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No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting. Microphones will be muted, and webcams will be turned off for remote participants unless called upon to speak or during public comment period.

Persons shall not comment or testify without first receiving recognition from the presiding officer and stating their full name and city of residence.

During public hearings no person shall present irrelevant, immaterial, or repetitious testimony or evidence.

There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting. If online participant(s) disrupt the meeting, the participant(s) microphone and webcam will be turned off. If disruption continues, the participant(s) will be removed from the meeting.

PLANNING COMMISSION PUBLIC HEARING

Millersburg City Hall
4222 NE Old Salem Road, Millersburg, OR 97321
May 2, 2023 @ 6:00 p.m.

Planning Commission meetings are in-person. Remote access continues to be available. Instructions for joining are at <https://www.cityofmillersburg.org/bc-pc/page/planning-commission-public-hearing-1>. If you need additional support, please contact City Hall prior to 5:00 p.m. on Monday, May 1, 2023.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/1167491335>

Phone number to join meeting: 503-212-9900

Meeting ID: 116 749 1335

A. CALL TO ORDER

B. ROLL CALL

C. MEETING MINUTE APPROVAL

- 1) Approval of April 4, 2023, Planning Commission Minutes
Action: _____

D. PUBLIC HEARING

File No: SP 23-01 & PA 23-01

Site Development Review and Partition for Pure Energy Group

The applicant is proposing concurrent review of a Tentative Partition for a two-lot split, one parcel is proposed to be 4.50 acres and the second parcel is proposed to be 1.25 acres, and a Site Development Review for a new 7,480-square-foot building for a solar sales and installation facility that will include an office, showroom open to the public, warehouse/ storage space and 15 parking spaces with landscaping.

E. PLANNING UPDATE

F. ADJOURNMENT

Upcoming Meeting(s):

<https://www.cityofmillersburg.org/calendar>

If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.



PLANNING COMMISSION PUBLIC HEARING MINUTES

4222 NE Old Salem Road

Millersburg OR 97321

April 4, 2023

6:00 p.m.

A. CALL TO ORDER: Commission Vice-Chair called the meeting to order at 6:01 p.m.

B. ROLL CALL:

Members Present: Vice-Chair Wil Canate; Commissioners Monte Ayers, Ryan Penning, Caryl Thomas and Jason Young

Members Absent: Chair Anne Peltier and vacant

Staff Present: Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Janelle Booth, Assistant City Manager/City Engineer; and Alan Sorem, City Attorney

C. MEETING MINUTE APPROVAL

6:01 p.m.

ACTION: Motion to Approve the February 7, 2023, minutes as written, made by Commissioner Monte Ayers; seconded by Commissioner Jason Young.

Commissioner Ayers: Aye

Vice-Chair Canate: Aye

Commissioner Penning: Aye

Commissioner Thomas: Aye

Commissioner Young: Aye

Motion Passed: 5/0

D. PUBLIC HEARING

6:03 p.m.

Vice- Chair Wil Canate opened the Public Hearing at 6:03 p.m.

File No: DC 23-01

The City of Millersburg is proposing a minor update the Transportation System Plan (TSP) to make small updates including, but not limited to:

1. remove the southern portion of the proposed Greenway recreational trail,
2. add a new street to the plan called NE Transition Parkway,
3. and add a multi-use trail to a new linear park along the south side of NE Conser Road.

The TSP also acts as the Transportation Chapter of the City's Comprehensive Plan; therefore, this is considered a post-acknowledgment Comprehensive Plan Amendment.

Community Development Director Matt Straite stated that this is a minor update. This is a minor level that allows the City to make changes without triggering more expensive TSP requirements. The TSP doubles as the Transportation element in the Comprehensive Plan, which makes this a Comprehensive Plan amendment. This is a legislative case; the Planning Commission makes a recommendation to the City Council.

Straite stated that the updates being proposed has multiple changes, a strike-through version is attached to the staff report*.

Straite highlighted three of the proposed changes. The first change is a new street, Transition Parkway, which has been mentioned to the Planning Commission in the past. The update proposes to designate Transition Parkway as an arterial and Conser Road will become a local street once Transition Parkway is completed. As part of the same project, the City is proposing to add a new linear park, between Conser Road and Transition Parkway. This will feature a berm, with trees and a new path. The park is not part of the TSP update, because it is not a transportation facility, but there will be a path and trail added. The 2016 TSP called for new sidewalks, staff proposes to remove this section because there will be a new path. The Greenway trail, south of Conser Road, is being proposed to be removed. No work was ever done to the trail and the property that the trail was proposed to go through has been removed from the City. Also, industrial development is proposed on portions of the property. He added that there has been an increase in the homeless population at Simpson Park and this path would allow more of an increase due to the pathway. Staff believe it is a safety issue and asked for the removal of it.

Straite stated that in order to approve the proposed project, the City has to meet the criteria from the City, State and must be consistent with other transportation plans. The City criteria in Code section 5.11.030 includes four criteria. It must have no negative impacts from the proposed updates. The new street will not increase the demand or need for additional capacity. Removing the trail will help prevent additional unsanctioned homeless camps. Second, there must be a need. The TSP is not a static document. The buffer, new patterns and removal of the trail were needed based on City Council direction. Third, all State requirements must be met. The last is that the TSP update must implement the TSP and the City Council must deem it desirable. The proposal meets all City requirements.

Straite continued to State requirements. The TSP must meet State goals, if it complies with the Comprehensive Plan then it complies with the State Goals, the details are included in the staff report*.

Straite explained that the State recently changed the rules, but because this is a minor update it does not trigger those requirements. He said he had contacted the Department of Land Conservation and Development (DLCD) to confirm that. A minor update is allowed. The TSP update does not change any standards, and therefore complies.

The TSP update must be consistent with other applicable Transportation Plans. These include Linn County TSP, the Albany TSP and the regional Transportation plan, which is the Albany Area Metropolitan Planning Organization Transportation Plan (AAMPO TSP) and the Oregon Department of Transportation (ODOT) Statewide Transportation Improvement Program. The staff report goes through each of these.

Straite stated that the proposed updates conform with all the other transportation plans and staff recommends approval.

No one from the public wished to speak.

Councilor Ryan Penning asked if it would include a light at Old Salem Road. Straite replied to the TSP doesn't it addresses traffic. Assistant City Manager Janelle Booth added that the TSP update doesn't do it but at the intersection it is possible.

Straite stated that the City is planning a more global and traffic analysis, it has started but it is a multi-year process and funding resources.

Councilor Jason Young asked about the timeframe for Transition Parkway. Booth explained that it is in the design phase and has been in the process for years. The schedule calls for a bid for construction in January of 2024. Straite stated an open house for the community will be on April 5, 2023. Booth added that the Fire Station was located and constructed intentionally, the road will be the same and share access.

Vice- Chair Wil Canate closed the public hearing at 6:20 p.m.

ACTION: Motion that the Planning Commission recommend approval of DC 23-01 to the City Council because all applicable criteria are met, and all findings of fact are included in the staff report made by Commissioner Monte Ayers; seconded by Commissioner Caryl Thomas.

Commissioner Ayers:	Aye
Vice-Chair Canate:	Aye
Commissioner Penning:	Aye
Commissioner Thomas:	Aye
Commissioner Young:	Aye

Motion Passed: 5/0

E. PLANNING UPDATE

6:21 p.m.

Straite shared that Chair Peltier will no longer be able to serve at the end of summer, Commissioner Briggs Dunn has already resigned, and Commissioner Jason Young is moving out of the City. There are some potential new Commissioner's that hopefully will be presented at the next City Council meeting for confirmation.

ADJOURNMENT: Meeting adjourned by Commission Vice-Chair Canate at 6:23 p.m.

Respectfully submitted:

Reviewed by:

Sheena Dickerman
City Recorder

Matt Straite
Community Development Director

DRAFT



File No: SP 23-01 & PA 23-01 Site Development Review and Partition for Pure Energy Group

Proposal: The applicant is proposing concurrent review of a Tentative Partition for a two lot split, one parcel is proposed to be 4.50 acres and the second parcel is proposed to be 1.25 acres, and a Site Development Review for a new 7,480-square-foot building for a solar sales and installation facility that will include an office, showroom open to the public, warehouse/ storage space and 15 parking spaces with landscaping.

I. BACKGROUND

- A. Applicant: Pure Energy Group
- B. Location: Easterly of NE Old Salem Road and southerly of NE Conser Road.
- C. Review Type: The proposed Site Development Review requires a hearing before the Planning Commission. The Tentative Partition follows the Site Development review to Planning Commission based on the Millersburg Development Code section 5.16.010. The Planning Commission is scheduled to hold a hearing on the application on May 2, 2023. 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, and sent to all who subscribe to the land use email list on April 12, 2023, and posted on the City's website here - <http://cityofmillersburg.org/planning-commision/>
- E. Review Criteria: Millersburg Development Code; Section 5.05.060 & 5.08.060 (pursuant to 4.02.020 the subdivision criteria apply)
- F. Current Zoning: General Commercial (GC)
- G. Proposed Zoning: N/A
- H. Property Size: 5.76 Acres
- I. Background: The parcel currently features one commercial/industrial concrete tilt-up structure, outdoor storage area, and about 2/3 of the lot is vacant. The property owner is working with the applicant to divide the property to place a new structure, on its own lot, to the rear of the existing structure. No new street is proposed, but a cherry stem access is proposed with the partition to provide individual access to the proposed new lot. The rest of the property is, and has been, for sale or lease.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's materials were transmitted to the following agencies/departments on March 30, 2023: City of Albany, Albany Fire Department, City of Millersburg Engineer, PacificCorp, Linn County Planning and Building Department, Linn County GIS, and Northwest Natural Gas. To date, comments have been received from Fire, the City Engineer, and the County Road Department.

Public:

Notice of the May 2, 2023 hearing was mailed to all property owners within 200 feet of the property on April 10, 2023. To date, no written comments from the public have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The project consists of two different entitlements- a site development review and a partition, each has separate criterion. Both are reviewed below.

Tentative Partition:

Chapter 5

Pursuant to section 4.02.020(3) the applicable criteria for the project would be the subdivision criteria, not the partition criteria. This is because the project includes proposed parcels that are large enough to be re-divided in the future.

Section 5.08.060 Subdivision Decision Criteria

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

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

ANALYSIS: The proposed partition is in the GC Zone. Therefore, the standards contained in Section 2.08.050 apply. There is a 5,000-square-foot minimum lot size, all lots are larger than 5,000 square feet. The smallest proposed parcel is 1.25 acres or 54,450 square feet. There are no setbacks because the property is not located adjacent to any residential zones. The height limit is reviewed in more detail in the next section, for the site development review. The maximum lot coverage is also discussed more in the next section, but the design of the lots will be large enough to allow consistency with the lot coverage.

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 buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.**

ANALYSIS: The property features one concrete tilt up building that has been occupied for some time. This existing structure is located on the proposed parcel 1. The new proposed lot lines will not result in any setback violations for the existing or the proposed structure in the GC Zone.

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. Adequate means the development will not cause streets (including sidewalks, intersections, and traffic control devices), sewer facilities, water facilities, and storm drainage facilities to exceed the relevant capacity for each type of facility established in the most recently adopted, Sewer Master Plan, Water Master Plan, Storm Water Master Plan, and the Transportation System Plan development in accordance with the State Transportation Planning Rule for which the determination will be made in accordance with Section 3.02.120. Adequacy can be established in three ways:**

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

ANALYSIS: Access: The proposed project site fronts NE Old Salem Road and NE Conser Road. The existing structure appears to have been designed with the intention of additional development on the property. Because it is located at the corner, and because NE Old Salem Road is an arterial, access to the site is limited. The development on the property is proposing to share access. The new proposed parcel 2 is located to the rear of the existing structure. Access is proposed to use an existing driveway. There are no new streets proposed, all access will be internal to the site. Lot 2 would be considered a flag lot, with frontage on NE Old Salem Road. The code includes specific requirements for flag

lots, which will be discussed later in this report; however, the access strip (cherry stem) is required to be at least 20 feet wide. The proposed map complies with this, only with the inclusion of 9-foot reciprocal access easement. This is needed because there is existing utility infrastructure that cannot be moved. Parking located along the south side of the existing building can remain without impacting the proposed access to the new building on parcel 2. It should be noted that the existing trash enclosure for the existing building will need to be re-located in order to not block the proposed access drive. This is shown on the site plan.

Water, Storm, and Sewer: The applicant's narrative explains:

Section 3.05 requires all development in the city to provide for connection to utilities. All public facility improvements are required to be designed and constructed in compliance with Engineering Standards.

Site development is defined under Chapter 1.02 as follows: Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials excavating, or drilling operations.

The submittal and approval of a utility design plan(s) and construction of approved utilities will be provided prior to the issuance of any building permits (i.e., at the time of site development).

Staff concurs with the applicant's statements. The partition needs to show that the utilities are available to the site. All required utilities are available along NE Old Salem Road and sized to accommodate the proposed additional development. Storm water is shown on the site development review plans using swales in landscaped areas. A site-specific stormwater utility plan has also been provided, though a final drainage plan is required by condition of approval as well. Specific utility connection details for the proposed parcel 2 can be deferred to development of the structure proposed in the site development review.

CONDITIONS OF APPROVAL (Partition):

- All required public improvements shall be designed in accordance with City of Millersburg adopted standards and 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 of the new building.
- A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
- Approved locations of connection points to City water and sewer may differ from locations shown on the Preliminary Utility Plan.

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

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

ANALYSIS: The applicant's narrative explains:

Section 4.02.030.3 requires all new lots or parcels to have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted to require only that adjoining land either have access, or be provided access, to public streets.

The property currently has frontage on Old Salem Road and Conser Road with access to Old Salem Road. Parcel 1 will retain frontage on Old Salem Road and Conser Road with access to Old Salem Road. Parcel 2 is proposed to be a flag lot with a 25-foot-wide flag stem, 34-foot-wide reciprocal access easement, 26-foot-wide improved driveway.

All adjoining properties to the subject property have existing access to a public street in accordance with Section 4.02.030.3. The proposed tentative partition plat will not remove that access.

- a. Property to the north: North of the subject site is NE Conser Road. North of NE Conser Road is 3791 Conser Road. This property has frontage on NE Old Salem Road and NE Conser Road with two access encroachments to NE Conser Road.*
- b. Property to the south: South of the subject parcel is 3923 NE Old Salem Road. This property has frontage on NE Old Salem Road and two access encroachments onto NE Old Salem Road. The proposed land division does not affect future development of this lot.*
- c. Property to the east: East of the subject parcel is 3514 NE Conser Road and 3435 NE Old Salem Road. These properties have frontage on and access to NE Conser Road and NE Old Salem Road, respectively.*
- d. Property to the west: West of the subject site is NE Old Salem Road. West of NE Old Salem Road are 4050 and 3924 Old Salem Road NE. 4050 Old Salem Road has frontage on NE Conser Road and NE Old Salem Road with one access encroachment to NE Conser Road. 3924 Old Salem Road NE has frontage on and one access encroachment to NE Old Salem Road.*

Staff concurs with the applicant's analysis.

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

Site Development Review:

The applicable 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.

Chapter 5

Section 5.05.060 Site Development Review Decision Criteria

The review of a site plan shall be based upon the following criteria:

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

ANALYSIS: The project proposes to construct a building for a solar panel sales and installation company that will host the following uses- office, showroom open to the public, and a warehouse and storage space. These uses are listed as permitted uses in the GC zone in sections 2.08.020 (4), (1), and (9) respectively. This zone is intended for commercial uses, therefore the showroom is an essential element of zoning consistency. Without a showroom open to the public, the use would not conform to the intent of the zone.

The gravel areas to the south and east of the proposed structure are not proposed for outdoor storage, therefore no outdoor storage of any kind is permitted in these areas. The areas could be used for future outdoor storage with a site development review, and fencing added to comply with 2.08.060(6). Additionally, the lot coverage requirements would remain in effect. This has been added as a condition of approval.

The project meets the zoning standards. The proposed lot, as discussed previously, is over the 5,000-square-foot minimum. There are no setback requirements. Setbacks in the GC zone are only required when the property is next to a residentially zoned property, which is not the case here. The maximum height is 35 feet, and the proposed structure is 24 feet. The maximum lot coverage is 95%. The applicant has provided calculations that show the proposed project is 86.8% impervious.

CONDITIONS OF APPROVAL (Site Development Review):

- No outdoor storage is permitted to the south or east of the proposed building without site development review approval.
- Prior to the issuance of building permit applications, all utility connection details must be approved by the City Engineer.

FINDING: Based on the analysis above, with conditions of approval, 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: All surrounding development is similar. Industrial uses are existing to the east and south, commercial/ light industrial to the west. The uses proposed by the applicant are similar and should not present any concerns. There are no residential zones near the site. The structure would not create glare issues because it is located far from the street and is not predominantly glass. The company does not propose to produce or manufacture any products, they simply stock, sell, and install solar panels. Installation trucks will dispatch from the site. No odors are anticipated based on the uses.

The use will increase traffic on the site, but not in a way that would warrant any capacity concerns. A traffic study was not required.

The applicant explains in their narrative that the use will have vehicles loading and unloading inside structures. Again, this is consistent with the kinds of uses that are currently surrounding the site.

Dust could be a concern. The site plan design includes a paved access from the street, and fully paved parking area. The graveled areas to the south and east of the proposed building are not intended to be used. However, the site plan shows an area of the parking lot that appears to be planned for a future connection to the area between the proposed structure and the existing structure. In other words, the parking area for Reimers (the existing building) and the parking area for Pure Energy are proposed to have a gravel area between them that could potentially be used by anyone to drive to the new project site through Reimers parking area. That may result in some dust as people drive between the two projects. As long as the gravel stays in good condition, the dust should be minimal.

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 will require full connections to public utilities. These exist at the site, specifically the project proposes to use a 20-inch water main, 8-inch sanitary sewer main, and storm mainline in the NE Old Salem Road right-of-way. The applicant provided a utility plan and drainage plan with the application. Conditions of approval have been added to assure these are implemented properly.

FINDING: Based on the analysis above, with previously mentioned 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: Parking is reviewed below in the standards section of the staff report. The project fully complies with the Code requirements for parking. The site does not have

any frontage on a public street; however, access is provided via a private easement. Pedestrian access has been included in the design from the street to the building. Bike parking is provided. The project meets all access requirements.

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

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 does not require any buffering from non-compatible uses. The project is required to provide landscaping pursuant to section 3.09.030(1)b. Landscape areas are shown on the site plan.

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

CONDITION OF APPROVAL (Site Development Review):

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

d. Protections from any potential hazards.

ANALYSIS: The proposal is not anticipated to use or require any hazardous materials onsite in significant quantities. The subject property is located outside of natural resource overlay zones and there are no known hazards associated with the property.

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

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 2, specifically the GC zone setbacks and siting requirements, and Chapter 3 General Provisions. The following analysis is a summary of only applicable standards or items that required additional explanation and/or additional conditions of approval to show clear consistency. Again, these are in addition to those contained in the applicant's narrative, which is incorporated here by reference.

TENTATIVE PARTITION:

CHAPTER 3.00 General Provisions

The proposed land partition design complies with all the specifications and design requirements of Article 3 and 4 of the Millersburg Development Code. Areas that require additional conditions of approval to fully comply or Code standards that require analysis to explain how they meet the requirements are shown below.

Section 3.01.030 Application of Public Facility Standards

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

Land Use Activity	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike & Ped
Subdivision	Yes	Yes	Yes	Yes	Yes	Yes	Yes

ANALYSIS: As noted above, because the partition features a parcel over 5,000 square feet pursuant to Code Section 4.02.020(3) the project must meet all requirements for a subdivision, not a partition. The requirements listed above are for a subdivision.

The closest fire hydrant is located on the north east corner of the property. This is 365 feet from the proposed structure. The fire department has not requested a new hydrant at this time but they do explain that one may be required after fire flow calculations are provided. This is included in their letter. Compliance with this letter is a condition of approval. The proposed partition is providing water and sewer connections to both parcels, the existing structure is already connected to both. NE Old Salem Road and NE Conser Road front the property. Both are partially improved, and both are under ownership of Linn County. The project was transmitted to the County for review. The applicant's narrative has applied comments from the Linn County Road Department preapplication review to the project. These do not require any street improvements but does require additional street dedication for NE Old Salem Road of 10 feet on the east side of the street and construction of full frontage sidewalks along NE Old Salem Road only (not NE Conser Road), and a pedestrian crossing on NE Old Salem Road. It should be noted that the improvements listed here are requirements of the partition, not the site development review, as such they have been added as conditions of approval for the tentative partition, specifically they are required prior to the City approval of the final plat.

This section also specifies that streetlights are required at locations required by City standards. NE Old Salem Road already features streetlights. No additional streetlights are required.

Stormwater details are discussed below.

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

CONDITIONS OF APPROVAL (Site Development Review):

- Prior to issuance of building permit the applicant shall provide a clearance letter from Albany Fire. The applicant is responsible for addressing all requirements of the Albany Fire Letter dated March 30, 2023.

Section 3.02.030 General Provisions

- (3) Alignment. All streets other than local streets or cul-de-sacs, shall be in alignment with existing streets by continuation of the centerlines to the maximum extent feasible. The staggering of street alignments resulting in "T" intersections shall be avoided wherever practical. However, when not practical, the staggering of street alignments resulting in "T" intersections shall meet with the approval of the City Engineer and ensure compliance with accepted traffic safety standards.**

ANALYSIS: The project is not proposing streets. The private access proposed will meet NE Old Salem Road at a 90-degree connection or a "T" intersection.

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

- (4) Future Street Extensions. When it appears possible to continue a street, bicycle path, and/or pedestrian accessway into a future subdivision, adjacent acreage, or area attractors such as schools and shopping centers, these facilities shall be platted to a boundary of the subdivision or development. Further, the street may be platted without a turnaround unless the Public Works Department or local Fire District finds a turnaround is necessary for reasons of traffic safety.**

ANALYSIS: The project site is surrounded by larger industrial lots. These might be further divided someday, which would possibly require additional street access. However, the Comprehensive Plan contains policies that encourage larger lots to stay larger lots. Therefore, it is unlikely that additional access would be needed to the west, south or east. Additionally, the applicant is not proposing any new streets, just a private access. The project site will probably be further divided in the future. An access of some kind will be needed for any additional partitions or subdivisions; however, the proposed partition is taking access for the new parcel from the south, along the existing property line to the south. The design of the proposed partition will not preclude access for any future lots or parcels on the property (on Parcel 1). Therefore, the tentative partition complies with this requirement.

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

- (6) Existing Streets. Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.**

ANALYSIS: 10 feet of additional right-of-way is proposed as part of the project, as shown on the Tentative Plat. The ROW dedication will be for Linn County as NE Old Salem Road is a County Road.

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

Section 3.02.040 Access Standards

ANALYSIS: Table 13 lists the access spacing standards. This includes standards for driveways and intersections. The project does not include any new intersections,

therefore the driveway standard is the correct standard to apply NE Old Salem Road is an arterial. For an arterial, the spacing distance is 300 feet. The project site already features two driveways, the new parcel is proposing to use one of the existing driveways for access. No new driveways are proposed. The existing driveways do not meet the spacing standard as they are only 255 feet apart; however, table 13 allows the City Engineer the ability to permit a smaller spacing if it is safe. The existing two driveways have not resulted in an unsafe condition, meaning no accidents have resulted because of the driveway placement, that City staff is aware of. These driveways are located on NE Old Salem Road, which is a County facility. The County was routed the project materials for review, and provided comments. They did not request any changes based on driveway spacing.

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

Section 3.02.070 Sidewalks

ANALYSIS: This section of the Development Code requires sidewalks. Both fronting streets (NE Old Salem Road and NE Conser Road) are County streets. The County has required sidewalks along NE Old Salem Road for the entire site frontage (for the partition). These are shown on the plans. While the City Code would require sidewalks along NE Conser Road as well, it is not clear which standards prevail, the City's (because the project is within the City limits) or the County's (because it is their road). In the absence of clear direction the City is deferring to the County's specific improvement requirements as communicated during the preapplication meeting for the project.

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

Section 3.02.100 Private Access Easement

ANALYSIS: This section regulates private easements used for access. A private access easement is proposed though the tentative partition also provides direct connection (frontage) as part of the design of the project. An easement is included because a utility pole that must remain would impair the access without an easement that lets the access meander around the fixed utility pole location. The easement must be 25 feet wide, which it is as shown on the tentative map. Based on subsection (1)b the easement must be paved. The tentative map and the site plan for site development review show that the full access is to be paved.

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

Section 3.02.110 Lots and Parcels Served by Private Streets and Access Easements.

ANALYSIS: This section explains that the minimum lot size must be able to meet the zoning requirements apart from the easement. The proposed Parcel 2 is over the minimum lot size of 5,000 square feet without the need to use the access stream. This standard is met.

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

Section 3.04 Storm Drainage and Grading

ANALYSIS: All development in the City is required to provide for storm drainage. A partition is considered development. The applicant did provide details regarding drainage, however additional details are required to show full compliance with the Code requirements. A final drainage plan will need to be submitted.

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

CONDITIONS OF APPROVAL:

- Prior to beginning of construction 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. Private stormwater quality facilities require the property owner to enter into a maintenance agreement. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.

CHAPTER 4.00 LAND DIVISIONS

Section 4.02.030 Standards for Lots or Parcels

This section includes many standards for partitions. These include:

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

ANALYSIS: The project proposes two parcels. Both meet the minimum lot requirement pursuant to the GC Zone. Lot to width ratio requirements do not apply to commercial property. Subsection 3a does not apply because this is a flag lot. The flag lot rules are met because the access strip meets the 25-foot requirements for frontage, the minimum lot size is met without the access strip, and

the property meets the fire access requirements, with a condition of approval. The Albany Fire Department has provided a letter with specific requirements. Compliance with the letter has been made a condition of approval. None of the parcels are considered through parcels. Utility easements are included.

Subsection 8 requires that the design of the division be such that future divisions would still be logical and possible. The applicant has provided a shadow plat that clearly shows that the design of the partition will readily accommodate future division of parcel 1.

FINDING: Based on the analysis above, with previously mentioned condition of approval, the project meets the standards.

Section 4.02.040 Additional Standards for Subdivisions.

ANALYSIS: This section contains additional standards for subdivisions. While this project is just proposing a partition, pursuant to section 4.02.020, all the rules of a subdivision apply, including these additional standards. Required additional improvements include general requirements, size requirements, traffic circulation requirements, connectivity, special requirements for collector and arterial streets, and specific design standards. Each is described below.

General. This set of requirements specify that the proposed lots must be large enough for the proposed use. In this case they are processing the use application at the same time, so it is clear the parcel is the right size for the use.

Sizes. This section regulates block length. This section was intended for residential subdivisions. The proposed commercial development is not applicable.

Traffic Circulation. This section requires the design to accommodate pedestrian and bicycle activity in the traffic circulation. The intent of this section is to assure that future users can walk to someplace other than their house. This project is such a point destination because it is a commercial project in a commercial zone. The project is consistent with this requirement because it provides sidewalks internal to the site and a street crosswalk for pedestrian access (required by the County during preapplication). The plans reflect this crosswalk. Conditions also reflect this.

Connectivity. This section requires accessways through the ends of cul-de-sacs. This project does not include any cul-de-sacs. This section does not apply.

Collector and Arterial Connections. This section requires improvements on any arterial or collector frontage. As discussed previously, the applicant is providing an additional 10 feet of ROW dedication and new sidewalks on NE Old Salem Road. These standards are met.

Design Standards. This section contains standards for pedestrian and bicycle accessways. As explained before, there are no cul-de-sac accessways required on this project because there are no cul-de-sacs. This section does not apply.

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

CONDITION OF APPROVAL (Partition):

- Prior to approval of the final plat the applicant shall construct the following improvements:
 - a. Setback sidewalk along NE Old Salem Road frontage.
 - b. Pedestrian crosswalk crossing NE Old Salem Road.
 - c. All access for Parcel 2.
 - d. Relocate the dumpster enclosure to the east side of the existing structure on Parcel 1.

Section 4.02.060 Improvement Requirements for Subdivisions.

ANALYSIS: While this project is proposing a partition, pursuant to section 4.02.020, all the rules of a subdivision apply, including these improvement requirements. Required improvements include frontage improvements, monuments, drainage, sewer and water, sidewalks, and streetlights. Each is described below.

Frontage improvements. NE Old Salem Road is partially improved fronting the site. There are no subsurface drainage features or sidewalks. As discussed previously sidewalks are being constructed as part of the project. No other street improvements are required at this time.

Monuments. Monuments are placed as part of the final plat process.

Drainage. The applicant has been conditioned to provide a final drainage study prior to the map recording. Full construction of any identified improvements will be required prior to the map recording.

Sewer and water. Both are available in NE Old Salem Road. The exhibit shows how the new parcel will connect. The existing lines are sufficient for the one additional parcel proposed with this partition. A Private Construction of Public Infrastructure (PCPI) permit is required. Conditions reflect this.

Sidewalks. Sidewalks have been discussed previously.

Streetlights. Streetlights are not required because they already exist at the project site.

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

SITE DEVELOPMENT REVIEW:

Section 3.03 Off-Street Parking

This chapter includes requirements for off-street parking. Table 14 explains how many spaces are required.

ANALYSIS: Table 14 lists uses and spaces required for those uses. The applicant has included the following rationale in their narrative:

MDC Section 3.03.060.L outlines the minimum parking requirements for retail, office, and warehouses, which are most applicable to the proposed development.

- *Retail (type k): 1 space/800 sf+ 1 space/2 employees= 2 spaces (450 sf/800 sf+ 2 employees/ 2 spaces)*
- *Office space (type L): 1 space /400 sf= 11 spaces (2,460 sf/400 sf+ 8 employees/2 spaces)*
- *Warehouse space (type Q): 1 space/3,000 sf= 2 spaces (4,570 sf/3,000 sf)*
A new 7,480 square foot structure with ten employees is proposed. Therefore, 15 vehicle parking spaces with up to three compact spaces are required.

Staff concurs with this analysis. All parking stalls comply with stall size requirements, and the drive aisle is at least 24 feet wide, fully complying with the aisle requirements.

Parking lot landscaping is required. No landscape plans were provided with the application. A requirement for a plan has been added as a condition of approval.

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

CONDITIONS OF APPROVAL (Site Development Review):

- Prior to issuance of building permits the applicant shall provide the City with a landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b and include planned large boulders or similar protection as required in 3.09.030(2)d.
- Prior to final inspection (certificate of occupancy) the applicant shall install the landscaping according to the landscape plan.

Section 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 final drainage study. A 1200-C permit and a Millersburg permit for temporary erosion protection during

construction must 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 previously mentioned conditions of approval, the project meets the standards.

Section 3.06 SIGNS

ANALYSIS: This chapter includes requirements for signage. No signage is proposed. Any signs would need to be permitted through a separate process.

FINDING: This section does not apply.

Section 3.09 Landscaping Standards

Section 3.09.030(1)b Non-residential Landscape Standards

ANALYSIS: Landscaping is required in all setback areas and within parking areas. Detailed landscape plans were not provided, however they have been required through conditions of approval.

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

Section 3.09.030(2) Parking Lot Landscaping

ANALYSIS: This section includes standards for parking lot landscaping. The design of the project will not preclude implementation of any of these standards except standard D. D explains that all landscaped areas have protection from adjacent graveled areas. The project proposes landscaped areas next to the graveled space between the existing building on Parcel 1 and the landscaping on Parcel 2, specifically the landscape area that spans the west side of Parcel 2. The Code specifies that large boulders or other acceptable means be used to protect a car from entering into these landscaped areas. A condition of approval has been added to address this. Detailed landscape plans are required.

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

Section 3.26 Commercial Design Standards

Section 3.26.030 Commercial Design Standards

Commercial Design Standards are intended to create an attractive vista, enhancing the ability to attract business investment and livability. It should be noted that the applicant used older versions of the standards in their narrative. The correct updated versions are shown below.

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

ANALYSIS: The finish materials are not shown on the elevation, so it is not clear if the project complies, specifically it is not clear if there is a variety of materials. The narrative explains that many will be used, but they are not shown on the elevation, so it is not clear how many and where. This is covered in more detail in standard 4 below. A condition of approval has been added that will assure compliance with the standard.

CONDITION OF APPROVAL:

- Prior to issuance of a building permit, the applicant shall submit color building elevations that clearly show conformance with the requirements of 3.26.030(3), specifically at least 25% of wall building materials, for all 4 walls of the structure, are either brick, wood, stone, tinted/textured concrete masonry units, or glass products. The submittal shall contain a mathematical breakdown of the material usage for each wall.

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

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

ANALYSIS: The south and west walls show no architectural features, however those walls cannot be seen from any street. The last sentence of the standard does require that all walls include features. There are also requirements, addressed further below, that a variety of finish materials are used. A condition of approval has been added to assure that a variety of building material finishes will be included on all walls of the structure and that some landscaping be added along all walls. Having that said, the standard actually calls for architectural features on 30% of all walls, even those not facing a highly visible street. However, because the south and east walls are situated such that no one will be able to see them, adding architectural features would be excessive. Staff is planning to update the Development Code so that this will no longer be part of the standard; in the meantime, staff is interpreting that a variety of building materials on all walls (even the south and east walls) will be enough to satisfy the intent of this standard. Naturally, that is up to the Planning Commission to decide.

The west and north facing walls are visible from the street and therefore apply. The elevations show compliance with the windows requirements. The applicant's narrative explains that a 2/12 roof pitch and combinations of wall finishes show compliance. Covered awnings are included as well. The Code further requires that at least 50% of the walls length include

architectural features and landscaping. As submitted, the west wall meets this requirement, the north wall does not appear to meet the requirement. It seems all architectural features cover only about 40% of the wall length. Additionally, it is not clear if the landscaping will cover 50% of the wall length because landscape plans were not provided. Conditions of approval have been added. Because this requirement may be a discretionary interpretation, the Planning Commission may require these to be submitted prior to approving the project.

CONDITIONS OF APPROVAL:

- Prior to building permit issuance, the building plans for the north façade shall be revised to include architectural features along at least 50% of the wall length, to the satisfaction of the Community Development Director.
- The north and west facing wall of the structure shall include landscaping along the façade of the structure for at least 50% of the wall length (abutting the building), to the satisfaction of the Community Development Director.

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

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

ANALYSIS: The applicant explains:

As shown on the elevation plans, the three architectural features will include projecting awnings, window display areas, and 2/12 roof pitch.

Staff concurs with the applicant's statement. Roof pitches are not included on the list, but certainly bring an architectural feature to the design of the building. The standard allows for 'other' features. This standard is met.

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

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

ANALYSIS: The applicant has explained the following in their narrative:

The term adjacent is defined as next to or adjoining. As stated above, the proposed structure will be constructed on a flag lot with 409 foot setback from Old Salem Road and 395 foot setback from Conser Road. Therefore, 75 percent of all walls must be one of the depicted predominant building materials. As shown on the elevation plans, a standing seam metal roofing material is proposed. Exterior walls materials will be a combination of standing seam metal panels, glass windowpanes, metal doors, and either brick or stone paneling, synthetic textured stucco, or cement fiber boards (i.e., HardiePlank). This will be reviewed in association with the building permit. This standard can be met with a condition of approval requiring the percentage of predominate building materials to be reviewed and approved in association with the building permit.

Staff agrees that based on the building's location, over 400 feet from a street, that 75% of the structure can be non-decorative materials. The application should have identified these materials. Because the Code identifies a list of acceptable materials to be used, and no discretion is involved in assuring that at least 25% of the wall materials are from this list, staff is comfortable adding a condition of approval that the materials are consistent with these provisions upon building permit submittal; however, any future submittals by the applicant should identify these with the Land Use application.

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

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

ANALYSIS: The applicant has not provided color elevations. A condition of approval has been added to assure the building permit application complies. In the future a color board or color elevations should be provided at the Land Use stage so the Planning Commission has the ability to review these colors. Because colors may be a discretionary interpretation, the Planning Commission may require these to be submitted prior to approving the project.

CONDITION OF APPROVAL:

- Prior to issuance of a building permit, the applicant shall submit color building elevations that clearly show conformance with the

requirements of 3.26.030(4), specifically that all exterior colors are earth tone or dark shades of primary or secondary colors.

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

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

ANALYSIS: The elevations show that all pedestrian access points into the structure feature rain protection. This standard is met.

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

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

ANALYSIS: The loading areas are inside the structure. This standard is met.

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

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

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

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

ANALYSIS: The site plan does not show any plaza area. Based on the size of the structure proposed, which is 7,480 square feet, the plaza area should be at least 70 square feet. A condition of approval has been added requiring the applicant to add a plaza to the site plan for the project. Because the location and design of the required plaza could be a discretionary interpretation, the Planning Commission may require these to be submitted prior to approving the project.

CONDITION OF APPROVAL:

- o Prior to issuance of a building permit, the applicant shall redesign the site plan to add a plaza that is at least 70 square feet and meets the requirements of 3.26.030(8), to the satisfaction of the Community Development Director.

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

(9) As an alternative to the standards listed above, an applicant may apply for a Conditional Use Permit (CUP), satisfying all CUP criterion and the following additional criterion:

- a. The proposed development meets the intent of, or exceeds, the applicable standards;
- b. The proposed design of the structures, including all finishes and architectural features, will blend with the surrounding community.
- c. All portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment.
- d. Building façades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.

ANALYSIS: The applicant did not apply for a separate Conditional Use Permit.

FINDING: This standard does not apply.

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 Applications SP 23-01 and PA 23-01.

VI. PROPOSED MOTION

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 SP 23-01 and PA 23-01 with the conditions of approval.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission elect not 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

Parcel Map Conditions of Approval:

General Conditions

1. Development and construction shall conform substantially to the tentative partition development plans submitted by the applicant dated 3/01/23 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.

Prior to Approval of the Final Plat

4. 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.
5. The Final Plat shall include any required access or utility easements.
6. Prior to approval of the final plat the applicant shall pay all applicable connection charges as outlined in the Municipal Code Chapter 15.30.
7. Prior to approval of the final plat the applicant shall construct the following improvements:
 - a. Setback sidewalk along NE Old Salem Road frontage.
 - b. Pedestrian crosswalk crossing NE Old Salem Road.
 - c. All access for Parcel 2.
 - d. Relocate the dumpster enclosure to the east side the existing structure on Parcel 1.

Site Development Review 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. No outdoor storage is permitted to the south or east of the proposed building without site development review approval.
5. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
6. Approved locations of connection points to City water and sewer may differ from locations shown on the Preliminary Utility Plan.
7. The north and west facing wall of the structure shall include landscaping along the façade of the structure for at least 50% of the wall length (abutting the building), to the satisfaction of the Community Development Director.

Prior to Building Permit Issuance

8. 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.
9. The applicant shall submit engineering plans for all public improvements, including connections to public utilities (water, sewer, stormwater, and streets) to the City Engineer. The engineering plans shall conform to the Millersburg Engineering Design Standards, to the satisfaction of the City Engineer.
10. Prior to the issuance of building permit applications, all utility connection details must be approved by the City Engineer.
11. Prior to issuance of building permits, the applicant shall provide the City with a landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b.
12. Prior to issuance of building permit the applicant shall provide a clearance letter from Albany Fire. The applicant is responsible for addressing all requirements of the Albany Fire Letter dated March 30, 2023.
13. Prior to issuance of a building permit, the applicant shall submit color building elevations that clearly show conformance with the requirements of 3.26.030(4), specifically at least 25% of wall building materials, for all 4 walls of the structure, are either brick, wood, stone, tinted/textured concrete masonry units, or glass products. The submittal shall contain a mathematical breakdown of the material usage for each wall.

14. Prior to issuance of a building permit, the applicant shall submit color building elevations that clearly show conformance with the requirements of 3.26.030(5), specifically that all exterior colors are earth tone or dark shades of primary or secondary colors.
15. Prior to building permit issuance, the building plans for the north façade shall be revised to include architectural features along at least 50% of the wall length, to the satisfaction of the Community Development Director.

Prior to Grading

16. The applicant must obtain a City of Millersburg Erosion Control Permit and Grading Permit prior to construction.
17. 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.
18. 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.
19. 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.

Prior to Final Inspection:

20. Prior to final inspection (certificate of occupancy), the applicant shall provide the City with a landscape plan showing the proposed landscaping for the site. Said plan shall be fully consistent with the requirements of 3.09.030(1)b.
21. Install the landscaping according to the landscape plan prior to occupancy or provide security, at the option of the City. Landscaping shall be completely installed or provide for erosion control measures around any disturbed or exposed areas.
22. Prior to final inspection (certificate of occupancy) the applicant shall install the landscaping according to the landscape plan.

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 System Development Charges (SDCs) will be due at time of building permits.
2. All applicable Connection Charges will be due at time of building permits.
3. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
4. All required street signage and street lighting shall be approved by the City Engineer and installed.
5. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
6. 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.
7. **These approvals are 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.
8. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
9. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
10. 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.
11. 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:

- i. Site Plan and Tentative Map Exhibits dated 3.10.23
- ii. Floor Plans and Elevations dated 3.9.23
- iii. Applicant's Narrative
- D. Linn County Road Department Email dated 4.12.23
- E. Albany Fire Department Letter dated 3.30.23
- F. City Engineering Comments
- G. Public Hearing Notice

SP 23-01 & PA 23-01 Zoning

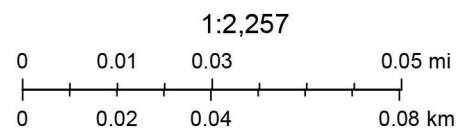


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Millersburg Zoning

- GENERAL COMMERCIAL
- GENERAL INDUSTRIAL
- LIMITED INDUSTRIAL

- Tax Lots
- Roads



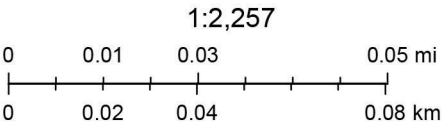
City of Albany, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Linn County GIS, GeoTerra, 2021

SP 23-01 & PA 23-01 Vicinity



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



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



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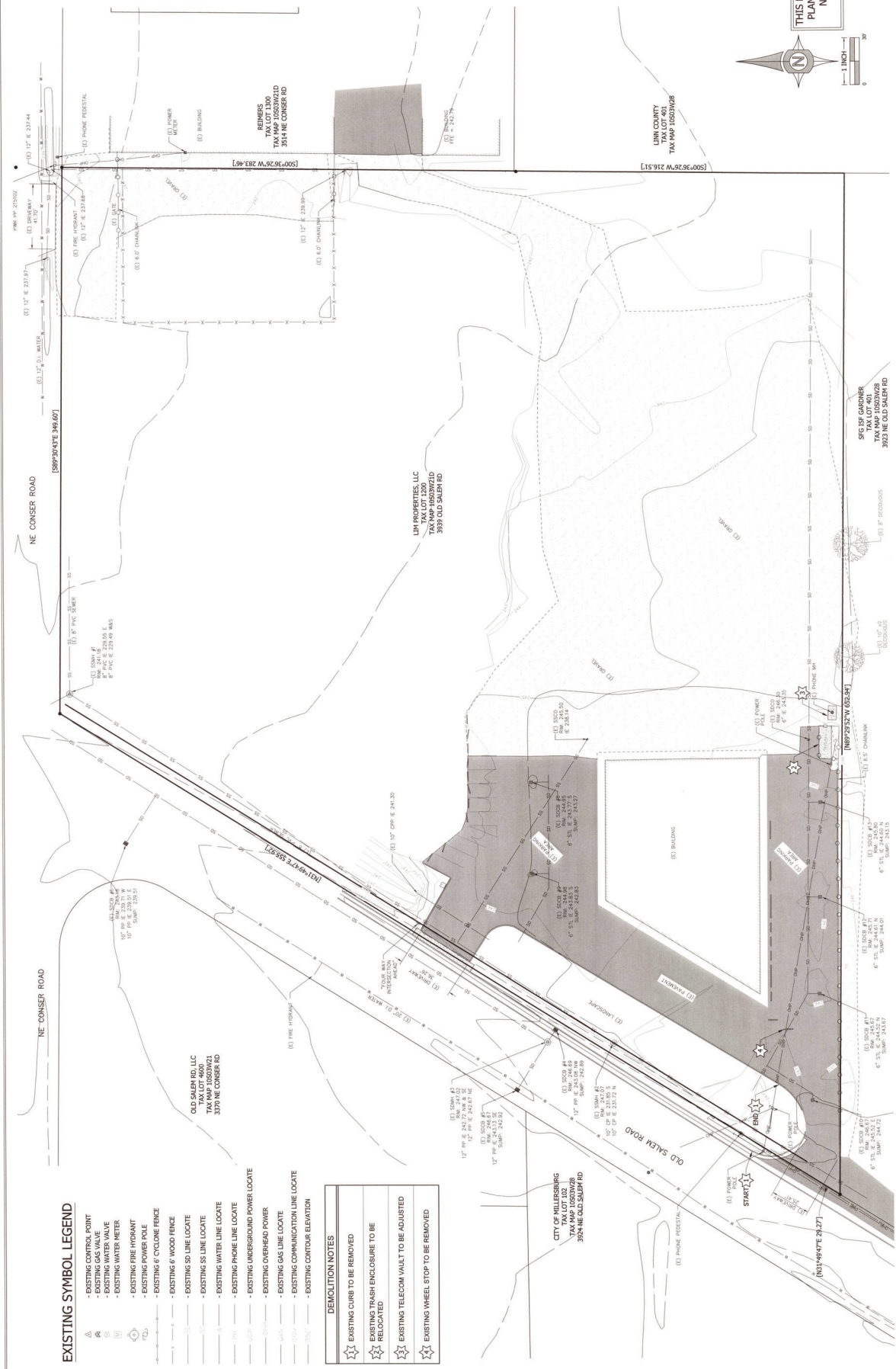
UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
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 (541) 451-1366 FAX

EXISTING CONDITIONS/DEMO PLAN
 PURE ENERGY GROUP
 TAX LOT 1200, MAP 10S-3W-21D
 MILLERSBURG, OREGON

DATE: 03/18/2023
 PROJECT: 2272 SHEFFIELD OLD SALEM RD
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]

THIS MAP WAS PREPARED FOR
 PLANNING PURPOSES ONLY.
 NOT TO BE USED FOR
 CONSTRUCTION.

Sheet
C101
 SCALE: SEE BASESCALE



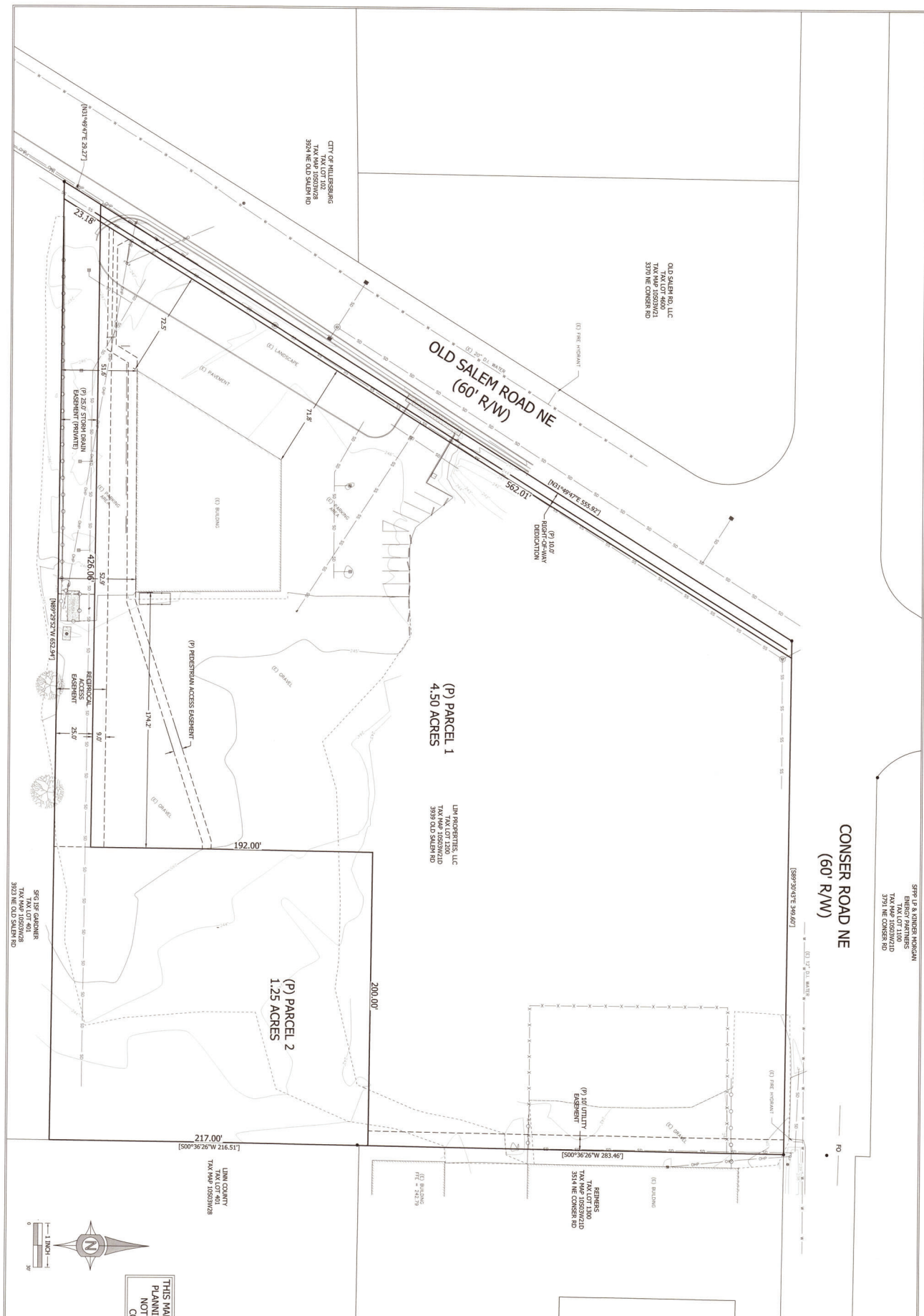
EXISTING SYMBOL LEGEND

- ▲ EXISTING CONTROL POINT
- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING POWER POLE
- EXISTING CYCLOPE FENCE
- EXISTING 6" WOOD FENCE
- EXISTING SO LINE LOCATE
- EXISTING SS LINE LOCATE
- EXISTING WATER LINE LOCATE
- EXISTING PHONE LINE LOCATE
- EXISTING UNDERGROUND POWER LOCATE
- EXISTING OVERHEAD POWER
- EXISTING GAS LINE LOCATE
- EXISTING COMMUNICATION LINE LOCATE
- EXISTING CONTOUR ELEVATION

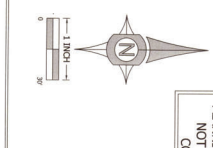
DEMOLITION NOTES

☆	EXISTING CURB TO BE REMOVED
☆	EXISTING TRASH ENCLOSURE TO BE RELOCATED
☆	EXISTING TELECOM VAULT TO BE ADJUSTED
☆	EXISTING WHEEL STOP TO BE REMOVED

PROJECT VERTICAL DATUM -- NGVD29
 ALL ELEVATIONS ARE SHOWN ON THE VERTICAL DATUM OF NGVD29. ELEVATIONS LABELED FOR EXISTING UTILITIES AND STRUCTURES ARE BASED FROM COLLECTION OF SURVEY DATA BY UDELL ENGINEERING AND LAND SURVEYING, LLC.



<p>DATE: 03/18/2023</p> <p>PROJECT: 22-272 SHEFFIELD OLD SALEM RD</p> <p>DRAWN BY: [Redacted]</p> <p>ATR: [Redacted]</p> <p>CHECKED BY: [Redacted]</p> <p>BY: [Redacted]</p>	<p>TENTATIVE PARTITION PLAT</p> <p>PURE ENERGY GROUP</p> <p>TAX LOT 1200, MAP 10S-3W-21D</p> <p>MILLERSBURG, OREGON</p>	<p>UEL ENGINEERING AND LAND SURVEYING, LLC</p> <p>63 EAST 45th ST.</p> <p>LEBANON, OREGON 97355</p> <p>(541) 451-5125 PH.</p> <p>(541) 451-1366 FAX</p>	<p>CLIENT:</p> <p>TRAVIS SHEFFIELD</p> <p>139 ANKENY HILL RD SE</p> <p>JEFFERSON, OR 97352</p> <p>(541) 936-0980</p> <p>TRAVIS@PUREENERGY.GROUP</p>
--	---	--	--



THIS MAP WAS PREPARED FOR
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Sheet **C102**

SCALE: SEE BASISCALE

VEHICLE PARKING SUMMARY PER TABLE 14, SEC 3.03

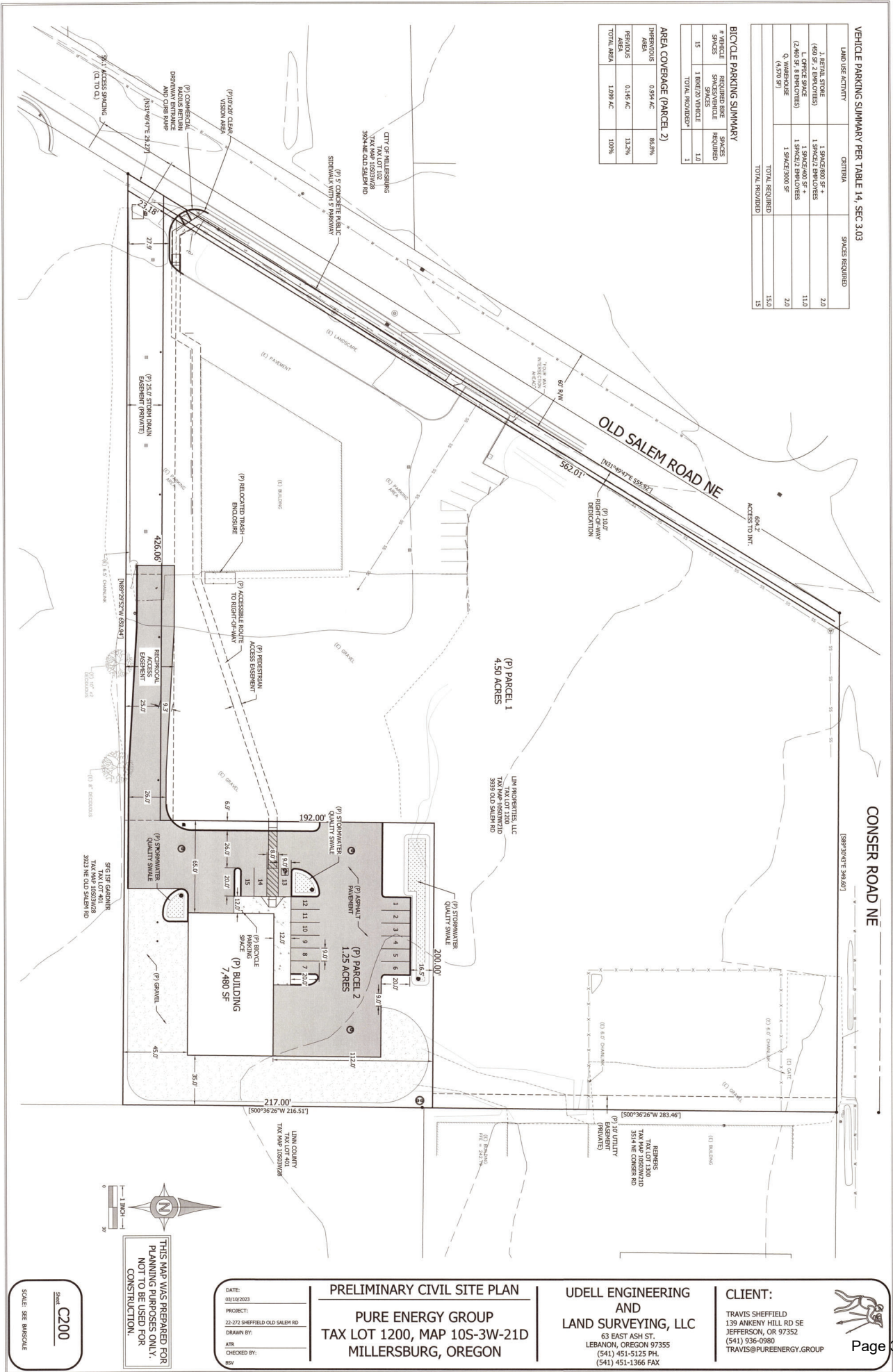
LAND USE ACTIVITY	OTHER	SPACES REQUIRED
J. RETAIL STORE (40,000 SF + 2 EMPLOYEES)	1 SPACE/100 SF + 1 SPACE/2 EMPLOYEES	2.0
L. OFFICE SPACE (2,400 SF + 1 EMPLOYEES)	1 SPACE/100 SF + 1 SPACE/2 EMPLOYEES	11.0
Q. WAREHOUSE (1,500 SF)	1 SPACE/200 SF	2.0
	TOTAL REQUIRED	15.0
	TOTAL PROVIDED	15

BICYCLE PARKING SUMMARY

TYPE OF BICYCLE SPACES	REQUIRED	PROVIDED
1 BICYCLE SPACE	1.0	1
TOTAL PROVIDED	1	1

AREA COVERAGE (PARCEL 2)

PERCENTAGE	ACRES	PERCENTAGE	PERCENTAGE
PERCENTAGE	0.054 AC	86.5%	
PERCENTAGE	0.145 AC	13.2%	
TOTAL AREA	1.099 AC	100%	



CONSER ROAD NE

OLD SALEM ROAD NE

PRELIMINARY CIVIL SITE PLAN
 PURE ENERGY GROUP
 TAX LOT 1200, MAP 10S-3W-21D
 MILLERSBURG, OREGON

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

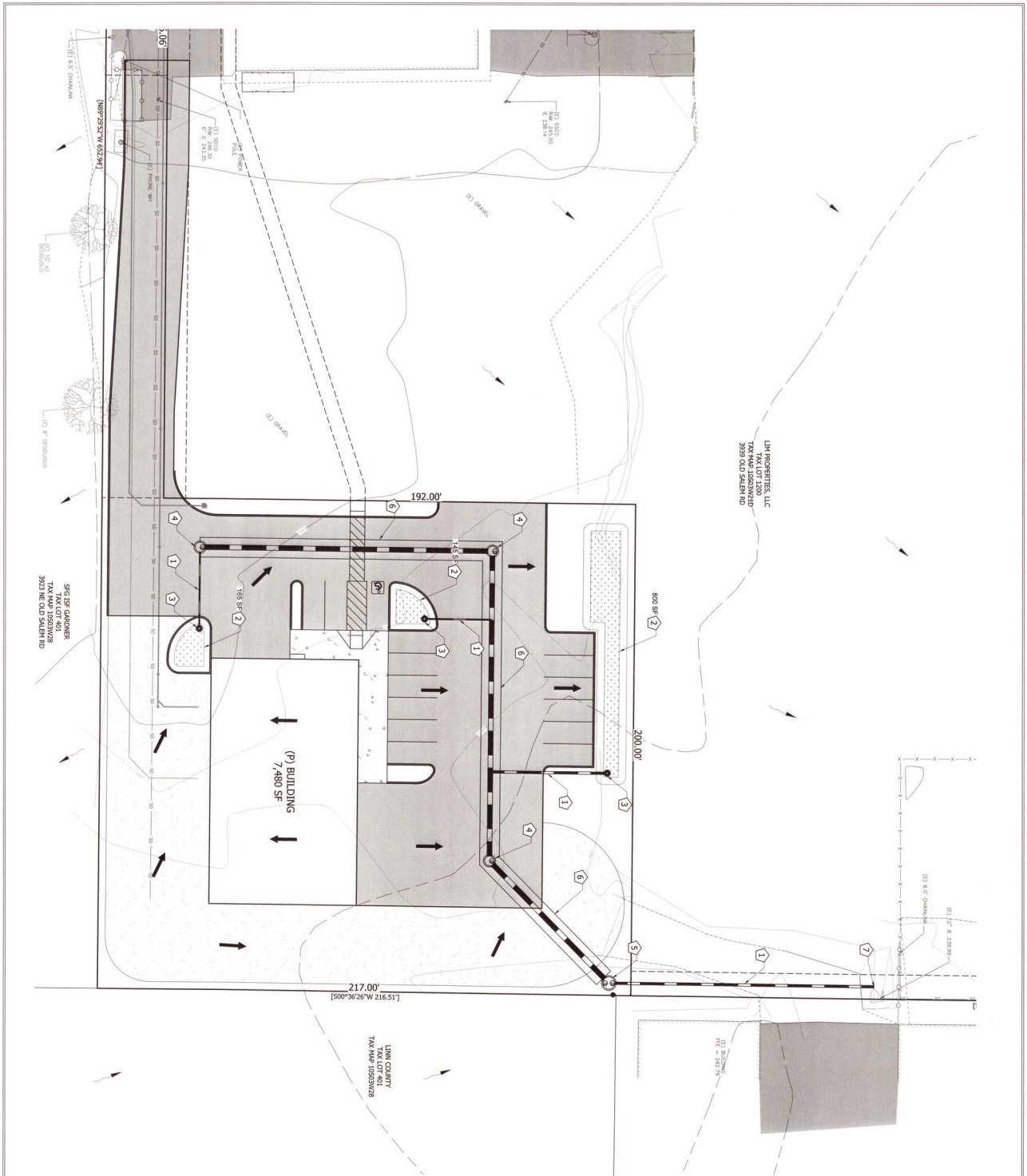
CLIENT:
 TRAVIS SHEFFIELD
 139 ANKENY HILL RD SE
 JEFFERSON, OR 97352
 (541) 936-0980
 TRAVIS@PUREENERGY.GROUP



Scale: SEE ANNOTATION
 SHEET C200
 SCALE: SEE ANNOTATION

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DATE: 03/19/2023
 PROJECT: 22-272 SHEFFIELD OLD SALEM RD
 DRAWN BY:
 ATR
 CHECKED BY:
 897



- PROPOSED STORM DRAIN NOTES**
- 1 PROPOSED PRIVATE WATER QUALITY TREATMENT AREA DETERMINED WITH HELDLINE FROM SUBMITTAL AREA PER PLAN.
 - 2 PROPOSED PRIVATE WATER QUALITY TREATMENT AREA PER PLAN.
 - 3 PROPOSED PRIVATE MANHOLE.
 - 4 PROPOSED PRIVATE MANHOLE.
 - 5 PROPOSED PRIVATE FLOW CONTROL MANHOLE.
 - 6 PROPOSED PRIVATE FLOW CONTROL CHAMBERS WITH FLOW CONTROL.
 - 7 PROPOSED PRIVATE STORM DRAIN OFFFALL TO EXISTING DITCH.

- GRADING LEGEND**
- EXISTING SURFACE CONTOUR ELEVATION
 - - - EXISTING SURFACE DRAIN DIRECTION
 - DESIGN SURFACE CONTOUR ELEVATION
 - - - DESIGN SURFACE DRAIN DIRECTION
 - (E) - EXISTING
 - (P) - PROPOSED



THIS MAP WAS PREPARED FOR PLANNING PURPOSES ONLY. NOT TO BE USED FOR CONSTRUCTION.

Scale: **C300**
SCALE SEE BARS/SCALE

DATE: 03/16/2023
PROJECT: 22-272 SHEFFIELD OLD SALEM RD
DRAWN BY:
ATR
CHECKED BY:
REV

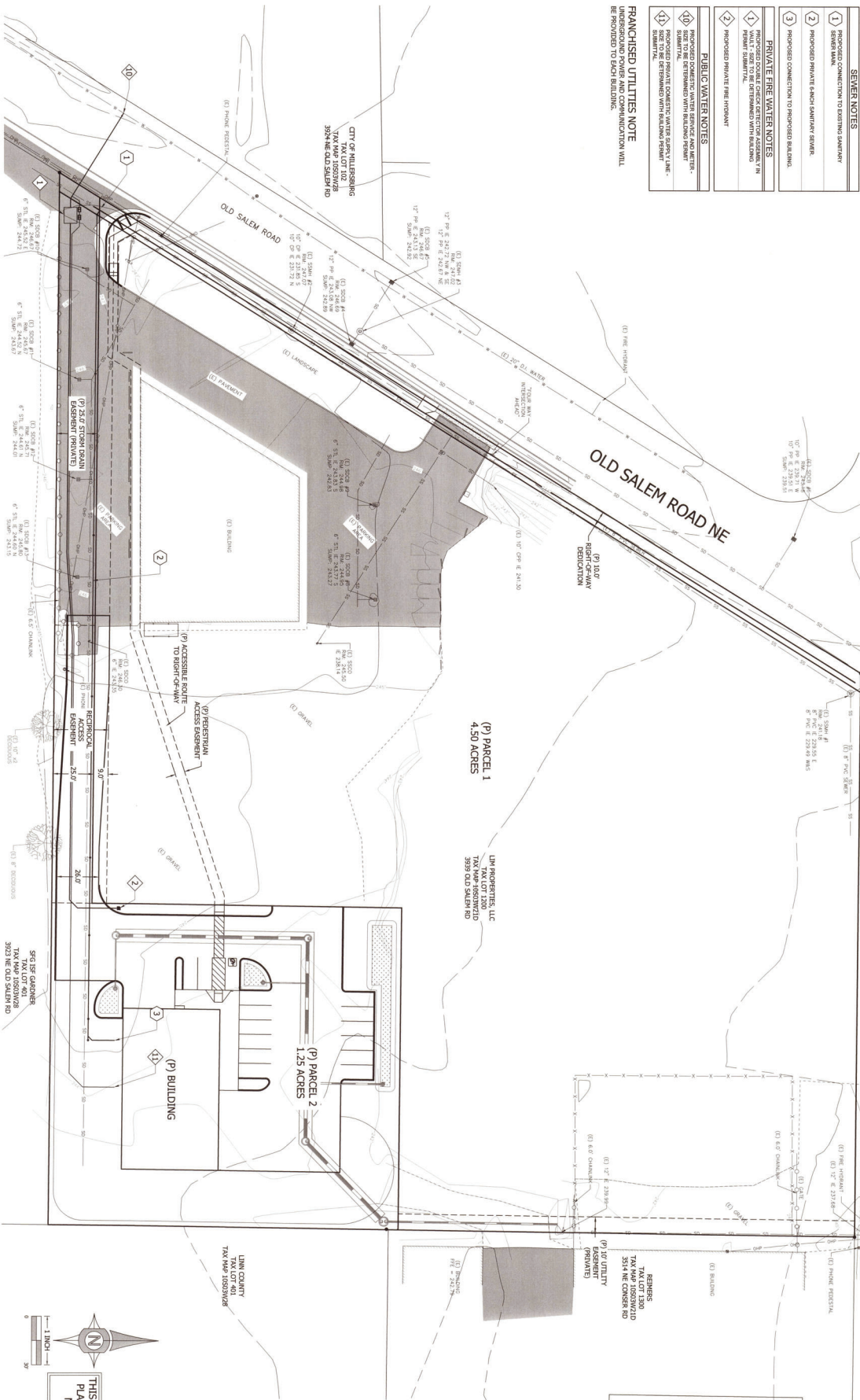
GRADING AND DRAINAGE PLAN
PURE ENERGY GROUP
TAX LOT 1200, MAP 10S-3W-21D
MILLERSBURG, OREGON

UDELL ENGINEERING AND LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
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CLIENT:
TRAVIS SHEFFIELD
139 ANKENY HILL RD SE
JEFFERSON, OR 97352
(541) 936-0980
TRAVIS@PUREENERGY.GROUP



- SEWER NOTES**
- 1 PROPOSED CONNECTION TO EXISTING SANITARY SEWER MAIN
 - 2 PROPOSED PRIVATE SEWER MAIN
 - 3 PROPOSED CONNECTION TO PROPOSED BUILDING
- PRIVATE FIRE WATER NOTES**
- 4 PROPOSED PRIVATE FIRE WATER MAIN
 - 5 VALVE - SIZE TO BE DETERMINED WITH BUILDING DESIGN CONSULTANT
- PROPOSED PRIVATE FIRE PROTECTANT**
- PUBLIC WATER NOTES**
- 6 PROPOSED PRIVATE WATER MAIN
 - 7 VALVE - SIZE TO BE DETERMINED WITH BUILDING DESIGN CONSULTANT
 - 8 PROPOSED PRIVATE WATER MAIN
- FRANCHISED UTILITIES NOTE**
- UNDERGROUND POWER AND COMMUNICATION WILL BE PROVIDED TO EACH BUILDING.



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Sheet **C400**
SCALE SEE RINGSIDE

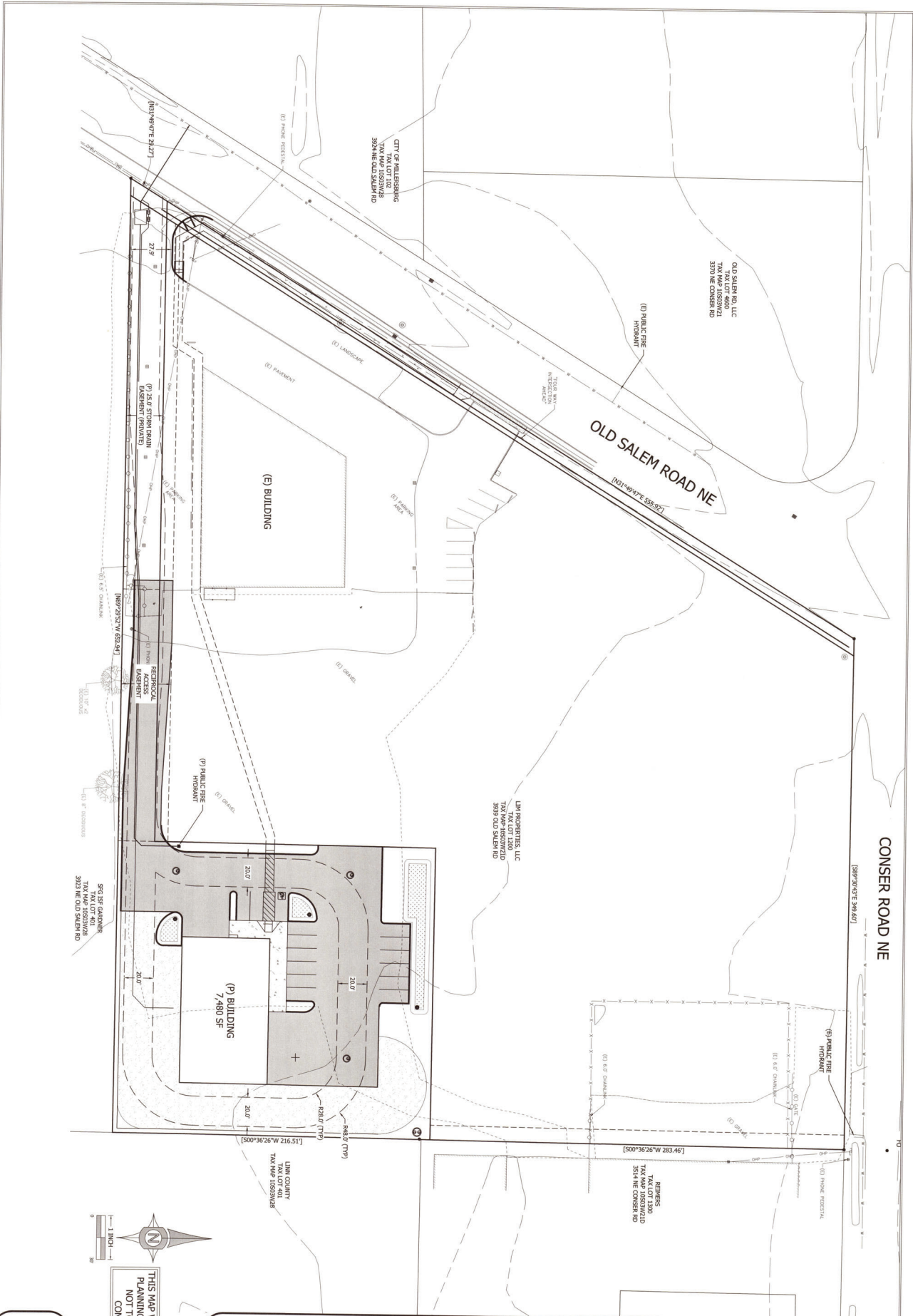
DATE: 03/10/2023
PROJECT: 22-272 SHEFFIELD OLD SALEM RD
DRAWN BY:
ATR
CHECKED BY:
BSV

UTILITY PLAN
PURE ENERGY GROUP
TAX LOT 1200, MAP 10S-3W-21D
MILLERSBURG, OREGON

UDELL ENGINEERING AND LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

CLIENT:
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JEFFERSON, OR 97352
(541) 936-0980
TRAVIS@PUREENERGY.GROUP





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Scale: 1" = 30'

Sheet: **C500**
 SCALE: SEE BARS/SCALE

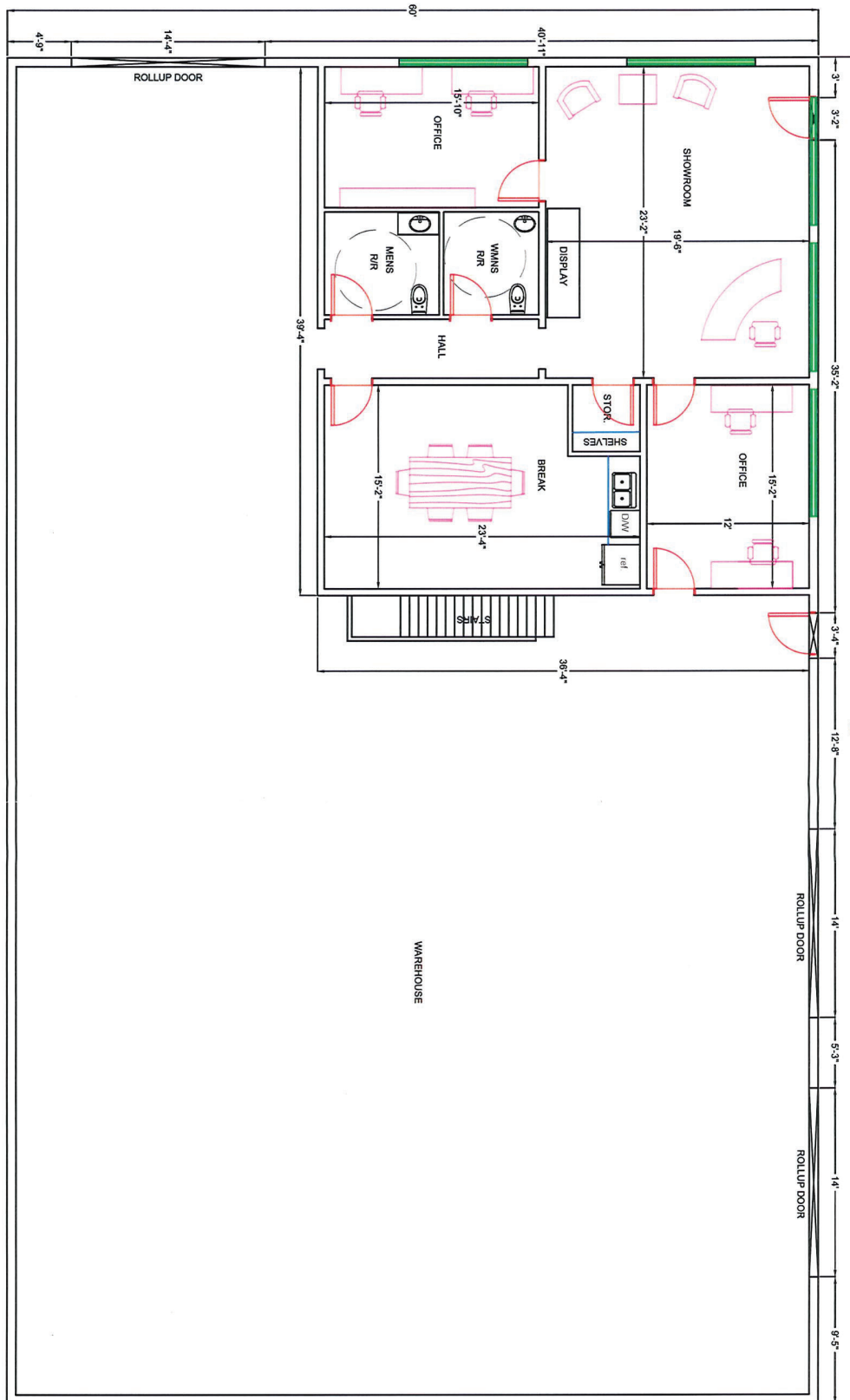
DATE:	03/19/2023
PROJECT:	22-272 SHEFFIELD OLD SALEM RD
DRAWN BY:	
ATR:	
CHECKED BY:	
REV:	

FIRE ACCESS PLAN
PURE ENERGY GROUP
TAX LOT 1200, MAP 10S-3W-21D
MILLERSBURG, OREGON

UELLE ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
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CLIENT:
 TRAVIS SHEFFIELD
 139 ANKENY HILL RD SE
 JEFFERSON, OR 97352
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 TRAVIS@PUREENERGY.GROUP





1 1ST FLOOR PLAN
A1 NTS

A1

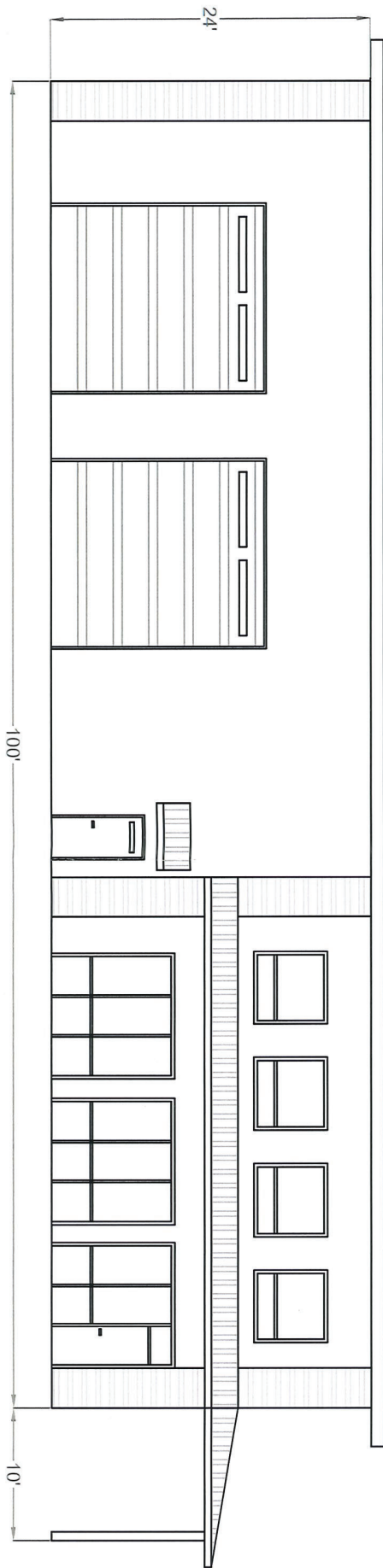
SHEET

DATE 03/09/2023
 DRAFTER TSS
 REVISION
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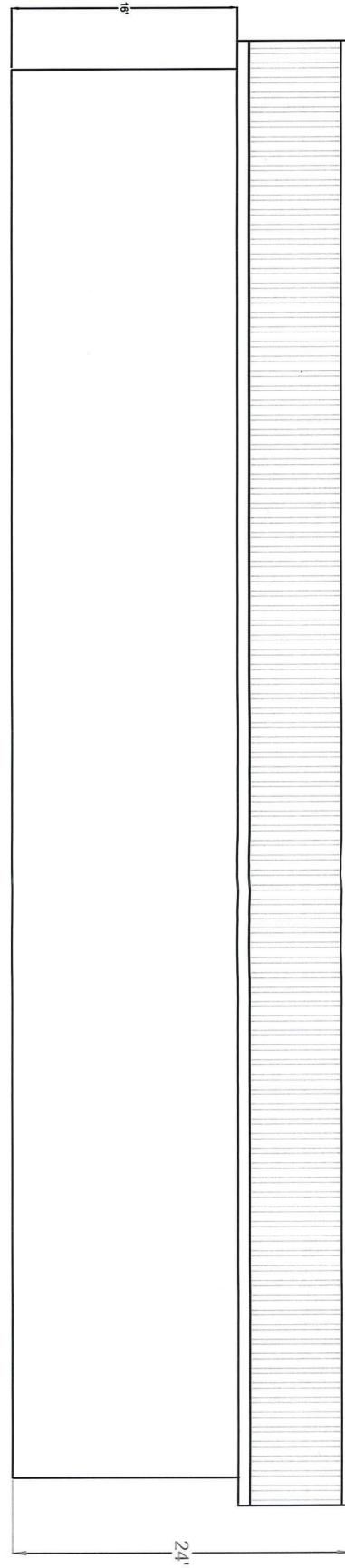
Pure Energy Group, Inc.
 Old Salem Road
 Albany, OR 97321

PURE ENERGY GROUP, INC
 139 ANKENY HILL RD SE, JEFFERSON, OR 97352
 CCB# 235232 Exp. 03/23 BCD #C1653 Exp. 07/23
 ELECTRICAL SUPERVISOR NOEL LETSON #66175
 TRAVIS SHEFFIELD MOBILE 541-936-0980
 INFO@PUREENERGY.GROUP WWW.PUREENERGY.GROUP





1
A3 / NTS
ELEVATION NORTH VIEW



2
A3 / NTS
ELEVATION SOUTH VIEW

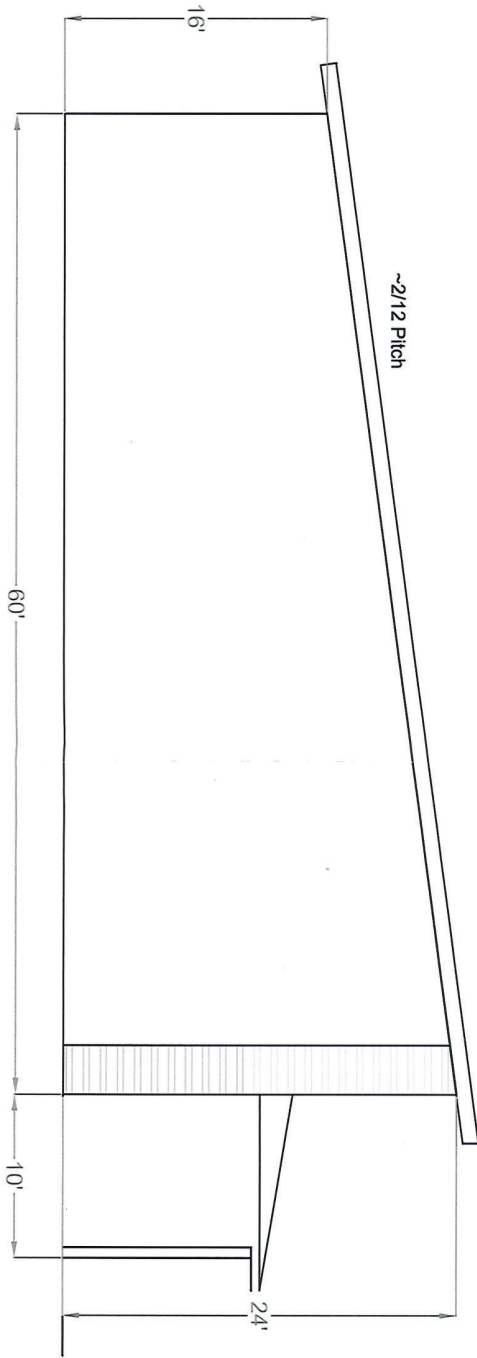
A3

SHEET

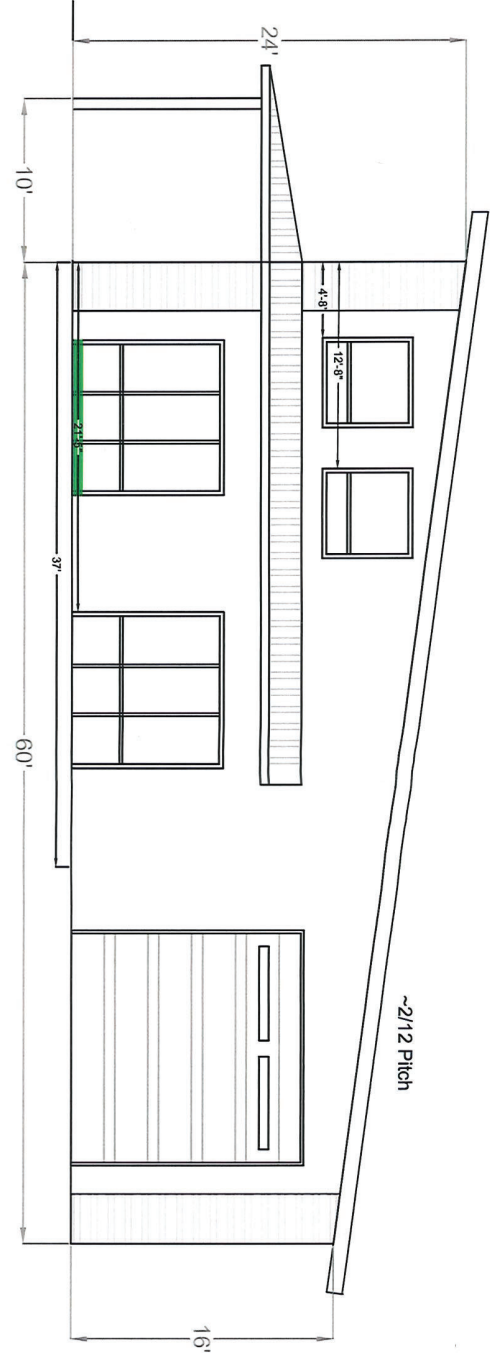
DATE 03/09/2023
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 REVISION
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Pure Energy Group, Inc.
 Old Salem Road
 Albany, OR 97321

PURE ENERGY GROUP, INC
 139 ANKENY HILL RD SE, JEFFERSON, OR 97352
 CCB# 235232 Exp. 03/23 BCD #C1653 Exp. 07/23
 ELECTRICAL SUPERVISOR NOEL LETSON #86175
 TRAVIS SHEFFIELD MOBILE 541-936-0980
 INFO@PUREENERGY.GROUP WWW.PUREENERGY.GROUP



1
A4
N/S
ELEVATION EAST VIEW



2
A4
N/S
ELEVATION WEST VIEW

A4

SHEET

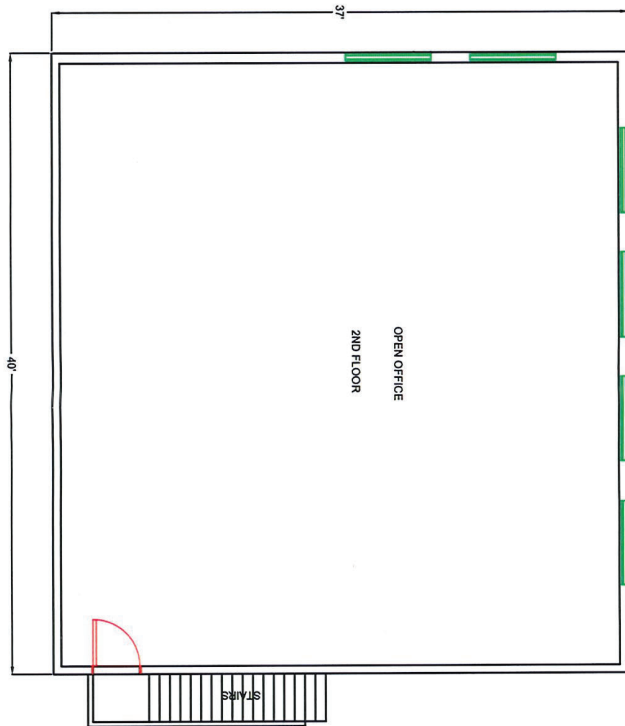
DATE 03/09/2023
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Pure Energy Group, Inc.
 Old Salem Road
 Albany, OR 97321

PURE ENERGY GROUP, INC
 139 ANKENY HILL RD SE, JEFFERSON, OR 97352
 CCB# 235232 Exp. 03/23 BCD #C1653 Exp. 07/23
 ELECTRICAL SUPERVISOR NOEL LETSON #8617S
 TRAVIS SHEFFIELD MOBILE 541-936-0980
 INFO@PUREENERGY.GROUP WWW.PUREENERGY.GROUP



1
A2
MS
2ND FLOOR PLAN



A2

DATE 03/09/2023
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REVISION
FILE /Users/travis/Desktop/Pure Energy Building/PEG revised.dwg

Pure Energy Group, Inc.
Old Salem Road
Albany, OR 97321

PURE ENERGY GROUP, INC
139 ANKENY HILL RD SE. JEFFERSON, OR 97352
CCB# 235232 Exp. 03/23 BCD #C1653 Exp. 07/23
ELECTRICAL SUPERVISOR NOEL LETSON #6617S
TRAVIS SHEFFIELD MOBILE 541-936-0980
INFO@PUREENERGY.GROUP WWW.PUREENERGY.GROUP



SITE DEVELOPMENT REVIEW & PARTITION APPLICATIONS

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

Property Owner: LIM Properties LLC
4060 NW Camala Drive
Albany, OR 97321

Contact: Ronald Reimers
Email: ron@rreimers.com
Phone: (541) 979-7729

Applicants: Pure Energy Group, Inc.
139 Ankeny Hill Road SE
Jefferson, OR 97352

Contact: Travis Sheffield
Email: travis@pureenergy.group
Phone: (541) 936-0980

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355

Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 3939 NE Old Salem Rd., Albany, OR 97321

Linn County Assessor's Map No.: 10S-03W-21D Tax Lot 1200

Site Size: 5.89-acres

Existing Land Use: Commercial

Comprehensive Plan Designation: Commercial

Zone Designation: General Commercial (GC)

Surrounding Zoning: North: General Commercial (GC)
South: Industrial
East: Industrial
West: General Commercial (GC)

Surrounding Uses: North: Industrial
South: Industrial
East: Industrial
West: Retail/Residential



22-272 Sheffield Old Salem Rd.
3939 NE Old Salem Rd
PP and SPR Applications

March 13, 2023

I. **Executive Summary**

This application consists of concurrent review of a Tentative Partition Plat for a 2-parcel partition and Site Plan Review for development of a new 7,480 square foot building and associated site improvements on Parcel 2. The new structure will be occupied by Pure Energy Group, a solar energy installation company and be comprised of office, showroom, and warehouse storage space. The subject property is identified as 3939 NE Old Salem Road and Linn County Tax Assessor’s Map No. 10S03W21D; Tax Lot 1200.

This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the city to approve the application.

II. **Partition**

1. Chapter 5.07 provides an overview of the preliminary partition plat review procedures. Subsection 5.07.020 states that land divisions consisting of not more than three parcels of land is processed using a Type II review procedure under Chapter 5.18 using the review criteria under Section 5.07.060. Section 5.07.080 states that preliminary plat approval is effective for one year from the date of approval.
2. The application submittal requirements for a preliminary partition plat application are found under Section 5.07.050 and include: application forms, fee, and preliminary plat drawings and supplementary written narrative.

Partition Decision Criteria

Section 5.07.060 of the Millersburg Development Code (MDC) includes the following review criteria that must be met for a preliminary plat to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion 1

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

1.1 The table below includes a comparison of the proposed dimensional standard with the dimensional standards of the GC zone as provided in Section 2.08.050, Table 7:

GC Zone Dimensional Standards		Proposed	
		Parcel 1	Parcel 2
Minimum Lot Area			
All Development	5,000 sf	±4.50-acres	±1.25-acres
Minimum Setbacks			
Front Yard	0 feet	Greater than zero	Greater than zero



Side Yard	0 feet	Greater than zero	Greater than zero
Side Yard (adjacent to "R" Zones)	5 feet plus 5 feet per story	Not Applicable	Not Applicable
Rear Yard	0 feet	Greater than zero	Greater than zero
Rear Yard (adjacent to "R" Zones)	5 feet plus 5 feet per story	Not Applicable	Not Applicable
Maximum Structure Height			
Principal and Accessory Buildings	35 feet (or higher with a Conditional Use Permit)	Less than 35 feet	Not Applicable
Maximum Lot Coverage	90%	16%	86.8%

1.2 As shown in the tentative partition plan map and above table, the proposed parcel configuration meets the dimensional standards of the GC zone.

1.3 This criterion is met.

Criterion 2

2. The parcel shall meet the Development Standards for Land Division of Chapter 4.02.

2.1 A preliminary partition application for a land division creating three or fewer parcels has been submitted in accordance with Section 4.02.020.

2.2 Section 4.02.030 provides the following standards for all partitions and subdivisions.

- i. Minimum lot area. The minimum lot area of the GC zoning district is 5,000 square feet, which excludes access easements, or the access strip to a flag lot. As shown on the Tentative Partition Plat, Parcels 1 will be ±4.50-acres and Parcel 2 will be ±1.25-acre (±4.75-acres excluding access easement).
- ii. Lot Width and Depth. The depth of a lot or parcel shall not be more than three times the width. Lot depth is defined by Section 1.02.010 as "the horizontal mean average distance between the front and rear lot lines. Lot width is defined by Section 1.02.010 as "the horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area."

The mean average width and depth of Parcel 1 is 499 feet and 451 feet, respectively. The mean average width and depth of Parcel 2 is 217 feet and 200 feet, respectively. Therefore, both parcels meet the lot width to depth ratio.
- iii. Access. According to MDC Section 4.02.030, all new lots must have street frontage or be in a flag lot configuration.



The development is located on the southeast corner of SE Conser Road and Old Salem Road. No internal streets will be created with the development. As shown in the tentative partition plan map, Parcel 1 will have 556 feet of frontage on Old Salem Road, 350 feet of frontage on NE Conser Road, and one existing 32-foot-wide access to Old Salem Road. Parcel 2 will be a flag lot with a 25-foot-wide flag stem and 34-foot-wide reciprocal access easement to Old Salem Road.

- iv. **Flag Lot.** According to MDC Section 4.02.030(4), flag lots must have a minimum 25-foot-wide access strip with 14-foot-wide improved surface with a turnaround per Section 3.02 if the length exceeds 150 feet.

As shown in the tentative partition plan map, Parcel 2 is proposed to be a flag lot with a 25-foot-wide flag stem, 34-foot-wide reciprocal access easement, 26-foot-wide improved driveway.

- v. **Through Lots.** Through lots are to be avoided except where essential to provide separation of residential development.

No through lots are proposed with this partition request.

- vi. **Lot side Lines.** The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.

All proposed property lines are at right angles to Old Salem Road and NE Conser Road.

- vii. **Utility Easements.** Utility easements shall be provided on lot areas where necessary to accommodate public utilities easements width shall conform to adopted Engineering Standards.

A 10-foot-wide utility easement serving Parcel 2 is proposed along the east boundary of Parcel 1. All utility easements will conform to adopted Engineering standards.

2.3 Section 4.02.040 provides the following additional standards for subdivision:

- i. Section 4.02.020 explains that any partition that includes parcels that could be further divided are required to follow all requirements for a subdivision. In the GC zone that would mean that any proposed parcel over 10,000 square feet would trigger the subdivision requirements. As such, the additional requirements of this section apply. These include:

- Blocks shall not exceed 1,000 feet.
- Additional access requirements based on block length.
- Additional requirements for pedestrian and bikeway connections.

This partition request includes two parcels that are larger than 10,000 square feet. The 'block' for this project would be considered the entire width of the site, which is about



500 feet. An accessible route is proposed from Parcel 2 to the Old Salem Road right-of-way.

2.4 Because the partition includes parcels that can be further divided, subdivision improvements are required. Section 4.02.050 requires the following improvements:

- i. Private Access. Where included, private driveways serving flag lots or private streets shall be surfaced per the requirements of this Code.

No private streets are proposed with this application. As shown in the tentative partition plan map, Parcel 2 is proposed to be a 25-foot-wide flag stem, 34-foot-wide reciprocal access easement, 26-foot-wide improved driveway.

- ii. Street Frontage Improvements.

1. Land dedication may be required to establish the appropriate right-of-way width in accordance with adopted transportation plans.
2. Connection Charges in lieu of construction of the required frontage improvements is required if the street frontage of the subject property is less than or equal to 250 feet. Construction of public improvements is required for properties with street frontage that exceeds 250 feet or connects to an existing street improvement.

The development is located on the southeast corner of SE Conser Road and Old Salem Road with approximately 350 feet of frontage along Conser Road and 585 feet of frontage on Old Salem Road. Conser Road and Old Salem Road are both under the jurisdiction of Linn County.

Old Salem Road is classified as an arterial street. Old Salem Road has a 60-foot right-of-way with 42-foot pavement width. Old Salem Road is improved with a center turn lane, one vehicle travel lane in each direction curb, gutter, and 5-foot-wide sidewalk along the west side of the street.

Figures 3 and 4 of the Millersburg's Transportation System Plan depict arterial cross sections with a required an 80-foot-wide or 60-foot-wide right-of-way depending on whether a center turn lane is provided.

Conser Road is classified as a local street. Conser Road has a 60-foot right-of-way with 26-foot pavement width. Conser Road is improved is a turnpike style street with one vehicle travel lane in each direction and drainage ditches on both sides of the street.

Figure 6 of the Millersburg's Transportation System Plan depict local street cross sections with a required 50-foot-wide right-of-way, with a 28-36-foot paved surface and 0.6' landscape buffer and 5'-6" sidewalk on either side of the street.

According to County Engineer, Daineal Malone, the following will be required as conditions of approval:



- 10' Right of Way dedication along Old Salem Road.
- Setback sidewalk along Old Salem Road frontage.
- Provide pedestrian crossing across Old Salem Road.

iii. Public Facilities. Sewer, water, and storm drainage facilities may be required on and adjacent to the property.

Section 3.05 requires all development in the city to provide for connection to utilities. All public facility improvements are required to be designed and constructed in compliance with Engineering Standards.

Site development is defined under Chapter 1.02 as follows: *Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials excavating, or drilling operations.*

The submittal and approval of a utility design plan(s) and construction of approved utilities will be provided prior to the issuance of any building permits (i.e., at the time of site development).

iv. Connection Charge. A connection charge is required in accordance with the City's adopted Connection Charges ordinance, where existing improved streets, sanitary sewer, water, and/or storm lines are adjacent to or within the project.

Parcel 2 is a flag lot therefore, connection charges are based on the width of the newly created parcel measured at the widest point, or the entire road frontage of the property being divided per MMC 15.30.025. Parcel 2 is 217-foot-wide. The rate for a sewer without service lateral is \$76.76 per foot (\$16,655.96) and 12-inch water without water service is \$80.41 per foot (\$17,449.11). Therefore, the total connection charges are \$34,105.07.

v. Completion Requirements. All required improvements must be completed prior to recording the final partition plat and/or the issuance of any building permits for the subject property unless assured through a performance bond or other instrument acceptable to the city prior to approval of the final plat of the Partition.

Conformance with this standard will be verified prior to recoding the final plat and/or issuance of any building permits for the subject property.

2.5 Section 4.02.060 includes the following improvement requirements for a subdivision:

- i. Streetlights are also required per City standards. The City's minimum spacing for streetlights on residential and local streets is 600 feet. Additionally, streetlights are required at intersections.



The nearest streetlight is located at the intersection of NE Conser Road and NE Old Salem Road, which is less than 600 feet of the property's northeast and southwest property corners. Therefore, streetlights are not required for this project.

Criterion 3

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

3.1 Setbacks are addressed under Criterion 1 above and incorporated herein by reference.

Criterion 4

- 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 City policy.**

4.1 Section 3.02.030, General Provisions, states that all streets must be built to conform with the Transportation System Plan, including that 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.

Street frontage improvements are addressed under Criterion 2 above and incorporated herein by reference.

4.2 Section 3.02.070, Sidewalks, states that all development in the city is required to construct sidewalks.

Site development is defined under Chapter 1.02 as follows: *Any human-caused change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials excavating, or drilling operations.*

Street frontage improvements are addressed under Criterion 2 above and incorporated herein by reference.

The submittal and approval of sidewalk improvement plan(s) and construction of any required approved improvements will be provided prior to the issuance of any building permits (i.e., at the time of site development).

4.3 Chapter 3.04, Storm Drainage and Grading, states that all development in the city is required to provide for storm drainage.

The submittal and approval of a utility design plan(s) and construction of approved utilities will be provided prior to the issuance of any building permits (i.e., at the time of site development).



4.4 Chapter 3.05, Utility Lines and Facilities, states that all development in the city is required to provide for connection to utilities.

The submittal and approval of a utility design plan(s) and construction of approved utilities will be provided prior to the issuance of any building permits (i.e., at the time of site development).

4.5 Access to public facilities is address under Criterion 2, Finding 2.4 above, and incorporated herein by reference.

Criterion 5

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

5.1 Section 4.02.030.3 requires all new lots or parcels to have frontage on or approved access to a public street currently open to traffic. This review criterion has been interpreted by to require only that adjoining land either have access, or be provided access, to public streets.

5.2 The property currently has frontage on Old Salem Road and Conser Road with access to Old Salem Road. Parcel 1 will retain frontage on Old Salem Road and Conser Road with access to Old Salem Road. Parcel 2 is proposed to be a flag lot with a 25-foot-wide flag stem, 34-foot-wide reciprocal access easement, 26-foot-wide improved driveway.

5.3 All adjoining properties to the subject property have existing access to a public street in accordance with Section 4.02.030.3. The proposed tentative partition plat will not remove that access.

- a. Property to the north: North of the subject site is NE Conser Road. North of NE Conser Road is 3791 Conser Road. This property has frontage on NE Old Salem Road and NE Conser Road with two access encroachments to NE Conser Road.
- b. Property to the south: South of the subject parcel is 3923 NE Old Salem Road. This property has frontage on NE Old Salem Road and two access encroachments onto NE Old Salem Road. The proposed land division does not affect future development of this lot.
- c. Property to the east: East of the subject parcel is 3514 NE Conser Road and 3435 NE Old Salem Road. These properties have frontage on and access to NE Conser Road and NE Old Salem Road, respectively.
- d. Property to the west: West of the subject site is NE Old Salem Road. West of NE Old Salem Road are 4050 and 3924 Old Salem Road NE. 4050 Old Salem Road has frontage on NE Conser Road and NE Old Salem Road with one access encroachment to NE Conser Road. 3924 Old Salem Road NE has frontage on and one access encroachment to NE Old Salem Road.



III. Site Development Review

1. Chapter 5.05 provides an overview of Site Development Reviews. Subsection 5.05.020 states that site development review applications are revised in accordance with a Type III review procedure under Chapter 5.19 using the review criteria under Section 5.05.060.
2. The application submittal requirements for a site development review application are found under Section 5.05.050 and include: application forms, fee, site analysis and site plan in addition to written responses to the review criteria.

Site Development Review Decision Criteria

Section 5.05.060 of the Millersburg Development Code (MDC) includes the following review criteria that must be met for a Site Development Review to be approved. Code criteria are written in **bold** and are followed by findings and conclusions.

Criterion 1

1. **The proposed use is allowed in the zone and complies with the underlying zone development standards.**
 - 1.1 The proposal is to construct a new 7,480 square foot building and associated site improvements on Parcel 2. The new structure will be occupied by Pure Energy Group, a solar energy installation company and be comprised of office, showroom, and warehouse storage space.
 - 1.2 The zoning for the site is General Commercial (GC).
 - 1.3 The proposed use falls under the "Construction Business," which is listed as a permitted uses in MDC 2.08.020.
 - 1.4 The development standards for the GC zone are listed in MDC Section 2.08.050, Table 7. These include minimum lot area, setbacks, yards when next to residential, height, and lot coverage. Most of these standards are zero unless the property is located next to residential zoning. The subject property does not abut or adjacent to any residentially zoned property, and thus meets all zoning development standards. The zoning standards also reference other development standards in the Development Code an overview of which are included in Section IV, below, and incorporated herein by reference.

GC Zone Dimensional Standards		Proposed
		Parcel 2
Minimum Lot Area		
All Development	5,000 sf	±1.25-acres
Minimum Setbacks		
Front Yard	0 feet	Greater than zero



Side Yard	0 feet	Greater than zero
Side Yard (adjacent to "R" Zones)	5 feet plus 5 feet per story	Not Applicable
Rear Yard	0 feet	Greater than zero
Rear Yard (adjacent to "R" Zones)	5 feet plus 5 feet per story	Not Applicable
Maximum Structure Height		
Principal and Accessory Buildings	35 feet (or higher with a Conditional Use Permit)	Not Applicable
Maximum Lot Coverage		
Lot Coverage	90% Maximum	86.8%

- 1.5 Findings pertaining to MDC Section 2.08.060 Development Standards subsection 1 through 5 are found in section IV, below, and incorporated herein by reference.
- 1.6 No outdoor storage, display, or dining are proposed in association with this request. Therefore, MDC 2.08.060(6) is not applicable.
- 1.7 The subject property does not abut RL, RU, or RM zoned property. Therefore, MDC 2.08.060(7) is not applicable.
- 1.8 Automobile sales is not proposed with this application. Therefore, MDC 2.08.060(8) is not applicable.

Criterion 2

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.
 - 3.1 The new structure will be occupied by Pure Energy Group, a solar energy installation company and be comprised of office, showroom, and warehouse storage space.
 - 3.2 Access to the site will be via a new 27.9-foot-wide encroachment to Old Salem Road with 14-foot wide improve surface.
 - 3.3 According to the 10th Edition Trip Generation Manual of the Institute of Transportation Engineers, trip generation rates by use are as follows: single-tenant office buildings are estimated to have 1.74 PM peak hour trips per 1,000 square foot of gross floor area; warehousing is estimated to have 0.10 PM peak hour trips per 1,000 square foot of gross floor area. The office portion of the proposed structure is 2,460 square feet, and therefore,

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is estimated to generate 4 PM Peak Hours trips. The warehouse portion of the proposed structure is 4,570 square feet, and therefore, is estimated to generate 0.45 PM Peak Hours trips.

The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for submittal of a TIA is 300 peak hour trips.

- 3.4 There will be some noise associated with the proposed use. Anticipated noise will be related to vehicles entering and existing as well as loading and unload of merchandise. However, site design, operating, and building construction methods have all been employed to help mitigation noise generated in association with the proposed use. These noise mitigation methods will help ensure that noise decibel, frequency, and pitch do not exceed the standards established by the State Department of Environment Quality.
- 3.5 Examples of noise mitigation methods are as follows: Customer, employee, and small delivery truck traffic will be limited to standard business hours. Most of the business operation will be enclosed within the proposed structures. The design and construction materials of the proposed structure will decrease noise transferring both within and outside of the structure.
- 3.6 The site accessway and parking lot will be an improved surface and there will be no manufacturing on-site that are known to cause dust, odor, or glare than what would be normally associated with an office, sales, and display use.
- 3.7 No other potential incompatible adjacent uses are identified with this proposal.

Criterion 3

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;

- 3.1 According to city utility maps, there is a 12-inch water main and 8-inch sanitary sewer main in the Conser Road right-of-way; a 20-inch water main, 8-inch sanitary sewer main, and storm mainline in the Old Salem Road NE right-of-way. Therefore, public utilities are available and adequate to serve the proposed development.
- 3.2 Preliminary utility plans are included in the application submittal and incorporated herein by reference. These plans demonstrate all private and public utilities will be designed and constructed in compliance with the requirements of the Independence Public Works Design Standards.
- 3.3 Preliminary drainage and erosion control plans are included in the application submittal and incorporated herein by reference. A final drainage plan will be submitted prior to building permit issuance.



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

3.4 As shown on the site plan, Parcel 1 is served by an existing access way to Old Salem Road. Parcel 2 is proposed to be a flag lot with a 25-foot-wide flag stem, 34-foot-wide reciprocal access easement, 26-foot-wide improved driveway.

3.5 Parking and parking lot improvements are proposed for Parcel 2 in association with the proposed development. See Section IV, below, and incorporated herein for compliance with the off-street parking requirements.

c) **Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and**

3.6 As mentioned previously, operations will primarily take place within the new structure, which will limit noise. There are no residential areas near the property.

d) **Protections from any potential hazards.**

3.7 The subject property is located outside of natural resource overlay zones and there are no known hazards associated with the property. As mentioned previously, the new structure will be occupied by Pure Energy Group, a solar energy installation company and used for offices, storage, and merchandise display. Therefore, no hazard protections are necessary in association with the proposed use.

IV. Standards

The proposed design complies with all the specifications and design requirements of Chapter 2, specifically the GC Zone setbacks and siting requirements, and Chapter 3 General Provisions as shown below. The following analysis is a summary of only the applicable standards or items that required additional explanation and/or additional conditions of approval to show clear consistency.

CHAPTER 3.01 GENERAL PROVISIONS

Section 3.01.030, Table 11 outlines public facilities improvements requirements per land use activity, which are as follows for a new commercial building.

Public Facilities Improvement Requirements							
Land Use Activity	Fire Hydrant	Street Improvement	Water Hookup	Sewer Hookup	Storm Drain	Streetlights	Bike and Pedestrian
New Commercial Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes

The development is located on the southeast corner of SE Conser Road and Old Salem Road with approximately 350 feet of frontage along Conser Road and 585 feet of frontage on Old Salem Road. Both Conser Road and Old Salem Road are under the jurisdiction of Linn County.

According to County Engineer, Daineal Malone, the following will be required as conditions of approval:

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- 10' Right of Way dedication along Old Salem Road.
- Setback sidewalk along Old Salem Road frontage.
- Provide pedestrian crossing across Old Salem Road.

CHAPTER 3.02 STREET STANDARDS

The street standards explain the requirements for City public and private streets.

The development is located on the southeast corner of SE Conser Road and Old Salem Road with approximately 350 feet of frontage along Conser Road and 585 feet of frontage on Old Salem Road. Both Conser Road and Old Salem Road are under the jurisdiction of Linn County.

Old Salem Road is classified as an arterial street. Old Salem Road has a 60-foot right-of-way with 42-foot pavement width. Old Salem Road is improved with a center turn lane, one vehicle travel lane in each direction curb, gutter, and 5-foot-wide sidewalk along the west side of the street.

According to Section 3.02.030, Table 12, an arterial street with a center turn lane is required to have an 80-foot wide right-of-way, 50-foot pavement width, 12-foot travel lanes, 14-foot center turn lane, as well as a 6-foot bike lane, 5-foot-wide landscape buffer, and 5-foot-wide sidewalk on either side of the street.

Conser Road is classified as a local street. Conser Road has a 60-foot right-of-way with 26-foot pavement width. Conser Road is improved as a turnpike style street with one vehicle travel lane in each direction and drainage ditches on both sides of the street. The street is designed to meet County and "rural" City Street standards.

SECTION 3.02.120 TRAFFIC IMPACT ANALYSIS

According to MDC 3.02.120, a traffic impact analysis is required for an increase of traffic volume generation by 300 Average Daily Trips (ADT) or more:

According to the 10th Edition Trip Generation Manual of the Institute of Transportation Engineers, trip generation rates by use are as follows: single-tenant office buildings are estimated to have 1.74 PM peak hour trips per 1,000 square foot of gross floor area; warehousing is estimated to have 0.10 PM peak hour trips per 1,000 square foot of gross floor area. The office portion of the proposed structure is 2,460 square feet, and therefore, is estimated to generate 4 PM Peak Hours trips. The warehouse portion of the proposed structure is 4,570 square feet, and therefore, is estimated to generate 0.45 PM Peak Hours trips.

The development will not generate enough trips to require submittal of a trip generation analysis or Traffic Impact Analysis (TIA). The threshold for submittal of a TIA is 300 average daily trips.

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

SECTION 3.03.050 GENERAL PROVISIONS OF OFF-STREET PARKING AND LOADING PARKING

Finding: MDC Section 3.03.060.L outlines the minimum parking requirements for retail, office, and warehouses, which are most applicable to the proposed development.



- Retail (type k): 1 space/800 sf + 1 space/2 employees = 2 spaces (450 sf/800 sf + 2 employees/ 2 spaces)
- Office space (type L): 1 space /400 sf = 11 spaces (2,460 sf/400 sf + 8 employees/2 spaces)
- Warehouse space (type Q): 1 space/3,000 sf = 2 spaces (4,570 sf/3,000 sf)

A new 7,480 square foot structure with ten employees is proposed. Therefore, 15 vehicle parking spaces with up to three compact spaces are required.

SECTION 3.03.070 OFF-STREET LOADING REQUIREMENTS

According to MDC 3.03.070 commercial or industrial buildings between 10,000 and 25,000 square feet in area are required to provide a loading space. The proposed development is less than 10,000 square feet; therefore, this standard is not applicable.

SECTION 3.03.080 PARKING, DRIVEWAY, AND LOADING AREA DEVELOPMENT REQUIREMENTS.

Section 3.03.080.1 states that all driveways, parking, and loading areas must be hard surfaced and comply with the Engineering Standards of the City of Millersburg.

Section 3.03.080.2 states that standard parking spaces shall be a minimum of 9-feet wide and 20-feet in length and compact spaces shall be a minimum of 8.5-feet in width and 18-feet length.

Section 3.03.080.3 states that access spacing must comply with Section 3.02.040 – Access Standards with internal driveway requirements per Section 3.03.080, Table 15.

As shown on the site plan, proposed parking spaces confirm with the minimum dimensional standards and spacing standard from driveway to driveway and driveway to intersection are met.

SECTION YARDS AND LOTS 3.08

Section 3.08.060 outlines clear vision area where streets and private points of access intersect. Subsection 4 requires the clear vision area for street-access easement intersections shall be 10 feet along the access easement from its intersection with the street curb (or edge of pavement if no curb) and 20 feet along the street curb (or edge of pavement if no curb) at the point of intersection with the access easement.

Clear vision areas are show on the civil site plan in conformance with Section 3.08.060(4).

CHAPTER 3.09 LANDSCAPING REQUIRED- MIXED-USE AND NON-RESIDENTIAL ZONES SECTION 3.09.030(1)b NON-RESIDENTIAL LANDSCAPING

The site does not abut any residential property; no screening is required. Landscape areas are outlined on the site plan. No setbacks are required. Therefore, landscaping is proposed in the parking area only.

SECTION 3.09.030(2) PARKING LOT LANDSCAPING

Parking areas have specific landscape requirements. These include:



- i. Planter bays for more than 12 parking spaces in a row.
- ii. Walkways must surround buildings or include 5 feet of landscaping.
- iii. Parking lot landscaping must be separated from gravel areas by boulder or other blockades.

There are no areas in the proposed lot that use more than 11 parking spaces together, thus planter bays intended to break up large sections of parking are not required, though landscaped areas at the ends of the parking aisles are still required as shown. A 12-foot-wide sidewalk is shown between the building and abutting parking.

SECTION 3.26 COMMERCIAL DESIGN STANDARDS

Commercial Design Standards are intended to create an attractive vista, enhancing the ability to attract business investment and livability. According to MDC 3.26.010, Commercial Design Standards are applicable to the follows: 1) all new construction of commercial and office buildings in all zones; 2) All additions to existing commercial or office buildings exceeding 25% of the floor area of the existing building; 3) All remodels, resurfacing, or repainting changing the color of existing building facade; 4) All paving or expansion of existing parking lots not including resurfacing or repair of existing pavement; and, 5) All revisions to existing landscaping when the revision involves more than 25% of the existing landscaped area.

Commercial design standards per MDC 3.26.030 are provided below in **bold text**:

- (1) Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using the installation of a combination of architectural features and a variety of building materials. Walls that can be viewed from adjacent public streets including Interstate 5 shall be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.**

The proposed structure will be constructed on a flag lot. Visibility of west building façade is partially obstructed by an existing building on the abutting site and an approximately 409 foot setback from the Old Salem Road. Visibility of north building façade is also partially obstructed by proposed parking lot improvements and an approximately 395 ft setback from Conser Road. The east and south building facades will not be visible from a public street. All building façades will have a horizontal length greater than 50 feet.

As shown on the elevation plans, projecting awnings, 2/12 roof pitch, and a combination of wall finishes are proposed to in compliance with this standard. Additionally, the minimum wall area provision will be met with a combination of windows, doorway openings, and landscaping abutting the building. This standard is met.

- (2) Architectural features shall include at least three of the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape**



structures, or other features that complement the design intent of the structure and are approved in the Site Design Review process.

As shown on the elevation plans, the three architectural features will include projecting awnings, window display areas, and 2/12 roof pitch. This will be reviewed in association with the building permit.

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

The term adjacent is defined as next to or adjoining. As stated above, the proposed structure will be constructed on a flag lot with 409 foot setback from Old Salem Road and 395 foot setback from Conser Road. Therefore, 75 percent of all walls must be one of the depicted predominant building materials. As shown on the elevation plans, a standing seam metal roofing material is proposed. Exterior walls materials will be a combination of standing seam metal panels, glass windowpanes, metal doors, and either brick or stone paneling, synthetic textured stucco, or cement fiber boards (i.e., HardiePlank). This will be reviewed in association with the building permit. This standard can be met with a condition of approval requiring the percentage of predominate building materials to be reviewed and approved in association with the building permit.

- (4) Exterior colors shall be of low reflectance and shall be earth tone or dark shades of primary or secondary colors. The use of high intensity colors such as black, neon, metallic, or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim.

Final color selections have not yet been made. However, in accordance with this standard all exterior colors will be low reflectance and earth tones or dark shades of primary or secondary colors. This standard can be met with a condition of approval requiring final color selections to be reviewed and approved in association with the building permit.

- (5) As an alternative, an applicant who wishes to use a design that differs from these requirements may apply for a Conditional Use Permit.

As shown on the elevation plans, the proposed structure complies with the Commercial Design standards; therefore, a conditional use permit has not been requested.

V. OVERALL CONCLUSION

Based on the analysis in this report, the proposed preliminary partition plat and site development meets all the applicable review criteria as outlined above.



VI. ATTACHMENTS

- A. Civil Plan Set
 - a. Cover Sheet
 - b. Exiting Conditions/Demo Plan
 - c. Tentative Partition Plat
 - d. Preliminary Site Plan
 - e. Preliminary Grading and Drainage Plan
 - f. Preliminary Utility Plan
 - g. Preliminary Fire Access Plan
- B. Preliminary Stormwater Memorandum
- C. Architectural Plan Set
 - a. North/South Elevations
 - b. West/East Elevations
 - c. First Floor Plan
 - d. Second Floor Plan



Hello Matt,

RE: SP 23-01 & PA 23-01 – Pure Energy Group

Comment from the Linn County Road Depart are as follows:

A commercial access permit/review is required. Please contact the Linn County Road Department for more information.

Let me know if you have any questions.

Thanks,

Stephanie Taylor

Linn County Road Department

3010 Ferry Street SW

Albany, OR 97322

staylor@co.linn.or.us

(541) 967-3919



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: March 30, 2023

SUBJECT: SP-23-01 – Conser & Old Salem Pure Energy– Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments.

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

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

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

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

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

2. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved. (OFC 503.2.1)
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)

Proposal shows R28’ and R48’ for the fire department access road. Our apparatus requires R30’ and R50’, respectively.

4. 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)

Future submittals shall include documentation showing the calculation of the fire flow demand for the proposed buildings in accordance with Appendix B of the Oregon Fire Code. More hydrants may be required than what is being shown on the SP documents.

LAR/lar

Lora Ratcliff
Lora.ratcliff@cityofalbany.net
541-917-7728

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: April 19, 2023
SUBJECT: SP 23-01 - 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 improvements shall be designed in accordance with City of Millersburg adopted standards and 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 of the new building.
3. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
4. Approved locations of connection points to City water and sewer may differ from locations shown on the Preliminary Utility Plan.
5. Stormwater:
 - a. Prior to beginning of construction 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. Private stormwater quality facilities require the property owner to enter into a maintenance agreement. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.

6. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
7. 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.
8. 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.



NOTICE OF PUBLIC HEARING
May 2, 2023, 6:00 p.m.
The meeting will be in person
and online or by phone-

See the agenda for the link and phone number details

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing to consider the requests described below. If anyone needs any special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may testify during the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Planning Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the City Council and the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. Any document request must be made by phone, email, in person at City Hall. Most documents can be viewed at the following web location- <https://www.cityofmillersburg.org/planning/page/land-use-applications-and-applications-under-review>. A staff report relating to the applicant's proposal will be available seven days prior to the public hearing at the same web location. For further information, contact Millersburg City Hall at (458)-233-6300.

- APPLICANTS:** Pure Energy Group
LOCATION: Easterly of NE Old Salem Road and southerly of NE Conser Road.
TAX LOT: Township 10 South; Range 3 West; Section 21D; Tax Lot 01200
PARCEL SIZE: 5.76 acres
ZONING: General Commercial (GC)
REQUEST: The applicant is proposing concurrent review of a Tentative Partition for a two lot split, one parcel is proposed to be 4.50 acres and the second parcel is proposed to be 1.25 acres, and a Site Development Review for a new 7,480 square foot building for a solar sales and installation facility that will include an office, showroom open to the public, warehouse/ storage space and 15 parking spaces with landscaping.
CRITERIA: Millersburg Development Code; Section 5.05.060 & 5.08.060 (pursuant to 4.02.020 the subdivision criteria apply)
FILE No.: SP 23-01 & PA 23-01

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.