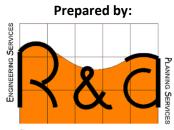
# Site Development Review/Conditional Use Permit Application

### 3790 NE Conser Road

#### **Prepared for:**

Greg Brown Properties, LLC C/O Greg Brown 5862 SE Lipscomb Street Salem, Oregon 97317



Reece & associates, inc.

Reece & Associates, inc. 321 first avenue east, suite 3a albany, oregon 97321 541/926-2428 www.r-aengineering.com

> March 10, 2021 Revised: July 19, 2021

Project Summary						
Request:	Application for a Site Development Review to construct two new industrial buildings and legalize three existing buildings.					
	Application for Conditional Use Permit to convert a legal non-					
	conforming dwelling into a caretaker's residence.					
Location:	3790 Conser Road NE					
	Albany, Oregon 97321					
	Linn County Assessor's Maps No. 10s03w21D, Lot 1500					
Applicant/Owner:	Greg Brown					
	5862 Lipscomb Street SE					
	Salem, Oregon 97317					
	Phone: 503-364-8441					
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Engineer/Planner:	Reece & associates, Inc.					
	321 1 <sup>st</sup> Avenue Suite 3A					
	Albany, Oregon 97321					
	541-926-2428					
	Engineer: David J. Reece, PE Planner: Hayden Wooton					
	dave@r-aengineering.com haydenw@r-aengineering.com					

Exhibits:

Plans:

A – Linn County Assessor's Map No. 10s03w21D Sheet 1.0 – Site and Landscaping Plan B – Notice of Decision (PLA21-05) Sheet 2.0 – Grading and Utility Plan C – Aerial Photograph Sheet 3.0 – Erosion and Sediment Control Plan D – City of Millersburg Zoning Map Sheet 4.0 - ESC Notes and Details

#### I. Project Description

The applicant is proposing to construct two industrial buildings, create a gravel storage area, and validate four existing buildings on a property identified by either its address, 3790 NE Conser Road, or as Tax Lot 1500 on Linn County Assessor's Map No. 10s03w21D (Exhibit A). The first new industrial building will be adjoining an existing storage building near the center of the property. This new building be 4,200 square feet in size. A second industrial building will be constructed approximately 50 feet south of the other industrial building. The building further south will have a floor area of 8,400 square feet. Additionally, the southernmost 38,820 square feet will become a gravel storage area. Various site improvements include parking areas, utility connections, landscaping, and a stormwater management system will be constructed to serve both existing and proposed buildings.

The proposed development conforms to all applicable sections of the Millersburg Development Code. This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the MDC. Applicable criteria of the City of Millersburg Development Code will appear in *italics* followed by the applicants' responses in regular font.

#### II. Existing Conditions

The subject property was recently altered by a property line adjustment approved on June 14, 2021 (Exhibit B). Conser Road is a paved road with one lane in each direction but is not currently improved to the road authority's local street standards; Linn County is the road authority for Conser Road. The subject property has two unimproved driveway accesses on this roadway.

Presently, the subject property is a moderately improved industrial site, mostly gravel with a few sections of pavement. There are five existing buildings on the property. Only one of these existing buildings has received land use approval: the westernmost building. A gravel storage area near the southwest property was received land use approval with this building. For Adjacent zones and land uses refer to (Exhibit C for aerial photograph and Exhibit D for City of Millersburg zoning map):

North: Conser Road. One industrial property (3783 Conser Road NE) zoned General Industrial by the City of Millersburg

South: Old Salem Road and Arauco Duraflake Particleboard.

East: Interstate-5 and Union Pacific Railroad right-of-way.

West: Old Salem Road, Willamette Memorial Park, Weyerhaeuser Albany Distribution Center, Camco Manufacturing Inc., Pelletrox Truck Shop, vacant land owned by City of Millersburg, Gardner Trucking, Callisto Integration, and R.J. Reimers Co.

#### III. Conditional Use Permit

Decision criteria for a conditional use, like the proposed caretaker's residence, are outlined in Millersburg Development Code 5.04.050. The applicant has provided detailed findings of fact demonstrating compliance with these criteria below:

[5.04.050(1)] The use is listed as a conditional use in the underlying zone and complies with the development requirements of the underlying zone.

The subject property is zoned General Industrial. Millersburg Development Code 2.10.040 lists a caretaker's residence as a conditional use in this zone. The project's ability to comply with the development regulations in the General Industrial zone is addressed in the applicant's response to Millersburg Development Code 5.05.060(1). Findings and conclusions from the above-mentioned section are herein incorporated by reference. Therefore, the proposed caretaker's residence satisfies this criterion.

[5.04.050(2)] The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

The subject property contains enough area to comply with the General Industrial zone's minimum lot size requirement, and the proposed caretaker's residence complies with the 30-foot front yard setback from Conser Road. Property size and shape will allow the proposed use to function properly on this site. Additionally, the site's topography is suited to industrial development. It is alternates between 249 feet and 250 feet above mean average sea elevation. Public water and sanitary sewer already serve the existing dwelling and will continue to serve the structure after it becomes a caretaker's residence. Access to Conser Road will still be provided via the existing driveway. Finally, there are no natural hazards located on the subject property. Therefore, the proposed caretaker's residence satisfies this criterion.

[5.04.050(3)] The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the use.

The property has frontage on Conser Road and access is provided via an existing driveway. The adjacent transportation system is discussed at several points in this application narrative including the applicant's response to 5.05.060(2), 5.05.060(3)(b), and 2.10.060(1). Findings and conclusions from the above-mentioned section are herein incorporated by reference. Therefore, the proposed caretaker's residence satisfies this criterion.

[5.04.050(4)] The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.

The proposed project will reclassify an existing non-conforming dwelling into a caretaker's residence that will operate in conjunction with surrounding industrial uses. Because the proposed use is also industrial in nature, it will not substantially alter the character of the surrounding area. Therefore, the proposed caretaker's residence satisfies this criterion.

#### IV. Site Development Review

As set forth in Millersburg Development Code 2.10.060(4), "All new development and expansion of an existing structure or use in the General Industrial zone shall be subject to the site development review procedures of Chapter 5.05." This section of the application narrative provides detailed findings of fact demonstrating compliance with the applicable decision criteria outlined in Millersburg Development Code 5.05.030.

[5.05.060(1)] The proposed use is allowed in the zone and complies with the underlying zone development standards.

With the exception of the dwelling/caretaker's residence – it requires a conditional use permit and is addressed in the previous section – all proposed and existing industrial buildings are permitted in the General Industrial zone. Uses have not been identified for the new structures but will be industrial in function. Existing buildings consist of a storage building, manufacturing, and contractor office building.

<u>Minimum Lot Area</u>: The General Industrial zoning district does not prescribe a strictly defined minimum lot area. Instead, a parcel is required to contain enough area to ensure that all buildings comply with setbacks and other development requirements. As demonstrated by this application narrative and site plan, the proposed project complies with required setbacks and development standards.

<u>All Yards (Minimum Setbacks)</u>: There are no required setbacks for all yards (zero-foot setback) in the General Industrial zone. The proposed development provides five-foot setbacks along the interior property lines.

<u>Yards Adjacent to Conser Road (Minimum Setbacks)</u>: The subject property has frontage on Conser Road; consequently, development must comply with a required 30-foot front yard setback. At 33 feet from the north property line, the existing office building is the nearest structure to Conser Road. All other building are setback further than the office.

<u>Maximum Lot Coverage</u>: Maximum lot coverage in the General Industrial zone is 100 percent coverage. After the proposed development is completed, the entirety of the site will still not be covered by improvements. Therefore, the proposed development satisfies this criterion.

[5.05.060(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.

As previously described in this application narrative, the surrounding properties are industrial in nature. Existing and proposed uses of the subject property are permitted in the General Industrial zoning district through either a Site Development Review or Conditional Use Permit, as such these uses have been determined to be compatible with other nearby industrial uses.

<u>Traffic Flow</u>: The subject property has two unimproved driveway accesses onto Conser Road. These accesses are currently unmarked and do not direct traffic in any particular direction. Although this proposal will not significantly increase vehicle traffic on Conser Road, it will improve circulation. Existing driveways will be improved to city standards and specific entrance and exit points will be designated. These improvements will more effectively direct traffic in and out of the proposed development to and from Conser Road.

<u>Noise, Dust, Glare, and Odor</u>: The existing and proposed buildings are not expected to generate significant levels of noise, dust, glare, or odor. Because these are indoor operations, the ability to create noticeable levels of the above-mentioned impacts at the property line is incredibly limited. Additional mitigation is provided through compliance with the landscape standards outlined in Millersburg Development Code Chapter 3.09 and the previously addressed setback standards. Unintentional dust production will be limited when travel aisles and parking areas are paved as proposed.

<u>Potential Incompatible Adjacent Uses</u>: The purpose of the General Industrial zoning district, as provided by Millersburg Development Code 2.10.010, is *"The General Industrial Zone is applied to area well suited for all types of industrial development that require excellent highway and rail access and <u>are free from conflict with other non-compatible land uses</u>" (emphasis added). This proposed does not create negative impacts and complies with standards that traditionally mitigate for off-site impacts. Furthermore, it is the purpose of the applicable zone to permit more intensive uses in an area away from uses that could potentially be considered incompatible. Therefore, the proposed development satisfies this criterion.* 

[5.05.060(3)] The City may impose conditions of approval intended to mitigate potential impacts including but not limited to:

The applicant acknowledges the City of Millersburg's authority to impose condition of approval intended to mitigate potential off-site impacts. However, the findings of fact provided in this application narrative demonstrate additional regulation is not required to prevent potential off-site impacts.

[5.05.060(3)(a)] *Provisions for public utilities, including drainage and erosion control needs.* 

<u>Water</u>: There is a 12-inch waterline located in Conser Road. This waterline already serves the existing development on this property and can serve the proposed buildings.

<u>Sanitary Sewer</u>: There is an eight-inch sanitary sewer line located in the subject property's frontage. This sanitary sewer line already serves the existing development on this property and can serve the proposed buildings.

Stormwater Drainage: Stormwater management systems are illustrated on Sheet 2.0 of the attached site plan.

<u>Erosion Control</u>: Erosion control measures are illustrated on Sheet 3.0 and 3.1 of the attached site plan.

[5.05.060(3)(b)] Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities.

Conser Road is not improved to Linn County's local street standards; it lacks sidewalks on both sides of the street. The applicant is requesting to submit a waiver of non-remonstrance for participation in future street improvements as permitted in Millersburg Development Code

3.02.030(13). Parking and internal circulation are addressed in Section V of this application narrative. Findings and conclusions from the above-mentioned section are herein incorporated by reference. Therefore, the proposed development satisfies this criterion.

[5.05.060(3)(c)] Provisions for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering.

Compliance with the applicable landscape and setback standards ensure adequate buffering has be provided. Furthermore, the extent to which the proposed development needs to provide buffering from non-compatible uses does not extended past the base requirements because the surrounding uses are also industrial in nature. Therefore, the proposed development satisfies this criterion.

[5.05.060(3)(d)] Protections from any potential hazards.

This proposed is not sited within an area identified as containing potential natural hazards. Additionally, the small-scale industrial buildings are not anticipated to generate any potential hazards. The existing buildings have demonstrated through current operations they do not generate potential hazards. Therefore, this criterion does not apply to the proposed development.

#### V. General Industrial Zone Development Standards

Development in the General Industrial zoning district must comply with the specific standards outlined in Millersburg Development Code 2.10.060. The applicant has provided detailed findings of fact demonstrating compliance with those standards below:

[2.10.060(1)] Off-Street Parking. Parking, Driveway, and loading improvements shall comply with provisions in Chapter 3.03.

Structure	Classification	Square Footage	Code	Spaces Needed
			Requirement	
Existing	Office	1,527	1 per 400 plus one	4
			per 2 employees	
Existing	Storage	2,120	1 per 3,000 sq. ft.	0
Existing building	Manufacturing	4, 737	1 per 600 sq. ft.	8
near dwelling				
Proposed building	Storage	4,200	1 per 3,000 sq. ft.	1
near dwelling				
Proposed	Manufacturing	8,400	1 per 600 sq. ft.	14

The existing and proposed site improvements will require a total of 27 parking stalls.

A total of 31 parking stalls will be constructed to serve the proposed development. Additionally, three bicycle parking stalls will be constructed near the existing office building. Parking stalls will be 9 feet wide and 20 feet, and no compact stalls are proposed. As required by Millersburg Development Code 3.03.080(1), all travel aisles and parking spaces will be paved. The driveway further west will be 26 feet wide, while the eastern driveway will only be 16 feet wide. The easternmost driveway will be limited to one-way traffic. This proposal does not include buildings

large enough to require loading areas. The proposed caretaker's residence has a separate access to Conser Road and is provided with two parking spaces via the existing driveway.

[2.10.060(2)] Signs. Signs in the GI zone shall conform to the standards contained in Chapter 3.06.

Signage is not included in this proposal. Therefore, the standards contained in Millersburg Development Code Chapter 3.06 do not apply to the proposed development.

[2.10.060(3)] Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 3.08.

This proposal does not include front, side, or rear yard projections that would require compliance with Millersburg Development Code 3.08.030 through 3.08.050. The remaining applicable standard in Chapter 3.08 governs driveway vision clearance. Vision clearance triangles demonstrating compliance with these standards are shown on the attached plans. Therefore, the proposed development complies with these standards when necessary.

[2.10.060(4)] Site Development Review. All new development and expansion of an existing structure or use in the General Industrial Zone shall be subject to the site development review procedures of Chapter 5.05.

This application narrative, exhibits, and plans have been prepared to address the standards outlined in Millersburg Development Code Chapter 5.05. Therefore, the proposed development complies with this standard.

[2.10.060(5)] Landscaping. Any required or established yard shall be landscaped with trees, shrubs, and groundcover and maintained pursuant to provisions in Chapter 3.09.

Development located in the General Industrial zone must landscape all front and interior setbacks in accordance with Millersburg Development Code Chapter 3.09. The proposed development does not interior setbacks, only a front setback. Landscaping has been detailed on Sheet 1.0 of the attached site plan.

[2.10.060(6)] Residential Screening. Property abutting an RL, RU, or RM zone shall be screened with a sight-obscuring fence not less than six feet in height. This requirement shall not include the front yard.

The subject property is not adjacent to land zoned RL, RU, or RM. Therefore, this standard does not apply to the proposed development.


[2.10.060(7)] Environmental performance standards may limit placement of certain uses in the zone if the site is located within 300 feet of residential zoned land.

The subject property is not located within 300 feet of residential zoned land. Therefore, this standard does not apply.

#### VI. Conclusion

This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Millersburg Development Code are satisfied. We respectfully request approval of

10S03W21D





#### City of Millersburg STAFF REPORT/NOTICE OF DECISION:

June14, 2021

#### File No: LA 21-05 Between tax lots 1500, 400 and 401.

**Proposal:** The application proposes to modify a lot line between three industrial lots, with some existing structures on all three lots. Each of the three have different property owners. More specifically the application proposes to:

- Alter Tax Lot 1500 to be enlarged from 3.23 acres (140,698.8 square feet) to approximately 3.85 acres (167,706 square feet). This lot is owned by Greg Brown.
- Alter Tax Lot 400 to be reduced from approximately 63.74 acres (2,776,514.4 square feet) to approximately 63.69 acres (2,774,336.4 square feet). This lot is owned by the Albany-Millersburg Economic Development Corporation.
- Alter Tax Lot 401 to be reduced from approximately 66.28 acres (2,887,156.8 square feet) to approximately 65.69 acres (2,861,456.4 square feet). This lot is owned by Linn County.

#### I. BACKGROUND

- A. <u>Applicant</u>: Linn Economic Development Group 321 1<sup>st</sup> Avenue NE, Suite 3A Albany, OR 97321
- B. <u>Location</u>: The properties are located easterly of Old Salem Road and westerly of I-5. Tax lots 10S-03W-21D- 1500, 400 and 401.
- C. <u>Review Type</u>: The proposed Property Line Adjustment requires a Type I decision by the City Manager. The action to approve the application was taken administratively by the City Planner acting on behest of the City Manager on June 14, 2021. Type I land use decisions cannot be appealed.
- D. <u>Review Criteria</u>: Chapter 5.06.050
- E. <u>Current Zoning</u>: General Industrial (GI)
- F. <u>Property Size</u>: The existing lot sizes are:
  - Tax Lot 1500 is approximately 3.23 acres
  - Tax Lot 400 is approximately 63.74 acres
  - Tax Lot 401 is approximately 65.69 acres

Page 2 of 6 G. <u>Background</u>: The applicant is requesting to revise the property lines to dedicate more space to the railroad along the east side of tax lot 1500 and provide the property owner of tax lot 1500 more land to construct a new project.

#### II. REQUIRED FINDINGS FOR A PROPERTY LINE ADJUSTMENT

The applicable criteria are from Code Section 5.06.050 and standards from Section 3.08.

#### 5.06.050 Decision Criteria

Approval of a property boundary adjustment shall require compliance with the following criteria:

## (1) A property boundary adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires approval of a land division.

**ANALYSIS:** The proposed property line adjustment neither creates nor vacates a parcel. The property line adjustment is shifting a property line, though all three lots will remain. The proposal would shift the east property line of tax lot 1500 west by 50 feet and the south property line of tax lot 1500 by about 120 feet.

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

# (2) Following the adjustment, all lots or parcels must comply with the area and dimension standards of the applicable zone. For existing nonconforming lots or parcels, the adjustment shall not increase the degree of nonconformance of the subject property or surrounding properties.

**ANALYSIS:** All three lots are located within the GI Zone. There is no minimum lot size or lot coverage for the GI Zone. The line change will not affect any street setbacks, as the proposed adjustment is not near any streets. There are no setbacks from the rear or side yards in the GI Zone.

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

(3) If there are existing structures on the lots or parcels, the boundary adjustment shall not reduce required setbacks or place a boundary beneath a structure.

**ANALYSIS:** The proposed change does not affect the property lines near any existing structures.

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

#### III. LOT/PARCEL STANDARDS

#### 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.

Exhibit C

- 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 parcel depth cannot exceed three times the width. Two of the larger properties involved in this change already exceed the ratio, but the proposed change is not exacerbating the non-conformity, it is actually reducing it. Tax lot 1500 will not exceed the ratio as planned. The proposed change will not alter the frontage on tax lot 1500; the other two lots have no frontage in the area proposed for change. Neither is a flag lot or a through lot, and all property line adjustments are perpetuating the existing nature of the property lines, which are not at 90 degree angles.

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

#### IV. DECISION

Based on the submitted plan (applicant's Exhibit A), with the applicable decision criteria in the Millersburg Land Use Development Code, the City Planner, acting as the City Manager's designee, reviewed the submitted application and **APPROVES** the requests subject to the following conditions:

- 1) The applicant must record the property line adjustment with the County within one year.
- 2) Once recorded, the applicant shall provide a copy of the recorded document to the City.

#### IV. APPEAL

A property line adjustment is a Type I process, which does not permit any appeals. The decision by staff is final.

#### V. EXHIBITS

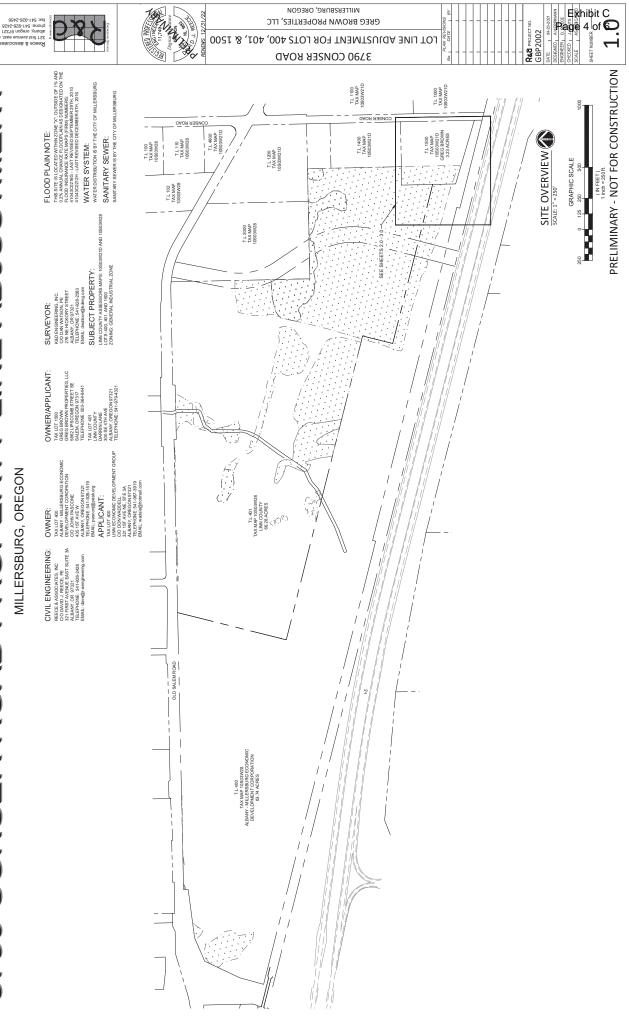
A. Applicant's materials

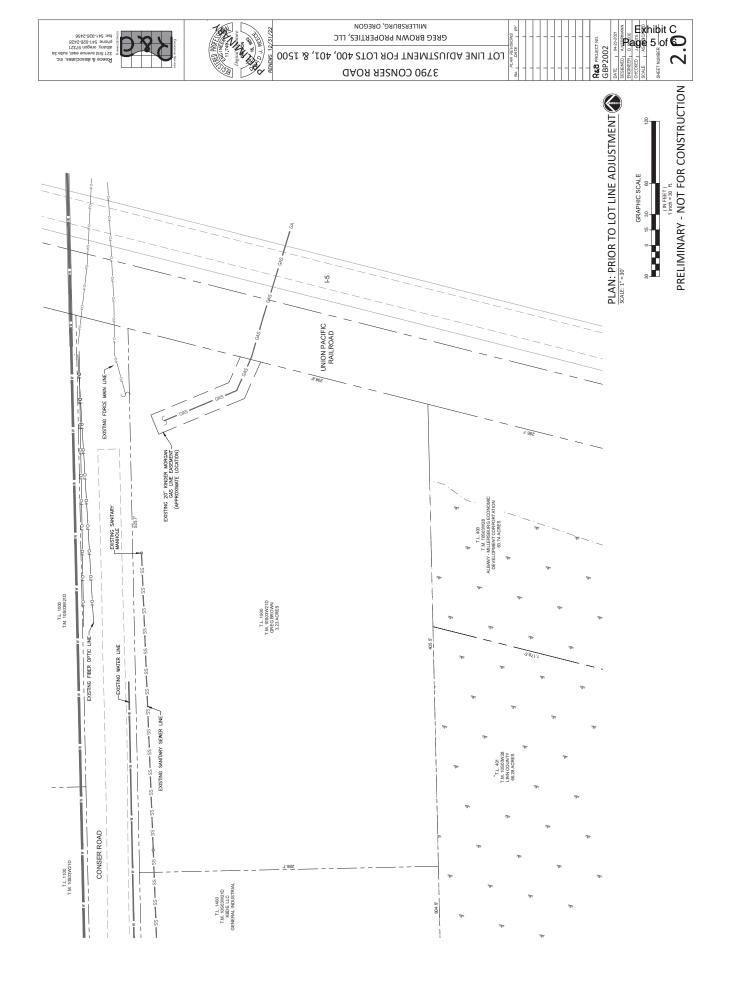
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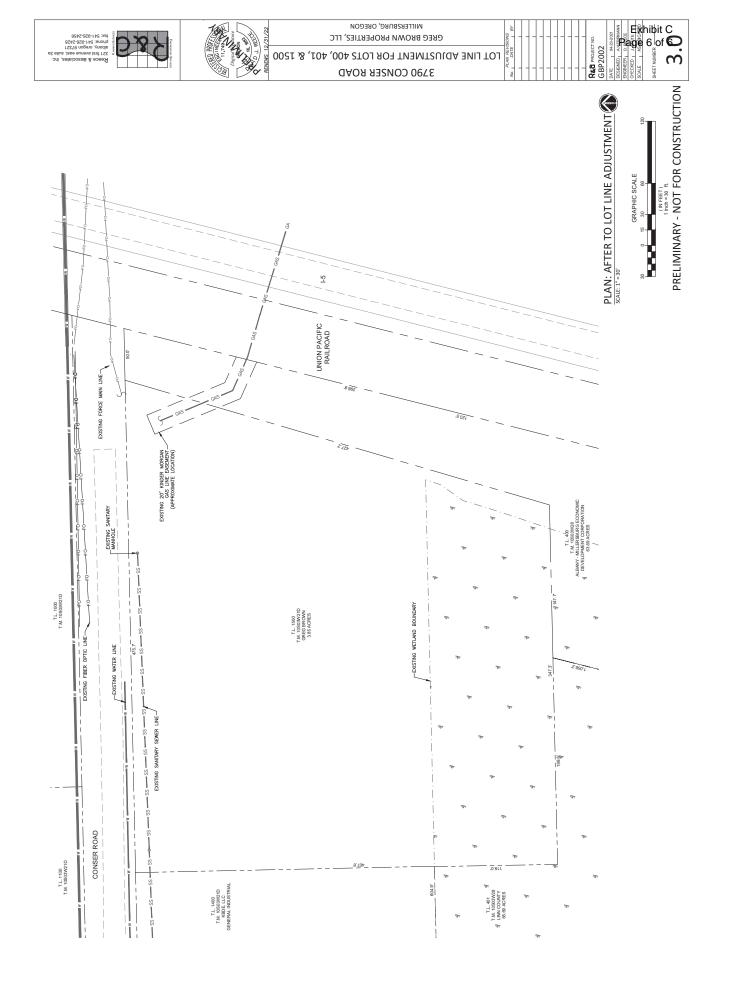
Matt Straite City Planner

cc: Linn County Surveyor's Office via e-mail









#### Exhibit C - Aerial Photograph



Source: City of Albany Info Hub

