

MILL CITY PLANNING COMMISSION
Meeting of May 21, 2019

The meeting was preceded with a site visit to 100 block – NW 7th Place 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.

City Council Representatives: Tony Trout.

Agency Representatives: None.

Citizens: Chad Davis, Roy Gaylord, Roel Lundquist and Debbie Schenck.

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

APPROVAL OF MINUTES: Chair Carey said that she has asked that the minutes be held until there is additional information regarding the stove during the public hearing for the variance.

PUBLIC COMMENT: None.

PUBLIC HEARING CONTINUATION:

File No. 2019-07

Applicant: Debbie Schenck

Proposal: Variance – Reduce Front Setback for MH Placement

Location: 100 Block NW 7th Place

Chair Carey opened the public hearing at 6:35 p.m. Chair Carey called for ex parte contact, bias or conflicts of interest. Being none, the meeting was turned over to Planner David Kinney.

APPLICANT'S TESTIMONY: Debbie Schenck, applicant, stated that the variance is needed due to the requirement to have a larger home brought in to accommodate the ADA needs of her husband. The hillside will have vegetation removed, possibly along with some trees. There will be a retaining wall constructed.

Chad Davis, Lebanon, said that the retaining wall will be constructed in two phases with drainage on the back side of both walls, which will run to the front of the property.

Ms. Schenck said that there are no plans for geotech work to be done at this time.

Roy Gaylord, Lyons, said that he spoke with the Fire Chief Leland Ohrt last week and he advised that there should be a 5' separation between the home and the retaining wall in order to be able to access for emergency purposes. There is also the possibility of accessing from above should there be a need for firefighting to be done.

Mr. Ohrt mentioned his concern about the ability to get a gurney into the home. Mr. Gaylord

advised that there would be a ramp installed at the front of the home ending at a landing of at least 10'x10' with full ADA compliance inside the home.

STAFF REPORT: Mr. Kinney said that this there were two documents provided to the Planning Commission after the packets were disbursed. The first, maps and the interior layout of the home. There were also copies of emails provided that addressed questions that were put into the staff report.

The variance must be based on specific criteria. These are:

Unique or extraordinary circumstances – the unusual circumstance in this instance is the shape and configuration of the property. This parcel is zoned Commercial Highway (CH) because it was originally part of a larger parcel that fronted NW Alder Street. The property should have been rezoned at this time as single-family residential.

The current code requires a 15' front side setback for the home and the architectural front of the home to be parallel to the street. Because of the shape of the parcel these are not able to be complied with.

Necessary for the preservation of a property right the same as is enjoyed by other property owners in the vicinity – the steep slopes limit available building space for the home and detached carport/garage. The preservation of the applicant's property right to construct a new home and carport/garage is appropriate.

Variance is consistent with comprehensive plan goals and policies and is not in conflict with the general purpose and intent of the zoning code, or to property in the same zone or vicinity – There are no comp plan polices to address with the exception of steep slopes, which cannot be built on. The zoning code allows for new homes subject to R-2 requirements. The proposal is consistent with the purposes of the comp plan and zoning code.

Mr. Kinney said that the one criteria that could be questionable is the unique circumstance. Could the property construct a stick built home or purchase a home of a smaller size and still meet the setback requirements? The applicant has addressed most of these items in testimony.

All costs and requirements for the utility connections were discussed with the applicant prior to this meeting.

Mr. Kinney said that his recommendation would include three conditions of approval:

1. Manufactured home shall have minimum of 10' setback to the NW 7th Place property line.
2. Carport/garage shall be located so it shall have a minimum 16' setback from NW 7th Place property line.
3. Building permits must be applied for by May 31, 2020 at 4:00 p.m. or the variance approval will expire.

PROPONENT'S TESTIMONY: Tony Trout, SE 3rd Avenue, said that he acted as the applicant's agent during the property sale but that his services have been completed and he has no

obligation to be in attendance, so there is no conflict with his position on County. Mr. Trout said that there is one other unique circumstance and that is that NW 7th Place from Sunset north is an unimproved street. There is no traffic impediment at all. Mr. Trout said that he believes this meets all of the criteria for the variance.

OPPONENT’S TESTIMONY: None.

GENERAL TESTIMONY: None.

PLANNING COMMISSION QUESTIONS OF CLARIFICATION: Woody Koenig asked for clarification on the retaining wall heights. Mr. Davis said that the first will be 56’ long, 24” tall and the second will be 5’ behind, 80’ long and 48” tall. Both will tip back roughly 13 degrees.

Grant Peterson said that there is not a plan to go down other than for the gravel. The block will be sitting on top of gravel? Mr. Davis said that it will be on compacted gravel.

Mr. Koenig asked if there will be rebar. Mr. Davis said no. Mr. Peterson asked if there will be any lateral ties. Mr. Davis said there will not be. Each of the blocks weigh about 1700 pounds and never require anything other than being set on the gravel.

Denny Chamberlin asked if there is anything that holds the blocks together. Mr. Davis said that they are locked together at the bottom, top and ends.

Mr. Koenig asked if a soils or engineering report has been done, stating that his concern is for safety as the trees would be dangerous if they were to fall. Mr. Gaylord said that they have been watching the hillside during the height of the rainstorms, specifically looking for runoff and found no indication of any.

Mr. Davis said that he believes the worst of the trees have been removed. His engineer was consulted and indicated that he did not see any issues.

Chair Carey said that she asked about historical drainage documentation and there is not any available.

Dave Leach said that he is a retired forester and those that concern him are the two larger firs on the top of the hill. Their root systems are compromised and if they fall, it will be toward the home. Ms. Schenck said that these trees are on the property line so there would have to be an effort with whomever owns the property on NW Alder Street to deal with them.

Chair Carey asked for more information on the ramp. Mr. Davis said that it will be off of the front door. Ms. Schenck said it will extend along the front of the home away from the street. Mr. Davis added that it will have a switchback in order to meet ADA requirements.

Mr. Peterson asked if 20’ is code for a driveway. Mr. Kinney said that the standard is 20’ to the garage from the property line. This still gives space for one vehicle in front of the garage. Mr. Peterson asked if there is sufficient off street parking, noting that a ¾ ton pick-up would not fit in

the 20' driveway. Ms. Schenck said that the request is for a 16' setback from the property line. Mr. Peterson said that this would not be long enough to fit the larger trucks. Ms. Schenck said that since the road in front is unimproved and a dead end, it will not be impeding traffic, which will help with the request.

It was asked if this road could ever be vacated. Mr. Kinney said that the City needs to have this road and the current width in order to be able to access the utility lines that are in the right-of-way.

Chair Carey asked if it is felt that there is no need for a geotechnical review. Mr. Kinney said that the Planning Commission could add a condition of approval to require a geotechnical engineer to review the embankment if they wish.

Ms. Schenck was asked about insurance for the property and whether the retaining wall and hillside will cause a problem. Ms. Schenck said that her background is in insurance and manufactured homes are different than stick built. The retaining wall is a requirement, however, engineering for it is not.

STAFF SUMMARY: None.

CLOSE OF HEARING: Chair Carey closed the hearing at 7:24 p.m. and called for deliberation.

PLANNING COMMISSION DELIBERATION: Mr. Koenig asked if the application meets all of the variance criteria. Mr. Kinney said that the one questionable item is the unique circumstances and the ability to place a home on it. The applicant addressed this in their testimony with the statement that they needed to have a larger home to meet ADA requirements. In addition to this, the shape of the lot is a unique circumstance.

Mr. Chamberlin said that he still is uncomfortable with the hillside. Mr. Kinney said that the property owner has a requirement of due diligence to ensure they are creating a safe living site.

Woody Koenig moved, Dave Leach seconded by to approve File No. 2019-07, front setback variance to Precision Excavation & Construction, subject to the proposed conditions of approval and to adopt the findings of fact and conclusions in the staff report.

Mr. Kinney noted for the record that the additional materials submitted by the applicant were admitted into the record and will be attached to the file as well.

Chair Carey called for the vote. **The motion carried, (6:0).**

Mr. Kinney said that a notice of decision will be issued tomorrow. There is then a 15-day appeal period which can be filed for anyone who participated in the proceedings. The decision is not final until the appeal period is over. After this, permits can be applied for.

PRESENTATIONS: None.

OLD BUSINESS:

2018-04; SKATE – Skatepark Site Review: Mr. Kinney said that Dreamland submitted plans for the skatepark, which provide very detailed drawings of skatepark elements. There are not any elements outside of the park, which were required to be included in the final site plan. Mr. Kinney said that these are incomplete. The drawings do not show an entry into the park, site location for a restroom, seating adjacent to park or a number of other items.

Mr. Kinney said that he is not convinced that Dreamland will spend the time to come up with the associated site requirements the way the City would want them to be. Mr. Chamberlin said that this was spelled out in the conditions of approval. Mr. Kinney said that it was very clearly spelled out.

Marge Henning asked if it was their responsibility to do this in their agreement. Mr. Kinney said that he does not know if the contract between SKATE and Dreamland had this in it. If not, then this will need to be figured out. When City Recorder Stacie Cook returns from her trip he will discuss with her how to proceed.

Mr. Kinney said that he spoke with JoAnn Hebing about this matter and she said that if the contract did not spell out the full site plan design, they have some money set aside that can be used to get the work done. Mr. Kinney said that he may speak with Landscape Architect Brian Bainson to see if he can do a design that makes this a park-like setting along the north portion that would complete the site layout. Mr. Kinney said that he doesn't want to just send this back to SKATE and tell them their plans are complete and the time frame has expired, rather he would prefer to speak with a landscape architect.

Mr. Peterson asked if that isn't SKATE's responsibility, not Mr. Kinney's. Mr. Kinney said that it is, but this is somewhat of a dual application and the City owns the property so he wants to make sure it is done correctly. Mr. Peterson suggested sending notification to SKATE advising them that the application has expired and granting them a short extension to get the site layout completed.

2019-02; Baughman – 230/272 SW Ivy Street Site Plan Review: Mr. Kinney said that the minor partition plat map will be another 60-90 days to complete. The application has two choices; request a continuance by June 3, 2019. If this is done, the City is obligated to grant it. If no continuance is requested, staff's recommendation would be to deny the site plan application due to an incomplete application. This is because a decision must be made within 120 days and if one is not made then the application is approved. Chair Carey asked that this be documented in writing. Mr. Kinney said that he plans to do so.

2019-04; city of Mill City/Pacificorps – Electric Vehicle Charging Station/Parking Ara at Mill City Falls Park, 100 block NE Wall Street: Mr. Kinney said that there was a meeting with Mike Erdman, owner of the parcel adjacent to Mill City Falls Park, City staff and Pacific Power representatives. Mr. Erdman stated in this meeting that he has no problem with the EV Charging stations. The Council was advised of this in an executive session and they authorized Mrs. Cook and Mr. Kinney to negotiation with Mr. Erdman on the parking lot development.

Ms. Henning asked how many parking spaces Mr. Erdman intends to have. Mr. Kinney said that he met with the landscape architect and Pacific Power today. It is estimated that 25 to 35 spaces

could be created. Pacific Power would like to plan for five EV spaces with the ability to expand to up to ten. Mr. Bainnson will be working on a draft site plan to determine how this could fit together and still meet an aesthetically pleasing design with drainage needs.

If all parties are in agreement to the design and parking spaces then a layout will be brought back to the Planning Commission for review.

Chair Carey said that a retaining wall has been discussed for the Mill City Falls Park and if the City wants the park to be used by families then this needs to be considered in the future.

Mr. Kinney said that there is an opportunity for there to be underground utilities and historic lighting through funding opportunities Pacific Power has. These were elements that Mr. Bainnson was asked to include in the design.

2019-06; Fleming – Accessory Dwelling Unit Variance: Continued to June 3, 2019 special meeting.

NEW BUSINESS:

Zoning Code Amendment - Accessory Dwelling Unit (ADU): Mr. Kinney said that the Council asked the Planning Commission to proceed with outlining a code but to take the time to make sure that it is fully reviewed and works for our community. An ADU is an interior, attached or detached residential structure that is used as an accessory to a single family dwelling. There must be an existing home on the property. They could be allowed outright in the R-1 or R-2 zones or the Planning Commission could choose one or the other to allow them in.

Chair Carey asked if the 40% coverage includes the ADU or if there is an additional 13% allowed for this. Mr. Kinney said that the total lot coverage must still be at or under the 40% allowed within the code.

When the state law takes effect in Mill City there will be an obligation to allow ADU's in both R-1 and R-2 zones. It is only until the City hits the 2500 population threshold that a choice can be made.

Chair Carey said that she thinks the 900 sq ft of floor area is too much for a detached ADU. Mr. Kinney said that the code is drafted to allow one ADU per detached residential home. If the ADU is attached it must be on the same floor as the primary residence. This means a basement or second floor could not be used for the ADU. Part of the reason for this was to avoid any fire code issues related to accessibility.

Mr. Kinney said that the City can require that an ADU meet all of the required architectural design standards.

Roel Lundquist, SW Linn Blvd, said that a minimum size should be considered so that people don't end up trying to building really small living quarters. Mr. Kinney noted that if someone were to request the ADU smaller than a minimum size implemented by the City they could do so

under a medical hardship and there would be no minimum size requirement.

Mr. Peterson said that if this code is to be implemented now then this is opening the door to any landlord who already has a rental property to build an ADU, even if there are current renters in the main home.

Mr. Kinney said that the City of Brownsville requires that the owner of the property must occupy one of the dwelling units. However, if this requirement is added to Mill City's code, there will likely be testimony from a housing advocacy agency discouraging it.

Mr. Chamberlin said that if there is not an owner occupancy requirement then it is easy to see properties changing hands and becoming dual rental units.

Consensus to include a clause requiring owner occupancy of at least one of the dwellings.

Consensus to include a clause requiring a minimum of 480 sq. ft. for any ADU.

Ms. Henning asked if tiny homes should be incorporated into this conversation of if it will be separate. Mr. Kinney said that this would be an entirely separate code.

Consensus to include a maximum size of 900 sq. ft. or 75% of the primary dwelling's floor area, whichever is less.

Chair Carey stated that a variance should not be allowed for the ADU code.

Mr. Lundquist said that the matter of a change of ownership and the requirement for owner occupancy may raise issues. Mr. Kinney said that Brownsville requires that a deed covenant be recorded on the property outlining this requirement.

Mr. Kinney asked if a minimum lot size should be included for ADU's to be allowed. Mr. Leach said that allowing ADU's on smaller lots could cause issues with parking and not being able to comply with the 40% total lot coverage requirement.

Parking requirements for the ADU were discussed.

Consensus to require a minimum of 7000 sq. ft. lot size for any ADU to be constructed.

INFORMATIONAL ITEMS:

Mr. Kinney said that the City Council has authorized Mrs. Cook to begin looking at parking changes on SE Fairview, NE Wall Street and the surrounding area. Public Works Supervisor Russ Foltz will be creating shoulder parking along SE Fairview within the next couple of weeks.

Future meetings were discussed. There will be two meetings in June; June 3, 2019 and June 18, 2019

There are a number of potential applications that could come in soon. Meetings for these will be set as applications are determined to be complete.

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 8:37 p.m.

Prepared by:

Stacie Cook, MMC City Recorder

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