



Variance Application to Zoning or Subdivision Regulation

CITY OF MILL CITY Application and Decision Making Procedures

Prior to filing an application, you may wish to discuss your proposal with city staff. If needed, they will arrange a pre-application meeting with the city planner to discuss your proposal.

1. APPLICATION FEES

Application fees are listed on the application form. Fees must be paid at the time the application is filed. The application fees apply to each variance requested.

Variance to each regulation in the Mill City Subdivision or Mill City Zoning Code	\$ 500.00
Variance to Subdivision Requirement (per variance)	\$ 500.00

2. REVIEW FOR COMPLETENESS

Upon submission of the application, the city planner will review the application for completeness. The city planner will determine, within 14 days from the date of submittal, if the applicant has provided all required information. If the application is incomplete, the city planner will notify the applicant of the items which need to be submitted. Upon submission of the application, the city planner will review it for completeness. The fully completed application form, required attachments and fees must be submitted before the city review begins.

3. STAFF REPORT

After the application is found to be complete, the city planner will prepare a staff report summarizing the application, decision criteria, whether the application complies with city code requirements, agency referrals (responses from any affected local, county, state or federal agencies and local utilities). The staff report will include a recommendation to either approve or deny the application. A copy of the staff report will be provided to the applicant seven (7) days prior to the public hearing.

4. PUBLIC HEARING BEFORE THE MILL CITY PLANNING COMMISSION

A public hearing will be conducted before the Mill City Planning Commission. The city will publish a hearing notice and send a notice to all property owners within the required notice area at least 10 days prior to the public hearing. The public hearing will be scheduled at the first available planning commission meeting after the notice requirements are met. The hearing provides an opportunity for all interested parties to comment on the application.

5. DECISION OF THE PLANNING COMMISSION

At the conclusion of the hearing and deliberation, the planning commission will either approve or deny the application based on the applicable code criteria. The Planning Commission may impose conditions of approval to assure compliance with city requirements. The Planning Commission decision is final for a variance application unless the decision is appealed.

6. APPEALS

Appeal of the planning commission or city council decision may be filed by any person filing a Notice of Appeal within ten days of the date the city mails a Notice of Decision to all interested parties. If an appeal is filed, the city council may either accept the appeal and schedule a public hearing, or it may deny the appeal based on the written record. City Council actions may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 through 197.855.

7. ISSUANCE OF BUILDING PERMITS

Building permits will be issued only after the appeals period has been completed. Building permits may be withheld until the applicant reimburses the City for any outstanding fees or legal, engineering or administrative costs incurred by the City in reviewing the proposal.

8. FOR MORE INFORMATION

Call or write to Mill City City Hall, 444 1st Avenue, P.O. Box 256, Mill City OR 97360.

Phone: 503.897.2302.

Email: info@ci.mill-city.or.us

City of Mill City Website: www.ci.mill-city.or.us

Variance Application to Zoning or Subdivision Regulation

TYPE OF APPLICATION:

- | | Application Fee |
|---|-----------------|
| <input type="checkbox"/> Pre Application Conference with Planner | \$ 200 .00 |
| <input type="checkbox"/> Variance | |
| <input type="checkbox"/> Variance to Zoning Regulation | \$ 500.00 |
| <input type="checkbox"/> Variance to Subdivision Regulation | \$ 500.00 |

I understand that the application fee or deposit paid for this land use proceeding is in accordance with the current City of Mill City Land Use Fees Resolution. If the City incurs additional costs for engineering, legal, planning consultation, inspection fees or other direct costs related to this proposal, which are beyond the initial filing fee or deposit, then the city may require an additional deposit or fee to cover costs incurred. The additional fee shall be payable to the City upon receipt of a bill showing the documented City costs. If the property owner or applicant does not pay the additional fees which are invoiced, the City may withhold issuance of building permits, certificates of occupancy, utility service connections or subdivision/partition plats until the fees are paid. I agree to reimburse the City for the additional costs the City of Mill City may incur in reviewing and processing this application.

SIGNATURE OF AUTHORIZED APPLICANT: _____
Property Owner or Authorized Agent

1. BRIEFLY DESCRIBE PROPOSAL:

- Variance to Mill City Zoning Code, Section _____
- Variance to Mill City Subdivision Code, Section _____

Describe the variance requested: _____

2. APPLICANT:

Name: _____

Address: _____

City/State/Zip: _____

Phone:

Work (_____) _____ - _____ Home: (_____) _____ - _____

Fax (_____) _____ - _____ Email: _____

- Owner of Record Authorized Agent or Representative

DO NOT WRITE BELOW THIS LINE

Application received by: _____ Date: _____ Fee Paid: \$ _____ Receipt No. _____

If applicant is not the property owner, fill out Section 3.

3. OWNER'S AUTHORIZATION (Complete if applicant is not owner of record)

I am (We are) the owner(s) of record of the subject property described in this application and authorize _____ to represent my (our) interests in any and all hearings regarding this application.

Signature: _____ Printed Name: _____

Signature: _____ Printed Name: _____

Mailing Address: _____

City/State/Zip: _____

4. LOCATION: Identify the exact location of the property (street address or, if not addressed, the County Assessor's tax lot number, and the closest intersecting streets):

Street Address: _____

Closest Intersecting Streets: _____

Assessor's Map & Tax Lot Number:

T9S R3E _____ Tax Lot(s): _____

T9S R3E _____ Tax Lot(s): _____

Size of Property: _____ acres or _____ square feet.

5. LEGAL DESCRIPTION (as it appears on the deed):

Lot No.: _____ Block No.: _____ Subdivision: _____

NOTE: If the application involves a fraction of a lot or a lot which is not within a platted subdivision, attach a full legal description in metes and bounds, marked "Exhibit A."

5. Existing Zoning: _____

6. Current Use of the Property: _____

VARIANCE APPLICATION

The Mill City Planning Commission may authorize variances from the requirements of the zoning code or subdivision code, where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be created to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

The Planning Commission will use the information provided by the applicant below to analyze the merits of this application. A decision to approve or deny the application is made based on how well the applicant meets the standards and criteria set forth in the Mill City Zoning Code or Subdivision Code. Please provide the following information in full. This application will not be accepted unless all required information is provided.

GENERAL INFORMATION:

1. Current Use of the Property: _____

2. Proposed Use of the Property: _____

3. Code Section for which the variance is requested: _____

4. Existing Code Requirement: _____

5. Describe the Proposed Variance and Reasons for the Request (additional info may be attached):

DECISION CRITERIA:

In order for the planning commission to approve a variance the applicant must demonstrate **all of the following criteria** have been addressed:

1. Explain why unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property have no control.

2. Explain why the variance is necessary for the preservation and enjoyment of the same property right as possessed by owners of other property in the same zone and vicinity.

3. Describe how the variance is not in conflict with the general purpose and intent of this title, or to property in the same zone or vicinity in which the property is located.

4. Explain how the existing or proposed use of the property will be consistent with the goals and policies in the comprehensive plan if the variance is approved.

15. **CONSULTANTS:** Please list below any planning and engineering consultants.

PLANNING

Name

Firm

Street Address

City State Zip

(_____) _____ - _____
Work Phone

(_____) _____ - _____
FAX

E-mail

ENGINEERING

Name

Firm

Street Address

City State Zip

(_____) _____ - _____
Work Phone

(_____) _____ - _____
FAX

E-mail

REQUIRED ATTACHMENTS

1. **Site Plan**: One reproducible master, drawn to scale, showing the property for which the variance is requested, surrounding properties, neighboring streets and roads, existing uses of the property, all details of the proposed development including all public improvements, landscaping, parking structures, and other information required in the Mill City Zoning Code. More than one sheet can be submitted.
2. **Vicinity Map**: The vicinity map may be drawn on the same map as the site plan. All properties, streets, and natural features within 250 feet of the perimeter of the parcel shall be shown on the vicinity map.
3. **Property Owner Authorization**: If the applicant is not the owner of the property, the application shall be signed by the property owner(s) or be accompanied by a statement certifying that the applicant has the authorization of the owner(s) to file the application.