



File No: SP 23-03 North Millersburg Conceptual Park Site Plan

Proposal: This site development review is for a new park proposed by the City, more specifically a concept plan for a new 4.4 acre park proposing parking, a walking trail, a playground, a shelter with picnic tables and restrooms, a second shelter with no facilities, landscaping, benches, and some built in recreational features such as bocce ball courts.

I. BACKGROUND

- A. Applicant: City of Millersburg
- B. Location: Southerly of NE Millersburg Drive and easterly of NE Sedona Road, tax lot number 10S-03W-17DD-00600.
- C. Review Type: The proposed Site Development Review requires a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on January 2, 2024. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 100 feet of the proposed location, as well as those that signed up to be contacted with additional information, it was posted in City Hall on December 13, 2023, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Chapter 5.05.060 Site Development Review Criteria
- F. Current Zoning: Residential Low (RL)
- G. Proposed Zoning: N/A
- H. Property Size: 4.4 Acres
- I. Background: The Parks Master Plan has identified that a new park was needed in the northern part of the City, within walking distance for a large portion of the City. The City purchased this property and is now planning the new park.

The City won a grant from the Oregon Parks and Recreation Department in 2022 to fund public outreach, a conceptual design, and Land Use approval for the new park.

Once awarded, the City contracted with AKS Engineering and Forestry to help the City through the park design process. The effort began with a survey that was sent to the likely users of the park, generally those that lived in northern Millersburg. The survey asked for input on what kind of park amenities and features that the public would like to see in the park.

City Staff and AKS then presented information to the Parks Commission, specifically the results of the survey, the requirements from the State in the form of the Statewide Comprehensive Outdoor Recreation Plan (SCORP), and the applicable policies and direction provided in the City's Parks Master Plan, which included previous survey results that also applied to the eventual northern Millersburg Park¹.

AKS then took the direction from the Parks Commission and created two drafts of a possible park concept plan. A second Parks Commission meeting was held. After considering additional comments from the public, the Commission provided input and helped distill down the information to provide direction for AKS to create a single 'preferred alternative' concept plan. This is the version before the Planning Commission.

It should also be noted that this is intended to be only a concept plan of the park design, meaning it is essentially a bubble-diagram showing what kinds of amenities will be included (generically), and where those amenities should be located. It is not intended to show a significant level of detail, such as types of park benches, what kinds of playground equipment there will be, or even the architectural nature of the restrooms/shelters. That level of detail will be addressed in the final design of the park, which is not part of this action.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

Project materials were transmitted to the following agencies/departments on December 19, 2023: Albany Fire Department and Department of State Lands. To date, no comments have been received.

Public:

Notice of the hearing was mailed on December 13, 2023, to all property owners within 100 feet of the property and to the list of those that requested additional information during the survey. To date, no written comments from the public have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable site development review criteria are from section 5.05.060.

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

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

¹ Temporary name

ANALYSIS: The use is permitted in the Residential Low (RL) Zone, specifically Development Code Section 2.03.020(5) lists public parks as a permitted use. It should be noted that a Site Development Review would typically require much more detailed drawings. The City would not normally require a Site Development Review at a concept stage like this; however, the grant that provided the bulk of the funding required that the concept plan culminate in a Land Use approval. Specific structure locations are not shown on this conceptual park design²; however, all planned conceptual structure locations are well outside any structure setback requirements. Structure heights are not known at this time, but will likely be well under the 35 foot height limit. Lastly, while lot coverage cannot be precisely determined at this concept stage, the proposed conceptual plans make it very clear that the lot coverage will be well under the 50% requirements. Only the shelters, the parking lot and perhaps the playground will be impervious. Most of the site will maintain plantings including the large grass area.

FINDING: Based on the analysis above, the project meets the required criteria.

(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.

ANALYSIS: A park is traditionally located within walking distance of homes. The two uses are traditionally considered highly compatible. Having that said, any park could occasionally result in noise and parking impacts to surrounding homes. The design of the park has taken these potential impacts into consideration and included mitigation in the design to address these possible impacts.

Specifically, on-site parking has been included. This is intended to limit on-street parking on neighboring streets. The project fronts NE Millersburg Drive, but on-street parking is not permitted on NE Millersburg Drive. The closest street where on-street parking would be permitted is NE Sedona Road. The park has been designed with 10 parking spaces. The design carefully considered the potential features and amenities within the park so that there would be nothing within the park that would be likely to attract regional attendance. There is no splash pad, no off-leash dog park, no pool, no highly unique features that would make this a tourist draw of any kind. That was by design, to ensure that the park would not be so popular that it would have many people arrive by car. It is intended to be (as the Parks Master Plan intended) a local park to serve local needs. This should limit the use of cars because most people who use the park should be within walking distance of the park.

Regarding noise, the amenities within the park were included with the intent of assuring that no overly noisy use is included. There are no sports fields, no basketball courts, no stage or amphitheater, no bandstand, no other uses that would traditionally be noisy, with the exception of the playground, and the location should mitigate that effect. The playground area has been located specifically to assure that it is as far as possible from any neighbors. Plantings have been located to buffer noise from the existing homes (once they are mature). Additionally, the Parks Commission has specified that the playground is *not* one with built in musical instruments (no music garden). With these

² All structure locations are conceptual.

mitigations in place, the noise should be minimized so that there is no significant impact to the neighbors.

There should be no glare or odors because none of the planned amenities create either of these.

FINDING: Based on the analysis above, with mitigation already included in the project design, the project meets the required criteria.

(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;

ANALYSIS: The site will require all new utility connections, as nothing has ever been developed on the site previously (except one out-building that only had power). There is a 12-inch ductile iron waterline, and a 12-inch sewer line located in NE Millersburg Drive. A water meter will need to be added. A drainage study was not yet performed. A condition of approval has been added to require a drainage study with the building permits. An erosion control plan will also be required.

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

CONDITIONS OF APPROVAL:

- Stormwater detention and water quality facilities shall be designed as required to meet City standards. Stormwater calculations shall be submitted to the City Engineer for review and approval. Maintenance of detention basin and water quality facilities shall be the responsibility of the City.
- The City Engineer shall approve all plans for all public improvements, including connections to public utilities (water, sewer, stormwater, and streets) to the City. The engineering plans shall conform to the Millersburg Engineering Design Standards, to the satisfaction of the City Engineer.
- Prior to the issuance of a grading permit, the applicant must obtain a City of Millersburg Erosion Control Permit.
- 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 occupancy.
- Stormwater:
 - Prior to the issuance of a grading permit the applicant must obtain a 1200C Erosion Control Permit and a City of Millersburg Erosion Prevention and Sediment Control Permit for all the disturbed ground, both on and off site that is in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.

- Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards. A City of Millersburg Grading Permit is required for this work.

b. Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities;

ANALYSIS: Parking is reviewed below in the 'standards' section of the staff report. The project fully complies with the Code requirements for parking. Access is provided from NE Millersburg Drive. Pedestrian access has been included in the parks design connecting the park site to NE Millersburg Drive sidewalks. Additionally, the park has been planned for a future pedestrian connection to a trail that is shown in the Transportation System Plan and the Parks Master Plan that will span the eastern edge of the park site, someday.³ Bike parking is planned.

FINDING: Based on the analysis above, the project meets the required criteria.

c. Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and

ANALYSIS: As noted above, the proposed park use is fully compatible with residential uses. Mitigation has been added, however, to address concerns expressed during public outreach. As noted above these will include the location of potentially noisy uses and plantings around the edge of the park site where the site borders homes. These will also act to visually screen the park site from the neighboring homes, very similar to the homes that have backed to the Millersburg Park site for several years. None the less, a condition of approval has been added to specify that some screening must be included.

FINDING: Based on the analysis above, with built-in design features and conditions of approval, the project meets the required criteria.

CONDITION OF APPROVAL:

- Prior to issuance of building permits, the City shall approve a landscape plan showing the proposed landscaping for the site which must include visual screening of surrounding houses. Not every home must be screened, and the screening need not be effective at the time of planting. The plans must show that at least 60% of the surrounding homes are screened at 15 year maturity. Said plan shall be fully consistent with the requirements of 3.09.030(1)b or c.

d. Protections from any potential hazards.

ANALYSIS: The proposal is not anticipated to use or require any hazardous materials onsite in significant quantities.

³ The pedestrian connection is not planned to allow access to the east with the initial park construction (because there is no trail there yet), rather, the design has planned a future space for such an access to go, making sure there is no shelter or playground blocking a future access connection point.

FINDING: Based on the analysis above, the project meets the required criteria.

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 2, specifically the RL zone setbacks and siting requirements, and Chapter 3 General Provisions. The following analysis is a summary of only applicable standards or items that required additional explanation and/or additional conditions of approval to show clear consistency:

CHAPTER 3.02 STREET STANDARDS

This chapter includes requirements for streets to accommodate the proposed development.

ANALYSIS: As outlined above, the project is located along NE Millersburg Drive. This section of NE Millersburg Drive is fully built out and no additional improvements are needed. Traditionally, because the street and utilities are already built out fronting the site, the project would have to pay connection charges. However, the project is a City project and cannot pay connection charges to itself.

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

CHAPTER 3.03 OFF STREET PARKING

This chapter includes requirements for off-street parking. Table 14 explains how many spaces are required.

ANALYSIS: Table 14 lists uses and spaces required for those uses. Parks are not specifically listed. Pursuant to Section 3.03.050(2) the Planning Director can interpret uses that are not specifically listed. Ten spaces is appropriate given the kinds of amenities planned for the park.

In the final design all parking stalls must meet size requirements, and the drive aisle is 24 feet wide.

Parking lot landscaping is required. The landscape plans must show full compliance with the requirements. A requirement for such has been added as a condition of approval.

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

CHAPTER 3.04 STORM DRAINAGE AND GRADING

This chapter includes requirements for proper drainage of the site and treatment of stormwater.

ANALYSIS: As outlined above, the park conceptual plans are not detailed enough to provide a drainage study. A 1200-C permit and a Millersburg permit for temporary

erosion protection during construction will be obtained by the contractor prior to any ground disturbing activities. Conditions of approval have been added to assure development matches the requirement of the Code.

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

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application No. SP 23-03.

VI. PROPOSED MOTION

Based on the findings of fact in the staff report, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and the Planning Commission approves Site Plan SP 23-03 with the conditions of approval.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted preliminary plans included as Exhibit C, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. 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.

Prior to Building Permit Issuance

4. Stormwater detention and water quality facilities shall be designed as required to meet City standards. Stormwater calculations shall be submitted to the City Engineer for review and approval. Maintenance of detention basin and water quality facilities shall be the responsibility of the City.

5. The City Engineer shall approve all plans for all public improvements, including connections to public utilities (water, sewer, stormwater, and streets) to the City. The engineering plans shall conform to the Millersburg Engineering Design Standards, to the satisfaction of the City Engineer.
6. Prior to issuance of building permits, the City shall approve a landscape plan showing the proposed landscaping for the site which must include visual screening of surrounding houses. Not every home must be screened, and the screening need not be effective at the time of planting. The plans must show that at least 60% of the surrounding homes are screened at 15-year maturity. Said plan shall be fully consistent with the requirements of 3.09.030(1)b or c.

Prior to Grading:

7. Prior to the issuance of a grading permit, the applicant must obtain a City of Millersburg Erosion Control Permit.
8. Stormwater:
 - Prior to the issuance of a grading permit the applicant must obtain a 1200C Erosion Control Permit and a City of Millersburg Erosion Prevention and Sediment Control Permit for all the disturbed ground, both on and off site that is in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.
 - Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards. A City of Millersburg Grading Permit is required for this work.
9. 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 occupancy.

Prior to Final Inspection:

10. Install the landscaping according to the landscape plan prior to occupancy. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.

IX. NOTICES TO THE APPLICANT

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

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. All required street signage and street lighting shall be approved by the City Engineer and installed.
3. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
6. 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.
7. 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.
8. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris includes food and drink waste. All waste shall be contained on site in proper containers or construction fencing enclosures and shall leave the construction site in proper disposal containers. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. The Preferred Alternative North Millersburg Park Conceptual Plan
- D. Public Hearing Notice

Vicinity Map SP 23-03

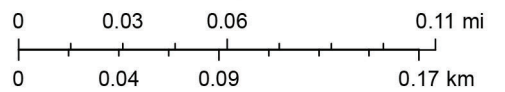


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 Tax Lots



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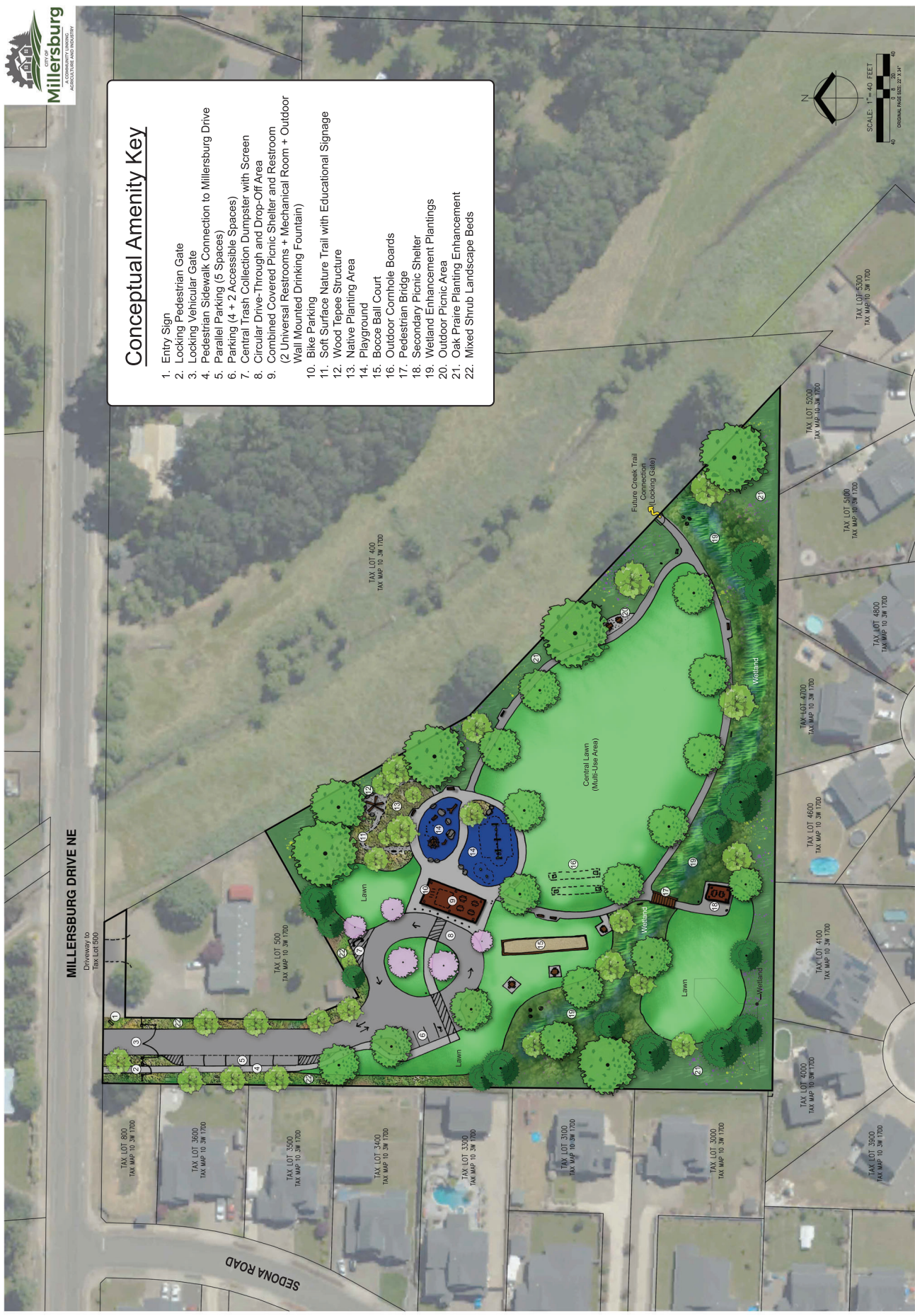
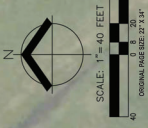
City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS, GeoTerra, 2021

ArcGIS Web AppBuilder

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, INCREMENT P,



- ### Conceptual Amenity Key
1. Entry Sign
 2. Locking Pedestrian Gate
 3. Locking Vehicular Gate
 4. Pedestrian Sidewalk Connection to Millersburg Drive
 5. Parallel Parking (5 Spaces)
 6. Parking (4 + 2 Accessible Spaces)
 7. Central Trash Collection Dumpster with Screen
 8. Circular Drive-Through and Drop-Off Area
 9. Combined Covered Picnic Shelter and Restroom (2 Universal Restrooms + Mechanical Room + Outdoor Wall Mounted Drinking Fountain)
 10. Bike Parking
 11. Soft Surface Nature Trail with Educational Signage
 12. Wood Teepee Structure
 13. Native Planting Area
 14. Playground
 15. Bocce Ball Court
 16. Outdoor Cornhole Boards
 17. Pedestrian Bridge
 18. Secondary Picnic Shelter
 19. Wetland Enhancement Plantings
 20. Outdoor Picnic Area
 21. Oak Praire Planting Enhancement
 22. Mixed Shrub Landscape Beds





NOTICE OF PUBLIC HEARING
January 2, 2024, 6:00 p.m.
The meeting will be in person
and online or by phone-

See the agenda for the link and phone number details

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing to consider the request described below. If anyone needs any special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may testify during the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Planning Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the City Council and the Land Use Board of Appeals based on that issue.

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. Any document request must be made by phone, email, in person at City Hall or can be viewed at the following web location- <https://www.cityofmillersburg.org/planning/page/land-use-applications-and-applications-under-review>. A staff report relating to the applicant's proposal will be available seven days prior to the public hearing at the same web location. For further information, contact Millersburg City Hall at (458)-233-6300.

- APPLICANTS:** City of Millersburg
LOCATION: 2652 NE Millersburg Drive- Southerly of NE Millersburg Drive and easterly of NE Sedona Road.
TAX LOT: Township 10 South; Range 3 West; Section 17DD; Tax Lot 00600
PARCEL SIZE: 4.4 acres
ZONING: Residential Low (RL)
REQUEST: This site development review is for a new park proposed by the City, more specifically a concept plan for a new 4.4 acre park proposing parking, a walking trail, a playground, a shelter with picnic tables and restrooms, a second shelter with no facilities, landscaping, benches, and some built in recreational features such as bocce ball courts.
CRITERIA: Millersburg Development Code; Section 5.05.060
FILE No.: SP 23-03

If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (458)-233-6300.

Vicinity Map SP 23-03

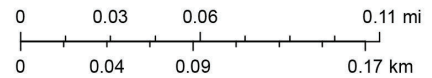


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 Tax Lots



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