



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

PLANNING COMMISSION MEETING

Millersburg City Hall
4222 NE Old Salem Road, Albany OR 97321
Tuesday, March 3rd, 2020
6:00 p.m.

Agenda

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. MEETING MINUTE APPROVAL
 - 1) Planning Commission Meeting held on:
 - i. February 10th 2020 Planning Commission Meeting.
- E. QUASI-JUDICIAL PUBLIC HEARINGS
 - 1) File No: DC 20-01 Accessory Structure Code Text Change
Proposal: The proposal would revise the current version of the Land Use Development Code to afford more flexibility to standards for accessory structures (not accessory dwelling structures). More specifically Section 6.110 has been modified to allow the maximum size of an accessory unit structure on a residential lot to change with the size of the lot.
- F. CITY PLANNER UPDATE
 - 1) Recent Lot Line adjustment - Matt Straite
 - 2) Continued Land Use Development Code update with John Morgan
- G. ADJOURNMENT

Upcoming Meeting(s):

March 10, 2020 @ 6:30 p.m. – City Council Meeting

March 12, 2020 @ 6:00 p.m. – Events Planning Committee 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.



**CITY OF MILLERSBURG
PLANNING COMMISSION MEETING AND WORK SESSION**

4222 NE Old Salem Road
Monday, February 10th, 2019
6:00 pm

Minutes

A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:00 pm.

B. ROLL CALL:

Members Present: Jimmy Kirkendall, Dennis Gunner, Connie Lepin, Anne Peltier, Mark Raum, Steve Vogler

Members Absent: Ryan Penning

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Kimberly Wollenburg, City Recorder; Forrest Reid, City Attorney; John Morgan, Planning Director; Matt Straite, City Planner

C. MEETING MINUTE APPROVAL

1) January 23, 2020 Meeting Minutes

Action: Motion to Approve the Minutes as Presented by Commissioner Peltier; seconded by Commissioner Raum.

Commissioner Kirkendall: Aye

Commissioner Lepin: Aye

Commissioner Gunner: Aye

Commissioner Vogler: Aye

Commissioner Peltier: Aye

Commissioner Penning: Absent

Commissioner Raum: Aye

D. Quasi-Judicial Hearing

None

E. City Planner and Staff Updates

1) Land Use Development Code Update with John Morgan

City Planning Director John Morgan reviewed the approval process and next steps.

i. He noted that due to the size and contents, Article IV was split into two and is now Articles IV and V.

ii. Planning Director Morgan then started going over the draft Code.

a. Commissioner Lepin asked about the fee waiving and City Manager Kreitman noted it would go to the City Council for resolution.

b. Commissioners Lepin and Gunner noted that there was no definition for serial partitioning. Planning Director Morgan will add.

- c. Commissioner Lepin asked about the definition of flags given she identified flags as the state and US flag. Discussion followed regarding whether or not flags on flag poles should be defined and what constituted advertising "flags." The Commission determined that a definition for flags/flag poles was needed.
 - d. Commissioner Gunner asked if the Commission would be provided an updated map of the zones. This will be provided.
 - e. Commissioner Gunner asked about mixing use (H(I)) specifically where commercial is on the bottom and residential on top. Discussion followed regarding how to revise to provide clarity. City staff will rework and provide a suggestion for revision.
 - f. Commissioners discussed Section 2.109.04 (C) and decided to remove this item.
 - g. The addition of recycling centers less than 5,000 sq. feet as a permitted use under Section 2.110.02.
 - h. Significant discussion regarding temporary signs and whether the Commission wants to insert stronger conditions. The Commission decided to revisit this section at a later date if temporary signs become an issue.
 - i. After discussion regarding swimming pools (Section 3.107.09), the Commission elected to remove the provision as it is already addressed under building codes.
 - j. During discussion of landscaping section, Commissioner Lepin asked about addressing the cutting of trees with partitions. Assistant City Manager/City Engineer Booth and City Manager Kreitman shared with the Commission about the tree ordinance passed by the City Council several months ago.
 - k. The Commission discussed revising Section 3.206.02 for exterior finish language to address concerns regarding the appearance of accessory structures. Planning Director Morgan will make the change.
 - l. The Commission revised Section 3.207.01 (D) for ADUs to be no greater than 650 square feet but no less than 250 square feet.
- 2) Planning Director Morgan passed out two versions of a use matrix for the Commissioners to review and determine which version is preferred.

F. Meeting adjourned by Commission President Kirkendall at 9:52 pm.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Matt Straite
City Planner

Upcoming Meetings

February 11th, 2020 @ 6:30 p.m. – City Council Meeting

February 17, 2020 – City Hall Closed – Presidents' Day

February 25, 2020 @ 4:00 p.m. – City Council Work Session

March 3, 2020 @ 6:00 p.m. – Planning Commission Meeting

March 10, 2020 @ 6:30 p.m. – City Council Meeting

March 12, 2020 @ 6:00 p.m. – Events Planning Committee Meeting



File No: DC 20-01 Accessory Structure Code Text Change

Proposal: The proposal would revise the current version of the Land Use Development Code to afford more flexibility to standards for accessory structures (**not** accessory dwelling structures). More specifically Section 6.110 has been modified to allow the maximum size of an accessory unit structure on a residential lot to change with the size of the lot.

I. BACKGROUND

- A. Applicant: City of Millersburg
- B. Location: City Wide (all residential zones)
- C. Review Type: The proposed Development Code Amendment (DA) requires a hearing before the Planning Commission whereby the Commission makes a recommendation to the City Council. A subsequent hearing before the City Council is required for a final action, including the adoption of an ordinance. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: A notice was published in the Democrat-Herald on February 10, 2020 and posted in City Hall. A separate notice was sent to the Department of Land Conservation and Development (DLCD) on January 28, 2020. Information related to the hearing is posted on the City's website here - <http://cityofmillersbrg.org/planning-commision/>. A Measure 56 notice was not required, nor were direct mailing notices because the regulations will not add new limitations on existing property rights, rather, they will add more flexibility and larger accessory structure sizes.
- E. Review Criteria: Article 2 §2.700(2)
- F. Current Zoning: All zones that permit single family dwellings.
- G. Background: The City's current Land Use Development Code (LUDC) limited accessory structures to 800 square feet until May of 2017 when that number was increased to 1,200 square feet. Many still consider that number to be too low and the City has received a number of complaints. It should be noted that a variance *cannot* be used as a tool to request a larger accessory structure.

The Planning Commission is currently going through the process of rewriting the Land Use Development Code. The City has proposed changes to the accessory structure provisions for the new up-coming development code update. However, the new code process is taking longer than anticipated and a number of citizens have been waiting for the change to take effect so they can apply for new accessory structures (that would conform to the new code, but do not conform with the existing code).

The proposed zoning code text revision will add a sliding scale to the maximum size of an accessory structure. For lots under 10,000 square feet the current maximum accessory structure size will remain at 1,200 square feet. For property over 11,000 square feet, the structure size may be increased an additional 100 square feet of each 1,000 square feet of lot size.

This is consistent with the changes that have been discussed and reviewed by the Planning Commission in several workshops; this staff report is just proposing to adopt these specific changes now so that homeowners would no longer have to wait.

II. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The proposed Land Use Development Code (LUDC) text change is an amendment to the existing LUDC and is required to satisfy the following criteria.

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 Comprehensive.

ANALYSIS: Subsection (h) of this staff report goes into detail on the Comprehensive Plan as it relates to this proposal. In summary, based on staff's review, the project is consistent with the plan.

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: The land use plan, and by extension the LUDC, for the City has always allowed accessory structures. Millersburg's larger 10,000 square foot lot minimum has lent itself to strong interest in accessory structures. As noted above, the minimum size of accessory structures was increased from 800 to 1,200 in 2017. This proposed text amendment would increase that again, depending on the applicant's lot size. The possible impact to adjacent areas would only be the possibility of a larger structure on a neighboring lot; thus the impacts could be aesthetical and/or some possible nuisance issues related to noise or odors from activities within accessory structures. As such, this code amendment includes new setback requirements for accessory structures. These include the same setbacks as the underlying zone for the front and street side yards. The side and rear yard setbacks are the same as the existing accessory structure setbacks¹ but are now proposed to increase as the structure height increases. As proposed the setback would increase 1 foot in setback distance requirement for every additional foot above 8 feet tall. The maximum height would

¹ Side:5 feet, Rear 10 feet

be 20 feet or the height of the primary structure. The intent is to prevent an aesthetic and/or nuisance concern for a neighbor such as a large mass of a structure being visible over a fence, or casting shadows that were not there previously. With setbacks that increase with the height of the structure, this should not be an issue. Any other noise, vibration, dust or other impact that could result from an accessory structure are nuisance concerns and are addressed through a separate ordinance.

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

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

ANALYSIS: The size of an accessory structure does not relate specifically to any City, State, or Federal environmental standards. Any structure proposed would be required to comply with all environmental regulations at the time it is constructed.

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: Traditionally a use creates a demand on public utilities. A residential accessory structure/use usually does not increase demand or pressure on public utility systems. The homeowners, and their residential facility uses (water, sewer, traffic), create the impacts. Adding a structure to a lot does not increase how many people live on a property (again, this proposed change does not address 'accessory dwelling units'), or how much water, wastewater, or traffic the homeowners generate. Additionally, an accessory structure is already allowed in residential zones. The actual change introduced by this amendment would only be the *increase* in the size of the over the 1,200 square feet size permitted today. The effect of the amendment would therefore be small, but it is difficult to gauge because there is no way to anticipate how many people will take advantage of the new size to build an accessory structure. Either way, the impacts of the code revision are anticipated to be minimal.

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

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

ANALYSIS: As noted above, the proposed amendment will allow an increase in accessory structure sizes for some properties. As such, increasing the allowed size of an accessory structure on some properties will not have an adverse impact on transportation. The impacts are generated by the primary use, not the accessory use/structure.

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 proposed text change may result in additional accessory structure requests and construction, which would provide additional construction jobs.

Additionally, allowing larger accessory structures may allow new home occupations which will have positive impacts to the economy of the area. It is important to note that home occupations are required to mitigate any impacts to assure there are no nuisance impacts on neighbors.

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: Changes to accessory structure standards will not impact housing. The likely result of relaxed standards will be an increase in the desirability of the residential property in the City. No changes are proposed to accessory dwelling units.

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 all cities in the State of Oregon, the City implements the State goals through the Comprehensive Plan. If a project is consistent with the Comprehensive Plan, it is consistent with the State Goals. Based on staff's review, the Comprehensive Plan is silent on accessory structures. The proposed changes are not inconsistent with any goals or policies. There are policies and goals that speak to establishing safe and efficient development in residential areas. Allowing flexibility in implementing accessory structures, including the new standards such as increased setbacks, will assure that the development of any new accessory structures is consistent with these policies and goals, and therefore, with the State Goals.

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

III. STAFF RECOMMENDATION TO THE PLANNING COMMISSION

Based on the above findings of fact, the proposed text code amendment satisfies the applicable criteria. Staff recommends that the Planning Commission recommend approval of Application No. DC 20-01 to the City Council.

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

Based on the above findings of fact the proposed amendment satisfies the applicable criteria. The Planning Commission and staff recommend that the City Council approve Application No. DC 20-01 and adopt Ordinance No. 2020-04 including an emergency provision to make the Ordinance effective immediately upon adoption.

V. EXHIBITS

- A. Proposed text changes
- B. Existing Code Section 6.110
- C. Ordinance No. 2020-04
- D. Public Hearing Notice

SECTION 6.110 RESIDENTIAL ACCESSORY STRUCTURES: Amd 3/10/20

An accessory structure shall comply with all requirements for a principal structure, except where specifically modified by this section. Accessory structures shall not be used for human habitation except as specified in this section. Accessory structures shall comply with the following standards:

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

Structure Size (a)	Exterior Finish	Location Property	Area Coverage for Accessory Structure (a)	Maximum Height
Up to 200 sf	No requirements	Side or Rear Yard	No Maximum	10 feet
200 to 1,200 sf	(b)	Side or Rear Yard	50% of the lot	20 feet
Over 1,200 sf	(b)	Side or Rear Yard	35% of the lot	(c)

- a) Up to 11,000 square foot lot, maximum accessory structure size is 1,200 square feet; over 11,000 square foot lot, the structure may be increased an additional 100 square feet of each 1,000 square feet of lot size.
- b) For any accessory structure located on a lot of 11,000 square feet or less, the exterior siding shall have the same general materials and color as the primary dwelling. Otherwise there are no restrictions.
- c) The maximum height is twenty (20) feet, or the height of the primary residence, whichever is greater.
- d) Total lot coverage standards as required per zone also apply to all accessory structures, including those not requiring a building permit.

(2) **Setbacks.** Accessory structures shall comply with the following setbacks:

- a) Front and/or Street Side Yard: Comply with requirements of underlying zone.
- b) Side Yard: five (5) feet plus 1 foot for every foot above 8 feet.
- c) Rear Yard: five (5) feet plus 1-foot for every foot above 15 feet.
- d) Accessory structures shall be detached from all other buildings by at least six (6) feet unless submitted for approval under the **Variance** provisions of **Section 2.600**.

(3) **Multiple Accessory Structures.** There shall be no limit to the number of structures, provided the structures in combination comply with the area coverage requirements. When there is more than one accessory structure within

a yard, all provisions in this Chapter shall apply and shall be based on the total square footage of all accessory structures within the yard.

(4) **Prohibited Structures.** The use of metal shipping containers or semi-truck trailers as an accessory structure shall be prohibited.

(5) **Sales.** No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.

(6) **Exceptions.**

- a) Farm accessory buildings in the Rural Residential Zones are exempt from the size requirements.
- b) Accessory structures under 200 square feet do not require a Building Permit.

(7) Boats, trailers, detached campers recreational vehicles, fifth-wheelers, motorized dwellings, travel trailers, tent trailers, tents and similar recreational facilities may be stored, but not used for continuous human habitation. Temporary Habitation is limited to 30 consecutive days or a total of 60 days in a calendar year within the City limits. The City Manager may grant an extension upon receiving a written justification request in conformance with **Section 1.130 (7)**.

ARTICLE 6

USE STANDARDS

SECTION 6.110 RESIDENTIAL ACCESSORY USES : Amd 5/17/2017

An accessory use shall comply with all requirements for a principal use, except where specifically modified by this section. Accessory uses shall not be used for human habitation except as specified in this section. Accessory uses shall comply with the following standards:

- (1) Accessory buildings shall not be used for dwelling purposes unless submitted for approval under the **Variance** provisions of **Section 2.600**.
- (2) No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.
- (3) **An Accessory building in the Urban Conversion Zone shall be limited to one building and one story not exceeding a height of 24 feet and 1,200 square feet in area unless submitted for approval under the Variance provisions of Section 2.600. The 1,200 square foot area limitation includes the enclosed area and roof covered open space areas but does not include roof overhangs less than 30 inches.** Farm accessory buildings in the Rural Residential Zones are exempt from the size requirements. Accessory structures under 200 square feet do not require a Building Permit.
- (4) A separate accessory structure shall be detached from all other buildings by at least Six (6) feet unless submitted for approval under the **Variance** provisions of **Section 2.600**.
- (5) Boats, trailers, detached campers recreational vehicles, fifth-wheelers, motorized dwellings, travel trailers, tent trailers, tents and similar recreational facilities may be stored, but not used for continuous human habitation. Temporary Habitation is limited to 30 consecutive days or a total of 60 days in a calendar year within the City limits. The City Administrator may grant an extension upon receiving a written justification request in conformance with **Section 1.130 (7)**.

ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING THE MILLERSBURG LAND USE DEVELOPMENT CODE BY REVISING SECTION 6.110 OF THE MILLERSBURG LAND USE DEVELOPMENT ORDINANCE

WHEREAS, the City of Millersburg previously adopted Ordinances implementing the Land Use Development Code within the City of Millersburg; and,

WHEREAS, the Article 6 of the City of Millersburg Land Use Development Code prescribes specific land use standrads for Residential Accessory Structures; and,

WHEREAS, the City of Millersburg has been revising the entire Land Use Development Code; and,

WHEREAS, the revised Land Use Development Code proposes to create new standrads for accessory structures and some consituents have been waiting on the adoption of the revised Land Use Development Code; and,

WHEREAS, the City of Millersburg intends adopt only the revised accessory structure provisions (Section 6.110) in advance of the adopting the full revised Land Use Development Code; and

WHEREAS, the Millersburg Planning Commission recommended to the Millersburg City Council on March 3, 2020 that the City Council approval of the amendment to the accessory strucvture standrads in Section 6.110; and,

WHEREAS, the Millersburg Planning Commission finds that an emergency exists and for the peace, health, and safety of the citizens of Millersburg, this Ordinance should become effective upon its passage;

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

Section 6.110 is revised with new standrads for accessory structures.

FURTHERMORE, the Millersburg City Council finds that an emergency exists and for the peace, health, and safety of the citizens of Millersburg, this Ordinance shall become effective upon its passage.

PASSED by the Council and approved by the Mayor this 10th day of March, 2020.

Jim Lepin,
Mayor

ATTEST:

Kimberly Wollenburg,
City Recorder



NOTICE OF PUBLIC REVIEW
March 3, 2020, 6:00 p.m. and
March 10, 2020, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

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

The City of Millersburg will hold a **PLANNING COMMISSION** hearing on March 3, 2020 at the above time and place, and a **CITY COUNCIL** hearing on March 10, 2020 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment. Failure of an issue to be raised or failure to provide sufficient specificity to afford the two bodies an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

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

APPLICANT: City initiated

LOCATION: City wide

CRITERIA: Millersburg Development Code; Section 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 20-01

REQUEST: The proposal would revise the current version of the Land Use Development Code to afford more flexibility to standards for accessory structures (**not** accessory dwelling structures). More specifically Section 6.110 has been modified to allow the maximum size of an accessory unit to change with the size of the lot.

Exhibit A- DC 20-01 Proposed Text Changes

ARTICLE 6 USE STANDARDS

SECTION 6.110 RESIDENTIAL ACCESSORY ~~STRUCTURES~~~~USES~~ : Amd 5/17/20172/2020

An accessory ~~structure~~~~use~~ shall comply with all requirements for a principal ~~structure~~~~use~~, except where specifically modified by this section. Accessory ~~structures~~~~uses~~ shall not be used for human habitation except as specified in this section. Accessory ~~structures~~~~uses~~ shall comply with the following standards:

(1) Dimensions and Design requirements. Residential accessory structures ~~Accessory buildings~~ shall ~~not~~ be subject to the following requirements:

<u>Structure Size (a)</u>	<u>Exterior Finish</u>	<u>Location Property</u>	<u>Area Coverage for Accessory Structure (a)</u>	<u>Maximum Height</u>
<u>Up to 200 sf</u>	<u>No requirements</u>	<u>Side or Rear Yard</u>	<u>No Maximum</u>	<u>10 feet</u>
<u>200 to 1,200 sf</u>	<u>(b)</u>	<u>Side or Rear Yard</u>	<u>50% of the lot</u>	<u>20 feet</u>
<u>Over 1,200 sf</u>	<u>(b)</u>	<u>Side or Rear Yard</u>	<u>35% of the lot</u>	<u>(c)</u>

- a) Up to 11,000 square foot lot, maximum accessory structure size is 1,200 square feet; over 11,000 square foot lot, the structure may be increased an additional 100 square feet of each 1,000 square feet of lot size.
- b) For any accessory structure located on a lot of 11,000 square feet or less, the exterior siding shall have the same general materials and color as the primary ~~used for~~ dwelling. Otherwise there are no restrictions.
- c) 20 feet, or the height of the primary residence, whichever is greater.
- d) Total lot coverage standards as required per zone also apply to all accessory structures, including those not requiring a building permit.

(2) Setbacks. Accessory structures shall comply with the following setbacks:

- a) Front and/or Street Side Yard: Comply with requirements of underlying zone.
- b) Side Yard: 5 feet plus 1 foot for every foot above 8 feet.
- c) Rear Yard: 10-foot plus 1-foot for every foot above 15 feet.
- d) Accessory structures shall be detached from all other buildings by at least Six (6) feet ~~purposes~~ unless ~~a submitted for approval under the~~ **Variance** is approved.

(3) Multiple Accessory Structures. There shall be no limit to the number of structures, provided the structures in combination comply with the area coverage requirements. When there is more than one accessory structure within a yard, all provisions in this Chapter shall apply and shall be based on the total square footage of all accessory structures within the yard. **of Section 2.600.**

(4) Prohibited Structures. The use of metal shipping containers or semi-truck trailers as an accessory structure shall be prohibited.

(5) Sales. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.

(6) Exceptions.

~~a) An Accessory building in the Urban Conversion Zone shall be limited to one building and one story not exceeding a height of 24 feet and 1,200 square feet in area unless submitted for approval under the Variance provisions of Section 2.600. The 1,200 square foot area limitation includes the enclosed area and roof covered open space areas but does not include roof overhangs less than 30 inches.~~ Farm accessory buildings in the Rural Residential Zones are exempt from the size requirements.

~~a)b) _____~~-Accessory structures under 200 square feet do not require a Building Permit.

~~(1) (7) A separate accessory structure shall be detached from all other buildings by at least Six (6) feet unless submitted for approval under the Variance provisions of Section 2.600.~~

Boats, trailers, detached campers recreational vehicles, fifth-wheelers, motorized dwellings, travel trailers, tent trailers, tents and similar recreational facilities may be stored, but not used for continuous human habitation. Temporary Habitation is limited to 30 consecutive days or a total of 60 days in a calendar year within the City limits. The City ~~Manager~~Administrator may grant an extension upon receiving a written justification request in conformance with **Section 1.130 (7)**.



NOTICE OF PUBLIC REVIEW
March 3, 2020, 6:00 p.m. and
March 10, 2020, 6:30 p.m.
City Council Chambers
4222 NE Old Salem Road
Millersburg, Oregon, 97321

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

The City of Millersburg will hold a **PLANNING COMMISSION** hearing on March 3, 2020 at the above time and place, and a **CITY COUNCIL** hearing on March 10, 2020 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment. Failure of an issue to be raised or failure to provide sufficient specificity to afford the two bodies an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. For further information, contact Millersburg City Hall at (458) 233-6300.

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

APPLICANT: City Initiated

LOCATION: City Wide

CRITERIA: Millersburg Development Code; Section 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 20-01

REQUEST: The proposal would revise the current version of the Land Use Development Code to afford more flexibility to standards for accessory structures (**not** accessory dwelling structures). More specifically Section 6.110 has been modified to allow the maximum size of an accessory unit to change with the size of the lot.

