

MILL CITY PLANNING COMMISSION
Meeting of April 16, 2019

The meeting was preceded with a site visit to 769 SW Ivy Street at 4:30p.m.

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

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

City Council Representatives: None.

Agency Representatives: None.

Citizens: Scott Baughman, Lee Fleming, Vicki Fleming, Roseanna Juhola, Ken Kilmer, Dan Lemke, Ruth Lemke, Roel Lundquist, Laura Lyon, Mary Miller, Julie Parham and Glen Wright.

The meeting was called to order at 6:38 p.m. Chair Ann Carey led the pledge of allegiance.

Mrs. Cook said that there was a sentence in the public hearing testimony that was stated by Cheryl Lundquist regarding disguising the charging stations which has been removed. Chair Carey said that the sentence was removed because it wasn't stated as testimony but rather as a side discussion between attendees.

APPROVAL OF MINUTES: *Grant Peterson moved, seconded by Woody Koenig to approve the minutes of April 2, 2019, as amended. The motion carried, (6:0).*

PUBLIC COMMENT: None.

PUBLIC HEARING CONTINUATION:

File No. 2019-01 & 2019-02

Applicant: Scott Baughman

Proposal: Minor Partition (Combine 2 parcels & redivide into 3 lots)

Site Plan Review (Duplexes on proposed lots)

Location: 230/272 SW Ivy Street

Chair Carey opened the continuation of the public hearing at 6:42 p.m.

STAFF REPORT: Mr. Kinney said that this is the continuation of a public hearing from March 19, 2019. The proposal is to divide two parcels into three and have them ready for construction of four duplexes. The staff report was not completed in time to allow the applicant to review it fully. Tonight the hearing will focus on the partition. There is still additional information need for the site plan review on the duplexes.

Minimum lot size is 8000 sq. ft. for a duplex. Each parcel must have at least 50' of frontage on a street or must have access via a 25' wide access driveway. Any new buildings must comply with basic zoning requirements including architectural design and setback requirements. Because the

applicant is proposing panhandle lots, the side and rear requirements must be met and the building should be set back in the front to keep separation between the two parcels.

The property in question is located on SW Ivy Street, which has a 50' ROW. No dedication is recommended. If new lots are developed a PUE would be required for private utilities. The lots proposed are approximately 11,000 sq. ft. each. The access driveway that goes to the rear lot is not counted as part of the front lot size. These will still exceed the minimum 8000 sq. ft. needed for a duplex. A clear vision will be required at the end of the driveway and the driveways must be separated by at least 25' to provide for vision areas.

The Fire Department has requested that address signs be placed at the front of the driveway for the panhandle lots in the rear.

The Planning Commission can require street improvements concurrently with development or approve a non-remonstrance agreement. In this case there is no curb line to connect to so staff recommends execution of a non-remonstrance at this time and look at the area when the duplex site plan review is completed to determine if street improvements should be done.

There is no storm drainage in this area. The applicant will be required to install an on-site detention area or filtration trench to take in runoff. This will be a condition of approval before any building permits will be issued.

Water and sewer exist within SW Ivy Street, which the applicant will be required to connect to. There is a small 2" water line and an 8" line. The applicant must connect to the 8" line as the 2" line needs to be abandoned in the future.

All lots can be served by public and private utilities. Because of the development that is already completed in this area, it does not make sense to try to push another street through between SW Ivy Street and SW Kingwood Avenue.

Staff recommends approval of the minor partition subject to the following conditions of approval:

1. Partition plat must be completed by April 30, 2020.
2. Survey must meeting County requirements and be recorded no later than April 30, 2020 and must include reference to existing sewerage system easement, 7' wide PUE on north boundary of Lot 1 adjacent to SW Ivy Street and provide a 25' access easement and maintenance agreement for access driveway to serve lots 2 and 3.
3. Obtain Type B public works construction permit.
4. Execute a non-remonstrance agreement.
5. Tap into the 8" water main form connection and install individual water services for each parcel prior to or concurrently with the issuance of any building permit. All must be installed as a single project.
6. Install new sewer interceptor tanks and sewer laterals for each parcel prior to or concurrently with the issuance of a building permit for each duplex on the site.
7. Submit and obtain approval for an on-site storm drainage plan for the project site prior to the issuance of any building permits for the site.

APPLICANT'S TESTIMONY: Scott Baughman, applicant, said that he doesn't have anything to add other than to clarify the lot size requirement for the two duplexes is different than for the single duplex lots. Mr. Baughman said that the reason he has not submitted the site design for the homes is because he has toyed with how to provide enough parking on some of the parcels. With the requirement for 25' between driveways this limits the amount of parking that can be included.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: Glenn Wright, SW Ivy Street, asked if there is any provision for privacy fencing and landscaping. Mr. Baughman said that there will have to be fencing and landscaping when the development occurs. Garbage cans will also be considered and screened as possible.

Mr. Wright said that he is very concerned with duplexes vs single-family homes as the duplexes/renters don't bring as much value to town.

PLANNING COMMISSION QUESTIONS OF CLARIFICATION: None.

STAFF SUMMARY: Mr. Kinney said that the staff report has a recommended set of conditions. The site plan review will come back to the Planning Commission and additional notices will be sent out to the property owners with the information for the duplexes.

CLOSE OF HEARING: Chair Carey closed the hearing at 7:01 p.m. and called for deliberation.

PLANNING COMMISSION DELIBERATION: *Woody Koenig moved, March Henning seconded by to approve File No. 2019-01, Minor Partition subject to the proposed conditions of approval and to adopt the findings of fact in the staff report. The motion carried, (6:0).*

PUBLIC HEARING: File No. 2019-06
Applicant: Lee & Vicki Fleming
Proposal: Variance to allow an Accessory Dwelling Unit addition as part
of a single-family residence
Location: 769 SW Ivy Street

Chair Carey opened the public hearing at 7:04 p.m. and read through the procedures for the land use process. Mrs. Carey called for any conflicts of interest, bias or ex parte contact. None were stated. Chair Carey called for the staff report.

APPLICANT'S TESTIMONY: Lee Fleming, applicant, said that they proposed to construct an addition to their home to house an elderly parent. Vicki Fleming said that the intention is for this addition to allow for her to move into it in the future and have family move into the main home to help take care of her as she ages. This won't be used as a duplex in the future. The main purpose for having the stove in the home is to allow for her mother to maintain her independence.

STAFF REPORT: Mr. Kinney said that the application for the variance has been filed because the current code allows for single family living with one full kitchen. Under the City's code there are two options; a medical hardship to locate an RV or manufactured home for occupancy by a family member as a conditional use. This would have to be removed once the family member in need of assistance passed away or moved to a different location. The other option, a variance, requires that the use meet certain criteria.

The City does not have a code that allows for a second or accessory dwelling unit onto the same property in the single family zone.

The basic requirements include the setback and lot coverage codes, which this proposal meets.

The Fire Department has requested that if this is approved, there be a separate address so that they know which building they are responding to for emergencies.

The Planning Commission must reach the conclusion that the variance complies with certain criteria in order to consider approval. These include:

1. Unique or extraordinary circumstances apply to property which do not apply to other properties within the zone.
2. The variance is necessary for the preservation of a property right the same as is enjoyed by other property owners in the vicinity.
3. The variance is consistent with the Mill City Comprehensive plan goals & policies and the variance is not in conflict with the general purpose and intent of the mill City Zoning code, or to property in the same zone or vicinity in which the property is located.

The issue with this application is that the proposal, in effect, creates a duplex use within the R-1 zone.

If the Planning Commission concludes that the variance should be approved, the staff recommends the following conditions of approval:

1. The building addition shall comply with the basic zoning requirements in the R-1 zone.
2. The building addition will not have a separate entry/exit, or
If the building addition will have a separate entry/exit, the applicant shall obtain a second address for the ADU unit and the applicant shall post address numbers for each dwelling unit that are clearly visible from SW Ivy Street.
3. The applicant shall apply for a building permit by April 30, 2020. If no building permit application is filed by April 30, 2019 at 4:00 p.m., the variance approval will expire.

Mr. Kinney said that the Planning Commission does have the option of continuing the hearing to a date certain and taking in to consideration adoption of an Accessory Dwelling Unit (ADU) Code.

PROPONENT'S TESTIMONY: None.

OPPONENT’S TESTIMONY: None.

GENERAL TESTIMONY: Roel Lundquist, SW Linn Blvd, said that he has some concerns with R-1 becoming R-2. This applicant does not fit into a variance procedure.

Mr. Koenig asked what the difference between an ADU and an addition to the existing building is. Mr. Kinney said that an addition could be done but could not have a full kitchen, which means no cooking stove. An ADU would be a fully functional dwelling unit that is constructed in addition to the main residence. ADU’s would be allowed to have a full kitchen with a cooking stove.

Denny Chamberlin asked if there would be anything in the future that would prevent someone from renting out a space, even if it did not have a kitchen. Mr. Kinney said that the City would have no way of knowing that this was taking place and enforcement would be hard.

Mrs. Carey asked if the applicant was willing to wait until the City implemented an ADU code, what the time frame would be. Mr. Kinney said that the City has 120 days to make a decision on the application.

Mrs. Carey said that she has a question as to whether the application meets the criteria. Mr. Kinney said that the intention of using the addition for related family meets the intent of the zone. The unintentional consequence may be that a future owner would see this as a duplex instead of as a single-family home.

The Planning Commission has the following options:

1. Approve the variance as presented subject to conditions of approval.
2. Approve the variance subject to modified conditions of approval.
3. Deny the application because applicant has not demonstrated the proposed request for a variance meets criteria #1.
4. Continue deliberation until a date certain after a public hearing on an ADU amendment to the Zoning Code.

Consensus to hold a special meeting on Monday, June 30, 2019.

Mr. Peterson said that he agrees with the intent of what the applicants are trying to do but would like to also find answers for those who have provided testimony against. Mr. Peterson asked why there is not an interior adjoining door but there is a front entry door. Mr. Fleming said that they have no wall that would allow a door inside. A breezeway would be constructed in the rear to address access needs.

Mr. Chamberlin said that he doesn’t have any problem with the intended use and feels that it is something that is needed. However, there could be many problems in the future and when a variance is granted it should be repeatable rather than having something so special that it wouldn’t be done in the future.

Chair Carey said that she appreciates that the applicant only plans to use this for family but as with

anything, plans can change and this could end up being used as a duplex. The City would then have to deal with the outcome.

APPLICANT'S SUMMARY: None.

STAFF SUMMARY: Mr. Kinney said that if the Planning Commission feels that this is an appropriate use and is a unique enough situation, the variance could be approved. The conditions of approval would include those outlined previously.

Mrs. Cook asked how SDC's are handled if the Planning Commission approves the application. Mr. Kinney said that he would need to look at the code.

Mary Miller, SW Ivy Street, said that her mother will be moving into the home within the next two months and this addition will allow her to assist with her mother's care as well.

Mrs. Fleming said that this space would also allow for her to bring in a caregiver in the future to assist with medical needs, if needed.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Discussed above.

CLOSE OF HEARING: Chair Carey closed the hearing at 8:08 p.m.

PLANNING COMMISSION DELIBERATION: Ms. Henning asked if the applicant would prefer to continue the hearing to a date certain and have the Planning Commission pursue an ADU code or have a decision made this evening. The applicant's asked to continue the hearing and explore the ADU code.

Chair Carey moved, seconded by Marge Henning to continue the hearing to June 3, 2019 at 6:30 p.m. and to hold a public hearing on the Accessory Dwelling Unit amendment to the Zoning Code at this meeting. The motion carried, (6:0).

PRESENTATIONS: None.

OLD BUSINESS:

2019 Work Program: The Council accepted the 2018-2019 work program, including the recommendation to continue with the update to the Comp Plan and to apply for the Marion County Community Grant for the capacity study.

NEW BUSINESS:

Accessory Dwelling Unit (ADU): Mr. Kinney said that the ADU code that will be considered includes an attached or detached residential structure that is accessory to an existing use. This would be permitted in both the single and multi-family zones. Only one accessory dwelling would be allowed per site. This could be located in an existing accessory structure as long as the zoning

regulations and parking requirements can be met.

The draft language states that the ADU must be on the same floor as the main unit, which means that it could not be in a basement. The state requires that the unit shall not exceed 900 sq. ft. but the City has the option of lowering the maximum size.

The interceptor tank would have to be verified as large enough to handle the additional use.

A recreational vehicle would not be allowed as an accessory dwelling. If a manufactured home is proposed then it would have to be done under the conditional use requirements and removed after the use ceases.

Mr. Kinney said that he intends to submit notification to DLCD within the next couple of days to ensure that the 35 day notification requirement is met.

Mr. Lundquist said that there are already small homes in town so the overall size of an ADU needs to be considered. If this code is implemented then the entire City will be multi-family.

INFORMATIONAL ITEMS:

TIGER Grant Agreement: The jurisdictional transfer agreement has been signed and completed and the TIGER grant agreement has been as well.

The MOU for the roles of the City and County needs to be signed still as does the maintenance agreement.

An email that came through today indicated that design plan drawings will be submitted by the 22nd.

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: Mrs. Cook said that there will be a public input and listening session at The Reid House on Sunday, April 28 between 2:00 p.m. and 4:00 p.m. Please plan to attend if possible to provide input to the Committee.

The meeting was adjourned at 8:31 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

Minutes approved by the Planning Commission on the 3rd day of June, 2019