



Rules of Conduct for Public Hearings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

NOTICE OF PUBLIC MEETING CITY OF MILLERSBURG PLANNING COMMISSION

Tuesday, February 19, 2018
6:00 p.m.

Agenda

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. MEETING MINUTE APPROVAL

- 1) Planning Commission Meeting held on:
 - i. January 7, 2019 Planning Commission Work Session
 - ii. January 14, 2019 Planning Commission Work Session
 - iii. January 15, 2019 Planning Commission Hearing

E. QUASI-JUDICIAL PUBLIC HEARINGS

- 1) File No: PA 19-01 Smith Land Partition: The applicant is requesting approval to partition 0.9 acres (42,732 square feet) into 3 residential lots of 13,296 square feet, 11,396 square feet, and 17,753 square feet.
- 2) File No: PA 19-03 Wills Land Partition: The applicant is requesting approval to partition 4.93 acres into 3 residential parcels - parcel 1 is proposed to be 178,627 square feet (4.1 acres), parcel 2 is proposed at 19,432 square feet (0.44 acres), and parcel 3 is proposed at 16,503 square feet (0.37 acres).
- 3) File No: SP 18-02 Mid-Willamette Valley Intermodal Transfer Center: *The applicant is proposing a facility that would transfer rail contents in shipping containers to trucks and from trucks to rail. The intent is to connect the International Port of Coos Bay with I-5 for containers and international shipping. The contents of the shipping containers will generally be agricultural, though the facility is not limited to these products. The application indicates that the facility could serve up to 76,340 containers a year. The site has been designed to accommodate*

cold storage as well. The application has indicated that the use, located on a portion of the old Albany Paper Mill site, will consist of:

- i. Two existing structures, one 60,750 square foot storage structure to be renovated to a shop and storage area, and another 7,000 square foot structure to be used as multi-use office spaces,
- ii. Revised landscaping and site work on the project frontage,
- iii. Offsite revisions to existing railroad track layout/design,
- iv. Onsite revisions to the existing railroad track layout,
- v. Truck path revisions to the site, including the use of the existing truck queuing areas near Old Salem Road, and new truck queuing areas internal to the site,
- vi. Two new stormwater basins,
- vii. And a new truck loading area with a gravel finish and lighting.

The applicant has indicated that the proposed use is Phase 1 and takes only a portion of the property. Any future use of the site outside the area identified as Phase 1 will require additional entitlements. The intermodal facility would operate on a five-day work week, each day consisting of a ten hour shift. The site would be operational 261 days of the year, accounting for weekday holidays and weekends. Although the intermodal facility will operate at these hours, the site will be inhabited 24 hours a day, 365 days a year as truckers could use it as truck stop.

F. CITY PLANNER UPDATE

G. ADJOURNMENT

Upcoming Meetings:

~~February 13, 2019 @ 6:00 p.m. – Planning Commission Workshop – Canceled~~

February 25, 2019 @ 6:00 p.m. – Planning Commission Workshop

March 19, 2019 @ 6:00 p.m. – Planning Commission Hearing



**CITY OF MILLERSBURG
PLANNING COMMISSION WORK SESSION**

4222 NE Old Salem Road
Monday, January 7, 2018
6:00 p.m.

Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:04 pm.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL:
Members Present: Jimmy Kirkendall, Anne Peltier, Ryan Penning, Steve Vogler, Connie Lepin, Dennis Gunner, Ed Perlenfein, and John Sullivan

Members Absent: Scott Stimpson

Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager; Forrest Reid, City Attorney; Jake Gabell, Deputy City Recorder; John Morgan, and City Planning Manager
- D. Presentation and discussion with John Morgan, the Planning Commission, and staff. The proposed code, chapters 3 and 4 were presented for discussion.
- 1) Sign code was discussed.
 - i. Highway signage discussion continued from previous work session.
 - ii. The City of Albany freeway signage was discussed, and it was decided to use the same freeway sign language in the new City of Millersburg code.
 - iii. Temporary signs were discussed and it was decided that temporary signs will be permitted in the code with some provisions. No permit for temporary signs will be required. It was also decided that temporary signs should be added to the next review of the code and discussed again at that time.
 - iv. Moving sign code was discussed. A conditional use permit will be required for any moving sign.
 - 2) The fence code and tree code were discussed, and a handout that included a diagram was handed out.

- i. It was decided to include a front yard side fence provision of maximum four feet height within the front property setback, as long as vision clearance requirements are met.
 - ii. It was decided to include a provision for trees to be trimmed to at least eight feet high over a sidewalk and fourteen feet high over a street.
- 3) Commissioner Lepin had some additional questions from Chapter 2 regarding minimum lot widths and maximum driveway width.
 - i. John insured her that the notes were taken during the prior meetings and the changes will be annotated in the next draft.
- 4) Recess began at 7:01 p.m. and ended at 7:14 p.m.
- 5) The fence code discussion continued.
 - i. A provision for a fence, wall, and hedge was discussed. There was discussion about the hedge, and if a hedge is considered a fence.
 - ii. A provision for athletic facilities will also be added, to include fences around tennis courts and backstops.
 - iii. It was decided not to require a fence permit. Fences that require building permits are already covered under the building code.
 - iv. A provision was added to the site obscuring fence code to include a requirement to maintain the fence.
- 6) Discussion on land division code.
 - i. In the street frontage code, it was decided to add a provision for cul-de-sacs and flag lots, and decrease the street frontage requirement from 40 feet to 25 feet.
 - ii. Street improvement requirements were discussed. It was decided to allow for non-remonstrance agreements in lieu of street improvements for partitions when applicable.
 - iii. There was discussion on access easements and it was decided to leave the new code as it was drafted.
 - iv. Street tree and yard tree requirements were discussed. It was decided to require street trees in new construction.
- 7) Accessory buildings were discussed and it was decided that the maximum size will be 10% of the lot size or 1200 square feet, whichever is larger.
- 8) Attached dwellings, townhouses and duplexes, were discussed, and it was decided to include them in the code, where allowed by zoning.
- 9) Food services, or food carts, were discussed. It was decided to allow them in the new code and remove the provision that limited them to 180 days.
- 10) The provision for a Bed and Breakfast was discussed, and the location standard was removed.
- 11) Non-conforming structures were discussed. A provision for rebuilding structures that are destroyed from natural disasters was discussed.
- 12) The remainder of chapter 3 was covered with little discussion.

13) The discussion concluded at the end of chapter 3.

E. ADJOURNMENT: meeting adjourned at 9:16 p.m.

Respectfully submitted:

Reviewed by:

Jake Gabell
Deputy City Recorder

Janelle Booth
Assistant City Manager / City Engineer

Upcoming Meetings:

January 14, 2019 @ 6:00 p.m. – Planning Commission Workshop
January 15, 2019 @ 6:00 p.m. – Planning Commission Meeting
February 13, 2019 @ 6:00 p.m. – Planning Commission Workshop

These notes are not final until approved by the Planning Commission.



**CITY OF MILLERSBURG
PLANNING COMMISSION WORK SESSION**

4222 NE Old Salem Road
Monday, January 14, 2019
6:00 p.m.

Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:03 pm.
- B. City Manager, Kevin Kreitman, led the Planning Commission in drawing lots for the number of years appointed to the Commission. The results were as follows:
- 1) 1 year appointments: John Sullivan, Scott Stimpson, and Steve Vogler
 - 2) 2 year appointments: Ryan Penning, Ed Perlenfein, and Ann Peltier
 - 3) 3 year appointments: Jimmy Kirkendall, Dennis Gunner, and Connie Lepin
- C. ROLL CALL:
- Members Present: Jimmy Kirkendall, Anne Peltier, Ryan Penning, Steve Vogler, Connie Lepin, Dennis Gunner, Ed Perlenfein, and John Sullivan
- Members Absent: Scott Stimpson
- Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Jake Gabell, Deputy City Recorder; John Morgan, City Planning Director; and Matt Straite, City Planner
- D. Presentation and discussion with John Morgan, the Planning Commission, and staff. The proposed code, chapters 3 and 4 are presented for discussion.
- 1) The presentation began with a review of where the discussion left off, at the end of chapter/article 3.
 - i. Commissioner Lepin reopened the topic of the rebuild clause for non-conforming structures.
 - ii. Commissioner Gunner had concerns about the changes in the zone codes that don't allow for farms in residential zones.
 - 2) Chapter 4 section 101, Review Procedures, decisions fall into four sections. The follow were discussed:
 - i. Type 1 Actions are made at the staff level and can be appealed to the Planning Commission: temporary use, sign permit, flood plain

permit, greenway development permit, property line adjustment, and home occupation.

1. Home occupations were discussed at length. It was recommended that decisions remain at a staff level, and the code was read over. It was decided to add provisions to only allow two commercial vehicles per home.
 - ii. Type 2 Actions are made at the staff level, neighbors are notified, and can be appealed to the Planning Commission: partition, adjustment, and similar use.
 - iii. Type 3 Actions are made at the Planning Commission level, neighbors are notified, and may be appealed to the City Council: variance, conditional use permit, site development review, non-conforming use, and subdivision.
 - iv. Type 4 Actions go to the Planning Commission for recommendation, and final decisions are made at the City Council: comprehensive plan map amendment, zone map amendment, amendments and revisions of the comprehensive plan, development code amendments, and annexation.
 1. It was recommended to adjust the proposed code to allow an applicant apply for a type 4 action, which the current draft does not allow. The Planning Commission agreed with the recommendation.
 - v. Section 101 contains the follow, which was also discussed:
 1. Expiration of approvals and time extension, which will be applied to all land use actions. No changes proposed.
 2. Exercising a land use approval, no changes proposed.
- 3) Chapter 4 section 1, general administrative provisions, was reviewed, and the following was proposed to be changed:
- i. Section 103, home adjustments, was adjusted to two tiers. Tier 1, which will be allowed outright and may not impact others. Tier 2 will require a permit and staff review, and may impact neighbors.
 - ii. Section 105, adjustments: Explanation of adjustments was provided and examples given. No adjustments proposed.
 - iii. Section 107, conditional use was reviewed and explained. A submittal process will be added.
 - iv. Section 110, nonconforming uses. The Decision Criteria, part B, does not allow a non-conforming use to be permitted if it is of the same or less intensity of use. The Commission reviewed this condition with staff, and it was decided to leave the criteria in the proposed code.
 - v. Section 111, subdivisions and planned unit developments. Changes were recommended that include: require phases of subdivisions in

- the tentative level, submittal requirements will be added, and planned unit development be allowed only in high-density zone.
- vi. Section 112, comprehensive plan map amendment was reviewed, explained, and no changes were recommended.
 - vii. Section 114, text amendments. It was recommended to cross-reference the decision with the decision maker.
 - viii. Section 115, annexations. Annexations are not allowed to go to vote of the people, per State of Oregon law. The new code proposes that the property abuts the City limit on at least one side. No changes were proposed.
- 4) Chapter 4, section 2, general administrative provision, was reviewed, and the following was proposed to be updated:
- i. Section 201.02, generalized area, is somewhat unclear, and the language will be adjusted to be clearer.
 - ii. Section 202 will have an addition that the City Council has the ability to call up, with at least four votes, a decision made by the Planning Commission. The notice of appeal will be removed, because a Type 1 does not send notices.
- 5) Recess started at 8:02 and ended at 8:10
- 6) Chapter 4, section 2, general administrative provision review continued, and the following was proposed:
- i. Section 204—a condition will be added on who signs the notice of decision.
 - ii. Section 205—the condition in 4.205.1 (E) that requires notice in a public newspaper was decided to be removed.
 - iii. Section 4.206.1 (B) will be removed, and (D) will remove the appeal for a Type 1 to the Planning Commission.
 - iv. Section 4.206.2(J) will be changed to close testimony, but the hearing remains open.
 - v. Section 207 will be adjusted to include the City Council's ability to call up decisions made by the Planning Commission.
- 7) The discussion concluded at the end of chapter 4.

E. ADJOURNMENT: meeting adjourned at 8:42 p.m.

Respectfully submitted:

Reviewed by:

Jake Gabell
Deputy City Recorder

Matt Straite
City Planner

Upcoming Meetings:

January 15, 2019 @ 6:00 p.m. – Planning Commission Meeting
February 13, 2019 @ 6:00 p.m. – Planning Commission Workshop
February 19, 2019 @ 6:00 p.m. – Planning Commission Meeting
February 25, 2019 @ 6:00 p.m. – Planning Commission Workshop

These notes are not final until approved by the Planning Commission.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the City Recorder in advance by calling (541) 928-4523.

www.cityofmillersburg.org



CITY OF MILLERSBURG PLANNING COMMISSION MEETING

4222 NE Old Salem Road
Tuesday, January 15, 2019
6:00 p.m.

Minutes

A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:00 pm.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Members Present: Jimmy Kirkendall, John Sullivan, Ryan Penning, Steve Vogler, Connie Lepin, Scott Stimpson, and Dennis Gunner

Members Absent: Anne Peltier and Ed Perlenfein

Staff Present: Jake Gabell, Deputy City Recorder; Matt Straite, City Planner; and Forrest Reid, City Attorney

D. MEETING MINUTE APPROVAL

1) Planning Commission Meeting & Public Hearing held on December 18, 2018.

Action: Motion to accept minutes as presented made by Commissioner Stimpson; seconded by Commissioner Sullivan.

Commissioner Kirkendall: Aye

Commissioner Lepin: Aye

Commissioner Penning: Aye

Commissioner Gunner: Aye

Commissioner Sullivan: Aye

Commissioner Vogler: Aye

Commissioner Stimpson: Aye

E. QUASI-JUDICIAL PUBLIC HEARING

1) Public hearing on Land Use File PA 18-06 opened by President Kirkendall at 6:01p.m. Deputy City Recorder, Jake Gabell, read disclosures. President Kirkendall finished opening the hearing; Commissioner Sullivan noted that he drove by the property. No conflicts of interest noted by Commissioners.

File No: PA 18-06 Helms Land Partition: *The applicant is requesting approval to partition 9.51 acres into three residential parcels, a 6.26 acre parcel featuring an existing home, a 0.76 acre vacant parcel and 2.49 acre vacant parcel.*

i. Staff report was presented by Matt Straite, City Planner.

1. An additional memo was given to the planning commission and added to the public record, which corrects a scribbler's error.

ii. Discussion between the Planning Commission, staff, and audience members.

1. Kyle Latimer of Udell Engineering, the applicant's representative, had no additional questions for the commission, and stated that he and the applicant agreed with all the conditions of approval in the staff report.
 2. Commissioner Lepin had a clarifying question on the width of the proposed shared driveway. Mr. Latimer and Janelle Booth clarified the width of the driveway and the dedication in the tentative plat.
- iii. Public hearing closed at 6:20 pm by President Kirkendall.
- iv. Deliberation by the Planning Commission.
1. Commissioners Stimpson and Kirkendall asked additional questions about the access points in the two possible outcomes from the staff reports. Mr. Straite clarified and answered the questions.
 2. Commissioners asked additional questions about the cherry stem driveway and which lot owns the access. Mr. Straite clarified.

Action: **Motion to Approve PA 18-06 made by Commissioner Sullivan; seconded by Commissioner Gunner.**

Commissioner Kirkendall: Aye
Commissioner Lepin: Aye
Commissioner Peltier: Aye
Commissioner Penning: Aye
Commissioner Sullivan: Aye
Commissioner Vogler: Aye
Commissioner Stimpson: Aye

F. City Planner Update
 No updates given by Mr. Straite.

G. ADJOURNMENT: meeting adjourned at 6:28 p.m.

Respectfully submitted:

Reviewed by:

Jake Gabell
 Deputy City Recorder

Matt Straite
 City Planner

Upcoming Meetings:

February 13, 2019 @ 6:00 p.m. – Planning Commission Workshop
 February 19, 2019 @ 6:00 p.m. – Planning Commission Meeting
 February 25, 2019 @ 6:00 p.m. – Planning Commission Workshop

These notes are not final until approved by the Planning Commission.



Proposal: The applicant is requesting approval to partition 0.9 acres (42,732 square feet) into 3 residential lots of 13,296 square feet, 11,396 square feet, and 17,753 square feet.

I. BACKGROUND

- A. Applicant: Steve Smith
3387 NE Alexander Ln
Albany, OR 97321
- B. Project Location: 3387 NE Alexander Ln
10S 3W 21AC Tax Lot 0900
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed partition requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on February 19, 2019. Any appeal of the Planning Commission decision will be considered by the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice of the February 19, 2019 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on February 19, 2019.
- E. Review Criteria: Article 2 §2.328 Subdivisions
- F. Current Zoning: Rural Residential 2.5 Acre Minimum- Urban Conversion (RR-2.5-UC)
- G. Proposed Zoning: N/A
- H. Property Size: 0.9 Gross Acres
- I. Background: Based on aerial images, since at least 1996, the property has featured a barn and single-family home. Because the application is requesting a partition, the existing structures are not of concern for the purposes of this application. The proposed land division will not alter the state of either structure, and both structures shall comply with property line setback requirements. Staff is not aware of any other applications on the site.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on January 22, 2019: City of Albany, Albany Fire Department, Linn County Sheriff Office (LCSO), City of Millersburg Engineer, State Department of State Lands (DSL), Pacific Power, Linn County Planning and Building Department, United States Postal Service, Northwest Natural Gas, and PacifiCorp. To date, the following comments have been received:

- Albany Fire provided comments, all of which were inserted as conditions of approval.
- The City of Millersburg Engineer provided comments and conditions of approval.

Public:

Notice of the February 19, 2019 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION OR PARTITION DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

ANALYSIS: The proposed partition creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive Plan is located later in this report. In summary, the project is compatible with the Comprehensive Plan and State Planning Goals.

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

- (2) That the proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division.**

ANALYSIS: Parcel 1, 2, and 3 are proposed as 17,753 square feet, 11,396 square feet, and 13,296 square feet, respectively. Because the zoning has a minimum lot size of 2.5 acres, all three parcels shall be considered "urban" lots, and thus would

be required to comply with urban standards which mandate a 10,000 square foot minimum lot size. All lots will be required to connect to water and sewer when they are built out.

The two additional lots created by this land division will be flag lots. The Millersburg Land Use Development Code states *“Flag lots or parcels are discouraged. They will only be allowed when other alternative means of access cannot be provided. If permitted, the minimum access width shall be 25 feet.”* There are no other alternative means of access to NE Alexander Ln for the proposed lots. The site plan submitted indicates a 25-foot driveway and utility easement for the flag lots (parcels 2 and 3). As alternative means of access cannot be provided and meets the minimum access width of 25 feet. The project does not conflict with City codes.

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

(3) That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

ANALYSIS: ORS Chapter 92 regulates subdivisions and partitions in the State of Oregon. The regulations require a city or county to draft its own regulations in order to have local authority to approve or act on subdivision applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of State Chapter 92 still apply; however, they generally pertain to circumstances that do not relate to the approvals of subdivisions by cities. Chapter 92 does not include any criteria specific to the approval of a subdivision. The proposed application is consistent with all provisions of Chapter 92.

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

(4) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

ANALYSIS: The application is proposing to divide the existing lot into three parcels. All three parcels will be over the minimum lot size required by the zone but only be several thousand square feet. As such, none of the lots could be divided any further. This criterion does not apply.

FINDING: Based on the analysis above, this criterion does not apply.

(5) That the proposed land division does not preclude development on adjoining properties.

ANALYSIS: The proposed partition is creating three parcels. All three parcels will front public streets. Additionally, all lots surrounding the property have adequate access. The proposed partition or any possible future partition of the property would not preclude a neighbor from maintaining access to their property.

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

- (6) **That the proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.**

ANALYSIS: The streets for the development are regulated by Section 5.123. The applicant is not proposing a street for access, nor is one required as all proposed parcels front public streets.

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

- (7) **That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.**

ANALYSIS: Proposed Parcels 1, 2, and 3 must connect to City water and sewer when homes are constructed. City water and sewer are available on NE Alexander Lane. Applicant shall be responsible for all costs associated with making utility connections.

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

- (8) **That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.**

ANALYSIS: All existing utilities are sized to be able to accommodate the additional two connections. The utilities will be located in a public. As such, the proposed partition will not limit future development.

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

- (9) **That the land division will not cause adverse impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.**

ANALYSIS: The City Engineer has determined that the project site is at a lower elevation than NE Alexander Lane. Section 5.126(7) of the Land Use Development Code states, "Stormwater runoff rates for new developments shall not exceed bare land runoff rates" and Section 5.126(7)(g) states "Runoff from impervious surfaces must be collected and transported to a natural or public drainage facility with sufficient capacity to accept the discharge." As on-site drainage is unable to naturally connect to a public drainage facility, a site-specific drainage plan must be submitted to and approved by the City Engineer.

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

PROPOSED CONDITIONS OF APPROVAL:

1. The developer shall be required to provide a site-specific drainage plan, including means to detain peak flows so that runoff rates for the new development do not exceed bare land runoff rates, along with supporting calculations to collect, route, and discharge stormwater to an approved discharge point. The drainage plan must be approved by the City Engineer prior to recording the final plat. The drainage plans shall conform to the Albany Engineering Design Standards, to the satisfaction of the City Engineer.
2. All roof drains and yard drainage must be piped or trenched to an approved discharge point. Improved lots may not drain onto neighboring properties. Applicant must provide proposed drainage plan for approval.

- (10) That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The characteristics identified in Section 2.140 include hazards and nuisances produced by the project specifically identifying noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare, and electromagnetic interference. Because this is a residential partition, none of these hazards are anticipated. Isolated incidents involving individual homes may occur in the future, but will be subject to appropriate enforcement of applicable rules and law.

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

- (11) That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

ANALYSIS: The site is generally flat and devoid of any topographic, rock outcropping, or other significant features. According to the County GIS system, the site does not feature any wetlands or drainage.

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

IV. STANDARDS

The proposed land division design complies with all the specifications and design requirements of Chapter 4, specifically the RR 2.5-UC zone, and Chapter 5, Development Standards.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* criteria from the Comprehensive Plan.

Section 9.100 Planning

Overall Policy 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg, and the Albany-Millersburg Growth Area.

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. PA 19-01 is consistent with the Comprehensive Plan/Zoning designation. In addition, the project was transmitted to several State, Regional, County, and City organizations for review, which includes the ability for all departments to communicate on environmental concerns.

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

Section 9.400 Housing

Housing Need Policy 1. The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.

ANALYSIS: The proposed project will provide additional housing for the City.

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

Section 9.500 Land Use

Residential Land Use Policy 2. When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.

ANALYSIS: In the City of Millersburg, the smallest permitted lot size is 10,000 sq. ft. The proposed project will be converting rural area into urban area, which means that they will be connecting the proposed units to City water and sewer. The project is required to connect both parcels to City water and sewer.

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

Residential Land Use Policy 9. New residential subdivisions shall pay the costs of capital improvements needed to support the development.

ANALYSIS: The project has been conditioned to provide all needed utilities to support the development.

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

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Partition Application No. PA 19-01, Smith Partition, pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative partition development plans submitted by the applicant and included in this staff report, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer and the Building Official (Linn County). All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.
4. The applicant shall comply with all requirements shown in the Albany Fire letter (Exhibit F) dated January 30, 2019.
5. Current or future property owner may be assessed street improvement fees for frontage along NE Alexander Lane if/when those streets are improved.

Prior to Approval of the Final Plat

6. The Final Plat shall be submitted for review by City staff prior to recording said plat with the County. The plat shall be drawn by a licensed land surveyor.
7. Proposed parcels 1, 2, and 3 must connect to City water and sewer. City water and sewer are available in NE Alexander Lane. Applicant shall be responsible for all costs associated with making utility connections.
8. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
9. Applicant shall pay road frontage fees for future improvements to NE Alexander Lane, in accordance with the City's current adopted road frontage fees. Alternatively, the applicant may sign a non-remonstrance agreement for future assessment of street frontage fees on NE Alexander Lane.
10. The developer is required to provide a site-specific drainage plan, including means to detain peak flows so that runoff rates for the new development do not exceed bare land runoff rates, along with supporting calculations to collect, route, and discharge stormwater to an approved discharge point. The drainage plan must be approved by the City Engineer prior to recording the final plat. The drainage plans shall conform to the Albany Engineering site design standards, to the satisfaction of the City Engineer.
11. All roof drains and yard drainage must be piped or trenched to an approved discharge point. Improved lots may not drain onto neighboring properties. Applicant must provide proposed drainage plan for approval.
12. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4)

If several lots share an emergency vehicle access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

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

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

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

The proposal does not indicate a fire department turnaround. Future plans shall show an approved turnaround.

14. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC D105)

15. Private fire apparatus access roadways shall be permanently marked “NO PARKING – FIRE LANE” using a combination of “YELLOW” painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)

- a. Roads 20 to 26 feet in width – Posted both sides at 50-foot intervals.
- b. Roads more than 26 feet in width – Posted on one side (as approved) at 50-foot intervals.

The plans submitted for this review do not identify where or how this marking will be provided. Future plans shall identify all private apparatus access roads and the marking to be provided.

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

This applies to the access from Alexander Lane. Future plans shall be annotated to show the turning radii of all private fire apparatus access roadways and pathways.

17. 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 Albany Fire Department upon completion of all private access road construction.

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

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

20. Inadequate fire approach & access to water supply:

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in OAR 918-480-0125, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components, or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

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. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
2. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
3. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
4. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The final plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.

7. 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.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
9. **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.
10. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
11. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by Linn County, and provide verification of such to the City Engineer.
12. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
13. The final plat shall show the City Manager as the City's approving authority within the signature block of the final plat and all private access easements, utility easements, and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.
14. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
15. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
16. 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.
17. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the

construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

18. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by Linn County, and provide verification of such to the City Engineer.

19. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative
- E. City Engineering comments dated 1/27/19
- F. Albany Fire Department comments dated 1/30/19
- G. Notice of Public Hearing

Vicinity PA 19-01

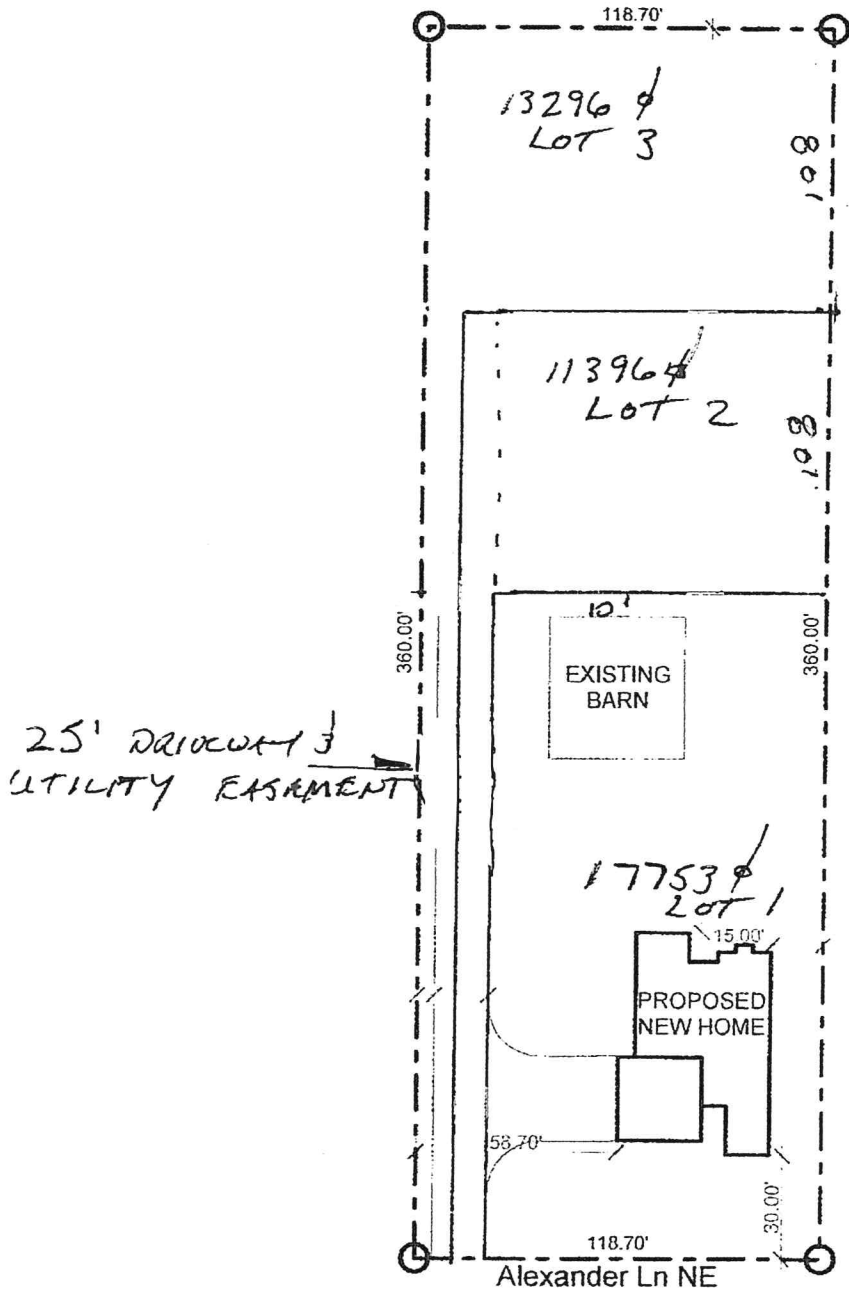


This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

Zoning Map PA 19-01

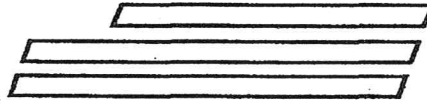


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1 Site Plan
 Scale : 1" = 50'

Progressive Design Builders PO Box 727 Albany, OR 97321 (541) 740-2948 CCB: 166666	Site Plan Millersburg Lot 900 3387 Alexander Lane NE, Albany, OR 97321	Project #: Project Manager: Drafted by: EAS Date Printed: 11/25/2018	A-01
--	--	---	-------------



General Contractor, Building & Remodel
PO Box 727, Albany, OR 97321
Phone: 541-740-2948
CCB #166666

1/15/19

Re; 3387 Alexander Ln NE Millersburg
PA. 19-01

Proposal to divide lot approximately 0.9 acres or 42,445 sq ft into three lots of 17753 sq ft, 11396 sq ft, 13296 sq ft. To create 2 additional home sites.

- 1) Partition conforms with city development code
- 2) Lots will be 10000 sq ft or larger
- 3) Utilities and storm water are at street in front of lots
- 4) Similar partitions are in the immediate area to proposal
- 5) Site is relatively flat and won't adversely affect neighboring properties
- 6) Partition won't have an adverse impact on pedestrian or vehicular safety
- 7) Driveway access is 25' to allow ample entrance and egress to homes

RE: PA 19-01 Project review request

 DELETE
  REPLY
  REPLY ALL
  FORWARD
 



LaRoque, Laura <Laura.LaRoque@cityofalbany.net>

Mark as unread

Wed 1/23/2019 7:39 AM

To: Matt Straite;

To help protect your privacy, some content in this message has been blocked. To re-enable the blocked features, [click here](#).

To always show content from this sender, [click here](#).

[Bing Maps](#)

+ Get more apps

Good Morning Matt,

Thank you for providing an opportunity to comment on the tentative partition plat application (file no. PA-19-01) to divide the property at 3387 Alexander Lane NE into 3 residential parcels. The subject property is outside the Albany city limits and urban growth boundary. The Albany Planning Division has no comments regarding this application.



Laura LaRoque

Planner II

541-917-7640 phone | 541-917-7598 fax

Community Development

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321



www.cityofalbany.net

Get news releases and emergency notifications from the City of Albany by email or text message. Sign up at nixle.com or text 97321 to 888-777.

From: Matt Straite <mstraite@cityofmillersburg.org>

Sent: Tuesday, January 22, 2019 10:09 AM

To: corcutt@linnsheiff.org; dsterling@co.linn.or.us; Billers@nwnatural.com; d6b@nwnatural.com; cbonn@co.linn.or.us; Scott.Seaton@pacificorp.com; jeff.r.lehmeyer@usps.gov; LaBelle, Chris <Chris.LaBelle@cityofalbany.net>; Janelle Booth <jbooth@cityofmillersburg.org>; Coggins, Kindra <kindra.coggins@cityofalbany.net>; Fisk, Miranda <miranda.fisk@cityofalbany.net>; Kanaski, Lisa <Lisa.Kanaski@cityofalbany.net>; O'Neil, Edie <edie.oneil@cityofalbany.net>; Shultz, Shelley <Shelley.Shultz@cityofalbany.net>; Sprague, Jordan <jordan.sprague@cityofalbany.net>; Ratcliff, Lora <Lora.Ratcliff@cityofalbany.net>; sshortes@co.linn.or.us; or.97208amsportland@usps.gov; sbarnett@co.linn.or.us; staylor@co.linn.or.us; lscott@migcom.com; Lauren.BROWN@state.or.us

Subject: PA 19-01 Project review request

Please see the attached documents for your agencies review of Millersburg Application PA 19-01, an application to partition .9 acres into 3 residential lots.

RE: [External]PA 19-01 Project review request

 DELETE REPLY REPLY ALL FORWARD

...



Bellinger, David <d6b@nwnatural.com>

Tue 1/22/2019 11:28 AM

Mark as unread

To: Matt Straite;

NWNatural has no issues with this proposal

Thank You**DAVE BELLINGER****NW NATURAL****ALBANY FIELD ENGINEERING DEPT****541-926-4253 EX 8238****CELL 541-974-3512**

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]**Sent:** Tuesday, January 22, 2019 10:09 AM**To:** corcutt@linnsheff.org; dsterling@co.linn.or.us; *Billers <billers@nwnatural.com>; Bellinger, David <d6b@nwnatural.com>; cbonn@co.linn.or.us; Scott.Seaton@pacificcorp.com; jeff.r.lehmeyer@usps.gov; Chris.LaBelle@cityofalbany.net; Janelle Booth <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net; Lora.ratcliff@cityofalbany.net; sshortes@co.linn.or.us; or.97208amsportland@usps.gov; sbarnett@co.linn.or.us; staylor@co.linn.or.us; lscott@migcom.com; Lauren.BROWN@state.or.us**Subject:** [External]PA 19-01 Project review request

Please see the attached documents for your agencies review of Millersburg Application PA 19-01, an application to partition .9 acres into 3 residential lots.

The project is scheduled for a hearing on February 19, 2019. Please have your comments back by February 5, 2019. Let me know if you have any questions.

Matt Straite
City Planner
City of Millersburg
541.928.4523





TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: January 30, 2019
SUBJECT: 3387 Alexander Ln NE – Residential Land Partition - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

****These comments apply to future development & additions only****

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If several lots share an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

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

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

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

The proposal does not indicate a fire department turnaround. Future plans shall show an approved turnaround.

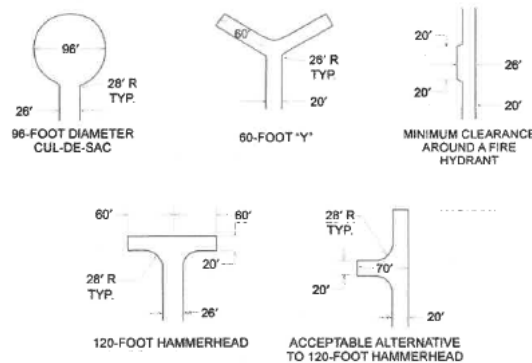


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

Page 2
February 5, 2019

3. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC D105)
4. Private fire apparatus access roadways shall be permanently marked “NO PARKING—FIRE LANE using a combination of “YELLOW” painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)
 - Roads 20 to 26 feet in width – Posted both sides at 50-foot intervals
 - Roads more than 26 feet in width – Posted on one side (as approved) at 50-foot intervals

The plans submitted for this review do not identify where or how this marking will be provided. Future plans shall identify all private fire apparatus access roads and the marking to be provided.

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

This applies to the access from Alexander. Future plans shall be annotated to show the turning radii of all private fire apparatus access roadways and pathways.

6. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.

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

7. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area will be required to be 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)

8. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire

Page 3
February 5, 2019

resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;

- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

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

LAR/lar

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: January 27, 2019
SUBJECT: PA 19-01 - Engineering Comments

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

1. Proposed Parcels 1, 2, and 3 must connect to city water and sewer. City water and sewer are available in Alexander Lane. Applicant shall be responsible for all costs associated with making utility connections.
2. Water and sewer connection permits are required for connections to public water and sewer. System Development Charges (SDCs) are due at the time of connection.
3. All roof drains and yard drainage must be piped or trenched to an approved discharge point. Improved lots may not drain onto neighboring properties. Applicant must provide proposed drainage plan for approval.
4. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
5. Driveways shall conform to Section 5.120 of the Millersburg Land Use Development Code.
6. If required, any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the Linn County and provide verification of such to the City Engineer.
7. The Final Plat shall include any required access or utility easements.
8. All agreements required as conditions of this approval must be signed and recorded.

9. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
10. 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.



NOTICE OF PUBLIC HEARING
February 19, 2019, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

APPLICANTS: Progressive Design Builders c/o Steve Smith
LOCATION: 3387 NE Alexander Lane, Albany, OR 97321
TAX LOT: Township 10 South; Range 3 West; Section 21AC; Tax Lot 900
PARCEL SIZE: 0.9 Acres
ZONING: Rural Residential 2.5 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide one lot of 0.9 acres into three lots of 13,296 square feet, 11,396 square feet, and 17,753 square feet
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: PA 19-01

The location of the hearing is accessible to people with disabilities. 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 (541) 928-4523.

VICINITY MAP PA19-01



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



Proposal: The applicant is requesting approval to partition 4.93 acres into 3 residential parcels - parcel 1 is proposed to be 178,627 square feet (4.1 acres), parcel 2 is proposed at 19,432 square feet (0.44 acres), and parcel 3 is proposed at 16,503 square feet (0.37 acres).

I. BACKGROUND

- A. Applicant: Heidi and Stephen Wills
2764 NE Millersburg Drive
Albany, OR 97321
- B. Project Location: 2764 NE Millersburg Drive
10S 3W 17DD Tax Lot 0200
- C. Review Type: Pursuant to the Millersburg Land Use Development Code (Code Section 2.320), the proposed partition requires a public hearing before the Planning Commission. The Planning Commission is scheduled to hear the application on February 19, 2019. Any appeal of the Planning Commission decision will be considered by the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice of the February 19, 2019 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on February 1, 2019.
- E. Review Criteria: Article 2 §2.328 Subdivisions
- F. Current Zoning: Rural Residential 10 Acre Minimum - Urban Conversion (RR-10-UC)
- G. Proposed Zoning: N/A
- H. Property Size: 4.93 Gross Acres
- I. Background: Based on aerial images, the property has had no farming since 1994 and features a single family home with several out buildings. All are scheduled to be removed if the application is approved. Staff is not aware of any other applications on the site.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on February 2, 2019: City of Albany, Albany Fire Department, Linn County Sheriff Office (LCSO), City of Millersburg Engineer, State Department of State Lands (DSL), Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and Republic Services. To date, the following comments have been received:

- Albany Fire provided comments. None of the comments provided are applicable to a map, they would all apply for construction. Because this permit is not authorizing any construction, the letter is included as information to the applicant but no conditions of approval have been added as a result.
- The City of Albany responded in an email indicating they have no comments.
- The City of Millersburg Engineer did not provide conditions at the time this staff report was published. Typical Engineering conditions are included.

Public:

Notice of the February 19, 2019 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments or phone calls have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Article 2

SECTION 2.328 TENTATIVE SUBDIVISION OR PARTITION DECISION CRITERIA

A Subdivision or Partition Tentative Plan shall be approved by the Planning Commission. Approval shall be based upon compliance with the submittal requirements specified above and the following findings:

- (1) That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

ANALYSIS: The proposed partition creates housing which is called for in both the Comprehensive Plan and the State Goals. A more detailed review of the Comprehensive Plan is located later in this report. In summary, the project is compatible with the Comprehensive Plan and State Planning Goals.

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

- (2) That the proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division.**

ANALYSIS: All proposed parcels are over the 10,000 square foot minimum allowed with an urban conversion pursuant to the code. Because the zoning has a minimum lot size of 10 acres in order to remain rural, all parcels are considered “urban” lots, and thus would be required to comply with the urban standards which features a 10,000 sq. ft. minimum lot size. Parcels 1 and 3 will be required to connect to water and sewer when they are built out. The home on parcel 2 will be required to connect to City water and sewer prior to the recordation of the final plat.

It should be noted that the land division will be leaving one structure on the proposed new parcel no. 1. This structure is a barn; it is not a single family home. As such, it would be considered an accessory structure with no primary use because there would be no single family home on that proposed parcel. The existing structure is already a non-conforming use. The proposed partition will not alter the offending non-conformity. Other standards of the land use zone, and those found in Article 5 of the Code are reviewed in detail below.

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

PROPOSED CONDITION OF APPROVAL: Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 2 of the proposed partition to City water and sewer, including paying all required connection fees required.

(3) That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

ANALYSIS: ORS Chapter 92 regulates subdivisions and partitions in the State of Oregon. The regulations require a city or county to draft its own regulations in order to have local authority to approve or act on subdivision applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of State Chapter 92 still apply; however, they generally pertain to circumstances that do not relate to the approvals of subdivisions by cities. Chapter 92 does not include any criteria specific to the approval of a subdivision. The proposed application is consistent with all provisions of Chapter 92.

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

(4) That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.

ANALYSIS: The proposed subdivision is proposing one large parcel and two smaller parcels. The two smaller parcels are not quite 20,000 square feet each, and thus should not subdivide again (because the minimum lot size is 10,000 square feet). The larger parcel is proposed to 178,627 square foot. The City

minimum lot size in this zone is 10,000 square feet. Parcel 1 is still large enough to be further subdivided in the future. The site features significant flood plain and wetland constraints, which could impact future subdivisions. However, the design of the proposed partition does not limit the property in a way that would restrict further subdivision of parcel 1. The access to parcel 1 has been designed to accommodate a full street right-of-way width in the future should the larger parcel further subdivide.

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

(5) That the proposed land division does not preclude development on adjoining properties.

ANALYSIS: The proposed partition is creating three parcels. All parcels are fronting public streets. Additionally, all lots surrounding the property have adequate access. The proposed partition or any possible future partition of the property would not preclude a neighbor from maintaining access to their property.

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

(6) That the proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.

ANALYSIS: The streets for the development are regulated by Section 5.123. The applicant is not proposing a street for access, nor is one required as all proposed parcels front public streets.

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

(7) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.

ANALYSIS: All proposed parcels must connect to City water and sewer when homes are constructed. Parcel 2 must connect the existing home to City water and sewer prior to the recordation of the final plat, as outlined previously. City water and sewer is available in Millersburg Drive. The applicant shall be responsible for all costs associated with making utility connections.

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

(8) That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.

ANALYSIS: All existing utilities are sized to be able to accommodate the

additional three connections. The utilities will be located in a public street. As such, the proposed partition will not limit future development.

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

- (9) That the land division will not cause adverse impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.**

ANALYSIS: The proposed partition will create additional parcels that will partially drain to NE Millersburg Drive. The property does feature flood plains and wetlands; however, the proposed additional parcel is located along the street and should not impact the drainage features in any way. The proposed map features enough space in the parcel containing wetlands and flood plain to accommodate a home outside of both restricted areas, though the applicant is also allowed to peruse a modification of both restrictions through the State if they wish. Either way, the proposed project complies with this criterion.

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

- (10) That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The characteristics identified in Section 2.140 include hazards and nuisances produced by the project specifically identifying noise, water quality, vibration, smoke, odor, fumes, dust, heat, glare, and electromagnetic interference. Because this is a residential partition, none of these hazards are anticipated. Isolated incidents involving individual homes may occur in the future, but will be subject to appropriate enforcement of applicable rules and law.

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

- (11) That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

ANALYSIS: The site is generally flat and devoid of any topographic, rock outcropping or other significant features. The site does feature wetlands and floodplains; however, these are located to the rear of the property and the proposed new parcel is located along the street to the north of the property. The application was sent to the Department of State Lands (DSL) for review and identification of any needed mitigation. No response was provided.

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

IV. STANDARDS

The proposed partition design complies with all the specifications and design requirements of Chapter 4, specifically the RR 10-UC zone and Chapter 5, Development Standards, with the following exceptions:

SECTION 5.119 WETLANDS & RIPARIAN AREAS

The City of Millersburg does not have a Local Wetlands Inventory (LWI). The City requires all applicants to identify riparian areas, wetlands and floodplains on the Application. All applications are required to comply with State Law and with the standards required by this Code. Refer to Sections 7.100, 7.200 and 7.300 for additional Special Area Standards.

ANALYSIS: The project site features wetlands based on the GIS system for Linn County. Pursuant to code requirements, the project was submitted to DSL for review. DSL did not provide any comments. The proposed new parcel features enough space outside the flood plain and wetland area to allow the construction of a single family home. Thus, the site can be developed without impacting wetlands in any way. A delineation will be required prior to the development of proposed parcel 1. This is a standard requirement.

FINDING: Based on the analysis above, with the proposed condition of approval below, the project meets the standard.

SECTION 5.127 WATER

(1) When Municipal Water is Available. All new development including a single-family residence must extend and connect to the municipal water system. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the City and Fire District.

SECTION 5.128 SANITARY SEWERS

(1) When Municipal Sewer is Available. All new development including a single family residence must extend and connect to the municipal sewer system.

ANALYSIS: The map does not show proposed water or sewer connections. It is assumed that City water and sewer will be used within Millersburg Drive. A condition of approval is proposed to require connection.

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

PROPOSED CONDITION OF APPROVAL: Proposed Parcels 1 and 3 must connect to City water and sewer when a dwelling is placed on the parcel. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are *relevant and pertinent* criteria from the Comprehensive Plan.

Section 9.100 Planning

Section 9.100 Planning

Overall Policy 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg, and the Albany-Millersburg Growth Area.

ANALYSIS: The use of the land at the Comprehensive Plan level was designated in part based on the ability of the land to function for that particular use. PA 19-03 is consistent with the Comprehensive Plan/ Zoning designation. In addition, the project was transmitted to several State, regional, County, and City organizations for review, which includes the ability for all departments to communicate on environmental concerns.

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

Section 9.400 Housing

Housing Need Policy 1. The City recognizes the need for an adequate supply of sound, decent and attractive housing which includes a variety of types and designs which are responsive to community needs.

ANALYSIS: The proposed project will provide additional housing for the City.

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

Section 9.500 Land Use

Residential Land Use Policy 2. When urban development occurs, the City shall encourage compact residential development within the existing Residential District to provide more efficient land utilization and to reduce the cost of housing, public facilities and services.

ANALYSIS: In the City of Millersburg, the smallest permitted lot size is 10,000 sq. ft. The proposed project will be creating additional urban area parcels, which means that they will be connecting the proposed units to City water and sewer. By doing so, the Code permits development at the smallest lot size—10,000 sq. ft. As such, the proposed subdivision is providing the most compact development permitted within the City.

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

Residential Land Use Policy 9. New residential subdivisions shall pay the costs of capital improvements needed to support the development.

ANALYSIS: The project has been conditioned to provide all needed utilities to support the development.

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

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Partition Application No. PA 19-03, Wills Partition, pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative subdivision development plans submitted by Udell Engineering Land Surveying, LLC and dated 1/24/19, except as modified in the conditions below (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official (Linn County), and Jefferson Fire Department). All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.

Prior to Any Ground Disturbing Activity

4. Submit the final plat for review to the Planning Department.

Prior to Approval of the Final Plat

5. Prior to City approval of the final partition plat, the applicant shall connect the existing home shown on parcel 2 of the proposed partition to City water and sewer, including paying all required connection fees required.
 6. Proposed parcels 1 and 3 must connect to City water and sewer when a dwelling is placed on the parcel. City water and sewer are available in Millersburg Drive. Applicant shall be responsible for all costs associated with making utility connections.
-

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. A right-of-way permit is required for any work in the public right-of-way, including utility connections, sidewalks, and driveways. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
2. Driveways shall conform to Section 5.120 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 14%.
3. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
4. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
5. The final plat shall include any required access or utility easements.
6. All agreements required as conditions of this approval must be signed and recorded.
7. 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.
8. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
9. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.

10. **This approval is valid for a period of two (2) years from the date of the decision notice.**
Extensions may be granted by the City as afforded by the Millersburg Development Code.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
13. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by Linn County, and provide verification of such to the City Engineer.
14. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
15. The final plat shall show the City Manager as the City's approving authority within the signature block of the final plat and all private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.
16. Prior to issuance of building permits, an electronic version of the final plat must be submitted to the City Planner.
17. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
18. 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.
19. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure

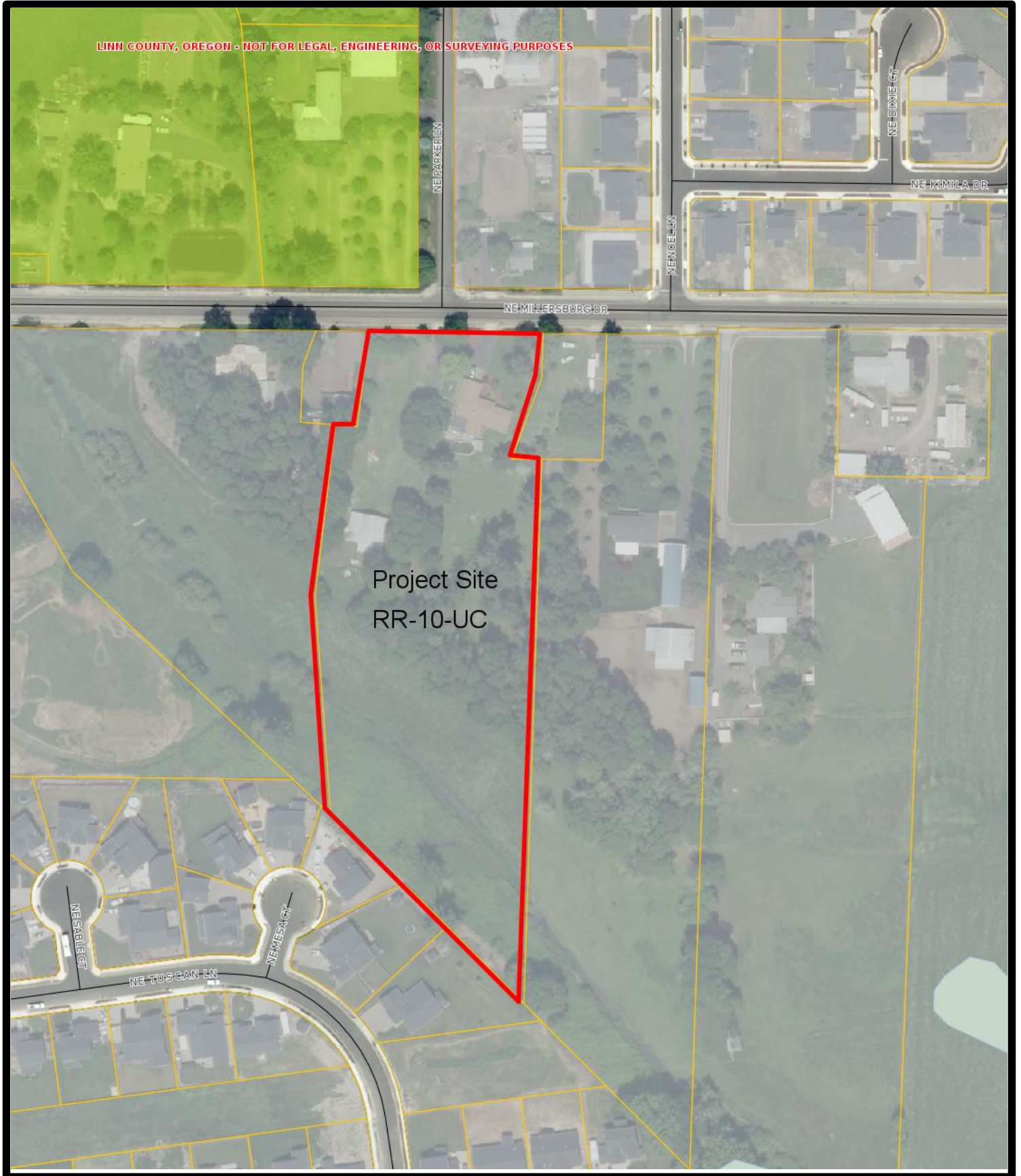
to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

20. Pursuant to Resolution 2008-10, park land dedication is required. The City has determined that for this project in-lieu fees are more appropriate. All in-lieu fees will be collected with the system development charges.
21. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by Linn County, and provide verification of such to the City Engineer.
22. Wetlands and FEMA floodplain may be present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative
- E. Albany Fire Letter dated 2/8/19
- F. Notice of Public Hearing

Zoning Map PA 19-03



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

Vicinity Map PA 19-03



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

MILLERSBURG DR. NE C.R. 310 (60') R/W

16' DRIVEWAY WIDTH

DETAIL SEE PAGE 2

(E) CURB
PARCEL 2
P.P. 2012-20

OWNERS DONALD & VICTORIA MILLER
TAX MAP 10S03W17DD
LOT 300

OWNERS DONALD & VICTORIA MILLER
TAX MAP 10S03W17DD
LOT 400

PARCEL 1
P.P. 2012-20

(P) PARCEL 3
16,503 SQ FT

(P) PARCEL 2
19,432 SQ FT

(P) PARCEL 1
178,627 SQ FT

52' ACCESS EASEMENT
BENEFITING PARCEL 3

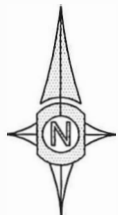
OWNER HAYDEN IRISH
TAX MAP 10S03W17DD
LOT 100

STEPHEN DEE AND HEIDI L. WILLS
DEED DOCUMENT NO.
2018-06875

FEMA FLOODPLAIN
AREA ZONE A

LEGEND

- (E) EXISTING
- (P) PROPOSED
- APPROX. APPROXIMATE
- R/W RIGHT OF WAY
- SQ FT SQUARE FEET



SCALE: 1" = 100'

0' 100'

OWNER RAASCH CONSTRUCTION LTD
TAX MAP 10S03W17DD
LOT 5300

BECKER RIDGE
PHASE 2 LOT 44

LOT 45

OWNER LISA & MICHAEL HARLAN
TAX MAP 10S03W17DD
LOT 5400

LOT 46

OWNER DENNIS & RUTH COMPTON
TAX MAP 10S03W17DD
LOT 5500

APPROX. LOCATION
OF SMALL CREEK

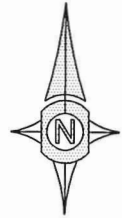
SHEET 1
of 2
SCALE: AS NOTED



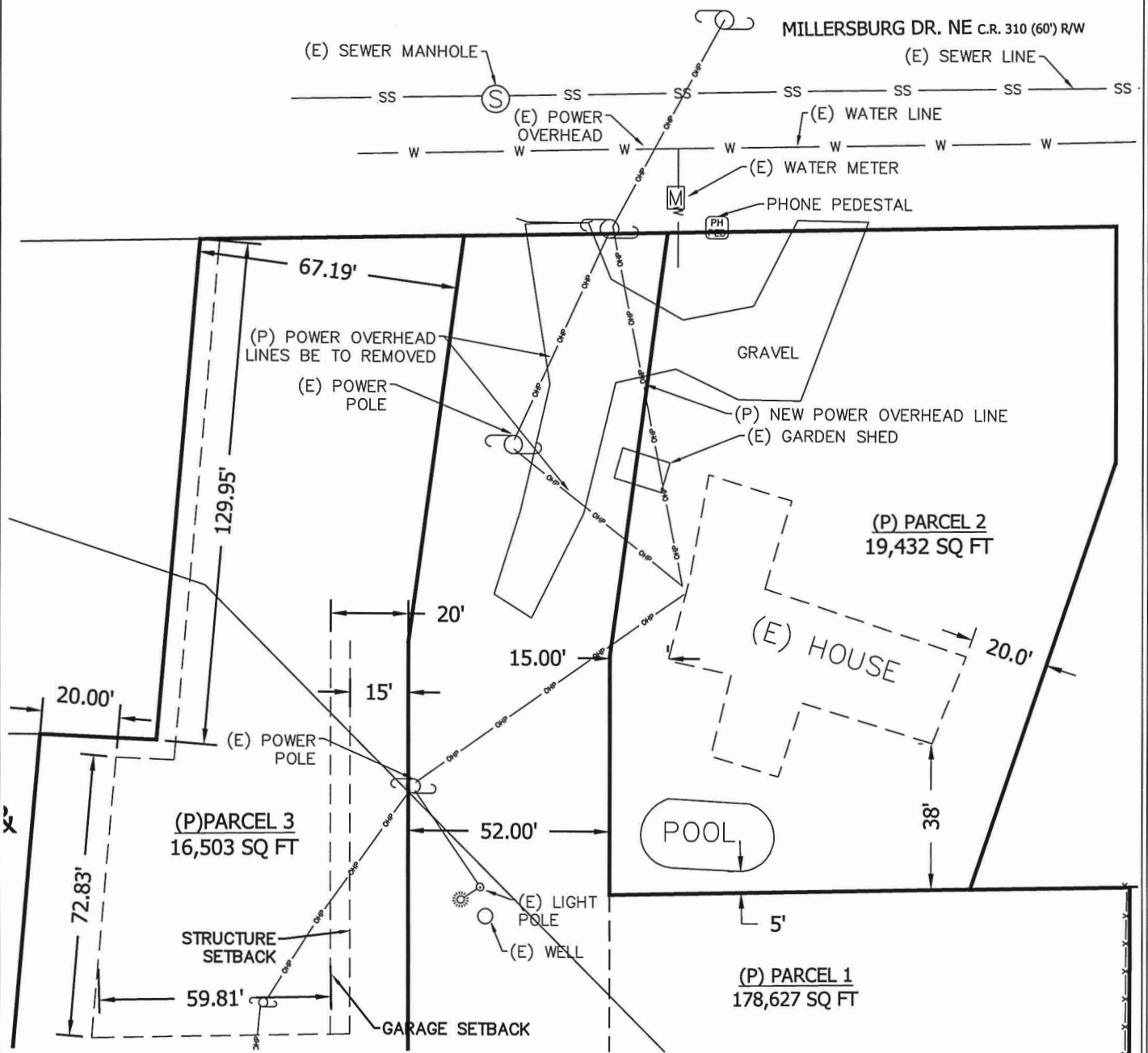
Date 1/24/2019
Project 18-202
WILLS MILLERSBURG
Drawn by GSR, KWD
Checked by KWT

TENTATIVE PARTITION PLAT
HEIDI & STEPHEN WILLS
2764 MILLERSBURG DR. NE
ALBANY, OREGON

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125



SCALE: 1" = 40'



LEGEND

- (E) EXISTING
- (P) PROPOSED
- R/W RIGHT OF WAY
- SQ FT SQUARE FEET

SHEET 2
of 2

SCALE: AS NOTED



Date 1/24/2019
Project 18-202 WILLS MILLERSBURG
Drawn by GSR, KWD
Checked by KWL

TENTATIVE PARTITION PLAT
HEIDI & STEPHEN WILLS
2764 MILLERSBURG DR. NE
ALBANY, OREGON

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

2764 MILLERSBURG DR. NE PARTITION APPLICATION

APPLICATION NARRATIVE

APPLICANT: HEIDI & STEPHEN WILLS

PROPERTY OWNER: STEPHEN & HEIDI WILLS
2764 MILLERSBURG DR. NE
ALBANY, OREGON 97321
541-990-0547

**ENGINEER/
SURVEYOR:** UDELL ENGINEERING AND LAND SURVEYING, LLC
KYLE LATIMER
63 E. ASH ST.
LEBANON, OR 97355
541-451-5125

PROPERTY LOCATION: 10 SOUTH, 03 WEST, 17DD

TYPE OF APPLICATION: 3 PARCEL PARTITION

Overview of Proposal

The proposal is to create three parcels from one existing parcel. Proposed parcel one will be 4.10 acres and would be accessed via a short 52' flag strip. Proposed parcel two will be 0.45 acres for an existing residential dwelling and proposed parcel 3 will be 0.38 acres.

Existing Conditions

The land is currently used as single family residential. Current land use will continue to be the same after the proposed partition is carried out.

Approval Criteria:

City of Millersburg Development Code Criteria are shown in boldface type.

MDC SECTION 2.328 – Decision Criteria: Subdivision or partition tentative plan.

- 1. That the proposed land division, development or use does not conflict with the City's Comprehensive Plan or Statewide Planning Goals.**

This property is zoned as RR-10-UC, Current land uses will continue after this land division is approved and the proposed partition complies with City of Millersburg standards and does not conflict with statewide planning goals.

- 2. That the proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division.**

The proposed partition complies with minimum frontage and area, use and other applicable city code associated with this zone.

- 3. That the proposed land division complies with the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.**

Upon approval, a final partition plat will be prepared and recorded with Linn County meeting the standards and requirements of ORS Chapter 92 and the recording requirements of the Linn County Surveyor.

- 4. That any undeveloped portion of the proposed land division can be developed in accordance with City ordinances.**

Proposed parcel 1 would result in a 4.10 acre tract and would be the only parcel that could arguably be further developed. We believe that due to the depressed topography, floodplain encumbrance, drainage ditch bisection, and the large depth to width ratio of the parcel, further future development is not likely desirable or economically feasible.

- 5. That the proposed land division does not preclude development on adjoining properties.**

The proposed land division will not affect development on adjoining properties.

- 6. That the proposed street plan is in conformance with City standards and provides the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.**

Not applicable to this proposal.

- 7. That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use in compliance with the Albany Construction Standards adopted the City of Millersburg.**

Proposed parcel 1 and 3 have availability to connect to city water, sewer, and franchise utilities currently in place if/when dwellings are placed on the parcels. Parcel 2 has existing utilities servicing the dwelling.

- 8. That the proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.**

Not applicable to this proposal.

- 9. That the land division will not cause adverse impacts to existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.**

The proposed low density configuration would not cause adverse impacts to existing drainage patterns or flood waters displacement.

- 10. That the land division will not cause adverse impacts, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan and complies with the applicable standards of all regulatory agencies having jurisdiction.**

No development is proposed at this time, however the nature of proposal would not conflict with the considerations listed in "Item 21"

- 11. That the land division will not cause adverse impacts to special site features identified in Section 2.140, Item 15 of the Application Site Plan.**

The attached tentative plat depicts the location of existing drainage way and floodplain and also depicts the buildable area outside those areas.

- 12. That the land division will not cause adverse impacts such as erosion, slide hazards and stormwater runoff due to excessive cut and fill of the property.**

No development is proposed at this time, however, the parcels can be developed (single family dwellings) without excessive cuts or fills that would adversely impact the potential for erosions hazards and increased runoff.

- 13. That the land division will not cause adverse impacts to existing trees and plantings identified in Section 2.140, Item 15 of the Application Site for preservation.**

No trees are being removed as part of this application.

- 14. That the Special site features identified in Section 2.324 (7) have been given consideration for preservation and utilization in the development.**

Not applicable to this proposal.



TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: February 8, 2019
SUBJECT: 2764 Millersburg Dr NE – Residential Land Partition - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

****These comments apply to future development & additions only****

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If several lots share an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

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

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

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

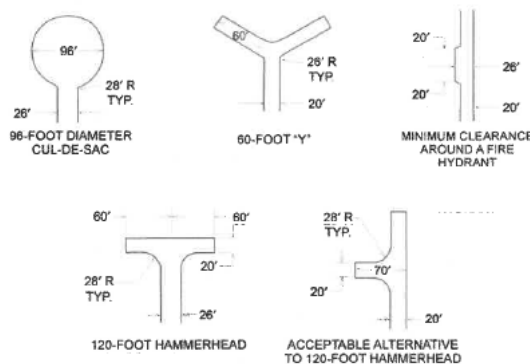


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

3. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC D105)

Page 2
February 8, 2019

4. Private fire apparatus access roadways shall be permanently marked “NO PARKING—FIRE LANE” using a combination of “YELLOW” painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)
 - Roads 20 to 26 feet in width – Posted both sides at 50-foot intervals
 - Roads more than 26 feet in width – Posted on one side (as approved) at 50-foot intervals
5. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)
6. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.

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

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

The location and spacing requirements for fire hydrants are based on four project-specific criteria:

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

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

- a. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)
- b. Required fire hydrant spacing will be based upon your required fire flows as determined by OFC Appendix C105.1 and Table C105.1. Please note that dead end roads require a reduced spacing.
- c. Existing fire hydrant spacing. In addition, OFC Section C105.10; requires the placement of additional hydrants along all of your required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through your private property with spacing requirements per Appendix C 105.1. (See *2012 ICC Commentary*, Appendix C-1, Section C103.1).

8. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in Lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select one or more of the following standard(s) to address the inadequacies pertaining to structures built on the affected parcels. The first choice is to have the buildings on the lots affected, protected by a NFPA 13D fire suppression system.

- a. Installation of an NFPA Standard 13D fire suppression system;
- b. Installation of a partial NFPA Standard 13D fire suppression system;
- c. Installation of additional layers of 5/8 inch, Type-X gypsum wallboard;
- d. Installation of fire-resistive compartmentalization of dwellings to limit the spread of fire by use of fire-resistant building elements, components or assemblies. Fire resistance ratings shall be determined in accordance with the Oregon Structural Specialty Code;
- e. Installation of fire-resistive exterior wall covering and roofing components; or
- f. Provide fire separation containment in accordance with the default standards as set forth in the Wildland-Urban Interface rules adopted by the Oregon Department of Forestry (See OAR 629-044-1060).

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

LAR/lar



NOTICE OF PUBLIC HEARING
February 19, 2019, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The **MILLERSBURG PLANNING COMMISSION** will hold a public hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may appear and testify at the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

APPLICANTS: Heidi & Stephen Wills
LOCATION: 2764 Millersburg Dr (see map opposite page)
TAX LOT: Township 10 South; Range 3 West; Section 17DD; Tax Lot 200
PARCEL SIZE: 4.93 Acres
ZONING: Rural Residential 10 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide 4.93 acres into 3 Parcels.
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: PA 19-03

The location of the hearing is accessible to people with disabilities. 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 (541) 928-4523.

Vicinity Map PA 19-03



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



Proposal: The applicant is proposing a facility that would transfer rail contents in shipping containers to trucks and from trucks to rail. The intent is to connect the International Port of Coos Bay with I-5 for containers and international shipping. The contents of the shipping containers will generally be agricultural, though the facility is not limited to these products. The application indicates that the facility could serve up to 76,340 containers a year. The site has been designed to accommodate cold storage as well. The application has indicated that the use, located on a portion of the old Albany Paper Mill site, will consist of:

- Two existing structures, one 60,750 square foot storage structure to be renovated to a shop and storage area, and another 7,000 square foot structure to be used as multi-use office spaces,
- Revised landscaping and site work on the project frontage,
- Offsite revisions to existing railroad track layout/design,
- Onsite revisions to the existing railroad track layout,
- Truck path revisions to the site, including the use of the existing truck queuing areas near Old Salem Road, and new truck queuing areas internal to the site,
- Two new stormwater basins,
- And a new truck loading area with a gravel finish and lighting.

The applicant has indicated that the proposed use is Phase 1 and takes only a portion of the property. Any future use of the site outside the area identified as Phase 1 will require additional entitlements. The intermodal facility would operate on a five-day work week, each day consisting of a ten hour shift. The site would be operational 261 days of the year, accounting for weekday holidays and weekends. Although the intermodal facility will operate at these hours, the site will be inhabited 24 hours a day, 365 days a year as truckers could use it as truck stop.

I. BACKGROUND

- A. Applicant: Linn Economic Group
- B. Location: 3160, 3251, and 3435 NE Old Salem Road.
- C. Review Type: The proposed Site Development Review requires a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on February 19, 2019. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 100 feet of the proposed location, posted in City Hall on January 4, 2019, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>

- E. Review Criteria: Article 2 §2.400(2) Site Plan Review Criteria
- F. Current Zoning: General Industrial (GI)
- G. Proposed Zoning: N/A
- H. Property Size: The project will utilize a portion of the existing property. Identified as Phase 1, the proposed use will use 56.36 acres of the 131.91 acre property.
- I. Background: The following was provided by the applicant in their narrative:

The 2017 Oregon Legislature authorized funding for a truck-to-rail transloading facility in the mid-Willamette Valley through the ODOT Connect Oregon program. The Albany-Millersburg Economic Development Corporation (AMEDC) identified the former Albany Paper Mill properties as a viable candidate to site the facility, given the access to two rail lines, interstate highway, and proximity to shippers. AMEDC formed the Linn Economic Development Group (LEDG) to manage the effort.

This application focuses on the former Albany Paper Mill site on the east side of Old Salem Road. See Exhibit B. Western Kraft opened the Albany Paper Mill in 1955 to produce kraft paper from leftover wood fibers and wood chips from sawmills. It would eventually expand to occupy approximately 75 acres of the 131.91-acre property. Albany Paper Mill was sold to Willamette Industries in 1967, to Weyerhaeuser in 2002, and to International Paper (IP) in 2008. It closed in late 2009. Demolition of the former paper mill and related buildings took place over a four-year period from 2011 to 2015. Two buildings remain.

The property is situated in the City of Millersburg. The Millersburg Land Use Development Code regulates the use of land within the city limits. The subject property is designated as General Industrial on the Millersburg Zoning Map. See Exhibit D. The proposed Intermodal Transfer Center is a permitted use, subject to Site Plan Review.¹ The Millersburg Land Use Development Code classifies the decision process for Site Plan Review as a Limited Land Use Decision.² The authority to render a decision on Site Plan Review is vested in the Planning Commission.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's materials were transmitted to the following agencies/departments on January 2, 2019: City of Albany, Albany Fire Department, Linn County Sheriff's Office, City of Millersburg Engineer, Oregon Department of State Lands (DSL), PacificCorp, Linn County Planning and Building Department, Linn County GIS, Northwest Natural Gas, United States Postal Service, and Republic Services. To date, the following comments have been received:

- Department of State Lands email dated January 15, 2019 - Conditions added
- City Engineer memo dated February 5, 2019 - Conditions added
- ODOT email dated January 15, 2019 – No conditions requested
- Albany Fire letter dated January 4, 2019 - Conditions added

Public:

Notice of the February 19, 2019 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable site plan review criteria are from section 2.400(2). The information below is in addition to a narrative provided by the applicant and included as Exhibit D.

(2) Decision Criteria. After an examination of the Site and prior to approval, the Planning Commission must make the following findings:

(a) That the proposed development or use does not conflict with the City's Comprehensive Plan.

ANALYSIS: Section 9 of the Comprehensive Plan contains a list of Land Use Goals and Policies. Section V of this report goes through the pertinent policies from the Comprehensive Plan. In summary, based on staff's review, the project is consistent with the plan. It should be noted, as discussed in more detail below, the project must implement a required trail along the project's frontage with Old Salem Road. The plans do not show the trail; however, a condition of approval requires that one be added. This is required in order to comply with many goals and policies of the Comprehensive Plan.

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

PROPOSED CONDITIONS OF APPROVAL:

- Prior to issuance of building permits, the applicant shall submit for review and approval a revised site plan showing the following:
 - A Shared Use Path/Trail shall be added to the site plan, to the satisfaction of the City Planner, that shows a trail spanning the improved property along Old Salem Road, consistent with the Transportation System Plan (TSP).
- Prior to occupancy the applicant shall construct the Shared Use Path/Trail as required by the City's TSP.

(b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.

ANALYSIS: Based on staff's review of the intermodal center, the project meets all zoning ordinance requirements and development standards from the Millersburg Zoning Code. Ordinance 94 addresses noise and potential noise nuisances in the City. Due to the nature of the proposed use, moving shipping containers from trains to trucks and vice versa, there exists the potential of noise from the project. The site is about 2,220 feet from the nearest residential use on Conser Road, or about 1,400 feet to the nearest residence outside the City on the east side of I-5. The applicant's narrative has indicated that the noise will be addressed with the

planned landscaping. The applicant did not submit a noise study to confirm this. As such, staff is proposing the addition of a condition of approval to have the applicant submit a noise study within 6 months of starting operations showing that noise levels at the nearest residential property within and outside the City meet acceptable noise levels.

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

PROPOSED CONDITIONS OF APPROVAL: Within 6 months of starting operations at the facility, the applicant shall provide staff with a noise study showing that noise level measurements emitting from the standard operations of the facility, at the nearest residential properties both inside the City and outside the City (across I-5), are acceptable pursuant to Ordinance No. 94.

(c) That the proposed development will not have an adverse impact on traffic flow or to pedestrian, bicycle and vehicular safety, and future street right-of ways are protected.

ANALYSIS: The applicant has provided a traffic study. The traffic analysis provides an evaluation of the impacts that the proposed facility would have on the City transportation system. The study proposes that the project continue to use the three existing access points, along Old Salem Road, which were already constructed for the previous use. This access featured truck stacking space, which will remain. The study uses the maximum amount of container movement that will be permitted with this permit—38,170 containers per year—in order to evaluate the worst-case possible impacts. The analysis also studies future possible improvements to the interchange points along I-5. The study has recommended an alternative access point to the site for staff and non-truck traffic, one that would align with Arnold Road; though it explains that the existing access, while 350 feet south of Arnold Road, will still be safe to use. Additionally, the study suggests alternative striping for the intersection of Old Salem Road and Century Drive. This is outside the City limits. ODOT submitted a letter supporting the alternative intersection design, but wished to retain the flexibility to waive the requirement should they deem the change not necessary. See proposed condition of approval below. Overall, the study indicated that the proposed project would not impact traffic to the point where any significant mitigation (road construction or signalization) is needed.

However, the study did not include any analysis of pedestrian or bike requirements. Though bike lanes already exist on both sides of Old Salem Road, the TSP planned for a multi-use shared trail on the east side of the road as shown on, and required by, figure 9 of the TSP. This figure shows the required path on the east side of Old Salem Road. The project is not showing this required trail on the site plans as required in order to be consistent with the City's adopted Transportation System Plan. Therefore, as shown, the project is not consistent with the City's TSP. In order to assure the project complies with the TSP, conditions of approval have been added to require the inclusion of the trail on the final site plans. Construction of the trail would be required prior to the issuance of occupancy permits.

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

PROPOSED CONDITIONS OF APPROVAL:

- Prior to occupancy, pursuant to a recommendation from the traffic study and ODOT, the intersection of Old Salem Road and Century Road shall be reconfigured to a traditional intersection geometry and control. The revisions will eliminate northbound left turning trucks from blocking southbound traffic and eastbound left turning trucks from blocking northbound left turning vehicles. The recommended intersection control and configuration is illustrated in the traffic study on Figure 16. ODOT or the City can waive this requirement.
- As recommended by the traffic study, any future project within the undeveloped area near Arnold Lane must relocate the passenger vehicle access currently located to the north of the truck queuing area along Old Salem Road such that the access aligns with Arnold Lane.

(d) That proposed signs or lighting will not, by size, location, color or operation, have an have an adverse impact on traffic, limit visibility or have an have an adverse impact on adjacent properties.

ANALYSIS: The applicant's narrative explains that onsite direction signs are proposed. No other monument signage or otherwise is shown on the plans. Sign permits will be required for any signage not shown on this plan. The project site proposed the addition of lighting in the parking areas and rail yard. None will impact any neighboring property.

FINDING: The project meets the criteria.

(e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use and can be extended in the future to accommodate future growth beyond the proposed land division.

ANALYSIS: The site previously featured a paper mill. Two buildings remain on site, and both are already connected to all required utilities. All utilities are available on the site.

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

(f) That the proposed development or use does not have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and required drainage facilities are provided that have the capacity to serve the proposed development or use.

ANALYSIS: The applicants are proposing the addition of two new stormwater basins. Conceptually the locations of these are acceptable. Additional details are needed to assure the basins function properly. A host of conditions of approval have been added to assure that the stormwater basins function properly, including a requirement for a stormwater basin study.

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

(g) That the proposed development will not have an adverse impact, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site

Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.

ANALYSIS: Section 2.140 Item 21 explains that the applicant is required to identify any emissions that may result from the application. In this case, the only emissions that are anticipated are the exhaust from the planned 300+ additional truck trips per day as identified in the traffic study. The State of Oregon is responsible for monitoring the emissions for diesel trucks, consistent with requirements from the EPA. All trucks using the facility will be required to comply with EPA standards. Additionally, the area surrounding the site is designated Industrial. The proposed use is consistent with other industrial uses near the site.

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

(h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

ANALYSIS: Staff transmitted the project to several different agencies for review. The City Engineer and Albany Fire requested conditions to be added. Those have been added. The DSL and ODOT request some modifications to conditions. Those edits have been made. No other comments were received indicating any conflicts with standards of other jurisdictions.

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 4, specifically the GI zone setbacks, and Chapter 5, Development Standards. The following analysis summary is provided for items that required additional explanation and/or additional conditions of approval to show clear consistency:

SECTION 5.119 WETLANDS & RIPERIAN AREAS

The City of Millersburg requires all applicants to identify riparian areas, wetlands, and floodplains on the application. All applications are required to comply with State Law and with the standards required by this code.

ANALYSIS: The Linn County GIS system shows that some wetlands could be on the site. Staff transmitted the project to the Department of State Lands (DSL) for review. A reply email is attached to this staff report. DSL indicated that they anticipated a study to be submitted to them for concurrence. The applicant indicated that a study has not been commissioned. Based on the layer data shown on the Linn County GIS system, and the follow up email from DSL, staff has added a condition of approval requiring delineation of the site for possible wetlands, to the satisfaction of the City Engineer. Any study will need to be reviewed for concurrence by the DSL.

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

PROPOSED CONDITIONS OF APPROVAL: Prior to the issuance of building or grading permits the applicant shall provide a wetland delineation study and concurrence from the Department of State

Lands, to the satisfaction of the City Engineer. The City Engineer has the ability to waive this requirement.

SECTION 5.122 TRANSPORTATION STANDARDS

(1) General Provisions

(c) Development proposals shall provide their proportional share of the transportation infrastructure necessary to accommodate the proposal, and to ensure the practicality and efficiency of providing adequate services to and through the subject area.

(d) Development proposals shall address the transportation needs of the community by planning for improvements to existing and new transportation facilities to accommodate the vehicle, bicycle, and pedestrian needs of the community, as established by the Millersburg Transportation System Plan.

(e) Development proposals within the City shall comply with the Millersburg Street Plan contained in the Millersburg Comprehensive Plan, including the Millersburg Transportation System Plan.

ANALYSIS: As explained above, the project is not in conformance with the City's Transportation System Plan because it does not show the TSP required shared trail on the east side of Old Salem Road. Staff proposes conditions of approval for the approval and construction of the required trail. With the conditions of approval, the project complies. The trail must be constructed prior to occupancy of the site.

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

(4) Existing Street Improvements

(a) Proposed development on property that is served by an existing public street or right of way that does not meet the City's adopted street standards shall improve the existing street or right of way to accommodate the proposal and bring the street into compliance with City Standards.

ANALYSIS: As explained above, the project is not in conformance with the City's Transportation System Plan because it does not show the TSP required shared trail on the east side of Old Salem Road. A TSP includes standards for streets and trails, including all requirements for trails such as the trail required in the TSP for the east side of Old Salem Road. With the conditions of approval, the project complies. The trail must be constructed prior to occupancy of the site.

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

(5) Street Design Considerations for Subdivision, Partition, Site Plan Review, Conditional Use or variance approval:

(a) Street Trees shall be provided as specified in Section 5.134

ANALYSIS: See analysis for Section 5.134 below.

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

SECTION 5.134 LANDSCAPING

All properties shall be landscaped and maintained according to the standards contained herein.

(2) Tree Plantings. Tree plantings in accordance with the following standards are required:

a. Street Tree Minimum spacing

- 1. Large Canopy Trees- 50 feet**
- 2. Medium Canopy Trees- 30 feet**

b. Parking Lot Minimum Tree spacing

- 1. Medium Canopy Trees- 1 tree per 8 cars**
- 2. Large Canopy Trees- 1 tree per 12 cars**

e. Trees may not be planted under the following conditions unless approved by the City

- 1. Three feet from permanent hard surface paving or walkways unless using special planting techniques and specifications approved by the City**
- 3. Large Canopy Trees- 1 tree per 12 cars**

ANALYSIS: The application did not include a landscape plan. A condition of approval has been added to require a landscape plan that fully conforms with all provisions of Section 5.134.

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

PROPOSED CONDITIONS OF APPROVAL:

- Prior to the issuance of any building permits, the applicant shall submit full, detailed landscape plans for staff review. Said landscape plans shall fully conform with all provisions of Section 5.134 including street trees and parking area landscaping.
- All required landscaping shall be installed prior to occupancy.

SECTION 5.135 EXTERIOR LIGHTING

Street lighting shall be provided in all subdivisions and in all commercial and industrial parking lots unless exempted by the Planning Commission as part of the City's review procedures.

(3) On-site lighting is required to protect the safety and welfare of employees, occupants, users, customers, and the general public. Exterior lighting shall be provided in parking lots and may be provided elsewhere.

ANALYSIS: The application materials showed existing lighting to remain in the parking areas. Additionally, the applicant's narrative explained:

Existing exterior lighting would illuminate employee parking lots and transloading facilities. Seven new 5-head LED lights are proposed to be added to the railyard. Additional lights would be introduced if necessary. Lighting is designed to not face directly or reflect glare into on-coming traffic along Old Salem Road or adjacent

residences or residential districts. Lights within the airport overlay will be directed downward as to avoid creating hazards for pilots.

While the new lighting in the loading is shown, the existing lighting in the parking areas do not seem to sufficient to satisfy Section 5.135(3) shown above. The truck parking area is intended to allow overnight truck parking, intended for the drivers to be able to sleep inside the vehicles. As such, lighting is essential to provide safety for occupants. To assure compliance with this standard a condition of approval has been added to require a lighting plan be submitted showing that the entire parking area (truck and passenger) will be fully lighted with down facing, shielded lighting to assure compliance with the airport requirements.

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

PROPOSED CONDITIONS OF APPROVAL: Prior to the issuance of building permits, the applicant shall submit full, detailed lighting plans and lighting schedules (cut sheets) for staff review. Said lighting plans shall fully conform with all provisions of Section 5.135.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

City of Millersburg Comprehensive Plan

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The applicant's narrative, starting on page 3, goes into extensive detail on the project's compatibility with the requirements of the comprehensive plan. Staff concurs with the applicant's findings and includes them as part of the record. As explained above, the shared use path/trail required by the Transportation System Plan has been added as a condition of approval and is required in order to comply with the provisions of the Comprehensive Plan. Specifically this is required to comply with Section 9.590 Goal 1 and 2 and Industrial Policies 1, 3, 4, 2, 3, 4, 5, 6, 7, 10, 11, Open Space and Scenic Resources Policies, 1, 6, 7, 8, Section 9.690 Parks Policies 3, and 7 as well as compliance with the Transportation System Plan which is, by extension, a part of the Comprehensive Plan.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria, and staff recommends the Planning Commission approve Application No. SP 18-02 pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted preliminary site plans included as Exhibit C, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.
2. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
3. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to construction.
4. All new construction of public infrastructure, including roads, water, sewer, and storm drainage, must be submitted for review and approval by the City of Millersburg through a Private Construction of Public Infrastructure (PCPI) permit. All work within the public right-of-way shall be designed by a licensed engineer and performed by a licensed contractor in conformance with the Albany Standard Construction Specifications as adopted by the City of Millersburg or the Linn County requirements where within the Old Salem Road right-of-way. The plans shall be in substantial conformance with the tentative map and demonstrate the placement of all existing and proposed utilities underground.
5. Any public utilities required to serve the site must be constructed by the applicant and accepted by the City. Any lines crossing Old Salem Road must conform to Linn County requirements. All portions of water, sewer, or stormwater utilities constructed within public road right-of-ways shall be public.
6. Applicant is required to construct a sidewalk or path along the eastern side of Old Salem Road, consistent with the City of Millersburg Transportation System Plan (TSP).
7. Any required street signage and street lighting shall be approved by the City Engineer and installed.
8. All agreements required as conditions of this approval must be signed and recorded.
9. Install or replace, to Linn County specifications, all sidewalks, curb ramps, or driveways which are damaged, deteriorated, or removed by construction along Old Salem Road frontage.
10. Proposed landscape buffers may not be adequate to address all noise concerns. Applicant shall conduct a post construction noise study to demonstrate there are no noise impacts of concern to the City at the interface between the residential and industrial zones caused by this project. Additional noise mitigation measures may be required.
11. As recommended by the traffic study, any future project within the undeveloped area near Arnold Lane must relocate the passenger vehicle access currently located to the

north of the truck queuing area along Old Salem Road such that the access aligns with Arnold Lane.

Prior to Building Permit:

12. Prior to the issuance of building or grading permits the applicant shall provide a wetland delineation study and concurrence from the Department of State Lands, to the satisfaction of the City Engineer. The City Engineer has the ability to waive this requirement.
13. Prior to the issuance of any building permits, the applicant shall submit full, detailed landscape plans for staff review. Said landscape plans shall fully conform with all provisions of Section 5.134 including street trees and parking area landscaping.
14. Prior to the issuance of any building permits, the applicant shall submit full, detailed lighting plans and lighting schedules (cut sheets) for staff review. Said lighting plans shall fully conform with all provisions of Section 5.135.
15. Prior to issuance of building permits, the applicant shall submit for review and approval a revised site plan showing the following:
 - A Shared Use Path/Trail shall be added to the site plan, to the satisfaction of the City Planner, that shows a trail spanning the improved property along Old Salem Road, consistent with the Transportation System Plan.

Prior to Any Ground Disturbing Activity:

16. The applicant's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing, and treatment of stormwater runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.
17. Obtain a 1200C Erosion Control Permit for all the disturbed ground, both on and offsite that is in excess of one acre in addition to meeting all Albany Construction Standards (ACS). The applicant shall follow the latest requirements from the Department of Environmental Quality (DEQ) for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to any ground disturbing activities.
18. Applicant shall design stormwater detention facilities as required to meet city standards. Stormwater calculations shall be submitted to the City Engineer for review and approval. If applicable, design stormwater detention basins per the criteria in the City of Albany Engineering Standards E.8.00 – Stormwater Detention, except "City of Albany" shall be replaced with "City of Millersburg." Maintenance of detention basin shall be the responsibility of the applicant.

19. Stormwater from the southern part of the project area discharges to Murder Creek. Stormwater from the northern portion of the project area discharges to an unnamed tributary of Murder Creek that flows beneath Old Salem Road. Applicant shall be responsible for any required industrial stormwater discharge permits.

Prior to Occupancy:

20. Prior to occupancy the applicant shall construct the Shared Use Path/Trail as required by the City's TSP.

21. Prior to occupancy, pursuant to a recommendation from the traffic study and ODOT, the intersection of Old Salem Road and Century Road shall be reconfigured to a traditional intersection geometry and control. The revisions will eliminate northbound left turning trucks from blocking southbound traffic and eastbound left turning trucks from blocking northbound left turning vehicles. The recommended intersection control and configuration is illustrated in the traffic study on Figure 16. ODOT or the City can waive this requirement.

22. All required landscaping shall be installed prior to occupancy.

23. Prior to occupancy the applicant shall provide a clearance letter from the Albany Fire Department indicating the all items listed in their January 4, 2019 letter have been satisfied. Specifically the following noted items must be addressed:

a. The Fire Department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

- i. 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 Departments' communication systems the exterior of the building [see OFC Appendix J]. (OFC 510; OSSC 915)
- ii. Commercial developments which exceed three stories or 30' in height or have a gross building area of more than 62,000 square feet 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)

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

- iii. 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)

- iv. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
- b. 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)
- c. The location and spacing requirements for fire hydrants are based on four project-specific criteria:
 - i. The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
 - ii. The calculated "fire flow" of the proposed building(s).
 - iii. The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.
 - iv. The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.
- d. The requirements for fire hydrants for this proposed project will be based on the following requirements:
 - i. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)
 - ii. Required hydrants based on the required fire flow as calculated in accordance with OFC 503.7 and OFC Appendix B. The minimum number of fire hydrants is determined by OFC Table C105.1.
 - iii. Required fire hydrant spacing will be based upon applicant's required fire flows as determined by OFC Appendix C105.1 and Table C105.1. Please note that dead end roads require a reduced spacing.
 - iv. Fire hydrant spacing along new/required fire apparatus access roads. In addition, OFC Section C103.1 requires the placement of additional hydrants along all of applicant's required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through applicant's private property with spacing requirements per Appendix C 105.1. (See 2009 ICC Commentary, Appendix C-1, Section C103.1)

Within 6 months of the start of operation:

- 24. Within 6 months of starting operations of the facility, the applicant shall provide staff with a noise study showing that noise level measurements emitting from the standard operations of

the facility, at the nearest residential properties both inside the City, and outside the City (across I-5), are acceptable pursuant to Ordinance No. 94.

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.

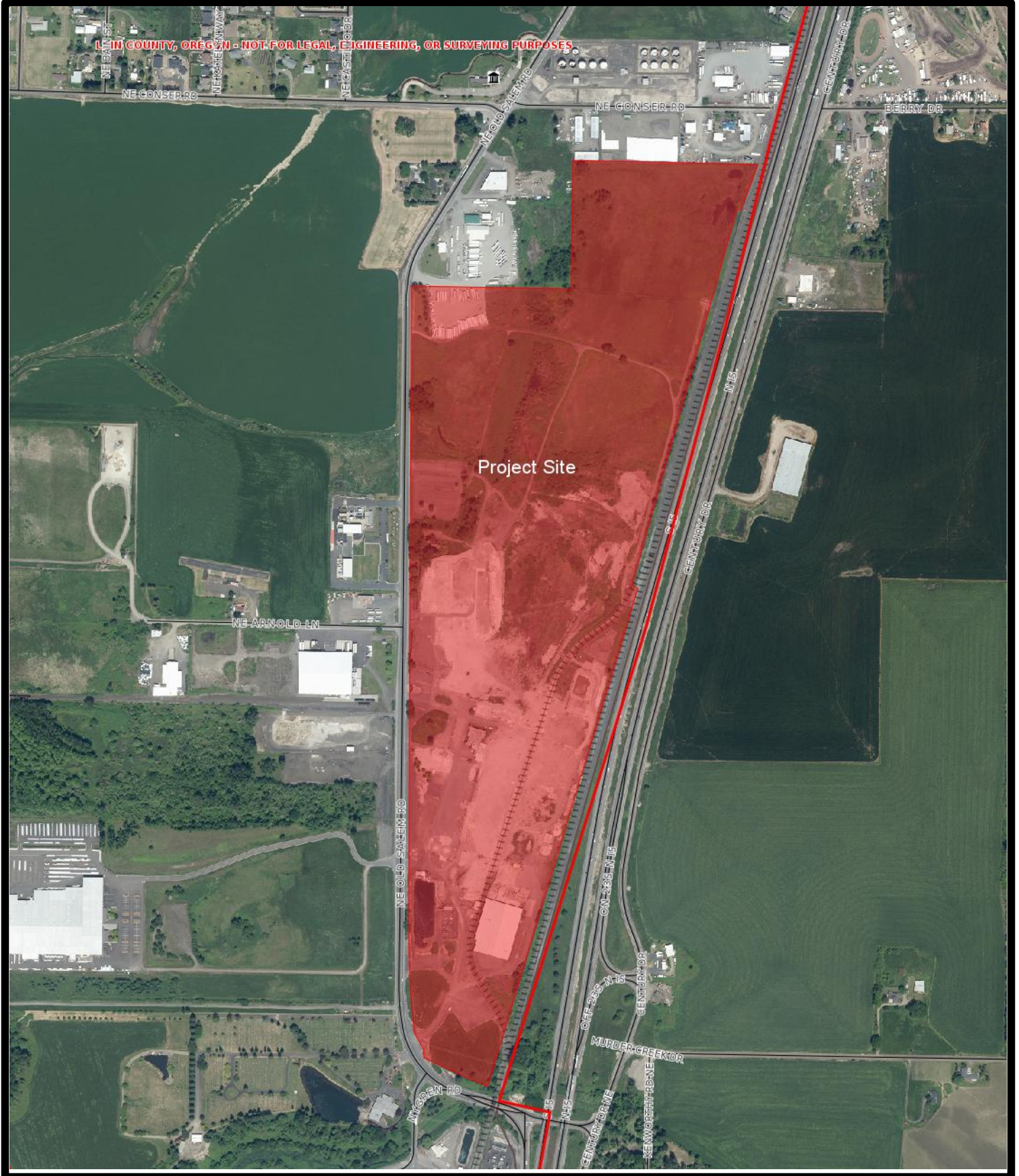
1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. The developer is responsible for all costs associated with any remaining public facility improvements and shall ensure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
3. Any grading in excess of 50 cubic yards requires a City of Millersburg Grading Permit.
4. **This approval is valid for a period of two (2) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
5. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
6. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 6.164 of the Millersburg Development Code.
7. 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.
8. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
9. 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.
10. In the event there is engineered fill on any public roads or lots, the applicant's soils engineer and testing lab shall obtain and record compaction tests and submit results for the review and approval of the City Engineer.
11. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.

12. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
13. 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.
14. All construction sites shall be maintained in a clean and sanitary condition at all times including construction debris, and food and drink waste. All waste shall leave 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.

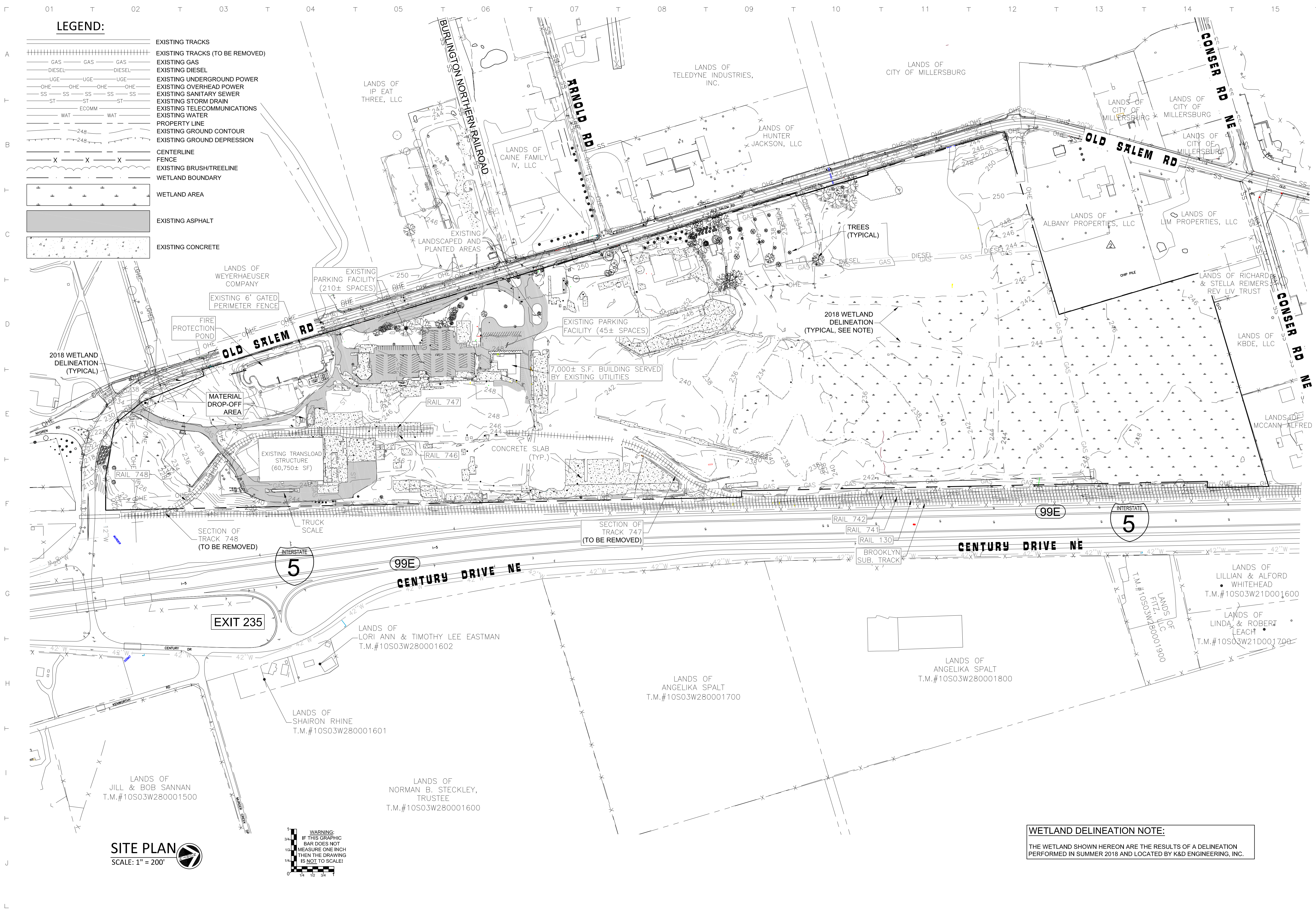
X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan and Description (sheets 0.0 through 1.6)
- D. Applicant's Narrative
- E. Applicant's Traffic Study (not included in this packet due to size, but can be viewed online at <http://cityofmillersburg.org/current-planning-applications/>)
- F. Consent of landowner to proceed with application
- G. Department of State Lands email dated January 15, 2019
- H. City Engineer memo dated February 5, 2019
- I. ODOT email dated January 15, 2019
- J. Albany Fire letter dated January 4, 2019
- K. Public Hearing Notice

Vicinity SP 18-02



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



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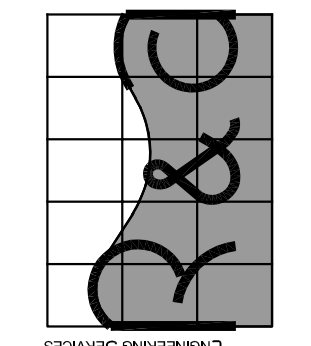
- EXISTING TRACKS
- EXISTING TRACKS (TO BE REMOVED)
- GAS
- DIESEL
- UGE
- OHE
- SS
- ST
- ECOMM
- WAT
- PROPERTY LINE
- EXISTING GROUND CONTOUR
- EXISTING GROUND DEPRESSION
- CENTERLINE
- FENCE
- EXISTING BRUSH/TREELINE
- WETLAND BOUNDARY
- WETLAND AREA
- EXISTING ASPHALT
- EXISTING CONCRETE

SITE PLAN
SCALE: 1" = 200'

WARNING:
IF THIS GRAPHIC
BAR DOES NOT
MEASURE ONE INCH
THEN THE DRAWING
IS NOT TO SCALE!

WETLAND DELINEATION NOTE:
THE WETLAND SHOWN HEREON ARE THE RESULTS OF A DELINEATION PERFORMED IN SUMMER 2018 AND LOCATED BY K&D ENGINEERING, INC.

Reece & Associates, Inc.
321 first avenue east, suite 3a
albany, oregon 97221
phone: 541-926-2428
fax: 541-926-2456



REGISTERED PROFESSIONAL
ENGINEER
11,749
Digital Signature
OREGON
JULY 16, 1992
DAVID J. REECE
EXPIRES 12/31/18

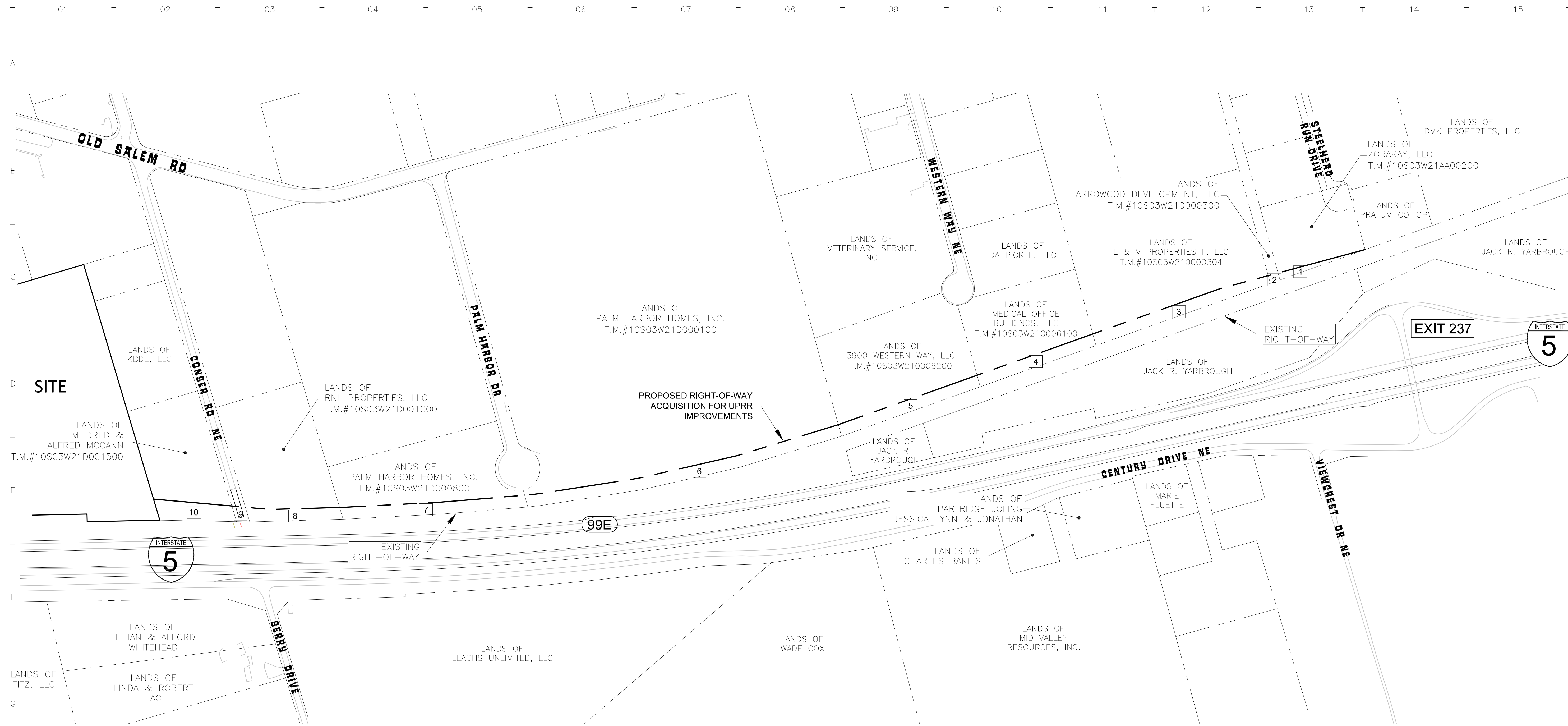
MID-WILLAMETTE VALLEY INTERMODAL CENTER
EXISTING SITE CONDITIONS
LINN ECONOMIC DEVELOPMENT GROUP
MILLERSBURG, OREGON

PLAN REVISIONS		
No.	DATE	BY

R&D PROJECT NO.
LED1801
DATE 11-12-18
DESIGNED M. RICCIPELLI
ENGINEER D. REECE
CHECKED R. CATLIN
SCALE AS INDICATED

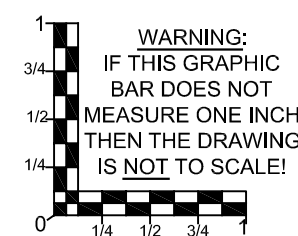
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RIGHT-OF-WAY PLAN

SCALE: 1" = 200'

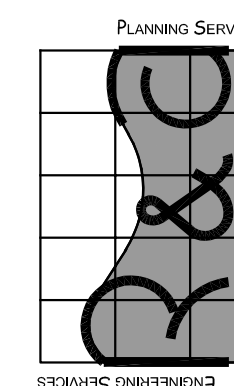


WARNING:
IF THIS GRAPHIC BAR DOES NOT MEASURE ONE INCH THEN THE DRAWING IS NOT TO SCALE!

RIGHT-OF-WAY ACQUISITION FOR PHASE 1

	TAX MAP NO. / LAND PARCEL	OWNER(S)	AREA REQUIRED (S.F./ ACRES)
1	10S03W21AA00200	ZORAKAY, LLC	5,310 / 0.122
2	10S03W210000300	ARROWOOD DEVELOPMENT, LLC	1,214 / 0.028
3	10S03W210000304	L & V PROPERTIES II, LLC	32,809 / 0.753
4	10S03W210006100	MEDICAL OFFICE BUILDINGS, LLC	22,767 / 0.523
5	10S03W210006200	3900 WESTERN WAY, LLC	27,263 / 0.625
6	10S03W210000100	PALM HARBOR HOMES, INC.	59,665 / 1.37
7	10S03W210000800	PALM HARBOR HOMES, INC.	34,318 / 0.788
8	10S03W210001000	RNL PROPERTIES, LLC	17,834 / 0.41
9	10S03W210001500	MILDRED & ALFRED MCCANN	21,756 / 0.499
10	CONSER ROAD	LINN COUNTY RIGHT-OF-WAY	3,094 / 0.089
		TOTAL	226,030 / 5.19

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Fax: 541-926-2456



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DAVE J. REECE

EXPIRES 12/31/18

**MID-WILLAMETTE VALLEY INTERMODAL CENTER
RIGHT-OF-WAY ACQUISITION PLAN**

LINN ECONOMIC DEVELOPMENT GROUP
MILLERSBURG, OREGON

PLAN REVISIONS

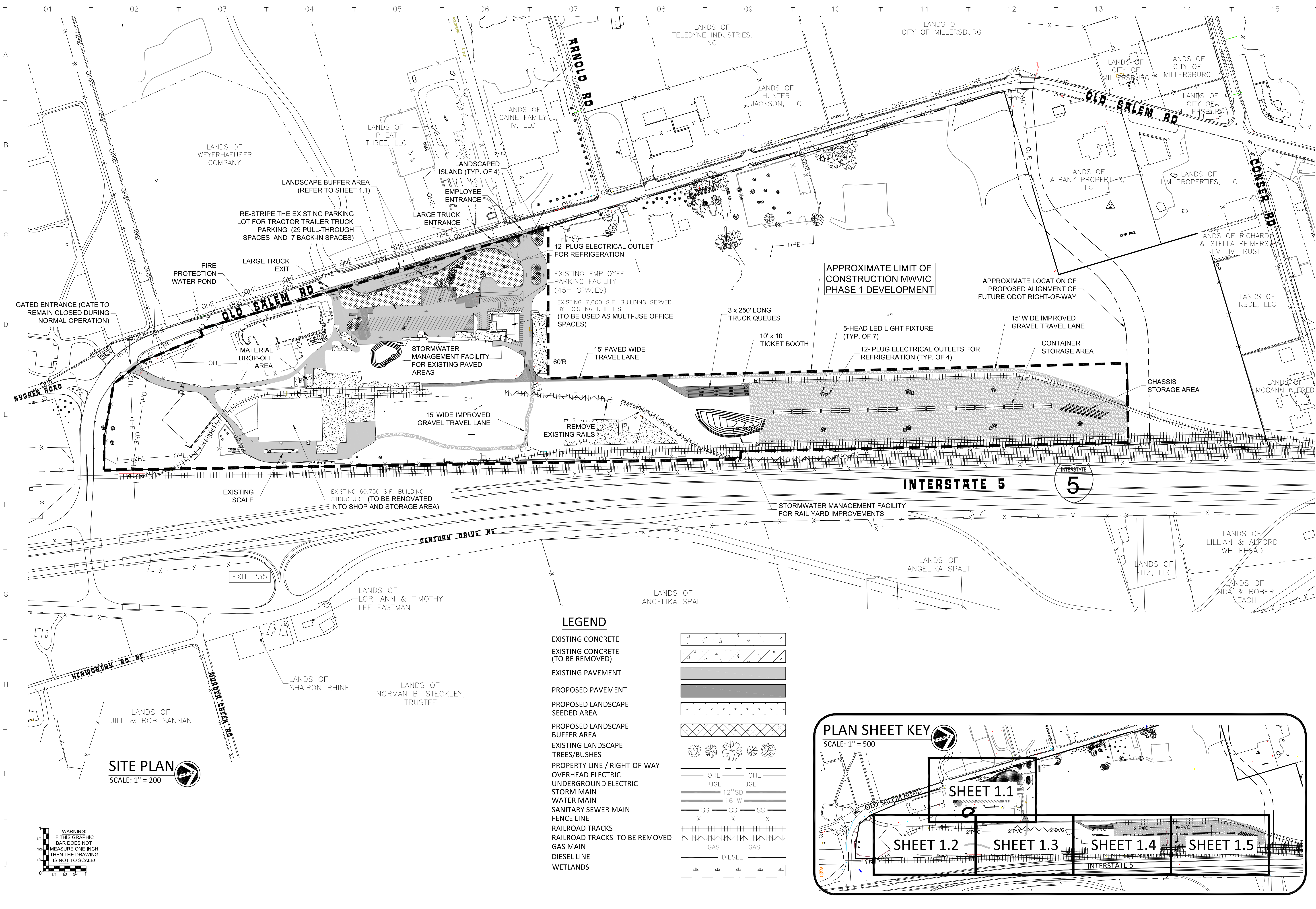
No.	DATE	BY

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LED1801

DATE 11-12-18
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ENGINEER D. REECE
CHECKED R. CATLIN
SCALE AS INDICATED

SHEET NUMBER _____

0.2

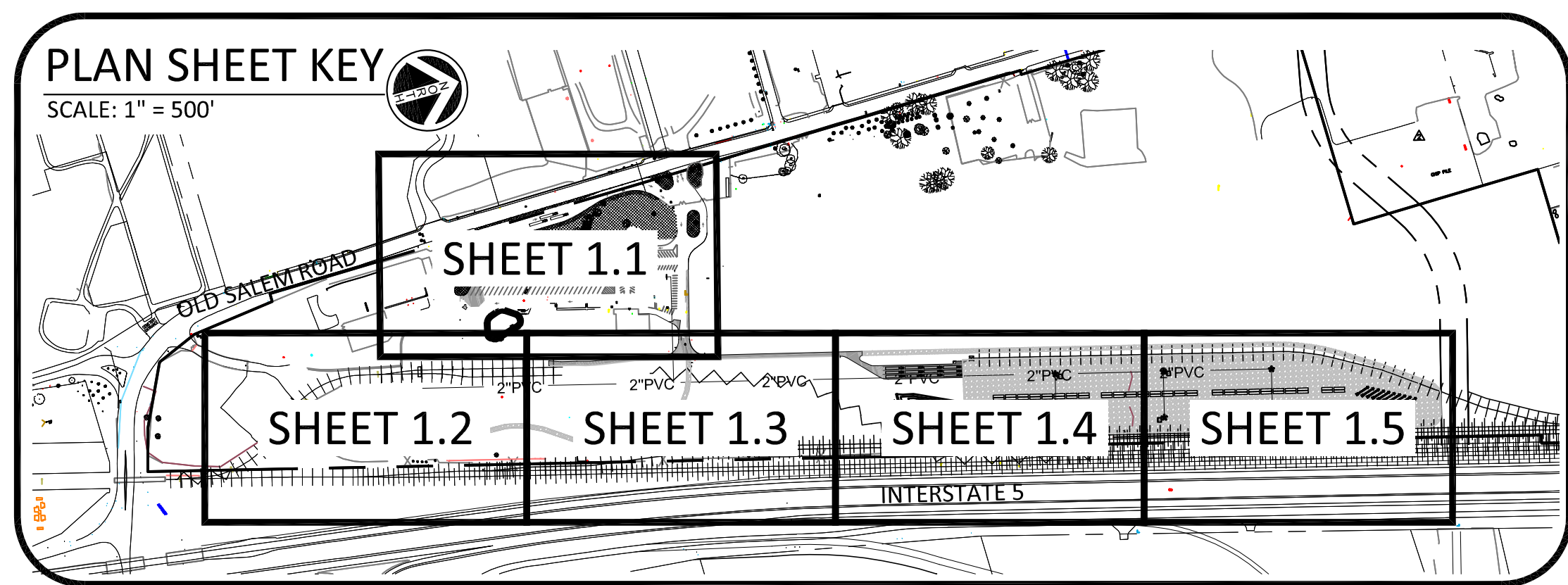


SITE PLAN
SCALE: 1" = 200'

WARNING:
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LEGEND

EXISTING CONCRETE	
EXISTING CONCRETE (TO BE REMOVED)	
EXISTING PAVEMENT	
PROPOSED PAVEMENT	
PROPOSED LANDSCAPE SEEDED AREA	
PROPOSED LANDSCAPE BUFFER AREA	
EXISTING LANDSCAPE TREES/BUSHES	
PROPERTY LINE / RIGHT-OF-WAY	
OVERHEAD ELECTRIC	OHE - OHE
UNDERGROUND ELECTRIC	UGE - UGE
STORM MAIN	12" SD
WATER MAIN	16" W
SANITARY SEWER MAIN	SS - SS
FENCE LINE	X - X
RAILROAD TRACKS	
RAILROAD TRACKS TO BE REMOVED	
GAS MAIN	GAS - GAS
DIESEL LINE	DIESEL
WETLANDS	



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PLANNING SERVICES

ENGINEERING SERVICES

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ENGINEER
11,749

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OREGON
JULY 16, 1992
DAVID J. REECE

EXPIRES 12/31/18

**MID-WILAMETTE VALLEY INTERMODAL CENTER
PHASE I SITE DEVELOPMENT**
LINN ECONOMIC DEVELOPMENT GROUP
MILLERSBURG, OREGON

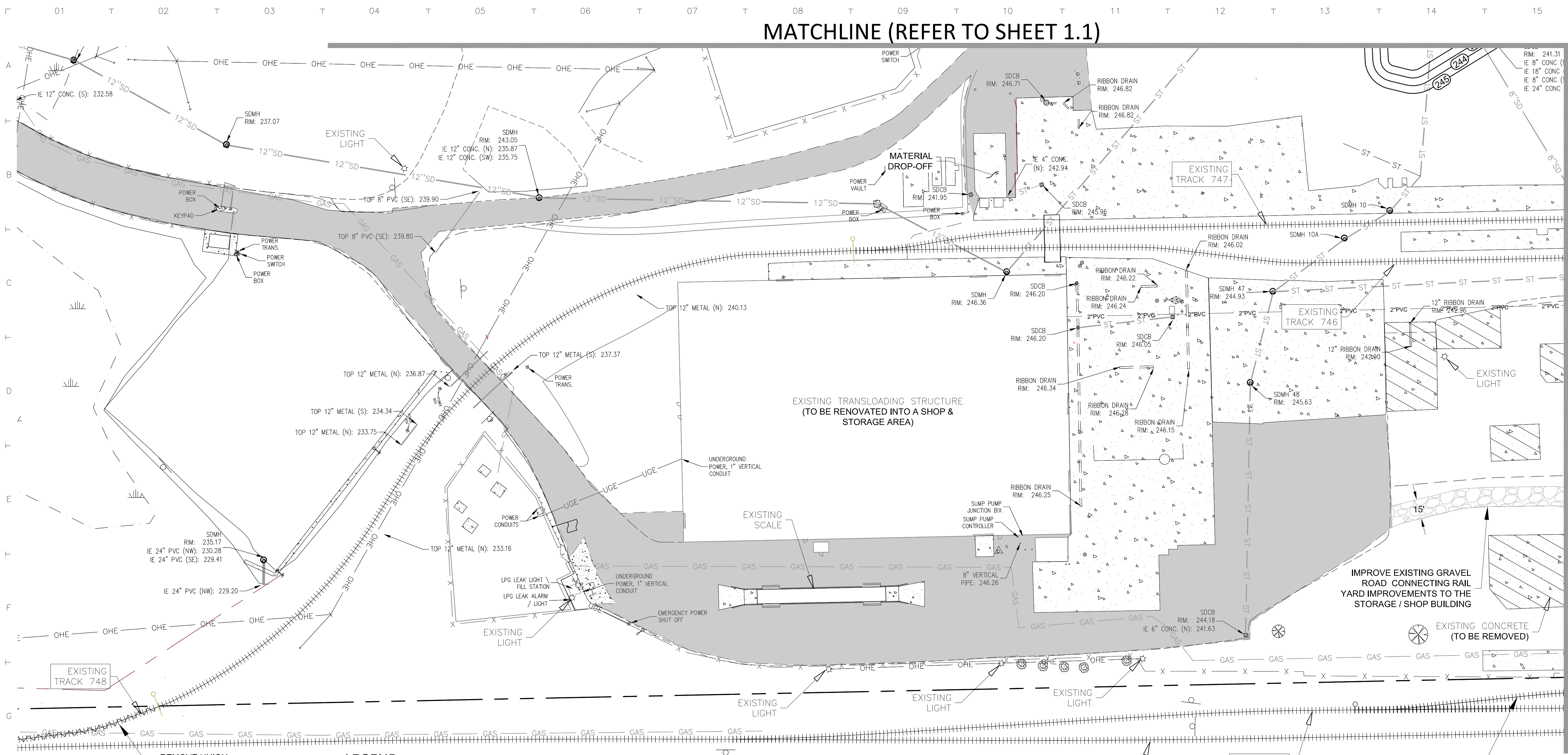
No.	PLAN REVISIONS DATE	BY

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DATE 11-12-18
DESIGNED M. RICCIPELLI
ENGINEER D. REECE
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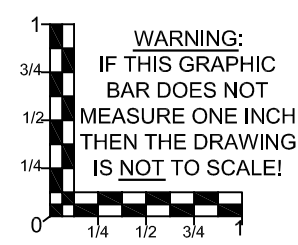
SHEET NUMBER
1.0

MATCHLINE (REFER TO SHEET 1.1)



MATCHLINE (REFER TO SHEET 1.3)

SITE PLAN
SCALE: 1" = 40'



LEGEND

- EXISTING CONCRETE (TO BE REMOVED)
- EXISTING PAVEMENT
- PROPOSED PAVEMENT
- PROPOSED LANDSCAPE SEEDED AREA
- PROPOSED LANDSCAPE BUFFER AREA
- EXISTING LANDSCAPE TREES/BUSHES
- PROPERTY LINE / RIGHT-OF-WAY
- OVERHEAD ELECTRIC
- UNDERGROUND ELECTRIC
- STORM MAIN
- WATER MAIN
- SANITARY SEWER MAIN
- FENCE LINE
- RAILROAD TRACKS
- RAILROAD TRACKS TO BE REMOVED
- GAS MAIN
- DIESEL LINE
- WETLANDS

LIGHTING NOTE (SHEET 1.2):
THE AREA DESCRIBED ON SHEET 1.2 IS LIT BY (6) EXISTING LIGHT POLES. LOCATIONS OF EXISTING LIGHTING TO REMAIN IN PLACE IS NOTED ON THE PLAN.

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fax: 541-926-2456

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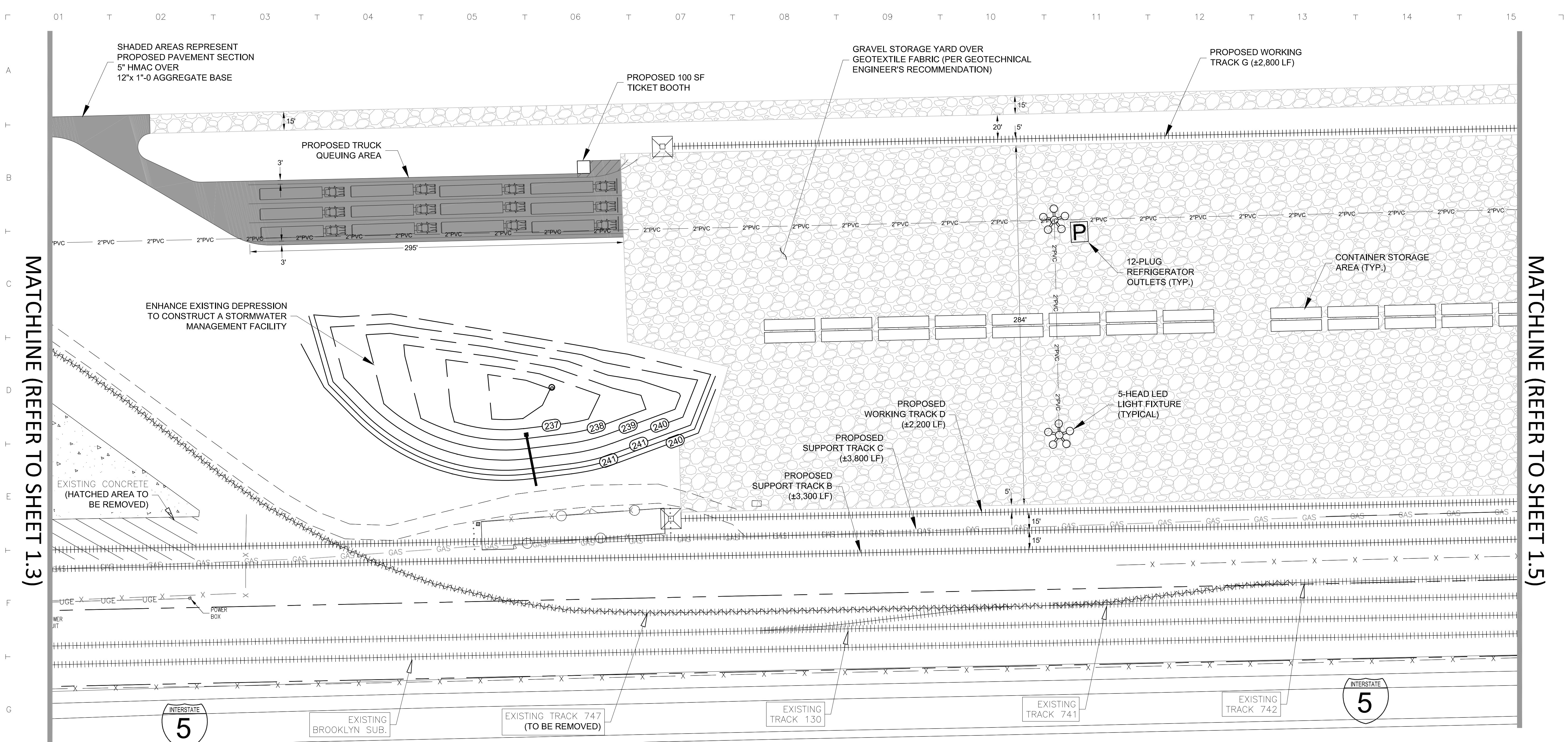
**MID-WILAMETTE VALLEY INTERMODAL CENTER
PHASE 1 RAIL YARD - SOUTH**
LINN ECONOMIC DEVELOPMENT GROUP
MILLERSBURG, OREGON

PLAN REVISIONS	DATE	BY

R & A PROJECT NO.
LED1801
DATE 11-12-18
DESIGNED M. RICCIPELLI
ENGINEER D. REECE
CHECKED R. CATLIN
SCALE AS INDICATED

SHEET NUMBER _____

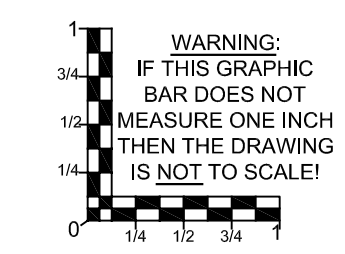
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MATCHLINE (REFER TO SHEET 1.3)

MATCHLINE (REFER TO SHEET 1.5)

SITE PLAN
SCALE: 1" = 40'



LEGEND

EXISTING CONCRETE	
EXISTING CONCRETE (TO BE REMOVED)	
EXISTING PAVEMENT	
PROPOSED PAVEMENT	
PROPOSED LANDSCAPE SEEDED AREA	
PROPOSED LANDSCAPE BUFFER AREA	
EXISTING LANDSCAPE TREES/BUSHES	
PROPERTY LINE / RIGHT-OF-WAY	
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RAILROAD TRACKS	
RAILROAD TRACKS TO BE REMOVED	
GAS MAIN	GAS — GAS
DIESEL LINE	
WETLANDS	

LIGHTING NOTE (SHEETS 1.4 & 1.5):
THE AREAS DESCRIBED ON SHEETS 1.4 & 1.5 DO NOT INCLUDE EXISTING LIGHTING INFRASTRUCTURE AND WILL REQUIRE LIGHTING IMPROVEMENTS. (7) NEW 5-HEAD LED LIGHT FIXTURES ARE PROPOSED. NEW FIXTURE LOCATIONS ARE SHOWN ON THE PLAN.

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11,749

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JULY 16, 1992
DAVID J. REECE

EXPIRES 12/31/18

MID-WILLAMETTE VALLEY INTERMODAL CENTER
PHASE 1 RAIL YARD - CENTRAL (CONTINUED)

LINN ECONOMIC DEVELOPMENT GROUP
MILLERSBURG, OREGON

PLAN REVISIONS	DATE	BY

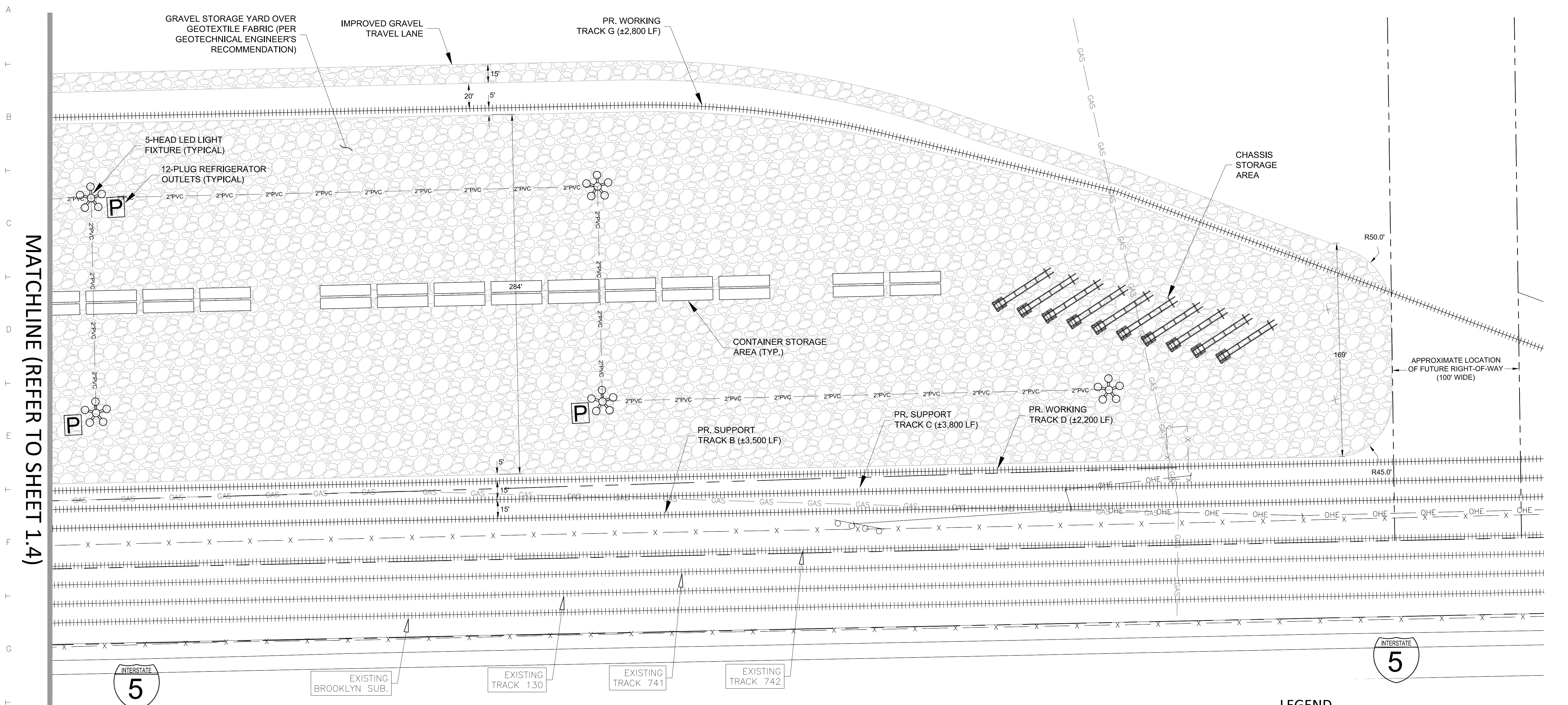
R & A PROJECT NO.
LED1801

DATE 11-12-18
DESIGNED M. RICCIPELLI
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CHECKED R. CATLIN
SCALE AS INDICATED

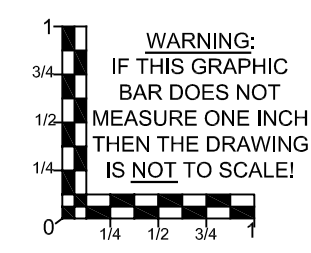
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SITE PLAN
SCALE: 1" = 40'



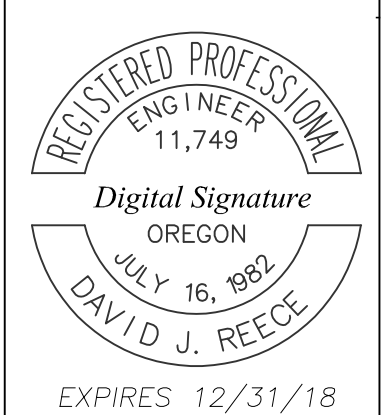
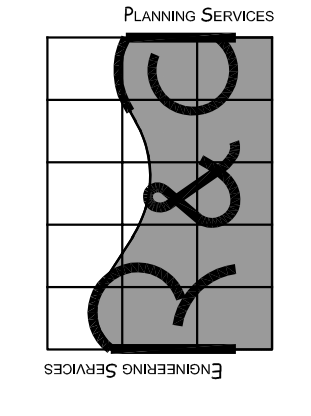
WARNING:
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LEGEND

- EXISTING CONCRETE (TO BE REMOVED) [Symbol]
- EXISTING PAVEMENT [Symbol]
- PROPOSED PAVEMENT [Symbol]
- PROPOSED LANDSCAPE SEEDED AREA [Symbol]
- PROPOSED LANDSCAPE BUFFER AREA [Symbol]
- EXISTING LANDSCAPE TREES/BUSHES [Symbol]
- PROPERTY LINE / RIGHT-OF-WAY [Symbol]
- OVERHEAD ELECTRIC [Symbol]
- UNDERGROUND ELECTRIC [Symbol]
- STORM MAIN [Symbol]
- WATER MAIN [Symbol]
- SANITARY SEWER MAIN [Symbol]
- FENCE LINE [Symbol]
- RAILROAD TRACKS [Symbol]
- RAILROAD TRACKS TO BE REMOVED [Symbol]
- GAS MAIN [Symbol]
- DIESEL LINE [Symbol]
- WETLANDS [Symbol]

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Albany, Oregon 97221
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Fax: 541-926-2456



MID-WILAMETTE VALLEY INTERMODAL CENTER
PHASE 1 RAIL YARD - NORTH
LINN ECONOMIC DEVELOPMENT GROUP
MILLERSBURG, OREGON

No.	PLAN REVISIONS	DATE	BY

R&A PROJECT NO.
LED1801
DATE 11-12-18
DESIGNED M. RICCIPELLI
ENGINEER D. REECE
CHECKED R. CATLIN
SCALE AS INDICATED

SHEET NUMBER
1.5



SITE PLAN REVIEW APPLICATION
for
MID-WILLAMETTE VALLEY INTERMODAL TRANSFER CENTER



Linn Economic Development Group
An Affiliate of Albany-Millersburg Economic Development Corporation

Reece & associates, inc.

December 6th, 2018

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PROPOSAL SUMMARY

Request: Site Plan Review application for Intermodal Transfer Center.

Locations: 3251, 3435 NE Old Salem Road, Albany, Oregon
10s03w28 - TL 400

Applicant: Linn Economic Development Group Contact: Greg Smith
435 First Avenue West (541) 377-0000
Albany OR 97321 ledgprojectmanager@gmail.com

Owner: IP Three Eat LLC
c/o International Paper Company
PO Box 2118
Memphis TN 38101

Engineers: Reece & Associates, Inc. Contact: David J. Reece, PE
321 1st Avenue Suite 3A (541) 926-2428
Albany OR 97321 dave@r-engineering.com

CONTENTS

I. BACKGROUND 1

II. EXISTING CONDITIONS 1

III. CONDITIONAL USE 2

IV. DESIGN STANDARDS..... 12

V. CONCLUSION 17

EXHIBITS

- A. Bargain & Sale Deed
- B. Vicinity Map
- C. Assessors Maps
- D. Zoning Map
- E. Airport Approach and Clear Zone Plan
- F. Traffic Assessment
- G. Full Size Site Plans

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I. BACKGROUND

The 2017 Oregon Legislature authorized funding for a truck-to-rail transloading facility in the mid-Willamette Valley through the ODOT Connect Oregon program. The Albany-Millersburg Economic Development Corporation (AMEDC) identified the former Albany Paper Mill properties as a viable candidate to site the facility, given the access to two rail lines, interstate highway, and proximity to shippers. AMEDC formed the Linn Economic Development Group (LEDG) to manage the effort.

This application focuses on the former Albany Paper Mill site on the east side of Old Salem Road. See Exhibit B. Western Kraft opened the Albany Paper Mill in 1955 to produce kraft paper from leftover wood fibers and wood chips from sawmills. It would eventually expand to occupy approximately 75 acres of the 131.91-acre property. Albany Paper Mill was sold to Willamette Industries in 1967, to Weyerhaeuser in 2002, and to International Paper (IP) in 2008. It closed in late 2009. Demolition of the former paper mill and related buildings took place over a four-year period from 2011 to 2015. Two buildings remain.

The property is situated in the City of Millersburg. The Millersburg Land Use Development Code regulates the use of land within the city limits. The subject property is designated as General Industrial on the Millersburg Zoning Map. See Exhibit D. The proposed Intermodal Transfer Center is a permitted use, subject to Site Plan Review.¹ The Millersburg Land Use Development Code classifies the decision process for Site Plan Review as a Limited Land Use Decision.² The authority to render a decision on Site Plan Review is vested in the Planning Commission.³

A pre-application consultation was conducted on May 9, 2018 and this application ensued. This narrative describes how the proposed Intermodal Transfer Center complies with all applicable provisions of the Code. In this narrative, references to Code sections are denoted by the symbol for 'section' (§) followed by the applicable section number, for example §1.110. Quotations of applicable law are shown in *italics*, except footnotes use standard text.

II. EXISTING CONDITIONS

¹ §4.133(2)(b) states: "Industrial Buildings and Uses. All manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, treating, or testing or any combination thereof of items, materials or goods is permitted subject to the conditions and standards of this Code."

² §3.200(4) states in part: "The 1991 Oregon Legislature added ORS 197.195 to Chapter 197 to provide provisions for a final decision or determination made by a city pertaining to a site within its urban growth boundary that concerns: (b) Approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to, site reviews and design reviews."

³ §3.200(4) states in part: "A Limited Land Use Decision is a form of discretionary decision that does not require a public hearing and is not subject to the requirements of ORS 197.763 for quasi-judicial public hearings, but is subject to the requirements of ORS 227.173 for a Planning Commission Limited Land Use Decision review of an application. Examples of limited land use decisions in this Code that require a review by the Planning Commission include, but are not limited to, Subdivision and Partition Tentative Plans specified in § 2.320 and Site Plan Reviews specified in § 2.400."

Intermodal Transfer Center

The proposed Intermodal Transfer Center is proposed on a portion of the 131.91-acre site of the former Albany Paper Mill on the east side of Old Salem Road. The site has an existing industrial rail spur approximately 2,900 feet long that connects to the Union Pacific Railroad (UPRR) mainline at both ends of the spur. See Exhibits B and C.

The sites has frontage on and direct access to Old Salem Road which intersects with Interstate 5 at the South Jefferson interchange approximately 2.4 miles north, the Murder Creek interchange approximately 0.8 miles south, and the Knox Butte interchange approximately 2.5 miles south. The Oregon Department of Transportation (ODOT) proposes a future closure of the Murder Creek interchange and the View Crest interchange and a new Millersburg interchange over the northern portion of the site.⁴

The site is situated on a broad terrace on the floor of the Willamette Valley. It has gentle to moderate south and southwest facing slopes.

Municipal and franchise utilities are located along Old Salem Road.

All lands in the vicinity of the site are zoned General Industrial by the City of Millersburg. A portion of the site, approximately 450 feet of the south end, is subject to Airport Approach standards. See Exhibit E. No other Special Area Standards apply.

Table 1 lists the uses of adjacent properties.

DIRECTION	ADJACENT USES
North	Storage yard owned by Oregon Plastic Tubing (KBDE LLC) Western Trailer Conser Road
East	UPRR I-5
South	Old Salem Road Arauco Duraflake Particleboard
West	Old Salem Road Willamette Memorial Park Weyerhaeuser Albany Distribution Center Camco Manufacturing Inc. Pelletrox Truck Shop Vacant industrial buildings (formerly Peak Sun Silicon) Farmland owned by City of Millersburg Gardner Trucking Callisto Integration R.J. Reimers Co. Residence (3924 NE Old Salem Rd) Firehouse Corner Deli & Market

III. SITE PLAN REVIEW DECISION CRITERIA

⁴ Oregon Department of Transportation Region 2 headquarters, [I-5: South Jefferson Interchange to US 20 Interchange Design Baseline Evaluation](#), December 2015.

COMPLIANCE WITH MILLERSBURG LAND USE DEVELOPMENT CODE - [ARTICLE 2]

A. Does Not Conflict with Comprehensive Plan⁵

The Millersburg Comprehensive Plan is the guide for land use in the City of Millersburg. A discussion of the goals and policies that are applicable to the proposed project follows.

Planning

Goals & Objectives

1. *To encourage development in a planned and considered manner consistent with the community's general health, safety and welfare.*

Policies & Recommendations

1. *The Comprehensive Plan is the controlling planning instrument for the City of Millersburg. All other land use, development and management plans shall be in conformance with the Plan.*
2. *The adopted Comprehensive Plan Policies shall be considered the City's official guide for decisions on specific development proposals and shall be maintained as an on-going decision making guideline for planning .and development of the City.*
3. *Each adopted policy represents the-City's official stand with regard to a specific issue.*
21. *Most development proposals within the City require review and approval by the Planning Commission. The criteria and procedures utilized for evaluation have been formalized in the Code, so decisions and actions are consistently applied to the maximum extent possible without loss of the individual project evaluation advantages afforded by the review process.*

In following paragraphs, this narrative addresses the applicable policies on a number of topics of interest to the City of Millersburg: Environment, Population & Economy, Housing, Land Use, Public Facilities & Services, and Growth Management. The above Planning policies provide the framework and context for the application of these policies. This narrative is offered to the Planning Commission in the context of Site Plan Review to demonstrate how the proposed project complies with applicable policies of the Comprehensive Plan and provisions of the Land Use Development Code. In some cases, the policies have been codified into the Code. To avoid duplication of response text in this narrative where a Code provision mirrors a policy, the conclusions are summarized in the policy section and a more detailed explanation set forth in response to the Code provision.

Environment

Overall Goals

To recognize the opportunities and constraints posed by the natural environment; to protect the unique resources of the area; and to ensure that future development will not result in adverse impacts on the natural resource base.

Overall Policies

1. *The City shall strive for continual and substantial progress toward improving the quality of the local environment by supporting strict enforcement of all applicable environmental quality standards and regulations in cooperation with Linn County, the State Department of Environmental Quality and the Federal Environmental Protection Agency and shall notify the governing agencies of any identified violations or potential problems.*

⁵ §2.400(2)(a): That the proposed development or use does not conflict with the City's Comprehensive Plan.

- 2. All development proposals shall be within the safe carrying capacity of the air, water and land resources of the development site, the City of Millersburg and the Albany-Millersburg Urban Growth Area.*

The site has been heavily impacted by past industrial use. Although these impacts occurred prior to environmental standards, the proposed project conforms to local, state, and federal regulations to the extent practical. The proposed use would have nominal effect on the carrying-capacity of the air, water and land resources of the City and Urban Growth Area. All required permits will be secured and maintained as required by law.

Topography and Drainage

- 1. Development proposals for sites with slopes that exceed 15 percent shall submit engineering investigations for review and approval of the City to ensure that no environmental problems will result from the development.*
- 2. Natural drainage channels shall be protected from disruption.*
- 3. Flooding areas, particularly areas within the Intermediate Regional Flood Zone on the Willamette River and Cox, Crooks, Murder, Truax and Burkhart Creeks, shall be maintained in open land uses that are compatible with floodway hazards.*
- 7. Drainage courses shall be protected and maintained as natural greenway buffers wherever practicable.*

Water Resources

- 5. Proposals for future industrial development shall include plans for protection of existing on-site water resources.*

Slopes do not exceed 15 percent. A natural drainageway collects runoff from the northwest portion of the site and flows through a culvert under Old Salem Road. This drainageway would be protected by buffers. There is no regulatory floodplain.

Natural Vegetation, Fish and Wildlife

- 2. Specifically, the natural vegetation resources of the Willamette River flood plain, Cox, Crooks, Murder, Truax, and Burkhart Creeks, and the stands of natural vegetation along the Burlington Northern rail lines and roads, and the tree stands in the residential areas of the community should be preserved.*
- 3. Riparian vegetation along the Willamette River and adjacent to lakes, streams and ponds shall be preserved or restored to the maximum extent possible to protect water quality and the wildlife habitat associated with riparian corridors.*
- 8. Development proposals for residential, commercial or industrial developments shall recognize the value of existing on-site natural vegetation and shall inventory and preserve these resources to the maximum extent feasible.*

The site does not contain natural vegetation resources of the Willamette River flood plain, Cox, Crooks, Murder, Truax, and Burkhart Creeks. The extent of riparian vegetation near the drainageway on the northwest portion of the site would be protected. Any proposed encroachment would be preceded by an on-site inventory and analysis of significance.

Air

- 1. The City of Millersburg shall comply with all Federal Clean Air Act requirements, Environmental Protection Agency regulations and Department of Environmental Quality air quality regulations.*

All aspects of the operation would be subject to state and federal air quality regulations.

Noise

- 3. The noise impact of future development proposals shall be considered in the City's project review procedures.*
- 5. Vegetative buffers shall be encouraged for proposed stationary noise sources, such as an industrial operation.*
- 6. Vegetative buffers should also be created around existing industrial operations.*

Vegetative buffers are proposed for sound attenuation and beautification.

Population & Economy

Goals & Objectives

- 2. To help ensure the economic health and vitality of the Albany/Millersburg Urban Area.*
- 3. To encourage a diversified economic base for the area that broadens and improves long-term employment opportunities.*
- 4. To maintain Millersburg's role as a major employment center for the Albany-Millersburg Urban Area, the County and the State of Oregon.*
- 5. To provide support for existing Millersburg business activities while encouraging new business locations in support of community needs.*

Policies & Recommendations

- 1. The City shall continue to actively encourage industrial and business developments that can help improve the economy of the City, the Albany-Millersburg area, Linn County and the State.*
- 2. The City shall encourage commercial and industrial developments that are compatible with maintaining the area's environmental resources and the livability of the community.*
- 5. Future industrial and commercial developments shall utilize available urban services to the maximum extent possible to prevent pollution or other health hazards from occurring.*
- 6. The City shall cooperate with industrial and commercial developments to assist in providing a level of urban services appropriate to their needs.*
- 10. The City of Millersburg shall work cooperatively with the City of Albany, Linn County and the Albany-Millersburg Economic Development Corporation to ensure a continually improving economy for residents of the County.*

The proposed Intermodal Transfer Center would help address shipping activities in the Mid-Willamette Valley. Oregon's economy is significantly connected to its export and import capabilities. Our ability to move commodities to domestic and international markets allow Oregon businesses to remain competitive in an ever-increasing global market. Reliable freight logistic solutions are needed to help keep small and medium companies competitive, especially in the Willamette Valley where products have low-profit margins.

The LEDG proposal calls for the development and construction of an intermodal transfer center at the former International Paper (IP) mill property in Millersburg. Centrally located in the

Willamette Valley, the site can be the intermodal connection for truck-to-rail and eventually truck-to-rail to the marine highway system and short-sea shipping. This is achieved through the site's locational advantages, which allow for the smooth access of commodities from I-5 to the UPRR. The site also provides a rail connection to the Oregon International Port of Coos Bay. Together these options offer immediate solutions for businesses looking to ship east and west to domestic and international markets. It also supports the development of future opportunities which can build Oregon's import/export capacity and leverage federal funding.

Following Governor Kate Brown's International Trade and Logistics Initiative Recommendations,⁶ the Oregon State Legislature approved \$100,000 in funding to conduct a feasibility study for a Willamette Valley intermodal facility.⁷ Conducted by EcoNorthwest, at the request of the Oregon Business Development Department (Business Oregon), the study indicated a proposed facility will primarily serve the valley's natural resource industry sector. This includes straw, hay, pulp, lumber and wood products, seeds and grains, potatoes, and nursery stock. The study shares the facility could serve up to 76,340 containers per year. Moreover, LEDG has received additional interest from various industries should a cold storage option be available at the facility. The study notes such an impact would have direct public and private benefits, including transportation system efficiencies that translate to private cost benefits, and reduced pollution, congestion, and wear and tear on the highway system.

Housing

Goals & Objectives

To provide a housing policy plan which seeks to increase opportunities for all citizens of the community to enjoy safe, decent and sanitary housing at affordable prices.

These Goals and Objectives do not apply because the proposed project is industrial in nature, not residential.

Land Use

Goals & Objectives

- 1. To provide a land use policy plan which sets forth the suitable kinds, amounts, and intensities of use to which land in various parts of the City should be put.*
- 2. To create and maintain an efficient and aesthetically pleasing living and working environment for city residents.*

Policies & Recommendations

Industrial Land Use

- 2. All industrial development shall strictly comply with the environmental quality standards of the State of Oregon, including all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having regulatory jurisdiction.*

⁶ Governor Kate Brown's International Trade and Logistics Initiative Recommendations and Report; February 26, 2016.

⁷ Feasibility of an Intermodal Transfer Facility in the Willamette Valley, Oregon; Executive Summary; Page 16; Conducted by EcoNorthwest; December 14, 2016.

3. *Industrial developments shall not result in disruptions to residential or other areas due to excessive traffic, noise and pollution or otherwise detract from the livability of the community.*
4. *Approval of future industrial development proposals shall be contingent upon the assessed environmental impacts, the community's capacity to accommodate growth and the demand for public services.*
5. *Proposed industrial developments shall be subject to the "Site Plan Review" procedures of the Code.*
6. *Industrial proposals shall provide sufficient parcel size for building setbacks, expansion, off-street parking and loading, natural buffers and landscaping, and controlled access locations.*
7. *Review of industrial development proposals shall include consideration of the relationship of the proposal to Millersburg's transportation and utility systems, relationship to other land uses, environmental impacts, and adequacy of landscaping for the proposed use.*
11. *Industrial uses that minimize visual conflicts, noise, traffic and environmental degradation and are compatible with adjacent land uses and the livability of the community, shall be encouraged.*

The site is located centrally in the City's General Industrial District in an area that has supported industrial use for 60 years. It is insulated from nearby residential areas by intervening lands. Adjoining properties are designated for industrial use. However a history of industrial use and a map assignment do not enough. Site Plan Review is an individualized examination to verify that the site can be developed in a manner that addresses the range of interests promoted by the City and other agencies. This process should impose conditions to secure and maintain permits and other approvals required by local, state, and federal agencies. Conditions should also be crafted to minimize short and long term impacts on the community.

Public Facilities & Services

Goals & Policies

Overall Goal

To provide a public facilities policy plan as a guide for the efficient development of future community facilities, utilities, and services consistent with long range community needs.

Parks

7. *The City shall develop programs for landscaping and beautification that encourages street trees and landscaping of community streets, pedestrian ways and bike paths.*

Sewerage Facilities

2. *The city shall provide sewer service only within the planned service area capability of the collection system and the agreed treatment capacity provided under the Albany/Millersburg wastewater treatment agreement. The city may provide sewerage service to requesting areas within it's service capacity, provided all costs are paid by the applicant or benefitting property owners.*

Storm Drainage

2. *As part of the city's project review process, private developments shall be required to submit detailed drainage plans in conformance with the city's drainage program.*
3. *Storm drainage plans shall be reviewed to determine the impacts of projects on existing and future land use and on the natural environment.*

4. *Open drainage courses that can function as linear greenways shall be preserved as open space wherever possible in lieu of creating covered storm drains.*

Solid Wastes

2. *Industrial waste disposal activities within the city shall not result in adverse environmental impacts or adverse impacts on adjacent land uses.*

Fire Protection

4. *Millersburg industries should implement fire safety measures recommended by the appropriate fire protection district.*
5. *Proposals for new industrial development potential impacts on the existing fire districts.*
6. *Subdivisions, Major Land Partitions, and industrial development proposals shall be submitted to the appropriate fire district for review and recommendation.*

Energy and Communication Systems

1. *Electric power distribution systems, telephone and cable television lines shall be located underground in all future developments.*
2. *Development of a conversion schedule should be encouraged to convert existing overhead utilities to underground service in the future.*

The proposed site plan utilizes existing public facilities on Old Salem Road and existing service connections to each site. New landscaping would be planted. Storm drainage patterns would not be altered.

Growth Management

Goals & Objectives

4. *To provide conservation and development policies for the orderly and efficient development of the community.*

Policies & Recommendations

Phased Urban Growth Program

4. *Before building or land use requests are approved, the City shall ensure that development proposals are within the City's service capability and the carrying capacity of the area's environmental resources.*

Public Facilities Capability

3. *The City shall ensure that development proposals within its jurisdiction identify needed public facilities as part of the City's project review procedures.*

Environmental Quality

1. *The City shall require development proposals within its jurisdiction to identify potential impacts on the air, water, and land resources of the area and shall ensure that proposals are within the safe carrying capacity of the environment through the City's protect review procedures.*
3. *Landscaping shall be included as an integral part of site and street developments.*
4. *The City shall require protection of natural drainage channels and natural vegetation resources and require maintenance of them as an open space resource, where possible.*

Carrying capacity would not be compromised because overall service impacts would be reduced from previous levels imposed by the Paper Mill. The proposed use is consistent with development standards that regulate the use of land zoned for industrial use.

B. Consistent with Standards⁸

A detailed review of consistency of the project with standards of the General Industrial Zone and other standards of Articles 5, 6, and 7 of the Millersburg Land Use Development Code are provided elsewhere in this narrative, and are hereby incorporated by reference for purposes of compliance with this criterion.

C. Adequate Transportation System⁹.

The site has frontage on and direct access to Old Salem Road, classified as an Arterial in the Millersburg transportation system.¹⁰ Old Salem Road is fully improved to the standards for a three lane Arterial with a 12-foot travel lane in each direction, a 14-foot center turn lane, 6-foot bike lanes on each side, and curb and gutter on each side. There is a 5-foot sidewalk behind the curb on the west side. The posted speed is 50 MPH. There are bike lanes on both sides and a sidewalk on the west side. Eight driveways provide access to Site 1.

The site will include overnight parking for 100 trucks and 45 parking spaces for employees. However, there is only a need for anywhere between 4-10 employees to operate the site. This leaves plenty of parking left, if the remaining office space is rented to outside businesses.

A traffic assessment¹¹ was conducted by Sandow Engineering. See Exhibit F. The findings and conclusions of that report are incorporated here by reference.

Sandow Engineering in their Mid-Willamette Valley Intermodal Facility Traffic Impact Analysis determined that the intermodal facility would receive approximately 150 trucks for exporting goods and 35 trucks for importing goods each day, totaling in 185 trucks per day. Each individual truck will generate two trips – one in and one out, resulting in a total of 370 trips per day. the truck trips are anticipated to be primarily from Interstate-5, with roughly 35 percent of trips traveling to and from I-5 North and 35 percent of trips traveling to and from I-5 South.

The Intermodal facility would operate on a five-day work week, each day consisting of a ten-hour shift. The site would be operational 261 days of the year, accounting for weekday holidays and weekends. Although the intermodal facility will operate at these hours, the site will be inhabited 24 hours a day, 365 days a year, as truckers could use it as truck stop.

⁸ §2.400(2)(b): That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.

⁹ §2.400(2)(c): That the proposed development will not have an adverse impact on traffic flow or to pedestrian, bicycle and vehicular safety, and future street right-of-ways are protected.

¹⁰ City of Millersburg, Millersburg Transportation System Plan, Volume 1, Figure 2, page 7, December 2016.

¹¹ §5.122(5)(f): All new commercial or industrial uses, multi-family residential uses, subdivisions, and manufactured dwelling parks, including expansion of existing uses shall submit for City approval a Traffic Assessment, which shall include the following: 1. Location of access points; 2. Estimates of the amount of traffic that will utilize the above access points; 3. Effect that the proposed development will have on traffic movement of both vehicles and pedestrians; 4. The identification of all improvements that will be required to maintain adequate traffic flow; 5. Access approval by the Linn County Road Department; 6. Additional details or a Traffic Impact Study, may be required by the City if impacts warrant.

D. Signs and Lighting¹²

Two types of signs are proposed. Freestanding on-site signs on the property would identify the site as the intended destination for shippers. On-site directional signs at driveways would designate the type of traffic intended for each driveway, for example, trucks entry, trucks exit, service vehicles, or employee vehicles. These signs would be illuminated.

Existing exterior lighting would illuminate employee parking lots and transloading facilities. 7 new 5-head LED lights are proposed to be added to the railyard. Additional lights would be introduced if necessary. Lighting is designed to not face directly or reflect glare into on-coming traffic along Old Salem Road or adjacent residences or residential district. Lights within the airport overlay will be directed downwards as to avoid creating hazards for pilots.

Detailed plans for sign design will be submitted to the City for permitting.

¹² §2.400(2)(d): That proposed signs or lighting will not, by size, location, color or operation, have an have an adverse impact on traffic, limit visibility or have an have an adverse impact on adjacent properties.

E. Utilities¹³

Utilities that are available are water, sanitary sewer, and electrical power.

Water. The City of Millersburg provides water to the site. There is a 20-inch diameter ductile iron water main on the west side of Old Salem Road. Fire hydrants are spaced at regular intervals along the road. Existing on-site water mains supply the domestic needs for restrooms and break rooms in the existing buildings, but no process water is needed.

Sanitary Sewer. The City of Millersburg provides sanitary sewer service to the site. Existing on-site wastewater collection mains serve the domestic needs for restrooms and break rooms in the existing buildings, but no process wastewater would be produced.

Power. Pacific Power overhead lines follow the Old Salem Road corridor. Existing service to on-site exterior lights and to the remaining buildings would be maintained.

F. Drainage¹⁴

The existing on-site collection system conveys stormwater to the public system along Old Salem Road. No changes are proposed.

G. Adverse Impacts¹⁵

Operating characteristics of the Intermodal Transfer Center were evaluated for the type and extent of emissions, potential hazards, and nuisance characteristics. The essential function of the facility will be to shift freight between trucks and railcars. It is a distribution center with limited freight storage. The freight would arrive and depart in bulk containers; some freight may be containerized on-site or broken from containers on-site. There would be no manufacturing, processing, extraction, treating, production, compounding, assembling, researching, or testing of raw materials, semi-refined materials, or finished goods. Therefore the operating characteristics are defined solely by the movement of trucks, trains, and container handlers. These are motor vehicles driven by internal combustion engines that generate noise and emissions. Rail operations are regulated by the Federal Railroad Administration. Trucks are regulated by the Motor Carrier Transportation Division of ODOT. Vehicle operators are responsible for maintaining their own licenses and permits to move freight to and from the site in a manner that protects the public health and welfare. Once out of the public right-of-way and onto the site, the site operator's operational manual and workplace safety and health rules administered by Oregon OSHA is designed to protect the

¹³ §2.400(2)(e): That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use and can be extended in the future to accommodate future growth beyond the proposed land division.

¹⁴ §2.400(2)(f): That the proposed development or use does not have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion. on drainage-ways and required drainage facilities are provided that have the capacity to serve the proposed development or use.

¹⁵ §2.400(2)(g): That the proposed development will not have an adverse impact, potential hazards or nuisance characteristics as identified in § 2.140, Item 21 of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.

health and safety of workers. The extent of off-site migration of emissions, potential hazards, and nuisance characteristics is minimal. The large area of each site is such that noise, emissions, and dust generated by these vehicles would be generally contained on-site and would not be noticeable to the nearest residence which is more than 2,900 feet north and northeast of the site.

H. Other Agencies¹⁶

The proposed Intermodal Transfer Center is being developed to operate in compliance with the standards of state and federal agencies noted above.

IV. GENERAL INDUSTRIAL ZONE DEVELOPMENT STANDARDS

COMPLIANCE WITH MILLERSBURG LAND USE DEVELOPMENT CODE - [ARTICLE 4]

Table 2 lists the Development Standards for the General Industrial Zone¹⁷ are applicable to the proposed Intermodal Transfer Center.

¹⁶ §2.400(2)(h): That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

¹⁷ Summarized from §4.133(4).

Table 2, GI Zone Development Standards

DESCRIPTION	STANDARD	PROPOSED
Max. lot impervious surface coverage	80% or per PC	See site plan
Yard Setbacks:		
Exterior yards	20-ft landscaped	See site plan
Interior yards	10-ft landscaped to residential 0-ft to commercial/industrial	n/a: no residential abutting See site plan
Identified streets	If ROW dedication required	See §5.117
Max. building height	Per Planning Commission	See site plan
Access	From arterial or collector	Old Salem Road is an arterial. Arnold Road is a local access road for industrial use only.
Capacity of city roads	Mitigate traffic impacts	See §5.122

In addition to the GI Zone Development Standards, other code standards that may apply. See the following comments addressing Article 5 Development Standards, Article 6 Use Standards, and Article 7 Special Area Standards.¹⁸

V. DEVELOPMENT STANDARDS

COMPLIANCE WITH MILLERSBURG LAND USE DEVELOPMENT CODE - [ARTICLE 5]

The Development Standards set forth in Article 5 are applicable to all developments within the City of Millersburg.¹⁹

- A. Plan Conformance.**²⁰ There is no Official Area Development Plan for these sites.
- A. Height Standards.**²¹ There is no fixed maximum building height in the General Industrial Zone. It is determined by the Planning Commission at the time of Site Plan Review.
- B. Building Height Exceptions.**²² No building height exceptions are proposed.
- C. Building Projection Exceptions.**²³ No building projection exceptions are proposed.
- D. Lot Size.**²⁴ This standard does not apply because no land division is proposed.
- E. Lot Size Exceptions.**²⁵ No lot size exceptions are proposed.

¹⁸ See §4.133(5)

¹⁹ See §5.100

²⁰ See §5.110

²¹ See §5.111

²² See §5.112

²³ See §5.113

²⁴ See §5.114

²⁵ See §5.115

- F. Yard Setbacks.**²⁶ The site plan for the site comply with the yard setbacks for the General Industrial Zone.
- G. Yard Setback Exceptions.**²⁷ The 20-foot exterior yard along Old Salem Road is measured from a line parallel to and 40 feet offset from the centerline of Old Salem Road, or one-half the 80-foot right-of-way width established by this Section.
- H. Drainageway Setbacks.**²⁸ There are no fish-bearing streams or all year-round flowing streams on the site. A minimum 15-foot setback will be maintained from the center of the drainageway.
- I. Wetlands & Riparian Areas.**²⁹ The National Wetlands Inventory map for both sites is based on historic aerial photography dating back to 1982. However subsequent grading and expansion of the woodchip stockpile eliminated much of that drainageway.
- J. Parking.**³⁰ On-site parking is provided for employees. No customers come to the site.
Off-Street Parking Requirements.³¹ Off-street parking is provided at rate of one space per employee. The site will include overnight parking for 100 trucks and 45 parking spaces for employees. However, there is only a need for anywhere between 4-10 employees to operate the site. This leaves plenty of parking left, if the remaining office space is rented to outside businesses.
- K. Transportation Standards.**³²

General. The proposed site plan accounts for transportation needs of the proposed use and the public.

Millersburg Street Plan Conformance. The proposed site plan relies on existing streets for site access. No new streets are planned through either site.³³ Old Salem Road is fully improved to the Millersburg standard for a three lane arterial section except the west side sidewalk is curb tight (no landscape strip) and no sidewalk on the east side. Linn County is the road authority. Arnold Road is an improved street from Old Salem Road westerly to the north line of the site. It is partially improved along the Camco frontage with 30-foot pavement with curb and gutter on the south side, within a 52-foot right-of-way.

Pedestrian & Bicycle. There are existing bicycle travel lanes on both sides of Old Salem Road. No sidewalk is planned on the east side of Old Salem Road because of conflicts with truck queuing and turning movements along the frontage of the site.³⁴

²⁶ See §5.116

²⁷ See §5.117

²⁸ See §5.118

²⁹ See §5.119

³⁰ See §5.120

³¹ See §5.121

³² See §5.122

³³ City of Millersburg, Millersburg Transportation System Plan, Figure 2, Page 17, David Evans and Associates, Inc., December 2016.

³⁴ Ibid, Figure 10, page 21.

Project B1 is an Aspirational Project in the Millersburg TSP calls for a “10- to 12-foot-wide bicycle and pedestrian path parallel to Old Salem Rd from the north city limit to the south city limit and within existing right-of-way” for the purpose of “pedestrian connectivity, safety, and active living”.³⁵ The project labeled B1 on Figure 9 on page 19 does not extend from the north city limit to the south city limit. There is no apparent destination on either end and the project would not continue to other paths or trails. The intended use of this project for bicycles seems to duplicate the existing bicycle lanes in both directions on Old Salem Road. Pedestrian use is also duplicated by the sidewalk along Old Salem Road. There is no transportation impact of the proposed Intermodal Transfer Center that could not be met by existing facilities.

The site will not comply with the Shared-use Path as it is more beneficial to the City of Millersburg to place the path on the opposing side of the street. Due to the length of frontage of the site, the shared-use path would not provide access to any pedestrian focused properties. While placing the shared-use path on the far side of the street would provide access to a greater number of properties and direct access to City Hall.

Existing Street Improvements. No additional right-of-way is warranted to Arnold Road or Old Salem Road. Old Salem Road is fully improved; no improvements are needed. Arnold Road is functional for the proposed use. Improvements may be warranted if supported by a rough proportionality analysis.

Access Management. The site has an excess of 25 feet of frontage on Old Salem Road and Arnold Road, respectively. The results of a traffic assessment conducted by Sandow Engineering are discussed elsewhere in this narrative.

Clear Vision Areas. These are designated at all driveways for driver safety.

- L. Streets.**³⁶ The portion of the site south of the industrial spur also has frontage on and direct access to Old Salem Road. The portion lying north of the industrial spur have frontage on Arnold Road. Arnold Road is an improved street from Old Salem Road westerly to the north line of the site. It is partially improved along the Camco frontage with 30-foot pavement and curb and gutter on the south side, within a 52-foot right-of-way.
- M. Sidewalks.**³⁷ There is a 5-foot sidewalk on the west side of Old Salem Road directly behind the curb without a landscape strip. There is no sidewalk on Arnold Road.
- N. Bikeways.**³⁸ Bikeways exist on both sides of Old Salem Road. The proposed Intermodal Transfer Center would not benefit from on-site bikeways.
- O. Storm Drainage.**³⁹ The existing stormwater collection system along Old Salem Road conveys stormwater to the public system along Old Salem Road.
- P. Water.**⁴⁰ Municipal water is available to the site from the City of Millersburg. There is a 20-inch diameter ductile iron water main on the west side of Old Salem Road and a 12-inch ductile iron

³⁵ Ibid, Table 5, page 28.

³⁶ See §5.123

³⁷ See §5.124

³⁸ See §5.125

³⁹ See §5.126

water main on the south side of Arnold Road. Fire flows are provided to six existing hydrants along Old Salem Road and six existing hydrants on Arnold Road. There is adequate volume and pressure for on-site fire protection and to accommodate restrooms and break rooms in the proposed facilities. No process water would be consumed by the proposed use.

- Q. Sanitary Sewers.**⁴¹ Municipal sewer service is available to the site from the City of Millersburg. An 8-inch gravity sewer exists approximately 1,400 feet south of the intersection of Arnold Road and proceeds westerly across the site along the south side of the industrial rail spur to a point of intersection with a 21-inch main on the east side of the PNWR. This gravity collection system has adequate capacity to accommodate restrooms and break rooms in the proposed facilities. No process wastewater would be generated from the proposed use.
- R. Utilities.**⁴² Overhead utilities on the west side of Old Salem Road currently serves the site. Overhear utilities also exist on the north side of Arnold Road to serve the site.
- S. Easements.**⁴³ No easements are proposed.
- T. Blocks.**⁴⁴ This section does not apply because the land would not be divided by this application.
- U. Building Sites.**⁴⁵ Existing buildings are served by connections to the municipal water and sewer systems. No additional building sites are proposed.
- V. Grading.**⁴⁶ Any grading would direct stormwater runoff to stormwater collection facilities.
- W. Landscaping.**⁴⁷ Existing landscaped areas will be enhanced to the extent feasible without compromising safety and security of the site.
- X. Exterior Lighting.**⁴⁸ Existing on-site lighting would be retained for the security of employees and equipment.
- Y. Signs.**⁴⁹ Site identification and vehicle directional signs would be installed per code requirements.

VI. USE STANDARDS

COMPLIANCE WITH MILLERSBURG LAND USE DEVELOPMENT CODE - [ARTICLE 6]

The proposed Intermodal Transfer Center is an industrial use. Therefore, the following Use Standards set forth in Article 6 do not apply.

§6.110 Residential Accessory Uses

⁴⁰ See §5.127

⁴¹ See §5.128

⁴² See §5.129

⁴³ See §5.130

⁴⁴ See §5.131

⁴⁵ See §5.132

⁴⁶ See §5.133

⁴⁷ See §5.134

⁴⁸ See §5.135

⁴⁹ See §5.136

- §6.120 Home Occupation Standards
- §6.130 Residential Care Home Standards
- §6.140 Residential Care Facility Standards
- §6.150 Multiple-family Housing Standards
- §6.160 Manufactured Dwelling Use
- §6.170 Recreation Vehicle Park Standards
- §6.210 Public & Semi-Public Use Standards
- §6.310 Commercial Use Standards
- §6.311 Neighborhood Commercial Center
- §6.312 Street Frontage Commercial
- §6.313 Parking Frontage Commercial
- §6.314 Mixed Use Commercial
- §6.410 Agricultural Use Standards
- §6.510 Historic Preservation Use Standards

VII. SPECIAL AREA STANDARDS

COMPLIANCE WITH MILLERSBURG LAND USE DEVELOPMENT CODE - [ARTICLE 7]

- A. Flood Hazard Area.**⁵⁰ The Flood Hazard Area Standards do not apply because the site is located outside a mapped flood hazard area as shown on Flood Insurance Rate Maps 41043C0212H and 41043C0216G, both effective September 29th, 2010.
- B. Wetland & Riparian Area.**⁵¹ The site does not contain wetland or riparian area; this standard does not apply.
- C. Willamette Greenway Area.**⁵² The Willamette Greenway Area Standards do not apply because the site is located outside the mapped Willamette River Greenway Boundary as shown on the Comprehensive Plan.⁵³
- D. Airport Approach Area.**⁵⁴ The Albany Municipal Airport is located approximately 1.6 miles south of the project site. The airport has a single runway oriented in a north-south direction.

⁵⁰ §7.100(2)(b): The areas of special flood hazard identified by the Federal Insurance Administration in the "Flood Insurance Study" for the City of Millersburg and the Flood Insurance Rate Maps (FIRM), #410284 0001B-0002B dated June 15, 1982, and any revision thereto are adopted by reference and declared to be a part of this Code. The Flood Insurance Study is on file at the Millersburg City Hall, 4222 Old Salem Road N.E., Millersburg, Oregon 97321.

⁵¹ §7.200(9): The WR Special Area Standards shall apply to the property in addition to the standards of Primary Zone when a designated wetland or riparian area has been identified on the property.

⁵² §7.300(2)(a) states in part: The provisions of this § shall apply to all lands within the Willamette River Greenway Boundary of the City of Millersburg as shown on the official City zoning map.

⁵³ City of Millersburg, Comprehensive Plan 2001, Exhibit M-14.

⁵⁴ §7.400 states in part: The purpose of the Airport Approach (AA) Standards is to apply additional development standards to properties that lie within the air approaches to the Albany Airport. These development requirements are intended to prevent establishment of air space obstructions in air approaches.

The runway is lighted and equipped to support day and night operations in both visual and instrument weather conditions. Federal aviation rules define the protected airspace around an airport through a combination of imaginary surfaces. These surfaces encompass all land with 9,000 feet of the runway. The project site is located approximately 8,550 feet north of the runway for the Albany Municipal Airport. Therefore, the southernmost 450 feet is subject to the provisions of AA Area Standards as set forth in this Section. Table 3 describes the Airport Approach standards that are applicable to the proposed Intermodal Transfer Center.

Table 3, Airport Approach Area Standards

DESCRIPTION	STANDARD	PROPOSED
Height Restrictions	Conical Surface: maximum 472 feet at outer edge, decreasing at a 20:1 slope.	See site plan
Prohibited sources of Interference	Electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport	None anticipated. All lighting directed downward. Glare shields installed. No emissions or smoke. No bird attractions on-site. None anticipated.
Noise Construction	Declaration of anticipated noise levels. Sound buffering for noise sensitive uses.	Located outside 55 to 60 Ldn area. Not a noise sensitive use.

- E. **Radon Impacted Area.**⁵⁵ The Radon Impacted Area Standards do not apply because the site is located outside the mapped area boundaries.
- F. **Planned Development Area.**⁵⁶ The Planned Development Area Standards do not apply because PD has not been approved by the City in prior land use decisions and the current applicant does not request the PD designation.

⁵⁵ §7.500(1): The City shall record a notice in the Linn County public records that legally describes the area subject to the Radon Impacted Area, including a map showing the area’s boundaries, state that the area is subject to the requirements of the Radon Impacted Area and that the Radon Impacted Area requires radon resistant construction methods and testing. The provisions of § 7.500 shall apply to all areas described in the recorded notice and map.

⁵⁶ §7.600(1)(a): The City or a property owner may request a PD Area Standard in combination with any Primary Zone or other Area Standards in accordance with the application requirements of §§ 2.110 through 2.140 and the Conditional Use procedures of § 2.500 and the requirements of §§ 7.600 contained herein.

VIII. CONCLUSION

This application narrative and the application documents demonstrate that all applicable provisions of the Millersburg Land Use Development Code are satisfied, and therefore respectfully request approval of the requested Site Plan Review application.

R&a December 6th, 2018

KEVIN J. HAVENS
SENIOR COUNSEL CORPORATE REAL ESTATE
AND GLOBAL SUPPLY CHAIN

LEGAL DEPARTMENT
1740 INTERNATIONAL DRIVE
TOWER IV, 9-039
MEMPHIS, TENNESSEE 38197

TELEPHONE (901) 419-1935
EFAX (901) 214-1909
kevin.havens@ipaper.com

February 5, 2019

Mr. Matt Straite, City Planner
City of Millersburg, Oregon
4222 NE Old Salem Road
Albany, OR 97321
541-928-4523

RE: Consent to the LEDG-Millersburg Site Plan Application

Mr. Straite:

By way of introduction, my name is Kevin Havens and I am an in-house attorney for International Paper Company (successor-by-dissolution of IP EAT THREE, LLC) ("IPCO").

Please accept this letter as confirmation that IPCO consents to the Linn Economic Development Group's (an affiliate of Albany-Millersburg Economic Development Corporation) ("LEDG") application for its proposed Mid-Willamette Valley Intermodal Transfer Center, which will be located on certain property currently owned by IPCO located in Linn County, Oregon ("Property").

Please note that IPCO is consenting to the LEDG's application in its capacity as current fee owner of the Property, and that in providing said consent, IPCO does not assume any of the obligations under said application, and that any construction on or improvements to the Property will be made by the LEDG, but only after the successful sale of the Property from IPCO to the LEDG

Please feel free to contact me if you have any questions.

Sincerely,


Kevin J. Havens

Senior Counsel Corporate Real Estate and Global Supply Chain

RE: SP 18-02 Project review request

[X DELETE](#) [← REPLY](#) [↶ REPLY ALL](#) [→ FORWARD](#) [...](#)

BROWN Lauren <Lauren.BROWN@state.or.us>

Mark as unread

Wed 1/2/2019 2:20 PM

To: Matt Straite;**Cc:** LANDRUM Carrie <carrie.landrum@state.or.us>; JARVIE Kirk <kirk.jarvie@state.or.us>;

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Matt-

Thank you for the opportunity to comment. I noticed in the application material that there are wetlands mapped on the site plan. It is my understanding that these wetlands were mapped this past summer by the Acker Group but a wetland delineation has not been submitted yet. Once the report is received and concurred with, then the applicant will know which wetlands are jurisdictional and if a state permit is required or not.

Carrie Landrum is Aquatic Resource Coordinator for Linn County but will be out of the office for most of this month. Please let me know if you have any other questions.

Thanks,

Lauren Brown, Wetland Ecologist
Aquatic Resource Coordinator
[Oregon Department of State Lands](#)
503.986.5218 Desk
503.302.3290 Cell

From: Matt Straite <mstraite@cityofmillersburg.org>**Sent:** Wednesday, January 2, 2019 1:10 PM**To:** corcutt@linnsheff.org; dsterling@co.linn.or.us; Billers@nwnatural.com; d6b@nwnatural.com; cbonn@co.linn.or.us; Scott.Seaton@pacificorp.com; jeff.r.lehmeyer@usps.gov; Chris.LaBelle@cityofalbany.net; Janelle Booth <jbooth@cityofmillersburg.org>; planninglist@cityofalbany.net; Lora.ratcliff@cityofalbany.net; sshortes@co.linn.or.us; or.97208amsportland@usps.gov; sbarnett@co.linn.or.us; staylor@co.linn.or.us; Lauren.BROWN@state.or.us; Bill.W.JOHNSTON@odot.state.or.us; cary.goodman@odot.state.or.us; Kim Wollenburg <kwollenb@cityofmillersburg.org>**Subject:** SP 18-02 Project review request

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: February 5, 2018
SUBJECT: SP 18-02 - Engineering Comments

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

General Conditions

1. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
2. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final Plat.

Prior to Any Ground Disturbing Activity

3. The Applicant's engineer is required to provide a site-specific drainage plan to temporarily collect, route, and treat surface water and ground water during each construction phase. The construction plans shall specifically identify how the storm drainage system and erosion sediment control measures will be phased during construction, such that at any time during construction the approved plans shall be capable of providing full erosion and sediment control, collection, routing and treatment of storm water runoff and ground water. No site construction will be allowed to take place if the storm drainage system and erosion sediment control measures are not installed per plan and functioning properly.
4. Obtain a 1200C Erosion Control Permit for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all Albany Construction Standards (ACS). The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to any ground disturbing activities.

Comments

5. All new construction of public infrastructure, including roads, water, sewer, and storm drainage, must be submitted for review and approval by the City of Millersburg through a Private Construction of Public Infrastructure (PCPI) permit. All work within the public right-of-way shall be designed by a licensed engineer and performed by a licensed contractor in conformance with the Albany Standard Construction Specifications as adopted by the City of Millersburg or the Linn County requirements where within the Old Salem Road right-of-way. The plans shall be in substantial conformance with the tentative map and demonstrate the placement of all existing and proposed utilities underground.
6. Any public utilities required to serve the site must be constructed by the Applicant and accepted by the City. Any lines crossing Old Salem Road must conform to Linn County requirements. All portions of water, sewer, or stormwater utilities constructed within public road right-of-ways shall be public.
7. Applicant is required to construct a sidewalk or path along the eastern side of Old Salem Road, consistent with the City of Millersburg Transportation System Plan (TSP).
8. Any required street signage and street lighting shall be approved by the City Engineer and installed.
9. All agreements required as conditions of this approval must be signed and recorded.
10. Install or replace, to Linn County specifications, all sidewalks, curb ramps, or driveways which are damaged, deteriorated, or removed by construction along Old Salem Road frontage.
11. Applicant shall design stormwater detention facilities as required to meet city standards. Stormwater calculations shall be submitted to the City Engineer for review and approval. If applicable, design stormwater detention basins per the criteria in the City of Albany Engineering Standards E.8.00 – Stormwater Detention, except “City of Albany” shall be replaced with “City of Millersburg.” Maintenance of detention basin shall be the responsibility of the Applicant.
12. Stormwater from the southern part of the project area discharges to Murder Creek. Stormwater from the northern portion of the project area discharges to an unnamed tributary of Murder Creek that flows beneath Old Salem Road. Applicant shall be responsible for any required industrial stormwater discharge permits.

13. Proposed landscape buffers may not be adequate to address all noise concerns. Applicant shall conduct a post construction noise study to demonstrate there are no noise impacts of concern to the City at the interface between the residential and industrial zones caused by this project. Additional noise mitigation measures may be required.
-

VIII. NOTICES TO THE APPLICANT

1. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire Department. Hydrant locations and access requirements shall be provided by the Applicant and approved by the Albany Fire Department and the City.
2. A demolition permit shall be obtained from the City prior to demolishing or moving any structures.
3. All required signage and lighting shall be approved by the City Engineer and Linn County where within Old Salem Road right-of-way and installed.
4. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
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, 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.
7. Wetlands and FEMA floodplain are present on the site. Work within wetlands and floodplain is subject to the requirements of the Authority Having Jurisdiction (AHJ).

8. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.

Re: Millersburg Case SP 18-02 Applicant: Linn Econ Dev Group ODOT DRS 8797 Hwy 001 NB1 MP 235.62

✖ DELETE ← REPLY ⇐ REPLY ALL → FORWARD ⋮



Matt Straite


Tue 1/15/2019 9:41 AM

Mark as unread

Show all 14 recipients

To: LINER Duane J <Duane.J.LINER@odot.state.or.us>;
Cc: FELDMANN James <James.FELDMANN@odot.state.or.us>; PUDEWELL Jae <Jae.PUDEWELL@odot.state.or.us>; SHANKLE Richard A <Richard.A.SHANKLE@odot.state.or.us>; BLAIR Keith P <Keith.P.BLAIR@odot.state.or.us>; UPTON Dorothy J <Dorothy.J.UPTON@odot.state.or.us>; NELSON Brian S * Scott <Brian.S.NELSON@odot.state.or.us>; COLE Terry D <Terry.D.COLE@odot.state.or.us>; ...

Thank you, we will add this to the file.

Matt Straite
City Planner
City of Millersburg
541.928.4523


From: LINER Duane J <Duane.J.LINER@odot.state.or.us>
Sent: Tuesday, January 15, 2019 7:34 AM
To: Matt Straite
Cc: FELDMANN James; PUDEWELL Jae; SHANKLE Richard A; BLAIR Keith P; UPTON Dorothy J; NELSON Brian S * Scott; COLE Terry D; WAHL Carla S; DETERING Lynn; MOREY Brian T; WEEKS Kendal J; CRAWFORD Savannah; ROSENBLAD Jerry
Subject: Millersburg Case SP 18-02 Applicant: Linn Econ Dev Group ODOT DRS 8797 Hwy 001 NB1 MP 235.62

Matt,

I have reviewed the Notice of Application and Request for Comments regarding case file SP 18-02, applicant: Linn Econ Dev Group, and have the following comments:

- It is recommended that the City require, subject to ODOT’s review and approval, the proposed intersection reconfiguration of the Old Salem Road / Century Drive intersection as described in section 7.2 Intersection Geometry / Recommendations and depicted in Figure 16 of the Traffic Impact Analysis dated August 30, 2018 by Sandow Engineering. To make the proposed changes, the applicant will need to make application to ODOT. Application shall identify all proposed striping & sign changes, identify the proposed design vehicle, and include vehicle turning templates for all movements at the intersection. Application shall be submitted to: ODOT District 4 Attn: Permit Specialist 3700 SW Philomath Blvd Corvallis OR 97330.
- Any work in ODOT highway right of way needs ODOT review and approval. If there is any other work proposed in ODOT highway right of way, approval for such work would need to be obtained. The process to request approval is through the ODOT permit application process.



TO: Matt Straite, City Planner
FROM: Lora Ratcliff, Senior Deputy Fire Marshal
DATE: January 4, 2019
SUBJECT: SP-18-02 – 3251/3435 NE Old Salem - New Intermodal Transfer Facility-
Albany Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

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]. (OFC 510; OSSC 915)
2. Commercial developments which exceed three stories or 30' in height or have a gross building area of more than 62,000 square feet 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).
Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.
3. 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)
4. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
5. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
6. The location and spacing requirements for fire hydrants are based on four project-specific criteria:
 - The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
 - The calculated "fire flow" of the proposed building(s)
 - The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.
 - The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

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

- a. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)
- b. Required hydrants based on the required fire flow as calculated in accordance with OFC 503.7 and OFC Appendix B. The minimum number of fire hydrants is determined by OFC Table C105.1.

Matt Straite
SP-18-02 – 3251/3435 NE Old Salem - New Intermodal Transfer Facility-
Albany Fire Department Comments

Page 2
January 4, 2019

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

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

LAR/lar

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



NOTICE OF PUBLIC REVIEW
February 19, 2019, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

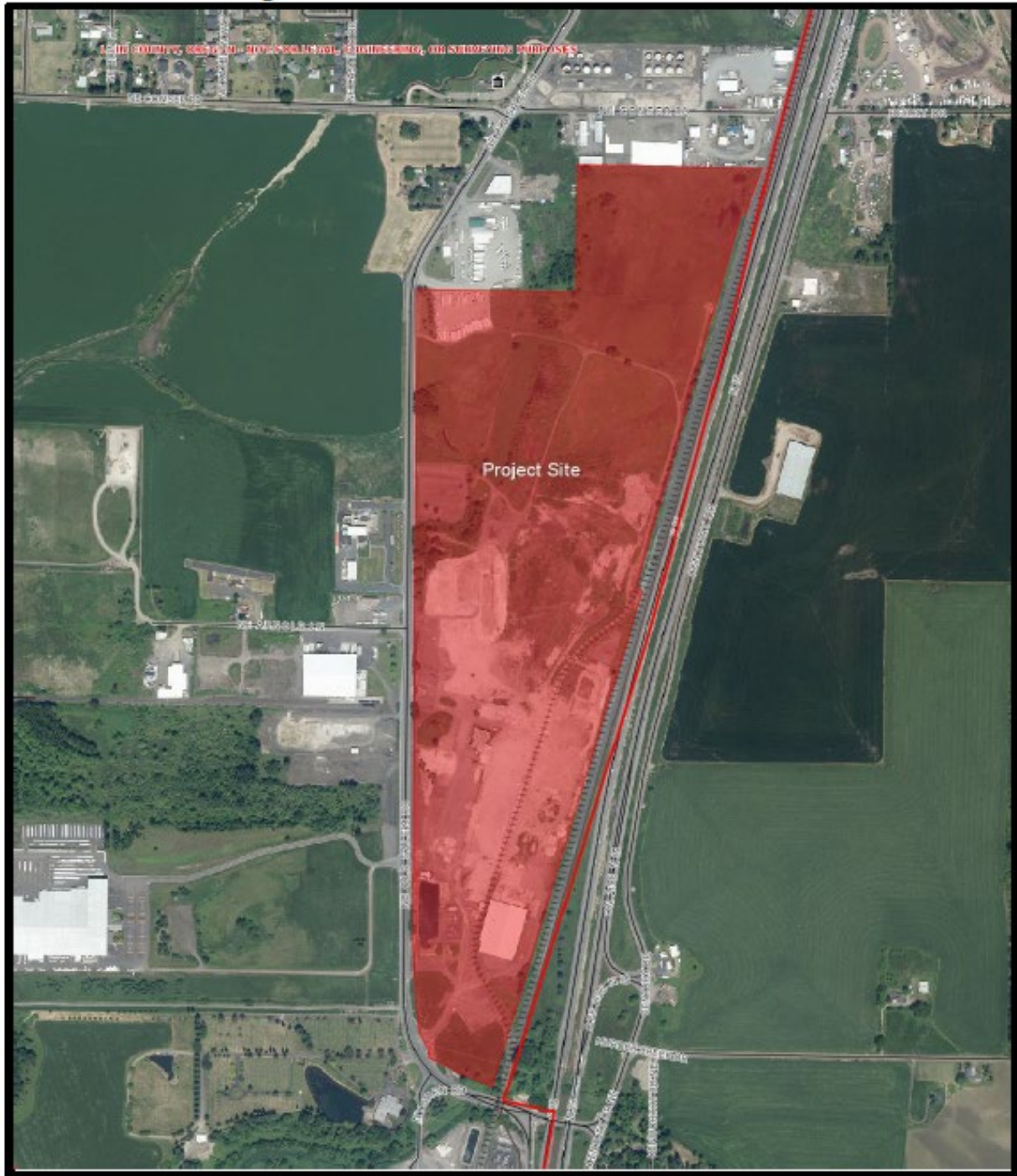
The **MILLERSBURG PLANNING COMMISSION** will hold a Hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment. Failure of an issue to be raised or failure to provide sufficient specificity to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven (7) days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

- APPLICANTS:** Linn Economic Group Development Group, Greg Smith
- PROJECT LOCATION:** 3251, 3435 NE Old Salem Road (former Albany Paper Mill site)
- TAX LOT:** Township 10 South; Range 3 West; Section 28; Tax Lot 0400.
- PARCEL SIZE:** 131.91 acres (only a portion of the property is to be used for this permit)
- ZONING:** General Industrial (LI)
- REQUEST:** The applicant is proposing a Site Plan Review (SP 18-02) for an intermodal transfer facility which proposes to transfer containerized goods from truck to rail to be eventually shipped to the coast. The project includes rail improvements offsite.
- CRITERIA:** Millersburg Development Code; Section 2.400(2).
- FILE No.:** SP 18-02

The location of the meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify City Hall twenty-four (24) hours before the meeting. For further information, please contact City Hall at (541) 928-4523.

Vicinity SP 18-02



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