



Memo

RE: SP 23-02, CUP 23-01 and LA 23-01 Gordon Truck Center additional information

The applicant provided a more robust narrative after the staff report was published. The revised narrative is attached. This revised narrative provides additional clarification on how the project meets the City development code requirements and criteria. As a reminder, all of these facts and conclusions are part of those presented in the staff report.

Type III – Site Development Review
Type I – Property Boundary Adjustment
Type III – Conditional Use Permit

NARRATIVE: Gordon Truck Centers

Date: August 25th, 2023



Applicant:

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Development Location:

5801 NE Old Salem Road
Millersburg, OR 97231

Prepared for:

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Development Review Application

Explanation of Intent

First Forty Feet, in collaboration with MDG Architecture/Interiors, will be submitting for the following reviews:

- 1) Site Development Review (Type III Action). A Type III action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow discretion. Public notice and a public hearing are provided. Appeal of a Type III decision is to the City Council.
- 2) Property Boundary Adjustment (Type I Action). A ministerial action reviewed by staff based on clear and objective standards. Conditions are limited to those that ensure compliance with Code requirements and implement these standards. Decisions are memorialized on the relevant permit form or other order.
- 3) Conditional Use Permits (Type III Action). A Type III action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow discretion. Public notice and a public hearing are provided. Appeal of a Type III decision is to the City Council.

PROJECT SUMMARY

This proposed development Building A scope is an approximately 48,850 SF commercial expansion of an existing 12,000 SF commercial building with B, F-1, and S-1 occupancies. The building will be constructed of metal frame with interior office, service and sales along with shipping and storage. The building will consist of 13 drive thru service bays of approximately 38,000 SF. New office space will include a mezzanine level of about 3,000 SF. The warehouse and support is a single story area of approximately 6,800 SF with a warehouse area of 3,638 SF. Building A will have 69 parking spaces including 3 ADA parking spaces, 2 dock overhead doors and 1 drive-in overhead door and storefront entrances. The site will include areas for truck display for sales, over-sized vehicle parking, and tractor trailer parking with appropriate circulation. Access to the site will be via Old Salem Road. The proposed building height is 39'-1 3/8".

The project also proposes building B, the new construction of a single story building, shell only, assume occupancy S1-F and B permit with associated parking, landscape and utilities. Building B will have 75 parking spaces. Total proposed building square footage is approximately 112,320 SF. The building is proposed as a tilt-up concrete Type III-B construction at 43'.

EXISTING CONDITIONS

The project site is located east of Old Salem Road NE, north of Western Way NE, and south of Steelhead Run Drive in Millersburg, Oregon. The subject site is located in an area zoned as Light Industrial (LI), with industrial land uses to the north and south, a religious

institution to the northwest, residential land uses to the west, and Interstate 5 and a railroad to the east.

The project site includes two properties (tax lots 10S03W21-00304 and 00305) which encompass an approximate total of 22.59 acres. The site is currently developed with a 12,000 SF truck repair shop building near the northwest edge of the site. There are currently two existing driveways along Old Salem Road NE: one access along the north side of the site and one located opposite Clearwater Drive.

Both properties are primarily graded with slopes under 3 percent. The site slopes to the northwest towards an existing stormwater facility near Old Salem Road's right-of-way. The graded area of the site is graveled and extends for a width of 800 feet from the existing right-of-way of Old Salem Road for the entire width of its frontage. On tax lot 304 within the 800-foot-wide graded area is an existing industrial building that has approximately 12,000 square feet of rooftop. Stormwater runoff from within the graveled area is gathered in private catch basins and directed towards the existing stormwater facility in the northwest corner by the right-of-way.

Behind the 800-foot mark on tax lot 304 and 305 is an area of undocumented fill. This area extends another 500 feet and contains steeper slopes. In the southeast corner is a mound of undocumented fill that extends about 8 feet above the surrounding surface. Additionally, around the perimeter of this area abutting neighboring properties are steeply sloped banks, that are graded downward towards the neighboring properties. The back 500 feet is covered with low growing vegetation such as weeds, black berry bushes, and grass.

PARCEL

Map & Tax Lot ID 10S03W21-00304 and 00305

SITE DESIGN

Building Address: 5801 NE Old Salem Road, Millersburg, OR 97231

Zoning: Light Industrial (LI)

Site Area: 984,215.57 SF (22.6 acres)

Proposed Building Area: Building #A 63,850 SF; Building #B 112,320 SF

Parking/Paving Area: 623,915.15 SF

Building Height: Building #A 39'-1 3/8"; Building #B 43'

Vehicle Parking: Building #A 69 spaces; Building #B 75 spaces

Truck Parking: 263 spaces

Electric Vehicle Charging: Building #A 14 stations; Building #B 15 stations

Bicycle Parking: Building #A 3 spaces; Building #B 8 spaces

Staffing: current = 14.79; 3-5 years = 35; 10+ years = 54

Applicable Standards

The following standards have been addressed within this Narrative.

Development Code City of Millersburg:

2.09 Light Industrial Zone (LI)

3.02 Street Standards

3.03 Off-Street Parking and Loading (including calculations)

3.04 Storm Drainage and Grading

3.05 Utility Lines and Facilities

3.06 Signs

3.07 Fencing and Screening

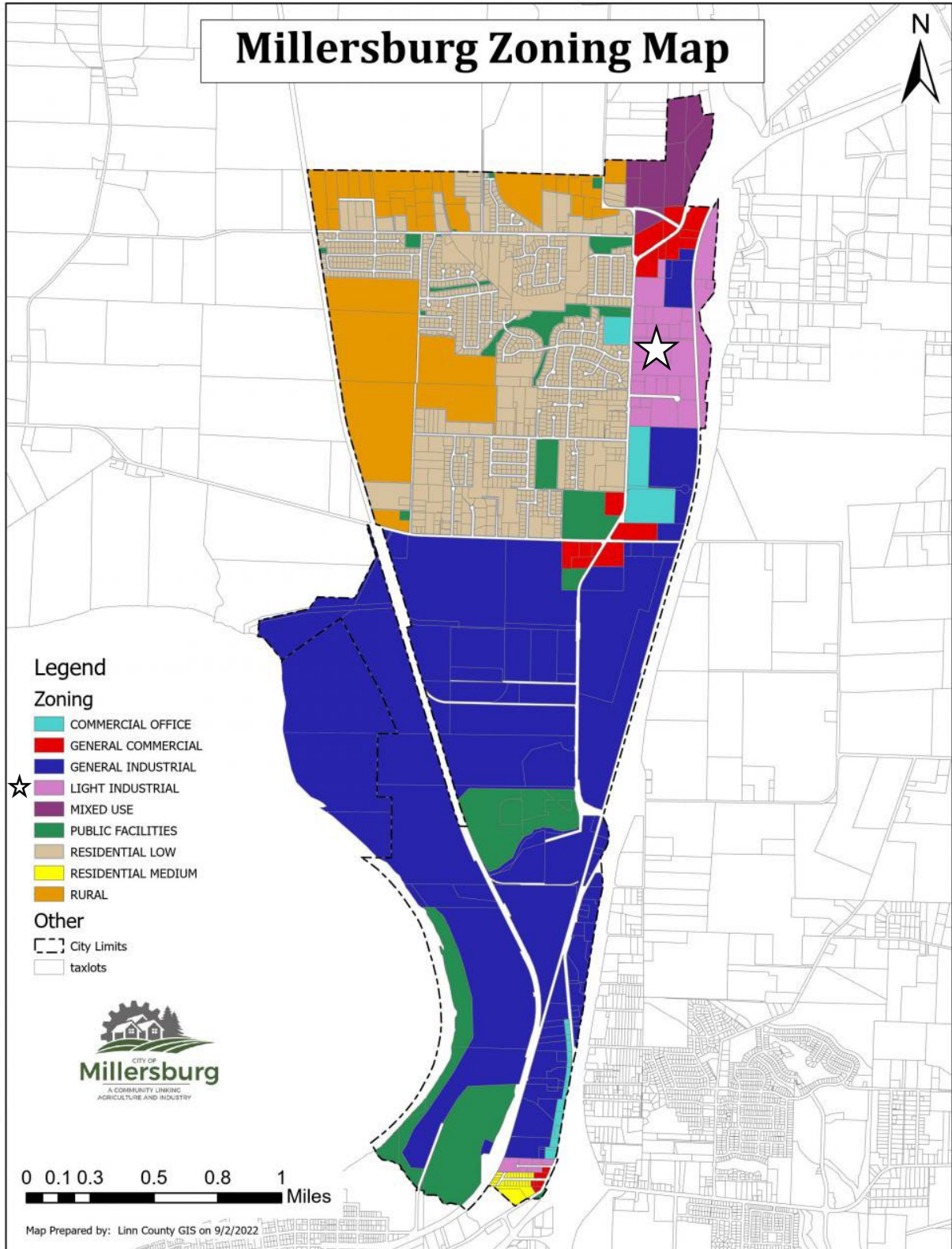
3.09 Landscaping

5.04 Processing Conditional Use Permits

5.05 Processing Site Development Reviews

5.06 Processing Property Boundary Adjustments

Zoning Map



Site Aerial



PROJECT SITE

Map & Tax Lot ID



FEMA Map



The site has no floodway areas as determined by FEMA.

ARTICLE II. – ZONES AND ZONING REGULATIONS

2.09 – LIGHT INDUSTRIAL ZONE (LI)

2.09.010 Purpose

The Light Industrial Zone is applied to areas suitable for limited manufacturing and warehousing activities which have minimal emissions or nuisance characteristics potentially detrimental to the public health, safety, or general welfare that would impact adjacent non-industrial areas.

2.09.020 Permitted Uses.

The following uses, when developed under the applicable development standards in the Code, are permitted in the LI zone:

(1) All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing uses, including personal storage facilities such as mini-storage warehouses provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building or screened per requirements in [Section 2.09.060](#)(6).

(2) Uses of a nature that are consistent with the purpose statement of the zone. The intent is to permit flexibility in allowing appropriate uses generated by emerging technologies. For example, server farms or call centers would be consistent with provision.

(3) Public and private utility buildings and structures, including, but not limited to, fire stations, electric substations, telephone exchanges, and communications antennas or towers.

(4) Utility substations or pumping stations, excluding outdoor storage of equipment or materials.

(5) Welding, machining, fabrication, blacksmith shop, and similar facilities.

(6) Construction businesses such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work, or painting.

Response: None of the existing or proposed uses are permitted outright in the LI zone. See 2.09.040 Conditional Uses below.

2.09.040 Conditional Uses

The following uses require approval of a conditional use permit and are subject to Site Development Review:

(1) Publicly owned and operated facilities or structures, including government offices and stations, public use buildings, and recreation sites excluding water and sewage treatment facilities.

(2) Agricultural chemical, fertilizer, insecticide storage, and distribution, excluding ammonium nitrate.

(3) Lumber yard and contracting supplies for lumber, stone, masonry, or metal.

(4) A caretaker's residence, either free-standing or incorporated into another building, for an established or concurrently being developed industrial use, subject to the provisions of [Chapter 3.28](#).

(5) Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances when located within 300 feet of residentially zoned land.

(6) Repair and maintenance of vehicles on commercial chassis and commercial equipment, when repairs are conducted inside a structure. The outdoor storage of disassembled or damaged vehicles, in sight of a public right of way, is not permitted unless screened with vegetation or decorative fencing (not including slatted chain link).

(7) Sales of new and used class 4 through 10 commercial vehicles. The sale of used commercial vehicles alone is not permitted.

Response: The applicant is applying for a Conditional Use Permit and Site Development Review in this land use application, seeking approval for two conditional uses. The conditional uses requested are: *(6) Repair and maintenance of vehicles on commercial chassis and commercial equipment, when repairs are conducted inside a structure. The outdoor storage of disassembled or damaged vehicles, in sight of a public right of way, is not permitted unless screened with vegetation or decorative fencing (not including slatted chain link); (7) Sales of new and used class 4 through 10 commercial vehicles. The sale of used commercial vehicles alone is not permitted.*

The body shop portion of the business in Building A will result in disassembled or wrecked vehicles being parked out of doors. Screening plans will be provided to the City for review and approval at a later date. The applicant is considering a proposed screened area location set back from Salem Road on the rear end of the building, ensuring it is out of sight of public right away while not interfering with circulation or truck sales.

2.09.050 Dimensional Standards.

Unless otherwise permitted in this Code, the following minimum dimensional standards shall be required for all development in the LI Zone:

Table 8 LI Zone Dimensional Standards	
LI Zone Dimensional Standards	
Minimum Lot Area	
All Development	Sufficient to meet setbacks and development requirements
Minimum Setbacks	
All Yards	0 feet
All Yards Adjacent to "R" Zones	10 feet + 5 feet per story
Maximum Structure Height	
Principal and Accessory building	50 feet (or higher with a Conditional Use Permit)
Maximum Lot Coverage	90%

Response: The proposed development meets the LI Zone Dimensional Standards. There are no minimum setbacks for each yard, although structures are required to be 5’ from any property line. The closest structure to a property line is over 60’. The building heights are under the maximum of 50’ at 39’-1-3/8” and 43’. The lot coverage is 81.3% which meets the maximum lot coverage standard of 90%. See Site Plan.

2.09.060 Development Standards

All development in the LI zone shall comply with the 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 LI zone shall conform to the standards contained in Chapter 3.06.

(4) *Site Development Review*. All new development and expansion of an existing structure or use in the Light Industrial Zone shall be subject to the site development review procedures of Chapter 5.05.

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

Response: The narrative below addresses the specific standards that apply to developments within the LI zone. See sections 3.03, 3.06, 5.05, and 3.09.

ARTICLE III. – DEVELOPMENT REQUIREMENTS

3.02 – STREET STANDARDS

3.02.010 Purpose

(1) To provide for safe, efficient, convenient multi-modal movement in the City of Millersburg.

(2) To provide adequate access to all proposed developments in the City of Millersburg.

(3) To provide adequate area in all public rights-of-way for sidewalks, bikeways, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-or-way.

(4) For purposes of this Chapter:

a. “Adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.

b. “Adequate area” means space sufficient to provide all required public services to standards defined in this Code or the City’s most current Engineering Standards.

3.02.020 Scope

The provisions of this Chapter shall be applicable to:

(1) The creation, dedication, or construction of all new public or private streets, bikeways, or accessways in all subdivision, partitions, or other developments in the City of Millersburg.

(2) The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.

(3) The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or street easements.

3.02.030 General Provisions

The following provision shall apply to the dedication, construction, improvement, or other development of all public streets in the City of Millersburg. Unless otherwise modified through provisions in this Chapter, all streets shall be designed in conformance with the specific requirements of the City's Transportation System Plan developed in accordance with and the most current Engineering Standards.

(1) **Street Layout.** The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

(2) **Continuation.** Development proposals shall provide for the continuation of all streets, bikeways, and accessways within the development and to existing streets, bikeways, and accessways outside the development.

(3) **Alignment.** All streets other than local streets or cul-de-sacs, shall be in alignment with existing streets by continuation of the centerlines to the maximum extent feasible. The staggering of street alignments resulting in "T" intersections shall be avoided wherever practical. However, when not practical, the staggering of street alignments resulting in "T" intersections shall meet with the approval of the City Engineer and ensure compliance with accepted traffic safety standards.

(4) **Future Street Extensions.** When it appears possible to continue a street, bicycle path, and/or pedestrian accessway into a future subdivision, adjacent acreage, or area attractors such as schools and shopping centers, these facilities shall be platted to a boundary of the subdivision or development. Further, the street may be platted without a turnaround unless the Public Works Department or local Fire District finds a turnaround is necessary for reasons of traffic safety.

(5) **Intersection Angles.** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles.

Intersections of less than 60 degrees shall require approval of the City Engineer. All tangent calculations and curb radii shall comply with the City's most current Engineering Standards.

(6) **Existing Streets.** Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.

(7) **Half-Streets.** Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half-street is adjacent to a tract to be developed, the other half of the street shall be dedicated. Reserve strips and street plugs may be required to preserve the objectives of half-streets. The City Engineer may require additional width beyond the half-street when warranted for safety reasons and accordance with the City's most current Engineering Standards.

(8) **Cul-de-sacs.** Cul-de-sacs are not encouraged and allowed only where no other reasonable alternative exists. Where permitted, a cul-de-sac shall have maximum lengths of 800 feet and terminate with a circular turn-around. Cul-de-sacs over 400 feet in length shall provide accessways to provide connectivity to adjacent streets and uses, unless physical constraints preclude a pedestrian/bicycle accessway. The Fire Code may establish additional standards.

(9) **Street Names.** Street names and numbers shall conform to the established pattern in the City.

(10) **Grades and Curves.** Grades shall conform with the City's most current Engineering Standards.

(11) **Marginal Access Streets.** If a development abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(12) **Lots Abutting a Partial Street.** Development of property abutting an existing public street which does not meet the minimum right-of-way standards, shall include sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width.

(13) **Unimproved Street.** Development of property adjacent to an unimproved right-of way shall require the installation of an improved surface to meet fire code

requirements and the payment of connection charges. At the City's option, submittal of a waiver of non-remonstrance to participate in future street improvements may be required in lieu of connection charges.

(14) **Street Cross Section Design Guidelines.** Unless modified per Section 3.02.050 the following cross-section design guidelines shall apply:

Table 12 - Street Cross-Section Design Guidelines

Street Cross-Section Design Guidelines								
Functional Classification	Right-of-Way ¹	Design Widths						
		Minimum Curb-To-Curb Paving ²	Within Curb-To-Curb Area				Landscape Buffer (Both Sides)	Sidewalks (Both Sides)
			Motor Vehicle Travel Lane	Median and/or Center Turn Lane	Bike Lane (Both Sides)	On-Street Parking		
Arterial								
2 Lanes	60 ft	36 ft	12 ft	N/A	6 ft	N/A	5 ft	5 ft
2 Lanes + Center Turn	80 ft	50 ft	12 ft	14 ft	6 ft	N/A	5 ft	5 ft
Collector – Residential								
No parking	60 ft	36 ft	12 ft	N/A	6 ft	N/A	0-5 ft	5 ft
Parking both sides	60 ft	50 ft	12 ft		6 ft	7 ft	N/A	5 ft
Local – Residential								
Parking one side	50 ft	32 ft	Unstriped	N/A	N/A	Unstriped	4 ft	5 ft
Parking both sides	50 ft	36 ft	Unstriped			Unstriped	None or 4 ft	5 ft
Alley ⁴	20–24 ft	18–20 ft	N/A			N/A	N/A	Optional
Local – Industrial								
Parking both sides	60 ft	40 ft	Unstriped	N/A	N/A	Unstriped	Behind ⁵	5–6 ft
Local – Commercial Service/Alley								
No Parking	30 ft	20 ft	Unstriped	N/A	N/A	N/A	N/A	4 ft ⁶
Parking one side	40 ft	28 ft	Unstriped			Unstriped		
Trails and Shared-Use Path								
Collector with Shared-Use Path ³	60 ft	36 ft	12 ft	N/A	6 ft	N/A	4.5 ft	5 ft one side, 10 ft multi-use path other side
Trails	10–20 ft	10–12 ft	N/A	N/A	N/A	N/A	2–7 ft	N/A
Notes:								
<ol style="list-style-type: none"> Right-of-way may be wider than the suggested cross-section; this limits fences from abutting the sidewalk and allows for flexibility in cases of unforeseen growth or development. Curbs are generally six inches wide. Collector with Shared-Use Path includes sidewalk on one side of street and path on other side of street. Not appropriate standards for commercial streets. Street trees shall be located on the outside edges of the right-of-way. Sidewalk required on one side only. 								

Response: The proposed development’s impact to Old Salem Road, an arterial street, will be a public sidewalk improvement (6 feet wide).

3.02.040 Access Standards

Table 13 - Access Spacing

Street Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing between Driveways ^{1,2}	Minimum Spacing between Intersections ^{1,2}
State Managed Arterial	35-45 mph	ODOT Standard	ODOT Standard
Arterial	35-45 mph	300 feet ³	600 feet
Collector	25-30 mph	50 feet ³	300 feet
Local Residential	25 mph	Access to each lot permitted subject to provisions below	125 feet
Local Industrial	25 mph	Access to each lot permitted	300 feet
Notes:			
<ol style="list-style-type: none"> 1. Desirable design spacing; existing spacing will vary. Each parcel is permitted one driveway regardless of the minimum driveway spacing standard although shared access is encouraged. 2. Spacing standards are measured centerline to centerline. 3. Circular driveways are allowed. In this case there shall be no more than two driveways and each driveway width shall not exceed 15 feet. 			

Response: The proposed development’s driveways are on Old Salem Road, which is an arterial street. There are currently two existing driveways along Old Salem Road: one access along the north side of the site and one located opposite Clearwater Drive. The north access will be maintained following redevelopment of the site while the access opposite Clearwater Drive will be relocated approximately 180 feet to the south. The minimum spacing required between driveways on arterial streets is 300 ft. The distance between these two driveways will be approximately 642’, exceeding the minimum standard. There will be no adjustment to posted speeds or intersections related to this project.

3.02.070 Sidewalks

Public sidewalk improvements are required for all property development in the City of Millersburg.

(1) Sidewalks may be deferred:

- a. At the discretion of the City where future road or utility improvements are planned and expected to be completed within 10 years.

b. On property where a new dwelling is being constructed, there are no sidewalks existing on properties on either side, and no elevations or profiles have been established for future street or sidewalk improvements along the adjacent or the subject property's frontage.

c. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their proportionate share if sidewalks are installed by the City at a later date.

(2) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City Engineer determines that full right-of-way acquisition is impractical.

(3) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.

(4) Sidewalk width and location, including placement of any landscape strip, shall comply with City of Millersburg Engineering Standards.

(5) Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.

(6) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks, shopping centers, public transportation stops, or other community services.

(7) Internal pedestrian circulation and accessways shall be provided within all commercial, multi-family, and planned unit developments.

Response: The proposed development's sidewalk update will connect and align with existing sidewalks. The proposed sidewalk width of 6' exceeds the minimum requirement for sidewalks on arterial streets. The sidewalk will comply with City of Millersburg Engineering Standards and will be maintained by the property owner. Internal pedestrian circulation is provided throughout the site. See Site Plan.

3.02.120 Traffic Impact Analysis

The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be

reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

(1) When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

- a. A change in zoning or a plan amendment designation;
- b. Operational or safety concerns documented in writing by a road authority;
- c. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
- d. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
- e. An increase in the use of adjacent streets by vehicles exceeding the 20,000- pound gross vehicle weights by 10 vehicles or more per day;
- f. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
- g. A change in internal traffic patterns that may cause safety concerns; or
- h. A TIA required by ODOT pursuant to OAR 734-051.

(2) Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

Response: The proposed development has a Traffic Impact Analysis prepared by professional engineers at Lancaster Mobley. See the attached Traffic Impact Analysis. Conclusions from the report below:

No significant trends or crash patterns were identified at the existing north site access study intersection that were indicative of safety concerns. Accordingly, no safety mitigation is recommended per the crash data analysis.

Provided any obstructing on-site trees along the east side of Old Salem Road NE are either removed or properly maintained, adequate intersection sight distances can be made available at the site access intersections along Old Salem Road NE to allow safe operation at each intersection for passenger cars and trucks. No other sight distance related mitigation is necessary at the access intersections.

Traffic signal warrants are not projected to be met at any of the unsignalized study intersections under year 2025 conditions, regardless of whether or not the proposed development is constructed. Therefore, no new traffic signals are necessary or recommended as part of the proposed development application.

All study intersections are currently operating acceptably per jurisdictional standards and are projected to continue operating acceptably through the 2025 site buildout year. Accordingly, no operational mitigation is necessary or recommended at the study intersections.

Based on the intersection queuing analysis, all applicable turning movements at the study intersections have adequate storage space to accommodate projected 95th percentile queues at each intersection. Accordingly, no intersection queuing related mitigation is necessary or recommended as part of the proposed development.

3.03 – OFF-STREET PARKING AND LOADING

3.03.010 Purpose

The purpose of this Chapter is to provide adequate areas for the parking, maneuvering, loading, and unloading of vehicles for all land uses in the City of Millersburg.

3.03.020 Scope

(1) **Application.** Except as modified or restricted elsewhere within this Code, the provisions of this Chapter shall apply to the following types of development:

a. Any new building or structure erected after the effective date of this Code.

b. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.

(2) **Change of Use Exception.** A change in the use of an existing building or structure to another use identified in the zone shall not require additional parking spaces or off-street loading areas, if according to the parking space requirements, the new use requires 150% of the same amount of parking as the prior use, or less.

3.03.050 General Provisions Off-Street Parking and Loading

(1) **Parking Required.** The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code.

(2) **Interpretation of Parking Requirements.** Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Director based upon the requirements of comparable uses listed and expectations of parking and loading need.

(3) **Multiple Use Facilities.** In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking pursuant to Section 3.03.040.

(4) **Storage Prohibited.** Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials.

3.03.060 Off-Street Vehicle and Bicycle Parking Requirements

(1) **Vehicle Parking Spaces.** Provisions for Off-Street vehicle and bicycle parking shall comply with the following minimum requirements:

Table 14 - Vehicle and Parking Space Requirements

Vehicle and Bicycle Parking Space Requirements				
	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit	0	None
B.	Multi-family dwellings (4 or more units)	Studio – 1 space/unit 1-2 bedroom – 1.5 spaces/unit 3+ bedroom – 2 spaces/unit	0.25	Per dwelling unit
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.	2	Per 20 vehicle spaces
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	0.5	Per five beds
F.	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length, or 36 sq. ft. of area w/o fixed seats	1	Per 20 vehicle spaces
G.	Elementary, junior high school	2 spaces per classroom	2	Per classroom
H.	High school	1 space per classroom and one space per employee	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces
J.	Retail store, except as provided in "K"	1 space per 500 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 800 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 400 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces

Vehicle and Bicycle Parking Space Requirements				
	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
M.	Eating and drinking establishments including food pods	Greater of 1 space per 4 seats, or, 1 space per 400 sq. ft. of gross floor area	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 800 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 800 sq. ft., plus 1 space per 2 employees	1	Per 20 vehicle spaces
P.	Manufacturing and processing:			
	0-24,900 sq. ft.	1 space per 600 sq. ft.	1	Per 20 vehicle spaces
	25,000-49,999 sq. ft.	1 space per 700 sq. ft.	1	Per 20 vehicle spaces
	50,000-79,999 sq. ft.	1 space per 800 sq. ft.	1	Per 20 vehicle spaces
	80,000-199,999 sq. ft.	1 space per 1,000 sq. ft.	1	Per 20 vehicle spaces
	200,000 sq. ft. and over	1 space per 2,000 sq. ft.	1	Per 20 vehicle spaces
Q.	Warehousing and storage distribution, terminals			
	0-49,999 sq. ft.	1 space per 3,000 sq. ft.	1	Per 30 vehicle spaces
	50,000 sq. ft and over	1 space per 5,000 sq. ft.	1	Per 30 vehicle spaces

(2) **Bicycle Spaces.** Bicycle parking development requirements

a. **Space Size.** Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.

b. **Location.** All bicycle parking shall be within 100 feet of a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.

(3) **Maximum Vehicle Parking Spaces.** The minimum spaces identified under item (1) in this Section, shall not be increased by more than 30%.

Response: See below for vehicle and bicycle parking calculations:

VEHICLE PARKING

Building A (12000+48850+3000= 63,850 SF)

Total Parking Spaces Required = 68.13

Total Parking Spaces Provided = 69

Existing

- Warehouse and Storage (main level): $(8000/3000) = 2.6$ spaces
- Service and Support (main and upper level): $(4000/800) = 5$ spaces

New Addition

- Warehouse and Storage (main level): $(3638/3000) = 1.2$ spaces
- Service and Support (main level): $(6800/800) = 8.5$ SPACES
- Service and Support (upper level): $(3000/800) = 3.75$ SPACES
- Employee: $(66/2) = 33$
- *Service Bay: $(38,412/800)=48$ (see note below)= 14 spaces + 34 oversized spaces
- *Chapter 3.03 Table 14 is not applicable for the 38,412 SF of the service bays as the service customers are using the oversized parking spots. In addition to providing 14 regular vehicle parking spots, 34 oversized parking are available on-site for the service bay customers; see the Site Plan.

Building B (112,320 SF)

Total Parking Spaces Required = 73.77

Total Parking Spaces Provided = 75

- Assume Office Space: $(6000/400) = 15$ spaces
- Assume Warehouse Space: $(75792/5000) = 15.16$ spaces
- Assume Manufacturing Space: $(30528/7000) = 43.61$ spaces

Accessible Parking

PER OSSC TABLE 1106.1, TOTAL PARKING SPACES 51-75 REQUIRED 2 STANDARD ACCESSIBLE 1 VAN ACCESSIBLE

	REQUIRED	BUILDING A AND EXISTING	BUILDING B
STANDARD ACCESS	2	2	2
VAN ACCESSIBLE	1	1	2
TOTAL	3	3	4

BIKE PARKING

Building A

Total Bike Parking Spaces Required = $(68.13/30)$ 2.3

Total Bike Parking Spaces Provided = 3

BUILDING B

Total Bike Parking Spaces Required = $((15/20) + (15.16/30) + (43.61/20))$ 3.44

Total Bike Parking Spaces Provided = 8

3.03.070 Off-Street Loading Requirements

Commercial or industrial buildings between 10,000 to 25,000 square feet in area shall require a loading space. One additional space shall be required for each additional 25,000 square feet of gross floor area, or any portion thereof. The minimum loading space dimensions shall be 12 feet wide, 30 feet long, and 14 feet high.

Response: See below for off-street loading calculations:

Building A:

Total Off-Street Loading Spaces Required = $(63945/25000)$ 2.6

Total Off-Street Loading Spaces Provided = 3

Building B:

Total Off-Street Loading Spaces Required = $(112320/25000)$ 4.49

Total Off-Street Loading Spaces Provided = 5

3.03.080 Parking and Loading Area Development Requirements

All parking and loading areas shall be developed and maintained as follows:

(1) **Surfacing.** All driveways, parking, and loading areas shall have a durable hard surface of asphaltic cement or concrete. Surface improvements shall conform to the following:

a. **Paving Improvements.** Paving shall comply with adopted Engineering Standards of the City of Millersburg.

b. **Timing.** Unless modified by a variance or a site development review, or bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.

Response: The proposed development's driveways, parking, and loading areas will be made of asphalt and concrete.

(2) **Parking Spaces.** Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8.5-feet in width and 18-feet in length.

Response: The proposed development's parking spaces are 9'x20' for standard spaces. There will be no compact spaces.

(3) **Driveways.** The following standards shall apply to all driveways:

a. Access spacing shall be in compliance with Section 3.02.040 -Access Standards

b. Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.

Table 15 - Internal Driveway Requirements

Internal Driveways for Multi-family, Industrial, and Public Uses	
Without Adjacent Parking	
Direction	Driveway Width
One-way	12 feet
Two-way	26 feet
With Adjacent Parking	
Parking Angle	Driveway Width
0 to 40	12 feet*
41 to 45	13 feet*
46 to 55	15 feet*
56 to 70	18 feet*
71 to 90	24 feet
*One-way only driveways	

Response: The proposed development has 2-way, 90 degree parking with a driveway width of 24 ft.

(4) **Lighting.** Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.

Response: The proposed development’s parking lot lighting will be a pole mounted light fixture. See specifications below and on the Exterior Materials Sheet.

Lithonia Lighting
Pole Mounted Site Fixture
DSX0 LED: P1, P2,P3, SM1M SM2
Finish: TBD

(5) **Driveway Required.** Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.

Response: The proposed development has two driveways to service the parking spaces so that there will be no backing movements or maneuvering with a street right-of-way. See Site Plan.

(6) **Traffic Safety.** Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.

Response: The proposed development's driveways to off-street parking areas are designed to facilitate the flow of traffic with north and south entrances and parking lot circulation. The driveways and parking lot provide maximum safety for vehicles and pedestrians with sidewalks, aisle width, and lighting. See Site Plan.

(7) **Curbing.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

(8) **Landscaping.**

b. See Chapter 3.09 for additional landscaping requirements.

Response: The curb will be at least 4" high on outer boundaries of the site, going above the minimum 3 feet from property lines with sidewalks. See notes above from Chapter 3.09, as well as the Landscape Plans for parking area details.

3.04 – STORM DRAINAGE AND GRADING

3.04.010 Purpose

To provide for the drainage of surface water from all residential, commercial, and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

3.04.020 Scope

The provisions of this Chapter shall apply to all partitions, subdivisions, multi-family developments, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

3.04.030 Plan for Storm Drainage and Erosion Control

It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainage way. Paving and catch basin outflows may require detention cells and/or discharge permits. Maintaining proper drainage is a continuing obligation of the property owner.

No construction of any facilities in a development included in Chapter 3.01.030 shall be permitted until a storm drainage and erosion control plan, designed in accordance with the most recently adopted City Engineering Standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by the City. This plan shall contain at a minimum:

- (1) The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
- (2) Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
- (3) Calculations used by the engineer in sizing storm drainage facilities.

Response: A professional engineer with Sisul Engineering has created preliminary civil drawings and calculations including a Stormwater Plan and Stormwater Report, see these attached. Prior to building permitting the applicant and engineer will provide Erosion Control plans.

3.04.040 General Standards

- (1) **Design Standards.** All development shall be planned, designed, constructed, and maintained to:
 - a. Protect and preserve existing natural drainage channels to the maximum practicable extent;
 - b. Protect development from flood hazards;
 - c. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;

- d. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, phasing of grading, and water quality facilities;
- e. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
- f. Avoid placement of surface detention or retention facilities in road rights-of-way.

(2) **Public Easements.** In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This shall not imply maintenance by the City.

(3) **Obstruction of Channel.** Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Code and in compliance with City Engineering Standards.

(4) **Conveyance of Flows.** All new development within the City shall make provisions for the continuation or appropriate projection of existing storm sewer lines or drainage ways serving surrounding areas. Drainage extensions may be required through the interior of a property to be developed where the City determines that the extension is needed to facilitate upstream flows

(5) **City Inspection.** Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.

3.04.050 Grading

(1) **Grading permits** are required for the following activities and shall be subject to the most recently adopted City Engineering Standards.

- a. Grading in excess of 50 cubic yards;
- b. Grading potentially impacting, riparian areas, drainageways, flood hazard areas, or greenways;
- c. Grading that could possibly impact adjacent properties;
- d. Grading proposed over public storm drains, sanitary sewers, or water lines;

- e. Grading requiring tree removal;
- f. Other areas with potential impacts as determined by the City;
- g. Land partitions and subdivisions.

Response: A professional engineer with Sisul Engineering has created preliminary civil drawings and calculations for grading. See preliminary Grading Plan. The applicant will go after a grading permit if required.

3.05. – UTILITY LINES AND FACILITIES

3.05.010 Purpose

To provide adequate services and facilities appropriate to the scale and type of development.

3.05.020 Standards

- (1) **Design and Location.** The location, design, installation, and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
- (2) **Private Utilities.** All development which has a need for electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
- (3) **Water Service Required.** All development which has a need for public water shall install the facilities pursuant to the requirements of the City. Installation of such facilities shall be coordinated with the extension of necessary sanitary sewer services and storm drainage facilities.
- (4) **Sanitary Sewer Required.** All development which has a need for public sanitary sewers shall install the facilities pursuant to the requirements of the City. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities.
- (5) **Subsurface Sewage Disposal.** Installation of sub-surface disposal systems shall only be allowed per City's Municipal Code regulations.

(6) **Streetlights.** When required, the installation of streetlights shall be pursuant to the requirements of the City Engineering Standards and the requirements of the utility company serving the development.

(7) **Easements, General.** Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions and partitions.

Response: See utility drawings and information on the Preliminary Sanitary and Water Plan and the Topographic Survey.

3.06 – SIGNS

3.06.010 Purpose

The purpose of this Chapter is to provide equitable rights, reduce conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the City, all by classifying and regulating the location, size, type, and number of signs and related matters, in a content-neutral manner.

3.06.030 Review Procedures

(1) **Permit Required.** Unless otherwise authorized by provisions in this Chapter, sign permits shall be required for all residential, commercial, industrial, and public/semipublic uses. No property owner, lessee, or contractor shall construct or alter any sign without first obtaining a valid sign permit.

(2) **Current Signs.** Owners of conforming or nonconforming signs existing as of the date of adoption of this Code are not required to obtain a permit.

(3) **Application Requirements.** An application for a sign permit shall be made on a form provided by the City. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign, identifying existing signs on the premises, the sign's location and graphic design and other information established by the City to process the request.

(4) **Approval.** The City shall issue a permit for a sign unless the sign is in violation of the provisions of these or other provisions of the Millersburg Development Code. Sign permits mistakenly issued in violation of these or other provisions of the Development Code are void. The City may revoke a sign permit if it finds there was a material and misleading false statement of fact in the application for the permit.

3.06.040 General Provisions

(1) **Conflicting Standards.** Signs shall be allowed subject to the provisions of this Chapter, except when these provisions conflict with the specific standards for signs in the subject zone.

(2) **Signs Subject to State Approval.** In addition to City sign regulations, all signs visible to the traveling public from State highways are subject to the regulations also permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.

(3) **Design, Construction, and Maintenance.** All signs shall be designed, constructed, and maintained according to the following standards:

a. All signs shall comply with the applicable provisions of Building Code in effect at the time of the sign permit application and all other applicable structural, electrical, and other similar regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.

b. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.

c. All signs shall be maintained in a good structural condition and readable at all times.

d. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Codes regulating signs.

(4) **Holiday Displays.** Nothing in these regulations shall prohibit displays between Thanksgiving and January 3rd.

3.06.050 Nonconforming Signs

(1) **Alteration of Nonconforming Sign Faces.** When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or similar calamity, such sign face may be restored to its original condition within 180-days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.

(2) **Outdoor Advertising Sign Relocation.** If development of land between Old Salem Road and I-5 requires relocating an outdoor advertising sign existing on the date of this code adoption, the sign may be relocated on the east side of Old Salem Road within 250 feet of its original location.

(3) **Permits for Properties with Nonconforming Signs.** No permits shall be issued for new or altered signs unless all signs of the individual property or business comply with these regulations.

3.06.110 Commercial and Industrial Signs

The following regulations apply to signs for commercial and industrial uses:

(1) Signs for Businesses not in Integrated Business Centers:

a. **Total Sign Area.** One and one-half square feet of total allowed sign area for each lineal foot of building frontage facing the street, up to a maximum total allowed area of 150 square feet.

b. **Type, Number, and Sign Size.** Within the total allowed area, one free standing sign per street frontage, and a total of no more than two wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 48 square feet in area.

c. **Sign Height.** The maximum sign height shall be as follows:

i. Wall and canopy signs: Shall not project above the parapet or roof eaves.

ii. Free-standing signs: Maximum height of 12 feet above finished ground level.

d. **Sign Location.** Signs shall be located as follows:

i. Wall signs: May project up to 1.5 feet from the building.

ii. Free-standing sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

Response: The applicant will apply for sign permits at a later date using Carlson Sign (Bend, OR) as a sign consultant.

Non-Conforming signage: The project is allowed to have one free-standing (street/pole/ or monument sign). There are two on the site. The existing sign on Old Salem Rd (4x8 plywood with the street number and company logo) in front of Building A will be removed.

3.07 – FENCING AND SCREENING

3.07.010 Placement of Fencing on Public Rights-of-Way or Easements

Fences may be constructed on public rights-of-way and/or easements subject to certain restrictions. Construction of fences on public rights-of-way or easements requires permission from the appropriate public agency. The City allows placement of fences on public rights-of-way and certain easements, provided that action does not impair the City's ability to address its public functions and the permit holder agrees to remove the fence upon request.

3.07.020 General Requirements

- (1) A wall is considered a fence and shall be built consistent with the applicable fencing requirements.
- (2) No fence shall be permitted in the sidewalk area or in a location which may impair the construction of a public sidewalk, pathway, or walkway.
- (3) Fences greater than six feet in height require the owner to secure a building permit as required by the Building Official.
- (4) In the event any fence restricts access to or use of rights-of-way and easements, it shall be the fence owner's responsibility to provide access upon City request or other affected agency or utility provider request.
- (5) A property owner who restricts access to any utility meter or fire hydrant shall provide access through the fence by a gate.
- (6) Fence installation shall not impair the clear vision triangle clearance requirements at street and alley intersections.
- (7) Fence heights shall be measured from undisturbed ground level, top of sidewalk, or street grade (crest or crown of the road), whichever is highest. Height of fences or walls within 20 feet of a street right-of-way shall include the measured height of the fence or wall and any retaining wall, berm, or other structure within the same 20 feet.

3.07.040 Fencing Requirements for Commercial and Industrial Zones

(1) Industrial or commercial fencing installed adjacent to residential areas must be sight obscuring. Fences that do not exceed six feet in height may be located or maintained on any property line within this zone, except within the clear vision triangle area and along the frontage of presentation streets. Commercial or industrial fencing intended to be placed on Old Salem Road or Conser Road frontage is subject to design review.

(2) Fences intended for security purposes may be installed to a height of eight feet on any property line within the commercial and industrial zones, except within vision triangle areas and along the frontage of presentation streets. Barbed wire may be used as the top section for security fences, provided the barbed wires are a minimum of 72-inches above grade and do not project over public rights-of-way.

(3) Fencing placed along Old Salem Road or Conser Road is subject to site plan review.

Response: The proposed development will have an ornamental black bar fence and gate, 8 feet high, on Old Salem Road. The gate will be equipped with a means for operation by Fire Department personnel. The fencing design is included in this Site Development Review application. See OA1.4 sheet for details.

3.09 – LANDSCAPING STANDARDS

3.09.010 Purpose

Natural vegetation, landscaping, street trees, fences, and walls—together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. A well landscaped and maintained yard or property promotes a sense of community wellbeing.

3.09.020 Applicability

Whenever landscaping is required in a zone, it shall be installed in accordance with these standards. When the standards of a zone specify locations or amounts of landscaping, those locations or amounts can be used to meet the standards of this section.

3.09.030 Standards

(1) **General Requirements.** Landscaping requirements by type of use are listed below:

b. **Landscaping Required – Mixed-Use and Non-Residential Zones.** All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial zones is as follows:

- i. One tree at least six feet tall when planted for every 30 feet of street frontage.
- ii. Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.
- iii. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.

Response: There are no minimum setbacks for this land. Landscape areas include perimeter setbacks, interior areas around new buildings, and parking lot landscaping. Irrigation will be provided for all planted areas. Street trees are proposed where existing street trees are absent, and the proposed trees (hedge maples) are intended to match similar size and spacing of the existing street tree row. A variety of decorative groundcovers and shrubs are used throughout the setbacks, exceeding minimum landscaping standards. See Landscape Plans and Specifications.

(2) **Parking Lot Landscaping.** The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:

- a. **Planter Bays.** Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their

contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.

b. **Parking Space Buffers.** Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.

Response: The proposed parking lot landscaping was designed in accordance with the requirements above in order to provide shade, reduce storm water runoff, and direct traffic. The proposed parking areas are divided into bays of 12 or less parking spaces for standard vehicle parking. Commercial vehicle and truck parking does not apply to these standards. A perimeter fence and evergreen shrubs will provide screening and buffering from parking and loading areas. Plantings are enhanced in higher visibility areas and 10 foot tall trees (Chinese Pistaches and Japanese Zelkovas) are shown in all parking lot islands (curbed planters at 5 feet wide). A variety of decorative groundcovers and shrubs are used throughout the landscaped portions of the site. Public paths and accessible parking spaces will not be impeded by landscaping. See Landscape Plans and Specifications.

(3) **Irrigation of Required Landscaping.** All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.

Response: Irrigation will be provided for all planted areas.

(4) **Identification of Existing Trees.** In all proposed developments, existing trees over 25 inches in circumference (eight inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. No trees 6.5 feet in circumference (approximately 25 inches in diameter) or greater may be removed without a permit per Millersburg Municipal Code Section 7.30.040.

Response: Existing trees are identified in the Topographic Survey.

3.09.040 Landscape Plans

(1) With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans:

- a. Single-family dwellings, duplexes, and triplexes.
- b. Accessory buildings.
- c. Changes internal to an existing structure.
- d. Building additions involving less than 500 square feet.

(2) **Street Tree Species Allowed Within Right-of-Ways.** Only trees included in the list of approved City street trees are allowed.

(3) **Trees Requiring Approval.** It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the City Engineer approves the site as one where the tree roots will not be likely to interfere with public sewers.

(4) **Height Requirements in Rights-of-Way.** Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of eight feet above sidewalks or 14 feet above streets or alleys.

(5) **Planting in Roadways Having No Gutter, Curb.** No trees, shrubs, or plantings more than 18 inches tall shall be planted in the public right-of-way abutting roadways having no established curb and gutter.

(6) **Completion Guarantees.** Final occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:

- a. A security guarantee is provided to the City in accordance with this Code.
- b. The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval.
- c. To verify that the landscaping, and irrigation if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned.
- d. Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured)

consistent with the requirements of the Municipal Code and applicable postconstruction stormwater quality permits.

3.09.050 Maintenance of Landscaped Areas It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. Private post-construction stormwater quality facilities located in landscaped areas shall be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City.

Response: The owner acknowledges their responsibility for the maintenance of landscaped areas for the proposed development in compliance with City code.

ARTICLE V. – Review Procedures

CHAPTER 5.04 – PROCESSING CONDITIONAL USE PERMITS

5.04.010 - Applicability.

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.

5.04.020 - Process.

Conditional use shall be reviewed in accordance with the Type III review procedures specified in Chapter 5.19.

5.04.030 - Application.

An application for a conditional use shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 5.19.

5.04.040 - Submittal Requirements.

The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. The site plan shall show pertinent information to scale to facilitate the review of the proposed development.

(1) General Information. The following general information shall be shown on the site plan:

- 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 location of the proposed conditional use including the dimensions of any existing, expanded, or new structure proposed to house the conditional use along with all site improvements including parking, lighting, screening, landscaping, etc.

(2) At the discretion of the Planning Director the previous requirements may be waived provided there is sufficient information to allow processing of an application.

Response: The proposed development's application provides a Site Plan that includes the general requirements above such as a vicinity map, north arrow, scale, tax map and lot numbers, dimensions, easements, utility locations, existing structures, as well as proposed uses like structures and site improvements. See Site Plan.

5.04.050 - Decision Criteria.

A conditional use shall be approved if the applicant provides supporting evidence that all the requirements of this Code relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

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

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

(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.

(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: The City of Millersburg revised the zoning code in 2022 to allow the proposed uses for this development. This narrative, application, and supporting materials has provided sufficient information for a Conditional Use Permit that is being applied for in conjunction with the Site Development Review, also a Type III procedure.

5.05 – PROCESSING SITE DEVELOPMENT REVIEWS

5.05.060. - Site Development Submittal Requirements

The following information shall be submitted as part of a complete application for Site Development Review. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. At the discretion of the City, the information may be submitted graphically or by written summary.

(1) Site Analysis.

- a. Existing site topography;
- b. Identification of areas exceeding 10% slopes;
- c. Site drainage, identified flood zones and areas within the greenway;
- d. Existing structures, roadway access, and utilities; and
- e. Existing and proposed streets, bikeways, and pedestrian facilities within 300 feet.

(2) Site Plan.

- a. Proposed grading and topographical changes;
- b. All proposed structures including finished floor elevations, setbacks, exterior elevations, and exterior finishing;

c. Vehicular and pedestrian circulation patterns, parking, loading, and service areas;

d. Proposed access to public roads and highways, railroads, or transportation systems;

Response: The proposed development's application includes a Site Analysis (topography, site drainage, existing structures, existing roadway access, existing site features and utilities) and Site Plan (proposed changes to the site such as new buildings, circulation paths, parking, loading, service areas, and other site improvements). See Site Plan and preliminary Civil plans and reports.

5.05.060 - Site Development Review Criteria

The applicant must provide a narrative that explains how the project meets all the required criteria and any applicable standards. The criteria are listed below.

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

(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.

(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.

e. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system, and electrical services;

- f. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- g. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks;
- h. Proof of ownership and signed authorization for the proposed development if applicant is not the owner of the site;
- i. A schedule of expected development;
- j. A traffic impact analysis if requested by the City Manager;
- k. Computation of gross density for residential developments; and
- l. Other appropriate studies and information that may be required by the City to adequately evaluate the project.

Response: This narrative is intended to show compliance with applicable standards and is supplemented by supporting documents and drawings.

5.06 - PROCESSING PROPERTY BOUNDARY ADJUSTMENTS

5.06.010. – Applicability

A property line adjustment is a change to a property line that only extinguishes property lines or modifies existing lots or parcels and does not create a new parcel of land. This may include the elimination of property line to consolidate lots or parcels.

5.06.020 Process

A property line adjustment application shall be reviewed in accordance with the Type I review procedures specified in Chapter 5.17.

5.06.030 Application

An application for a property line adjustment 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 Chapter. Notice shall be subject to the provisions in Chapter 5.17.

5.06.040 Submittal Requirements

The following information and material must be submitted by the applicant:

- (1) The application must be signed by the owners of all lots affected by the application.

(2) In addition, the following information shall be submitted by the applicant:

- a. Copies of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the affected parcels.
- b. Plan, map, or other document showing the properties before and after the adjustment.
- c. A written statement which explains the applicant's reasons for adjusting the property line and demonstrating that the adjustment conforms to City land use policies and regulations of the applicable zone.
- d. The applicant(s) shall certify in writing that the application does not violate any deed restrictions that may be attached to or imposed upon the subject property.

Response: The applicant is proposing a property line adjustment for simplicity per building owner while still allowing the buildings on each parcel to access the utilities within the easement. There is an application for each owner which is signed and will be notarized at the counter upon submission. See the Title Report, Declaration of Reciprocal Driveway Easement, and the Preliminary Plat.