



## City of Mill City

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### MILL CITY PLANNING COMMISSION AGENDA Regular Meeting

**Thursday -- October 20, 2016 6:30 p.m.**

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

1. **Call to Order and Flag Salute – 6:30 PM** Chair Ann Carey
2. **Approval of Minutes:** September 20, 2016 Regular Meeting

**3. 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.*

4. **Presentation: None Scheduled**
5. **Public Hearings: None Scheduled**
6. **Old Business**
  - a. City Council Public Hearing October 25, 2016 @ 6:30 pm  
File 2016-09 Zoning Code Amendments: Site Plan Review, Parking, etc.
  - b. Other
7. **New Business**
  - a. Code Interpretation: Occupancy of RV during Major Home Repairs
  - b. Code Interpretation: Secondary Guest House next to Residence in CH Zone
  - c. File 2014-07 Boneyard Bakery Site Plan Approval – Request for 1-year extension.

**8. Informational Items**

- a. City Recorder Report
- b. Planning Consultant Time Report
- c. New and Prospective Applications: Baughman/Lucas UGB Amendment
- d. Other

**9. Adjournment**

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

November 15, 2016      6:30 PM      Regular Meeting

December 20, 2016      6:30 PM      Regular Meeting

**Upcoming City Council Hearing on Zoning Code Amendments**

October 25, 2016      6:30 PM      Part of the Regular City Council Meeting

**MILL CITY PLANNING COMMISSION**  
**Meeting of September 20, 2016**

Planning Commission members present: Chair Ann Carey, Dennis Chamberlin, Allison Goodwin, Marge Henning, David Leach and Tony Trout. Frances Villwock was excused.

Staff in attendance: Planning Advisor David Kinney.

City Council Representatives: None.

Citizens present: None.

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

**APPROVAL OF MINUTES:**

The August 16, 2016 minutes were reviewed by Planning Commission. Tony Trout moved, seconded by Allison Goodwin, to approve the minutes of August 16, 2016 minutes as corrected. The motion carried unanimously (6:0).

**PUBLIC COMMENT:** None.

**PUBLIC HEARINGS:**

File No. 2016-09                      Zoning Code Amendments  
Applicant:                              City of Mill City

Chair Ann Carey opened the public hearing at 6:35 p.m. Mr. Kinney noted this is a legislative proposal to amend the city's zoning ordinance.

*Declaration of Ex Parte Contact & Conflicts of Interest:* The chair asked the Planning Commissioners if they had any bias or conflicts of interest related to this proposal. All of the Planning Commissioners stated they did not have any conflicts of interest or bias.

*Applicant's Presentation and Staff Report:* Planning Consultant David Kinney presented the proposal. The City Council has asked the Planning Commission to modify several sections of the Zoning Code regarding architectural design standards, site plan review and parking requirements. In addition, the Planning Commission has identified several minor language and administrative changes it proposes to include in a 2016 zoning code update. The September 12, 2016 staff report summarizes each of the proposed amendments.

The proposed zoning code amendments include:

1. Paving Requirements for Parking Lots in the CH Zone: In Section 17.44.060.H, modify parking lot paving requirements for new structures in the CH zone.

2. Parking Space Requirements for Commercial and Multi-Family Dwellings: In Section 17.44.060.E require 1 paved parking space per 350 sf of building area for a retail store and 1 paved parking space per 200 sf of building area for an eating/drinking/restaurant establishment. In Section 17.44.060.H.6 add a requirement for an RV parking space requirement for a new retail, restaurant or hospitality uses in the CH zone.
3. Architectural Standards for New Home Construction. Revise the architectural design standards in Section 17.12.080 (R-1 Zone) and 17.16.080 (R-2 Zone) that will apply to the construction of a new single family home and placement of a manufactured home. The revised standards provide more options for builders to improve the aesthetic appearance of the new homes and add “curb appeal”.

Number of Architectural Features Required:

- a. At least four design elements on the front of the structure facing the street.
- b. At least two architectural features for any other side of the structure that faces a street.

Architectural design standards do not currently apply to duplexes or multi-family housing projects. The Commission recommended architectural standards also apply to duplexes and multi-family housing complexes.

4. Site Plan Review Requirements. Add a new Chapter 17.76 that will make it easier for staff to share applicant requirements with potential applicants and provide more consistent standards and criteria for decisions. The Planning Commission concurred and proposes the standards apply to any new structure with a total building footprint of 1,000 sf or more. No site plan review will be required for construction of a single family home in the CC Zone. Submitted plans should be drawn to scale.
5. Bed & Breakfast Business. Add a definition for Bed & Breakfast that complies with state law. Remove B&B from allowed uses in the R-1 and R-2 zones.
6. Administrative Amendments. Add a new Section 17.04.040 to clarify parking, setbacks and basic zone compliance is required even if a land use application is not required.

Marge Henning verified the RV parking requirement is included in the amendments for the parking requirements.

Mr. Kinney stated that he has reviewed the Mill City Zoning Code to make sure that related changes to other sections have been added. These are included on pages 13 to 18 of the September 12<sup>th</sup> staff report.

*Proponents Testimony:* No members of the public were present to testify. Mr. Kinney stated no written testimony was submitted to the City.

*Opponents Testimony:* No testimony.

*Agency Comments & General Testimony:* The City provided notice of the proposed amendments to the Department of Land Conservation and Development and published a notice of the public hearing in the Canyon Weekly. The City has not received any public testimony.

*Staff Summary:* Mr. Kinney stated the proposal is ready for City Council consideration.

*Close of Hearing:* Chair Carey closed the public hearing at 7:02 p.m.

Deliberation: The Commission deliberated on the proposal and agreed it was ready to submit to the City Council.

**Tony Trout moved, seconded by Dennis Chamberlin, that the Planning Commission recommend the City Council adopt the proposed Zoning Code amendments, File 2016-09.** The motion passed unanimously (6-0).

Mr. Kinney stated the City Council will consider the proposed amendments at a public hearing on October 25, 2016 beginning at 6:30 p.m. Mr. Kinney will prepare a DRAFT Ordinance for the Council consideration. A copy of the proposed ordinance will be included in the Planning Commission packet for the October regular meeting.

### **OLD BUSINESS:**

#### Dangerous and Derelict Buildings Ordinance.

Chair Ann Carey reported the City Council had completed a first reading of the Dangerous and Derelict Building Ordinance and the City Recorder will prepare a final ordinance for adoption at the next regular City Council meeting.

The Planning Commission discussed general code enforcement including abandoned vehicle enforcement, property maintenance, accumulation of junk and debris on private properties and the impact code violations can have on adjacent property values.

### **NEW BUSINESS:**

Chair Ann Carey suggested the Planning Commission review the annual work program in the November meeting. She suggested the Planning Commission discuss public works standards for sidewalks and policies for when sidewalks are required for new developments. The Commission briefly discussed the current standards and policies.

#### Meeting Date for the October 2016 Regular Meeting.

Mr. Kinney will be out-of-state on October 18, 2016 and requested the meeting date be changed. The commission agreed, The next regular planning commission meeting will be held on October 20, 2016 at 6:30 p.m. at City Hall.

### **OTHER BUSINESS:**

Mr. Kinney's August 2016 timesheet and the City Recorder's report were included in the packet.

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

The meeting was adjourned at 7:55 p.m.

Prepared by:

A handwritten signature in blue ink that reads "David W. Kinney". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

David W. Kinney, Planning Advisor and  
Stacie Cook, MMC, City Recorder/Planning Secretary

**David W. Kinney**  
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October 13, 2016

**To: Chairman Ann Carey and Planning Commissioners**  
**From: David W. Kinney, Planning Consultant**  
**In RE: Old and New Business Items for October 20, 2016 Meeting**

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**7. Old Business:**

a. **File 2016-09 Zoning Code Amendments – Council Hearing October 25, 2016.**

Enclosed is memo to the City Council and a copy of the proposed Ordinance amending the Zoning Code. The Council will hold a public hearing as part of the regularly scheduled City Council meeting on October 25<sup>th</sup> at City Hall.

Planning Commissioners are urged to attend the public hearing to answer any questions from the City Council.

**8. New Business**

a. **Code Interpretation – RV Use as a temporary dwelling during major home repair**

Enclosed is a code interpretation memo for the use of an RV during construction for a home that has suffered major water damage and cannot be occupied during the remodel.

**Recommendation: Discussion. If Planning Commission agrees, a motion to concur with the Planning Consultant’s code interpretation.**

b. **Code Interpretation – Secondary Dwelling or Guest House in CH zone.**

Enclosed is a code interpretation memo for the placement of a secondary dwelling or a guest house next to an existing home in the CH Zone.

**Recommendation: Discussion. If Planning Commission agrees, a motion to concur with the Planning Consultant’s code interpretation.**

c. **Time Extension for Boneyard Bakery Site Plan Approval**

The City will be receiving a request from Susan Cady, owner of the Boneyard Bakery, building on Hwy 22 east of Rosie's café. Mrs. Cady has not completed the remodel/renovation of the existing building and has not obtained engineering approval from the City Engineer or ODOT for her site plan.

She is self-financing the project and it has gone more slowly than she anticipated. She requests a one-year time extension. Stacie Cook said the written request for the extension will be submitted prior to the October 20<sup>th</sup> meeting.

Enclosed is a copy of the original Notice of Decision.

**Recommendation: Approve a one-year time extension until November 1, 2017.**



## Status of Work Program and Outstanding Project Items:

### c. Review of Work Program & Outstanding Project Items

Stacie Cook and I have reviewed outstanding planning work items for discussion of priorities.

1. Maintenance code (City Council priority) & related code enforcement.
  - a. Linn County enforcement officer - Harold \_\_\_\_\_. Meet at city hall to review process.
  - b. Create enforcement written protocol.
  - c. Review city code to determine any special requirements.
  - d. Focus on Hwy 22 corridor
2. Land use applications
  - a. Blaylock
  - b. ~~Hearts to Arts variance~~ July 11, 2014 hearing Completed: Staff Rpt for 7-11-2014 hrg.
  - c. Subway – August 2014 hearing if application submitted
3. Comp Plan update
  - a. Buildable Lands Inventory
  - b. Policy Reviews by Section Completed: DEMOGRAPHICS Chapter for 6-27-2014 Wk Session.
4. Code Amendments
  - a. Lighting Completed: DRAFT #2 for 6-27-2014 Wk Session. Provide to ODOE and Dave Barnett.
  - b. RV parking drawings
  - c. Fence drawings
  - d. Info handouts for the public
  - e. Development checklist for applicants
5. Public Works Design Standards
  - a. Review with John Ashley w/in budget limits.
  - b. Storm Drainage basin study
6. Sewer SDC Update (Don't start until Stacie gives authorization)
  - a. Update fixed assets / infrastructure values
  - b. Review SDC calcs from 1998.
  - c. Disbursement Requests forms from IFA for MC Sewer Project (2009 to 2011).

### Land Use Applications

2012-09 Yarbrough Village @ Santiam Pointe Replat. Approved. Extension granted to June 30, 2014. Matter of ownership has been settled per attorney Bill Ghiorso. Add to PC agenda to let them know what status is and discuss whether or not an added 90 day extension is warranted. Completed: PC Advised June 13, 2014. If City receives ltr requesting extension add to 7-11-2014 agenda. Ltr submitted by June 30<sup>th</sup>.

*Prior Land Use Decisions requiring additional action*

2007-03-04	Baughman Annexation	Review legals with surveyor, consult with City Attorney and adopt new ordinance for the annexation.
2012-08	Buildable Lands	Buildable Lands Inventory has been approved by the Planning Commission and the City Council held work sessions and a public hearing. Review with DLCD and Linn/Marion County Planning for final adoption process with each agency. Map corrections and adopting ordinance needed

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September 29, 2016

**To: Mayor Thacker and City Councilors**

**From: David W. Kinney, Planning Consultant  
Mill City Planning Commission**

**In RE: File 2016-09  
2016 Zoning Code Amendments –Hearing DRAFT  
September 20, 2016 Planning Commission Public Hearing**

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The City Council has asked the Planning Commission to modify several sections of the Zoning Code regarding architectural design standards, site plan review and parking requirements. In addition, the Planning Commission has identified several minor language and administrative changes it proposes to include in a 2016 zoning code update.

### **Planning Commission Public Hearing**

On September 20, 2016 the Planning Commission held a public hearing to consider the amendments. At the conclusion of the public hearing, the Planning Commission unanimously voted to recommend the City Council approve the proposed changes to the Mill City Zoning Code.

### **City Council Public Hearing – October 25, 2016**

A public hearing will be held as part of the regularly scheduled City Council meeting on October 25<sup>th</sup>. As a legislative amendment, the City Council may discuss the proposal with any citizens prior to the public hearing. The proposed amendments to the zoning code If any of the proposed amendments may have a positive or negative financial impact on a city councilor or your business activities, you are encouraged to declare a potential conflict of interest.

On September 20, 2016 the Planning Commission held a public hearing to consider the amendments. At the conclusion of the public hearing, the Planning Commission unanimously voted to recommend the City Council approve the proposed changes to the Mill City Zoning Code.

### **Proposed Mill City Zoning Code Amendments:**

The following paragraphs provide a brief summary of the specific issues addressed:

## 1. Paving Requirements for Parking Lots in the CH Zone:

In Section 17.44.060.H, modify parking lot paving requirements for new structures in the CH zone. The code currently allows gravel parking lots for new building construction, if less than 10 parking spaces are required. The Planning Commission recommends this section be modified to require paved parking areas for new buildings.

## 2. Parking Space Requirements for Commercial Buildings.

The Dollar General project requested a variance for the number of parking spaces needed for a new Commercial use. The Planning Commission asked staff to look at other codes to see how Mill City's parking requirements compare. Mill City requires 1 paved space per 200 sf.

DLCD's Model Code for small cities recommends one parking space per 400 sf of retail floor area, but also notes the industry standard is 3-4 parking spaces per 1000 sf of retail floor area, with fewer parking spaces required for retail sales of autos, furniture, appliances and other bulky goods. A review of zoning codes in nearby communities show 1 paved space per 300 or 400 sf of building area.<sup>1</sup>

The Planning Commission recommends Section 17.44.060.E be modified to require 1 paved parking space per 350 sf of building area for a retail store and 1 paved parking space per 200 sf of building area for an eating/drinking/restaurant establishment. The Planning Commission also recommends adding Section 17.44.060.H.6 to require an RV parking space requirement for new retail, restaurant or hospitality uses for buildings adjacent to Hwy 22.

## 3. Architectural Design Standards for New Homes.

The architectural design standards for new home construction are easy to meet in Mill City. Councilor Baughman has suggested the City eliminate several of the design standards and add more design elements that will create more "curb appeal".

The Planning Commission reviewed standards and drawings from other city codes and DLCD's Model Development Code for Small Cities. The Commission recommends the following revisions to Mill City's architectural design standards in Section 17.12.080 (R-1 Zone) and 17.16.080 (R-2 Zone) that will apply to the construction of a new single family home and placement of a manufactured home. The Planning Commission also recommends the architectural design standards apply to duplexes and multi-family housing.

### Number of Architectural Features Required:

- a. At least four design elements on the front of the structure facing the street.
- b. At least two architectural features for any other side of the structure that faces a street.

### Changes to the Design Features 17.12.080.C & 17.16.080.C

1. Dormers or gables.

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<sup>1</sup> Retail parking requirements: Albany 1 per 300 sf; Aumsville-1 per 400 sf + employees; Stayton-1 per 250 sf; Corvallis 1 per 400 sf; Lebanon – 1 per 250 sf; 1 per 400 sf for big box; Independence-1 per 500 sf; Dallas-1 per 350 sf;

2. ~~Cupolas~~ [DELETE – not used]
2. Bay or bow windows.
3. Exterior shutters or **window trim (4'+ wide)**. [New feature added]
4. Recessed front entries. The entry shall be recessed at least four feet from the front wall.
5. Recessed Garage. The garage shall be recessed at least four feet from the front wall.
6. **Recess or building wall off-sets in the building face (minimum 2')**. [New feature added]
7. Front porch at least **two hundred (200) square feet**, which may extend into the required front setback. [increased from 100 sf to 200 sf]
8. **Covered front entry area with pillars or posts.** [combined two standards into one]
9. Roof with pitch greater than **six (6) feet in height per each twelve (12) feet** in length. [increased from 3/12 to 6/12 pitch]
10. Front side exterior brickwork or masonry.
11. **Permanent planter boxes with exterior brick, stone or masonry.** [New feature added]
12. **Balcony.** [New feature added]
13. **Eaves (minimum 16" eave).** [New feature added]
14. **Decorate patterns on the exterior finish (e.g. scales/shingles, wainscoting, ornamentation and similar architectural design features).** [New feature added]
15. **Decorative cornices.** [New feature added]

#### **4. Site Plan Review Requirements.**

The Mill City Zoning Code includes several sections that outline site plan review application requirements and different decision criteria. The City Council has asked the Planning Commission to require a site plan review for new commercial buildings in the Central Commercial (CC) Zone. Staff proposes that the site plan review requirements be placed in a new Chapter 17.76 that will make it easier for staff to share applicant requirements with potential applicants and provide more consistent standards and criteria for decisions.

Under the proposed amendments, a site plan review is required for:

- a. Any new duplex or multi-family dwelling. [No change].
- b. Any structure in the CC, CH, I and Public zone with 1,000 sf or more. [Adds CC, I and P zones].
- c. Any building addition in the CC, CH, I and Public zone where 1,000 sf or more is added to a building.
- d. A change in land use (e.g., increase the number of dwelling units, change from residential to commercial use, or from less intensive to more intensive commercial or industrial use) that will;
  - i. Add dwelling units, or.
  - ii. Require three or more additional parking spaces or an additional loading area; or
  - iii. Modify site circulation or access. Modified site circulation or access includes changes to the parking lot configuration, changes in circulation, access between multiple parcels or change in the driveway location.

If the new site plan chapter is adopted, then several other sections of the Zoning Code will be modified to delete duplications and refer to the new Chapter 17.76 on site plan review.

## 5. Bed & Breakfast Business:

The City currently allows Bed & Breakfast businesses in the R-1 Single Family and R-2 Multi-Family zones as a conditional use. The Commercial zones allow hotels, motels and boarding rooms. This allows a B&B in the CC & CH zones.

**Bed and Breakfast Inn.** Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests.

The Planning Commission recommends several changes for B&B's:

1. Add a definition for a Bed & Breakfast use in Section 17.04.010.
2. Add a parking requirement of one space per guest room in Section 17.44.060.B.
3. Do not permit B&B's in residential zones.
4. Allow B&B's in the CC & CH zones.

## 6. Code Compliance:

A new section is added to clarify the city's zoning requirements, including setbacks, parking, lot coverage, etc. apply even if a land use application is not required.

### **Planning Commission Recommendation:**

*Approve changes as outlined*

### **Adoption Process:**

This is a legislative amendment to the Mill City Zoning Code.

The city sent a "Notice of Proposed Amendment to a Land Use Regulation" to DLCD on August 7, 2016, 35 days prior to the initial public hearing at the Planning Commission. The notice included a copy of the proposal, a draft hearing notice and a summary explaining the proposal.

Two public hearings are required. The first hearing before the Planning Commission; the second hearing is before the City Council.

Planning Commission Public Hearing	September 20, 2016
City Council Public Hearing	October 25, 2016
City Council Deliberation	October 25, 2016
City Council Adoption of Ordinance	October 25, 2016 &/or November 8, 2016

**Options:**

The City may:

- (1) Approve the code amendments as submitted,
- (2) Modify and approve code amendments as modified,
- (3) Refer the amendments back to the Planning Commission
- (4) Reject the code amendments.

**Motions:**

Approval: Move to read Ordinance No. \_\_\_\_\_ (as proposed or as modified) for a first reading by Title Only.

Move to read Ordinance No. \_\_\_\_\_ for a second reading by title only and for final enactment and to direct to execute the ordinance as enacted.

Refer to PC: Move to table the proposed amendments and refer it back to the Planning Commission for reconsideration.

Reject: No action or a Motion to reject the proposed ordinance amending Title 17.

# ORDINANCE NO. 3xx

## AN ORDINANCE AMENDING TITLE 17 - MILL CITY ZONING CODE

WHEREAS, the Planning Commission recommends various sections of the Mill City Zoning Code in Title 17 be amended to revise administrative provisions of the code; and

WHEREAS, the Planning Commission held a public hearing on September 20, 2016 to consider the amendments; and

WHEREAS, the Planning Commission and the City Council held a joint public hearing on October 25, 2016 to consider the amendments; and

WHEREAS, after the public hearing the Planning Commission deliberated on the issue and recommended the City Council adopt the proposed amendments; and

WHEREAS, on October 25, 2016 the City Council concurred with the Planning Commission recommendations;

NOW, THEREFORE, the City Council of the City of Mill City hereby ordains as follows:

**SECTION 1.** Section 17.04.030 of the Mill City Municipal Code is hereby amended to add the following definition:

**Bed and Breakfast.** “Bed and Breakfast” means any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator resides in any of the structures, that:

- (a) Has more than two rooms for rent on a daily basis to the public;
- (b) Offers meal service as provided in ORS 624.046 (Bed and breakfast facility regulation) as part of the cost of the room.

*[Note: See ORS 624.010 and OAR 333.170 for additional regulatory requirements from the Oregon Health Authority, Public Health Division].*

**SECTION 2.** Section 17.12.030 of the Mill City Municipal Code is hereby amended to read as follows:

### **17.12.030 Conditional uses permitted.**

In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Sections 17.52.010 through 17.52.080 of this title and the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title:



- A. Church;
- B. Community center;
- C. Governmental structure or use of land;
- D. Hospital, sanitarium, rest home, convalescent home, residential facility, or similar facility;
- E. Nursery school, day nursery, kindergarten, day care facility, or similar activity;
- F. Public school or private school offering curricula similar to public school;
- G. Public utility facility;
- H. Parking lot intended to serve a use permitted within the CC or CH zone when the parking lot abuts or is across a street or an alley from the use in the CC or CH zone.

**SECTION 3.** Section 17.12.080 of the Mill City Municipal Code is hereby amended to read as follows:

**17.12.080 Design standards.**

Within the R-1 zone, all residential dwellings shall contain the following design standards:

- A. Attached or detached garage;
- B. Gutters and down spouts;
- C. Design Features. All residential dwellings, including single family dwellings, manufacture homes, duplexes and multi-family housing units, shall contain at least four of the following design elements on the front of the structure which faces a street and two of the following design elements on any other side of the structure which faces a street to provide architectural relief:
  - 1. Dormers or gables.
  - 2. Bay or bow windows.
  - 3. Exterior shutters or window trim (4"+ wide).
  - 4. Recessed front entries. The entry shall be recessed at least four feet from the front wall.
  - 5. Recessed Garage. The garage shall be recessed at least four feet from the front wall.
  - 6. Recess or building wall off-sets in the building face (minimum 2').
  - 7. Front porch at least two hundred (200) square feet, which may extend into the required front setback.
  - 8. Covered front entry area with pillars or posts.
  - 9. Roof with pitch greater than six (6) feet in height per each twelve (12) feet in length.
  - 10. Front side exterior brickwork or masonry.
  - 11. Permanent planter boxes with exterior brick, stone or masonry.
  - 12. Balcony.
  - 13. Eaves (minimum 16" eave).

14. Decorate patterns on the exterior finish (e.g. scales/shingles, wainscoting, ornamentation and similar architectural design features).
15. Decorative cornices.

**SECTION 4.** Section 17.16.020 of the Mill City Municipal Code is hereby amended to read as follows:

**17.16.020 Uses permitted outright.**

In an R-2 zone, the following uses and their accessory uses are permitted outright:

- A. Detached single-family dwellings, subject to the following development standards:
  1. Floor Area. A conventional dwelling shall have a minimum floor area of one thousand (1,000) square feet.
  2. Garage or Carport. The dwelling must have, and continuously maintain a garage or carport:
    - a. Garage. The siding on the garage shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the planning commission. A detached garage shall comply with requirements for accessory buildings in Section 17.44.010 of this title.
    - b. Carport. If a carport is built in lieu of a garage, the carport shall include an enclosed storage area with a minimum area of fifty (50) square feet or a separate accessory building with a minimum area of fifty (50) square feet. The siding on the carport shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the planning commission.
  3. Design Standards. All dwellings shall comply with the design feature requirements in Section 17.16.080 of this chapter.
- B. Manufactured home, subject to the following development standards:
  1. Floor Area. A manufactured home shall have a minimum floor area of one thousand (1,000) square feet.
  2. Garage or Carport. The dwelling must have, and continuously maintain a garage or carport:
    - a. Garage. The siding on the garage shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the planning commission. A detached garage shall comply with requirements for accessory buildings in Section 17.44.010 of this title.
    - b. Carport. If a carport is built in lieu of a garage, the carport shall include an enclosed storage area with a minimum area of fifty (50) square feet or a separate accessory building with a minimum area of fifty (50) square feet. The siding on the carport shall match the exterior appearance and color of the siding on the dwelling, or as otherwise approved by the planning commission.
  3. Design Standards. All manufactured homes shall comply with the design feature requirements in Section 17.16.080 of this chapter.
  4. Manufactured Home Standards. All manufactured homes shall comply with provisions of Section 17.44.100 of this title.
- C. Two-family dwelling, subject to the design standards in Section 17.16.080 and Section 17.16.100 and the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title.

- D. Multifamily dwelling, subject to the design standards in Section 17.16.080 and Section 17.16.100 and the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title.

**SECTION 5.** Section 17.16.030 of the Mill City Municipal Code is hereby amended to read as follows:

**17.16.030 Conditional uses permitted.**

In an R-2 zone, the following uses and their accessory uses are permitted subject to the provisions of Sections 17.52.010 through 17.52.080 of this title and the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title:

- A. Conditional use permitted in the R-1 zone;
- B. Manufactured home park.

**SECTION 6.** Section 17.16.080 of the Mill City Municipal Code is hereby amended to read as follows:

**17.16.080 Design standards.**

Within the R-2 zone, all single-family dwellings, including manufactured homes, all duplexes and all multi-family residential housing units shall contain the following design standards:

- A. Attached or detached garage;
- B. Gutters and down spouts;
- C. Design Features. All residential dwellings, including single family dwellings, manufacture homes, duplexes and multi-family housing units, shall contain at least four of the following design elements on the front of the structure which faces a street and two of the following design elements on any other side of the structure which faces a street to provide architectural relief:
  - 1. Dormers or gables.
  - 2. Bay or bow windows.
  - 3. Exterior shutters or window trim (4"+ wide).
  - 4. Recessed front entries. The entry shall be recessed at least four feet from the front wall.
  - 5. Recessed Garage. The garage shall be recessed at least four feet from the front wall.
  - 6. Recess or building wall off-sets in the building face (minimum 2').
  - 7. Front porch at least two hundred (200) square feet, which may extend into the required front setback.
  - 8. Covered front entry area with pillars or posts.
  - 9. Roof with pitch greater than six (6) feet in height per each twelve (12) feet in length.
  - 10. Front side exterior brickwork or masonry.
  - 11. Permanent planter boxes with exterior brick, stone or masonry.

12. Balcony.
13. Eaves (minimum 16" eave).
14. Decorate patterns on the exterior finish (e.g. scales/shingles, wainscoting, ornamentation and similar architectural design features).
15. Decorative cornices.

**SECTION 7.** Section 17.16.100 of the Mill City Municipal Code is hereby amended to read as follows:

**17.16.100 Duplex and Multi-family housing development standards.**

When more than one residential structure is to be placed on a lot or when a residential structure with two or more dwelling units is to be placed on a lot, the proposal must comply with the following development standards:

- A. Buffer. A buffer shall be provided on each side of a property. The buffer area shall be a minimum of five feet in width for a one story building and seven and one-half feet in width for a building taller than one story. The buffer shall contain a continuous fence or wall a minimum of three feet in height, supplemented with landscape planting, so as to effectively screen the property from adjoining residential properties. Buffer areas may not be used for building, parking, or driveways, unless the area is the most suitable location for a driveway. Buffers may be used for landscaping, sidewalks or pathways and for utility placement.
- B. Landscaping.
  1. All areas intended for use as part of the building project shall be completely and permanently landscaped except for buildings, areas used for refuse containers, and areas set aside for access driveways, off-street parking, sidewalks, and pathways.
  2. All landscaped and buffered areas shall be continually maintained in an attractive manner.
- C. Screening of Refuse Containers. Except for one- and two-family dwellings, any refuse container or disposal area visible from a public street or abutting property zoned R-1 or R-2 shall be screened from view by placement of a solid wood, concrete block or similar fence or evergreen hedge at least five feet in height.
- D. Fencing.
  1. Barbed wire and electric fences are prohibited.
  2. Fences shall be maintained in a condition of reasonable repair and shall not remain in a condition of disrepair, including noticeable leaning, broken supports, missing sections, or replaced or supplemented with weeds or noxious vegetation.
- E. Parking.
  1. Off-street parking shall be provided in compliance with the standards of Section 17.44.060 of this title.
  2. Off-street parking areas for residential structures with three or more dwelling units shall be set back a minimum of fifteen (15) feet from property lines abutting a street and ten (10) feet from lots zoned either R-1 or R-2.

- F. Access Driveways. The location and improvement of an access driveway onto a public street shall meet the following requirements:
1. Driveways shall have a width of ten (10) to sixteen (16) feet for one-way driveways and twenty (20) to thirty-two (32) feet for two-way driveways.
  2. There shall be a minimum separation of twenty-two (22) feet between driveways.
  3. Driveways shall be at least twenty (20) feet from the intersection with a minor street and thirty (30) feet from the intersection with an arterial or collector street.
  4. Driveway spacing, as well as driveways and driveway approaches, shall be consistent with the public works design standards as adopted by the City of Mill City.

**SECTION 8.** Section 17.20.025 of the Mill City Municipal Code is hereby amended to read as follows:

**17.20.025 Uses permitted subject to site plan review.**

Any of the following uses and activities are permitted in the CC zone subject to the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title:

- A. Construction of a new building larger than 1,000 square feet.
- B. An addition to an existing building(s) larger than 1,000 square feet.
- C. A change in land use (e.g., increase the number of dwelling units, change from residential to commercial use, or from less intensive to more intensive commercial or industrial use) that will;
  1. Add dwelling units, or.
  2. Require three or more additional parking spaces or an additional loading area; or
  3. Modify site circulation or access. Modified site circulation or access includes changes to the parking lot configuration, changes in circulation, access between multiple parcels or change in the driveway location.
- C. RV storage facilities adjacent to SE Fairview Street and SE Remine Rd, with recreational vehicle storage entirely within the enclosed buildings. RV storage facilities are not permitted in any other area of the CC zone. The following special standards apply to RV storage facilities:
  1. Provision of security fencing and gates to control entry and exit of vehicles into the site, with security fencing and gates located to ensure that recreational vehicles can pull completely off of the public street before entering the security gate.
  2. Provision of landscaping in public right-of-way on SE Fairview Street and Remine Road.
  3. No outside storage shall be permitted.
- D. Government building, schools and public facilities.
- E. Church.

**SECTION 9.** Section 17.20.045 “Site Plan Review Process” of the Mill City Municipal Code is hereby repealed. [Note: Replaced by a new Chapter 17.76]

**SECTION 10.** Section 17.24.050 of the Mill City Municipal Code is hereby amended to read as follows:

**17.24.050 Site plan review process.**

In an CH zone, a use that is subject to a site plan review shall comply with the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title and the following requirements:

- A. Within five days of acceptance of the site plan application, the city shall furnish one copy of the proposal to the Oregon Department of Transportation (ODOT), the Mill City Rural Fire Protection District, and to all other affected city, county, state and federal agencies, special districts and utilities, as determined appropriate by the city and as outlined in Section 17.64.080 of this title.
- B. Hearing and Action on a Site Plan Review Application. Before the planning commission may act on an application for a site plan review it shall hold a public hearing thereon in accordance with the provisions of Sections 17.64.080 and 17.64.090 of this title. Hearing notice shall be provided to the Oregon Department of Transportation. After the public hearing is closed, the planning commission shall approve, deny, or approve with conditions or modifications, the site plan review application based on the site plan review standards and criteria in Chapter 17.76 and the following additional criteria:
  - 1. Adequate on-site parking is available and is designed to facilitate the safe movement of traffic and pedestrians;
  - 2. Access to or from Highway 22 will conform to the Oregon Highway 22-Access Management Plan in Mill City provisions (highway access spacing, access management and streetscape/landscape improvements) under Section 17.24.090;

**SECTION 11.** Section 17.28.025 of the Mill City Municipal Code is hereby amended to read as follows:

**17.28.025 Uses permitted subject to site plan review.**

Any of the following uses and activities are permitted in the I zone subject to the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title:

- A. Construction of a new building larger than 1,000 square feet.
- B. An addition to an existing building(s) larger than 1,000 square feet.
- C. A change in land use (e.g., increase the number of dwelling units, change from residential to commercial use, or from less intensive to more intensive commercial or industrial use) that will:
  - 1. Add dwelling units, or.
  - 2. Require three or more additional parking spaces or an additional loading area; or
  - 3. Modify site circulation or access. Modified site circulation or access includes changes to the parking lot configuration, changes in circulation, access between multiple parcels or change in the driveway location.

**SECTION 12.** Section 17.32.025 to Section 17.32.060 of the Mill City Municipal Code are hereby amended to read as follows:

**17.32.025 Uses permitted subject to site plan review.**

Any of the following uses and activities are permitted in the P zone subject to the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title:

- A. Construction of a new building larger than 1,000 square feet.
- B. An addition to an existing building(s) larger than 1,000 square feet.
- C. A change in land use (e.g., change from a less intensive to more intensive public use) that will;
  - 1. Require three or more additional parking spaces or an additional loading area; or
  - 2. Modify site circulation or access. Modified site circulation or access includes changes to the parking lot configuration, changes in circulation, access between multiple parcels or change in the driveway location.

**17.32.030 Conditional uses permitted.**

In a P zone, the following uses may be permitted subject to provisions of Chapter 17.52 of this title:

- A. Public utility buildings and structures for water, sewer or other city operated utility;
- B. Private utility buildings and structures for electric, natural gas, cable TV, telecommunications or similar users, including a tower or ancillary wireless communication facilities.

**17.32.040 Lot size and width.**

There shall be no minimum lot size or width in a P zone.

**17.32.050 Height requirements.**

In a P zone, no building or structure shall exceed thirty-five (35) feet in height, except as provided for in Section 17.52.030 of this title.

**17.32.060 Yard requirements.**

Where a lot in a P zone abuts a lot in a residential zone, there shall be side and rear yards of not less than ten (10) feet (fifty (50) feet for schools). In other cases, a yard for a public building in the P zone shall not be required.

**SECTION 13.** Section 17.36.020 of the Mill City Municipal Code is hereby amended to read as follows:

**17.36.020 Uses permitted outright.**

In the SPD zone no use of property shall be permitted outright. Any uses and activities permitted in the SPD zone are subject to the site plan review provisions in Sections 17.76.010 to 17.76.060 of this title.

**SECTION 14.** Section 17.44.060 of the Mill City Municipal Code is hereby amended to read as follows:

**17.44.060 Off-street parking.**

At the time a building is constructed or enlarged, off-street parking spaces shall be provided as set forth in this chapter. Square foot measurements shall include ground floor area less space within a building for off-street parking and loading. Number of employees shall be defined as those working on the premises, including the proprietor, during the largest shift at peak season.

Uses	Parking Space Requirements
<b>A. Residential Uses.</b>	
Single-family dwelling, duplex, or mobile home	Two spaces per dwelling unit
Multiple-family housing	Three spaces per two dwelling units
<b>B. Commercial Residential Uses.</b>	
Motel, Bed & Breakfast	One space per guest room or suite plus one additional space for the owner or manager
Club, lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
<b>C. Place of Public Assembly.</b>	
Church, other auditorium meeting room, arena, theater	One space per four seats or eight feet of bench length in the main auditorium
Nursery, primary school	Two spaces per teacher
Elementary, junior or senior high school	One space per classroom plus one space per administrative employee; or one space per four seats or eight feet of bench length in auditorium or assembly room, whichever is greater
<b>D. Commercial Amusement Uses.</b>	
Bowling alley	Five spaces per alley plus one space per two employees
Dance hall, skating rink	One space per 100 square feet of floor area plus one space per employee
<b>E. Commercial Uses.</b>	
Retail store except as provided in this subsection	One space per 350 <del>200</del> square feet for retail store
Eating or drinking establishment	One space per 200-100 square feet of floor area for eating or drinking establishments
Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture; bank; office (except medical or dental)	One space per 600 square feet of floor area plus one space per two employees
Medical or dental clinic	One space per 300 square feet of floor area plus one space per two employees



<b>F. Industrial Uses.</b>	
Storage warehouse; manufacturing establishment; rail or trucking freight terminal; wholesale establishment	One space per employee plus one space per 700 square feet of patron serving area
<b>G. Other:</b> Requirements for a building or development not specifically listed herein shall be determined by the planning commission based upon the requirements of comparable uses listed.	
<b>H. Parking Standards.</b>	
1.	Land hereafter used as an <b>access driveway and/or parking area</b> for commercial, industrial or public use, shall comply with the design, layout, drainage and paving requirements which are part of the city public works design standards as adopted by the city council. An automobile, truck, trailer, or recreational vehicle sales area shall be paved with asphalt, concrete, or other all-weather, dust-free surface;
2.	Driveway spacing requirements which are a part of the city public works design standards shall apply to all partitions and subdivisions approved after adoption of this section, to all two-family and multi-family housing and to all commercial, industrial and public uses. Single-family housing outside of a newly approved partition or subdivision is exempt from the driveway spacing requirements;
3.	Driveway approach standards that are a part of the public works design standards shall apply to all new development in the city;
4.	Each space within a parking lot for a multi-family dwelling or for a commercial, industrial or public use where the parking requirement shall be clearly and permanently delineated as shown in the city public works design standards. Bumper guards or wheel barriers shall be installed so that no portion of a vehicle projects into the right-of-way or over the adjoining property.
5.	For retail, restaurant or hospitality uses in the CH zone, the Planning Commission may require the designation of 1 parking space for a vehicle + RV/trailer/boat or designate a parking space in a nearby public parking area.
<b>I. Commercial Long-Term Vehicle Parking in a Residential Zone.</b> The parking of a log truck, semi-truck, or similar commercial vehicle in a residential zone is permitted subject to the following provisions.	
1.	The vehicle shall be either owned or operated by the occupant of the dwelling where the vehicle is parked;
2.	The vehicle shall be parked wholly within the residential lot or on the street immediately adjacent to the lot;
3.	The vehicle or trailer shall not be parked in a vision clearance area.

**SECTION 15.** Chapter 17.76 is hereby added to the Mill City Municipal Code and shall read as follows:

**SITE PLAN REVIEW**

- Section 17.76.010      Application
- Section 17.76.020      Hearing and Action on a Site Plan Application
- Section 17.76.030      Criteria for Review of a Site Plan
- Section 17.76.040      Conditions of Approval
- Section 17.76.050      Time Limit on Approved Site Plan
- Section 17.76.060      Certificate of Occupancy

Section 17.76.010. Application.

- B. Pre-Application Coordination. Before the city may accept an application for site plan review, the applicant shall meet with the zoning official, or his or her designee, to review the applicable city code requirements and procedures. The purpose of the pre-application meeting is to answer questions about city requirements and inform the applicant of any other requirements (e.g., those of outside agencies or service providers) that must be addressed before the city can accept an application as complete and schedule a planning commission hearing.
- C. Site Plan Review Application. An application for a site plan review and a filing fee shall be submitted to the City in accordance with the provisions of Chapter 17.64 of this title.
- D. Site Plan Submittal Requirements. The site plan shall show the general layout of the property where the development is to be sited and shall meet the application requirements of Section 17.64.060. In addition, the applicant shall submit the following information, if applicable to the proposed use:
  - 1. The location and dimensions of each existing or proposed building, the distance from all property lines for all buildings to be located on the property and the distances between the buildings.
  - 2. The number of dwelling units to be placed on the property, including information pertaining to the size of the dwelling unit and the number of bedrooms by type of unit (i.e. studio apartment).
  - 3. When the proposed development contains three (3) or more dwelling units or non-residential structure larger than 5,000 sf, an architectural rendering of the project, showing typical views of the property which would be seen from the street or abutting properties. Architectural renderings will include elevation plans, drawn to scale, for front, rear and side views of all structures, other than accessory uses.
  - 4. The location, pavement width, and type of surfacing for all streets abutting the proposed development and for those streets which are intended to serve as primary access to the proposed development.
  - 5. The location, width, and intended ownership and maintenance responsibility of the access driveways and any interior access roads serving the property, and of walkways serving the property.
  - 6. The location, width, and surfacing for all sidewalks and pathways to be located on or adjacent to the property.
  - 7. The design, location and dimensions of the parking lot, the number of parking spaces to be accommodated, and the locations and dimensions of each parking space.
  - 8. The location and dimensions of recreation and play areas and a detailed site plan for the recreation and play area.
  - 9. Detailed site plans showing existing and proposed sewer facilities and water facilities including water mains, fire hydrants, backflow prevention devices and other fire protection facilities.
  - 10. Detailed plan for storm drainage, including drainage calculations, storm sewers, detention/retention facilities, bio swales, rain gardens, water courses and water quality structures and facilities.

11. Proposed cuts, and fills, and flood plain certification and flood proofing measures, if necessary.
12. A plan for the location of refuse containers on the site including how the containers will be screened from view.
13. A plan for the location and dimensions of any identification signs to be placed on the site, in compliance with Section 17.68.
14. A plan for buffering, screening, fencing, and landscaping. The landscaped area shall comprise no less than 10% of the site. The plan shall show proposed landscaping and buffering. Plans shall identify existing trees with a 12" diameter or larger trunk and any unique natural features on the property.
15. A plan for the location and type of exterior lighting.
16. Proposed ownership pattern and a proposal for maintaining the property.

Section 17.76.020. Hearing and Action on a Site Plan Application.

Before the planning commission may act on an application for a site plan review it shall hold a public hearing in accordance with the provisions of Sections 17.64.080 to 17.64.090 of this title. After the public hearing is closed, the planning commission shall either: approve, deny, or approve with conditions or modifications.

Section 17.76.030. Criteria for Review of a Site Plan.

A decision to approve or deny a site plan shall be based on the following criteria:

- A. The existence of or ability to provide adequate utilities including water, sewer, surface water drainage, power and communications, including easements, to properly serve development on the subject property in accordance with city public works standards.
- B. Provision of safe and efficient internal traffic circulation, including pedestrian and motor vehicle traffic, and provision for safe access to and from the property to adjacent public streets.
- C. Provision of necessary improvements to local streets, including the dedication of additional right-of-way to the city and/or the improvement of traffic facilities to accommodate access for emergency vehicles and the additional traffic load generated by the proposed development of the site.
- D. Provision of on-site parking areas and adequate loading/unloading areas for the proposed uses and in compliance with Sections 5.200 to 5.230 of this ordinance. The parking area shall be designed to facilitate the safe movement of traffic and pedestrians and minimize traffic congestion.
- E. The design and placement on the site of buildings and other structural improvements shall provide compatibility in size, scale, and intensity of use between the proposed development and similar development on neighboring properties. The location, appearance and size of the proposed buildings shall be designed to properly serve anticipated users of the proposed improvements.
- F. Provision of landscaping of the site including the planting of trees, street trees, shrubs, and groundcovers so that the landscaping presents an attractive interface with adjacent residential properties.
- G. Provision of visual or physical barriers around the property including the provision of site obscuring fencing or vegetative screening between a commercial and/or public use and adjacent residential properties.

- H. Lighting sufficient to satisfy the intended use of the property but designed in such a manner as to not present an adverse impact (as measured by excessive brightness or glare) upon adjacent land uses or traffic movements.
- I. The use is in compliance with the other development standards which are specified by Mill City Zoning Code or public works design and construction specifications.

Section 17.76.040. Conditions.

The Planning Commission, in granting approval, reserves the right to place additional conditions that are consistent with the intent and purpose of this ordinance. These may include, but are not limited to, the number of dwelling units, buffers or screening, landscaping, lighting, location and design of parking areas, number of access points, security gates and fencing, flood protection measures, public improvement requirements and any other conditions to ensure compliance with applicable regulations and laws.

Section 17.76.050. Time Limit on Approved Site Plan.

Approval of a site plan shall be void two years after the date of the Notice of Decision unless a building permit has been issued. However, upon written request, the planning commission has the authority to grant one extension for a period of up to one year.

Section 17.76.060. Certificate of Occupancy.

A certificate of occupancy for the building will be issued upon final inspection and approval by the Building Inspector and certification by the City that all of the conditions of approval have been complied with. It shall be unlawful to use or occupy any new building or premises until a certificate of occupancy has been issued by the Building Official stating that the proposed use of the building or land conforms to the requirements of the adopted building code, this ordinance, and any other City conditions attached to the development or use of the building or land.

**SECTION 16. Severability.** The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

This Ordinance read for the first time by title only on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016.

This Ordinance read for a second time by title only on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016.

This Ordinance passed on the \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2016 by the City Council and executed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
THORIN F. THACKER, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
STACIE COOK, MMC, City Recorder

APPROVED AS TO FORM

Date: \_\_\_\_\_

By: \_\_\_\_\_  
JAMES L. McGEHEE, City Attorney

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

**September 22,2016**

**To: Stacie Cook, MMC, City Recorder, City of Mill City**  
**From: David W. Kinney, Planning Consultant for the City of Mill City**  
**In RE: Code Interpretation:  
Damage to Home and use of an RV for occupancy during repair/reconstruction?**

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The City has posed several questions regarding the use of an RV as a temporary residence during reconstruction of a home that has been damaged and cannot be occupied. The property owner's home has significant water damage due to broken water pipes within the home. The owner's insurance agent has told them they cannot occupy the home while it is being repaired. The homeowner wants to occupy an RV during the repair, which is expected to take 60-90 days.

**Questions:**

1. If an RV is used as a temporary residence while a home is repaired, how long can the house be occupied? If permitted, what regulations apply?

**Responses:**

1. **The RV can be occupied for 30 days under 17.44.020.E of the Mill City Zoning Code.**
2. **The RV can be occupied for up to one year during construction of a new home under 17.44.020.G of the Mill City Zoning Code, subject to obtaining required plumbing permit, filing a land use application and certifying that the temporary RV occupancy will cease after the home is repaired.**

**Explanation:**

1. Under Chapter 17 – Zoning, Mill City Municipal Code, Section 17.44.020.E, the RV can clearly be occupied for a 30-dayt period without any permits from the City of Mill City.

***17.44.020.E RV Use as a Temporary Residence. The use of a recreation vehicle as a temporary residence is permitted provided that . . . the use of a self-contained recreational vehicle as a residence does not exceed thirty (30) days in a calendar year.***

2. The homeowner indicates this does not provide sufficient time for their contractor to make all repairs to the structure and has asked if the RV can be occupied for a longer period of time while the repairs are made.

Section 17.64.020 allows the zoning official (Planner/City Recorder) to permit a use not listed in the zoning code, provided the use is of the same general type as the uses currently permitted in the zone. The zoning official's interpretation of the code may be appealed to the planning commission. *In this case, the city planning consultant will request Planning Commission concurrence with his interpretation of the code.*

Section 17.44.020.G allows a homeowner to live in an RV during construction of a new house.

**G. RV Use During Construction. Standards for a recreation vehicle to be occupied as a temporary residence during construction of a new home in the R-1, R-2, CC and CH zones and construction of a commercial, industrial or public building in any zone are as follows:**

1. An application for a permit to use a recreational vehicle during construction shall be submitted to the city. The application shall include:
  - a. A completed application form;
  - b. A site plan showing the proposed location of all buildings, including the location for recreational vehicle, proposed screening, fencing or landscaping (if any) and how water supply, sewage disposal and electrical connections shall be accomplished in a safe and approved manner;
  - c. A filing fee in accordance with Section 17.64.070 of this title;
  - d. A statement from the applicant certifying that the applicant will comply with subsections (G)(3) through (G)(9) of this section.
2. The zoning official shall be the decision authority.
3. The recreational vehicle must be occupied by the owner of the lot on which the recreational vehicle is located (if a new home is being constructed) or by a contractor or subcontractor (if a public, commercial or industrial structure is being constructed).
4. The recreational vehicle may not be occupied until after the building permit has been issued by the city.
5. The recreational vehicle may be occupied for a period of up to one year and only during a period in which satisfactory progress is being made toward the completion of the structure on the same site.
6. Not more than thirty (30) days after final inspection and approval of the permanent structure (housing unit, public, commercial or industrial building) by the building official or upon expiration of the building permit, whichever comes first, the property owner shall remove the recreational vehicle from the lot or store it in accordance with subsection (B) of this section.
7. Upon written request, the zoning official may grant not more than two six-month extensions while the structure is under construction.
8. Evidence shall be presented showing that arrangements have been made for electric, water and sewer utility service to the recreational vehicle. [Note: The city may require the applicant to retain septage in a holding tank and dispose of at a RV sewage dumping station rather than connecting to the city sewer or place a temporary on-site portable restroom on site.]
9. The recreation vehicle shall be separated from all other buildings on the property or on adjacent properties by at least ten (10) feet.

**Conclusion:**

**Yes, the use is similar and may be permitted. The applicant's proposal is similar to the temporary RV use allowed under 17.44.020.G. The City of Mill City may permit the occupancy of the RV during repair of the existing home on a temporary basis during repair/re-construction of the existing home.**

**The Mill City Planning Commission will be notified of this decision and will be asked to concur with the Code Interpretation at their October 20, 2016.**

***What regulations apply?***

The City's primary concern is that the RV is not a permanent dwelling. In order to guarantee compliance with the city code, the following modified requirements will apply to the proposal:

1. A building/plumbing permit to make repairs must be issued by the City.
2. A completed land use application form for a Temporary Use of an RV During Construction must be filed with the City and approved by the City Recorder.
  - a. A completed application form;
  - b. A filing fee in accordance with Section 17.64.070 of this title;
  - d. A statement from the applicant certifying that the applicant will comply with subsections (G)(3) through (G)(9) of this section.

**David W. Kinney**  
*Community Development Consultant*  
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(503) 551-0899  
Email: [dwkinney@wvi.com](mailto:dwkinney@wvi.com)

**October 13, 2016**

**To: Stacie Cook, MMC, City Recorder, City of Mill City**  
**From: David W. Kinney, Planning Consultant for the City of Mill City**  
**In RE: Code Interpretation: Secondary Dwelling or Guest House in the CH Zone**

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A homeowner is considering construction of a second dwelling or placement of a guest house, without kitchen facilities, adjacent to an existing home in the CH zone. The property does not have driveway access to Hwy 22; it has access to Alder Street. The City has asked if a secondary dwelling can be placed in the CH zone adjacent to an existing home?

**Questions:**

1. Does the CH zone permit either a secondary dwelling or a guest house as a permitted use? Is a site plan review required?
2. If permitted, what regulations apply?

**Responses:**

1. **Yes, a secondary dwelling or a guest house is permitted outright in the CH zone.**
2. **The applicant must comply with the basic requirements in the CH zone including lot coverage, height, setbacks, parking, accessory building requirements, etc. The applicant may connect the secondary dwelling to the existing utility connections on the property.**

**Explanation:**

1. Under Section 17.24.020 Uses Permitted Outright in the Highway Commercial zone, any use permitted in an R-2 zone is permitted outright.
  - a. A multi-family dwelling or a duplex are allowed in the R-2 zone. A secondary dwelling, with full kitchen facilities, is permitted outright.
  - b. A guest house is an accessory structure that does not have a full kitchen facility (plumbing, refrigerator, stove/cooking facilities) and is occupied by a family member, non-paying guests or an employee working on the premises. Section 17.44.020.B states:

*B. A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.*
  - c. The existing dwelling has driveway access to Alder Street. No driveway access is proposed to Hwy 22, therefore a site plan review is not required and ODOT review of the proposal is not required.



**Conclusion:**

**Yes, either a secondary dwelling or guest house is permitted in the CH zone. The Mill City Planning Commission will be notified of this decision and will be asked to concur with the Code Interpretation at their October 20, 2016.**

***What regulations apply?***

The City's primary concern is that the secondary dwelling or guest house comply with the city's basic zoning requirements and building code requirements. If the property owner elects to proceed, the following requirements will apply to the proposal:

1. A building permit is required for the new structure. Full building design and structural plans are required.
2. Compliance with CH Zone and other zoning requirements:
  - 17.24.060 Lot size, lot width requirements for residential dwellings.
  - 17.24.070 Building height requirements.
  - 17.24.080 Yard/setback requirements for residential dwellings
  - 17.44.010.B Accessory building location.
  - 17.44.010.C Accessory building height & setback requirements (guest house)
  - 17.44.010.F Accessory building exterior appearance & color (guest house).
  - 17.44.060 Parking requirements – 2 additional parking spaces for new use
  - 17.64.150 Public works standards for new or modified public facilities – driveway, water, sewer, etc.
3. A site plan showing the location of existing and new structures, setbacks, parking, driveway locations/access, water service, sewer service, etc.



## City of Mill City

P.O. Box 256  
Mill City, Oregon 97360  
Phone: 503-897-2302 ♦ Fax: 503-897-3499  
Email: scook@ci.mill-city.or.us

November 17, 2014

Susan and Tom Cady  
16820 Falls City Rd.  
Dallas, OR 97338

**RE: Notice of Decision – Approval of Commercial Site Plan – Boneyard Bakery**  
Marion County Map No. 9 3E 29CA, Tax Lot 02600  
721 NE Santiam Boulevard, Mill City, Oregon  
File No. 2014-07The

Dear Mr. & Mrs. Cady:

The site plan application to construct a new commercial building for the Boneyard Bakery at 721 NE Santiam Boulevard in Mill City Oregon as shown on your proposed site plan has been **approved**. The effective date of this decision is **December 3, 2014** unless the decision is appealed to the City Council.

**A. Findings and Conclusions:**

The applicants have complied with the application requirements and decision criteria for a site plan review in the Highway Commercial (CH) zone as outlined in the Order of Approval. Enclosed is the final order of approval.

**B. Permits and Expiration of Approval:**

Applications for required building permits must be filed with the City within one year of the City's and ODOT's approval of the engineering plans for the project, but no later than by November 1, 2016. If the required permits have not been applied for by that date, the site plan approval expires and this decision is null and void.

**C. Conditions of Approval:**

The Planning Commission approved the project subject to the following conditions of approval:

1. Site Plan. The attached site plan dated November 14, 2014 is tentatively approved. The applicant is required to comply with the basic site plan and is directed to prepare a final site plan to accompany the building permit application. The final site plan must include landscaping details, fencing detail, lighting details and proposed signage. The final site plan must be presented to and approved by the Planning Commission prior to the issuance of a building permit.
2. The applicant shall file a building permit application within one year of the date of the approval of the engineering plans for the project by both the City of Mill City and ODOT, but no later than November 1, 2016. If a building permit has not been applied for by that date, the site plan approval is void.
3. All public works, site improvements, fencing and landscaping requirements must be completed prior to final inspection approval by the Linn County Building Department and prior to the issuance of Certificate of Occupancy. The City Engineer will perform a final verification of the construction of all public improvements in the 7<sup>th</sup> Avenue City right-of-way prior to issuance of a Certificate of Occupancy.

4. **Street Dedication.** The applicant shall dedicate a 20' x 20' triangular parcel (approximate size) to the City of Mill City for the NE 7<sup>th</sup> Avenue right-of-way prior to the issuance of a building permit as shown on Sheet 6 of 6 of the Right-of-way plan of the Hwy 22 AMP. The exact dimension of the dedication shall be as determined by the applicant's engineer and approved by the City. The applicant's engineer will prepare the right-of-way deed, map and legal description on forms provided by the City. The dedication will be accepted by the City and recorded by the applicant in the Marion County Deed Records.
5. **Cross-Access Easement:** The applicant will prepare and record a cross-access easement that grants a right of access from the lumber yard to a joint driveway approach (Driveway #67). The applicant's engineer will prepare the cross-access easement on forms provided by the City. The cross-access easement will be approved by the City and recorded by the applicant in the Marion County Deed Records.
6. **Engineering Plan Review Costs:** In accordance with City of Mill City Resolution 632, Section 5:
  - a. the applicant shall file a \$1,000 deposit which is intended to cover the City's costs for engineering and legal review of the land use application and preliminary public improvement plans. If at any time the amount of the deposit is exhausted, the City may require the applicant to pay an additional deposit to cover the estimated or actual costs of the city review.
  - b. if the project includes the construction of public improvements (water, sewer, street and/or storm drainage), the applicant will deposit with the City an additional amount equal to 5% of the estimated cost of the public improvements, based on an estimate provided by the applicant's engineer, to cover the city's costs for inspection and related costs.
  - c. upon completion of the project, the city will refund the remaining balance of any amounts deposited with the City.
7. **City of Mill City Public Works Requirements:** The applicant shall comply with the City's general public works requirements for the submittal and approval of engineered plans and for the completion of construction requirements listed in the Engineer's Report dated November 4, 2014.

The applicant shall submit civil engineering plans, prepared by a civil engineer licensed in the State of Oregon, for the street, parking lot improvements, driveway approaches, water, sewer and storm drainage improvements complying with the applicable City and/or ODOT public works design standards. The following engineered plans and supporting documentation shall be submitted prior to, or concurrently with, the building permit plan set to the City for review and approval.

a. Streets:

- i. **NE 7<sup>th</sup> Avenue:** The applicant will execute and record in the Marion County Deed Records a non-remonstrance agreement for half-street improvements on NE 7<sup>th</sup> Avenue. The non-remonstrance agreement shall be on a form provided by the City.

The applicant's driveway approach on 7<sup>th</sup> Avenue and landscaping/drainage improvements on NE 7<sup>th</sup> Avenue shall generally conform to the concept plan on Sheet Figure 3F of the Hwy 22 AMP. The applicant will install one or two no parking signs on NE 7<sup>th</sup> on the east side of the street.

- ii. **Hwy 22:** The applicant will execute and record in the Marion County Deed Records a non-remonstrance agreement for half-street improvements on Hwy 22. The non-remonstrance agreement shall be on a form provided by the City.

Frontage improvements for Hwy 22 will be constructed in compliance with ODOT design standards. The plans will include driveway approach, street lights, storm drainage and paving improvements along the Hwy 22 right-of-way.

b. **Storm Drainage:**

- i. **Calculations and Plans:** Storm water conveyance, quality, and quantity facility plans including drainage calculations. If the existing storm drainage system along the frontage of the property is shown to remain, then it shall be thoroughly cleaned and televised prior to construction, and the results of TV inspection shall be submitted to the City for review. The City will then make the determination if these lines can remain or need to be replaced by the Developer.

**Note: For questions regarding a ODOT's drainage report requirements refer to the ODOT Hydraulics Manual (Chapter 12 for quantity and Chapter 14 for quality). The ODOT Hydraulics Manual can be found at: [http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/hyd\\_manual\\_info.aspx#Hydraulics\\_Manual](http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/hyd_manual_info.aspx#Hydraulics_Manual)**

- ii. **Storm Drainage Maintenance Agreement.** An O&M plan and agreement conforming to the City's Public Works Standards.

- iii. An erosion and sediment control plan for the site grading or earth disturbing activities.

- c. **Water system:** If water system improvements are proposed, a plan conforming to Public Works Standards for any work in public right of way that modifies the public water system. A utility easement in accordance with the PWDS shall be provided if a public water main and/or fire hydrant is extended outside the public right-of-way.

- d. **Sewer:** The existing interceptor tank shall be pumped, inspected, and repaired as necessary prior to final paving work. If the interceptor tank is in the pavement area, a driveable lid shall be installed. In addition, the existing sewer lateral from the interceptor tank to the sewer main shall be televised to verify the integrity of the lateral connection and shall be repaired as necessary.

- e. **City ROW Construction Permit:** The Developer, or his contractor, shall obtain a permit from the City for any work in the City Right-of-Way for the driveway approach, street, water, sanitary sewer, storm drainage, or private utility work.

8. **ODOT Access Approach Permit and ROW Construction Permit.** The applicant shall obtain an access approach permit and a construction permit for Hwy 22 frontage improvements within the ODOT right-of-way. The frontage improvements for Hwy 22 will be in compliance Figure 3-F of the Hwy 22 AMP and ODOT design standards. The plans will include driveway approach and paving improvements along the Hwy 22 right-of-way. The Planning Commission approved a non-remonstrance agreement in lieu of the installation of curb and sidewalk improvements.

**D. Right of Appeal:**

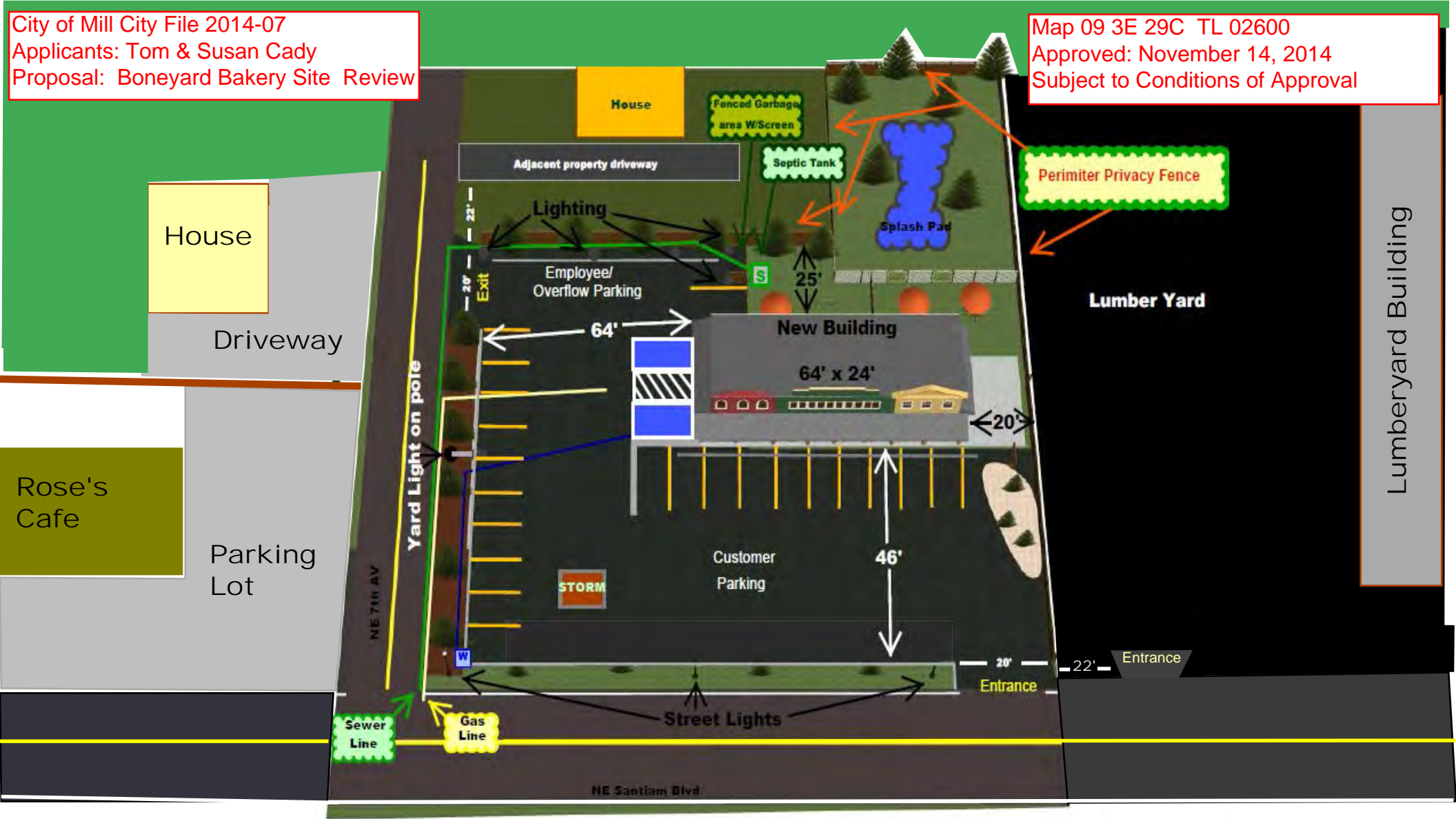
Any person aggrieved by this decision may file an appeal with City Council of the City of Mill City by filing an appeal in accordance with the appeal deadlines and requirements outlined in Mill City Municipal Code Section 17.64.050 and 17.64.060. The appeal must be filed within fifteen (15) calendar days of the mailing of this Notice of Decision, no later than 9:00 a.m., December 3, 2014.

If you have any questions regarding this decision, you may contact me at City Hall at 897-2302.

Sincerely,

Stacie Cook, CMC  
City Recorder

Encl. Order of Approval for Site Plan – Boneyard Bakery  
Cc: Emails to Tom Cady – [tcady@utilx.com](mailto:tcady@utilx.com) and Susan Cady – [susancady@ymail.com](mailto:susancady@ymail.com)  
Mill City Planning Commission



# BEFORE THE MILL CITY PLANNING COMMISSION

In the matter of	)	Site Plan Review – New Commercial Building
the application of	)	721 NE Santiam Boulevard
Tom and Susan Cady, Applicants	)	T9S, R3E, Section 29CA, Tax Lot 02600
	)	City of Mill City, Oregon
	)	Land Use File #2014-07

## ORDER OF APPROVAL

### I. NATURE OF THE APPLICATION

The applicants, Tom and Susan Cady, proposes to build a new 1,500 sf commercial building for the “Boneyard Bakery” at 721 NE Santiam Boulevard in Mill City and request site plan approval for the project. The owner proposes to demolish the existing 1,756 sf structure and build a new 64’ x 24’ building with an Old West façade. The owner proposes to operate a “dog treat bakery” in the building with an exercise/play area outside. The site plan shows one driveway access on Hwy 22 and one driveway on NW 7<sup>th</sup> Avenue.

The proposed use is a permitted use in the Highway Commercial (CH) zone but must comply with the site plan review criteria for commercial buildings. The Mill City Zoning Code requires submittal of a site plan to the Planning Commission for review and approval before a building permit may be issued.

### II. PUBLIC HEARING

The Planning Commission conducted a site visit on November 14, 2014 at 9:00 a.m. A public hearing was held on the application before the Mill City Planning Commission on November 14, 2014 beginning at 9:30 a.m. At the hearing, Land Use File #2014-07 was made part of the record.

At the conclusion of the hearing, the Planning Commission made findings of fact, conclusions of law and approved the application with conditions of approval. The Planning Commission found the application is consistent with the site plan review requirements in Chapter 17.24 of the Mill City Municipal Code (MCMC).

### III. FINDINGS OF FACT

The Mill City Planning Commission, after careful consideration of the testimony and evidence in the record adopted the following findings of fact:

#### A. EXISTING CONDITIONS

1. Tom and Susan Cady are the owners of the property and are the applicants.
2. The tax lot is lot 02600, Township 9, Range 3 East of the Willamette Meridian, Section 29CA.
3. The property is a 0.34+/- acre parcel located at 721 NE Santiam Boulevard in Mill City and is zoned Highway Commercial.
4. The parcel has frontage on NE Santiam Boulevard (Hwy 22) and NE 7<sup>th</sup> Avenue.
5. The parcel is approximately 97’ deep (NE 7<sup>th</sup> Avenue frontage) by 143’ wide (Hwy 22 frontage).

6. The surrounding properties are zoned Highway Commercial (CH). There are adjacent residential uses to the north and northwest.
7. The subject parcel has an existing 1756 sf commercial building which will be demolished.
8. The property is currently served by city water and sewer services.
10. The property is currently served by private utilities.

**B. PROPOSAL**

1. The proposal is to construct a new 1500 sf commercial building, parking area and adjacent dog play/exercise area on the east side of the property.
2. The applicant has submitted a site plan showing the location of the new building, parking and dog play/exercise area with one driveway access to NE Santiam Boulevard and one access to NE 7<sup>th</sup> Avenue.

**C. AGENCY COMMENTS**

The following agencies commented on the proposal:

1. Mill City RFD: The Mill City Fire District responded and had no concerns with the proposal.
2. ODOT: The applicant consulted with ODOT staff during preparation of the application but did not submit final plans or obtain any approvals from ODOT. The City staff has corresponded with ODOT. Cynthia Buswell, Development Review Coordinator, ODOT Region 2 Planning and Development, 455 Airport Road SE, Bldg B, Salem Or 97301-5397 provided the following responses to questions from the City:

**Question 1: You are correct in that ODOT is waiting on the City's decision regarding full frontage improvements. ODOT would support the City decision to require full frontage improvements but if the City does not; ODOT will want to discuss acceptable solutions for controlling the property frontage associated with removal of the existing approaches and discuss the construction design for the new approach prior to the applicant starting any design work on features within ODOT right-of-way or impacting ODOT right-of-way.**

**Question 2: If the City's code allows for the deferment of the frontage improvements I believe ODOT will be ok with the deferment as long as ODOT and the applicant can agree on an acceptable solution for controlling the property frontage.**

**Question 3: I believe you are correct, ODOT staff would not be able to speculate on when a Hwy 22 improvement project will occur in Mill City.**

**I would also like to clarify a couple of items in the Staff report.**

**A: The applicant has discuss the project with ODOT and the applicant described what ODOT would consider a greenway/bioswale but the discussion was very general and a review of the proposal or other acceptable solutions for controlling drainage and the frontage has not occurred by the Region 2 Technical Center staff. The staff the applicant met with are experts in the subject matter of access management. Any proposed design items such as drainage, greenways, bioswales and street lighting will need to be discussed and reviewed during a pre-design meeting with Region 2 Technical Center staff.**

**E. under 'ODOT:**

**The District did find an old permit for a Garden Shop that is believe to be for the existing highway approaches. However, preliminary review of the proposal shows that the peak hour trip increase criteria is met under OAR 734-051-3020. Change of Use of a Private Connection that requires a new state highway road approach application. As a result, the statement 'c. Access Permit' is correct.**

'b.' For questions regarding a drainage report requirements refer to the ODOT Hydraulics Manual (Chapter 12 for quantity and Chapter 14 for quality). The ODOT Hydraulics Manual can be found at: [http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/hyd\\_manual\\_info.aspx#Hydraulics\\_Manual](http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/hyd_manual_info.aspx#Hydraulics_Manual)

D. PUBLIC COMMENTS

There were no public comments received prior to the public hearing. The applicant's Tom and Susan Cady presented the application at the public hearing on November 14, 2014. Beth \_\_\_\_\_, owner Rosie's Mountain Coffee House, testified and expressed concern with traffic congestion on NE 7<sup>th</sup> Avenue. No other persons testified for or against the application during the public hearing.

E. APPROVAL CRITERIA

The following sections of the Mill City Municipal Code, Title 17-Zoning apply to this proposal.

1. *Chapter 17.24 Highway Commercial Zone (CH)*

Pursuant to MCMC 17.24.010 to 17.24.090 the following criteria must be demonstrated as being satisfied as part of this application or at the time a building permit is applied for:

*17.24.025 Actions Subject to OR-Highway 22 Access Management Plan.* In a CH zone, construction of a new commercial building is permitted subject to compliance with the OR-22 Access Management Plan (AMP) and is subject to a site plan review by the Planning Commission. There is an existing open driveway approach to NE 7<sup>th</sup> Avenue and two existing driveway approaches on Hwy 22. The applicant proposes to close the west driveway approach along Hwy 22, modify the east driveway approach per the OR-22 AMP and direct traffic from the parking lot to NE 7<sup>th</sup> Avenue.

*17.24.030 - Permitted Uses* – A commercial building and the proposed retail use are outright permitted uses in the CH zone, subject to site plan approval by the Planning Commission.

*17.24.060 Lot Size, Width and Lot Coverage.* There are no lot size and width requirements for commercial uses. The existing and proposed uses comply.

*17.24.080 Yard Requirements.* Commercial uses in the CH zone must comply with the following setback requirements: No front/street yard setback is required; a 5' side and 10' rear yards is required abutting a residential zone. The site plan shows the following yards that comply with the minimum requirements:

North (Adjacent Residential Use):	25' shown, 10' required.
South (Hwy 22):	46' shown, no minimum required.
East: (Side):	20' shown, 5' required.
West: (Side)	64' shown, no minimum required

The site plan complies with the setback requirements.

*17.24.090 Oregon Highway 22-Access Management Plan Conformity.* The CH zone requires proposed uses to the ODOT and City approved Hwy 22 Access Management Plan (February 2008). The purpose of this section is to:

1. Ensure that future roadway and access management needs are met;
2. Maintain functional use and highway safety;



3. Preserve the public investment in the highway; and
4. Improve the appearance of the community and provide for pedestrian circulation, in conformance with required landscaping and streetscape standards.

In order to achieve these purposes, the Planning Commission may require changes to a proposed site plan to ensure compliance with these Hwy 22 Access Management including driveway locations, driveway spacing standards and public improvements to the highway frontage.

1. Ensure Future Roadway & Access Management Needs are met. NE 7<sup>th</sup> Avenue is a local street and Hwy 22 is a major statewide arterial highway. The Hwy 22 Access Management Plan recommends limiting the number of access points onto Hwy 22 and that new uses should access local roads whenever feasible.
  - Right-of-Way: The right-of-way map in the Hwy 22 Access Management shows dedication of a triangular parcel at the corner of NE 7<sup>th</sup> & Hwy 22 to allow for future sidewalk placement with the appropriate turn radius. ROW dedication will be required as a condition of approval.
  - Driveway Location, Spacing and Access Permit: The applicant’s proposal complies with the driveway locations and spacing requirements in the Hwy 22 AMP. No access permit has been issued by ODOT. The applicant proposes the following driveway approaches in accordance with the Hwy 22 Access Management Plan:
    - #65 - NE 7<sup>th</sup> Avenue Relocated to north per plan. 80+/-‘ from intersection
    - #66 - Hwy 22 Deleted
    - #67 – Hwy 22 Relocate to property line for joint access.

The proposed driveway from NE 7<sup>th</sup> Ave complies with the Hwy 22 Access Mgt Plan to direct access to available local streets. It exceeds the minimum requirements for distance from the Hwy 22 intersection. The closure of driveway #66 complies with the Hwy 22 Access Management Plan. The relocation of driveway #67 to property line complies with the intent of the Hwy 22 Access Management Plan to create a joint driveway approach with the lumber yard. ODOT requires a new Access Permit for the closure of #66 and relocation of driveway #67 and construction of access and frontage improvements.

The proposal complies with this access management standard.

2. Maintain Function Use and Highway Safety. The project does not affect the functional use of Hwy 22 as a main arterial and state-wide thoroughfare. The proposed Boneyard Bakery is an atypical use and is expected to generate lower volumes than a traditional retail use. Therefore, there is no equivalent PM Peak-Hour traffic volume multiplier in the ITE Manual, 9<sup>th</sup> Edition. If the building is considered a “Specialty Retail” use, the building will generate 5 new PM peak hour vehicle trips per day. ODOT notes that the proposed use will meet the threshold requirements for peak hour trip increases under OAR 734-051-3020.and a new access permit is required.

3. Preserve the public investment in the highway. The proposal is not anticipated to have any effect on the public's investment in the highway.
4. Improve the appearance of the community . . . in conformance with required landscaping and streetscape standards. The applicant's site plan shows parking plan and layout, the existing of a storm catch basin in the parking lot, a landscape buffer along both Hwy 22 and NE 7<sup>th</sup> Avenue, parking lot lighting, and plans for a dog exercise area and splash park behind the main building. The landscaping at the corner must comply with the city's clear vision standards in PWDS Section 2.22. The plans meet the general requirements for a site plan submittal, but final landscape plans must be submitted to the City & ODOT for review and approval.

*17.44.060 Off-street Parking Standards.* All new buildings must comply with the City's parking standards. The proposed building is 1,536 square feet and the site includes a 2,000 square foot dog exercise area in the rear of the building. The proposed use requires 8 parking spaces (1 space/200 sf = 1600/200 = 8 spaces). The site plan shows there will be 22 regular spaces, plus 2 handicapped accessible parking spaces. The proposal complies with the city's requirements.

*17.64.150 Public Works Construction Standards.* All new buildings and uses must comply with the City's public works design standards and either install required public improvements as part of the development or execute a non-remonstrance agreement which financially obligates the property owner, or future property owners, to install the required improvements as part of a local improvement district (LID) or to install them upon written direction to do so by the City Council.

The City Engineer prepared a report dated November 4, 2014 to the Planning Commission reviewing the existing public facilities serving the property and the improvements required to comply with the City of Mill City Public Works Design Standards and Construction Specifications. The report recommended a series of conditions of approval to ensure the final site improvements comply with the public works standards. It recommends the applicant submit engineering design plans to the City of Mill City and ODOT for review and approval.

The Planning Commission concurred with the all of the City Engineer's recommendations except the street improvement requirements. The Planning Commission made the following findings:

- a. There are no curb and sidewalk improvements on the north side of Hwy 22 east of 6<sup>th</sup> Avenue.
- b. Hwy 22 roadway improvements are 2' +/- higher than the property elevation.
- c. 7<sup>th</sup> Avenue has minimal street improvements.
- d. ODOT does not have Hwy 22 improvements in its STIP or planned capital improvement program.

The Planning Commission expressed concern that the construction of curb and sidewalk improvements at this time is not consistent with existing developments on Hwy 22, may not be compatible with future ODOT improvements and may need to be removed as part of a future Hwy 22 improvement project. The Planning Commission concluded the applicant should construct storm drainage and driveway improvements per ODOT requirements, but should execute a non-remonstrance agreement for future curb and sidewalk improvements on Hwy 22 and NE 7<sup>th</sup> Avenue.

**2. 17.24.050 - Site Plan Review Criteria for a Commercial Use on Hwy 22:**

Section 17.24.050 of the Mill City Zoning Code contains the criteria for consideration of a site plan for a new commercial use on Hwy 22. The decision to approve or deny a site plan proposal is based on whether or not the proposed use complies with the following standards.

- 17.24.050 Site Plan Review. After the public hearing is closed, the planning commission shall approve, deny, or approve with conditions or modifications, the site plan review application based on the following criteria:
1. Adequate on-site parking is available and is designed to facilitate the safe movement of traffic and pedestrians;
  2. Access to or from Highway 22 will conform to the Oregon Highway 22-Access Management Plan in Mill City provisions (highway access spacing, access management and streetscape/landscape improvements) under Section 17.24.090;
  3. The use is in compliance with the development standards which are specified by this chapter.

Findings and Conclusions related to Criteria 17.24.050.1 to 17.24.050.3:

1. **Parking and Safe Traffic Circulation.** The applicant proposes to access the site via a driveway on NE 7<sup>th</sup> Avenue and one driveway on Hwy 22 and construct a new parking lot with 22 parking spaces. One driveway approach on Hwy 22 will be closed. The site plan anticipates two-way traffic within the parking area with entry and exit from both driveways. The City finds the proposed internal circulation complies with the city standards.
2. **Compliance with Hwy 22 Access Management Plan.** The Planning Commission must determine if the proposed uses and driveway entry and exit comply with the Hwy 22 Access Management Plan. Finding: The application complies with the criteria in Section 17.24.090 (see the staff report and the prior findings under 17.24.090 above).

The Planning Commission concludes that the proposal complies with the OR-22 AMP because the driveways will be relocated as shown on the OR-22 AMP plan, right-of-way will be dedicated to the City as shown on the OR-22 AMP plan, the applicant will obtain a new Access Permit and construction plan approval from ODOT and the applicant will execute the required non-remonstrance agreements from the City for future street, sidewalk and curb improvements on both Hwy 22 and NE 7<sup>th</sup> Avenue.

3. **Public Improvement Requirements.** The developer must either install required public improvements as part of the development or execute a non-remonstrance agreement which financially obligates the property owner, or future property owners, to install the required improvements as part of a local improvement district (LID) or to install them upon written direction to do so by the City Council. For required public improvements, the developer is required to comply with the City's Public Works Design Standards (PWDS) and submit required engineering plan to the City for approval by the City Engineer prior to issuance of a building permit. The Planning Commission may waive public improvement requirements if there is no rationale nexus between the proposed use and the required improvements.
  - a. **Street Dedication Requirements:** The Hwy 22 Access Management Plan (Hwy 22 AMP) recommends city acquisition of a triangular parcel at the intersection of NE 7<sup>th</sup> & Hwy 22. The Commission finds the dedication of this right-of-way to the City of Mill City is required.
  - b. **Hwy 22 Street Improvements:** The lot abuts Hwy 22. Hwy 22 is an existing turnpike style state highway with an 80' ROW width and a 48'+/- AC pavement width. The Hwy 22

AMP anticipates a future 52' wide street with curbs and sidewalks with a joint access driveway at the property line with the lumber yard.

The City and/or ODOT may:

1. Require the applicant to install curbs and AC pavement widening on Hwy 22, or
2. Defer improvements and require the applicant to sign a non-remonstrance agreement which will obligate the applicant to be financially responsible for future frontage and sidewalk improvements along Hwy 22.

As noted under the finding for 17.64.150 the Planning Commission concludes the curb and sidewalk improvements on the Hwy 22 frontage may be deferred. The applicant will be required to execute a non-remonstrance agreement for paving, curb and sidewalk improvements but will be required to design and construct driveway approach, drainage and landscaping improvements along the Hwy 22 frontage.

c. NE 7<sup>th</sup> Avenue Street Improvements: NE 7th Avenue is an existing turnpike style city street with a 20' AC pavement width and is in poor condition. The applicant proposes one driveway access approximately 80' north of the intersection with Hwy 22.

The Hwy 22 plan (Sheet 6) proposes a 32' wide street with curbs and sidewalks on the west side of the street. There are no curbs or sidewalks to connect to on NE 7th Avenue or on Hwy 22.

The City and/or ODOT may:

1. Require the applicant to install frontage street improvements with curbs and AC pavement widening on NE 7th Avenue as a requirement with the building permit, or
2. If ODOT does not require Hwy 22 frontage improvements, defer the curb, gutter, sidewalk improvements on NE 7<sup>th</sup> Avenue and require the applicant to sign a non-remonstrance agreement for NE 7th Avenue frontage improvements.

As noted under the finding for 17.64.150 the Planning Commission concludes the curb and sidewalk improvements on the NE 7<sup>th</sup> Avenue frontage may be deferred. The applicant will be required to execute a non-remonstrance agreement for paving, curb and sidewalk improvements but will be required to design and construct driveway approach, drainage and landscaping improvements along the NE 7<sup>th</sup> Avenue frontage.

d. Driveway Location & Spacing Requirements: The applicant proposes one driveway from NE 7<sup>th</sup> Avenue. The driveway meets the city driveway spacing standards and complies with the Hwy 22 AMP:

Driveway #65 - NE 7 <sup>th</sup> Avenue	Relocated to north per plan.
Driveway #66 - Hwy 22	Deleted
Driveway #67 - Hwy 22	Located at property line for joint access.

The Hwy 22 AMP also recommends the property owners provide a cross-access easement between the applicant's site and Kelly Lumber Co. property. The Planning Commission

concludes the proposal complies with the OR-22 AMP driveway spacing and locational requirements. Access permits and plan approvals are required from the City and ODOT.

e. Water: There is an 6" AC water main in Hwy 22 in front of the applicant's property with a fire hydrant at the corner of NE 7th Avenue St. & Hwy 22. There is a 1" meter serving the site. A July 2005 fire flow test at NE 5<sup>th</sup> & Hwy 22 showed a 1,511 gpm fire flow. No new water main improvements are proposed. With the construction of a commercial building, the applicant will be required to meet fire code requirements. The City Engineer recommends the water meter be replaced and a new backflow assembly be installed. The Planning Commission concludes the developer will need to submit final engineering plans showing any proposed water improvements.

f. Sewer: The existing building is served by city sewer. There is a 1250 gallon interceptor tank at the rear of the site which is connected to a 4" sewer main on NE 7<sup>th</sup> Avenue. No sewer improvements are proposed. If the tank will be within the paved parking area, the City Engineer recommends the tank be inspected, a new drivable HS-20 traffic loaded lid be installed and the sewer line from the interceptor tank to the city main be TV inspected and if problems are found, any repairs are made by the developer. The Planning Commission concludes the developer will need to inspect and repair the sewer system if needed.

g. Drainage: The site plan shows an existing catch basin at the west end of the existing parking area at the NE 7<sup>th</sup> Avenue right-of-way line. In addition, the City's storm drainage master plan shows a 12" storm sewer along Hwy 22 with two catch basins. One catch basin is at the east property line (not visible) and a second catch basin is at the corner of the property @ NE 7<sup>th</sup> & Hwy 22. Prior to the issuance of a building permit, the applicant will be required to submit plans complying with the public works construction standards for storm drainage management and a maintenance agreement stipulating that the property owner will maintain their on-site storm drainage system. The Planning Commission concludes a drainage report, proposed engineering plans and an O & M maintenance agreement must be submitted and approved by the City and ODOT.

#### IV. CONCLUSION

The applicant's proposal is to construct a new commercial building at 721 NE Santiam Boulevard for the Boneyard Bakery including parking lot improvements, a splash park/exercise area adjacent to the building, landscaping and associated drainage, landscaping and lighting improvements. The Planning Commission concludes the proposed use is a permitted accessory use in the Highway Commercial zone, complies with the site plan review criteria in Chapter 17.24 and can comply with the City's public improvement standards in Chapter 17.64.

#### V. ORDER AND CONDITIONS OF APPROVAL

It is hereby found that application meets the requirements in MCMC 17.24.010 to 17.24.090 and the Planning Commission hereby **approves the site plan for the Boneyard Bakery at 721 NE Santiam Boulevard in Mill City** as proposed on the site plan submitted by the applicant in Land Use File 2014-07 subject to the applicant complying with the following conditions of approval.

**Conditions of Approval:**

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1. **Site Plan.** The attached site plan dated November 14, 2014 is tentatively approved. The applicant is required to comply with the basic site plan and is directed to prepare a final site plan to accompany the building permit application. The final site plan must include landscaping details, fencing detail, lighting details and proposed signage. The final site plan must be presented to and approved by the Planning Commission prior to the issuance of a building permit.
2. **Building Permits.** The applicant shall file a building permit application within one year of the date of the approval of the engineering plans for the project by both the City of Mill City and ODOT, but no later than November 1, 2016. If a building permit has not been applied for by that date, the site plan approval is void.
3. **Certificate of Occupancy.** All public works, site improvements, fencing and landscaping requirements must be completed prior to final inspection approval by the Linn County Building Department and prior to the issuance of Certificate of Occupancy. The City Engineer will perform a final verification of the construction of all public improvements in the 7<sup>th</sup> Avenue City right-of-way prior to issuance of a Certificate of Occupancy.
4. **Street Dedication.** The applicant shall dedicate a 20' x 20' triangular parcel (approximate size) to the City of Mill City for the NE 7<sup>th</sup> Avenue right-of-way prior to the issuance of a building permit as shown on Sheet 6 of 6 of the Right-of-way plan of the Hwy 22 AMP. The exact dimension of the dedication shall be as determined by the applicant's engineer and approved by the City. The applicant's engineer will prepare the right-of-way deed, map and legal description on forms provided by the City. The dedication will be accepted by the City and recorded by the applicant in the Marion County Deed Records.
5. **Cross-Access Easement.** The applicant will prepare and record a cross-access easement that grants a right of access from the lumber yard to a joint driveway approach (Driveway #67). The applicant's engineer will prepare the cross-access easement on forms provided by the City. The cross-access easement will be approved by the City and recorded by the applicant in the Marion County Deed Records.
6. **Engineering Plan Review Costs.** In accordance with City of Mill City Resolution 632, Section 5:
  - a. the applicant shall file a \$1,000 deposit which is intended to cover the City's costs for engineering and legal review of the land use application and preliminary public improvement plans. If at any time the amount of the deposit is exhausted, the City may require the applicant to pay an additional deposit to cover the estimated or actual costs of the city review.
  - b. if the project includes the construction of public improvements (water, sewer, street and/or storm drainage), the applicant will deposit with the City an additional amount equal to 5% of the estimated cost of the public improvements, based on an estimate provided by the applicant's engineer, to cover the city's costs for inspection and related costs.
  - c. upon completion of the project, the city will refund the remaining balance of any amounts deposited with the City.
7. **City of Mill City Public Works Requirements.** The applicant shall comply with the City's general public works requirements for the submittal and approval of engineered plans and for the completion of construction requirements listed in the Engineer's Report dated November 4, 2014.

The applicant shall submit civil engineering plans, prepared by a civil engineer licensed in the State of Oregon, for the street, parking lot improvements, driveway approaches, water, sewer and storm drainage improvements complying with the applicable City and/or ODOT public works design standards. The following engineered plans and

supporting documentation shall be submitted prior to, or concurrently with, the building permit plan set to the City for review and approval.

a. Streets:

- i. NE 7<sup>th</sup> Avenue: The applicant will execute and record in the Marion County Deed Records a non-remonstrance agreement for half-street improvements on NE 7<sup>th</sup> Avenue. The non-remonstrance agreement shall be on a form provided by the City.

The applicant's driveway approach on 7<sup>th</sup> Avenue and landscaping/drainage improvements on NE 7<sup>th</sup> Avenue shall generally conform to the concept plan on Sheet Figure 3F of the Hwy 22 AMP. The applicant will install one or two no parking signs on NE 7<sup>th</sup> on the east side of the street.

- ii. Hwy 22: The applicant will execute and record in the Marion County Deed Records a non-remonstrance agreement for half-street improvements on Hwy 22. The non-remonstrance agreement shall be on a form provided by the City.

Frontage improvements for Hwy 22 will be constructed in compliance with ODOT design standards. The plans will include driveway approach, street lights, storm drainage and paving improvements along the Hwy 22 right-of-way.

b. Storm Drainage:

- i. Calculations and Plans: Storm water conveyance, quality, and quantity facility plans including drainage calculations. If the existing storm drainage system along the frontage of the property is shown to remain, then it shall be thoroughly cleaned and televised prior to construction, and the results of TV inspection shall be submitted to the City for review. The City will then make the determination if these lines can remain or need to be replaced by the Developer.

**Note: For questions regarding a ODOT's drainage report requirements refer to the ODOT Hydraulics Manual (Chapter 12 for quantity and Chapter 14 for quality). The ODOT Hydraulics Manual can be found at:**

[http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/hyd\\_manual\\_info.aspx#Hydraulics Manual](http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/Pages/hyd_manual_info.aspx#Hydraulics_Manual)

- ii. Storm Drainage Maintenance Agreement. An O&M plan and agreement conforming to the City's Public Works Standards.
- iii. An erosion and sediment control plan for the site grading or earth disturbing activities.

- c. Water system: If water system improvements are proposed, a plan conforming to Public Works Standards for any work in public right of way that modifies the public water system. A utility easement in accordance with the PWDS shall be provided if a public water main and/or fire hydrant is extended outside the public right-of-way.

- d. Sewer: The existing interceptor tank shall be pumped, inspected, and repaired as necessary prior to final paving work. If the interceptor tank is in the pavement area, a drivable lid shall be installed. In addition, the existing sewer lateral from the interceptor tank to the sewer main shall be televised to verify the integrity of the lateral connection and shall be repaired as necessary.

- e. City ROW Construction Permit: The Developer, or his contractor, shall obtain a permit from the City for any work in the City Right-of-Way for the driveway approach, street, water, sanitary sewer, storm drainage, or private utility work.
- 8. **ODOT Access Approach Permit and ROW Construction Permit**. The applicant shall obtain an access approach permit and a construction permit for Hwy 22 frontage improvements within the ODOT right-of-way. The frontage improvements for Hwy 22 will be in compliance Figure 3-F of the Hwy 22 AMP and ODOT design standards. The plans will include driveway approach and paving improvements along the Hwy 22 right-of-way. The Planning Commission approved a non-remonstrance agreement in lieu of the installation of curb and sidewalk improvements.

**VI. OTHER PERMITS AND RESTRICTIONS**

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, state or federal agencies.

The City of Mill City land use review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions there on. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

**VII. NOTICE OF DECISION**

A Notice of Decision was issued on November 17, 2014. The Notice of Decision, Approved Site Plan Map and an applicant’s checklist were emailed to the applicant on the 17<sup>th</sup> day of November 2014.

**VIII. APPEAL DATES**

The Planning Commission’s action may be appealed to the Mill City City Council pursuant to MCMC Section 17.64.050 APPEALS, within 15 calendar days of the date of the mailing of the Notice of Decision. Appeals must be filed on forms provided by the City. An application fee of \$250.00 must be filed with the appeal form. Any appeal must be filed at the City Hall in Mill City no later than 4:00 p.m. on Wednesday, December 3, 2014.

Approved by the Mill City Planning Commission on the 14<sup>th</sup> day of November 2014.  
 Order of Approval prepared on the 17<sup>th</sup> day of November 2014.

PREPARED BY:



David W. Kinney  
 Planning Consultant for the City of Mill City

November 17, 2014

\_\_\_\_\_  
 Date

ATTESTED BY:

Stacie Cook, CMC  
 City Recorder



***City of Mill City***  
P.O. Box 256  
Mill City, Oregon 97360  
Phone: 503-897-2302 Fax: 503-897-3499

## **Memorandum**

**Date:** October 13, 2016  
**To:** Planning Commission  
**From:** Stacie Cook, MMC, City Recorder  
**Subject:** City Recorder Report for October 20, 2016 Meeting

**1. Dangerous and Derelict Building Code**

The dangerous/derelict building ordinance has been approved and goes into effect October 27<sup>th</sup>. A letter has been drafted and sent to the owner of the old Texaco building advising of the impending code and asking for cooperation prior to implementation. In addition, staff will be identifying other possible violations and sending letters to those property owners.

A press release advising of the code change has been sent to the media, posted around town, placed on our website and shared on our facebook page. It will also go in the newsletter for November.

**2. Animal Codes**

City Attorney Jim McGehee has drafted language to incorporate Linn and Marion County animal code sections into our code. It should be provided to Council at the November 8<sup>th</sup> meeting.

**3. Finance Clerk Vacancy**

The “organizational analysis” has begun with interviews of Council and staff scheduled for October 24/25. The process is expected to take four to six weeks to complete. We have also contracted with an independent financial consultant who will be assisting in streamlining finance processes and completing end of month requirements until the analysis is complete and Council determines how they will proceed with staffing.

**4. HR Workshop**

The Council held a workshop with Sharon Harris, CCIS, to review Human Resources and personnel issues on October 4, 2016 at 5:30p.m. Based on the discussion workshops will be set to review and revise employee review forms, personnel handbook sections, employee review process and the wage increase process.

5. **CARTS Service**

Since receiving notice of Cherriots' intention to cut the Canyon Flex route, leaving bus service ending at the Stayton area a few local citizens have gotten involved and are working to save this service. A meeting will be held the evening of Thursday, October 13 with representatives of Cherriots to discuss the issue.

6. **WAVE Franchise**

A letter has been drafted and sent to WAVE advising of the City's intent to open discussion on our franchise agreement. This is a direct result of murmurings of poor service with WAVE by citizens.

7. **Towing Agreement**

We have begun discussing entering into an agreement with STR to remove abandoned/inoperable vehicles that have gone through the abatement process with the City. Once final costs have been determined then it will be taken to Council for approval to move forward.