



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Mill City Plan Amendment
DLCD File Number 003-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 13, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Jason Locke, DLCD Regional Representative
David Kinney, City of Mill City
Stacie Cook, City of Mill City

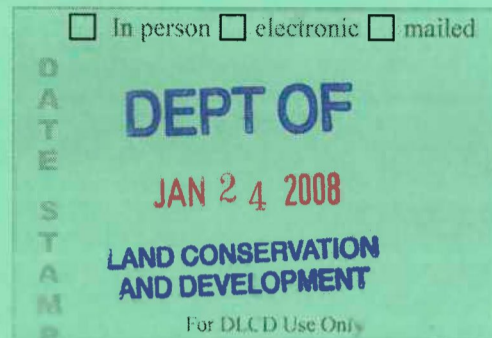
<paa> yal

FORM **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Mill City**

Local file number: **2007-07-09**

Date of Adoption: **1/10/2008**

Date Mailed: **1/23/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/25/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

- 1) Comprehensive Plan Map Amendment (UGB): Add a 9.35 acre tract to the Mill City UGB and designate the property as Residential on the Mill City Comprehensive Plan map. Located at the west end of SW Spring Street in Mill City.
- 2) Annexation: Annex approximately 0.19 +/- acres at 1395 SW Spring Street in Mill City. Places the applicant's house entirely inside the City of Mill City.
- 3) Zone Map Amendment: Rezone the 0.19 +/- acres to R-1 Residential.

Does the Adoption differ from proposal? Yes, Please explain below:

Reduces the area annexed to the City from 0.75 acres to 0.19 acres.
Ordinance does not take effect until Linn County concurrence w/ UGB amendment.

Plan Map Changed from: **LC UGA-RR 2.5**

to: **Mill City Residential**

Zone Map Changed from: **LC UGA-RR 2.5**

to: **Mill City R-1**

Location: **SW Spring St., Mill City**

Acres Involved: **-9**

Specify Density: Previous: **2.5 acre minimum**

New: **R-1, 4-6 units/acre**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD # 003-07 (16254)

45-days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **David Kinney or Stacie Cook**

Phone: **(503) 897-2302** Extension:

Address: **PO Box 256**

Fax Number: **503-897-3499**

City: **Mill City**

Zip: **97383-**

E-mail Address: **millcity@wbcable.net**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCDC Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to maria.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

<http://www.lcd.state.or.us/LCD/forms.shtml>

Updated November 27, 2006

I CERTIFY THAT THIS IS A
TRUE COPY OF THE ORIGINAL
BY: QWK
DATE: 1-23-08

ORDINANCE NO. 348

AN ORDINANCE AMENDING THE MILL CITY COMPREHENSIVE PLAN MAP TO EXTEND THE URBAN GROWTH BOUNDARY, TO REDESIGNATE A TRACT OF LAND ADJACENT TO 1395 SW SPRING STREET TO A RESIDENTIAL DESIGNATION, TO REZONE A 0.34 ACRE PARCEL TO A SINGLE FAMILY RESIDENTIAL (R-1) ZONE AND ANNEXING THE 0.34 ACRE PARCEL WHICH IS CONTIGUOUS WITH THE CURRENT CITY LIMITS OF THE CITY OF MILL CITY, WITHOUT AN ELECTION OF THE PEOPLE.

WHEREAS, the City of Mill City has received a land use application from Robert and Vicki Ward regarding a 10+ acre site at 1395 SW Spring Street in Mill City; and

WHEREAS, the applicant proposes to

1. Amend the Mill City Urban Growth Boundary (UGB) adding approximately 10+/- acres to the UGB.
2. Amend the Mill City Comprehensive Plan Map to designate the property, as shown on the Linn County Assessor's maps T9S, R3E, 30CD, Tax Lot 103 and T9S, R3E, 31, Tax Lots 200, 201, 202 and 203, from a Linn County Urban Growth Area - Rural Residential (UGA-RR-2.5) designation to a City of Mill City Residential ® designation.
3. Annex a 0.14 acre parcel, including the applicant's home at 1395 SW Spring Street; and
4. Amend the Mill City Zoning Map to rezone the annexed property from Linn County Urban Growth Area Rural Residential (UGA RR-2.5) to a City of Mill City Single Family Residential (R-1) zone.

WHEREAS, the Planning Commission held a public hearing on September 14, 2007 to consider the application and left the record open until October 5, 2007 to accept additional testimony and upon deliberation, after the close of the public hearing, recommended the city council approve the application; and

WHEREAS, the City Council held a public hearing on October 23, 2007 and at the close of the hearing the City Council concurred with the Planning Commission recommendation and adopted findings of fact approving the land use application;

WHEREAS, the City has reviewed the legal descriptions of the property to be annexed, redesignated and rezoned; and

WHEREAS, ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed. The owners of the subject property are the Robert and Vicki Ward and they comprise 100% of the electors residing on the property; and

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

SECTION 1: COMPREHENSIVE PLAN MAP AMENDMENTS. The Mill City Comprehensive Plan Map shall be amended to modify the Mill City Urban Growth Boundary to place the following properties inside the Mill City Urban Growth Boundary and to redesignate them as Residential.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Prior Linn County Comprehensive Plan Designation	New Mill City Comprehensive Plan Designation
1	Robert & Vicki Ward	09 3E 30CD part of TL 103	0.71	Vacant	UGA-RR	Residential
2	Robert & Vicki Ward	09 3E 31 part of TL 200	4.35	Vacant	UGA-RR	Residential
3	Robert & Vicki Ward	09 3E 31 TL 201	0.80	Vacant	UGA-RR	Residential
4	Robert & Vicki Ward	09 3E 31 TL 202	1.61	Vacant	UGA-RR	Residential
5	Robert & Vicki Ward	09 3E 31 TL 203	1.88	Vacant	UGA-RR	Residential
		Totals	9.35			

Attached hereto is "Exhibit A", which accurately portrays the Mill City Urban Growth Boundary expansion and the properties to be redesignated as Residential on the Mill City Comprehensive Plan map.

SECTION 2: ZONING MAP AMENDMENTS. The Mill City Zoning Map shall be amended to rezone the following property from Linn County Urban Growth Area Rural Residential 2.5 (UGA RR-2.5) to City of Mill City Single Family (R-1) Residential.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Prior Linn County Zoning	New Mill City Zoning
1	Robert & Vicki Ward	09 3E 30CD part of TL 103	0.19	Vacant	UGA-RR 2.5	SFR (R-1) Residential

Attached hereto is Exhibit "B", which accurately portray the property to be rezoned to Single Family Residential (R-1) and Exhibit "D", the legal description of the property to be rezoned..

SECTION 3: ANNEXATION AREA. The following property, shown on the map attached hereto as "Exhibit C", and described in the legal description, attached hereto as "Exhibit D", is hereby proclaimed to be annexed into the City of Mill City.

Parcel	Owner(s)	Assessor Map & Tax Lot	Size in Acres	Existing Use	Prior Linn County Comprehensive Plan Designation	New Mill City Comprehensive Plan Designation
1	Robert & Vicki Ward	09 3E 30CD part of TL 103	0.19	Vacant	Residential	Residential

SECTION 4: RECORD.

1. The City Administrator shall submit to the Oregon Secretary of State a certified true copy of this ordinance.
2. The City Administrator shall send a description, by metes and bounds, and a map depicting the new boundaries of the city to the Linn County Assessor, the Linn County Clerk, the Marion County Clerk, the Marion County Assessor and the Oregon State Department of Revenue within ten (10) days of the effective date of the annexation.
3. The City Administrator shall notify all affected utilities of the annexation.
4. The City Administrator shall send a copy of this ordinance and the related findings of fact to the Linn County Planning Department requesting concurrence by the Linn County Board of Commissioners.

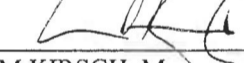
SECTION 5: EFFECTIVE DATE. This ordinance will take effect upon the date the City of Mill City receives written notice that the Linn County Board of Commissioners has approved the Mill City Comprehensive Plan map amendments described in Section 1 of this ordinance. In the event that the Linn County Board of Commissioners does not concur with the proposed Comprehensive Plan map amendments this ordinance is null and void.

This Ordinance read for the first time in full on this 27th day of November, 2007.

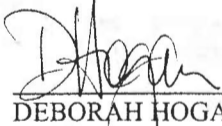
This Ordinance read by title only for the second time on this 11th day of December 2007.

This Ordinance passed on the 11th day of December, 2007 by the city council and executed by the mayor this _____ th day of _____ 2007.

Date: 1-10-08

By: 
TIM KIRSCH, Mayor

Date: 1-10-08

Attest: 
DEBORAH HOGAN, City Administrator

APPROVED AS TO FORM

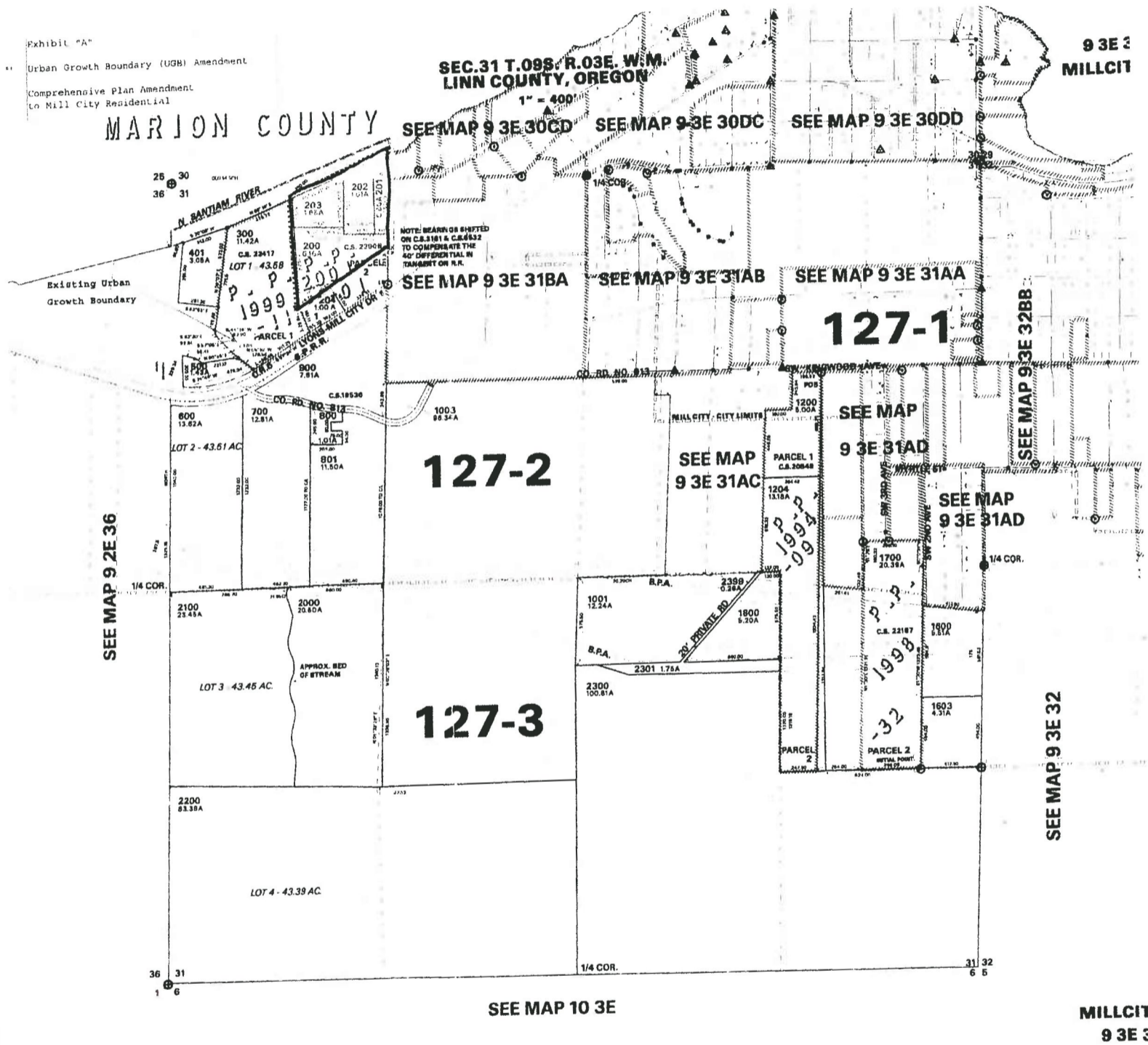
Date: _____

JAMES L. McGEHEE, City Attorney

E:\2700+\Corelwp\Mill City\Planning\Apps\2007\Bob Ward\348 Ward UGB CP ZC final.wpd

City of Mill City
Ordinance No. 348

Exhibit "A"
Urban Growth Boundary (UGB) Amendment
Comprehensive Plan Amendment
to Mill City Residential



City of Mill City
Ordinance No. 348

EXHIBITS B - Rezoning Map

SE1/4 SW1/4 SEC. 30 T.09S. R.03E. W.M.
LINN COUNTY, OREGON

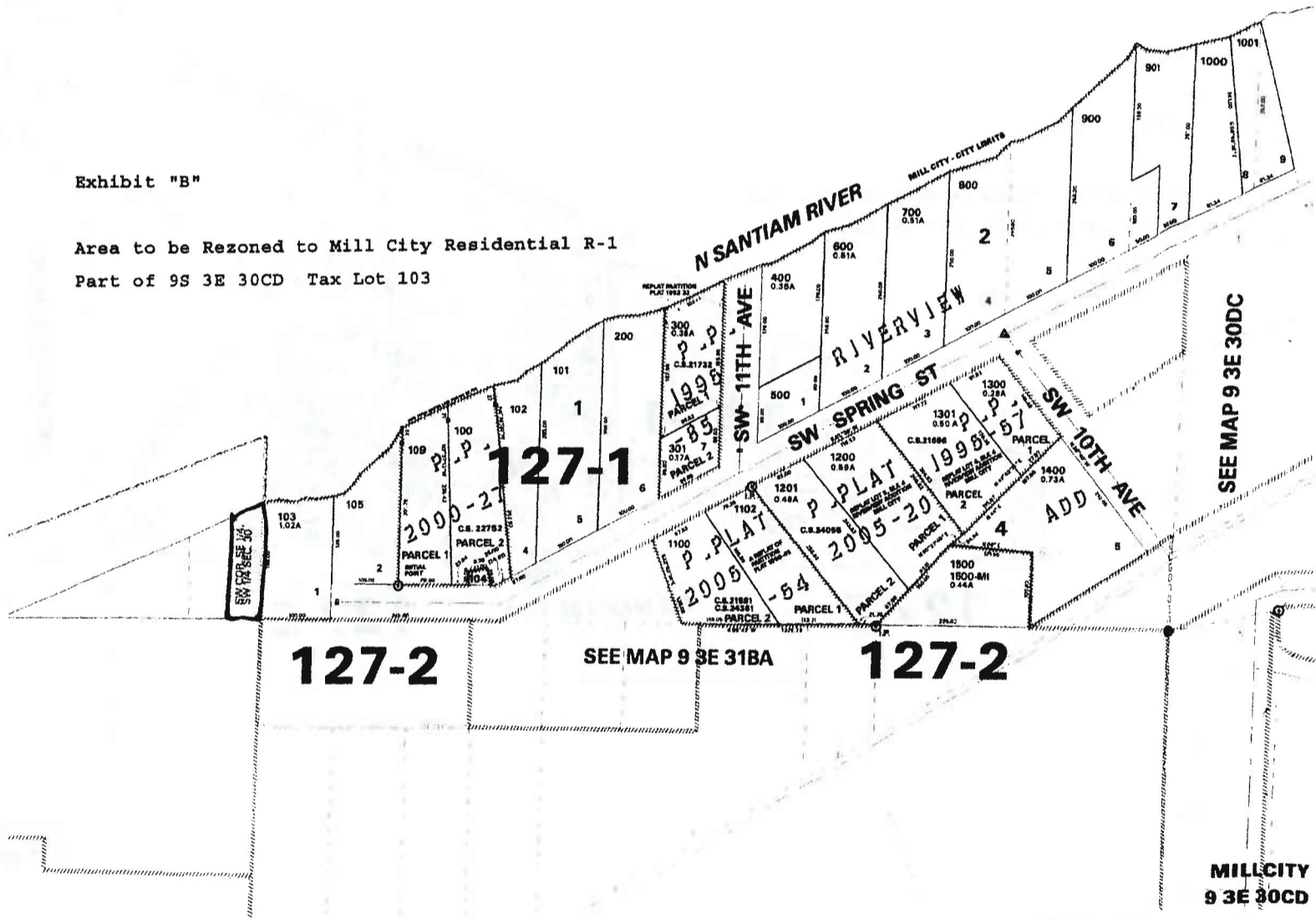
1" = 100'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

9 3E 30C
MILLCIT

Exhibit "B"

Area to be Rezoned to Mill City Residential R-1
Part of 9S 3E 30CD Tax Lot 103



ORDINANCE No. 348
Annexation and Amending the Mill City Comprehensive Plan, UGB & Zoning Ordinance
re: Robert & Vicki Ward Property, 1395 SW Spring Street, Mill City

City of Mill City
Ordinance No. 348

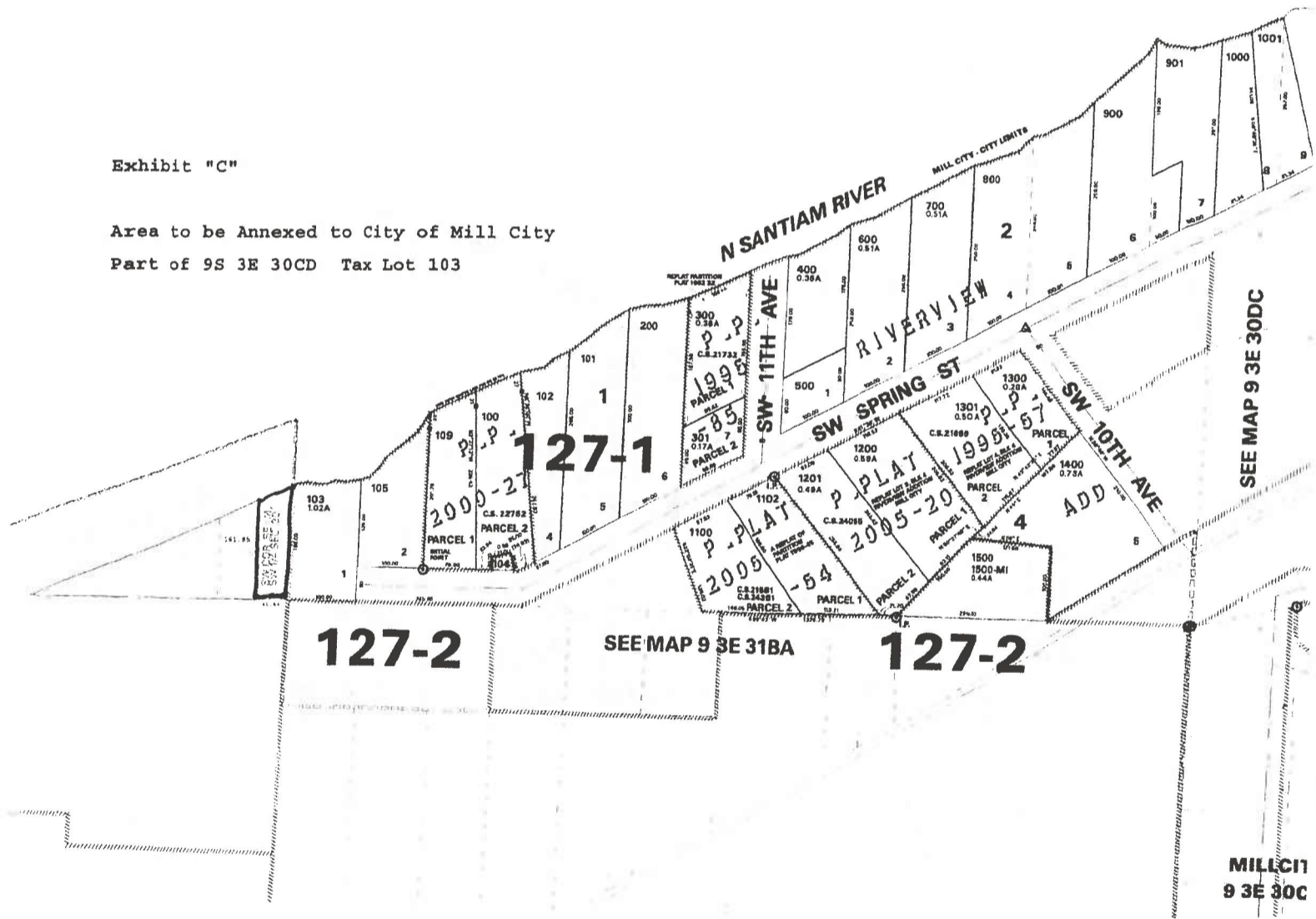
**THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY**

EXHIBIT C - Annexation Map
**SE 1/4 SW 1/4 SEC. 30 T. 09S. R. 03E. W.M.
LINN COUNTY, OREGON**
1" = 100'

**9 3E 31
MILLC**

Exhibit "C"

Area to be Annexed to City of Mill City
Part of 9S 3E 30CD Tax Lot 103



ORDINANCE No. 348
Annexation and Amending the Mill City Comprehensive Plan, UGB & Zoning Ordinance
re: Robert & Vicki Ward Property, 1395 SW Spring Street, Mill City

City of Mill City
Ordinance No. 348

EXHIBIT D

LEGAL DESCRIPTION

PROPERTY LOCATED WEST OF 1395 SW SPRING STREET THAT IS CONTIGUOUS WITH THE
CURRENT CITY LIMITS OF THE CITY OF MILL CITY.

Real property in the County of Linn, State of Oregon, described as follows:

LEGAL DESCRIPTION

A tract of land situated in the southwest quarter of Section 30, Township 9 South, Range 3 East of the Willamette Meridian, Linn County, Oregon, being more particularly described as follows:

Beginning at the southwest corner of Lot 1, Block 2, Riverview Addition to Mill City, Oregon as platted and recorded in Book of Plats, Volume 10, Page 22, Linn County Plat Records; thence along the westerly extension of the south line of said Lot 1, North 89° 48' 37" West, 50.64 feet; thence along a line parallel to the east line of said Lot 1, North 00° 29' 23" East, 160.95 feet to the south bank of the North Santiam River; thence along the said River bank North 85° 01' 00" East, 50.86 feet to the northwest corner of said Lot 1; thence along the west line of said Lot 1, South 00° 29' 23" West, 165.53 feet to the point of beginning. Containing 8264 square feet more or less.

January 11, 2008

Bob & Vicki Ward
1395 SW Spring Street
Mill City, OR 97360

**Re: Notice of Decision - File No. 2007.07.09
UGB Amendment, Comp Plan Amendment, Annexation & Zone Change
T9S, R3E, Section 30CD, Tax Lot 103
T9S, R3E, Section 31, Tax Lots 200, 201, 202, 203
9.35 +/- tract adjacent to 1395 SW Spring Street, Mill City**

Dear Bob and Vicki:

On December 11, 2007 the City Council adopted Ordinance No. 348 approving your application for an annexation, UGB amendment, Comprehensive Plan amendment and zone change. I apologize for the delay in getting this notice out to you. The adopted ordinance was not signed until January 10, 2008.

A. Notice of Decision:

1. Annexation: The City approved the annexation of 0.19 +/- acres including your home at 1395 SW Spring Street.
2. UGB Expansion: The City approved an amendment to extend the Mill City Urban Growth Boundary around all of your property and add 9.35 +/- acres to the UGB.
3. Plan Designation: The City approved a Mill City Comprehensive Plan designation of Mill City Residential for the areas added to the UGB.
4. Zone Change: R-1 Zone: The City approved the zone change to Mill City Single Family Residential (R-1) for the 0.19 acres including your home.

A copy of Ordinance 348 which formally approves each of these decisions is attached to this letter. Section 5 of the ordinance states:

Section 5. Effective Date: This ordinance will take effect upon the date the City of Mill City receives written notice that the Linn County Board of Commissioners has approved the Mill City Comprehensive Plan map amendments described in Section 1 of this ordinance. In the event that the Linn County Board of Commissioners does not concur with the proposed Comprehensive Plan map amendments this ordinance is null and void.

B. Criteria, Findings and Conclusions:

The applicants have complied with the application requirements and decision criteria for annexation under the Mill City Zoning Code and Mill City Comprehensive Plan. The standards, criteria and findings set forth in the Planner's staff reports, the minutes of the Planning Commission dated February 9, 2007 and March 9, 2007, the minutes of the City Council hearing on March 13, 2007 and related documents in File No 2006.12.16. These documents are hereby incorporated as if set forth in full herein.

C. Right of Appeal:

Any person aggrieved by this decision may file an appeal with the State of Oregon Land Use Board of Appeals by filing an appeal in accordance with the appeal deadlines and requirements outlined in ORS 197.

D. Linn County Planning Review and Decisions:

The City has forwarded the following documents to Deborah Pinkerton at the Linn County Planning Department for the County Planning Department review:

1. Ordinance No. 348
2. A copy of this Notice of Decision
3. A copy of the Findings of Fact and Conclusions of Law related to this application.

The Linn County Planning Department will review these submittals from the City and determine the appropriate application and procedural requirements. I would suggest that you or your planning consultant, Lynnette Martino, contact her to review the county's requirements.

E. Effective Date of Annexation:

If Linn County Commissioners concur with the proposal and notify the City of Mill City that the County has approved the Comprehensive Plan amendments, then the City of Mill City will notify the Secretary of State's office, the Linn County Clerk & Assessor, the Marion County Clerk and Assessor and all utilities that the annexation has been approved.

If you have any further questions, please feel free to contact Stacie Cook at City Hall or feel free to call me at my home office (503) 769-2020.

Sincerely,

David Kinney
Planning Consultant for the City of Mill City

Encl.

cc: Mill City Planning File
Linn County Planning Department
Linn County Surveyor's Office
Lynnette Martino, Applicant's planning consultant

October 26, 2007

Bob & Vicki Ward
1395 SW Spring Street
Mill City, OR 97360

**Re: Notice of City Council Decisions
File No. 2007.07.09
UGB Amendment, Comp Plan Amendment, Annexation & Zone Change
T9S, R3E, Section 30CD, Tax Lot 103
T9S, R3E, Section 31, Tax Lots 200, 201, 202, 203
10.2 +/- tract at 1395 SW Spring Street, Mill City**

Dear Bob and Vicki:

On October 23, 2007 the City Council of the City of Mill City approved your application for an annexation, UGB amendment, Comprehensive Plan amendment and zone change.

The City Council will consider the first reading of an ordinance finalizing these decisions at the November 13, 2007 city council meeting and the second reading and final adoption at the November 27, 2007 city council meeting. Enclosed is a copy of the draft ordinance. Before November 13, 2007, the legal description Jim Andrews submitted to the City needs to be modified to include the annexation area only, see Exhibit "D" map. Please have Jim e-mail a corrected legal description to City Hall. If the city needs additional information for the ordinance adoption, Stacie Cook or I will let you know.

Once the city council approves the ordinance your proposal will be forwarded to the Linn County Planning Department for consideration by Linn County. I will check with Deborah Pinkerton, Linn County Planning Department, regarding your application requirements with them.

If you have any further questions, please feel free to contact Stacie Cook at City Hall or feel free to call me at my home office or on my cell phone. I have listed my contact information below.

Sincerely,

David Kinney
Planning Consultant for the City of Mill City

cc: Planning File
Encl.

David W. Kinney
Community Development Consultant
791 E. Hollister St.
Stayton, OR 97383

Home office: (503) 769-2020 Cell: (503) 551-0899
Fax: (503) 769-4111 E-mail: dwkinney@wvi.com

FINDINGS



I CERTIFY THAT THIS IS A
TRUE COPY OF THE ORIGINAL
BY: DK
DATE: 1-23-08

MEMO

To: Mayor Kirsch and the City Council
City Administrator Deborah Hogan

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

Date: October 8, 2007

Subject: Annexation - Bob and Vickie Ward, Applicants
File No. 2007.12.27
T9S, R3E, Section 30CD, Tax Lot 103 0.75 acres
T9S, R3E, Section 31, Tax Lots 200, 201, 202 and 203 10.20+/- acres
1395 SW Spring Street, Mill City

City Council Public Hearing: **October 23, 2007 6:00 p.m.**

Enclosures:

1. Map of Annexation showing home site and utility extension.
2. Assessor's Map included in the Notice of Public Hearing
3. Sewer Utility Map
4. Water Utility Map
5. Contour Map of Area showing existing drainage and future street connection.
6. Applicant's proposed findings dated May 30, 2007 prepared by Lynnette Martino, Planner, and Mark Grenz, PE, Multi-tech Engineering, Salem, Oregon.
7. Linn County Planning & Building Agency Comment dated August 07, 2007

Planning Commission Recommendation: Approval

The Mill City Planning Commission recommends the City Council adopt the findings of fact and conclusions of law as presented and that the City Council approve the application of Bob and Vickie Ward, File No. 2007.07.09 including the following elements:

1. Approval of annexation of the 0.25 acre area including the Ward house.
2. Approval of the UGB expansion to incorporate the Ward house and adjacent 10.2 acres.
3. Approval of a Comprehensive Plan map amendment from Linn County UGA-RR-2.5 to Mill City Residential.
4. Approval of a Zone Change from Linn County UGA-RR 2.5 to Mill City R-1 Residential for the 0.25 acre site which includes the Ward house.

I. Background Information & Applicant's Proposal

Bob and Vickie Ward submitted an application to the City of Mill City to annex less than ½ acre of tax lot 103 which includes their existing house and to amend the Mill City Comprehensive Plan, Urban Growth Boundary, to add approximately 10+/- acres of their property to the UGB. The Ward's application includes the following explanation:

The applicants, Bob and Vicki Ward, are requesting that the City of Mill City amend its Urban Growth Boundary (UGB) to include a portion of their contiguous ownership addressed as 1395 SW Spring Street.

The purpose of the request is that the Wards' house, located on T9S, R3E, 30 CD, Tax Parcel 103, is sited across the UGB and the city limits line. The house was built in 1978 in its present location off Spring Street. The most expeditious way to correct this situation is to amend the UGB to include the property and pave the way for future annexation.

Mill City's preliminary UGB was adopted in 1977 and modified and adopted by the City in 1990.

The Wards' contiguous ownership consists of approximately 11.83 acres in six tax parcels. Of the total amount of acreage, approximately 0.72 acres of residential zoned land is currently within the City limits and UGB along Spring Street. Another 0.91 acres of industrial zoned land along Linn Blvd. is within the UGB but outside the City limits. The central 10.2 acre portion of the site is outside the City limits and UGB. The 10.2 acre portion is the portion that is proposed to be included within the amended UGB.

If the application is approved, it will allow for future development, but the Wards have no immediate plans to annex or develop this tract. The applicants have submitted an application to the City for the following:

1. Comprehensive Plan Amendment: Urban Growth Boundary (UGB) expansion to add 10.2 acres to the UGB and a Comprehensive Plan Map Amendment to Residential ®.
2. Zoning Map Amendment to (R-1) Single Family Residential for less than 0.25 acre portion of TL 103 at 1395 SW Spring Street.
3. Annexation of a 60' x 150' parcel, less than 0.25 acre portion of TL 103, at 1395 SW Spring Street.

ORS 222.125 allows cities to annex territory when all (100%) of the property owners of the territory and not less than 50% of the electors (registered voters) living within the area to be annexed submit a petition (application) requesting the property be annexed. The owners of the subject property are Bob and Vickie Ward. There are no other electors.

- A. Concurrent Applications. Section 2.040 of the Mill City Zoning Ordinance requires annexations and re-zoning to be handled concurrently, and states further:

Section 2.040 Zoning of Annexed Areas. Any additional property to be annexed to the City of Mill City shall have attached to the legal description thereof, a map of the property. All annexations and zoning of the annexed properties shall be handled concurrently at the same public hearing. All annexed properties shall be zoned within a City zoning district that is in harmony with the existing comprehensive plan description.

B. Linn County & City Planning Issues: Deborah Pinkerton, Linn County Planning Department, reviewed the applicants proposal to amend the Mill City Comprehensive Plan map (UGB expansion) and to annex the 0.25 acre house site. She provided the city with an information packet on the Linn County Planning requirements.

1. Linn County Code, Section 921.850 et al. requires the applicant to submit an application to the Linn County Planning Department for an amendment to the Linn County Comprehensive Plan (UGB) amendment and to rezone the property from Linn County Rural Residential (2.5) to Linn County Urban Growth Rural Residential (UGA-RR 2.5).

After consultation with Deborah Pinkerton, Linn County Planning, the City of Mill City planning consultant David Kinney advised the applicants to apply to the City for the annexation, comprehensive plan amendments and zoning amendments and to apply to Linn County for the UGB plan amendment and county zone change if the city approves the application.

C. Existing Linn County Comprehensive Plan & Zoning: The applicant's property is located outside the City of Mill City and is in rural Linn County. The property has the following comprehensive plan designations and zoning:

Linn County Plan Designation:	Linn County Rural Residential
Linn County Rural Zoning:	Linn County Rural Residential (RR) 2.5 acre minimum. This zone allows single family homes and limited farm and forest uses.

D. Proposed City of Mill City Plan & Zoning: The city staff recommended the applicants apply for the following changes to the city comprehensive plan designation and zone:

Mill City Comprehensive Plan	Residential ®
Mill City Zoning	R-1 Single family residential. This zone has a minimum parcel size of 7,000 sq. ft. and a 70' lot frontage on a street. This zoning would apply to the Ward's home.
Linn County Zoning	UGA - RR (2.5). This zone is virtually identical to the existing RR(2.5) but is located inside an Urban Growth Management Area. This area would apply to the balance of the Wards property inside UGB.

E. Land Use Procedures: On August 30, 2007, Planning Consultant David Kinney and Linn County Planning Department agreed on the following land use procedures to handle this proposal:

City of Mill City	September 14, 2007	Planning Commission hearing & deliberation
	October 05, 2007	Planning Commission final decision & adoption of final findings of fact.
	October 23, 2007	City Council hearing and decision
	October 23, 2007	City Council ordinance - 1 st reading (if approved).
	November 13, 2007	City Council ordinance - adoption (if approved). City ordinance indicates it is effective only if Linn County approves the UGB amendment by County Ordinance.

	November 15, 2007	Forward to Linn County for concurrence
Linn County	November 15, 2007	Applicant files application with Linn County including copies of city's approved amendment.
	December-March 2008	County hearings and ratification of the city amendments to the City Comprehensive Plan and UGB extension.

II. Existing Conditions

- A. **Existing Land Uses and Surrounding Properties:** The applicant's submittal describes the property as follows:

The subject property contains one single family dwelling and outbuildings with a street frontage on and driveway access to Spring Street.

The portion of the applicants' land that is within the UGB is designated "Residential" and "Industrial" on the Mill City Comprehensive Plan Map. Linn County Planning staff indicated that the County portion of the property that is outside the UGB is designated "Rural Residential" on the Linn County Comprehensive Plan Map.

The applicants' property consists of three zoning designations: Linn County RR 2.5 (Rural Residential 2.5 acres) and UGA-LI (Urban Growth Area Limited Industrial). The Mill City zoning is R-1 (Residential). The portion proposed for inclusion in the UGB is zoned Linn County RR 2.5.

The comparable City Comprehensive Plan designation that should be considered is the Mill City "Residential" designation once the area is added to the UGB. At the time of annexation to the City, consideration should be given to rezoning from Linn County RR 2.5 to Mill City R-1.

The surrounding properties are zoned and used as follows:

North: (Across the Santiam River Highway 22); Marion County TC (Timber Conservation), single family dwellings and acreage parcels; Mill City R-1 (Residential Single), single family dwellings.

East: Mill City R-1, vacant lots and single family dwellings; Linn County UGA/RR2.5 vacant lots and single family dwellings.

South: (Across Linn Blvd.); Linn County UGA-LI; single family dwellings on acreage parcels.

West: Linn County UGA RR 2.5; single family dwellings on acreage parcels.

The area surrounding the subject property on the south side of the river consists of residences on urban sized lots and a few acreage parcels. The area along Linn Blvd. contains acreage parcels, a mixture of residential and industrial uses, small farming uses and Frank Lumber Company. The Southern Pacific Railroad right-of-way and tracks are located along the south side of Linn Blvd. as it becomes Lyons-Mill City Drive.

There are no large scale operational farming or timber practices on the subject or adjacent parcels.

- B. **Future Development Opportunities:** The 10.2 acre parcel is large enough that it can be subdivided into 15-20 home sites if annexed to the City of Mill City. There are some site limitations which will reduce the number of home sites which can be created below the maximum allowed by the City of Mill City zoning code.

The applicant have told city staff they have no immediate plans for future development and do not wish to annex the 10.2 acres at this time.

C. **Utilities:**

1. Water: A 6" AC water main is located on SW Spring Street. It extends to the west end of SW Spring Street (within 75' of the Ward's home). The closest fire hydrant is located at the city's sewer pump station 225' east of the Ward's home. Fireflow tests in September 2005 showed more than 1500 gpm at the closest hydrant. This line complies with the city's public facilities requirements. No water main improvements are needed for this annexation. The water main may be extended to the west at time of future development.
2. Sewer: A pressure 4" sewer line pumps sewage from the applicant's home at 1395 SW Spring Street to the SW Spring Street pump station, approximately 250' to the east. No utility improvements are needed for the annexation. A STEP system design for the sewer can serve any new development to the west.
3. Private Utilities: Private utilities are available at the property.

- D. **Streets and Storm Drainage:** SW Spring Street dead-ends at the east end of the property into the applicant's driveway. SW Spring Street must be extended to the west to serve any new development. It is possible to create a looped street up to Lyons/Mill City Drive if urban density development occurs on the undeveloped 10 acres.

There is no on-site storm sewer system. The site is outside the SW Spring Street basin of the Master Storm Sewer Plan for the City of Mill City. At the time of development, an applicant will be required to design a storm sewer system which takes into consideration a number of factors:

1. Springs coming out of the hillside to the south.
2. Street system drainage and design.
3. Creation of a bioswale, detention basin and water quality improvements in or near to the existing drainage swale and pond.
4. Design of an outfall to Snake Creek to the west that minimizes peak run-off and does not adversely impact water quality in this salmonid creek.

- E. **Agency & Public Comments:** Agency comments have been solicited. The following agency comments were received as of September 5, 2007:

1. Linn County Planning: See Exhibit "7" dated August 07, 2007.
2. Mill City Fire District: Leland Ohrt, chief, states that at the time of development:

"A fire department turnaround will be required (with approved signage). The existing hydrant closest to this property is not adequate. It will need to be upgraded or an additional one installed depending on distances."

3. Pacific Power: No impact.
4. DLCD: Address legal decision criteria and findings requirements in ORS 197.298.
5. Citizen Comments: The two property owners immediately east of the Ward property on SW Spring Street, Zoe Rose and Ann Carey, have informed the city staff they have no objection to the Wards proposal.

III. LCDC Goals, Oregon Laws and Administrative Rules

Urban growth boundary expansions are reviewed against the applicable criteria found in the Statewide Planning Goals, Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR), the Linn County Comprehensive Plan, the Mill City Comprehensive Plan and the Mill City Zoning & Subdivision Codes.

LCDC Goal 14 and its related administrative rule, OAR 660-024-0000 and ORS 197.298 provide criteria for cities and counties to use in reviewing an amendment to an Urban Growth Boundary (UGB).

- A. Goal 14: Urbanization.** *"To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities."*

Urban Growth Boundaries shall be established and maintained by cities, counties, and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land. Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and regional governments. An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, .

Land Need:

Establishment and change of urban growth boundaries shall be based on the following:

- (1) **Demonstrated need to accommodate long range urban population consistent with a 20-year population forecast coordinated with affected local governments; and**
- (2) **Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).**

In determining need, local governments may specify characteristics such as parcel size, topography, proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot be reasonably be accommodated on lands already inside the urban growth boundary.

The Goal 14 standards of *OAR 660-24-0000* et. al. apply to local comprehensive plan amendments effective April 1, 2007.

B. ORS 197.298.

ORS 197.298 Priority of land to be included within urban growth boundary.

- (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:
 - (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
 - (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or non-resource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
 - (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
 - (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.
- (3) Land of lower priority under subsection (1) of this section may be included in an urban growth boundary if land of higher priority is found to be inadequate to accommodate the amount of land estimated in subsection (1) of this section for one or more of the following reasons:
 - (a) Specific types of identified land needs cannot be reasonably accommodated on higher priority lands;
 - (b) Future urban services could not reasonably be provided to the higher priority lands due to topographical or other physical constraints; or
 - (c) Maximum efficiency of land uses within a proposed urban growth boundary requires inclusion of lower priority lands in order to include or to provide services to higher priority lands.

C. LCDC Goals & ORS 197.298 Review:

The applicant submitted proposed findings related to Goals 1 to 12 and Goal 14. They are incorporated into this staff report as if set forth in full herein. In addition, the city makes the following findings.

Goal 1: Citizen Involvement

The City of Mill City and Linn County provide will provide the applicants and citizens with an opportunity to participate the public hearings held at both the city and county levels for this Post Acknowledgment Plan Amendment proceedings.

Goal 2: Land Use Planning: *"to establish a land use planning framework as a basis for all decisions and actions related to land use and to assure an adequate factual base for such decisions and actions."*

The City of Mill City is located in Linn and Marion Counties. The Mill City Urban Growth Boundary contains an area of 740.1 acres (1.16 square miles). Of this total, 380.82 acres (51.5 per cent) are within the city limits and 359.28 acres (48.5 per cent) are outside the city limits but within the UGB.

The Mill City Comprehensive Plan includes a 2020 population projection of 2,637 people and a need for 118.5 acres of vacant, buildable lands to meet the projection. The coordinated population forecast (with Linn & Marion Counties) has a 2020 population forecast of 2,365. A straight-line 20-year projection based on the adopted population forecast assumes a growth rate of 1.75% annually. This results in a population of 2,670 in the year 2027.

The city's January 2003 buildable lands inventory report showed the UGB has 395 acres of vacant buildable lands with the potential to serve up to 4,500 residents in the UGB. The report states:

The Mill City Urban Growth Boundary contains an area of 740.1 acres (1.16 square miles). Of this total, 380.82 acres (51.5 per cent) are within the City Limits and 359.28 acres (48.5 per cent) are outside the City Limits but within the Urban Growth Boundary. This means that the City contains just over half of the total land area within the UGB.

Vacant land accounts for 53.4 per cent of the land within the UGB, or 395.2 acres. As one would expect, vacant land is more prevalent outside the City than it is within. There are 153.5 vacant acres within the City, accounting for 40.3 per cent of the total land area. There are 241.7 vacant acres outside the City but in the UGB, accounting for 67.3 per cent of the total land area.

Within the R-1 zone, 54.8 per cent of the total land area is residential and 43.9 per cent is vacant. This shows that there is considerable room for future growth in the zone. In fact there are 58.5 vacant acres in the zone.

The R-2 zone shows comparable information. In that zone, 53.7 per cent of the land is residential and 44.4 per cent is vacant. This zone has 44.85 vacant acres.

Within the City Limits, there are currently 250 dwelling units in the R-1 Zone and 274 in the R-2 zone. However, based on present zoning densities there is much more room for added dwelling units in the R-2 zone.

Since 2003, approximately 20 acres in the R-1 zone have been developed and 5 acres in the R-2 zone have been developed. This leaves approximately 38 vacant acres in the R-1 and 40 acres remaining in the R-2 zone. A quick analysis using the data from the 2003 buildable lands inventory and applying the safe harbor provisions in OAR 660-024-0040 (7) reveals there are approximately 58.5 net buildable acres remaining in the city limits with a capacity to handle up to 520 housing units with a population of 1,385 at a density of 2.6 persons per dwelling unit.

Therefore, the staff concludes there is a sufficient # of acres of vacant buildable land inside the current city limits and UGB to accommodate city housing needs during the 20-year planning period.

The Staff reviewed the potential for the Ward property to meet housing needs, public facilities needs and

local street network needs

- A. Annexation and continued use of the Ward home as a single family home site. The property has one existing home and will continue to be used as a single family home.
- B. Development of 10.2 acres for future single family residential use. If the UGB is expanded, the 10.2 acres has the potential to be developed for SFR uses. Approximately 0.25 acres will be added to TL 103, the existing home site. This leaves approximately 10 acres available for future development.

As the applicant notes in their proposed findings there are some development limitations which restrict the density potential of the site:

- 1. Street dedication, including slope easements. Minimum 20% and more likely 25% of site. Therefore, approximately 2.0 to 2.5 acres will be required for a looped street from SW Spring Street to SW Linn Blvd. Exhibit 5 shows potential future street connections.
- 2. Steep slopes. The property has a significant slope (50'-60') high that restricts development. Based on the city's topographical maps, the city staff estimates 1.50 acres are undevelopable due to steep slopes. A portion of this is needed for public right of way. Exhibit 5 shows steep slope areas.
- 3. N. Santiam River setbacks. The City's development code requires additional setbacks adjacent to the N. Santiam River. The city estimates approximately up to 2.0 acres must be preserved as riparian setback and is undevelopable.
- 4. Site Drainage & Spring Street springs. The SW Spring Street area has naturally occurring springs which seep out of the hillside. In addition, there is a natural drainage swale that extends from the northeast edge of the site (south of SW Spring Street and behind the existing SW Spring Street homes). This seasonal creek discharges into a pond (on site) and ultimately into Snake Creek just west of the site. Snake Creek is a salmonid stream and therefore, the City will require that any on-site drainage include a bio-swale and a wetlands/water quality basin prior to any discharge to the west. The city estimates approximately 0.50 to 1.0 acres will be reserved for storm drainage and water quality improvements. Exhibit 5 shows existing drainage swales and on-site pond.
- 5. Potential for Extension of Development Beyond the Ward Property to the West. The Staff also looked at the pattern of development in and around the applicants property. The Ward site is the last home site at the west end of SW Spring Street and is served by the City water system and sewer system. The Wards own the 10 acres adjacent to their home site. Property to the west is traversed by a deep channel of Snake/Deford Creek. The creek needs to be retained as a natural riparian corridor.

The area west of Snake Creek was recently subdivided into Rural 2.5 acre lots. The City does property to the east is in a large forest land tract (80+ acres), with one acreage home site in the middle of it. Extension of the UGB to the west of the Ward property along the N. Santiam River is unlikely and discouraged by the City.

The City concludes that approximately 5 to 6 acres of the site is realistically available as buildable lands for future residential development. Due to the property location, adjacent lot sizes, lots & site configuration and future street layout plus the factors listed above, the city anticipates a maximum development potential of 20 units (density of 4 units per acre) and a more likely development potential of 10-15 units (density of two to three units per acre). Therefore, the Mill City Staff finds redevelopment for 10-15 units is a reasonable assumption.

- C. The proposed Ward UGB extension and annexation address the following Goal 2 considerations:
1. The Ward home is bisected by the UGB and city limits. The applicant, city staff and county planning staff concur that the entire home site should be in one jurisdiction. This will simplify all land use decisions and administrative proceedings dealing with the Ward property. Expanding the UGB and annexation to the city is the logical alternative.
 2. The balance of the Ward property is partially inside the UGB and partially outside the UGB. The upper portion of TL 200 is in the UGA-LI plan designation area. The lower portion, west of the Ward home site, is an island outside the current UGB and east of Snake Creek. Due to the location and depth of the Snake Creek channel, the area west of Snake Creek can not be easily served by city utilities and streets.
 3. Street and Utility Connections. The Ward property east of the Snake Creek channel will be accessed via SW Spring Street. It can be served with city water and sewer extensions from SW Spring Street. Exhibits 3 and 4 show the location of existing water & sewer lines and their proximity to the Ward site. The property is at the lower end of the SW Spring Street drainage basin and creates opportunities for creation of wetlands/water quality impoundments. The property provides the only possible street loop from the end of SW Spring Street to Lyons/Mill City drive.
 4. River frontage properties. The addition of river frontage properties will provide land to meet the moderate priced to higher priced housing options in the city. There are few desirable locations in Mill City to meet this niche.

The staff finds that although there is sufficient land inside the Mill City UGB to accommodate projected housing needs during the planning period, there are other factors which enable the staff to conclude that the Ward property should be included in the Mill City UGB.

The staff finds the addition of the Ward property to the UGB is a logical extension of the UGB based on (1) the need to include the Ward home in a single jurisdiction, (2) the parcels are all under single ownership, (3) DeFord Creek, the N. Santiam River and their adjacent riparian areas limit extension of the UGB beyond the Ward property boundary to the north and west; (4) the Ward parcels are bisected by the existing UGB boundary, (5) the property can be served by city water and sewer extensions, (6) the property provides the only logical connection for SW Spring Street to be extended to Lyons-Mill City Drive, (7) the property is at the north & west end of the Spring Street storm basin, (8) the property can meet a housing market niche that is not available on other R-1 and R-2 lands inside the UGB and (9) the addition of 5+/- acres has a negligible impact on the city's buildable lands inventory.

Goals 3 & 4: Agricultural & Forest Lands. OAR 660-024-0020 (1b) states that Goals 3 & 4 are not applicable in the review of a urban growth boundary amendment.

Goal 11: Public Facilities. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The discussion under Goal 2 above describes public facility locations and availability. The city staff concludes that public water, sewer and storm drainage facilities can be easily extended into the site in an orderly and efficient manner at the time of future annexation.

The City of Mill City sewer system was designed in 1992 to serve the existing residents and the area inside the city limits at that time. The city has experienced a small amount of growth since that time and has been able to serve all users. In August 2007, Orenco Systems representatives and the City Engineer reviewed the plant operations and capacity as part of a wastewater treatment plant upgrade. The preliminary conclusion is that there is some capacity remaining at the plant to meet development activities of the next 3-5 years. However, the City anticipates it will need to upgrade the wastewater treatment plant to meet the demands of any major development inside the city limits. It is expected that WWTP plant improvements will be required if there is an annexation of any large parcels or major development areas. At the time the Ward's apply for annexation of the 10 acres, the City will need to evaluate whether or not there is sufficient capacity available at that point in time to handle an additional 10-15 homes.

Goal 12: Transportation. *"To provide and encourage a safe, convenient and economic transportation system."*

The discussion under Goal 2 above describes indicates that the Ward property provides the only possible future street connection from SW Spring Street up the slope to connect to Lyons-Mill City Drive. In order to reach this conclusion, the city staff evaluated topography, the location of the DeFord Creek outfall and riparian area, site distance and clear vision locations on Lyons-Mill City Drive and connections to SW Spring Street. There are no other alternatives.

Goal 14: Urbanization. *"To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land and to provide for livable communities."*

(1) Demonstrated need to accommodate long range urban population consistent with a 20-year population forecast coordinated with affected local governments; and

The City of Mill City population was stable from 1960-2000 with no significant change. Beginning in 2000, the city has begun to see a slight increase in population as new housing units are constructed in the community. Most of this development has occurred on the Linn County section of Mill City.

Mill City Population

Year	Source	Linn County	Marion County	Total
1970	Census			1451
1980	Census			1565
1990	Census	1247	308	1555
2000	Census	1225	312	1537
2001	PSU	1245	305	1550
2002	PSU	1195	295	1490

2003	PSU	1220	310	1530
2004	PSU	1230	310	1540
2005	PSU	1240	315	1555
2006	PSU	1260	325	1585
2020 Coordinated Estimate		1945	420	2365

The city estimates the Ward site can add up to 15 housing units @ 2.50 persons/unit = 37 people. The Staff concludes the addition will have no significant impact on the city's ability to accommodate the planned 2020 population in Mill City. See discussion under Goal 2 above.

- C. *Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

The primary purpose of this UGB amendment and annexation proposal is to correct a jurisdictional boundary problem for the Ward home at 1395 SW Spring Street. Based on the property location, public facilities, etc. described under Goal 2, the City concludes that it is logical to include the Ward property inside the UGB for long term planning of city public facilities, streets and storm drainage facilities. Goal 2 findings address this in more detail.

The staff finds there is a need to extend the UGB and annex the Ward property to address these planning issues.

Goal 14 further requires the City and Linn County to consider several factors in establishing the boundary for the UGB extension.

- (1) *Efficient accommodation of identified land needs.*

The city's Goal 2 findings consider whether or not the extension of the UGB is a logical, efficient extension of the UGB based on the pattern of development in the neighborhood, the current use of the property and the location of existing public and private facilities.

The staff finds that the addition of the Ward property to the UGB is a logical extension of the UGB based on the existing pattern of residential development and the fact that the current home is served by both city water and sewer, and that the annexation of 0.25 acres has no impact on the city at this time and the future addition of 10 acres will have a negligible impact on the city's buildable lands inventory. The Staff finds that this UGB extension is the last logical extension along SW Spring Street due to the location of Snake Creek.

- (2) *Orderly and economic provisions of public facilities and services.*

The City's Goal 2 findings address the location of existing public facilities. As noted above, the property is currently served by all urban services.

The staff finds the extension of the city's sewer services to the site is a logical, efficient and economical provision of service.

- (3) *Comparative environmental, energy, economic and social consequences; and*

The long-term environmental, energy, economic and social consequences of allowing urbanization of this property are nominal because the property is currently committed to residential use and no changes to the current use are anticipated in the 20-year planning period.

Environmental: If the current use is continued, as anticipated, the city does not foresee any environmental consequences from inclusion of the site in the UGB. If a more intense urban use is developed on the site, there are potential impacts from storm runoff. The city would evaluate the proposal to assure that waters drained from the development are substantially free of pollutants through application of construction techniques including detention basins, reseeding, grading and pollution control storm systems.

Energy: The inclusion of the site in the UGB could allow for more intense urban development if the current or future property owner redeveloped the site at a more intense urban density. Development of higher density development would have positive energy consequences by placing housing inside the UGB within closer proximity to schools, employment and shopping opportunities.

Economic: The development of 10-15 housing units inside the UGB will have a modest, but positive, economic impact.

Social Consequences: The inclusion of the Ward property in the UGB has minimal social consequences. The city concludes development of new housing close to the city limits, services and schools creates positive benefits to the community.

- (4) *Compatibility of the proposed urban uses with nearby agricultural and forest activities on farm and forest lands outside the UGB.*

The Staff finds retaining the existing residential use will have no impact on farm or forest activities. The residential use has existed for more than 30 years and is not close to any farm or forest resource lands.

ORS 197.298

ORS 197.298 Priority of land to be included within urban growth boundary.

- (1) **In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:**
- (a) **First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.**
 - (b) **If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or non-resource land.**

There are no lands surrounding the Mill City UGB which are identified as urban reserve in the Linn County Comprehensive Plan. The Ward property is identified in the Linn County Comprehensive Plan as an exception area and is zoned Urban Growth Area - Rural Residential (UGA-RR-2.5). It is not identified as either Farm or Forest lands in the Linn County Comprehensive Plan or Mill City Comprehensive Plan. Therefore, the proposal complies with ORS 197.298 (1b).

IV. Linn County Comprehensive Plan & Rural Zone Change Criteria

A. Chapter 921.874 Decision Criteria for Linn County Plan Amendments

- (A) To approve a plan amendment, findings shall be made that
1. The amendment is consistent with and does not alter the intent of applicable section(s) of the *Comprehensive Plan*.
 2. The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area.
 3. The amendment, if within an adopted urban growth boundary, is in substantial conformance with the *Comprehensive Plan* and implementing ordinances of an affected City.
 4. The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat.
 5. The amendment will not have a significant adverse impact upon the provision of public facilities including police and fire protection, sanitary facilities and storm drainage facilities.
 6. The amendment will not have a significant adverse impact upon the transportation facilities.
 7. The presence of any development limitations including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment.
 8. An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria, and
 9. The amendment is consistent with statewide planning goals.

B. Chapter 929.620 Rural Residential (RR) Zone

The Linn County Code (LCC) Chapter 929.620 sets forth the allowed uses and zoning requirements for the RR zone. The RR zone allows outright uses including single family homes, limited farm uses and forest crop management on individual parcels. Other conditional uses are permitted under a Type II permit.

The Ward property is currently zoned RR-2.5 acre minimum. The property outside the city is currently used for limited farm uses. The Ward's home is partially in the city in the R-1 zone and partially in Linn County on RR-2.5 acre zoned land.

C. Chapter 930.600 Urban Growth Area Rural Residential (UGA- RR(2.5))

The LCC Chapter 930.600 sets forth the allowed uses and zoning requirements for any Rural Residential zone that is located inside an existing Urban Growth Boundary and outside a city limits. The UGA-RR (2.5) zone permits single family homes, limited farm uses and limited forest uses on individual parcels. The allowed and conditional uses are nearly identical to the uses permitted in the RR zone allowed in LCC Chapter 929.600.

The LCC Chapter 930.630 clearly states coordination of zoning, conditional uses and development activities is an integral part of the city/county planning coordination process. The intent is to allow

property owners to use the property but also protect it in parcel sizes that can be converted to urban densities at the time of annexation and to facilitate the extension of urban services at the time of development.

Findings:

1. The applicants Bob and Vickie Ward own property at a 10+ acre tract of land at 1395 SW Spring Street in Mill City, Oregon.
2. The property is currently within an exception area, is zoned Linn County RR-2.5 and is adjacent to the City of Mill City UGB and city limits.
3. The applicants submitted an application to the City of Mill City to annex a small fraction (less than 0.5 acres) of the property to include their existing residence at 1395 SW Spring Street because the home is now partially inside the city limits and partially in the unincorporated area of Linn County. The annexation is proposed with a concurrent application to amend the Urban Growth Boundary, amend the City's Comprehensive Plan to designate the property as Residential, and to rezone the property from Linn County (UGA-RR-2.5) to City of Mill City (R-2) Residential.
4. The house is currently served by city water and sewer utilities and the home has access via SW Spring Street. The applicants do not propose to extend any streets or city services.

B. Linn County Comprehensive Plan Amendment / Zone Change Criteria:

1. *The amendment is consistent with and does not alter the intent of applicable section(s) of the Comprehensive Plan*
2. *The amendment will be compatible with adjacent uses and will not adversely impact the overall land use pattern in the area.*

Findings:

- a. Potential for Extension of Development Beyond the Ward Property to the West. The city staff looked at the pattern of development in and around the applicants property. The Ward site is the last home site at the west end of SW Spring Street and is served by the City water system and sewer system. City lots on SW Spring Street west of 10th Avenue range in size from ½ to 3/4+ acres. The Wards house site is compatible with the existing development on SW Spring Street. The Wards own the 10 acres west and south of their house. The site includes river frontage, a steep slope, ponds and industrial zoned property inside the UGB fronting Lyons-Mill City Drive. The Yost property to the west is traversed by a deep channel of DeFord Creek. The creek and its adjacent riparian area needs to be retained as a natural riparian corridor.
- b. The area west of DeFord Creek was recently subdivided into Rural 2.5 acre lots, as permitted in the LC RR-2.5 acre zone. As discussed under Goal 2 and Goal 14 above, the city staff concludes the preservation of the DeFord Creek riparian corridor and the natural topographic features of the Ward property make it highly unlikely that the Mill City UGB can or should be extended to the west of the Ward property.

- c. The City concludes that approximately 5 to 6 acres of net buildable acreage will be available for future residential development on the Ward property. Due to the property location, adjacent lot sizes, lots & site configuration and future street layout plus the factors listed in the Goal 2 and Goal 14 findings above, the city anticipates a maximum development potential of 20 single family dwelling units (density of 4 units per acre) and a more likely development potential of 10-15 units (density of two to three units per acre). The Mill City staff finds redevelopment for 10-15 units is a reasonable assumption.

The city finds future development of the Ward property as urban lands was anticipated by Linn County, the current use is compatible with the SW Spring Street R-1 residential neighborhood and future residential development of the remainder of the Ward property will not adversely affect the existing pattern of development.

3. *The amendment, if within an adopted urban growth boundary, is in substantial conformance with the Comprehensive Plan and implementing ordinances of an affected City.*

Findings:

- a. The property is not currently within the Mill City UGB.
- b. If this annexation and UGB amendment are approved, the City of Mill City Comprehensive Plan and implementing ordinances will apply to future development of the 10.2 acres that will be added to the UGB.

The city has evaluated the proposal to determine if it is in compliance with the city's comprehensive plan policies and conclude that it is. The city's findings are in Section IV of these findings.

4. *The amendment will not have a significant adverse impact on a sensitive fish or wildlife habitat.*

Findings:

The N. Santiam River and the DeFord/Snake Creek tributaries are salmonid streams. The North Santiam Watershed Council is planning with in-stream habitat restoration projects in DeFord Creek in 2008 on two properties in Mill City. The two properties, Fencl and Yost, will add large woody habitat and riparian plantings adjacent to the Creek in an effort to improve spawning habitat areas for steelhead and salmon. Both the Fencl & Yost properties are located outside the Mill City city limits. The Yost property is located directly west of the Ward property. The Fencl property is outside the city limits but within the Mill City UGB and located on SW Kingwood Avenue.

In addition to these restoration projects, the North Santiam Watershed Council has partial funding (\$30,000) to proceed with a planning study of the Deford/Snake Creek basin in 2008. NSWC intends to apply for a matching grant from the Oregon Watershed Enhancement Board in late 2007. The City has requested that it provide input on the scope of work and that the study include some analysis of the impact of urban runoff and recommendations for water quality improvements at discharge points from the Snake Creek and SW Spring Street storm drainage basins inside the city.

As discussed under the Goal 2 findings, the Ward property is an outlet for urban drainage in the SW Spring Street drainage basin. Because this water flows west to the Yost property and then discharges into DeFord Creek, the City will need to review water quality and storm management issues at the

time the Ward property is developed. The inclusion of Ward & Yost properties in the NSWC watershed enhancement study will provide guidance to the city and county as development occurs.

5. *The amendment will not have a significant adverse impact upon the provision of public facilities including police and fire protection, sanitary facilities and storm drainage facilities.*

Findings:

1. Water: The home is connected to the City of Mill City water system.
2. Sewer: The home is connected to the City of Mill City sewer system.
3. Private Utilities: Private utilities phone, electrical, cable TV currently serve the property.
4. Fire Protection: The entire site is located within the Mill City Rural Fire District. The annexation and UGB extension will not impact fire protection services.
5. Police Protection: The Linn County Sheriff's Office provides law enforcement services within the City of Mill City and the surrounding unincorporated area of Linn County. There will be no impact on the level of law enforcement services provided.
6. Storm Drainage Facilities:

An evaluation of the city's ability to provide public facilities, streets and drainage facilities is found in the Goal 2 and Goal 14 findings above. The city concludes there will be no adverse impact.

6. *The amendment will not have a significant adverse impact upon the transportation facilities.*

Findings:

1. Streets: The property has a driveway access to SW Spring Street. In fact the Ward home is a dead end at the west end of SW Spring Street.
2. Future Street and Utility Extensions. SW Spring Street can be extended and looped from the dead-end to Lyons-Mill City Drive. As discussed under Goals 2 and 12, the Ward property provides the only possible local street loop from the end of SW Spring Street to Lyons/Mill City drive. This will enhance traffic circulation and provide two emergency routes to the site.

The city concludes there will be a positive impact on the local street network.

7. *The presence of any development limitations including geologic hazards, flood hazards or water quality or quantity will not have a significant adverse affect on land uses permitted through the amendment.*

Findings:

Development limitations on the Ward property are discussed under the Goal 2 findings. Future residential development will be limited by steep slopes, riparian setbacks on the North Santiam River and the existence of springs, wetlands and ponds.

The Ward property is at the lower end of the SW Spring Street drainage basin, has a small pond on the property and discharges surface runoff to DeFord Creek to the west. The North Santiam Watershed Council and the Oregon Department of Fish & Wildlife have identified the DeFord/Snake Creek basin as a promising location for salmon/steelhead habitat restoration. The City concurs. The Ward property creates opportunities for wetlands/water quality impoundments of urban runoff from the SW Spring Street drainage basin.

Current zoning on the property permits up to four homes to be developed with rural services (septic and wells). The City believes that planned development approach that requires city services and water quality enhancements will be beneficial to the DeFord/Snake Creek basin.

8. *An exception to the statewide planning goals is not required. If required, then findings have been prepared to meet the exception criteria, and*

Findings: No exception to statewide planning goals is required

9. *The amendment is consistent with statewide planning goals.*

Findings: See Goal Findings above.

IV. City of Mill City Criteria for Annexation, Comprehensive Plan Amendments & Zone Change:

- A. **Criteria for Annexation & Zone Change:** The Mill City Municipal Code (MCMC) Section 17.60.030 has minimal criteria for approval of an annexation to the City and a concurrent zone change: "The amendment must be consistent with the applicable policies of the comprehensive plan."
- B. **Criteria for Comprehensive Plan Amendment:** Section 8, Mill City Ordinance No. 251 sets criteria for the review of amendments to the Mill City Comprehensive Plan. The criteria are:

Section 8. Approval. To approve an application for amendment of the Comprehensive Plan, findings shall be made that:

- A. The proposed amendment is consistent with the applicable sections of the comprehensive plan.
- B. The proposed amendment will be reasonably compatible with the present and proposed land uses on abutting property and in the neighborhood.
- C. Adequate public facilities and services are available serve the uses allowed by the comprehensive plan amendment.
- D. The transportation network in the vicinity is adequate to serve the uses allowed by the comprehensive plan amendment.
- E. The site is capable of supporting the uses for which the plan amendment is intended, considering factors such as soil and foundation quality, geology, and location in a flood plain.

Findings Related to City of Mill City Criteria:

Mill City Criteria 1: Consistency w/ the Mill City Comprehensive Plan

The following comprehensive plan policies are applicable to this comprehensive plan map amendment and rezoning request. Staff comments are noted in italics.

Land Use Goal 3: To provide residential lands which are serviceable and which can provide for a mix of housing types and life-styles within the economic capabilities of the citizens and future citizens of Mill City in areas that are pleasant, safe, and healthful in which to live.

Findings: The annexation of the proposed 0.25 acre site will add 0.25 acres to the city's inventory of Residential land. The Ward house straddles the city limits and UGB line. Half of the house is inside the City of Mill City and half in Linn County. The purpose of the annexation is to rectify this problem and place the entire house inside the Mill City UGB and city limits. There is no opportunity to redivide this parcel.

The balance of the site, approximately However, due to the slope and location of the site, the property cannot be readily divided or developed as a subdivision site or as a commercial use adjacent to SW Spring Street. The site can support a maximum of 2-4 housing units.

Policy 14: Water Service. The city shall extend water service only to areas within the Mill City UGB and to those properties receiving water prior to the time the city acquired the water supply system. In the event of water supply capacity limitations, the city will provide water to new customers inside the city limits prior to extending service to those areas between the city limits and the UGB.

Policy 19: Sewer Service Extensions. The city shall extend sewer service only to properties within the city limits. Properties outside the city limits shall be annexed to the city prior to being eligible for extension of the sanitary sewer system to serve the property.

Findings: The property is currently served by city water. A city sewer line is located on the north side of SW Spring Street, approximately 100' west of the southwest corner of the applicants property. This line can be extended to serve the site. The applicant's property does not have sufficient land to allow for development unless it is annexed and the existing home is connected to city sewer services.

Policy 35: Fire Protection Services. The city shall notify the Mill City Rural Fire Protection District of all subdivision, annexation and major partitions and request comments from the district on its ability to provide service.

Finding: The site is located in the Mill City Rural Fire Protection District. The City has requested comments from the fire district.

Transportation Policy 9. The City shall review all development proposals to assure that emergency

vehicles have property access. All areas of the city should be easily reached by emergency vehicles. Alternative access points should be available in the event one route becomes impassable.

Finding: The site has a driveway access to SW Spring Street. No other access to the site is readily available. SW Spring Street can be extended west and south to loop to Lyons-Mill City Drive. This will create better emergency access. See Goal 2 and 12 findings above.

Urbanization Goal 1. *To provide for the orderly outward expansion and growth of the City of Mill City while maintaining fiscal accountability and preserving the livability of the city.*

Urbanization Policy 1. *Urbanization shall grow outward from existing developed areas of Mill City in a systematic and phased manner to preserve agricultural lands.*

- A. *Targeting areas with existing services as growth areas*
- B. *Encouraging in-fill of vacant land.*

Finding: The site is located at the west end of the UGB. The City's urbanization goal and policy encourage orderly expansion to sites immediately adjacent to the city limits and in areas which have readily accessible services and will in-fill vacant lands. The Goal 2 and Goal 14 findings above address these two issues.

General Findings & Discussion of City of Mill City Comprehensive Plan Policy Issues: The City staff concludes the annexation, redesignation and rezoning of this site to an R-1 residential zone is a logical and orderly extension of the UGB.

The property lies outside the UGB, but is contiguous to the city limits. Due to the location of SW Spring Street, driveway access and the fact that the home is connected to the city water and sewer systems, the city staff concludes the annexation of the Ward property is a logical extension of the city limits. The expansion of the 10.2 acres to the UGB is also considered a logical addition because the site is under single ownership, part of the 10.2 acres is already within the UGB, the property provides potential for a looped access to Lyons/Mill City Drive, the property is at the end of an existing drainage basin and empties into Snake/DeFord Creek, utilities can be readily extended into the site and there is no other property west of the Ward's property which can be logically added to the UGB.

Mill City Criteria 2: Compatibility with neighboring land uses

Findings: The subject property is located at 1395 SW Spring Street at the edge of Mill City, just outside the city limits. Surrounding properties are described above in Section II-A "Existing Conditions".

The existing residential home site is compatible with the adjacent residential land uses.

Mill City Criteria 3: Adequate public facilities are available.

Mill City Criteria 4: The transportation network is adequate to serve the uses.

Findings: These criteria are discussed under both Goals 2, 11 & 14 above and the Linn County Comprehensive Plan criteria above.

Mill City Criteria 5: The site is capable of supporting the uses for which the plan amendment is intended, considering factors such as soil and foundation quality, geology, and location in a flood plain.

Findings: See above.

C. Burden of Proof:

The burden of proof is on the applicant to present the application to the Planning Commission and to present information which shows that the application meets the criteria for approval of an annexation and zone change.

D. City Council Options: The Council may either:

- A. Approve the annexation, UGB extension, comp plan residential designation and zone change to R-1 if it finds the applicant complies with the applicable criteria and complies with all the comprehensive plan policies..
- B. Deny the request if it finds the application does not comply with the criteria and does not comply with all the applicable comprehensive plan policies..

E. Staff Recommendation: The staff recommends approval as follows:

Annexation:	Approval.
UGB Expansion & Comp Plan Amendment	Approval. Change Designation to Residential
Zone Change:	Approval. Re-zone less than 0.5 acre parcel to R-1
Conditions of Approval:	Require the applicant to prepare required legal descriptions prior to October 5, 2007.

F. Motions:

Approval: **Motion to adopt the findings of fact as prepared and to recommend that the City Council approve the application of Bob and Vickie Ward, File No. 2007.07.09 including the following elements:**

1. **Approval of annexation of the 0.25 acre area including the Ward house.**
2. **Approval of the UGB expansion to incorporate the Ward house and adjacent 10.2 acres.**
3. **Approval of a Comprehensive Plan map amendment from Linn County**

UGA-RR-2.5 to Mill City Residential.

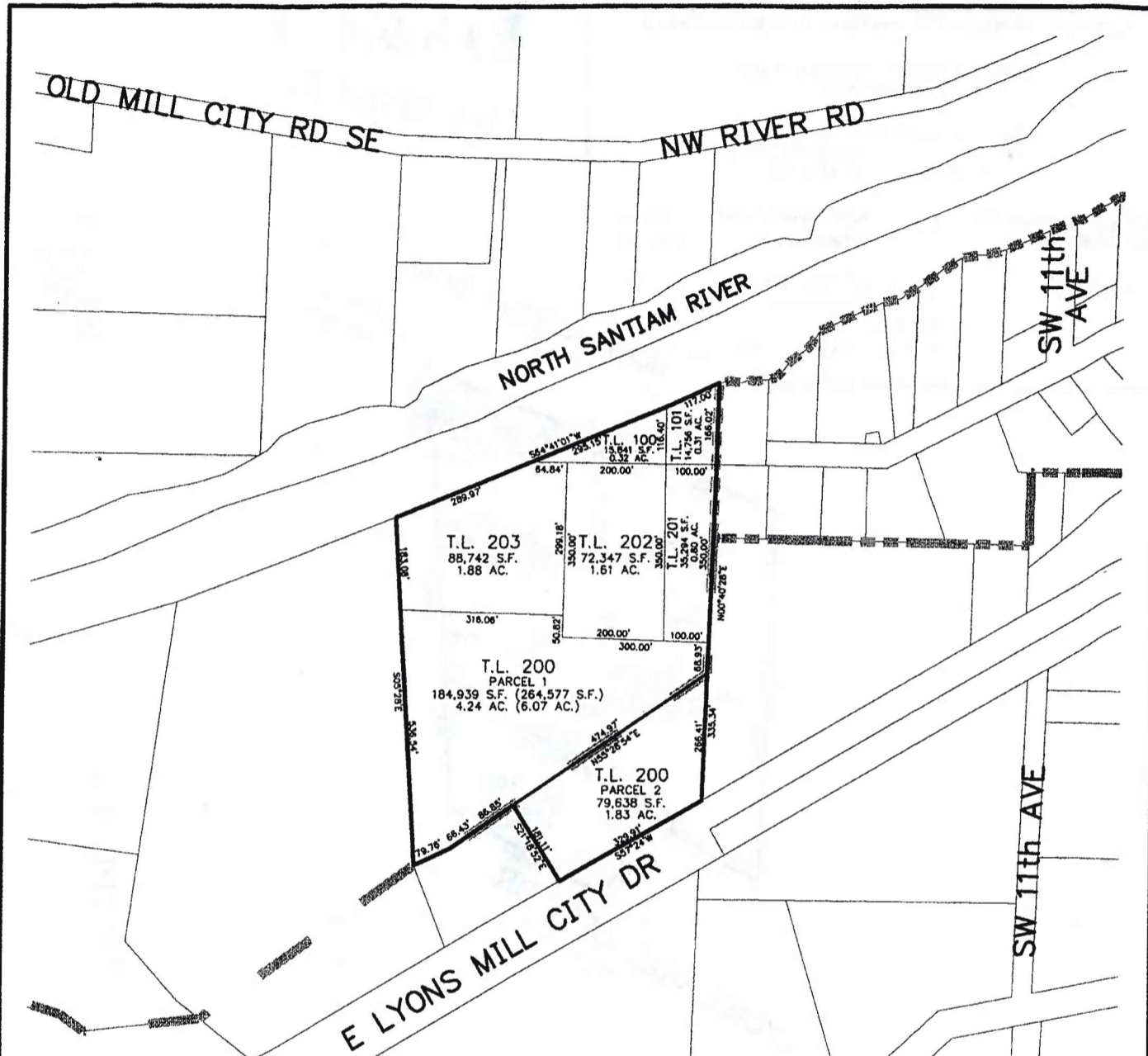
- 4. Approval of a Zone Change from Linn County UGA-RR 2.5 to Mill City R-1 Residential for the 0.25 acre site which includes the Ward house.**

Motion to direct the staff to prepare an ordinance approving the application and to forward the application to Linn County for consideration upon final adoption by the City Council.

Denial:

Motion to deny the application of Bob and Vickie Ward, File No. 2007.07.09 because the applicant failed to demonstrate that the annexation and comprehensive plan expansion of the UGB fully complies with all of the City of Mill City comprehensive plan policies and Goal 17 and ORS 197.298 requirements.

E:\2700+\Corelwp\Mill City\Planning\Apps\2007\2007-07-09 Ward\Ward PC Rec to CC 10-05-07 rev.wpd



Owner & Contact:
ROBERT G. WARD
P.O. BOX 769
MILL CITY, OREGON 97360
PHONE: (503) 897-2077

MILL CITY
U.G.B.

LINETYPE LEGEND	
	U.G.B.
	CITY LIMITS
	U.G.B. & CITY LIMITS

WARD PROPERTY

SEC. 31, T. 9 S., R. 3 E., W.M.
CITY OF MILL CITY
LINN COUNTY, OREGON

MULTI/TECH
CONSULTANTS
ENGINEERING SERVICES, INC.
 1155 13th ST. S.E. SALEM, OR. 97302
 PHONE: (503) 363-9227 • FAX: (503) 364-1260
 www.multitech.ws office@multitech.ws



City of Mill City, Oregon
Comprehensive Plan Map & 10+/- acre UGB Expansion
Redesignate & Rezone 1.02 acre home site to R-1 Residential

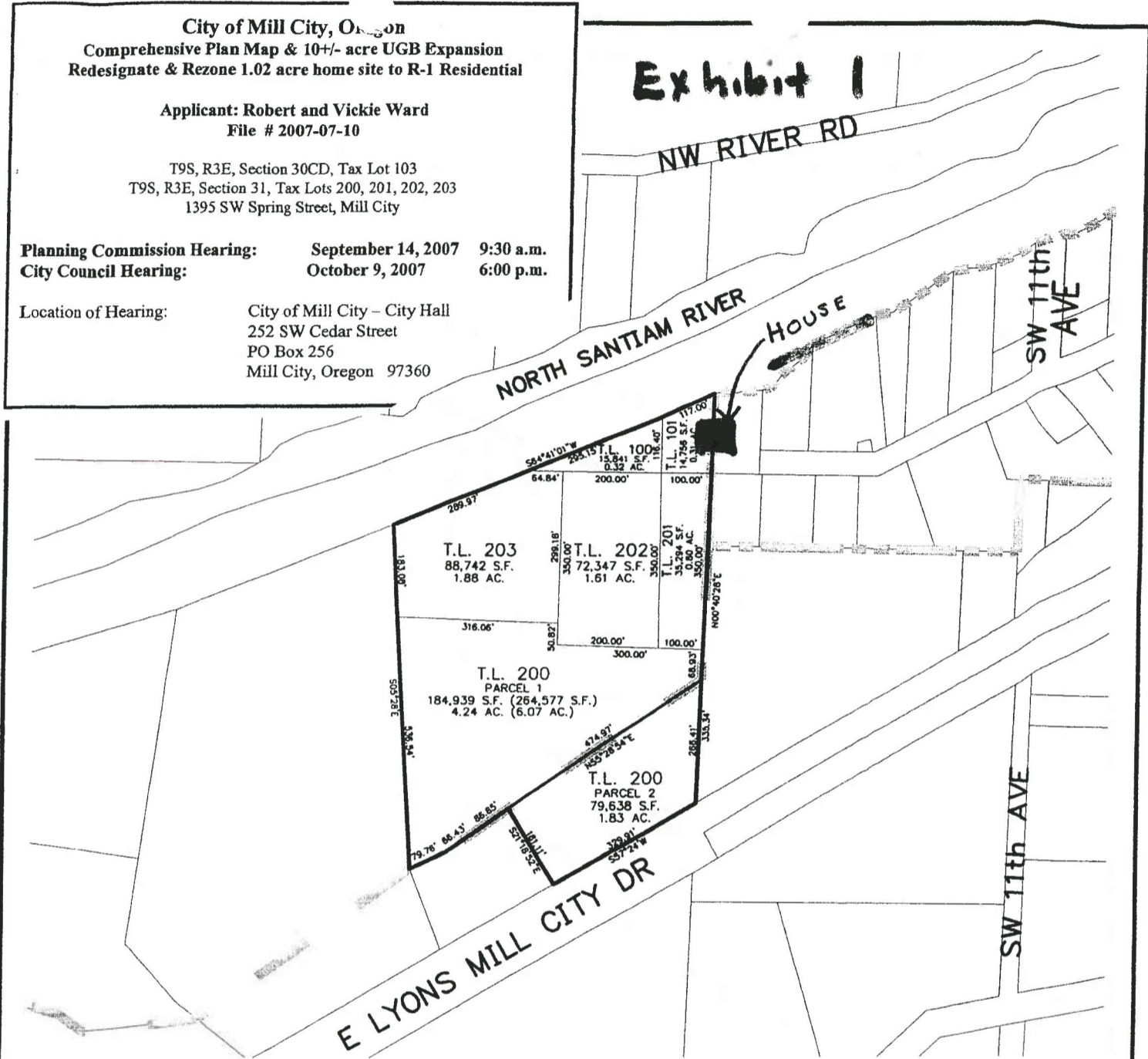
Applicant: Robert and Vickie Ward
File # 2007-07-10

T9S, R3E, Section 30CD, Tax Lot 103
 T9S, R3E, Section 31, Tax Lots 200, 201, 202, 203
 1395 SW Spring Street, Mill City

Planning Commission Hearing: September 14, 2007 9:30 a.m.
City Council Hearing: October 9, 2007 6:00 p.m.

Location of Hearing: City of Mill City - City Hall
 252 SW Cedar Street
 PO Box 256
 Mill City, Oregon 97360

Exhibit I



Owner & Contact:
ROBERT G. WARD
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MILL CITY, OREGON 97360
PHONE: (503) 897-2077

MILL CITY
U.G.B.

LINETYPE LEGEND	
	U.G.B.
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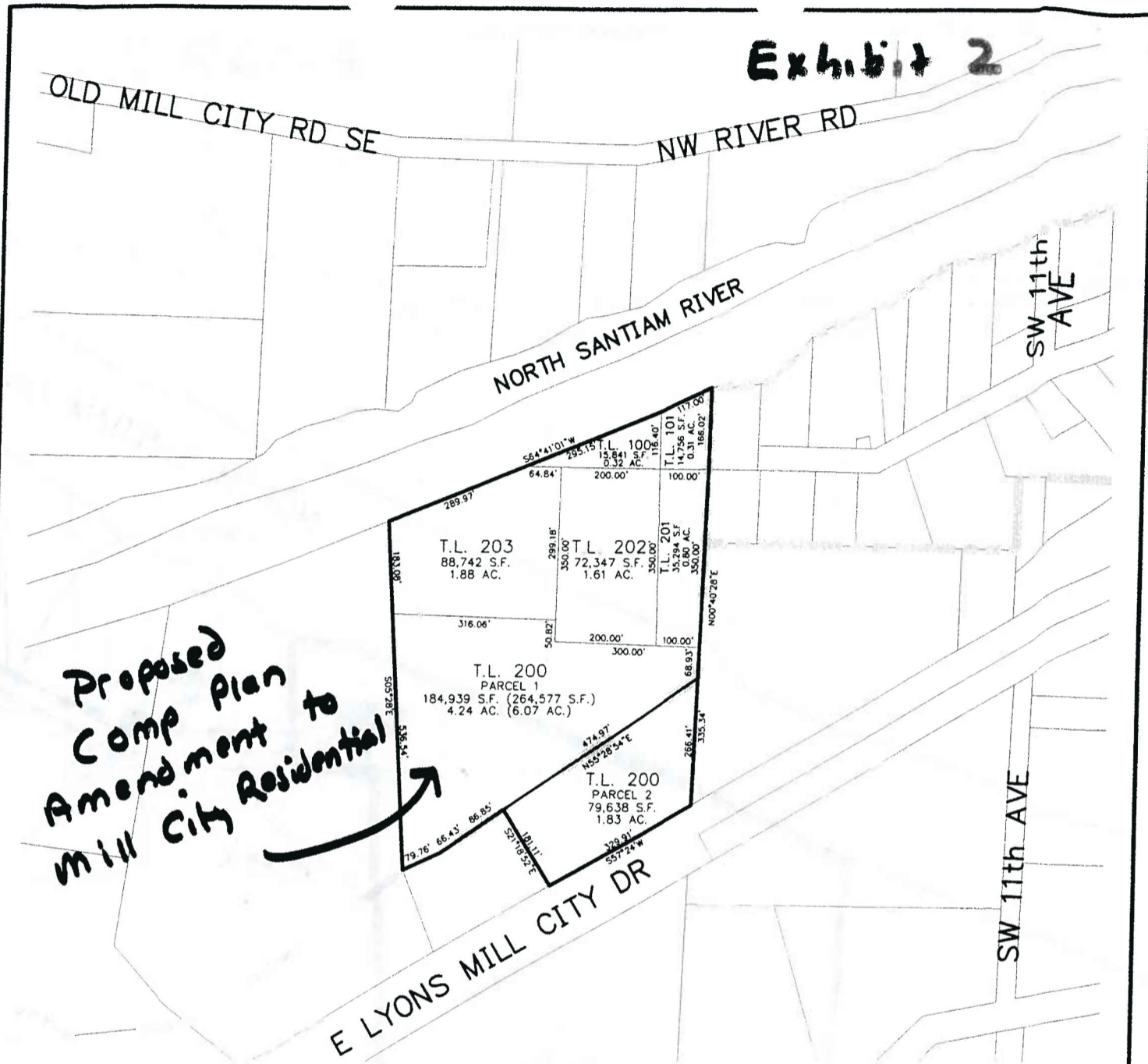
WARD PROPERTY

SEC. 31, T. 9 S., R. 3 E., W.M.
 CITY OF MILL CITY
 LINN COUNTY, OREGON

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Exhibit 2



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MILL CITY
U.G.B.

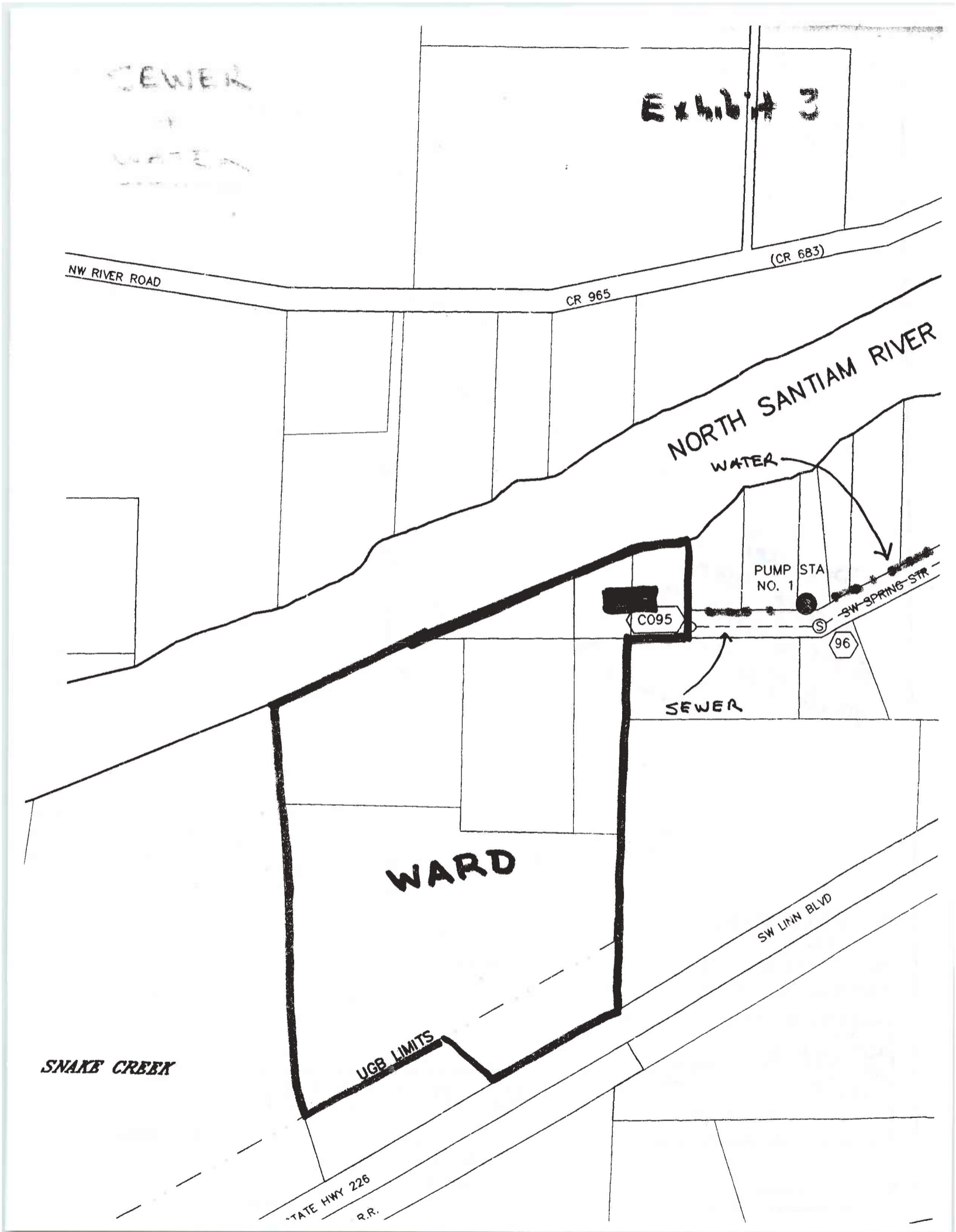
LINETYPE LEGEND	
	U.G.B.
	CITY LIMITS
	U.G.B. & CITY LIMITS

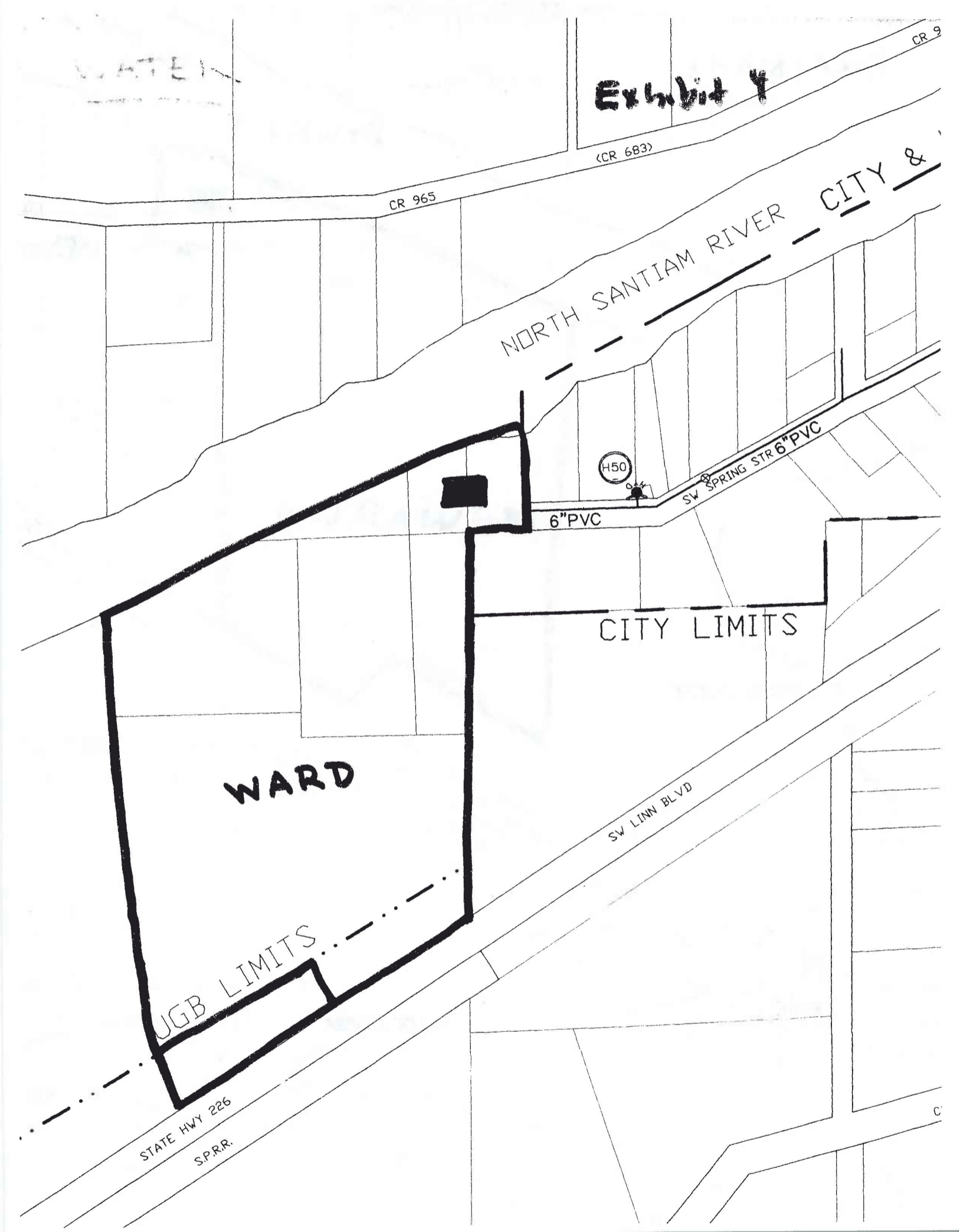
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WARD PROPERTY

SEC. 31, T. 9 S., R. 3 E., W.M.
 CITY OF MILL CITY
 LINN COUNTY, OREGON







WATER

Exhibit Y

CR 965

(CR 683)

CR 9

NORTH SANTIAM RIVER CITY &

H50

6" PVC

SW SPRING STR 6" PVC

CITY LIMITS

WARD

UGB LIMITS

SW LINN BLVD

STATE HWY 226
SPRR.

C

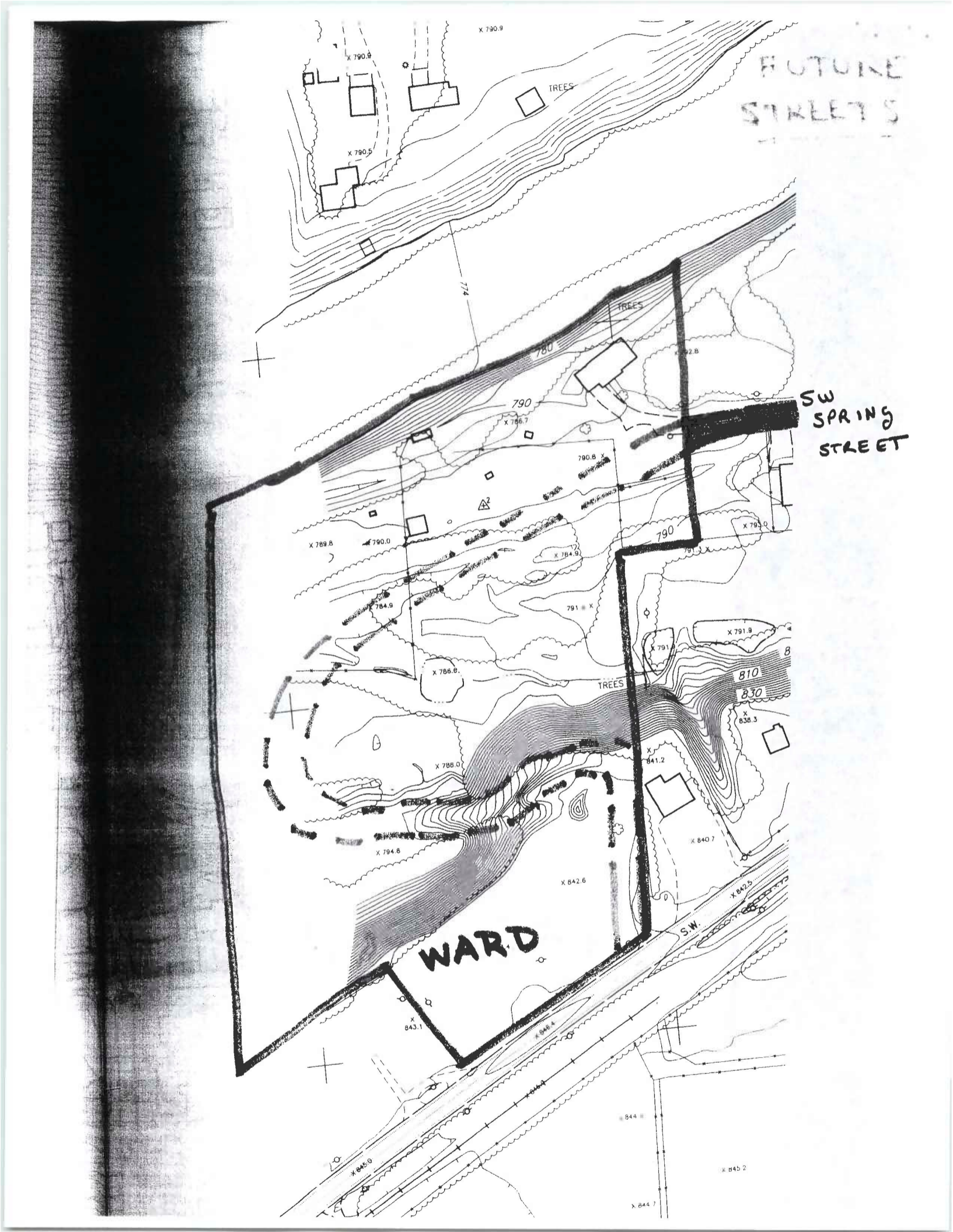


Exhibit C

MILL CITY URBAN GROWTH BOUNDARY EXPANSION

BACKGROUND:

The applicants, Bob and Vicki Ward, are requesting that the City of Mill City amend its Urban Growth Boundary (UGB) to include a portion of their contiguous ownership addressed as 1395 SW Spring Street.

The purpose of the request is that the Wards' house, located on T9S, R3E, 30 CD, Tax Parcel 103, is sited across the UGB and the city limits boundary. The house was built in 1978 in its present location off Spring Street. The most expeditious way to correct this situation is to amend the UGB to include the property and pave the way for future annexation.

Mill City's preliminary UGB was adopted in 1977 and modified and adopted by the City in 1990.

The Wards' contiguous ownership consists of approximately 11.83 acres in six tax parcels. Of the total amount of acreage, approximately 0.72 acres of residential zoned land is currently within the City limits and UGB along Spring Street. Another 0.91 acres of industrial zoned land along Linn Blvd. are within the UGB but outside the City limits. The central 10.2 acre portion of the site is outside the City limits and UGB. The 10-acre portion is the portion that is proposed to be included within the amended UGB.

The City limits and the UGB run in a north/south direction along the westerly boundary of Riverview Addition subdivision. The City limits follows the south boundary of the subdivision. The UGB continues its north/south direction to a point that is approximately 120 feet north of the right-of-way line of Linn Boulevard (Lyons-Mill City Drive).

PROPOSAL:

The proposal is to amend the Mill City Urban Growth Boundary to add approximately 10 acres and to redesignate the Comprehensive Plan Map designation from Linn County "Rural Residential" to Mill City designation of "Residential."

The applicants are not proposing any immediate development of the undeveloped portion of the site. The existing house and attached garage are to remain. Amending the UGB will permit future annexation and redevelopment.

LOCATION:

The subject property is at 1395 SW Spring Street. It is within the Linn County portion of Mill City. The subject property is bounded on the north by the Santiam River, on the east by the terminus of SW Spring Street and on the south by Lyons-Mill City Drive (SW Linn Boulevard). SW Linn Boulevard leads easterly through a residential area and into the City core. Linn Blvd. west of the applicants' property connects to Lyons and provides access to State Highway 22. State Highway 22 is easily available easily accessible from Mill City.

The Santiam River in this location is the dividing line between Marion and Linn Counties.

SURROUNDING LAND USES:

The subject property contains one single family dwelling and outbuildings with a street frontage on and driveway access to Spring Street. The portion of the applicants' land that is within the UGB is designated "Residential" and "Industrial" on the Mill City Comprehensive Plan Map. Linn County Planning staff indicated that the County portion of the property that is outside the UGB is designated "Rural Residential" on the Linn County Comprehensive Plan Map.

The applicants' property consists of three zoning designations: Linn County RR 2.5 (Rural Residential 2.5 acres) and UGA-LI (Urban Growth Area Limited Industrial). The Mill City zoning is R-1 (Residential). The portion proposed for inclusion in the UGB is zoned Linn County RR 2.5.

The comparable City Comprehensive Plan designation that should be considered is the Mill City "Residential" designation once the area is added to the UGB. At the time of annexation to the City, consideration should be given to rezoning from Linn County RR 2.5 to Mill City R-1.

The surrounding properties are zoned and used as follows:

- North: (Across the Santiam River Highway 22); Marion County TC (Timber Conservation), single family dwellings and acreage parcels; Mill City R-1 (Residential Single), single family dwellings.
- East: Mill City R-1; vacant lots and single family dwellings; Linn County UGA/RR2.5 vacant lots and single family dwellings.
- South: (Across Linn Blvd.); Linn County UGA-LI; single family dwellings on acreage parcels.
- West: Linn County UGA RR 2.5; single family dwellings on acreage parcels.

The area surrounding the subject property on the south side of the river consists of residences on urban sized lots and a few acreage parcels. The area along Linn Blvd. contains acreage parcels, a mixture of residential and industrial uses, small farming uses and Frank Lumber Company.

The Southern Pacific Railroad right-of-way and tracks are located along the south side of Linn Blvd. as it becomes Lyons-Mill City Drive.

There are no large scale operational farming or timber practices on the subject or adjacent parcels.

STATEWIDE LAND USE GOALS:

The Statewide Land Use Goals are addressed as follows:

Goal 1 Citizen Involvement:

Citizen involvement is provided via the City of Mill City's public hearing process necessary for the expansion which allows public comment. The City's Plan is acknowledged to be in compliance with State Land Use Goals. The public hearing process is implemented by a hearing with Mill City on the matter with written notification to property owners and notice published in a newspaper of general circulation. The published notice will identify the applicable criteria. The Planning Commissions will review the proposal and make recommendations regarding the expansion to the deciding bodies. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

In addition, the Comprehensive Plan and its implementing ordinances are adopted by the City and County through the public hearing processes of ordinance procedures.

The Statewide Planning Goals are implemented by the adopted goals and policies of the Mill City and County Comprehensive Plans, their implementing ordinances and facility plans. The proposal accommodates the Statewide Goals by being located abutting an adopted Urban Growth Boundary.

The UGB amendment review is being undertaken to ensure that the amendment will occur in accordance with the provisions of the Mill City code. The remainder of the property under the ownership of the applicants lies further to the south along Linn Boulevard.

Goal 2 Land Use:

Mill City is located in both Linn and Marion Counties, separated by the Santiam River. The current UGB contains approximately 740 acres. Slightly more than half the acreage is within the current City limits boundary.

The applicants are proposing the continued use of the existing house with no new development on the subject property at this time. Since the site is bordered primarily by single family urban uses, it is more logical to continue the pattern of development as single family once the site annexes and is proposed for partitioning or subdividing.

The area proposed to be included within the UGB is contiguous to the existing City limits and UGB along its eastern boundary. The UGB and City limits are through the subject property itself. Thus, the subject property is split with portions both in and outside the City limits and UGB.

The proposal is to add approximately 10 acres to the City's urban reserve area within the UGB. The area containing the house, attached garage, minimum front, side and rear setbacks, landscaping, driveway and outdoor living area comprise approximately one acre. Approximately 3/4 of the area for house is actually outside the UGB. Based upon aerial photos, the UGB and City limits run directly through the middle of the house.

Thus, about nine of the 10 acres that are proposed for inclusion in the UGB are available for redevelopment. As a general rule, about 20% of the land within a given site is developed with public streets. Spring Street would need to be extended through the applicants' property. Based upon available information from aerial photos and topographical maps, there are approximately 6-7 acres of relatively level and serviceable land that could be redeveloped into minimum urban-sized residential lots after annexation. The minimum lot size under the R-1 zone is 7,000 square feet. The surrounding lot sizes along Spring Street range from approximately 7,000 square feet to slightly more one acre with several lots that are approximately 1/3 acre in size. Realistically, due to the river frontage (setbacks), slopes and property configuration, no more than three lots per acre could be reasonably developed on the site. The maximum would be 4-5 units per acre once right-of-way is conveyed and any applicable riparian easement on the river is subtracted.

The proposal to expand the UGB enables Mill City to achieve the purpose of the Comprehensive Plan to encourage maximum efficiency of land uses. Amending the UGB is the first step in order to facilitate annexation.

Goals 3 and 4 Agricultural/Forest Lands:

The area proposed for inclusion into the UGB does not contain land that is currently commercially farmed or forested. It is primarily vacant with scattered trees. There are no timber or forestry practices on the subject property that needs to be considered for preservation with this application or for inclusion within the UGB.

There would be few negative effects resulting from the urbanization of the subject property on the surrounding Linn County RR 2 5-zoned properties. The portion of the applicants' ownership along Linn Blvd. that is designated "Industrial" is likewise not used for active farming or forestry practices. The surrounding areas are planned for urban (City) or rural (County) residential.

The subject property is physically separated from Marion County's "Forest" designated lands on the north side of the Santiam River.

Therefore, there are no identifiable impacts that amending the UGB has on any adjacent "Forest" designated lands.

Goal 5 Natural Resources, Scenic and Historic Areas and Open Spaces:

The area proposed for inclusion within the UGB is relatively level with elevations of approximately 795-780 feet. This is the lower portion of the applicants' property and the area where the applicants' house is sited.

There is a significant grade change on the property resulting in a ridge line at an elevation of approximately 840 feet. The top of the ridge is the approximate location of the UGB. This upper portion is also relatively level with the road bed of Linn Blvd. This upper portion is reserved for industrial development at this time, although the immediate land uses are mixed residential with industrial.

The Santiam River is at the north edge of the subject property. The river is located outside the City limits at this point. Amending the UGB does not have any impact on the river. The river is a fish-bearing waterway. It provides a scenic view and a significant natural and recreational resource. It is not used for aggregate or mineral resources (extraction) at the boundary of the subject property. It provides the municipalities along the river with water. There is no proposal to alter any land forms or develop along or adjacent to the river at this time that would impact the status of the river.

There are no significant or listed historic sites on or adjacent to the subject property that would be impacted by amending the UGB for the purposes of future annexation.

Goal 6 Air, Water and Land Resources:

If and when development occurs, it is required to meet applicable State and Federal requirements for air and water quality. There is no proposal to create large industrial waste or hazardous waste sites, large paved parking lots, or otherwise disrupt the environment.

City water and sewer services have been extended to the east boundary of the subject property. Development is required to connect to local water and sewer systems. The surrounding area is primarily residential or vacant. There is no immediate effect on air quality in the area through the expansion of the UGB. Public facilities are available for extension to the site which will eliminate the need for wells or septic tanks for waste disposal.

The long term environmental, energy, economic and social consequences of this proposal are minimal because the property is currently committed to low-density residential use. There are no immediate changes planned for redeveloping the subject property into urban sized lots that would impact air, water or land resources. The proposal allows the City to strengthen its ability to regulate future residential development, housing and facilities.

Goal 7 Natural Hazards:

The site is not located within a hazard (landslide) area. The subject property is not located within a flood way or flood plain area of the Santiam River. There are no jurisdictional wetlands located on the subject property that have been identified. Redevelopment of the property would have to take into consideration specific engineering and planning studies to determine if any wetland mitigation needed to be considered. Any development within an identified wetland is required to in accordance with applicable permits of the State of Oregon's Division of State Lands wetland regulations.

The SW Spring Street area has many naturally occurring springs in the slope above SW Spring Street. During any redevelopment of the property, an engineering review of these springs and drainage patterns will be needed. The City has prepared a storm drainage master plan and public work's department standards that will be adhered to when development occurs that would address drainage from the site.

Goal 8 Recreation Needs:

The City does not have an adopted park facility master plan or a funding source such as park impact fees that establishes financing methods for purchase of park land or maintenance of public park facilities. The applicants are not proposing to develop a private park.

The recreation needs of the community are met by existing neighborhood activity centers at the public schools, access to the Santiam River, privately sponsored community events, and access to the coastal and mountain recreational areas. Improved streets and sidewalks facilitate neighborhood walking and bike routes. In addition Mill City is a spring board to Detroit Reservoir, with its camping, hunting, fishing and outdoor recreation areas.

Goal 9 Economy:

At the time of annexation and redevelopment, the redevelopment will provide an economic boost to the City in terms of increased property taxes and goods and services needed during the construction phases of development. Building trade employment may be a short-term economic boost.

Mill City has some comparative advantages related to quality of life factors, the availability of suitable sites that have public services readily available, and transportation access to Highway 22. The city is located between major markets in central Oregon and Salem.

Goal 10 Housing:

The property is committed to residential use due to its current Linn County low density residential and Mill City's most appropriate designation of "Residential" in the Comprehensive Plan. There is no housing inventory lost due to the expansion of the UGB in this area. The surrounding area is committed to residential use.

The proposal to amend the UGB protects the current house that is sited across the boundary line and permits it to eventually annex, continues to utilize existing City services for which it pays City taxes and eliminates confusion as to which jurisdiction regulates the use and development. Amending the UGB expedites the applicants' ability to make repairs and continue maintenance of the existing house, which has been well maintained.

Goal 11 Public Facilities and Services:

Linn County and Mill City Comprehensive Plans have policies that discourage the provision of public facilities outside the UGB unless such services already exist. The applicants' house has public water and sewer service from Mill City.

The Comprehensive Plan permits urban development in urban reserve areas if public facilities and services are available. There are major water and sewer facilities available that can be extended or connected to as development occurs. Police, fire, planning, library and government management services will continue to be provided. The amendment will enable the City to manage and regulate any facilities that are needed. It will clarify and simply the jurisdictional conflict that exists now with respect to serving the existing house.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. Amending the UGB permits future development of the subject property to be reviewed in terms of compliance to the City's adopted codes and policies after the property annexes.

Emergency services are provided by the Mill City. The expansion of the UGB does not change the provision of services due to the intergovernmental agency agreements between the Mill City and Linn

County. The Santiam Canyon School District provides public education facilities and will continue to do so. Other public and private services providers supply the communication, garbage disposal, electrical, postal service and natural gas services. There is no public mass transit district within Mill City. Public mass transit between cities is available. CARTS provides daily bus service to Salem.

Goal 12 Transportation:

The State's Transportation Planning Rule (TPR) must be met whenever a land use application is undertaken. The land use application cannot "significantly affect the existing or planned transportation facility" without specific steps being taken. There is no proposed increased amount of traffic generated by the UGB amendment because there is no new development at this time. The current zoning and comprehensive plan designations permit low density residential uses. Trip generation and its impacts can be addressed when development occurs after annexation.

Future development will identify and address any facilities needed to implement the State's Transportation Planning Rule, any adopted transportation plans and access codes of the City of Mill City. All development of the subject property after annexation must conform to minimum standards. A connection to the transportation network that seeks to rely on a reduction of automobile trips and encourages pedestrian travel helps to promote energy conservation.

Future land division will require that streets be within a standard size right-of-way and be upgraded to an improved condition, consistent with the Mill City Code and the City's Transportation Plan. The subdivision process requires that street improvements be identified on a public improvement plan prepared by a licensed engineer in the State of Oregon. All improvements are required to be consistent with adopted City standards and include paving, curbs, gutters and sidewalks.

Goal 14 Urbanization:

The applicants are not requesting any goal exceptions with this proposal to expand the UGB. No new service districts or outside service agreements would be needed as a result of expanding the UGB. Development will not take place until such time as the property is added to the UGB and annexed into the City limits. City facilities already exist on or to the site. Therefore, no goal exceptions are needed to extend City services.

The proposal to expand the UGB is the most expeditious way to resolve the boundary conflict with the existing house and its public services. Once the UGB is amended, any street or water and sewer lines that need to be extended will not be across land that is outside the UGB.

The proposal to expand the UGB will accommodate the applicants' desire to have a logical boundary with respect to their house and property. The applicants have demonstrated a need to expand the UGB in this location in order to provide an orderly provision for the extension of services, including review and issuance of building permits and to provide a maximum efficiency in the service of services which provided from the City.

Amending the UGB in this location is a reasonable and logical extension based upon the existing boundary and the pattern of development in the neighborhood, the current use of the subject property and location of existing public and private facilities needed to serve the site. The proposal to amend the UGB in this location does not "leap frog" over adjacent areas, create the need for any outside service agreements or exceptions to any state goal standards or run afoul of any intergovernmental agreements between the City and County.

As indicated above, the site is within proximity to the river and has some physical constraints to development. However, 3-5 single family dwelling units per acre could be reasonably developed on the site. Based upon a redevelopment scenario of seven residential acres added to the UGB, with 3 dwelling

units per acre and 3 persons per dwelling unit, the proposal could conceivably accommodate an additional 63 persons within the City limits. Amending the UGB for future annexation will allow the type of analysis needed by the City to determine the level of development that the subject property could accommodate in the future.

The proposal provides future ability to access the subject property and to continue the local street system which would provide another access point for the properties on Spring Street consistent with the Mill City code and the transportation system plan.

Goals 15-19:

The State wide land use goals for the Willamette River Greenway, Estaurine Resources, Coastal Shore lands, Beaches and Dunes, and Ocean Resources are not applicable to the current proposal.

MILL CITY COMPREHENSIVE PLAN:

The applicable Mill City Goals and Policies are addressed as follows:

As indicated above, citizen involvement is provided via the City of Mill City's public hearing process necessary for the expansion which allows public comment.

The proposal permits the City to add residential lands into the City which are serviceable through the extension of public facilities upon annexation and development.

The proposal does not detract from existing commercial lands within the core of the City or along Highway 22.

The portion of the applicants' contiguous ownership that is within the UGB and is zoned for light industry is not proposed to be removed from the City's industrial lands inventory by this proposal.

The proposal to amend the UGB to add residential lands to the boundary does not have any impact on any identified historical resources, needed public sites, flood plain areas, or wetlands. The proposal does not interfere with any recognized fish habitat. There is no proposal to disrupt any natural vegetation in the riparian corridor of the Santiam River. Should development occur on the subject property, it will be subject to applicable state or federal requirements.

Amending the UGB allows consideration for the extension of SW Spring Street without the need for obtaining an exception to the State Land Use Goals for extending urban transportation facilities through non urban designated areas. The proposal does not need a transportation impact analysis for inclusion into the UGB. Detailed studies of traffic impacts based upon the level of development can be submitted, if required, at the time of actual development. Generally, residential partitions do not trigger a need for TIA's due to the low level of development.

Amending the UGB does not change the school district boundaries. Redevelopment will take into consideration any necessary access to facilitate pedestrian and street linkage to the public school system within Mill City.

The City's transportation goals and polices are addressed through development standards within the code and any adopted facility plans which deal with new development. The current proposal is not anticipating any development until such time as the property is annexed and rezoned to a comparable City zoning designation.

The major transportation network is in place due to prior development. There is no impact on State Highway 22 as a result of the proposal to amend the UGB. The subject property is bounded on the east by

Spring Street and on the south by Linn Blvd. Spring Street provides service to residential properties and connects to Linn Blvd. via other residential streets such as 10th Avenue. Any future street development in this area must take into consideration connection to Spring Street and Linn Blvd. and any adopted transportation facility plans or improvements required for this street. The extension of SW Spring Street appears to be logical if and when development occurs on the subject property.

The City has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities and public utility easements. Development is subject to applicable City standards that determine public facilities needed to serve the site. The developer is responsible for the cost of extension of improved streets, water, sewer and storm drainage facilities necessary to serve the site.

The proposal allows for outward expansion and growth. Fiscal impact is not determined until such time as the area is annexed. City and other public services already exist to the applicants' house.

There is no land division or extension of any outside service districts, unplanned rights-of-ways, connection to areas serving agriculture or timber lands proposed with the expansion of the UGB in this area.

Most of the site is relatively flat which make it less expensive to develop and extend services. The ridge line on the subject property, or terrace escarpment, serves as the boundary between low-density residential and industrial with industrial development along both sides of Linn Blvd. considered appropriate.

The 1990 Comprehensive Plan anticipated that Mill City would have an additional 1,000 people living in the area with a need for approximately 230 acres for residential purposes. Amending the UGB would contribute to the area which would then be considered eligible for incorporation into the City. The July 1, 2006 population estimate from Portland State University shows Mill City's population as 1,585.

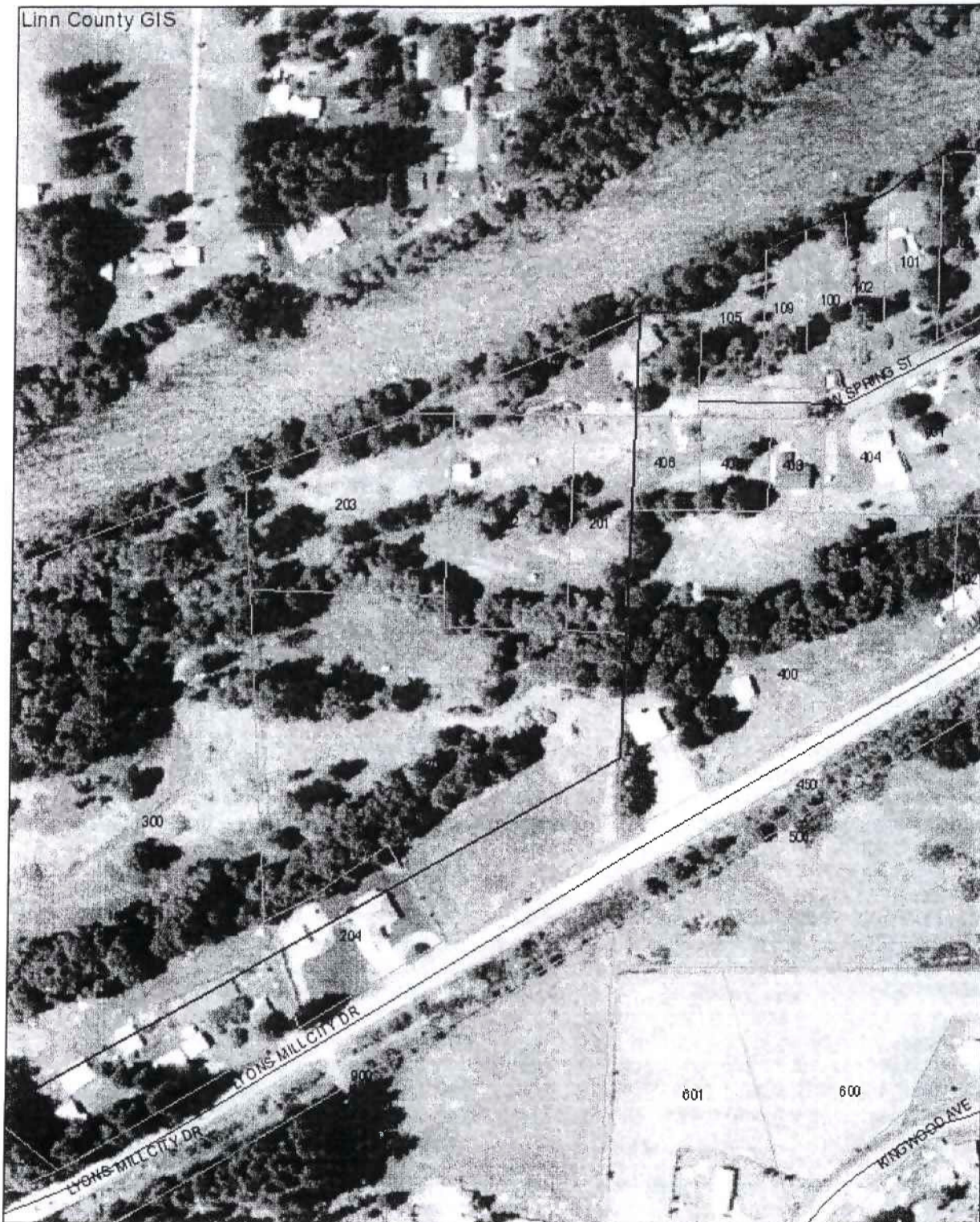
The extension of the UGB in this location is a logical and efficient extension based upon the pattern of development in the area, and the current use of the property and the location of existing public facilities.

The primary purpose of the expansion is to correct a documented boundary that is located through an existing single family dwelling. The home is currently served by City water and sewer. The addition of land expands the City's opportunity to add to the City's buildable land inventory. The long-term environmental, energy, economic and social aspects of allowing urbanization of this property are positive as the area is currently committed to residential uses rather than other types of uses. Retaining the residential use within a residential neighborhood will have no impact on adjacent timber uses across the river.

In conclusion, the proposal to expand the UGB in this location results in providing for the orderly and economic extension of public facilities and services; provides adequate land area for housing types and locations, and maintains an adequate supply of serviced or serviceable undeveloped land to meet the market demand. The proposal permits a more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area. Since urban services are interrelated, coordination is best achieved by a single general purpose governmental unit. The proposal provides the property owners a greater security in long-range planning and investments. Thus we believe that the applicants have advanced a sufficient case to expand the UGB in this location and that the amendment is warranted and should be granted.

This concludes the applicants' request for addressing the requirements of the code for expanding the City's Urban Growth Boundary. If you have any questions or need additional information, please call Mark Grenz, P.E., at Multi/Tech Engineering, Inc., Salem, OR at (503) 363-9227.

CC: File O:\Planning Division\2007 Staff Reports\MillCityUGB4868-lcm.wpd





Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

FAX (503) 378-5518

Web Address: <http://www.lcd.state.or.us>

August 29, 2007

Exhibit 7

Dave Kinney
PO Box 256
Mill City, OR 97360

Subject: Mill City 2007-07-09 (DLCD File # 003-07)

Submitted via e-mail

Dear Dave,

The Department of Land Conservation and Development appreciates the opportunity to review and comment on the proposed Urban Growth Boundary amendment for Mill City. As we discussed on the phone, in order to expand the UGB, both the need factors and locational factors of Goal 14 and ORS 197.298 must be addressed and satisfied.

The applicant in this matter has not addressed Goal 14 adequately, and has not addressed ORS 197.298 at all. Please ensure that these items are thoroughly addressed as part of any city action on this matter.

Thank you for the opportunity to comment on this proposal. If any additional materials become available, please forward them to me at your earliest convenience, and if you have any questions, please do not hesitate to contact me at (503) 373-0050 ex. 289 or by e-mail at jason.locke@state.or.us

Sincerely,

Jason Locke
Mid-Willamette Valley Regional Representative

Cc: *Gloria Gardiner, DLCD Urban Specialist*
Darren Nichols, DLCD Community Services Division Manager
Steve Michaels, Linn County Planning Director



Exhibit 8

City of Mill City

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

NOTICE OF PROPOSED LAND USE ACTION

The City of Mill City has received the following land use application. We would appreciate your review of this request. In order for city staff to review the application in a timely manner, comments should be submitted to the City of Mill City by September 7, 2007 at 5:00 p.m. You are also invited to attend the public hearing to submit testimony.

The Mill City Planning Commission will hold a public hearing on this matter at 9:30 a.m. on Friday, September 14, 2007 at the City Hall, 252 Cedar Street, Mill City, Oregon.

Applicant: Robert and Vickie Ward Landowner: -- same --

Type of Application: Mill City Comp Plan Map & UGB Amendment for a 10+/- acre tract and concurrent annexation and rezoning of a 1.03 acre parcel (applicant's home) at 1395 SW Spring St. in Mill City.

City File Number: 2007-07-09

Assessor's Map Location: T9S R3E 30CD, part of TL 103, and T9S R3E 31, TL 201, 202, 203 and part of TL 200

Existing Plan Designation: Linn County RR-2.5 Zoning: Linn County RR-2.5 acre residential

Proposed Plan Designation: Mill City Residential (R) Zoning: Mill City R-1 for 1.03 acre parcel

Summary of Request: Amend the Mill City Comprehensive Plan and annex a 1.02 acre parcel at 1395 SW Spring Street in Mill City.

The proposal includes the following elements:

- 1) Comprehensive Plan Map Amendment (UGB). Add a 10+/- acre tract to the Mill City Urban Growth Area, extend the Urban Growth Boundary and designate the property as Residential on the Mill City Comprehensive Plan map. Located at the west end of SW Spring Street in Mill City.
2) Annexation: Annex approximately 0.75 +/- acres at 1395 SW Spring Street in Mill City. The applicant's house is located partially inside the City of Mill City. The applicants proposes to have the entire 1.02 acre home site parcel inside the City limits.
3) Zoning Map Amendment: Rezone the 1.02 acre home site from Linn County Rural Residential (2.5 Acre minimum) to City of Mill City R-1 Single Family Residential. Leave balance of 9+/- acres in Linn County RR-2.5 acre zoning.

Comments:(Attach additional sheets as needed)

Applicant must apply to Linn County Planning and Building for a Comprehensive Plan Amendment. UGB expansion cannot occur without the amendment.

By: Deborah Pinkerton Date: 8/6/07

Agency: LINN COUNTY PLANNING & BUILDING

The criteria which apply to this case are enclosed. Failure to raise an issue in writing precludes appeal and failure to specify to which criterion the comment is directed precludes appeal based on that criterion. You may note your comments above or on an attached sheet and return them to the City of Mill City before the date mentioned above. A map depicting the parcel and surrounding land area is attached. The file is available for inspection at the Mill City City Hall.

Notice provided to:

- City of Mill City: [] PW Supervisor [] City Engineer (Westech Engineering)
Linn County: [X] Planning [] Parks [X] Assessor [] Bldg [X] Roads / PW [] Sheriff [] Floodplain Adm [X] Surveyor
Marion County: [] Planning [] Parks [] Assessor [] Bldg [] Roads / PW [] Sheriff [] Floodplain Adm [] Surveyor
Local Agencies: [X] Pacific Power [X] NWNG [X] MC RFPD [X] Verizon [X] Santiam Canyon School District
[X] Pacific Sanitation [X] Willamette Broadband [X] SCTC/Willamette Valley Internet
State of Oregon [] DLCD [] ODOT [X] ODFW [X] DSL [] Dept. of Forestry [] Other:

9 Miles City
PO Box 256
Miles City, DR 97360



Attn: Plan Amendment Specialist
DL CD
635 Capitol St. NE, Ste 150
Salem, DR 97301-2540