



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, April 17, 2018
6:00 p.m.

Agenda

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. MEETING MINUTE APPROVAL
 - 1) Planning Commission Meeting & Public Hearing – 3-20-18
- E. QUASI-JUDICIAL PUBLIC HEARINGS
 - 1) Land Use File 18-01 Yutzie Partition. *The applicant is requesting approval to partition 5.31 acres into 2 residential lots, 0.38 acres and 4.93 acres.*
- F. ADJOURNMENT

Upcoming Meetings:

May 15, 2018 @ 6:00 p.m. – Planning Commission Meeting & Public Hearing



NOTICE OF PUBLIC MEETING CITY OF MILLERSBURG PLANNING COMMISSION

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

Minutes

- A. CALL TO ORDER: Commission President, Jimmy Kirkendall, called the meeting to order at 6:00pm.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL:
Members Present: Ryan Penning, John Sullivan, Anne Peltier, Steve Vogler, Scott Stimpson, Denis Gunner, Connie Lepin, Jimmy Kirkendall, and Ed Perlenfein.
Members Absent: None
Staff Present: Kevin Kreitman, City Manager; Jake Gabell, Deputy City Recorder; Janelle Booth, City Engineer; and Matt Straite, City Planner.
- D. MEETING MINUTE APPROVAL
- 1) Planning Commission Work Session Summary, 1-16-2018
 - 2) Planning Commission Work Shop Summary, 2-27-2018

Motion made by Commissioner Perlenfein to approve prior meeting minutes; seconded by Commissioner Peltier. Motion passed 7 to zero.

E. QUASI-JUDICIAL PUBLIC HEARINGS

Commissioner Ed Perlenfein recused himself from the decision on the Mike and Ed Perlenfein "Westwood Estates Subdivision" Planning Commission decision.

Public Hearing opened by Commission President Kirkendall.

- 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.*
 - i. Presentation by City Planner Matt Straite on the Westwood Estates Subdivision, including notification of a correction to the staff report, statement of lots 15-19 should be read 10-15.
 - ii. Statement from applicant: Ed Perlenfein made a statement about the project. He disagreed with the requirement of the wall

between the west properties and the railroad tracks. He requests that the City consider improving the road, curb, and sidewalks from the south corner of his project to Conser Road at the same time he improves Woods Road.

- iii. City Manager, Kevin Kreitman, addressed questions of commission members regarding the requirement for a temporary emergency vehicle road.
- iv. Assistant City Manager/City Engineer, Janelle Booth, spoke with the Commission about the stormwater basin after questions from Commissioners about the stormwater runoff and proposed detention basin. Following this discussion, the idea of a Homeowners' Association (HOA) was brought up. Mr. Kreitman noted that the City has, in the past, assumed responsibility for the basins, but does not want to assume ownership or liability now or in the future.

Action: Motion made by Commissioner Stimpson to approve the application and remove the requirements of the sound wall and the HOA; seconded by Commissioner Vogler.

1. Commissioner Lepin disagreed with the removal of the HOA, and stated that there should be a different solution. Commissioner Peltier also disagreed on the removal of the sound wall. Mr. Kreitman reminded the Commission that the City does not want ownership of the stormwater detention pond and that this was discussed at several City Council meetings.
2. Ms. Booth shared more information about the ownership of a stormwater basin and the stormwater system.

Motion to approve application passed with 5 in favor, 3 opposed, and 1 abstained.

- 2) Millersburg Subdivision. *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 lake, one natural open space tract and public streets.*
 - i. Presentation made by Matt Straite on the Millersburg Drive Subdivision, including noting a correction to the staff report that the statement of lots 15-19 should be read as 10-15.
 - ii. Presentation by the applicant's engineer, Jeremy Grenz, with discussion about storm drainage and other factors of the plan.
 - iii. Public comment by Linda Westbrook, 3057 Millersburg Drive, about the effect the new subdivision could make on the flooding on her property and surrounding properties. She explained the history of the area and the historic flooding problems. Ms. Westbrook requested that the approval of the application be postponed until after the City's stormwater master plan is completed and current flooding problems are solved. Ms. Westbrook, with approval of the Commission president, also provided an overview of Boyd and Edward Wright's letter included in the memo given to the

- Commission. The letter by the Wrights also highlighted the historic flooding problems in the area. The Wrights believe that the new subdivision would have a negative impact on their property.
- iv. Public comment by Bob Wrightman, 3170 Millersburg Drive, about the loss of farmland in Oregon. He also stated the flooding on his property has worsened since Millersburg Drive was improved.
 - v. Public comment by Lisa Hollifield, 3268 Millersburg Drive, noting she has worries about the effect the new subdivision will have on Crook's Creek. Ms. Hollifield subdivided her property within the past two years, and there are dedicated road easements that would, or could, connect from her property to the Millersburg Subdivision. She is requesting that access to her property be aligned with the current easements approved on her property. She requests that no access be further allowed into her property, aside from the already given road easements.
 - vi. Edward Ebbs, 3161 Millersburg Drive, gave a statement about the flooding problems on his property noting that the roads are acting as dams and that drainage is not sufficient.
 - vii. Rebuttal was provided by the applicant's engineer, Jeremy Grenz. He believes the stormwater plan is sufficient to meet standards set forth by the City. He is willing to work with the neighbors to line up roads, if needed.

Public hearing on the application closed by the President.

- viii. Assistant City Manager/City Engineer, Janelle Booth, provided the following:
 1. Regarding stormwater: there is no requirement for a developer to improve or fix a past stormwater issue. The development, as presented to the Commission, should have a net neutral effect on the stormwater in the area of the subdivision. She gave an update on the stormwater master plan project along with information about the upcoming open house. Additional stormwater standards were discussed, which will be within the stormwater master plan.
 2. Regarding the speed limit on Millersburg Drive: There is a lengthy process to change a speed limit. A solar speed sign will be added within the near future.
 3. Regarding a 2017 sewer problem: the Morningstar lift station has now been upgraded and is ready to meet 10-year build out demand.
- ix. Discussion between commission members and Matt Straite.

Action: Motion made by Commissioner Sullivan to approve the applications with all proposed conditions of approval; seconded by Commissioner Perlenfein.

1. Commissioner Stimpson commented that the Planning Commission denied several flag lots in the past several years.

Motion to approve application passed with 7 in favor and 2 opposed.

- F. Feedback from the Commission on the staff report format.
- 1) The Commission requested full size exhibits be provided to members in the future.
 - 2) The Commission requested that separated cases be stapled to keep them separated during the meeting.

G. ADJOURNMENT: Adjourned at 8:30 pm by President Kirkendall.

Upcoming Meetings:

May 10, 2018 @ 6:30 p.m. – City Council Meeting

May 15, 2018 @ 6 p.m. – Commission Meeting and Public Hearing

DRAFT



Proposal: The applicant is requesting approval to partition 5.31 acres into 2 residential lots, 0.38 acres and 4.93 acres.

I. BACKGROUND

- A. Applicant: Steve Yutzie
2764 Millersburg Drive NE
Salem, OR 97302
- B. Location: 2764 Millersburg Drive NE
10 3W 17DD Tax Lot 200
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed partition requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on April 17, 2018. Any appeal of the Planning Commission decision will be considered by the City Council.
- D. Public Notice and Hearing: Notice of the April 17, 2018 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on March 23, 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: 5.31 Gross Acres
- I. Background: Based on aerial images, the property has had no farming since 1994 and features a single family home with several out buildings. All 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 March 22, 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 Sheriff's Department had no comment
- Jefferson Fire had no comments
- City of Millersburg Engineer provided suggested conditions of approval

Public:

Notice of the April 17, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION OR PARTITION DECISION CRITERIA

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

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

ANALYSIS: The proposed subdivision creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive plan is located later in this report.

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 is proposing one 16,552.8 square foot parcel (Parcel 1) and leaving the bulk of the property undivided in a 4.93 acre parcel (Parcel 2). The City minimum lot size in this zone is 10,000 square feet. As such, Parcel 1 could not be further subdivided. Parcel 2 is still large enough to be further subdivided in the future. The site features flood plain and wetland constraints, which could impact future subdivisions. However, the design of the proposed partition does not limit the property in a way that would restrict further subdivision of Parcel 2.

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

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

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

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

- (6) That the proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.**

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

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

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

ANALYSIS: The project proposes connection for Parcel 1 into utilities within SW Millersburg Drive. These are sized adequately for the addition of the single family use that will result from the proposed partition. All utilities for Parcel 2 are existing.

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

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

ANALYSIS: All existing utilities are sized to be able to accommodate additional single family lot.

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 partition will create one additional parcel that will drain to SW Millersburg Drive. The property does feature flood plains and wetlands, however, the proposed additional parcel is located along the street and should not impact the drainage features in any way.

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 and floodplains, however these are located to the rear of the property and the proposed new parcel is located along the street to the north of the property. The application was sent to the Department of State Lands (DSL) for review and identification of any needed mitigation. No response was provided.

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

IV. STANDARDS

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

SECTION 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 GIS system for Linn County. Pursuant to code requirements, the project was submitted to DSL for review. DSL did not provide any comments. The proposed new Parcel will not be located near any wetlands and will not be impacting wetlands in any way.

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

SECTION 5.127 WATER

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

SECTION 5.128 SANITARY SEWERS

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

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

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

PROPOSED CONDITION OF APPROVAL: Proposed Parcel 1 must connect to city water and sewer when a dwelling is placed on the parcel. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

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

Section 9.100 Planning

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

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. PA 18-01 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 9.400 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 to support the development.

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

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Partition Application No. SD 18-01, Westwood Estates pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative subdivision development plans submitted by Udell Engineering Land Surveying, LLC and dated October 19, 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. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.

Prior to Any Ground Disturbing Activity

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

Prior to Approval of the Final Plat

5. Proposed Parcel 1 must connect to city water and sewer when a dwelling is placed on the parcel. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.

IX. NOTICES TO THE APPLICANT

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

1. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.

2. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
3. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
4. Decks, fences, sheds, building additions and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The Final Plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.
7. Wetlands and FEMA floodplain are present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).
8. 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.
9. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
10. 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.
11. **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.
12. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
13. 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.
14. 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.
15. 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.
16. 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

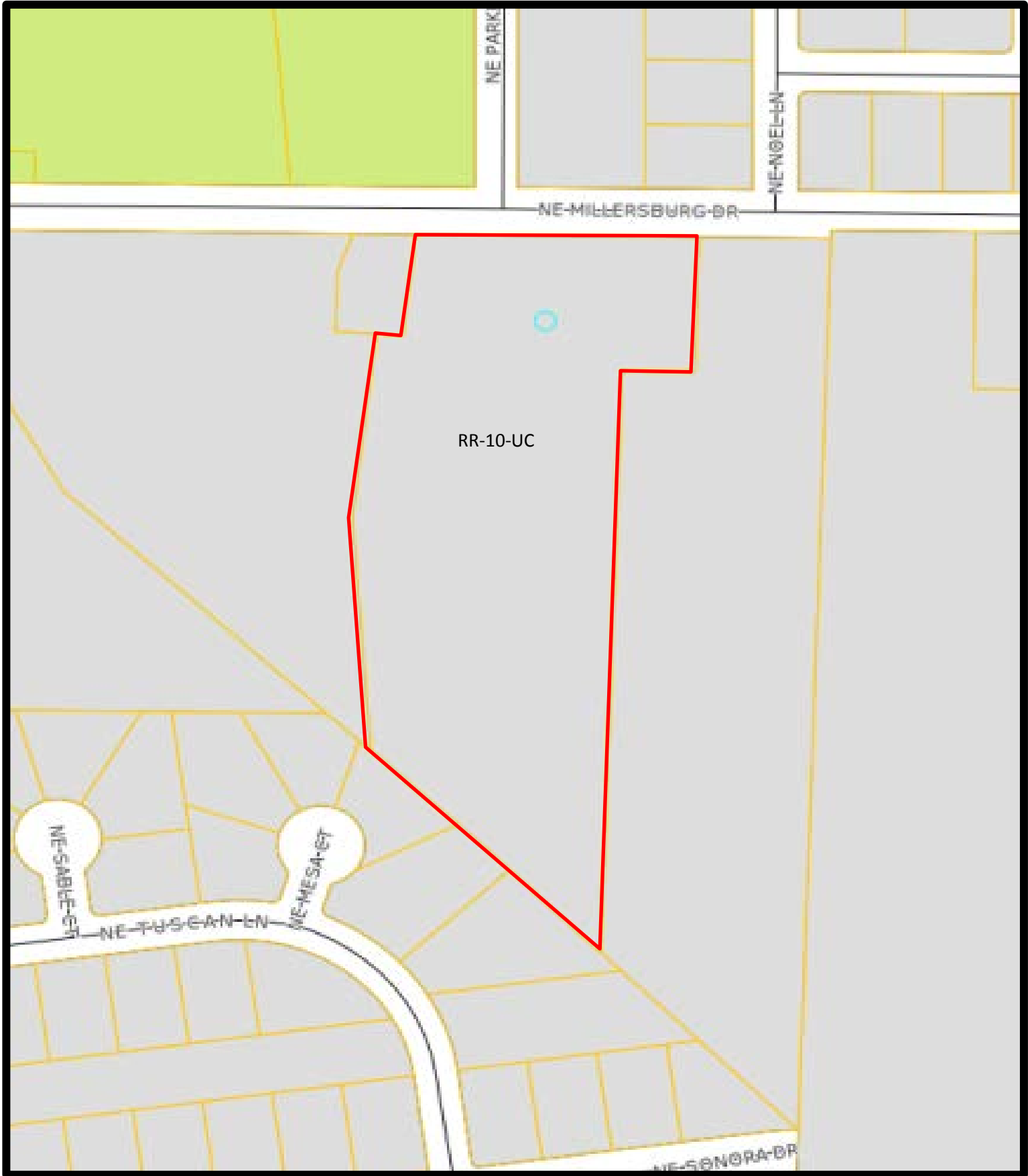
easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.

17. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
18. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
19. 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.
20. 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.
21. 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.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicants Site Plan/Map
- D. Applicants Narrative
- E. Albany Fire Letter dated 3/23/18
- F. Jefferson Fire email dated 3/22/18

Zoning Map PA 18-01

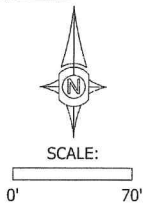
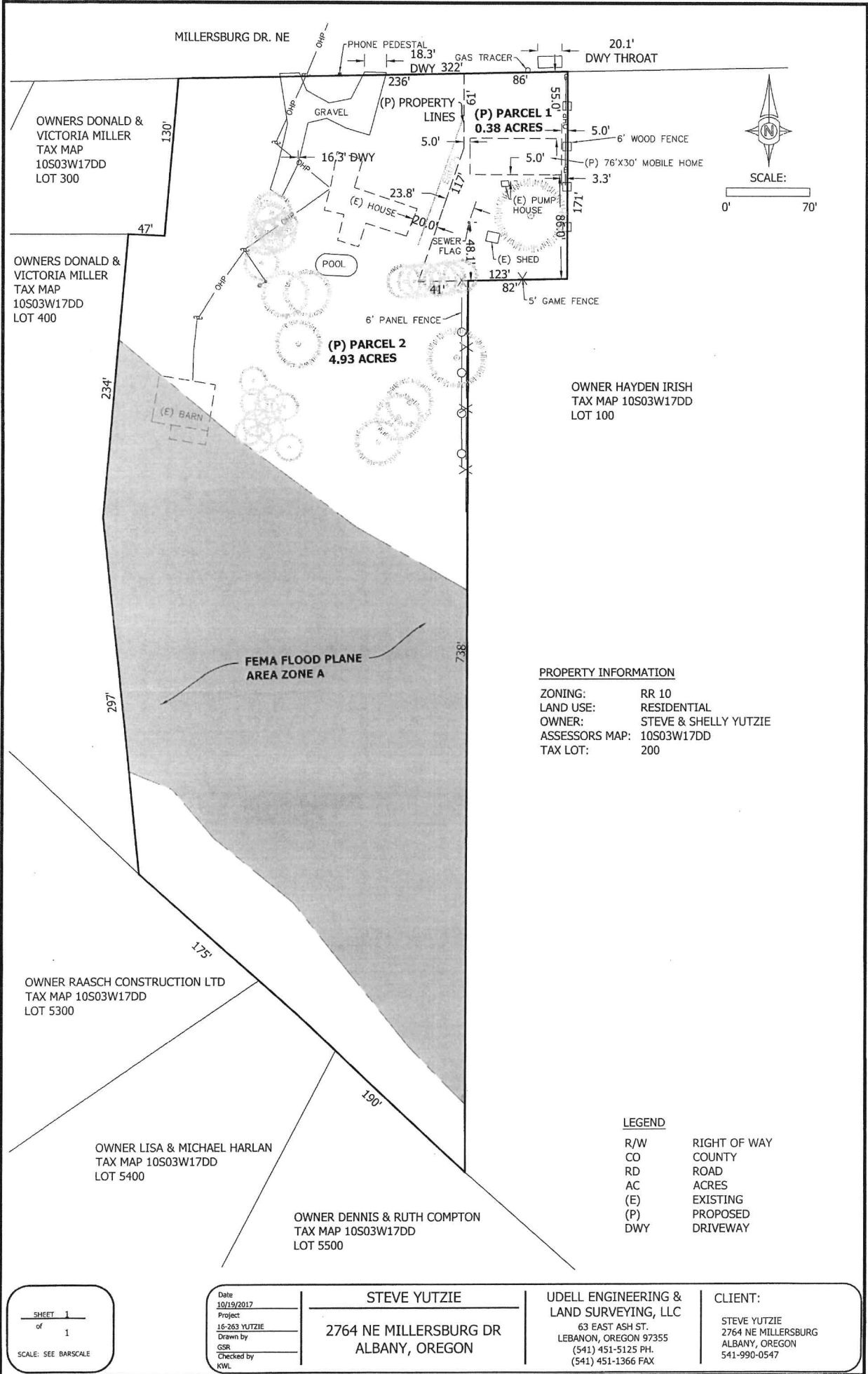


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Vicinity Map PA 18-01



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PROPERTY INFORMATION

ZONING: RR 10
 LAND USE: RESIDENTIAL
 OWNER: STEVE & SHELLY YUTZIE
 ASSESSORS MAP: 10S03W17DD
 TAX LOT: 200

LEGEND

R/W RIGHT OF WAY
 CO COUNTY
 RD ROAD
 AC ACRES
 (E) EXISTING
 (P) PROPOSED
 DWY DRIVEWAY

SHEET 1
 of 1
 SCALE: SEE BARS/SCALE

Date 10/19/2017
 Project 16-263 YUTZIE
 Drawn by GSR
 Checked by KWL

STEVE YUTZIE
 2764 NE MILLERSBURG DR
 ALBANY, OREGON

UDELL ENGINEERING & LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

CLIENT:
 STEVE YUTZIE
 2764 NE MILLERSBURG
 ALBANY, OREGON
 541-990-0547

16-263 YUTZIE MILLERSBURG

PARTITION APPLICATION

APPLICATION NARRATIVE

APPLICANT: STEVE YUTZIE

PROPERTY OWNER: STEVE & SHELLY YUTZIE
2764 MILLERSBURG DR. NE
ALBANY, OREGON 97321
541-990-0547

**ENGINEER/
SURVEYOR:** Udell Engineering and Land Surveying, LLC
KYLE LATIMER
63 E. ASH ST.
LEBANON, OR 97355
541-451-5125

PROPERTY LOCATION: 10 SOUTH, 03 WEST, 17DD

TYPE OF APPLICATION: 2 PARCEL PARTITION

Overview of Proposal

The proposal is to create two parcels from one existing parcel. Proposed parcel one will be 0.38 acres for a proposed mobile home. Proposed parcel two will be 4.93 acres for an existing residential dwelling.

Existing Conditions

The land is currently used for single family residential. Current land use will continue to be the same after the property line adjustment is carried out.

Approval Criteria:

City of Millersburg Development Code Criteria are shown in boldface type.

MDC SECTION 2.328 – Decision Criteria: Subdivision or partition tentative plan.

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

This property is zoned as RR-10-UC, Current land uses will continue after this land division is approved.

- 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.**

Current land use will continue after this land division is approved.

- 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.**

This proposal complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

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

Not applicable to this proposal.

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

The proposed land division will not affect development on adjoining properties.

- 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.**

Not applicable to this proposal.

- 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.**

Proposed parcel 1 will connect into city water, sewer, and utilities currently in place if/when a dwelling is placed on the parcel.

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

Not applicable to this proposal.

- 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.**

Not applicable to this proposal.

- 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.**

Not applicable to this proposal.

- 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.**

Not applicable to this proposal.

- 12. That the land division will not cause adverse impacts such as erosion, slide hazards and stormwater runoff due to excessive cut and fill of the property.**

Not applicable to this proposal.

- 13. That the land division will not cause adverse impacts to existing trees and plantings identified in Section 2.140, Item 15 of the Application Site for preservation.**

No trees are being removed due to this proposal.

- 14. That the Special site features identified in Section 2.324 (7) have been given consideration for preservation and utilization in the development.**

Not applicable to this proposal.

Summary:

The partition will create two parcels from one existing parcel. Proposed parcel one will be 0.38 acres for a proposed mobile home. Proposed parcel two will be 4.93 acres for an existing residential dwelling.



TO: Matt Straite, City Planner

FROM: Lora Ratcliff, Senior Deputy Fire Marshal

DATE: March 23, 2018

SUBJECT: 2764 Millersburg Dr. NE – Residential Land Partition - Fire Department Comments

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

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

The proposal meets these criteria.

2. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)

The proposal meets this criterion.

3. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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

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

Access and water supply are adequate.

Lora Ratcliff
541-917-7728

Lora.ratcliff@cityofalbany.net

Matt Straite, City Planner
3002 Millersburg Dr. NE – 78- Lot Subdivision - Fire Department Comments

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April 9, 2018

LAR/lar

From: Scott Shepherd
To: [Matt Straite](mailto:Matt.Straite); corcutt@linnsheff.org; dsterling@co.linn.or.us; Billers@nwnatural.com; sflickinger@co.linn.or.us; jseale@co.linn.or.us; Scott.Seaton@pacificcorp.com; jeff.r.lehmeyer@usps.gov; Chris.LaBelle@cityofalbany.net; [Janelle Booth](mailto:Janelle.Booth); planninglist@cityofalbany.net
Subject: RE: Request to review Millersburg project PA 18-01
Date: Thursday, March 22, 2018 4:26:23 PM

Jefferson Fire District has reviewed the project and has no concerns.

From: Matt Straite <mstraite@cityofmillersburg.org>
Sent: Thursday, March 22, 2018 3:28 PM
To: corcutt@linnsheff.org; dsterling@co.linn.or.us; Billers@nwnatural.com; sflickinger@co.linn.or.us; jseale@co.linn.or.us; Scott.Seaton@pacificcorp.com; jeff.r.lehmeyer@usps.gov; scott.shepherd@jeffersonfire.org; Chris.LaBelle@cityofalbany.net; [Janelle Booth](mailto:Janelle.Booth) <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net
Subject: Request to review Millersburg project PA 18-01

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