



**Summary:** The Tentative Decision was distributed for public review between August 27, 2021 and September 10, 2021. The City received comment letters from the City Engineer and Albany Fire.

Staff has approved the partition subject to the revised conditions of approval, finding that all criteria and standards were met with conditions of approval based on the accepted facts shown below. Staff relied on facts from the Staff Report, the applicant's materials, the City's Comprehensive Plan, State Rules and Statutes, City Codes and Ordinances provisions for the basis of the decision. This final decision can be appealed within 15 days to the Planning Commission.

Matt Straite  
City Planner

**Proposal:** The applicant is requesting approval to partition a 0.63-acre parcel into two parcels of approximately 10,802 square feet and 16,605 square feet with access from a private easement along Old Salem Road.

## I. BACKGROUND

- A. Applicant: Sona Athwal  
6732 Seven Mile Lane SE  
Albany, OR 97321
- B. Project Location: 4962 NE Old Salem Road  
10S 3W 21D Tax Lot 0200
- C. Review Type: Table 5.01.030 of the Millersburg Development Code explains that a partition requires a Type II review, which is a staff level review with a 14 day notice provided to the neighbors.
- D. Public Notice: Notice has been provided pursuant to Chapter 5.07 and 5.18 of the Millersburg Development Code. Notice was provided to all neighbors within 100 feet and all responsible agencies on August 27, 2021. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.07.060 Partitions
- F. Current Zoning: Residential Low (RL)

G. Proposed Zoning: N/A

H. Property Size: 0.63 Gross Acres

I. Background: The property surrounding the site has been divided several times through partitions. The last division that created the applicant's current property boundary was 2007-27. The applicant's property cannot be divided any further if this application is approved.

## II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

### Agencies:

The project was transmitted to the following agencies/departments on August 27, 2021: City of Albany, Albany Fire Department, City of Millersburg Engineer, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and PacifiCorp.

The City Engineer responded in a letter dated September 8, 2021 with comments and conditions. Albany Fire responded in a letter dated August 27, 2021 with comments and conditions. Last, the Country Road Department responded with a series of email and letters dated September 9, from Stephanie Taylor, and a letter sent by Chuck Knoll dated September 7, 2021. All requested conditions have been added.

### Public:

Notice of this tentative decision was sent out to neighbors of the site on August 27, 2021. The notice was mailed to all property owners within 100 feet of the property. No public letters were received.

## III. CRITERION

### CITY OF MILLERSBURG DEVELOPMENT CODE

#### Chapter 5

#### Section 5.07.060 Partition Decision Criteria

Approval of a partition shall be subject to the following decision criteria:

- (1) **Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.**

**ANALYSIS:** The proposed partition is in the Residential Low (RL) Zone. The lot dimensional standards in the RL zone are a 10,000 square foot minimum. The proposed parcels are approximately 10,802 square feet and 16,605 square feet. All zone standards are met. Setbacks are not used in partitions, but the design of the parcels will be able to accommodate setbacks.

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

**(2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.**

**ANALYSIS:** The Development Code includes standards for lot/parcel designs from Article 4. These are covered below in more detail in section IV of this staff report. All Article 4 standards are met with conditions of approval.

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

**(3) Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.**

**ANALYSIS:** The property is currently vacant.

**FINDING:** This criteria does not apply.

**(4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy.**

**ANALYSIS:** The project site has been divided in the past. Five parcels near the site share a single access point from Old Salem Road. Because Old Salem is an arterial, no additional driveways from the street are permitted. As such, the two new parcels proposed by the applicant will also share the access easement currently in use by other neighboring parcels. All existing parcels and access easements in the neighborhood were created prior to the new development code.

It is important to add that the current lot owned by the applicant could have one single family home built using the existing access easements in place. If the applicant divided the property, one of the new parcels could still use the easement, just as if no division took place. The second parcel of the newly divided property could take access directly from the main street, except in this case, the main street is an arterial. However, because Old Salem is an arterial no homes can take access. Therefore, allowing both new parcels to take access from the existing easement will continue to minimize the number of driveways on Old Salem Road.

Having that said, it is critical to assure that the shared driveway is at least wide enough for two cars to use at the same time, thus preventing possible stacking on Old Salem Road. Old Salem Road is under the jurisdiction of Linn County. The Applicant must comply with Linn County's requirements for a 22-foot wide paved approach and sidewalk reconstruction to meet ADA within the Linn County right-of-way as outlined in the attached letter. Outside of the Linn County right-of-way

the driveway must meet fire code and City of Millersburg requirements, including a 20 ft wide paved surface (asphalt or concrete) in accordance with Section 3.03.081 of the Millersburg Development Code. Due to existing conditions within the easement to the north, the proposed 10 ft underground easement along the north side of the property should be extended to Old Salem Road and modified to include access to accommodate the full 20 ft pavement width. Conditions have been added to assure compliance with the standards of the City, the County and the Fire Department.

Regarding the length of the required paved area, the Development Code in Section 3.03.080(1) explains that all driveways must be paved. The applicant is therefore responsible for paving the section of driveway (both shared and that in front of the garage doors) that is required for access to the two new homes that will be built on the proposed partition property.

All other public facilities such as water and sewer are available at the property.

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

#### **CONDITIONS OF APPROVAL:**

- Prior to the City approval of the final plat, the driveway shall be improved, to be at least 20 feet wide, and the access driveway for the section fronting the applicant's property shall feature paving at least 20 feet in width.
- Prior to the City approval of the final plat, the applicant shall demonstrate proof to the City that the existing access easement has been revised to allow access to the additional parcel created through this partition.
- Parcels shall take access through the existing shared driveway easement from Old Salem Road.
- The driveway from Old Salem Road shall be extended to feature a 22-foot wide paved approach and sidewalk reconstruction to meet ADA. Outside of the Linn County right-of-way the driveway must meet fire code and City of Millersburg requirements, including a 20 ft wide paved surface (asphalt or concrete) in accordance with Section 3.03.081 of the Millersburg Development Code. Due to existing conditions within the easement to the north, the proposed 10 ft underground easement along the north side of the property shall be extended to Old Salem Road and modified to include access to accommodate the full 20 ft pavement width. The driveway shall be paved for the entire length that is required for access to the two new homes that will be built on the proposed partition property (for both the shared driveway and the driveway in front of the garage doors).

#### **IV. STANDARDS**

The proposed land division design complies with all the specifications and design requirements of Article 3 and 4 of the Millersburg Development Code. Areas that require

additional conditions of approval to full comply or Code standards or that require analysis to explain how they meet the requirements, are shown below.

**Section 3.01.030 Application of Public Facility Standards**

This section explains the general improvements required for partitions. More specifically the Code requires the following, as shown in Table 11:

Land Use Activity	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike & Ped
Partition (with utilities)	No, unless required, by Fire	C-2*	Yes	Yes	Yes	No	C-2

\*C-2 requires full street improvements including sidewalks for lots under 2.5 acres and discusses street frontage fee requirements.

**ANALYSIS:** The proposed partition is providing water and sewer connections to both parcels. The project frontage along Old Salem Road is already fully built out. The frontage along the easement is a private driveway and does not require frontage improvements as shown above.

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

**Section 3.04 Storm Drainage**

All development in the City is required to provide for storm drainage. A partition is considered development.

**ANALYSIS:** The applicant did not provide details regarding drainage. A drainage plan will need to be submitted.

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

**CONDITION OF APPROVAL:** Prior to City approval of the final plat, the applicant shall submit for approval a storm drainage plan for the site, including public infrastructure, that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer. Construction of the approved storm drainage facilities is required prior to approval of the final plat.

**Section 4.02.030 Standards for Lots or Parcels**

This section includes many standards for partitions. These include:

- o Lot to depth requirements - the depth shall not be more than three times the width.
- o All new lots shall provide at least 40 feet of frontage.

- Flag lots must have an access strip of at least 25 feet in width with an improved surface, and the access strip cannot exceed 150 feet in length without a turnaround.
- Through lots shall be avoided.
- Lot lines shall run at right angles when possible.
- Utility easements may need to be provided.

**ANALYSIS:** The project proposes two parcels. Parcel 1 is 80 feet wide and 135 feet deep. These meet the lot to width ratio requirements.

Parcel 1 features 135 feet of frontage on Old Salem Road. Parcel 2 would be considered a flag lot and complies with all flag lot rules.

None of the parcels are considered through parcels, and all lot lines are some form of a right angle. Utility easements are provided for parcels 1 and 2.

**FINDING:** Based on the analysis above, the project meets the standards.

## **V. ACTION**

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff approves the Partition Application No. PA 21-05, Athwal Partition, pursuant to the conditions of approval listed below.

## **VI. CONDITIONS OF APPROVAL**

### **General Conditions**

1. Development and construction on the site shall conform substantially to the tentative partition development plans submitted by the applicant dated 8/18/21 and included in this staff report, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer and the Building Official (Linn County). All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
2. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final Plat.
4. Proposed Parcels 1 and 2 must obtain water and sewer connection permits and connect to city water and sewer mains at the time of building permits. Applicant shall be responsible for all costs associated with making utility connections.

5. Water services shall be connected at existing meter boxes in the sidewalk along Old Salem.
6. Sewers shall be connected to the existing sewer main which runs along the eastern side of the property, within a public utility easement. The owner is responsible to obtain a sewer connection permit from the City and hire a licensed and bonded contractor to perform the work to connect to the main line and install a cleanout at the edge of the easement.
7. Parcels shall take access through the existing shared driveway easement from Old Salem Road.
8. The driveway from Old Salem Road shall be extended to feature a 22-foot wide paved approach and sidewalk reconstruction to meet ADA. Outside of the Linn County right-of-way the driveway must meet fire code and City of Millersburg requirements, including a 20 ft wide paved surface (asphalt or concrete) in accordance with Section 3.03.081 of the Millersburg Development Code. Due to existing conditions within the easement to the north, the proposed 10 ft underground easement along the north side of the property shall be extended to Old Salem Road and modified to include access to accommodate the full 20 ft pavement width. The driveway shall be paved for the entire length that is required for access to the two new homes that will be built on the proposed partition property (for both the shared driveway and the driveway in front of the garage doors).
9. Prior to City approval of the final plat, the applicant shall submit for approval a storm drainage plan for the site, including public infrastructure, that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer. Construction of the approved storm drainage facilities is required prior to approval of the final plat.

#### **Prior to Approval of the Final Plat**

10. The Developer is required to provide a site-specific drainage plan, including means to detain peak flows so that runoff rates for the new development do not exceed bare land runoff rates, along with supporting calculations to collect, route, and discharge stormwater to an approved discharge point. The drainage plan must be approved by the City Engineer prior to recording the final plat. The drainage plans shall conform to the Albany Engineering design standards, to the satisfaction of the City Engineer.
11. The applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter dated August 27, 2021 have been met to the satisfaction of the Fire Department.
12. The Final Plat shall be submitted for review by City staff prior to recording said plat with the County. The plat shall be drawn by a licensed land surveyor.
13. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are typically due at the time of connection.

14. The Final Plat shall include any required access or utility easements.
15. Prior to City approval of the Final Plat, the application shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.
16. Prior to the City approval of the final plat, the applicant shall demonstrate proof to the City that the existing access easement has been revised to allow access to the additional parcel created through this partition.
17. Payment of all applicable connection charges in effect at the time of partition approval is due prior to recordation of the final plat.

---

### **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. All roof drains and yard drainage must be piped or trenched to an approved discharge point. Improved lots may not drain onto neighboring properties. Applicant must provide proposed drainage plan for approval.
2. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.
3. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
4. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The Final Plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.
7. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

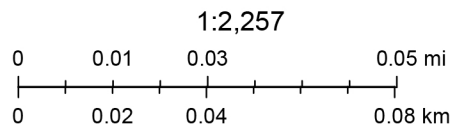
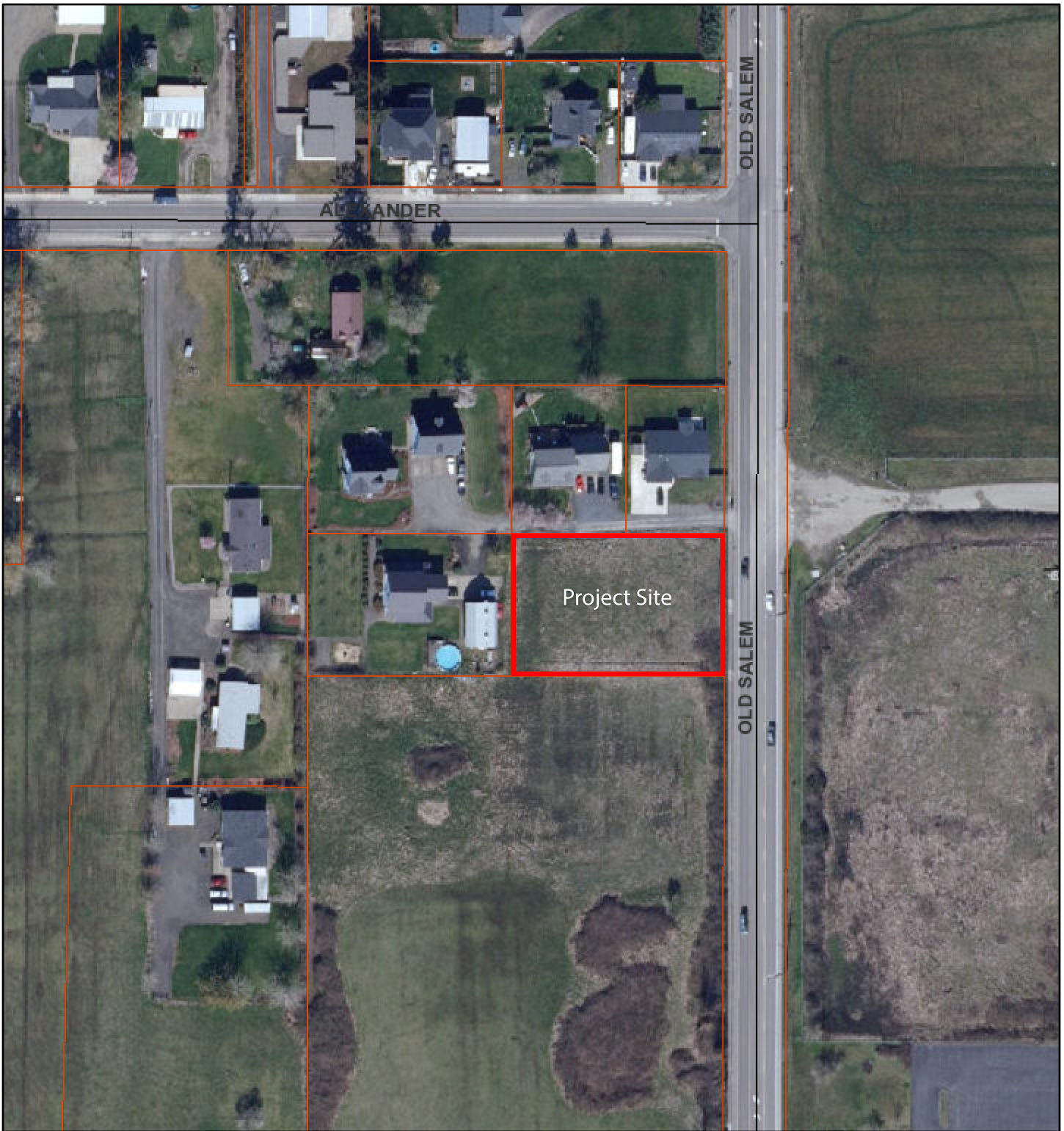


9. **This approval is valid for a period of one (1) year from the date of the decision notice.**  
Extensions may be granted by the City as afforded by the Millersburg Development Code.
10. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
11. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by Linn County, and provide verification of such to the City Engineer.
12. 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.
13. 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.
14. An electronic version of the Final Plat must be submitted to the City Planner.
15. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
16. 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.
17. 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.
18. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).

**IX. EXHIBITS**

- A. Vicinity Map
- B. Zoning Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative
- E. City Engineer Letter dated 9.8.21
- F. Albany Fire Letter dated 8.8.21
- G. County Road Department email from Ms. Taylor dated 9.9.21
- H. County Road Department letter dated 9.7.21

# PA 21-05 Vicinity

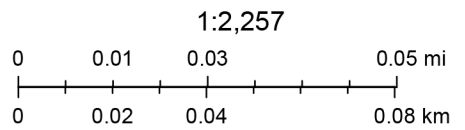


City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS

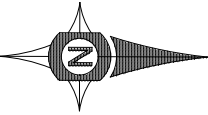
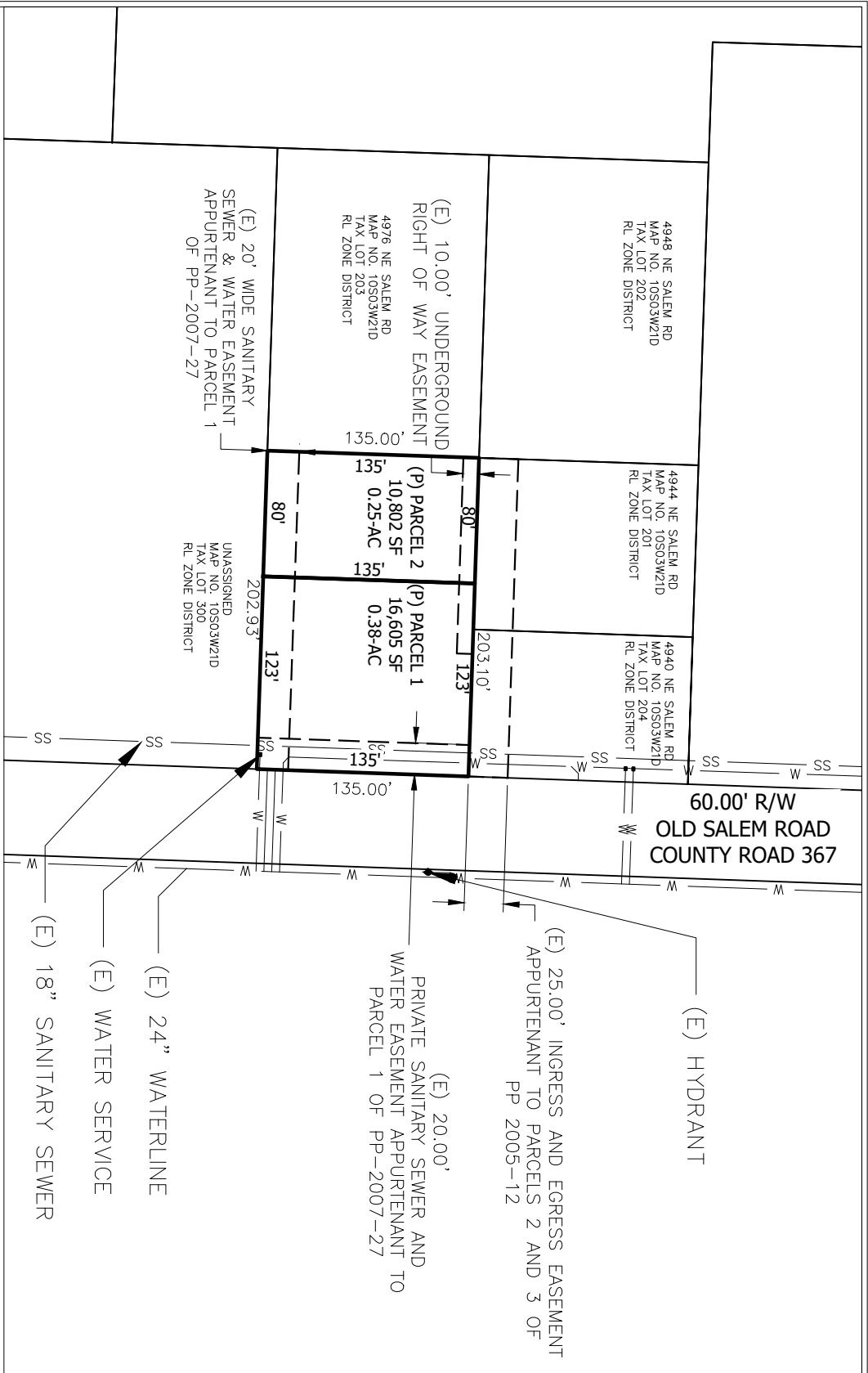
# PA 21-05 Zoning



- Millersburg Zoning
- COMMERCIAL OFFICE
  - RESIDENTIAL LOW DENSITY



City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS



SCALE: 1" = 100'

0' 100'

**LEGEND**

(E) EXISTING  
 (P) PROPOSED  
 APPROX APPROXIMATE  
 PL PROPERTY LINE  
 RW RIGHT OF WAY  
 AC ACRES  
 TL TAX LOT

**PROPERTY INFORMATION**

ZONE: RESIDENTIAL LOW DENSITY (RL)  
 LAND USE: UNIMPROVED  
 OWNER: SONA ATHWAL  
 ADDRESS: 4962 NE OLD SALEM RD  
 ASSESSORS MAPS: 10503W21D  
 TAX LOT: 200  
 AREA: 0.63 AC

NOTE: BUILDING FOOTPRINTS, CONTOURS AND TREE LINE DRAWN BY SUPERIMPOSING AN AERIAL PHOTO. LOCATIONS ARE APPROXIMATE.

SHEET 01  
 of 01  
 SCALE: AS NOTED



Date: 08/18/21  
 Project: 21-236 ATHWAL OLD SALEM RD. PP  
 Drawn by: LLL  
 Checked by: BSV

**TENTATIVE PARTITION PLAT**  
**SONA ATHWAL**  
**4962 NE OLD SALEM RD.**  
**ALBANY, OREGON**

**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON, 97355  
 541-451-5125

---

## PARTITION APPLICATION

---

Submitted to: City of Millersburg  
Planning Division  
4222 NE Old Salem Road  
Albany, OR 97321

Applicants/Property Owners: Sona Athwal  
6732 Seven Mile Lane SE  
Albany, Oregon 97321

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355

Contact: Laura LaRoque  
Email: [laura@udelleng.com](mailto:laura@udelleng.com)  
Phone: (541) 990-8661

Site Location: 4962 NE Old Salem Road

Linn County Assessor's Map No.: 10S03W21D Tax Lot 200

Site Size: ±0.63-acres

Existing Land Use: Unimproved

Comprehensive Plan Designation: Residential

Zone Designation: Residential Low Density (RL)

Surrounding Zoning: North: RL  
South: RL  
East: RL  
West: RL

Surrounding Uses: North: Single-Family Residential  
East: Manufacturing (across NE Old Salem Road)  
South: Unimproved  
West: Single-Family Residential



## I. Executive Summary

A Tentative Partition Plat is proposed for the property addressed as 4962 NE Old Salem Road and identified by Linn County Tax Assessor's Map No. 10S-03W-21D; Tax Lot 100. The proposal will divide an existing ±0.63-acre parcel into two parcels. As shown on the Tentative Partition Plat, Parcels 1 and 2 will be 10,800 square feet and 16,605 square feet, respectively (see Attachment A).

The property is bordered predominately with single-family residential development. To the north and west of the subject site are urban parcels developed with single-family dwellings. To the south, is an unimproved urban parcel. To the east, across NE Old Salem Road, is an urban parcel improved with a manufacturing facility for Palm Harbor Homes, Inc.

This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

## II. Analysis of Development Code Criteria

- A. Chapter 5.07 provides an overview of the preliminary partition plat review procedures. Subsection 5.07.020 states that land divisions consisting of not more than three parcels of land is processed using a Type II review procedure under Chapter 5.18 using the review criteria under Section 5.07.060. Section 5.07.080 states that preliminary plat approval is effective for one year from the date of approval.
- B. The application submittal requirements for a preliminary partition plat application are found under Section 5.07.050 and include: application forms, fee, and preliminary plat drawings and supplementary written narrative.

## III. Section 5.07.060 Partition Decision Criteria

Section 5.07.060 of the Millersburg Development Code (MDC) includes the following review criteria that must be met for a preliminary plat to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

***1. Each parcel shall satisfy the dimensional standards of the applicable zone unless a variance from these standards is approved.***

- 1.1 The underlying zoning district of the subject site is Residential Low-Density (RL). The RL zoning district is intended primarily for low-density residential urban development. The average minimum lot size for single- and two-family dwellings is 10,000 square feet. Maximum lot coverage in the RL district is 50 percent. Lot coverage is defined in Chapter 1.02 as "the portion of the total lot area covered by impervious surfaces, including structures and paving, expressed as a percentage of the total lot area."

As shown on the Tentative Partition Plat, Parcels 1 and 2, will be 10,802 square feet and 16,605 square feet, respectively (see Attachment A). Conformance with the remaining dimensional standard will be verified upon the receipt of a building permit.



- 1.2 Section 2.03.070 includes development standards regarding off-street parking, signs, yards and lots, residential design standards, and non-residential development for all development in the RL zone. This standard is not applicable to this application as no development is proposed with this application. Compliance with this standard will be verified upon the receipt of a building permit.
- 1.3 Section 2.03.080 states that all development and new construction in the RL zone request connection to all public utilities. Public utilities are available and adequate to serve residential development at a future date. Compliance with this standard will be verified upon the receipt of a building permit.

**2. *The parcel shall meet the Development Standards for Land Division of Chapter 4.02.***

2.1 A preliminary partition application for a land division creating three or fewer parcels has been submitted in accordance with Section 4.02.020.

2.2 Section 4.02.030 provides the following standards for all partitions and subdivisions.

- i. Minimum lot area. The minimum lot area of the RL zone is 10,000 and excludes access easements, or the access strip to a flag lot. Access is provided via an existing access easement over abutting property to the north of the subject site. As shown on the Tentative Partition Plat, Parcels 1 and 2, will be 10,802 square feet and 16,605 square feet, respectively (see Attachment A).
- ii. Lot Width and Depth. There is not a minimum lot width or depth standard in the RL zone. Therefore, the maximum lot depth standard of Section 4.02.030(2) is not applicable.
- iii. Access. All new lots must have a minimum of 40 feet of frontage on an existing or proposed public street, or 25 feet of frontage along a cul-de-sac, except residential lots or parcels which may be accessed by a public street or private access easement developed in accordance with the provision of Chapter 3.10 under certain conditions.

Parcel 1 will have 135 feet of frontage on Old Salem Road. Parcel 2 will have access to Old Salem Road via an existing 25-foot-wide private access easement that was recorded with Partition Plat No. 2005-12 (CS 24023).

- iv. Flag Lot. Flag lots must have a minimum 25-foot-wide access strip with 14-foot-wide improved surface with a turnaround per Section 3.02 if the length exceeds 150 feet. The site is served via an existing private access easement. Therefore, the flag lot standards are not applicable.
- v. Through Lots. Through lots are to be avoided except where essential to provide separation of residential development. Both parcels will be served via an existing private access easement and only one parcel will have frontage on a public street. Therefore, the through lot standards are not applicable.





- vi. Lot side Lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces. All proposed property lines are at right angles to the public street and private access easement.
- vii. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utility easement widths, which shall conform to adopted Engineering Standards. Public utilities are available and adequate to serve the proposed parcels within the public right-of-way or existing utility easements. All existing easements are shown on the tentative partition plat.

2.3 The standard for subdivision under Section 4.02.040 and 4.02.060 are not applicable as the request is for a 2-parcel partition.

2.4 Section 4.02.050 requires the following improvements:

- i. Private Access. Where included, private driveways serving flag lots or private streets shall be surfaced per the requirements of this Code. A condition of approval will ensure that the existing private access is improved to city standards.
- ii. Street Frontage Improvements.
  - 1. Land dedication may be required to establish the appropriate right-of-way width in accordance with adopted transportation plans. Old Salem Road is classified as a principle arterial street and consists of a six-foot-wide right-of-way improved with center turn lane with a travel lane, bicycle lane, and curb/gutter on either side. The west side of the road is improved with a street-side sidewalk along the site's frontage. According to Figure 3 of Volume One of the Transportation System plan, a three-lane arterial street should have an 80-foot-wide right-of-way with 5-foot-wide landscape buffer and sidewalks on both sides of the road. However, needed land dedication is not identified in the Transportation System Plan to bring the right-of-way up to current standard. A land dedication is also not desirable based on the existing development pattern, especially on the west side of the right-of-way.
  - 2. Connection Charges in lieu of construction of the required frontage improvements is required if the street frontage of the subject property is less than or equal to 250 feet. Construction of public improvements is required for properties with street frontage that exceeds 250 feet or that connect to an existing street improvement. The site has 135 feet from frontage. Therefore, subject to system development charges in lieu of improvements.



- iii. Public Facilities. Sewer, water, and storm drainage facilities may be required on and adjacent to the property. As shown on the tentative partition plat, public facilities are available and adequate to serve the proposed parcels.
- iv. Connection Charge. A connection charge is required in accordance with the City's adopted Connection Charges ordinance where existing improved streets, sanitary sewer, water, and/or storm lines are adjacent to or within the project. Public facilities are available and adequate. Therefore, system development charges are applicable.
- v. Completion Requirements. All required improvements must be completed prior to recording the final partition plat and the issuance of any building permits for the subject property, unless assured through a performance bond or other instrument acceptable to the city prior to approval of the final plat of the Partition.

**3. Existing dwellings and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.**

3.1 Setbacks are addressed under Criterion 1 above and incorporated herein by reference.

**4. Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with City policy.**

4.1 Access to public facilities is address under Criterion 2, Finding 2.3 above, and incorporated herein by reference.

**IV. OVERALL CONCLUSION**

Based on the analysis in this report, the proposed preliminary partition plat meets all the applicable review criteria as outlined above.

**V. ATTACHMENTS**

A. Tentative Partition Plat

**VI. EXHIBITS**

- 1. Partition Plat No. 2005-12
- 2. Partition Plat No. 2007-27
- 3. Easement Vol 330, Page 937
- 4. Right-of-Easement VOL 1641, Page 438
- 5. Underground Right-of-Way Easement 2007-22277



TO: Matt Straite, City Planner  
FROM: Janelle Booth, Millersburg City Engineer  
DATE: September 8, 2021  
SUBJECT: PA 21-05 - Engineering Comments

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

1. Access:

- a. Parcels should take access through the existing shared driveway easement from Old Salem Road.
- b. Old Salem Road is under the jurisdiction of Linn County. Applicant must comply with Linn County's requirements for a 22-foot wide paved approach and sidewalk reconstruction to meet ADA within the Linn County right-of-way. Outside of the Linn County right-of-way the driveway must meet fire code and City of Millersburg requirements, including a 20 ft wide paved surface (asphalt or concrete) in accordance with Section 3.03.081 of the Millersburg Development Code. Due to existing conditions within the easement to the north, the proposed 10 ft underground easement along the north side of the property should be extended to Old Salem Road and modified to include access to accommodate the full 20 ft pavement width.

2. Water and Sewer:

- a. Proposed Parcels 1 and 2 must obtain water and sewer connection permits and connect to city water and sewer mains at the time of building permits. Applicant shall be responsible for all costs associated with making utility connections. System Development Charges (SDCs) for water and sewer are due at the time of connection.
- b. **Water:** Water services shall be connected at existing meter boxes in the sidewalk along Old Salem.
- c. **Sewer:** Sewers shall be connected to the existing sewer main which runs along the eastern side of the property, within a public utility easement. The owner is responsible to obtain a sewer connection permit from the City and hire a licensed and bonded contractor to perform the work to connect to the main line and install a cleanout at the edge of the easement.

3. Connection Charges: Payment of all applicable connection charges in effect at the time of partition approval is due prior to recordation of the final plat.
4. All roof drains and yard drainage must be piped or trenched to an approved discharge point. Improved lots may not drain onto neighboring properties. Applicant must provide proposed drainage plan for approval.
5. The Developer is required to provide a site-specific drainage plan, including means to detain peak flows so that runoff rates for the new development do not exceed bare land runoff rates, along with supporting calculations to collect, route, and discharge stormwater to an approved discharge point. The drainage plan must be approved by the City Engineer prior to recording the final plat. The drainage plans shall conform to the Albany Engineering design standards, to the satisfaction of the City Engineer.
6. The Final Plat shall include any required access or utility easements.
7. All agreements required as conditions of this approval must be signed and recorded.
8. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
9. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: August 27, 2021

SUBJECT: PA-21-05 –4962 Old Salem Rd NE - Residential Partition – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments, which are based on limited information provide for the pre-application meeting and are subject to change.

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).
2. The fire apparatus roadways for this project accessing the site from the public way and serving two or more residential structures are required to be provided and maintained with a minimum 20 feet wide improved surface. (OFC 503.2.1) The width of the improved surface may be reduced to 16 feet for those portions serving only two residential structures, and 12' if serving one residential structure.
3. 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.
4. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
5. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

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

- a. Installation of an NFPA Standard 13D fire suppression system;

LAR/lar

[Lora.ratcliff@cityofalbany.net](mailto:Lora.ratcliff@cityofalbany.net)

541.917.7728

## Matt Straite

---

**From:** Taylor, Stephanie <staylor@co.linn.or.us>  
**Sent:** Tuesday, September 7, 2021 4:09 PM  
**To:** Matt Straite  
**Subject:** RE: Project Review request for PA 21-05

**WARNING: This is an EXTERNAL email.** Do not open attachments or click links unless you recognize the sender and know the contents are safe.

---

Hello Matt,

RE: File No: PA 21-05 – Athwal Land Partition

Comments from the Linn County Road Department would be:

***An access permit will be required prior to the widening/modification of the existing shared access into the properties off of Old Salem Road.***

Let me know if you have any questions.

Thanks,

Stephanie Taylor  
Linn County Road Department  
3010 Ferry Street SW  
Albany, OR 97322  
[staylor@co.linn.or.us](mailto:staylor@co.linn.or.us)  
(541) 967-3919

---

**From:** Matt Straite <mstraite@cityofmillersburg.org>  
**Sent:** Friday, August 27, 2021 3:17 PM  
**To:** Shelton, Sarah (SO) <sshelton@linnsheff.org>; Sterling, Derrick <dsterling@co.linn.or.us>; Billers@nwnatural.com; d6b@nwnatural.com; Bonn, Christopher <cbonn@co.linn.or.us>; Scott.Seaton@pacificorp.com; jeff.r.lehmeyer@usps.gov; Chris.LaBelle@cityofalbany.net; Janelle Booth <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net; Lora.ratcliff@cityofalbany.net; sshortes@co.linn.or.us; or.97208amsportland@usps.gov; Barnett, Steve <sbarnett@co.linn.or.us>; Taylor, Stephanie <staylor@co.linn.or.us>; Jtim.mills@albany.k12.or.us; Knoll, Chuck <cknoll@co.linn.or.us>; Mink, Wayne <wmink@co.linn.or.us>; Sue Forty <SForty@ocwcog.org>; industrialpretreatment@cityofalbany.net.  
**Subject:** Project Review request for PA 21-05

Good afternoon. The City of Millersburg is requesting your review of a partition application, PA 21-05. This is a proposal to divide one 0.64 acre residential parcels in Millersburg. You can see the documents here <https://www.cityofmillersburg.org/planning/page/partition-pa-21-05-athwal>

Please have all comments back by September 10, 2021. Let me know if you have any questions.

**Matt Straite**  
Community Development Director

City of Millersburg  
458-233-6306





# Linn County Road Department

*Providing safe and efficient transportation to  
citizens and visitors of Linn County.*

September 7, 2021

Matt Straite  
Community Development Director  
City of Millersburg

Re: Partition Application, PA 21-05  
Project Location: 4962 Old Salem Road  
T10S R3W Section 21D Tax Lot 0200  
Road Access: Old Salem Road (Linn County Right of Way  
Review and Comment

The following comments are provided based on the review of the vicinity map, tentative partition plat, and tentative decision for the above referenced Partition Application PA21-05.

The application indicates that there is an existing gravel drive that presently provides access to four residences and one vacant lot. The gravel drive connects to Old Salem Road that is within Linn County Right of Way and under the jurisdiction of the Linn County Road Department. The vacant lot is proposed to be divided into two lots. This will bring the total number of lots and future residences to six (6).

The gravel road is only 10 feet wide and is within a 25 foot easement that is 203 feet long. The gravel road provides access to Old Salem Road as it crosses a concrete sidewalk.

Adding additional development on this gravel road will require the following improvements to meet Linn County Code:

- Provide a paved 22 foot wide paved road surface with a minimum paved surface thickness of 4 inches placed in 2- 2 inch lifts. In any case, the minimum length of the paved surface should be 100 feet. The paved road surface will require an adequate road base with four foot wide gravel shoulders or a sidewalk concrete surface.
- Reconstruct the sidewalk crossing at the entrance from Old Salem Road so it provides a minimum entrance width of 22 feet. The reconstructed sidewalk access will be required to meet ODOT's current ADA requirements.
- Stormwater collection, retention, and treatment will be required before it is discharged into the stormwater Collection System located within the right of way of Old Salem Road which is within Linn County Right of Way and Jurisdiction.
- The gravel road outside the right of way is under the jurisdiction of the City. The city is encouraged to require a 50 foot minimum easement with a turnaround at the end of a



**September 7, 2021**

**Partition Application, PA 21-05**

**Road Access: Old Salem Road (Linn County Right of Way)**

**Review and Comment**

**Page 2 of 2**

private street. This will provide for a sidewalk on one side of the road so as to meet requirements for safe passage in regards to ADA, pedestrians, and children.

- The above comments are based on minimum Linn County Code 935. The original 25 foot wide easement was most likely approved based on future growth with the expectation of additional development providing another 25 feet in width to provide the minimum 50 foot wide easement that is currently required for a road (private, city or county) that serves 6 or more lots.

The addition of one or more developed lots will require an access permit from the Linn County Road Department.

Please contact me or Wayne Mink, PE, Roadmaster should you have any questions at our office.

Regards,



Charles R. Knoll, PE  
Linn County Engineer