



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

October 17, 2007

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 004-07



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: October 30, 2007

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

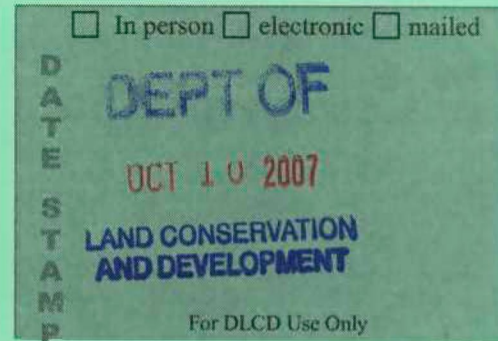
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FORM 2

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: **2007-07-10**

Date of Adoption: **9/25/2007**

Date Mailed: **10/5/2007**

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

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

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

Modify decision procedures for lot line adjustment applications in the Mill City Subdivision Code.

The revised procedure makes the Planning Commission the final decision authority. Procedural changes allow an applicant to submit a preliminary map and then complete the final lot line adjustment survey after approval has been granted by the Planning Commission.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD # 004-07(16255)

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: **97360-**

E-mail Address: **scook@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 DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

MILL CITY SUBDIVISION CODE

Chapter 16.36

PROPERTY LINE ADJUSTMENTS

Sections:

- 16.36.010 Statement of purpose.
- 16.36.020 Application procedures.
- 16.36.030 Review procedures.
- 16.36.040 Standards for evaluating property line adjustments.
- 16.36.050 Final approval process.
- 16.36.060 Council and planning commission review.
- 16.36.070 Verification of final decision.

16.36.010 Statement of purpose.

The purpose of this chapter is to provide the city with the authority to review all property line adjustments within the city in order to ensure compliance with the comprehensive plan and all applicable city ordinances. (Ord. 274 § 9.010, 1998)

16.36.020 Application procedures.

A. For all property line adjustments, a complete application shall be filed with the city ~~recorder~~ **administrator**. The application shall be accompanied by a filing fee in an amount set by resolution adopted by the city council. A site plan is required which shows all of the property line dimensions; location of structures with distances from property lines; and the area and dimensions to be added to or reduced from each parcel.

B. The applicant shall provide a preliminary plan of the proposed property line adjustment showing how the property lines will be modified. Additional information required shall be specified in the application. (Ord. 274 § 9.020, 1998)

16.36.030 Review procedures.

A. Within twenty-one (21) days of the receipt of a completed property line adjustment application, the city ~~recorder~~ **administrator** shall determine whether or not the application is in conformance with all the standards specified in Section 16.36.040.

B. A property line adjustment is considered a ministerial act and does not require that notice be provided to any party except the applicant and the landowner, if different from the applicant. A property line adjustment will be approved when the standards in Section 16.36.040 are met.

C. If the application complies with all of the standards in Section 16.36.040, the city ~~recorder~~ **administrator** shall grant tentative approval **and issue a written Notice of Decision. Notice of the approval or denial shall be provided to the applicant and to the landowner(s), if different from the applicant. This decision is subject to planning commission review in accordance with Section 16.36.050.** (Ord. 274 § 9.030, 1998).

16.36.040 Standards for evaluating property line adjustments.

A. In reviewing requests for property line adjustments, the following standards shall be met prior to the city ~~recorder~~ **administrator** approving the property line adjustment:

1. The lots being modified in size through the property line adjustment shall meet the minimum lot size, lot width, and lot frontage requirement of the zone in which they are located;
2. If, prior to the application, the lot did not meet lot size, width, or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards;
3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements;
4. The property line adjustment does not create any additional lots;
5. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment;
6. The property line adjustment does not eliminate vehicular access for any of the parcels;

Proposal showing
changes
to Lot Line Adjustment
procedures.

7. Verification of ownership for each property must be presented to the city ~~recorder~~ administrator;
8. The property owner of each lot affected by the lot line adjustment must sign a statement of agreement with the proposed change. (Ord. 274 § 9.040, 1998)

16.36.050 Planning commission review.

The staff decision on the property line adjustment is subject to the city planning commission review before it is final. Within thirty-five (35) days of the staff decision, the planning commission shall review the staff decision and determine the need for further review. If it is determined that further review is necessary, the planning commission shall consider the property line adjustment request at a public meeting. The planning commission may affirm, deny, or modify the staff action. If there is a difference between the decision of the city administrator and the planning commission, the decision of the planning commission shall be the final decision.

This section has been moved.

The Lot Line Adjustment approval/denial process should be:

1. Application Submitted to City.
2. Approval/Denial by City Administrator w/in 21 days.
3. City Administrator issues a written Notice of Decision to the applicant. Decision should state the decision has been forwarded to the PC/CC for review at specific PC/CC meetings with dates and times.
4. PC Ratification or call up for consideration.
5. Applicant's surveyor submits Survey and Metes & Bounds descriptions to City.
6. City Administrator signs mylar survey map.
7. Survey recorded at County w/in 90 days of Notice of Decision.
8. Copy of recorded Survey map provided to City.

~~16.36.050~~

16.36.060 Final approval process.

A. *A lot line adjustment survey map shall be prepared for city review and submittal to the County surveyor. If the final property line adjustment is different from what was proposed in the application, then an amended site plan shall be submitted for city administrator review.*

B. A metes and bounds description shall be prepared for city staff review which describes the area to be added to or reduced from each parcel. ~~If the final property line adjustment is different from what was proposed in the application, then an amended site plan shall be submitted for city recorder administrator review.~~

C. Compliance with any conditions of approval must be demonstrated.

D. *If the lot line adjustment survey map complies with the application as approved and all conditions of approval have been met, then* the city ~~recorder~~ administrator shall *sign the survey map* the ~~render a decision~~ within thirty (30) days of receiving the final lot line adjustment *survey*. ~~plan. This decision is subject to planning commission and city council review in accordance with Section 16.36.060.~~

E. The applicant shall record the survey in the County surveyors office. ~~Notice of the approval or denial shall be provided to the applicant and to the landowner, if different from the applicant.~~ (Ord. 274 § 9.050, 1998)

~~16.36.060 Council and planning commission review.~~

~~The staff decision on the property line adjustment is subject to the city planning commission and city council review before it is final. Within thirty five (35) days of the staff decision, both the planning commission and the city council shall review the staff decision and determine the need for further review. If it is determined that further review is necessary, either or both bodies shall consider the property line adjustment request at a public meeting. Either body may affirm, deny, or modify the staff action. If there is~~

~~a difference in final action between the planning commission and city council, the decision of the city council shall be the final decision. (Ord. 274 § 9.060, 1998)~~

16.36.070 Verification of final decision.

A. Within sixty (60) days of approval of the lot line adjustment survey by the city administrator council, the applicant shall provide evidence to the city that the boundaries of the parcels have been modified in accordance with city approval.

B. As required by ORS 92.060(7), an adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060(3) and a survey shall be filed with the county surveyor. Evidence of approval shall be verification from the county recorder and from the county assessor that the property has been transferred from one party to the other, and that the land to be added to a parcel has been consolidated with that parcel. Evidence of approval shall also be a copy of the survey as filed with the county surveyor. (Ord. 274 § 9.070, 1998)

ORDINANCE NO. 346

AN ORDINANCE AMENDING CHAPTER 16 "THE MILL CITY SUBDIVISION CODE" OF THE MILL CITY MUNICIPAL CODE.

WHEREAS, the Planning Commission has completed a review of Chapter 16 of the Mill City Municipal Code related to lot line adjustments and recommends a series of technical amendments to streamline the administration of the code; and

WHEREAS, the Planning Commission held a public hearing on August 31, 2007 to consider the amendments and recommended that the City Council adopt the proposed amendments; and

WHEREAS, the City Council held a public hearing on September 11, 2007 at which time the City Council considered the recommendation of the planning commission, considered public testimony, deliberated on the issue and concluded the subdivision code amendments related to lot line adjustments should be adopted;

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

SECTION 1. Chapter 16.36 of the Mill City Municipal Code is hereby amended to read as follows:

Chapter 16.36

PROPERTY LINE ADJUSTMENTS

Sections:

- 16.36.010 Statement of purpose.
- 16.36.020 Application procedures.
- 16.36.030 Review procedures.
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16.36.020 Application procedures.

A. For all property line adjustments, a complete application shall be filed with the city administrator. The application shall be accompanied by a filing fee in an amount set by resolution

adopted by the city council. A site plan is required which shows all of the property line dimensions; location of structures with distances from property lines; and the area and dimensions to be added to or reduced from each parcel.

B. The applicant shall provide a preliminary plan of the proposed property line adjustment showing how the property lines will be modified. Additional information required shall be specified in the application. (Ord. 274 § 9.020, 1998)

16.36.030 Review procedures.

A. Within twenty-one (21) days of the receipt of a completed property line adjustment application, the city administrator shall determine whether or not the application is in conformance with all the standards specified in Section 16.36.040.

B. A property line adjustment is considered a ministerial act and does not require that notice be provided to any party except the applicant and the landowner, if different from the applicant. A property line adjustment will be approved when the standards in Section 16.36.040 are met.

C. If the application complies with all of the standards in Section 16.36.040, the city recorder administrator shall grant tentative approval and issue a written Notice of Decision. Notice of the approval or denial shall be provided to the applicant and to the landowner(s), if different from the applicant. This decision is subject to planning commission review in accordance with Section 16.36.050. (Ord. 274 § 9.030, 1998).

16.36.040 Standards for evaluating property line adjustments.

A. In reviewing requests for property line adjustments, the following standards shall be met prior to the city administrator approving the property line adjustment:

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2. If, prior to the application, the lot did not meet lot size, width, or frontage standards, the property line adjustment shall not result in greater nonconformity with the applicable standards;

3. The amended lot lines do not encroach on the location of sewage disposal or water supply lines or easements. There is sufficient area and adequate location on both lots to meet subsurface sewage disposal requirements;

4. The property line adjustment does not create any additional lots;

5. The property line adjustment does not create building encroachments into any specified setback area. In situations where there is an existing encroachment, the adjustment shall not result in a greater setback encroachment;

6. The property line adjustment does not eliminate vehicular access for any of the parcels;

7. Verification of ownership for each property must be presented to the city administrator;

8. The property owner of each lot affected by the lot line adjustment must sign a statement of agreement with the proposed change. (Ord. 274 § 9.040, 1998)

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16.36.060 Final approval process.

A. A lot line adjustment survey map shall be prepared for city review and submittal to the County surveyor. If the final property line adjustment is different from what was proposed in the application, then an amended site plan shall be submitted for city administrator review.

B. A metes and bounds description shall be prepared for city staff review which describes the area to be added to or reduced from each parcel.

C. Compliance with any conditions of approval must be demonstrated.

D. If the lot line adjustment survey map complies with the application as approved and all conditions of approval have been met, then the city administrator shall sign the survey map within thirty (30) days of receiving the final lot line adjustment survey. The applicant shall record the survey in the County surveyors office. (Ord. 274 § 9.050, 1998)

16.36.070 Verification of final decision.

A. Within sixty (60) days of approval of the lot line adjustment survey by the city administrator, the applicant shall provide evidence to the city that the boundaries of the parcels have been modified in accordance with city approval.

B. As required by ORS 92.060(7), an adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060(3) and a survey shall be filed with the county surveyor. Evidence of approval shall be verification from the county recorder and from the county assessor that the property has been transferred from one party to the other, and that the land to be added to a parcel has been consolidated with that parcel. Evidence of approval shall also be a copy of the survey as filed with the county surveyor. (Ord. 274 § 9.070, 1998)

SECTION 2. Severability. The provisions of this ordinance are severable. If a section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

This Ordinance read for the first time by title only on the 11th day of September, 2007.

This Ordinance read by title only for the second time on 25th day of September, 2007.

This Ordinance passed on the 25th day of September, 2007 by the city council and executed by the mayor this _____ day of September, 2007.

Date: 10-4-07

By: 
TIM KIRSCH, Mayor

Date: 10-4-07

Attest: 
DEBORAH HOGAN, City Administrator

APPROVED AS TO FORM

Date: 10-5-07


JAMES L. McGEHEE, City Attorney

\\Millcity\city of mill city files\Ordinances\346 Sub Code - LLA.wpd