



City of Mill City

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MILL CITY PLANNING COMMISSION AGENDA Regular Meeting

Friday, October 14, 2022 – 8:30 a.m.

City Hall – 444 S. First Avenue

MILL CITY, OREGON 97360

1. **Call to Order and Flag Salute – 8:30 a.m.** Chair Marge Henning
2. **Approval of Minutes:** September 2, 2022 pp. 3-7
3. **Public Comment:**

We welcome you to today's meeting of the Mill City Planning Commission. This is an open meeting of the Commission and you are invited to observe the meeting.

*If you wish to speak to the Planning Commission regarding an issue which is **not on the agenda**, the Commission provides time at the beginning of each meeting to listen to public comments. The chairperson will ask for public comment. When you are recognized, please state your name, address and briefly explain the issue you wish to discuss. Depending on the nature of the issue, the Planning Commission will address the issue during this meeting, table the issue to a future meeting or will request that you speak with the City Recorder or Planning Consultant outside the meeting.*

4. **Public Hearings:** None scheduled
5. **Presentations:** None scheduled
6. **Old Business**
 - a. Mill City Development Code – Article 3 (Continued Review)
7. **New Business** None scheduled
8. **Informational Items**
 - a. City Recorder Report
 - b. Planning Consultant Report
 - c. Prior Applications:
 - d. Prospective Applications:
 - e. Upcoming Hearings:
 - i. 2022-07 Subdivision – SE Fairview Street
 - ii. 2022-08 Green Light Development (Home First) Housing Project (54 units)

9. Other Business

10. Adjournment

Upcoming Planning Commission Meetings (All meetings at City Hall)

Friday,	November 18, 2022	8:30 AM	Regular Meeting
Monday,	November 21, 2022	6:00 PM	Regular Meeting Green Light (Home First) Housing Project
	December __, 2022	6:00 PM	SE Fairview Subdivision

MILL CITY PLANNING COMMISSION
Meeting of September 2, 2022

Planning Commission members present: Chair Marge Henning, Sandy Lyness, Caitlin Purdy and Debbie Schenck.

Staff in attendance: Planning Advisor Dave Kinney and City Recorder Stacie Cook.

City Council Representatives: None.

Agency/Applicant Representatives: Laura Laroque, Udell Engineering Santiam Canyon School District Superintendent Todd Miller and Bob Ward.

Citizens: Randall Craig.

The meeting was called to order at 8:30 a.m. Chair Marge Henning led the pledge of allegiance.

APPROVAL OF MINUTES: *Sandy Lyness moved, seconded by Debbie Schenck to approve the minutes of July 8, 2022. The motion carried, (4:0).*

Sandy Lyness moved, seconded by Caitlin Purdy to approve the minutes of August 12, 2022. The motion carried, (4:0).

PUBLIC COMMENT: None.

PUBLIC HEARING: File No. 2022-06 Comprehensive Plan Map & Zoning Map
Amendment
Applicant: Robert & Vicki Ward
Location: Lyons-Mill City Dr
Linn County Assessor's Map 9S3E31 TL 200

Chair Henning opened the public hearing at 9:03 a.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

APPLICANT'S PROPOSAL: Laura Laroque, Udell Engineering, stated that the piece of property in question is bisected by the city/county line. The section within the county is already residential. The request is to rezone the remaining portion to residential as well. The application meets each of the criteria necessary according to the City's code requirements. There is a well on site and approval for a septic system as well as access to the property from Lyons-Mill City Dr.

STAFF REPORT: Mr. Kinney said that the City's Comprehensive Plan was adopted in 1980. This anticipated industrial growth within the area of the Ward property. Since then, studies on area creeks have been done and there is a desire to maintain water quality within the

Snake/Deford Creek Watershed. If this property remains industrially zoned, there is potential for contamination within the watershed. If this property and those to the east can be rezoned to residential use, this will help to decrease the possibility of contamination.

Mr. Kinney said that he concurs that this change is appropriate, that the application be approved and no conditions be applied. Linn County must also approve this application but will not do so if the City does not approve it.

Chair Henning said that she would like clarification on the county vs city interest in the property. Mr. Kinney said that part of the property is inside the UGB. Nothing is being done on the portion that is outside of the UGB. The decision today is only affecting the portion that is within the City's UGB.

Ms. Schenck asked what the process will be for final approval. Mr. Kinney said that because it is a Comp Plan Amendment, the City must adopt an Ordinance approving the amendment. Once this is done, it will be sent to the county. The county then makes their decision, which is sent to the Linn County Board of Commissioner's who will have to adopt an order approving the change.

Chair Henning asked if the rezoning of the other parcels Mr. Kinney spoke of can be done at the same time that this decision is made. Mr. Kinney said that it can not be done because notification has not been sent out.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: None.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: None.

CLOSE OF HEARING: Chair Henning closed the public hearing at 9:21 a.m. and called for deliberation.

DELIBERATION: *Caitlin Purdy moved, seconded by Sandy Lyness to recommend the City Council approve the application of Robert and Vicki Ward to amend the Mill City Comprehensive Plan Map to redesignate a 1.70-acre site in the 48,200 block of Lyons-Mill City Drive from an Industrial designation to a Residential plan designation and adopt the findings of fact, conclusions for File No. 2022-06. The motion carried, (4:0).*

File No. 2022-05

Site Plan Review

Applicant: Santiam Canyon School District; Todd Miller, Superintendent

Location: 252 SW 4th Ave, Mill City

Chair Henning opened the public hearing at 9:24 a.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

APPLICANT'S PROPOSAL: Todd Miller, Santiam Canyon School District Superintendent said that the proposed structure is basic. Fencing and visibility have been addressed in the proposal. The Industrial Education program has grown and this building is needed to provide the space necessary to house equipment and build projects.

STAFF REPORT: Mr. Kinney said that he agrees that this is a simple project. If the proposal was for a commercial structure rather than public, staff could have just issued a building permit. However, because it is public, a site plan review is required.

Staff recommends deferral of the sidewalk improvements in order to allow for the determination on the SRTS grant that the City has applied for. Mr. Miller noted that the building will be constructed with a grant that they received. Allowing for a deferral provides an opportunity for the school district to find funding should the SRTS grant not be awarded.

With the construction of the new parking lot on SW 2nd Avenue, there is sufficient parking to provide for the addition of this new building.

Ms. Schenck asked if there will be storage in this building. Mr. Miller said that the main storage will be in the existing shop building.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: Randall Craig, SW 6th Ave, asked why the entrance to the building was put on SW 4th Avenue rather than on SW Cedar Street? Mr. Kinney said that the sewer line prohibits the building from being placed on the property in the north/south direction.

Mr. Craig asked what the reason for the second door to the back of the building is for. Mr. Miller said that it is for access to allow for items to be brought in and out.

Ms. Purdy asked if there is much anticipation for deliveries. Mr. Miller said that there may be something such as a pallet of plywood delivered. Generally, any supplies are picked up rather than being delivered.

Mr. Kinney noted that the City's plan is to continue SW 4th Avenue north with a curb line that will match that of the high school. If the SRTS grant is successful, this will provide the dollars necessary to complete the sidewalk improvements.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: None.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: Mr. Kinney said that any exterior building lights need to match those on the school and an ADA walkway needs to be placed to the street. The recommendation is to approve with the recommended conditions of approval.

1. Site Plan and construction plans are approved.
2. Final site plan shall be submitted for review and approval by City Recorder prior to issuance of a building permit, including the following modifications:
 - i. Show changes to fencing; shall match fencing on Santiam High School campus.
 - ii. Show proposed landscaping including lawn areas.
 - iii. Show clear vision areas at SW 4th Ave and SW Cedar St intersection. Greenery within clear vision shall not exceed 2.5' in height.
 - iv. Show existing sewer lines, cleanouts, interceptor tank locations
 - v. Show location of storm drainage rain garden or infiltration trench to collect roof runoff.
 - vi. Show 6' wide ADA complaint PCC walkway
 - vii. Show location, type and style of all new exterior building lights to be installed. Lights shall match those on school buildings and be 'dark sky'.
3. Approval expires September 30, 2023. A one-year extension may be requested.
4. No building permits will be issued until final site plan submittal and approval, non-remonstrance agreement signed/recorded and landscaping plan submitted.
5. Public Works improvements shall be completed prior to issuance of certificate of occupancy, including:
 - i. Obtain permits for irrigation, if installed.
 - ii. Installation of any cleanouts/traffic rated lid per Public Works Supervisor.
 - iii. Construct SW 4th Ave driveway approach.
 - iv. Execute non-remonstrance for SW 4th Avenue street improvements.
 - v. New private utilities shall be extended from existing poles.

CLOSE OF HEARING: Chair Henning closed the public hearing at 9:46 a.m. and called for deliberation.

DELIBERATION: *Sandy Lyness moved, seconded by Caitlin Purdy to approve the application of Santiam Canyon School District for a new Industrial Education Building at 252 SW 4th Avenue in Mill City and to adopt the findings of fact, conclusions and conditions of approval for File No. 2022-05. The motion carried, (4:0).*

OLD BUSINESS: None.

NEW BUSINESS: DLCD – Wildfire Adapted Communities Recommendations: Mr. Kinney said that he did not provide this information in the packet, therefore, it will have to be held until the next meeting.

INFORMATIONAL ITEMS:

City Recorder Report: Mrs. Cook gave an update on the following items:

1. Council Positions Filed
2. Water Project – Phase 2
3. Dangerous & Derelict Building Code
4. Santiam Rail Trail Grant – Marion County

Mr. Kinney gave updates on the following items:

1. Stormwater Project
2. SW 2nd Overlay Project
3. Reid House Site Excavation
4. WWTF Design
5. Mill City Falls – Phase 1

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 10:01 a.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 8th day of July 2022

Chapter 3.0 — Design Standards

- 3.1 Design Standards Administration
- 3.2 Access and Circulation
- 3.3 Landscaping, Street Trees, Fences and Walls and Outdoor Lighting
- 3.4 Vehicle and Bicycle Parking
- 3.5 Public Facilities Standards (Separate Document)
- 3.6 Other Design Standards
- 3.7 Floodplain Standards (Separate Document)
- 3.8 Wetlands Standards (Separate Document)
- 3.9 Riparian Standards (City-owned Property – Separate Document)

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Chapter 3.1 — Design Standard Administration

Sections:

3.1.100	Purpose
3.1.120	Applicability
3.1.130	Types of Design Standards

3.1.100 Purpose

The City of Mill City has adopted design standards for the built environment. The standards are intended to protect the public health, safety, and welfare and enable the City to create a livable city. Design standards in this Chapter require an applicant to plan for safe access and circulation to and within a development site and for the provision of landscaping, parking and loading and public facilities.

3.1.110 Types of Design Standards.

The City's design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply.

- A. Chapter 2.** Each land use district in Chapter 2 provides design standards that are specifically tailored to the district. Each district provides building and architectural design standards that are meant to address the impacts or characteristics of residential, commercial, industrial and other non-residential uses.
- B. Chapter 3.** The following design standards in Chapter 3 apply throughout the City, for all land use types:

- 3.2 Access and Circulation
- 3.3 Landscaping, Street Trees, Fences and Walls
- 3.4 Vehicle and Bicycle Parking
- 3.5 Public Facilities Standards
- 3.6 Other Design Standards
- 3.7 Floodplain Standards
- 3.8 Wetland Standards
- 3.9 Riparian Standards

3.1.120 Applicability.

The provisions Chapter 2 and Chapter 3 apply to permits and approvals granted under this Code. Table 3.1.120 provides a list of the design standards that typically apply to each type of permit or land use approval.

3.1 – Design Standards Administration

Table 3.1.120
Applicability of Design Standards to Permits and Land Use Approvals

Approvals*	Chapter 2 Building Design	3.2 Access Circulation	3.3 Landscapes & Screening	3.4 Parking & Loading	3.5 Public Facilities	3.6 Other Standards
Access or Approach Permit	N	Y	N	Y	Y	N
Annexation	N	N	N	N	Y	N
Building Permit	Building plans are reviewed for compliance with the Mill City Development Code under a Type I administrative review. Some or all of the design standards may apply. Applicants are encouraged to consult with the City of Mill City staff prior to submitting a building permit application.					
Comprehensive Plan Map Amendment	N	N	N	N	Y	N
Conditional Use Permit	Y	Y	Y	Y	Y	Y
Development Review Permit (See also, Chapter 4.3)	Y	Y	Y	Y	Y	Y
Home Occupation	N	N	N	Y	N	Y
Non-Conforming Use or Structure, Expansion of	Y	Y	Y	Y	Y	Y
Partition or Re-plat of 2-3 lots (See also, Chapter 4.4)	Y (if building exists)	Y	Y (for flag lot)	Y (if use exists)	Y	N
Property Line Adjustments, including Lot Consolidations (See also, Chapter 4.4)	Y (if building exists)	Y	Y (for flag lot)	Y (if use exists)	Y	N
Site Design Review (See also, Chapter 4.3)	Y	Y	Y	Y	Y	Y
Subdivision or Replat of >3 lots (See also, Chapter 4.4)	Y (if building exists)	Y	Y (for flag lot)	Y (if use exists)	Y	N
Zoning District Map Change	N	N	N	N	Y	N

* The applicant may be required to comply with the design standards of other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

Chapter 3.2 — Access and Circulation

Sections:

- 3.2.100 Purpose**
- 3.2.110 Applicability**
- 3.2.120 Vehicular Access and Circulation**
- 3.2.130 Pedestrian Access and Circulation**

3.2.100 Purpose.

Chapter 3.2 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

3.2.110 Applicability.

Chapter 3.2 applies to all new development and to any change in land use which necessitates a new or modified access to a public street, including a street, driveway, sidewalk or pathway connection.

3.2.120 Vehicular Access and Circulation.

- A. Access Permit Required.** An access permit and/or approach permit is required from the affected roadway authority (City of Mill City, Linn County Roads Department, Marion County Public Works Department or Oregon Department of Transportation) prior to development. The applicant/property owner is responsible for obtaining the required permit(s).
1. City of Mill City – Local Streets. A permit for access to a City street shall be subject to review and approval by the City Recorder based on the standards contained in this Chapter, and the provisions of Chapter 3.5.110 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a building permit approval or land use decision notice as a condition of approval.
 2. County Roads – Linn and Marion Counties. A permit for access to a road under the jurisdiction of Linn County or Marion County shall be subject to review and approval by the Linn County Roads Department or Marion County Public Works Department.
 3. ODOT – Arterial Highway. A permit for access to a state highway shall be subject to review and approval by Oregon Department of Transportation (ODOT).

- B. Traffic Study Requirements.** The City or roadway authority may require a Traffic Impact Analysis (TIA) or a Traffic Assessment Letter (TAL) prepared by a qualified traffic engineering professional to determine access, circulation and other transportation system requirements to serve the development. A TIA or TAL may be required if the project meets the threshold standards in Section 3.5.110.B – Transportation Standards.

If either Linn County, Marion County or ODOT has access jurisdiction, the roadway authority requirements and regulations for the TIA or TAL shall apply.

- C. Access Permit Restrictions or Conditions of Approval.** The City or roadway authority may require any of the following as a condition of granting an access permit to ensure the safe and efficient operation of the street and highway system.

1. Dedication of additional right-of-way.
2. Construction of street frontage and access improvements.
3. Relocation or closure of an existing driveway, curb cut or approach.
4. Consolidation of an existing driveway with another driveway or curb cut.
5. Shared driveway with an adjacent property, including the recording of a reciprocal access easements) and/maintenance agreement(s) for the shared driveway.
6. Installation of traffic control devices or measures (i.e. traffic signal, signs, one-way ingress or egress, turn lane, right-turn only, etc.).
7. Other conditions to ensure compliance with the roadway authority's access management regulations.

The access permit shall be approved by the roadway authority and a copy of the approved permit filed with the City of Mill City prior to the issuance of any building permit(s) or ROW permits for construction within the public right-of-way.

- D. Access Options.**

1. Access to Lowest Classification Street. Access shall be taken from the lowest classification street in order to minimize the number of approaches on collector or arterial streets.
2. Access Options. When vehicle access is required for a development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), driveway access shall be provided by one of the following methods.
 - a. Option 1 – Public Street. Access is directly from a public street.
 - b. Option 2 – Alley. Access is from an existing or proposed public alley.
 - c. Option 3 – Private Street or Shared Driveway. Access is from shared driveway or a private street with a direct access to a public street. The “shared driveway” or “private

3.2 – Access and Circulation

street” shall serve two or more properties. A public access easement shall be recorded to assure access to the public street for all users of the shared driveway.

3. Multiple Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification, as required by Section 3.2.120.D. For example, access shall be provided from a local street before a collector or arterial street. The roadway authority may prohibit access to a higher classification street.

E. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Access Spacing on Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the road authority.
 - a. Access to ODOT Roadways: Access to Highway 22 shall be subject to the applicable ODOT access management standards and policies. [OAR 734-051]
 - b. Access to County Roads: Access to County roads shall be subject to the applicable access management standards and policies of either the Linn County Roads Department or Marion County Public Works.
2. Access Spacing on City of Mill City Local Streets. A driveway on a local street shall be located to provide the following minimum separation, as shown in Table 3.2.120.E:
 - a. 15’ separation from one driveway to another driveway (measured from the sides of the driveways).
 - b. 30’ separation from the side of a driveway to a street intersection (ROW line) with a local street.
 - c. 50’ separation from the side of a driveway to a street intersection (ROW line) with a collector or arterial street.
 - d. At a controlled intersection with a four-way stop or traffic signal the minimum separation shall be determined by the City Engineer or road authority:
 - (1) A driveway shall be located as far from the intersection as possible.
 - (2) A minimum 50’ separation shall be provided from the side of the driveway to a street intersection (ROW line).
 - (3) A >50’ separation from the driveway to a street intersection (ROW line) when the intersection is a local street with a collector or arterial street. The increased separation may be required by the City Engineer, Linn County, Marion County or ODOT to promote street operations and safety, or if a larger separation is recommended by an independent traffic engineering professional in a Traffic Impact Analysis or Traffic Assessment.

3.2 – Access and Circulation

Distance is measured from the property line corner at the intersection to the edge of the driveway approach.

Table 3.2.120.E – Minimum Driveway Access Spacing on Local Streets

From	To	Minimum Separation
Driveway (edge)	Driveway (edge)	15'
Driveway (edge)	Intersection w/ Local Street	30' to ROW
Driveway (edge)	Intersection w/ Collector/Arterial	50' to ROW
Driveway (edge)	Controlled Intersection (4-way stop or traffic signal)	As far from the intersection as possible. 50' minimum to ROW More than 50' if recommended by City Engineer or in a TIA

5. Exceptions to Access Spacing Standards on City Streets.

- a. The City Recorder may approve an exception to the access spacing standards where an existing access to a local street does not meet the access spacing standards and the proposed development moves in the direction of code compliance.
- b. The City Recorder, after consultation with the City Engineer, may also approve a deviation to the spacing standards on a local street where the City Recorder finds that mitigation measures, such as consolidated access (removal of one access), joint use/shared driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate traffic operational and/or safety concerns.

F. Number of Access Points (# of Driveways).

No more than one access point or driveway approach shall be permitted per lot, except as provided for in this section.

1. SFR and Duplex. For single-family (detached and attached) and two-family (duplex) housing one street access point is permitted per lot.
 - a. Corner Lots. Two access points may be permitted for a duplex on a corner lot (i.e., no more than one access per street), subject to compliance with the access spacing standards in Section 3.2.120.E above.
 - b. RV Parking / Storage Area. For a single-family dwelling in a residential district, a second access may be permitted for a detached garage or recreational vehicle storage area in compliance with the access spacing standards in Section 3.2.120.E above.
2. Access for Tri-Plex, Multi-Family and Non-Residential Uses. The number of street access points for a tri-plex, multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s)

3.2 – Access and Circulation

and sidewalk(s) for all users. The number and location of the accesses will be reviewed and approved as part of Site Development Review or similar Type III land use procedure. Shared access may be required in order to comply with the access spacing requirements and minimize the number of access points.

- G. Shared (Joint Use) Driveways and Private Streets.** The City may require the use of a shared driveway as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots.
- H. Shared Driveway or Private Street Access Easement and Maintenance Agreement.**
- a. Where the City approves a shared driveway or private street, the property owners shall record an access easement in the County Deed Records allowing joint use of and cross access between adjacent properties. If the shared driveway is required as a condition of approval for a land division, the joint access easement shall be shown on the final plat, in lieu of a separate easement document.
 - b. The owners of the properties with a shared driveway or private street shall record a joint use maintenance agreement in the County Deed Records, defining the maintenance responsibilities of the property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.
- I. Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the city, land divisions and large site developments shall provide blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:
 - a. 600 feet length and 1,600 feet perimeter in the Residential District;
 - b. 400 feet length and 1,300 feet perimeter in the Commercial District as provided by Chapter 2.3, Section 2.3.140 - Block Layout and Building Orientation;
 - c. Block length and standards are not applicable to the Industrial District.
 2. Street Standards. Public and private streets shall also conform to Chapter 3.5.110 - Transportation Standards, Chapter 3.2, Section 3.2.130 - Pedestrian Access and Circulation, and applicable Americans with Disabilities Act (ADA) design standards.
 3. Exceptions. Exceptions to the above standards may be granted by the Planning Commission when the existing street configuration, railroad tracks or natural feature limit the ability to comply with the block length standards. For any block exceeding 600' in length, the City may require a public access easement and construction of a mid-block pedestrian pathways in conformance with the provisions of Chapter 3.2, Section 3.2.130. Pathways shall be located

3.2 – Access and Circulation

to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

- J. Driveway Openings.** Driveway openings, or curb cuts, shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The minimum and maximum driveway widths for each type of use are shown in Table 3.2.120.J Width of the driveway is measured at the property line.

Table 3.2.120.J – Minimum & Maximum Driveway Width

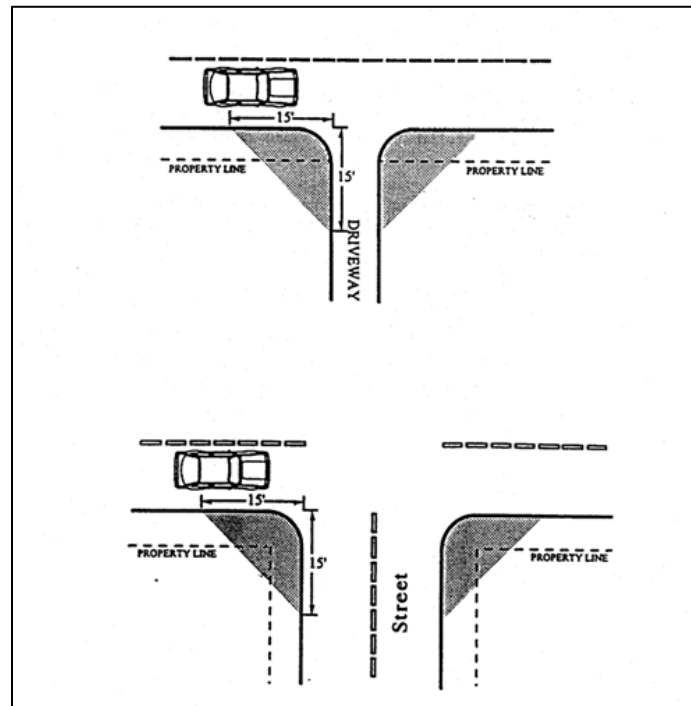
Type of Use	Minimum Width	Maximum Width	Driveway Apron Surface Turnpike Street	Driveway Apron Surface Curbed Streets
Single Family Dwelling	10'	24'	AC or PCC*	PCC Concrete
Duplex	10'	24'	AC or PCC	PCC Concrete
Tri-plex & Multi-Family Dwelling (3 to 7 dwelling units)	12'	24'	AC or PCC	PCC Concrete
Multi-Family or similar (2-way) (8+ dwelling units) or 16+ parking spaces	20'	32'	AC or PCC	PCC Concrete
Other Uses	10' wide Each travel lane		AC or PCC	

- See Section 3.2.120.O - Driveway Construction. A paved driveway approach is required for a single-family dwelling unless waived by the Planning Commission. If paved, the pavement shall extend at least 10' beyond the property line to prevent gravel and mud from being tracked into the street.
- AC – Asphalt PCC – Portland Concrete Cement

Driveway width may be increased if the City Engineer determines more than two lanes are required based on the number of trips generated, the need for wider parking lot aisles or to add turn lanes. Driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.4 – Vehicle and Bicycle Parking.

- K. Emergency Access and Parking Area Turn-arounds.** An emergency or fire equipment access drive shall be provided in compliance with the Uniform Fire Code for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.
- L. Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13'-6" for the entire length and width.
- M. Vision Clearance.** No signs, structures, solid fence or vegetation in excess of three feet in height shall be placed in "vision clearance areas", as shown below. Placement of light poles, utility poles and tree trunks should be avoided with the clear vision area. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, or for any other safety consideration)

Figure 3.2.120.M – Vision Clearance Areas



N. Driveway Design.

Driveway design shall comply with the City of Mill City Public Works Design Standards and the following:

1. Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
2. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
3. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements and shall be designed to minimize crossing distances for pedestrians.
4. Driveway approaches and driveways shall be designed to accommodate truck/trailer-turning movements. [e.g. multi-family housing and non-residential uses].
5. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be prohibited; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
6. Flag lot driveways shall also comply with Uniform Fire Code requirements.

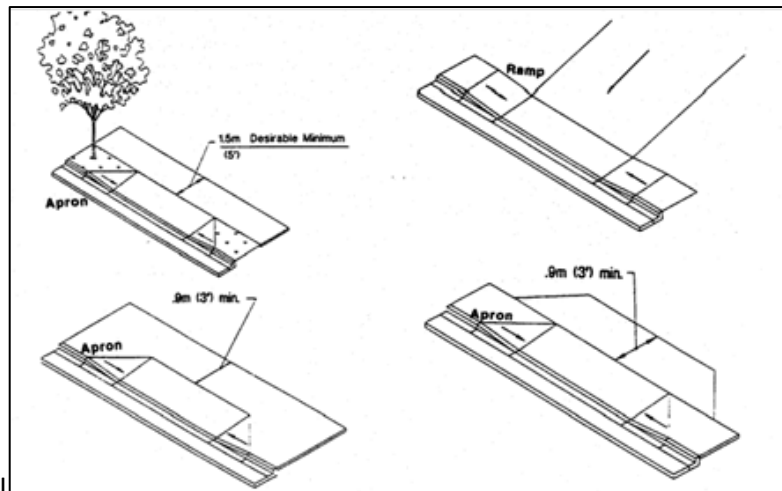
O. Driveway Construction. Driveway design and construction shall comply with the City of Mill City Public Works Design Standards. The following standards shall apply to all driveways and driveway aprons.

1. Driveway Surfaces.

- a. Paving Required. Driveways, private streets, parking areas, aisles, and turn-arounds shall be paved with asphalt, PCC concrete or comparable surfacing. If approved by the City Engineer, a durable pervious pavement material may be used to reduce surface water runoff and protect water quality.
- b. Driveway Aprons. Driveway aprons shall be installed from the edge of the street pavement to the property line.
 - (1) Curbed Streets: Driveway aprons on curbed streets shall be PCC concrete and comply with ADA standards.
 - (2) Turnpike Streets: Driveway approaches and aprons on turnpike streets shall be paved with either asphalt or concrete.

Figure 3.2.120.O

Examples of Acceptable Driveway Openings Next to Sidewalks/Pathways



2. Exceptions to Paving Requirement for Single Family Dwellings: The City Recorder may waive the requirement to pave the full-length of a driveway for a new single-family dwelling if the driveway is longer than 30' long and the street frontage does not have a curb.

If a waiver is granted, the driveway approach and the driveway shall be paved with asphalt or concrete for a distance of at least 10 feet behind the property line to prevent tracking of gravel onto the sidewalk and/or public right-of-way.

3. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to

3.2 – Access and Circulation

eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with the applicable public works design standards.

4. Storm Drainage Culvert Installation. Where a driveway crosses a culvert or drainage ditch, the developer shall install a culvert extending under and beyond the edges of the driveway on both sides of it, in conformance with the applicable public works design standards.

3.2.130 Pedestrian Access and Circulation

A. Purpose and Intent. Section 3.2.130 serves as the pedestrian access and circulation policy of the City of Mill City. The City's policy is to require new developments to provide for safe, direct and convenient pedestrian access and circulation.

B. Pedestrian Access and Circulation.

1. Sidewalks Required. At the time of development, sidewalks shall be installed along the property frontage of the street.
 - a. Curbed Streets. Property line sidewalks shall be installed on a curbed street, unless the City approves a curb-line sidewalk to fit the existing development pattern.
 - b. Turnpike Streets. Property line sidewalks shall be installed on turnpike style streets, unless a waiver is granted by the City Recorder and the property owner executes a non-remonstrance agreement in conformance with Chapter 3.5, Section 3.5.110.C.
2. Pedestrian Walks and/or Multi-Use Pathways. All developments, except single family detached housing (i.e., on individual lots), shall provide continuous pedestrian walks and/or multi-use (pedestrian & bicycle) pathway system for pedestrian access and circulation.

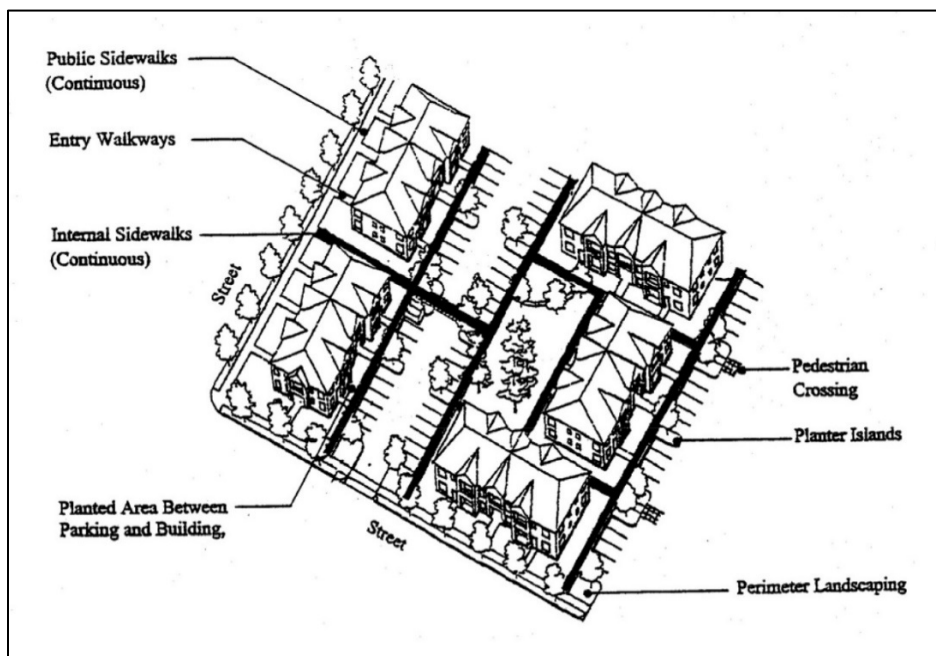
The system of pathways shall conform to the following standards:

- a. Continuous Pathways. A pedestrian pathway system shall extend throughout the development site and connect to adjacent sidewalks and be designed to extend to all future phases of the development, future streets and/or adjacent undeveloped properties.
- b. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent parking areas, parks, open space areas and public rights-of-way, conforming to the following definitions:
 - (1) Reasonably direct. The route is reasonably direct. It does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel.

3.2 – Access and Circulation

- (2) Safe and convenient. The route is designed for pedestrian safety and convenience. The route is reasonably free from hazards and provide a smooth consistent surface, safety lighting and a direct route of travel between destinations.
- c. Connections within Development. For multi-family residential, commercial, industrial, mixed use, public, and institutional buildings and any development subject to Site Design Review, sidewalks/pathways shall connect to all primary building entrances, parking areas, storage areas, recreational facilities and common areas and comply with the Americans with Disabilities Act (ADA).

Figure 3.2.130.A – Pedestrian Sidewalks for Multifamily Development



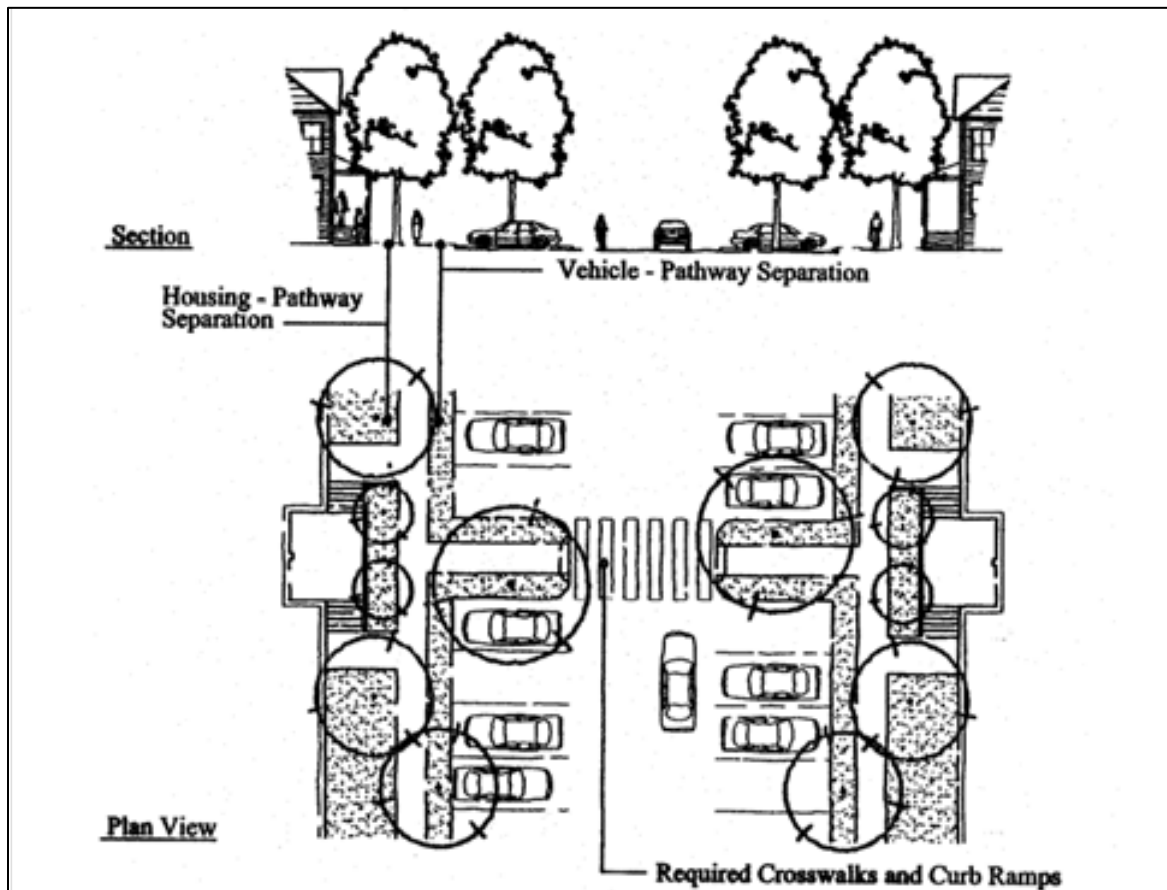
3. Street Connectivity.

- a. Pathways shall connect to sidewalks in adjacent streets and public rights-of-way.
 - (1) A mid-block pedestrian sidewalk will be provided for any full-block development with a block exceeding 300' length and serving a commercial development or multi-family development with more than 10 dwelling units, as shown in Figure 3.2.130.A.
 - (2) A multi-use pathway will be provided from the end of a cul-de-sac bulb or dead-end street to another cul-de-sac, another street and/or to another development.
- b. Multi-use pathways that provide street connectivity shall conform to all of the following criteria:

3.2 – Access and Circulation

- (1) Multi-use pathways within the development site (i.e., for pedestrians and bicyclists) are no less than 8 feet wide and located within a 15 to 20-foot right-of-way or easement that allows access for emergency vehicles. The Planning Commission shall determine the width of the right-of-way or easement width.
- (2) Multi-use pathways to/from parks or connecting two streets or cul-de-sac bulbs are no less than 8 feet wide and located within a 20 to 30-foot wide right-of-way or easement that allows access for emergency vehicles. The Planning Commission shall determine the width of the right-of-way or easement width.
- (3) The easement or right-of-way adjacent to the pathway will have landscaping and screening for the privacy of adjoining properties and pathway lighting. Landscaping and lighting shall be designed to promote visibility and safety for pathway users and residents.

Figure 3.2.130.B – Pathway Standards



- c. The Planning Commission may determine, based upon facts in the record, that a pathway is impracticable due to:

- (1) physical or topographic conditions (e.g., railroad, sensitive lands, and similar physical constraints); or
- (2) buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; or
- (3) sites where the provisions of recorded leases, easements, covenants, restrictions, or other recorded agreements prohibit the pathway connection.

C. Design and Construction. Pathways shall conform to all of the standards below:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground-floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3 - Landscaping. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, colored concrete, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. Pathway Width and Surface. Pedestrian pathway surfaces shall be at least five feet wide. Multi-use pathways (i.e., for bicycles and pedestrians) shall be at least 8 feet wide. Pathways shall be designed and constructed in compliance with the *City of Mill City Public Works Design Standards* or other design standards approved by the City Engineer. All pathways shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface. (See also, pathway design standards in Table 3.5.110.H and Figure 3.5.110.H (7).)
5. ADA Standards. All pathways shall comply with the Americans with Disabilities Act, which requires accessible routes of travel.

Chapter 3.3 — Landscaping, Street Trees, Fences and Walls

Sections:

3.3.100	Purpose
3.3.110	Applicability of Landscaping Requirements
3.3.120	Landscape Conservation
3.3.130	New Landscaping
3.3.140	Street Trees
3.3.150	Fences and Walls
3.3.160	Outdoor Lighting
3.3.170	Completion of Landscaping, Street Trees, Fences, Walls & Outdoor Lighting

3.3.100 Purpose

Chapter 3.3 contains standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community.

Landscaping and trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

3.3.110 Applicability of Landscaping Requirements.

The provisions Chapter 3.3 apply to permits and approvals granted under this Code. Table 3.3.110 provides a list of the landscaping standards that typically apply to each type of permit or land use approval.

Table 3.3.110
Applicability of Landscaping Standards to Permits and Land Use Approvals

Approvals	3.3.120 Conservation of Significant Landscape Features*	3.3.130 New Landscaping	3.3.140 Street Trees	3.3.150 Fences and Walls	3.3.160 Outdoor Lighting	3.3.170 Complete Landscaping in 6-Months
Modification to Existing Lots, Site Improvements and/or Building Additions	Y (Yes)	Maybe	N (No)	Y (Yes) New wall, fence or replacement	Y (Yes)	Maybe
Building Permits						
Accessory Buildings (to Residential)	Rarely	N	N	Y	Y	N
Single-Family Home / MH on Ind. Lot	Rarely	Y Front Yard	Y in subdivision	Y	Y	Y Front Yard
Duplex, Tri-Plex, Multi-family Housing	Rarely	Y	Y	Y	Y	Y
Commercial	Rarely	Y	Y	Y	Y	Y
Industrial	Rarely	Y	Y	Y	Y	Y
Public / Other – Non-Residential	Rarely	Y	Y	Y	Y	Y
Type II and Type III Developments						
Conditional Use Permit	Y	Y	Y	Y	Y	Y
Development Review	Y	Y	Y	Y	Y	Y
Partition or Re-plat of 2-3 lots (See also, Chapter 4.4)	Y	Y on flag driveway	N	Y	N	Y
Site Design Review	Y	Y	Y	Y	Y	Y
Subdivision or Replat of >3 lots (See also, Chapter 4.4)	Y	Y	Y	Y	Y	Y

* Significant Vegetation is identified during the Site Development Review process. Significant vegetation or heritage trees to be protected will be shown on a Site Development Plan approved by the City of Mill City.

3.3.120 Landscape Conservation

Landscape conservation prevents the indiscriminate removal of significant trees, including those located along streams, near wetlands, and adjacent to property lines.

- A. Applicability.** All development sites, 1.0-acre in size or larger, containing Significant Vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant vegetation into the landscapes of development. The use of mature vegetation within developments is a preferred alternative to removal of vegetation and re-planting.

3.3 – Landscaping

Mature landscaping provides summer shade and wind breaks and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. “Significant vegetation” means:

1. Significant Trees. Individual, healthy trees with a trunk diameter of twelve (12) inches or greater, as measured 4 feet above the ground (diameter at 4 feet above grade, or “DBH”). Certain trees may be deemed “Heritage Trees” when nominated by the property owner and designated by the City Council, by virtue of size, rarity, historical significance, etc.
2. Stands of Trees. Groups of 3 or more trees that form a stand, usually with intertwining roots or canopies. At least one of trees must be 8 inches or greater in diameter.
3. Exception: Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Linn County and/or Marion County.

C. Mapping and Protection Required. Significant vegetation shall be shown on a site plan as required by Chapter 4.3 - Site Design Review. Significant trees shall be mapped individually and identified by species and size (“DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. Protection of Significant Trees. Significant trees identified as meeting the criteria in Section 3.3.120.B.1 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
2. Stands of Trees. Groups of trees meeting the criteria in Section 3.3.120.B.2 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
3. Conservation Easements and Dedications. The City may require dedication of land or recordation of a conservation easement to protect groves of significant trees.

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and adequate mitigation is provided.

F. Exemptions. The protection standards in Section 3.3.120.D shall not apply in the following situations:

1. **Dead, Diseased, and/or Hazardous Vegetation.** Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. **Emergencies.** Significant vegetation may be removed in the event of an emergency without land use approval, when the vegetation poses an immediate threat to life or safety, as determined by City staff. Staff shall prepare a notice or letter of decision within 7 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

3.3.130 New Landscaping

This section includes standards for landscaping for any new development in the City including buffering for parking areas, and between different land use districts.

- A. Applicability.** This section applies to all developments requiring Development Review, Site Design Review, a Building Permit, and any other development with required landscaping.
- B. Minimum Landscape Area Standards.** All portions of a lot not otherwise developed with buildings, accessory structures, hardscape, vehicle maneuvering areas, or parking shall be landscaped. The minimum percentage of required landscaping equals:
 1. Residential District: 25 percent of the site.
 2. Commercial District: 10 percent of the site
 3. Industrial District: 10 percent of the site.
 4. Public District: 10 percent of the site
- C. Landscaping Required for Front Yard of a new detached Single-family Dwelling or Duplex.** The property owner shall install landscaping, including but not limited to lawn, ground cover, shrubs, trees and/or hardscape in or other landscape materials, in the front yard of any new detached single-family dwelling, manufactured home on an individual lot, or duplex within six (6) months of the date of the final inspection or issuance of a certificate of occupancy, whichever comes first. No landscaping plan is required.
- D. Landscaping Plan Required.** A landscape plan is required for all uses except a detached single-family dwelling, a manufactured home on an individual lot or a duplex. All landscape plans shall conform to the requirements in Chapter 4.3, Section 4.3.140.B.5 (Landscape Plan).
- E. Landscape Materials.** Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:
 1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.

3.3 – Landscaping

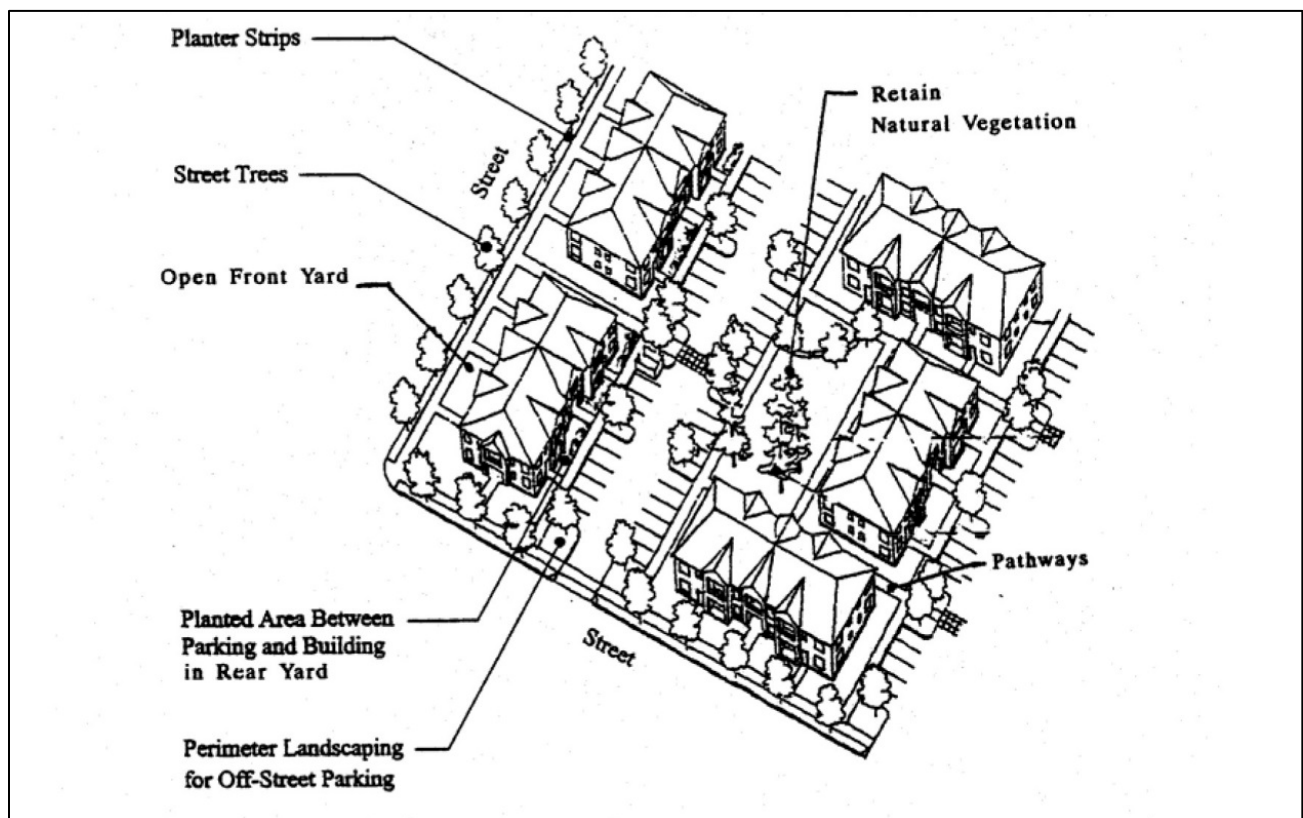
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. “Non-native, invasive” plants shall be prohibited.
4. Hardscape features (i.e., patios, decks, plazas.) may cover up to 15 percent of the required landscape area; except in a Commercial or Industrial district where hardscape features may cover up to 25 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used but shall cover no more than 25 percent of the area to be landscaped. “Coverage” is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.
6. Tree Size. Trees shall have a minimum caliper size of 1.5 inches or be 6 feet or taller, at time of planting. Street trees shall have a minimum caliper size of 2.0 inches.
7. Shrub Size. Shrubs shall be planted from five-gallon containers, minimum, where they are for required screens or buffers, and two-gallon containers minimum elsewhere.
8. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within 2 years.
9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.3.120 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards in Section 3.3.140 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Storm Water Facilities. Storm water facilities (i.e., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants and grasses.

F. Landscape Design Standards. All yards, parking lots, planter area/parking strips between the property line and curb/street pavement shall be landscaped in accordance with the provisions of Section 3.3.120 through Section 3.3.160. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks, as appropriate;
 - c. Retain natural vegetation, as practicable;

- d. Define pedestrian pathways and open space areas with landscape materials;
- e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
- f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
- g. Use a combination of plants for year-long color and interest;
- h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

Figure 3.3.130.F – Landscape Areas in a Multiple Family Development



2. Parking areas. A minimum of 5 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial

3.3 – Landscaping

tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.

3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
 - a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.
 - b. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the parking or maneuvering area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.
 4. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. Except for uses outside of the Main Street District that provide on-site outdoor display and sales of automobiles or automobile related goods where storage is provided for public display all mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.2 - Access and Circulation. (See Section 3.3.150 for standards related to fences and walls.)
- G. Landscaping Adjacent to Street for Developments with a Fence or Wall Adjacent to a Street.** A landscape buffer, not less than 5' wide, is required in a front yard or street-side yard between the property line and any wall or fence that exceeds 4' in height. The landscape buffer shall include

trees, shrubs and ground cover. Maintenance shall be assured by a homeowner's association or other legal entity. The fence shall conform to the requirements in Chapter 3.3, Section 3.3.150.

- H. Landscaping for Double Frontage Lots.** If a double-frontage lot is permitted and the rear yard abuts a collector or arterial street, a landscape buffer, not less than 10' wide, shall be provided between the back-yard fence/wall and the rear property line. The landscape buffer shall include trees, shrubs and ground cover.
- I. Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.
- J. Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.5).

3.3.140 Street Trees

Street trees contribute to an attractive, walkable neighborhood. They provide shade in summer, a windbreak in winter, and a buffer between pedestrians and vehicles. Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.5.110 - Transportation Standards. Street trees shall conform to the following standards and guidelines:

- A. Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
 - 1. Provide a broad canopy where shade is desired.
 - 2. Use low-growing trees for spaces under utility wires.
 - 3. Select trees that can be "limbed-up" where vision clearance is a concern.
 - 4. Use narrow or "columnar" trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 - 5. Use species with similar growth characteristics on the same block for design continuity.
 - 6. Avoid using trees that are susceptible to insect damage and avoid using trees that produce excessive seeds or fruit.
 - 7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.

3.3 – Landscaping

8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

Although not limited to this list, the following trees are recommended because they do well under power lines and will not damage sidewalks (from City of Albany Urban Forester's office):

Large shade trees: Elm, Purple Beech, Scarlet Oak, London Plane, and Little-leaf Linden.

Medium shade trees: Black Gum, Ginkgo, Cimarron Ash, Zelkova, and Eastern Hop Hornbeam.

Small ornamental trees: Japanese Snowbell, Golden Desert Ash, Paperbark Maple, Kwanzan Cherry, and Adirondack Crabapple.

Columnar trees: Hornbeam, Chanticleer Pear, Skyrocket Oak, Bowhall Maple, and Fastigiated Beech.

- B. Caliper Size.** The minimum caliper size at planting shall be 2-inches, based on the American Association of Nurserymen Standards.
- C. Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no less than 30' and no more than 50 feet apart, except where planting a tree would conflict with existing trees, utilities, driveway approaches and similar physical barriers or would obscure view in a clear vision area.
 1. Street trees shall be located a minimum of ten (10) feet from underground public utilities.
 2. Street trees shall be located a minimum of twenty (20) feet from street signs and traffic directional signs.
- D. Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.
- E. Maintenance.** All street trees within the public right-of-way are the continuing maintenance obligation of the property owner and shall be maintained in good condition, or otherwise replaced by the property owner.

3.3.150 Fences and Walls

This section sets standards for fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

A. General Requirements. All fences and walls that are not a part of a building, including modifications to existing fences and walls, shall comply with the standards of this section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.5 - Conditional Use Permits or Chapter 4.3 - Site Design Review.

B. Fence Height and Dimensions.

1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence.
2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. An incidental garden structure (e.g., arbor or gate) is allowed within a front yard provided it does not encroach into a required clear vision area.
3. Walls and fences to be built for required buffers shall comply with Section 3.3.130.
4. Fences and walls shall comply with the vision clearance standards of Section 3.2.120.M.
5. Exceptions for Non-Residential Uses. In the Commercial District south of “H” Street and in the Industrial District, the following exceptions to fence height and materials standards are allowed:
 - a. A fence or wall may be constructed to a maximum height of eight (8) feet where the fence or wall is setback behind the front or street side property line behind a ten (10) foot landscape buffer. The landscape buffer shall include a combination of trees, shrubs, ground cover or allowable non-plant material to provide a visual buffer on the outside of the fence facing the street. The landscape buffer shall provide for a seasonal variation in color and year-round interest.
 - b. Barbed wire may be added to the top of a six-foot high fence.
6. Other Limitations on Fences and Walls. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.
7. Variance to Fence Height requirement. A Type C variance is required for any proposal to construct a fence taller than the fence height allowed in this section.

C. Materials.

1. Permitted Materials. Permitted fence and wall materials include weather-treated wood; untreated cedar and redwood; metal (e.g., chain link, wrought iron, and similar fences); bricks, stone, masonry block, formed-in-place concrete, or similar masonry; vinyl and

3.3 – Landscaping

- composite (e.g., recycled) materials designed for use as fencing; and similar materials as determined by the City Planner.
2. **Prohibited Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in the Commercial District south of “H” Street and in the Industrial District); scrap lumber, pallets, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein. Electric fences are prohibited.
 3. **Fence Materials Permitted in the Main Street Commercial Subdistrict.** Fences and walls in the Main Street Commercial Subdistrict shall complement the historic nature of the area. No vinyl or chain link fences are allowed in the Main Street Commercial Subdistrict.
- D. Permitting.** A land use permit is not required to install a fence of six feet or less in height, or a wall that is four feet or less in height. A building permit may be required for some fences and walls, pursuant to applicable building codes. The City may require installation of fencing, walls or screening as a condition of approval for some projects, pursuant to other code requirements.
- E. Maintenance.** All fences and walls are the continuing maintenance obligation of the property owner and shall be maintained in good condition.

3.3.160 Outdoor Lighting

- A. Purpose.** This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.
- B. Applicability.** All outdoor lighting shall comply with the standards of this section.
- C. Standards.**
1. Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of [20] feet; except that pedestal- or bollard-style lighting is the preferred method illuminating walkways. This limitation does not apply to flag poles, utility poles, and streetlights.
 2. Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of eight feet shall be maintained.
 3. Outdoor lighting levels shall be subject to review and approval through Site Design Review. As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention.
 4. Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.
 5. Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.

6. Walkway lighting shall have a minimum average illumination of not less than 0.2 foot-candles.
 7. Active building entrances shall have a minimum average illumination of not less than 2.0 foot-candles.
 8. Surfaces of signs shall have an illumination level of not more than 2.0 foot-candles.
 9. Parking lots and outdoor services areas, including quick vehicle service areas, shall have a minimum illumination of not less than 0.2 foot-candles, average illumination of approximately 0.8 foot-candles, and a uniformity ratio (maximum-to-minimum ratio) of not more than 20:1.
 10. Where illumination grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2,000 lumens, use the following guidelines:
 - a. Poles should be no greater in height than four times the distance to the property line.
 - b. Maximum lumen levels should be based on fixture height.
 11. Where a light standard is placed within a walkway, an unobstructed pedestrian walkway of not less than 36 inches wide shall be maintained.
 12. Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.
- D. Permitting.** A land use permit is not required to install or replace outdoor lighting. The City may require installation of site lighting as a condition of approval for some projects, pursuant to other code requirements.
- E. Maintenance.** For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.
- F. Lighting Nuisance.** Outdoor lighting shall be directed so it does not create a traffic hazard on a public roadway or shine directly or glare into an adjacent property or use. The City may require the property owner to redirect the light or add shielding to eliminate the nuisance. The City may enforce this requirement under the City's nuisance abatement ordinance.

3.3.170 Landscaping Completion and Maintenance

- A. Completion of Landscaping.** Landscaping shall be completed prior to the issuance of a Certificate of Occupancy. The City Recorder may grant a one-time extension of up to six months to allow for the completion of landscaping.
- B. Plant Survival and Replacement.** Plants that do not survive for a period of at least one year from initial planting shall be replaced by the property owner, at the property owner's expense.
- C. Maintenance.** Plants and landscaping are the continuing maintenance obligation of the property owner and shall be continuously maintained by the property owner.

Chapter 3.4 — Vehicle and Bicycle Parking

Sections:

3.4.100	Purpose
3.4.110	Applicability
3.4.120	Vehicle Parking Standards
3.4.130	Vehicle and Bicycle Parking Standards

3.4.100 Purpose

Chapter 3.4 provides vehicle and bicycle parking standards. The design of parking areas is critically important to the viability of commercial uses, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. The parking requirements are intended to be flexible. The standards provide for the number of parking spaces and for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently.

3.4.110 Applicability.

- A. Where Parking Regulations Apply.** The regulations of this Chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.
- B. Occupancy.** All required parking areas must be developed in accordance with the requirements of this Code prior to occupancy of any structure on the subject site. Where landscaping, screening or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the City Recorder prior to occupancy.
- C. Calculations of Amounts of Required and Allowed Parking.**
 - 1. When computing parking spaces based on floor area, the area used for storage, mechanical, equipment rooms or similar spaces are not counted.
 - 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses.
 - 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000

3.4– Vehicle and Bicycle Parking

square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

- D. Use of Required Parking Spaces.** Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 3.4.120.C.
- E. Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within 500 feet of the site.
- F. Improvement of Parking Areas.** Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 2 requirements for block layout and building orientation, Chapter 3.2 Access and Circulation, Chapter 3.3 Landscaping and Screening, and Chapter 3.5 Public Facilities.

3.4.120 Vehicle Parking Standards.

The minimum number of required off-street vehicle parking spaces shall be determined based on the standards in Table 3.4.120. There is no minimum number of off-street parking spaces required in the Main Street Commercial Subdistrict, however, the “maximum parking” standards of this Chapter apply.

A. Minimum Standards

Table 3.4.120 – Vehicle Parking – Minimum Standards Option	
The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). Credit shall be allowed for “on-street parking”, as provided in Section 3.4.120 B.	
Residential Uses	
Single Family detached housing	2 parking spaces for each home on an individual lot
Two- and three-family housing	1.5 spaces per dwelling unit
Multi-family housing including apartments, single family attached housing, retirement facilities or similar facilities.	1.5 spaces per dwelling unit
Rooming and boarding houses	1 space per guest room + employee parking

3.4 – Vehicle and Bicycle Parking

Table 3.4.120 – Vehicle Parking – Minimum Standards Option	
Manufactured Home Parks	2 parking spaces for each manufactured home
Commercial Uses	
Auto, boat or trailer sales, retail nurseries and similar uses	1 space per 1,000 sq. ft. of gross land area, and 1 space per 5,000 sq. ft. of gross land area (after 1 st 10,000 sq. ft. of gross land area); and 1 space per 2 employees
Retail, professional & personal services	1 space per 350 sq. ft. of gross floor area.
Offices	Medical/Dental offices – 1 space/350 sq. ft. of gross floor area; General Offices – 1 space/450 sq. ft. of gross floor area
Bulk retail sales	Bulk sales - Furniture, appliances or similar 1 space per 750 sq. ft. of gross floor area
Hotels and motels	One space for each guest room, plus one space for the manager
Restaurants, bars and similar eating establishments	1 space per 4 seats or 1 space per 100 sq. ft. gross floor area, whichever is less
Theaters, auditoriums, gymnasiums and similar assembly uses	1 space/4 seats
Industrial Uses	
Industrial uses, except warehousing	1 space/2 employees on the largest shift or for each 700 sq. ft. of gross floor area, whichever is less, plus one space per company vehicle
Warehousing	1 space/ 1,000 sq. ft. of gross floor area or for each 2 employees, whichever is greater, plus one space per company vehicle
Public Utilities (not including business offices)	1 space/ 2 employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.
Public and Institutional Uses	
Child care centers having 13 or more children	1 space/ 2 employees; a minimum of 2 spaces is required
Churches and similar places of worship	1 space/ 4 seats
Retirement center or assisted living complex	1 space/ 2 patient beds or 1 space/ apartment unit, or combination thereof.
Schools, elementary and junior high	1.5 spaces/ classroom, or the requirements for assembly uses as set forth herein, whichever is greater
Exceptions or Unspecified Uses: Where an exception to parking standard is requested or a use is not specifically listed in this table, parking requirements shall be determined by the City. The City may determine the number of parking spaces based on either (1) existing parking standards from another city or professional organization or (2) a parking analysis submitted by the applicant for the proposed development.	

B. Credit for On-Street Parking. Within the Commercial and Public districts, the City may allow a credit for available on-street parking adjacent to the development. The amount of required off-street parking shall be reduced by one space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City and the applicable roadway authority. The following constitutes an on-street parking space:

1. Parallel parking, each 22 feet of uninterrupted curb;
2. Diagonal, each with 9 feet of curb
3. 90-degree (perpendicular) parking, each with 9 feet of curb;
4. Curb space must be connected to the lot which contains the use;
5. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
6. On-street parking spaces credited for a specific use may not be used exclusively by that use but shall be available for general public use at all times.

C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this Code. Specific locations for parking are indicated in Chapter 2 for some land uses. (See also, Chapter 3.2 - Access and Circulation).
2. Off-site parking. Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (i.e., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

3.4 – Vehicle and Bicycle Parking

5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6, Section 3.6.100.
- D. Exceptions and/or Reductions:** An applicant may propose a parking standard that is different than those listed in Table 3.4.120 for review and action by the City Planner through a Type II procedure or by the Planning Commission as part of a Type III procedure. The applicant's proposal shall consist of a written request with an explanation why the parking space reduction is appropriate for the proposed use(s). The City may require a parking analysis prepared by a qualified professional. The parking analysis shall assess the average parking demand for existing and proposed uses on the site, proposed # of parking spaces and opportunities for shared parking. The City may approve the proposal or a partial reduction in the number of parking spaces, if it finds (1) the applicant will provide an adequate number of parking spaces to serve the proposed uses, (2) the proposal will not negatively impact on-street parking for other uses in the area and (3) the proposal will not create traffic circulations problems or safety hazards on adjacent streets.
- E. Maximum Number of Parking Spaces.** The number of off-street parking spaces provided shall not exceed the required minimum number of spaces required by this Section by more than 25%. Spaces provided on-street do not apply towards the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.
- F. Parking Stall Standard Dimensions and Compact Car Parking.** All off-street parking stalls shall conform to City standards for surfacing, storm water management and striping, and provide dimensions in accordance with the following Figure 3.4.120.F and Table 3.4.120.F.

Figure 3.4.120.F – Parking Stall Dimensions

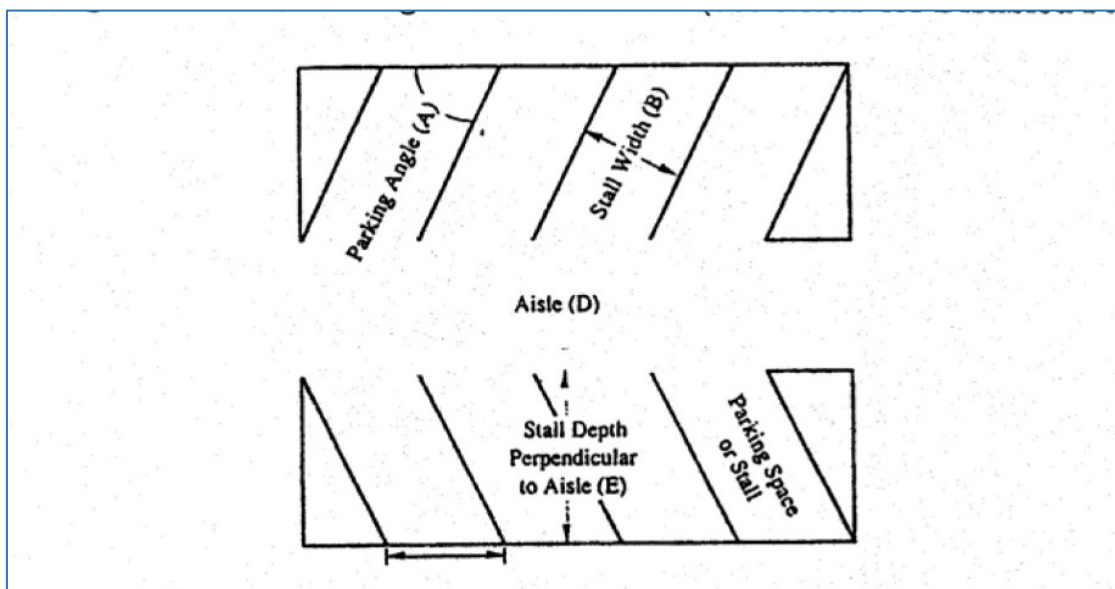


Table 3.4.120.F Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Stall Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard Compact	8 ft. 7 ft. 6 in.	22 ft. 6 in. 19 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	8 ft. 7 ft. 6 in.
30°	Standard Compact	9 ft. 7 ft. 6 in.	18 ft. 15 ft.	12 ft. 12 ft.	24 ft. 24 ft.	17 ft. 14 ft.
45°	Standard Compact	9 ft. 7 ft. 6 in.	12 ft. 6 in. 10 ft. 6 in.	12 ft. 12 ft.	24 ft. 24 ft.	19 ft. 16 ft.
60°	Standard Compact	9 ft. 7 ft. 6 in.	10 ft. 6 in. 8 ft. 6 in.	18 ft. 15 ft.	24 ft. 24 ft.	20 ft. 16 ft. 6 in.
90°	Standard Compact	9 ft. 7 ft. 6 in.	9 ft. 7 ft. 6 in.	24 ft. 22 ft.	24 ft. 24 ft.	19 ft. 15 ft.

See also, Chapter 2 - Land Use District standards; Chapter 3.2 - Access and Circulation; Chapter 3.3 - Landscaping; Chapter 3.5 – Public Facilities.

- G. American with Disabilities Act (ADA) Parking Requirements.** Parking shall comply with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

3.4.130 Bicycle Parking Requirements

- A. Standards.** Bicycle parking spaces shall be provided with a new development and where a change of use occurs. The minimum number of required bicycle spaces is provided in Table 3.4.130.A.
- B. Design.**
1. Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle.
 2. All spaces should be sheltered under an eave, overhang, or an independent structure, except those located in a public right-of-way or park.
 3. Bicycle parking should be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It

3.4 – Vehicle and Bicycle Parking

should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided.

4. Bicycle parking areas should be clearly marked and reserved for bicycle parking only.

Table 3.4.130.A
Minimum Required Bicycle Parking Spaces

Use	Minimum Number of Bicycle Parking Spaces
Residential a. Less than 4 dwelling units. b. 4-10 dwelling units c. 11+ dwelling units	a. No bicycle spaces required. b. 1 bicycle space per 2 dwelling units c. 1 bicycle space per dwelling unit (see B-1 below)
Commercial	2 bicycle spaces per primary use, or 1 per 10 vehicle spaces, whichever is greater
Industrial	2 bicycle spaces per primary use, or 1 bicycle space per 20 vehicle spaces, whichever is greater
Community Service	2 bicycle spaces
Parks	2 bicycle spaces per acre – minimum 4 spaces
Schools	2 bicycle spaces per classroom
Government Facilities, Institutional Uses and Places of Worship	2 bicycle spaces per primary use or 1 bicycle space per 20 vehicle spaces, whichever is greater
Other Uses	2 bicycle spaces per primary use or 1 bicycle space per 20 vehicle spaces, whichever is greater

- C. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles and shall be located so as to not conflict with the vision clearance standards of Chapter 3.2, Section 3.2.120.M.
- D. **Lighting, Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage. Bicycle parking should be at least as well-lit as vehicle parking areas.
- E. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;
- F. **Special Standards for Multi-Family Residential Uses and Commercial Districts.**
 1. Multi-Family Residences. Multi-family residential units, with 10 or more dwelling units, shall provide at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar

3.4– Vehicle and Bicycle Parking

area. In those instances, in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, or an independent structure.

2. Commercial District. Within the Commercial district, bicycle parking for customers should be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions.

G. Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses.

1. Reduction in Number of Required Bicycle Parking Spaces. The City Planner may approve a reduction in the number of required bicycle parking spaces, if the applicant can demonstrate that the proposed use would be reasonably anticipated to generate a lesser need for bicycle parking.
2. Exemption from Bicycle Parking Requirement. The City may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.

3.4 – Vehicle and Bicycle Parking

Chapter 3.5 — Public Facilities Standards

Sections:

3.5.100	Purpose and Applicability
3.5.110	Transportation Standards
3.5.120	Public Use Areas
3.5.130	Sanitary Sewer and Water Service Improvements
3.5.140	Storm Drainage Improvements
3.5.150	Utilities
3.5.160	Easements
3.5.170	Construction Plan Approval
3.5.180	Facility Installation
3.5.190	Performance Guarantee & Warranty

Chapter 3.6 — Other Standards

Sections:

- 3.6.100 Signs**
- 3.6.110 Wireless Telecommunication Facilities**
- 3.6.120 Sensitive Lands**
- 3.6.130 Historic Properties**

3.6.100 Signs

The following regulations apply to all signs erected, placed and displayed including painted wall signs. These regulations are intended to improve the commercial environment, atmosphere, and visual quality of the community.

Nothing in this ordinance shall restrict the placement and maintenance of public service and directional signs, traffic control signs and devices, legally required signs, state and national flags, flags and banners for special occasions.

- A. Signs for Residential use.** A residential use is allowed residential identification signs to identify the residents, street name and number, name of building or building complex name. For home occupations, a sign of no more than six (6) square feet is allowed.
- B. Signs for Commercial and Industrial Uses.** A commercial use located in any zone where it is authorized, or an industrial use located in the Industrial District is allowed the following signs:
 - 1. Business signs: Maximum sign area for any business or sites three hundred (300) square feet of sign area, or one and one half (1-½) square feet of sign area per linear foot of building front, whichever is smaller. Building front in this case shall mean the wall of the building that contains the main entrance. Any business is allowed thirty-five (35) square feet of sign area, regardless of building frontage. The maximum allowable sign area may be composed of one type of sign or any combination of wall or window signs, pole signs, ground signs and projecting signs.
 - 2. Wall or window signs: Subject to the limitations specified above, a wall sign shall not exceed forty percent (40%) of the area of the wall minus the area of doors and windows. A wall or window sign shall not face the same direction as a roof sign.
 - 3. Pole or ground signs: Subject to the limitations specified above, one pole or ground sign is allowed per business if the business has one hundred (100) feet of frontage on a public street. The pole or ground sign area shall not exceed one-half the total area of all sign faces allowed for the business. The maximum sign height is twenty-five (25) feet.

4. **Projecting signs:** Projecting signs which are attached perpendicular to a building are allowed up to maximum are of fifteen (15) square feet. Projecting signs are not allowed in combination with a pole or ground sign unless the signs are separated by fifty (50) feet or more.
- C. **Prohibited signs.** The following signs are prohibited: Signs which interfere with traffic visibility or resemble traffic control signs, signs which have not been kept in good repair, signs which flash or rotate, signs which are excessively bright (determined by considering the size of the sign, the percentage brightness of the white or light colored portions of the sign, the distance to the public right-of-way, and the nature of the surrounding areas), signs mounted on the roof of a building, off-premise signs, signs on a public right-of-way, signs overhanging a public sidewalk at a height of less than eight (8) feet or to within two (2) feet of the edge of the pavement of a public street, signs overhanging a public street at a height of less than sixteen (16) feet above, bulb signs, banners, flags, and pennants, except as allowed herein, signs which unnecessarily block or interfere with existing signs. No sign shall be permitted that has the appearance of movement (except time and temperature signs and traditional barber poles) within the Main Street Commercial Subdistrict.
- D. **Existing signs.** All legal signs existing at the time of adoption of this ordinance may be maintained. Signs pertaining to a business that has not been in operation for at least ninety (90) days, shall be removed.
 1. Existing signs that do not conform to this ordinance due to characteristics of the sign and the site, or due to the zoning designation of the site, may be altered if the alteration does not exceed 50% of the value of the sign. The value of the alteration and the value of the sign shall be determined by City Staff.
 2. A new sign which is to replace an existing sign that does not conform to this ordinance due to characteristics of the sign or the site shall conform to this ordinance. A new sign which is to replace an existing sign which does not conform to this ordinance due to zoning designation of the site, is allowed providing the new sign is more conforming with this ordinance, that is, it is smaller, shorter, less bright, etc.

3.6.110 Wireless Communication Facilities

- A. **Purpose.** The purpose of this section is to provide siting standards and review processes for wireless communications facilities (WCF's) locating within Mill City's urban growth boundary. These regulations are designed to:
 1. Regulate the placement, appearance, and number of WCF's.
 2. Ensure that the citizens of Mill City have access to wireless communications services.
 3. Reduce the visual impact of towers by encouraging collocation.
 4. Establish a graduated system of review that will expedite approval on certain sites.
 5. Implement the applicable provision of the Telecommunications Act of 1996.

3.6 – Other Standards

B. Definitions

Antenna: The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. Common types include whip, panel, microwave dish, and GPS antennae.

Attached WCF: An existing pole, tower, steeple, or other structure, such as an elevator shaft on a rooftop, capable of accommodating WCF antennae, whether originally designed for such use or not.

Collocation: Two or more WCF providers utilizing a structure or site specifically designed and/or approved for such multiple use.

Detached WCF: A pole, tower, or other structure specifically designed and intended to support WCF antennae.

Lattice Tower: A WCF support structure which consists of metal crossed strips or bars which supports antennae and related equipment for one or more service providers.

Monopole: A WCF support structure which consists of a single tapered steel pole and which supports antennae and related equipment for one or more service providers.

Stealth Design: A variety of techniques used to disguise or mitigate the visual presence of a WCF support structure, including, but not limited to screening by mature trees, mimicking common features of the urban landscape (light poles, steeples, flag poles, trees, etc.), or painting to blend into surrounding features.

Wireless Communications Facilities (WCF): The site, structures, equipment shelters, and appurtenances used to transmit, receive, distribute, or provide telecommunications services.

C. Review Process

The review process for WCF's is based on the site's zoning, including proximity to the Residential District and residential uses, and the type of facility proposed (detached WCF, attached WCF, or collocation), as depicted in Table 3.6.110.C below.

Table 3.6.110.C
Review Process for Wireless Communications Facilities

Zoning District	Type of Facility		
	Collocation	Attached Facilities	Detached Facilities
Main Street Commercial Subdistrict	DR	DR	Not Allowed
Commercial <100 ft. from Residential District or use	DR	SDR	CUP
Commercial >100 ft. from Residential District or use	DR	DR	SDR
Industrial <100 feet from Residential District or use	DR	DR	SDR
Industrial > 100 ft. from Residential District or use	DR	DR	SDR

1. DR: Development Review. Submit development plan application for administrative review by City Planner – see Chapter 4.3.

2. SDR: Site Development Review: Submit a site development plan application for review by the Planning Commission – see Chapter 4.3.
3. CUP: Conditional Use Permit. Submit CUP application for review by Planning Commission - see Chapter 4.5.
4. Prohibited WTC's – Detached WCF's are prohibited in the Residential District and in the Main Street Commercial Subdistrict. All WCF's are prohibited on buildings or sites listed on the Mill City Register of Historic Resources, see Chapter 3.6, Section 3.6.130.

D. Siting Standards

1. All WCF's shall observe minimum lot size, coverage, and setback requirements of the underlying zone. New facilities over 75 feet tall and extensions of more than 20 feet shall have Planning Commission approval, regardless of the review process listed in Table 3.6.110.C.
2. WCF's shall be planted with perimeter evergreen landscaping that will form a solid screen around the base of the facilities within 5 years, where applicable.
3. Detached WCF's shall not be located inside or within 100 feet of the Residential District or within 100 feet of existing residences unless it is shown there are no alternative sites available.

E. Application Requirements

1. DR: Development Review. Applicants shall submit the following materials for facilities which qualify for development review, as shown in Table 3.6.110.C:
 - a. A copy of the lease agreement with the property owner that includes collocation provisions, facility removal within 90 days of abandonment, and a bond to guarantee removal;
 - b. A signed statement from the applicant agreeing to allow collocation on the facility, where applicable;
 - c. A map of the area showing the approximate geographic area to be served by the facility, existing facilities within 1,000 feet of the proposed facility, other facilities in the area owned or operated by the applicant and the nearest potential collocation sites;
 - d. A plot plan showing the lease area, antenna structure, equipment shelters, height above grade, setbacks from property lines, access and parking, connection point to land lines, and landscaping intended to screen the proposed facility.
 - e. Any stealth design features;
 - f. An engineer's statement that the RF emissions at grade, or at nearest habitable space, comply with applicable FCC emissions standards.
 - g. A description of the type of service being offered
 - h. Identification of the provider and backhaul provider, if different;

3.6 – Other Standards

- i. The RF range in Megahertz and the wattage output of the equipment
 - j. Facilities maintenance regimen;
 - k. Zoning and comprehensive plan designation of site; and
 - l. FAA determination.
2. Applications for WCF's that require Site Plan Review shall submit the above information and:
- a. An engineer's analysis or report covering the recommended area for a new facility. If the engineer's search area recommendations include another facility with potential for collocation, reasons for not collocating shall be provided and must demonstrate one of the following: the structure is not of sufficient height to meet engineering requirements; the structure is not of sufficient strength to accommodate the proposed facility; electromagnetic interference for one or both WCF would result from collocation; or the radio frequency coverage objective cannot be adequately met for some other technical reason.
 - b. Photo-simulations showing the proposed facility from at least two vantage points, including from the nearest residence.
3. Applications requiring a Conditional Use Permit shall provide the information required in sections (1) and (2) above, and additionally provide:
- a. An engineer's statement describing why the proposed facility must be located at the proposed site;
 - b. An engineer's statement describing why the facility must be constructed at the proposed height;
 - c. A statement describing the good faith efforts made to site or design the facility to qualify for a less rigorous review process (Development Review, Site Plan Review).

Conditional Use Permit applications for WCF's shall be evaluated on the above three criteria in addition to the standard CUP criteria contained in Chapter 4.5

3.6.120 Sensitive Lands

The City of Mill City wishes to protect sensitive lands within the urban growth boundary, including flood hazard areas, jurisdictional wetlands, and significant vegetation (there are no areas characterized by steep slopes within the UGB). New development shall be designed to the maximum extent feasible to avoid and/or protect sensitive lands.

- A. Flood Hazard Areas.** Any development on land located within the 100-year flood plain shall comply with Chapter 3.7 "Floodplain Standards".

As of October 1, 2018, no land in Mill City is designated by the Federal Emergency Management Agency (FEMA) as being located in a 100-year flood plain or flood hazard area. Nonetheless, areas

3.5 – Public Facility Standards

of localized flooding do occur, particularly in the 500-year flood zone within the banks of Mill City's open drainage ditches. The Storm Drainage System Master Plan recommends system improvements to alleviate some of the problem areas. At a minimum, new development shall not increase existing flooding problems or create new ones. New development shall comply with the requirements in Section 3.5.140 -Storm Drainage.

- B. Jurisdictional Wetlands.** Areas identified in the City of Mill City Local Wetlands Inventory or the the National Wetland Inventory (NWI) maps may be jurisdictional under state or federal wetland regulations. If more than 50 cubic yards of fill is proposed, a fill permit may be required by the Division of State Lands and/or the Army Corps of Engineers, prior to ground disturbance. Development is encouraged to avoid wetland areas for their ecological, flood storage, and water filtration qualities. In many cases wetlands can be incorporated into the overall drainage system for a development without significantly restricting buildable area.¹ See Chapter 3.8 for regulations.
- C. Significant Vegetation.** Significant vegetation is defined in Chapter 3.3, Landscaping. Development is encouraged to avoid existing attractive vegetation, including individual trees, stands or groves of trees, and waterside vegetation. Native vegetation is given priority over introduced species.

3.6.130 Historic Properties

- A. Preserving Mill City's Historic Character.** The City encourages the preservation of its historic buildings. Historic preservation programs, including a storefront improvement program, tour of historic homes, nominations to the national Historic Register, and historic displays are encouraged and supported by the City of Mill City. Design standards for new construction encourage replication of design features found in Mill City's historic buildings. By encouraging development inspired by history, Mill City hopes to enhance the appearance and character of the town as a whole.
- B. Mill City Register of Historic Properties.** The Mill City Comprehensive Plan established a local Register of Historic Resources in order to protect and promote one of the community's greatest assets. The register, located in Appendix "A" of the Mill City Comprehensive Plan, includes historic homes, commercial buildings, churches, and" industrial buildings. The register includes a description and photo of each property. Provisions related to designation and removal of specific properties are contained in the Comprehensive Plan. Table 3.6.130 provides a list of the buildings, structures and sites on the local register of historic places and identifies the structures that are also listed on the State of Oregon Register of Historic Resources.

Table 3.6.130
City of Mill City Register of Historic Properties

#	Location	Name or Description	Listed on SHPO Register	Listed on NHP Register
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¹ See U. S. Fish and Wildlife, National Wetlands Inventory, website for additional information. [National Wetlands Inventory - Wetlands Mapper](#)

3.6 – Other Standards

HR-1	1 st Ave (N. Santiam River)	Historic Railroad Bridge (Pedestrian Bridge)	Yes	No
HR-2				
HR-3				
HR-4				
HR-7				
HR-8				
HR-10				
HR-11				
HR-12				

- A. Alteration and Demolition Permits.** Alteration or demolition of properties listed in Table 3.6.130 require a permit and shall conform with the application procedures, standards and criteria in Chapter 4.9,