



## **City of Mill City**

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### **MILL CITY PLANNING COMMISSION AGENDA**

#### **Regular Meeting**

**Tuesday, October 15, 2019 6:30 p.m.**

*City Hall – 444 S. First Avenue*

*MILL CITY, OREGON 97360*

#### **SITE VISITS**

**Last week the Planning Commission members conducted site visits to 710 SE 3<sup>rd</sup> Avenue, 680 SW Parkside Drive and 1315 SW Spring Street to familiarize themselves with the proposals to be considered during the public hearings.**

1. **Call to Order and Flag Salute – 6:30 p.m.** Chair Ann Carey
2. **Approval of Minutes:** September 3, 2019 pp. 11-13
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 may address the issue during this meeting, table the issue to a future meeting or may request that you speak with the City Recorder or Planning Consultant outside the meeting.*

#### **4. Public Hearings:**

File No.	2019-12	p. 14
Applicant:	Spring Aerni	
Proposal:	Site Plan Review for Primary & Secondary Dwelling	
Location:	710 SE 3 <sup>rd</sup> Avenue, Mill City	

The staff report for this application will be provided separately.

File No. 2019-14 pp. 15-40  
 Applicant: Gerardo Martinez  
 Proposal: Variance to 7.5' Side Setback Requirement for Building Addition  
 Location: 648 SW Parkside Drive, Mill City

File No. 2019-16 pp. 41-66  
 Applicant: Kean and Donda Warriner  
 Proposal: Site Plan Review for New Home – Land Use Action on the N. Santiam River  
 Location: 1315 SW Spring Street, Mill City

**5. Presentations:** None scheduled

**6. Old Business** p. 67

- a. 2019-08 Zoning Amendment – Accessory Dwelling Units  
 (Review of City Council Discussion)
- b. 2018-04 SKATE – Skate Park Site Plan Design Review – Review November 17th  
 (Separate handout of site plan including landscaping)
- c. Other

**7. New Business** pp. 68-69

- a. 2019-13 Ratification of Approval of a Property Line Adjustment pp. 70-78  
 Applicant: Jill and Jason Saari  
 Location: 680 SW High Street, Mill City
- b. 2019-15 Ratification of Approval of a Property Line Adjustment pp. 79-85  
 Applicant: Pat & Cara Kelly / Dawn Conner  
 Location: 757 NE Santiam Highway (Hwy 22), Mill City
- c. 2019-17 Ratification of Approval of a Property Line Adjustment pp. 86-91  
 Applicant: Santiam Canyon School District  
 Location: 265 SW Evergreen Street (Jr./Sr. High School Site) S
- d. DLCD Planning Grant Application: WWTF Facility Analysis and Chapter 11 “Public Facilities” and Chapter 10 “Housing” Elements of the Mill City Comprehensive Plan
- e. Other

**8. Informational Items**

- a. City Recorder Report
- b. Planning Consultant Time Report
- c. TIGER Grant Status Update
- d. Prospective Applications:
  - i. Santiam Canyon School District - Site Plan Review for new school facilities
  - ii. SW Ivy Street Duplexes (tabled until new site plans submitted to the City).
  - iii. Mill City Christian Church – Site Plan Review for a new church on SW Kingwood
  - iv. Sportsman Center – Gas Station and Drive-thru Coffee Shop
  - v. SE Hazel Street – Property Line Adjustment and Setback Variance

**9. Other Business**

**10. Adjournment**

**Upcoming Planning Commission Meetings (All meetings at City Hall)**

Tuesday, November 19, 2019	6:30 PM	Regular Meeting – Public Hearing
Tuesday, December 17, 2019	6:30 PM	Regular Meeting – SCSD Public Hearing

**Planning Consultant's Schedule:**

Planning Consultant David Kinney will be out-of-state at the end of this month: October 25 - November 5, 2019



## **SCRIPT TO BE READ AT COMMENCEMENT OF A QUASI-JUDICIAL LAND USE PUBLIC HEARING**

Good evening, **[Introduce yourself and Commission members].**

I will be presiding over this hearing.

### **Hearing #1 – File 2019-12      Spring Aerni**

This is a public hearing to consider Land Use File 2019-12, a site plan for a secondary dwelling at 710 SE Third Avenue in Mill City. Section 17.16.020 of the Zoning Code requires the Commission to approve any site plan for multiple dwellings in the city's R-2 Multi-family Residential Zone. The applicant is Spring Aerni.

### **Hearing #2 – File 2019-14      Gerardo Martinez**

This is a public hearing to consider Land Use File 2019-14, a variance to the setback requirements in the R-2 Multi-family Residential Zone. The applicant proposes to build a 2-story addition onto his home at 648 SW Parkside Drive and requests the City permit him to retain the 5' setback, instead of a minimum 7.5' setback. The applicant is Gerardo Martinez.

### **Hearing #3 – File 2019-16      Kean and Donda Warriner**

This is a public hearing to consider Land Use File 2019-16, a site plan for construction of a new dwelling at 1315 SW Spring Street on a parcel adjacent to the North Santiam River. The applicants are Kean and Donda Warriner.

A copy of the agenda and hearing procedures for this meeting is on the back counter. This hearing is now open.

Oregon land use law requires a statement be made available to those in attendance. The detailed Statement, with the information required under ORS 197.763(5), is printed and available at the entry to the meeting room.

The Planning Commission will consider the application, written and oral testimony and the criteria listed in the Mill City Zoning Ordinance when making a decision. All testimony, arguments and evidence received during this public hearing must be directed to the approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

If anyone has any questions or objections regarding the Statement or these proceedings, please raise those questions when it comes to your turn to speak during the hearing.

If you testify, please state your name, address, if you support the proposal, are opposed to the proposal or have questions. Please limit your testimony to 3-5 minutes.

## **Objections**

At this time I will ask the audience if there are any objections to these proceedings:

- (1) Are there any objections to the notice that was sent in this case?

(2) Are there any objections to the jurisdiction of the Planning Commission to hear and consider this case?

*[If there are none, announce "there are no objections".]*

## **Declarations of Conflict of Interest, Bias and Ex Parte Contact**

I will now ask the Planning Commission members if they are ready to consider the proposal:

(1) Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body?

*[If there are, have the Planning Commission member(s) state what the conflict, bias or ex parte contact is]*

We are now ready for the applicant's presentation of the proposal.

***Follow the Hearing Agenda Format for the order of the staff report and public testimony.***

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## **CLOSING STATEMENT**

*At the close of the public hearing, please read:* The Planning Commission's decision action may be appealed to the City Council within 14 days of the mailing of the notice of decision by the City. If no appeal is filed, the decision is final.



## **ORS 197.763(5) STATEMENT INFORMATION REGARDING PROCEDURES FOR LAND USE HEARING**

The applicable substantive criteria upon which this case will be decided are found in the Mill City Comprehensive Plan and the Mill City Zoning Ordinance sections which are listed in the staff reports.

All testimony, arguments and evidence received during this public hearing must be directed toward these approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

An issue which may be the basis for an appeal shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with sufficient specificity so as to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

The Planning Commission's decision is final, unless it is appealed to the City Council. If the City Council hears an appeal in this case, the City Council's final action may be appealed within 21 days of mailing of notice of the decision to the Oregon Land Use Board of Appeals.

The Presiding Officer over the public hearing reserves the right to limit the time of any presentation. Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly alright to state that you agree with the statements of that previous speaker.

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak, please leave the material with Planning Staff who will make sure your evidence is properly taken care of.

Prior to the conclusion of the initial evidentiary hearing in this case, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application involved here. Continuances may take the form of holding an additional public hearing with oral testimony allowed, or may consist of holding the evidentiary record open for a period of time designated by the City, for submittal from the public of written evidence.

If you have any questions regarding any of the information contained in this Statement, please voice those questions, or objections at the time you testify. If you do not wish to testify, your questions or objections may be submitted in writing and will be dealt with during the course of the hearing. Any written material must be presented prior to the closure of the record in this case.

## **Public Hearing Format for Land Use Hearings Before the Mill City Planning Commission**

- A. Opening of the Public Hearing & Rules of Conduct Chairperson
- B. Declarations of Ex Parte Contact, Conflicts of Interest or Bias
- C. Applicant's Presentation of the Application
- D. Staff Report Planning Consultant for the City
- E. Proponent's Testimony (Persons in Favor)
- F. Opponent's Testimony (Persons Opposed)
- G. General Testimony of Individuals or Organizations
- H. Questions of Clarification from the Planning Commission and Staff
- I. Applicant's Summary and Rebuttal
- J. Staff Summary
- K. Close of Public Hearing

### **Planning Commission Deliberation & Decision**

*No public testimony is permitted during the Planning Commission's deliberation. The Planning Commission will normally make a recommendation or a decision on an issue following a public hearing, but may continue their deliberation to either a special meeting or the next regular meeting of the Planning Commission.*

### **Guidelines for Public Testimony:**

The Chair of the Planning Commission, as presiding officer, will recognize all speakers. If you wish to testify during the public hearing, please assist the Chairperson by abiding by the following rules:

1. State your name and address.
2. Indicate whether you support the application, oppose the application or wish to offer general testimony. Provide factual evidence and direct your testimony to the decision criteria.
3. Please keep your testimony brief and to the point. Limit comments to 3-5 minutes per person.
4. Direct any questions you have to the Chairperson. The Chairperson will direct your question to the applicant, city staff or other person who may be able to provide an answer.
5. The Chairperson may limit testimony when it is cumulative, repetitive, irrelevant or immaterial to the issues being considered.

**MILL CITY PLANNING COMMISSION  
Meeting of September 3, 2019**

**The meeting was preceded with a site visit to 1345 SW Spring Street at 5:30 p.m.**

Planning Commission members present: Chair Ann Carey, Dennis Chamberlin, Marge Henning, Woody Koenig, David Leach, Sandy Lyness and Grant Peterson.

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

City Council Representatives: None.

Agency Representatives: None.

Citizens: Donald Strasser and Julie Strasser.

The meeting was called to order at 6:30 p.m. Chair Ann Carey led the pledge of allegiance.

**APPROVAL OF MINUTES:** Chair Carey said that there needs to be a second to the motion on page five. Dennis Chamberlin said that he seconded the motion.

***Woody Koenig moved, seconded by Dennis Chamberlin to approve the minutes of July 30, 2019, as amended. The motion carried, (7:0).***

**PUBLIC COMMENT:** None.

**PUBLIC HEARING:** File No. 2019-11  
Applicant/Property Owner: Donald & Julie Strasser  
Proposal: Site Plan Review – Land Use Action on the North Santiam  
River  
Location: 1345 SW Spring Street  
Linn County Assessor's Map # 9S3E32BA Tax Lot 3400

Chair Carey opened the public hearing at 6:33 p.m. Chair Carey read the procedures for land use hearing asking if there were objections to the notice that was sent in this case. None stated.

Chair Carey asked for any conflicts of interest, bias or ex parte contact. Being none, the applicant's presentation was called for.

**APPLICANT'S PROPOSAL:** Don Strasser, applicant, said that they are proposing to build a single family home with both attached and detached garages. Total lot coverage is about 25%. There are no plans to remove vegetation within the parcel except for erosion control. The setbacks will be 25'-30' from the top of bank, 20' from the west property line, about 23' from the east property line and 60' from the south property line to the garage.

**STAFF REPORT:** Planner Dave Kinney stated that the criteria to base a decision on are providing the riparian corridor and calling for replanting of native vegetation within the riparian

area, special setback from the water's edge/topographical slope; typically 25'-30' and installation of a fence.

Storm drainage must be provided on site to a detention or retention area or direct drainage to SW Spring Street.

Staff recommends approval with the following conditions:

1. Approval expires September 21, 2020 at 4:00 PM if a building permit for a new home has not been applied for.
2. All public works requirements must be met including water, sewer, street, sidewalk, storm drainage improvements, a ROW construction permit has been filed and a sewer easement recorded.
3. The riparian easement must be maintained with existing trees and vegetation to remain and no man-made structure installed.

**PROPONENT'S TESTIMONY:** None.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** None.

**QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION:** Grant Peterson asked how design standards can be met since a detached garage and attached garage will be in front. Mrs. Cook said that the architectural features will be shown on the front of the home, including the second story and won't be obscured by the attached garage. Mr. Kinney said that the layout complies with the way the code is currently written.

**APPLICANT'S REBUTTAL:** None.

**STAFF SUMMARY:** None.

**CLOSE OF HEARING:** Chair Carey closed the hearing at 6:54 p.m.

**DELIBERATION:** *Grant Peterson moved, seconded by Marge Henning to approve the site plan for Donald and Julie Strasser to construct a new single-family dwelling at 1345 SW Spring Street, File No. 2019-11 and adoption of the proposed findings and the recommended conditions of approval. The motion carried, (7:0).*

**PRESENTATIONS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**INFORMATIONAL ITEMS:** None.

**BUSINESS FROM THE PLANNING COMMISSION:** None.

**OTHER BUSINESS:** Mr. Kinney said that he provided an update to the 2019 projects to date. The outline provides current land use applications, new land use applications, potential land use applications and updates on a number of projects happening within the City.

The charging stations and parking lot are still moving forward. The public works shop is up. Landscaping needs to be addressed for the property.

One question that came up during the Freeman Meadows Subdivision process was the potential for contamination of the City's water supply. There is a fuel supply area planned for the east side of the building. However, with these concerns staff is looking at moving the area to the WWTP.

Mr. Kinney said that he is considering bringing someone in to provide education on the aquifer and how they work so that there is a better understanding for the Planning Commission and City Council. Mr. Peterson suggested having a community meeting so that the people understand as well or at a minimum have someone of authority draft an informational sheet for the water issues that would be available to the public.

The ADU code will be presented for an initial review to the Council at the October 8, 2019 meeting.

The City was granted \$1.88 Million for storm drainage work including updating the Storm Drainage Master Plan, SW Spring Street Storm Drainage improvements and the Kimmel Park Storm Drainage outlet improvements.

The City will be reapplying for the Safe Routes to School Grant this upcoming cycle. With the storm drainage funded through the grant funded by the Legislature, this element can be removed, which provides additional opportunity to add sidewalks from S 1<sup>st</sup> Avenue to SW 4<sup>th</sup> Avenue and in between.

Staff is looking to apply for a DLCD Technical Assistance Grant to complete a WWTF capacity review, capital facilities plan document, Chapter 11 – Public Facilities, Chapter 10 – Housing and complete the Public Facilities Chapter of the zoning code.

Mrs. Cook said that she would like to complete a riparian code for City-owned properties before the end of the year so that we are in compliance with our TMDL documents.

The meeting was adjourned at 8:10 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 30<sup>th</sup> day of July, 2019

# **File 2019-12**

## **Spring Aerni**

Secondary Dwelling  
710 SE 3<sup>rd</sup> Avenue

**File 2019-14**  
**Gerardo Martinez**

Setback Variance  
648 SW Parkside Drive



**City of Mill City**

**David W. Kinney**  
*Planning Consultant for the City of Mill City*  
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## **MILL CITY PLANNING COMMISSION** **STAFF REPORT**

**STAFF REPORT DATE:** September 9, 2019

**HEARING DATE:** October 15, 2019

**FILE NUMBER:** 2019-14

**APPLICANT/  
PROPERTY OWNERS:** Gerardo Martinez  
 PO Box 346, Mill City, OR 97360

**PROPERTY:** 648 SW Parkside Drive, Mill City, OR

Assessor's Map	Tax Lot	Account	Acres	Zoning	Address
T09S R3E 31AB	00600	11219	0.19	R-1 Residential	648 SW Parkside

**EXHIBITS:** EXHIBIT A Application – Site Plan  
 EXHIBIT B Building Plans for Addition/Remodel to 648 Parkside Dr  
 EXHIBIT C Notice of Public Hearing

**REQUEST:** Setback Variance – Reduce Side Yard from 7.5' to 5' setback

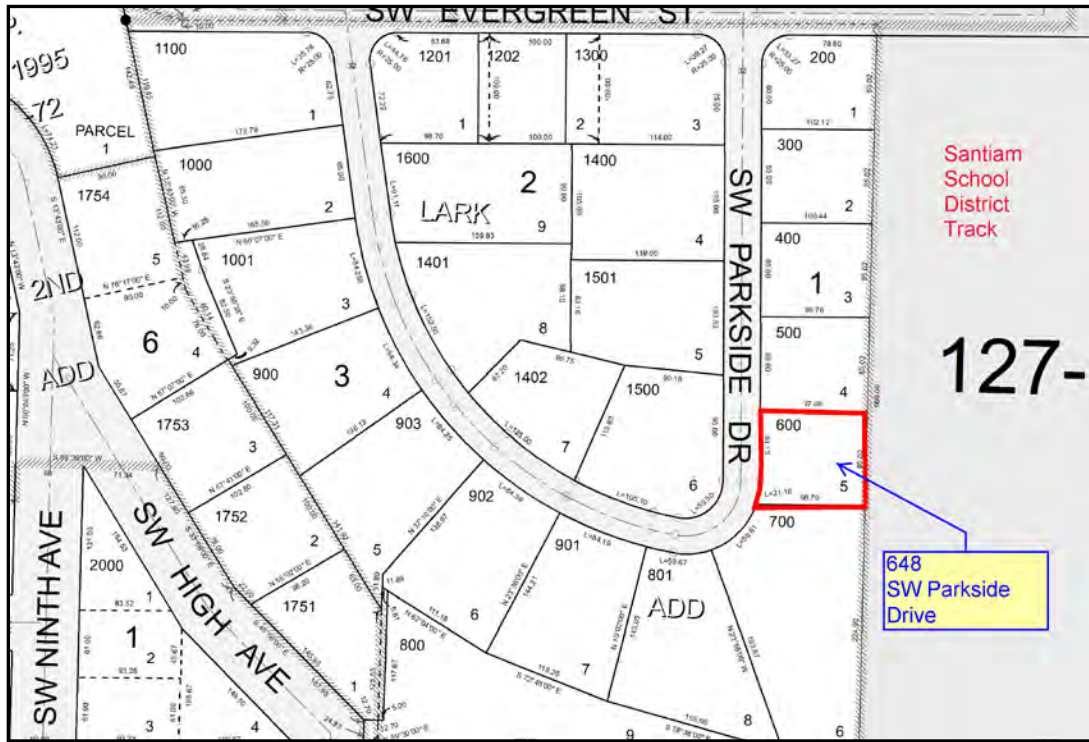
**CRITERIA:** **Mill City Municipal Code (MCMC) – Title 17 - Zoning**

- **Chapter 17.12** **Single-family Residential Zone (R-1)**
  - Section 17.12.020 Uses Permitted Outright
  - Section 17.12.040 Lot size, width and coverage
  - Section 17.12.060 Yard Requirements
- **Chapter 17.56.120** **Variances**
  - Section 17.56.010 Authorization to Grant Variances
  - Section 17.56.020 Conditions
  - Section 17.56.030 Criteria for Granting a Variance

## I. Applicant's Proposal

The City has received a land use application from Gerardo Martinez requesting a variance to Section 17.12.060 of the Mill City Zoning Code to allow a 5' side setback instead of the required 7.5' side setback for a two-story dwelling.

**Figure 1**  
SW Parkside Drive Area  
648 SW Parkside Drive, Mill City, Oregon



The applicant proposes to construct a 28' x 30' addition to his home at 648 SW Parkside Drive. The addition will include a carport to garage conversion, a second story bedroom and bonus room. He proposes to retain the existing 5' south setback for the remodel/addition. Under Section 17.12.060 a 2-story structure requires a 7.5' setback to the side or rear property line.

### **MCMC Code Section Requiring A Variance: Section 17.12.060**

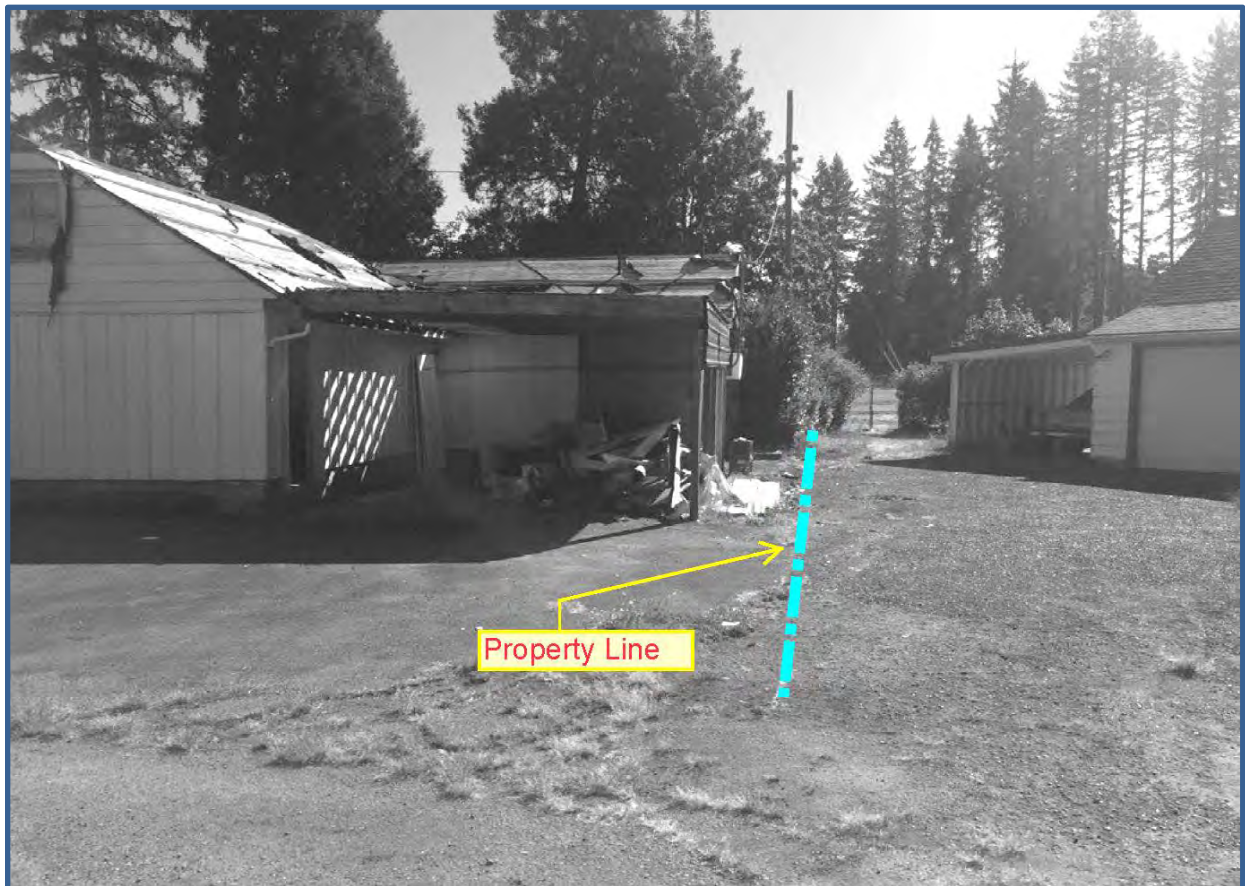
**17.12.060 Yard requirements.** In an R-1 zone yards shall be as follows:

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

- D. Clear Vision Area. A clear vision area shall be preserved on corner lots as provided in Section 17.44.050 of this title.
- E. Setback requirements shall apply to all structures, including accessory buildings and temporary covered structures.

The purpose of the 7.5' side setback for a building is to create separation between buildings and to provide architectural relief between buildings of two different heights. A variance to MCMC 17.12.060 is required to allow for the reduced side setback from 7.5' to 5.0'.

**Figure 2**  
Property Line at 648 SW Parkside Drive  
September 2019



## II. BACKGROUND INFORMATION

### A. Pre-Application Information and Application Submittals:

The applicant filed an application with the City on September 3, 2019. The applicant met with the City's Planning Consultant on Tuesday, September 3, 2019 and was asked to submit supplemental information for inclusion with the application. The application was deemed complete on September 5, 2019. The Planning Commission must make a decision within 120 days of the date the application is deemed to be complete. The final local decision must be made by January 3, 2020 to comply with the "120 Day Rule".

## **B. Application, Land Use Procedure and Review Requirements:**

Chapter 17.64 of the Mill City Municipal Code (MCMC) outlines the application, notice and review requirements for land use applications. A variance requires a quasi-judicial review process. The Mill City Planning Commission will hold a public hearing on October 15, 2019 and at the conclusion of the hearing will deliberate and make a decision to approve or deny the proposal. The City Council must review the Planning Commission's decision before it becomes final and the City Council has the option of calling the application up for a public hearing and further City Council review.

## **C. Burden of Proof:**

The burden of proof is on the applicant to present the application to the Planning Commission and to present information which shows that the application meets the criteria for approval.

## **D. Public Hearing and Notices of Public Hearing:**

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, October 15, 2019 as part of the regularly scheduled Planning Commission meeting that begins at 6:30 p.m. at the City Hall, 444 South First Avenue in Mill City, Oregon. The Planning Commission will make its decision based on the criteria found in the Mill City Zoning Code, Section 17.56.030. The Searchable City Code can be viewed under "Documents" at the City of Mill City website: <http://www.ci.mill-city.or.us/>.

Notice of the public hearing must be provided to affected governmental agencies and adjacent property owners. Written notice shall be mailed to owners of property within 100' of the subject property at least 20 days prior to the initial evidentiary hearing. Notice of the initial evidentiary hearing will be mailed 20 days prior to the October 15, 2019 hearing.

## **E. Existing Conditions:**

The property has an existing 1,544 square foot single-family residence with a carport on the south end of the home.

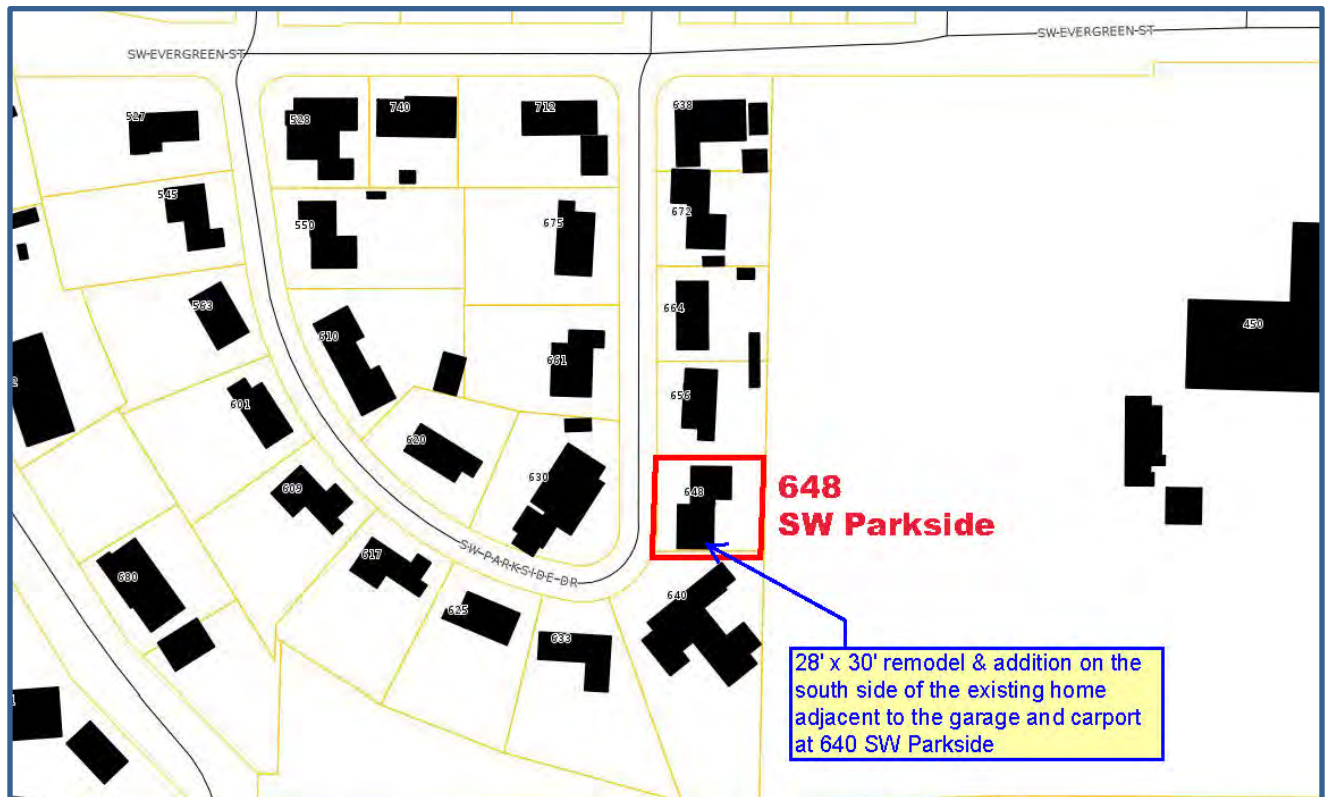
The SW Parkside Drive area is a single-family residential neighborhood. The applicant's parcel and nearby properties are zoned Single Family Residential (R-1). Surrounding properties have the following characteristics:

EAST:	Santiam Canyon School District – High School Track & Football Field
SOUTH:	Single family homes at 640 SW Parkside Drive.
WEST:	Single family home at 630 SW Parkside Drive.
NORTH:	Single family home at 656 SW Parkside Drive.

**Figure 3**  
648 SW Parkside Drive – 2018 Google Earth Photo



**Figure 4**  
Homes and Buildings Adjacent to 648 SW Parkside Drive, Mill City, Oregon



**F. Utilities:**City Utilities:

The property is currently served by City of Mill City water and sewer services. The proposal does not conflict with either water or sewer services.

Private Utilities:

Overhead cable TV, electrical and telecommunications lines serve the site.

**G. Agency Comments and Public Testimony:**

1. Agency Comments. Agency comments were solicited from the following agencies: Pacific Power, NW Natural Gas, Frontier Communications, WAVE Broadband, the Mill City Rural Fire District and Santiam Canyon School District. Responses were requested back by October 4, 2019. Any agency comments received prior to or during the public hearing will be made part of the record.
2. Neighbor Comments and Public Testimony. The City will send notices of the public hearing to surrounding property owners at least 20 days prior to the public hearing. Any written public testimony received prior to or during the public hearing will be made a part of the record. Oral testimony will be included in the meeting minutes.

**III. FINDINGS**

The application was reviewed to determine whether the proposal complies with the applicable standards and criteria in Title 17-Zoning of the Mill City Municipal Code.

**A. Chapter 17.12 – Single-family Residential (R-1) District**

The following standards in the R-1 zone apply to this proposal.

**17.12.020 Permitted Uses.** In an R-1 zone a single-family home is allowed as an outright permitted use.

**17.12.050 Height.** In an R-1 zone, the building cannot exceed 35' tall (3-stories). The proposed addition will be 20'-24' high; it will comply with the height requirements.

**17.12.060 Yard Requirements.** The site plan shows the proposed addition will not comply with the building setback requirements for a single-family house in the R-1 zone.

Yard	Requirement	Existing Setbacks
Front Yard	15 feet	18' +/- from front property line
Garage Front	20 feet	20' +/- from front property line. (Remodel/Addition)
Side Yard	South - 7.5 feet	5' side setback proposed on south.
	North – 5.0 feet	10' side setback will not change.

**17.12.070 Parking.** Two off-street parking spaces are required. The applicant will provide two off-street parking spaces in the driveway.

**FINDINGS:** The R-1 residential zone allows single-family homes subject to compliance with the standards in Chapter 17.12. The home and proposed remodel/addition comply with the R-1 zoning requirements, except the side setback requirement.

## B. Chapter 17.56.030 – Variance Criteria

Section 17.56.030 of the Mill City Zoning Code contains the criteria for consideration of a variance. This section reads as follows:

### **17.56.030 Criteria for Granting a Variance.**

1. Unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property, since the enactment of this title, have no control.
2. The variance is necessary for the preservation and enjoyment of the same property right as possessed by owners of other property in the same zone and vicinity.
3. The variance is not in conflict with the general purpose and intent of this title [the Mill City Zoning Code], or to property in the same zone or vicinity in which the property is located.
4. The variance is consistent with the goals and policies in the comprehensive plan.

## C. Findings of Fact and Conclusions

### **Criteria 1: *Unique or extraordinary circumstances apply to property***

#### **Facts:**

1. The property is located in the Single-Family Residential (R-1) zone. All new homes, and building additions must comply with the permitted use, height and setback requirements.
2. The applicant has submitted a site plan showing the location of the proposed building addition. The site plan shows a 5' setback from the south property line to the existing home. The applicant requests a variance to permit him to retain the existing 5' setback (for the current carport) for the new 2-story addition.
3. The applicant submitted the following explanation on why the proposal is an unusual circumstance:  
*"The current footprint is already at 5' and [I] would like to add the addition by closing in the carport [for a garage] and adding a second story."*
4. The closest point on the carport at 640 SW Parkside Drive is 9' south of the property line. The closest point of the garage is 18' south of the property line.

#### **Conclusions:**

The staff concludes the following unusual circumstances exist:

1. The existing carport and house have been in disrepair for many years (as shown in Figure 2 and Figure 3). The applicant proposes to bring the existing structure in compliance with

current building codes.

2. The existing structure complies with city setback requirements for a 1-story structure. A new 2-story structure requires a larger 7.5' side setback. Reduction of the setback would require the size of the new garage (conversion of the carport) to be too narrow for use as a garage.
3. Location of the addition will not change the current setback.
4. The remodel/addition will not impact the adjacent driveway and access to the garage and carport at the house next door at 640 SW Parkside Drive.

**Conclusion:** The Planning Consultant concludes the unusual circumstances that apply to this proposal are (1) the remodel/addition on the existing footprint will enable the homeowner to comply with the city's zoning requirement to provide a carport/garage with the single family home, (2) the retention of the 5' setback from the property line does not change the existing building footprint and (3) the remodel will bring the home into compliance with building codes.

**Criteria 2:** *The variance is necessary for the preservation of a property right the same as is enjoyed by other property owners in the vicinity.*

**Facts:**

1. The property is located in the Single-Family Residential (R-1) zone. All new homes, and building additions must comply with the permitted use, height and setback requirements in the Mill City Zoning Code.
2. The applicant submitted the following explanation on why the proposal is an is necessary to preserve a property right:

*"To bring the house to current and updated standards, similar to current homes."*

The applicant informed the Planning Consultant that he plans to add a 28' x 30' addition which will include a carport to garage conversion and add a master bedroom & bonus room.

**Conclusion:** The Planning Consultant concludes all property owners in the R-1 zone have the right to build or remodel an existing home in compliance with the city's zoning regulations and the building code. The previous property owners had converted a garage into a part of the living area taking the home out of compliance with the city's parking requirements. The City requires the applicant to provide either a garage or carport as part of the remodel/addition in order to bring the home into compliance with the city's parking requirements in Chapter 17.44 of the Zoning Code. '

Approval of the setback variance will allow the property owner to construct a garage as part of the remodel/addition, with sufficient width that the garage may be used for parking of vehicles. The preservation of the applicant's property right to remodel the home and convert the carport to a garage would apply to any property owner in the single-family residential (R-1) zone.

**Criteria 3/4:** *The variance is consistent with the Mill City Comprehensive plan goals & policies and the variance is not in conflict with the general purpose and intent of the Mill City Zoning Code, or to property in the same zone or vicinity in which the property is located.*

**Facts:**

1. The property is located in the Single-Family Residential (R-1) zone.
2. The applicant proposes to maintain the current use as a single-family residence and to correct the structural and building code violations that exist. The applicant notes the completion of the remodel/addition will add value to the home and upgrade the neighborhood.

**Conclusion:** The applicant's proposal is consistent with the purposes of the Mill City Comprehensive Plan and Zoning Code for the basic use of the property. The conversion of the carport to a garage and the remodel /addition of a master bedroom and bonus room will continue the use of the property for a single-family use. The rehabilitation of the deteriorated/derelict home is consistent with the Land Use Goal LU-5 to *"develop and maintain residential neighborhoods that are pleasant safe and attractive"* and Policy LU-7 to encourage redevelopment and support of housing rehabilitation to prolong the useful life of existing housing stock.

#### **IV. CITY PLANNER CONCLUSION AND RECOMMENDATION**

Based on the findings contained in this report, the City's Planning Consultant concludes that the site plan for the construction of a 28' x 30' remodel/addition to the existing single-family dwelling at 648 SW Parkside Drive complies with the applicable criteria for the approval of a setback variance.

If the Planning Commission approves the variance, the Planning Consultant recommends the Commission impose the following condition of approval.

1. **SETBACK.** The building remodel/addition at 648 SW Parkside Drive shall be located 5' or more from the south property line. The applicant shall locate the property corners and verify the building addition will comply with the minimum 5' side setback requirement.
2. **DEADLINE FOR APPLYING FOR A BUILDING PERMIT and EXPIRATION OF VARIANCE:** The applicant shall apply for a building permit by October 30, 2020 at 4:00 p.m. The variance approval will expire on October 30, 2020 at 4:00 p.m. if the applicant does not file an application for a building permit for the addition/remodel of the home at 648 SW Parkside Drive.

#### **V. PLANNING COMMISSION OPTIONS**

- A. Approval of the variance application for a 5' side setback on the south side of the property.]
- B. Approve the variance with modified conditions of approval.
- C. Deny the variance.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are addressed.

## VI. MOTIONS

Approval:	To grant a setback variance (5' south side) to Gerardo Martinez to allow for the remodel/building addition to the existing home at 648 SW Parkside Drive, to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2019-14.
Approval (modified):	To grant a setback variance (5' south side) to Gerardo Martinez to allow for the remodel/building addition at 648 SW Parkside Drive, to direct the staff to modify the findings of fact and conclusions to reflect the Planning Commission's deliberations and adopt the conditions of approval for File No. 2019-14.
Continue:	To continue deliberations to the next meeting of the Planning Commission on <b>(insert DATE and TIME)</b> so the parties may submit additional information.
Denial:	To deny the application because the applicant has not demonstrated the proposal complies with all of the variance criteria in the Mill City Zoning Code and to direct the staff to modify the findings and prepare a final order to reflect the Planning Commission's deliberations and conclusions.

## VII. FINAL ORDER AND NOTICE OF DECISION

A FINAL ORDER and a written NOTICE OF DECISION will be issued to the applicant and all participants of record within five (5) business days of the Planning Commission's decision.

The City Council will review the Planning Commission decision at its next regularly scheduled City Council meeting and may elect to call a public hearing to consider the proposal. If the Council calls for a public hearing, then the Council will make the final decision. If the City Council does not call for a public hearing, the planning commission decision is final and takes effect at the end of the appeal period.

## VIII. APPEAL PERIOD

Any person aggrieved by the Planning Commission decision may appeal the decision to the City Council by filing a written appeal with the City of Mill City within fifteen (15) calendar days of the date the Notice of Decision is mailed by the City.

## Variance Application to Zoning or Subdivision Regulation

## TYPE OF APPLICATION:

☐ Pre Application Conference with Planner

Application Fee

\$ 200 .00

☒ Variance☒ Variance to Zoning Regulation

\$ 500.00

☐ Variance to Subdivision Regulation

\$ 500.00

I understand that the application fee or deposit paid for this land use proceeding is in accordance with the current City of Mill City Land Use Fees Resolution. If the City incurs additional costs for engineering, legal, planning consultation, inspection fees or other direct costs related to this proposal, which are beyond the initial filing fee or deposit, then the city may require an additional deposit or fee to cover costs incurred. The additional fee shall be payable to the City upon receipt of a bill showing the documented City costs. If the property owner or applicant does not pay the additional fees which are invoiced, the City may withhold issuance of building permits, certificates of occupancy, utility service connections or subdivision/partition plats until the fees are paid. I agree to reimburse the City for the additional costs the City of Mill City may incur in reviewing and processing this application.

SIGNATURE OF AUTHORIZED APPLICANT: 

Gerardo

Property Owner or Authorized Agent

## 1. BRIEFLY DESCRIBE PROPOSAL:

todaysinnovation@gmail.com

☒ Variance to Mill City Zoning Code, Section \_\_\_\_\_☐ Variance to Mill City Subdivision Code, Section \_\_\_\_\_Describe the variance requested: 7 1/2 Foot Variance due to addition of  
2nd story

## 2. APPLICANT:

Name: GERARDO MARTINEZAddress: PO Box 346City/State/Zip: Mill City OR 97360

Phone:

Work (503) 302 - 7223

Home: ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

Email: \_\_\_\_\_

☒ Owner of Record☐ Authorized Agent or Representative

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

If applicant is not the property owner, fill out Section 3.

**3. OWNER'S AUTHORIZATION** (Complete if applicant is not owner of record)

I am (We are) the owner(s) of record of the subject property described in this application and authorize \_\_\_\_\_ to represent my (our) interests in any and all hearings regarding this application.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**4. LOCATION:** Identify the exact location of the property (street address or, if not addressed, the County Assessor's tax lot number, and the closest intersecting streets):

Street Address: 6485(W) Parkside Dr

Closest Intersecting Streets: Snl Parkside Dr

Assessor's Map & Tax Lot Number:

T9S R3E 31AB Tax Lot(s): 600

T9S R3E \_\_\_\_\_ Tax Lot(s): \_\_\_\_\_

Size of Property: 8330.71 acres or \_\_\_\_\_ square feet.

**5. LEGAL DESCRIPTION** (as it appears on the deed):

Lot No.: 5 Block No.: \_\_\_\_\_ Subdivision: lock addition

NOTE: If the application involves a fraction of a lot or a lot which is not within a platted subdivision, attach a full legal description in metes and bounds, marked "Exhibit A."

**5. Existing Zoning:** R1

**6. Current Use of the Property:** Existing Single Story Home.

## VARIANCE APPLICATION

The Mill City Planning Commission may authorize variances from the requirements of the zoning code or subdivision code, where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

The Planning Commission will use the information provided by the applicant below to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant meets the standards and criteria set forth in the Mill City Zoning Code or Subdivision Code. Please provide the following information in full. This application will not be accepted unless all required information is provided.

### GENERAL INFORMATION:

1. Current Use of the Property: Current Single Story Home with  
5' ft From property line
2. Proposed Use of the Property: Adding Second Story Need 7 1/2  
variance from property line. I am keeping existing foot print
3. Code Section for which the variance is requested: Side yard Set back
4. Existing Code Requirement: 7 1/2 ft Setback
5. Describe the Proposed Variance and Reasons for the Request (additional info may be attached):  
Would like to have a 5' Set back due to  
adding a Second Story addition.

**DECISION CRITERIA:**

In order for the planning commission to approve a variance the applicant must demonstrate all of the following criteria have been addressed:

1. Explain why unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property have no control.

The Current footprint is already at 5' ft. and would like to add the addition by closing in the car port and second story.

2. Explain why the variance is necessary for the preservation and enjoyment of the same property right as possessed by owners of other property in the same zone and vicinity.

to bring home to current and updated standards to current homes. - MASTER BEDROOM / BONUS ROOM (28' x 30')  
- CARPORT to Garage Conversion w/ Driveway (+/-)

3. Describe how the variance is not in conflict with the general purpose and intent of this title, or to property in the same zone or vicinity in which the property is located.

Current home is in code to set back. but due to adding a second 2nd story require a 7 1/2' set back. foot print is stay the same. SFR is an allowed.

- No windows on carport next to them.

4. Explain how the existing or proposed use of the property will be consistent with the goals and policies in the comprehensive plan if the variance is approved.

Current home is not in practice conditions of  
 Current homes and this variance will allow for updated.

15. CONSULTANTS: Please list below any planning and engineering consultants.

PLANNING

Name \_\_\_\_\_

Firm \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

( ) \_\_\_\_\_ - \_\_\_\_\_  
 Work Phone

( ) \_\_\_\_\_ - \_\_\_\_\_  
 FAX

E-mail \_\_\_\_\_

ENGINEERING

Name \_\_\_\_\_

Firm \_\_\_\_\_

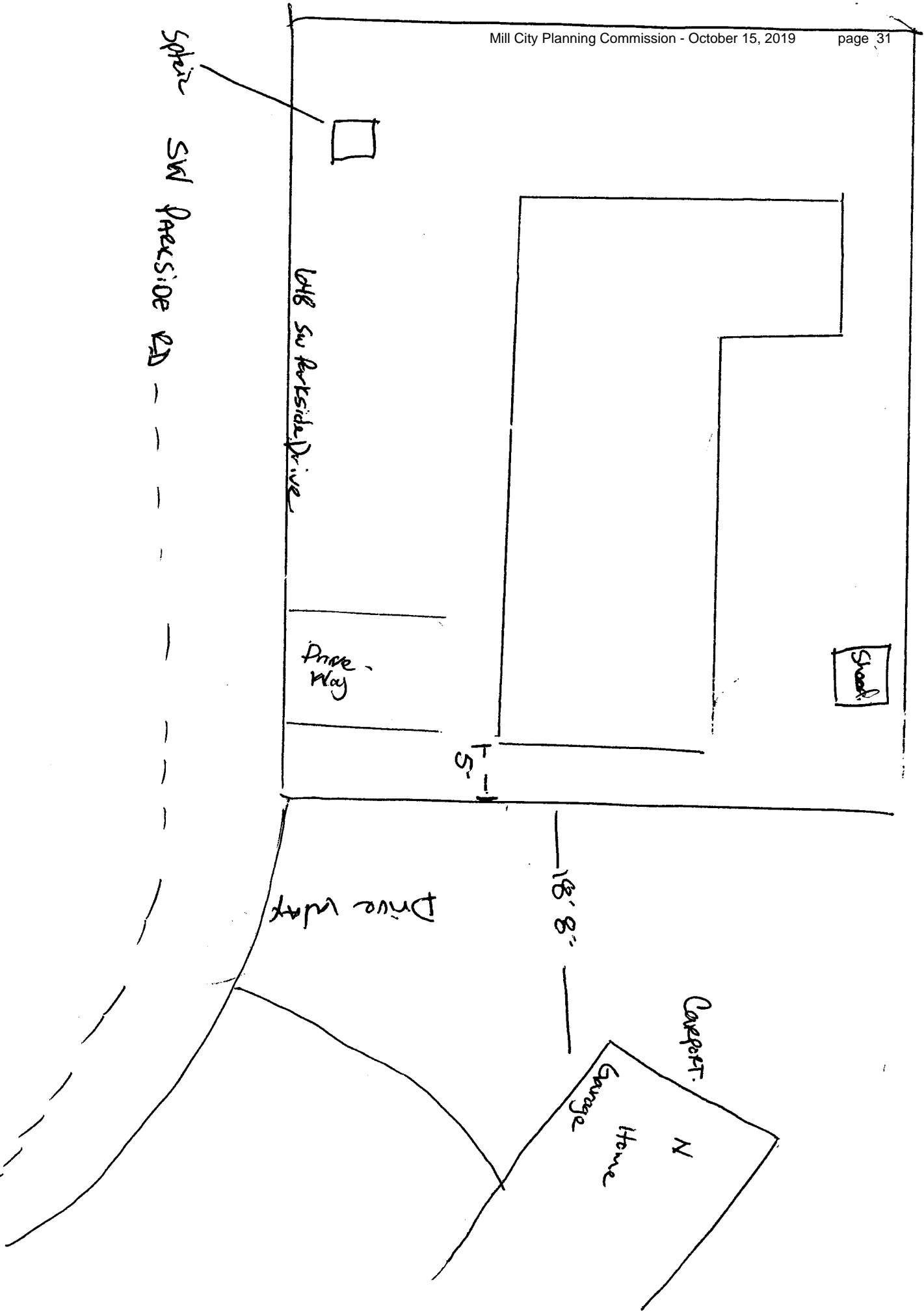
Street Address \_\_\_\_\_

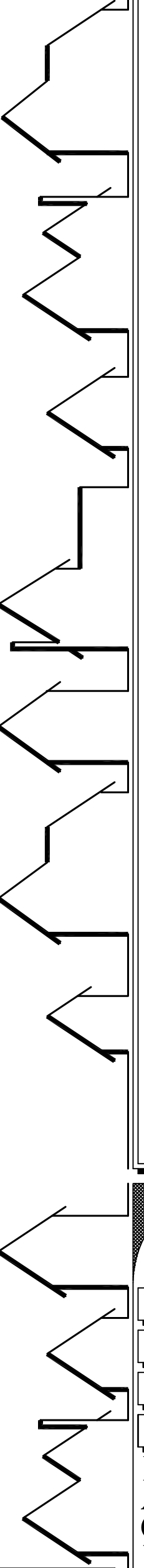
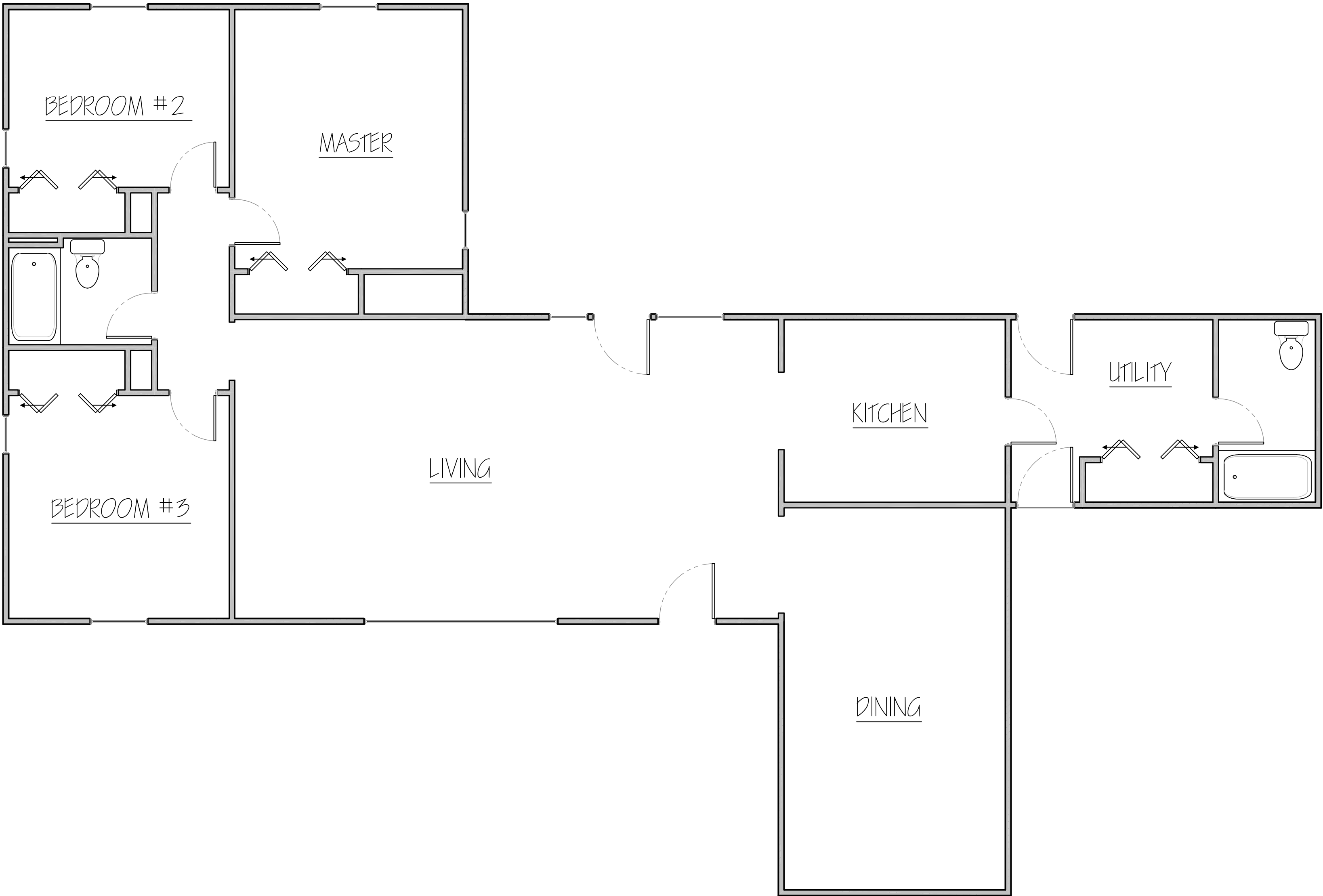
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

( ) \_\_\_\_\_ - \_\_\_\_\_  
 Work Phone


( ) \_\_\_\_\_ - \_\_\_\_\_  
 FAX

E-mail \_\_\_\_\_





ADDITION PLAN FOR:  
**MARTINEZ RESIDENCE**  
ADDRESS

  
COPYRIGHT 2019

DATE:	8-26-2019
SCALE:	1/4" = 1'-0"
FILE #	1757 EX
PROJECT:	1757

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GROUP 1 \$80

ALL EXTERIOR MATERIALS AND FINISHES ARE FOR PRESENTATION PURPOSES ONLY. ACCRUAL MATERIALS, FINISHES, AND GRADE UP TO BUILDERS DISCRESSION.

NOTE: ACTUAL FINISHED GRADES MAY VARY FROM FINISHED GRADES SHOWN ON ELEVATIONS AND PLANS

BUILDING INFORMATION

APPLICABLE CODES:  
INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS

PROJECT TYPE  
NEW SINGLE FAMILY RESIDENCE

AREA

EXISTING FLOOR

UPPER FLOOR

GARAGE

TOTAL UNDER ROOF

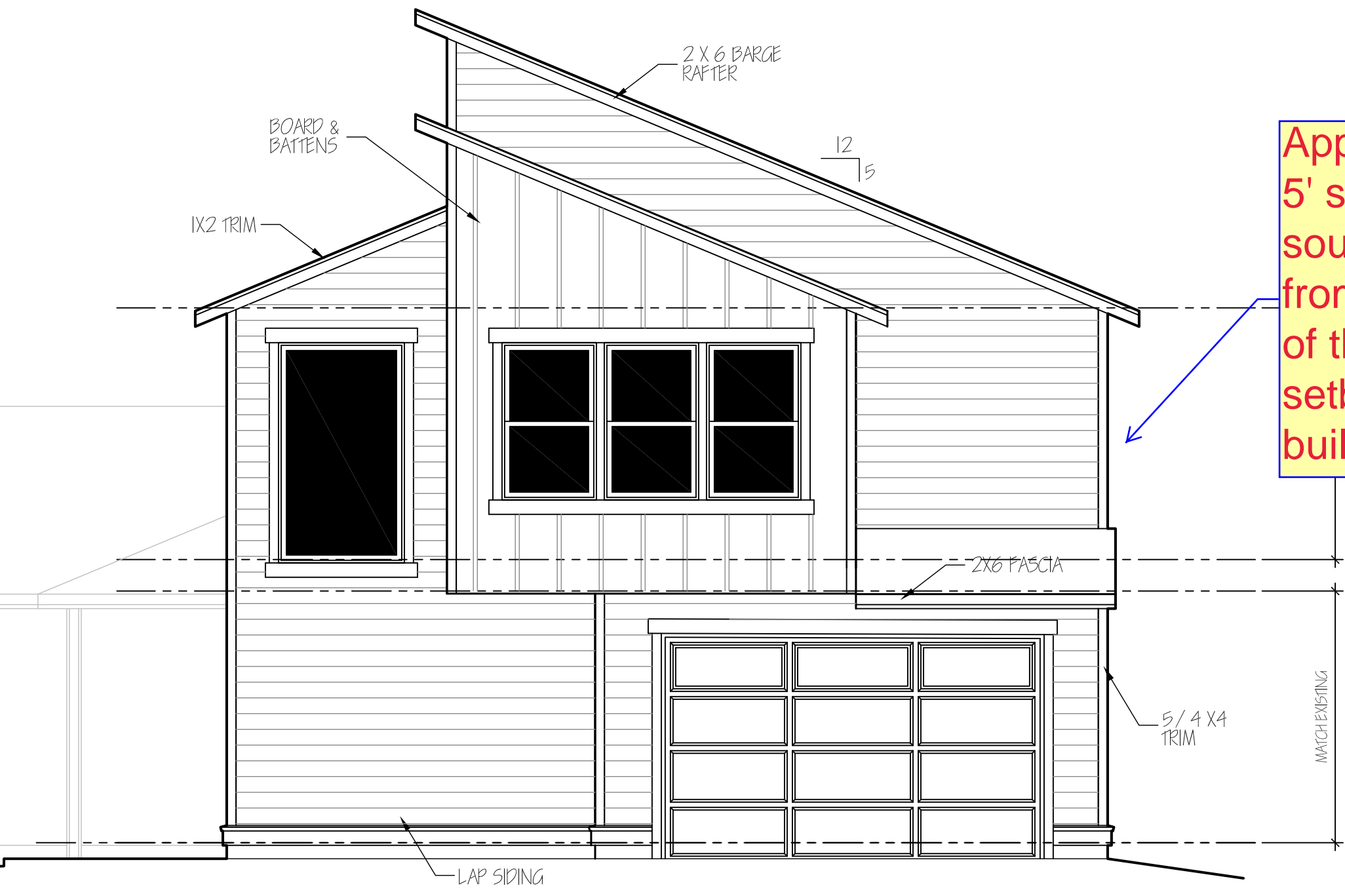
1540 SQ. FT.

804 SQ. FT.

336 SQ. FT.

2344 SQ. FT.

DESIGN LOADS  
A. ROOF LIVE LOAD = 25 P.S.F.  
B. WIND LOAD = 120 MPH, EXPOSURE B  
C. SEISMIC ZONE = CATEGORY D<sub>1</sub>  
D. FROST DEPTH = 12"  
E. SOIL BEARING = 1500 P.S.F.



Applicant Requests a 5' side setback to the south property line from this wall, instead of the required 7.5' setback for a 2-story building..

BUILDING COMPONENTS:	
MAXIMUM ALLOWABLE AREA WINDOW GLASS	NO LIMIT
DOORS, OTHER THAN ENTRY	U = 0.28
MAIN ENTRY DOOR	U = 0.20
(MAX. 24 SQ. FT.)	U = 0.20
WALL INSULATION	R-21
UNDERFLOOR INSULATION	R-38
FLAT CEILINGS	R-48
VAULTED CEILINGS	R-30
SKYLIGHT GLASS	U = .050
SKYLIGHT AREA	LESS THAN 2%
BASEMENT WALLS	R-21
SLAB FLOOR EDGE INSULATION	R-15
FORCED AIR DUCT INSULATION	R-8

APPROVED ADDRESS NUMBERS SHALL BE PAINTED OR AFFIXED TO THE FRONT OF THE BUILDING IN A CONTRASTING AND HIGHLY VISIBLE COLOR, NOT LESS THAN 4" IN HEIGHT FOR RESIDENTIAL USE. THE NUMBERS SHALL BE AFFIXED PRIOR TO FINAL INSPECTION. (513) (LFC 10.301) (ORD774)

A ROADSIDE MARKER SHALL BE PLACED AT THE ACCESS POINT WITH ADDRESS NUMBERS IN A CONTRASTING AND HIGHLY VISIBLE COLOR, NOT LESS THAN 3" IN HEIGHT.

# FRONT ELEVATION

TABLE N1101.1(2) ADDITIONAL MEASURES	
Envelope Enhancement Measures (Select One)	1 High efficiency walls Exterior walls—U-0.045/R-21 cavity insulation + R-5 continuous
	2 Upgraded features Exterior walls—U-0.057/R-23 intermediate or R-21 advanced, Framed floors—U-0.026/R-38, and Windows—U-0.28 (average UA)
	3 Upgraded features Exterior walls—U-0.055/R-23 intermediate or R-21 advanced, Flat ceiling <sup>c</sup> —U-0.017/R-60, and Framed floors—U-0.026/R-38
	4 Super Insulated Windows and Attic OR Framed Floors Windows—U-0.22 (Triple Pane Low-e), and Flat ceiling <sup>c</sup> —U-0.017/R-60 or Framed floors—U-0.026/R-38
	5 Air sealing home and ducts Mandatory air sealing of all wall coverings at top plate and air sealing checklist <sup>d</sup> , and Mechanical whole-building ventilation system with rates meeting M1503 or ASHRAE 62.2, and All ducts and air handlers contained within building envelope <sup>d</sup> or All ducts sealed with mastic <sup>b</sup>
	6 High efficiency thermal envelope UA <sup>a</sup> Proposed UA is 8% lower than the code UA
Conservation Measure (Select One)	A High efficiency HVAC system <sup>a</sup> Gas-fired furnace or boiler AFUE 94%, or Air source heat pump HSPF 9.5/15.0 SEER cooling, or Ground source heat pump COP 3.5 or Energy Star rated
	B Ducted HVAC systems within conditioned space All ducts and air handlers contained within building envelope <sup>d</sup> Cannot be combined with Measure 5
	C Ductless heat pump Ductless heat pump HSPF 10.0 in primary zone of dwelling
	D High efficiency water heater <sup>e</sup> Natural gas/propane water heater with UEF 0.85 OR Electric heat pump water heater Tier 1 Northern Climate Specification Product

GERNERAL NOTES

1. THE INTENT OF THESE PLANS IS TO PROVIDE THE CONTRACTOR WITH A GUIDE FOR A FULL, COMPLETE AND WORKABLE PROJECT, IN SO FAR AS THE DRAWINGS SHOW AND THE SPECIFICATIONS CALL FOR. THESE PLANS ARE INTENDED FOR USE BY PEOPLE WITH KNOWLEDGE OF BUILDING CONSTRUCTION.

2. ALL WORK SHALL COMPLY WITH THE LATEST ADOPTED VERSION OF THE INTERNATIONAL ONE AND TWO FAMILY DWELLING CODE, AND ANY APPLICABLE LOCAL OR COUNTY JURISDICTION.

3. THE CONTRACTOR IS RESPONSIBLE FOR REVIEWING THE PLANS AND IS TO NOTIFY THE DESIGNER OF ANY ERRORS OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.

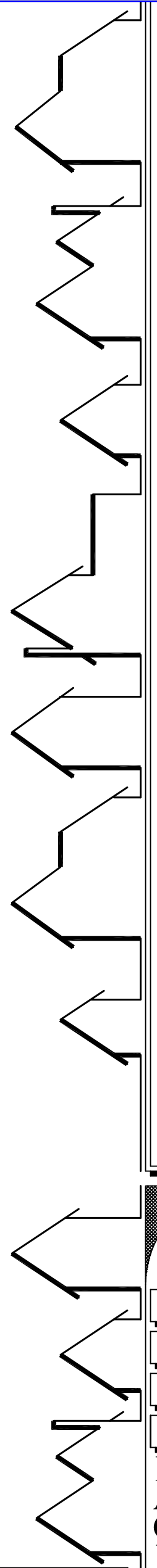
4. WRITTEN DIMENSIONS SHALL TAKE ALL PRECEDENCE OVER SCALED DIMENSIONS.

5. HEATING/ COOLING SPECIFICATIONS AND DRAWINGS SHALL BE PROVIDED BY THE MECHANICAL CONTRACTOR AS REQUIRED BY BUILDING OFFICIALS.

6. PLUMBING AND ELECTRICAL SPECIFICATIONS SHALL BE PROVIDED BY THE RESPECTIVE TRADES, AS REQUIRED BY BUILDING OFFICIALS.

7. HEATING LOSS AND ENERGY CALCULATIONS SHALL BE PROVIDED BY THE MECHANICAL CONTRACTOR, OR OTHER QUALIFIED PROFESSIONAL AS REQUIRED BY BUILD OFFICIALS.

8. TRUSS MANUFACTURE SHALL PROVIDE ALL DRAWINGS, SPECIGICATIONS AND ENGINEERING AS REQUIRED BY BUILDING OFFICIALS.



ADDITION PLAN FOR:  
**MARTINEZ RESIDENCE**  
ADDRESS

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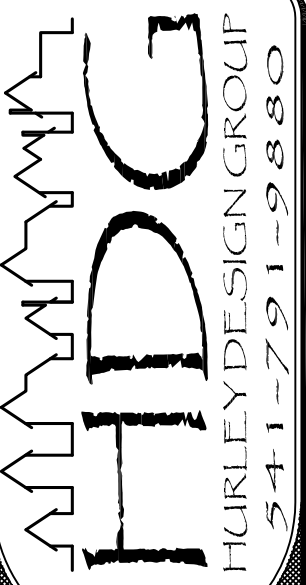
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FILE # 1757 EL

PROJECT: 1757

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2



NEW HOUSE PLAN FOR:  
**MARTINEZ RESIDENCE**  
ADDRESS



DATE: 8-27-2019

SCALE: 1/4" = 1'-0"

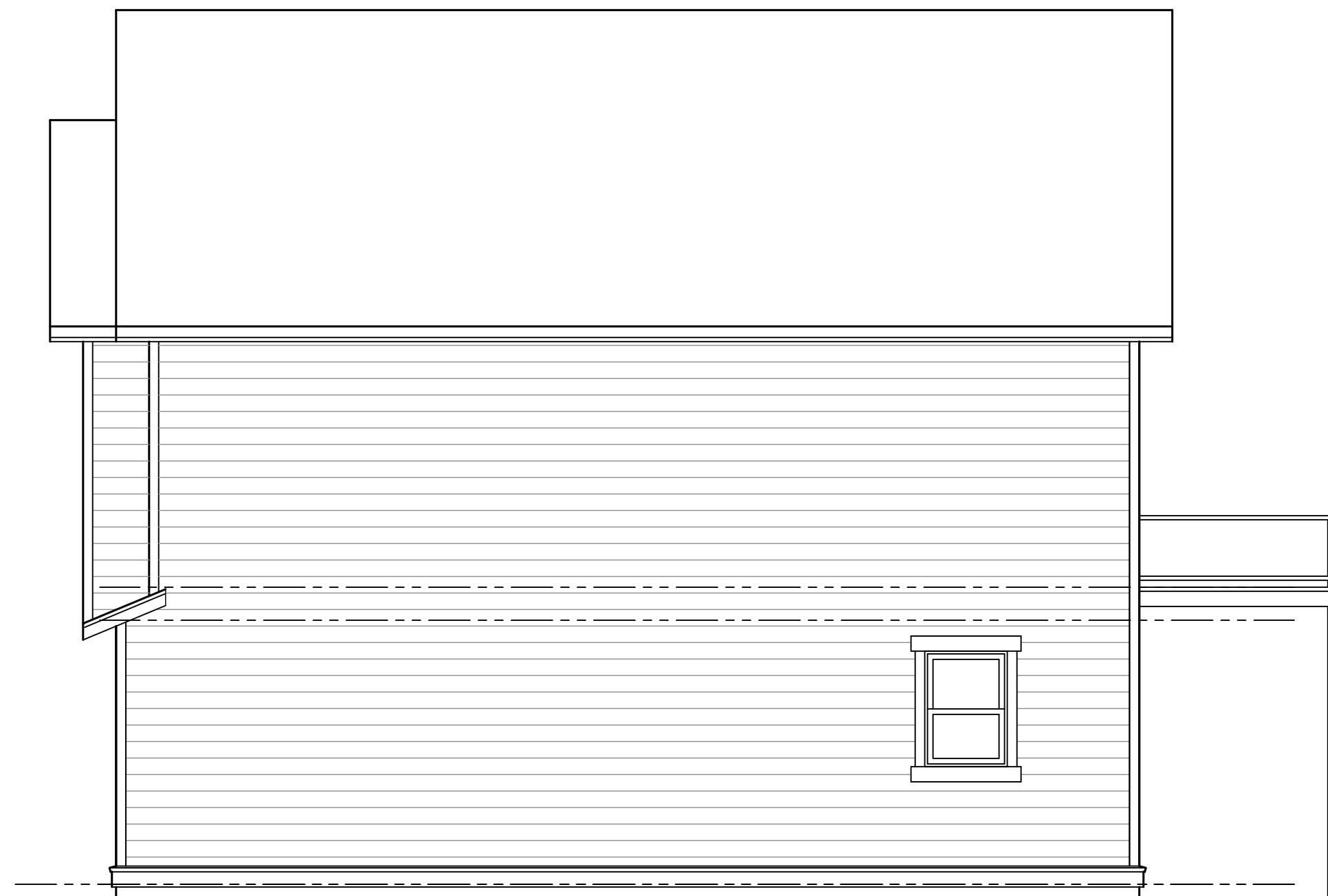
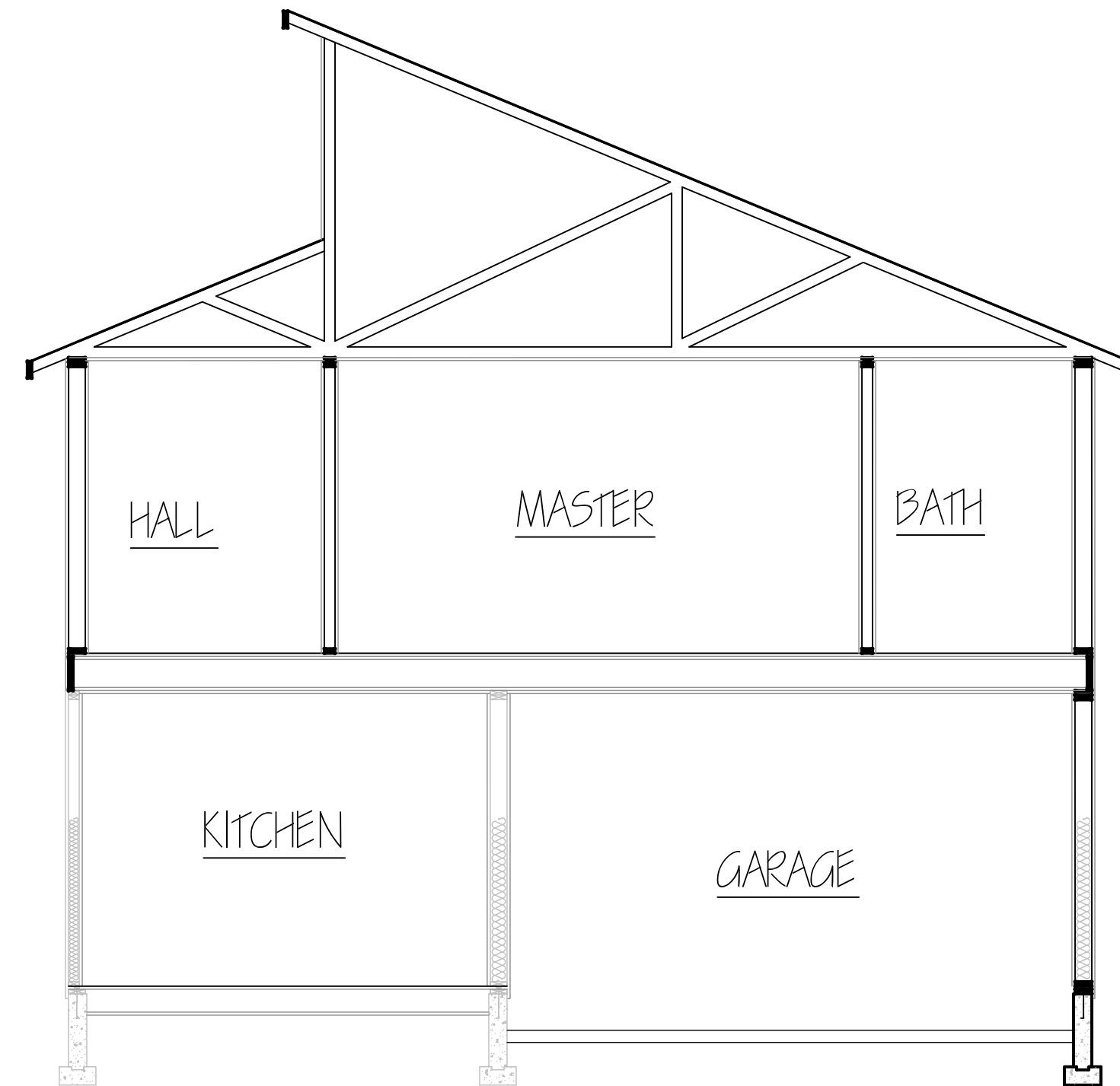
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PROJECT: 1757

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**3**



BACK ELEVATION



RIGHT ELEVATION

MARTINEZ RESIDENCE

### ADDITIONAL INFORMATION:

ADDRESS



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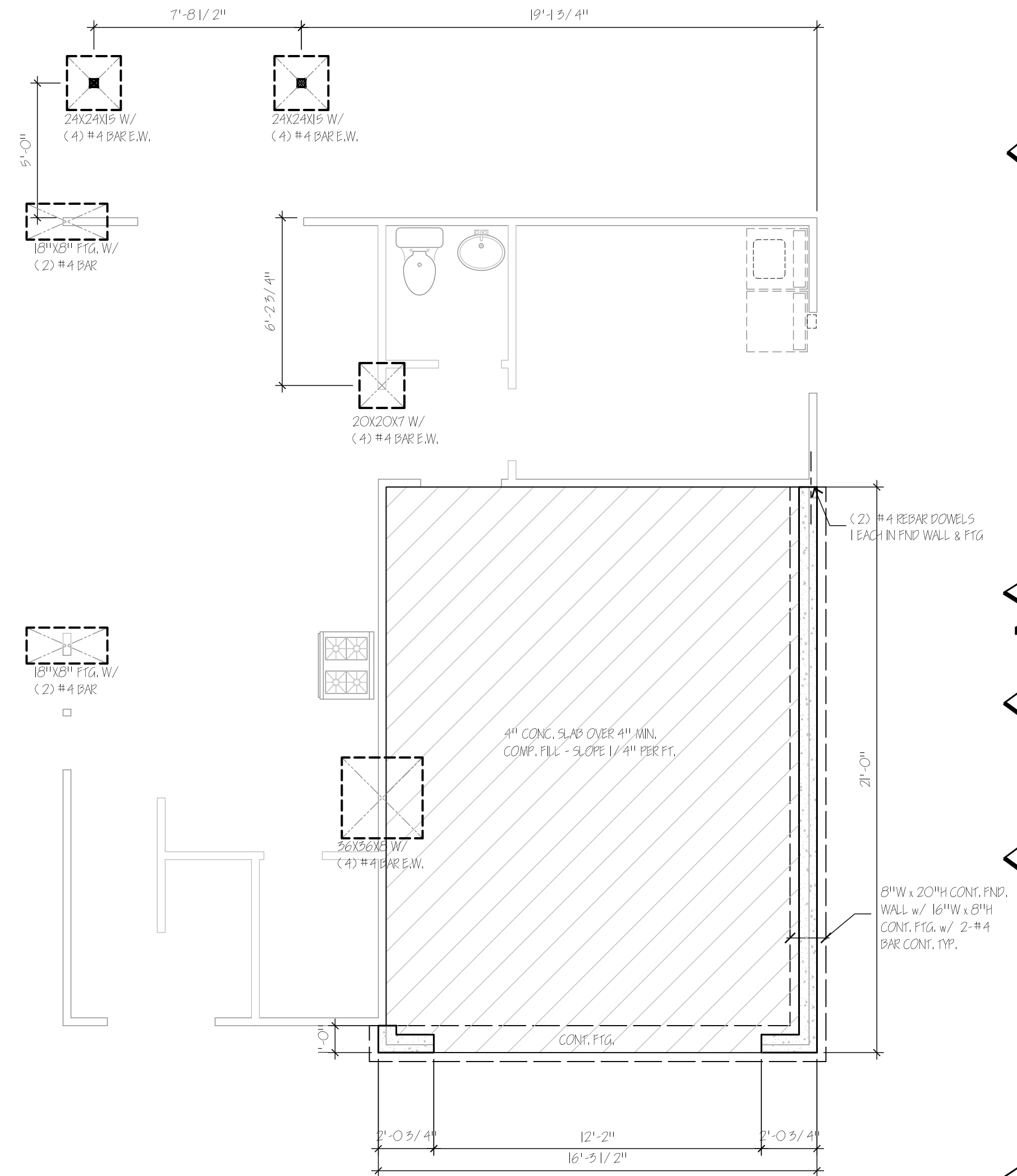
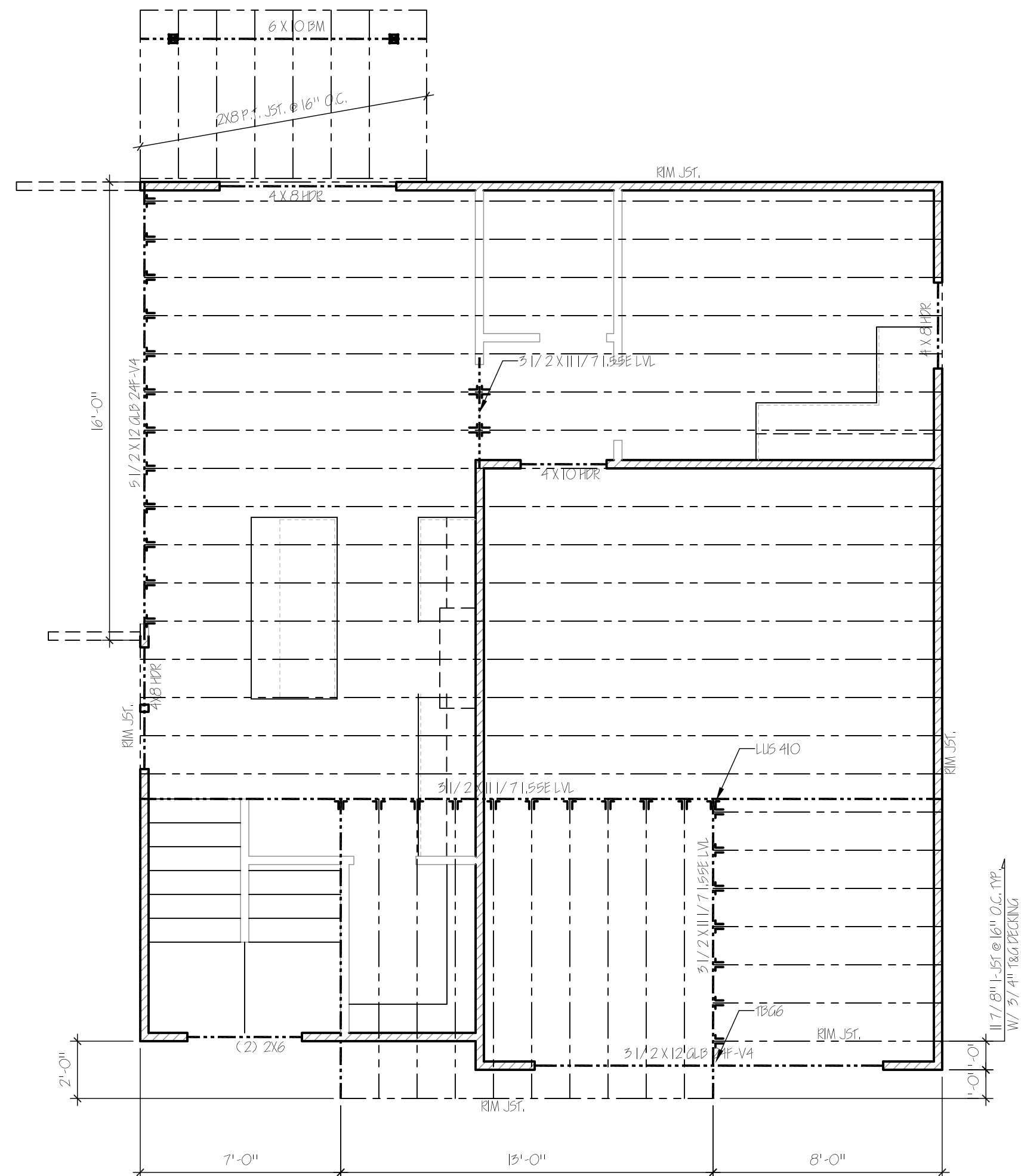
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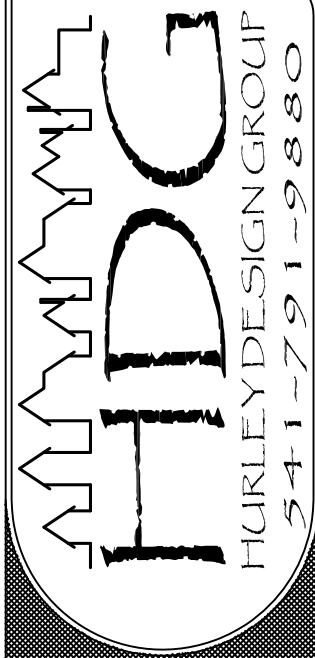
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# AGUE

4



FOUNDATION/UPPER FLOOR FRAMING PLAN



ADDITION PLAN FOR:  
**MARTINEZ RESIDENCE**  
ADDRESS

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DATE: 8-27-2019

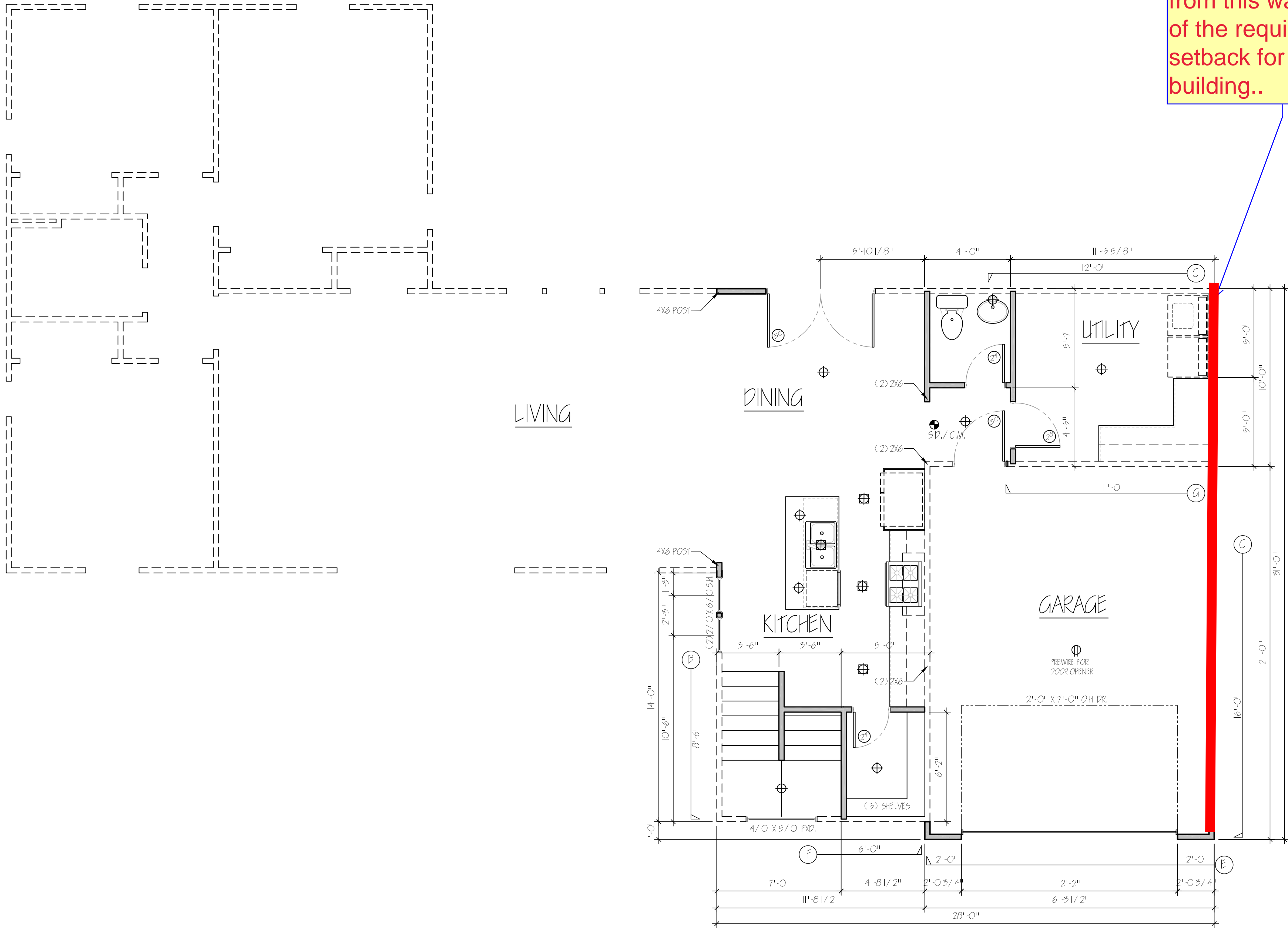
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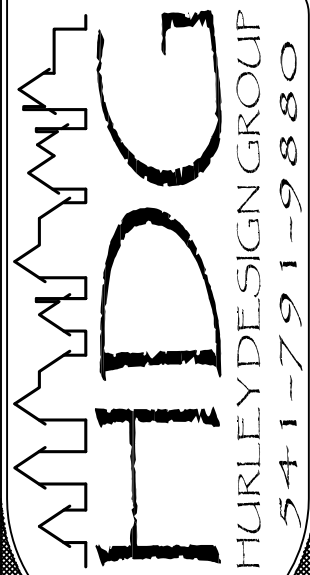
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Applicant Requests a 5' side setback to the south property line from this wall, instead of the required 7.5' setback for a 2-story building..



MAIN FLOOR PLAN



ADDITION PLAN FOR:  
**MARTINEZ RESIDENCE**  
ADDRESS

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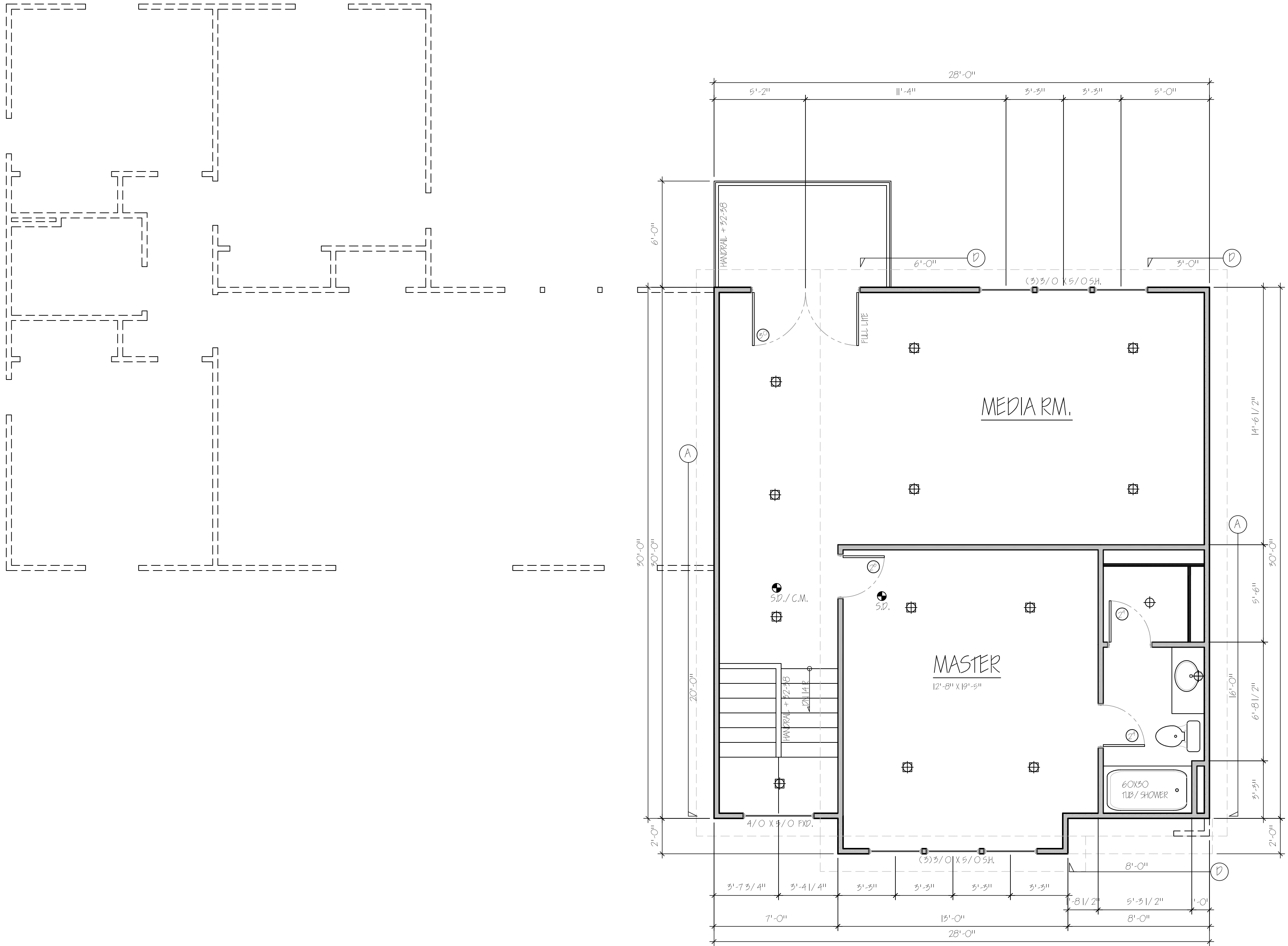
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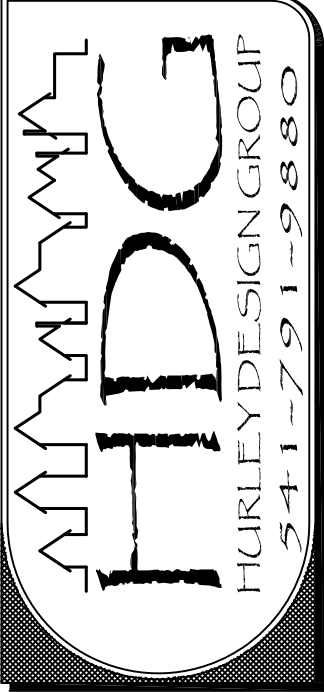
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UPPER FLOOR PLAN



ADDITION PLAN FOR:  
**MARTINEZ RESIDENCE**  
ADDRESS

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SCALE: 1/4" = 1'-0"

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PROJECT: 1757

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**7**

CONT. HORIZ. REINF. (PER PLAN) PLACED AT 7" BELOW TOP OF STEM (UNDER VENT)

FLOOR JOISTS PER PLAN (BRG. & NON BRG. SHOWN) SEE TYP. FLOOR FRAMING DETAILS

MUD SILL A.B. - 1/2"x10" @ 6" O.C. UNO (SEE BRACING PLAN)

CRANK. SPC. VENTS (PER PLAN) SEE DETAIL (LOCATE MIN 12" FROM ANY POST BRG.)

FINISH GRADE - SLOPED FOR POSITIVE DRAINAGE AWAY FROM FOUNDATION

CONC. STEMWALL PER PLAN (CENTERED OVER FTG.)

STEM VERT. REINF. (DOWELS) PER PLAN ALTERNATE HOOK DIRECTION TYP.

CONC. FTG. PER PLAN, BOTTOM @ MIN. 12" (FROST DEPTH) BELOW FIN. GRD.

POINT BRG. (SPREAD) FTG. AS OCCURS

CRANK. SPACE - COVER WITH 6 MIL BLACK POLYVINYL MATERIAL PER BLDGS SPEC.

ROOF SHTG. PER PLAN TYP.

ROOF EDGE NAILING PER PLAN

2x SOLID BUNG TYP. (USE VENTED BUNG WHERE REQUIRED SEE ROOF PLAN) TORSION TO 1/2" x 1/4" @ 6" O.C.

CONT. SIDING STOP

OVERHANG AND FASCIA TREATMENT PER ELEV.

8d @ 6" O.C. WP. EDGE NAILING @ TOP PL. (U.L.O. PER SHEARWALL SCHEDULE)

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

ROOF SHTG. PER PLAN TYP. (PROVIDE 1-1/2" x 4" GROOVES AT EXP. EAVE & RAKE PER MNC REQ'D)

MIN. 2-16d TORNAILS EACH TRUSS TO PLATE TYP. (SMP. HUS. WHERE REQ'D BY MFR. OR ENGINEER DESIGN VERIFY)

PRE-FAB ROOF TRUSSES PER PLAN

RAISED HEEL "ENERGY" TRUSSES TYP.

H2.5 EACH TRUSS (USE 2 AT ORDERS)

2-2x TOP PL. LAP MIN. 8d. W/ (20) 16d (SM. AT BEAM)

1/2" GYP. BD. INTERIOR AS OCCURS TYP.

2x6 PERIMETER WALLS w/ CONT. EXTERIOR SHTG. U.L.O. (REF. SHEARWALL PLANS)

TYPICAL PERIMETER STEM / FTG.

3/4" = 1'-0"

HTGHT VARIES

4" THK. CONC. SLAB ON 4" COMPACTED ABC

CONT. HORIZ. REINF.

STEM VERT. REINF. (DOWELS) PER PLAN

CONC. STEMWALL PER PLAN (CENTERED OVER FTG.)

CONC. FTG. PER PLAN, BOTTOM @ MIN. 12" (FROST DEPTH) BELOW FIN. GRD.

POINT BRG. (SPREAD) FTG. AS OCCURS

MUD SILL A.B. - 1/2"x10" @ 6" O.C. UNO (SEE BRACING PLAN)

FINISH GRADE - SLOPED FOR POSITIVE DRAINAGE AWAY FROM FOUNDATION

ROOF SHTG. PER PLAN TYP.

8d @ 6" O.C. WP. EDGE NAILING

2x (FLAT) OUTRIGGERS @ 24" O.C. (LET THROUGH TOP CHORDS)

2x BLK @ EACH BRACE

10d FACE NAILS @ BLKS

2-16d @ TRUSS CHORD TYP.

2x (FLAT) TRUSS TIE OVER MIN 4 TRUSSES w/ 2-16d EACH CHORD

TRUSS BOT. CHORD w/ 16d TORNAILS @ 8" O.C. TO PLATE (ASS WHERE REQ'D PER PLAN)

8d @ 6" O.C. WP. EDGE NAILING (U.L.O. PER S.W. SCHEDULE)

2x 2x6 BRG. @ 48" O.C. (START AT 30" MIN. TRUSS DEPTH)

2x BLG. (DRYWALL NAILER) AS REQ'D.

2-2x TOP PL. OR BEAM AS OCCURS PER PLAN LAP MIN. 8d. W/ (16) 16d COMM.

1/2" GYP. BD. FINISH AS OCCURS

2x6 PERIMETER WALLS w/ CONT. EXTERIOR SHTG. U.L.O. (REF. SHEARWALL PLANS)

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

TYPICAL GARAGE STEM WALL

3/4" = 1'-0"

POST BASE A.B. w/ 7" EMBEDMENT

TOE DN. PORCH SLAB TO SEAT ON FTG. (MIN. 12"x12" THICKEND EDGE)

POST PER PLAN

POST BASE PER PLAN (ANCHOR PER MFR. SPECS.) TYP.

PORCH SLAB PER PLAN

2-#4 BENT DOWELS

CONC. FTG PER PLAN (BOTTOM OF FTG. PLACED MIN. 18" BELOW GRADE TYP.)

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

FLASH / C-FLASH @ ROOF / WALL TRANSITION

8d @ 6" O.C. E.A.P. TO BLUG

2x6 BLUG (BEVEL CUT) w/ 16d @ 6" O.C. THROUGH TO BLUG IN WALL

2x6 WALL BLUG VERIFY TO ALIGN WITH TRUSS AS INDICATED

CONT. EXTERIOR WALL SHTG. AS OCCURS TYP. (SEE SHEARWALL SCHEDULE FOR REQ'D)

PRE-FAB ROOF TRUSSES PER PLAN

CONT. 1-1/2" RM JOIST TYPICAL w/ ASD AT 16" O.C. (BEAM OR MIN. 2x6 FLAT BLUG IN WALL AS MAY OCCUR) (SECURE BLUG w/ 3-16d EACH END TO STUDS)

2x BLUG BETWEEN TRUSSES

SMP. HUS. (OR EQ.) HANGER PER MFR. (VERIFY) FACE NAILED THROUGH TO RM BOARD (10d FACE NAILS PER MFR.)

JACK TRUSS / WALL CONNECTION

3/4" = 1'-0"

1/2" GYP. BD. INT. FINISH TYP.

2x6 STUD EXTERIOR WALL PER PLAN

2x WALL BASE PL. w/ 16d @ 16" O.C. (STAGGERED) TYP. U.L.O.

2x FT SILL PL. SECURED w/ 1/2"x10" AB @ 6'-0" O.C. TYP. U.L.O. (FLASH PLATE NO GAP)

3/4" TAG FLOOR SHTG. (GLUED & NAILED) TYP.

FLOOR Y JOISTS PER PLAN

SMP. ITS TOP FLANGE JOIST HANGER (PER JOIST MFR. REQ'D) (USE HOT DIP GALV)

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

2x6 PERIMETER WALLS w/ MIN. 7/8" CONT. EXTERIOR SHTG. U.L.O. (REF. SHEARWALL PLANS)

FLOOR EDGE NAILING PER PLAN

8d @ 6" O.C. WP. EDGE NAILING TYP. U.L.O. BY SHEARWALL SCHEDULE

FINISH SIDING MIN 1/2" PAST TOP OF STEM TYP.

FIN. GRD. SLOPED AWAY FROM FND.

PROVIDE APPROVED MOISTURE BARRIER @ JOISTS TYP.

CONC. FOUND. WALL PER PLAN

PRE-FAB ROOF TRUSSES PER PLAN

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

FLASH / C-FLASH @ ROOF / WALL TRANSITION

8d @ 6" O.C. E.A.P. ROOF SHTG. TYP.

PRE-FAB ROOF TRUSSES PER PLAN

TRUSS TOP CHORD (OR MIN. 2x6 BLUG) w/ 2-16d EACH CABLE WEB (STUD AT WALL AS OCCURS)

FOUNDATION FLOOR (LEDGER BRG.)

3/4" = 1'-0"

1/2" GYP. BD. INT. FINISH TYP.

2x6 STUD EXTERIOR WALL PER PLAN

2x WALL BASE PL. w/ 16d @ 16" O.C. (STAGGERED) TYP. U.L.O.

2x FT SILL PL. SECURED w/ 1/2"x10" AB @ 6'-0" O.C. TYP. U.L.O.

3/4" TAG FLOOR SHTG. (GLUED & NAILED) TYP.

FLOOR Y JOISTS PER PLAN

PROVIDE APPROVED MOISTURE BARRIER AT JOISTS

CONC. FOUND. WALL PER PLAN

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

2x6 PERIMETER WALLS w/ MIN. 7/8" CONT. EXTERIOR SHTG. U.L.O. (REF. SHEARWALL PLANS)

FLOOR EDGE NAILING PER PLAN

8d @ 6" O.C. WP. EDGE NAILING TYP. U.L.O. BY SHEARWALL SCHEDULE

FINISH SIDING MIN 1/2" PAST TOP OF STEM TYP.

FIN. GRD. SLOPED AWAY FROM FND.

8d @ 6" O.C. E.A.P. ROOF SHTG. TYP. CABLE END TRUSS PER PLAN

PRE-FAB ROOF TRUSSES PER PLAN

CONT. EXT. SHTG. AS OCCURS PER PLAN

FLASH / C-FLASH @ ROOF / WALL TRANSITION

8d @ 6" O.C. E.A.P. ROOF SHTG. TYP.

PRE-FAB ROOF TRUSSES PER PLAN

TRUSS TOP CHORD (OR MIN. 2x6 BLUG) w/ 2-16d EACH CABLE WEB (STUD AT WALL AS OCCURS)

FOUNDATION FLOOR (PARALLEL STEM)

3/4" = 1'-0"

8d @ 6" O.C. E.A.P. ROOF SHTG. TYP. CABLE END TRUSS PER PLAN

PRE-FAB ROOF TRUSSES PER PLAN

CONT. EXT. SHTG. AS OCCURS PER PLAN

FLASH / C-FLASH @ ROOF / WALL TRANSITION

8d @ 6" O.C. E.A.P. ROOF SHTG. TYP.

PRE-FAB ROOF TRUSSES PER PLAN

TRUSS TOP CHORD (OR MIN. 2x6 BLUG) w/ 2-16d EACH CABLE WEB (STUD AT WALL AS OCCURS)

EXTERIOR SIDING MATL. (SEE ELEV.) OVER APPROVED MOISTURE BARRIER. INSTALLED PER MFR. SPECS.

HIGH / LOW ROOF GABLE END

3/4" = 1'-0"

4x8 HDR

(2) 2x6

MAINT. TRUSSES @ 24" O.C. TYP.

(2) 2x6

(2) 2x6

(2) 2x6

D.S.

D.S.

D.S.

ROOF FRAMING PLAN

## Notice of Public Hearing before the Mill City Planning Commission

Tuesday, October 15, 2019 6:30 p.m.

City Hall, 444 1<sup>st</sup> Avenue, Mill City

September 9, 2019

**Proposal:** **Variance to side setback requirements for a 2-story addition to a home**  
**Property Owner:** Gerardo Martinez  
**Location of Request** 648 SW Parkside Drive, Mill City, Oregon  
**Assessor's Map #:** Linn County -- T9S, R3E, Section 31AB, Tax Lot 00600

TO: Adjacent Property Owners

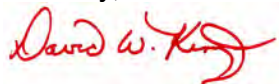
The City has received a land use application from Gerardo Martinez requesting a variance to Section 17.16.060 of the Mill City Zoning Code to allow a 5' side setback instead of the required 7.5' side setback for a two-story dwelling.

The applicant proposes to construct a 28' x 30' addition to his home at 648 SW Parkside Drive. The addition will include a conversion of the existing carport to a garage, the addition of a second story bedroom and bonus room. The existing carport has a 5' setback from the south property line. Mr. Martinez proposes to retain the existing 5' south setback for the remodel/addition. Under Section 17.16.060 a 2-story structure requires a 7.5' setback to the side property line. Decision criteria for a variance are found in Section 17.56.030 of the Mill City Zoning Code.

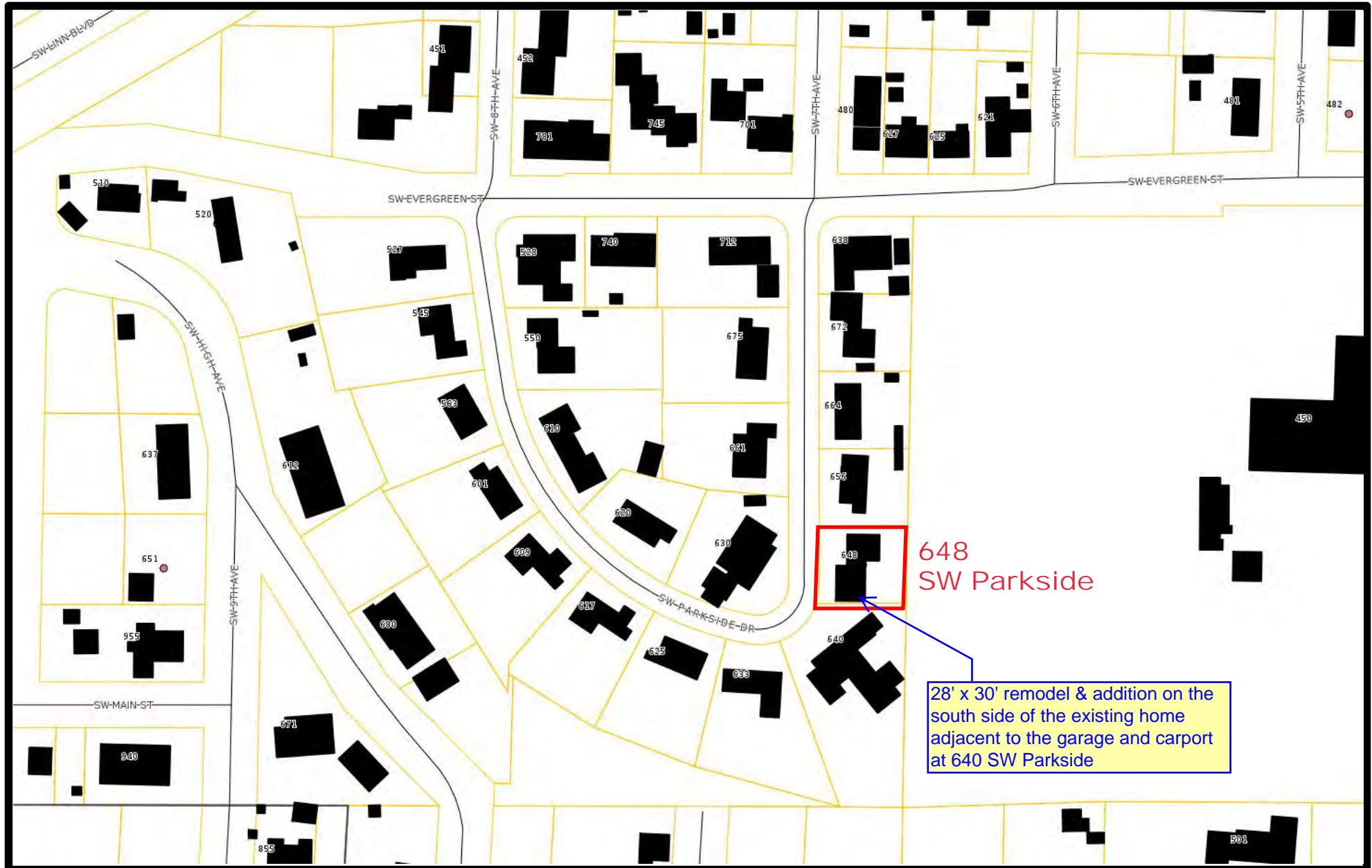
A public hearing concerning the matter will be held before the Planning Commission on Tuesday, October 15, 2019 as part of the regularly scheduled Planning Commission meeting which begins at 6:30 p.m. at the City Hall, 444 1<sup>st</sup> Avenue in Mill City. The Planning Commission will make its decision based on criteria found in the Mill City Zoning Code, Section 17.56.030. The Searchable City Code can be viewed under "Documents" at the City of Mill City website: <http://www.ci.mill-city.or.us/>. The zoning code is Title 17.

The application, decision criteria and staff report will be available at City Hall seven days prior to the hearing. The Planning Commission may either approve, deny or approve the application with conditions or modifications. Any person wishing to provide testimony must address the decision criteria. Failure to raise an issue precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criterion. City Hall is accessible to persons with disabilities. Please call City Hall (503.897.2302) by noon the day before the meeting if you need an interpreter for the hearing impaired or any other special accommodation or if you have any questions related to the application.

Sincerely,



DAVID W. KINNEY  
Planning Consultant



# **File 2019-16**

## **Kean & Donda Warriner**

Site Plan Review / Land Use  
Action on the N. Santiam River

New Manufactured Home  
1315 SW Spring Street



**City of Mill City**

**David W. Kinney**  
*Planning Consultant for the City of Mill City*  
 791 E. Hollister St., Stayton, OR 97383  
 Office: (503) 769-2020 Cell: (503) 551-0899  
 Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

## **MILL CITY PLANNING COMMISSION** **STAFF REPORT**

**STAFF REPORT DATE:** September 9, 2019

**HEARING DATE:** October 15, 2019

**FILE NUMBER:** 2019-16

**APPLICANT/  
PROPERTY OWNERS:** Kean and Donda Warriner  
 PO Box 120, Sublimity, OR 97385

**PROPERTY:** 1315 SW Spring Street, Mill City, OR

Assessor's Map	Tax Lot	Account	Acres	Zoning	Address
T09S R3E 30CD	00100	8645	0.41	R-1 Residential	1315 SW Spring

**EXHIBITS:** EXHIBIT A Application – Site Plan  
 EXHIBIT B Notice of Public Hearing

**REQUEST:** Site Plan for a Single-family Home  
 Land Use Action Adjacent to the North Santiam River

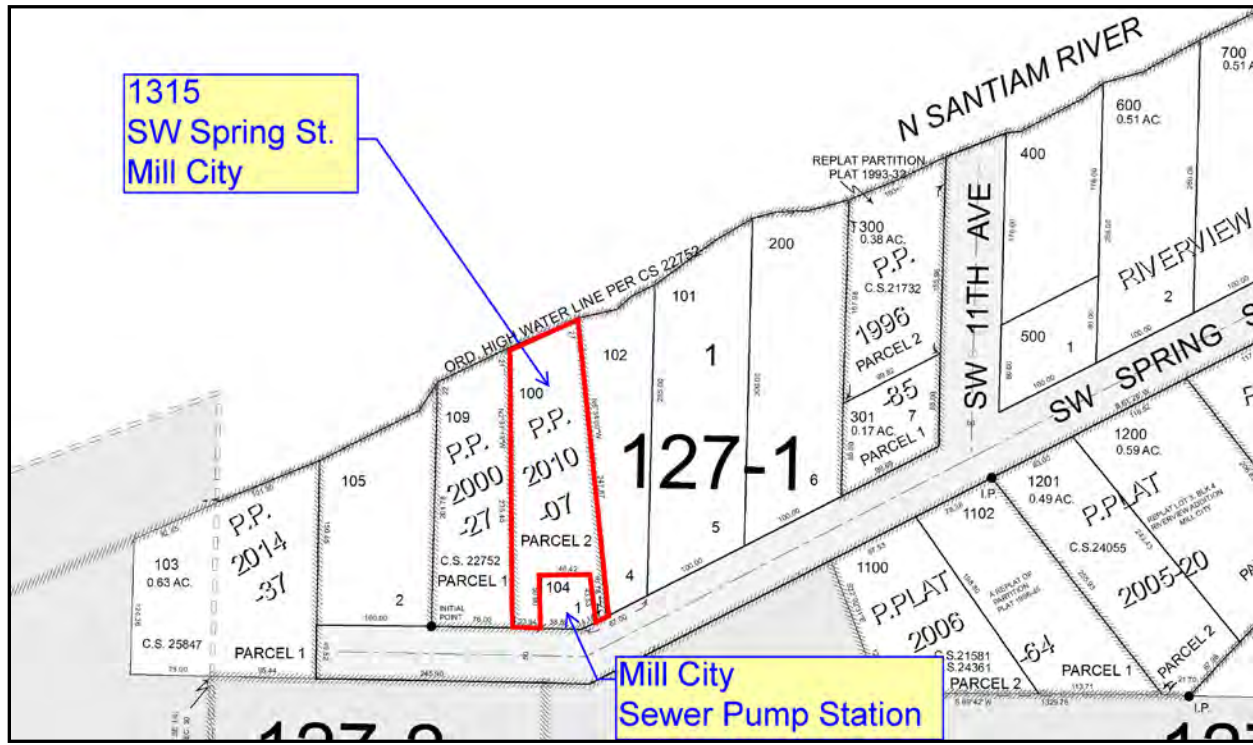
**CRITERIA:** **Mill City Municipal Code (MCMC) – Title 17 - Zoning**

- **Chapter 17.12** **Single-family Residential Zone (R-1)**
  - Section 17.12.020 Uses Permitted Outright
  - Section 17.12.040 Lot size, width and coverage
  - Section 17.12.060 Yard Requirements
- **Chapter 17.44.120** **Land Use Action on the North Santiam River**

## I. Applicant's Proposal

The City has received a land use application from Kean and Donda Warriner requesting the City approve a site plan for placement of a new manufactured home on a vacant parcel adjacent to the North Santiam River at 1315 SW Spring Street.

**Figure 1**  
SW Spring Street Area  
Proposed Building Site at 1315 SW Spring Street, Mill City, Oregon



Under Mill City Municipal Code (MCMC) Section 17.44.120 any new building constructed on a parcel of land adjacent to the North Santiam River must obtain site plan approval and comply with development standards and measures to protect the riparian area, river ecosystem and steep slopes abutting the North Santiam River.

The Warriner property abuts the North Santiam River. The parcel wraps around the city sewer pump station, which abuts SW Spring Street. The average width of the lot is 80' +/- wide in the center of the lot and 70' +/- abutting the North Santiam River. The lot depth varies due to the angle of the river along the north property boundary. The lot is 235' deep along the west boundary and 247' deep along the east boundary. The parcel has access to SW Spring Street.

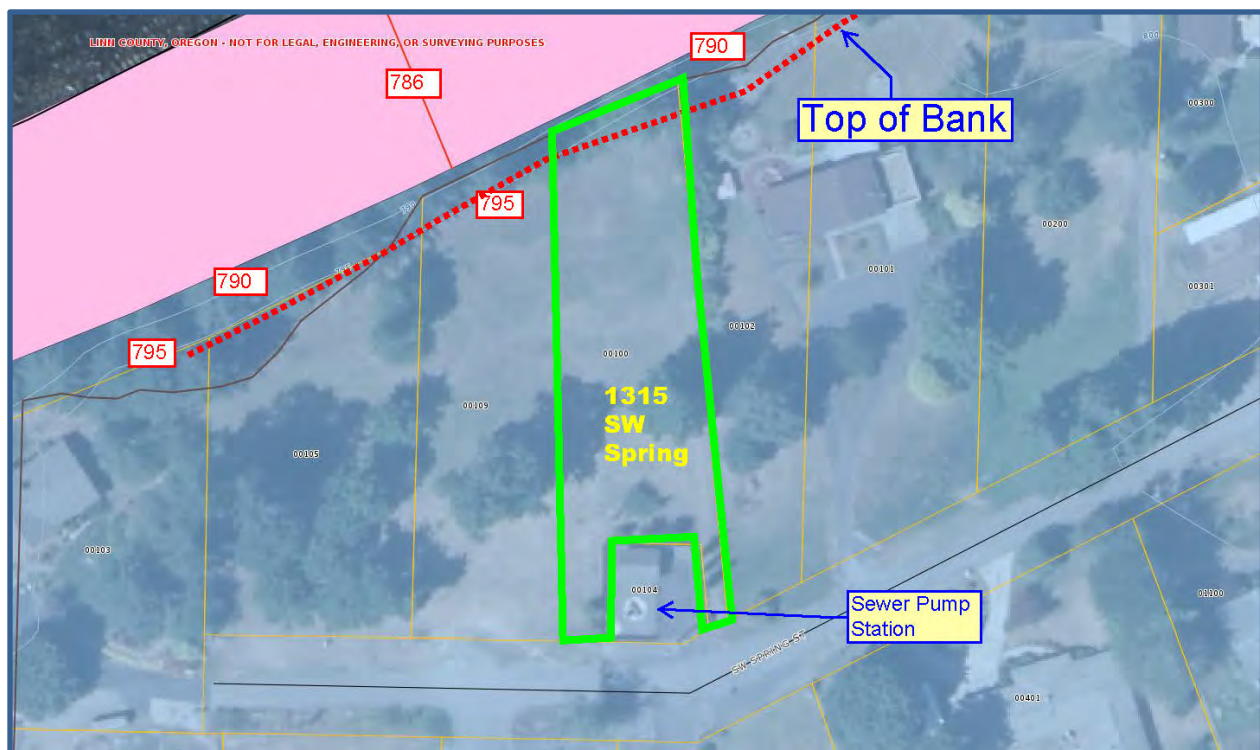
The proposal as submitted indicates that the property along the North Santiam River would be undisturbed for a depth of 40' feet from the top of the bank adjacent to the river. The applicant has provided a site plan that shows a 1,040 SF 1-story manufactured home will be placed on the site and a

744 SF detached garage will be built in the front of the site, just north of the city sewer pump station. Several elevation pictures were submitted showing the manufactured home and a manufacturer's plan for the detached garage building were provided with the application.

The project site and the North Santiam River floodway, the 100-year flood hazard zone and the top of the steep bank along the North Santiam River are shown on Figure 2. The property has trees within the riparian edge along the river. The slope to the river is a steep slope (>25%) and rises from an elevation of 782' +/- to 795' at the top of the bank. There is a very clearly defined top of bank, where the grassy/lawn portion of the lot begins. The slope down to the river has trees, low shrubs and noxious vegetation (blackberries and ivy). The homeowners have been removing the noxious vegetation in an effort to save two large Douglas Fir tree and Pacific Yew.

The ordinary high-water line for the river is at the 782' +/- elevation line. FEMA flood maps identify the 100-year flood elevation at 786' in the center of the site. The proposed building footprints are in the open grass area at an elevation of 795'+ to 800', well above the designated 100-year flood boundaries. The drawing submitted by the applicant shows no trees in the building area.

**Figure 2**  
North Santiam River Floodway and Flood Hazard Area  
Proposed Building Site at 1315 SW Spring Street, Mill City, Oregon



## **II. BACKGROUND INFORMATION**

### **A. Pre-Application Information and Application Submittals:**

The applicant filed an application with the City on September 5, 2019. The application was deemed complete on September 6, 2019. The Planning Commission must make a decision within 120 days of receipt of the application. Therefore, the final local decision must be made by January 3, 2020 to comply with the "120 Day Rule".

### **B. Application, Land Use Procedure and Review Requirements:**

Chapter 17.64 of the Mill City Municipal Code (MCMC) outlines the application, notice and review requirements for land use applications. A proposed land use action for a new structure on a lot adjacent to the North Santiam River requires a quasi-judicial review process. The Mill City Planning Commission will hold a public hearing on October 15, 2019 and at the conclusion of the hearing will deliberate and make a decision to approve or deny the proposal. An appeal of the Planning Commission decision may be filed with the City Council. The City Council must review the Planning Commission's decision before it becomes final and the City Council has the option of calling the application up for a public hearing and further City Council review.

### **C. Burden of Proof:**

The burden of proof is on the applicant to present the application to the Planning Commission and to present information which shows that the application meets the criteria for approval.

### **D. Public Hearing and Notices of Public Hearing:**

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, October 15, 2019 as part of the regularly scheduled Planning Commission meeting that begins at 6:30 p.m. at the City Hall, 444 South First Avenue in Mill City, Oregon. The Planning Commission will make its decision based on the criteria found in the Mill City Zoning Code, Section 17.44.120. The Searchable City Code can be viewed under "Documents" at the City of Mill City website: <http://www.ci.mill-city.or.us/>.

Notice of any public hearings must be provided to affected governmental agencies and adjacent property owners. Written notice shall be mailed to owners of property within 100' of the subject property at least 20 days prior to the initial evidentiary hearing. Notice of the initial evidentiary hearing will be mailed 20 days prior to the October 15, 2019 hearing.

### **E. Existing Conditions:**

The applicant proposes to place a manufactured home on the property at 1315 SW Spring Street. The site is a vacant 0.41-acre parcel on the north side of SW Spring Street adjacent to the North Santiam River. The lot was approved as part of Partition Plat 2000-07 and Partition Plat 2010-07. The buildable area of the site is located on a flat terrace at the 800'+/- elevation. The north 15' to 20'+/- feet of the parcel includes a steep slope descending down to the water's edge of the river at the 780'-785' +/- elevation.

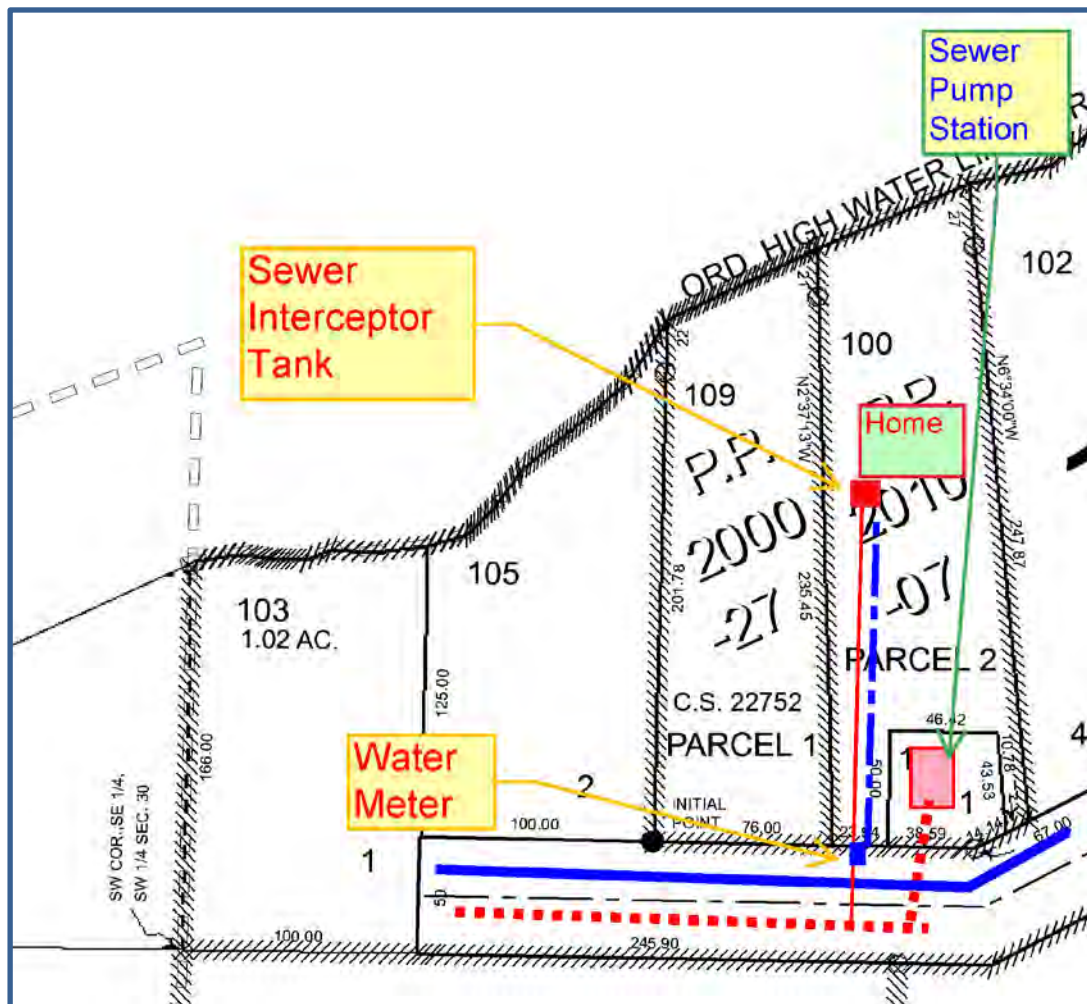
EAST: Single family home at 1275 SW Spring Street on 1.0+-acre parcel. SFR homes are located on all of the ¼ to ½-acre lots east of the site.

SOUTH: Single family homes at 1270 and 1290 SW Spring Street on ½-1.0+-acre parcels.

WEST: 1345 SW Spring Street (approved for new SFR dwelling). Beyond this is a vacant 0.40-acre parcel at 1375 SW Spring Street. Further west is the Robert & Vicki Ward property that includes a 1.0+/- home site plus an additional 9+ acres of Rural Residential (RR-2.5) land outside the city limits.

NORTH: North Santiam River.

**City Utilities:** The property is currently served by City of Mill City water and sewer services.



- Water: A ¾" water meter is required. There is a 6" AC water main in SW Spring St. No water main improvements are needed for this proposal. A 2005 fire flow test showed 1,632 gpm at the 10<sup>th</sup>/SW Spring St. intersection.
- Sewer: A 4" sewer main is located in SW Spring St. No sewer main improvements are needed for this proposal. The City requires all applicants to execute and record a sewer maintenance easement which permits the City to enter the property to pump and maintain the interceptor tank. If a sewer easement is not on file at City Hall, the City will require the applicant to execute and record a sewer easement prior to issuance of the building permit.

Private Utilities:

Private utilities serving the site are located on SW Spring Street with underground cable TV and overhead power and telecommunications lines on the north side of the street.

**F. Streets, Sidewalks and Storm Drainage:**

- Streets: SW Spring St. is a local street. It has a 50' wide right-of-way and an 18'-20' paved turnpike style street in good condition. (turnpike style w/ no curbs, gutters, sidewalks or storm sewers). The City has no plans to upgrade SW Spring St. with curbs, gutters, sidewalks and pavement improvements. It is a dead-end street with a very low traffic volume that serves the existing homes at the end the street.
- Storm Drainage: There is no on-site storm sewer system. The site is within the SW Spring St. drainage basin and has been studied as part of the Storm Drainage Master Plan for the City of Mill City. The property slopes gently to the north to the river. The building plans will need to include on site storm drainage detention. Discharge of storm water from the roof and driveways must be directed to SW Spring St. or be retained on site. No outfall is permitted to the river.

**G. Agency Comments and Public Testimony:**

1. Agency Comments. Agency comments were solicited from the following agencies: Pacific Power, NW Natural Gas, Frontier Communications, WAVE Broadband, the Mill City Rural Fire District, Department of State Lands, Oregon Forestry Department and the Oregon Department of Fish & Wildlife. Responses were requested back by October 4, 2019. Any comments will be incorporated into the record.

Mill City Rural Fire Protection District: The Fire District sent a response stating "We have ....."

As of September 9, 2019, the City had not received any other agency comments. Any other agency comments received prior to or during the public hearing will be made part of the record.

2. Public Testimony. The City will send notices of the public hearing to surrounding property owners at least 20 days prior to the public hearing. Any written public testimony received prior

to or during the public hearing will be made a part of the record. Oral testimony will be included in the meeting minutes.

### III. FINDINGS

The application was reviewed to determine whether the proposal complies with the applicable standards and criteria in Title 17-Zoning of the Mill City Municipal Code.

#### A. Chapter 17.12 – Single-family Residential (R-1) District

The following standards in the R-1 zone apply to this proposal. Design standards apply to new single-family dwellings.

**17.12.020 Permitted Uses.** In an R-1 zone a single-family home is allowed as an outright permitted use.

**17.12.040 Lot Size, width and coverage.** In an R-1 zone, the minimum requirements are:

Lot Size – 7,000 sf (0.18 acres)      The existing lot is 0.41 acres.

Lot Width – 50' minimum.      The existing lot has an average width of 75'+/-.

Maximum Lot Coverage – 40%      The maximum lot coverage allow is 7,150 sf.

The new home & detached garage will have approximately 2,000 sf of lot coverage which complies with the lot coverage requirements. Buildings will occupy <15% of the lot.

**17.12.050 Height.** In an R-1 zone, the building cannot exceed 35' tall (3-stories). The new home is proposed as a 1-story home and will comply with the height requirements.

**17.12.060 Yard Requirements.** The site plan shows the new home will comply with the building setback requirements for a single-family house in the R-1 zone.

Yard	Requirement	Existing Setbacks
Front Yard	15 feet	100'+ setback to dwelling.
Garage Front	5 feet to lot line	5' setback from Pump Station site to detached garage.
Side Yard	5 feet	1315 SW Spring will have 10' (west) and 12' (east) side setbacks. The minimum setback on the east is 10' due to an existing sewer drain line easement.
Fencing	No height limit.	There is an existing 5' high chain link fence along the west property line and a 5' high chain link fence around the sewer pump station site.

**17.12.070 Parking.** Two off-street parking spaces are required. The site plans show 2 off-street parking spaces on the driveway. The long driveway can accommodate many vehicles and provides a hammerhead turnaround at the detached garage.

**17.12.080 Architectural Design Features.** New homes must have 4 architectural design features on the front of the home facing the street. The City Recorder reviews plans for each building to ensure compliance.

Table 2  
Architectural Design Standards

Architectural Design Feature	1315 SW Spring
Gables	Yes
Covered Porch Entry	Yes
Pillars or Posts in Entry	Yes
Shutters	Yes

**17.12.090 Architectural Front.** In an R-1 zone the architectural front of the house will be oriented to a street. The plans comply.

**FINDINGS:** The R-1 residential zone allows single-family homes subject to compliance with the standards in Chapter 17.12. The proposed homes comply with the R-1 zoning requirements.

## B. Chapter 17.44.120 – Land Use Action on the North Santiam River

Any new building constructed on a lot abutting the North Santiam River must comply with Section 17.44.120 of the Mill City Zoning Code. This section reads as follows:

### 17.44.120 Review of land use action involving the North Santiam River.

Existing or proposed lots that adjoin the North Santiam River shall comply with the following requirements.

- A. Land Use. Any land use change involving a current lot or proposed lot that adjoins the North Santiam River shall be submitted to the planning commission for review. Land use changes include, but are not limited to, new building construction, enlargement of a building, or landscaping that requires the addition or removal of soil except as outlined in subsection D of this section. The planning commission shall use the following guidelines in approval or denial of an application.
  - 1. The removal of any existing trees or other forms of existing natural vegetation such as shrubs, brush, plants or grasses between the stream channel and the topographical break at the top of the stream bank which might be harmful to existing fish and wildlife habitats;
  - 2. A use expressed in the proposed request that might have a damaging impact on existing fish or wildlife habitats along the river.
- C. Hearing and Action on Land Use Change Application Involving the North Santiam River. Before the planning commission may act on an application for a land use change involving the North Santiam River, it shall hold a public hearing in accordance with the provisions of Sections 17.64.080 and 17.64.090 of this title. Hearing notice shall also be provided to the Oregon Department of Fish and Wildlife and to the Oregon Department of Forestry. After the public hearing is closed, the planning commission shall either approve, deny, or approve with conditions or modifications, the application.
- D. Time Limit on Approved Land Use Change Involving the North Santiam River. Authorization of land use change involving the North Santiam River shall be void one year after the date of approval unless a building permit has been issued and substantial construction pursuant thereto has taken place. However, upon written request, the planning commission has the authority to grant an additional period, not to exceed one year, to complete the project.

Section 17.44.120.E. authorizes the Planning Commission to place conditions on the approval of a land use action involving the river. This section reads as follows:

- E. Conditions. If the planning commission finds that damaging effects set forth in subsection A of this section could occur from the proposed request, the commission may impose conditions to any land use application approval in order to maintain, enhance and protect existing fish and wildlife habitat along the river. Such conditions may include, but are not limited to, the following.
  - 1. Replanting of any existing trees or any other forms of existing natural vegetation which are removed;
  - 2. Requirement of additional or special setbacks from the water's edge or at the topographical break at the top of the stream bank;

3. Installation of fencing.

**Criteria 1: 17.44.120.A.1 – Removal of Riparian Vegetation.** The removal of any existing trees or other forms of existing natural vegetation such as shrubs, brush, plants or grasses between the stream channel and the topographical break at the top of the stream bank which might be harmful to existing fish and wildlife habitats.

**Facts:**

1. The proposed home and the deck facing the river will be located approximately 40' to the top of the bank with another 10'-15' to the river's edge. The building location on the upland area is well above the flood plain and existing riparian area along the river. The upland area begins at a topographical break (795' elevation line) approximately 10'-15' from the river's edge.
2. The building sites are vacant flat areas cleared of natural vegetation.
3. There is a 10' to 20' wide riparian vegetation zone along the edge of the river. It includes one large Douglas Fir tree, blackberries, English Ivy and smaller shrubs. Figure 2, the aerial photo of the site, shows the floodway, the flood hazard zone and slopes along the river edge. The applicant's site plan shows the parcel boundaries, high water mark, top of slope area and the proposed building locations.
4. The applicant proposes the new home be located 40' from the topographical top of the bank (795' elevation line) at the top of the slope.
5. The applicant's site plan shows they will comply with recommendations to protect the existing riparian area along the slope of the site down to the N. Santiam River. The City recommends trees and vegetation on the steep slope and within 30' of the river high water mark not be disturbed. Under the city code, the applicant may remove diseased or dying trees and remove noxious vegetation (blackberry and ivy) and replant with native plants.

**Conclusion:** The City staff recommends the existing riparian area be protected and maintained along the river's edge which includes the existing vegetated area along the river. This will permit the placement of the house and patio within the existing grassy area, with no building encroachment or patio encroachment closer than 30'+ [Note: applicant proposes 40'] from the topographical top of bank and avoid removal of riparian vegetation on the slope. Doing so will meet the Zoning Code criteria in that it provides for an undisturbed area 30' to 35' in width from the ordinary high-water line of the river.

**Criteria 2: 17.44.120.A.2 - Use Detrimental to Fish & Wildlife Habitats.** A use expressed in the proposed request that might have a damaging impact on existing fish or wildlife habitats along the river.

**Facts:**

1. The Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead is a state and federally approved recovery plan under the federal Endangered Species Act and a conservation management plan under the State of Oregon's Native Fish Conservation Policy. It outlines strategies for the protection and recovery of Upper Willamette spring Chinook and winter run Steelhead in the Willamette River and its tributaries, including the North Santiam River.

Chapter 7 of the plan outlines strategies and actions to reduce or eliminate limiting factors and threats that prevent fish population recovery. The plan outlines 14 recovery strategies.

One of the key strategies to maintain or restore riparian conditions and minimize further degradation of fish habitat. The long-term plan is designed to benefit water quality and complexity. A few applicable short-term strategies include land management actions to reduce manmade impacts on habitat, restoration of riparian areas, retention of shade and implementation of TMDL plans by local jurisdictions.<sup>1</sup>

2. In April 2019 the National Marine Fisheries Service (NMFS) issued a biological opinion that concluded the Federal Emergency Management Agency's historic management of flood hazard management programs in Oregon coupled with the proposed actions presented in its 2013 DRAFT Biological Opinion will jeopardize the continued existence of the listed species, including the Upper Willamette Spring Chinook and Winter Steelhead that are in the North Santiam River basin, and will destroy or adversely affect their critical habitat. NMFS also concluded that protection of the existing flood plains and restoration of flood plain habitat are necessary for the listed salmon and steelhead to survive and recover. Based on those conclusions, the April 2019 NMFS BiOp outlines a list of six "Reasonable and Prudent Alternative" (RPA) actions. NMFS recommends FEMA, and its participating Oregon NFIP communities, implement these RPA's over a period of 5-8 years. FEMA is now in the process of determining what steps it will take and what directions it will provide to Oregon's cities. Cities are expected to take steps to protect the flood plain and riparian habitat along major rivers and tributaries.
3. The proposed uses are single-family dwellings and attached garages. A 1,040-sf house and garage will utilize less than 15% per cent of the 0.41-acre lot.
4. The location for the dwellings is shown on the site plan. The new home will be located approximately 50'+/- feet from the ordinary high-water line and at least 35' from the topographical top of the bank.
5. The riverbank line has trees and low vegetation within the first 10'-20' feet from the ordinary high-water mark of the North Santiam River. The City's TMDL plan approved by DEQ recommends retention of trees to keep river temperatures cool.
6. The applicant proposes to retain the Douglas Fir tree in the riparian area and intends to replant the slope with native ground covers.
7. Residential use, similar to that proposed by the applicant, is the typical land use on SW Spring Street along the south bank of the N. Santiam River.

**Conclusion:**

The City has a responsibility to protect water quality, fish and wildlife habitat along the North Santiam River. This includes compliance with the City's flood plain management ordinance, in recognition of the April 2019 FEMA/NMFS BiOp and also comply with the City's TMDL plan as approved by DEQ and protect the riparian corridor.

There is no proposed development within the 100-year flood plain. The existing riparian easement and no-building setback area provide a 40'+ buffer area along the North Santiam River. This area includes the existing vegetated riparian area along the river.

<sup>1</sup> *Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead*, Chapter 7, pages 7-1 to 7-10.

The applicant proposes to construct a new home in the upland area 40' to 50' from the ordinary high-water line, to comply with the recommendations to protect the slope, not to disturb the stream bank and to preserve the riparian vegetation and trees within the riparian zone adjacent to the river.

The City's planning consultant concludes the proposed construction of a new single-family dwelling will not be detrimental to the riparian habitat area as defined in the Zoning Code, "that area between the stream channel and the topographical break at the top of the stream bank."

#### **IV. CITY PLANNER CONCLUSION AND RECOMMENDATION**

Based on the findings contained in this report, the City's Planning Consultant concludes that the site plans for construction of a new single-family dwelling at 1315 SW Spring Street adjacent to the North Santiam River comply with the applicable criteria. The Planning Consultant recommends the Commission impose the following condition of approval.

1. **EXPIRATION DATE:** The site plans for the placement of a new manufactured home and detached garage at 1315 SW Spring Street are hereby approved. The approval will expire on October 30, 2020 at 4:00 p.m. if, by that date, the applicant does not file an application for a building permit for construction of a new home at 1315 SW Spring Street in Mill City.
2. **PUBLIC WORKS REQUIREMENTS:**
  - a. Water: Install a new water service line and meter box for the lots at 1315 SW Spring Street.
  - b. Sewer Easement: Either (1) execute and record a new sewer easement to the City of Mill City, or (2) verify a sewer easement for the parcel is recorded in the Linn County Deed Records prior to the issuance of a building permit.
  - c. Sewer: Obtain a plumbing permit and install a sewer interceptor tank at 1315 SW Spring St.
  - d. Streets and Sidewalks: Obtain a driveway permit and pave a driveway approve to at least 20' back from the edge of pavement in SW Spring Street.
  - e. Storm Drainage: Storm drainage shall be detained or retained on site using low impact storm water management facilities or roof gutters and shall directed to SW Spring Street. No storm drainage may run into the N. Santiam River.
  - f. ROW Construction Permit and Compliance with Public Works Design and Construction Standards: The builder shall obtain a ROW permit from the City for all work within the public right-of-way including water, sewer and storm drainage work. All work shall comply with the city's public works design standards and construction specifications.

3. **RIPARIAN EASEMENT REQUIREMENTS**

In order to maintain, enhance and protect existing fish and wildlife habitat along the river the applicant and future property owners will preserve the riparian easement area. The property owner will agree to:

1. Do not remove existing trees, native plants or riparian vegetation. This does not restrict the property owners' ability to remove dead or hazardous trees or limbs, to remove or manage

noxious vegetation which might be harmful to the river ecosystem, existing fish habitat and wildlife or to replant native plants within the riparian easement area.

2. Do not construct or maintain any man-made structure, fence, deck, or facility within the riparian to the top of bank as shown on the site plan.

## V. PLANNING COMMISSION OPTIONS

- A. Approval of the site plans for Kean and Donda Warriner to construct a new single-family dwelling at 1315 SW Spring Street, File No. 2019-16 and adoption of the proposed findings and the recommended conditions of approval.
- B. Approval of the application of Kean and Donda Warriner to construct a new single-family dwelling at 1315 SW Spring Street, File No. 2019-16 and adoption of amended findings and conditions of approval to reflect the Planning Commission deliberations.
- C. Denial of the proposal, File No. 2019-16 and to direct the City Planning Consultant to modify the findings to reflect the Planning Commission's deliberations that the proposal does not meet the applicable approval criteria.
- D. Continue the hearing, to a date and time certain, if additional information is needed to determine whether applicable standards and criteria are addressed.

## VI. MOTIONS

Approval:	To approve the site plans for Kean and Donda Warriner to construct a single-family dwelling at 1315 SW Spring Street, to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2019-16.
Approval (modified):	To approve the site plan for Kean and Donda Warriner at 1315 SW Spring St., to direct the staff to modify the findings of fact and conclusions to reflect the Planning Commission's deliberations and adopt the conditions of approval for File No. 2019-16.
Continue:	To continue deliberations to the next meeting of the Planning Commission on <b>(insert DATE and TIME)</b> so the parties may submit additional information.
Denial:	To deny the application because the applicant has not demonstrated the proposal complies with all of the Mill City Development Code criteria and to direct the staff to modify the findings and prepare a final order to reflect the Planning Commission's deliberations and conclusions.

## **VII. FINAL ORDER AND NOTICE OF DECISION**

A FINAL ORDER and a written NOTICE OF DECISION will be issued to the applicant and all participants of record within five (5) business days of the Planning Commission's decision.

The City Council will review the Planning Commission decision at its next regularly scheduled City Council meeting and may elect to call a public hearing to consider the proposal. If the Council calls for a public hearing, then the Council will make the final decision. If the City Council does not call for a public hearing, the planning commission is final and takes effect at the end of the appeal period.

## **VIII. APPEAL PERIOD**

Any person aggrieved by the Planning Commission decision may appeal the decision to the City Council by filing a written appeal with the City of Mill City within fifteen (15) calendar days of the date the Notice of Decision is mailed by the City.

## Land Use Action Adjacent to the North Santiam River

Any land use change involving a property that adjoins the North Santiam River shall be submitted to the planning commission for review. Land use changes include, but are not limited to:

- New building construction, enlargement of a building on the riverfront side of the building; or
- The removal of trees or vegetation in the area between the stream channel and the topographical break at the top of the stream bank; or
- The creation of a lot or parcel by the subdividing or partitioning of land; or
- Landscaping that requires the addition or removal of fifty (50) cubic yards of soil within seventy-five (75) feet above the topographical break at the top of the stream bank; or
- Water dependent uses such as boat docks or boat launching and/or mooring facilities.

**TYPE OF APPLICATION:**

**Application Fee**

- |   |          |
|---|----------|
| <input checked="" type="checkbox"/> Pre Application Conference with Planner &/or City Engineer      | \$200.00 |
| <input checked="" type="checkbox"/> Site Plan Review - Land Use Adjacent to the North Santiam River | \$500.00 |

I understand that the application fee paid for this land use proceeding is in accordance with the current City of Mill City Land Use Fees Resolution. If the City incurs additional costs for engineering, legal, planning consultation, inspection fees or other direct costs related to this proposal, which are beyond the initial filing fee or deposit, then the city may require an additional deposit or fee to cover costs incurred. The additional fee shall be payable to the City upon receipt of a bill showing the documented City costs. If the property owner or applicant does not pay the additional fees which are invoiced, the City may withhold issuance of building permits, certificates of occupancy, utility service connections or subdivision/partition plats until the fees are paid. I agree to reimburse the City for the additional costs the City of Mill City may incur in reviewing and processing this application.

SIGNATURE OF AUTHORIZED APPLICANT: \_\_\_\_\_

  
Property Owner or Authorized Agent

**1. BRIEFLY DESCRIBE PROPOSAL:**

Would like to place a 27'x52' manufacture home on property along with a 24'x31' garage

**2. APPLICANT:**

Name: Kean & Donda Warrenner  
 Address: P.O. Box 120  
 City/State/Zip: Substunt, or 97385  
 Phone: \_\_\_\_\_  
 Work: (503) 767-5326 Cell: (503) 979-1839  
 Fax: ( ) \_\_\_\_\_ Home: \_\_\_\_\_  
 Email: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

Application received by: \_\_\_\_\_ Date: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Receipt No. \_\_\_\_\_

If applicant is not the property owner, fill out Section 3.

**3. LEGAL OWNERS:** WE, the following (Please print or type full name, address, city, state, and zip code),

Print Name: Kean WARRINER

Print Name: Donda WARRINER

Signature: [Signature]

Signature: [Signature]

Street Address: P.O. BOX 120

Street Address: P.O. BOX 120

City, State & Zip: Sublimity, OR 97385

City, State & Zip: Sublimity, OR 97385

being owners of record, contract purchasers, or authorized agent of owners of the subject property respectfully petition the City of Mill City for permission to develop the property in accordance with this application and hereby authorize the applicant and/or authorized agents to represent us during any land use proceedings before the City of Mill City.

**4. LOCATION:** Identify the exact location of the property (street address or, if not addressed, the County Assessor's tax lot number, and the closest intersecting streets):

Street Address: 1315 S.W Spring ST millcity, OR 97360

Closest Intersecting Streets: 10<sup>th</sup> ST

Assessor's Map & Tax Lot Number:

T9S R3E 30CD

Tax Lot(s): 100

T9S R3E

Tax Lot(s):

Size of Property: 0.42 acres or 18295 square feet.

**5. LEGAL DESCRIPTION** (as it appears on the deed)

Lot No.: \_\_\_\_\_ Block No.: \_\_\_\_\_ Subdivision: Riverview

NOTE: If the application involves a fraction of a lot or a lot which is not within a platted subdivision, attach a full legal description in metes and bounds, marked "Exhibit A"

**6. ZONING:**

Existing Zoning: R-1

Proposed Zoning: R-1

Existing Plan Designation: \_\_\_\_\_

Proposed Plan Designation: \_\_\_\_\_

**7. CURRENT USE OF THE PROPERTY:** nothing

## LAND USE ACTION ADJACENT TO THE NORTH SANTIAM RIVER

A site plan review is a detailed examination of the physical characteristics of a proposed development or improvement to property, with special attention given to the design of the development or improvements and the potential impacts on adjoining properties or land uses. In order to evaluate impacts adjacent to the North Santiam River, the City may require the applicant to provide additional information on the riparian area next to the river and flood elevations.

The Mill City Planning Commission will use the information provided by the applicant to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant meets the standards and criteria set forth in the Mill City Zoning Code. This application will not be accepted unless all required information is provided.

1. **BUILDING LOCATIONS:** The site plan must show all existing and proposed buildings including setbacks from property lines. The plan should also show all public utilities (water, sewer, storm sewers and streets) on site or immediately adjacent to the property. The site plan shall be drawn to scale, including North point and lot dimensions.

- ☐ All existing and proposed buildings are shown
- ☐ All building setback lines are shown.
- ☐ All existing and proposed utilities are shown on the site plan. All existing buildings are shown.
- ☐ North Santiam River high water mark, top of bank and 2' contours within 100' of the river.
- ☐ Existing trees and natural vegetation within 100' of the river.

2. **RIPARIAN AREA:** The site plan must show the existing riverbank, high water mark, top of bank, contours and location of existing trees and natural vegetation which exists on the property.

- a. The removal of any existing trees or other forms of existing natural vegetation such as shrubs, brush, plants or grasses between the stream channel and the topographical break at the top of the stream bank shall not be harmful to existing fish and wildlife habitat, including such items as stream bank erosion/stabilization and water quality degradation. When the removal of trees is considered to be commercial harvesting, the Oregon Department of Forestry shall have jurisdiction to manage the removal of trees.

- ☐ Show any trees or vegetation which will be removed within 100' of the top of bank. **NONE**
- ☐ Show any tree or vegetation planting which is proposed within 100' of the top of bank. **NOT NOW**

- b. The proposed use or activity shall not have a potentially damaging impact on existing fish or wildlife habitat along the river. Describe any impacts the development may have on fish and wildlife habitat in the riparian area:

**NONE**

**Remove black berries + ivy + noxious weeds.**

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3. **LANDSCAPING:** The site plan should prevent the unnecessary destruction of major vegetation, preserve unique natural or historical features, provide for ground cover to prevent excessive runoff and dust control, and present an attractive setting for the development.

- a. Preserve existing street trees and any on-site healthy trees over 18 inches in diameter, unless removal is required for location of buildings or is necessary to protect safety or meet good silvaculture practices.
- b. Maintain indigenous vegetation on steep slope areas (25%), within riparian setbacks and in wetlands.
- c. Trees in front yards shall be trimmed to a height of 6 feet and planted 30 feet or more apart.
- d. Significant natural habitats shall be maintained to the maximum extent feasible.

☐ Landscaping is shown on the site plan. The landscaping plan showing all existing and proposed landscaping, the extent and type of all proposed landscaping features including tree and planting types, irrigation systems, access ways, benches, and walkways. Landscaping must be completed prior to occupancy.

4. **PUBLIC IMPROVEMENTS:** All new structures are required to have or to have the ability to have all public improvements installed as part of the development process. Therefore, the applicant must be prepared to install the required street, water, sewer, storm drainage, power, and communication lines. All required improvements must be installed prior to issuance of a certificate of occupancy. The city may require the applicant to provide a performance bond or financial guarantee that the improvements will be installed.

All public improvements must meet City of Mill City standard specifications. All design plans must be approved by the city prior to construction. The city will inspect all construction.

- a. Are there adequate water, sewer, and storm drainage facilities available to serve the development (show on site plan)?

yes

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- b. List public services currently available to the site:

Water Supply:	<u>6" water</u>	-inch line available in	<u>S.W. Spring St.</u>	Street.
Sanitary Sewer:	<u>4" sewer</u>	-inch line available in	<u>S.W. Spring St.</u>	Street.
Storm Sewer:	<u>none</u>	-inch line available in		Street.
Natural Gas:		-inch line available in		Street.
Telephone:		is		is not available in
Cable TV:	<u>✓</u>	is		is not available in
Electrical:	<u>✓</u>	is		is not available in
Utility easements	<u>10' utility</u>	are	<u>east PL</u>	are not required (show on site plan)

- c. Does the applicant intend to extend public services to the site within a reasonable period of time?

Yes. ☒ No. If yes, when will public improvements (water, sewer, streets, curbs, sidewalks, storm drainage) and underground utilities be installed to serve the development?

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- d. What effect will the development have on the city's ability to provide public services to the general area of the development? Must the city expand, oversize, or extend services to meet the demands created by the development? Who will pay for these improvements? Explain.

*none*

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5. **ACCESS DRIVEWAYS AND TRAFFIC CIRCULATION:** The site plan must show driveways, ingress and egress, roadways, and pedestrian walks for safe and efficient vehicle and pedestrian circulation.

6. **STREET IMPROVEMENTS:** City streets must be adequate to meet the demands of the development. The City's public works standards require new developments to be adjacent to fully improved streets with curbs, sidewalks, asphaltic concrete (AC) paving and storm drainage improvements. The City may require dedication of additional street right-of-way. The City may also require the applicant to make street improvements concurrently with the development.

Show the existing streets adjacent to the property and the right-of-way width on the site plan.

10. **FLOOD HAZARDS:** Is the property located in a flood plain? ☐ Yes. ☒ No.  
Is the property located adjacent to a waterway? ☒ Yes. ☐ No.

If the answer to either of these questions is yes, how will the proposed development comply with all standards for riparian setbacks or flood hazard protection?

*will apply all requirements city asks of us.*

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**11. HISTORIC SITES OR STRUCTURES:**

Do any historic sites or structures listed on the City of Mill City Comprehensive Plan, Historic Landmarks Inventory, exist on the property? \_\_\_\_ Yes. ☒ No.

If yes, Name of Historic Building or Landmark: \_\_\_\_\_

If yes, how will the historic resource be affected by the proposal? (attach description of changes proposed)

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**12. WETLANDS:** Are there any wetlands on the site as shown on the Mill City Local Wetlands Inventory? \_\_\_\_ Yes. ☒ No.

If yes, how will the development comply with the City's wetlands requirements in MCMC Chapter 17.72?

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**13. NATURAL RESOURCES and/or HAZARDS:** Are there any other natural resources or hazards on the property. Examples: steep slopes greater than 20%, riparian corridors along Elizabeth Creek, Cedar Creek, DeFord Creek, Snake Creek or the North Santiam River, geologic rock outcroppings, etc.

☒ Yes. ☐ No.

If yes, describe them and the impact the development may have on these resources. Will any steps be taken to protect these natural resources?

*Lot against river*

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**14. DEED COVENANTS AND RESTRICTIONS:** Will any deed covenants or deed restrictions apply to the development? *no*

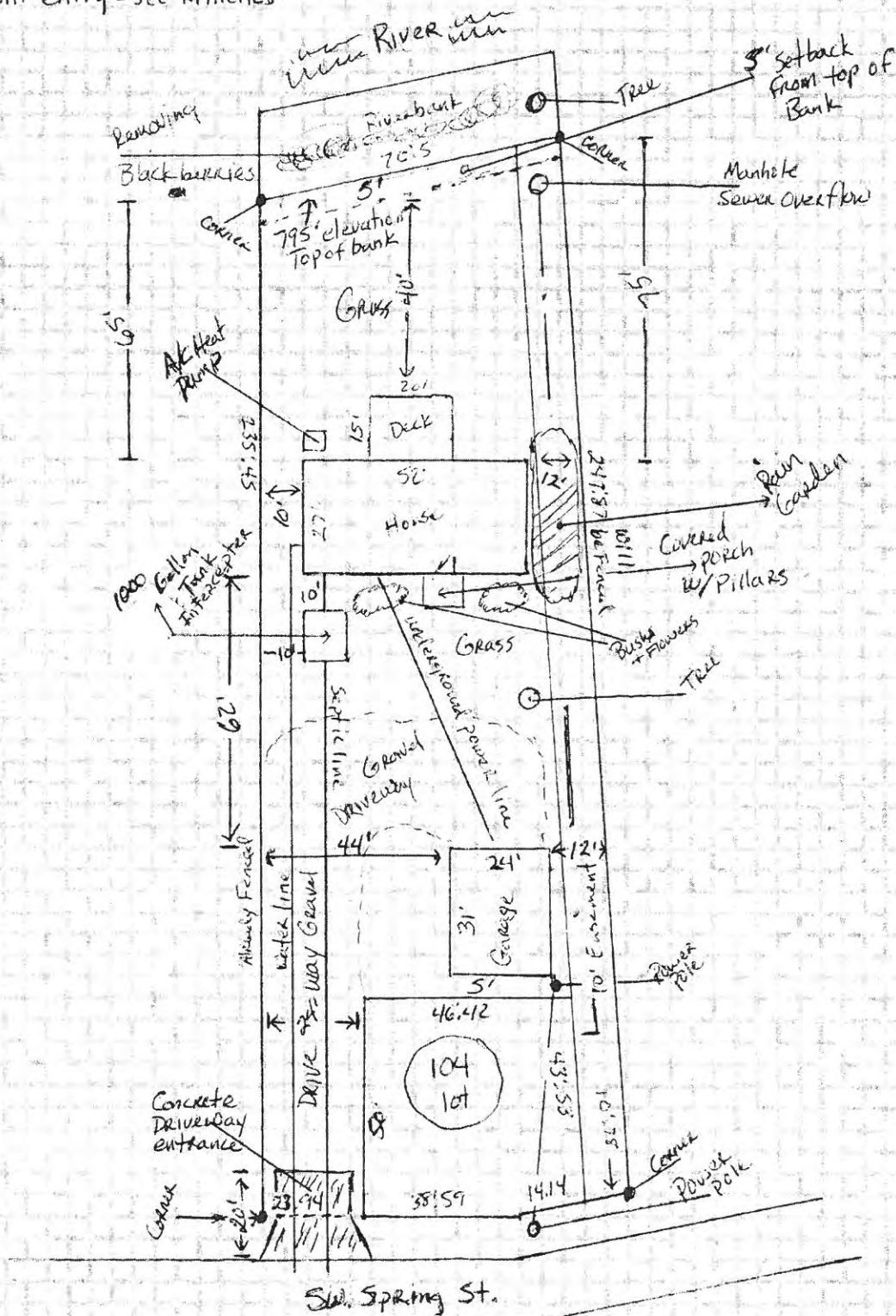
Yes. \_\_\_\_ No. If yes, attach as Exhibit B.

## Design STANDARDS:

- A: Detached Garage
- B: Gutters and down spouts

## Design Features:

- 1. Gables
- 2. Window Trim 4"
- 3. Cover Front Entry - See ATTACHED
- 4. Slaters









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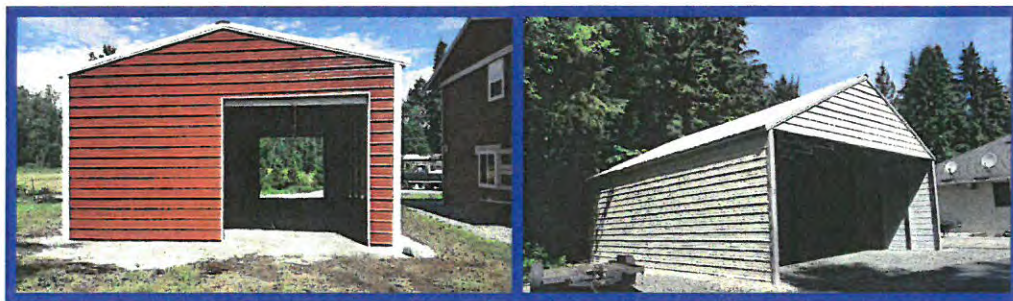
### ALL KINDS OF CLOSED GARAGE

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6 Bows & center braces &  
4 corner braces for strenght

### THE STRONGEST DELUXE CARPORT

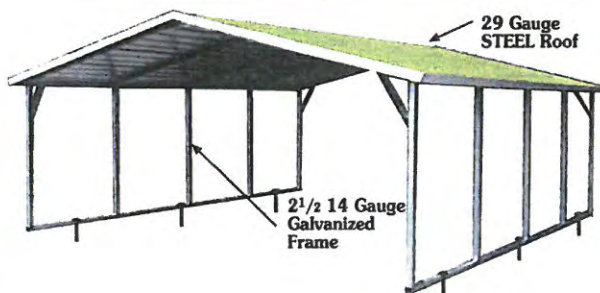
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**2 1/4" 12 Gauge**  
20 Year Warranty  
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★ **TRIM FOR FINISHED APPEARANCE**

★ **ANCHORS FOR GROUND INSTALLATION**

**WE ACCEPT**



(Fee Applies)

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\*20 year limited warranty on rust through of framing on roofing material assuming normal user care and maintenance.

Custom sizes/colors Available.

Gauge thickness	W X L									
<b>14 GAUGE</b>	12X21	\$ 995	18x21	\$1195	20x21	\$1395	22x21	\$1595	24x21	\$1795
	12X26	\$1195	18x26	\$1495	20x26	\$1695	22x26	\$1895	24x26	\$2195
	12X31	\$1395	18x31	\$1795	20x31	\$1995	22x31	\$2295	24x31	\$2695
	12X36	\$1695	18x36	\$2095	20x36	\$2295	22x36	\$2695	24x36	\$3195
	12X41	\$2195	18x41	\$2495	20x41	\$2895	22x41	\$3295	24x41	\$3695
<b>12 GAUGE</b>	12X21	\$1195	18x21	\$1395	20x21	\$1595	22x21	\$1795	24x21	\$1995
	12X26	\$1595	18x26	\$1695	20x26	\$1995	22x26	\$2195	24x26	\$2495
	12X31	\$1795	18x31	\$2195	20x31	\$2295	22x31	\$2595	24x31	\$2995
	12X36	\$2095	18x36	\$2495	20x36	\$2595	22x36	\$2995	24x36	\$3495
	12X41	\$2495	18x41	\$2895	20x41	\$3195	22x41	\$3595	24x41	\$3995

## COLORS



## Notice of Public Hearing before the Mill City Planning Commission

Tuesday, October 15, 2019 6:30 p.m.

City Hall, 444 1<sup>st</sup> Avenue, Mill City

September 9, 2019

Proposal:	Site Plan Review – Land Use Action on the North Santiam River
Property Owners:	Kean and Dondra Warriner
Location of Request:	1315 SW Spring Street, Mill City
Assessor's Map #:	T9S, R3E, Section 30CD, Tax Lots 00100
Planning File No.	2019-16

TO: Adjacent Property Owners

The City has received a land use application from Kean and Dondra Warriner. The applicants propose to construct a new single-family home at 1315 SW Spring Street on a vacant parcel adjacent to the North Santiam River. Since the lot has frontage on the North Santiam River, the applicant is required to submit a site plan showing the proposed location of the new home, setbacks from the river and plans for landscaping and site improvements. The proposed building site is not located in the flood hazard area and does not have any identified wetlands.

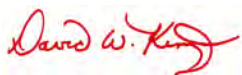
A public hearing concerning the matter will be held before the Planning Commission on Tuesday, October 15, 2019 at their regularly scheduled meeting beginning at 6:30 p.m. at the City Hall at 444 1<sup>st</sup> Avenue in Mill City. The Planning Commission will make its decision based on decision criteria found in the Mill City Municipal Code, Title 17 – Zoning Code, Section 17.44.120. The Searchable City Code can be viewed under “Documents” at the City of Mill City website: <http://www.ci.mill-city.or.us/>

1. Section 17.44.120 lists standards and criteria for site plan reviews for land use actions adjacent to the North Santiam River. The criteria address removal of vegetation and trees below the topographical break of the bank above the river and whether or not the proposed uses may have a potentially damaging impact on fish or wildlife habitat along the river.

The application, decision criteria and staff report will be available at City Hall seven days prior to the hearing. The Planning Commission may either approve, deny or approve the application with conditions or modifications. Any person wishing to provide testimony must address the decision criteria. Failure to raise an issue precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criterion.

City Hall is accessible to persons with disabilities. Please call City Hall (503.897.2302) by noon the day before the meeting if you need an interpreter for the hearing impaired or any other special accommodation or if you have any questions related to the application.

Sincerely,



DAVID W. KINNEY

Planning Consultant for the City of Mill City

Enclosures: Site Plan showing the location of the home and Aerial Map of Site

***David W. Kinney***  
*Community Development Consultant*  
791 E. Hollister St., Stayton, OR 97383  
(503) 551-0899  
Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

**October 4, 2019**

**To: Chairman Ann Carey and Planning Commissioners**  
**From: David W. Kinney, Planning Consultant**  
**In RE: Old Business Items for October 4, 2019 Meeting**

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## **6. Old Business**

### **a. Zoning Amendment – Accessory Dwelling Units (Review of CC Discussion)**

I attended the October 8, 2019 Council Meeting and asked the Council if they would like the Planning Commission to proceed with holding a public hearing on the proposed zoning code amendment to allow accessory dwelling units in the Residential zones. I will provide an oral report on the Council discussion.

**Requested Action: Set a public hearing date if the Council wishes to proceed with consideration of the Accessory Dwelling code amendments.**

### **b. 2018-04 SKATE – Skate Park Site Review**

Dreamland and SKATE's landscape architect have submitted a final site plan and construction plan set to the City of Mill City and SKATE for construction of a skate park at the corner of SW 2<sup>nd</sup> and SW Cedar Street in Mill City.

**The revised site plan now addresses all of the conditions of approval** established by the Planning Commission in its decision. The Planning Commission agreed it would review the revised site plan before the City's approval becomes final. I have included copies of the plan for the Planning Commission. We will review the revised site plan details at the November 17, 2019 regular meeting.

**Requested Action: Review at November 17, 2019 meeting.**

***David W. Kinney***  
*Community Development Consultant*  
791 E. Hollister St., Stayton, OR 97383  
(503) 551-0899  
Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

**October 4, 2019**

**To: Chairman Ann Carey and Planning Commissioners**

**From: David W. Kinney, Planning Consultant**

**In RE: Old Business Items for October 4, 2019 Meeting**

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## **9. New Business**

### **a. 2019-13 Property Line Adjustment – Jill & Jason Saari, 680 SW High St.**

Enclosed is a letter of tentative approval for a property line adjustment for Jill & Jason Saari. A building currently encroaches on the property line. The applicants propose to relocate the property line to allow for the vacant lot to be sold and/or built on. The DRAFT approval letter identifies items which must be verified prior to the approval becoming final.

**Requested Action: Ratify the Planning Consultant's tentative approval of a property line adjustment for Jill & Jason Saari, 680 SW High Street, File 2019-13.**

### **b. 2019-15 Property Line Adjustment – Cara/Pat Kelly & Dawn Connor, 757 NE Santiam Boulevard (Kelly's Lumber)**

Enclosed is a letter approving a property line adjustment for Cara/Pat Kelly & Dawn Connor for property at 757 NE Santiam Boulevard. The property owners are proposing to relocate property lines to allow for better development of the sites. The Kelly Lumber buildings currently encroach across an existing property line. This encroachment needs to be corrected as part of this approval.

**Requested Action: Ratify the Planning Consultant's approval of a property line adjustment for Cara/Pat Kelly and Dawn Connor at 757 NE Santiam Boulevard, File 2019-15.**

**c. 2019-17      Property Line Adjustment – Santiam Canyon School District (Jr/Sr High School Campus)**

Enclosed is a letter approving a property line adjustment for the Santiam Canyon School District to consolidate three parcels into one parcel for the Santiam Jr./Sr. High School campus. The City staff has contacted the Linn County Surveyor and Assessor's cartography staff to verify that a portion of the old RR ROW adjacent to SW Cedar Street needs to be eliminated as part of the property line adjustment survey. The County Surveyor concurs.

**Requested Action:      Ratify the Planning Consultant's approval of a property line adjustment for Santiam Canyon School District's Jr./Sr. High School Campus, File 2019-17.**

**d. DLCD Grant Application: Wastewater Capacity Analysis and Comp Plan Update of Chapters 11 "Public Facilities" and Chapter 10 "Housing"**

City Recorder Stacie Cook submitted a technical assistance grant application for approximately \$70,000 to the Oregon Department of Land Conservation and Development. The grant application proposes the City will complete the following work tasks:

1. Wastewater Treatment Plan Capacity Study. An engineering review of the City of Mill City wastewater treatment facilities, including a condition assessment, evaluation of current treatment process and compliance with the City's WW Discharge Permit and the remaining capacity of the facility.
2. Chapter 11 "Public Facilities" of the Mill City Comprehensive Plan and Public Facilities Chapter to the Zoning Code.
3. Chapter 10 "Housing" of the Mill City Comprehensive Plan.

# **File 2019-13**

**Jill / Jason Saari**

Property Line Adjustment

680 SW High Street



## City of Mill City

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**David W. Kinney**

*Planning Consultant for the City of Mill City*

791 E. Hollister St., Stayton, OR 97383

Office: (503) 769-2020 Cell: (503) 551-0899

Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

September 9, 2019

Jill and Jason Saari  
PO Box 273  
Mill City, OR 97360  
Email: [jwillsaari@gmail.com](mailto:jwillsaari@gmail.com)

**RE: Notice of Decision – Approval of Property Line Adjustment**  
09 3E 31AB, Tax Lots 01751 and 01752  
File No. 2019-13

Dear Jill and Jason:

The property line adjustment application to adjust the boundary for tax lots 01751 and 01752 as shown on Map 1 has been reviewed.

**The applicant must submit additional information to the City before the City can approve the property line adjustment:**

1. Set the final location of the proposed property line, showing the dimension of the proposed lots. The existing garage must be set at least 5' from the south property line.
2. Determine if the existing sewer interceptor tank will be located on TL 1751 or TL 1752.
  - a. If the sewer interceptor tank is located on TL 1751 (vacant lot), the applicant will be required to install a new sewer interceptor tank on TL 1752 (home site) before the City approves the final property line adjustment survey.
  - b. If the sewer interceptor tank is located on TL 1752 (680 SW High St. home site), the property line must be 5' south of the interceptor tank.
3. Verify the modified TL 1751 (vacant lot) will have a minimum of 7,000 square feet.

When you provide the information, a final staff decision to either approve/deny your application will be made.

### PRELIMINARY STAFF REVIEW

In accordance with MCMC Section 16.36.050 the Mill City Planning Commission is tentatively scheduled to review the staff decision regarding the property line adjustment at their Tuesday, October 15, 2019 regular meeting at City Hall. The Planning Commission may either affirm, deny or modify the staff decision.

**A. Proposal:**

Jill and Jason Saari are the owners of the two parcels at 680 SW High Street in Mill City, Oregon. The applicants propose to adjust the property lines between TL 01751 and TL 01752, Lots 1 and 2, Block 6, in the Ogden's Second Addition Subdivision. The purpose of the lot line adjustment is to eliminate the encroachment of the existing garage across the property line and to create a vacant buildable lot on TL 01751. No new lots will be created.

**Table 1**  
Proposed Property Line Adjustment – Jill & Jason Saari

Owner	Existing Tax Lot #	Existing Use	Existing Lot Size (sf)	Increase or Decrease in Lot Size	Proposed Lot Size (sf)
Jill and Jason Saari	09 3E 31AB 01751	Vacant parcel. Garage encroaches onto this lot	10,275 sf +/-	- 2,800 sf	up to 7,475 sf
Jill and Jason Saari	09 3E 31AB 01752	680 SW High Street Existing home & garage	10,200 sf +/-	+2,800 sf	13,000 sf

Map 1

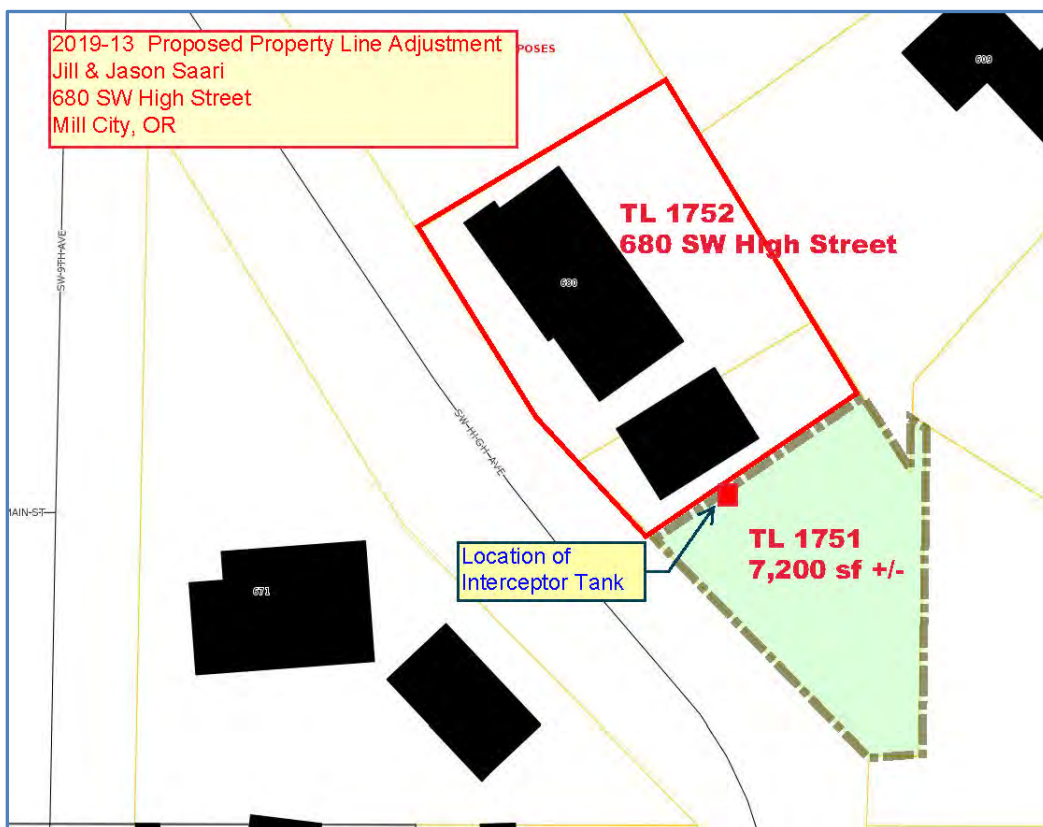
**Location of Proposed Property Line Adjustment – 680 SW High Street, Mill City**  
**Applicants: Jill and Jason Saari**



Map 2  
Aerial Photo - Proposed Property Line Adjustment – Jill and Jason Saari



Map 3  
Proposed Property Line Adjustment – Jill and Jason Saari



## B. Findings and Conclusions:

The applicant has complied with the application requirements and decision criteria for a property line adjustment set forth in Mill City Municipal Code Chapter 16.36.

*Criteria 1: The proposed lots meet minimum size, lot width and frontage requirements of the zone.*

Findings: The minimum lot size in the R-1 zone is 7,000 sq. ft. with a minimum width of 70'. The two existing parcels meet the minimum 7,000 sf and 70' frontage requirements. Table 1 above shows the proposed lots will exceed the minimum lot size requirements. Each parcel will have 100+ feet of street frontage on SW High Street.

**Conclusion:** *The proposal complies with Criteria 1.*

*Criteria 2. If, prior to the application, the lot did not meet lot size, width, or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards;*

Findings: As noted under Criteria 1, the parcels met the minimum requirements, prior to the submittal of the property line adjustment application. The new parcels meet the lot size, dimension and width requirements. This criterion does not apply.

**Conclusion:** *The proposal complies with Criteria 2.*

*Criteria 3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements. There is sufficient area and adequate location on both lots to meet sewage disposal requirements;*

Findings: City utilities current serve the home at 680 SW High Street (TL 1752), but there are no services to the vacant lot (TL 1751). The interceptor tank is located south of the garage as shown on Map 3 above and Map 4 below. The proposed parcel line is near the sewer interceptor tank.

### ***TL 1752 – Existing House 680 SW High St.***

Water: There is no city water main in SW High Street in front of the parcel. The existing house is served by a 2" water line extension to the home site.

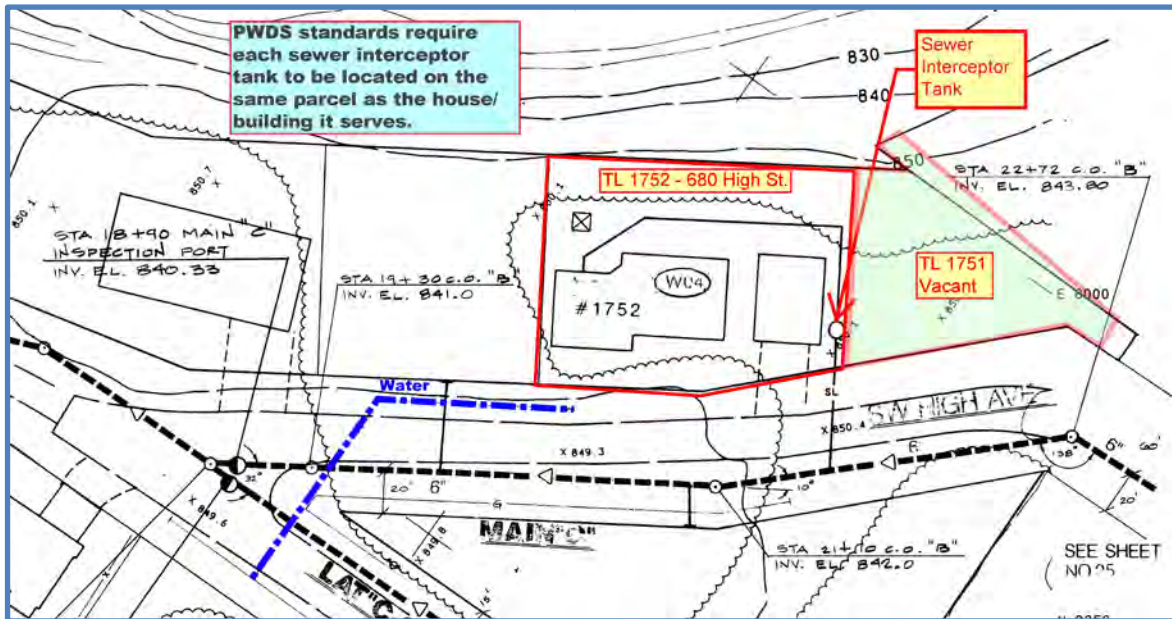
Sewer: The sewer interceptor is located south of the garage as shown on Map 4.

### ***TL 1751 – Vacant Lot.***

Water: There is no city water main in SW High Street in front of the parcel. Map 5 below shows a water service line or water main must be extended from SW Ivy Street to TL 1751. A new water service line or water main extension must be installed at the time a building permit is issued for construction of a new home on TL 1751. The water service shall comply with the Mill City Public Works Design Standards (PWDS).

Sewer: A 4" sewer main is located in SW High Street; it can serve a new home on TL 1751. The City's PWDS require each lot to be served by a separate sewer interceptor tank that is located on the lot. The tank shall be located 5' from the property line.

Map 4  
As-Built Drawings, Sheet 24  
Existing Sanitary Sewer Line serving 680 SW High St.



Map 5  
Existing Utilities and Surrounding Uses



***Discussion:***

The location of the existing sewer interceptor tank may require the applicant to adjust the location of the proposed property line to comply with the city requirements:

- (1) TL 1751 must have a minimum 7,000 square feet.
- (2) The sewer interceptor tank for each parcel must be located on the same parcel as the building and must be installed so it has a minimum 5' setback from the property line.

In order to comply with these two requirements, the applicant may need to install a new sewer interceptor tank for the home and use the old interceptor tank for TL 1751.

The applicant will need to have a surveyor assist them in setting the final property line and determine if a new sewer interceptor tank is needed for the existing home.

***Conclusion:*** *The City staff is not sure if the proposal can comply with Criteria 3. The applicant will need to submit additional information to the City.*

***Criteria 4:*** *The property line adjustment does not create any additional parcels.*

***Findings:*** No new parcels are created. One parcel will be eliminated.

***Conclusion:*** *The proposal complies with Criteria 4.*

***Criteria 5:*** *The property line adjustment does not create any building encroachments into any specified setback area. In situations where there is an existing building encroachment, the adjustment will not result in a greater setback encroachment.*

***Findings:*** The proposed parcel line is located south of the existing garage. The building line must leave a minimum 5' setback to the south side of the garage. The property line adjustment will not cause any building encroachments.

***Conclusion:*** *The proposal complies with Criteria 5.*

***Criteria 6:*** *The property line adjustment does not eliminate vehicular access for any of the parcels and the new lots shall conform to the city's public works design standards and access management requirements.*

***Findings:*** The house at 680 SW High Street is served by a driveway onto SW High Street. TL 1751 has more than 100' of frontage on SW High Street. At the time a new home is built on TL 1751, a driveway can be constructed in compliance with the City's PWDS. With a property line adjustment, no street improvements are required; therefore, public works standards do not apply. Improvements will be required at the time a building permit is issued.

***Conclusion:*** *The proposal does not eliminate vehicular access to any site and public works design standards do not apply; therefore, the proposal complies with Criteria 6.*

*Criteria 7: Verification of ownership for each property must be presented to the city recorder.*

Findings: The Linn County Assessor's records show the two parcels (TL 01751 and TL 01752) are owned by Jill and Jason Saari. A copy of the Linn County Assessor's property records are included in the file.

**Conclusion:** *The proposal complies with Criteria 7.*

## CONCLUSION:

Based upon the above stated findings, the City Planning Consultant cannot determine if the applicant's proposal for a property line adjustment fully complies with all applicable requirements and decision criteria of the City of Mill City, Oregon.

**The applicant must submit additional information to the City before the City can approve the property line adjustment:**

1. Set the final location of the proposed property line, showing the dimension of the proposed lots. The existing garage must be set at least 5' from the south property line.
2. Determine if the existing sewer interceptor tank will be located on TL 1751 or TL 1752.
  - a. If the sewer interceptor tank is located on TL 1751 (vacant lot), the applicant will be required to install a new sewer interceptor tank on TL 1752 (home site) before the City approves the final property line adjustment survey.
  - b. If the sewer interceptor tank is located on TL 1752 (680 SW High St. home site), the property line must be 5' south of the interceptor tank.
3. Verify the modified TL 1751 (vacant lot) will have a minimum of 7,000 square feet.

If the property line adjustment is approved, the Planning Consultant will require the following **conditions of approval**.

## CONDITIONS OF APPROVAL:

**Conditions of approval 1, 2 and 3 must be completed by October 31, 2020.** If conditions 1 to 3 are not completed by that date, the approval is null and void unless a written extension is granted by the City.

1. Survey. Prepare and record a property line adjustment survey or replat survey with the Linn County Surveyor that complies with ORS 92 requirements and the requirements of the County Surveyor.
2. Provide Final Plat to the City of Mill City: A copy of the fully executed as recorded in the Linn County Surveyor's Book of Plats shall be provided to the City.
3. Sewer Interceptor Tank. Prior to City approval of the final property line adjustment survey, the City will verify that there is a functioning sewer interceptor tank located on TL 1752 that serves the existing home at 680 SW High Street.

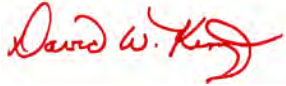
The applicant is advised that the following requirements will apply at the time a building permit is issued for a new home on TL 1751:

4. Building Permits. No building permits will be issued by the City for TL 1751 until:
  - a. the property line adjustment survey is completed and recorded in the Linn County Surveyor's Book of Plats; and
  - b. a building sewer plumbing permit and a sewer interceptor tank installation permit for TL 1751 is filed concurrently with the building permit application; and
  - c. a plan for a water main/water service line extension is submitted and approved by the Public Works Supervisor and a Type B right-of-way construction permit is issued by the City for the installation of the water main/water service line extension.

**Once the staff issues a final decision to approve/deny the property line adjustment, an appeal period begins.**

**Right of Appeal:** Any person aggrieved by this decision may file an appeal with the City Council within twenty-one days of the effective date of this decision. If you have any questions regarding this decision, you may contact me at City Hall at 897-2302.

Sincerely,



David W. Kinney, Planning Consultant

cc: Stacie Cook, MMC, City Recorder

A copy of the final staff decision will be issued to:  
Mill City Planning Commission  
Linn County Surveyor

**File 2019-15**  
**Pat / Cara Kelly**  
**Dawn Connor**

Property Line Adjustment  
757 NE Santiam Boulevard  
350 NW Cherry Street



## City of Mill City

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**David W. Kinney**

*Planning Consultant for the City of Mill City*

791 E. Hollister St., Stayton, OR 97383

Office: (503) 769-2020 Cell: (503) 551-0899

Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

September 9, 2019

Pat and Cara Kelly  
PO Box 225  
Mill City, OR 97360  
[kellyls@wbcable.net](mailto:kellyls@wbcable.net)

Dawn Connor  
1580 W. Washington Street  
Stayton, OR 97383

**RE: Notice of Decision – Approval of Property Line Adjustment**

File No. 2019-15

Location: 350 NE Cherry St. and 757 NE Santiam Boulevard

Assessor's Maps: Marion County 09 3E 29CA, Tax Lots 700, 2700 and 2800

Dear Pat, Cara and Dawn:

The property line adjustment application to adjust the boundary for tax lots 00700, 02700 and 02800 as shown on Map 1 has been **approved** subject to the listed conditions of approval in this decision.

In accordance with MCMC Section 16.36.050 the Mill City Planning Commission will review the staff decision regarding the property line adjustment at their Tuesday, October 15, 2019 regular meeting at City Hall. The Planning Commission may either affirm, deny or modify the staff decision.

**A. Proposal:**

Pat and Cara Kelly are the owners of a 0.99-acre parcel at 757 NE Santiam Boulevard, the site of Kelly Lumber business. They propose to transfer ownership of PARCEL A, a 14,300+/- square foot area at the north end of the 0.99-acre site, to Dawn Connor, the adjacent property owner to the north. TRACT A is a vacant tract with timber.

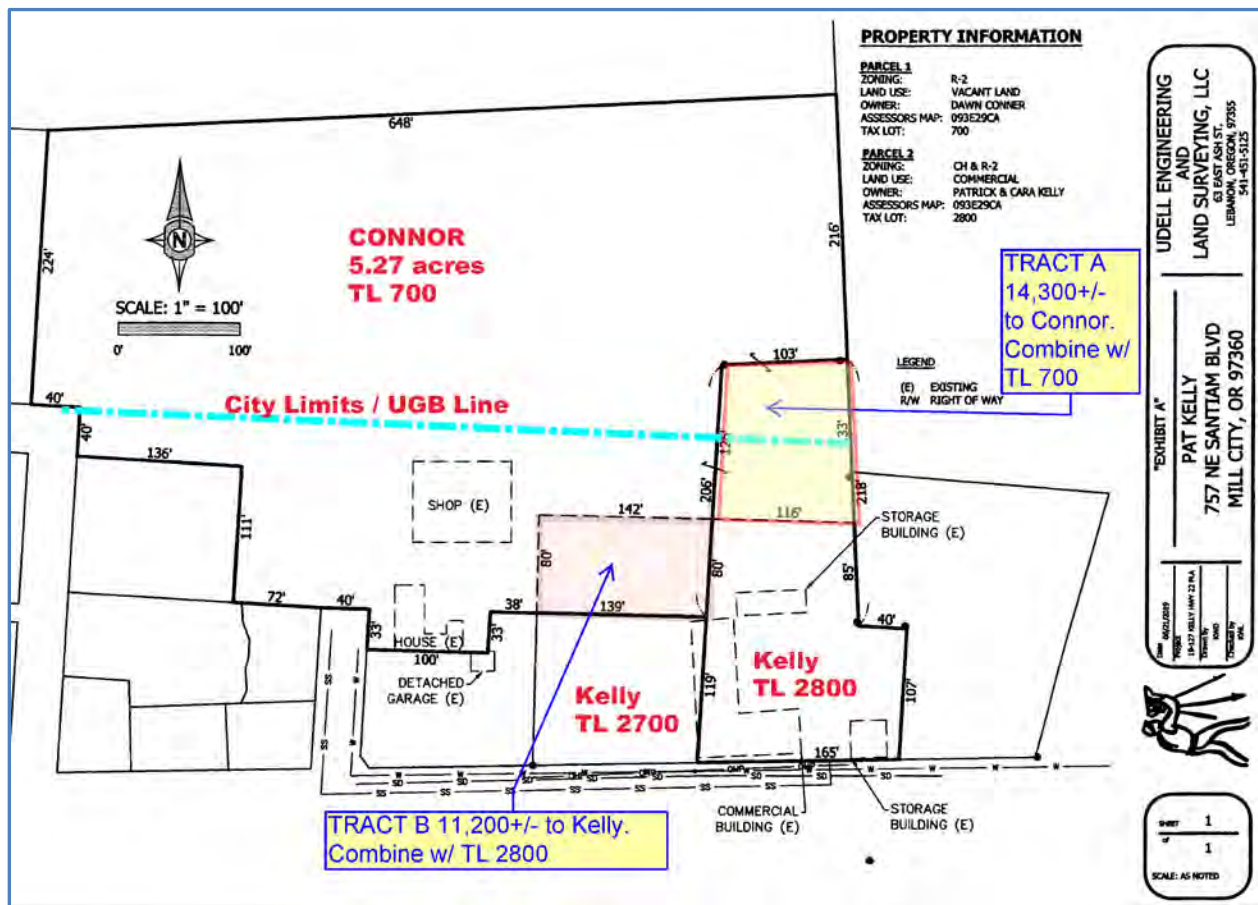
In exchange, they will acquire TRACT B, an 11,200+/- square foot portion of Dawn Connor's 5.27-acre tract, to add to the lumber yard site. TRACT B is vacant.

The applicants state the reason for the request is *"to move the common property line between the subject properties so that the resulting property configurations are more regularly shaped to allow for the most efficient use of the properties."* Table 1 shows the proposed changes in lot size.

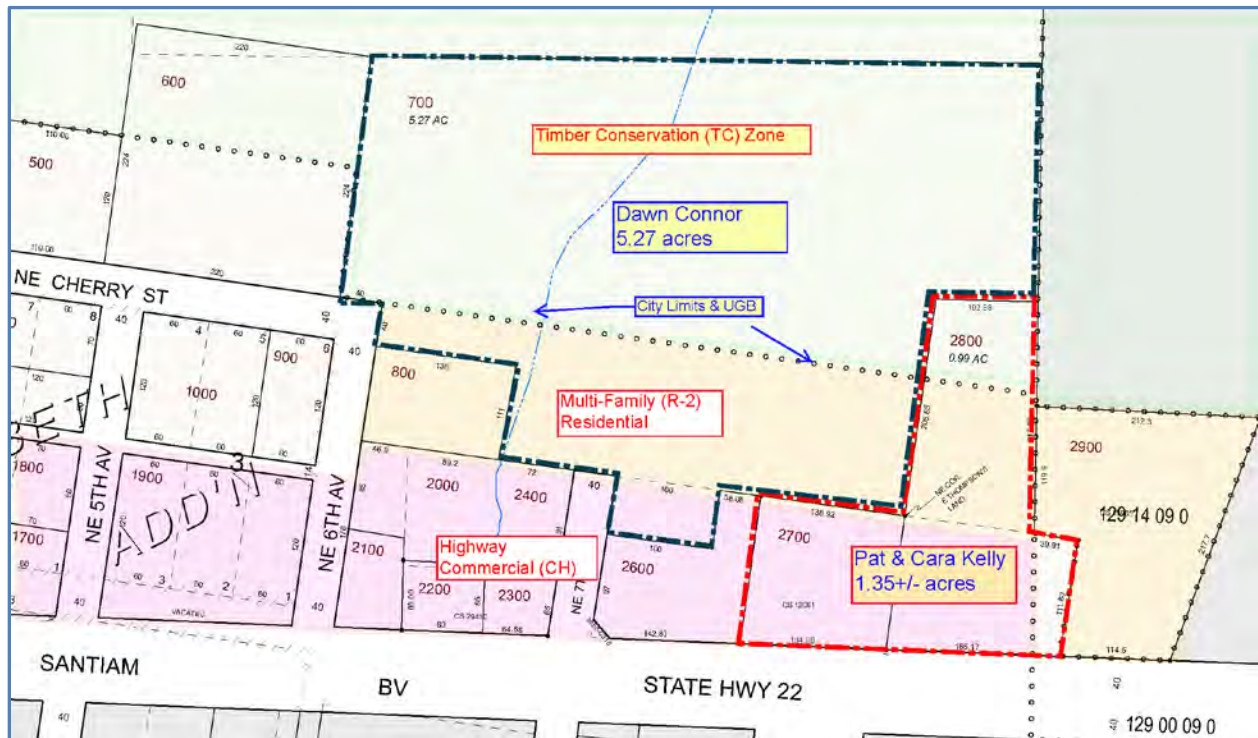
Table 1  
Proposed Property Line Adjustment  
Pat & Cara Kelly and Dawn Connor

Owner	Existing Tax Lot #	Existing Use	Existing Lot Size (sf)	Increase or Decrease in Lot Size	Proposed Lot Size (sf)
Dawn Connor	09 3E 29CA 00700	350 NE Cherry Street SFR & Shop Buildings	229,561 sf 5.27 acres	+ 3,049 sf	232,610 sf 5.34 acres
Pat & Cara Kelly	09 3E 29CA 02800	757 NE Santiam Blvd Kelly Lumber	43,124 sf 0.99 acres	-3,049 sf	40,075 sf 0.92 acres

Map 1  
Proposed Property Line Adjustment – Pat and Cara Kelly



Map 2  
Existing Zoning – City of Mill City and Marion County



**B. Findings and Conclusions:**

The applicant has complied with the application requirements and decision criteria for a property line adjustment set forth in Mill City Municipal Code Chapter 16.36.

*Criteria 1: The proposed lots meet minimum size, lot width and frontage requirements of the zone.*

**Findings:**

**Connor Property:** The 5.27-acre Connor parcel is located in the Timber Conservation (TC), Multi-Family Residential (R-2) and the Highway Commercial (CH) zones. Connor will acquire TRACT B, a 14,300+/- area that is located in the TC and R-2 zones. The new tract will be 5.34 acres with legal access to both NE Cherry Street and NE 7<sup>th</sup> Avenue. The new parcel meets the 5,000 sf minimum lot size, 70' lot width and 70' lot frontage requirements in the R-2 zone.

**Kelly Property:** The Kelly's own two parcels (TL 02700 and TL 02800) abutting NE Santiam Boulevard (Hwy 22). They are located in the Highway Commercial (CH) zone with the north half of TL 2800 in the Multi-Family Residential (R-2) zone. The two parcels are in Commercial use for Kelly Lumber. There are no minimum lot size or lot width requirements in the CH zone and the parcels have just under 300' frontage on Hwy 22. The new parcel meets the minimum lot size, width and frontage requirements for the CH zone.

**Conclusion:** *The proposal complies with Criteria 1.*

*Criteria 2. If, prior to the application, the lot did not meet lot size, width, or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards;*

Findings: As noted under Criteria 1, the parcels met the minimum requirements, prior to the submittal of the property line adjustment application. The new parcels meet the lot size, dimension and width requirements. This criterion does not apply.

***Conclusion: The proposal complies with Criteria 2.***

*Criteria 3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements. There is sufficient area and adequate location on both lots to meet sewage disposal requirements;*

Findings:

***Connor Property:*** The 5.27-acre Connor parcel has an existing home at the north end of NE 7<sup>th</sup> Avenue. The address is 350 NE Cherry St. The home is connected to city water and sewer services and is served by private utilities. Map 1 shows existing utilities in Hwy 22 and the extensions north on NE 7<sup>th</sup> Avenue. The new parcel lines do not encroach on the location of the existing public or private utilities. When the full 5.27-acre tract is subdivided in the future, water/sewer/storm and street improvements must be extended into the site.

***Kelly Property:*** The Kelly Lumber buildings at 757 NE Santiam Boulevard are connected to city water and sewer lines located in Hwy 22 at the front of the property, as shown on Map 1. Any future expansion of the Kelly Lumber property can be served by utilities in Hwy 22.

No easements are shown on the proposed PLA plan. The relocated lot lines will not encroach on the location of any existing sewage disposal, water supply lines or easements.

***Conclusion: The proposal complies with Criteria 3.***

*Criteria 4: The property line adjustment does not create any additional parcels.*

Findings: No new parcels are created.

***Conclusion: The proposal complies with Criteria 4.***

*Criteria 5: The property line adjustment does not create any building encroachments into any specified setback area. In situations where there is an existing building encroachment, the adjustment will not result in a greater setback encroachment.*

Findings: The new parcel lines do not create or cause any new building encroachments. The existing Kelly Lumber main building encroaches across the property line between TL 02700 and TL 02800. The Planning Consultant recommends this lot line be eliminated when the final survey plat is prepared by the applicant's surveyor.

***Conclusion: The proposal can comply with Criteria 5.***

*Criteria 6: The property line adjustment does not eliminate vehicular access for any of the parcels and the new lots shall conform to the city's public works design standards and access management requirements.*

Findings: Driveway and vehicle access is available to both the Connor and the Kelly parcels. The Connor property has access to NE Cherry Street and NE 7<sup>th</sup> Avenue. The Kelly property has full length frontage and access to Hwy 22. No street improvements are required for a property line adjustment; therefore, public works standards do not apply. Improvements may be required at the time any new building permits are issued or at the time of future subdivision or land use decisions for either parcel.

**Conclusion:** *The proposal does not eliminate vehicular access to any site and public works design standards do not apply; therefore, the proposal complies with Criteria 6.*

**Criteria 7:** *Verification of ownership for each property must be presented to the city recorder.*

Findings: The applicants submitted title information from Tigor Title Company verifying ownership of the parcels by Dawn Connor (TL 00700) and Pat/Cara Kelly (TL 02700 and TL 02800). The title company records are included in the file.

**Conclusion:** *The proposal complies with Criteria 7.*

## CONCLUSION:

Based upon the above stated findings, the City Planning Consultant determines the applicant's proposal for a property line adjustment complies with all applicable requirements and decision criteria of the City of Mill City, Oregon and is hereby **approved, subject to compliance with the following conditions of approval.**

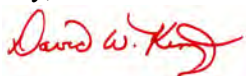
## Conditions of Approval:

**All conditions of approval must be completed by October 15, 2020.** If conditions are not completed by that date, the approval is null and void unless a written extension is granted by the City.

1. Survey. Prepare and record a property line adjustment survey with the Marion County Surveyor that complies with ORS 92 requirements and the requirements of the County Surveyor and is consistent with the approved Property Line Adjustment as shown on the attached map stamped approved by the City of Mill City.
2. Provide Final Plat to the City of Mill City: A copy of the fully executed as recorded in the Marion County Surveyor's Book of Plats shall be provided to the City.

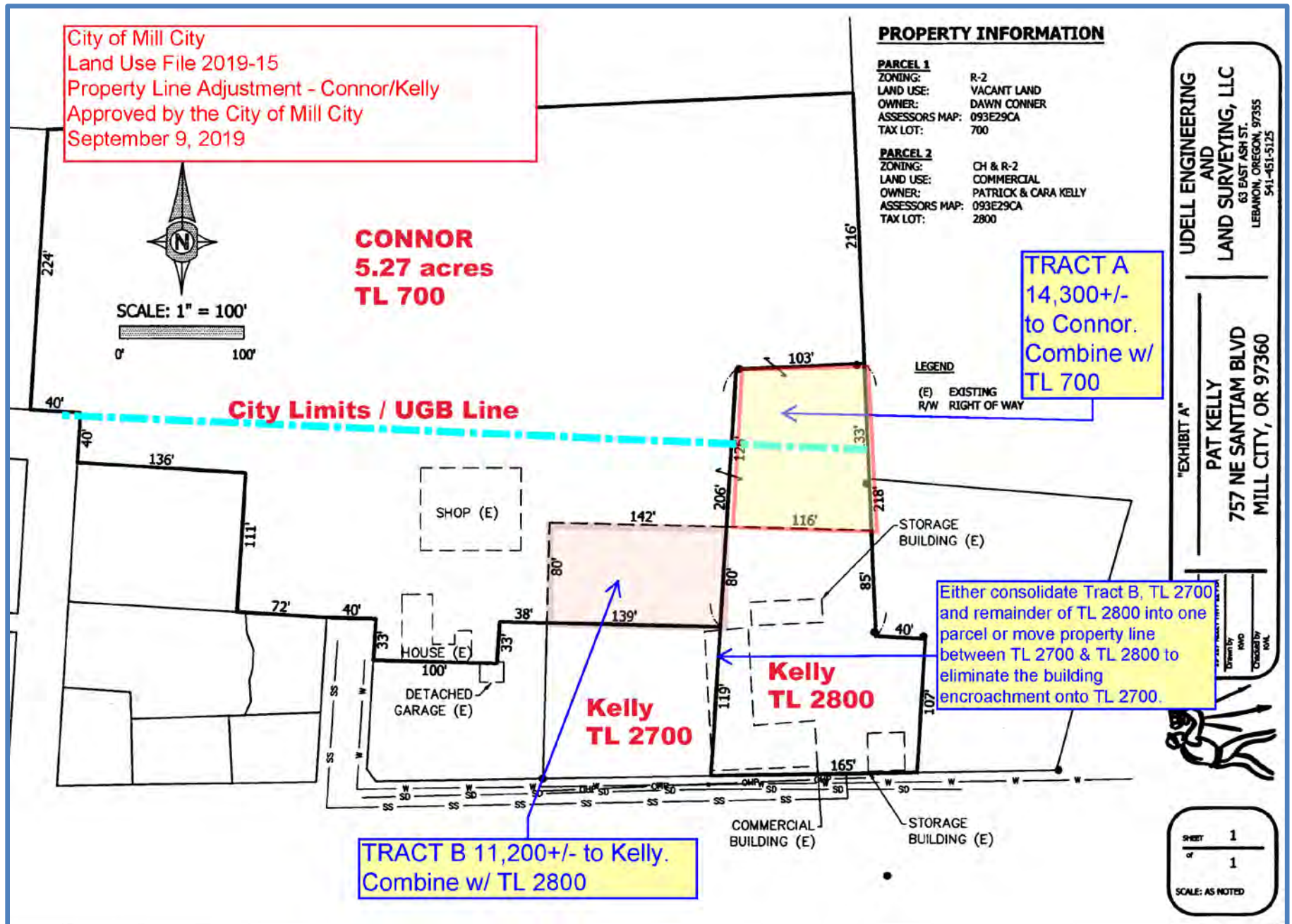
**Right of Appeal:** Any person aggrieved by this decision may file an appeal with the City Council within twenty-one days of the effective date of this decision. If you have any questions regarding this decision, you may contact me at City Hall at 897-2302.

Sincerely,



David W. Kinney  
Planning Consultant for the City of Mill City

cc: Mill City Planning Commission  
Marion County Planning Department – Attention: Brandon  
Marion County Surveyor



**File 2019-17**

**Santiam Canyon School District**

**Jr/Sr High School Campus**

**Property Line Adjustment**



## City of Mill City

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**David W. Kinney**

*Planning Consultant for the City of Mill City*

791 E. Hollister St., Stayton, OR 97383

Office: (503) 769-2020 Cell: (503) 551-0899

Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

September 16, 2019

Todd Miller, Superintendent  
Santiam Canyon School District  
PO Box 197  
Mill City, OR 97360

Hayden Wooton  
**Reece & associates, Inc.**  
321 First Avenue, East, Suite 3a  
Albany, Oregon 97321

**RE: Notice of Decision – Approval of Property Line Adjustment**  
09 3E 30DD, Tax Lots 06900, 07000 and 08100  
File No. 2019-17

Dear Todd and Hayden:

The property line adjustment application to adjust the boundary for tax lots 06900, 07000 and 08100 as shown on Map 1 has been **approved**.

In accordance with MCMC Section 16.36.050 the Mill City Planning Commission is scheduled to review the staff decision regarding this property line adjustment at their Tuesday, October 15, 2019 regular meeting at City Hall. The Planning Commission may either affirm, deny or modify the staff decision. **The effective date of this decision is October 16, 2019**

**A. Proposal:**

The Santiam Canyon School District is the owner of the three parcels. The property currently includes the Santiam Jr./Sr. High School, tennis courts and a home at 300 SW Cedar Street in Mill City.

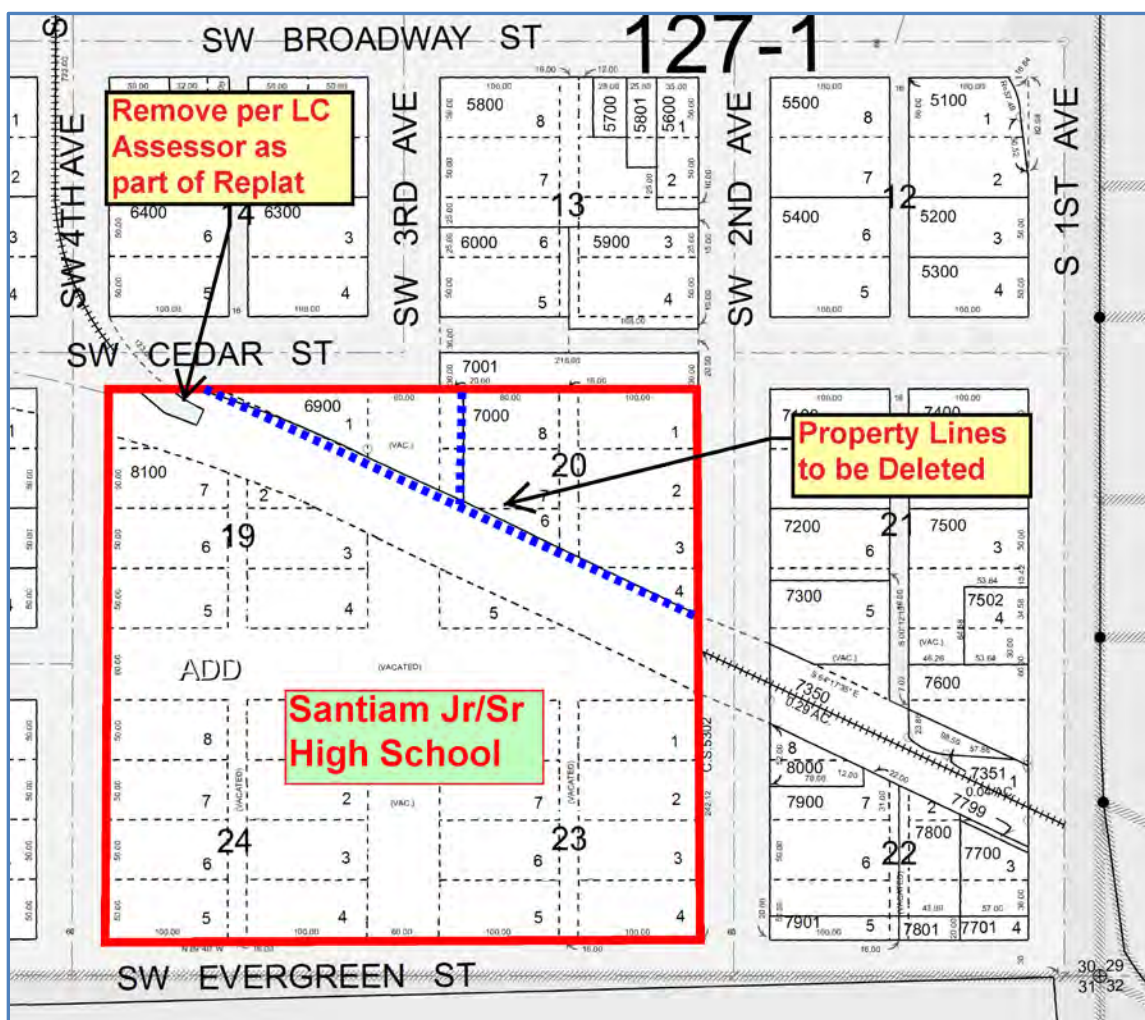
The applicant proposes to consolidate the parcels and replat the entire area within Blocks 19, 20, 23 and 24 of the Hobson's Addition Subdivision. No new lots will be created.

The School District intends to demolish the existing high school classroom building and construct new junior high school and senior high school classroom buildings and a second gymnasium on the site. The property line consolidation is required before they District can proceed with a site plan approval for the new construction.

**Table 1**  
Proposed Property Line Adjustment – Santiam Canyon School District

Owner	Existing Tax Lot #	Existing Use	Existing Lot Size (sf)	Increase or Decrease in Lot Size	Proposed Lot Size (sf)
Santiam Canyon School District	09 3E 30DD 06900	300 SW Cedar Street Home to be demolished	10,020 sf +/- 0.23 acres	Eliminate Tax Lot	
Santiam Canyon School District	09 3E 30DD 07000	Tennis Courts & Gravel Parking Area	27,880 sf +/- 0.64 acres	Eliminate Tax Lot	
Santiam Canyon School District	09 3E 30DD 08100	Santiam Jr/Sr High School	4.23 acres	+ 37,900+/- sf +0.87 acres	5.10 acres

**Map 1**  
Proposed Property Line Adjustment – Santiam Jr/Sr High School Site



**B. Findings and Conclusions:**

The applicant has complied with the application requirements and decision criteria for a property line adjustment set forth in Mill City Municipal Code Chapter 16.36. Responses to each of the review criteria have been submitted by the applicant as a part of the official application/record.

*Criteria 1: The proposed lots meet minimum size, lot width and frontage requirements of the zone.*

Findings: There is no minimum lot size, lot width or frontage requirements in the Public (P) zone. The school site does have frontage on four streets (SW 2<sup>nd</sup>, SW 4<sup>th</sup>, SW Cedar and SW Evergreen).

**Conclusion:** *The proposal complies with Criteria 1.*

*Criteria 2. If, prior to the application, the lot did not meet lot size, width, or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards;*

Findings: As noted under Criteria 1, the parcels met the minimum requirements, prior to the submittal of the property line adjustment application. The new parcels meet the lot size, dimension and width requirements. This criterion does not apply.

**Conclusion:** *The proposal complies with Criteria 2.*

*Criteria 3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements. There is sufficient area and adequate location on both lots to meet sewage disposal requirements;*

Findings: City utilities are located in the public rights-of-way in the abutting streets. The applicant's preliminary plans for the property line adjustment and a preliminary site survey prepared for the City of Mill City and School District in 2018 by John Newberg, Newberg Surveying shows the location of all adjacent public and private utilities. No encroachments or conflicts exist.

New or relocated on-site water, sewer and private utilities will be required as part of the city's approval for the construction of new school buildings and facilities. The City staff concludes there is sufficient area on the school district site to allow for on-site sewer, water, storm drainage and private utilities.

**Conclusion:** *The proposal complies with Criteria 3.*

*Criteria 4: The property line adjustment does not create any additional parcels.*

Findings: No new parcels are created. Two parcels will be eliminated.

**Conclusion:** *The proposal complies with Criteria 4.*

*Criteria 5: The property line adjustment does not create any building encroachments into any specified setback area. In situations where there is an existing building encroachment, the adjustment will not result in a greater setback encroachment.*

Findings: The existing home at 300 SW Cedar Street will be demolished as part of the school district's construction project. proposed parcel line is located south of the existing garage. The building line must leave a minimum 5' setback to the south side of the garage. The property line adjustment will not cause any building encroachments.

**Conclusion:** *The proposal complies with Criteria 5.*

**Criteria 6:** *The property line adjustment does not eliminate vehicular access for any of the parcels and the new lots shall conform to the city's public works design standards and access management requirements.*

Findings: The property has frontage on four streets and has multiple driveway entries to the existing school facilities. When the school district requests site plan approval for the new classroom buildings and second gymnasium, the City will review and approve new parking, driveway entry points and traffic within the site. Approval of this property line adjustment will not impact the district's ability to plan for the new driveway access point.

With a property line adjustment, no street improvements are required; therefore, public works standards do not apply. Improvements will be required at the time a building permit is issued.

**Conclusion:** *The proposal does not eliminate vehicular access to any site and public works design standards do not apply; therefore, the proposal complies with Criteria 6.*

**Criteria 7:** *Verification of ownership for each property must be presented to the city recorder.*

Findings: The Linn County Assessor's records show the two parcels (TL 06900, 07000 and 08100) are owned by Santiam Canyon School District. A copy of the Linn County Assessor's property records are included in the file.

**Conclusion:** *The proposal complies with Criteria 7.*

## **C. CONCLUSION and DECISION:**

Based upon the above stated findings, the City Planning Consultant concludes the applicant's proposal for a property line adjustment fully complies with all applicable requirements and decision criteria of the City of Mill City, Oregon. The property line adjustment is approved subject to the conditions of approval listed below.

## **D. CONDITIONS OF APPROVAL:**

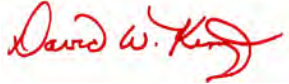
**The following conditions of approval must be completed by October 31, 2020.** If all of the conditions of approval are not completed by that date, the approval is null and void unless a written extension is granted by the City.

1. Survey. Prepare and record a property line adjustment survey or replat survey with the Linn County Surveyor that complies with ORS 92 requirements and the requirements of the County Surveyor.
2. Provide Final Plat to the City of Mill City: A copy of the fully executed as recorded in the Linn County Surveyor's Book of Plats shall be provided to the City.

**E. Right of Appeal:**

Any person aggrieved by this decision may file an appeal with the City Council within twenty-one days of the effective date of this decision. If you have any questions regarding this decision, you may contact me at City Hall at 897-2302.

Sincerely,

A handwritten signature in red ink, appearing to read "David W. Kinney", is written over a light blue rectangular background.

David W. Kinney, Planning Consultant

cc: Stacie Cook, MMC, City Recorder  
Mill City Planning Commission  
Linn County Surveyor