



Summary: The Tentative Decision was distributed for public review between November 4, 2024 and November 19, 2024. The City received a comment letter from the Albany Fire Department and the City Engineer. These were all provided during the agency review period. No other letters were received. All agency comments were incorporated into the conditions of approval prior to the public review period. No additional conditions of approval were added.

Staff has approved the partition, subject to the conditions of approval, finding that all criteria and standards were met with conditions of approval based on the accepted facts shown below. Staff relied on facts from the Staff Report, the applicant's materials, the City's Comprehensive Plan, State Rules and Statutes, and City Codes and Ordinances as provisions for the basis of the decision. This final decision can be appealed within 15 days to the Planning Commission.

Matt Straite
City Planner

Proposal: The applicant is proposing a two-lot split of an existing 26.49-acre parcel. The proposed parcels will be 2.5 acres and 23.84 acres. A 0.15-acre right-of-way dedication is also proposed for NE Woods Road. It should be noted that the applicant's family is processing two additional tentative partitions. Each is processed as a separate application.

I. BACKGROUND

- A. Applicant: Gary Wood
5353 NE Woods Road
Millersburg, OR 97321
- B. Project Location: 5353 NE Woods Road. The tax lot number is 10S-3W-21-00908
- C. Review Type: Table 22 in Section 5.01.030 of the Millersburg Development Code explains that a partition requires a Type II review, which is a staff level review with a 14-day notice provided to the neighbors.
- D. Public Notice: Notice has been provided pursuant to Chapter 5.07 and 5.18 of the Millersburg Development Code. Notice was provided to all neighbors within 100 feet on November 4, 2024, and all responsible agencies on October 23, 2024. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.07.060 Partitions

- F. Current Zoning: Rural (RU)
- G. Proposed Zoning: N/A
- H. Property Size: 26.49 Gross Acres

- I. Background: The applicant and his family members are proposing a series of partitions to address estate planning needs. All proposed parcels were kept above the 2.5 acre minimum lot size required by the Rural Zone, thus, no zone change is needed. Though Gary Woods has listed himself as the applicant on all three proposed maps, only this map was submitted by Mr. Woods. The other two were submitted by Ms. Shari Johnson.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on October 23, 2024: City of Albany, Albany Fire Department, City of Millersburg Engineer, Pacific Power, Northwest Natural Gas, and PacifiCorp. Any comments received will be addressed in the final decision.

Public:

Notice of this tentative decision was sent out to neighbors of the site on November 4, 2024. The notice was mailed to all property owners within 100 feet of the property. Any comments received will be addressed in the final decision.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Chapter 5

All findings below are in addition to those provided by the applicant in their narrative, which is included here by reference.

Section 5.07.060 Decision Criteria

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

- (1) **Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.**

ANALYSIS: The proposed partition is in the Rural Zone (RU). The minimum lot size in the RU zone is 2.5 acres. Proposed parcel 1 contains a single-family home and shop, which is proposed to remain. Proposed parcel 2 is agricultural farm fields. Parcel 1 is proposed to be 2.5 acres, and parcel 2 is proposed to be 23.84 acres. Both satisfy the lot size requirements. There are no specific dimensions required in the RU zone, though every lot is required to have at least 40 feet of street frontage

not including driveways. The 40 feet of frontage can be met for each parcel based on the design of the parcels. For parcel 1, the frontage on NE Woods Road is over 340 feet. For parcel 2 the frontage is 170 feet. A driveway is not shown for parcel 2, however the width is adequate to accommodate the required 40 feet while leaving plenty of room for a future driveway. This will likely be an eventual new street access point when the larger lot develops into smaller residential lots. Farm fields are considered a temporary use within any City limits.

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

(2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.

ANALYSIS: The Development Code includes standards for lot/parcel designs from Article 4; these are covered below in more detail in section IV of this staff report. All Article 4 standards are met.

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

(3) Existing structures and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.

ANALYSIS: Regarding setbacks, parcel 1 has existing structures. The RU setbacks are 20 feet to the front, 20 feet to the rear and 15 feet on each side. The design of the proposed parcel lines meets these setback requirements for the existing structure and accessory structures on parcel 1. For parcel 2, the design of the parcel will be able to accommodate setbacks for a future home. The area along the front of parcel 2, fronting NE Woods Road, is 170 feet wide. It should be noted that any home on parcel 2, fronting NE Woods Road would have to leave room for a future street right of way to provide access to the rear of the parcel.

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

(4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy.

ANALYSIS: The project site features an existing single-family home. Public water is available in NE Woods Road and the existing home is connected. The water line has plenty of capacity for additional homes that may result from the partition. Only one home can be added as a result of this division.

There is no sewer line in NE Woods Road. There is a sewer line in NE Alexander Lane which fronts the applicant's property to the south of the map. The NE Alexander Lane sewer line has adequate capacity for the additional lots proposed. The

Development Code does not require that existing homes connect to public water and sewer if they are within (and will remain in) the Rural Zone. Because the applicant is not proposing to create a lot smaller than the 2.5 acre minimum lot size, no zone change is needed.

Stormwater drainage is addressed in Section IV of this staff report. No additional infrastructure or improvements are required at this time.

Regarding access, the Development Code requires both access for the proposed parcels and that the design of the map not landlock any neighboring properties. The proposed parcel 1 will have full frontage on NE Woods Road. Parcel 2 will have frontage on NE Woods Road as well, in addition to 60 feet of frontage on NE Alexander Lane to the south. Landlocked access is address in Criteria 5 below.

In summary, the project fully complies with the required criteria.

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

(5) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

ANALYSIS: To address the concern of possible landlocking, an analysis is required that looks at the potential full buildout of the neighboring properties to see if they currently have adequate access; not for the existing homes on those lots, but for the hypothetical full buildout of those lots/parcels. If they do not have adequate access, the design of the applicant's land division cannot preclude future access to the neighbor, and in some cases, the applicant must provide access on the recorded map.

The property to the north has full access from NE Woods Road. This frontage on NE Woods Road is large enough to provide two points of access for any future division of that property. Additionally, a likely connection could be made from NE Wilson Lane as well, through tax lot 400. This property will not require any additional access of any kind from the applicant. To the west is NE Woods Road.

To the south there are several long skinny properties that all have full access and frontage on NE Alexander Lane. However, the maximum density yield of those lots need to be taken into consideration. A property can divide by using a shared driveway, allowing up to three homes to share a driveway (any more is prohibited by the Code). If any of these long skinny lots can accommodate more than three additional units, based on 10,000-square-foot lot size, then the applicant would need to assure that the design of the proposed partition does not preclude future access.

- 2551 NE Alexander is a 1.05 acre lot, or about 43,000 square feet. This has a density yield of about 3 or 4 additional lots (43,000 square feet/10,000 square foot lot size minus 20% for infrastructure and access, typically). Thus, all needed access is available on NE Alexander Lane.

- The same is true for 2561 and 2571 NE Alexander Lane, because these are all about the same size.
- 2621 NE Alexander Lane is larger however. This lot is 1.86 acres or about 81,000 square feet. This property has a density yield of about 6 or 7 lots (81,000 square feet/10,000 square foot lot size minus 20% for infrastructure and access, typically). This means that using a shared driveway alone would not allow full build out of the property. Therefore the applicants division must not hamper the ability to provide additional access to this property from the north. In this case, the design does not prevent additional access to this lot. A condition of approval has been added to assure that the applicant is aware that any future division of Parcel 2 will need to provide additional access to this property.

There are two larger properties located to the east of the project site. 2937 NE Alexander Lane (tax lot 800) is a 3.9-acre property that connects to Alexander through a 20-foot-wide, 570-foot-long access strip (often called a cherry stem). Should this property ever divide using only the existing cherry stem access, the Code would only allow two additional units because there is a limit for a shared access driveway of no more than 3 units. However, based on the size of the lot, the property could eventually be divided into more than just 2 additional lots. 3.9 acres has a density yield of about 12 or 13 lots (169,884 square feet/10,000 square foot lot size minus 20% for infrastructure and access, typically). While the property currently uses a cherry stem from NE Alexander Lane, access for any future division of that property would be taken from the north, along the unbuilt, but planned, street frontage for NE 54th Avenue. No access would be required from the applicant's property at this time, though it should be noted that any future division of the applicant's property could include access to tax lot 800.

The second property to the east is 2919 NE Alexander Lane (tax lot 2900), which has no frontage on any street, shy of a 20-foot-wide cherry stem access strip. This property is 2.65 acres. Similar to above, the cherry stem access would not be adequate for a full division of that property which features a density yield of about 8 or 9 lots (115,434 square feet/10,000 square foot lot size minus 20% for infrastructure and access, typically). Unlike the neighbor discussed above, this property has no way to gain access for a full build out, as such it is required that the applicant assure his design does not preclude future access to tax lot 2900. As it stands, the design of the proposed parcel 2 can easily accommodate future access to tax lot 2900. Parcel 2 includes a unique feature- an unbuildable section of the property that appears to be intended as southern access for parcel 2 in the future. This part of proposed parcel 2 is 60 foot wide and 252 foot long. That is too narrow to build a future home, but perfect for a future street. Should this be a future street traveling north from NE Alexander Lane, this would provide potential access to tax lot 2900 as well. No additional accommodations from the applicant are required at this time in order to comply with the criteria, however, a condition of approval has been added just to clarify that any future division of parcel 2 will require that access be provided for this property.

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

CONDITION OF APPROVAL: The applicant is hereby noticed that any further division of parcel 2 will likely require that the applicant provide access to 2621 NE Alexander Lane (tax lot 10S-03W-21-00901) and 2919 NE Alexander Lane (tax lot 10S-3W-21B-02900).

IV. STANDARDS

The proposed land partition design complies with all the specifications and design requirements of Article 3 and 4 of the Millersburg Development Code. Areas that require additional conditions of approval to fully comply, or Code standards that require analysis to explain how they meet the requirements, are shown below. All findings below are in addition to those provided by the applicant in the narrative, which is included here by reference.

Section 3.01.030 Application of Public Facility Standards

This section explains the general improvements required for partitions. More specifically the Code requires the following, as shown in Table 11:

Land Use Activity	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike & Ped
Partition (without public utilities)	No, unless required by fire code	C-2	C-3	C-3	No must accommodate drainage on site	No	No

ANALYSIS: No fire hydrants are required pursuant to the Development Code.

For street improvements, footnote C-2 would apply. C-2.d explains that a partition creating parcels at or above 2.5 acres is not required to provide any street improvements. As noted above, the smallest proposed parcel is 2.5 acres.

The table explains that water and sewer connections are not required for the RU zone.

Strom drainage must be accommodated on-site, or, at a minimum, continue the natural drainage patterns that existed prior to the partition. The City has a drainage pipe through the applicant's property, in an easement, but the applicant would not use this. It is conveying offsite flows through the pipe, through the property.

Lastly, unrelated to actual street improvements, some street dedication is required for NE Woods Road, and has been shown on the proposed map.

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

Section 3.04 Storm Drainage

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

ANALYSIS: As explained in the analysis for Section 3.01.030, improvements are not required, however, the applicant must still accommodate offsite drainage. The applicant is not proposing any improvements on the property. Section 3.04 states that a storm drainage plan and implementation of the plan are required prior to the construction of any facilities. In this case, no facilities are proposed or required. There are no mapped wetlands on the property and no FEMA Special Flood Hazard Areas. It shall be the on-going obligation of the property owner to accept any offsite drainage through patterns that may exist prior to the application. Other than that, there are no drainage requirements on the project.

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

Section 4.02.030 Standards for Lots or Parcels

This section includes many standards for partitions. These include:

- Lot to depth requirements - the depth shall not be more than three times the width.
- All new lots shall provide at least 40 feet of frontage.
- Flag lots must have an access strip of at least 25 feet in width with an improved surface, and the access strip cannot exceed 150 feet in length without a turnaround.
- Through lots shall be avoided.
- Lot lines shall run at right angles when possible.
- Utility easements may need to be provided.

ANALYSIS: The project proposes two parcels. Both meet the minimum lot area required, which is 2.5 acres based on the RU Zone. Both parcels meet the width to depth ratio. As discussed previously, all lots feature at least 40 feet of frontage and provide adequate access. No flag parcels or through parcels are proposed. All property lines that intersect with streets are at right angles. Public utility easements are shown on the exhibit, no new easements are required. No remainder areas are shown and lot averaging is not used. All standards are met.

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

V. ACTION

Based on the above findings of fact, the proposed project satisfies the applicable criteria and staff approves the Partition Application No. PA 24-03, Woods Partition #1, pursuant to the conditions of approval listed below.

VI. CONDITIONS OF APPROVAL

General Conditions

1. Development and/or the design of the final partition plat shall conform substantially to the tentative partition development plans submitted by the applicant dated September 15, 2022, and attached to this staff report, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer and the Building Official (Linn County) if required. All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
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. Should the map expire it will need to be re-processed as an all new map.
3. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
4. The applicant is hereby noticed that any further division of parcel 2 will likely require that the applicant provide access to 2621 NE Alexander Lane (tax lot 10S-03W-21-00901) and 2919 NE Alexander Lane (tax lot 10S-3W-21B-02900).

Prior to Approval of the Final Plat

5. The Final Plat shall be submitted for review by City staff prior to recording said plat with the County. The plat shall be drawn by a licensed land surveyor.
6. Prior to City approval of the final plat, the applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter dated October 25, 2024, have been met.

VIII. 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. A right-of-way permit is required for any work in the public right-of-way, including utility connections. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
2. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.

3. All roof drains and yard drainage must be piped or trenched to an approved discharge point.
4. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.
5. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
6. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
7. The Final Plat shall include any required access or utility easements.
8. All agreements required as conditions of this approval must be signed and recorded.
9. 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.
10. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon State Law, inspected by Linn County, and provide verification of such to the City Engineer.
13. The submittal by the applicant for Final Plat review and approval shall include but not be limited to the following: a **narrative identifying how the required conditions of approval have or will be met;** a copy of the Final Plat; and any other materials required to demonstrate compliance with the conditions of approval.
14. The Final Plat shall show the City Manager as the City's approving authority within the signature block of the Final Plat and all private access easements, utility easements, and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note, and associated document, shall be reviewed and approved by the City Planner.
15. An electronic version of the Final Plat must be submitted to the City Planner.

16. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
17. 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.
18. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

IX. EXHIBITS

- A. Vicinity Map
- B. Zoning Map
- C. Applicant's Tentative Partition dated September 15, 2022
- D. Applicant's Narrative
- E. City Engineers comments dated October 25, 2024
- F. Albany Fire comments dated October 25, 2024
- G. Notice of Tentative Decision

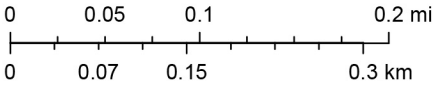
PA 24-03 Vicinity



10/22/2024, 11:51:20 AM

1:9,028

- Railroad
- Tax Lots
- Roads
- City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

PA 24-03 Zoning



10/22/2024, 12:00:31 PM

Railroad

Millersburg Zoning

PUBLIC FACILITIES

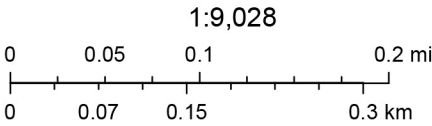
RESIDENTIAL LOW DENSITY

RURAL

Tax Lots

Roads

City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

PROPERTY STATISTICS:

TAX LOT 908
ADDRESS - 5353 NE WOODS RD.
ALBANY, OR 97321

ZONING:

RU - RURAL

PARENT PARCEL:

AREA: 26.49 ACRES

PARCEL 1:

AREA: 2.00 ACRES

PARCEL 2:

AREA: 24.34 ACRES

R-O-W DEDICATION:

AREA: 0.15 ACRES

OWNER/APPLICANT:

CLAYTON WOOD + SHARI JOHNSON
5353 NE WOODS RD.
ALBANY, OR 97321

SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY ST.
ALBANY, OR 97321

FLOODPLAIN:

SUBJECT PROPERTY IS LOCATED NOT FLOOD HAZARD AREA PER FEMA FIRM MAP 41043C0212H DATED 12-8-2016 AND FEMA FIRM MAP 41043C0204G DATED 9-24-2010.

WETLANDS NOTE:

THE NATIONAL WETLAND INVENTORY AND LOCAL WETLAND INVENTORY DO NOT SHOW ANY WETLANDS LOCATED ON THE SUBJECT PROPERTY. HOWEVER, BASED ON ADJOINING PROJECTS THERE MAY BE WETLANDS LOCATED ON THE PROPERTY THAT WOULD BE IDENTIFIED BY AN OUTSIDE INVESTIGATION AND WETLAND DELINEATION.

NOTE:
DATA SHOWN ON THIS MAP IS BASED ON LINN COUNTY AND CITY OF ALBANY GIS DATABASES, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.

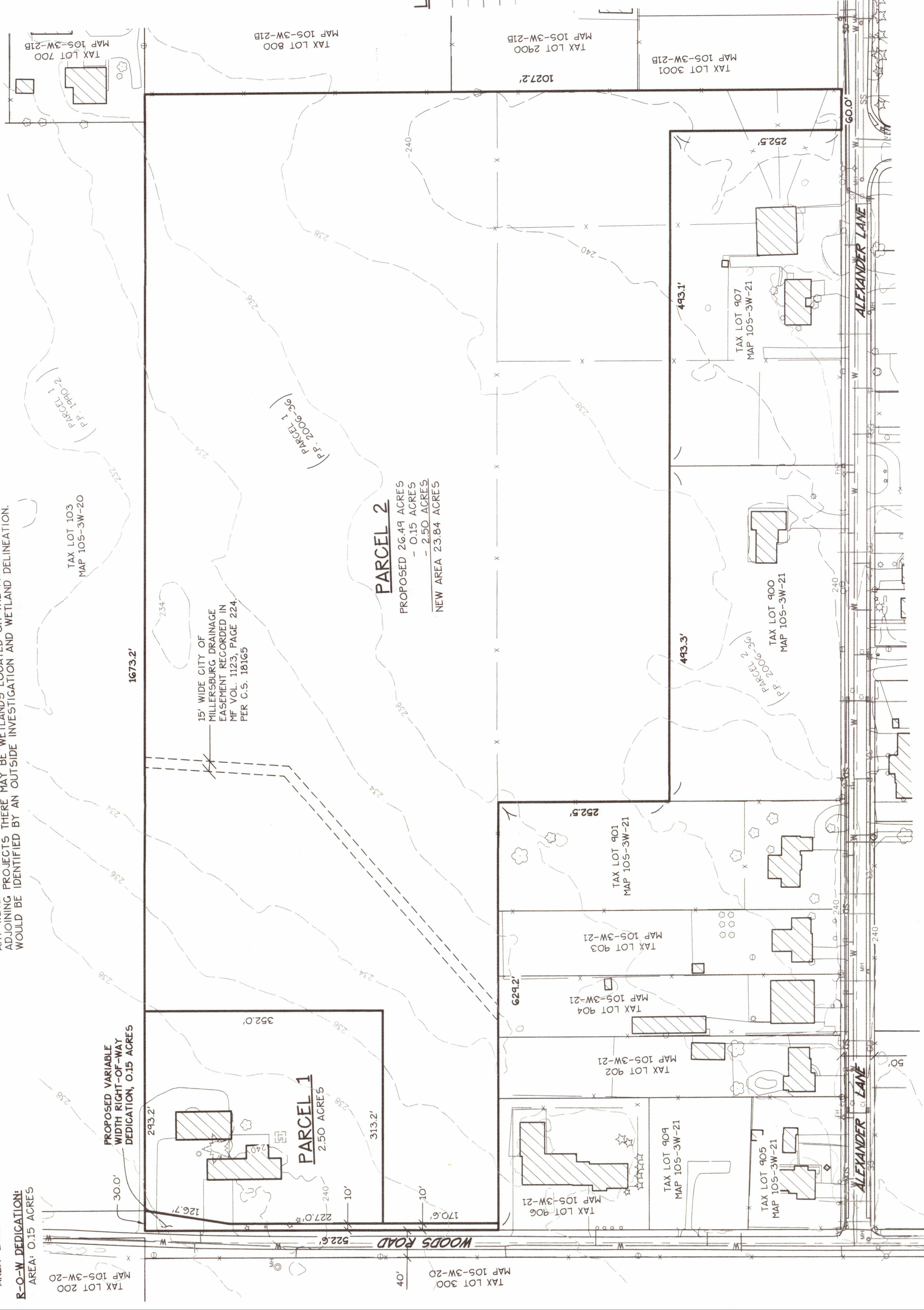
TENTATIVE PARTITION PLAT

FOR
GARY WOOD

LOCATED IN
PARCEL 1 OF PARTITION PLAT 2006-36 IN THE
NE 1/4 SEC. 20 AND THE NW 1/4 SEC. 21,
T. 10 S., R. 3 W., W.M.

CITY OF MILLERSBURG, LINN COUNTY, OREGON

SEPTEMBER 15, 2022



LEGEND:

- EXISTING WATER LINES
- EXISTING SEWER LINES
- EXISTING STORM DRAIN LINES
- EXISTING FENCE
- EXISTING DITCH LINE
- EXISTING UTILITY POLE
- EXISTING VALVE
- EXISTING FIRE HYDRANT
- EXISTING SS MANHOLE
- EXISTING UTILITY POLE W/LIGHT
- EXISTING LIGHT POLE
- EXISTING WATER WELL
- EXISTING CONIFER TREE
- EXISTING DECIDUOUS TREE
- EXISTING SD MANHOLE
- EXISTING SD CATCH BASIN
- EXISTING SD CURB INLET
- EXISTING SIGN
- EXISTING SEPTIC TANK
- PARTITION PLAT
- R-O-W

Written Statement / Review Criteria

Wood Partition Plat
5353 Woods Rd., Albany, OR 97321

Project Narrative:

The Applicant proposes a Partition to divide an existing 26.94 acre property into 2 Parcels. The current zone of the subject property is "RU". The subject property has an existing residence and shop, as shown on the tentative map. The existing residence is served with City water and sewer is a private septic system. The Wood family is in the process of estate planning and this partition will assist in that planning. No further development of the Parcels is proposed at this time.

5.08.060 - Decision Criteria.

Approval of a Subdivision or PUD shall be subject to the following decision criteria:

- (1) each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.

**Response: The subject property is 26.49 acres and is zoned "RU".
Proposed Parcel 1 is 2.5 acres and Parcel 2 is 23.84 acres. The proposed partition is consistent with parcel site requirements and zoning standards.**

Finding: Condition met.

- (2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.

Response: The Development Code includes standards for parcel designs from Article 4.

Finding: Condition met.

- (3) Existing buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.

Response: The exiting structures on proposed Parcel 1 do not encroach into the setbacks. Proposed Parcel 1 will be a rural residential property. Proposed Parcels 2 will remain an AG property with no immediate plans to further develop. All future improvements on subject Parcels will adhere to setback standards.

Finding: Condition met.

(4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy. Adequate means the development will not cause streets (including sidewalks, intersections, and traffic control devices), sewer facilities, water facilities, and storm drainage facilities to exceed the relevant capacity for each type of facility established in the most recently adopted, Sewer Master Plan, Water Master Plan, Storm Water Master Plan, and the Transportation System Plan development in accordance with the State Transportation Planning Rule for which the determination will be made in accordance with Section 3.02.120. Adequacy can be established in three ways:

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

Response:

Water and Sewer- City Water runs the entire length of Woods Road. City Sewer does not in front of the subject property. Parcel 1 is currently served with City Water and a private septic system. No further development of Parcel 2 is proposed with this application..

Access- The subject property fronts Woods Road. Existing driveways and access points are in place. No additional access points or driveways are proposed with this application.

Finding: Condition met

(5) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Response: The proposed partition will create two new Parcels. All adjoining lands have access to public roads.

Finding: The proposed partition does not block access of any adjoining properties.

(6) PUD. Approval of a planned unit development shall require compliance with the following in addition to the criteria listed above:

- a. Conformance with provisions of 4.02.010 (Purpose Statement).
- b. The proposal shall comply with the applicable development and layout provisions contained in Section 4.02.030 of this Code.
- c. Infrastructure shall be available and appropriate to serve the proposed development.

Response: N/A

Finding: N/A

3.01.030 - Application of Public Facility Standards.

Standards for the provision and utilization of public facilities or services available within the City of Millersburg shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured through a bond, deposit, agreement, or similar instrument approved by the City.

- 3.04.030 - Plan for Storm Drainage and Erosion Control.

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

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

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

Response: Parcel 1 contains an existing residence and other site improvements, no changes to the existing drainage patterns and no improvements are proposed on Parcel 1. Parcel 2 is vacant farm ground, no changes to the existing drainage patterns and no improvements are proposed on Parcel 2.

Finding: A storm drainage plan is not required.

CHAPTER 3.22. - WETLAND AND RIPARIAN AREAS

Response: The National and Local Wetland Inventories do not identify any wetlands on the subject property. Based on adjacent projects there may be wetlands located on the subject property that may be identified by a full wetland delineation. However no improvements or development is proposed with this application.

Finding: Condition met

- 4.02.030 - Standards for Lots or Parcels.

Response:

Minimum Lot Area- Parcel 1 is 2.5 acres and Parcel 2 is 23.84 acres.

Parcel Width and Depth – All Parcels meet the minimum width and depth dimensions for the RU zone.

Access- All Parcels have frontage along Woods Road.

Flag Lots – No flag lots are proposed with this application.

Through Lots – No through lots are proposed with this application.

Parcel Side Lines – Parcel side lines run close to right angles as shown on the tentative map.

Utility Easements – No easements are proposed with this application.

Re-Division – Parcels could be further divided in the future. At this time there are development plans for the subject property.

Public Dedication – A right-of-way dedication along Woods Road is proposed with this application, as shown on the tentative map.

Remainder Areas - There are no remainder areas proposed for this application.

Lot Averaging – No averaging proposed.

Phased Development – This application does not propose any phasing.

Finding: The proposed partition meets Parcel standards.

- 4.02.040 - Additional Standards for Subdivisions.

Response – This application is for a Partition Additional Standards do not apply.

TO: Matt Straite, City Planner

FROM: Andrew Potts, Millersburg City Engineer

DATE: October 25, 2024

SUBJECT: PA 24-03 - Engineering Comments

1. The exiting home is currently connected to City water. All created parcels are remaining above 2.5 acres so they will remain zoned as Rural (RU). Therefore, no new utility connections are required.
2. Connection Charges are not applicable to this project.
3. The Final Plat shall include any required access or utility easements.
4. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
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.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: October 25, 2024

SUBJECT: PA-24-03 –NE Woods Rd - Residential Partition – 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.

****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 new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If this project utilizes an access easement which doubles as an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances, and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal.

A “no-parking” restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire access. Signage will be required.

2. The fire apparatus roadways for this project accessing the site from the public way and serving two or more residential structures are required to be provided and maintained with a minimum 20 feet wide improved surface. (OFC 503.2.1)

“No-Parking – Fire Lane” signage and/or curb painting may be required.

3. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)

A turnaround may be required.

4. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.
5. 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 shall be as specified in Appendix B of the fire code. (OFC 507.3).

October 31, 2024

Existing and proposed hydrants shall be identified on future plans.

6. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select the following standard to address the inadequacies pertaining to structures built on the affected parcels:

- a. Installation of an NFPA Standard 13D fire suppression system

Lora Ratcliff
Lora.ratcliff@albanyoregon.gov
541.917.7728

LAR/lar



NOTICE OF TENTATIVE DECISION
PA 24-03, PA 24-04& PA 24-05 Woods
Partition #1,2, & 3
COMMENTS DUE November 19, 2024

November 4, 2024

The City of Millersburg has received three applications to partition property in the City. A partition is tool to divide property into 3 or fewer parcels. The projects were reviewed by staff for consistency with the Millersburg Development Code using a staff-level Land Use review process. **Staff is now issuing a tentative decision to approve each of the three tentative partitions with conditions of approval.** No hearings will take place.

The City is asking for your input. If you are getting this notice it means the property in this application is located near your property. Please review the attached exhibits and the staff reports (which include the tentative partition map) which are available here-
<https://www.millersburgoregon.gov/planning/page/land-use-applications-and-applications-under-review> Look for the links to PA24-03, PA 24-04, and PA 24-05. After the expiration of this 14-day public review period, any input received will be taken into consideration, additional conditions of approval may be added to the final decision to mitigate any applicable concerns regarding consistency with criteria from the Development Code. After that, a final decision will be issued by Staff.

Interested parties are invited to send written comment or email. Failure of an issue to be raised in this notice period or failure to provide sufficient specific information to allow the Staff an opportunity to respond to the issue may preclude your ability to appeal the decision based on that issue. Please send all comments to 4222 NE Old Salem Road, Millersburg OR 97321, or via email to matt.straite@millersburgoregon.gov before November 19, 2024.

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

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

APPLICANT: Gary Wood (all 3 applications)
LOCATION: PA 24-03- 5353 NE Woods Road.

PA 24-04- 5454 and 5452 NE Woods Road.
PA 24-05- No address, southerly of NE Riverstone Loop

TAX LOT: PA 24-03- 10S-3W-21-00908,
PA 24-04- 10S-3W-20-00200,
PA 24-05- 10S-3W-20-00103+10S-3W-06600

PARCEL SIZE: PA 24-03- 26.49 acres, PA 24-04- 55.76 acres, PA 24-05- 29.73 acres

ZONING: Rural (RU)

REQUEST: The applicant and his family are proposing three tentative partitions to address estate planning concerns. No development is proposed as a result of these partitions. PA 24-03 proposes a two-lot split of an existing 26.49-acre parcel. The proposed parcels will be 2.5 acres and 23.84 acres. A 0.15 acre right of way dedication is also proposed for NE Woods Road. PA 24-04 proposes three parcels from an existing 55.76-acre parcel. The proposed parcels will be 2.5 acres, 35.21 acres, and 19.07 acres. A 0.45 acre right of way dedication is also proposed for NE Woods Road. PA 24-05 proposes to reconfigure two existing lots into two parcels. The proposed parcels will be 6.64 acres (as shown on the exhibit this would be Parcel 1 and tax lot 6600 together, the exhibit does not reflect this, it was a later addition by the applicant that will be revised on the final plat) and 22.86 acres. A 0.23 acre right of way dedication is also proposed for NE Woods Road.

CRITERIA: Millersburg Development Code; Article 5.07.060

FILE No.: PA 24-03, PA 24-04, and PA 24-05.

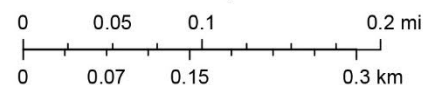
PA 24-03 Vicinity



10/22/2024, 11:51:20 AM

1:9,028

- Railroad
- Tax Lots
- Roads
- City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

ArcGIS Web AppBuilder





City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,

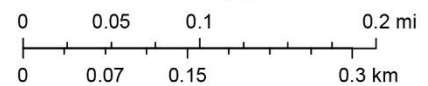
PA 24-04 Vicinity



10/22/2024, 12:07:14 PM

1:9,028

-  Railroad
-  Tax Lots
-  Roads
-  City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

ArcGIS Web AppBuilder




City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,

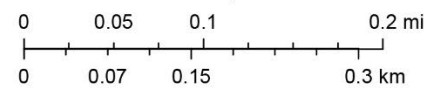
PA 24-05 Vicinity



10/22/2024, 12:40:52 PM

1:9,028

-  Tax Lots
-  Roads
-  City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

ArcGIS Web AppBuilder

City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P,