



## ***City of Mill City***

P.O. Box 256

Mill City, Oregon 97360

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### **MILL CITY PLANNING COMMISSION AGENDA Regular Meeting**

**Tuesday, January 19, 2021 - 6:30 p.m.**

*City Hall – 444 S. First Avenue*

*MILL CITY, OREGON 97360*

The City's Planning Consultant and members of the Planning Commission may participate via conference call or other electronic communication. The City will provide updated information on how members and citizens may participate remotely in the meeting.

1. **Call to Order and Flag Salute – 6:30 p.m.** Chair Marge Henning
2. **Approval of Minutes:** December 15, 2020 pp. 5-10
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 will address the issue during this meeting, table the issue to a future meeting or will request that you speak with the City Recorder or Planning Consultant outside the meeting.*

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

File No.	2020-11	pp. 11 -34
Applicant:	Scott & Shelly Baughman	
Proposal:	Minor Partition	
Location:	230/272 SW Ivy Street – Parcel #1 of Partition Plat 2020-068 NE	

5. **Presentations:** None scheduled

**6. Old Business** p. 35

- a. Mill City Zoning Code Amendments
  - i. File 2020-06 Chapter 17.80 w/ updated Riparian Maps pp. 37-62
  - ii. File 2020-03 Chapter 17.84 Public Facilities
- b. Other

**7. New Business** pp. 63-64

- a. 2020 Planning Commission Annual Report pp. 65-68
- b. 2020-2021 Work Program pp. 69-74
- c. Other

**8. Informational Items** p. 75-76

- a. City Recorder Report
  - i. FEMA Housing – SE Fairview Street
  - ii. Planning File Reviews by Staff
- b. TIGER Grant Project Update pp. 77-78
  - i. 1<sup>st</sup> Avenue Vehicle Bridge
  - ii. Railroad Bridge – Legacy Construction selected as Contractor
  - iii. W. Broadway Avenue – N. Santiam Paving, Inc. selected as Contractor
- c. Southern Pacific Railroad Bridge - National Historic Structure Designation pp. 79-80  
 State Historic Preservation Commission Meeting  
 February 15, 2021 10:30 am - ZOOM Meeting
- d. Planning Consultant Invoices & Time Report pp. 81-82
- e. Prospective Applications: None Pending
- f. Upcoming Hearings: See below

**9. Other Business**

**10. Adjournment**

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

Tuesday, February 16, 2021      6:30 PM      Regular Mtg - Public Hearing

File 2020-06      Zoning Code Amendments: Riparian Buffer for Publicly-owned properties  
 Manufactured Home on Individual Lots

File 2021-02      Setback Variance      715 NW River Road      Applicant: Yucker  
 File 2021-03      Minor Partition

## **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.



## **Agenda Item 2**

### **Planning Commission Minutes**

1. December 15, 2020



**MILL CITY PLANNING COMMISSION  
Meeting of December 15, 2020**

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

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

City Council Representatives: None.

Agency/Applicant Representatives: None.

Citizens: Michael Ferris and Lynda Harrington.

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 reapprove the minutes of August 4, 2020. The motion carried, (6:0).*

*Marge Henning moved, seconded by Dave Leach to approve the minutes of October 20, 2020. The motion carried, (6:0).*

**PUBLIC COMMENT:** None.

**PUBLIC HEARING:** Deliberation Only    File No. 2020-09  
Applicant/Property Owner: Kyle Plotts  
Proposal: Minor Partition  
Location: Lot 18 – Village at Santiam Pointe, Santiam Pointe Loop NE

**DELIBERATION:** Mr. Kinney said that the findings and conditions of approval were modified based on public testimony of both neighbors and the applicant as well as comments by the Planning Commission members when the site visit was completed.

Chair Carey said that there was a lot of discussion on floodplain, setbacks, elevation and Mr. Kinney addressed this in the revised report.

Ms. Schenck said that she is okay with the partition as the development requirements, such as driveway approach, building location, etc., will have to be addressed during the building permit application process.

Chair Carey said that a site plan review will be required at the time that development is requested.

Jim Grimes said that one concern brought up before was whether the subdivided lots would be able to be divided further. Mrs. Cook said that the parcels on the north side are the ones that would have the best opportunity for further division. However, any request for a partition would have to be reviewed based on City code and original land use decisions for the parcel.

Ms. Schenck asked if the CC&R's prevent re-division of the parcels. Mr. Kinney said that they do not.

***Woody Koenig moved, seconded by Jim Grimes 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. The motion carried, (6:0).***

**PRESENTATIONS:** None.

## **OLD BUSINESS:**

*Mill City Zoning Code Amendments:* Mr. Kinney said that the Public Facilities section is nearly complete but the street cross sections need to be reviewed. The Riparian code is ready to go to Council for review with the exception of the final set of maps needing completed. The Planning Commission should recommend to Council to set a hearing date in February.

***Marge Henning moved, seconded by Woody Koenig to forward the Riparian Code to the City Council with a recommendation that they direct the Planning Commission to set a public hearing for the code changes. The motion carried, (6:0).***

*Wildfire Response – Emergency Housing Ordinance Adopted by City:* Mrs. Cook said that Council adopted Ordinance No. 403 in October as an emergency modification to the City's zoning code. It allows for RV's to be resided in temporarily in response to the wildfires. This ordinance is for people who want to allow for an RV on their private property. There is an application and \$25.00 fee along with some supporting documentation.

Mrs. Cook said that the temporary RV site on the highway is complete. There are 22 available spaces. The layout is tight but people are very excited to have a space for a temporary home where they have water, sewer and heat.

The City is working with FEMA to allow lease of two acres on the south end of the WWTP. There are 14 spaces proposed, which should be for single-wide manufactured homes. FEMA is ready to go, however, there are still some engineering issues that are being worked through.

*Wildfire Response – City/County Building Permits for Replacement Structures:* Mrs. Cook said that both Marion and Linn Counties have approved waiver of building permit fees for homes lost to the wildfire. Because Mill City is a contract city with Linn County the City had to determine whether to allow waiver of fees for those who lost homes in Mill City. The Council authorized waiver of fees for these homes.

## **NEW BUSINESS:**

*PSU 2021 Populations Projections (Survey Response):* Mr. Kinney said that a survey was submitted to PSU for their use during upcoming population projections. Mr. Koenig asked how the wildfires will affect the projections. Mr. Kinney said that PSU will address this and noted that he and Mrs. Cook projected that the homes lost to the fire will be rebuilt within five years.



*Manufactured Home Specialty Code – Update Zoning Code to Address Conflicts Identified by Linn County Building Department:* Mrs. Cook said that she was advised by a Linn County inspector that our manufactured home code requires a ‘pit set’, which increases costs for the homeowner when developing and mandates that a pump of some sort be placed under the home to ensure that water does not accumulate. This is an issue in Mill City, especially on the north side of town where there is a lot of naturally occurring water that comes off of the hillside. Mr. Kinney reviewed the City’s code against the state code and indicated that there was a not need for much change to the language. Mrs. Cook will get the language changes to the Linn County Building Official for review before the amendment moves forward.

*PC Officers: Appoint Marge Henning as PC Chair Effective January 1, 2021:* Chair Carey requested a motion to appoint Vice Chair Marge Henning as Chair effective January 1, 2021. This will allow Ms. Henning to get herself familiar with chairing while Ann Carey is still seated. Ms. Carey would be willing to take the Vice Chair position in lieu of the Chairmanship.

Ms. Schenck thanked Chair Carey for all that she does for this committee.

***Jim Grimes moved, seconded by Dave Leach to appoint Marge Henning Chair and Ann Carey Vice Chair, effective January 1, 2021. The motion carried, (6:0).***

**INFORMATIONAL ITEMS:** Chair Carey said that the annual report is given to Council in February of each year and this will need to be drafted for review by the Committee before it is sent on to the Council.

*TIGER Grant Update:* Mrs. Cook said that the bid opening was held for the Railroad Bridge on December 1, 2020. Mr. Kinney said that a local bridge company was the low bidder. Mrs. Cook said that the understanding is that the cost came in about \$700,000 under the engineer’s estimate. Mrs. Cook said that the bid opening for the Broadway Street Improvement project was scheduled for today.

*Grant/Loan Awards/Decisions:* Mrs. Cook said that the Small Cities Allotment grant that the City applied for to complete improvements on SW 2<sup>nd</sup> Avenue was awarded. However, the Safe Routes to School Grant was not awarded.

Mrs. Cook said that a loan application was approved for the City for a project totaling just under \$2.7 Million. Of that there is \$530,000 of forgivable loan and the City anticipated matching dollars of \$150,000. This leaves the City with a loan of just over \$2 Million at a rate of 1% for 30 years.

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

**OTHER BUSINESS:** None.

The meeting was adjourned at 7:30 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 19<sup>th</sup> of January 2021

# **Agenda Item 4**

## **File 2020-09**

Baughman Minor Partition

230/272 SW Ivy St.

File 2020-11



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

Good evening, [Introduce yourself and Commission members].

I will be presiding over this hearing.

### **Hearing File 2020-11: Scott Baughman, SBC Construction**

This is a public hearing to consider Land Use File 2020-11, a minor partition at 230/272 SW Ivy Street in Mill City. The applicant proposes to divide a 20,000 square foot parcel into two lots.

The applicants are Scott and Shelly Baughman.

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 and Subdivision Codes 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 no objections, 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 declarations, 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.

*At the completion of the hearing, the Planning Commission may close the hearing or continue the public hearing to the December meeting in order to solicit additional public testimony.*

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

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## **CLOSING STATEMENT**

**At the close of the public hearing, please read:**

The Planning Commission's decision may be appealed to the City Council within 10 days of the mailing of the notice of decision by the City. The decision will be forwarded to the City Council for consideration at their next regularly scheduled meeting. The Council may either ratify the decision or call the matter up for a public hearing.





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

### **Minor Partition at 230/272 SW Ivy Street in Mill City**

The City has received a land use application from Scott Baughman. He proposes to divide a 19,634 square foot parcel into two building lots. The applicant has submitted plans showing two new single-family homes will be built on the property. The property is at 230/272 SW Ivy Street and is located in the Multi-family Residential (R-2) zone, which allows single-family homes on the building lots. Proposed Parcel 1 and Parcel 2 are shown on Map 1 on the next page.

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.

At the conclusion of the public hearing, the Planning Commission will make a decision to either approve or deny the application. An aggrieved party may appeal the Planning Commission decision by filing an appeal with the City Recorder within ten (10) days of the date the City issues a written notice of decision.

Notice of the planning commission decision to approve or deny an application for a minor partition will be sent to the city council. Within twenty-one (21) days of the date of the planning commission decision, the city council will review the decision and determine the need for further public hearings. If the city council determines that no further hearings are necessary, or if the planning commission decision is not appealed, the decision of the planning commission will become effective immediately.

If the City Council either calls up the issue or 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.

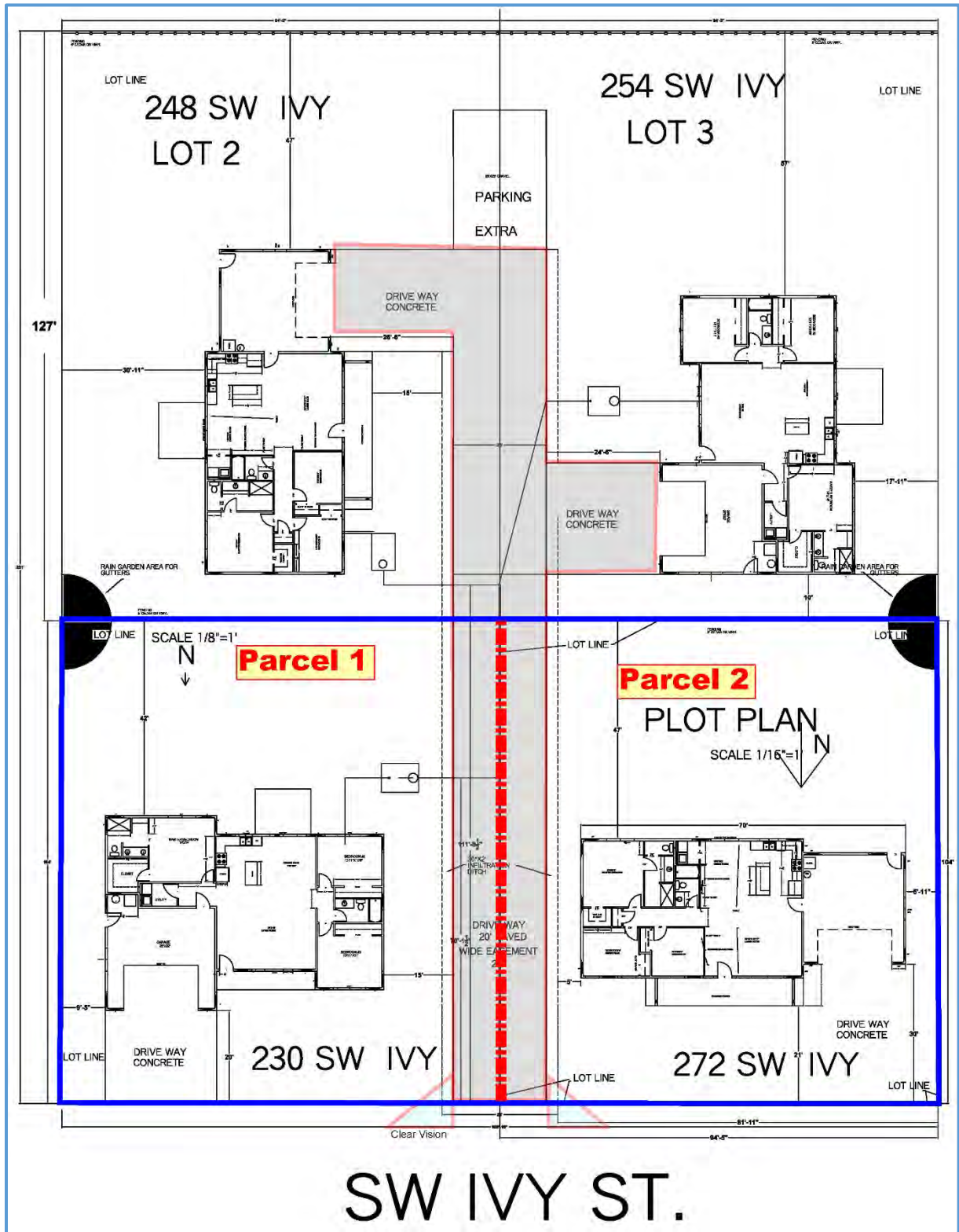
The Presiding Officer over the public hearing reserves the right to limit the time of any presentation. Please try to avoid repetition; if someone else has already expressed the same thoughts, it is perfectly alright to state that you agree with the statements of that previous speaker. If you have documents,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

Map 1  
**Minor Partition and Site Plan showing Four Single-Family Dwellings**  
**230 through 272 SW Ivy Street, Mill City**





City of Mill City

**David W. Kinney**

*Planning Consultant for the City of Mill City*

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

**STAFF REPORT DATE:** January 08, 2021

**HEARING DATE:** January 19, 2021

**FILE NUMBER:** 2020-11 Minor Partition

**APPLICANT/OWNERS:** Scott and Shelly Baughman  
PO Box 943, Mill City, OR 97360

**PROPERTY:** 230 & 272 SW Ivy Street, Mill City, OR

DRAFT

Assessor's Map	Tax Lot	Account	Acres	Zoning	Address
T09S R3E 31AA	02700	10989	0.72	Residential (R-2)	230 SW Ivy
T09S R3E 31AA	02800	11037	0.33	Residential (R-2)	272 SW Ivy

**EXHIBITS:** EXHIBIT A Application & Site Plans (On file at City Hall, including Figure 2 and Figure 3 in this report).

EXHIBIT B Notice of Public Hearing (On file at City Hall)

**REQUEST:** Minor Partition to divide Parcel 1 of Partition Plat 2020-068 into 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 17.16** *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
  - Section 17.16 Site Design Standards

## I. Applicant's Proposal

The City has received a land use application from Scott Baughman requesting the City approve a minor partition of Parcel 1, Partition Plat 2020-068, a 19,639 square foot parcel located at 230 & 272 SW Ivy Street in Mill City (Tax Lots 02700 and 02800). The site is located in the Multi-Family Residential (R-2) zone which permits single family residences, duplexes and apartments within the zone. The applicant proposes to build single-family homes on the new lots.

The property location at 230/272 SW Ivy St. is shown in Figure 1. The 2017 aerial photo (Figure 1) shows the two homes that existed on the property at that time, that will be replaced with new homes.

**Figure 1**  
**2017 Aerial Photo showing existing homes and**  
**proposed lots at 230 & 272 SW Ivy Street, Mill City**



### A. Prior Land Use Approvals:

In 2019, the Mill City Planning Commission approved two land use applications for this parcel:

- (1) *File 2019-01 Minor Partition.* This minor partition created 3 lots. Partition Plat 2020-068 was recorded with the Linn County Surveyor in December 2020.

*Parcel 1:* Parcel 1 is a 19,639-sf lot on the north ½ of the property.

*Parcels 2 & 3:* Two 11,986 sf lots at the rear, with a joint driveway access to SW Ivy Street across the center of Parcel 1.

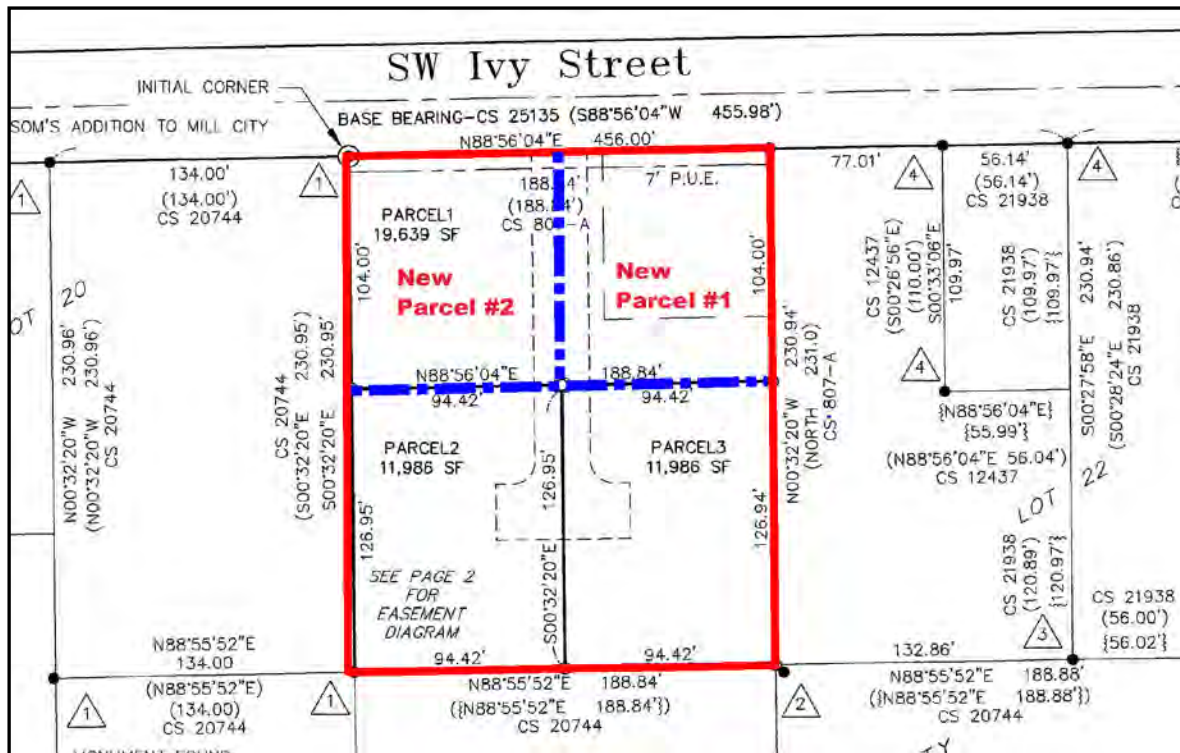


- (2) *File 2019-02 Site Plan Approval for 4 Duplexes.* The City approved the construction of four duplexes on the new parcels. The property owner has decided to build 4 new single-family dwellings rather than the duplexes.

## B. Proposed Minor Partition and Single-Family Homes

The applicant proposes to partition Parcel 1, Partition Plat 2020-068, into two lots. Each of the new lots will be 9,820+/- square feet in size. Figure 2 shows the new lots.

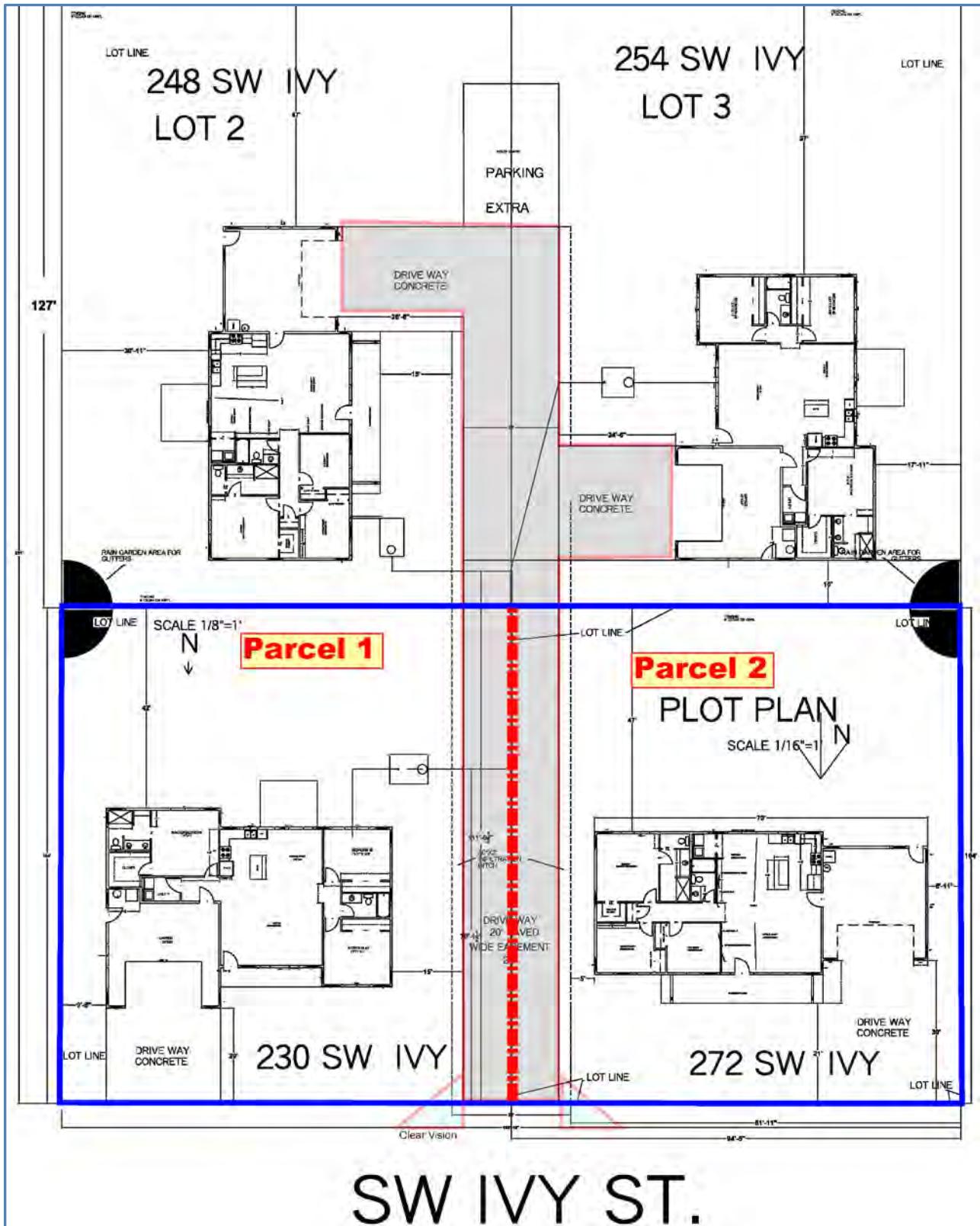
**Figure 2**  
**Proposed Partition at 230 & 272 SW Ivy Street, Mill City**



**Table 1**  
**Proposed Parcels - Lot Size and Dimensions**

Parcel	Proposed Use	Size	Buildable Area	Width per building area	Depth	Minimum Lot Size
New Parcel #1	SFR Dwelling	9,820 sf 0.22 acres	8,520 sf 0.20 acres per SFR	82'	104'	5,000 sf per SFR
New Parcel #2	SFR Dwelling	9,820 sf 0.22 acres	8,520 sf 0.20 acres	82'	104'	5,000 sf per SFR

**Figure 3**  
**Proposed Minor Partition and Proposed SFR Dwellings**



## II. BACKGROUND INFORMATION

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

The applicant filed an application with the City on December 3, 2020. The application was deemed complete on December 17, 2020. Therefore, the final local decision must be made by April 16, 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 January 19, 2021. After the public hearing is closed, the Planning Commission will deliberate and make a decision to approve or deny the proposal. An appeal of the Planning Commission decision may be filed with the City Council. The City Council must review the Planning Commission's decision before it becomes final and the City Council has the option of calling the application up for a public hearing and further City Council review.

### C. Burden of Proof:

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

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

A public hearing concerning the matter will be held before the Planning Commission on Tuesday, January 19, 2021 as part of the regularly scheduled Planning Commission meeting that begins at 6:30 p.m. at the City Hall, 444 South First Avenue in Mill City, Oregon. The Planning Commission will make its decision based on the criteria found in the Mill City Subdivision Code, Chapter 17.32 and the Mill City Zoning Code, Chapters 17.16, 17.64 and 17.76. 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 before December 29, 2020, more than 20 days prior to the hearing.

### E. Existing Conditions:

The entire property at 230, 248, 255 & 272 SW Ivy Street totals 1.05 acres. The site is located on a flat terrace at the 862' +/- elevation. The property slopes to the northwest to SW Ivy Street.

Adjacent uses are:

EAST:	A new home built in 2020 at 216 SW Ivy St.
SOUTH:	Single-family home at 211 SW Kingwood Avenue (0.88-acre parcel) with home and large shop at the north end of the site.
WEST:	Single-family home at 288 SW Ivy Street (0.66-acre parcel).
NORTH:	Single-family homes on the north side of SW Ivy Street.



## F. Utilities:

Existing utilities are shown on Figure 4. The property is currently served with city water and sewer services and by private utilities.

**Figure 4**  
**Location of Existing Public Utilities in SW Ivy Street**



1. Water:
  - 8" water line in center of the street.
  - 4" water line on north side of street; existing services to 230/272 are connected.
  - Any new services must be connected to the 8" water main.
  - The City will replace these water lines with a new 8" water main in 2021.
2. Sewer:
  - 4" south side of the street with stubs and sewer interceptor tanks to homes.
  - New building sewers and tanks will be required for new structures, unless an inspection demonstrates the existing tanks are in satisfactory condition.
  - Each building site must have a sewer interceptor tank and service lateral
3. Easements:
  - Sewer easements for the parcels on PP 2020-068 were signed and recorded in the Linn County Deed Records on January 8, 2020. Copies of the recorded easements will be provided to the City.
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 on the south side of SW Ivy Street.

## G. Streets, Sidewalks and Storm Drainage:

SW Ivy Street: SW Ivy Street is a turnpike style street with a 50'-wide right-of-way and a 20'-wide AC pavement width. There are no curbs, gutters or sidewalks in front of the applicant's property. SW Ivy Street is designated as a



minor collector. The City plans for future urban improvements within the existing 50' ROW including curb, gutters, sidewalks and a 32'-36' pavement width.

Storm Sewer: There are no storm sewers in the vicinity.

ROW Construction Permit: The applicant will need to obtain a ROW construction permit for all street, driveway and utility work in the public right-of-way.

## 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 January 12, 2021.

**City Engineer John Ashley:** The City Engineer is reviewing the proposal. If he recommends additional conditions of approval prior to the public hearing, the City Recorder will share them with the Planning Commission at the public hearing.

**Mill City Rural Fire Protection District:** On December 21, 2020 the Fire District sent a response stating *"We have no issues with this land use action, as long as the access road is 20' wide and less than 150' in length and address signs are installed for the rear lots."*

As of January 12, 2021, 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.

**Linn County Surveyor:** The City did not receive a written response from the County Surveyor. The County has the following survey requirements for any approved partition:

- ☐ 1. *No survey required on parcels created over ten acres.*
- ☒ 2. *Parcels ten acres and less must be surveyed.*
- ☒ 3. *Per ORS 92.050, plat must be submitted for County Surveyor & City review.*
- ☒ 4. *Checking fee and recording fees required.*
- ☒ 5. *A current or updated title report must be submitted at the time of review. Title reports shall be no less than 15 days old at the time of approval of the plat by the Surveyor's Office.*

2. Public Testimony. The City sent notices of the public hearing to surrounding property owners. As of January 8, 2021, the City had not received any written testimony. Written 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:**

**17.16 Multi-family Residential (R-2) Zone.** The following standards in the R-2 zone apply to the proposal.

**17.16.020 Permitted Uses.** Single family homes are permitted outright. Duplexes are permitted outright in the R-2 zone, subject to a site plan review.

**17.16.040. Lot Size & Lot Width:** Residential lots in the R-2 zone must meet the minimum lot size and lot width requirements of the R-2 residential zone.

- Lot size: Single-family home: 5,000 sf
- Lot Frontage: 50' frontage on a street.
- Lot Width: 50' wide for a SFR dwelling.
- Front setback: 15' front yard, 20' to face of a new garage.
- Side/Rear setback: 5' side and rear yard
- Lot Coverage: 40% of lot area for a SFR dwelling

Figure 3 shows the proposed lots & SFR homes meet the minimum R-2 lot size and lot width requirements.

**17.16.060 Yard Requirements.**

Yard	Requirement	Proposed Setbacks
Front Yard	15 feet	Parcel 1: 25+ feet to home. Parcel 2: 21' to porch.
Side Yard	5 feet	Parcel 1 (east lot) – 15' west to driveway access, 9.5'+ east Parcel 2 (west lot) – 6.11' west, 5' east to driveway access
Rear Yard	5 feet	Parcel 1 (east lot) – 42' Parcel 2 (west lot) – 47'
Garage Front	20 feet	Parcel 1 (west lot) - 30' to face of garage Parcel 2 (east lot) – 20' to face of garage.

**17.16.070 Parking.** Two off-street parking spaces are required per dwelling unit. The site plans show 1 off-street parking spaces & a garage for each home.

**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. No plans were submitted showing the architectural features.

**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.

**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, unless the existing tanks are inspected and certified as being in compliance.
- Storm Drainage: There is no city storm sewer in SW Ivy Street. The applicant will need to provide a design for on-site storm drainage for each lot.
- Driveways & Approaches: Each parcel must be served with a paved driveway approach and driveway for the building site.

- Streets: SW Ivy Street is a turnpike style street with no curb or sidewalk. See findings under Section 16.32.020 and Section 16.44.030.

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

### 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 basic information as required in Section 16.32.020.A and 16.32.040.A.

#### **16.32.020.B and 16.32.020.C General Requirements for Partitions**

**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 Design Standards -- Streets**

**Findings:** The following street design standards in Section 16.40.020 apply to this proposal. Other street design standards do not apply

##### **B. & G. Minimum Street Widths & Existing Streets**

SW Ivy Street has a 50'-wide ROW

Section 2.11 of the Mill City Public Works Design Standards (PWDS) sets a minimum ROW width of 60' for residential streets longer than 600' in length. SW Ivy St. does not comply.

Section 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 40' or 50' ROW width is adequate based on the existing conditions. The City Engineer and public works staff have previously reviewed the ROW widths on SW Ivy Street and concluded:

SW Ivy St. The 50' ROW width will allow for urban street improvements with a 36' wide pavement section and sidewalks.

Dedication: No ROW dedication is recommended.

#### **16.40.030 Blocks**

##### **16.40.030.C Easements**

1. **Utility Lines.** Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The city public works design standards shall apply to easement width and other easement standards;

**Findings:** No new blocks are created with the proposed partition. Subsection 16.40.030.C.2 “Easements” applies to this proposal. There is a 7’ wide PUE for private utilities along the SW Ivy Street frontage, as shown on Figure 2.

#### 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:** New parcels must comply with the minimum lot size, width and setback requirements in the R-2 zone requirements in Chapter 17.16. As shown in Table 2 on page 3 shows the proposed lots comply with minimum size and shape requirements, with the exception of the lot frontage requirement.

##### 16.40.040 Lot Size & Shape.

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

**F. Driveway Spacing.** The subdivision or partition shall be designed by taking into consideration the driveway spacing requirements which are a part of the city public works design standards.

**Findings:** The rear lots at 248 and 254 SW Ivy are served by a 25’ wide driveway access easement. The applicant proposes to pave a 20’-wide driveway from SW Ivy Street to the front of the garages on the front lots. This is shown on Figure 3 on page 4.

#### *Mill City Public Works Design Standards (PWDS) Requirements:*

*Section 2.22 “Clear Vision”:* A 20’ clear vision area is required at SW Ivy Street for the flag lot access driveway.

*Section 2.28 “Driveway Spacing”:* The joint access driveway for 248 & 254 SW Ivy must have a minimum separation of 22’ to the edge of the two home driveways onto SW Ivy Street. The site plan shows a 50’ +/- separation.

*Section 2.29 “Driveways”* requires any multiple use/common driveways to be fully paved. Flag lot driveways longer than 150’ in length must comply with fire code turnaround requirements. The approved driveway is 148’ long with paved turnaround areas. The Mill City Fire District reviewed the proposal and had no objections or comments on the proposed flag lot driveway and turnaround area. The Fire District request address signs at SW Ivy St as a condition of approval.

As of January 11, 2021, Boatwright Engineering was preparing a driveway access and maintenance agreement for the applicant to record in the Linn County Deed Records. This should be completed by January 19, 2021; a copy will be provided to the City. Compliance with Mill City PWDS Section 2.22, 2.28 and 2.29 is recommended as a condition of approval.

**Conclusions.** The proposed minor partition complies with Criteria 1, including the basic R-2 zoning and subdivision requirements of the City of Mill City as noted above. The proposal can comply with Section 16.40.030 for a joint 25' access driveway if the recommended conditions of approval are completed.

The Planning Consultant recommends the following conditions of approval:

- A. Within the 25' wide driveway access easement install a 20' wide paved driveway to 248 & 254 SW Ivy Street lots, as shown on Figure 3 and per PWDS Section 2.28 and 2.29.
- C. Provide a clear vision area on both sides of the 25' wide access easement at SW Ivy St per PWDS Section 2.22
- D. The edge of the driveways to the two front lots shall be at least 25' from the edge of the 25' joint access easement, as shown on Figure 3 and per PWDS Section 2.29. The site plan shows a 50' separation between the driveways.
- E. Install address signs SW Ivy Street for the two homes at 248 & 254 SW Ivy Street.

**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 subdivision 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 SW Ivy Street:** The south side of SW Ivy Street is not improved. The Planning Commission may either require full street improvements, require the construction of a curb and sidewalk frontage improvement, or waive the improvements and require the property owner to execute a deferral agreement.

As a minor collector, full improvements (36' wide, curbs, gutters and sidewalks) are planned for SW Ivy Street. However, due to funding limitations, no project is imminent (within 10 years) and no curb grades or design width have been established by the City. Full street improvements are not recommended. As part of the prior minor partition approval, the

Planning Commission required the property owner to execute and record a deferral/non-remonstrance agreement for SW Ivy Street improvements.

2. **Storm Drainage Improvements:** There are no storm sewers near the project site. The site is flat and has not experienced drainage issues in the past. Approval of a storm drainage plan for on-site storm water detention into a rain garden, detention area or infiltration trench is recommended as a condition of approval.
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. A street cut will be required to tap into the city water main.
4. **Sewer:** Sewer service is available from the existing sewer lines in SW Ivy Street. New sanitary sewer services and interceptor tanks complying with the City's public works design standards are required to serve each parcel, unless the existing tanks are inspected and certified for use. 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 all of the existing sewer easements 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 the issuance of any building permit for the site.
- B. Install new sewer interceptor tanks and sewer laterals for each parcel prior to or concurrently with the issuance of a building permit for each new home.
- C. Submit and obtain approval of an on-site storm drainage plan for the project site prior to the issuance of any building permits for the site.
- D. 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 19,634 lot. The parcels to the east, west and south are developed and committed to single-family uses.

The purpose of the land division is to create 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. No new streets are planned. 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 2020-11 --- 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 Figure 2 and Figure 3, 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 approval and compliance with all conditions of approval. The minor partition approval will expire January 31, 2022 if the final survey plat has not been recorded.
- B. **Survey.** A minor partition survey plat must be recorded with Linn County no later than January 31, 2022. 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 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(s) on the final plat.
    - b. Show the existing 7' wide PUE along the north property boundary.
    - c. Show & reference the 25' access easement and maintenance agreement for the access driveway to serve 248 & 254 SW Ivy Street.
- C. **Issuance of Building Permits:** After the City issues the Notice of Decision for this minor partition approval, the City of Mill City may issue one building permit prior to the recording of the partition plat. The applicant must comply with all the conditions of approval listed below in Condition D "Public Works Requirements" and Condition E "Landscaping and Fencing". No other building permits will be issued until the partition plat is filed and recorded in the Linn County Survey Records.
- D. **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. **SW Ivy Street:** The property owner will record a deferral non-remonstrance agreement for future street improvements.

***Water & Sewer Services:***

  3. Tap into the 8" water main on SW Ivy Street and install individual water services for each parcel prior to or concurrently with the issuance of any building permit. All water service



lines and meters shall be installed as a single project.

4. Obtain plumbing permits and install individual sewer interceptor tanks for each parcel prior to or concurrently with the issuance of any building permit. The Public Works Supervisor may authorize the use of an existing sewer interceptor tank and sewer lateral, as long as the interceptor tank and sewer lateral are on the parcel where the home is located. Existing interceptor tanks and service laterals may not encroach over any property lines.

***Storm Drainage Plans:***

5. Storm drainage shall be detained or retained on site using low impact storm water management facilities, such as rain gardens and infiltration trenches. The applicant for a building permit shall submit and obtain approval plan details for the rain garden and storm water infiltration trench adjacent to the joint access driveway with each set of building plans. The City shall approve the on-site storm drainage plan for each parcel prior to the issuance of any building permit.

***Access Driveway Requirements***

6. Provide a copy of the recorded driveway easement to the City. Construct a 20' wide paved driveway to the rear parcels (248 & 254 SW Ivy Street), including a paved turnaround area, as shown on Figure 3 and per PWDS Section 2.28 and 2.29. Construct the storm drainage infiltration trench on the east side and west side of the driveway at the time the paved driveway is constructed.
7. Provide a clear vision area on both sides of the 25' wide access easement at SW Ivy St per PWDS Section 2.22
8. Install address signs near SW Ivy Street for 248 & 254 SW Ivy Street. Install address numbers on each new home at 230 & 272 SW Ivy Street.
9. The edge of the driveways for Parcel 1 and Parcel 2 shall be approximately 50' from the edge of the 25' joint access easement, as shown on Figure 3 and in compliance with PWDS Section 2.29.

**E. Site Landscaping and Fencing**

1. The developer shall show landscaping for the storm drainage rain garden, including plantings, as part of the building plans for each parcel.
2. Landscaping shall be installed within six months of the issuance of a certificate of occupancy for each home. If landscaping is not completed, the City may withhold the issuance of buildings permits on the remaining lots in the partition.

## **IV. 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 conditions of approval for File 2020-11.
- 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 2020-11 Minor Partition

Approval:	To approve the minor partition application of Scott and Shelly Baughman and to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2020-11.
Approval (modified):	To approve the minor partition application of Scott and Shelly 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. 2020-11.
Continue:	To continue deliberations to the next meeting of the Planning Commission on <b>(insert DATE and TIME)</b> so the parties may submit additional information.
Denial:	To deny the application because the applicant has not demonstrated the proposal complies with all of the Mill City 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.

# **Agenda Item 6**

## **Old Business**

- a. Mill City Zoning Code Amendments**
  - i. 17.80 – Riparian Code**



**David W. Kinney**  
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**January 11, 2021**

**To: Chair Marge Henning and Planning Commissioners**  
**CC: Stacie Cook, MMC, City Recorder**  
**From: David W. Kinney, Planning Consultant**   
**In RE: Chapter 17.80 – Riparian Standards for City-Owned/Publicly-Owned Properties**  
**Public Hearing DRAFT**

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The City of Mill City's Total Maximum Daily Load (TMDL) plan has been approved by the Oregon Department of Environmental Quality (DEQ). It lists action steps the City will take to minimize pollution to the North Santiam River from mercury, bacteria and increasing water temperatures. The City's approved TMDL plan states the city will adopt riparian protection measures in the Zoning Code.

The Planning Commission's work program, approved in March 2020, recommends the City adopt a zoning code amendment to protect the riparian corridor along the North Santiam River for all publicly owned parcels in the City by June 30, 2021. Over the past six months, a subcommittee of the Planning Commission has met several times to review the proposed riparian code amendments for publicly owned properties. In December 2020 they recommended the City adopt the proposal.

The proposed Chapter 17.80 of the Mill City Zoning Code complies with:

- DLCD's Goal 5 requirements and OAR 660-23-090.
- Mill City Comprehensive Plan Natural Resource Goals and Policies

Linn County's GIS staff has prepared maps showing riparian corridors in Mill City that comply with DLCD's OAR 660-023 "safe harbor" requirements for the North Santiam River and smaller tributaries. The City Council concurs with proceeding with the amendments.

A public hearing before the Planning Commission will be held on February 16, 2021. Staff will prepare a staff report and DRAFT FINDINGS prior to the public hearing.

## **Enclosures:**

**A. Chapter 17.80 – Riparian Requirements for City-owned Properties.**

**B. Appendices**

- 1. Mill City Riparian Corridor Maps**
- 2. Mill City Zoning Code – Section 17.44.120 – Land Use Action on the N. Santiam River**
- 3. Mill City Comprehensive Plan – Chapter 5 "Natural Resource Goals & Policies"**
- 4. OAR 660-23 "Goal 5 Resource Protection" requirements for Local Governments**

**Planning Commission Public Hearing DRAFT**  
**February 16, 2021 -- 6:30 p.m.**  
**City Hall, -- 444 1<sup>st</sup> Avenue, Mill City, Oregon**

**Mill City Zoning Code Amendments**  
**Riparian Corridor – Publicly Owned Properties**

**17.80 RIPARIAN CORRIDORS**

**17.80.010 Purpose and Intent**

Chapter 17.80 applies to properties in the Public Zone and to publicly-owned parcels in other zones that abut the North Santiam River and its tributaries in the City of Mill City.

The purpose of Chapter 17.80 is to protect and restore riparian corridors and their associated water bodies, because of the multiple social and environmental functions and benefits these areas provide individual property owners, communities, and the watershed. Specifically, this Chapter is intended to:

- A. Protect habitat for fish and other aquatic life,
- B. Protect habitat for wildlife,
- C. Protect water quality for human uses and aquatic life,
- D. Protect associated wetlands,
- E. Control erosion and limit sedimentation,
- F. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
- G. Reduce the effects of flooding, and
- H. Reserve space for storm water management facilities, other utilities and linear parks.

Chapter 17.80 is based on the “safe harbor” approach as defined in Oregon Administrative Rules (OAR), Chapter 660-23-0090(5) and (8).

This Chapter excludes new structures from riparian buffer areas established around fish-bearing streams and adjacent wetland in Mill City. This Chapter also limits vegetation removal or other alteration in these buffers and establishes a preference for native vegetation in the buffers.

## 17.80.020 Definitions

- A. Fish Use: Streams inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from the natural resources inventory in the Mill City Comprehensive Plan or a statewide inventory prepared by the Oregon Department of Fish and Wildlife.
- B. Impervious Surface: Any material that reduces and prevents absorption of storm water into previously undeveloped land.
- C. Lawn: Grass maintained as a ground cover of less than six (6) inches in height. For purposes of this Chapter, lawn is not considered native vegetation regardless of the species used.
- D. Mitigation: Mitigation includes taking one or more of the following actions listed in order of priority:
  - 1. Avoiding the impact altogether by not taking a certain development action or part of that action;
  - 2. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
  - 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - 4. Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the development action by monitoring and taking appropriate corrective measures;
  - 5. Compensating for the impact by replacing or providing comparable substitute resources or environments.
- E. Net Loss: Net loss means a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures taken.
- F. Non-conforming: A structure or use that does not conform to the standards of Title 17 of the Mill City Municipal Code as of July 1, 2021. Non-conforming uses are not considered violations and are generally allowed to continue or be maintained, subject to the requirements of MCMC Chapter 17.48.
- G. Off-Site Mitigation: Habitat mitigation measures undertaken on property that is not part of the development site, which are intended to benefit fish and wildlife populations other than those directly affected by the proposed development activity.
- H. On-Site Mitigation: Habitat mitigation measures undertaken within or in immediate proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.
- I. Riparian Area: The area adjacent to a river, lake, stream, or wetland, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. A Goal 5 resource defined by OAR 660-023-0090 (1)(b).
- J. Riparian Corridor: A protected zone within the riparian area where placement of new structures, surface alteration and disturbance, and vegetation removal, is limited or prohibited in order to preserve the environmental and social benefits of the riparian area.

- K. Riparian Corridor Boundary: An imaginary line that is a certain distance upland from the waterbody top of the bank.
- L. Safe Harbor: A safe harbor has the meaning given to it in OAR 660-023-0020(2). A "safe harbor" consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify "significant" riparian corridors using the safe harbor criteria under OAR 660-023- 0090(5) rather than follow the general requirements for determining "significance" in the standard Goal 5 process under OAR 660-023-0030(4). The safe harbor distances for waterways in Mill City are identified in MCMC Section 17.80.030
- O. Stream: A channel such as a river or creek that carries flowing surface water including perennial and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
- P. Structure: A building, accessory building, viewing platform, deck or other structure that is built, constructed or installed, not including minor improvements, such as utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.
- Q. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposed of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specification which are solely necessary to assure safe living conditions, or
  2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- R. Top of Bank: Means the stage or elevation at which water overflows the natural banks of streams or other water of the state, and begins to inundate the upland areas. In absence of physical evidence, the two-year recurrence interval flood elevation will be used to approximate the "bank full" stage or delineate the top of bank.

For the North Santiam River, the approximate location of the "top of bank" are shown in Appendix "A", attached hereto and hereby made a part of this ordinance.

Linn County GIS has prepared a set of GIS maps showing the 75' safe harbor riparian corridor for the North Santiam River and a 50' safe harbor riparian corridor for the other creeks in the Mill CityUGB.



### 17.80.030 Identifying Riparian Areas and Establishing the Location of the Riparian Buffer

- A. The inventory of significant riparian areas contained in the *Natural Resources Element of the Mill City Comprehensive Plan* lists fish-bearing streams.
- B. The following riparian buffers, as shown on the maps in Exhibit “A”, are adopted for fish-bearing stream segments in the City of Mill City:

#### *Stream Sizes w/ Annual Average Flow less than 1000 cfs*

1. Cedar Creek shall have a buffer of 50 feet from the top of bank.

Affected City Parcels: The “Reid House” site, Cedar Creek Park, including the bike/pedestrian trail east of NE 5<sup>th</sup> Avenue abut Cedar Creek.

- New structures on the “Reid House” site will need to comply with this 50’ safe harbor.
- A replacement bridge is planned to replace the bridge over Cedar Creek that was destroyed in September 2020 by the Beachie Creek wildfire. The bridge is located on the bicycle/pedestrian trail adjacent to the N. Santiam River.

2. Elizabeth Creek shall have a buffer of 50 feet from the top of bank except as identified below;

- a. Riparian setbacks within the Village at Santiam Pointe subdivision shall be in accordance with the riparian and wetlands study, prepared by Fishman Environmental Services, January 1999 (FES Project #98110), as approved by the Mill City Planning Commission, (File No. 1998-10-13), and designated on the approved site plans for individual lots in the subdivision.

Affected City Parcels: Mill City Falls Park property on Wall Street. The City has constructed a new parking lot west of Elizabeth Creek. See File 2019-04 - “Pacificorps EV Charging Station and Parking Lot Plan” for Lot 20. The parking lot is outside the Conservation Easement. The edge of the conservation easement is less than 50’ from the creek in several locations.

In 2007-2008, the City and the Marion Soil & Water Conservation Service collaborated on a planting project for a short section of Elizabeth Creek that crosses Mill City Falls Park. The plants have not survived. The Mill City Falls Park plan shows restoration of native plantings adjacent to Elizabeth Creek and protection of existing wetlands east of the creek on Lot 19 of the Village at Santiam Pointe subdivision..

3. DeFord Creek and Snake Creek shall have a minimum buffer of 50 feet from the top of bank.<sup>1</sup>

The North Santiam Watershed Council’s restoration plan recommends a 35’ to 50’ riparian buffer from the top of the streambank. DeFord and Snake Creek are almost entirely outside the City Limits & UGB. The City does not own any land along DeFord Creek or Snake Creek. Linn County owns Tuers Lane along the edge of Snake Creek.

<sup>1</sup> See the *DeFord Creek Assessment and Restoration Concepts Plan, Final Report*, prepared for the North Santiam Watershed Council by the River Design Group, Inc., June 23, 2010. A copy is on file at City Hall in Mill City.

The *DeFord Creek Assessment and Restoration Plan* recommends a 35’ to 50’ riparian buffer from the top of the streambank, Section 5.6.3, page 41. DeFord and Snake Creek are almost entirely outside the City Limits & UGB. Most property along

***Stream Sizes w/ Annual Average Flow greater than 1000 cfs***

4. The North Santiam River shall have a minimum buffer of 75 feet from the “bank full” stage of the river, as shown on the maps in Appendix “A”, except as identified below:

The City owns several properties abutting the N. Santiam River:

**NORTH SIDE OF RIVER**

1. Cedar Creek Park (NE 5<sup>th</sup> east to ½ mile beyond city limits). Pedestrian Trail & Greenway.
2. Mill City Falls Park (1<sup>st</sup> & Wall Street)
3. Hammond Park
4. Steep Bank (river side NW Alder & NW River Rd.) -- 7-Eleven to almost NW 8<sup>th</sup> Place.

**SOUTH SIDE OF RIVER**

1. Narrow strip from SE Remine Rd. to Kimmel Park
2. Kimmel Park
3. RR Bridge
4. 0.35-acre parcel north of RR Bridge
5. SW 11<sup>th</sup> St. ROW to river.

**OTHER PUBLICLY OWNED PARCELS**

1. Mill City Fire District
2. Linn County (1<sup>st</sup> Avenue Vehicle Bridge)

5. Where the riparian buffer includes all or portion of a significant wetland as identified in the *City of Mill City Local Wetlands Inventory*<sup>2</sup>, the riparian buffer shall be at least 50 feet and shall be measured from and include the upland edge of the wetland.

Applies to Elizabeth Creek on Lot 20 in the Village at Santiam Pointe Subdivision.

6. The measurement of the riparian buffer shall be measured from the top of the bank (as shown on the maps in Appendix A). The measurement shall be slope distance. In areas where the top of each bank is not clearly defined, the riparian buffer shall be measured from the ordinary high-water level, or the line of non-aquatic vegetation, whichever is most landward.

**17.80.040 Protecting Riparian Resource by Managing Activities in the Riparian Buffer**

- A. The permanent alteration of the riparian buffer by grading or by the placement of structures, sidewalks, decks, patios, paved areas or other impervious surfaces is prohibited.

DeFord Creek or Snake Creek is privately owned. The City of Mill City has a culvert crossing in the City of Mill City’s SE 4<sup>th</sup> Avenue right-of-way. The two 30” concrete culverts are undersized. DeFord Creek abuts and crosses two Linn County roads (Tuers Lane and SW Kingwood Avenue). The plan provides specific riparian restoration actions for each private parcel and public properties along the two creeks.

<sup>2</sup> See the adopted *City of Mill City Local Wetlands Inventory* (2011). Map is available at City Hall or view the map at the Oregon Department of State Lands (DSL) website: [DSL - Local Wetlands Inventories](#)

- B. The outdoor storage of materials, motor vehicles, recreational vehicles or other items in the riparian area is prohibited.
- C. Removal of riparian vegetation in the buffer is prohibited, except for:
  - 1. Removal of non-native vegetation and replacement with native plant species. At a minimum, replacement vegetation shall cover the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation;<sup>3</sup> and
  - 2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use; and
  - 3. Trees in danger of falling or that pose a hazard to life or property may be trimmed or removed. If no hazard will be created, the City may require a tree, once felled, to be left in place in the protected riparian corridor. The City Recorder may require replacement trees to be planted with native tree species. The City may consult with an arborist, the Oregon Department of Forestry, Oregon Fish and Wildlife Department, North Santiam Watershed Council and Soil and Water Conservation Districts or other professional foresters for recommendations; and
  - 4. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities; and
  - 5. Removal of trees under a commercial harvesting permit granted by the Oregon Department of Forestry.
- D. Permitted Vegetation Management Exception: The following activities are permitted and are not required to meet the standards of this section.
  - 1. Annual or biannual mowing of native grasses, as a part of a vegetation management plan to prevent the incursion of undesirable non-native weed species is allowed.
  - 2. Removal of invasive species and non-native vegetation.
  - 3. Native Plant replacement or restoration projects
- E. Exceptions: The following uses may be permitted. The applicant must obtain a riparian development permit as required in Section 17.80.050 and must obtain applicable state and/or federal permits as required in Section 17.80.070.
  - 1. Pedestrian/bicycle paths and recreational trails;
  - 2. Public and private utilities;
  - 3. Parks and recreation facilities, such as viewpoints, picnic tables, trash receptacles, play equipment, or similar facilities;
  - 4. Irrigation pumps;

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<sup>3</sup> The City will utilize a recognized list of native and non-native plant species [e.g. *Guide for Using Willamette Valley Native Plants Along Your Stream*, Linn Soil & Water Conservation District, October 1998] or similar information sources. The City will consult with the North Santiam Watershed Council, Linn Soil and Water Conservation District or the Marion Soil and Water Conservation District or ODFW when planning a streamside restoration project.

5. Drainage facilities;
6. Stormwater detention, retention and water quality treatment facilities designed to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation).
7. Water-related and water-dependent uses (for example boat launch, fishing dock);
8. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; [e.g. existing picnic shelter, pump station, etc.].
9. Structures within the protected riparian corridor may be expanded provided the expansion does not occur within the riparian buffer. Substantial improvement of a non-conforming structure in the riparian buffer shall require compliance with the non-conforming use standards of this Chapter and MCMC Chapter 17.48;
10. Existing lawn and non-native plantings within the riparian buffer may be maintained, but not expanded within the protected area. New development activities on the property do not permit replacement of vegetation in the riparian buffer with lawn; and
11. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the riparian buffer shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

#### **17.80.050 Riparian Development Permit Requirements**

- A. Permit Required. Any person proposing a development activity on a lot, where any portion of the proposed development activity is within the riparian buffer, shall file an application with the City and obtain city approval of a riparian development permit before proceeding.<sup>4</sup>
  1. A development activity includes:
    - a. New building construction;
    - b. A deck, patio or addition to an existing structure;
    - c. A subdivision, partition or lot line adjustment;
    - d. The removal of trees or other vegetation in the riparian area, not including those trees removed in accordance with Section 17.80.040 (C).
    - e. The addition or removal of fifty (50) cubic yards of soil within the riparian area; *(A DSL Fill & Removal Permit is required when the activity is within a jurisdictional waterway or wetland);*
    - f. Construction of a driveway or parking area;

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<sup>4</sup> If the development activity is outside the riparian buffer area, a riparian development permit is not required.

- g. Installation of a public and/or private utility;
  - h. A park and recreation facility;
  - i. Drainage facilities and stormwater treatment facilities;
  - j. Water-related and water-dependent uses (for example boat launch, fishing dock);
  - k. Replacement of existing structures or other non-conforming alterations existing fully or partially within the protected riparian buffer;
  - l. Shoreline stabilization and flood control structures; and
  - m. Any other development activity which directly impacts the riparian area.
2. Exceptions. The following activities within the riparian buffer are exempt from City review and do not require a riparian development permit from the City.
- a. Removal of vegetation within the riparian area in compliance with Section 17.80.040.
  - b. Repair or remodel of an existing structure that does not disturb additional riparian surface area;
  - c. Replacement of an existing structure with a new structure in the same location that does not disturb additional riparian surface area;
  - d. Construction and/or replacement of a pump house, irrigation equipment or facility;
  - e. The restoration or maintenance of an historic structure including railroad bridge and abutments, walls, pilings and water intake areas.
  - f. Park and recreation equipment and appurtenances, such as picnic tables, trash receptacles, play equipment, or similar facilities;
  - g. Native plant replacement or restoration projects.
- B. Application. An application for a riparian development permit shall be submitted to the City in accordance with the provisions of Section 17.64.060. A filing fee in accordance with the provisions of Section 17.64.070 shall be submitted with the application. The application shall include:
- 1. A site plan, drawn to scale, showing all property lines, proposed lot lines, existing and proposed structures. The plan must include the names of the applicant, property owner, date, north arrow and scale of the drawing.
  - 2. The following items must be shown on the site plan:
    - a. all existing and proposed structures;
    - b. existing and proposed streets, easement and utilities;
    - c. the location of waterways, the top of the stream or waterbody bank, the riparian buffer boundary and areas of riparian vegetation.
    - e. the location and direction of drainage channels and the location of areas subject to flooding, including any identified wetlands.
    - f. natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.

3. If the proposal includes development within the identified riparian buffer identified in MCMC Section 17.80.030, then the applicant must submit the following information:
  - a. Uses that will occur within the protected riparian corridor and potential impacts (for example: storm drainage runoff, chemical runoff, noise, etc.);
  - b. The extent of vegetation removal proposed;
  - c. Characteristics of existing vegetation (types, density);
  - d. Any proposed grading, fill, or alterations of topography or drainage patterns,
  - e. Existing uses on the property and any potential impacts they could have on riparian resources, and
  - f. Proposed mitigation plans to reduce negative impacts on the riparian corridor.
- C. Hearing and Action on a Riparian Development Permit. Before the planning commission may act on an application for a riparian development permit, it shall hold a public hearing in accordance with the provisions of Sections 17.64.080 and 17.64.090.
  1. Hearing notice shall also be provided to the Oregon Department of Fish and Wildlife, the Oregon Division of State Lands, the Oregon Department of Forestry and the North Santiam Watershed Council.
  2. Decision and Conditions of Approval. After the public hearing is closed, the planning commission shall either approve or deny the application. In approving the application, the planning commission may impose conditions as outlined in subsection (F) of this section. Additional state or federal permits may be required.
- D. Decision Criteria. In order for the City to approve a riparian development permit, the City shall conclude the proposal complies with all of the following criteria.
  1. The proposal is allowed as a permitted or conditional use in the zone.
  2. The proposal complies with the riparian setback requirements in MCMC Section 17.80.030.
  3. The proposal complies with the riparian protection requirements in MCMC Section 17.80.040.
  4. The proposed use includes actions to protect existing fish and wildlife habitat, including such items as stream bank erosion/stabilization and water quality degradation.
  5. If the proposed use or activity is within a special riparian or wetlands study area, that the special riparian/wetlands plan has been approved by the Mill City Planning Commission and the proposal complies or can comply with recommended mitigation measures in the plan.
  6. The applicant has obtained or applied for applicable regulatory permits approved by the Division of State Lands, Oregon Department of Fish & Wildlife, U. S. Army Corps of Engineers or other state or federal regulatory agency.
- E. Basis for Denial: The Planning Commission may deny a riparian permit application if it concludes the proposal does not or cannot comply with the approval criteria and/or cannot be conditioned to mitigate its adverse impact on the riparian corridor.

- F. Conditions of Approval: The City may impose conditions of approval in order to maintain, enhance and protect the riparian area and existing fish and wildlife habitat along the river. Conditions of approval may include, but are not limited to, the following:
  - 1. Replacement of trees or natural vegetation removed due to the development activities.
  - 2. Planting of new trees or native vegetation to restore the riparian corridor. Planting shall be with riparian plant species appropriate to western Oregon. The Planning Commission may require the applicant to work with the North Santiam Watershed Council or the Linn/Marion Soil and Water Conservation District to develop an approved mitigation or planting plan.
  - 3. Requirement of additional or special setbacks from the water's edge, the top of the bank or from the edge of the identified the riparian buffer.
  - 4. Installation of a landscape buffer or fencing outside the riparian buffer to protect the riparian corridor.
  - 5. Compliance with mitigation recommendations in a riparian or wetlands mitigation plan approved by the Planning Commission.
  - 6. Compliance with all requirements imposed under a permit issued by a state or federal regulatory authority.
- G. Time Limit for an Approved Riparian Development Permit.
  - 1. Approval of a riparian development permit that involves the construction or expansion of a building shall expire two years after the date of the written Notice of Decision unless a building permit application has been filed. However, upon written request, the planning commission may grant one extension, not to exceed two years, to complete the project.
  - 2. Approval of a riparian development permit for a use or development activity that does not involve construction or expansion of a building shall expire five years after the date of the written Notice of Decision.
  - 3. Approval of a riparian development permit for a partition or subdivision shall expire two years after the date of the written Notice of Decision, if a final plat has not been filed and recorded. The City may issue building permits for construction of new buildings within the approved land division for a period of up to seven (7) years from the date the final plat is recorded with the county as long as the applicant fully complies with the conditions of approval of the riparian development permit.
  - 4. Riparian development approvals are not transferable.

#### **17.80.060 Adjusting Riparian Buffers**

- A. Alteration of the riparian buffer, as shown on the maps in Exhibit "A", is allowed subject to the conditions in an approved riparian development permit, compliance with an approved mitigation plan or a permit issued by a state or federal regulatory authority.
- B. Proposals for modification of the riparian buffer will be referred to affected agencies, including but not limited to, the North Santiam Watershed Council, the Oregon Department of Fish and Wildlife (ODFW), the Division of State Lands (DSL) or the U. S. Army Corps of Engineers. The agency review

and/or mitigation recommendations from the regulatory agency shall be included in the record. For purpose of implementing Statewide Planning Goal 5, the goal is no net loss of protected resources and no net loss of habitat values.

- C. Variance. Variances to requirements in Chapter 17.80 are not permitted on City-owned properties.

#### **17.80.070 Compliance with State and Federal Regulations**

All activities wholly or partially within riparian corridors and subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and the U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state, or federal regulations, the more restrictive regulations shall apply.

In addition, the City may defer its authority under Chapter 17.80 to allow for the implementation of a restoration plan, action plan or joint permit issued by the Division of State Lands, Oregon Department of Fish and Wildlife, the U. S. Army Corps of Engineers and/or Linn/Marion County, upon submittal of a copy of the approved permit to the City. Such plans or permits may include, but are not limited to:

- A. Fill Removal Permits
- B. Fish Habitat General Authorizations
- C. Other General Authorization Permits
- D. Large Wood General Authorization Permit
- E. Flood Plain Permit

#### **17.80.080 Penalties**

Any activities within a riparian buffer not authorized under this Chapter are a violation. Violators shall be subject to the enforcement procedures pursuant to Chapter 17.64 of this Code. A violation of this Chapter shall be considered a separate offense for each day the violation continues.

#### **17.80.090 Conflicts**

To best protect important functions and values of riparian buffers in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

#### **17.80.100 Severability**

The sections and subsections of this Chapter are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections, or permit approvals and prosecutions brought pursuant to this section.



# Mill City Riparian Code

## APPENDICES

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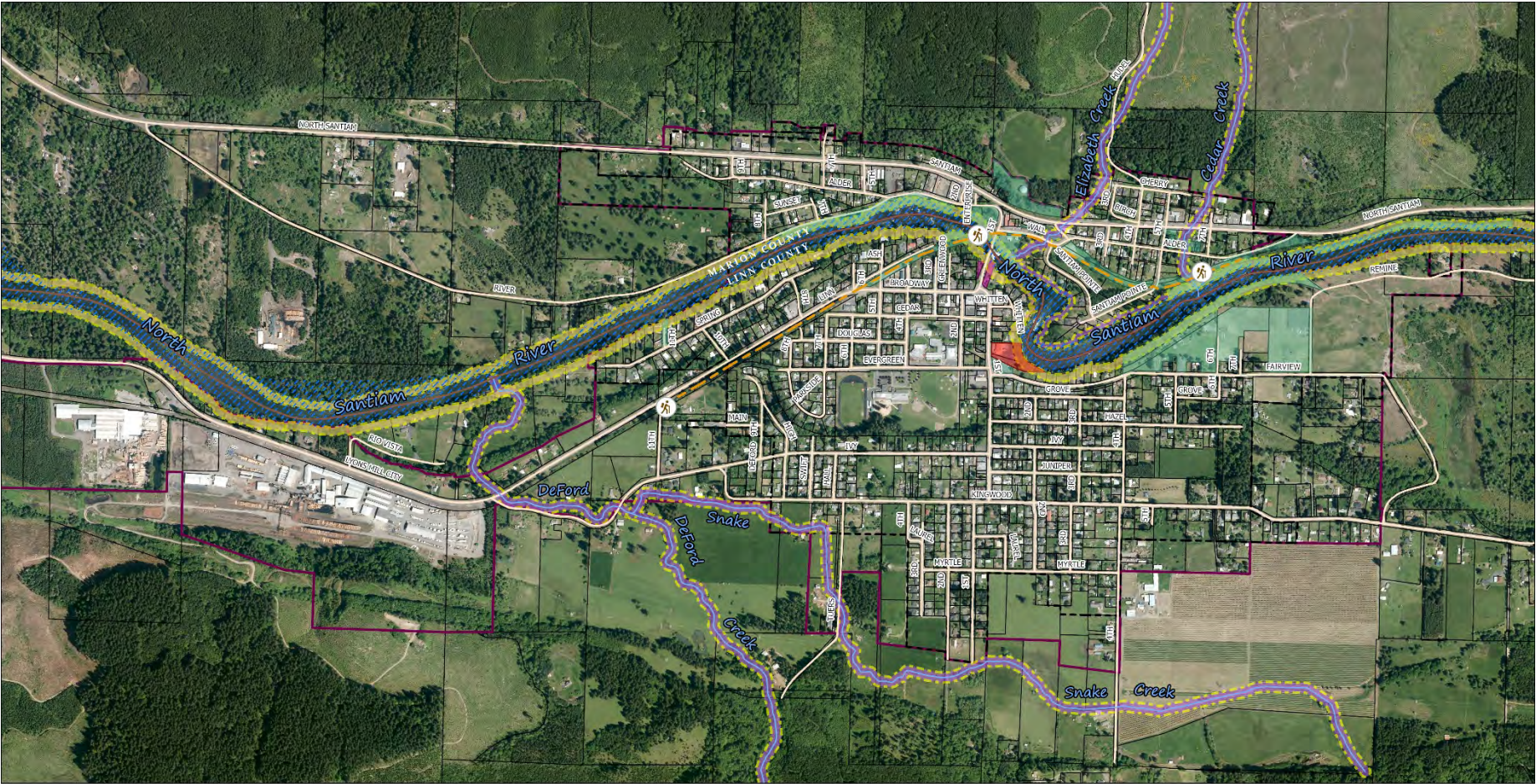
1. Mill City Riparian Corridor Maps (7 Maps)
2. Mill City Zoning Code: Land Use Actions on N. Santiam River
3. Mill City Comprehensive Plan: Chapter 5- Natural Resources Goals and Policies
4. OAR 660-23 “Goal 5 Resource Protection” Requirements for Local Governments

## Appendix 1

### Maps of Riparian Corridors in Mill City, Oregon

<u>Map Number</u>	<u>Name and Description</u>
Citywide Map	Mill City Riparian Corridors
Map DS-1	DeFord Creek & Snake Creek: West UGB to Tuers Lane
Map DS-2	DeFord Creek & Snake Creek: Tuers to East UGB
Map EC/CC	Elizabeth Creek and Cedar Creek
Map NSR-1	North Santiam River West: UGB Limits to SE 8 <sup>th</sup> Avenue
Map NSR-2	North Santiam River Center: SE 8 <sup>th</sup> Avenue to Fire Hall
Map NSR-3	North Santiam River Center: Railroad Bridge to Kimmel Park
Map NSR-4	North Santiam River East: Kimmel Park to East UGB Limits

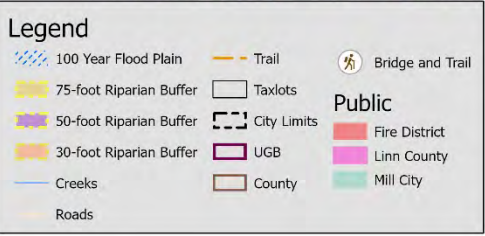




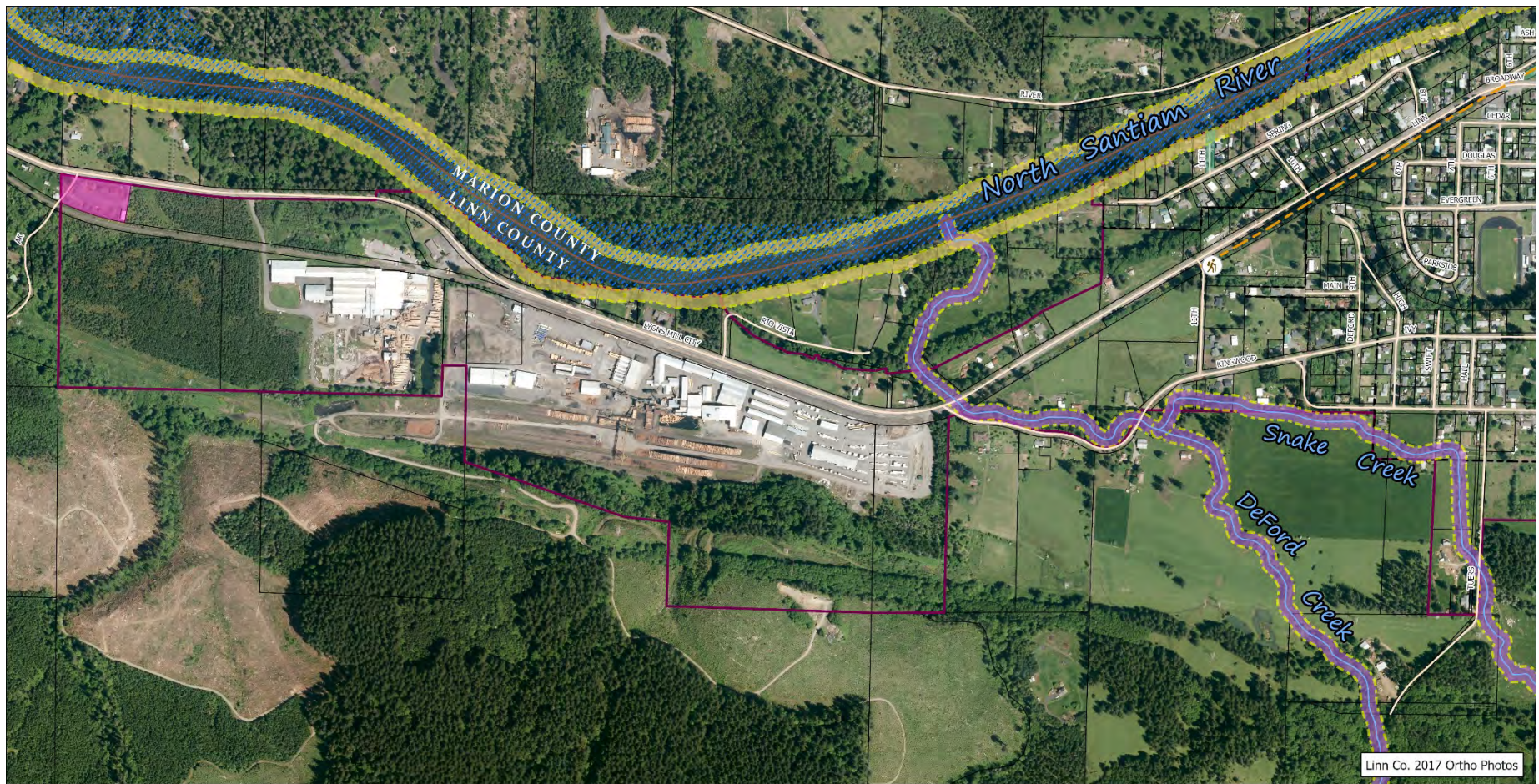
Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

## Mill City Riparian Corridor

0 0.1 0.2 0.4 0.6 0.8 Miles







Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

## Mill City Riparian Corridor DS-1 Deford Crk / Snake Crk

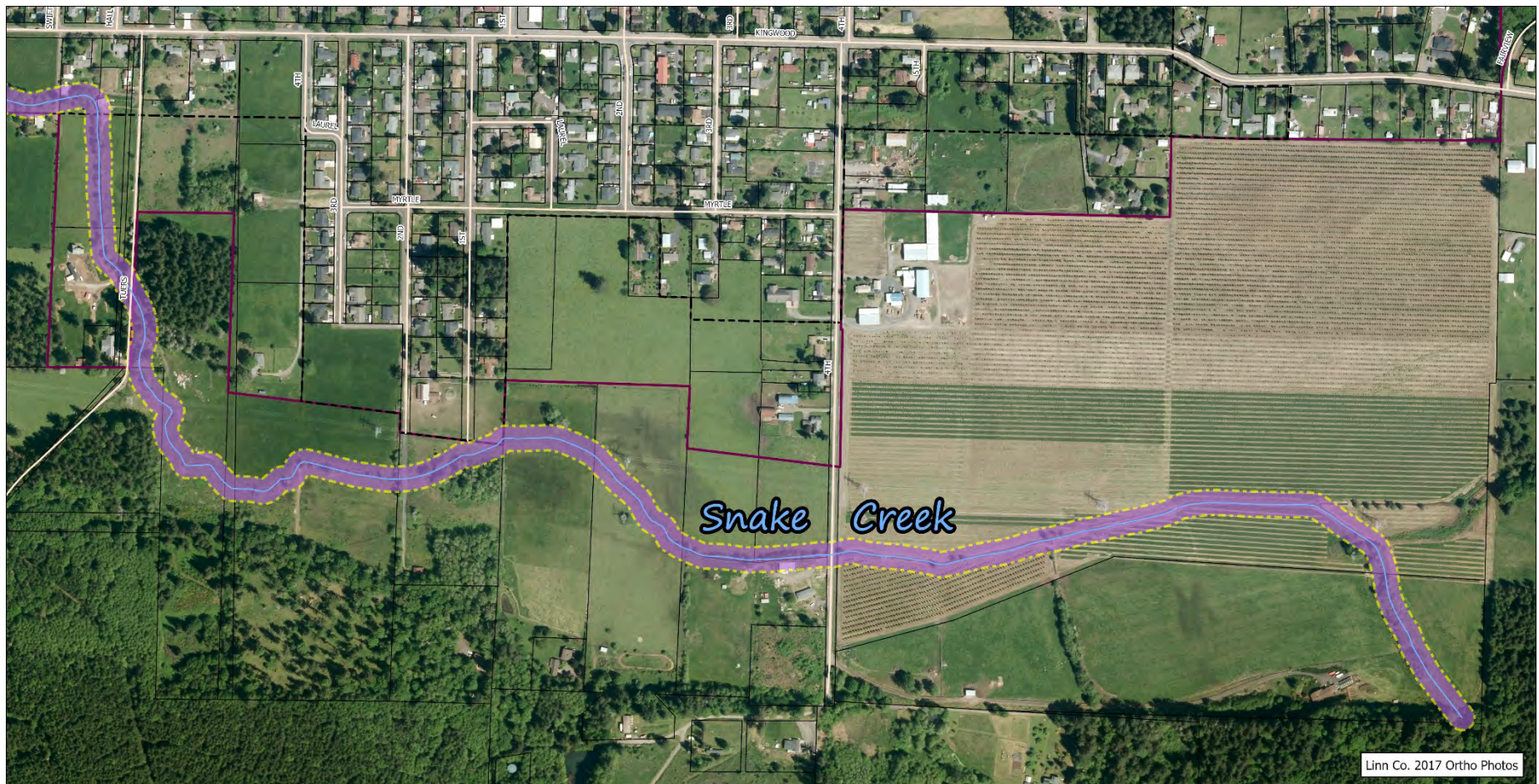
0 0.05 0.1 0.2 0.3 0.4 Miles

### Legend

100 Year Flood Plain	Roads	County
75-foot Riparian Buffer	Trail	Public
50-foot Riparian Buffer	Taxlots	Fire District
30-foot Riparian Buffer	City Limits	Linn County
Creeks	UGB	Mill City
		Bridge and Trail







Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

## Mill City Riparian Corridor DS-2 Tuers Ln East / Snake Creek

0 0.05 0.1 0.19 0.29 0.38 Miles







Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

## Mill City Riparian Corridor Elizabeth Creek / Cedar Creek

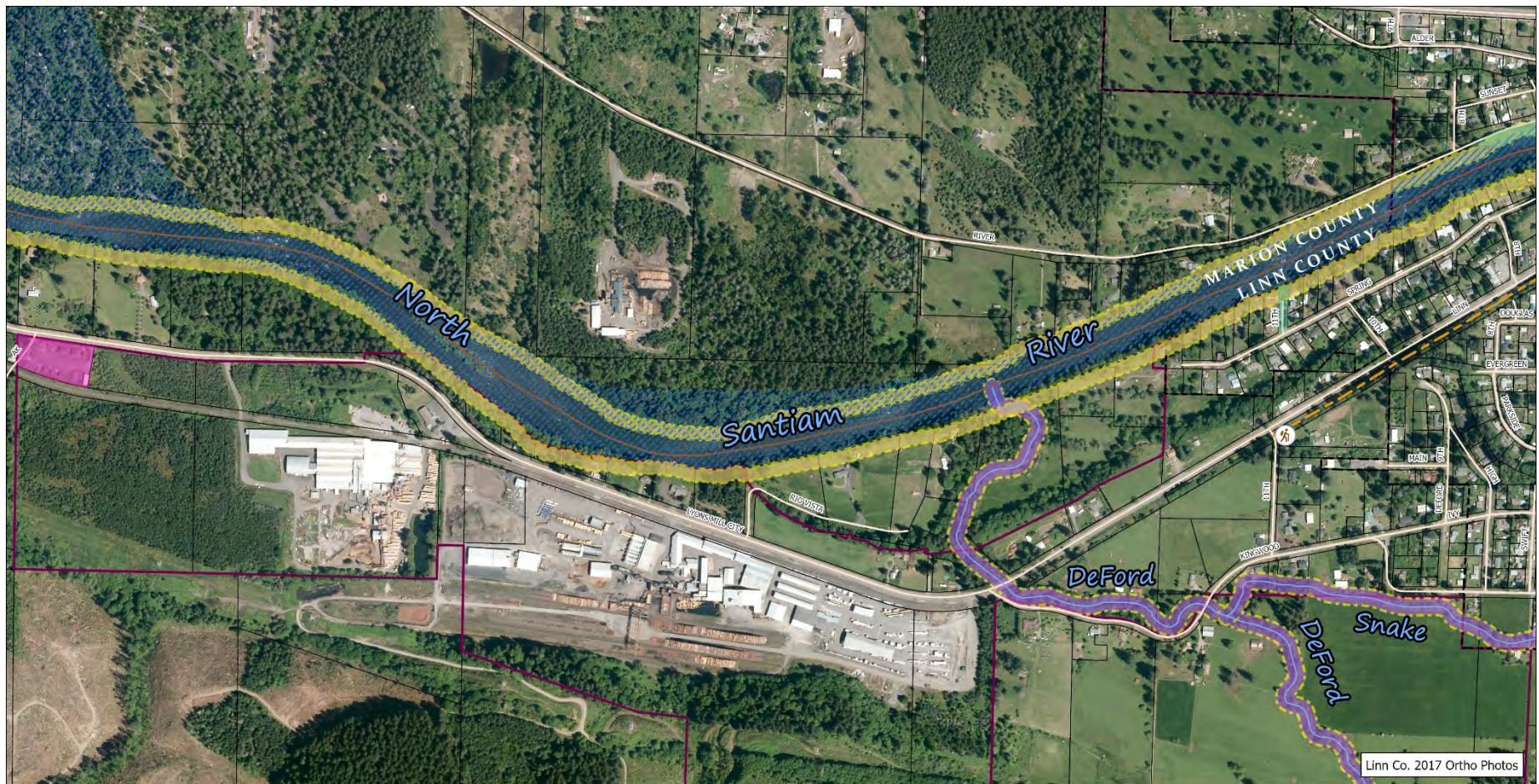
0 0.05 0.1 0.2 0.3 0.4 Miles

### Legend

- |                         |             |                  |
|-------------------------|-------------|------------------|
| 100 Year Flood Plain    | Trail       | <b>Public</b>    |
| 75-foot Riparian Buffer | Taxlots     | Fire District    |
| 50-foot Riparian Buffer | City Limits | Linn County      |
| 30-foot Riparian Buffer | UGB         | Mill City        |
| Creeks                  | County      | Bridge and Trail |
| Roads                   |             |                  |

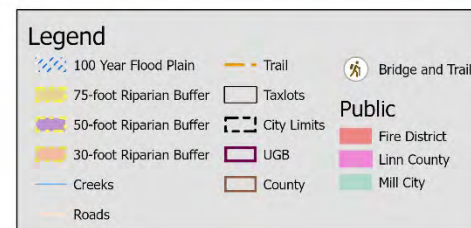
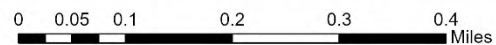




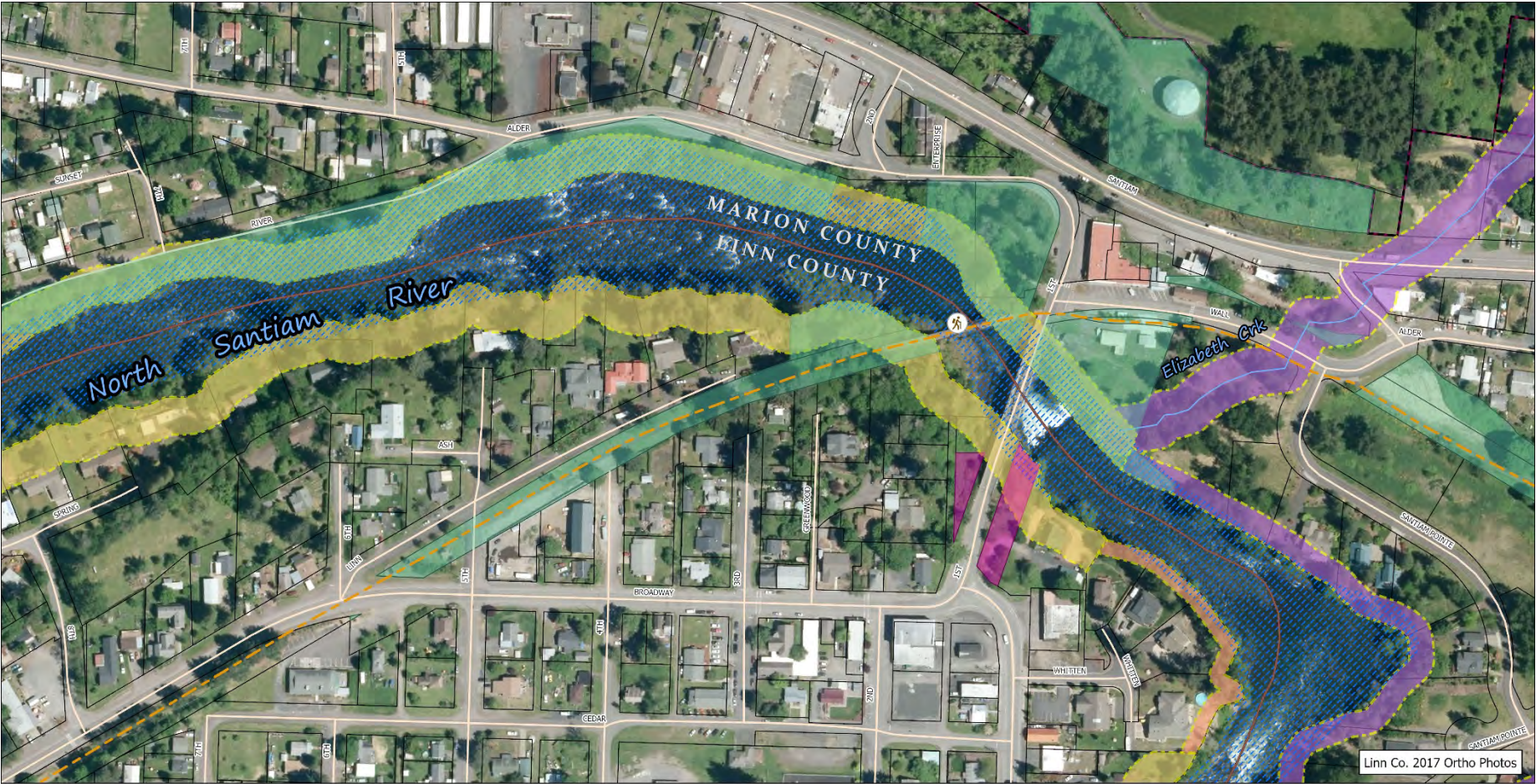


Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

# Mill City Riparian Corridor NSR -1 West







Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

## Mill City Riparian Corridor NSR -2 Center

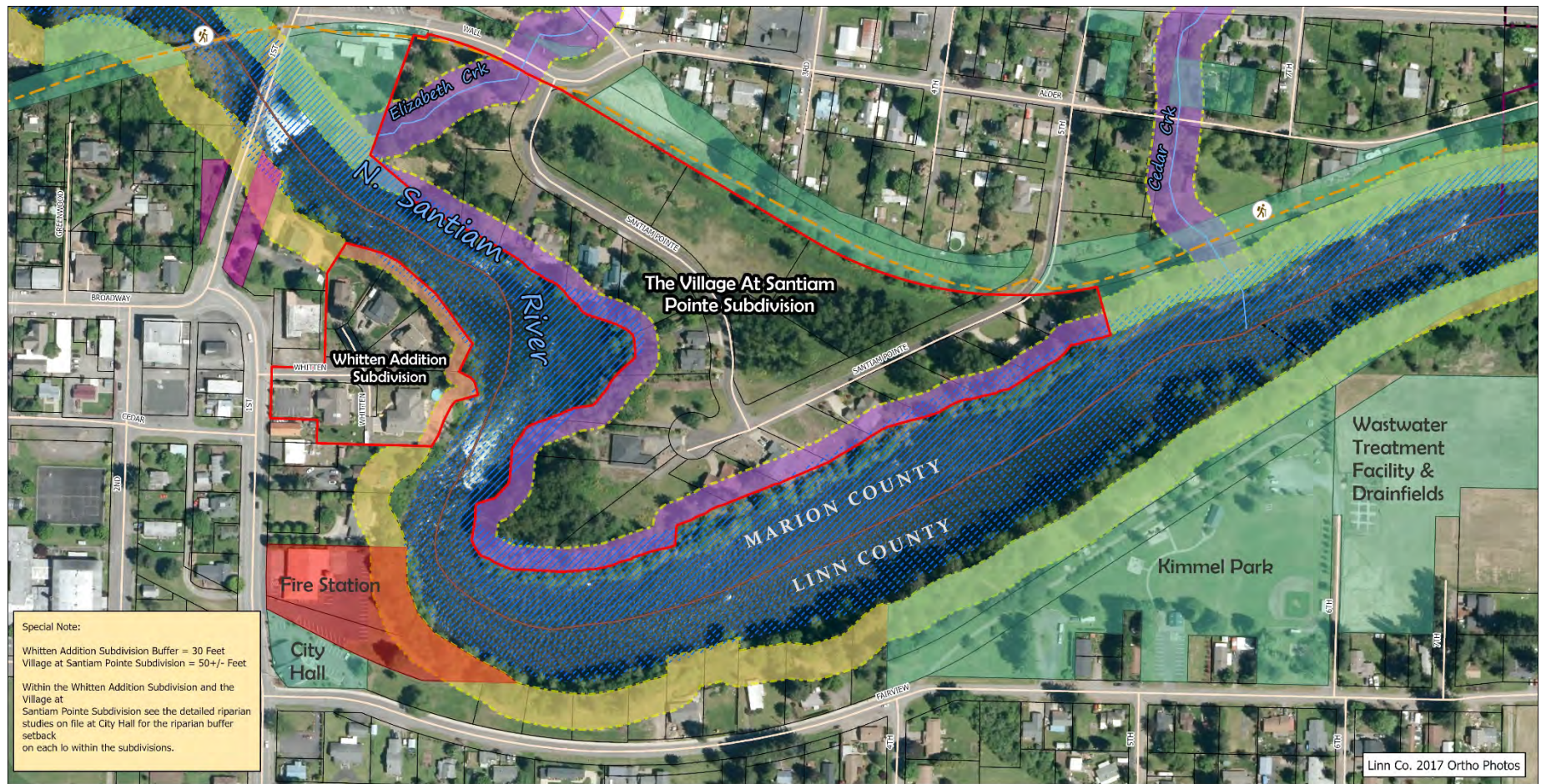
0 0.05 0.1 0.2 0.3 0.4 Miles

**Legend**

- 100 Year Flood Plain
- 75-foot Riparian Buffer
- 50-foot Riparian Buffer
- 30-foot Riparian Buffer
- Creeks
- Roads
- Trail
- City Limits
- UGB
- County
- Taxlots
- Public
  - Fire District
  - Linn County
  - Mill City
  - Bridge and Trail







Map Prepared by: Linn County GIS Department  
 Map Date: January 6, 2020

## Mill City Riparian Corridor NSR -3 Center

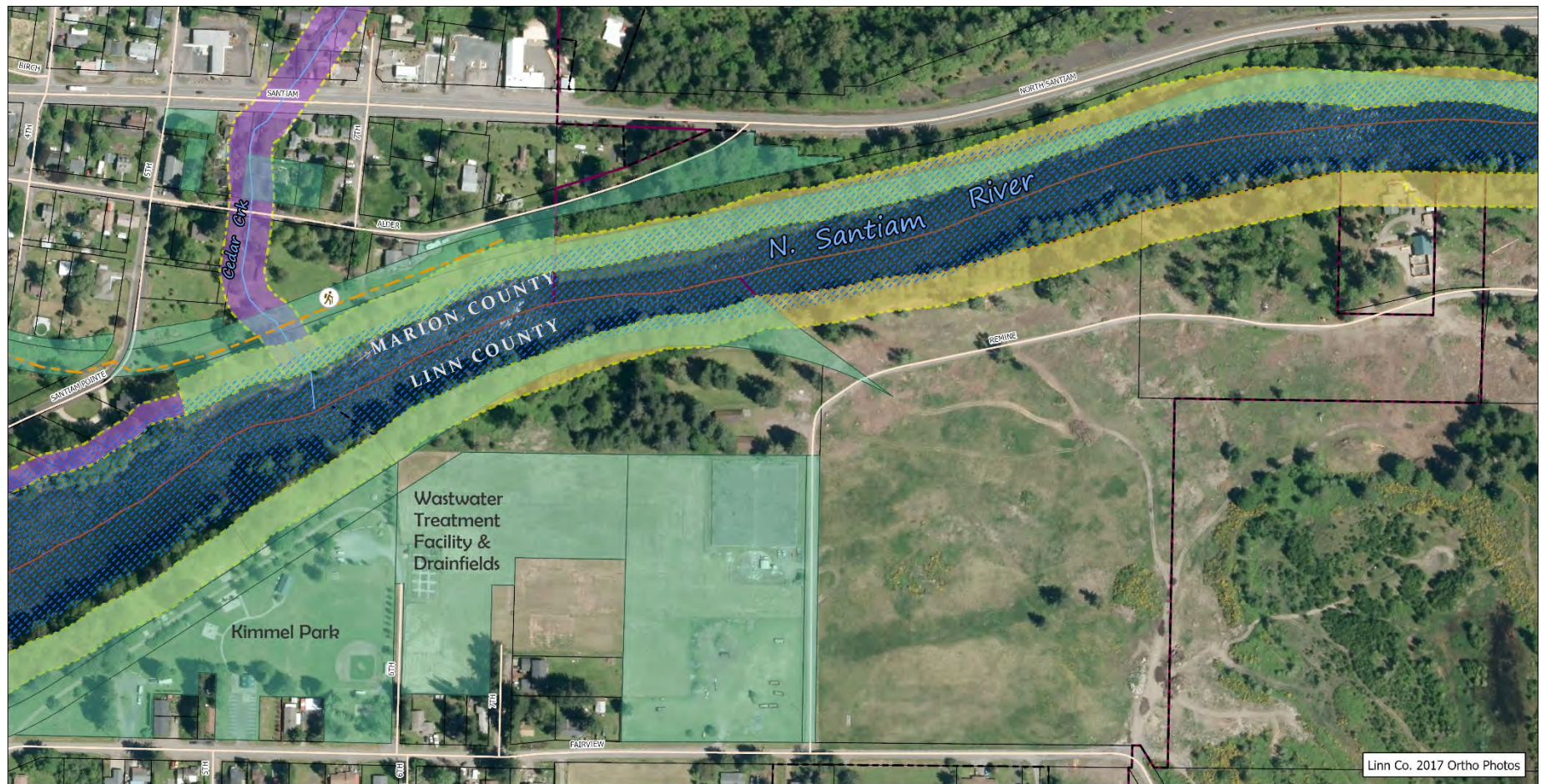
0 0.05 0.1 0.2 0.3 0.4 Miles

### Legend

100 Year Flood Plain	Trail	<b>Public</b>
75-foot Riparian Buffer	Subdivision	Fire District
50-foot Riparian Buffer	City Limits	Linn County
30-foot Riparian Buffer	UGB	Mill City
Creeks	County	Bridge and Trail
Roads	Taxlots	







Map Prepared by: Linn County GIS Department  
Map Date: December 30, 2020

## Mill City Riparian Corridor NSR -4 East

0 0.05 0.1 0.2 0.3 0.4 Miles

### Legend

	100 Year Flood Plain		Roads		Taxlots
	75-foot Riparian Buffer		Trail		Public
	50-foot Riparian Buffer		City Limits		Fire District
	30-foot Riparian Buffer		UGB		Linn County
	Creeks		County		Mill City
			Bridge and Trail		



## Appendix 2

### EXISTING MILL CITY ZONING CODE LAND USE ACTIONS ON THE N. SANTIAM RIVER

17.44.120 Review of land use action involving the North Santiam River. Existing or proposed lots that adjoin the North Santiam River shall comply with the following requirements.

- A. Land Use Changes. Any land use change involving a current lot or proposed lot that adjoins the North Santiam River shall be submitted to the planning commission for review.
  - 1. Land use changes include, but are not limited to:
    - a. New building construction, enlargement of a building on the riverfront side of the building; or
    - b. The removal of trees or other vegetation in the area between the stream channel and the topographical break at the top of the stream bank; or
    - c. The creation of a lot or parcel by the subdividing or partitioning of land; or
    - d. Landscaping that requires the addition or removal of fifty (50) cubic yards of soil within seventy-five (75) feet above the topographical break at the top of the stream bank as outlined in subsection (D) of this section; or
    - e. Water dependent uses such as boat docks or boat launching and/or mooring facilities.
  - 2. Exceptions. The following land use changes are exempt from planning commission review:
    - a. Removal of a tree that could become a threat to life or structure if done in such a way that stream bank stability is maintained;
    - b. Removal of tansy ragwort, Canadian thistle, and other noxious weeds if followed by replanting of the area with riparian species appropriate to Western Oregon;
    - c. Construction of an accessory structure such as a pump house or storage shed, not to exceed one hundred twenty (120) square feet in area and ten (10) feet in height.
- B. Review Criteria. The planning commission shall use the following criteria in approval or denial of an application:
  - 1. The removal of any existing trees or other forms of existing natural vegetation such as shrubs, brush, plants or grasses between the stream channel and the topographical break at the top of the stream bank shall not be harmful to existing fish and wildlife habitat, including such items as stream bank erosion/stabilization and water quality degradation. When the removal of trees is considered to be commercial harvesting, the Oregon Department of Forestry shall have jurisdiction to manage the removal of trees;
  - 2. A use or activity expressed in the proposed request shall not have a potentially damaging impact on existing fish or wildlife habitat along the river.
- C. Application. An application for a land use change involving the North Santiam River shall be submitted to the planning commission in accordance with the provisions of Section 17.64.060. A filing fee in



accordance with the provisions of Section 17.64.070 shall be submitted with the application.

- D. Hearing and Action on Land Use Change Application Involving the North Santiam River. Before the planning commission may act on an application for a land use change involving the North Santiam River, it shall hold a public hearing in accordance with the provisions of Sections 17.64.080 and 17.64.090. Hearing notice shall also be provided to the Oregon Department of Fish and Wildlife and to the Oregon Department of Forestry. After the public hearing is closed, the planning commission shall either approve or deny the application. In approving the application, the planning commission may impose conditions as outlined in subsection (E) of this section. The placement of fill or the removal of soil below the top of the bank may also require state or federal permits.
- E. Time Limit on Approved Land Use Change Involving the North Santiam River.
  - 1. Authorization of land use change involving the North Santiam River that involves the construction or expansion of a building shall be void two years after the date of approval unless a building permit has been issued and the building permit is either still active or the building is complete and fully approved by the permit review authority. However, upon written request, the planning commission has the authority to grant an additional period, not to exceed two years, to complete the project.
  - 2. In the case of an activity or use on the land that does not involve construction or expansion of a building, the authorization shall remain in effect for a period of five years as long as the lot or parcel remains vacant and as long as the circumstances pertaining to removal of vegetation have not changed. After the five-year period, if the property remains vacant or if the use or activity is expected to continue, a new application shall be submitted for review by the city.
  - 3. In the case of a lot or parcel created by the subdividing or partitioning of land that has been reviewed and approved under the provisions of this section on a lot-by-lot basis, the authorization shall remain in effect for a period of five years from the date the plat for the subdivision or partition is filed as long as the lot or parcel remains vacant and as long as the circumstances pertaining to removal of vegetation have not changed. After the five-year period, if the property remains vacant, a new application shall be submitted for review by the city. If a subdivision or partition has been filed during the five-year period commencing prior to the date this title goes into effect, the five-year period shall begin the date this title goes into effect.
- F. Conditions and Basis for Denial of Application. If the planning commission finds that damaging effects set forth in this section could occur from the proposed request, the Commission may impose conditions to any land use application approval in order to maintain, enhance and protect existing fish and wildlife habitat along the river. An application may be denied if it cannot be conditioned to mitigate its adverse impacts. Conditions that may be imposed include, but are not limited to, the following:
  - 1. Replanting of any existing trees or any other forms of existing natural vegetation which are removed. Replanting shall be with native vegetation using riparian species appropriate to western Oregon;
  - 2. Requirement of additional or special setbacks from the water's edge or at the topographical break at the top of the stream bank;
  - 3. Installation of fencing.

(Ord. 313 § 1, 2003; Ord. 273 § 5.120, 1998)

- G. Section 17.44.120 does not apply to property owned by the City of Mill City or another public agency. See Chapter 17.80 "Riparian Corridors"

## Appendix 3

# Mill City Comprehensive Plan Goals & Policies

## *Chapter 5 – Natural Resources*

Adopted Goals & Policies (2014)

### NORTH SANTIAM RIVER AND ITS TRIBUTARIES

**Goal NR-3:**      **To utilize the North Santiam River as a community focus, realizing its value as a high-quality water resource, a recreational venue, a natural environment and an educational study area.**

NR Policy 4:      The City will encourage state agencies, Linn County, Marion County and local property owners to create opportunities for parks, public access, viewpoints and open space adjacent to the North Santiam River.

NR Policy 5:      The City will encourage the protection of water quality and the enhancement of the riparian area and natural habitats along the North Santiam River and its tributaries including DeFord Creek, Snake Creek, Cedar Creek and Elizabeth Creek.

NR Policy 6:      The City will cooperate with the property owners, the North Santiam Watershed Council and natural resource agencies to identify and obtain funding opportunities for watershed improvements.

NR Policy 7:      The City will seek funding to complete a riparian corridor study and adopt appropriate protection measures complying with Goal 5 requirements.

NR Policy 8:      The City will participate in storm drainage improvement projects, watershed restoration and habitat enhancements within the City of Mill City's Urban Growth Boundary, particularly in the Snake Creek and DeFord Creek sub-basins of the North Santiam River watershed.

NR Policy 9:      The City will work with the Marion County Soil and Water Conservation District, Marion Weed Control District and North Santiam Watershed Council to identify and remove invasive species within the riparian zones of the North Santiam River and its tributaries.

### FISH AND WILDLIFE

**Goal NR-4:**      **To protect and enhance fish and wildlife habitat for the enjoyment of citizens and the benefit of all creatures.**

NR Policy 10:      The North Santiam River has been identified by federal agencies and the Oregon Department of Fish and Wildlife (ODFW) as sensitive habitat for fish and wildlife. Mill City shall cooperate with the appropriate federal agencies, ODFW, DEQ, the Oregon Water Resources Department and the North Santiam Watershed Council in efforts to protect and improve water quality in the North Santiam River and its tributaries.

- NR Policy 11: The City shall request comments from ODFW, the North Santiam Watershed Council and affected natural resource agencies on proposed land use actions which may impact riparian zones or sensitive fish and wildlife habitat inside the City and UGB.
- NR Policy 12: The City of Mill City will cooperate with local, state and federal agencies which have regulatory authority concerning the North Santiam River.

## WETLANDS

**Goal 7: To ensure identified locally significant wetlands will continue their functions unimpaired by development activity.**

- NR Policy 13: Wetlands are sensitive habitat for fish and wildlife. Wetlands, including the locally significant wetlands identified in the *Local Wetlands Inventory Report, City of Mill City, Linn and Marion Counties, Oregon*, shall be provided with protection from disturbance by utilizing protection measures that comply with Statewide Planning Goal 5 and Oregon Administrative Rule 660-division 23.
- NR Policy 14: Development projects that affect wetlands shall comply with the adopted local wetlands inventory in order to protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding and thereby protecting the hydrologic and ecologic functions these wetland areas provide for the community. Development on properties containing wetlands will be reviewed using a Site Plan Review procedure as described in the zoning code to provide maximum opportunities to protect any significant wetlands.
- NR Policy 15: The City of Mill City will notify the Oregon Department of State Lands (DSL) of land use actions that may impact locally significant wetlands.
- NR Policy 16: If locally significant wetlands exist on property proposed for annexation, the City will identify the wetlands for future park, open space and wetland reserves in order to protect their wetland functions and prevent development from encroaching into the wetlands.

## FLOODING AND OTHER NATURAL HAZARDS

**Goal 8: To prevent losses caused by natural disasters through the identification of natural hazards and the adoption of appropriate protection measures.**

- NR Policy 17: A portion of the City is located within the 100-year flood plain of the North Santiam River and is subject to periodic flooding. The City shall regulate development within the North Santiam River flood plain in accordance with the adopted FEMA flood plain maps and the Mill City Flood Hazard Ordinance in order to minimize flood damage to properties and protect human life.
- NR Policy 18: The City will develop adopt zoning regulations and public works design standards to retain wetlands, stream channels and riparian zones in order to avoid or minimize the impact of flooding from Cedar Creek, Elizabeth Creek, DeFord Creek and Snake Creek.
- NR Policy 19: The City will work with the local, state and federal agencies to educate the citizens of Mill City about the potential threats from Natural Hazards in the community and will work with other agencies to implement the hazard mitigation strategies included in the adopted Natural Hazard Mitigation Plans.

# **Agenda Item 7**

## **New Business**

- a. Planning Commission Annual Report (2020)**
- b. Work Program (2020-2021)**

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

**January 11, 2021**

**To: Chairman Ann Carey and Planning Commissioners**  
**From: David W. Kinney, Planning Consultant**  
**In RE: New Business Items for January 19, 2021 Meeting**

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## **7. New Business**

### **a. Planning Commission Annual Report (2020)**

Every year the Planning Commission prepares a brief annual report. Enclosed is the DRAFT 2020 report.

**Action: Review and Discuss.**

**Motion: Submit the 2020 Annual Report (as presented or amended) to the City Council**

### **b. Planning Commission Work Program (2020 - 2021)**

Every two years the Planning Commission prepares a work program; and reviews progress made after the 1<sup>st</sup> year.

**Action Needed: Review and Modify. Discuss priorities for 2021.**



# MILL CITY PLANNING COMMISSION

## 2020 Annual Report

### DRAFT for PC Review – January 19, 2021

The Planning Commission and Planning staff completed or worked on the following items during 2020.

#### 1. Code Amendments

The Planning Commission worked on the following code amendments in 2020.

- A. Public Improvement Code Amendments. The Planning Commission recommends the City amend the Mill City Zoning Code & Subdivision Code to add public improvement standards for new development as recommended in DLCD's Model Development Code for Small Cities.

Revisions are recommended to:

1. Comply with recent state and federal legal decisions.
2. Ensure required improvements are roughly proportional to the impact of a new development.
3. Provide clarity for staff, Planning Commission and City Council on when certain water, sewer, street, storm drainage and underground utility improvements are required with a new project.
4. Clarify requirements for in-fill and small lot developments.
5. Address both “turnpike style” and “curb & gutter” street improvements.
6. Provide clear standards the City staff can share with property owners/applicants.
7. Update standards for water, sewer, storm drainage and underground utilities.
8. Add requirements for financial guarantees and warranty bond requirements.
9. Provide a standard review form and process to enable the city’s public works and city hall staff to set public improvement requirements prior to the issuance of a building permit.

As of December 31, 2020, the amendments are 95% complete. Linn GIS staff has prepared maps. The City Engineer will recommend revisions before a Planning Commission hearing in March or April 2021.

- B. Riparian Code Amendments for City-Owned & Public Properties. The Planning Commission recommends the City adopt a code amendment to protect the riparian corridor along the North Santiam River for all publicly owned parcels in the City.

The City’s Total Maximum Daily Load (TMDL) plan, approved by the Oregon DEQ, lists action steps the City will take to minimize pollution to the North Santiam River from mercury, bacteria and increasing water temperatures. The City’s approved TMDL plan states the city will adopt riparian protection measures in the Zoning Code.

The Planning Commission submitted the DRAFT amendments to the City Council on January 12, 2021. Linn GIS staff is preparing final maps. A PC hearing is scheduled for February 16, 2021.

- C. Manufactured Home Installation Standards. The Planning Commission recommends the City update the zoning standards for placing Manufactured Homes on lots in the City. The Linn County Building Department inspectors noted that the city’s code is not current and should be amended to comply with state law and the Oregon Manufactured Home Installation Specialty Code. A PC hearing is scheduled for February 16, 2021.

### 3. Other Issues

- FEMA/NOAA Fisheries Willamette Basin Biological Opinion (BiOp). No action on this item in 2019 or 2020. The BiOp recommends changes to the Flood Insurance program to protect habitat for two endangered fish species: Upper Willamette Chinook Salmon and Upper Willamette Winter Steelhead. Both spawn in the N. Santiam River basin. Program changes to the National Flood Insurance Program are on hold until 2021 or later.
- Water System Improvements Project. City Recorder provided updates on the City's proposed \$2.5 million water main improvement project. In 2021, the City's Planning Consultant and City Engineer will present the preliminary project design, discuss how the water main improvements will affect future land use reviews and identify locations in the City where the City still has undersized water lines and fire flow deficiencies.
- North Santiam Canyon Wastewater Facilities Master Plan. The Planning Commission is very interested in Keller Associates capacity review and analysis of Mill City's wastewater facility. They need to know the current operating capabilities of the wastewater treatment plant and the amount of new growth (new connections) can be added to the existing system. They look forward to a briefing by Keller Associates in Spring 2021.
- Safe Routes to School Grant Application. Reviewed the proposed \$1.7 million SRTS grant application and recommended the City apply.

### 4. Land Use Applications:

Due to COVID-19 and the Beachie Creek wildfire, the Planning Commission did not hold several regularly scheduled meetings in 2020, which delayed the City's review of several land use applications.

#### *Prior Year Land Use Files – Status Report on Open Files*

1.	2018-04	Skate Park SR	SKATE	SW 2 <sup>nd</sup> & SW Cedar	City approved engineering plans. Site leased to School District. Skate park on hold pending funding.
2.	2019-01	Minor Partition	Baughman	230/272 SW Ivy	Final Plat recorded.
3.	2019-02	SR – Duplexes	Baughman	230/272 SW Ivy	File closed. Revert back to SFR homes.
4.	2019-04	EV Parking	Pacificorps	NE Wall	Under construction in December 2020.
5.	2019-05	SR – PW Shops	City of MC	SE 4 <sup>th</sup>	Landscaping & fencing to be completed.
6.	2019-09	Freeman Meadows Subdivision		SE 5 <sup>th</sup> /6 <sup>th</sup>	CC approved August 31, 2019. Engineering plans & DRAFT Development Agreement to City Engr. Construction planned in 2021.
7.	2019-15	Lot Line Adjust	Kelly/Connor	757 NE Hwy 22	Kelly's Lumber destroyed by wildfire. Granted a 1-year extension to file survey.
8.	2019-18	Lot Line Adjust	Lucas / City	Remine Rd.	Final survey to be filed.
9.	2019-19	SR – Both Campuses	Sant Canyon SD	Jr/Sr. HS Site	Construction 80-90% complete.
10.	2019-20	SR – Gas Station	Singh	250 NW 9th	Site plan approved. Engineering plans approved December 2020. Add 4 gas pumps @ Sportsman Center on Hwy 22 and NW Alder street curbs & sidewalks.

*Applications Reviewed in 2020.*

*The Commission reviewed 11 land use applications in 2020.*

1.	2020-01 2020-08	Minor Partition Minor Partition	Baughman	SE Fairview	Files Closed – final plat recorded
2.	2020-02	Reid House Pkg Lot	City of Mill City	NE Alder	File Closed - Home destroyed by wildfire
3.	2020-03	Zoning Code	City of Mill City	Public Facilities	Pending. PF Code Amendments. PC public hearing in March/April 2021.
4.	2020-04	Comm Site Plan	Yates	515 NE Santiam Blvd	Approved. Parking Plan for retail/office. Old Smoke Shop store at 4 <sup>th</sup> & NE Santiam
5.	2020-05	Historic RR Bridge	City of Mill City	Refurbish Bridge	Approved. Historic Alteration Permit
6.	2020-06	Zoning Code	City of Mill City	Riparian Code	Pending. Riparian Code Amendments on City-owned property. PC Hrg in Feb 2021.
7.	2020-07	Cond Use Permit	City of Mill City	SCSD Jr/Sr High	Approved. CUP for outdoor career education SW 4 <sup>th</sup> across from Jr/Sr High.
8.	2020-09	Minor Partition	Plotts	150 Santiam Pte Loop	Approved. Record Survey by 12-31-2021.
9.	2020-10	Lot Line Adjust	Blancke Trust	SE 5 <sup>th</sup> Court	Approved. Combine 3 lots into one parcel. Record Survey by 11-30-2021.
10.	2020-11	Minor Partition	Baughman	230/272 SW Ivy	Pending. See File 2019-01 & 2019-02. Divide lot into two SFR home sites. Hearing scheduled for 1-18-2021.
11.	2020-12	FEMA Housing	FEMA/City	SE Fairview (WWTF)	Pending. Staff review & approval. Waiting for City engineering approval and permits.

Approved by the Mill City Planning Commission on January 19, 2021.

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Marge Henning, Chairperson

on behalf of Vice-Chair Ann Carey and Planning Commissioners Jim Grimes, David Leach, Sandy Lyness, Debbie Schenck and Woody Koenig.



# **Mill City Planning Commission 2020 - 2021 Work Program**

January 2020 through December 2021

Adopted February 18, 2020

**(January 19, 2021 UPDATE)**

## **1. General Planning Services**

- a. Planning Commission will handle routine planning activities
- b. Process land use applications
- c. Work w/ city staff on day-to-day planning items or small special projects.

Notes: The review and processing of land use applications is the highest priority of the Planning Commission. When an application is filed, the City must make a final decision within 120 days for most applications.

## **2. Zoning Amendment: Public Works Improvement Standards (DLCD Model Code)**

The Planning Commission proposes to amend the Zoning & Subdivision Codes to adopt updated public facility improvement standards that will apply to all new development in Mill City.

Notes: The existing Zoning and Subdivision codes have public facility improvement requirements.

- Mill City Subdivision Code (MCMC Chapter 16): The Subdivision Code includes public improvement requirements for streets, water, sewer, storm drainage and private utilities. The standards apply to any new subdivision or partition.
- Mill City Zoning Code (MCMC Chapter 17): The existing Zoning Code includes Section 17.64.150 that states new developments must comply with the City's public improvement standards. The lack of clarity creates some problems when the city staff and planning commission review building permits or site plans for new buildings, conditional use permits, duplexes and multi-family housing projects.

In 2015, the Oregon Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT) worked with the League of Oregon Cities to update a Model Development Code for Small Cities. Chapter 3.6 – "Public Facilities Standards" was written to enable small cities in Oregon to provide clear public improvement standards for new development.

The Planning Commission proposes to update the City's standards to provide clarity for property owners, developers and the City public works staff, city hall staff and planning commission. An update of the public facility standard sections in the zoning and subdivision ordinances will have several benefits:

1. Address state law changes over the past 15 years.
2. Address Dolan & Nollen U. S. Supreme Court decisions that limit a city's ability to impose public facility requirements on a new development. City facility improvement requirements must be related to the project and must be roughly proportional to the impact the development will have on those facilities.
3. Modify street improvement requirements to address small lot developments on existing streets.
4. Modify street improvement standards to state when and where the City will require full street

improvements with AC pavement, curb, gutter and sidewalks.

5. Provide clear standards the City can share with developers and property owners.
6. Provide a standard review form and process to enable the city's public works and city hall staff to set public improvement requirements prior to issuance of a building permit.

Status: As of December 31, 2020, the amendments are 95% complete. Linn GIS staff has prepared maps. The City Engineer will recommend revisions before a Planning Commission hearing in March or April 2021.

### 3. **Zoning Amendment: Riparian Code for Publicly Owned Properties (TMDL Compliance)**

Adopt a zoning code amendment to protect the riparian corridor along the North Santiam River for all publicly owned parcels in the City.

The City's Total Maximum Daily Load (TMDL) plan lists action steps the City will take to minimize pollution to the North Santiam River from mercury, bacteria and increasing water temperatures. The City's approved TMDL plan states the city will adopt riparian protection measures in the Zoning Code.

Status: The Planning Commission submitted the DRAFT amendments to the City Council on January 12, 2021. Linn GIS staff is preparing final maps. A PC hearing is scheduled for February 16, 2021.

### 4. **West Broadway - Street Improvement Project**

Linn County will reconstruct W. Broadway Street in Summer 2021. The City Council asked that the Planning Commission to review of the street design, sidewalk and streetscape improvements and make recommendations to the designers & City Council.

Status: The project includes the SW Broadway Street design (Bridge to SW 8<sup>th</sup> Street), streetscape and the pedestrian trail from the RR Bridge to SW 5<sup>th</sup> (Memorial Wayside Park). Bids were opened on December 15, 2020. North Santiam Paving, Inc. was the low bidder. Construction will occur in Summer 2021.

### 5. **Comprehensive Plan Update**

The Mill City Comprehensive Plan is the adopted land use plan for the City. Each city in Oregon is required to have a land use plan that guides development for the next 20 years. The Mill City Comprehensive Plan was originally adopted in 1980, updated in 1992 and partially updated in 2016. Completion of the Mill City Comprehensive Plan update has been identified by the Planning Commission as a high priority project.

Part 2 of the Comp Plan update includes:

- Chapter 7: Historic and Cultural Resources - volunteer Frances Thomas completed a DRAFT in March 2016. Final pictures to be added to complete the chapter.
- Chapter 8: Parks and Open Space – The Mill City Parks Master Plan was adopted in 2014. Chapter 8 will include a brief summary of the Parks Plan and adopt the goals and policies.
- Chapter 10: Housing – DRAFT completed in November 2015. Data needs to be updated to most recent American Community Survey statistics available from 2017-2019.
- Chapter 11: Public Facilities – Not started.

- Chapter 12: Transportation – Not started.
- Chapter 13: Energy Conservation – DRAFT Chapter completed in August 2015. Minor edits needed.
- Chapter 14: Urbanization – DRAFT 90% completed in December 2015. Minor edits needed. An updated UGB land analysis was completed as part of the Baughman/Lucas UGB swap application in 2017.

Status: No action taken in 2020. Reschedule to complete Phase 2 (Chapters 7, 8, 10, 13 & 14) by December 31, 2021. Chapter 11 “Public Facilities” & Chapter 12 “Transportation” will wait until the Wastewater Capacity Analysis is completed by Keller Associates and a Storm Drainage Master Plan update is completed (if funding is secured from Business Oregon).

## 6. **North Santiam Canyon Wastewater Facilities Plan – Mill City Sewer Capacity Analysis**

Keller Associates was awarded a contract to complete a North Santiam Canyon Wastewater Facilities Master Plan, including a Mill City Sewer Capacity Analysis. The capacity analysis includes a review of the current wastewater treatment facility, design parameters, remaining capacity and a list of recommended short-term improvements (5-10 years).

Status: Due to wildfires, the project was delayed and the scope of work changed for Detroit, Gates and Idanha. Peter Olsen, PE, Project Manager, met with city officials to review city data. When a preliminary report is issued in 2021, Keller Associates will report on their findings. Keller Associates will be invited to meet with the Planning Commission to further explain their findings and conclusions.

## 7. **Storm Drainage Master Plan**

The City will hire an engineering firm to prepare a new Mill City Storm Drainage Master Plan by June, 2021. The Planning Commission will work with the engineer. Upon completion, the report will be adopted as a technical amendment to the Comprehensive Plan.

Status: The City was awarded a \$1.88 million grant for storm drainage improvements. Business Oregon authorized the City to incur engineering expenses for the Storm Drainage Master Plan and 4<sup>th</sup> Avenue storm improvements next to the Santiam Schools. These storm improvements were constructed in Fall 2020.

Due to COVID funding issues at the State of Oregon, Governor Brown rescinded approval of all lottery funded construction projects in mid-2020. Funding status in 2021 is unknown.

## 8. **Safe Routes to School Grant Proposal and SCA Grant Proposal (SW 2<sup>nd</sup> Ave)**

Prepare and submit a Safe Routes to School (SRTS) grant proposal to ODOT to construct curbs, sidewalks and pedestrian safety improvements for the blocks near the Santiam Elementary School and Santiam Jr./Sr. High Schools. The City will try again next round. The next SRTS app is not due until September 2022.

Status:

- |    |  |   |
|----|--|---|
| a. | Small Cities Allotment (SCA) grant – ODOT (\$100,000)<br>Repave/overlay SW 2 <sup>nd</sup> Avenue (W. Broadway to SW Evergreen).             | Approved November 2020.                       |
| b. | Safe Routes to School (SRTS) grant – ODOT (\$1.7 million)<br>2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> Avenue sidewalks and paving | Not Funded<br>File next app in September 2022 |

## 9. **Other Zoning Code Revisions: (As needed)**

- a. Informational handouts on zoning code requirements: Prepare handouts for:
- RV Parking / Storage. Drawing showing where they may be parked and stored.
  - Clear vision area and fence location drawings
  - House elevation drawing showing architectural design features
  - Sample building site plan showing utilities, setbacks and property lines
  - Building permit packets for each type of application

Notes: The City staff would like to have informational handouts to graphically explain some of the city's zoning code requirements for RV Parking, clear vision areas, fence locations, architectural design standards and sample building site plans. No progress has been made on this item.

- b. Zoning Code revisions
- Minor code amendments to address staff and planning commission issues.
  - Accessory Dwelling Units – Reconsider proposal to allow ADU's in residential zones, per 2017 & 2019 state laws.
  - Tiny Homes – Review code to add definitions, lot size, site review standards, etc. to clarify where tiny homes may be permitted in the R-2 zone.
  - Change of use.
  - Parking requirements.
  - Application and Decision Requirements (update per Model Code)

Status: The Planning Commission periodically updates the zoning code to address questions that come up, modify standards, state law changes and legal issues.

- 17.44.100 – Manufactured Homes. Update recommended to comply with state law. PC hearing scheduled for February 16, 2021.
- 

## 10. **Training**

Hold at least two training session for PC members annually.

Notes: Possible training sessions include:

- Work Sessions with Linn County Roads Department for W. Broadway Project
- Work Sessions with Engineer for the Mill City Storm Drainage Master Plan
- Work Session with Oregon Water Resources staff to discuss potential for contamination of the city's well supply and recommended well-head protection measures.
- Review of Public Works Master Plans (Water, Sewer, Storm Drainage & Parks, etc.)
- North Santiam Watershed Council (NSWC) – update on current projects in the Mill City area
- NSWC, Marion SWCD and City Recorder coordination on TMDL Plan



- Land Use Decision Process – legal requirements, ethics and conflicts of interest (Refresher)
- LUBA decisions that may affect Mill City land use proposals.

Status: No training sessions were held in 2020 due to COVID-19 and cancellation of meetings.

## Future Projects

**The Planning Commission does not intend to work on the following projects in 2021, but they remain on the list for consideration in future years.**

### **11. Model Flood Plain Ordinance Revisions**

DLCD updated its Model Flood Plain Ordinance in November 2019. The City will need to amend the Flood Plain Ordinance to comply. DLCD & FEMA have not provided a deadline for the City to adopt revisions to the City's ordinance.

Status: Since Mill City has few "developable" properties in the N. Santiam River floodplain, this project can wait until more clear direction is provided by DLCD. The City of Scio intends to adopt revisions by June 2020. Prior to adoption, they will consult with Celinda Adair, DLCD's flood plain manager, to verify deadlines and get recommendations for changes to their ordinance.

### **12. FEMA – Flood Plain Ordinance Revisions to comply with FEMA/NMFS - Willamette Basin Biological Opinion to Protect Endangered Salmon/Steelhead**

The City will need to amend the Flood Plain Ordinance to comply with a U.S. Federal Court decision to protect endangered salmon and steelhead in the Upper Willamette River Basin, including the North Santiam River and its tributaries.

Notes: The Oregon Department of Land Conservation and Development (DLCD) is working with FEMA and the National Marine Fisheries Service (NMFS) to draft new rules and sample ordinances for cities in Oregon. When the new rules are issued, the City will have 3-6 months to adopt new flood plain regulations and zoning code amendments to protect fish habitat, including the riparian zone adjacent to the river.

Status: Postponed – Indefinite hold until FEMA/DLCD Flood Plain Program provides clear direction to all Oregon cities. The Planning Consultant expects direction from FEMA/DLCD by July 2022.

### **13. GIS Maps – Update Address Map.**

Linn County's GIS provides mapping services to Linn County's small cities.

Linn GIS staff add addresses and building permit data to their GIS database when building permits are issued. They print update address maps for the City every 5-7 years. Address changes are made if errors are found or there are safety issues that generate the need to change an address. If the City changes an address, after consultation with the Fire District, the City must notify the property owners, all utilities, Postal Services, county departments, 911 & Linn & Marion Sheriff's.

Status: Completed – July 31, 2020. The City's address map was updated & printed.

#### **14. Dangerous and Derelict Building Code Revisions**

The City Recorder and City Attorney have found a few problems with the dangerous and derelict building code. They recommend amendments to simplify the enforcement process, make sure derelict building standards are clear and what constitutes a violation is easily understood by the staff and property owner. The City Recorder proposes to work with the Linn County Building Official, and the City's derelict building committee to update the ordinance.

Status: Project on hold, due to other work priorities.

#### **15. Linn County Building Department – Building Inspection Services**

Adopt a new building inspection services contract and implement Linn County's computerized building permits system.

The Linn County Planning & Building Department is updating the building inspection services contracts with all Linn County cities and adopting a new E-Permit system with online plan submittals and tracking of building permits. The new program includes a module for tracking permits within the City. Each City will be able to insert zoning and public works requirements for each permit and verify work is completed before final inspections and certificates of occupancy are issued.

Status: Several small city representatives met with Linn County in 2019 & 2020 to discuss problems with the existing permit system and what the cities can expect from the new system. The start date has been continuously postponed by Linn County and has not been rescheduled, due wildfires, COVID-19 and internal staffing issues at LC Building Department. *This is a staff project.*

Work Program approved by the Mill City Planning Commission on February 18, 2020.  
Status Update Prepared – January 16, 2021.

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Ann Carey, Chairperson (2020)  
Marge Henning, Chairperson (2021)

on behalf of Planning Commissioners David Leach, Sandy Lyness, Debbie Schenck, Jim Grimes and Woody Koenig.

cc: Mayor Kirsch & City Councilors

# **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](mailto:dwkinney@wvi.com)

**January 11, 2021**

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

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

**In RE: Informational Items for January 19, 2021 Meeting**

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## **8. Informational Items**

### **a. City Recorder Report**

- i. FEMA Housing (SE Fairview Street). The City Engineer reviewed and approved the US Army Corps of Engineer's site plan and utility plans. The contractor should be completed with the project by January 28, 2021 and the FEMA single-wide homes will be moved on site by the end of February 2021.
- ii. Planning File Reviews by City Staff. I have been working with Tree Frederickson at City Hall to review all of the 2018-2020 land use files. We are reviewing files every 2-3 months.
  - Completed files. These files are CLOSED if all conditions have been met.
  - Incomplete files. Applicants have been reminded of the conditions of approval or requirements that have not been completed.

### **b. TIGER Grant Update**

See Email from Chuck Knoll with a project update.

- Railroad Bridge. Legacy Construction is the low bidder.
- West Broadway Avenue. North Santiam Paving is the low bidder.

FHWA has not approved the final contracts for signature. Linn County Engineering expects the work to start in April 2021.

### **c. Southern Pacific RR Bridge - National Historic Structure Designation**

SHPO Hearing and Action – February 15, 2021 @ 10:30 am

**dwkinney@wvi.com**

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**From:** Knoll, Chuck <cknoll@co.linn.or.us>  
**Sent:** Monday, December 21, 2020 2:53 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; Curran, Dave; Hamilton, Kevin  
**Subject:** TIGER Mill City Project Status Update - December 21, 2020

Date: December 21, 2020

Re: TIGER Mill City Project Status Update – December 21, 2020

The TIGER Mill City Project consists of the following:

- Rehabilitation of the Mill City First Avenue Bridge which is in construction,
- Rehabilitation of the Mill City Historic Railroad Pedestrian Bridge which has been advertised for bid for construction with bid opening that occurred on December 1, 2020, and the
- Mill City Downtown Improvements which was advertised for bid with a bid opening that occurred on December 15, 2020.

A status of each component is provided below.

#### Status of the Rehabilitation of the Mill City First Avenue Bridge

The painting of the bridge truss is complete except for some touch up work. This has allowed the removal of the enclosure of the area so that the construction of the new curb and rail on the east side of the bridge may be completed. This is expected to occur by December 23, 2020. This will allow opening the bridge to one lane of traffic. This will occur on December 24, 2020 before noon.

After the bridge is open to at least one lane of traffic, the final work to replace the sidewalk and rails on the west side of the bridge will be completed. This will be completed in January 2021.

After the paint contractor has removed his equipment from the bridge, the bridge will be jacked up (a very small amount) to replace the bridge bearings which are required to account for the expansion and contraction of the bridge length due to seasonal temperature changes. To accomplish this we are posting the bridge for a 10 ton weight limit. There may be some short delays in traffic crossing the bridge during this time.

There is still some painting to be completed under the bridge deck which will also occur in January 2021. The area under the deck will be enclosed to prevent any release of paint sand blasting materials or paint.

The completion of the construction of the Rehabilitation of the First Avenue Bridge is scheduled and required by contract to occur no later than February 9, 2021.

Status for the Rehabilitation of the Mill City Historic Railroad Pedestrian Bridge is provided as follows:

Linn County advertised for bids for the rehabilitation of the Mill City Historic Railroad Pedestrian Bridge with the bid opening will on Tuesday, December 1, 2020. The low bid was provided by Farline Bridge for the bid amount of \$1,509,212.70. A letter of intent to award has been provided to Farline Bridge and Linn County is presently in process of getting a contract for construction finalized. The total project construction cost including Construction Engineering and Inspection, and Administrative Costs is presently estimated at \$ 1,955,835

It takes about three to four weeks to award and approve the contract. This will allow the contractor to order and obtain materials and get set up for construction to start as early as March 2021.

#### Status of the Mill City Downtown Improvements

Linn County has also advertised for bid for construction of the downtown improvement of Broadway Street with bid opening on December 15<sup>th</sup> with the same intent of starting the construction in as early as March or April 2021 and completing the construction of this project in early or late summer.

The low bid for construction cost was \$1,825,724.00 as provided by North Santiam Paving. The total project construction cost including Construction Engineering and Inspection, and Administrative Costs is presently estimated at \$2,249,294.

#### Total Project Cost Estimate

After the recent bid openings, we have also reviewed the total project cost estimate for the entire TIGER IX – Mill City Downtown Restoration and Revitalization Project at this time. This estimate is summarized as follows:

First Avenue Bridge Rehabilitation Construction Phase	\$ 3,225,402
Railroad Pedestrian Bridge Rehabilitation Construction Phase	\$ 1,955,835
<u>SW Broadway, 1st Avenue, and 5th Avenue Improvements Construction</u>	<u>\$ 2,249,294</u>
Total Project's Construction Estimate	\$ 7,430,531
<u>Preliminary Engineering Costs All three Project Components</u>	<u>\$ 824,315</u>
Total Estimate Project Costs (as of December 21, 2020)	\$ 8,354,846
Original Budget	\$ 9,382,574

As shown, if all goes well, the total TIGER funded project at completion will be under budget by about \$1,030,000 with consideration of the current construction estimates for all three components

Hope all are well during this difficult year and fall.



# Oregon

Kate Brown, Governor

## Parks and Recreation Department

725 Summer St. NE, Suite C

Salem, OR 97301-1271

(503) 986-0980

Fax (503) 986-0794

[www.oregonstateparks.org](http://www.oregonstateparks.org)



December 18, 2020

RECEIVED  
DEC 23 2020  
BY: .....

Mayor Tim Kirsch  
City of Mill City  
PO Box 256  
Mill City, OR 97360

Dear Mayor Kirsch:

The State Advisory Committee on Historic Preservation will review the following property for nomination to the National Register of Historic Places at its next meeting on February 19, 2021:

**MILL CITY SOUTHERN PACIFIC RAILROAD BRIDGE**

N 1ST AVE

MILL CITY

Staff contact: Robert Olguin, Tax and National Register Programs Coordinator, (503) 602-2468

The National Register is the Federal government's official list of historic properties worthy of preservation. It assures protective review of Federal projects that might adversely affect the character of the property. If properties are listed in the National Register, certain Federal investment tax credits for rehabilitation and other provisions may apply.

Please see the enclosure, which explains in greater detail the results of listing in the National Register and the rights and procedures by which an owner may comment on, or object to, the listing.

You are invited to attend the forthcoming meeting of the State Advisory Committee on Historic Preservation. The date and location of the meeting are given on the agenda enclosed. If questions concerning the National Register nomination process arise, please contact the coordinator listed below the property information.

Sincerely,

Christine Curran  
Deputy State Historic Preservation Officer

Encl.





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### State Advisory Committee on Historic Preservation

#### Meeting Agenda

#### Virtual Meeting

Meeting Details Available at:

<https://www.oregon.gov/oprd/OH/Pages/Commissions.aspx#SACHP>

Friday, February 15, 2021

### BEGIN BUSINESS MEETING

9:00 AM

1. Opening remarks and introductions
2. Discussion of issues of interest and concern to the public not on the agenda
3. Approval of agenda
4. Approval of minutes of previous meeting
5. Update from the Deputy SHPO and Associate Deputy SHPO

### PRESENTATION

National Register Training

9:30

### BREAK

10:15

6. Review of properties proposed for listing in the National Register of Historic Places:

**Mill City Southern Pacific Railroad Bridge**

Mill City, Linn and Marion Counties

10:30

**Harry and Eleanor Holmes House**

Medford, Jackson County

11:00

**South Park Blocks**

Portland, Multnomah County

11:30

### END BUSINESS MEETING

If you need special accommodations to participate in this meeting, please contact the Tracy Collis at (503) 986-0690 or [tracy.collis@oregon.gov](mailto:tracy.collis@oregon.gov) at least 72 hours prior to the start of the meeting.



**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: January 4, 2021

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

### Planning and Administrative Services:

#### General Administrative and Grant Project Services

- 0.00 hours **Administrative and Budget Support:** Miscellaneous consultations with Stacie Cook and City Hall staff.
- 12.65 hours **General Planning Services:** Respond to land use questions from Stacie Cook & Tree Frederickson; Review Manufactured Dwelling Installation Specialty Code; FEMA (WWTF site and/or Erdman); MC Housing Authority potential project; VSP sidewalk / building final inspections; Hwy 22 & NW 2<sup>nd</sup> landscaped area; Sewer Spec Plans – DEQ & LC Bldg Review & Approval; Prepare PC Packet and attend Planning Commission mtg; Update PC Work Program for 2021; Prepare PC Annual Report
- 0.50 hours **ODOT SCA Grant – SW 2<sup>nd</sup> (Broadway-Evergreen).** Review grant agreement; Discussion w/ John Ashley and Stacie re: changes to SCA Grant Requirements.
- 1.10 hours **TIGER Grant – SOB.** Calls w/ Daineal Malone & Russ Foltz re: coordination of water main /hydrant relocations; bids received; RR Bridge – leaking water joint at north & south ends of bridge;
- 3.70 hours **NSC WW Authority Master Plan.** Calls w/ Stacie and Kim re: WW Authority documents requested by Keller Associates/MWVCOG. Prepare final Excel spreadsheet with usage by type of user; Prepare EXCEL spreadsheets for Keller Associates; Followup call w/ Peter Olsen, Keller Associates.
- 6.85 hours **Business Oregon – SDWF Water Loan Application.** Respond to Business Oregon requests for additional information including: Contract amendments for Engineer, Planning Consultant and Surveyor to comply with federal/state grant agreement requirements; Emails & calls w/ Stacie Cook, John Ashley, John Newberg and Michelle Bilberry re: contracts. Discuss ROW permit with Linn County Roads; Discuss pothole locations for 1<sup>st</sup> Avenue water main to verify water main material – north of SW Evergreen on 1<sup>st</sup> Ave;

**24.80 hours @ 75/hr**

**\$ 1,860.00**

Planning – Land Use Applications

0.30 hours	<b><u>2019-04 Pacificorps EV Charging Station.</u></b> Site visit with Russ Foltz to review grading, curb locations, concrete work imperfections due to rainy weather;
0.20 hours	<b><u>2019-09 Freeman Meadows – Kingwood Water Line (SDC Project).</u></b> Review design for water line; Calls w/ John Ashley and Russ Foltz re: modify design to abandon 8"AC water line and modify street crossing of SE Kingwood@ 6 <sup>th</sup> ; relocation of mailboxes & hydrant.
0.00 hours	<b><u>2019-19 SCSD HS-MS Campus.</u></b>
0.00 hours	<b><u>2019-20 Singh Gas Station.</u></b> Check storm drain outlet below NW Alder (view from Beech);
0.00 hours	<b><u>2020-03 Public Facilities Amendments.</u></b>
2.00 hours	<b><u>2020-06 Riparian Code Amendments.</u></b> Coordinate maps revisions with Corie Clark, Linn County GIS staff; PC Recommendation to City Council to set a February public hearing date – February 16, 2021.
0.25 hours	<b><u>2020-06 Baughman Minor Partition – 155 SE Fairview.</u></b> Review final partition map.
0.75 hours	<b><u>2020-09 Plotts Minor Partition – VSP Lot 18.</u></b> PC Mtg – Discussion & Approval; Issue Notice of Decision.
5.00 hours	<b><u>2020-11 Baughman Minor Partition – 230/272 SW Ivy.</u></b> Prepare hearing notices, maps and staff report to divide front parcel into two lots. Call w/ Scott Baughman re: site plan and building setbacks; Modify PC Staff Report;
7.70 hours	<b><u>2020-12 FEMA Temporary Housing – SE Fairview Site (WWTF).</u></b> Review plans with city staff, City Engineer and various calls/emails with FEMA engineering staff. Review City Engineer's conditional approval; Calls w/ Russ and contractor;
7.60 hours	<b><u>2021-02 &amp; 2021-03 Yucker Minor Partition &amp; Variance – 715 NW River Rd.</u></b> Pre-application conference call to discuss variance requirements; utility conflicts; improvement requirements; Prepare maps and staff report for Variance and Minor Partition; Prepare DRAFT notices of public hearing;

23.80 hours @ 75/hr

\$ 1,785.00

**Subtotal – General Planning & Administration Services .....**

**\$ 3,645.00**

**No Charge**

13.25 hours General Planning and Administrative items

**Expenses**

Mileage Charges @ .55 per mile

12-04 City Hall – VSP inspections; SCA Grant Agt; 48 miles .....	\$	26.40
12-08 City Hall – Hwy 22 Landscaping – Gay S. 45 miles .....	\$	24.75
12-11 City Hall – NW Beech St. storm; 715 NW River Rd. ..- 38 miles	\$	20.90
11-12 City Hall – RR Bridge; FEMA Fairview Site; EV Station – 45 miles	\$	24.75

**Subtotal – Mileage and Expenses .....**

**\$ 96.80**

**Total Due:**

**\$ 3,741.80**

Remit to:

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