



File No: DC 24-02 Code Updates

Proposal: This Development Code Text Amendment proposes to make 27 revisions to the existing Development Code. These include five (5) changes required by State mandates, which include allowing duplexes on any residential lot, removing the requirement for garages, changing the regulations for limited land use decisions, allowing mass timber and prefabricated residential development, and adding times for laws to apply to approved subdivisions. The amendment also includes 21 staff-proposed changes to the code, including, clarifying CO Zone standards, access easement length changes, off-street loading requirements, removing temporary sign regulations (to move them to the Municipal Code), updating trash enclosure requirements, clarifying patio cover requirements, clarifying planter bay requirements in parking lots, clarifying shade tree requirements in parking areas, fixing a typo regarding triplexes, clarifying trim requirements on homes, adding detail to RV cover requirements, changing accessory structure requirements, adding requirements for the use of shipping containers in residential areas, clarifying nonconforming standards, revising the commercial design standards, clarifying serial partition regulations, updating regulations for land divisions in the RU Zone, updating the site development review criteria, updating the subdivision criteria, adding appeal standard regulations, adding recycling center standards, and adding regulations for ground mounted solar systems.

I. BACKGROUND

- A. Applicant: City of Millersburg
- B. Location: City Wide
- C. Review Type: The proposed Development Code Amendment (DC) requires a hearing before the Planning Commission whereby the Commission makes a recommendation to the City Council. A subsequent hearing before the City Council is required for a final action, including the adoption of an ordinance. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: A notice was posted in City Hall. A separate notice was sent to the Department of Land Conservation and Development (DLCDD) on December 2, 2024. Information related to the hearing is posted on the City's website here - <https://www.millersburgoregon.gov/planning/page/land-use-applications-and-applications-under-review>. A Measure 56 notice was sent to every tax address in the City on December 17, 2024. A notice was also posted twice in the newspaper on December 12 and 19, 2024.
- E. Review Criteria: Millersburg Development Code Section 5.11.030. The amendments also require compliance with Oregon Administrative Rules section 660-012.
- F. Current Zoning: All zones will have some effect from the proposed changes. No zoning map changes are proposed.
- G. Background: A good Land Use Development Code is never completed. It should

grow and change with the community's needs. Staff regularly compiles a list of needed edits. Once the list becomes large enough (or a change is particularly urgent) then staff brings it forward for adoption. Typically, this ends up being an annual review and update. The last update was about one year ago. At the time this staff report was written there are 27 different code revisions proposed.

A table is shown below including all changes proposed at a glance. The actual proposed changes are attached in a separate document.

The first five proposed changes are required by the State. Some of these changes are counter to Millersburg's traditional values and priorities, as expressed by our residents and Council over many years. We continually communicate to the State that we are making these changes under protest (see findings section). City Staff have attended multiple public meetings and open houses where residents of Millersburg have expressed what they want and don't want to see in the City. Staff have continually heard that increasing density in existing neighborhoods, and in our current residentially zoned areas, should be avoided. We understand that our residents rely on vehicles for transportation and that having places to park cars (and RV's) is important to our residents. In order to reach its housing and climate goals, the State would prefer to see high density in all neighborhoods and as little vehicle use as possible. Unfortunately, many State proposals to address homelessness, climate change, and housing are made at the expense of home rule, and the costs are borne by Oregon cities. The State needs to recognize that while these changes may be a good fit for communities like Portland or Eugene, they are not in keeping with the goals and character of a community like Millersburg. As long as the people of Oregon continue to elect those who do not value home rule, then the rights of the people to govern themselves will continue to erode.

**DC 24-02 CODE UPDATE PROPOSED CHANGES
(as of December 10, 2024)**

Code Update Summary Table			
	Section	Topic	Proposed Update
State Mandated Updates			
1	2.03.020 & 050, 2.04.020 & 050, 060, 070, 2.05.050 & 060	Duplexes	The State is mandating, in ORS 197A.420(3) that the City allow a duplex on <i>any and all</i> residential lots. They were previously only allowed on corner lots in one zone. Therefore, the amendment proposes to remove the 'corner only' requirement from the RL Zone, clarify in table 2 that two housing units can be on one 10K lot but must be duplex, clarify in the RM Zone, Table 4, that two units per lot is

			allowed but they must be <u>attached</u> duplexes, add duplexes as a permitted use to the RU Zone, revise the Density section to reflect duplexes.
2	3.12.020 & 030	Garages	The State is mandating in OAR 660-012-0005(30) that the City cannot require garages on homes. The amendment proposes to delete the requirement for garages on any residential unit. They can still be built, but they are not required. Also, the amendment will require paved access on each lot, which is not a state requirement.
3	1.02.020, 5.01.030, 5.05.020 & 030, 5.14.020 & 030, 5.18.010, 5.22.010	Limited Land Use Decision	The State is adding additional restrictions on how Millersburg processes Land Use cases. ORS 197.015(12) and ORS 197.195 and further limits what cities can and can't do regarding Land Use approvals. The City is now required to process some permits as 'Limited Land Use permits.' These have less public oversight. The amendment proposes to add Limited Land Use Decisions (LLD) to the Code and process all Site Development Reviews and some other case types as LLDs.
4	1.02.020, 3.11.010 3.12.010 & 020 & 030,	Mass Timber/ prefabricated	The State has mandated, through HB 4064/ORS 197.478 that cities allow mass timber residential structures. Millersburg was silent on these types of structures in the Code. The update includes definitions, permitted uses, and development standards.
5	4.02.080	Subdivision Regulations	The State has mandated in ORS 92.040(2)(3) that local Land Use regulations stay 'frozen' for approved subdivisions for 3 years from an approval. The edits do not extend to land use approval lifespans.
Development Code Changes			
6	2.07.020	Clarification on CO	Correct a typo. Clarify that

		standards	standards for the Commercial Office (CO) zone are in the CO zone not the General Commercial (GC) or Light Industrial (LI).
7	3.02.100	Access Easement Length	Delete a 200-foot maximum easement length requirement.
8	3.03.070	Off Street Loading	Delete the size and number requirements for loading areas altogether, just say they must be screened.
9	3.06.130	Temp Signs	Remove regulations for temporary signs from the Development Code and move the section to the Municipal Code Section 5.10. Municipal Code changes are not addressed in this Land Use action.
10	3.07.090, 2.03.070, 2.04.070, 2.05.070, 2.06.070	Trash Enclosures	Add simple standards for trash enclosures in Commercial and Office (not Industrial), delete from all other sections in order to centralize the requirements.
11	3.08.070	Patio Covers	Clarify the requirements for Patio Covers. Changes include adding the word 'attached' set the existing set of standards. Right now, there are only detached requirements.
12	3.09.030	Limits on Planter Bays	Clarify that parking areas with less than 12 parking spaces do not require planter bays.
13	3.09.030	Shade Coverage Parking	Clarify that shade coverage requirements only pertain to passenger vehicle parking areas (not trucks). Also update the code so all trees required for shade coverage shall be at least 10 feet tall at time of planting.
14	3.09.040	Triplexes	Delete an erroneous reference to triplexes. They are not permitted.
15	3.12.020	Trim	Clarify that 4-inch trim is only needed on the front and street facing side of a single-family home.
16	3.15.010	RV Covers	Add that RV covers cannot have more than one wall (otherwise, it

			becomes a pole barn, which is still not permitted).
17	3.15.010	Accessory Structures	Limit the height of accessory structures to prevent mega structures. Change text so height is measured to the peak (not the midpoint). Add that they can't be taller than primary structure.
18	3.15.010	Shipping Containers	Add a reference to a new Municipal Code section regulating shipping containers in residential lots. Clarify that they can be used only for moving and renovations, standards are added in the Municipal Code (separate action).
19	3.21.100	Nonconforming	Change the title of the section to clarify that nonconforming standards are part of the section also.
20	3.26.030	Commercial Design standards.	Revise one standard regarding metal walls and one regarding window placement.
21	4.02.020	Serial Partitions	Clarify that serial partition requirements only apply to residential zones.
22	4.02.050	RU Map Improvements	Clarify that partitions and subdivisions in the RU zone do not have to do improvements if all parcels/lots stay over 2.5 acres. Clarify that they still must show access to all new lots, in easements or dedications. Also, clarify that water and sewer are not needed on RU partitions /subdivisions.
23	5.05.060	Site Development Review Criteria	Revise the Site Development Review criteria to be more active-voice, not passive.
24	5.08.060	Subdivision Criteria	Break up these criteria into two- one for access and one for utilities.
25	5.16.055, 5.18.010, 5.19.010	Appeal Standing	Add requirements that one cannot appeal unless they have exhausted all administrative remedies, you need standing to appeal. Essentially adding a raise-it-or-waive-it requirement to all appeals.

26	3.29	Recycling centers	Add specific standards for recycling centers, specifically screening.
27	1.02.020, 2.03.020, 2.04.020, 2.05.020, 3.30	Ground Mounted Solar	Add regulations for ground mounted solar systems. Add a definition and make it a 'use.' Add to appropriate zones as permitted and prohibit in non-residential zones. Add a new section to regulate standards for ground mounted solar.

II. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

5.11.030 Decision Criteria. Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:

- (1) There are no negative impacts of the proposed amendment on land use and development patterns within the city, as measured by:**
 - a. Traffic generation and circulation patterns;**
 - b. Demand for public facilities and services;**
 - c. Level of park and recreation facilities;**
 - d. Economic activities;**
 - e. Protection and use of natural resources; and**
 - f. Compliance of the proposal with existing adopted special purpose plans or programs.**

ANALYSIS: Table 2 below contains an analysis for each of the text amendments proposed.

Table 2 Criteria 1 Analysis		
	Topic	Analysis
1	Duplexes	This State mandated change will allow a duplex on every residential lot/parcel in the City. Naturally, any placement of a duplex doubles the impacts to that lot because it places two families on the property (at least for the purposes of population generation requirements). The criteria states that there cannot be any negative impacts to the categories listed. This criteria should not be interpreted to mean there cannot

		<p>be any <i>increase</i> in some of the items listed, like traffic or park use. Such an interpretation would mean that the City can never upzone or increase intensity of uses. This criteria is not intended to act as a no-growth measure. Rather, for most of these impact categories the criteria is truly asking if these categories have capacity or built in mitigation to address any increases in the impacts to these categories that may result from the proposed Code amendment.</p> <p>The City does not anticipate this change will result in a significant increase in the number of duplexes in the City based on the number of previous duplex inquiries with Planning. There is no way to know at this time how many new duplexes will result. It is more likely that any new duplexes will be the result of all-new home construction, not conversions of existing units. Therefore, each will be analyzed at that time to address the specific impacts of the units.</p> <p>Impacts are addressed for transportation, parks, water, storm and sewer primarily through the use of System Development Charges (SDC's). These charge a fee for the impact of a new dwelling unit to the entire City system. For a duplex, generally, the fee would be charged to each dwelling unit in the building.¹ Therefore, the SDC fees for a duplex would be more than that of a single-family home. Any development of a new duplex would have to comply with all Code requirements for natural resources such as wetlands and floodplains.</p> <p>Lastly, this is a State mandated change. Even if there were negative impacts, the State is requiring the change.</p>
2	Garages	<p>The City Development Code has long required a full garage for any residential unit, even manufactured homes. However, these requirements are <i>now</i> inconsistent with the State requirements.² The State has argued that people have cars because it is easy to</p>

¹ Some SDC categories bill for the entire duplex structure, but the rate is different for duplexes.

² Pursuant to the Climate Friendly and Equitable Communities Oregon Revised Statutes and Oregon Administrative Rules.

		<p>have them, and when cities make it harder to have cars, other forms of transit will emerge to meet the demand.</p> <p>City staff does not subscribe to this theory. However, using the State's logic, the removal of the garage requirement would reduce, not increase, impacts on the transportation system as it exists in Millersburg.</p>
3	Limited Land Use Decision	<p>This change proposes revising the permitting process for two land use cases, site development review and non-conforming review. Both are proposed to be processed as a Type II case instead of a Type III case in order to comply with State requirements. This will also change other elements of the process for Type II cases.</p> <p>Because this will only change a process, it will not have negative impacts on the items listed in this criteria, like traffic or public facilities. Changing the case type will only change who makes the final decision on the case. All cases will still have to comply with the Development Code, and public notice is still required.</p>
4	Mass Timber/ prefabricated	<p>The State is requiring the City Code to clearly allow homes built using mass timber. This is essentially a process for building a home. Mass timber homes are built using large, solid wood panels that are glued or nailed together to create a strong, stable structure. The State is contending that mass timber is a renewable alternative to concrete and steel, and it offers several benefits over traditional construction methods, including construction speed and potentially lower costs.</p> <p>Any construction will still be required to comply with the development standards in the Code and all building code requirements for safety. As such, this different kind of construction should not result in any negative impacts. The resulting structure will still be a single-family structure, like any other; the impacts of a mass timber dwelling unit are the same as a traditionally built unit as far as criteria categories listed are concerned, including City infrastructure and traffic.</p>
5	Subdivision Regulations	<p>The proposed subdivision revision would lock all City regulations that apply to a subdivision at the time a subdivision is approved. This would last for three years. Any changes to the Code that happen within those</p>

		<p>three years would not apply to the previously approved subdivision. If Code updates adopted during said three-year window were intended to reduce negative impacts in some way, it could be argued that this change could have negative impacts. However, assuming that the Code currently addresses negative impacts adequately, this change does not afford the developer any shortcuts or modifications to the existing rules and regulations. Therefore, all negative impacts are mitigated by the existing regulations.</p> <p>It could also be argued that the change would provide more certainty to residential developers and therefore spur additional development. This would have positive impacts to economic activities.</p>
6	Clarification on CO standards	This proposed amendment is intended to address a typo to clarify that standards for the Commercial Office Zone are in the CO Zone, not the GC or LI. Staff has always applied the CO standards to the CO Zone. Therefore, there would be no negative impacts because the standards already exist.
7	Access Easement Length	This change proposes to delete a 200-foot maximum easement length. This regulation was part of a set of standards implemented to address partitions that share access. Deleting the requirement may result in longer easements on some partitions. This would change the design or layout of the partition but would likely not change the potential impacts to the listed criteria categories. Other regulations still exist for easements, such as assurance that there are no more than three homes on a shared easement, and a minimum easement width (to assure emergency vehicle access). Additionally, all driveways must be paved. Fire regulations for mandatory turnarounds would also still apply to longer easement lengths. This would not permit an additional number of units where they are not permitted today. Units create impacts. This change may result in more partitions because the maximum length requirement may have prevented some map designs. As such, this may have a positive impact on economic activities.
8	Off Street Loading	This change should create more flexibility for industrial developers, and clarification for commercial developers. This change deletes the size requirements

		for loading bays and adds screening requirements for commercial loading bays only. The number and size of loading bays was not a tool used to regulate the volume of truck traffic generated by a use. Therefore, the change should not alter the volume of trucks a business plans to use. Nor will the impact to water or sewer change. The proposal does not add a minimum or maximum to the number of loading areas, so this will be driven by the user and analyzed at the time a land use action is applied for with the City. Since this is only applicable to industrial and commercial uses, the change will have no impact to the park usage. The proposal should have a positive impact on economic activity because developers will be drawn to the increased flexibility. Natural resources will not be impacted because the footprint of the total disturbance will be analyzed at the time the development land use application is submitted to the city. An analysis of the resource impact will happen at the time of the application.
9	Temp Signs	This change will not alter any of the regulations for temporary signage. The proposal will move the section to the Municipal Code Section 5.10. As such, there will be no impacts.
10	Trash Enclosures	The proposed change will move around some of the standards in the Code and add some additional new design requirements for trash enclosures in Commercial and Office (not industrial). Changing the required look of future trash enclosures will not create any negative impacts to the categories listed in this criteria. A different look will not affect traffic, water or sewer needs, the level of park use, or possible impacts to natural resources. It could be argued that the additional cost for enclosures may discourage development, but a slightly more expensive trash enclosure will likely not factor into a developer's decision to build or not build in Millersburg. Therefore, there should be no negative impact on economic activities.
11	Patio Covers	This revision simply clarifies that the regulations for patio covers includes attached patio covers. There will be no negative impacts to traffic, utilities, parks or the like because this only effects single-family home patio covers. This change would not allow additional

		structures or higher population. Additionally, the regulations are not so extreme that they would spur additional new patio covers or deter construction of covers. Therefore, there is no impact on the economy from this proposed edit.
12	Limits on Planter Bays	This proposed amendment will clarify that parking areas with less than 12 parking spaces do not require planter bays. Previously it stated that one planter bay was required for every 12 parking spaces, but did not address parking areas with fewer than 12 parking spaces. Planter bays are planting areas that are located at the end of a row of parking stalls in a parking lot. They require a tree in each one with the intention of adding shade to a parking area. The last Code update added a much more straightforward requirement of 40 percent shade coverage for all parking lots over an acre (see next item). This change was added to allow smaller lots the flexibility to not construct planter bays. This would remove a barrier to small businesses building in the City, encouraging economic development. The proposal would have no impact on utilities, parks or natural resources (the 40 percent shade coverage requirement would still apply to lots over an acre).
13	Shade Coverage Parking	This revision exempts truck parking areas from the shade requirement and requires 10-foot trees at the time of planting. The revision will have no negative impacts on the categories listed in the criteria. The number of trees or height of them have no relationship with these categories.
14	Triplexes	Correcting a typo has no impact on the listed categories.
15	Trim	Like patio covers, the regulations regarding the trim on a house has no relationship with the impact categories listed in the criteria. The revision would only change the look of a house, not the number of houses. This revision would clarify that a 4-inch trim is only needed on the front and street facing side of a single-family home.
16	RV Covers	The Code required clarification to close a loophole that may have allowed homeowners the ability to create a metal-sided shop and call it an RV cover. This revision limits the number of 'walls' that can be used on an RV cover structure. The design features on an RV cover do not affect the impact categories listed in the criteria.
17	Accessory	Although in compliance with current regulations, the

	Structures	<p>height of some accessory structures in the City has generated complaints. This change limits the height by measuring maximum height to the peak, not the midpoint, increasing setbacks for taller structures, and not permitting the structure to be taller than the primary house on the lot. These changes will likely not have any impacts on the categories listed.</p> <p>In extreme cases this may dissuade a homeowner from constructing an accessory structure with a second story. The Code currently allows an accessory dwelling unit to be placed over an accessory structure. This change may prevent an accessory dwelling unit on a second story because the taller height may have been the only way the accessory dwelling unit could fit on the lot. This would be very rare. This change would not alter the existing regulations for natural resources, or the limits the resource rules have on the placement of an accessory structure. There should be no impact to resources.</p>
18	Shipping Containers	<p>Shipping containers are currently not permitted in residential zones. This change would clarify that they can be used for moving and renovations only. Additional standards have been proposed to be added to the Municipal Code, but that is not included in the scope of this case. Any placement of the container in the street right-of-way would require a ROW permit, where the City grants the permit only if it can be determined that the container does not create a safety hazard. There will be no impact on water and sewer, or park activity. They are not permitted in front yards (only paved driveways). There should be no impacts to economic activities, though it will provide more options to those moving in or out of the community.</p>
19	Nonconforming	<p>Nonconformity can apply to uses or standards. This change clarifies the processes to address nonconforming standards, like setbacks, that are not met. Nonconforming situations arise when a structure or use predates the Code requirements that it no longer conforms to. These situations are rare. The process allows for the nonconforming element to continue even if changes to the property are requested from the City (with limitations). The only possible way these regulations could impact the categories listed is because a structure that does not conform to the Code is still</p>

		<p>allowed to grow and change in some cases. That development may have impacts on these City systems; however, as has been explained, any new development is required to comply with all aspects of the Development Code, which includes mitigation to all these listed categories in the form of regulations and system development charges. As such, there will be no impacts to these areas.</p>
20	Commercial Design standards.	<p>These proposed amendments would alter the design regulations for commercial projects. These changes are aesthetic only. They would have no impact to traffic, utilities or park services. They would make all properties in the City more desirable, understanding that a better-looking City becomes a more desirable place to do business. This will have a positive impact on the economy. Natural resources would be addressed at the time of land use permit issuance through compliance with the Code regulations. There would be no impacts.</p>
21	Serial Partitions	<p>This change clarifies that serial partition regulations (4.02.020) only apply to residential zones. The existing regulations limit serial partitions by requiring any partition that has property large enough to re-divide after the partition to use the regulations for a subdivision. This change clarifies that the rule only applies to residential partitions. The change would allow non-residential partitions to use the partition criteria and standards regardless of the proposed parcel size. This may eventually result in more traffic because this could mean more non-residential lots. However, every proposed partition would still be required to go through the land use process. Each map would be analyzed for their impacts, including traffic, water, sewer, natural resources, and park impact, at that time. This will also likely make development more favorable to developers and result in more economic activity.</p>
22	RU Map Improvements	<p>The City of Millersburg is unique in that it has a zoning designation that only permits lots larger than 2.5 acres- the Rural Zone (RU). The Code requires improvements to most land divisions in the residential zones. However, because rural lots are so large, the cost for improvements would be a disproportionate cost to those property owners, especially because the impacts they present are not as significant- larger lots mean fewer residential units on them. Therefore, this change</p>

		proposes to omit any requirement for improvements to streets, water or sewer services in the RU Zone. This will create additional burdens on streets, water and sewer services; however, as pointed out previously, the impacts are far less on development for 2.5 acre lots/parcels. The impacts would, therefore, not be significant. There is no direct relationship with the proposed amendment and the park system or natural resources. The RU zone is intended to be a temporary Zone.
23	Site Development Review Criteria	Staff is proposing to revise the Site Development Review criteria to be more active-voice, not passive. New criteria have been added, though these really just serve to strengthen the applicant's attention to the development standards located throughout the Code. The criteria that have previously addressed traffic have not changed. There will be no impacts to traffic. Public services were addressed in the existing criteria but read like they were options. Now it's more clear that they are required. As such, this will better address the requirement for infrastructure like water and sewer moving forward. Park demand is not addressed in these criteria, however, System Development Charges (SDCs) will still be required for all new buildings. This helps address any impacts of new development on parks. The changes will have no impact on the economy because they will neither hinder nor encourage new development. These new regulations just direct the applicant to standards that have already existed in the Code. These changes do impact the regulations for natural resources.
24	Subdivision Criteria	This text change introduces no new regulations, it just proposes to break up one long complicated criteria into two. Rather than one criteria addressing access and utilities together, they are now proposed to be two individual criteria. Therefore, there are no impacts to the categories listed.
25	Appeal Standing	Previously anyone who wished to appeal a type II or III decision could apply for an appeal even if they did not raise an issue or concern during the review process. However, a type IV decision can ultimately be appealed to the Land Use Board of Appeals (LUBA). There are State requirements for such an appeal, including that the applicant must first raise the offending

		<p>issue with the original decision maker in order to give them a chance to address the concern at the local level.</p> <p>This proposed amendment brings that same 'raise-it-or-waive-it' philosophy to all appeals in the City. The text change proposes to add a requirement that one cannot appeal to the Planning Commission or City Council unless they have exhausted all administrative remedies. In other words, one needs 'standing' to appeal.</p> <p>Appeal standing has no relationship with the categories listed in this criteria. The ability to appeal does not impact traffic, infrastructure, park use or natural resources in any way. There are no negative impacts to these categories.</p>
26	Recycling centers	<p>Standards are proposed for recycling centers, specifically screening. These standards address aesthetics and protect against possible soil contamination. Traffic will not be affected by these standards because they will not draw more people to the locations or deter them. Any demand on public utilities will be analyzed at the time of a land use application submittal. The introduction of standards for this use will not change the demand on utilities.</p> <p>There is no relationship with park demand. The standards are not anticipated to deter new recycling centers, so there should be no impact to the economy. Natural resource regulations will continue to apply, the new regulations will not alter that in any way.</p>
27	Ground Mounted Solar	<p>The last proposed change is a new section to regulate ground mounted solar systems. The proposal only permits this use in residential zones. These are accessory uses to the primary use, which is a dwelling unit. By themselves, they do not generate any vehicle trips or require water or sewer connections. They also do not impact the demand for park or open space use. The proposal may have minor impacts to the economy, in that applicants will pay to have them installed and the owner may be able to sell some power back to the grid; however, there are provisions in the regulations that prohibit systems so large that they become a</p>

	<p>commercial use unto themselves. This is because the zone is for residential uses, not a power plant in the form of a solar system. To turn a regular profit makes the use a business use. That is not the intended use of the zone.</p> <p>Additionally, building large-scale ground mounted solar systems would actually prevent additional housing units, thus deterring the ability of the zone to achieve its primary purpose- houses.</p> <p>Lastly, the resource regulations would apply to these like they would any other structure. There should be no impacts to the resource protection.</p>
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FINDING: Based on the analysis above, the project meets the required criteria.

(2) A demonstrated need exists for the proposed amendment.

ANALYSIS: Staff has been tracking many small revisions needed where 1) the Code did not fully address the City’s needs, 2) something was inadvertently left out, 3) the State has mandated changes, or 4) something was not as clear as it should have been. The need for the change is clear. These were all places where the Code was underperforming in some way and needed to be fixed. Staff decided to bring this Code update forward now for several reasons. Some of these changes are needed sooner than others. In general though, the change is proposed now because staff had amassed a large enough number of changes to justify the time and expense needed to change the Code.

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

(3) The proposed amendment complies with all applicable Statewide Planning Goals and Administrative Rule requirements.

ANALYSIS: The State Planning Goals act as the foundation for Land Use planning in the State of Oregon. The Oregon Administrative Rules (OAR) and Oregon Revised Statutes (ORS) help implement those Goals. On a local level the State Goals are implemented by City Comprehensive Plans, and Comprehensive Plans are implemented by Zoning Codes. When the current Development Code was adopted in 2020, it was found to be fully consistent with the State Goals and OARs and ORSs as well as the City’s Comprehensive Plan.

The State has 19 Planning Goals. Some do not apply to the City of Millersburg, these include Goal 4, Forest Land, Goal 17 Coastal Shorelands, Goal 18 Beaches

and Dunes, and Goal 19 Ocean Resources. Goals applicable to Millersburg include:

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| Goal 1 Citizen Involvement | Goal 10 Housing |
| Goal 2 Land Use Planning | Goal 11 Public Facilities and Services |
| Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces | Goal 12 Transportation |
| Goal 6 Air, Water and Land Resources Quality | Goal 13 Energy Conservation |
| Goal 7 Areas Subject to Natural Hazards | Goal 14 Urbanization |
| Goal 8 Recreational Needs | Goal 16 Estuarine Resources |
| Goal 9 Economic Development | |

Goal 1 is the Citizen Involvement Goal. The proposed Code update featured two Planning Commission workshops, both of which were open to the public and two planned public hearings where public testimony is permitted. The Comprehensive Plan explains that Goal 1 is met using the public hearing process. As such, all of the proposed Code revisions meet the requirements of Goal 1.

Similarly, each of these proposed changes further implements Goal 2. Goal 2 requires that cities have a process for Land Use actions, zoning, and that the City regularly re-review the processes to tweak and make revisions that better serve the community. This change implements the re-evaluation called for in Goal 2. Each of the changes, then, implements Goal 2. Additional analysis is also included in the table where appropriate.

Goal 12 is the Transportation Goal. Goal 12 is also often referred to as the Transportation Planning Rule (TPR). All Code amendments must demonstrate consistency with the TPR, as such a separate section of this staff report is dedicated to showing consistency with the TPR, see Section III.

Table 3 below contains an analysis for each of the changes proposed as they relate to the remaining applicable State Planning Goals.

Table 3 State Planning Goal Analysis		
	Topic	Analysis
1	Duplexes	This revision helps implement Goal 10 Housing, Goal 13

		<p>Energy Conservation, and Goal 14 Urbanization. Goal 10 is implemented because allowing duplexes on every lot will have the potential to bring additional housing units, and they will be, in theory, more affordable.</p> <p>Goal 13 is implemented because it takes less energy to heat and cool a duplex because there are two units; the shared wall helps cut energy costs. Goal 14 is implemented by assuring that populations and residential density are kept within an urban growth boundary.</p> <p>The State believes that duplexes place more density in a smaller footprint, which may preserve natural resources (Goal 5), and result in greater economy of scale in terms of keeping air and water cleaner (Goal 6), better use of public facilities and services (Goal 11), and allowing greater use of public transit based on increased density (Goal 12). The duplex requirement, also called middle-housing in trendy urban planning circles, came from the Climate Friendly and Equitable Communities initiatives put forward by the State for the purpose of fighting climate change which the State believes reflects these State Goals.</p> <p>This proposed revision is consistent with the State Goals listed above.</p>
2	Garages	<p>The State would argue that this implements Goal 2, Land Uses, Goal 6, Air, Water and Land Resources Quality, Goal 11, Public Facilities, and Goal 12, Transportation.</p> <p>The State has often argued that the availability of parking increases the demand for automobile usage and a lack of parking will result in people choosing alternative transportation options. Although Millersburg does not agree that this change will have the intended results, as part of the Climate Friendly and Equitable Communities (CFEC) initiative, the State has required cities to eliminate parking requirements³</p> <p>Goal 2, Land Use, applies because the elimination of the requirement for a garage helps contribute to the</p>

³ This was one of the options presented by the State, but all options essentially did the same thing.

		<p>Land Use process by removing some regulations for parking. Because these revisions will address the regulations for parking, this change is consistent with Goal 2.</p> <p>Goal 6, Air, Water and Land Resources Quality, apply as far as the State's assumptions are concerned. The premise behind the CFEC rules is the reduction of greenhouse gases. The State feels that these measures will reduce vehicle emissions by making driving more difficult, complicated, and painful. Additionally, in theory, these rules will create more transportation options, which, the State feels, will reduce vehicle trips, and thus, vehicle emissions. The State would certainly agree that these changes are consistent with, and implements, Goal 6.</p> <p>Goal 11, Public Facilities, and Goal 12, Transportation applies for the same reasons as Goal 6. In theory, this action will result in fewer vehicle trips, and thus less impact to streets, which are a public facility. The State would also argue that the new rules provide/force additional transportation choices because there is an assumption that the new rules will result in fewer parking spaces, which will further result in people seeking alternative forms for transportation. This is consistent with Goal 11 and 12 because it will shift the emphasis from vehicle planning to other forms of transportation.</p> <p>The proposed new regulations are not inconsistent with any of the State Goals.</p>
3	Limited Land Use Decision	<p>This change implements Goal 2, Land Use Planning. The State is convinced that the local Land Use process too difficult for developers. Through lobbying and other methods, the development community has convinced the State to further restrict cities Home Rule rights by forcing cities to change the way Land Use cases are processed. In an effort to make the development process easier for developer's, the State has required Cities to remove the Planning Commission from the review process. Instead, they are requiring Cities to use a different process called a Limited Land Use Review process. This process has no public hearing just a staff level review. Staff would argue this erodes</p>

		implementation of Goal 1 because it creates less ways for the public to participate, especially because the new rules limit the notification area to just 100 feet. This is clearly designed to limit public participation in an attempt to make the Land Use process easier for developers. The City does not support this, but has no choice but to implement the State requirements.
4	Mass Timber/ prefabricated	This change implements Goal 10, Housing. Building homes using mass timber can be less expensive, and thus, make homes more affordable. This helps reduce the cost of housing. This proposed revision is consistent with the State Goals.
5	Subdivision Regulations	This change implements Goal 2. The proposed subdivision revision would lock all City regulations that apply to subdivisions at the time a subdivision is approved. This would last for three years. This is a process change, and process changes implement Goal 2 which calls for continual reevaluation of the existing regulations. This proposed revision is consistent with the State Goals.
6	Clarification on CO standards	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would clarify the Code text, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
7	Access Easement Length	This change proposes to delete a 200-foot maximum easement length. This implements Goal 2, Land Use Planning, and Goal 14, Urbanization. The elimination of the easement length is removing a barrier that was negatively impacting the ability for some property owners to develop their property. This implements Goal 2 by reevaluating a rule that was a problem for many property owners and not achieving the intent of the regulation, and Goal 14 by helping maximize the density potential of the area within our UGB. This proposed revision is consistent with the State Goals listed above.
8	Off Street Loading	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would alter the requirements for loading areas, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
9	Temp Signs	The State Goals do not directly apply to this change

		(except Goals 1 and 2 as mentioned previously for all revisions). This would remove the entire section and move it to the Municipal Code, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
10	Trash Enclosures	The trash enclosure requirements do not have a direct relationship with any of the State Goals. This change restructures where the standards are located and clarifies that commercial establishments cannot use chain link enclosures. This does not have a relationship with any of the State Goals, but the change is not inconsistent with them.
11	Patio Covers	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would clarify the Code text for attached patio covers, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
12	Limits on Planter Bays	This proposed revision would clarify that planter bays are not required for smaller parking areas. The new standard would allow fewer trees, but this is not inconsistent with Goal 6 Air, Water and Land Resources Quality. The State's new greenhouse gas requirements do require more shade coverage in parking areas; however, these are not required until the parking area is over one (1) acre in size. This new regulation would not apply to parking areas that large. This illustrates that the amendment is not inconsistent with Goal 6.
13	Shade Coverage Parking	<p>This revision exempts truck parking areas and car sales lots from the shade requirement and requires 10-foot trees at the time of planting. Larger trees at planting should mean faster rates to maturity. Larger trees help implement Goal 6 Air, Water and Land Resources Quality by getting more shade coverage faster. Shade requirements for industrial areas would potentially impede truck movement. Trucks are taller and would have trouble navigating areas under a shade canopy.</p> <p>The shade requirement came from the States CFEC requirements. They were intended to address passenger vehicles. The limitation of shade in industrial and car lot parking areas should not be detrimental to the intent of the State regulations. With this understanding, the new regulation does not impede</p>

		implementation of the Goal 6.
14	Triplexes	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would correct a typo, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
15	Trim	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would clarify the Code text, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
16	RV Covers	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would clarify the Code text, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
17	Accessory Structures	<p>This proposed amendment does not have a direct relationship with any State Goals. The proposal would limit the height of accessory structures. The change is intended to address frustrations between neighbors regarding tall structures near property lines. No State Goal addresses this specifically, and the height would have no impact on any Goals as a result with the possible limited exception of Goal 10, housing.</p> <p>An Accessory Dwelling Unit (ADU) <i>could</i> be placed over an accessory structure based on our Code requirements. Limiting the height of an accessory structure could hamper the design possibilities of such an ADU. While this may reduce the possible design options for placement of an ADU, it does not prevent them. ORS 197.312(5)(a) states that ADUs must be permitted but are subject to reasonable local regulations to siting and design. The proposed change remains reasonable. The only potential issue would be a second story ADU on an accessory structure. If this were an issue preventing an ADU on the second floor, then the applicant has the ability to forgo the accessory structure under the ADU and build a single story ADU in its place. Therefore, this amendment will continue to implement Goal 10, because it does not add unreasonable restrictions that would significantly</p>

		hamper the design or placement of an ADU.
18	Shipping Containers	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would clarify the Code text, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
19	Nonconforming	This amendment will apply the non-conforming “use” regulations to non-conforming “standards” too. These will not prevent the development of a nonconforming use or a structure with non-conforming standards; rather it will clarify a path forward for a non-conforming situation to continue developing the site. As such, it will not be inconsistent with any State Goals, nor specifically implement them, shy of Goal 2 as mentioned previously.
20	Commercial Design standards.	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would clarify the Code text, addressing aesthetics of a structure, which is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
21	Serial Partitions	This change clarifies that serial partition regulations (4.02.020) only apply to residential zones. This does not further restrict residential development; this simply clarifies that the serial prohibitions do not apply to non-residential partitions. As such, this will not limit implementation of Goal 10, Housing. This adds flexibility for non-residential developers and encourages new development.
22	RU Map Improvements	<p>This change will clarify that no improvements are required for Rural Zone partitions. This helps implement Goal 10, Housing, by making the land division process in this zone easier and less expensive.</p> <p>This may also encourage land divisions in the Rural Zone, which would potentially impact farmland within the City limits. However, Goal 14 explains that Urban Growth Boundaries (UGBs) are intended to protect farmland <i>outside</i> City limits. All areas within a UGB are intended for development. Any farms within a UGB are temporary by nature and are a holding use awaiting the ultimate urbanization that cities are designed to support. Therefore, the possible shrinking of farms in Millersburg is not inconsistent with Goal 14, it is actually helping</p>

		implement Goal 14 by using UGBs the way they are intended to be used.
23	Site Development Review Criteria	<p>This change will require the applicant's narratives to be clearer in explaining how they are consistent with the standards. The current criteria directs the City to provide mitigation, when required to comply with the Code. As such, this criteria was not functioning like a criteria. A criteria requires an applicant to conform to a specific requirement. A criteria should not direct the City to do anything. Such a criteria leaves the applicant confused because they cannot satisfy something that is clearly a requirement on the City. This change places the burden back on the applicant to indicate when mitigation is needed. The revision does not mean the City cannot add mitigation to assure compliance, naturally, the City still can. That does not need to be stated in the criteria.</p> <p>Site Development Reviews are typically for non-residential projects, though they can also be for residential uses in some rare instances. As such, this will not have a direct relationship with any State Goals except Goal 2, because the process is clearer. The criteria are re-worded, and some are new, but those simply point back to the development standards in the code and master plans, so none of the requirements are new.</p>
24	Subdivision Criteria	The State Goals do not directly apply to this change (except Goals 1 and 2 as mentioned previously for all revisions). This would restructure the criteria, but they would not change the requirements. Such a change is not directly addressed in any of the State Goals. The proposed revisions are, therefore, not inconsistent with the Goals.
25	Appeal Standing	Adding 'raise-it-or-waive-it' requirements to all appeals does not implement any State Goals except Goal 2. The text change proposes to add a requirement that one cannot appeal to the Planning Commission or City Council unless they have exhausted all administrative remedies. This clarifies the process for appeals.
26	Recycling centers	Standards are proposed for recycling centers. These implement Goal 9 and Goal 6 Air, Water and Land Resources. The economic goal is implemented because adding a requirement that such a use have an

		aesthetically appealing exterior will help attract neighboring business prospects. Businesses may be less likely to develop near a potential blight. If a newly approved recycling center cannot meet or adhere to these standards, then other businesses could use that property. Additionally, this section re-states the requirement that nothing harmful is allowed to leach into the soil. This requirement exists elsewhere in State and local requirements, but this helps make it clear to future recycling developers.
27	Ground Mounted Solar	The proposed regulations regarding ground mounted solar implements Goal 9, Economic Development. These new rules allow solar on residential sites, in limited sizes. They prohibit them on non-residential properties. At its core, Goal 9 requires cities to have available land for new business. By not allowing ground mounted solar systems in non-residential areas, this will allow vacant land to be held for business that would provide jobs or services to the public; in other words, the rules save areas for the highest and best use.

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

(4) The amendment is appropriate as measured by at least one of the following criteria:

- a. It corrects identified error(s) in the provisions of the Plan.
- b. It represents a logical implementation of the Plan.
- c. It is mandated by changes in Federal, State, or local law.
- d. It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

ANALYSIS: There are 27 revisions proposed. The table below shows details explaining which changes relate to the specific criteria listed above.

Table 4- Criteria 4 Analysis		
	Topic	Analysis
A	6, 11, 12, 14, 15, 16, 19, 21	These revisions correct some kind of error identified in the Code.
B	7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27	These changes are proposed to better implement the Code.
C	1-5	Revisions mandated by State law.

D	None	These changes are intended to better implement the direction of the City Council.
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FINDING: Based on the analysis above, the project meets the required criteria.

III. OAR 660-012 THE TRANSPORTATION PLANNING RULE

As the State set out to implement Goal 12, the Transportation Goal, they created a host of rules and legislation to support the Goal. Oregon Administrative Rule (OAR) 660-012 is where the bulk of the implementing requirements are located. This section of OARs is also known as the Transportation Planning Rule or TPR for short. This set of rules generally explains that when an amendment to the Development Code would 'significantly' affect an existing or planned transportation facility, the City must assure that the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the streets in the plan remain at acceptable levels. Modelling is typically used to show if the changes will continue to meet the acceptable levels. While cities define these levels, the OARs explains what constitutes a "significant affect." These are listed in OAR 660-012-0060.

The proposed amendment does not meet the requirements listed, with the exception of possibly the duplex changes (see below). None of the amendments are proposing to change a classification of an existing or planned transportation facility (read: street); no street standards are proposed to be changed; nor will the proposed amendments change the level of traffic such that street classifications would change.

The one change that may alter traffic is the State mandated change to allow duplexes on any lot. While it is not anticipated that many in the City will convert to a duplex, the City could have someone apply for a full subdivision on vacant land that could be nothing but duplexes. This would sidestep the very intentionally planned 10,000-square-foot lots and allow for 5,000-square-foot lots, effectively doubling the population from that which was planned. The existing and planned streets are adequate for the capacity that was planned; however, it is not clear if the capacity could accommodate doubled capacity in now-vacant areas. Each of these vacant areas, should duplexes be proposed, would have the burden to analyze their proposed project, including traffic volumes and capacity. Any mitigation required to accommodate the increased capacity would be added to the project as a requirement in order to gain Land Use approval. If said mitigation results in the need for a street to change its classification, that would also require a Comprehensive Plan amendment in the form of a TSP Amendment. Additional TPR review would happen at that time. At this time the changes will have no significant effect.

Further, ORS 197A.420(7) (formerly 197.758) explains that "a local government that amends its comprehensive plan or land use regulations relating to allowing additional middle housing is not required to consider whether the amendments significantly affect an existing or planned transportation facility." So, while the effects of the duplex amendment on Millersburg's transportation system cannot be

known until it is evoked, the State has exempted the requirement to study the impact when the regulation is changed. In other words, the only one of the 27 Code amendment changes that could have potentially triggered a TPR review is, indeed, exempt from a TPR review.

In summary, the proposed Code update is fully consistent with all State, regional, and local transportation plans.

IV. ADDITIONAL FINDINGS

The following additional findings are included for the record.

- The City's Housing Needs Analysis (HNA) was completed in January of 2022, but never formally adopted by the City Council. It was acknowledged in a Comprehensive Plan Amendment in 2022. Changes that may impact housing are addressed above in the analysis for criteria 3, mostly because any housing impacts also implement Goal 10, Housing. The HNA reflected many of the same concepts as Goal 10. The HNA concepts were refined into policies for the Comprehensive Plan's new Housing Chapter. These Code amendments are fully consistent with the HNA and the Comprehensive Plan Policies. These include, but are not limited to, Policy 2 which requires different types of housing (duplex changes), Policy 3 that requires design compatible with the neighborhood (accessory structure changes), Policy 6 and 22 that require streamlined processing (all changes that address how the Code functions), Policy 10 that requires preservation of the neighborhood quality (again, the accessory structure changes), Policy 14 that requires housing at different price points (duplexes), and Policy 17 which address the need for aging in place through more affordable units (duplexes).
- Based on staff's analysis, all proposed amendments are fully consistent with the City's Comprehensive Plan and serve to better implement the policies of the Plan because they add additional clarity, address errors, and employ standards that support policies in the Plan.
- Staff would like to add that most of the State mandated amendments are being made under protest. The City does not subscribe to any further encroachment on Home Rule. Specifically, we do not think the State should have the right to require changes that may alter the character of the community. City constituents elect City Council members, who in turn carefully craft Development Code requirements that sculpt the kind of community the people want to live in. Local representation can be responsive to what constituents want to see in their communities. State representation is too far removed to effectively listen and respond to city constituents in regard to Land Use policy and regulations. This is why Land Use is better left to the local governments to implement. The State's

continual erosion of Home Rule with regulations that directly affect the character of communities, against their wishes, is counter to the intent of our State's constitution.

V. STAFF RECOMMENDATION TO THE PLANNING COMMISSION

Based on the above findings of fact, the proposed text Code amendment satisfies the applicable criteria. Staff recommends that the Planning Commission recommend approval of Application No. DC 24-02 to the City Council.

VI. SUGGESTED MOTION FOR PLANNING COMMISSION

I motion that the Planning Commission recommend approval of DC 24-02 to the City Council because all applicable criteria are met and all findings of fact are included in the staff report.

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

Based on the above findings of fact the proposed amendment satisfies the applicable criteria. The Planning Commission and staff recommend that the City Council approve Application No. DC 24-02 and adopt Ordinance No. 2XX-25.

VIII. EXHIBITS

- A. Proposed text changes
- B. Public Hearing Notice

**DC 24-02 CODE UPDATE PROPOSED CHANGES
(as of December 10, 2024)**

Code Update Summary Table			
	Section	Topic	Proposed Update
State Mandated Updates			
1	2.03.020 & 050, 2.04.020 & 050, 060, 070, 2.05.050 & 060	Duplexes	ORS 197A.420(3) requires that the City allow a duplex on any residential lot. Remove 'corner only' from RL, clarify in table 2 that 2 housing units can be on one 10K lot- must be duplex, clarify in RM Table 4 that 2 per lot is allowed but they must be <u>attached</u> duplexes, add to RU, revise in Density section.
2	3.12.020 & 030	Garages	OAR 660-012-0005(30) explains that the City cannot require garages. Delete requirement for garages on any residential unit. Require paved access on each lot.
3	1.02.020, 5.01.030, 5.05.020 & 030, 5.14.020 & 030, 5.18.010, 5.22.010	Limited Land Use Decision	ORS 197.015(12) and ORS 197.195 further limits what City's can do regarding Limited Land Use permits. Add Limited Land Use Decision to the Code. LLDs can only be decided by staff unless appealed. Type II.
4	1.02.020, 3.11.010 3.12.010 & 020 & 030,	Mass Timber/ prefabricated	HB 4064/ORS 197.478 requires that City's allow mass timber structures. Updates definitions, permitted uses, and development standards.
5	4.02.080	Subdivision Regulations	From ORS 92.040(2)(3)- Local Land Use regulations stay frozen in approved subdivisions for 3 years from approval. Clarify this does not extend land use approval lifespans.
Development Code Changes			
6	2.07.020	Clarification on CO standards	Address typo saying standards are in the CO zone, not the GC or LI
7	3.02.100	Access Easement Length	Delete 200 max easement length.

8	3.03.070	Off Street Loading	Delete the size requirements altogether, just say they have to be screened.
9	3.06.130	Temp Signs	Remove from the Dev Code and move the section to the Muni Code Section 5.10.
10	3.07.090, 2.03.070, 2.04.070, 2.05.070, 2.06.070	Trash Enclosures	Add simple standards for trash enclosures in Commercial and Office (not industrial), delete from all other sections- centralized.
11	3.08.070	Patio Covers	Clarify requirements for Patio Covers by adding an 'attached' set of standards, right now there are only detached.
12	3.09.030	Limits on Planter Bays	Clarify that parking areas with less than 12 parking spaces do not require planter bays.
13	3.09.030	Shade Coverage Parking	Clarify that shade coverage only pertains to passenger vehicle parking areas (not trucks). All trees required for shade coverage shall be at least 10 feet tall at time of planting.
14	3.09.040	Triplexes	Delete reference to triplexes. They are not permitted.
15	3.12.020	Trim	Clarify that 4" trim is only needed on the front and street facing side of a single family home.
16	3.15.010	RV Covers	Add that RV covers cannot have more than one wall (otherwise, it becomes a pole barn, which is still not permitted).
17	3.15.010	Accessory Structures	Limit height, prevent mega structures. Measured to the peak now. Can't be taller than primary.
18	3.15.010	Shipping Containers	A reference to a new muni code section has been added. The Muni-code update clarifies standards. Adds a time limit.
19	3.21.100	Nonconforming	Change title and clarify that the section is not just for nonconforming

			uses, but nonconforming standards as well.
20	3.26.030	Commercial Design standards.	On (4) revise this to just say no corrugated metal walls. The 'steel panel' text will be removed. Remove requirement for windows on (2)
21	4.02.020	Serial Partitions	Clarify that 4.02.020 only applies to residential zones.
22	4.02.050	RU Map Improvements	Clarify that partitions and subdivisions in the RU zone do not have to do improvements if all parcels/lots stay over 2.5 acres. Still must show access will work to all new lots, in easements or dedications. Also, clarify that water and sewer are not needed on RU partitions /subdivisions.
23	5.05.060	Site Development Review Criteria	Revise criteria to be active-voice, not passive
24	5.08.060	Subdivision Criteria	Break up this criteria into two- access and utilities
25	5.16.055, 5.18.010, 5.19.010	Appeal Standing	Add requirement that one cannot appeal to CC unless they have exhausted all administrative remedies, you need standing to appeal.
26	3.29	Recycling centers	Add specific standards for recycling centers, specifically screening.
27	1.02.020, 2.03.020, 2.04.020, 2.05.020, 3.30	Ground Mounted Solar	Ground mounted definition added, and this has been made a 'use' and added to appropriate zones. A new section to regulate standards for ground mounted solar is proposed.

Proposed Text Changes

1	Duplexes
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CHAPTER 2.03. RESIDENTIAL LOW-DENSITY ZONE (RL)

2.03.020 Permitted Uses.

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

- (1) Single-family dwelling.
- (2) Residential care homes (for five or fewer individuals), licensed by the State of Oregon.
- (3) Day care facility for 12 or fewer children.
- (4) Duplex ~~on a corner lot~~.
- (5) Public parks and other public or semi-public uses, excluding public or private schools, excluding water and sewage treatment facilities.
- (6) Utility substations or pumping stations, excluding outdoor storage of equipment or material.
- (7) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.

2.03.050 Density Regulations.

- (1) Single-family and Manufactured Homes - No more than one dwelling per lot or parcel, other than an approved accessory dwelling unit ~~or two units are permitted if they are attached (a duplex)~~.
- (2) Duplex - No more than one duplex ~~structure (two units)~~ per ~~corner~~ lot or parcel. ~~Both duplex units can be on the same lot/parcel or on different lots/parcels with a zero-lot line design.~~
- (3) ~~An accessory dwelling unit is permitted on any lot or parcel, even those with a duplex structure.~~

CHAPTER 2.04. RURAL ZONE (RU)

2.04.020 Permitted Uses.

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

- (1) Single-family dwelling
- (2) Duplex
- (~~2~~ 3) Crop cultivation and the raising of fowl, bees, and domestic farm animals.

- (3 4) Residential care homes (for five or fewer individuals), licensed by the State of Oregon.
- (4 5) Day care facility for 12 or fewer children.
- (5 6) Public parks and other public or semi-public uses, excluding public or private schools, and water and sewage treatment facilities.
- (6 7) Utility substations or pumping stations, excluding outdoor storage of equipment or material.
- (7 8) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.

2.04.050 Density Regulations.

~~For single family homes, including manufactured homes, no more than one dwelling per lot or parcel other than an approved accessory dwelling unit.~~

- (1) Single-family and Manufactured Homes - No more than one single family home (or manufactured home) is permitted per lot or parcel.
- (2) Duplex - No more than one duplex per lot or parcel. Both duplex units can be on the same lot/parcel or on different lots/parcels with a zero-lot line design.
- (3) An accessory dwelling unit is permitted on any lot or parcel, even those with a duplex structure.

2.04.060 Dimensional Standards.

Unless otherwise permitted in this Code, the following minimum dimensional standards shall be required for all development in the RU zone:

Table 3 RU Zone Dimensional Standards	
RU Zone Dimensional Standards	
Minimum Lot Area	2.5 acres
Lot Dimension Requirements	
Minimum Lot Width	300 feet
Maximum Lot Depth-to-Width Ratio	3:1
Minimum Setbacks- Single Family & Duplex	
Front Yard	20 feet
Garage	25 feet to entrance
Front Yard to Arterial and Collector Streets	50 feet to Centerline of Right-of-Way
Side Yard (Interior)	15 feet

Side Yard (Street)	20 feet
Rear Yard	20 feet
Maximum Structure Height	
Principal Building	35 feet
Accessory Building Height & Setbacks	Per Section 3.15
Maximum Lot Coverage	50%

2.04.070 Development Standards.

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

- (1) Off-Street Parking. Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.
- (2) Signs. Signs in the RU zone shall conform to the standards contained in Chapter 3.06.
- (3) Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 3.08.
- (4) Residential Design Standards. All single-family homes, **duplexes**, and manufactured dwellings on individual lots shall conform to the design standards in Chapter 3.12.
- (5) Non-Residential Development. Parking lots abutting an RL, RU, or RM zone shall provide sight obscuring screening with vegetation and/or fencing to a height of at least forty-two inches above the ground to screen headlight glare into the adjacent residential property. ~~Trash collection areas shall also be enclosed with fencing at least six feet in height.~~

CHAPTER 2.05. RESIDENTIAL MEDIUM (RM)

2.05.050 Density Regulations.

The maximum allowable density shall be six dwelling units per gross acre for single-family detached and attached homes, and 16 dwelling units per gross acre for multi-family development. **No more than one duplex structure (two units) per lot or parcel. Both duplex units can be on the same lot/parcel or on different lots/parcels with a zero-lot line design. An accessory dwelling unit is permitted on any lot/parcel including those with a duplex.**

2.05.060 Dimensional Standards.

The following shall apply:

Table 4 RM Zone Dimensional Standards	
RM Zone Dimensional Standards	
Minimum Lot Area	
Single-family & Duplex	5,000 square feet

Duplex	7,000 square feet
Attached Dwellings other than Duplexes	3,500 square feet per unit
Multiple Family (3 or more)	2,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Lot Dimension Requirements	
Lot Width	50 feet
Lot Depth	80 feet
Minimum Setbacks	
Front Yard	10 feet
Garage	25 feet to the entrance
Side Yard - one story (Interior)	5 feet
Side Yard - Any second story (or more) shall be at least 8 feet from the property line (Interior)	8 feet
Side Yard (Interior)	5 feet (per story)
Side Yard (Street)	10 feet
Rear Yard	15 feet
Maximum Structure Height	35 feet
Accessory Building Height & Setbacks	Per Section 3.15
Maximum Lot Coverage	60%

2 Garages

CHAPTER 3.12. DESIGN STANDARDS FOR HOMES ON INDIVIDUAL LOTS

3.12.020 General Standards - All Single-family, ~~prefabricated, manufactured~~ and Duplex Homes.

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

- (1) ~~At least a two-car garage for each dwelling unit. An access area that shall be paved or concrete, connected to, but outside of the right-of-way, and shall be at least 25 feet deep and 24 feet wide.~~
- (2) Eaves that project at least 12".
- (3) No garage shall be more than 65% of the façade width.

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- (4) Window and door trim is required on the front and all street facing portions of the structure. All trim shall be at least four inches.
 - (5) All homes shall have a minimum nominal pitch of three feet in height for each 12 feet in width.
 - (6) Any home, except accessory dwelling units, shall have at least 1,000 square feet of gross floor area.
 - (7) The home shall be placed on an excavated and back filled foundation with no more than 12 inches of enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the inclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 12-inch limitation shall not apply. Furthermore, the 12-inch limitation shall not apply if the requirements of the Flood Hazard District mandate that the home be elevated more than 12 inches above grade. The foundation shall meet building code and Flood Hazard Area (if applicable) standards. The base of the home shall be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or a combination thereof.
 - (5 8) A dwelling with no garage or a garage up to 50% of the length of the facade shall meet at least four of the following design standards. A dwelling with a garage more than 50% of the facade must meet at least five of the following design standards to provide visual relief along the front front of the dwelling:

3.12.030 ~~General Standards~~ – Additional Manufactured Homes. Standards.

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

- ~~(9) Garage. A garage of like material and color of the manufactured home is required. The garage shall be placed on the property prior to occupancy of the manufactured home.~~
- ~~(10 9)~~ Off-street parking. Parking and improvements shall be as specified in [Chapter 3.03](#).
- ~~(11 10)~~ Only one manufactured home and one Accessory Dwelling Unit is allowed per lot.

3	Limited Land Use Decision
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CHAPTER 1.02.020. Definitions

Land Use Decision. A final decision or determination made by the City of Millersburg that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment. Decisions requiring Quasi-Judicial review by the City are considered Land Use Decisions. Decisions subject to Administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015, including Site Development Review applications.

CHAPTER 5.01. APPLICATION TYPES

5.01.030 Table of Land Use Application Procedures.

Table 22 Land Use Application Procedures				
Land Use Application Procedures				
Land Use Action	Type	Staff-Planning Director	Planning Commission	City Council
Floodplain Development Permit	Type - I	Final Decision	No Role	No Role
Property Boundary Adjustment	Type - I	Final Decision	No role Role	No role Role
Sign Permit	Type - I	Final Decision	No role Role	No role Role
Temporary Use Adjustment	Type - I	Final Decision	No role Role	No role Role
	Type - II	Final Decision unless appealed	Appeal - Staff-Planning Director Decision	No Role* Appeal-Commission-Decision-
Interpretations	Type - II	Final Decision unless appealed	Appeal - Staff-Planning Director Decision	No Role* Appeal-Commission-Decision-
Partition	Type - II	Final Decision unless appealed	Appeal - Staff-Planning Director Decision	No Role* Appeal-Commission-Decision-

Subdivision	Type - II	Final Decision unless appealed	Appeal - Staff- Planning Director	No Role* Appeal- Commission- Decision-
Site Development Review	Type - II	Final Decision unless appealed	Appeal - Planning Director Decision	No Role*
Nonconforming Uses (Alteration or Expansion)	Type - II	Final Decision unless appealed	Appeal - Planning Director Decision	No Role*
Conditional Use Permits	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Home Occupation CUP (employees or vehicles)	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Nonconforming Uses (Alteration or Expansion)-	Type - III	Recommendation to Commission-	Final Decision- unless- appealed-	Appeal- Commission- Decision-
Site- Development- Review-	Type - III	Recommendation to Commission-	Final Decision- unless- appealed-	Appeal- Commission- Decision-
Variance	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Annexation	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Comp. Plan Map Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Text Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Zone Map Amendment	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed
Historic Zone Designation	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed

Historic Demolition and Moving	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Historic Exterior Alteration and New Construction	Type - III	Recommendation to Commission	Final Decision unless appealed	Appeal - Commission Decision
Street Vacations	Type - IV	Recommendation to Commission	Recommendation to Council	Final Decision unless appealed

* Unless the City Manager elects to enact the provisions of Section 5.18.010(4)

CHAPTER 5.05. PROCESSING SITE DEVELOPMENT REVIEWS

5.05.020 Process.

Site development review applications shall be reviewed in accordance with the Type III review procedures in Chapter 5.19.8.

5.05.030 Application.

An application for site development reviews shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 5.19.8.

CHAPTER 5.14. PROCESSING NONCONFORMING USE ALTERATIONS

5.14.020 Process.

Proposed alterations of nonconforming uses shall be reviewed in accordance with the Type III review procedures in Chapter 5.19.8.

5.14.030 Application.

An application for an alteration or expansion of a nonconforming use shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 5.19.8.

CHAPTER 5.18. TYPE II APPLICATIONS AND REVIEW PROCEDURES

5.18.010 Procedure for Type II Action.

- (1) Decision Authority. Applications subject to a Type II procedure shall be reviewed and decided by the ~~City Manager Planning Director~~ or his/her designee, or by the Planning Commission upon ~~referral or appeal, or the Council upon appeal unless the provisions of 5.18.010(4) are enacted.~~
 - (2) Application. Upon receipt of an application for Type II land use action, the City staff shall review the application for completeness.
 - a. If determined to be complete, the 120-day time period shall begin.
 - b. If determined to be incomplete, the applicant shall be notified and provided an additional 30 days to submit supplemental information as necessary.
 - (3) Completeness. The application shall be deemed complete for the purposes of scheduling and all related timing provisions either:
 - a. Upon receipt of the requested acceptable additional information; or, refusal by the applicant to submit the requested information; or
 - b. On the 31st day after the original application submittal.
 - (4) ~~Hearing Option Special Appeal.~~ The City Manager ~~or designee~~ may direct staff to schedule ~~a any appeal with the City Council instead of the Planning Commission. public hearing and decision by the Planning Commission processed as a Type III application. A Type III process with a hearing may also be requested by the applicant. The procedures for conducting the public hearing shall comply with the standards in Chapter 5.21.~~
 - (5) Before making a Type II decision, the City shall mail notice of the application to:
 - a. All owners of record of real property within 100-feet of the subject site;
 - b. Any person who submits a written request to receive a notice;
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City or required by State statute;
 - d. The road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of decision for the application; and
 - e. The City may notify other affected agencies, as appropriate, for review of the application.
 - (6) The notice of a pending Type II decision in Subsection (5) above shall include the following:
 - a. Provide a 14-day period for submitting written comments before a decision is made on the land use application.
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- b. Identify the specific land use decisions or decisions requested.
 - c. Describe the street address or other easily understandable reference to the location of the site.
 - d. List the relevant decision criteria by name and number of Code sections.
 - e. State the place, date, and time the comments are due, and the person to whom the comments should be addressed.
 - f. Include the name and telephone number of a contact person regarding the administrative decision.
 - g. State that if any person fails to address the relevant decision criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant decision criteria are considered relevant evidence.
 - h. State that all evidence relied upon by the City to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City.
 - i. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
- (7) Decision. The ~~City Manager~~ **Planning Director** or designee shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Code.
- (8) Notice of Decision. Within five working days after a decision is made, a Notice of Decision shall be sent by mail to:
- a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application.
 - b. Any person who submits a written request to receive notice or provides comments during the application review period.
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
- (9) Appeals and Reconsideration. All Type II land use decisions may be appealed to the Planning Commission. The appeal shall be submitted within 15 days of the date the decision is mailed and in conformance with provisions in Chapter 5.21.
- (10) Commission Hearing and Notice of Appeal. If a Type II decision is appealed, City staff shall schedule a hearing before the Planning Commission (**unless the City Manager has elected to direct the case to the City Council using 5.18.010(4)) and the application becomes a Type III quasi-judicial application as permitted by ORS**
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197.195(5). The 120 days to process the application shall not reset and all provisions 5.16.040 shall apply. The Commission shall conduct the hearing consistent with procedures set forth in Chapter 5.21. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the original decision. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 5.21.

(11) Commission Action. The Commission action on a Type II appeal shall be in the form of a **Type III quasi-judicial** decision. Within seven days of the Commission decision, the applicant and all individuals who participated in the public hearing or requested notice of the decision, shall be mailed written notice of the decision. The notice shall specify findings justifying the decision to approve or deny the request and any conditions of approval.

~~(12) Appeals. All appeals of Type II land use decisions of the Planning Commission may be appealed to the City Council by any party with standing. The appeal shall be submitted within 15 days of the date the decision is mailed and in conformance with provisions in Chapter 5.21.~~

~~(13 12) Council Planning Commission Hearing and Notice of Appeal. If the Planning Director's Commission decision on a Type II decision is appealed, City staff shall schedule a hearing before the Planning Commission City Council. The Commission Council shall conduct the hearing consistent with procedures set forth in Chapter 5.22 and 5.16.040. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the Planning Director's Commission decision on appeal. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 5.22.~~

~~(14 13) Notice of Council Planning Commission Decision. Within seven days of the final Council Planning Commission decision, the applicant and those who attended the hearing or requested notice, shall be mailed written notice of the Council Planning Commission decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.~~

~~(15 14) Appeal of Council Planning Commission Decision. All appeals heard by the Council Planning Commission may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.~~

CHAPTER 5.22. - REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL

5.22.010 - General Provisions.

~~(1) Council Review. The City Council may call up a Type II or Type III decision for review within the appeal period without an appeal being filed. A majority of the Council, as determined by the City Attorney by polling the Council, must concur in considering calling up the application. If there is concurrence, the agenda item will be set at a regular meeting or at a special meeting set by the Mayor. The Council must take the action to call up a decision in a public meeting and cite the reasons. The Council must find the original decision likely violated City regulations, policy, or best interest as determined by the Council. Matters called up by the Council shall be processed in the same manner as an appeal.~~

4	Mass Timber/ Prefabricated
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CHAPTER 1.02.020. Definitions

Dwelling, Single-family. A building designed or used as one detached dwelling unit. This definition typically includes manufactured and prefabricated housing complying with the standards of this Code.

Dwelling, Prefabricated. A prefabricated structure means a building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site. This does not mean a manufactured dwelling or a small home as defined in section 2, chapter 401, Oregon Laws 2019, or any structure not intended for living such as a shed. A prefabricated structure may be an accessory dwelling unit.

CHAPTER 3.11. - MANUFACTURED DWELLING PARKS

3.11.010 - Development Standards.

Oregon Revised Statutes (ORS), Chapter 446 and Oregon Administrative Rules (OAR), Chapter 918, and Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code (OMDS) specify the standards and regulations for Manufactured Dwelling Parks in the State of Oregon.

(1) Permitted Housing. Only Class "A" manufactured dwellings are permitted in Manufactured Dwelling Parks adjacent to areas that are predominantly developed with single-family residential dwellings. Class "A" or "B" manufactured dwellings are permitted in all other Manufactured Dwelling Parks. No manufactured dwelling shall be more than 10 years in age at time of placement. Prefabricated structures are permitted as well, consistent with ORS 446.003.

CHAPTER 3.12. - DESIGN STANDARDS FOR HOMES ON INDIVIDUAL LOTS

3.12.010 Scope.

(2) The provisions of this Chapter are applicable to all site-built, modular/~~prefabricated~~, and manufactured homes sited on individual lots in the City of Millersburg. Manufactured homes sited in approved mobile/ manufactured home parks or manufactured home subdivisions are not affected by the provision of this Code.

3.12.020 General Standards - All Single-family, ~~Prefabricated, Manufactured~~ and Duplex Homes.

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

- (2) ~~At least a two-car garage for each dwelling unit. An access area that shall be paved or concrete, connected to, but outside of the right-of-way, and shall be at least 24 feet square.~~
- (2) Eaves that project at least 12".
- (3) No garage shall be more than 65% of the façade width.
- (4) All trim ~~on the front of a unit~~ shall be at least four inches.
- (5) ~~All homes shall have a minimum nominal pitch of three feet in height for each 12 feet in width.~~
- (6) ~~Any home shall have at least 1,000 square feet of gross floor area.~~
- (7) ~~The home shall be placed on an excavated and backfilled foundation with no more than 12 inches of enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 12-inch limitation shall not apply. Furthermore, the 12-inch limitation shall not apply if the requirements of the Flood Hazard District mandate that the home be elevated more than 12 inches above grade. The foundation shall meet building code and Flood Hazard Area (if applicable) standards. The base of the home shall be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or a combination thereof.~~
- (5 8) ~~A home with no garage door on the front of the façade or a home with a front facing garage door~~ ~~A garage~~ up to 50% of the length of the facade shall meet at least four of the following design standards. ~~A home with a garage door more than 50% of the facade must meet at least five of the following design standards~~ ~~to provide visual relief along the front of the dwelling:~~

3.12.030 ~~General Standards~~ – **Additional Manufactured Homes Standards.**

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

- (1) Size. The manufactured home shall be multi-sectional ~~and have at least 1,000 square feet of gross floor area.~~
- (2) Performance standards. The exterior thermal envelope must meet the standards specified by State law for single-family dwellings, as defined in ORS 455.010.
- (3) Removal of towing equipment. All towing hitches, wheels, running lights, and other towing related equipment shall be removed within 30 days after installation of the manufactured home.
- ~~(4) Foundations. The manufactured home shall be placed on an excavated and back filled foundation with no more than 12 inches of enclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 12 inch limitation shall not apply. Furthermore, the 12-inch limitation shall not apply if the requirements of the Flood Hazard District mandate that the home be elevated more than 12 inches above grade. The foundation shall meet building code and Flood Hazard Area (if applicable) standards. The base of the manufactured home shall be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or a combination thereof.~~
- (4 5) Utilities. The manufactured home shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by the City Building Official where underground service would require an exception to local prevalent conditions. Manufactured homes shall not be occupied purposes unless connected to local water, sewer, and electrical systems.
- (5 6) Historical sites. No manufactured home shall be located on property containing a historic significant resource or Historic Zoning Overlay, or on a lot or parcel immediately adjacent to property containing a historic landmark.
- ~~(6) Roofing. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of three feet in height for each 12 feet in width.~~

- ~~(8) Exterior siding and finish. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings.~~
- ~~(9) Garage. A garage of like material and color of the manufactured home is required. The garage shall be placed on the property prior to occupancy of the manufactured home.~~
- ~~(10) Off-street parking. Parking and improvements shall be as specified in Chapter 3.03.~~
- (11 6) Only one manufactured home and one Accessory Dwelling Unit is allowed per lot.

5	Subdivision Regulations
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CHAPTER 4.01. - LAND DIVISION REQUIREMENTS

4.02.080 Regulations on Implementing Construction

Once a Land Use decision is made on a subdivision, only those local laws in effect at the time of the application submittal shall govern subsequent construction on the property unless the applicant elects otherwise. This period shall last 3 years. This regulation does not automatically extend the life of the Tentative Map Land Use approval to 3 years.

6	Clarification on CO standards
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CHAPTER 2.07. - COMMERCIAL OFFICE ZONE (CO)

2.07.020 - Permitted Uses.

Unless listed in subsections [2.07.040](#) or [2.07.045](#), the following uses are permitted in the CO zone subject to the applicable development standards:

- (1) Any permitted uses listed in the General Commercial (GC) zone or Light Industrial (LI) zone, assuming all development standards of these zones are met, **as modified by the standards listed below for the CO Zone.**

7	Access Easement Length
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CHAPTER 3.02. - STREET STANDARDS

3.02.100 Private Access Easement

A private access easement created as the result of an approved land division shall conform to the following.

(1) Width. Private access easement shall only be allowed where the applicable criteria of [Chapter 3.08](#) are satisfied. The access easement shall comply with the following standards or as required by the Oregon Fire Code whichever is more restrictive:

- a. Minimum easement width: 25 feet
- b. Minimum paved width: For private access of 150' or less and serving one dwelling - 12 feet; serving two dwellings - 16 feet. For private access of more than 150' - 20 feet.
- ~~c. Maximum length: 200 feet~~
- d c. No more than three dwelling units shall have their sole access to the easement. Easements serving more than three homes shall comply with provisions for a private street.

8	Off Street Loading
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CHAPTER 3.03. - OFF-STREET PARKING AND LOADING

3.03.070 Off-Street Loading Requirements

~~Commercial or industrial buildings between 10,000 to 25,000 square feet in area shall require a loading space. One additional space shall be required for each additional 25,000 square feet of gross floor area, or any portion thereof. The minimum loading space dimensions shall be 12 feet wide, 30 feet long, and 14 feet high. All Commercial loading areas shall be screened from view of any street right-of-way and shall be designed to not interfere with any passenger vehicle parking areas. This does not apply to patron loading areas.~~

9	Temporary Signs
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~~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. Registration must occur at the Millersburg City Hall and be completed and filed prior to erecting the temporary signs. These include portable signs such as A frame or sandwich board signs.~~

~~(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 or signs placed by any government agency.~~
- ~~ii. Signs allowed in the right of way by any government agency shall provide a minimum of five feet of clear passage for pedestrians on the sidewalk where a sidewalk exists and shall come no closer than two 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 in non-residential zones must be registered with the Community Development Department prior to placement in order to track the duration of the placement. Residential properties are not required to register temporary signage.~~
- ~~f. Each non-residential property shall be limited to no more 90 days for any combination of temporary signage per calendar year. This can be used in smaller intervals or all at once, at the applicant's discretion. This does not apply to election signs, pennants/streamers, or real estate signs.~~

~~(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. Reserved.~~
 - ~~ii. Reserved.~~
 - ~~iii. Reserved.~~
 - ~~iv. Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to seven days after the public election.~~
 - ~~v. A sign not exceeding six square feet in area and five feet in height during the time of sale, lease, or rental of the lot or dwelling provided that the sign is removed within seven days of the sale, lease or rental of the lot or dwelling.~~
 - ~~vi. A sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area~~

may be increased to 32 square feet. In no case shall the sign or signs remain erected if building or construction permits are no longer active.

vii. On property which has received a subdivision or development approval, from the time of the approval until issuance of a building permit for the last lot to be sold or completion of the development of the project, one temporary sign not exceeding 32 square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding 64 square feet in area (32 square feet each) and eight feet in height on properties greater than four acres in size.

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, help wanted, or temporary activities. Standards include:

i. There shall be no more than one temporary sign per property even if more than one business is located on the property.

ii. Signs shall not exceed six square feet per side.

iii. Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever earlier, to seven days after the public election.

iv. A sign not exceeding 32 square feet in area and eight feet in height during the time of sale, lease, or rental of the property provided that the sign is removed within seven days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of the remodeling or construction. In no case shall the sign or signs remain erected if building or construction permits are no longer active.

v. A sign not exceeding 32 square feet in an area during the period of charitable fundraising event being conducted on the property where the sign is erected. This sign shall not be placed more than seven days prior to the event and must be removed within seven days following the event.

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. 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; however, these signs do count toward the 90-day maximum permitted by Section 3.06.130.1.f.

viii. Pennants and streamers may be used as part of an opening or promotional event only and are not counted as a temporary sign for purposes of the 90-day duration maximum permitted by Section 3.06.130.1.f.

ix. Blade banner signs are considered temporary signs and shall meet all regulations herein. In no case shall blade banner signs be taller than seven feet.

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- ~~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 three offsite signs advertising the event, individual vendors are not permitted to use any additional offsite 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. At no time shall event signs be erected more than 60 days before the event.~~
 - ~~iv. All temporary signage (except those within the event space) are limited by the 90 days permitted by Section 3.06.130.1.f. These are considered cumulative and not separate regarding the accumulation of the 90 days permitted by Section 3.06.130.1.f.~~
- ~~d. *Temporary Signs Requiring Permit.* The City Manager may allow temporary signs larger than those allowed by this section (but not additional signs or to allow a sign to be posted for a longer duration than the times listed in this section) with a sign permit. This signage shall not be restricted by content, but is usually and customarily used to advertise special events and store openings on banners. The City Manager shall allow the placement of such signs only if the City Manager finds that the proposed sign will not materially impair the purposes of the sign code.~~
- ~~e. *Additional Duration.* Additional duration of temporary sign placement cannot be added through a sign variance process.~~
- ~~(3) *Sign Collection and Retrieval.* Signs determined to be in violation will be removed and disposed of.~~

10	Trash Enclosures
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CHAPTER 3.07. - FENCING AND SCREENING

3.07.090 Commercial and Multi-Family Trash Enclosures.

All commercial and multi-family uses, including mixed use, shall provide solid waste and recycling storage receptacles which are adequately sized to accommodate all solid waste generated on site. All solid waste and recycling storage areas and receptacles shall be located out of public view when possible. Solid waste and recycling receptacles for multi-family or commercial uses shall be screened by six (6) foot high sight-obscuring masonry or similar wall. Chain link fencing is prohibited. The enclosure must be lockable, and shall be easily accessible to collection vehicles.

CHAPTER 2.03. - RESIDENTIAL LOW-DENSITY ZONE (RL)

2.03.070 - Development Standards.

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

- (5) *Non Residential Development.* Parking lots abutting an RU, RL, or RM zone shall provide sight obscuring screening with vegetation and/or fencing to a height of at least forty-two inches above the ground to screen headlight glare into the adjacent residential property. ~~Trash collection areas shall also be enclosed with fencing at least six feet in height.~~

CHAPTER 2.04. - RURAL ZONE (RU)

2.04.070 - Development Standards.

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

- (5) *Non-Residential Development.* Parking lots abutting an RL, RU, or RM zone shall provide sight obscuring screening with vegetation and/or fencing to a height of at least forty-two inches above the ground to screen headlight glare into the adjacent residential property. ~~Trash collection areas shall also be enclosed with fencing at least six feet in height.~~

CHAPTER 2.05. - RESIDENTIAL MEDIUM (RM)

2.05.070 - Development Standards.

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

- (4) *Residential Design Standards.*
 - a. All single-family homes and manufactured dwellings on individual lots shall conform to the design standards in [Chapter 3.12.040](#).
 - b. Multiple Family and Non-Residential Development.
 - i. Property abutting an RL, RM, or RU zone shall provide sight obscuring screening with light and vision obscuring fencing or vegetation to a height of at least 42 inches above the ground, but not exceeding six feet unless otherwise allowed.
 - ii. Parking lots abutting an RL, RM, or RU zone shall provide sight obscuring screening with vegetation and/or fencing to a height of at least 42 inches above the ground to screen headlight glare into the adjacent residential property. ~~Trash collection areas shall also be enclosed with a sight-obscuring fence or wall at least six feet in height.~~

CHAPTER 2.06. - MIXED-USE ZONE (MU)

2.06.070 - Development Standards.

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

- (6) *Multiple Family and Non-Residential Development.* Parking lots abutting an RL, RU, or RM zone shall provide sight obscuring screening with vegetation and/or fencing to a height of forty-two (42) inches above the ground to screen headlight glare into the adjacent residential property. ~~Trash collection areas shall also be enclosed with fencing at least six feet in height.~~

11	Patio Covers
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CHAPTER 3.08. - YARD AND LOT STANDARDS

3.08.070 Decks, Porches, Patios, and Similar Features.

- (4) *Detached & Attached Patio Cover or Pergola.*
 - a. The County may require a building permit for patio covers or pergolas over 200 square feet.
 - b. A patio cover or pergola may encroach into side, rear, or front yard setbacks. A patio cover or pergola may not be less than five feet from a rear or side property line, and/or 10 feet from a front property line, though it should be noted that if the structure is over 200 square feet it is considered an accessory structure, and accessory structures are not permitted in front of dwelling units.
 - c. Any patio, or pergola that has a solid roof, must comply with maximum lot coverage requirements of the zone.

12	Limits on Planter Bays
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CHAPTER 3.09. - LANDSCAPING STANDARDS

3.09.030 Standards.

- (2) *Parking Lot Landscaping.* The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:
 - a. *Planter Bays.* Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for

connections to approved post-construction stormwater quality facilities. Each planter shall contain at least one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. **Every 12 spaces require two bays (one at each end). Any development with five or fewer parking spaces proposed need not provide any planter bays, more than 6-10 spaces require at least one planter bay.**

13	Shade coverage parking
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CHAPTER 3.09. - LANDSCAPING STANDARDS

3.09.030 Standards.

(2) Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:

c. Shade Coverage.

- i. All new **passenger vehicle** parking areas (**excluding vehicle sales lots**) over 1/2 acre, including all driveways and drive aisles, shall provide tree canopy covering at least 40 percent of the parking lot at maturity but no more than 15 years after planting.
- ii. Trees must be **at least 10 feet tall at the time of planting** ~~planted~~ and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.
- iii. Landscape plans shall show the canopy coverage at 15 years maturity as part of any land use submittal.
- iv. A specific Tree Canopy Plan shall be included as part of the Landscape Plans which shall show the canopy coverage at 15 years maturity as part of any land use submittal.
- v. Development of a Tree Canopy Plan, to comply with the requirements of this section, shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.
- vi. As an alternative, the development may provide 30 percent tree canopy coverage over all new parking areas and installation of solar panels with a

generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property, including the roof of a structure.

14	Triplexes
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CHAPTER 3.09. - LANDSCAPING STANDARDS

3.09.040 - Landscape Plans.

With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this Code but are not required to submit landscape plans:

- a. Single-family dwellings, ~~and duplexes, and triplexes.~~
- b. Accessory buildings.
- c. Changes internal to an existing structure.
- d. Building additions involving less than 500 square feet.

15	Trim
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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 include:

- (1) At least a two-car garage for each dwelling unit.
- (2) Eaves that project at least 12".
- (3) No garage shall be more than 65% of the façade width.
- (4) ~~All trim~~ Window and door trim is required on the front and all street facing walls of the structure. All trim shall be at least four inches.

16	RV Covers
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CHAPTER 3.15. RESIDENTIAL ACCESSORY STRUCTURES

3.15.010 Single-family Residences.

Residential accessory structures for attached or detached single-family homes and duplexes, excluding Accessory Dwelling Units as defined in Chapter 3.16, shall comply with all requirements for a principal structure, except where specifically modified by this section.

Accessory structures shall not be used for human habitation except as specified in this section. Accessory structures shall comply with the following standards:

- (6) Standards for RV covers and carports.
 - a. Materials. Covers may be made from any building material including metal.
 - b. Setbacks. All accessory structure setbacks apply. Setbacks will be taken from the eaves of the roofline, not the structure uprights.
 - c. The RV cover or carport has no setback requirement from the primary structure (house) and may even be connected to the primary structure.
 - d. Colors. The primary color of any metal roofing material must be neutral (earth tones) or be similar to the color, or accent color, of the primary structure.
 - e. Height. The maximum height of an RV cover is 20 feet, unless the cover is setback at least 20 feet from any property line, then the height limit from the zone applies.
 - f. Walls. RV covers cannot include more than 1 wall. A wall is considered any coverings on the sides, front, or back of the structure that are not part of the roof.

17 Accessory Structures

CHAPTER 3.15. RESIDENTIAL ACCESSORY STRUCTURES

3.15.010 Single-family Residences.

Residential accessory structures for attached or detached single-family homes and duplexes, excluding Accessory Dwelling Units as defined in Chapter 3.16, shall comply with all requirements for a principal structure, except where specifically modified by this section. Accessory structures shall not be used for human habitation except as specified in this section. Accessory structures shall comply with the following standards:

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

Table 17 Residential Accessory Structures Standards				
Residential Accessory Structures Standards				
Structure Size (1)	Exterior Finish	Location on Property	Setbacks (side and rear)*	Maximum Height*
Up to 200 sf	No Requirements	Side or Rear Yard	1 story - 5 feet 2 stories 8 feet	10 feet (5)
Over 200 to 1,200 -sf	(2)	Side or Rear Yard	1-story Up to 17 feet tall - 5 feet 2-stories Taller than 17 feet tall- 8-10 feet	25 feet (5)

Over 1,200-sf	(2)-	Side or Rear Yard	1-story 8-5 feet 2 stories 8 feet	25 feet
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* Measured from the **midpoint-peak** of the roof

Notes:

1. Up to 11,000 square feet of lot size, maximum accessory structure size is 1,200 square feet; over 11,000 square feet of lot size, the structure may be increased an additional 100 square feet for each 1,000 square feet of lot size.
2. For any accessory structure located on a lot of 2.5 acres or less, the exterior siding and roofing shall have the same general materials and color as the primary dwelling. Otherwise, there are no restrictions.
3. Total lot coverage standards as required per zone also apply to all accessory structures, including those not requiring a building permit.
4. RV covers or carports are considered accessory structures if they are over 200 square feet.
5. **No accessory structure can be taller than the primary structure on the property.**

18 Shipping Containers

CHAPTER 3.15. RESIDENTIAL ACCESSORY STRUCTURES

3.15.010 Single-family Residences.

Residential accessory structures for attached or detached single-family homes and duplexes, excluding Accessory Dwelling Units as defined in [Chapter 3.16](#), shall comply with all requirements for a principal structure, except where specifically modified by this section. Accessory structures shall not be used for human habitation except as specified in this section. Accessory structures shall comply with the following standards:

- (4) Prohibited Structures. The use of metal shipping containers or semi-truck trailers as an accessory structure shall be prohibited, **except as regulated by the Municipal Code section 13.36.25.**

19 Nonconforming

CHAPTER 3.21. - GENERAL STANDARDS

3.21.100 - Nonconforming Uses and Standards.

A legal nonconforming use is a use on a property that is currently in use and has been in use since before the zoning did not permit the use. An example is a house in an industrial zone where residential uses are not permitted. A legal nonconforming standard is when a structure is not meeting a zoning or development standard. An example would be if a home were in a residential zone, but the home was built 3 feet from the rear property line prior to the establishment of a larger rear zoning setback.

- (1) Continuation. A nonconforming use or standard may be continued although not in conformity with the regulations for the zone in which the use is located.
- (2) Discontinuation. If a nonconforming use is discontinued for a period of more than one year, the use shall not be resumed unless the resumed use conforms with the requirements of the Code.
- (3) Restoration. If a nonconforming use is damaged or destroyed by fire, other casualty, or natural disaster, and the repair or replacement of the damaged or destroyed structure or structures is less than 80% of the appraised value, such use may be restored or replaced provided physical restoration or replacement is lawfully commenced within one year of the damage or destruction. The City may administratively grant a one time, one-year extension to this requirement.
- (4) Alteration and Change of Use. Alterations or changes in a nonconforming use may be permitted to reasonably continue the use. Such alterations or changes are subject to the Nonconforming Use provisions in Chapter 5.14. An alteration of a structure with a nonconforming zoning or development standard is permitted as long as it does not exacerbate the nonconformity.
- (5) Exemptions. Nonconforming single-family homes may be modified or expanded in compliance with development requirements of the Residential Low-density zones without the need to comply with the requirements and procedures in Chapter 5.14.

20	Steel Walls
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CHAPTER 3.26. - COMMERCIAL DESIGN STANDARDS

3.26.030 Commercial Design Standards.

- (4) The predominant building materials shall be either brick, wood, stone, decorative steel paneling (~~not standard metal wall panels~~), and/or tinted/textured concrete masonry units, or glass products, or a combination thereof. ~~Other materials such as S~~smooth-faced concrete block, or undecorated tilt-up concrete panels, shall not exceed 25% of the material used for walls adjacent to the street or 75% of any other wall. Every street facing wall, or entry wall if not facing a street, shall include at least two different wall finishes such as stone wainscoting. No single wall material shall be less than 25% of the

façade surface. All roof types are allowed including metal roofs; however, flat roofs shall be surrounded by a vertical extension of the adjacent wall sufficient to screen any rooftop equipment from a reasonable distance, including any adjacent street right-of-way.

21	Serial Partitions
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CHAPTER 4.02. - STANDARDS

4.02.020 Scope.

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

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

22	RU Map Improvements
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CHAPTER 4.02. - STANDARDS

4.02.050 Improvement Requirements - Partition.

During the review of Partition proposals, the City shall require, as a condition of approval, the following improvements:

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- (1) Private Access. Where included, private driveways serving flag lots or private streets shall be surfaced per the requirements of this Code.
 - (2) Street Frontage Improvements. The following improvements shall be required:
 - a. Consistent with the adopted transportation plans, sufficient land shall be dedicated establishing the appropriate right-of-way width.
 - b. If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, the applicant shall pay connection fees in accordance with the City's adopted Connection Charges ordinance in lieu of construction of the required frontage improvements. At City's option, a non-remonstrance agreement acceptable to the City of Millersburg may be allowed. This agreement shall stipulate that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities, and sanitary sewer facilities. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.
 - c. If the street frontage of the subject property exceeds 250 feet, or connects to an existing street improvement, the applicant shall improve the following:
 - i. Public streets upon which the property fronts to public standards including surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines, and other necessary public utilities per approved master plans. In some cases, surfacing additional road width may be required. Where a master plan has not been adopted, or the City deems it to be in the City's best interest, the developer shall pay connection charges consistent with item (2) b, above.
 - ii. Sidewalks, meeting City standards, along public street frontage: Sidewalk construction may be deferred until such time a building permit is issued.
 - iii. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing off the new street.
 - d. Partitions in the RU Zone, where all parcels remain over 2.5 acres, are not required to construct improvements. All other requirements apply.
 - (3) Public Facilities. Sewer, water, and storm drainage facilities may be required on and adjacent to the project. Improvements in the RU Zone are not required. The developer shall submit engineering plans or facility improvement plans to the City for review. The plans shall address the required improvements contained in this Article, and any conditions of approval, and shall conform with City Engineering Design Standards. Improvement work shall not commence until plans are approved by the City.
 - (4) Connection Charge. In the circumstance where existing improved streets, sanitary sewer, water, and/or storm lines are adjacent to or within the project, a connection charge is required in accordance with the City's adopted Connection Charges ordinance.
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- (5) Completion Requirements. All required improvements shall be completed prior to recording the final partition plat and the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the Partition.

23	Site Development Review Criteria
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CHAPTER 5.05. PROCESSING SITE DEVELOPMENT REVIEWS

5.05.060 Decision Criteria.

The review of a site plan shall be based upon the following criteria **that are applicable to the proposed development**:

- (1) The proposed use is allowed in the zone and complies with the underlying zone development standards.
- (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.
- (3) **Provisions shall be made to address impacts and conform to all development standards in this Code.** The City may impose conditions of approval intended to mitigate potential impacts. **Potential impacts include including**, but **are** not limited to:
 - a. ~~Provisions for public utilities, including drainage and erosion control needs;~~ Connection to, or ability to provide, adequate utilities including water, sewer, surface water drainage, power and communications, including easements, to properly serve development on the subject property in accordance with city standards.
 - b. ~~Provisions have been made to provide adequate Pparking design,~~ traffic safety, and connectivity of internal circulation to existing and proposed streets, ~~neighboring projects when appropriate, connecting~~ bikeways, and pedestrian facilities;
 - c. Provision of necessary improvements to streets, including the dedication of additional rights-of-way to the city and/or the improvement of traffic facilities to accommodate access for emergency vehicles, safety, and

the additional traffic load generated by the proposed development of the site.

- ed. Provision for ~~adequate noise landscaping~~ and/or visual buffering from non-compatible uses ~~including using site and landscaping design to provide needed buffering; and~~ .
- ee. Provisions for P~~ro~~tections from any potential hazards.
- f. Provisions for lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by light trespass) upon adjacent land uses or traffic movements.
- g. The application complies with all applicable Design Standards.

24	Subdivision Criteria
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CHAPTER 5.08. PROCESSING SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)

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 development~~ 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 streets~~ to adequately accommodate the ~~subdivision development~~ and how those will be financed; or
- c. A combination of both a. and b.

(5) Adequate public facilities shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending public facilities to those properties will be required in accordance with adopted City policy. Adequate means the development will not cause 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, and Storm Water Master Plan. 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;
- 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 6) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

(6 7) 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.

25	Appeal Standing
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CHAPTER 5.16. - GENERAL ADMINISTRATIVE PROVISIONS

5.16.055 Appeal Standing - General

- a. Type I cases are not appealable.
- b. For Type II cases, failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Planning Commission or the Land Use Board of Appeals.
- c. For Type III cases, failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the City Council or the Land Use Board of Appeals.
- d. For Type IV cases, failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals.

CHAPTER 5.18. - TYPE II APPLICATIONS AND REVIEW PROCEDURES

5.18.010 Procedure for Type II Action. *{shown previously in this document}*

- (1) Decision Authority. Applications subject to a Type II procedure shall be reviewed and decided by the ~~City Manager~~ **Planning Director** or his/her designee, or by the Planning Commission upon ~~referral or appeal, or the Council upon appeal.~~
- (2) Application. Upon receipt of an application for Type II land use action, the City staff shall review the application for completeness.
 - a. If determined to be complete, the 120-day time period shall begin.
 - b. If determined to be incomplete, the applicant shall be notified and provided an additional 30 days to submit supplemental information as necessary.
- (3) Completeness. The application shall be deemed complete for the purposes of scheduling and all related timing provisions either:
 - a. Upon receipt of the requested acceptable additional information; or, refusal by the applicant to submit the requested information; or
 - b. On the 31st day after the original application submittal.
- (4) ~~Hearing Option~~ **Special Appeal**. The City Manager ~~or designee~~ may direct staff to schedule ~~a~~ any appeal with the City Council instead of the Planning Commission. The City Manager can elect to appeal any Type II case in order to have it heard by the City Council. ~~public hearing and decision by the Planning Commission processed as a Type III application. A Type III process with a hearing may also be requested by the applicant. The procedures for conducting the public hearing shall comply with the standards in Chapter 5.21.~~

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- (5) Before making a Type II decision, the City shall mail notice of the application to:
- a. All owners of record of real property within 100-feet of the subject site;
 - b. Any person who submits a written request to receive a notice;
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City or required by State statute;
 - d. The road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of decision for the application; and
 - e. The City may notify other affected agencies, as appropriate, for review of the application.
- (6) The notice of a pending Type II decision in Subsection (5) above shall include the following:
- a. Provide a 14-day period for submitting written comments before a decision is made on the land use application.
 - b. Identify the specific land use decisions or decisions requested.
 - c. Describe the street address or other easily understandable reference to the location of the site.
 - d. List the relevant decision criteria by name and number of Code sections.
 - e. State the place, date, and time the comments are due, and the person to whom the comments should be addressed.
 - f. Include the name and telephone number of a contact person regarding the administrative decision.
 - g. State that if any person fails to address the relevant decision criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant decision criteria are considered relevant evidence.
 - h. State that all evidence relied upon by the City to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City.
 - i. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
- (7) Decision. The ~~City Manager~~ **Planning Director** or designee shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Code.
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- (8) Notice of Decision. Within five working days after a decision is made, a Notice of Decision shall be sent by mail to:
- a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application.
 - b. Any person who submits a written request to receive notice or provides comments during the application review period.
 - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
- (9) Appeals and Reconsideration. All Type II land use decisions may be appealed to the Planning Commission. The appeal shall be submitted within 15 days of the date the decision is mailed and in conformance with provisions in Chapter 5.21.
- (10) Commission Hearing and Notice of Appeal. If a Type II decision is appealed, City staff shall schedule a hearing before the Planning Commission ~~(unless the City Manager has elected to direct the case to the City Council using 5.18.010(4)) and the application becomes a Type III quasi-judicial application as permitted by ORS 197.195(5). The 120 days to process the application shall not reset and all provisions 5.16.040 shall apply.~~ The Commission shall conduct the hearing consistent with procedures set forth in Chapter 5.21. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the original decision. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 5.21.
- (11) Commission Action. The Commission action on a Type II appeal shall be in the form of a ~~Type III quasi-judicial~~ decision. Within seven days of the Commission decision, the applicant and all individuals who participated in the public hearing or requested notice of the decision, shall be mailed written notice of the decision. The notice shall specify findings justifying the decision to approve or deny the request and any conditions of approval.
- ~~(12) Appeals. All appeals of Type II land use decisions of the Planning Commission may be appealed to the City Council by any party with standing. The appeal shall be submitted within 15 days of the date the decision is mailed and in conformance with provisions in Chapter 5.21.~~
- ~~(13 12) Council Planning Commission~~ Hearing and Notice of Appeal. If the ~~Planning Director's Commission~~ decision ~~on a Type II decision~~ is appealed, City staff shall schedule a hearing before the ~~Planning Commission City Council~~. The ~~Commission Council~~ shall conduct the hearing consistent with procedures set forth in Chapter 5.22 and 5.16.040. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the ~~Planning Director's Commission~~
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decision on appeal. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Chapter 5.22.

(14 13) Notice of ~~Council Planning Commission~~ Decision. Within seven days of the final ~~Council Planning Commission~~ decision, the applicant and those who attended the hearing or requested notice, shall be mailed written notice of the ~~Council Planning Commission~~ decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.

(15 14) Appeal of ~~Council Planning Commission~~ Decision. All appeals heard by the ~~Council Planning Commission (unless the provisions of 5.18.101(4) have been enacted)~~ may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.

CHAPTER 5.19. - TYPE III APPLICATIONS AND REVIEW PROCEDURES

5.19.010 - Procedures for Type III Actions.

(5) Commission Hearing and Notification Area. City staff shall schedule a hearing before the Planning Commission. Written notice of the public hearing shall be mailed at least 15 days prior to the hearing date to the applicant, owners of property within 200 feet of the boundaries of the subject property and to affected County and State agencies responsible for roads and highways. The Commission shall conduct the hearing consistent with procedures set forth in [Chapter 5.21](#). The notice of a pending Type III hearing shall include the following:

- f. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the ~~City Council or the~~ Land Use Board of Appeals.

(6) Commission Action. The Commission action on a Type III request shall be in the form of a decision. ~~Decisions are to be signed by the Planning Commission Chair or acting Planning Commission Chair.~~ Within seven days of the Commission decision, the applicant and all individuals who participated in the public hearing or requested notice of the decision, shall be mailed written notice of the decision. The notice shall specify findings justifying the decision to approve or deny the request and any conditions of approval.

26	Recycling Centers
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CHAPTER 3.29. – RECYCLING CENTER STANDARDS

3.29.010 Introduction and Purpose

The purpose of this Chapter is to assure that all recycling centers in the City do not detract from the safety or aesthetics of the City.

3.29.020 General Standards

The following standards are required for all recycling centers:

- (1) Walls or fencing are required to screen all trash or material containers, collection areas, sorting areas, and delivery areas. Office areas and public parking areas are not required to be screened by fencing or walls.
 - a. Walls or fences may be slatted chain link fencing (must be sight obscuring), masonry walls, or similar. Wood or corrugated metal fencing is not permitted.
 - b. Walls or fences should prevent unwanted animal or human trespassing.
- (2) All recycling and trash containers, sorting areas, and delivery areas, collection areas, shall be screened from public view. Office areas and public parking areas are not required to be screened.
 - a. Screening is required surrounding the entire facility, though landscaping should be more dense along public streets or anywhere where the view from the general public is apparent.
 - b. Screening shall be achieved with a variety of methods. These must include either walls or fences, and landscaping.
 - c. Landscaping shall include groundcover, hedges and trees.
 - d. Screening shall be compatible with the architecture of the surrounding area.
 - e. All fencing/walls and landscaping shall also be consistent with section 3.07.040 through 070.
- (3) Provisions must be made to assure that hazardous substances are not permitted to leach into the soil or run off of the site. These must be approved by the City Engineer and be consistent industry best practices and Chapter 3.04, Storm Drainage.

27	Ground Mounted Solar
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CHAPTER 1.02. DEFINITIONS

1.02.020 Definitions.

Ground Mounted Solar Systems. A ground mounted solar system is comprised of solar panels mounted to a substructure that is located on the ground as opposed to a rooftop mounted system. These can change position to track the sun or remain stationary. All forms of ground mounted solar systems are considered a structure.

CHAPTER 2.03. RESIDENTIAL LOW-DENSITY ZONE (RL)

2.03.020 Permitted Uses.

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

- (1) Single-family dwelling.
- (2) Residential care homes (for five or fewer individuals), licensed by the State of Oregon.
- (3) Day care facility for 12 or fewer children.
- (4) Duplex on a corner lot.
- (5) Public parks and other public or semi-public uses, excluding public or private schools, excluding water and sewage treatment facilities.
- (6) Utility substations or pumping stations, excluding outdoor storage of equipment or material.
- (7) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.
- (8) Ground Mounted Solar Systems

CHAPTER 2.04. RURAL ZONE (RU)

2.04.020 Permitted Uses.

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

- (1) Single-family dwelling
- (2) Crop cultivation and the raising of fowl, bees, and domestic farm animals.
- (3) Residential care homes (for five or fewer individuals), licensed by the State of Oregon.
- (4) Day care facility for 12 or fewer children.
- (5) Public parks and other public or semi-public uses, excluding public or private schools, and water and sewage treatment facilities.
- (6) Utility substations or pumping stations, excluding outdoor storage of equipment or material.
- (7) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.
- (8) Ground Mounted Solar Systems

CHAPTER 2.05. RESIDENTIAL MEDIUM (RM)

2.05.020 Permitted Uses.

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

- (1) Single-family dwelling.
- (2) Duplex.
- (3) Residential care homes licensed by the State of Oregon.
- (4) Day care facility for 12 or fewer children.
- (5) Nursing homes assisted living centers, convalescent homes, housing specifically designed for, and occupied by, individuals 55 years of age and older, and similar facilities, but excluding hospitals.
- (6) Public parks and other public or semi-public uses, excluding water and sewage treatment facilities.
- (7) Utility substations or pumping stations, excluding outdoor storage of equipment or materials.
- (8) Single Room Occupancy (SRO) rental units, to the extent permitted under State law.
- (9) Ground Mounted Solar Systems

CHAPTER 3.30. – GROUND MOUNTED SOLAR STANDARDS

3.30.010 Introduction and Purpose

The purpose of this Chapter is to regulate the development of ground mounted solar systems for residential and commercial purposes. The regulations intend to provide standards to allow smaller systems in residential areas such that they will not be a nuisance to neighbors. Residential Zones are intended for the development of housing, not commercial grade solar farms. Large scale systems would discourage the ultimate use of housing in residential zones. Article II prevents the use of ground mounted solar systems in other zones where they do not represent the highest and best use of such property inside City limits.

3.30.020 General Standards

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- (1) The size and scale of all ground mounted solar panels shall not be of a commercial nature.
 - (2) Ground mounted solar systems shall be placed in a rear or side yard on lots/parcels under 20,000 square feet. Systems in front yards on lots/parcels of this size are not permitted.
 - (3) All ground mounted solar systems shall be less than 8 feet in height, measured to the peak of the tallest panel from the ground.
 - (4) Ground mounted solar systems shall not count against lot coverage requirements when area under the panels is pervious.
 - (5) Ground mounted solar systems shall be installed so that the panels do not create glare on neighboring properties.
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NOTICE OF PUBLIC REVIEW
January 7, 2025, 6:00 p.m.
And February 11, 2025, 6:30 p.m.
Hearings will be in person and
by phone/computer.
See Agenda on the City website for details.

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

The City of Millersburg will hold a **PLANNING COMMISSION** hearing on January 7, 2025 at the above time and place, and a **CITY COUNCIL** hearing on February 10, 2025 at the above time and place to consider the action described below. The action may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comments or attend the hearing. A staff report relating to the proposal will be available seven (7) days prior to the first public hearing. For further information contact Matt Straite, Community Development Director, at Millersburg City Hall- (458) 233-6300.

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

APPLICANT: City initiated
LOCATION: City wide
CRITERIA: Millersburg Development Code; Section 5.11. These criteria also require compliance with the applicable Statewide Planning Goals and Oregon Administrative Rules, 660-004, 660-012, 660-014, 660-015, 660-022, and Oregon Revised Statutes 197.732.
FILE No.: DC 24-02
REQUEST: This Development Code Text Amendment proposes to make 27 revisions to the existing Development Code. These include 5 changes required by the State including allowing duplexes on all residential lots, removing the requirement for garages on residential units, revising the review procedures for site development reviews and nonconforming uses to be limited land use reviews, updating the code to permit mass timber homes, and revising the subdivision regulations. Staff proposed changes/updates to the code include clarification on the Commercial Office Zone standards, removing the access easement length requirement, modifying the off-street loading requirements, moving the temporary sign regulations to the Municipal Code, clarifying regulations for trash enclosures, patio covers, planter bays in parking areas, and shade coverage requirements, correcting a typo for triplexes, clarifying details for trim requirements, and RV covers, modifying regulations for accessory structures to limit height, adding details regarding the use of shipping containers, clarifying regulations for non-conforming standards, clarifying the commercial design standards, serial partitions, and for improvements required for partitions in the Rural Zone, changing the standards for site development reviews to be active

and not passive, modifying the criteria for subdivisions to read more clearly, adding appeal standing requirements, and adding standards for recycling centers and ground mounted solar systems.

See QR Code for more detail and the full Code text edits proposed:



You can also see the current version of the Development Code here:
https://library.municode.com/or/millersburg/codes/development_code



Questions and Answers for the proposed Code Update DC 24-02

City staff has added this Q&A to the hearing notice for the upcoming Development Code update to address possible questions the public may have in response to the hearing notice.

What is a Development Code?

Often called a zoning code, the City's Development Code contains zoning regulations and development standards. These include what uses can and can't be done in certain zones, as well as standards for public infrastructure, setbacks, and other standards used when developing property.

Why is the City proposing to change the Code now?

The Code was totally replaced in 2020. Since then, the City has made small changes to address places where the Code was underperforming, contained errors, or places where the State is making all cities revise sections. A Development Code is never finished, it will always continue to evolve and change with the needs of the community. In Millersburg, staff typically propose Code updates once a year. Staff track all the changes that need to be made throughout the year and when enough changes are needed, or one is time sensitive, an update is done.

What's changing now?

There are 27 changes proposed. Some are changes to residential areas, some are not. A short list of the changes can be found on the hearing notice. If you want to see the longer description of the changes, and the proposed changes themselves, you can find them here: <https://www.millersburgoregon.gov/planning/page/dc-24-02-annual-code-update>.

Why did I get a notice? Are the rules for my property changing?

Anyone who could potentially be affected gets a notice. In this case, the changes could potentially affect every property in the City, even if only in a small way. So, the City sent them to every property owner in the City. That does not mean the changes to every property would be big, in fact, most are very, very small changes. Some of the changes affect all residential lots. Some of these include new regulations for ground mounted solar systems and regulations for shipping containers in residential areas. The most significant change is probably the State mandate that duplexes now be allowed on any residential lot in the City. See the link above for the full list. The City is *not* proposing any changes to the minimum lot sizes in any zone.

Why does the notice say these may affect my property value?

The State requires that specific language on hearing notices for Code updates, it's called a Measure 56 notice. This does not mean that we expect any changes to property values, just that the changes could have the potential to impact them.

How can I provide comments?

The standard process for any Code update is to hold two public hearings, one before the Planning Commission and one before the City Council. These are open to the public both in person at City Hall and online here: <https://www.youtube.com/@cityofmillersburg611/videos> . You can show up and speak at the hearing, or to participate online see the public meeting agendas on the City's website. Both the Planning Commission and the City Council will read and listen to all comments. The City Council will ultimately make the final decisions.

How do I get more information?

A staff report will be available at least seven days before the first hearing; you will be able to find that at the link shown above. In the meantime, this link has the proposed edits for review <https://www.millersburgoregon.gov/planning/page/dc-24-02-annual-code-update>

Contact Information

You can call the City at 458-233-6300 or send comments or questions to Matt Straite at matt.straite@millersburgoregon.gov.