



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT



June 1, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Mill City Plan Amendment  
DLCD File Number 004-05

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: June 14, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 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.**

Cc: Doug White, DLCD Community Services Specialist  
Jason Locke, DLCD Regional Representative  
David Kinney, City of Mill City

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**FORM 2**

**DEPT OF**

**MAY 25 2006**

**LAND CONSERVATION  
AND DEVELOPMENT**

**D L C D NOTICE OF ADOPTION**

This form must be mailed to DLCD within 5 working days after the final decision  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: CITY OF MILL CITY Local File No.: 2005.06.13  
(If no number, use none)

Date of Adoption: 5.23.06 Date Mailed: 5.24.05  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8.24.05

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

Amend Mill City Zoning Code:

- Modify design standards + garage setbacks
- Add list of historic structures to zoning code
- modify parking/storage requirements for RV's/trailers
- Add regulations for temporary storage buildings

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

17.04.030 Regulations added for placement of temporary storage buildings + storage containers

Plan Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 004-05 (14624)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes:  No:   
If no, do the Statewide Planning Goals apply. Yes:  No:   
If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:   
Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: David W. Kinney Area Code + Phone Number: 503.897.2302  
Address: Po Box 256 City: Mill City, OR  
Zip Code+4: 97360 Email Address: mill city @ wbcable.net

### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

Changes are noted in highlighted ***Bold italics***

## ORDINANCE NO. 339

### AN ORDINANCE AMENDING CHAPTER 17 "THE MILL CITY ZONING CODE" AND CHAPTER 8 "THE MILL CITY NUISANCE CODE" OF THE MILL CITY MUNICIPAL CODE.

WHEREAS, the Planning Commission has completed a review of the city's zoning code and recommends a series of technical amendments to streamline the administration of the code and to add development standards for certain uses; and

WHEREAS, the Planning Commission held public hearings on November 11, 2005 to consider the amendments and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held a public hearing on February 14, 2006 and held the hearing open to allow the Planning Commission to provide additional information on the proposed amendments regarding storage containers, temporary storage covers and residential building setbacks and also held the hearing open to allow for submittal of additional written testimony until April 25, 2006 at 6:00 p.m.; and

WHEREAS, on March 10, 2006 and April 14, 2006 the Planning Commission reconsidered their recommendations regarding the proposed amendments, deliberated on the issues and forwarded a modified recommendation to the City Council; and

WHEREAS, the City advertised the continuation of the public hearing on April 25, 2006; and

WHEREAS, on April 25, 2006 the City Council considered the testimony submitted, deliberated on the issues and concluded the zoning amendments should be adopted with certain modifications;

NOW, THEREFORE, the City Council of the City of Mill City hereby ordains as follows:

**SECTION 1.** Section 17.04.030 of the Mill City Municipal Code is hereby amended to add the following definitions:

**Temporary Storage Cover or Building.** *A storage cover or building constructed of a plastic or metal pole frame and covered with a canvas, vinyl, metal sides and/or roof which is not attached to a permanent foundation and is normally intended for storage of vehicles,*

**recreation vehicles or equipment. A temporary storage cover or temporary storage building is an accessory use to the main structure.**

**Shipping Container. A pre-manufactured metal container or other similar container used for overseas shipping, interstate commerce or storage. A shipping container does not include a tractor trailer box, with or without wheels.**

**SECTION 2.** Chapter 17.12 of the Mill City Municipal Code is hereby amended to read as follows:

Chapter 17.12

R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sections:

- 17.12.010 Applicability.
- 17.12.020 Uses permitted outright.
- 17.12.030 Conditional uses permitted.
- 17.12.040 Lot size, width and coverage.
- 17.12.050 Height requirements.
- 17.12.060 Yard requirements.
- 17.12.070 Parking
- 17.12.080 Design Standards
- 17.12.090 Building Orientation

**17.12.010 Applicability.** In an R-1 zone the following regulations shall apply.

**17.12.020 Uses Permitted Outright.** In an R-1 zone, the following uses and their accessory uses are permitted outright.

A. Detached single-family dwellings, subject to the following development standards:

1. Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.
2. Garage. The dwelling must have, and continuously maintain, a garage. The siding on the garage shall match the exterior appearance and color of the siding on the home, or as otherwise approved by the Planning Commission. A detached garage shall comply with requirements for accessory buildings in Section 17.44.010.
3. Design Standards. All dwellings shall comply with the design standard requirements in Section 17.12.080.

B. Manufactured home, subject to the following development standards:

1. Floor Area. A manufactured home shall have a minimum floor area of 1,000 square feet.
2. Garage. The manufactured home must have, and continuously maintain a garage. The siding on the garage shall match the exterior appearance and color of the siding on the manufactured home, or as otherwise approved by the Planning Commission. A detached garage shall comply with requirements for accessory buildings in Section 17.44.010.
3. Design Standards. All manufactured homes shall comply with the design standards requirements in Section 17.12.080.

- 4. Manufactured Home Standards. All manufactured homes shall comply with provisions of Section 17.44.100 of this ordinance.
- C. Residential home
- D. Family day care provider.
- E. Home Occupation, subject to the provisions for home occupation review of Section 17.44.130 of this ordinance.

**17.12.030 Conditional Uses Permitted.** In an R-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Section 17.52.010 to Section 17.52.080.

- A. Church.
- B. Community center.
- C. Governmental structure or use of land.
- D. Hospital, sanitarium, rest home, convalescent home, residential facility, or similar facility.
- E. Nursery school, day nursery, kindergarten, day care facility, or similar activity.
- F. Public school or private school offering curricula similar to public school.
- G. Public utility facility.
- H. Bed and breakfast establishment as defined by ORS 624.010.
- I. Parking lot intended to serve a use permitted within the CC or CH zone when the parking lot abuts or is across a street or an alley from the use in the CC or CH zone.

**17.12.040 Lot size, width & coverage.** Except as provided in Section 17.44.020, the minimum lot size and width and the maximum lot coverage in an R-1 zone shall be as follows.

- A. For a single-family dwelling or manufactured home the minimum lot area shall be seven thousand (7,000) square feet.
- B. The minimum average lot width shall be seventy (70) feet.
- C. **Buildings, including accessory buildings and temporary covered storage structures, shall not occupy more than forty (40) percent of the lot area.**

**17.12.050 Height Requirements.** Except as provided in Section 17.52.030 in an R-1 zone no building or structure shall exceed a height of 35 feet.

**17.12.060 Yard requirements.** In an R-1 zone yards shall be as follows:

- A. **The front yard and street side yard shall be a minimum of fifteen (15) feet. However, the front yard or street side yard setback to the front of a garage shall be a minimum of twenty (20) feet. All setbacks shall be measured from property lines and shall not encroach upon the public right-of-way.**
- B. Each interior side yard shall be a minimum of five feet for a one story building and seven and one-half (7½) feet for a building greater than one story.

- C. The rear yard shall be a minimum of five feet for a one story building and seven and one-half feet for a building greater than one story.
- D. Clear Vision Area. A clear vision area shall be preserved on corner lots as provided in Section 17.44.050.
- E. **Setback requirements apply to all structures, including accessory buildings and temporary covered structures.**

**17.12.070 Parking.** As specified in Section 17.44.060 of this title, including recreational vehicle parking restrictions in Section 17.44.020.

**17.12.080 Design Standards.** Within the R-1 zone, all new single family dwellings, including manufactured homes, shall contain the following design standards:

- B. Attached or detached garage.
- C. Gutters and downspouts.
- D. Design Features. New single family dwellings, including manufactured homes, shall contain at least four (4) of the following design elements on the side of the home which fronts on a street to provide architectural relief:
  1. Dormers or gables.
  2. Cupolas.
  3. Bay or bow windows.
  4. Exterior shutters.
  5. Recessed front entries. The entry shall be recessed at least four (4') feet from the front wall.
  6. Recessed garage. The garage shall be recessed at least four (4') feet from the front wall.
  7. Front porch of at least 100 square feet, which may extend into the required front yard.
  8. Covered porch entries.
  9. Pillars or posts in the front entry area.
  10. Roof with pitch greater than three feet in height per each twelve feet in length.
  11. Front-side exterior brickwork or masonry.

**17.12.090 Building Orientation.** If the subject property fronts a public street, the architectural front of the home shall face the street.

**SECTION 2.** Chapter 17.16 of the Mill City Municipal Code is hereby amended to read as follows:

Chapter 17.16

R-2: RESIDENTIAL ZONE, MULTI-FAMILY DWELLING.

Sections:

- 17.16.010 Applicability.
- 17.16.020 Uses permitted outright.
- 17.16.030 Conditional uses permitted.
- 17.16.040 Lot size, width and coverage.
- 17.16.050 Height requirements.

- 17.16.060 Yard requirements.
- 17.16.070 Parking
- 17.16.080 Design Standards
- 17.16.090 Building Orientation
- 17.16.100 Site plan review.

**17.16.010 Applicability.** In an R-2 zone the following regulations shall apply.

**17.16.020 Uses Permitted Outright.** In an R-2 zone, the following uses and their accessory uses are permitted outright.

L. Detached single-family dwellings, subject to the following development standards:

1. Floor Area. A conventional dwelling shall have a minimum floor area of 1,000 square feet.
2. Garage or Carport. The dwelling must have, and continuously maintain a garage or carport:
  - a. Garage: The siding on the garage shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the Planning Commission. A detached garage shall comply with requirements for accessory buildings in Section 17.44.010.
  - b. Carport: If a carport is built in lieu of a garage, the carport shall include an enclosed storage area with a minimum area of 50 square feet or a separate accessory building with a minimum area of 50 square feet. The siding on the carport shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the Planning Commission.
3. Design Standards. All dwellings shall comply with the design feature requirements in Section 17.16.080 of this title.

B. Manufactured home, subject to the following development standards:

1. Floor Area. A manufactured home shall have a minimum floor area of 1,000 square feet.
2. Garage or Carport. The dwelling must have, and continuously maintain a garage or carport:
  - a. Garage: The siding on the garage shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the Planning Commission. A detached garage shall comply with requirements for accessory buildings in Section 17.44.010.
  - b. Carport: If a carport is built in lieu of a garage, the carport shall include an enclosed storage area with a minimum area of 50 square feet or a separate accessory building with a minimum area of 50 square feet. The siding on the carport shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the Planning Commission.
3. Design Standards. All manufactured homes shall comply with the design feature requirements in Section 17.16.080 of this title.



- 4. **Manufactured Home Standards.** All manufactured homes shall comply with provisions of Section 17.44.100 of this **ordinance title**.
- C. Two-family dwelling, subject to Site Plan approval by the Planning Commission.
- D. Multi-family dwelling, subject to Site Plan approval by the Planning Commission.
- E. Any other use permitted outright in the R-1 zone.

**17.16.030 Conditional Uses Permitted.** In an R-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Section 17.52.010 to Section 17.52.080.

- A. Conditional use permitted in the R-1 zone.
- B. Manufactured home park.

**17.16.040 Lot Size, Width and Coverage.** Except as provided in Section 17.44.010, the minimum lot size and width and the maximum lot coverage in the R-2 zone shall be as follows.

- C. Lot size.
  - 1. For a single-family dwelling or manufactured home the minimum lot area shall be 5,000 square feet.
  - 2. For a two-family dwelling the minimum lot area shall be 8,000 square feet.
  - 3. For a multi-family dwelling the minimum lot area shall be 8,000 square feet for the first two dwelling units plus an additional 3,000 square feet for each additional dwelling unit.
- B. The minimum average lot width shall be 50 feet for a single-family dwelling or manufactured home, 70 feet for a two-family dwelling, and 100 feet for a multi-family dwelling.
- C. **Maximum Lot Coverage.**
  - 1. For a single-family dwelling or a manufactured home, buildings, **including accessory buildings and temporary covered storage structures**, shall not occupy more than forty (40) percent of the lot area.
  - 2. For a two-family dwelling, a multi-family dwelling, or other uses permitted in the R-2 zone, buildings, **including accessory buildings and temporary covered storage structures**, shall not occupy more than fifty (50) percent of the lot area.

**17.16.050 Height Requirements.** Except as provided in Section 17.52.030 in an R-2 zone no building or structure shall exceed a height of 35 feet.

**17.16.060 Yard Requirements.** In an R-2 zone yards shall be as follows.

- A. The front yard and street side yard shall be a minimum of fifteen (15) feet. **However, the front yard or street side yard setback to the front of a garage shall be a minimum of twenty (20) feet. All setbacks shall be measured from property lines and shall not encroach upon the public right-of-way.**
- B. Each interior side yard shall be a minimum of five (5) feet for a one story building and seven and one-half (7½) feet for a building greater than one story.

- C. The rear yard shall be a minimum of five (5) feet for a one story building and 7 ½ feet for a building greater than one story.
- D. Clear Vision Area. A clear vision area shall be preserved on corner lots as provided in Section 17.44.050.
- E. *Setback requirements apply to all structures, including accessory buildings and temporary covered structures.***

**17.16.070 Parking.** As specified in Section 17.44.060 of this title, including recreational vehicle parking restrictions in Section 17.44.020.

**17.16.080 Design Standards.** Within the R-2 zone, all new single family dwellings, including manufactured homes, shall contain the following design features:

- A. Attached or detached garage or a carport.
- B. Gutters and downspouts.
- C. Design Features. New single family dwellings, including manufactured homes, shall contain at least four (4) of the following design elements on the side of the home which fronts on a street to provide architectural relief:
  - 1. Dormers or gables.
  - 2. Cupolas.
  - 3. Bay or bow windows.
  - 4. Exterior shutters.
  - 5. Recessed front entries. The entry shall be recessed at least four (4') from the front wall.
  - 6. Recessed garage. The garage shall be recessed at least four (4') feet from the front wall.
  - 7. Front porch of at least 100 square feet, which may extend into the required front yard.
  - 8. Covered porch entries.
  - 9. Pillars or posts in the front entry area.
  - 10. Roof with pitch greater than three feet in height per each twelve feet in length.
  - 11. Front-side exterior brickwork or masonry.

**17.16.090 Building Orientation.** If the subject property fronts a public street, the architectural front of the single family home shall face the street.

**17.16.100 Site Plan Review.** When more than one residential structure is to be placed on a lot or when a residential structure with two or more dwelling units is to be placed on a lot, a site plan review shall be required.

- A. Application. An application for site plan review shall be submitted to the Planning Commission in accordance with the provisions of Section 17.64.060. A filing fee in accordance with the provisions of Section 17.64.070 shall be submitted with the application.

B. Hearing and action on a site plan review application. Before the Planning Commission may act on an application for a site plan review, it shall hold a public hearing thereon in accordance with the provisions of Sections 17.64.080 and 17.64.090. After the public hearing is closed, the Planning Commission shall either approve, deny, or approve with conditions or modifications the site plan review application. Action shall be based on the following criteria which are intended to implement the standards of subsection C of this section.

1. The property is adequately buffered or screened from abutting residential property.
2. There is adequate on-site parking available at a location which will not interfere with the residential use of abutting property.
3. Vehicular access is designed to minimize traffic congestion.
4. There will be sufficient area reserved for landscaped open space on the property.

C. Standards. Properties subject to site plan review shall comply with the following standards:

1. Buffer. A buffer shall be provided on each side of a property. The buffer area shall be a minimum of five (5) feet in width for a one story building and seven and one-half (7 ½) feet in width for a building taller than one story. The buffer shall contain a continuous fence or wall a minimum of three (3) feet in height, supplemented with landscape planting, so as to effectively screen the property from adjoining residential properties. Buffer areas may not be used for building, parking, or driveways, unless the area is the most suitable location for a driveway. Buffers may be used for landscaping, sidewalks or pathways and for utility placement.
2. Landscaping.
  - a. All areas intended for use as part of the building project shall be completely and permanently landscaped except for buildings, areas used for refuse containers, and areas set aside for access driveways, off-street parking, sidewalks, and pathways.
  - b. All landscaped and buffered areas shall be continually maintained in an attractive manner.
3. Screening of Refuse Containers. Except for one and two-family dwellings, any refuse container or disposal area visible from a public street or abutting property zoned R-1 or R-2 shall be screened from view by placement of a solid wood, concrete block or similar fence or evergreen hedge at least five (5) feet in height.
4. Fencing.
  - a. Barbed wire and electric fences are prohibited.

11.11.11

- b. Fences shall be maintained in a condition of reasonable repair and shall not remain in a condition of disrepair including noticeable leaning, broken supports, missing sections, or replaced or supplemented with weeds or noxious vegetation.
5. Parking.
- a. Off-street parking shall be provided in compliance with the standards of Section 17.44.060.
  - b. Off-street parking areas for residential structures with three or more dwelling units shall be set back a minimum of 15 feet from property lines abutting a street and 10 feet from lots zoned either R-1 or R-2.
6. Access Driveways. The location and improvement of an access driveway onto a public street shall be subject to site plan review and shall meet the following requirements:
- a. Driveways shall have a width of 10-16 feet for one-way driveways and 20-32 feet for two-way driveways.
  - b. There shall be a minimum separation of 22 feet between driveways.
  - c. Driveways shall be at least 20 feet from the intersection with a minor street and 30 feet from the intersection with an arterial or collector street.
  - d. Driveway spacing, as well as driveways and driveway approaches, shall be consistent with the Public Works Design Standards as adopted by the City of Mill City.
- D. Planning Commission Action. The Planning Commission, in granting approval, shall base its decision on the criteria listed in subsection B of this section and the standards listed in subsection C of this section.
- E. City Council Action.
- 1. The Planning Commission decision may be appealed to the city council as outlined in Section 17.64.050 of this ordinance.
  - 2. Council action on appeal shall be based on the criteria in sub-section B of this section and the standards in sub-section C of this section.
- F. Time Limit on Approved Site Plan Review. Authorization of a site plan review shall be void one (1) year after the date of approval of the site plan review application unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the Planning Commission has the authority to grant an additional period, not to exceed one year, to complete the project.

**SECTION 3.** Section 17.40.010 of the Mill City Municipal Code is hereby amended to read as follows:

**Chapter 17.40  
HISTORIC STRUCTURES**

**17.40.010 Historic site alteration or demolition.** Any structure listed in the comprehensive plan inventory of significant historic resources, as listed below and any subsequent structures added to the inventory, shall comply with the alteration and demolition requirements of this chapter.

- |    |                               |                        |
|----|-------------------------------|------------------------|
| 1. | Mill City Presbyterian Church | 236 SW Broadway        |
| 2. | Railroad Bridge (Pedestrian)  | N. Santiam River       |
| 3. | PR Horner House               | 268 SW Kingwood Avenue |
| 4. | Shaw Kelly House              | 156 SW Greenwood Place |

**SECTION 4.** Section 17.44.020 of the Mill City Municipal Code is hereby amended to read as follows:

**17.44.020 Accessory uses.**

An accessory use shall comply with all requirements for a principal use except where specifically modified by this chapter.

- A. Garage sales are permitted, provided:
  - 1. The maximum length of a sale shall be four days;
  - 2. The maximum number of sales permitted in a calendar year for each family is four;
  - 3. There shall be a minimum of thirty (30) days between each sale at any single property;
  - 4. All signs advertising a sale or directing the public to a sale shall be removed within forty-eight (48) hours of the completion of the sale.
- B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.

**C. Parking or Storage of Motor Vehicles and Recreational Vehicles**

- 1. **A motor vehicle, boat, trailer, camper, motorized dwelling and similar recreational equipment may be parked or stored on a lot as an accessory to a dwelling in a driveway, designated paved or gravel parking area, rear yard or side yard.**

2. ***A motor vehicle, boat, trailer, camper, motorized dwelling and similar recreational equipment may not be parked or stored in a front yard or street side yard, unless placed in a driveway or designated paved or gravel parking area.***
3. ***No person shall store or permit to be stored on a street or other public property any motor vehicle, boat, trailer, camper, motorized dwelling, similar recreational vehicle or personal property, without permission of the council, for a period in excess of twenty-four (24) hours as specified in Section 10.16.070 of the Mill City Municipal Code.***
4. ***A vehicle stored on a private property shall not violate the city's nuisance code, Chapter 8.04 of the Mill City Municipal Code which prohibits the storage of junk, vehicle parts, and/or an inoperable or unregistered motor vehicle.***

***D. Use of Tractor Trailers, Trailer Boxes or Storage Containers Prohibited. The use of tractor trailer boxes (with or without wheels) and or shipping containers is prohibited in all zones except as follows:***

1. ***The temporary use of no more than one storage container, with a maximum size of 200 square feet, during construction of a permanent building, subject to the following conditions:***
  - a. ***The storage container shall be placed in the driveway, side or rear yard.***
  - b. ***The storage container must be removed from the property no later than one year from the date of the issuance of the building permit for the permanent building by the Linn County Building Department.***
  - c. ***If the storage container is not removed by the property owner in a residential zone, then the City may proceed with removal of the storage unit under the city's summary abatement procedures in Chapter 8.04; and/or***
2. ***The temporary use of a garbage or recycling container provided by the City's garbage franchise holder; and/or***
3. ***The on-going use of a recycling container provided by the City's garbage franchise holder to a public or not-for-profit entity within a public, commercial or industrial zone, subject to approval by the city council.***

***E. RV Use as a Temporary Residence. The use of a recreation vehicle as a temporary residence is permitted provided that:***

1. ***the use of a self-contained recreational vehicle as a residence does not exceed thirty (30) days in a calendar year;***
2. ***the use of the recreational vehicle as a residence has been approved to be occupied by a park host as a dwelling accessory to a permitted use in the public "P" zone and is covered by the provisions of subsection E of this section.***

3. the use of the recreational vehicle as a temporary residence has been approved to be occupied by the owner of the property for a period of up to one (1) year during construction of a new home in accordance with subsection F of this section, or
4. A conditional use permit is approved granting the use of the recreational vehicle as a temporary secondary residence due to a medical hardship in accordance with subsection G of this section and Section 17.52 of this title.

F. RV Use for a Park Host. Standards for a recreation vehicle to be occupied by a park host or caretaker as a dwelling accessory to a use permitted in the Public "P" zone are as follows:

1. An application to place a recreation vehicle as a park host in the public "P" zone shall be submitted to the planning commission for review and approval. The application shall include:
  - a. A completed application to use a recreational vehicle as a "park host" RV site;
  - b. A completed "park host agreement" form;
  - c. A site plan showing the proposed location of all buildings, including the temporary residence, proposed screening, fencing or landscaping and how water supply, sewage disposal and electrical connections shall be accomplished in a safe and approved manner.
  - d. A filing fee in accordance with Section 17.064.070 of this title.
2. The Planning Commission shall consider the application at a regular meeting. However, no public hearing is required.
3. The permit may be approved by the Planning Commission upon affirmative findings that:
  - a. The "park host" use will be a benefit to the public.
  - b. The placement of the temporary residence will comply with all other standards of this section.
  - c. The value, use and enjoyment of neighboring properties will not be adversely affected;
4. The recreational vehicle shall be connected to the city water system and may be connected to the city sewer system, upon approval of the city. All water, sewer, plumbing and electrical installations shall comply with applicable city ordinance, building codes, state statutes and administrative rules;
5. The recreation vehicle shall have a floor area of at least one hundred twenty (120) square feet;

6. There shall be no more than two adult occupants and no more than four total occupants residing in the recreation vehicle;
  7. The recreation vehicle shall be separated from all other buildings on the property or on adjacent properties by at least ten (10) feet, except that the setback from residential structures shall be at least fifteen (15) feet;
  8. The recreation vehicle shall be effectively screened from view from all residentially used or zoned properties which are within one hundred (100) feet from the location where the recreation vehicle is to be sited. The screening shall consist of a continuous fence or wall supplemented with landscaping and which is a minimum of five feet in height. The screening shall be maintained in good repair;
  9. If the recreation vehicle is to be replaced on the property by another recreation vehicle, the replacement recreation vehicle may be reviewed and approved for placement by the City Administrator if it is placed in the same location and complies with all of the requirements of Section 17.44.020 and the City Council has approved a new park host agreement.
  10. Payment of systems development charges is not required at the time of connection to the system.
  11. The Planning Commission may vary the strict application of these rules or may establish additional conditions for the placement of the recreational vehicle on the property at the time of approval of the "park host" or "caretaker" permit.
  12. Upon approval of the permit to locate a recreational vehicle for a "park host", the council will review and may approve or deny a "park host" agreement for each use of the park host RV site. The Planning Commission will not review the "park host" agreement for each new park host. However, the terms of the park host RV site permit shall be attached to each "park host" agreement signed by the each park host.
- G. RV Use During Construction of a New Home. Standards for a recreation vehicle to be occupied as by a temporary residence during construction of a new home in the R-1, R-2, CC and CH zones are as follows:
1. An application for a permit to use a recreational vehicle during construction of a new home shall be submitted to the Planning Commission. The application shall include:
    - a. A completed application.
    - b. A site plan showing the proposed location of all buildings, including the temporary residence, proposed screening, fencing or landscaping and how water supply, sewage disposal and electrical connections shall be accomplished in a safe and approved manner.
    - c. A filing fee in accordance with Section 17.064.070 of this title.



- d. A statement from the applicant certifying that the applicant will comply with subsections (3) through (10) of this section.
2. The Planning Commission shall consider the application at a regular meeting. However, no public hearing is required.
  3. The recreational vehicle must be occupied by the owner of the lot on which the recreational vehicle is located;
  4. The recreational vehicle may not be occupied until after the building permit has been issued by the City.
  5. The recreational vehicle may be occupied for a period of up to one (1) year and only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
  6. No more than thirty (30) days after final inspection and approval of the housing unit by the Building Official or upon expiration of the permit, whichever comes first, the owner shall remove the recreational vehicle from the lot or store it in accordance with subsection B of Section 17.44.020.
  7. Upon written request, the planning commission may grant no more than two (2) six-month extensions while the housing unit is under construction.
  8. Evidence shall be presented showing that arrangements have been made for electric, water and sewer utility service to the recreational vehicle. No permanent electrical or sewer connections to the recreational vehicle will be permitted.
  9. The recreation vehicle shall be separated from all other buildings on the property or on adjacent properties by at least ten (10) feet.
- H. RV or Manufactured Home Use for a Medical Hardship: Standards for a recreation vehicle or manufactured home to be occupied as a temporary residence due to a medical hardship in the R-1, R-2, CC and CH zones are as follows:
1. An application for a permit shall be filed with the city using forms furnished by the city. The application shall include:
    - a. A completed conditional use permit application, including written authorization from the property owners.
    - b. A site plan showing the proposed location of all buildings, including the temporary residence, proposed screening, fencing or landscaping and how water supply, sewage disposal and electrical connections shall be accomplished in a safe and approved manner.

- c. A completed building permit application, if a manufactured home is proposed as a temporary residence.
  - d. A filing fee in accordance with Section 17.64.070 of this title.
  - e. A written statement from the applicant describing the medical hardship, the individuals to be cared for and why no other alternative method of alleviating the hardship is readily available to the family.
  - f. A written statement from a medical physician licensed to practice in the State of Oregon. The physician's statement shall clearly state that the afflicted person needs daily supervision, care and/or assistance and the medical reasons for the need. The burden of proof showing medical need is required; financial hardship or a mere preference or unwarranted desire is insufficient justification for the application.
  - g. A statement from the applicant certifying that the applicant will comply with subsections (4) through (9) of this section.
2. The Planning Commission shall consider the application in accordance with the conditional use permit requirements in Chapter 17.52 of this title.
  3. The permit may be approved by the Planning Commission upon affirmative findings that:
    - a. There is a medical hardship and the granting of the permit will alleviate substantial personal hardship by providing a temporary residence where care or assistance will be provided to a dependent family member.
    - b. The temporary residence will be occupied by members of the immediate family who will either provide assisted living services and/or medical care to residents of the existing home or will receive assisted living services or medical care from residents of the existing home.
    - c. The placement of the temporary residence will comply with all other standards of this section.
    - d. The value, use and enjoyment of neighboring properties will not be adversely affected;
  4. The temporary residence may not be occupied until after the permit has been issued by the City.
  5. The permit will expire after one (1) year, unless annual extensions are granted by the Planning Commission.
  6. Annual Renewal. Each conditional use permit granted under this section shall be reviewed annually by the Planning Commission. The permit will expire unless an

extension is granted by the Planning Commission. Upon written request from the applicant the Planning Commission may grant an annual extension of the permit if it finds the hardship situation has not changed substantially.

7. The temporary residence will be served with electric, water and sewer utility service in compliance with building code requirements or city ordinances. No permanent electrical or sewer connections to a recreational vehicle will be permitted. All set-up and connections for a manufactured home must comply with applicable sections of the State of Oregon Manufactured Dwelling Code, state statutes and administrative rules and city ordinances.
8. The temporary residence shall be separated from all other buildings on the property or on adjacent properties by at least ten (10) feet and shall be screened with fencing or landscaping from adjacent properties..
9. Upon the expiration of the permit, the applicant and property owner shall agree in writing to remove the temporary residence from the lot within sixty (60) days or the owner will store the recreational vehicle in accordance with subsection B of Section 17.44.020.

**SECTION 5.** Section 17.44.030 of the Mill City Municipal Code is hereby amended to read as follows:

**17.44.030** Exceptions.

The requirements of the zones set forth in this title shall be subject to the following exceptions.

A. Lot Size and Width.

1. In an R-1 zone, a lot of less than seventy (70) feet in average width and less than seven thousand (7,000) square feet in area may be occupied by a use permitted within the zone, provided that the lot was held under separate ownership at the time this title became effective and provided all other requirements of the zone are met;
2. In an R-2 zone, a lot of less than fifty (50) feet in average width and less than five thousand (5,000) square feet in area may be occupied by a use permitted within the zone, provided that the lot was held under separate ownership at the time this title became effective and provided all other requirements of the zone are met;
3. Lot size and dimension standards shall be increased above the minimums established by this title, when it is determined by the Department of Environmental Quality or its authorized county agent for on-site sewage disposal that additional area or dimension is needed to accommodate a subsurface sewage disposal system.

B. Setback Requirements.

1. Through lots shall have a minimum yard of fifteen (15) feet facing each street;
2. Where a side or rear yard opens onto an alley one-half of the width of the alley may be

included toward meeting the yard requirement;

3. Front, side and rear yard requirements shall be waived for dwellings, hotels, and rooming houses erected above the ground floor of a building provided the ground floor is designed and utilized for commercial or industrial purposes;
  4. For the purpose of yard regulations buildings with a common wall shall be considered as one building;
  5. The distance between any two principal buildings sited on one lot shall be a minimum of ten (10) feet.
- C. Obstruction. Every part of a required yard shall be open from the ground to the sky unobstructed except for the following:
1. Accessory building, subject to other requirements in this title;
  2. Fence, wall or similar feature designed to delineate property boundaries;
  3. Playground equipment;
  4. Above or below ground swimming pool, spa or hot tub;
  5. Flagpole or antenna;
  6. Building projection such as a cornice, eave, sill or similar architectural feature not to project more than twenty-four (24) inches into any yard;
  7. Chimney projection when not obstructing light, air or access;
  8. Other structures similar to the above listed structures. The zoning official shall determine whether a specific structure is acceptable. The zoning official shall either approve or deny the structure, or, refer it to the planning commission for a decision. A decision of either the zoning official or planning commission may be appealed to the city council as provided by Section 17.64.050 of this ordinance ~~title~~;
  9. The placement of any structure shall be consistent with the vision clearance requirements set forth in Section 17.44.050 of this chapter. (Ord. 273 § 5.030, 1998)

**SECTION 6.** Section 15.20.070 of the Mill City Municipal Code are hereby amended to read as follows:

15.20.070 Building commissioner--Powers and duties.

- A. **The city administrator is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.**

**B. Duties of the *city administrator* shall include, but not be limited to:**

1. Permit Review.
  - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
  - b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;
  - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 15.20.100(A) of this chapter are met;
2. **Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.20.050 of this chapter, the *city administrator* shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.20.090 and 15.20.100 of this chapter;**

**SECTION 7.** The following definitions in Section 8.04.010 of the Mill City Municipal Code are hereby amended to read as follows:

“Junk” means any object or material which is manufactured or man-made, whether of artificial materials or natural materials, which has been abandoned or discarded, or which is inoperable; or which is useless to serve its intended purpose in its current condition; or which is being kept or stored to serve some useful purpose in the future. Junk includes, but is not limited to, one of the following classifications:

1. Inoperable household appliances, including, but not limited to, washers, dryers, refrigerators, dishwashers, water heaters, stoves, and similar items, or parts thereof;
2. Used household furniture, including, but not limited to, sofas, beds, chairs, tables, mattresses, and similar items, or parts thereof;
3. Used/machinery or motor vehicle parts, including, but not limited to, motors, tires, wheels, chassis and similar items, or parts thereof;
4. Used building materials, including, but not limited to, lumber, stone, brick, plywood, wire, glass, metal, plumbing fixtures, lighting fixtures, heating fixtures, and similar items, or parts thereof;
5. Discarded, useless or abandoned vehicles or recreation equipment, or parts thereof.
6. ***Temporary storage structures which are not securely anchored to the ground, or have broken or structurally unsound supports or roof members, or have unsecured, ripped, broken or unsafe canvas or metal siding or roofing materials.***

This Ordinance read for the first time by title only on the 9<sup>th</sup> day of May, 2006.

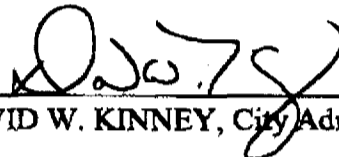
This Ordinance read by title only for the second time on 23<sup>rd</sup> day of May, 2006.

This Ordinance passed on the 23<sup>rd</sup> day of May, 2006 by the city council and executed by the mayor this 24<sup>th</sup> day of May, 2006.

Date: May 24, 2006

By:   
TIM KIRSCH, Mayor

Date: May 24, 2006

Attest:   
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: \_\_\_\_\_

\_\_\_\_\_  
JAMES L. McGEHEE, City Attorney

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