

For the City Council Meeting of: June 6, 2016

To: City Council

Through: Justin Hogue, Assistant to the City Manager

From: McRae Carmichael, Mid Willamette Valley Council of Governments

SUBJECT:

Council Review of Planning Commission Decision DENYING SITE DESIGN
REVIEW/VARIANCE NO VAR 16-1 FOR PROPERTY LOCATED AT 555 MAIN STREET

ISSUE:

Shall the City Council affirm, amend, or reverse the decision of the Planning Commission denying Variance case no. SDR16-01 VAR 16-01 for property located at 555 S. Main St.

RECOMMENDATION:

Reverse the Planning Commission denial of SDR/Variance 16-01 for property located at 555 Main Street.

SUMMARY AND BACKGROUND

Multi-Tech Engineering, on behalf of Lazar and Elena Kaluqin, requested a Variance to the side yard setback for a new triplex. The applicant requested to reduce the required side yard setback of 20 feet to 5 feet.

On April 21, 2016, the Planning Commission held a public hearing on this application. They voted by majority to deny the application. Written notice of the decision was issued on April 28, 2016. **(Exhibit E).**

Pursuant to MADC Section 4.5(a), the applicant has the right to appeal a decision of the Planning Commission to the City Council. The applicant filed an appeal on May 9, 2016, within the requirements of MADC Section 2.10.

FACTS AND FINDINGS:

Procedural Findings:

1. On January 20, 2016 an application was made for a SDR/VAR to construct a triplex at the subject property.
2. The application was received on January 20, 2016 and deemed complete on January 29, 2016. On April 21, 2016, the Planning Commission held a public hearing in accordance with MADC 2.2, reviewed staff's recommendation (**Exhibit D**), accepted written testimony (**Exhibit E**) and closed the hearing.
3. The Planning Commission denied the application based on MADC Section 4.5(a) (**Exhibit F**). Pursuant to MADC 2.1, the applicant has the right to appeal if done within 12 after receiving the notice of decision. The decision was issued on April 28, 2016. The applicant submitted an appeal of the decision on May 9, 2016.
4. The 120 day rule requires that a state mandated decision be rendered by May 28, 2016. The applicant waived the 120 day rule for this application to allow for their appeal to be heard at a regularly scheduled Council meeting on June 6, 2016.
5. In De Novo review all issues of law and fact are heard anew, and no issue of law or fact decided by the Planning Commission is binding on the parties in the hearing. New parties may participate, and any party may present new evidence and legal argument by written or oral testimony.

Substantive Findings:

6. This is an application for a Site Design Review and Variance to reduce the minimum side yard setback from 20 feet to 5 feet.
7. The approval criteria for a Variance that must be satisfied in connection with the proposal are located in MADC Section 4.5. Findings establishing the proposed VAR 16-01 with the applicable approval criteria are included in staff report. Findings from the Planning Commission establishing that the proposal does not conform to the approval criteria are found in the decision dated April 28, 2016. The vote at Planning Commission was (3) yes, (2) no to DENY the application.
8. The applicant has redesigned the layout of the triplex since the Planning Commission hearing on April 21, 2016 to increase the side yard setback from 5 feet to 10 feet. This increase further reduces the impact of the reduced side yard setback on the southern portion of the property.

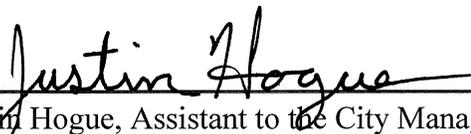
9. MADC requires the side yard setback in the Residential Commercial (RC) zone to be 20 feet for this type of development. The purpose of this restriction is to create a physical and visual separation between properties.

Staff recommends approval based on the narrow configuration of the lot and the proposed use on the property. The triplex is permitted in the RC zone and the density is permitted based on the size of the lot (square footage). The triplex is exceeding the landscaping requirement for the property and also proposes to have a 6 foot screen along the side yard in question to reduce the impact to adjacent neighbors. This property is located within several overlay zones (Infill Overlay Zone MADC 14, Bavarian Theme District MADC 15) and is subject to additional reviews (Site Development Review MADC 17).

Staff analysis found that the applicants initial proposal was the minimum variance the applicant could request based on the narrow configuration of the lot and proposal as shown. The applicant is meeting the density requirement for the property. The minimum lot area for a multi-family dwelling unit as required in MADC 6.3 (d) is 10,500 square feet. The subject lot is 12,560 square feet. Due to narrow configuration of the lot, the applicant designed the triplex in the most optimal way to maximize the site while reducing the impact. They are meeting the lot coverage requirement as specified in MADC 6.3(d) and creating landscape screens and visual buffers on the perimeter of the property.

10. In conclusion, staff suggests that the proposal satisfies the applicable approval criteria and recommends the City Council reverse the Planning Commission decision on April 21, 2016.

Signed:


Justin Hogue, Assistant to the City Manager

Attachments:

Exhibit A: Site Design Review and Variance Application
Exhibit B: Assessor Map
Exhibit C: City Engineer Comments (Westech Engineering)
Exhibit D: Staff Report
Exhibit E: Written Testimony
Exhibit F: Planning Commission Notice of Decision
Exhibit G: Appeal of Planning Commission Decision

Site Design Review and Variance

The following statement addresses the applicable Site Design Review standards in Section 17, and the requirements under the Bavarian Theme District Section 15, the Infill Development Overlay Zone Section 14, the Residential Commercial Zone Section 6.3, and the Variance Criteria under Section 4. Information provided on the site plans for the Site Design Review application further address applicable code requirements.

In 2014, a pre-application conference was held with the applicant and City staff to discuss the development of the subject property.

Proposal: The subject property is located at 555 N. Main Street and identified as 061W03CD/Tax Lot 1700. The applicant is proposing to develop the site with a triplex as shown on the site plans.

The subject property is zoned RC and located within the Infill Development Overlay and the Bavarian Theme District.

Residential Commercial Zone (RC)

Use: The applicant is proposing a triplex on the site. Triplex are a permitted use in the RC zone under 6.3(b)(2). See attached site plan.

Setbacks: All minimum setbacks to property lines are met as shown on the tentative plan, except for the side yard setback along the south property line. Side setbacks adjacent residential zones are required to be 20 feet. The applicant is proposing a 5-foot side yard setback along the south property line. Therefore, a variance to this setback has been requested as part of this application. Setbacks are shown on the tentative plan.

North:	20-foot setback (RC zoned/existing single family dwelling and existing apartments)
East:	10-foot setback (RC zoned/existing cemetery)
South:	5-foot setbacks (RC zoned/existing single family dwelling)
West:	Along Main Street, 20-foot setback (RC zoned/existing single family dwellings and existing apartments)

Maximum Height: Maximum building height (measured to the average height of the gable) allowed in the RC zone is 20'. The proposed buildings will be 28' measured to the highest point of the roof and 18' measured to the average height of the gable. Therefore, the building is in compliance with the building height requirements.

Infill Development Overlay- Section 14

Residential Development Standards-Section 14.6

14.6(b) Building Orientation: The main entrance for the first unit is facing the street. The side of the building facing the street will be designed to be consistent with the rest of the building; windows, offsets, and architectural features will be incorporated in the portion of the building facing the street. The portion of the building facing the street will be designed to be visually appealing. The other two units face the accessway.

14.6(c) Garage Location: The applicant is proposing a triplex on the site. All three units will have an attached garage for parking. The garages are located between the units, not between the units and the right-of-way. Therefore, the parking areas are in compliance with this requirement. See attached site plan.

14.6(d) Front Porches: The primary entrances for each individual unit is provided through a covered entry way. All building entries are clearly defined and easily accessible. The design of the building with the use of roofline offsets and covered entry ways, promote a positive sense of neighborhood.

14.6(e) Windows: All windows will be oriented vertically as shown on the building elevations.

14.6(f) Trim and Details: In order to be consistent; windows, offsets, and architectural features such as trim will be incorporated into the building.

Varied materials and textures are being used on the building facade. The applicant has provided building elevations to show how this is being complied with. The materials used on the front, rear, and side of the building are the same.

14.6(g) Roofs: The roof will be designed with a 4/12 pitch as shown on the plans.

14.6(h) Parking Location: The applicant is proposing a triplex on the site. All three units will have an attached garage for parking. The garages are located between the units, not between the units and the right-of-way. Therefore, the parking areas are in compliance with this requirement. See attached site plan.

14.6(i) Yards: The front yard is visually open to the street as shown on the site plans. There is no fence proposed along the street side of the site (west side).

14.6(j) Fences/Walls: There are no fences proposed along the street side of the site. As of now, the applicant has not indicated whether a fence will be provided along the side and rear yards. If a fence is proposed on the site, the applicant will apply with the height requirements

Exhibit A

of the code.

14.6(k) Development Pattern: The proposal is for a triplex. Therefore, this requirement is not applicable.

14.6(l) Front Yard Setback: As shown on the site plan, a 20-foot front yard setback has been provided.

14.6(m) Dwelling Height: Maximum building height allowed in the RC zone and the Infill Development Overlay is 20'. The proposed triplex is one-story in height. The proposed buildings will be 28' measured to the highest point of the roof and 18' measured to the average height of the gable.

Multiple Family Development Standards- Section 14.7

14.7(b) Scale and 14.7(c): These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.

The building on the site is over 80 feet in length. The building design does not have long flat walls or roof lines. The buildings will have an offset that breaks up the roof lines. The height and length of the building conforms to the measuring requirements in code.

The portion of the building facing the street will be designed to be visually appealing, by providing similar design as is being provided for the front building facade. In order to be consistent with the front facade of the building; windows, offsets, and architectural features will be incorporated in the portion of the building facing the street.

Varied materials and textures are being used on the building facade. The applicant has provided building elevations to show how this is being complied with. The materials used on the front, rear, and side of the building are the same. See attached building elevations.

The primary entrances for each individual unit is provided through a covered entry way. All building entries are clearly defined and easily accessible. The design of the building with the use of roofline offsets and covered entry ways, promote a positive sense of neighborhood.

14.7(d) Main Entrance: The main entrance for the first unit is facing the street. The side of the building facing the street will be designed to be consistent with the rest of the building; windows, offsets, and architectural features will be incorporated in the portion of the building facing the street. The portion of the building facing the street will be designed to be visually appealing.

Exhibit A

14.7(e) Unit Definition: All units, street facing and interior facing, will have roof dormer that emphasizes the entry way and roof lines.

14.7(f) Roof Lines: The building design does not have long flat walls or roof lines. The buildings will have an offset that breaks up the roof lines. The height and length of the building conforms to the measuring requirements in code. See building elevations.

14.7(g) Parking: The applicant is proposing a triplex on the site. All three units will have an attached garage for parking. The garages are located between the units, not between the units and the right-of-way. Therefore, the parking areas are in compliance with this requirement. See attached site plan.

14.7(h) Parking Lot Landscaping: In order to take into consideration circulation, landscaping, and the requirements of the code, the site has been carefully designed. The site is landscaped as required. The 5-foot setback areas along the north and south property lines will be landscaped as required by code. See landscape plans. The landscaped areas provide for visually appealing apartment grounds.

Therefore, the parking landscape standards have been met. See attached site plans.

14.7(i) Screening: All equipment will be screened as required by code.

Bavarian Theme District-Section 15

The applicant has designed the triplex to meet the design standards of the Bavarian Theme District. Building elevations have been provided to show how the design has been met.

Varied materials and textures are being used on the building facade. The applicant has provided building elevations to show how this is being complied with. The materials used on the front, rear, and side of the building are the same. Shutters, window grids, roof overhangs, compatibility in materials, rain gutters, along with other materials and features have been incorporated into the triplex design to comply with the Bavarian Theme in this area. See attached building elevations.

Variance-Section 4.5

Criteria:

(a) The variance requested is the minimum variance which would alleviate the hardship.

Findings: The variance is for the minimum necessary. The variance is necessary in order to develop the site to its full potential. This is the minimum variance practical and necessary to develop this property as a triplex and satisfy the Code. The size of the lot will still allow for adequate setbacks along the north, east, and west property lines. The applicant's request is to allow a 5-foot setback along the south property line where 20 feet is required. The applicant has explored other options for development of the site. However, none are feasible or allow the site to be fully developed with permitted uses.

(b) Exceptional or extraordinary circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity; and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances that substantially exist.

The lot is odd in shape (long and narrow), making it difficult to locate any structure on the site and meet the setback requirements. The applicant is requesting a variance to allow a 5-foot setback along the south property line where 20 feet is required, as shown on the attached site plan.

Due to the shape of the lot and the location of the driveway, the triplex cannot comply with code. Therefore, a variance to the 20-foot side yard setback has been identified as needed.

(c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

The applicant cannot identify any adverse effects that will be created by the granting of the variance. In fact, the applicant is providing more than adequate setbacks on the site. The setbacks along the north and west portion of the site meet or exceed the setback requirements. Therefore, helping to provide adequate buffers for the residents and adjacent property owners.

The applicant has reviewed alternatives, but alternatives are not feasible. The applicant would have to reduce the development down to a single family dwelling in order to meet this requirement. Single family dwellings require the same setbacks, therefore, with the narrow lot, would still require a variance to the setback requirements. Therefore, this is not an option. So in order to develop the site as permitted under code, the site has to be developed as a duplex or triplex. Both require a variance to the setback as requested.

(d) Such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner that is possessed by the owners of other properties in the same vicinity or zone.

The granting of the variance is needed for proper development of the site. As stated above, due to the shape of the lot the required 20-foot setback cannot be met. Therefore, a variance to the setback has been identified as needed.

(e) Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.

The Mt. Angel Development Code, implements the Comprehensive Plan land use goals, and governs development of property within the city limits. The development will be reviewed for compliance with city standards and requirements contained in the Code. The proposed triplex meets all applicable provisions of the Development Code. The applicant is requesting variance to the 20-foot side yard setback along the south property line. See attached site plan.

The lot can be adequately served with water, sanitary sewer and storm drainage facilities. The triplex can also be served with other utilities appropriate to the nature of the development. Additional reviews occur at the time of building permits to assure compliance with the development code.

The subject property is designated Commercial on the Comprehensive Plan which is consistent with the zone designated of the property, RC (Residential Commercial Zone). The purpose of the RC zone and Comp. Plan designation is to encourage higher density residential and commercial uses on the site. The applicant's proposal is for triplex development. This higher density is consistent with the housing needs and density within the Comp. Plan designation and the purpose of the zoning density of the RC zone.

(f) The circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property does not require the property to be rezoned.

The proposed tri-plex is a permitted use in the RC zone under Section 6.3(b)(2). The setbacks imposed on this site can be relieved through the variance process. Therefore, the requested variance does not require the property to be rezoned.

(g) That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

The granting of variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity of the proposed development. The proposed triplex is one-story in height, which is similar or lower in height than adjacent structures. As stated

Exhibit A

above, the triplex will be developed as required by code. Therefore, the requested variance will not be in violation of this or any Ordinance.

(h) Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:

(1) Granting the variance will not create significant adverse effects to the appearance, function or safety of the use or uses on the subject property; and

(2) Granting the variances will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.

The granting of the variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity of the proposed development. The lot will be developed in compliance with Code. The proposed triplex is only one story in height. Allowing the variance will not increase the density or the height of the proposed triplex. The property as is could not be developed with a duplex or triplex on site. The variance allows the site to be developed. Without the variance the lot cannot be developed with the permitted uses allowed in the RC zone. All permitted residential uses in the RC zone require the 20-foot side setbacks, which is an extreme setback for such a narrow lot.

TRANSMITTAL



DATE: January 7, 2016

JOB #: 5993

To: City of Mt. Angel
5 N. Garfield Street
Mt. Angel, Oregon 97362

PROJECT: Mt. Angel Tri-Plex

FROM: Brandie Dalton, Land-Use Planner

RE: *MT. ANGEL TRI-PLEX/SITE DESIGN REVIEW AND VARIANCE APPLICATION*

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> ENCLOSED | <input type="checkbox"/> PLANS | <input type="checkbox"/> FOR APPROVAL | <input type="checkbox"/> FOR VERIFICATION |
| <input type="checkbox"/> CHECKS INCLUDED | <input type="checkbox"/> DOCUMENTS | <input type="checkbox"/> FOR YOUR USE | <input type="checkbox"/> REVISE & RETURN |
| <input type="checkbox"/> PER YOUR REQUEST | <input type="checkbox"/> FOR SIGNATURE | <input type="checkbox"/> FOR FINAL DISTRIBUTION | <input type="checkbox"/> OTHER |

COPIES	NO.	DESCRIPTION

MESSAGE: ATTACHED ARE THE SITE DESIGN REVIEW AND VARIANCE APPLICATIONS FOR THE MT. ANGEL TRI-PLEX LOCATED AT 555 N. MAIN STREET (061W03CD/TAX LOT 1700). IF YOU HAVE ANY QUESTIONS OR COMMENTS, PLEASE FEEL FREE TO CONTACT US. THANK YOU.



City of Mt. Angel

P.O. Box 960 / 5 N. Garfield Street, Mt. Angel, OR 97362
Phone (503) 845-9291 Fax (503) 845-6261

Site Design Review Application

Developer's Name: Lazar Kalugin Agent / Owner / Tenant
(Circle One)

Mailing Address: 11220 Portland Rd City: Salem Zip Code: 97305

Phone: _____ Email address: _____

Property Owner's Name: (if different from above): Lazar & Elena Kalugin

Mailing Address: 11220 Portland Rd City: Salem Zip Code: 97305

Phone: _____ Email address: _____

Consultant's Name: Brandie Dalton, Land-Use Planner

Mailing Address: 1155 13th St. SE City: Salem Zip Code: 97302

Phone: 503-363-9227 Email address: bdalton@mtengineering.net

Consultant's Name: Pete Melin

Mailing Address: 1155 13th St. SE City: Salem Zip Code: 97302

Phone: 503-363-9227 Email address: _____

Location of proposed development: 555 N. Main St / 061W03CD/1700
(physical address) (map tax lot #)

Current Use: Vacant

Description of proposed development: Tri-Plex

Square Footage: Proposed structure: _____ Lot Area: 0.28 acres

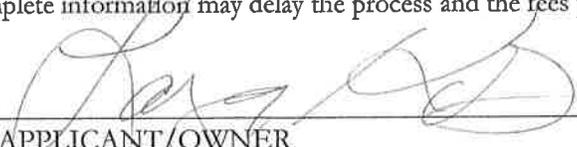
Zone of principle property: RC Valuation of Project: _____

Please submit for review: Vicinity Map Site Plan Landscape Plan

Grading Plan _____ Traffic Impact Analysis: NA

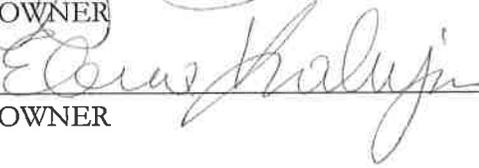
Exhibit A

I, (WE), THE UNDERSIGNED APPLICANT, hereby certify that all information contained in this application is complete and correct, and are the owners of record of the property, or have obtained consent to act as the agent for the owner (See attached Letter of Consent) for which the Site Design Review approval is requested. I further understand the missing or incomplete information may delay the process and the fees paid are not a guarantee of an approval.

SIGNATURE  DATE _____
APPLICANT/OWNER

SIGNATURE _____ DATE _____
APPLICANT/OWNER

SIGNATURE  DATE _____
OWNER

SIGNATURE  DATE _____
OWNER

For office use:		
Received By: _____	Date received: _____	Fees paid: _____



City of Mt. Angel

P.O. Box 960 / 5 N. Garfield Street, Mt. Angel, OR 97362
Phone (503) 845-9291 Fax (503) 845-6261

Major Variance Application

Name of Developer: Lazar Kalugin Agent / Owner / Tenant
(Circle One)

Mailing Address: 11220 Portland Rd City: Salem Zip Code: 97305

Phone: _____ Email address: _____

Property Owner's Name: (if different from above): Lazar & Elena Kalugin

Mailing Address: 11220 Portland Rd City: Salem Zip Code: 97305

Phone: _____ Email address: _____

Consultants Name: Brandie Dalton, Land-Use Planner

Mailing Address: 1155 13th St SE City: Salem Zip Code: 97302

Phone: 503-363-9227 Email address: bdalton@mtengineering.net

Location of proposed development: 555 N. Main St
(physical address or description of location)

Map and Tax lot numbers: 061W03C0/1700 Zoning: RC

Are there any other land use applications affecting this property? YES / NO: If yes, please explain: _____

Design Review

Description of proposed Variance: Sidelyard Setback Variance
To allow a 5' sidelyard setback
where 20' is required along the
south property line.

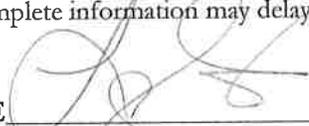
Please address each of the following criteria on a separate sheet of paper to be included with this application.

- (a) The variance requested is the minimum variance which would alleviate the hardship.
- (b) Exceptional or extraordinary circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity; and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances that substantially exist.

Exhibit A

- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- (d) Such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner that is possessed by the owners of other properties in the same vicinity or zone.
- (e) Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.
- (f) The circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property does not require the property to be rezoned.
- (g) That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.
- (h) Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:
 - (1) Granting the variance will not create significant adverse effects to the appearance, function or safety of the use or uses on the subject property; and
 - (2) Granting the variances will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.

I, (WE), THE UNDERSIGNED APPLICANT, hereby certify that all information contained in this application is complete and correct, and are the owners of record of the property, or have obtained consent to act as the agent for the owner (See attached Letter of Consent) for which the Major Variance approval is requested. I further understand the missing or incomplete information may delay the process and the fees paid are not a guarantee of an approval.

SIGNATURE  DATE _____
APPLICANT/OWNER

SIGNATURE _____ DATE _____
APPLICANT/OWNER

SIGNATURE  DATE _____
OWNER

SIGNATURE  DATE _____
OWNER

For office use:		
Received By: _____	Date received: _____	Fees paid: _____

Exhibit A

LAND USE FEE SCHEDULE ACKNOWLEDGEMENT

Resolution No. 1239 requires a fee for land use applications to be paid at the time of filing.

Costs and time of Consultants and Staff are paid from the fees collected. If it appears the costs exceed the initial fee collected, the City Administrator may require additional fees for costs that may be incurred to complete the projects. Statements will be prepared on a quarterly basis.

The following are types of charges and amounts per hour. The Contracted Service provider fee are subject to change.

PERSONNEL:

City Administrator	\$50.00
Planning Assistant	\$40.00
Public Works Superintendent	\$45.00
Public Works Staff	\$40.00
Police Chief	\$52.00

MISCELLANEOUS EXPENSE:

Copies <i>(not including map size or special graphics)</i>	.25 cents per printed page
Mileage	Current IRS Rate
Fax	\$3.00
Legal Publication	At Cost
Long Distance Calls	At Cost
Postage	At Cost
Election	At Cost

Outside technical, professional and other services, such as Fire District, Engineer, Planner, Surveyor, Attorney or others as identified will be invoiced at actual cost plus twenty percent (10%) to cover administrative and overhead.

Hourly rates for professional services will be provided at the applicant's request.

I have read this information and understand that the land use fee may not include all costs and I may be billed further.

Applicant's Signature

Date

Exhibit A

CITY OF MT. ANGEL, OREGON
RESOLUTION NO. 1239

A RESOLUTION UPDATING FILING FEES AND RELATED CHARGES FOR PROCESSING LAND USE ACTIONS.

WHEREAS, the terms of Section 2.13 of the City's Development Code provides for the setting and creating of land use fees by resolution or ordinance; and

WHEREAS, the City Council has determined that the City's current land use fees do not reflect the actual cost associated with processing and analyzing land use applications;

WHEREAS, the City Council believes it appropriate that fees charged for land use applications reflect the true cost associated with their processing and analysis;

WHEREAS, under the City Council finds that the fees established by the terms of this resolution (or reflected in the Exhibit) are consistent with the provisions of ORS 227.175.

WHEREAS, an opportunity for interested persons to comment on the enactment of this resolution was provided consistent with the requirements imposed by ORS 294.160.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mt. Angel:

Section 1. Fees related to land use actions shall be as follows:

TYPE I APPLICATIONS	Lot Line Adjustment	\$300
	Minor Variance	\$400
	Partition w/o street frontage exception	\$900
TYPE II APPLICATIONS	Legal Non-Conforming Use Determination	\$ 300
	Similar Use Determination	\$ 300
	Major Variance	\$ 750
	Conditional Use Permit	\$ 750
	Adjustment to PUD	\$ 750
	Site Design Review	\$1,500
	Partition w/ street frontage exception	\$1,500
	PUD	\$3,000
TYPE III APPLICATIONS	Subdivision	\$3,000
	Appeal	\$ 400
	Zone Change	\$2,000
TYPE III APPLICATIONS	Comprehensive Plan Amendment/Zone Change	\$3,000
	Annexation	\$4,000

Section 2. Should costs associated with processing/analyzing any application exceed the amounts set out under Section 1, the rates for City Consultants and/or staff shall be billed at the rates set out in Exhibit "A".

Exhibit A

Section 3. Staff may revise Exhibit "A" to reflect actual costs associated with staff and outside professional services.

Section 4. Should the applicant withdraw the application, they shall be charged for all actual costs incurred. Any remaining amount of the filing fee shall be refunded to the applicant. An application may not be withdrawn after the publication of the Public Hearing Notice, without consent of the City Administrator

Section 5. For Annexation applications, the petitioner shall execute consent to lien in order to secure payment of all election costs. If the deposit is insufficient to cover the petitioner's pro rata share of the actual costs, an additional sum equal to such amount shall be remitted to the City Recorder prior to the City Council considering an ordinance to adopt the resolution or no later than fifteen (15) days after notification of the City Administrator that the stated amount is due. If such amount is not paid within the fifteen (15) day period, the Administrator shall file an election cost lien in the city lien docket. The election cost lien shall have priority over all other liens, except liens for the payment of taxes, shall bear interest at the legal rate, and shall remain a lien against the property until fully paid or foreclosed, as provided by law.

Section 6. This resolution shall be effective immediately upon its passage by the City Council.

Passed by the City Council this 3rd day of March, 2008, by the following vote:

AYES: 6 NAYS: 0

APPROVED BY THE MAYOR this 5th day of March, 2008.


Thomas C. Bauman, Mayor

ATTESTED BY:


James S. Hunt, City Recorder/ Administrator

Filed in the City Recorder's office this 5th day of March, 2008.

Exhibit A

REEL 3556 PAGE 257
MARION COUNTY
BILL BURGESS, COUNTY CLERK
10-30-2013 11:12 am.
Control Number 349960 \$ 46.00
Instrument 2013 00048474

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
Marie M. Espericueta
P.O. Box 272
Mt. Angel, OR 97362

GRANTEE:
Lazar Kalugin and Elena Kalugin, Husband and
Wife
555 N. Main Street
Mt. Angel, OR 97362

SEND TAX STATEMENTS TO:
Lazar Kalugin and Elena Kalugin
11220 Portland Rd. NE
Salem, OR 97305

AFTER RECORDING RETURN TO:
Lazar Kalugin and Elena Kalugin
11220 Portland Rd. NE
Salem, OR 97305

Escrow No: FT130044144-FTMWV02

555 N. Main Street
Mt. Angel, OR 97362

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Fidelity National Title 13-44144

STATUTORY WARRANTY DEED

Marie M. Espericueta, Grantor, conveys and warrants to

Lazar Kalugin and Elena Kalugin, Husband and Wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

Beginning at the Northwest corner of the Catholic Cemetery in Mt. Angel, Oregon, said Northwest corner being 16 rods West along the center of the County Road and 10 rods North along the West line of said cemetery from the Southeast corner of a 2 Acre tract of land conveyed by Joseph Scharback and wife, to Archbishop Charles Segers by deed recorded in Volume 30, Page 596, Deed Records in and for Marion County, Oregon; thence South along the West line of said cemetery 73 feet; thence West parallel with the North line of said 2 acre tract 11 3/4 rods; more or less to the East line of the Silverton-Woodburn Road; thence Northeasterly along said East line 78 feet, more or less, to the North line of the aforementioned 2 acre tract; thence East along said North line 10 1/4 rods, more or less, to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$43,000.00. (See ORS 93.030)

Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON

FT130044144-FTMWV02
Deed (Warranty-Statutory)

Exhibit A

LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 10/29/13

Marie M. Espericueta
Marie M. Espericueta

State of OREGON
COUNTY of Marion

This instrument was acknowledged before me on Oct. 29, 2013

by Marie M. Espericueta

Joan E. Cuff
Notary Public - State of Oregon

My commission expires: 5/20/14



REEL: 3556

PAGE: 257

October 30, 2013, 11:12 am.

CONTROL #: 349960

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 46.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

**Marion County Assessor's Property Records
Property Summary****Property Identification**

Property ID:	R15524	Manufactured Home ID:	
Situs Address:	555 N MAIN ST MT ANGEL, OR 97362	Legal Description:	ACRES 0.28
Map Tax Lot:	061W03CD01700		

Owner Information

Owner:	KALUGIN, LAZAR & KALUGIN, ELENA 11220 PORTLAND RD NE SALEM, OR 97305
--------	---

Property Details

Year Built:		Property Code:	
Living Area:		Property Class:	100
Bedrooms:		Levy Code Area:	09115150
Bathrooms:		Zoning:	Contact local jurisdiction
Legal Acreage:	0.28	Apex Sketches:	None Available
		Property Photos:	None Available

Value Information

RMV Land:	\$50,310	Exemption Description:	None
RMV Improvements:	\$0		
RMV Total:	\$50,310		
Assessed Value:	\$46,470		

Tax Information

Taxes Levied 2013-14:	\$775.22	Tax Payoff Amount:	\$0.00
Tax Rate:	16.8186		

Sales Information

Sales Date:	10/30/2013	Deed Number:	35560257
Sales Price:	\$43,000	Deed Type:	WD
Sale Type:	00		

Exhibit A

Property owners

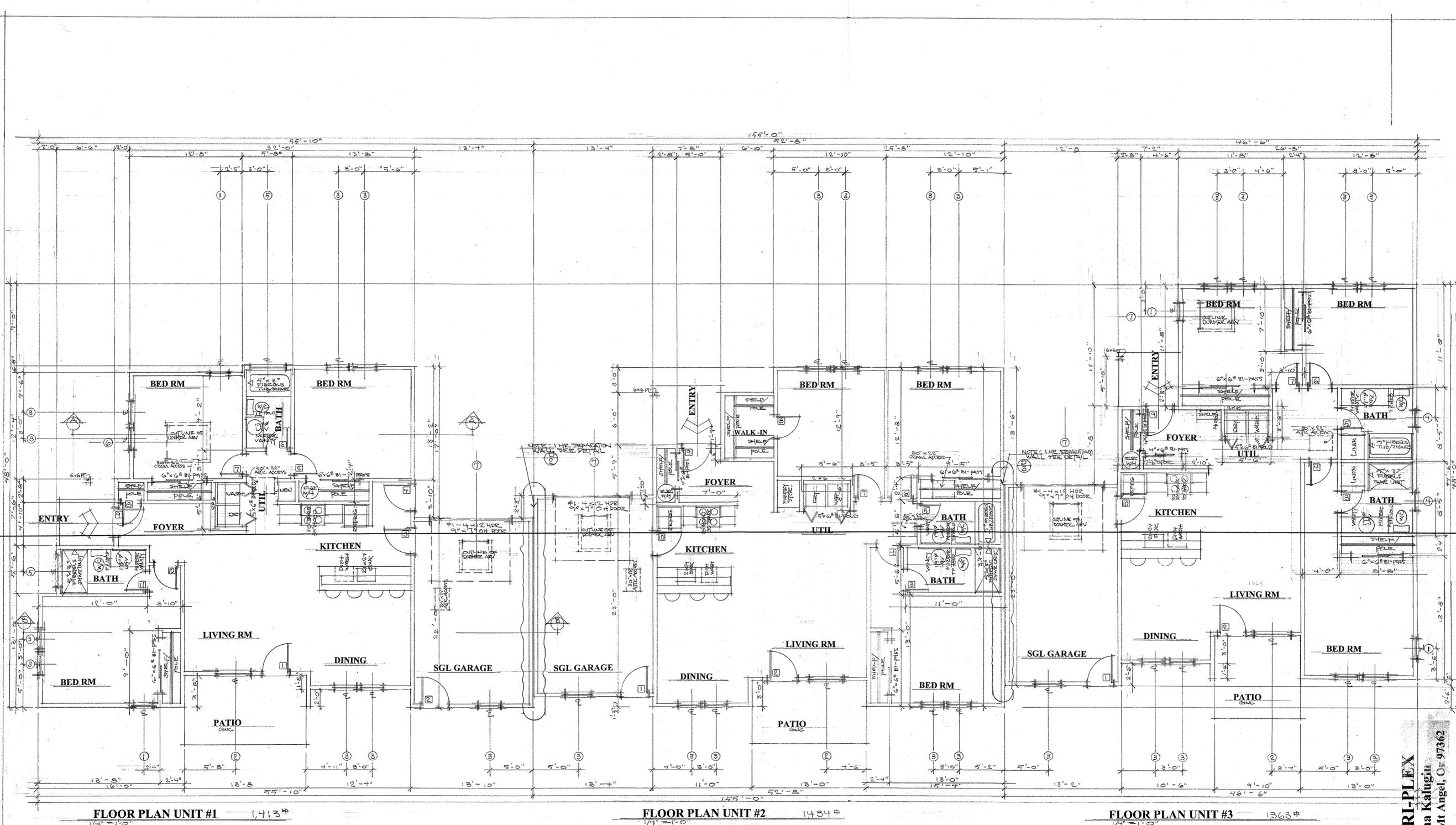
Lazar & Elena Kalugin
11220 Portland Rd NE
Salem OR 97305

General Contractor

Quality Plus Homes
11220 Portland Rd NE
Salem OR 97305

Contacts

Lazar Kalugin	503 572-2878
Office	503 792-3686
Fax	503 792-3699
E-mail	gpiinc@aol.com



FLOOR PLAN UNIT #1 1413 sq ft

FLOOR PLAN UNIT #2 1434 sq ft

FLOOR PLAN UNIT #3 1363 sq ft

NO.	SIZE	WINDOW SCHEDULE	Unit #1	FINISH	INSUL	REMARKS
1	12'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
2	24'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
3	32'-6" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
4	42'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen (tempered)
5	54'-0" x 11'-0"	VINYL STAT	MILGARD	ALMOND	YES	Other glass
6	64'-0" x 3'-0"	VINYL STAT	MILGARD	ALMOND	YES	W/Grid (Dormer Window)
7	73'-0" x 2'-6"	VINYL STAT	MILGARD	ALMOND	YES	W/Grid (Dormer Window)

NO.	SIZE	WINDOW SCHEDULE	Unit #2	FINISH	INSUL	REMARKS
1	12'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
2	24'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
3	32'-6" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
4	42'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid (Dormer Window)

NO.	SIZE	WINDOW SCHEDULE	Unit #3	FINISH	INSUL	REMARKS
1	12'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
2	24'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
3	32'-6" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen
4	42'-0" x 5'-0"	VINYL DBL HUNG	MILGARD	ALMOND	YES	W/Grid/ screen (tempered)
5	54'-0" x 11'-0"	VINYL STAT	MILGARD	ALMOND	YES	W/Grid (Dormer Window)

NO.	WIDTH	HEIGHT	THK	TYP	MATL	STYL	FIN	MATL	FINISH	REMARKS
1	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	A	PAINT	WD	PAINT	1/2 lite temp glass/thrsld/wthstrip
2	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	A	PAINT	WD	PAINT	1/2 lite temp glass/thrsld/wthstrip
3	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
4	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
5	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
6	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
7	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
8	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
9	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	D	PAINT	WD	PAINT	1/2 lite temp gbs/pan/below/thrsld/wthstrip
10	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
11	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top

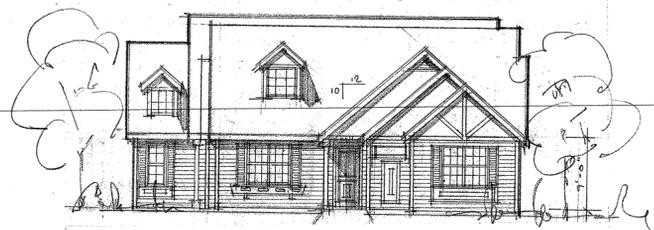
NO.	WIDTH	HEIGHT	THK	TYP	MATL	STYL	FIN	MATL	FINISH	REMARKS
1	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	A	PAINT	WD	PAINT	1/2 lite temp glass/thrsld/wthstrip
2	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	A	PAINT	WD	PAINT	1/2 lite temp glass/thrsld/wthstrip
3	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
4	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
5	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
6	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
7	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
8	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
9	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	D	PAINT	WD	PAINT	1/2 lite temp gbs/pan/below/thrsld/wthstrip
10	3'-0"	6'-8"	1-3/4"	SC	Masonite	C	PAINT	WD	PAINT	2 Panel w/ Arched top 20min Label/clos

NO.	WIDTH	HEIGHT	THK	TYP	MATL	STYL	FIN	MATL	FINISH	REMARKS
1	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	A	PAINT	WD	PAINT	1/2 lite temp glass/thrsld/wthstrip
2	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	A	PAINT	WD	PAINT	1/2 lite temp glass/thrsld/wthstrip
3	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
4	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
5	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
6	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
7	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
8	2'-4"	6'-8"	1-3/8"	HC	Masonite	B	PAINT	WD	PAINT	2 Panel w/ Arched top
9	3'-0"	6'-8"	1-3/4"	SC	Fibreglas	D	PAINT	WD	PAINT	1/2 lite temp gbs/pan/below/thrsld/wthstrip
10	3'-0"	6'-8"	1-3/4"	SC	Masonite	C	PAINT	WD	PAINT	2 Panel w/ Arched top 20min Label/clos

Proposed: TRI-PLEX
for: Lazer & Elena Kalugin
1555 N Main St. Mt. Angel, OR 97132



EXPIRES: 06-30-2017



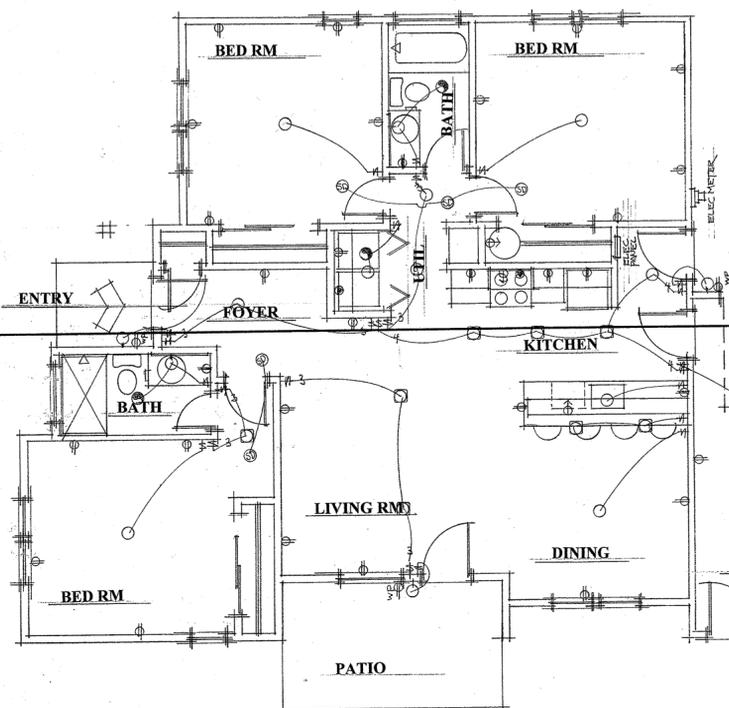
ELEVATION WEST

1/8" = 1'-0"



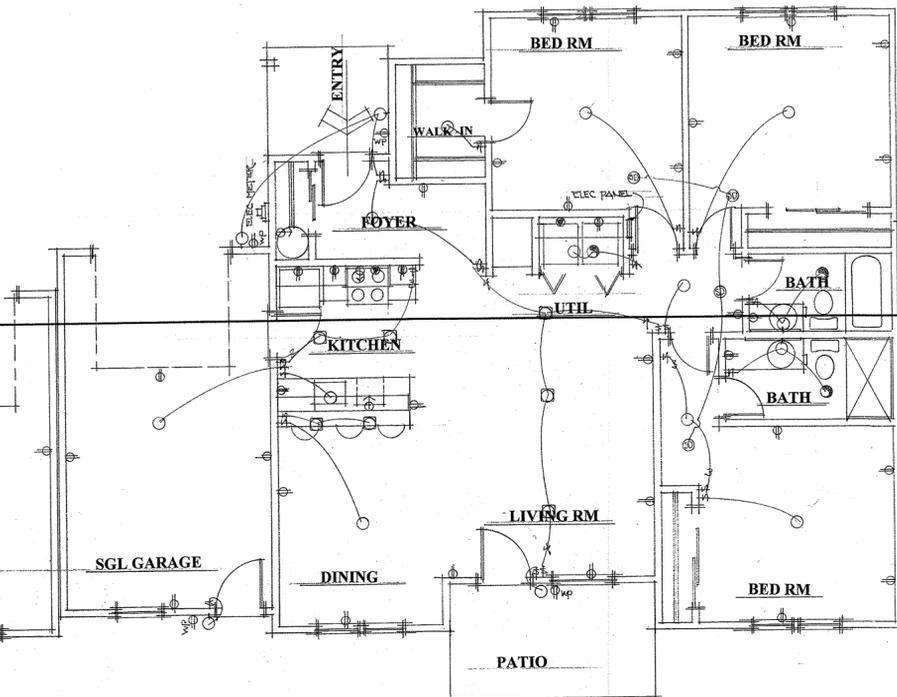
ELEVATION NORTH

1/8" = 1'-0"



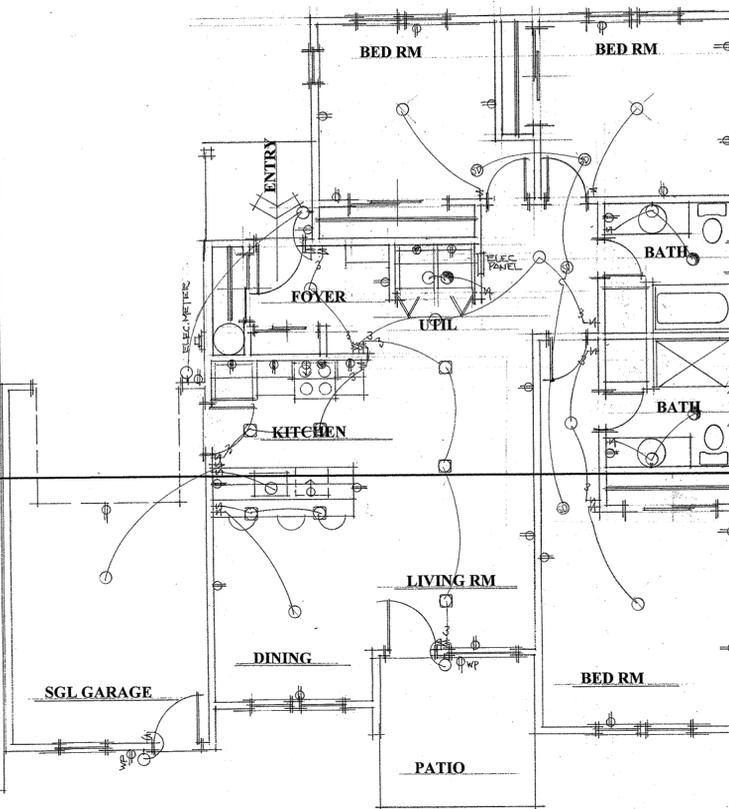
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1/4" = 1'-0"



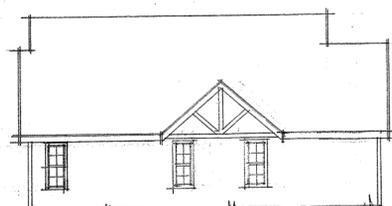
ELECTRICAL/LIGHTING PLAN UNIT #2

1/4" = 1'-0"



ELECTRICAL/LIGHTING PLAN UNIT #3

1/4" = 1'-0"



ELEVATION EAST

1/8" = 1'-0"



ELEVATION SOUTH

1/8" = 1'-0"

Proposed: TRI-PLEX
for: Lazer & Elena Kalugin
1555 N Main ST. Mt Angel, Or 97362



EXPIRES: 06-30-2017



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

April 11, 2016

McRae Carmichael
Land Use Planner
Mid-Willamette Valley Council of Governments
100 High Street SE
Suite 200
Salem, OR 97301

RE: 555 North Main Street Tri-Plex
J.O. 447.1016.0

Dear McRae:

Per your request, we have reviewed the proposed Tri-Plex development located at 555 N Main Street prepared by Multi-Tech Engineering for Lazar Kalugin.

The subject property, located in the northeast quadrant of the City. The property is currently vacant. The property is located east of North Main Street (ODOT Jurisdiction) and one property north of East Marquam Street (County Jurisdiction). The project proposes a Triplex on the subject property. We have reviewed the application only with respect to infrastructure and access and offer you the following comments regarding the various facilities:

I. Water

Public water service is available via an existing 8-inch public main on the east side of North Main Street. The Triplex can be served by this water main. An existing fire hydrant is located at the SE corner of Marquam and Main Streets. The FH is located over 300 feet from the furthest point of the subject property. Written verification from the Fire District is required to insure the existing FH is adequate for the development. Fire sprinkling the development or installation of a new FH may be required by the Fire District if the existing FH does not meet the fire code for distance to the furthest point of the triplex. All work shall be coordinated with the Public Works Department and constructed in accordance with the City's Public Works Design Standards (PWDS). A permit will be required from ODOT to perform any work in ODOT right of way.

Exhibit C

April 11, 2016
Mc Rea Carmichael
City of Mt Angel
Page 2

II. Sanitary Sewer

Public sanitary sewer is currently available in N Main Street. The Developer should be made aware the existing sanitary sewer is not standard PVC pipe. The proper Inserta-Tee will be required for connection into this main. All work shall be coordinated with the Public Works Department and constructed in accordance with the City's Public Works Design Standards (PWDS). A permit will be required from ODOT to perform any work in ODOT right of way.

III. Streets

No new public streets are proposed with this application. The private driveway shall be constructed in accordance with ODOT Standards since N Main Street is under ODOT jurisdiction. The Applicant shall provide documentation that he has obtained a permit from ODOT for construction of the driveway prior to receipt of a Building Permit. Written verification from the Fire District shall be provided documenting adequate fire apparatus access and turnaround is provided with the proposed development.

IV. Drainage

Public storm drain is located in N Main Street. The capacity of the storm drain is unknown. Connection to the storm drain system shall be in conformance with ODOT Standards. The Applicant shall provide documentation that he has obtained a permit from ODOT for discharge into ODOT's storm drain system prior to receipt of a Building Permit.

V. Private Utilities

In accordance with the City's Design Standards, all private utilities must be located underground.

Exhibit C

April 11, 2016
Mc Rea Carmichael
City of Mt Angel
Page 3

VI. General

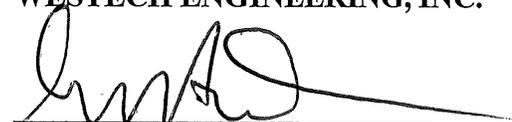
The development and use of this site shall meet all of the requirements of Federal, State County and City laws, regulations and standards unless explicitly waived in this approval. Omission of any such requirement from this approval does not constitute a waiver of that requirement. It is the Developers responsibility to determine if there are any jurisdictional wetlands on the property.

Prior to receipt of a Building Permit, the Applicant shall obtain all necessary permits from ODOT for the proposed driveway and all utility services.

Please call if you have any questions regarding this matter.

Sincerely,

WESTECH ENGINEERING, INC.



Steven A. Ward, P.E.

Cc: Justin Hogue

Exhibit D

STAFF REPORT

SITE DESIGN REVIEW AND VARIANCE
FOR PROPERTY LOCATED AT
555 N Main Street

SDR 16-1/VAR16-1

Staff Report:
Planning Commission Hearing Date: April 21, 2016

APPLICANT: Multi-Tech Engineering

OWNER: Lazar and Elena Kaluqin

REQUEST: Applicant is proposing a triplex in the Residential Commercial (RC) Zone. The property is also in the Bavarian Theme District, Infill Overlay Zone. The applicant is requesting a Major Variance to reduce the required setback of 20 foot to 5 foot along the southern property line.

SUBJECT PROPERTY 555 N Main Street.

TAX LOT: 061W030CD/1700

APPLICABLE CRITERIA: City of Mt. Angel Development Regulations - Sections 4, 6.3, 14, 15 and 17

EXHIBITS: Exhibit A: Applicant’s submittal
Exhibit B: Assessor map
Exhibit C: City Engineer (Steve Ward P.E., Westech Engineering) Comments
Exhibit D: Written testimony from Mt. Angel resident Becki Thomas

I. BACKGROUND

General The subject property is located on the east side of Main Street. The 0.28-acre site for the proposed development is located approximately 800 feet north of the intersection of E. Marquam Street and N. Main Street.

On-site The site is currently vacant.

Surrounding area The zoning of the land bordering the subject property is as follows:

- North: Residential Commercial

Exhibit D

- South: Residential Commercial
- East: Public

II. REVIEW PROCEDURE

The Planning Commission has authority to render a final decision with respect to the application after conducting a public hearing on the matter.

III. APPEAL

The Planning Commission's decision may be appealed to the City Council in accordance with Development Code Section 2.10.

IV. REVIEW CRITERIA AND FINDINGS OF FACT

Section 6.3: Residential Commercial Zone

Section 6.3 (b) 2 Use: The applicant is proposing a triplex on the site.

Finding: Triplex is a permitted use in the RC zone under 6.3(b) (2).

Section 6.3(d) 1: Minimum Lot Area: 10,500 minimum lot area for multi-family development

Finding: The lot is .28 acres or 12,196 square feet. The standard is met.

Section 6.3. (d) 2(A-C): Minimum Yard Setbacks.

Front Yard 15 feet
Side Yard 20 Feet
Rear Yard: 10 Feet

Finding: The development has a 20 foot setback in the front yard, 20 foot side yard in the north yard, and a 10 foot side yard in the rear. These setbacks are met.
The south yard is shown as 5 feet, and is not meeting the code.

Section 6.3 (d) 3: Landscaped Yards: All required yards adjacent to a street shall be landscaped.

Finding: The yard adjacent Main Street is landscaped

Section 6.3 (d) 4: Lot Width: Width at Front Line: 20 Feet, Width at Building Line: 50 Feet

Finding: The entire lot is 73 feet, this standard is met.

A. Variance request

The applicant has submitted a variance request. Specifically, the request is to allow for a 5 foot setback along the southern property line where a 20 foot setback is required.

Exhibit D

According to Development Code Section 4.4, the Planning Commission may permit and authorize a variance from a requirement of the Development Code provided each of the following criteria are met:

- (a) The variance requested is the minimum variance which would alleviate the hardship.*

Findings: In order to develop the lot as the applicant proposed this is the minimum variance practical and necessary to develop this property as a triplex and meet the intent and standards of the Code. The narrow dimensions of this lot (73 feet) create constraints on the build out of the lot. The depth of the lot allows for setbacks along the north, east, and west property lines to meet the Code.

- (b) Exceptional or extraordinary circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity; and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances that substantially exist.*

Findings: The lot is an odd shape (long and narrow), making it difficult to locate any structure on the site and meet the setback requirements. The applicant is requesting a variance to allow a 5-foot setback along the south property line where 20 feet is required.

Due to the shape of the lot and the location of the driveway, the triplex cannot meet all the setback requirements. This is the minimum request to meet the intent of the Code.

- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located or otherwise conflict with the objectives of any City plan or policy.*

Findings: The proposal is reducing the side setback on the southern portion of the property from 20 feet to 5 feet. The property to the south is currently developed. The applicant is proposing to build a 6 foot sight obscuring fence, and provide landscaping.

- (d) Such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner that is possessed by the owners of other properties in the same vicinity or zone.*

Findings: The granting of the variance is needed for proper development of the site. As stated above, due to the narrow shape of this lot, the owner faced challenges regardless of the density to build at. Therefore, a variance to the setback has been identified as appropriate.

- (e) Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.*

Exhibit D

Findings: The Mt. Angel Development Code, implements the Comprehensive Plan land use goals, and governs development of property within the city limits. The development will be reviewed for compliance with city standards and requirements contained in the Code. The proposed triplex meets all applicable provisions of the Development Code. The applicant is requesting variance to the 20-foot side yard setback along the south property line. The lot can be adequately served with water, sanitary sewer and storm drainage facilities. The triplex can also be served with other utilities appropriate to the nature of the development. Additional reviews occur at the time of building permits to assure compliance with the development code.

The subject property is designated Commercial on the Comprehensive Plan which is consistent with the zone designated of the property, RC (Residential Commercial Zone). The purpose of the RC zone and Comp. Plan designation is to encourage higher density residential and commercial uses on the site. The applicant's proposal is for triplex development. This higher density is consistent with the housing needs and density within the Comp. Plan designation and the purpose of the zoning density of the RC zone.

(f) The circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property does not require the property to be rezoned.

Findings: The proposed triplex is a permitted use in the RC zone under Section 6.3(b) (2). The setbacks imposed on this site can be relieved through the variance process. Therefore, the requested variance does not require the property to be rezoned.

(g) That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

Findings: The granting of the variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity of the proposed development. The proposed triplex is one-story in height, which is similar or lower in height than adjacent structures. The variance will not be in violation of this or any Ordinance.

(h) Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:

(1) Granting the variance will not create significant adverse effects to the appearance, function or safety of the use or uses on the subject property; and

(2) Granting the variances will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.

Findings: The granting of the variance will not affect the public health, safety, and welfare, or the comfort and convenience of owners in the vicinity of the proposed development. The lot will be developed in compliance with Code. The proposed triplex is only one story in height. Allowing the variance will not increase the density or the height of the proposed triplex. The narrowness of the property could not be developed with a duplex or triplex on site. The variance

Exhibit D

allows the site to be developed. All permitted residential uses in the RC zone require the 20-foot side setbacks, which is an extreme setback for such a narrow lot.

B. Section 14: Infill Overlay District

Section 14.6 and Section 14.7 are applicable to this development because the subject property is in the Infill Overlay Zone and these sections are applicable to Residential Development (Section 14.6 Residential Development Standards and 14.7 Additional Multifamily Residential Development Standards.)

Findings: Section 14.6 (b)-(m) have been reviewed for this development and the proposal meets these standards. Section 14.7 (a)(i) have been reviewed and the proposal meets these standards.

C. Section 15 Bavarian Theme District

The applicant has designed the triplex to meet the design standards of the Bavarian Theme District. Building elevations have been provided to show how the design has been met.

Varied materials and textures are being used on the building facade. The applicant has provided building elevations to show how this is being complied with. The materials used on the front, rear, and side of the building are the same. Shutters, window grids, roof overhangs, compatibility in materials, rain gutters, along with other materials and features have been incorporated into the triplex design to comply with the Bavarian Theme in this area. See attached building elevations.

D. Section 17: Site Design Review

Section 17.5 Residential Development

- (1) The site design shall be consistent with the dimensional standards and all other standards provided with the applicable zone.

Findings: The site is in compliance with all standards, except the minimum setback of 20 feet on the south property line. Applicant has requested Variance to reduce setback from 20 feet to 5 feet.

- (2) Landscaping shall be provided on a least 15 percent of the total lot area.

Findings: The total landscape area on the entire site is 34 percent of the total lot area.

- (3) For new developments, electrical , telephone and other utility service shall be located underground

Findings: All utilities will be located underground. This requirement will be met.

- (4) The site design shall comply with all other applicable requirements of the Mount Angel Development Code and the Public Works Design Standards.

Exhibit D

Findings: The proposal has been reviewed for all applicable development standards. It meets all standards, except for the reduced side yard setback on the southern property line.

V. SUMMARY AND RECOMMENDATION:

The proposed development appears compatible with the existing development within the area. The proposed development meets setback and landscaping requirements.

The variance request is necessitated by the unique nature of the proposed facility and should have no adverse impacts.

Based on the findings above and in the body of this report, staff recommends **approval** of Site Design Review and Variance subject to the following conditions of approval:

- A. All signs shall comply with the requirements of Development Regulations Section 11.
- B. Prior to issuance of a building permit, the applicant will need to provide evidence of an access permit from ODOT.
- C. **Prior to final occupancy**, the applicant shall install landscaping according to the City approved plan.
- D. **Prior to final occupancy**, the subject development shall comply with all requirements of the City Engineer, in the comments dated April 11, 2016 and included as Exhibit C of the staff report dated April 14, 2016.
- E. Electric, telephone, and other utility service shall be located underground.
- F. The site design review permit shall lapse and become void unless substantial improvements related to such use are commenced within one (1) year of the date that the approval is granted. The applicant may request an extension of the approval for a period not to exceed six months. Requests for extension of approval shall be submitted, in writing, at least 30 days prior to the expiration date of the approval period.

VI. PLANNING COMMISSION ACTION

- A. Move to approve Site Design Review /Variance:
 - 1. As presented in the staff report, including the findings of fact, or
 - 2. As stated in the staff report with modifications by the Planning Commission. The motion must include the modifications and any necessary changes to the staff responses or findings of fact.
- B. Deny Site Design Review Variance (stating how the application meets the required standards).

Exhibit D

- C. Postpone or continue this matter to a time certain, or indefinitely (considering the 120-day limit on applications).

Exhibit E

RECEIVED
APR 11 2016

Becki Thomas
610 N Main St
Mt Angel, OR 97362
April 10, 2016

BY:

Gordon Bochsler, Jeffrey Wall, Ryan Kleinschmit, Greg Savage, Craig Emch
Mt Angel Planning Commission
City of Mt Angel
Mt Angel, OR 97362

Dear Gordon Bochsler, Jeffrey Wall, Ryan Kleinschmit, Greg Savage, Craig Emch:

My name is Becki Thomas. I live at 610 N Main St in Mt Angel. You sent a letter regarding the property at 555 N Main St and a desire, by the owners, to build a tri-plex on this property.

I have just a little problem with this. I have some questions about the traffic or parking issues this construction may develop.

I would like to know if the proposed complex is going to address "visitor and overflow" parking in their construction plans. The reason I bring this to your attention is because currently, farther north on Main Street, there seems to be quite a parking problem on the street outside of the Bavarian Mobile Park. Cars and trucks are parked on both sides of Main Street in front of both the mobile park and a property of apartment buildings in that area.

This not only causes a problem for residents living on Main Street, trying to have some visibility to exit their property safely onto Main Street, but also it looks *trashy*. Do we really want visitors to Mt Angel to have their first impression of this city to be of vacated vehicles parked all along both sides of a state highway?

I know that the property directly across from my house- The Amben Apts- also has this policy about visitor parking. This means they have none, so visitors and extra vehicles are to park along Main Street.

Traffic on Main Street is brutal on a good day. You add more randomly parked vehicles here and there, that obscure visibility and you're looking for a nightmare.

I don't want to see this "neglected car" issue in my neighborhood. Neither do my neighbors. We have more pride in this city than that. I hope you do also.

I have enclosed photos, from the area just north of my property, of which I am referring.

Respectfully Submitted,



Becki Thomas



Exhibit E



Exhibit F

CITY OF MT. ANGEL
5 Garfield Street - P O Box 690
Mt. Angel, OR 97362
503-845-9291

NOTICE OF PLANNING COMMISSION (PC) ACTION
For SDR 16-01 VAR 16-01

APPLICANT/
OWNER: Lazar Kaluqin

PUBLIC
HEARING: The purpose of the public hearing conducted April 21, 2016, was to consider a
a variance to reduce the required side yard setback from 20 feet to 5 feet.

LOCATION: 555 N. Main Street

TAX LOT: 6S 1W 03CD/1700

DESIGNATION/
ZONE: Comprehensive Plan Map: Residential
Zone District: Residential Commercial

SIZE: 12,196 square feet, .28 acre.

CRITERIA: City of Mt. Angel Development Code, Sections 4, 6.3, 14, 15 and 17

I. DECISION AND APPEAL DATES

The Planning Commission **DENIED** the application on April 21, 2016 for SDR 16-01/VAR 16-01 on a Vote of **Yes (3), No (2)** based upon the following finding:

MADC Section 4.5 (a) states *the variance requested is the minimum variance which would alleviate the hardship.*

The Planning Commission found that the applicant's proposal was not the minimum variance that could be requested. They cited the applicant's proposal for the side yard setback could have been less and still accommodate the development request to build a triplex on this lot. The applicant did not demonstrate how this criterion was being met.

Exhibit F

DATED at Mt. Angel, Oregon, this 28 day of April, 2016.

SIGNED: 
Ryan Kleinschmit, Commission Chairperson

SIGNED: 
Justin Hogue, Assistant to City Manager

The decision becomes final at the conclusion of the appeal period.

THIS DECISION MAY BE **APPEALED** TO THE MT. ANGEL CITY COUNCIL IN WRITING WITHIN FOURTEEN (12) CALENDAR DAYS OF THE NOTICE OF WRITTEN DECISION (Mt. Angel Development Regulations Section 2.1(b)) BASED UPON THE SIGNATURE DATE.

If there are questions regarding this application or the appeal process, please contact the City of Mt. Angel at **503-845-9291**.

RECEIVED
MAY 05 2016

CITY OF MT. ANGEL

BY:

P.O. BOX 960
MT. ANGEL, OR 97362

PHONE: (503) 845-9291
FAX: (503) 845-6261

APPEAL OF A PLANNING COMMISSION DECISION

DATE: 5-2-16

FILE NO: SDR 16-01/VAR 16-01

REASON FOR APPEAL: Please state the reason for appeal. Include the specific provision(s) of the Mt. Angel Development Code that you feel were incorrectly applied or interpreted by the Planning Commission. You may attach additional sheets of paper explaining the reason for appeal, if necessary.

See Attached

NAME, ADDRESS AND SIGNATURE:

Lazar Kalugin
Name (Please print)

11220 Portland Rd
Mailing Address

Signature

Salem OR 97305
City State Zip

Name (Please print)

Mailing Address

Signature

City State Zip

Name (Please print)

Address

Signature

City State Zip

555 N. Main Street **SDR 16-01/VAR 16-01 Appeal**

BACKGROUND:

On April 21, 2016, the proposal for SDR 16-01/VAR 16-01 was denied by the Planning Commission.

APPEAL ISSUES:

In summary, the Planning Commission Denied SDR 16-01/VAR 16-01 based on the proposal not being the minimum variance needed. The Planning Commission felt that the applicant could have provided a larger side yard setback to accommodate the tri-plex and therefore, did not meet the criteria under MADC Section 4.5(a).

Applicant Response:

Prior to submittal of this application, the applicant had been working with the Mt. Angel Planning Staff in order to find a layout that would make the narrow lot buildable due to the significant side yard setback requirements (20-foot side yard setbacks required). After several conversations with staff and a pre-app, the layout of the tri-plex with one variance proposed was determined to be the best proposal to move forward with. The applicant put in a lot of time and effort to find a layout that would be the minimum variance needed. The applicant feels that the Planning Commission's determination that the criterion under MADC Section 4.5(a) was not met is false.

However, after further discussions, the applicant has decided to redesign the tri-plex. The narrow lot makes it very difficult to put a standard size tri-plex on the lot without the need for several variances. Therefore, the applicant has reduced the size of the tri-plex while increasing the setbacks. This is not ideal for the applicant, but he wants to develop this lot.

Note: A revised site plan is currently being worked on, when complete the applicant will submit it to the City of Mt. Angel to be included as part of the packet of application materials for City Council.

RECEIVED BY
MULTI TECH ENGINEERING
MAY 02 2016

Brandie

CITY OF MT. ANGEL
5 Garfield Street - P O Box 690
Mt. Angel, OR 97362
503-845-9291

NOTICE OF PLANNING COMMISSION (PC) ACTION
For SDR 16-01 VAR 16-01

APPLICANT/
OWNER: Lazar Kaluqin

PUBLIC HEARING: The purpose of the public hearing conducted April 21, 2016, was to consider a variance to reduce the required side yard setback from 20 feet to 5 feet.

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I. DECISION AND APPEAL DATES

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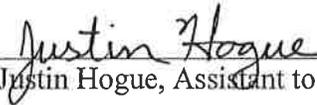
MADC Section 4.5 (a) states *the variance requested is the minimum variance which would alleviate the hardship.*

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Exhibit G

DATED at Mt. Angel, Oregon, this 28 day of April, 2016.

SIGNED: 
Ryan Kleinschmit, Commission Chairperson

SIGNED: 
Justin Hogue, Assistant to City Manager

The decision becomes final at the conclusion of the appeal period.

THIS DECISION MAY BE **APPEALED** TO THE MT. ANGEL CITY COUNCIL IN WRITING WITHIN FOURTEEN (12) CALENDAR DAYS OF THE NOTICE OF WRITTEN DECISION (Mt. Angel Development Regulations Section 2.1(b)) BASED UPON THE SIGNATURE DATE.

If there are questions regarding this application or the appeal process, please contact the City of Mt. Angel at **503-845-9291**.