



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

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

CITY OF MILLERSBURG SPECIAL CITY COUNCIL PUBLIC HEARING

Millersburg City Hall
4222 NE Old Salem Road
Albany OR 97321
April 28, 2020 @ 4:00 p.m.

Agenda

This meeting will be held remotely. Instructions for joining the meeting by computer or phone are attached to this agenda. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Monday, April 27.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/1151368524>

Phone number to join meeting: 503-212-9900

Meeting ID: 115 136 8524

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CHANGES AND ADDITIONS TO THE AGENDA
- E. PUBLIC COMMENT
- F. PUBLIC HEARING
 - 1) Accessory Dwelling Units
- G. COUNCIL MEMBER AND STAFF COMMENTS
- H. CLOSING PUBLIC COMMENT
- I. CLOSING COUNCIL COMMENT
- J. ADJOURNMENT

Note: Council may adjourn to executive session in accordance with ORS 192.660.

Upcoming Meetings & Events:

April 28, 2020 @ 6:00 p.m. – Budget Committee Meeting

May 5, 2020 @ 6:00 p.m. – Budget Committee Meeting (tentative)

May 12, 2020 @ 6:30 p.m. – City Council Meeting

May 19, 2020 @ 6:00 p.m. – Planning Commission Meeting

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling (458) 233-6300.

Join Meeting Instructions – General Public

Until further notice, City Council, Planning Commission, and other required public meetings will be held remotely. This includes any required public hearings. Below are instructions for how to join the meeting and participate.

Note – Millersburg's virtual meeting software is through AspenUC. This software looks and acts very much like Zoom, so may be familiar to those who have used Zoom. However, this meeting will run through a different software platform and you will need to join through AspenUC per the instructions below in order to participate in the meeting.

To join the meeting via computer:

1. Click on the link provided or enter the link in your web browser. You will see the following:

Your meeting should start in a few seconds...

If nothing prompts from browser, [download & run](#) .

If this is your first time joining an AspenUC meeting, you will be prompted to install a file. This should run automatically. If not, you may need to click on the blue text. The computer will ask if you want to install the program. Click Yes.

2. The program will now ask you if you want to join the audio using your computer or your phone.
 - If you want to use the computer audio and microphone, click yes. You will now join the meeting.
 - If you want to use your phone:
 - click the button on the computer screen that says 'use phone audio.'
 - You will now join the meeting.
 - Dial 503-212-9900. When asked, enter the Meeting ID.
 - You will also be asked to enter you participant ID number. It should be on the computer screen in front you. If you do not have a participant code, just enter #.

During the meeting, all public participants will initially be muted. During periods for public comment, public participants will be unmuted.

3. While the meeting is in progress, you will see the participant toolbar at the bottom of the screen.

Participant toolbar:



4. Use the **Microphone** icon to toggle your microphone on  and off .
5. Use the **Start Video** icon to toggle your camera on and off (if you have a camera).

To join the meeting via phone (audio only):

1. Enter the Dial-in number and when prompted, enter the Meeting ID. If you do not have a participant code, just enter #. You will be muted upon entry to the meeting.

Public Comment Periods:

During the meeting, all public participants will initially be muted. During periods for public comment, public participants will be unmuted.

1. **Public comment will first be taken from those who are participating via computer.**

To speak during Public Comment periods “raise hand” by clicking on the “participants” icon on the toolbar. This will open the “participants” window on the right side of your screen.

All participants muted by host.



Click on the “raise hand” icon in the lower right of your screen.



This is what it looks like when your hand is raised.



When the presiding officer calls upon you to speak, the meeting organizer will unmute you. Once your comment period is finished, you will be muted again. Public comments will be taken in the order in which the hands are raised.

2. **Next, public comments will be taken from those joining via phone.**

The presiding officer will direct the meeting host to unmute phones and will ask those wishing to speak to state their name and city of residence. Your name will be recorded. Once your name has been recorded, please mute your phone. Once all names have been recorded, individuals will be called upon to unmute themselves and speak in the order their names were recorded.

3. **At the close of public comment periods, all public participants will again be muted.**

All required Oregon Public Meeting laws will be strictly adhered to. These meetings will be audio/video recorded and posted to the City's website.



File No: DC 20-02 Accessory Dwelling Unit Code Text Change

Proposal: The proposed amendment responds to a State law mandate that Millersburg allow for Accessory Dwelling Units (ADU). This change would permit an ADU on any property that allows a single family home. The amendment also includes standards for ADUs. More specifically the amendment proposes an all new code section, Section 6.111, and small changes to all residential zones to allow ADUs.

I. BACKGROUND

- A. Applicant: City of Millersburg
- B. Location: City Wide (all zones that permit single family homes)
- 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 published in the Democrat-Herald on March 23, 2020 and posted in City Hall. A separate notice was sent to the Department of Land Conservation and Development (DLCD) on March 10, 2020. Information related to the hearing is posted on the City's website here - <http://cityofmillersbrg.org/planning-commision/>. A Measure 56 notice was not required, nor were direct mailing notices because the regulations will not add new limitations on existing property rights, rather, they will add more permitted uses on the property, not less.
- E. Review Criteria: Article 2 §2.700(2)
- F. Current Zoning: All zones that permit single family dwellings.
- G. Background: The City has traditionally not permitted accessory dwelling units (aka guest houses or granny flats). The State has passed legislation requiring all cities over 2,500 in population to allow ADUs on any property that allows a single family dwelling. They have also limited the standards that can be applied to any ADU. All standards must be clear-and-objective and the City cannot apply additional parking requirements or require any owner occupancy.

Millersburg has not been required to implement these requirements, until now. The City has just passed the 2,500-population threshold and must now comply. The City is currently drafting an all new Development Code. These changes could simply wait for the new Development Code, however, the Planning

Commission expressed an urgency to adopt these standards immediately. The reason why is clear: the moment Millersburg passed the 2,500 unit threshold the City must comply with the State requirements. The City has no ADU specific standards, thus the only standards that apply are a combination of the existing accessory structure standards (and ADU is still an accessory structure) and the State's standards on ADUs. The Commission wants to fill this gap as soon as possible.

The proposed code text amendment adds ADUs as a permitted use in residential zones and includes a catch-all that permits an ADU in any other zone, such as a caretaker's unit in a commercial or industrial zone. The State law requires such. The proposal also adds standards for ADUs. These can sometimes be controversial because they must be clear-and-objective. Many cities have tried to require that an ADU match the primary home in appearance. The State has clarified through case law that this is not permitted because simply requiring that a 'look' 'match' the main unit is too subjective. The Commission indicated in previous workshops that they want some requirements that may achieve the same result, but remove the subjectivity. It is staff's opinion that the proposed standards meet this requirement because the standards are written in a way that is very binary and thus meets the clear-and-objective standard.

The other standards such as setbacks and height have been taken from the Accessory Structure Section because these were just discussed at great length at before the City Council.

II. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The proposed Development Code (DC) text change is an amendment to the existing LUDC and is required to satisfy the following criteria.

Decision Criteria. All requests for an amendment to the text or map of this Code or the Comprehensive Plan may be permitted upon authorization by the City Council in accordance with following findings:

(a) The proposed amendment does not conflict with the intent of the Comprehensive Plan.

ANALYSIS: Subsection (h) of this staff report goes into detail on the Comprehensive Plan as it relates to this proposal. In summary, based on staff's review, the project is consistent with the plan.

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

(b) The amendment will not adversely impact adjacent areas or the land use plan of the City.

ANALYSIS: The State has indicated time and time again that there is a housing crisis in the State of Oregon. They have attempted to address this issue by arguing that

additional housing should be placed in areas where infrastructure already exists, specifically streets, water, sewer, and stormwater infrastructure. The State has called for a reduction of barriers, or a total removal of them, that may prevent a property owner from adding additional dwelling units on a property that currently features only a single family home. As a larger example of this, the State has also recently passed landmark legislation that requires all cities larger than 10,000 to eliminate zoning that only permits single family homes. While that specific legislation does not pertain to Millersburg, it does demonstrate the drastic measures the State is taking to add additional density to cities, whether they like it or not. The State rules pertaining to accessory dwellings are one of the many steps the State is taking to force cities to accept more density.

The introduction of ADUs could have potential impacts to neighbors, the extent of which is hard to analyze. Many possible nuisances like the additional noise from more families is possible, though it would be regulated by separate nuisance ordinances and thus mitigated.

The construction of new ADU structures may result in the blocking of views and other such visual impacts. These, however, were recently addressed by the City during the revisions to the accessory structure code section. Additional setbacks added during the changes to the accessory structure section of the code were intended to address visual impacts. At that time the City Council discussed the acceptable limits of when the size and setback of a new structure become an imposition to a neighbor. The new ADU code section will use the same height limits and setbacks as the newly adopted accessory structure code section (Section 6.110). Thus, the possible view impacts have been mitigated.

The look of a structure could have possible impacts on neighbors as well. Most cities have standards for houses to help assure that all homes share at least a minimum set of rules regarding the look of the structure. The State sees overly subjective rules and requirements as a tool for a city to deny the approvals of needed housing, thus acting as additional barriers to needed housing. To assure that ADUs are built in such a way that they avoid negative aesthetical impacts to neighbors, standards have been added to the proposed code. These will help mitigate possible aesthetic impacts. As stated previously, the State is very sensitive to how any aesthetic standards are added, specifically they cannot allow a city to use any discretion. All standards must be binary, either they meet the standard or they don't. Staff, at the direction of the Planning Commission, has crafted the standards in a way that meets this requirement.

Parking will likely be the largest possible impact. The State has explained that a local jurisdiction is not permitted to add additional parking requirements for an ADU, because that acts as a barrier that limits the possible construction of new units. The State did not address the resulting lack of parking that could ensue. It seems the State has weighed the balance between a city's right to control parking impacts and the need for additional inexpensive housing availability in Oregon. The need for housing has prevailed. It should be noted that the City does not have the right to *demand* additional parking, however, a property owner can construct additional parking if they like. The City of Millersburg has a generous minimum lot size in most residential zones of 10,000 square feet, which should allow room for

additional on-site parking should a property owner desire such. Additionally, the Planning Commission has indicated that a limit of 650 square feet for all ADUs should result in only one bedroom units, which will also limit the need for parking spaces. Therefore, when viewed from the perspective of the need to balance parking with the need for housing, the State would contend that this criteria is met.

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

(c) The amendment will not violate applicable city, state or federal environmental quality statutes, rules or standards.

ANALYSIS: The amendment to the code is required by State laws, and thus conforms to State requirements. Actual site-based impacts that could result from construction will be evaluated on a case-by-case basis at the time of permit. Any structure proposed would be required to comply with all environmental regulations at the time it is constructed.

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

(d) The amendment will not have an adverse impact on public facilities.

ANALYSIS: An ADU will have impacts on the public facilities, though there is no way to predict how many will be constructed. Streets, water, and sewer use would see an increase in usage and additional strain with each new ADU that is built. Unlike an accessory structure, which could just be a shed or barn, an ADU would presumably have a whole new family on the property, thus potentially doubling the impact for every property that builds one. The City is still discussing System Development Charges (SDC) for ADUs. The City staff and the subcommittee that is evaluating SDC charges have indicated that they intend to adopt SDC charges specifically for ADUs, though the amount has yet to be determined (or adopted by City Council). SDCs will offset the possible impacts to infrastructure.

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

(e) The amendment will not have an adverse impact on transportation.

ANALYSIS: As noted above, every ADU will add trips to the transportation system. Trips add impacts. The State has argued that a transportation system designed for single family homes does not maximize the capacity of the streets they require. Again, because it is not possible to estimate how many ADUs will be built, it is difficult to estimate the possible impacts. The transportation system is evaluated in the Transportation System Plan (TSP). Updates to the plan will evaluate all constructed ADUs as trip generators at the time plan is revised. Ultimately the SDCs will offset any impacts in the short term.

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

(f) The amendment will not have an adverse impact on the economy of the area.

ANALYSIS: The proposed text change may result in additional accessory structure requests and construction, which would provide more construction jobs. Additionally, property values will increase, and as the population base increases more jobs and shoppers will be in the City.

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

(g) The amendment will not have an adverse impact on the housing needs of the City.

ANALYSIS: The proposed change will increase the availability of possible housing units. From the State's perspective any increase in housing opportunities is a strong benefit to the region. Additionally, this will bring more affordable housing opportunities to the City in a way that will scatter where affordable units are placed, as intended by the State and Federal government. This amendment will have a positive impact on housing supply.

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

(h) The amendment does not conflict with the intent of Statewide Planning Goals.

ANALYSIS: Like all cities in the State of Oregon, the City implements the State goals through the Comprehensive Plan. If a project is consistent with the Comprehensive Plan, it is consistent with the State Goals. Based on staff's review, the Comprehensive Plan is silent on accessory dwelling units. The proposed changes to the Development Code are not inconsistent with any goals or policies. The housing section of the Comprehensive Plan (Plan) does not specifically speak to ADUs, however, it does contain goals and policies that apply to all housing stock. All of the housing policies and goals can benefit from the addition of ADUs.

For example, the Plan explains that measures should be taken to preserve existing housing stock. Allowing ADUs will help preserve property value, and thus the existing stock. The Plan calls for the City to 'encourage' rental units. ADUs can fill that requirement since they cannot be sold separately, and property owners are allowed to rent out the ADU. The Plan also calls for a mixture of housing types. ADUs can help address this by introducing a housing type that has not been used in Millersburg previously.

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

III. 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 20-02 to the City Council.

IV. STAFF RECOMMENDED MOTION FOR TO THE CITY COUNCIL (*assuming the City Council approves*).

Based on the findings of fact in the staff report, the proposed amendment satisfies the applicable criteria. The City Council hereby approves Application No. DC 20-02 and adopts Ordinance No. 171-20 including an emergency provision to make the Ordinance effective immediately upon adoption.

V. EXHIBITS

- A. Proposed text changes
- B. Ordinance No. 171-20
- C. Public Hearing Notice¹

¹ The hearing notice was posted with a draft version of the Amendment; however, this has been removed in the version added to the staff report to avoid confusion with Exhibit A.

The following section is all new, as the Code did not permit ADUs in the past.

SECTION 6.111 ACCESSORY DWELLINGS:

An accessory dwelling, where allowed, is subject to review as part of the building permit process.

(1) Development Standards. Residential accessory dwelling units (ADU) shall be subject to the following development standards:

- a) Location. The ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of six feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. An ADU may also be located internal to the primary structure, including, but not limited to, an attic or a basement.
- b) Number. Only one ADU shall be permitted per lot or parcel.
- c) Design. The ADU must be the same roof pitch and material, color, and siding material as the primary residence. As an alternative, an applicant who wishes to use a design that differs from these requirements, may apply for a conditional use permit.
- d) Area. The ADU shall be no more than 650 square feet regardless on its placement (internal, attached or detached). The minimum size is 250 square feet.
- e) Setbacks for detached ADUs. The minimum rear yard setback for an ADU shall be five feet; the minimum side yard setback shall five feet.
- f) Height. The maximum height shall be 25 feet but in no case shall the height exceed the height of the primary residence.
- g) Lot Coverage. The ADU shall be included in the lot coverage calculation.
- h) Metal shipping containers converted into dwelling units are not permitted.

- i) All structures shall be placed on a foundation.
- j) No additional off-street parking is required for an ADU.

(2) ADU standards for Attached Dwellings

Attached primary dwelling units are single family homes on individual platted lots that are attached to a similar unit on one or two sides, for example a duplex. Where permitted, ADUs for attached primary dwelling units shall meet the following use and development standards:

- a) Permitted Development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot.
- b) Setbacks
 - (I) Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone.
 - (II) Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply.
- c) Building Separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least 10 feet.
- d) Accessory Buildings. The provisions of this section apply to accessory as well as main buildings.

Additionally the following shall be added (*in italics*):

SECTION 1.200 DEFINITIONS

Accessory Dwelling (Accessory Dwelling Unit) - *An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.*

Section 4.111 URBAN RESIDENTIAL ZONE -UR

(2) Permitted Uses

- E *Residential accessory dwelling, subject to provisions in Section 6.111*

Section 4.112 RURAL RESIDENTIAL- URBAN CONVERSION – RR-2.5-UC
(2) Permitted Uses

- F *Residential accessory dwelling, subject to provisions in Section 6.111*

ORDINANCE NO. 171-20

AN ORDINANCE AMENDING THE MILLERSBURG LAND USE DEVELOPMENT CODE BY REVISING SECTIONS 1.200, 4.111(2), 4.112(2), 4.113(2) AND ADDING NEW SECTION 6.111 OF THE MILLERSBURG LAND USE DEVELOPMENT ORDINANCE

WHEREAS, the City of Millersburg previously adopted ordinances implementing the Land Use Development Code within the City of Millersburg; and,

WHEREAS, Articles 1, 4, and 6 of the City of Millersburg Land Use Development Code prescribes definitions, permitted uses, and special uses respectively; and,

WHEREAS, the City of Millersburg has been revising the entire Land Use Development Code; and,

WHEREAS, the revised Land Use Development Code proposes to add a new permitted use and create standards for accessory dwelling units; and,

WHEREAS, the State of Oregon adoption of SB 1051, HB 2001 and ORS 197.312 requires that all cities over 2,500 in population allow an Accessory Dwelling Unit on every lot that allows a single-family home; and,

WHEREAS, the City of Millersburg intends to adopt the proposed amendment in advance of adopting the full revised Land Use Development Code; and,

WHEREAS, the Millersburg Planning Commission recommended to the Millersburg City Council on April 21, 2020 that the City Council approve the amendment to the Accessory Dwelling Unit standards in Section 6.111; and,

WHEREAS, the Millersburg Planning Commission and City Council find that an emergency exists and for the peace, health, and safety of the citizens of Millersburg because no standards exist in the code for ADUs even though they must be approved based on State legislation, this Ordinance should become effective upon its passage;

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MILLERSBURG DO ORDAIN AS FOLLOWS: the Millersburg Land Use Development Code is amended as follows:

Section 1.200, Definitions, is amended to add:

Accessory Dwelling (Accessory Dwelling Unit) - An interior, attached, or

detached residential structure that is used in connection with, or that is accessory to, a single family dwelling.

and,

Section 4.111(2), Permitted Uses for the Urban Residential Zone, is amended to add:

E Residential accessory dwelling, subject to provisions in Section 6.111.

and,

Section 4.112(2), Permitted Uses for the Rural Residential - Urban Conversion - 2.5 Acre Minimum Zone, is amended to add:

F Residential accessory dwelling, subject to provisions in Section 6.111.

and,

Section 4.113(2), Permitted Uses for the Rural Residential - Urban Conversion - 10 Acre Minimum Zone, is amended to add:

E Residential accessory dwelling, subject to provisions in Section 6.111.

and,

An all new Section 6.111 is added to read:

SECTION 6.111 ACCESSORY DWELLINGS:

An accessory dwelling, where allowed, is subject to review as part of the building permit process.

*(1) **Development Standards.** Residential Accessory Dwelling Units (ADU) shall be subject to the following development standards:*

- a) **Location.** The ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of six feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. An ADU may also be located internal to the primary structure, including, but not limited to, an attic or a basement.*
- b) **Number.** Only one ADU shall be permitted per lot or parcel.*

- c) *Design. The ADU must be the same roof pitch and material, color, and siding material as the primary residence. As an alternative, an applicant who wishes to use a design that differs from these requirements, may apply for a conditional use permit.*
- d) *Area. The ADU shall be no more than 650 square feet regardless of its placement (internal, attached or detached). The minimum size is 250 square feet.*
- e) *Setbacks for detached ADUs. The minimum rear yard setback for an ADU shall be five feet; the minimum side yard setback shall five feet.*
- f) *Height. The maximum height shall be 25 feet but in no case shall the height exceed the height of the primary residence.*
- g) *Lot Coverage. The ADU shall be included in the lot coverage calculation.*
- h) *Metal shipping containers converted into dwelling units are not permitted.*
- i) *All structures shall be placed on a foundation.*
- j) *No additional off-street parking is required for an ADU.*

(2) ADU standards for Attached Dwellings

Attached primary dwelling units are single family homes on individual platted lots that are attached to a similar unit on one or two sides, for example a duplex. Where permitted, ADUs for attached primary dwelling units shall meet the following use and development standards:

- a) *Permitted Development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot.*
- b) *Setbacks.*
 - i. *Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone.*
 - ii. *Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply.*
- c) *Building Separation. Buildings on adjacent properties, but not attached to*

each other, shall be separated by a distance of at least 10 feet.

d) Accessory Buildings. The provisions of this section apply to accessory as well as main buildings.

FURTHERMORE, the Millersburg City Council finds that an emergency exists and for the peace, health, and safety of the citizens of Millersburg, this Ordinance shall become effective upon its passage.

PASSED by the Council this 28^h day of April, 2020.

Jim Lepin
Mayor

ATTEST:

Kimberly Wollenburg
City Recorder



NOTICE OF PUBLIC HEARING

****Special COVID 19 Process, Read Carefully****

**Planning Commission April 21, 2020, 6:00 p.m.
and City Council on April 28, 2020 at 4:00 p.m.**

****By Phone or Online ONLY****

Join by URL:

<https://aspenuc.accessionmeeting.com/j/1151368524>

See more detailed instructions on the next page

Or join by phone:

Dial: +1 5032129900 (US Toll)

Meeting ID: 115 136 8524

Due to the COVID-19 situation the **MILLERSBURG PLANNING COMMISSION** will hold a public hearing by phone and online only to consider the request described below. The City is taking this precaution to keep the Planning Commission, the applicant, staff, and the public safe. If anyone needs any special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may testify by phone or online during the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents, and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. City Hall is temporarily closed to the public.

Any document request must be made by phone or email, or can be viewed at the following web location- <http://cityofmillersburg.org/current-planning-applications/>.

A staff report relating to the applicant's proposal will be available seven days prior to the public hearing at the same web location. For further information, contact Millersburg City Hall at (458)-233-6300.

APPLICANT: City Initiated
LOCATION: City Wide
CRITERIA: Millersburg Development Code; Section 2.700(2). 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 20-02
REQUEST: The proposal would revise the current version of the Land Use Development Code to afford more flexibility to standards for accessory structures (**not** accessory dwelling structures). More specifically Section 6.110 has been modified to allow the maximum size of an accessory unit to change with the size of the lot.

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The following section is all new, as the code did not permit ADUs in the past.

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An accessory dwelling, where allowed, are subject to review as part of the building permit process.

(1) Development Standards. Residential accessory dwelling units (ADU) shall be subject to the following development standards:

- a)** Location. A detached ADU shall be located within the side or rear yard and be physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. An ADU proposed in the front yard may be permitted through a conditional use permit (standard front yard setbacks for the base zone would apply). An ADU may also be located internal to the primary structure, including, but not limited to, an attic or a basement.
- b)** Number. Only one ADU shall be permitted per lot or parcel.
- c)** Design. The ADU must be the same roof pitch and material, color, and siding material as the primary residence. As an alternative, an applicant who wishes to use a design that differs from these requirements, may apply for a conditional use permit.
- d)** Area. The ADU shall be no more than 650 square feet regardless on its placement (internal, attached or detached). The minimum size is 250 square feet.
- e)** Setbacks for detached ADUs shall follow the setback requirements for Section 6.110.
- f)** Height. The maximum height shall be 25 feet for internal and attached ADUs and shall be 20 feet for detached ADUs, but in no case shall the height exceed the height of the primary residence.
- g)** Lot Coverage – The ADU shall be included in the lot coverage calculation.
- h)** Metal Shipping containers converted into dwelling units are not permitted.
- i)** All structures shall be placed on a foundation.

- j) No additional off-street parking is required for an ADU.

(2) Additional ADU standards for duplexes

Attached dwellings such as duplexes may also have an ADU. Attached primary dwelling units are single family homes on individual platted lots that are attached to a similar unit on one or two sides. ADU's for duplexes shall meet all standards listed above in Section 6.111(1) except:

- a) Setbacks. Setbacks are the same as those permitted in Section 6.110 except interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply.
- b) Building Separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten feet.

Additionally the following will be added (*in italics*):

SECTION 1.200 DEFINITIONS

Accessory Dwelling (Accessory Dwelling Unit)- *An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.*

Section 4.111 URBAN RESIDENTIAL ZONE -UR

(2) Permitted Uses

E Residential accessory dwelling, subject to provisions in Section 6.111

Section 4.112 RURAL RESIDENTIAL- URBAN COVERSION – RR-2.5-UC

(2) Permitted Uses

F Residential accessory dwelling, subject to provisions in Section 6.111

Section 4.113 RURAL RESIDENTIAL- URBAN COVERSION – RR-10-UC

(2) Permitted Uses

F Residential accessory dwelling, subject to provisions in Section 6.111