

LINKING AGRICULTURE

WITH INDUSTRY



4222 N.E. OLD SALEM RD.

ALBANY, OREGON 97321

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MILLERSBURG PLANNING COMMISSION

JUNE 20, 2017

6:00 P.M.

- 1. CALL MEETING TO ORDER**
- 2. MINUTES OF MAY 16, 2017**
- 3. WRIGHT PARTITION TENTATIVE PLAN REQUEST**
- 4. MUNICIPAL CODE AMENDMENT: ARTICLE 5 DEVELOPMENT STANDARDS; SECTION 5.137 FENCING – DRAFT - FOR DISCUSSION ONLY**
- 5. REMOVAL OF ROAD CLOSURE DEVICE ON SHAYLA DR. AND GENERAL DISCUSSION ON STREET CONNECTIVITY**
- 6. CLOSING COMMENTS & ADJOURNMENT**

CITY OF MILLERSBURG
Planning Commission Meeting
May 16, 2017
6pm

MEMBERS PRESENT: Ed Perlenfein, John Sullivan, Connie Lepin, Dennis Gunner, Scott Stimpson, Ryan Penning, Steve Vogler, Dan Nixon

MEMBERS ABSENT: Anne Peltier

STAFF PRESENT: Sarah Cook, Steve Hasson, Don Driscoll

CALL TO ORDER

Chairman, Ed Perlenfein called the meeting to order at 6pm and called for a motion to approve the minutes of the last meeting on March 14, 2017. Dan Nixon moved to approve the minutes and Dennis Gunner seconded the motion. Discussion: Steve Vogler questioned how a motion failed with a 4-4 tie vote, to which Steve Hasson explained unless a majority voted in favor, a motion failed. All in favor of the minutes: Ayes – 8, Opposed – 0.

APPROVED.

SUPPLEMENTAL INFO FROM PLANNER

Don Driscoll provided a summary of issues relative to partitions and easements and further explained requirements surrounding flag lots vs. easements, noting a simpler process with an easement, which took up less space on the property. Dennis Gunner expressed frustration with the fact that his code book did not match the codes cited in Don's staff report and did not feel they could make an informed decision on the topics that evening when their information wasn't up to date and accurate. Don pointed out that he had just that evening, delivered updated codes to the City Recorder, which had been adopted some time ago, but for whatever reason had not made it into the code books. Ed Perlenfein reminded them that things changed almost daily and it was the Planner's job to keep them abreast of those changes and in line, which he appreciated because he didn't have the time. Steve Hasson added that he had just become aware of the outdated code and now that he knew, he would make every attempt to keep the books current going forward.

Don also noted the updated TSP, which he provided that evening as well, and needed to be inserted into section 7 of the comp plan. Dennis Gunner indicated they had previously discussed who had the most current information and felt there was no excuse for the mix up. Connie Lepin commented that some of the items that had been updated were pertinent to what was on their agenda, to which Ed agreed and explained when they ran into those they would simply have time for explanations.

BAILEY/CORDLE LAND PARTITION

Don Driscoll explained the process for the review, noting it was not a time for public testimony, other than to hear from the applicant. Written testimony was allowed and Sarah Cook confirmed none had been received.

Applicant presentation: Mindy Cordle explained their previous application for 3 lots, which was denied because it made for lot sizes less than the minimum requirement of 10,000 sq. feet. They've re-submitted, with only 2 lots of much larger size.

Questions for Applicant: Dennis Gunner thought it looked like the same as before and discussion took place regarding a flag lot possibility. Conditions for a flag lot were reviewed and some were under the impression that the City didn't want them after hearing the report from Don Driscoll; however, the application was in compliance, but for the 25ft of frontage on the back lot.

Connie Lepin had questions regarding the easement and explanation took place regarding the difference and purpose of both private and public easements, in that the City did not own the property, but was granted permission to access it for utility purposes. She expressed concern that the driveway would be paved over the easement. Steve Hasson explained the property was privately owned and the City would not want to impose any further sanctions on it, such as requesting that it not be paved, unless the City wanted to purchase it.

Scott Stimpson questioned the house frontage direction, to which the applicant indicated they hadn't gotten that far in their plans yet.

With no further questions for the applicant or comments amongst the Commission, Dan Nixon moved to approve the Bailey/Cordle Partition Tentative Plan Request contingent upon compliance with the Findings and Conditions of Approval contained in the staff report. Steve Vogler seconded the motion. There was no further discussion. All in favor: Ayes – 6, Opposed – 2 (Gunner, Lepin) **APPROVED.**

DAYTON LAND PARTITION/VARIANCE

Don Driscoll provided background and summary of the partition and variance application, noting it had been declined previously when folks thought the easement changed the property size, but that was not the case. The applicant re-submitted with a flag lot parcel in lieu of an easement and requests a variance for the front yard on parcel 1 from the 80ft requirement, to 79.62ft. The approximate 5" shortage was because of the flag lot, which took up a portion of the property. Based on the Planning Commission's previous decisions and the applicants attempt to correct their concerns, Don recommended approval of the application, noting it was generally the same with the exception of the flag lot.

There were no questions for the applicant and no discussion amongst the Committee. Scott Stimpson moved to approve the Dayton Partition Tentative Plan Request and the Front Yard Variance contingent upon compliance with the Findings and Conditions of Approval contained in the staff report. Dennis Gunner seconded. All in favor: Ayes – 8, Opposed – 0. **APPROVED.**

MUNICIPAL CODE AMENDMENT: ARTICLE 5 DEVELOPMENT STANDARDS; SECTION 5.133 GRADING

City Manager, Steve Hasson explained the purpose of the amendment was to pay more attention to the development procedure all the way through, with the City growing as rapidly as it was. He felt the engineers did a great job of evaluating the process in terms of engineering but little attention was paid to the land deviations occurring after a home was built and sold. The City needed a stricter policy in the form of a grading permit to ensure water passing through or upon a property doesn't intrude upon a neighboring property. He thought it would also lessen the potential for DSL to visit.

Steve Vogler referred to the change as just catching up to the times. Dan Nixon shared concern for whom and how it would be enforced, as well as how the developers would know what to do, and what recourse the City had if they didn't do it. Steve Hasson informed them that the Council had just approved the Development Coordinator position and once hired, this would be a task for that individual.

Discussion took place regarding the fee that would be charged for the processing of such a permit and whether or not the fee would be enough to cover the cost of having the engineer or other staff perform the function. A suggestion of \$25 was made with some believing it should be more. Connie Lepin sought clarification on what exactly would require such a permit, including tree removal, land partitions, etc. It was explained that the permit would be required only if more than 50 yards of dirt was being moved. With that, Dan Nixon moved to approve the proposal and forward it to the City Council for consideration and adoption. Scott Stimpson seconded. All in favor: Ayes – 8, Opposed – 0. **APPROVED.**

OTHER BUSINESS

Dan Nixon requested an update on the wetland situation with DSL, to which Steve Hasson recounted the recent events that had taken place with cease and desist letters and visits from DSL. He explained his correspondence with them and his pushback of their extreme measures in which they showed no respect for people or their property. He did indicate there were a lot of wetlands in the community that needed mitigation and he was looking into a wetland bank inside the City to address it, and would have more information on that in the near future.

Connie Lepin asked Steve if they could discuss their email correspondence they had earlier in the week in regards to her preparation for the meeting. Steve Hasson explained the difference between their legislative role and their quasi-judicial role and the importance of the two. For legislative actions, he explained they could seek out whatever information they felt was necessary and share with whomever they wanted; however, for quasi-judicial decisions they were more like independent judge's and needed to come into the meeting without bias and completely impartial, which means they had to base their decisions on the materials provided in the packet and upon questions asked during the meeting. The purpose of that was so that every person received the exact same information at the same time and nobody was privy to anything more. Steve discussed ex-parte contacts, which they would need to declare in the event they had conversations with somebody outside of the meeting. He cautioned them in having any such contact, as it could violate land use laws, and suggested they let the information come to them, rather than going out to seek it.

Both John Sullivan and Ryan Penning wondered if the Commission members could sign something stating they agreed to follow the rules, similar to a code of honor. A suggestion was made to get a list of quasi-judicial topics so they knew when it was appropriate to further investigate something and when it wasn't. Steve Hasson agreed it was a good idea and would prepare such a list.

Scott Stimpson excused himself at 7:10pm. In closing, Mayor Lepin asked from the audience for any feedback on how the meeting was run that evening, because he felt it was completely different than in the past and went very smooth. Dan Nixon responded, stating that the applicant's presentation and materials were very well put together and others in the past hadn't been. Ed Perlenfein commented that things seemed to be coming together and clicking into place, which he was glad for.

With no further comments the meeting was adjourned at 7:15pm.

Respectfully Submitted,

Sarah Cook
City Recorder

CITY OF MILLERSBURG
LAND USE APPLICATION
STAFF REVIEW AND REPORT
Planning Commission Review June 20, 2017

WRIGHT PARTITION TENTATIVE PLAN REQUEST

File No. 170620

Owner/Applicant	Ed Wright
Assessor Map:	10-3W-16CA
Tax Lot:	801
Address:	Millersburg Drive
Area:	1.23 acres
Zone:	Rural Residential-Urban Conversion, RR-2.5-UC Zone

REQUESTED ACTION

The Applicant proposes to divide an existing 1.23-acre property into three Urban Conversion Parcels that exceed the 10,000 sq. ft. minimum. Parcel 1 is 29,714 sf, Parcel 2 is 10,540 sf with a Flag Lot configuration and Parcel 3 is 10,393 sf. All three Parcels access from the north side of Millersburg Drive.

The action requested is approval of a **Partition Tentative Plan** in conformance with **Section 2.320** of the **Millersburg Land Use Development Code (Code)**. There are no development plans submitted with this request.

APPLICABLE CRITERIA

The Oregon Revised Statutes (ORS), Chapter 92, The Millersburg Comprehensive Plan and the Millersburg Land Use Development Code (Code) provide the applicable criteria for evaluation of the requested action. Section numbers reference applicable Code Sections.

1. **ORS 92** specifies that, "No land may be subdivided or partitioned except in accordance with ORS 92.010 to 92.190.
2. **ORS 197.015 (12) and 197.195** requires Land Divisions within the City of Millersburg to be submitted to the Millersburg Planning Commission for review and approval as a "Limited Land Use Decision". Written comments may be submitted to the Planning Commission prior to or at the Review. Oral clarifications may be requested of the Applicant or others by the Planning Commission.
3. **ORS 197.195** specifies that the City is required to mail notifications to property owners within 100 feet of the subject property 20 days prior to the Planning Commission Review.
4. **Code Section 2.320-29** specifies the procedures for a Land Partition Tentative Plan. **ORS 92** shall govern in case of conflict (ORS 197.646 (3)).
5. **Code Section 3.400** specifies the procedures for a Limited Land Use Review by the Planning Commission.

6. **Code Sections 2.320-2.329** specifies the decision criteria for **Tentative Plan** approval.
7. **Code Sections 2.330-2.350** specifies the criteria for approval of the **Final Partition Plat**.
8. **Code Section 4.112** of the **Code** specifies specific development standards for the Rural Residential-Urban Conversion, RR-2.5-UC Zone. All Land Partitions must comply with the zoning and development standards of the Millersburg Land Use Development Code.
9. **Code Article 5** specifies general Development Standards for all city developments.
10. **Code Article 8** specifies Improvement Requirements for all city developments.

STAFF REVIEW

1. The Applicant has provided a Tentative Plan sketch to address the requirements specified in **Code Section 2.320-2.329**.
2. The Applicant proposes to divide the existing 01.23-acre property into three parcels. Parcel 1 contains 29,741 sf. together with an existing 25-foot wide utility and access easement. Parcel 2 contains 10,540 sf. together with a Flag extension to Millersburg Drive. Parcel 3 contains 10,393 sf and connects directly to Millersburg Drive
3. Both flag lots and easements are permitted for accessing purposes.
4. The proposed Parcel sizes exceed the 10,000 sf minimum size in conformance with the standards of **Code Section 4.112** as an Urban Conversion property subject to the provision of municipal Water & Sewer service.
5. Parcel 1 abuts Millersburg Drive and has an existing 25-foot wide access easement serving the abutting Tax Lot 800 on the north end of the Applicant's property, Tax Lot 801.
6. Parcel 1 also has enough area to be further divided, however it is not permitted under the standards of Partitioning since it would become a Subdivision.
7. Conceptual housing locations are shown for each Parcel.
8. Municipal water and sewer is available from Millersburg Drive.
9. No development of Parcels 1, 2 & 3 is proposed with this request. No development of the Parcels will occur until municipal water and sewer is available.
10. All streets and roadways are required to be paved in urban areas including private driveways.
11. Drainage will be addressed with the Building Permits.

12. There are no potential Wetlands or Flood Hazard Zones identified for the property.
13. The proposed Partition is consistent with the Millersburg Comprehensive Plan and Millersburg Land Use Development Code subject to approval by the Millersburg Planning Commission.

Planning Commission approval is contingent upon compliance with the Conditions of Approval, unless there is written factual data presented in opposition at the Planning Commission Review that would alter the findings for approval of the request.

CONDITIONS FOR APPROVAL OF THE REQUEST

Approval may be granted for the Wright Land Partition Tentative Plan Request subject to compliance with the following Conditions of Approval. The applicable Sections of the **Millersburg Code** are noted.

1. The Applicant shall comply with the **Final Partition Plat** requirements of **Code Section 2.330-2.350**.
2. No site development plan is required or presented at this time. The Applicant or Owner of the property shall submit building plans to the City for Building Permit approval by the City
3. Code Section 5.122 (5) (a) permits the Planning Commission to approve private easements and paved private driveways that do not meet all of the requirements of a public street.
4. Municipal water and sewer is available from Millersburg Drive and is required to serve all three Parcels when development occurs.
5. Future connections to municipal water and sewer shall be verified with the City Engineer prior to construction. All work shall remain open for inspection and approval prior to backfilling.
6. Water systems shall comply with the fireflow needs for the development.
7. Property owners shall comply with the fire protective standards administered by the Jefferson Fire Protection District.
8. Other public and private utilities to serve the proposed Partition shall be coordinated and provided when development occurs. All utilities shall be underground as specified in **Code Section 5.129**.
9. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements or on-site stormwater detention may be required to accommodate flows. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous

drainageway. Maintaining proper drainage is a continuing obligation of the property owners.

10. The land division shall not cause adverse impacts such as erosion, slide hazards and stormwater runoff due to cut and fill of the property. Grading together with cuts and fill shall be regulated under the Building Permit process.
11. The Applicant shall provide adequate Clear Vision Areas in accordance with **Code Section 5.122 (6)** of the Millersburg Code for all vehicle ingress and egress to the properties from Millersburg Drive.
12. All partition requirements specified herein shall be provided prior to signing the final Partition Plat. **No further division of the properties is allowed unless approved as a Subdivision.**
13. Any Tentative Plan changes shall be submitted to the City for approval. If proposed changes are not in conformance with City Ordinances or the approved Tentative Plan, the Applicant shall be notified and the non-complying elements shall be corrected and resubmitted prior to approval of the Final Plat.

FINDINGS FOR APPROVAL OF THE REQUEST

The following Findings address the criteria contained in **Code Section 2.328** subject to compliance with the Conditions of Approval.

1. The proposed land division does not conflict with the City's Comprehensive Plan or Statewide Planning Goals and is similar to, and compatible with other existing and permitted properties in the Rural Residential-Urban Conversion, RR-2.5-UC Zone.
2. The proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division. Future development can comply with the Development Standards contained in **Code Section 4.112 (6)** and **Code Articles 5** and **8**.
3. The proposed land division complies with the standards and requirements of **ORS Chapter 92** and the recording requirements of the Linn County Surveyor.
4. Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances subject to compliance with the Conditions of Approval.
5. The proposed land division does not preclude development on adjoining properties.
6. The proposed Parcels provide the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.
7. Water, wastewater disposal and utilities will be available and have the capacity to serve the property in compliance with the City of Millersburg Standards.

8. The proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.
9. The land division will not cause adverse impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.
10. The land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in **Code Section 2.140 (21)** of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.
11. The land division will not cause adverse impacts to special site features identified in **Code Section 2.140 (15)** of the Application Site Plan. There are no Wetlands identified on the "National Wetlands Inventory Map" or Flood Zones identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property. The applicant is encouraged to confirm their site status through the Oregon Department of State lands as they have jurisdiction and do not recognize the National Wetlands Inventory Map.
12. The land division will not cause adverse impacts such as erosion, slide hazards and stormwater runoff due to grading, cuts and fill of the property subject to compliance with the Conditions for Approval contained herein.
13. The proposed Partition complies with the requirements for a Partition Tentative Plan and Plat and can comply with the development standards of the Millersburg Comprehensive Plan and Land Use Development Code subject to compliance with the Conditions for Approval contained herein.
14. Planning Commission Decisions are based upon the individual merits of each application and does not establish a precedent for similar future applications.

Suggested Motion to Approve

Move to approve the Wright Partition Tentative Plan Request contingent upon compliance with the Findings and Conditions of Approval contained in the Staff Report.

CITY OF MILLERSBURG
APPLICATION FORM

DATE 5/4/2017

FILE NUMBER _____

APPLICANT NAME ED WRIGHT

CONTACT ADDRESS 3111 MILLERSBURG DR.

CONTACT PHONE 541-220-9448
wrig390@yahoo.com

APPLICATION FOR: (Check Appropriate Box)

- | | |
|--|---|
| <input type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT |
| <input type="checkbox"/> CONDITIONAL USE | <input checked="" type="checkbox"/> PARTITION |
| <input type="checkbox"/> VARIANCE PETITION | <input type="checkbox"/> SUBDIVISION |
| <input type="checkbox"/> APPEALS PETITION | <input type="checkbox"/> ANNEXATIONS |
| <input type="checkbox"/> AMENDMENT | <input type="checkbox"/> VACATIONS |
| | <input type="checkbox"/> GRADING PERMIT |

LOCATION:

PROPERTY ADDRESS NOT ASSIGNED

ASSESSOR MAP NO. 105-03W-16CA TAX LOT NO. 801

TOTAL AREA OF PROPERTY 1.23 AC (Acres or Square Feet)

EXISTING ZONING OF PROPERTY RURAL RESIDENTIAL 2.5UC

EXISTING COMP PLAN DESIGNATION _____

EXISTING USE OF THE PROPERTY VACANT

REQUESTED ACTION AND PROPOSED USE OF PROPERTY:

THE APPLICANT PROPOSES TO PARTITION AN
EXISTING VACANT PROPERTY INTO THREE
PARCELS, AS SHOWN ON TENTATIVE PLAT.

PROVIDE ADDITIONAL INFORMATION SHEETS AS NEEDED

The applicant shall state specifically what is being requested and the ordinance provisions that apply to the request. Provide all necessary drawings, evidence and statements supporting the requested action.

* APPLICANT SIGNATURE Edward Wright
Print Name & Sign

* OWNER SIGNATURES Yoshiko Wright Yoshiko Wright
Print Name & Sign

CITY OF MILLERSBURG
APPLICATION FORM

DATE _____

FILE NUMBER _____

~~SURVEYOR'S~~ APPLICANT NAME K&D ENGINEERING INC.
CONTACT ADDRESS 276 NW HICKORY ST, ALBANY OR 97321
CONTACT PHONE 541-928-2583

APPLICATION FOR: (Check Appropriate Box)

- | | |
|--|---|
| <input type="checkbox"/> SITE PLAN REVIEW | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT |
| <input type="checkbox"/> CONDITIONAL USE | <input checked="" type="checkbox"/> PARTITION |
| <input type="checkbox"/> VARIANCE PETITION | <input type="checkbox"/> SUBDIVISION |
| <input type="checkbox"/> APPEALS PETITION | <input type="checkbox"/> ANNEXATIONS |
| <input type="checkbox"/> AMENDMENT | <input type="checkbox"/> VACATIONS |
| | <input type="checkbox"/> GRADING PERMIT |

LOCATION:

PROPERTY ADDRESS NOT ASSIGNED

ASSESSOR MAP NO. 105-03W-16CA TAX LOT NO. 801

TOTAL AREA OF PROPERTY 1.23 AC (Acres or Square Feet)

EXISTING ZONING OF PROPERTY RURAL RESIDENTIAL 2.5 UC

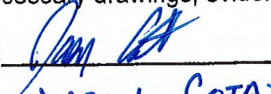
EXISTING COMP PLAN DESIGNATION _____

EXISTING USE OF THE PROPERTY VACANT

REQUESTED ACTION AND PROPOSED USE OF PROPERTY:

PROVIDE ADDITIONAL INFORMATION SHEETS AS NEEDED

The applicant shall state specifically what is being requested and the ordinance provisions that apply to the request. Provide all necessary drawings, evidence and statements supporting the requested action.

~~SURVEYOR~~
APPLICANT SIGNATURE  jcota@kdeng.com
Print Name & Sign JASON COTA

OWNER SIGNATURES _____
Print Name & Sign

**Written Statements
Partition Plat
For
Ed Wright
Tax lot 801 of Assessor map 10S-3W-16CA**

Narrative:

The Applicant proposes to partition an existing vacant property into three parcels as shown on the tentative plat. The property is located on the North side of Millersburg Dr.

Written Statements / decision criteria section 2.326:

(1)(a): The water main line along Millersburg Dr. will be utilized for the three new parcels. Water service lines for each parcel will be constructed when building permits for new houses are applied for.

(1)(b): The water main along Millersburg Dr. is existing, no bond is required for this application. Water service lines for the new parcels will be constructed when building permits for new houses are applied for.

(1)(c): Parcels created by this proposed partition will have access to public water when building permits are applied for. A “No domestic water supply statement” is not needed or proposed.

(2)(a): Sewer laterals for the parcels created by this application will connect to the existing sewer main located along Millersburg Dr.

(2)(b): Sewer laterals for each of the parcels created by this application will be constructed when building permits for new houses are applied for.

(2)(c): Parcels created by this proposed partition have access to the public sewer located in Millersburg dr. A “No sewage disposal statement” is not needed or proposed.

(3): CC&Rs are not proposed for this application.

(4): right-of-way dedications for Millersburg Dr. were completed in previous partitions of the subject property. No additional dedication is required or proposed by this application.

(5): Public improvements are in place. Private utilities (sewer and water services) will be constructed when new houses are constructed on the proposed parcels.

(6): Declarations required by ORS 92.075 and other ORS requirements can and will be met with the final plat.

(7): The subject property will be fully developed by the proposed partition. There is no remainder and the Applicant does not propose any further development at this time.

RESOLUTION SETTING FEES)
 FOR PROCESSING LAND USE)
 APPLICATIONS WITHIN THE)
 CITY OF MILLERSBURG AND)
 REPEALING RESOLUTION NO. 2006-08)

RESOLUTION NO. 2008-5

The City Council of the City of Millersburg having conducted a study of costs for processing certain land use applications; and having considered the merits thereof; and finding it necessary for the reimbursement of administration expenses for such applications to charge a fee for same, now therefore:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILLERSBURG that the following fee deposit be charged to the requesting party for processing the following land use applications within the City of Millersburg:


	<u>FEE DEPOSIT</u>
1. Annexations to the City or UGB	\$ 4,000.00
2. Amendment to the Plan or Code Text	\$ 1,500.00
3. Amendment to the Plan/Zone Map	\$ 3,000.00
4. Conditional Use	\$ 1,000.00
5. Conditional Use Single Residence	\$ 300.00
6. Variance	\$ 1,000.00
7. Variance Single Residence	\$ 300.00
8. Site Plan Review	\$ 1,000.00
9. Manufactured Home Parks	\$1,000 /acre
10. Subdivision Tentative Plan	\$\$2,500 + \$50/lot
11. Subdivision Final Plat	\$ 1,000.00
12. Property Line Adjustment	\$ 300.00
13. Partition Tentative Plan	\$ 800.00 *
14. Partition Final Plat	\$ 300.00
15. Vacations	\$ 1,000.00
16. Administrative Decisions	\$ 300.00
17. Appeals	1/2Application Cost

BE IT FURTHER RESOLVED that combined application fees shall be added as the sum of the component applications.


BE IT FURTHER RESOLVED that city staff and consultants keep records of time and expenses spent on each application and that any costs or fees incurred to the City for staff and consultants above the application fee deposit set forth in this ordinance shall be due and payable to the City upon final resolution of the application. As soon as it becomes apparent to staff that actual costs of any application is going to exceed the fee deposit, the applicant shall be notified and given an opportunity to withdraw their application.

BE IT FURTHER RESOLVED that any excess amounts not expended from the fee deposit as set out above shall, within sixty (60) days of completion of the conditions of approval or denial of the application, be refunded to the applicant.

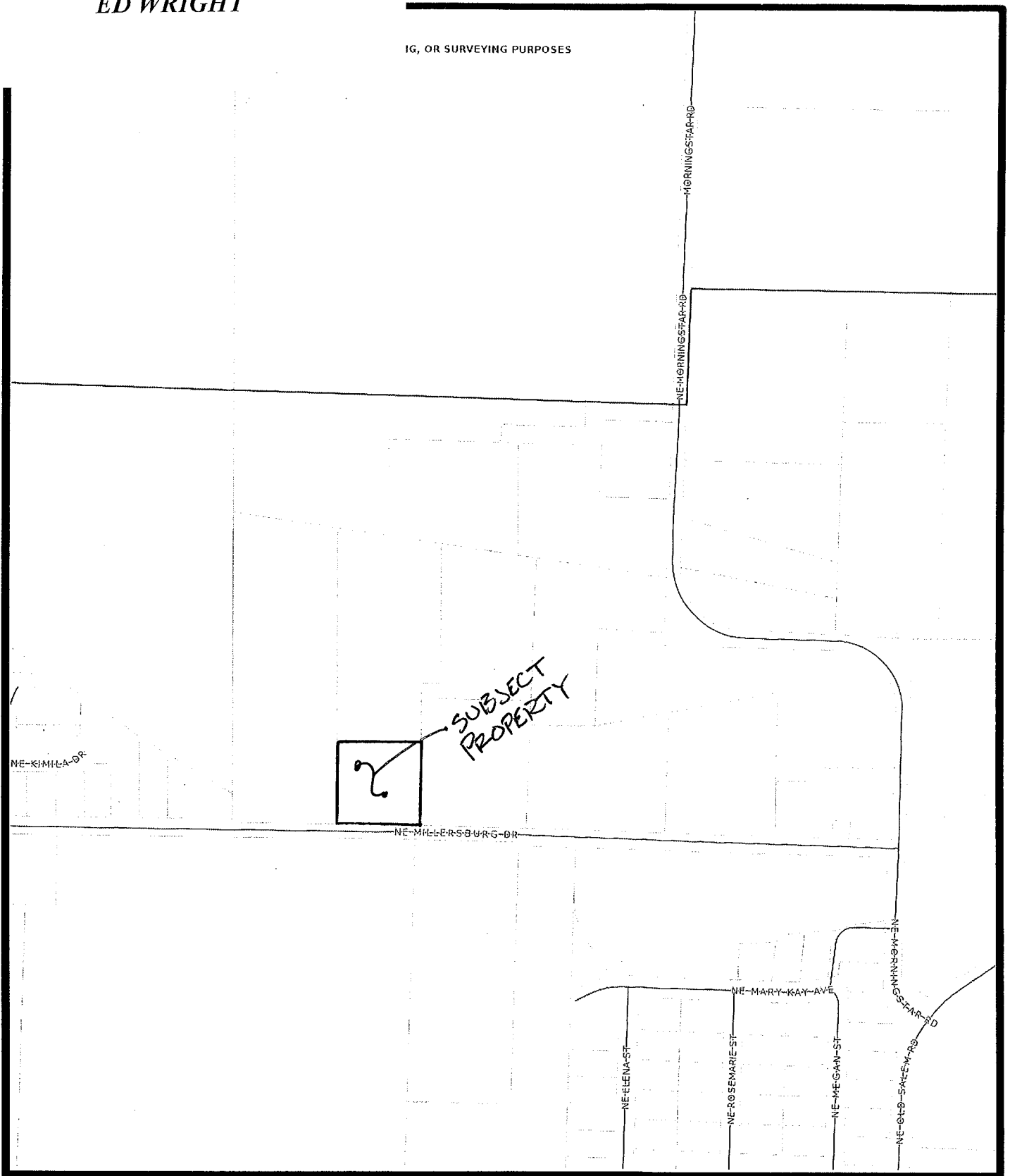
Passed by the Council and approved by the Mayor this 20 day of May, 2008.


 Clayton Wood, Mayor

ATTEST:


 Barbara Castillo, City Administrator

TENTATIVE PARTITION PLAT
VICINITY MAP
FOR
ED WRIGHT



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

TENTATIVE PARTITION FLAT
OF PARCEL 2
OF PARTITION FLAT 2011-01

FOR
ED WRIGHT
LOCATED IN

TAX LOT 801; MAP 105-03W-16CA
SEC. 16, T. 10 S., R. 3 W., W.M.

MAY 4, 2017

APPLICANT:

ED WRIGHT
3111 MILLERSBURG DR.
ALBANY, OR 97321

OWNER:

BOYD + YOSHIKO WRIGHT
3111 MILLERSBURG DR.
ALBANY, OR 97321

ENGINEER:

K+D ENGINEERING INC.
276 HICKORY ST. NW
ALBANY, OR 97321
541-928-2583

SITE ADDRESS:

NOT ASSIGNED

SITE ZONING:

RURAL RESIDENTIAL 2.5UC

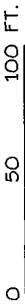
TAX LOT:

801 (105-3W-16CA)

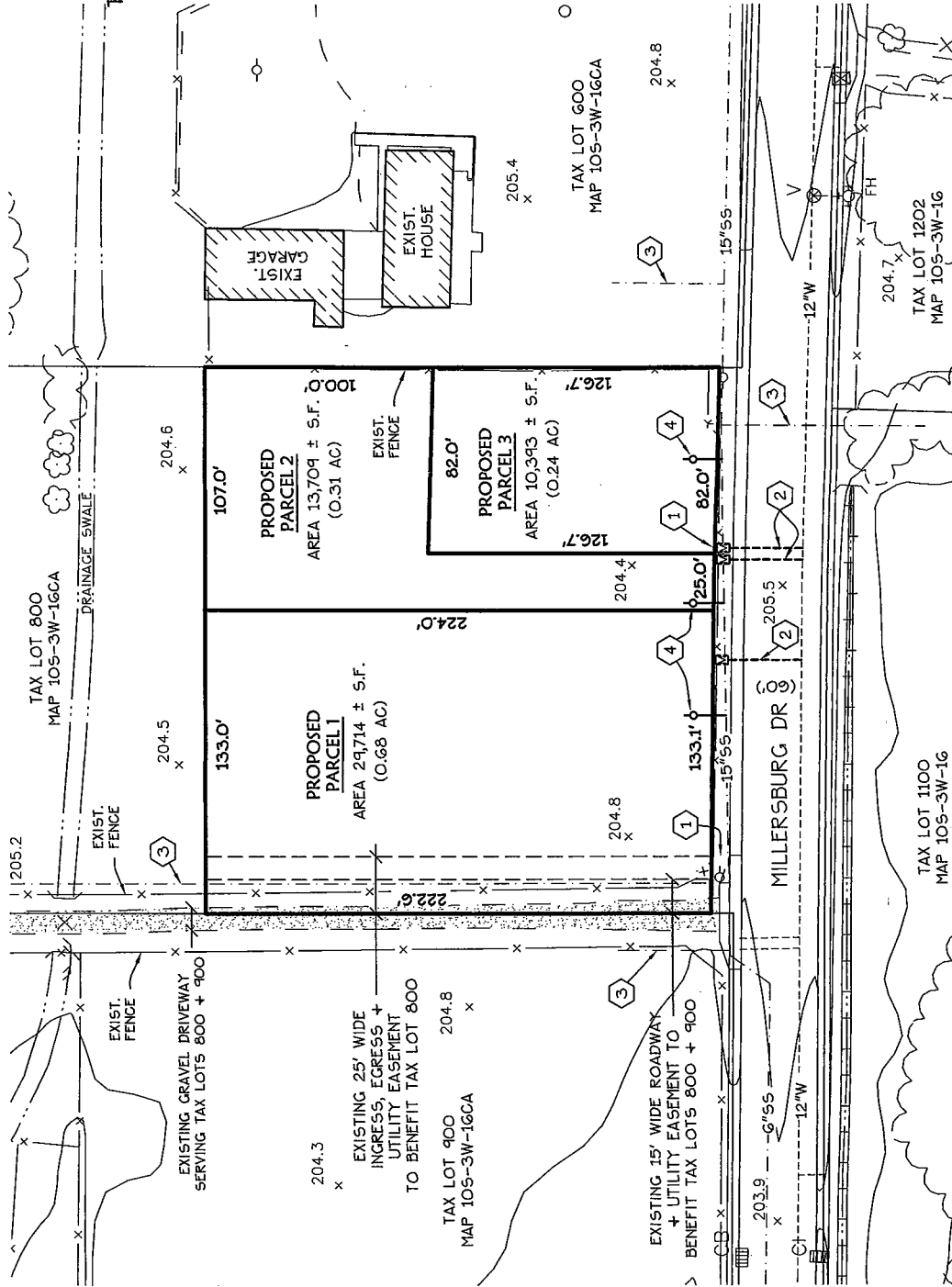
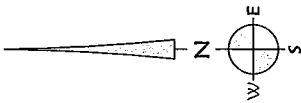
LEGEND:

- ① PROPOSED WATER METER LOCATIONS
- ② PROPOSED 1-1/2" SCH 80 PVC ASTM 1785 WATER SERVICE LATERALS
- ③ EXISTING 4" SEWER LATERAL
- ④ PROPOSED NEW 4" SEWER LATERAL

K&D
K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583



SCALE: 1" = 50'



Date: 5/5/2017
Scale: 1"=1(FS)
File: dwg\2017\17-56\17-56-tp.dwg (George)

Time: 8:01

CONCEPTUAL PLAN

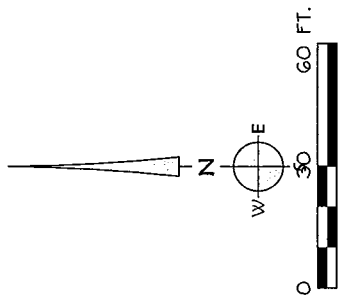
FOR

ED WRIGHT

LOCATED IN

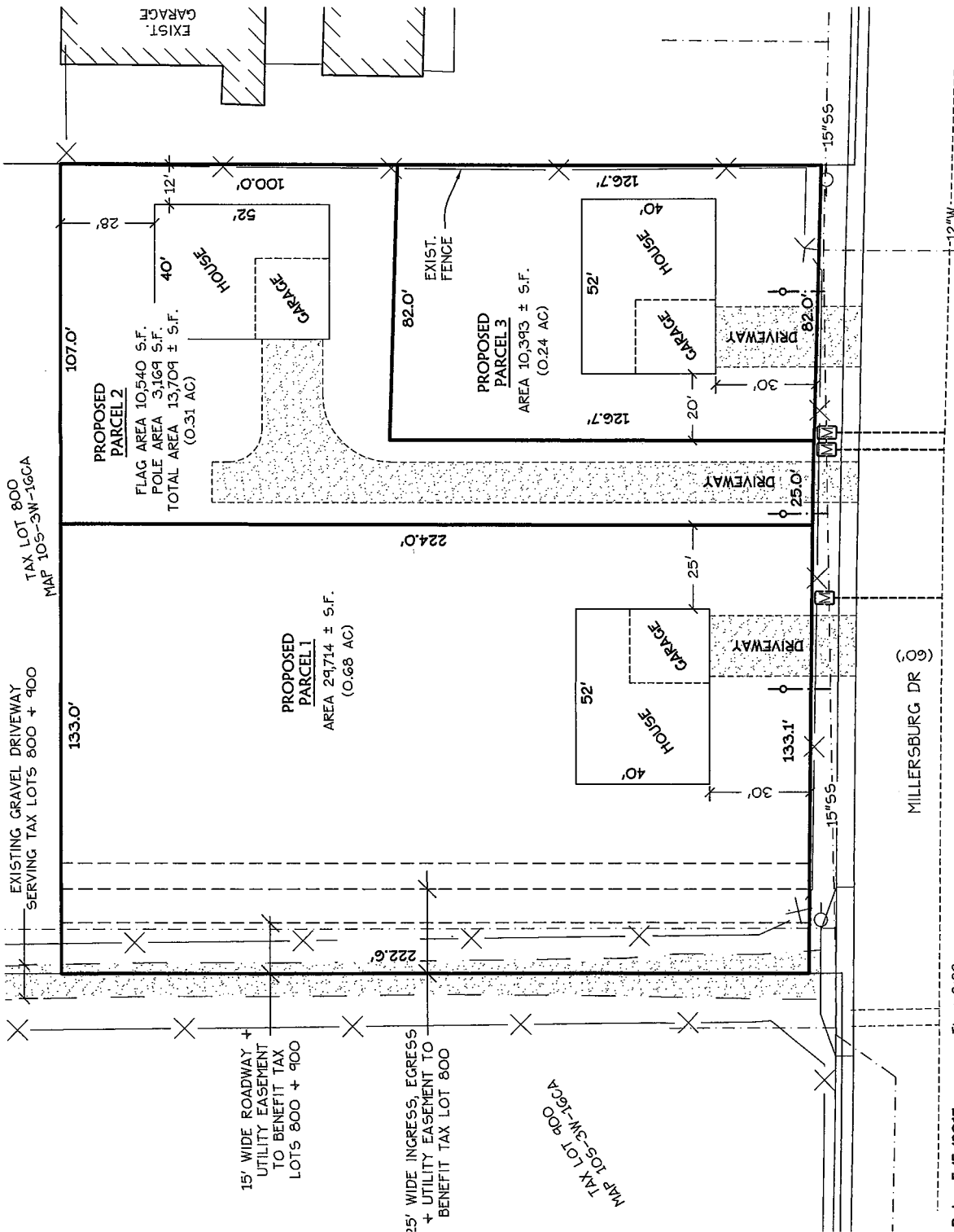
TAX LOT 801; MAP 105-03W-16CA
SEC. 16, T. 10 S., R. 3 W., W.M.

MAY 4, 2017



LEGEND:

- PROPOSED WATER METER
- PROPOSED WATER SERVICE
- PROPOSED SEWER CLEAN-OUT + SEWER LATERAL
- PROPOSED DRIVEWAYS
- EXISTING FENCE
- EXISTING EASEMENT LINE
- EXISTING SEWER MAIN
- EXISTING WATER MAIN



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Date: 5/5/2017
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Draft for discussion purposes only:**SECTION 5.137 FENCING****Fencing Regulations****(1) Permit Required:**

- (a) To construct or replace a fence upon any property within the City limits requires the developer or property owner [Applicant] to obtain a fencing permit and comply with its provisions. Normal fence maintenance and repairs do not require a fence permit.

(2) Placement of Fencing on Public Rights-of-Way or Easements:

- (a) Fences may be constructed on public rights-of-way and/or easements subject to certain restrictions. Construction of fences on public rights-of-way or easements requires permission from the appropriate public agency. The City allows placement of fences on public rights-of-way and certain easements, provided that action does not impair the City's ability to address its public functions and the permit holder agrees to remove the fence upon request.

(3). General requirements:

- (a) A wall is considered a fence and shall be built consistent with the applicable fencing requirements [see section 8 below].
- (b) Electric fences and barbed wire fences are prohibited within the City except in those instances where it can be demonstrated to the Millersburg Planning Commission and/or the City Council the use is solely for the containment of animals kept in compliance with City animal control regulations. The City shall have the authority to revoke authorization for an electric fence or barbed wire fence upon a determination such fence would be detrimental to public health, safety or welfare or injurious to persons, properties or improvements in the vicinity.
- (c) No fence installed in the City shall exceed a height of six [6] feet, except in commercial and industrial zones where fencing may be installed to a height of eight [8] feet for safety or security purposes.
- (d) Barbed wire may be used as the top section for security fences in the commercial and industrial zones, provided the barbed wires are a minimum of seventy-two (72) inches above grade and do not project over public rights-of-way.
- (e) No fence shall be permitted in the sidewalk area or in a location which may impair the construction of a public sidewalk, pathway or walkway.
- (f) The Installation of any fence greater than six [6] feet in height in zones' allowing this requires the applicant to secure a conditional use permit.
- (g) In the event any fence restricts access to or use of rights-of-way and easements, it shall be the fence owner's responsibility to provide access upon City request or other affected agency or utility provider request.

- (h) A property owner who restricts access to any utility meter or fire hydrant shall provide access through the fence by a hand gate.
- (i) Fence installation shall not impair the clear vision triangle clearance requirements at street and alley intersections [see attached illustration].
- (j) Fence heights shall be measured from undisturbed ground level, top of sidewalk or street grade [crest or crown of the road].

(4). Fencing Requirements for the Residential Zones:

1. Interior lot: Solid or closed non-vision fences to a height of three [3'] feet, or open vision fences to a height of four [4'] feet may be built within the front yard setback outside of the public right-of-way. A fence of up to six [6'] feet in height may be built behind the front dwelling setback along the property boundary [see attached interior lot illustration].
2. Corner lot: Solid or closed non-vision fences to a height of three [3'] feet, or open vision fences to a height of four [4'] feet may be built within the front dwelling and street side yard setback to the inside of the right-of-way line. A fence of up to six [6'] feet in height may be built along the side property lines adjacent to an interior lot from the front dwelling setbacks [see attached corner lot illustration].
3. Back-to-back corner lot: Where two (2) corner lots are back-to-back, with no vehicle access to the roadway adjacent to the side yard of either residence, the side yard fence may be solid, or open to a maximum height of six [6'] feet, except within the clear vision sight triangle [see attached back to back corner lot illustration].

(5). Fencing Requirements for Commercial and Industrial Zones:

- (a) Industrial or commercial fencing installed adjacent to residential areas must be sight obscuring. Fences that do not exceed six feet (6) feet in height may be located or maintained on any property line within this zone, except within the clear vision triangle area and along the frontage of presentation streets. Commercial or industrial fencing intended to be placed on Old Salem Road or Conser Road frontage is subject to design review.
- (b) Fences intended for security purposes may be installed to a height of eight [8'] feet on any property line within the commercial and industrial zones, except within vision triangle areas and along the frontage of presentation streets. Barbed wire may be used as the top section for security fences, provided the barbed wires are a minimum of seventy-two (72) inches above grade and do not project over public rights-of-way.

(6). Pathway Fencing:

- (a) When residential construction includes a pathway or walkway intended to be constructed adjacent to these pedestrian type features, the Applicant shall install along the full length of the property frontage intersecting or encountering these features, a fence composed of metal, rock or vinyl material with the supporting wood treated posts placed on an adequate concrete footing. Use of wrought iron or vinyl four-foot solid with two-foot lattice, or equal quality fence is preferred. Dimensionally sawn lumber [except wood posts for construction purposes] is not an acceptable fencing material for perimeter subdivision fencing because it will not hold up long-term due to weather conditions. Pathway or walkway type fencing shall be installed in such a fashion as to

provide better visibility from adjacent homes or buildings and to assure public safety and avoid a tunneling effect associated with tall fences bordering narrow pathways.

* Dimensionally sawn lumber may use to repair perimeter subdivision wood fences in existence at the time of development code fencing correction adoption.

See-through pathway fencing shall not exceed five [5'] feet in height and solid fencing shall not exceed four (4) feet in height the length of the property frontage intersecting or encountering the pathway, walkway or greenbelt.

(7). Fences Required for Sight-Obscuring Purposes:

- (a) Certain land uses or activities are declared to possess characteristics that require sight obstruction fencing in order to limit damage, hazard, nuisance or other detriment to public health, safety or welfare.
- (b) Sight obscuring fences shall be constructed of an aluminum mesh fencing with slats or other solid non-vision-type fencing of such design and material that will retain its attractiveness with nominal maintenance.
- (c) The following uses are declared to require sight obscuring fences: Junkyards, wrecking yards, equipment or vehicle salvage storage yards, auction blocks, lumberyards, sanitary landfills, recycling collection stations and other uses determined to be similar in nature to the aforementioned as determined by the planning director or designate.
- (d) Presentation Streets: Fencing placed along Old Salem Road or Conser Road requires a conditional use permit and is subject to design review.

(8). Walls Serving Fencing Purposes:

- (a) Wall materials shall be constructed of impervious concrete or stucco or other appropriate sound attenuating material. The wall and its footing shall be engineered to accommodate loading and stress impacts it may be subject. The engineered plans shall be submitted for review and approval prior to the wall's construction. Wall installation is also subject to the City design review and appropriate building codes, permits and inspections.
- (B) Wall heights shall be in accordance with zoning height prescriptions.
- (c) The Applicant shall avoid construction of a monotonous wall through installation of features that will make it interesting. Accordingly, the wall[s] shall be offset by a minimum relief distance of three (3) feet every three hundred (300) linear feet. If walls are used in combination with a berm, the wall shall be placed behind the berm, and under no circumstances, placed on the berm. The proposed wall is subject to design review where it will be evaluated for design, color and texture. The wall and/or wall and berm combination shall be located outside the public rights-of-way.

(9). Abatement of Unlawful Fences:

The following fences are declared unlawful nuisances and shall be subject to the enforcement provisions of this Code:

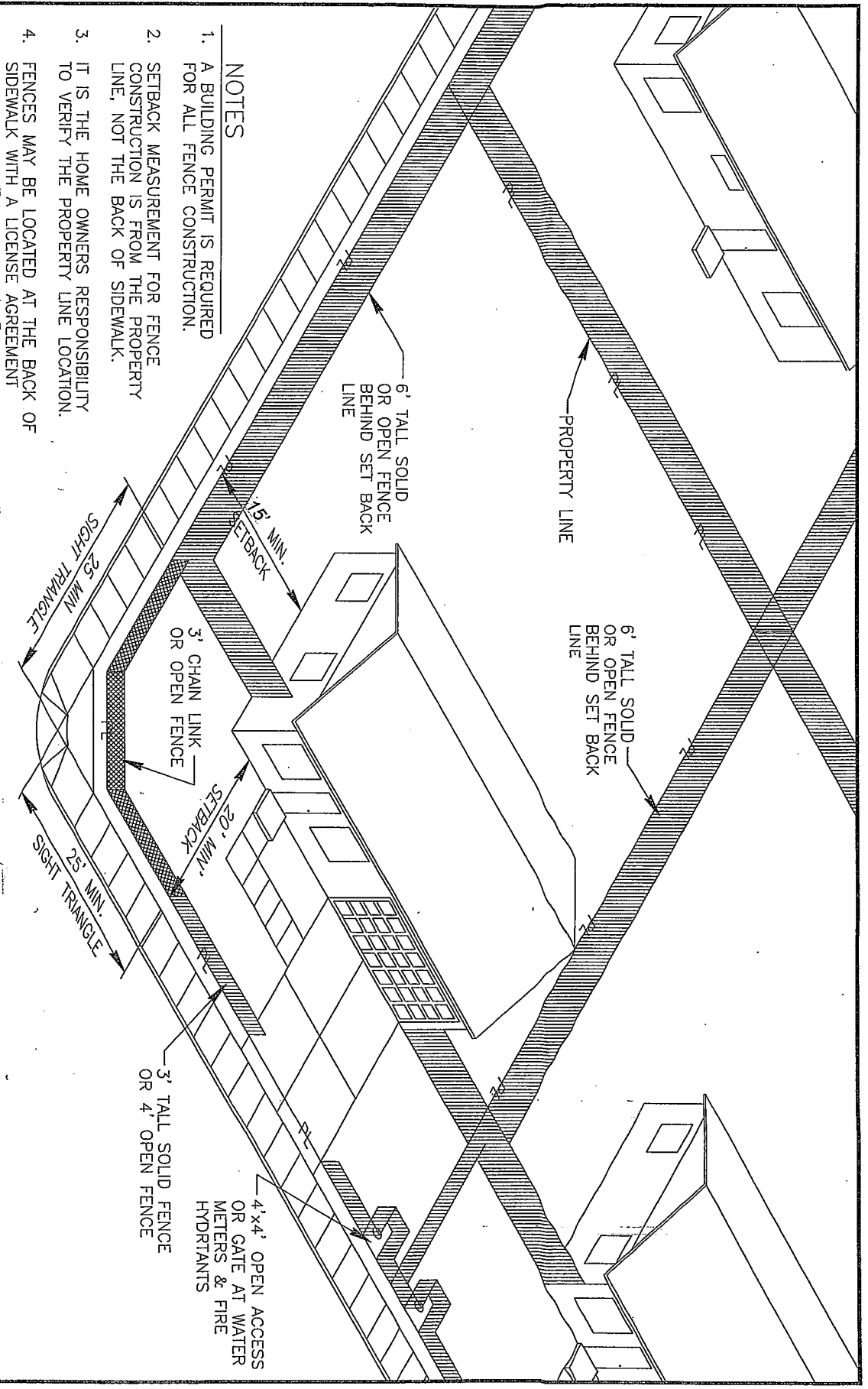
- (a) Any fence constructed or maintained which is in whole or in part weak, unsafe, or constructed of broken, unsightly, inferior or old worn material of an inflammable nature which may impair the value or safety of the adjoining land[s].
- (b) Any fence constructed or maintained for the purpose of maliciously annoying the owners or occupants of adjoining property.
- (c) Any fence not constructed or maintained in accordance with this section.

(10). Fencing Installed as part of a Subdivision or Partition Tentative Plan.

- (a) Fencing shall be installed according to the approved fencing plan. The subdivision shall feature permanent fencing along its outer perimeter with the exception of those portions of its perimeter that feature common open space or park area accessible from the street. The fencing that is placed next to an arterial or collector road shall be punctuated with a minimum three (3) feet of parallel fencing offset, every three hundred (300) linear feet [maximum] to minimize the monotony of the fence's facade. Fences shall be a maximum six (6) feet in height (measured from the crest of the road), permanent in nature and maintenance free. Fencing shall be constructed of metal, rock or vinyl materials with an approved post hole footing. Dimensionally sawn lumber is not permitted as a fencing product for subdivision perimeter fencing. Chain link fencing is also prohibited except for school related purposes. A school may rely upon a powder coated or vinyl coated chain-link type fencing for security related purposes.
- (b) Fencing placed along a subdivision's internal pathways shall be of a see-through type construction to minimize tunneling effects and provide for pedestrian safety. See through fencing shall not exceed a height of five [5'] feet and sight obscuring [solid] fencing shall not exceed a height of four [4] feet. If fencing is used in combination with a landscaped berm, the fence shall be placed behind the berm, and under no circumstances, placed on the berm.
- (c) Subdivision fencing shall be of a consistent height and construction.
- (d) A fence plan must be submitted along with the preliminary plat application for approval purposes.

11. Fence advertising or signage:

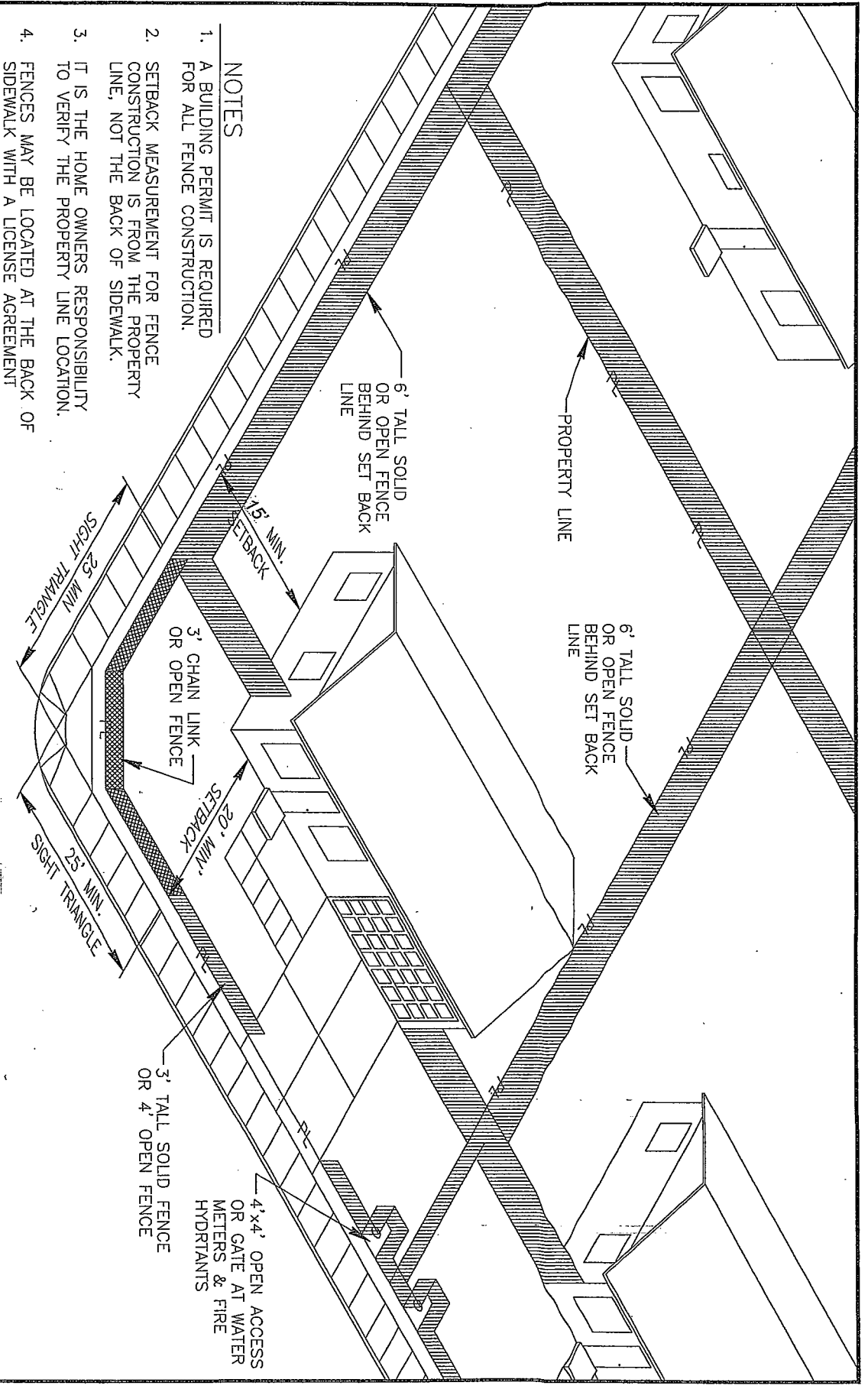
- (a) Fences shall not be used for advertising purposes. Accordingly, no signage may be permanently installed on fencing except for directional purposes. Fence signage intended for directional purposes is subject to design review. Political signs placed on fencing shall be removed within days after the election.



NOTES

1. A BUILDING PERMIT IS REQUIRED FOR ALL FENCE CONSTRUCTION.
2. SETBACK MEASUREMENT FOR FENCE CONSTRUCTION IS FROM THE PROPERTY LINE, NOT THE BACK OF SIDEWALK.
3. IT IS THE HOME OWNERS RESPONSIBILITY TO VERIFY THE PROPERTY LINE LOCATION.
4. FENCES MAY BE LOCATED AT THE BACK OF SIDEWALK WITH A LICENSE AGREEMENT

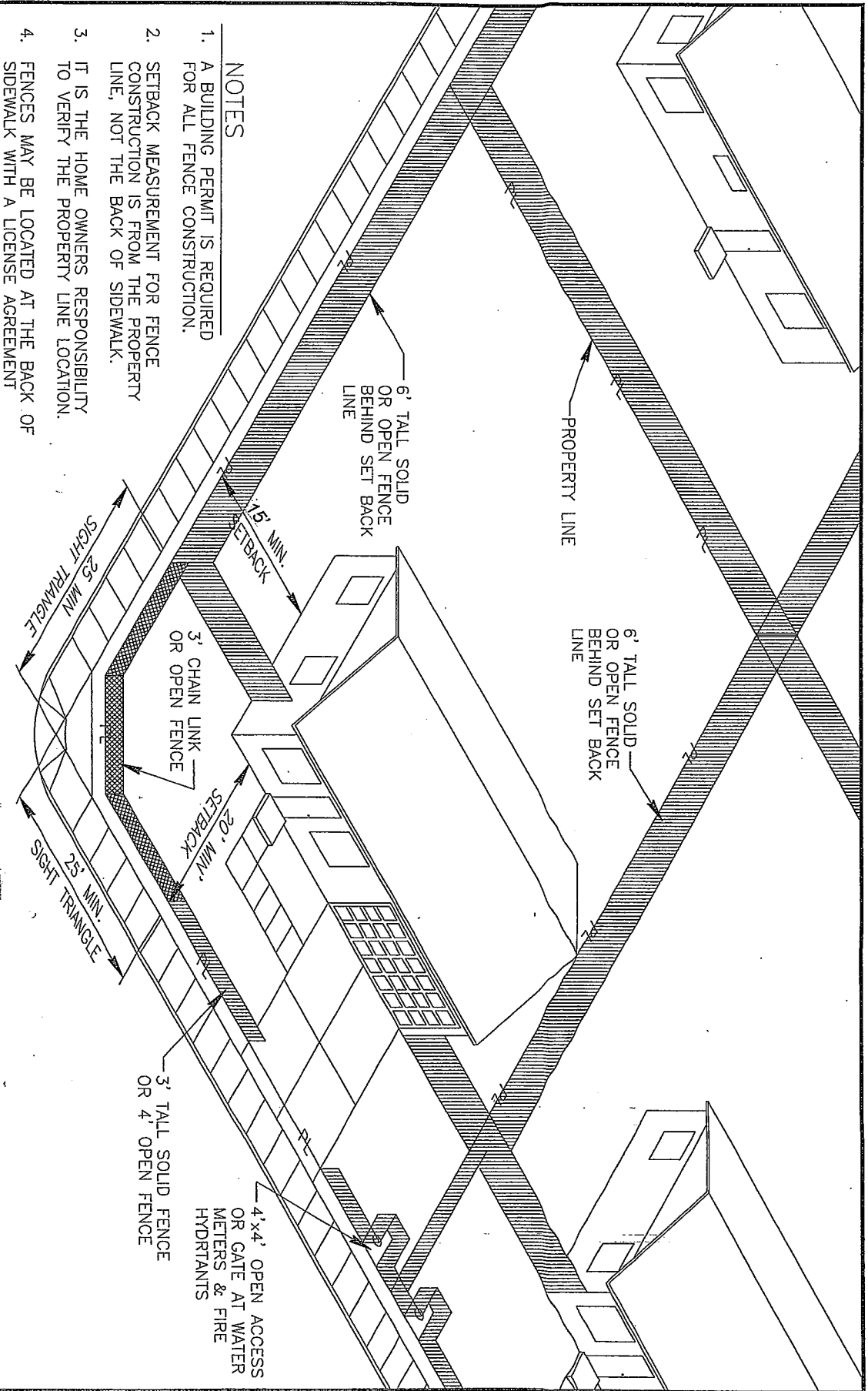
**CITY OF MILLERSBURG
BACK-TO-BACK CORNER LOTS**



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