



This meeting is being recorded for public review on the City of Millersburg website.

Rules of Conduct for Public Meetings

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

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

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

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

PLANNING COMMISSION PUBLIC HEARING & WORK SESSION AGENDA ELECTRONIC MEETING

August 17, 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-meeting-63>. 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, August 16.

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. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. MEETING MINUTE APPROVAL
 - 1) Planning Commission Meeting held on:
 - i. July 20, 2021 Planning Commission Meeting
- E. QUASI-JUDICIAL PUBLIC HEARING
 - 1) Continuation of File No: SP 21-03, and First Hearing for File CUP 21-02 Brown Industrial Project and Caretaker's Unit

The Site Development Review application is proposing to construct two industrial buildings and a gravel storage yard for light industrial use. They are for lease, and no tenants are identified at this time. The application also proposes to entitle four existing structures on the property for single family use, office uses, storage uses, and manufacturing. These were all constructed without a prior land use approval. The Conditional Use Permit application is proposing to entitle an existing single family home as a caretakers unit. Improvements to the entire site include parking areas, utilities, landscaping, and stormwater systems.
- F. CODE UPDATE WORK SESSION
- G. 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 MEETING**

4222 NE Old Salem Road
Tuesday, July 20, 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 Connie Lepin, Anne Peltier, Ryan Penning, Mark Raum, and Caryl Thomas

Members Absent: Monte Ayers

Staff Present: Matt Straite, Community Development Director; Kimberly Wollenburg, City Recorder; Kevin Kreitman, City Manager; and Forrest Reid, City Attorney

C. MEETING MINUTE APPROVAL

1) Review and acceptance of June 22, 2021 meeting minutes.

Action: Motion to accept the minutes as presented made by Commissioner Raum; seconded by Commissioner Thomas.

Chair Peltier: Yes

Commissioner Lepin: Yes

Commissioner Raum: Yes

Commissioner Ayers: Absent

Commissioner Thomas: Yes

Commissioner Penning: Yes

Motion Passed: 6/0

D. QUASI-JUDICIAL PUBLIC HEARINGS

Chair Peltier noted that the applicant has requested an additional continuance for their item. After discussion, and with there being no public present, the Commission decided to continue the hearing on August 16, 2021.

ACTION: Motion to Continue Hearing on Site Plan 21-03, Industrial Project to August 17, 2021 and Leave Record Open for Written Testimony made by Commissioner Raum; seconded by Commissioner Lepin.

Chair Peltier: Yes

Commissioner Lepin: Yes

Commissioner Raum: Yes

Commissioner Ayers: Absent

Commissioner Thomas: Yes

Commissioner Penning: Yes

Motion Passed: 6/0

E. City Planner Update:

- 1) City Planner Matt Straite provided updates on proposed land use application and recent staff approvals. Commissioner Thomas and Commissioner Raum asked questions about the industrial partition Community Development Director Straite mentioned. He also noted that a Code update is being worked on to add some refinements.

F. Meeting adjourned by Commission Chair Peltier at 6:10 pm.

Respectfully submitted:

Reviewed by:

Kimberly Wollenburg
City Recorder

Matt Straite
Community Development Director

DRAFT



Proposal: The applicant is proposing to construct two industrial buildings, create a gravel storage area, and to establish the existing on-site house as a caretaker's unit. The new structures are for lease, and no tenants are identified at this time. The application also proposes to entitle four existing structures on the property for caretaker's use, office uses, storage uses, and manufacturing. These were all constructed without a prior land use approval. Improvements include parking areas, utilities, landscaping, and stormwater systems.

I. BACKGROUND

- A. Applicant: Greg Brown
- B. Location: 3790 NE Conser Road
- C. Review Type: The proposed Site Development Review and Conditional Use Permit require a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on August 17, 2021. The Planning Commission decision can be appealed to the City Council. 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: Notice was mailed to all property owners within 200 feet of the proposed location, posted in City Hall on May 24 and July 22, 2021, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Chapter 5.05.060 Site Development Review Criteria and 5.04.050 Conditional Use Permit Criteria.
- F. Current Zoning: General Industrial (GI)
- G. Proposed Zoning: N/A
- H. Property Size: 3.85 Acres (pending the recording of a property line adjustment - LA 21-05)

- I. Background: The applicant has recently filed for a property line adjustment to enlarge the parcel for the project. This will also move the proposed project away from the existing gas line easement to the east of the site. The applicant has previously submitted an application with the City, which was withdrawn and replaced with SP 21-03 in order to have the project work with the new Development Code. The Site Development Review was scheduled for a hearing before the Planning Commission in June of 2021. At that time there were conditions of approval addressing some unknowns regarding the house on the property. Specifically, how the applicant planned to entitle the home, because it was not a permitted use except as a caretaker's unit. The applicant elected to postpone the hearing (continue) to address the home at the same time as the current approval. Mr. Brown has now elected to consider the home a caretaker's unit and has filed for a Conditional Use Permit (CUP) to entitle the home. This staff report includes the CUP. The applicant then re-submitted the project with the CUP application and re-designed the site plan to remove some of the proposed structures and replace them with a gravel storage area.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's Site Development Review materials were transmitted to the following agencies/departments on June 1, 2021: City of Albany, Albany Fire Department, City of Millersburg Engineer, PacificCorp, Linn County Planning and Building Department, Linn County GIS, and Northwest Natural Gas. The project was re-transmitted for a second agency review on July 22, 2021 due to the change in the layout design of the project. To date, the following comments have been received:

- Albany Fire Department letter dated June 2, 2021
- City of Millersburg Engineering comments dated June 8, 2021

Public:

Notice of the June 15, 2021 hearing was mailed to all property owners within 200 feet of the property. A second notice was sent on July 22, 2021 with the inclusion of the CUP information and the revised project description. To date, no written comments from the public have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable CUP criterion are from Code section 5.04.050, the Site Development Review criteria are from section 5.05.060. All analysis and findings are in addition to those provided by the applicant, which are included here by reference.

5.04.050 Conditional Use Decision Criteria

A conditional use shall be approved if the applicant provides supporting evidence that all the requirements of this Code relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- (1) The use is listed as a conditional use in the underlying zone and complies with the development requirements of the underlying zone.**

ANALYSIS: The proposed conditional use is for a caretaker's unit. The single family home is already located on the property, no changes to the home are proposed. The structure complies with all setbacks of the zone.

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

- (2) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.**

ANALYSIS: The single family structure has existed on the site for years, predating any of the other industrial uses. The home was considered a legal non-conforming use; however the submittal of the most recent land use application required that all structures on the property meet land use code requirements. This triggered the need for the CUP. The home takes access directly from Conser Road. There are no features of the site that would impact the proposed use.

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

- (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the use.**

ANALYSIS: The property is intended to be fully industrial. A single family use is typically incompatible with industrial uses, which is why it is not a permitted use in the General Industrial Zone. The applicant is requesting that the home on the property be a caretaker's unit. The code allows caretaker's units as a CUP in the GI Zone. The approval of a caretaker's unit assumes that the caretaker, living in the unit, will be tolerant of effects that would go with being adjacent to such a use, including noise, traffic, truck use, train use, and such. The existing and proposed uses on the site do not create any fumes or

anything that would be hazardous to the home. Two of the new buildings are spec buildings, meaning they have not told the City what uses will take place inside them. That means that any use listed as a permitted use in that zone would be allowed in the new structures without the need to come back for additional planning permits (land use). However, because some permitted uses in the GI zone may result in hazardous conditions for the caretaker's unit, a condition of approval has been added limiting the future uses of the buildings to uses that would not result in hazardous impacts.

FINDING: Based on the analysis above, with conditions of approval, the project meets the required criteria.

CONDITION OF APPROVAL: No use on the property is permitted that will create hazardous impacts to the residents of the caretaker's unit.

- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.**

ANALYSIS: To the east of the property is I-5 and railroad tracks that will eventually serve the new Intermodal Center, which will see a significant increase in railroad activity. The caretaker's unit will not prevent these uses or hamper them in any way. To the north, across Conser Road, is a tire warehouse use. To the east and south are vacant industrial properties. The caretaker's unit is situated about 250 feet from the property line to the east, and about 300 feet from the property line to the south. New uses on the neighboring vacant industrial sites will not have to make any accommodations for the caretaker's unit because the residence is far enough from the property lines to mitigate any possible impacts. The tire warehouse is across the street, which will also mitigate possible impacts to the caretakers unit. Additionally, as stated before, the approval of the caretaker's unit comes with the understanding that the occupant of the caretaker's unit will be more tolerant of neighboring uses in the General Industrial Zone.

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

5.05.060 Site Development Review Decision Criteria

The review of the Site Development Review shall be based upon the following criteria:

- (1) The proposed use is allowed in the zone and complies with the underlying zone development standards.**

ANALYSIS: The project is proposing two new structures; both are spec buildings, meaning there are no users identified. The proposed buildings are industrial in nature and are capable of accommodating the kinds of uses allowed in the zone. The project also proposes to permit four other structures that were built without land use approvals. The project narrative says these include a single-family dwelling (as a caretaker's unit), an office building, a storage building, and a manufacturing building. All uses in these four unpermitted buildings are allowed in that zone (caretakers with a CUP).

Regarding the zoning standards, the GI Zone does not have a minimum lot size requirement. There are only side and rear setbacks if the property is adjacent to residentially zoned property (not an existing residence if it is not in a residential zone). There is no height limit requirement or lot coverage requirement. All other development standards are reviewed in the next section of the staff report.

There is a 30-foot front setback because the property is along Conser Road. All structures on this site meet this requirement. The closest structure is 33 feet from the property line.

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

- (2) **The proposed use will not create negative impacts on the surrounding area resulting from traffic flow, noise, dust, glare, odor, potential incompatible adjacent uses such as parking lots, or other impacts identified in the public hearing process.**

ANALYSIS: The applicant has explained in their narrative:

The surrounding properties are primarily industrial in nature. Existing and proposed uses of the subject property are permitted in the General Industrial zoning district, as such these uses have been determined to be compatible with other nearby industrial uses.

Traffic Flow: The subject property has two unimproved driveway accesses onto Conser Road. These are unmarked accesses and do not direct traffic in any particular direction. Although this proposal will not significantly increase the amount of traffic on Conser Road, it will improve existing circulation. Existing driveways will be improved to City standards and designate specific entrance and exit points. These improvements will more effectively direct traffic in and out of the proposed development to and from Conser Road.

Noise, Dust, Glare, and Odor: The existing and proposed buildings are not expected to generate significant levels of noise, dust, odor, or glare. Because these are indoor operations, the ability to create noticeable levels of the above-mentioned impacts at the property line is incredibly limited. Additionally, mitigation will be provided through compliance with landscaping standards required by MDC Section 3.09 and the previously discussed setback standards. Unintentional dust production will be limited when travel aisles and parking areas are paved as proposed.

Potential Incompatible Adjacent Uses: The purpose of the General Industrial zoning district, as provided by MDC 2.10.010, is “The General Industrial Zone is applied to areas well suited for all types of industrial development that require excellent highway and rail access and are free from conflict with other non-compatible land uses” (emphasis added). This proposal does not create negative impacts and complies with standards that traditionally mitigate for off-site impacts. Furthermore, it is the purpose of the applicable zone to permit more intensive uses in an area away from uses that could be considered incompatible. Therefore, the proposed development satisfies this criterion.

Staff concurs with this analysis.

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

(3) The City may impose conditions of approval intended to mitigate potential impacts including but not limited to:

a. Provisions for public utilities, including drainage and erosion control needs;

ANALYSIS: The site already features a host of utility connections. The street contains a 12" water line and an 8" sewer line that serve the property. These have capacity to serve the new proposed structures as well. Regarding stormwater, the exhibit shows the drainage going to a detention basin located to the rear (south) of the property. A condition of approval has been added to require a final stormwater analysis prior to building permit.

Conditions of approval have been added to assure all improvements match the Code requirements.

FINDING: Based on the analysis above, with conditions of approval, the project meets the required criteria.

b. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities;

ANALYSIS: Conser Road is a Linn County facility. The street is not constructed to Linn County standards. Sidewalks are required, but not proposed on the site plan. The applicant has requested a waiver of remonstrance. A waiver is essentially a document that the applicant signs stating that they will not build the sidewalk now, but will not protest when the City elects to construct the sidewalk. Additionally, this obligates the future property owner to pay for their fair share of sidewalk construction if and when the City elects to build the sidewalk fronting their property on Conser Road. The waiver would be submitted to the County, because the street is their facility. The project was sent to the County road department for comments. A condition of approval has been added requiring the applicant to provide evidence to the City of a signed waiver of remonstrance with the County. Should the applicant not be able to provide the signed document, the sidewalks must be constructed to County standards.

The project is proposing to add paved parking to the property for the new uses and the existing. This is addressed in more detail in the next section of this staff report. With conditions of approval, the project does comply with all parking and connectivity requirements.

FINDING: Based on the analysis above, with conditions of approval, the project meets the required criteria.

CONDITION OF APPROVAL: Prior to the issuance of occupancy permits for a new structure, the applicant shall provide evidence to the City that the County and applicant have executed a waiver of remonstrance regarding the sidewalks fronting Conser Road. Should the applicant not be able to provide the executed agreement, the sidewalks must be constructed to County standards prior to the issuance of occupancy permits (or as approved by the County).

c. Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and

ANALYSIS: The project is not located near any residentially zoned property. The applicant has included landscape plans. The plans are not detailed enough to show compliance with the landscape standards listed in the Code. A condition of approval has been added to require more detailed final landscape plans. With this, all required screening will be addressed.

FINDING: Based on the analysis above, depending on how the applicant addresses the home, the project meets the required criteria.

d. Protections from any potential hazards.

ANALYSIS: The applicant has stated in their narrative:

This proposal is not sited within a location identified as containing potential natural hazards. Additionally, the small-scale manufacturing buildings or existing uses are not anticipated to generate any potential hazards. Therefore, this criterion does not apply to the proposed development.

Staff concurs with this finding, with the addition of the condition of approval requiring all uses to refrain from hazardous impacts to the caretaker's unit. Additionally, any use of potentially hazardous material by the future users will be addressed on a case by case basis with the State Department of Environmental Quality.

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

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 2, specifically the GI Zone setbacks and siting requirements, and Chapter 3 General Provisions as shown below. The following analysis is a summary of only the applicable standards or items that required additional explanation and/or additional conditions of approval to show clear consistency:

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

This chapter includes requirements for parking and loading.

ANALYSIS: Table 14 in Chapter 3.03 of the Code shows the number of parking stalls required based on the use. Manufacturing and storage parking is based on the square footage of the structure proposed. The following table is from the applicant's narrative and shows the project's compliance.

The existing and proposed site improvements will require a total of 27 parking stalls.

Structure	Classification	Square Footage	Code Requirement	Spaces Needed
Existing	Office	1,527	1 per 400 plus one per 2 employees	4
Existing	Storage	2,120	1 per 3,000 sq. ft.	0
Existing building near dwelling	Manufacturing	4,737	1 per 600 sq. ft.	8
Proposed building near dwelling	Storage	4,200	1 per 3,000 sq. ft.	1
Proposed	Manufacturing	8,400	1 per 600 sq. ft.	14

The applicant has indicated in their narrative that 27 spaces are required and 31 spaces are proposed. The provided number of spaces is adequate for the uses on site.

The project is required to provide 1 bike parking space for every 20 manufacturing spaces and 1 for every 30 storage spaces. The project requires a total of 27 parking spaces. Therefore, the project requires a total of 1 bike parking spaces. The narrative explains that there will be three provided.

Loading spaces are required only for buildings greater than 10,000 square feet. None of the structures proposed are larger than 10,000 square feet.

All parking areas are proposed to be paved. This can be done in phases but must be completed for access to each structure prior to the occupancy of each structure served by the parking area. Existing uses must be paved within one year of permit issuance. All parking stalls are required to be at least 9 feet wide and 20 feet deep. All stalls meet these requirements.

The internal drive aisles are required to be at least 26 feet wide for two-way traffic, and 12 feet for one-way. The western driveway is 26 feet wide; the eastern driveway is only 16 feet wide but will be one-way. This conforms with the Code requirements.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standards.

CONDITIONS OF APPROVAL:

- Prior to the issuance of occupancy permits, each individual structure must provide paved parking for the structure.
- Any existing uses/structures must be paved within one year of permit issuance.

CHAPTER 3.04 STORM DRAINAGE AND GRADING

This chapter includes requirements for proper drainage of the site and treatment of stormwater.

ANALYSIS: As outlined above, the applicant has not provided a drainage study. A 1200-C permit and a Millersburg permit for temporary erosion protection during construction will be obtained by the contractor prior to any ground disturbing activities. Conditions of approval have been added to assure development matches the requirement of the Code.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standards.

CHAPTER 3.09 LANDSCAPING STANDARDS

SECTION 3.09.030(1)b NON RESIDENTIAL LANDSCAPING

Landscaping is required in all setback areas. Standards are included in this section of the Code which explain how the landscaping is supposed to be designed. All required setbacks must be landscaped. This must include:

- i. One tree at least six feet tall when planted for every 30 feet of street frontage.
- ii. Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.
- iii. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- iv. When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.

ANALYSIS: The site plan shows preliminary landscaping but not to the level of detail needed to assure compliance with the Code requirements. Because landscaping is required, a condition of approval has been added to require a final landscaping plan that conforms with Section 3.09.030(1)b.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standards.

CONDITIONS OF APPROVAL:

- Prior to building permit issuance the applicant shall provide the City with a final landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b.

- Prior to final inspection (certificate of occupancy) all landscaping, including the 30-foot setback spanning the entire frontage of NE Conser Road, shall be landscaped in a manner that is consistent with the requirements of 3.09.030(1)b.

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application No. SP 21-03 and CUP 21-02.

VI. PROPOSED MOTION

I make a motion that, based on the findings of fact in the staff report and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and the Planning Commission approves Site Plan SP 21-03 and CUP 21-02 with the conditions of approval.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission not elect to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted preliminary plans included as Exhibit C, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. This approval does not negate the need to obtain permits as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
4. Applicant shall comply with all requirements of the Linn County Road Department.
5. Any parking areas for existing uses/structures must be paved within one year of permit issuance.

6. No use on the property is permitted that will create hazardous impacts to the caretaker's unit.

Prior to Building Permit Issuance:

7. Stormwater detention and water quality facilities shall be designed as required to meet City standards. Stormwater calculations shall be submitted to the City Engineer for review and approval. Maintenance of detention basin and water quality facilities shall be the responsibility of the City.
8. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final Plat.
9. Prior to the issuance of any building permits the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated June 2, 2021 have been met to the satisfaction of Albany Fire.
10. Prior to building permit issuance the applicant shall provide the City with a final landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b.
11. All applicable System Development Charges (SDCs) will be due at the time of building permits.

Prior to Grading:

12. The applicant must obtain a City of Millersburg Erosion Control Permit and Grading Permit prior to construction.
13. Stormwater:
 - Obtain a 1200C Erosion Control Permit and a City of Millersburg Erosion Prevention and Sediment Control Permit for all the disturbed ground, both on and off site that is in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.
 - Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards. A City of Millersburg Grading Permit is required for this work.

14. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to occupancy.
15. Prior to the issuance of any grading permits the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated June 2, 2021 have been met to the satisfaction of Albany Fire.

Prior to Final Inspection:

16. Prior to final inspection (certificate of occupancy), the 30-foot setback spanning the entire frontage of NE Conser Road shall be landscaped in a manner that is consistent with the requirements of 3.09.030(1)b.
17. All required street signage and street lighting shall be approved by the City Engineer and installed.
18. Prior to final inspection the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated June 2, 2021 have been met to the satisfaction of Albany Fire.
19. Prior to the issuance of occupancy permits for a new structure, the applicant shall provide evidence to the City that the County and applicant have executed a waiver of remonstrance regarding the sidewalks fronting Conser Road. Should the applicant not be able to provide the executed agreement, the sidewalks must be constructed to County standards prior to the issuance of occupancy permits (or as approved by the County).
20. Prior to the issuance of occupancy permits, each individual structure must provide paved parking for the structure.
21. Prior to final inspection (certificate of occupancy) all landscaping, including the 30-foot setback spanning the entire frontage of NE Conser Road, shall be landscaped in a manner that is consistent with the requirements of 3.09.030(1)b.

IX. NOTICES TO THE APPLICANT

The applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. All applicable Connection Charges will be due at the time of building permits.

2. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
3. All required street signage and street lighting shall be approved by the City Engineer and installed.
4. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
5. The developer is responsible for all costs associated with any remaining public facility improvements and shall ensure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval to the plans, standards, and specifications of the City of Millersburg.
6. **This approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
7. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
8. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
9. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
10. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris includes food and drink waste. All waste shall be contained on-site in proper containers or construction fencing enclosures and shall leave the construction site in proper disposal containers. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map

- C. Applicant's Exhibits dated 7/1/21 and 7/19/21:
- D. Millersburg City Engineer Comments dated June 8, 2021
- E. Albany Fire Department Comment Letter dated June 2, 2021
- F. Public Hearing Notice

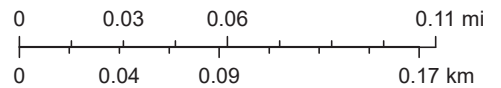
SP 21-03 & CUP 21-02 Zoning Map



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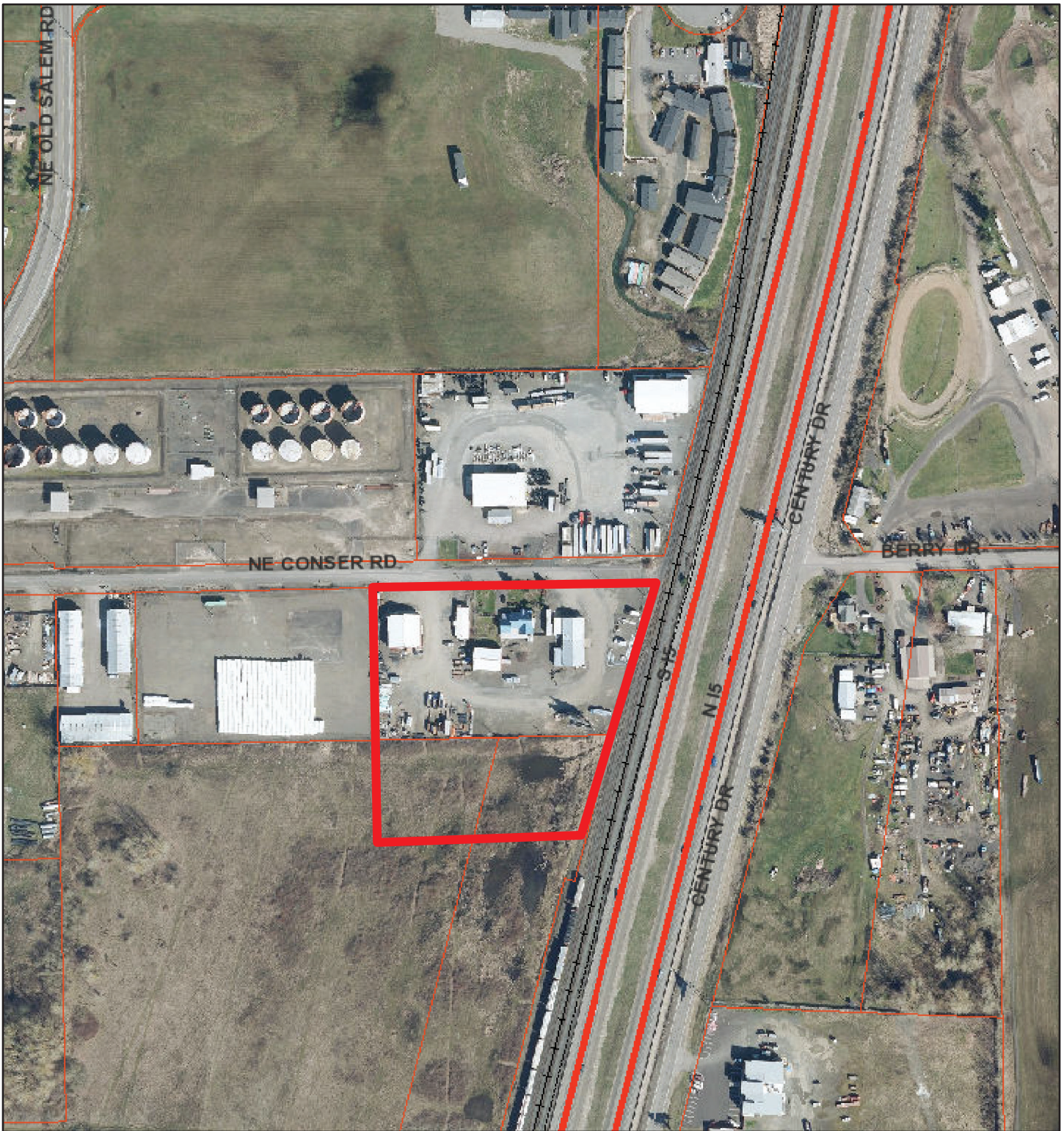
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- +— Railways
 - Highways
 - Roads
 - - - City Limits
 - Tax Lots
- | | |
|-------------|--|
| City Zoning | |
| | C-1, COMMERCIAL |
| | |
| | CB -- CENTRAL BUSINESS |
| | |
| | CC -- COMMUNITY COMMERCIAL |
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| | CC-CENTRAL COMMERCIAL |



Linn County GIS

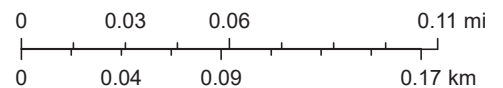
SP 21-03 & CUP 21-02 Vicinity



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- +— Railways 190019_Albany_50.sid
- Highways Red: Band_1
- Roads Green: Band_2
- City Limits Blue: Band_3
- Tax Lots 170129_LinnCo_Millersburg.sid
- Red: Band_1



Linn County GIS

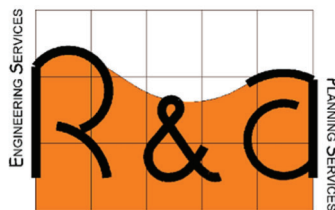
Site Development Review/Property Boundary Adjustment Application

3790 NE Conser Road

Prepared for:

Greg Brown Properties, LLC
C/O Greg Brown
5862 SE Lipscomb Street
Salem, Oregon 97317

Prepared by:



Reece & associates, inc.

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541/926-2428
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March 10, 2021

Revised: May 24, 2021

Project Summary

Request:	Application for a Site Development Review to construct five new manufacturing buildings and permit four existing buildings. Application for a property boundary adjustment to modify three properties.
Location:	3790 Conser Road NE Albany Oregon 97321 Linn County Assessor's Maps No. 10s03w21D and 10s03w28, Lots 1500, 401, and 400
Applicant/Owner (Lot 1500):	Greg Brown 5862 Lipscomb Street SE Salem, Oregon 97317 Phone: 503-364-8441 Email: gb.llorn@gmail.com
Applicant/Owner (Lot 401):	Linn County Darrin Lane 300 4 th Avenue SE Albany, Oregon 97321 541-979-4321
Applicant (Lot 400):	Linn Economic Development Group C/O Don Waddell 321 1 st Avenue NE, Suite 3A Albany, Oregon 97321 Phone: 541-967-3919 Email: wadsie@hotmail.com
Owner (Lot 400):	Albany-Millersburg Economic Development Corporation C/O John Pascone 435 1 st Avenue W Albany, Oregon 97321 Phone: 541-926-1519 Email: pasconj@peak.org
Engineer/Planner:	Reece & associates, Inc. 321 1 st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE Planner: Hayden Wooton dave@r-aengineering.com haydenw@r-aengineering.com

Exhibits:

- A – Linn County Assessor's Maps
- B – Aerial Photograph
- C – City of Millersburg Zoning Map

I. Project Description

This Site Development Review application proposes to adjustment the boundaries between three properties and construct five industrial manufacturing buildings at 3790 NE Conser Road in Millersburg, Oregon.

Each of these proposed industrial buildings will be rented to and occupied by various manufacturing operations, as such these buildings are classified as manufacturing uses for the purposes of this application. These five buildings will be constructed throughout the subject property in two phases of construction. Three buildings will be constructed in Phase One. The first building constructed during Phase One will be adjoining the existing 2,120-square-foot storage building. The other two buildings constructed during Phase One will be located near the gravel parking area. These two buildings will be constructed five feet north of the current southern property boundary. The two remaining buildings constructed during Phase Two will be constructed on the land gained during the proposed property boundary adjustment.

Furthermore, this Site Development Review application applies to four existing buildings on the subject property: a single-family dwelling, office building, storage building, and manufacturing building. These buildings were previously constructed without a land use approval and are being acknowledged by this application to correct this non-conforming situation. The proposed site improvements including parking areas, utility connections, landscaping, and stormwater system have been designed to serve both existing and proposed development.

The proposed development conforms to all applicable sections of the Millersburg Development Code (MDC). This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the MDC. Applicable criteria of the City of Millersburg Development Code will appear in *italics* followed by the applicants' responses in regular font.

II. Existing Conditions

The subject property can be identified by its address, 3790 Conser Road, or as Linn County Assessor's Map No. 10s03w21D, Lot 1500 (Exhibit A). Conser Road is a paved road, has one lane in each direction, and is not currently improved to Linn County's (the road authority) local street standards. This roadway serves as the property's northern boundary. The subject property has two unimproved driveway accesses on this street. Presently, the subject property is a moderately improved industrial site; it is mostly gravel with a few sections of pavement. There are five existing buildings on the property. Four of these buildings are not associated with a past land use approval, as previously discussed. One existing building located near the western property line was constructed under an approved Site Development Review permit. This approval also permitted the gravel storage area near the southwest corner of the property.

Linn County Assessor's Map No. 10s03w28, Lots 400 and 401, are subject to the proposed property boundary adjustment. Both properties have frontage and direct access to Old Salem Road, which intersects with Interstate-5 at the South Jefferson interchange approximately 2.4 miles north, the Murder

Creek interchange approximately 0.8 miles south, and the Knox Butte interchange approximately 2.5 miles south. Linn County is the road authority for Old Salem Road. Lot 400 is currently being developed under City of Millersburg File No. SP18-02.

For Adjacent zones and land uses refer to (Exhibit B for aerial photograph and Exhibit C for City of Millersburg zoning map):

North: Conser Road. One industrial property (3783 Conser Road NE) zoned General Industrial by the City of Millersburg

South: Old Salem Road and Arauco Duraflake Particleboard.

East: Interstate-5 and Union Pacific Railroad right-of-way.

West: Old Salem Road, Willamette Memorial Park, Weyerhaeuser Albany Distribution Center, Camco Manufacturing Inc., Pelletrox Truck Shop, vacant land owned by City of Millersburg, Gardner Trucking, Callisto Integration, and R.J. Reimers Co.,

III. Property Boundary Adjustments

Per MDC 5.06.050, Decision Criteria, "Approval of a property boundary adjustment shall require compliance with the following criteria." The applicant has provided detailed findings of fact in response to these criteria below:

(1) A property boundary adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division. (Added Response)

The proposed property boundary adjustment does not create or vacate a parcel. Therefore, the proposed boundary adjustment satisfies with this criterion.

(2) Following the adjustment, all lots or parcel must comply with the area and dimension standards of the applicable zone. For existing nonconforming lots or parcels, the adjustment shall not increase the degree of nonconformance of the subject property or surrounding properties. (Added Response)

All subject properties are zoned General Industrial by the City of Millersburg and must comply with the area and dimension standards outlined in MDC 2.10.050.

Minimum Lot Size: The General Industrial zoning district does not have a set numerical minimum lot size. Instead, it requires a parcel contain enough area to meet setbacks and comply with other development requirements. As demonstrated by this section of the application narrative, the proposed boundary adjustment complies with required setbacks and development standards.

Minimum Setbacks: There are only two minimum setbacks applicable to these properties: yards adjacent to Old Salem Road and Conser Road. The proposed boundary adjustment does not cause structures on these properties to be situated closer to either roadway. Therefore, the proposed adjustment complies with this standard.

Maximum Lot Coverage: The maximum lot coverage in the General Industrial zoning district is 100 percent coverage. After the proposed boundary adjustment is completed, none of the subject

properties will have achieved 100 percent lot coverage. Therefore, the proposed adjustment complies with this standard.

(3) If there are existing structures on the lots or parcels, the boundary adjustment shall not reduce required setbacks or place a boundary beneath a structure. (Added Response)

The proposed property boundary adjustment does not reduce any required setbacks or place a boundary beneath a structure. Therefore, the proposed adjustment satisfies this criterion.

IV. Site Development Review Criteria

Because the subject property is zoned General Industrial by the City of Millersburg, development must comply with MDC 2.10.060(4): “All new development and expansion of an existing structure or use in the General Industrial Zone shall be subject to the site development review procedures of Chapter 5.05.” This section of the application narrative provides detailed findings of facts demonstrating compliance with the applicable Site Development Review criteria outlined in MDC 5.05.060.

1. The proposed use is allowed in the zone and complies with the underlying zone development standards. (Revised Response)

This proposal includes nine buildings and several different uses. Six buildings (five proposed and one existing) are intended to be industrial manufacturing operations, as described and permitted in MDC 2.10.020(1)(n). Another existing building, labeled as a storage building, has been included in this classification because it is used in conjunction with the existing on-site industrial buildings.

One existing building, an office, is operated by Pacific Excavation, a general contractor. Consequently, this office building is classified as a construction business, an approved use set forth by MDC 2.10.020(11).

Finally, the existing detached, single-family dwelling can continue to operate on this property as an existing nonconforming use under MDC 3.21.100(1).

MDC 2.10.050, GI Zone Dimensional Standards, details development standards applicable to construction including minimum lot area, minimum setbacks (all yards and yards adjacent to Conser Road), and maximum lot coverage.

Minimum Lot Area: The General Industrial zoning district does not prescribe a strictly defined minimum lot area. Instead, it requires a parcel contain enough area to meet setbacks and comply with other development requirements. As demonstrated by this application narrative, the proposed project complies with required setbacks and development standards.

All Yards (Minimum Setbacks): There are no required setbacks for all yards (zero-foot setback) in the General Industrial zoning district. The proposed development provides five-foot setbacks along the interior property lines. Therefore, this proposal complies with this standard.

Yards Adjacent to Conser Road (Minimum Setbacks): The subject property has frontage on Conser Road; consequently, the proposed development must comply with the required 30-foot front yard setback. At 33 feet from the north property line, the existing office building is the closest structure to Conser Road. All other buildings are setback further than the office. Therefore, this proposal complies with this standard.

Maximum Lot Coverage: Maximum lot coverage in the General Industrial zoning district is 100 percent coverage. After the proposed construction is completed, the entirety of the site will still not be covered by improvements. Therefore, this proposal complies with this standard.

As demonstrated by the applicant's response, the proposed and existing development are permitted in the General Industrial zoning district and complies with all applicable development standards of this zone. Therefore, the proposed development satisfies this criterion.

2. The proposed use will not create negative impacts on the surrounding area resulting from traffic flow, noise, dust, glare, odor, potential incompatible adjacent uses such as parking lots, or other impacts identified in the public hearing process.

As described in Section II of this application narrative, the surrounding properties are primarily industrial in nature. Existing and proposed uses of the subject property are permitted in the General Industrial zoning district, as such these uses have been determined to be compatible with other nearby industrial uses.

Traffic Flow: The subject property has two unimproved driveway accesses onto Conser Road. These are unmarked accesses and do not direct traffic in any particular direction. Although this proposal will not significantly increase the amount of traffic on Conser Road, it will improve existing circulation. Existing driveways will be improved to city standards and designate specific entrance and exit points. These improvements will more effectively direct traffic in and out of the proposed development to and from Conser Road.

Noise, Dust, Glare, and Odor: The existing and proposed buildings are not expected to generate significant levels of noise, dust, or glare. Because these are indoor operations, the ability to create noticeable levels of the above-mentioned impacts at the property line is incredibly limited. Additionally, mitigation will be provided through compliance with landscaping standards required by MDC Section 3.09 and the previously discussed setback standards. Unintentional dust production will be limited when travel aisles and parking areas are paved as proposed.

Potential Incompatible Adjacent Uses: The purpose of the General Industrial zoning district, as provide by MDC 2.10.010, is "*The General Industrial Zone is applied to area well suited for all types of industrial development that require excellent highway and rail access and are free from conflict with other non-compatible land uses*" (emphasis added). This proposal does not create negative impacts and complies with standards that traditionally mitigate for off-site impacts. Furthermore, it is the purpose of the applicable zone to permit more intensive uses in an area away from uses that could be considered incompatible. Therefore, the proposed development satisfies this criterion.

3. The City may impose conditions of approval intended to mitigate potential impacts including but not limited to:

While the applicant acknowledges the City of Millersburg's authority to impose conditions of approval intended to mitigate potential off-site impacts, the findings of fact provided in this application narrative demonstrate additional regulation is not necessary to prevent potential off-site impacts.

3.a. Provisions for public utilities, including drainage and erosion control needs.

Water: There is a 12-inch waterline located in Conser Road. This waterline already serves existing structures on this property and could serve the proposed development.

Sanitary Sewer: There is an eight-inch sanitary sewer line located in the subject property's frontage. This sanitary sewer line already serves existing structures on this property and could serve the proposed development.

Stormwater Drainage: Impervious surface will be constructed to direct stormwater into the proposed landscape islands, where it will be detained before leaving the project site. Final design details for stormwater facilities will be submitted and reviewed prior to construction of this project.

3.b. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities.

Conser Road is currently not improved to Linn County's standard for a local street; it lacks sidewalks along the subject property's frontage. The applicant is requesting to submit a waiver of non-remonstrance for participation in future street improvements, as permitted in MDC 3.02.030(13).

The proposed development ability to provide for internal circulation and parking facilities is addressed in Section IV of this application narrative. Findings and conclusions from the above-mentioned section are herein incorporated by reference. Therefore, the proposed development satisfies this criterion.

3.c. Provisions for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering.

As demonstrated by the attached plan sheet, the proposed development complies with the applicable landscaping standards in MDC Chapter 3.09. Compliance with these standards ensures the adequate buffering has been provided. Furthermore, the extent to the proposed development needs to provide buffering from non-compatible uses does not extend past the base requirements outlined in the MDC because it is surrounded by compatible uses. Therefore, the proposed development satisfies this criterion.

3.d. Protections from any potential hazards.

This proposal is not sited within a location identified as containing potential natural hazards. Additionally, the small-scale manufacturing buildings or existing uses are not anticipated to generate any potential hazards. Therefore, this criterion does not apply to the proposed development.

V. General Industrial Zone Development Standards

As required by MDC 2.10.060, Development Standards, proposals in the General Industrial zoning district must comply with the specific standards outlined below. This section of the application narrative provides detailed findings of facts demonstrating compliance with these standards.

(1) Off-Street Parking. Parking, Driveway, and loading improvements shall comply with provisions in Chapter 3.03.

As required by MDC 3.03.060(1), the proposed development requires 54 parking stalls; the proposed development will construct 54 vehicle parking stalls and 3 bicycle parking stalls. All parking and travel aisles will be paved per MDC 3.03.080(1) and designed per 3.03.080(2)-(3). This proposal does not include buildings large enough to require loading areas. As demonstrated by the applicant's response, the proposed and existing development complies with all applicable development standards of this chapter.

(2) Signs. Signs in the GI zone shall conform to the standards contained in Chapter 3.06.

This proposal does not include the construction of signage. Therefore, the standards contained in Chapter 3.06 do not apply to the proposed development.

(3) Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 3.08.

This proposal does not include front, side, or rear yard projections that would require compliance with MDC 3.08.030 through MDC 3.08.050. The remaining applicable standard in Chapter 3.08 governs Vision Clearance. Vision clearance triangles demonstrating compliance with these standards are shown on the attached plan sheet. Therefore, the proposed development complies with these standards when necessary.

(4) Site Development Review. All new development and expansion of an existing structure or use in the General Industrial Zone shall be subject to the site development review procedures of Chapter 5.05.

This application narrative, exhibits, and plans are for a Site Development Review intended to be processed under the review procedures of Chapter 5.05. Therefore, the proposed development complies with this standard.

(5) Landscaping. Any required or established yard shall be landscaped with trees, shrubs, and groundcover and maintained pursuant to provisions in Chapter 3.09.

As an industrial zone, all front and interior setbacks must be landscaped in accordance with Chapter 3.09. However, the proposed development only has one required setback: the front setback from Conser Road. Landscaping as described in MDC 3.09.030(1)(b)(i)-(iv) has been detailed on the attached plan sheet. Also applicable are the parking lot landscaping standards found later in this same chapter. An alternative plan as permitted in MDC 3.09.030(2)(c) has been designed to provide landscaping of at least five percent of the total parking area (please refer to the attached plan sheet for more information). Therefore, the proposed development complies with these standards.

(6) Residential Screening. Property abutting an RL, RU, or RM zone shall be screened with a sight-obscuring fence not less than six feet in height. This requirement shall not include the front yard.

The subject property is not adjacent to land zoned RL, RU, or RM. Therefore, this standard does not apply to the proposed development.

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

The subject property is not located within 300 feet of residential zoned land. Therefore, this standard does not apply to the proposed development.

VI. Conclusion

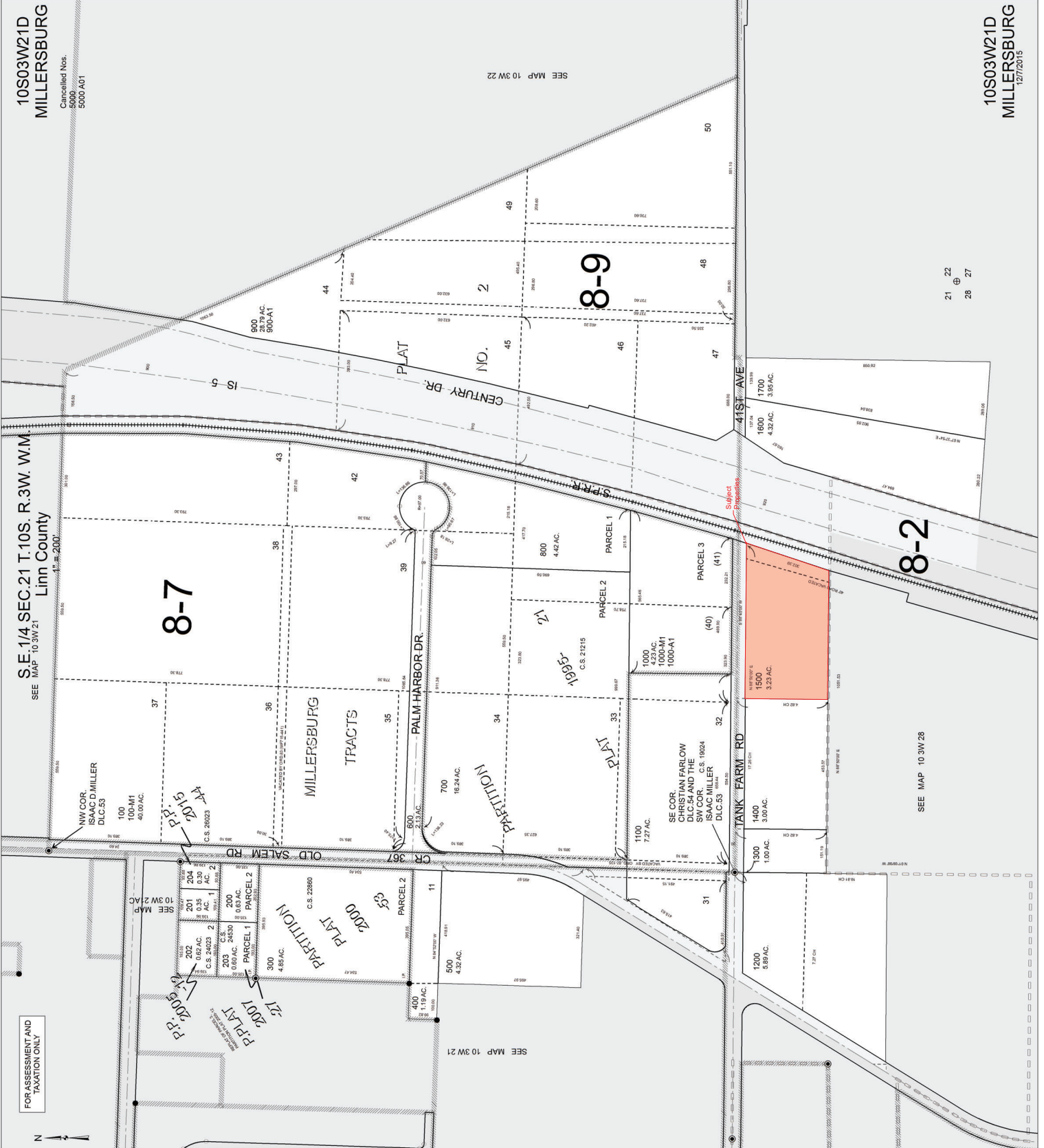
This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Millersburg Development Code are satisfied. We respectfully request approval of this Site Development Review application.

10503W21D
MILLERSBURG

Cancelled Nos.
1000
5000 A01

S.E. 1/4 SEC. 21 T. 10S. R. 3W. W.M.
SEE MAP 10 3W 21
Linn County

FOR ASSESSMENT AND
TAXATION ONLY



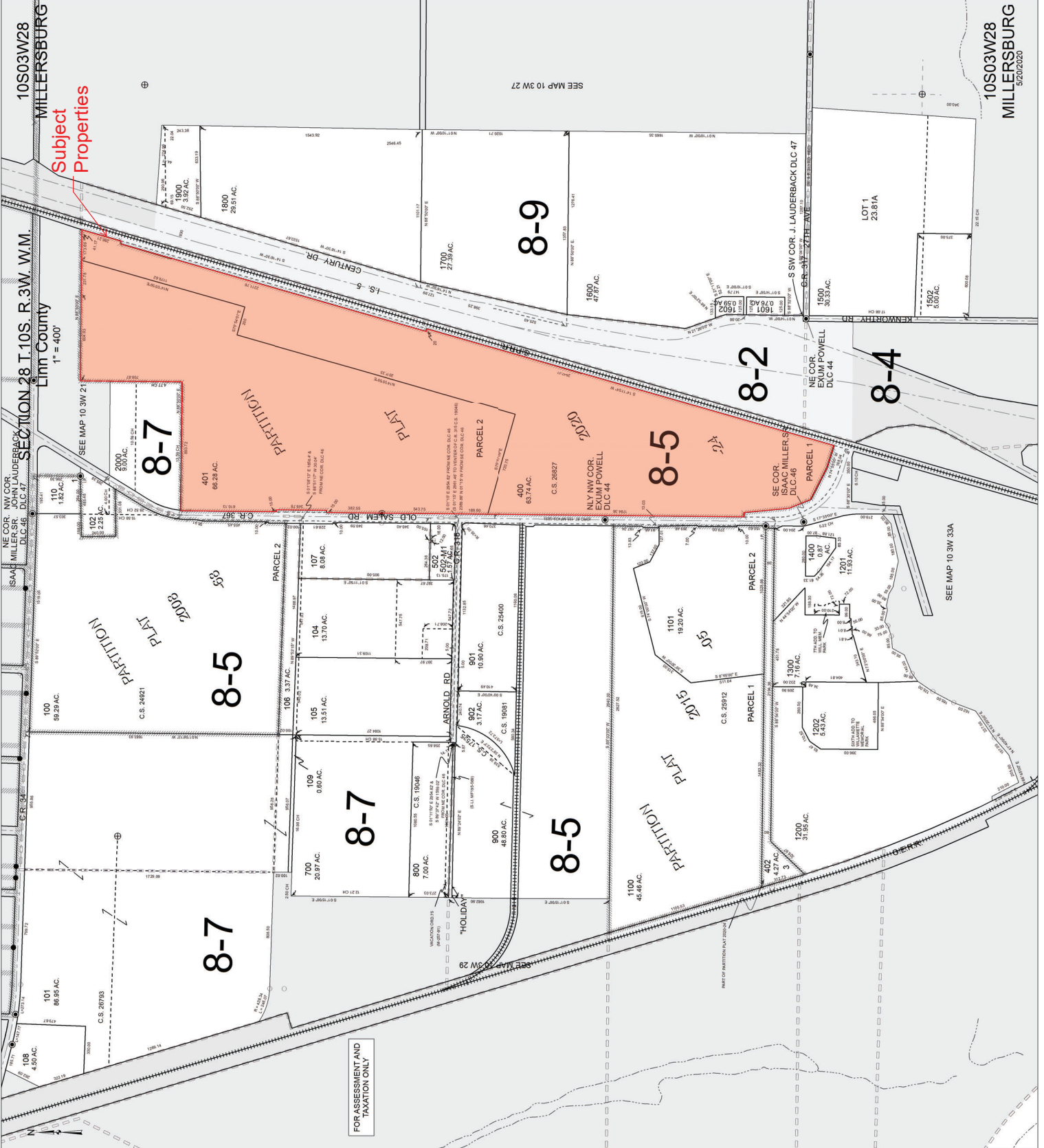
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MILLERSBURG
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SEE MAP 10 3W 22

SEE MAP 10 3W 21

SEE MAP 10 3W 28

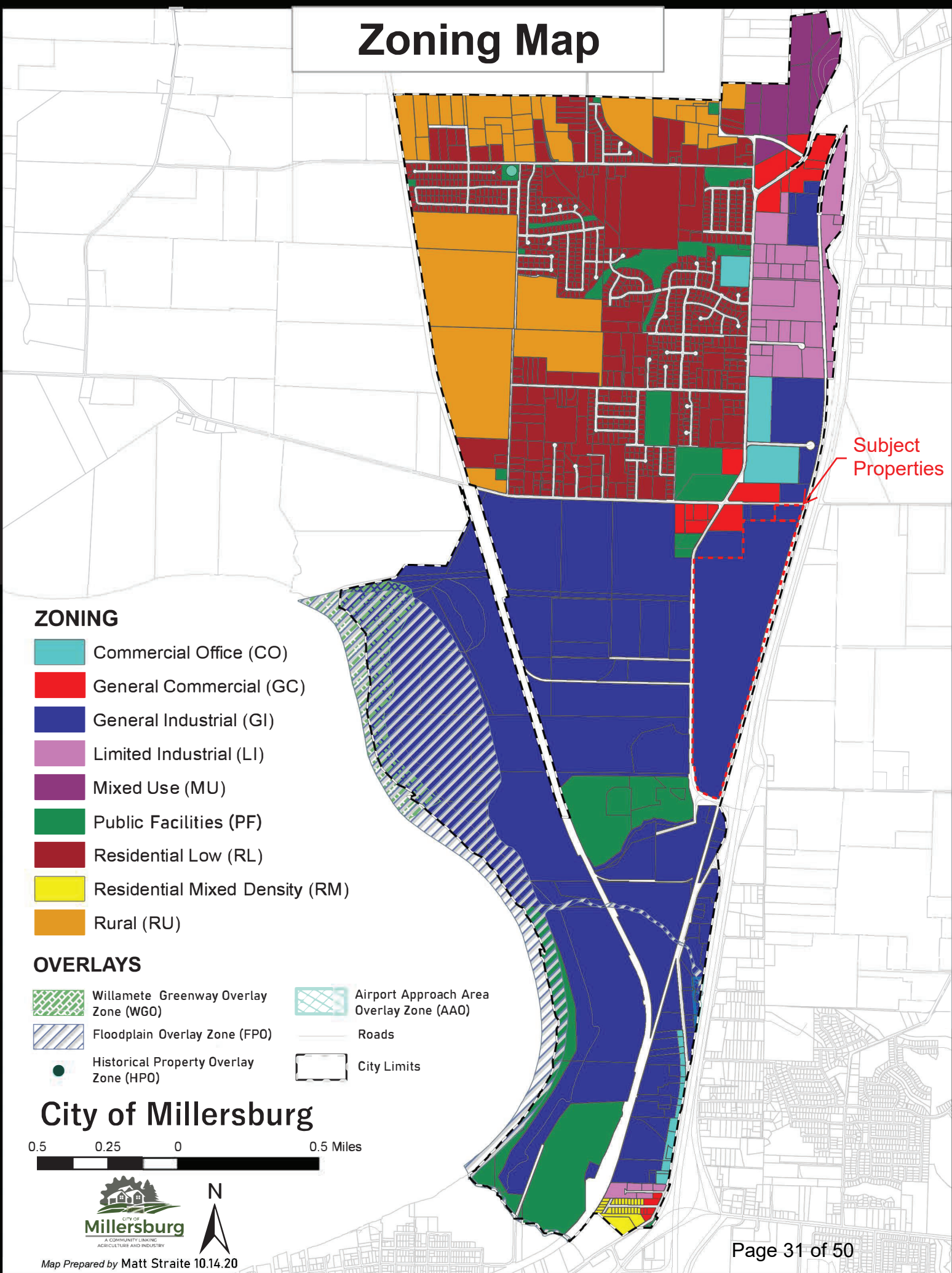


Subject Properties

FOR ASSESSMENT AND TAXATION ONLY



Zoning Map



Subject Properties

ZONING

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

OVERLAYS

- Willamete Greenway Overlay Zone (WGO)
- Airport Approach Area Overlay Zone (AAO)
- Floodplain Overlay Zone (FPO)
- Roads
- Historical Property Overlay Zone (HPO)
- City Limits

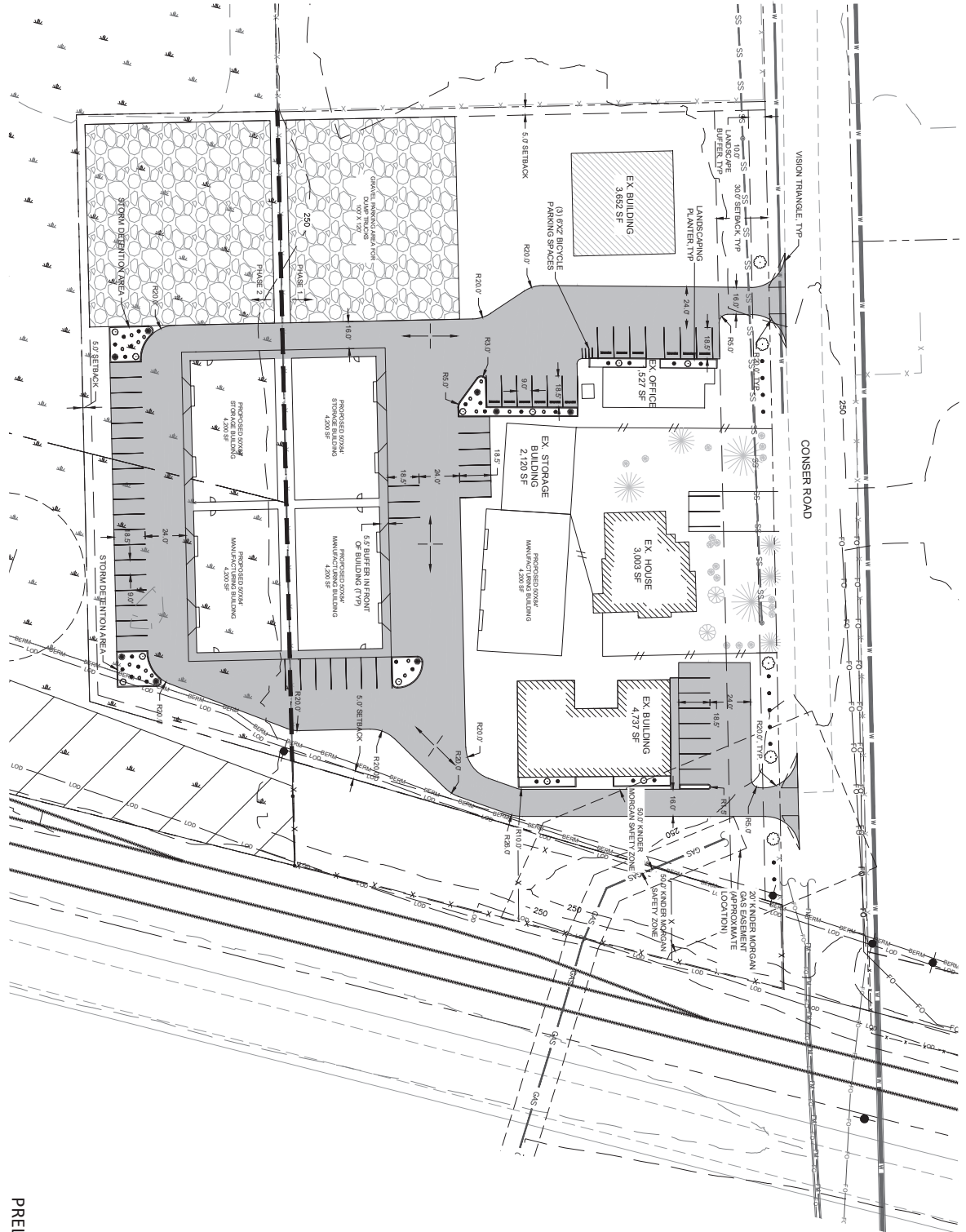
City of Millersburg

0.5 0.25 0 0.5 Miles



3790 CONSER ROAD SITE PLAN

MILLERSBURG, OREGON



CIVIL ENGINEERING:
 REECE & ASSOCIATES, INC.
 C/O DAVI J REECE, PE
 1522 N. 17TH ST. SUITE 3A
 ALBANY, OR 97321
 TELEPHONE: 541-926-2428
 EMAIL: dave@reece-engineering.com

OWNER/APPLICANT:
 GREG BROWN - PROPRIETOR
 GREG BROWN PROPERTIES, LLC
 5602 L. PISCOMBI STREET SE
 SALEM, OREGON 97317
 PHONE: 503-444-9441

SURVEYOR:
 COO DAN WILSON, PE
 2776 HICKORY STREET
 MILLERSBURG, OR 97341
 TELEPHONE: 541-582-2483
 EMAIL: dan@danwilson.com

SUBJECT PROPERTY:
 LINN COUNTY ASSESSORS MAP 16500WZ10
 LOT 1500
 ZONING GENERAL INDUSTRIAL ZONE

FLOOD PLAN NOTE:
 THIS SITE IS LOCATED WITHIN ZONE X* OUTSIDE OF 1% AND 4% FLOOD INSURANCE RATE MAPS (FIRM) NUMBERS EFD ON THE 4/16/2018 RELEASE. LAST REVISED SEPTEMBER 29TH, 2010
 1% FLOOD RISK: LAST REVISED DECEMBER 15TH, 2010
 4% FLOOD RISK: LAST REVISED DECEMBER 15TH, 2010

WATER SYSTEM:
 WATER DISTRIBUTION IS BY THE CITY OF MILLERSBURG

SANITARY SEWER:
 SANITARY SEWER IS BY THE CITY OF MILLERSBURG

LEGEND:

- AC PAVEMENT
- GRAVEL AREA
- GRADE BREAK

LANDSCAPING LEGEND:

- BERRBERGS THUNDERBOLT AMORANTH
 QUANTITY: 11
 SIZE: 1" P
 SPACING: 30' O.C.
- PRUNUS LAROCINENSIS OTTO LUYBENS
 QUANTITY: 11
 SIZE: 1" P
 SPACING: 30' O.C.
- SPRINGIA RETICULATA
 QUANTITY: 11
 SIZE: 3"
 SPACING: 30' O.C.
- ULMUS TREES
 QUANTITY: 11
 SIZE: 3"
 SPACING: 30' O.C.
- PARROTIA PERSIDA (PERSIAN PARROTIA)
 QUANTITY: 11
 SIZE: 3"
 SPACING: 30' O.C.

SITE NOTES:

- ASPHALT: 49,393 SF
- LANDSCAPING REQUIRED: 7,468 SF
- LANDSCAPING PROVIDED: 7,468 SF
- PARKING SPACES REQUIRED: 44 SPACES
- PARKING SPACES PROVIDED: 44 SPACES
- BIKE PARKING SPACES REQUIRED: 3 SPACES
- BIKE PARKING SPACES PROVIDED: 3 SPACES

DRAINAGE NOTE:
 STORMWATERS WILL GO INTO LANDSCAPING BUFFER AND BE DETAINED BEFORE LEAVING PROJECT SITE.

SITE PLAN
 SCALE: 1" = 30'

GRAPHIC SCALE
 (IN FEET)
 1 inch = 30 ft

PRELIMINARY - NOT FOR CONSTRUCTION

3790 CONSER ROAD
SITE PLAN
 GREG BROWN PROPERTIES, LLC
 MILLERSBURG, OREGON

NO. 1
 DATE: 11/23/2021
 DESIGNED: AUBREY WANN
 CHECKED: G. REECE
 SCALE: AS INDICATED
 SHEET NUMBER: 1.0

REGISTERED PROFESSIONAL ENGINEER
 RECEE & ASSOCIATES, INC.
 11/23/2021

Reece & Associates, Inc.
 321 First Avenue East, Suite 3A
 Millersburg, Oregon 97341
 Phone: 541-926-2428
 Fax: 541-926-2429
 Email: dave@reece-engineering.com

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NOTICE OF PUBLIC HEARING
August 17, 2021, 6:00 p.m.
Hearing will be in person,
by phone/computer, or both.
See Agenda for details

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing either in person, by phone and online only, or both to consider the request described below. If anyone needs any 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 in written comment or may testify by phone or online during the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission 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 application, all documents and evidence submitted by or on behalf of the applicant, and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. Any document request can be made in person, by phone or email, or can be viewed at the following web location- <https://www.cityofmillersburg.org/planning/page/current-planning-applications>. A staff report relating to the applicant's proposal will be available seven days prior to the public hearing at the same web location. For further information, contact Millersburg City Hall at (458)-233-6300.

- APPLICANTS:** Greg Brown
- LOCATION:** The site address is 3790 NE Conser Road, which is located easterly of Old Salem Road. The project area may also include some portions of the property to the south
- TAX LOT:** Township 10 South; Range 3 West; Section 21D; Tax Lot 01500 and possibly portions of 10S03W2800400 and 401
- PARCEL SIZE:** 3.25 acres for tax lot 1500
- ZONING:** General Industrial (GI)
- REQUEST:** The applicant is proposing to construct two industrial buildings, create a gravel storage area, for light industrial use, and to establish the existing on-site house as a caretakers unit. The new structures are for lease, and no tenants are identified at this time. The application also proposes to entitle four existing structures on the property for caretakers use, office uses, storage uses, and manufacturing. These were all constructed without a prior land use approval. Improvements include parking areas, utilities, landscaping, and stormwater systems.
- CRITERIA:** Millersburg Development Code, Section 5.05.060 and 5.04.050.
- FILE No.:** SP 21-03 & CUP 21-02

If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (458)-233-6300.



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. This workshop is intended to introduce 12 minor proposed Code changes/updates to the Commission and get feedback.

Staff has been logging needed changes as they arise. The list of proposed updates is shown below with a small description of each change and why we think it's needed.

It should be noted that these are just the changes proposed by staff. If the Commission has any other changes they would like to see, those can be added to this list.

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)	Change the name of the Residential <i>Mixed-Use Zone (RM)</i> to Residential <i>Medium (RM)</i> .
3	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.
4	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.
5	2.10.060(7)	GI Environmental Performance Standards	Add some clarification to the environmental performance standards requirement by removing the requirement, it is duplicative as it's listed in other sections.

6	3.03	Restaurant Parking	Re-visit restaurant parking.
7	3.06	Temporary Signs	Add new more detailed section on Temporary Signs.
8	3.06	Blade Banner Signs	Add details about Blade Banner signs.
9	3.12.020	Revised Single Family Home Design Standards	Revise SFR design requirements, including a requirement for 12" eaves and add more choices.
10	4.02.030	Additional Lot Standards	Additional lot standards. Add language for remainder lots, phased maps, re-divisions, and lot averaging.
11	5.01.060	Modifying Land Use Approvals	Clarify the difference between a land use permit 'reconsideration' and a 'modification.'
12	5.07.060	Additional Subdivision and Partition Criteria	Add more partition and subdivision criteria.

Details:

1. Two story setback clarification - The City Council requested that the development code require an 8-foot side yard setback for all 2 story structures in the RL and RM Zone. It was clear during the hearing that the Council intended the additional setback only for situations when a house wall was a full 2 stories tall at the setback line, meaning 8 feet from the property line the home was a full 2 stories. In situations where the house features a step-back, such that the structure is 1 story at the setback line and the second story was shifted back from the first, then an additional setback was not required. Draft changes are attached to clarify this point and meet the intent of the Council. We will also re-evaluate the definition of story to be clearer.



2. Change the name of the Residential Mixed-Use Zone (RM) to Residential Medium (RM) - When processing the Code the Residential Mixed-Use Zone started as a zone that would permit several different kinds of housing lots and types. The idea was to create a very flexible zone that would help the City grow in the future. However, as the Code went through the many Planning Commission reviews, the zone changed to be a fairly standard medium density zone. The name "mixed-use" in the zone title is now confusing because we have another zone called "Mixed Use". The two are getting confused. Staff is proposing to change the name of the zone, not any of the standards. Staff proposed the zone simply be called Residential Medium. This way the acronym stays the same - RM.

3. Revised uses in the Commercial Zone- Some uses allowed in the Commercial Zone are proposed to be removed because they do not represent the highest and best

uses of the commercial property in the City. Specifically these include auto body shops, cabinet shops, and mini-storage. The intent behind the Commercial Zone is to get services for our City, services people can use and not drive to Albany for. These include professional offices, like law, dental, small retail, restaurants, etc.

We also want uses that do not have possible impacts to neighbors. Auto body painting results in emissions and typically a very unsightly use where crashed cars are parked for long periods of time. Auto body will still be permitted in the Limited Industrial Zone. Not a welcoming sight to the City. Cabinet shops build things, and should be in light industrial zones. These are typically not open to the public, like a showroom would be. Storage is a service that people of the City use, but they generally consume large amounts of property and would consume property that could otherwise be used for more service-oriented uses. Storage and mini-storage is still permitted in the Limited Industrial Zone. RV Parks are specifically listed as not permitted in 2.08.020, and then listed as permitted in the next section- 2.08.030. This update proposes to remove RV parks as a permitted use, leaving them only permitted in the LI and PF zone. An RV Park would not be the highest and best use for commercially zoned property as it provides no services to the community.

4. LI and PF Zone RV Park clarifications - There are a few clarifications that need to happen regarding RV parks.

- a. Section 3.24 regulates the standards for a Recreational Vehicle Park. In section 3.24.010 the Code explains that: *“Where Permitted: RV Parks may be permitted in the Limited Industrial Zone – LI adjacent to a City Arterial Street in accordance with the Conditional Use procedures of Section 5.04.”* However, the LI Zone did not list RV Parks as a permitted use. The text in section 3.24.010 was an error and should have listed the PF Zone instead.
- b. Section 3.24.010 lists standards, but these are erroneously shown in the “Purpose” Section. The Code is proposed to be revised to add a standards section like most other Code sections use.

5. GI Environmental Performance Standards-

The General Industrial Zone in the Code currently states:

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

This section is addressed by requirements in Section 5.05 and is not needed in this section. Staff proposes deleting number 7.

6. Restaurant Parking - The parking requirements for eating and drinking establishments are 1 space per 4 seats or 1 space per 400 square feet of gross floor area. In an

effort to keep the City competitive staff did a review of other local city requirements.

- Albany - 1 per 800 sq ft for carryout and 1 per 200 for sit down
- Salem - 1 per 250 sq ft
- Eugene - 1 per 66 sq ft
- Corvallis - 1 per 4 fixed seats or 1 per 50 sq ft if no fixed seats
- Lebanon - 1 per 4 fixed seats and 1 per 50 sq ft if no fixed seats
- Stayton - 1 per 100 sq ft

Staff is suggesting, in order to keep the City competitive, that we change the parking requirements to mirror Albany's requirements of 1 per 800 sq ft for carryout and 1 per 200 for sit down.

7. Temporary Signs - The Development Code does not have a section that addresses temporary signs, except those for temporary businesses. Staff is proposing to add a new more detailed section regulating temporary signs. This section would clarify when a permit is required and when it's not. Draft changes are attached.

8. Blade Banner Signs - Blade Banner signs are fabric flags as shown in the image. These are becoming more popular and can contribute to visual clutter along streetscapes. Regulations are proposed to address this. The definition for blade banner signs is proposed to be added to the sign code. Additionally, the code changes proposed in the temporary sign section includes regulations for blade banner signs. The text proposes to allow no more than 1 temporary sign per property, and that would include blade banner signs. Draft changes are attached.



9. Revised Single Family Home Design Standards - The new Code has design requirements for single family homes. As approved these were very sparse and had some requirements listed as optional that should have been required for every home, specifically a minimum 12" eave depth. In the adopted Code a builder can select from a menu suite of design choices. The proposed revision would change the number of menu items required based on how much of the façade is consumed by the garage door. The number of required menu items has increased, but the proposed edit has added several new menu choices.

10. Additional Lot Standards - Sometimes a partition or subdivision will leave a portion of the property un-mapped. In other words they may divide a 1 acre property (43,560 square feet) into three 10,000 square foot parcels, which would leave a 13,560 square foot portion of the original property without a parcel number. Our new Code does not address remainder lots. Staff is proposing text to address these in the future. The proposal would require that all remainder lots meet all zoning requirements. This

is proposed to be sure they are not creating a portion of a property that cannot meet the zone.

To show this with another example, someone could propose a 3 parcel partition on a property that is 35,000 square feet. If all three parcels were 10,000 square feet, that would leave 5,000 square feet unmapped. They could not put a home on that property until they made the remainder a legal lot. However they could not make it a legal lot because it does not meet the zoning requirements for a 10,000 square foot lot minimum. The proposed regulations would assure this does not happen.

11. Modifying Land Use Approvals - Section 5.01.060 regulates how to modify a land use decision. The term 'modification' in the heading to this section is misleading. The header should read 'reconsideration.'

This section explains what to do when an approved project is found to have a glaring error, found shortly after an approval. If the error is such that the approving body needs to reconsider the project, this section is used. An applicant changing an approved project, such as moving a building or adding parking, would be done using the 'modifications to approved plans and conditions' are regulated by section 5.16.060.

Staff proposes some minor changes to this section to clarify the difference.

12. Additional Subdivision and Partition Criteria - An additional criteria has been added to clarify that the design of the partition/subdivision must account for future access of neighboring properties. Additionally, Criteria 3 is proposed to be modified because it currently references "residential structures," however, partitions can be for industrial and commercial properties as well.

1. **Two 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 based on total height where a 'story' is 14 feet.**

2.03.060 Dimensional Standards

Table 2 - RL Dimensional Standards

RL Zone Dimensional Standards	
Side Yard – two or more stories when a second story is located less than 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 when a second story is located less than 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. **Revised Uses General Commercial Zone** (changes shown in redline) -

CHAPTER 2.08 GENERAL COMMERCIAL (GC)

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.

4. 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~~ **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.

5. 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.~~

6. 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 of gross floor area 1 per 800 sq ft for carryout and 1 per 200 for sit down.
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7. Temporary Signs (changes shown in redline)-

Chapter 1.02 Definitions1

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.

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 shall be removed no more than 15 days from the sale, 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. Sign shall not exceed six square feet per side.
- iii. Inflatable signs, in any shape, is limited to 500 cubic feet, and no taller than freestanding signs allowed in the particular zone. Inflatable signs shall not move, such as those with arms that move.
- iv. 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.
- v. Election signs shall not be erected more than 90 days prior to an election and removed within five days following the election.
- vi. Real Estate signs shall be removed no more than 15 days from the sale, lease or rental of the property.
- vii. Contractor signs shall be removed within seven days of completion of any construction or remodeling.

- viii. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 - ix. In no case shall the sign or signs be erected for more than 12 months.
 - x. Temporary uses such as Christmas tree sales, pumpkin sales, etc. are permitted two signs not to exceed 32 square feet per side each. The signage shall be allowed for the same duration as the temporary use.
 - xi. Pennants, Flags, and Streamers may be used as part of an opening or promotional event up to 120 days per calendar year. A flag that has been adopted by the federal government, this State, or the local government is exempt.
 - xii. Blade Banner signs are considered temporary signs and shall meet all regulations herein.
- 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.

8. 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.

9. 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) 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

10. 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.** Development of any remainder property under the same ownership can be accomplished in accordance with this Code including any requirements by the zone 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 preliminary 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.

11. 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.

12. 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 ~~dwellings 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.