



City of Mill City

P.O. Box 256

Mill City, Oregon 97360

Ph: 503.897.2302 * Fax: 503.897.3499 * Email: millcity@wbcable.net

MILL CITY PLANNING COMMISSION AGENDA Regular Meeting

Tuesday, October 20, 2020 6:30 p.m.

City Hall – 444 S. First Avenue

MILL CITY, OREGON 97360

1. Call to Order and Flag Salute – 6:30 p.m. Chair Ann Carey

2. Approval of Minutes:

a. August 4, 2020

pp. 7-10

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 June address the issue during this meeting, table the issue to a future meeting or June request that you speak with the City Recorder or Planning Consultant outside the meeting.*

4. Public Hearings:

File No. 2020-08

pp. 11 – 28

Applicant: Scott Baughman

Proposal: Minor Partition

Location: 159 / 177 SE Fairview Street

File No. 2020-09

pp. 29-45

Applicant: Kyle Plotts

Proposal: Minor Partition

Location: Lot 18 – Village at Santiam Pointe, Santiam Pointe Loop NE

5. Presentations: None scheduled

6. Old Business pp. 46-50

- a. Mill City Zoning Code Amendments
 - i. File 2020-03 Chapter 17.84 Public Facilities
 - ii. File 2020-06 Chapter 17.80 Riparian Code – City Property

7. New Business pp. 51-61

- a. File 2020-10 Blancke Trust Lot Line Adjustment – SE 5th Court
- b. Wildfire Response
 - i. Emergency RV Housing on Hwy 22 & NW Alder Street
 - ii. FEMA Response Coordination w/ Cities and Counties
 - iii. City Response for Building Permits for Replacement Structures

8. Informational Items

- a. City Recorder Report
- b. Planning Consultant Invoices & Time Report pp. 52-62
- c. Prospective Applications: None Pending
- d. Upcoming Hearings: None Scheduled
- e. TIGER Grant Update
 - i. Vehicle Bridge Construction Time Line – Linn County Update
- f. GRANT/Loan Applications Filed in Recent Months
 - i. ODOT - Small Cities Allotment (\$100,000) – SW 2nd Avenue
 - ii. ODOT – Safe Routes to School (\$1.9 million) – School Area Streets
 - iii. Business Oregon – Safe Drinking Water Loan Fund (\$2.5 million) – water lines

9. Other Business

10. Adjournment

Upcoming Planning Commission Meetings (All meetings at City Hall)

Tuesday, November 17, 2020	6:30 PM	Regular Mtg
Tuesday, December 15, 2020	6:30 PM	Regular Mtg

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.

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

Tonight's public hearings are to consider the following land use applications.

File 2020-08 Minor Partition – 100 Block of SE Fairview Street

File 2020-01 is a proposal to divide a 0.23-acre parcel in the Central Commercial (CC) zone into two lots. The property is a vacant parcel just east of City Hall. Applicant Scott Baughman proposes to build two new homes on the parcels. The applicable criteria are found in the Mill City Subdivision Code, Chapter 16.32 and sections of the Mill City Zoning Code listed in the staff reports.

File 2020-02 Minor Partition – 150 Santiam Pointe Loop NE

File 2020-09 is a proposal to divide a 1.12-acre parcel in the SPD zone into two lots. The property is a vacant parcel at 150 Santiam Pointe Loop NE. Applicant Kyle Plotts proposes to create two residential building lots. The applicable criteria are found in the Mill City Subdivision Code, Chapter 16.32 and sections of the Mill City Zoning Code 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.

Agenda Item 2

**Planning Commission Minutes
August 4, 2020**

MILL CITY PLANNING COMMISSION
Meeting of June 16, 2020

Planning Commission members present: Chair Ann Carey, Jim Grimes, Marge Henning, Woody Koenig, David Leach and Debbie Schenck. Sandy Lyness was excused.

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

City Council Representatives: None.

Agency/Applicant Representatives: None.

Citizens: Robert Johnston.

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

APPROVAL OF MINUTES: *Marge Henning moved, seconded by Dave Leach to approve the minutes of June 16, 2020. The motion carried, (6:0).*

Chair Carey welcomed new Planning Commissioners Jim Grimes and Debbie Schenck.

ELECTION OF OFFICERS: Marge Henning nominated Ann Carey as Chair. Debbie Schenck seconded the nomination. No additional nominations. Nomination carried.

Woody Koenig nominated Marge Henning as Vice Chair. Jim Grimes seconded the nomination. No additional nominations. Nomination carried.

City Recorder Stacie Cook was reappointed as Secretary.

PUBLIC COMMENT: None.

PUBLIC HEARING: None. Scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS:

Mill City Zoning Code Amendments: Mr. Kinney said that a draft of the Public Facilities code is ready for final comments. Within the code there will be maps and tables which outline various kinds of streets and types of improvements required for different developments. These will be very helpful to staff when discussing development of properties with interested people.

Mr. Kinney asked the Committee about inclusion of a requirement for street improvements to be constructed with multi-family development. A consensus to move forward with the requirement for any development of six or more units was given.

Once the maps and tables in the code have been updated and reviewed by the Planning Commission, the draft code will be provided to the Council for review and comment. A public hearing before the Planning Commission can then be set.

The Riparian code chapter has also been drafted. Mr. Kinney requested a sub-committee to review the language before it is discussed further by the Planning Commission. Mr. Kinney will send possible dates out for consideration.

TIGER Grant Update: Mr. Kinney stated that the Federal Highway Administration has approved the final designs for the Railroad Bridge and SW Broadway Street improvements. Bid documents are expected to be out by October or November with a spring construction start for the Railroad Bridge and early summer for SW Broadway Street.

NEW BUSINESS:

2019-09 Freeman Meadows Subdivision Time Extension: Planner David Kinney stated that a draft plat for the Freeman Meadows Subdivision has been submitted. However, the storm work that is being designed has a portion which the City will be liable to cover costs for. With the loss of the storm drainage funding from the State of Oregon, the storm design needs to be reviewed to determine whether the City portion will still be included or if a redesign is necessary. Because of this, staff is requesting an extension of one year to allow for a review of the design and to determine what, if anything, can be done to allow the City to move forward with its part of the project.

Mr. Kinney said that he requested that the applicant submit a written request for the extension but one has not come in to date.

Woody Koenig moved, seconded by Debbie Schenck to amend condition #1 to allow for a one year extension to August 31, 2020, for File No. 2019-09. The motion carried, (5:0:1) with David Leach abstaining due to a conflict of interest.

ODOT Safe Routes to School Grant Application: Mr. Kinney advised that the City will be submitting an application for a Safe Routes to School grant this year. The project must be under \$2 Million and elements focused on upgrades to sidewalks which provide a safer walking/biking route to the school campus.

Debbie Schenck moved, seconded by Marge Henning to recommend to the City Council to apply for a Safe Routes to School grant. The motion carried, (6:0).

Safe Drinking Water Fund – Water Main Replacement Project: Mr. Kinney stated that there is a significant leak on SW Ivy Street as well as leaky lines throughout the City. Staff has been working to gather information to apply for a \$2+/- Million loan which may include up to \$400,000 of loan forgiveness and a 1% interest rate. The payments are anticipated to be between \$70,000 and \$80,000 per year.

INFORMATIONAL ITEMS:

City Recorder Report – Mrs. Cook stated that the City’s ordinances have been sent in for codification. The fully codified code will be available via a link on the City’s website once complete.

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 8:01 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 4th day of August 2020

Agenda Item 4a

File 2020-08

Scott Baughman
Minor Partition

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. This is a public hearing to consider:

Land Use File #2020-08, a minor partition in the 100-block of SE Fairview Street immediately east of City Hall. The applicant proposes to partition a 0.23-acre parcel into two lots.

Land Use File #2020-09, a minor partition at 150 Santiam Pointe Loop NE. The applicant proposes to partition a 1.12-acre parcel into two lots.

A copy of the agenda and hearing procedures for this meeting is near the entry door. 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.

The Planning Commission will consider the application, written and oral testimony and the criteria listed in the Mill City Zoning Code 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 would ask the audience if there are any objections:

- (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 to present the proposal.

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

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 Planning Commission's decision is final.



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

MILL CITY PLANNING COMMISSION **STAFF REPORT and FINDINGS**

STAFF REPORT DATE: October 13, 2020

HEARING DATE: October 20, 2020

FILE NUMBER: 2020-08 Minor Partition

APPLICANT: Scott Baughman, SBC Construction,
 PO Box 943, Mill City, OR 97360

PROPERTY OWNERS: Scott Baughman, SBC Construction
 PO Box 943, Mill City, OR 97360

PROPERTY: 100 block SE Fairview Street, Mill City, OR

Assessor's Map	Tax Lot	Account	Acres	Zoning
T09S R3E 29CC	00804	898254	0.23	CC Commercial

EXHIBITS: EXHIBIT A Application (on file at City Hall)
 EXHIBIT B Proposed Partition Map (attached)
 EXHIBIT C Notices of Public Hearing (on file at City Hall)

REQUEST: Minor Partition to Create 2 lots

CRITERIA: **Mill City Municipal Code (MCMC) – Title 16 Subdivision**

- **Chapter 16.32** **Minor Partition**
 - Section 16.32.020 Minor Partitioning Procedures
- **Chapter 16.40** **Design Standards**
 - Section 16.40.020 Improvement Requirements
 - Section 16.40.030 Blocks & Easements
 - Section 16.40.040 Lot Size and Shape

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

- | | |
|----------------------------|---|
| • Chapter 17.20 | Central Commercial Zone (CC) |
| • Chapter 17.16 | Multi-Family Residential Zone (R-2) |
| ○ Section 17.16.020 | Uses Permitted Outright |
| ○ Section 17.16.040 | Lot size, width and coverage |
| ○ Section 17.16.060 | Yard Requirements |
| • Chapter 17.44.120 | Land Use Action on the North Santiam River |
| • Chapter 17.64.150 | Public Works Standards |

I. Applicant's Proposal

The City has received a land use application from Scott Baughman, SBC Construction, requesting the City approve a minor partition to create two lots on a 10,188 sq ft. parcel immediately east of City Hall in the 100 block of SE Fairview Street. The building sites are shown in Figure 1.

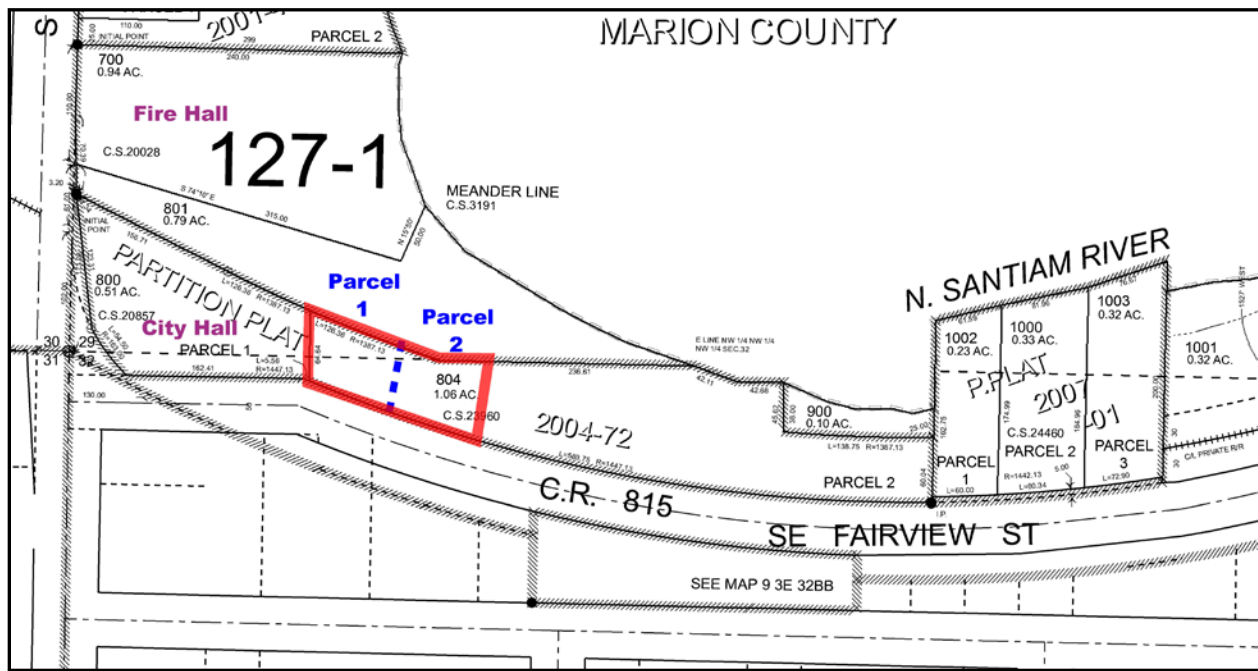


Figure 1- Proposed Building Sites – 100-200 block SE Fairview Street, Mill City

The applicant may construct either a commercial building or a new home on the parcels. He states he plans to build new homes. A site plan showing the home under construction at 199 SE Fairview Street and the two new lots is included in Exhibit "B".

The property is located in the Central Commercial (CC) zone. New single-family homes may be constructed in the CC zone, but must comply with all lot size and width requirements of the R-2 residential zone. The R-2 zone permits single-family homes as an outright use, subject to a site review due to their location abutting the North Santiam River. Table 1 shows each lot meets the minimum lot size requirements and have street frontage on SE Fairview Street. The lot depth varies due to the angle of the north property boundary where it abuts the Mill City Fire District property.

Table 1
Lot Size and Dimensions

Parcel	Address	Size	Width	Average Depth
1	100 block (159) SE Fairview	5,040 sf	80'	63'
2	100 block (177) SE Fairview	5,144 sf	79'	63' to 73'

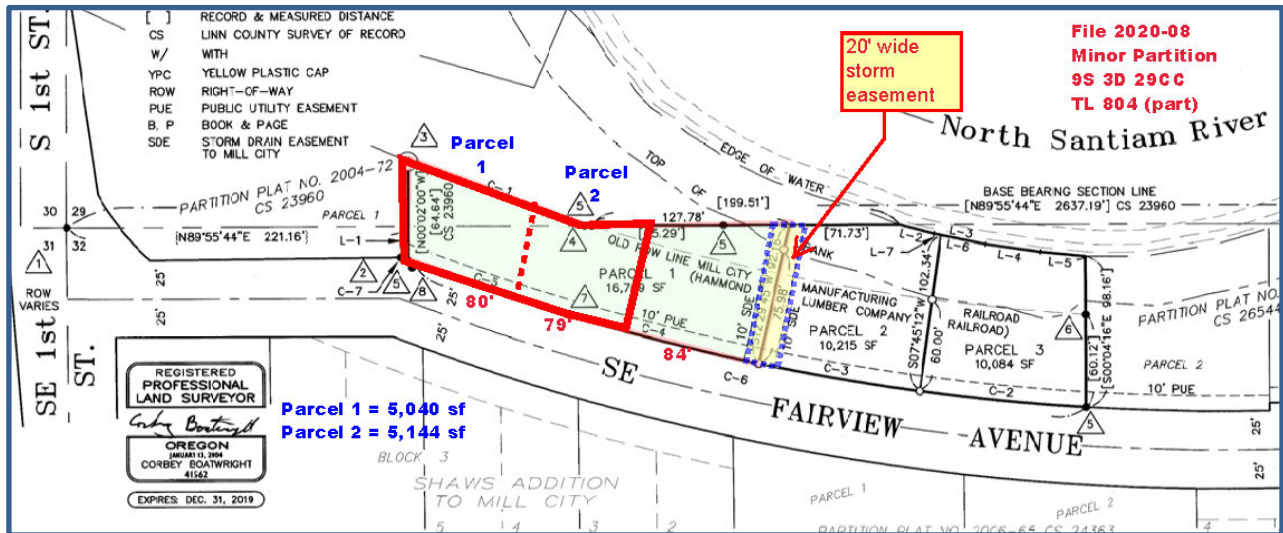


Figure 2- Proposed Parcels, 100-200 block, SE Fairview Street, Mill City

The parcels are located on the flat upland area adjacent to SE Fairview Street. The North Santiam River flood plain and elevations are shown on Figure 3..

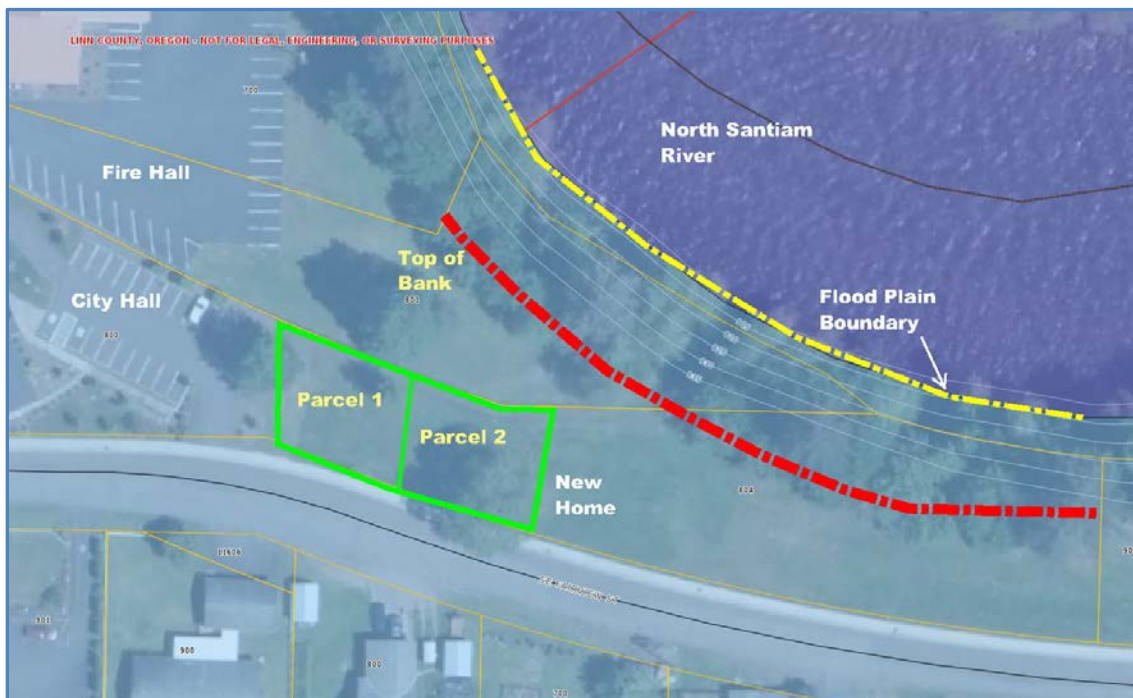


Figure 3- N. Santiam River Flood Plain and Top of Bank, SE Fairview Street, Mill City

II. BACKGROUND INFORMATION

A. Pre-Application Information and Application Submittals:

The applicant filed an application with the City on August 19, 2020. The application was deemed complete on September 1, 2020. Therefore, the final local decision must be made by January 29, 2021 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 minor partition requires a quasi-judicial review process. The Mill City Planning Commission will hold a public hearing on October 20, 2020 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. The Planning Commission must make a decision within 120 days of receipt of the application.

D. Public Hearing and Notices of Public Hearing:

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, October 20, 2020 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 listed on page 1 of this staff report and Chapter 16.32 of the Mill City Subdivision Code and Chapter 17.20 of the Mill City Zoning Code. 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 was mailed 20 days prior to the October 20, 2020 hearing.

E. Existing Conditions:

The applicant proposes to divide the 0.23-acre parcel into two lots. The parcels are located on the north side of SE Fairview Street. The buildable areas of the site are located on a flat terrace at the 840’+/- elevation. Adjacent uses are:

- | | |
|--------|---|
| EAST: | Single-family homes in the 200 block of SE Fairview Street. |
| SOUTH: | Single-family homes on the south side of SE Grove (rear yard abuts SE Fairview) |

WEST: City Hall
NORTH: Fire Hall site and the North Santiam River.

F. Utilities:

Existing utilities are shown on Figure 4. The property can be served with city services and by private utilities.

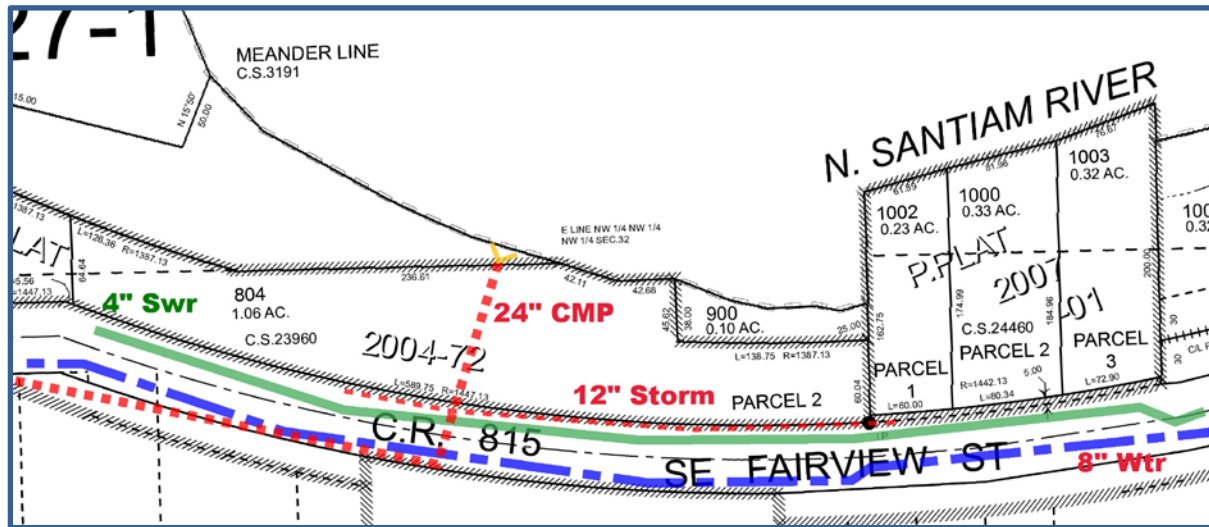


Figure 4 – Existing City Utilities on SE Fairview Street, Mill City

1. Water: 8" water line south side of the Fairview Street ROW. The water line is located in the gravel shoulder 11' off the south ROW line. New water services & water meters are required. Due to the new street, the applicant should not cut the pavement and will be required to bore under the street to install new water services.¹
2. Sewer: 4" north side of street. Sewer stubs and sewer interceptor tanks are proposed for each lot.
3. Sewer Easement: A sewer easement is required for each building site. It must be recorded in the Linn County Deed Records prior to the issuance of any building permits.
4. Private Utilities: Private utilities will need to be extended to the building lots.
 - a. Pacific Power has power lines available. Underground power is proposed.
 - b. NWNG has a natural gas line on the north side of SE Fairview Street under the sidewalk.

G. Streets, Sidewalks and Storm Drainage:

SE Fairview Street: SE Fairview Street is a local street. In 2014 the City installed curbs and sidewalks on the north side, installed a 12" HDPE storm sewer and resurfaced the AC pavement. The lots meet city standards.

¹ City of Mill City Public Works Design Standards, Section 2.35 "No street in the City shall be cut within 5 years of construction or reconstruction unless approved by the Public Works Director and authorized in writing by the City Engineer. This time period may be extended in one (1) year increments by the City Engineer on a case-by-case basis." If approved standards for the street restoration are outlined in Section 2.35.b.

Storm Sewer: A 24" CMP storm sewer crosses TL 804. The applicant proposes to locate the property line over the storm sewer. Partition Plat 2019-58 includes a 20' wide storm sewer easement (10' on Parcel 2). The easement dimensions comply with city requirements.

ROW Construction Permit: The applicant will need to obtain a ROW construction permit for all utility work and to install driveway approaches & replace sidewalk panels.

H. 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, Pacific Sanitation and the Mill City Rural Fire District. Responses were requested back by October 16, 2020.

Mill City Rural Fire Protection District: On October 5, 2020 the Fire District sent a response stating *"We have no issues with this land use action."*

Department of State Lands: On November 23, 2017 DSL sent a response stating: *"Based on the site plan it appears no state permit is required."* This comment applies to all the lots on SE Fairview Street above the steep slope.

As of October 13, 2020 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 sent notices of the public hearing to surrounding property owners. As of October 13, 2020 the City had not received any written testimony. 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 16-Subdivisions and Title 17-Zoning of the Mill City Municipal Code.

A. Criteria for Review of Minor Partitions.

Chapter 16.32 of the Mill City Code provides the application requirements and the criteria for review of minor partitions.

16.32.040 Minor Partitioning Procedure

A. Application Requirements.

Any division of land that is within the definition of a minor partition shall be submitted to the planning commission for review and approval. There shall be submitted to the city administrator an application for approval of a tentative plat for a minor partition. The application shall include the following:

1. The map of the land area from which the parcels are to be partitioned. This shall include the date, north arrow, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned;
2. Name and address of the owner or owners of record, and of the person who prepared the partition;
3. The parcel layout, showing dimensions and size of parcels;
4. The street and lot pattern in the immediate vicinity;
5. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.

E. Approval Criteria for a Partition

In reviewing the application for a minor partition, the planning commission shall base the decision on findings related to the following criteria:

1. The minor partition is consistent with the standards of this title and Title 17 of this code;
2. The applicable design standards of Chapter 16.40 are met or can reasonably be met through the imposition of conditions of approval;
3. All necessary public utilities can be provided to the parcels to be created;
4. Full and orderly development to the surrounding area can be maintained.

B. Review of Minor Partition Criteria:

Findings: The proposed partition was reviewed for compliance with zoning and subdivision requirements in the Mill City Municipal Code. This review addresses the criteria in Section 16.40.040.E.

Criteria 1. *All lots are consistent with zoning and subdivision code standards:*

Mill City Zoning Code:

17.12 **Central Commercial (CC) Zone.** Lots in the CC zone that are used for residential purposes must meet the minimum lot size (5,000 sf), width (50' frontage) and yard requirements of the R-2 residential zone. There are no setback requirements for a commercial building, if one is built on either parcel.

17.16 **Multi-family Residential (R-2) Zone.** Residential lots in the R-2 zone must meet the minimum lot size (5,000 sf), width (50' frontage) and yard requirements of the R-2 residential zone.

- Lot size: 5,000 sf.
- Frontage: 50' frontage on a street.
- Width: 50' wide.
- Front setback: 15' front yard, 20' to face of a new garage.
- Side/Rear setback: 5' side and rear yard

The proposed lots meet the minimum R-2 lot size, frontage and lot width requirements. New structures must comply with the setback requirements.

17.16.020 **Permitted Uses.** Single family residences are permitted outright in the CC zone.

17.64.150 Public Works Standards. This section requires compliance with the City of Mill City public works standards for any public improvements and service lines.

- Water: New water services and meters are required for each parcel.
- Sewer: A new sewer tank and sewer lateral connection are required for each parcel.
- Storm Drainage: City storm sewers are located in SE Fairview Street.
- Driveways & Approaches: Each parcel must be served with a paved driveway approach and driveway for the building site.
- Streets: SE Fairview Street is fully improved along the lot frontages. See findings under Section 16.32.020 and Section 16.44.030.

Mill City Subdivision Code – Design Standards

16.32.020.A and 16.32.040.A Application Requirements.

Findings: The proposed partition was reviewed for compliance with application filing and requirements of Section 16.32.020.A and 16.32.040.A. The applicant filed the required application, fees, maps and supplemental information as required in Section 16.32.020.A and 16.32.040.A. The application was deemed completed on September 1, 2020.

16.32.020.B and 16.32.020.C Design Standards and Improvement Requirements

Findings: The proposed partition must comply with the Design Standards in Chapter 16.40 and the Public Improvement Requirements in Chapter 16.44 of the Mill City Land Division Code. The applicable design and public improvement standards are reviewed below.

16.40.020 Streets.

Findings: The City's design standards recommend a 60' wide ROW on SE Fairview Street. Section 16.40.020.G. states that whenever existing streets adjacent to a land division are of inadequate width, the City shall require dedication of additional right-of-way. However, Section B. permits the City to waive the additional dedication requirement if the City Engineer and Planning Commission find the existing 50' ROW width is adequate based on the existing conditions. In 2014 the City constructed ½ street improvements on the north side of SE Fairview Street with curb, gutter and sidewalk. No additional public or private improvements are needed on the north side of the street.

The City staff and City Engineer conclude the 50' ROW width on SE Fairview Street allow for urban street improvements with a 36' wide pavement section and sidewalks. Future dedication may be needed on the south side, but not on the north side. Therefore, no ROW dedication is recommended.

16.40.030 Blocks.

Findings: No new blocks are created with the proposed partition. No easements are proposed.

16.40.040 Lots.

16.40.040 Lot Size & Shape.

- A. Size & Shape.** Lot sizes and dimensions shall be consistent with the lot size and width standards of the Mill City Zoning Code. Lot depth shall not exceed 2½ times the average width.

Findings: As noted above new parcels (used for residential uses) must comply with the minimum lot size, width and setback requirements in the R-2 zone requirements in Chapter 17.16. The original parcel is an odd-shaped parcel with a long lot frontage on SE Fairview Street and shallow depth lots. As shown in Table 1 on page 3 shows the lots comply with minimum size and shape requirements.

- B. Access.** Each lot shall abut upon a publicly owned street or easement of private access . . . for a width of at least 25 feet.

Findings: Table 1 shows each lot complies with the minimum 25’ lot frontage requirement.

Conclusions. The proposed minor partition complies with the basic zoning and subdivision requirements of the City of Mill City as noted. The proposal can comply with Section 16.40.030 if the recommended conditions of approval are completed.

Criteria 2. *Public Works Design Standards are met or can be met.*

Criteria 3. *All necessary utilities can be provided to the parcels.*

16.32.020 and 16.44.030 Public Improvements. These sections of the code require the developer to install water, sewer, street and storm drainage facilities with the partition or subdivision.

16.32.020 “Improvement Requirements in Partitions”

- C. Improvements.** When a partition is being approved, the city shall determine whether or not any or all of the improvements as specified in Sections 16.44.010 through 16.44.030 are needed to serve the property in the partition. The city shall make one of the following determinations: (1) the improvements shall be accomplished at this time; (2) the improvements shall be accomplished at some future time; or (3) the improvements are not needed.
1. If the city finds that any or all of the improvements are needed at this time, the city shall require that the improvement be accomplished according to the standards and procedures of Sections 16.28.010 and 16.28.020, and in accordance with the city public works design standards;
 2. If the city determines that a required improvement would be more appropriately completed at a future date because of circumstances related to development in the surrounding area and the current condition of utilities and streets, the city shall require a deferred improvement agreement, based on a recommendation by the city engineer, and in a form approved by the city attorney.

Findings:

1. **Streets & Sidewalks on SE Fairview Street:** The north side of SE Fairview Street is fully improved with curbs, gutters, sidewalks and AC paving. No improvements are required.
2. **Storm Drainage Improvements:** Figure 4 of page 6 shows the location of the existing storm sewers in SE Fairview Street and the 24" CMP storm sewer that crosses the applicant's property and discharges to the N. Santiam River.
3. **Water:** Water service is available from the existing 8" water main. New water services are required to serve all parcels. New services need to be installed prior to or concurrently with the issuance of any building permit for the site. No street cut is permitted for these services.
4. **Sewer:** Sewer service is available from the existing sewer lines in SE Fairview Street. New sanitary sewer services and interceptor tanks complying with the City's public works design standards are required to serve each parcel. New services need to be installed prior to or concurrently with the issuance of any building permit for the site.
5. **Easements:** The Planning Consultant recommends inclusion of a reference to the existing sewer easement on the final plat.

Conclusion: All lots can be served by public and private utilities. The proposal can comply with Criteria 2 and 3 upon compliance with the recommended conditions of approval. The staff recommends the following conditions of approval:

- A. Install individual water services to each parcel prior to or concurrently with the issuance of a building permit for the site. No street cut is permitted.
- B. Install new sewer interceptor tanks and sewer laterals for each parcel prior to or concurrently with the issuance of a building permit for the site.
- C. Obtain a Type B Right-of-Way Construction Permit for all work within the public right-of-way concurrently with the issuance of any building permit.

Criteria 4. Full and orderly development to the surrounding area can be maintained.

Findings: This property is a vacant parcel. The purpose of the land division is to create two building sites as an infill project. City utilities are all located in public rights-of-way and there are no plans to extend any public utilities into the project site. Therefore, the partition will have no impact on future street layouts or utility extensions.

Conclusion: The partition will not affect the full and orderly development of the surrounding area and complies with Criteria 4.

C. Chapter 17.16 – Multi-Family Residential (R-2) District

The following standards in the R-2 zone apply to this proposal if new homes are built on the lots. Design standards apply to new single-family dwellings.

17.12.020 Permitted Uses – CC Zone. In a CC zone, single-family homes are allowed as an outright permitted use, but are subject to the requirements of the R-2 zone.

17.16.040 Lot Size, width and coverage. In an R-2 zone, the minimum requirements are:

Lot Size – 5,000 sf (0.11 acres) The new lots will be 0.11-acres in size.

Lot Width – 50' minimum. The existing lots are 80' and 79' wide.

Maximum Lot Coverage – 40%

17.16.050 Height. In an R-2 zone, the building cannot exceed 35' tall (3-stories). The new homes must comply with the height requirements.

17.16.060 Yard Requirements. The new home on Parcel 2 must comply with the building setback requirements for a single-family house in the R-2 zone.

Yard	Setback Requirement
Front Yard	15 feet
Garage Front	20 feet
Side Yard	5 feet

17.16.070 Parking. Two off-street parking spaces are required for each new home. The site plan for Parcel 2 shows 2 off-street parking spaces; one garage space and one driveway space.

17.16.080 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.

17.16.090 Architectural Front. In an R-2 zone the architectural front of the house will be oriented to a street. The plans comply.

FINDINGS: The R-2 residential zone allows single-family homes subject to compliance with the standards in Chapter 17.16. The proposed homes comply with the R-2 zoning requirements.

IV. CITY PLANNER CONCLUSION AND RECOMMENDATION

FILE 2020-08 --- MINOR PARTITION

Based on the findings included in this staff report, the Planning Consultant recommends the Planning Commission approve the minor partition application subject to the following conditions of approval.

- A. **Approved Map & Time Limit of Partition Approval.** The partition is approved as shown on the attached map, dated & stamped approved by the City of Mill City Planning Department. Approval is granted subject to the completion of the partition survey within one year from the date of City Council approval and compliance with all conditions of approval. The minor partition approval will expire December 31, 2021 if the plat has not been recorded.
- B. **Survey.** A minor partition survey map must be recorded with Linn County no earlier than January 1, 2021 and no later than December 31, 2021. The survey must be prepared by a registered professional surveyor and comply with state law and the Linn County surveyor requirements for minor partitions. The partition plat map must show:
1. Parcels: Parcel 1 and Parcel 2 as shown on the approved partition map.
 2. Easements & Deed Covenants:
 - a. Reference the existing City of Mill City Sewerage System Easement on the final plat.
- C. **Public Works Requirements:** The applicant shall complete the following public improvements prior to City approval of the final plat, unless otherwise specified below. Improvements will be designed and installed in accordance with the City of Mill City Public Works Design Standards and Construction Specifications.
- Permits:***
1. The property owner, or authorized contractor/representative, shall obtain a Type B Public Works Construction Permit from the City for any work performed in the public right-of-way.
- Streets:***
2. **SE Fairview Street:** Restoration and replacement of all pavement, curbs and sidewalks, as needed. No street cuts are permitted for the water service line crossings.
- Water & Sewer Services:***
3. Install individual water services to for each parcel prior to or concurrently with the issuance of a building permit for each parcel.
 4. Install new sewer interceptor tanks and sewer laterals for each parcel prior to or concurrently with the issuance of a building permit for each parcel.

V. BURDEN OF PROOF

The burden of proof is on the applicant to present the applications to the Planning Commission and to present information which shows that the application meets the criteria for approval of the City of Mill City subdivision code for a minor partition.

VI. PLANNING COMMISSION OPTIONS

- A. Approval and adoption of the proposed findings and the recommended conditions of approval for File 2020-08 - Minor Partition.
- B. Approval and adoption of amended findings and conditions of approval to reflect the Planning Commission deliberations.

- C. Denial of the applications 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.

VII. MOTIONS

File 2020-08 Minor Partition

- | | |
|----------------------|--|
| Approval: | To approve the minor partition application of Scott Baughman and to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2020-08. |
| Approval (modified): | To approve the minor partition application of Scott Baughman and 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. 2020-08. |
| Continue: | To continue deliberations to the next meeting of the Planning Commission on <i>(insert DATE and TIME)</i> 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 Subdivision and Zoning 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. |

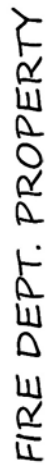
VIII. FINAL ORDER AND NOTICE OF DECISION

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.

IX. 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.



File 2020-08
Proposed
Minor Partition

9S 3E 29CC
804 (Part)
SE Fairview St.
Mill City, OR

Agenda Item 4b

File 2020-09

Kyle Plotts

Minor Partition



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

MILL CITY PLANNING COMMISSION **STAFF REPORT and FINDINGS**

STAFF REPORT DATE: October 13, 2020

HEARING DATE: October 20, 2020

FILE NUMBER: 2020-09 Minor Partition

APPLICANT: Kyle and Courtney Plotts
2911 158th Terrace E
Parrish, FL 34219

PROPERTY OWNERS: Kyle and Courtney Plotts,

PROPERTY: 150 NE Santiam Pointe Loop, Mill City, OR

<u>Assessor's Map</u>	<u>Tax Lot</u>	<u>Account</u>	<u>Acres</u>	<u>Zoning</u>
T09S R3E 29CC	003200	326889	1.12	SPD Residential

EXHIBITS: EXHIBIT A Application (on file at City Hall)
EXHIBIT B Proposed Partition Map (See Figures 1 & 2)
EXHIBIT C Notices of Public Hearing (on file at City Hall)

REQUEST: Minor Partition to create 2 lots

CRITERIA: **Mill City Municipal Code (MCMC) – Title 16 Subdivision**

- **Chapter 16.32** **Minor Partition**
 - Section 16.32.020 Minor Partitioning Procedures
- **Chapter 16.40** **Design Standards**
 - Section 16.40.020 Improvement Requirements
 - Section 16.40.030 Blocks & Easements
 - Section 16.40.040 Lot Size and Shape

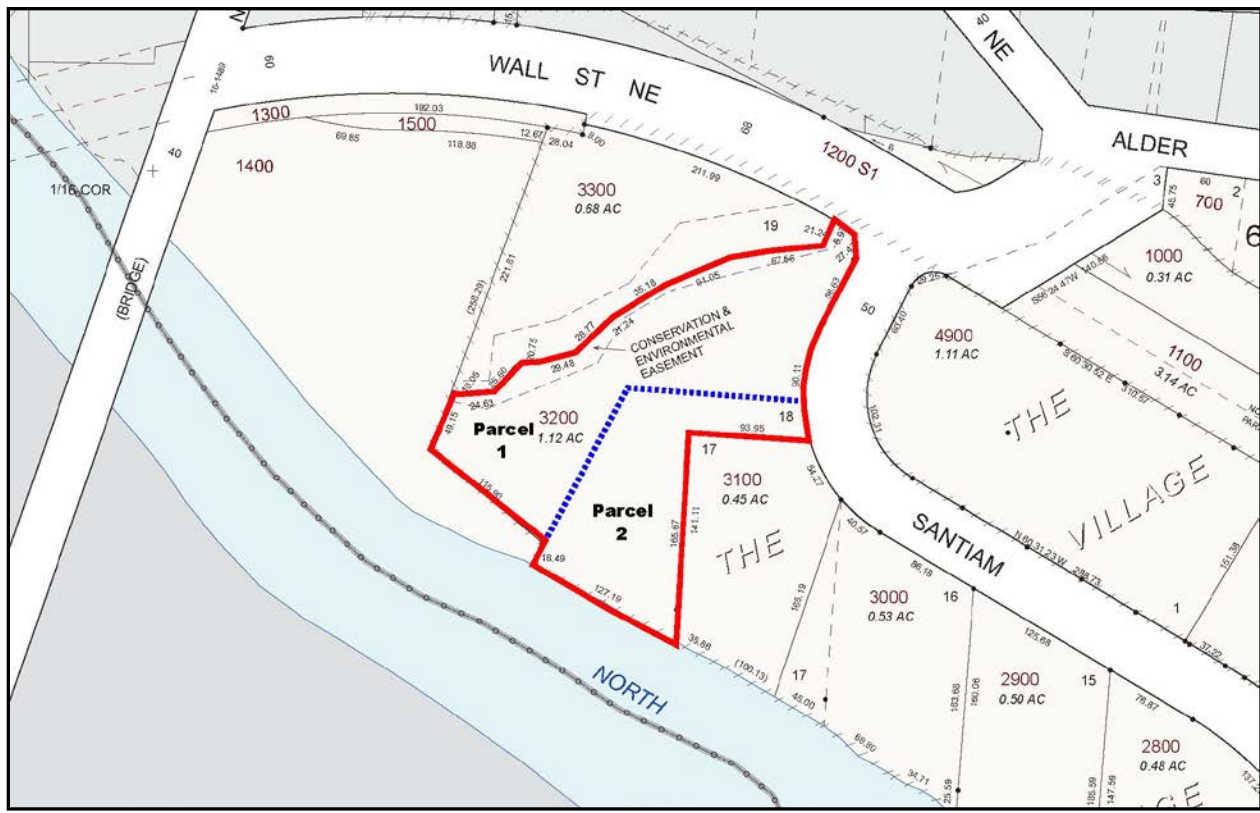
Mill City Municipal Code (MCMC) – Title 17 - Zoning

- **Chapter 17.36** *Special Planned Development Zone (SPD)*
 - Section 17.36.030 Uses Permitted
 - Section 17.36.040 Special Standards
- **Chapter 17.64.150** *Public Works Standards*

I. Applicant's Proposal

The City has received a land use application from Kyle and Courtney Plotts requesting the City approve a minor partition to create two lots on a 1.12-acre parcel at 150 Santiam Pointe Loop NE. The building sites are shown in Figure 1.

Figure 1
Proposed Partition – 150 Santiam Pointe Loop NE



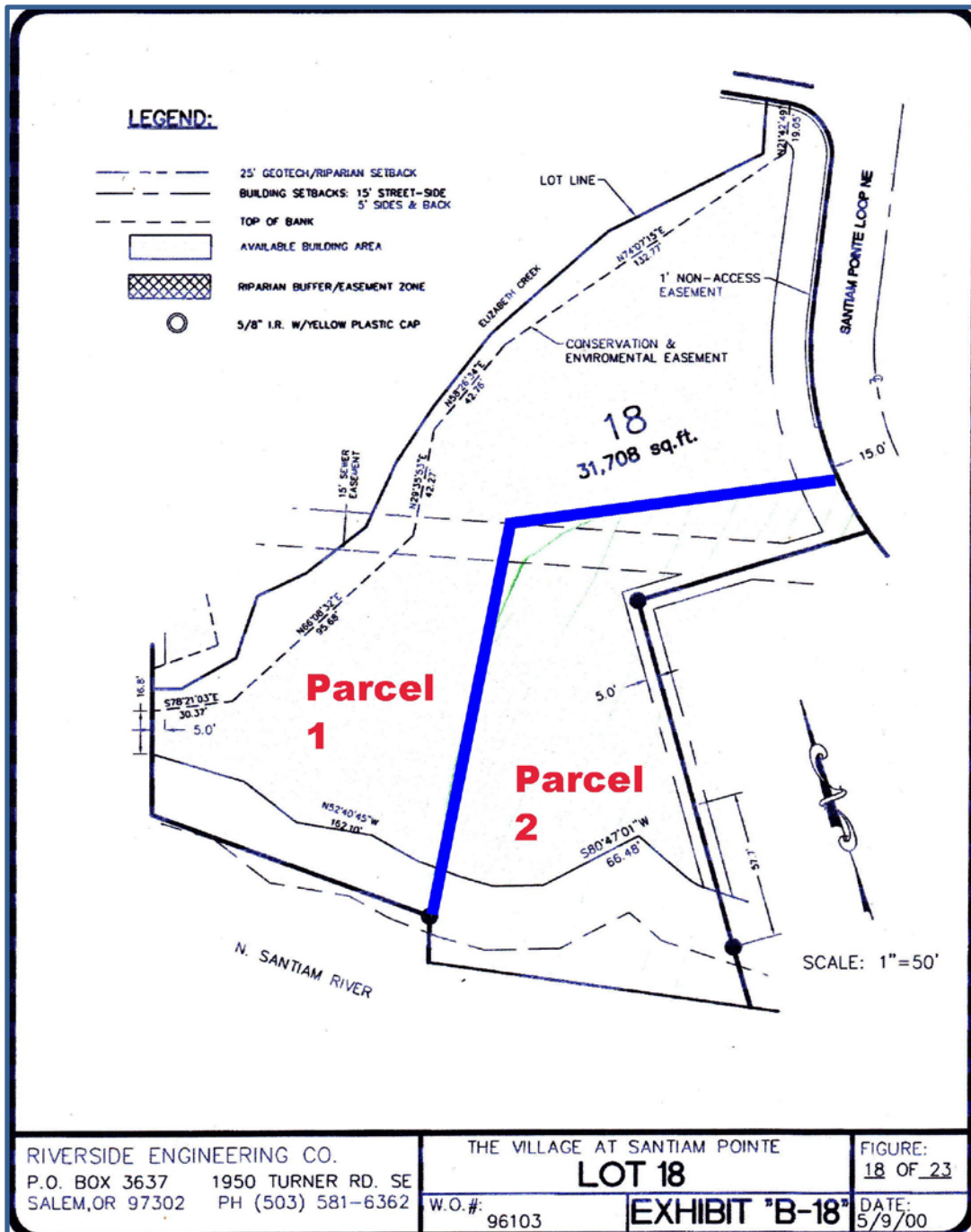
The property is located in the Special Planned Development (SPD) zone. If the minor partition is approved, any new single-family homes may be constructed in the SPD zone. The applicant proposes to create two buildable residential parcels. No building plans have been submitted.

At the time of development (request for a building permit), new homes must comply with the Village at Santiam Pointe CC&R's and the site plan review requirements in Section 17.36.030 of the SPD zone and Chapter 17.76 of the Mill City Zoning Code.

Table 1
Lot Size and Dimensions

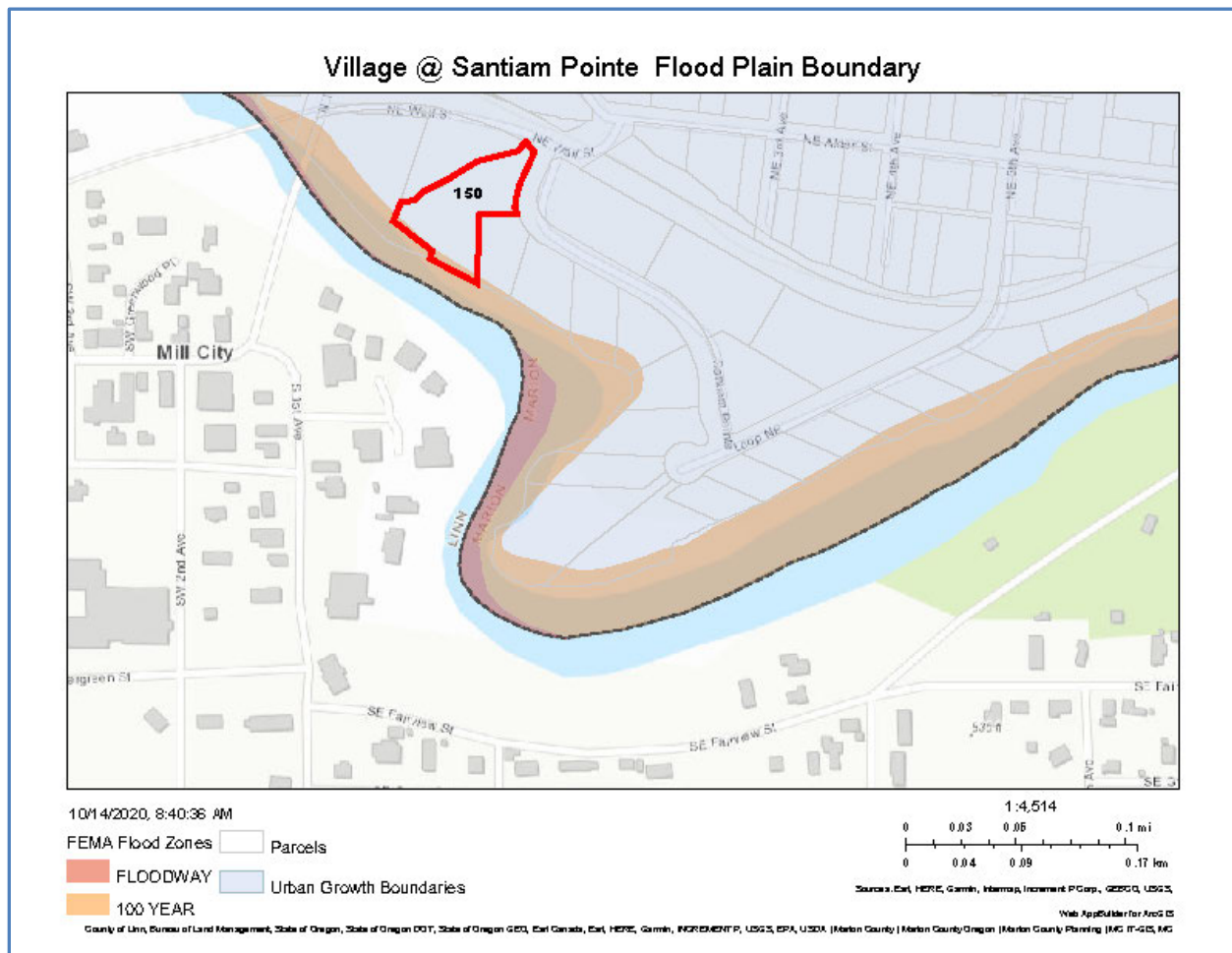
Parcel	Size
1	0.67+/- acres
2	0.45+/- acres

Figure 2
Proposed Partition – 150 Santiam Pointe Loop NE



The parcels are located adjacent to the North Santiam River and Elizabeth Creek. Figure 3 shows the location of the 100-year flood plain of the North Santiam River and Figure 4 shows the location of Elizabeth Creek and a delineated wetland along the creek.

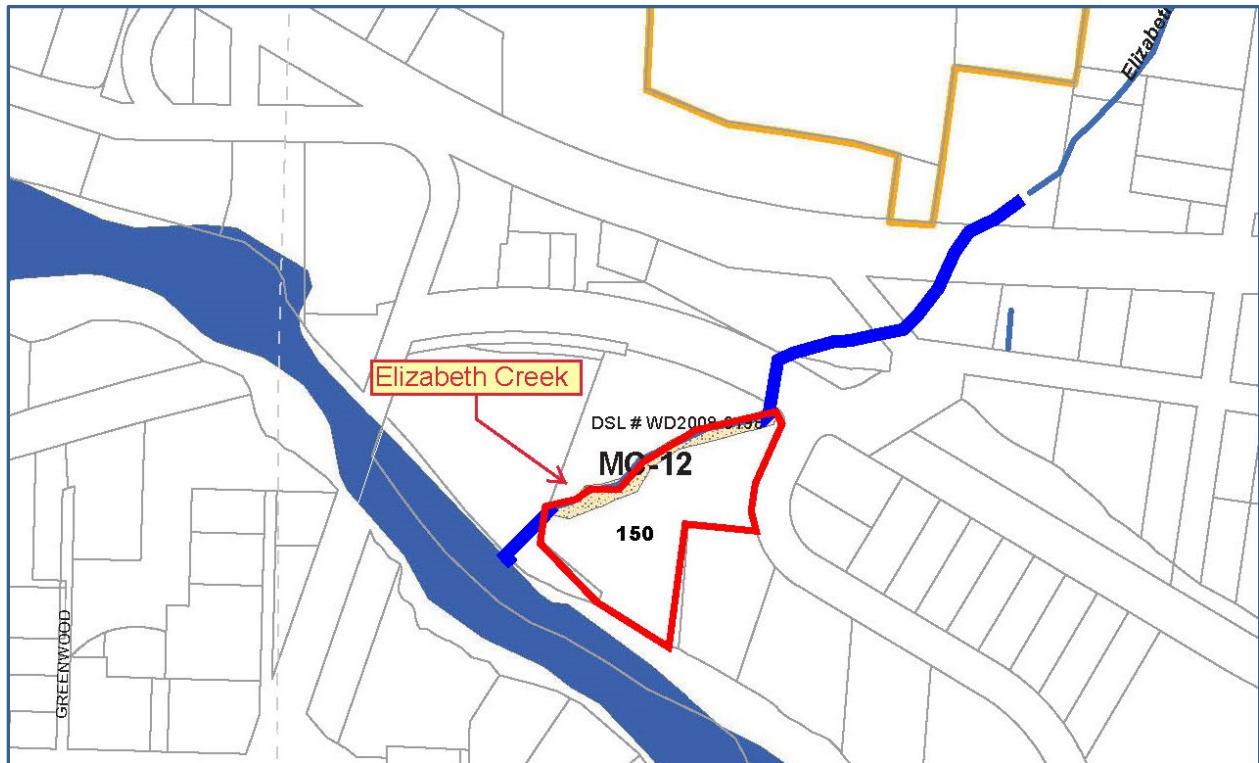
Figure 3
North Santiam River 100-Year Flood Plain



No development is permitted within the 100-year flood plain area. In 2000, the City of Mill City required a minimum 25' riparian setback be maintained from the top of the bank of the North Santiam River. This setback is shown on Figure 2.

In 2011, the City of Mill City adopted a local wetlands inventory. The inventory identified a wetland along Elizabeth Creek, Area MC-12, shown on Figure 4. Any new home built on the property must avoid the delineated wetland. Figure 2 shows a conservation easement along Elizabeth Creek. When the Planning Commission reviews a site plan for a new home, the City may require a special setback to avoid encroachment into the conservation easement and/or wetland.

Figure 4
Delineated Wetlands along Elizabeth Creek



II. BACKGROUND INFORMATION

A. Pre-Application Information and Application Submittals:

The applicant filed an application with the City on September 11, 2020. The application was deemed complete on September 15, 2020. Therefore, the final local decision must be made by January 13, 2021 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 minor partition requires a quasi-judicial review process. The Mill City Planning Commission will hold a public hearing on October 20, 2020 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. The Planning Commission must make a decision within 120 days of receipt of the application.

D. Public Hearing and Notices of Public Hearing:

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, October 20, 2020 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 listed on page 1 of this staff report, Chapter 16.32 of the Mill City Subdivision Code and Chapter 17.36 of the Mill City Zoning Code. 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 was mailed 20 days prior to the October 20, 2020 hearing.

E. Existing Conditions:

The applicant proposes to divide the 1.12-acre parcel into two lots. The parcels are located on the south side of Wall Street and southwest of Santiam Pointe Loop NE. The buildable areas of the site are located on a flat terrace at the 840'+/- elevation. Adjacent uses are:

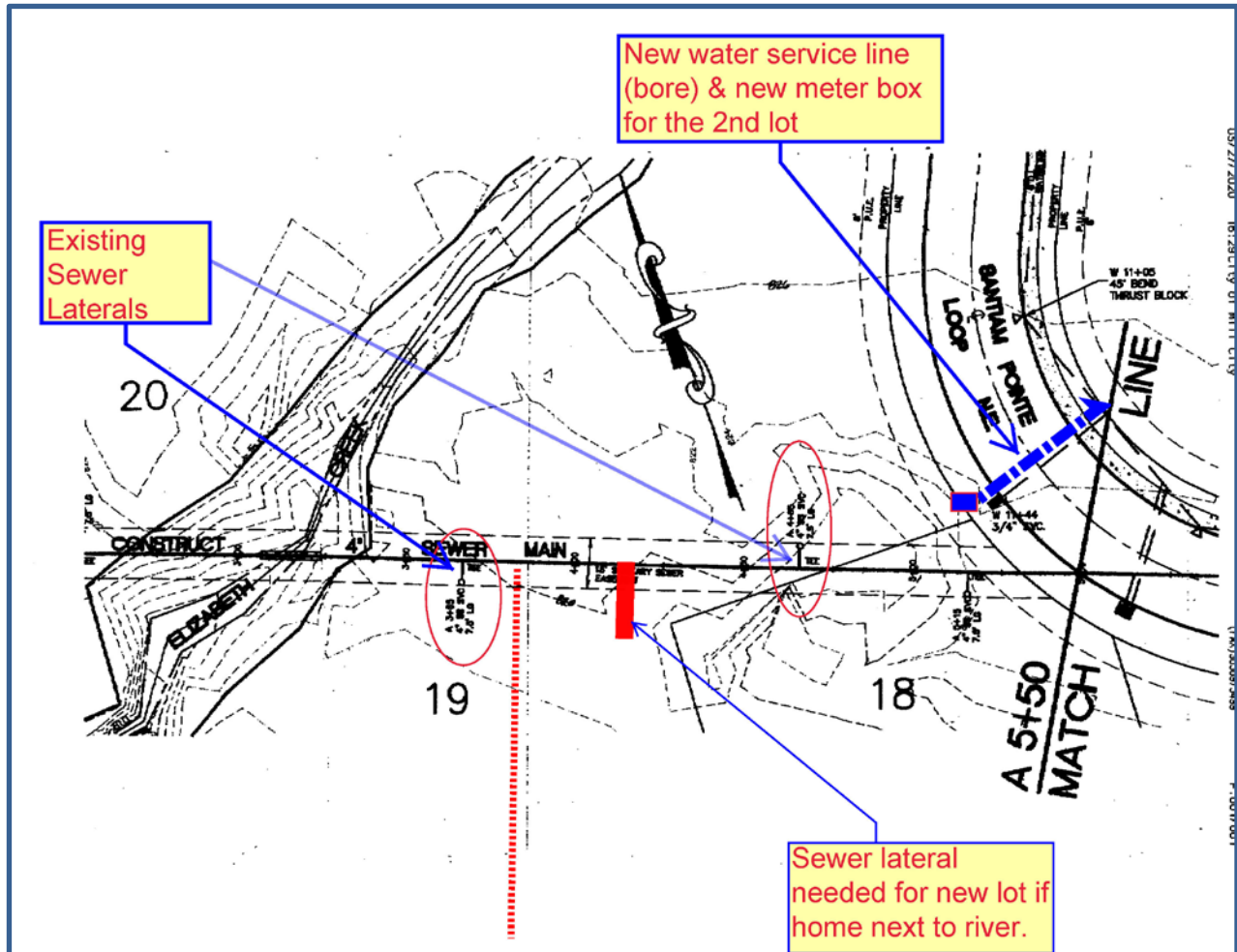
EAST:	Single-family homes on the south side of Santiam Pointe Loop NE.
SOUTH:	North Santiam River
WEST:	Mill City Falls Park site
NORTH:	NE Wall Street / Poppa Al's restaurant

F. Utilities:

Existing utilities are installed within the Village at Santiam Pointe Subdivision. The property can be served with city services and by private utilities.

1. Water: 8" water line north side of the Santiam Pointe Loop NE. A new water services & water meter is needed for the additional lot. The public works department recommends the applicant bore under the street to install a new water service.
2. Sewer: 8" sewer crosses the site, as shown in Figure 5. Two sewer stubs exist. Interceptor tanks are required for each lot.
3. Sewer Easement: A sewer easement must be recorded in the Linn County Deed Records at and referenced on the final partition plat.
4. Private Utilities: Private utilities will need to be extended to the building lots.
 - a. Pacific Power has power lines available. Underground power is required.
 - b. NWNG has a natural gas line available.

Figure 5
As-Built Water & Sewer Utility Plans



G. Streets, Sidewalks and Storm Drainage:

Santiam Point Loop NE: This is a local street. It is fully improved to city standards. Sidewalks are required at the time a building permit is issued.

Storm Drainage: The parcels drain to Elizabeth Creek and the N. Santiam River. Storm Drainage facilities were installed as part of the Village at Santiam Pointe subdivision in 2000-2001. No additional storm drainage facilities are required for the partition. On site drainage facilities may be required for each new home, depending on placement and elevation.

ROW Construction Permit: The applicant will need to obtain a ROW construction permit for all utility work and to install driveway approaches & install a sidewalk on the property frontage.

H. 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, Pacific Sanitation and the Mill City Rural Fire District. Responses were requested back by October 16, 2020.

Mill City Rural Fire Protection District: On October 5, 2020 the Fire District sent a response stating “*We have no issues with this land use action.*”

As of October 13, 2020, 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 sent notices of the public hearing to surrounding property owners. As of October 13, 2020, the City Planning Consultant David Kinney had received the following testimony:

- a. Lynda Harrington Email: Ms. Harrington requested information on the proposal, a list of approval criteria and answers to questions about the initial Village at Santiam Pointe subdivision approval. She stated that she was opposed to the partition. Mr. Kinney stated he would email a copy of the staff report to Ms. Harrington and the others listed in the email.
- b. Mike Ferris phone call: Mr. Ferris asked for a copy of the approval criteria. Mr. Kinney stated he would email a copy of the agenda and staff report to Mr. Ferris.

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 16-Subdivisions and Title 17-Zoning of the Mill City Municipal Code.

A. Criteria for Review of Minor Partitions.

Chapter 16.32 of the Mill City Code provides the application requirements and the criteria for review of minor partitions.

16.32.040 Minor Partitioning Procedure

A. Application Requirements.

Any division of land that is within the definition of a minor partition shall be submitted to the planning commission for review and approval. There shall be submitted to the city administrator an application for approval of a tentative plat for a minor partition. The application shall include the following:

1. The map of the land area from which the parcels are to be partitioned. This shall include the date, north arrow, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned;
2. Name and address of the owner or owners of record, and of the person who prepared the partition;

3. The parcel layout, showing dimensions and size of parcels;
4. The street and lot pattern in the immediate vicinity;
5. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.

E. Approval Criteria for a Partition

In reviewing the application for a minor partition, the planning commission shall base the decision on findings related to the following criteria:

1. The minor partition is consistent with the standards of this title and Title 17 of this code;
2. The applicable design standards of Chapter 16.40 are met or can reasonably be met through the imposition of conditions of approval;
3. All necessary public utilities can be provided to the parcels to be created;
4. Full and orderly development to the surrounding area can be maintained.

B. Review of Minor Partition Criteria:

Findings: The proposed partition was reviewed for compliance with zoning and subdivision requirements in the Mill City Municipal Code. This review addresses the criteria in Section 16.40.040.E.

Criteria 1. *All lots are consistent with zoning and subdivision code standards:*

Mill City Zoning Code:

17.36.020 Special Planned Development (SPD) Zone. Proposed uses in the SPD zone are subject to site plan review provisions in Chapter 17.76 of the Mill City Zoning Code. If the partition is approved, any new residential use may be permitted subject to a conditional use/site plan review and approval.

Note: In addition, any new building/development must comply with the CC&R's for the Village at Santiam Pointe subdivision, as recorded in the Marion County Deed Records.

17.36.030 Special Standards. In the SPD zone, development of a property shall be consistent with a site development plan for the entire property. The following items will need to be address in the site plan review application:

- Proposed Uses:
- Building Type & Size:
- Vehicular & Pedestrian Access:
- Parks and Open Space:
- Existing natural features including trees, streams, topography:
- Landscaping:
- Water & Sewage Disposal
- Grading and Drainage
- Supplementary information including wetlands, riparian setbacks and flood hazards.

17.36.020 Permitted Uses. Single family residences are permitted outright in the SPD zone.

17.64.150 Public Works Standards. This section requires compliance with the City of Mill City public works standards for any public improvements and service lines.

- Water: New water services and meters are required for each parcel.
- Sewer: A sewer tank and sewer lateral connections are required for each parcel.
- Storm Drainage: No public storm sewers are required for the partition. Storm sewers and storm drainage facilities were constructed for the Village at Santiam Pointe subdivision in 2000-2001.
- Driveways & Approaches: Each parcel must be served with a paved driveway approach and driveway for the building site. The Public Works Supervisor and Planning consultant recommend a joint driveway to serve the site.
- Streets: Wall Street and Santiam Pointe Loop NE are fully improved along the lot frontages.

17.72 Wetlands Protection. The delineated wetlands on the site shall be avoided. At the time a building permit/site plan review is applied for, the applicant will need to present a plan that shows the wetlands adjacent to Elizabeth Creek will be continuously protected and that natural drainage (including flood flows) within the creek will not be impeded.

Mill City Subdivision Code – Design Standards

16.32.020.A and 16.32.040.A Application Requirements.

Findings: The proposed partition was reviewed for compliance with application filing and requirements of Section 16.32.020.A and 16.32.040.A. The applicant filed the required application, fees, maps and supplemental information as required in Section 16.32.020.A and 16.32.040.A. The application was deemed completed on September 15, 2020.

16.32.020.B and 16.32.020.C Design Standards and Improvement Requirements

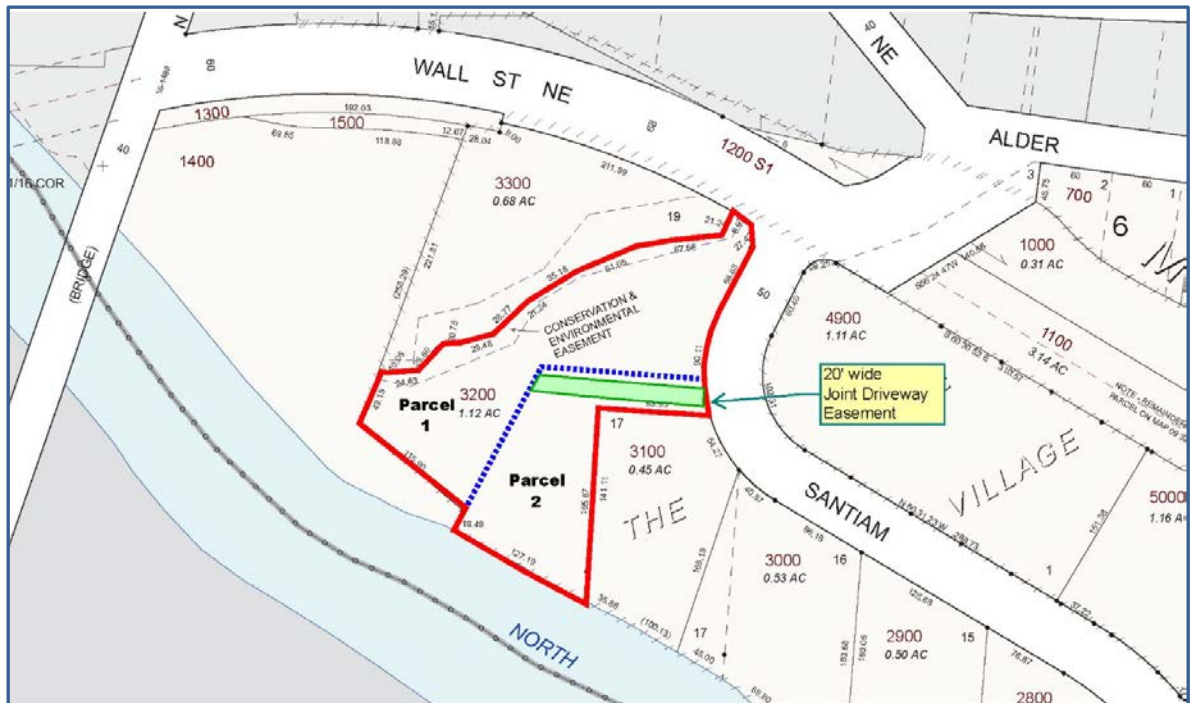
Findings: The proposed partition must comply with the Design Standards in Chapter 16.40 and the Public Improvement Requirements in Chapter 16.44 of the Mill City Land Division Code. The applicable design and public improvement standards are reviewed below.

16.40.020 Streets.

Findings: Wall Street and Santiam Pointe Loop NE were constructed to the City's design standards in 2000-2001. The subdivision plat shows an access restriction from the intersection of Wall St. south 120' +/- . The no-access area is shown on Figure 2.

A joint driveway approach is recommended. It may be located at the south end of the site, as shown on Figure 6. A 10' sidewalk is located along Wall Street. A new 5' sidewalk and driveway approach will be required along the lot frontage on Santiam Pointe Loop NE, concurrently with the issuance of a building permit.

Figure 6
Joint Driveway Location



16.40.030 Blocks.

Findings: No new blocks are created with the proposed partition. No easements are proposed.

16.40.040 Lots.

16.40.040 Lot Size & Shape.

- A. Size & Shape.** Lot sizes and dimensions shall be consistent with the lot size and width standards of the Mill City Zoning Code. Lot depth shall not exceed $2\frac{1}{2}$ times the average width.

Findings: New parcels (used for residential uses) must be consistent with the lot sizes within the Village at Santiam Pointe Subdivision. The 23 lots in the subdivision range in size from 0.33-acres to 1.27-acres. The proposed lots are consistent with the existing lot size in the balance of the subdivision: Parcel 1 = 0.45-acres and Parcel 2 = 0.67-acres. The proposed parcels are odd-shaped to create two areas with frontage along the N. Santiam River.

- B. Access.** Each lot shall abut upon a publicly owned street or easement of private access . . . for a width of at least 25 feet.

Findings: Each lot complies with the minimum 25' lot frontage requirement.

Conclusions. The proposed minor partition complies with the basic zoning and subdivision requirements of the City of Mill City as noted. The proposal can comply with Section 16.40.030 if the recommended conditions of approval are completed.

Criteria 2. *Public Works Design Standards are met or can be met.*

Criteria 3. *All necessary utilities can be provided to the parcels.*

16.32.020 and 16.44.030 Public Improvements. These sections of the code require the developer to install water, sewer, street and storm drainage facilities with the partition or subdivision.

16.32.020 “Improvement Requirements in Partitions”

- C. Improvements. When a partition is being approved, the city shall determine whether or not any or all of the improvements as specified in Sections 16.44.010 through 16.44.030 are needed to serve the property in the partition. The city shall make one of the following determinations: (1) the improvements shall be accomplished at this time; (2) the improvements shall be accomplished at some future time; or (3) the improvements are not needed.
1. If the city finds that any or all of the improvements are needed at this time, the city shall require that the improvement be accomplished according to the standards and procedures of Sections 16.28.010 and 16.28.020, and in accordance with the city public works design standards;
 2. If the city determines that a required improvement would be more appropriately completed at a future date because of circumstances related to development in the surrounding area and the current condition of utilities and streets, the city shall require a deferred improvement agreement, based on a recommendation by the city engineer, and in a form approved by the city attorney.

Findings:

1. **Streets & Sidewalks:** NE Wall Street and Santiam Pointe Loop NE are fully improved with curbs, gutters and AC paving. There is a 10’ sidewalk on NE Wall Street. A 5’ sidewalk is required along Santiam Pointe Loop NE at the time a new home is constructed on either parcel.
2. **Storm Drainage Improvements:** Storm Drainage improvements were installed within the Village at Santiam Pointe subdivision in 2000-2001. No additional public storm drainage improvements are required for the partition.
3. **Water:** Water service is available from the existing 8” water main adjacent to the site. New water services are required to serve all parcels. New services need to be installed prior to or concurrently with the issuance of any building permit for the site. No street cut is permitted for these services.
4. **Sewer:** Sewer service is available from the existing sewer line that crosses the parcel.

Sanitary sewer services and interceptor tanks complying with the City's public works design standards are required to serve each parcel. New services need to be installed prior to or concurrently with the issuance of any building permit for the site.

5. **Easements:** The Planning Consultant recommends inclusion of a reference to the existing sewer easement on the final plat.

Conclusion: All lots can be served by public and private utilities. The proposal can comply with Criteria 2 and 3 upon compliance with the recommended conditions of approval. The staff recommends the following conditions of approval:

- A. Install individual water services to each parcel prior to or concurrently with the issuance of a building permit for the site. No street cut is permitted.
- B. Install new sewer interceptor tanks and sewer laterals (if needed) for each parcel prior to or concurrently with the issuance of a building permit for the site.
- C. Obtain a Type B Right-of-Way Construction Permit for all work within the public right-of-way concurrently with the issuance of any building permit.

Criteria 4. Full and orderly development to the surrounding area can be maintained.

Findings: This property is a vacant parcel. The purpose of the land division is to create two building sites as an infill project. City utilities are all located on-site or in the public rights-of-way and there are no plans to extend any public utilities into the project site. Therefore, the partition will have no impact on future street layouts or utility extensions.

Conclusion: The partition will not affect the full and orderly development of the surrounding area and complies with Criteria 4.

IV. CITY PLANNER CONCLUSION AND RECOMMENDATION

FILE 2020-09 --- MINOR PARTITION

Based on the findings included in this staff report, the Planning Consultant recommends the Planning Commission approve the minor partition application subject to the following conditions of approval.

- A. **Approved Map & Time Limit of Partition Approval.** The partition is approved as shown on the attached map, dated & stamped approved by the City of Mill City Planning Department. Approval is granted subject to the completion of the partition survey within one year from the date of City Council approval and compliance with all conditions of approval. The minor partition approval will expire December 31, 2021 if the plat has not been recorded.
- B. **Survey.** A minor partition survey map must be recorded with Linn County no later than December 31, 2021. The survey must be prepared by a registered professional surveyor and comply with

state law and the Linn County surveyor requirements for minor partitions. The partition plat map must show:

1. Parcels: Parcel 1 and Parcel 2 as shown on the approved partition map.
2. Easements & Deed Covenants:
 - a. Reference the existing City of Mill City Sewerage System Easement on the final plat.
 - b. Provide a joint driveway access easement and maintenance agreement for a minimum 20' wide joint access driveway as shown on Figure 6 in the staff report. The easement shall be recorded in the Marion County Deed Records prior to or concurrently with the recording of the final plat. A copy of the recorded easement shall be provided to the City of Mill City.

- C. Public Works Requirements:** The applicant shall complete the following public improvements prior to City approval of the final plat, unless otherwise specified below. Improvements will be designed and installed in accordance with the City of Mill City Public Works Design Standards and Construction Specifications.

Permits:

1. The property owner, or authorized contractor/representative, shall obtain a Type B Public Works Construction Permit from the City for any work performed in the public right-of-way.

Streets:

2. Santiam Pointe Loop NE: Restoration and replacement of all pavement, curbs and sidewalks, disturbed by the applicant or his contractor. No street cuts are permitted for the private utility or water service line crossings.

Water & Sewer Services:

3. Install individual water services to for each parcel prior to or concurrently with the issuance of a building permit for each parcel.
4. Install new sewer interceptor tanks and sewer laterals for each parcel prior to or concurrently with the issuance of a building permit for each parcel.

- D. Allowed Uses.** Only single-family dwellings and their accessory uses are permitted on each parcel.

- E. Site Plan Review Required Prior to Issuance of Building Permits.** The property owner is required to obtain approval of a site plan/conditional use permit for new homes on each parcel. No building permits will be issued, until the City of Mill City Planning Commission approves a site plan for each building lot.

V. BURDEN OF PROOF

The burden of proof is on the applicant to present the applications to the Planning Commission and to present information which shows that the application meets the criteria for approval of the City of Mill City subdivision code for a minor partition.

VI. PLANNING COMMISSION OPTIONS

- A. Approval and adoption of the proposed findings and the recommended conditions of approval for File 2020-09 - Minor Partition.
- B. Approval and adoption of amended findings and conditions of approval to reflect the Planning Commission deliberations.
- C. Denial of the applications 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.

VII. MOTIONS

File 2020-09 Minor Partition

Approval:	To approve the minor partition application of Kyle and Courtney Plotts and to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2020-09.
Approval (modified):	To approve the minor partition application of Kyle and Courtney Plotts and 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. 2020-09.
Continue:	To continue deliberations to the next meeting of the Planning Commission on <i>(insert DATE and TIME)</i> 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 Subdivision and Zoning 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.

VIII. FINAL ORDER AND NOTICE OF DECISION

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.

IX. 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.

Agenda Item 6

Old Business

- a. Mill City Zoning Code Amendments**
 - i. 17.84 - Public Facilities**
 - ii. 17.80 – Riparian Code**

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

October 13, 2020

To: Chair Ann Carey and Planning Commissioners
From: David W. Kinney, Planning Consultant
In RE: Old Business Items for October 20, 2020 Meeting

6. Old Business

a. Mill City Zoning Code Amendments

i. File 2020-03 – Chapter 17.84 Public Facilities.

Linn County GIS has prepared several maps, but the City Engineer and I have not finalized the street cross-sections and he has not completed his review. We will bring this back for a final recommendation at the November 17, 2020 meeting.

ii. File 2020-06 – Chapter 17.80 Riparian Code for City-owned Properties

Planning Commissioner Jim Grimes completed a site visit of the riparian area along the banks of the N. Santiam River. He prepared a brief memo, a Kimmel Park map and took numerous photos of city parcels, with the ordinary high water line and 75' buffer labeled on the photos.

The memo is enclosed for discussion. We will project the photos on the wall at the PC meeting and Jim can provide a brief explanation.

Due to the wildfires, no subcommittee meeting was held in September.

Recommendation: Discussion & set subcommittee meeting to review 2nd DRAFT.

Date: 8/27/2020

To: Mill City Riparian Sub-Committee

From: Jim Grimes

RE: Kimmel Park 75 Feet Buffer, Hammond Park Ordinary High Water Line

At the August 21, 2020 Riparian Sub-committee meeting, I volunteered to measure the location of the 75 foot buffer in Kimmel Park and locate the ordinary high water line for Hammond Park.

The ordinary high water line can be determined by field indicators including scour lines, streambank terraces, debris drift lines and the line of woody vegetation - other than willows. On bedrock locations, the high waterline indicators include water stains lines and the line of moss on the vertical rock facing the channel.

I collected data for Kimmel Park on August 26, 2020 and Hammond Park on August 27, 2020.

Kimmel Park

On August 26, 2020 I measured the buffer in Kimmel Park at 4 locations and estimated its location on the east end of the park where the bank was covered with Himalayan blackberry. The approximate measurement locations are shown on Map 3 from Draft #4 - August 2020 Riparian Corridor – Publicly Owned Properties.

First I located the ordinary high water line at each location and took a photo. Then I measured 75 feet landward perpendicular to the river channel using a 50 foot fiberglass measuring tape. I measured the distance by laying the tape on the ground. I also recorded the distance at the top of bank and took a photo looking upstream (easterly) at 75 feet.

The river bank along Kimmel Park has 2 distinct shapes. At ordinary high water line at measurements 1 - 3, the bank is near vertical, then angles up at about a 2:1 (horizontal:vertical) slope. The ordinary high water line at measurement 4 and 5, the bank is flat, then angles up at a similar 2:1 slope.

Measurement 1 was near the west end of the park, measurement 2 approximately halfway between the west boundary and the gravel parking area. Measurement 3 was upstream of the covered picnic area, approximately halfway between the gravel and paved parking areas and measurement 4 was at a cove near the playground equipment. I located the ordinary high water line at the boat ramp and estimate the 75 foot buffer to be at the top of bank where the blackberries end. The table below shows the recorded distance from the ordinary high water line to the top of bank (TOB) and describes landmarks at 75 feet. The photos on the following pages show the ordinary high water line and 75 foot buffer for measurement sites 1-4.

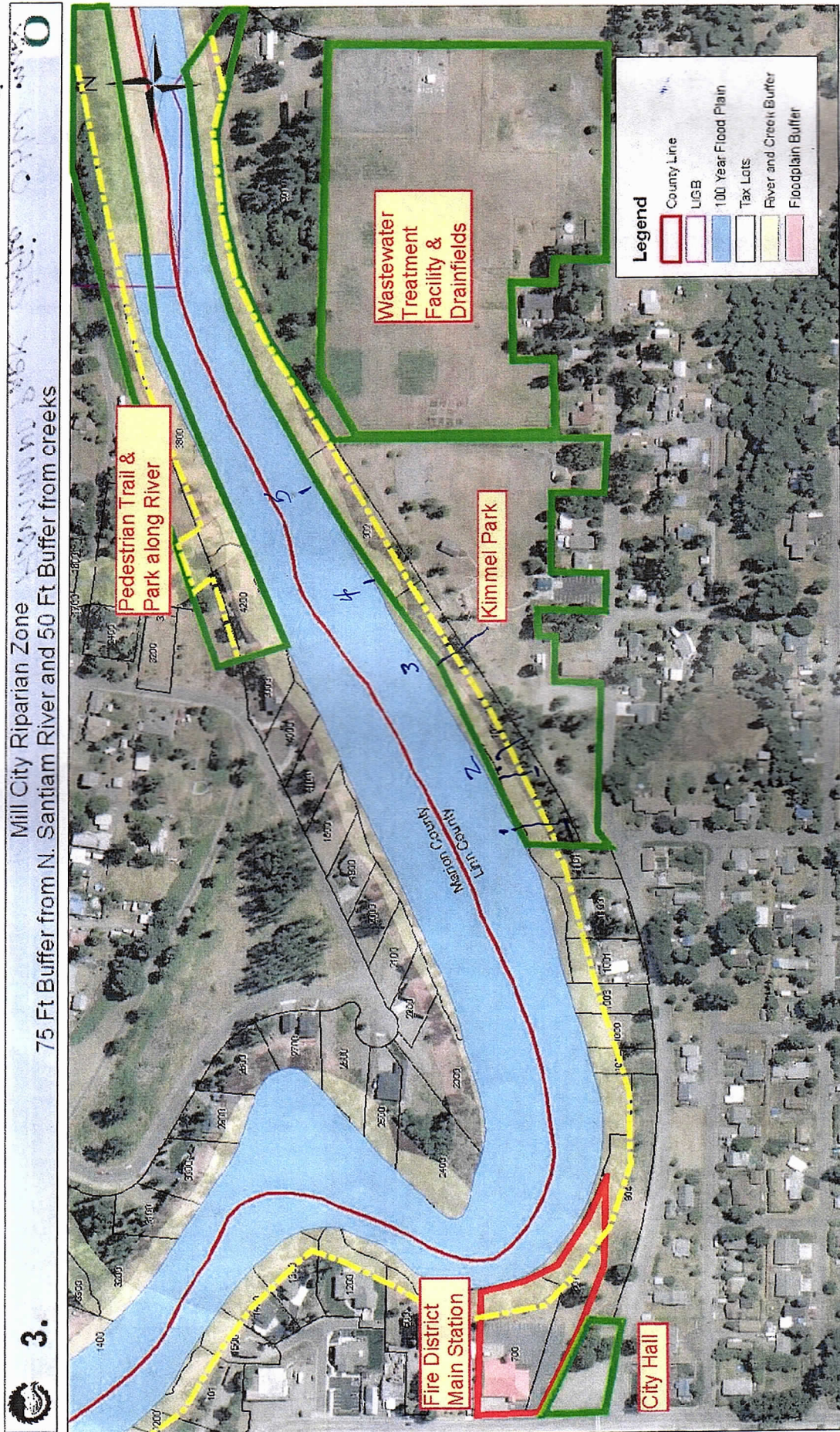
<u>Measurement #</u>	<u>Distance at TOB</u>	<u>Landmark at 75 feet</u>
1	35 feet	landward side of footbridge
2	28 feet	same
3	35 feet	between swing set and lone dogwood tree upstream of covered picnic area
4	63 feet	between park bench and picnic table
5	estimated 75 feet	top of bank +/-

Hammond Park

The riverbank along Hammond Park is a combination of bedrock and soil. My assessment of the ordinary high water line was based on the location of the tree line where the park has soil and based on the scour line for the bedrock area. On the bedrock facing the channel moss is present above the ordinary high water line and absent below.

I took photos from the railroad bridge and from the bedrock bank in the park and noted the location of ordinary high water line. The photos are attached.

Kimmel Park measure 75 foot buffer from
OHW



me find OHW, mark photo
measure 75 LANDWARD @ \perp to channel mark 3 photo
mark on photo

Agenda Item 7

New Business

- a. File 2020-10 Blancke Trust**
Property Line Adjustment

- b. Wildfire Response – Land Use Issues**

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

October 13, 2020

To: Chairman Ann Carey and Planning Commissioners

From: David W. Kinney, Planning Consultant

In RE: New Business Items for October 20, 2020 Meeting

7. New Business

a. 2020-10 Blancke Trust Lot Line Adjustment – Planning Commission Ratification of City Planning Consultant’s Approval

Robert Blancke has requested the City approve a property line adjustment to combine two lots into a single parcel. The parcels are two lots in the Slayden subdivision, with driveway access to SE 5th Court. The applicant proposes to build a home and shop on the parcel.

I have reviewed and approved the property line adjustment application. My letter of approval is attached. Under Section 16.36.050 of the subdivision code, the Planning Commission must review the staff decision and determine if it requires any further review by the Commission.

The Planning Commission may either:

1. Ratify the Planning Consultant’s decision to approve the property line adjustment.
2. Call the issue up for discussion at the November 17, 2020 regular meeting.

Recommendation: Motion to ratify the Planning Consultant’s approval of the Blancke Trust property line adjustment.

b. Wildfire Response

i. Emergency Transitional Housing – Authorization by ORS 446.265.

The City Council has authorized the leasing of a parcel of property from Ed Rada, at the corner of NW Alder Street and NW 7th Avenue as an RV Park for emergency transitional housing for people displaced by the wildfire.

Patrick Wingard, DLCD Regional Representative for Linn County, confirmed in the enclosed email correspondence that ORS 446.265 grants authority to city’s to establish emergency housing inside an urban growth boundary. I have interpreted the Mill City Zoning Code

to allow residential uses in the Highway Commercial zone. The emergency use does not require land use approvals, but does need to meet health and safety regulations for the utility services.

ii. FEMA Response Coordination with Cities & Counties.

The Mayor, City Recorder Stacie Cook, Linn County Sherriff, county officials and FEMA are working together to proceed with the emergency response measures in the aftermath of the wildfire. She has filed a damage assessment with FEMA with an initial report on damage caused to city-owned properties and facilities. She will provide a verbal update at the meeting.

iii. Building Permits for Replacement Structures.

Stacie and I have talked several times about streamlining building permit and site reviews to expedite issuing building permits for property owners who want to rebuild after the wildfire. Russ Foltz and his staff have checked water services and are working to pump/inspect interceptor tanks at all properties where buildings were destroyed.

The City Council has the authority to streamline permit processes. Suggestions from Planning Commission members are welcome.

Requested Action: FYI. Discussion.



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

October 13, 2020

Robert Blancke
PO Box 935
Mill City, OR 97360

RE: Notice of Decision – Approval of Property Line Adjustment
09 3E 32BD, Tax Lots 01100, 01200 and 01300
File No. 2020-10

Dear Mr. Blancke:

The property line adjustment application to adjust the boundary for tax lots 01100, 01200 and 01300 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 20, 2020 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 28, 2020**

A. Proposal:

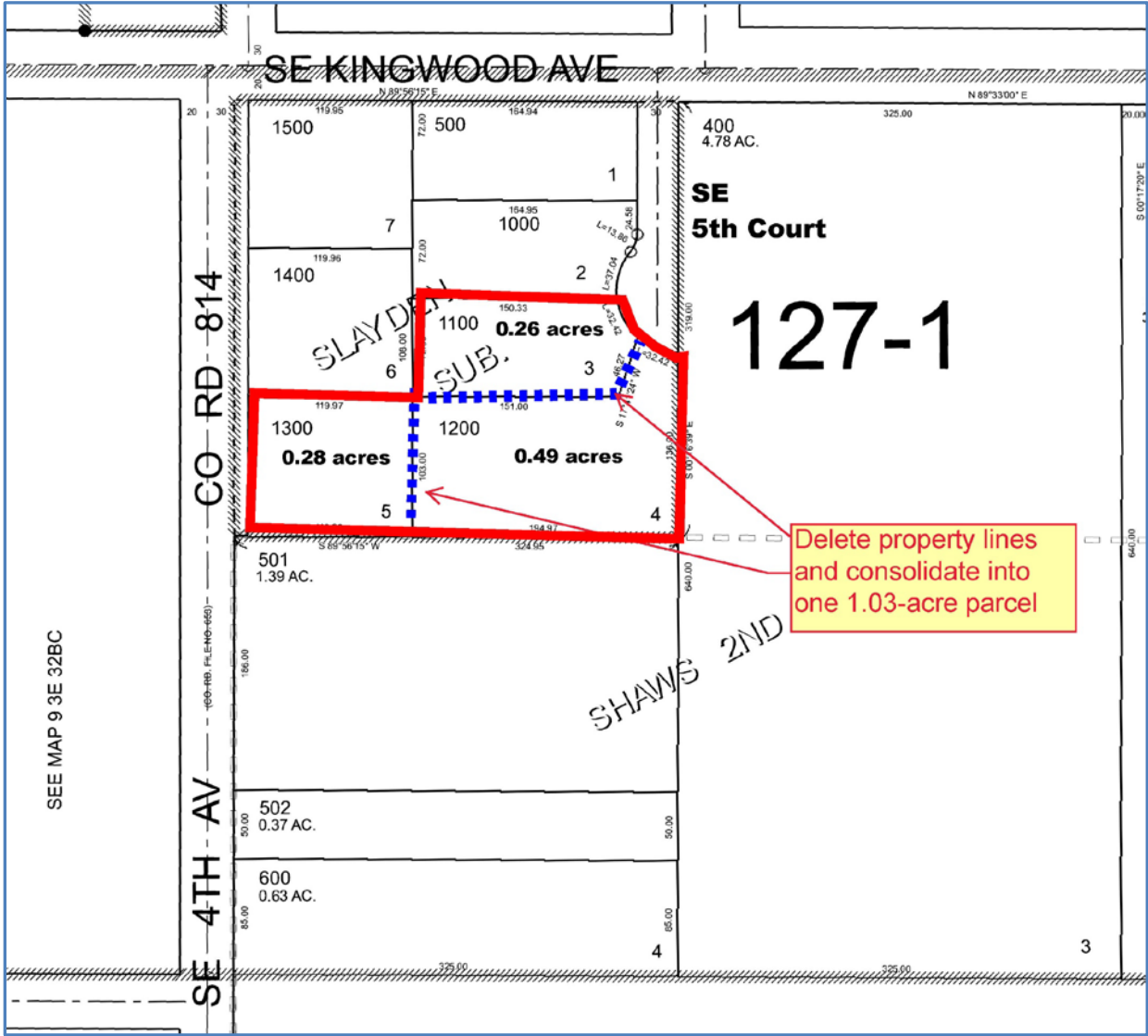
The Robert E. Blancke and Sally H. Blancke Trust is the owner of the three parcels. Both parcels are vacant buildable lots in the Slayden Subdivision. The applicant proposes to consolidate the parcels into one parcel. No new lots will be created. The property is located in the R-2 Multi-Family Residential zone.

The applicants intend to build a new home and shop building on the consolidated parcel. The property line consolidation is required before they can proceed with filing building permits for the new construction.

Table 1
Proposed Property Line Adjustment – Blancke Trust

Owner	Existing Tax Lot #	Existing Use	Existing Lot Size (sf)	Increase or Decrease in Lot Size	Proposed Lot Size (sf)
Blancke Trust	09 3E 32BD 01200	Vacant Access to SE 5 th Court	0.49 acres	Combine Tax Lots	1.03 acres
Blancke Trust	09 3E 32BD 01300	Vacant Lot Access to SE 4 th Avenue	0.28 acres	Eliminate Tax Lot	
Blancke Trust	09 3E 32BD 01100	Vacant Lot Access to SE 4 th Avenue	0.26 acres	Eliminate Tax Lot	

Map 1
Proposed Property Line Adjustment – Blancke Trust 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 or generated by the City's Planning Consultant.

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

Findings: The minimum lot size in the R-2 zone is 5,000 sq. feet. There is a 50' lot width & 50' lot frontage requirement in the R-2 zone. A 25' minimum frontage is permitted for lots on a cul-de-sac. The consolidated parcel will be 1.03-acres and will have a 103' lot width and 103' frontage on SE 4th Avenue and 65.74' frontage on the SE 5th Court cul-de-sac.

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 existing parcels comply with the minimum lot width and frontage requirements. The new parcels meet the lot size, dimension and width requirements. This criterion does not apply.

Conclusion: *Criteria 2 is not applicable.*

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. There are no city utilities on site. No encroachments or conflicts exist.

New on-site water, sewer and private utilities will be required as part of the city's approval of building permits for a new home and shop. The City staff concludes there is sufficient area on the 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: There are no buildings on the site. 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 two streets and has potential for a driveway entry onto either SE 5th Court or onto SE 4th Avenue. Approval of this property line adjustment will not impact the applicant's access to a public street.

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 three parcels (TL 01100, TL 01200 and TL 01300) are owned by Robert E. and Sally H. Blancke Trust. 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:

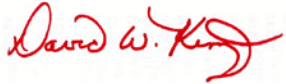
The following conditions of approval must be completed by February 28, 2021. If all of the conditions of approval are not completed by that date, the approval is null and void unless a written extension is granted by the City.

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 red rectangular background.

David W. Kinney, Planning Consultant

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

dwkinney@wvi.com

From: Wingard, Patrick <patrick.wingard@state.or.us>
Sent: Friday, October 9, 2020 10:53 AM
To: 'dwkinney@wvi.com'
Cc: 'Wakeley, Renata'; 'CHRISTENSEN Jody * GOV'; Kim.Travis@oregon.gov; 'Jason Schneider'; 'Stacie Cook'
Subject: RE: contact information for Dave Kinney, Mill City and wildfire housing response

Sounds good, Dave, thanks! If I can do anything to assist, please don't hesitate.

Patrick



Patrick Wingard

Regional Representative for the Southern Willamette Valley
 and Union, Baker, and Wallowa counties
 Mid-Valley and South Valley/Mid-Coast Regional Solutions
 Cell: 541-393-7675 | Main: 503-373-0050
patrick.wingard@state.or.us | www.oregon.gov/LCD

From: dwkinney@wvi.com [mailto:dwkinney@wvi.com]
Sent: Friday, October 9, 2020 10:34 AM
To: Wingard, Patrick <pwingard@dlcd.state.or.us>
Cc: 'Wakeley, Renata' <renatac@mwvcog.org>; 'CHRISTENSEN Jody * GOV' <Jody.Christensen@oregon.gov>; Kim.Travis@oregon.gov; 'Jason Schneider' <JSchneider@co.marion.or.us>; 'Stacie Cook' <scook@ci.mill-city.or.us>
Subject: RE: contact information for Dave Kinney, Mill City and wildfire housing response

Patrick:

Thank you for the information.

I am pleased to hear that ORS 446.265 allows for transitional/emergency housing. The City Council in Mill City is looking to move forward with one or more sites. Properties the City of Mill City is looking at for transitional housing are not located in the flood hazard area along the N. Santiam River.

Dave Kinney

From: Wingard, Patrick <patrick.wingard@state.or.us>
Sent: Thursday, October 8, 2020 9:21 PM
To: dwkinney@wvi.com
Cc: 'Wakeley, Renata' <renatac@mwvcog.org>; CHRISTENSEN Jody * GOV <Jody.Christensen@oregon.gov>; Kim.Travis@oregon.gov; Jason Schneider <JSchneider@co.marion.or.us>; 'Stacie Cook' <scook@ci.mill-city.or.us>
Subject: RE: contact information for Dave Kinney, Mill City and wildfire housing response

Hi Dave,

Please contact me anytime on any land use questions you or your client cities have regarding transitional or longer-term housing options in Gates or anywhere else you are working in the canyon. I was recently assigned to the Mid-Valley Regional Solution Team and will be working on fire recovery efforts and strategic rebuilding initiatives throughout the canyon.

If the transitional housing site is to be located within the UGB, per [ORS 446.265](#), DLCD won't hassle the city at all – zoning is moot and the city has the right to move forward per the statute. The caveat here is to make sure the property (or the portion of the property proposed for use) is not located within a flood zone.

You should also know that LCDC is positioned to adopt temporary rules for emergency housing at a special meeting on Oct. 22nd. Next week, I will update regional solutions partners and others on the status of these temporary rules. The rules won't affect cities' abilities to provide housing (cities are already in the catbird seat to provide all types of housing) but will offer some additional flexibility to counties. Officials from Marion, Lane, Jackson, and other counties have provided input to the department on the draft rules.

All the best,

Patrick



Patrick Wingard

Regional Representative for the Southern Willamette Valley
and Union, Baker, and Wallowa counties
Mid-Valley and South Valley/Mid-Coast Regional Solutions
Cell: 541-393-7675 | Main: 503-373-0050
patrick.wingard@state.or.us | www.oregon.gov/LCD

From: Wakeley, Renata [<mailto:renatac@mwvcog.org>]
Sent: Thursday, October 8, 2020 5:27 PM
To: dwkinney@wvi.com; 'Stacie Cook' <scook@ci.mill-city.or.us>
Cc: CHRISTENSEN Jody * GOV <Jody.Christensen@oregon.gov>; Kim.Travis@oregon.gov; Wingard, Patrick <pwingard@dlcd.state.or.us>; Jason Schneider <JSchneider@co.marion.or.us>
Subject: RE: contact information for Dave Kinney, Mill City and wildfire housing response

Hi Dave,

Thanks for chatting with me today and for the good conversation about the work you are doing to support Mill City and the Santiam Canyon in responding to immediate and long-term housing needs in response to the fires. Your summary below is good and I am relieved to hear you have been able to connect with FEMA.

As discussed, I am cc'ing Jody Christensen from the Governor's Office regional Solutions Team and Kim Travis from Oregon Housing and Community Services who have also been tasked with aiding in this process. They may be following up with you or feel free to reach out to them directly if our conversation sparked other potential sites/properties that you think can help in the response, recovery and rebuilding process.

Let me know if I can be of assistance and best regards,

Renata Wakeley, Acting Executive Director/Community Development Director
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200
Salem, OR 97301
(ph) 503-540-1618
(fx) 503-588-6094

From: dwkinney@wvi.com <dwkinney@wvi.com>
Sent: Thursday, October 8, 2020 3:13 PM
To: 'Stacie Cook' <scook@ci.mill-city.or.us>; Wakeley, Renata <renatac@mwvcog.org>
Subject: RE: contact information for Dave Kinney

External: Please report suspicious email to
security@wesd.org

Renata:

I just left a voice message for you.

FYI – Stacie Cook and the Mayor have been working with FEMA and a private property owner to set up a small RV Park inside the city limits on a commercial parcel along Hwy 22. Another property owner is looking to develop a more permanent RV park for people impacted by the fire, but also as a longer term RV site for recreation users. I believe the City already has a list of 20-25 people who will want to move in immediately to any temporary RV facility that becomes available.

There may be some land use hoops to jump through, but the City and Linn/Marion county officials are committed to working to meet the emergency needs of Canyon residents. Anything that can be done with DLCD to shorten land use timelines to provide temporary housing opportunities may be beneficial.

Dave Kinney

CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you

Agenda Item 8

Informational Items

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

October 13, 2020

To: Chairman Ann Carey and Planning Commissioners

From: David W. Kinney, Planning Consultant

In RE: Informational Items for October 20, 2020 Meeting

8. Informational Items

- a. City Recorder Report
- b. Planning Consultant Invoice (Sept 1 and Oct 7) Attached
- c. Prospective Applications None
- d. Upcoming Hearings: None
- e. **TIGER Grant Update**

The 1st Avenue vehicle bridge construction has been delayed due to the wildfires. Work will not be completed until January 2020. Chuck Knoll, County Engineer, has provided an update on the project status. There is no change in the schedule for the RR Bridge and W. Broadway.

f. GRANT / LOAN Applications

i. ODOT Small Cities Allotment Grant Application (\$100,000) - SW 2nd Avenue

The City of Mill City filed an SCA Grant Application in August 2020. If approved, the grant will be used to overlay SW 2nd Avenue from W. Broadway to Evergreen St. They will make grant award decisions by February 1, 2021.

ii. ODOT Safe Routes to School (SRTS) Grant Application (Sidewalks) - \$1,950,000

The City of Mill City filed an SRTS Grant Application in August 2020. If approved, the grant will be used to construct sidewalks, ADA ramps and pedestrian safety improvements near the Santiam Canyon schools. ODOT received 102 applications statewide. They will make grant awards by January 1, 2021.

iii. Business Oregon's Safe Drinking Water Revolving Loan Fund – Proposed Water System Improvements Project - \$2,532,000

The City of Mill City filed a SDWF loan application on October 13, 2020 with Business Oregon. The loan will be used to construct 7,000+/- feet of new water mains, buy 200-300 radio read water meters and replace/repair the generator at the well pump station. The funding package includes a \$2.2 million loan and a \$280,000 to \$400,000 grant. The final grant amount will be determined in the loan review process.

David W. Kinney
 Community Development Consultant
 791 E. Hollister St.
 Stayton, OR 97383-1334
 Phone: 503-769-2020 * Cell: 503-551-0899
 E-mail: dwkinney@wvi.com

INVOICE

Client: **City of Mill City**
 P.O. Box 256
 Mill City, OR 97360

Project: Planning & Administrative Services

Job #: 1025

Billing Date: September 1, 2020

Professional Services rendered to the City of Mill City for the planning and administrative services during the period from August 1 to 31, 2020.

Planning and Administrative Services:

General Administrative and Grant Project Services

- 0.75 hours **Administrative and Budget Support:** SCA (SW 2nd) Review w/ Russ Foltz, Stacie re: Parks Grant Application modifications; Miscellaneous consultations with Stacie Cook
- 9.40 hours **General Planning Services:** Coordinate with Corie Clark, Linn GIS for GIS Map Updates (Comp Plan, Address and Zoning) & Transportation System Maps. August 4th PC Meeting; PC Files reviews with Tree Frederickson; Respond to land use questions from Stacie Cook & Tree Frederickson;
- 3.00 hours **TIGER Grant – SOB.** 1st Avenue Bridge (Brackets support W. Broadway and RR Bridge Plans review. SOB Conference call w/ LC Roads re: project update; Finalize RR Bridge lighting and colors; W. Broadway plans and calls w/ Daineal Malone; Review W. Broadway utility conflict plans with Russ Foltz; Respond to Daineal Malone & Russ for relocation of hydrants and 8th Wtr Main conflicts; Pre-construction conference call w/ Legacy for 1st Avenue Bridge project;
- 0.00 hours **Business Oregon – Storm Drainage Grant.** Calls & Emails w/ Greg Locke, John Ashley & Russ Foltz re: SW Cedar storm design and MH revisions; Site visits to SW 4th & SW Cedar re: Storm construction; Storm discharge email on Frank/Suzanne Tuers property.
- 13.75 hours **SRTS Grant Application – LOI and Final Grant Application.** Coordinate LOI with Stacie; Prepare project maps; Review cost estimates for LOI/final application with John Ashley; Prepare responses for SRTS final application; Contact with LC Roads re: traffic counts, speeds and 1st Avenue ADA improvements; Mtg w/ Stacie Cook to review Scope of Work and elements to remove from project scope to keep at \$1.75 million;
- 0.00 hours **Business Oregon – SDWF Water Loan.**

26.90 hours @ 75/hr

\$ 2,017.50

Planning – Land Use Applications

- 1.00 hours **2019-20. Singh – Sportsman Center / Gas Station.** Meeting with Singh's to review the City Engineer comments on the Civil Engineering plans.
- 4.50 hours **2020-06. Zoning Code – Chapter 17.80 Riparian Code for Public Properties:** August 21st PC Subcommittee meeting; Review and edit proposed Chapter 17.80 Riparian standards. Talk to Linn GIS re preparation of maps for Code revisions.
- 0.50 hours **2020-08. Baughman Minor Partition:** Prepare public hearing notices.

6.00 hours @ 75/hr \$ **450.00**

Subtotal – General Planning & Admin Personal Services \$ **2,467.50**

No Charge

15.75 hours General Planning and Administrative items

Expenses

Mileage Charges @ .55 per mile

08-04 City Hall – PC Meeting 40 miles	\$	22.00
08-06 City Hall – 1 st Avenue Bridge – Meet Russ Foltz - 40 miles	\$	22.00
08-21 City Hall – PC Subcommittee – Riparian Zone - 40 miles	\$	22.00

Subtotal – Mileage and Expenses \$ **66.00**

Total Due: \$ **2,533.50**

Remit to:

David W. Kinney
Community Development Consultant
 791 E. Hollister St.
 Stayton, Oregon 97383

David W. Kinney
 Community Development Consultant
 791 E. Hollister St.
 Stayton, OR 97383-1334
 Phone: 503-769-2020 * Cell: 503-551-0899
 E-mail: dwkinney@wvi.com

INVOICE

Client: **City of Mill City**
 P.O. Box 256
 Mill City, OR 97360

Project: Planning & Administrative Services Job #: 1025

Billing Date: October 8, 2020

Professional Services rendered to the City of Mill City for the planning and administrative services during the period from September 1 to 30, 2020.

Planning and Administrative Services:

General Administrative and Grant Project Services

- 0.30 hours **Administrative and Budget Support:** Miscellaneous consultations with Stacie Cook re: FEMA, RV Park Area (Rada).
- 1.00 hours **General Planning Services:** Respond to land use questions from Stacie Cook & Tree Frederickson; Erdman site; Ivy Court Apts; Well site.
- 0.50 hours **TIGER Grant – SOB.** Calls w/ Daineal Malone & Russ Foltz re: W. Broadway/8th water main and hydrant relocation;
- 0.00 hours **Business Oregon – Storm Drainage Grant.**
- 4.75 hours **NSC WW Authority Master Plan.** Calls w/ Stacie re: WW Authority documents requested by Keller Associates/MWVCOG. Site Meeting with Keller Associates @ City Hall. Followup docs and call w/ Peter Olsen, Keller Associates.
- 27.10 hours **SBusiness Oregon – SDWF Water Loan Application.** Prepare Final Loan Application to Business Oregon IFA for water improvement project.

33.50 hours @ 75/hr

\$ 2,512.50

Planning – Land Use Applications

0.50 hours **2020-09 Plotts Minor Partition – VSP Lot 18.** Prepare public hearing notices and review with Tree Frederickson.

0.25 hours **2020-10 Blanke PLA – SE 5th Ct.:** Review Application Submittal and discuss with Stacie Cook; Request updated map showing location of existing/proposed buildings.

0.75 hours @ 75/hr	\$	56.25
---------------------------	-----------	--------------

Subtotal – General Planning & Admin Personal Services	\$	2,568.75
--	-----------	-----------------

No Charge

15.75 hours General Planning and Administrative items

Expenses

Mileage Charges @ .55 per mile

09-11 City Hall – NC – School Site visit 40 miles	\$.00
---	-----------	------------

Subtotal – Mileage and Expenses	\$	0.00
--	-----------	-------------

Total Due:	\$	2,568.75
-------------------	-----------	-----------------

Remit to:

David W. Kinney
Community Development Consultant
 791 E. Hollister St.
 Stayton, Oregon 97383

dwkinney@wvi.com

From: Knoll, Chuck <cknoll@co.linn.or.us>
Sent: Saturday, October 10, 2020 12:00 PM
To: Lynda Harrington; Dave Kinney; Dennis Chamberlin; Denny Chamberlain; Dorothy Keasey; Frances Thomas; John Gottfried; Roel Lundquist; Stacie Cook; Frances Reid Thomas; Tim Kirsch; Dave Forward; Dave Forward; Danielle Gonzalez
Cc: Mink, Wayne; Groom, Kevin; Malone, Daineal; Tucker, Will; Lindsey, John; Nyquist, Roger; Lane, Darrin
Subject: TIGER Mill City Project Status Update - October 9 2020

Date: October 9, 2020

Re: TIGER Mill City Project Status Update - October 9, 2020

As indicated in the last status update, full construction [for the Rehabilitation of the Mill City First Avenue Bridge](#) was back in progress on Monday, September 29th.

The preparation and painting of the truss bridge is still in progress as well as the construction of the new sidewalks, curbs and guardrail.

Some work has also been completed on rehabilitation of the structure.

As previously indicated our original plan before the fire occurred was to open the First Avenue bridge to one lane of traffic by October 28, 2020. Due to the delays resulting from the fire, we are now planning to open the First Avenue Bridge to one lane of traffic by November 20, 2020.

Completed construction of the project is planned for no later than January 22, 2021.

At the same time we have prepared an application for submittal to Oregon SHPO to place the Historic Railroad Pedestrian Bridge on the National Registry. The Draft Application has been sent to the Bridge Committee Chair and David Kinney for distribution to the team to review.

Preparation is also in progress at this time to advertise for bid the Construction for the Rehabilitation of the Historic Mill City Railroad Pedestrian Bridge on October 30, 2020 with a bid opening on December 1, 2020. We are also planning on advertising for bid for the Reconstruction of Broadway Street that includes other street and path improvements in Mill City on November 13, 2020 with a bid opening on December 15, 2020.

So, yes, even with the delay we suffered from the terrible and tragic fire event we are still on track to complete the TIGER Mill City Project. We have all put in extra effort to make sure that this happens.

The rain today is a very welcome sight. Hope all are well.

Please contact me if you have any questions.

Regards