MILL CITY PLANNING COMMISSION
Meeting of January 21, 2020

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

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

City Council Representatives: None.
Agency/Applicant Representatives: Scott Baughman.
Citizens: Dan Lemke and Ruth Lemke.

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

APPROVAL OF MINUTES: ***Marge Henning moved, seconded by Sandy Lyness to approve the minutes of December 3, 2019.*** **The motion carried, (6:0).**

Woody Koenig moved, seconded by Dennis Chamberlin to approve the minutes of December 17, 2019. **The motion carried, (6:0).**

City Recorder Stacie Cook said that the minutes of November 19, 2019 were approved with the conditions of approval for File No. 2019-18 missing. The minutes have been changed to reflect the added information. Mrs. Cook asked that the Planning Commission approve the modified minutes.

Dennis Chamberlin moved, seconded by David Leach to approve the modified minutes of November 19, 2019. **The motion carried, (6:0).**

PUBLIC COMMENT: None.

PUBLIC HEARING: File No. 2019-02
Applicant/Property Owner: Scott Baughman
Proposal: Site Plan Review – Four Duplexes
Location: 272 to 270 SW Ivy Street, Mill City
Linn County Assessor's Map # 9S3E31AA Tax Lots 2700/2800

Chair Carey opened the continued public hearing at 6:34 p.m. Chair Carey read the procedures for land use hearing asking if there were objections to the notice that was sent in this case. None stated. Chair Carey asked for any conflicts of interest, bias or ex parte contact. Being none, the applicant's presentation was called for.

APPLICANT'S PROPOSAL: Planner David Kinney asked Scott Baughman, applicant, to speak about the driveway and infiltration trenches that are along the edges of the driveway, the rain gardens and how they are shown on the site and the architectural designs on the home. Mr.

Baughman said that there is storm infiltration on both sides of the driveway to catch runoff. The rain gardens may need to be larger than shown on the plans. Mr. Kinney said the reason that he wanted to discuss drainage is because there is no storm sewer in the area, so on-site drainage must be used.

Mr. Baughman said that parking is always an issue with duplexes but the City code only allows for a 32' wide driveway in the front. This should be looked at by the Planning Commission to see if a change of code can be done to allow for additional parking because people park in their yard.

Mr. Baughman said that there is only 22' from the front of garage to the edge of road. In order to allow additional distance for vehicles he is willing to move the buildings back, reducing the size of the rear yard.

Ms. Henning asked if the fence for the properties will be six feet. Mr. Baughman said that it will as there needs to be a fence.

Mr. Chamberlin asked what the fence material will be. Mr. Baughman said that he will install cedar or vinyl with a preference for vinyl.

Chair Carey asked about landscaping. Mr. Baughman said that he did not include a lot of landscaping because tenants don't generally maintain it. There will be trees on the properties, however, as he is a proponent of trees. Mr. Kinney asked what kinds of trees may be planted. Mr. Baughman said that he is wanting to plant flowering trees.

Chair Carey asked if there will be any plantings along the fence line to the south. Mr. Baughman said that he has no problem planting trees to help with buffering.

Chair Carey asked about the water leak in the line on SW Ivy Street and whether it will affect the service for the proposed development. Mr. Kinney said that there is an 8" water line and a spur off of the line that goes north of the pavement, which is a 2" line at one point and a 4" at another. The main 8" line seems to be in good shape, whereas the smaller lines are in very bad shape.

Ms. Henning asked if there will be an issue with lighting for the rear units. Mr. Kinney said that the outside lighting for the duplexes should be adequate. Flood lights would not be allowed because they shine outward. Any lighting needs to be directed down.

STAFF REPORT: Mr. Kinney said that the applicant proposes to construct four duplexes on newly created parcels. Water and sewer are available to the site. No street improvements are required at this site because there is nothing to connect to nor anything to match a grade for.

Internal traffic circulation has been modified to improve for the rear duplexes, including a turnaround at the end of the driveway and additional parking spaces. Staff recommended changing the setback on the rear parcels from 11' to 8'-10' to allow for more turn around space in the front.

There is no right-of-way dedication required.

The proposal complies with the code requirements for parking on the front lots and the applicant has added additional spaces on the rear lots to help with parking needs.

Landscaping and fencing should be revised to include trees throughout the parcels and between the front and back duplexes as well as along the south property line to create a buffer between the neighbor's property and this development. Trees need to be away from the fence line by about 8' to lessen damage caused by roots.

Lighting will have a notation to the staff report that the reference to dark sky is trying to direct fixtures downward and that decorative lighting is allowed on the face of the building but flood lights cannot be installed.

The staff recommendation is to allow for permits within the first two years for two duplexes and gives two additional years for the second two duplexes. The Planning Commission could add the ability to add a one-time extension.

Mr. Kinney stated that address signs must be posted at the driveway entrance to SW Ivy Street for Lots one and two.

Mr. Baughman asked if a non-remonstrance agreement will be required. Mr. Kinney said that it will. Mr. Baughman asked if the home being constructed next door to this property had to sign a non-remonstrance agreement. Mrs. Cook said that the property owner was not required to do so because they only applied for a building permit. No land use application was required. Mr. Kinney said that there needs to be a policy amendment to the code which requires a non-remonstrance agreement anytime a new building permit is issued.

PROPONENT'S TESTIMONY: None.

OPPONENT'S TESTIMONY: None.

GENERAL TESTIMONY: None.

QUESTIONS OF CLARIFICATION FROM PLANNING COMMISSION: Chair Carey asked if RV parking could be prohibited for tenants at these properties. Mr. Baughman said that he tried to accommodate RVs and similar type vehicles with the extra parking on site.

Mr. Kinney asked Mr. Baughman to modify the site plan for him to approve. Mr. Baughman said that he will do so.

APPLICANT'S REBUTTAL: None.

STAFF SUMMARY: Staff recommends approval with the changes discussed. Conditions of approval include:

1. Site plan for lots 1-3 are approved with modification of moving duplexes on lot 3 to have an 8'-10' back yard setback and the addition of trees along the south property boundary (adjacent to the Lemke property) and between the front/back duplexes. The City Planning Department must sign off on final site plan once revisions are made.
2. One building permit can be issued prior to recording of partition plat approved by the City, File 2019-01. No other permits until plat is filed and recorded.
3. Approval expires January 31, 2022 at 4:00 p.m. if building permits for at least two duplexes have not been applied for. Approval for remaining duplexes expires on January 31, 2024.
4. All public works requirements shall be complied with. These include water, sewer, streets/sidewalks, storm drainage, ROW permits and construction standards.
5. 20' wide paved driveway to lots 2 and 3 shall be constructed, including a paved turnaround area. Storm drainage infiltration trench on east and west sides shall be installed at time of construction. Clear vision on both sides of access easement must be provided, address signs for lots 2 and 3 must be installed at SW Ivy Street; driveway edge to lot 1 shall be at least 25' from edge of joint access easement.
6. Landscaping and fencing shall be installed as shown on approved site plan. Landscaping must be completed within six months of cert of occupancy for each duplex. Failure to comply may result in City withholding issuance of additional building permits.

CLOSE OF HEARING: Chair Carey closed the hearing at 7:25 p.m. and called for deliberation.

DELIBERATION: ***Sandy Lyness moved, seconded by David Leach to approve the site plan for Scott Baughman, SBC Construction, Inc. File No. 2019-02, to construct four duplexes on lots 1, 2 and 3 in the 200 block of SW Ivy Street, subject to the modified conditions of approval and findings of fact, conclusions and to have the applicant submit a revised site plan to be stamped approved and approval of the modified conditions of approval. The motion carried, (6:0).***

PRESENTATIONS: None.

OLD BUSINESS:

2019-13 Saari – 680 SW High Street; Modified Conditions of Approval for Lot Line Adjustment: Mr. Kinney said that in order to allow for the lot line adjustment to be completed, the conditions of approval were modified to require a deed covenant that allows for the sewer interceptor tank to remain on the second lot until such time as the property is sold. The developer of the second lot will be required to install a new interceptor tank for the existing home at the time of development. This cleans up the intent of the usage of the existing interceptor tank and guarantees that the new owner understands their responsibility.

A new plat will be recorded then a deed covenant referencing parcels 1 and 2 as well as an easement from the Saari's granting themselves an easement for the existing tank on the second parcel.

Chair Carey moved, seconded by Woody Koenig to approve the revised conditions of approval for File No. 2019-13; Jill and Jason Saari. **The motion carried, (6:0).**

NEW BUSINESS:

Riparian Code Amendments – Mr. Kinney briefly went through maps included in the draft Riparian Code Amendments for City-owned and publicly-owned parcels to advise the Planning Commission what areas this code would affect.

Mr. Kinney said that Chair Carey questioned the allowance of a variance within this code and believes that this should be removed, indicating that the City must comply with whatever code is adopted.

Ms. Henning asked about fences for areas such as Mill City Falls Park. Mr. Kinney said that fences should be addressed for security purposes.

Mr. Kinney asked the Planning Commission to review the draft language and be prepared to discuss at an upcoming meeting.

2019 Annual Report – A draft of the annual report was provided for review.

Sandy Lyness moved, seconded by Dennis Chamberlin to approve the 2019 Annual Report and Present to the City Council. **The motion carried, (6:0).**

2020-2021 Work Program – A draft of the 2020-2021 Work Program was provided for review. Chair Carey asked that a training update be scheduled soon. Mr. Kinney went through the outstanding items for the upcoming year.

Reschedule Meeting Dates for May 2020 and July/August 2020 – Consensus to reschedule May meeting to Thursday, May 21 at 6:30p.m. and hold one meeting for July and August on Tuesday, August 4 at 6:30p.m.

INFORMATIONAL ITEMS:

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

1. Creation of Sewer Authority
2. TIGER Grant Update
3. Storm Drainage "Official Intent"
4. The Reid House Update

BUSINESS FROM THE PLANNING COMMISSION: None.

OTHER BUSINESS: None.

The meeting was adjourned at 8:39 p.m.

Prepared by:

Stacie Cook, MMC City Recorder
Minutes approved by the Planning Commission on the 18th day of February 2020