



**Summary:** The Tentative Decision was distributed for public review between July 29, 2022 and August 15, 2022. The City received comment letters from the Department of State Lands (DSL), City Engineer, Albany Fire, Mr. and Mrs. Arasmith, Ms. Nichols, and Ms. Johnson. Comments from Albany Fire and the City Engineer were standard partition/subdivision comments. The DSL simply indicated that they received the request for comments but made no comments. Three of the letters were submitted by neighboring property owners. All indicated concerns with water on applicants' property and the possible impacts of the water on their property when the applicant's land is developed. The conditions of approval and analysis below have been revised to reflect the input provided from the comments. All revised analysis is shown in italics.

Staff has approved the subdivision 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 subdivide a 2.86-acre parcel into 4 residential lots. Lot 1 is proposed to be 21,880 square feet, lot 2 is proposed to be 60,539 square feet, lot 3 is proposed to be 28,668 square feet, and lot 4 is proposed to be 10,003 square feet. Shared access is proposed to reduce driveways on NE Alexander Lane. Two versions of the tentative map were submitted. A portion of one of the versions is shown as a dedication for right-of-way (ROW) on the southeast corner of the map.

## I. BACKGROUND

- A. Applicant: Chii-Hui Peterson  
2807 NE Alexander Lane  
Millersburg, OR 97321
- B. Project Location: 2807 NE Alexander Lane  
10S 3W 21 Tax Lot 00907

- C. Review Type: Section 5.08.020 of the Millersburg Development Code explains that a subdivision 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 5.18 of the Millersburg Development Code. Notice was provided to all neighbors within 200 feet and all responsible agencies on July 29, 2022. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.08.060 Subdivisions
- F. Current Zoning: Residential Low (RL)
- G. Proposed Zoning: N/A
- H. Property Size: 2.86 Gross Acres
- I. Background: On April 12, 2022 the City Council expressed interest in working with the applicant to secure a right-of-way dedication for a 3,471 square foot area on the property to allow NE Obsidian Avenue to continue, with a slight curve, to provide access to the neighboring property to the north, while leaving the NE Alexander Lane and NE Obsidian Avenue intersection a standard intersection. *The applicant has provided two versions of the map with and without the dedication. The approval is approving both versions, though only one can actually record with the final plat.*

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

Agencies:

The project was transmitted to the following agencies/departments on July 26, 2022: City of Albany, Albany Fire Department, City of Millersburg Engineer, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, PacifiCorp, and the Oregon Department of State Lands (DSL). Any comments received will be addressed in the final decision.

Public:

Notice of this tentative decision was sent out to neighbors of the site on July 29, 2022. 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**

In order to support the proposed subdivision, the project would have to comply with all criteria and requirements from the Development Code. A review of the criteria and all applicable/pertinent standards are included below.

## Section 5.08.060 Subdivision Decision Criteria

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

- (1) **Each lot 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 area standards in the RL zone are a 10,000 square foot minimum. There are no specific dimensions required in the RL zone. The smallest proposed lot is 10,003 square feet, above the required 10,000 square feet. All zone standards are met. Setbacks are not evaluated at the subdivision stage, but the design of the parcels will be able to accommodate setbacks. *One of the submitted letters expressed concerns with additional houses in the City. The zoning of the City allows 10,000 square foot lots on any property zoned Residential Low. All of the property in the area surrounding the site is zoned RL, which allows additional homes. The proposed project is fully consistent with the lot size requirements and all zoning standards.*

**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:** Proposed lot 2 is the only proposed lot with existing structures. As drawn, all property lines would meet the required structure setbacks.

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

- (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. Adequate means the development will not cause streets (including sidewalks, intersections, and traffic control devices), sewer facilities, water facilities, and storm drainage facilities to exceed the relevant capacity for each type of facility established in the most recently adopted, Sewer Master Plan, Water Master Plan, Storm Water Master Plan, and the Transportation System Plan development in accordance with the State Transportation Planning**

**Rule for which the determination will be made in accordance with Section 3.02.120. Adequacy can be established in three ways:**

- a. Professional Engineering analysis determining the subdivision will not exceed the capacity of existing and future public facilities as projected in the most recently adopted water, sewer, and stormwater master plans and transportation system plan;**
- b. Professional Engineering analysis determining what improvements will be required to increase the capacity of public facilities to adequately accommodate the subdivision and how those will be financed; or**
- c. A combination of both a and b.**

**ANALYSIS:**

*Water and Sewer-* Adequate water and sewer capacity are available in NE Alexander Lane fronting all proposed lots. Proposed water and sewer laterals are shown on the map. These will be reviewed by the City Engineer for consistency with the City standards. All water and sewer laterals will need to be constructed prior to the map recording.

*Access-* The site fronts NE Alexander Lane, which features a collector designation. *5 additional feet of right-of-way dedication is required on the final plat for NE Alexander Lane.* New driveways are strongly discouraged on collectors. The applicant has three existing driveway curb cuts. They have designed the project to use only those three existing curb cuts. The westerly existing driveway curb cut has been proposed to be relocated. The new location is shifted west by a few feet. Conditions of approval have been added to require the old curb cut to be filled in so that only three remain. This will need to be done prior to the recording of the map. Lots 1 and 2 share an access, and lots 3 and 4 share an access. Both will require an easement. This is noted on the map.

*The applicant submitted two versions of the tentative map. One version shows additional dedication of right-of-way, the other does not. The action to approve the project is approving both versions of the map, though only one can record. The additional access dedication proposed is not required for access to the project. The additional ROW is needed for dedication to properly align the future intersection near the proposed project site. In other words, the dedication is not a requirement of the project approval; rather, the applicant is using the map as a tool to assist the City by providing the additional property. For this reason, either version of the tentative map meets the access requirements for the subdivision, and either can be reflected in the final plat. The applicant has been working with the City to dedicate a portion of the property to allow NE Obsidian Avenue to go straight through the intersection, going north.*

*Two of the letters expressed concerns with possible additional traffic on NE Alexander Lane. The street width, classification, and design were allocated to NE Alexander Lane in anticipation of the full buildout of the City. Alexander Lane therefore has the ability to accommodate additional vehicle traffic.*

*Adjacent property*- There is an existing home on the east and west of the property. Both could be further divided. However, both have access to NE Alexander Lane for future access needs. The adjacent property to the north is vacant; however, adequate access exists for the property without the need for the applicant to make any changes to the proposed project. Utilities for the property to the north will require upgrades in order to accommodate significant development; however, the applicant's property will not be needed for utility development of the northern property.

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

**CONDITIONS OF APPROVAL:**

- Prior to the recording of the final plat, the applicant shall secure a right-of-way permit for, and construct, the new driveway location on the westerly side of the development. The applicant shall also fill in the existing driveway curb cut, such that only three driveway curb cuts exist on NE Alexander Lane for the frontage of the entire project site (map), to the satisfaction of the City Engineer.
- Prior to City approval of the final plat, the applicant shall construct all required public utilities (including water and sewer laterals), or provide bonding (or similar) for all improvements, to the satisfaction of the City Engineer. The applicant must have all improvements approved by the City.
- *The approval includes two different versions of the tentative map. The final plat can reflect either version as both are fully consistent with the code requirements.*
- *Prior to City approval of the final plat, the final plat must dedicate five feet of additional right-of-way along Alexander Lane.*

**IV. STANDARDS**

The proposed subdivision design complies with all the specifications and design requirements of Article 3 and 4 of the Millersburg Development Code with conditions of approval. Areas that require additional conditions of approval to fully 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 subdivisions. 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
Subdivision	Yes	Yes	Yes	Yes	Yes	Yes	Yes

**ANALYSIS:** The closest fire hydrant is 17 feet away from the westerly property line. The proposed subdivision is providing water and sewer connections, as shown on the map. The project frontage is along NE Alexander Lane which is fully

constructed. The storm drain system is an open ditch that parallels the street. Connection charges for all existing water, sewer, and street improvements that existed at the time of the division are required to be paid prior to the recordation of the final plat.

This section also specifies that streetlights are required at locations required by City standards. *The City engineer has included in her comments that no additional streetlights are required.*

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

**CONDITIONS OF APPROVAL:** All connection fees are due prior to the recording of the final plat, to the satisfaction of the City Engineer.

### **Section 3.04 Storm Drainage**

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

**ANALYSIS:** The applicant did not provide details regarding drainage. A drainage plan will need to be submitted. *Three of the surrounding neighbors have submitted comments regarding the high water table and standing water that is common on the applicants property and the surrounding properties. They expressed concerns that the potential development of the applicants property could result in drainage impacts on neighboring land. These concerns are valid. The area has a very high water table and much of the applicants property features standing water through many of the seasons. This is evident in the wetland delineation submitted by the applicant, which shows wetlands on most of the property. First, it is important to understand that the applicant is not proposing improvements right now, just the division of the land. Any changes to the land that could impact water on the property would be tied to the construction of new homes, not the division. Having that said, the City's Development Code and engineering standards require that any construction not result in drainage impacts on neighboring property. This is typically achieved by having the applicant provide a drainage study explaining how the lot will drain, specifically in a way that will not result in impacts to neighbors. We have previously added conditions of approval that requires a drainage study to specifically address this issue.*

*As a result, there should be no additional drainage on neighboring properties, in fact, the drainage on the neighboring properties could be improved once all water on the applicant's property drains to the street.*

**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 drainage plan that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer.



- Prior to City approval of the final plat, the applicant shall construct all required drainage facilities, or provide bonding (or similar), for all improvements approved by the City.

### **Chapter 3.22 Wetland and Riparian Areas**

The project site features wetlands as outlined in the wetland delineation done by Zion Natural Resources Consulting dated May 2022. As such, the requirements from Chapter 3.22 apply.

**ANALYSIS:** K&D Engineering identified wetlands on the tentative map. Lots 1 and 3 are almost entirely covered with wetlands, and large portions of lot 2 feature wetlands. As such, the project was transmitted to the Department of State Lands for review. For wetland purposes, the creation of residential lots is not considered development, because there is no disturbance of soil (except infrastructure connections). The identification of wetlands does not prevent the creation of residential lots that may be entirely within wetland areas. However, it should be understood that any ground disturbance (considered "fill" in wetland regulations) over 50 cubic yards requires a State Removal-Fill Permit from the Department of State Lands (DSL). Any home development on lots 1 and 3 will certainly require DSL removal-fill permits, which could require mitigation. The City will need clearances from the DSL prior to any construction on lots 1 and 3 and any construction that could impact a wetland on lots 2 and 4.

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

#### **CONDITION OF APPROVAL:**

- Prior to the issuance of any building permits on lots 1 and 3 and/or any building permits that could impact wetlands delineated on lots 2 and 4, the applicant shall provide clearances from the State Department of State Lands.
- Issuance of a permit under ORS 196.600 to 196.905 by the State of Oregon Department of State Lands required for the project before any physical alteration takes place within wetlands.

### **Section 4.02.030 and 040 Standards for Lots or Parcels**

This section includes many standards for subdivisions. These include:

- Lot to depth requirements - the depth shall not be more than three times the width.
- 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 four lots. All are over the 10,000 square foot minimum. All lots meet the width to depth ratio. Lots 1, 2, and 4 provide the minimum 40 feet of frontage required. Lot 3 is a flag lot which includes an access strip that meets the required 25-foot width. None of the parcels are considered through parcels, and all lot lines are some form of a right angle.

Lots 1, 2, and 3 are large enough to be divided again because they are larger than 20,000 square feet. As such, the Code requires that these lots be designed in a way that would not preclude additional divisions in the future. All lots meet these requirements because additional lots could share the access provided.

The block length is under 500 feet. No additional connectivity is required because the property to the north does not need additional access; access for the property to the north is already provided in several other locations.

**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 Subdivision Application No. SD 22-02, the Peterson Subdivision, 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 7/25/2022 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, including wetland removal-fill permits, shall be filed in the Record File of this application.
3. Proposed lots must connect to City water and sewer.
4. 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.
5. Issuance of a permit under ORS 196.600 to 196.905 by the State of Oregon Department of State Lands required for the project before any physical alteration takes place within wetlands.



6. Sidewalks are existing along Alexander Lane, all sidewalks disturbed during construction shall be restored to original condition.
7. The approval includes two different versions of the tentative map. The final plat can reflect either version as both are fully consistent with the code requirements.

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

8. All connection fees are due prior to the recording of the final plat, to the satisfaction of the City Engineer.
9. Prior to City approval of the final plat, the applicant shall provide details of all street and public utilities for review and approval.
10. Prior to City approval of the final plat, the applicant shall construct all required public utilities (including water and sewer laterals), or provide bonding (or similar), for all improvements, to the satisfaction of the City Engineer. The applicant must have all improvements approved by the City.
11. 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.
12. Prior to City approval of the final plat, the applicant shall submit for approval a drainage plan that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer.
13. The applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter dated July 27, 2022 have been met.
14. 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.
15. The final plat shall include any required access or utility easements.
16. Prior to City approval of the final plat, the applicant shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.
17. All right-of-ways shall be dedicated as part of the Final Plat.
18. Prior to the recording of the final plat, the applicant shall secure a right-of-way permit for, and construct, the new driveway location on the westerly side of the development. The applicant shall also fill in the existing driveway curb cut, such that only three driveway curb cuts exist on NE Alexander Lane for the frontage of the entire project site (map), to the satisfaction of the City Engineer.

19. Prior to City approval of the final plat, the final plat must dedicate five feet of additional right-of-way along Alexander Lane.

### **Prior to Issuance Building Permits**

20. Prior to the issuance of any building permits on lots 1 and 3 and/or any building permits that could impact wetlands delineated on lots 2 and 4, the applicant shall provide clearances from the State Department of State Lands.

### **Prior to Occupancy**

21. Prior to Occupancy of any new structure, required drainage facilities shall be constructed.

22. Prior to Occupancy of any new structure, water and sewer services shall be installed.

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## **VII. 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. Streetlights exist at the intersection of Alexander Lane and Obsidian Avenue. Additional streetlights are not required.
2. All roof drains and yard drainage must be piped or trenched to an approved discharge point.
3. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.
4. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
5. 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.
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; 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 are present on the site. At the time a building or sitework is proposed on either lot avoidance is the preferred alternative. If wetland delineated areas are a permit is

required from the Department of State Lands if more than 50 cubic feet of material is moved.

**IX. EXHIBITS**

- A. Vicinity Map
- B. Zoning Map
- C. Applicant's Site Plan/Map
- D. Notice
- E. Arasmith 8.14.22
- F. Johnson 8.15.22
- G. Nichols 8.15.22

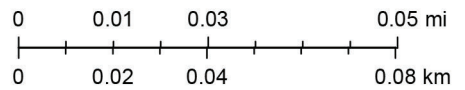


# Vicinity Map SD 22-02



7/26/2022, 8:25:35 AM

1:2,257



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

GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder



# Zoning Map SD 22-02



Project Site

NE ALEXANDER LN

NE ALEXANDER LN

NE ROYAL DR

NE OBSIDIAN AVE

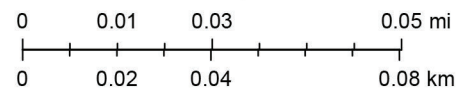
NE CROWN LN

NE KINDSEY LN

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



GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA

ArcGIS Web AppBuilder



**OPTION #2**  
**TENTATIVE 4-LOT SUBDIVISION**  
**"PETERSON ESTATES"**

FOR  
**CHII-HUI PETERSON**

LOCATED IN

CHRISTIAN FARLOW D.L.C. No. 54

SW 1/4 SEC. 21, T. 10 S., R. 03 W., W.M.

IN THE

CITY OF MILLERSBURG, LINN COUNTY, OREGON

JULY 25, 2022

**APPLICANT:**  
 CHII-HUI PETERSON  
 2807 NE ALEXANDER LN.  
 ALBANY, OR 97321

**OWNER:**  
 CHII-HUI PETERSON  
 2807 NE ALEXANDER LN.  
 ALBANY, OR 97321

**ENGINEER:**  
 K+D ENGINEERING INC.  
 276 HICKORY ST. NW  
 ALBANY, OR 97321  
 541-928-2583

**SITE ADDRESS:**  
 2807 NE ALEXANDER LN.  
 ALBANY, OR 97321

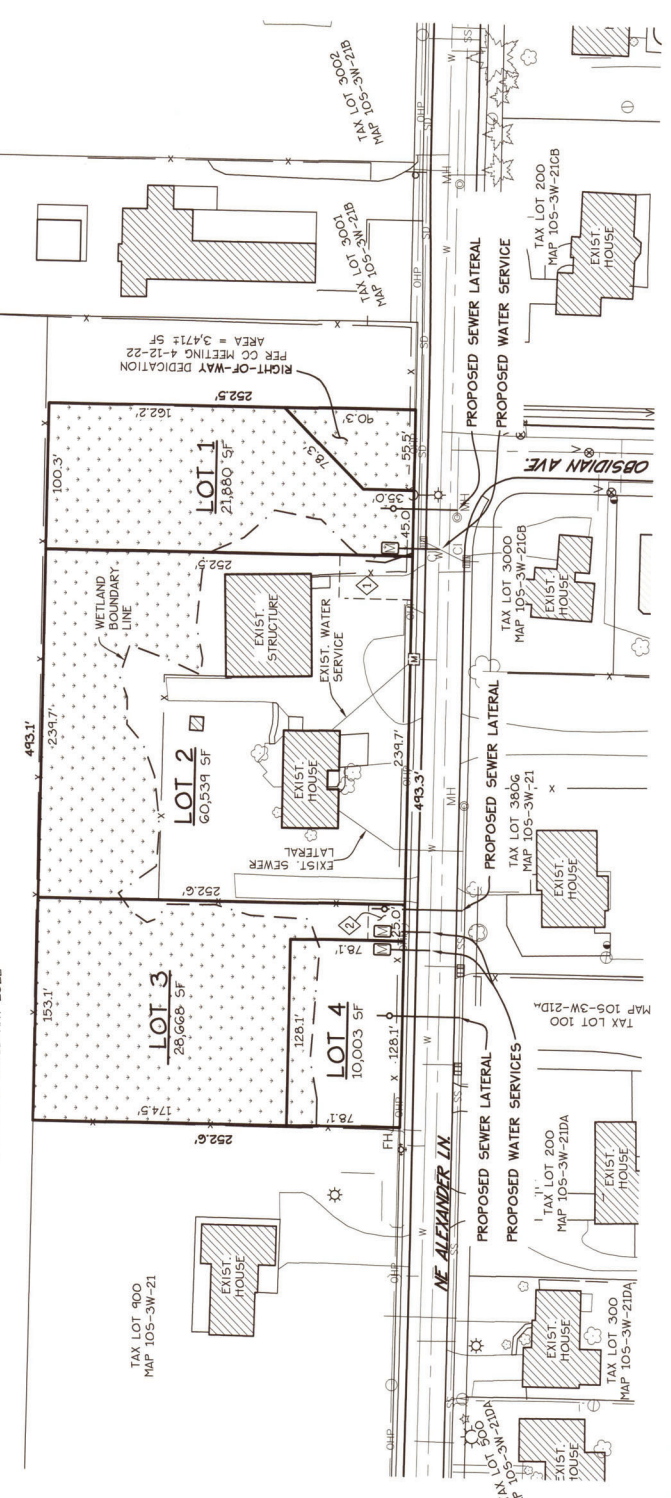
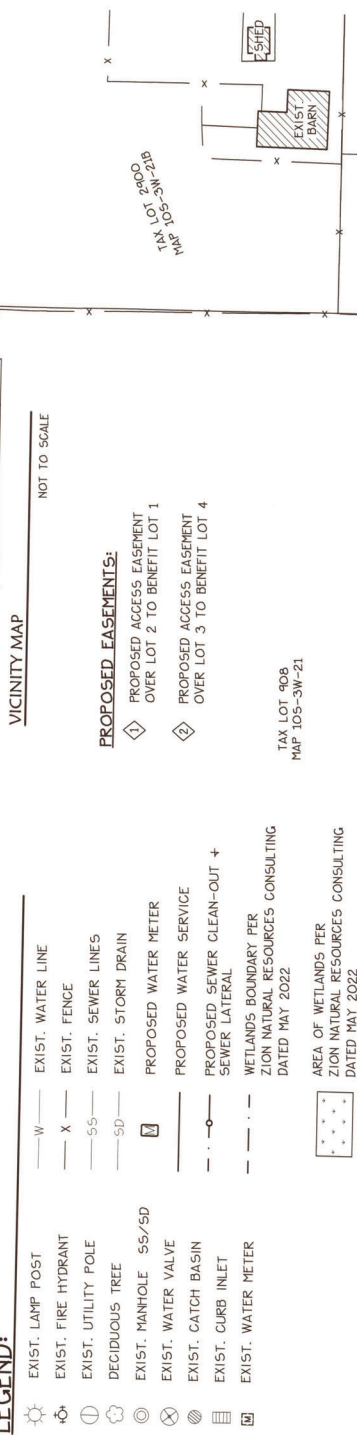
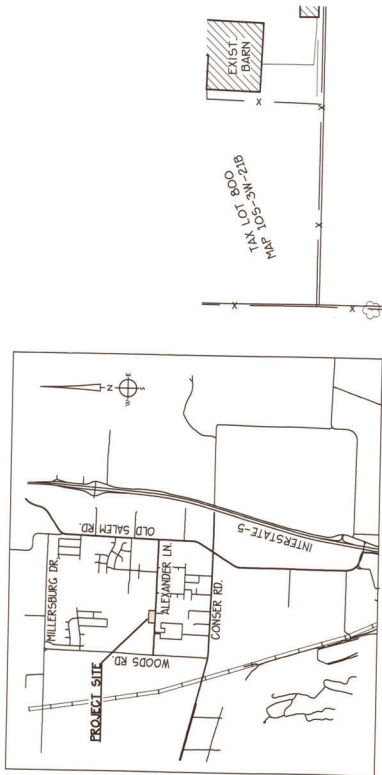
**SITE ZONING:**  
 RL = RESIDENTIAL LOW

**TAX LOTS:**  
 907 (105-3W-21)

**OPTION #2 NOTE:**  
 OPTION #2 INCLUDES A RIGHT-OF-WAY  
 DEDICATION FOR THE FUTURE EXTENSION  
 OF OBSIDIAN AVE.

**NOTE:**  
 DATA IS COMPILED FROM THE LINN COUNTY AND  
 CITY OF ALBANY'S GIS DATABASE, DATED 2015.

**TOPOGRAPHY:**  
 TOPOGRAPHIC FEATURES ARE BASED ON CITY OF  
 ALBANY GIS MAPS, AND FIELD SURVEYED DATA.



**OPTION #1  
TENTATIVE 4-LOT SUBDIVISION  
"PETERSON ESTATES"**

FOR  
**CHII-HUI PETERSON**

LOCATED IN  
**CHRISTIAN FARLOW D.L.C. No. 54**  
**SW 1/4 SEC. 21, T. 10 S., R. 03 W., W.M.**  
IN THE  
**CITY OF MILLERSBURG, LINN COUNTY, OREGON**  
JULY 25, 2022

**APPLICANT:**  
CHII-HUI PETERSON  
2807 NE ALEXANDER LN.  
ALBANY, OR 97321

**OWNER:**  
CHII-HUI PETERSON  
2807 NE ALEXANDER LN.  
ALBANY, OR 97321

**ENGINEER:**  
K&D ENGINEERING, INC.  
276 HICKORY ST. NW  
ALBANY, OR 97321  
541-928-2583

**SITE ADDRESS:**  
2807 NE ALEXANDER LN.  
ALBANY, OR 97321

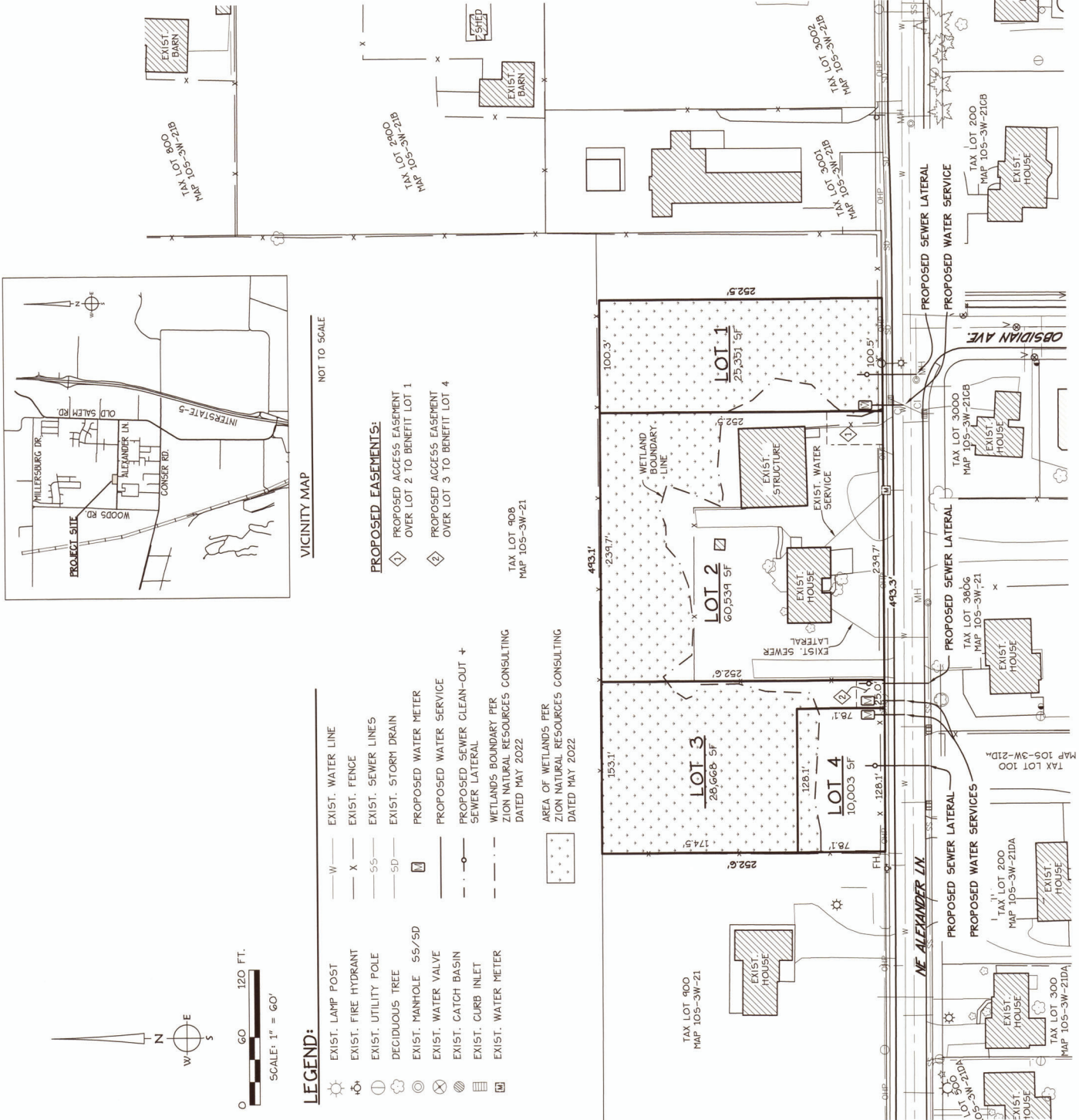
**SITE ZONING:**  
RL = RESIDENTIAL LOW

**TAX LOTS:**  
907 (10S-3W-21)

**OPTION #1 NOTE:**  
OPTION #1 DOES NOT INCLUDE A  
RIGHT-OF-WAY DEDICATION FOR THE  
FUTURE EXTENSION OF OBSIDIAN AVE.

**NOTE:**  
DATA IS COMPILED FROM THE LINN COUNTY AND  
CITY OF ALBANY'S GIS DATABASE, DATED 2015.

**TOPOGRAPHY:**  
TOPOGRAPHIC FEATURES ARE BASED ON CITY OF  
ALBANY GIS MAPS, AND FIELD SURVEYED DATA.





**NOTICE OF TENTATIVE DECISION**  
**SD 22-02 Peterson Subdivision**  
**COMMENTS DUE August 15, 2022**

July 26, 2022

The City of Millersburg has received an application to subdivide a property in the City. The project was reviewed by staff for consistency with the Millersburg Development Code using a ministerial Land Use Review process. **Staff is now issuing a tentative decision to approve the project with conditions of approval.** No hearing will take place.

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 SD 22-02. After the expiration of this 14-day public/agency review period, any input received will be taken into consideration, additional conditions of approval may be added to the decision to mitigate any concerns, and a final decision will be rendered by Staff.

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, Millersburg OR 97321, or via email to [mstraite@cityofmillersburg.org](mailto:mstraite@cityofmillersburg.org) before August 15, 2022.

The application, all documents, and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost or online at the link shown above. For further information, contact Millersburg City Hall at (458)-233-6300.

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

<b>APPLICANTS:</b>	Chii-Hui Peterson
<b>LOCATION:</b>	2807 NE Alexander Lane (see map opposite page)
<b>TAX LOT:</b>	Township 10 South; Range 3 West; Section 21; Tax Lot 907
<b>PARCEL SIZE:</b>	4.35 Acres
<b>ZONING:</b>	Residential Low (RL)
<b>REQUEST:</b>	The application proposes to subdivide 2.86 acres into 4 lots.
<b>CRITERIA:</b>	Millersburg Development Code; Article 5.08.060
<b>FILE No.:</b>	SD 22-02



Skeet & Judy Arasmith  
2885 NE Alexander Lane  
Millersburg, OR 97321

August 14, 2022

City of Millersburg  
4222 NE Old Salem Road  
Millersburg, OR 97321

While we are in favor of people having the ability to do what they want, the proposed subdivision at 2807 NE Alexander Lane could have a negative impact on adjoining property.



The field west of us, Lot #1, in the proposed subdivision, is higher elevation than our property. In the winter we have observed standing water in this field and in the natural ditch that stretches diagonally across the field. This ditch carries considerable drainage during the winter. We are concerned that building in this field, Lot #1, could cause us standing water problems and thus deteriorate our structures.

Our property is entirely flat and not suitable for drainage. We did not know that it was wetland when we bought it. Knowing what we do now, we would have added a gravel pad on which to build our house as there is standing water all winter long in our backyard and in the fields both east and west of us.

The property on the east side of us finished building this year, 2022. They added a gravel pad to raise the elevation high enough to build their house. Until winter we won't know what impact the house has on our property. We wish to prevent the possibility of being adversely affected with winter run off onto our property from both east and west sides.

Attached are photographs taken on Aug. 14 showing standing water and mud in the SE corner of the proposed subdivision.

Thank you for your consideration,

Skeet & Judy Arasmith











## Matt Straite

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**From:** Shari Johnson <nursesharircm@gmail.com>  
**Sent:** Monday, August 15, 2022 8:28 AM  
**To:** Matt Straite  
**Subject:** SD 22-02 Peterson Subdivision

You don't often get email from nursesharircm@gmail.com. [Learn why this is important](#)

City of Millersburg

Re: SD 2202 Peterson Subdivision

While I see Millersburg is and has been expanding, I oppose the subdivision at the property of 2807 NE Alexander Lane.

When the property was parceled for 2807 and 2745 back in the early 80's, by my father, Clayton Wood, the placing of the two homes on the property was strategic in the fact that there are drainage issues. The two highest places on the two properties are where the homes are currently located. The property between the two homes, so the west of 2807 and the east of 2745, both have standing water during all except for the warm summer months. I have a small shed on the east side of my property, 2745, which I am unable to access during the winter except with rubber boots due to the standing water. The previous owner, Gary Wood, had a few cows on the west side of the 2807 property, whom were quite content mucking around in the mud. I am concerned if additional housing is allowed on the west side of the 2807 property, it will cause harmful flooding to my home on 2745.

In addition, Alexander Lane is not designed for the increase in traffic of another subdivision. Traffic is already bogging down near the City Park on Alexander whenever there is an event.

The intent of the property was for one house on one lot, with good reason. please keep it so.

Thank you,

Shari Johnson

2745 NE Alexander Ln

## Matt Straite

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**From:** Janelle Nichols <jnichols7876@gmail.com>  
**Sent:** Monday, August 15, 2022 8:05 PM  
**To:** Matt Straite  
**Subject:** SD22-02 Peterson Subdivision

[You don't often get email from jnichols7876@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

In regards to Peterson Subdivision our concern is how it will effect the natural drainage as we have seen from most recent developments an increase of standing water during the wet rainy months spring, fall and winter.

Also the increase of traffic on Alexander Lane the driveway planned is directly across from ours but will be utilized by 3 separate households,(multiple vehicles?)

We believe that on your property you should be allowed to do as you wish , but the growth in Millersburg with all of these subdivision has become a bit too much. And cost of the frontage fees to actually partition off is a bit much to swallow!!!

(Or being told you MUST first hook up to city water if you choose to parcel off your property \$\$\$ too much!)

Regards,  
Jack & Janelle Nichols  
2760 Ne Alexander Lane  
Albany Oregon 97321  
541-928-1462

Sent from my iPhone