

City of Millersburg Tentative Decision:

June 8, 2021

File No: PA 21-02 White Land Partition

Proposal: The applicant is requesting approval to partition a 0.67-acre parcel into two parcels of approximately 19,179 square feet and 10,000 square feet with access from Alexander Lane and the proposed Royal Drive.

I. BACKGROUND

A. Applicant: Perlinfein Properties LLC

Ed Perlinfein

1527 Industrial Way SW Albany, OR 97322

B. <u>Project Location</u>: 2710 NE Alexander Lane

10S 3W 21D Tax Lot 80

C. <u>Review Type</u>: Table 5.01.030 of the Millersburg Development Code explains that a partition requires a Type II review, which is a staff level review with notice provided to the neighbors.

- D. <u>Public Notice</u>: 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 and all responsible agencies on June 8, 2021. The notice provided 14 days to respond.
- E. Review Criteria: Chapter 5.07.060 Partitions
- F. Current Zoning: Residential Low (RL)
- G. Proposed Zoning: N/A
- H. Property Size: 0.67 Gross Acres
- I. <u>Background</u>: The property to the south of the site has been under construction with a proposed subdivision. To the immediate west of the applicant's property is a road that is currently under construction Royal Drive. There is an existing home on the property and a shed. The home is proposed to remain; the shed is not.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on June 8, 2021: City of Albany, Albany Fire Department, Linn County Sheriff's Office (LCSO), City of Millersburg

Engineer, Pacific Power, Linn County Planning and Building Department, 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 June 8, 2021. 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

Section 5.07.060 Partition 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 Residential Low (RL) Zone. The lot dimensional standards in the RL zone are a 10,000 square foot minimum. The proposed parcels approximately 19,179 square feet and 10,000 square feet. All zone standards are met.

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 with conditions of approval.

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

(3) Existing dwellings 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: The tentative partition is proposing two parcels. Parcel 1 features an existing home. Parcel 2 currently features an accessory building that is proposed to be removed. The existing home on parcel 1 meets all setbacks based on the

proposed lot lines. A patio cover exists within the setbacks, which is permitted by the Code (Section 3.08.040).

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 is proposing to leave the current access for Parcel 1 as it is today, taking access form Alexander Lane. These have been added as a condition of approval.

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

IV. STANDARDS

The proposed land division 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 full comply or Code standards that require some analysis to explain how they meet the requirements are shown below.

Section 3.01.030 Application of Public Facility Standards

This section explains the improvements that are required for partitions. All improvements are already constructed, or are being constructed, as part of the Sarah Meadows subdivision currently building south of the project site. A hydrant is shown on the plans for the Sarah Meadows subdivision that will serve the applicant's partition.

ANALYSIS: The Sarah Meadows subdivision has not yet recorded and the streets and the public utilities are not yet been accepted by the City. By the time the applicant's partition (PA 21-02) records, the Sarah Meadows subdivision will likely have recoded and all infrastructure will have been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal, including fire hydrants, storm, sewer, water, and all street improvements between Alexander Lane and the proposed driveway location to Parcel 2. This has been captured in a condition of approval.

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

CONDITIONS OF APPROVAL:

• In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted by the time PA 21-02, the White

Partition, records, the applicant's partition will be responsible to build all infrastructure required to address the applicant's proposal, including fire hydrants, storm, sewer, lighting, water, and all street improvements between Alexander Lane and the proposed driveway location to Parcel 2.

Section 3.02.030 General Street Provisions

All streets must be built to conform with the Transportation System Plan. The street must follow logical patterns, provide for the continuation of streets within and outside of the proposed project site, provide for future street extensions, and provide improvement of any unimproved street adjacent to the property.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Parcel 1 will take access from Alexander Lane, which is fully improved. Parcel 2 proposes to use Royal Drive. Assuming Royal Drive is completed and accepted, all access exists and is constructed.

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

Section 3.02.070 Sidewalks

All development in the City is required to construct sidewalks. A partition is considered development. While sidewalks can be deferred, the project must meet the requirements of a subdivision which requires full sidewalk construction.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Sidewalks exist along Alexander Lane. There are no sidewalks planned or proposed for the west side of Royal Drive, though sidewalks are under construction on the east side of Royal Drive. No additional sidewalks are required for the proposed partition.

FINDING: Based on the analysis above, with conditions of approval, 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: The Sarah Meadows subdivision does not include any accommodations for drainage on the proposed partition. A storm drainage plan was not provided by the applicant but will be required to assure the project meets the standards of

this section. A condition of approval has been added to require the submittal and approval of a plan prior to any development of the property.

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

CONDITION OF APPROVAL:

Prior to City approval of the final plat, the applicant shall submit for approval
a storm drainage plan for the site, including public infrastructure, that meets
all the requirements of the Millersburg Development Code Chapter 3.04, to
the satisfaction of the City Engineer. Construction of the approved storm
drainage facilities is required prior to approval of the final plat.

Section 3.05 Utility Lines and Facilities

All development in the City is required to provide for connection to utilities. A partition is considered development. All public facility improvements are required to be designed and constructed in compliance with Engineering Standards.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Proposed water and sewer connections are shown on the proposed map for parcel 2. Construction of approved utilities is required prior to approval of the final plat.

FINDING: Based on the analysis above, with conditions of approval, 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.
- o 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.
- o Through lots shall be avoided.
- o Lot lines shall run at right angles when possible.
- o Utility easements may need to be provided.

ANALYSIS: The project proposes two parcels. Parcel 1 is proposed to be about 230 feet deep and about 88 feet wide; parcel 2 is proposed to be about 120 feet deep and about 88 feet wide. These meet the lot to width ratio requirements. Parcels 1 and 2 have more than the 40 feet of frontage required. None of the parcels are considered through parcels, and all lot lines are some form of a right angle.

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

Section 4.02.050 Improvement Requirements - Partition

Required improvements include:

- o Paved access.
- o Dedication of any needed street right-of-way.
- Street improvements.
- o Public facilities.

ANALYSIS: As noted above, the Sarah Meadows subdivision has not yet recorded and the streets and the public utilities and not yet been accepted by the City. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted, the applicant will be responsible to build all infrastructure required to address the applicant's proposal. Alexander Lane is fully improved. Royal Drive is currently being improved. No additional improvements are required should the subdivision record and all streets are accepted.

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

V. TENTATIVE ACTION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff tentatively approves the Partition Application No. PA 21-02, White Partition, pursuant to the conditions of approval listed below. A final determination will be issued after the agency/public comment period and all comments are taken into consideration.

VI. CONDITIONS OF APPROVAL

General Conditions

- Development and construction on the site shall conform substantially to the tentative partition development plans submitted by the applicant, dated 1/4/21 and included in 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). All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
- 2. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
- 3. 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.
- 4. Proposed Parcels must connect to City water and sewer.

5. In the event that the Sarah Meadows subdivision does not record and the public utilities have not been accepted by the time PA 21-02, the White Partition, records, the applicant will be responsible to build all infrastructure required to address the applicant's proposal, including fire hydrants, storm, sewer, lighting, water, and all street improvements between Alexander Lane and the proposed driveway location to Parcel 2.

Prior to Approval of the Final Plat

- 6. The applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter have been met.
- 7. 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.
- 8. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
- 9. The Final Plat shall include any required access or utility easements.
- 10. Prior to City approval of the Final Plat, the applicant shall submit for approval a drainage plan for the site that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer.
- 11. Prior to City approval of the Final Plat, the application shall construct all required drainage facilities or provide bonding (or similar) for all improvements approved by the City.

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.

- Connection Charges for water, sewer, street, and stormwater are not applicable to this
 project. The applicant may request a Reimbursement Agreement for constructed water
 and sewer infrastructure, in accordance with the City's adopted connection charges
 policy.
- 2. All roof drains and yard drainage must be piped or trenched to an approved discharge point.
- 3. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.

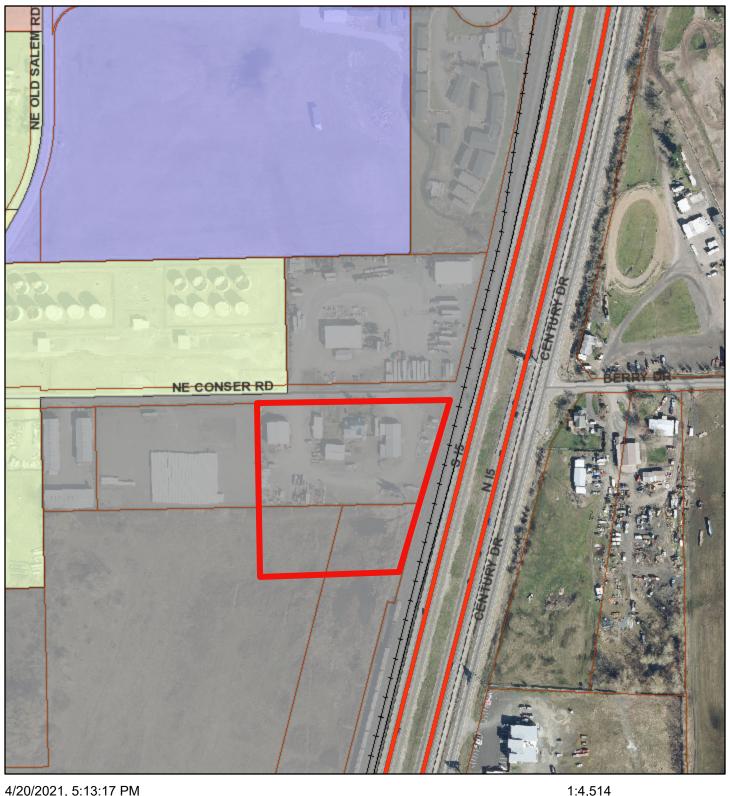
- 4. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
- 5. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
- 6. The Final Plat shall include any required access or utility easements.
- 7. All agreements required as conditions of this approval must be signed and recorded.
- 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. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
- 10. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Millersburg Development Code.
- 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 Final Plat application; Final Plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies 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.
- 19. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

IX. EXHIBITS

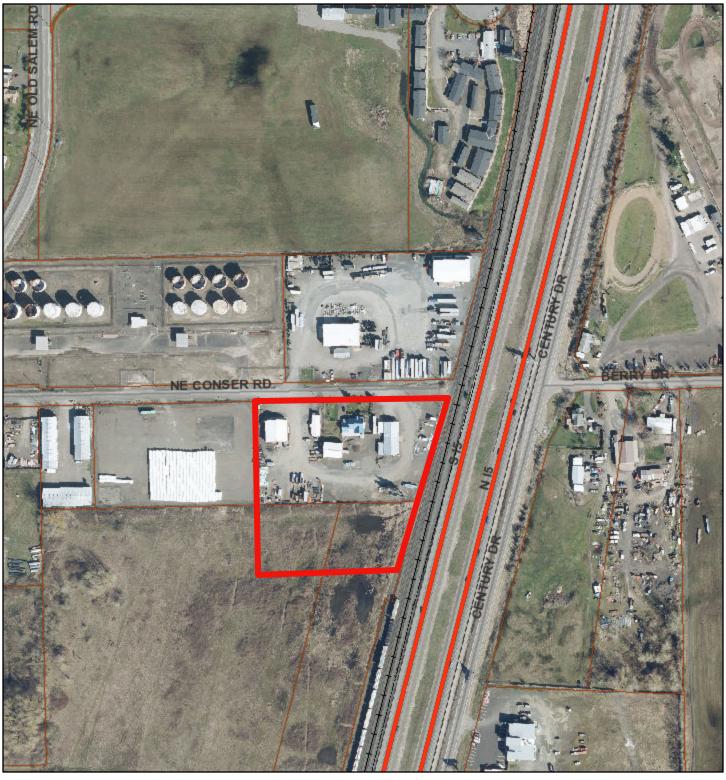
- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative

SP 21-03 Zoning





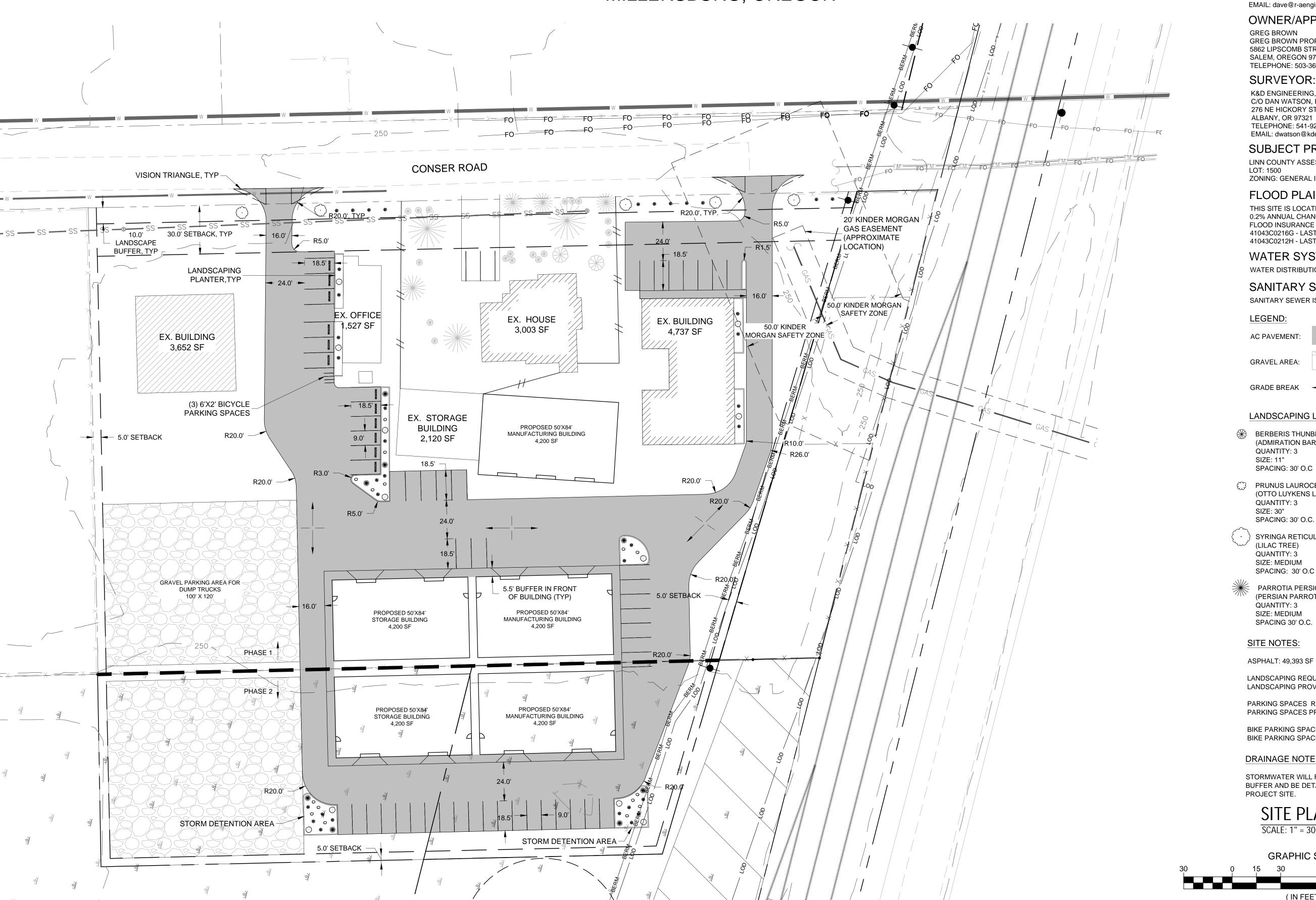
SP 21-03 Vicinity





3790 CONSER ROAD SITE PLAN

MILLERSBURG, OREGON



CIVIL ENGINEERING:

REECE & ASSOCIATES, INC C/O DAVID J. REECE, PE 321 FIRST AVENUE EAST SUITE 3A ALBANY, OR 97321 TELEPHONE: 541-926-2428 EMAIL: dave@r-aengineering.com

OWNER/APPLICANT:

GREG BROWN GREG BROWN PROPERTIES, LLC 5862 LIPSCOMB STREET SE SALEM, OREGON 97317 TELEPHONE: 503-364-8441

SURVEYOR:

K&D ENGINEERING, INC. C/O DAN WATSON, PE 276 NE HICKORY STREET ALBANY, OR 97321 TELEPHONE: 541-928-2583 EMAIL: dwatson@kdeng.com

SUBJECT PROPERTY:

LINN COUNTY ASSESSORS MAP: 10S03W21D ZONING: GENERAL INDUSTRIAL ZONE

FLOOD PLAIN NOTE:

THIS SITE IS LOCATED WITHIN ZONE "X", OUTSIDE OF 1% AND 0.2% ANNUAL CHANCE FLOODPLAIN AS DESIGNATED ON THE FLOOD INSURANCE RATE MAPS (FIRM) NUMBERS: 41043C0216G - LAST REVISED SEPTEMBER 29TH, 2010 41043C0212H - LAST REVISED DECEMBER 8TH, 2016

WATER SYSTEM:

WATER DISTRIBUTION IS BY THE CITY OF MILLERSBURG

SANITARY SEWER:

SANITARY SEWER IS BY THE CITY OF MILLERSBURG

LEGEND:

AC PAVEMENT

GRAVEL AREA: GRADE BREAK

LANDSCAPING LEGEND

BERBERIS THUNBERGII ADMIRATION (ADMIRATION BARBERRY) QUANTITY: 3 SIZE: 11" SPACING: 30' O.C

PRUNUS LAUROCERASUS 'OTTO LUYKENS' (OTTO LUYKENS LAUREL) QUANTITY: 3 SIZE: 30"

SYRINGA RETICULATA (LILAC TREE) QUANTITY: 3 SIZE: MEDIUM SPACING: 30' O.C

PARROTIA PERSICA (PERSIAN PARROTIA) QUANTITY: 3 SIZE: MEDIUM SPACING 30' O.C.

SITE NOTES:

ASPHALT: 49,393 SF

LANDSCAPING REQUIRED: 2,469 SF LANDSCAPING PROVIDED: 2,469 SF

PARKING SPACES REQUIRED: 54 SPACES PARKING SPACES PROVIDED: 54 SPACES

BIKE PARKING SPACES REQUIRED: 3 SPACES BIKE PARKING SPACES PROVIDED: 3 SPACES

DRAINAGE NOTE:

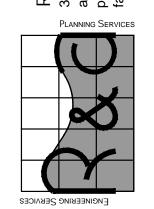
STORMWATER WILL FLOW INTO LANDSCAPING BUFFER AND BE DETAINED BEFORE LEAVING PROJECT SITE.

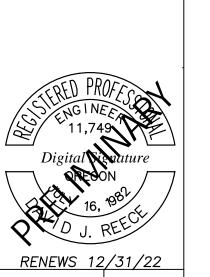


GRAPHIC SCALE

(IN FEET) 1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION





PROPERTIES, I URG, OREGON

BROWN MILLERSBU

790

3

PLAN REVISIONS No. | DATE | BY

R&a PROJECT NO. GBP2002

DATE | 04-23-2021 DESIGNED | A.HERRMANN ENGINEER | D. REECE CHECKED | J. WHITE SCALE | AS INDICATED

SHEET NUMBER -

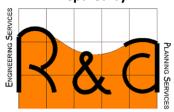
Site Development Review/Property Boundary Adjustment Application

3790 NE Conser Road

Prepared for:

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

Prepared by:



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: May 24, 2021 **Project Summary**

	1 Toject 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.

<u>Minimum Lot Size</u>: 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.

<u>Minimum Setbacks</u>: 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.

<u>Maximum Lot Coverage</u>: 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.

<u>Minimum Lot Area</u>: 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.

<u>All Yards (Minimum Setbacks)</u>: 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.

<u>Yards Adjacent to Conser Road (Minimum Setbacks)</u>: 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.

<u>Maximum Lot Coverage</u>: 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.

<u>Traffic Flow</u>: 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.

<u>Potential Incompatible Adjacent Uses</u>: 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 <u>are free from conflict with other non-compatible land uses</u>" (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.

<u>Water</u>: 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.

<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 existing structures on this property and could serve the proposed development.

<u>Stormwater Drainage</u>: 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 Visions 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.

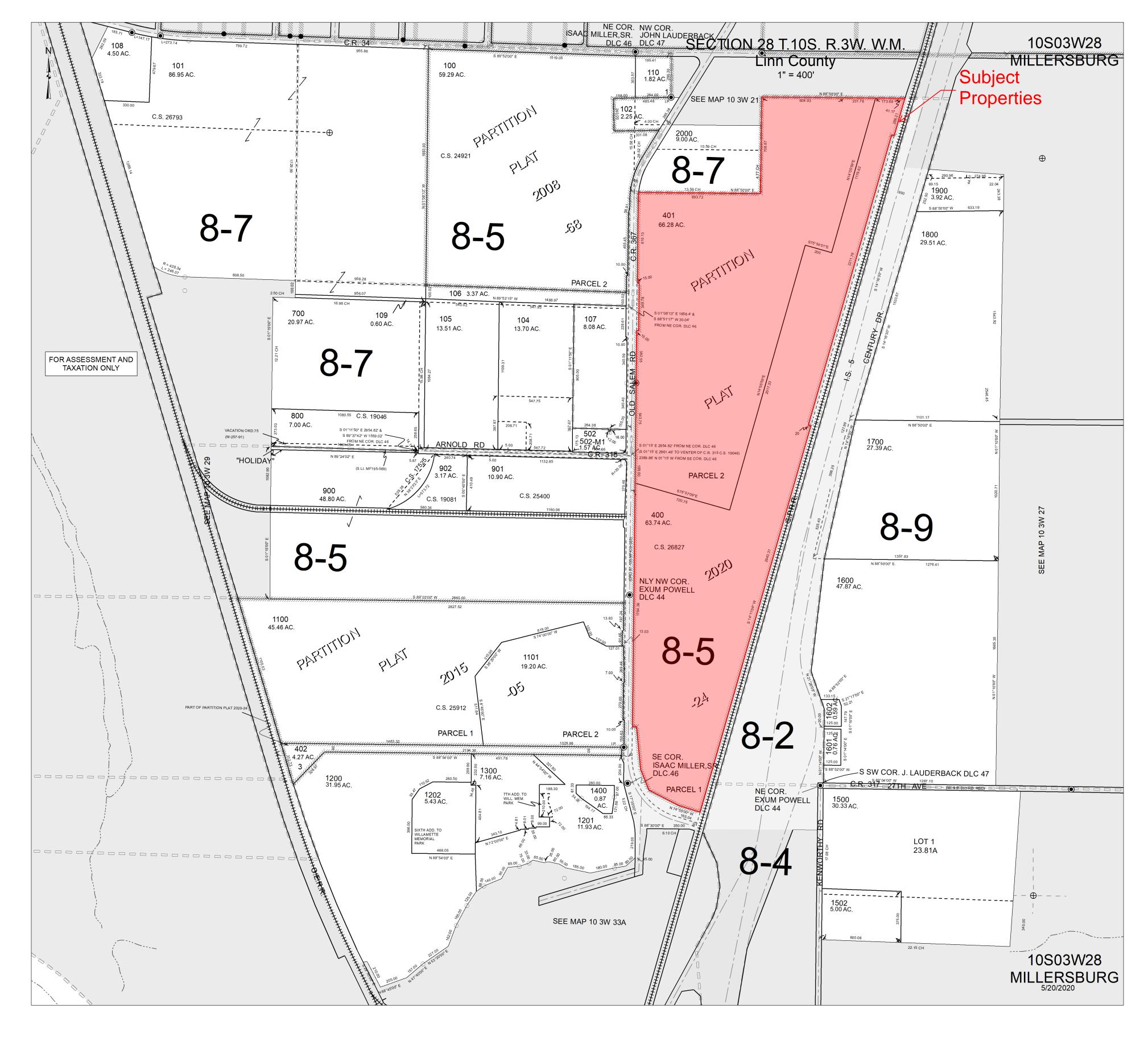
(7) Environmental performance standards may limit placement of certain uses in the zone if the site is located within 300 feet of residential zoned land.

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

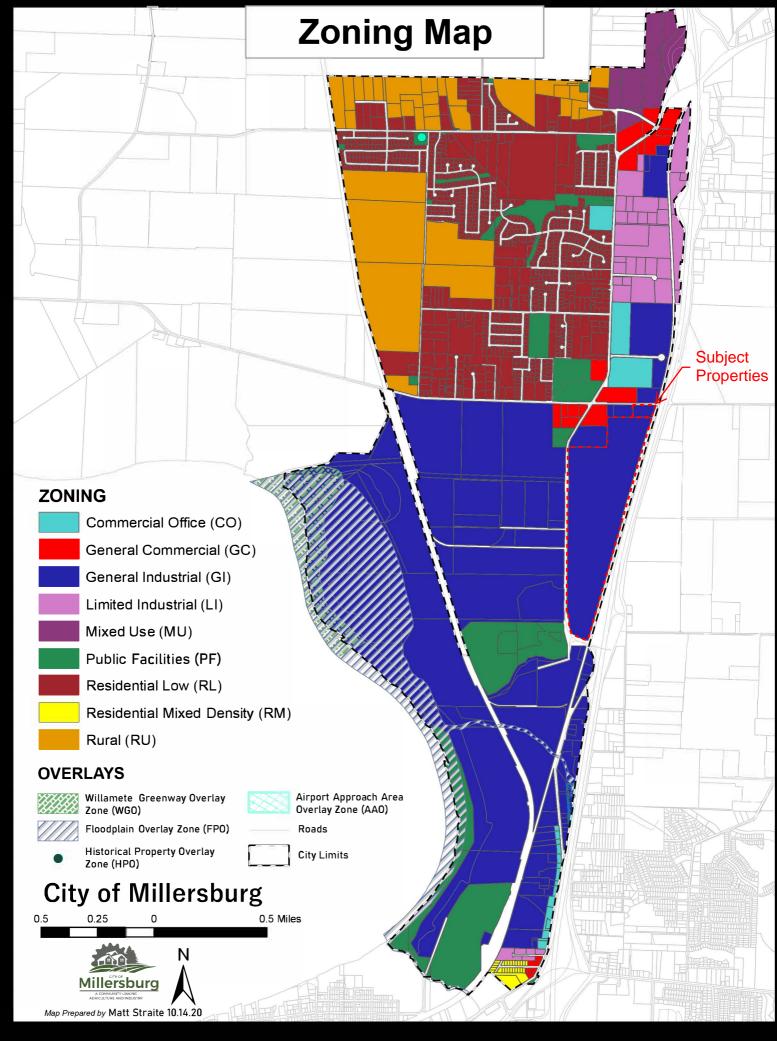
This application narrative and accompanying plan set demonstrate that all applicable provisions of the City of Millersburg Development Code are satisfied. We respectfully request approval of this Site Development Review application.







Source: City of Albany Info Hub



TO: Matt Straite, City Planner

FROM: Janelle Booth, Millersburg City Engineer

DATE: June 8, 2021

SUBJECT: SP 21-03 - Engineering Comments

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

- 1. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
- 2. 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.
- 3. Conser Road: Conser Road fronting this property is a Linn County Road. Applicant shall comply with all requirements of the Linn County Road Department.

4. Stormwater:

- a. 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.
- b. 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.
- 5. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
- 6. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.

- 7. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.
- 8. All applicable System Development Charges (SDCs) will be due at time of building permits.



TO: Matt Straite, Planner

FROM: Lora Ratcliff, Fire Marshal

DATE: June 2, 2021

SUBJECT: SP-21-03 – 3790 Conser Rd NE – Commercial Development - Fire Department

Comments

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments, which are based on limited information provide for the pre-application meeting and are subject to change.

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

- 1. Due to both structures having the same address, each structure will be required to be identified with a letter designation, such as "A" and "B". Minimum size 10", contrasting in color, in the upper third of each structure, and visible from the access road.
- 2. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an <u>approved</u> route of travel around the exterior of the structure. (OFC 503.1.1)

This project utilizes an access easement which will double 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.

- 3. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)
- 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.

The Albany Fire Department does not accept the use of Grasscrete, Geoblock or other engineered surface pavers that allow for grass to grow up through the pavers to meet the requirement as an all-weather surface.

- 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 for shall be as specified in Appendix B of the fire code. (OFC 507.3)
- The location and spacing requirements for fire hydrants are based on four project-specific criteria:

Page 2 June 2, 2021

- The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
- The calculated "fire flow" of the proposed building(s)
- The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.
- The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

The requirements for fire hydrants for this proposed project will be based on the following requirements:

a. <u>Fire hydrant location</u>: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 507.5.1)

Future plans shall show the distance(s) to existing and proposed hydrants.

b. Required hydrants based on the required fire flow as calculated in accordance with OFC 503.7 and OFC Appendix B. The minimum number of fire hydrants is determined by OFC Table C105.1.

Future plans shall indicate the calculated fire flow and hydrants required. Each fire hydrant shall be capable of supplying a minimum of 1,500 gpm at a minimum of 20 psi as a single point flow.

c. <u>Required</u> fire hydrant spacing will be based upon your required fire flows as determined by OFC Appendix C105.1 and Table C105.1. Please note that dead end roads require a reduced spacing.

The required fire hydrant spacing for this proposed project will be in accordance with OFC Table C105.1.

d. <u>Fire hydrant spacing along new/required fire apparatus access roads</u>. In addition, OFC Section C103.1; requires the placement of additional hydrants along all of your required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through your private property with spacing requirements per Appendix C 105.1. (See 2009 ICC Commentary, Appendix C-1, Section C103.1).

It appears at least one new fire hydrant will be required. The locations of existing and any new proposed fire hydrants need to be shown on future submittals.

LAR/lar

Lora Ratcliff
<u>Lora.ratcliff@cityofalbany.net</u>
541-917-7728



NOTICE OF PUBLIC HEARING

Special COVID 19 Process, Read Carefully
June 15, 2021, 6:00 p.m.

By Phone or Online ONLY
See Agenda for log-in details

Due to the COVID-19 situation, the **MILLERSBURG PLANNING COMMISSION** will hold a public hearing <u>by phone and online only</u> to consider the request described below. The City is taking this precaution to keep the Planning Commission, the applicant, staff, and the public safe. 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 five industrial buildings for light industrial use.

They are for lease, and no tenants are identified at this time. The application also proposes to entitle four existing structures on the property for single family 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

FILE No.: SP 21-03

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

SP 21-03 Vicinity

