



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, March 20, 2018
6:00 p.m.

Agenda

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. MEETING MINUTE APPROVAL
 - 1) Planning Commission Work Session Summary – 1-16-2018
 - 2) Planning Commission Work Shop Summary – 2-27-2018
- E. QUASI-JUDICIAL PUBLIC HEARINGS
 - 1) Land Use File SD18-01 Westwood Estates Subdivision. *The applicant proposes to subdivide 11.49 gross acres into 35 residential single family lots ranging from 10,001 sq. ft. to 13,843 sq. ft. with one tract (tract A) for water detention.*
 - 2) Millersburg Subdivision. *The applicant is requesting approval to subdivide 39.07 acres into a 78 residential lots ranging in size from 10,000 sq. ft. to 26,988 sq. ft. (13,320 sq. ft. average) featuring a lake, one natural open space tract and public streets.*
- F. ADJOURNMENT

Upcoming Meetings:
tbd



Proposal: The applicant proposes to subdivide 11.49 gross acres into 35 residential single family lots ranging from 10,001 sq. ft. to 13,843 sq. ft. with one tract (Tract A) for water detention.

I. BACKGROUND

- A. Applicant: Mike Perlenfein
995 Commercial Street SE
Salem, OR 97302
- B. Location: 4440 & 4444 Woods Road NE
103W20 Tax Lots 301 and 302
- 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 March 20, 2018. Any appeal of the Planning Commission decision will be considered by the City Council.
- D. Public Notice and Hearing: Notice of the March 20, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on February 22, 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: 11.49 Gross Acres
- I. Background: Based on aerial images, the property has had no farming since 1994 and features a single family home with an out building. Both are scheduled to be removed if the application is approved. 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 February 12, 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:

- Linn County GIS and Linn County Sheriff's Department both requested that the project use distinctive street names.
- Pacific Power responded only to say they have no comments.
- The Department of State Lands responded indicating that State permits would be needed for any grading work more than 50 square feet. A condition of approval has been added to the project to echo such.
- Jefferson Fire requested fire flow specifications be meet.
- City of Millersburg Engineer provided suggested conditions of approval.

Public:

Notice of the March 20, 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.

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 subdivision would develop all portions of the map area.

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 undeveloped properties on the north and south of the existing lot. The design of the map includes street connections to the north and south of the development in order to provide vehicle access points to future developments. The property to the west of the proposed subdivision is not in the city and is blocked from any future connection by active rail road tracks.

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 which is analyzed in greater detail further in this staff report. According to the City Transportation System Plan (TSP) Woods Road NE is designated a Collector. Section 5.123 explains that a Collector with Landscaping has an ROW requirement of 60 feet and local streets are required to feature a 52 foot ROW with parking on both sides of the street.

Streets proposed within the development include a local loop road, with two stub streets designed to connect to future developments to the north and south, and a single point of access from Woods Road NE. The subdivision proposes to build out

Woods Road NE half-width (plus 10 feet). The internal streets are proposed at 52 feet wide in conformance with City standards. All streets include full paving, curbs, five foot sidewalks on both sides, planting strips, underground utilities and street lighting.

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 in detail further in this report for code sections 5.127, 5.128 and 5.129 respectively. As explained in these sections, the project provides adequate services.

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 utilities have been sized to be able to accommodate neighboring development and stub connections run in the north and south connecting streets.

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. A detention basin has been included in Tract A to address storm water drainage. Based on the review by the City Engineer, the basin is conceptually adequate for the design of the subdivision, although additional plans will be submitted with the infrastructure plans.

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 wetlands that are planned for fill. The application was sent to the Department of State Lands (DSL) for review and identification of any needed mitigation. In a reply the DSL required a wetland delineation be done and that the applicant obtain a Removal-Fill Permit prior disturbing any wetlands. This delineation is a tool used in the State's review of the removal-fill permit. There is a chance that the mitigation required for the removal fill permit may require a change in the design of the map. For example, mitigation may include a requirement to leave some wetland in perpetuity, which would require a tract to be added to the proposed subdivision. A condition of approval has been proposed that would require the applicant to comply with the requirements of DSL. Should the wetland delineation or any State required mitigation (identified through State Permits) require a significant redesign of the proposed map, the applicant will be responsible for re-processing the subdivision application. Minor changes, meaning minor realignment of lot lines or street right-of-way or the conversion of a small number of lots to a wetlands tract, without changing the basic layout of the site, will be considered substantial compliance for the purpose of approval of the final plat.

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

PROPOSED CONDITION OF APPROVAL: The applicant shall comply with all requirements of DSL File number WN2018-0061 as outlined in correspondence from DSL dated 02/20/2018, specifically the applicant shall submit a wetland delineation and obtain Removal-Fill Permits prior to disturbing any soil. Said permit and delineation shall be provided to the City for the file. Should the wetland delineation or any State required mitigation (identified through State Permits) require a significant redesign of the proposed map, the applicant will be responsible for re-processing the subdivision application. Minor changes, meaning minor realignment of lot lines or street right-of-way or the conversion of a small number of lots to a wetlands tract, without changing the basic layout of the site, will be considered substantial compliance for the purpose of approval of the final plat.

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 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 wetlands based on the exhibits provided by the applicant within proposed lots 3-11. Pursuant to code requirements, the project was submitted to DSL for review. DSL required a wetland delineation and a State removal-fill permit.

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

PROPOSED CONDITION OF APPROVAL: (previously shown) The applicant shall comply with all requirements of DSL File number WN2018-0061 as outlined in correspondence from DSL dated 02/20/2018, specifically the applicant shall obtain Removal-Fill Permits prior to disturbing any soil. Said permit shall be provided to the City for the file. Should the wetland delineation or any State required mitigation (identified through State Permits) require a significant redesign of the proposed map, the applicant will be responsible for re-processing the subdivision application. Minor changes, meaning minor realignment of lot lines or street right-of-way or the conversion of a small number of lots to a wetlands tract, without changing the basic layout of the site, will be considered substantial compliance for the purpose of approval of the final plat.

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.

(7) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division or project approval.

ANALYSIS: Additional street right of way dedication was required for Woods Road NE and is shown on the Tentative Map. The applicant will be responsible for all street improvements. A condition of approval has been added to assure they are constructed prior to the issuance of any building permits.

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

PROPOSED CONDITION OF APPROVAL: 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.

(8) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

ANALYSIS: The streets proposed interior to the development are all shown to have full width build out. The project proposes to build only half-width improvements (plus 10 feet) along Woods Road NE. Conditions of approval have been added to assure the streets are constructed according to the design shown on the exhibits.

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

PROPOSED CONDITION OF APPROVAL: Design partial street improvements for Woods Road NE frontage. Designs for partial street improvements shall consider the entire future street improvement so that related facilities, grades, slopes, utility stub-outs, future curb inlets, future service lines, potential conflicts, and other issues will be identified. The partial street shall be designed so that future completion of the street and related facilities can be easily coordinated with the initial partial street improvement and minimize damage to the street structure. Construction plans shall clearly show the paving limits for the partial street and identify all items that are to be constructed by others in the future. Partial street improvements shall include the western half of Woods Road NE to the road centerline, plus

an additional ten feet of new asphalt pavement to the west of the road centerline. The road centerline is defined as the centerline of the existing 40' right-of-way.

(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. Both indicated the street names were not acceptable because they are too common. A proposed condition of approval has been added requiring all street names on the final plat to be approved by both organizations.

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 and Sheriff's Department.

(13) Streets & Lots Adjacent to Railroad Right-of-ways: Wherever a proposed land division contains, or is adjacent to a railroad right-of-way, a distance between the street or property line and the railroad right-of-way shall provide sufficient depth for landscape screening adjacent to the railroad right-of-way in conformance with Section 5.134 (9).

ANALYSIS: While not within the subdivision, there are existing active railroad tracks adjacent to the property to the west. Screening is required above in the form of landscaping. The Comprehensive Plan also specifically requires noise to be addressed between the tracks and residential uses. As the lots fronting the tracks right of way are all 139 feet deep, they provide enough room for the lots to accommodate a single family home along with the required screening to the rear. To assure visual and noise screening is provided, a proposed condition of approval has been added requiring the applicant to construct a noise wall made of composition block or similar at least 7 feet tall to minimize noise. In addition, to comply with the code requirements, landscape screening will be required to be planted by the applicant on both sides of the wall, in compliance with Section 5.134(9). The wall shall be set back from the edge of the property by at least 5 feet and an access and maintenance easement granted to the home owner shall be provided along the back of lots 15 through 19 and Tract A. The landscape screening of the wall itself will help reduce potential graffiti and provide additional noise mitigation.

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

PROPOSED CONDITION OF APPROVAL: Prior to the recording of the Final Plat, the applicant shall:

- a) Record an easement (or have one processed with the final plat) five feet in width along the back (western edge) of lots 15 through 19 and Tract A to allow a Home

Owners Association to maintain landscape screening along the west side of the noise wall.

- b) Construct a noise wall made of composition block or similar at least 7 feet tall along the back of lots 15 through 19 and Tract A. The wall shall be set back from the western edge of the lots/tract by at least 5 feet to assure appropriate distance for landscape maintenance of screening landscaping by the HOA and include a gate to allow access to both sides from Tract A.
- c) Provide landscape screening on both sides of the wall, in compliance with Section 5.134(9). The landscaping on the west side of the wall is to be maintained by an HOA, the landscaping on the east side of the wall will be maintained by the future individual lot owners as it will be located in their backyards.

(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 5.124 SIDEWALKS

(5) Sidewalks are required for Collector or Arterial Streets and shall be a minimum of five (5) feet in width separated by a landscape strip of 4 to 6 feet in width adjacent to the curb. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb shall be a minimum of five (5) feet in width or a minimum of twelve (12) feet in width adjacent to Street Frontage Commercial properties. Planter openings adjacent to the curb are encouraged within the twelve (12) foot wide walks.

ANALYSIS: The plans show full sidewalks on both sides of all interior streets and the west side of Woods Road NE. All sidewalks are included in the street right of way. At this time there are no other sidewalks adjacent to the proposed subdivision, however, all sidewalks are designed to connect to future sidewalks when neighboring development is built out. All sidewalks are 5 feet in width with a planter strip between the residential lots and the streets. Sidewalks are also provided along Woods Road NE, however they are shown on the plans as curb adjacent. To conform with the code requirements, a proposed condition of approval has been added to revise all sidewalks on Woods Road NE to be separated from

the curb by 4 to 6 feet and a landscape strip to be added. Additionally, based on timing requirements a condition of approval has been added to specify that the sidewalks must be constructed at the time of home construction.

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

PROPOSED CONDITIONS OF APPROVAL:

- The applicant shall revise the location of the sidewalks along Woods Road NE to be separated from the curb by 4 to 6 feet and a landscape strip to be added.
- Sidewalks adjacent to lots on interior streets may be constructed at time of home construction. ADA ramps and sidewalks on the west side of Woods Road NE must be constructed prior to recording the final plat. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.

SECTION 5.125 BIKEWAYS

(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. Developments that would benefit from bikeways may be required to include bikeway improvements as a condition of approval by the Planning Commission. Where possible, bikeways should be separated from other modes of travel, including pedestrianways.

ANALYSIS: Woods Road NE is a Collector, and thus requires bike lanes. It is not clear from the exhibits submitted if the project proposes to construct the required bike lanes along the project frontage. A proposed condition of approval requires the applicant to include a bike lane in the final design and construction, to City standards as specified by the City Engineer, along the length of the Woods Road NE frontage.

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

PROPOSED CONDITION OF APPROVAL: The applicant shall include a bike lane in the final design and construction, to City standards as specified by the City Engineer, along the length of the Woods Road NE frontage.

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 onsite detention basin in Tract A. A proposed condition of approval has been added requiring the design of the basin to meet criteria in the City of Albany's Engineering standards and to have a Home Owners Association (HOA) own and maintain the basin.

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

PROPOSED CONDITION OF APPROVAL: Design stormwater detention basins per the criteria in the City of Albany Engineering Standards E.8.00 – Stormwater Detention, except “City of Albany” shall be replaced with “City of Millersburg.” Maintenance of detention basin shall be the responsibility of the Home Owners Association.

(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: (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 5.128 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 shown on the tentative map temporarily leaves only one point of access to the proposed subdivision, the one shown on Woods Road NE. Eventually there will be additional connection points to the north and the south of the subdivision. Until then, the single point of access for the proposed number of lots may present a safety issue for emergency access. As such the applicant shall provide an additional emergency point of access along Woods Road NE. An access point is shown on the tentative map that meets this requirement. A condition of approval has been added to specify design details of the access.

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:

Prior to approval of the final plat, a temporary secondary emergency access must be provided that:

- Applicant must prove a 20' wide easement on lots 22 and 23 as shown on the tentative plat.
- Applicant must construct an emergency access road on lots 22 and 23 in accordance with the Oregon Fire Code.
- Applicant must construct driveways with removable bollards at both ends of the emergency access road. Removable bollards to be approved by the City Engineer.

SECTION 7.200 WETLAND & RIPARIAN AREA STANDARDS - WR

(1) Regulation. Development within significant wetland or riparian areas is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Division of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other state and federal coordinating agencies including DLCD.

(2) Applicant Notice. All Applications for development of land within the City of Millersburg shall provide the City with information on the possible presence of wetlands or riparian areas on the property in conformance with Section 2.140 (15). The City shall provide written notice to the Applicant that there may be a potential need for state and federal permits due to the possible presence of wetlands or riparian areas on the property.

(2) City Notice. ORS 227.350 specifies that cities shall provide notice of proposed wetlands development to the Division of State Lands. The city shall provide notice to the DSL, the applicant and the owner of record, within 5 working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory Map or other sources utilized by the City

(a) Subdivisions;

ANALYSIS: The project exhibits submitted by the applicant showed wetlands on the property within proposed lots 3-11. As such, the map was transmitted to the Department of State lands in accordance with the City requirements. Correspondence with DSL indicated that a wetland delineation was required. The applicant has since provided a delineation report to the City and the DSL. Additionally, as previously explained, DSL will require a Removal-fill permit issued by DSL prior to any ground disturbance activity. This is required by the State, however, a condition has been added requiring the applicant to provide any approved permit to the City for the files.

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

PROPOSED CONDITION OF APPROVAL: (previously shown) The applicant shall comply with all requirements of DSL File number WN2018-0061 as outlined in correspondence from DSL dated 02/20/2018, specifically the applicant shall obtain Removal-Fill Permits prior to disturbing any soil. Said permit shall be provided to the City for the file. Should the wetland delineation or any State required mitigation (identified through State Permits) require a significant redesign of the proposed map, the applicant will be responsible for re-processing the subdivision application. Minor changes, meaning minor realignment of lot

lines or street right-of-way or the conversion of a small number of lots to a wetlands tract, without changing the basic layout of the site, will be considered substantial compliance for the purpose of approval of the final plat.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 15 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 18-01 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 9.200 Environment

Noise Policy 1. The City shall require noise reduction measures for future development proposals.

Noise Policy 8. The existing vegetative buffers along rail lines and roadways shall be maintained. Additional buffers shall be encouraged along rail lines and adjacent to Interstate 5.

Noise Policy 9. Future noise sensitive land uses such as parks and residential areas should not be located near stationary or mobile noise sources, such as industrial plants and major transportation corridors.

ANALYSIS: The proposed project site is located adjacent to existing rail road tracks. As this could result in significant noise concerns for the proposed future residential lots in this subdivision, conditions of approval have been added to the project to require a noise wall between the tracks and the residential lots.

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

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 proposed project addresses all potential environmental impacts, the most significant of which is noise, see comments above.

FINDING: Based on the analysis above, with conditions of approval, 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 18-01, Westwood Estates 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 Multi/Tech Engineering and dated January 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.
8. The applicant shall comply with all requirements of DSL File number WN2018-0061 as outlined in correspondence from DSL dated 02/20/2018, specifically the applicant shall submit a wetland delineation and obtain Removal-Fill Permits prior to disturbing any soil. Said permit and delineation shall be provided to the City for the file. Should the wetland delineation or any State required mitigation (identified through State Permits) require a significant redesign of the proposed map, the applicant will be responsible for re-processing the subdivision application. Minor changes, meaning minor realignment of lot lines or street right-of-way or the conversion

of a small number of lots to a wetlands tract, without changing the basic layout of the site, will be considered substantial compliance for the purpose of approval of the final plat.

Prior to approval of the public improvement plans

9. The applicant shall revise the location of the sidewalks along Woods Road NE to be separated from the curb by 4 to 6 feet and a landscape strip to be added.
10. 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.
11. 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.
12. Design partial street improvements for Woods Road NE frontage. Designs for partial street improvements shall consider the entire future street improvement so that related facilities, grades, slopes, utility stub-outs, future curb inlets, future service lines, potential conflicts, and other issues will be identified. The partial street shall be designed so that future completion of the street and related facilities can be easily coordinated with the initial partial street improvement and minimize damage to the street structure. Construction plans shall clearly show the paving limits for the partial street and identify all items that are to be constructed by others in the future. Partial street improvements shall include the western half of Woods Road NE to the road centerline, plus an additional ten feet of new asphalt pavement to the west of the road centerline. The road centerline is defined as the centerline of the existing 40' right-of-way.
13. 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.
14. Design stormwater detention basins per the criteria in the City of Albany Engineering Standards E.8.00 – Stormwater Detention, except “City of Albany” shall be replaced with “City of Millersburg.” Maintenance of detention basin shall be the responsibility of the HOA.
15. Submit the final plat for review to the Planning Department.

Prior to Approval of the Final Plat

16. The applicant shall include a bike lane in the final design and construction, to City standards as specified by the City Engineer, along the length of the Woods Road NE frontage.
17. 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.

18. Provide signage at the southern and 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."
19. 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.
20. 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.
21. The public improvement plans must be approved and constructed or bonded with development agreements prior to the City's approval of the final plat.
22. Provide approved traffic barriers at north and south ends of Dogwood Street (internal street on the far west of the development) for future road extension.
23. 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.
24. Construct partial street improvements for Woods Road NE frontage, including required tapers. At City's discretion, road frontage fees may be collected in lieu of constructing half street improvements.
25. Prior to approval of the final plat, a temporary secondary emergency access must be provided that:
 - a. Applicant must prove a 20' wide easement on lots 22 and 23 as shown on the tentative plat.
 - b. Applicant must construct an emergency access road on lots 22 and 23 in accordance with the Oregon Fire Code.
 - c. Applicant must construct driveways with removable bollards at both ends of the emergency access road. Removable bollards to be approved by the City Engineer.
26. Prior to the recording of the Final plat, the applicant shall:
 - a. Record an easement (or have one processed with the final plat) five feet in width along the back (western edge) of lots 15 through 19 and Tract A to allow a Home Owners Association to maintain landscape screening along the noise wall.
 - b. Construct a noise wall made of composition block or similar at least 7 feet tall along the back of lots 15 through 19 and Tract A. The wall shall be set back from the western edge of the lots/tract by at least 5 feet to assure appropriate distance for landscape

maintenance of screening landscaping by the HOA and include a gate to allow access to both sides from Tract A.

- c. Provide landscape screening on both sides of the wall, in compliance with Section 5.134(9). The landscaping on the west side of the wall is to be maintained by an HOA, the landscaping on the east side of the wall will be maintained by the future individual lot owners as it will be located in their backyards.

Prior to recording the Final Plat

27. 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

28. 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.

Prior to Final Occupancy of any structure within the Subdivision

29. Sidewalks adjacent to lots on interior streets may be constructed at time of home construction. ADA ramps and sidewalks on the west side of Woods Road NE must be constructed prior to recording the final plat. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.
30. All public improvements shall be completed, inspected and approved, as applicable, by the City.
31. All agreements required as conditions of this approval must be signed and recorded.
32. Plant at least one street trees for each lot prior to a certificate of occupancy for the home on the lot.
33. 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.
34. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.
35. 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.

36. 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. DSL Letter dated 2/14/18
- F. Jefferson Fire email dated 2/28/18

Zoning Map SD 18-01



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.

= NON-DELINEATED WETLANDS

T.L. 300

S89°43'17"E 987.24'



B.M. ELEV. 239.51
 LINN COUNTY GPS STATION NUMBER 93195
 A 3-1/4" ALUMINUM CAP IN A MONUMENT BOX
 LOCATED AT THE INTERSECTION OF
 CONSER RD. (CR34) AND WOODS RD. (CR313)
 (THE S.E. COR. OF GEORGE MILLER ST.
 DLC.58) CAP ELEVATION: 239.51

WESTWOODS ESTATES

SEC.20, T. 10 S., R. 3 W., W.M.
CITY OF MILLERSBURG
LINN COUNTY, OREGON
TAX LOTS 301 & 302
SITE ADDRESSES: 4440 &
4444 WOODS RD. N.E.

ABBREVIATIONS

A.C. ASPHALTIC CONCRETE	L.P. LIGHT POLE
ACMP ALUMINIZED CMP	M METER, MAIN
ASSY. ASSEMBLY	M.H. MANHOLE
B.O. BLOW OFF	MTL. METAL
B.F.V. BUTTERFLY VALVE	O.H. OVERHEAD
C & G CURB & GUTTER	O.C. POINT OF CURVE
CATV CABLE TELEVISION	PCC POINT OF CONTINUING CURVE
C.B. CATCH BASIN	PED. PEDESTAL
C.B.C.O. CATCH BASIN CLEANOUT	PRC POINT OF REVERSE CURVE
C.B.I. CATCH BASIN INLET	PROP. PROPOSED
C.L. CENTERLINE	PT POINT OF TANGENCY
CMP CORRUGATED METAL PIPE	PUB. PUBLIC
C.O. CLEANOUT	PUE PUBLIC UTILITY EASMT.
CONC. CONCRETE	PVC POLYVINYL CHLORIDE
CONST. CONSTRUCT.	PVT. PRIVATE
D.I. DUCTILE IRON	P.P. POWER POLE
DIA. DIAMETER	P.L. PROPERTY LINE
DWG. DRAWING	R RADIUS
EASMT. EASEMENT	R- ROOF
E.G. EXIST. GRADE / GROUND	RD. ROOF DRAIN
EOP, E.P. EDGE OF PAVEMENT	R.O.W. RIGHT-OF-WAY
ELEC. ELECTRIC	SAN.S. or S.S. SANITARY SEWER
ELEV. or EL. ELEVATION	S SLOPE
EX. or EXIST. EXISTING	STA. STATION
FT. FEET	STD. STANDARD
F.F. FINISH FLOOR	STL. STEEL
F.G. FINISH GRADE	STM.DRN. or S.D. STORM DRAIN
F.H. FIRE HYDRANT	SVC. SERVICE
F.M. FORCE MAIN	SW. SIDEWALK
GUT. or GTR. GUTTER	T.C. TOP OF CURB
G.V. GATE VALVE	TEL. TELEPHONE
IMP. IMPROVEMENT	TYP. TYPICAL
INST. INSERT	U.G. UNDERGROUND
INV. or I- INVERT	VL. VAULT
L. LENGTH, LINE	W.M. WATER MAIN

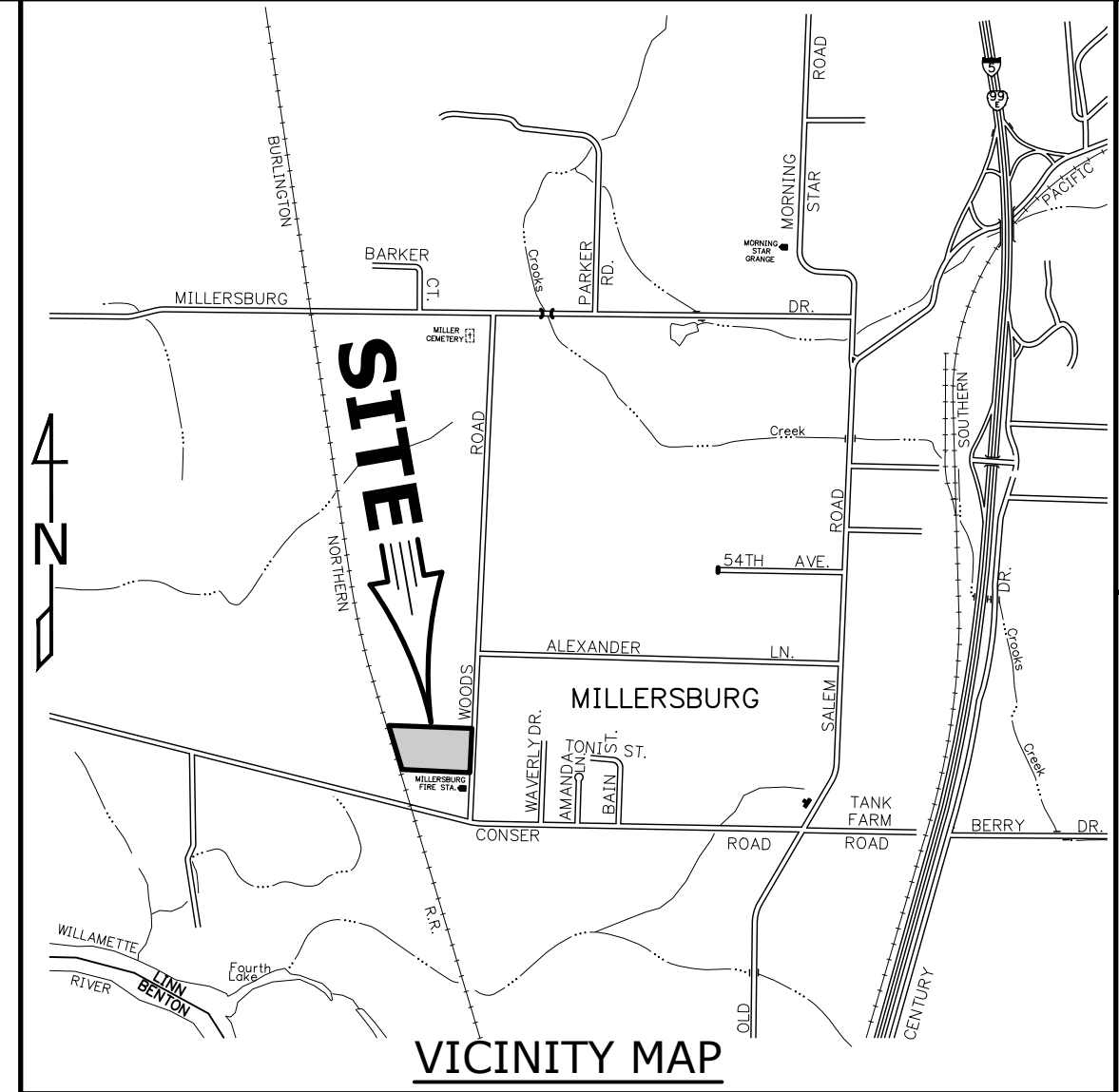
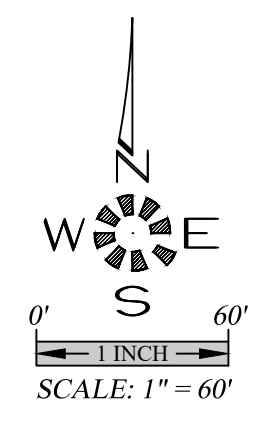
SYMBOLS

BLOW OFF ASSY.	MANHOLE SAN. SEWER
CATCH BASIN	MANHOLE STORM DRAIN
CATCH BASIN CLEANOUT	2' DIA. C.O. / M.H.
CATCH BASIN INLET	MANHOLE TELEPHONE
CATV PED. / BOX	MANHOLE WATER
CLEANOUT	REDUCER / INCREASER
ELEC. PED. / BOX	TEL. PED. / BOX
FIRE HYDRANT	TRAFFIC PED. / BOX
GAS LOCATION MARKER	UTILITY / POWER POLE
GAS VALVE	WATER METER
MAIL BOX	WATER VALVE
CABLE TELEVISION	SANITARY SEWER EXIST.
CENTERLINE	SANITARY SEWER PROP.
DITCH C.L.	STORM DRAIN EXIST.
ELECTRICAL LINE	STORM DRAIN PROP.
GAS MAIN	WATER MAIN EXIST.
TELEPHONE LINE	WATER MAIN PROP.

PARCEL SIZE: _____
 DEVELOPABLE AREA _____ 11.49 AC.
 NUMBER OF UNITS _____ 35
 DENSITY _____ 3.05 UNITS/ACRE
 LARGEST LOT _____ 13,843 S.F.
 SMALLEST LOT _____ 10,001 S.F.
 AVERAGE _____ 11,107 S.F.
 (TRACT 'A') _____ 12,272 S.F.)

EXISTING ZONE _____ RR-2.5UC

UTILITIES:
 CABLE _____ COMCAST CABLE SERVICES
 POWER _____ PACIFIC POWER
 PHONE _____ CENTURY LINK
 GAS _____ N.W. NATURAL
 STORM DRAIN _____
 & STREETS _____ CITY OF ALBANY
 SANITARY SEWER _____
 & WATER _____ CITY OF MILLERSBURG



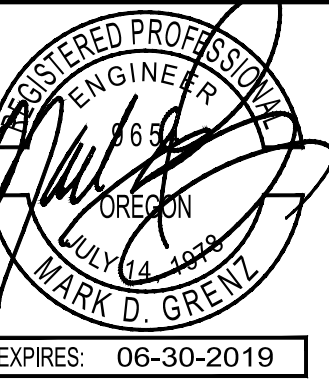
MULTI/TECH
 ENGINEERING SERVICES, INC.
 1155 13th ST. S.E. SALEM, OR. 97302
 PH. (503) 363 - 9227 FAX (503) 364-1260
 www.mtengr.com office@mtengr.com

TENTATIVE PLAT
COVER SHEET

WESTWOODS
ESTATES

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION. MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED

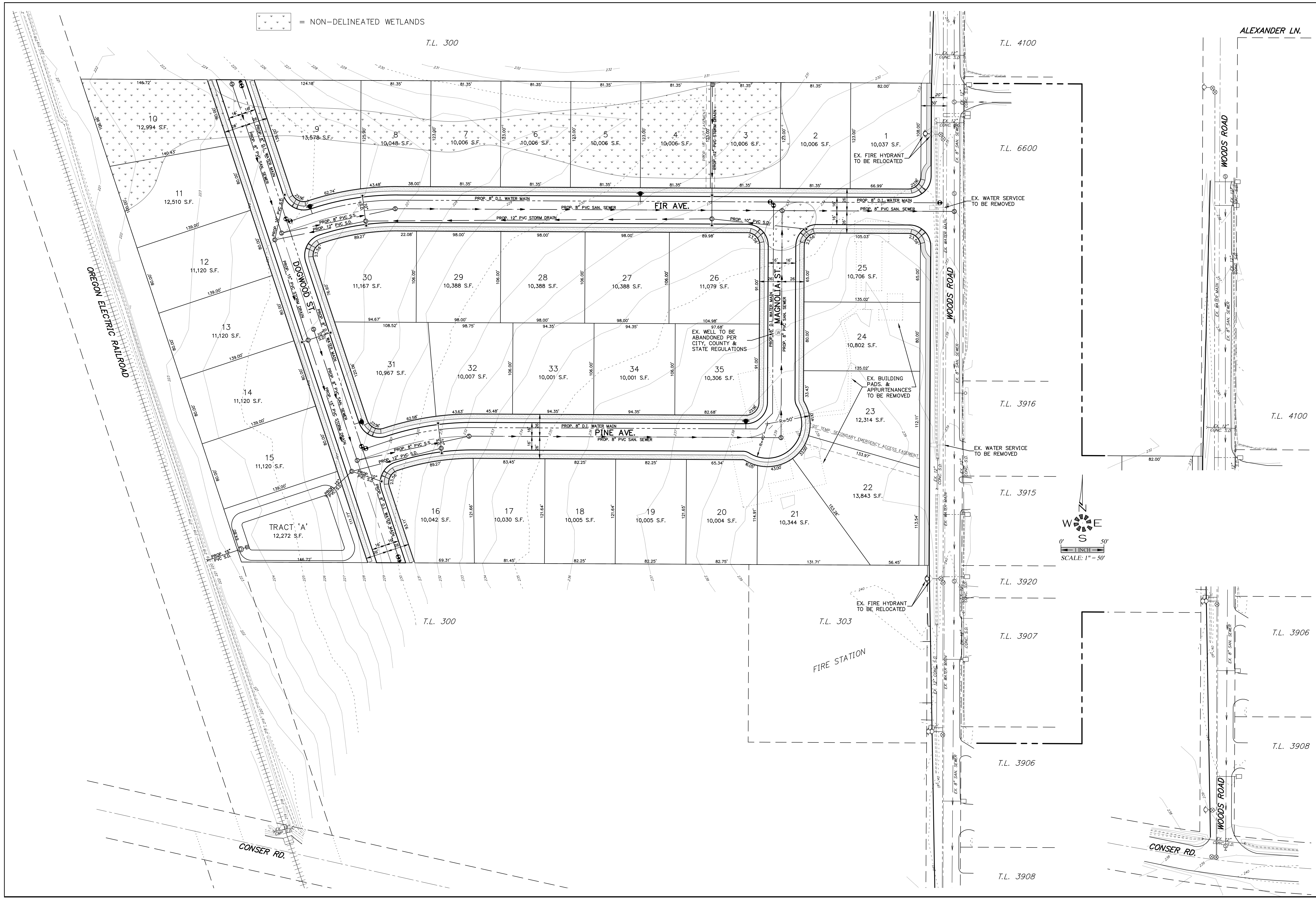
Design: M.D.G.
 Drawn: D.G.G.
 Checked: B.M.G.
 Date: JAN. 2018
 Scale: AS SHOWN
 As-Built:



EXPIRES: 06-30-2019
 JOB # 6605

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= NON-DELINEATED WETLANDS

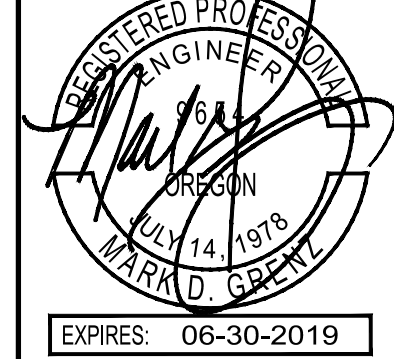


**TENTATIVE PLAT
 SITE LAYOUT**

**WESTWOODS
 ESTATES**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION. MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED

66059/PLOT:1 P2-SITE
 Design: M.D.G.
 Drawn: D.G.G.
 Checked: J.J.G.
 Date: JAN. 2018
 Scale: AS SHOWN
 As-Built:



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CITY OF MILLERSBURG APPLICATION FORM

DATE _____ FILE NUMBER _____

APPLICANT NAME Miko Perlmanfein
CONTACT ADDRESS 995 Commercial St. SE
CONTACT PHONE 503-363-9227 Salem, OR 97302

APPLICATION FOR: (Check Appropriate Box)

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

LOCATION:
PROPERTY ADDRESS 4440 + 4444 Woods Rd. N.E
ASSESSOR MAP NO. 10 3w 20 TAX LOT NO. 301 + 302

TOTAL AREA OF PROPERTY 11.49 acres (Acres or Square Feet)

EXISTING ZONING OF PROPERTY RR-2.5 UC

EXISTING COMP PLAN DESIGNATION Residential

EXISTING USE OF THE PROPERTY Existing SFD

REQUESTED ACTION AND PROPOSED USE OF PROPERTY:
See Attached Narrative + Site Plan

PROVIDE ADDITIONAL INFORMATION SHEETS AS NEEDED

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

APPLICANT SIGNATURE _____
Print Name & Sign

OWNER SIGNATURES Miko Perlmanfein Miko Perlmanfein
Print Name & Sign

CITY OF MILLERSBURG



CITY OF MILLERSBURG

SITE PLAN REQUIREMENTS

Section 2.140 of the Millersburg Land Use Development Code specifies Site Plans be drawn to scale on black/white reproducible sheets 8 1/2 x 11 or 11 x 17 inch. (X) out the number of non-applicable information. Provide the following information and locations describe below:

- (1) The names of the owner(s) and applicant if different.
- (2) The property address or geographic location and the Assessor Map and Tax Lot number.
- (3) The date, scale and northpoint.
- (4) A vicinity map showing properties within the notification area and roads.
- (5) A Site Plan with property dimensions.
- (6) The location, size, height and uses for all existing and proposed buildings.
- (7) Walkways, surfaced areas, yards, open space and areas to be landscaping.
- (8) Walls and fences: location, height and proposed materials.
- (9) Off-street parking: location, number of spaces.
- (10) Access: pedestrian, vehicular, service, points of ingress and egress.
- (11) Signs: location, size, height and means of illumination.
- (12) Loading: location, dimension, number of spaces, internal circulation.
- (13) Lighting: location, type (pole, building, ground, etc) and shielding devices.
- (14) Existing and proposed streets, dedications and improvements.
- (15) Topographic features including existing and proposed grades & vegetation.
- (16) Water systems, drainage systems, sewage disposal systems and utilities.
- (17) Drainage ways, water courses, flood plain and wetlands.
- (18) The estimated number of people that will occupy the site including family members, employees and customers.
- (19) The estimated number of generated trips per day from each mode of travel by type: employees, customers, shipping, receiving, etc.
- (20) The proposed time of operation, where appropriate. Including hours of operation, days of the week and number of work shifts.
- (21) Identification of the type and extent of anticipated emissions, potential hazards or nuisance characteristics generated by the proposed use.
- (22) A construction schedule and development phasing schedule.
- (23) Such other data as may be necessary to permit the Planning Commission to make the required findings.

TRANSMITTAL



DATE: January 17, 2018

JOB #: 6605

TO: City of Millersburg
4222 Old Salem Road NE
Albany, Oregon 97321

PROJECT: Woods Road

FROM: Brandie Dalton, Land-Use Planner

RE: ***SUBDIVISION APPLICATION***

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

COPIES	No.	DESCRIPTION

MESSAGE: ENCLOSED IS A SUBDIVISION APPLICATION FOR PROPERTY LOCATED AT 4440 AND 4444 WOODS ROAD NE (10 3W 20/TAX LOTS 301 AND 302).

IF YOU NEED ADDITIONAL INFORMATION OR ADDITIONAL COPIES, PLEASE CONTACT ME ASAP.

SIGNED: 
bdalton@mtengineering.net

Woods Road SUBDIVISION

The following are the required application statements addressing compliance with the subdivision criteria (Millersburg Land Division Ordinance Section 2.300) for development of approximately 11.49 acres into 36 lots and a Tract (Tract A) for water detention.

The subject property currently has a single-family dwelling located on it, that will be removed prior to development. The surrounding properties are acreage residential uses with single family dwellings and farm land. The subject property is located on the west side of Woods Road at 4440 and 4444 Woods Road NE (10 03W 20/Tax Lots 301 and 302). Development of the site as single-family parcels permits new single-family dwellings to meet all minimum applicable building setbacks in the underlying zone. The zone maps indicate that the subject and surrounding properties are zoned Rural Residential 2.5 Urban Conversion.

Lot Area: The proposed lots meet the minimum lot size of 10,000 square feet and meet minimum dimensional standards. The lots range in size from 10,001 square feet to 13,578 square feet in size, with an average lot size of 10,584 square feet.

Lot Width: The proposed lots all have a lot width ranging from 80 feet wide to 98 feet wide. Therefore, meeting the minimum 80-foot wide lot width requirement.

Lot Depth: None of the lots exceed the 3:1 lot depth to width ratio as shown on the site plan.

Setbacks/Building Heights: All setbacks and building height will be reviewed for compliance at the time of building permit submittal.

The lots are suitable for the general purpose for which they are likely to be used. No lots are of such a size or configuration that is detrimental to public health safety or welfare or sanitary needs of users of the lots. There are no variances to development standards needed to process this subdivision application.

Section 2.326 (1) Water Supply: The City of Millersburg has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities and public utility easements. The developer is responsible for the cost of extension of improved streets, water, sewer and storm drainage facilities necessary to serve the site. Internal development of public facilities necessary to serve individual lots will occur at the subdivision review and development stage.

There are existing public water lines available, as shown on the site plan, and are available for extension to serve the subject property and complete the connection. Individual lots will be served by water, sewer and storm drain lines as shown on the tentative plan. The tentative site plan shows the location and sizes of the proposed and existing public utilities. The extension of water facilities necessary to provide fire service is required upon development. Public facilities will be stubbed to adjacent boundaries of the subject property to facilitate looping of the systems.

Section 2.326 (2) Sanitary Sewer: There are existing public sewer lines within Millersburg Drive. Sewer lines will be extended to serve the proposed lots. As development fills in the surrounding parcels, sewer lines will be available to loop the connections. The tentative plan shows the location and sizes of the proposed sanitary sewer lines. There are no private septic tank systems proposed for any of the lots. Any wells and septic tanks on the subject property will be abandoned to State standards.

Section 2.326 (3) Covenants, Conditions and Deed Restrictions: There are no private streets, water, sewer or storm drain facilities proposed. Therefore, there are no proposed private documents needed for maintenance and operation of private facilities with this proposal.

Section 2.326 (4) and (5) Public Improvements: Public improvements are as shown on the tentative plan. The subject property is located on the west side of Woods Road NE. Woods Road NE will be fully improved within a 60-foot wide right-of-way width. The proposed internal streets are 52 feet wide. The street improvements include paving, curbs, five-foot wide hard-surfaced sidewalks on both sides, planting/sign strips, underground utilities and street lighting.

The widths and improvement of all streets are shown on the tentative plan.

Storm drainage plans are required to be submitted to and approved by the Public Works Department. Storm drainage facilities are shown on the tentative plan. Storm drain lines are proposed to be extended to an approved point of disposal. Roof drains and impervious surface drainage are required to comply with applicable building code requirements when homes are developed on the individual lots.

Public utility easements will be provided as required by the Public Works Department for water, sewer and storm drain lines. Permits are required at the time of construction. Applicable subdivision improvements conform the proposed subdivision to any applicable requirements of the code concerning cuts and fills. Completion of conditions of approval prior to the signing of the final plat satisfies this criterion.

Compliance with applicable fire/life/safety code requirements occurs as building permits are submitted to and reviewed by the City for issuance of building permits for the subject parcels.

Section 2.326 (6) Final Plat: All required plat notations under ORS Chapter 92 will be on the final plat.

Section 2.326 (7) Final Plat: There are no phasing proposals at this time. The final plat will be submitted to the City within the time frame required by code. Preliminary site work is planned to begin in Summer 2018.

Section 5.119 Wetlands & Riparian Areas: There are wetlands on the site. The applicant is currently working with DSL regarding wetlands.

Section 5.122 Transportation Standards: The applicant does not own or control the properties to the north or south of the subject property. The railroad is located to the west of the site. The proposed lot layout and sizes are influenced by configuration of the subject property and the need to accommodate street connections for future development to the north and south. The proposed subdivision provides for orderly development of the subject property through the application of appropriate rules and regulations.

The subject property fronts Woods Road which is a major street. A street will be stubbed to the north property line and a street will be stubbed to the south property line for future development of those properties. Additional right-of-way conveyance is planned along the frontage of Woods Road abutting the subject property to accommodate subdivision development. The circulation pattern within this area is enhanced after the street and sidewalk connection is completed. Improved streets and curbs are code requirements for development.

Section 5.131 Block Length: The general intent of the block length provision is that to take into consideration the needs for convenient access, circulation, control, and safety of street traffic.

The length of the blocks was taken into consideration at the time of design layout. As shown on the site plan, the subdivision provides more than adequate vehicle and pedestrian circulation.

Due to the location of the existing street alignments, required street connections, wetlands and the required lot size, additional street connections could not be provided in order to break up the block length.

An additional streets within the subdivision would create traffic flow issues and safety issues. Along with creating additional streets the City would have to maintain. As shown on the site plan, the proposed subdivision provides a safe an efficient circulation pattern throughout the development for vehicles and pedestrians. The layout of the site takes streets, the wetlands areas, the location of utilities, and lot size into consideration. There are several internal streets provided with sidewalks. The internal streets will provide residents convenient access and circulation to and from the subdivision.

The blocks, lots, and streets as proposed create a safe and convenient circulation pattern for vehicles and pedestrians. Therefore, meeting the intent of the Code.

Untitled Map

Write a description for your map.

4440 Woods Rd NE

Woods Rd NE

NE Woods Ave

Waverly Dr NE

Legend
4440 Woods Rd NE



500 ft

Google Earth

© 2018 Google

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

SEC. 20 T. 10S. R. 03W. W.M.
LINN COUNTY, OREGON
1" = 400'

SEE MAP 10 3W 17

1996-2-061
P.P.M.G.

SEE MAP 10 3W 21B

SEE MAP 10 3W 21

SEE MAP 10 3W 19

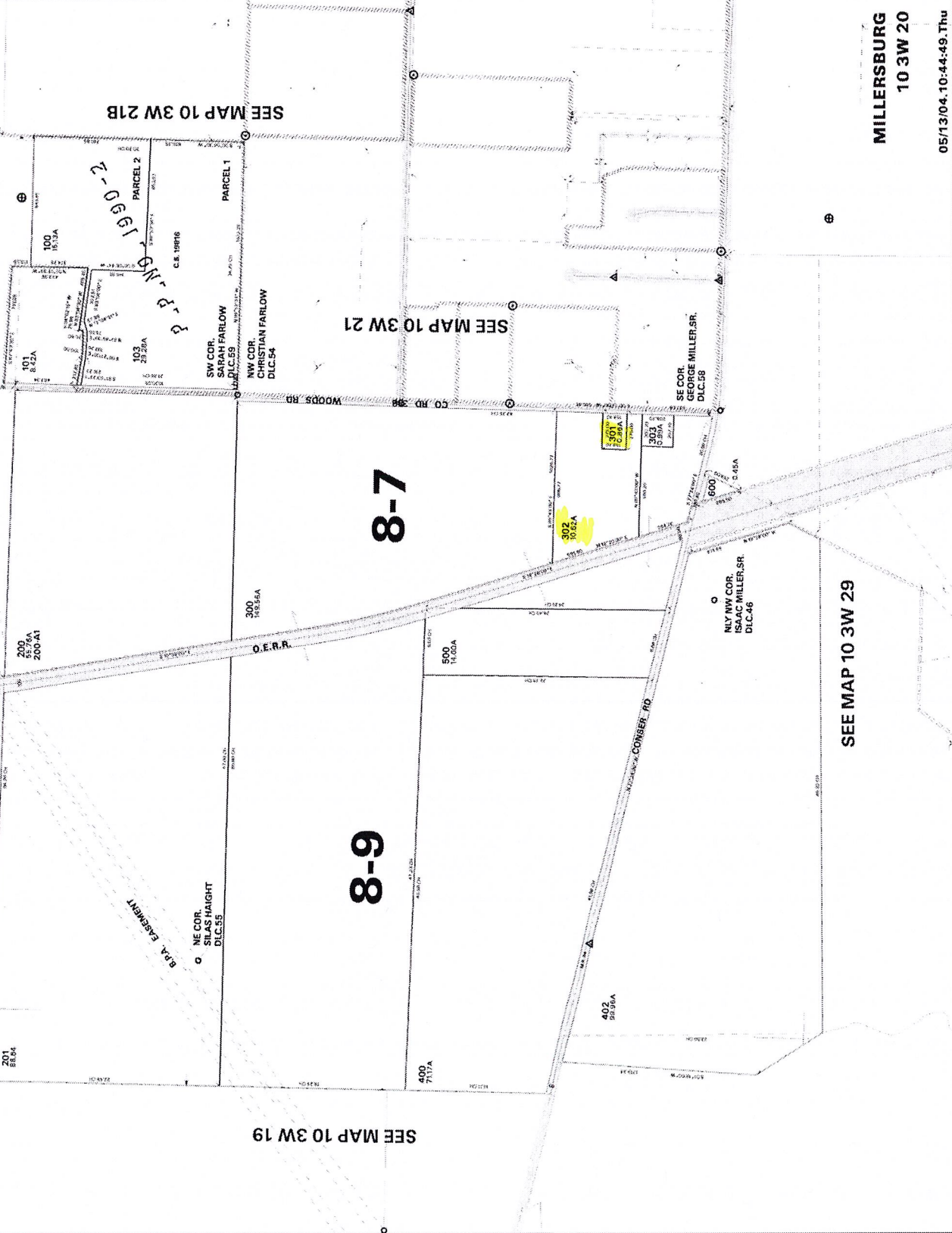
SEE MAP 10 3W 29

8-7

8-9

MILLERSBURG
10 3W 20

05/13/04, 10:44:49.Thu



Fidelity National Title # 00221703870

RECORDING REQUESTED BY:
Fidelity National Title
Company of Oregon

317 1st Ave. W, Ste 100
Albany, OR 97321

GRANTOR'S NAME:
Orr-Lyda Chowning

GRANTEE'S NAME:
Ed Perlenfein and Michael Perlenfein and Deloris Perlenfein

AFTER RECORDING RETURN TO:
Ed Perlenfein
1527 Industrial Way SW
Albany, OR 97322

SEND TAX STATEMENTS TO:
Ed Perlenfein
1527 Industrial Way SW
Albany, OR 97322

43410, 43428, 10S03W20-00-00301 and 10S03W20-00-00302
4440 NE Woods Road, Albany, OR 97321
4444 NE Woods Road, Albany, OR 97321

LINN COUNTY, OREGON **2017-16468**
D-CON
Stn=0 K. ADAMS **09/11/2017 04:09:01 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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONSERVATOR'S DEED

Susan E. Snell, as the duly appointed, qualified and acting conservator of the estate of Orr-Lyda Chowning, a protected person, pursuant to proceedings filed in Circuit Court for LINN County, Oregon, Case No. 17PR00609, conveys to Ed Perlenfein, a 50% interest and Michael Perlenfein and Deloris Perlenfein, as tenants by the entirety, all with rights of survivorship, Grantee, all the estate, right and interest of the above named protected person, in and to the following described real property in the County of Linn, State of Oregon:

Parcel I:
Beginning on the East line of and North 00°17' East 607.58 from the Southeast corner of the George Miller, Sr. Donation Land Claim No. 58 in Township 10 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 89°43' West 275.0 feet; thence North 00°17' East 158.40 feet; thence South 89°43' East 275.0 feet to the East line of said Claim No. 58; thence South 00°17' West 158.40 feet to the point of beginning.

Parcel II:
A tract of land in Section 20, Township 10 South, Range 3 West, in the County of Linn and State of Oregon, described as follows:

Beginning at 5/8" iron rod on the East line of and North 0°17' East 507.58 feet from the Southeast corner of the George Miller, Sr. Donation Land Claim 58 in Township 10 South, range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 89°43' West 837.91 feet to a 5/8" iron rod on the Easterly right-of way line of the Oregon Electric Railroad; thence North 18°20' West along said right-of-way 591.60 feet; thence South 89°43' East 1026.77 feet to the East line of said Claim 58; thence South 0°17' West 560.65 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to Eldon Chowning by deed recorded September 15, 1959 in Deed Book 267, Page 454, described as follows:

Beginning on the East line of and North 00°17' East 607.58 from the Southeast corner of the George Miller, Sr. Donation Land Claim No. 58 in Township 10 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 89°43' West 275.0 feet; thence North 00°17' East 158.40 feet; thence South 89°43' East 275.0 feet to the East line of said Claim No. 58; thence South 00°17' West 158.40 feet to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$375,000.00). (See ORS 93.030)

TO HAVE AND TO HOLD the same unto the second party, and the second party's heirs, successors-in-interest and assigns forever.

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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

CONSERVATOR'S DEED

(continued)

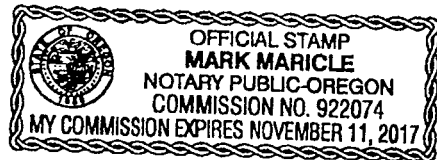
THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, 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: 9-8-17

Susan E. Snell
Orr-Lyda Chowning Susan E. Snell
State of OREGON County of WASHINGTON

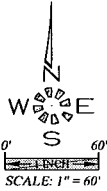
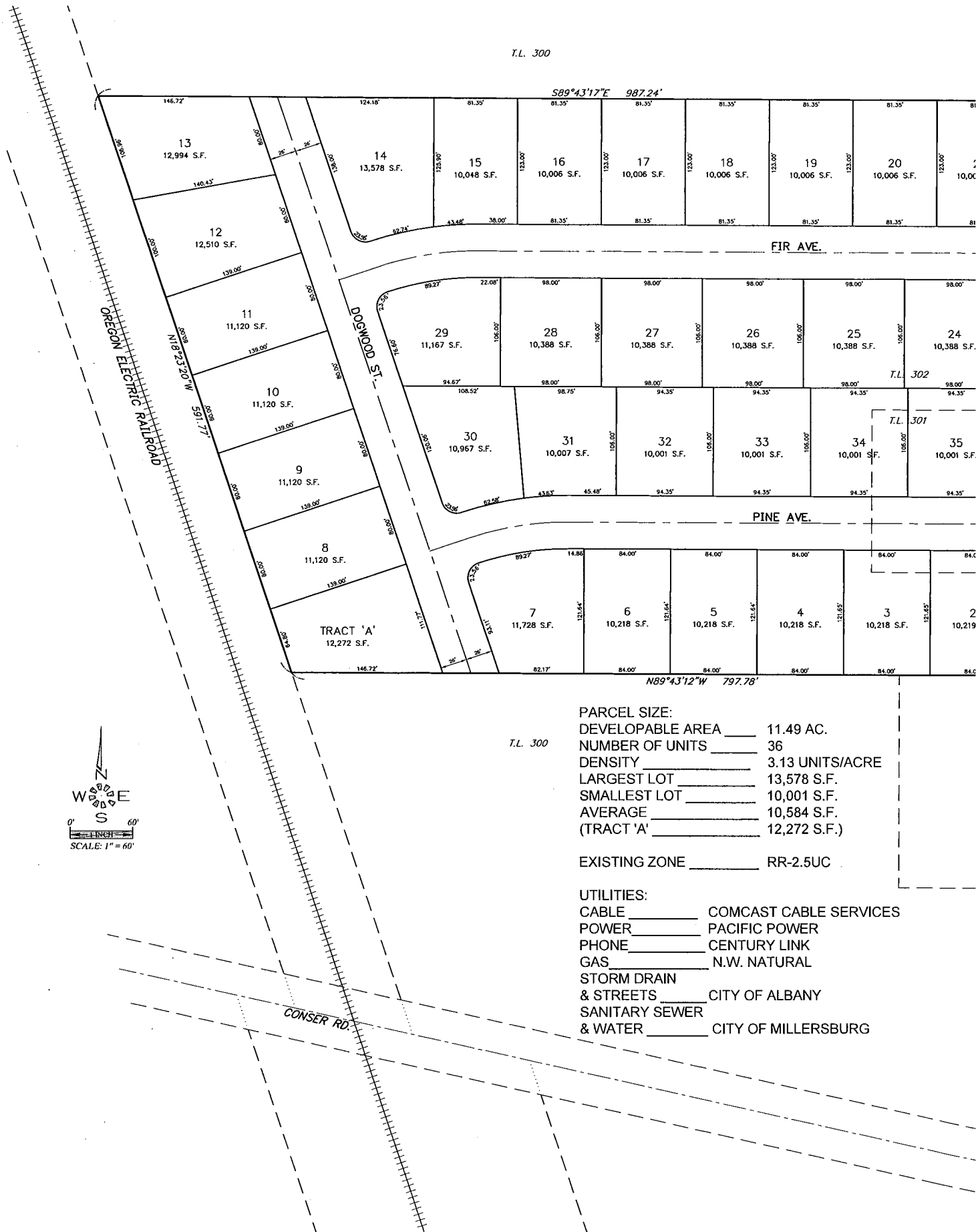
This instrument was acknowledged before me on September 8, 2017 by Susan E. Snell as Conservator of Orr-Lyda Chowning a protected person.

Mark Maricle
Notary Public - State of Oregon
My Commission Expires: 11/11/2017



T.L. 300

S89°43'17"E 987.24'



T.L. 300

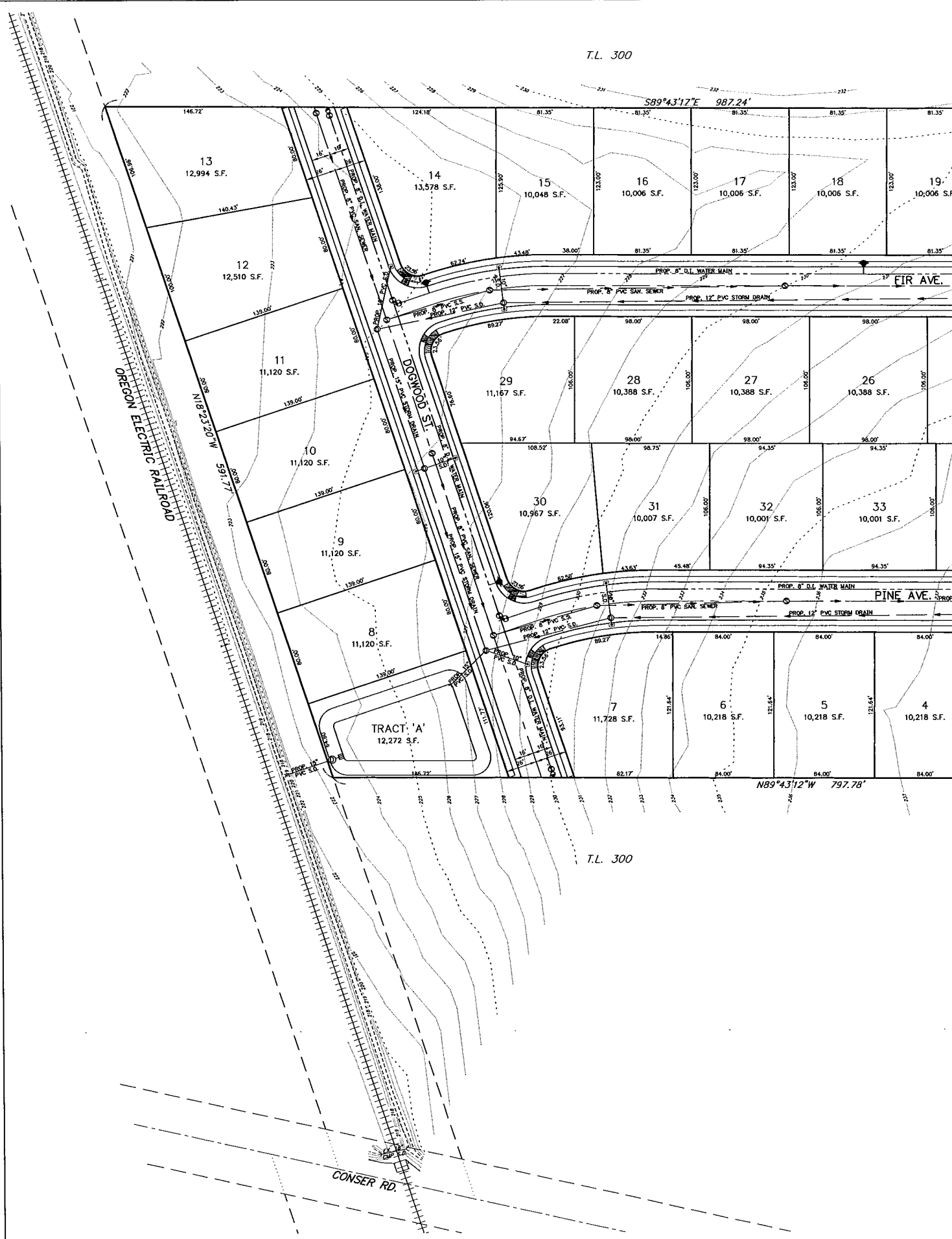
PARCEL SIZE:
 DEVELOPABLE AREA _____ 11.49 AC.
 NUMBER OF UNITS _____ 36
 DENSITY _____ 3.13 UNITS/ACRE
 LARGEST LOT _____ 13,578 S.F.
 SMALLEST LOT _____ 10,001 S.F.
 AVERAGE _____ 10,584 S.F.
 (TRACT 'A' _____ 12,272 S.F.)

EXISTING ZONE _____ RR-2.5UC

UTILITIES:
 CABLE _____ COMCAST CABLE SERVICES
 POWER _____ PACIFIC POWER
 PHONE _____ CENTURY LINK
 GAS _____ N.W. NATURAL
 STORM DRAIN _____
 & STREETS _____ CITY OF ALBANY
 SANITARY SEWER _____
 & WATER _____ CITY OF MILLERSBURG

T.L. 300

S89°43'12"E 987.24'



T.L. 300

Date: February 5, 2018
To: Brandie Dalton, Planner, MTE Services
From: Karl Birky, PE, PTOE
Re: Perlenfein Property Traffic



Ms. Dalton:

You have asked me to summarize some information related to the traffic aspects of the preliminary plan to develop 36 single-family home lots on tax lots 301 and 301 of tax map 10S03WSec20, in Millersburg, Oregon. The site is located west of Woods Rd, approximately 600' north of Conser Rd.

The site will have two access points on Woods Rd, a Major Collector on the ODOT city map of Millersburg. 36 single-family homes, when they are complete and occupied are estimated to generate 343 trips per day. 36 of those trips will be during the PM peak hour.

On November 29, 2017, counts were taken at the intersection of Woods Rd NE at Millersburg Dr NE. There were 21 vehicles on Woods Rd south of Millersburg Dr (10 SB and 11 NB) during the AM peak hour and 24 vehicles (13 SB and 11 NB) during the PM peak hour. The estimated ADT on Woods Rd south of Millersburg Dr is 240 trips per day, well within the expected capacity of a major collector.

If there is any additional information you or the City might find helpful, please do not hesitate to request it.

Regards,



Karl



WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2018-0063

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Matt Straite from city of Millersburg submitted a WLUN pertaining to local case file #: SD 18-01.

Activity location:

township: 10S range: 03W section: 20 quarter-quarter section:
tax lot(s): 301
street address:
city: Millersburg county: Linn
latitude: 44.683288 longitude: -123.078219

Mapped wetland/waterway features:

Oregon Removal-Fill requirement (s):

A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

Your activity:

- It appears that the proposed project impacts wetland and requires a wetland delineation.
- A state permit will be required for the proposed project because based on the submitted site plan wetlands will be impacted.

Contacts:

This is a preliminary jurisdictional determination and is advisory only.

Onsite visit by: Lauren Brown date: 02/14/2018

Comments: Please continue to work with Charles Redon at the Department of State Lands regarding the ground disturbance that has already occurred and future development.

Response by: Lauren Brown date: 02/20/2018

From: Scott Shepherd
To: [Matt Straite](#)
Subject: RE: Millersburg Project review request- SD18-01 Westwood Estates Subdivision
Date: Wednesday, February 28, 2018 2:01:44 PM

Matt sorry did not get back to you about SE118-01 and Millersburg Drive subdivision. As a district would like Hydrant flow completed prior to building in the sub divisions. At least 1000 gpm for homes at 3600 sqft or less.

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]
Sent: Tuesday, February 13, 2018 9:05 AM
To: corcutt@linnsheff.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; scott.shepherd@jeffersonfire.org; Chris.LaBelle@cityofalbany.net; Janelle Booth <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net
Subject: Millersburg Project review request- SD18-01 Westwood Estates Subdivision

The City of Millersburg is requesting your review of the attached project. Please see project transmittal for more information or contact me.

Matt Straite
City Planner
City of Millersburg
541.928.4523



Proposal: The applicant is requesting approval to subdivide 39.07 acres into 78 residential lots ranging in size from 10,000 sq. ft. to 26,988 sq ft (13,320 sq ft average) featuring a pond/lake, one natural open space tract and public streets.

I. BACKGROUND

- A. Applicant: Pacific National Development
PO Box 3550
Salem, OR 97302
- B. Location: 3002 Millersburg Drive NE
10S03W16 Tax Lot 1100
- 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 March 20, 2018. Any appeal of the Planning Commission decision will be considered by the City Council.
- D. Public Notice and Hearing: Notice of the March 20, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on February 22, 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: 39.07 Gross Acres
- I. Background: Based on aerial images, the site has been farmed since at least 1994 and features a single-family home with an out building and a reclaimed open pit mine filled in to be a pond/lake. All buildings are scheduled to be removed if the application is approved. The pond/lake will remain and become parts of many residential lots with a

proposed easement over the pond/lake, to allow an HOA to maintain the pond/lake. A subdivision was approved on the site in 2006 for 80 residential lots, but never recorded.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The Project was transmitted to the following agencies/departments on February 12, 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:

- Linn County GIS and Linn County Sheriff's Department both requested that the project use distinctive street names.
- Albany Fire passed on suggested conditions of approval.
- Pacific Power responded only to say they have no comments.
- The Department of State Lands responded indicating that State permits would be needed for any grading work more than 50 square feet. A condition of approval has been added to the project to echo such.
- Jefferson Fire requested fire flow specifications be meet.
- The City of Millersburg City Engineer provided suggested conditions of approval.

Public:

Notice of the March 20, 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.

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. In summary, with proposed conditions of approval, the project meets all standards.

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 subdivision contains mostly lots that are close to 10,000 sq. ft. Tract A is a natural open space lot that will not be permitted to further subdivide. Some lots within the subdivision are large enough to subdivide further, however, all are encumbered by power lines, the pond/lake, or wetlands. These lots would not be permitted to subdivide any further because of these mapped constraints.

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 undeveloped properties on the east and west of the existing lot. The design of the map includes street connections to the east and west of the development in order to provide vehicle access points to future developments. The property to the south of the proposed

subdivision features open space/wetland Tract to be preserved. A condition of approval has been added to assure the wetlands shown on Tract A and residential lots are not to be disturbed (see criterion 11).

FINDING: Based on the analysis above, with conditions of approval, 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 which is analyzed in greater detail further in this staff report. According to the City Transportation System Plan (TSP) Millersburg Drive NE is designated an Arterial. The existing right-of-way (ROW) on Millersburg Drive NE is 60 feet. The ultimate ROW is designed in the TSP and in the code as an 80-foot ROW. The project is proposing an additional 10-foot dedication to provide their fair share of the ultimate 80 foot ROW. Millersburg Drive NE is currently constructed to 60 foot ROW Arterial standards, as defined in the TSP. Therefore, construction of half street improvements is not required.

Streets proposed within the development include a local loop road, two points of access of off Millersburg Drive NE, two cul-de-sac and three stub streets, one to the west and two to the east, designed to connect to future developments. The internal streets are proposed at 52 feet in width, in conformance with City standards. All streets include full paving, curbs, five-foot sidewalks on both sides, planting strips, underground utilities and street lighting.

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 in detail further in this report for code sections 5.127, 5.128 and 5.129 respectively. As explained in these sections, with proposed conditions of approval, the project provides adequate services.

FINDING: Based on the analysis above, with proposed conditions of approval, 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 utilities have been sized to be able to accommodate neighboring

development and stub connections run in the east and west connecting streets.

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. The applicant's exhibits indicate that they are proposing to use storm drains throughout the project connecting to a City storm drain line located within Millersburg Drive NE. Based on the review by the City Engineer, the conceptual storm system proposed is adequate for the design of the subdivision. Detailed design calculations for sizing of storm water facilities and detention shall be submitted and reviewed by the City Engineer.

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, previously (and currently) farmed and devoid of any topographic, rock outcropping or other significant features except wetlands. The site does feature wetlands that are proposed for total avoidance. The application was sent to the Department of State Lands (DSL) for review and identification of any needed mitigation. In a reply the DSL required a wetland delineation be done and that the applicant obtain a Removal-Fill Permit prior disturbing any wetlands. The applicant has since provided the delineation report to both the City and the DSL proposing avoidance and thus eliminating the need for any mitigation or fill permits. A

condition of approval has been proposed that would require the applicant to comply with the requirements of DSL, should any fill be needed (though not proposed).

Additionally, the project site features a pond/lake. The pond/lake is an open pit mining reclamation feature and therefore features steep banks and significant depth. These create potential safety concerns. The pond/lake is considered jurisdictional waters as it contains fish. As designed, the pond/lake is avoided as far as impacts are concerned, however, the lots are proposed over the pond/lake, leaving the actual ownership of the pond/lake to seven future homeowners. To assure the pond/lake is safe, and properly maintained, staff and the applicant have agreed on the conditions of approval shown below to address these concerns.

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

PROPOSED CONDITIONS OF APPROVAL:

- The applicant shall comply with all requirements of DSL File number WN2017-0311 as outlined in correspondence from DSL dated 02/20/2018 and 2/12/2018 (provided by the applicant), specifically the applicant shall and obtain Removal-Fill Permits, if needed, prior to disturbing any soil. Said permit and delineation shall be provided to the City for the file.
- All wetland shown on the tentative plat, specifically wetlands shown on Tract A, and lots 13, 17, 18, 26, 27, and 29, 7-12, 33-39, 40-45, 47-49, 54-62, 70 and 71, shall include no build easements on the final plat.
- An easement shall be placed over the existing pond/pond/lake and its banks to allow access for maintenance by a Home Owners Association.
- A Home Owners Association shall be created to own and maintain Tract A and address maintenance of the pond/pond/lake. The HOA or the owners of the seven lots that share ownership of the pond/pond/lake shall carry general liability insurance with a policy with at least a \$1,000,000.00 limit, naming the City as additional insured and holding the City harmless.
- Security fencing shall be constructed around the pond/lake and along Millersburg Drive NE to the satisfaction of the City Engineer.

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 4.113(6)b MINIMUM URBAN LOT WIDTH

Minimum Urban Lot Width- 80 feet unless approved by the Planning Commission

ANALYSIS: The definitions section of the code explains that ‘property width’ is “the average horizontal distance between the side property lines, ordinarily measured parallel to the front line.” Lots 3, 7-12, 34, and 40 – 44, may not meet this standard. A condition of approval has been added to clarify with the final plat submittal either how this standard is met as designed, or to revise the design to make each lot conform to the standard. Alternatively, the Planning Commission has the authority to permit the lots as designed, in which case the condition would not be required.

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

PROPOSED CONDITION OF APPROVAL: The Final Plat shall clarify that lots 3, 7-12, 34, and 40 – 44 meet the 80 foot wide minimum property width standard as measured from the front property line or the average horizontal distance between the side property lines. If compliance with the standard cannot be demonstrated, the lots shall be modified to conform to 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 wetlands based on the exhibits provided by the applicant within proposed lots 13, 17, 18, 26, 27, and 29, 7-12, 33-39, 40-45, 47-49, 54-62, 70 and 71. Pursuant to code requirements, the project was submitted to DSL for review. With conditions of approval, the standards within this section are met, see criterion 11 for more detail.

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

PROPOSED CONDITION OF APPROVAL: The applicant shall comply with all requirements of DSL File number WN2017-0311 as outlined in correspondence from DSL dated 02/20/2018 and 2/12/2018 (provided by the applicant), specifically the applicant shall and obtain Removal-Fill Permits, if needed, prior to disturbing any soil. Said permit and delineation shall be provided to the City for the file.

SECTION 5.122 TRANSPORTATION STANDARDS

(5) Access management

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

ANALYSIS: Tract A, as shown on the map, does not show access for maintenance or fire prevention. In discussing this concern with the applicant's representatives, they have proposed that a condition be added requiring an access easement to be added to the Final Plat showing a 12' width of gravel access within a 15' easement between lots 61 and 62. A condition has been proposed below.

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

PROPOSED CONDITIONS OF APPROVAL:

- The Final Plat shall include a 15' access easement showing a 12' wide gravel path between lots 61 and 62 capable of supporting fire equipment consistent with the Fire code requirements.
- Prior to recordation of the Final Plat, the applicant shall construct a 12' gravel path within the 15' access easement located between lots 61 and 62 capable of supporting fire equipment consistent with the Fire code requirements for purposes of maintaining the wetlands and providing for fire department access to Tract A.

(b) Flag Lots are discouraged. They will be allowed when other alternative means of access cannot be provided. If permitted, the minimum access width shall be 25 feet. The following access to flag properties are preferred and may be approved by the Planning Commission.

ANALYSIS: The tentative map proposes flag lots on lots 17, 18, 49, and 54. Lots 17 and 18 were originally proposed as standard lots, however to avoid disturbance of the wetland, and avoid building a second bridge for the project (one is required to span over wetlands near lot 13), these flag lots were added to maximize the lot layout while avoiding wetlands. Both lots show a 25' access strip from the street. Staff has some concern with the two access points being located close together and directly across from the main entry to the subdivision. A condition of approval is proposed requiring a shared driveway for lots 17 and 18 to minimize the access points along Jaunt Ave. Regarding proposed flag lots 49 and 54, the code explains that flag lots, while discouraged, are permitted if the access strip is at least 25 feet wide. As shown on the map, both lots meet this standard. Lastly, lot 29 is not considered a flag lot but does take access using an easement that spans other proposed lots. This is to help assure that the proposed lot does not take access from Millersburg Drive NE which is an Arterial. Because lot 29 is not a flag lot, this section of code does not apply.

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

PROPOSED CONDITION OF APPROVAL: Flag lots 17 and 18 shall share a driveway. An access easement shall be placed over the two 25' access strips.

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 of landscape plans by the City Planner prior to the approval of final plat. Street trees are required in the condition consistent with Section 5.134. The sidewalks internal to the project show a planter strip between the street curb and the sidewalk, in conformance with g above; however, the improvements shown along Millersburg Drive NE do not meet this standard due to the existing conditions of the lake and the existing curb adjacent sidewalk. The code allows the Planning Commission to accept alternative designs. In this case such an accommodation is warranted given the existing conditions which include the fact that a significant retaining wall exist between the pond/lake and the sidewalk, the sidewalk exists in good condition, and, the Millersburg Drive NE is built to standard in this section.

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 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.

(7) Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division or project approval.

ANALYSIS: Additional street right of way dedication was required for Millersburg Drive NE and is shown on the Tentative Map. The applicant will be responsible for all street improvements. A condition of approval has been added to assure they are constructed prior to the issuance of any building permits.

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

PROPOSED CONDITION OF APPROVAL: 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.

(8) Half Street: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

ANALYSIS: The streets proposed interior to the development are all shown to have full width build out. The project is not required to build half-width improvements along Millersburg Drive NE.

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

(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 5.124 SIDEWALKS

(5) Sidewalks are required for Collector or Arterial Streets and shall be a minimum of five (5) feet in width separated by a landscape strip of 4 to 6 feet in width adjacent to the curb. Sidewalks may be approved adjacent to the curb where direct access is required. Sidewalks adjacent to the curb shall be a minimum of five (5) feet in width or a minimum of twelve (12) feet in width adjacent to Street Frontage Commercial properties. Planter openings adjacent to the curb are encouraged within the twelve (12) foot wide walks.

ANALYSIS: The plans show full sidewalks on both sides of all interior streets and the south side of Millersburg Drive NE. All sidewalks are included in the street right of way. All sidewalks are 5 feet in width with a planter strip between the residential lots and the streets. Existing sidewalks are also shown along Millersburg Drive NE, however they are shown on the plans as curb adjacent. However, as previously discussed, the sidewalk along Millersburg Drive should remain curb adjacent given the substantial retaining wall between the pond/lake and the sidewalk and because the street is already built to standards. Additionally, based on timing requirements a condition of approval has been added to specify that the sidewalks adjacent to lots on interior streets may be constructed at the time of home construction. All ADA ramps must be constructed prior to recording the final plat. Alternatively, if allowed by the City, the applicant may provide financial assurances for this work, in a form acceptable to the City.

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

PROPOSED CONDITIONS OF APPROVAL:

- Sidewalks adjacent to lots on interior streets may be constructed at time of home construction. ADA ramps and sidewalks on the west side of Millersburg Drive NE must be constructed prior to recording the final plat. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.

SECTION 5.125 BIKEWAYS

(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. Developments that would benefit from bikeways may be required to include bikeway improvements as a condition of approval by the Planning Commission. Where possible, bikeways should be separated from other modes of travel, including pedestrianways.

ANALYSIS: Millersburg Drive NE is an Arterial, and requires bike lanes; however, these are existing.

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

SECTION 5.126 STORM DRAINAGE

(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 7.200 WETLAND & RIPARIAN AREA STANDARDS - WR

(1) Regulation. Development within significant wetland or riparian areas is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Division of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other state and federal coordinating agencies including DLCD.

(2) Applicant Notice. All Applications for development of land within the City of Millersburg shall provide the City with information on the possible presence of wetlands or riparian areas on the property in conformance with Section 2.140 (15). The City shall provide written notice to the Applicant that there may be a potential need for state and federal permits due to the possible presence of wetlands or riparian areas on the property.

(2) **City Notice.** ORS 227.350 specifies that cities shall provide notice of proposed wetlands development to the Division of State Lands. The city shall provide notice to the DSL, the applicant and the owner of record, within 5 working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory Map or other sources utilized by the City

(a) **Subdivisions;**

ANALYSIS: The project exhibits submitted by the applicant showed wetlands on the property (see analysis on criterion 11). As such, the map was transmitted to the Department of State lands in accordance with the City requirements. Correspondence with DSL indicated that a wetland delineation was required. The applicant has since provided a delineation report to the City and the DSL that shows full avoidance of all wetlands, including a bridge spanning the wetland near lot 13. Additionally, as previously explained, DSL will require a Removal-fill permit issued by DSL prior to any ground disturbance activity should any wetlands be impacted (which is not anticipated). This is required by the State, however, a condition has been added requiring the applicant to provide any approved permit to the City for the files (see analysis for Section 2.328(11) above for details).

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

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 15 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. The application 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 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 the Subdivision Application for the Millersburg 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 Multi/Tech Engineering and dated September 2017 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 Plat to the satisfaction of the City Engineer.

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.
8. The applicant shall comply with all requirements of DSL File number WN2017-0311 as outlined in correspondence from DSL dated 02/20/2018 and 2/12/2018 (provided by the applicant), specifically the applicant shall and obtain Removal-Fill Permits, if needed, prior to disturbing any soil. Said permit and delineation shall be provided to the City for the file.
9. All wetland shown on the tentative plat, specifically wetlands shown on Tract A, and lots 13, 17, 18, 26, 27, and 29, 7-12, 33-39, 40-45, 47-49, 54-62, 70 and 71, shall include no build easements on the final plat.

Prior to approval of the public improvement plans

10. 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.
11. 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.
12. If applicable, design stormwater detention basins per the criteria in the City of Albany Engineering Standards E.8.00 – Stormwater Detention, except “City of Albany” shall be replaced with “City of Millersburg.” Maintenance of detention basin shall be the responsibility of the HOA.
13. Submit the final plat for review to the Planning Department.

Prior to Approval of the Final Plat

14. An easement shall be placed over the existing pond/pond/lake and its banks to allow access for maintenance by a Home Owners Association.
15. A Home Owners Association shall be created to own and maintain Tract A and address maintenance of the pond/pond/lake. The HOA or the owners of the seven lots that share ownership of the pond/pond/lake shall carry general liability insurance with a policy with at least a \$1,000,000.00 limit, naming the City as additional insured and holding the City harmless.
16. Security fencing shall be constructed around the pond/lake and along Millersburg Drive NE to the satisfaction of the City Engineer.
17. The Final Plat shall clarify that lots 3, 7-12, 34, and 40 – 44 meet the 80 foot wide minimum property width standard as measured from the front property line or the average horizontal distance between the side property lines. If compliance with the standard cannot be demonstrated, the lots shall be modified to conform to the standard.
18. The Final Plat shall include a 15’ public access easement showing a 12’ wide gravel path between lots 61 and 62 for creek maintenance and fire protection.
19. Prior to recordation of the Final Plat, the applicant shall construct a 12’ gravel path within the 15’ access easement located between lots 61 and 62 for purposes of maintaining the wetlands and for fire prevention access within Tract A.
20. 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.

21. Provide signage at the western and eastern 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."
22. 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.
23. 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.
24. The public improvement plans must be approved and constructed or bonded with development agreements prior to the City's approval of the final plat.
25. Provide approved traffic barriers at the west end of Canter Avenue and the east ends of Stroll Avenue, and Jaunt Avenue for future road extension.

Prior to recording the Final Plat

26. 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

27. 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.

Prior to Final Occupancy of any structure within the Subdivision

28. Sidewalks adjacent to lots on interior streets may be constructed at time of home construction. ADA ramps and sidewalks on the west side of Millersburg Drive NE must be constructed prior to recording the final plat. Alternatively, the applicant may provide financial assurances for this work, in a form acceptable to the City.
29. All public improvements shall be completed, inspected and approved, as applicable, by the City.
30. All agreements required as conditions of this approval must be signed and recorded.
31. Plant at least one street tree for each lot prior to a certificate of occupancy for the home on the lot.

32. 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.
33. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.
34. 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.
35. 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 following information on other requirements is provided for the applicant's information only. It is not part of the decision on this application.

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 of such to the City Engineer.
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. All proposed lots shall obtain approval from the City Engineer and connect to sanitary sewer.

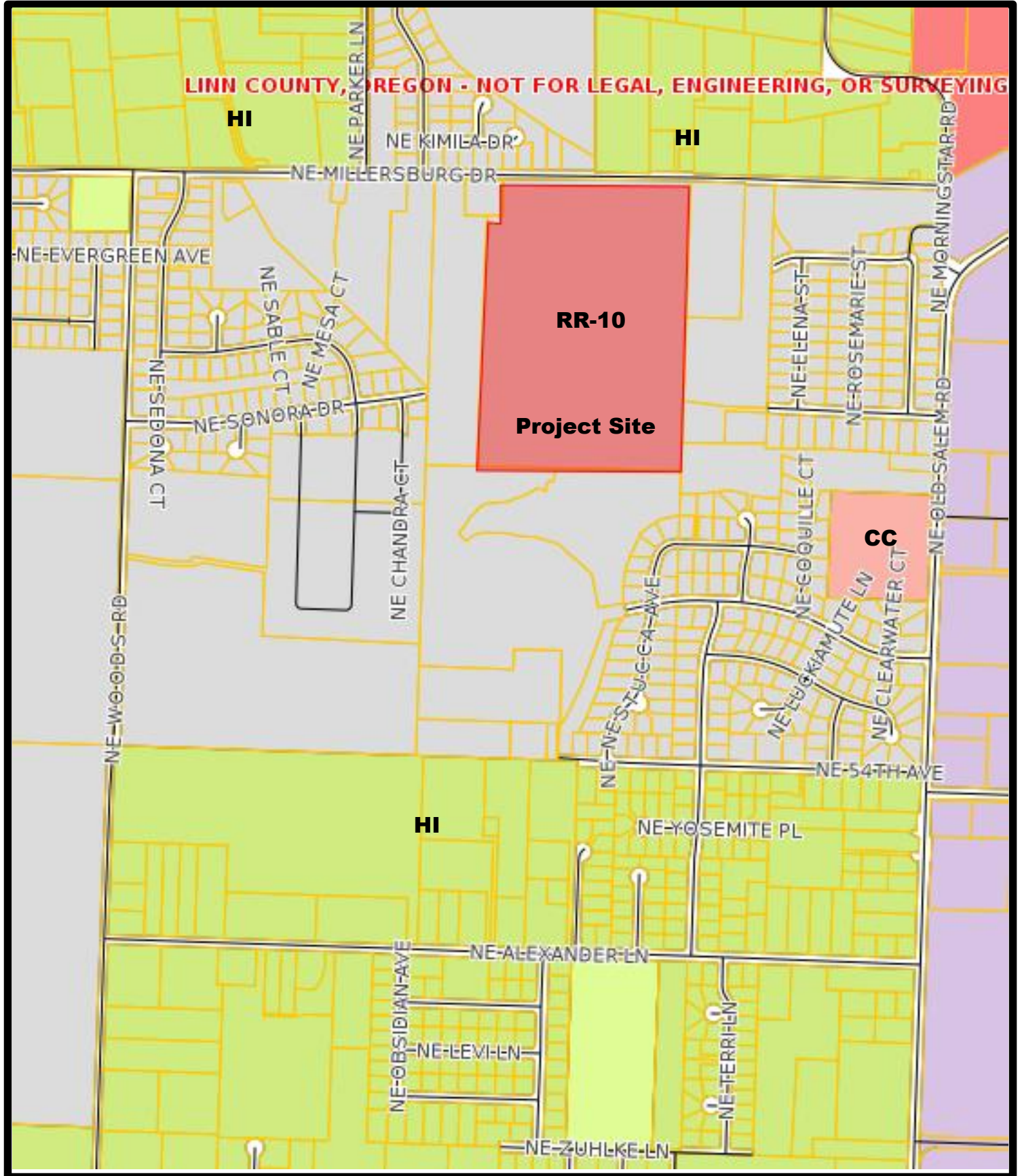
18. Any required joint mailbox facilities shall be installed. Please consult with the US Postal Service. Any Joint Mailbox facilities must be installed per U.S. Postal Service's "*Developers' Guide to Centralized Box Units*". The Developer shall provide a signed copy of the U.S. Postal Services "*Mode of Delivery Agreement*".
19. All required street signage and street lighting shall be approved by the City Engineer and installed.
20. 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.
21. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
22. 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.
23. 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.
24. 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. DSL Letter dated 2/20/18
- F. Albany Fire Letter dated 2/15/18
- G. Jefferson Fire email dated 2/28/18



Project Zoning Map

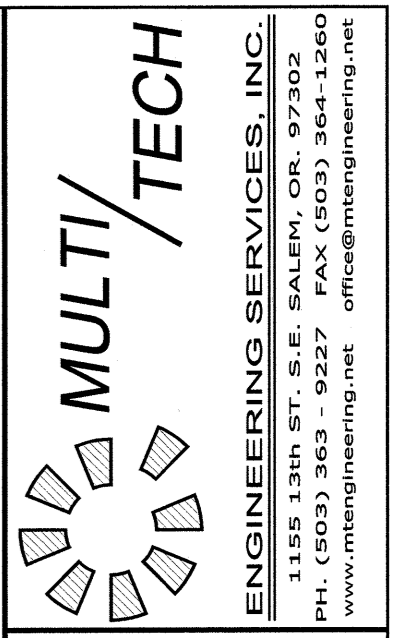
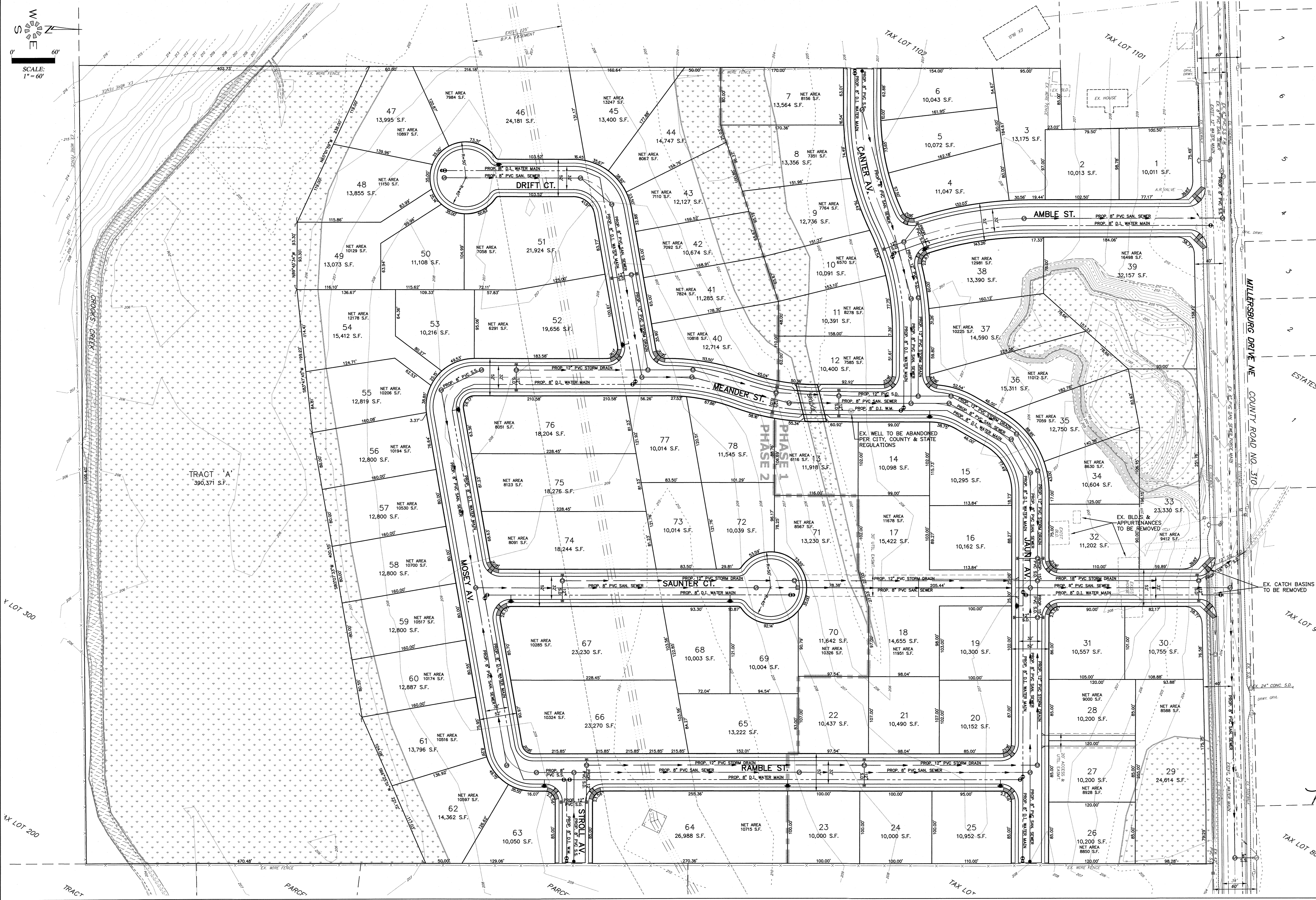


This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

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.

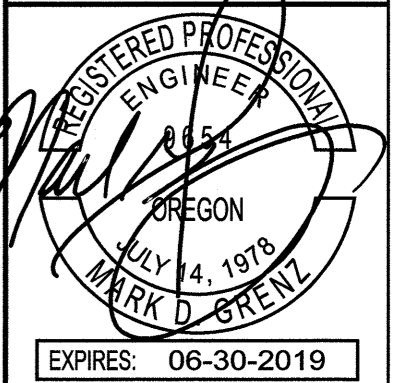


**TENTATIVE PLAT
SITE LAYOUT**

**MILLERSBURG
SUBDIVISION**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION. MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED

Design: M.D.G.
 Drawn: D.G.G.
 Checked: J.J.G.
 Date: SEPT. 2017
 Scale: AS SHOWN
 As-Built:



EXPIRES: 06-30-2019
 JOB # 6497

MILLERSBURG SUBDIVISION STATEMENT

The following are the required application statements addressing compliance with the subdivision criteria (Millersburg Land Division Ordinance Section 2.300) for development of approximately 39.07 acres into 78 lots. With Phase 1 consisting of Lots 1-41 and Phase 2 consisting Lots 41-37.

The subject property is currently vacant. The surrounding properties are acreage residential uses with single family dwellings and farm land. The subject property is located on the south side of Millersburg Drive (010S03W16/Tax Lot 1100). Development of the site as single-family parcels permits new single-family dwellings to meet all minimum applicable building setbacks in the underlying zone. The zone maps indicate that the subject and surrounding properties are zoned Rural Residential 10 Urban Conversion and Rural Residential 2.5 Urban Conversion.

Lot Area: The proposed lots meet the minimum lot size of 10,000 square feet and meet minimum dimensional standards. The lots range in size from 10,000 square feet to 32,157 square feet in size, with an average lot size of 13,320 square feet. Smaller lot sizes are not proposed with this application.

Lot Width: The proposed lots all have a lot width ranging from 80 feet wide to 100 feet wide. Therefore, meeting the minimum 80-foot wide lot width requirement.

Lot Depth: None of the lots exceed the 3:1 lot depth to width ratio as shown on the site plan.

Setbacks/Building Heights: All setbacks and building height will be reviewed for compliance at the time of building permit submittal.

The lots are suitable for the general purpose for which they are likely to be used. No lots are of such a size or configuration that is detrimental to public health safety or welfare or sanitary needs of users of the lots. There are no variances to development standards needed to process this subdivision application.

Section 2.326 (1) Water Supply: The City of Millersburg has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities and public utility easements. The developer is responsible for the cost of extension of improved streets, water, sewer and storm drainage facilities necessary to serve the site. Internal development of public facilities necessary to serve individual lots will occur at the subdivision review and development stage.

There are existing public water lines available, as shown on the site plan, and are available for extension to serve the subject property and complete the connection. Individual lots will be served by water, sewer and storm drain lines as shown on the tentative plan. The tentative site plan shows the location and sizes of the proposed and existing public utilities. The extension of water facilities necessary to provide fire service is required upon development. Public facilities will be stubbed to adjacent boundaries of the subject property to facilitate looping of the systems.

Section 2.326 (2) Sanitary Sewer: There are existing public sewer lines within Millersburg Drive. Sewer lines will be extended to serve the proposed lots. As development fills in the surrounding parcels, sewer lines will be available to loop the connections. The tentative plan shows the location and sizes of the proposed sanitary sewer lines. There are no private septic tank systems proposed for any of the lots. Any wells and septic tanks on the subject property will be abandoned to State standards.

Section 2.326 (3) Covenants, Conditions and Deed Restrictions: There are no private streets, water, sewer or storm drain facilities proposed. Therefore, there are no proposed private documents needed for maintenance and operation of private facilities with this proposal.

Section 2.326 (4) and (5) Public Improvements: Public improvements are as shown on the tentative plan. The street connecting to Woods Road NE and the western most internal street (running

north/south) will be fully improved within a 60-foot wide right-of-way width and a 36-foot wide curb-to-curb improvement. The proposed internal streets are 50 feet wide with 30-foot radius curb-to-curb improvement width. The street improvements include paving, curbs, five-foot wide hard-surfaced sidewalks on both sides, planting/sign strips, underground utilities and street lighting.

The widths and improvement of all streets are shown on the tentative plan.

Storm drainage plans are required to be submitted to and approved by the Public Works Department. Storm drainage facilities are shown on the tentative plan. Storm drain lines are proposed to be extended to an approved point of disposal. Roof drains and impervious surface drainage are required to comply with applicable building code requirements when homes are developed on the individual lots.

Public utility easements will be provided as required by the Public Works Department for water, sewer and storm drain lines. Permits are required at the time of construction. Applicable subdivision improvements conform the proposed subdivision to any applicable requirements of the code concerning cuts and fills. Completion of conditions of approval prior to the signing of the final plat satisfies this criterion.

Compliance with applicable fire/life/safety code requirements occurs as building permits are submitted to and reviewed by the City for issuance of building permits for the subject parcels.

Section 2.326 (6) Final Plat: All required plat notations under ORS Chapter 92 will be on the final plat.

Section 2.326 (7) Final Plat: There are no phasing proposals at this time. The final plat will be submitted to the City within the time frame required by code. Preliminary site work is planned to begin in Summer 2016.

Section 5.119 Wetlands & Riparian Areas: The southern 8.96 acres of the site (Tract A) is wetlands and will not be developed. Crooks Creek runs through the southern portion of the property, not trees or wetlands areas will be disturbed or developed.

Section 5.122 Transportation Standards: The applicant does not own or control the properties to the east, south, or west of the subject property. Therefore, the proposed lot layout and sizes are influenced by configuration of the subject property and the need to accommodate street connections for future development to the east and west. Do to the wetland areas located within the south partition of the property, providing a connection to the south is not feasible. The proposed subdivision provides for orderly development of the subject property through the application of appropriate rules and regulations.

The subject property fronts Millersburg Drive which is a major street. Two streets will be stubbed to the east property line and one will be stubbed to the west property line for future development of the east and west properties. Additional right-of-way conveyance is planned along the frontage of Millersburg Drive abutting the subject property to accommodate subdivision development. The circulation pattern within this area is enhanced after the street and sidewalk connection is completed. Improved streets and curbs are code requirements for development.

Section 5.131 Block Length: The general intent of the block length provision is that to take into consideration the needs for convenient access, circulation, control, and safety of street traffic.

The length of the blocks was taken into consideration at the time of design layout. Several of the blocks within the subdivision exceed the 600-foot block length maximum. As shown on the site plan, the subdivision provides more than adequate vehicle and pedestrian circulation.

Due to the location of the existing street alignments, required street connections, wetlands and the required lot size, additional street connections could not be provided in order to break up the block length.

An additional streets within the subdivision would create traffic flow issues and safety issues. Along with creating additional streets the City would have to maintain. As shown on the site plan, the proposed subdivision provides a safe an efficient circulation pattern throughout the development for vehicles and pedestrians. The layout of the site takes streets, the wetlands areas, the location of utilities, and lot size into consideration. There are several internal streets provided with sidewalks. The internal streets will provide residents convenient access and circulation to and from the subdivision.

The blocks, lots, and streets as proposed create a safe and convenient circulation pattern for vehicles and pedestrians. Therefore, meeting the intent of the Code.

CITY OF MILLERSBURG
APPLICATION FORM

DATE 01-07-2018 FILE NUMBER _____

APPLICANT NAME Waldo Classen

CONTACT ADDRESS 2120 Robins Ln SE Salem, OR 97306

CONTACT PHONE 503-798-5227

APPLICATION FOR: (Check Appropriate Box)

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

LOCATION:

PROPERTY ADDRESS 3002 Millersburg Drive NE

ASSESSOR MAP NO. 10503W16 TAX LOT NO. 1100

TOTAL AREA OF PROPERTY 39.07 acres (Acres or Square Feet)

EXISTING ZONING OF PROPERTY R.R-10 UC

EXISTING COMP PLAN DESIGNATION _____

EXISTING USE OF THE PROPERTY SFD + Vacant Land

REQUESTED ACTION AND PROPOSED USE OF PROPERTY: 78-lot Subdivision
See Attached Site Plans + Narrative

PROVIDE ADDITIONAL INFORMATION SHEETS AS NEEDED

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

APPLICANT SIGNATURE Waldo Classen
Print Name & Sign

OWNER SIGNATURES Waldo Classen
Print Name & Sign



WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2018-0061

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Matt Straite from city of Millersburg submitted a WLUN pertaining to local case file #: Millersburg subdivision.

Activity location:

township: 10S range: 03W section: 16 quarter-quarter section:
tax lot(s): 1100
street address:
city: Millersburg county: Linn
latitude: 44.696647 longitude: -123.06659

Mapped wetland/waterway features:

- The national wetlands inventory shows a wetland/waterway on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Oregon Removal-Fill requirement (s):

- A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

Your activity:

- A state permit will be required for the proposed project because of the site plan provided indicated that wetlands will be impacted.

Contacts:

Related wetland delineations/determinations:

WD #	Status
WD2017-0311	under Review

- This is a preliminary jurisdictional determination and is advisory only.



TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: February 15, 2018
SUBJECT: 3002 Millersburg Dr. NE – 78- Lot Subdivision - 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. Street names need to be approved at the time of the Final Plat. Please submit any new proposed names for approval as early as possible in the process (if they haven't previously been approved).
2. 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 ½ the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D107.1)

The proposal appears to not meet these criteria. Future plans shall show how these requirements will be met.

3. 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).

Portions of deep lots or those with long driveways may require a portion of the driveway to be a fire apparatus access lane (e.g.: lots 49, 54).

4. 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). This also applies to any lots with long driveways.
5. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer. Future submittals for Planning and Building permit approvals shall be annotated to show the turning radii provided at the intersections of all public and private fire apparatus access roads to be constructed. (OFC 503.2.4 & Appendix D 103.3)
6. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.
7. 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)

Page 2
March 12, 2018

8. The location and spacing requirements for fire hydrants are based on four project-specific criteria:
- The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
 - The calculated “fire flow” of the proposed building(s)
 - The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the properties.
 - The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

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.

9. 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

From: Scott Shepherd
To: [Matt Straite](#)
Subject: RE: Millersburg Project review request- SD18-01 Westwood Estates Subdivision
Date: Wednesday, February 28, 2018 2:01:44 PM

Matt sorry did not get back to you about SE118-01 and Millersburg Drive subdivision. As a district would like Hydrant flow completed prior to building in the sub divisions. At least 1000 gpm for homes at 3600 sqft or less.

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]
Sent: Tuesday, February 13, 2018 9:05 AM
To: corcutt@linnsheff.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; scott.shepherd@jeffersonfire.org; Chris.LaBelle@cityofalbany.net; Janelle Booth <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net
Subject: Millersburg Project review request- SD18-01 Westwood Estates Subdivision

The City of Millersburg is requesting your review of the attached project. Please see project transmittal for more information or contact me.

Matt Straite
City Planner
City of Millersburg
541.928.4523