



## City of Mill City

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### MILL CITY PLANNING COMMISSION AGENDA

#### Regular Meeting

August 18, 2015 6:30 p.m.

City Hall – 444 S. First Avenue  
MILL CITY, OREGON 97360

1. **Call to Order and Flag Salute** Chair Gay Stuntzner
2. **Welcome to New Planning Commission Members**
3. **Approval of Minutes: July 10, 2015**
4. **Public Comment:**

*We welcome you to today's regular monthly 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 board 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 may address the issue during this meeting, table the issue to a future meeting or may request that you speak with the City Recorder or Planning Consultant outside the meeting.*

5. **Public Hearings: (None Scheduled)**
6. **Old Business:**
  - a. Updated Work Program & Outstanding Project Items
  - b. Dangerous Buildings and Derelict Buildings: Issues and Sample Ordinance
    - i. Sample Ordinance
    - ii. Meeting w/ Linn County Building Official
    - iii. Issues for Review / Concurrence with City Council
    - iv. Set work session or assign to subcommittee
  - c. Informational Session: Marijuana Legislation  
August 20, 27 or 31, 2015 4:00 p.m. City Hall  
Presenters: Linn County District Attorney and Linn County Sheriff's staff
  - d. Other

**7. 2015 Mill City Comprehensive Plan Update**

- a. Comprehensive Plan (Part 1): Adopted by City Council on July 28, 2015
- b. DLCDC Technical Assistance Grant Proposal
- c. Chapter 7 - Historic and Cultural Resources
- d. Chapter 13 – Energy Conservation: Edits per Pacific Power & NWNG

**8. New Business**

- a. Mill City Falls Park – Restroom Design
- b. Training: Public Hearing format and procedures
- c. Other

**9. Informational Items**

- a. City Recorder Report
- b. Grant Projects Update
- c. Status of Approved Land Use Applications
  - i. 2012-09 Village @ Santiam Pointe Replat Completed: Marion County S47-063  
Reel 3714 Page 177  
Recorded 6-30-2015
  - ii. 2014-04 Swift-Merrill Lot Line Adjustment Completed: County Survey CS 25971  
Partition Plat 2015-32PP
  - iii. 2014-07 Boneyard Bakery Site Review Waiting for engineer plans & review
  - iii. 2015-02 Blaylock Site Review Phase 3 Permit applied for
  - v. 2015-04 ORCA Site Plan Review Waiting for final site plan
  - vi. 2015-05 Arle – Site Plan – LUA on River File Closed. Sale not completed.
- d. New and Prospective Applications
- e. Other

**10. Adjournment**

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

September ??, 2015	???	Work Session: Derelict/Dangerous Buildings with the Linn County Building Official – Enforcement.
September 15, 2015	7:00 p.m.	Regular Meeting
September 29, 2015	??	Final Work Session: Derelict / Dangerous Buildings
October 20, 2015	7:00 p. m.	Reschedule (David Kinney out-of-state)
November 17, 2015	7:00 p.m.	Regular Meeting
December 15, 2015	7:00 p.m.	Regular Meeting

**MILL CITY PLANNING COMMISSION**  
**Meeting of July 10, 2015**  
**9:00AM**

Planning Commission members present: Vice-Chair Gay Stuntzner, Ann Carey, Dennis Chamberlain, David Leach and Frances Villwock. Marge Henning and Tony Trout were excused. Staff in attendance: City Recorder Stacie Cook, and Planning Advisor David Kinney.

Community members present: Lesley Arle, Councilor Scott Baughman, Mayor Thorin Thacker.

The Planning Commission began the meeting with a site visit to 1375 SW Spring Street.

**ELECTION OF OFFICERS:**

1. Chairperson
2. Vice-Chairperson
3. Appointment of Secretary

***Ann Carey* moved, seconded by *Denny Chamberlin* to nominate *Gay Stuntzner* as **Chair**.** The motion carried, (5:0).

***Dave Leach* moved, seconded by *Denny Chamberlin* to nominate *Ann Carey* as **Vice-Chair**.** The motion carried, (5:0).

***Frances Villwock* moved, seconded by *Dave Leach* to appoint *Stacie Cook*, **City Recorder** or her designee as **Secretary**.** The motion carried, (5:0).

**APPROVAL OF MINUTES:** ***Ann Carey* moved, seconded by *Frances Villwock* to approve the minutes of June 26, 2015.** The motion carried unanimously.

Mrs. Carey asked whether the changes to the energy code need to be adopted by the City once the County has adopted them.

**CITIZEN COMMENTS:** None.

**PRESENTATIONS:** None.

**PUBLIC HEARING:** File No. 2015-05      Site Plan Review- Land Use Action on N. Santiam River  
Applicant:                      Lesley Arle  
Location:                         1375 SW Spring Street, Mill City  
Assessor's Map #:              T9SR3E Section 31CD Tax Lot 00105

Chair Stuntzner opened the public hearing at 9:31a.m. and called for any conflict of interest, bias or ex parte contact. Ann Carey declared a conflict of interest as she owns the property in question. Mrs. Carey will abstain from voting and left her seat. Chair Stuntzner called for the staff report.

**APPLICANT'S PRESENTATION:** Lesley Arle, applicant, said that in the next 2-5 years she would like to build a 2000-3000 square foot home that is disabled/wheel chair accessible. Ms. Arle said that she wants to keep the property as natural as possible and keep the private feel of the area. Ms. Arle said that professionally she knows people that live here and she feels that the town is very sweet and like going back in history.

**STAFF REPORT:** Mr. Kinney stated that the Planning Commission needs to pay particular attention to the riparian setback, which needs to be at least 25 feet from the topographical top of bank. The site has been cleared of the natural vegetation. However the riparian vegetation is still in good shape. There is some Himalayan blackberry that can be removed because it is an invasive species. If it is removed then replanting should take place with native plants.

The protection of the riparian zone and compliance with salmon/steelhead regulations needs adhered to. Both fish are endangered species. There is a possibility that the State or Federal government could change the setback allowance of only 25 feet to better protect these endangered fish. However, it is not anticipated within the next 3-5 years.

Conditions of approval include:

- Site plan showing approximate location of structures and building footprint is approved. Final building plans must be submitted no later than August 1, 2020.
- All buildings and hardscape patios shall be located within the approved building footprint. No building or structure shall be placed closer than 25 feet from the topographical top of bank.
- Existing riparian vegetation on the slope to the river must be maintained. Noxious vegetation may be removed and replanted with native vegetation. Trees within the riparian area shall be maintained, unless removal of diseased or dying trees is approved by the City.

Mr. Kinney stated that based on the applicant's request the deadline should be changed from August 1, 2020 to four years.

**PROPONENT'S TESTIMONY:** None.

**OPPONENT'S TESTIMONY:** None.

**GENERAL TESTIMONY:** None.

**QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION:** Frances Villwock asked for clarification on the tax lot. Mr. Kinney said it is tax lot 105.

Mrs. Villwock asked if Scott Baughman would have a conflict should this be appealed to the Council since he has acted as Ms. Arle's consultant and completed drawings for her. Mr. Kinney said that it would be a conflict if the application were to be appealed to the Council.

**APPLICANT'S SUMMARY:** Ms. Arle said that she is fine with the conditions of approval as outlined and would comply with them.

**STAFF SUMMARY:** Mr. Kinney said that condition C1 should be modified to August 1, 2019.

Chair Stuntzner closed the public hearing at 9:48 a.m. and called for deliberation.

**PLANNING COMMISSION DELIBERATION:** *Frances Villwock* moved, seconded by *Dave Leach* to approve the site plan for a new home for Lesley Arle, File No. 2015-05 at 1375 SW Spring Street subject to the conditions of approval as modified and adopt the findings of fact as prepared. The motion carried unanimously.

Mrs. Carey retook her seat.

**OLD BUSINESS:**

*Discussion with Mayor Thacker re: Council Priorities:* Mrs. Carey said that one point she would like to have made during this discussion is the fact that the work program and annual report were provided to the Council in February.

Mayor Thacker gave an update on items that the City has requested Linn County take a look at. This includes repaving of Broadway from 5<sup>th</sup> to the bridge. Mrs. Carey asked what the City's responsibility is to this street. Mr. Kinney said that the County will do the curb, gutter, storm drain and street and the City is responsible for the sidewalk.

Mr. Kinney said that one of the things the Council wants is for the Planning Commission to make recommendations to the Council on derelict buildings. The best sample that is there is one implemented by the City of Sandy. Sandy makes a distinction between a derelict building that is in violation of the structural code and aesthetic issues/deteriorating buildings. The Planning Commission needs to know to what degree the Council wants them to enact requirements.

Mayor Thacker said that he would like boarded up windows addressed. Councilor Baughman said that there needs to be a time frame for buildings that burn to be cleaned up outlined in the code language.

Mr. Kinney said that each year the Planning Commission gives a report of items that have been worked on the past year as well as a work program for the following year. The work program is in the packet today. Mayor Thacker asked that this be added to the Council agenda for discussion.

Mr. Chamberlin said that he has heard that the Council feels that the Planning Commission is focusing on items they want to work on without any discussion or approval from the Council. The work program is one way that the Planning Commission uses to communicate with the Council.

Chair Stuntzner said that when she first started on the Planning Commission the meetings were once per month and after some time they began having workshops in addition to the regular meeting. The workshops have been extremely helpful because there is one topic that the Commission focuses on and sometimes hours at a time are spent on this one item.

Mrs. Villwock asked that the Council continue to allow the workshops to be held during the day.

*Review of Work Program & Outstanding Project Items:* Mr. Kinney briefly went through the list of

items on the Planning Commission's work program. Discussion concerning the need for a wastewater facility plan to determine what capacity our system has ensued. Mr. Kinney said that this study needs to be completed to ensure that the City can handle additional growth.

*Regular Meeting Date and Time:* Mayor Thacker suggested having the regular Planning meetings on the third Tuesday of each month at 6:30p.m. This date and time seems to work for all members as well as Mr. Kinney, Councilor Baughman and Mayor Thacker.

Mrs. Villwock left the meeting at 11:21a.m.

Mayor Thacker said that he is sincerely looking forward with working more closely with the Planning Commission.

Mayor Thacker asked if there is a code against burning garbage in Mill City. If not, could the Planning Commission look into this and implement a fine for violations.

Councilor Baughman said that there are concerns with the Comprehensive Plan update costs, both from the recently completed first half and the proposed second half.

Mr. Kinney said that public facilities is the big component of the second half that needs to be done. In part, determining where we are as well as outlining the next phase of the WWTP project.

*Work Session Schedule:* Mr. Kinney said that he will check with the other members of the Commission to see what dates work best for them to attend a late afternoon, 4-6p.m. workshop.

*Dangerous Buildings and Derelict Buildings:* Mr. Kinney will speak with the Council about the dangerous buildings and derelict buildings code before moving forward with this discussion.

*City of Mill City – Tinney Lot Line Adjustment, SW Spring Street:* Mrs. Cook said that she is scheduling a time with the Tinney's to meet on site to determine the property line location.

*2015 Mill City Comprehensive Plan Update:* Mr. Kinney said that he believes the County approved the change on Wednesday. Once notification of the decision comes through the Ordinance will be put before Council for the final reading.

**NEW BUSINESS:** None.

**INFORMATION ITEMS:**

**CITY RECORDER REPORT:**

- a. Business Loan Program
- b. Marion County Community Projects Grant
- c. Mill City Falls – Hammond Park Restroom Project
- d. Plastic Bag/Biodegradable Code
- e. Certificate of Water Rights
- f. Wastewater System Operator Certification

- g. Law Enforcement Contract
- h. Nuisance Mowing
- i. Railroad Bridge Update/SOB
- j. Ordinance No. 378 – Annexation and Rezone; 365 NE 3<sup>rd</sup> Avenue
- k. Water and Sewer Shut Off Process
- l. Resolution No. 774 – Seasonal Grounds Laborer Job Description
- m. Ordinance No. 37X – Commissioners
- n. Oregon Dept. of Corrections Inmate Work Program Agreement
- o. Technology Service Agreement – NSSD
- p. Water and Sewer Rate Study
- q. Sewer System Development Charge (SDC) Study
- r. 4<sup>th</sup> of July Update

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

The meeting was adjourned at 12:20 p.m.

Prepared by:

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Stacie Cook, MMC, City Recorder/Planning Secretary

**David W. Kinney**  
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**August 10, 2015**

**To: City of Mill City Planning Commissioners**  
**From: David W. Kinney, Planning Consultant**  
**In RE: Agenda Items for August 18, 2015 – Regular Meeting**

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## **6. Old Business**

### **a. Review of Work Program and Outstanding Project Items**

Enclosed is the Planning Commission work program adopted in February 2015. It includes an up-to-date notes on the current status of each project listed. On July 28, 2015 the City Council reviewed the Planning Commission's work program for 2015-2016. Based on the discussion of Council priorities the Planning Commission may want to add some new items to the work program and discuss the priorities of each project.

**Recommendation: Discussion and modification of work program priorities.**

### **b. Dangerous Buildings and Derelict Building Ordinances**

Enclosed is a DRAFT ordinance with several procedure and policy questions for the Planning Commission to discuss. Once the Planning Commission is satisfied with the DRAFT, it will be sent to the Linn County Building Official and the City Attorney for review. The Planning Commission may want to appoint a subcommittee to work with the Building Official and City Attorney to finalize language.

Linn County's new building official started work on August 10, 2015. The City has invited a representative of the Linn County Planning / Building staff to come to a Planning Commission meeting to talk about dangerous/derelict building inspections and enforcement.

**Recommendation: Discussion of policy and procedures.**

### **c. Information Q & A Session – Marijuana Legislation**

Sgt. Greg Klein, Linn County Sheriff's Office, contacted City Hall to ask if the City would be interested in having the Linn County DA, or a Deputy DA, come do a Q & A session on the new marijuana law.



The Planning Commission has been asked by the City Council to review, research and make a recommendation on zoning/time/place restrictions for recreational/medical marijuana retail locations. This Q & A session will provide Planning Commission members an opportunity to learn more about the law and ask questions. As of August 11, 2015 Sgt. Klein has not finalized the meeting date. We will email PC members as soon as a date is finalized.

**Reminder: August \_\_\_\_, 2015 @ 4:00 p.m. at City Hall in Mill City.**

## **7. 2015 Mill City Comprehensive Plan Update**

- a. City Council Adoption of Part 1.** The City Council adopted Ordinance 380 on July 28, 2015. Copies of the adopted plan are at City Hall. Staff will also add Comp Plan to the City's website. Please let me know if you would like a printed copy of the plan document.
- b. Part 2.** Part 2 of the Comprehensive Plan will include the following chapters:
  - Chapter 7: Historic/Cultural Resources
  - Chapter 8: Parks and Open Space
  - Chapter 9: (Open)
  - Chapter 10: Housing
  - Chapter 11: Public Facilities
  - Chapter 12: Transportation
  - Chapter 13: Energy
  - Chapter 14: Urbanization

The City Council has agreed the Planning Commission should proceed with the preparation of the smaller chapters including Chapter 7, Chapter 8 and Chapter 13, but the City should seek grant funding to assist other chapters.

- c. DLCD Technical Assistance Grant Proposal.** DLCD is seeking grant proposals for their TA Grant program. Applications are due on September 30, 2015. During the next few weeks I will meet with Angela Lazarean, DLCD Regional Representative, to review a grant proposal. The Planning Commission will be asked to review the proposal and make a recommendation to the City Council on September in September. and when DLCD expects to solicit proposals from cities.
- d. Chapter 7 - Historic / Cultural Resources Chapter.** Frances Thomas, N. Santiam Historical Society has been working on this chapter, but we have not met in the last 2 months. This will be on the next regular meeting agenda for review.
- e. Chapter 13 - Energy Conservation** I At the June 26<sup>th</sup> meeting, the Commission reviewed the 1<sup>st</sup> Draft of the Energy Conservation chapter and policies. I met with Doris Johnston and Alan Meyer, Pacific Power to discuss their plans and priorities for the Mill City / North Santiam Canyon area. I have not met with NWNG representatives yet. A revised chapter is enclosed.

## 8. New Business

- a. **Mill City Falls Park Restroom.** Oral update from staff on the status of the design and construction of the new restrooms at Mill City Falls Park.
- b. **Training.** Depending on the time remaining at the end of the meeting, staff will do a refresher training on land use decisions and public hearing procedures.

# Mill City Planning Commission 2015 - 2016 Work Program

January 2015 through December 2016

(Updated August 10, 2015)

## 1. General Planning Services

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

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

## 2. Comprehensive Plan Update.

The Mill City Comprehensive Plan update is the Planning Commission's highest priority project for 2015-2016. The update will be divided into two phases:

### Part 1: Citizen Involvement, Demographics, Land Use, Economy and Natural Resources

A DRAFT of the 2015 Mill City Comprehensive Plan Update – Part 1 was submitted to DLCD in January 2015. The Planning Commission will review agency comments and make final revisions prior to a public hearing in March 2015. Final adoption by June 2015.

✓ Notes: Completed. City Council held public hearing and 1<sup>st</sup> Reading by City Council on April 14, 2015. Linn County concurs. Marion County Commissioners held hearing June 24<sup>th</sup> and unanimously approved the UGB and population amendments. Board of Commissioners adopted Ordinance on July 8, 2015. City Council adopted Ordinance 380 on July 28, 2015, which completes final adoption of Part 1 of the Comp Plan. Notice of Adoption sent to DLCD and both counties on July 31, 2015.

### Part 2: Historic & Cultural Resources, Housing, Public Facilities, Transportation, Urban Growth

The Planning Commission has begun work on Part 2. Chapters on Energy, Historic/Cultural Resources, Parks and Recreation and Housing will occur in Summer/Fall 2015. The City will apply for a DLCD Technical Assistance (TA) Grant to finance the public facilities update. The goal is to complete Part 2 by June 2016 with with agency review, public comment and hearings to be held in 2016.

Notes: Started work in May 2015. Energy Conservation Chapter draft to PC on June 26, 2015. Frances Thomas assisting with Chapter 7-Historic/Cultural Resources. Chapter 10-Housing in September/October 2015. Apply to DLCD for TA Grant to prepare the Public Facilities, Transportation and Urbanization chapters.

### 3. **Buildable Lands Inventory**

The 2014 Update of *Buildable Lands Analysis* will be adopted as a technical amendment to the Comprehensive Plan as part of the Part 1 Comp Plan update.

Steve Barnett and Scott Valentine, Linn County GIS Staff have updated all of the land use data for vacant land, infill, constrained land (steep slopes, wetlands, power lines and non-buildable areas) using Linn County & Marion County assessor's records and 2014 aerial photography. All updated maps and tables included in Part 1 of the Comp Plan update and the buildable lands inventory.

✓ Notes: Completed February 2015. The City Council adopted the Buildable Lands Analysis with Ordinance 380 on July 28, 2015 as a technical addendum to the [2015 Mill City Comprehensive Plan Update \(Part 1\)](#).

### 4. **Research Derelict Building and Building Maintenance Standards**

The City Council has referred this issue to the Planning Commission.

- a. Research codes from other cities & discuss policy options for City to address derelict buildings, public health and safety issues, property maintenance and housing maintenance (aesthetic appearance) standards.
- b. Develop policy options for discussion with the City Council.
- c. Discuss roles of the city staff, Linn County staff, planning commission role and elected officials in notification and enforcement efforts.
- d. Hold work session or discussion with City Council on policy options
- e. Develop Code Amendments per CC work session.
- f. Attend City of Albany workshop on derelict structures.
- g. Business Assistance Loan Fund – Façade improvements, site improvements?

Notes: Staff and PC research on sample codes from other cities. City of Sandy code seems like best option for a "city" code. Fran Villwock spoke w/ State Fire Marshal's office. Dave Kinney spoke with Linn County Planning & Building re: assistance with local enforcement and training for city staff.

PC discussed with Mayor & Councilor Baughman on 7-10-2015. At the July 28, 2015 meeting, the City Council reiterated this is a high priority and requested the PC address this issue immediately.

### 5. **Zoning Code Enforcement**

- a. Review planning/zoning enforcement process with city staff, Linn County Planning / Building Department staff and the City Attorney.
- b. Identify and reach consensus on policies and procedures for code enforcement process for planning / zoning violations and issues.
- c. Modify code enforcement process as needed.
- d. Review city code and recommend any new requirements and/or intergovernmental agreement.

Notes: On hold until Linn County gets a new building official and staff can meet with LC staff at a workshop. Enforcement issues are same as Item #4 above.

## 6. Sewer SDC Updates

The Sewer Systems Development Charge (SDC) was last updated in 1998. Since then the City has rebuilt the city's three pump stations and upgraded the wastewater treatment facility (WWTF) on SE Fairview Street. The Sewer SDC can be updated if funds are budgeted for the work.

Before the Planning Commission can proceed with a review of the charges, the City's consultants must review what % of the 2010 wastewater treatment plant improvement will benefit future users.

- a. Update fixed assets / infrastructure values (City Recorder / City Engineer)
- b. Review Disbursement Requests forms from IFA for MC Sewer Project (2009 to 2011) and allocate costs of the 2010 projects to current and future users.
- c. Identify future improvements to the WWTF
- d. PC review and recommend SDC fee adjustment
- e. Prepare modified SDC Resolution
- f. 90-Day Notice of Changes to interested parties
- g. Council Public Hearing and Action on Sewer SDC Resolution

Notes: [On hold until Wastewater Facilities Master Plan updated.](#)

On July 28, 2015 Planning Consultant Dave Kinney discussed the need for the WWF Master Plan update w/ City Council and potential grant opportunities with Business Oregon – IFA staff. On 7-28-2015 the Council agreed to defer the SDC review and pursue funding for a WW Facilities Master Plan update before proceeding with any review of the Sewer SDC.

Keep on the Work Program list for a future work plan. May require the City to budget matching funds for both the Wastewater Facilities Master Plan and for the SDC update.

## 7. Public Works Design Standards

The Public Works Design Standards and Construction Specifications were developed by Westech Engineering in 1999. They can be updated if the Budget Committee allocates \$\$\$ to the project.

The Planning Commission requests the engineer establish a clear policy on when sidewalks and curbs are to be installed as part of a development vs. when a non-remonstrance agreement deferring the improvements is required. One policy option is to require curbs and sidewalks be installed when there are existing curbs and sidewalks are within 150' of the development site.

Notes: [Proceed w/ update. Look at streamlined changes to adopt standards similar to other cities.](#)

Discussed need to update the City's PW Design Standards. Rather than a full PWDS review, the City Council suggested coordination with the PW Supervisor and City Engineer to identify revisions that should be considered at this time rather than a full revision.

**8. Storm Drainage Master Plan (Basin Updates)**

City Engineer John Ashley was authorized to proceed with engineering review and planning for storm drainage improvements in the 1<sup>st</sup> – 4<sup>th</sup> /N. Santiam River-Kingwood storm drainage basin.

- a. Preliminary meeting w/ City Engineer to review findings.
- b. Public hearing to amend the Storm Drainage Master Plan
- c. Recommendation to the City Council

Notes: City Engineer John Ashley completed the 1<sup>st</sup> Ave/4<sup>th</sup> Ave Storm Basin report in March 2015. Presented to the City Council on April 14, 2015. Planning Commission review of update completed on April 24, 2015.

Next step is to adopt as a technical amendment by reference in the Public Facilities chapter of the Comp Plan Update (Part 2).

**9. Zoning Code Revisions: (On-going Project – make changes as needed to the Zoning Code)**

- a. Outdoor Lighting
- b. Informational handouts on zoning code requirements:
  - RV Parking / Storage drawings showing where they are allowed.
  - Fence location drawings
  - Metal canopies & awning location drawings
  - Others??
- c. Model Zoning Code revisions
  - Table of Allowed Uses, Setbacks, Design Requirements.
- d. **Recreational Use & Medical Marijuana – Time, Place and Manner regulations.**

Notes: Code Amendments on hold, except any those that are needed to address to legislative changes regarding recreational/medical marijuana. No other code amendment changes are planned for the remainder of 2015 or 2016.

**10. Training:**

- a. Hold at least two training session for PC members annually.
  - March or April 2015 – Master Plans (Storm Drainage) or ODOT/County Roads staff
  - August 2015 – Land Use Procedures & Legislative Changes affecting land use
  - Summer 2015 – Tour of city facilities: water & sewer. Russ.
- b. Meet with the city engineer to discuss current projects.
- c. Set 3-6 month advance agendas for Work Program items.

Notes: Marg and Ann attended PC training in Stayton in June 2015. As part of the regular August meeting, the Planning Commission will review land use application procedures and public hearing procedures. In late August or September 2015, we will schedule a tour of the city's water/sewer facilities with Russ.

## NEW OR ADDED PROJECTS

### 11. W. Broadway Street Improvement Project

The Mayor and Council have had initial discussions about street improvements on W. Broadway (1<sup>st</sup> to 8<sup>th</sup>) with Darrin Lane, Linn County Roadmaster. The County is interested in proceeding with design and construction of a street reconstruction project. The City Council asked that the Planning Commission participate in the review of the street design and streetscape improvements.

### 12. Backyard Burning Ordinance –

The Council requested the Planning Commission research existing backyard burning ordinances in Linn County and prepare a recommendation to the City Council by April 1, 2016. The Council requests Fire Chief Leland Ohrt and Lt. Michelle Duncan of the Linn County Sheriff's office be part of the discussion.

#### *Other Issues:*

### 13. State Speed Control Board – Prelim Review of Lyons-Mill City Drive

The Mayor expressed concern with site distance and safety on Lyon-Mill City Drive (near 10<sup>th</sup> Avenue). He shared these concerns with Darrin Lane, LC Roads, during an August 5<sup>th</sup> meeting. Before proceeding with a request for a formal speed study, the City will ask Craig Chadwick of the Oregon State Speed Control office to visit Mill City and do an informal review of the road section. No

Original Work Program approved by the Mill City Planning Commission on February 13, 2015.

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Nancy Kelle, Chairperson

on behalf of Gay Stuntzner, Vice-Chair, and Planning Commissioners Ann Carey, Dennis Chamberlain, David Leach, Cheryl Lundquist and Frances Villwock.

Cc: Mayor Thacker & City Councilors

[Notes Updated August 10, 2015.](#)

**Chapter 15.08 “Dangerous Buildings and Structures” and Chapter 15.10 “Derelict Building and Structures” are proposed to replace the existing section of the Mill City Municipal Code on Dangerous Buildings that was adopted by Ordinance 70 in 1962.**

## **Chapter 15.08 - Dangerous Buildings and Structures**

- 15.08.010 Purpose.
- 15.08.015 Scope.
- 15.08.020 Alternations, Additions & Repairs.
- 15.08.025 Administration.
- 15.08.030 Inspections.
- 15.08.035 Right of Entry.
- 15.08.040 Dangerous Buildings declared to be Public Nuisances; Abatement.
- 15.08.045 Violations.
- 15.08.050 Inspections of Work.
- 15.08.055 Definitions.
- 15.08.060 Commencement of Proceedings.
- 15.08.065 Notice and Order.
- 15.08.070 Service of Notice and Order.
- 15.08.075 Method of Service.
- 15.08.080 Proof of Service.
- 15.08.085 Repair, Vacation and Demolition.
- 15.08.090 Notice to Vacate - Posting.
- 15.08.095 Compliance with Notice to Vacate.
- 15.08.100 Form of Appeal.
- 15.08.105 Scheduling Appeal for Hearing.
- 15.08.110 Effect of Failure to Appeal.
- 15.08.115 Scope of Appeal Hearing; Stay of Order.
- 15.08.120 Form of Notice of Hearing to Appellant.
- 15.08.125 Record.
- 15.08.130 Conduct of Hearings
- 15.08.135 Rights of Parties.
- 15.08.140 Official Notice.
- 15.08.145 Inspection of the premises.
- 15.08.150 Form of decision; Judicial review.
- 15.08.155 Enforcement of Orders.
- 15.08.160 Failure to Commence Work.
- 15.08.165 Interference with Repair or Demolition Work Prohibited.



**15.08.010 Purpose.**

A. This Chapter is to provide a method (cumulative with and in addition to any other remed(ies) available to the City by law) whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or the building's occupants such that they should be required to be repaired, vacated or demolished.

B. This Chapter does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms hereof.

**15.08.015 Scope.**

This Chapter shall apply to all "Dangerous Buildings and Structures" as herein defined be they now in existence or which may hereafter become Dangerous Buildings or Dangerous Structures in the City.

**15.08.020 Alternations, Additions & Repairs.**

All buildings or structures required to be repaired under the provisions of this Chapter shall be subject to the provisions of Section 3403 of the Oregon Structural Specialty Code as it currently exists or may hereafter be amended and adopted by the State.

**Linn County Building Official should verify the correct reference to the Oregon Structural Specialty Code. Section 3401??**

**15.08.025 Administration.**

The Building Official is hereby authorized to enforce the provisions of this Chapter. The Building Official shall have the power to render interpretations of this Chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Chapter.

**15.08.030 Inspections.**

The Building Official and others such as the Fire Marshal, Linn County Health Department officials and Marion County Health Department officials are authorized to make such inspections and take such other actions as may be required to enforce the provisions of this Chapter, including (but not limited to) the issuance of stop work or similar abatement orders.

**15.08.035 Right of Entry.**

A. When necessary to make an inspection to enforce the requirements imposed by the terms of this Chapter (or when the Building Official has reasonable cause to believe there exists in a building or upon a premises a condition contrary to or in violation of this

Chapter making the building or premises unsafe, dangerous or hazardous) the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested.

B. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

#### **15.08.040 Dangerous Buildings declared to be Public Nuisances; Abatement.**

All buildings or portions thereof determined after inspection by the Building Official to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this Chapter.

#### **15.08.045 Violations.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Chapter.

#### **15.08.050 Inspections of Work.**

All buildings or structures within the scope of this Chapter and all construction or work for which a permit is required shall be subject to inspection by the Building Official consistent with and in the manner provided by this Chapter and Sections 108 and 1701 of the currently adopted Oregon Structural Specialty Code and other relevant provisions of municipal, county or state law.

**Linn County Building Official should verify the correct reference to the Oregon Structural Specialty Code.**

#### **15.08.055 Definitions.**

For the purpose of this Chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code ~~or the Housing Code~~. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's 3rd New International Dictionary of the English Language (Unabridged, copyrighted 1986) shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

A. Building Official is the ~~City's Linn County Building Official or designee, such other person as may be designated as such by the Building Official or City Council.~~ **City's Linn County Building Official or designee.**

B. Building Code has the meaning given by the terms of ORS 455.010 to “state building code” and includes all specialty codes as defined in ORS 455.010.

C. City means the City of Mill City, Oregon.

D. City Recorder means the City Recorder for the City of Mill City, Oregon or their designate.

E. Dangerous Building or Dangerous Structure is any building or structure having one or more of the conditions or defects hereinafter described provided that such condition(s) or defect(s) exist to the extent that the Building Official, City Recorder or their designate(s) can reasonably believe the life, health, property or safety of the public or the Building’s or Structure’s occupants are endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the current applicable structural code as defined in ORS Chapter 455 for new buildings of similar structure, purpose or location.

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of:
- i. dilapidation, deterioration or decay;
  - ii. faulty construction;
  - iii. the removal, movement or instability of any portion of the ground

- necessary for the purpose of supporting such building;
- iv. the deterioration, decay or inadequacy of its foundation; or
- v. any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become :

- i. an attractive nuisance to children;
- ii. a harbor for vagrants and/or criminals; or
- iii. a place so as to enable persons to resort thereto for the purpose of committing unlawful acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, (as specified in the appropriately adopted Oregon Building Code) or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**15.08.060 Commencement of Proceedings.**

When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a Dangerous Building, the Building Official or City Recorder has the authority to cause commencement of proceedings to effect the repair, vacation or demolition thereof.

**15.08.065 Notice and Order.**

The Building Official or the City Recorder shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

A. The street address and a description sufficient for identification of the premises upon which the building is located.

B. A statement that the Building Official has found the building dangerous with a brief factual description of the conditions found to render the building dangerous.

C. A statement of the action(s) required to be taken by the Building Official:

1. If the building must be repaired, the notice and order shall require all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine reasonable under all of the circumstances.

2. If the building must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.

3. If the building or structure is to be demolished, the order shall require that the building be vacated within such time as the Building Official determines reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefore within 30 days of the date of the order; and that the demolition be completed within such time as the Building Official determines reasonable thereafter.

D. Statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official:

1. will order the building vacated and posted to prevent further occupancy until the work is completed; and

2. may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

E. Statements advising:

1. that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Municipal Court provided the appeal is made in writing as provided in this Chapter and filed with the Municipal Court Building Official within 14 days from the date of service of such

notice and order; and

2. that failure to appeal will constitute a waiver of all right to a hearing and determination of the matter.

**15.08.070 Service of Notice and Order.**

The notice and order (and any amended or supplemental notice and order) shall be served upon the record owner and posted on the property with a copy thereof being served on each of the following (if known to the City Building Official or disclosed from official public records):

- A. the holder of any mortgage or deed of trust or other lien or encumbrance of record;
- B. the owner or holder of any lease of record; and
- C. the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

**15.08.075 Method of Service.**

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, to each such person at their address as it appears in the Linn County or Marion County tax records or as otherwise known to the City Building Official. If no address of such person appears or is known to the City Building Official, then a copy of the notice and order shall be mailed (addressed to such person) at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

**15.08.080 Proof of Service.**

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the City Building Official.

**15.08.085 Repair, Vacation and Demolition.**

A. Any building or structure declared a dangerous building or structure under this Chapter shall be made to comply with one of the following:

1. The building or structure shall be repaired in accordance with the current state building code or other current code applicable to the type of substandard conditions requiring repair; or

2. The building or structure shall be demolished consistent with subsection D below.

B. If the building or structure does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

C. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the building's occupants, it shall be ordered vacated, secured and maintained against entry.

D. If a building or structure is found to be or becomes dangerous and if (in the opinion of the Building Official) the building or structure is not, under current circumstances likely to be repaired so as to be habitable within 120 days, it may be ordered demolished by the Building Official with the cost thereof borne by the owners. In the event the Building Official determines that a building is to be demolished, the Building Official shall make a written order which includes the circumstances supporting demolition. The order shall be served on all persons entitled to notice under 15.08.070 and is subject to a 21 day appeal consistent with the provisions of 15.08.100.

**15.08.090 Notice to Vacate - Posting.**

Every notice to vacate shall, in addition to being served shall be posted at or upon each exit of the building and shall be in substantially the following form:

**DO NOT ENTER  
UNSAFE TO OCCUPY**

**It is unlawful to occupy this building or to remove or deface this notice.**

---

**Building Official for the City of Mill City, Oregon**

**15.08.095 Compliance with Notice to Vacate.**

A. Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued under 15.08.065 reciting the emergency and specifying the conditions which necessitate the posting.

B. No person shall remain in or enter any building which has been so posted except that entry may be made to repair, demolish or remove such building under permit.

C. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and all lawful requirements been met.

**15.08.100 Form of Appeal.**

A. Any person entitled to service under 15.08.070 may appeal from any notice and order or

any action of the Building Official under this Chapter by filing with the Municipal Court a written appeal containing:

1. A heading in the words: "Before the Municipal Court of the City of Mill City, Oregon".
2. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the building or the land involved in the notice and order.
3. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested order or action should be reversed, modified or otherwise set aside.
4. The signatures of all parties named as appellants and their official mailing addresses.
5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

B. The appeal shall be filed within 14 days of the date of service of the Building Official's order or action; however if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with 15.08.090, such appeal shall be filed not later than 10 days from the date of the service of the notice and order of the Building Official.

#### **15.08.105 Scheduling Appeal for Hearing.**

As soon as practicable after receiving the written appeal, the Municipal Court shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than ten (10) nor more than sixty (60) days from the date the appeal was filed with the ~~Municipal Court Building Official~~. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Court either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

#### **15.08.110 Effect of Failure to Appeal.**

Failure of any person to file an appeal in accordance with the provisions of Section 15.08.100 shall constitute a waiver of the right to a hearing and adjudication of the notice and order or any portion thereof.

#### **15.08.115 Scope of Appeal Hearing; Stay of Order.**

- A. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- B. Except for vacation orders made pursuant to Section 15.08.085, enforcement of any notice and order of the Building Official issued under this Chapter shall be stayed during the pendency of



an appeal therefrom which is properly and timely filed.

**15.08.120 Form of Notice of Hearing to Appellant.**

The notice to the appellant(s) shall be substantially in the following form:

**“You are hereby notified that a hearing will be held before the Mill City Municipal Court at 444 1<sup>st</sup> Avenue, Mill City, Oregon on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ at the hour \_\_\_\_\_ upon the notice and order served upon you for alleged violation(s) of Chapter 15.08 (Dangerous Buildings) of the Mill City Municipal Code. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present relevant evidence and will be given full opportunity to examine all witnesses.”**

**15.08.125 Record.**

A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the court.

**15.08.130 Conduct of Hearings**

Hearings need not be conducted according to the technical rules relating to evidence and witnesses. Oral evidence shall be taken on oath or affirmation. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in Oregon. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in Oregon. Irrelevant and unduly repetitious evidence shall be excluded.

**15.08.135 Rights of Parties.**

The City and the appellant(s) shall be able:

- A. To call and examine witnesses on matters relevant to the issues of the hearing;
- B. To introduce documentary and physical evidence;
- C. To cross-examine opposing witnesses;
- D. To rebut evidence; and
- E. To be represented by anyone lawfully permitted to do so.

**15.08.140 Official Notice.**

In reaching a decision, official notice may be taken (either before or after submission of the case for decision) of any fact which may be judicially noticeable by Oregon courts. Parties present at the hearing shall be informed of the matters to be noticed which is to be noted in the record. Parties present at the hearing shall be given a reasonable opportunity to refute the noticed matters by evidence or by written or oral presentation of authority.

**15.08.145 Inspection of the premises.**

The Court may inspect any building or structure involved in an appeal during the course of the hearing provided that: notice of such inspection shall be given the parties before the inspection is made; the parties are given an opportunity to be present during the inspection; and, the judge shall state for the record after said inspection the material facts observed and the conclusions drawn therefrom.

**15.08.150. Form of decision; Judicial review.**

With appeals heard by the Municipal Court, the Court shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) prepare a written decision which shall contain findings of fact, a determination of the issues presented and the requirements, if any, to be complied with. The effective date of the decision shall be as stated therein. A copy of the decision shall be delivered to the City and appellant by regular mail, postage prepaid. Judicial review of the Court's decision shall be by way of writ of review as provided for in ORS 34.010 to ORS 34.100.

**15.08.155. Enforcement of Orders.**

After any order of the Building Official or Municipal Court made pursuant to this Chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If, the person to whom such order is directed fails neglects or refuses to comply with said order, the Building Official may take any and all actions deemed by him, in consultation with the City Recorder and City Attorney to be appropriate including the filing of supplementary enforcement or compliance action(s) in a court of competent jurisdiction.

**15.08.160 Failure to Commence Work.**

Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this Chapter becomes effective:

A. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

**DANGEROUS BUILDING  
DO NOT OCCUPY**

**It is unlawful to occupy this building or to remove or deface this notice.  
City Building Official City of Mill City, Oregon**

B. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal

ordered by the Building Official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

C. The Building Official may in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provide for the collective of assessment or nuisance liens under state statute or city code. Any surplus realized from the sale of any such building or from the demolition thereof, over and above the cost of demolition, administrative costs and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

**15.08.165 Interference with Repair or Demolition Work Prohibited.**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this Chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this Chapter, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this Chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Chapter.

## **Chapter 15.10 - Derelict Buildings and Structures**

- 15.10.010 Purpose.
- 15.10.020 Administration.
- 15.10.030 Exceptions.
- 15.10.040 Building Maintenance Standards.
- 15.10.040 Dangerous Buildings declared to be Public Nuisances; Abatement.
- 15.10.050 Vacant Buildings.
- 15.10.060 Violation Options.
- 15.10.070 Violation Notice.
- 15.10.080 Procedure for Enforcement.
- 15.10.090 Abatement by the Owner.
- 15.10.100 Rehabilitation Procedure.
- 15.10.110 Citation.
- 15.10.120 Abatement.
- 15.10.130 Assessment of Abatement Costs.

### **15.10.010 Purpose**

The purpose of this chapter is to establish an enforcement program to address the problem of derelict, abandoned, and vacant buildings or structures within the City in order to protect the public health, safety, and welfare of the community through the required maintenance of unkempt, unsightly, unsafe, unsanitary, and otherwise improperly maintained structures.

The program is intended to protect the City from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. In addition to the obvious hazards which these conditions pose to the public health, safety, and welfare, they specifically cause damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.

The goals of this chapter are as follows:

- A. To supplement the City Nuisance Ordinance and further define as public nuisances those conditions which constitute visual blight and which could result in conditions which are harmful or deleterious to the public health, safety and welfare; and
- B. To develop regulations that will promote the sound maintenance of buildings and structures, enhance the livability, community appearance, and the social, economic, and environmental conditions of the community; and

C. To establish guidelines for the correction of property maintenance violations and nuisances that afford due process and procedural guarantees to affected property owners; and

D. To support responsible environmental practices with the repair and reuse of existing structures in lieu of demolition of buildings that are able to be repaired.

**15.10.020 Administration**

**Complaint Investigation:**

**When the City receives a complaint about a “derelict” building, the City Recorder or city hall staff will:**

**Staff investigation & findings:**

- (1) investigate the complaint,**
- (2) determine if 2 or more violations exist,**
- (3) If yes, then refer the complaint to a City Council subcommittee**

**City Council subcommittee**

- (4) Either [1] find the violations exist or [2] drop the complaint**
- (5) If subcommittee finds a violation exists the City Recorder will issue a “Notice of Violation”.**

**Enforcement**

- (6) Notice of Violation sent to property owner(s) w/ options listed to correct or remedy the violation.**
- (7) Follow process in 15.10.060 et al.**

A. Determination of whether a building or property is in violation of this chapter shall be made by the City Recorder, or the City Recorder’s designee. The City Recorder should consult with the Building Official, Fire Marshal, Public Health Officer, or any other agency as necessary, before making the determination to bring the matter before the City Council subcommittee.

1. For a violation to have occurred under this chapter, a combination of at least two separate building maintenance standards specified in Section 15.10.040 (A-H) shall be out of compliance.

**Requires City to find violation w/ 2 separate building maintenance standards.**

**Is this OK? 1? 2? Or 3? At least 2 creates a low threshold. City needs to be careful that it uses reasonable discretion in identifying the violations.**

2. Prior to proceeding with a notice of violation, the City Recorder's determination shall be reviewed by a City Council subcommittee. If a majority of the subcommittee agrees with the City Recorder's determination, the City Recorder will issue the notice of violation to the owner or person in charge of the property. For the purposes of this chapter, the term "person in charge of property" has the meaning defined in SMC 8.04.010(B).

B. Buildings or structures determined a nuisance shall be subject to the necessary permits and requirements in accordance with the Oregon Structural Specialty Code. All construction or work for which a permit is required shall be subject to inspection by the Building Official.

C. The City may take appropriate steps to gain entry into or upon the property to investigate and/or cause the removal of a nuisance.

D. A notice of violation may be appealed to the City Council by filing an appeal with the City Recorder within twelve (12) business days of the date on the notice of violation. The Council, in regular course of business, shall hear and determine the objections of the appeal.

#### **15.10.030 Exceptions**

This chapter shall not apply to a building or structure that is actively undergoing construction or repair as indicated by a valid building permit and appearance that the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety or health concerns.

#### **15.10.040 Building Maintenance Standards**

No person in charge of a property shall maintain or permit to be maintained any property which does not comply with the requirements of this chapter and is deemed to be a nuisance and detrimental to the City. All property shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair, and shall meet the requirements below. The building maintenance standards are listed A. through H. with code considerations for each separate building maintenance standard listed within each section.

A. Accessory Structures.

1. All accessory structures, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair.

2. Accessory structures shall comply with maintenance standards in Section 15.10.040 B. through H.

B. Roofs.

1. The roof shall be structurally sound, tight, and have no defects which might admit rain.

2. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.

3. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions and shall channel rainwater into approved receivers.

C. Chimneys and Towers.

1. All chimneys, cooling towers, smoke stacks, towers, and similar appurtenances / attachments shall be maintained so as to be structurally safe and sound, and in good repair. They shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or back-up of noxious gases. They shall be reasonably plumb.

2. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

D. Foundations and Structural Members.

1. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.

2. The supporting structural members in every structure shall be maintained so as to be structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

E. Exterior Walls and Exposed Surfaces.

1. Exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.

2. Exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, paint, or other approved coating, and be maintained in good condition.

3. Exterior metal surfaces shall be protected from rust and corrosion of an extent that would substantially impair its ability to carry imposed loads.

4. Exterior brick, stone, masonry, or other veneer shall be maintained so as to be structurally sound and be adequately supported and tied back to its supporting structure.

5. Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

6. Overhang extensions, including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

F. Windows.

1. Each window shall be substantially weather-tight, shall be kept in sound

condition and repair for its intended use.

2. Window sash shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.

3. Window sash shall be in good condition and fit weather-tight within its frames.

4. Window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the structure.

G. Doors.

1. Exterior doors, including screen doors, cellar doors, and garage doors, door assemblies, and hardware shall be maintained in good condition, be weather-tight, and substantially exclude wind and rain from entering the structure.

H. Insect and Rodent Harborage.

1. Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly terminated. After extermination, proper precautions shall be taken to prevent reinfestation.

**15.10.050 Vacant Buildings**

In addition to the maintenance standards in Section 15.10.040, the person in charge of a vacant property and/or building shall comply with the following maintenance and security requirements:

A. The building and/or property shall be secure so that it is not accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding, and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing.

B. If the person in charge of the property or building is an entity or does not reside within 50 miles of the City limits, the person in charge shall contract with or otherwise engage a person to provide property management to perform inspections to verify that all requirements of this ordinance, enforcement notice, and any other applicable laws are being met.

**Does the City want to impose this property management requirement for absentee owners? 50-mile limit??**

C. The property shall be posted with name and 24-hour contact phone number of the owner, person in charge, or a local property management representative. The posting shall be no larger than 18" X 24" and shall contain the words "THIS PROPERTY MANAGED BY . . ." The posting shall be secured to the exterior of the building or placed in a location on the property so it is visible from the street.



#### **15.10.060 Violation Options**

When an alleged complaint is reported to the City Recorder, the City Recorder shall prepare a statement of the facts and shall review the facts and circumstances surrounding the alleged complaint. The City Recorder shall not proceed further with the matter if the City Recorder determines that there is not sufficient evidence to support the allegation, or if the City Council subcommittee rules that the nuisance does not exist and is not a violation. If a nuisance is determined to exist by the City Council subcommittee, the City Recorder may enforce this code by any of the following methods:

- A. Abatement by the Owner;
- B. Rehabilitation Procedure;
- C. Citation;
- D. Abatement by the City;
- E. Citation and Abatement;
- F. Other enforcement remedies available at law or at equity.

#### **15.10.070 Violation Notice**

A. Upon determination by the City Recorder, and after consultation with the City Council subcommittee, that a nuisance as defined in Chapters 15.10.040 or 15.10.050 exists, the City Recorder shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.

B. At the time of posting, the City Recorder shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or person in charge of the property at the last known address of such owner or other person.

C. The notice of violation shall contain:

- 1. A description of the real property, by street address or otherwise, on which such nuisance exists;
- 2. A statement explaining the different options for abatement by the owner, including the rehabilitation procedure.
- 3. A direction to abate the nuisance by the date listed on the notice;
- 4. A description of the nuisance;
- 5. A statement that unless such nuisance is removed, the city may abate the nuisance and the cost of abatement shall be a lien against the property;
- 6. A statement that the owner or other person in charge of the property may appeal to the City Council by filing an appeal with the City Recorder within twelve (12) business days of the date on the notice of violation. The Council, in regular course of

business, shall hear and determine the objections of the appeal.

D. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

E. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person shall not make the notice void and in such a case the posted notice shall be sufficient.

#### **15.10.080 Procedure for Enforcement**

The following are the general steps that should be conducted in the enforcement of derelict buildings as noted in the City Code. These procedures are intended as a guideline and strict adherence to this process is not required. Time lines may be shortened or lengthened depending on individual circumstances. These procedures do not prevent the use of other methods of enforcement that may be available to the City.

A. Possible nuisance is identified by staff or through a complaint. Complaints may be made anonymously.

B. Staff verifies that the nuisance exists and is a violation. Staff identifies property owner, person in charge, and/or person responsible for the violation.

C. City Council subcommittee evaluates the City Recorder's determination to rule if the nuisance exists and is a violation. If a majority of the subcommittee decides that a nuisance does not exist, then the City Recorder will note that decision for the file and take no further action on the matter.

D. If a majority of the subcommittee determines a nuisance does exist, the City Recorder shall cause a notice to be posted on the premises where the nuisance exists and send a notice of violation by regular mail to the property owner or others advising of the nuisance, citing code that is in violation, and the options for completing the work. Staff provides the two options for rectifying the nuisance, rehabilitation or abatement.

E. If the property owner submits a rehabilitation plan then the steps in Section 15.10.100 for Rehabilitation Procedure shall be followed.

F. If the property owner does not submit a rehabilitation plan then after two weeks, staff verifies if the nuisance still exists. If a nuisance does not exist, the City Recorder will note that fact for the file and take no further action on the matter.

G. If nuisance persists, a second notice of violation is sent by regular and certified mail with due date of additional two weeks, and advise of possible fines.

H. After two weeks, staff verifies if nuisance still exists. If nuisance does not exist, the City Recorder will note that fact for the file and take no further action on the matter.

I. If nuisance still exists, staff issues a citation with a possible fine up to \$500.00 per day, mandatory appearance in Municipal Court, or initiates the abatement process.

**Verify with the City Attorney that he concurs with City Recorder issuing a "citation" or "summons" to appear in Municipal Court.**

J. Each day the nuisance persists is a separate violation.

K. If nuisance still exists after fines and court, City can abate it and lien the property for all of its costs incurred to abate the nuisance, including but not limited to attorney fees, and/or continue with other methods of enforcement available to the City.

**? for City Attorney. Is this section OK, or does it need to refer to further Court action.**

#### **15.10.090 Appeal to City Council and Abatement by the Owner**

A. On the date listed on the notice to abate the nuisance as contained on the posting and mailing of the notice as provided in Section 15.10.070, the owner or person in charge of the property shall have removed the nuisance or show that no nuisance exists.

B. The owner or person in charge protesting that no nuisance exists shall file with the City Recorder an appeal which shall specify the basis for appeal.

C. The appeal shall be referred to the City Council as a part of the Council's regular agenda at the next succeeding meeting. At the time set for consideration of the appeal, the owner or other person may appear and be heard by the Council, and the Council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where an appeal has been filed as provided.

D. If the Council determines that a nuisance does in fact exist, the owner or other person shall, by a date as specified by the Council determination, abate such nuisance.

#### **15.10.100 Rehabilitation Procedure**

A. The City Recorder is authorized to permit probation periods alleviating or suspending payment of fees and penalties by any owner who submits a rehabilitation plan, which may be required to be prepared by a registered architect or engineer experienced in preservation and rehabilitation of buildings and structures, showing a proposed or scheduled date for completion. Plans shall include an advanced schedule of dates for completion of each portion of work which will be marked off as work progresses.

B. The owner of a plan which is not approved or approved as amended may, upon valid objection, request a review. Such review will be completed within thirty (30) additional days and subject to any further revisions the City Recorder may deem appropriate to make to the plan.

C. If the owner or person in charge of the property objects to the review of the rehabilitation plan, they may file an appeal with the City Recorder within twelve (12) business days of the rehabilitation plan review. The City Council, in regular course of business, shall hear and determine the objections to the review of the rehabilitation plan.

D. An owner may finance such plan through any legitimate private banking or financing corporation, subject to review as to progress or continuing repairs at each three-month period after the plan is approved and until completion, the owner shall be responsible for submission of a progress report each three months to the City Recorder or designee. If an owner is unable to show satisfactory progress at any three-month interval, the City Recorder is authorized to cancel or discontinue the probation and fees shall be reinstated.

E. A suitable rehabilitation plan shall contain the following:

1. Completed application with fee.
2. Site plan, drawn at an approved engineering scale and including the following:
  - a. Property boundaries and dimensions,
  - b. Primary building and accessory structure locations,
  - c. Exterior facilities and equipment.
3. Demolition plans, if necessary.
4. Building materials and colors boards.
5. Architectural drawings, with scaled dimensions shown to include repair items including, but not limited to the following categories:
  - a. Accessory structures,
  - b. Fencing,
  - c. Awnings and canopies,
  - d. Roofs, gutters, downspouts,
  - e. Chimneys and towers,
  - f. Foundations and structural members,
  - g. Exposed walls, including wood, metal, and brick surfaces,
  - h. Decorative features,
  - i. Signs,
  - j. Stairs and porches,
  - k. Handrails and guardrails.
  - l. Windows and window hardware,
  - m. Doors and door hardware,
  - n. Exterior facilities and equipment.
6. Statement of approximate cost for rehabilitation work.
7. Estimated construction timeline.
8. Other information or studies determined to be necessary by the City

Recorder or Building Official.

F. After the rehabilitation plan is approved, the owner shall be required to obtain necessary permits for construction, excavation, demolition or other requirements and to notify the City Recorder when the project is completed within the approved construction timeline.

G. At the end of the rehabilitation work upon notice by owner, an inspection will be made within ten (10) days of notification and additional inspections shall be conducted as necessary to insure property is in compliance. If maintenance by owner is not complied with in accordance with the inspection, the owner shall be notified in writing of the noncompliance and given thirty (30) days in which to either bring the building or structure back into compliance or give acceptable reason for noncompliance, at which time an additional period may be given or final notification given that the probation period has eased and fees are to be reinstated against owner.

H. When fifty (50) percent or more of a structure suffers major damage by fire, act of God or other peril while rehabilitation work is in progress, the structure must be repaired to meet the regular rehabilitation and maintenance plan requirements or be demolished. The affected owner shall present an additional plan of proposed reconstruction or request demolition permits. The structure must at all times be fenced or boarded, so as to safeguard the general public against the dangers which may become eminent because of the damaged building or structure. When demolition is requested and approved the cost shall be borne by the owner. No work, demolition, excavation, alteration or improvement shall be undertaken prior to the approval of the plan and proper permits, except where an emergency exists and the safety of the general public is affected. If and when the emergency is designated or declared by the City, all other code sections shall take precedence, in addition to this chapter, to alleviate the emergency.

#### **15.10.110 Citation**

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.00) per violation. Each day that a violation exists after due notice has been served shall be deemed a separate offense.

#### **15.10.120 Abatement**

A. If, within the time allowed, the nuisance has not been corrected by the owner or person in charge of the property, the council may cause the nuisance to be abated.

B. The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

C. The City Recorder shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

### 15.10.130 Assessment of Abatement Costs

A. The City Recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

1. The total cost of abatement, including but not limited the administrative overhead and outside consultant costs or legal fees;

2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of notice;

3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, they may file a notice of objection with the City Recorder not more than twelve (12) business days from the date of notice.

B. The Council, in regular course of business, shall hear and determine the objections to the cost to be assessed.

C. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the Council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.

D. The lien shall be enforced in the same manner as liens for street or utility improvements are enforced and shall bear interest equal to the interest past due amount set by the Master Fee Resolution. Such interest shall accrue from the date of the entry of the lien in the lien docket.

E. An error in their name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

## Chapter 13

# Energy Conservation

Statewide Planning Goal 13 “Energy Conservation” requires cities to manage and control land use and development to “*maximize the conservation of all forms of energy, based on sound economic principles.*” As a small community, the City of Mill City has little involvement in state, regional or national energy policy development and implementation. However, its citizens, businesses and governmental entities are energy consumers, who make daily choices about energy use and consumption.

In 2012, the Governor’s Oregon Energy Action Task Force and the Oregon Department of Energy released a *10-Year Energy Action Plan* recommending the State of Oregon embrace several actions and initiatives to:

- Reduce Oregon’s dependence on carbon-intensive fuels and foreign oil,
- Develop home-grown renewable energy resources,
- Mitigate greenhouse gas emissions,
- Improve energy efficiency and create rewarding local jobs, and
- Boost Oregon’s economy through investment and innovation.<sup>1</sup>

The action plan sets statewide energy goals that apply to local communities:

**Goal #1 – Energy Conservation:** “*Maximize energy efficiency and conservation to meet 100% of new electric load growth*”.

Energy efficiency and conservation are expected to be the cornerstone of Oregon’s energy policy.<sup>2</sup> The action plan states: *Today, energy efficiency is more important than ever. It is clean and emission free. It is also low cost relative to new energy generating resources. It serves our national goals of reducing our carbon footprint and enhancing our energy independence. In short, it is the world's most environmentally and economically friendly energy resource.*<sup>3</sup>

The Northwest Power and Conservation Council’s *6<sup>th</sup> Northwest Conservation and Electric Power Plan* agrees and states “*energy efficiency improvements provide the most cost-effective and least risky response to the region’s growing electricity needs.*”<sup>4</sup> The Northwest Power & Conservation Council projects most of the growth in energy demand in the Pacific Northwest through 2030

<sup>1</sup> *Oregon 10-Year Energy Action Plan*, Oregon Department of Energy, December 2012., p. 7. **Oregon Department of Energy Governor's Ten Year Energy Plan**, [http://www.oregon.gov/energy/pages/ten\\_year/ten\\_year\\_energy\\_plan.aspx](http://www.oregon.gov/energy/pages/ten_year/ten_year_energy_plan.aspx)

<sup>2</sup> *Ibid.*, p. 11.

<sup>3</sup> *Ibid.*, p. 22.

<sup>4</sup> *6<sup>th</sup> Northwest Conservation and Electric Power Plan*, Northwest Power and Conservation Council, February 2010, Action Plan, p. AP-1.

will come from residential and commercial consumers.<sup>5</sup> Therefore, local communities and citizens are encouraged to be partners in implementing energy efficiency and conservation measures.<sup>6</sup>

- **Residential and Business Energy Conservation Programs and Tax Incentives:** Residential and business utility customers can take advantage of residential and business energy efficiency and tax incentive programs available through the Oregon Department of Energy, the Energy Trust of Oregon and private businesses.
- **City and School Conservation Measures.** Cities and school districts can lead by example. Reducing daily energy consumption saves taxpayer money by controlling daily operating costs. The City of Mill City and Santiam Canyon School District can take advantage of SB 1149 or similar energy conservation programs by completing energy audits and implementing effective energy conservation measures at schools, pump stations and other public buildings. Installing energy efficient control systems, windows and lighting, retrofitting or replacing pumps and HVAC systems, replacing inefficient street lights and designing new facilities for energy efficiency are all ways city officials and school administrators can lead by example. The City can work with Pacific Power to replace inefficient street lights with LED or other more energy efficient lighting.
- **Education:** Support efforts by Energy Trust of Oregon, Northwest Energy Efficiency Alliance, Pacific Power, Northwest Natural Gas and others to educate citizens about energy efficiency options and small steps consumers can take. Voluntary conservation measures by end use consumers may include purchasing and installing energy efficient appliances, HVAC systems, heat pumps, water heaters, indoor/outdoor lighting fixtures and consumer electronics.

**Goal #2 – Enhance Clean Energy Infrastructure:** “Reduce reliance on fossil fuels and encourage development of wind, solar and other renewable energy resources.”

*Oregon imports 100% of its petroleum, coal and natural gas.<sup>7</sup> Transportation is single largest contributor to Oregon’s greenhouse gas emissions. Oregonians consume 1.5 billion gallons of gas and drive 33 billion miles per year and fuel costs comprise 7% of disposable income. To reach Oregon’s 2020 goals, the state will need an approximately 30 percent reduction from 2010 greenhouse gas levels, which roughly translates to a 30 percent reduction in fossil fuel use.<sup>8</sup>*

<sup>5</sup> Ibid., pp. 3-4 to 3-6. 2010 electricity demand forecast by Northwest Power and Conservation Council. Residential demand increases are expected due to increased use of home electronics, entertainment and air conditioning.

<sup>6</sup> Interview with Doris Johnston and Alan Meyer, Regional Business Managers, Mid-Willamette Valley Region, Pacific Power, July 2015.

<sup>7</sup> Oregon Energy Task Force Recommendations to the Governor, March 2012, pp. 3 to 5.

<sup>8</sup> Oregon 10-year Energy Action Plan, p. 13.



Oregon cities and counties can adopt building codes, land use policies and provide local transportation infrastructure and systems that encourage energy conservation and help reduce reliance on fossil fuels. As a small City, Mill City can support regional programs that improve transit systems, carpooling and telecommuting. The city can adopt zoning regulations to encourage compact land use with business, schools and services within walking/biking distance of neighborhoods and make bicycle/pedestrian projects a priority.

In Mill City, the community can take several actions:

- Ensure fiber-optic and high speed Internet service is available to serve local consumers and businesses and provide opportunities for telecommuting and competitive small business enterprises.
- The City may participate in Pacific Power's Blue Sky renewable energy program. As a Blue Sky customer, the City may apply for grant funds to help finance a small-scale renewable solar or wind energy project at a city-owned building, water or wastewater facility.<sup>9</sup>
- Plan for local pedestrian/bike networks connections that provide access to recreation, schools, neighborhood / community services and stores within a 10-minute walk of home.

In recent years there have been rapid technological advances in the area of renewable energy resources including solar, wind power and hybrid/electric vehicles. At the local level, the City can ensure local zoning regulations do not impede development of small-scale solar or wind power projects.

<sup>9</sup> Interview with Doris Johnston and Alan Meyer, Pacific Power, July 2015.

# **GOALS AND POLICIES FOR ENERGY CONSERVATION**

## **STATEWIDE PLANNING GOALS**

**GOAL 13 – ENERGY CONSERVATION:** Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

## **CITY OF MILL CITY GOALS AND POLICIES**

**Goal EC-1:** To efficiently utilize energy, maximize the conservation of non-renewable energy resources and encourage the use of renewable energy resources

Policy EC-1: The City of Mill City encourages citizens to conserve energy and implement energy conservation measures. The City will support actions by the Oregon Department of Energy, Energy Trust of Oregon, private utilities and other agencies to increase citizen awareness of energy conservation and efficiency measures and available energy conservation programs.

Policy EC-2: The City will encourage energy efficiency and implement cost-effective conservation measures at city facilities.

- Work with Energy Trust of Oregon and local utilities to periodically audit city energy use in city buildings and equipment.
- Work w/ Pacific Power to remove inefficient street lighting and replace them with energy efficient / dark sky lighting.
- Review vehicle and equipment specifications to ensure purchase of energy efficient and cost-effective equipment.

Policy EC-3: The City of Mill City will encourage the planting and maintenance of trees to create a more beautiful city, provide shading, and reduce heat buildup in parks, open spaces, parking lots and structures.

Policy EC-4: The City of Mill City will plan for the development of safe and accessible sidewalks, trails and bikeways to/from residential neighborhoods so schools, businesses and community services are within a 10-minute walk of home.

## EXISTING 1980 Comprehensive Plan Policies on Energy

(to be DELETED)

### ENERGY:

Policy 4.1: Mill City shall encourage energy conservation through education, consumer awareness, example, identification of available weatherization programs, and other appropriate activities.

Policy 4.2 Mill City shall investigate using the North Santiam River as a source of hydroelectric power to be used for:

- 1) Meeting city facility and school power needs.
- 2) Meeting and encouraging local industrial needs.
- 3) Revenue generation through sale of surplus power.

Policy 4.3: Mill City shall cooperate with the State Department of Energy to assist in reducing energy consumption.

## **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**

**Site Plan Review**

The applicable substantive criteria upon which this case will be decided are found in the Mill City Comprehensive Plan and the Mill City Zoning Ordinance sections which are listed in the staff reports.

All testimony, arguments and evidence received during this public hearing must be directed toward these approval criteria, or to such other rule, law, regulation or policy which you believe to apply to this case.

An issue which may be the basis for an appeal shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with sufficient specificity so as to afford this body, and the parties to this hearing an adequate opportunity to respond to each issue.

The Planning Commission's decision is final, unless it is appealed to the City Council. If the City Council hears an appeal in this case, the City Council's final action may be appealed within 21 days of mailing of notice of the decision to the Oregon Land Use Board of Appeals.

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

If you have documents, maps or letters that you wish to have considered by this body, they must formally be placed in the record of this proceeding. To do that, either before or after you speak, please leave the material with Planning Staff who will make sure your evidence is properly taken care of.

Prior to the conclusion of the initial evidentiary hearing in this case, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application involved here. Continuances may take the form of holding an additional public hearing with oral testimony allowed, or may consist of holding the evidentiary record open for a period of time designated by the City, for submittal from the public of written evidence.

If you have any questions regarding any of the information contained in this Statement, please voice those questions, or objections at the time you testify. If you do not wish to testify, your questions or objections may be submitted in writing and will be dealt with during the course of the hearing. Any written material must be presented prior to the closure of the record in this case.