



Oregon
Theodore R. Kulonowski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/24/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Millersburg Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, May 07, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Barbara Castillo, City of Millersburg
Angela Lazarean, DLCD Urban Planner
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
DEPT OF
STAMP
APR 17 2012
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Millersburg**

Local file number: **20120410**

Date of Adoption: **4/10/2012**

Date Mailed: **04/16/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

An Amendment to the Millersburg Land Use Development Code to correct, clarify and update the attached administrative provisions. There are no zone changes or zoning regulation changes.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD FILE No. 001-12 (19219)[17010]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

The only affected agency is State of Oregon, DLCD.

DEPT OF

APR 17 2012

LAND CONSERVATION
AND DEVELOPMENT

Local Contact: **Barbara Castillo, City Administrator** Phone: (541) 928-4523 Extension:
Address: **4222 NE Old Salem Road** Fax Number: **541-979-2963**
City: **Millersburg** Zip: **97321-** E-mail Address: **bcastillo@cityofmillersburg.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

AN ORDINANCE AMENDING THE)
CITY OF MILLERSBURG LAND USE)
DEVELOPMENT CODE AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. 105
FOR 2012

THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE:

The purpose of this ordinance amendment is to establish standards and procedures for the orderly development of land within the City of Millersburg, to assist in implementing the Millersburg Comprehensive Plan, and to promote the public health, safety and general welfare.

SECTION TWO. ADOPTION:

The City of Millersburg Land Use Development Code Amendments are attached hereto and made a part hereof by this reference and is hereby adopted by the City Council of Millersburg, Linn County, Oregon.

SECTION THREE. AMENDMENTS

Code Section No.'s 1.130, 1.170, 2.200, 4.070, 6.110 are hereby Amended.

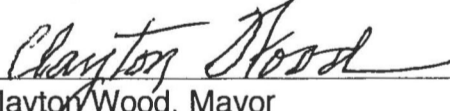
SECTION FOUR. EMERGENCY CLAUSE:

The provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Millersburg, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately upon its passage by the City Council and approval by the Mayor.

SECTION FIVE. EFFECTIVE DATE:


Passed by the City Council and approved by the Mayor of the City of Millersburg this 10th day of April 2012. Effective Date, May 1, 2012.

APPROVED:



Clayton Wood, Mayor

ATTEST:



Barbara Castillo, City Administrator

Millersburg Land Use Development Code Amendments

Adopted April 10, 2012

SECTION 1.130 COMPLIANCE STANDARDS

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

1.130 (12) Deferrals. The City Administrator, the Planning Commission or the City Council may grant a deferral from a Code standard under defined conditions. A deferral is not a waiver of the defined standard but is a temporary postponement of applying the standard. A property owner must comply with the Deferred Code Standard if and when requested by the City.

SECTION 1.170 ADMINISTRATION

- (2) The City Administrator, under the direction of the City Council, shall have the authority and duty to enforce the provisions of this Code and all related City, County, State or Federal regulations. An Administrative Decision is a decision by the City Administrator with notification of actions taken provided to the Planning Commission at the next regular meeting of the Planning Commission.
- (g) The City Administrator shall have the authority to approve Residential Accessory Uses exceeding 800 square feet in area in conformance with **Section 6.110 (3)**.
- (h) The City Administrator shall have the authority to approve a **Similar Use** in conformance with **Section 4.070** if all siting conditions comply with the Code.
- (i) The City Administrator shall have the authority to approve driveway widths in excess of 24 feet.
- (j) The City Administrator shall have the authority to approve deferral of identified standards required by the Land Use Code.

SECTION 1.190 FEES

Building Permits and Land Use Application Processing Fees established by resolution of the City Council shall be paid to the City at the time of submitting an application and shall be in addition to other fees established by county, state or federal regulations. Copies of the Fee Schedule are available at the City Hall.

SECTION 1.200 DEFINITIONS

VACATIONS A procedure to revert public lands, including right-of-ways, easements and other public places, to adjoining private property ownerships through a land use planning process specified in **Code Section 2.900**

SECTION 2.100 APPLICATIONS

Applications include Building Permits and all Land Use Requests requiring an official decision by the City. Oral opinions or interpretations are not an official decision unless submitted as an Application for an official interpretation as specified in Section 1.150

SECTION 2.130 APPLICATION PROCEDURE

Following preliminary consultation and the pre-application conference, where applicable, the applicant shall prepare an application together with other supplementary data required to clearly describe the proposed development and the decision requested of the City.

- (1) Building Permits, Land Use Applications, Petitions and Appeals provided for in this Code shall be made on forms prescribed by the City. Forms are available at the Millersburg City Hall, 4222 Old Salem Road NE, Millersburg, Oregon 97321. Phone 541-928-4523.
- (3) The City will consolidate applications that require more than one approval procedure for a development project. The City will identify and address all of the procedures concurrently and will utilize the most comprehensive procedure and decision process of those required in the application. The total fee shall be the sum of all individual procedural fees unless adjusted by the City Administrator.

SECTION 2.150 RECORD FILE

The City shall maintain an official Record File of each Building Permit and Land Use Application containing all relevant data, drawings, dates, notices, hearings, postponements, continuances, decisions, appeals and minutes of all meetings pertaining to the application.

SECTION 2.200 BUILDING PERMITS

- (1) Building Permits are issued by the City and administered by the Linn County Building Department. The City will review Building Permit Plans for conformance with the city's Land Use Development Code (Code) prior to submittal to Linn County Building Department. Building Permits issued by the City also require approval of all construction elements by the Linn County Building Department in conformance with adopted State Building Codes. Linn County Building Inspection provides all construction inspections and administration services.
- (2) Building Permits may be issued by the City for **Permitted Uses** not requiring a land use decision by the City
- (3) Application for Building Permits requiring a land use decision including: Administrative Approvals, Site Plan Reviews, Conditional Uses, Variances, Nonconforming Uses, or Zone Change Amendments shall be approved by the City prior to issuance of the Building Permit. The City may request the County to

withhold the Certificate of Occupancy until compliance with the Conditions of Approval required in the any land use decision.

SECTION 4.070 SIMILAR USE AUTHORIZATION

The City Administrator may permit in a particular zone a use not listed in this Code, provided the use is of the same general type as the uses permitted by this Code. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone. The decision of the City Administrator may be appealed to the Planning Commission using procedures specified in **Section 3.700 (2)** of this Code.

SECTION 5.122 (5) ACCESS MANAGEMENT

- (b) Flag lots or parcels are discouraged. They will only be allowed when other alternative means of access cannot be provided. If permitted, the minimum access width shall be 25 feet. The following access alternatives to Flag Properties are preferred and may be approved by the Planning Commission.
- (j) Residential Driveways shall have a minimum width of 10 feet and a maximum width of 24 feet unless approved by the City Administrator. Construction standards and details shall be in conformance with the adopted **Albany Construction Specifications**.

SECTION 5.132 (5) BUILDING SITES

- (5) (g) Flag Lots or Parcels: Flag lots or parcels are discouraged. They will only be allowed when other alternative means of access as described in **Section 5.122, Item (5)** cannot be provided. Minimum width for flag lot access is 25 feet.

SECTION 6.110 RESIDENTIAL ACCESSORY USES

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

- (1) Accessory buildings shall not be used for dwelling purposes unless submitted for approval under the **Administrative** provisions of **Section 1.170**.
- (2) No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.
- (3) Accessory buildings in the Urban Conversion Zone shall be limited to one story not exceeding a height of 24 feet and 800 square feet in area unless submitted for approval under the **Administrative** provisions of **Section 1.170**. Farm accessory buildings in the Rural Residential Zones are exempt from the size requirements. Accessory structures under 200 square feet do not require a Building Permit.

- (4) A separate accessory structure shall be detached from all other buildings by at least Six (6) feet unless submitted for approval under the **Administrative** provisions of **Section 1.170**.
- (5) Boats, trailers, detached campers recreational vehicles, fifth-wheelers, motorized dwellings, travel trailers, tent trailers, tents and similar recreational facilities may be stored, but not used for continuous human habitation. Temporary Habitation is limited to 30 consecutive days or a total of 60 days in a calendar year within the City limits. The City Administrator may grant an extension upon receiving a written justification request in conformance with **Section 1.130 (7)**.

SECTION 6.164 TEMPORARY MANUFACTURED DWELLING USE

- (2) **Approved Uses:**
 - (f) Other temporary uses may be considered by the City Administrator as specified in **Section 1.170**.

SECTION 7.200 WETLAND & RIPARIAN AREA STANDARDS - WR

Refer to related Code Sections 5.118 Drainageway Setbacks, 5.119 Wetlands & Riparian Areas and Section 5.126 Storm Drainage for additional information.

SECTION 8.200 REQUIRED PUBLIC IMPROVEMENTS

- (13) **Parks:** Within or adjacent to a residential subdivision, a parcel of land of not less than 6 percent of the gross area of the subdivision shall be set aside and dedicated to the public by the land developer for public park use if and when requested by the City. The parcel shall be approved by the Planning Commission as being suitable and adaptable for public park and recreation uses.

SECTION 8.300 PUBLIC IMPROVEMENT DEDICATIONS & FEES

- (4) Public Improvement installation and dedications are required as specified in **Section 8.200**. In lieu of providing the required improvements fee payments may be utilized to pay a fair share of the public improvements needed to support proposed developments.
 - (a) System Development Charges (SDC) and other Public Improvement Fees are specified in the City's "System Development Charge Program" and in supporting Fee Resolutions.
 - (b) In addition to SDC Street Fees, The City has implemented a Public Street Improvement Fee to pay the cost of improvements to off-site streets serving proposed developments.
 - (c) In the event there is no suitable area within a proposed development available for park dedication, the lot developer shall pay into a public land acquisition fund a sum of money equal to \$1,200 per residence at the time of application for a Building Permit. The sums so contributed shall be used to aid in securing suitable areas for park and recreation purposes to serve the area containing the subdivision.

CITY OF MILLERSBURG
LAND USE DEVELOPMENT CODE 2012 AMENDMENTS
 Adopted April 10, 2012

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DEPT OF
APR 17 2012
LAND CONSERVATION
AND DEVELOPMENT

LINKING AGRICULTURE
WITH INDUSTRY



4222 N.E. OLD SALEM RD.
ALBANY, OREGON 97321



ATTN: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

