



Proposal: The applicant is proposing to construct two industrial buildings, create a gravel storage area, and to establish the existing on-site house as a caretaker's unit. The new structures are for lease, and no tenants are identified at this time. The application also proposes to entitle four existing structures on the property for caretaker's use, office uses, storage uses, and manufacturing. These were all constructed without a prior land use approval. Improvements include parking areas, utilities, landscaping, and stormwater systems.

I. BACKGROUND

- A. Applicant: Greg Brown
- B. Location: 3790 NE Conser Road
- C. Review Type: The proposed Site Development Review and Conditional Use Permit require a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on August 17, 2021. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 200 feet of the proposed location, posted in City Hall on May 24 and July 22, 2021, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Chapter 5.05.060 Site Development Review Criteria and 5.04.050 Conditional Use Permit Criteria.
- F. Current Zoning: General Industrial (GI)
- G. Proposed Zoning: N/A
- H. Property Size: 3.85 Acres (pending the recording of a property line adjustment - LA 21-05)

- I. Background: The applicant has recently filed for a property line adjustment to enlarge the parcel for the project. This will also move the proposed project away from the existing gas line easement to the east of the site. The applicant has previously submitted an application with the City, which was withdrawn and replaced with SP 21-03 in order to have the project work with the new Development Code. The Site Development Review was scheduled for a hearing before the Planning Commission in June of 2021. At that time there were conditions of approval addressing some unknowns regarding the house on the property. Specifically, how the applicant planned to entitle the home, because it was not a permitted use except as a caretaker's unit. The applicant elected to postpone the hearing (continue) to address the home at the same time as the current approval. Mr. Brown has now elected to consider the home a caretaker's unit and has filed for a Conditional Use Permit (CUP) to entitle the home. This staff report includes the CUP. The applicant then re-submitted the project with the CUP application and re-designed the site plan to remove some of the proposed structures and replace them with a gravel storage area.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's Site Development Review materials were transmitted to the following agencies/departments on June 1, 2021: City of Albany, Albany Fire Department, City of Millersburg Engineer, PacificCorp, Linn County Planning and Building Department, Linn County GIS, and Northwest Natural Gas. The project was re-transmitted for a second agency review on July 22, 2021 due to the change in the layout design of the project. To date, the following comments have been received:

- Albany Fire Department letter dated June 2, 2021
- City of Millersburg Engineering comments dated June 8, 2021

Public:

Notice of the June 15, 2021 hearing was mailed to all property owners within 200 feet of the property. A second notice was sent on July 22, 2021 with the inclusion of the CUP information and the revised project description. To date, no written comments from the public have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable CUP criterion are from Code section 5.04.050, the Site Development Review criteria are from section 5.05.060. All analysis and findings are in addition to those provided by the applicant, which are included here by reference.

5.04.050 Conditional Use Decision Criteria

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

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

ANALYSIS: The proposed conditional use is for a caretaker's unit. The single family home is already located on the property, no changes to the home are proposed. The structure complies with all setbacks of the zone.

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

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

ANALYSIS: The single family structure has existed on the site for years, predating any of the other industrial uses. The home was considered a legal non-conforming use; however the submittal of the most recent land use application required that all structures on the property meet land use code requirements. This triggered the need for the CUP. The home takes access directly from Conser Road. There are no features of the site that would impact the proposed use.

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

- (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.**

ANALYSIS: The property is indented to be fully industrial. A single family use is typically incompatible with industrial uses, which is why it is not a permitted use in the General Industrial Zone. The applicant is requesting that the home on the property be a caretaker's unit. The code allows caretaker's units as a CUP in the GI Zone. The approval of a caretaker's unit assumes that the caretaker, living in the unit, will be tolerant of effects that would go with being adjacent to such a use, including noise, traffic, truck use, train use, and such. The existing and proposed uses on the site do not create any fumes or

anything that would be hazardous to the home. Two of the new buildings are spec buildings, meaning they have not told the City what uses will take place inside them. That means that any use listed as a permitted use in that zone would be allowed in the new structures without the need to come back for additional planning permits (land use). However, because some permitted uses in the GI zone may result in hazardous conditions for the caretaker's unit, a condition of approval has been added limiting the future uses of the buildings to uses that would not result in hazardous impacts.

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

CONDITION OF APPROVAL: No use on the property is permitted that will create hazardous impacts to the residents of the caretaker's unit.

- (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.**

ANALYSIS: To the east of the property is I-5 and railroad tracks that will eventually serve the new Intermodal Center, which will see a significant increase in railroad activity. The caretaker's unit will not prevent these uses or hamper them in any way. To the north, across Conser Road, is a tire warehouse use. To the east and south are vacant industrial properties. The caretaker's unit is situated about 250 feet from the property line to the east, and about 300 feet from the property line to the south. New uses on the neighboring vacant industrial sites will not have to make any accommodations for the caretaker's unit because the residence is far enough from the property lines to mitigate any possible impacts. The tire warehouse is across the street, which will also mitigate possible impacts to the caretakers unit. Additionally, as stated before, the approval of the caretaker's unit comes with the understanding that the occupant of the caretaker's unit will be more tolerant of neighboring uses in the General Industrial Zone.

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

5.05.060 Site Development Review Decision Criteria

The review of the Site Development Review 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 project is proposing two new structures; both are spec buildings, meaning there are no users identified. The proposed buildings are industrial in nature and are capable of accommodating the kinds of uses allowed in the zone. The project also proposes to permit four other structures that were built without land use approvals. The project narrative says these include a single-family dwelling (as a caretaker's unit), an office building, a storage building, and a manufacturing building. All uses in these four unpermitted buildings are allowed in that zone (caretakers with a CUP).

Regarding the zoning standards, the GI Zone does not have a minimum lot size requirement. There are only side and rear setbacks if the property is adjacent to residentially zoned property (not an existing residence if it is not in a residential zone). There is no height limit requirement or lot coverage requirement. All other development standards are reviewed in the next section of the staff report.

There is a 30-foot front setback because the property is along Conser Road. All structures on this site meet this requirement. The closest structure is 33 feet from the property line.

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 applicant has explained in their narrative:

The surrounding properties are primarily industrial in nature. Existing and proposed uses of the subject property are permitted in the General Industrial zoning district, as such these uses have been determined to be compatible with other nearby industrial uses.

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

Noise, Dust, Glare, and Odor: The existing and proposed buildings are not expected to generate significant levels of noise, dust, odor, or glare. Because these are indoor operations, the ability to create noticeable levels of the above-mentioned impacts at the property line is incredibly limited. Additionally, mitigation will be provided through compliance with landscaping standards required by MDC Section 3.09 and the previously discussed setback standards. Unintentional dust production will be limited when travel aisles and parking areas are paved as proposed.

Potential Incompatible Adjacent Uses: The purpose of the General Industrial zoning district, as provided by MDC 2.10.010, is “The General Industrial Zone is applied to areas well suited for all types of industrial development that require excellent highway and rail access and are free from conflict with other non-compatible land uses” (emphasis added). This proposal 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 be considered incompatible. Therefore, the proposed development satisfies this criterion.

Staff concurs with this analysis.

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

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

a. Provisions for public utilities, including drainage and erosion control needs;

ANALYSIS: The site already features a host of utility connections. The street contains a 12" water line and an 8" sewer line that serve the property. These have capacity to serve the new proposed structures as well. Regarding stormwater, the exhibit shows the drainage going to a detention basin located to the rear (south) of the property. A condition of approval has been added to require a final stormwater analysis prior to building permit.

Conditions of approval have been added to assure all improvements match the Code requirements.

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

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

ANALYSIS: Conser Road is a Linn County facility. The street is not constructed to Linn County standards. Sidewalks are required, but not proposed on the site plan. The applicant has requested a waiver of remonstrance. A waiver is essentially a document that the applicant signs stating that they will not build the sidewalk now, but will not protest when the City elects to construct the sidewalk. Additionally, this obligates the future property owner to pay for their fair share of sidewalk construction if and when the City elects to build the sidewalk fronting their property on Conser Road. The waiver would be submitted to the County, because the street is their facility. The project was sent to the County road department for comments. A condition of approval has been added requiring the applicant to provide evidence to the City of a signed waiver of remonstrance with the County. Should the applicant not be able to provide the signed document, the sidewalks must be constructed to County standards.

The project is proposing to add paved parking to the property for the new uses and the existing. This is addressed in more detail in the next section of this staff report. With conditions of approval, the project does comply with all parking and connectivity requirements.

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

CONDITION OF APPROVAL: Prior to the issuance of occupancy permits for a new structure, the applicant shall provide evidence to the City that the County and applicant have executed a waiver of remonstrance regarding the sidewalks fronting Conser Road. Should the applicant not be able to provide the executed agreement, the sidewalks must be constructed to County standards prior to the issuance of occupancy permits (or as approved by the County).

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 project is not located near any residentially zoned property. The applicant has included landscape plans. The plans are not detailed enough to show compliance with the landscape standards listed in the Code. A condition of approval has been added to require more detailed final landscape plans. With this, all required screening will be addressed.

FINDING: Based on the analysis above, depending on how the applicant addresses the home, the project meets the required criteria.

d. Protections from any potential hazards.

ANALYSIS: The applicant has stated in their narrative:

This proposal is not sited within a location identified as containing potential natural hazards. Additionally, the small-scale manufacturing buildings or existing uses are not anticipated to generate any potential hazards. Therefore, this criterion does not apply to the proposed development.

Staff concurs with this finding, with the addition of the condition of approval requiring all uses to refrain from hazardous impacts to the caretaker's unit. Additionally, any use of potentially hazardous material by the future users will be addressed on a case by case basis with the State Department of Environmental Quality.

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 GI 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:

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

This chapter includes requirements for parking and loading.

ANALYSIS: Table 14 in Chapter 3.03 of the Code shows the number of parking stalls required based on the use. Manufacturing and storage parking is based on the square footage of the structure proposed. The following table is from the applicant's narrative and shows the project's compliance.

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

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

The applicant has indicated in their narrative that 27 spaces are required and 31 spaces are proposed. The provided number of spaces is adequate for the uses on site.

The project is required to provide 1 bike parking space for every 20 manufacturing spaces and 1 for every 30 storage spaces. The project requires a total of 27 parking spaces. Therefore, the project requires a total of 1 bike parking spaces. The narrative explains that there will be three provided.

Loading spaces are required only for buildings greater than 10,000 square feet. None of the structures proposed are larger than 10,000 square feet.

All parking areas are proposed to be paved. This can be done in phases but must be completed for access to each structure prior to the occupancy of each structure served by the parking area. Existing uses must be paved within one year of permit issuance. All parking stalls are required to be at least 9 feet wide and 20 feet deep. All stalls meet these requirements.

The internal drive aisles are required to be at least 26 feet wide for two-way traffic, and 12 feet for one-way. The western driveway is 26 feet wide; the eastern driveway is only 16 feet wide but will be one-way. This conforms with the Code requirements.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of occupancy permits, each individual structure must provide paved parking for the structure.
- Any existing uses/structures must be paved within one year of permit issuance.

CHAPTER 3.04 STORM DRAINAGE AND GRADING

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

ANALYSIS: As outlined above, the applicant has not provided a drainage study. A 1200-C permit and a Millersburg permit for temporary erosion protection during construction will be obtained by the contractor prior to any ground disturbing activities. Conditions of approval have been added to assure development matches the requirement of the Code.

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

CHAPTER 3.09 LANDSCAPING STANDARDS

SECTION 3.09.030(1)b NON RESIDENTIAL LANDSCAPING

Landscaping is required in all setback areas. Standards are included in this section of the Code which explain how the landscaping is supposed to be designed. All required setbacks must be landscaped. This must include:

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

ANALYSIS: The site plan shows preliminary landscaping but not to the level of detail needed to assure compliance with the Code requirements. Because landscaping is required, a condition of approval has been added to require a final landscaping plan that conforms with Section 3.09.030(1)b.

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

CONDITIONS OF APPROVAL:

- Prior to building permit issuance the applicant shall provide the City with a final landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b.

- Prior to final inspection (certificate of occupancy) all landscaping, including the 30-foot setback spanning the entire frontage of NE Conser Road, shall be landscaped in a manner that is consistent with the requirements of 3.09.030(1)b.

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application No. SP 21-03 and CUP 21-02.

VI. PROPOSED MOTION

I make a motion that, based on the findings of fact in the staff report and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and the Planning Commission approves Site Plan SP 21-03 and CUP 21-02 with the conditions of approval.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted preliminary plans included as Exhibit C, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. This approval does not negate the need to obtain permits as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
4. Applicant shall comply with all requirements of the Linn County Road Department.
5. Any parking areas for existing uses/structures must be paved within one year of permit issuance.

6. No use on the property is permitted that will create hazardous impacts to the caretaker's unit.

Prior to Building Permit Issuance:

7. Stormwater detention and water quality facilities shall be designed as required to meet City standards. Stormwater calculations shall be submitted to the City Engineer for review and approval. Maintenance of detention basin and water quality facilities shall be the responsibility of the City.
8. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final Plat.
9. Prior to the issuance of any building permits the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated June 2, 2021 have been met to the satisfaction of Albany Fire.
10. Prior to building permit issuance the applicant shall provide the City with a final landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b.
11. All applicable System Development Charges (SDCs) will be due at the time of building permits.

Prior to Grading:

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

14. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to occupancy.
15. Prior to the issuance of any grading permits the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated June 2, 2021 have been met to the satisfaction of Albany Fire.

Prior to Final Inspection:

16. Prior to final inspection (certificate of occupancy), the 30-foot setback spanning the entire frontage of NE Conser Road shall be landscaped in a manner that is consistent with the requirements of 3.09.030(1)b.
17. All required street signage and street lighting shall be approved by the City Engineer and installed.
18. Prior to final inspection the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated June 2, 2021 have been met to the satisfaction of Albany Fire.
19. Prior to the issuance of occupancy permits for a new structure, the applicant shall provide evidence to the City that the County and applicant have executed a waiver of remonstrance regarding the sidewalks fronting Conser Road. Should the applicant not be able to provide the executed agreement, the sidewalks must be constructed to County standards prior to the issuance of occupancy permits (or as approved by the County).
20. Prior to the issuance of occupancy permits, each individual structure must provide paved parking for the structure.
21. Prior to final inspection (certificate of occupancy) all landscaping, including the 30-foot setback spanning the entire frontage of NE Conser Road, shall be landscaped in a manner that is consistent with the requirements of 3.09.030(1)b.

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. All required street signage and street lighting shall be approved by the City Engineer and installed.
4. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
5. The developer is responsible for all costs associated with any remaining public facility improvements and shall ensure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval to the plans, standards, and specifications of the City of Millersburg.
6. **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.
7. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
8. 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.
9. 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.
10. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris includes food and drink waste. All waste shall be contained on-site in proper containers or construction fencing enclosures and shall leave the construction site in proper disposal containers. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map

- C. Applicant's Exhibits dated 7/1/21 and 7/19/21:
- D. Millersburg City Engineer Comments dated June 8, 2021
- E. Albany Fire Department Comment Letter dated June 2, 2021
- F. Public Hearing Notice

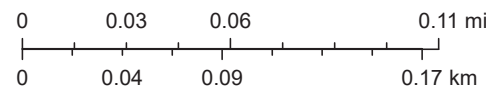
SP 21-03 & CUP 21-02 Zoning Map



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| —+— | Railways | City Zoning |
| — | Highways | C-1, COMMERCIAL |
| — | Roads | CB -- CENTRAL BUSINESS |
| - - - | City Limits | CC -- COMMUNITY COMMERCIAL |
| □ | Tax Lots | CC-CENTRAL COMMERCIAL |

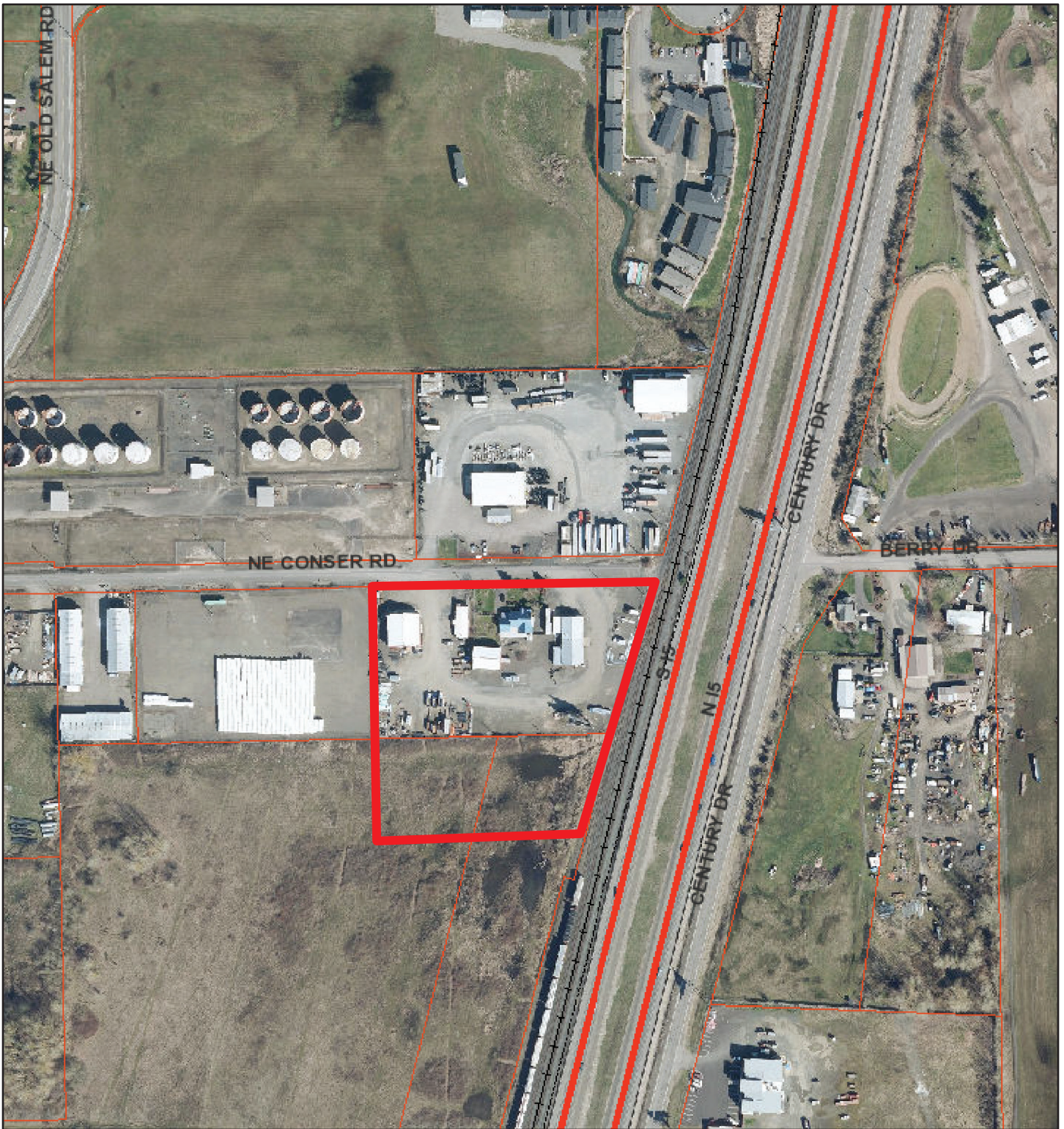


Linn County GIS

Map created using the Linn County Oregon web mapping application

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the

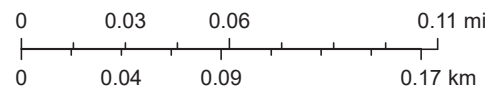
SP 21-03 & CUP 21-02 Vicinity



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- Highways Red: Band_1
- Roads Green: Band_2
- City Limits Blue: Band_3
- Tax Lots 170129_LinnCo_Millersburg.sid
- Red: Band_1



Linn County GIS

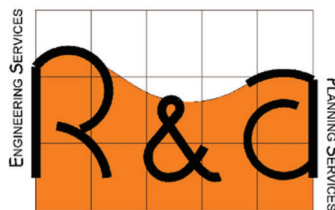
Site Development Review/Property Boundary Adjustment Application

3790 NE Conser Road

Prepared for:

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March 10, 2021

Revised: May 24, 2021

Project Summary

Request:	Application for a Site Development Review to construct five new manufacturing buildings and permit four existing buildings. Application for a property boundary adjustment to modify three properties.
Location:	3790 Conser Road NE Albany Oregon 97321 Linn County Assessor's Maps No. 10s03w21D and 10s03w28, Lots 1500, 401, and 400
Applicant/Owner (Lot 1500):	Greg Brown 5862 Lipscomb Street SE Salem, Oregon 97317 Phone: 503-364-8441 Email: gb.llorn@gmail.com
Applicant/Owner (Lot 401):	Linn County Darrin Lane 300 4 th Avenue SE Albany, Oregon 97321 541-979-4321
Applicant (Lot 400):	Linn Economic Development Group C/O Don Waddell 321 1 st Avenue NE, Suite 3A Albany, Oregon 97321 Phone: 541-967-3919 Email: wadsie@hotmail.com
Owner (Lot 400):	Albany-Millersburg Economic Development Corporation C/O John Pascone 435 1 st Avenue W Albany, Oregon 97321 Phone: 541-926-1519 Email: pasconj@peak.org
Engineer/Planner:	Reece & associates, Inc. 321 1 st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE Planner: Hayden Wooton dave@r-aengineering.com haydenw@r-aengineering.com

Exhibits:

- A – Linn County Assessor's Maps
- B – Aerial Photograph
- C – City of Millersburg Zoning Map

I. Project Description

This Site Development Review application proposes to adjustment the boundaries between three properties and construct five industrial manufacturing buildings at 3790 NE Conser Road in Millersburg, Oregon.

Each of these proposed industrial buildings will be rented to and occupied by various manufacturing operations, as such these buildings are classified as manufacturing uses for the purposes of this application. These five buildings will be constructed throughout the subject property in two phases of construction. Three buildings will be constructed in Phase One. The first building constructed during Phase One will be adjoining the existing 2,120-square-foot storage building. The other two buildings constructed during Phase One will be located near the gravel parking area. These two buildings will be constructed five feet north of the current southern property boundary. The two remaining buildings constructed during Phase Two will be constructed on the land gained during the proposed property boundary adjustment.

Furthermore, this Site Development Review application applies to four existing buildings on the subject property: a single-family dwelling, office building, storage building, and manufacturing building. These buildings were previously constructed without a land use approval and are being acknowledged by this application to correct this non-conforming situation. The proposed site improvements including parking areas, utility connections, landscaping, and stormwater system have been designed to serve both existing and proposed development.

The proposed development conforms to all applicable sections of the Millersburg Development Code (MDC). 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 can be identified by its address, 3790 Conser Road, or as Linn County Assessor's Map No. 10s03w21D, Lot 1500 (Exhibit A). Conser Road is a paved road, has one lane in each direction, and is not currently improved to Linn County's (the road authority) local street standards. This roadway serves as the property's northern boundary. The subject property has two unimproved driveway accesses on this street. Presently, the subject property is a moderately improved industrial site; it is mostly gravel with a few sections of pavement. There are five existing buildings on the property. Four of these buildings are not associated with a past land use approval, as previously discussed. One existing building located near the western property line was constructed under an approved Site Development Review permit. This approval also permitted the gravel storage area near the southwest corner of the property.

Linn County Assessor's Map No. 10s03w28, Lots 400 and 401, are subject to the proposed property boundary adjustment. Both properties have frontage and direct access to Old Salem Road, which intersects with Interstate-5 at the South Jefferson interchange approximately 2.4 miles north, the Murder

Creek interchange approximately 0.8 miles south, and the Knox Butte interchange approximately 2.5 miles south. Linn County is the road authority for Old Salem Road. Lot 400 is currently being developed under City of Millersburg File No. SP18-02.

For Adjacent zones and land uses refer to (Exhibit B for aerial photograph and Exhibit C 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. Property Boundary Adjustments

Per MDC 5.06.050, Decision Criteria, "Approval of a property boundary adjustment shall require compliance with the following criteria." The applicant has provided detailed findings of fact in response to these criteria below:

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

The proposed property boundary adjustment does not create or vacate a parcel. Therefore, the proposed boundary adjustment satisfies with this criterion.

(2) *Following the adjustment, all lots or parcel 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. (Added Response)*

All subject properties are zoned General Industrial by the City of Millersburg and must comply with the area and dimension standards outlined in MDC 2.10.050.

Minimum Lot Size: The General Industrial zoning district does not have a set numerical minimum lot size. Instead, it requires a parcel contain enough area to meet setbacks and comply with other development requirements. As demonstrated by this section of the application narrative, the proposed boundary adjustment complies with required setbacks and development standards.

Minimum Setbacks: There are only two minimum setbacks applicable to these properties: yards adjacent to Old Salem Road and Conser Road. The proposed boundary adjustment does not cause structures on these properties to be situated closer to either roadway. Therefore, the proposed adjustment complies with this standard.

Maximum Lot Coverage: The maximum lot coverage in the General Industrial zoning district is 100 percent coverage. After the proposed boundary adjustment is completed, none of the subject

properties will have achieved 100 percent lot coverage. Therefore, the proposed adjustment complies with this standard.

(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. (Added Response)

The proposed property boundary adjustment does not reduce any required setbacks or place a boundary beneath a structure. Therefore, the proposed adjustment satisfies this criterion.

IV. Site Development Review Criteria

Because the subject property is zoned General Industrial by the City of Millersburg, development must comply with MDC 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 facts demonstrating compliance with the applicable Site Development Review criteria outlined in MDC 5.05.060.

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

This proposal includes nine buildings and several different uses. Six buildings (five proposed and one existing) are intended to be industrial manufacturing operations, as described and permitted in MDC 2.10.020(1)(n). Another existing building, labeled as a storage building, has been included in this classification because it is used in conjunction with the existing on-site industrial buildings.

One existing building, an office, is operated by Pacific Excavation, a general contractor. Consequently, this office building is classified as a construction business, an approved use set forth by MDC 2.10.020(11).

Finally, the existing detached, single-family dwelling can continue to operate on this property as an existing nonconforming use under MDC 3.21.100(1).

MDC 2.10.050, GI Zone Dimensional Standards, details development standards applicable to construction including minimum lot area, minimum setbacks (all yards and yards adjacent to Conser Road), and maximum lot coverage.

Minimum Lot Area: The General Industrial zoning district does not prescribe a strictly defined minimum lot area. Instead, it requires a parcel contain enough area to meet setbacks and comply with other development requirements. As demonstrated by this application narrative, the proposed project complies with required setbacks and development standards.

All Yards (Minimum Setbacks): There are no required setbacks for all yards (zero-foot setback) in the General Industrial zoning district. The proposed development provides five-foot setbacks along the interior property lines. Therefore, this proposal complies with this standard.

Yards Adjacent to Conser Road (Minimum Setbacks): The subject property has frontage on Conser Road; consequently, the proposed development must comply with the required 30-foot front yard setback. At 33 feet from the north property line, the existing office building is the closest structure to Conser Road. All other buildings are setback further than the office. Therefore, this proposal complies with this standard.

Maximum Lot Coverage: Maximum lot coverage in the General Industrial zoning district is 100 percent coverage. After the proposed construction is completed, the entirety of the site will still not be covered by improvements. Therefore, this proposal complies with this standard.

As demonstrated by the applicant's response, the proposed and existing development are permitted in the General Industrial zoning district and complies with all applicable development standards of this zone. Therefore, the proposed development satisfies this criterion.

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 described in Section II of this application narrative, the surrounding properties are primarily industrial in nature. Existing and proposed uses of the subject property are permitted in the General Industrial zoning district, as such these uses have been determined to be compatible with other nearby industrial uses.

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

Noise, Dust, Glare, and Odor: The existing and proposed buildings are not expected to generate significant levels of noise, dust, or glare. Because these are indoor operations, the ability to create noticeable levels of the above-mentioned impacts at the property line is incredibly limited. Additionally, mitigation will be provided through compliance with landscaping standards required by MDC Section 3.09 and the previously discussed setback standards. Unintentional dust production will be limited when travel aisles and parking areas are paved as proposed.

Potential Incompatible Adjacent Uses: The purpose of the General Industrial zoning district, as provide by MDC 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 are free from conflict with other non-compatible land uses*" (emphasis added). This proposal 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 be considered incompatible. Therefore, the proposed development satisfies this criterion.

3. The City may impose conditions of approval intended to mitigate potential impacts including but not limited to:

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

3.a. Provisions for public utilities, including drainage and erosion control needs.

Water: There is a 12-inch waterline located in Conser Road. This waterline already serves existing structures on this property and could serve the proposed development.

Sanitary Sewer: There is an eight-inch sanitary sewer line located in the subject property's frontage. This sanitary sewer line already serves existing structures on this property and could serve the proposed development.

Stormwater Drainage: Impervious surface will be constructed to direct stormwater into the proposed landscape islands, where it will be detained before leaving the project site. Final design details for stormwater facilities will be submitted and reviewed prior to construction of this project.

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

Conser Road is currently not improved to Linn County's standard for a local street; it lacks sidewalks along the subject property's frontage. The applicant is requesting to submit a waiver of non-remonstrance for participation in future street improvements, as permitted in MDC 3.02.030(13).

The proposed development ability to provide for internal circulation and parking facilities is addressed in Section IV of this application narrative. Findings and conclusions from the above-mentioned section are herein incorporated by reference. Therefore, the proposed development satisfies this criterion.

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

As demonstrated by the attached plan sheet, the proposed development complies with the applicable landscaping standards in MDC Chapter 3.09. Compliance with these standards ensures the adequate buffering has been provided. Furthermore, the extent to the proposed development needs to provide buffering from non-compatible uses does not extend past the base requirements outlined in the MDC because it is surrounded by compatible uses. Therefore, the proposed development satisfies this criterion.

3.d. Protections from any potential hazards.

This proposal is not sited within a location identified as containing potential natural hazards. Additionally, the small-scale manufacturing buildings or existing uses are not anticipated to generate any potential hazards. Therefore, this criterion does not apply to the proposed development.

V. General Industrial Zone Development Standards

As required by MDC 2.10.060, Development Standards, proposals in the General Industrial zoning district must comply with the specific standards outlined below. This section of the application narrative provides detailed findings of facts demonstrating compliance with these standards.

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

As required by MDC 3.03.060(1), the proposed development requires 54 parking stalls; the proposed development will construct 54 vehicle parking stalls and 3 bicycle parking stalls. All parking and travel aisles will be paved per MDC 3.03.080(1) and designed per 3.03.080(2)-(3). This proposal does not include buildings large enough to require loading areas. As demonstrated by the applicant's response, the proposed and existing development complies with all applicable development standards of this chapter.

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

This proposal does not include the construction of signage. Therefore, the standards contained in Chapter 3.06 do not apply to the proposed development.

(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 MDC 3.08.030 through MDC 3.08.050. The remaining applicable standard in Chapter 3.08 governs Vision Clearance. Vision clearance triangles demonstrating compliance with these standards are shown on the attached plan sheet. Therefore, the proposed development complies with these standards when necessary.

(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 are for a Site Development Review intended to be processed under the review procedures of Chapter 5.05. Therefore, the proposed development complies with this standard.

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

As an industrial zone, all front and interior setbacks must be landscaped in accordance with Chapter 3.09. However, the proposed development only has one required setback: the front setback from Conser Road. Landscaping as described in MDC 3.09.030(1)(b)(i)-(iv) has been detailed on the attached plan sheet. Also applicable are the parking lot landscaping standards found later in this same chapter. An alternative plan as permitted in MDC 3.09.030(2)(c) has been designed to provide landscaping of at least five percent of the total parking area (please refer to the attached plan sheet for more information). Therefore, the proposed development complies with these standards.

(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.

(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 to the proposed development.

VI. Conclusion

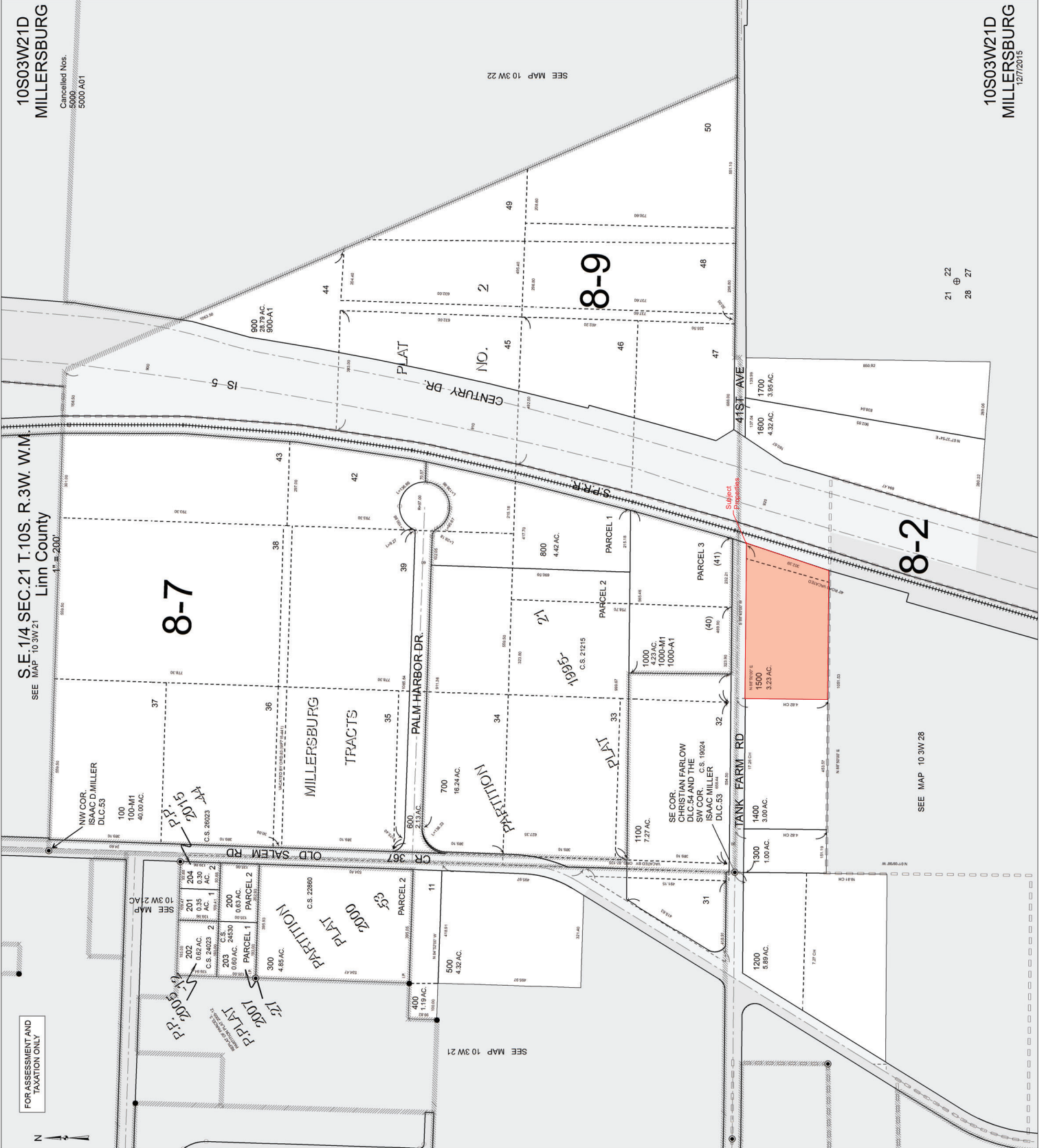
This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Millersburg Development Code are satisfied. We respectfully request approval of this Site Development Review application.

FOR ASSESSMENT AND TAXATION ONLY

10S03W21D
MILLERSBURG
Cancelled Nos.
1000
5000
5000 A01

S.E. 1/4 SEC. 21 T. 10S. R. 3W. W.M.
SEE MAP 10 3W 21
Linn County

10S03W21D
MILLERSBURG
12/7/2015



21 22
28 27

8-2

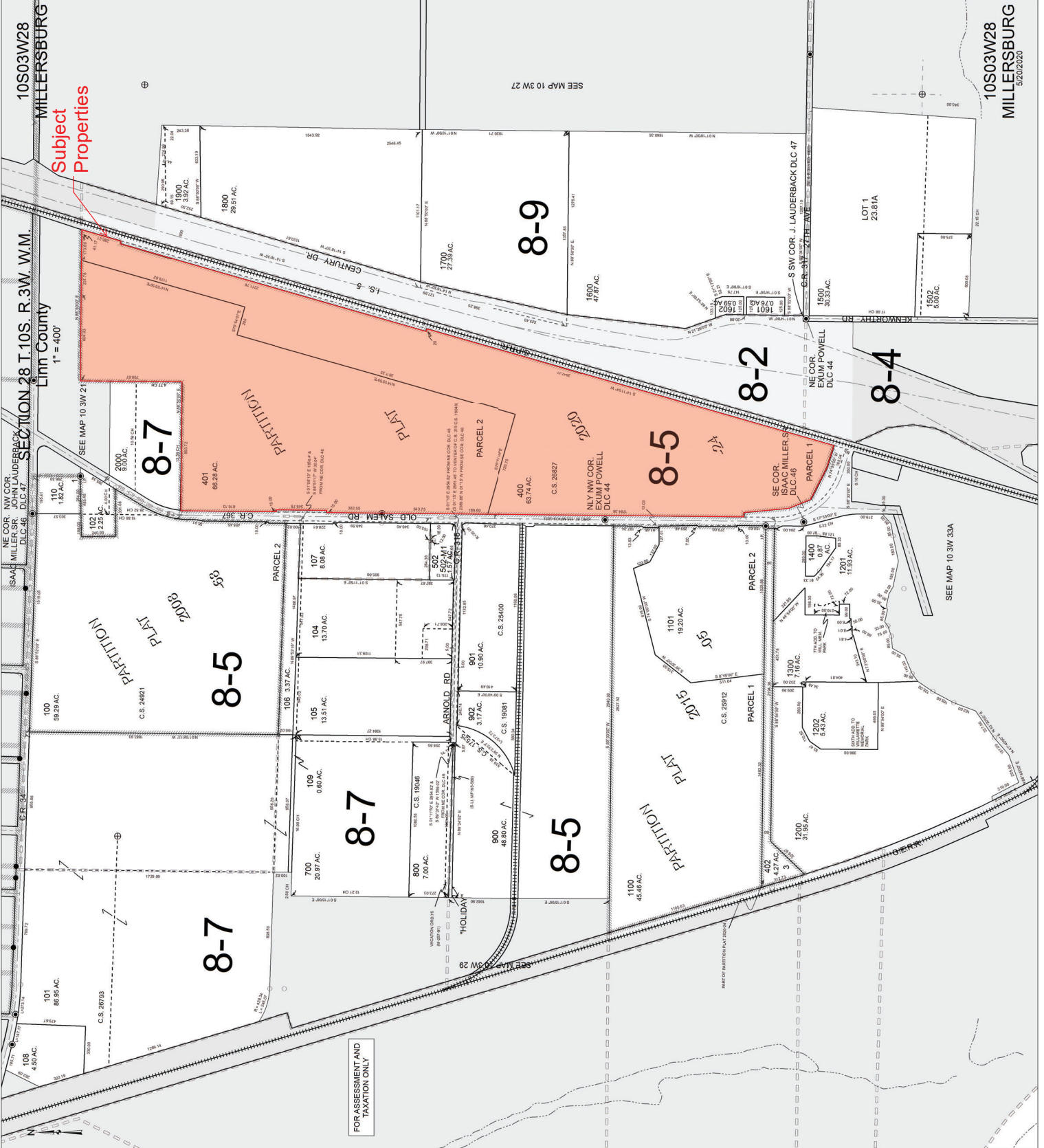
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SEE MAP 10 3W 22

SEE MAP 10 3W 21

SEE MAP 10 3W 28



FOR ASSESSMENT AND TAXATION ONLY

Subject Properties

SECTION 28, T.10S, R.3W, W.M.
Linn County
1" = 400'

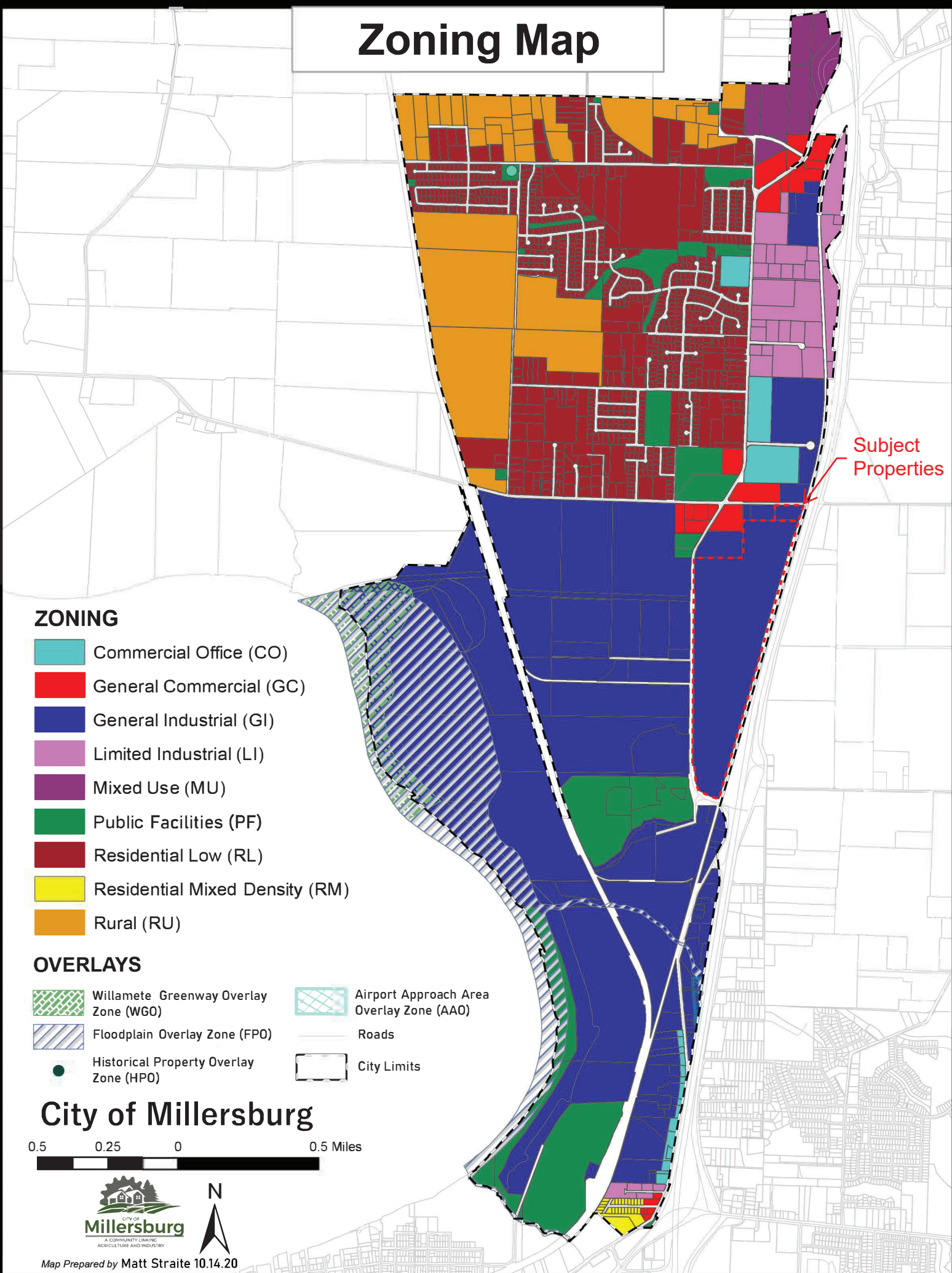
10S03W28
MILLERSBURG

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MILLERSBURG
5/20/2020

FOR ASSESSMENT AND TAXATION ONLY



Zoning Map



Subject Properties

ZONING

- Commercial Office (CO)
- General Commercial (GC)
- General Industrial (GI)
- Limited Industrial (LI)
- Mixed Use (MU)
- Public Facilities (PF)
- Residential Low (RL)
- Residential Mixed Density (RM)
- Rural (RU)

OVERLAYS

- Willamete Greenway Overlay Zone (WGO)
- Airport Approach Area Overlay Zone (AAO)
- Floodplain Overlay Zone (FPO)
- Roads
- Historical Property Overlay Zone (HPO)
- City Limits

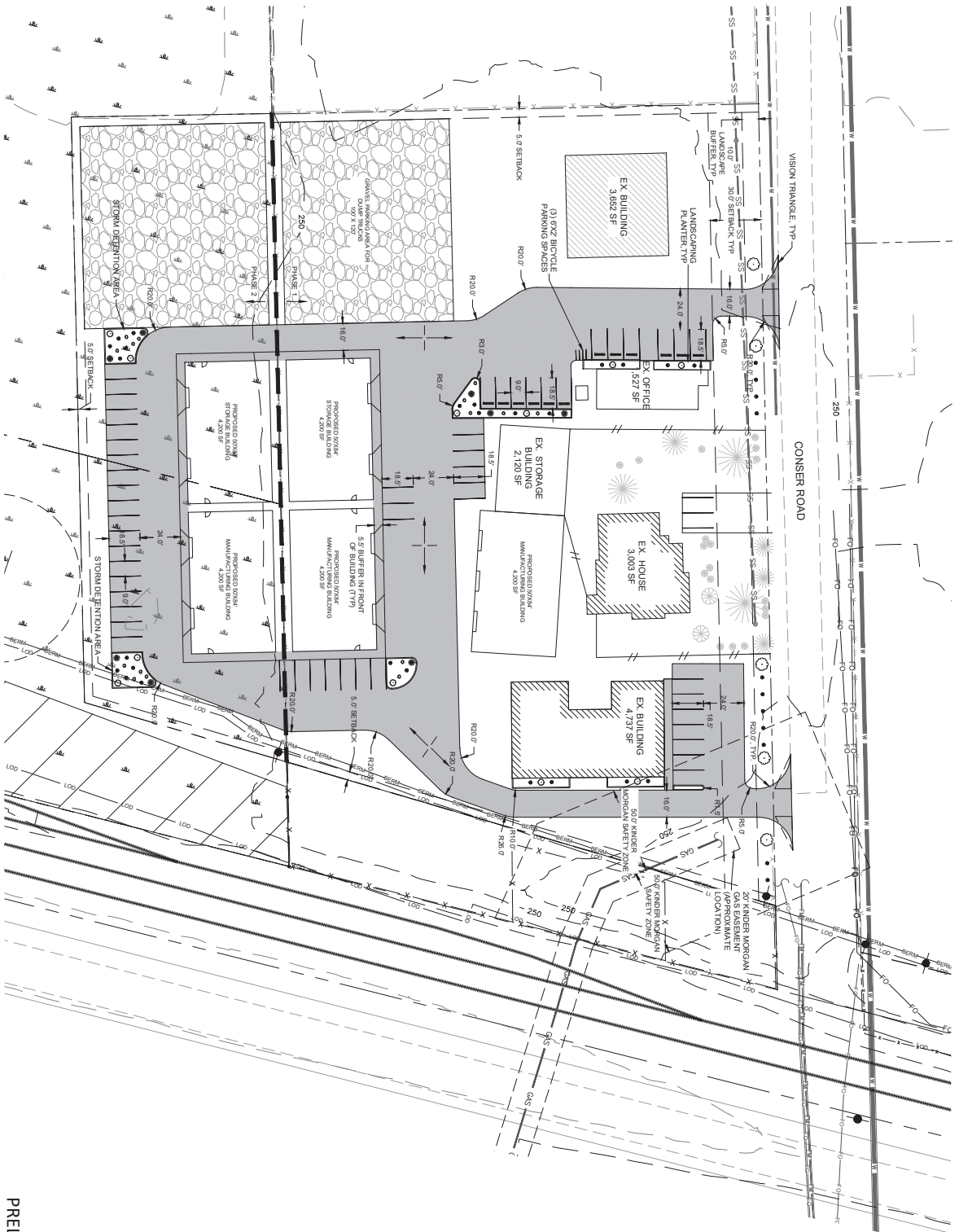
City of Millersburg

0.5 0.25 0 0.5 Miles



3790 CONSER ROAD SITE PLAN

MILLERSBURG, OREGON



CIVIL ENGINEERING:
 REECE & ASSOCIATES, INC.
 C/O DAVI J. REECE, P.E.
 12121 1st Avenue East, Suite 3A
 Albany, OR 97321
 TELEPHONE: 541-926-2428
 FAX: 541-926-2429
 EMAIL: d.j.reece@reeceinc.com

OWNER/APPLICANT:
 GREG BROWN - PROPRIETOR, LLC
 5602 L. PISCOMBI STREET SE
 SALEM, OREGON 97317
 PHONE: 541-444-4411

SURVEYOR:
 C/O DAN WILSON, P.E.
 2796 HICKORY STREET
 MILLERSBURG, OREGON
 TELEPHONE: 541-582-2433
 EMAIL: dan@danwilson.com

SUBJECT PROPERTY:
 LINN COUNTY ASSESSORS MAP: 16550WZ1D
 LOT 1500
 20' WIDE GENERAL INDUSTRIAL ZONE

FLOOD PLAN NOTE:
 THIS SITE IS LOCATED WITHIN ZONE "X" OUTSIDE OF 1% AND
 FLOOD INSURANCE RATE MAPS (FIRM) NUMBERS EDO ON THE
 4/16/2008 R6 - LAST REVISED SEPTEMBER 29TH, 2010
 1/1/2008 R5 - LAST REVISED DECEMBER 15TH, 2010

WATER SYSTEM:
 WATER DISTRIBUTION IS BY THE CITY OF MILLERSBURG
SANITARY SEWER:
 SANITARY SEWER IS BY THE CITY OF MILLERSBURG

LEGEND:
 AC PAVEMENT: [Symbol]
 GRAVEL AREA: [Symbol]
 GRADE BREAK: [Symbol]

LANDSCAPING LEGEND:
 BERBERIS THUNBERGII (ADORNATION)
 QUANTITY: [Symbol]
 SIZE: 1" P
 SPACING: 30' O.C.
 PRUNUS LAROCINENSIS (OTTO LUMBERS)
 QUANTITY: [Symbol]
 SIZE: 3"
 SPACING: 30' O.C.
 SPINOGIA RETICULATA
 QUANTITY: [Symbol]
 SIZE: 1/2"
 SPACING: 30' O.C.
 ULAC TREE
 QUANTITY: [Symbol]
 SIZE: 1/2"
 SPACING: 30' O.C.
 PARROTIA PERSIDA (FRESH AIR PARROTIA)
 QUANTITY: [Symbol]
 SIZE: 1/2"
 SPACING: 30' O.C.

SITE NOTES:
 ASPHALT: 49,200 SF
 LANDSCAPING REQUIRED: 2,488 SF
 LANDSCAPING PROVIDED: 2,488 SF
 PARKING SPACES REQUIRED: 44 SPACES
 PARKING SPACES PROVIDED: 44 SPACES
 BIKE PARKING SPACES REQUIRED: 3 SPACES
 BIKE PARKING SPACES PROVIDED: 3 SPACES

DRAINAGE NOTE:
 STORMWATERS WILL GO INTO LANDSCAPING
 BUFFER AND BE DETAINED BEFORE LEAVING
 PROJECT SITE.

SITE PLAN
 SCALE: 1" = 30'

GRAPHIC SCALE
 (IN FEET)
 1 inch = 30 ft.
 0 15 30 60 90 120

PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	BY
1	08/21/2021	GRB
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100	08/21/2021	GRB

3790 CONSER ROAD
 SITE PLAN
 GREG BROWN PROPERTIES, LLC
 MILLERSBURG, OREGON

REGISTERED PROFESSIONAL ENGINEER
 17/231/22
 PRELIMINARY
 17/231/22

Reece & Associates, Inc.
 321 1st Avenue East, Suite 3A
 Albany, Oregon 97321
 Phone: 541-926-2428
 Fax: 541-926-2426

R&A
 PROJECT NO.
 GBR2002
 DATE: 08/21/2021
 DESIGNED: AUBREY WANN
 CHECKED: D. WANN
 SCALE: AS INDICATED
 SHEET NUMBER: 1.0



NOTICE OF PUBLIC HEARING
August 17, 2021, 6:00 p.m.
Hearing will be in person,
by phone/computer, or both.
See Agenda for details

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing either in person, by phone and online only, or both to consider the request described below. If anyone needs any special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send in written comment or may testify by phone or online 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 Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to 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 can be made in person, by phone or email, or can be viewed at the following web location- <https://www.cityofmillersburg.org/planning/page/current-planning-applications>. 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:** Greg Brown
- LOCATION:** The site address is 3790 NE Conser Road, which is located easterly of Old Salem Road. The project area may also include some portions of the property to the south
- TAX LOT:** Township 10 South; Range 3 West; Section 21D; Tax Lot 01500 and possibly portions of 10S03W2800400 and 401
- PARCEL SIZE:** 3.25 acres for tax lot 1500
- ZONING:** General Industrial (GI)
- REQUEST:** The applicant is proposing to construct two industrial buildings, create a gravel storage area, for light industrial use, and to establish the existing on-site house as a caretakers unit. The new structures are for lease, and no tenants are identified at this time. The application also proposes to entitle four existing structures on the property for caretakers use, office uses, storage uses, and manufacturing. These were all constructed without a prior land use approval. Improvements include parking areas, utilities, landscaping, and stormwater systems.
- CRITERIA:** Millersburg Development Code, Section 5.05.060 and 5.04.050.
- FILE No.:** SP 21-03 & CUP 21-02

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.