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If participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off.

If disruption continues, the participant(s) will be removed from the meeting.

## **CITY OF MILLERSBURG PLANNING COMMISSION MEETING**

**This meeting will be conducted remotely. See instructions below to join.**  
September 2, 2020 @ 6:00 p.m.

### **Agenda**

**Instructions for joining the meeting by computer or phone are attached to this agenda. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Tuesday, September 1.**

**Meeting link to join via computer:**

**<https://aspenuc.accessionmeeting.com/j/1153796864>**

**Phone number to join meeting: 503-212-9900**

**Meeting ID: 115 379 6864**

A. CALL TO ORDER

B. ROLL CALL

C. LEGISLATIVE PUBLIC HEARING

- 1) File No: DC 18-01 Replacement of the Development Code, Zoning Map, revisions to the Comprehensive Plan, and adoption of a Comprehensive Plan Land Use Map.

Proposal: The City of Millersburg is proposing to replace the existing Development Code with an all new Development Code. The new Code will include new zoning designations that did not exist before as well as new names for zones that exist today. The proposed change includes a new Zoning Map for the City. All zoning designations will change for every property in the City, though many will be simply new names for zones that exist today. All standards for zones are proposed for revision as well.

Amendments are also proposed to the City's existing Comprehensive Plan. These text amendments are targeted to only revise text that would impact constancy between the new Development Code and the Comprehensive Plan. Additionally, the City currently uses a one-map system for the Comprehensive Plan and Zoning Map. This effort proposes to change from a one-map system to a two-map system, meaning a stand-alone Zoning Map and stand-alone Comprehensive Plan Land Use Map are proposed. Therefore, in all, the project proposes 4 actions:

- Adoption of an all new Development Code (Code text change amendment)
- Adoption of an all new Zoning Map (Zone Map amendment)

- Adoption of Comprehensive Plan Text amendments
- Adoption of an all new Comprehensive Plan Map (Comprehensive Plan Map amendment)

D. CITY PLANNER UPDATE

E. ADJOURNMENT

Upcoming Meeting(s):

September 8, 2020 @ 6:30 p.m. – City Council Meeting

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



**File No: DC 18-01 Replacement of the Development Code, Zoning Map, revisions to the Comprehensive Plan, and adoption of a Comprehensive Plan Land Use Map.**

**Proposal:** The City of Millersburg is proposing to replace the existing Development Code with an all new Development Code. The new Code will include new zoning designations that did not exist before as well as new names for zones that exist today. The proposed change includes a new Zoning Map for the City. All zoning designations will change for every property in the City, though many will be simply new names for zones that exist today. All standards for zones are proposed for revision as well.

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- Adoption of an all new Zoning Map (Zone Map amendment)
- Adoption of Comprehensive Plan Text amendments
- Adoption of an all new Comprehensive Plan Map (Comprehensive Plan Map amendment)

## I. BACKGROUND

A. Applicant: City of Millersburg

B. Location: City Wide

C. Review Type: The proposed Development Code Amendment (DC) requires a hearing before the Planning Commission whereby the Commission makes a recommendation to the City Council. A subsequent hearing before the City Council is required for a final action, including the repeal of all existing ordinances that created the current development code, and adoption of a new ordinance. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

D. Public Notice and Hearing: The hearing will require an individual Measure 56 notice to be sent to every property owner who will have their property re-zoned. Because

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<sup>1</sup> This will also require the repeal of all Ordinances that created or altered the existing development code.

an all new zoning map is proposed, with all new names and standards, individual notice has been provided to every property owner (as reflected on the tax rolls) in the City. The County and the Council of Governments have also received special notice. Additionally, a notice has been provided to the State through the Department of Land Conservation and Development (DLCD), and at City Hall. A notice was published to the DLCD on June 6, 2020 and mailed to property owners on August 6, 2020. The notice was posted in City Hall on August 6, 2020. Information related to the hearing is posted on the City's website here - <http://cityofmillersbrg.org/planning-commision/>.

- E. Review Criteria: Article 2 §2.700(2), the proposed project must be consistent with all applicable Comprehensive Plan Policies and State requirements including the Oregon Transportation Planning Rule. Each is discussed in detail below in Section II.
- F. Background: The City zoning ordinance has been in effect since 1976, just a few years after the City was incorporated in 1974. The zoning code has been amended many times since then, but this is the first major modification since it was originally adopted. The Comprehensive Plan was adopted in 1976 and saw a small revision in 2001. The City is planning to embark on a significant update to the Comprehensive Plan in the future and is beginning foundational analysis for the revision now.

The City is rapidly changing. The City has never had any significant commercial presence; some new commercial zoning is proposed, and any expansion of the City may consider more commercial uses. The balance of industry, residential, commercial and agriculture is changing. Agriculture is rapidly being replaced by new residential. Farm fields have been replaced by tract homes at an increasing rate. The Development Code originally created for the City attempted to balance the relationship between agriculture and development with unique zoning designations that allowed both rural and urban uses. These are no longer appropriate in a City that is shifting to more urban uses. The new proposed Development Code will continue to allow for rural uses, but will require zone changes in order to shift to urban uses.

Some zoning designations are changing, but in most cases the intent of those zones is not. In some cases, the zoning has changed in name only. Residential zones will generally still be residential zones; industrial zones will still be industrial. All standards have been revised to reflect a more current Development Code, with consistent organization for better usability, but generally, most zones will remain similar to how they are today.

The new Development Code also opens many new and exciting opportunities. For example, the new Code includes mixed-use opportunities near the freeway interchange at the north end of the City. The changes also propose new zones for office uses, and small expansions to the commercial zone. Additionally, it is envisioned that the City will not be able to accommodate the 20-year population forecast and will need to grow its Urban Growth Boundary (UGB). The new Development Code includes some zones that may be assigned to property in a

UBG expansion, though they are not mapped on the proposed zoning map at this time. In other words, the new Development Code is attempting to pave the way into the future for Millersburg.

The full proposed Development Code, Zoning Map, Comprehensive Map and edits to the existing Comprehensive Plan are all attached for review.

## **II. CRITERION**

This section contains all applicable City and State provisions that apply to the proposed Development Code and Comprehensive Plan amendments and how each provision is met.

### **A. CITY OF MILLERSBURG DEVELOPMENT CODE CRITERIA**

The text changes and map changes to the Development Code and Comprehensive Plan are required to satisfy the following criteria. These come from Section 2.700(2) of the existing Millersburg Development Code.

**Decision Criteria. All requests for an amendment to the text or map of this Code or the Comprehensive Plan may be permitted upon authorization by the City Council in accordance with following findings:**

#### **(a) The proposed amendment does not conflict with the intent of the Comprehensive Plan.**

**ANALYSIS:** Subsection II.B of this staff report goes into detail on the Comprehensive Plan as it relates to this proposal, specifically that section reviews the applicable Policies. The proposed project includes amendments to the Comprehensive Plan to assure it remains consistent with the new Development Code. A noteworthy aspect of the code amendments is the introduction of an all new Comprehensive Plan Map. This assigns Comprehensive Plan Land Use classifications to all property in the City. Similar to other cities, these classifications are more broad and general. They include Agriculture, Residential, Commercial, Industrial, and Public and Semi Public. This allows, for example, a property owner to change their zoning from one residential zoning designation to another without having to also apply for a Comprehensive Plan Amendment. The new Comprehensive Plan Map and the new Zoning Map are consistent with each other. A table has been added to the Comprehensive Plan to help show which zones are compatible with new Comprehensive Plan Land Use classifications. Based on the changes proposed in Comprehensive Plan, the amendments to the Development Code will be consistent.

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

#### **(b) The amendment will not adversely impact adjacent areas or the land use plan of the City.**

**ANALYSIS:** This criterion does not apply, as it is intended to address property specific changes. However, the proposed Development Code amendments will generally

keep most permitted land uses in the zones the same. Some specific properties are proposed to have the zoning designations changed. None of these should downgrade the property, in other words, no commercial or industrial property is proposed to be changed to residential. New standards are being introduced to address situations where zones with potentially conflicting uses are next to each other. These include required buffer areas and changing setbacks. Implementation of the new Code standards should address any potential adverse impacts between neighboring properties.

**FINDING:** Generally, this criterion does not apply, however, the proposed text and map amendments to the Development Code and Comprehensive Plan will address possible impacts between properties and the zoning map was crafted to address possible impacts.

**(c) The amendment will not violate applicable city, state or federal environmental quality statutes, rules or standards.**

**ANALYSIS:** The new Development Code has been crafted to assure full compliance with, and implementation of all City, State and Federal statutes, rules and standards. One of the key purposes to create the new Code was to assure full compliance with all the changes that have occurred in the State and Federal requirements since the original code was adopted. Many aspects of Federal requirements are passed down through the State, and are therefore also required through the new Code. Specific instances include, but are not limited to wetland and floodplain protection.

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

**(d) The amendment will not have an adverse impact on public facilities.**

**ANALYSIS:** Most of the proposed zones will remain with largely the same uses as they are permitted today, just with new names and standards. This is especially true of industrial zones, which traditionally use a larger portion of public utilities. Some zone changes are proposed. Most are changing industrial areas to commercial or mixed use, only one property is proposed to change from residential to commercial.<sup>2</sup> Others will be changed to open space zones, however these are mostly publicly owned at the current time. In areas where the zoning is changing from Limited Industrial to Office, Commercial or General Industrial, the proposed uses will differ from the uses allowed in the zone today; however, these will typically use similar amounts of public utilities. These are all located along Old Salem Road which features a full complement of adequacy sized utilities. Because the zone changes will all feature land uses that are similar to the existing permitted uses, all infrastructure study assumptions used in the past will still be accurate; therefore, the proposed changes to the Comprehensive Plan and Zoning will not result in any adverse impacts.

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

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<sup>2</sup> Tax lot 10S03W21D 00500 near City Hall

**(e) The amendment will not have an adverse impact on transportation.**

**ANALYSIS:** As noted above, the proposed changes in the zoning will be very minimal compared to the zoning that exists today. The changes from General Industrial to Commercial will be trading trucks for passenger cars. Also see the discussion further on in this report addressing the Transportation Planning Rule (TPR) for additional detail.

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

**(f) The amendment will not have an adverse impact on the economy of the area.**

**ANALYSIS:** The new Development Code has been designed to help clarify development requirements and streamline older processes. Where the existing Development Code contains a number of confusing and contradictory provisions left-over from years of small changes and corrections, the new Code has been created as one consistent and cohesive Code. Home-based businesses are no longer required to get permits prior to operating, as long as they meet standards. The new Code has introduced adjustments, which will act like small variances, and includes many more examples of increased flexibility. This will help property owners and developers to be able to predict development costs and understand expectations, which will help benefit the economy of the area. The proposed Zoning Map changes will increase the diversity of land uses in the City, and open up many more opportunities for commercial and office uses. More diversity and more commercial property will have a beneficial impact economic on the area.

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

**(g) The amendment will not have an adverse impact on the housing needs of the City.**

**ANALYSIS:** The new Code and Comprehensive Plan changes will add clarity to housing requirements, and seamlessly add in standards for Accessory Dwelling Units as well, which are newer to the City of Millersburg. The new Code adds standards for multi-family housing to assure they will blend well with the expectations of the community. The new Code also introduces new multi-family zones such as Mixed-Use and a Residential Mixed Density Zone (RM). The RM is applied to some property in the southern part of the City but is also intended to be added to new annexed property as the City grows.

The proposed Zoning Map did not add a lot of new multi-family housing designations. That would require additional housing analysis that has not yet been done. The City has begun a city-wide Housing Needs Analysis (HNA) that will study and analyze the housing needs for the City. An HNA will help the City understand how much additional housing is needed and what types of housing. We anticipate that the HNA will show there is a need to expand the City UGB and City limits in order to accommodate the 20-year housing forecast. That will be the appropriate time to either up-zone existing property or grow the City/UGB limits to accommodate additional housing types. Having that said, the new Code does lay a foundation for providing these housing revisions by creating new higher density residential zoning

designations.<sup>3</sup> The proposed Zoning Map does include several acres of Mixed Use (MU) and Residential Mixed Density (RM) zoning. The MU zoning would not allow for the development of a non-residential use without the requirement to include some residential. This is important, because without such a requirement a developer could build only all commercial in the MU zone, or only all residential, neither of which would meet the intent of the zone, which is to mix the two. To allow one without the other would rob the intent of the zone.

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

**(h) The amendment does not conflict with the intent of Statewide Planning Goals.**

**ANALYSIS:** Like most cities in the State of Oregon, the City implements the State goals through the Comprehensive Plan. The analysis below will review each of the State Goals for consistency with the proposed Comprehensive Plan and Development Code map and text amendments. Only Goals 1 through 15 are applicable.

**Goal 1-** Goal 1 requires public participation in all phases of the planning process. The City hosted an open house July 29, 2019. This event was well attended and included many activities intended to gain feedback from the public. In addition, the City held Planning Commission workshops on 16 nights to discuss the new Development Code and Comprehensive Plan amendments, specifically on January 16, 2018, February 27, 2018, July 17, 2018, August 23, 2018, October 16, 2018, December 6, 2018, January 7, 2019, January 14, 2019, April 29, 2019, May 13, 2019, May 28, 2019, August 20, 2019, September 17, 2019, October 15, 2019, February 10, 2020, and March 3, 2020. All workshops were open to the public and public testimony was possible at all workshops. The Comprehensive Plan includes many policies to assure full compliance with Goal 1, specifically the citizen involvement program outlined in Section 9.150. The proposed Comprehensive Plan and Development Code amendments followed all policies and provided ample opportunity for public input.

**Goal 2-** Goal 2 is the Land Use Planning Goal. This requires cities to establish a land use planning process as the basis for decision-making. The Comprehensive Plan outlines the policy framework required to implement this Goal. The Development Code further implements the Goal by establishing processes, procedures and standards for land use and development. The proposed amendments will alter the existing land use processes and standards by updating and revising the former development code with processes and standards that are better suited to the changing City. For example, the existing code features zones with rural and urban standards in the same zone. This was intended to ease the transition from rural to urban uses. However, as the City becomes more built out, these standards are not clear and make development more complicated. New zones are proposed that have clear and objective standards for residential uses, along with more modern processes and procedures to help streamline development. The new

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<sup>3</sup> Residential Mixed Density (RM) and Mixed-Use (MU)



Development Code also introduces new zones to help create more housing variety and opportunities. The former one-map-system for zoning and Comprehensive Plan land use designations has been revised. The City will now have separate maps for each, allowing zone changes without the need to alter the Comprehensive Plan. This removes barriers to development while assuring through standards that development will reflect the high quality the City has come to expect. In short, the changes proposed in the amendments will better implement the Land Use Goal.

**Goal 3-** This Goal acts to preserve and maintain agricultural lands. The City does feature some agricultural lands, primarily on the west side of the City. The planning system in the State of Oregon is designed to foster agricultural uses in the Counties, and encourage urban development in the Cities. All actively farmed areas within the City are proposed to be zoned Rural (R), which affords protections for the raising of crops and animals, and includes buffers to foster compatibility between urban and rural uses. It should be noted that the agricultural lands in the City are intended to eventually be converted to urban uses.

**Goal 4-** Goal 4 is intended to preserve forest lands. The City's Comprehensive Plan explains that there are no forest lands within the City. Some woodlands exist near the Willamette River. The proposed amendments do not alter any policies regarding any woodland areas. The previous Willamette River Overlay has been retained for protection of such resources.

**Goal 5-** Goal 5 requires conservation of open space and protection of natural resources, including historical resources. The Comprehensive plan contains many policies intended to help preserve open space in the City. These have not been changed in this proposed amendment. The Development Code now includes a historic overlay and standards that did not exist before. This will protect historic resources within the City, such as the Miller Cemetery. This will also include a framework for the addition of, and maintenance of, additional historic resources over time. The proposed amendments will better implement Goal 5.

**Goal 6-** The improvement and maintenance of clean air, water and land resources is the intent of Goal 6. Chapter 9.200 of the Comprehensive Plan include many policies intended to implement Goal 6. These are reflected in the design review requirements and criteria included in the Development Code. The Development Code will continue to implement the policies of the Comprehensive Plan through operational requirements and development standards implemented during land use and building permit review.

**Goal 7-** Goal 7 requires local natural disaster and hazard planning. The proposed revisions to the Development Code include all State required updates to the flood standards. These revisions better reflect the Federal and State requirements for flood protection and better align the City requirements with Federal standards. The flood areas continue to be shown in an Overlay zone to make implementation clear. Standards in the Flood Overlay Zone

have been updated to be consistent with current state and federal flood management regulations. As such, the amendments better implement the requirements of Goal 7.

**Goal 8-** Goal 8 requires the recreation needs of the City to be met. The City features public parks and is continuing to grow these areas. The new Zoning Map and Comprehensive Plan Land Use Map now include more open space and park land uses, designated in a Public (P) zone to preserve these resources.

**Goal 9-** Goal 9 is the economic development Goal. The purpose of Goal 9 is to make sure cities have enough land available to realize economic growth. As part of the update process, the City carefully reviewed all property to assure that each property is zoned with a use that would achieve the highest and best use of the land. While most property in the City received a new zoning designation that was similar to the zoned already used today, some were identified for changes. The City was lacking adequate commercial zones. As the north east corner of the City continues to develop more commercial uses, the City is proposing to change a number of designations here from a light industrial use to a commercial and/or mixed-use designation. Similarly, the property near City Hall has been identified as a possible new commercial node, and new zoning designations reflect this. In the Development Code, new commercial standards have been added to assure a higher quality of development in the City. Other examples of revisions that help foster economic development include streamlining home-based business to no longer require permits. These and many other proposed revisions will help implement Goal 9 more efficiently.

**Goal 10-** Perhaps the most important Goal in the State system, Goal 10, implements housing. The State has been working on many new and innovative housing regulations to reflect the need for more affordable housing in the State. Chapter 9.400 of the Comprehensive Plan implements housing in the City. The City does not currently have a housing needs assessment (HNA) or a buildable lands inventory (BLI). The City wanted to lay a proper foundation and framework for a through look at the housing needs in the City by first establishing new zoning and standards in the City designed to accommodate a new wider range of housing. The City has already commissioned a firm to draft an HNA and BLI, and this work will begin following adoption of the new Code. Once the new Code and all the housing studies are in place, the City plans to embark on a new Comprehensive Plan as well.

The new Development Code includes several new residential zones with a wide range of density possibilities, including mixed-use. The City is anticipating that the current City limits and policies cannot accommodate the 20-year projection of housing needs, particularly for smaller, more affordable, housing. These new zones will be used when the City expands its UGB. A mixed-use designation has also been proposed to the northeast corner of the city allowing for exciting new commercial, office, residential development. The new code includes policies to assure these are mixed appropriately (meaning

a residential component is a requirement of any development in that area). The Comprehensive Plan has long included policies intended to address a mix of housing units; the new code will better meet that intent. In summary, the City plans to build on the current code revision to include an HNA and BLI looking towards the future of housing within the City.

**Goal 11-** Goal 11 requires plans for public facilities and services. As a city grows, so too do the needs for public facilities. The new Development Code included a detailed review of the infrastructure requirements of the growing City. The proposed amendments do not make many significant changes to the requirements for public utilities, nor do they alter any previous sewer, water, fire, law enforcement or other service in a way that is significant. The development standards have been clarified and should be easier to implement through the land use development review and building permit process.

**Goal 12-** The Transportation system is addressed in Goal 12. This is primarily implemented through the Transportation Planning Rule (TPR) which requires that all proposed development have full consideration of the impacts they will have on the street and transit system. While the amendments propose all new zones throughout the City, these zones are primarily similar to those that already existed. Density in residential areas will not change. New more dense zones are proposed. These are also planned for more use in annexations as the City expands the UGB. These are intended to be used in future interactions. Additionally, some light and general industrial areas are proposed to be converted to commercial areas. In consideration of the new development code, the City met with the department of Land Conservation and Development (DLCDD) to discuss the TPR. It was determined that a traffic study was not needed at this time. A qualitative analysis is used here to analyze the impacts.

As explained above, because the new zones and densities are proposed to remain similar, the impacts to the street system would too remain similar. The previous zoning for residential areas was generally divided into Rural Residential areas, with a 2.5 acre and 10 acre minimum, and a small area of higher density is zoned in the southern portion of the City. The RR zones allow for conversion to "urban" uses with a 10,000 square foot lot minimum. The new code breaks these into a Rural zone and a Residential Low Density (RL) zone. These two new zones function like the older "urban conversion" RR zones except they require an actual zone change when areas are converted to urban uses. This way, the standards are clearer. The bulk of the residential zones in the City are RL which still have a 10,000 square foot minimum. The allowance for accessory dwelling units was made prior to this code revision. Therefore, the residential traffic impacts should remain essentially the same as they are today.

Most General Industrial areas will maintain a new form of the same zoning. Some small revisions are proposed to convert existing Limited Industrial zoned property to General Commercial zones. These kinds of changes to commercial uses should find similar levels of traffic impacts to the streets. This change will

see less truck use and more passenger vehicle use. These should balance out in the end to have essentially the same impacts.

Traffic studies will be required for all significant projects, pursuant to new standards in the Code. In summary, the proposed amendments should have similar traffic impacts to the zones that exist today.

**Goal 13-** Energy conservation is required in Goal 13. The State sees this implemented primarily through urban densification and the re-use of property (as opposed to outward growth) in addition to more classical energy conservation measures like solar and wind energy production. The new Code includes more opportunities for densification, including mixed-use opportunities. Additionally, new development standards will help accommodate other modes of transportation in addition to vehicles. The new Development Code will help implement Goal 13 more efficiently.

**Goal 14-** Goal 14 addresses urbanization, which is essentially the use of an Urban Growth Boundary. The proposed changes to the Comprehensive Plan and Development Code do not alter the City's UGB but as previously explained, it will add more flexibility in land uses to encourage more compact forms of development and more mix of housing types.

**Goal 15-** The Willamette River is such an essential element to western Oregon that this goal, the Willamette Greenway Goal, was added to assure its protection. The City does include the Willamette River on portions of the western edge of the City. The City's previous Willamette Greenway Overlay has been retained and is fully conforming with the State's strict requirements regarding the overlay and for regulations regarding development within the overlay area. The requirements for the overlay are included in the Comprehensive Plan and the Development Code.

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

## **B. COMPREHENSIVE PLAN APPLICABLE POLICIES**

The following is a list of applicable Comprehensive Plan Policies. This does not include all policies in the plan but shows overall consistency with the policies of the plan.

### **SECTION 9.190 PLANNING POLICIES**

**The adopted policies shall be reviewed annually and may be revised and amended to reflect changing needs and within the planning area.**

**All proposed revisions or amendments to the adopted policies shall be reviewed at public hearings before final adoption.**

**ANALYSIS:** The City's needs have been changing. As the City grows from primarily industrial and agricultural to industrial and residential, the needs of the community are

changing. The new Development Code reflects a more current approach, more closely aligned with other cities in the State, and more closely reflecting the State requirements. All changes are scheduled to be reviewed through public hearings.

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

**All local codes and ordinances shall be in conformance with the adopted policies of the Comprehensive Plan: Code or ordinance amendments, deemed in the public interest, that are contrary to the intent of the adopted policies shall be reviewed and amended as policy changes to the Comprehensive Plan before approval of an ordinance amendment.**

**ANALYSIS:** Some changes to the Comprehensive Plan were required to assure consistency between the two documents. The changes proposed are not a wholistic revision to the Comprehensive Plan; on the contrary, they are very specific to consistency with the new Development Code. Specific examples of this include the elimination of the rural and urban zones and replacement with one Rural zone and one low density residential zone. This amendment also introduces a two-map system, one zoning map and one Comprehensive Plan Land Use Map. This is beneficial to a growing City because a landowner can request a change to the zoning without the need to go through a Comprehensive Plan Amendment as well. All proposed changes to the Comprehensive Plan are not contrary to the intent of the plan, rather they are designed to help implement the Development Code.

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

**The City of Millersburg hereby adopts the applicable Statewide Planning Goals as they apply to the community and reinforces them through specific goals, objectives and policies in response to community needs.**

**ANALYSIS:** The Statewide Planning Goals are reviewed above.

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

**Development Patterns and the results of City actions should be reviewed periodically to ensure that the Comprehensive Plan and community needs are being adequately addressed.**

**Periodic monitoring of population trends is desirable in view of the possibility that sudden changes in projected population levels may result from new facilities or economic developments. Monitoring also provides the City with a check against the estimates of the Center for Population Research and Census.**

**ANALYSIS:** The replacement of the Development Code was a result of the changing nature of the City, as reflected in these two policies. Residential is rapidly replacing agricultural land, at a rate that far outpaced the projections for the City. The City has grown to a population of over 2,500 people, which requires a number of changes to the Code as well. The changes to the Code will address the changing nature of the City.

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

**SECTION 9.290 ENVIRONMENT GOALS & POLICIES**

**ANALYSIS:** The Comprehensive Plan contains several policies regarding air, water, topography, soils and other topical areas. These policies are intended to assure that development does not have a detrimental impact on the environment. These policies are addressed in the new Development Code where appropriate, and the proposed revisions to the Comprehensive Plan do not alter these in any significant way. Most of these policies are implemented through the development review of projects, through building permit review, and through other State processes, such as Department of Environmental Quality (DEQ), Department of State Lands (DSL), and other regulatory review processes.

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

**SECTION 9.390 POPULATION & ECONOMIC POLICIES**

**Population**

**The City accepts the official population projection of approximately 1,200 persons for the year 2020 authorized by Linn County and the Oregon Office of Economic Analysis.**

**The City shall track population growth on an annual basis to determine if growth projections remain valid. If growth exceeds projections over a five-year period, a reexamination of urban growth needs shall be initiated to determine if there is a need to expand the Urban Growth Boundary.**

**ANALYSIS:** As stated above, the City is growing at a rate that was not anticipated. The proposed Code revision is the first step planned to address the rapidly growing City. The next step is a Housing Needs Assessment and Buildable Land Inventory. Once those are complete the City will embark on a wholistic revision to the Comprehensive Plan. The rapid increase to the City population is part of the reason for the new Development Code.

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

**Economy**

**The City shall continue to actively encourage industrial and business developments that can help improve the economy of the City, the Albany- Millersburg area, Linn County and the State.**

**The City shall encourage commercial and industrial developments that are compatible with maintaining the area's environmental resources and the livability of the community.**

**The City shall provide and maintain an adequate supply of land for commercial and**

**industrial uses.**

**The City shall encourage commercial and service developments that meet the needs of Millersburg residents, the people working in Millersburg and the overall needs of the Albany-Millersburg Urban Area.**

**ANALYSIS:** The changes to the Zoning Map have been proposed as a response to market needs in the Community. The Loves Truck Stop has brought a demand to the northeast corner of the City, as a result, some changes to zoning are proposed there to zone more commercial property. Developer interest in that area has also resulted in proposed changes to add Mixed-Use zoning. This is intended to attract more medical and similar uses to that area. A new commercial area is proposed near City Hall in an effort to create a more commercial focused center of the City. New residential zones have been added in an effort to be more forward thinking as we study the residential needs of the City. Future UGB expansions can capitalize on new, higher density, zones.

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

## **SECTION 9.490 HOUSING POLICIES**

### **Housing Need**

**The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.**

**The City supports the need for all citizens of the community to have an opportunity to live in sound housing, adequate to their needs, at a reasonable cost relative to their income.**

**The City will designate and maintain adequate amounts of land for each housing type to address community needs**

**The City will monitor housing trends and needs to maintain an adequate supply of available residential land.**

**The City will maintain information on local building trends and the available supply of land for development.**

**ANALYSIS:** The City has embarked on a series of document revisions to specifically address these and other policies in the Comprehensive Plan. The City features a number of housing types, though most are detached single family. The new Development Code includes a number of zones that will allow development at different densities and price ranges. These include high density housing and mixed-use housing. Some of these zones are intended to be used when the City grows its UGB.

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

### **Housing Types**

**The City shall maintain a mix of housing types and densities within the locational criteria of the Land Use Code.**

**Manufactured homes shall continue to be allowed on individual lots as a viable housing alternative.**

**Multi-family housing shall be considered within the locational criteria of the Land Use Code.**

**The City shall encourage innovative design and planning concepts to reduce the cost of housing and services through the Code review procedures for Planned Developments that can allow an increase in density.**

**ANALYSIS:** The new Development Code will continue to allow manufactured homes on individual lots. New zones will allow different housing types across the City. The new Code will continue to allow Accessory Dwelling Units (ADU) on every residential parcel that permits a single family home. Duplexes are permitted in almost every residential zone. Multi Family residential is envisioned in the new Mixed-Use Zone and other new zones, intended to be used as the City grows. The upcoming Housing Needs Assessment (HNA) and Buildable Lands Inventory (BLI) will provide more detail on what types of housing is needed. The new Code will accommodate those needs.

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

### **Housing Costs**

**The City supports the need to reduce housing costs.**

**The City shall encourage an adequate supply of housing within the financial capabilities of its citizens to fulfill their needs.**

**The City shall strive for an efficient utilization of land and efficient provision for public facilities and transportation networks to minimize housing costs.**

### **Buildable Lands**

**The City shall maintain an adequate availability of residential buildable lands that provides locational choices for each housing type.**

**The City shall maintain a substantial supply of residentially zoned land within the community to assist in keeping land costs for housing at reasonable levels.**

**ANALYSIS:** New zones will allow higher density which will help provide housing at different price points and promote an efficient use of the land. The areas that are currently zoned Rural Residential are proposed to be changed to mostly low-density residential zones to promote consistency in these areas. ADU's are permitted in all zones that allow single family homes, and duplexes are also permitted on some of these lots. These could allow for increased rental units. The residential areas within the City are quickly becoming built out. While the Code update is not necessarily the place to address this, it does help provide a new foundation on which to build on with the, now underway, HNA and BLI by providing a focus on clear and objective design



and development standards for residential, and new zones to help promote an increase in housing types and density.

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

## **SECTION 9.590 LAND USE POLICIES**

**Sufficient area shall be maintained for the balanced expansion of all major land uses.**

**Areas with existing consistent land use patterns shall be preserved and reinforced unless other overriding factors suggest a change.**

**Standards shall be adopted and enforced to ensure the preservation and provision of natural vegetation in all development areas.**

**The extent and boundaries of each land use district shall be shown on the Comprehensive Plan Map.**

**ANALYSIS:** The new Zoning Map allows for the expansion of commercial and industrial uses. New commercial areas have been added, while many light industrial areas have been converted to office and general industrial areas. Most general industrial areas have not been changed. Many of the lower density residential areas have been retained and conflicting uses have been kept separate from these areas, thus protecting the existing type of housing. Many areas of the City that featured natural vegetation were previously in residentially zoned areas. Those have now been changed to a Public Zone, to reflect the intention to preserve these open spaces long term, under City ownership. These also serve as key drainage features for the City. Lastly, this set of amendments will create a Comprehensive Plan Map, as required by the Policies.

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

### **Residential Land Use**

**When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.**

**A variety of lot sizes, housing types and street patterns shall be encouraged.**

**Higher density multi-family development should be encouraged adjacent to arterial or collector streets and as a buffer between commercial and single-family uses, where feasible.**

**ANALYSIS:** As explained previously, the new Code will include many new, higher density, zoning designations intended to be used when the City expands. Mixed-use areas are proposed for the northeast corner of the City, which will afford an opportunity for new housing types.

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

### **Commercial Land Use**

**A Commercial Service Center is desirable and needed adjacent to the City Hall to create a "Town Center" for the community that is centrally located. The City should consider incentives to encourage development of a commercial center at this location.**

**ANALYSIS:** For the first time, the new Zoning Map proposes to add commercial zones near City Hall, as intended in this policy which was originally shown in the first Comprehensive Plan for the City.

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

### **Industrial Land Use**

**The industrial Districts shall be reserved for industrial development although interim farm use is an allowed permitted use until development occurs.**

**ANALYSIS:** Most of the general industrial areas have been preserved in the new Zone and Comprehensive Plan Map. Interim farm uses will continue to be allowed.

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

### **Agriculture**

**Existing agricultural uses within the community shall be maintained as an interim use until a development proposal is approved by the City.**

**The expansion of urban development into the interim farm areas shall only occur as part of an urban service extension plan.**

**ANALYSIS:** Conversion of the Rural zone to any other zone will continue to require the build out of adequate public infrastructure. Agricultural areas are now zoned Rural and will continue to be used as a holding zone for future urban development.

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

### **Open Space and Scenic Resources**

**Natural areas that are generally unsuited for development purposes shall be preserved as protecting buffers; protection for soils; watersheds and wildlife habitats; and as recreational and scenic resources.**

**Places of natural scenic beauty, particularly woodland areas, streams and the Willamette River Greenway, shall be preserved to the maximum extent possible.**

### **Willamette River Greenway**

**Continued Preservation, restoration or enhancement of identified ecologically scientific, historic or archaeologically significant areas shall be encouraged.**

**Development proposals shall be consistent with the purposes of the Greenway.**

**ANALYSIS:** As noted previously, many of the publicly-owned open spaces within the City have been proposed for a Public Zone, to assure long term protection. The Willamette Greenway Overlay has been maintained to assure full compliance with State requirements. Uses permitted in the areas near the River have been carefully reviewed to assure preservation of the scenic qualities.

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

#### **SECTION 9.690 PUBLIC FACILITIES AND SERVICES POLICIES**

**ANALYSIS:** This Comprehensive Plan Section includes many policies related to law enforcement, fire, schools, sewer, water, parks and other public facilities. Based on staff's review of these policies, the proposed amendments are fully consistent and only add to the implementation of City facilities and services. The new zoning map will allocate a new location for a City fire station, identify new park areas within the City, and strengthen site plan review requirements to assure adequate infrastructure is built as development occurs.

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

#### **SECTION 9.790 GROWTH MANAGEMENT POLICIES**

##### **Historic and Cultural Resources**

**The City shall assist local organizations or groups in preserving places of historic, cultural, or special significance.**

**The City should encourage suitable signs to indicate places of historic interest.**

**Miller cemetery shall be preserved as a historic site.**

**ANALYSIS:** An all-new historic preservation section has been added to the Development Code. This ties together with a Historic Overlay, that includes the Miller Cemetery. This new section will provide a framework for the growth of the historic preservation within the City.

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

##### **Phased Urban Growth Program**

**The City shall maintain rural residential densities until an area is provided with sewer and water services. A minimum urban density will be determined in the City's Land Use Development Code.**

**Landscaping shall be included as an integral part of site and street developments.**

**The City shall require protection of natural drainage channels and natural vegetation resources and require maintenance of them as an open space resource, where possible.**

**ANALYSIS:** The new Code still requires adequate water and sewer lines in order to convert from the Rural Zone to any other residential zone, including the Residential Low Density zone. Density requirements are outlined in the Development Code. New landscape requirements have been added for street and for new commercial and industrial development. Lastly, as previously mentioned, the natural drainage areas within the City have, for the most part, been included in the Public Zone, which will help foster protection of these features.

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

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

Based on the above findings of fact, the proposed amendments satisfy the applicable criteria. Staff recommends that the Planning Commission recommend approval of Application No. DC 18-01 to the City Council.

### IV. **STAFF RECOMMENDED MOTION FOR TO THE CITY COUNCIL** (*assuming the Planning Commission recommends approval*)

Based on the findings of fact in the staff report, the proposed amendment satisfies the applicable criteria. The City Council hereby approves Application No. DC 18-01 and adopts Ordinance No. (TBD).

### V. **EXHIBITS**










- A. Proposed Zoning Maps
  - Draft Zoning map
  - Proposed Zoning with No Overlays shown
  - Proposed Zoning Overlays only
- B. Proposed Comprehensive Plan Land Use Map (new)
- C. Public Hearing Notice<sup>4</sup>
- D. Pro Proposed Development Code Text Amendments (new code) *Hard copy available upon request or by download-* <http://cityofmillersburg.org/development-code-update-2020/>
- E. Proposed Comprehensive Plan Text Amendments *Hard copy available upon request or by download-* <http://cityofmillersburg.org/development-code-update-2020/>

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<sup>4</sup> The hearing notice was posted with a draft version of the Amendment; however, this has been removed due to the size.

# Draft Zoning Map

## ZONING

-  Commercial Office (CO)
-  General Commercial (GC)
-  General Industrial (GI)
-  Limited Industrial (LI)
-  Mixed Use (MU)
-  Public (P)
-  Residential Low (RL)
-  Residential Mixed Density (RM)
-  Rural (RU)

## OVERLAYS

-  Willamette Greenway
-  Airport Approach
-  100-Year Floodplain
-  Roads
-  Historical
-  City Limits

## City of Millersburg

0.5 0.25 0 0.5 Miles



Proposed Zoning map with no  
Overlays










PUBLIC HEARING DRAFT



AUGUST 2020

# Draft Zoning Map

## ZONING

-  Commercial Office (CO)
-  General Commercial (GC)
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-  Residential Low (RL)
-  Residential Mixed Density (RM)
-  Rural (RU)

## City of Millersburg

0.5 0.25 0 0.5 Miles



Proposed Zoning map with  
Overlays Only

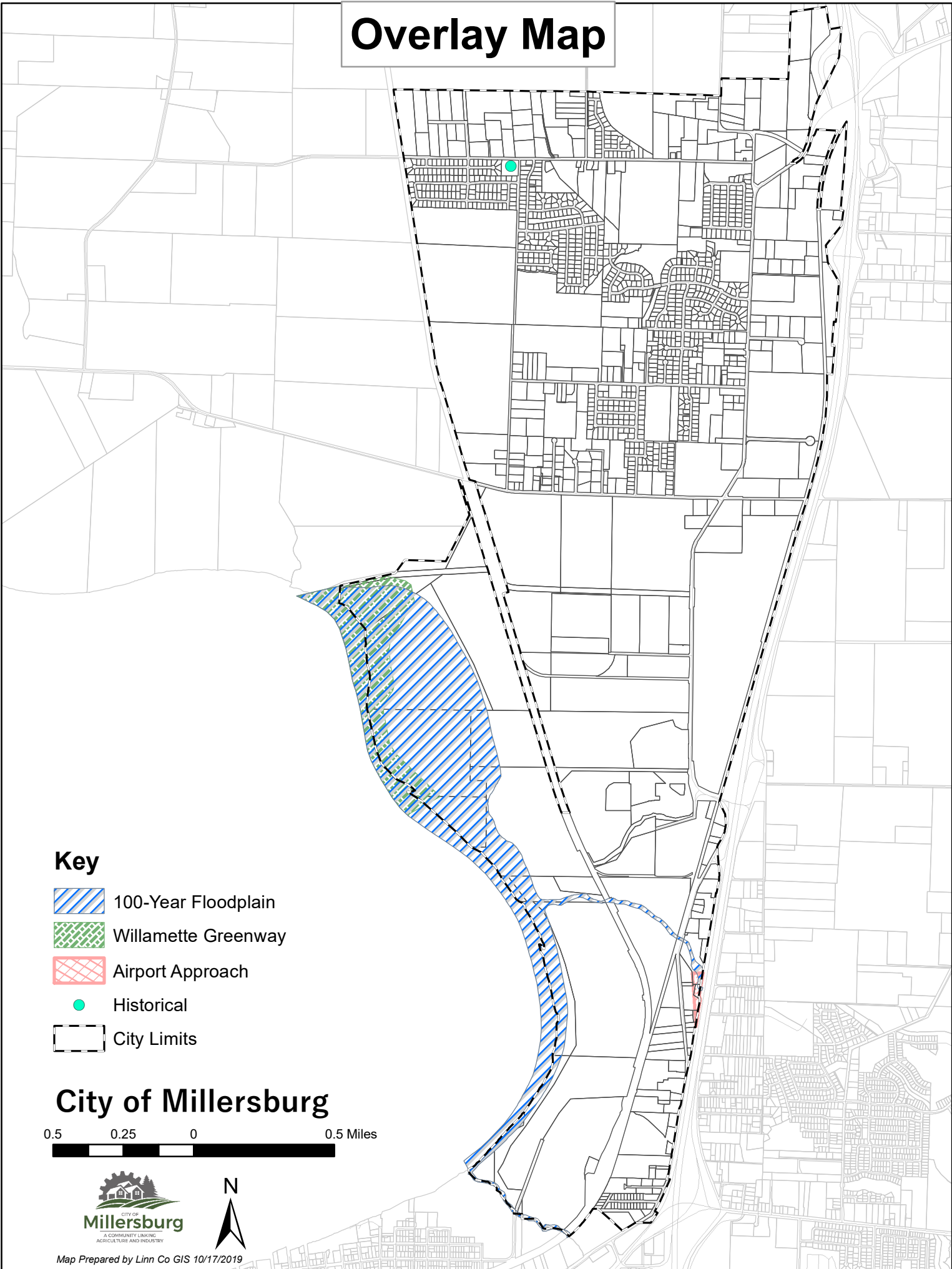
PUBLIC HEARING DRAFT








AUGUST 2020



# Overlay Map



## Key

-  100-Year Floodplain
-  Willamette Greenway
-  Airport Approach
-  Historical
-  City Limits






## City of Millersburg

0.5 0.25 0 0.5 Miles



# Draft Comp Plan Map

## Comp Type

-  Agriculture
-  Commercial
-  Industrial
-  Public and Semi Public
-  Residential

## OTHER

-  City Limits

## City of Millersburg

0.5 0.25 0 0.5 Miles



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



**NOTICE OF PUBLIC HEARINGS**  
**Special COVID 19 Process, Read Carefully**

**Planning Commission**  
**September 2, 2020, 6:00 p.m.**

**\*\*By Phone or Online ONLY\*\***

**Join by URL:**

**<https://aspenuc.accessionmeeting.com/j/1153796864>**

**See more detailed instructions on the next page**

**Or join by phone:**

**Dial: +1 5032129900 (US Toll)**

**Meeting ID: 115 379 6864**

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**City Council**

**October 13, 2020, 6:30 p.m.**

**\*\*By Phone or Online ONLY\*\***

**Join by URL**

**<https://aspenuc.accessionmeeting.com/j/1161717173>**

**Phone number to join meeting: 503-212-9900**

**Meeting ID: 116 171 7173**

**PROPOSED ADOPTION OF A NEW DEVELOPMENT CODE, COMPREHENSIVE PLAN TEXT AMENDMENTS, ZONING MAP, AND COMPREHENSIVE PLAN LAND USE MAP**

Due to the COVID-19 situation the **MILLERSBURG PLANNING COMMISSION** and **MILLERSBURG CITY COUNCIL** will hold public hearings on these proposals by phone and online only. If anyone needs special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may testify by phone or online during the hearings. Failure of an issue to be raised in the hearings, in person or by letter, or failure to provide sufficient specific information to allow the Commission or Council an opportunity to respond to the issue, will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The proposed amendments and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. Also, the proposed documents can be viewed at the following web location-<http://cityofmillersburg.org/development-code-update-2020/>. City Hall is temporarily closed to the public. Any document request must be made by phone or email. Staff reports relating to the proposal will be available seven days prior to the public hearings at the same web location. For further information, contact Millersburg City Hall at (458)-233-6300.

**CRITERIA:** Millersburg Development Code; Section 2.700(2). These criteria also require compliance with the applicable Statewide Planning Goals and Oregon Administrative Rules, 660-004, 660-012, 660-014, 660-015, 660-022, and Oregon Revised Statutes 197.732.

**FILE No.:** DC 18-01

**PROPOSAL:** The City of Millersburg is proposing to replace the existing Development Code with a new Development Code. The new Code will include new zoning designations not existing before as well as new names for zones existing today. The proposed changes include a new zoning map. All zoning designations will change for every property, though many will be new names for existing zones. Development standards for zones are proposed to be revised as well.

Amendments are also proposed to the City's Comprehensive Plan. These text amendments only revise text required to assure consistency between the new Development Code and the Comprehensive Plan. Additionally, a new Comprehensive Plan Land Use Map and new Zoning Map are proposed replacing the City's existing combined Zoning/Comprehensive Plan Map.

Four actions are proposed:

- Adoption of Comprehensive Plan Text amendments
- Adoption of a new Comprehensive Plan Map
- Adoption of a new Development Code
- Adoption of a new Zoning Map

In 1998, Oregon voters passed a law known as Measure 56. This law requires a notice be mailed to landowners when a change in land-use laws is proposed including zone changes which might limit the use of their property. Measure 56 requires the City of Millersburg to use the wording at the top of this notice and wording below in all such notices.

On September 2, 2020 the Planning Commission and on October 13, 2020 the City Council will hold public hearings regarding the adoption of a new Development Code, Comprehensive Plan text amendments, new zoning map, and new Comprehensive Plan Land Use map. The City of Millersburg has determined adoption of these changes may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

You are receiving this notice because you own property that is located within the Millersburg Urban Growth Boundary that will be impacted by this proposal.

**PUBLIC HEARING**

Persons wanting to address the Council during public hearings have two options.

Email your comments to [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org). Please include your name, address, and subject of the public hearing. For the Planning Commission hearing, comments received before 5:00 p.m. on September 2nd, 2020 will be included in the record. For The City Council Hearing, comments received before 5:00 p.m. on October 13th, 2020 will be included in the record

To testify virtually during Planning Commission public hearing, register by emailing [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org) before noon on September 2nd, 2020. To testify virtually during City Council public hearing, register by emailing [cityclerk@cityofmillersburg.org](mailto:cityclerk@cityofmillersburg.org) before noon on October 13th, 2020. During public testimony, the Mayor will call upon those who have registered to speak, and they will be unmuted at that time. Testimony should only include new information not already previously submitted.

### **JOIN MEETING INSTRUCTIONS – GENERAL PUBLIC**

To join the meeting via computer:

1. Click on the link provided or enter the link in your web browser. You will see the

Your meeting should start in a few seconds...

If nothing prompts from browser, [download & run](#) .

following:



*If this is your first time joining an AspenUC meeting, you will be prompted to install a file. This should run automatically. If not, you may need to click on the blue text. The computer will ask if you want to install the program. Click Yes.*

2. The program will now ask you if you want to join the audio using your computer or your phone.
  - o If you want to use the computer audio and microphone, click yes. You will now join the meeting.
  - o If you want to use your phone:
    - Click the button on the computer screen that says 'use phone audio.'
    - You will now join the meeting.
    - Dial 503-212-9900. When asked, enter the Meeting ID.
    - You will also be asked to enter you participant ID number. It should be on the computer screen in front you. If you do not have a participant code, just enter #.

3. While the meeting is in progress, you will see the participant toolbar at the bottom of the screen.

**Participant toolbar:**



4. Use the **Microphone** icon to toggle your microphone on  and off .
5. To speak during Public Comment periods "raise hand" by clicking on the hand icon. When the presiding officer calls upon you to speak, the meeting organizer will unmute you. Once your comment period is finished, you will be muted again.

To join the meeting via phone (audio only):

Enter the Dial-in number and when prompted, enter the Meeting ID. If you do not have a participant code, just enter #.

*During the meeting, all public participants will initially be muted. During periods for public comment, public participants will be unmuted.*

*All normal public meeting rules will be followed.*