



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

NOTICE OF PUBLIC MEETING CITY OF MILLERSBURG PLANNING COMMISSION

Tuesday August 21, 2018
6:00 p.m.

Agenda

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. MEETING MINUTE APPROVAL
 - 1) Planning Commission Meeting & Public Hearing held on June 13, 2018.
- E. QUASI-JUDICIAL PUBLIC HEARINGS
 - 1) Land Use File No: SP 18-03 Pratum Co-Op Propane Tank Addition. *The site currently features an existing facility that distributes fertilizer, seed and other farm related products, no manufacturing. This application proposes to add a 30,000 gallon propane tank to the site.*
 - 2) Land Use File No: PA 18-04 Curtis Land Partition. *The applicant is requesting approval to partition 2.19 acres into two residential lots, 0.98 acres and 1.21 acres.*
 - 3) Land Use File No: PA 18-03 Hibbs Land Partition. *The applicant is requesting approval to partition 2.45 acres into two residential lots, 16,590 square feet and 2.07 acres.*
 - 4) Land Use File No: SD 18-02 Sweetwater Estates Phase 4 Subdivision. *The applicant proposes to subdivide 4.05 gross acres into eight residential single-family lots ranging from 10,001 sq. ft. to 38,868 sq. ft. with one tract*

(Tract A) for park/open space.

F. CITY PLANNER UPDATE

G. ADJOURNMENT

Upcoming Meetings:

August 28, 2018 @ 4:00 p.m. – City Council Work Session

September 11, 2018 @ 6:30 p.m. – City Council Meeting

September 18, 2018 @ 6:00 p.m. – Planning Commission Meeting



CITY OF MILLERSBURG PLANNING COMMISSION MEETING

Tuesday, June 17, 2018
6:00 p.m.

Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall, called the meeting to order at 6:00pm.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL:
Members Present: Ryan Penning, Steve Vogler, Scott Stimpson, Dennis Gunner, Connie Lepin, and Ed Perlenfein
Members Absent: Jimmy Kirkendall John Sullivan, and Anne Peltier
Staff Present: Kevin Kreitman, City Manager; Kimberly Wollenburg, City Recorder; and Matt Straite, City Planner
- D. MEETING MINUTE APPROVAL
- 1) Planning Commission Meeting & Public Hearing – 5-15-18
Action: **Motion to Approve the Minutes made by Steve Vogler, seconded by Scott Stimpson**
Commissioner Gunner: Aye
Commissioner Lepin: Aye
Commissioner Perlenfein: Aye
Commissioner Stimpson: Aye
Commissioner Vogler: Aye
- E. Public hearing opened by Acting Commission President, Ed Perlenfein.
- F. QUASI-JUDICIAL PUBLIC HEARINGS
- 1) Land Use File SP 18-01PA 18-02 Samaritan Health Partition. *The applicant is requesting approval to partition 4.73 acres into 2 industrial parcels of 2.67 acres and 1.48 acres. In addition, a 0.58 acre street dedication bisects the 2 proposed parcels.*

- i. City Planner, Matt Straite, presented a staff report for the Samaritan Health Partition.
- ii. Lyle Hutchens, Samaritan Health representative gave a presentation and noted that the applicant is in agreeance with the conditions of approval.
 - 1. Questions about the current condition of the property, wetlands, and partition reasoning by Commission members.
 - 2. Nancy Lucht, 38777 Morningstar Road NE, expressed concerns about drainage in the future building of the property.

Public hearing on the application closed by the acting President.

Action: **Motion to Approve the Land Partition made by Commissioner Steve Vogler and seconded by Commissioner Dennis Gunner.**

Commissioner Gunner: Aye
 Commissioner Lepin: Aye
 Commissioner Perlenfein: Aye
 Commissioner Stimpson: Aye
 Commissioner Vogler: Aye

G. New agenda item: City Planner Update

- 1) Matt Straite requested that the June Planning Commission be moved to Wednesday, June 13, 2018.
- 2) Mr. Straite provided clarification on the latitude the Planning Commission has on changing standards or requirements unless the code specifically allows it.

H. ADJOURNMENT: meeting adjourned at 6:30 pm.

Respectfully submitted:

Reviewed by:

Jake Gabell
 Deputy City Recorder

Kimberly Wollenburg
 City Recorder

Upcoming Meetings:

May 17, 2018 @ 6:00 p.m. – Second Budget Committee Meeting & Public Hearing

May 22, 2018 @ 4:00 p.m. – City Council Work session



Proposal: The site currently features an existing facility that distributes fertilizer, seed and other farm related products, no manufacturing. This application proposes to add a 30,000 gallon propane tank to the site.

I. BACKGROUND

- A. Applicant: Nolan Schrock, Pratum Co-Op
3653 NE Steelhead Run Drive
- B. Location: Westerly of I-5 and easterly of NE Old Salem Road at 3653 Steelhead Run Drive.
- C. Review Type: The proposed Site Development Review requires a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on August 21, 2018. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 100 feet of the proposed location, posted in City Hall on July 10, 2018 and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Article 2 §2.400(2) Site Plan Review Criteria
- F. Current Zoning: Limited Industrial (LI)
- G. Proposed Zoning: N/A
- H. Property Size: 4.86 Acres
- I. Background: The project received approval from the Planning Commission on August 11, 2014 for a co-op supply distribution facility. Materials stored and distributed include fertilizer, fuel, pesticides and seed products used by farmers. No manufacturing takes place on site.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's materials were transmitted to the following agencies/departments on June 9, 2018: City of Albany, Albany Fire Department, Linn County Sheriff's Office, City of Millersburg Engineer, Oregon Department of State Lands, PacificCorp, Linn County Planning and Building Department, Linn County GIS, Jefferson Fire, Northwest Natural Gas, United States Postal Service, and Republic Services. To date, the following comments have been received:

- The City of Albany Fire Department provided comments explaining that a permit would be required through the Office of State Fire Marshall. This has been added as a condition of approval.
- ODOT responded in an email dated June 18, 2018 that they have no comments.
- Millersburg City Engineering provided comments dated August 3, 2018 asking for fire flow testing.

Public:

Notice of the August 21, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable site plan review criteria are from section 2.400(2).

(2) Decision Criteria. After an examination of the Site and prior to approval, the Planning Commission must make the following findings:

(a) That the proposed development or use does not conflict with the City's Comprehensive Plan.

ANALYSIS: Section 9 of the Comprehensive Plan contains a list of Land Use Goals and Policies. Section V of this report goes through the pertinent policies from the Comprehensive Plan. In summary, based on staff's review, the project is consistent with the plan.

FINDING: Based on the analysis above, the project meets the required criteria.

(b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.

ANALYSIS: Based on staff's review of the proposed propane tank, the project meets most of the zoning ordinance requirements and development standards from the Millersburg Zoning Code. Some items require conditions of approval to meet the code requirements. With proposed conditions of approval the project can meet the standards. Section IV below provides a more detailed review of pertinent standards.

FINDING: Based on the analysis above, the project does not meet the required criteria; however, with proposed conditions of approval, the criteria can be met.

(c) That the proposed development will not have an adverse impact on traffic flow or to pedestrian, bicycle and vehicular safety, and future street right-of ways are protected.

ANALYSIS: The Co-Op is currently operating. The design review is proposing to add a 30,000 gallon propane tank to the existing site. The design review is required because this will be intensifying the use on the property. Adding the tank will allow the business to provide an

additional item for sale, propane. Customers who purchase propane at the site will probably already be there for other items. It is not anticipated that the addition of propane to the site will add any additional vehicle, pedestrian or bicycle trips to the site. The proposed location of the tank is away from the existing rights-of-way of Steelhead Run Drive.

FINDING: Based on the analysis above, the project meets the required criteria.

(d) That proposed signs or lighting will not, by size, location, color or operation, have an have an adverse impact on traffic, limit visibility or have an have an adverse impact on adjacent properties.

ANALYSIS: No signage is proposed through this permit.

FINDING: This criteria does not apply.

(e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use and can be extended in the future to accommodate future growth beyond the proposed land division.

ANALYSIS: Existing sewer and water lines are available within the Steelhead Run Drive right-of-way. The addition of propane to the site would not require any additional water or sewer. In the event of a rupture it will be critical to have adequate water pressure to fight the fire that may result. Based on review of the project materials by the City Engineer, a fire flow test has been required by condition of approval, with this, these criterion are met.

FINDING: Based on the analysis above, with conditions of approval, the project meets the required criteria.

PROPOSED CONDITION OF APPROVAL: Prior to placing the tank on site, conduct hydrant flow test on existing hydrant at east end of Steelhead Run Drive and submit results to City of Millersburg. If flow test shows less than 5,000 gpm available, additional fire protection measures may be required.

(f) That the proposed development or use does not have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and required drainage facilities are provided that have the capacity to serve the proposed development or use.

ANALYSIS: The drainage for the site was reviewed as part of the original development application in 2014. The site plan for the original project shows a drainage way across the property in the northeast corner. No structures or parking impacted the drainage, and a setback has been maintained. Section 5.118 requires a 15 foot setback from non-fish bearing streams. The proposed tank site is outside this setback as shown on the site plan.

FINDING: Based on the analysis above, the project meets the required criteria.

(g) That the proposed development will not have an adverse impact, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site

Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.

ANALYSIS: Propane tanks require a special review by the Office of the Fire Marshall. Evidence that the permit has been issued has been made a condition of approval. Any propane tank has a potential for rupture. The location of the tank is 58 feet from the northern property line, 300 feet from the road entrance, and about 120 feet from the closest habitable structure. Based on the attached BLEVE safety precautions sheet (exhibit E) from the Oregon Fire Safety Code, the water pressure to the site is adequate for a 30,000 gallon tank, specifically that the site is providing the required 935 gallons per minute required to fight any fire that would result from a rupture. Section 2.140 Item 21 explains that the applicant is required to identify any emissions that may result from the application. In this case, no propane emissions are anticipated. In the event of a rupture secondary containment of the material is required through the design of the tank placement, and will be reviewed as part of the Fire Marshall review.

FINDING: Based on the analysis above, with proposed conditions of approval, the project meets the required criteria.

PROPOSED CONDITION OF APPROVAL: Prior to placing the tank on site, the applicant shall provide the City with an approved permit from the Oregon Office of State Fire Marshall for the placement of the tank.

(h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

ANALYSIS: Staff transmitted the project to several different agencies for review. At the time this staff report was published, ODOT indicated that they have no comments, and Albany Fire provided some comments. No other comments were received indicating any conflicts with standards of other jurisdictions.

FINDING: Based on the analysis above, the project meets the required criteria.

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 4, specifically the LI zone setbacks, and Chapter 5, Development Standards. The following analysis summary is provided for items that required additional explanation and/or additional conditions of approval to show clear consistency:

SECTION 5.118 DRAINAGEWAY SETBACKS

All other intermittent drainageways and watercourses shall have a minimum setback that includes the vegetative fringe, top of bank or a minimum 15 feet from the center of the drainageway whichever is greater. Additional setbacks are required for riparian areas, wetlands and floodplains as identified in Sections 7.100, 7.200 and Section 7.300.

ANALYSIS: Crooks Creek is located on the northeast corner of the project. The creek is non-fish bearing and considered ephemeral. The existing project does not feature any structures in the setback. The tank is not proposed within the setback.

FINDING: Based on the analysis above, the project meets the standard.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

City of Millersburg Comprehensive Plan

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* policies from the Comprehensive Plan.

Chapter 9.5- Industrial Uses

Policy 10- Utilization of natural features and landscaping as screening buffers, to reduce the impact of industrial developments on the community shall be encouraged.

ANALYSIS: The project site is at the end of Steelhead Run Drive. The development is not located near any residential areas. As such, no screening or buffers are proposed. Additionally, the propane tank will not emit any gasses that could be a potential nuisance to neighbors.

FINDING: Based on the analysis above, the project is consistent with the Policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and Staff recommends the Planning Commission approve Application No. SP 18-03 pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission not elect to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted preliminary site plans and elevations included as Exhibit C and D, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.
2. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to construction.
3. Prior to placing the tank on site, the applicant shall provide the City with an approved permit from the Oregon Office of State Fire Marshall for the placement of the tank.

4. Prior to placing the tank on site, conduct hydrant flow test on existing hydrant at east end of Steelhead Run Drive and submit results to City of Millersburg. If flow test shows less than 5,000 gpm available, additional fire protection measures may be required.

IX. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the Applicant. Please contact City Hall with any questions.

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The developer is responsible for all costs associated with any remaining public facility improvements and shall ensure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
3. **This approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
4. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
5. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 6.164 of the Millersburg Development Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
8. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire District. Hydrant and turnaround locations shall be provided by the Applicant and approved by the Albany Fire District and the City.
9. In the event there is engineered fill on any public roads or lots, the applicant's soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.
10. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.

11. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
12. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
13. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste. All waste shall leave the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan and Description
- D. Elevations
- E. BLEVE Safety Precautions
- F. Albany Fire Department email dated June 7, 2018
- G. ODOT Email dated June 18, 2018
- H. Public Hearing Notice

Zoning Map



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.

Vicinity Map



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.

B Narrative
A Map
A 91000
SP

LINKING AGRICULTURE

WITH INDUSTRY



PHONE (541) 928-4523
FAX (541) 928-8945

4222 N.E. OLD SALEM RD.

ALBANY, OREGON 97321

Case No. _____
Date _____
Type _____

Land Use Application Form

cityofmillersburg.org

Check the Type of Land Use Requested:

(PA) Pre Application

(SP) Site Plan Review

(CUP) Conditional Uses

(PL) Property Line Adjustment

(SD) Subdivisions (4 or more lots)

(PA) Partition (3 or less lots)

(VR) Variance (list standards can be varied in description)

(CP) Comprehensive Plan Amendment

(ZC) Zone Change

(AN) Annexations

(VA) Vacations

THIS FORM MUST BE FILLED OUT COMPLETELY

I. Property Owner/Applicant Information

A. Applicant(s) Nolan Schroock (for Pratum Loop)
Email Address Nolan S @ pratum coop.com
Mailing Address 3653 NE Steelhead Run Dr Albany OR 97327
Phone number 541-223-2389
B. Owner(s) Pratum Co-op
Email Address nolan.s @ pratum coop.com
Mailing Address 3653 NE Steelhead run Dr
Phone number 541-223-2389 Albany OR 97327

II. Property Information

A. Legal description of property: Township 10S Range 03W Section 21
Tax Lot 100, 300, 400, 500
B. Additional Properties:
Township _____ Range _____ Section _____ Tax Lot _____
Township _____ Range _____ Section _____ Tax Lot _____
C. Site Address (if any) 3653 NE Steelhead run Dr
Albany OR 97327

D. Zoning designation _____ Comp Plan designation _____

III. Authorizing Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false. By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Millersburg employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site. I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Owner/applicant signature  Date 7-3-18
Owner/applicant signature _____ Date _____

IV. The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

A **narrative** explaining how the application meets all required criteria shown in City land use Development Code, Article 2 (<http://cityofmillersburg.org/millersburg-land-use-development-code/>)

At least 3 folded sets of the project **Site plan**. The site plan must be drawn to scale and show existing and proposed locations of buildings, access, parking, loading, landscaping, screening, fencing, drainage, water supply, sewage disposal, public utilities, unique site features (creeks and wetlands) and exterior lighting.¹

A copy of the **deed** for the subject property.

A copy of any **easement** granting access to the subject property, if the property does not have frontage on a public road.

If the applicant for this request is not the property owner, then **authorization** from the owner must be submitted with the application.

A copy of all permits, licenses, and **authorizations** from other government agencies pertaining to the proposed use, including highway access, water and sewer connections, state or federal discharge permits.

Land Use Application **Checklist** (separate form)

Digital versions of all Site Plans, other plans and/or studies.

¹ Additional copies of all exhibits may be required if the application is deemed complete.
City of Millersburg Land Use Application
Draft: February 2018

Application **Fee**. The total fee shall be the sum of all individual procedural fees unless adjusted by the City Manager.

V. Proposed Use of Property

- A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

- B. Please describe the general operating characteristics of the proposed use and the hours of operation.

- C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

- D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

4 trips per day estimated will be added

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

I. Does the property front a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

City of Millersburg Land Use Narrative

Nolan Schrock for Pratum Co-op

Date 7-3-2018

Pratum Co-op, which is a Fertilizer, Chemical, Fuel and Propane provider to the Willamette Valley, and which has been operation out of the address of 3653 NE Steelhead Run Drive since late October 2014 would like to add a Bulk Propane tank on site to start servicing the surrounding areas with bulk propane. We currently delivery Fertilizer, Chemicals, and Refined Fuels out of the site. We don't believe we will be disturbing any neighbors or traffic flow with adding a balk tank and a delivery driver out of his site. The tank we are proposing to set will be 58 feet from the North Property line which is adjacent to unbuildable property and 300 feet from the Road entrance. We don't believe there will be any permits to set this tank on the ground since it is a self-contained unit on skids, but will be requesting an electrical permit when the time comes. We don't plan on this changing anything as far as storm drains, the wetlands that are in the bottom of Crooks Creek will not be disturbed. We are currently reporting Chemicals and Fertilizers and fuel to the State Fire Marshalls office. We will obviously be storing Propane which is a hazardous material with this addition as well. We do not plan on this generating any hazardous materials or waste.

I Hope his gives you all the information you need, and would be happy to answer any questions you might have Via email or Phone.

Regards,

Nolan Schrock



Energy Division Manager

3653 NE Steelhead Run Dr.

Albany, OR 97321

O 541.928.3123

C 541.223.2389

F 541.928.3529

City of Millersburg Land Use Narrative

Nolan Schrock for Pratum Co-op

Date 7-3-2018

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Date 7-3-2018

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Regards,

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FIRE SAFETY AND ANALYSIS

Tank Manufacturer Modern Welding

Year 2018

SN#

National Board#

Gallons 30,000 gallons

These units are built to NFPA 58 2011 code

They are built to 5 to 1 safety factor

250psi 650 degree F

30,000 gallons

Internal valve C47716 250 and 150

One liquid one vapor

N550 snappy joe for loading area

Relief valves (3) H282 250 psi

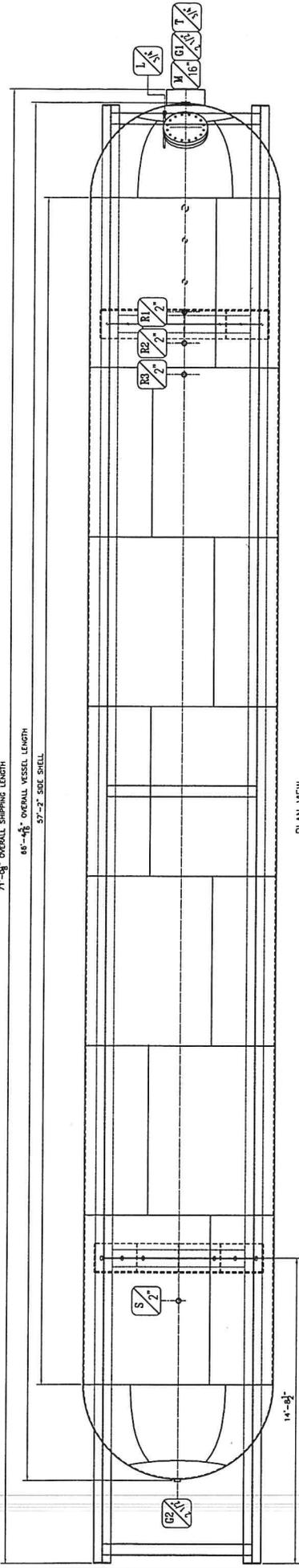
Pneumatic system is installed on all valves

In case of fire or truck pull away system will shut down

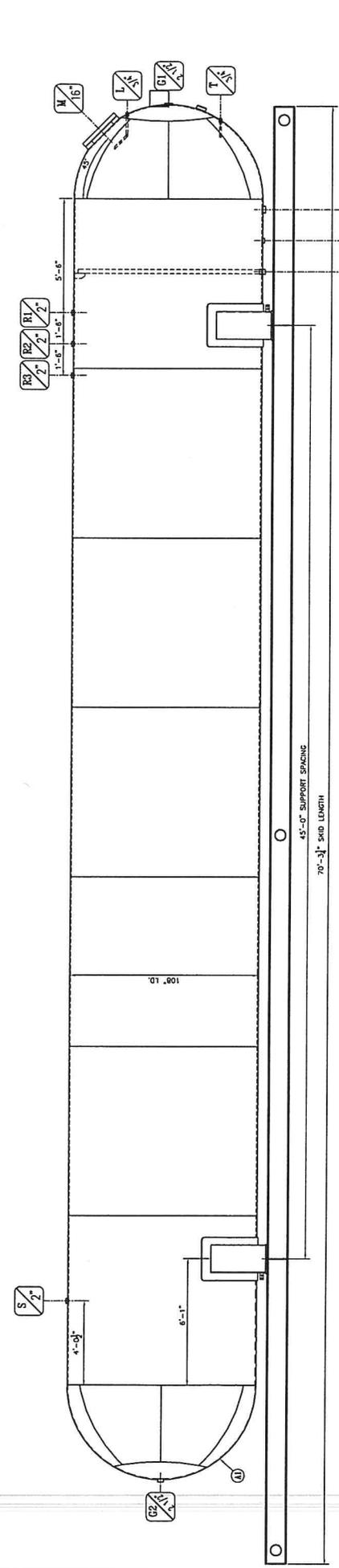
Manifold with 18" brake away emergency shutoff

Electric motors are explosion proof built to UL code

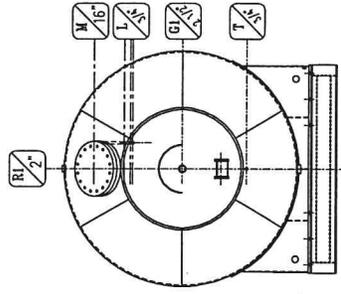
71'-0" OVERALL SHIPPING LENGTH
 65'-4 1/2" OVERALL VESSEL LENGTH
 37'-2" SIDE SHELL



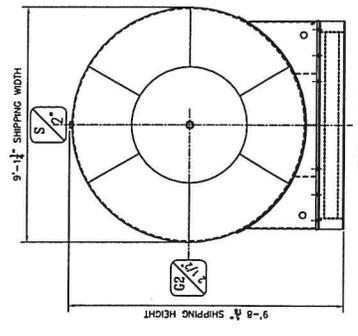
PLAN VIEW



SIDE ELEVATION VIEW



RIGHT END VIEW



LEFT END VIEW

EMPTY WEIGHT:
 TANK AND SKID 57,949 LBS.

OPERATING WEIGHT:
 TANK, SKID, 85% FULL OF PROPANE
 183,981 LBS.

NO.	REVISED (1) DATE	ITEM NO.	WORK
1			
2			
3			
4			
5			
6			
7			
8			
9			
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 DATE: 6/17/78
 SCALE: NTS
 DWG/208 NO.: 160XXXXX
 SHEET 1 OF 1

H282, H722, H732, H822, H832, H882, H5112, and H8112 Series Large Internal Spring Relief Valves



WARNING

Failure to follow these instructions or to properly install and maintain this equipment could result in an explosion, fire and/or chemical contamination causing property damage and personal injury or death.

A person should NEVER stand directly over or in front of, or look directly into a relief valve when the tank is pressurized. The relief valve could suddenly “pop” open blowing gas, dirt, and other debris into the person’s face and eyes.

Fisher® equipment must be installed, operated, and maintained in accordance with federal, state, and local codes, rules and regulations, and the manufacturer’s instructions. For LP-Gas service, an approved regulator (such as one listed by UL) should be used or approved by the Authority Having Jurisdiction. In addition, in most states the installation must also comply with NFPA No. 58, US Department of Transportation (DOT), and/or ANSI K61.1 standards.

Only personnel trained in the proper procedures, codes, standards, and regulations of the LP-Gas, Anhydrous Ammonia or other applicable industry should install and inspect this equipment.

Introduction

Scope of the Manual

This manual covers instructions for the “H282, H722, H732, H822, H832, H882, H5112, and H8112” Series relief valves which shall be used only in vapor applications. The valves are typically installed in ASME tanks and Department Of Transportation (DOT) cargo tanks. (See Figures 3, 4, and 5.)



Figure 1. H Series Large Internal Spring Relief Valves

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H Series

Specifications

Body Size, Tank Connection

Types H282, H722, H882, H5112, and H8112:
NPS* 2, NPT
Types H732, H832: NPS 3, NPT

Discharge Stack Outlet Connection. (Pipe-Away Deflector Included as Standard Construction)

Available only on Types H282, H882, H5112, and H8112: NPS 3, NPT

Types H282, H882, H5112, and H8112 Pipe-Away Deflector: Type P104-24 pipe-away adaptor

Maximum Inlet Pressure (Body Rating)⁽¹⁾
480 psig (33,0 bar)

Rain Cap and Installation Tool

Types H722, H822: Type P297 Rain Cap
Type P304 (1-1/2-inch (38 mm) Hex bar) Wrench
Types H732, H832: Type P298 Rain Cap
Type P305 (2-1/2-inch (64 mm) Hex bar) Wrench
Types H282, H882, H5112, and H8112:
Rain Cap not available

Temperature Capabilities⁽¹⁾

-40° to 180°F (-40° to 82°C)

Start-to-discharge Pressure and Spring(s) Range(s)

100 to 400 psig (6,9 to 27,5 bar)

Construction Materials

Body:

Types H282, H882: Brass
Types H5112, H8112: Stainless Steel
Types H722, H732, H822, and H832: Stainless Steel

Stem: Stainless Steel

Disk Holder: Stainless Steel

Disk:

Types H282, H722, H732, and H5112:
Nitrile (NBR)
Types H822, H832, H882, and H8112:
Nitrile (NBR) (standard)

Contact factory for other disk materials that are available: Fluorocarbon (FKM), Ethylenepropylene (EPR), Neoprene (CR), and Perfluoroelastomer (FFKM)

Springs: Stainless Steel

Approximate Unit Weights, pounds (kg)

Types H282, H882: 10 (5)
Types H5112, H8112: 10 (5)
Types H722, H822: 2.75 (1)
Types H732, H832: 7.5 (3)

1. The pressure/temperature limits in this Instruction Manual and any applicable standard or code limitation should not be exceeded.
*Nominal Pipe Size.

Product Description

Type H282: Used on LP-Gas bulk storage tanks. Not applicable for Anhydrous Ammonia service. Standard UL and ASME setpoints are available.

Type H5112: Used on LP-Gas or Anhydrous Ammonia Bulk Storage tanks. Standard UL and ASME setpoints are available.

Types H722 and H732: Used on LP-Gas or Anhydrous Ammonia Cargo tanks. Standard UL and ASME setpoints are available.

Types H882 and H8112: Contact the Factory for product compatibility. Used on various compressed gas bulk storage tanks. ASME setpoints and flow capacities are available. Special disk materials are available. Type numbers are serialized for the intended service.

Types H822 and H832: Contact the Factory for product compatibility. Used on various compressed gas cargo tanks. ASME setpoints and flow capacities are available. Special disk materials are available. Type numbers are serialized for the intended service.

Things To Tell The Gas Customer

1. The purpose of a relief valve is to keep the tank from rupturing from excessive tank pressure by venting gas to the atmosphere until the tank pressure drops. The following can cause excessive tank pressure:
 - a. Exposure to fire or radiant heat including hot summer days.
 - b. New or refilled tanks not fully purged of air.
 - c. Tank colors (other than white) increase the heat absorption of the tank raising the pressure in the tank.
 - d. Propane or other service products with "vapor pressures" out of specification, i.e., "Hot Gas."
 - e. Overfilling the tank.
2. Do not beat, pound, or hit the relief valve with hammers or other tools or attempt to force the valve closed as this will not stop gas discharge and could damage relief valve parts or rupture the tank.
3. Call your gas dealer if the relief valve discharges gas.

Specifications



WARNING

If the valve is to be for service other than LP-Gas or anhydrous ammonia, contact your local Distributor to determine if the valve materials are suitable for the particular service. Types H282 and H882 Relief Valves contain brass and must not be used on anhydrous ammonia service. Failure to do so could result in personal injury, property damage, explosion, fire or chemical contamination.

The Specifications section lists specifications for these relief valves.

Set pressures and flow capacity requirements vary by product service. Actual flow capacities vary by relief valve size and setpoint. For special service applications other disk material and setpoints are available from the factory. Consult the factory or your Fisher Catalog for size, set pressure and flow capacity combinations.

Setpoint is denoted by the suffix numbers following the dash (-). Disk material is denoted by a letter following the type number: Type H882V-250 has a fluorocarbon (FKM) disk and setpoint of 250 psi (17,2 bar).

Nitrile (NBR)	No letter
Fluorocarbon (FKM)	V
Ethylenepropylene (EPR)	E
Neoprene (CR)	N
Perfluoroelastomer (FFKM)	K

For Liquefied Petroleum Gas service, Underwriters Laboratories (UL) listed valves are required by most states, although some states require ASME capacity rated valves. Be sure the valve is rated and stamped to meet the requirements of the state where it will be used. The valve should also have sufficient capacity for the container size in which it is used. Required relief valve capacity is a function of the container surface area. For Liquefied Petroleum Gas applications consult NFPA #58. For other product applications consult appropriate product standards.

The start-to-discharge pressure stamped on the valve must be correct for the design pressure of the container. **Do not use a valve with a start-to-discharge pressure higher than that allowed by the design pressure of the container.**

If a relief valve is installed in a tank with an inlet dip tube, be sure that the dip tube does not restrict the inlet flow area as this may restrict the relief valve flow

capacity to less than the stamped capacity on the valve. If a Type H282, H882, H5112, or H8112 relief valve has an outlet pipe-away stack (such as used in bulk storage applications), a restriction may result that reduces valve capacity below that stamped on the valve. In these cases, the total system capacity must be sufficient to meet the sizing requirements for the container being used.

Installation



WARNING

Install these relief valves only in the container vapor space to provide relief capacity for the tank. Failure to do so could result in improper relief capacity that could cause the tank to rupture in the event of an emergency condition. A ruptured tank may cause property damage and personal injury or death.

All containers must be purged to remove air from the container. Failure to properly purge may result in excessive pressure and the possibility of "popping" the relief valve when the container is filled. Follow recognized procedures for purging air from storage tanks. A good reference is NPGA #133, PURGING LP-GAS CONTAINERS.

Relief valves must have direct contact with the vapor space of the containers. Install the valve so that flow is unobstructed on both the inlet and outlet of the relief valve. Be certain that any discharge from the valve will not impinge on the container, adjacent containers, or any source of ignition.

Coat the male threads of the valve with an UL listed sealing compound. Do not use PTFE tape. Do not allow excess compound to drip into the container or flow around the bottom edge of the pipe threads. Screw the valve into the coupling hand tight and then wrench tighten it for approximately two additional turns. Do not install the valve with such extreme torque that the coupling cuts additional threads into the valve. This could cause valve distortion and affect the internal working parts. Larger size valves may require an additional amount of torque to obtain a leak-free connection. The Types H722, H732, H822, and H832 will require an installation tool. See Specifications section.

Raincaps are required on all valves. The raincap should be kept in place to keep moisture and dirt out of the relief valve discharge area. An out-of-place raincap indicates the valve may have opened to relieve

H Series

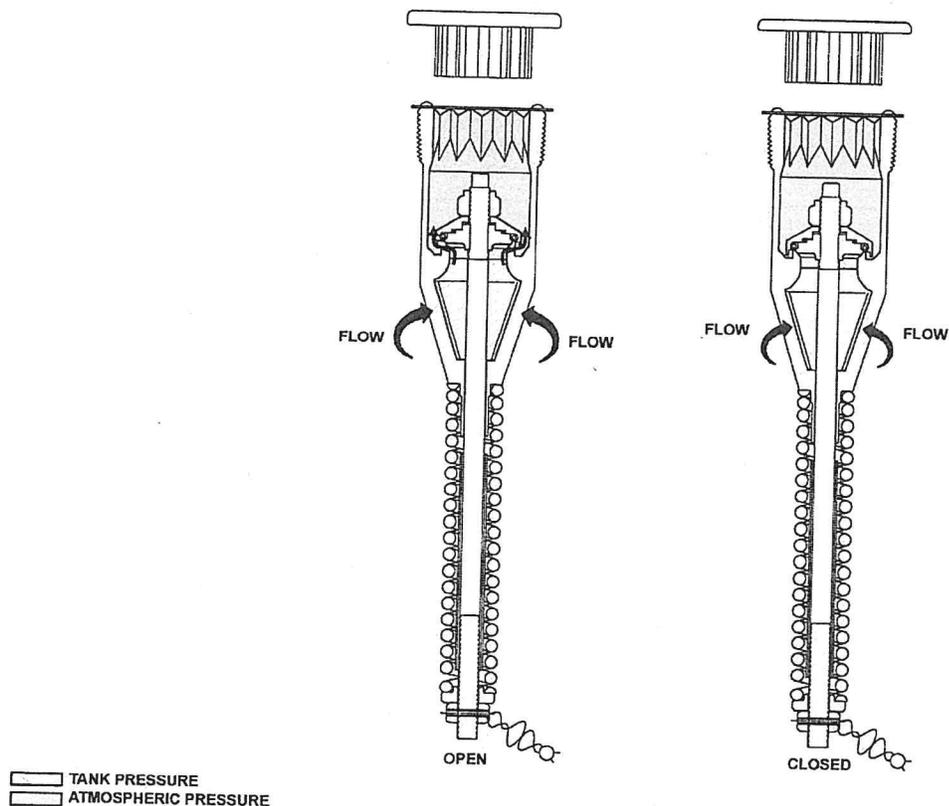


Figure 2. Operational Schematic

overpressure. Type H282, H882, H5112, or H8112 relief valves have a drain hole in the body, which must remain open at all times. It is located under the deflector on the side of the relief valve body. Types H722, H732, H822, and H832 relief valves on cargo tank applications do not have drain holes and must be protected as specified by DOT, NFPA #58, and other applicable laws, codes, and standards. **Do not pack the outlet side of the Types H722, H732, H822, and H832 relief valves with grease or other material to keep out dirt and moisture.**

CAUTION

Greases and other materials placed in relief valve outlet chambers may harden and prevent the opening of the relief valve or attack the elastomer disk materials causing premature leakage or possibly tank rupture.

Each application will dictate whether discharge stacks or deflectors are required. These are separate devices mounted to the outlet of the valve to control discharge direction. The Type H282, H882, H5112, or H8112 are

equipped with deflectors as standard. They also have a 3 NPT thread on the outlet so that a coupling and discharge stack can be added as needed. Consult the applicable standard to determine if these additional devices are required. Types H722, H732, H822, and H832 relief valves can not be equipped with deflectors or discharge stacks.

Principle of Operation

The relief valve (refer to Figure 2) is held closed by the spring force seating the O-ring seal against the orifice.

When the tank pressure exceeds the spring force, the valve O-ring lifts off the orifice allowing gas to discharge through the valve to the air.

Gas discharge initially may be small producing only seepage and a light "hissing" sound. As pressure increases and gas volume discharge continues, a "popping" condition occurs with large volumes of gas discharging and a loud "hissing or roaring" sound.

When the tank pressure decreases enough, the spring force closes the valve O-ring back against the orifice stopping further discharge.

Maintenance, Repair and/or Replacement



WARNING

Any valve that has fully opened (popped) should be tested to see if it is within the allowable start-to-discharge pressure setting. If it is not within the correct range, it must be replaced. Relief valve start-to-discharge and reseal pressures may be lower if the valve has fully opened (popped).

Some relief valve installations require periodic testing or replacement, such as those required by DOT, NFPA #58, NFPA Pamphlet 59 (LP-Gas Utility Gas Plants) and ANSI K61.1. It is recommended that all relief valves be regularly inspected for visible damage, dirt, corrosion, missing raincaps, paint inside outlet, tampering, etc. If any of the preceding is evident or questionable, the valve should be retested and repaired if necessary or replaced immediately.

The discharge side of the relief valve body must be kept free of dirt, water, and other foreign matter which can damage the valve O-ring or block the valves closed and can prevent the valve from opening. Remove the blockage and/or replace the valves or retest and repair as necessary.

Relief valves are precisely set and wire sealed by the manufacturer for the correct start-to-discharge setting. Repair and resetting the relief valve should never be attempted except by a repair facility that has a National Board VR stamp or has been approved to repair and reset relief valves by the appropriate governmental authority.

Since the O-ring in a relief valve is subject to normal deterioration, Emerson™ recommends that a relief valve not be used for longer than 15 years without repair, retest or replacement. (All Fisher® valves carry the date of manufacture). Earlier replacement may be required due to severe service conditions or code requirements. The O-ring seals in the relief valves covered by this manual can be replaced in the field without effecting the relief valve start-to-discharge. Refer to the Sections on Relief Valve Testing and O-ring Seal Replacement.

Relief Valve Testing

The following procedure describes how to determine the setpoint and reseal of a relief valve.

- If the setpoint or reseal does not comply with the requirements after removal from service, replacement of the O-ring seals may be needed.
- If the setpoint or reseal does not comply with the requirements after O-ring seal replacement and retest, then resetting or complete replacement of the relief valve is required.
- If resetting the relief valve is required, send it to a repair facility that has a National Board VR stamp or has been approved to repair and reset relief valves by the appropriate governmental authority.



WARNING

A person should NEVER stand directly over or in front of, or look directly into a relief valve when the tank or test fixture is pressurized. The relief valve could suddenly “pop” open blowing gas, dirt, and other debris into the person’s face and eyes.

1. Install relief valve in the tester. Fill the relief valve body outlet with water. A calibrated pressure gauge should be used to indicate relief valve inlet pressure readings. The gauge should be at least 6-inches (152 mm) in diameter with 2 psi (0,14 bar) increments and the anticipated start-to-discharge should be readable in the middle third of the gauge range.
2. Slowly apply air pressure at the rate of 2 psi (0,14 bar) per second to the relief valve inlet until start-to-discharge. Start-to-discharge pressure is the point at which the first bubbles appear in a water seal not to exceed 4-inches (102 mm).
3. Repeat the start-to-discharge tests at least 3 times to ensure setpoint accuracy. Setpoint readings should be within 1 to 2 psi (0,07 to 0,14 bar) of each other for consistency.
4. Start-to-discharge pressure should be within 0 to 10% higher than the stamped set pressure on valve. Example-stamped pressure is 250 psi (17,2 bar). Start-to-discharge minimum pressure: 250 psi (17,2 bar) and start-to-discharge pressure maximum: 275 psi (19,0 bar).
5. Verify Reseat pressure. After reaching the start-to-discharge setting, reduce pressure to 90% of the observed set pressure. There should be no bubbles visible through the water seal at that pressure.

H Series

Table 1. O-Ring Part Numbers

TYPES	KEY	NITRILE (NBR)	ETHYLENEPROPYLENE (EPR)	FLUOROCARBON (FKM)	PERFLUOROELASTOMER (FFKM)	NEOPRENE (CR)
H282, H732, H5112	17	T14332T0062	----	----	----	----
	18	GE00773T022	----	----	----	----
H832, H882, H8112	17	T14332T0062	T14332T0022	T14332T0032	T14332T0042	T14332T0052
	18	GE00773T022	1H9938X0022	1H9938X0012	1H9938X0052	1H9938X0032
H722	17	T14333T0062	----	----	----	----
	18	T14334T0062	----	----	----	----
H822	17	T14333T0062	T14333T0022	T14333T0032	T14333T0042	T14333T0052
	18	T14334T0062	T14334T0022	T14334T0032	T14334T0042	T14334T0052

Table 2. Hex Locknut Part Numbers

TYPES	KEY	PART NUMBER
H282, H732, H5112, H832, H882, and H8112	11	1D5309X0052
H722 and H822	11	1D5297X0022



WARNING

These relief valves must be removed from service before attempting to check setpoint, replace O-ring seals or repair. Failure to do so could result in the discharge of high-pressure gas and possible personal injury.



CAUTION

Only a qualified repair facility should test and replace the relief valve seat O-rings. Only a qualified repair facility with a National Board VR stamp or authorized by a governmental agency should rebuild and reset relief valves.

Replacing O-Ring Seals in Relief Valves



CAUTION

Only repair parts from the manufacturer should be used in the repair of these valves. See Tables 1 and 2 for part numbers for the O-ring seals and Hex Locknuts.

If the relief valve start-to-discharge is below or above the limits defined in the Testing Section or the reseal pressure is too low, then the O-ring seals may need to be replaced.

To replace the O-ring Seals, Refer to Figures 3, 4, and 5.

1. Securely hold hex adjusting nut (key 8), on the end of the stem/bottom disk assembly (key 14) and remove the Hex Locknut (key 11). Discard the Hex Locknut and replace with a new Locknut.
2. Remove the Top Disk (key 2) and the 2 O-rings (keys 17 and 18). Discard the 2 O-rings.
3. Refer to Figures 3, 4, and 5. Apply Dow Corning® #111 lubricant (key 21) to O-rings (keys 17 and 18). Install the larger O-ring (key 17), into the outer groove and the smaller O-ring (key 18), into the inner groove of the Top Disk (key 2).
4. Place the Top Disk and O-rings over the Stem/Bottom Disk Assembly (key 14), slowly guiding and compressing O-rings onto lower disk holder. Apply Magnalube®-G PTFE Grease to Stem/Bottom Disk Assembly (key 14). Install Hex Locknut (key 11).
5. While still securely holding the hex adjusting nut (key 8) on the end of the Stem/Bottom Disk Assembly (key 14) to prevent rotation, tighten the hex locknut (key 11) to the Stem/Bottom Disk Assembly (key 14). Torque the new Hex Locknut to 12 to 15 foot-pounds (16 to 20 N•m) force.
6. Recheck relief valve for start-to-discharge and reseal as described in the Test Section.
7. Remove existing wire seal and replace with new seal. Stamp lead seal with repair facility mark and date of repair.

Dow Corning® is a trademark of Dow Corning Corporation
Magnalube®-G is a registered Trademark of Saunders Enterprises, Inc.

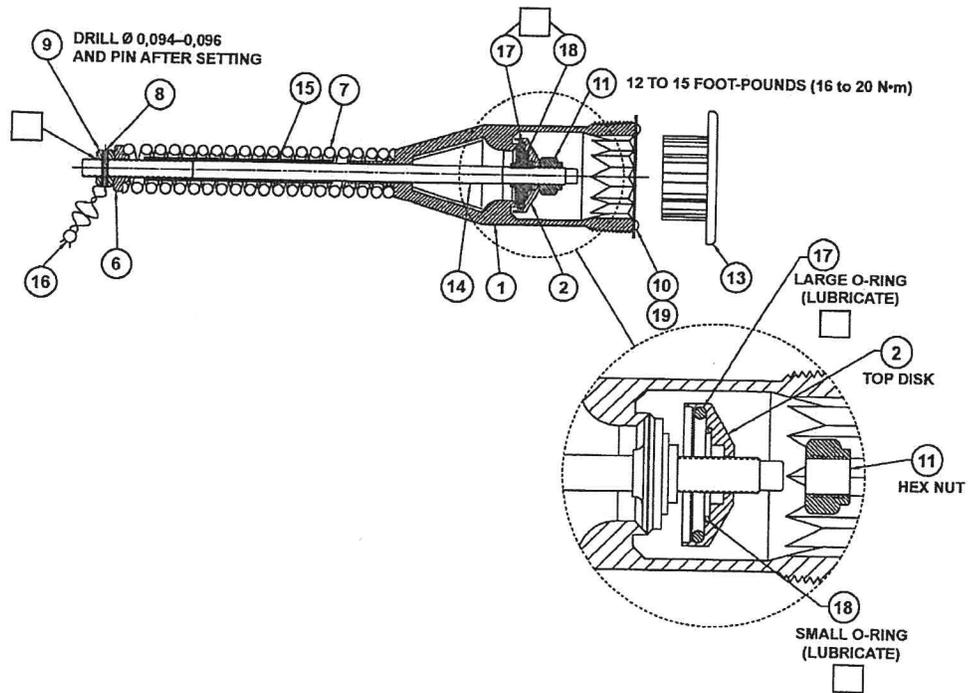


Figure 3. Types H722 and H822 Relief Valves

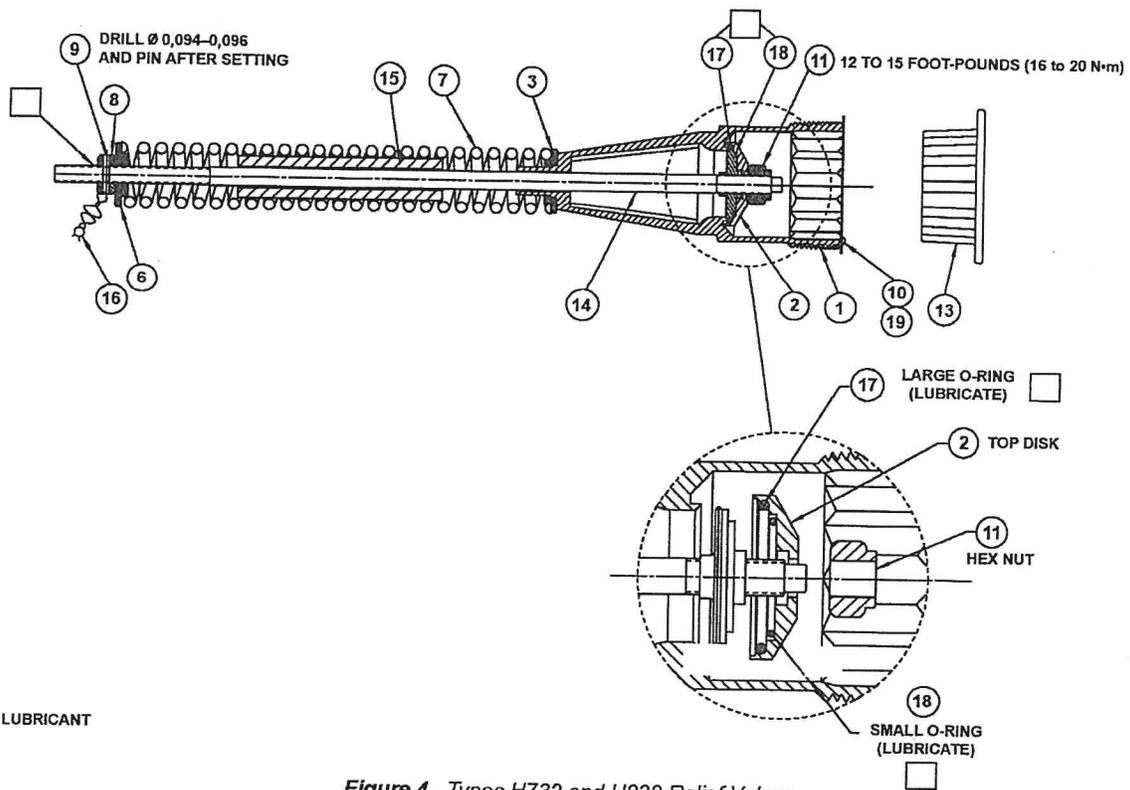


Figure 4. Types H732 and H832 Relief Valves

January 2009

Types C402, C421, and C427 Internal Valves

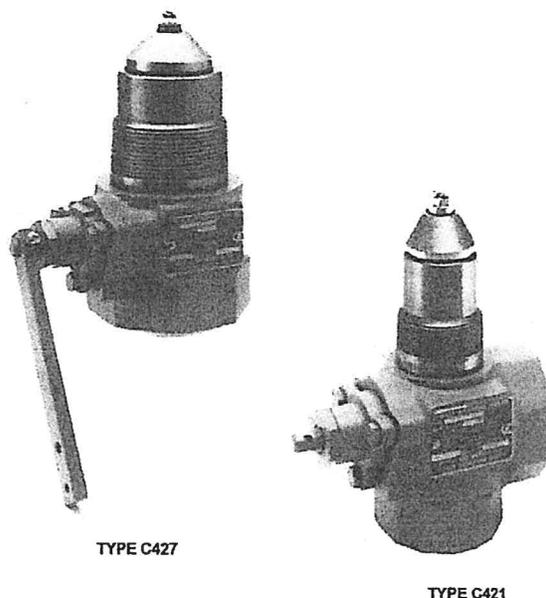
WARNING

Failure to follow these instructions or to properly install and maintain this equipment could result in an explosion and/or fire causing property damage and personal injury or death.

Fisher® equipment must be installed, operated, and maintained in accordance with federal, state, and local codes and Fisher instructions. The installation in most states must also comply with NFPA No. 58, and ANSI Standard K61.1.

Only personnel trained in the proper procedures, codes, standards, and regulations of the LP-Gas industry should install and service this equipment.

The internal valve must be closed except during product transfer. A line break downstream of a pump may not actuate the excess flow valve. If any break occurs in the system or if the excess flow valve closes, the system should be shut down immediately.



TYPE C427

TYPE C421

Figure 1. C400 Series Internal Valves

Introduction

Scope of Manual

This manual covers instructions for the Types C402, C421, and C427 threaded internal valves.

Description

The valves are typically used on the inlets and outlets of bobtail and transport trucks and on large stationary storage tanks. They can also be installed in-line. Designed for propane, butane, or NH₃ at ambient temperatures, the valves can be used on other compressed gases, but the user should check with the factory to make sure the valves are suitable for the particular service.

Specifications

Refer to Specifications for Types C402, C421, and C427 internal valves.

DOT Internal Self-Closing Stop Valve Requirement — U.S. Department of Transportation (DOT) regulations 49CFR§178.337-8(a)(4) require each liquid or vapor discharge outlet on cargo tanks (except for cargo tanks used to transport chlorine, carbon dioxide, refrigerated liquid, and certain cargo tanks certified prior to January 1, 1995) to be fitted with an internal self-closing stop valve. Fisher's "C" Series internal valves comply with the internal self-closing stop valve requirement under the DOT regulations.



Types C402, C421, and C427

Specifications

Body Sizes and End Connection Styles

Inlet: 2 or 3-inch NPT external
Outlet: 2 or 3-inch NPT internal

Number of Outlets

Type C402: 3 (side)
Type C421: 2 (side and straight through)
Type C427: 1 (straight through)

Excess Flow Springs

Half Coupling Flows:

2-inch Sizes (DN 50): 100, 150, and 250 GPM
(378, 568, and 946 l/min)

3-inch Sizes (DN 80): 150, 200, 250, 400, and 500 GPM
(568, 757, 946, 1514, and 1893 l/min)

Full Coupling Flows:

2-inch Sizes (DN 50): 60, 90, and 130 GPM
(227, 341, and 492 l/min)

3-inch Sizes (DN 80): 100, 125, 165, 235, and 325 GPM
(378, 473, 625, 890, and 1230 l/min)

Maximum Allowable Inlet Pressure

400 psig (27,6 bar) WOG

Temperature Capabilities

-20° to 150°F (-29° to 66°C)

Body Materials

Types C421 and C427: Ductile Iron
Type C402: Cast Steel WCC

Approximate Weights

2-inch Sizes (DN 50):

Type C402: 15 pounds (7 kg)
Type C421: 11 pounds (5 kg)
Type C427: 9 pounds (4 kg)

3-inch Sizes (DN 80):

Type C402: 38 pounds (17 kg)
Type C421: 21 pounds (10 kg)
Type C427: 16 pounds (7 kg)

Principle of Operation

Refer to the schematic drawing, Figure 2. In view #1, the valve is held closed by both tank pressure and the valve's closing spring. There is no leakage past the resilient seats in the poppet to the valve outlet.

The valve is opened by moving the operating lever to approximately mid-point in its 70° travel (view #2). This allows the cam to place the rapid equalization portion of the valve stem in the pilot opening, permitting a larger amount of product to bleed downstream than if the operating lever were moved to the full open position.

When tank and downstream pressure are nearly equal after a few seconds, the excess flow spring pushes open the main poppet (view #3) and the operating lever can be moved to the full open position.

If tank pressure is greater than the valve's outlet pressure, the main poppet will remain in the closed position. If valve outlet piping is closed off by other valves, however, product bleeding through the pilot will increase until it nearly equals tank pressure and the main poppet opens.

Note

The main poppet will not open if valve outlet piping is not closed off so that the outlet pressure can approach tank pressure.

Once the main poppet opens, a flow greater than the valve's excess flow spring rating or a sufficient surge in flow forces the main poppet closed against the excess flow spring (view #4). The pilot valve allows a small amount of product to bleed, but much less than view #2 where the rapid equalization portion of the stem is placed in the pilot opening. When the operating lever is moved to the closed position, the valve closes completely and seals tightly (view #1).

Installation

Mounting and Piping

The internal valves can be installed in either a half or full coupling. Excess flow spring closing flow rates vary in half and full couplings, refer to specifications.



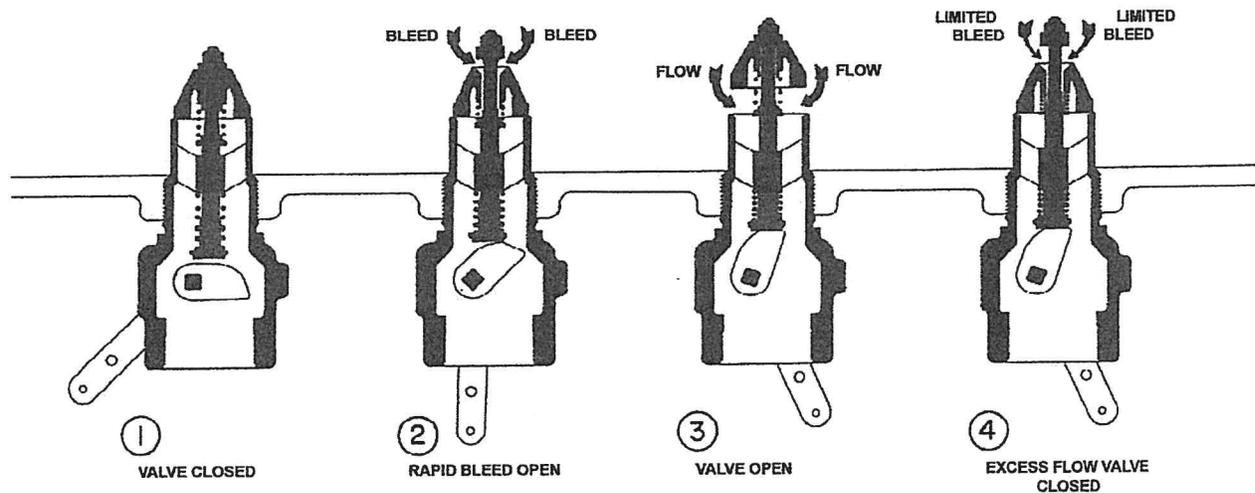
CAUTION

Excess flow valve closing flow rates are not the same for half and full couplings. Verify the coupling for the desired excess flow rate.

Do not install the valve in any piping tending to restrict the valve inlet because this may prevent the excess flow valve from closing.

Do not install the valve with such extreme torque that the coupling can cut threads into the valve. This could cause valve distortion and affect the internal working parts.

Types C402, C421, and C427



T80174

Figure 2. Operational Schematic

Do not use Polytetrafluoroethylene (PTFE) tape as it may cause thread galling to occur.

Use an appropriate pipe compound, on the male threads of the internal valve and pipeline. Pull the valve into the coupling hand tight, and then wrench tighten it for approximately two additional turns. Larger size valves may require an additional amount of torque to obtain a leak-free connection.

Keep piping from the valve outlet to the pump full size and as short as possible with a minimum number of bends. Reduction in pipe size to suit smaller pump inlets should be made as close to the pump as possible using forged reducers (swage nipples) or venturi tapers rather than bushings. This assures minimum flow resistance and efficient pump operation.

The valves have a break off section below the inlet pipe thread which is intended to permit the lower valve body to shear off in an accident, leaving the valve seat in the tank. **The break off section is designed for container installations and will probably not provide shear protection if the valve is installed in a pipeline.**

A hydrostatic relief valve does not need to be installed adjacent to the valve since the internal valve relieves excessive line pressure into the tank.

Selectively Filling Manifolded Tanks

Fisher® internal valves provide positive shutoff only in one direction, from out of the tank to downstream of the valve. The internal valves are designed to allow gas to flow into a tank when the downstream line pressure exceeds tank pressure. If you want to selectively fill one or more of the other tanks in a tank manifold system, you must place a positive shutoff valve downstream of the internal valve, otherwise, all tanks will be filled at the same time and at about the same rate.

Actuators

The remote operating control system for the valve is extremely important, and it must be installed to conform with the applicable codes. DOT MC331, for example, most generally applies for trucks.

Fisher® offers both cable controls and air cylinder systems to operate the C400 Series internal valves. It may also be possible to use cable controls from other manufacturers or to fabricate a linkage mechanism.

Any control system requires thermal protection (fuse links) at the valve, at the remote control point and, if necessary, near the hose connections. The instruction manuals for Fisher Controls actuator systems show how to install the fuse links.

Installation instructions on Fisher Types P650, P163A, and P164A cable controls, are in Form MCK-1083. Air cylinder actuator installation is covered in Form MCK-1137. Type P340 latch/remote release instructions are on Form MCK-2048.

The operating linkage must allow the operating lever to move from the fully closed position to within 2° of the fully open position. The linkage should not apply strong force to the lever past the fully open position or the valve could be damaged.



The internal valve's closing spring is not designed to overcome drag in the control linkage in order to close the valve. Depending upon the control system used, an external spring (such as Fisher drawing number 1K4434) or positive closing linkage may be needed. Be sure the control system is installed to prevent binding that could cause the valve to stick in the open position.

Types C402, C421, and C427

Excess Flow Operation

The internal valve contains an excess flow function, or "integral excess flow valve", that will close when the flow exceeds the flow rating established by Fisher. Fisher's integral excess flow valve installed on a bobtail truck or transport can provide protection against the diskcharge of hazardous materials during an unloading operation of a bobtail truck or transport in the event that a pump or piping attached directly to the internal valve is sheared off before the first valve, pump, or fitting downstream of the internal valve, provided that the cargo tank pressure produces a flow rate greater than the valve's excess flow rating.

Likewise, if the internal valve is installed on a stationary tank or in the related downstream piping system, the integral excess flow valve can provide protection against an unintentional release of hazardous materials in the event that a pump or piping attached directly to the internal valve is sheared off before the first valve, pump, or fitting downstream of the internal valve, provided that the flow of product through the internal valve reaches the rated flow specified by Fisher.



EXPLOSION HAZARD

Restrictions incorporated in the diskcharge system of a bobtail truck or transport or of a stationary tank (due to pumps, pipe and hose length and dimensions, branching, elbows, reductions in pipe diameter, or a number of other in-line valves or fittings), low operating pressure as a result of ambient temperature, or a partially closed valve downstream from the integral excess flow valve, can restrict the rate of flow through the internal valve below the level necessary to actuate the integral excess flow valve. Therefore, **DO NOT USE** the excess flow function of the internal valve for the purpose of providing protection against the diskcharge of hazardous materials in the event of a rupture of hose or piping at a point in the diskcharge system downstream from the first valve, pump, or fitting downstream of the internal valve.

The internal valve is designed with an internal bleed feature for equalization of pressure. After the integral excess flow valve closes, the leakage through the bleed must be controlled or a hazard can be created. For this reason the operator must be familiar with the closure controls for the internal valve and must close the internal valve immediately after the integral excess flow valve closes.

Failure to follow this warning could result in serious personal injury or property damage from a fire or explosion.

DOT Passive Shutdown Equipment Requirement —

DOT regulations 49CFR§173.315(n)(2) require certain cargo tanks transporting propane, anhydrous ammonia and other liquefied compressed gases to be equipped with passive emergency diskcharge control equipment that will automatically shutoff the flow of product without human intervention within 20 seconds of an unintentional release caused by complete separation of a delivery hose. The design for each passive shutdown system must be certified by a Design Certifying Engineer (DCE) and all components of the diskcharge system that are integral to the design must be included in the DCE certification. The DCE certification must consider any specifications of the original component manufacturer.

In the case of downstream ruptures in hose or piping, a variety of operating conditions routinely encountered during an unloading operation restrict the rate of flow through the integral excess flow valve and make such a valve unsuitable to serve as the means of passive shutdown required under 49CFR§173.315(n)(2). Such variables include restrictions incorporated in the diskcharge system (due to pumps, pipe and hose length and dimensions, branching, elbows, reductions in pipe diameter, or a number of other in-line valves or fittings), low operating pressure as a result of ambient temperature, or a partially closed valve downstream from the excess flow valve. Due to the variety of conditions, in the case of a hose separation, that can restrict the rate of flow below the level necessary to activate the excess flow valve, the integral excess flow function of Fisher's® "C" Series internal valves or "F" Series excess flow valves cannot be used to satisfy the passive shutdown equipment requirement under/in 49CFR§173.315(n)(2). Also, a Design Certifying Engineer cannot include the integral excess flow valve of a Fisher "C" Series internal valve or "F" Series excess flow valve as a component of the diskcharge system in any DCE certification under 49CFR§173.315(n)(2).



EXPLOSION HAZARD

DO NOT USE the excess flow function incorporated into Fisher "C" Series internal valves or "F" Series excess flow valves to satisfy the passive shutdown equipment requirement in 49CFR§173.315(n)(2). **DO NOT** include the excess flow function incorporated into Fisher "C" Series internal valves or "F" Series excess flow valves in a DCE certification under 49CFR§173.315(n)(2). The cargo tank manufacturer must install some other equipment that satisfies the requirement for passive shutdown capability under 49CFR§173.315(n)(2).

Failure to follow this warning could result in serious personal injury or property damage from a fire or explosion in the event of an unintentional release of product during an unloading operation.

Operation

Since the C400 Series will not open unless the downstream pressure can build-up to equal the inlet pressure, an operating sequence that assures equalization is important.

Follow these points:

1. C400s on bobtails and transports should never be open when the truck is in motion. If the control system is not interlocked to prevent this, the operator is responsible to see that the valves are closed.
2. Always open the internal valve before opening any other valves in the line or starting the pump.
3. Move the lever to the half-open position (Operational Schematic, view #2) to equalize pressure. When the main poppet clicks open, move the operating lever fully open.
4. Open other line valves slowly to avoid sudden surges which could slug the excess flow valve shut.
5. If the excess flow valve does close, stop the pump and close the nearest downstream valve. Move the internal valve's operating lever back to the rapid equalizing position and wait for the valve to click open. Then move the operating lever fully open and slowly open the downstream valve.
6. All valves should be completely open when pumping. (Throttling type valves could prevent the excess flow valve from closing when required.)
7. The operator must always be aware of where the remote closure controls are located and know how to operate the controls if an emergency requires valve closure. When pumping is finished, make a habit of closing the internal valve from the remote closure point, thus checking to see that the control actually is capable of closing the valve.
8. The valve should be open when backfilling through the valve to fill the tank.

Troubleshooting

Internal Valve Will Not Open – This could be due to leakage downstream, engaging the pump too soon or from excessive wear in the internal valve. If excessive volume is in the downstream system, a longer time is required to equalize the pressures (tank and downstream) before the pump can be engaged. To determine if the valve pilot seat is opening, install a gauge downstream of the valve, operate the valve actuator; if pressure does not build up to the tank pressure, the valve pilot seat is not open. This test should be done with pump off. If the pilot is not opening, it may be plugged with dirt or some internal part may be broken. If by operating the lever manually it can be rotated past the fully open position, there is something wrong internally and the valve must be disassembled.

Premature Valve Closure – This can be caused from engaging the pump too soon, by an underrated excess flow valve spring, or by an improperly connected internal

valve operating lever which does not fully open the valve. The trouble could also be from a valve that has its inlet port obstructed or from sudden line surges. In order to check the valve opening travel, operate the lever manually to the full travel, wait until valve opens (usually about 15 seconds), then engage the pump. If the excess flow closes, the points mentioned above should be investigated.

Internal Valve Will Not Close – The stub shaft could be binding or the stem could be bent in the valve. Before disassembling the valve, check the actuator mechanism to see that it operates freely by disconnecting it from the valve lever and cycling it several times. Also, operate the valve lever manually. If it sticks in the open position, the packing and bushings should be replaced. This should free the operating mechanism if the valve has not been damaged internally. Refer to the "Maintenance" section.

Low Flow Capacity – This could be caused by too small an internal valve, too small or long downstream piping, plugged screens, some other restriction in the downstream system, or by the bypass valve sticking in the open position. The bypass valve could also be set too low and be opening prematurely.

Maintenance



Do not use these internal valves if they leak, fail to work properly or have been damaged or have missing parts. Prompt repairs should be made by a properly trained serviceman. Continued use without repair can create a hazardous or injurious situation.

A simple preventative maintenance program for the valve and its controls will eliminate a lot of potential problems.

Fisher® recommends these steps be conducted once a month. Also refer to the Department of Transportation (DOT) CFR 49 Sections 180.416 and 180 Appendix A and B which specify monthly maintenance and inspections tests for cargo tank service internal valves and their actuation controls.

1. Inspect the operating lever to see that it operates freely and that there is no leakage around the retainer nut. If there is sticking or leakage, replace the packing and bushings. Refer to Replacing Packing.
2. Check for tight closure of the seat disks. Any detected leakage, which is normally caused by disk wear or dirt, scale or debris embedded in the disk, requires that the internal valve be removed from service and repaired. Repair most often requires the replacement of valve disks. To check for leakage:
 - a. Close the internal valve and exhaust downstream pressure. Close the first valve downstream from the internal valve, and note any pressure buildup, using a pressure gauge, between the closed valve

Types C402, C421, and C427

and the internal valve. If piping is cold allow it to warm to ambient temperature.

- b. Refer to CFR 49 Section 180 Appendix B for Meter Creep Test Methods.
3. All operating controls should be inspected and cleaned and oiled. The controls should be checked to see that they fully open—but not over-travel—the internal valve operating lever and operate freely to close the valve.
4. Standard construction internal valves must be removed if the container is to be steam cleaned. Heat can damage the valve's seats and seals.
5. Standard construction internal valves are not designed for water service. Immediately after a container is hydrostatically tested, remove all water and allow the container to thoroughly dry out.
6. Clean and inspect the integral strainer in the Type C402s. To remove the strainer, first evacuate the downstream piping and remove the flange bolts leaving one bolt attached to the body. Rotate the flange 180° and the retainer and screen will drop out. Clean the gasket surfaces and the gasket. Replace the gasket if necessary. Make a leak test after reassembly.

Disassembly



WARNING

Tank pressure must be released before removing the valve from the container. Failure to do so could result in personal injury.

Numbers in parenthesis refer to key numbers in Figures 3, 4, and 5.

To Replace Packing

1. The packing (keys 15F, G, and H) can be replaced with product in the tank by closing the operating lever (key 18) and blowing down the downstream pressure in the system.
2. Remove the three cap screws (key 17) holding the bonnet assembly to the body.
3. Rotate the entire bonnet assembly slightly to remove it from the body.
4. Unscrew the cap screw (key 15R) from the stub shaft (key 15J), and remove the operating lever by taking out the cotter pin (key 19).
5. Unscrew the retaining nut (key 15M) from the bonnet. Pushing on the stub shaft (key 15J) will expose the bonnet parts including the packing.
6. Besides the packing, the liner bushings (keys 15B and 15K) should be replaced.

*Recommended spare part

7. Reassemble in reverse order. Replace cap screw (key 15R) using 30 to 35 inch-pounds torque.
8. Make sure the operating lever can move freely after the new parts are installed. Conduct a leak test under pressure with a soap solution.

To Replace Seat Disks

1. Remove the valve from the tank.
2. Remove the cotter pin (key 14) and unscrew the hex nut (key 13).
3. Remove both disk holders (keys 6 and 12) from the stem (key 2).
4. Unscrew the three screws (key 9) holding the disk retainer (key 8) to replace the main seat disk.
5. Examine both seat disks (keys 7 and 11) and replace if necessary.
6. If the excess flow spring (key 3) is changed, replace the nameplate or stamp the body with the new type number.
7. Always replace the sealing washer (key 23).
8. Reassemble in reverse order using 15 to 20 foot-pounds (20 to 27 N•m) torque to install the disk retainer (key 8). Apply Loctite No. 242 or equivalent on the stem threads before installing the hex nut (key 13).

Parts Ordering

When corresponding about this equipment, always reference the equipment type number found on the nameplate.

A replacement Parts List is available for the valves. When ordering replacement parts, reference the complete 11-character part number for each needed part.

Parts List (Figures 3 through 5)

Types C402, C421, and C427

Key	Description
1	Body
2	Stem Assembly
3	Excess Flow Spring
4	Spring Seat
5	Shutoff Spring
6	Disk Holder
7*	Lower Disk
8	Disk Retainer
9	Screw (3 required)
10	Disk Retainer
11*	Upper Disk
12	Disk Holder
13	Hex Nut
14	Cotter Pin
15A	Bonnet
15B*	Liner Bushing

Types C402, C421, and C427

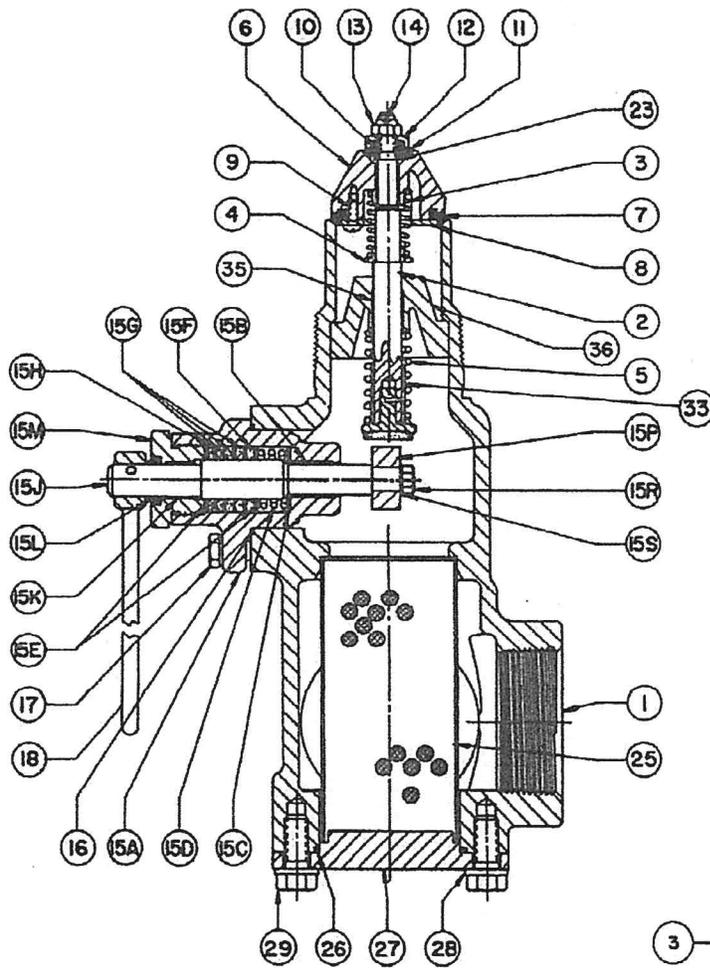


Figure 3. Type C402 Assembly

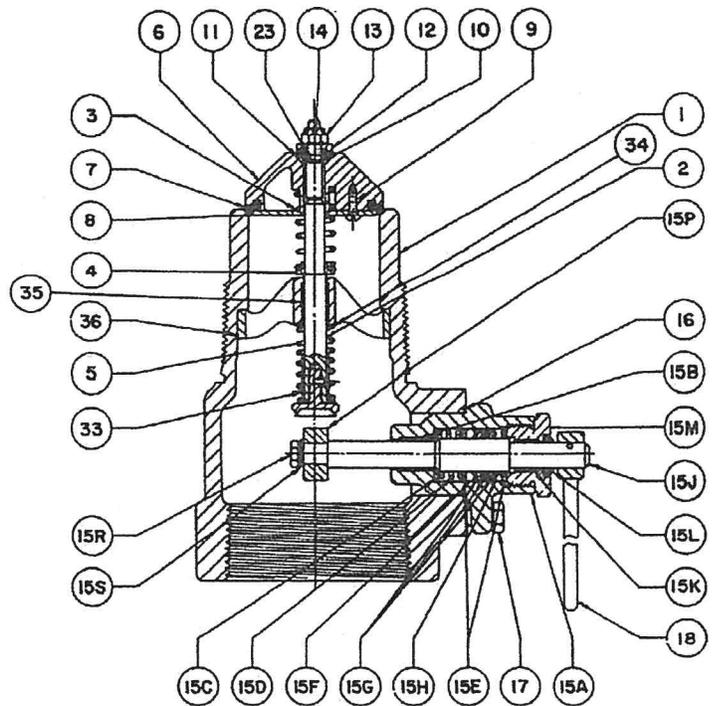


Figure 4. Type C427 Assembly

Types C402, C421, and C427

Parts List (Figures 3 through 5)

Types C402, C421, and C427 (continued)

Key Description

- 15C Washer
- 15D Spring
- 15E Washer (2 required)
- 15F* Male Packing Adaptor
- 15G* Packing (3 required)
- 15H* Female Packing Adaptor
- 15J Stub Shaft
- 15K* Liner Bushing
- 15L Rod Wiper
- 15M Retainer Nut
- 15N Groove Pin
- 15P Cam
- 15R Cap Screw
- 15S Washer
- 16* O-ring
- 17 Cap Screw (3 required)
- 18 Operating Lever
- 19 Cotter Pin (not shown)
- 20 Nameplate (not shown)
- 21 Drive Screw (2 required) (not shown)
- 22 Pipe Plug (not shown)
- 23* Washer
- 33 Travel Stop
- 35 Bushing
- 36 Guide

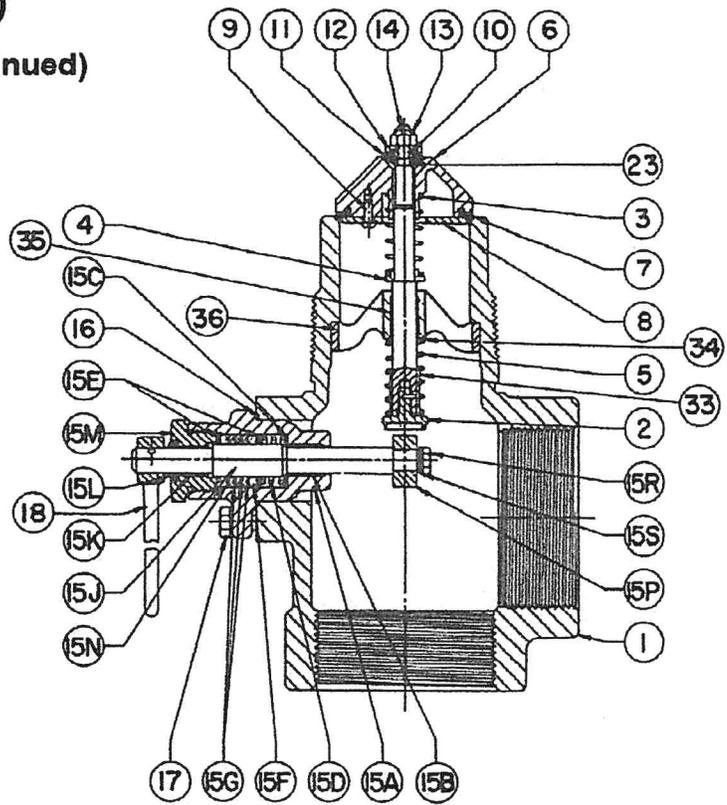


Figure 5. Type C421 Assembly

For Type C402 Only

- 25 Stainer
- 26* O-ring
- 27 Bottom Flange
- 28 Lock Washer (8 required)
- 29 Cap Screw (8 required)

*Recommended spare part

LP-Gas & Equipment

**Emerson Process Management
Regulator Technologies, Inc.**

USA - Headquarters
McKinney, Texas 75069-1872 USA
Telephone: 1 (800) 558-5853
Telephone: 1 (972) 548-3574

For further information visit www.emersonprocess.com/regulators

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MODELS

- 2-inch NPT: C477-16
- 2-inch NPT Tee Body: C471-16
- 3-inch NPT: C477-24
- 3-inch NPT Tee Body: C471-24
- 3-inch Single Flange: C484-24
- 3-inch Double Flange: C483-24

OPTIONS

Seat Disks
Standard disc and O-ring material is Nitrile Neoprene, Viton®, Teflon® and Kalrez® available for most types.

Excess Flow Springs

- 2-inch Valve: 105, 150, and 250 GPM
- 3-inch Single Flanged: 160, 250, and 400 GPM
- 3-inch Double Flanged: 160, 265, and 400 GPM
- 3-inch NPT: 160, 265, 375, and 465 GPM

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With the most complete line of LP-Gas Equipment in the industry, our worldwide distribution network includes an experienced sales and support team consisting of more than 2,000 technical experts available to serve you from nearly 200 offices throughout the world. For product integrity, reliability, and performance - and a level of support no other supplier can equal - call on Emerson to help you meet even your toughest challenges.

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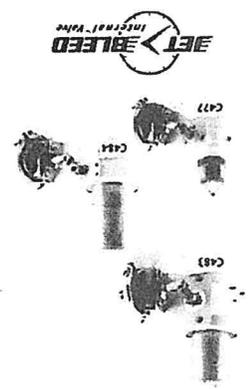
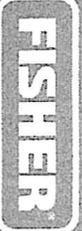
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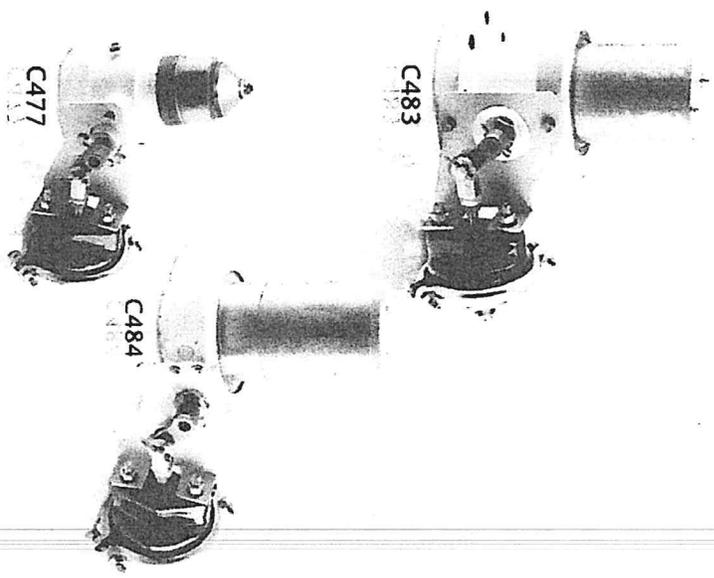
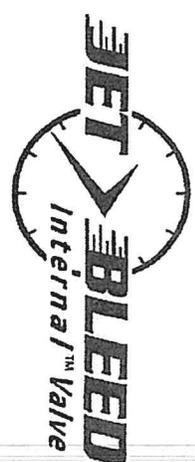


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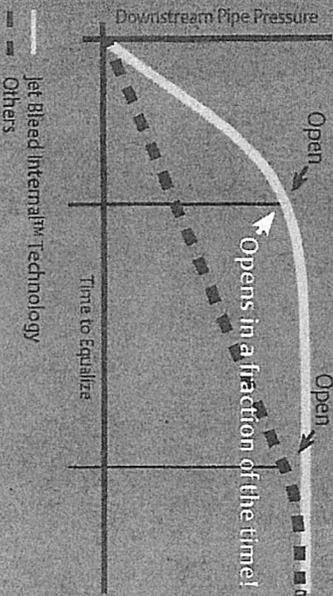
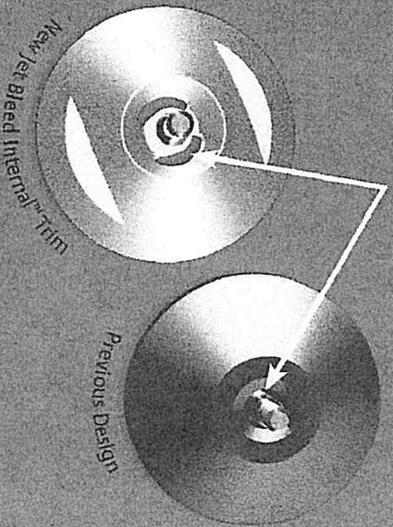
JET BLEED Internal Valve

PERFORMANCE & VALUE

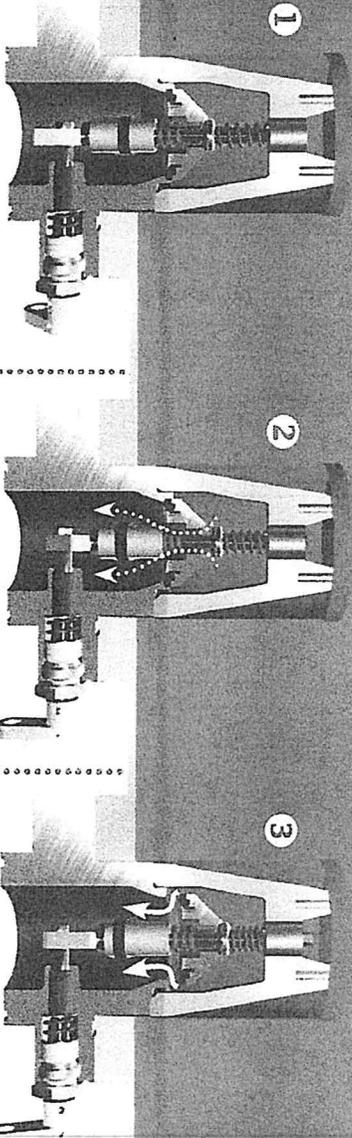
New Fisher® Jet Bleed Internal Valves target speed of opening challenges commonly encountered in the operation of Internal Valves. Enlarged bleed ports provide faster equalization of tank pressure and downstream line pressure, giving a faster response time for quick valve opening.

- Allows operators to be more efficient
- Reduces potential for damage caused by running pumps dry
- Improved service features for easy maintenance

INCREASED BLEED AREA



OPERATION



1 Valve is held closed permitting a tight seal by both tank pressure and the valve's closing spring.

2 As the actuator moves the operating lever to mid-stroke, rapid equalization occurs through the enlarged bleed ports.

3 Tank and downstream volume pressures equalize quickly with the Jet Bleed Internal™ Valve trim and the main poppet opens.

DURABILITY

Newly redesigned stem provides a smooth interface with the poppet delivering exceptional wear performance and extended valve life.

SERVICEABILITY

New features have been added to the Jet Bleed Internal™ Valve trim:

- New Jet Bleed Internal™ Valve trim sets are interchangeable with current Fisher Valve products*

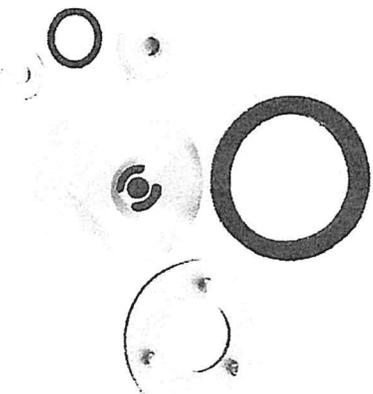
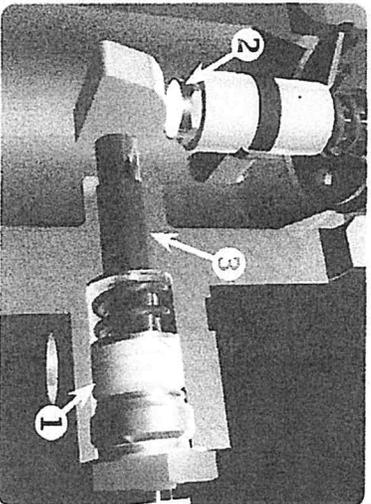
- Simple Design - No filters to change or external equipment to maintain
- All stainless steel trim construction
- Stainless steel hex head bolts
- Wrench/Vise flats added to the main poppet

*Trim sets are not interchangeable with C404 valves.

FIELD PROVEN FEATURES

Fisher C Series Internal Valves have long been known for reliability, the Fisher Jet Bleed Internal™ Valves carry that tradition forward.

- Spring loaded TFE stub shaft packing ①
- Removable cam & gland housings
- TFE wear pads at critical points ②
- Rulon™ bushings ③
- Repairable seats



BLEVE – SAFETY PRECAUTIONS

Use with caution. The following table gives a summary of tank properties, critical times, critical distances and cooling water flow rates for various tank sizes. This table is provided to give responders some guidance but it should be used with caution.

Tank dimensions are approximate and can vary depending on the tank design and application.

Minimum time to failure is based on **severe torch fire impingement** on the vapor space of a tank in good condition, and is approximate. Tanks may fail earlier if they are damaged or corroded. Tanks may fail minutes or hours later than these minimum times depending on the conditions. It has been assumed here that the tanks are not equipped with thermal barriers or water spray cooling.

Minimum time to empty is based on an engulfing fire with a properly sized pressure relief valve. If the tank is only partially engulfed, then time to empty will increase (i.e., if tank is 50% engulfed, then the tanks will take twice as long to empty). Once again, it has been assumed that the tank is not equipped with a thermal barrier or water spray.

Tanks equipped with thermal barriers or water spray cooling significantly increase the times to failure and the times to empty. A thermal barrier can reduce the heat input to a tank by a factor of ten or more. This means it could take ten times as long to empty the tank through the Pressure Relief Valve (PRV).

Fireball radius and emergency response distance is based on mathematical equations and is approximate. They assume spherical fireballs and this is not always the case.

Two safety distances for public evacuation. The minimum distance is based on tanks that are launched with a small elevation angle (i.e., a few degrees above horizontal). This is most common for horizontal cylinders. The preferred evacuation distance has more margin of safety since it assumes the tanks are launched at a 45 degree angle to the horizontal. This might be more appropriate if a vertical cylinder is involved.

It is understood that these distances are very large and may not be practical in a highly populated area. However, it should be understood that the risks increase rapidly the closer you are to a BLEVE. Keep in mind that the furthest reaching projectiles tend to come off in the zones 45 degrees on each side of the tank ends.

Water flow rate is based on $5 (\sqrt{\text{capacity (USgal)}}) = \text{USgal/min}$ needed to cool tank metal.

Warning: the data given are approximate and should only be used with extreme caution. For example, where times are given for tank failure or tank emptying through the pressure relief valve – these times are typical but they can vary from situation to situation. Therefore, never risk life based on these times.

WARNING:

The data given are approximate and should only be used with extreme caution. These times can vary from situation to situation. LPG tanks have been known to BLEVE within minutes. Therefore, never risk life based on these times.

**BLEVE
(USE WITH CAUTION)**

Capacity	Diameter	Length	Propane Mass	Minimum time to failure for severe torch	Approximate time to empty for engulfing fire	Fireball radius	Emergency response distance	Minimum evacuation distance	Preferred evacuation distance	Cooling water flow rate	
										Litres (Gallons)	Meters (Feet)
100 (26.4)	0.3 (1)	1.5 (4.9)	40 (88)	4	8	10 (33)	90 (295)	154 (505)	307 (1007)	94.6	25
400 (106)	0.61 (2)	1.5 (4.9)	160 (353)	4	12	16 (53)	90 (295)	244 (801)	488 (1601)	189.3	50
2000 (528)	0.96 (3.2)	3 (9.8)	800 (1764)	5	18	28 (92)	111 (364)	417 (1368)	834 (2736)	424	112
4000 (1057)	1 (3.3)	4.9 (16.1)	1600 (3527)	5	20	35 (115)	140 (459)	525 (1722)	1050 (3445)	598	158
8000 (2113)	1.25 (4.1)	6.5 (21.3)	3200 (7055)	6	22	44 (144)	176 (577)	661 (2169)	1323 (4341)	848	224
22000 (5812)	2.1 (6.9)	6.7 (22)	8800 (19400)	7	28	62 (203)	247 (810)	926 (3038)	1852 (6076)	1404	371
42000 (11095)	2.1 (6.9)	11.8 (38.7)	16800 (37037)	7	32	77 (253)	306 (1004)	1149 (3770)	2200 (7218)	1938	512
82000 (21662)	2.75 (9)	13.7 (45)	32800 (72310)	8	40	96 (315)	383 (1257)	1435 (4708)	2200 (7218)	2710	716
140000 (36984)	3.3 (10.8)	17.2 (56.4)	56000 (123457)	9	45	114 (374)	457 (1499)	1715 (5627)	2200 (7218)	3539	935

RE: SP 18-03 Pratum Co-op LPG Tank

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Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>

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Mon 7/9/2018 1:47 PM

To: Matt Straite; LaBelle, Chris <Chris.LaBelle@cityofalbany.net>; Janelle Booth;

You replied on 7/9/2018 1:48 PM.

📎 1 attachment



OSFM LPG
In~.pdf

Download all

Matt,

At this time, Albany Fire does not require a permit for propane tanks (we are working on adding them to our permit program however so keep sending these to us!). A permit through the Office of State Fire Marshal will be required. I've attached OSFM's permit application.

Thank you,



Lora Ratcliff

Senior Deputy Fire Marshal - Compliance
541-917-7728 phone

Albany Fire Department

City of Albany, Oregon
611 Lyon St SE, Albany, Oregon 97321

fire.cityofalbany.net



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From: Matt Straite <mstraite@cityofmillersburg.org>

Sent: Monday, July 9, 2018 1:06 PM

To: Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>; LaBelle, Chris <Chris.LaBelle@cityofalbany.net>; Janelle Booth <jbooth@cityofmillersburg.org>

Subject: SP 18-03 Pratum Co-op LPG Tank

ODOT DRS 8476 RE: SP 18-03 Propane Tank addition

[X DELETE](#) [← REPLY](#) [←← REPLY ALL](#) [→ FORWARD](#) [...](#)

LINER Duane J <Duane.J.LINER@odot.state.or.us>

Mark as unread

Wed 7/18/2018 7:04 AM

To: Matt Straite;

Cc: FELDMANN James <James.FELDMANN@odot.state.or.us>;

[Bing Maps](#)[+ Get more apps](#)

Matt,

If this is an allowed use under this zoning, and required setbacks are being met, then ODOT has no comment on this proposed land use application.

Thank you

- duane

Duane James Liner, P.E.
Development Review Coordinator
ODOT - Region 2
541-757-4140

From: JOHNSTON Bill
Sent: Tuesday, July 17, 2018 11:26 AM
To: 'Matt Straite'; LINER Duane J
Cc: FELDMANN James; DANIELSON Marah B
Subject: FW: SP 18-03 Propane Tank addition

Hello Matt – I'm forwarding your request to the ODOT Area 4 development review specialists.

Bill Johnston, AICP, Transportation Planner
Oregon Department of Transportation | Region 2 Area 5 | 2080 Laura St; Springfield OR 97477 | 541 747 1354 |
bill.johnston@odot.state.or.us

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]
Sent: Tuesday, July 17, 2018 10:06 AM
To: DANIELSON Marah B; JOHNSTON Bill
Subject: Re: SP 18-03 Propane Tank addition

Mr. Johnson,



NOTICE OF PUBLIC REVIEW
August 21, 2018, 7:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a Hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment. Failure of an issue to be raised or failure to provide sufficient specificity to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven (7) days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

- APPLICANTS:** Nolan Schrock, Pratum Co-op
- LOCATION:** Westerly of I-5, easterly of Old Salem Road NE.
- TAX LOT:** Township 10 South; Range 3 West; Section 21AA; Tax Lot 00500.
- PARCEL SIZE:** 4.86 Acres.
- ZONING:** Limited Industrial (LI)
- REQUEST:** The site currently features an existing facility that distributes fertilizer and seed products, no manufacturing. This application is to add a 30,000 gallon propane tank to the site.
- CRITERIA:** Millersburg Development Code; Section 2.400(2)
- FILE No.:** SP 18-03

The location of the Meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify City Hall twenty-four (24) hours before the meeting. For further information, please contact City Hall at (541) 928-4523.

Vicinity Map



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.



Proposal: The applicant is requesting approval to partition 2.19 acres into 2 residential lots, 0.98 acres and 1.21 acres.

I. BACKGROUND

- A. Applicant: Robert and Wendy Curtis
2583 Millersburg Drive NE
Albany, OR 97321
- B. Location: 2583 Millersburg Drive NE
10S 3W 17D Tax Lot 2100
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed partition requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on August 21, 2018. Any appeal of the Planning Commission decision will be considered by the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice of the August 21, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on July 30, 2018.
- E. Review Criteria: Article 2 §2.328 Subdivisions
- F. Current Zoning: Rural Residential 2.5 Acre Minimum- Urban Conversion (RR-2.5-UC)
- G. Proposed Zoning: N/A
- H. Property Size: 2.19 Gross Acres
- I. Background: Based on aerial images, the property has been used for residential purposes since at least 1994 and has featured a single family home and an out building. The existing home would remain on Parcel 1. Staff is not aware of any other applications on the site.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The Project was transmitted to the following agencies/departments on July 30, 2018: City of Albany, Albany Fire Department, Linn County Sheriff Department, City of Millersburg Engineer,

State Department of State Lands, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and Republic Services. To date, the following comments have been received:

- Albany Planning had no comments.
- Albany Fire provided comments indicating an easement was needed for fire access purposes, special signage is required, a turnaround shall be provided and all structures must be within 600 feet of a fire hydrant.
- City of Millersburg Engineer letter dated August 4, 2018 suggested conditions of approval.
- The Department of State Lands (DSL) commented in an email dated August 8, 2018 indicating no action is needed on a partition.

Public:

Notice of the August 21, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION OR PARTITION DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

ANALYSIS: The proposed partition creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive plan is located later in this report. In summary, the project is compatible with the Comprehensive Plan and State Planning Goals.

FINDING: Based on the analysis above, the project meets the criterion.

- (2) That 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.**

ANALYSIS: Parcel 1 is proposed to be 1.21 and parcel 2 is proposed at 0.98 acres. Because the zoning has a minimum lot size of 2.5 acres, both parcel 1 and parcel 2 will be considered "urban" lots, and thus would be required to comply with the urban standards. Specifically, both lots will be required to connect to water and sewer.

Parcel 2 will connect when a home is constructed, a condition of approval has been added to assure this. Parcel 1 already features a single family home. The code does not specifically require an existing home on a substandard lot to connect to water and sewer at the time the lot is being created. However, approval of this partition without a requirement to connect to water and sewer (in order to comply with the urban standards) would leave the City in a position of *creating* substandard-nonconforming lots, in this case lot 1. As such, this partition includes conditions of approval requiring the existing home to connect to water and sewer prior to the City approval of the final partition plat.

Other standards of the land use zone, and those found in Article 5 of the Code are reviewed in detail below.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

PROPOSED CONDITIONS OF APPROVAL:

- Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.
- Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.

(3) That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

ANALYSIS: ORS Chapter 92 regulates subdivisions and partitions in the State of Oregon. The regulations require a City or County to draft its own regulations in order to have local authority to approve or act on subdivision applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of State Chapter 92 still apply; however, they generally pertain to circumstances that do not relate to the approvals of subdivisions by cities. Chapter 92 does not include any criteria specific to the approval of a subdivision. The proposed application is consistent with all provisions of Chapter 92.

FINDING: Based on the analysis above, the project meets the criterion.

(4) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

ANALYSIS: The proposed partition is proposing one 1.21 acre parcel (Parcel 1) and a 0.98 acre parcel (Parcel 2). The City minimum lot size in this zone is 10,000 square feet. As such, both parcels could be further subdivided in the future. The site features minor wetland constraints, which would not likely impact future partitions. The wetlands would need to be further studied, however the Linn County GIS system shows possible wetlands at the eastern edge of the property (along the access). Code section 5.132, analyzed in detail further in this report, requires the applicant to provide evidence that

the property can be further dived in a logical way. With conditions proposed in that section, the project can comply with this criterion and the development standard listed in Section 5.132, see Section IV of this report.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

(5) That the proposed land division does not preclude development on adjoining properties.

ANALYSIS: The proposed partition is creating two parcels. The access for the parcels follows along the banks of Crooks Creek. As such, the designated access could only be used for the parcels proposed, and those created with the previous division on this site. Therefore, the project as proposed does preclude development of the property to the north of the site.

The access to the project site is via a private shared driveway. Generally, a shared driveway can be used by a few lots, usually not more than three. Any more traditionally requires a street, because more than three lots usually triggers a full subdivision which must use streets. The current residential lot to the north of the site, along with the two lots proposed would be three taking access from the shared driveway. Therefore, any further subdivision of the site, or the lot to the north would not be permitted without a street. However, as designed, the current shared access is not wide enough to accommodate a street and the creek location means the current access is within wetlands and flood plains. As explained below in greater detail, code section 5.132 requires that the design be able to accommodate additional land divisions for the site. As submitted, the application does not provide enough information to discern if future subdivisions are possible.

In order to address this criterion and the standard in section 5.132, conditions of approval are proposed to:

- Require a concept plan for the project site and the surrounding properties.
- The concept plan shall show a new public street on the west side of the site extending up from, and aligning with, Sedona Road to the south that will connect to the top of the project site.
- The exhibit shall show dedication of their required half-width of the new road on the proposed project site. Construction will not be required.
- Allow the applicant to use the private water and sewer proposed on the applicants map with a caveat that no additional subdivision will be allowed on the site without full construction of the new extension of Sedona Road including the placement of full public sewer and water in the new street. Parcels 1 and 2 may use a shared private sewer and water system in either of the two possible locations shown on the applicant's exhibits.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the criterion.

PROPOSED CONDITIONS OF APPROVAL:

- Prior to City approval of the final plat, the applicant shall provide a conceptual platting plan for the project site and surrounding areas that shows Sedona Road extending at least past the applicant's property, along the west side of the lot. Said conceptual platting shall be reviewed by staff and shall be designed to the satisfaction of the City Planner and City Engineer.
- The final plat shall be revised to show Sedona Road street dedication half-width on the west side of the property including setback limits shown on the plat for both proposed parcels.
- No additional partitions or subdivisions on the subject property shall be permitted unless Sedona Road is improved including full public sewer and water in the Sedona Road right-of-way.

- (6) That the proposed street plan is in conformance with City standards and provides 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.**

ANALYSIS: The streets for the development are regulated by Section 5.123. The applicant is not proposing a street for access, they are proposing a private shared driveway. As discussed above, a conceptual plan for the area, extension of Sedona Road, and dedication on the project site of the eventual street right-of-way will allow future growth in the area, without which the project does not comply with code.

The property does not front Millersburg Drive, and no improvements would be required for Millersburg Drive because it is built already to standards. Because the proposed project is building out consistent with the zoning requirements, the Transportation System Plan for the city has anticipated this density and is adequate for the proposal.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

- (7) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.**

ANALYSIS: City water and sewer are available within NE Millersburg Drive. The partition would add two more connections to the existing water and sewer lines. A review by the City Engineer has indicated that the facilities are adequately sized to accommodate the addition two connections. In addition, connection to the service will pay connection fees intended to address the additional infrastructure costs associated with the additional connections.

FINDING: Based on the analysis above, the project meets the criterion.

- (8) That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.**

ANALYSIS: All existing utilities are sized to be able to accommodate the additional two connections. While the utilities will not be located in a public street, the utilities are located within an easement. However, as shown, the easement is only for the two proposed parcels on the map. As such, the design of the project does preclude additional extensions of these utilities beyond the site in the future because the two parcels are sharing one sewer line, which will not allow any additional connections.

Additionally, explained below in greater detail, code section 5.132 requires that the design be able to accommodate additional land divisions for the site. The current design does not because a street cannot be placed in the proposed access easement area. There is not adequate width.

Using the previously discussed conditions requiring a conceptual plan of the area surrounding the property, by extending Sedona Road into that design, and by requiring dedication of the street width on the applicant's property, the project can comply with the code requirements because the new extended Sedona Road can be used to accommodate all underground public utilities required for future growth.

FINDING: Based on the analysis above, with the proposed condition of approval, the project meets the criterion.

- (9) That 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.**

ANALYSIS: The project site is located along the banks of Crooks Creek, to the east of the property. All proposed improvements will be located outside the limits of the drainage way which is shown on the map.

FINDING: Based on the analysis above, the project meets the criterion.

- (10) That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The characteristics identified in Section 2.140 include hazards and nuisances produced by the project specifically identifying noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare, and electromagnetic interference. Because this is a residential partition, none of these hazards are anticipated. Isolated incidents involving individual homes may occur in the future, but will be subject to appropriate enforcement of applicable rules and law.

FINDING: Based on the analysis above, the project meets the criterion.

- (11) That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

ANALYSIS: The site is generally flat and devoid of any topographic, rock outcropping or other significant features. The site does feature some wetlands and drainage, discussed above along Crooks Creek, where no development is proposed. The proposed design of the partition does not impact the wetland in any way. The application was sent to the Department of State Lands (DSL) for review and identified no needed mitigation.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the criterion.

IV. STANDARDS

The proposed subdivision design complies with all the specifications and design requirements of Chapter 4, specifically the RR 2.5-UC zone, and Chapter 5, Development Standards, with the following exceptions:

SECTION 4.112 RURAL RESIDENTIAL- URBAN CONVERSION RR-2.5-UC

(1) Purpose. The Rural Residential –

Urban Conversion Zone is applied in rural residential areas with standards for continued rural development until a transition to urban residential use occurs. Urban Residential standards shall apply to approved Urban Conversion areas where municipal water and sewer facilities are provided.

(4) Rural Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Rural Lot Area: Rural Standard for RR-2.5-UC - 2.5 Acres.

(6) Urban Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Urban Lot Area: Urban Standard for RR-2.5-UC - 10,000 sq. ft.

ANALYSIS: As discussed above, without conditions of approval, the proposed partition would not meet these standards because it would create a new parcel that would not meet the urban minimum standard requiring connection to City water and sewer. With the conditions listed previously requiring the applicant to connect the existing home to City water and Sewer prior to recording the partition, the project can comply.

To explore this further, Section 5.115 explains:

SECTION 5.115 LOT SIZE EXCEPTIONS

If an *existing* lot or parcel does not meet the lot size requirements of the zone in which the property is located, the property may be utilized for a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot-area-per-dwelling-unit requirement of the zone.

This code section only pertains to *existing* substandard lots.

FINDING: Based on the analysis above, with the proposed condition of approval, the project meets the standard.

SECTION 5.119 WETLANDS & RIPARIAN AREAS

The City of Millersburg does not have a Local Wetlands Inventory (LWI). The City requires all applicants to identify riparian areas, wetlands and floodplains on the Application. All applications are required to comply with State Law and with the standards required by this Code. Refer to Sections 7.100, 7.200 and 7.300 for additional Special Area Standards.

ANALYSIS: The Project site features minor wetlands along the access to the east of the existing lot based on the GIS system for Linn County. Pursuant to code requirements, the project was submitted to Department of State Lands (DSL) for review. DSL indicated they had no comments. The proposed new Parcel will not be located near any wetlands and will not be impacting wetlands in any way.

FINDING: Based on the analysis above, with the proposed condition of approval below, the project meets the standard.

SECTION 5.122 TRANSPORTATION STANDARDS

(5) Access Management

(a) Every property shall abut a street other than an alley, for a minimum width of 25 feet, except where the Planning Commission has approved an easement for access or where the easement existed prior to the adoption of this Code.

ANALYSIS: The Project site does not directly abut a street. On its face, the project does not comply with this requirement. The original partition had individual access paths (often called cherry-stems) for each lot. This allowed each lot to directly touch the street, thus complying with this code requirement. Usually this is just a paper exercise because it is often not practical to have multiple driveways right next to each other. Maps like the original often use easements to share one single driveway. The shared driveway often is constructed on multiple lots cherry-stems. The code section shown above, however, allows the Planning Commission to accept an easement for access purposes. This is at the discretion of the Commission.

It is not clear based on the exhibit provided if the applicant is proposing to *add* the new parcel 2 to the existing easement shared with his neighbor to the north. The access requirement has been added as a condition of approval (see below) however the details of the easement are a civil matter between the applicant, the owner of parcel 2, and the neighbor to the north.

FINDING: Based on the analysis above, with the proposed condition of approval below, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: The final map shall clearly show access easement locations to assure all properties have access to a public street as required by code section 5.122(5).

(b) Flag lots or parcels are discouraged. They will only be allowed when other alternative means of access cannot be provided. If permitted, the minimum access width shall be 25 feet. The following access alternatives to Flag Properties are preferred and may be approved by the Planning Commission. Amd 4/10/2012¹

ANALYSIS: The project is proposing two new parcels, both of which would be flag parcels. Though these are discouraged, they are not prohibited. The access stem on the existing parcel is only 20 feet wide. However, the code requires the access to be at least 25 feet wide, not specifically the *lot*. Thus, the access *easement* must be at least 25 feet wide. The current exhibit shows only a 20 foot access easement. A condition of approval has been added to correct the easement width on the final plat, which will require cooperation with the property owner of the lot to the north, tax lot 800, or through a more creative design with the property owner to the south, tax lot 2200.

FINDING: Based on the analysis above, with the proposed condition of approval, the project meets the standard.

PROPOSED CODNITION OF APPROVAL: The final plat shall show an access easement at least 25 feet wide for access to parcels 1, and 2.

SECTION 5.124 SIDEWALKS

Public sidewalk improvements are required for all land divisions and property development in the City Millersburg and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. The cost of deferred improvements will be paid by the owner and shall be placed into the City's Street Fund to pay for future improvements.

ANALYSIS: The project is located along an arterial, however, the project site does not directly abut the street, therefore this does not apply.

FINDING: Based on the analysis above, the project meets the standard.

SECTION 5.125 BIKEWAYS

Bikeways are required along Arterial and Collector streets. Bikeways shall comply with the requirements and standards contained herein and those contained in the Oregon Transportation Planning Rule.

¹ Code Section 5.132 Building Sites, subsection (g) states a very similar requirement.

(1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way.

ANALYSIS: The City's Transportation System Plan shows that bike paths along Millersburg Drive are existing, no improvements are necessary.

FINDING: Based on the analysis above, the project meets the standard.

SECTION 5.127 WATER

(1) When Municipal Water is Available. All new development including a single-family residence must extend and connect to the municipal water system. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the City and Fire District.

SECTION 5.128 SANITARY SEWERS

(1) When Municipal Sewer is Available. All new development including a single family residence must extend and connect to the municipal sewer system.

ANALYSIS: The map does not show proposed water or sewer connections for one proposed lot; as explained previously, connections will be required for both lots prior to City approval of the final plat. A condition of approval is proposed to require connection.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the standard.

SECTION 5.132 BUILDING SITES

(1) Size and shape: The size, width, shape and orientation of building sites shall be appropriate for the location and use contemplated, and shall comply with the standards of the Zoning District, Article 4, and the standards of Articles 5, 6 & 7 contained herein.

(e) Large Lots or Parcels: Large lots or parcels that may be further divided into smaller lots in the future shall be of such size and shape that will accommodate the efficient provision of future streets and lots or parcels of smaller sizes. The land division request may be denied if the proposed lots or parcels do not provide for efficient future divisions and streets.

ANALYSIS: The design of the partition creates two parcels that are generally an acre each. That would mean that the parcels could be further divided into smaller 10,000 sq ft minimum lots in the future. However, the access to the current proposed parcels is a challenge, and is located next to a creek that acts as a further deterrent. In order to divide further, a road would be needed on the west side of the parcels. At this stage it is not clear that the site could accommodate the efficient provision of future streets and lots of smaller sizes, therefore, this standard is not met.

This staff report previously discussed conditions of approval that would address this, and make the project comply with the standard. This includes the requirement for a conceptual platting plan, design of a new extension of Sedona Road north, dedication of the future Sedona Road on the final project plat, and a stipulation that no further subdivision take place without construction of Sedona Road and full public utilities within the right-of-way.

However, the code does specify that the land division *may* be denied if it does not comply with this standard. The proposed conditions of approval have the conceptual plotting plan to be submitted to staff, for staff review only. If the Commission desired to review the plan as well, the Commission could continue the item and request that the applicant provide the conceptual platting plan at the continued hearing date. Should the Commission take this path they would have to have the applicant concur with extending the 120-day time limit for processing the case. Without an applicant concurrence of the time extension or the condition of approval, a denial of the project would be the only option. The denial would be due to a lack of adequate materials to determine if the project meets this standard, which ties into criterion 2.328(2).

FINDING: Based on the analysis above, if the option for the condition of approval is employed, with the proposed conditions of approval, the project meets the standard.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* criteria from the Comprehensive Plan.

Section 9.100 Planning

Overall Policy 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg, and the Albany-Millersburg Growth Area.

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. PA 18-04 is consistent with the Comprehensive Plan/ Zoning designation. In addition, the project was transmitted to several State, regional, County and City organizations for review, which includes the ability for all departments to communicate on environmental concerns.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.400 Housing

Housing Need Policy 1. The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.

ANALYSIS: The proposed project will provide additional housing for the City.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.500 Land Use

Residential Land Use Policy 2. When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.

ANALYSIS: In the City of Millersburg, the smallest permitted lot size is 10,000 sq. ft. The proposed project will be converting rural area into urban area, which means that they will be connecting the proposed units to City water and sewer. The project is required to connect both parcels to City water and sewer. Additionally, the applicant has been conditioned to provide a conceptual platting plan for the surrounding area to assure that future divisions can be logically designed and to show that the proposed division does not preclude future logical infill subdivisions. The Commission has the ability to request smaller lots.

FINDING: Based on the analysis above, the project meets the policy.

Residential Land Use Policy 9. New residential subdivisions shall pay the costs of capital improvements needed to support the development.

ANALYSIS: The project has been conditioned to provide all needed utilities to support the development. They are proposed as private.

FINDING: Based on the analysis above, with conditions of approval, the project meets the policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Partition Application No. PA 18-04, Curtis Partition pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission not elect to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative subdivision development plans submitted by K&D Engineering, Inc. and dated June 27, 2018 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official (Linn County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Millersburg.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.
4. The applicant shall comply with all requirements shown in the Albany Fire Letter (Exhibit E) dated July 31, 2018.
5. No additional partitions or subdivisions on the subject property shall be permitted unless Sedona Road is improved including full public sewer and water in the Sedona Road right-of-way.

Prior to Any Ground Disturbing Activity

6. Submit the final plat for review to the Planning Department.

Prior to Approval of the Final Plat

7. Prior to City approval of the final plat, the applicant shall provide a conceptual platting plan for the project site and surrounding areas that shows Sedona Road extending at least past the applicant's property, along the west side of the lot. Said conceptual platting shall be reviewed by staff and shall be designed to the satisfaction of the City Planner and City Engineer.
8. The final plat shall be revised to show Sedona Road street dedication half-width on the west side of the property including setback limits shown on the plat for both proposed parcels.
9. Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.
10. Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.
11. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.

12. The final map shall clearly show access easement locations to assure all properties have access to a public street as required by code section 5.122(5).
 13. The final plat shall show an access easement at least 25 feet wide for access to parcels 1, and 2.
-

IX. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
2. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
3. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
4. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The Final Plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.
7. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
9. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
10. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.

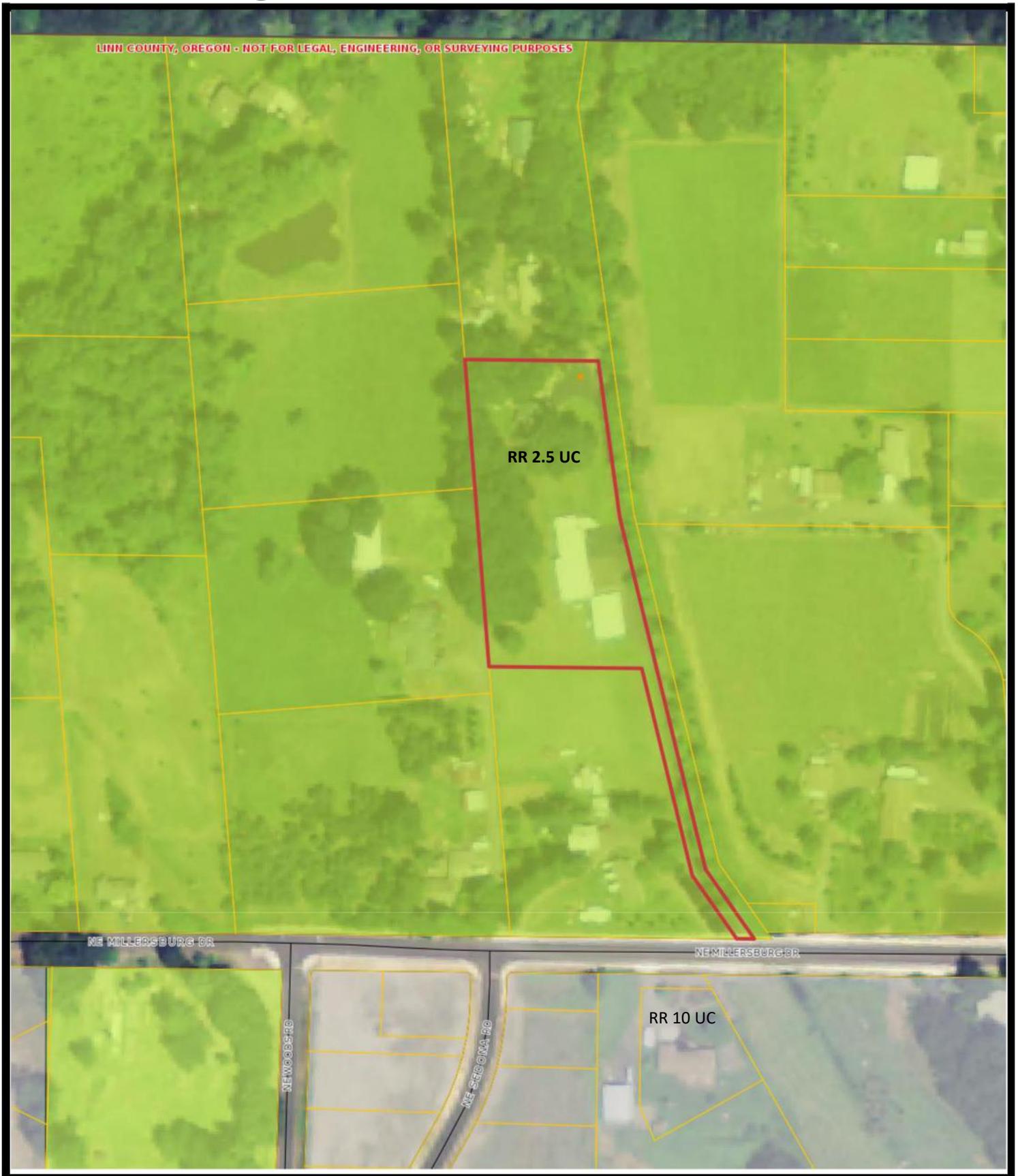
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
13. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification for the file.
14. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
15. The final plat shall show the City Manager as the City's approving authority within the signature block of the final plat and all Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.
16. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
17. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
18. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
19. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
20. Pursuant to Resolution 2008-10, park land dedication is required. The City has determined that for this project in-lieu fees are more appropriate. All in-lieu fees will be collected with the system development charges.

21. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
22. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicants Site Plan/Map
- D. Applicants Narrative
- E. Albany Fire Letter dated 7/31/18
- F. DSL Email dated 8/1/18
- G. City Engineering comments dated 8/4/18
- H. Notice of Public Hearing.

Zoning Map



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.

Vicinity Map



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.



Land Use Application Form

cityofmillersburg.org

Check the Type of Land Use Requested:

- | | |
|---|--|
| <input type="checkbox"/> (PA) Pre Application | <input type="checkbox"/> (VR) Variance (list standards can be varied in description) |
| <input type="checkbox"/> (SP) Site Plan Review | <input type="checkbox"/> (CP) Comprehensive Plan Amendment |
| <input type="checkbox"/> (CUP) Conditional Uses | <input type="checkbox"/> (ZC) Zone Change |
| <input type="checkbox"/> (PL) Property Line Adjustment | <input type="checkbox"/> (AN) Annexations |
| <input type="checkbox"/> (SD) Subdivisions (4 or more lots) | <input type="checkbox"/> (VA) Vacations |
| <input checked="" type="checkbox"/> (PA) Partition (3 or less lots) | |

THIS FORM MUST BE FILLED OUT COMPLETELY

I. Property Owner/Applicant Information

- A. Applicant(s) ROBERT CURTIS / WENDY CURTIS
 Email Address BFC537 @ AOL.COM
 Mailing Address 2583 MILLERSBURG DR NE ALBANY OR 97321
 Phone number (541) 9240500 / (541) 9904785
- B. Owner(s) ROBERT CURTIS / WENDY CURTIS
 Email Address BFC537 @ AOL.COM
 Mailing Address 2583 MILLERSBURG DR NE ALBANY OR 97321
 Phone number (54) 924-0500

II. Property Information

- A. Legal description of property: Township 10 Range 3 Section _____
 Tax Lot 10S03 W17 D 002100
- B. Additional Properties:
 Township _____ Range _____ Section _____ Tax Lot _____
 Township _____ Range _____ Section _____ Tax Lot _____
- C. Site Address (if any) _____

D. Zoning designation RURAL RESIDENTIAL 2.54C Comp Plan designation _____

III. Authorizing Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false. By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Millersburg employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site. I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Owner/applicant signature Robert Curtis Date 6-20-18
Owner/applicant signature Wendy Curtis Date 6/20/18

IV. The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- A narrative explaining how the application meets all required criteria shown in City Land Use Development Code, Article 2 (<http://cityofmillersburg.org/millersburg-land-use-development-code/>)
- At least 3 folded sets of the project **Site plan**. The site plan must be drawn to scale and show existing and proposed locations of buildings, access, parking, loading, landscaping, screening, fencing, drainage, water supply, sewage disposal, public utilities, unique site features (creeks and wetlands) and exterior lighting.¹
- A copy of the **deed** for the subject property.
- A copy of any **easement** granting access to the subject property, if the property does not have frontage on a public road.
- If the applicant for this request is not the property owner, then **authorization** from the owner must be submitted with the application.
- A copy of all permits, licenses, and **authorizations** from other government agencies pertaining to the proposed use, including highway access, water and sewer connections, state or federal discharge permits.
- Land Use Application **Checklist** (separate form)
- Digital versions** of all Site Plans, other plans and/or studies.

¹ Additional copies of all exhibits may be required if the application is deemed complete.
City of Millersburg Land Use Application
Draft: February 2018

Application Fee. The total fee shall be the sum of all individual procedural fees unless adjusted by the City Manager.

V. Proposed Use of Property

A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

OUR PLAN IS TO DIVIDE OUR EXISTING PROPERTY INTO TWO LOTS AND BUILD A NEW SMALLER HOME WITH GARAGE (1800 SQ FT OR SO) AND ADDING TO THE EXISTING DRIVEWAY (WHICH HAS ACCESS TO MILLERSBURG DR) TO ACCESS OUR NEW HOME. NEW HOME TO HOOKUP TO CITY WATER AND SEWER.

B. Please describe the general operating characteristics of the proposed use and the hours of operation.

HOME USE ONLY

C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

NO

D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

1.19 ACRES NO

E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

YES, CITY WATER. HOME USE ONLY

F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

NA

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

NOT A BUSINESS

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

NA

I. Does the property front a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

NO, BUT EXISTING DRIVEWAY ALREADY IN PLACE.

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

HOME, THERE ARE NO UNIQUE FEATURES ON THE PROPERTY AS DESCRIBED, BUT PROPERTY IS LOCATED EAST OF CREEK.

TENTATIVE PARTITION PLAT FOR ROBERT CURTIS

LOCATED IN
TAX LOT 2100 OF MAP 105-3W-17D
SE 1/4 SEC 17, T. 10 S., R. 3 W., W.M.
CITY OF MILLERSBURG, LINN COUNTY, OREGON

JULY 27, 2018

OWNERS ADDRESS:

ROBERT + WENDY CURTIS
2583 MILLERSBURG DR. NE
ALBANY, OREGON 97321

ENGINEER/SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OREGON 97321
(541) 928-2583

TAX LOT 2100:

ASSESSOR'S MAP: 105-3W-17D
AREA = 2.19 ACRES

PROPOSED PARCEL 1

2583 MILLERSBURG DR. NE
ALBANY, OREGON 97321

ZONING:

RR 2.5UC (RURAL RESIDENTIAL)
ALL LANDS EAST, NORTH AND WEST
RR 10UC (RURAL RESIDENTIAL)
ALL LANDS TO SOUTH

CURRENT USE:

RESIDENTIAL

SITE ADDRESS:

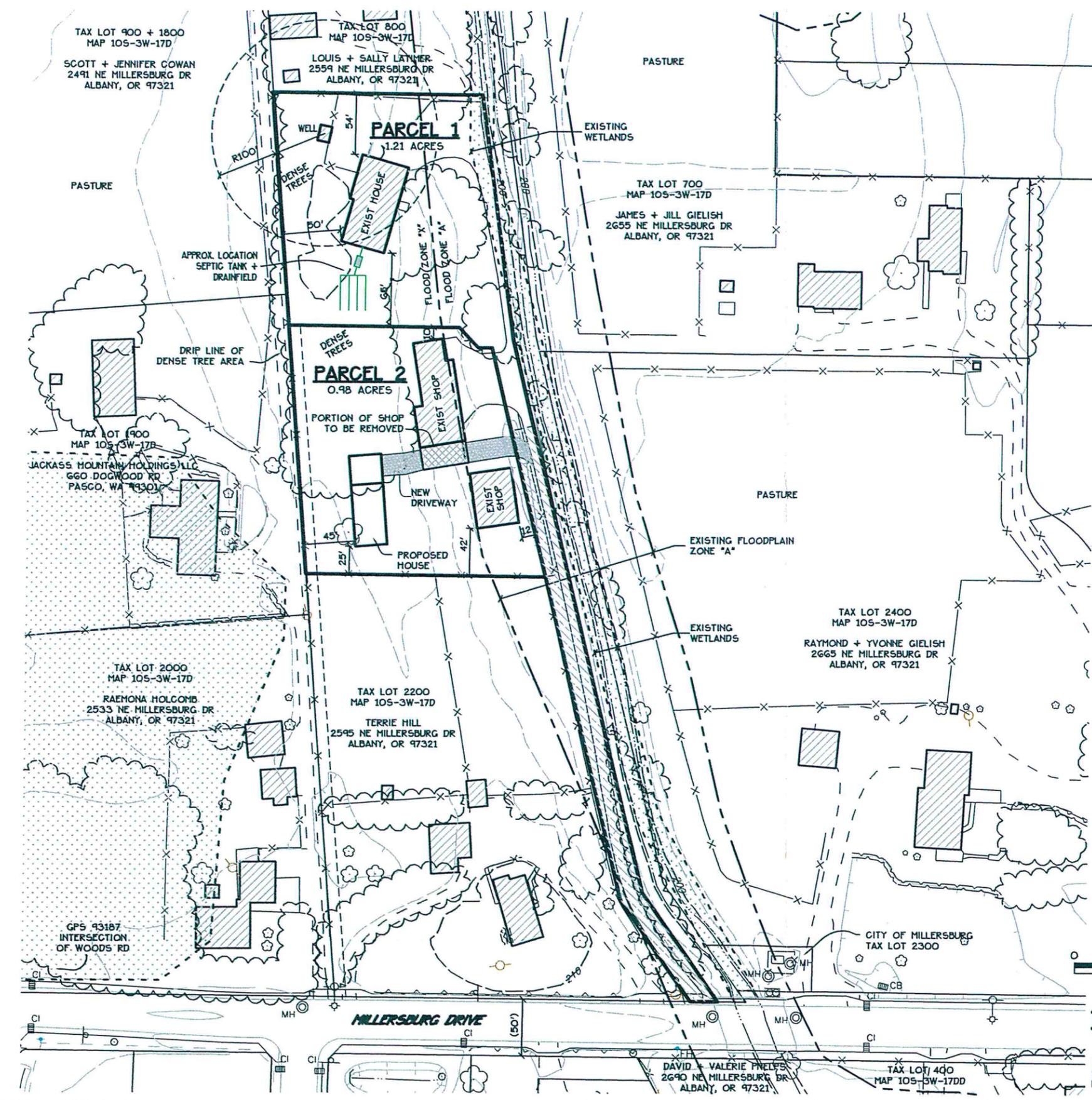
2583 MILLERSBURG DR. NE
ALBANY, OREGON 97321

PROJECT STATISTICS:

TOTAL PROJECT AREA = 2.19 ACRES (BASED ON ASSESSORS DATA)
TOTAL NUMBER OF PARCELS = 2
MINIMUM SINGLE FAMILY PARCEL SIZE = 10,000 S.F. (0.23 ACRES)

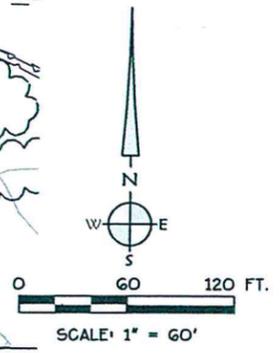
NOTES:

- (1) BASIS OF CONTOURS IS CITY OF ALBANY GIS DATA.
- (2) PARCEL 1 +2 ARE PARTIALLY WITHIN ZONE "A" OF THE CURRENTLY ESTABLISHED FIRM MAP 41043C0204G DATED SEPTEMBER 29, 2010.
- (3) EXISTING WETLANDS AS SHOWN PER NATIONAL + LOCAL INVENTORIES.
- (4) THE PROPOSED RESIDENCE ON PARCEL 2 IS IN A "X" FLOOD ZONE AND IS OUTSIDE THE SPECIAL FLOOD HAZARD AREA.
- (5) THE APPLICANT IS LOOKING AT TWO OPTIONS TO SERVE THE PROPERTY WITH SEWER AND WATER. OPTION #1 WOULD BE TO RUN LATERALS ALONG THE EXISTING DRIVEWAY. OPTION #2 WOULD BE TO RUN LATERALS ALONG THE WEST PROPERTY LINE OF THE NEIGHBORING PROPERTY TO THE SOUTH IF EASEMENTS CAN BE OBTAINED.
- (6) SEE SHEET 2 FOR PROPERTY DIMENSIONS AND UTILITIES.



LEGEND:

- (E) EXISTING
- ⊙ EXISTING UTILITY POLE
- ⊙ EXISTING VALVE
- ⊙ FH EXISTING FIRE HYDRANT
- ⊙ CB EXISTING CATCH BASIN
- ⊙ MH EXISTING MAN HOLE
- ⊙ EXISTING LIGHT POLE
- EXISTING WATER LINES
- EXISTING SEWER LINES
- - - FEMA FLOOD PLAIN BOUNDARY
- - - EXISTING WETLAND BOUNDARY
- ▨ PROPOSED ACCESS EASEMENT



K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583
Date: 7/27/2018 Time: 13:56
Scale: 1"=1(F5)
File: d:\2018\18-142\18-142_tpp.dwg (George)

TENTATIVE PARTITION PLAT FOR ROBERT CURTIS

LOCATED IN
TAX LOT 2100 OF MAP 105-3W-17D
SE 1/4 SEC 17, T. 10 S., R. 3 W., W.M.
CITY OF MILLERSBURG, LINN COUNTY, OREGON

JULY 27, 2018

OWNERS ADDRESS:

ROBERT + WENDY CURTIS
2583 MILLERSBURG DR. NE
ALBANY, OREGON 97321

ENGINEER/SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OREGON 97321
(541) 928-2583

TAX LOT 2100:

ASSESSOR'S MAP: 105-3W-17D
AREA = 2.19 ACRES

PROPOSED PARCEL 1

2583 MILLERSBURG DR. NE
ALBANY, OREGON 97321

ZONING:

RR 2.5UC (RURAL RESIDENTIAL)
ALL LANDS EAST, NORTH AND WEST
RR 10UC (RURAL RESIDENTIAL)
ALL LANDS TO SOUTH

CURRENT USE:

RESIDENTIAL

SITE ADDRESS:

2583 MILLERSBURG DR. NE
ALBANY, OREGON 97321

PROJECT STATISTICS:

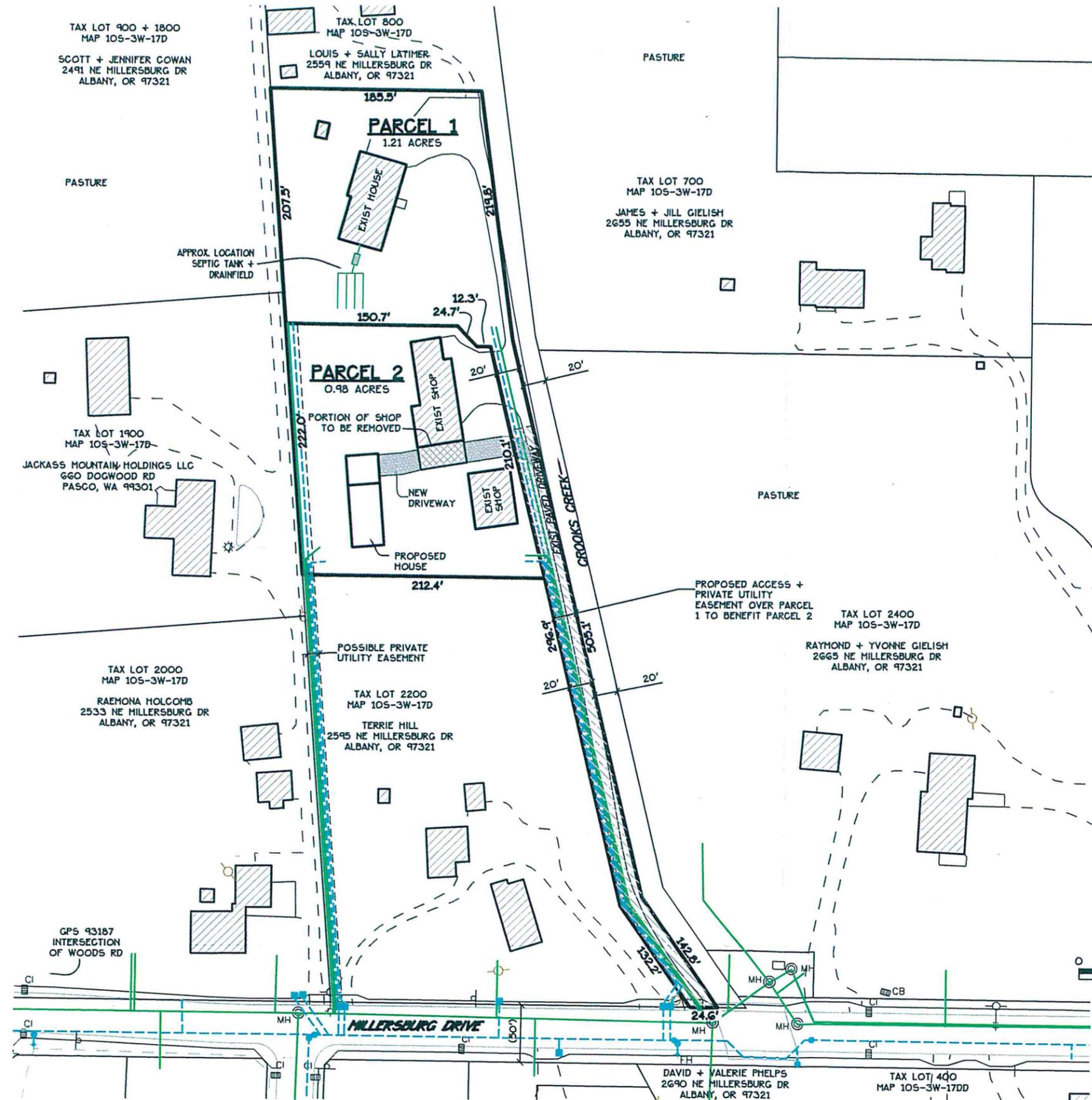
TOTAL PROJECT AREA = 2.19 ACRES (BASED ON ASSESSORS DATA)

TOTAL NUMBER OF PARCELS = 2

MINIMUM SINGLE FAMILY PARCEL SIZE = 10,000 S.F. (0.23 ACRES)

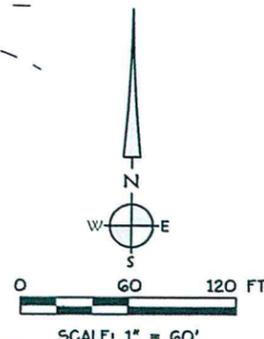
NOTES:

- (1) BASIS OF CONTOURS IS CITY OF ALBANY GIS DATA.
- (2) PARCEL 1 +2 ARE PARTIALLY WITHIN ZONE "A" OF THE CURRENTLY ESTABLISHED FIRM MAP 41043CO204G DATED SEPTEMBER 29, 2010.
- (3) EXISTING WETLANDS AS SHOWN PER NATIONAL + LOCAL INVENTORIES.
- (4) THE PROPOSED RESIDENCE ON PARCEL 2 IS IN A "X" FLOOD ZONE AND IS OUTSIDE THE SPECIAL FLOOD HAZARD AREA.
- (5) THE APPLICANT IS LOOKING AT TWO OPTIONS TO SERVE THE PROPERTY WITH SEWER AND WATER. OPTION #1 WOULD BE TO RUN LATERALS ALONG THE EXISTING DRIVEWAY. OPTION #2 WOULD BE TO RUN LATERALS ALONG THE WEST PROPERTY LINE OF THE NEIGHBORING PROPERTY TO THE SOUTH IF EASEMENTS CAN BE OBTAINED.



LEGEND:

- (E) EXISTING
- ⊕ EXISTING UTILITY POLE
- ⊙ EXISTING VALVE
- ⊕ FH EXISTING FIRE HYDRANT
- ⊙ CB EXISTING CATCH BASIN
- ⊙ MH EXISTING MAN HOLE
- ⊕ EXISTING LIGHT POLE
- EXISTING WATER LINES
- EXISTING SEWER LINES
- - - FEMA FLOOD PLAIN BOUNDARY
- - - EXISTING WETLAND BOUNDARY
- ▨ PROPOSED ACCESS EASEMENT



K & D ENGINEERING, Inc.
276 N.W. Hickory Street, P.O. Box 726
Albany, Oregon 97321
(541) 928-2583

Date: 7/27/2018 Time: 13:56
Scale: 1"=1(P5)
File: d:\2018\18-142\18-142_tpp.dwg (George)

Written Statement
Curtis Partition
2583 NE Millersburg Drive
Tax Lot 2100 of Assessor Map "T. 10 S., R. 3 W., Sec 17D"

Project Narrative:

The Applicant proposes a partition to divide an existing 2.19 acre property into two parcels. The subject property has an existing residence and out buildings. The existing residence has a private well and septic system. The existing residence is located about 800 feet from the City Sewer and Water main lines. The applicant plans to build a new home on the proposed southerly parcel.

Millersburg Development Code Section 2.326:

- 1) The proposed partition will create one parcel around an existing single family residence and one parcel for future development of a single family residence. The existing residence is provided water by a private well. The new residence will be connected to City water. The main line is located in Millersburg Drive and a private lateral will be installed to serve the new residence. The service lateral will run along the existing driveway or along the west line of the neighboring property if the Applicant can obtain an easement from the neighbor as shown on the tentative plat. Because of costs to hook up the existing house to City sewer and water the Applicant would like to explore if there are any options available to keep the existing house on a well and septic, if at all possible, and not have to connect to City services.
- 2) The proposed partition will create one parcel around an existing single family residence and one parcel for future development of a single family residence. The existing residence is on a private septic system. The new residence will be connected to City sewer. The main line is located in Millersburg Drive and a private lateral will be installed to serve the new residence. The service lateral will run along the existing driveway or along the west line of the neighboring property if the Applicant can obtain an easement from the neighbor as shown on the tentative plat. Because of costs to hook up the existing house to City sewer and water the Applicant would like to explore if there are any options available to keep the existing house on a well and septic, if at all possible, and not have to connect to City services.
- 3) The Applicant will not have CC&Rs for the proposed partition
- 4) The Applicant does not propose any public dedications for streets, pedestrian or bike ways, parks or open space.
- 5) There are no public improvements for the proposed partition.

- 6) The Applicant is the fee owner of the subject property and will sign the declaration on the final plat.
- 7) The Applicant does not plan to or propose any additional partitions or division of the subject property.

Millersburg Development Code Section 2.328 (decision criteria):

- 1) The Applicant proposes to partition a 2.5 acre residential property into 2 Parcels. The subject property has an existing residence and out buildings. The property is zoned RR-2.5-UC. The new parcel created by this partition will be residential. The Applicant is not aware of any conflicts with the City Comp Plan of Statewide Goals.
- 2) The Subject property is in a RR-2.5-UC zone. The new parcels created by the proposed partition are for residential use. Proposed Parcel 1 is 1.21 acres. Proposed Parcel 2 is 0.98 acres, both of which exceed the minimum lot size of 10,000 SF
- 3) The final partition plat will comply with all requirements per ORS Chapter 92, Linn County Surveyor requirements and City of Millersburg requirements.
- 4) The Applicant does not plan to or propose any additional partitions or division of the subject property. There is no remainder property.
- 5) Property to the east is separated by Crooks Creek, this proposal does not adversely affect the development of the property to the east. Property to the South has direct access to Millersburg Drive, this proposal does not adversely affect the development of the property to the south. Properties to the west have access to Millersburg Drive by means of private driveways, this proposal does not adversely affect the development of the property to the west. Property to the north accesses Millersburg Drive by a common driveway shared with the Applicant, to further develop the property it would need to be connected to public utilities. The Applicant is not opposed to creating utility easements for the benefit of the property to the north.
- 6) The Applicant plans to use the existing driveway for access. No street improvements are proposed with this application.
- 7) The existing residence is on a private well and septic system. Water and Sewer mains are located in Millersburg Drive. The applicant proposes to serve the new parcel and the existing residence with sewer and water by connecting to the main lines located in Millersburg Drive. The services laterals will either run along the

existing driveway or along the west line of the neighboring property to the south if the Applicant can obtain a private easement for the neighbor. Because of costs to hook up the existing house to City sewer and water the Applicant would like to explore if there are any options available to keep the existing house on a well and septic, if at all possible, and not have to connect to City services.

- 8) The proposed utilities are service laterals, the Applicant does not propose any public utilities.
- 9) The subject property is already developed with an existing residence, driveway and out buildings. The proposed partition will give the Applicant the ability to construct a new single family residence and improvements associated with that residence. The Applicant does not propose any changes to the natural drainage and will take necessary erosion control measures for any future construction.
- 10) The proposed partition will divide an existing residential property into two parcels. Parcel 1 will contain an existing residence. A new single family residence will be constructed on Parcel 2 as shown on the tentative plat. The Applicant is not aware of any special emissions, potential hazards or nuisances that need to be addressed for development of a single family residence.
- 11) The proposed single family residence will be constructed outside the 100 year Special Flood Hazard Area. The National and Local Wetland inventories identify wetland areas along Crooks Creek as shown on the tentative plat. Construction for the new residence and utilities will avoid impacting the wetland area and the creek as shown on the tentative plat.
- 12) The construction area for the new residence is generally flat and will only require minimal grading for construction of the new residence.
- 13) Some hardwood trees will need to be cleared for the construction of the new residence as shown on the tentative plat. The Applicant will preserve as many trees as possible.
- 14) The Applicant plans to avoid any construction activities in the wetland areas and Crooks Creek. Some trees will need to be cleared for the construction of the new residence and the Applicant plans to remove only the trees needed for construction of the new residence.



TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: July 31, 2018
SUBJECT: 2583 Millersburg Dr. NE – Residential Land Partition - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If several lots share an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal.

A “no-parking” restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire apparatus access.

2. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4).
3. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
 - a. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)

4. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

Page 2
August 13, 2018

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

Lora Ratcliff
541-917-7728
Lora.ratcliff@cityofalbany.net

LAR/lar

RE: Late notice request for review PA 18-03

 DELETE  REPLY  REPLY ALL  FORWARD ...



BROWN Lauren <Lauren.BROWN@state.or.us>

Wed 8/1/2018 4:28 PM

Mark as unread

To: Matt Straite;

Hi Matt-

Partitions do not require a removal-fill permit. If ground disturbance is proposed the property owner should probably contact me directly.

Thanks,

Lauren Brown, Wetland Ecologist
Jurisdiction Coordinator
[Oregon Department of State Lands](#)
503.986.5218 Desk
503.302.3290 Cell

From: Matt Straite <mstraite@cityofmillersburg.org>

Sent: Wednesday, August 1, 2018 12:48 PM

To: DOWNING Andrea <andrea.downing@dsl.state.or.us>; BROWN Lauren <lauren.brown@dsl.state.or.us>

Subject: Late notice request for review PA 18-03

Sorry for getting this out to you late, but I just noticed while drafting the staff report that the County GIS shows some very little amount of wetland on the site. Can you please review and provide comments? Thank you.

Matt Straite

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: August 4, 2018
SUBJECT: PA 18-04 - Engineering Comments

Engineering has reviewed the above project and has the following comments:

1. Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.
2. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
3. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
4. Driveways and access shall conform to Section 5.122 of the Millersburg Land Use Development Code.
5. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
6. The Final Plat shall include any required access or utility easements.
7. All agreements required as conditions of this approval must be signed and recorded.
8. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

9. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.



NOTICE OF PUBLIC HEARING
August 21, 2018, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

APPLICANTS: Robert and Wendy Curtis
LOCATION: 2583 Millersburg Dr. NE (see map opposite page)
TAX LOT: Township 10 South; Range 3 West; Section 17D; Tax Lot 2100
PARCEL SIZE: 2.19 Acres
ZONING: Rural Residential 2.5 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide 2.19 acres into 2 Parcels (1.21 acres and 0.98 acres).
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: PA 18-04

The location of the hearing is accessible to people with disabilities. If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (541) 928-4523.

Vicinity Map





Proposal: The applicant is requesting approval to partition 2.45 acres into 2 residential lots, 16,590 square feet and 2.07 acres.

I. BACKGROUND

- A. Applicant: Jason & Cara Hibbs
38724 NE Morningstar Road
Albany, OR 97321
- B. Location: 38724 NE Morningstar Road
10S 3W 1600 Tax Lot 704
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed partition requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on August 21, 2018. Any appeal of the Planning Commission decision will be considered by the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice of the August 21, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on July 16, 2018.
- E. Review Criteria: Article 2 §2.328 Subdivisions
- F. Current Zoning: Rural Residential 2.5 Acre Minimum- Urban Conversion (RR-2.5-UC)
- G. Proposed Zoning: N/A
- H. Property Size: 2.45 Gross Acres
- I. Background: Based on aerial images, the property has been used for residential purposes since at least 1994 and has featured a single family home with several out buildings. The existing home would remain on Parcel 1. Staff is not aware of any other applications on the site.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The Project was transmitted to the following agencies/departments on July 11, 2018: City of Albany, Albany Fire Department, Linn County Sheriff Department, City of Millersburg Engineer, State Department of State Lands, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and Republic Services. To date, the following comments have been received:

- Albany Planning had no comments.
- Albany Fire provided comments indicating the water supply is adequate.
- City of Millersburg Engineer in a letter dated August 4, 2018 suggested conditions of approval.

Public:

Notice of the August 21, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION OR PARTITION DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

ANALYSIS: The proposed subdivision creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive plan is located later in this report. In summary, based on staff's review, the project is consistent with the plan.

FINDING: Based on the analysis above, the project meets the criterion.

- (2) That 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.**

ANALYSIS: Parcel 1 is proposed to be 2.07 acres. Because the zoning has a minimum lot size of 2.5 acres, both parcel 1 and parcel 2 will be considered "urban" lots, and thus would be required to comply with the urban standards. Specifically, both lots will be required to connect to water and sewer. Parcel 2 will connect when a home is constructed, a condition of approval has been added to assure this. Parcel 1 already features a single family home. The code does not specifically require an existing home

on a substandard lot to connect to water and sewer at the time the lot is being created. However, approval of this partition without a requirement to connect to water and sewer (in order to comply with the urban standards) would leave the City in a position of *creating* substandard-nonconforming lots, in this case lot 1. As such, this partition includes conditions of approval requiring the existing home to connect to water and sewer prior to City approval of the final partition plat.

Other standards of the land use zone, and those found in Article 5 of the Code are reviewed in detail below.

FINDING: Based on the analysis above, with conditions of approval, the project meets the criterion.

PROPOSED CONDITIONS OF APPROVAL:

- Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in the Morningstar Road right-of-way. Applicant shall be responsible for all costs associated with making utility connections.
- Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.

(3) That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

ANALYSIS: ORS Chapter 92 regulates subdivisions and partitions in the State of Oregon. The regulations require a City or County to draft its own regulations in order to have local authority to approve or act on subdivision and partition applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of State Chapter 92 still apply; however, they generally pertain to circumstances that do not relate to the approvals of subdivisions or partitions by cities. Chapter 92 does not include any criteria specific to the approval of a subdivision or partition. The proposed application is consistent with all provisions of Chapter 92.

FINDING: Based on the analysis above, the project meets the criterion.

(4) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

ANALYSIS: The proposed subdivision is proposing one 16,590 square foot parcel (Parcel 2) and leaving the bulk of the property undivided in a 2.07 acre parcel (Parcel 1). The City minimum lot size in this zone is 10,000 square feet. As such, Parcel 2 could not be further subdivided. Parcel 1 is still large enough to be further subdivided in the future. The site features minor wetland constraints, which would not likely impact future partitions. The wetlands would need to be further studied, however the Linn County GIS system shows possible wetlands at the northwest edge of the property (amongst the grove of trees). However, the design of the proposed partition does not limit the property in a way that would restrict further subdivision of Parcel 2.

FINDING: Based on the analysis above, the project meets the criterion.

- (5) That the proposed land division does not preclude development on adjoining properties.**

ANALYSIS: The proposed partition is creating two parcels, both fronting on SW Morningstar Road. The design of the partition does not limit the ability of neighboring properties to access Morningstar Road, or the utilities within. No streets are proposed or required that could potentially conflict with other neighboring streets.

FINDING: Based on the analysis above, the project meets the criterion.

- (6) That the proposed street plan is in conformance with City standards and provides 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.**

ANALYSIS: The streets for the development are regulated by Section 5.123. According to the City Transportation System Plan (TSP) SW Morningstar Road is designated as an Arterial. Section 5.123 explains that the ultimate ROW is designed in the TSP and in the code as a 60-foot two lane ROW. Morningstar Road NE is currently constructed to 60 foot ROW Arterial standards, as defined in the TSP including sidewalks (see discussion of sidewalks in Section IV of this report for more detail). No improvements are required.

FINDING: Based on the analysis above, the project meets the criterion.

- (7) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.**

ANALYSIS: City water and sewer are available within NE Morningstar Road. The partition would add two more connections to the existing water and sewer lines. A review by the City Engineer has indicated that the facilities are adequately sized to accommodate the addition two connections. In addition, connection to the service will require connection fees intended to address the additional infrastructure costs associated with the additional connections.

FINDING: Based on the analysis above, the project meets the criterion.

- (8) That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.**

ANALYSIS: All existing utilities are sized to be able to accommodate the additional two connections. The design of the partition does not exclude future connections because the two connections proposed would be within the street right-of-way. There are no landlocked parcels near the property that would require additional access through the site.

FINDING: Based on the analysis above, the project meets the criterion.

- (9) That 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.**

ANALYSIS: The County GIS system and the City of Albany GIS do not show any drainage ways or water ways near the project site.

FINDING: Based on the analysis above, the project meets the criterion.

- (10) That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The characteristics identified in Section 2.140 include hazards and nuisances produced by the project specifically identifying noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare, and electromagnetic interference. Because this is a residential subdivision, none of these hazards are anticipated. Isolated incidents involving individual homes may occur in the future, but will be subject to appropriate enforcement of applicable rules and law.

FINDING: Based on the analysis above, the project meets the criterion.

- (11) That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

ANALYSIS: The site is generally flat and devoid of any topographic, rock outcropping or other significant features. The site does feature some minor wetlands based on the County GIS system, however these are located to the north-west edge of the property. The wetland is mainly located on the neighbor's property under the grove of trees. The proposed design of the partition does not impact the potential wetland in any way. The application was sent to the Department of State Lands (DSL) for review and identification of any needed mitigation. No response was provided.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the criterion.

IV. STANDARDS

The proposed subdivision design complies with all the specifications and design requirements of Chapter 4, specifically the RR 2.5-UC zone, and Chapter 5, Development Standards, with the following exceptions:

SECTION 4.112 RURAL RESIDENTIAL- URBAN CONVERSION RR-2.5-UC

- (1) Purpose. The Rural Residential –**

Urban Conversion Zone is applied in rural residential areas with standards for continued rural development until a transition to urban residential use occurs. Urban Residential standards shall apply to approved Urban Conversion areas where municipal water and sewer facilities are provided.

(4) Rural Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Rural Lot Area: Rural Standard for RR-2.5-UC - 2.5 Acres.

(6) Urban Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Urban Lot Area: Urban Standard for RR-2.5-UC - 10,000 sq. ft.

ANALYSIS: As discussed above, without conditions of approval, the proposed partition would not meet these standards because it would create a new parcel that would not meet the urban minimum standard requiring connection to City water and sewer. With the conditions listed previously requiring the applicant to connect the existing home to City water and Sewer prior to recording the partition, the project can comply.

To explore this further, Section 5.115 explains:

SECTION 5.115 LOT SIZE EXCEPTIONS

If an *existing* lot or parcel does not meet the lot size requirements of the zone in which the property is located, the property may be utilized for a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot-area-per-dwelling-unit requirement of the zone.

This code section only pertains to *existing* substandard lots.

FINDING: Based on the analysis above, with the proposed condition of approval, the project meets the standard.

SECTION 5.119 WETLANDS & RIPARIAN AREAS

The City of Millersburg does not have a Local Wetlands Inventory (LWI). The City requires all applicants to identify riparian areas, wetlands and floodplains on the Application. All applications are required to comply with State Law and with the standards required by this Code. Refer to Sections 7.100, 7.200 and 7.300 for additional Special Area Standards.

ANALYSIS: The Project site features minor wetlands based on the GIS system for Linn County. Pursuant to code requirements, the project was submitted to DSL for review. DSL did not provide any comments. The proposed new Parcel will not be located near any wetlands and will not be impacting wetlands in any way.

FINDING: Based on the analysis above, with the proposed condition of approval below, the project meets the standard.

SECTION 5.124 SIDEWALKS

Public sidewalk improvements are required for all land divisions and property development in the City Millersburg and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. The cost of deferred improvements will be paid by the owner and shall be placed into the City's Street Fund to pay for future improvements.

ANALYSIS: The project is located along an arterial, however, the code section above specifically states that the City can defer sidewalk improvements in the rural fringe. This section of the City is considered the rural fringe and the ultimate street design in this area is in a current state of flux and a possible Morningstar bypass is in current discussion with the County. As a result, the City has exercised its ability to defer sidewalks for this proposed land division.

FINDING: Based on the analysis above, the project meets the standard.

SECTION 5.125 BIKEWAYS

Bikeways are required along Arterial and Collector streets. Bikeways shall comply with the requirements and standards contained herein and those contained in the Oregon Transportation Planning Rule.

(1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way.

ANALYSIS: The City's Transportation System Plan shows all planned and existing bike paths. Figure 9 of the TSP, the Bicycle Modal Plan, does not show any required bike path along this section of Morningstar Road. No path is required.

FINDING: Based on the analysis above, the project meets the standard.

SECTION 5.127 WATER

(1) When Municipal Water is Available. All new development including a single-family residence must extend and connect to the municipal water system. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the City and Fire District.

SECTION 5.128 SANITARY SEWERS

(1) When Municipal Sewer is Available. All new development including a single family residence must extend and connect to the municipal sewer system.

ANALYSIS: The map does not show proposed water or sewer connections. It is assumed that City water and sewer will be used within SW Morningstar Road. A condition of approval is proposed to require connection.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the standard.

PROPOSED CONDITIONS OF APPROVAL:

- Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in the Morningstar Road right-of-way. Applicant shall be responsible for all costs associated with making utility connections.
- Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* criteria from the Comprehensive Plan.

Section 9.100 Planning

Overall Policy 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg, and the Albany-Millersburg Growth Area.

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. PA 18-03 is consistent with the Comprehensive Plan/ Zoning designation. In addition, the project was transmitted to several State, regional, County and City organizations for review, which includes the ability for all departments to communicate on environmental concerns.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.400 Housing

Housing Need Policy 1. The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.

ANALYSIS: The proposed project will provide additional housing for the City.

FINDING: Based on the analysis above, the project meets the policy.

Residential Land Use Policy 2. When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.

ANALYSIS: In the City of Millersburg, the smallest permitted lot size is 10,000 sq. ft. The proposed project will be converting rural area into urban area, which means that they will be connecting the proposed units to City water and sewer. By doing so, the code permits development at the smallest lot size, 10,000 sq. ft. As such, the proposed subdivision is providing the most compact development permitted within the City. The Commission has the ability to request smaller lots.

FINDING: Based on the analysis above, the project meets the policy.

Residential Land Use Policy 9. New residential subdivisions shall pay the costs of capital improvements needed to support the development.

ANALYSIS: The project has been conditioned to provide all needed utilities to support the development.

FINDING: Based on the analysis above, with conditions of approval, the project meets the policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Partition Application No. PA 18-03, Hubbs Partition pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission not elect to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative subdivision development plans submitted by Multi/Tech Engineering, Inc. and dated June 17, 2018 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official (Linn

County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Millersburg.

2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.
4. The applicant shall comply with all requirements shown in the Albany Fire Letter (Exhibit E) dated July 13, 2018.
5. A Linn County permit is required for any work in the public right-of-way of Morningstar Road, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to requirements of Linn County. All work within the public right-of-way shall be performed by a licensed contractor.

Prior to Any Ground Disturbing Activity

6. Submit the final plat for review to the Planning Department.

Prior to Approval of the Final Plat

7. Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in the Morningstar Road right-of-way. Applicant shall be responsible for all costs associated with making utility connections.
8. Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 1 of the proposed partition to City water and sewer, including paying all required connection fees required.
9. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.

IX. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public

right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.

2. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
3. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
4. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The Final Plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.
7. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
9. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
10. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
13. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification for the file.
14. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.

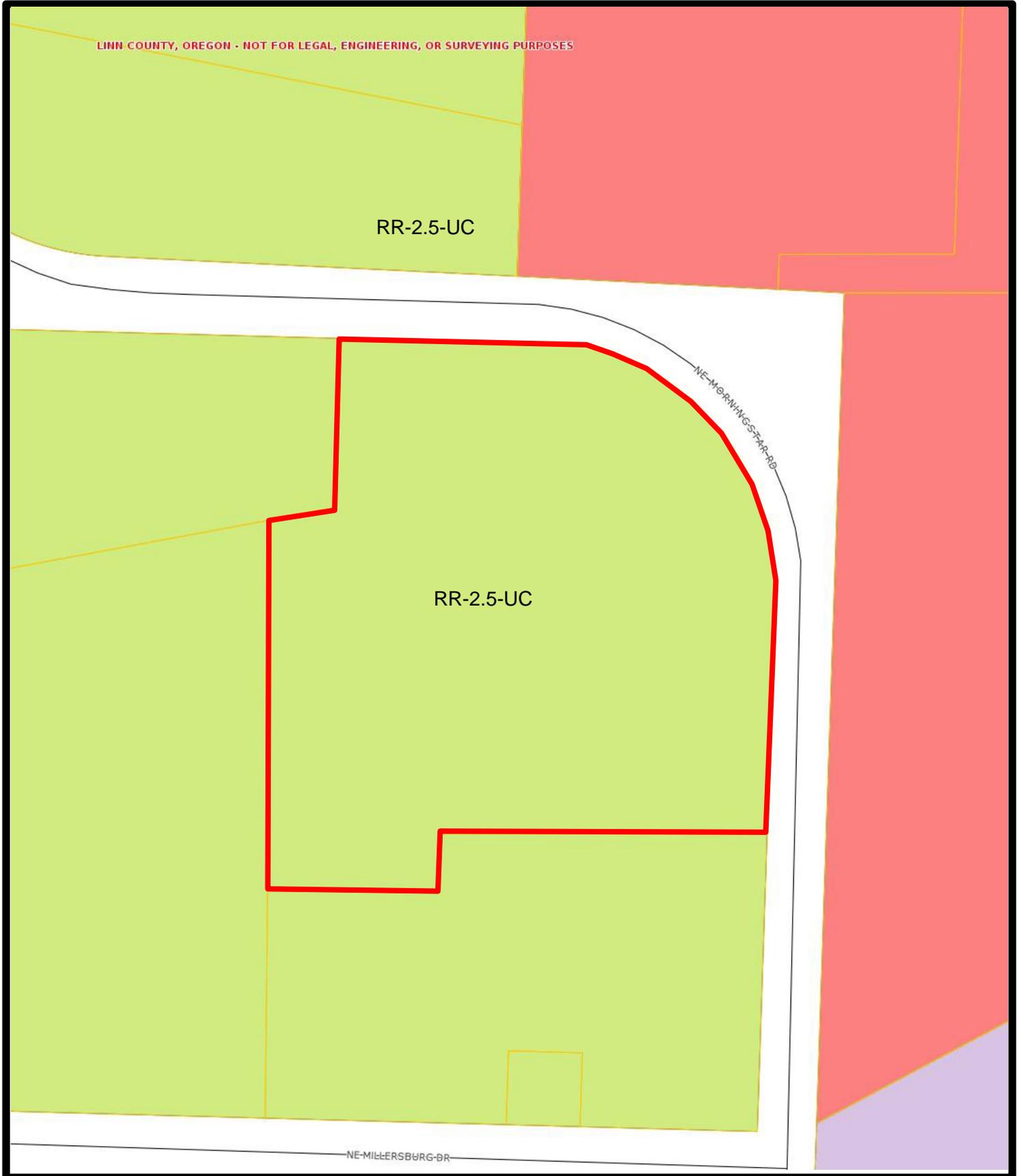
15. The final plat shall show the City Manager as the City's approving authority within the signature block of the final plat and all Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.
16. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
17. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
18. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
19. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
20. Pursuant to Resolution 2008-10, park land dedication is required. The City has determined that for this project in-lieu fees are more appropriate. All in-lieu fees will be collected with the system development charges.
21. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
22. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicants Site Plan/Map
- D. Applicants Narrative
- E. Albany Fire Letter dated 7/13/18
- F. Albany Planning email dated 7/13/18

G. Public Hearing Notice

Zoning



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.

Vicinity Map



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.



Land Use Application Form

cityofmillersburg.org

Check the Type of Land Use Requested:

(PA) Pre Application

(SP) Site Plan Review

(CUP) Conditional Uses

(PL) Property Line Adjustment

(SD) Subdivisions (4 or more lots)

(PA) Partition (3 or less lots)

(VR) Variance (list standards can be varied in description)

(CP) Comprehensive Plan Amendment

(ZC) Zone Change

(AN) Annexations

(VA) Vacations

THIS FORM MUST BE FILLED OUT COMPLETELY

I. Property Owner/Applicant Information

- A. Applicant(s) Jason & Cara Hibbs
 Email Address Jchibbs@gmail.com
 Mailing Address 38724 Morningstar Rd NE
 Phone number 541 ~~928~~-207-5286
- B. Owner(s) Jason & Cara Hibbs
 Email Address same as above
 Mailing Address same as above
 Phone number same as above

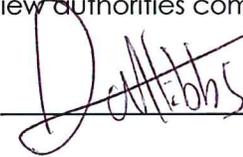
II. Property Information

- A. Legal description of property: Township 10S Range 03W Section 16
 Tax Lot 00704
- B. Additional Properties:
 Township _____ Range _____ Section _____ Tax Lot _____
 Township _____ Range _____ Section _____ Tax Lot _____
- C. Site Address (if any) 38724 Morningstar Rd NE

D. Zoning designation Rural Res 2.50C Comp Plan designation _____

III. Authorizing Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false. By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Millersburg employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site. I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Owner/applicant signature  Date 6-24-18
Owner/applicant signature _____ Date _____

IV. The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

A **narrative** explaining how the application meets all required criteria shown in City land use Development Code, Article 2 (<http://cityofmillersburg.org/millersburg-land-use-development-code/>)

At least 3 folded sets of the project **Site plan**. The site plan must be drawn to scale and show existing and proposed locations of buildings, access, parking, loading, landscaping, screening, fencing, drainage, water supply, sewage disposal, public utilities, unique site features (creeks and wetlands) and exterior lighting.¹

A copy of the **deed** for the subject property.

A copy of any **easement** granting access to the subject property, if the property does not have frontage on a public road.

If the applicant for this request is not the property owner, then **authorization** from the owner must be submitted with the application.

A copy of all permits, licenses, and **authorizations** from other government agencies pertaining to the proposed use, including highway access, water and sewer connections, state or federal discharge permits.

Land Use Application **Checklist** (separate form)

Digital versions of all Site Plans, other plans and/or studies.

¹ Additional copies of all exhibits may be required if the application is deemed complete.
City of Millersburg Land Use Application
Draft: February 2018

Application **Fee**. The total fee shall be the sum of all individual procedural fees unless adjusted by the City Manager.

V. Proposed Use of Property *See Attached Paper For A-J*

A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

B. Please describe the general operating characteristics of the proposed use and the hours of operation.

C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

I. Does the property front a county road or ^{city}~~public~~ road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

v. Proposed use of Property

- A. *Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.*

We are proposing the dividing of our property, as laid out in the attached plans, for the purpose of selling the divided portion of land to be used as a buildable lot for a residential home. We will not be building any structures on the land ourselves prior to it's a sale and any buildings, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting. Will be done by the purchasers with prior approval from the city in a separate application.

- B. *Please describe the general operating characteristics of the proposed use and the hours of operation.*

If sold the land will be used for a residential home and the operating characteristics and hours of operation will align with what you would expect from a single family home. As for the purposes of this application (which is to simply divide the land) there will be no change to the current operating characteristic our hours of operation that the land currently falls under which is also that of a single family home.

- C. *Will any other permits from local or state agencies be required?*

None that I am aware of

- D. *How much land area will be used for the proposed activities? Will the proposed generate wastewater and if so, how will it be disposed.*

We are proposing dividing off .38 of land. Once this land is sold and a home is built on it that home would generate waste water and would be hooked up to city sewer in a manor in accordance with city policy and requirements.

- E. *Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?*

Once the divided portion of land is sold it would require a water supply in the amount consistent with that of a normal family dwelling.

- F. *Please describe the types of vehicles, machines and /or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.*

This would be consistent with a normal family home.

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

There will be no hours of operation as this would be a residential space.

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property?

There will be no employees and the only people living on the property will be the residents of any future house that is built.

I. Does the property front a county road or a city road? Is there an existing driveway and how is it improved.

The property fronts a county road. There is an existing gravel driveway. An additional driveway would need to be added to the divided portion of land. For use by the future buyers.

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

The property is currently being used as a residence. There is no unique features to the property. The portion that will be sold is simply a flat open field.

Narrative of Explanation:

Applicant/landowner information:

Jason & Cara Hibbs

Address of proposed division of property:

38724 Morningstar Rd NE

We, (the owners of the property) are requesting that our property be divided to make an additional buildable lot. This would decrease the acreage of our current lot from 2.45 acres to 2.07 acres and would create a new lot of .38 acres. We are not planning on building on this lot ourselves but would like to sell the lot as a buildable lot. We have attached the appropriate land use application and have included all required documents and details as laid out in Article 2 of the city code.

We are also including with this application a site plan of the proposed property division and have included in that site plan all details and appropriate information pertaining to our request as laid out in Article 2 section 2.140 of the city code.

We are not requesting any building permits with this request as we are not asking to build on the divided lot. Any buildings or structures put on the lot will be done so by the buyers of the divided lot with the proper approval and permits from the city in a separate application.

This lot will be sold for the use of a residential home in accordance with its zoning of Rural Residential 2.5UC as laid out in Article 4 section 4.010 and section 4.112 of the city code. And will meet all of the permitted use requirements laid out in the above mentioned sections.

The proposed division of this piece of property is not affected by any of the special area standards laid out in Article 7 section 7.010 of the city code and is simply a piece of open pasture land.

We believe that this proposed project complies with any and all zoning and code requirements laid out in the land use section of the city code. And that the description of this proposal is consistent with the comprehensive plans that are included along with this application.

Sincerely



City of Millersburg Land Use Application Checklist

- Detailed explanations on how the project meets all required findings from **Article 2** of the City Code. This section details different findings required for each type of application.
- Detailed explanations of how the proposed project meets the criteria of the Zone in **Article 4**. Only detail the requirements of the zone (or proposed zone) for the project site.
- Detailed explanations of how the proposed project meets all the required standards from **Article 5**. There are several standards in this section. Not all apply to every project; however, any that *could* apply should be included in the narrative.
- Additionally some projects may be required to include detailed explanations regarding conformance with **Article 7**, these include projects in wetlands, floodways and other site specific requirements.
- A brief explanation of how the project is consistent with the Comprehensive Plan of the City of Millersburg. Usually if the project complies with all of the zoning and code requirements, the project is also consistent with the Comprehensive Plan, however the Plan may have specific requirements regarding the proposal that may need to be discussed.
- **NOTE:** State Law explains that it is the applicant's responsibility to provide detailed explanations of how the project meets the requirements and criteria of the City Code and Comprehensive Plan.
- Supplemental Information:
 - Please provide parking calculations pursuant to City Code Section 5.120
 - Please indicate if a proposed business plans to:
 - store any hazardous materials
 - use hazardous materials
 - generate hazardous materials or hazardous waste
 - Please indicate if any existing business is currently reporting hazardous substances to the State Fire Marshals Office.
- Other permits, applications, plans, or reports that MAY be required:
 - Traffic Study- See Code Section 5.122(7)
 - Staff may request any of the following should they be needed to properly review the site/project:
 - Hydrology Study
 - Geotechnical Study
 - Mitigation plan
 - Illumination Plan



City of Millersburg Land Use Application Checklist

The following information is required pursuant to City Code Section 2.130(5) for all planning applications (additional information may be required during review):

- Copies of all Pre-application information provided by the City.
- A Site Plan/map showing:
 - Total gross and net land areas of the site ("net is minus the square footage of any land proposed for dedication to the public, not including easements)
 - North Arrow
 - Neighboring Zoning
 - Date
 - Scale
 - Vicinity Map
 - Dimensions
 - All existing and proposed structures (mark any structures to be removed)
 - Existing and proposed walls and fences (heights, materials)
 - Parking and number of spaces
 - driveways* Access (pedestrian, loading, egress, ingress)
 - Proposed surface materials
 - Clear vision areas
 - Existing and proposed lighting (type, height)
 - Existing and proposed streets (with full street sections)
 - Topographic Features including vegetation
 - Water systems, drainage, storm water, sewer and utilities
 - Watercourses, floodplains, and wetlands, including Willamette Greenway and the top of the bank if applicable
 - Proposed Phases (if any)
- Elevation Drawings (if any):
 - Fully dimensioned drawings of each building elevation, including dumpster shelters.
 - Materials and colors proposed for each structure (material samples are not needed)
 - Floor Plans MAY be required if detailed interior spaces are needed to compute parking standards.
- Conceptual Landscape Drawings.
 - A Narrative Explaining:
 - The supplemental information below
 - Applicant and landowner information
 - Any previous uses on the site



LINN COUNTY, OREGON **2016-22235**
 D-WD
 Stn=0 K. PETERSON 12/28/2016 03:18:01 PM
 \$10.00 \$11.00 \$10.00 \$20.00 \$19.00 \$70.00

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Steve Druckenmiller - County Clerk

After recording return to:
Jason Hibbs and Cara Hibbs
38724 Morningstar Road NE
Albany, OR 97321

Until a change is requested all tax statements shall be sent to the following address:
Jason Hibbs and Cara Hibbs
38724 Morningstar Road NE
Albany, OR 97321
 File No. 134976AM

STATUTORY WARRANTY DEED

Scott M. Weddle and Darla R. Weddle, as tenants by the entirety ,

Grantor(s), hereby convey and warrant to

Jason Hibbs and Cara Hibbs, as tenants by the entirety,

in the County of Linn and State of Oregon free of encumbrances except as specifically set forth herein:

Parcel 1, Partition Plat No. 2001-09, Linn County Partition Plat Records, County of Linn, State of Oregon

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

10S-03W-16 704

The true and actual consideration for this conveyance is \$342,372.67.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:


134976AM



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Jason Hibbs and Cara Hibbs
38724 Morningstar Road NE
Albany, OR 97321

Until a change is requested all tax statements shall be sent to the following address:

Jason Hibbs and Cara Hibbs
38724 Morningstar Road NE
Albany, OR 97321

File No. 134976AM

RECORDED ELECTRONICALLY
ID 62235 County Linn
Date 2-28-16 Time 3:18
simplifile www.simplifile.com 800.460.5657

STATUTORY WARRANTY DEED

Scott M. Weddle and Darla R. Weddle, as tenants by the entirety ,

Grantor(s), hereby convey and warrant to

Jason Hibbs and Cara Hibbs, as tenants by the entirety,

in the County of Linn and State of Oregon free of encumbrances except as specifically set forth herein:

Parcel 1, Partition Plat No. 2001-09, Linn County Partition Plat Records, County of Linn, State of Oregon

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

10S-03W-16 704

The true and actual consideration for this conveyance is \$342,372.67.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

AmeriTitle
134976AM

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 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 this 27 day of December, 2016.

Scott M. Weddle

Scott M. Weddle

Darla R. Weddle

Darla R. Weddle

State of Oregon } ss
County of Linn }

On this 27 day of December, 2016, before me, Cynthia Morse a Notary Public in and for said state, personally appeared Scott M. Weddle and Darla R. Weddle, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

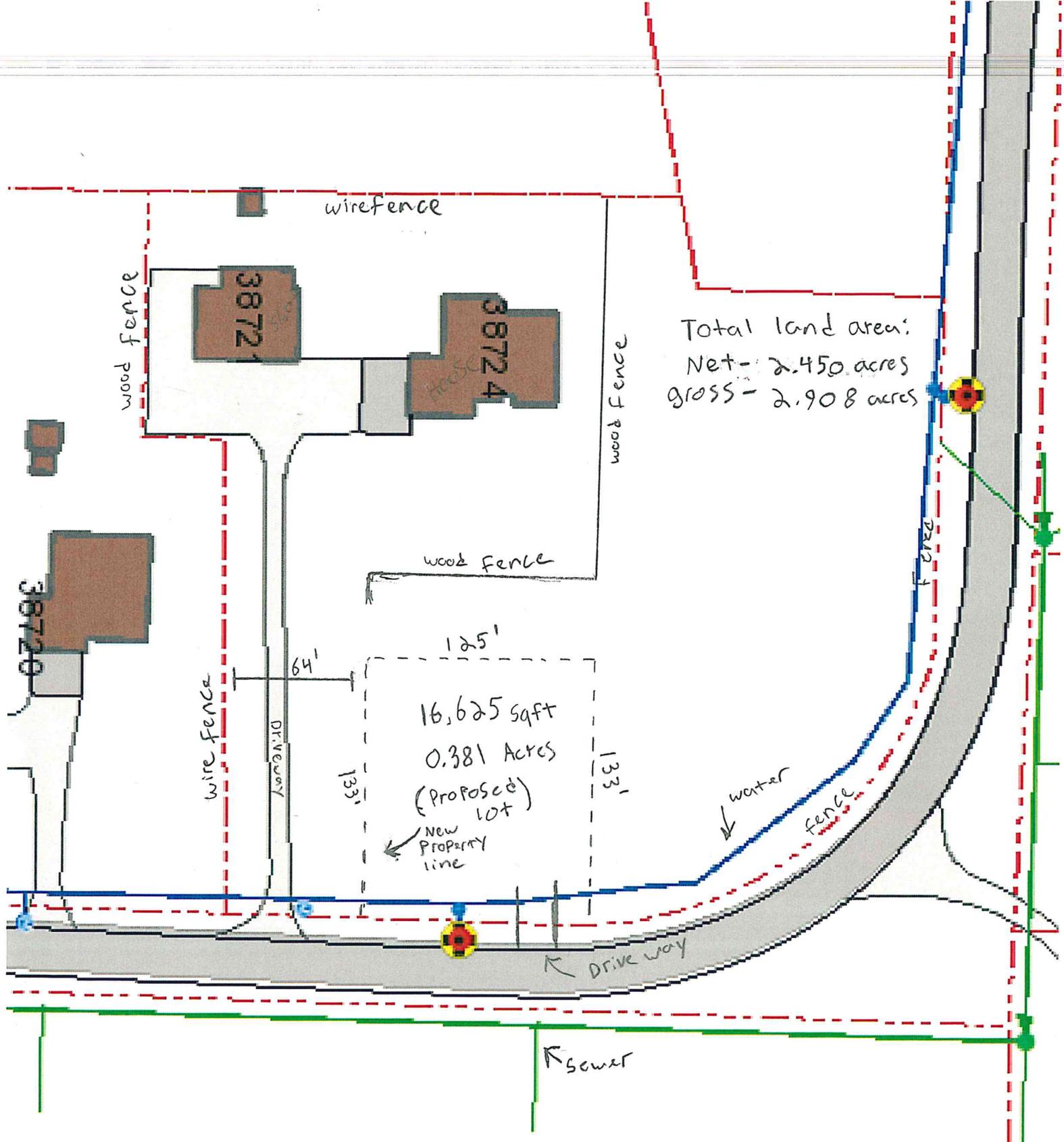
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Cynthia Morse
Notary Public for the State of Oregon

Residing at: Salem OR

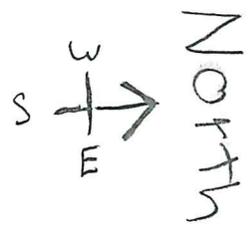
Commission Expires: 8-8-17





Total land area:
 Net - 2.450 acres
 Gross - 2.908 acres

Date: 6/24/18
 Detail
 1" = 70'
 Zoning RR2.5UC



City Of Millersburg
4222 NE Old Salem Rd
Albany, OR
97321
(541)928-4523

Date: 06-25-2018
Transaction ID:

Time: 05:26:24 PM
174065217

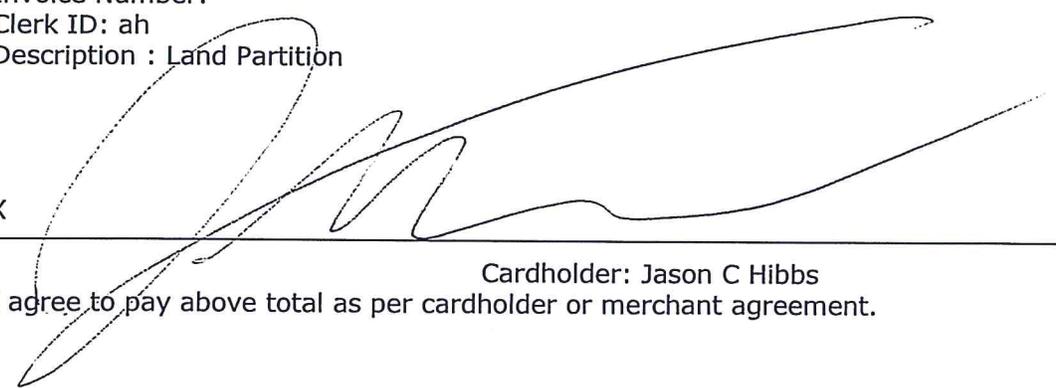
PURCHASE

Amount: \$800.00
TOTAL: \$800.00

Card Type: VISA
Entry Mode: KEYED
Card Number: *****0511
Bank Approval Code: 08762C
Bank Transaction ID:

Tax Amount: \$0.00
Shipping Charge: \$0.00
PO Number:
Invoice Number:
Clerk ID: ah
Description : Land Partition

X



Cardholder: Jason C Hibbs

I agree to pay above total as per cardholder or merchant agreement.

NOTES:

1. ALL MONUMENTS FOUND IN GOOD CONDITION AND WITHIN 0.2' OF THE SURFACE OF THE GROUND UNLESS OTHERWISE NOTED.

● = 5/8" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MOORE SURVEYING" PER CS 22944

● = 1/2" IRON ROD TIED IN CS 22944

○ = SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP SCRIBED "MULTI/TECH ENG"

CS = LINN COUNTY SURVEY

P. = PAGE

V. = VOLUME

R. = REEL

[] = RECORD AND MEASURED DATA PER CS 22944

() = RECORD DATA PER CS 22944

REFERENCE SURVEY:

CS 22944 - PARTITION PLAT 2001-09

SURVEYOR'S CERTIFICATE:

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND SHOWN HEREON, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 1, PARTITION PLAT 2001-09 AS RECORDED IN COUNTY SURVEY NUMBER 22944, LINN COUNTY RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 10 SOUTH, RANGE 3 WEST, OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON.

ROBERT D. HAMMAN PLS 64202LS

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO FURTHER PARTITION PARCEL 1, PARTITION PLAT 2001-09 AS ALLOWED BY PA 18-03.

I FOUND ALL OF MOORE'S MONUMENTS IN PROPER POSITION AND HELD THEM FOR THE BOUNDARY OF THIS PARTITION. THE BASIS OF BEARING IS ALONG THE MOST EASTERLY SOUTH LINE OF PARCEL 1, PARTITION PLAT 2001-09.

I ESTABLISHED PARCEL 2 OF THIS PARTITION BY OFFSETTING THE MOST EASTERLY SOUTH LINE OF THE OVERALL BOUNDARY 64 FEET AND MAKING THE WEST LINE PARALLEL TO MORNINGSTAR ROAD.

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT JASON AND CARA HIBBS, BEING THE OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON, AND DESIRING TO ADJUST THE PROPERTY LINES OF THE SAME AND CREATE INTO PARCELS HAS CAUSED THE SAME TO BE SURVEYED.

JASON HIBBS

CARA HIBBS

PARTITION PLAT 2018-

FOR JASON AND CARA HIBBS

IN THE SE 1/4 SEC. 16, T. 10 S., R. 3 W., W.M. CITY OF MILLERSBURG LINN COUNTY, OREGON

CS

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

ROBERT D. HAMMAN

APPROVALS:
NOTICE OF DECISION PA 18-03

CITY MANAGER, CITY OF MILLERSBURG _____ DATE _____

MAYOR, CITY OF MILLERSBURG _____ DATE _____

LINN COUNTY SURVEYOR _____ DATE _____

I CERTIFY THAT ALL TAXES ON THE ABOVE DESCRIBED PROPERTY ARE PAID AS OF THIS _____ DAY OF _____, 2018

LINN COUNTY ASSESSOR/TAX COLLECTOR _____

STATE OF OREGON }
COUNTY OF LINN } S.S.

I DO HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE LINN COUNTY RECORD OF PARTITION PLATS AS PLAT NO. _____ ON THIS _____ DAY OF _____, 2018 AT _____ O'CLOCK _____ M. TARGET SHEET RECORDED IN DOCUMENT NUMBER _____

BY _____
STEVE DRUCKENMILLER, LINN COUNTY CLERK

STATE OF OREGON }
COUNTY OF _____ } S.S.

ON THIS _____ DAY OF _____, 2018, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC OF OREGON, JASON AND CARA HIBBS, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

SIGNATURE OF NOTARY _____

NOTARY PUBLIC - STATE OF OREGON _____

COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

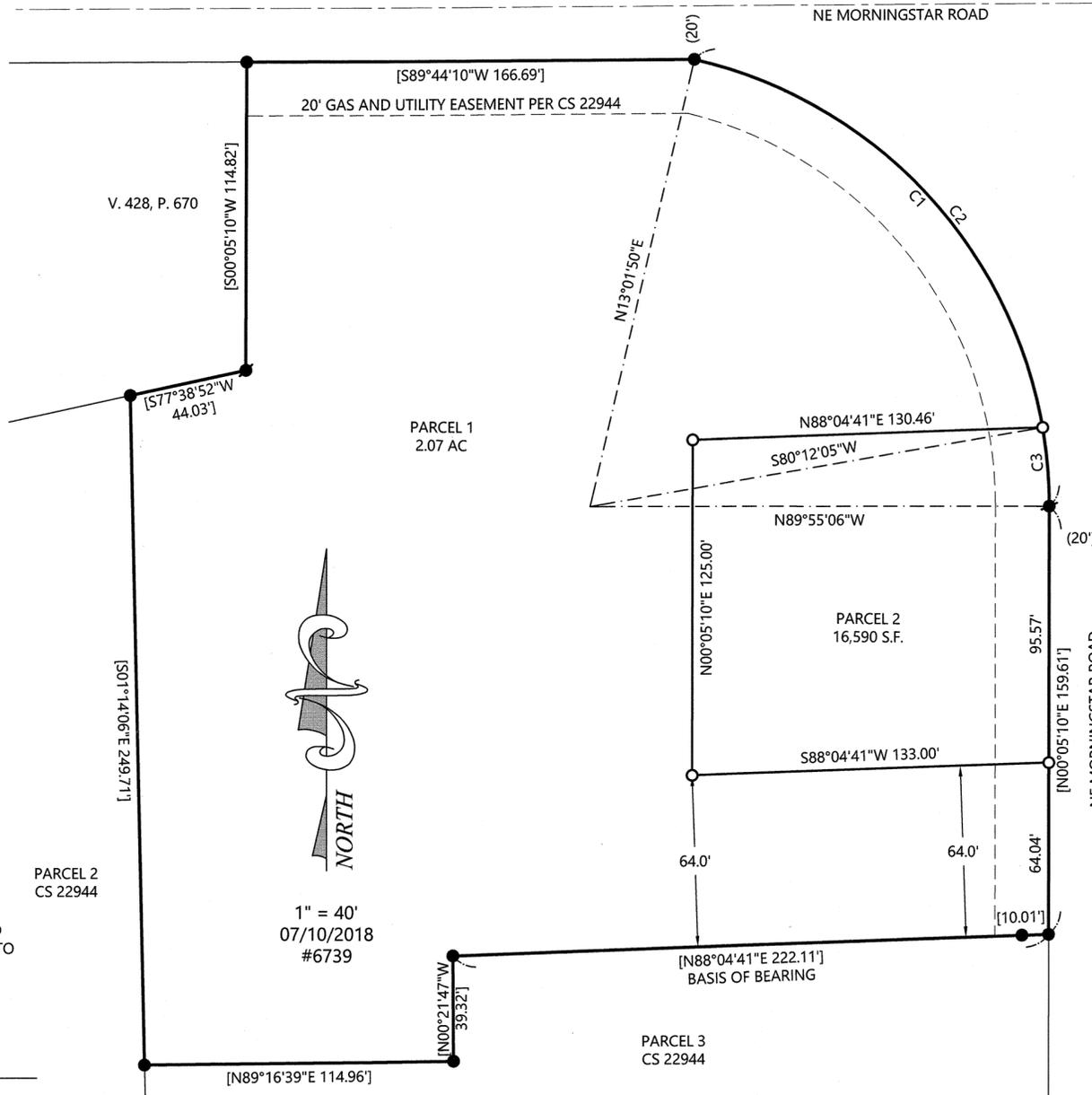
BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert D. Hamman

OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2019



CURVE DATA					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	170.99'	67°10'15"	200.46'	N43°23'03"W	189.18'
C2	170.99'	77°03'05"	229.95'	N38°26'38"W	213.01'
C3	170.99'	9°52'49"	29.49'	S4°51'31"E	29.45'
(C2	170.99'	77°03'16"	229.96'	N38°26'38"W	213.01'



July 10, 2018

RE: Partition Application Statas (City File No. PA 18-03)

Attn: Matt Straite, Millersburg City Planner

Matt;

Per your request for additional information letter.

Code Section 2.326

1. The City of Albany has a water main on the West side of Morningstar Road that will be live tapped and provide water service for a single residence.
 - (a) N/A
 - (b) A bond can be paid beforehand to ensure the lot has service.
 - (c) N/A
2. The City of Albany has a Sewer Main on the East side of Morningstar Road that will be live tapped and provide sewer service for a single residence.
 - (a) N/A
 - (b) A bond can be paid beforehand to ensure the lot has service.
 - (c) N/A
3. N/A
4. N/A
5. N/A
6. All Partitions must follow ORS 92.075 (1-4).
7. N/A

Thanks

Robert D. Hamman PLS



TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: July 13, 2018
SUBJECT: 38724 Morningstar Rd. NE – Residential Land Division - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
2. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)

Water supply is adequate.

3. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

Lora Ratcliff
541-917-7728
Lora.ratcliff@cityofalbany.net

LAR/lar

PA-18-03

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ⋮



Martineau, David <David.Martineau@cityofalbany.net>

Mark as unread

Fri 7/13/2018 4:43 PM

To: Matt Straite;

[Bing Maps](#)

+ Get more apps

Matt,

The City of Albany Planning Division has no comments or concerns regarding case PA-18-03. Thanks for the opportunity to respond.

David



David Martineau

Planner III

541-917-7561 phone | 541-917-7598 fax

Community Development

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321

www.cityofalbany.net



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TO: Matt Straite, City Planner

FROM: Janelle Booth, Millersburg City Engineer

DATE: August 4, 2018

SUBJECT: PA 18-03 - Engineering Comments

Engineering has reviewed the above project and has the following comments:

1. Proposed Parcels 1 and 2 must connect to city water and sewer. City water and sewer are available in the Morningstar Road right-of-way. Applicant shall be responsible for all costs associated with making utility connections.
2. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
3. A Linn County permit is required for any work in the public right-of-way of Morningstar Road, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to requirements of Linn County. All work within the public right-of-way shall be performed by a licensed contractor.
4. Driveways shall conform to Section 5.120 of the Millersburg Land Use Development Code.
5. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
6. The Final Plat shall include any required access or utility easements.
7. All agreements required as conditions of this approval must be signed and recorded.
8. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
9. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.



NOTICE OF PUBLIC HEARING
August 21, 2018, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

APPLICANTS: Jason and Cara Hibbs
LOCATION: 38724 Morningstar Road NE (see map opposite page)
TAX LOT: Township 10 South; Range 3 West; Section 16; Tax Lot 704
PARCEL SIZE: 2.45 Acres
ZONING: Rural Residential 2.5 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide 2.45 acres into 2 Parcels (2.07 acres and 16,590 square feet).
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: PA 18-03

The location of the hearing is accessible to people with disabilities. If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (541) 928-4523.



Vicinity Map



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.



Proposal: The applicant proposes to subdivide 4.05 gross acres into 8 residential single family lots ranging from 10,001 sq. ft. to 38,868 sq. ft. with one tract (Tract A) for park/open space.

I. BACKGROUND

- A. Applicant: Millersburg Land and Development LLC
PO Box 2375
Clackamas, OR 97015
- B. Location: East of Chandra Court west of Clearwater Drive
103W21B Tax Lot 300
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed subdivision requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on August 21, 2018. Any appeal of the Planning Commission decision will be considered by the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice of the August 21, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on August 3, 2018.
- E. Review Criteria: Article 2 §2.328 Subdivisions
- F. Current Zoning: Rural Residential 10 Acre Minimum- Urban Conversion (RR-10-UC)
- G. Proposed Zoning: N/A
- H. Property Size: 4.05 Gross Acres
- I. Background: Based on aerial images, the property has been wooded since at least 1994 and features no structures. The Sweetwater Subdivision was approved in 2005 as File No. 05-002 and included the project site. The project has been recorded in several phases. A parcel map was approved in 2017 that acted as a vehicle to dedicate wetlands to the City. As part of that dedication the applicant showed a new conceptual lotting design that featured 8 lots in the northwest corner of the previous map (file no. 05-002). The lotting shown on the concept plan deviated from the original approval therefore requiring a new subdivision for these 8 lots. The project will provide additional access to the north and west of the site that was not shown on the previous map as well.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The Project was transmitted to the following agencies/departments on July 31, 2018: City of Albany, Albany Fire Department, Linn County Sheriff Department, City of Millersburg Engineer, State Department of State Lands, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and Republic Services. To date, the following comments have been received:

- City of Albany Planning Department responded in a letter dated July 31, 2018 that they had no comments.
- City of Millersburg Engineer provided suggested conditions of approval.

Public:

Notice of the August 21, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

ANALYSIS: The proposed subdivision creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive plan is located later in this report. In summary, the proposed project is consistent with the Comprehensive Plan and State Goals. In summary, based on staff's review, the project is consistent with the plan.

FINDING: Based on the analysis above, the project meets the criterion.

- (2) That 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.**

ANALYSIS: The standards of the land use zone, and those found in Article 5 of the Code are reviewed in detail below.

FINDING: Based on the analysis above, the project meets the criterion.

(3) That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

ANALYSIS: ORS Chapter 92 regulates subdivisions in the State of Oregon. The regulations require a City or County to draft its own regulations in order to have local authority to approve or act on subdivision applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of State Chapter 92 still apply; however, they generally pertain to circumstances that do not relate to the approvals of subdivisions by cities. Chapter 92 does not include any criteria specific to the approval of a subdivision. The proposed application is consistent with all provisions of Chapter 92.

FINDING: Based on the analysis above, the project meets the criterion.

(4) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

ANALYSIS: The proposed project divides all portions of the project except for Tract A, a 6,007 s.f. area that separates the road right of way from the wetlands shown on the map as tax lot 302. The property is too small to further subdivide.

FINDING: Based on the analysis above, the criteria listed above does not apply.

(5) That the proposed land division does not preclude development on adjoining properties.

ANALYSIS: The proposed subdivision is located between two areas that have already been subdivided on the east, Becker Ridge, and the west, Sweetwater, the property to the north and south remains vacant. The proposed subdivision provides connection points to the west, as well as a connection to the north and south.

FINDING: Based on the analysis above, the project meets the criterion.

(6) That the proposed street plan is in conformance with City standards and provides 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.

ANALYSIS: The streets within the development are regulated by Section 5.123. All streets proposed by the applicant are local streets and do not appear in the Transportation System Plan. The project connects through other local streets, more specifically through Becker Ridge and Sweetwater Estates to larger arterials. The project design complies with all requirements of the local street standards which requires at least a 50' right of way with sidewalks on both sides and parkways with landscaping. All streets will be public. Sidewalks will be constructed at the time of home construction.

FINDING: Based on the analysis above, the project meets the criterion.

- (7) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.**

ANALYSIS: Analysis of water, wastewater and utilities are reviewed for code sections 5.127, 5.128 and 5.129 respectively. The project narrative, and other application materials indicate that the project proposes to connect to full public utilities. Review by the City Engineer has determined that the main lines have capacity. Each home will be required to pay a connection fee which in part offsets the need for infrastructure improvements.

FINDING: Based on the analysis above, the project meets the criterion.

- (8) That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.**

ANALYSIS: The proposed project features wetlands to the northwest, which will not likely be built on. To the east, west and south of the site are areas where homes have been approved for construction. To the direct north east is a parcel that could develop in the future, which currently features the address 2874 Millersburg Drive. This lot is a long, narrow lot that currently takes access (for an existing single-family home) from Millersburg Drive. 2874 Millersburg already has one stub road connecting to the west side of the lot (Sonora Dr.). The proposed project features a stubbed road that also shows utilities are run to the end of the stubbed road. As such, this requirement is met.

FINDING: Based on the analysis above, the project meets the criterion.

- (9) That 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.**

ANALYSIS: The proposed map shows an internal storm water connection system that is designed to the City standards, intended to address storm water flows for flood conditions as depicted on the tentative map. Based on the review by the City Engineer, the system is conceptually adequate for the design of the subdivision, although additional plans will be submitted with the infrastructure plans.

The site is currently located in an area shown as wetlands (covering the entire site) on County GIS maps. As was previously explained, the original Sweetwater map was approved in 2005. That map showed the northwest corner of the map as the back portions of many long narrow residential lots, designed as such because the area was understood to be wetlands at the time, so the map design did not disturb that area. Subsequent wetland investigations with the Department of State Lands found the actual wetlands delineation to be different than was thought in 2005. The northwest corner of the map was no longer considered wetlands. In order to dedicate the actual wetlands to the City, the applicant processed a partition, carving out the wetland area for dedication. This left the proposed lotting of the 2005 map disrupted

because the wetlands were located where lots were previously proposed in 2005. As such, this 8 lot subdivision (SD 18-02) proposes to recapture some of the lots that resulted from the new wetland delineated area, now dedicated to the City.

Because recent DSL approved studies have delineated the wetlands, and because those studies indicate that the proposed map area is no longer wetlands, and because the new proposed map is not impacting those defined wetlands, this project is not required to perform any mitigation and is consistent with the previous determination.

FINDING: Based on the analysis above, the project meets the criterion.

- (10) That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The characteristics identified in Section 2.140 include hazards and nuisances produced by the project specifically identifying noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare, and electromagnetic interference. Because this is a residential subdivision, none of these hazards are anticipated. Isolated incidents involving individual homes may occur in the future, but will be subject to appropriate enforcement of applicable rules and law.

FINDING: Based on the analysis above, the project meets the criterion.

- (11) That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

ANALYSIS: The site is generally flat and devoid of any topographic, or rock outcropping. The site is shown as wetlands on the County maps; however, as discussed previously, the property is no longer considered to feature wetlands based on more recent studies. The site does feature wetlands adjacent to the site. The design of the project will avoid any impact to the neighboring wetlands, which have already been dedicated to the City by the developer as part of a requirement of a previous neighboring subdivision

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the criterion.

IV. STANDARDS

The proposed subdivision design complies with all the specifications and design requirements of Chapter 4, specifically the RR-10-UC zone, and Chapter 5, Development Standards, with the following exceptions:

SECTION 5.123 STREETS

- (5) Street Design Considerations for Subdivision, Partition, Site Plan Review, Conditional Use or Variance approval:**

(e) **Street trees shall be provided as specified in Section 5.134.**

(f) **Any right-of-way remaining after constructing the above improvements shall be utilized for landscaping and utilities.**

(g) **Street design shall include landscape strips between the curb and sidewalk unless otherwise approved by the Planning Commission.**

ANALYSIS: The applicants did not provide landscape plans for the project. As such a condition of approval is proposed that will require review and approval by the City Planner prior to the approval of any final plat application. Street trees are required in the condition consistent with Section 5.134.

FINDING: Based on the analysis above, with proposed conditions of approval, the project meets the standard.

PROPOSED CONDITIONS OF APPROVAL:

- Plant at least one street tree for each lot prior to a certificate of occupancy for the home on the lot.
- Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation.
- Submit full landscaping and lighting plans, consistent with the provisions of Code Section 5.134 to the Planning Department, for review and approval. Both submittals shall depict no less than one street tree per lot internal to the development.

(10) Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.

ANALYSIS: The project was transmitted to the Linn County GIS department and the Sheriff's Department for review. The County indicated the street names should be reviewed by the County to assure they are not duplicative. A proposed condition of approval has been added requiring all street names on the final plat to be approved by the County.

FINDING: Based on the analysis above, with proposed conditions of approval, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: All street names shown on the final plat shall be distinctive to assure public safety. The applicant shall provide evidence that the street names are acceptable to the Linn County GIS.

(18) **Street Signs:** Street signs for identification shall be provided by the land divider and the costs shall be borne by the land divider unless an equitable means of cost distribution is approved by the City.

(19) **Street Lights:** Street lights shall be provided by the land divider for all public streets and may be required for private streets intersecting public streets. Lighting standards and locations shall be in conformance with the ACS, the serving utility and City requirements.

ANALYSIS: The proposed plans do not include street sign details, street light details or mailbox details. As such a condition of approval has been added to require these prior to the occupancy of residential unit.

FINDING: Based on the analysis above, with proposed conditions of approval, the project meets the standards.

PROPOSED CONDITIONS OF APPROVAL: All required street signage and street lighting shall be approved by the City Engineer and installed. Applicant may provide copies of signed agreements with the power company and evidence of payment for street lights if street lighting is not installed at the time of final plat, to the satisfaction of the City Engineer.

SECTION 5.126 STORM DRAINAGE

(1) **General Provisions.** 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 and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Paving and catch basin outflows may require detention cells and/or discharge permits. Maintaining proper drainage is a continuing obligation of the property owner. The City will approve a development request only where adequate provisions for storm and flood water run-off have been made as determined by the City. The storm water drainage system must be separate and independent of any sanitary sewerage system. Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development plan submitted for approval. All proposed drainage systems must be approved by the City as part of the review and approval process.

ANALYSIS: The proposed subdivision includes a storm water collection system that will funnel water to an existing storm water collection system. A proposed condition of approval has been added requiring the design of the system to meet criteria in the City of Albany's Engineering standards.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: The Developer's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and

ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.

(9) NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb 5 or more acres of land.

ANALYSIS: A condition of approval has been added for this requirement.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: Obtain a 1200C Erosion Control Permit for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all Albany Construction Standards (ACS). The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to any ground disturbing activities.

SECTION 5.127 WATER

(1) When Municipal Water is Available. All new development including a single-family residence must extend and connect to the municipal water system. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the City and Fire District.

ANALYSIS: The tentative map shows a conceptual design for water connection and conveyance through the subdivision to each lot. The conceptual design meets the ACS and City requirements. Additional infrastructure improvements plans must provide additional details, and the applicants are responsible for constructing all improvements. A condition of approval has been added to assure such.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: Applicant must construct public utilities (water, sanitary sewer, and storm drainage) for the development. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.

SECTION 5.128 SANITARY SEWERS

(1) When Municipal Sewer is Available. All new development including a single family residence must extend and connect to the municipal sewer system.

ANALYSIS: The tentative map shows a conceptual design for sewer connection and conveyance through the subdivision to each lot. The conceptual design meets the ACS and City requirements. Additional infrastructure improvements plans must provide additional details, and the applicants are responsible for constructing all improvements. A condition of approval has been added to assure such.

FINDING: Based on the analysis above, with the proposed conditions of approval, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: (Previously shown) Applicant must construct public utilities (water, sanitary sewer, and storm drainage) for the development. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.

SECTION 5.131 BLOCKS

(4) Traffic Circulation: Blocks shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas, neighborhood activity centers and commercial and industrial areas unless alternative pedestrian and bicycle accessways are provided.

ANALYSIS: The design of the map features three points of access, two that will connect to streets, one that is a stub for a future connection. The design accommodates safe convenient and direct access to activity centers. A condition of approval has been added to place a barrier at the end of the stubbed street.

FINDING: Based on the analysis above, with the proposed conditions of approval to construct all utilities, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: Provide approved traffic barrier at north end of Trask Lane for future road extension.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* criteria from the Comprehensive Plan.

Section 9.100 Planning

Overall Policy 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg, and the Albany-Millersburg Growth Area.

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. SD 18-02 is consistent with the Comprehensive Plan/ Zoning designation. In addition, the project was transmitted to several State, regional, County and City organizations for review, which includes the ability for all departments to communicate on environmental concerns.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.400 Housing

Housing Need Policy 1. The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.

ANALYSIS: The proposed project will provide additional housing for the City.

FINDING: Based on the analysis above, the project meets the policy.

Section 9.500 Land Use

Residential Land Use Policy 2. When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.

ANALYSIS: In the City of Millersburg, the smallest permitted lot size is 10,000 sq. ft. The proposed project will be converting rural area into urban area, which means that they will be connecting the proposed units to City water and sewer. By doing so, the code permits development at the smallest lot size, 10,000 sq. ft. As such, the proposed subdivision is providing the most compact development permitted within the City.

FINDING: Based on the analysis above, the project meets the policy.

Residential Land Use Policy 4. Residential uses should avoid locating in areas that are subject to, and or generate adverse environmental impacts.

Residential Land Use Policy 8. Residential uses shall be protected from excessive through traffic, conflicting land uses, or other encroachments that would impair a safe, quiet living environment.

ANALYSIS: the area where the project is proposed is currently forested area. There are no factories nearby or any thing should cause any significant environmental impacts o the project or from the project.

FINDING: Based on the analysis above, the project meets the policy.

Residential Land Use Policy 9. New residential subdivisions shall pay the costs of capital improvements needed to support the development.

ANALYSIS: The project has been conditioned to provide all needed utilities and streets to support the development.

FINDING: Based on the analysis above, with conditions of approval, the project meets the policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria, staff recommends the Planning Commission approve Subdivision Application No. SD 18-02, Sweetwater Phase 4 Subdivision pursuant to the conditions of approval listed below.

VII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative subdivision development plans submitted by K&D Engineering and dated July 20, 2018 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official (Linn County), and Jefferson Fire Department). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Millersburg.
2. All streets within the subdivision shall be public streets following acceptance by the City.
3. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
4. All required Certifications and CC&R's shall be recorded and identified in the Declarations on the Final Plat. Copies of all CC&R's shall be approved by the City and recorded copies shall be submitted to the City and maintained in the Record File of the application.
5. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.

Prior to Any Ground Disturbing Activity

6. The Developer's engineer is required to provide a site specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site

construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.

7. Obtain a 1200C Erosion Control Permit for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all Albany Construction Standards (ACS). The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to any ground disturbing activities.

Prior to approval of the public improvement plans

8. Design the public street intersections to meet sight distance requirements. Provide certification by a registered Oregon Professional Engineer that the constructed public street intersections meet sight distance requirements.
9. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) to City Engineer. The engineering plans shall conform to the Albany Engineering design standards, to the satisfaction of the City Engineer. The plans shall be in substantial conformance with the tentative map and demonstrate the placement of all existing and proposed utilities underground.
10. Submit full landscaping and lighting plans, consistent with the provisions of Code Section 5.134 to the Planning Department, for review and approval. Both submittals shall depict no less than:
 - a. One street tree per lot internal to the development.
 - b. Landscaping for Tract A
11. Submit the final plat for review to the Planning Department.

Prior to Approval of the Final Plat

12. Applicant must construct public utilities (water, sanitary sewer, and storm drainage) for the development. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.
13. Provide signage at the northern boundary of the internal street connections that notifies the public of the intent to extend the drive with the following language: "This road will be extended with future development. For more information, contact the City of Millersburg."
14. Approval of the public improvement plans by the City Engineer must be complete prior to release of the final plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit at the discretion of the City.

15. All required street signage and street lighting shall be approved by the City Engineer and installed. Applicant may provide copies of signed agreements with the power company and evidence of payment for street lights if street lighting is not installed at the time of final plat, to the satisfaction of the City Engineer.
16. The public improvement plans must be approved and constructed or bonded with development agreements prior to the City's approval of the final plat.
17. Provide approved traffic barrier at north end of Trask Lane for future road extension.
18. All street names shown on the final plat shall be distinctive to assure public safety. The applicant shall provide evidence that the street names are acceptable to the Linn County GIS and Sheriff's Department.
19. The Final Plat shall dedicate Tract A to the City of Millersburg for purposes of access into the wetlands. In addition, a 12' wide driveway shall be constructed on the western side of Tract A.
20. Applicant must construct sidewalks along frontage of Tract A and frontage of wetlands. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.
21. Approval of the public improvement plans by the City Engineer must be complete prior to release of the final plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit at the discretion of the City.

Prior to recording the Final Plat

22. Prior to recording the final plat, all required public improvements shall be completed and accepted by the City, or a development agreement shall be entered into by the applicant or successors and the City setting the terms, including financial guarantees, for any delay of completion of required public improvements.

Prior to Issuance of a Building Permit

23. Prior to issuance of the first building permit in the subdivision, provide evidence to the City for the file that a hydrant flow test has been completed, to the satisfaction of the Jefferson Fire Department, showing all hydrants are capable of at least 1,000 GPM for homes at 3,600 square feet or less.
24. Provide the City with clearance letter from Albany Fire stating all concerns included in the August 3, 2018 letter have been addressed to their satisfaction.

Prior to Final Occupancy of any structure within the Subdivision

25. Sidewalks adjacent to lots on interior streets may be constructed at time of home construction.

26. All public improvements shall be competed, inspected and approved, as applicable, by the City.
 27. All agreements required as conditions of this approval must be signed and recorded.
 28. Plant at least one street trees for each lot prior to a certificate of occupancy for the home on the lot.
 29. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.
 30. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.
 31. Install or replace, to City specifications, all sidewalks, curb ramps, and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage.
 32. Grading, in accordance with approved grading plan for subdivision, shall be complete. Or, revised grading and drainage for individual lots shall be approved by City Engineer. In no case shall drainage be directed onto adjacent properties unless a drainage easement has been recorded and appropriate drainage facilities have been constructed.
-

VIII. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
3. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
4. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.

5. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 6.164 of the Code.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
8. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Jefferson Rural Fire Protection District. Hydrant and Turnaround locations shall be provided by the Applicant and approved by the Jefferson Rural Fire Protection District and the City.
9. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification for the file.
10. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
11. Submit a geotechnical report to the City if required.
12. In the event there is engineered fill on any public roads or lots, the applicants' soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.
13. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
14. The final plat shall show the City Manager as the City's approving authority within the signature block of the final plat and all Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.
15. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
16. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.

17. Any required joint mailbox facilities shall be installed. Please consult with the US Postal Service. Any Joint Mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*".
18. All required street signage and street lighting shall be approved by the City Engineer and installed.
19. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
20. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
21. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
22. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
23. Pursuant to Resolution 2008-10 park land dedication is required. The City has determined that for this project in lieu fees are more appropriate. All in-lieu fees will be collected with the system development charges.

IX. EXHIBITS

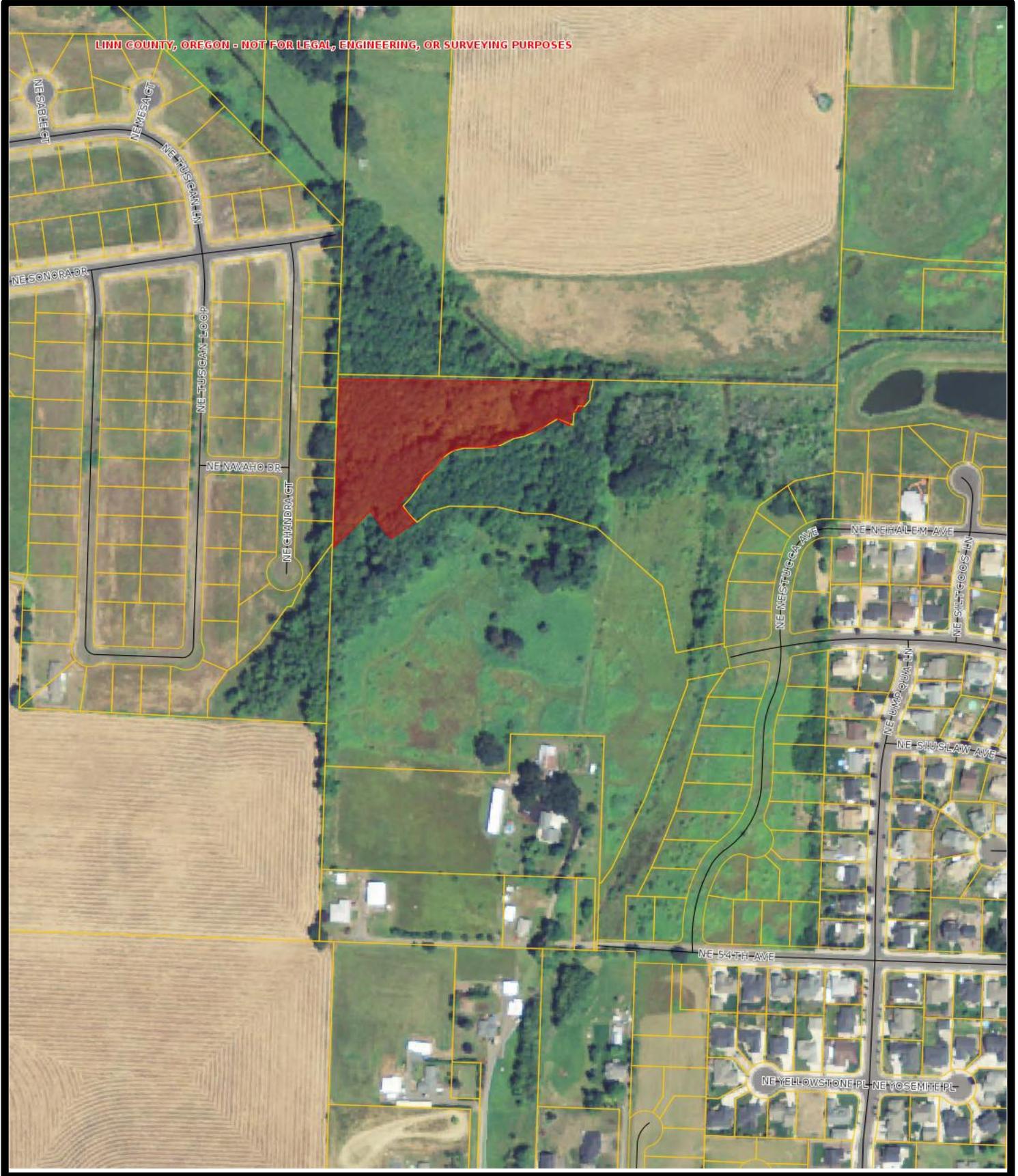
- A. Zoning Map
- B. Vicinity Map
- C. Applicants Site Plan/Map
- D. Applicants Narrative
- E. Albany Planning email dated 8/1/18
- F. Albany Fire letter dated 8/3/18
- G. Public Notice

Zoning Map



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.

Vicinity Map



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.

LINKING AGRICULTURE
WITH INDUSTRY



PHONE (541) 928-4523
FAX (541) 928-8945

4222 N.E. OLD SALEM RD.
ALBANY, OREGON 97321

Case No.
Date
Type

SD 18-02
7/20/18

Land Use Application Form

cityofmillersburg.org

Check the Type of Land Use Requested:

- | | |
|--|--|
| <input type="checkbox"/> (PA) Pre Application | <input type="checkbox"/> (VR) Variance (list standards can be varied in description) |
| <input type="checkbox"/> (SP) Site Plan Review | <input type="checkbox"/> (CP) Comprehensive Plan Amendment |
| <input type="checkbox"/> (CUP) Conditional Uses | <input type="checkbox"/> (ZC) Zone Change |
| <input type="checkbox"/> (PL) Property Line Adjustment | <input type="checkbox"/> (AN) Annexations |
| <input checked="" type="checkbox"/> (SD) Subdivisions (4 or more lots) | <input type="checkbox"/> (VA) Vacations |
| <input type="checkbox"/> (PA) Partition (3 or less lots) | |

THIS FORM MUST BE FILLED OUT COMPLETELY

I. Property Owner/Applicant Information

- A. Applicant(s) Millersburg Land and Development, LLC
Email Address butchb@hrhomes.net, mikeagee@msn.com
Mailing Address PO Box 2375, Clackamas, OR 97015
Phone number 503-504-2499
- B. Owner(s) Same as applicant
Email Address _____
Mailing Address _____
Phone number _____

II. Property Information

- A. Legal description of property: Township 11S Range 03W Section 21
Tax Lot 300
- B. Additional Properties:
Township _____ Range _____ Section _____ Tax Lot _____
Township _____ Range _____ Section _____ Tax Lot _____
- C. Site Address (if any) _____

D. Zoning designation RR 10 UC Comp Plan designation RR 10 UC

III. **Authorizing Owner/Applicant Certifications**

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false. By submitting this form the Owner, or Owner's authorized agent/ representative, acknowledges and agrees that City of Millersburg employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site. I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Owner/applicant signature *Michelle Member*

Date 7/20/18

Owner/applicant signature _____

Date _____

IV. **The following materials must be submitted with your application or it will not be accepted at the counter.** Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

- A **narrative** explaining how the application meets all required criteria shown in City land use Development Code, Article 2 (<http://cityofmillersburg.org/millersburg-land-use-development-code/>)
- At least 3 folded sets of the project **Site plan**. The site plan must be drawn to scale and show existing and proposed locations of buildings, access, parking, loading, landscaping, screening, fencing, drainage, water supply, sewage disposal, public utilities, unique site features (creeks and wetlands) and exterior lighting.¹
- A copy of the **deed** for the subject property.
- A copy of any **easement** granting access to the subject property, if the property does not have frontage on a public road.
- If the applicant for this request is not the property owner, then **authorization** from the owner must be submitted with the application.
- A copy of all permits, licenses, and **authorizations** from other government agencies pertaining to the proposed use, including highway access, water and sewer connections, state or federal discharge permits.
- Land Use Application **Checklist** (separate form)
- Digital versions** of all Site Plans, other plans and/or studies.

¹ Additional copies of all exhibits may be required if the application is deemed complete.
City of Millersburg Land Use Application
Draft: February 2018

Application **Fee**. The total fee shall be the sum of all individual procedural fees unless adjusted by the City Manager.

V. Proposed Use of Property

A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

Create 8 new residential lots. The property is part of an existing approved subdivision Sweetwater Estates.

B. Please describe the general operating characteristics of the proposed use and the hours of operation.

The proposed use is residential single family housing.

C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

Removal fill permit to cross wetland with utilities and road.

Application and submittal has be made to DSL/Corps.

D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

The project site gross area is 4.08 acres. New public sewer will be constructed to serve each lot and connected to exist

E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

Public water mains will be constructed that connect to existing mains. A service will be constructed for each lot.

F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

Residential traffic would be approximately 80 trips per day

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

Not applicable

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

Not applicable

I. Does the property front a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

Navaho Dr is stubbed to property. Trask will be constructed with Sweetwater Phase 3.

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

Site has dense vegetation. There is a drainage and wetland along the south boundary of the proposed development

Accompanying Statement

Sweetwater Third Addition – Phase 4

SECTION 2.326 ACCOMPANYING STATEMENTS The Tentative Plan shall be accompanied by written statements from the applicant giving essential information regarding the following matters:

(1) Identify the adequacy and source of water supply including:

(a) Certification that water will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or

Public domestic water mains will be constructed to City Standards within the streets along lot frontages with a service connection to each lot as shown on the tentative plat. Completion of this phase will fully loop the public water system by connecting Becker Ridge and Sweetwater.

(b) A bond, contract or other assurance by the applicant that a public water supply system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City.

(c) In lieu of the above conditions, Rural Residential lots without access to a water system may be created if a statement is provided by the applicant that no domestic water supply facility will be provided to the purchaser of any lot depicted on the Tentative Plan. A copy of the statement signed by the applicant and endorsed by the City shall be filed by the applicant with the Real Estate Commissioner when the Plat is recorded. The applicant shall deliver a copy of the statement to each prospective purchaser of a lot prior to signing the first agreement for sale of the lot. The owner/applicant shall obtain a signed receipt for the statement from the purchaser and send a copy of the receipt to the Commissioner and shall keep copies of such receipts on file in this state, subject to inspection by the Commissioner, for a period of three years after the date the receipt is taken.

(2) Identify the proposed method of sewage disposal including:

(a) Certification that a sewage disposal system will be available to the lot line of each and every lot depicted on the Tentative Plan for a subdivision, or

Public gravity sanitary sewer mains will be constructed to City Standards within the streets along lot frontages with service connection to each lot as shown on the tentative plat. The Eight lots in this proposal have been reconfigured to fit the wetland determination, but the total lot count for the

previously approved Sweetwater Estates has not changed, thus the sewer demand has not been increased beyond what was already approved.

(b) A bond, contract or other assurance by the applicant that a sewage disposal system will be installed by or on behalf of the applicant to each and every lot depicted on the Tentative Plan. The amount of such bond, contract or other assurance shall be determined by the City.

(c) In lieu of the above conditions, Rural Residential lots without access to a sewage disposal system may be created if a statement is provided by the applicant that no sewage disposal facility will be provided to the purchaser of any lot depicted on the Tentative Plan where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal. A copy of the statement signed by the applicant and endorsed by the City shall be filed by the applicant with the Real Estate Commissioner when the Plat is recorded. The applicant shall deliver a copy of the statement to each prospective purchaser of a lot prior to signing the first agreement for sale of the lot. The owner/applicant shall obtain a signed receipt for the statement from the purchaser and send a copy of the receipt to the Commissioner and shall keep copies of such receipts on file in this state, subject to inspection by the Commissioner, for a period of three years after the date the receipt is taken.

(3) Protective covenants, conditions and deed restrictions (CC & R's to be recorded, if any.)

CC & R's will be the same as Sweetwater 3rd Addition Phase 2. These will be provided to the City for review with final plat submittal.

(4) Identify all proposed public dedications including streets, pedestrian or bike ways, parks or open space areas in conformance with Section 8.300.

All right of way for Trask and Navaho as depicted on the tentative plat will be dedicated to the City. Tract "A" which adjoins existing City property will be dedicated to the City to facilitate future access and amenities for the City property outside of the wetland limits.

(5) Identify all public improvements proposed to be installed, the approximate time installation is anticipated and the proposed method of financing. Identify required improvements that are proposed to not be provided and the reason why they are not considered necessary for the proposed land division.

Public improvements to be installed include water, sanitary sewer, storm drain, and streets as depicted on the tentative plat. Street lights and franchise utilities will also be installed to provide service to each lot. Construction of all is anticipated to begin in fall of 2018 or spring 2019.

(6) A statement that the declarations required by ORS 92.075 on the final Plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.

Declarations required by ORS 92.075 on the final Plat can be achieved by the fee owner, vendor and/or the mortgage or trust deed holder of the property.

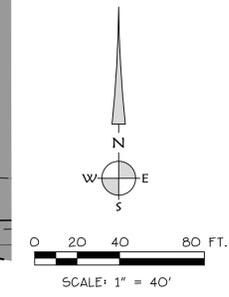
(7) Proposed staged subdivisions or serial partitions shall be clearly identified on the application. A time schedule for future Platting shall also be submitted. The Planning Commission may require a specific time schedule for approval. All future Plats shall conform to the adopted ordinances applicable at the time of Platting.

This subdivision is the final phase of Sweetwater Estates. This phase will not be sub-phased.
Construction is intended to occur in fall of this year or spring of 2019, depending on permit acquisition.

TENTATIVE SUBDIVISION PLAT
FOR
MILLERSBURG LAND + DEVELOPMENT, LLC

LOCATED IN
TAX LOT 300 OF MAP 105-3W-21B
NW 1/4 SEC. 21, T. 10 S., R. 3 W., W.M.
CITY OF MILLERSBURG, LINN COUNTY, OREGON
IN THE
CITY OF MILLERSBURG, LINN COUNTY, OREGON

JULY 20, 2018



PROJECT AREA STATS:

TAX LOT 300 (NORTH PORTION)
GROSS AREA: 176615 S.F. (4.05 ACRES)
R-O-W DEDICATION: 46,976 S.F. (1.08 ACRES)
TRACT A DEDICATION: 6,007 S.F. (0.14 ACRES)
NET AREA: 123,632 S.F. (2.83 ACRES)

ENGINEER / SURVEYOR:

GRANT M. BEEM
K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OR 97321
(541) 928-2583

MINIMUM LOT SIZES:

SINGLE FAMILY RESIDENCE
MINIMUM LOT SIZE ALLOWED: 10,000 S.F.
MINIMUM LOT SIZE: 10,079 S.F. (LOT 44)

SUBJECT PROPERTY:

TAX LOT: 300
ASSESSOR'S MAP: 105-3W-21B

OWNER / DEVELOPER:

MILLERSBURG LAND + DEVELOPMENT, LLC
P.O. BOX 2375
CLACKAMAS, OR 97015

ZONING:

CURRENT: RR 10 UC
RURAL RESIDENTIAL - URBAN CONVERSION
10,000 S.F. MIN.

CURRENT USE:

VACANT LOT, FIELD + TREES

LOTS:

TOTAL: 8 LOTS

NOTE:

DATA IS COMPILED FROM THE LINN COUNTY AND CITY OF ALBANY'S GIS DATABASE, DATED 2015.

TOPOGRAPHY:

TOPOGRAPHIC FEATURES ARE BASED ON CITY OF ALBANY GIS MAPS AND FIELD SURVEYED DATA.

FLOOD ZONE:

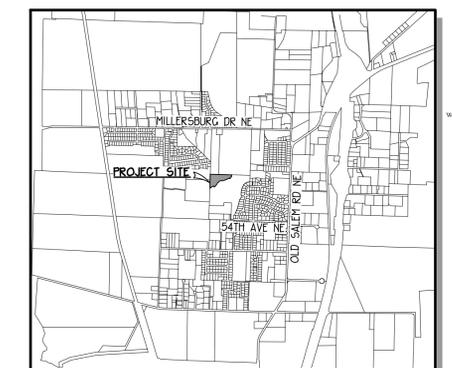
A PORTION OF LOT 43 IS IN ZONE "AE", AREAS OF 100 YEAR FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 41043G0204G AS BY LOMR 11-10-0824P EFFECTIVE OCTOBER 12, 2011.

BASE FLOOD ELEVATION:

THE BFE WAS LOCATED AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NUMBER 41043G0204G AS BY LOMR 11-10-0824P EFFECTIVE OCTOBER 12, 2011, NAVD 88.

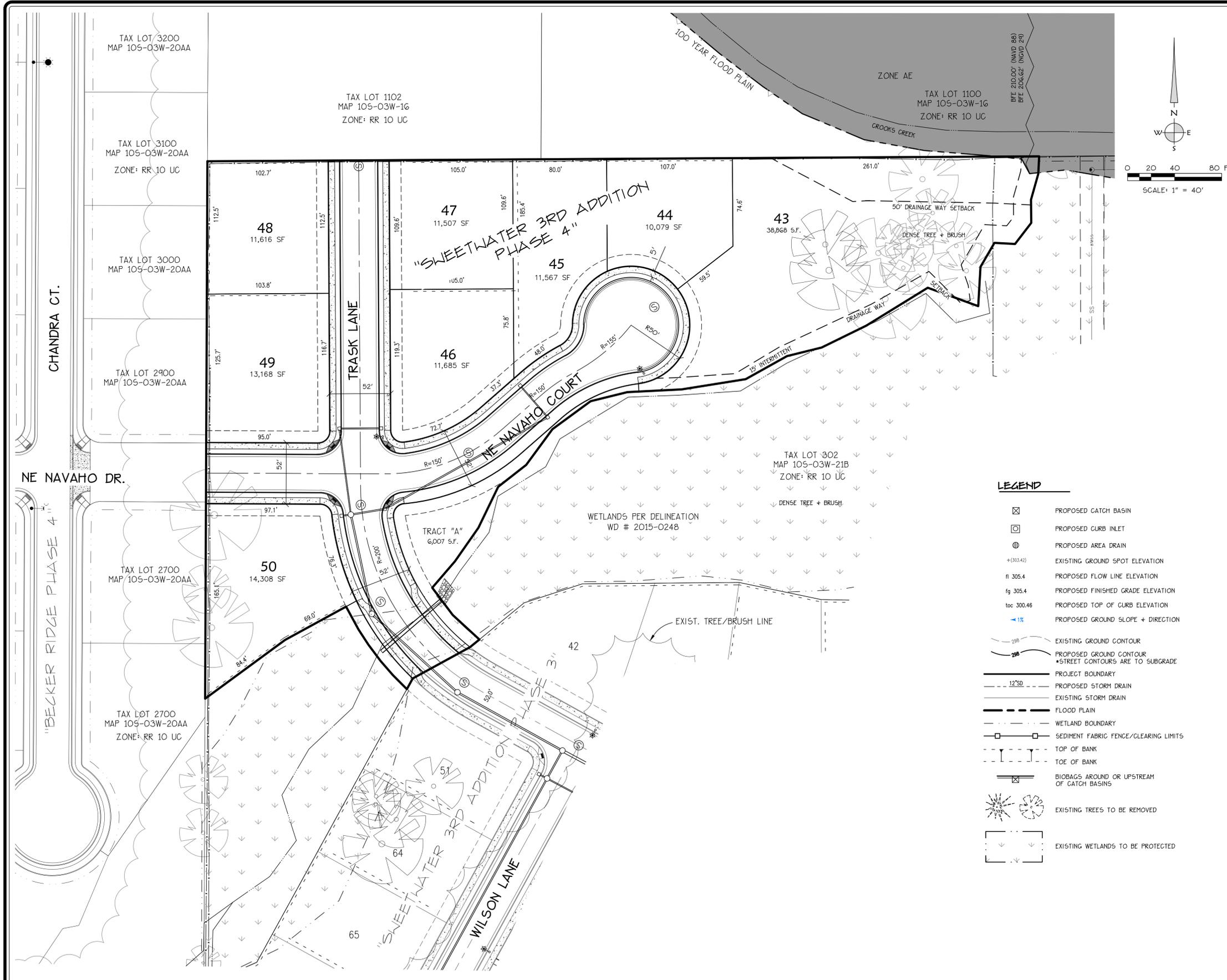
LEGEND

- PROPOSED CATCH BASIN
- PROPOSED CURB INLET
- PROPOSED AREA DRAIN
- EXISTING GROUND SPOT ELEVATION
- PROPOSED FLOW LINE ELEVATION
- PROPOSED FINISHED GRADE ELEVATION
- PROPOSED TOP OF CURB ELEVATION
- PROPOSED GROUND SLOPE + DIRECTION
- EXISTING GROUND CONTOUR
- PROPOSED GROUND CONTOUR
*STREET CONTOURS ARE TO SUBGRADE
- PROJECT BOUNDARY
- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- FLOOD PLAIN
- WETLAND BOUNDARY
- SEDIMENT FABRIC FENCE/CLEARING LIMITS
- TOP OF BANK
- TOE OF BANK
- BIOBAGS AROUND OR UPSTREAM OF CATCH BASINS
- EXISTING TREES TO BE REMOVED
- EXISTING WETLANDS TO BE PROTECTED



VICINITY MAP

NOT TO SCALE



Date: 7/20/2018 Time: 2:30
Scale: 1"=50'(FS)
File: dwg\2017\17-192\17-92_tp.dwg
Xrefs:

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DATE	REVISIONS	BY



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(541) 928-2583

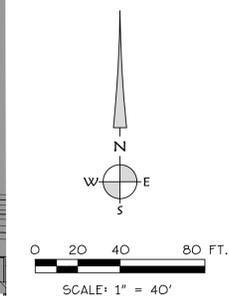
**SWEETWATER 3RD ADDITION
PHASE 4**
CITY OF MILLERSBURG, LINN COUNTY, OREGON

SUBDIVISION LAYOUT

HORZ. SCALE: 1"= 40'
VERT. SCALE:
SIGN DATE:
DSGN BY: GMB
DRWN BY: BLE
CHKD BY: GMB
PROJECT No.: 17-192

SHEET No.
1
OF
2

TENTATIVE SUBDIVISION PLAT
FOR
MILLERSBURG LAND + DEVELOPMENT, LLC
LOCATED IN
TAX LOT 300 OF MAP 105-3W-21B
NW 1/4 SEC. 21, T. 10 S., R. 3 W., W.M.
CITY OF MILLERSBURG, LINN COUNTY, OREGON
IN THE
CITY OF MILLERSBURG, LINN COUNTY, OREGON
JULY 20, 2018



UTILITY NOTES

- | | | | |
|---|---|----|---|
| 1 | SSMH-10
STA: 1+03.80
RIM: 217.78
I.E. 8" IN: 212.89 (S) | 9 | SSMH-8
STA: 4+73.11
RIM: 219.01
I.E. 8" IN: 211.21 (N)
I.E. 8" OUT: 211.01 (SE) |
| 2 | SDCI-11
STA: 4+34.00
RIM: 217.06
I.E. 10" IN: 214.70 (E)
I.E. 10" OUT: 214.60 (S) | 10 | SSMH-7
STA: 5+70.45
RIM: 220.02
I.E. 8" IN: 210.61 (NW)
I.E. 8" OUT: 210.41 (SE) |
| 3 | SDCI-12
STA: 3+26.13
RIM: 217.06
I.E. 10" IN: 215.06 (W) | 11 | SDCI-7
STA: 3+98.03
RIM: 217.74
I.E. 10" IN: 213.91 (E) |
| 4 | SDCI-10
STA: 5+97.14
RIM: 216.04
I.E. 10" IN: 213.66 (SE) | 12 | SDMH-10
STA: 3+98.03
RIM: 217.43
I.E. 10" IN: 211.79 (N)
I.E. 12" IN: 212.42 (E)
I.E. 10" IN: 211.79 (W)
I.E. 10" OUT: 211.69 (S) |
| 5 | SSMH-12
STA: 7+27.26
RIM: 217.31
I.E. 8" OUT: 213.15 (SW) | 13 | SDMH-9
STA: 4+78.19
RIM: 219.46
I.E. 10" IN: 211.52 (N)
I.E. 12" OUT: 211.42 (SE) |
| 6 | SDCI-9
STA: 5+97.14
RIM: 216.04
I.E. 10" IN: 213.48 (NW)
I.E. 12" OUT: 212.99 (SW) | 14 | SDMH-8
STA: 5+70.18
RIM: 219.81
I.E. 12" IN: 211.22 (NW)
I.E. 14" OUT: 211.12 (SE) |
| 7 | SSMH-9
STA: 3+90.90
RIM: 217.51
I.E. 8" IN: 211.74 (N)
I.E. 8" IN: 211.74 (NE)
I.E. 8" OUT: 211.54 (S) | | |
| 8 | SDCI-8
STA: 3+96.57
RIM: 217.74
I.E. 12" IN: 212.59 (NE)
I.E. 12" OUT: 212.49 (W) | | |

VERTICAL CONTROL

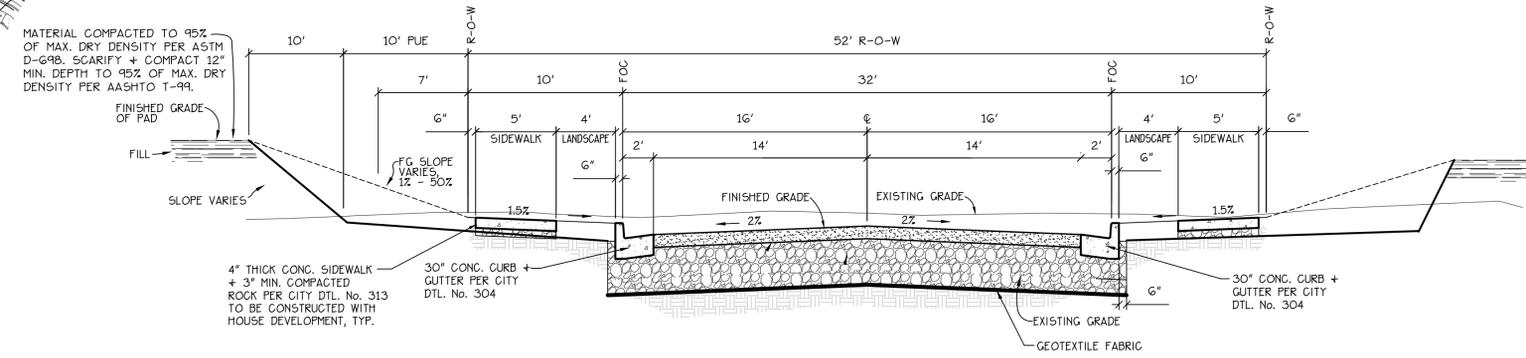
ELEVATIONS SHOWN ON THE DRAWINGS ARE BASED ON TBM #21, ELEVATION 215.95 (NGVD 29), K + D SURVEY CONTROL POINT #21, A PK NAIL IN ASPHALT LOCATED ALONG THE WEST SIDE OF SILTWOODS LANE, APPROX. 130' NORTH OF CLEARWATER DRIVE.

HORIZONTAL CONTROL

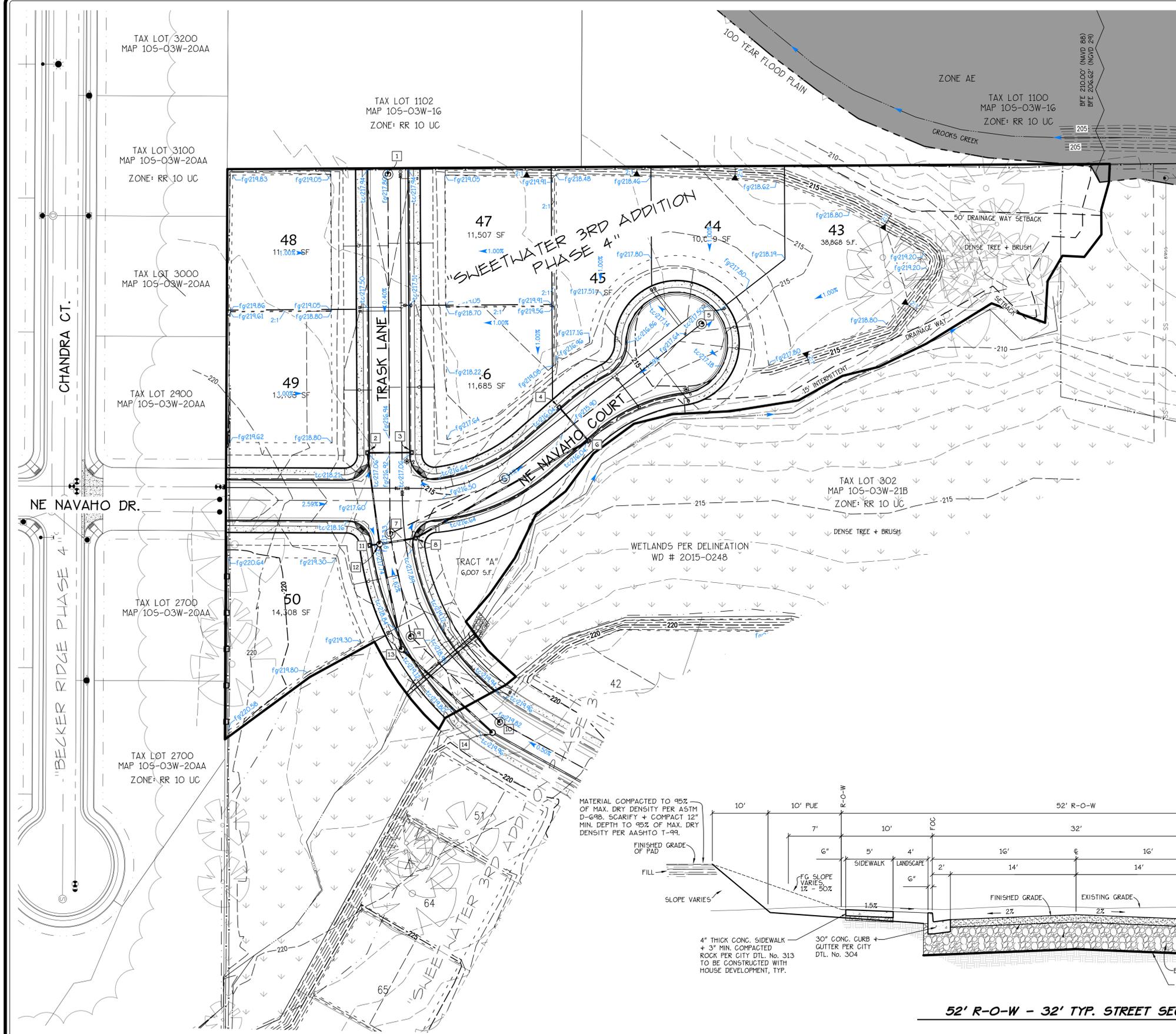
PROJECT BASIS OF BEARINGS IS N 00°16'02" E, ALONG EAST PROPERTY LINE OF PROJECT SITE, PER C.S. #22189, DATED FEBRUARY 12, 1998.

LEGEND

- PROPOSED CATCH BASIN
- PROPOSED CURB INLET
- PROPOSED AREA DRAIN
- EXISTING GROUND SPOT ELEVATION
- PROPOSED FLOW LINE ELEVATION
- PROPOSED FINISHED GRADE ELEVATION
- PROPOSED TOP OF CURB ELEVATION
- PROPOSED GROUND SLOPE + DIRECTION
- EXISTING GROUND CONTOUR
- PROPOSED GROUND CONTOUR
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- TOP OF BANK
- TOE OF BANK
- BIOBAGS AROUND OR UPSTREAM OF CATCH BASINS
- EXISTING TREES TO BE REMOVED
- EXISTING WETLANDS TO BE PROTECTED



52' R-O-W - 32' TYP. STREET SECTION
NOT TO SCALE



Date: 7/20/2018 Time: 2:30
Scale: 1"=50'(FS)
File: dwg\2017-17-192-17-92_tp.dwg
Xref: s

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ALBANY, OREGON 97321
(541) 928-2583

**SWEETWATER 3RD ADDITION
PHASE 4**
CITY OF MILLERSBURG, LINN COUNTY, OREGON

UTILITY & GRADING

HORZ. SCALE: 1"= 40'
VERT. SCALE:
SIGN DATE:
DSGN BY: GMB
DRAWN BY: BLE
CHKD BY: GMB
PROJECT No.: 17-192
SHEET No. 2 OF 2

FW: Agency Review Request for SD 18-02

 DELETE
  REPLY
  REPLY ALL
  FORWARD
  ...



LaRoque, Laura <Laura.LaRoque@cityofalbany.net>

Mark as unread

Tue 7/31/2018 1:22 PM

To: Matt Straite;

Cc: Martineau, David <David.Martineau@cityofalbany.net>; Richardson, Bob <Bob.Richardson@cityofalbany.net>;

📎 2 attachments



17-192_tp.pdf

17-192_tp2.pdf

Download all

[Bing Maps](#)

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Hello Matt,

Thank you for providing an opportunity to comment on the tentative subdivision plat application (file no. SD-18-02) to divide the property known as Linn County Tax Assessor's Map no. 10S-03W-21B Tax Lot 300) into 8 residential lots. The subject property is outside the Albany city limits and urban growth boundary. The City of Albany no comments regarding this application.



Laura LaRoque

Planner II

541-917-7640 phone | 541-917-7598 fax

Community Development

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321



www.cityofalbany.net

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From: Matt Straite <mstraite@cityofmillersburg.org>

Sent: Tuesday, July 31, 2018 12:25 PM

To: corcutt@linnsheiff.org; dsterling@co.linn.or.us; Billers@nwnatural.com; sflickinger@co.linn.or.us; jseale@co.linn.or.us; Scott.Seaton@pacificorp.com; jeff.r.lehmeyer@usps.gov; LaBelle, Chris <Chris.LaBelle@cityofalbany.net>; Janelle Booth <jbooth@cityofmillersburg.org>; Planning List <PlanningList@cityofalbany.net>; Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>; sshortes@co.linn.or.us;



TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: August 3, 2018
SUBJECT: SD-18-02 – Divide Four Acres into Eight Lots - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. Residential developments/projects of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least $\frac{1}{2}$ the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D107.1)

Street connections to the south (Trask, Wilson, Clearwater, Nestucca) shall be in place before construction on these eight lots. This is to ensure the remotely separated secondary access is in place prior to building on order to avoid a conflict with the Oregon Fire Code.

2. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
3. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4).
4. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)

The maximum spacing for fire hydrants for this project shall be 500 feet designed so that no portion along any of the circulating access roads is greater than 250 feet from a fire hydrant. Each public fire hydrant shall be capable of supplying a minimum of 1,500 gpm at a minimum of 20 psi as a single point flow.

5. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;

Page 2
August 13, 2018

- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

Lora Ratcliff
541-917-7728
Lora.ratcliff@cityofalbany.net

LAR/lar

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: August 8, 2018
SUBJECT: SD 18-02 - Engineering Comments

Engineering has reviewed the above project and has the following comments:

General Conditions

1. All streets within the subdivision shall be public streets following acceptance by the City.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final Plat.

Prior to Any Ground Disturbing Activity

4. The Developer's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.
5. Obtain a 1200C Erosion Control Permit for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all Albany Construction Standards (ACS). The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals. A copy of the approved and

signed permit shall be provided to the City prior to any ground disturbing activities.

Prior to approval of the public improvement plans

6. Submit engineering plans for all public improvements, including a hydraulic connection between the wetlands on either side of Trask Lane, and/or connections to public utilities (water, sewer, storm water, and streets) to City Engineer. The engineering plans shall conform to the Albany Engineering design standards, to the satisfaction of the City Engineer. The plans shall be in substantial conformance with the tentative map and demonstrate the placement of all existing and proposed utilities underground.

Prior to Approval of the Final Plat

7. The Final Plat shall dedicate Tract A to the City of Millersburg for purposes of access into the wetlands. In addition, a 12' wide driveway shall be constructed on the western side of Tract A.
8. Applicant must construct sidewalks along frontage of Tract A and frontage of wetlands. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.
9. Applicant must construct public utilities (water, sanitary sewer, and storm drainage) for the development. The applicant must have individual sanitary sewer and water services installed for each of the proposed new lots. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.
10. Approval of the public improvement plans by the City Engineer must be complete prior to release of the final plat to the County for review. In addition, prior to final plat approval, either all on-site work must be complete or the improvements bonded or guaranteed with a cash deposit at the discretion of the City.
11. All required street signage and street lighting shall be approved by the City Engineer and installed. Applicant may provide copies of signed agreements with the power company and evidence of payment for street lights if street lighting is not installed at the time of final plat, to the satisfaction of the City Engineer.
12. The public improvement plans must be approved and constructed or bonded with development agreements prior to the City's approval of the final plat.

13. Provide approved traffic barrier at north end of Trask Lane for future road extension.

Prior to recording the Final Plat

14. Prior to recording the final plat, all required public improvements shall be completed and accepted by the City, or a development agreement shall be entered into by the applicant or successors and the City setting the terms, including financial guarantees, for any delay of completion of required public improvements.

Prior to Issuance of a Building Permit

15. Prior to issuance of the first building permit in the subdivision, provide evidence to the City for the file that a hydrant flow test has been completed, to the satisfaction of the Albany Fire Department, showing all hydrants are capable of at least 1,000 GPM for homes at 3,600 square feet or less.

Comment [JB1]: Check with AFD

Prior to Final Occupancy of any structure within the Subdivision

16. Sidewalks shall be constructed at time of home construction.

17. All public improvements shall be completed, inspected and approved, as applicable, by the City.

18. All agreements required as conditions of this approval must be signed and recorded.

19. Plant at least one street tree for each lot prior to a certificate of occupancy for the home on the lot.

Comment [JB2]: Discuss with Matt

20. Install the landscaping according to the landscape plan prior to the issuance of the occupancy permits or pay a security bond for 125% of the cost of the landscaping payable to the City. If the landscaping is not completed within six months, the security may be used by the City to complete the installation. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.

21. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.

22. Install or replace, to City specifications, all sidewalks, curb ramps, and driveway aprons which are missing, damaged, deteriorated, or removed by construction along the house frontage.
23. Grading, in accordance with approved grading plan for subdivision, shall be complete. Or, revised grading and drainage for individual lots shall be approved by City Engineer. In no case shall drainage be directed onto adjacent properties unless a drainage easement has been recorded and appropriate drainage facilities have been constructed.

VIII. NOTICES TO THE APPLICANT

1. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
2. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
3. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire Department. Hydrant and Turnaround locations shall be provided by the Applicant and approved by the Albany Fire Department and the City.
4. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
5. In the event there is engineered fill on any public roads or lots, the applicants' soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.
6. Driveways shall conform to [Section 5.120](#) of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
7. Any required joint mailbox facilities shall be installed. Please consult with the US Postal Service. Any Joint Mailbox facilities must be installed per U.S. Postal

Comment [JB3]: Is this the correct section?

Service's *"Developers' Guide to Centralized Box Units"*. The Developer shall provide a signed copy of the U.S. Postal Services *"Mode of Delivery Agreement"*.

8. All required street signage and street lighting shall be approved by the City Engineer and installed.
9. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
10. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
11. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
12. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.



NOTICE OF PUBLIC HEARING
August 21, 2018, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

- APPLICANTS:** Millersburg Land and Development, LLC
LOCATION: Northerly of NE 54th Ave, easterly of NE Chandra Ct., westerly of NE Clearwater Dr. (see map opposite page)
TAX LOT: Township 10 South; Range 3 West; Section 21b; Tax Lot 300
PARCEL SIZE: 4.05 Acres
ZONING: Rural Residential 10 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide 4.05 acres into 8 residential lots, one tract and street rights-of-way.
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: SD 18-02

The location of the hearing is accessible to people with disabilities. If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (541) 928-4523.



Vicinity Map



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.

PA 18-03 100 foot surrounding labels

SAMARITAN HEALTH SERVICES INC
3000 NW SAMARITAN DR
CORVALLIS, OR 97330

HIBBS JASON & CARA
38724 NE MORNINGSTAR RD
ALBANY, OR 97321

LUCHT JIMMIE L & NANCY L
38777 NE MORNINGSTAR RD
ALBANY, OR 97321

ISOM ROGER E & JUDY A U
38766 NE MORNINGSTAR RD
ALBANY, OR 97321-9540

ELLIOTT KENNETH & KIM
38720 NE MORNINGSTAR RD
ALBANY, OR 97321

GRAVES BRANDON J & BRITTANY N
38747 NE MORNINGSTAR RD
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WEDDLE SCOTT M & DARLA R
3353 NE MILLERSBURG DR
ALBANY, OR 97321-9501