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Rules of Conduct for Public Meetings

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

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

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

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

PLANNING COMMISSION WORK SESSION AGENDA

ELECTRONIC MEETING

September 21, 2021 @ 6:00 p.m.

This meeting will be held remotely. Instructions for joining the meeting can be found at <https://www.cityofmillersburg.org/bc-pc/page/planning-commission-work-session-7>. 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 Monday, September 20.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/1167491335>

Phone number to join meeting: 503-212-9900

Meeting ID: 116 749 1335

- A. CALL TO ORDER
- B. ROLL CALL
- C. MEETING MINUTE APPROVAL
 - 1) Planning Commission Meeting held on:
 - i. August 17, 2021 Planning Commission Meeting
- D. CODE UPDATE WORK SESSION
- E. ADJOURNMENT

Upcoming Meeting(s):

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

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



**CITY OF MILLERSBURG
PLANNING COMMISSION PUBLIC HEARING & WORK SESSION**

4222 NE Old Salem Road
Tuesday, August 17, 2021
6:00 pm

Minutes

- A. CALL TO ORDER: Commission Chair Anne Peltier called the meeting to order at 6:00 pm.
- B. ROLL CALL:
- | | |
|------------------|---|
| Members Present: | Commissioners Monte Ayers, Connie Lepin, Anne Peltier, Ryan Penning, Mark Raum, and Caryl Thomas |
| Members Absent: | None |
| Staff Present: | Matt Straite, Community Development Director; Kimberly Wollenburg, City Recorder; Kevin Kreitman, City Manager; Assistant City Manager/City Engineer Janelle Booth; and Forrest Reid, City Attorney |
- C. MEETING MINUTE APPROVAL
- 1) Review and acceptance of July 20, 2021 meeting minutes.
Action: Motion to accept the minutes as presented made by Commissioner Raum; seconded by Commissioner Ayers.
- | | |
|-----------------------|-----|
| Chair Peltier: | Yes |
| Commissioner Lepin: | Yes |
| Commissioner Raum: | Yes |
| Commissioner Ayers: | Yes |
| Commissioner Thomas: | Yes |
| Commissioner Penning: | Yes |
- Motion Passed: 6/0**
- D. QUASI-JUDICIAL PUBLIC HEARINGS
- File No: SP 21-03 and CUP 21-02 Brown Industrial Project and Caretaker's Unit
Community Development Director Straite presented the staff report and provided additional information on both projects.
ACTION: Motion to Approve Site Plan 21-03 and CUP 21-02, Brown Industrial Project and Caretaker's Unit made by Commissioner Ayers; seconded by Commissioner Raum.
- | | |
|-----------------------|-----|
| Chair Peltier: | Yes |
| Commissioner Lepin: | Yes |
| Commissioner Raum: | Yes |
| Commissioner Ayers: | Yes |
| Commissioner Thomas: | Yes |
| Commissioner Penning: | Yes |

Motion Passed: 6/0

E. CODE UPDATE WORK SESSION

- 1) Community Development Director Straite reviewed the staff report for DC 21-01, the Development Code update. He went over the proposed changes. The Commission discussed the proposed changes and recommended revisions that will be done and provided to the Commission at a September work session.

F. ADJOURNMENT: Meeting adjourned by Commission Chair Peltier at 7:10 pm.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Matt Straite
Community Development Director

DRAFT



I. BACKGROUND

In October of last year the City adopted the new Development Code. As is the case with any new code, small tweaks are expected as we begin to implement the Code.

A workshop was held with the Planning Commission to review these changes on August 17, 2021. The Commission indicated support for most of the proposed revisions. The Commission requested the following revisions:

- Add an expanded definition of caretakers units and research other cities process for caretakers units.
 - *A definition was added, and a new section intended to be added to the "special uses" section of the code. This new section contains standards for use with a caretakers unit. See below. The code currently only allows caretakers units with a CUP in the LI and GI zone.*
- Revise the proposed changes for two story setbacks (item 1) to simply say that the first story must be setback 5 feet and the second story must be 8 feet setback.
 - *Revisions shown below*
- Tighten up the purpose section of the General Commercial Zone to make it very clear what the City wants to see in this zone (item 4).
 - *A new sentence was added to the purpose section to clarify the 'service-oriented' intent. See below.*
- Disallow inflatable advertising, including flailing-arm-inflatable-tube-men (aka- air dancers) and inflatable animal shapes (item 8).
 - *A new entry was added in the "Prohibited Signs" section was added prohibiting inflatable advertising, including, but not limited to, animal shaped inflatables. See below.*
- Add clarity to the maximum height permitted for blade banner signs, and clarify how long a temporary sign can be removed before it can be put out again (item 8).
 - *A maximum height for blade banner signs of 7 feet was added. An additional section was added to Temporary Signs to require that any temporary sign, once removed, must wait 30 days before it can be re-registered with Planning and re-installed. This could mean they continually post the sign, then wait a month and re-post it without end.*
- Add clarity to the real estate sign requirements, such that the sign can be posted on the property 15 days from the 'listing.'
 - *Revisions shown below.*
- There was discussion about RV Park uses but no changes were requested.

Additionally, since the last workshop, staff has added the following proposed edit:

- Staff and the public have been incorrectly calling the Limited Industrial Zone the “Light Industrial Zone” (item 3). We propose to change the name to be more consistent with the name it is typically called- Light Industrial. The LI acronym would stay the same.
- Staff proposes some small revisions to the Flood Overlay section. This section discusses the need for a Floodplain Development Permit but does not specify a process for that application (Item 15).

II. PROPOSED CHANGES

Summary Table 1			
	Section	Topic	Proposed Update
1	2.03.060	Two Story Setback Clarification	Clarify 8 foot setback to 2 story homes in 2 residential zones. We will also re-evaluate the definition of “story”
2	2.05 and throughout	Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM)	
3	2.09	Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI)	
4	2.08	Revised Uses in the Commercial Zone	Remove some uses from the General Commercial zone - no ministorage, auto paint uses, RV Parks or similar.
5	2.09.040 & 3.24.010	LI and PF Zone RV Park clarifications	The RV Park standards in Section 3.24 explain that LI permits Parks with a CUP, but the LI Permitted Uses section does not state that. This clarifies that they would not be allowed in LI. Further, the PF zone permits them with a CUP but section 3.24 does not state that.
6	2.10.060(7)	GI Environmental Performance Standards	The environmental performance standards were removed, it is duplicative as its listed in other sections.
7	3.03	Restaurant Parking	Re-visit restaurant parking.
8	3.06	Temporary Signs	Add a new more detailed section on Temporary Signs.
9	3.06	Blade Banner Signs	Add details about Blade Banner signs.
10	3.12.020	Revised Single Family Home Design Standards	Revise SFR design requirements, including a requirement for 12” eaves and add more choices.
11	4.02.030	Additional Lot Standards	Additional lot standards. Add language for remainder lots, phased maps, re-divisions, and

			lot averaging.
12	5.01.060	Modifying Land Use Approvals	Clarify the difference between a land use permit 'reconsideration' and a 'modification.'
13	5.07.060	Additional Subdivision and Partition Criteria	Add more partition and subdivision criteria.
14	1.02	Caretakers revisions	Add a definition for "caretakers" and add a new section 3.28 with standards for caretakers units in the Special Uses section of the code.
15	2.12.120 & 5.01.030	Floodplain Development Permit details added	We have specified a process for the review of this State required application.

Proposed Text Changes

1. 2 Story Setback (changes shown in redline)-

1.02.20 Definitions

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade as defined herein, such basement or cellar shall constitute a story. **For industrial or commercial applications a 'story' shall be considered 14 feet. For example, a 28 foot tower would be considered a two story structure.**

2.03.060 Dimensional Standards

Table 2 - RL Dimensional Standards

RL Zone Dimensional Standards	
Side Yard – two or more stories Any second story (or more) shall be at least 8 feet from the property line (Interior)	8 feet

2.05.060 Dimensional Standards

Table 4 - RM Dimensional Standards

RM Zone Dimensional Standards	
Side Yard – two or more stories Any second story (or more) shall be at least 8 feet from the property line (Interior)	8 feet

2. **Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM).**
The text changes are not shown here, as they are found in numerous places throughout the code and would be too voluminous to list here.
3. **Change the name of the Limited Industrial Zone (LI) to Light Industrial (LI).**
The text changes are not shown here, as they are found in numerous places throughout the code and would be too voluminous to list here.
4. **Revised Uses General Commercial Zone** (changes shown in redline)-

CHAPTER 2.08 GENERAL COMMERCIAL (GC)

2.08.010 Purpose

The General Commercial Zone is applied to areas suitable to meet a wide range of commercial activities to serve the community. **All uses should be a service-type use, meaning they should be uses like restaurants, offices, and retail. Uses should not be those which see very little customer interaction such as light manufacturing uses or repair.**

2.08.020 Permitted Uses

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

- (1) Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, and sporting goods stores.
- (2) Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels and hotels (but excluding recreational vehicle parks and campgrounds), personal instructional facilities (instructional classes), banks, real estate, and financial services.
- (3) Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services.
- (4) Professional offices and clinics for medical, dental, legal, engineering, and other professions.
- (5) Banks, credit unions, investment firms; real estate offices, mortgage companies, title companies, and similar financial-related offices.
- (6) Automobile service station, including towing service and vehicle washing and polishing facilities and services.
- (7) Automobile, truck, motorcycle, trailer, agricultural equipment, recreational vehicle and boat sales, lease, and rentals.
- (8) Vehicle repair and maintenance, including electric motor repair, ~~paint and body shop~~, tire recapping, and similar automotive repair facilities.

- (9) Construction businesses such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work, or painting.
- (10) Part and accessory sales for automobiles, trucks, motorcycles, trailers, agricultural equipment, recreational vehicles, and boats, which include the installation, repair or modification of such parts and accessories; but specifically prohibiting junk yards, wrecking yards, or auto salvage and restoration yards. Part and accessory sales which do not include the installation, repair, or modification of such items are allowed as a permitted activity.
- (11) Retail tire sales.
- (12) Laundry or dry cleaning.
- ~~(13) Warehouse for short term storage, including mini-warehouses.~~
- ~~(14)~~ (13) Lumber yard and contracting supplies for lumber, stone, masonry, or metal.
- ~~(15) Cabinet shop.~~
- ~~(16)~~ (14) Interim farm use, subject to the provisions in Chapter 3.21.040, except crops may be cultivated for commercial sales or use.
- ~~(17)~~ (15) Utility substations or pumping stations, excluding outdoor storage of equipment or materials.

2.08.030 Special Uses

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

- (1) Partitions, subject to the provisions in Chapter 4.02.050.
- (2) Subdivisions, subject to the applicable provisions of Chapter 4.02.060.
- (3) Home occupations within a pre-existing residence, subject to the provisions of Chapter 3.13.
- (4) Temporary uses, subject to provisions in Chapter 3.17.
- (5) Bed and breakfast, subject to provisions in Chapter 3.18 and located within a preexisting residence.
- (6) House of worship, subject to provisions in Chapter 3.19.
- ~~(7) Recreational vehicle park, subject to provisions in Section 3.24.~~
- ~~(8)~~ (7) Wireless communication facilities, subject to provisions in Section 3.27.

2.08.040 Conditional Uses

The following uses require approval of a Conditional Use Permit and are subject to a Site Development Review:

- (1) Dwelling units shall be permitted subject to one of the following provisions:
 - a. A dwelling unit may be established if it is necessary and clearly accessory and subordinate to a permitted commercial use.
 - b. A dwelling unit not accessory and subordinate to a permitted commercial use may be established on the second or upper floors of a permitted commercial use.

- ~~(2) All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses provided all operations except off-street parking and temporary activities, with or without outdoor storage.~~
- (3) (2) Public and private utility buildings and structures, including but not limited to electric substations, telephone exchanges, and communications antennas or towers.
- (4) (3) Publicly owned and operated facilities or structures, including government offices and stations, fire stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.
- (5) (4) Houses of worship, subject to provisions in Chapter 3.19.

5. LI and PF Zone RV Park clarifications (changes shown in redline)-

A and C. Changes proposed to the RV Park Standard for 3.24.010

CHAPTER 3.24 RECREATIONAL VEHICLE PARK STANDARDS

3.24.010 Purpose

Oregon Revised Statutes Chapter 446 and Oregon Administrative Rules Chapter 918, Division 650 specify the standards and regulations for Recreational Vehicle (RV) use in the State of Oregon.

3.24.015 Standards

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

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

(6) Each RV space shall be provided with electrical service, piped potable water, and sewage disposal service. All RVs with service connections staying in the Park shall be connected to these services.

(7) The Park shall be maintained in a neat appearance at all times. There shall be no outside storage of materials or equipment. Trash receptacles shall be provided at convenient locations and in adequate number and capacity.

(8) RVs are limited to a stay of no more than six months in any 12-month period.

(9) The Park shall provide toilets, lavatories, and showers for each sex in ratios specified by the State of Oregon for each recreational vehicle space. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

(10) The Park shall provide one utility building or room containing three clothes washing machines, one clothes drying machine, and 50 square feet of space for each 50 recreational vehicle spaces.

(11) Public building spaces shall be lighted at all times of night and day; shall be ventilated; shall be provided with heating facilities which shall maintain a room temperature no lower than 65° F; shall have a floor of waterproof material; shall have sanitary ceiling, floor, and wall surfaces; and shall be provided with adequate floor drains to permit easy cleaning.

6. GI Environmental Performance Standards (changes shown in redline)-

2.10.060 Development Standards

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

~~(7) Environmental performance standards may limit placement of certain uses in the zone if the site is located within 300 feet of residentially zoned land.~~

7. Restaurant Parking (changes shown in redline)-

Table 14- Vehicle and Bicycle Parking Space Requirements

M	Eating and drinking establishments including food pods	Greater of 1 space per 4 seats, or, 1 space per 400 sq ft 1 per 800 sq ft for carryout and 1 per 200 for sit down of gross floor area
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8. Temporary Signs (changes shown in redline)-

Chapter 1.02 Definitions

Portable Sign (Sign). Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are ~~also not to be considered temporary signs as defined and used in this Code.~~

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. ~~Also see Portable Sign (Signs).~~

Chapter 3.06 SIGNS

3.06.020 Definitions

Portable Sign (Sign). Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground; a sign originally designed, regardless of its current modification, to be moved from place to place. These signs include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. ~~Portable signs are not to be considered temporary signs as defined and used in this Code.~~

Temporary Sign. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. ~~Also see Portable Sign (Signs).~~

3.06.070 Prohibited Signs

The following signs are prohibited in all zones:

- (1) Balloons or similar types of tethered objects.
- (2) Portable ~~or temporary~~ signs, except where allowed ~~as a part of a permitted temporary business or otherwise permitted~~ by ~~Municipal Code Section 3.06.130.~~
- (3) Roof signs.
- (4) Inflatable advertising signs including animal shaped inflatables and air-dancers (aka. wacky flailing arm inflatable tube men).

3.06.130 Temporary Signs

~~Temporary signs are prohibited except as permitted by this section. The following signs shall comply with all provisions and regulations of this chapter; however, no~~

fee, permit, or application is required. Registration for all temporary signs is required. These include portable signs such as A-frame or sandwich board signs. This section does not apply to any City temporary signage, which have no restrictions.

1. Generally.

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

2. Allowed Temporary Signage.

- a. In a residential zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling, farm stands, etc. Standards for residential temporary signs include:
 - i. There shall be no more than one temporary sign per property.
 - ii. Signs shall not exceed six square feet per side.
 - iii. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.
 - iv. Real Estate signs may be erected within 15 days of the home being listed and shall be removed no more than 15 days from the sale (close of escrow), lease or rental of the property.
 - v. Contractor signs shall be removed within seven days of completion of any construction or remodeling.
 - vi. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 - vii. On property more than two acres in residential zones the sign area may be increased to 32 square feet.

- viii. In no case shall the sign or signs be erected for more than 12 months.
 - ix. Blade Banner signs are considered temporary signs and shall meet all regulations herein.
- b. In any commercial, public, or industrial zone, limited temporary signage is permitted pursuant to the following standards. This signage shall not be restricted by content, but is typically used to advertise real estate, political or ideological positions, construction or remodeling, or temporary activities. Standards include:
- i. There shall be no more than one temporary sign per property even if more than 1 business is located on the property.
 - ii. Signs shall not exceed six square feet per side.
 - iii. Signs intended to advertise commercial services are prohibited, unless related to fund-raising for a non-profit organization or institution. Signs of this nature shall not be erected more than 1 month.
 - iv. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.
 - v. Real Estate may be erected within 15 days of the property being listed and shall be removed no more than 15 days from the sale, lease or rental of the property.
 - vi. Contractor signs shall be removed within seven days of completion of any construction or remodeling.
 - vii. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 - viii. In no case shall the sign or signs be erected for more than 12 months.
 - ix. Temporary uses such as Christmas tree sales, pumpkin sales, etc. are permitted two signs not to exceed 32 square feet per side each. The signage shall be allowed for the same duration as the temporary use.
 - x. Pennants and Streamers may be used as part of an opening or promotional event up to 120 days per calendar year.
 - xi. Blade Banner signs are considered temporary signs and shall meet all regulations herein. In no case shall blade banner signs be taller than 7 feet.
- c. Fair/Market Vendor Signs. In addition to any other temporary sign requirement, the following additional requirements apply: (For purposes of this subsection, "vendor" includes persons selling or displaying information or products)
- i. The fair or market is a temporary activity which does not require permanent site improvements.
 - ii. The fair or market shall have no more than 3 offsite or onsite signs advertising the event, individual vendors are not permitted to use

any additional off site signage (including yard signs on private property).

- iii. There are no regulations for signs within the event area, except that no sign shall be higher than 10 feet from the ground surface.
- iv. All signs shall be erected no more than 1 day prior to the event and removed within one day of the close of the event.

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

e. **Additional Temporary Signs.** Once a temporary sign has been removed because it exceeded its time duration limit, the sign cannot be re-erected for at least 30 days.

9. Blade Banner Signs (changes shown in redline)-

Chapter 3.06 Signs

3.06.020 Definitions

Blade Banner Signs: aka Feather Flag, or Feather Blade signs are signs often of a temporary nature, that consist of fabric attached to a pole. The pole is typically about 6-8 feet in height where the sign mounts in a vertical nature.

10. Single Family residential Design Changes (changes shown in redline)-

CHAPTER 3.12 DESIGN STANDARDS FOR HOMES ON INDIVIDUAL LOTS

3.12.020 General Standards – All Single-family and Duplex Homes

All new site-built single-family and duplex homes and modular homes constructed or located within the City shall ~~have~~ include:

- (1) ~~At least~~ a two-car garage for each dwelling unit
- (2) ~~Eaves that project at least 12"~~
- (3) ~~No garage shall be more than 65% of the façade width.~~
- (4) ~~All trim shall be at least 4 inches~~
- (5) ~~and shall also utilize at least two of the following design features~~ A garage up to 50% of the length of the facade shall meet at least 4 of the following design standards. A garage more than 50% of the facade must meet at least 5 of the following design standards to provide visual relief along the front of the dwelling:

- a. Dormers, which are projecting structures built out from a sloping roof housing a vertical window
- b. Gables, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end
- c. Recessed entries (minimum 2 feet)
- d. Covered porch entry (minimum 48 square feet)
- e. Cupolas
- f. **Wrapped Decorative** Pillars or posts
- g. Bay or bow windows
- h. **Eaves greater than {minimum 12" projection}**
- i. Off-set on building face or roof (minimum 16")
- j. Windows and doors represent a minimum of 15% of the façade, not including the roof or gables
- k. Stone, brick or other similar material used on the façade
- l. Garage doors designed to resemble 2 smaller garage doors
- m. A third garage door (or second door of a 3 car garage) that is recessed a minimum of 2 feet
- n. Decorative roofline elements including roof brackets
- o. Exterior chimney of brick, stone, composite masonry or similar materials (viable from the façade)
- p. Tower, either square, rectangular, circular or polygonal in form
- q. Lintel, arch, or similar decorative header casing on windows, the main entry door, portico, garage door(s), or other opening in the wall plane
- r. Variation in wall cladding, wall-surface pattern, or decorative materials such as shakes, shingles, brick, stone or other similar

11. **Additional Lot Standards** (changes shown in redline)-

4.02.030 Standards for Lots or Parcels

The following standards shall apply to all Partitions and Subdivisions.

- (8) **Re-Division.** When subdividing or partitioning into large lots which may be re-subdivided, the City shall require that the design of the lots be of a size and shape to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.
- (9) **Remainder areas.** When subdividing or partitioning property, any area within the tentative/final plat that is not proposed to be part of a lot, parcel, or tract is a remainder area. Tracts must serve a function. Any such remainder area must meet the minimum requirements of this Code, including any requirements by the zone such as lot size or the requirement to connect to public water and/or sanitary sewer.

(10) Lot Averaging. Lot averaging is not permitted. All lots must meet the minimum lot size requirements of the zone.

(11) Phased Development.

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a tentative plat. All phasing must be approved with the entitlement. Phasing proposed after entitlement approval requires a project modification regulated by section 5.16.060.
2. The criteria for approving a phased subdivision (in addition to all standard subdivision criteria) review proposal are:
 - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
 - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
 - i. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
 - ii. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

12. Modifying a land use decision (changes shown in redline)-

5.01.060 Modifying Reconsideration of a Land Use Decision

- (1) A reconsideration of an approved project is used when a project has been recently approved by a decision body, and is found to have a glaring error (applicant or City error) that requires the decision body to re-review the approval. Alternatively, an applicant requesting to substantially change a site plan, building size, or other aspect of the project after the project is approved, but is not the result of an error in the processing of the project, would use the process outlined in Section 5.16.060. ~~Conditions of approval imposed in a land use decision may be modified by using the process outlined in 5.15.060.~~
- (2) The applicant shall have the legal right to represent all undeveloped land within the original area subject of the application.
- (3) Applications for **modification reconsideration** shall only be used in cases in which the applicant requests reconsideration of a specific condition(s) of approval. Only those conditions shall be considered for change by the decision-making

body.

- (4) A reconsideration must be submitted prior to the end of the appeal period and be treated as an appeal to the approval.
- ~~(4)~~(5) Any other change requested may only be considered by filing a new application.

13. Additional Partition and Subdivision Criteria (changes shown in redline)-

5.07.060 Decision Criteria

Approval of a partition shall be subject to the following decision criteria:

- (1) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.
- (2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.
- (3) Existing ~~dwelling~~ structures and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.
- (4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy.
- (5) ~~Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.~~

5.08.060 Decision Criteria

Approval of a Subdivision or PUD shall be subject to the following decision criteria:

- (1) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.
- (2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.
- (3) Existing buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.
- (4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy. Adequate means the development will not cause streets (including sidewalks, intersections, and traffic control devices), sewer facilities, water facilities, and storm drainage facilities to exceed the relevant capacity for each type of facility established in the most recently adopted, Sewer Master Plan, Water Master Plan, Storm Water Master Plan, and the Transportation System Plan development in accordance with the State Transportation Planning Rule for which the

determination will be made in accordance with Section 3.02.120. Adequacy can be established in three ways:

- a. Professional Engineering analysis determining the subdivision will not exceed the capacity of existing and future public facilities as projected in the most recently adopted water, sewer, and stormwater master plans and transportation system plan;
 - b. Professional Engineering analysis determining what improvements will be required to increase the capacity of public facilities to adequately accommodate the subdivision and how those will be financed; or
 - c. A combination of both a and b.
- (5) **Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.**
- ~~(5)~~(6) PUD. Approval of a planned unit development shall require compliance with the following in addition to the criteria listed above:
- a. Conformance with provisions of 4.02.010 (Purpose Statement).
 - b. The proposal shall comply with the applicable development and layout provisions contained in Section 4.02.030 of this Code.
 - c. Infrastructure shall be available and appropriate to serve the proposed development.

14. Caretakers Units (changes shown in redline)-

Note: In all zones where a caretaker's use is permitted, clarify that it is a special use that has standards in the new Chapter 3.28 shown below.

CHAPTER 1.02 Definitions

Caretaker/ Caretakers unit. A caretaker is a person or persons employed principally on the lot for purposes of care and protection of plants, buildings, equipment, or other facilities on- site or on contiguous lots under the same ownership. A dwelling unit for a caretaker is a structure on the premises being cared for or guarded and is occupied exclusively by a caretaker and his/her family.

CHAPTER 3.27 CARETAKERS UNITS

3.28.010 Introduction and Purpose

The purpose of this Chapter is to establish the regulations, standards and circumstances under which a dwelling unit accessory to the main business on a lot

may be established for the purpose of providing continuous on-site care for property.

3.28.020 General Standards

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

- (1) **Number allowed.** Only 1 caretaker unit per lot shall be allowed.
- (2) **Nature of structure.** Caretakers units may be detached, attached (to a primary use structure, such as in storage units), or a HUD approved manufactured home. Use of a travel trailer is not permitted. Unless set on a ground level foundation, any manufactured home shall have skirting that in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
- (3) **Employment.** The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. Caretaker housing shall be allowed only where the principal commercial, industrial, or institutional use of the site involves operations, equipment or other resources that require twenty-four (24) hour oversight.
- (4) **Permitted Use.** The caretaker unit shall be on a lot or building site with an approved, permitted use and occupied exclusively by a caretaker and his/her family.
- (5) **Sewer.** All caretakers units shall be served by public sewer.
- (6) **Floor Area.** The maximum floor area for a caretaker unit shall be 1,200 square feet.
- (7) **Parking.** A minimum of 1 covered off-street parking space shall be provided for the caretaker unit.
- (8) **Rentals.** The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.
- (9) **Subdivisions.** Subsequent subdivisions which divide a separate lot or parcel for a caretaker unit shall not be permitted.
- (10) **Deed Restrictions.** The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.
- (11) **Removal of Housing Unit.** A caretaker or employee housing unit shall be used no longer than the existence of the principal use of the site that justifies the caretaker or employee unit. Upon termination of the principal use, the unit shall be removed (or in the case of a site-built or apartment-type unit, converted to another approved use) within forty-five (45) days after ceasing the principal use.

15. Floodplain Development Permits (changes shown in redline)-

2.12.120 Establishment of a Development Permit

- (1) Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins, **more specifically before building permits are issued** within any area horizontally within the special flood hazard area established in Section 2.12.040. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 2.12.030, including fill and other development activities.
- (2) Application for a Development Permit. Application for a development permit **is a Type I process, maybe** made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 2.12.100(b)2.
 - b. Proposed elevation in relation to mean sea level to which any non-residential structure will be flood proofed.
 - c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the flood proofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 2.12.180(C).
 - d. Description of the extent to which any watercourse will be altered or relocated.
 - e. Base Flood Elevation data for subdivision proposals or other development when required per Sections 2.12.100(B)1, and 2.12.140.
 - f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
 - g. The amount and location of any fill or excavation activities proposed.

5.01.030 Table of Land Use Application Procedures

Table 22 - Land Use Application Procedures

Land Use Application Procedures				
Land Use Action	Type	Staff	Planning Commission	City Council

Floodplain Development Permit	Type - I	Final Decision	No Role	No Role
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