



File No: SP 23-04 Center Market

Summary: On February 6, 2024, the Millersburg Planning Commission held a public hearing for the project. The Commission approved the Site Development Review with the conditions of approval listed in the staff report, as revised by the Commission, with a 6-1 vote. Commissioner Thomas voting no on the approval motion. The Commission found that all criteria and standards were met based on the accepted facts and the conditions of approval as modified. The Commission relied on facts from the staff report, the applicant's materials, and the City's Comprehensive Plan, Codes, and Ordinances as provisions for the basis of their decision. The Commission elected to revise two conditions of approval, 22 and 12. Condition of approval 22 addressed mitigation for the removal of mature trees from the project site. Condition of approval 12 addressed access between the site and the neighboring site. After the hearing, in order implement the direction provided by the planning commission, staff further identified that condition of approval 14 was redundant with the modifications to condition of approval 22 and should be deleted. Condition of approval 14 addressed the changes that needed to happen on the revised landscape plans, which is also what the revised condition of approval 22 does. Condition of approval 14 was deleted. The conditions of approval at the end of this document reflect these revisions.

Matt Straite
Community Development Director

Proposal: The application is for a Site Development Review for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The new structure is proposed to be 5,225 square feet, 3,780 square feet will be the new convenience store, 1,178 square feet is designated for a future retail/commercial tenant that is not identified at this time. The project also includes new pavement, parking areas, a basin, a plaza, new landscaping, a kitchen for the preparation of hot meal items, and the relocation of the driveway on NE Old Salem Road. The project would require the removal of several mature trees. The applicant is proposing the development of the site in three phases:

- Phase 1 proposes:
 - The construction of the new building and grading of the site.
 - Construction of new utility connections.
 - Removal of all existing mature trees on the site.
 - Construction of new driveway location on NE Old Salem Road.
 - Construction of temporary stormwater facilities.
 - The existing building remains open and in business.
 - The parking area is proposed to remain gravel during this phase.

- Phase 2 proposes:
 - Demolition of the existing building.
 - Abandoning existing utilities.
 - Construction of permanent stormwater facilities.
 - Landscaping including the plaza.
 - Abandoning the existing driveway on NE Old Salem Road.
- Phase 3 proposes:
 - Paving and stripping of the parking area.

I. BACKGROUND

A. Applicant: Old Salem Road, LLC

B. Location: 4050 NE Old Salem Road, lots 10S-03W-21-04600

C. Review Type: The proposed Site Development Review is a Type III permit, requiring a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on February 6, 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. Review Criteria: Chapter 5.05.060 Site Development Review Criteria

E. Current Zoning: General Commercial (GC)

F. Proposed Zoning: N/A

G. Property Size: 1 acre

H. Background:
 The site currently features a permitted convenience store and apartment in the same building. Ownership of the building changed within the past few years. The new owners have discontinued use of the apartment.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's Site Development Review materials were transmitted to the following agencies/departments on January 9, 2024: City of Albany, Albany Fire Department, City of Millersburg Engineer, PacificCorp, Linn County Planning and Building Department, Linn County GIS, and Northwest Natural Gas. To date, the following comments have been received:

- Millersburg City Engineer Comments dated January 25, 2024
- Albany Fire Department Comment Letter dated January 23, 2024
- Linn County Road Department Comments dated January 18, 2024

Public:

Notice of the February 6, 2024, hearing was mailed to all property owners within 200 feet of the property, posted in City Hall on January 18, 2024, and posted on the City's website here

- <http://cityofmillersburg.org/planning-commision/> on January 18, 2024. To date, no written comments from the public have been received by staff.

III. CRITERION

All findings and conclusions listed below are in addition to those provided by the applicant in their narrative dated December 11, 2023, which is included here by reference.

5.05.060 Site Development Review Decision Criteria

The review of the 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.**

ANALYSIS: The proposed use is a convenience store, which is listed as a permitted use in the General Commercial (GC) Zone, specifically Section 2.08.020(1) pursuant to a Site Development review. Specifically, the permitted use is retail trade establishments.

The zone contains development standards that include the following:

Regulation	Standard	Application
Minimum Lot Area	5,000 square feet	The property is one (1) acre in size.
Setbacks <ul style="list-style-type: none"> • Front • Rear • Side • Side Yard Street 	Zero Zero Zero 10 feet	The proposed building location is more than 10 feet from any street.
Height	35 feet	The proposed structure is less than 15 feet in height.
Lot Coverage	90%	The site is 43,560 square feet, the structure is proposed to be 5,225 square feet, and the paving is proposed to be 22,813 square feet for a total of 28,038 square feet. 90% of the lot would be 39,204 square feet, thus the project is under the maximum lot coverage requirements.

The zoning standards include all other development standards listed throughout the Development Code. These are addressed later in this staff report in Section IV.

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: The project will result in an increase to traffic because the proposed store is larger and is anticipated to do more business. A traffic study was not required pursuant to the Development Code. The use is already existing on the site. The new store will be replacing the existing one but will be larger. The size difference is not anticipated to result in a significant increase in vehicle traffic such that any mitigation would be required based on trip generation details provided by the applicant in the narrative. The new site configuration will move the eastern driveway further south which will result in a safer ingress and egress on NE Old Salem Road. This is discussed further in section IV of this staff report. The applicant has indicated that the design is also intended to allow on-site parking of larger trucks. This is intended to address big rigs illegally parking on NE Old Salem Road and NE Conser Road. The City does not anticipate any negative impacts to traffic flow.

The City does not anticipate any noise concerns with the proposed retail use. The proposed use is not considered a noisy use and is highly consistent with the zoning for the site which anticipated moderate levels of noise when the zoning designation was made. Neighboring uses do not currently include residential uses which are typically more sensitive to noise. Additionally, the use is existing and the City has received no complaints regarding noise from the use.

The existing shop uses a gravel parking lot. The new site plan shows the site fully paved after phase III. As such, dust should not be an issue once all phases are complete.

The proposed structure features some glass on the front, however, this should not create any glare issues as the building is set back over 80 feet from NE Old Salem Road. Additionally, the project includes landscaping which will screen the façade from all streets to a small degree. No odors are anticipated by the proposed use because the use, a retail establishment, does not traditionally produce odors. The plans include a kitchen for the preparation of some hot meal items, though this is also not anticipated to generate any significant odors. The current use features a kitchen as well and odors have never been an issue.

Regarding other issues that present negative impacts, the project site currently includes 11 trees, 6 of which are very tall, mature Oak trees with diameters larger than 25 inches. In the City of Millersburg, trees are regulated by Section 7.30 of the City Municipal Code (different from the Development Code that regulates Land Use). Section 7.30.030 states the following:

Unless removal is expressly authorized by a land use action or approval issued by the City of Millersburg, it shall be unlawful to remove any tree larger than or equal to six and one-half feet in circumference (approximately 25 inches in diameter), public or private, within the City of Millersburg City Limits without first making application to the City of Millersburg and obtaining a permit or as otherwise authorized by this Code.

The Municipal Code includes criteria, Section 7.30.180, for the issuance of a *tree removal permit*; however, as stated above, if a project is going through a land use action, and the trees are required to be removed in order for the proposed structure/use to be built, then a separate tree removal permit is not required. Thus, the criteria from 7.30.180 does not apply to these 11 trees. Land Use regulations from the Land Use Development Code would apply. However, there are no regulations in the Land Use Code specific to the removal of trees. Therefore, the only applicable standard is the Site Development Review criteria, specifically the second criteria shown above.

In the staff report, Staff determined that the removal of the trees had a negative impact. While the Municipal Code may not require a tree removal permit, the intent of the Code is clear – trees of this size are something that should be considered significant. Having that said, it is necessary to consider the applicant's rights to develop his private property and the tree's locations do significantly impact the ability to use the site (see the applicant's narrative regarding trees and their root zones).

In the staff report, staff proposed the following condition of approval:

- Prior to final inspection the Applicant shall plant replacement trees at a rate of 2 to 1 replacement trees for each oak tree identified for removal on the Applicant's site plan. These replacement trees shall be at least 3 inches in diameter measured one foot from ground level and at least 50% shall be at least 12 feet in height at time of planting with a mature height of at least 30 feet. Water efficient irrigation shall be provided for the replacement trees. All replacement trees shall not take the place of trees otherwise required by the Code or Conditions of approval, all replacement trees shall be in addition to any other required trees such as street trees or parking lot trees. If a replacement tree fails to survive within a period of 2 years, the Applicant shall immediately replace it with an equivalent specimen (i.e., substantially similar species, equivalent size, etc.).

The Planning Commission discussed the tree issue extensively, ultimately deciding that the 2:1 mitigation was likely too difficult to achieve given the design of the site, and instead, the trees proposed on the tentative landscape plan, plus the required addition of 4 parking lot landscape planters with two trees in each, would suffice for mitigation. They also required that all trees planted on the site be at least 3 inches in diameter. This also made condition of approval 14, proposed in the staff report, redundant. That condition was deleted. Originally 22 spoke to just the mitigation trees. The Commission expanded the text of 22 to address several changes that needed to be reflected on the revised landscape plans. However, condition 14 also included details of what needed to be reflected on revised landscape plans. The Commission's action essentially merged these two conditions into one. The revised condition is shown below.

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

CONDITION OF APPROVAL:

- Prior to final inspection the Applicant shall provide a revised landscape plan for review and approval. The plans shall include:
 - a. All trees shown on the preliminary landscape plan, with the exception of any that need to be removed due to any vision clearance conflicts,
 - b. Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
 - c. At least two trees shall be included in each of the four landscape planter bays in the parking area.
 - d. All newly planted trees on the property shall be at least 3 inches in diameter measured one foot from ground level. Notes shall be included on the plans to reflect this.
 - e. Water efficient irrigation shall be provided for all trees. Notes shall be included on the plans to reflect this.
 - f. If a tree fails to survive within a period of 2 years, the Applicant shall immediately replace it with an equivalent specimen (i.e., substantially similar species, equivalent size, etc.). Notes shall be included on the plans to reflect this.

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal pedestrian connection locations with the neighboring lots. These need not be constructed at this time, but must be shown on the plans.
 - Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.

(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: Water, sewer, and stormwater lines exist in both fronting streets. The applicant's narrative and site plans indicate that they plan to utilize existing water and sewer services and tie into a 12 inch stormwater drain in NE Conser Road. A stormwater report has been required by a condition of approval. A tentative basin location and size are provided but these may change depending on the results of the stormwater study. Conditions of approval have been added to assure the eventual design of the stormwater system and other drainage requirements will meet the City and County standards as applicable. As a note, any stormwater discharge that goes to the storm drains in NE Old Salem Road must comply with County stormwater requirements (because NE Old Salem Road is a County road), any

stormwater discharge that goes to the system in NE Conser Road must comply with City stormwater requirements.

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

CONDITIONS OF APPROVAL:

- Prior to beginning of construction, obtain a 1200-C Erosion Control Permit for disturbed area greater than one acre and a City of Millersburg Erosion Prevention and Sediment Control Permit for disturbed area greater than 10,000 square feet.
- Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards or Linn County standards as applicable. Private stormwater quality facilities require the property owner to enter into a maintenance agreement. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.

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

ANALYSIS: The applicant's narrative explains that the driveway on NE Old Salem Road will be shifted south which will increase the spacing from the intersection and be safer as a result. As explained above, the project did not trigger a traffic study, because the store will not be increasing in size enough to generate a significant additional volume of traffic trips, see the applicant's narrative for more detail.

The number of parking stalls and the stall dimensions match the City requirements for the proposed use. A detailed review of this is shown below in Section IV of this staff report. There are existing bike lanes and sidewalks on NE Old Salem Road and NE Conser Road.

The City owns the property surrounding the site on the south and west. The City is currently planning a mixed-use development on the adjacent property that may include retail, restaurants, housing above commercial uses, and a recreational center. During the pre-application review we explained to the applicant that the revised store on this site should be designed to work in context with the surrounding intended development including internal connectivity to the adjacent lots. There were no internal vehicular or pedestrian connection points shown on the site plan. A condition of approval has been added requiring the final building permit plans to include a site plan with details showing internal connectivity between the project and neighboring lots. This is required by Code section 3.02.030(2), (4) and 3.02.070(7) to assure connections are provided. The Planning Commission modified this condition. They expressed concerns with possible vehicular cut through traffic. As such, they eliminated the text in condition 12 that said the access should be either

vehicular or pedestrian. The condition now states that connections shall be pedestrian only.

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

CONDITION OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
 - Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.

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: The site is surrounded by uses and zones that are considered highly compatible with the proposed use. These include City Hall to the north, light industrial and commercial uses to the east, vacant property to the south and west, planned for mixed-uses. No noise buffering is required for any of these uses. Visual buffering to the east and north is provided through compliance with the landscape requirements of the Code, including the parking lot and streetscape landscape requirements. Additional visual buffering is discussed further in Section IV.

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

d. Protections from any potential hazards.

ANALYSIS: No hazards are anticipated on or near the property. The site is not located within a FEMA flood zone or a landslide area. No additional protections are needed.

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 GC Zone setbacks and siting requirements, and Chapter 3 General Provisions as shown below. The following analysis is a summary of only the applicable standards or items that required additional explanation and/or additional conditions of approval to show clear consistency. These findings are in addition to those made in the applicant's narrative which is included here by reference.

**MUNICIPAL CODE TREE REGULATIONS
SECTION 7.30.030 PROHIBITED ACTIVITIES**

Section 7.30 of the Municipal Code addresses the City's regulations regarding tree removal. The tree regulations are discussed in detail above. Conditions of approval have been added to mitigate the removal of significant trees.

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

SECTION 3.03.060 OFF STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS

ANALYSIS: Table 14 outlines the number of parking spaces required for different uses. Letter K explains that 1 space per every 800 square feet of gross floor area plus 1 space for each 2 employees is required. The applicant is proposing 5,225 square feet (not clear if that is gross or net) and up to 3 staff per shift. That's a total of 14 spaces required, 16 are provided. This standard is met. The parking area will be fully paved. All spaces meet the standard dimension requirements of 9 feet by 20 feet. As previously mentioned, the applicant proposes to relocate the existing NE Old Salem Road driveway. Subsection (8) requires specific landscaping for the parking area. This is discussed more in the analysis of section 3.09 below.

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

CHAPTER 3.04 STORM DRAINAGE AND GRADING

ANALYSIS: The applicant has provided locations for stormwater facilities on the site. Conditions of approval have been added requiring a stormwater report to be submitted that will provide calculations to show that all water quality and detention facilities are in the correct location and sized to function as required.

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

CHAPTER 3.05 UTILITY LINES AND FACILITIES

ANALYSIS: The project is required to connect to public facilities, specifically water, sewer and stormwater. The site features two existing water connections. The site currently features a 4" sewer connection lateral, though the City Standards call for a 6" for commercial uses. The applicant has requested to allow continued use of the 4" lateral. Because the use and the lateral is existing, the City Engineer has determined that the continued use of the 4" lateral is acceptable

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

CHAPTER 3.06 SIGNS

ANALYSIS: The project does not include any specific signage. The existing pole sign on NE Old Salem Road is proposed to remain. That sign meets all Code requirements. The applicant has indicated that all signage will be obtained with a separate sign

permit as the structure is built. However, the building elevations do allocate areas for signage. The area indicated on the elevations exceeds the amount of sign surface that is permitted by the Code.

Section 3.06.110 regulates the size of signs in a commercial area. Because the plans include space for two business, the applicable regulations are from subsection b, business centers [meaning more than one (1) store]. The maximum wall or canopy sign for this type of development is 1.5 square feet for every lined foot of building frontage up to a maximum of 150 square feet. The main store is about 69.5 feet wide, the smaller store is 23 feet wide. That translates to a sign allowance of 103.5 square feet for the main store and 34.5 square feet for the smaller store. As drawn the building elevations appear to show a total of about 1,087.5 square feet using the total amount of overhang space on the front and sides.



It is assumed that the applicant plans to have this store look like the other Center Markets in the State. The other stores include a large chevron-style print/paint pattern that spans the entire frontage of the stores. The pattern used on these signs is considered part of the sign, and thus part of the total size requirements for a sign. The definition of sign and sign area states:

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol or trademark; banner or pennant; or any other device, figure, or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, structure, or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.¹

Sign area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

¹ Emphasis added

The narrative addresses signs. The narrative states that all signs will comply with sign size requirements. The narrative does not seem to include the chevron-style decorations as part of the sign area.

Therefore, while signs are not specifically requested as part of this permit, the applicant should be advised that any sign permit in the future will need to comply with the sign size requirements at the time a sign permit. The chevron-style decorations will also be considered sign surface area and must be included in the calculations. No conditions of approval are required to assure the signs meet the Code, because no signs are requested with the Site Development Review Land Use permit requested at this time.

Additionally, it should be mentioned that the existing Center Market store has demonstrated a pattern of continually displaying temporary signs for products sold. Temporary signs are permitted as long as they comply with the standards for such signs outlined in Code section 3.06.130. These include no more than one (1) sign allowed, and they can only be displayed for a total of 90 calendar days per calendar year. An excess of temporary signs is not permitted and will result in code enforcement violations.

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

CHAPTER 3.26 COMMERCIAL DESIGN STANDARDS

All commercial buildings must comply with the design requirements of this section.

ANALYSIS: The design standards include 9 standards, each of which is reviewed below.

(1) Exterior walls of buildings shall be constructed using the installation of a combination of architectural features and a variety of building materials.

The exterior of the north, south and east facing wall include stone wainscotting and an overhanging awning. The rear wall of the structure, facing west, is highly visible from NE Conser Road and is also, therefore, required to comply with all design standards as well. As shown on sheet A3.0 view C, the rear does not include any architectural features and is therefore inconsistent with this requirement and must be revised. This is discussed below in more detail. With conditions of approval, this standard is met.

(2) Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10% of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.

As discussed above, the rear wall of the building does not meet this requirement. All other walls do. The rear wall will be highly visible from NE Conser Road. The aesthetics of this wall are very important based on this high visibility. The strict

application of this requirement is not practical because windows on the rear of the structure of a convenience store are not typically included. However, the intent of the provision is clear, the rear of the structure should include some kind of aesthetic feature. A condition of approval has been added that will require the addition of architectural features intended to break up the massing of the structure and make the structure aesthetically pleasing from NE Conser Road. Because this is subjective, the Planning Commission can add any details to the condition in order to assure (to the Commission) that the requirement will be satisfied. The condition requires the applicant to work with Staff to satisfy the condition, this way the project does not have to come back to the Planning Commission. Staff found this to be a reasonable interpretation of this development standard, though, ultimately, it is up to the Planning Commission.

- (3) Architectural features shall include at least three of the following: recesses, projections, wall insets, arcades, window display areas, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are approved in the Site Design Review process.**

The applicant has explained in the narrative that the building is proposed to have the following architectural features:

1. Awning to be projected from the building façade,
2. Front (east) of the building will include window display areas, and,
3. The lower portion of the exterior includes stone to complement the design element.

Staff concurs that this meets the standard.

- (4) The predominant building materials shall be either brick, wood, stone, decorative steel paneling (not standard metal wall panels), and/or tinted/textured concrete masonry units, or glass products, or a combination thereof. Other materials such as smooth-faced concrete block, or undecorated tilt-up concrete panels, shall not exceed 25% of the material used for walls adjacent to the street or 75% of any other wall. All roof types are allowed including metal roofs; however, flat roofs shall be surrounded by a vertical extension of the adjacent wall.**

The applicant has explained in the narrative that the predominant building materials will be Hardie Plank siding and stone. Staff concurs that this meets the standard. The roof is a flat-style roof but does feature a parapet.

- (5) Exterior colors shall be of low reflectance and shall be warm earth tones or as deemed by the Planning Commission to be a color that is compatible with the surrounding development and the purpose section of the zone. The use of high intensity colors such as black, neon, pink, peach, purple, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim.**

The applicant is proposing an off-white paint color which complies with this requirement.

- (6) Awnings that provide a minimum three feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.**

The building features a structural (not cloth) awning that surrounds the building (except the back). This awning is 6 feet wide. This exceeds the standard.

- (7) Loading areas shall be located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation or a screen made of materials matching the building materials.**

The applicant has indicated that the loading area is located to the rear of the structure. Loading from the front parking area is not permitted. It should be noted that NE Conser Road is proposed to be downgraded to local when NE Transition Parkway is open. This standard is met.

- (8) The development shall provide a plaza consistent with the following standards:**

- a. The plaza must be at least 10 square feet. The area must be for public use or similar activated and usable public space (not just landscaped area), in addition to required sidewalk(s), for every 1,000 square feet of floor space.**
- b. The plaza must include at least one of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower, or other similar focal feature or amenity.**
- c. The plaza may be located within a setback or landscape area.**

As an alternative the Planning Commission may approve a public art piece to substitute for the plaza. The size of the art shall scale in proportion to the amount of plaza space required.

The site plan for the project shows a plaza. The plaza is proposed to include a picnic table, located to the north of the structure, along the NE Conser Road right of way. The plaza will be 100 square feet and will be paved. This standard is met.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing internal vehicular and/or pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
- Prior to issuance of building permits the applicant shall revise the rear elevation (west facing) to break up the massing of the façade and include at least 1 architectural feature intended to make the view of the rear wall from NE Conser Road aesthetically pleasing. This can include stone wainscoting, awnings, bump outs in the wall plane (at least 6 inches, to add shadows along

the facade throughout the day, landscaping, or any other feature that accomplishes the goals outlined above. These shall meet the satisfaction of the Community Development Director.

CHAPTER 3.09 LANDSCAPING REQUIRED

SECTION 3.09.030(1)b NON-RESIDENTIAL LANDSCAPING

ANALYSIS: The site does not abut any residential property; no screening is required. No setbacks are required. All proposed landscaping complies with the requirements of this section. All trees must remain clear of the site vision clearance areas shown on the final site plan. Conditions have been added.

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

SECTION 3.09.030(2) PARKING LOT LANDSCAPING

Parking areas have specific landscape requirements.

ANALYSIS: Planter bays are required. A planter bay essentially means that the ends of parking space areas must include a planter with curbs, a tree, and landscaping. The code says that a curbed, 5 feet wide planter is required at both ends of the parking spaces located in front of the building and the side of the building (total of 4). The plans do not include these planters. A condition of approval has been added to require the plans to be revised, and construction with irrigation of these planters.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
 - Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.
- Prior to final inspection, all landscaping must be installed and irrigated in accordance with the approved landscape plan.
- Prior to final inspection the Applicant shall provide a revised landscape plan for review and approval. The plans shall include:

- g. All trees shown on the preliminary landscape plan, with the exception of any that need to be removed due to any vision clearance conflicts,
- h. Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
- i. At least two trees shall be included in each of the four landscape planter bays in the parking area.
- j. All newly planted trees on the property shall be at least 3 inches in diameter measured one foot from ground level. Notes shall be included on the plans to reflect this.
- k. Water efficient irrigation shall be provided for all trees. Notes shall be included on the plans to reflect this.
- l. If a tree fails to survive within a period of 2 years, the Applicant shall immediately replace it with an equivalent specimen (i.e., substantially similar species, equivalent size, etc.). Notes shall be included on the plans to reflect this.

V. DECISION

Based on the above findings of fact, and the conditions of approval as modified by the Planning Commission, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application SP 23-04.

VI. CONDITIONS OF APPROVAL

General Conditions:

1. Development of this land use approval shall substantially comply with the submitted preliminary Design Review Plans and building elevations dated 2/1/24 and 11/9/23 respectively with revisions required in the conditions of approval. All phasing shall be consistent with the phasing plans shown in the applicant's narrative with the exception of the construction entrance which shall comply with Condition 3 below. Additional development or changes may require a new development application and approval.
2. This approval is valid for a period of one (1) year from the date of the decision notice. Extensions may be granted by the City as afforded by the Millersburg Development Code.
3. Phase 1 shows utilizing the existing access on Old Salem Road for operation of existing store while utilizing the new access on Old Salem Road for construction access. This results in two driveways in close proximity on Old Salem Road and could cause confusion for customers and construction traffic. Only one driveway on Old Salem Road shall be open at a time. Construction access shall be secured from City-owned property located to the west of the subject property on Conser Road.
4. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
5. 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.

6. All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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 of the new building.
7. Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards or Linn County requirements, as applicable. Private stormwater quality facilities require the property owner to enter into a maintenance agreement. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.
8. Clear vision areas shall be provided in accordance with Millersburg's adopted clear vision standards.

Prior to Building Permit Issuance:

9. Prior to the issuance of building permits, any access and utility easements shown on the proposed plans must be recorded.
10. Prior to the issuance of building permits the applicant shall provide evidence to the City that all applicable requirements of the Albany Fire Department letter dated January 23, 2024, have been met to the satisfaction of the Albany Fire Department.
11. Prior to the issuance of building permits all applicable System Development Charges (SDCs) shall be paid.
12. Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
 - Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.
13. Prior to issuance of building permits the applicant shall revise the rear elevation (west facing) to break up the massing of the façade and include at least one (1) architectural feature intended to make the view of the rear wall from NE Conser Road aesthetically pleasing. This can include stone wainscoting, awnings, bump outs in the wall plane (at least 6 inches), to add shadows along the facade throughout the day, landscaping, or any other feature that accomplishes the goals outlined above. These shall meet the satisfaction of the Community Development Director.

14. Deleted by the Planning Commission

Prior to Grading:

15. 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.
16. Prior to beginning of construction, obtain a 1200-C Erosion Control Permit for disturbed area greater than one acre and a City of Millersburg Erosion Prevention and Sediment Control Permit for disturbed area greater than 10,000 square feet.

Prior to Final Inspection:

17. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.
18. Prior to final inspection, all required public improvements shall be completed and approved by the City.
19. Prior to final inspection, the applicant shall provide evidence to the City that all applicable requirements of the Albany Fire Department letter dated January 23, 2024 have been met to the satisfaction of the Albany Fire Department.
20. Prior to final inspection, the applicant shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.
21. Prior to final inspection, all landscaping must be installed and irrigated in accordance with the approved landscape plan.
22. Prior to final inspection the Applicant shall provide a revised landscape plan for review and approval. The plans shall include:
 - m. All trees shown on the preliminary landscape plan, with the exception of any that need to be removed due to any vision clearance conflicts,
 - n. Curbed, 5 feet wide landscape planter bays shall be included at the ends of each series of parking spaces.
 - o. At least two trees shall be included in each of the four landscape planter bays in the parking area.
 - p. All newly planted trees on the property shall be at least 3 inches in diameter measured one foot from ground level. Notes shall be included on the plans to reflect this.
 - q. Water efficient irrigation shall be provided for all trees. Notes shall be included on the plans to reflect this.
 - r. If a tree fails to survive within a period of 2 years, the Applicant shall immediately replace it with an equivalent specimen (i.e., substantially similar species, equivalent size, etc.). Notes shall be included on the plans to reflect this.

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. All applicable Connection Charges will be due at the time of building permits.
2. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
3. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
4. The developer is responsible for all costs associated with any public facility improvements and shall ensure the construction of all public streets and utilities as required by these conditions of approval to the plans, standards, and specifications of the City of Millersburg.
5. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
6. 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.
7. 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.
8. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire Department. Hydrant and Turnaround locations shall be provided by the Applicant and approved by the Albany Fire Department and the City.
9. A commercial access permit from the Linn County Road Department will be required for all access from NE Old Salem Road.

X. EXHIBITS

- Vicinity Map
- Zoning Map
- Applicant's site plan, sheets C1, C2, and C3, dated November 16, 2023 (superseded, see below)
- Applicant's existing conditions drawings, sheet SV1, dated August 2, 2023
- Applicant's Narrative dated December 11, 2023

- Applicant's Tree Narrative (no date)
- Applicant's Tree Exhibit dated January 5, 2024
- Applicant's Architectural Drawings sheets A1.0 through 4.0, dated November 8, 2023
- Millersburg City Engineer Comments dated January 25, 2024
- Albany Fire Department Comment Letter dated January 23, 2024
- Linn County Road Department Comments dated January 18, 2024
- Public Hearing Notice
- Revised site plan dated February 1, 2024 submitted to the Commission via memo dated February 6, 2024

SP 23-04 Vicinity Map



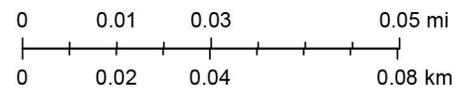
Project Site

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



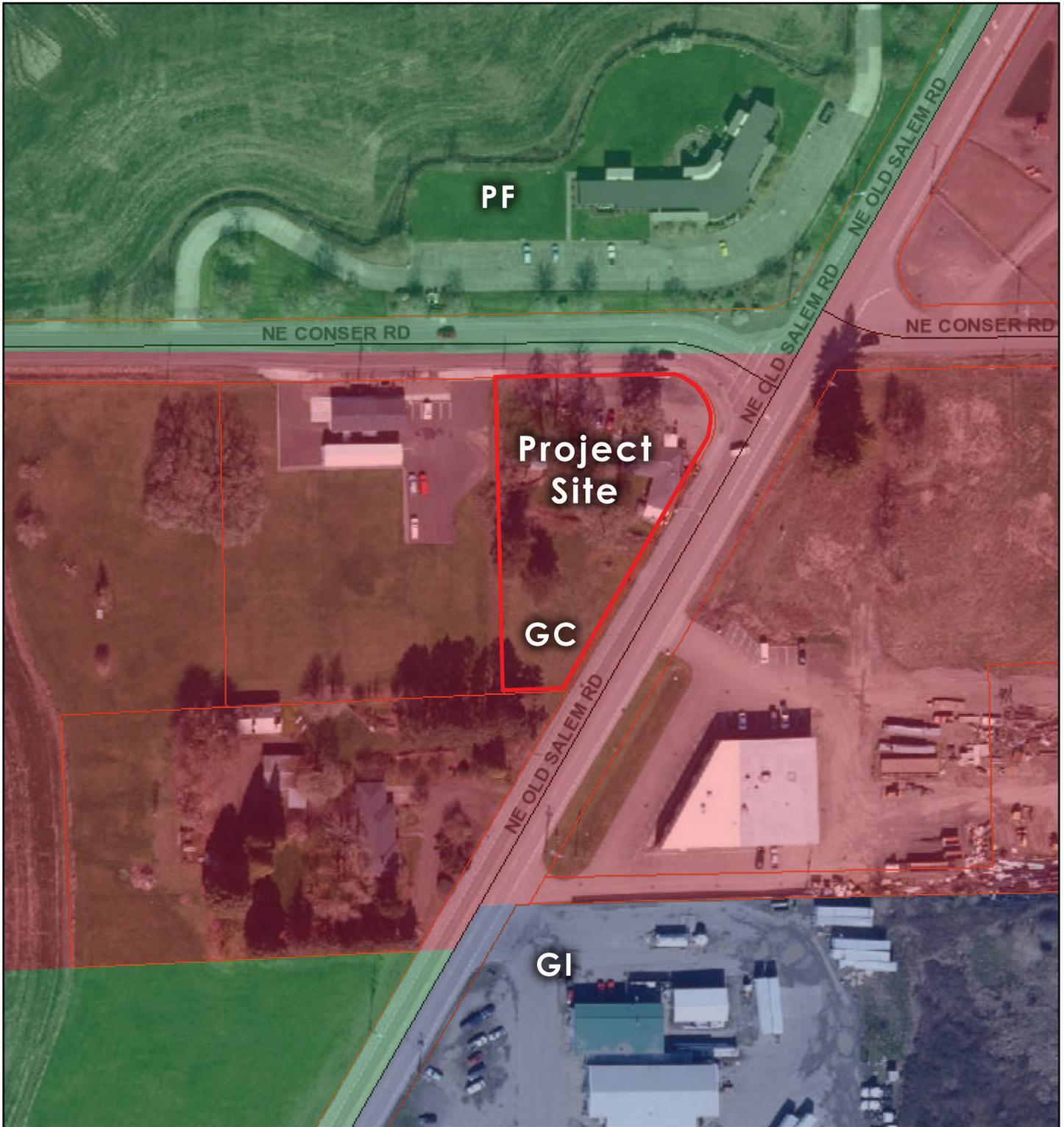
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City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS, GeoTerra, 2021

ArcGIS Web AppBuilder

SP 23-04 Zoning Map

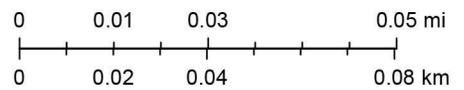


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- | | |
|--------------------|---------------------------|
| Highways | MIXED USE |
| Railroad | PUBLIC FACILITIES |
| Millersburg Zoning | RESIDENTIAL LOW DENSITY |
| COMMERCIAL OFFICE | RESIDENTIAL MIXED DENSITY |
| GENERAL COMMERCIAL | RURAL |
|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



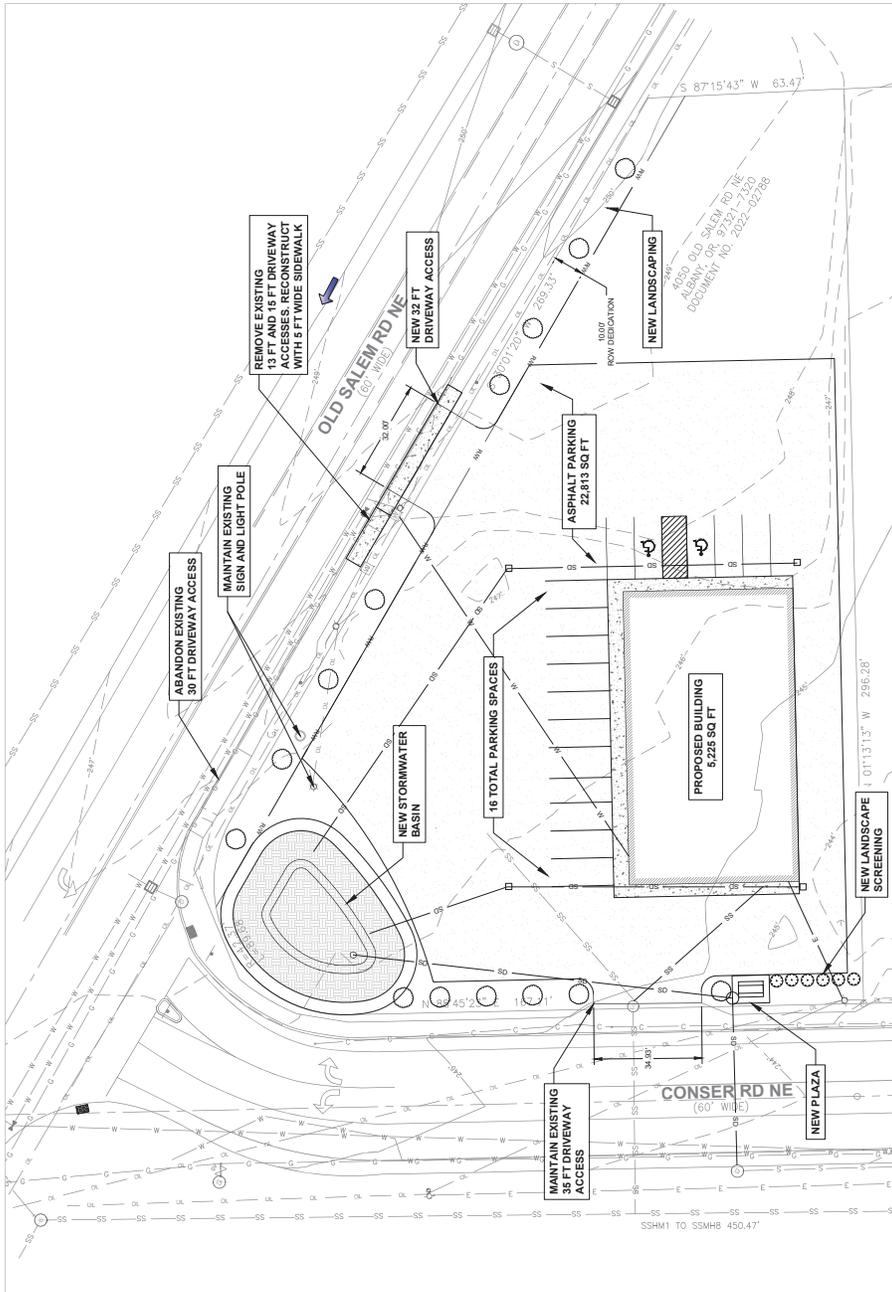
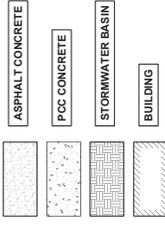
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City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS, GeoTerra, 2021

ArcGIS Web AppBuilder

DRAWING KEY



1 CIVIL SITE PLAN

WCL ENGINEERING, LLC
 1000 W. 14TH AVE
 EUGENE, OREGON 97408

CENTER MARKET

JAY SINGH
 4000 OLD SALEM ROAD
 MILLERSBURG, OR
 11.18.2023

LAND USE
 16 NOVEMBER 2023
 SCALE/NTS
 CIVIL SITE
 PLAN

C01

Site Development Application

Submitted to

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

Site Address

4050 NE Old Salem Road
Albany, Oregon 97321

Owner/Applicant

Old Salem RD, LLC
Contact: Jay Singh
PH: 503-931-6388

Applicant Representative

WCL Engineering, LLC
Contact: Cole Lathrop, PE
PH: 541-954-3691

Site Information

Site Address	4050 NE Old Salem Road Albany, Oregon 97321
Map and Taxlot	10S03W21-00-04600
Site Size	1 acre
Zoning	General Commercial (GC)
Surrounding Zoning	West: General Commercial South: General Commercial

Executive Summary

This application is for a site plan review for the redevelopment of an existing commercial property located in the city of Millersburg at the southwest corner of Old Salem Road NE and Conser Rd NE. The redevelopment will not change the use of the property, convenience store operated by Center Market. The new development is configured to allow for construction to be performed in phases to allow for constant operation of the existing business on-site. The new structure is proposed to roughly double in size relative to the existing building (existing 2,380 sq ft, new 5,225 sq ft).

Site Development Review

Per Millersburg Development Code (MDC) section 5.05.020, a site development review is required for all new or expansions involving a 20% or more increase in total square footage of existing industrial, commercial, mixed-use and multi-family properties.

Per MDC section 5.05.050, an existing site analysis and site plan have been provided showing all the applicable items listed in 5.05.050 (1) and (2).

The development meets the decision criteria set forth in MDC section 5.05.060 in the following ways:

1. *The proposed use is allowed in the zone and complies with the underlying zone development standards*
 - a. **The proposed use is a convenience store, which is classified as a Retail business which is allowed in the General Commercial Zoning per MDC 2.08.020.**
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.*
 - a. **The proposed use is not changed from the existing use, therefore this development is not anticipated to create negative impacts for the surrounding area. Hours of operation are not anticipated to change with this development.**
 - b. **The proposed development reconfigures the access, parking and site layout to improve traffic flow visiting the site in the following ways:**
 - i. **Relocate building to face Old Salem Road NE (where most traffic comes from)**
 - ii. **Relocate existing driveway on Old Salem Road NE to be moved away from intersection of Conser Road NE.**
 - iii. **Increase size of existing driveway on Old Salem Road to 32 ft wide to accommodate larger commercial and industrial vehicles that travel along Old Salem Road.**
 - iv. **Increase parking area to meet minimum requirements and to accommodate larger industrial vehicles.**
 1. **Currently, larger vehicles illegally park on Old Salem Road.**
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;*

- i. **City utility data indicates that utilities are available and adequate to serve the proposed development. Preliminary utilities and grading and drainage plans are shown on the preliminary site plan. Final plans will be submitted prior to building permit issuance. Below are the existing public utilities:**
 - 1. **12" Storm Drain Main line in Conser RD NE**
 - 2. **8" Sanitary Sewer main line in Conser Rd ND with 4" Sanitary Service Lateral serving the site**
 - 3. **20" water main in Old Salem Road NE with two 1" services (installed in 2018) serving the site**

- b. *Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities;*
 - i. **The Development meets the parking, connectivity and traffic safety to existing streets, bikeways and pedestrian facilities as indicated in a more detailed narrative in the Development Code Review section.**
 - ii. **The development aims at improving traffic safety by providing a larger driveway and large apron areas for large vehicle parking, to reduce the potential of illegal and unsafe parking along Old Salem Road NE.**

- c. *Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and*
 - i. **Landscape buffers are being provided along all public ROW.**

- d. *Protections from any potential hazards.*
 - i. **Given the nature of the proposed/existing use, the main hazards include traffic safety and personal/business crime (Theft). The site layout and building design is designed to limit the opportunity for personal crime and the site layout has been designed to minimize the traffic hazards by providing parking areas for larger vehicles.**

On Site Trees

The site has 11 total existing trees with 6 of these trees being Oak trees with a trunk diameter larger than 25 inches. As required by Millersburg Municipal Code (MMC) 7.30.040.2, existing trees larger than 25 inches (approx.) in diameter cannot be removed without an approved tree removal permit from the City of Millersburg.

The existing trees have been reviewed by a certified arborist (R&R Tree Service) and the arborist has recommended removing the trees where the proposed development encroaches on the critical root zone.

Using the City of Albany's tree regulation as a guide for critical root zone dimensions, the following was used to determine the extents of the critical root zone: *City of Albany Municipal Code: 7.98.020.3*
"Critical root zone" means the area around a tree where roots are critical to a tree's survival. The critical

root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius; where all tree measurements are consistent with those for establishing tree circumference. For example, a tree with a tree circumference of 6.5 feet would have a trunk radius of 1 foot and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.

Using this definition for root protection zones, the root protection zones are shown in the figure below.

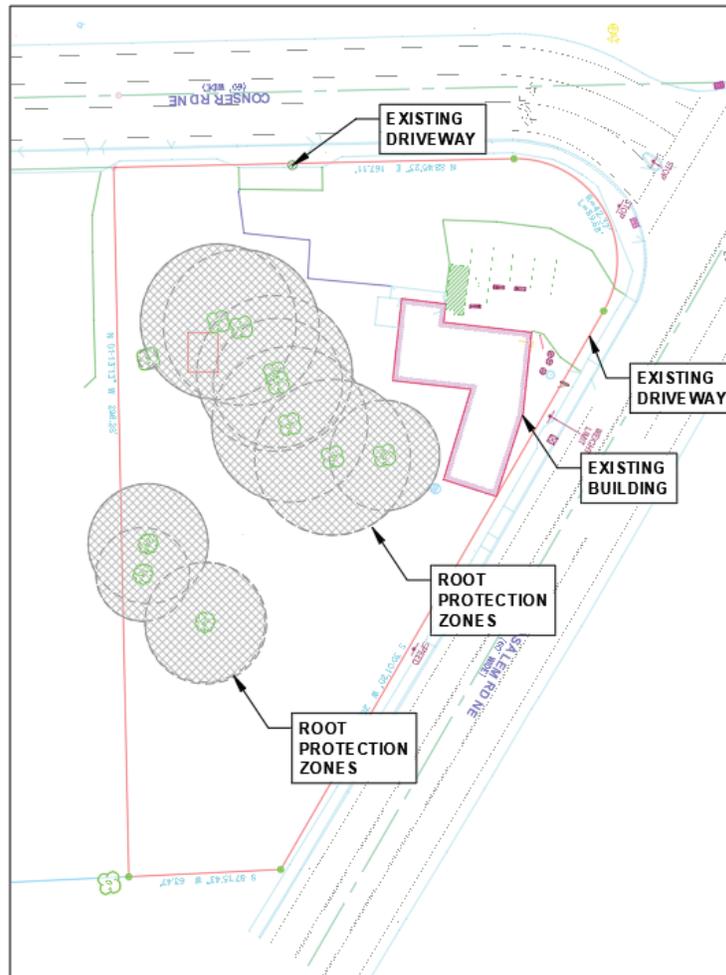


Figure 1- Root Protection Zones

Alternate designs were analyzed to preserve trees on this site, the alternate designs included the following requirements:

1. Maintain the proposed (approximately 5200 sq ft) building conforming to development requirements and proposed use.
2. Maintain parking and circulation requirements and standard practices for type of use (Convenience store) and for historical use.

- a. Includes maintaining access from Conser Road and Old Salem Road
 - b. Includes parking and circulation for large industrial vehicles.
3. Maintain phased development for continuous operation of business.

Due to the location of root protection zone, the property cannot be practically redeveloped for the intended use without impacting critical root zones.

The site was also analyzed (using the criteria above) for partial removal of existing trees. Due to the existing topography, required grading to meet slope requirements, elevations to meet stormwater requirements, no practical configuration was possible without damaging root protection zones with fill, building foundations, or hardscape.

The applicant is requesting a preliminary approval to remove all the existing trees on-site under MMC 7.30.180.1.c.iv for the approval of this site development application, with the understanding that the applicant will obtain a tree removal permit prior the removal of these trees. The applicant is also proposing to include a condition of approval for the tree removal permit to plant replacement trees at a rate of 2 new trees for every 1 tree removed. New trees shall include required trees for landscaping requirements under MDC 3.09.030.

Phased Construction

The applicant is proposing to implement this redevelopment in phases to maintain continuous business operations during construction. Below is a narrative of the phased development with figures indicating work done during each phase.

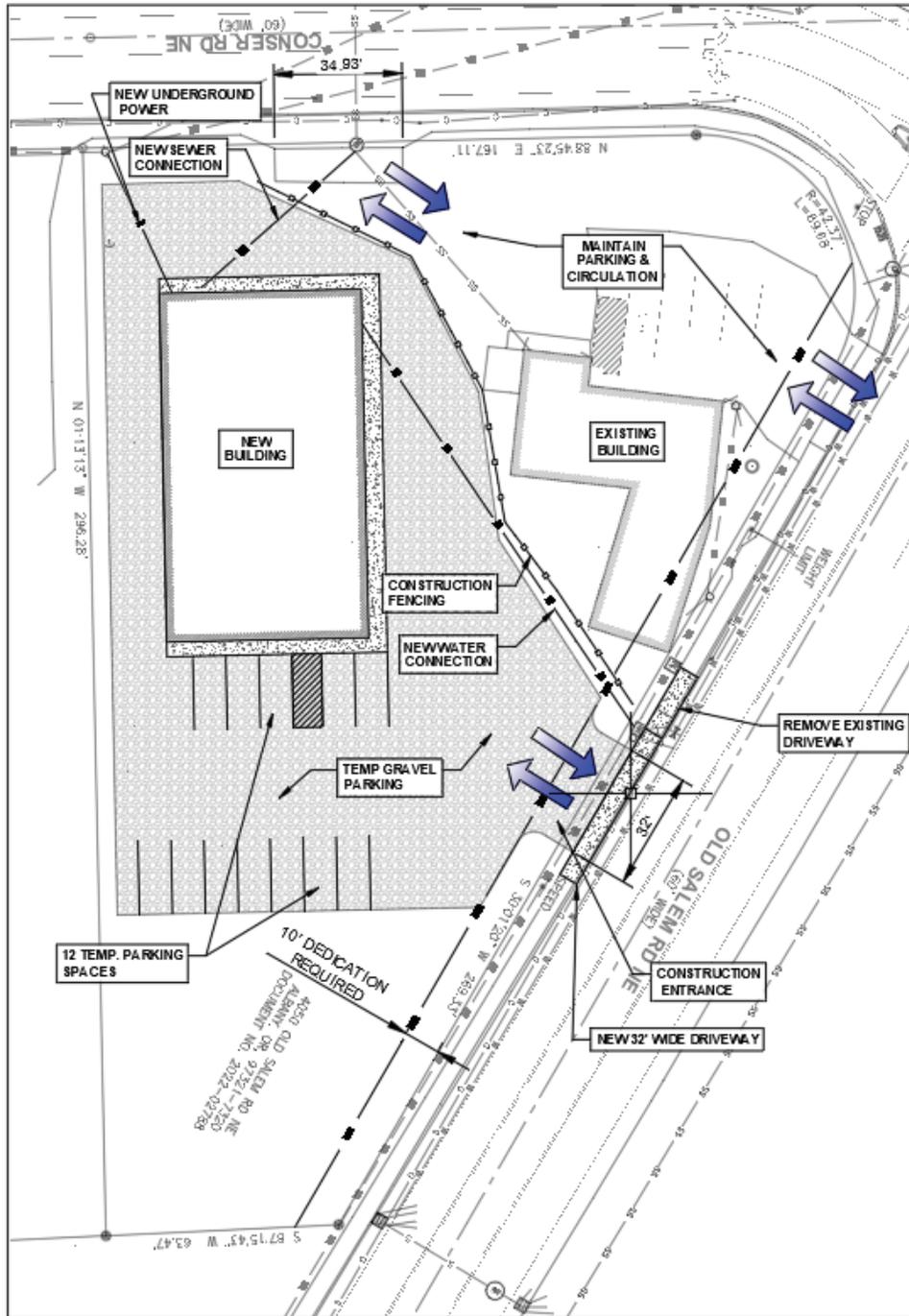


Figure 2- Phase 1 Construction

Phase 1 includes rebuilding the driveway access located on Old Salem Road, temporary stormwater installation, site clearing, partial grading, utility installation (excluding permanent stormwater utilities), new building construction and temporary site parking.

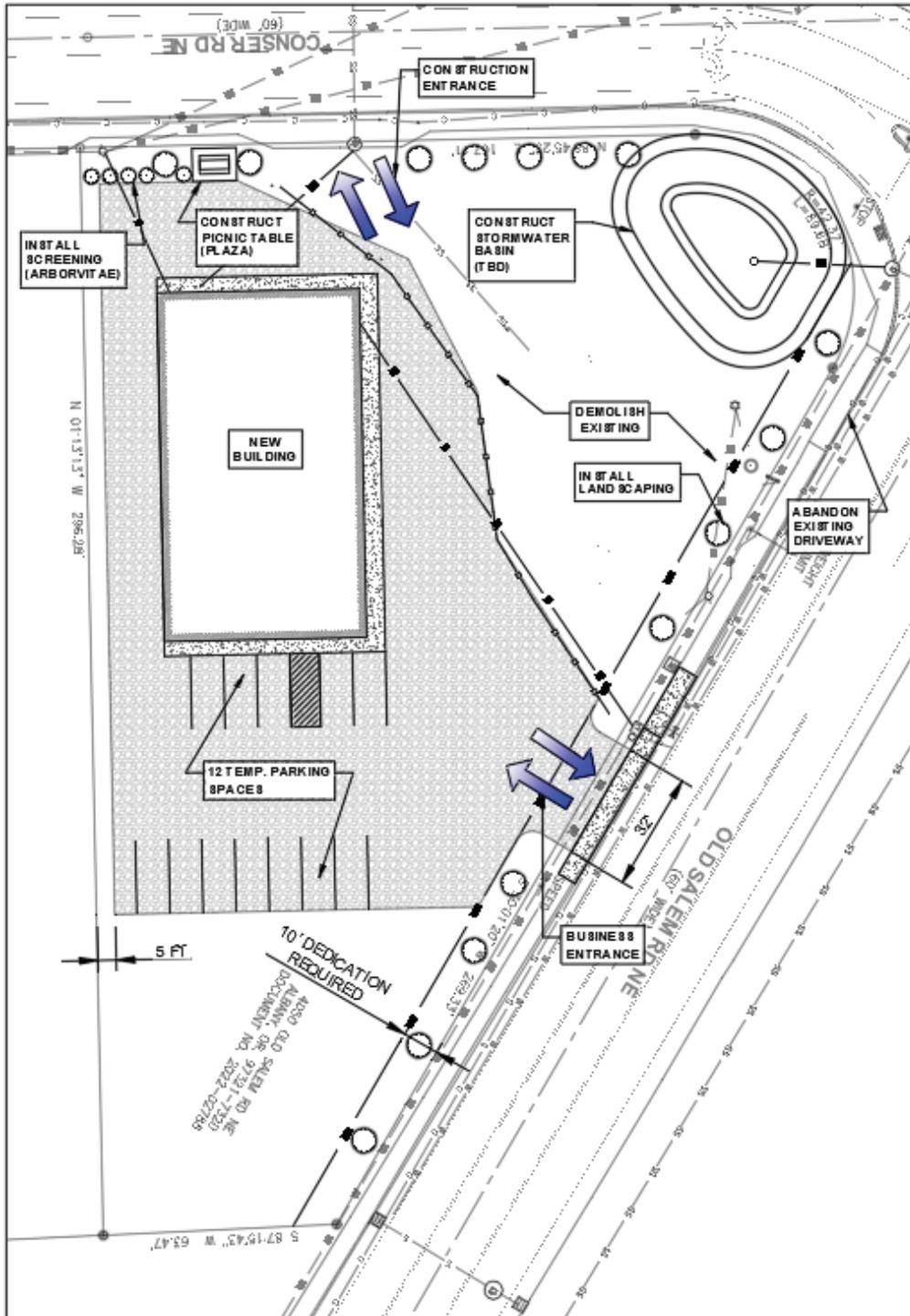


Figure 3- Phase 2 Construction

Phase 2 includes demolition of existing building, abandoning existing utilities, construction of permanent stormwater utilities, landscaping (including plaza construction), and abandoning of existing driveway access on Old Salem Road NE.

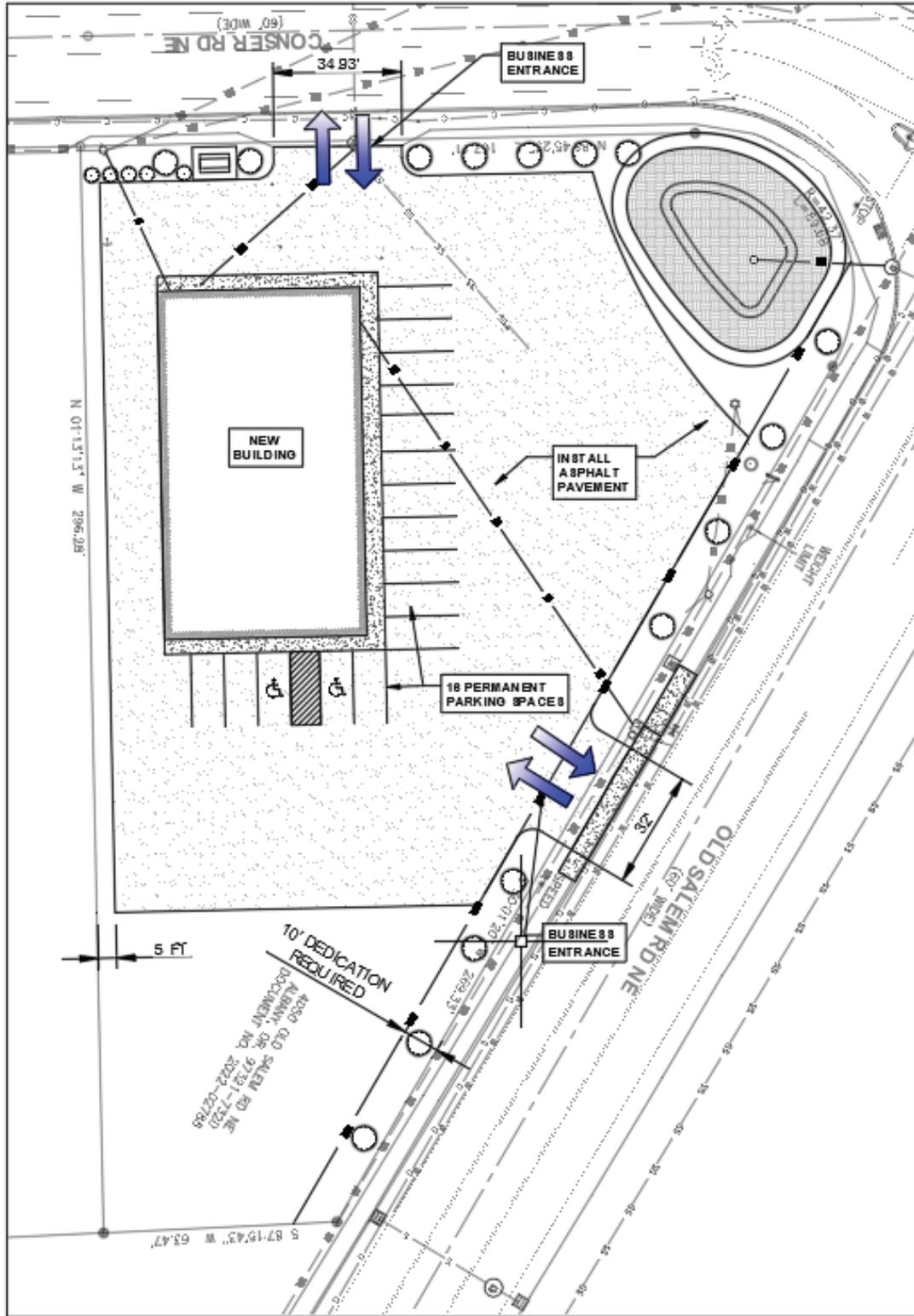


Figure 4- Phase 3 Construction

Phase 3 consists of paving and striping of the parking areas.

The applicant is proposing to obtain temporary occupancy to occupy the new building after phase 1, with final occupancy being issued upon final completion of phase 3.

Development Code Review

Below is a table outlining the applicable MDC sections for this proposed site development with the requirements and narrative on how the development meets the requirement.

MDC Section	Condition of Approval or Requirement	Proposed
2.08.020- Permitted Use	Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, and sporting goods stores.	Retail (Convenience Store)
2.08.050-Dimensional Standards- Lot Area	Minimum 5000 sq ft	1 acre
2.08.050-Dimensional Standards- Setbacks	Front: 0 ft, Side: 0 feet, Side (street): 10, Rear: 0 feet	Front: 62.9 ft, Side: 40 ft, Rear: 20 ft
2.08.050-Dimensional Standards- Building Height	Maximum: 35 ft	15 ft max
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Fire hydrant	Fire Hydrant is Required	Existing Hydrant located on Old Salem Road at property line
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Street Improvements	C-4 Full City Standards	Existing Public Improvements on Old Salem Road & Conser Rd NE are to remain
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Water Hookup	Water Hookup is Required	Property has two existing meters (1" commercial, 1" residential) conforming to Engineering Standards B.3.12 that are to be maintained for new building and irrigation.
3.01.030- General Provisions- Public Facility	Sanitary Connections is required to meet Engineering Standards division C.	Property has existing 4" service lateral in Conser Rd. This application is requesting a

Standards- Commercial Expansion- Sewer Hookup		variance to maintain the existing 4" service instead of install the minimum 6" lateral for new developments. (Engineering Standards Division C section 3.05.A)
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Storm Drain	Stormwater provisions are required	Property has no existing stormwater facilities. New stormwater facilities for quality, quantity and conveyance conforming to Engineering standards Division E are proposed. These facilities include area drains, storm pipes, vegetated facilities and overflow to existing storm drain system on Conser Road maintained by the City of Millersburg.
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Street Lights	Street light provisions are required	Existing public improvements include streetlights mounted to utility poles along Old Salem Road are proposed to be maintained. Streetlight on north side of NE Conser Road is proposed to be maintained, no additional streetlights are proposed.
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- ROW	80 ft wide	Per development code section 3.21.080, Conser Rd NE has a modified ROW of 60 ft. Because of this, this section is satisfied for Conser road NE.
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Curb-to-Curb Paving	50 ft wide	Maintain existing 44 ft (+/-) curb-to-curb paving
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Travel Lanes	12 ft wide	Maintain existing 11.5 ft travel lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Median/Turn Lane	14 ft wide	Maintain existing 12 ft median/turn lanes

3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Bike Lane	6 ft wide	Maintain existing 4.5 ft (+/-) ft bike lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- On-Street Parking	N/A	Maintain no parking along Conser Rd
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Landscape Buffer	5 ft wide	Propose new 5 ft wide (min) landscape strip between sidewalk and ROW
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Sidewalks	5 ft wide	Maintain existing 5 ft wide curb-tight sidewalk
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- ROW	80 ft wide	Propose 10 ft dedication for 40' wide half-street ROW
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Curb-to-Curb Paving	50 ft wide	Maintain existing 48 ft (+/-) curb-to-curb paving
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Travel Lanes	12 ft wide	Maintain existing 12 ft travel lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Median/Turn Lane	14 ft wide	Maintain existing 14 ft median/turn lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Bike Lane	6 ft wide	Maintain existing 5 ft bike lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- On-Street Parking	N/A	Maintain no parking along Old Salem Road

3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Landscape Buffer	5 ft wide	Propose new 5 ft wide (min) landscape strip between sidewalk and ROW
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Sidewalks	5 ft wide	Maintain existing 5 ft wide curb-tight sidewalk
3.02.040- Access Standards (Conser Road)	Access Spacing: 300 ft between driveways. Each parcel is permitted one driveway regardless of the minimum driveway spacing standard although shared access is encouraged.	Maintain existing 27 ft wide driveway on Conser Road.
3.02.040- Access Standards (Old Salem Road)	Access Spacing: 300 ft between driveways. Each parcel is permitted one driveway regardless of the minimum driveway spacing standard although shared access is encouraged.	Decommission Existing 2x existing accesses on Old Salem Road, Reconstruct existing 15.75' wide access to new 32' wide access.
3.02.070-Sidewalks (Conser Road)	Public sidewalk improvements are required for all property development in the City of Millersburg.	Maintain existing 5' wide curb-tight sidewalk
3.02.070-Sidewalks (Old Salem Road)	Public sidewalk improvements are required for all property development in the City of Millersburg.	Maintain existing 5' wide curb-tight sidewalk
3.02.080-Bikeways (Conser Road)	Bikeways are required along Arterial and Collector streets.	Maintain Existing Bikeway on Conser
3.02.080-Bikeways (Old Salem Road)	Bikeways are required along Arterial and Collector streets.	Maintain Existing Bikeway on Old Salem Road

<p>3.02.120- Traffic Impact Analysis</p>	<p>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.</p>	<p>The proposed development is not changing the use of the property. The existing building sees an average daily trip rate of 370 trips per day. This was taken from the actual unique visitor transactions from the existing business's sales information. This equates to a 155.46 trip/1000 square foot rate. The new building is comprised of a 4,047 square foot convenience store and 1178 square foot retail space. Using a 44.32 trips/1000 square foot rate (ITE 814-Specialty Retail), that equates to 467.3 and 52.2 average daily trips for the two uses for a total of 519.5 average daily trips. This results in a <u>net new average daily trip count of 149.5 trips</u>, under the 300 net new threshold. The use does not significantly change and will not increase the peak hour volume by more than 20%.</p>
<p>3.02.060-Off-Street Parking- Vehicle and Bicycle Parking Requirements</p>	<p>Retail store, except as provided in "K": Vehicles: 1 space per 500 sq ft plus 1 space per 2 employees. Bicycles: 1 space per 20 vehicles</p>	<p>The proposed development include a 5,225 square foot convenience store with up to 3 staff. 5225 square feet results in 10.45 spaces for square feet plus 3 for staff resulting in 13.45 square feet. 16 parking spaces are proposed as part of this development.</p>

<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Surfacing</p>	<p>(1)Surfacing. All driveways (full length of the driveway), parking, and loading areas, for all uses including single-family residential (except in the RU Zone), shall have a durable hard surface of asphaltic cement, concrete pavers, concrete, or other concrete materials. 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. c. Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.</p>	<p>Surfacing is proposed to be fully paved. Development is requesting the development to be constructed in phases to allow for continuous operation of the business. During the phasing the development is proposing to have temporary gravel surfacing for off-street parking.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Parking Spaces</p>	<p>(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.</p>	<p>Parking spaces are proposed to be 9 feet wide and 20 feet long.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Driveways</p>	<p>(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.</p>	<p>Driveways conform to section 3.02.040. No internal driveways are proposed.</p>

<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Lighting</p>	<p>(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.</p>	<p>No parking lighting is proposed</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Driveway Required</p>	<p>(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.</p>	<p>Development layout is proposed to allow for turn-around within site or pull-through for longer vehicles. No backing into public roadways is being proposed.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Traffic Safety</p>	<p>(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.</p>	<p>Development plans to utilize existing driveway on Conser and expand the width of the driveway on Old Salem Road to provide better access to site for passenger vehicles as well as truck traffic. Additionally, the site will have large, paved areas for trucks to turn into to minimize illegal parking along Old Salem Road.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Curbing</p>	<p>(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.</p>	<p>No parking spaces are proposed along the outer boundary of the parking area.</p>

<p>3.04.030- Plan for Storm Drainage and Erosion Control</p>	<p>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.</p>	<p>The site shall have a functioning stormwater plan that addresses quantity, quality and detention requirements based on the City Engineering Standards. The development is proposing to install the stormwater system in the second phase of the phased development. An erosion and sediment control plan conforming to the City of Millersburg EPSC Manual will be submitted at the time of the site development permit.</p>
<p>3.04.050- Grading</p>	<p>(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. (2)Building Permit: If the approved grading activity is associated with a building permit, a final grading inspection shall be required prior to issuance of certificate of occupancy. (3)NDPES</p>	<p>The site will include more than 50 cubic yards of grading and a grading permit will be applied for at the time of the site development permit. The grading extents are less than 1 acre; therefore the development will not apply for an NPDES permit with DEQ.</p>

	<p>Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturbs one or more acres of land.</p>	
<p>3.05.020- Utility Lines and Facilities- Standards- Private Utilities</p>	<p>(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.</p>	<p>The development proposes to install a new electrical service for the proposed building at the northwest corner of the property and maintain the existing service for the existing sign and light located on the east side of the existing structure. The development will abandon the existing service for the existing building upon demolition of the building.</p>
<p>3.05.020- Utility Lines and Facilities- Standards- Water Service Required</p>	<p>(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.</p>	<p>The site has two 1" water services installed in 2008. The development proposes to maintain these services and utilize one service for the new structure and one service for landscaping irrigation requirements.</p>
<p>3.05.020- Utility Lines and Facilities- Standards- Sanitary Sewer Required</p>	<p>(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</p>	<p>The existing sanitary sewer lateral servicing the property is a 4" lateral. The development proposes to maintain this lateral for the new structure.</p>

	coordinated with the extension of necessary water services and storm drainage facilities.	
3.06.110- Commercial and Industrial Signs- Total Sign Area	(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. Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.	Existing free-standing sign: 6 ft x 5 ft (30 square feet). 95 linear feet of building faces Old Salem Road and 55 linear feet face Conser Road. Building Sign facing Old Salem Road to be no larger than 142.5 square feet, building sign facing Conser Road to be no larger than 82.5 square feet.
3.06.110- Commercial and Industrial Signs- Type, Number and Sign Size	(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. Properties with more the 1,000 lineal feet of street frontage on any single street may have one additional freestanding sign.	Proposed Building Sign: One facing Old Salem Road and One facing Conser Road (2x total) Free-Standing Sign: One on Old Salem Road frontage
3.06.110- Commercial and Industrial Signs- Sign Height	(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.	Proposed Building Sign: proposed on front of building, 12" +/- below eave. Existing Free-standing Sign: >12' tall.
3.06.110- Commercial and Industrial Signs- Sign Location	(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.	Proposed Building Signs: Shall be fastened to building w/ < 1.5 ft projection from building surface. Existing Free-standing sign is currently located on private property however will be in ROW after the required 10' of frontage is dedicated. Development proposes an encroachment permit with Linn County for sign to remain in place.

<p>3.08.060- Vision Clearance</p>	<p>A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform to the following: a.A line extending a certain number of feet, as identified in the sections (2), (3), (4), and (5) below, from the point of intersection along the curb (or edge of pavement if no curb) of a public street right-of-way;b.A line extending a certain number of feet from the intersection along the curb line (or edge of pavement if no curb) of intersecting access; and,c.A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.(2)Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the street curb (or edge of pavement if no curb) and 20 feet along the street curb (or edge of pavement if no curb) at the point of intersection with the driveway.</p>	<p>Clear vision triangles are shown for both driveways on the preliminary drawings.</p>
<p>3.09.030-Landscaping- Standards- Requirements</p>	<p>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</p>	<p>A 10-foot-wide Landscape strip is proposed along Old Salem Road and Conser frontages. Required vegetation will be installed per this code requirement.</p>

	<p>ground cover.iv.When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.</p>	
<p>3.09.030-Landscaping- Standards- Alternate Plan</p>	<p>c.Alternate Plan - Non-Residential. As part of a Site Design Review application approval, placement of the required setback landscaping in public right-of-way may be approved when the following conditions are met:i.The site contains existing development that includes substantial building(s), and is subject to improvement requirements due to a change of use or vacancy; andii.The appropriate government agency grants written permission for use of the right-of-way; andiii.The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; andiv.The Commission finds the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; andv.The Commission finds providing the landscaping in the public right-of-way in the interim fulfills the intent this Code established in Section 3.09.010.</p>	<p>Landscaping along Old Salem Road is proposed to be installed in the ROW. The landscaping within the ROW will follow this code section and coordinate with Linn County for approval.</p>

<p>3.09.030-Landscaping- Standards- Irrigation</p>	<p>(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.</p>	<p>Irrigation is proposed for both frontage landscape areas. An encroachment permit will be required for Old Salem Road.</p>
<p>3.09.030-Landscaping- Standards- Existing Trees</p>	<p>(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.</p>	<p>Existing trees are identified on plan. Trees are expected to be removed under tree removal permit as required by section 7.30.040. See tree removal narrative.</p>
<p>3.21.080- Miscellaneous Exceptions to Setback Requirements</p>	<p>(4)Special Right-of Way. The placement of buildings and the establishment of yards shall conform the right-of-way widths for existing and proposed street alignments shown on the Millersburg Transportation System Plan as follows:</p>	<p>Conser Road' Existing ROW is 60 ft wide. No Dedication is provided. Old Salem Road's existing ROW is 60 ft wide; a 10 ft wide dedication is proposed.</p>

<p>3.22.020- wetland and Riparian Areas- Development Requirements</p>	<p>(1)Regulation. Development within significant wetland or riparian areas is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Division of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other States and federal coordinating agencies including DLCD.</p>	<p>No wetlands or riparian areas are present on property, no provisions are provided for this section.</p>
<p>3.26.030- Commercial Design Standards- Windows</p>	<p>(2)Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10% of the wall area and using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.</p>	<p>The North, East and South elevations of the structure have a minimum of 10% windows.</p>
<p>3.26.030- Commercial Design Standards- Architectural Features</p>	<p>(3)Architectural features shall include at least three of the following: recesses, projections, wall insets, arcades, window display areas, balconies, window projections, landscape structures, or other features that complement the design intent of the structure and are approved in the Site Design Review process.</p>	<p>The building is proposed to have the following architectural features: 1) Awning to be a projection of the building façade 2) front (East) of building to include window display area and 3) lower portion of exterior to include stone to compliment the design intent.</p>
<p>3.26.030- Commercial Design Standards- Building Materials</p>	<p>(4)The predominant building materials shall be either brick, wood, stone, decorative steel paneling (not standard metal wall panels), and/or tinted/textured concrete masonry units, or glass products, or a combination thereof. Other materials such as smooth-faced concrete block, or undecorated tilt-up concrete panels, shall not exceed 25% of the material used for walls adjacent to the street</p>	<p>The building material will be wood (composite) and stone.</p>

	<p>or 75% of any other wall. All roof types are allowed including metal roofs; however, flat roofs shall be surrounded by a vertical extension of the adjacent wall.</p>	
<p>3.26.030- Commercial Design Standards- Exterior Colors</p>	<p>(5)Exterior colors shall be of low reflectance and shall be warm earth tones or as deemed by the Planning Commission to be a color that is compatible with the surrounding development and the purpose section of the zone. The use of high intensity colors such as black, neon, pink, peach, purple, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim.</p>	<p>The exterior paint will be Roman Plaster (PPU7-10)</p>
<p>3.26.030- Commercial Design Standards- Awning</p>	<p>(6)Awnings that provide a minimum three feet of shelter from rain are required unless other architectural elements are provided for similar protection, such as an arcade.</p>	<p>Front Awning provide 6 feet of cover.</p>
<p>3.26.030- Commercial Design Standards- Loading Areas</p>	<p>(7)Loading areas shall be located to the side or rear of the building when viewed from the arterial or collector. If a loading area is visible from an arterial or collector, it must be screened with vegetation, or a screen made of materials matching the building materials.</p>	<p>Loading area is located in the back (West) of the building and is screened by Landscaping along Conser Road.</p>

<p>3.26.030- Commercial Design Standards- Plaza</p>	<p>(8)The development shall provide a plaza consistent with the following standards:a.The plaza must be at least 10 square feet. The area must be for public use or similar activated and usable public space (not just landscaped area), in addition to required sidewalk(s), for every 1,000 square feet of floor space.b.The plaza must include at least one of the following: patio-seating area, pedestrian plaza with benches, covered playground area, kiosk area, water feature, clock tower, or other similar focal feature or amenity.c.The plaza may be located within a setback or landscape area. As an alternative the Planning Commission may approve a public art piece to substitute for the plaza. The size of the art shall scale in proportion to the amount of plaza space required.</p>	<p>A 100 square foot public plaza with picnic tables is proposed in the landscape area adjacent to Conser Road. The plaza will be paved.</p>
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Conclusion

Based on the analysis in this report, the proposed site development meets all the applicable review criteria as outlined.

Attachments

1. Existing Conditions Survey
2. Civil Plan Set
 - a. Title Sheet
 - b. Civil Site Plan
 - c. Grading and Drainage Plan
 - d. Utility Plan
3. Architectural Plan Set
 - a. Floor Plan
 - b. Roof Plan
 - c. Building Exterior Elevations
 - d. Building Interior Elevations (East & South)

Tree Removal Proposal

Submitted to

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

Site Address

4050 NE Old Salem Road
Albany, Oregon 97321

Owner/Applicant

Old Salem RD, LLC
Contact: Jay Singh
PH: 503-931-6388

Applicant Representative

WCL Engineering, LLC
Contact: Cole Lathrop, PE
PH: 541-954-3691

Site Information

Site Address	4050 NE Old Salem Road Albany, Oregon 97321
Map and Taxlot	10S03W21-00-04600
Site Size	1 acre
Zoning	General Commercial (GC)
Surrounding Zoning	West: General Commercial South: General Commercial

Executive Summary

This narrative is to describe the evaluation process WCL Engineering underwent to evaluate the possibility of saving the existing trees located on-site. After evaluating the development goals, industry standards and development requirements, the project team believes that the existing trees will need to be removed to develop this site.

Existing Conditions

The existing site consists of an existing structure (Convenience Store) located in the north-east portion of the property. The site also includes 7x Oak Trees ranging from 22" to 30" in diameter. These oak trees are clustered together in a row located in the center of the site, running approximately from northwest to southeast. In addition to the oak trees, there are three evergreen trees on the site located on the southwest portion of the property.

The existing trees have been reviewed by a certified arborist (R&R Tree Service) and the arborist has recommended removing the trees where the proposed development encroaches on the critical root zone.

Because the City of Millersburg does not have standards for critical root zones, the City of Albany's tree standards were used to develop critical root zones for this site.

Using the City of Albany's tree regulation as a guide for critical root zone dimensions, the following was used to determine the extents of the critical root zone: City of Albany Municipal Code: 7.98.020.3 "Critical root zone" means the area around a tree where roots are critical to a tree's survival. The critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius; where all tree measurements are consistent with those for establishing tree circumference. For example, a tree with a tree circumference of 6.5 feet would have a trunk radius of 1 foot and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.

See the attached exhibit for the critical root zone locations.

Development Goals

The goal of the proposed development is to optimize the site for the existing business operating in the existing building. This includes the following:

1. Increase building size to meet demand and future projections.
2. Modernize building to increase efficiency and business effectiveness
3. Orient building front to face high traffic road (Old Salem Road)
4. Locate building on site for potential future expansion of like-business operations, i.e. fuel stations.

These goals guided the decision-making process for the overall site layout.

Continuous Business Operations

Due to the nature of the existing business, developing the site in a way that allows for continuous operation of the existing business is critical to the development. If the business cannot operate continuously, the development will most likely not move forward.

This combined with the overall goals of the development results in a section of the site, where the existing building operates, that is not available for new building construction. The minimum area required for continuous operations is shown in the attached exhibit.

Parking and Circulation

In addition to meeting the City of Millersburg requirements, the proposed site includes standard practices for parking based on this business type. This includes parking located directly adjacent to the building, and visible from the entrance of the high traffic road. For this site, this means that the parking shall be located between the building and Old Salem Road.

Along with the parking location, access from Conser Road and Old Salem Road was considered on the site. Given the location of the trees, there is no site layout that maintains connectivity between the existing access on Conser Road and a potential building site unless at least some of the oak trees are removed.

Another site consideration is the ability for larger vehicles to enter the site, improving safety concerns as currently oversized vehicles (SU or equivalent) visit the site but are parking in no-parking areas along the frontage. Based on observations and input from the business operator, oversized vehicles access the site from Old Salem Road.

The attached exhibit provides an evaluation driveway access location based on an SU-40 (40-foot, single axel vehicle) turning radius. This evaluation results in the need to provide a paved area in front of the access off of Old Salem Road that is a minimum of 50 feet deep and varies in width, depending on location of the driveway access. The access drive can be located anywhere from 25 feet north of the south property line to the fire hydrant and still maintain access and meet the project goals. While on-site, the development provides parking opportunities for these vehicles in the large, unmarked portions of the parking lot with the understanding that maneuvering will be required to park in these spaces.

Grading Considerations

The site grading and stormwater requirements are additional consideration that led to the proposal of removing all existing trees.

The current site slopes from southeast to northwest with a total grade change of 5 feet +/- . In order to meet the city of Millersburg requirements for stormwater including stormwater quality and detention,

the lower portion of the site must be raised by approximately 3 feet +/- . The oak trees are located in the lower portion of the site.

To meet grading requirements for any new development on-site, fill up to 3 feet deep will be required in critical root zones for the oak trees.

Recommendation

Based on all the goals, standards, and requirements for developing this site, it is the opinion of the WCL Engineering that the existing trees on this site cannot be safely maintained and will be required to be removed if the site is to be developed.

Despite not being required for tree removal approval, the property owner is offering plant replacement trees at a rate of 2 new trees for every 1 tree removed. New trees shall include required trees for landscaping requirements under MDC 3.09.030.

DRAWING KEY

-  RESERVED AREA FOR BUSINESS OPERATIONS
-  TREE CRITICAL ROOT ZONE BASED ON ADJACENT TREE CODE
-  EXISTING BUILDINGS
-  APPROXIMATE CLEAR ZONE FOR 30' W TURNING RADI
-  APPROXIMATE REQUIRED FOOTPRINT FOR BUILDING AND PARKING

WCL ENGINEERING, LLC
 1000 W. 10TH AVENUE
 EUGENE, OREGON 97408

CENTER MARKET

JAY SINGH

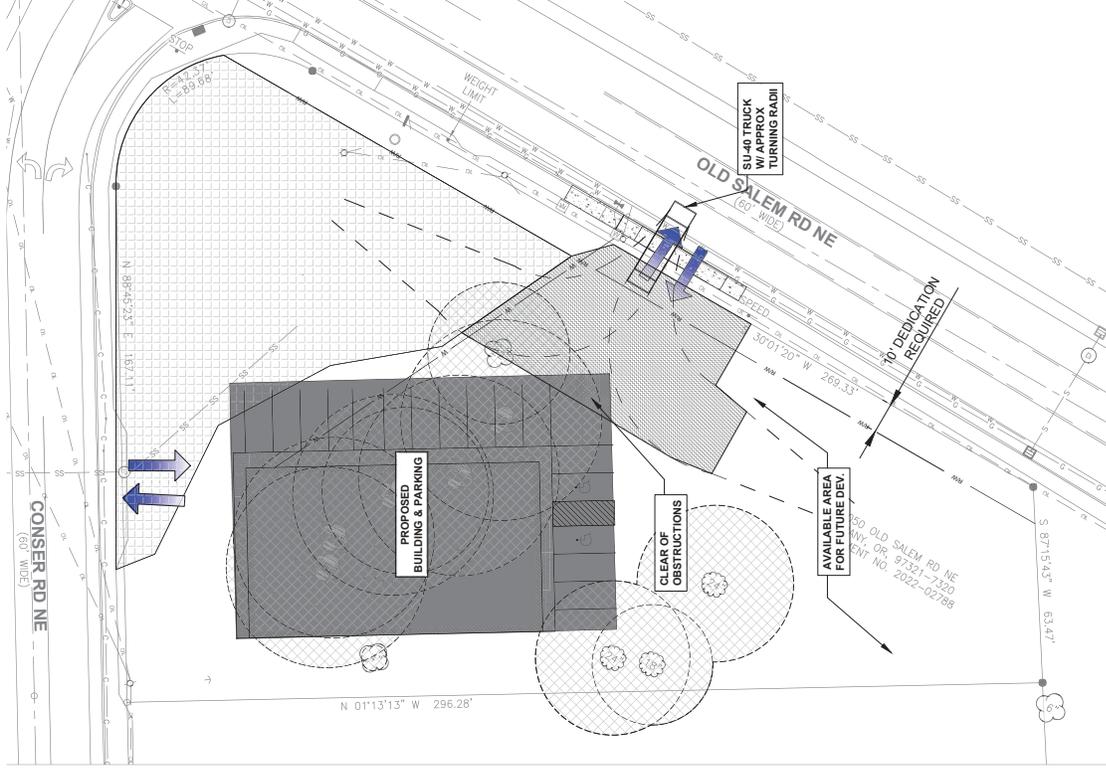
4050 OLD SALEM ROAD
 MILLERSBURG, OR
 TREE EVALUATION
 01.05.2024

05 JANUARY 2024

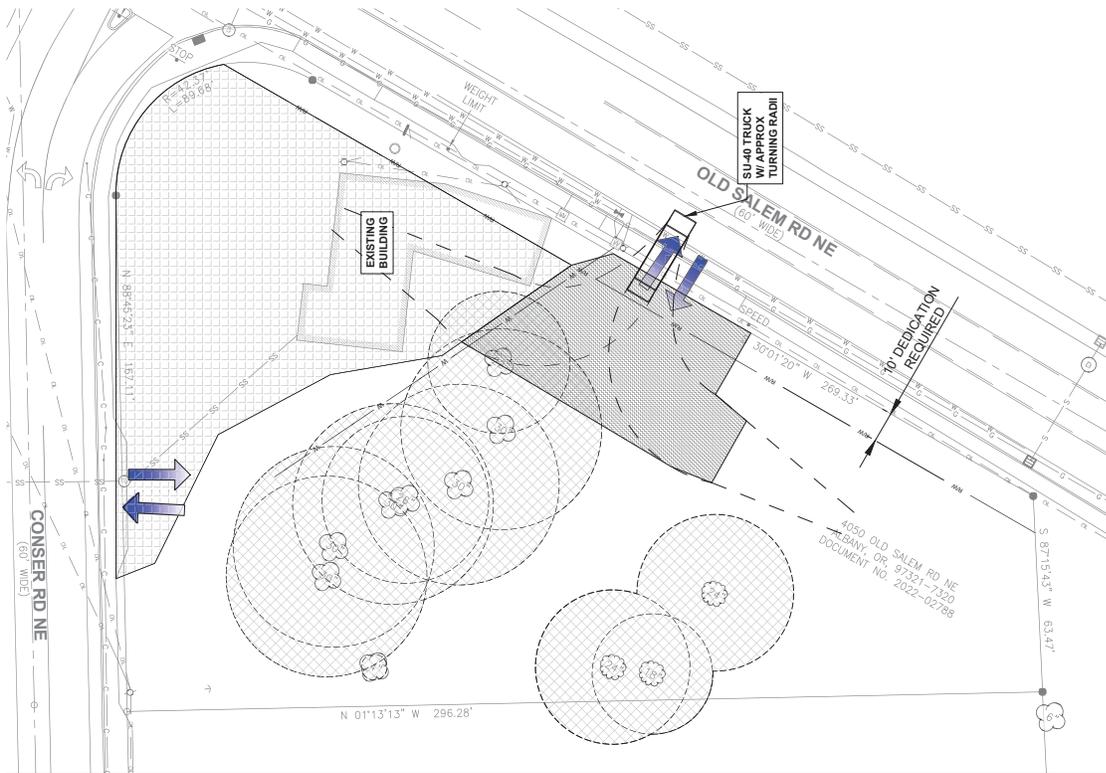
SCALENTS

TREE EXHIBIT

TREE



2 PROPOSED BUILDING LOCATION



1 AVAILABLE AREA EXHIBIT

General Notes:
 CONTRACTOR TO VERIFY ALL UTILITIES (WATER, GAS, SEWER, ETC.) PRIOR TO CONSTRUCTION. UTILITIES NOT SHOWN ARE TO BE LOCATED BY THE CONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LEANS AND TIES TO EXISTING UTILITIES. CONTRACTOR SHALL MAINTAIN THE STRUCTURAL INTEGRITY OF ALL EXISTING FOUNDATION AND WALLS. CONTRACTOR SHALL KEEP THE CONSTRUCTION SITE SAFE AT ALL TIMES DURING THE PROJECT. CONTRACTOR SHALL FINISH AND PROTECT ALL EXPOSED SURFACES TO MEET ALL REQUIREMENTS FOR PROCEEDING.

Contractor(s):
 [Blank]
Structural:
 [Blank]

Designer:
 Miranda Mueller
 4850 Old Salem Rd NE
 Albany, OR 97221

Property Owner:
 Jay Singh
 4850 Old Salem Rd NE
 Albany, OR 97221

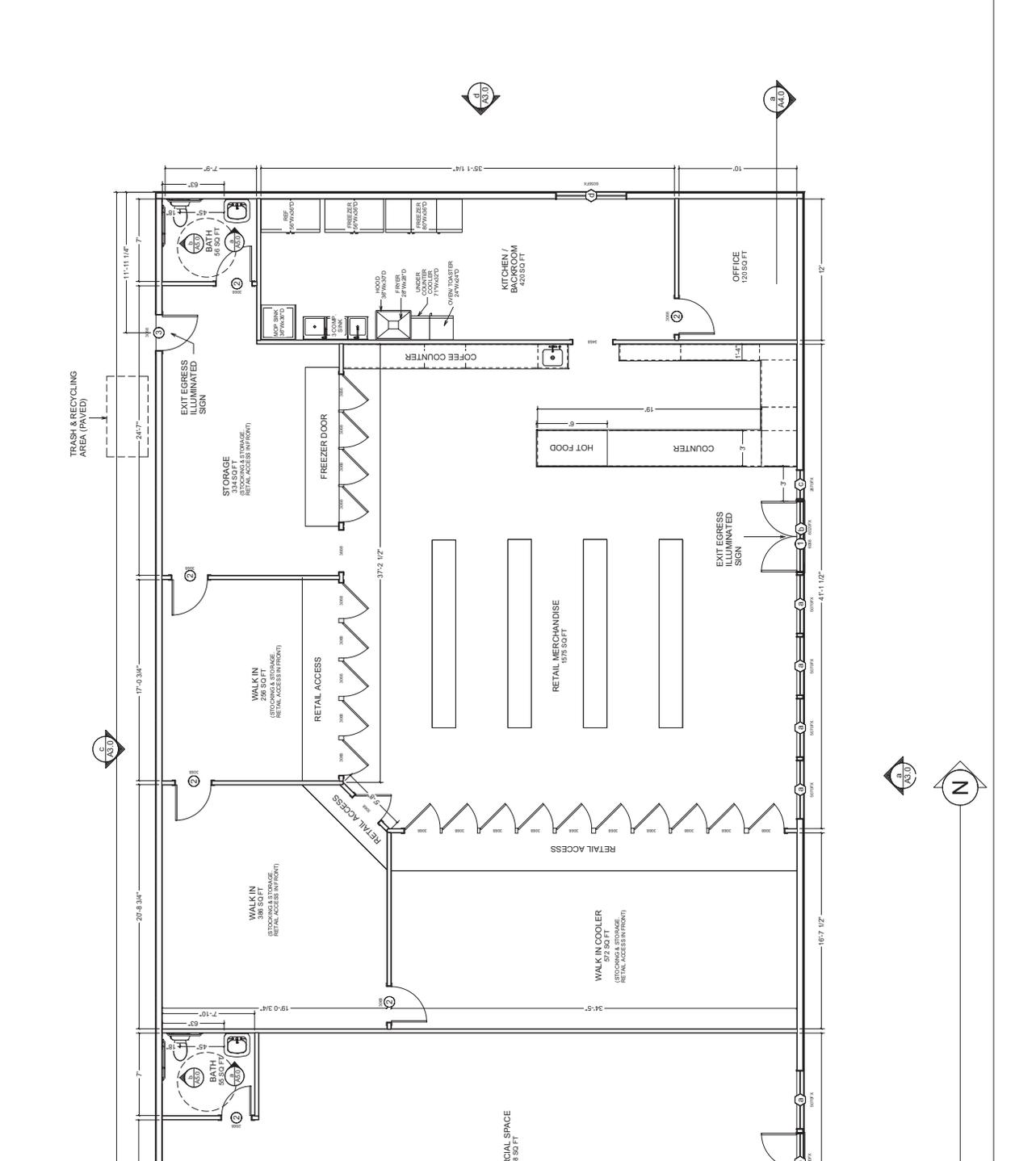
Date: 11/19/2023
Rev:
Rev:

Drawing:
 (N) Main Floor Plan

Sheet #
 A1.0

Legend:
 1. 1/2" x 1/2" GLASS
 2. 3/4" x 1/2" GLASS
 3. METAL SLAT WALL
 4. CONCRETE WALL
 5. 1" x 1" x 1/2" FIBER WALL

SYM.	SIZE	FUNCTION
1	12W x 8H	GLASS WINDOW
2	36W x 8H	GLASS WINDOW INTERIOR
3	36W x 8H	GLASS WINDOW EXTERIOR
4	60W x 48H	FIXED
5	12W x 24H	FIXED



PRELIMINARY NOT FOR CONSTRUCTION

MIRANDA CHRISTINE
 DESIGNER:
 Miranda Mueller
 CONTRACTOR(S):
 STRUCTURAL:

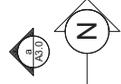
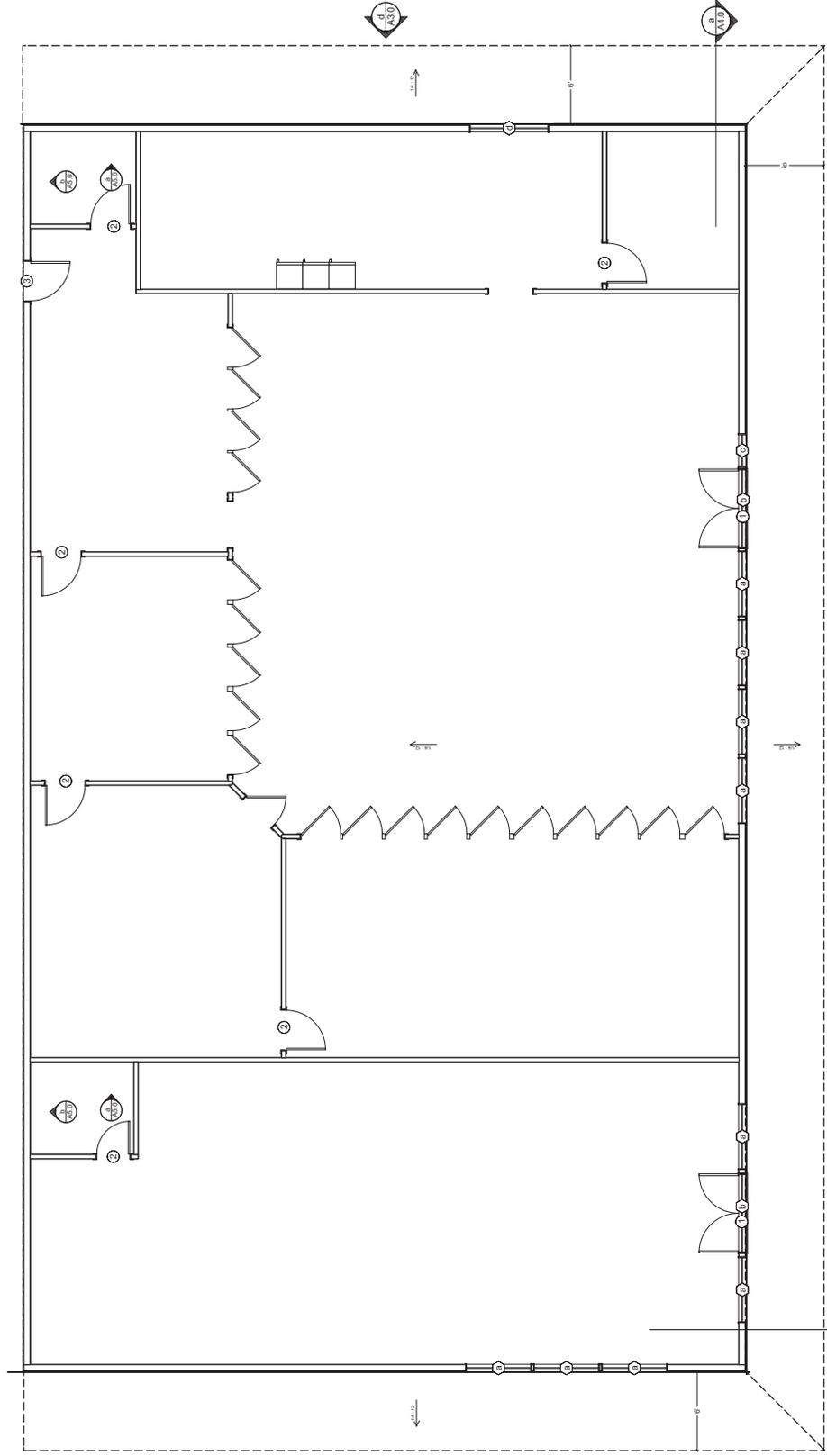
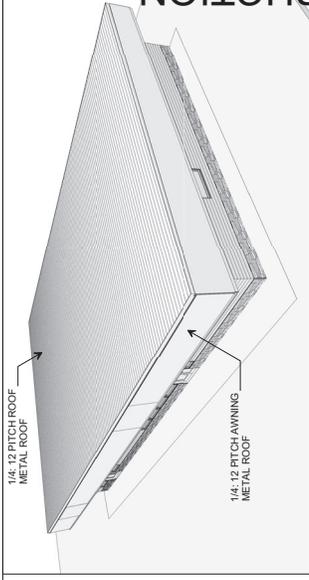
PROPERTY OWNER:
 Jay Singh
 4050 Old Salem Rd NE
 Albany, OR 97321

DATE: 11/9/2023
 REV:
 REV:

DRAWING:
 (N) Roof
 Plan

SHEET #
 A2.0

PRELIMINARY NOT FOR CONSTRUCTION



New Main Roof Plan
 SCALE: 1/4" = 1'-0"

MIRANDA CHRISTINE
 DESIGNER:
 Miranda Mueller
 4050 Old Salem Rd NE
 Albany, OR 97321

PROPERTY OWNER:
 Jay Singh

DATE: 11/9/2023

REVISIONS:

SYMBOL	SIZE	FUNCTION
①	27'6" x 8'2 1/4"	DOUBLE GLAZED INTERIOR
②	3'0" x 8'0"	FIXED INTERIOR
③	3'0" x 8'0"	FIXED EXTERIOR
④	6'0" x 8'6"	FIXED
⑤	2'0" x 5'0"	FIXED

PRELIMINARY NOT FOR CONSTRUCTION

CONTRACTOR(S):
 COOK
 1000
 1000

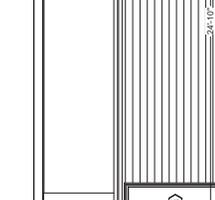
STRUCTURAL:
 1000
 1000

WINDOW & DOOR LEGEND

SYMBOL	SIZE	FUNCTION
①	27'6" x 8'2 1/4"	DOUBLE GLAZED INTERIOR
②	3'0" x 8'0"	FIXED INTERIOR
③	3'0" x 8'0"	FIXED EXTERIOR
④	6'0" x 8'6"	FIXED
⑤	2'0" x 5'0"	FIXED

SIGN LOCATION SIZE TBD

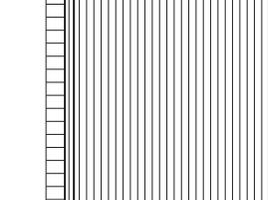
SIGN LOCATION SIZE TBD



a East Exterior Elevation
 SCALE: 1/2" = 1'-0"



b South Exterior Elevation
 SCALE: 1/2" = 1'-0"



c West Exterior Elevation
 SCALE: 1/2" = 1'-0"



d North Exterior Elevation
 SCALE: 1/2" = 1'-0"

DRAWING:
 Exterior Elevations

SHEET #
 A3.0

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: January 25, 2024
SUBJECT: SP 23-04 - Engineering Comments

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

1. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
2. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
3. All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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 of the new building.
4. Stormwater:
 - a. Prior to beginning of construction obtain a 1200-C Erosion Control Permit for disturbed area great than one acre and a **City of Millersburg Erosion Prevention and Sediment Control Permit** for disturbed area greater than 10,000 square feet.
 - b. Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards. Private stormwater quality facilities require the property owner to enter into a maintenance agreement. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.
5. Phased Construction: Phase 1 shows utilizing the existing access on Old Salem Road for operation of existing store while utilizing the new access on Old Salem Road for construction access. This results in two driveways in close proximity on

Old Salem Road and could cause confusion for customers and construction traffic. Only one driveway on Old Salem Road should be open at a time. Construction access can be from City-owned property located to the west of the property on Conser Road.

6. Clear vision areas shall be provided in accordance with Millersburg's adopted clear vision standards.
7. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
8. 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.
9. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: January 23, 2024

SUBJECT: SP 23-04 –4050 NE Old Salem Rd – New Commercial– Pre-application Meeting – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments, which are based on limited information provide for the pre-application meeting and are subject to change.

**** NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee***

****Land Use permit will include a \$125 Fire Plans Review fee****

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
2. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3).
3. IF FIRE SPRINKLERED: Location of any Fire Department Connections (FDCs) that may serve any fire sprinkler system(s) protecting your buildings shall be installed at a location approved by the Albany Fire Department and shall be provided with approved STORZ fitting. The FDC shall be located a distance equal to at least 1½ times the height of the building, when possible, near the site entrance as not to obstruct subsequent arriving fire apparatus, and within 40 feet of a fire hydrant (public fire hydrants whenever possible). (OFC 903.3.7 and Albany Fire Department requirements)

LAR/lar

Lora Ratcliff
541-917-7728

Lora.ratcliff@cityofalbany.net

From: [Taylor, Stephanie](#)
To: [Matt Straite](#)
Subject: RE: SP 23-04 Site Development Review Permit for NEW Center Market- Agency review request
Date: Thursday, January 18, 2024 2:43:08 PM
Attachments: [image002.png](#)

Hi Matt,

RE: Comments for SP 23-04 – New Center Street Market

1. A commercial access permit from the Linn County Road Department will be required.
2. Work will be within the MS4, a stormwater permit and an erosion control permit will be required
3. Contact the Linn County Road Department for more information.

Thanks,

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

From: Matt Straite <Matt.Straite@millersburgoregon.gov>
Sent: Tuesday, January 9, 2024 11:03 AM
To: Shelton, Sarah (SO) <sshelton@linnsheff.org>; Sterling, Derrick <dsterling@co.linn.or.us>; Cahill, James <James.Cahill@nwnatural.com>; d6b@nwnatural.com; Olson, Benjamin <bolson@co.linn.or.us>; Jordana.Taylor@PacifiCorp.com; Janelle Booth <Janelle.Booth@millersburgoregon.gov>; Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>; sshortes@co.linn.or.us; Taylor, Stephanie <staylor@co.linn.or.us>; Mink, Wayne <wmink@co.linn.or.us>; Olson, Benjamin <bolson@co.linn.or.us>
Subject: SP 23-04 Site Development Review Permit for NEW Center Market- Agency review request

Good afternoon. The City of Millersburg is requesting your review of another new Land Use Application, this one is for a new Center Market. The location is 4050 NE Old Salem Road in Millersburg. The application proposes the following:

The application is for a Site Development review Land Use entitlement for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The new structure is proposed to be 5,225 square feet, 3,780 square feet will be the new convenience store, 1,178 square feet is designated for a future retail/commercial tenant that is not identified at this time. The project also includes new pavement, parking areas, a basin, a plaza, new landscaping, a kitchen for the preparation of hot meal items, and the relocation of the

driveway on NE Old Salem Road. The project would require the removal of several mature trees. The applicant is proposing the development of the site in three phases:

- Phase 1 proposes:
 - The construction of the new building and grading of the site.
 - Construction of new utility connections.
 - Removal of all existing mature trees on the site.
 - Construction of new driveway location on NE Old Salem Road.
 - Construction of temporary stormwater facilities.
 - The existing building remains open and in business.
 - The parking area is proposed to remain gravel during this phase.
- Phase 2 proposes:
 - Demolition of the existing building.
 - Abandoning existing utilities.
 - Construction of permanent stormwater facilities.
 - Landscaping including the plaza.
 - Abandoning the existing driveway on NE Old Salem Road.
- Phase 3 proposes:
 - Paving and striping of the parking areas.

All review materials can be found here- <https://www.millersburgoregon.gov/planning/page/sp-23-04-center-market>

The project is tentatively scheduled for a hearing on February 6, 2024. Please have your comments back by January 23, 2024. Let me know if you have any questions.

Matt Straite

Community Development Director
City of Millersburg
458-233-6306





NOTICE OF PUBLIC HEARING
February 6, 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 requests 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. Most documents can be viewed at the following web location- <https://www.millersburgoregon.gov/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:	Old Salem Rd, LLC
LOCATION:	4050 NE Old Salem Road
TAX LOT:	Township 10 South; Range 3 West; Section 21; Tax Lot 04600
PARCEL SIZE:	1.00 acres
ZONING:	General Commercial (GC)
REQUEST:	The application is for a Site Development review Land Use entitlement for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The new structure is proposed to be 5,225 square feet, 3,780 square feet will be the new convenience store, 1,178 square feet is designated for a future retail/commercial tenant that is not identified at this time. The project also includes new pavement, parking areas, a basin, a plaza, new landscaping, a kitchen for the preparation of hot meal items, and the relocation of the driveway on NE Old Salem Road. The project would require the removal of several mature trees. The applicant is proposing the development of the site in three phases which will leave the current store open while the new store is built.
CRITERIA:	Millersburg Development Code; Section 5.05.060
FILE No.:	SP 23-04

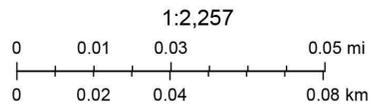
If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (458)-233-6300.

SP 23-04 Vicinity Map



12/13/2023, 4:18:07 PM

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



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

ArcGIS Web AppBuilder

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



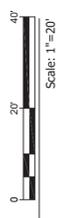
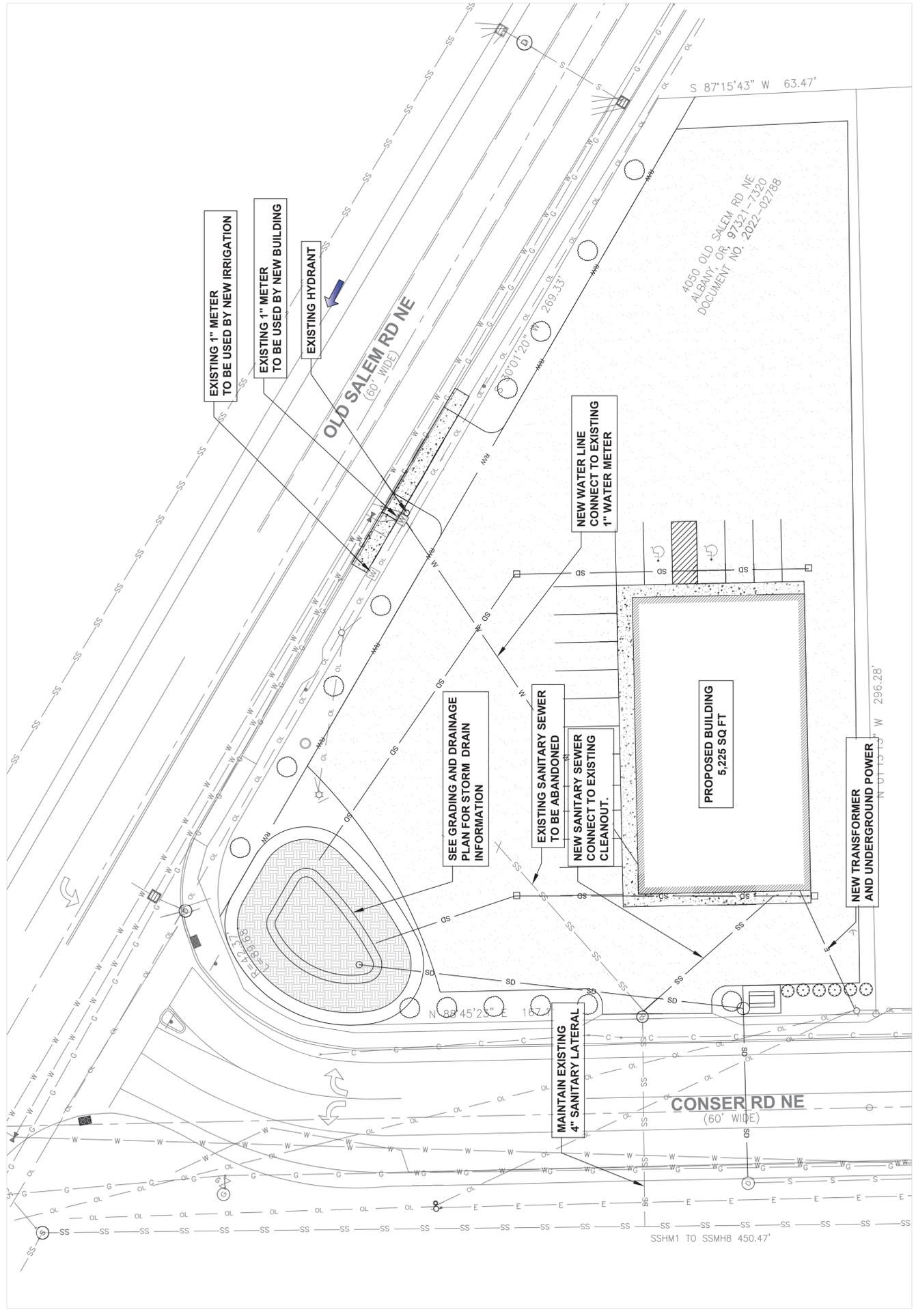
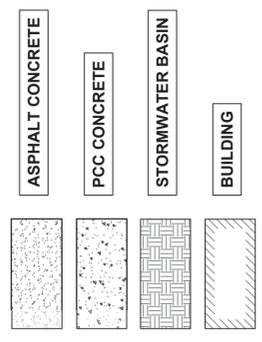
Memo

February 6, 2024

RE: SP 23-04 Center Market additional information

After the publication of the staff report, the applicant provided a revised site plan that includes additional paving to help trucks make deliveries to the loading area behind the store, and a truck turning exhibit to show the site has space to accommodate truck turning movements. This site plan is hereby introduced into the record. The site plan is attached.

DRAWING KEY



1 PHASE 1

DATE: 02.01.2024
 PROJECT: CENTER MARKET
 DRAWN BY: JAY SINGH
 CHECKED BY: WCL ENGINEERING, LLC
 3120 NORTHRIDGE WAY
 EUGENE, OREGON 97408

CLIENT: LINDEN BROWN ARCHITECTURE
 2100 NW NINETEENTH AVENUE #2
 PORTLAND OREGON, 97209
 971.279.5038

PROJECT: CENTER MARKET

DATE: 02.01.2024
 PROJECT: CENTER MARKET

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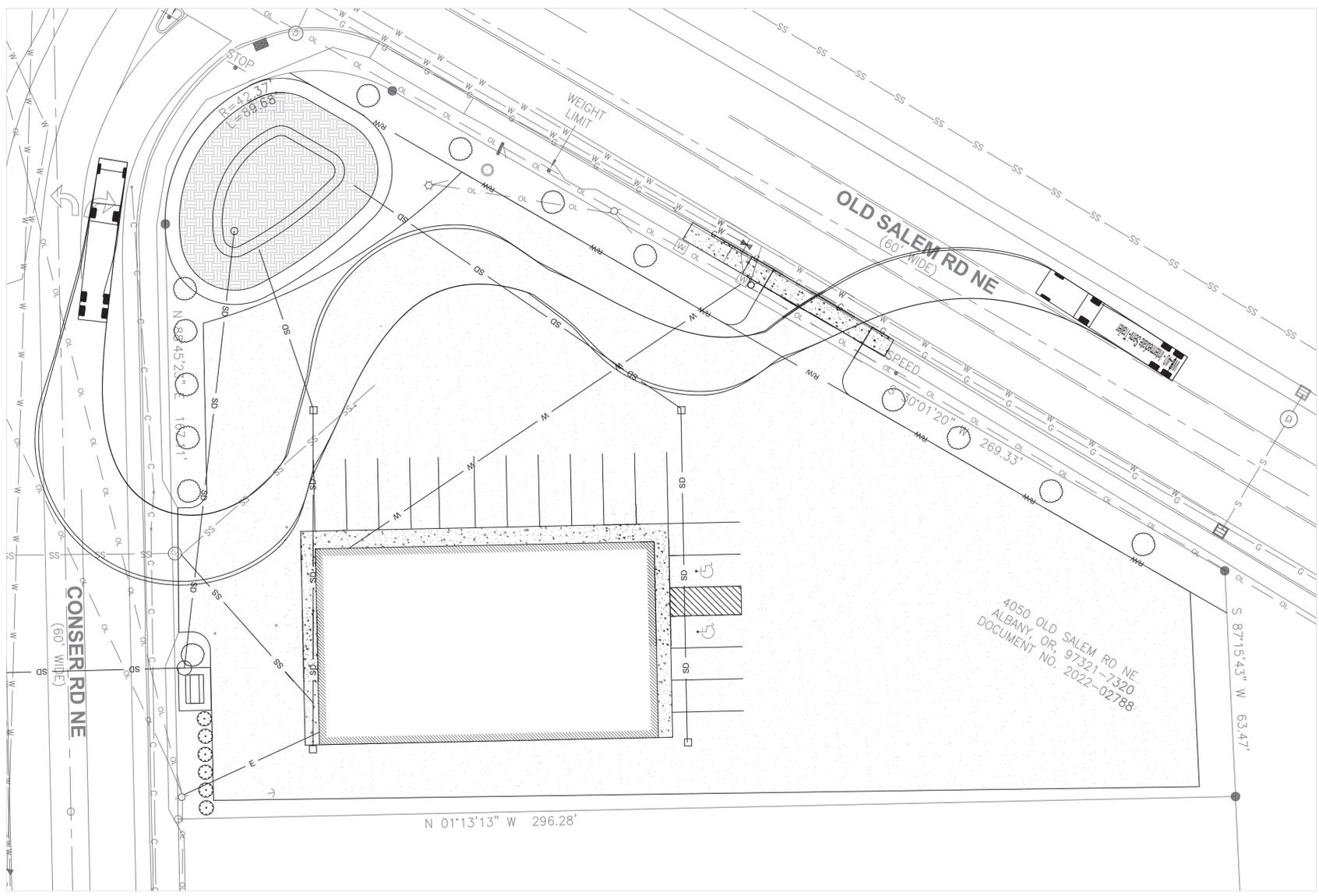
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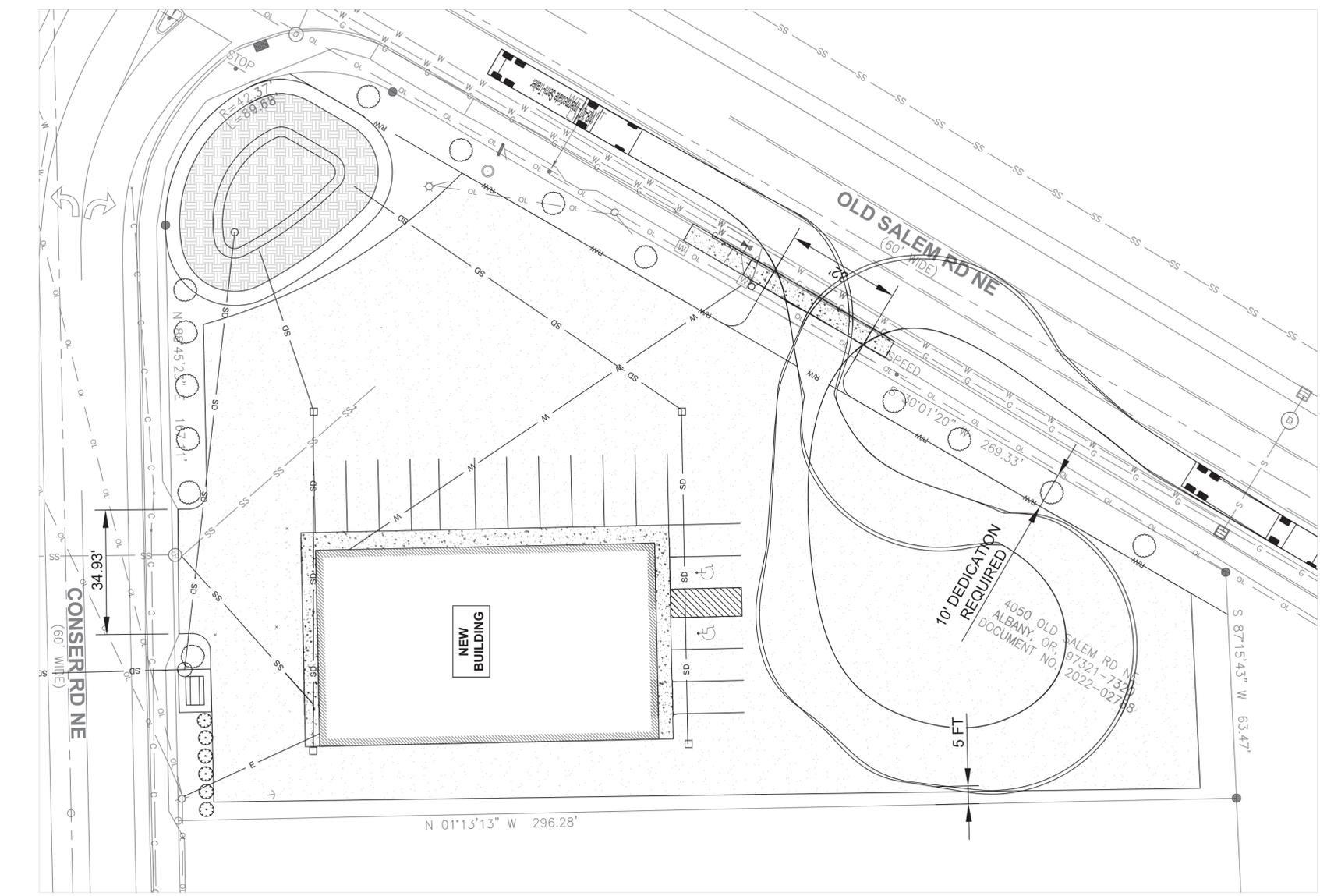
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C03



2 TRUCK EXHIBIT 2- PULL THROUGH
Scale: 1"=20'



2 TRUCK EXHIBIT 1- NO REVSER
Scale: 1"=20'

CIVIL ENGINEER
WCL ENGINEERING, LLC
3120 NORTHDRIDGE WAY
EUGENE, OREGON 97408

ARCHITECT
LINDEN BROWN ARCHITECTURE
2100 NW NINETEENTH AVENUE #2
PORTLAND OREGON, 97209
971.279.5038

PROJECT
CENTER MARKET

DATE
JAY SINGH

PROJECT SITE ADDRESS
4050 OLD SALEM ROAD
MILLERSBURG, OR

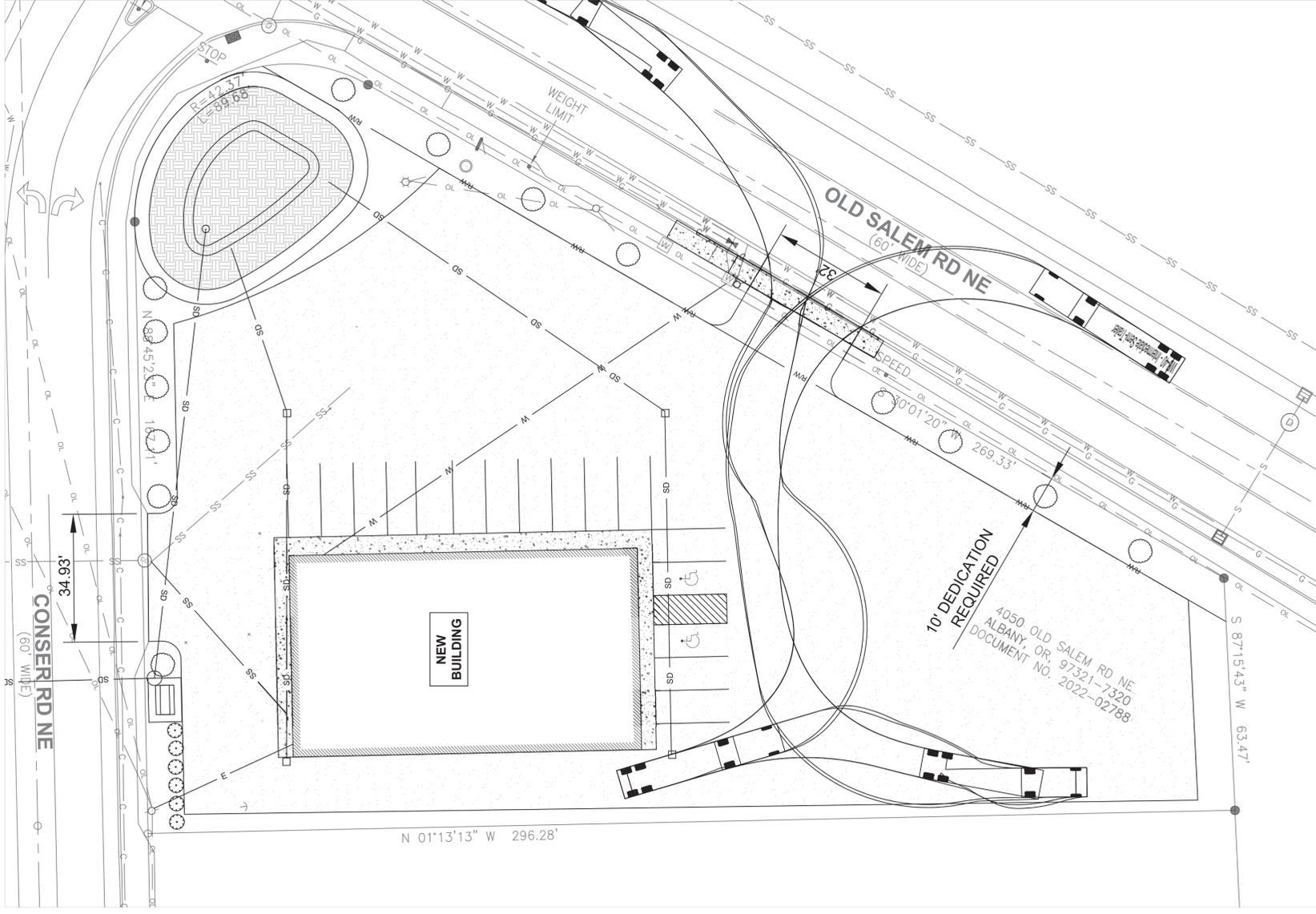
ISSUE DESCRIPTION
TRUCK EXHIBIT
02.01.2024

SCALE
TRUCK EXHIBIT
01 FEBRUARY 2024

SCALE
SCALE: NTS

PROJECT TITLE
CIVIL
SITE PLAN

SHEET NUMBER
C00



2 TRUCK EXHIBIT 3- REVERSE

CIVIL ENGINEER
WCL ENGINEERING, LLC
 3120 NORTHEDGE WAY
 EUGENE, OREGON 97408

PROJECT ARCHITECT
LINDEN BROWN ARCHITECTURE
 2100 NW NINETEENTH AVENUE #2
 PORTLAND OREGON, 97209
 971.279.5038

PROJECT
CENTER MARKET

DATE
JAY SINGH

PROJECT SITE ADDRESS
 4050 OLD SALEM ROAD
 MILLERSBURG, OR

ISSUE DATE
 02.01.2024

ISSUE DESCRIPTION
 TRUCK EXHIBIT

PROJECT CODE
TRUCK EXHIBIT
01 FEBRUARY 2024

SCALE
 SCALE: NTS

PROJECT TITLE
CIVIL
SITE PLAN

SHEET NUMBER
C00