



## City of Mill City

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### MILL CITY PLANNING COMMISSION AGENDA Regular Meeting

**Wednesday, January 18, 2022 - 6:30 p.m.**

*City Hall – 444 S. First Avenue*

*MILL CITY, OREGON 97360*

**1. Call to Order and Flag Salute – 6:30 p.m.** Chair Marge Henning

**2. Approval of Minutes:** October 20, 2021 pp. 7-10

**3. Public Comment:**

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

*If you wish to speak to the Planning Commission regarding an issue which is **not on the agenda**, the Commission provides time at the beginning of each meeting to listen to public comments. The chairperson will ask for public comment. When you are recognized, please state your name, address and briefly explain the issue you wish to discuss. Depending on the nature of the issue, the Planning Commission 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:**

a. File No. 2021-09 Minor Partition ( pp. 11-12  
Applicants: ConKraft Construction, Salem, OR  
Location: 745 NE Alder Street  
(Staff Report will be delivered separately from Packet)

b. File No. 2021-10 Conditional Use Permit pp. 13-30  
Marijuana Dispensary and Retail Sales Facility  
Applicant: Thorin Thacker / Roy Mitchell  
Location: 415 NE Santiam Boulevard

**5. Presentations:** None scheduled

**6. Old Business** p. 31-32

a. Mill City Falls Park – Overlook and Public Plaza Concept Final Design

b. Other

**7. New Business** pp. 33-36

- a. 2021 Planning Commission Annual Report
- b. 2022-2023 Planning Commission Work Program
- c. Mill City Development Code Revisions
- d. Other

**8. Informational Items** pp. 37-41

- a. City Recorder Report
- b. Planning Consultant Invoices & Time Report
- c. Current Applications:
- d. Prospective Applications:
  - i. Subdivision: SW Ivy Street
  - ii. Site Review: Craft TapHouse, Hwy 22 & NE 4<sup>th</sup> Ave (Old Texaco Station)
- e. Upcoming Hearings: None Scheduled

**9. Other Business**

**10. Adjournment**

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

Tuesday,	February 15, 2021	6:30 PM	Regular Meeting
Tuesday,	March 15, 2021	6:30 PM	Regular Meeting

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

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

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

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

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

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

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



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

### **Hearing #1: File 2021-09**

### **Minor Partition 745 NE Alder St.**

The City has received a land use application from ConKraft Construction for a minor partition at 745 NE Alder Street in Mill City. They propose to divide a 0.48-acre parcel into two building lots. In 2020, the Beachie Creek fire destroyed the existing home at 745 NE Alder St. The property was sold and the new owners propose to divide the property and build two new homes on two 1/4-acre lots. Proposed Parcel 1 and Parcel 2 are shown on Map 1 on the next page.

### **Hearing #2: File 2021-10**

### **Conditional Use Permit 415 NE Santiam Boulevard**

The City has received a land use application from Thorin Thacker and Roy Mitchell for a conditional use permit. They propose to open a medical marijuana dispensary and a recreational marijuana retail sales outlet in an existing commercial building at 415 NE Santiam Boulevard.

A marijuana retail sales facility must obtain a conditional use permit from the City before opening. The proposal must comply with the City of Mill City's time, manner and place requirements in Chapter 17.44 of the Mill City Zoning Code.

## **Land Use Hearing Guidelines**

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.

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.

City of Mill City - File 2021-09

Applicant: ConKraft Construction  
Location: 745 NE Alder Street  
Proposal: Minor Partition  
Hearing Date: January 18, 2021 @ 6:30 pm  
City Hall 444 S. 1st Ave  
Mill City, Oregon

The map shows a property at 745 NE Alder Street, divided into two parcels. Parcel 1 is a red-outlined area measuring 78' by 70' with an area of 0.48 AC. Parcel 2 is a red-outlined area measuring 132' by 95' with an area of 105' +/- and 105' +/- (likely a typo for 105' +/-). The map also shows a 6" water line, a 2" galvanized water line, and a sewer line. The property is adjacent to State Hwy 22 and Alder Street. The map includes various dimensions and area calculations for the parcels and surrounding areas.

## **Agenda Item 2**

### **Planning Commission Minutes**

1. October 20, 2021

**MILL CITY PLANNING COMMISSION**  
**Meeting of October 20, 2021**

A site visit took place a 3:30 p.m. at the property located at the corner of SW 8<sup>th</sup> Avenue and SW Spring Street.

Planning Commission members present: Chair Marge Henning, Jim Grimes, Woody Koenig, David Leach, Sandy Lyness, Caitlin Purdy and Debbie Schenck.

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

City Council Representatives: None.

Agency/Applicant Representatives: None.

Citizens: Randall Craig, Roel Lundquist.

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

**APPROVAL OF MINUTES:** *Sandy Lyness moved, seconded by Debbie Schenck to approve the minutes of September 21, 2021. The motion carried, (7:0).*

**PUBLIC COMMENT:** None.

**PUBLIC HEARING:** File No. 2021-08     Variance to Minimum Lot Width Requirement  
Applicant:     Glen Kent & Doug Doty, 250 Sunset, LLC  
Location:     Corner SW 8<sup>th</sup> Ave and SW Spring St

Chair Henning opened the public hearing at 6:39 p.m. with the procedures for the land use hearing. Chair Henning called for any potential conflicts of interest, bias or ex parte contact. None stated.

**STAFF REPORT:** Mr. Kinney said that the applicant's have seen the staff report and have requested a two month delay to allow time to revise the submittal.

Based on the staff report, Mr. Kinney said that he anticipates that the applicant will have an expert come to identify whether wetlands exist on the property.

The staff report recommended that the proposal, as presented, not be approved. The Mill City Fire Department and Roel Lundquist submitted written testimony related to the proposal.

Should a revised proposal be submitted, the staff report will be revised to reflect the changes and notices will be sent out to the adjacent property owners advising of the new date.

Chair Henning continued the hearing to Tuesday, December 21, 2021 at 6:30 p.m.



**OLD BUSINESS:** Mill City Falls Park – Overlook and Public Plaza Concept Design Review: Mr. Kinney said that the design for this park is getting closer to completion. Once complete and out for bid, it is anticipated that the project will be constructed this winter.

It was suggested that the large concrete wall that is to be constructed along the south side have a mural painted on it. Mr. Kinney said that this will be brought up with the group putting the plan together.

**NEW BUSINESS:** Mill City Zoning/Development Code Update: Mr. Kinney said that a few years ago the public facility portion of the development code was updated. Recently, staff and found that there are issues with the way that the zoning code is written. Mr. Kinney said that one of his goals before retirement is to make sure that the code is easy for staff to interpret and enforce.

There is a model zoning code that will be used to draft changes to Mill City's code which includes four different types of land use actions.

Total Maximum Daily Load (TMDL) Plan Update Required – Mercury Standards: Mrs. Cook said that the City has to submit an annual report on the TMDL related to what actions will be or have been taken to address temperature, bacteria and mercury within the North Santiam River because it is a tributary of the Willamette Basin. DEQ recently revised the mercury TMDL requirements and all cities under 5000 in population must submit an approvable TMDL implementation plan that captures sediment and mercury reduction strategies, timelines, and milestones by September 3, 2022.

The timing for this is good as the City has been approved to receive \$2.9 Million in funding from the Oregon Legislature to complete storm water work, including drafting a Storm Water Master Plan. The new TMDL requirements can be outlined within the plan.

### **INFORMATIONAL ITEMS:**

City Recorder Report: Mrs. Cook gave a report on the following items:

- Cedar Creek Bridge Replacement
- RV Site Extension
- Marine Board Boating Grant Opportunity
- East Entry Sign Replacement

Mill City Water Main Improvements – 1<sup>st</sup> Avenue & SW Ivy Street: Mr. Kinney said that the piece of the first phase of the construction project for the water project has been completed. The construction work on SW Ivy Street, which is the second piece of Phase 1 is almost complete.

SCA Grant – Funding Decision by ODOT: A decision has not yet been made as to who will receive dollars through ODOT's SCA grant.

### Prospective Applications:

*Subdivision: SW 8<sup>th</sup> Avenue & SW Spring Street* – Developers have purchased this property and have filed a variance application for lot width.

*Site Review: Craft TapHouse, Hwy 22 & NE 4<sup>th</sup> Avenue (Old Texaco Station)* – A preliminary site plan was provided for staff to review. There are a couple of concerns with parking which have been forwarded to the property owner.

*SW Ivy Street /SW Kingwood Avenue Property* – A pre-application meeting is scheduled to review preliminary layout for a subdivision on a large parcel of land between SW Ivy Street and SW Kingwood Avenue.

Upcoming Hearings: None scheduled.

**BUSINESS FROM THE PLANNING COMMISSION:** Sandy Lyness said that she will be out of state for the November meeting.

**OTHER BUSINESS:** None.

The meeting was adjourned at 7:32 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 4<sup>th</sup> day of August 2020

# **Agenda Item 4a**

## **File 2021-09**

**ConKraft Construction**  
**Minor Partition**

**745 NE Alder St.**

(The staff report will be  
distributed separately)



# **Agenda Item 4b**

## **File 2021-10**

Thacker / Mitchell

Conditional Use Permit

Marijuana Retail Facility

415 NE Santiam Boulevard

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

Good evening, *[The chair will introduce herself and Commission members].*

I will be presiding over this hearing.

### **Hearing #1: File 2021-09      Minor Partition**

This is a public hearing to consider Land Use File 2021-09, a minor partition at 745 NE Alder Street in Mill City. The applicant proposes to divide a .48-acre parcel into two lots.

The applicant is ConKraft Construction of Salem, Oregon.

### **Hearing #2: File 2021-19      Conditional Use Permit**

This is a public hearing to consider Land Use File 2021-10, a conditional use permit application to operate a medical marijuana dispensary and a recreational marijuana retail sales outlet at 415 NE Santiam Boulevard in Mill City.

The applicants are Thorin Thacker and Roy Mitchell.

A copy of the agenda and hearing procedures for this meeting are available near the entry. 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/or 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, the Chair will 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, the Chair will 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 next regularly scheduled 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.





City of Mill City

**David W. Kinney**  
*Planning Consultant for the City of Mill City*  
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 Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

## **MILL CITY PLANNING COMMISSION**

### **STAFF REPORT and FINDINGS**

**STAFF REPORT DATE:** January 2, 2022

**HEARING DATE:** January 18, 2022

**FILE NUMBER:** 2021-10 Conditional Use Permit – Marijuana Retail Sales Outlet

**APPLICANT/OWNER:** Thorin Thacker / Roy Mitchell  
 % 12185 Golf Lane SE, Sublimity, OR 97385

**PROPERTY:** 415 NE Santiam Boulevard, Mill City, OR

<u>Assessor's Map</u>	<u>Tax Lots</u>	<u>Acres</u>	<u>Zoning</u>
T09S R3E 29CA	01501	0.13	Highway Commercial

**EXHIBITS:**

- EXHIBIT A
  - A-1 Application (on file at City Hall)
  - A-2 Applicant's Narrative
- EXHIBIT B Approved Site Plan – Notice of Decision dated May 19, 2020 (File 2020-04)
  - B-1 Site Plan showing building location
  - B-2 Landscaping Plan and Parking Plan
  - B-3 Parking Plan (west)
  - B-4 Legal Description including Parking Easement
- EXHIBIT C Land Use Compatibility Statement filed with OLCC

**REQUEST:** Medical Marijuana Dispensary & Recreational Marijuana Retail Sales Outlet

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

- **Chapter 17.24 – Commercial Highway Zone**
  - 17.24.025 Uses Subject to OR-22 Access Mgt Plan
  - 17.24.040 Conditional Uses Permitted
  - 17.24.090 Hwy 22 Access Mgt Plan Conformity
- **Chapter 17.44 -- Supplementary Provisions**
  - 17.44.040 Sign Requirements

- 17.44.050 *Clear Vision Areas*
- 17.44.060 *Off-street Parking*
- 17.44.070 *Off-street Loading*
- 17.44.090 *Exterior Lighting*

• **Chapter 17.52 -- Conditional Uses**

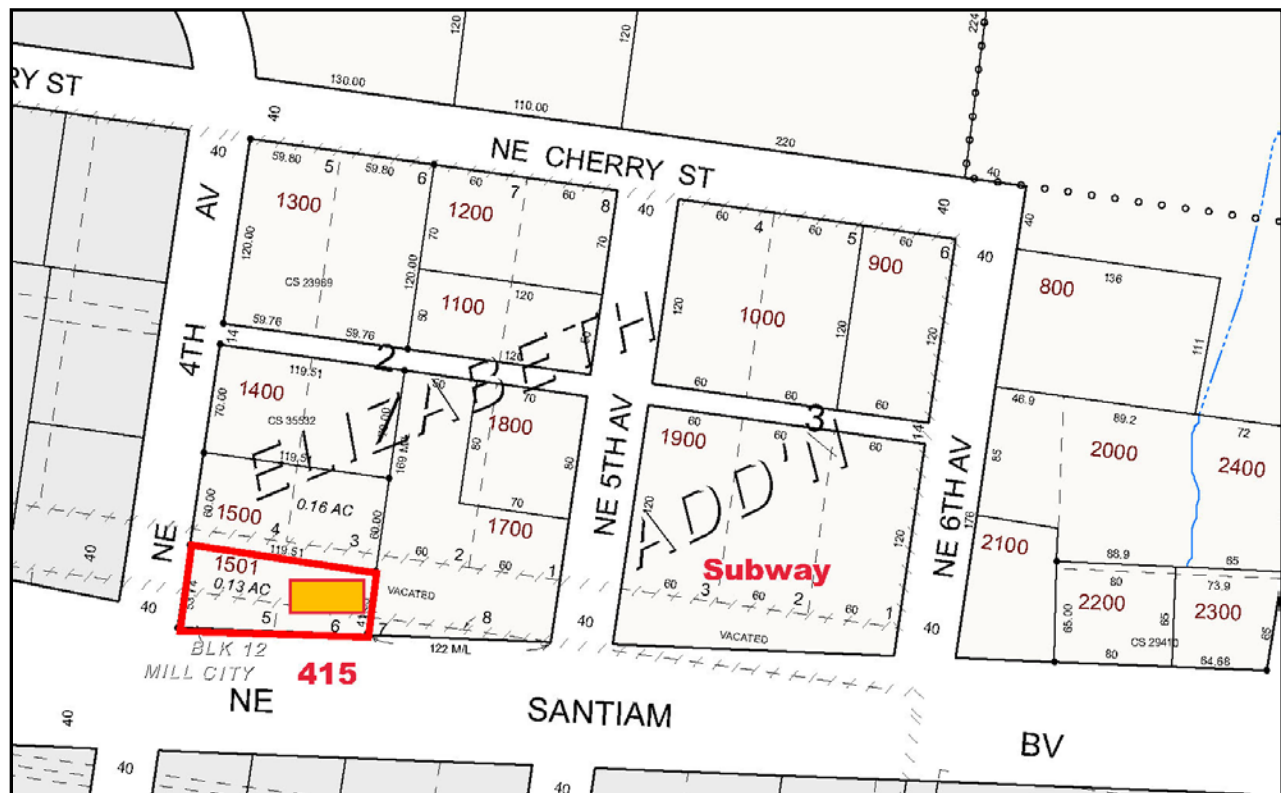
- 17.52.020 *Authorization to Approve/Deny Conditional Use*
- 17.52.030 *Standards Governing Conditional Uses*
- 17.52.030.E *Standards for Marijuana Facilities*

## I. Applicant's Proposal

Thorin Thacker and Ray Mitchell propose to open a recreational and medical marijuana dispensary/retail outlet store at 415 NE Santiam Boulevard in an existing retail building. They are currently operating a retail outlet in Gates and intend to move the store to 415 NE Santiam Boulevard as soon as the city approves a conditional permit and OLCC approves their license/business relocation.

In May 2020, the Mill City Planning Commission approved a land use application (File 2020-04) from Robert and Linda Yates requesting the city approve a site plan for this commercial building at 415 NE Santiam Boulevard to allow them to remodel the existing commercial building and then sell/lease the building for a future commercial use.

Figure 1  
415 NE Santiam Boulevard, Mill City



The property is zoned Highway Commercial (CH), which permits commercial retail, office and similar commercial uses. Since the property was vacant for several years, the City required Mr. Yates to obtain a site plan approval to reoccupy the property. The approved site plan shows the existing building and proposed parking lot and site improvements for the future commercial uses. The applicants, Mr. Thacker & Mr. Mitchell, submitted Exhibit C, the approved site plan drawings from File 2020-04, as part of their application materials.

Figure 2  
415 NE Santiam Boulevard (Hwy 22), Mill City, OR



## II. BACKGROUND INFORMATION

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

In November 2021, Mill City's voters approve a ballot measure that allows the location of a medical marijuana dispensary and a recreational marijuana retail outlet within the City of Mill City. The City Council adopted Ordinance 407 repealing the city's ban on the location of these facilities. Effective January 1, 2022, the City may allow marijuana dispensary and retail outlet as long as the facility complies with the City's zoning regulations and the Planning Commission approves a conditional use permit.

The applicants held a pre-application meeting with the City Recorder to discuss their plans. Stacie Cook

provided them with a copy of Ordinance 384 which stipulates the time, place and manner of operations for marijuana facilities. On December 16, 2021, the applicant filed a Conditional Use Permit application with the City of Mill City. The application was deemed complete December 17, 2021.

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

Chapter 17.64 of the Mill City Municipal Code (MCMC) outlines the application, notice, review and decision process for land use applications. A conditional use permit requires a quasi-judicial review process with a public hearing before the Mill City Planning Commission.

The Mill City Planning Commission will hold a public hearing on January 18, 2022. At the conclusion of the public hearing, 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.

The Planning Commission must make a decision within 120 days of the date the application was deemed complete. The City's final decision must be made by April 16, 2022 to comply with the "120 Day Rule".

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

The Planning Commission will make its decision based on the criteria found in the Mill City Zoning Code, Chapters 17.24, 17.44 and 17.52. The Searchable City Code can be viewed under "Documents" at the City of Mill City website: <http://www.ci.mill-city.or.us/>.

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 18, 2022 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. Notice of any Public hearings must be provided to affected governmental agencies, adjacent property owners and published in a newspaper of general circulation in the community.

- Agency Notice: Notice was emailed to affected agencies on December 27, 2021.
- Newspaper Notice: Notice was published in the Canyon Weekly on December 24, 2022.
- Property Owner Notices: Notice was mailed to property owners within 200' of the applicant's property during the week of December 27<sup>th</sup>, 2021.

### **E. Existing Development in the Vicinity**

Most of the property along Hwy 22 is designated for future commercial development and zoned Highway-Commercial (CH). The properties with frontage on NW Alder Street are zoned Highway-Commercial but are mostly single-family residences.

Adjacent uses are:

EAST:	Manufactured home on the adjacent lot – used as a residence. Subway Restaurant east of NE 5 <sup>th</sup> Avenue.
SOUTH:	Single-family homes on the south side of NE Santiam Boulevard (Hwy 22).
WEST:	No structures directly west.



Single-family homes in block west of NE 4<sup>th</sup> Avenue and north of Hwy 22.

NORTH: Single-family homes along NE 4<sup>th</sup> Avenue.

#### F. Utilities:

1. Water: The existing building is connected to city water. There is a 6" water main in front of the building on NE Santiam Boulevard (Hwy 22). A fire hydrant on a 12" main is located 125' east of the building on the NW corner of NE 5<sup>th</sup> Ave. No water improvements are proposed or needed for the project.
2. Sewer: The existing retail store is connected to city sewer. No sewer improvements are proposed or needed for the project.
3. Storm Drainage: The current property has sheet flow drainage to the south to Hwy 22. The applicant will not change the east parking area. On-site storm drainage will be required for any new parking spaces west of the building.
4. Private Utilities: The property is currently served by private utilities. No changes are proposed.

#### G. Streets and Sidewalks:

1. Hwy 22: Hwy 22 is a 3-lane state highway, with a center turn lane. There is a curb along the property frontage, as shown the photo of the property (Figure 2). Planned improvements are shown on the *OR-22 Access Management Plan*.
2. NE 4<sup>th</sup> Ave: NE 4<sup>th</sup> Avenue is a Marion County road. It is a 20' wide turnpike style street in fair to poor condition.

#### 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 and ODOT. Responses were requested back by January 7, 2022.

As of January 2, 2022, the City had received the following agency comments:

Mill City Rural Fire Protection District: On December 28, 2021 Fire Chief Leland Ohrt responded "We have no comments concerning access and water supply for the proposed Marijuana Retail Store at 415 Santiam Blvd. in Mill City. The proposed business needs an Occupancy Classification by the Building Official and further plan review may need to be completed concerning the access and water supply after the Occupancy Classification is assigned."

Linn County Building Official: On January 7, 2021, Rick Goff, Building Inspector/Plans Examiner, responded: "As far as the building code portion for CBD retail it will fall under a B occupancy. If the prior occupancy was a B no change of use is required but a tenant improvement permit would be required if remodeling the space. If occupancy is changing to a B, a change of use permit is required."

Oregon Department of Transportation: On December 28, 2021 Casey Knecht, Development Review Coordinator for ODOT Region 2, responded "No comments from ODOT on the proposed conditional use permit at 415 NE Santiam Boulevard (Hwy 22). If the applicant desires to make any changes to their highway frontage (curbs, driveways, sidewalks, utility connections, etc.), or if the city requires it, the applicant will need to obtain a permit from ODOT. They can contact me

*directly to start that process.”*

Any other agency comments received prior to or during the public hearing will be made part of the record.

2. **Public Testimony.** The City sent notices of the Public hearing to surrounding property owners. As of January 2, 2022, 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.

### III. FINDINGS

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

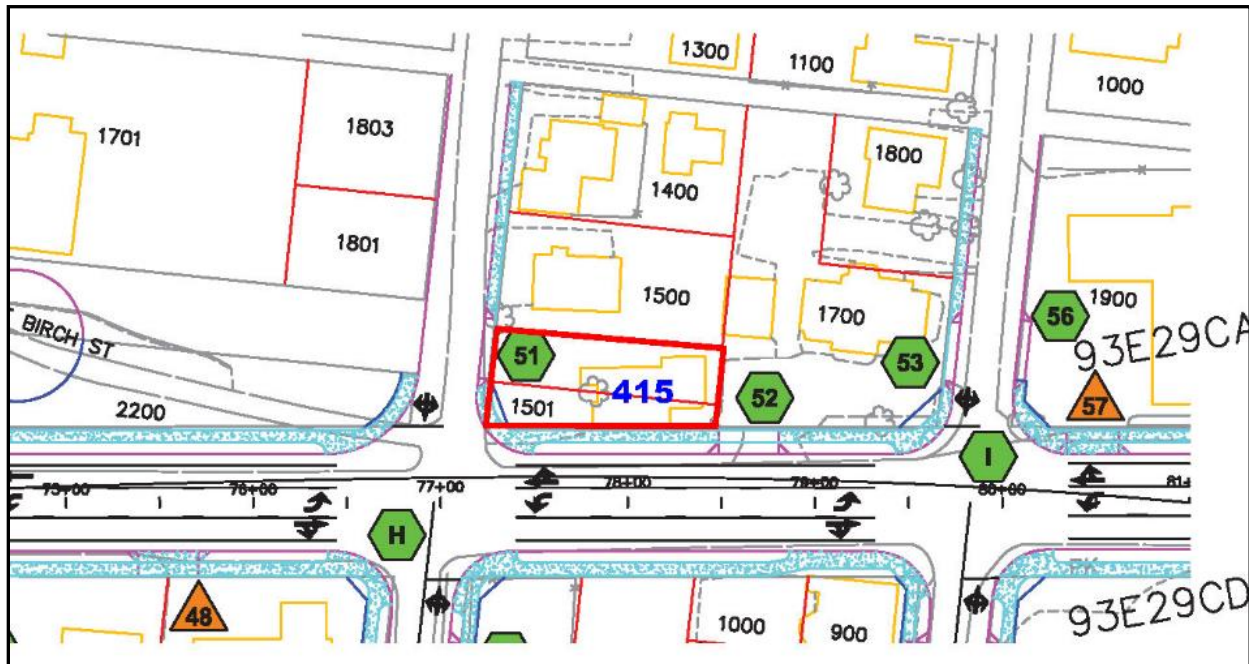
#### A. Chapter 17.24 – Highway Commercial (CH) District

The following standards in the Highway Commercial Zone apply to this proposal.

**17.24.030 Permitted Uses.** Retail uses are permitted outright. However, a marijuana dispensary and marijuana retail outlet are permitted as a conditional use.

**17.24.025 and 17.24.050 Uses Subject to OR 22 Access Mgt Plan.** The proposed change in use requires consultation with ODOT and compliance with the OR-22 Access Management Plan. Approved access points 51 and 52 serve the property. Figure 2 shows there is an existing curb and paved shoulder on the Hwy 22 frontage. There are no sidewalks.

Figure 3  
OR-22 – Mill City Access Management Plan  
Approved Access Locations at 415 NE Santiam Boulevard



**17.24.090 OR-22 Access Management Plan Conformity.** The site must comply with the OR 22 Access Mgt Plan for the location of driveway accesses, street, curb and sidewalk improvements. The existing driveway accesses (#51 and #52) comply with the OR-22 Access Mgt Plan. The plan shows street widening, curb and future sidewalks.

Casey Knecht, Development Review Coordinator, responded. ODOT will not require and roadway improvements, access changes or sidewalks for the change in use. If the City requires sidewalks, then an ODOT-ROW construction permit is required.

**FINDINGS and CONCLUSIONS:** The City's Planning Consultant reviewed the change in use for the Conditional Use Permit. The proposed retail outlet complies with the basic zoning requirements of Chapter 17.24, the Highway-Commercial Zone as summarized above.

The applicant has been asked to provide additional information on the # of employees and typical customer counts, cars in the parking lot, etc. During the public hearing the Planning Commission will review the parking lot, traffic and pedestrian demands for the proposed use and be asked to decide if a sidewalk should be installed for the change in use.

## B. Chapter 17.44 – Supplementary Provisions & Parking

The following sections in Chapter 17.44 will apply to a future commercial use.

**17.44.040 Sign Requirements.** No new signs are proposed. Any new sign must comply with Chapter 17.68 signs, ODOT sign requirements and clear vision requirements. If required, the applicant will obtain building permits for new sign construction.

**17.44.050 Clear Vision Areas.** A clear vision triangle must be provided at all street intersections and at the driveway entrances to the parking lots on the site. Planting in the clear vision areas shall be growing groundcover that will not grow taller than 2.5' tall. Due to the slope of NE 4<sup>th</sup> Avenue, the approved site plan states no shrubs or trees may be planted in the clear vision triangle on the corner.

**Table 3**  
**Clear Vision Area Measurements**

Type of Intersection	Measurement Along Each Lot Line or Drive Edge
Controlled intersection (Stop sign)	20 feet
Uncontrolled intersection (60' r/w or less)	30 feet
Commercial/industrial driveways	20 feet

The approved site plan for the property complies with Section 17.44.050 by showing the clear vision areas at all intersections and driveway approaches.

**17.44.060 Off-Street Parking.** The City's off-street parking requirements apply. The existing 1,476 sf retail store requires 5 paved parking spaces, including at least one ADA

accessible parking space.

The site plan shows two parking areas:

1. East Parking: Five paved, marked spaces including one ADA accessible space. All parking spaces must be striped and the ADA space must be marked and signed in accordance with the building code.
2. West Parking: Four gravel parking spaces west of the building, with a new access driveway from NE 4<sup>th</sup> Avenue. A new driveway approach is required from the street pavement edge into the site. On-site storm drainage shall be provided. Will applicants be using this parking area? If yes, improvements will be required to be completed within one year.

**17.44.090 Exterior Lighting.** Outdoor lighting is shown over each entry door to the building. No additional exterior lighting is proposed. All parking lot and outside lighting on buildings shall be “dark-sky” lighting, with hoods to direct light downward in such a manner that lighting will not face directly, shine or reflect glare onto an adjacent street or property.

**FINDINGS and CONCLUSION:** The proposed commercial uses must comply with the off-street parking, clear vision and exterior lighting standards in Chapter 17.44.

As part of the prior site plan approval, File 2020-04, the City’s Planning Consultant concluded a retail use at 415 NE Santiam Boulevard can comply with the standards in Chapter 17.44 if the following conditions are complied with:

1. *Clear Vision.* No planting in the clear vision area at the intersection of NE 4<sup>th</sup> Avenue.
2. *Parking.*
  - a. East Parking Lot. Stripe the existing four parking spaces as shown on the site plan. Stripe the ADA parking space and install an ADA compliant sign per City PWDS and building code requirements. Has this been completed? If not, then it must be done prior to opening of the retail facility.
  - b. West Parking Lot. Install a new AC driveway approach from NE 4<sup>th</sup> Avenue from the existing pavement and extending a minimum of 10’ into the property, per City PWDS standards. Provide on-site storm detention.
3. *Exterior Lighting.* All parking lot and outside lighting on buildings shall be “dark-sky” lighting, with hoods to direct light downward in such a manner that lighting will not face directly, shine or reflect glare onto an adjacent street or property.

## C. Chapter 17.52 – Conditional Use Permit Requirements

A conditional use is a use of land or a structure which is normally appropriate, desirable, or necessary in a zone where it is permitted, but which, by virtue of a feature of that use, could create a problem within the area such as excessive height or bulk, congestion, a potential nuisance, or a health or safety hazard. Chapter 17.52 provides standards and procedures so that the use can fit into a particular zone in a manner so that the best interests of surrounding property, the neighborhood, and the city are safeguarded.



In approving a conditional use permit application, the planning commission may impose, in addition to those standards and requirements expressly specified in Chapter 17.52, additional conditions which the planning commission considers necessary to protect the appropriate development and best interests of the surrounding property, the neighborhood, and the city as a whole.

Section 17.52.030.F lists time, place and manner standards which apply to marijuana facilities. The following standards apply to this proposal.

**17.52.030.F. Medical Marijuana and Recreational Marijuana Facilities.**

1. **Application Requirements.** In addition to all standard required application materials and application fees, an applicant for a medical marijuana producer, processor, medical marijuana dispensary, recreational marijuana producer, processor and recreational marijuana wholesale or retail outlet shall submit the following information:
  - a. A narrative description of the type, nature and extent of the business.
  - b. Proposed days and hours of operation.
  - c. Certification that the facility has met applicable requirements of the city's zoning code, including sign code requirements.
  - d. Evidence the applicant has applied for appropriate licenses and/or registration with the Oregon Liquor Control Commission and Oregon Health Authority.
2. **Definitions**
  - a. **Marijuana.** Marijuana means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. As used in this chapter, "marijuana" or "medical marijuana" also refers to marijuana dried, produced, processed, kept, stored, delivered, transferred, dispensed or otherwise provided for the exclusive benefit of and use by a person to mitigate the symptoms or effects of a person's debilitating medical condition as defined in ORS 475.302.
  - e. **Marijuana retailer.** Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.
  - g. **Medical marijuana dispensary.** Medical marijuana dispensary or medical marijuana facility means a facility that is registered with the Oregon Health Authority and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to a person with a registry identification card. A facility includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

**FINDINGS for Compliance with Application Requirements:**

The applicant submitted the required application materials for a medical marijuana dispensary and a marijuana retail outlet.

- Written narrative: The applicant's narrative is attached as Exhibit "A-2".
- Proposed operating hours: 7 days per week. 9:00 a.m. to 7:00 p.m.
- Narrative must address zoning, lighting and signage. The applicant's narrative addresses each issue. No new business signs are proposed; however, the applicant states signs will comply

with the commercial sign requirements in Section 17.68. If a sign permit is needed, the City Recorder and Planning Consultant will verify new signs comply.

- The applicant has applied to transfer his OLCC license to 415 NE Santiam Blvd. OLCC will not take action to approve the new license until the Planning Commission approves the Conditional Use Permit.
- The City Council adopted Ordinance 407 authorizing the state to collect and distribute marijuana tax revenues to the City of Mill City.

### 3. Time, place and manner requirements.

#### a. Location:

- i. May not be located closer than 1000' from a medical marijuana dispensary or marijuana wholesale or retail sales outlet.
- ii. May not be located closer than 1000' from a public elementary or secondary school or a private or parochial elementary or secondary school.
- iii. May not be located closer than 1000' from Kimmel Park, 500' from Hammond Park or 500' from Mill City Falls Park.
- iv. May not be located closer than 500' from the Oregon Connections Academy school property at 833 NW Santiam Boulevard.
- iv. Distance measured from the exterior property boundary of the school or park property to the exterior boundary of the property on which the business is located.

b. Operating Hours: The business may be open to the public between the hours of 9:00 a.m. to 7:00 p.m.

c. Business License: Obtain a business license from the City and comply with local regulatory, business operating and tax requirements.

d. Odors. The facility must use an air filtration and ventilation system, which to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

e. Lighting. Facilities must provide and maintain adequate outdoor lighting over each exterior exit and in the parking lot serving the facility.

f. State Registration and Licensing: Obtain and continuously maintain any required license from the Oregon Liquor Control Commission (OLCC) and comply with Oregon Health Authority (OHA) registration requirements.

g. Comply with zoning, building, fire code and state licensing requirements.

### **FINDINGS for Time, Manner and Place Requirements:**

The applicant submitted the required application materials.

- Location: The location complies with the subsection 3a. The retail store is located more than 1000' feet from Kimmel Park, 500' feet away from other parks and 1000' feet from schools and educational facilities.
- Operating Hours: The hours from 9:00 a.m. to 7:00 p.m. comply with subsection 3b.
- Business License: The applicant has obtained a business license from the City.
- Odors. The applicants state that the existing building HVAC system exceed requirements to confine and filter objectionable odors. The City will need to set a schedule to monitor odors

to ensure they comply with the “reasonable person” standard and require corrections/filtration if objectionable odors affect adjacent residents/property owners off the premises. The applicant should discuss this at the public hearing.

- **Lighting:** No additional outdoor lighting is proposed. Existing outdoor lighting covers the east parking area and is over the outdoor entry doors. Verify if lighting is over each door prior to the public hearing. The applicant should discuss this at the hearing.
- **OLCC Licensing.** The applicant has applied to transfer his OLCC license to 415 NE Santiam Blvd. OLCC will not take action to approve the new license until the City approves the Conditional Use Permit.
- **Other zoning, building, fire code and state licensing requirements.** If internal structural, plumbing and/or mechanical improvements will be made or have been made, permits are required and the Linn County Building Department may determine if a change in use permit is required, if the occupancy type has changed.

### **CONCLUSIONS on Conditional Use Standards for Marijuana Facilities:**

The applicant has submitted an application & narrative (Exhibit A), site plans (Exhibit B) and a Land Use Compatibility form (Exhibit C) to demonstrate compliance with the conditional use permit standards for a marijuana dispensary and retail marijuana outlet.

The City Planner concludes the application and narrative (Exhibit A) comply with the city’s requirements in Section 17.52.030.F.1. The City Planner further concludes that the applicants comply or can comply with the time, place and manner requirements in Section 17.52.030.F.3.

### **Recommended Conditions of Approval:**

1. Compliance with Prior Land Use Approval, File 2020-04. The applicant shall comply with any unfinished conditions of approval for the site plan approval for the retail store at 415 NE Santiam Boulevard.
2. Maximum Operating Hours. 7 days per week. 9:00 a.m. to 6:00 p.m.
3. Business License. The owners will continuously hold a current city business license.
4. Signs. New signs shall comply with ODOT sign requirements and the applicant shall obtain required building permits for the signs from the City of Mill City.
5. OLCC Licensing. Prior to opening, the applicant shall provide the City of Mill City with a copy of the approved OLCC license authorizing the operation of a medical marijuana dispensary and recreational marijuana retail sales outlet at 415 NE Santiam Boulevard in Mill City, Oregon.
6. Nuisance Impacts. If the City of Mill City receives complaints from adjacent residents or property owners, the City Recorder will notify the owners of the complaints and visit the site to determine if the objectionable odor complaints violate the city’s “reasonable person” standards and constitute a nuisance. If they do, the City Recorder will notify the owners that modifications are required to the operation of the business and/or to the HVAC system to eliminate the odor impacts. A reasonable time will be granted to complete the modifications. If the owners fail to make corrections, the City will notify the OLCC that the business does not comply with the city’s local land use regulations.
7. Building Code Compliance.
8. Compliance Inspection. Within 60 days of the Planning Commission meeting, the City Planning Consultant will inspect the site and determine if the applicants are complying with the conditional use permit requirements. If the business owners are not in compliance with the requirements of the Conditional Use permit, the City shall provide a written notice to the applicants identifying any items which are out of compliance and provide a reasonable time period to bring the business into

compliance.

9. *Planning Commission Review and Revocation of the Conditional Use Permit.* If the owners fail to comply with the terms of this permit, the City Recorder may set a public hearing before the Mill City Planning Commission to determine if the City should revoke or modify the permit as provided for in Section 17.52.070 of the Mill City Zoning Code. The conditional use permit may be revoked or modified by the planning commission, after public hearing, on any one or more of the following grounds.
  - A. Approval of the conditional use was obtained by fraud or misrepresentation.
  - B. The use for which approval was granted has ceased to exist.
  - C. The use does not meet the conditions specifically established for it at the time of approval of the application.
  - D. The use is in violation of any provision of this title or any other applicable statute, ordinance or regulation.

## D. Chapter 17.76 – Site Plan Review Standards

Chapter 17.76 establishes site plan review standards for new construction and for changes in use. In May 2020 the prior owner obtained a site plan approval (File 2020-04) for the remodeled retail space at 415 NE Santiam Boulevard. This staff report incorporates the staff report, findings, conclusions and conditions of approval from File 2020-04, as if set forth in full herein.

### FILE 2021-04 -- SITE PLAN APPROVAL – 415 NE Santiam Boulevard

*The applicants are required to comply with any unfinished conditions of approval from the prior land use decision, File 2020-04. The Notice of Decision, issued May 19, 2020, is attached as Exhibit B.*

*The following conditions of approval from the prior land use decision apply to File 2021-10, since the building will be used for as a retail building. Where the prior owner has already complied with the prior conditions of approval, they are noted below.*

1. **Approved Site Plans:** The site plan for the commercial building at 415 NE Santiam Boulevard, dated May 2020 and stamped approved by the City of Mill City, is hereby approved.
2. **Expiration Date:** The site plan approval will expire on May 31, 2022. The applicant may request up to a one-year extension of the plan approval.
3. **Building Permits.**
  - a. Building Permits for the interior and exterior remodel of the building shall be obtained from the City of Mill City. All fees and charges must be paid prior to the issuance of each building permit. [Does applicant plan on doing any structural changes to the building? If no, then this does not apply.]
  - b. No building permits will be issued until the following item is completed:
    - (1) ROW Dedication/Sidewalk Easement. A ROW Dedication or sidewalk easement is completed and recorded in the Marion County Deed Records. (If yes, please identify the, Marion County Deed Records, Reel & Page #)

#### 4. **Parking Improvements**

- a. East Parking Lot. The applicant will stripe the existing four parking spaces as shown on the site plan. The applicant will stripe the ADA parking space and install an ADA compliant sign per City PWDS and/or building code requirements.
- b. West Parking Lot. The applicant will install a new AC driveway approach from NE 4<sup>th</sup> Avenue from the existing pavement and extending a minimum of 10' into the property, per City PWDS standards. The applicant will provide an on-site storm detention area for the west parking area. [These are extra parking spaces, not required by the code. If this parking lot is to be used, then this requirement continues. If the parking area is not going to be used, this requirement does not apply.]

#### 5. **Site Landscaping, Fencing and Exterior Lighting**

- a. Landscaping. Landscaping, as shown on the approved site plan, shall be installed within six months of the issuance of a certificate of occupancy. If landscaping is not completed, the City may withhold the issuance of a certificate of occupancy for the remaining unfinished buildings on the site or obtain a performance bond or security from the applicant that guarantees the work will be completed in a timely manner. Landscaping shown on the site plan shall be completed
- b. Exterior Lighting. All parking lot and outside lighting on buildings shall be “dark-sky” lighting, with hoods to direct light downward in such a manner that lighting will not face directly, shine or reflect glare onto an adjacent street or property. In the event installed lighting creates a hazard or a nuisance, the applicant shall modify or adjust the lighting to correct the hazard or nuisance, within sixty (60) days after receiving written notice from the City of Mill City.
- c. Fencing or Buffering. If fencing is installed, it may not be located on the west property line along NE 4<sup>th</sup> Avenue, but shall be set back a minimum of 10' from the 4<sup>th</sup> Avenue ROW.
- d. Signs. New signs shall comply with ODOT sign requirements and the applicant shall obtain required building permits for the signs from the City of Mill City.

#### 6. **Access Driveway Requirements**

- a. NE 4<sup>th</sup> Avenue Access Driveway. Construct an access driveway and driveway approach on NE 4<sup>th</sup> Avenue as shown on the approved site plan. Driveways shall comply with PWDS Section 2.28 and 2.29. [Required if the west parking area is to be used.]
- b. Clear Vision Area. Maintain a clear vision area at all street intersections and all street/driveway intersections per PWDS Section 2.22. No shrubs or trees may be planted in the clear vision area at the intersection of NE 4<sup>th</sup> Avenue.

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

Based on the findings contained in this staff report, the City Planner concludes the Conditional Use Permit for a medical marijuana dispensary and a recreational marijuana retail facility at 415 NE Santiam Boulevard complies with the basic zoning standards in Chapter 17.24 “Highway-Commercial” uses, can comply with the conditions of approval from prior site plan review approval, File 2020-04, and can comply with the Conditional Use Permit standards in Chapter 17.52, Section 17.52.030.F “Marijuana Facilities”.

The Planning Consultant recommends approval of the conditional use permit subject to the recommended conditions of approval listed on pages 11 to 13 of this staff report.

## V. PLANNING COMMISSION OPTIONS

- A. Approval of the Conditional Use Permit, File 2021-10, for the operation of a medical marijuana dispensary and a recreational marijuana retail facility at 415 NE Santiam Boulevard and adoption of the proposed findings and the recommended conditions of approval.
- 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 February 15, 2022 at 6:30 pm.

## VI. MOTIONS

Approval:	To approve the conditional use permit for a medical marijuana dispensary and recreational marijuana retail facility at 415 NE Santiam Boulevard, to adopt the findings of fact, conclusions and recommended conditions of approval for File No. 2021-10.
Approval (modified):	To approve the conditional use permit for a medical marijuana dispensary and recreational marijuana retail facility at 415 NE Santiam Boulevard, to adopt the findings of fact, conclusions and conditions of approval for File No. 2021-10, <u>as modified by the Planning Commission</u> .
Continue:	To continue deliberations to the next meeting of the Planning Commission on February 15, 2022 at 6:30 p.m.
Denial:	To deny the application because the applicant has not demonstrated the proposal complies with all of the conditional use permit criteria for a marijuana facility.

# **Agenda Item 6**

## **Old Business**

- a. Mill City Falls Park Design (verbal update)**





# **Agenda Item 7**

## **New Business**

- a. Planning Commission Annual Report (2021)**
- b. Work Program (2022)**
- c. Mill City Zoning/Development Code**

***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, 2022**

**To: Chairman Marge Henning and Planning Commissioners**

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

**In RE: New Business Items for January 18, 2022 Meeting**

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## **7. New Business**

### **a. Planning Commission Annual Report (2021)**

Every year the Planning Commission prepares a brief annual report. I will distribute a DRAFT of the 2021 Annual Report as soon as I can get it done.

**Action: Review and Discuss at February 2022 regular meeting.**

### **b. Planning Commission Work Program (2022 - 2023)**

Every two years the Planning Commission prepares an updated annual work program. Prior to the February 15, 2022 meeting, I will prepare a review of the adopted 2020-2021 Work Program. We will discuss projects and priorities at the February 2022 regular meeting.

**Action: Review, Discuss and Set Priorities at the February 2022 regular meeting.**

### **c. Mill City Development Code Revision (Zoning & Subdivision Regulations)**

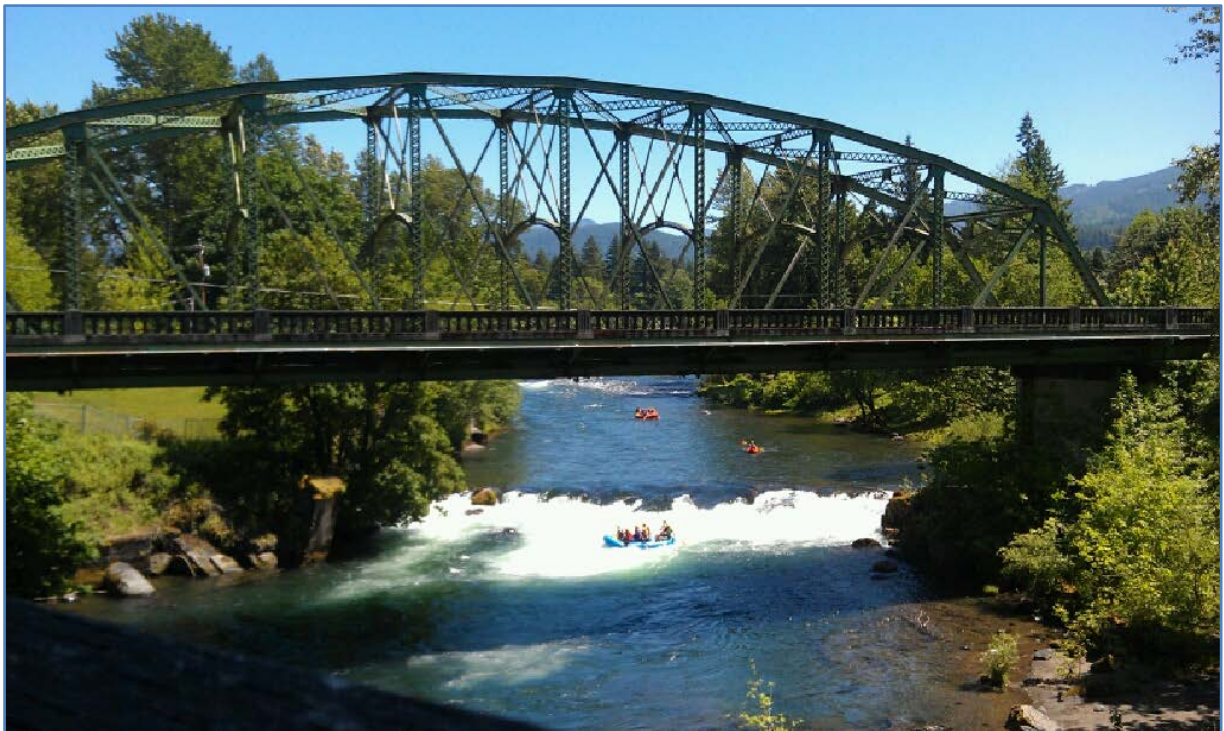
Over the past 10 years, the Planning Commission & City Council have adopted amendments to the Zoning and Subdivision Codes to address specific issues as they have come up.

It is time to rewrite and re-adopt an updated Development Code, using the Model Development Code for Small Cities (DLCD) as a guide. Stacie Cook and I see this as a “high priority” project. Enclosed is a Table of Contents for the new “Mill City Development Code”.

Articles 1, 4 & 5 are ready for distribution to the Planning Commission. My plan is to have Articles 3 “Design Standards” and Article 2 “Zoning Districts” ready by the end of January 2022. A compilation of the new Code will be ready for distribution to PC members in February.

**Action: Set Work Sessions to Begin a Review of the Proposed Codec.**

# Mill City Development Code



**January 2022 DRAFT  
for Planning Commission Review**

**Ordinance xxxx  
Effective Date – July 1, 2022**

# MILL CITY DEVELOPMENT CODE

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# **Agenda Item 8**

## **Informational Items**

**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: November 19, 2021

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Professional Services rendered to the City of Mill City for the planning and administrative services during the period from November 1 to 19, 2021.

### Planning and Administrative Services:

#### *General Administrative, Grants and Public Works Project Services;*

- 0.75 hours **Administrative and Budget Support:** Sewer Repair @ NW 4<sup>th</sup>; Authorize Adam Cade to do repair after site visit; Russ Foltz re: Sewer I & I in NE Marion County sector;
- 4.25 hours **General Planning Services:** Calls and emails w/ Justin Craft re plans for Craft Pour House at NE 4<sup>th</sup> & Hwy 22; Review PC items with Stacie Cook; Mtg with Bob Ward re: LC Zoning Amendment on Lyons-Mill City Drive; Pre-App Mtg with Christian Church reps (SW Kingwood Avenue); Cook; Calls w/ Mark Desbrow, Home-First, re: 54 unit housing project on NW Beech; Prep Storm O&M Agt – Template;
- 22.65 hours **WWTF Short-Term Improvements & WWTF Capacity Analysis.** Prepare Marion County ARPA Grant Application DRAFTs. Calls with Mayor Kirsch, Stacie, Michelle Bilberry & Peter Olsen re: scope of engineering Pre-Design Report and alternative state funding for sewer capacity improvements;
- 4.25 hours **Mill City Falls Park Plaza & Overlook:** ZOOM Conference/coordination with Brian Bainnson, Quatrefoil, Inc. and Keller Associates re: 90% plans. conceptual design work. Prepare Mill City Falls Park Narrative for FEMA Alternative Project \$730K funding; Check Wall St. site after installation of MC Bus Shelter; Multiple calls w/ Brian Bainnson & Cody Stone re: prep of final plans and bid docs.
- 4.50 hours **NW 7<sup>th</sup> & NW Sunset Water Line & Street Overlay Project:** Review final plan sets from Developer with John Ashley and Russ Foltz; Review & Edit Conditional Plan Approval Letter; Call with Jerry Horner, Design Engineer, re: cost estimates, Storm O&M Document; Emails with Developer and their bonding agent re: Performance Bond and Warranty Bonds for project; Project is a City/Developer project per Development Agt.

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36.40 hours @ 75/hr

\$ 2,730.00

*Special Projects*

- 0.00 hours **TIGER Grant – SOB.** Site visit to Wall Street. Emails to Dan Laird re: painters enclosure. No billable hours in November.
- 0.75 hours **Business Oregon – SDWRLF Water Project.** S. 1<sup>st</sup> Ave & SW Ivy/Hall Project. Site visits to SW Ivy Street w/ Russ Foltz; Email to Mike Houck re: submittals needed with PR#4, including Change Order #1.

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<b>0.75 hours @ 85/hr</b>	<b>\$</b>	<b>63.75</b>
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## Planning – Land Use Applications

- 0.00 hours **2019-092 SCSD HS-MS Campus.** No work in November 2021. Need to review final closeout items with Charles Fisher, Locke Engineering and Tree Frederickson to closeout file.
- 0.50 hours **2021-02 Yucker/Kent/Doty – 715 River Rd. Minor Partition.** Edit Development Agreement and various calls, emails with Developers & engineer Jerry Horner to review the Dev Agt requirements, performance guarantee and final design for water line work adjacent to partition.
- 0.00 hours **2021-08 Kent/Doty -- SW 8<sup>th</sup> Variance.** Brief call with Developer. They plan to modify their submittal for development of the site.

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<b>0.50 hours @ 75/hr</b>	<b>\$</b>	<b>37.50</b>
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<b>Subtotal – Admin, Special Projects and Planning .....</b>	<b>\$</b>	<b>2,831.25</b>
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**No Charge**      4.25 hours

**Expenses**      Mileage Charges @ .55 per mile

11-02 Wall St. site visit – Bus Shelter & Overlook – 38 miles .....	\$	20.90
11-08 Conf w/ Tim Kirsch & Stacie Cook re WWTF Capacity – 38 miles	\$	20.90
11-09 Pre-App Mtgs – Bob Ward & Christian Church - 38 miles .....	\$	20.90
11-15 SE 4 <sup>th</sup> Sewer; Stacie re: ARPA funding options / costs - 38 miles	\$	20.90
11-17 City Hall– 38 miles .....	\$	0
11-19 City Hall –Sewer ZOOM Call Marion County -38 miles.....	\$	20.90

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<b>Subtotal – Mileage and Expenses .....</b>	<b>\$</b>	<b>104.50</b>
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<b>Total Due:</b>	<b>\$</b>	<b>2,935.75</b>
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**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: December 18, 2021

Professional Services rendered to the City of Mill City for the planning and administrative services during the period from November 20 to December 17, 2021.

### Planning and Administrative Services:

*General Administrative, Grants and Public Works Project Services;*

- 0.00 hours **Administrative and Budget Support:**
- 5.20 hours **General Planning Services:** Calls, emails & discussions w/ Stacie re: current & prospective applications. Greenlight Developmet/Home First Pre-app NW Beech; ConKraft @ 745 NE Alder; Marijuana Retail outlet LUCs, Justin Craft, HHPR re plans for Craft Pour House at NE 4<sup>th</sup> & Hwy 22; Call w/ Marge Henning re: sewer project & cancellation of December 21, 2021 meeting; ZOOM Call w/ Stacie Cook & Ethan Brown re: storm grant project engineering selection.
- 9.70 hours **WWTF Short-Term Improvements & WWTF Capacity Analysis.** Prepare & Submit final Marion County ARPA Grant Application; Calls & Emails with Mayor Kirsch, Stacie, Michelle Bilberry, Mary Camarata (DEQ), Jan Fritz & Peter Olsen re: scope of engineering Pre-Design Report and alternative state funding for sewer capacity improvements; ZOOM Call w/ DEQ officials (5), Stacie and Keller (3) to discuss planning options for WWTF improvements.
- 7.35 hours **Mill City Falls Park Plaza & Overlook:** Review of 95% plans & spec docs; set schedule w/ Stacie Cook, ZOOM Conference/coordination with Brian Bainnson, Quatrefoil, Inc., John Ashley and Keller Associates re: 95% plans, final specifications.

**22.25 hours @ 75/hr**

**\$ 1,668.75**

### *Special Projects*

- 0.00 hours **TIGER Grant – SOB.** Site visit to Wall Street. No billable hours in November.
- 4.20 hours **Business Oregon – SDWRLF Water Project.** S. 1<sup>st</sup> Ave & SW Ivy/Hall Project. Call with Mike Houck re: submittals needed with PR#4, including Change Order #1. Review PR#4 with John Ashley/Russ Foltz; Review AIS & DeMinimus certifications; December 16, 2021 - punchlist walk-through of project sites with John Ashley; Emails re: updated punchlist for closeout; Disbursement Request #4 – discuss items to include with Lacy Classen.

**4.20 hours @ 85/hr**

**\$ 357.00**



## Planning – Land Use Applications

- 1.10 hours **2021-08 Kent/Doty -- SW 8<sup>th</sup> & SW Spring St. Variance.** Review modified plans for 6 duplexes. Prepare memo to applicants; Review with Stacie Cook after her vacation; Proposed revised plan does not fit variance application; Outline 3 options for applicant on how they can proceed.
- 1.00 hours **2021-09 ConKraft Minor Partition, 745 NE Alder.** Review concept plan and email notes to Stacie Cook; Review minor partition application and prepare hearing notices for January 18, 2022 hearing.
- 0.85 hours **2021-10 Thacker/Mitchell CUP – Marijuana Retail Store, 415 NE Santiam Blvd.** Prepare LUCS for retail outlet; Prepare hearing notices for Conditional Use Permit hearing for January 18, 2022.
- 19.50 hours **2021-11 Mill City Development Code (Zoning & Subdivision) Rewrite:** Research DLCD Model Code; Prepare new code template; Draft Article I – Introduction, Article 5 – Definitions, Article 2 Residential Zoning Districts; Discuss design and height options with Stacie Cook.

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**22.45 hours @ 75/hr**

**\$ 1683.75**

**Subtotal – Admin, Special Projects and Planning.....**

**\$ 3,709.50**

**No Charge** 8.50 hours

**Expenses**

Mileage Charges @ .55 per mile

11-30 City Hall – MC Falls plans review w/ Russ & Stacie – 38 miles .	\$	20.90
12-08 City Hall – get signed ARPA forms -WWTF Capacity – 38 miles	\$	20.90
12-16 Water Project Punchlist Walkthrough – 38 miles.....	\$	20.90

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

**\$ 62.70**

**Total Due:**

**\$ 3,772.20**