a tree removal permit shall be denied.
- (3) ~~A separate tree removal permit is not required if a Land Use approval is granted for a property. All provisions of this section still apply to the Land Use permit, but separate tree removal permit is required.~~

### **7.30.200 Conditional permit approval.**

The City Planner or designee may specify conditions to the approval of tree removal. Such conditions may include, but not necessarily be limited to, a requirement for certified arborist oversight during construction activities, specific construction methods such as critical root zone protection and protective fencing, post-removal site cleanup, maintenance of replacement trees, and/or post-construction evaluation of tree health.

### **7.30.201 Mitigation.**

- (1) ~~Mitigation is required for any tree removal to assure the total tree canopy within the City remains.~~
- (2) ~~The City Planner shall, at a minimum, condition any tree removal to mitigate the tree removal as follows:~~
  - (a) ~~Any tree between 78" DBH and 84" DBH shall plant one tree on the same property.~~
  - (b) ~~Any tree between 85" DBH and 96" DBH shall plant two trees on the same property.~~
  - (c) ~~Any tree between 97" DBH and 120" DBH shall plant three trees on the same property.~~
  - (d) ~~Any tree over 121" DBH shall plant four trees on the same property.~~
  - (e) ~~Though every effort should be made to plant the mitigation tree on the same property, should a mitigation tree not be able to be planted on the same~~

property, the City Planner may approve an alternative location within City limits. In such an event, the mitigation number shall be doubled.

## 22. Commercial Land Divisions Clarity

### CHAPTER 4.02. STANDARDS

#### 4.02.020 Scope.

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

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

#### 4.02.030 Standards for Lots or Parcels.

The following standards shall apply to all Partitions and Subdivisions.

- (1) *Minimum Lot Area.* Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Code.
- (2) *Lot Width and Depth.* The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial, or public uses shall be exempt from width to depth ratio provisions.
- (3) Access.

- a. All new lots or parcels for commercial, industrial, or public uses must provide at a minimum either street frontage wide enough for a driveway, or must provide a private access easement if street frontage is not possible. The following also apply:
    - i. All private access easements must be at least 25 feet wide unless they are part of a parking lot, then parking lot standards apply.
    - ii. If a building on the lot or parcel is to be available to the public, it must also provide pedestrian access.
  - b. Lots created as part of a shopping or industrial center must include a private reciprocal access easement in areas required for access. Setbacks to the permitter of the center would still apply, but there would be no setback requirements internal to the center regardless of the proposed lots internal to the center. Proposed lots or parcel may be coterminous with the building footprint, for example, a grocery store could be on a lot that is the same size as the store's building.
  - c. All new residential lots or parcels shall provide a minimum of 40 feet of frontage on an existing or proposed public street, or 25 feet of frontage along a cul-de-sac except residential lots or parcels may be accessed by a private street or private access easement developed in accordance with the provisions of Sections 3.02.040 and 4.02.030(4) when it is determined that a public street access is:
    - e.i Infeasible due to parcel shape, terrain, or location of existing structures; and
    - e.ii Unnecessary to provide for the future development of adjoining property.
    - e.iii No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.
- (4) *Flag Lots.* Flag lots shall be subject to the following development standards:
- a. The access strip shall be a minimum of 25 feet in width. The improved surface shall be a minimum of 14 feet in width.
  - b. The access strip shall not be included in the lot area calculation.
  - c. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per Section 3.02.
- (5) *Residential Through Lots.* Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provisions of Chapter 3.07, may be required during the review of the land division request.
- (6) *Lot Side Lines.* The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.



- (7) *Utility Easements.* Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.
- (8) *Re-Division.* When subdividing or partitioning into large lots which may be re-subdivided, the City shall require that the design of the lots be of a size and shape to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets. **This does not apply to industrial or public subdivisions or partitions but does apply to residential and commercial.**
- (9) *Remainder areas.* When subdividing or partitioning property, any area within the tentative/final plat that is not proposed to be part of a lot, parcel, or tract is a remainder area. Tracts must serve a function. Any such remainder area must meet the minimum requirements of this Code, including any requirements by the zone such as lot size or the requirement to connect to public water and/or sanitary sewer.
- (10) *Residential Lot Averaging.* Lot averaging is not permitted. All lots must meet the minimum lot size requirements of the zone.
- (11) *Phased Development.*
- a. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a tentative plat. All phasing must be approved with the entitlement. Phasing proposed after entitlement approval requires a project modification regulated by Section 5.16.060.
  - b. The criteria for approving a phased subdivision (in addition to all standard subdivision criteria) review proposal are:
    - I. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
    - II. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
      1. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
      2. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
  - c. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

#### 4.02.040 Additional Standards for Subdivisions.

- (1) General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.
- (2) **Residential Block** Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.
- (3) **Residential** Traffic Circulation. ~~The A residential~~ subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle, and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient, and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary - 1/4 mile for pedestrians and one mile for bicyclists.
- (4) **Residential** Connectivity. To achieve the objective in (3) Traffic Circulation above, the City shall require the following **in residential subdivisions**:
  - a. Stub-End Streets: Where the potential exists for additional residential development on adjacent property.
  - b. Accessways: Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.
- (5) Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining Arterial and Collector streets shall be provided **in residential subdivisions** if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.
- (6) **Pedestrian/Bicycle Accessway** Design Standards. Pedestrian/bicycle accessways shall meet the following design standards:
  - a. Minimum dedicated width: 15 feet
  - b. Minimum improved width: 12 feet

- c. Pedestrian scale lighting fixtures shall be provided along walkways and adequately lighted so the system can be used at night. Lighting shall either conform to adopted Public Works Standards or be approved by the decision authority.
- d. The accessway shall be designed to prohibit vehicle traffic.

<b>23. ADU's</b>
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## CHAPTER 3.16. SPECIAL RESIDENTIAL DWELLINGS

### 3.16.010 Accessory Dwelling Units.

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

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

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

<b>24.</b>	<b>Farm and Livestock</b>
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**3.21.040 Farm Uses and Livestock.**

If permitted as described below, or otherwise permitted as a commercial or industrial activity, the following limitations shall apply:

- (1) *Crops, orchards, and gardens.* The growing of crops, orchard products, vegetables, or similar food items for personal use shall be permitted.
- (2) *Livestock.* The breeding, raising, boarding, or selling of horses, cows, bulls, mules, sheep, goats, alpacas, llama, emus, bees, or other similar farm animals, with the exception of swine which are not allowed, for domestic or commercial purposes, shall be allowed in accordance with the limitations below. The following animal use area regulations shall apply on lots of less than five acres:
  - a. Cows, horses, sheep, or goats cannot be kept on lots having an area of less than one acre.
  - b. The minimum area for such animals (other than their young under the age of six months) on less than five acres shall be as follows:
    - i. *Horses:* One per acre, plus one additional for every additional 15,000 square feet.
    - ii. *Cows:* One per acre, plus one additional for every additional 10,000 square feet.
    - iii. *Goat or sheep:* Five per acre, plus one additional for every additional 2,000 square feet.
  - c. The area of a property may be utilized one time only for the computation of the above allowable animal usage.

- d. When there is a residence on the property, 10,000 square feet shall be deducted from the square footage of the property for calculation of allowable animal usage.
  - e. Animal runs, stables, barns, and corrals shall not be located closer than 100 feet from property lines.
  - f. Animals shall be appropriately contained or housed, and proper sanitation shall be maintained at all times. All animal food (not including hay) shall be stored so as to be rodent proof.
- (3) *Chickens Fowl and Rabbits*. The keeping of *chickens fowl* or rabbits in all residential zones may be approved subject to the following provisions.
- a. The minimum property size is 10,000 square feet.
  - b. No person shall keep any rooster or other animals that produce annoying sounds.
  - c. Products generated by the housed animals, other than eggs as regulated in Section (4) below, shall not be sold from a residential property.
  - d. Each property shall be allowed no more than five animals. Animals cannot be housed within a residence or garage, except that young chickens less than 12 weeks of age may be housed in a garage.
  - e. The animals shall be provided with a covered, predator-proof housing that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned, and maintained by the owners.
  - f. The housing shall be at least three-square feet per animal in size and shall conform to the requirements of a non-habitable one-story accessory structure specified in Section 3.15 with the exception that the height of the animal housing shall not exceed an eave height of 10 feet.
  - g. The housing shall be so constructed or repaired as to prevent mice or other rodents from being harbored underneath, within, or within the walls of the enclosure.
  - h. The animals shall be shut into the housing at night, from sunset to sunrise.
  - i. During daylight hours the adult animals shall have access to the housing and, weather permitting, shall have access to an outdoor enclosure adequately fenced to contain the animals and to prevent access to the animals by dogs or other predators.
  - j. The outdoor, open-air portion of the enclosure shall provide at least 10 square feet per animal.
  - k. Animals shall be kept in a fenced enclosure at all times. Fencing shall comply with Section 3.07 A. sight-obscuring fence shall be used to visually screen the housing and fenced enclosure from any adjacent property or abutting street.

- l. All portions of the housing and fenced enclosure shall be located in the rear yard and setback as follows:
    - i. At least eight feet behind the rear building plane;
    - ii. At least 10 feet from any side or rear property line; and
    - iii. At least 25 feet from any abutting sidewalk or road right-of-way.
  - n. A property owner that houses animals shall not cause, permit, or allow a nuisance to others. Any nuisance violation that is not abated upon notification may be cause for removal of all animals.
  - o. A property owner's non-compliance with these standards is subject to citation and/or removal of all animals. A property owner who has been ordered by the City to remove all animals on their property may not be allowed to keep livestock or poultry on that property in the future.
  - p. It is the continuing responsibility of the owner to properly contain and restrain all animals and to maintain proper sanitation at all times, and further provided that such raising activities are not part of nor conducted in conjunction with any livestock sales yard, slaughter house, or animal by-product business.
  - q. The above standards are the minimum. Additional site area or other standards may be required to comply with specific site conditions or Health and Sanitation Standards.
- (4) Other than standard household pets including dogs, cats, birds, gunnie pigs, hamsters, ferrets, and smaller reptiles, any animal not listed in subsection (2) and (3) above is not permitted. No exotic animals are permitted.
- ~~(4)~~ (5) Stands selling produce or eggs produced on-site are permitted subject to the following standards:
- a. The stand is no more than 200 square feet in size.
  - b. The stand may not be located in the right-of-way or block a driveway.

<b>25.</b>	<b>Street Names</b>
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**3.02.030 General Provisions.**

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

<b>26.</b>	<b>Commercial Design Standards</b>
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### 3.26.030 Commercial Design Standards.

- (2) Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10% of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. ~~Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.~~

27.	<b>Historical Zoning Overlay</b>
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## CHAPTER 2.13. HISTORICAL PROPERTY OVERLAY ZONE (HPO)

### 2.13.040 Historic Landmark ~~Committee~~ Commission.

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

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

### 2.13.050 Landmark and Zone Designation.

- (1) *Process.* The process for designating a landmark or historic zone may be initiated by the Council, the Planning Commission acting as the Historic Landmark ~~Committee~~ Commission, or by any interested person who submits an application for designation to the ~~Community Development Director~~ ~~City Recorder~~. At the time of application, the City shall provide the property owner and applicant with information regarding the benefits and restriction of designation. ~~The process is a Type IV, consistent with the requirements outlined in Chapter 5.10 including all notification requirements therein. The criteria from Chapter 5.10.050 do not apply.~~
- (2) *Information.* ~~Unless proposed by the City, The~~ the following information shall be required in an application:
  - a. The applicant's name and address;
  - b. The owner's name and address, if different from the applicant;
  - c. A written description of the boundaries of the proposed zone or the location of the proposed landmark;

- d. A map illustrating the boundaries of the proposed zone or the location of the proposed landmark;
  - e. A statement explaining the following:
    - i. The reason(s) why the proposed zone or landmark should be designated;
    - ii. The reason(s) why the boundaries of the proposed zone are appropriate for designation;
    - iii. The potential impact, if any, the designation of the proposed zone or landmark would have on the residents or other property owners in the area.
  - f. Any other information deemed necessary by the City.
- (3) *Application Review and Decision.* The City Recorder shall set the application on the agenda of the Historic Landmarks ~~Committee~~ *Commission* which will review the application against applicable criteria in *Section 2.13.050(4)* and develop a recommendation to the City Council. ~~This will occur within 60 days of the application being filed unless extended by the request of the applicant. Following the Historic Landmark Committee's consideration, the City Recorder will set the matter on a Council agenda within 45 days of the Historic Landmark Committee's action.~~ The Council shall hold a public hearing at which time testimony will be received with the recommendation from the Historic Landmark ~~Committee~~ *Commission*, and the applicant and any citizens wishing to give input. ~~The Council shall make a written record with findings approving, approving with conditions, disapproving, or postponing final action on the request.~~
- (4) *Decision Criteria.* The Historic Landmark Committee and the Council shall consider the following criteria in determining whether to approve a proposed landmark or zone:
- a. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, county, state, or nation;
  - b. Association with an event that has made a significant contribution to the City, county, state, or nation;
  - c. Association with broad patterns of political, economic, or industrial history in the City, county, state, or nation;
  - d. Significance as an example of a particular architectural style, building type, and/or convention;
  - e. Significance due to quality of composition, detailing, and/or craftsmanship;
  - f. Significance as an example of a particular material and/or method of construction;
  - g. Significance because the resource retains its original design features, materials, and/or character;



- h. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;
- i. Significance as a visual landmark;
- j. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;
- k. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;
- l. Significance because the property is 50 years old or older in conjunction with other criteria listed above;.

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

(5) *Removal of Designation.* The process for removing a landmark or historic zone designation may be initiated by the Council, the Historic Landmark ~~Committee~~ **Commission**, or by any interested person who submits to the City ~~Recorder~~ **Community Development Director** an application for removal of the designation. The Council may amend or rescind its designation by following procedures required by this Code for designating a landmark, including the adoption of appropriate findings.

~~(6) Appeals. Any appeal goes through the Land Use Board of Appeals.~~

### **2.13.060 Demolition and Moving.**

- (1) ~~City Manager Historic Landmark Commission Approval.~~ No person shall move, demolish, or cause to be demolished a landmark or a significant resource in an historic zone, unless a **Historical Demolition and Moving** permit to do so has first been obtained ~~from the City Manager, or designee, following of approval by the City Council.~~ Application for a **Historical Demolition and Moving** permit shall be on a form provided by the City.
- (2) *Alternative Actions.* At the time a demolition or moving application is made the City Manager or designee shall review alternatives to demolition or moving with the owner of the structure or resource, including local, state, and federal preservation programs, **prior to the Historic Landmark Commission review and action.**
- (3) *Review Process.* An application to move, demolish, or cause to be demolished a landmark or a significant resource in an historic zone shall be processed in accordance ~~of with~~ the procedure identified in ~~Section 2.13.050(3) above.~~ **Chapter 5.05, including all noticing requirements, except a permit shall be approved by the Historic Landmark Commission acting as the reviewing body in place of the Planning Commission and the criteria from Chapter 5.05.060 do not apply.**

- (4) *Decision Criteria.* In determining whether the requested demolition or moving is appropriate, the Historic Landmark ~~Committee Commission and the City Council~~ shall consider the following:
- a. Plans, drawings, and photographs submitted by the applicant.
  - b. Information presented at the public hearing concerning the proposal.
  - c. The purpose of this Code as set forth in this Chapter.
  - d. The criteria used in the original designation of the resource.
  - e. If within an historic zone, the resource's contribution to the zone and the subsequent integrity of the zone if the resource is demolished or moved.
  - f. Whether denial of the request will involve substantial hardship to the applicant.
  - g. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this Code.
  - h. The economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it.
  - i. The physical condition of the resource.
  - ~~j. The recommendation from the Historic Landmarks Committee.~~
- (5) *Postponement.* The Historic Landmarks ~~Committee Commission~~ review outlined in subsection (4) ~~or the City Council~~ may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the ~~Committee Commission or Council~~ as follows:
- a. No more than 60 days following the date of a public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of hearing, if the ~~Committee Commission or Council~~ makes the findings specified in item (b) of this Subsection.
  - b. Further postponements as stated above may only be made if the ~~Committee Commission or Council~~ finds:
    - i. There is a program or project underway that could result in public or private acquisition of the landmark or resource; and
    - ii. There is a reasonable ground for believing the program or project may be successful.
  - c. After granting a further postponement, the Commission may ~~order the~~ have the Manager ~~to~~ issue the permit if it finds:
    - i. All programs or projects to save the resource have been unsuccessful;
    - ii. The application for demolition or moving has not been withdrawn; and
    - iii. The application otherwise complies with City Codes and state law.
- (6) *Additional Requirements.* During a period of postponement, the ~~Committee Commission or Council~~ may require the property owner to:

- a. List the resource for sale with a real estate agent for a period of not less than 90 days. The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period.
  - b. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with a. above.
  - c. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies who inquire.
  - d. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource.
- (7) *Press Notification.* Prior to issuance of a demolition permit, the City ~~Community Development Director Manager~~ shall issue a press release to local and state newspapers of general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource.
- (8) *Permit Conditions.* As a condition for approval of a demolition permit, the ~~Council~~ **Historic Landmarks Commission** may:
- a. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource.
  - b. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. The applicant shall be provided with a list of persons capable of salvaging the resource.
- (9) *Dangerous Building.* This Code shall not be construed to make it unlawful for any person, without prior approval of the ~~Council~~ **City**, to comply with an order by an authority having jurisdiction to remove or demolish any landmark determined to be dangerous to life, health, or property.
- (10) *Appeals.* Any appeal follows the appeal process outlined in Table 5.01.030 and Section 5.22.020

### **2.13.070 Exterior Alteration and New Construction.**

- (1) *Scope.* No person shall alter a landmark or any significant resource in an historic zone nor shall any new building or structure be constructed in an historic zone or on a landmark site unless approval is first obtained under this section. In addition,

no major public improvements shall be made on a landmark site or in an historic zone unless approved by the City Manager or Historic Landmark ~~Committee~~ ~~Commission~~ as provided below.

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

(6) *Appeals.* Any appeal follows the appeal process outlined in Table 5.01.030 and Section 5.22.020

**3.12.030 - General Standards - Manufactured Homes.**

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

**5.01.030 Table of Land Use Application Procedures.**

Table 22 Land Use Application Procedures				
Land Use Application Procedures				
Land Use Action	Type	Staff	Planning/ <del>Historic Landmark</del> Commission	City Council
Floodplain Development Permit	Type - I	Final Decision	No Role	No Role
Property Boundary Adjustment	Type - I	Final Decision	No role	No role
Sign Permit	Type - I	Final Decision	No role	No role
Temporary Use	Type - I	Final Decision	No role	No role
Adjustment	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Interpretations	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Partition	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Subdivision	Type - II	Final Decision unless appealed	Appeal - Staff Decision	Appeal - Commission Decision
Conditional Use Permits	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Home Occupation (employees or vehicles)	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision

Nonconforming Uses (Alteration or Expansion)	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Site Development Review	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Variance	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Annexation	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Comp. Plan Map Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Text Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Zone Map Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Historic Landmark Zone Designation	Type- IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Historic Demolition and Moving	Type- III	Recommendation to Commission	Final Decision unless appealed	Appeal – Commission Decision
Historic Exterior Alteration and New Construction	Type- III	Recommendation to Commission	Final Decision unless appealed	Appeal – Commission Decision
Street Vacations	Type- IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed

**28. Street Tree Clarification**

**4.02.060 Improvement Requirements - Subdivision.**

- (1) Improvements. The following improvements shall be required for all Subdivisions:
  - j. Other Requirements:
    - i. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to the City standards.
    - ii. Street trees are required pursuant to City engineering standards. All trees are to be planted prior to final occupancy of a structure or when required of the developer for areas where buildable lots do not exist (common space, open space, detention basins,

etc.). Planting of street trees shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip unless infeasible due to required sight clearances and/or offsets from utilities. No tree shall be located in the planting strip within 10 feet of a water or sewer service line. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

## **29. Manufactured Home Standards**

### **3.12.030 General Standards - Manufactured Homes.**

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

- (8) *Exterior siding and finish.* The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. *Skirting is required to assure the unit has the same appearance as a standard home.*

## **30. New Vacation section**

### **Chapter 3.28 Street Vacations**

#### **3.28.010 Definitions**

For purposes of this section, a "street" shall mean any kind of public right-of-way including all or part of any street, avenue, boulevard, alley, plat, public square or other public place.

#### **3.28.020 Vacated Property**

The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side.

#### **3.28.030 Vacation Procedure**

A member of the public must petition the City Council for a street vacation. The City may also propose Street Vacations, with an initiation by the City Council.

- (1) Petition requirements. For vacations requested by a citizen, a petition to vacate is required. The petition shall include at a minimum:
  - a. The name(s) and address(s) of the petitioner(s).
  - b. A narrative explaining how the proposed vacation meets all the criteria listed in section 3.28.030(2).
  - c. Maps of the proposed vacation, before and after.
  - d. The purpose and reason for the proposed vacation.
  - e. Clarify if the proposed vacation would create a buildable lot.
  - f. A description of the ground proposed to be vacated.
  
- (2) Petition Criterion.
  - a. For private citizen petitions all abutting property owners must consent in writing and of not less than two-thirds in area of the real property affected thereby which includes property on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted.
  - b. All taxes must be paid in full for the properties benefiting from the proposed vacation (receiving additional property).
  - c. The vacation must not eliminate access to public infrastructure installations such as sewer, water or storm drainage facilities unless the petition is accompanied by a plan for the removal of any and all utilities within the vacated area that need to be removed, including cost estimates. All utilities shall be relocated and all costs borne by the petitioner. The relocation plans must be consistent with the City's engineering standards and meet the satisfaction of the City Engineer.
  - d. The vacation must not result in the elimination of access to any parcel in the surrounding area.
  - e. The vacation must not inhibit the future development of infrastructure or future development of land surrounding the proposed vacation.
  - f. The vacation must not be for a street shown on the Millersburg Transportation System Plan (TSP) unless the petition includes an application for a Comprehensive Plan Amendment application to amend the TSP.
  - g. The vacation must not inhibit the free flow of traffic in the immediate or surrounding area.



- h. The vacation must not have any negative impacts to wetlands, flood plain or other naturally occurring elements in the immediate area.
- (3) Once deemed complete the petition shall be scheduled for a hearing as a Type IV application consistent with the provisions of Chapter 5.10.
  - (4) Notification shall comply with the following requirements:
    - a. The city recorder shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer prior to the time of hearing.
    - b. Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation." The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
    - c. The applicant is responsible for all posting and other anticipated expenses.
  - (5) Hearings
    - a. The Planning Commission shall hear all petitions in accordance with Chapter 5.10 for proposed vacations and make a recommendation to the City Council.
    - b. A hearing shall be held before the City Council petitions in accordance with Chapter 5.10.

**3.28.040 Vacation Records to be Filed**

No vacation of a street, public place or plat shall become effective until the ordinance providing for the vacation and a plat, as provided by law, has been filed in the office of the Columbia County Clerk. The cost of the filing and the preparation of the plat shall be paid by the person petitioning for the vacation.

<b>31.</b>	<b>Flag Lot Setback clarification</b>
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**4.02.030 Standards for Lots or Parcels.**

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

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

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

Current figure	Proposed revised figure
<p><b>Figure 1 &amp; 59</b></p> <p>ACCESSORY STRUCTURES (NO MAX. % COVERAGE SEE TABLE ABOVE)</p> <p>5' &amp; 10' MIN.</p> <p>REAR</p> <p>6' MIN.</p> <p>5' &amp; 10' MIN.</p> <p>NO ACCESSORY STRUCTURES IN FRONT YARD</p> <p>FRONT</p> <p>SIDE</p> <p>STREET</p> <p>R.H. Baxter</p>	<p><b>Proposed revised figure</b></p> <p>ACCESSORY STRUCTURE</p> <p>5' &amp; 8' MIN.</p> <p>REAR</p> <p>6' MIN.</p> <p>5' &amp; 8' MIN.</p> <p>NO ACCESSORY STRUCTURES IN FRONT YARD</p> <p>FRONT</p> <p>SIDE</p> <p>STREET</p> <p>R.H. Baxter</p>
<p><b>Figure 28</b></p>	

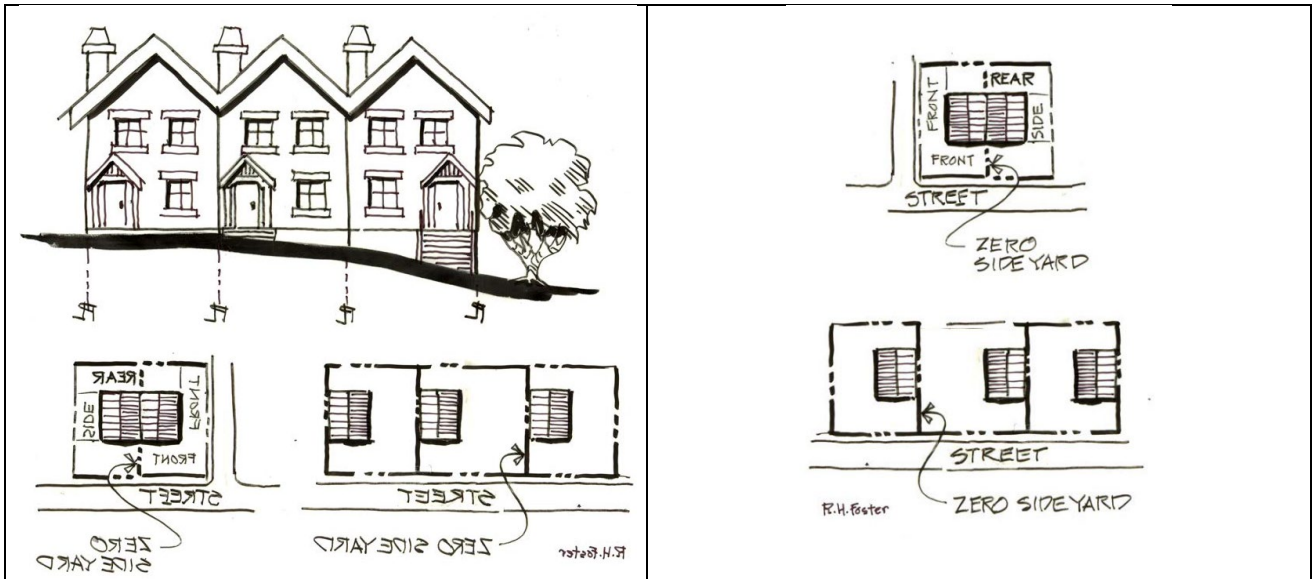


Figure 60

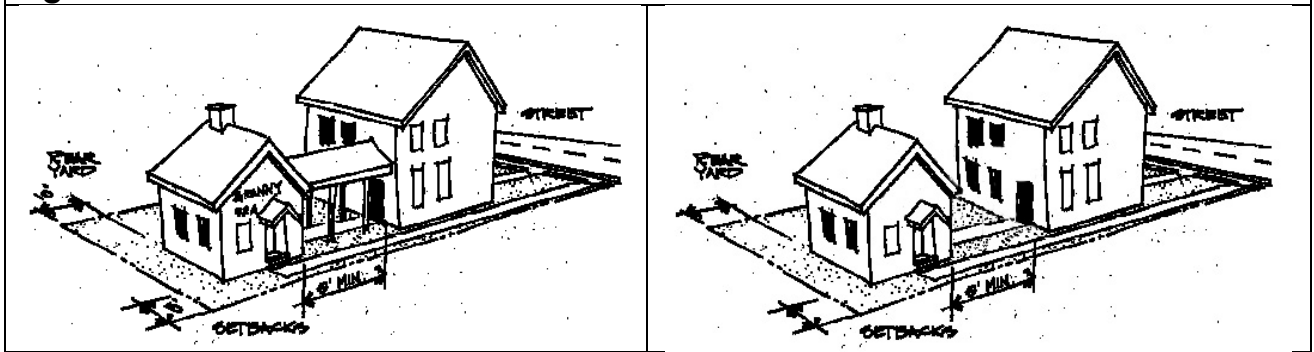
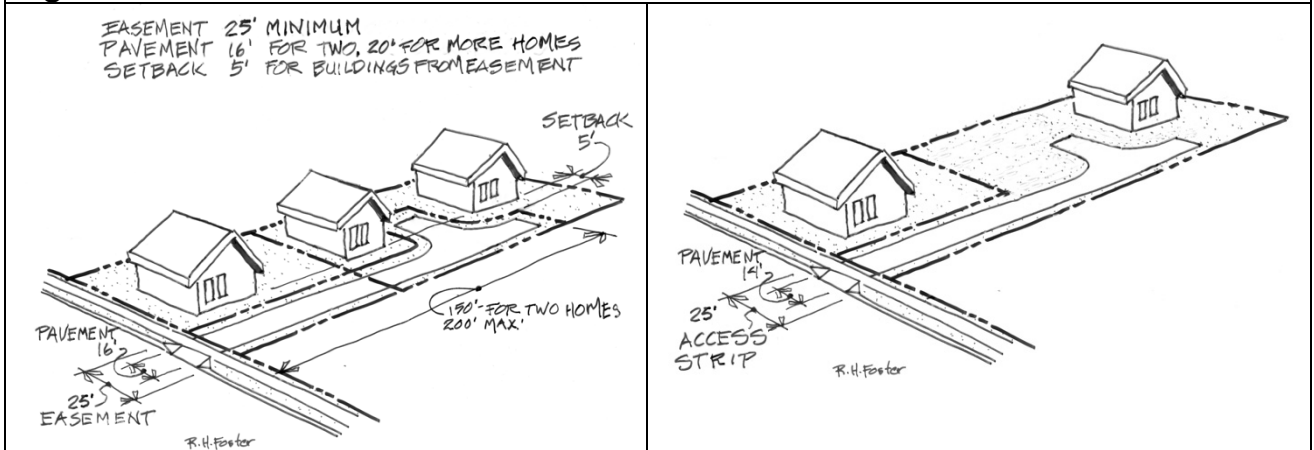




Figure 63



# Zone Map Change Summary

	From	to
<b>36</b>	General Industrial (GI) (see attachment)	Public Facilities (PF)
		
<b>37</b>	General Industrial (GI)	Public Facilities (PF)
	