



Rules of Conduct for Public Meetings

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.

This meeting is being recorded for public review on the City of Millersburg website.

PLANNING COMMISSION PUBLIC HEARING

Millersburg City Hall
4222 NE Old Salem Road, Millersburg, OR 97321
February 6, 2024 @ 6:00 p.m.

Planning Commission meetings are in-person. Remote access continues to be available. Instructions for joining are at <https://www.millersburgoregon.gov/bc-pc/page/planning-commission-public-hearing-8>. If you need additional support, please contact City Hall prior to 5:00 p.m. on Monday, February 5, 2024.

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 January 2, 2024, Planning Commission Public Hearing Minutes

Action: _____

D. PUBLIC HEARING

1) FILE: SP 23-04 – **Center Market** The application is for a Site Development Review for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The applicant is proposing the development of the site in three phases.

2) FILE: SP 23-05 **Northwest RE LLC Industrial Project** -The application is for a Site Development Review of a single building with 326,285 SF of manufacturing space, 17,300 SF of office space, and 156,425 SF of warehouse space. The total building size is estimated to be 500,010 SF. The primary purpose of the building is manufacturing with the designated warehouse and office uses being accessory uses. The site also features passenger vehicle and truck parking areas, landscaping, water quality basins, truck maneuvering areas, loading bays, and an undisturbed wetland area. Two new driveways are proposed, one on NE Old Salem Road and one NE Transition Parkway. The warehouse area is scheduled to be built in a future expansion but was fully analyzed.

E. PLANNING UPDATE

F. ADJOURNMENT

Upcoming Meeting(s):

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



PLANNING COMMISSION WORK SESSION MINUTES
4222 NE Old Salem Road
Millersburg OR 97321
January 2, 2024
6:00 p.m.

A. CALL TO ORDER: Chair Doug Iverson called the meeting to order at 6:00 p.m.

B. ROLL CALL:

Members Present: Chair Doug Iverson, Commissioner Brandon Abresch, Monte Ayers, Jerry Horn, Alex Patterson, Ryan Penning and Caryl Thomas

Staff Present: Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; and Margaret Gander-Vo, City Attorney

Chair Doug Iverson welcomed everyone and introduced new planning Commissioner Brandon Abresch. Commissioner Brandon Abresch shared about himself.

C. NOMINATION OF CHAIR AND VICE CHAIR 6:02 p.m.

ACTION: Motion to nominate Doug Iverson as Chair, made by Monte Ayers; seconded by Commissioner Caryl Thomas.

- Commissioner Brandon Abresch: Aye
- Commissioner Monte Ayers: Aye
- Commissioner Jerry Horn: Aye
- Commissioner Doug Iverson: Aye
- Commissioner Alex Patterson: Aye
- Commissioner Ryan Penning: Aye
- Commissioner Caryl Thomas: Aye

Motion Passed: 7/0

ACTION: Motion to appoint Monte Ayers to Vice-Chair, made by Commissioner Caryl Thomas; seconded by Commissioner Ryan Penning.

- Commissioner Brandon Abresch: Aye
- Commissioner Monte Ayers: Aye
- Commissioner Jerry Horn: Aye
- Commissioner Doug Iverson: Aye
- Commissioner Alex Patterson: Aye
- Commissioner Ryan Penning: Aye
- Commissioner Caryl Thomas: Aye

Motion Passed: 7/0

D. MEETING MINUTE APPROVAL 6:03 p.m.

Iverson pointed out that the minutes reflected that the meeting was adjourned by himself, but he was not in attendance and previous Chair Wil Canate adjourned the meeting

ACTION: Motion to Approve the October 3, 2023, minutes as modified, made by Commissioner Monte Ayers; seconded by Commissioner Caryl Thomas.

Commissioner Brandon Abresch: Aye
Commissioner Monte Ayers: Aye
Commissioner Jerry Horn: Aye
Commissioner Doug Iverson: Aye
Commissioner Alex Patterson: Aye
Commissioner Ryan Penning: Aye
Commissioner Caryl Thomas: Aye

Motion Passed: 7/0

E. PUBLIC HEARING
File No: DC 23-02

6:05 p.m.

Iverson talked about the three-minute time limit.

Chair Doug Iverson opened the public hearing at 6:06 p.m.

City Recorder Sheena Dickerman read the disclosure statement*.

Community Development Director Matt Straite explained that he would be going through the changes and then the criteria. Staff keeps a list throughout the year of any codes that are not clear, wrong or needs to be updated. This is the reason for the small collection of updates. At the last workshop staff shared that there were three categories that they wanted to do. Climate Friendly Equitable Communities, CFEC, a new measure that is being passed by the State that they feel are necessary for climate action and other things. These are mandatory adjustments. The second update is general text and the third one was talked about at the workshop, which was three map changes that staff removed from this update.

Straite started with the CFEC updates. He said the Governor told all entities to use their executive abilities to reduce climate action. The State has a planning division, Department of Land Conservation and Development (DLCD). The DLCD put forward rules that would help curtail climate change. A lot of the rules affect cities differently. There is a threshold of 5,000 people. Once a city goes over 5,000 people, the city has to rezone, where the city will have their climate friendly areas. The climate friendly areas have to be walkable and have mixed use, jobs and homes close by and lots of sidewalk. The City does not have to comply with most yet, as the City is only 3,000 people. The City did have to comply with some requirements that all cities have to comply with.

Straite said the mandates mainly revolve around parking; it requires the City to remove parking mandates, adjust parking regulations, and require projects to have conduit for electric vehicles charging stations. The City doesn't have to require the stations, but the State thinks it has to be done at the development level as adding conduit is expensive later.

Straite said that the City's code has a table for how many parking spaces are needed for different kinds of uses. The State is requiring that the City get rid of it. There is no longer a minimum of parking spaces someone is required to have. The business will be able to decide what they need. Staff does not believe this will impact the City. There will still be parking standards for size of the parking space, curb stalls and landscaping and the developer will still have to meet those requirements. He showed Table 14 which will be removed*.

Straite continued with parking lot standards. The first mandate the State is requiring is that all parking lots have shade from trees, at least 50%. The next requirement is a carpool and vanpool preferred spaces for any new business that will be coming in. The last requirement is for the City to allow existing parking lots to be redeveloped to provide bus stops and bike racks..

Straite stated that any time the City does an update to the Development Code the City has to notify the State. The DLCDC sent an informal email that praised the City for what the City was doing toward complying with the State mandates. There was one change that was asked for that the City didn't make as it wasn't a requirement. Staff had put in that if someone wanted to revise their parking lot and put in another use, they would need to come to the Planning Commission for an entitlement process. This would require a study and to analyze the parking lot change. The State asked staff to delete it. Staff wanted to be more cautious about the impacts to surrounding communities. Staff has kept it in. This does not mean that the City didn't comply.

Straite said that the staff report included all the changes but the one that the DLCDC asked for but he hadn't included the DLCDC email. He passed out a memo that included the DLCDC email*.

Straite highlighted the changes that were proposed in the staff report*. He stated that the staff report goes into great detail on how each one met the criteria. It meets all City, State Goals and State planning goals. He went through the memo.

Criteria - staff report goes in great detail. Meets City reads, State Goals, and All state planning goals.

Straite talked more about the memo and the emails from residents that were asking for specific changes and DLCDC. One resident wanted to double the size of what the City was proposing for the Accessory Dwelling Units (ADU). They had asked to change the max size to 1,800 square feet and to double the increments for the ADU. None of the surrounding cities had a max of 1,800 square feet for ADU's. He noted that the email from the DLCDC, staff had already made those changes. Another email, the resident wanted to make an all-new code that wasn't part of the 35 revisions. Staff communicated that it was a good idea and would need to be a part of the next Code updates as this one is already done, and the resident was fine with it being done in the future.

Straite clarified how public testimony works, it is not designed to be for back and forth questions. The public may ask questions but the Planning Commission is not obligated to answer them. Staff will try to provide answers to them as the City moves forward. There is a three-minute timer for the public to provide their testimony.

Straite explained that the notice that went out had language at the top that said this might impact their property values. He explained that any time the City updates the Code that language is required if the City is going to impact people's property in any way, he said State requires that the Measure 56 notice be sent out. Staff does not believe any of the Code changes will impact people's property values but had to include the language.

PUBLIC TESTIMONY –

IN FAVOR:

David Raymond, 6219 NE Elena Street –was in favor of the clear paths. He thinks that those things addressed will make it better.

OPPOSED-

Arthur Wells, 5990 Tuscan loop – read his proposed request to changes to RV covers*.

Chair Doug Iverson closed the public hearing at 6:51 p.m.

DISCUSSION

Iverson mentioned that on page 40 of the packet there is an item on 42. Straite said the "4" was struck out. Iverson said on page 58 it talks about an attic or a person converting a portion of their basement, he didn't know how it could be enforced. Straite replied that it would be driven by building permits. If someone wanted to seal off one part of the house and add a second entrance. A kitchen is how it is categorized an ADU or not. It is part of the building code and why it wasn't seen in the changes.

Iverson commented on the wording on page 59 being confusing. Straite will review with the City Manager and Assistant City Manager to figure out better language to use.

Iverson said on page 60, it should be defined who is the City. Straite will change "City" to "City Manager".

Commissioner Monte Ayers asked about renting a room in the house, he mentioned the daycare situation. Straite replied it allows them to rent it out.

Ayers asked about when the City grows and the confined space living; apartments, duplexes, or triplexes help when the future requirements. Straite replied that it would help in the future. He explained that the CFEC area requires when the City reaches 5,000, areas zoned and the SRO's don't help with that. It does show the State City has more accommodations for affordable housing.

ACTION: Motion to recommend approval of the modified DC 23-02 to the City Council because all applicable criteria are met, and all findings of fact are included in the staff report, made by Monte Ayers; seconded by Commissioner Jerry Horn.

Commissioner Brandon Abresch Aye
Commissioner Monte Ayers: Aye
Commissioner Jerry Horn: Aye
Commissioner Doug Iverson: Aye
Commissioner Alex Patterson: Aye
Commissioner Ryan Penning: Aye

Commissioner Caryl Thomas: Aye
Motion Passed: 7/0

F. PUBLIC HEARING
File No: SP-23-03

6:57 p.m.

Chair Doug Iverson opened the Public Hearing at 6:57 p.m.

City Recorder Sheena Dickerman read the disclosure statement.

No one spoke in favor or opposed.

None of the Commissioners reported a conflict of interest. Commissioner Alex Patterson reported he had walked by the site yesterday. Commissioner Caryl Thomas reported that she had walked through the site as a member of the Parks Commission.

None of the public challenged the Parks Commission.

Straite described where the project was located, southerly of Millersburg Drive and easterly of Sedona Road. The zoning is residential low and the residential around is zoned residential low. Straite went through the background of the project. The Parks Master Plan identified a need for a new park in North Millersburg. The City purchased the property in 2020.

In 2022, the City won a grant from the Oregon State Parks to do an outreach plan, concept plan and land use approval for this park. The same year the City released a survey and asked the north Millersburg residents what features they would like. This greatly guided the design of the park. The City held two Parks Commissions meetings and the final product the Parks Commission came up with is called the preferred concept, a copy is in the agenda packet.

Straite explained that the Planning Commission is to ensure that the criteria for land use is met and not to discuss the features. If any of the features is standing in the way of criteria, then it should be discussed.

Straite went through the project description. The project is for a conceptual park design. It would be for 4.4 acres. The Parks Commission helped to know that it should include a trail, playground, shelter, lots of landscaping and some recreational features.

Straite reviewed the criteria. It must be allowed in the zone. Parks are permitted in the zone. It must meet all the permitted use requirements in the zone. First is the height, since this is a concept plan it is unknown what the elevations will be but the tallest feature is the proposed shelter and the height limit is 35 feet. Next is setbacks and the concept shows that all the primary structures will be away from the edges of the property. The last criteria is lot coverage which says that it can't be covered more than 50 percent with impervious surface. The project is under the 50 percent requirement.

Straite stated that the next criteria is the project cannot have negative impacts; traffic, noise, dust and glare. The site includes 11 parking places. He commented that the Parks Commission had looked at the kinds of amenities that were in the park, nothing that would be a regional draw. He used the example of a splash pad. There are no features

that would cause other communities to drive here and visit. It is a neighborhood park. Parks and homes are considered compatible with residential areas. The mitigation for the noise is there are no bandstands or sport fields. Other mitigation measures are the plantings. Staff does not anticipate dust or glare.

Straite said the next criteria is public utilities to the site. There are public utilities there today, a water meter will be required. A stormwater plan was not included at this stage, but staff has added a condition of approval. Staff has also added a condition of approval for the standards of all the utilities to be met.

The next criterion is access, the park has been designed to include pedestrian and vehicular access. There is a sidewalk and a driveway that will bring residents in from Millersburg Drive. The Parks Master Plan calls for a trail someday to the east. The trail is not part of the park. There is a spot for the pedestrian connection to the future trail.

Straite said that a condition of approval was added to the project that requires that 60 percent of the park border with homes must be fully screened with vegetation after 15 years growth. For parking, conditions of approval have been included for landscaping and a drainage plan is created prior to construction.

Straite mentioned an email that is included in the memo that a concerned neighbor had about amenities. The amenities are not what is being approved at this time and there is no need to talk about those yet.

PUBLIC TESTIMONY

No one spoke in favor or in opposition.

Commissioner Ryan Penning asked if the conduit would need to be a requirement. Straite affirmed. It will need to be part of the final plan. There will be power at the park. Commissioner Jerry Horn asked how many parking spaces there were. Straite replied eleven.

Straite explained that the final plan will go to the City Council in the future. The next steps would be grant funding for final plan and final construction. This will be a few more years.

Chair Doug Iverson closed the public hearing at 7:15 p.m.

ACTION: Motion that based on the findings of fact in the staff report, and the conditions of approval, the proposed project satisfies applicable criteria and standards, and the Planning Commission approves Site Plan SP 23-03 with conditions of approval, made by Commissioner Alex Patterson; seconded by Commissioner Monte Ayers.

Commissioner Brandon Abresch	Aye
Commissioner Monte Ayers:	Aye
Commissioner Jerry Horn:	Aye
Commissioner Doug Iverson:	Aye
Commissioner Alex Patterson:	Aye
Commissioner Ryan Penning:	Aye
Commissioner Caryl Thomas:	Aye

Motion Passed: 7/0

G. PLANNING UPDATE

Straite said there have been a couple of land use applications. There will be a couple items coming to the February meeting.

H. ADJOURNMENT: Chair Iverson adjourned the meeting at 7:17 p.m.

Respectfully submitted:

Reviewed by:

Sheena Dickerman
City Recorder

Matt Straite
Community Development Director

DRAFT



File No: SP 23-04 Center Market

Proposal: The application is for a Site Development Review for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The new structure is proposed to be 5,225 square feet, 3,780 square feet will be the new convenience store, 1,178 square feet is designated for a future retail/commercial tenant that is not identified at this time. The project also includes new pavement, parking areas, a basin, a plaza, new landscaping, a kitchen for the preparation of hot meal items, and the relocation of the driveway on NE Old Salem Road. The project would require the removal of several mature trees. The applicant is proposing the development of the site in three phases:

- Phase 1 proposes:
 - The construction of the new building and grading of the site.
 - Construction of new utility connections.
 - Removal of all existing mature trees on the site.
 - Construction of new driveway location on NE Old Salem Road.
 - Construction of temporary stormwater facilities.
 - The existing building remains open and in business.
 - The parking area is proposed to remain gravel during this phase.
- Phase 2 proposes:
 - Demolition of the existing building.
 - Abandoning existing utilities.
 - Construction of permanent stormwater facilities.
 - Landscaping including the plaza.
 - Abandoning the existing driveway on NE Old Salem Road.
- Phase 3 proposes:
 - Paving and striping of the parking area.

I. BACKGROUND

- A. Applicant: Old Salem Road, LLC
- B. Location: 4050 NE Old Salem Road, lots 10S-03W-21-04600
- C. Review Type: The proposed Site Development Review is a Type III permit, requiring a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on February 6, 2024. 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. Review Criteria: Chapter 5.05.060 Site Development Review Criteria
- E. Current Zoning: General Commercial (GC)

- F. Proposed Zoning: N/A
- G. Property Size: 1 acre

H. Background:
 The site currently features a permitted convenience store and apartment in the same building. Ownership of the building changed within the past few years. The new owners have discontinued use of the apartment.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant’s Site Development Review materials were transmitted to the following agencies/departments on January 9, 2024: 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, the following comments have been received:

- Millersburg City Engineer Comments dated January 25, 2024
- Albany Fire Department Comment Letter dated January 23, 2024
- Linn County Road Department Comments dated January 18, 2024

Public:

Notice of the February 6, 2024, hearing was mailed to all property owners within 200 feet of the property, posted in City Hall on January 18, 2024, and posted on the City’s website here - <http://cityofmillersburg.org/planning-commision/> on January 18, 2024. To date, no written comments from the public have been received by staff.

III. CRITERION

All findings and conclusions listed below are in addition to those provided by the applicant in their narrative dated December 11, 2023, which is included here by reference.

5.05.060 Site Development Review Decision Criteria

The review of the 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 proposed use is a convenience store, which is listed as a permitted use in the General Commercial (GC) Zone, specifically Section 2.08.020(1) pursuant to a Site Development review. Specifically, the permitted use is retail trade establishments.

The zone contains development standards that include the following:

Regulation	Standard	Application
Minimum Lot Area	5,000 square feet	The property is one (1) acre in size.

Setbacks <ul style="list-style-type: none"> • Front • Rear • Side • Side Yard Street 	Zero Zero Zero 10 feet	The proposed building location is more than 10 feet from any street.
Height	35 feet	The proposed structure is less than 15 feet in height.
Lot Coverage	90%	The site is 43,560 square feet, the structure is proposed to be 5,225 square feet, and the paving is proposed to be 22,813 square feet for a total of 28,038 square feet. 90% of the lot would be 39,204 square feet, thus the project is under the maximum lot coverage requirements.

The zoning standards include all other development standards listed throughout the Development Code. These are addressed later in this staff report in Section IV.

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

- (2) **The proposed use will not create negative impacts on the surrounding area resulting from traffic flow, noise, dust, glare, odor, potential incompatible adjacent uses such as parking lots, or other impacts identified in the public hearing process.**

ANALYSIS: The project will result in an increase to traffic because the proposed store is larger and is anticipated to do more business. A traffic study was not required pursuant to the Development Code. The use is already existing on the site. The new store will be replacing the existing one but will be larger. The size difference is not anticipated to result in a significant increase in vehicle traffic such that any mitigation would be required based on trip generation details provided by the applicant in the narrative. The new site configuration will move the eastern driveway further south which will result in a safer ingress and egress on NE Old Salem Road. This is discussed further in section IV of this staff report. The applicant has indicated that the design is also intended to allow on-site parking of larger trucks. This is intended to address big rigs illegally parking on NE Old Salem Road and NE Conser Road. The City does not anticipate any negative impacts to traffic flow.

The City does not anticipate any noise concerns with the proposed retail use. The proposed use is not considered a noisy use and is highly consistent with the zoning for the site which anticipated moderate levels of noise when the zoning designation was made. Neighboring uses do not currently include residential uses which are typically more sensitive to noise. Additionally, the use is existing and the City has received no complaints regarding noise from the use.

The existing shop uses a gravel parking lot. The new site plan shows the site fully paved after phase III. As such, dust should not be an issue once all phases are complete.

The proposed structure features some glass on the front, however, this should not create any glare issues as the building is set back over 80 feet from NE Old Salem Road. Additionally, the project includes landscaping which will screen the façade from all streets to a small degree. No odors are anticipated by the proposed use because the use, a retail establishment, does not traditionally produce odors. The plans include a kitchen for the preparation of some hot meal items, though this is also not anticipated to generate any significant odors. The current use features a kitchen as well and odors have never been an issue.

Regarding other issues that present negative impacts, the project site currently includes 11 trees, 6 of which are very tall, mature Oak trees with diameters larger than 25 inches. In the City of Millersburg, trees are regulated by Section 7.30 of the City Municipal Code (different from the Development Code that regulates Land Use). Section 7.30.030 states the following:

Unless removal is expressly authorized by a land use action or approval issued by the City of Millersburg, it shall be unlawful to remove any tree larger than or equal to six and one-half feet in circumference (approximately 25 inches in diameter), public or private, within the City of Millersburg City Limits without first making application to the City of Millersburg and obtaining a permit or as otherwise authorized by this Code.

The Municipal Code includes criteria, Section 7.30.180, for the issuance of a *tree removal permit*; however, as stated above, if a project is going through a land use action, and the trees are required to be removed in order for the proposed structure/use to be built, then a separate tree removal permit is not required. Thus, the criteria from 7.30.180 do not apply to these 11 trees. Land Use regulations from the Land Use Development Code would apply. However, there are no regulations in the Land Use Code specific to the removal of trees. Therefore, the only applicable standard is the Site Development Review criteria, specifically the second criteria shown above.

Staff has determined that the removal of the trees is a negative impact. While the Municipal Code may not require a tree removal permit, the intent of the Code is clear – trees of this size are something that should be considered significant. Having that said, it is necessary to consider the applicant’s rights to develop his private property and the tree’s locations do significantly impact the ability to use the site (see the applicant’s narrative regarding trees and their root zones).

Given the circumstances, staff has tried to address the issue in a way that is fair and reasonable. Staff recommend permitting the removal of the trees through this Land Use action. Staff worked with the applicant to arrive at a fair mitigation which will require a 2-to-1 tree replacement for the six Oak Trees removed. A condition of approval has been included, see below. The condition will require 12 additional trees

to be planted, not including any street tree or parking lot tree (which is otherwise required by the Code). The location of these will be shown on the final landscape plan.

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

CONDITION OF APPROVAL:

- Prior to final inspection the Applicant shall plant replacement trees at a rate of 2 to 1 replacement trees for each oak tree identified for removal on the Applicant's site plan. These replacement trees shall be at least 3 inches in diameter measured one foot from ground level and at least 50% shall be at least 12 feet in height at time of planting with a mature height of at least 30 feet. Water efficient irrigation shall be provided for the replacement trees. All replacement trees shall not take the place of trees otherwise required by the Code or Conditions of approval, all replacement trees shall be in addition to any other required trees such as street trees or parking lot trees. If a replacement tree fails to survive within a period of 2 years, the Applicant shall immediately replace it with an equivalent specimen (i.e., substantially similar species, equivalent size, etc.).
- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal vehicular and/or pedestrian connection locations with the neighboring lots. These need not be constructed at this time, but must be shown on the plans.
 - Curbed, 5 feet wide landscape planters shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.

(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: Water, sewer, and stormwater lines exist in both fronting streets. The applicant's narrative and site plans indicate that they plan to utilize existing water and sewer services and tie into a 12 inch stormwater drain in NE Conser Road. A stormwater report has been required by a condition of approval. A tentative basin location and size are provided but these may change depending on the results of the stormwater study. Conditions of approval have been added to assure the eventual design of the stormwater system and other drainage requirements will meet the City and County standards as applicable. As a note, any stormwater discharge that goes to the storm drains in NE Old Salem Road must comply with County stormwater requirements (because NE Old Salem Road is a County road), any stormwater discharge that goes to the system in NE Conser Road must comply with City stormwater requirements.

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

CONDITIONS OF APPROVAL:

- Prior to beginning of construction, obtain a 1200-C Erosion Control Permit for disturbed area greater than one acre and a City of Millersburg Erosion Prevention and Sediment Control Permit for disturbed area greater than 10,000 square feet.
- Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards or Linn County standards as applicable. 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.

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

ANALYSIS: The applicant's narrative explains that the driveway on NE Old Salem Road will be shifted south which will increase the spacing from the intersection and be safer as a result. As explained above, the project did not trigger a traffic study, because the store will not be increasing in size enough to generate a significant additional volume of traffic trips, see the applicant's narrative for more detail.

The number of parking stalls and the stall dimensions match the City requirements for the proposed use. A detailed review of this is shown below in Section IV of this staff report. There are existing bike lanes and sidewalks on NE Old Salem Road and NE Conser Road.

The City owns the property surrounding the site on the south and west. The City is currently planning a mixed-use development on the adjacent property that may include retail, restaurants, housing above commercial uses, and a recreational center. During the pre-application review we explained to the applicant that the revised store on this site should be designed to work in context with the surrounding intended development including internal connectivity to the adjacent lots. There were no internal vehicular or pedestrian connection points shown on the site plan. A condition of approval has been added requiring the final building permit plans to include a site plan with details showing internal connectivity between the project and neighboring lots. This is required by Code section 3.02.030(2), (4) and 3.02.070(7) to assure connections are provided.

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

CONDITION OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal vehicular and/or pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
 - Curbed, 5 feet wide landscape planters shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.

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 site is surrounded by uses and zones that are considered highly compatible with the proposed use. These include City Hall to the north, light industrial and commercial uses to the east, vacant property to the south and west, planned for mixed-uses. No noise buffering is required for any of these uses. Visual buffering to the east and north is provided through compliance with the landscape requirements of the Code, including the parking lot and streetscape landscape requirements. Additional visual buffering is discussed further in Section IV.

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

d. Protections from any potential hazards.

ANALYSIS: No hazards are anticipated on or near the property. The site is not located within a FEMA flood zone or a landslide area. No additional protections are needed.

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 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. These findings are in addition to those made in the applicant’s narrative which is included here by reference.

**MUNICIPAL CODE TREE REGULATIONS
SECTION 7.30.030 PROHIBITED ACTIVITIES**

Section 7.30 of the Municipal Code addresses the City’s regulations regarding tree removal. The tree regulations are discussed in detail above. Conditions of approval have been added to mitigate the removal of significant trees.

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

SECTION 3.03.060 OFF STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS

ANALYSIS: Table 14 outlines the number of parking spaces required for different uses. Letter K explains that 1 space per every 800 square feet of gross floor area plus 1 space for each 2 employees is required. The applicant is proposing 5,225 square feet (not clear if that is gross or net) and up to 3 staff per shift. That's a total of 14 spaces required, 16 are provided. This standard is met. The parking area will be fully paved. All spaces meet the standard dimension requirements of 9 feet by 20 feet. As previously mentioned, the applicant proposes to relocate the existing NE Old Salem Road driveway. Subsection (8) requires specific landscaping for the parking area. This is discussed more in the analysis of section 3.09 below.

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

CHAPTER 3.04 STORM DRAINAGE AND GRADING

ANALYSIS: The applicant has provided locations for stormwater facilities on the site. Conditions of approval have been added requiring a stormwater report to be submitted that will provide calculations to show that all water quality and detention facilities are in the correct location and sized to function as required.

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

CHAPTER 3.05 UTILITY LINES AND FACILITIES

ANALYSIS: The project is required to connect to public facilities, specifically water, sewer and stormwater. The site features two existing water connections. The site currently features a 4" sewer connection lateral, though the City Standards call for a 6" for commercial uses. The applicant has requested to allow continued use of the 4" lateral. Because the use and the lateral is existing, the City Engineer has determined that the continued use of the 4" lateral is acceptable

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

CHAPTER 3.06 SIGNS

ANALYSIS: The project does not include any specific signage. The existing pole sign on NE Old Salem Road is proposed to remain. That sign meets all Code requirements. The applicant has indicated that all signage will be obtained with a separate sign permit as the structure is built. However, the building elevations do allocate areas for signage. The area indicated on the elevations exceeds the amount of sign surface that is permitted by the Code.

Section 3.06.110 regulates the size of signs in a commercial area. Because the plans include space for two business, the applicable regulations are from subsection b, business centers [meaning more than one (1) store]. The maximum wall or canopy sign for this type of development is 1.5 square feet for every lineal foot of building frontage up to a maximum of 150 square feet. The main store is about 69.5 feet wide, the smaller store is 23 feet wide. That translates to a sign allowance of 103.5 square feet for the main store and 34.5 square feet for the smaller store. As drawn the building elevations appear to show a total of about 1,087.5 square feet using the total amount of overhang space on the front and sides.



It is assumed that the applicant plans to have this store look like the other Center Markets in the State. The other stores include a large chevron-style print/paint pattern that spans the entire frontage of the stores. The pattern used on these signs is considered part of the sign, and thus part of the total size requirements for a sign. The definition of sign and sign area states:

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including illustration or decoration; emblem, symbol or trademark; banner or pennant; or any other device, figure, or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, structure, or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.¹

Sign area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

The narrative addresses signs. The narrative states that all signs will comply with sign size requirements. The narrative does not seem to include the chevron-style decorations as part of the sign area.

¹ Emphasis added

Therefore, while signs are not specifically requested as part of this permit, the applicant should be advised that any sign permit in the future will need to comply with the sign size requirements at the time a sign permit. The chevron-style decorations will also be considered sign surface area and must be included in the calculations. No conditions of approval are required to assure the signs meet the Code, because no signs are requested with the Site Development Review Land Use permit requested at this time.

Additionally, it should be mentioned that the existing Center Market store has demonstrated a pattern of continually displaying temporary signs for products sold. Temporary signs are permitted as long as they comply with the standards for such signs outlined in Code section 3.06.130. These include no more than one (1) sign allowed, and they can only be displayed for a total of 90 calendar days per calendar year. An excess of temporary signs is not permitted and will result in code enforcement violations.

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

CHAPTER 3.26 COMMERCIAL DESIGN STANDARDS

All commercial buildings must comply with the design requirements of this section.

ANALYSIS: The design standards include 9 standards, each of which is reviewed below.

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

The exterior of the north, south and east facing wall include stone wainscotting and an overhanging awning. The rear wall of the structure, facing west, is highly visible from NE Conser Road and is also, therefore, required to comply with all design standards as well. As shown on sheet A3.0 view C, the rear does not include any architectural features and is therefore inconsistent with this requirement and must be revised. This is discussed below in more detail. With conditions of approval, this standard is met.

(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.

As discussed above, the rear wall of the building does not meet this requirement. All other walls do. The rear wall will be highly visible from NE Conser Road. The aesthetics of this wall are very important based on this high visibility. The strict application of this requirement is not practical because windows on the rear of the structure of a convenience store are not typically included. However, the intent of the provision is clear, the rear of the structure should include some kind of aesthetic feature. A condition of approval has been added that will require

the addition of architectural features intended to break up the massing of the structure and make the structure aesthetically pleasing from NE Conser Road. Because this is subjective, the Planning Commission can add any details to the condition in order to assure (to the Commission) that the requirement will be satisfied. The condition requires the applicant to work with Staff to satisfy the condition, this way the project does not have to come back to the Planning Commission. Staff found this to be a reasonable interpretation of this development standard, though, ultimately, it is up to the Planning Commission.

- (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.**

The applicant has explained in the narrative that the building is proposed to have the following architectural features:

1. Awning to be projected from the building façade,
2. Front (east) of the building will include window display areas, and,
3. The lower portion of the exterior includes stone to complement the design element.

Staff concurs that this meets the standard.

- (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.**

The applicant has explained in the narrative that the predominant building materials will be Hardie Plank siding and stone. Staff concurs that this meets the standard. The roof is a flat-style roof but does feature a parapet.

- (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.**

The applicant is proposing an off-white paint color which complies with this requirement.

- (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.**

The building features a structural (not cloth) awning that surrounds the building (except the back). This awning is 6 feet wide. This exceeds the standard.

- (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.**

The applicant has indicated that the loading area is located to the rear of the structure. Loading from the front parking area is not permitted. It should be noted that NE Conser Road is proposed to be downgraded to local when NE Transition Parkway is open. This standard is met.

- (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.

The site plan for the project shows a plaza. The plaza is proposed to include a picnic table, located to the north of the structure, along the NE Conser Road right of way. The plaza will be 100 square feet and will be paved. This standard is met.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing internal vehicular and/or pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
- Prior to issuance of building permits the applicant shall revise the rear elevation (west facing) to break up the massing of the façade and include at least 1 architectural feature intended to make the view of the rear wall from

NE Conser Road aesthetically pleasing. This can include stone wainscoting, awnings, bump outs in the wall plane (at least 6 inches, to add shadows along the facade throughout the day, landscaping, or any other feature that accomplishes the goals outlined above. These shall meet the satisfaction of the Community Development Director.

CHAPTER 3.09 LANDSCAPING REQUIRED

SECTION 3.09.030(1)b NON-RESIDENTIAL LANDSCAPING

ANALYSIS: The site does not about any residential property; no screening is required. No setbacks are required. All proposed landscaping complies with the requirements of this section. All trees must remain clear of the site vision clearance areas shown on the final site plan. Conditions have been added.

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

SECTION 3.09.030(2) PARKING LOT LANDSCAPING

Parking areas have specific landscape requirements.

ANALYSIS: Planter bays are required. A planter bay essentially means that the ends of parking space areas must include a planter with curbs, a tree, and landscaping. The code says that a curbed, 5 feet wide planter is required at both ends of the parking spaces located in front of the building and the side of the building (total of 4). The plans do not include these planters. A condition of approval has been added to require the plans to be revised, and construction with irrigation of these planters.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal vehicular and/or pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
 - Curbed, 5 feet wide landscape planters shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.
- Prior to final inspection, all landscaping must be installed and irrigated in accordance with the approved landscape plan.

- Prior to the issuance of building permits, the applicant shall provide a revised landscape plan showing the following revisions:
 - Curbed, 5 feet wide landscape planters shall be included at the ends of each series of parking spaces.
 - A tree and other required landscape plantings for each planter shall be shown on the plans.
 - All street trees shall be removed from all clear vision areas.
 - The location of all Oak Tree replacement mitigation trees.

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application SP 23-04.

VI. PROPOSED MOTION

I move that the proposed project satisfies the applicable criteria and standards, and the Planning Commission approve SP 23-04 with the conditions of approval as listed in the staff report.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. Development of this land use approval shall substantially comply with the submitted preliminary Design Review Plans and building elevations dated 11/16/23 and 11/9/23 respectively with revisions required in the conditions of approval. All phasing shall be consistent with the phasing plans shown in the applicant’s narrative with the exception of the construction entrance which shall comply with Condition 3 below. Additional development or changes may require a new development application and approval.
2. This approval is valid for a period of one (1) year from the date of the decision notice. Extensions may be granted by the City as afforded by the Millersburg Development Code.
3. Phase 1 shows utilizing the existing access on Old Salem Road for operation of existing store while utilizing the new access on Old Salem Road for construction access. This results in two driveways in close proximity on Old Salem Road and could cause confusion for customers and construction traffic. Only one driveway on Old Salem Road shall be open at a time. Construction access shall be secured from City-owned property located to the west of the subject property on Conser Road.
4. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.

5. This approval does not negate the need to obtain permits as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
6. All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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.
7. Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards or Linn County requirements, as applicable. 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.
8. Clear vision areas shall be provided in accordance with Millersburg's adopted clear vision standards.

Prior to Building Permit Issuance:

9. Prior to the issuance of building permits, any access and utility easements shown on the proposed plans must be recorded.
10. Prior to the issuance of building permits the applicant shall provide evidence to the City that all applicable requirements of the Albany Fire Department letter dated January 23, 2024, have been met to the satisfaction of the Albany Fire Department.
11. Prior to the issuance of building permits all applicable System Development Charges (SDCs) shall be paid.
12. Prior to the issuance of building permits, the applicant shall provide a revised site plan showing:
 - Internal vehicular and/or pedestrian connection locations with the neighboring lots. These need not be constructed at this time but must be shown on the plans.
 - Curbed, 5 feet wide landscape planters shall be included at the ends of each series of parking spaces.
 - Clear vision areas shall be shown in compliance with Section 3.08.060 of the Development Code.
13. Prior to issuance of building permits the applicant shall revise the rear elevation (west facing) to break up the massing of the façade and include at least one (1) architectural feature intended to make the view of the rear wall from NE Conser Road aesthetically pleasing. This can include stone wainscoting, awnings, bump outs in the wall plane (at least 6 inches), to add shadows along the facade throughout the day, landscaping, or any other feature that

accomplishes the goals outlined above. These shall meet the satisfaction of the Community Development Director.

14. Prior to the issuance of building permits, the applicant shall provide a revised landscape plan showing the following revisions:

- Curbed, 5 feet wide landscape planters shall be included at the ends of each series of parking spaces.
- A tree and other required landscape plantings for each planter shall be shown on the plans.
- All street trees shall be removed from all clear vision areas.
- The location of all Oak Tree replacement mitigation trees.

Prior to Grading:

15. 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.

16. Prior to beginning of construction, obtain a 1200-C Erosion Control Permit for disturbed area greater than one acre and a City of Millersburg Erosion Prevention and Sediment Control Permit for disturbed area greater than 10,000 square feet.

Prior to Final Inspection:

17. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.

18. Prior to final inspection, all required public improvements shall be completed and approved by the City.

19. Prior to final inspection, the applicant shall provide evidence to the City that all applicable requirements of the Albany Fire Department letter dated January 23, 2024 have been met to the satisfaction of the Albany Fire Department.

20. Prior to final inspection, the applicant shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.

21. Prior to final inspection, all landscaping must be installed and irrigated in accordance with the approved landscape plan.

22. Prior to final inspection the Applicant shall plant replacement trees at a rate of 2 to 1 replacement trees for each Oak tree identified for removal on the Applicant's site plan. These replacement trees shall be at least 3 inches in diameter measured one foot from ground level and at least 50% shall be at least 12 feet in height at time of planting with a mature height of at least 30 feet. Water efficient irrigation shall be provided for the replacement trees. All replacement trees shall not take the place of trees otherwise required by the Code or Conditions of approval, all replacement trees shall be in addition to any other required trees

such as street trees or parking lot trees. If a replacement tree fails to survive within a period of 2 years, the Applicant shall immediately replace it with an equivalent specimen (i.e., substantially similar species, equivalent size, etc.).

IX. NOTICES TO THE APPLICANT

The applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. All applicable Connection Charges will be due at the time of building permits.
2. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
3. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
4. The developer is responsible for all costs associated with any public facility improvements and shall ensure the construction of all public streets and utilities as required by these conditions of approval to the plans, standards, and specifications of the City of Millersburg.
5. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
6. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
7. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris 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.
8. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire Department. Hydrant and Turnaround locations shall be provided by the Applicant and approved by the Albany Fire Department and the City.
9. A commercial access permit from the Linn County Road Department will be required for all access from NE Old Salem Road.

X. EXHIBITS

- Vicinity Map
- Zoning Map






- Applicant's site plan, sheets C1, C2, and C3, dated November 16, 2023
- Applicant's existing conditions drawings, sheet SV1, dated August 2, 2023
- Applicant's Narrative dated December 11, 2023
- Applicant's Tree Narrative (no date)
- Applicant's Tree Exhibit dated January 5, 2024
- Applicant's Architectural Drawings sheets A1.0 through 4.0, dated November 8, 2023
- Millersburg City Engineer Comments dated January 25, 2024
- Albany Fire Department Comment Letter dated January 23, 2024
- Linn County Road Department Comments dated January 18, 2024
- Public Hearing Notice

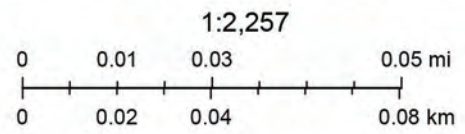
SP 23-04 Vicinity Map



Project Site

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-  Highways
-  Roads
-  Railroad
-  City Boundary
-  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

SP 23-04 Zoning Map

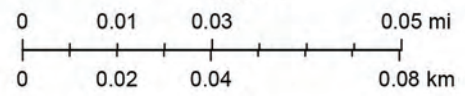


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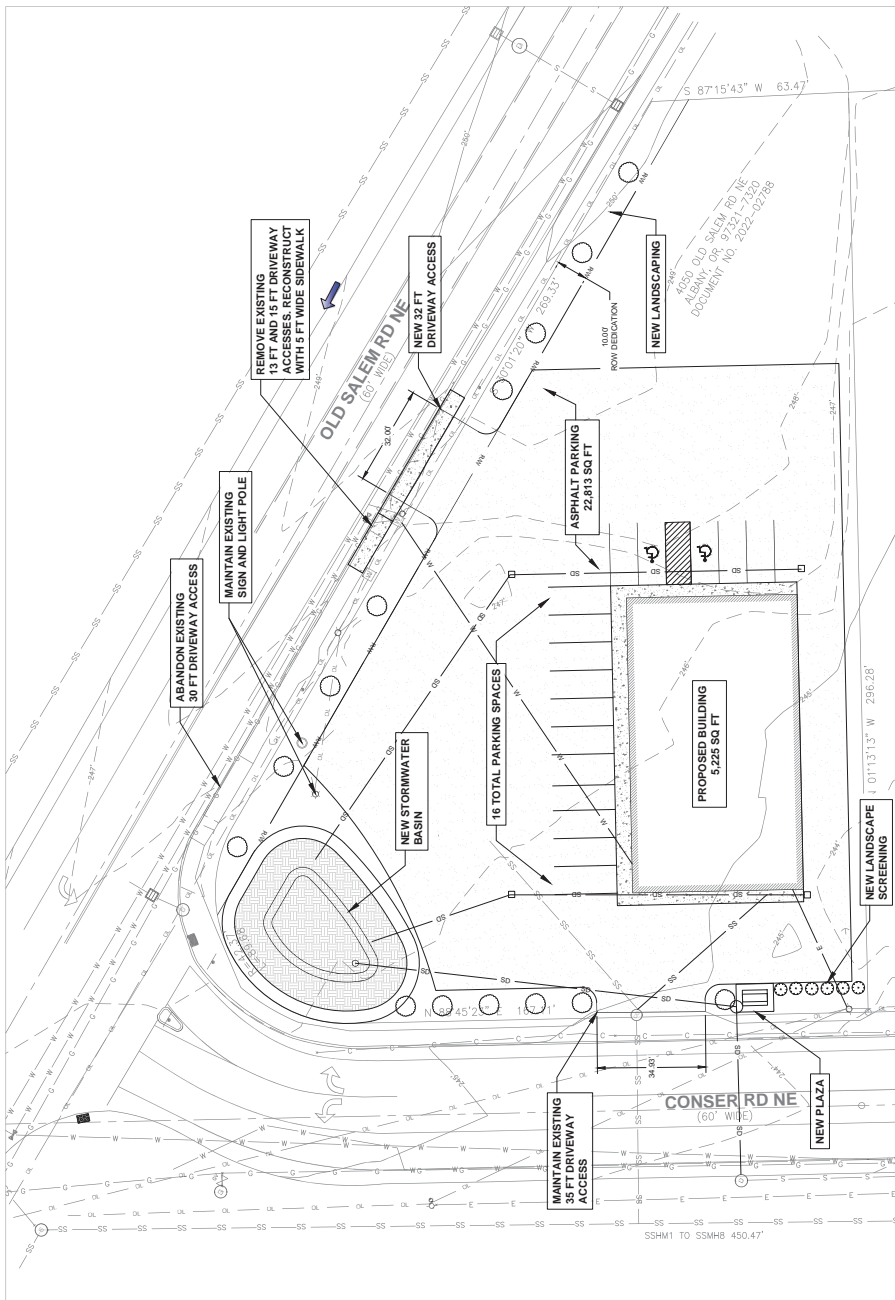
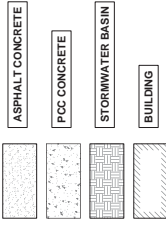
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- Highways
- MIXED USE
- PUBLIC FACILITIES
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL MIXED DENSITY
- RURAL
- Tax Lots
- Roads
- Millersburg Zoning
- COMMERCIAL OFFICE
- GENERAL COMMERCIAL
- GENERAL INDUSTRIAL
- LIMITED INDUSTRIAL



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

DRAWING KEY



1 CIVIL SITE PLAN

WCL ENGINEERING, LLC
1000 NE GARDNER ROAD
EUGENE, OREGON 97408

CENTER MARKET

JAY SINGH

4900 OLD SALEM ROAD
MILLERSBURG, OR
11.18.2023

LAND USE
16 NOVEMBER 2023

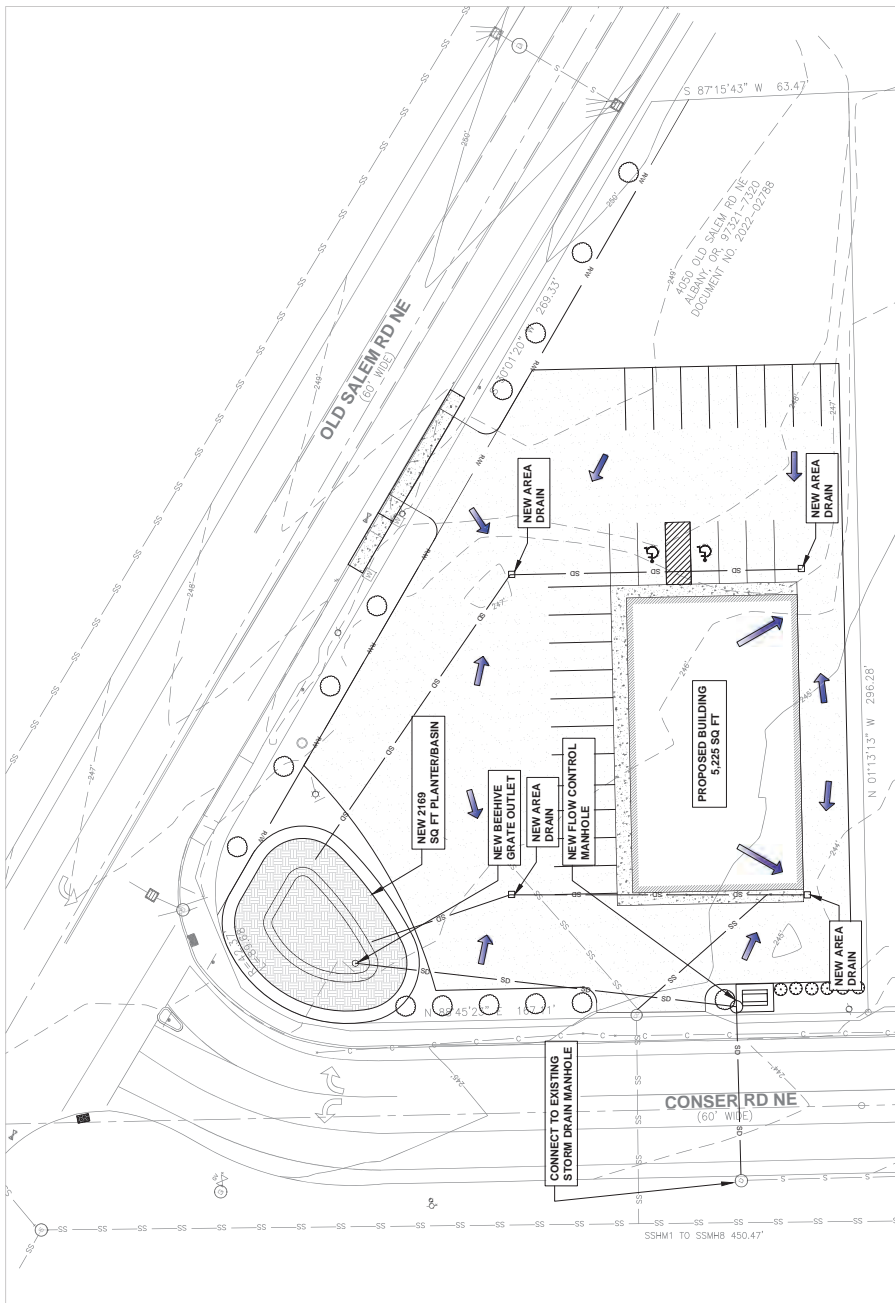
SCALE/INTS

CIVIL SITE
PLAN

C01

DRAWING KEY

- ASPHALT CONCRETE
- PCC CONCRETE
- STORMWATER BASIN
- BUILDING
- FLOW DIRECTION



1 GRADING AND DRAINAGE PLAN

WCL ENGINEERING, LLC
 1000 W. GARDNER
 EUGENE, OREGON 97408

CENTER MARKET

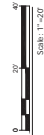
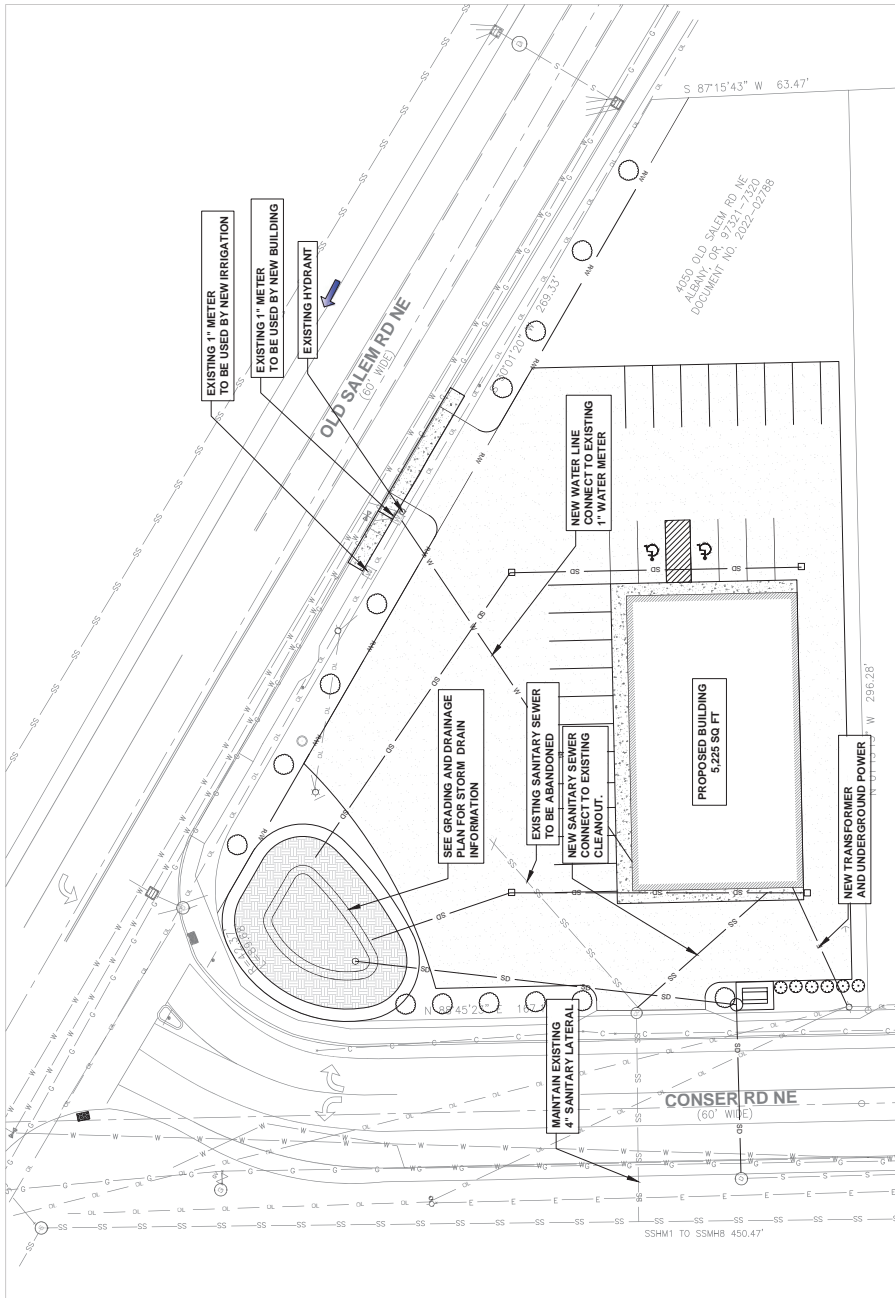
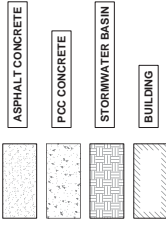
JAY SINGH
 4600 OLD SALEM ROAD
 MILLERSBURG, OR
 11.18.2023

LAND USE
 16 NOVEMBER 2023

SCALE: NTS
 GRADING AND DRAINAGE
 PLAN

C02

DRAWING KEY



1 PHASE 1

WCL ENGINEERING, LLC
 1200 W. GREGORY AVE.
 EUGENE, OREGON 97408

CENTER MARKET

JAY SINGH

4600 OLD SALEM ROAD
 MILLERSBURG, OR
 11.18.2023

LAND USE
 16 NOVEMBER 2023

SCALE/INCHES

UTILITY PLAN

C03

Site Development Application

Submitted to

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

Site Address

4050 NE Old Salem Road
Albany, Oregon 97321

Owner/Applicant

Old Salem RD, LLC
Contact: Jay Singh
PH: 503-931-6388

Applicant Representative

WCL Engineering, LLC
Contact: Cole Lathrop, PE
PH: 541-954-3691

Site Information

Site Address	4050 NE Old Salem Road Albany, Oregon 97321
Map and Taxlot	10S03W21-00-04600
Site Size	1 acre
Zoning	General Commercial (GC)
Surrounding Zoning	West: General Commercial South: General Commercial

Executive Summary

This application is for a site plan review for the redevelopment of an existing commercial property located in the city of Millersburg at the southwest corner of Old Salem Road NE and Conser Rd NE. The redevelopment will not change the use of the property, convenience store operated by Center Market. The new development is configured to allow for construction to be performed in phases to allow for constant operation of the existing business on-site. The new structure is proposed to roughly double in size relative to the existing building (existing 2,380 sq ft, new 5,225 sq ft).

Site Development Review

Per Millersburg Development Code (MDC) section 5.05.020, a site development review is required for all new or expansions involving a 20% or more increase in total square footage of existing industrial, commercial, mixed-use and multi-family properties.

Per MDC section 5.05.050, an existing site analysis and site plan have been provided showing all the applicable items listed in 5.05.050 (1) and (2).

The development meets the decision criteria set forth in MDC section 5.05.060 in the following ways:

1. *The proposed use is allowed in the zone and complies with the underlying zone development standards*
 - a. **The proposed use is a convenience store, which is classified as a Retail business which is allowed in the General Commercial Zoning per MDC 2.08.020.**
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.*
 - a. **The proposed use is not changed from the existing use, therefore this development is not anticipated to create negative impacts for the surrounding area. Hours of operation are not anticipated to change with this development.**
 - b. **The proposed development reconfigures the access, parking and site layout to improve traffic flow visiting the site in the following ways:**
 - i. **Relocate building to face Old Salem Road NE (where most traffic comes from)**
 - ii. **Relocate existing driveway on Old Salem Road NE to be moved away from intersection of Conser Road NE.**
 - iii. **Increase size of existing driveway on Old Salem Road to 32 ft wide to accommodate larger commercial and industrial vehicles that travel along Old Salem Road.**
 - iv. **Increase parking area to meet minimum requirements and to accommodate larger industrial vehicles.**
 1. **Currently, larger vehicles illegally park on Old Salem Road.**
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;*

- i. **City utility data indicates that utilities are available and adequate to serve the proposed development. Preliminary utilities and grading and drainage plans are shown on the preliminary site plan. Final plans will be submitted prior to building permit issuance. Below are the existing public utilities:**
 - 1. **12" Storm Drain Main line in Conser RD NE**
 - 2. **8" Sanitary Sewer main line in Conser Rd ND with 4" Sanitary Service Lateral serving the site**
 - 3. **20" water main in Old Salem Road NE with two 1" services (installed in 2018) serving the site**

- b. *Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities;*
 - i. **The Development meets the parking, connectivity and traffic safety to existing streets, bikeways and pedestrian facilities as indicated in a more detailed narrative in the Development Code Review section.**
 - ii. **The development aims at improving traffic safety by providing a larger driveway and large apron areas for large vehicle parking, to reduce the potential of illegal and unsafe parking along Old Salem Road NE.**

- c. *Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and*
 - i. **Landscape buffers are being provided along all public ROW.**

- d. *Protections from any potential hazards.*
 - i. **Given the nature of the proposed/existing use, the main hazards include traffic safety and personal/business crime (Theft). The site layout and building design is designed to limit the opportunity for personal crime and the site layout has been designed to minimize the traffic hazards by providing parking areas for larger vehicles.**

On Site Trees

The site has 11 total existing trees with 6 of these trees being Oak trees with a trunk diameter larger than 25 inches. As required by Millersburg Municipal Code (MMC) 7.30.040.2, existing trees larger than 25 inches (approx.) in diameter cannot be removed without an approved tree removal permit from the City of Millersburg.

The existing trees have been reviewed by a certified arborist (R&R Tree Service) and the arborist has recommended removing the trees where the proposed development encroaches on the critical root zone.

Using the City of Albany's tree regulation as a guide for critical root zone dimensions, the following was used to determine the extents of the critical root zone: *City of Albany Municipal Code: 7.98.020.3*
"Critical root zone" means the area around a tree where roots are critical to a tree's survival. The critical

root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius; where all tree measurements are consistent with those for establishing tree circumference. For example, a tree with a tree circumference of 6.5 feet would have a trunk radius of 1 foot and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.

Using this definition for root protection zones, the root protection zones are shown in the figure below.

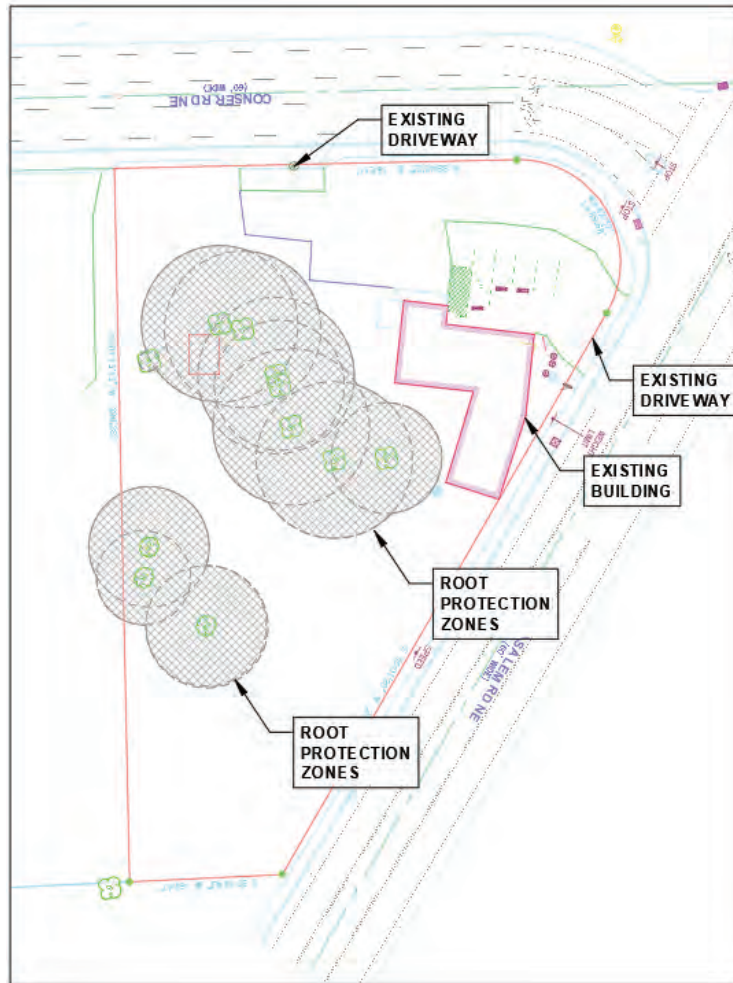


Figure 1- Root Protection Zones

Alternate designs were analyzed to preserve trees on this site, the alternate designs included the following requirements:

1. Maintain the proposed (approximately 5200 sq ft) building conforming to development requirements and proposed use.
2. Maintain parking and circulation requirements and standard practices for type of use (Convenience store) and for historical use.

- a. Includes maintaining access from Conser Road and Old Salem Road
 - b. Includes parking and circulation for large industrial vehicles.
3. Maintain phased development for continuous operation of business.

Due to the location of root protection zone, the property cannot be practically redeveloped for the intended use without impacting critical root zones.

The site was also analyzed (using the criteria above) for partial removal of existing trees. Due to the existing topography, required grading to meet slope requirements, elevations to meet stormwater requirements, no practical configuration was possible without damaging root protection zones with fill, building foundations, or hardscape.

The applicant is requesting a preliminary approval to remove all the existing trees on-site under MMC 7.30.180.1.c.iv for the approval of this site development application, with the understanding that the applicant will obtain a tree removal permit prior the removal of these trees. The applicant is also proposing to include a condition of approval for the tree removal permit to plant replacement trees at a rate of 2 new trees for every 1 tree removed. New trees shall include required trees for landscaping requirements under MDC 3.09.030.

Phased Construction

The applicant is proposing to implement this redevelopment in phases to maintain continuous business operations during construction. Below is a narrative of the phased development with figures indicating work done during each phase.

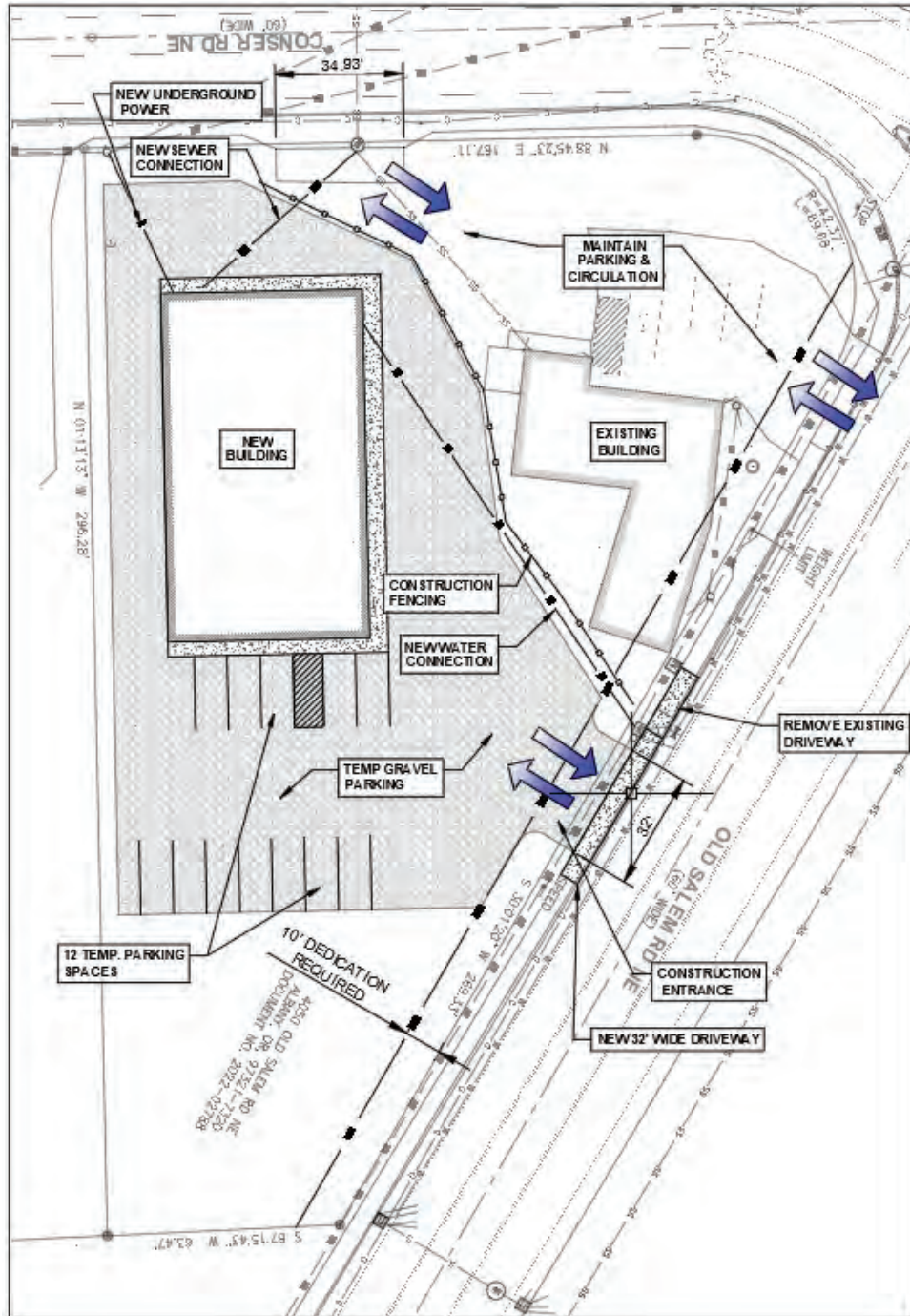


Figure 2- Phase 1 Construction

Phase 1 includes rebuilding the driveway access located on Old Salem Road, temporary stormwater installation, site clearing, partial grading, utility installation (excluding permanent stormwater utilities), new building construction and temporary site parking.

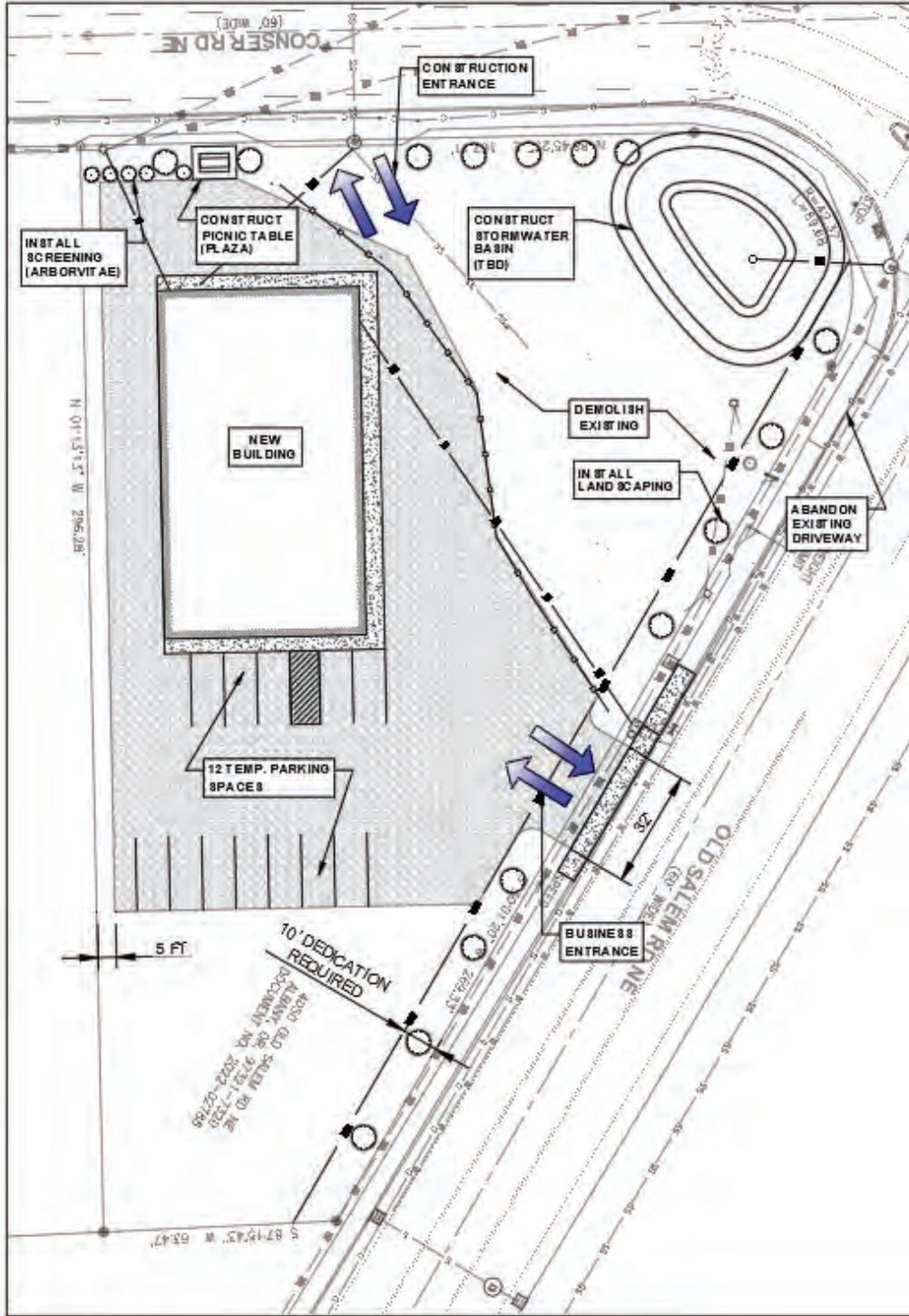


Figure 3- Phase 2 Construction

Phase 2 includes demolition of existing building, abandoning existing utilities, construction of permanent stormwater utilities, landscaping (including plaza construction), and abandoning of existing driveway access on Old Salem Road NE.

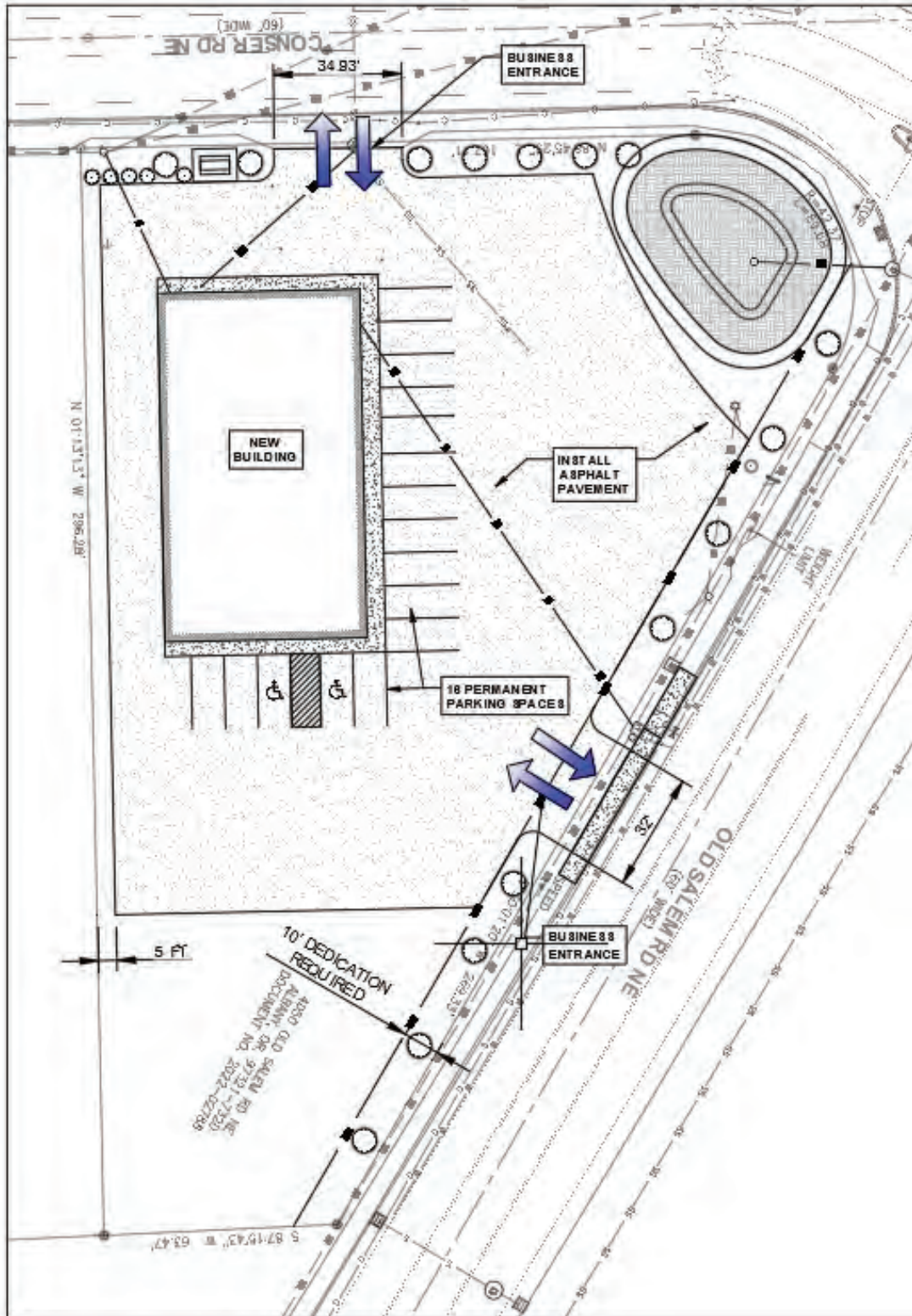


Figure 4- Phase 3 Construction

Phase 3 consists of paving and striping of the parking areas.

The applicant is proposing to obtain temporary occupancy to occupy the new building after phase 1, with final occupancy being issued upon final completion of phase 3.

Development Code Review

Below is a table outlining the applicable MDC sections for this proposed site development with the requirements and narrative on how the development meets the requirement.

MDC Section	Condition of Approval or Requirement	Proposed
2.08.020- Permitted Use	Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores, and sporting goods stores.	Retail (Convenience Store)
2.08.050-Dimensional Standards- Lot Area	Minimum 5000 sq ft	1 acre
2.08.050-Dimensional Standards- Setbacks	Front: 0 ft, Side: 0 feet, Side (street): 10, Rear: 0 feet	Front: 62.9 ft, Side: 40 ft, Rear: 20 ft
2.08.050-Dimensional Standards- Building Height	Maximum: 35 ft	15 ft max
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Fire hydrant	Fire Hydrant is Required	Existing Hydrant located on Old Salem Road at property line
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Street Improvements	C-4 Full City Standards	Existing Public Improvements on Old Salem Road & Conser Rd NE are to remain
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Water Hookup	Water Hookup is Required	Property has two existing meters (1" commercial, 1" residential) conforming to Engineering Standards B.3.12 that are to be maintained for new building and irrigation.
3.01.030- General Provisions- Public Facility	Sanitary Connections is required to meet Engineering Standards division C.	Property has existing 4" service lateral in Conser Rd. This application is requesting a

Standards- Commercial Expansion- Sewer Hookup		variance to maintain the existing 4" service instead of install the minimum 6" lateral for new developments. (Engineering Standards Division C section 3.05.A)
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Storm Drain	Stormwater provisions are required	Property has no existing stormwater facilities. New stormwater facilities for quality, quantity and conveyance conforming to Engineering standards Division E are proposed. These facilities include area drains, storm pipes, vegetated facilities and overflow to existing storm drain system on Conser Road maintained by the City of Millersburg.
3.01.030- General Provisions- Public Facility Standards- Commercial Expansion- Street Lights	Street light provisions are required	Existing public improvements include streetlights mounted to utility poles along Old Salem Road are proposed to be maintained. Streetlight on north side of NE Conser Road is proposed to be maintained, no additional streetlights are proposed.
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- ROW	80 ft wide	Per development code section 3.21.080, Conser Rd NE has a modified ROW of 60 ft. Because of this, this section is satisfied for Conser road NE.
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Curb-to-Curb Paving	50 ft wide	Maintain existing 44 ft (+/-) curb-to-curb paving
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Travel Lanes	12 ft wide	Maintain existing 11.5 ft travel lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Median/Turn Lane	14 ft wide	Maintain existing 12 ft median/turn lanes

3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Bike Lane	6 ft wide	Maintain existing 4.5 ft (+/-) ft bike lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- On-Street Parking	N/A	Maintain no parking along Conser Rd
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Landscape Buffer	5 ft wide	Propose new 5 ft wide (min) landscape strip between sidewalk and ROW
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Sidewalks	5 ft wide	Maintain existing 5 ft wide curb-tight sidewalk
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- ROW	80 ft wide	Propose 10 ft dedication for 40' wide half-street ROW
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Curb-to-Curb Paving	50 ft wide	Maintain existing 48 ft (+/-) curb-to-curb paving
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Travel Lanes	12 ft wide	Maintain existing 12 ft travel lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Median/Turn Lane	14 ft wide	Maintain existing 14 ft median/turn lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Bike Lane	6 ft wide	Maintain existing 5 ft bike lanes
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- On-Street Parking	N/A	Maintain no parking along Old Salem Road

3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Landscape Buffer	5 ft wide	Propose new 5 ft wide (min) landscape strip between sidewalk and ROW
3.02.030- Street Standards- General Provisions- Arterial (Conser Road)- Sidewalks	5 ft wide	Maintain existing 5 ft wide curb-tight sidewalk
3.02.040- Access Standards (Conser Road)	Access Spacing: 300 ft between driveways. Each parcel is permitted one driveway regardless of the minimum driveway spacing standard although shared access is encouraged.	Maintain existing 27 ft wide driveway on Conser Road.
3.02.040- Access Standards (Old Salem Road)	Access Spacing: 300 ft between driveways. Each parcel is permitted one driveway regardless of the minimum driveway spacing standard although shared access is encouraged.	Decommission Existing 2x existing accesses on Old Salem Road, Reconstruct existing 15.75' wide access to new 32' wide access.
3.02.070-Sidewalks (Conser Road)	Public sidewalk improvements are required for all property development in the City of Millersburg.	Maintain existing 5' wide curb-tight sidewalk
3.02.070-Sidewalks (Old Salem Road)	Public sidewalk improvements are required for all property development in the City of Millersburg.	Maintain existing 5' wide curb-tight sidewalk
3.02.080-Bikeways (Conser Road)	Bikeways are required along Arterial and Collector streets.	Maintain Existing Bikeway on Conser
3.02.080-Bikeways (Old Salem Road)	Bikeways are required along Arterial and Collector streets.	Maintain Existing Bikeway on Old Salem Road

<p>3.02.120- Traffic Impact Analysis</p>	<p>When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following: a. A change in zoning or a plan amendment designation; b. Operational or safety concerns documented in writing by a road authority; c. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; d. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more; e. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; f. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; g. A change in internal traffic patterns that may cause safety concerns; or h. A TIA required by ODOT pursuant to OAR 734-051.</p>	<p>The proposed development is not changing the use of the property. The existing building sees an average daily trip rate of 370 trips per day. This was taken from the actual unique visitor transactions from the existing business's sales information. This equates to a 155.46 trip/1000 square foot rate. The new building is comprised of a 4,047 square foot convenience store and 1178 square foot retail space. Using a 44.32 trips/1000 square foot rate (ITE 814-Specialty Retail), that equates to 467.3 and 52.2 average daily trips for the two uses for a total of 519.5 average daily trips. This results in a <u>net new average daily trip count of 149.5 trips</u>, under the 300 net new threshold. The use does not significantly change and will not increase the peak hour volume by more than 20%.</p>
<p>3.02.060-Off-Street Parking- Vehicle and Bicycle Parking Requirements</p>	<p>Retail store, except as provided in "K": Vehicles: 1 space per 500 sq ft plus 1 space per 2 employees. Bicycles: 1 space per 20 vehicles</p>	<p>The proposed development include a 5,225 square foot convenience store with up to 3 staff. 5225 square feet results in 10.45 spaces for square feet plus 3 for staff resulting in 13.45 square feet. 16 parking spaces are proposed as part of this development.</p>

<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Surfacing</p>	<p>(1)Surfacing. All driveways (full length of the driveway), parking, and loading areas, for all uses including single-family residential (except in the RU Zone), shall have a durable hard surface of asphaltic cement, concrete pavers, concrete, or other concrete materials. Surface improvements shall conform to the following: a. Paving Improvements. Paving shall comply with adopted Engineering Standards of the City of Millersburg. b. Timing. Unless modified by a variance or a site development review, or bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure. c. Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.</p>	<p>Surfacing is proposed to be fully paved. Development is requesting the development to be constructed in phases to allow for continuous operation of the business. During the phasing the development is proposing to have temporary gravel surfacing for off-street parking.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Parking Spaces</p>	<p>(2)Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8.5-feet in width and 18-feet in length.</p>	<p>Parking spaces are proposed to be 9 feet wide and 20 feet long.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Driveways</p>	<p>(3)Driveways. The following standards shall apply to all driveways: a. Access spacing shall be in compliance with Section 3.02.040 -Access Standards b. Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.</p>	<p>Driveways conform to section 3.02.040. No internal driveways are proposed.</p>

<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Lighting</p>	<p>(4)Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.</p>	<p>No parking lighting is proposed</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Driveway Required</p>	<p>(5)Driveway Required. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.</p>	<p>Development layout is proposed to allow for turn-around within site or pull-through for longer vehicles. No backing into public roadways is being proposed.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Traffic Safety</p>	<p>(6)Traffic Safety. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.</p>	<p>Development plans to utilize existing driveway on Conser and expand the width of the driveway on Old Salem Road to provide better access to site for passenger vehicles as well as truck traffic. Additionally, the site will have large, paved areas for trucks to turn into to minimize illegal parking along Old Salem Road.</p>
<p>3.02.080-Off-Street Parking- Parking, Driveway and Loading Area Development Requirements- Curbing</p>	<p>(7)Curbing. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.</p>	<p>No parking spaces are proposed along the outer boundary of the parking area.</p>

<p>3.04.030- Plan for Storm Drainage and Erosion Control</p>	<p>No construction of any facilities in a development included in Chapter 3.01.030 shall be permitted until a storm drainage and erosion control plan, designed in accordance with the most recently adopted City Engineering Standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by the City. This plan shall contain at a minimum: (1)The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction. (2)Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans. (3)Calculations used by the engineer in sizing storm drainage facilities.</p>	<p>The site shall have a functioning stormwater plan that addresses quantity, quality and detention requirements based on the City Engineering Standards. The development is proposing to install the stormwater system in the second phase of the phased development. An erosion and sediment control plan conforming to the City of Millersburg EPSC Manual will be submitted at the time of the site development permit.</p>
<p>3.04.050- Grading</p>	<p>(1)Grading permits are required for the following activities and shall be subject to the most recently adopted City Engineering Standards. a.Grading in excess of 50 cubic yards; b.Grading potentially impacting, riparian areas, drainageways, flood hazard areas, or greenways; c.Grading that could possibly impact adjacent properties; d.Grading proposed over public storm drains, sanitary sewers, or water lines; e.Grading requiring tree removal; f.Other areas with potential impacts as determined by the City; g.Land partitions and subdivisions. (2)Building Permit: If the approved grading activity is associated with a building permit, a final grading inspection shall be required prior to issuance of certificate of occupancy. (3)NDPES</p>	<p>The site will include more than 50 cubic yards of grading and a grading permit will be applied for at the time of the site development permit. The grading extents are less than 1 acre; therefore the development will not apply for an NPDES permit with DEQ.</p>

	<p>Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturbs one or more acres of land.</p>	
<p>3.05.020- Utility Lines and Facilities- Standards- Private Utilities</p>	<p>(2)Private Utilities. All development which has a need for electricity, gas, and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.</p>	<p>The development proposes to install a new electrical service for the proposed building at the northwest corner of the property and maintain the existing service for the existing sign and light located on the east side of the existing structure. The development will abandon the existing service for the existing building upon demolition of the building.</p>
<p>3.05.020- Utility Lines and Facilities- Standards- Water Service Required</p>	<p>(3)Water Service Required. All development which has a need for public water shall install the facilities pursuant to the requirements of the City. Installation of such facilities shall be coordinated with the extension of necessary sanitary sewer services and storm drainage facilities.</p>	<p>The site has two 1" water services installed in 2008. The development proposes to maintain these services and utilize one service for the new structure and one service for landscaping irrigation requirements.</p>
<p>3.05.020- Utility Lines and Facilities- Standards- Sanitary Sewer Required</p>	<p>(4)Sanitary Sewer Required. All development which has a need for public sanitary sewers shall install the facilities pursuant to the requirements of the City. Installation of such facilities shall be</p>	<p>The existing sanitary sewer lateral servicing the property is a 4" lateral. The development proposes to maintain this lateral for the new structure.</p>

	coordinated with the extension of necessary water services and storm drainage facilities.	
3.06.110- Commercial and Industrial Signs- Total Sign Area	(a) Total Sign Area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage facing the street, up to a maximum total allowed area of 150 square feet. Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.	Existing free-standing sign: 6 ft x 5 ft (30 square feet). 95 linear feet of building faces Old Salem Road and 55 linear feet face Conser Road. Building Sign facing Old Salem Road to be no larger than 142.5 square feet, building sign facing Conser Road to be no larger than 82.5 square feet.
3.06.110- Commercial and Industrial Signs- Type, Number and Sign Size	(b) Type, Number, and Sign Size. Within the total allowed area, one free standing sign per street frontage, and a total of no more than two wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 48 square feet in area. Properties with more the 1,000 lineal feet of street frontage on any single street may have one additional freestanding sign.	Proposed Building Sign: One facing Old Salem Road and One facing Conser Road (2x total) Free-Standing Sign: One on Old Salem Road frontage
3.06.110- Commercial and Industrial Signs- Sign Height	(c) Sign Height. The maximum sign height shall be as follows: i.Wall and canopy signs: Shall not project above the parapet or roof eaves.ii.Free-standing signs: Maximum height of 12 feet above finished ground level.	Proposed Building Sign: proposed on front of building, 12" +/- below eave. Existing Free-standing Sign: >12' tall.
3.06.110- Commercial and Industrial Signs- Sign Location	(d) Sign Location. Signs shall be located as follows:i.Wall signs: May project up to 1.5 feet from the building.ii.Free-standing sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.	Proposed Building Signs: Shall be fastened to building w/ < 1.5 ft projection from building surface. Existing Free-standing sign is currently located on private property however will be in ROW after the required 10' of frontage is dedicated. Development proposes an encroachment permit with Linn County for sign to remain in place.

<p>3.08.060- Vision Clearance</p>	<p>A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform to the following: a.A line extending a certain number of feet, as identified in the sections (2), (3), (4), and (5) below, from the point of intersection along the curb (or edge of pavement if no curb) of a public street right-of-way;b.A line extending a certain number of feet from the intersection along the curb line (or edge of pavement if no curb) of intersecting access; and,c.A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.(2)Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway 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 driveway.</p>	<p>Clear vision triangles are shown for both driveways on the preliminary drawings.</p>
<p>3.09.030-Landscaping- Standards- Requirements</p>	<p>b.Landscaping Required - Mixed-Use and Non-Residential Zones. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial zones is as follows:i.One tree at least six feet tall when planted for every 30 feet of street frontage.ii.Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.iii.The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive</p>	<p>A 10-foot-wide Landscape strip is proposed along Old Salem Road and Conser frontages. Required vegetation will be installed per this code requirement.</p>

	<p>ground cover.iv.When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.</p>	
<p>3.09.030-Landscaping- Standards- Alternate Plan</p>	<p>c.Alternate Plan - Non-Residential. As part of a Site Design Review application approval, placement of the required setback landscaping in public right-of-way may be approved when the following conditions are met:i.The site contains existing development that includes substantial building(s), and is subject to improvement requirements due to a change of use or vacancy; andii.The appropriate government agency grants written permission for use of the right-of-way; andiii.The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; andiv.The Commission finds the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; andv.The Commission finds providing the landscaping in the public right-of-way in the interim fulfills the intent this Code established in Section 3.09.010.</p>	<p>Landscaping along Old Salem Road is proposed to be installed in the ROW. The landscaping within the ROW will follow this code section and coordinate with Linn County for approval.</p>

<p>3.09.030-Landscaping- Standards- Irrigation</p>	<p>(3)Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.</p>	<p>Irrigation is proposed for both frontage landscape areas. An encroachment permit will be required for Old Salem Road.</p>
<p>3.09.030-Landscaping- Standards- Existing Trees</p>	<p>(4)Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (eight inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. No trees 6.5 feet in circumference (approximately 25 inches in diameter) or greater may be removed without a permit per Millersburg Municipal Code Section 7.30.040.</p>	<p>Existing trees are identified on plan. Trees are expected to be removed under tree removal permit as required by section 7.30.040. See tree removal narrative.</p>
<p>3.21.080- Miscellaneous Exceptions to Setback Requirements</p>	<p>(4)Special Right-of Way. The placement of buildings and the establishment of yards shall conform the right-of-way widths for existing and proposed street alignments shown on the Millersburg Transportation System Plan as follows:</p>	<p>Conser Road' Existing ROW is 60 ft wide. No Dedication is provided. Old Salem Road's existing ROW is 60 ft wide; a 10 ft wide dedication is proposed.</p>

<p>3.22.020- wetland and Riparian Areas- Development Requirements</p>	<p>(1)Regulation. Development within significant wetland or riparian areas is prohibited unless replacement or enhancement mitigation is accepted by the regulatory agencies. The Oregon Division of State Lands (DSL) is the coordinating agency for wetland permits. The US Army Corp of Engineers (Corps) is the federal regulatory agency administering Section 404 of the National Clean Waters Act. There are also other States and federal coordinating agencies including DLCD.</p>	<p>No wetlands or riparian areas are present on property, no provisions are provided for this section.</p>
<p>3.26.030- Commercial Design Standards- Windows</p>	<p>(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.</p>	<p>The North, East and South elevations of the structure have a minimum of 10% windows.</p>
<p>3.26.030- Commercial Design Standards- Architectural Features</p>	<p>(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.</p>	<p>The building is proposed to have the following architectural features: 1) Awning to be a projection of the building façade 2) front (East) of building to include window display area and 3) lower portion of exterior to include stone to compliment the design intent.</p>
<p>3.26.030- Commercial Design Standards- Building Materials</p>	<p>(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</p>	<p>The building material will be wood (composite) and stone.</p>

	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.	
3.26.030- Commercial Design Standards- Exterior Colors	(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.	The exterior paint will be Roman Plaster (PPU7-10)
3.26.030- Commercial Design Standards- Awning	(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.	Front Awning provide 6 feet of cover.
3.26.030- Commercial Design Standards- Loading Areas	(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.	Loading area is located in the back (West) of the building and is screened by Landscaping along Conser Road.

<p>3.26.030- Commercial Design Standards- Plaza</p>	<p>(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.</p>	<p>A 100 square foot public plaza with picnic tables is proposed in the landscape area adjacent to Conser Road. The plaza will be paved.</p>
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Conclusion

Based on the analysis in this report, the proposed site development meets all the applicable review criteria as outlined.

Attachments

1. Existing Conditions Survey
2. Civil Plan Set
 - a. Title Sheet
 - b. Civil Site Plan
 - c. Grading and Drainage Plan
 - d. Utility Plan
3. Architectural Plan Set
 - a. Floor Plan
 - b. Roof Plan
 - c. Building Exterior Elevations
 - d. Building Interior Elevations (East & South)

Tree Removal Proposal

Submitted to

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

Site Address

4050 NE Old Salem Road
Albany, Oregon 97321

Owner/Applicant

Old Salem RD, LLC
Contact: Jay Singh
PH: 503-931-6388

Applicant Representative

WCL Engineering, LLC
Contact: Cole Lathrop, PE
PH: 541-954-3691

Site Information

Site Address	4050 NE Old Salem Road Albany, Oregon 97321
Map and Taxlot	10S03W21-00-04600
Site Size	1 acre
Zoning	General Commercial (GC)
Surrounding Zoning	West: General Commercial South: General Commercial

Executive Summary

This narrative is to describe the evaluation process WCL Engineering underwent to evaluate the possibility of saving the existing trees located on-site. After evaluating the development goals, industry standards and development requirements, the project team believes that the existing trees will need to be removed to develop this site.

Existing Conditions

The existing site consists of an existing structure (Convenience Store) located in the north-east portion of the property. The site also includes 7x Oak Trees ranging from 22" to 30" in diameter. These oak trees are clustered together in a row located in the center of the site, running approximately from northwest to southeast. In addition to the oak trees, there are three evergreen trees on the site located on the southwest portion of the property.

The existing trees have been reviewed by a certified arborist (R&R Tree Service) and the arborist has recommended removing the trees where the proposed development encroaches on the critical root zone.

Because the City of Millersburg does not have standards for critical root zones, the City of Albany's tree standards were used to develop critical root zones for this site.

Using the City of Albany's tree regulation as a guide for critical root zone dimensions, the following was used to determine the extents of the critical root zone: City of Albany Municipal Code: 7.98.020.3 "Critical root zone" means the area around a tree where roots are critical to a tree's survival. The critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius; where all tree measurements are consistent with those for establishing tree circumference. For example, a tree with a tree circumference of 6.5 feet would have a trunk radius of 1 foot and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.

See the attached exhibit for the critical root zone locations.

Development Goals

The goal of the proposed development is to optimize the site for the existing business operating in the existing building. This includes the following:

1. Increase building size to meet demand and future projections.
2. Modernize building to increase efficiency and business effectiveness
3. Orient building front to face high traffic road (Old Salem Road)
4. Locate building on site for potential future expansion of like-business operations, i.e. fuel stations.

These goals guided the decision-making process for the overall site layout.

Continuous Business Operations

Due to the nature of the existing business, developing the site in a way that allows for continuous operation of the existing business is critical to the development. If the business cannot operate continuously, the development will most likely not move forward.

This combined with the overall goals of the development results in a section of the site, where the existing building operates, that is not available for new building construction. The minimum area required for continuous operations is shown in the attached exhibit.

Parking and Circulation

In addition to meeting the City of Millersburg requirements, the proposed site includes standard practices for parking based on this business type. This includes parking located directly adjacent to the building, and visible from the entrance of the high traffic road. For this site, this means that the parking shall be located between the building and Old Salem Road.

Along with the parking location, access from Conser Road and Old Salem Road was considered on the site. Given the location of the trees, there is no site layout that maintains connectivity between the existing access on Conser Road and a potential building site unless at least some of the oak trees are removed.

Another site consideration is the ability for larger vehicles to enter the site, improving safety concerns as currently oversized vehicles (SU or equivalent) visit the site but are parking in no-parking areas along the frontage. Based on observations and input from the business operator, oversized vehicles access the site from Old Salem Road.

The attached exhibit provides an evaluation driveway access location based on an SU-40 (40-foot, single axel vehicle) turning radius. This evaluation results in the need to provide a paved area in front of the access off of Old Salem Road that is a minimum of 50 feet deep and varies in width, depending on location of the driveway access. The access drive can be located anywhere from 25 feet north of the south property line to the fire hydrant and still maintain access and meet the project goals. While on-site, the development provides parking opportunities for these vehicles in the large, unmarked portions of the parking lot with the understanding that maneuvering will be required to park in these spaces.

Grading Considerations

The site grading and stormwater requirements are additional consideration that led to the proposal of removing all existing trees.

The current site slopes from southeast to northwest with a total grade change of 5 feet +/- . In order to meet the city of Millersburg requirements for stormwater including stormwater quality and detention,

the lower portion of the site must be raised by approximately 3 feet +/- . The oak trees are located in the lower portion of the site.

To meet grading requirements for any new development on-site, fill up to 3 feet deep will be required in critical root zones for the oak trees.

Recommendation

Based on all the goals, standards, and requirements for developing this site, it is the opinion of the WCL Engineering that the existing trees on this site cannot be safely maintained and will be required to be removed if the site is to be developed.

Despite not being required for tree removal approval, the property owner is offering plant replacement trees at a rate of 2 new trees for every 1 tree removed. New trees shall include required trees for landscaping requirements under MDC 3.09.030.

DRAWING KEY

	RESERVED AREA FOR BUSINESS OPERATIONS
	TREE CRITICAL ROOT ZONE BASED ON ADJACENT TREE CODE
	EXISTING BUILDINGS
	APPROXIMATE CLEAR ZONE FOR 30' APPROX TURNING RADI
	APPROXIMATE REQUIRED FOOTPRINT FOR BUILDING AND PARKING

WCL ENGINEERING, LLC
1000 W. 10TH AVENUE
EUGENE, OREGON 97408

CENTER MARKET

JAY SINGH

4900 OLD SALEM ROAD
MILLERSBURG, OR
01.05.2024

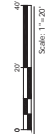
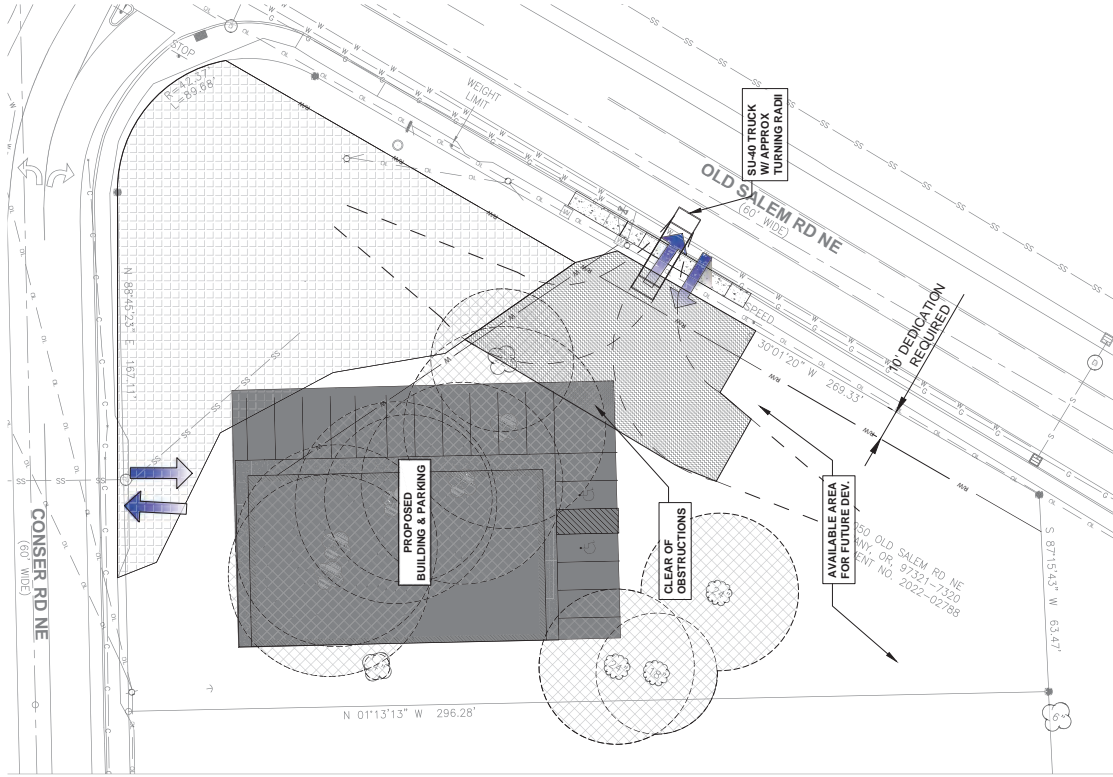
TREE EVALUATION

05 JANUARY 2024

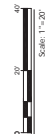
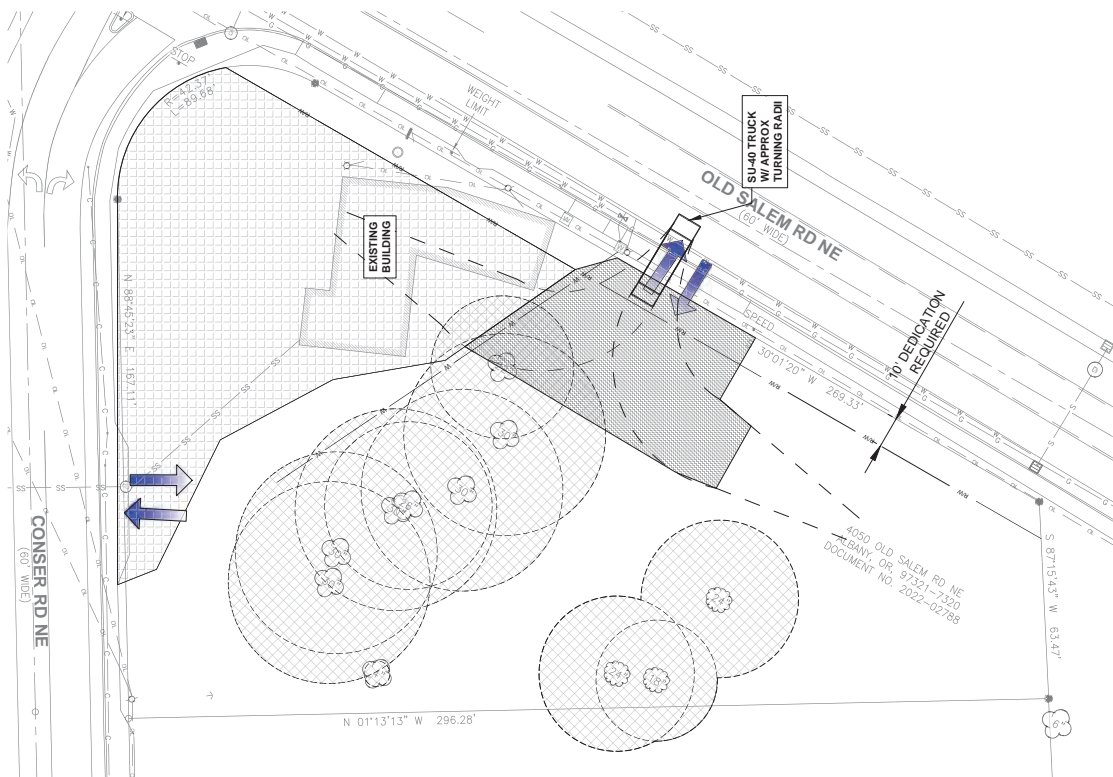
SCALENTS

TREE EXHIBIT

TREE



2 PROPOSED BUILDING LOCATION



1 AVAILABLE AREA EXHIBIT

GENERAL NOTES:
 CONTRACTOR TO VERIFY ALL UTILITIES WHETHER SHOWN OR NOT. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LEANS AND TIES TO EXISTING UTILITIES. CONTRACTOR SHALL KEEP THE CONSTRUCTION SITE IN A SAFE CONDITION AT ALL TIMES DURING THE PROJECT.
 FINISHING CONTRACTOR IS RESPONSIBLE FOR ALL LEANS AND TIES TO EXISTING UTILITIES TO BE MAINTAINED THROUGHOUT THE PROJECT.
 CONTRACTOR SHALL KEEP THE CONSTRUCTION SITE IN A SAFE CONDITION AT ALL TIMES DURING THE PROJECT.
 FINISHING CONTRACTOR IS RESPONSIBLE FOR ALL LEANS AND TIES TO EXISTING UTILITIES TO BE MAINTAINED THROUGHOUT THE PROJECT.

MIRANDA CHRISTINE
 4850 Old Salem Rd NE
 Albany, OR 97321

DESIGNER:
 Miranda Mueller
 4850 Old Salem Rd NE
 Albany, OR 97321

CONTRACTOR(S):

STRUCTURAL:

PRELIMINARY NOR FOR CONSTRUCTION

Door hardware to comply with 1008.1.9 Door operations. Door hardware shall be installed on the finished floor, not above finished floor.

404.2.6 Door hardware. Handles, pulls, latches, locks, and other operable parts on accessible doors shall be placed so that they are easy to grasp with one hand and does not pinch, or twist of the wrist to operate. Operable parts shall be placed so that they are not less than 34 inches (865 mm) minimum and 48 inches (1220 mm) maximum above the finished floor. Where sliding doors are used, the hardware shall be spaced and stable from both sides.

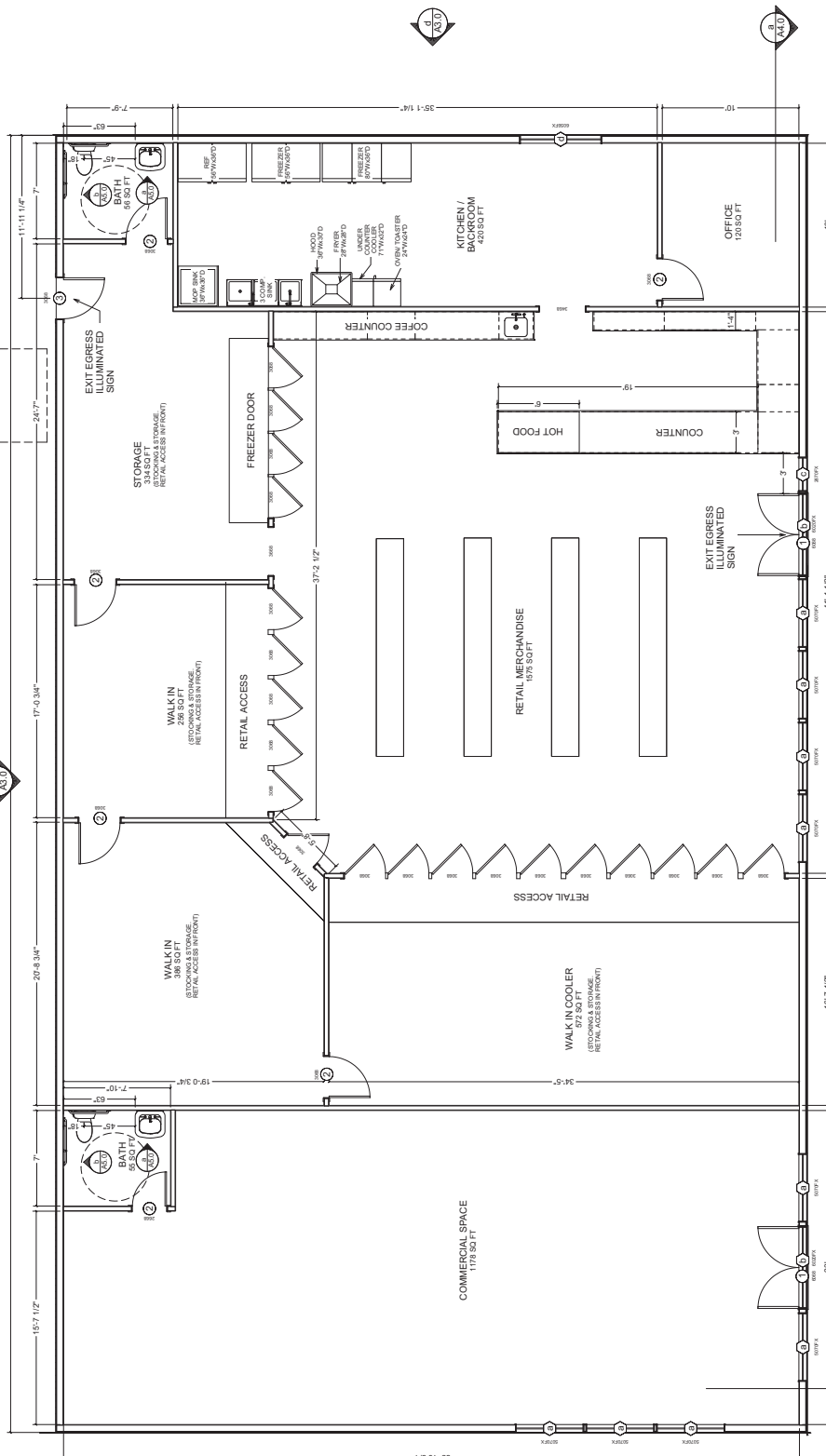
SYMBOL	SIZE	FUNCTION
①	12" W x 8" H	GLASS PARTITION
②	30" W x 8" H	INTERIOR
③	30" W x 8" H	EXTERIOR
④	60" W x 4" H	FIXED
⑤	12" W x 24" H	FIXED

wall legend:

- ① 1/2" Gypsum
- ② 5/8" Gypsum
- ③ 1/2" Gypsum
- ④ 1/2" Gypsum
- ⑤ 1/2" Gypsum
- ⑥ 1/2" Gypsum
- ⑦ 1/2" Gypsum
- ⑧ 1/2" Gypsum
- ⑨ 1/2" Gypsum
- ⑩ 1/2" Gypsum
- ⑪ 1/2" Gypsum
- ⑫ 1/2" Gypsum
- ⑬ 1/2" Gypsum
- ⑭ 1/2" Gypsum
- ⑮ 1/2" Gypsum
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DRAWING:
 (N) Main Floor Plan

SHEET #
 A1.0



New Main Floor Plan
 SCALE: 1/4" = 1'-0"

MIRANDA CHRISTINE
 10000 SW 10th St
 Suite 100
 Portland, OR 97205
 503.253.1111

DESIGNER:
 Miranda Mueller
 4050 Old Salem Rd NE
 Suite 100
 Albany, OR 97321
 503.885.1111

CONTRACTOR(S):

STRUCTURAL:

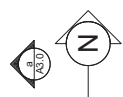
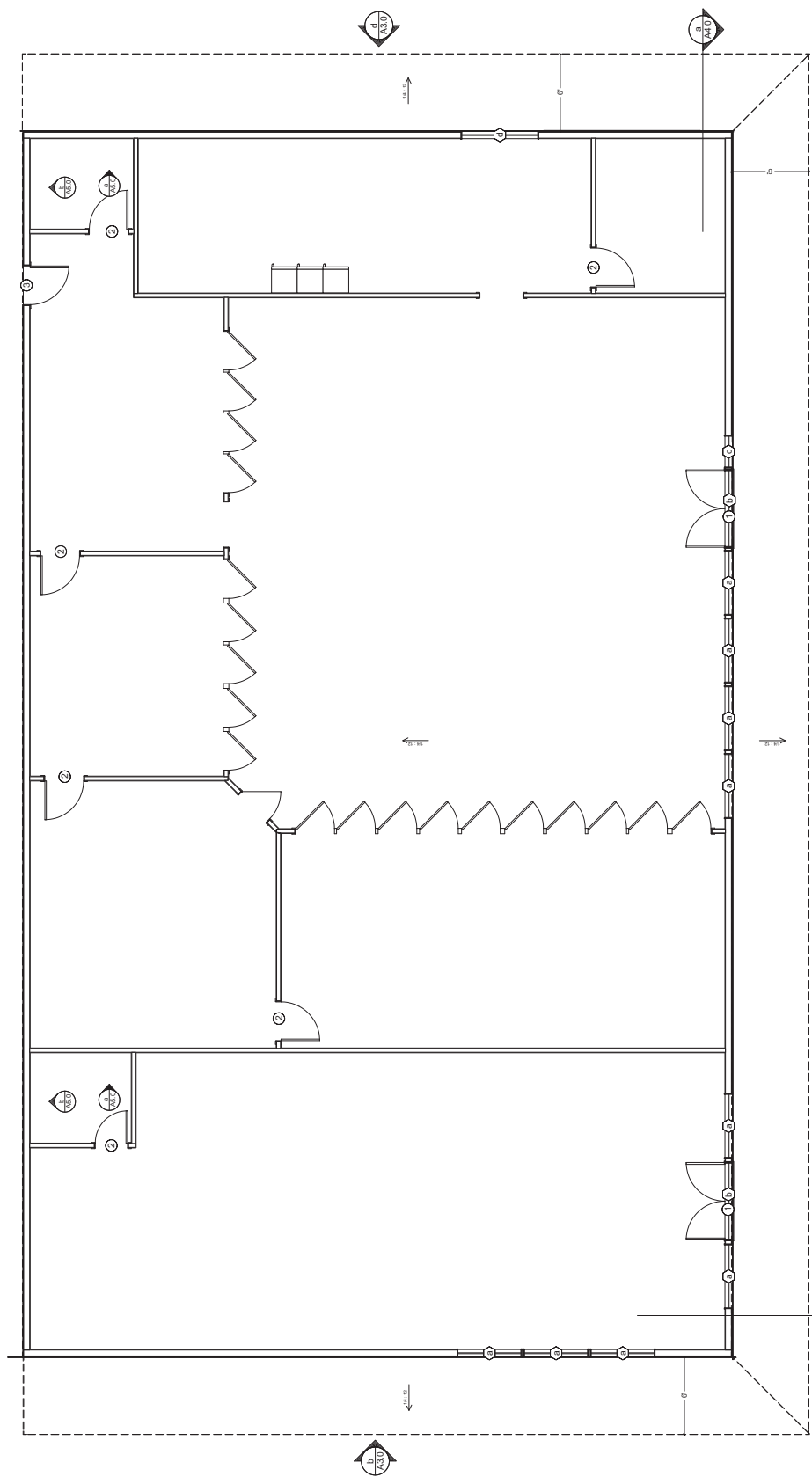
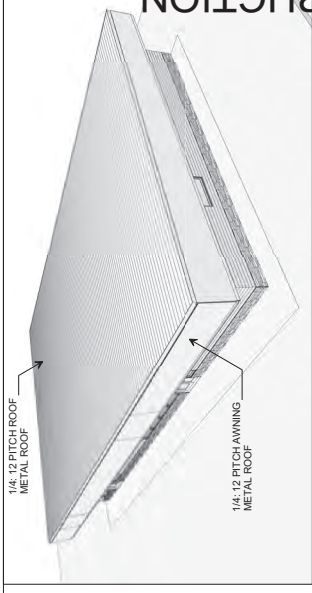
PROPERTY OWNER:
 Jay Singh
 4050 Old Salem Rd NE
 Albany, OR 97321

DATE: 11/9/2023
 REV:
 REV:

DRAWING:
 (N) Roof
 Plan

SHEET #
 A2.0

PRELIMINARY NOT FOR CONSTRUCTION



New Main Roof Plan
 SCALE: 1/4" = 1'-0"

MIRANDA CHRISTINE
 10000 SW 10TH AVE
 SUITE 100
 BEAVERTON, OR 97005
 (503) 638-1111

DESIGNER:
 Miranda Mueller
 10000 SW 10TH AVE
 SUITE 100
 BEAVERTON, OR 97005
 (503) 638-1111

CONTRACTOR(S):
 COOK - PERRY
 10000 SW 10TH AVE
 SUITE 100
 BEAVERTON, OR 97005
 (503) 638-1111

STRUCTURAL:
 COOK - PERRY
 10000 SW 10TH AVE
 SUITE 100
 BEAVERTON, OR 97005
 (503) 638-1111

PRELIMINARY NOT FOR CONSTRUCTION

PROPERTY OWNER:
 Jay Singh
 4050 Old Salem Rd NE
 Albany, OR 97321

DATE: 11/9/2023

REV:

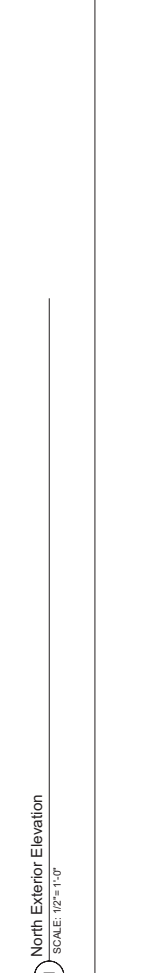
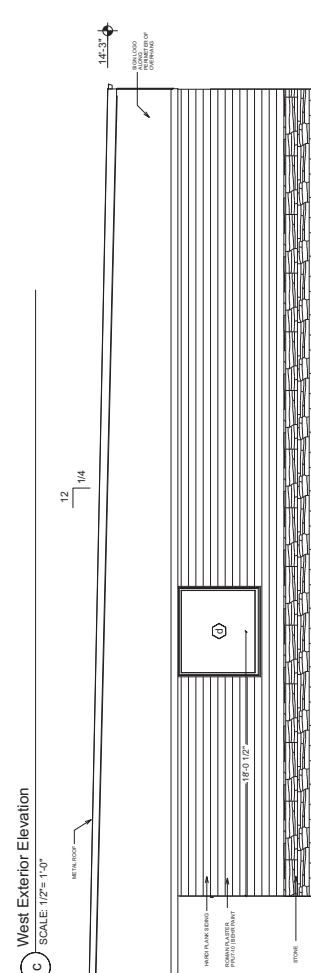
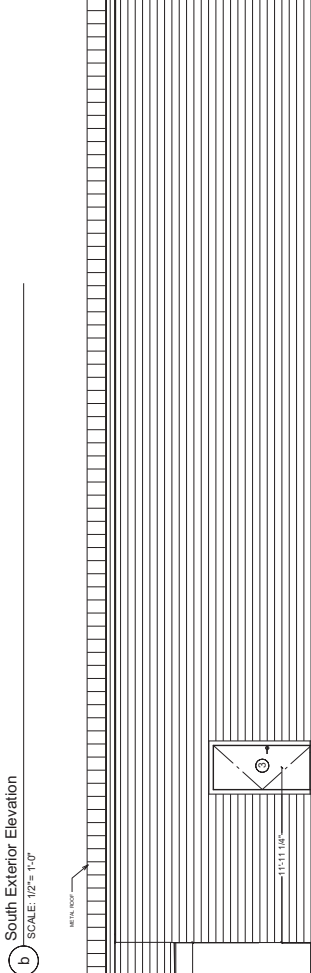
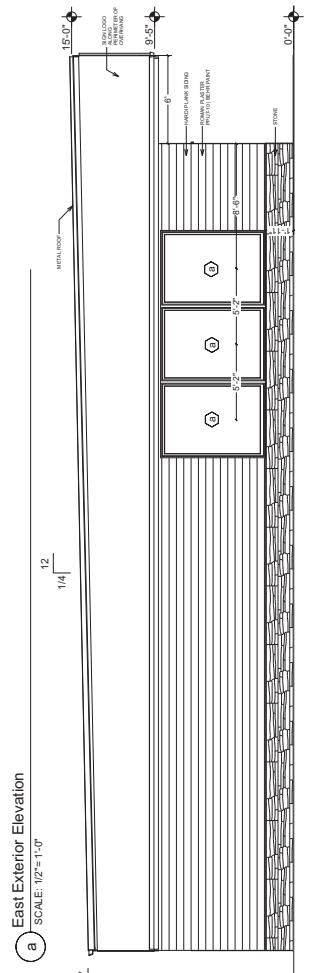
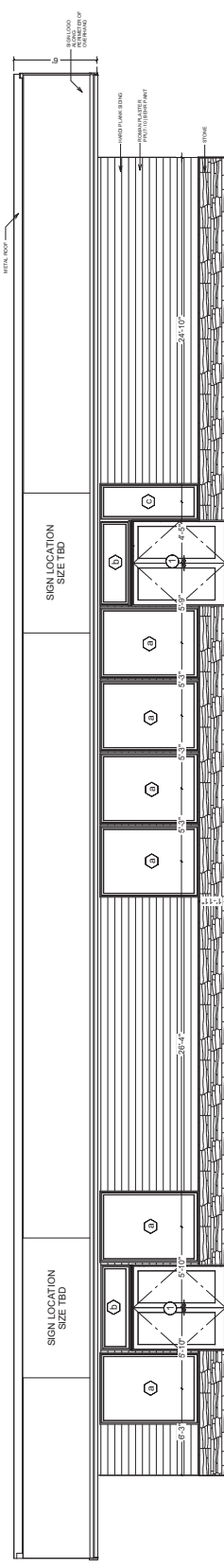
REV:

DRAWING:
 Exterior Elevations

SHEET #
 A3.0

Window & Door Legend

SYM.	SIZE	FUNCTION
①	12'0" x 8'0"	DOUBLE GLAZED INTERIOR
②	3'0" x 8'0"	FIXED INTERIOR
③	3'0" x 8'0"	FIXED EXTERIOR
④	6'0" x 8'0"	FIXED
⑤	12'0" x 8'0"	FIXED



MIRANDA CHRISTINE

DESIGNER:
Miranda Mueller

CONTRACTOR(S):

STRUCTURAL:

PROPERTY OWNER:
Jay Singh
4050 Old Salem Rd NE
Albany, OR 97321

DATE: 11/9/2023

REV:

REV:

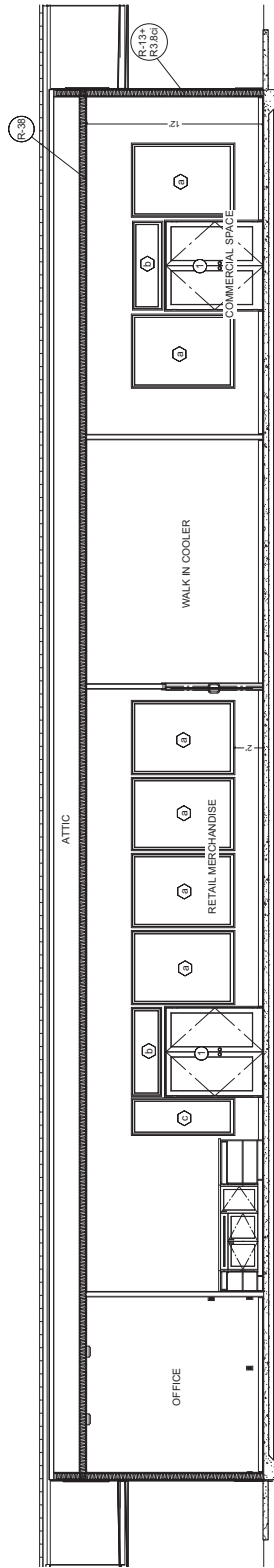
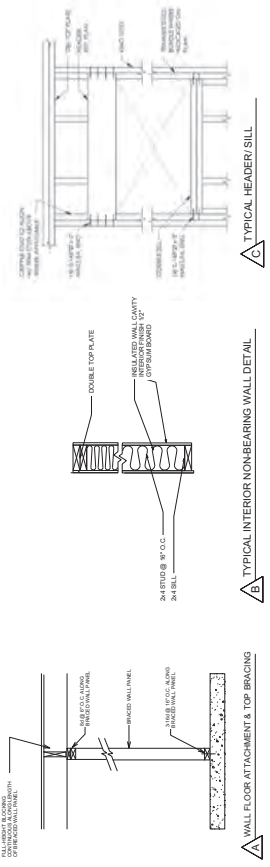
DRAWING:
Section -
Elevations

SHEET #

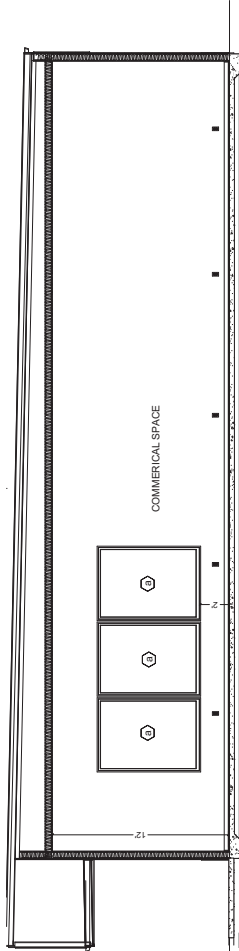
A4.0

PRELIMINARY NOT FOR CONSTRUCTION

SYMBOL	SIZE	FUNCTION
①	27" W x 67" H	DOUBLE HUNG WINDOW INTERIOR
②	36" W x 67" H	DOUBLE HUNG WINDOW INTERIOR
③	36" W x 80" H	FIXED WINDOW EXTERIOR
④	60" W x 64" H	FIXED WINDOW EXTERIOR
⑤	27" W x 80" H	FIXED WINDOW EXTERIOR



a East Exterior Elevation
SCALE: 1/2" = 1'-0"



b South Exterior Elevation
SCALE: 1/2" = 1'-0"

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: January 25, 2024
SUBJECT: SP 23-04 - 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. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
3. All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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.
4. Stormwater:
 - a. Prior to beginning of construction obtain a 1200-C Erosion Control Permit for disturbed area great than one acre and a **City of Millersburg Erosion Prevention and Sediment Control Permit** for disturbed area greater than 10,000 square feet.
 - 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.
5. Phased Construction: Phase 1 shows utilizing the existing access on Old Salem Road for operation of existing store while utilizing the new access on Old Salem Road for construction access. This results in two driveways in close proximity on

Old Salem Road and could cause confusion for customers and construction traffic. Only one driveway on Old Salem Road should be open at a time. Construction access can be from City-owned property located to the west of the property on Conser Road.

6. Clear vision areas shall be provided in accordance with Millersburg's adopted clear vision standards.
7. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
8. 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.
9. 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.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: January 23, 2024

SUBJECT: SP 23-04 –4050 NE Old Salem Rd – New Commercial– Pre-application Meeting – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments, which are based on limited information provide for the pre-application meeting and are subject to change.

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

****Land Use permit will include a \$125 Fire Plans Review fee****

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
2. 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).
3. IF FIRE SPRINKLERED: Location of any Fire Department Connections (FDCs) that may serve any fire sprinkler system(s) protecting your buildings shall be installed at a location approved by the Albany Fire Department and shall be provided with approved STORZ fitting. The FDC shall be located a distance equal to at least 1½ times the height of the building, when possible, near the site entrance as not to obstruct subsequent arriving fire apparatus, and within 40 feet of a fire hydrant (public fire hydrants whenever possible). (OFC 903.3.7 and Albany Fire Department requirements)

LAR/lar

Lora Ratcliff
541-917-7728

Lora.ratcliff@cityofalbany.net

From: [Taylor, Stephanie](#)
To: [Matt Straite](#)
Subject: RE: SP 23-04 Site Development Review Permit for NEW Center Market- Agency review request
Date: Thursday, January 18, 2024 2:43:08 PM
Attachments: [image002.png](#)

Hi Matt,

RE: Comments for SP 23-04 – New Center Street Market

1. A commercial access permit from the Linn County Road Department will be required.
2. Work will be within the MS4, a stormwater permit and an erosion control permit will be required
3. Contact the Linn County Road Department for more information.

Thanks,

Stephanie Taylor
Linn County Road Department
3010 Ferry Street SW
Albany, OR 97322
staylor@co.linn.or.us
(541) 967-3919

From: Matt Straite <Matt.Straite@millersburgoregon.gov>
Sent: Tuesday, January 9, 2024 11:03 AM
To: Shelton, Sarah (SO) <sshelton@linnsheff.org>; Sterling, Derrick <dsterling@co.linn.or.us>; Cahill, James <James.Cahill@nwnatural.com>; d6b@nwnatural.com; Olson, Benjamin <bolson@co.linn.or.us>; Jordana.Taylor@PacifiCorp.com; Janelle Booth <Janelle.Booth@millersburgoregon.gov>; Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>; sshortes@co.linn.or.us; Taylor, Stephanie <staylor@co.linn.or.us>; Mink, Wayne <wmink@co.linn.or.us>; Olson, Benjamin <bolson@co.linn.or.us>
Subject: SP 23-04 Site Development Review Permit for NEW Center Market- Agency review request

Good afternoon. The City of Millersburg is requesting your review of another new Land Use Application, this one is for a new Center Market. The location is 4050 NE Old Salem Road in Millersburg. The application proposes the following:

The application is for a Site Development review Land Use entitlement for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The new structure is proposed to be 5,225 square feet, 3,780 square feet will be the new convenience store, 1,178 square feet is designated for a future retail/commercial tenant that is not identified at this time. The project also includes new pavement, parking areas, a basin, a plaza, new landscaping, a kitchen for the preparation of hot meal items, and the relocation of the

driveway on NE Old Salem Road. The project would require the removal of several mature trees. The applicant is proposing the development of the site in three phases:

- Phase 1 proposes:
 - The construction of the new building and grading of the site.
 - Construction of new utility connections.
 - Removal of all existing mature trees on the site.
 - Construction of new driveway location on NE Old Salem Road.
 - Construction of temporary stormwater facilities.
 - The existing building remains open and in business.
 - The parking area is proposed to remain gravel during this phase.
- Phase 2 proposes:
 - Demolition of the existing building.
 - Abandoning existing utilities.
 - Construction of permanent stormwater facilities.
 - Landscaping including the plaza.
 - Abandoning the existing driveway on NE Old Salem Road.
- Phase 3 proposes:
 - Paving and striping of the parking areas.

All review materials can be found here- <https://www.millersburgoregon.gov/planning/page/sp-23-04-center-market>

The project is tentatively scheduled for a hearing on February 6, 2024. Please have your comments back by January 23, 2024. Let me know if you have any questions.

Matt Straite

Community Development Director
City of Millersburg
458-233-6306





NOTICE OF PUBLIC HEARING
February 6, 2024, 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.millersburgoregon.gov/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:	Old Salem Rd, LLC
LOCATION:	4050 NE Old Salem Road
TAX LOT:	Township 10 South; Range 3 West; Section 21; Tax Lot 04600
PARCEL SIZE:	1.00 acres
ZONING:	General Commercial (GC)
REQUEST:	The application is for a Site Development review Land Use entitlement for the redevelopment (demolish and rebuild) of the existing Center Market convenience store. The new structure is proposed to be 5,225 square feet, 3,780 square feet will be the new convenience store, 1,178 square feet is designated for a future retail/commercial tenant that is not identified at this time. The project also includes new pavement, parking areas, a basin, a plaza, new landscaping, a kitchen for the preparation of hot meal items, and the relocation of the driveway on NE Old Salem Road. The project would require the removal of several mature trees. The applicant is proposing the development of the site in three phases which will leave the current store open while the new store is built.
CRITERIA:	Millersburg Development Code; Section 5.05.060
FILE No.:	SP 23-04

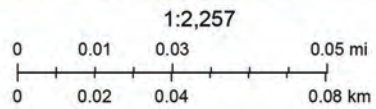
If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (458)-233-6300.

SP 23-04 Vicinity Map



12/13/2023, 4:18:07 PM

- Highways
- Roads
- Railroad
- City Boundary
- 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

ArcGIS Web AppBuilder
 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 |



File No: SP 23-05 Northwest RE LLC Industrial Project

Proposal: The application is for a Site Development Review of a single building with 326,285 SF of manufacturing space, 17,300 SF of office space, and 156,425 SF of warehouse space. The total building size is estimated to be 500,010 SF. The primary purpose of the building is manufacturing with the designated warehouse and office uses being accessory uses. The site also features passenger vehicle and truck parking areas, landscaping, water quality basins, truck maneuvering areas, loading bays, and an undisturbed wetland area. Two new driveways are proposed, one on NE Old Salem Road and one NE Transition Parkway. The warehouse area is scheduled to be built in a future expansion but was fully analyzed.

I. BACKGROUND

- A. Applicant: Northwest RE LLC
- B. Location: Southerly of NE Conser Road, westerly of NE Old Salem Road and West of Transition Parkway, tax lots 10S-3W-28-00100 & 00101.
- C. Review Type:
The proposed Site Development Review is a Type III permit, requiring a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on February 6, 2024. 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. Review Criteria: Chapter 5.05.060 Site Development Review Criteria
- E. Current Zoning: General Industrial (GI)
- F. Proposed Zoning: N/A
- G. Property Size:
The site is a portion of two parcels - 59.29 acres and 3.37 acres. The actual site area is 47.84 acres, the disturbed area is 24.74 acres. The City is currently in the process of recording a final plat that will create the lot the applicant plans to purchase from the City under File No. SD 23-01. In the meantime, they are proposing the development on a portion of two existing lots.
- H. Background:
The site is currently vacant. It has been zoned for industrial since before the City was formed. The main access road for the project, NE Transition Parkway, has recently been constructed with a new Fire Station, Station 15, which is located across the street from

the applicant's site. The City owns the property and is in the process of selling the lot to the applicant.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's Site Development Review materials were transmitted to the following agencies/departments on January 4, 2024: City of Albany, Albany Fire Department, City of Millersburg Engineer, PacifiCorp, Linn County Planning and Building Department, Linn County GIS, and Northwest Natural Gas. To date, the following comments have been received¹:

- Millersburg City Engineer Comments dated January 12, 2024
- Albany Fire Department Comment Letter dated January 4, 2024

Public:

Notice of the February 6, 2024, hearing was mailed to all property owners within 200 feet of the property, posted in City Hall on January 18, 2024, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/> on January 18, 2024. To date, no written comments from the public have been received by staff.

III. CRITERION

All findings and conclusions listed below are in addition to those provided by the applicant in their narrative dated January 10, 2024, which is included here by reference.

5.05.060 Site Development Review Decision Criteria

The review of the 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 proposed project is located in the General Industrial (GI) Zone. Proposed use include 1) manufacturing and assembly, 2) wholesale trade and distribution facilities (warehouse related to the manufacturing), and 3) ancillary office uses. The first two are directly listed as permitted uses in the GI Zone, specifically Sections 2.10.020(1) and (2) pursuant to a Site Development Review. The third use is considered ancillary to the primary use and is permitted under 2.10.020(9) because they are linked to the primary manufacturing use.

¹ The Linn County Road Department has been communicating with the City in a series of email that do not constitute official comments. Staff anticipates a more formal comment letter from them prior to the hearing. Should that happen, it will be provided to the Commission at the hearing.

The zone contains development standards that include the following:

Regulation	Standard	Application
Minimum Lot Area	Sufficient to meet the use	The site uses 24.1 acres, all of which is needed for the use. This includes the structure, parking and vehicle movement areas, as well as basins and landscaping.
Setbacks <ul style="list-style-type: none"> • Front • Rear • Side • Yard adjacent to NE Old Salem Road 	Zero Zero Zero 10 feet	The proposed building location is more than 160 feet from NE Old Salem Road.
Height	No limit	N/A
Lot Coverage	100%	N/A

The zoning standards include all other development standards listed throughout the Development Code. These are addressed later in this staff report in Section IV.

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

- (2) **The proposed use will not create negative impacts on the surrounding area resulting from traffic flow, noise, dust, glare, odor, potential incompatible adjacent uses such as parking lots, or other impacts identified in the public hearing process.**

ANALYSIS: The project will result in an increase to traffic because the site is currently vacant. A traffic study was submitted with the application materials, performed by Kimley Horn. The study reviewed the ability of the existing street network to accommodate the proposed project and the traffic the project would bring. The study found that the streets have the capacity without the need for any mitigation or intersection improvements. Based on the applicant’s traffic study, the transportation network will continue to operate at acceptable levels of service.

The City does not anticipate any noise concerns with the proposed use because, as pointed out in the applicant’s narrative, all activities other than truck movements will be done inside the building. Further, the project site is surrounded on the east and south by industrial uses. Industrial uses are also planned on the vacant property to the west of the site. To the north of the site is a residential area. The site is separated from the residential area by a planned street and public park. The park is intended to act as a buffer between the two uses. The park includes a berm with trees which will provide visual and noise buffering for any use south of NE Transition Parkway. Therefore, the proposed use should not create any negative effects related to noise.

No dust impacts are anticipated because all traffic areas proposed will be paved. No dust should result from the manufacturing process because all processes are within the building.

Regarding glare, the proposed structure features mostly concrete surfaces with some clerestory windows placed high on the structure facing NE Old Salem Road. Some glass is used on the front (north facing) section of the façade facing NE Transition Parkway (some sections of this street are not yet built). These windows would be the only place that would potentially cause any glare. The windows should not create any negative impacts regarding glare issues; however, because the windows are small and will generally be screened by parking lot trees, street trees and passenger vehicles which are located between the street and the windows on the north side the structure where most of the windows are located.

No odors are anticipated by the proposed use because any activity that could create odors will be within the structure.

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 applicant's plans indicate that they propose to connect to an existing 18" water service line in NE Transition Parkway which will loop around the facility connecting to a second point on the same road just north of the facility (northerly of the passenger vehicle driveway). Sewer service will be provided to a manhole fronting NE Transition Parkway which connects to a 12" PVC sewer line in that street. While storm drain lines also exist in NE Transition Parkway, the applicant is tentatively proposing to use storm drains west of the site. A stormwater report has been required by a condition of approval. A tentative basin location and size are provided but these may change depending on the results of the stormwater study. Conditions of approval have been added to assure the eventual design of the water, sewer, stormwater system and other drainage requirements will meet the City standards.

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

CONDITIONS OF APPROVAL:

- A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
- All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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.
- 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 and easement agreement.

- Prior to grading on the site a storm drainage report and grading plan shall be submitted for review and approval. A grading permit is required for earthwork in excess of 50 cubic yards.
- Prior to earth disturbance the applicant must obtain a City of Millersburg Erosion Prevention and Sediment Control Permit (EPSC).
- Prior to earth disturbance, the applicant shall obtain a 1200-C Erosion Control Permit for all the disturbed ground that is in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.
- A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.

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

ANALYSIS: Parking for this use is unique. The Millersburg Development Code, Section 3.03.050(2) allows the City flexibility to interpret uses that are not specifically listed in table 14 of that same section. The specific kind of manufacturing proposed is not listed, therefore, the City met with the applicants to determine the correct amount of parking spaces for the use. The parking provided on the plans is sufficient for the type of manufacturing and ancillary uses planned on the site given the number of staff anticipated to be working on each site at the new facility and the truck trips planned for the facility, based on information provided by the applicant in the narrative and the traffic study.

All parking standards are met. Parking stall sizes meet the code requirements of 9' x 20'. All aisle widths are proposed to be at least 24 feet in width which provides ample room for cars to back out of parking spaces. Pedestrian sidewalks within the parking are not required. Sidewalks connecting the building to the parking lot and to the street are not shown. A condition of approval has been added to require the applicant to show these on the final site plan. The site plan shows large truck maneuvering areas that will provide ample room for safe large truck turns internal to the site. The application has shown that it will be safe by meeting the standards in the development code. With the standards met, there should be no issues with traffic safety.² The applicant has also explained in the narrative:

² It should be noted that on January 9 the City Council adopted an update to the Code. This application was submitted prior to that change and is therefore not required to comply with the new Code requirements.

The new access drive on Old Salem Road NE (SIC et al) will be dedicated to heavy trucks to minimize interactions between standard vehicle and semi-trucks, as well as minimizing pedestrian exposure. Another new access drive on Transition Parkway will provide access primarily for the employee parking lot and office entrance, though the road will be paved to handle the weight of emergency vehicles. Heavy-duty asphalt along the perimeter of the facility will allow heavy trucks and trailers to access all loading bays and trailer parking spaces via Old Salem Road NE without interacting with the employee parking lot or Transition Parkway. Circulation will also be present within the employee parking lot along with applicable lighting and pedestrian pathways.

NE Old Salem Road is already built to full standards besides a required trail. The only improvement the applicant will be required to build on NE Old Salem is the trail itself. Conditions of approval have been added for a multi-use trail.

The full street extension of NE Transition Parkway, including bicycle facilities, was planned as a city project prior to the submittal of this land use application. Construction of Transition Parkway is anticipated to be in progress or complete prior to this project. The applicant is required to contribute to the frontage improvements through payment of connection charges, or by enabling the City to obtain equivalent funding through grant programs. If the City's project were to be delayed, the applicant would be required to extend approximately 140 feet of Transition Parkway to accommodate their driveway entrance. Costs associated with this construction would be eligible for SDC credits. All other requirements are met.

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

CONDITIONS OF APPROVAL:

- Prior to final inspection the applicant shall construct a multi-use trail along the NE Old Salem Road frontage. All plans for the trail shall be approved by the City prior to construction.
- If City does not construct Transition Parkway past applicant's proposed employee driveway entrance, applicant shall construct approximately 140 feet of Transition Parkway, per existing design, under a PCPI permit, and in accordance with the City's engineering standards to accommodate new driveway. Costs associated with this construction would be eligible for SDC credits.
- Prior to the issuance of a building permit, the Applicant shall obtain access permit from Linn County for the access on NE Old Salem Road.
- Prior to the issuance of a building permit the applicant shall provide a revised site plan showing sidewalks connecting the structure to the parking area and to the sidewalks along the street.

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 site is surrounded by uses and zones that are considered highly compatible with the proposed use. These include City Hall to the north, light industrial and commercial uses to the east, vacant property to the south and west, planned for industrial uses. No noise buffering is required for any of these uses. Visual buffering to the east and north is provided through compliance with the landscape requirements of the Code, including the parking lot and streetscape landscape requirements. Some residential uses are also located to the north. As previously discussed, in addition to the project's parking lot landscaping, a street and park system are planned to screen those uses from industrial uses proposed south of NE Transition Parkway. Additional visual buffering is discussed further in Section IV.

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

d. Protections from any potential hazards.

ANALYSIS: No hazards are anticipated on or near the property. The proposed project is not located within a FEMA Flood Zone or area of landslide risk. To the west of the proposed project is an area known as the Soil Amendment Area (SAA). This area is currently subject to a consent decree that includes certain restrictions and requirements for construction. This does not include the project site area. The consent decree does not impact the applicant's proposed site. Therefore, no mitigation is needed on the subject property. No additional protections are needed.

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

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 2, specifically the GI Zone setbacks and siting requirements, and Chapter 3 General Provisions as shown below. The following analysis is a summary of only the applicable standards or items that required additional explanation and/or additional conditions of approval to show clear consistency. These findings are in addition to those made in the applicant's narrative which is included here by reference.

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

SECTION 3.03.060 OFF STREET VEHICLE AND BICYCLE PARKING REQUIREMENTS

ANALYSIS: The parking areas will be fully paved. All spaces meet the standard dimension requirements of 9 feet by 20 feet. All landscaping provided meets the standards, including the required landscaped islands. As previously mentioned, the number of spaces met the City requirements.

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

SECTION 3.03.070 OFF-STREET LOADING REQUIREMENTS

ANALYSIS: This section requires one loading space for every 25,000 feet of gross floor area. The project structure is proposed to be 500,010 square feet which would equate to a need for 21 loading spaces. The building features 12 rollup doors on the structure and an additional 43 truck parking stalls which could be used as loading spaces. This requirement is met.

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

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

ANALYSIS: This section includes standards for the design of the parking areas. As previously mentioned, all design features meet the code requirements. Lighting in the parking area is not required, but if lighting is intended it must be designed to remain on the property (no light cast off-site). The applicant's narrative has explained that lighting is planned, but no lighting plan was available at the time of the application. A condition of approval has been added to require a staff review of the plan prior to building permit issuance to assure all requirements are met.

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

CONDITION OF APPROVAL:

- Prior to the issuance of a building permit, all lighting plans must be reviewed by staff to assure compliance with the standards found in the Millersburg Development Code Section 3.03.080(4).

CHAPTER 3.04 STORM DRAINAGE AND GRADING

ANALYSIS: The applicant has provided locations for storm water features on the site. Conditions of approval have been added requiring a stormwater report to be submitted that will provide calculations to show that all water quality and storm water storage features are in the correct location and sized to function as required.

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

CHAPTER 3.08.060 YARD AND LOT STANDARDS- VISION CLEARANCE

ANALYSIS: The driveway for passenger vehicles is proposed on NE Transition Parkway. The location is at the end of a curve in the road. Landscaping along the street is also proposed. The speed of the road is proposed to be 35 miles per hour and the advisory speed of that curve is proposed to be 25 miles per hour. The requirements for the clear vision areas are based on the speed of the road. Using this information, the City engineer has reviewed the proposed landscape plans and determined that the location of the driveway and the proposed street trees are fully consistent with the vision clearance requirements of this section for both 25 miles per hour and 35 miles per hour speeds. All requirements are met.

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

CHAPTER 3.09 LANDSCAPING REQUIRED- MIXED-USE AND NON-RESIDENTIAL ZONES

SECTION 3.09.030(1)b NON-RESIDENTIAL LANDSCAPING

ANALYSIS: The site does not abut any residential property; no screening is required. No setbacks are required. All proposed landscaping complies with the requirements of this section.

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

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application SP 23-05.

VI. PROPOSED MOTION

I move that the proposed project satisfies the applicable criteria and standards, and the Planning Commission approve SP 23-05 with the conditions of approval as listed in the staff report.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. Development of this land use approval shall substantially comply with the submitted plans and application materials (attached), specifically:
 - Site Plan Sheet C1.00 dated December 22, 2023

- Utility Plan Sheet C2.0 (no date provided)
- Building Elevations Sheet A1.00 dated January 9, 2024
- Preliminary Landscape Plan Sheets L1.1, L1.2, L1.3 and L1.4, dated December 22, 2023
- Traffic Impact Analysis dated January 2024
- Narrative: Delorean Site dated January 10, 2024

Additional development *or changes* may require a new development application and approval.

2. This approval is valid for a period of two (2) years from the date of the decision notice. Extensions may be granted by the City as afforded by the Millersburg Development Code.
3. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
4. 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.
5. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
6. All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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.
7. 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 and easement agreement.
8. Clear vision areas shall be provided in accordance with Millersburg's adopted clear vision standards.

Prior to Building Permit Issuance:

9. Prior to building permit issuance, any access and utility easements shown on the proposed plans must be recorded.
10. Prior to building permit issuance, the applicant shall provide evidence to the City that all applicable requirements of the Albany Fire Department letter dated January 4, 2024, have been met to the satisfaction of the Albany Fire Department.
11. Prior to building permit issuance, all applicable System Development Charges (SDCs) shall be paid.

12. Prior to building permit issuance, all lighting plans must be reviewed and approved by staff to assure compliance with the standards found in the Millersburg Development Code Section 3.03.080(4).
13. Prior to the issuance of building permits, subdivision SD 23-01 shall be recorded.
14. Prior to the issuance of a building permit the applicant shall provide a revised site plan showing sidewalks connecting the structure to the parking area and to the sidewalks along the street.
15. Prior to the issuance of a building permit, the Applicant shall obtain access permit from Linn County for the access on NE Old Salem Road.
16. Prior to the issuance of a building permit the applicant shall provide a revised site plan showing sidewalks connecting the structure to the parking area and to the sidewalks along the street.

Prior to Earth Disturbance or Grading:

17. Prior to grading on the site a storm drainage report and grading plan shall be submitted for review and approval. A grading permit is required for earthwork in excess of 50 cubic yards.
18. Prior to earth disturbance the applicant must obtain a City of Millersburg Erosion Prevention and Sediment Control Permit (EPSC).
19. Prior to earth disturbance, the applicant shall obtain a 1200-C Erosion Control Permit for disturbed ground in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.

Prior to Final Inspection:

20. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.
21. All required public improvements shall be completed and approved by the City prior to final inspection.
22. Prior to final inspection the applicant shall provide evidence to the City that all applicable requirements of the Albany Fire Department letter dated January 4, 2024, have been met to the satisfaction of the Albany Fire Department.
23. Prior to final inspection, the applicant shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.
24. Prior to final inspection the applicant shall construct a multi-use trail along the NE Old Salem Road frontage. All plans for the trail shall be approved by the City prior to construction.

25. If City does not construct Transition Parkway past applicant's proposed employee driveway entrance, applicant shall construct approximately 140 feet of Transition Parkway, per existing design, under a PCPI permit, and in accordance with the City's engineering standards to accommodate new driveway. Costs associated with this construction would be eligible for SDC credits.

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 and Connection Charges will be due at the time of building permits.
2. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
3. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
4. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
5. 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.
6. 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

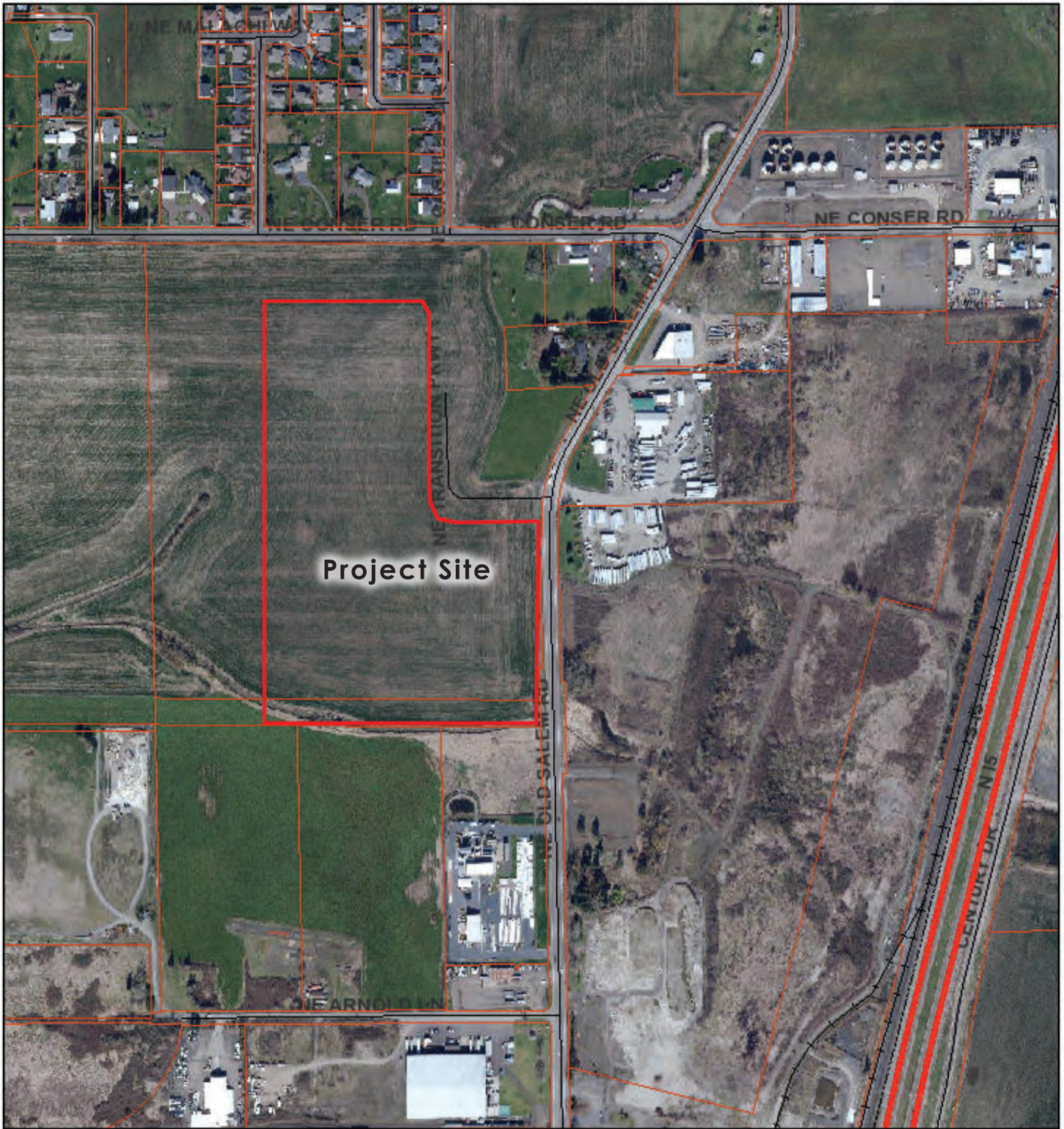
- Vicinity Map
- Zoning Map
- Applicant's Design Review Drawings including:
 - a. Site Plan Sheet C1.00 dated December 22, 2023
 - b. Utility Plan Sheet C2.0 (no date provided)
 - c. Building Elevations Sheet A1.00 dated January 9, 2024
 - d. Preliminary Landscape Plan Sheets L1.1, L1.2, L1.3 and L1.4, dated December 22, 2023
 - e. Traffic Impact Analysis dated January 2024 (not included in the staff report for file size purposes, available upon request)

f. Narrative: Delorean Site dated January 10, 2024

- Millersburg City Engineer Comments dated January 12, 2024
- Albany Fire Department Comment Letter dated January 4, 2024
- Public Hearing Notice

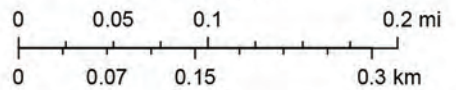
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SP 23-05 Vicinity Map



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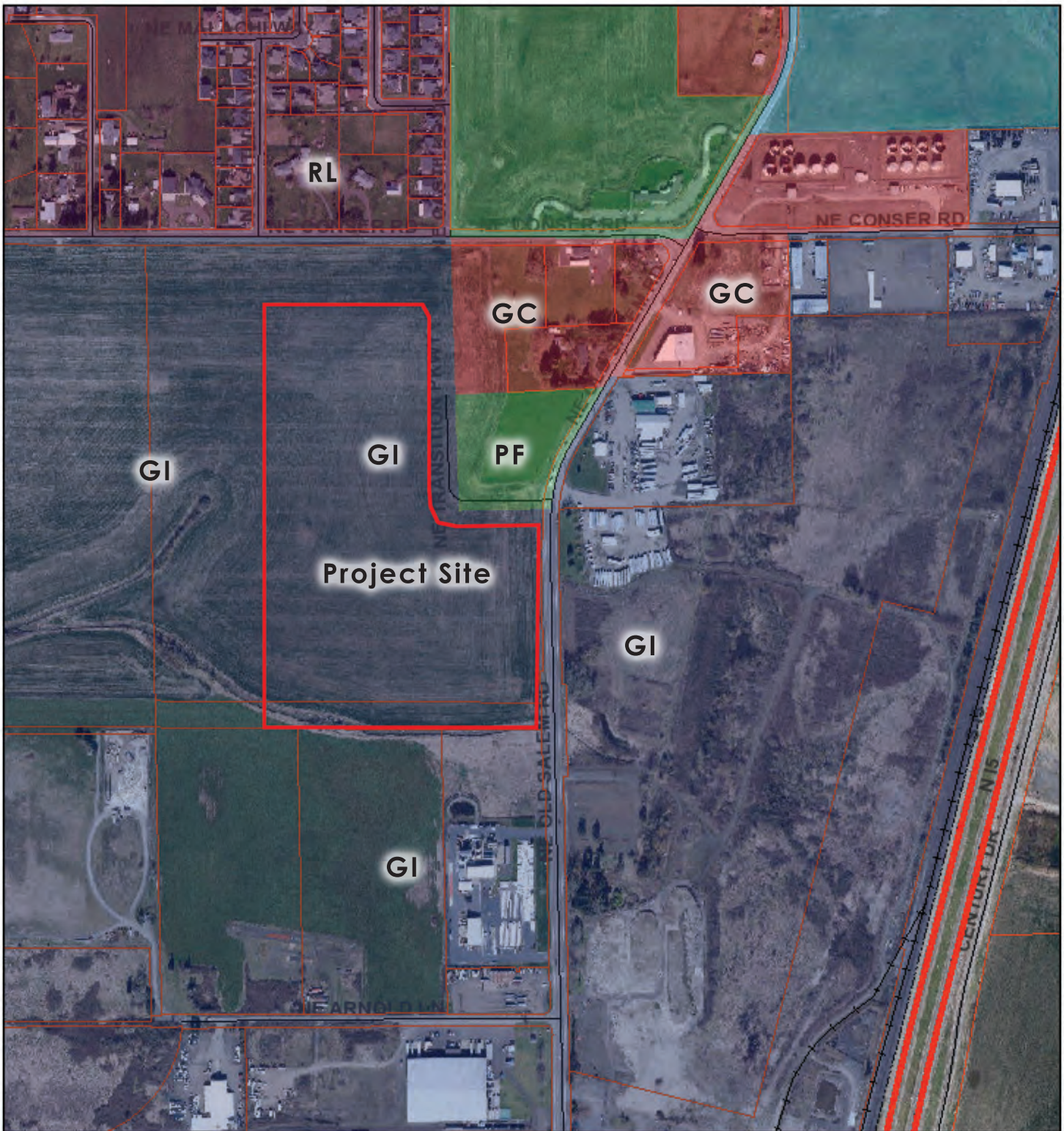
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- Highways
- Roads
- Railroad
- City Boundary
- Tax Lots

Linn County GIS, 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, Intermap, USGS, METI/ NASA, EPA, USDA, GeoTerra, 2021

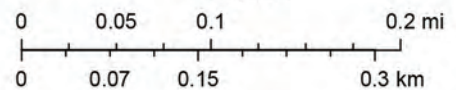
SP 23-05 Zoning



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|--------------------|---------------------------|
| Highways | MIXED USE |
| Railroad | PUBLIC FACILITIES |
| Millersburg Zoning | RESIDENTIAL LOW DENSITY |
| COMMERCIAL OFFICE | RESIDENTIAL MIXED DENSITY |
| GENERAL COMMERCIAL | RURAL |
| GENERAL INDUSTRIAL | Tax Lots |
| LIMITED INDUSTRIAL | Roads |



Linn County GIS, 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, Intermap, USGS, METI/ NASA, EPA, USDA, GeoTerra, 2021

NO.	REVISIONS	DATE	BY

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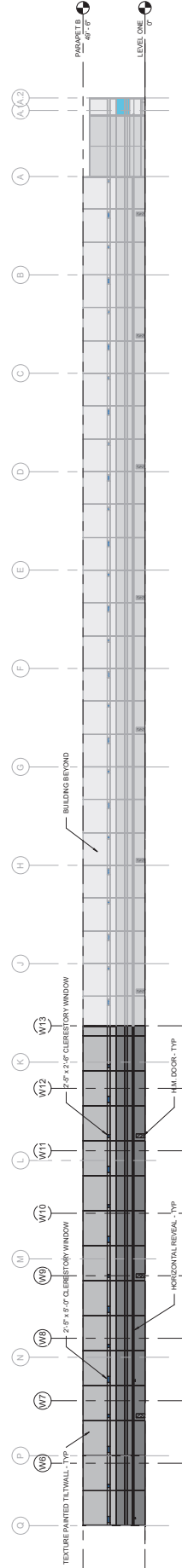
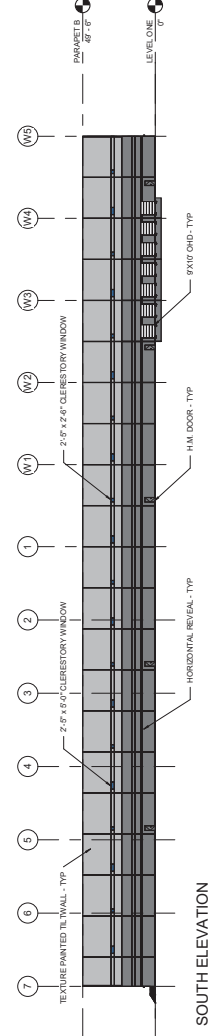
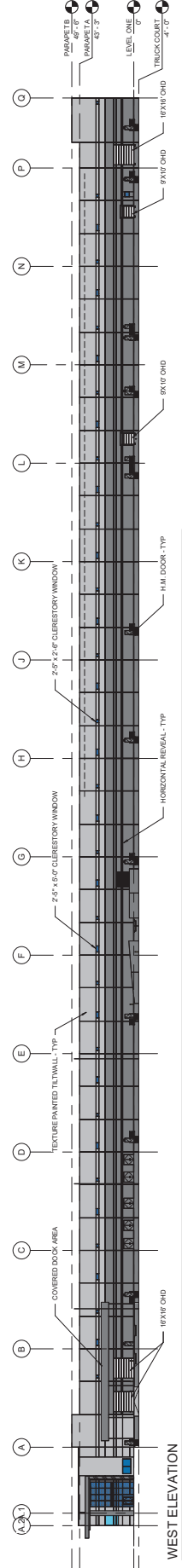
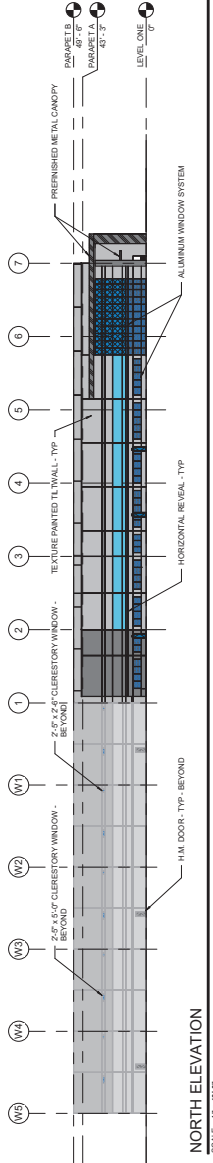
**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

HMA PROJECT
 DATE: 01/09/24
 SCALE: AS SHOWN
 DESIGNED BY: MF
 DRAWN BY: MF
 CHECKED BY: MF

OVERALL ELEVATIONS

DELOREAN
 PREPARED FOR
CONFIDENTIAL
 OREGON

MILLERSBURG
 SHEET NUMBER
A1.00





NARRATIVE: DELOREAN SITE

January 10, 2024

Applicant:

Confidential

Development Location:

3800 NE Old Salem Road
Millersburg, OR 97231

Prepared for:

City of Millersburg
Planning & Zoning
4222 NE Old Salem Road
Millersburg, OR 97321

Prepared by:

Kimley-Horn
1 SW Columbia St, Suite 650
Portland, OR 97204

Architect:

Powers Brown Architecture
2150 W 29th Ave #400
Denver, CO 80211

Development Review Application—Explanation of Intent

Kimley-Horn, in collaboration with Powers Brown Architecture, will be submitting for a Site Development Review (Type III Action). As stated in Section 5.01.020, “A Type III action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow discretion. Public notice and a public hearing are provided. Appeal of a Type III decision is to the City Council.”

Project Summary

The proposed full development submitted for land use approval will consist of a single building with 17,300 SF (square feet) of office space, 326,285 SF of manufacturing space, and 156,425 SF of warehouse space. The facility will have an adequate number of parking stalls (160) and loading bays as determined by the applicant and agreed upon with the City of Millersburg during previous pre-application conversations. Construction of the building and parking lot will occur in phases, though the precise square footage and number of parking stalls to be completed for each phase will be determined later during the design process. All square footage and parking stall numbers referenced in the land use application assume the completion of all phases, therefore the number of parking stalls and square footage constructed will be less than the given numbers per phase. The facility will have onsite water treatment, with no disturbed land impacting any existing wetlands. Access points will be one truck entrance/exit off of Old Salem Road, with another vehicle entrance off NE Transition Parkway.

Existing Conditions

The project site is located south of Conser Road NE, West of Old Salem Road NE, and north and east of the railroad tracks in Millersburg, Oregon. The site is in an area zoned as General Industrial (GI), with the areas west and south of the site also zoned GI. The site is adjacent to the Albany Fire Department-Millersburg Station 15 to the east, which is on land zoned for Public Facilities (PF). Northeast of the site is land zoned General Commercial (GC), with residential zoning of primarily Residential Low (RL) north of the site across Conser Road NE.

The project site currently includes two tax lots, however, these lots are currently being consolidated by the City. Therefore, the existing tax lot numbers may change prior to final review of the land use application. The northern tax lot is 10S03W28-00-00100 and approximately 59.29 acres, and the southern tax lot is 10S03W28-00-00106 and approximately 3.37 acres. The site is currently undeveloped.

Parcel

Map and Tax Lot ID: 10S03W28-00-00100 (North Tax Lot) and 10S03W28-00-00106 (South Tax Lot)

Site Design

Current Approximate Address: 3800 NE Old Salem Road, Millersburg, OR 97231

Zoning: General Industrial (GI)

Site Area: 2,083,865.25 SF (47.84 acres)

Estimated Disturbed Land Area: 1,077,951.52 SF (24.74 acres)

Proposed Total Building Square Footage:

- 17,300 SF of Office Space
- 326,285 SF of Manufacturing Space
- 156,425 SF of Warehouse Space

Applicable Standards

The following standards from the City of Millersburg Development Code have been addressed within this Narrative:

2.10 General Industrial Zone (GI)

3.02 Street Standards

3.03 Off-Street Parking and Loading

3.06 Signs

3.07 Fencing and Screening

3.08 Yards and Lots

3.09 Landscaping

5.05 Site Development Review

Figure 1 – Aerial View of Site Boundary



Figure 2 – Existing North Tax Lot from Linn County

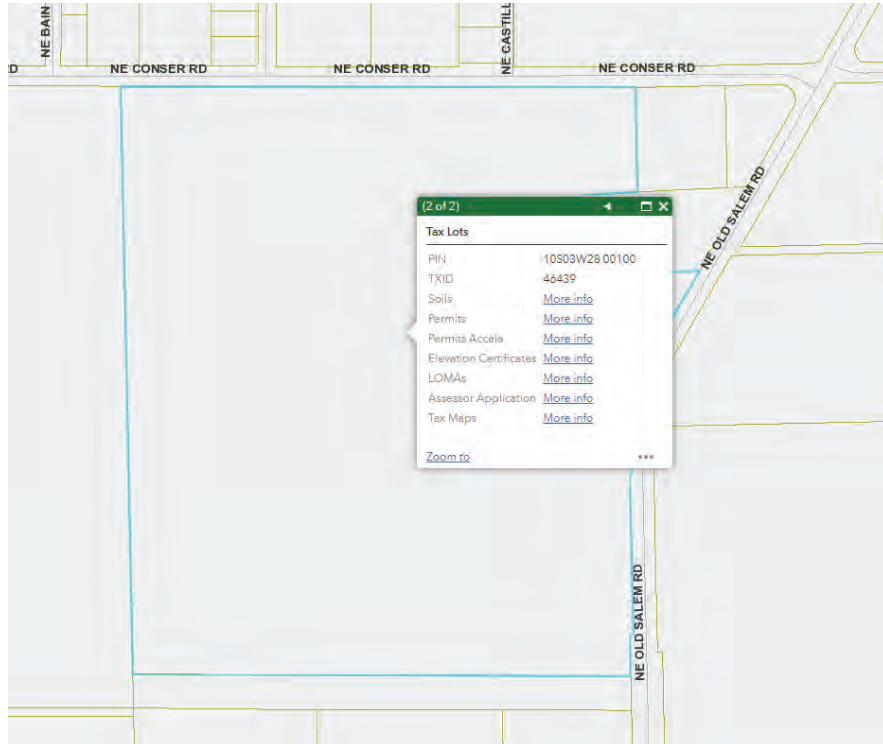


Figure 3 – Existing South Tax Lot from Linn County

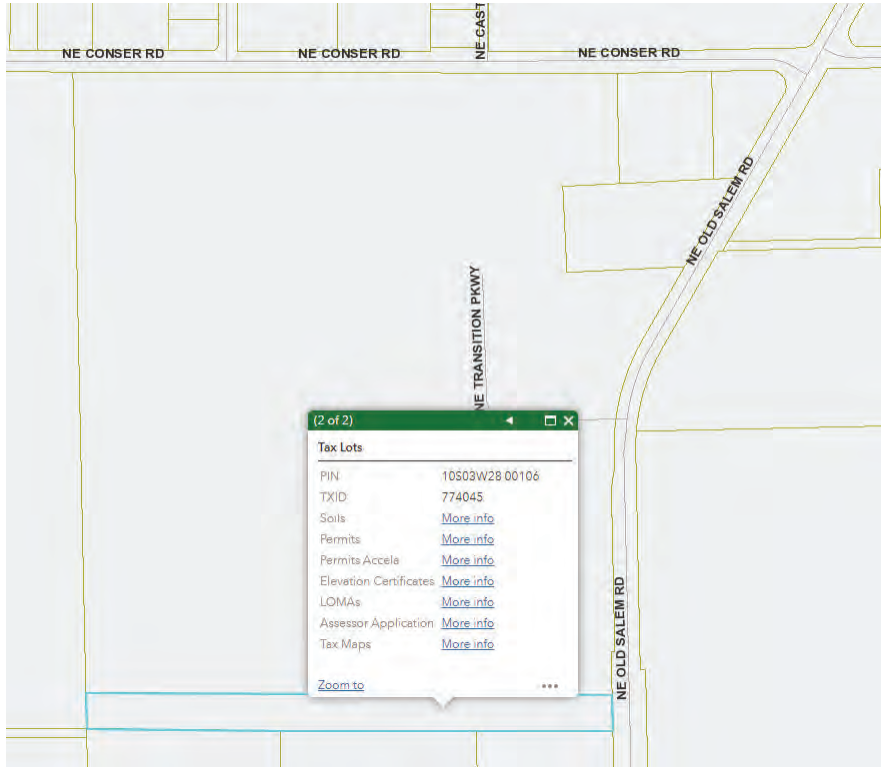


Figure 4 – Soil Analysis Report of Site

 SOIL ANALYSIS REPORT (Parcel Based)

PIN#: 10503W28 00100
 Assessor#: 46439

Series	Class	HV	Acres	Percent	CU FT/AC	Name
102	I	1	0.16	0.26	130	Willamette silt loam
106A	IIw	1	31.57	53.11	170	Woodburn silt loam, 0 to 3 percent slopes
106C	IIe	1	4.66	7.83	170	Woodburn silt loam, 3 to 12 percent slopes
23	IIIw	1D	0.41	0.70	100	Clackamas gravelly silt loam
3	IIw	1	9.38	15.79	130	Amity silt loam
33	IVw	2	7.38	12.41	40	Dayton silt loam
8	IVw	2	5.79	9.75	0	Bashaw silty clay
85	VIIIw	non	0.09	0.14	0	Riverwash
			59.43	100.00		

Figure 5 – FIRM Panel from FEMA

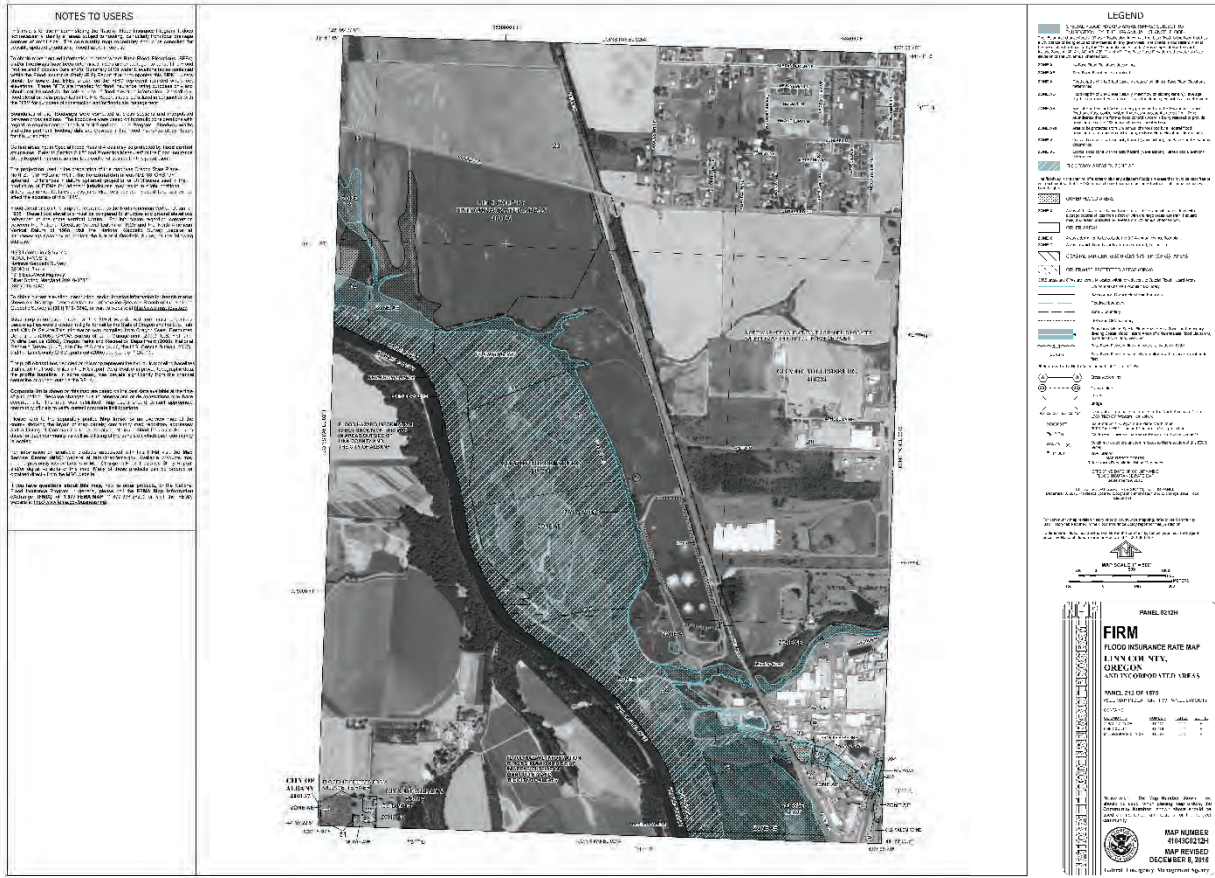
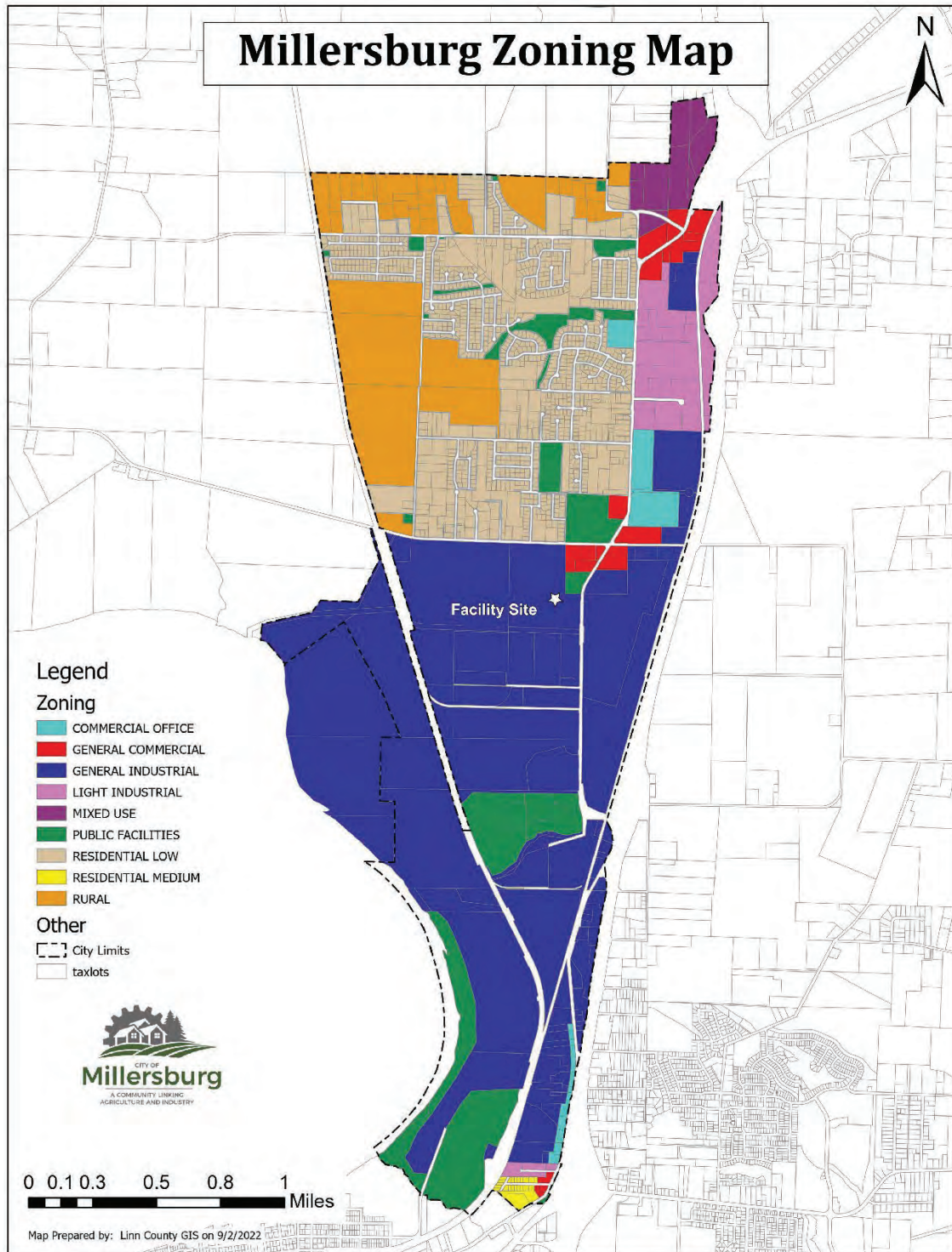


Figure 6 – City of Millersburg Zoning Map with Approximate Site Location



Article II – Zones and Zoning Regulations

2.10 GENERAL INDUSTRIAL ZONE (GI)

2.10.010 Purpose

The General Industrial Zone is applied to areas well suited for all types of industrial development that require excellent highway and rail access and are free from conflict with other non-compatible land uses. The GI zone is intended to protect and preserve these areas for industrial development to assist in supporting the area's economy.

2.10.020 Permitted Uses.

The following uses, when developed under the applicable development standards in the Code, are permitted in the GI zone:

- 1) Manufacturing and Assembly, Secondary Processing
 - a) Food processing, including canning, freezing, drying, dairy products, and similar food processing and preserving, beverage bottling facility, including warehousing and distribution, but excluding processes which involve the slaughter of animals.
 - b) Textile mill products, including apparel and other finished products made from fabrics and similar materials.
 - c) Furniture and fixtures, including retail wood products.
 - d) Printing, publishing, and allied industries.
 - e) Rubber and miscellaneous plastics.
 - f) Leather and leather goods but excluding a tannery.
 - g) Cement, glass, clay, and stone products manufacturing.
 - h) Production, processing, finishing, fabricating, handling, recycling, storage and use of alkali, alkaline earth, metals and their alloys.
 - i) Research and Development facilities.
 - j) Electrical and electronic equipment, machinery and supplies but excluding lead-acid batteries.
 - k) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.
 - l) Recycling centers less than 5,000 square feet.
 - m) Freight terminals and rail transfer facilities, including loading docks, storage, warehousing and wholesale distribution, and cold storage.
 - n) Other manufacturing, wholesaling, or distributing activities similar to those listed.
- 2) Wholesale trade and distribution facilities, but excluding trade and distribution involving:
 - a) Metals and minerals.
 - b) Scrap and waste material.
 - c) Farm-product raw materials.
 - d) Chemicals and allied products.
 - e) Petroleum and petroleum products.

- 3) Public and private utility facilities, including fire stations, water and sewage treatment facilities, substations, pumping stations, and similar facilities with outdoor equipment storage permitted.
- 4) Fleet vehicle maintenance and storage.
- 5) Heavy equipment parts and repair, including non-passenger vehicle tires.
- 6) Tractor, farm equipment, heavy construction equipment, and logging equipment, rental, sales, and service.
- 7) Truck dispatch operations.
- 8) Welding, machining, fabrication, blacksmith shop, and similar facilities.
- 9) Uses of a nature that are consistent with the purpose statement of the zone. The intent is to permit flexibility in allowing appropriate uses generated by emerging technologies. For example, server farms or additive manufacturing would be consistent with provision.
- 10) Interim farm use, subject to the provisions in Chapter 3.21.040, except crops may be cultivated for commercial sales or use.
- 11) Construction businesses such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work, or painting.

Response

The facility will primarily be general manufacturing and warehousing, which is permitted according to the City of Millersburg Code Chapter 2.10 for properties zoned as General Industrial (GI). This is inline with 2.10.020(1)n for “other manufacturing, wholesaling, or distributing activities similar to those listed” and 2.10.020(2) as a wholesale trade and distribution facility that does not involve the trading or distribution of: metals and minerals, scrap and waste material, farm-product raw materials, chemicals and allied products, or petroleum and petroleum products.

2.10.030 Special Uses.

The following uses, when developed under the applicable development standards of this Code and special development requirements, are permitted in the General Industrial zone:

- 1) Partitions, subject to the provisions in Chapter 4.02.050.
- 2) Subdivisions, subject to the applicable provisions of Chapter 4.02.060.
- 3) Temporary uses, subject to provisions in Chapter 3.17.
- 4) Wireless communication facilities, subject to provisions in Section 3.27.

Response

The facility meets the requirements of Permitted Uses and does not involve any uses that would require a Special Use Permit.

2.10.040 Conditional Uses.

The following uses require approval of a Conditional Use Permit:

- 1) Extraction and processing of minerals, rock, or other earth products.

- 2) Recycling centers greater than 5,000 feet of enclosed area, automotive dismantling, wrecking and salvage yard, and refuse transfer facilities.
- 3) Petroleum products storage and distribution, including asphalt plants.
- 4) Manufacturing, processing, storage of explosives, or EPCRA Section 302 - Extremely Hazardous Substances when located within 300 feet of residentially zoned land.
- 5) Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution, excluding ammonium nitrate.
- 6) Wholesale and distribution involving these activities.
- 7) A caretaker's residence, either free-standing or incorporated into another building, for an established or concurrently being developed industrial use, subject to the provisions of Chapter 3.28.

Response

The facility meets the requirements of Permitted Uses and does not involve any uses that would require a Conditional Use Permit.

2.10.050 Dimensional Standards.

Unless otherwise permitted in this Code, the following minimum dimensional standards shall be required for all development in the GI zone:

Table 9 GI Zone Dimensional Standards	
GI Zone Dimensional Standards	
Minimum Lot Area	
All Development	Sufficient to meet setbacks and development requirements
Minimum Setbacks	
All Yards	0 feet
Yards Adjacent to RM, RL, and RU Zones	10 feet + 5 feet per story
Yards Adjacent to Conser Road	30 feet + 5 feet per story
Yards Adjacent to Old Salem Road	10 feet south of the Murder Creek undercrossing. North of the Murder Creek undercrossing, 10 feet on the west side and 20 feet on the east side incorporating trail as identified in the most currently adopted Transportation System Plan
Maximum Structure Height	
Principal and Accessory building	No limit
Maximum Lot Coverage	100%

Response

The site meets all applicable Dimensional Standards. The site is more than 150 feet from the Residential Low (RL) zoning on the north side of NE Conser Road and is not adjacent to any other residential zones. The site is also more than 10 feet from Old Salem Road and does not

impact Murder Creek or any planned or existing trail system. No setback requirements have been stated for NE Transition Parkway.

2.10.060 Development Standards.

All development in the GI zone shall comply with the following specific standards:

- 1) Off-Street Parking. Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.
- 2) Signs. Signs in the GI zone shall conform to the standards contained in Chapter 3.06.
- 3) Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 3.08.
- 4) Site Development Review. All new development and expansion of an existing structure or use in the General Industrial Zone shall be subject to the site development review procedures of Chapter 5.05.
- 5) Landscaping. Any required or established yard shall be landscaped with trees, shrubs, and groundcover and maintained pursuant to provisions in Chapter 3.09.
- 6) Residential Screening. Property abutting an RL, RU, or RM zone shall be screened with a sight-obscuring fence not less than six feet in height. This requirement shall not include the front yard.

Response

The narrative below addresses the specific standards that apply to developments within the GI zone. See sections 3.03, 3.06, 3.08, 5.05, 3.09, and 3.07.

Article III – Development Requirements

3.02 Street Standards

3.02.010 Purpose.

- 1) To provide for safe, efficient, convenient multi-modal movement in the City of Millersburg.
- 2) To provide adequate access to all proposed developments in the City of Millersburg.
- 3) To provide adequate area in all public rights-of-way for sidewalks, bikeways, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way.
- 4) For purposes of this Chapter:
 - a) "Adequate access" means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
 - b) "Adequate area" means space sufficient to provide all required public services to standards defined in this Code or the City's most current Engineering Standards.

3.02.020 Scope.

The provisions of this Chapter shall be applicable to:

- 1) The creation, dedication, or construction of all new public or private streets, bikeways, or accessways in all subdivision, partitions, or other developments in the City of Millersburg.
- 2) The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
- 3) The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or street easements.

3.02.030 General Provisions.

The following provision shall apply to the dedication, construction, improvement, or other development of all public streets in the City of Millersburg. Unless otherwise modified through provisions in this Chapter, all streets shall be designed in conformance with the specific requirements of the City's Transportation System Plan developed in accordance [with] the most current Engineering Standards.

- 1) Street Layout. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- 2) Continuation. Development proposals shall provide for the continuation of all streets, bikeways, and accessways within the development and to existing streets, bikeways, and accessways outside the development.
- 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.
- 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.
- 5) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require approval of the City Engineer. All tangent calculations and curb radii shall comply with the City's most current Engineering Standards.

- 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.
- 7) Half-Streets. Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half-street is adjacent to a tract to be developed, the other half of the street shall be dedicated. Reserve strips and street plugs may be required to preserve the objectives of half-streets. The City Engineer may require additional width beyond the half-street when warranted for safety reasons and accordance with the City's most current Engineering Standards.
- 8) Cul-de-sacs. Cul-de-sacs are not encouraged and allowed only where no other reasonable alternative exists. Where permitted, a cul-de-sac shall have maximum lengths of 800 feet and terminate with a circular turn-around. Cul-de-sacs over 400 feet in length shall provide accessways to provide connectivity to adjacent streets and uses, unless physical constraints preclude a pedestrian/bicycle accessway. The Fire Code may establish additional standards.
- 9) Street Names. Street names and numbers shall conform to the established pattern in the City.
- 10) Grades and Curves. Grades shall conform with the City's most current Engineering Standards.
- 11) Marginal Access Streets. If a development abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- 12) Lots Abutting a Partial Street. Development of property abutting an existing public street which does not meet the minimum right-of-way standards, shall include sufficient yard setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width.
- 13) Unimproved Street. Development of property adjacent to an unimproved right-of-way shall require the installation of an improved surface to meet fire code requirements and the payment of connection charges. At the City's option, submittal of a waiver of non-remonstrance to participate in future street improvements may be required in lieu of connection charges.
- 14) Street Cross Section Design Guidelines. Unless modified per Section 3.02.050 the following cross-section design guidelines shall apply:

Street Cross-Section Design Guidelines								
Functional Classification	Right-of-Way ¹	Design Widths						
		Minimum Curb-To-Curb Paving ²	Within Curb-To-Curb Area				Landscape Buffer (Both Sides)	Sidewalks (Both Sides)
			Motor Vehicle Travel Lane	Median and/or Center Turn Lane	Bike Lane (Both Sides)	On-Street Parking		
Arterial								
2 Lanes	60 ft	36 ft	12 ft	N/A	6 ft	N/A	5 ft	5 ft
2 Lanes + Center Turn	80 ft	50 ft	12 ft	14 ft	6 ft	N/A	5 ft	5 ft
Collector – Residential								
No parking	60 ft	36 ft	12 ft	N/A	6 ft	N/A	0-5 ft	5 ft
Parking both sides	60 ft	50 ft	12 ft		6 ft	7 ft	N/A	5 ft
Local – Residential								
Parking one side	50 ft	32 ft	Unstriped	N/A	N/A	Unstriped	4 ft	5 ft
Parking both sides	50 ft	36 ft	Unstriped			Unstriped	None or 4 ft	5 ft
Alley ⁴	20–24 ft	18–20 ft	N/A			N/A	N/A	Optional
Local – Industrial								
Parking both sides	60 ft	40 ft	Unstriped	N/A	N/A	Unstriped	Behind ⁵	5-6 ft
Local – Commercial Service/Alley								
No Parking	30 ft	20 ft	Unstriped	N/A	N/A	N/A	N/A	4 ft ⁶
Parking one side	40 ft	28 ft	Unstriped			Unstriped		
Trails and Shared-Use Path								
Collector with Shared-Use Path ³	60 ft	36 ft	12 ft	N/A	6 ft	N/A	4.5 ft	5 ft one side, 10 ft multi-use path other side
Trails	10–20 ft	10–12 ft	N/A	N/A	N/A	N/A	2–7 ft	N/A
Notes:								
<ol style="list-style-type: none"> Right-of-way may be wider than the suggested cross-section; this limits fences from abutting the sidewalk and allows for flexibility in cases of unforeseen growth or development. Curbs are generally six inches wide. Collector with Shared-Use Path includes sidewalk on one side of street and path on other side of street. Not appropriate standards for commercial streets. Street trees shall be located on the outside edges of the right-of-way. Sidewalk required on one side only. 								

Response

The proposed facility will have no impact to Old Salem Road (Arterial), although there will be an impact to NE Transition Parkway (Local-Industrial). NE Transition Parkway will have a six-foot wide public sidewalk improvement with an applicable landscape buffer meeting the city design standard. These improvements are limited to the existing portion of NE Transition Parkway and will not impact the existing LIDA planters. Future improvements to NE Transition Parkway beyond stated improvements here and in the land use application will be constructed by the City of Millersburg.

3.02.040 Access Standards.

Table 13 Access Spacing			
Street Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing between Driveways ^{1,2}	Minimum Spacing between Intersections ^{1,2}
State Managed Arterial	35-45 mph	ODOT Standard	ODOT Standard
Arterial	35-45 mph	300 feet ³	600 feet
Collector	25-30 mph	50 feet ³	300 feet
Local Residential	25 mph	Access to each lot permitted subject to provisions below	125 feet
Local Industrial	25 mph	Access to each lot permitted	300 feet
Notes: 1. Desirable design spacing; existing spacing will vary. Each parcel is permitted one driveway regardless of the minimum driveway spacing standard although shared access is encouraged. 2. Spacing standards are measured centerline to centerline. 3. Circular driveways are allowed. In this case there shall be no more than two driveways and each driveway width shall not exceed 15 feet.			

Response

The proposed facility's driveways are on Old Salem Road (arterial) and NE Transition Parkway (local industrial). The proposed driveway on Old Salem Road is approximately 806 feet away from the closest intersection of Old Salem Road and NE Transition Parkway, exceeding the minimum 600-foot spacing requirement for arterial roads. The proposed driveway on Old Salem Road is also approximately 450 feet away from an existing driveway south of the site on Old Salem Road, exceeding the 300-foot minimum spacing standard between driveways. The proposed driveway on NE Transition Parkway is approximately 860 feet away from the intersection of NE Transition Parkway and Old Salem Road, exceeding the minimum standard as well. The driveways for the proposed facility will be approximately 1,600 feet apart from each other as well, exceeding the minimum driveway spacing standard onsite.

3.02.070 Sidewalks

Public sidewalk improvements are required for all property development in the City of Millersburg.

- 1) Sidewalks may be deferred:
 - a) At the discretion of the City where future road or utility improvements are planned and expected to be completed within 10 years.
 - b) On property where a new dwelling is being constructed, there are no sidewalks existing on properties on either side, and no elevations or profiles have been established for future street or sidewalk improvements along the adjacent or the subject property's frontage.

- c) The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their proportionate share if sidewalks are installed by the City at a later date.
- 2) Sidewalks shall be constructed within the street right-of-way. Sidewalk easements shall only be accepted where the City Engineer determines that full right-of-way acquisition is impractical.
- 3) Sidewalks shall connect to and align with existing sidewalks. Sidewalks may transition to another alignment as part of the approval process.
- 4) Sidewalk width and location, including placement of any landscape strip, shall comply with City of Millersburg Engineering Standards.
- 5) Planter strips and the remaining right-of-way shall be landscaped and maintained as part of the yard of abutting properties. Maintenance of sidewalks and planters shall be the continuing obligation of the abutting property owner.
- 6) Mid-block Sidewalks. The City may require mid-block sidewalks for long blocks or to provide access to schools, parks, shopping centers, public transportation stops, or other community services.
- 7) Internal pedestrian circulation and accessways shall be provided within all commercial, multi-family, and planned unit developments.

Response

The proposed facility's sidewalk will connect and align with existing sidewalks. The proposed sidewalk width of six feet meets the minimum requirements for sidewalks on arterial and local industrial streets. The sidewalk will comply with City of Millersburg Engineering Standards and will be maintained by the property owner. Internal pedestrian circulation is provided throughout the site. See Site Plan.

3.02.120 Traffic Impact Analysis.

The purpose of this subsection is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

- 1) When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
 - a) A change in zoning or a plan amendment designation;

- b) Operational or safety concerns documented in writing by a road authority;
 - c) An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
 - d) An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
 - e) An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
 - f) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
 - g) A change in internal traffic patterns that may cause safety concerns; or
 - h) A TIA required by ODOT pursuant to OAR 734-051.
- 2) Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.

Response

The proposed development has a Traffic Impact Analysis prepared by Kimley-Horn. The TIA was performed assuming the full buildout of the facility with all phases completed. See the attached Traffic Impact Analysis for more details, with conclusions from the report shown below:

5. CONCLUSIONS

The Development is proposed to include a 500,000 SF manufacturing warehouse. The Development is located west of Old Salem Road NE, south of Conser Road NE. The Development is anticipated to generate approximately 2,375 ADTs with approximately 340 AM peak-hour trips and approximately 370 PM peak-hour trips. The study intersections currently operate acceptably and are anticipated to operate at acceptable levels of service under the 2025 future with development conditions. Additional fees for future improvements should not be a condition of payment for the Development as a means to mitigate future impacts based on discussions with City staff.

3.03 Off-Street Parking and Loading

3.03.010 Purpose.

The purpose of this Chapter is to provide adequate areas for the parking, maneuvering, loading, and unloading of vehicles for all land uses in the City of Millersburg.

3.03.020 Scope.

- 1) Application. Except as modified or restricted elsewhere within this Code, the provisions of this Chapter shall apply to the following types of development:
 - a) Any new building or structure erected after the effective date of this Code.
 - b) The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.

- 2) Change of Use Exception. A change in the use of an existing building or structure to another use identified in the zone shall not require additional parking spaces or off-street loading areas, if according to the parking space requirements, the new use requires 150% of the same amount of parking as the prior use, or less.

3.03.030 Location.

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- 1) Yards. Off-street parking areas may be located in a required yard setback for multi-family residential, commercial, and industrial uses with an approved 10-foot landscaped buffer.
- 2) Residential. In residential zones, automobile parking for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure, or use. In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.
- 3) Parking. Driveways may be used for off-street parking for single-family and two-family dwellings. No parking of vehicles, trailers, boats, or recreational vehicles shall be allowed in a front yard except on a driveway.
- 4) Non-Residential. In non-residential zones, parking may be located off the site of the main building, structure or use if it is within 500 feet of such site. In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.

3.03.040 Joint Use.

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared between uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of this Chapter may be reduced accordingly. Such joint use shall not be approved unless satisfactory evidence is presented which demonstrates the access and parking rights of all parties.

3.03.050 General Provisions Off-Street Parking and Loading.

- 1) Parking Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code.
- 2) Interpretation of Parking Requirements. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Director based upon the requirements of comparable uses listed and expectations of parking and loading need.

- 3) Multiple Use Facilities. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking pursuant to Section 3.03.040.
- 4) Storage Prohibited. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials.

3.03.060 Off-Street Vehicle and Bicycle Parking Requirements.

- 1) Vehicle Parking Spaces. Provisions for Off-Street vehicle and bicycle parking shall comply with the following minimum requirements:

Vehicle and Bicycle Parking Space Requirements				
	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit	0	None
B.	Multi-family dwellings (4 or more units)	Studio – 1 space/unit 1-2 bedroom – 1.5 spaces/unit 3+ bedroom – 2 spaces/unit	0.25	Per dwelling unit
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.	2	Per 20 vehicle spaces
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	0.5	Per five beds
F.	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length, or 36 sq. ft. of area w/o fixed seats	1	Per 20 vehicle spaces
G.	Elementary, junior high school	2 spaces per classroom	2	Per classroom
H.	High school	1 space per classroom and one space per employee	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces
J.	Retail store, except as provided in "K"	1 space per 500 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 800 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 400 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces

Vehicle and Bicycle Parking Space Requirements				
	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
M.	Eating and drinking establishments including food pods	Greater of 1 space per 4 seats, or, 1 space per 400 sq. ft. of gross floor area	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 800 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 800 sq. ft., plus 1 space per 2 employees	1	Per 20 vehicle spaces
P.	Manufacturing and processing:			
	0-24,900 sq. ft.	1 space per 600 sq. ft.	1	Per 20 vehicle spaces
	25,000-49,999 sq. ft.	1 space per 700 sq. ft.	1	Per 20 vehicle spaces
	50,000-79,999 sq. ft.	1 space per 800 sq. ft.	1	Per 20 vehicle spaces
	80,000-199,999 sq. ft.	1 space per 1,000 sq. ft.	1	Per 20 vehicle spaces
	200,000 sq. ft. and over	1 space per 2,000 sq. ft.	1	Per 20 vehicle spaces
Q.	Warehousing and storage distribution, terminals			
	0-49,999 sq. ft.	1 space per 3,000 sq. ft.	1	Per 30 vehicle spaces
	50,000 sq. ft and over	1 space per 5,000 sq. ft.	1	Per 30 vehicle spaces

- 2) Bicycle Spaces. Bicycle parking development requirements
 - a) Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.
 - b) Location. All bicycle parking shall be within 100 feet of a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.
- 3) Maximum Vehicle Parking Spaces. The minimum spaces identified under item (1) in this Section, shall not be increased by more than 30%.

3.03.070 Off-Street Loading Requirements.

Commercial or industrial buildings between 10,000 to 25,000 square feet in area shall require a loading space. One additional space shall be required for each additional 25,000 square feet of gross floor area, or any portion thereof. The minimum loading space dimensions shall be 12 feet wide, 30 feet long, and 14 feet high.

Response

The number of vehicle and bicycle parking spaces were decided and agreed upon by the applicant and the City during pre-application conversations, with the understanding that parking minimum requirements would not be imposed on the facility. This also applies to the number of off-street loading spaces, as the applicant has determined the adequate number of spaces needed for the facility and the City has agreed with their determination. Currently there are 160 employee parking stalls and 43 tractor-trailer parking stalls incorporated in the Site Plan. Bicycle parking will be located on the north side of the site, near the employee parking lot and adjacent to the office space. Based on the planned 160 employee parking spaces, a minimum of eight bicycle parking spaces will be provided.

3.03.080 Parking, Driveway, and Loading Area Development Requirements.

All parking and loading areas shall be developed and maintained as follows:

- 1) Surfacing. All driveways (full length of the driveway), parking, and loading areas, for all uses including single-family residential (except in the RU Zone), shall have a durable hard surface of asphaltic cement, concrete pavers, concrete, or other concrete materials. Surface improvements shall conform to the following:
 - a) Paving Improvements. Paving shall comply with adopted Engineering Standards of the City of Millersburg.
 - b) Timing. Unless modified by a variance or a site development review, or bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.
 - c) Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.
- 2) Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8.5-feet in width and 18-feet in length.
- 3) Driveways. The following standards shall apply to all driveways:
 - a) Access spacing shall be in compliance with Section 3.02.040-Access Standards
 - b) Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.

Table 15 Internal Driveway Requirements	
Internal Driveways for Multi-family, Industrial, and Public Uses	
Without Adjacent Parking	
Direction	Driveway Width
One-way	12 feet
Two-way	26 feet
With Adjacent Parking	
Parking Angle	Driveway Width
0 to 40	12 feet*
41 to 45	13 feet*
46 to 55	15 feet*
56 to 70	18 feet*
71 to 90	24 feet
*One-way only driveways	

- 4) Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- 5) Driveway Required. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.
- 6) Traffic Safety. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.
- 7) Curbing. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.
- 8) Landscaping.
 - a) Parking lots abutting residential zones shall be screened from abutting residential zones by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and provide separation for the abutting residences.
 - b) See Chapter 3.09 for additional landscaping requirements.

Response

The proposed facility's driveways and main circulator road will be made of heavy-duty asphalt concrete pavement. The proposed employee parking lot will be made of light-duty asphalt concrete pavement. The parking spaces in the employee parking lot will be standard 9'x20' parking spaces, with no compact spaces proposed. Tractor-trailer traffic will enter and exit through the access drive off of NE Old Salem Road. Employee parking and other vehicle traffic will be facilitated by the access drive off of NE Transition Parkway. The employee parking lot will utilize two-way, 90 degree parking with a driveway width of 24 feet. Lighting within the proposed parking lot will be finalized in a forthcoming Lighting Plan. More details regarding landscaping and parking lot details can be found in the Site Plan and Landscaping Plan.

3.06 Signs

3.06.010 Purpose.

The purpose of this Chapter is to provide equitable rights, reduce conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the City, all by classifying and regulating the location, size, type, and number of signs and related matters, in a content-neutral manner.

3.06.030 Review Procedures.

- 1) Permit Required. Unless otherwise authorized by provisions in this Chapter, sign permits shall be required for all residential, commercial, industrial, and public/semi-public uses. No property owner, lessee, or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- 2) Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this Code are not required to obtain a permit.
- 3) Application Requirements. An application for a sign permit shall be made on a form provided by the City. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign, identifying existing signs on the premises, the sign's location and graphic design and other information established by the City to process the request.
- 4) Approval. The City shall issue a permit for a sign unless the sign is in violation of the provisions of these or other provisions of the Millersburg Development Code. Sign permits mistakenly issued in violation of these or other provisions of the Development Code are void. The City may revoke a sign permit if it finds there was a material and misleading false statement of fact in the application for the permit.

3.06.040 General Provisions.

- 1) Conflicting Standards. Signs shall be allowed subject to the provisions of this Chapter, except when these provisions conflict with the specific standards for signs in the subject zone.
- 2) Signs Subject to State Approval. In addition to City sign regulations, all signs visible to the traveling public from State highways are subject to the regulations also permit requirements of the Highway Division of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.
- 3) Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - a) All signs shall comply with the applicable provisions of Building Code in effect at the time of the sign permit application and all other applicable structural, electrical, and other similar regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.

- b) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
 - c) All signs shall be maintained in a good structural condition and readable at all times.
 - d) The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Codes regulating signs.
- 4) Holiday Displays. Nothing in these regulations shall prohibit displays between Thanksgiving and January 3rd.

3.06.050 Nonconforming Signs.

- 1) Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or similar calamity, such sign face may be restored to its original condition within 180-days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- 2) Outdoor Advertising Sign Relocation. If development of land between Old Salem Road and I-5 requires relocating an outdoor advertising sign existing on the date of this code adoption, the sign may be relocated on the east side of Old Salem Road within 250 feet of its original location.
- 3) Permits for Properties with Nonconforming Signs. No permits shall be issued for new or altered signs unless all signs of the individual property or business comply with these regulations.

3.06.110 Commercial and Industrial Signs.

The following regulations apply to signs for commercial and industrial uses:

- 1) Signs for Businesses not in Integrated Business Centers:
 - a) *Total Sign Area*. One and one-half square feet of total allowed sign area for each lineal foot of building frontage facing the street, up to a maximum total allowed area of 150 square feet. Properties with more than 1,000 lineal feet of street frontage on any single street may have an additional 100 square feet of total sign area.
 - b) *Type, Number, and Sign Size*. Within the total allowed area, one free standing sign per street frontage, and a total of no more than two wall or canopy signs. Regardless of total allowed area, each free-standing sign shall be limited to a maximum of 48 square feet in area. Properties with more the 1,000 lineal feet of street frontage on any single street may have one additional freestanding sign.
 - c) *Sign Height*. The maximum sign height shall be as follows:
 - i) Wall and canopy signs: Shall not project above the parapet or roof eaves.
 - ii) Free-standing signs: Maximum height of 12 feet above finished ground level.
 - d) *Sign Location*. Signs shall be located as follows:
 - i) Wall signs: May project up to 1.5 feet from the building.

- ii) Free-standing sign: No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.

Response

The applicant will apply for sign permits at a later date, with no non-conforming signage anticipated or currently present on the site.

3.07 Fencing and Screening

3.07.010 Placement of Fencing on Public Rights-of-Way or Easements.

Fences may be constructed on public rights-of-way and/or easements subject to certain restrictions. Construction of fences on public rights-of-way or easements requires permission from the appropriate public agency. The City allows placement of fences on public rights-of-way and certain easements, provided that action does not impair the City's ability to address its public functions and the permit holder agrees to remove the fence upon request.

3.07.020 General Requirements.

- 1) A wall is considered a fence and shall be built consistent with the applicable fencing requirements.
- 2) No fence shall be permitted in the sidewalk area or in a location which may impair the construction of a public sidewalk, pathway, or walkway.
- 3) Fences greater than six feet in height require the owner to secure a building permit as required by the Building Official.
- 4) In the event any fence restricts access to or use of rights-of-way and easements, it shall be the fence owner's responsibility to provide access upon City request or other affected agency or utility provider request.
- 5) A property owner who restricts access to any utility meter or fire hydrant shall provide access through the fence by a gate.
- 6) Fence installation shall not impair the clear vision triangle clearance requirements at street and alley intersections.
- 7) Fence heights shall be measured from undisturbed ground level, top of sidewalk, or street grade (crest or crown of the road), whichever is highest. Height of fences or walls within 20 feet of a street right-of-way shall include the measured height of the fence or wall and any retaining wall, berm, or other structure within the same 20 feet.

3.07.040 Fencing Requirements for Commercial and Industrial Zones.

- 1) Industrial or commercial fencing installed adjacent to residential areas must be sight obscuring. Fences that do not exceed six feet in height may be located or maintained on any property line within this zone, except within the clear vision triangle area and along the

frontage of presentation streets. Commercial or industrial fencing intended to be placed on Old Salem Road or Conser Road frontage is subject to design review.

- 2) Fences intended for security purposes may be installed to a height of eight feet on any property line within the commercial and industrial zones, except within vision triangle areas and along the frontage of presentation streets. Barbed wire may be used as the top section for security fences, provided the barbed wires are a minimum of 72-inches above grade and do not project over public rights-of-way.
- 3) Fencing placed along Old Salem Road or Conser Road is subject to site plan review.

Response

The site is adjacent to a RL zone on the north side of the property, although the proposed facility is separated from the residential zone by the required setback in addition to Conser Road itself. No fencing or screening is proposed for this site.

3.08 Yards and Lots

3.08.010 New Buildings Shall be on a Lot.

Every building erected shall be located on a lot as herein defined.

3.08.020 Yards Apply Only to One Building.

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Code shall be considered as providing a yard or open space for any other building. No yard or other required space on an adjoining lot shall be considered as providing a yard or open space on the lot whereon the building is to be erected.

3.08.030 Front Yard Projections.

The following features, when not more than one story high, may project into the front yard setback area, provided the projection shall come no closer than 10 feet from the property line: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features.

3.08.040 Side Yard Projections.

- 1) Cornices, eaves, gutters, and fire escapes may project into a required side yard not more than one-third of the width of the required side yard.
- 2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 1.5 feet into a required side yard, provided the chimneys and flues shall not exceed six feet in width.
- 3) For details regarding decks, porches, patios, and similar features, see Section 3.08.070.

3.08.050 Rear Yard Projections.

- 1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, and other ornamental features, may project not more than 1.5 feet into a required rear yard, provided the chimneys and flues shall not exceed six feet in width.
- 2) A fire escape, balcony, outside stairway, or cornice, may project not more than five feet into a required rear yard.
- 3) The following features, when not more than one story high, may project into the rear yard setback area: planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features.
- 4) No permitted projection into a required rear yard shall extend within 10 feet of the center line of an alley or within five feet of a rear lot line if no alley exists.
- 5) For details regarding decks, porches, patios, and similar features, see Section 3.08.070.

3.08.060 Vision Clearance.

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform to the following:

- 1) Measurement. A clear vision area at an intersection shall be the triangular area established according to the following procedure:
 - a) A line extending a certain number of feet, as identified in the sections (2), (3), (4), and (5) below, from the point of intersection along the curb (or edge of pavement if no curb) of a public street right-of-way;
 - b) A line extending a certain number of feet from the intersection along the curb line (or edge of pavement if no curb) of intersecting access; and,
 - c) A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.
- 2) Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway 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 driveway.
- 3) Street-Alley. The clear vision area for street-alley intersections shall be 10 feet along the alley 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 alley.
- 4) Street-Private Access Easement. 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.
- 5) Corner Lots (Street-Street Intersection). The clear vision area for corner lots on local residential streets shall be measured along the curb line (or edge of pavement if no curb) as shown in Table 16 below.

Table 16 Street-Street Intersection Vision Clearance Dimensions		
Vision Clearance Dimensions		
Intersected Street Classification	Posted Speed	Distance
Local Residential	All	20 feet
Collector or Arterial	25 mph	95 feet
	30 mph	120 feet
	35 mph	140 feet
	40 mph	165 feet
	45 mph	190 feet
	50 mph	215 feet

- 6) Prohibited Development. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 24 inches in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that the following may be allowed in the clear vision area:
- a) Trees, provided all branches and foliage are removed to a height of eight feet above grade;
 - b) Telephone, power, and cable television poles; and
 - c) Telephone switch boxes provided they are less than 10 inches wide at the widest dimension.

Response

The proposed facility will be fully contained within its own site and will not share any yard space with adjacent structures or properties. No yard projections are proposed for the facility onsite. Proposed trees as shown in the Landscape Plan do not impact the vision areas for the site access roads on Old Salem Road or NE Transition Parkway, allowing clear site lines at site access points.

3.09 Landscaping

3.09.010 Purpose.

Natural vegetation, landscaping, street trees, fences, and walls—together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. A well landscaped and maintained yard or property promotes a sense of community wellbeing.

3.09.020 Applicability.

Whenever landscaping is required in a zone, it shall be installed in accordance with these standards. When the standards of a zone specify locations or amounts of landscaping, those locations or amounts can be used to meet the standards of this section.

3.09.030 Standards.

1) General Requirements. Landscaping requirements by type of use are listed below:

- a) Landscaping Required - Residential other than in the Mixed-Use (MU) Zone. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued or final building permit approved. In all residential zones except Rural (RU), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
 - i) One tree at least six feet tall when planted.
 - ii) Four one-gallon shrubs or accent plants.
 - iii) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- b) Landscaping Required - Mixed-Use and Non-Residential Zones. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial zones is as follows:
 - i) One tree at least six feet tall when planted for every 30 feet of street frontage.
 - ii) Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.
 - iii) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
 - iv) When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.
- c) Alternate Plan - Non-Residential. As part of a Site Design Review application approval, placement of the required setback landscaping in public right-of-way may be approved when the following conditions are met:
 - i) The site contains existing development that includes substantial building(s), and is subject to improvement requirements due to a change of use or vacancy; and
 - ii) The appropriate government agency grants written permission for use of the right-of-way; and
 - iii) The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
 - iv) The Commission finds the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and

- v) The Commission finds providing the landscaping in the public right-of-way in the interim fulfills the intent this Code established in Section 3.09.010.
- 2) **Parking Lot Landscaping.** The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:
 - a) **Planter Bays.** Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
 - b) **Parking Space Buffers.** Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.
 - c) **Alternate Plan.** An alternate plan may be submitted as part of a Site Design Review application providing landscaping of at least 5% of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
 - d) **Landscape Protection.** Required landscaped areas adjacent to graveled areas must be protected by large boulders or by another acceptable means of protection.
 - 3) **Irrigation of Required Landscaping.** All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.
 - 4) **Identification of Existing Trees.** In all proposed developments, existing trees over 25 inches in circumference (eight inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. No trees 6.5 feet in circumference (approximately 25 inches in diameter) or greater may be removed without a permit per Millersburg Municipal Code Section 7.30.040.

Response

Landscaping is included within the proposed parking lot and along the site frontage for NE Transition Parkway. Trees are proposed every 30 linear feet for the 934 feet of frontage, with a total of 31 trees proposed. Following the requirement of one shade tree per parking lot island, the proposed employee parking lot has 17 islands, for a total of 17 shade trees required and 19 shade trees proposed, exceeding the minimum standard. Shrubs will be provided in later iterations of the Landscape Plan.

3.09.040 Landscape Plans.

- 1) With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this Code but are not required to submit landscape plans:
 - a) Single-family dwellings, duplexes, and triplexes.
 - b) Accessory buildings.
 - c) Changes internal to an existing structure.
 - d) Building additions involving less than 500 square feet.
- 2) Street Tree Species Allowed Within Rights-of-Way. Only trees included in the list of approved City street trees are allowed.
- 3) Trees Requiring Approval. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the City Engineer approves the site as one where the tree roots will not be likely to interfere with public sewers.
- 4) Height Requirements in Rights-of-Way. Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of eight feet above sidewalks or 14 feet above streets or alleys.
- 5) Planting in Roadways Having No Gutter, Curb. No trees, shrubs, or plantings more than 18 inches tall shall be planted in the public right-of-way abutting roadways having no established curb and gutter.
- 6) Completion Guarantees. Final occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:
 - a) A security guarantee is provided to the City in accordance with this Code.
 - b) The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval.
 - c) To verify that the landscaping, and irrigation if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned.
 - d) Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with the requirements of the Municipal Code and applicable post-construction stormwater quality permits.

Response

A Landscape Plan is included with this application, with further details related to foliage species and maintenance to be determined in subsequent plans.

3.09.050 Maintenance of Landscaped Areas.

It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. Private post-construction stormwater quality facilities located in landscaped areas shall be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City.

Response

Applicant will make arrangements for ongoing maintenance of landscaped areas onsite.

Article V – Review Procedures

5.05 Site Development Review.

5.05.010 Applicability.

- 1) The site development review is intended to:
 - a) Guide future growth and development in accordance with the Comprehensive Plan and other related regulations;
 - b) Provide an efficient process and framework to review development proposals;
 - c) Ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and
 - d) Resolve potential conflicts that may arise between proposed developments and adjacent uses.
- 2) The site development review provisions relate to physical characteristics of a property, proposed site improvements, and proposed buildings. The site development review provisions do not deal with the use of property. Use is regulated by the provisions of each individual zone.

5.05.020 Process.

Site development review applications shall be reviewed in accordance with the Type III review procedures in Chapter 5.19.

5.05.030 Application.

An application for site development reviews shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 5.19.

5.05.040 Applicability of Provisions.

- 1) Site Development review is applicable to all new industrial, commercial, mixed-use, and multi-family developments and expansions involving a 20% or more increase in total square footage of existing industrial, commercial, mixed-use, and multi-family.
- 2) All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.
- 3) Expansions of 20% or less shall be permitted and processed as a building permit, provided the expansion and associated use(s) comply with all applicable development requirements such as parking, setbacks, height restrictions.

5.05.050 Submittal Requirements.

The following information shall be submitted as part of a complete application for site Development review. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. At the discretion of the City, the information may be submitted graphically or by written summary.

- 1) Site Analysis.
 - a) Existing site topography;
 - b) Identification of areas exceeding 10% slopes;
 - c) Site drainage, identified flood zones and areas within the greenway;
 - d) Existing structures, roadway access, and utilities; and
 - e) Existing and proposed streets, bikeways, and pedestrian facilities within 300 feet.
- 2) Site Plan.
 - a) Proposed grading and topographical changes;
 - b) All proposed structures including finished floor elevations, setbacks, exterior elevations, and exterior finishing;
 - c) Vehicular and pedestrian circulation patterns, parking, loading, and service areas;
 - d) Proposed access to public roads and highways, railroads, or transportation systems;
 - e) Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system, and electrical services
 - f) Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
 - g) Proposed on-premises signs, fencing or other fabricated barriers, together with their heights and setbacks;
 - h) Proof of ownership and signed authorization for the proposed development if applicant is not the owner of the site;
 - i) A schedule of expected development;
 - j) A traffic impact analysis if requested by the City Manager;
 - k) Computation of gross density for residential developments; and
 - l) Other appropriate studies and information that may be required by the City to adequately evaluate the project.

Response

The proposed facility's application includes a Site Analysis (grading plan with existing topography and site drainage with existing roadways and site features), Site Plan (proposed building with driveways and parking lot), Utility Plan (proposed locations for hydrants and gas, water, and sewer lines), Landscape Plan (proposed locations of parking and frontage foliage), and a Traffic Impact Analysis with traffic counts for full buildout (all phases completed). Other plans for lighting and signage will be developed in later design stages.

5.05.060 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.
- 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) 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;
 - b) Parking, traffic safety, and connectivity of internal circulation to existing and proposed streets, bikeways, and pedestrian facilities;
 - c) Provision for adequate noise and/or visual buffering from non-compatible uses including using site and landscaping design to provide needed buffering; and
 - d) Protections from any potential hazards.

Response

This narrative is intended to show compliance with all applicable criteria stated in 5.05.060.

- 1) The proposed use of a general manufacturing facility complies with the underlying zone development standards of the General Industrial (GI) zone, as explained in Article II – Zones and Zoning Regulations. The facility would be a permitted use that meets the required dimensional and development standards listed.
- 2) Most of the negative impacts for the proposed use would be temporary and occur only during construction. During construction, there would likely be an increase in heavy and oversized-vehicle traffic along Old Salem Road NE, as materials would be transported via I-5 and then north or south along Old Salem Road NE to reach the facility site. There would also be dust, noise, and possibly odors present during the construction of the facility, however, a 1200-C plan and permit will be obtained prior to construction to help mitigate these impacts. Following construction, there would be some increased vehicle traffic along Old Salem Road NE which would include semi-trailers, however, this would not be expected to impact any nearby residential streets or significantly increase congestion in the area. More details about future traffic impacts can be found in the

Traffic Impact Analysis. Furthermore, there would be some noise generated by the facility during normal business hours (8am-5pm), though noise levels would not be high enough to be considered a nuisance as all manufacturing would occur inside the building. This facility would also be compatible with the majority of adjacent commercial and industrial uses nearby, as a trucking operation and construction company are located directly east of the facility on Old Salem Road NE, along with an industrial facility directly south and open land due west. There is a residential structure approximately 1,000 feet from the facility that is located on Old Salem Road NE, and a residential neighborhood north of Conser Road NE. However, the facility exceeds the minimum setback requirements for industrial uses near residential areas and is not expected to create any significant impacts to nearby residents. The facility is also not located within a floodplain and will not impact any protected soils or wetlands.

- 3) The facility is expected to comply with all City requirements and will mitigate potential impacts for the criteria specified:
 - a) The applicant will work with the City and applicable utilities to connect to existing gas, water, sewer, and electric lines. Accommodations for drainage and erosion are planned for onsite and will be shown in applicable plans, with the onsite detention pond shown in the attached Site Plan. Stormwater runoff on the north side of the site will primarily be treated by the proposed LIDA planters in the employee parking lot islands, with additional planters to be placed as-needed along the perimeter of the parking lot to treat runoff. Stormwater runoff for the building and other impervious areas within the site will be collected in catch basins and conveyed to a water quality and detention pond on the west side of the site. A flow control manhole will be provided onsite to match existing runoff flow rates and tie-in to the existing stormwater infrastructure as to not impact existing outfall. The present stormline conveying NE Transition Parkway will be rerouted along the north side of the proposed building and tie back into the existing stormwater line further downstream as to not impact the existing outfall.
 - b) Vehicle parking needs were agreed upon during pre-application meetings with the City, wherein the planned number of vehicle and truck parking spaces onsite are considered adequate for the facility and currently enacted parking minimums do not apply. The new access drive on Old Salem Road NE will be dedicated to heavy trucks to minimize interactions between standard vehicle and semi-trucks, as well as minimizing pedestrian exposure. Another new access drive on Transition Parkway will provide access primarily for the employee parking lot and office entrance, though the road will be paved to handle the weight of emergency vehicles. Heavy-duty asphalt along the perimeter of the facility will allow heavy trucks and trailers to access all loading bays and trailer parking spaces via Old Salem Road NE without interacting with the employee parking lot or Transition Parkway. Circulation will also be present within the employee

parking lot along with applicable lighting and pedestrian pathways. Sidewalks will be installed along building frontage along Transition Parkway to connect to existing sidewalk on Old Salem Road NE. No dedicated bike facilities are anticipated on Transition Parkway or Old Salem Road NE as part of this development. However, bicycle parking will be provided as required near the employee parking lot and employee entrance.

- c) Landscaping with trees along the building frontage and employee parking lot will provide some visual and noise buffers along Transition Parkway and Old Salem Road NE. The facility will be well beyond the required setback for residential uses for the residential area on the north side of Conser Road, therefore additional fencing/buffering is not anticipated on the north side of the site.
- d) As the site is not located within a floodplain and no other known hazards will be within the project limits, no additional protections for hazards are anticipated.

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: January 12, 2024
SUBJECT: SP 23-05 - 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. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure, including connections to public infrastructure.
3. All required public improvements shall be designed in accordance with City of Millersburg adopted standards and plans shall be reviewed and approved by the City with submission of PCPI permit 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.
4. Stormwater:
 - a. Prior to beginning of construction obtain a 1200-C Erosion Control Permit for disturbed area great than one acre and a **City of Millersburg Erosion Prevention and Sediment Control Permit** for disturbed area greater than 10,000 square feet.

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.

5. Transportation

- a. Sidewalk along existing Transition Parkway frontage shall be constructed by the applicant as described in the narrative and as shown on the submitted drawings.
 - b. Project is required to construct a multiuse path along Old Salem Road, consistent with the City's Transportation System Plan.
 - c. Traffic Impact Analysis – comments provided to applicant's engineer.
6. Clear vision areas shall be provided in accordance with Millersburg's adopted clear vision standards.
7. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
8. 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.
9. 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.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: January 4, 2024

SUBJECT: SP-23-05 – New Manufacturing - Albany 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. All newly constructed buildings 50,000 square feet in size or larger shall have *approved* radio coverage for emergency responders within the building based upon the existing coverage levels of the Albany Police and Fire Department communication systems the exterior of the building [see OFC Appendix J and Attachment]. (OFC 510; OSSC 915)

Be advised Linn County Sheriff operates on the 700 MHz radio spectrum, while the Albany Fire Department currently operates on the VHF spectrum transmitting and receiving on the same radio frequency. Your solution must address both frequency spectrums and provide for future movement of the fire department's radio communications to the 700 or 800 MHz radio spectrum. **Please contact the fire department for specific requirements as early as possible in your design process.**

ERCCS Alternative. In lieu of providing an Emergency Responder Communication Coverage System, a one-time, opt-in contribution to our communication replacement fund can be requested. The amount is based on the building's square footage.

Square footage	0-49,999	50,000-99,999	100,000-299,999	300,000+
Cost per sq. ft.	\$0	\$ 0.45	\$0.35	\$ 0.30

2. Commercial developments which exceed three stories or 30' in height shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least ½ the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D104.1 & 104.3)
3. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.
4. Where two fire apparatus access roads are required, they shall be placed a distance apart or equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. (OFC Appendix D104.3)
5. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
6. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface. (OFC 503.2.1) Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus at a minimum unobstructed width of 26 feet wide of improved surface. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building. (OFC D105)
7. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.

8. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3)

LAR/lar



NOTICE OF PUBLIC HEARING
February 6, 2024, 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

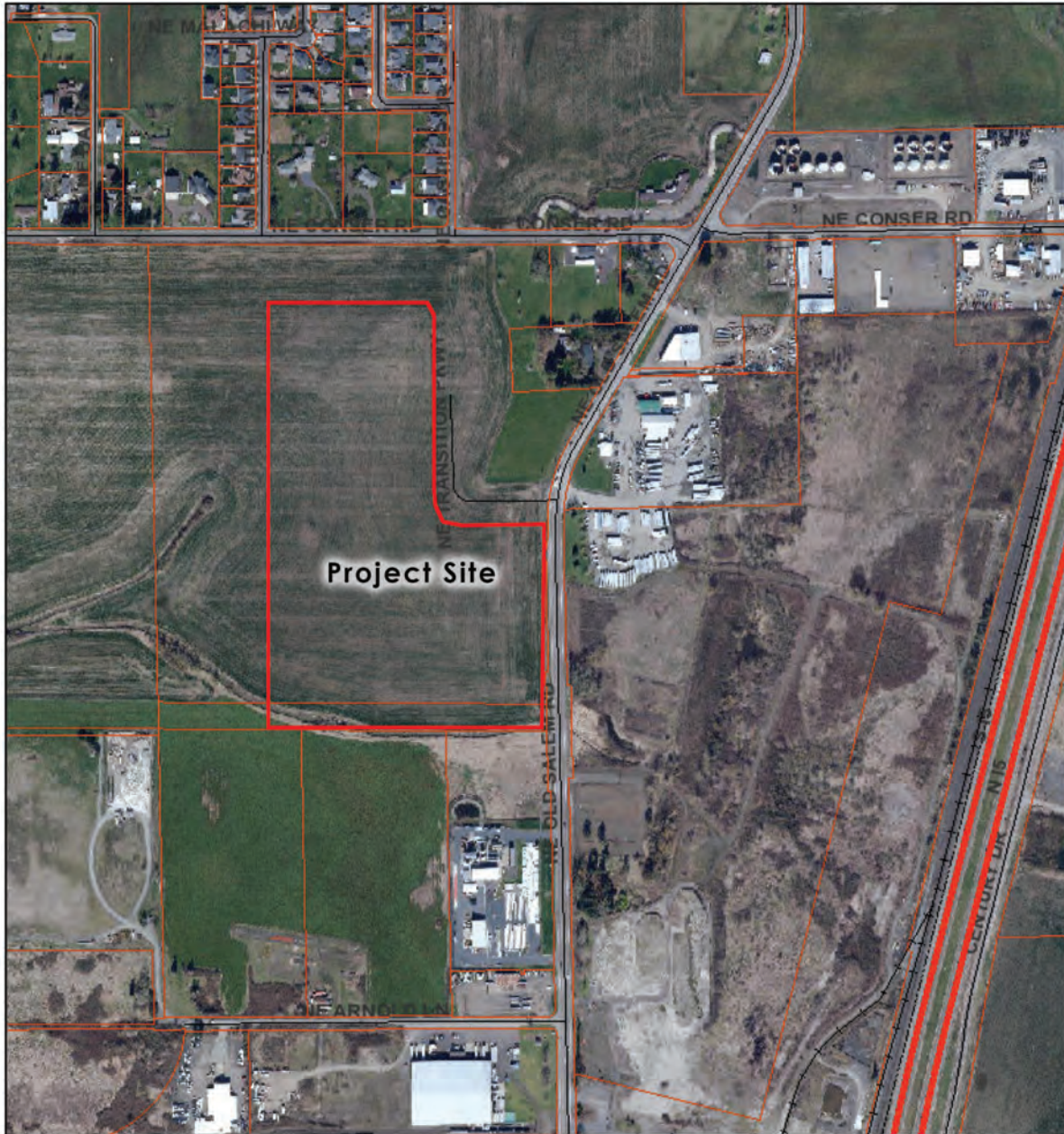
The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing to consider the requests described below. If anyone needs any special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested 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.millersburgoregon.gov/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:** Northwest RE LLC
LOCATION: Southerly of NE Conser Road, westerly of NE Old Salem Road and NE Transition Parkway
TAX LOT: Township 10 South; Range 3 West; Section 28; Tax Lot 00100 & 00101
PARCEL SIZES: 59.29 acres and 3.37 acres. Actual site area is 47.84 acres, disturbed area is 24.7 acres.
ZONING: General Industrial (GI)
REQUEST: The application is for a Site Development review of a single building with 17,300 SF of office space, 326,285 SF of manufacturing space, and 156,425 SF of warehouse space. The total is about 500,000 SF. The site also features a parking area, landscaping, water quality basins, truck manouvering areas, laoding bays, and an undisturbed wetland aea. Two new driveways are proposed on NE Old Salem Road and NE Transition Parkway. The warehouse area is scehduled to be built in a future expansion but was fully analized.
CRITERIA: Millersburg Development Code; Section 5.05.060
FILE No.: SP 23-05

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

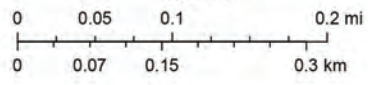
SP 23-05 Vicinity Map



1/4/2024, 9:55:09 AM

1:9,028

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



Linn County GIS, 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, Intermap, USGS, METI/ NASA, EPA, USDA, GeoTerra, 2021

ArcGIS Web AppBuilder
 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, Intermap, USGS, METI/