



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, January 15, 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 & Public Hearing held on December 18, 2018.
- E. QUASI-JUDICIAL PUBLIC HEARINGS
 - 1) 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.*
- F. CITY PLANNER UPDATE
- G. ADJOURNMENT

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

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.

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**CITY OF MILLERSBURG
PLANNING COMMISSION MEETING**

4222 NE Old Salem Road
Tuesday, December 18, 2018
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, Anne Peltier, John Sullivan, Ryan Penning, Steve Vogler, Connie Lepin, Scott Stimpson, Ed Perlenfein, and Dennis Gunner

Members Absent: None

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

D. MEETING MINUTE APPROVAL

- 1) Planning Commission Meeting & Public Hearing held on November 28, 2018 and Planning Commission Work Session held on December 6, 2018.

Action: Motion to accept minutes as presented made by Commissioner Perlenfein; seconded by Commissioner Vogler.

Commissioner Kirkendall: Aye

Commissioner Lepin: Aye

Commissioner Peltier: Aye

Commissioner Penning: Aye

Commissioner Gunner: Aye

Commissioner Sullivan: Aye

Commissioner Vogler: Aye

Commissioner Stimpson: Aye

Commissioner Perlenfein: Aye

E. QUASI-JUDICIAL PUBLIC HEARING

- 1) Public hearing on Land Use File PA 18-07 opened by President Kirkendall at 6:01 p.m. Deputy City Recorder, Jake Gabell, read disclosures. President Kirkendall finished opening the hearing; Commissioner Gunner noted that he drove by the property. No conflicts of interest noted by Commissioners.

File No: PA 18-07 Taylor Land Partition: The applicant is requesting approval to partition 0.51 acres (22,215.6 square feet) into 2 residential lots of 0.25 acres each (10,890 square feet).

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

- ii. Discussion between the Planning Commission, staff, and audience members. The Planning Commission asked questions about access points for the parcel to the east of the applicant's property.
- iii. Jason Chase, 4210 Waverly Drive NE, Albany OR, 97321, stated that the new houses could impact the traffic patterns on the road, which already have many homes on it and include duplexes. He also stated that the storm water from that area could also be impacted by the new parcels. There was a discussion between the Planning Commission and Mr. Chase about his concerns.
- iv. Public hearing closed at 6:19 pm by President Kirkendall.
- v. Deliberation by the Planning Commission. Commissioner Peltier had additional concerns about the traffic on the road; discussion commenced.

Action: **Motion to Approve PA 18-07 made by Commissioner Peltier; seconded by Commissioner Sullivan.**

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

F. City Planner Update

There was a discussion on future Planning Commission Workshops, clarification of dates, and pending application for January's hearing.

G. ADJOURNMENT: meeting adjourned at 6:25 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

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



Proposal: 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. BACKGROUND

- A. Applicant: Steve and Elizabeth Helms
2875 NE Millersburg Drive
Albany, OR 97321
- B. Location: 2575 NE Millersburg Drive
10S 3W 16 Tax Lot 1102
- 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 January 15, 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 January 15, 2019 Planning Commission hearing was mailed to all property owners within 100 feet of the proposed location, and posted in City Hall on December 11, 2018.
- 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: 9.51 Gross Acres
- I. Background: Based on aerial images, the property has been used for residential purposes since at least 1994 and has featured a single family home and an out building. The existing home and out building would remain on Parcel 2. 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 December 11, 2018¹: City of Albany, Albany Fire Department, Linn County Sheriff Office, City of Millersburg Engineer, State Department of State Lands, Pacific Power, Linn County Planning and Building Department, Northwest Natural Gas, and Republic Services. To date, the following comments have been received:

- Albany Planning had no comments.
- Albany Fire provided comments that have been incorporated into the conditions of approval.
- City of Millersburg Engineer letter suggesting conditions of approval, which have been incorporated.
- The Department of State Lands (DSL) commented in an email indicating no action is needed on a partition.
- Northwest Natural Gas indicated they have no comment.

Public:

Notice of the January 15, 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**

¹ The Agency notice was originally sent on November 28, 2018 however the applicant revised the exhibits to add another potential parcel at which point a revised notice was sent with the revised exhibit.

and does not conflict with city codes and ordinances that are applicable to the land division.

ANALYSIS: Parcel 1 is proposed to be 0.76 acres, parcel 2 is proposed to be 6.26 acres, and parcel 3 is proposed to be 2.49 acres. Because the zoning has a minimum lot size of 10 acres, all three parcels will be considered "urban" lots, and thus will be required to comply with the urban standards. Specifically, an urban lot is required to connect to water and sewer. Parcel s 1 and 3 will connect when a home is constructed, a condition of approval has been added to assure this. Parcel 2 already features a single family home. The code does not specifically require an existing home on a substandard lot to connect to water and sewer at the time the lot is being created. However, approval of this partition without a requirement to connect to water and sewer (in order to comply with the urban standards) would leave the City in a position of *creating* substandard-nonconforming lots, in this case lot 2, if the home is not already connected. As such, this partition includes conditions of approval requiring the existing home to connect to water and sewer prior to the City approval of the final partition plat. If the existing home is already connected, the conditions would already be satisfied.

As proposed, the project would create an additional driveway onto an arterial, which is not permitted when other alternatives exist. This is addressed in criterion number 4 below.

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 CONDITIONS OF APPROVAL:

- Proposed Parcels 1, 2 and 3 must connect to City water and sewer. City water and sewer are available in Millersburg Drive. The property owner/applicant shall be responsible for all costs associated with making utility connections.
- 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.

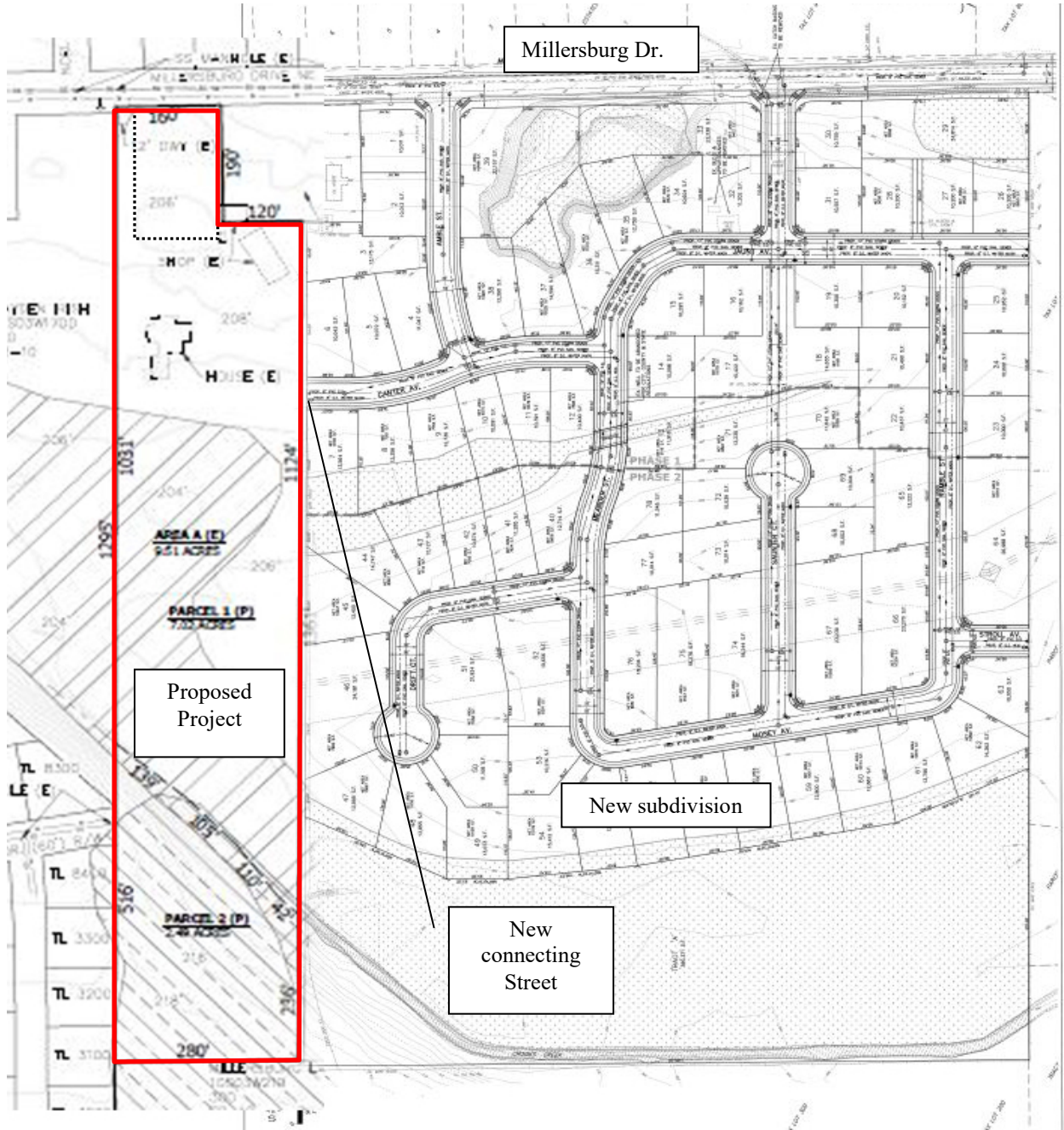
ANALYSIS: ORS Chapter 92 regulates subdivisions and partitions in the State of Oregon. The regulations require a city or county to draft its own regulations in order to have local authority to approve or act on subdivision applications. The City of Millersburg has adopted local policies and procedures to regulate subdivisions to comply with Chapter 92. Other aspects of 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 partition is proposing three parcels. All three parcels could be divided further because all are over 20,000 (which is at least twice the 10,000 square foot minimum lot size, thus they could at least be split in half). This criteria requires that each parcel have a way to further subdivide and still have those future parcels comply with the code. As designed, the parcels do not meet this criterion. Each parcel is reviewed in detail below.

Parcel 1, as proposed, would take driveway access from Millerburg Drive.



Because Millersburg Drive is an arterial, no additional driveway access points are permitted pursuant to code section 5.122(5)(g) and (h). However, the existing driveway shown as a cherry stem for the proposed parcel no. 2 can be used as a shared driveway for parcel 1 and 2. Easements must be shown on the final map.

However, to the east of the site is a new street currently under construction in the West Valley Estates Subdivision (Millersburg Subdivision) (see imbedded graphic). The new street will feature a connection to the applicant's site. Using this access point for parcel 1 is highly preferable to taking any additional access points from the Arterial, Millersburg Drive. While this is preferable, the new street technically does not exist yet. It will not formally exist until it is constructed and dedicated to the City. Therefore, if the applicants map records prior to the acceptance of the street dedication and construction to the east, the access to parcel 1 shall be a shared access with parcel 2.

If the street to the east is dedicated *before* the applicants map records, Staff proposes that parcel 1 take access (on the map) from the southern lot line for proposed parcel 1- connecting to the new street currently under construction in the West Valley Estates Subdivision (Millersburg Subdivision) to the east (again, see imbedded graphic). Any future subdivision of parcel 1 should only take access from the south of the proposed lot 1, to assure driveway/intersection spacing requirements along Millersburg Drive, an arterial, is not violated. See proposed conditions of approval below.

Because parcel 1 could take access from a shared driveway with parcel 2, or from the future access from the rear, it meets this criterion.

Parcel 2 currently takes access from Millersburg Drive and features an existing single family structure. The applicant's narrative indicates that the proposed access to parcel 2 is grandfathered. As a point of clarification, the proposed partition requires the applicant to bring the property into conformance with *all* current requirements of the code, including access spacing. In other words, it's important to understand that there is no such thing as 'grandfathering' if the property is requesting an improvement. A partition is considered a property improvement. Having that said, the proposed access to parcel 2 must be sufficient to accommodate a future subdivision of parcel 2 (which is what this criterion requires). Therefore, the access to parcel 2 must be wide enough to accommodate a future street. The 25 foot width shown will not suffice.

Similar to the discussion above, the conditions propose two sets of access requirements. If the applicants map is recorded *before* the new street to the east is dedicated and constructed, the final plat will have to show an easement on proposed parcel 1 sufficient to accommodate a future street right of way to the satisfaction of the City Engineer. The design of the dedication shall also take into account the alignment of Noel Street.

If the applicants map records *after* the street to the east is dedicated and constructed, parcel number 2 shall take legal access from the new street in the West Valley Estates (Millersburg Subdivision) to the east. This new street

directly abuts proposed parcel 2. Staff would not require that the existing driveway to the existing home be removed. The code explains that access to an arterial is not permitted where adequate access to another street exists. Therefore, if the map records after the new street exists, then the applicant would need to connect to that new street. With the new street to the east, which abuts the property, access to the arterial is not permitted.

With the two possible options listed, parcel 2 meets this criterion.

Parcel 3 abuts Senora Road to the west. Access from Senora would be difficult and expensive, but possible. However, an unnamed street to the south is currently under construction. Because access from Sonora exists, and could easily serve any future subdivision of parcel 3, this criterion is met with no need for any modifications.

Code section 5.132 requires the applicant to provide evidence that the property can be further divided in a logical way if it is not clear based on the existing street patterns. As explained above, in this case it is clear that all proposed parcels could have access when divided.

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

PROPOSED CONDITIONS OF APPROVAL:

- If the final plat is recorded prior to the dedication and construction of the new street proposed in the West Valley Estates Subdivision (Millersburg Subdivision) to the east of the project site, then the final plat shall show parcel 1 sharing a driveway with parcel 2 so that no additional driveways take access from Millersburg Drive. Additionally, the plat must show an access easement to parcel 2 that is large enough to accommodate a street that aligns with Noel Street.
- If the final plat is recorded after the dedication and construction of the new street proposed in the West Valley Estates Subdivision (Millersburg Subdivision) to the east of the project site, then the final plat shall show parcel 1 taking access from the south of the proposed parcel and shall in no way show access from Millersburg Drive. The final plat can use a street that meets standards or a private access easement to connect to the new street under construction to the east of the site. Actual construction of a new internal street would not be required, just shown on the final plat. The final plat shall show parcel 2 taking access from the new street under construction to the east of the project site and shall in no way take access from Millersburg Drive. Actual construction of a new internal street would not be required, just shown on the final plat.

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

ANALYSIS: The property to the east of the site has recently been subdivided and is currently under construction. This is the West Valley Estates (when approved, it was

called the Millersburg Subdivision). The neighboring property has already been subdivided to the maximum extent feasible.

The property to the south has also recently been approved for a subdivision and is currently under construction. This property too has been divided to the maximum extent feasible.

The property to the north is across an arterial and does not apply to this criterion.

The property to the west could be further subdivided. The only current access to the neighboring property is from Millersburg Drive. The applicant's property, when further subdivided, could provide a street connection point to further better connections between the two properties. The design of the applicants currently proposed partition does not preclude any such future connection. Additionally, the neighboring property features an intersection with Noel Lane and Millersburg Drive to the north of that site. A future extension of Noel Lane southwards into the neighboring site is appropriate and probable when that property divides.

As such, the applicant's proposed partition meets this criterion because the design does not preclude subdivisions of the neighboring properties.

FINDING: Based on the analysis above, with the proposed conditions of approval, 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. As designed, the proposed design does create a negative impact on Millersburg Drive. With the conditions of approval discussed above, the project would meet this criterion and have no impact on Millersburg Drive.

FINDING: Based on the analysis above, with conditions of approval, 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: City water and sewer are available within Millersburg Drive, and connections exist for water and sewer in the proposed, unnamed street to the south. The partition would add two more connections to the existing water and sewer lines. A review by the City Engineer has indicated that the facilities are adequately sized to accommodate the additional two connections. In addition, connection to the service will pay connection fees intended to address the additional infrastructure costs associated with the additional connections.

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

PROPOSED CONDITION OF APPROVAL: All utility easements shall be shown on the final plat.

- (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. While the utilities will not be located in a public street, the utilities are located within an easement. However, as shown, the easement is only for the two proposed parcels on the map. As such, the design of the project does preclude additional extensions of these utilities beyond the site in the future because an easement must be shown that allows other future parcels to connect to the existing utilities. With the addition of the condition of approval shown above, the final plat will show the proposed utility connections and this requirement will be met.

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 project site features a drainage way through the southern portion of the existing parcel (located in the proposed parcel 2 and 3). There is also a wetlands and FEMA floodplains shown within the property, according to the County GIS system. There are no improvements proposed for this map. The applicant will have to get a wetland permit through the Department of State Lands prior to any development in the wetlands (mostly located within proposed parcel 3). All proposed improvements will be located outside the limits of the drainage way which is shown on the map. At this time, because this application is only proposing to partition the property, and is not proposing any improvements, the proposal will not create any impacts to the existing drainage way or wetland. The DSL was notified of the application and indicated in an email that they have no concerns until actual disturbance is proposed. A redundant condition of approval has been added to the project to help assure that the applicant is aware of the requirement.

The FEMA floodplain does not necessarily indicate that no construction can take place within the floodplain. A Floodplain Development Permit would be required prior to any construction. These essentially require the applicant to show how the proposed development will affect the flood plain and include any mitigation for the development. Either way, the proposed partition will not result directly in any construction or ground disturbing impacts. Therefore, the project meets this criterion.

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

PROPOSED CONDITION OF APPROVAL: The applicant or land owner will need to

acquire a Fill Permit from the Department of State Lands (DSL) prior to any development of the site.

- (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 drainage, discussed above. It is important to note that the parcel to the south, proposed parcel 3 is completely within wetlands as shown on the County GIS system. Mapping shown on the County system is not considered to be accurate; rather, it is an indication that wetlands may be on that property based on drainage patterns, and that further investigation is required. The Department of State Lands is ultimately responsible for approval of any work in or near wetlands. They were contacted for this proposed development. As mentioned above, they indicated that they have no concerns with the proposed partition. The applicant or property owner will need to get a Fill Permit prior to any ground disturbing activities. A condition of approval has been added to make the applicant aware; however, the final plat can record and the parcels created without the need for any other involvement by DSL. Parcel 3 may require offsite mitigation and/or additional testing prior to any construction on that property.

FINDING: Based on the analysis above, with the proposed conditions of approval, 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 2.5-UC zone, and Chapter 5, Development Standards, with the following exceptions:

SECTION 4.112 RURAL RESIDENTIAL- URBAN CONVERSION RR-10-UC

(1) Purpose. The Rural Residential –

Urban Conversion Zone is applied in rural residential areas with standards for continued rural development until a transition to urban residential use occurs. Urban Residential standards shall apply to approved Urban Conversion areas where municipal water and sewer facilities are provided.

(4) Rural Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Rural Lot Area: Rural Standard for RR-2.5-UC - 2.5 Acres.

(6) Urban Residential Development Standards.

Rural Standards shall apply until Urban Conversion occurs.

(a) Minimum Urban Lot Area: Urban Standard for RR-2.5-UC - 10,000 sq. ft.

ANALYSIS: As discussed above, without conditions of approval, the proposed partition would not meet these standards because it would create a new parcel that would not meet the urban minimum standard requiring connection to City water and sewer. With the conditions listed previously requiring the applicant to connect the existing home to City water and sewer prior to recording the partition, the project can comply.

To explore this further, Section 5.115 explains:

SECTION 5.115 LOT SIZE EXCEPTIONS

If an existing lot or parcel does not meet the lot size requirements of the zone in which the property is located, the property may be utilized for a use permitted in the zone subject to the other requirements of the zone. If there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the lot-area-per-dwelling-unit requirement of the zone.

This code section only pertains to *existing* substandard lots.

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

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 through the site based on the GIS system for Linn County. Pursuant to code requirements, the project was submitted to Department of State Lands (DSL) for review. DSL indicated they had no comments at this time.

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

SECTION 5.122 TRANSPORTATION STANDARDS

(5) Access Management

(g) Access to property at less than designated spacing standards shall be allowed only if that property does not have any other reasonable access and the designated spacing cannot be accomplished. Where possible joint access options should be considered. Only one access per property shall be allowed to a street owned by either the City of Millersburg of Linn County, except that more than one access may be considered if the City finds that additional access is necessary to accommodate and serve the traffic associated with the use of the property.

And

(h) Property access to arterial or collector streets will be provided only where adequate access to another street or driveway is not feasible.

ANALYSIS: As stated above, the project proposes to have two of the three parcels access Millersburg Drive, which is an arterial. As noted above, access to the arterial is restricted if other options exist. In this case, the new street constructed in the subdivision to the east will provide an alternative access. As such, conditions of approval have been added to require the final plat to show access to the new street to the east. Easements will need to be shown as well. There will be no requirement for the removal of the existing driveway. The existing driveway can remain as a legal-nonconforming driveway. The final plat may show a reconfigured parcel 1 that would place the existing driveway in another's property. Legal access will be shown on the final plat as connecting to the east. With the conditions to show legal access from the street to the east, the project complies with this standard.

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

PROPOSED CONDITION OF APPROVAL: The final map shall clearly show access easement locations to assure all properties have access to a public street as required by code section 5.122(5).

SECTION 5.124 SIDEWALKS

Public sidewalk improvements are required for all land divisions and property development in the City Millersburg and along Arterial and Collector streets. Sidewalks may be deferred by the City where future road or utility improvements will occur and on property in the rural fringe of the City where urban construction standards have not yet occurred. The property owner is obligated to provide the sidewalk when requested by the City or is obligated to pay their fair share if sidewalks are installed by the City at a later date. The cost of deferred improvements will be paid by the owner and shall be placed into the City's Street Fund to pay for future improvements.

ANALYSIS: The project is located along an arterial; however, the sidewalk already exists on this segment of Millersburg Drive.

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

SECTION 5.125 BIKEWAYS

Bikeways are required along Arterial and Collector streets. Bikeways shall comply with the requirements and standards contained herein and those contained in the Oregon Transportation Planning Rule.

(1) Developments adjoining existing or proposed bikeways shall include provisions for connection and extension of such bikeways through dedication of easements or rights-of-way.

ANALYSIS: The City's Transportation System Plan shows that bike paths along Millersburg Drive are existing; no improvements are necessary.

FINDING: Based on the analysis above, 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; as explained previously, connections will be required for all parcels prior to City approval of the final plat. The existing home will have to connect to both prior to City approval of the final plat. 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.

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 18-06 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 the existing home and future 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 18-06, Helms Partition pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions

1. Development and construction on the site shall conform substantially to the tentative partition plans submitted by Udell Engineering and Land Surveying, LLC. and dated November 11, 2018 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). 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 E) dated November 29, 2018.
5. The applicant or land owner will need to acquire a Fill Permit from the Department of State Lands (DSL) prior to any development of the site.
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.

Prior to Any Ground Disturbing Activity

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

Prior to Approval of the Final Plat

8. The final plat shall show:
 - a. Parcel 1 taking access from the south of the proposed parcel and shall in no way show access from Millersburg Drive. The final plat can use a street that meets standards or a private access easement to connect to the new street under construction to the east of the site. Actual construction of a new internal street would not be required, just shown on the final plat.
 - b. Parcel 2 taking access from the new street under construction to the east of the project site and shall in no way take access from Millersburg Drive. Actual construction of a new internal street would not be required, just shown on the final plat.
 - c. All existing utility easements (if any).
 - d. The final map shall clearly show access easement locations to assure all properties have access to a public street as required by code section 5.122(5).
 9. Proposed parcels 1, 2 and 3 must connect to City water and sewer. City water and sewer are available in Millersburg Drive. The property owner/applicant shall be responsible for all costs associated with making utility connections.
 10. 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.
 11. 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.
-

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 Land Use 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 Land Use Code.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Land Use 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. 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 for the file.
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

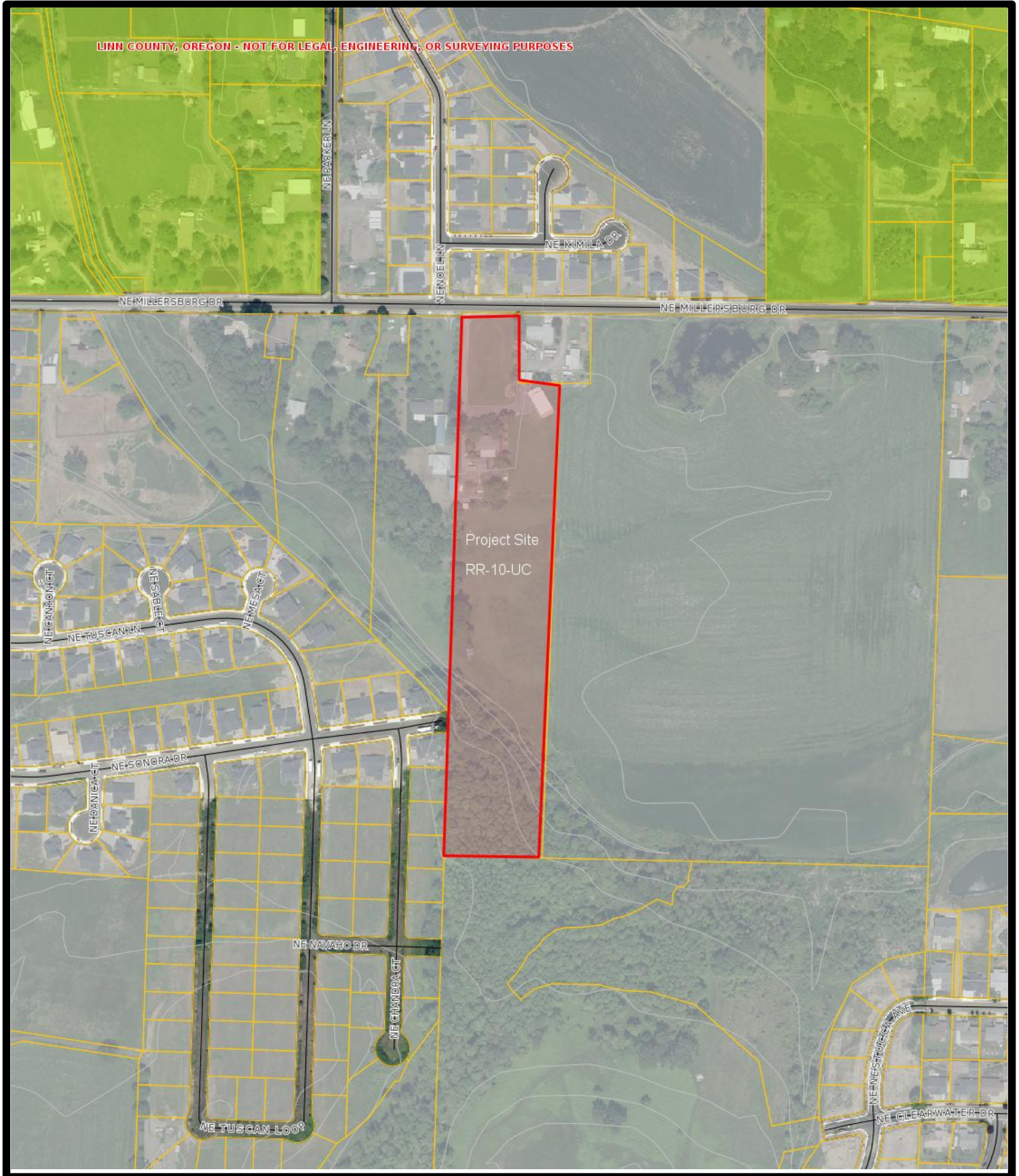
driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the City Planner.

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. 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

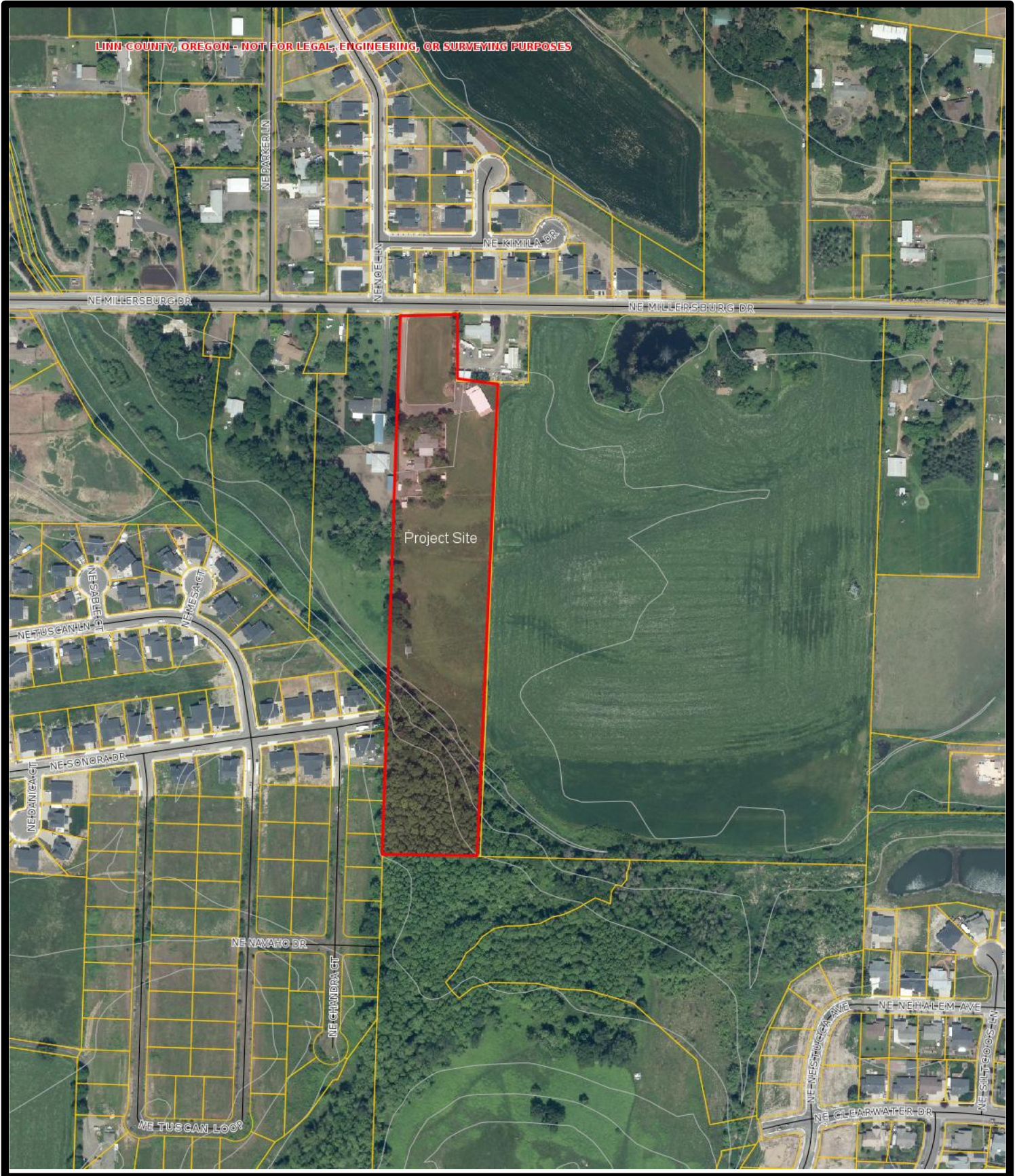
- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan/Map
- D. Applicant's Narrative
- E. Albany Fire Letter dated 11/29/18
- F. DSL Email dated 12/18/18
- G. Albany Planning Email dated 11/29/18
- H. Northwest Natural Email dated 11/29/18
- I. City Engineering Comments dated 12/14/18
- J. Notice of Public Hearing.

Zoning Map PA18-06

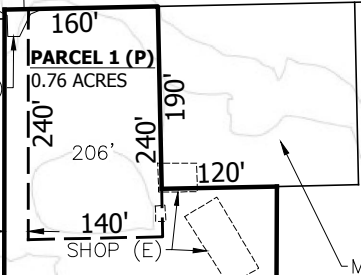
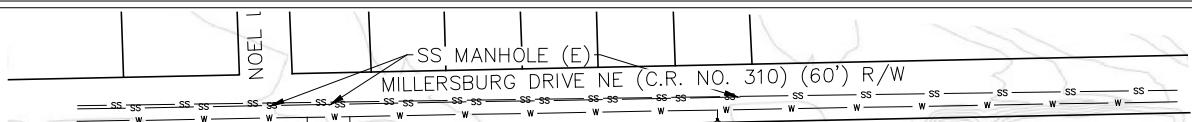


This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.

Vicinity Map PA18-06



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.



AREA A

AREA: 9.51 ACRES
 ZONING: RR-10, RURAL RESIDENTIAL 10 AC MINIMUM-UC
 LAND USE: RESIDENTIAL/AGRICULTURAL
 OWNER: ELIZABETH D. HELMS
 ASSESSORS MAP: 10S03W16
 TAX LOT: 1102

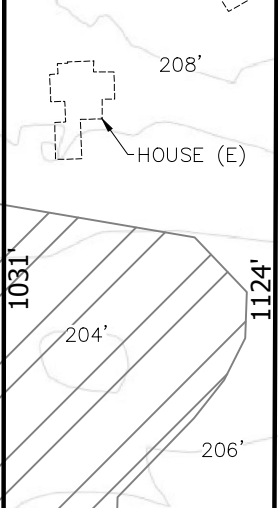
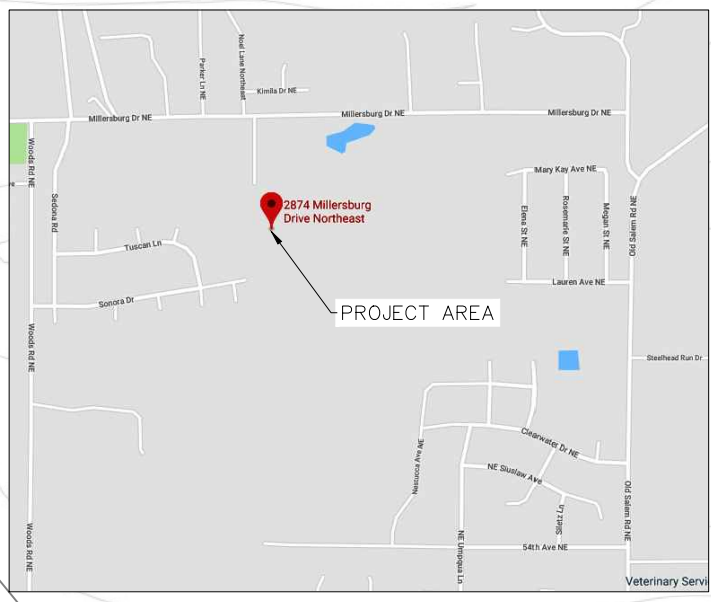
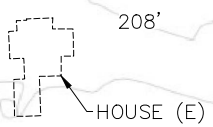
PROPERTY INFORMATION

LEGEND

- WETLAND
- FEMA ZONE A FLOODZONE
- PROPOSED PROPERTY LINE
- (E) EXISTING
- (P) PROPOSED
- C.R. COUNTY ROAD
- DWY DRIVEWAY
- R/W RIGHT OF WAY
- SS SANITARY SEWER
- TL TAX LOT
- RD ROAD

HAYDEN IRISH
 10S03W17DD
 100
 RR-10

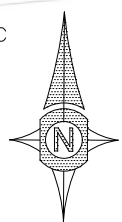
MARY & TRACY BOEDER
 10S03W16
 1101



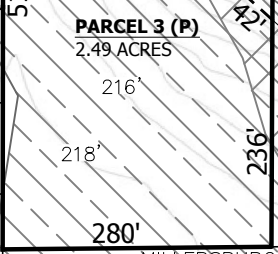
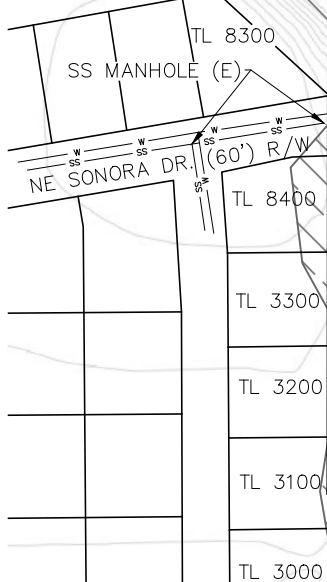
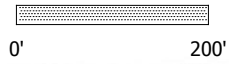
PARCEL 2 (P)
 6.26 ACRES

PACIFIC NATIONAL DEVELOPMENT, LLC
 10S03W16
 1100
 RR-10

1/4 OF CROOKS CREEK
 PER LINN COUNTY 2017
 AERIAL IMAGERY



SCALE: 1" = 200'



PARCEL 3 (P)
 2.49 ACRES

MILLERSBURG LAND & DEVELOPMENT, LLC
 10S03W21B
 300
 RR-10

CITY OF MILLERSBURG
 10S03W21B
 302
 RR-10

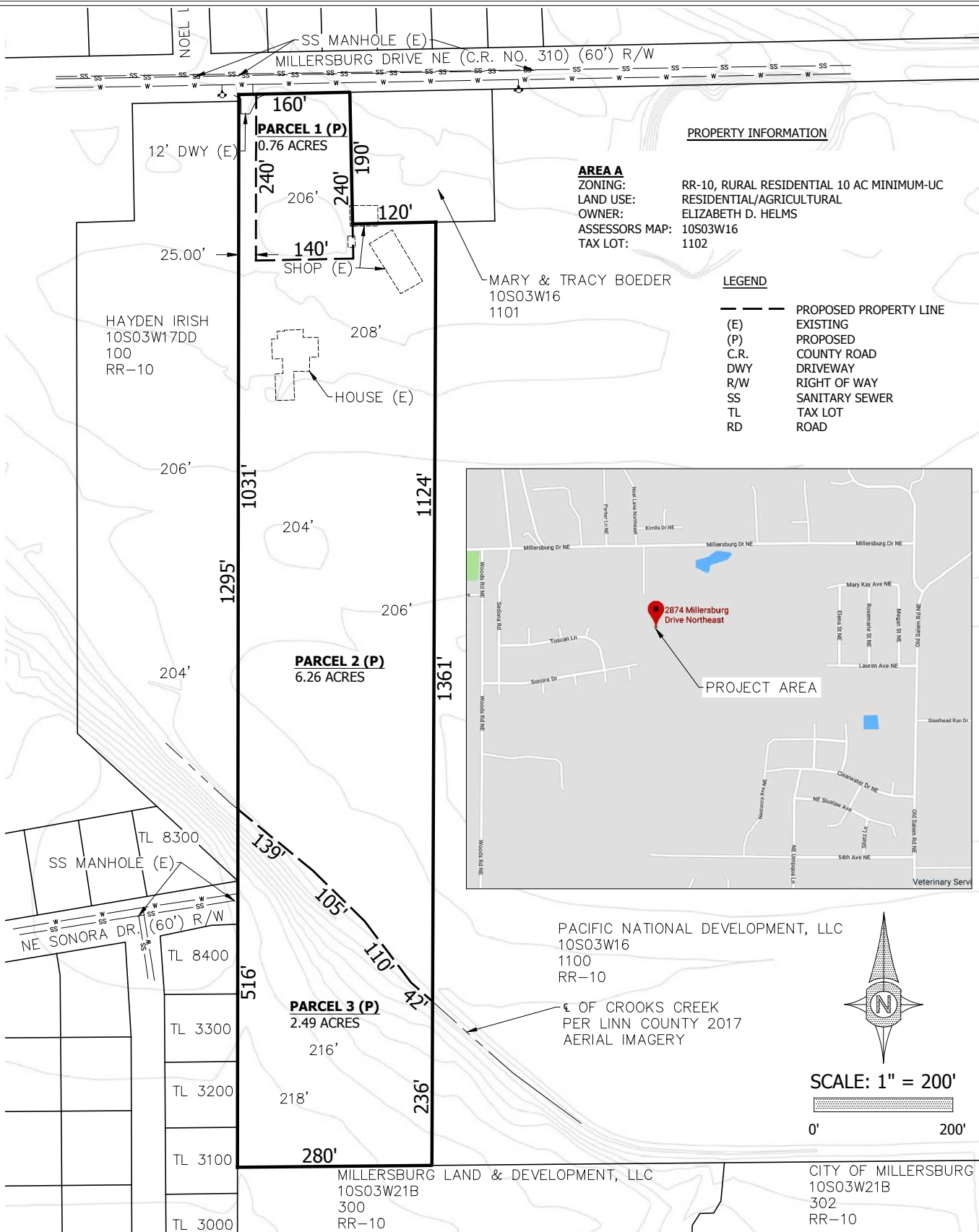
SHEET 1 of 2
 SCALE: AS NOTED



Date: 11/5/2018
 Project: 18-283 HELMS MILLERSBURG DR PARTITION
 Drawn by: KWD
 Checked by: KWL

TENTATIVE PARTITION MAP
 STEVE HELMS
 2874 MILLERSBURG DR NE
 ALBANY, OREGON

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



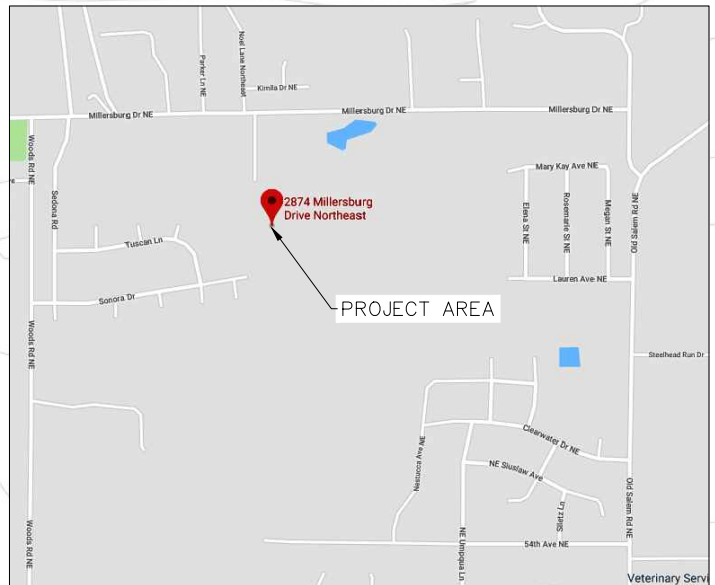
PROPERTY INFORMATION

AREA A

ZONING: RR-10, RURAL RESIDENTIAL 10 AC MINIMUM-UC
 LAND USE: RESIDENTIAL/AGRICULTURAL
 OWNER: ELIZABETH D. HELMS
 ASSESSORS MAP: 10S03W16
 TAX LOT: 1102

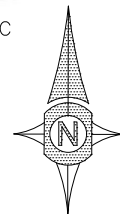
LEGEND

- PROPOSED PROPERTY LINE
- (E) EXISTING
- (P) PROPOSED
- C.R. COUNTY ROAD
- DWY DRIVEWAY
- R/W RIGHT OF WAY
- SS SANITARY SEWER
- TL TAX LOT
- RD ROAD



PACIFIC NATIONAL DEVELOPMENT, LLC
 10S03W16
 1100
 RR-10

1/4 OF CROOKS CREEK
 PER LINN COUNTY 2017
 AERIAL IMAGERY



SCALE: 1" = 200'



MILLERSBURG LAND & DEVELOPMENT, LLC
 10S03W21B
 300
 RR-10

CITY OF MILLERSBURG
 10S03W21B
 302
 RR-10

SHEET 2
 of 2
 SCALE: AS NOTED



Date: 12/5/2018
 Project: 18-283 HELMS MILLERSBURG DR PARTITION
 Drawn by: KWD
 Checked by: KWL

TENTATIVE PARTITION MAP
STEVE HELMS
 2874 MILLERSBURG DR NE
 ALBANY, OREGON

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

**PARTITION APPLICATION
FOR
STEVE HELMS**

APPLICATION NARRATIVE

APPLICANT: Steve Helms
PROPERTY OWNER: Elizabeth D. Helms
2874 Millersburg Dr NE
Albany, OR 97321

**ENGINEER/
SURVEYOR:** Udell Engineering and Land Surveying, LLC
Kyle Latimer
63 E. Ash St.
Lebanon, OR 97355
541-451-5125

PROPERTY LOCATION: 10S-03W-16, TAX LOT: 1102
2874 Millersburg Dr NE
Albany, Oregon 97321

TYPE OF APPLICATION: 3 Parcel Partition

Overview of Proposal

The proposal is to partition tax lot 1102 from Linn County Assessors Map 10S03W16, described in Linn County Deed Document NO. 2010-04521, into 3 parcels. The area is currently 9.51 acres. Proposed parcel 1 will be 0.76 acres, proposed parcel 2 will be 6.26 acres, and proposed parcel 3 will be 2.49 acres.

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.

- 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.**

Current land use will continue after this land division is approved.

- 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.**

This proposal complies with 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.**

Not applicable to this proposal.

- 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 parcels 1 and 2 currently have access to city water, sewer, and utilities along Millersburg DR., proposed parcel 2 can hook into existing sewer, water, and utilities along NE Sonora Dr.

- 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.**

Not applicable to this proposal.

- 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.**

Not applicable to this proposal.

- 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.**

Not applicable to this proposal.

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.

Not applicable to this proposal.

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 due to this proposal.

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.

MDC SECTION 4.113 – RURAL RESIDENTIAL–URBAN CONVERSION -RR-10-UC

(2) All 3 parcels will fall under the permitted uses listed in sub-section 2.

(6) All 3 parcels will meet the Urban Residential Development Standards except proposed parcel 2 will exceed the maximum lot depth to width ratio. Even though the ratio will be exceeded the new line will make parcel 2 more conforming than it currently is.

MDC SECTION 5.000 – DEVELOPMENT STANDARDS.

Development is not currently planned so this section is not applicable at this time.

MDC SECTION 7.000 – SPECIAL AREA STANDARDS.

Proposed parcels 2 and 3 have portions which are within a Zone A FEMA floodzone and a designated wetland. If in the future development occurs these areas will be taken into account during the planning process. As of now no development is planned and the existing dwelling that is on proposed parcel 2 is outside both the floodzone and wetland areas.

Summary of Proposal

The partition will create three parcels from one existing 9.51 acre parcel. Proposed parcel 1 will be 0.76 acres. Proposed parcel 2 will be 6.26 acres. Proposed parcel 3 will be 2.49 acres.



TO: Matt Straite, City Planner

FROM: Lora Ratcliff, Senior Deputy Fire Marshal

DATE: November 29, 2018

SUBJECT: 2874 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).
2. 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)

3. 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

RE: *REVISED* PA 18-06 Project review request

 DELETE  REPLY  REPLY ALL  FORWARD 



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

Mark as unread

Tue 12/18/2018 4:34 PM

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](#).


You replied on 12/18/2018 4:56 PM.

We do not require a delineation for partitions of tax lots. Sometimes subdivisions create a tax lot that is only wetland which can make development of that property very difficult. That does not seem to be case here if the wetland mapping is somewhat accurate.

Thanks,
Lauren

From: Matt Straite <mstraite@cityofmillersburg.org>
Sent: Tuesday, December 18, 2018 4:14 PM
To: BROWN Lauren <Lauren.BROWN@state.or.us>
Subject: Re: *REVISED* PA 18-06 Project review request

This will only subdivide the property. Some subdivisions result in construction of roads and other infrastructure; however, this is a partition and is not proposing any direct construction. I was not sure if you would want a delineation prior to the proposed subdivision though because one of the parcels is proposed in a mapped wetland area. You will probably need that down before they disturb the soil there, which is not proposed at this time. I just wanted to check.

Matt Straite
City Planner
City of Millersburg
541.928.4523
 Color Logo_Sep 2018

From: BROWN Lauren <Lauren.BROWN@state.or.us>
Sent: Tuesday, December 18, 2018 3:44 PM
To: Matt Straite
Subject: RE: *REVISED* PA 18-06 Project review request

PA 18-06

X DELETE ← REPLY ⇐ REPLY ALL → FORWARD ⋮



Martineau, David <David.Martineau@cityofalbany.net>

Mark as unread

Thu 11/29/2018 8:31 AM

To: Matt Straite;

[Bing Maps](#)

+ Get more apps

Matt,

Thank you for sending us the notice concerning the proposed Partition PA 18-06. The City of Albany has no comments.

David



David Martineau

Planning Manager

541-917-7561 phone | 541-917-7598 fax

Community Development

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321

www.cityofalbany.net



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RE: [External]PA 18-06 Project review request

 DELETE REPLY REPLY ALL FORWARD

Bellinger, David <d6b@nwnatural.com>

Thu 11/29/2018 6:28 AM

Mark as unread

To: Matt Straite;

NW Natural has no issues with this proposal

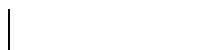
Thank You**DAVE BELLINGER****NW NATURAL****ALBANY FIELD ENGINEERING DEPT****541-926-4253 EX 8238****CELL 541-974-3512**

From: Matt Straite [mailto:mstraite@cityofmillersburg.org]**Sent:** Wednesday, November 28, 2018 3:07 PM**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@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**Subject:** [External]PA 18-06 Project review request

Please see the attached documents for your agencies review of Millersburg Application PA 18-06, an to divide 9.51 acres into 2 residential lots, 7.02 acres with an existing home and 2.49 acres of vacant land.

The project is scheduled for a hearing on December 18, 2018. Please have your comments back by December 10th, 2018. Let me know if you have any questions.

Matt Straite
City Planner
City of Millersburg
541.928.4523



TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: December 14, 2018
SUBJECT: PA 18-06 - 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 Millersburg Drive and in the end of Sonora Drive. 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. 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.
4. Driveways and access shall conform to Section 5.122 of the Millersburg Land Use Development Code.
5. 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.
6. The Final Plat shall include any required access or utility easements.
7. All agreements required as conditions of this approval must be signed and recorded.
8. 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).

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



REVISED
NOTICE OF PUBLIC HEARING
January 15, 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 applicant has revised the exhibits to request three parcels instead of two.

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: Steve and Elizabeth Helms
LOCATION: 2874 Millersburg Dr. NE (see map opposite page)
TAX LOT: Township 10 South; Range 3 West; Section 16W; Tax Lot 1102
PARCEL SIZE: 9.51 Acres
ZONING: Rural Residential 10 Acre Minimum- Urban Conversion
REQUEST: The application proposes to divide one lot of 9.51 acres into three parcels of 0.76 acres, 6.26 acres and 2.49 acres.
CRITERIA: Millersburg Development Code; Article 2 § 2.328
FILE No.: PA 18-06

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.

