



Proposal: The applicant is requesting a Code Interpretation to allow storage as a use in the Commercial Office (CO) Zone for 1190 NE Old Salem Road. Storage is currently not listed in the Zone as a permitted use.

I. BACKGROUND

- A. Applicant: Albany Self Storage, LLC
14020 SE Johnson Road, Suite 102
Milwaukie OR 97267
- B. Project Location: 1190 NE Old Salem Road
10S 3W 33CD Tax Lot 0800
- C. Review Type: Table 5.01.030 of the Millersburg Development Code explains that an interpretation 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 200 feet and all responsible agencies on September 30, 2021. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.15.040 Interpretations
- F. Current Zoning: Commercial Office (CO)
- G. Proposed Zoning: N/A
- H. Property Size: Area of proposed storage facility- 1.46 Acres
- I. Background: The City recently changed the zoning on several properties along the west side of Old Salem Road near the southern edge of the City from General Industrial (GI) to Commercial Office (CO). The zone change only revised the zoning along the frontage of the street to a depth of about 100 feet. The CO zone was intended to address a continued request by the City Council to beautify Old Salem Road in the lower portion of the City. The intent was that any industry developing in this part of the City would place their offices up front and the industry behind. This development style matched most of the development that already existed at the time the City changed the Zone.

Shortly after the Zone change was adopted the City had an applicant with an existing storage facility request to expand their use into a property that fronted Old Salem, which was now zoned CO. However, the CO Zone does not allow self-storage uses on the property. The City re-zoning created a split-zone on the applicant's parcel, allowing self-storage units only on the western portion of the parcel, in the GI zone.

The applicant filled for a pre-application review. Staff explained at the time that three options existed, a zone change from CO to GI, a text change for CO to add storage, or an interpretation to clarify the intent of the zone. The applicant opted for the last because it was the fastest option.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

This interpretation was not transmitted to any agencies for review because the uses within a zone are the sole discretion of the City. The Site Development Review that will follow will be transmitted to responsible agencies.

Public:

Notice of this tentative decision was sent out to neighbors of the site on September 30, 2021. The notice was mailed to all property owners within 200 feet of the property. Any comments received will be addressed in the final decision.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Chapter 5

Section 5.15.040 Interpretation Decision Criteria

The following analysis is in addition to any analysis included in the applicants' narrative, which is included here by reference. Approval of an Interpretation shall be subject to the following decision criteria:

- (1) The interpretation is consistent with the purpose of the Code and any appropriate purpose statement in an underlying zoning district or development requirement.**

ANALYSIS: The CO Zone is administered by Chapter 2.07 of the Development Code. The criteria above is broken into two elements- the purpose of the Code and the purpose of the Zone.

The purpose of the Development Code is generally to assure that uses are harmonious with the neighboring uses and the environment, and to assure prosperity for all. As stated above, the intent of the Zoning code change was to promote a higher level of aesthetics along Old Salem Road. This was considered an economic development change because a better-looking stretch of road

along our southern entry would make the City more appealing to residents and businesses. The applicant is proposing a self-storage use on 1190 Old Salem Road. A storage use is traditionally not a use that would achieve a higher level of aesthetics along Old Salem, in fact, most storage facilities are fairly drab and include large expanses of walls that can be un-attractive. However, the applicant for this specific location is proposing a three-story building that is clad with windows and several different kinds of building materials that will have the structure resemble an office building. Landscaping is proposed for the stretch of the structure that fronts Old Salem and all bay doors and storage lockers will be located on the west side of the structure, leaving the east, street facing, with the appearance of an office-like façade.

Because the structure proposed by the applicant specifically for this site meets the intent of the Code change, achieving a better-looking Old Salem Road, the proposed structure meets the purpose of the Code. This staff interpretation will allow the project to move forward with the self-storage use and structure proposed, pending approval of a Site Development Review and Conditional Use Permit.

Regarding the purpose of the Zone, Commercial Office, the Code explains that the zone is intended to attract professional offices with limited supporting commercial retail activities. The individual proposed storage business on this specific site will meet this intent, and is similar to other permitted uses in the Zone, because storage is not a retail use and because the proposed design will mimic a professional office building in appearance. Additionally, the frequency of visitors will be similar to uses proposed in the CO Zone, which is less than retail. Because the use will meet the two intents listed in the CO zone, they meet the criteria.

It should be noted that this is being issued for this specific proposed project and is not intended to be a City-wide interpretation. This interpretation is being made on a case-by-case basis for this specific instance.

To address this in the future Staff may propose a code text change that could allow additional uses in the CO Zone along Old Salem Road south of Conser Road subject to a Conditional Use Permit review and additional standards that would achieve the intent of the CO zone in that part of the City, specifically that the aesthetics are far more demanding than would typically be seen in the GI zone. More specifically a proposed code text revision could look like this:

2.07.040 CO Conditional Uses

(3) Uses permitted in the Commercial Office Zone south of Conser Road may include those uses permitted in the General Industrial Zone subject to a Conditional Use Permit review. The following additional standards apply to any such Conditional Use:

- Any structure shall be setback at least 35 feet from the right-of-way*
- Parking shall not be placed between the structure and the right-of-way*

- *The area between the structure and the street right-of-way shall be landscaped in accordance with Chapter 3.09*
- *The façade of any primary structure (not including guard or gate houses) facing Old Salem Road shall meet all requirements of Chapter 3.26*

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

- (2) The resulting interpretation conforms to the applicable standards and limitations of the underlying zoning district. In approving an application for a similar use, the City may determine whether the use is prohibited or classified as permitted, special use or conditionally permitted in a specified zone.**

ANALYSIS: Applicable standards come from the CO zone. The proposed structure does appear to conform to the code requirements. A Site Development Review will carefully review all CO standards as part of that review process.

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

V. TENTATIVE ACTION

Based on the above findings of fact, the proposed interpretation satisfies the applicable criteria and staff tentatively approves Interpretation No. 21-01, with the understanding that this interpretation only applies to the proposed storage building submitted as Site Design Review SP 21-05.

VI. EXHIBITS

- A. Vicinity Map
- B. Zoning Map
- C. Applicant's Narrative
- D. Decision Notice

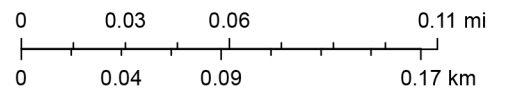
INT 21-01 Vicinity Map



9/30/2021, 10:40:55 AM

1:4,514

- Highways
- Roads
- Railroad
- City Boundary
- Tax Lots














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, GeoTerra, 2021

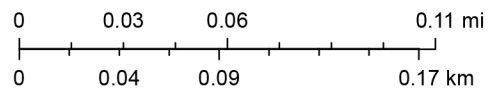
INT 21-01 Zoning



9/30/2021, 10:41:59 AM

1:4,514

- | | |
|---|---|
|  Highways |  LIMITED INDUSTRIAL |
|  Railroad |  MIXED USE |
| Millersburg Zoning |  PUBLIC FACILITIES |
|  COMMERCIAL OFFICE |  RESIDENTIAL LOW DENSITY |
|  GENERAL COMMERCIAL |  RESIDENTIAL MIXED DENSITY |
|  GENERAL INDUSTRIAL |  RURAL |



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, GeoTerra, 2021

Code Interpretation
Land Use Conditional Approval
Site Development Review
1190 Old Salem Road NE, Millersburg OR
Change of Use to Commercial Self-Storage

Prepared by:
Creations NW
Julie Goodrich
14020 SE Johnson Rd, Suite 102
Milwaukie, OR 97267
503-908-0563
julie@htipllc.com

Change of Use to Commercial Self-Storage

Millersburg Self-Storage Frontage Building

BURDEN OF PROOF STATEMENT

Request: Site Development Review and Land Use Conditional Approval Type II) to construct one new, 11,200SF Self-Storage Building within the Commercial Office Zone (previously Limited Industrial/Commercial)

Location: 1190 Old Salem Road NE, Millersburg OR 97321 Parcel: 1.46 acres **Area of construction:**

Assessor Tax Parcel No. 10S03W33CD00800 SE ¼ SW ¼ Sect 33, T10S R3W, W.M. Linn County, Oregon

Applicant/Owner: Albany Self Storage, LLC
14020 SE Johnson Road, Suite 102
Milwaukie OR 97267

Owner Contact: Julie Goodrich Bob Sanders Robert Hornaday Hans Thygeson
Creations Northwest
14020 SE Johnson Road, Suite 102
Milwaukie OR 97267

Site Engineer: Steve Ward, Westech Engineering Inc.
3841 Fairview Industrial Drive SE, Suite 100,
Salem, OR 97302

Architect: Lee Gwyn, Lenity Architecture 3150 Kettle Court SE, Salem, OR 97301

Pre-fabricated Building Shell Manufacturer: Mako Steel

Zoning Code: Commercial Office (CO)

Aerial Map:

Project Description:

Applicant is requesting approval to construct a 33,600 SF total square foot, three (3) story, prefabricated metal building on the subject parcel with a use of commercial self-storage facility. The building footprint is 13,315 square feet. The multi-story self-storage building (manufactured by Mako) will be divided into individual storage units which will be rented to the public. The building will be without public restrooms, and the leasing office with one on-site manager, with operating hours from 9am to 6pm, is located on the south adjacent property, which is also owned by the same property owner as the subject parcel. There are already self-storage buildings on the property. The building will have elevators to the second and third floors. Roll up bay doors to the ground floor units will be installed on the west side, away from Old Salem Road NE. The front door will be oriented towards the parking stalls on the south side of the building. The east side of the building facing Old Salem Road NE will have windows on the second and third floors on both ends of the building. The front entrance of the building will be oriented towards the self-storage office building to the south of the subject site. Bicycle and vehicle parking is being provided adjacent to the front door of the subject building. Landscaping will be provided to the north and east sides of the

building to provide screening and noise buffer from Interstate 5 and Old Salem Rd NE. The site will be fully fenced and features electronic gates with controlled access for security.

The access to the site will be shared with the south property using a recorded access easement agreement so a new driveway is not required from Old Salem Road NE. A new driveway will not be needed off of Old Salem Road NE although Linn County Transportation provided driveway aprons with the new frontage improvements. The building will have a fire sprinkler system, with the PIV and FDC located on the eastside of the building, near the front door. There is a 20 foot wide access from Old Salem Road. A 20 foot wide emergency accessway will be located between the new building and southern Building D, which will be gated and locked at all times.

The electrical and gas meters will be located on the south building wall of the new self-storage building.

Existing Conditions:

The subject property can be identified by its address, 1190 Old Salem Road NE or by the Tax Parcel Number 10S03W33CD00800. The applicant's property is approximately 1.46 acres in size with several one-story self-storage buildings already operating on the property. Existing site topography is very flat with a slight slope towards the west. There are existing plant nursery buildings on the proposed site on the property, which will be demolished prior to new construction. There are no designated or identified wetlands, geologic hazards, water resources, natural resources, wildlife habitat, or other significant natural features on the property.

Wetlands have not been identified on the property per the National Wetlands Inventory Map. The parcel is outside the Flood Hazard Zone as identified on the FEMA Flood Insurance Rate Maps for the subject parcel.

In 2017, the owner of the subject property was granted a Design Review Approval and a Property Line Adjustment for the expansion of the adjacent existing Self-Storage Facility, which was previously approved by the City of Millersburg Planning Commission in 1995, 1996, and in 2004. Most recently, the owner was granted building permits and constructed four (4) large self-storage buildings on the subject parcel, which was zoned Commercial Industrial at the time. These buildings have been constructed and are part of a larger complex of self-storage buildings. The proposed three-story storage building would continue the use of the property, which has been consistent with the expectations of the owner over time. As of August 1, 2021, the property owner did not receive notification of a zoning change by the City of the subject property.

The subject site was the location of a plant garden nursery for 70 years, which has since relocated to Philomath, Oregon. There are three (3) old, vacant plant nursery storage and office buildings which will be demolished by the fall of 2021 (Demolition Permit Issued May 11, 2021). Asbestos was not found within the buildings so mitigation does not need to occur. All utility service pipes have been cut, capped and de-energized.

A well was decommissioned onsite by Corvallis Drilling on August 16, 2021, and Oregon DEQ was notified.

There are two unimproved gravel access drives to the property from Old Salem Road NE. The arterial road intersects with Interstate 5 at the South Jefferson interchange. The County installed two new concrete driveway aprons, sidewalk, curb, and gutter along the edge of the road right-of-way recently. Oddly, the county road right-of-way width is 10 feet from face of curb at the north side of the parcel, and then it

changes to 20 feet from face of curb 25 feet from the north property line and continues to the south property line. The new building access will be to the south of the building, utilizing an already existing access to the property.

Off-site: To the north of the subject site are older prefabricated metal buildings surrounded by a chain link fence. Opposite the site is ODOT owned landscaped property next to the Interstate 5 right-of-way. To the northeast is a new single story office building.

Old, overgrown trees and shrubs are on the property, which will be removed during the site development phase and replaced with groomed landscaping appropriate to the site and standards.

Unidentified drivers have been using the property as a parking area, which lends an unkept aura to the property. The new landscaping and driveway will prevent illegal parking and dumping, and will direct traffic to the approved site entrance. A preliminary landscape and irrigation plan has been submitted.

Proposed:

The applicant is requesting a Code Interpretation and a Conditional Use approval of a new self-storage three story commercial building with a building footprint of 13,315 square feet. A portion of the parcel was recently re-zoned from Commercial Industrial to Commercial Office by the City of Millersburg, and so must comply with the site development review procedures of Chapter 5.05.

The proposed use is not allowed within the zone however it does comply with the underlying development standards.

The following sections of the application narrative provides detailed findings of facts demonstrating compliance with the applicable Site Development Review criteria outlined in MDC 5.05.060, as well as requesting a code interpretation for the conditional use application to allow the self-storage facility use of the property.

Occupancy and Tenancy: The adjacent All-Secure Mini-Storage manager reported that there is a 100 percent occupancy rate for the units and a waiting list for the RV storage spaces. There are several small businesses that rent the units, including a fitness gym, a paratransit service, and a small construction company, which support the local community. This storage facility is the only one located in south Millersburg, is centrally located in the Willamette Valley, and consumer demand is high enough that the applicant, who owns the All-Secure Mini-Storage facility, would like to add additional storage units to the facility.

Re-Zoning by City of Millersburg:

The City recently changed the zoning to Office Commercial, which does not allow any future self-storage use on the property, even though there is existing use (2017 building permit # XXX). As of August 1, 2021, the property owner did not receive notification of a zoning change by the City of the subject property. The re-zoning created a split-zone parcel, allowing self-storage units only on the western portion of the parcel, in the Industrial zone.

Given that Eating and Drinking Establishments located within an office building are allowed outright within the zone, an existing self-storage commercial business with one new associated building should generate less traffic and impact than a restaurant or professional offices or banks, which are also allowed outright

in the zone. The traffic impact for the self-storage facility to the south was projected to be less than 1% of the Old Salem Road NE peak hour.

CHAPTER 2.07 COMMERCIAL OFFICE ZONE (CO)

2.07.010 Purpose: The Commercial Office Zone is primarily designed to attract professional offices, with limited supporting commercial retail activities, to serve the community.

Potential Incompatible Adjacent Uses: The purpose of the Commercial Office Zone is primarily designed to attract professional offices, with limited supporting commercial retail activities, to serve the community. This proposal does not create negative impacts and complies with standards that traditionally mitigate for off-site impacts. Furthermore, it is the purpose of the applicable zone to permit more intensive uses in an area away from uses that could be considered incompatible. Therefore, the proposed development satisfies this criterion.

While the applicant acknowledges the City of Millersburg's authority to impose conditions of approval intended to mitigate potential off-site impacts, the findings of fact provided in this application narrative demonstrate additional regulation is not necessary to prevent potential offsite impacts.

2.07.050 Dimensional Standards

Minimum Front Yard Setback is 0 feet. This condition has been met as shown on the engineering site plan.

Minimum Side Yard Setback is 0 feet. This condition has been met as shown on the engineering site plan.

Minimum Side Yard (Street) is 10 feet. The site plan shows a 10 foot setback from Old Salem Road NE right-of-way, which is the side yard to the building, as the front door is orientated towards the adjacent self-storage office building to the south of the subject site.

Minimum Rear Yard Setback is 0 feet. This condition has been met as shown on the engineering site plan.

Primary Building Height: 35 feet. The building will be 27 feet in height, which is allowed in the zone, with 30% of lot coverage, as shown on the engineering site plan.

2.07.060 Development Standards for Commercial Office Zone (CO)

All development in the CO zone shall comply with following specific standards: (1) Off-Street Parking. Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.

(2) Signs. Signs in the C Zone shall conform to the standards contained in Chapter 3.06.

Response: A separate sign permit will be applied for during the construction phase of the building. There may be future signage for tenants' businesses on the side or back side of the building.

(3) Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 3.08.

Response: All required setbacks are shown on the site plan. A preliminary landscape plan has been submitted. This condition has been met.

4) Site Development Review. All new development and expansion of an existing structure or use in the Commercial Office Zone shall be subject to the Site Development Review procedures of Chapter 5.05.

Response: A Site Development Review Application has been submitted with this Code Interpretation and Conditional Use request.

(5) Landscaping. Any required or established front yard shall be landscaped with trees, shrubs, and groundcover, and maintained pursuant to provisions in Chapter 3.09.

Response: A preliminary landscape plan has been submitted with this request.

(6) Outdoor Storage and Display. Outdoor storage and display of merchandise, material, or equipment shall be prohibited.

Response: No outside storage or display areas have not been proposed with this request.

3.02.120 Traffic Impact Analysis: Linn County nor City of Millersburg is requiring any traffic impact analyses; however an access permit will be required for any work in the road right-of-way. Per the Millersburg Comprehensive Plan, the highest 1976 Average Daily Traffic in Millersburg was 6,226 cars per day on Old Salem Road at the southern City Limits. This is well below the volume of cars required to exceed the 8-hour carbon monoxide standard in 1983. The small residential area in southern Millersburg on Knox Butte Avenue, however, is exposed to considerable traffic noise. In addition to the 6,821 vehicles per day on nearby Old Salem Road, the area is immediately adjacent to an 1-5 interchange and is impacted by freeway traffic noise. Immediately west of this area are the Southern Pacific and Burlington Northern rail lines and the Burlington Northern rail yard, all of which can impact on Knox Butte Avenue residents. Per the Comprehensive Plan, no additional residential development is planned for the southern area and new development will have little additional impact on Knox Butte Avenue residents. The transportation system and public facilities are adequate for this use.

Response: A Traffic Impact Analysis is not required for this request per the City Planner. An access permit application will be submitted as needed for the existing access to the site.

Chapter 3.03. Off-street Parking: Six (6) parking stalls, including one ADA compliant stall, are provided on the south side of the building front. This condition has been met per the attached site plan.

3.03.030 Off-street Parking and Loading Location: Designated parking is located within 500 feet of the building.

Per Chapter 3.03 Off-Street Parking and Loading Vehicle and Bicycle Parking Space Requirements Table, using the Warehouse and storage distribution land use activity for the 13,240 SF building, 1 space per 5,000 SF is required (5 parking stalls) and one bicycle parking space is required. Six parking stalls have been provided on the south side of the building, which includes one stall for "loading space" as the building is over 10,000 SF per MDC 3.03.070. Each stall will be 9 feet wide and 20 feet in length and one stall is ADA compliant. The entrance, drive areas and parking stalls will be asphalted and striped per the City's requirements and will match the west adjacent self-storage development asphalted drive areas.

Off-street Parking and Loading: All parking is located internal to the site and designed so that there will not be any backing or maneuvering into any road right-of-way. The access aisles will be a minimum width of 20 feet to accommodate emergency vehicles. The circulation pattern is designed to facilitate traffic flow through the facility and provide maximum safety for vehicles and pedestrians. The access drive will continue along the south side of the property, past Building D, and through a gated entrance. Then vehicles will turn right past the north side of Building D and continue to the west side of the new storage

building to access the ground floor units. There will be an emergency only access gate between Building D and the southwest corner of the new building. The front entrance can be seen from the adjacent self-storage office building to the south and there will be CCTV installed on the building for higher security.

Frontage and Access: The subject property fronts on Old Salem Road NE, a major arterial street, and as such a single access to an interior parking lot and access drive is proposed on the south side of the property, which is shared with the adjacent southern property. The County installed a driveway apron, sidewalk, curb, and gutter along of Old Salem Road NE with a recent road improvement project for this parcel, but will not be utilized for this building. All utilities are located outside of the existing road pavement and sidewalk.

Trash: A 3-yard dumpster is kept onsite along with 3 commercial recycle bins that are available to tenants. Tenants are responsible for removing their own trash which is enforced through the self-storage tenant lease.

3.04 Storm Drainage and Grading: The storm drainage for the new building and new parking area will drain to the west into an existing private storm system already installed under a previous permitted use. This system drains even further to the northwest north of Building B, into an existing 25 feet by 85 feet long infiltration water quality swale.

Response: A storm drainage and erosion control plan has been submitted as well as a grading plan. A Grading permit will be required for any site preparation and excavation. After a building permit has been issued, a final grading inspection will be required prior to issuance of a certificate of occupancy. A NPDES permit will be obtained prior to Building Permit Issuance for construction activities that disturbs one or more acres of land. Storm drainage sizing calculations will be submitted with the Site Development permitting. As discussed, no flood hazards or natural channels have been identified within the site area or parcel. Catch basins will capture pollutants as well as will the infiltration swale. No private stormwater will be outlet into the public storm system or road right-of-way.

3.04.050 Grading: A grading permit will be required as more than 50 cubic yards may be excavated, although the building will be built on slab on grade on a relatively flat site. A geotechnical engineering report has been submitted with the clearing and grading plan with this application.

Chapter 3.05 Utility Lines and Facilities: Utilities are proposed underground and shall be installed prior to any surfacing per the standards. Water and sewer service is provided from Old Salem Road NE. Electrical power is provided by Pacific Power and Northwest Natural gas provides natural gas services to the site. Stormwater is naturally infiltrated at this time.

Potable Water: There is an XX inch water main located within Old Salem Road NE right-of-way. The existing ¾" water service will be re-used and the water meter relocated to the back of sidewalk/property line.

Landscaping Irrigation: The existing ¾" water service can be re-used and the water meter relocated to the property line. The City cut the service at the property/ROW line so we could re-use it.

Sanitary Sewer: There is an xx inch sanitary sewer main within Old Salem Road NE right-of-way. The sewer lateral was cut at the property line and capped for re-use as needed. Restrooms are not proposed for the building.

Fire: A fire suppression fire sprinkler system will be installed in the building per the Linn County Building Code and Albany Fire Protection District standards and regulations. A hydrant is located approximately 25 feet north of the subject building along Old Salem Road NE and the nearest southern hydrant is located XX feet from the subject building. During maximum daily demand, hydrant flows in this area along Old Salem Road are greater than 5500 gpm at 70 – 80 psi. The building's FDC and PIV will be located at the northeast corner of the site, closest to Old Salem Road NE. A site vehicle circulation plan will show the width of the existing vehicle accessways and 20 foot wide fire lanes through the site, as well as existing and new parking stalls that are required.

Gas and electric service meters will be located on the south side of the building.

Chapter 3.06 Building and Site Signs:

Outside LED floodlights with 3000 lumens will be installed along the building sides to ensure adequate lighting of the loading and parking areas between the onsite buildings. There will be second and third story windows on the south side of the building showing the illuminated internal hallways, which can be seen from the roadway and Interstate 5 through the windows. A backlit illuminated sign announcing self-storage will be on the building's south and east side about the second story level (12' above ground).

All proposed lighting is designed to be downcast and directed internally as to not shine off the subject property. The proposed lighting is not designed to blink. No lights are proposed over 20' in height. A cut sheet with a wall mounted LED light is provided with this application to be used or an approved equal substituted.

One free standing sign per street frontage and a total of no more than two wall or canopy signs allowed, maximum of 48 SF area, and 12' above ground max. No new signs are proposed with this project.

Chapter 3.07 Fencing: Fencing is proposed along the north side of the building and will connect to the northeast corner of the building to complete a secured access site. There will not be any fencing in the setback along Old Salem Road NE.

Chapter 3.08.060 Vision Clearance: A 10-foot clear vision area has been shown on the site plan at the entrance to the access drive and Old Salem Road NE at the curb and 20 feet along the street curb at the point of intersection with the driveway.

Chapter 3.09 Landscaping Standards

The commercial property does not abut the RL, RU, or RM zones and as such does not require additional fencing or screening.

A preliminary landscape plan has been provided showing a ten (10) foot landscaped side yard buffer that is required along Old Salem Road NE. The commercial landscape design will incorporate native and drought resistant plantings, as well as help the public engage in the business, direct the flow of traffic, accentuate the architecture, and convey the business messaging and branding to the area and regional population. Landscaping is proposed along the north side of the property as well, along with a 4-foot-wide walkway leading from the two hallway exit doors to the west parking area. Landscaping will continue along the frontage to the edge of the access road, allowing for a 10'x20' clear zone at the entrance.

Fencing is proposed along the north side of the building and will connect to the northeast corner of the building to complete a secured access site. There will not be any fencing in the setback along Old Salem Road NE.

Noise, Dust, Glare, and Odor: The existing and proposed buildings are not expected to generate significant levels of noise, dust, or glare. Because these are indoor operations, the ability to create noticeable levels of the above-mentioned impacts at the property line is incredibly limited. Additionally, mitigation will be provided through compliance with landscaping standards required by MDC Section 3.09 and the setback standards. Unintentional dust production will be limited when travel aisles and parking areas are paved as proposed. Per the Millersburg Comprehensive Plan, new planning measures will result in increased noise levels in southern Millersburg but should keep the City's developing residential area, north of Conser Road, comparatively free of any serious noise problems. Increased noise levels can be expected in southern Millersburg due largely to traffic increases on Interstate 5 and Old Salem Road, and also due to additional heavy industry which is planned for the area.

The surrounding properties are primarily industrial and self-storage one-story buildings. There is no significant concentration of commercial development in south Millersburg. Small commercial operations are scattered along the southern-most segment of Old Salem Road and are intermixed with limited industrial uses. Their primary contribution to noise is traffic generation on Old Salem Road.

Traffic Flow: This proposal will not significantly increase the amount of traffic on Old Salem Road NE, but instead will improve existing circulation along the roadway. The existing access will be improved along the south property line of the subject parcel, to be shared with the existing Self-Storage facility (a shared access easement will be recorded in the future as needed). These improvements will more effectively direct traffic in and out of the facility onto Old Salem Road NE once completed. Self-storage facilities have evolved and no longer include on-site housing for a manager and instead use entry keypads for secure access while logging arrival and departure patterns. A manager still works nearby, but drives to the site and uses the same keypad for entry and exit.

3.21.100 Nonconforming Uses:

(1) Continuation. A nonconforming use may be continued although not in conformity with the regulations for the zone in which the use is located.

Response: In 2017, the owner of the subject property was granted a Design Review Approval and a Property Line Adjustment for the expansion of the adjacent existing Self-Storage Facility, which was previously approved by the City of Millersburg Planning Commission in 1995, 1996, and in 2004. Most recently, the owner was granted building permits and constructed four (4) large self-storage buildings on the subject parcel, which was zoned Commercial Industrial at the time. These buildings have been constructed and are part of a larger complex of self-storage buildings. The proposed three-story storage building would continue the use of the property, which has been consistent with the expectations of the owner over time.

(2) Discontinuation. If a nonconforming use is discontinued for a period of more than one year, the use shall not be resumed unless the resumed use conforms with the requirements of the Code.

(3) Restoration. If a nonconforming use is damaged or destroyed by fire, other casualty, or natural disaster, and the repair or replacement of the damaged or destroyed structure or structures is less than 80% of the appraised value, such use may be restored or replaced provided physical restoration or

replacement is lawfully commenced within one year of the damage or destruction. The City may administratively grant a one time, one-year extension to this requirement.

(4) Alteration and Change of Use. Alterations or changes in a nonconforming use may be permitted to reasonably continue the use. Such alterations or changes are subject to the Nonconforming Use provisions in Chapter 5.14. (5) Exemptions. Nonconforming single-family homes may be modified or expanded in compliance with development requirements of the Residential Low-density zone without the need to comply with the requirements and procedures in Chapter 5.14.

Chapter 3.22 Wetlands and Riparian Areas: This chapter does not apply as no wetlands or riparian areas were identified within the area of construction.

Chapter 3.26.030 Commercial Design Standards:

Response: The proposed Millersburg Self-Storage Frontage Building will provide a prominent edge to the site as viewed from Interstate 5 and Old Salem Road (See South and East Elevations). The three-story building will present a large expanse of glass windows (totaling a minimum of 10 percent of the wall area) on the second and third floors, wrapping the southeast corner, facing Old Salem Road NE and Interstate 5. Both prominent elevations contain 15% windows across the entire wall length. The glass will be highlighted with a projected metal frame and a traditional canopy below which wraps the corner. Other architectural features include landscape trellis structures on the east elevation in between each of the wood and metal sunshades (which span the length of the east side of the building) covering at least 50% of the east wall length. Windows will be installed along the CMU stone wall to lend interest on the east side. The building will be clad in glass and corrugated metal with a one-story base of tinted & textured concrete masonry. The exterior design utilizes varying textures to create a contemporary expression. The metal panels are composed with variety of rib spacing to add texture. The first story forms a base to the building and is clad in tinted concrete masonry units. The CMU will transition from a rough and irregular split face texture at the ground to a smooth semi-polished ground face block as it meets the metal panel at 11'-0". The slightly sloping roof is having a 4'-10" parapet on the low side. Exterior colors will be of low reflectance in earth tones will be selected to meet the Commercial design standards in terms of color (blue, gray, brown) as well as compliment the self-storage complex.

Site Aesthetics: Per the Millersburg new Comprehensive Plan, this site is within a district that has a commercial cluster and near the Interstate 5 offramp. The new self-storage building colors will match the existing self-storage buildings in a medley of blue, gray and off-white. The design of the three-story building will still be in proportion to the existing buildings in size and shape, as well as matching in color. To the north is a warehouse and parking lot that is several decades old, and to the north east is a new, single story office or retail building.

Chapter 4.0 Land Divisions- The purpose of this Chapter is to provide for the orderly, safe, and efficient division of land within the City.

Response: The applicant is not applying for a land division at this time thus this Chapter does not apply.

Chapter 5.0 Review Procedures, Application Types: Type IV Action. A Type IV action can be either quasi-judicial or legislative actions. The quasi-judicial process applies to map amendments for individual

properties. Plan and zone amendments or text amendments that impact larger areas are legislative actions. These later amendments must be initiated by City staff, Planning Commission, or City Council, although a private party may suggest such amendments. Both actions require hearings before both the Planning Commission and City Council with the Commission providing an advisory role and the Council rendering the Final Decision unless appealed. Public notice is provided for both public hearings. Appeal of the decision is to the Land Use Board of Appeals (LUBA). Specific Type IV processes are shown Section 5.01.030 - Table of Land Use Application Procedures.

Response: A Code Interpretation and Type 4 Conditional Use Action is being requested by the Applicant

Chapter 5.04.050 Decision Criteria for a Type II Conditional Use Permit

Due to the recent zone change by the City from Commercial Industrial zone to Commercial Office, a request for a Conditional Use for the self-storage building is required. The recent zone change created a split-zone parcel, allowing self-storage use on the west side of the subject parcel only. A conditional use is a use which is generally acceptable as a land use activity in a particular zone, but due to certain aspects of the activity, buffering, screening, time limitations or other conditions are necessary to ensure compatibility with adjacent property. Conditional uses are presumed to be allowed unless conditions to ensure their compatibility cannot be established.

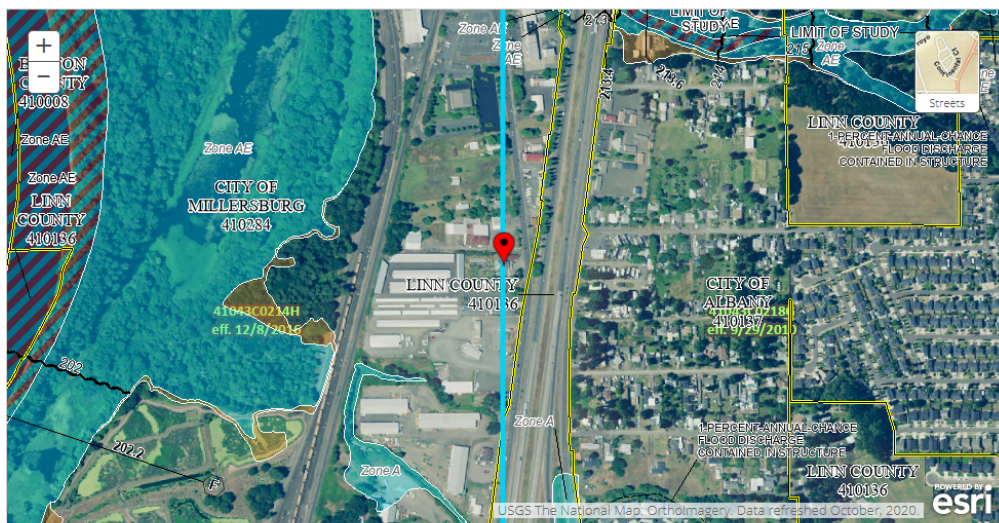
- (1) The use is listed as a conditional use in the underlying zone and complies with the development requirements of the underlying zone.

Response: In 2017, the owner of the subject property was granted a Design Review Approval and a Property Line Adjustment for the expansion of the southern existing Self-Storage Facility, whose buildings were previously approved by the City of Millersburg Planning Commission in 1995, 1996, and in 2004. Most recently, the application was granted building permits and the owner constructed four (4) large self-storage buildings on the subject parcel, which was zoned Commercial Industrial at the time. These buildings are in use and are part of a larger complex of self-storage buildings spread over several properties. The proposed three-story storage building would continue the historic use of the property, which has been consistent with the use and expectations of the owner/operator over the past twenty-five years. Although the new storage building will not contain a leasing office, there is an office located to the south of the property (same business owner and property owner as the subject property). A self-storage building frees up office space by storing items workers do not use regularly; it provides a place for extra furniture and equipment until a business needs it and can act as a small-scale distribution center or warehouse, let alone providing an inexpensive tenant space for a small business (gym, transportation, etc.). Developing the property will also eliminate the illegal parking along Old Salem Road SE. Owning a self-storage facility has many benefits for a small proprietorship, including a large income potential with low overhead, fewer construction costs than other real estate sectors, and relatively low ongoing management and maintenance. Demographic evidence proves that the existing self-storage units are rented by local and regional people. The self-storage buildings for All Secure Mini-Storage business (of which this building will be a part of once completed), is at 100 percent capacity of July 2021. Per the Millersburg new Comprehensive Plan, this site is within a district that has a commercial cluster and near the Interstate 5 offramp. The proposed use of the site is consistent with and supports a productive and meaningful lifestyle within the community by providing security, safety, and a supportive environment.

- (2) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

Response: The property is located outside of the FEMA designated floodplain (see Floodplain FIRM Map: 41043C0214H below). The Millersburg soil series consists of very deep, well drained soils (Coburg Silty Clay Loam) formed in sandy and loamy till on ground moraines, disintegration moraines, and drumlins. These deposits underlie northern Millersburg from approximately the Millersburg School on Old Salem Road and Millrite Farms on Woods Road; the Knox Butte Avenue area in Southern Millersburg; and some 200 acres centered on the Burlington Northern rail line between Conser Road and the Murder Creek valley. Site slopes range from 0 to 2 percent. Mean annual precipitation is about 762 mm (30 inches), and the mean annual temperature is about 5.6 degrees C (42 degrees F). The site elevation is at 210 feet above sea level. Most of the soils are in woodland, although the subject site is not. A small amount of land is permanent pasture or idle cropland. Typical land use around the subject site has been forest, active and abandoned pasture, and industrial use. The site does not have any natural drainage channels even though Second Lake shoreline is approximately 840 feet west of the property. The BNSF railroad tracks are aligned with the western property line, running north and south. The parcel's proximity to an active railroad transportation line is more suitable for commercial and industrial use, rather than mixed use retail and residential development. The three-story building may even create a sound buffer between the active railroad line and the businesses to the north and east of the site. Apart from the Willamette River flood plain, the Crooks Creek Valley provides the largest concentration of woodland in Millersburg. This area contains approximately 40 acres of trees and brush. The main concentrations of growth occur in the northeast corner of Millersburg in the vicinity of the 1-5 and Old Salem Road interchange. The new building will not interfere with the woodland area. Because the property was already cleared and developed by the plant nursery for buildings, it lends itself to industrial and commercial development. The existing landscaping is overgrown and are not native to the area, so new commercial landscaping is proposed to the north along the property line and within the 10-foot setback along Old Salem Road NE and will be designed to highlight native and drought tolerant plants. No endangered flora or fauna have been observed on the property. All onsite stormwater will be treated and infiltrated onsite.

Floodplain FIRM Map: 41043C0214H:



- (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the use.

Response: Old Salem Road NE is designated a local roadway by Linn County. Frontage improvements were recently constructed by Linn County, and the road is paved at a width of approximately 40 feet, which is adequate even with increased traffic. The self-storage building will generate less than 100 trips per day. There are two unimproved gravel access drives to the property from Old Salem Road NE. The arterial road intersects with Interstate 5 at the South Jefferson interchange. The County installed two new concrete driveway aprons, sidewalk, curb, and gutter along the edge of the road right-of-way recently. Oddly, the county road right-of-way width is 10 feet from face of curb at the north side of the parcel, and then it changes to 20 feet from face of curb 25 feet from the north property line and continues to the south property line. Besides the Comprehensive Plan, the City of Millersburg has completed the Millersburg Master Sanitary Sewer Plan and the Water System Master Plan, as well as road improvements. The transportation system and public facilities are adequate for this use.

- (4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.

Response: As previously discussed above, the subject parcel already has several self-storage buildings which were allowed out right in the Commercial Zone. The property is in an area of mixed uses. A portion of the parcel on the east side is being affected by the new Commercial Office Zone. The surrounding area use is industrial warehouse to the north, a commercial truck gas station to the south and a new one-story office building to the northeast. The new building will be entirely on the parcel and the entrance to the site will be from an existing shared driveway to the south. By replacing the dilapidated plant nursery buildings with a new three-story self-storage building with new landscaping and architecture, local real estate commercial viability should improve as it will be a visible sign of prosperity in the area.

Response: The applicant has provided the following:

- a. Vicinity map showing all streets, property lines, streams, and other pertinent data to locate the proposal.
- b. North arrow and scale of drawing.
- c. Tax map and tax lot number or tax account of the subject property.
- d. Dimensions and size in square feet or acres of the subject property and of any proposed parcels or lots.
- e. Location of all existing easements within the property.
- f. Location of City utilities (water, sanitary sewer, storm drainage) within the property.
- g. Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
- h. A site plan clearly indicating the proposed adjustment including dimensions.

5.05.060 Decision Criteria

The review of a site plan shall be based upon the following criteria:

- (1) The proposed use is allowed in the zone and complies with the underlying zone development standards.

Response: The proposed use is not allowed within the zone however it does comply with the underlying development standards as demonstrated above.

- (2) The proposed use will not create negative impacts on the surrounding area resulting from traffic flow, noise, dust, glare, odor, potential incompatible adjacent uses such as parking lots, or other impacts identified in the public hearing process.

Response: Given that Eating and Drinking Establishments located within an office building are allowed outright within the zone, an existing self-storage commercial business with one new associated building should generate less traffic and impact than the previous use (plant nursery), restaurant or professional offices or banks, which are also allowed outright in the zone. The traffic impact for the self-storage facility to the south was projected to be less than 1% of the Old Salem Road NE peak hour. The noise, dust and glare impacts will mostly take place during construction, which will take approximately 4 to 8 weeks. After construction, actual traffic counts will be less than average (less than 200 average daily trips), so the proposed project will not result in direct traffic impacts.

- (3) The City may impose conditions of approval intended to mitigate potential impacts including but not limited to: a. Provisions for public utilities, including drainage and erosion control needs; b. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities; c. Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and d. Protections from any potential hazards.

Response: The proposed new building is part of an existing use on the subject and surrounding property since 1995. Due to City re-zoning efforts, the east part of the parcel is within a Commercial Office Zone, which does not allow self-storage facilities. The purpose of the Commercial Office Zone is primarily designed to attract professional offices, with limited supporting commercial retail activities, to serve the community. This proposal does not create negative impacts and complies with standards that traditionally mitigate for off-site impacts. Furthermore, it is the purpose of the applicable zone to permit more intensive uses in an area away from uses that could be considered incompatible. Therefore, the proposed development satisfies this criterion.

5.05 Site Development Review:

The site development review is intended to: a. Guide future growth and development in accordance with the Comprehensive Plan and other related regulations; b. Provide an efficient process and framework to review development proposals; c. Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and d. Resolve potential conflicts that may arise between proposed developments and adjacent uses. (2) The site development review provisions relate to physical characteristics of a property, proposed site improvements, and proposed buildings. The site development review provisions do not deal with the use of property. Use is regulated by the provisions of each individual zone.

Site Development review is applicable to all new industrial, commercial, mixed use, and multi-family developments and expansions involving a 20% or more increase in total square footage of existing

industrial, commercial, mixed-use, and multi-family. (2) All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code. (3) Expansions of 20% or less shall be permitted and processed as a building permit, provided the expansion, and associated use(s) comply with all applicable development requirements such as parking, setbacks, height restrictions.

Response: The applicant has provided the following:

1. Site analysis including an existing conditions topography plan providing the required site drainage, structures, and streets per requirements.
2. Proposed Site Plan including the grading and topography changes, proposed structures, vehicular and pedestrian circulation patterns within the site, building location and access, storm drainage, landscaping, fencing, signs, traffic trip analysis, and other requirements.
3. Drainage: Grading and Drainage will be addressed during engineering review. Preliminary drainage is proposed through onsite infiltration systems. The subject property is not traversed by a water course.
4. Building Elevations and Landscaping plans provided to give examples of building aesthetics and physical characteristics of the site.

Chapter 5.15 Interpretations:

5.15.010 Applicability The purpose of this Section is to provide a means to resolve potentially conflicting requirements and unclear Code requirements and identify uses not specifically listed in a particular zoning district (similar uses) but which are similar in character, scale and performance to the permitted uses specified therein.

5.15.020 Process Interpretation requests shall be reviewed in accordance with the Type II review procedures in Chapter 5.18.

5.15.030 Application Any application for an interpretation use shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Chapter 5.18.

5.15.040 Decision Criteria The City Manager is authorized to make such an appropriate interpretation of the Code provided that the applicant demonstrates the proposed use satisfies the following criteria: (1) The interpretation is consistent with the purpose of the Code and any appropriate purpose statement in an underlying zoning district or development requirement. (2) The resulting interpretation conforms to the applicable standards and limitations of the underlying zoning district. In approving an application for a similar use, the City may determine whether the use is prohibited or classified as permitted, special use or conditionally permitted in a specified zone.

Chapter 5.18 Type II Applications and Review Procedures:

5.18.010 Procedure for Type II Action (1) Decision Authority. Applications subject to a Type II procedure shall be reviewed and decided by the City Manager or his/her designee, or by the Planning Commission upon referral or appeal, or the Council upon appeal. (2) Application. Upon receipt of an application for Type II land use action, the City staff shall review the application for completeness. a. If determined to be complete, the 120-day time period shall begin. b. If determined to be incomplete,

the applicant shall be notified and provided an additional 30 days to submit supplemental information as necessary. (3) Completeness. The application shall be deemed complete for the purposes of scheduling and all related timing provisions either: a. Upon receipt of the requested acceptable additional information; or, refusal by the applicant to submit the requested information; or b. On the 31st day after the original application submittal. (4) Hearing Option. The City Manager or designee may schedule a public hearing and decision by the Planning Commission processed as a Type III application. A Type III process with a hearing may also be requested by the applicant. The procedures for conducting the public hearing shall comply with the standards in Chapter 5.21. (5) Before making a Type II decision, the City shall mail notice of the application to: a. All owners of record of real property within 100-feet of the subject site; b. Any person who submits a written request to receive a notice; c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City or required by State statute; d. The road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of decision for the application; and e. The City may notify other affected agencies, as appropriate, for review of the application.



NOTICE OF TENTATIVE DECISION
INT 21-01 Storage Interpretation
COMMENTS DUE OCTOBER 14, 2021

September 30, 2021

The City of Millersburg has received an application requesting an official interpretation by the City regarding a proposed use that was not listed in the applicable zone on the property, Commercial Office (CO). The project was reviewed by staff for consistency with the Millersburg Development Code. **Staff is now issuing a tentative decision to apply an interpretation that a storage use in a proposed 3 story structure is similar to other uses allowed in the Zone and therefore permitted to apply for Site Design Review and Conditional Use Permit.** No hearing is required for this interpretation.

The City is asking for your input. Please review the attached exhibit and the staff report which is available here- <http://cityofmillersburg.org/current-planning-applications/>. Look for the link to INT 21-01. After the expiration of this 14-day public/agency review period, any input received will be taken into consideration.

Interested parties are invited to send written comment or email. Failure of an issue to be raised in this notice period or failure to provide sufficient specific information to allow the Staff an opportunity to respond to the issue may preclude your ability to appeal the decision based on that issue. Please send all comments to 4222 NE Old Salem Road, Albany OR 97321, or (preferably) via email to mstrait@cityofmillersburg.org before October 14, 2021.

The application, all documents, and evidence submitted by or on behalf of the applicant are available for inspection at no cost, copies are available for a minimal cost, or online at the link shown above. Applicable criteria are from Section 5.15.040 of the Millersburg Development Code which can be found here- https://library.municode.com/or/millersburg/codes/development_code. For further information, contact Millersburg City Hall at (458)-233-6300.

The final decision can be appealed within 15 days of issuance to the Planning Commission.

APPLICANTS:	Albany Self Storage
LOCATION:	1190 NE Old Salem Road (see map opposite page)
TAX LOT:	Township 10 South; Range 3 West; Section 33CD; Tax Lot 800
PARCEL SIZE:	Area of proposed storage facility- 1.46 Acres
ZONING:	Commercial Office (CO)
REQUEST:	The applicant is requesting a Code Interpretation to allow storage

as a use in the Commercial Office (CO) Zone for 1190 NE Old Salem Road. Storage is currently not listed in the Zone as a permitted use. Millersburg Development Code; Article 5.15.040 INT 21-01

CRITERIA:
FILE No.:

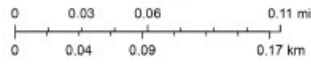
INT 21-01 Vicinity Map



9/30/2021, 10:40:55 AM

1:4,514

- Highways
- Roads
- Railroad
- City Boundary
- Tax Lots



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, GeoTerra, 2021

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 | ArcGIS Web AppBuilder