



Rules of Conduct for Public Meetings

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

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

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

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

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

PLANNING COMMISSION PUBLIC HEARING & WORKSHOP

Millersburg City Hall
4222 NE Old Salem Road, Millersburg, OR 97321
November 1, 2022 @ 6:00 p.m.

Planning Commission meetings are in-person. Remote access continues to be available. Instructions for joining are at <https://www.cityofmillersburg.org/bc-pc/page/planning-commission-meeting>. If you need additional support, please contact City Hall prior to 5:00 p.m. on Monday, September 19.

Meeting link to join via computer:
<https://aspencu.accessionmeeting.com/j/1167491335>
Phone number to join meeting: 503-212-9900
Meeting ID: 116 749 1335

A. CALL TO ORDER

B. ROLL CALL

C. MEETING MINUTE APPROVAL

1) Approval of October 4, 2022, Planning Commission Minutes
Action: _____

D. PUBLIC HEARING

File No: SP 22-04 & CUP 22-01 Agricultural Chemical Fertilizer Storage and Distribution Facility

The Site Development Review application is requesting an agricultural chemical and fertilizer storage and distribution facility. The site includes a 7,380 square foot 2-story (14,760 square foot total) administration office building, a 52,500 square foot operations warehouse with a 2,106 square foot attached office, a 71,858 square foot dry fertilizer building with an attached rail and truck covered loading area, a 11,250 square foot maintenance shop/ laboratory with an attached 4,500 square foot covered wash pad, a 28,080 square foot liquid fertilizer tank farm on a concrete pad with a fabric structure cover, 49 passenger vehicle parking spaces, a new access road, and a new railroad spur. The Conditional Use Permit is requested for the fertilizer production.

Action: _____

E. CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES (CFEC) PARKING WORKSHOP

F. PLANNING UPDATE

G. ADJOURNMENT

Upcoming Meeting(s):

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

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



PLANNING COMMISSION MINUTES

4222 NE Old Salem Road

Millersburg OR 97321

October 4, 2022

6:01 pm

A. CALL TO ORDER: Commission Chair Anne Peltier called the meeting to order at 6:00 pm.

B. ROLL CALL:

Members Present: Chair Anne Peltier, Commissioners Wil Canate, Ryan Penning, Caryl Thomas and Jason Young

Members Absent: Monte Ayers and vacant position

Staff Present: Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Forrest Reid, City Attorney, and Kevin Kreitman, City Manager

Commission Chair Peltier opened the meeting at 6:00 p.m.

C. MEETING MINUTE APPROVAL

Approval of September 20, 2022, Planning Commission Work Session Minutes

ACTION: Motion to Approve the minutes as written by Commissioner Ryan Penning; seconded by Commissioner Wil Cante.

Chair Peltier: Aye

Commissioner Canate: Aye

Commissioner Penning: Aye

Commissioner Thomas: Aye

Commissioner Young: Aye

Motion Passed: 5/0

D. PUBLIC HEARING

6:02 p.m.

File No: DC 22-01 Urban Growth Boundary Amendment (Comprehensive Plan Amendment) & Land Use/Zoning designations

Chair Peltier opened the public hearing at 6:02 p.m.

Declarations by the Commission

No commissioners had a conflict, ex parte contact or abstained from participating.

Staff Report

Community Development Director Matt Straite presented the staff report*.

Straite explained the background about making room for industrial development as some of the land that was in the General Industrial Zone was not suitable for development. The land is heavily wooded, has access issues and is a FEMA designated floodway. At the August City Council meeting Site A was removed from the City but was not removed from the Urban Growth Boundary (UGB). He explained that doing a UGB

swap will be easier because the City is not adding more acreage and the Comprehensive Plan and Zoning designation will remain the same. This amendment requires an alternative analysis which is in the staff report.

Straite mentioned that City limits is not being proposed to change. Changes to City limits happens only during an annexation, but by adding Comprehensive Plan and Zoning designation to the amended area now would help the process when the property is annexed into the City.

Peltier asked if the property was developable. Straite explained that it was developable as industrial.

Straite described the State, County and City criteria that must be met for the UGB amendment.

Peltier asked if all properties within a UGB are the jurisdiction of the Counties. Straite affirmed. He added that there are agreements between counties and cities regarding the reviewing processes, cities are included if property is within the UGB, but it is the County's jurisdiction.

Straite shared a letter from the Department of Land Conservation and Development*. The DCLD supports the project but requested a couple of revisions to the Alternatives Analysis.

Peltier asked what the additional revisions were. Straite shared that the DCLD asked for it to be clear that there were only three Goal requirements not six that were presented in the Alternatives Analysis.

Peltier asked about if they were concerned about it being industrial. Straite replied no because it was being swapped from industrial.

Public Testimony

None.

Discussion

Commissioner Ryan Penning asked about the ownership of the "yellow" property presented in the presentation*. Straite said that a portion was owned by the City and the other portion is owned by the same owner of the property that was exchanged. Peltier clarified that it was the same property owner for Site B. Straite affirmed.

ACTION: Motion to make recommend approval of DC-22-01 to City Council because all applicable criteria are met, all finding of fact are included in the staff report and implementing ordinance was made by Wil Canate; seconded by Commissioner Jason Young.

Chair Peltier:	Aye
Commissioner Canate:	Aye
Commissioner Penning:	Aye
Commissioner Thomas:	Aye
Commissioner Young:	Aye

Motion Passed: 5/0

Chair Peltier closed the public hearing at 6:21 p.m.

E. PLANNING UPDATE

6:22 p.m.

Straite said the State has recently passed a Climate Friendly Equitable Communities Act that he would bring to a workshop next month, to talk about parking lot revision requirements. He added that at the Planning Commission meeting in November there will also be a new industrial proposal that will be presented.

ADJOURNMENT: Meeting adjourned by Commission Chair Peltier at 6:24 p.m.

Respectfully submitted:

Reviewed by:

Sheena Dickerman
City Recorder

Matt Straite
Community Development Director

*Documents discussed or presented at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cityclerk@cityofmillersburg.org



File No: SP 22-04 & CUP 22-01 Agricultural Chemical Fertilizer Storage & Distribution Facility

Proposal: The Site Development Review application is requesting an agricultural chemical and fertilizer storage and distribution facility. The site includes a 7,380-square-foot 2-story (14,760 square foot total) administration office building, a 52,500-square-foot operations warehouse with a 2,106-square-foot attached office, a 71,858-square-foot dry fertilizer building with an attached rail and truck covered loading area, a 11,250-square-foot maintenance shop/ laboratory with an attached 4,500-square-foot covered wash pad, a 28,080-square-foot liquid fertilizer tank farm on a concrete pad with a fabric structure cover, 49 passenger vehicle parking spaces, a new access road, and a new railroad spur. The Conditional Use Permit is requested for the fertilizer production.

I. BACKGROUND

- A. Applicant: Wilber-Ellis Company
- B. Location: Southerly of Conser Road NE, easterly of the Willamette River
- C. Review Type: The proposed Site Development Review and Conditional Use Permit require a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on November 1, 2022. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 200 feet of the proposed location, posted in City Hall on October 5, 2022, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Chapter 5.05.060 Site Development Review Criteria and 5.04.050 Conditional Use Permit Criteria.
- F. Current Zoning: General Industrial (GI)
- G. Proposed Zoning: N/A
- H. Property Size: 25 acres plus several offsite requirements such as an access road, secondary access, rail spurs, water and sewer lines.

I. Background:

The project includes many offsite improvements including water lines, sewer lines, primary access, secondary access, and all new rail road spur. Some of these improvements are outside the City limits. An application has been submitted to the County for the primary access. Many of these improvements are proposed on property that is under the

ownership of Southern Pacific Rail Road. Traditionally, this would require signature authorization for the application submittal; however, the rail road property is not within the City limits. Therefore, authorization has not been requested.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's Site Development Review materials were transmitted to the following agencies/departments on October 14, 2022: City of Albany, Albany Fire Department, City of Millersburg Engineer, PacificCorp, Linn County Planning and Building Department, Linn County GIS, and Northwest Natural Gas. To date, the following comments have been received:

- Albany Fire Department letter dated October 14, 2022
- City of Millersburg Engineering comments dated October 21, 2022

Public:

Notice of the November 1, 2022, hearing was mailed to all property owners within 200 feet of the property on October 5, 2022. To date, no written comments from the public have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable CUP criterion are from Code section 5.04.050; the Site Development Review criteria are from section 5.05.060. All analysis and findings below are in addition to those provided by the applicant, which are included by reference.

5.04.050 Conditional Use Decision Criteria

A conditional use shall be approved if the applicant provides supporting evidence that all the requirements of this Code relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- (1) **The use is listed as a conditional use in the underlying zone and complies with the development requirements of the underlying zone.**

ANALYSIS: The zoning for the site is General Industrial (GI). In that zone, agricultural chemicals/fertilizer storage and distribution is listed as requiring a conditional use permit in section 2.10.040(5). Any conditional use permit is secondary to a site development review permit, both are required for any CUP.

The development standards for the GI zone include all dimensional standards listed in Table 9. These include minimum lot area, setbacks, yards when next to residential, height, and lot coverage. Most of these standards are zero unless the property is located next to residential zoning. The applicant's site is far from any residentially zoned property, and thus meets all zoning development standards. The zoning standards also reference other development standards in the Development Code. These will be addressed in the last section of the staff report. With conditions, all development standards are met.

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

(2) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

ANALYSIS: The property is currently vacant. The site is generally flat with 8 feet of slope north to south over a span of about 1,700 feet. The site is free from significant vegetation or any other natural features that would inhibit development of the site.

The access to the site requires the construction of a new road, connecting to Conser Road NE. The new access road is considered part of this project and is shown on the drawings. Most of the new road is not located within the City jurisdiction, it is located within unincorporated Linn County. The applicant has submitted a separate application to the County for the road alone. Secondary access for emergency vehicles is planned going to the south of the property. The secondary access road exists but will need to be improved. Because both primary and secondary access will be required, but are located outside the City's jurisdiction, a condition of approval has been added that they both be constructed and fully functional prior to final inspection.

Water and sewer are similar in that they are both existing on the east side of the railroad tracks and need to be extended to the west side. The applicant and the property owner (the City of Millersburg) will work with the railroad to extend services through their property. All extensions are part of the project. It should be noted that while these utilities will cross the rail road tracks, which are not within the City of Millersburg, there is no need for separate land use permitting through the County for these actions. Building and safety permits may be needed through the County Building Department, but no land use permits are needed. No conditions have been added for utilities because these utilities are needed prior to operation with the need for conditions of approval. The business cannot operate without water and sewer.

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

CONDITIONS OF APPROVAL:

- Prior to final inspection, both the primary and secondary access roads must be constructed and inspected. The primary road must be paved, to the satisfaction of the City engineer. The secondary access does not need to be paved but must be able to support use by emergency vehicles, to the satisfaction of the Albany Fire Department.

(3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the use.

ANALYSIS: As discussed previously, the project will require the construction of some infrastructure for access and utilities, though all are reasonable and feasible.

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

- (4) **The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.**

ANALYSIS: The site is located in a place that is very difficult to see from any right-of-way or public place. As discussed before, the site is vacant and free from any significant vegetation. The surrounding property to the west is generally undevelopable and is currently forested property between the applicant's site and the Willamette River. There is no active use planned or proposed on the property to the west. This project will not limit, impair or preclude the use of this property. The property to the north and east are planned for additional industrial development, property is currently vacant. The extension of the utilities will only help additional development, not impair or preclude it. The property to the south is an existing pond and is designated wetlands. This project will not drain into that pond and will have to impact or effect on the use of that property.

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

5.05.060 Site Development Review Decision Criteria

The review of the Site Plan shall be based upon the following criteria:

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

ANALYSIS: See the discussion above in the analysis for 5.04.050(1). The project complies.

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

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

ANALYSIS: The project will increase traffic on NE Conser Road, though the City is constructing a new street designed to keep non-residential traffic off of NE Conser east of NE Woods Road. The new street is currently called NE Transition Parkway. This new street will be designed to accommodate the traffic from the applicant's project and additional industrial development west of the railroad tracks. The applicant provided a traffic study by Sandow Engineering which concluded all standards are met.

Regarding glare, the site plan shows some proposed lighting, but additional details are required. The narrative explains that the lighting details are still pending. The lighting will be required to not spill over the property lines in any way. A condition of approval has been added requiring the applicant to provide a lighting plan prior to construction.

There should be no other impacts to surrounding uses because the property surrounding the site will largely be vacant. The project should not have any impacts on the natural areas to the west. The project has been designed so that most of the active uses are located on the western side of the property, away from the natural area to the west. The north, south and east are all industrial areas. There will be no impacts to any of these areas. Additional impact discussions are addressed in the applicant's narrative.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall provide a lighting plan to the City for review and approval. All lighting must stay within the project site through the use of shielding or other methods.

(3) The City may impose conditions of approval intended to mitigate potential impacts including, but not limited to:

a. Provisions for public utilities, including drainage and erosion control needs;

ANALYSIS: As discussed previously, the project is proposing to bring water and sewer to the site from locations east of the railroad tracks. The narrative explains that there is a 12" water line in NE Arnold Lane that will be used. The line is proposed to be upsized to an 18" line to accommodate the additional volume. The sewer line is closer. There is a 24" line east of the rail road tracks. These utilities will bore under the tracks. Construction of the public utilities will follow public standards.

Drainage and erosion control features are shown on the site plan, but there is not enough detail provided to show full compliance. As such, a condition of approval has been added requiring a full drainage plan to be submitted prior to building permit issuance.

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

CONDITIONS OF APPROVAL:

- Prior to the issuance of building permits, the applicant shall submit for approval a drainage plan that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer.
- Prior to final inspection, the applicant shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.

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

ANALYSIS: The applicant's narrative explains:

While individual building types of the proposed use can be found in Table 14 – Vehicle Parking Space Requirements, the greater use is not represented. As such, the applicant proposes to utilize MDC 3.03.050 to determine the appropriate number of parking spaces. This standard states “requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Director based upon the requirements of comparable uses listed and expectations of parking and loading need.”

Seventy-two employees will operate out of this facility; however, all 72 employees will never be on-site at the same time due to the nature of their day-to-day tasks, shifts, and functions - many employees will work remotely from potential buyers' or current clients' farm sites. Approximately 30 to 40 employees will routinely operate on-site during a standard 8:00 a.m. to 5:00 p.m. with seasonal adjustments plus-or-minus one hour during heavy spring and fall volume months. The facility will also be open Saturdays during heavy volume times (spring & fall months). The number of buyers or contractors who visit the site will be limited. Therefore, to ensure that sufficient parking is provided for employees and visitors to the site, the applicant proposes the construction of 49 parking spaces. This number will provide parking for all employees assigned to a given shift and any customers visiting the site. Consequently, the intent of this standard is met.

Staff concurs with this analysis. The use is unique in that the applicant has stated that there is to be very minimal staff within the storage areas, so the typical warehouse standards would not apply. Additionally, a primary intent of the parking standards is to assure that there would be enough parking for any possible different tenants of the facility. The design would allow for additional parking if a different tenant were to occupy the space.

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

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

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

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

d. Protections from any potential hazards.

ANALYSIS: No hazards are anticipated on or near the property. No additional protections are needed. The type of chemicals and fertilizers stored are not related

to ammonium nitrate and should not present any kind of hazard to the City or surrounding properties.

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

IV. STANDARDS

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

CHAPTER 3.02 STREET STANDARDS

The street standards explain the requirements for City public and private streets. While a street is required for and by this project, it is important to note that the street is partially within the County jurisdiction. The street is designed to meet County and "rural" City street standards. Section 3.02.050 allows the City to modify the required street section design, meaning street land widths, sidewalks and other required features. In order to approve a modification to the standard, the City must find that (as outlined in 3.02.050(2)) the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. Based on a review by the City Engineer and the traffic study, the proposed street design will be adequate for the anticipated traffic.

The secondary access is within the City. This access will not be public and is intended for emergency access only. Because it will not be a public street the City street standards do not apply. The secondary access road will have to meet the requirements of the Albany Fire Department.

SECTION 3.02.120 TRAFFIC IMPACT ANALYSIS

ANALYSIS: The proposed project will trigger the requirements for a traffic study. The applicant has provided a study by Sandow Engineering dated September 30, 2022. The study found that the existing street system (with the new road) is adequate to accommodate the anticipated traffic levels from the project, and that truck queuing can be accommodated without any impact to the City.

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

CHAPTER 3.03 OFF-STREET PARKING AND LOADING

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

ANALYSIS: Parking requirements were addressed above in the project criteria requirements. The applicant has made an argument that the standard parking requirements should not apply and using 3.03.050 has requested that the Planning Director make a determination that the parking proposed is adequate for the use. As explained previously, staff acknowledges that the use is unique, and that the design of the project contains large open space areas that could be converted to future parking should the vendor change and the parking demands increase.

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

SECTION 3.03.070 OFF-STREET LOADING REQUIREMENTS

ANALYSIS: The applicant has explained that 8 loading spaces are required. They explain:

Five of the proposed loading spaces are located on the north side of the operations warehouse – a loading bay is illustrated on the preliminary site plan. While other loading areas are not as clearly marked, the proposed development includes several structures and areas intended for the loading of vehicles. On the west side of the dry fertilizer building a 100-foot by 56-foot building will be constructed to provide an enclosed loadout area. A building of this size could provide up to 21 loading areas based on the 12 feet wide and 30 feet long dimensional standards. The west side of the liquid dike provides a pathway for trucks to maneuver and accept fluids – this portion of the liquid dike is 216 feet long by 25 feet wide. That provides seven more loading spaces. The truck routes through this area are demonstrated by the traffic patterns and arrows on the preliminary site plan. Furthermore, while not strictly defined, a truck pull-off area is located on the east side of the operations warehouse to provide additional loading area if needed. Therefore, this standard is met.

Staff concurs with this analysis.

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

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

ANALYSIS: The Code specifies in subsection (1) that all driving surfaces are to be paved. However, the project proposes to only pave about half of the project. Section (1)c allows the City Engineer to allow alternative surfaces for industrial projects. In this case, the City Engineer is comfortable with the gravel proposed on half of the property.

Passenger vehicle parking has only been provided around the office building. Subsection (2) explains that all spaces must be at least 9 feet wide and 20 feet long. As shown on sheet 6 of the proposed plans, the parking spaces measure only 9 feet wide and 18 feet deep. A condition of approval has been added to revise the

spaces to meet the City standard. The parking shown appears to be at a 45-degree angle, which requires a 13-foot driveway aisle. The narrative says they are at a 60-degree angle which would require an 18 foot aisle width. Either way, as shown there is 20 feet (one way only), which conforms.

Subsection (8) requires specific landscaping for the parking area. This is discussed more in the analysis of section 3.09 below.

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

CONDITIONS OF APPROVAL:

- Prior to final inspection, all parking spaces must be revised to be 9 feet wide and at least 20 feet in length.

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

SECTION 3.09.030(1)b NON-RESIDENTIAL LANDSCAPING

ANALYSIS: The site does not abut any residential property; no screening is required. The applicant provided a landscape and irrigation plan. No setbacks are required. Landscaping is proposed in the parking area only.

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

SECTION 3.09.030(2) PARKING LOT LANDSCAPING

Parking areas have specific landscape requirements. These include:

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

ANALYSIS: There are no areas in the proposed lot that use more than 11 parking spaces together, thus planter bays intended to break up large sections of parking are not required, though landscaped areas at the ends of the parking aisles are still required. These are provided. The building is shown with a walkway surrounding the entire structure. Lastly, the landscape areas do not seem to include any boulders or other method to separate the landscape areas from the adjacent graveled areas. A condition of approval has been added to require such.

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

CONDITIONS OF APPROVAL:

- Prior to final inspection, the office landscaping areas must install boulders or similar barriers between the landscaping and the graveled areas, such that vehicles are prevented from driving into the landscape areas.

SECTION 3.26 COMMERCIAL DESIGN STANDARDS

Commercial Design Standards are intended to create an attractive vista, enhancing the ability to attract business investment and livability. Requirements include:

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

ANALYSIS: This requirement only applies to the office building. This section was revised in July of this year, so the new standards apply. As submitted the elevation of the office building appears to be a combination of metal wall panels and stone veneer. The stone veneer appears to cover most of the front façade and the first 12 feet of the exterior walls on three sides. The proposed design addresses the requirement for a variety of materials. The front façade of the structure features gables and different roof elements at each level of the building. These meet the requirements for the required architectural features on the facade. Other sides of the structure are addressed later. It should be noted that the elevations show an electronic message board on the façade. This is not permitted without a separate Sign Permit and Conditional Use Permit.

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

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

ANALYSIS: The structure is not visible from adjacent streets or I-5 so this standard does not apply.

FINDING: This standard does not apply.

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

ANALYSIS: The code text does not clarify if these are required on all sides of the structure. The applicant has stated the following in the narrative:

Each façade of the proposed office building will contain three architectural features. While several are listed in this standard

(landscaping, window projections, building projections), the building also incorporates the use of multiple building materials – which is not listed in this standard, to provide architectural interest. Building materials include stone veneer, brick veneer, and metal panels to provide a variety of textures and visual contrast. It is compatible with the intent of this standard and can be permitted through this Site Design Review process. Table 2, Description of Architectural Features, outlines how each façade complies with this requirement below.

Wall Direction	Total Length	Required Feature Length	Length of Features	Features provided
North	98 ft.	29.4 ft.	98 ft.	Landscaping, projections, and multiple building materials
South	98 ft.	29.4 ft.	91 ft.	Window projections, multiple building materials, and landscaping
East	70 ft.	21 ft.	40 ft.	Window projections, multiple building materials, and landscaping
West	70 ft.	21 ft.	59 ft.	Window projections, multiple building materials, and landscaping

If the Planning Commission interprets the requirement is only for the front façade, then the standard appears to be met. Staff would interpret this to mean all sides, otherwise it would specify that it only applies to the façade.

If the standard applies to all sides, three features are required on each side. Each of the applicant's responses is reviewed below:

- The applicant's narrative states that there are window projections, though the elevations do not seem to show any projecting windows (like bay windows for example). It seems that this would not qualify as an architectural feature.
- The applicant lists multiple building materials as an architectural feature. It is true that the standard allows an applicant to use the Site Development Review process to identify an equivalent feature that may not be included on the list; however, the use of different building materials is a specific requirement elsewhere in the Commercial Design Standards. For this reason, they should not be used here as well to satisfy this standard. It seems that this would not qualify as an architectural feature.
- The applicant states that landscaping is provided against the walls. This is true, as reflected on Sheet 6 of the plans provided. This would qualify as one of the three features (because it is specifically listed).

Using staff's interpretation of this standard the building does not meet the requirement on three of the sides. A condition of approval has been added to require two additional architectural features on three sides of the structure. The proposed condition of approval also gives the

Community Development Director the ability to determine if they comply, this avoids the need to bring the project back before the Planning Commission for a determination.

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

CONDITIONS OF APPROVAL:

- Prior to issuance of building permits, the applicant shall provide revised building elevations for the office structure that incorporate at least two additional architectural elements listed in Development Code section 3.26.030(3) on each side of the structure, except the front which already meets the standards. The Community Development Director will determine if the additions meet the standard.

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

ANALYSIS: As explained above, the structure features several different materials on the façade. The elevations state that the building does use metal wall panels. The standard specifically states that metal wall panels cannot be the predominant building material. The applicant's narrative references the older version of the Development Code which is tied to visibility from a street. The new version of this standard does not include any such provision for visibility from a street. Therefore, this standard applies to the office building.

As submitted most of the front façade is covered by glass or stone veneer. The remaining three sides are only covered in stone veneer on the lower 12 feet of the façade. The rest of the structure uses metal wall panels. The standard says the predominant building material cannot be metal wall panels. It is assumed that predominant in this case would mean more than 50%. Given that the front of the structure features offices that project out from the structure, and given that those additional sections of the structure are completely covered in glass or stone veneer, and given that most of the front façade is covered in stone veneer, it seems that less than ½ of the structure is a material other than the metal wall panels.

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

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

ANALYSIS: The applicant has not provided color elevations but has stated in the narrative that earth tone colors will be used.

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

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

ANALYSIS: The project does not comply with this requirement. A condition of approval has been added to provide the required rain protection.

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

CONDITIONS OF APPROVAL:

- Prior to issuance of building permits, the applicant shall provide revised building elevations for the office structure that incorporates at least a three feet deep area intended to provide a rain shelter for pedestrians near the entrance of the structure, as required in Development Code section 3.26.030(6). The Community Development Director will determine if the additions meet the standard.

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

ANALYSIS: The building is not viewable from an arterial or collector. This standard does not apply.

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

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

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

area, water feature, clock tower, or other similar focal feature or amenity.

c) The plaza may be located within a setback or landscape area.

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

ANALYSIS: The intent of this standard is to provide a public amenity in a place where a private and public area interface, typically a sidewalk on a street. The proposed structure does not include a location where the public has any pedestrian interface with the building. The office building is located interior to the project site, in an area where the public would generally not be permitted. For this reason, this standard does not apply.

FINDING: This standard does not apply.

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

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

ANALYSIS: The applicant did not apply for a CUP to propose alternative standards. The applications do include a CUP but it is for the use proposed, not alternative standards.

FINDING: This standard does not apply.

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and standards, and staff recommends the Planning Commission approve Application No. SP 22-04 and CUP 22-01.

VI. PROPOSED MOTION

I motion that the proposed project satisfies the applicable criteria and standards, and the Planning Commission approves Site Plan SP 22-04 and CUP 22-01 with the conditions of approval.

VII. ALTERNATIVE RECOMMENDATION

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

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted preliminary plans included as Exhibit C (a-g) dated as noted below, except as indicated in the following conditions:

- Sheet 1- Cover sheet dated September 28, 2022
- Sheet 2- Existing Conditions dated September 28, 2022
- Sheet 3- Site Plan dated October 6, 2022
- Sheets 4 & 5- Access Road dated August 29, 2022
- Sheet 6- Office Insert dated September 28, 2022
- Sheet 7- Utility Plan dated September 28, 2022
- Sheet 8- Grading & Drainage dated September 28, 2022

Additional development or change of use may require a new development application and approval.

2. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
3. This approval does not negate the need to obtain permits as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
4. The applicant has included a warehouse on the site plan, marked as a future structure. No elevations were provided for this structure. This approval does not include approval for the 26,800 square foot warehouse. A separate site development plan approval will be required prior to the construction of the warehouse.
5. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure. Proposed water and sewer mains shall be constructed to public infrastructure standards and easements shall be provided to the City of Millersburg in accordance with City of Millersburg Engineering Standards (15' for water main, 30' for parallel water and sewer main). Spacing between parallel water and sewer mains shall be minimum 10 feet.
6. Primary site access shall be via a new access road from Conser Road. Secondary access in compliance with fire code is required.

7. City water must be extended to the site for fire protection, potable, and process use.
8. Sanitary sewer must connect to City's existing collection system.

Prior to Building Permit Issuance:

9. Prior to the issuance of any building permits the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated October 14, 2022, have been met to the satisfaction of the Albany Fire Department.
10. All applicable System Development Charges (SDCs) will be due at the time of building permits.
11. Prior to the issuance of building permits, the applicant shall submit for approval a drainage plan that meets all the requirements of the Millersburg Development Code Chapter 3.04, to the satisfaction of the City Engineer.
12. Prior to issuance of building permits, the applicant shall provide revised building elevations for the office structure that incorporate at least two additional architectural elements listed in Development Code section 3.26.030(3). The Community Development Director will determine if the additions meet the standard.
13. Prior to issuance of building permits, the applicant shall provide revised building elevations for the office structure that incorporates at least a three-foot-deep awning or other architectural feature intended to provide a rain shelter for pedestrians near the entrance of the structure, as required in Development Code section 3.26.030(6). The Community Development Director will determine if the additions meet the standard.

Prior to Grading:

14. Prior to grading the applicant must obtain a City of Millersburg Erosion Control Permit and Grading Permit prior to construction.
15. Obtain a 1200C Erosion Control Permit and a City of Millersburg Erosion Prevention and Sediment Control Permit for all the disturbed ground, both on and off site that is in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.
16. Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.
17. 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.

Prior to Final Inspection:

18. All required public improvements shall be completed and approved by the City prior to final inspection.
19. Prior to final inspection, the applicant shall provide evidence to the City that all requirements of the Albany Fire Department letter dated October 14, 2022, have been met to the satisfaction of the Albany Fire Department.
20. Prior to final inspection, the applicant shall construct all required drainage facilities, or provide bonding (or similar) for all improvements approved by the City.
21. Prior to final inspection, all parking spaces must be revised to be 9 feet wide and at least 20 feet in length.
22. Prior to final inspection, the office landscaping areas must install boulders or similar barrier between the landscaping and the graveled areas, such that vehicles are prevented from driving into the landscape areas.
23. Prior to final inspection, both the primary and secondary access roads must be constructed and inspected. The primary road must be paved, to the satisfaction of the City Engineer. The secondary access does not need to be paved but must be able to support use by emergency vehicles, to the satisfaction of the Albany Fire Department.

IX. NOTICES TO THE APPLICANT

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

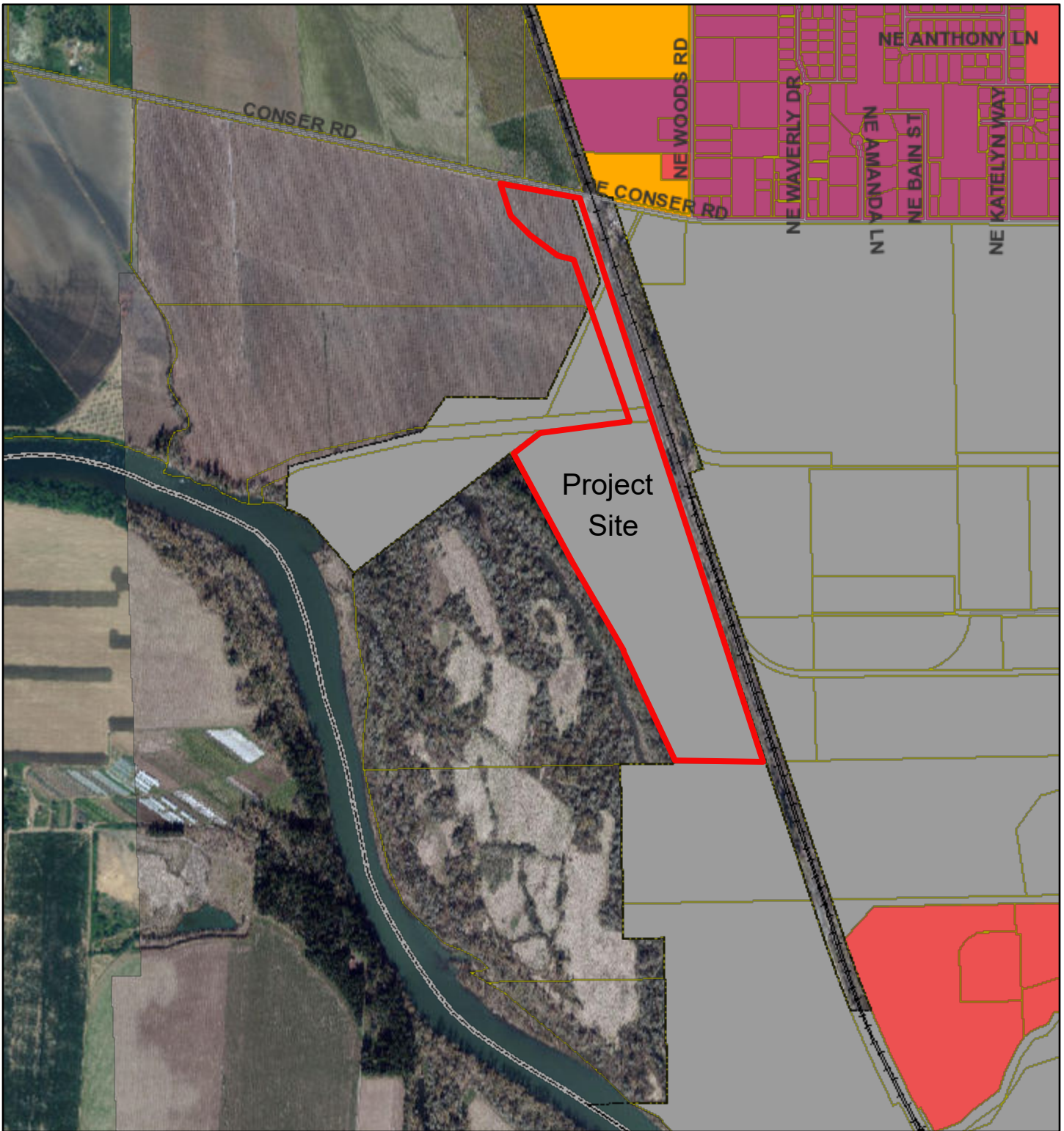
1. All applicable Connection Charges will be due at the time of building permits.
2. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
3. All required street signage and street lighting shall be approved by the City Engineer and installed.
4. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
5. The developer is responsible for all costs associated with any public facility improvements and shall ensure the construction of all public streets and utilities as required by these conditions of approval to the plans, standards, and specifications of the City of Millersburg.
6. **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.

7. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
8. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
9. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris includes food and drink waste. All waste shall be contained on-site in proper containers or construction fencing enclosures and shall leave the construction site in proper disposal containers. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plans:
 - a. Sheet 1- Cover sheet dated September 28, 2022
 - b. Sheet 2- Existing Conditions dated September 28, 2022
 - c. Sheet 3- Site Plan dated October 6, 2022
 - d. Sheets 4 & 5- Access Road dated August 29, 2022
 - e. Sheet 6- Office Insert dated September 28, 2022
 - f. Sheet 7- Utility Plan dated September 28, 2022
 - g. Sheet 8- Grading & Drainage dated September 28, 2022
- D. Applicant's Elevations:
 - a. Sheet AD 2- Elevations- Covered Dike dated August 2022
 - b. Sheet AS 5- Elevations- Lab/ Shop dated August 2022
 - c. Sheet GA 10 & 11- Elevations- Operations Building dated January 14, 2022
 - d. Sheet AO 4 & 5- Elevations- Office Building dated August 2022
 - e. Sheet AW 5 & 6- Elevations- Operations Warehouse dated August 2022
- E. Applicant's Narrative dated October 3, 2022
- F. Agribusiness Millersburg Site Traffic Impact Analysis by Sandow Engineering dated September 30, 2022 (not included in the staff report for file size purposes, available upon request)
- G. Millersburg City Engineer Comments dated October 21, 2021
- H. Albany Fire Department Comment Letter dated October 14, 2022
- I. Public Hearing Notice

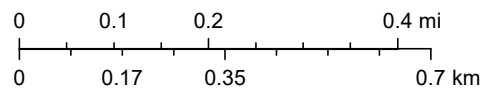
SP22-04/CUP22-01 Zoning



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- | | |
|-------------------|------------------------------|
| —+— Railways | City Zoning |
| — Highways | — C-1, COMMERCIAL |
| — Roads | — CB -- CENTRAL BUSINESS |
| --- City Limits | — CC -- COMMUNITY COMMERCIAL |
| — Tax Lots | — CC-CENTRAL COMMERCIAL |
| — County Boundary | |






Linn County GIS, GeoTerra, 2021

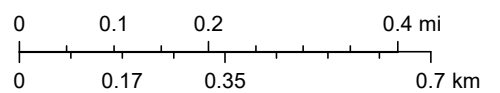
SP22-04/CUP22-01 Vicinity



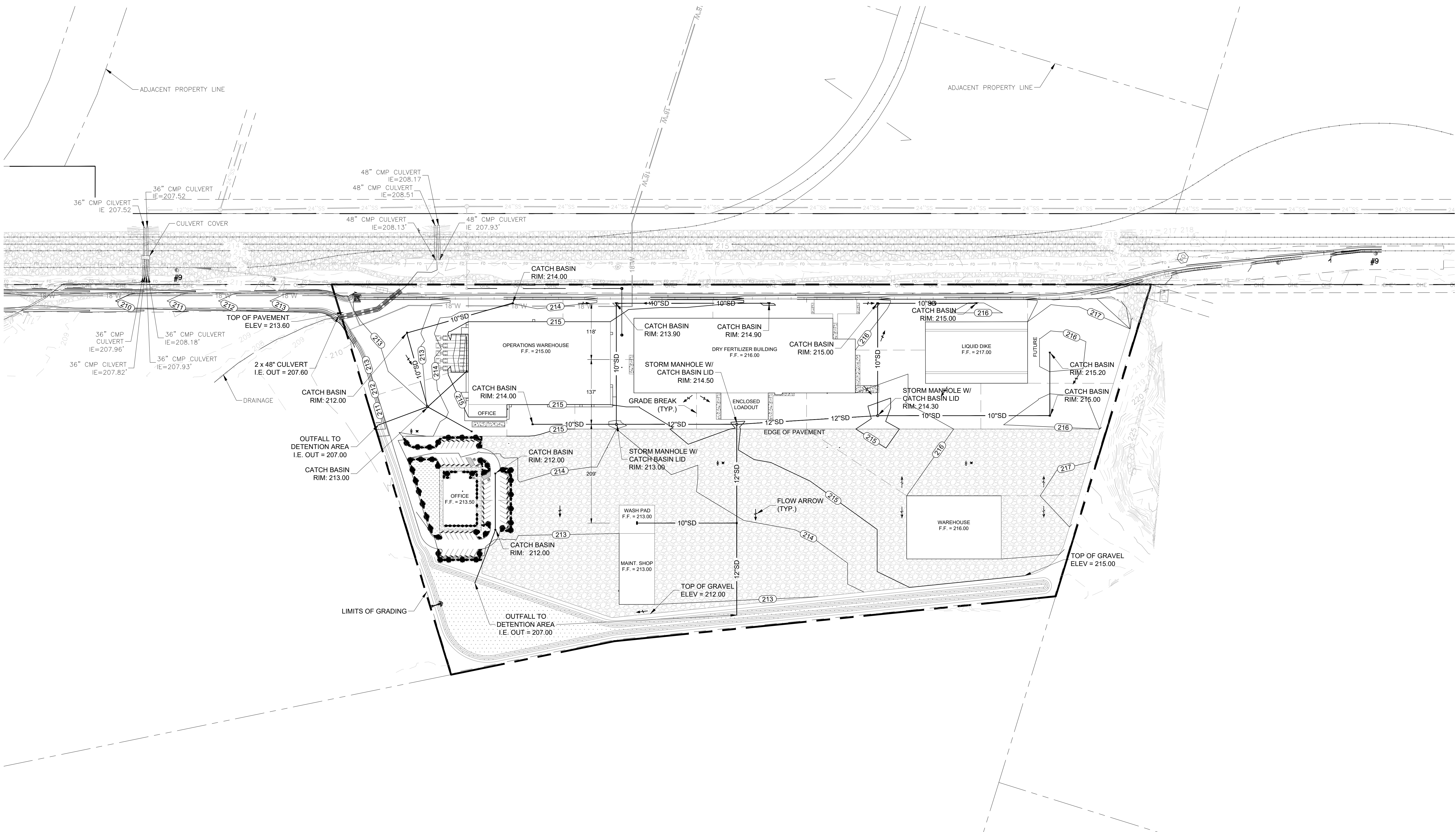
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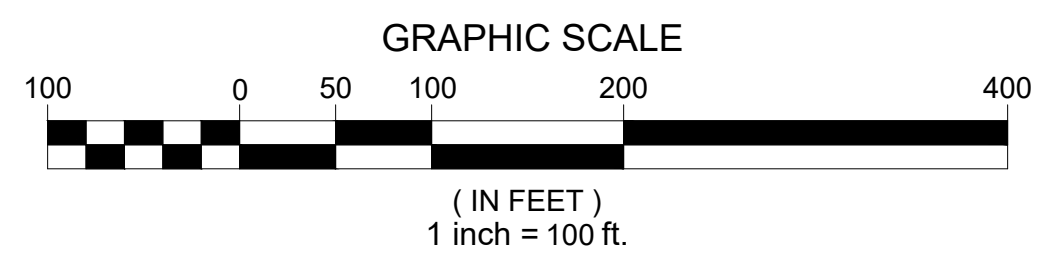
-  Railways
-  Highways
-  Roads
-  City Limits
-  Tax Lots
-  County Boundary



Linn County GIS, GeoTerra, 2021

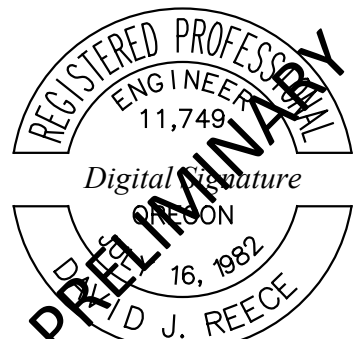
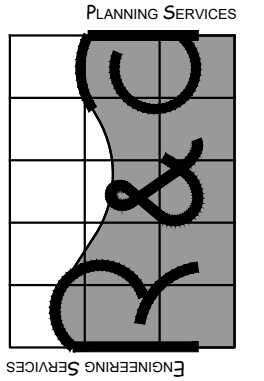


GRADING & DRAINAGE PLAN
 SCALE: 1" = 100'



PRELIMINARY - NOT FOR CONSTRUCTION

Reece & Associates, Inc.
 321 First Avenue East, Suite 3a
 Albany, Oregon 97321
 Phone: 541-926-2428
 Fax: 541-926-2456



RENEWS 12/31/22

WILBUR-ELLIS COMPANY NEW DISTRIBUTION HUB
GRADING & DRAINAGE
 WILBUR-ELLIS COMPANY
 Millersburg, Oregon

PLAN REVISIONS

No.	DATE	BY

R&A PROJECT NO.
WEC2101

DATE | 09/28/2022
 DESIGNED | A. VASQUEZ
 ENGINEER | D. REECE
 CHECKED | H. WOOTON
 SCALE | AS INDICATED

SHEET NUMBER

8.0

NEW COVERED DIKE
WILBUR-ELLIS COMPANY
 MILLERSBURG, OREGON

DESIGN ASSOCIATES
 214 E. 1ST ST. MILLSBORO, NE 68101 | 308.345.2379 (WILBUR-ELLIS ARCHITECTS)
 208 W. 2ND ST. HASTINGS, NE 68101 | 402.463.0277 (WWW.WILBUR-ELLIS.COM)

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Seal of Coordinating Professional

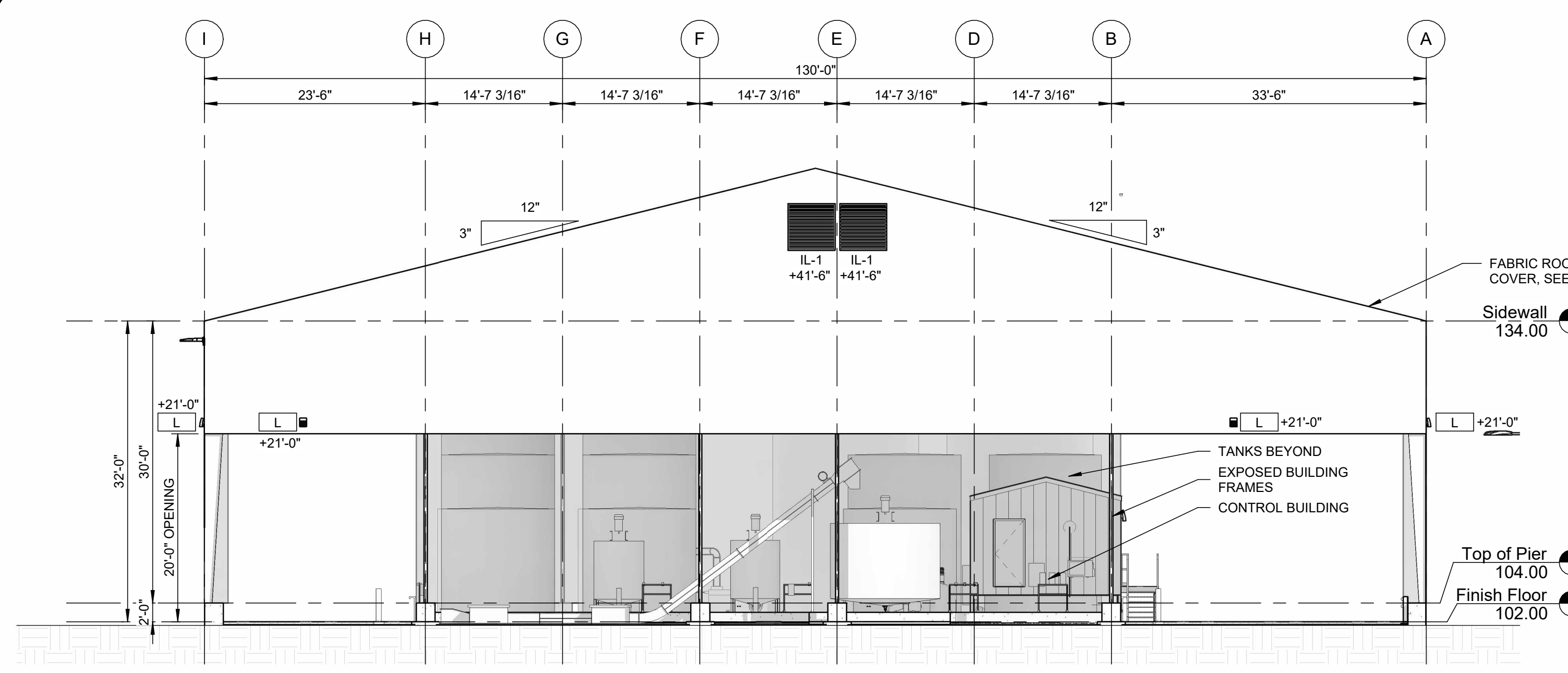
REGISTERED ARCHITECT
 STEPHEN GRANGER

NORTH PLATTE, NE
 ARI-13801
Stephen Granger 03/02/22

DWG: 885W21	
DRAWN: T.A.S. / AJW	
CHECKED:	
REVISIONS:	

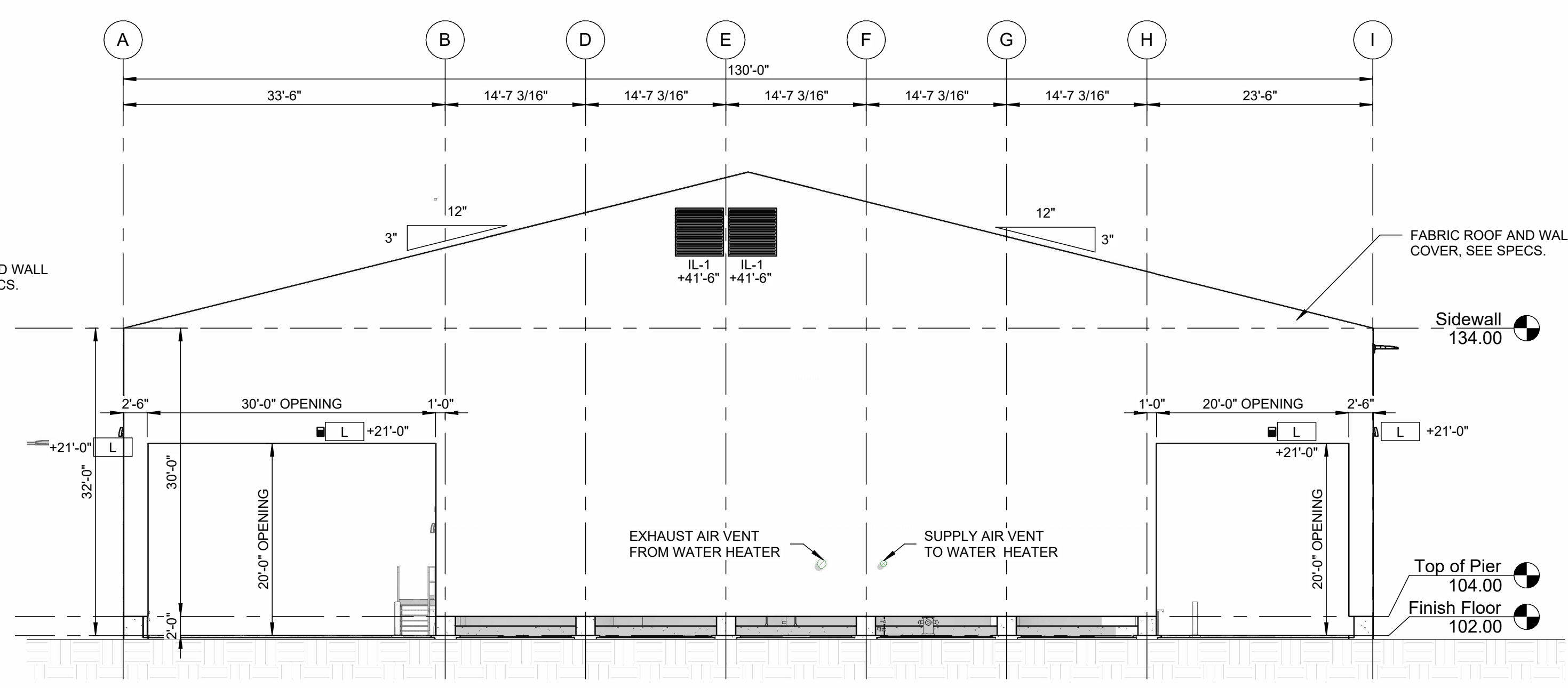
AD-2

DATE: AUG. 2022



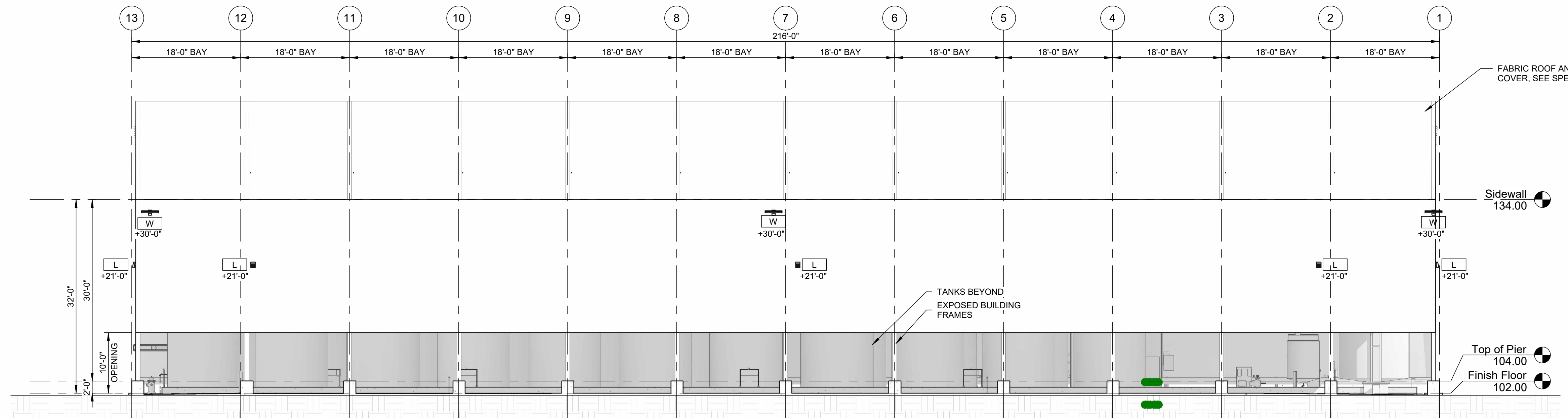
1 NORTH ELEVATION

SCALE: 3/32" = 1'-0"



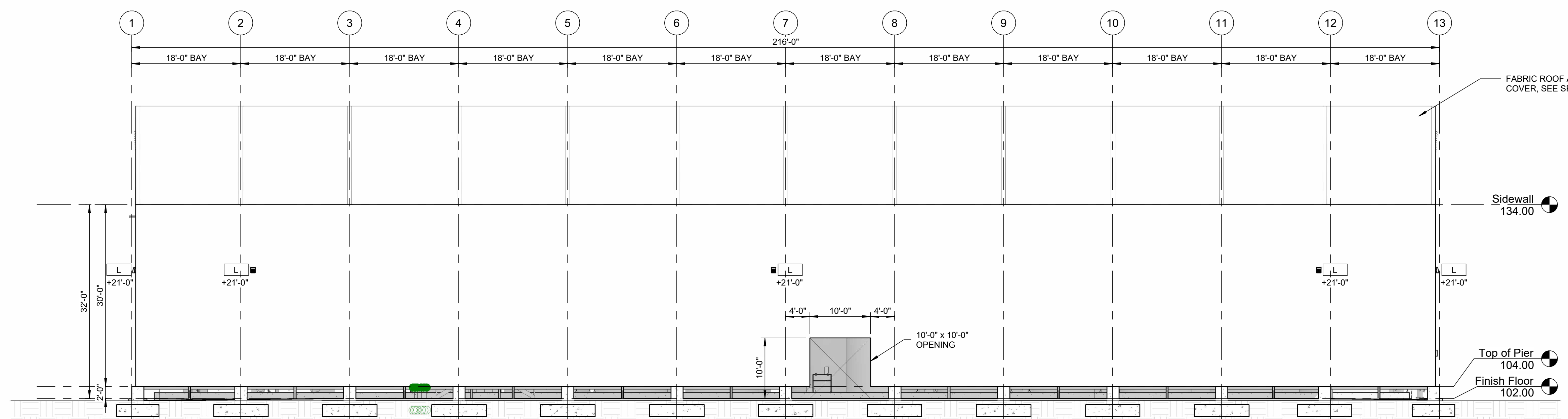
2 SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



3 EAST ELEVATION

SCALE: 3/32" = 1'-0"



4 WEST ELEVATION

SCALE: 3/32" = 1'-0"

BUILDING NOTE

THE BUILDING SHOWN ON THESE DRAWINGS IS A TENSIONED FABRIC BUILDING, CROSSOVER STYLE. SEE SPECIFICATIONS SECTION 13660.

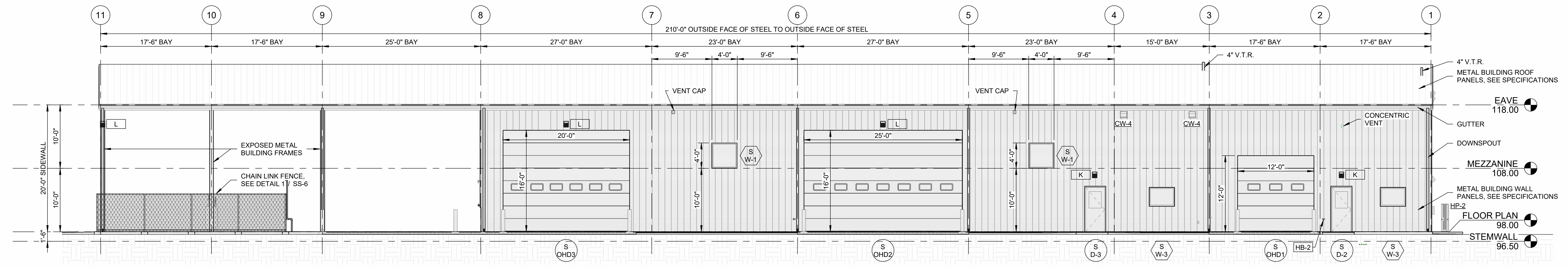


GRANGER ARCHITECTURE
 400 ASPEN DRIVE
 NORTH PLATTE, NE 68101
 PHONE: 308.530-0756

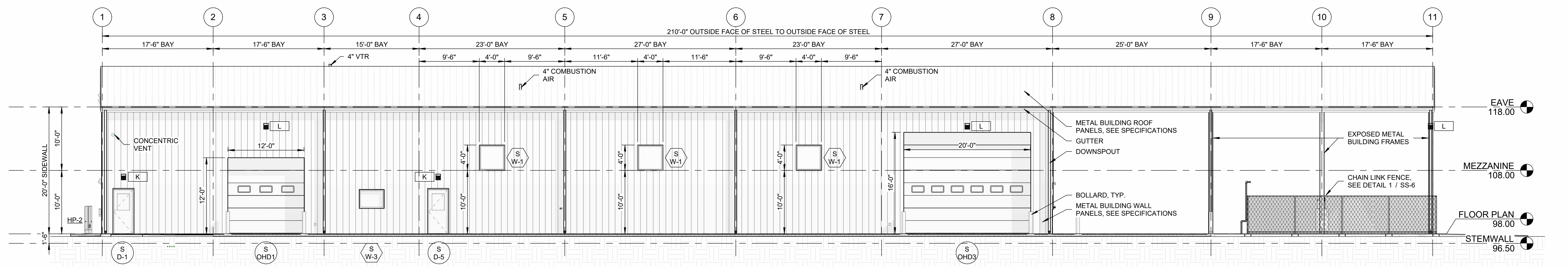
NEW COVERED DIKE project.
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If not one inch on this sheet, adjust scales accordingly

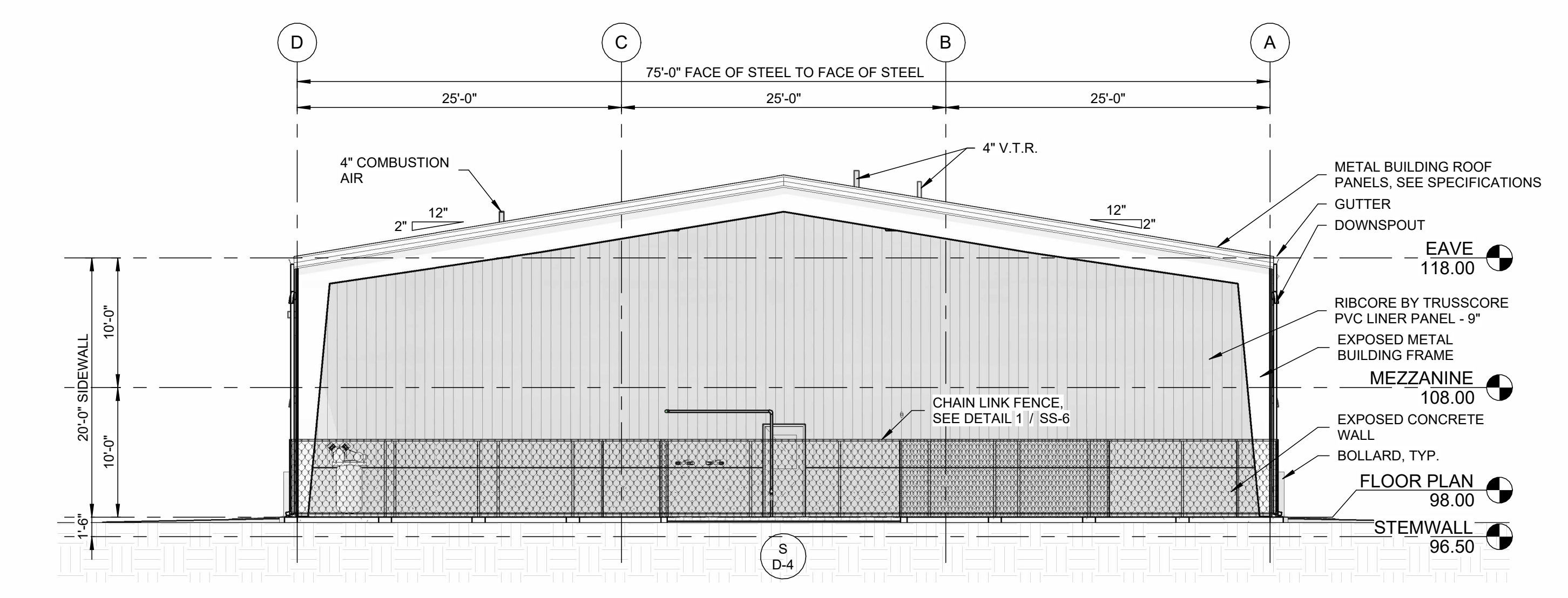
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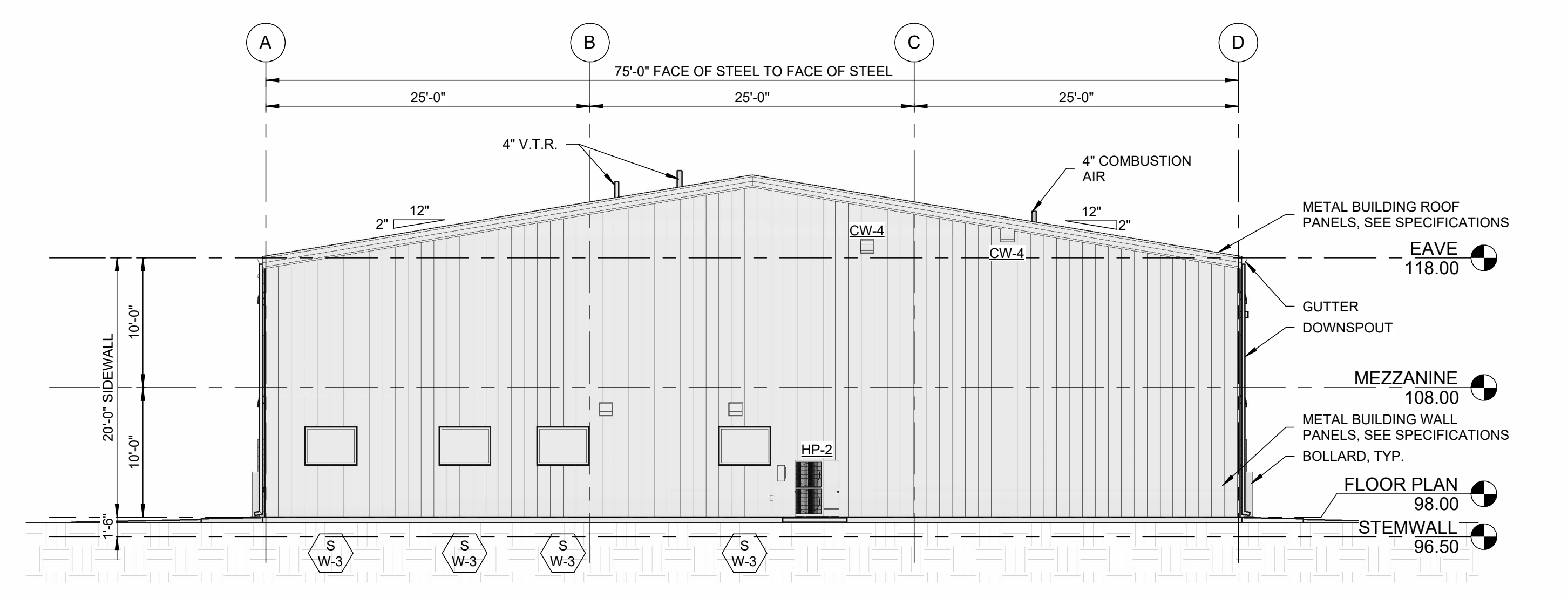
1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
SCALE: 1/8" = 1'-0"



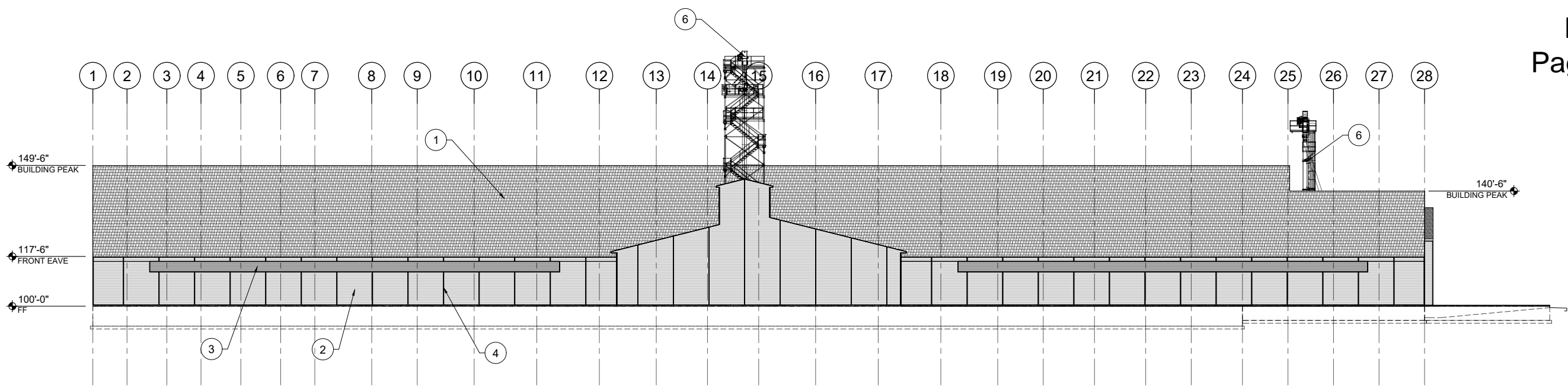
NEW LAB / SHOP project
This bar is one inch long on original drawing.
If not one inch on this sheet, adjust scales accordingly.

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ACAD DWG FILE: PR-2018-009-ELEV-1 FROM: AS NOTED

Stueve
 construction
 since 1968
 The Next Generation in Dry Fertilizer Storage
 2201 E. Oak Street Algona, Iowa 50511 Phone: (515) 285-3110 Fax: (515) 285-2022

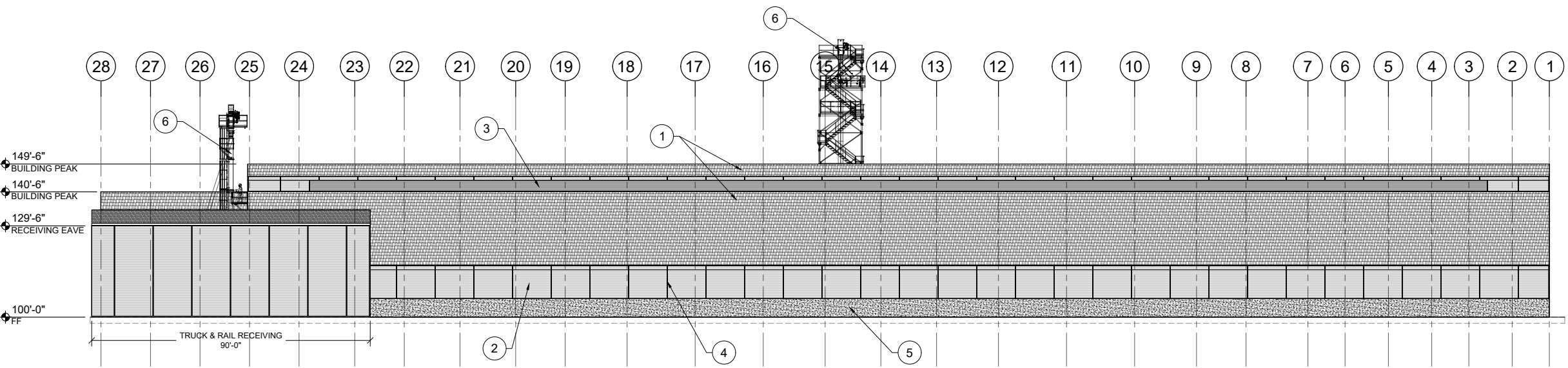
WILBUR-ELLIS
 MILLERSBURG, OR



1 FRONT (SOUTH) BUILDING ELEVATION

Scale: 1" = 20'

ELEVATION KEYNOTES	
1	CLASS "A" ARCHITECTURAL SHINGLES
2	VINYL SIDING
3	TRANSLUCENT PANEL
4	VINYL T-MOLDING AT 12'-6" O.C.
5	6' CONCRETE WALL
6	FERTILIZER HANDLING EQUIPMENT (BY OTHERS)
7	STAINLESS STEEL WALK DOOR
8	14'x14' BI-FOLD DOOR
9	16'x14' BI-FOLD DOOR



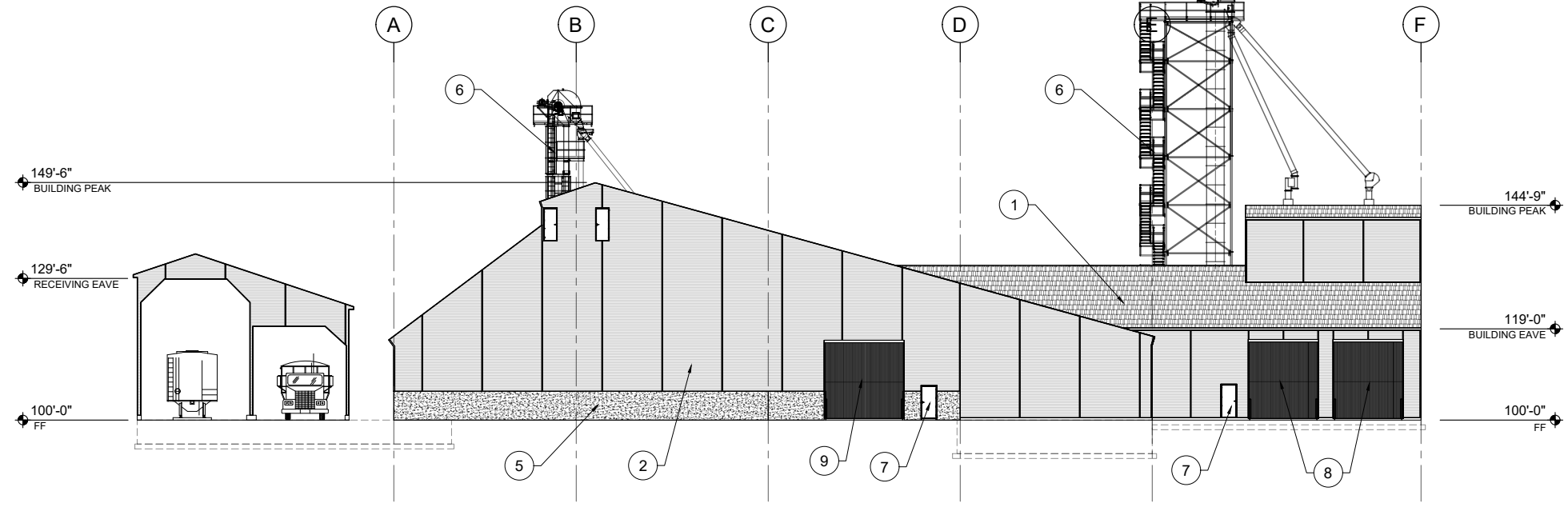
2 REAR (NORTH) BUILDING ELEVATION

Scale: 1" = 20'

REVISIONS:	
DESIGN:	DATE:
R.F.	1/14/2022
DRAWN BY:	CHECKED:
R.F.	R.F.
SHEET NO.	

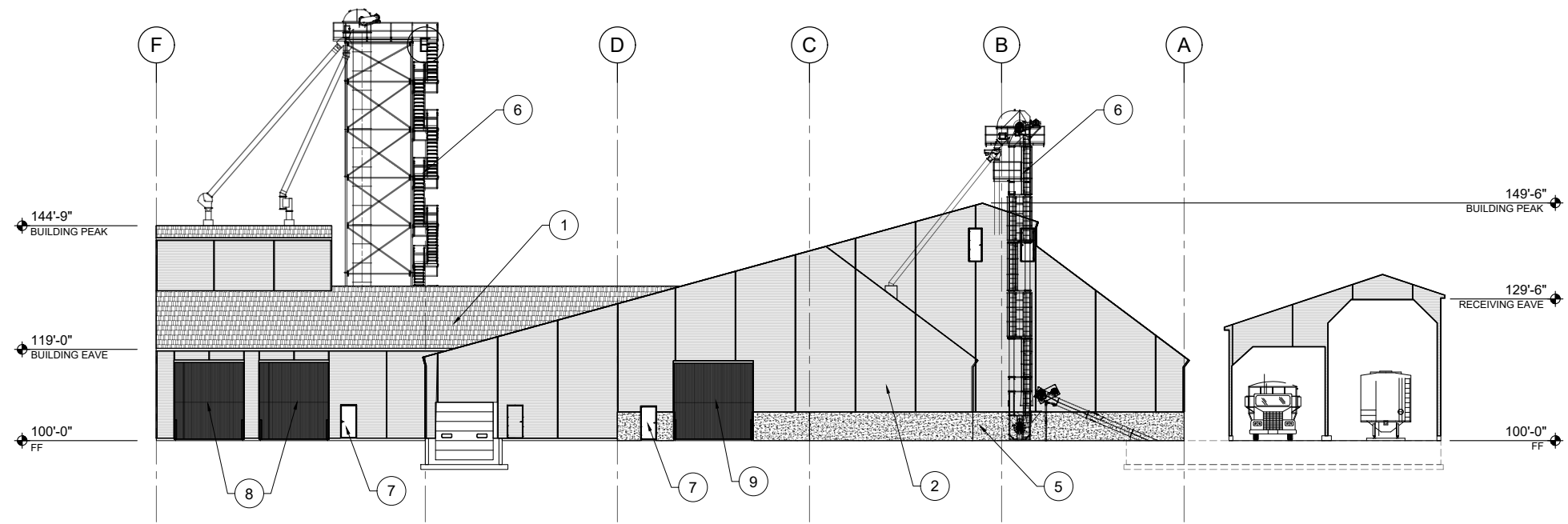
GA10

ELEVATION KEYNOTES	
1	CLASS "A" ARCHITECTURAL SHINGLES
2	VINYL SIDING
3	TRANSLUCENT PANEL
4	VINYL T-MOLDING AT 12'-6" O.C.
5	6' CONCRETE WALL
6	FERTILIZER HANDLING EQUIPMENT (BY OTHERS)
7	STAINLESS STEEL WALK DOOR
8	14'x14' BI-FOLD DOOR
9	16'x14' BI-FOLD DOOR



3 SIDE (WEST) BUILDING ELEVATION

Scale: 1/16" = 1'-0"



4 SIDE (EAST) BUILDING ELEVATION

Scale: 1/16" = 1'-0"

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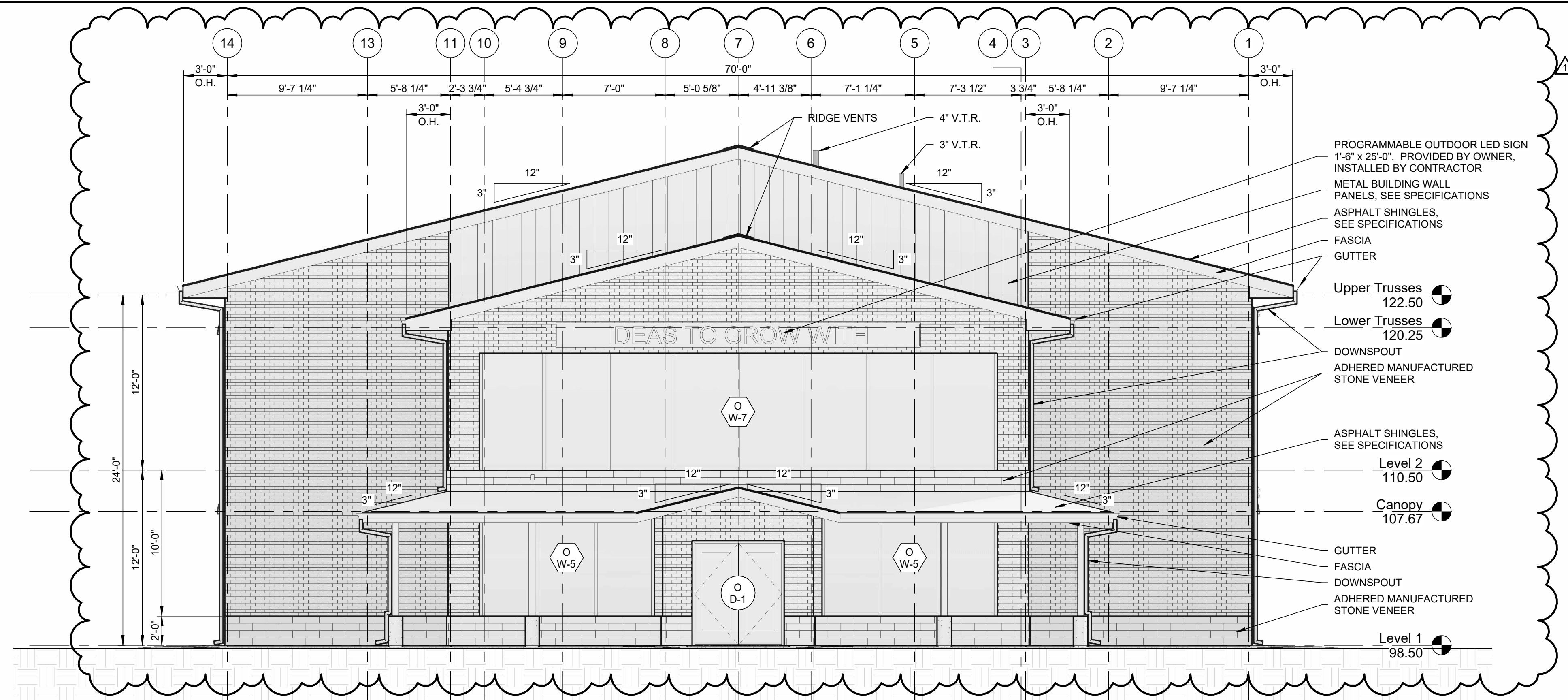


WILBUR-ELLIS
MILLERSBURG, OR

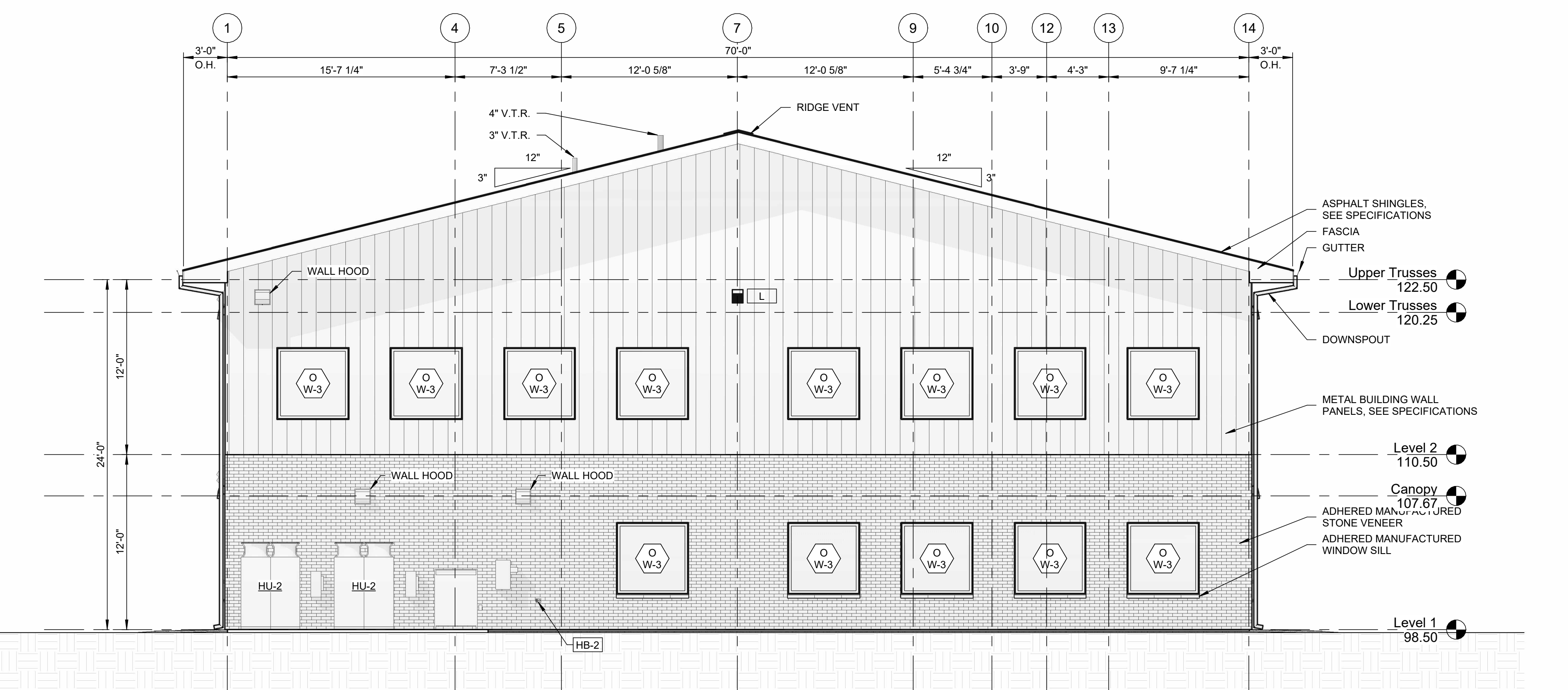
REVISIONS:	

DESIGN: R.F.	DATE: 1/14/2022
DRAWN BY: R.F.	CHECKED: R.F.

SHEET NO.
GA11



1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

- 1A 2 x 4 WOOD STUDS @ 16" C/C, 5/8" SHEETROCK BOTH SIDES
- 1B 2 x 4 WOOD STUDS @ 16" C/C, 5/8" SHEETROCK ONE SIDE
- 1C SHEAR WALL 2 x 4 WOOD STUDS @ 16" C/C, 5/8" SHEETROCK BOTH SIDES
- 2A 2 x 6 WOOD STUDS @ 16" C/C, 5/8" SHEETROCK BOTH SIDES
- 2B 2 x 6 WOOD STUDS @ 16" C/C, 7/16" OSB SHEATHING ONE SIDE, 5/8" SHEETROCK OTHER SIDE
- 2C SHEAR WALL 2 x 6 WOOD STUDS @ 16" C/C, 7/16" OSB SHEATHING ONE SIDE, 5/8" SHEETROCK BOTH SIDE
- 5 EXTERIOR METAL BUILDING WALL PANEL, SEE SPECIFICATIONS
- 6 ADHERED MANUFACTURED STONE VENEER W/MORTAR AND LATH

WALL LEGEND
SCALE: 1/2" = 1'-0"

ROOM FINISH SCHEDULE									
ROOM NO.	ROOM NAME	FLOORS	BASE	CEILING		WALLS			
				MATERIAL	HEIGHT	NORTH	SOUTH	EAST	WEST
601	SHARED OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
602	SHARED OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
603	JAN.	A1	B1	D3	8'-0"	C3	C3	C3	C3
604	MUD ROOM	A1	B1	D1	9'-0"	C1	C1	C1	C1
605	STAIRS	A4/A2	B1	---	12'-0"	C1	C1	C1	C1
606	HALL	A2	B1	D1	9'-0"	C1	C1	C1	---
607	LARGE CONF.	A2	B1	D1, D2	10'-0"	C1	C1	C1	C1
608	WAITING	A2	B1	D1	24'-0"	C1	---	C1	C1
609	RECEP.	A2	B1	D1	8'-0"	C1	C1	C1	C1
610	STOR/FILES	A2	B1	D1	9'-0"	C1	C1	C1	C1
611	HALL	A2	B1	D1	9'-0"	---	---	C1	C1
612	SMALL CONF.	A2	B1	D1	9'-0"	C1	C1	C1	C1
613	SMALL CONF.	A2	B1	D1	9'-0"	C1	C1	C1	C1
614	R.R.	A2	---	D1	9'-0"	C2,C1	C2,C1	C2,C1	C2,C1
615	R.R.	A2	---	D1	9'-0"	C2,C1	C2,C1	C2,C1	C2,C1
616	HALL	A2	B1	D1	9'-0"	C1	C1	---	---
618	STAIRS	A4/A2	B1	---	12'-0"	C1	C1	---	C1
619	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
620	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
621	HALL	A2	B1	D1	9'-0"	---	---	C1	C1
622	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
623	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
624	STORAGE	A2	B1	D1	9'-0"	C3	C3	C3	C3
625	HALL	A2	B1	D1	9'-0"	C1	C1	---	C1
626	BREAK ROOM	A2	B1	D1	8'-6"	C1	C1	C1	C1
627	MECH.	A1	B1	D3	10'-0"	C3	C3	C3	C3
700	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
701	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
702	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
703	SHARED OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
704	STAIRS	A4/A2	B1	D1	9'-0"	C1	C1	C1	C1
705	HALL	A2	B1	D1	9'-0"	---	---	C1	C1
706	HALL	A2	B1	D1	9'-0"	---	C1	C1	C1
707	SHARED OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
708	SHARED OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
709	I.T.	A2	B1	D1	9'-0"	C3	C3	C3	C3
710	STORAGE	A2	B1	D1	9'-0"	C3	C3	C3	C3
711	JAN.	A1	B1	D3	9'-0"	C3	C3	C3	C3
712	R.R.	A2	---	D1	9'-0"	C2,C1	C2,C1	C2,C1	C2,C1
713	R.R.	A2	---	D1	9'-0"	C2,C1	C2,C1	C2,C1	C2,C1
714	FLEX CONF./ SHARED OFFICE	A1	B1	D1	9'-0"	C1	C1	C1	C1
715	SALES BULLPEN	A1	B1	D1	10'-0"	C1	C1	C1	C1
716	STAIRS	A4/A2	B1	D1	9'-0"	C1	C1	---	C1
717	OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1
718	HALL	A2	B1	D1	9'-0"	---	---	C1	C1
719	CONFERENCE	A2	B1	D1	9'-0"	C1	C1	C1	C1
720	SHARED OFFICE	A2	B1	D1	9'-0"	C1	C1	C1	C1

- ROOM FINISH MATERIALS
- A. FLOOR FINISHES
 1. CONCRETE
 2. VINYL PLANK
 3. WALK-OFF MAT
 4. VINYL TREAD
 - B. WALL BASE
 1. VINYL BASE
 2. WOOD BASE
 3. OTHER
 - C. WALL FINISHES
 1. SHEETROCK, LIGHT SPRAY TEXTURE, LEVEL 4 FINISH, PAINT.
 2. TILE (6" x 6") 3'-9" A.F.F.
 3. SHEETROCK, PAINTED
 4. DRY STACK STONE
 5. AGENT PAINT
 6. OTHER
 - D. CEILING FINISHES
 1. S.A.T. (2' x 2' GRID)
 2. SHEETROCK, SPRAY TEXTURE, PAINT
 3. SHEETROCK, PAINT



GRANGER ARCHITECTURE
400 ASPEN DRIVE
NORTH PLATTE, NE 69101
PHONE: 308.530-0756

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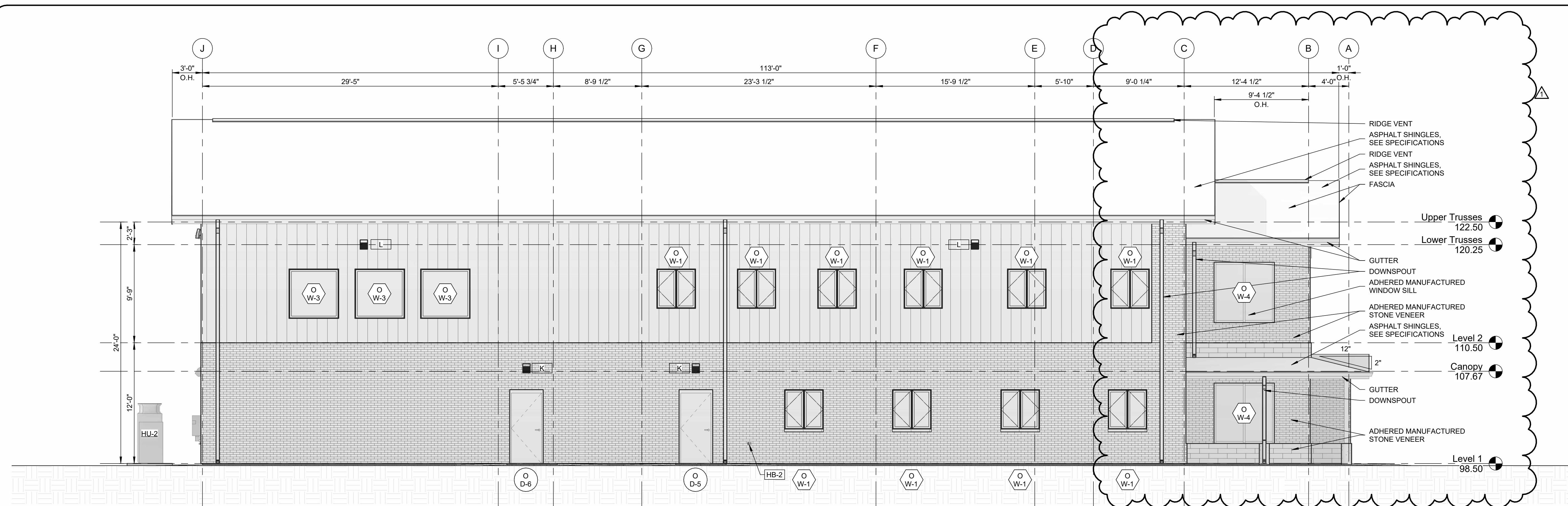
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STEPHEN GRANGER
NORTH PLATTE, NE
ARI-13801
DATE: 9/20/22

DWG: 883W21	DRAWN: T.A.S.
CHECKED:	REVISIONS
	1 2022-09-20

AO-4

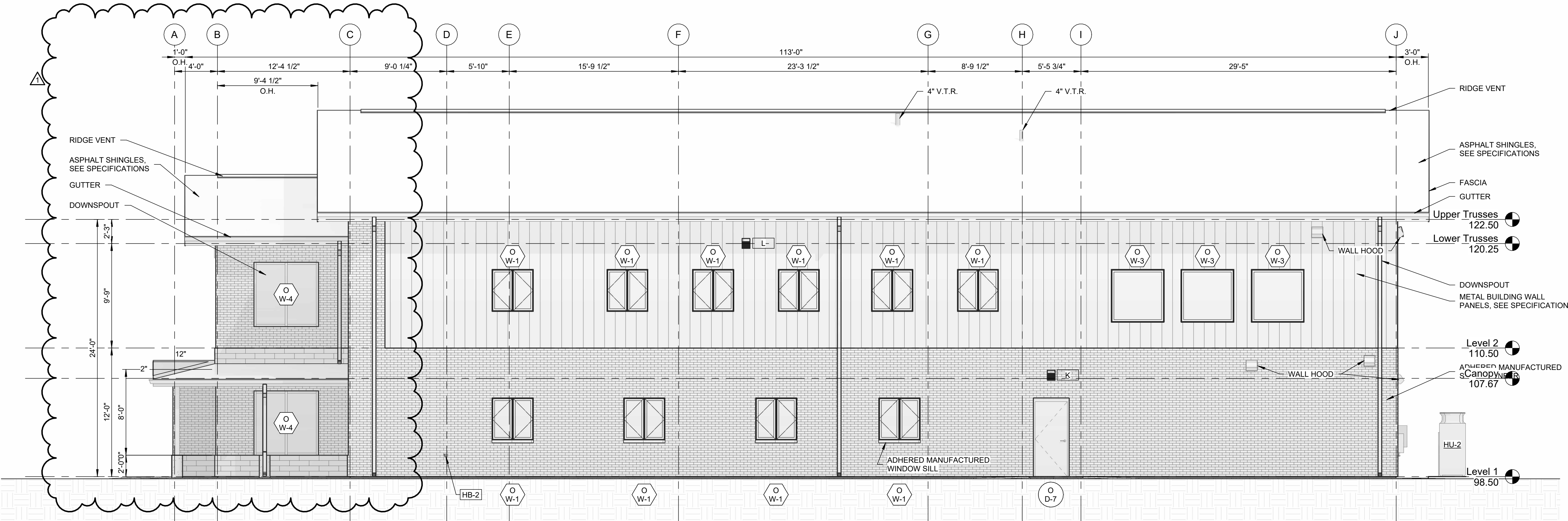
DATE: AUG. 2022

OFFICE BUILDING project
This bar is one inch long on original drawing.
If not one inch on this sheet, adjust scales accordingly.



1 EAST ELEVATION

SCALE: 3/16" = 1'-0"



2 WEST ELEVATION

SCALE: 3/16" = 1'-0"

DESIGN ASSOCIATES
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Seal of Coordinating Professional

REGISTERED ARCHITECT
STEPHEN GRANGER

NORTH PLATTE, NE
ARI-13801
9/20/22

DWG: 883W-21	DRAWN: T.A.S.
CHECKED:	
REVISIONS	
1	2022-09-20

AO-5

DATE: AUG. 2022



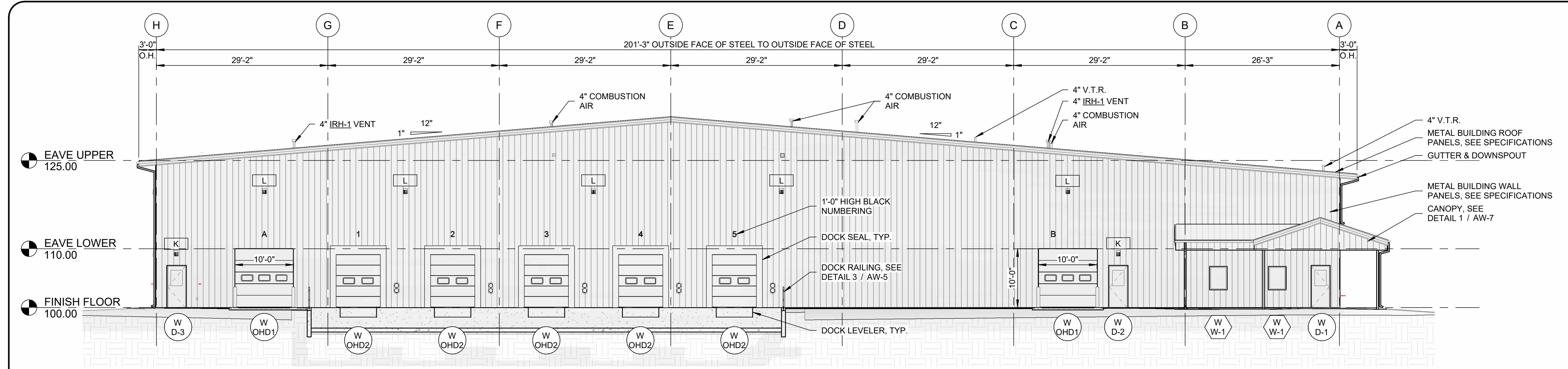
GRANGER ARCHITECTURE
400 ASPEN DRIVE
NORTH PLATTE, NE 69101
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OFFICE BUILDING project

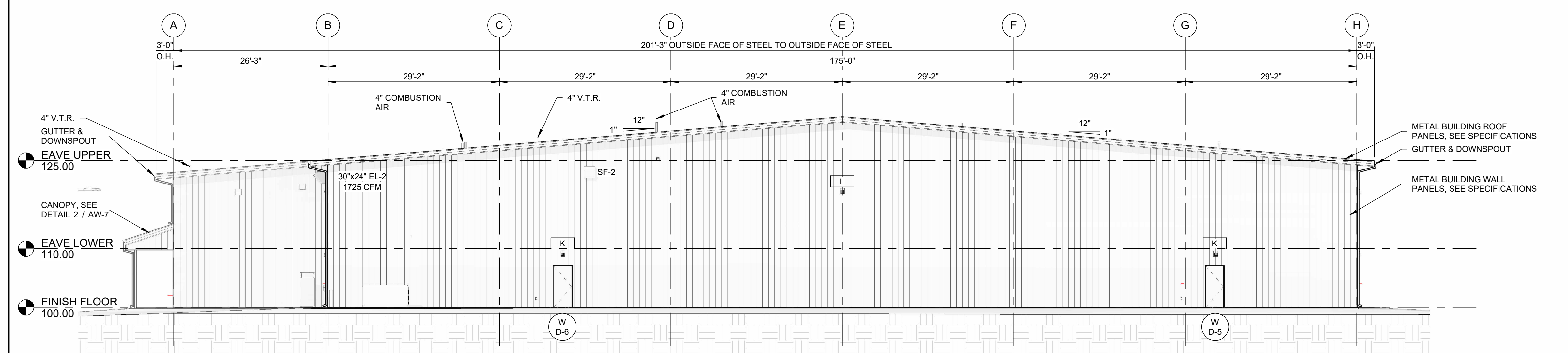
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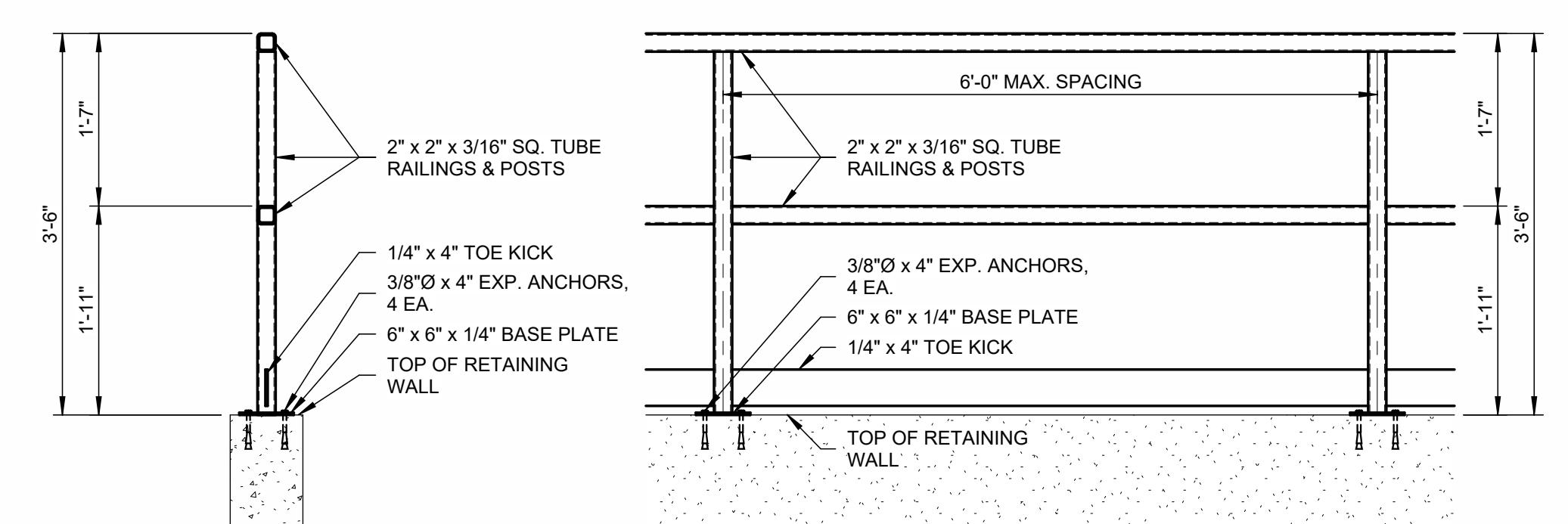
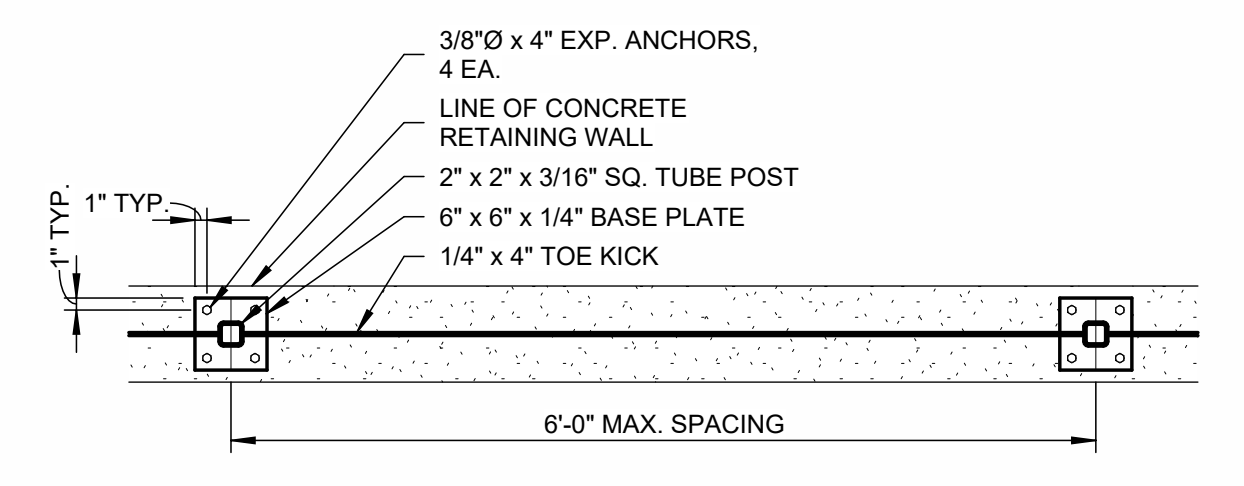
NEW OPERATIONS WAREHOUSE
WILBUR-ELLIS COMPANY
 MILLERSBURG, OREGON



1 NORTH ELEVATION
 SCALE: 3/32" = 1'-0"



2 SOUTH ELEVATION
 SCALE: 3/32" = 1'-0"



3 RAILING DETAIL
 SCALE: 3/4" = 1'-0"

DESIGN ASSOCIATES
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Seal of Coordinating Professional

REGISTERED ARCHITECT
 STEPHEN GRANGER
 NORTH PLATTE, NE
 ARI-13801

DWG: 885W-21	
DRAWN: T.A.S.	
CHECKED:	
REVISIONS:	

AW-5

DATE: AUG. 2022

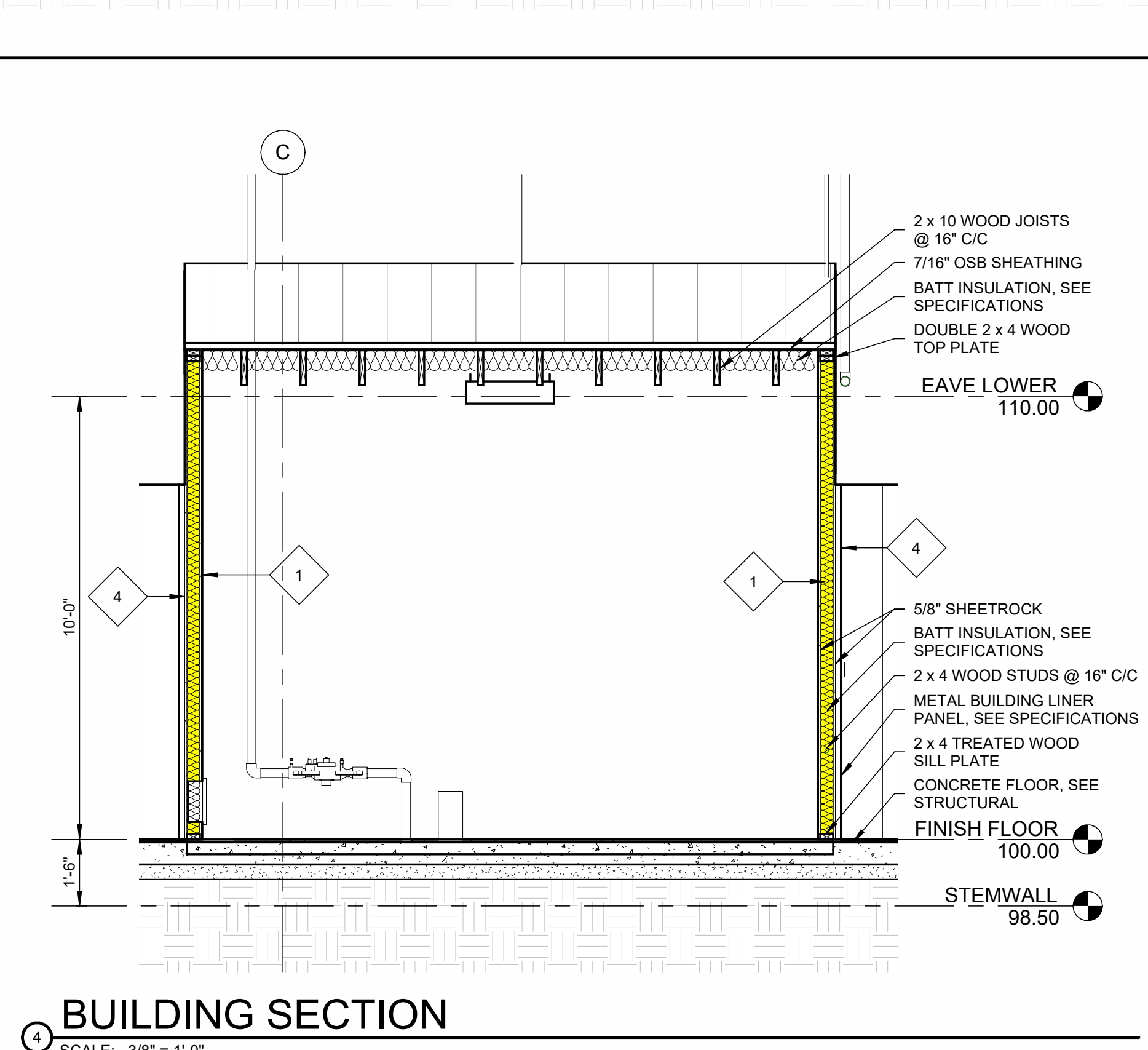
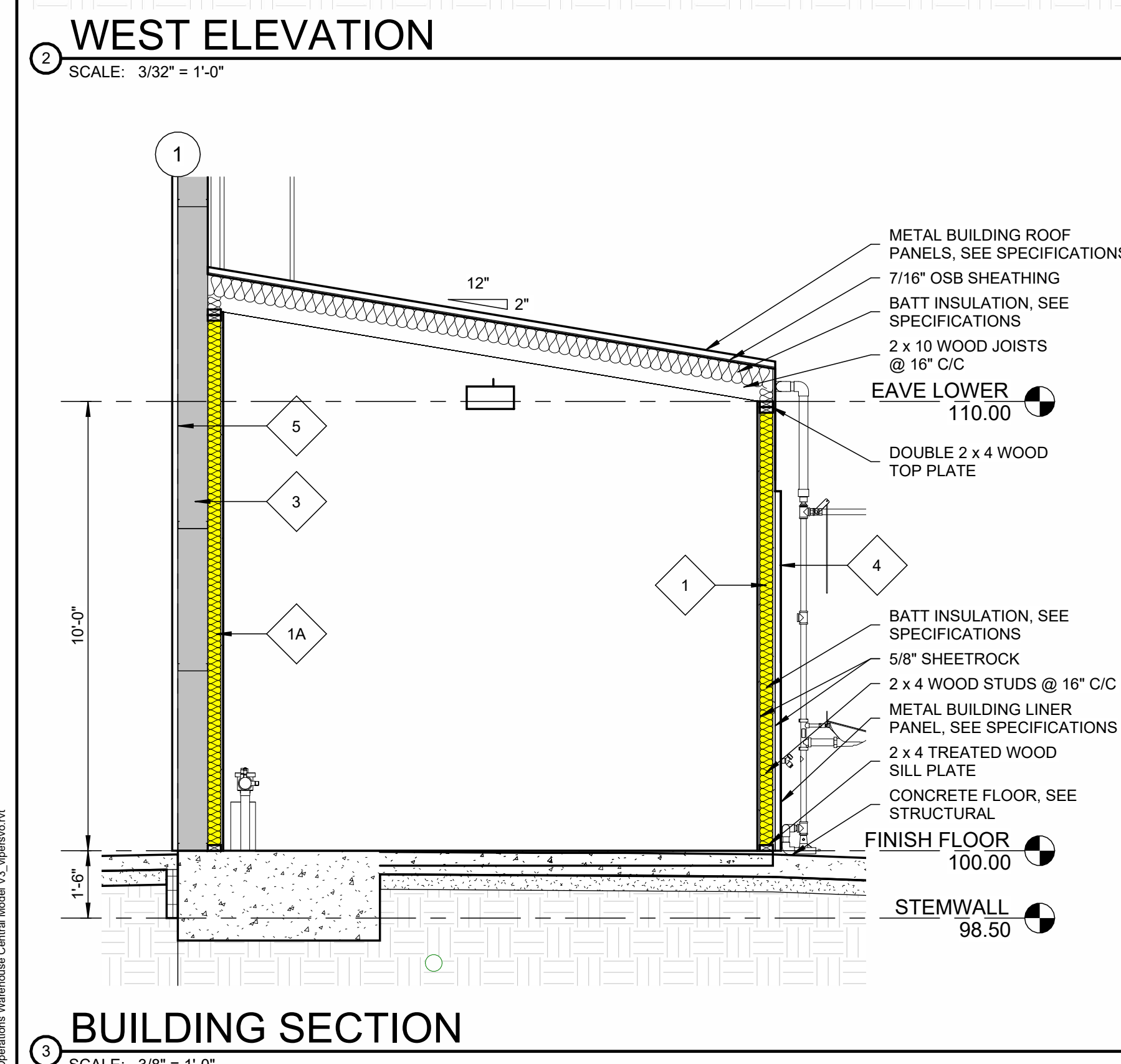
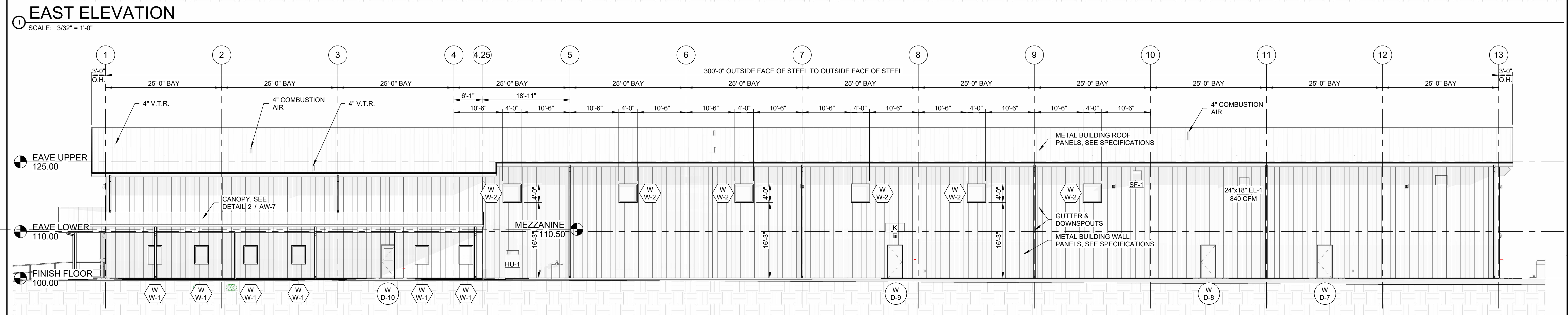
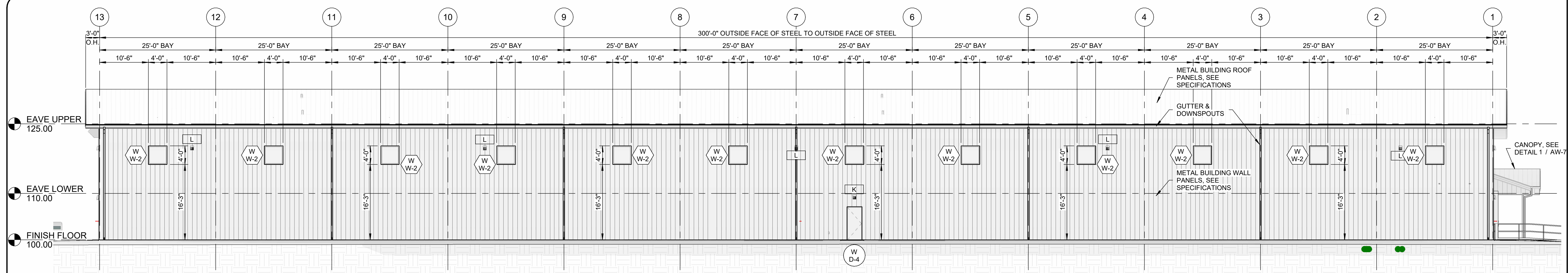


GRANGER ARCHITECTURE
 400 ASPEN DRIVE
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 PHONE: 308.530-0756

NEW OPERATIONS WAREHOUSE project
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REGISTERED ARCHITECT
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NORTH PLATTE, NE
ARI-13801

DATE: 03/02/22

DWG: 885W-21	DATE: AUG, 2022
DRAWN: T.A.S.	
CHECKED:	
REVISIONS:	
AW-6	



NEW OPERATIONS WAREHOUSE project
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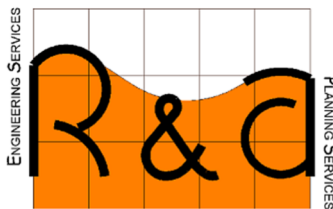
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Wilbur-Ellis Company

Conditional Use Application

Prepared for:
Wilbur-Ellis Company
C/O Jesse Perkins
P.O. Box 511
Yuba City, California 95991

Prepared by:



Reece & associates, inc.

Reece & associates, inc.
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October 3, 2022

Project Summary

Request:	Application for an agricultural chemical and fertilizer storage and distribution facility on twenty-five acres.
Location:	Linn County Assessor's Map No. 10s03w29, Tax Lots 203, 206, 207, 106, 101; and Linn County Assessor's Map No. 10s03w20, Tax Lot 402.
Applicant/Owner:	Wilbur-Ellis Company C/O Jesse Perkins P.O. Box 511 Yuba City, California 95991 Phone: 530-788-3489 Email: jperkins@wilburellis.com
Owner:	City of Millersburg 4222 NE Old Salem Road Albany, Oregon 97321 Phone: 458-233-6300
Owner:	Willamette Valley Land, LLC P.O. Box 99 Lafayette, Oregon 97127
Engineer/Planner:	Reece & associates, Inc. 321 1 st Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE Planner: Hayden Wooton dave@r-aengineering.com haydenw@r-aengineering.com

Exhibits:

- A – Linn County Assessor's Map
- B – Aerial Photograph
- C – City of Millersburg Zoning Map
- D – Linn County Zoning Map
- E – Building Elevations

Plans:

- Sheet 1.0 – Cover
- Sheet 2.0 – Existing Conditions
- Sheet 3.0 – Site Plan
- Sheet 4.0 – Access Road
- Sheet 5.0 – Access Road
- Sheet 6.0 – Office Insert
- Sheet 7.0 – Utility Plan
- Sheet 8.0 – Grading & Drainage Plan

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I. Project Description

Wilbur-Ellis Company, the applicant, is proposing to construct a new agricultural chemical and fertilizer storage and distribution facility. The proposed development consists of a number of different buildings and functions; these are as follows:

- An administrative office building, which will provide working space for local and regional employees.
- A storage warehouse with associated operations, shipping and receiving office area. This building will be used for receiving, storage and distribution of sealed prepacked crop protection products, plant fertilizers and seed to the end user, typically growers/farmers within a 50-to-75-mile radius.
- A liquid fertilizer tank farm with covered containment. This concrete secondary containment structure will host above ground fertilizer storage tanks, process plumbing, transfer equipment, liquid fertilizer blending equipment and concrete contained truck loading/unloading pads. The building will also be used to receive, store, blend and distribute bulk liquid fertilizers, and liquid fertilizer blends made on site.
- A fully enclosed dry fertilizer storage building. The primary function of this building is the receipt, storage, blending and distribution of dry fertilizers to our customers. No production of dry fertilizer will occur on site, just blending of pre-manufactured fertilizers, manufactured elsewhere and delivered to the facility.
- Lastly, a combined maintenance shop and agronomy lab. Operations at this building include vehicle and equipment maintenance activities along with storage of field agronomy test plot equipment. Additionally, the small agronomy lab will support field agronomy trials work and fertilizer mixing/blending testing.

Additionally, another warehouse is identified on the preliminary site plan that is not listed above. This warehouse will not be constructed alongside the other buildings. Instead, it will be a future phase of development if it is determined additional warehouse space is required for operations. The size and location of each building is demonstrated by the attached preliminary site plan. With the exception of an accessway, all facilities will be constructed on a 25-acre portion of Linn County Assessor's Map No. 10s03w29, Tax Lot 203 (Exhibit A) (herein referred to as "the subject property"). The accessway, however, will cross several additional properties including Linn County Assessor's Map No. 10s03w29, Tax Lots 206, 207, 106, 101; and Linn County Assessor's Map No. 10s03w20, Tax Lot 402. While many of these parcels are zoned General Industrial (GI) by the City of Millersburg, lots 101 and 402 are zoned Exclusive Farm Use (EFU) by Linn County.

The proposed development conforms to all applicable sections of the Millersburg Development Code (MDC). This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the above-mentioned governing regulations. Applicable criteria of the MDC and other statutes will appear in italics followed by the applicant's responses in regular font.

II. Existing Conditions

While the subject property does not have frontage on a public street, an accessway will connect the proposed development to Conser Road. Conser Road is a paved roadway with one lane in each direction.

In the City of Millersburg, Conser Road is classified as an arterial roadway; and in Linn County, the roadway is considered a local road. The subject property has a gentle south to north slope with elevations ranging from 217 feet to 208 feet above mean sea level. No development has occurred on-site. The subject property has been used as farmland in recent years. There are no significant natural features on-site.

For adjacent zones and land uses refer to Exhibit B for aerial photograph, Exhibit C for City of Millersburg zoning map, and Exhibit D for Linn County zoning map:

North: Hay fields and hazelnut orchards zoned Exclusive Farm Use by Linn County.

South: Undeveloped natural area zoned General Industrial by the City of Millersburg.

East: Various industrial uses zoned General Industrial by the City of Millersburg.

West: Undeveloped natural area zoned General Industrial by the City of Millersburg.

III. General Industrial Zone (GI)

2.10.040. Conditional Uses

The following uses require approval of a Conditional Use Permit:

5. *Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution, excluding ammonium nitrate.*

Response: The proposed development is classified as an “*agricultural chemical, fertilizer, insecticide storage and distribution, excluding ammonium nitrate*” facility, which is conditionally permitted in the General Industrial zoning district by MDC 2.10.040(5). As described in Section I, Project Description, the primary function of the development is the storage and distribution of fertilizers. Most fertilizers will be produced off-site and shipped to the proposed development prior to distribution to northwest customers. Production of fertilizers will occasionally occur on-site. The production of ammonium polyphosphate fertilizer will occur four times each year in the liquid fertilizer building. Each time this production occurs, it will only last a few days. No ammonium nitrate will be stored or utilized at this facility. Therefore, this standard is met.

2.10.050. Dimensional Standards

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

GI Zone Dimensional Standards	
Minimum Lot Area	
All Development	<i>Sufficient to meet setbacks and development requirements</i>
Minimum Setbacks	
All Yards	<i>0 feet</i>
Yards Adjacent to RM, RL, and RU Zones	<i>10 feet + 5 feet per story</i>
Yards Adjacent to Conser Road	<i>30 feet + 5 feet per story</i>

<i>Yards Adjacent to Old Salem Road</i>	<i>10 feet south of the Murder Creek undercrossing. North of the Murder Creek undercrossing, 10 feet on the west side and 20 feet on the east side incorporating trail as identified in the most currently adopted Transportation System Plan</i>
<i>Maximum Structure Height</i>	
<i>Principal and Accessory building</i>	<i>No limit</i>
<i>Maximum Lot Coverage</i>	<i>100%</i>

Response: In place of a numeric minimum lot area standard, the General Industrial zoning district requires that the subject property must be of a sufficient size of the development to comply with all applicable setbacks and development regulations. First, there are no setbacks that apply to this project because the subject property is not adjacent to a residential zone, Conser Road, or Old Salem Road. Second, the proposed development complies with all applicable development requirements as demonstrated throughout this application narrative. Lastly, maximum lot coverage is given a definitive ceiling: 100 percent lot coverage. The project utilizes the entire 25-acre lease area. Therefore, these standards is met.

2.10.060. *Development Standards*

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

1. *Off-Street Parking. Parking, driveway, and loading improvements shall comply with provisions in Chapter 3.03.*

Response: The off-street parking standards in MDC Chapter 3.03 are addressed in Section V of this application narrative. Findings and conclusions from the previously referenced section are incorporated herein as reference. Therefore, this standard is met.

2. *Signs. Signs in the GI zone shall conform to the standards contained in Chapter 3.06.*

Response: The applicant proposes to construct one sign near the entrance to their facility; however, the exact details of this sign have not yet been determined. A future signage plan will be reviewed for conformance with the applicable standards in MDC Chapter 3.06 during the Building Permit plan review process. Therefore, this standard will be met.

3. *Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 3.08.*

Response: The yards and lots standards in Chapter 3.08 are addressed in Section VI of this application narrative. Findings and conclusions from the previously referenced section are incorporated herein as reference. Therefore, this standard is met.

4. *Site Development Review. All new development and expansion of an existing structure or use in the General Industrial Zone shall be subject to the site development review procedures of Chapter 5.05.*

Response: This application narrative, accompanying exhibits, and preliminary plan set have been prepared to address the standards outlined in MDC Chapter 5.05. Therefore, this standard is met.

5. *Landscaping. Any required or established yard shall be landscaped with trees, shrubs, and groundcover and maintained pursuant to provisions in Chapter 3.09.*

Response: The landscaping standards in Chapter 3.09 are addressed in Section VII of this application narrative. Findings and conclusions from the previously referenced section are incorporated herein as reference. Therefore, this standard is met.

6. *Residential Screening. Property abutting an RL, RU, or RM zone shall be screened with a sight-obscuring fence not less than six feet in height. This requirement shall not include the front yard.*

Response: The subject property does not abut an RL, RU, or RM zoning district. Therefore, this standard does not apply.

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

Response: The subject property is not located within 300 feet of residentially zoned land. Therefore, this standard does not apply.

IV. Traffic Impact Analysis

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

1. *When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*
 - e. *An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;*

Response: Sandow Engineering has prepared a Traffic Impact Analysis for the proposed project. Please refer to the attached report dated September 30th, 2022. Therefore, this standard is met.

V. Off-Street Parking

3.03.060. Off-Street Vehicle and Bicycle Parking Requirements

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

Response: While individual building types of the proposed use can be found in Table 14 – Vehicle Parking Space Requirements, the greater use is not represented. As such, the applicant proposes to utilize MDC 3.03.050 to determine the appropriate number of parking spaces. This standard states “requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Director based upon the requirements of comparable uses listed and expectations of parking and loading need.”

Seventy-two employees will operate out of this facility; however, all 72 employees will never be on-site at the same time due to the nature of their day-to-day tasks, shifts, and functions - many employees will work remotely from potential buyers’ or current clients’ farm sites. Approximately 30 to 40 employees will routinely operate on-site during a standard 8:00 a.m. to 5:00 p.m. with seasonal adjustments plus-or-minus one hour during heavy spring and fall volume months. The facility will also be open Saturdays during heavy volume times (spring & fall months). The number of buyers or contractors who visit the site will be limited. Therefore, to ensure that sufficient parking is provided for employees and visitors to the site, the applicant proposes the construction of 49 parking spaces. This number will provide parking for all employees assigned to a given shift and any customers visiting the site. Consequently, the intent of this standard is met.

2. *Bicycle Spaces. Bicycle parking development requirements.*
 - a. *Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.*
 - b. *Location. All bicycle parking shall be within 100 feet of a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.*

Response: Two bicycle spaces will be provided (one per twenty vehicle spaces), but no long-term bicycle spaces will be constructed. These bicycle spaces are located near the southeast corner of the proposed office building, near the primary entrance. Each space is six feet long and two feet wide. Both can be accessed via a five-foot-wide sidewalk. Therefore, this standard is met.

3. *Maximum Vehicle Parking Spaces. The minimum spaces identified under item (1) in this Section, shall not be increased by more than 30%.*

Response: The applicant proposes to modify the parking requirement under item MDC 3.03.060(1), as the proposed use is not reflected in Table 14 – Vehicle Parking Space Requirements. Because this project does not utilize MDC 3.03.060(1), this standard does not apply to the proposed project.

3.03.070. *Off-Street Loading Requirements*

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

Response: The proposed development will require eight loading spaces. See Table 1, below, for a breakdown of the required loading spaces.

Table 1, Loading Space Requirement

Building Type	Building Footprint (sq. ft.)	Loading Spaces Required
Operations Warehouse	52,500	2
Dry Fertilizer Building	76,725	3
Liquid Dike	28,080	1
Future Warehouse	26,800	1
Maintenance Shop	11,250	1
Office	7,350	0

Five of the proposed loading spaces are located on the north side of the operations warehouse – a loading bay is illustrated on the preliminary site plan. While other loading areas are not as clearly marked, the proposed development includes several structures and areas intended for the loading of vehicles. On the west side of the dry fertilizer building a 100-foot by 56-foot building will be constructed to provide an enclosed loadout area. A building of this size could provide up to 21 loading areas based on the 12 feet wide and 30 feet long dimensional standards. The west side of the liquid dike provides a pathway for trucks to maneuver and accept fluids – this portion of the liquid dike is 216 feet long by 25 feet wide. That provides seven more loading spaces. The truck routes through this area are demonstrated by the traffic patterns and arrows on the preliminary site plan. Furthermore, while not strictly defined, a truck pull-off area is located on the east side of the operations warehouse to provide additional loading area if needed. Therefore, this standard is met.

3.03.080. *Parking and Loading Area Development Requirements*

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

1. *Surfacing. All driveways, parking, and loading areas shall have a durable hard surface of asphaltic cement or concrete. Surface improvements shall conform to the following:*
 - a. *Paving Improvements. Paving shall comply with adopted Engineering Standards of the City of Millersburg.*
 - c. *Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.*

Response: The proposed development will utilize MDC 3.03.080(1)(c) as an industrial development. Parking areas accessible to customers and employees will be paved with the appropriate drainage systems installed. Additionally, areas that will be subject to frequent truck/industrial traffic will also be paved. So will the access road. Storage areas, however, will have a gravel surface as permitted by this subsection. The applicant will store a number of different pieces of equipment that are needed to support and service their local customers’ needs. The proposed gravel area will provide a location for vehicle and equipment storage. Therefore, this standard is met.

2. *Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain “compact spaces” with dimensions of 8.5-feet in width and 18-feet in length.*

Response: All proposed parking spaces are 9 feet wide and 20 feet long. Therefore, this standard is met.

3. *Driveways. The following standards shall apply to all driveways:*
 - a. *Access spacing shall be in compliance with Section 3.02.040 -Access Standards.*
 - b. *Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.*

Internal Driveways for Multi-Family, Industrial, and Public Uses	
Without Adjacent Parking	
<i>Direction</i>	<i>Driveway Width</i>
<i>One-way</i>	<i>12 feet</i>
<i>Two-way</i>	<i>26 feet</i>
With Adjacent Parking	
<i>Parking Angle</i>	<i>Driveway Width</i>
<i>56 to 70</i>	<i>18 feet</i>

Response: The proposed parking stalls will be at a 60-degree angle with a driveway width of 20 feet. Therefore, this standard is met.

4. *Lighting. Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.*

Response: Lighting will be located throughout the developed area. However, exact details have not yet been determined. Plans will be provided to the City of Millersburg demonstrating how the proposed lighting will be directed entirely onto the developed area. That said, the subject property is 3,200 feet south from the nearest right-of-way and further away from the nearest residential zoned property. Any lighting proposed on-site will have minimal, near unnoticeable, impacts on public right-of-way and residential properties. Therefore, this standard will be met.

5. *Driveway Required. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.*

Response: The proposed parking stalls are served by a series of driveways that ensure no backing movements will occur within public right-of-way. Therefore, this standard is met.

6. *Traffic Safety. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.*

Response: The proposed access road will be constructed to Linn County local road standards as its connection point to Conser Road is located in Linn County.

7. *Curbing. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.*

Response: The proposed parking areas are contained by a curb six inches high. These parking areas are located nearly 56 feet to the nearest property line. Therefore, this standard is met.

8. *Landscaping.*
 - a. *Parking lots abutting residential zones shall be screened from abutting residential zones by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and provide separation for the abutting residences.*
 - b. *See Chapter 3.09 for additional landscaping requirements.*

Response: The proposed parking lot is not abutting a residential zoning district. This subsection does not apply. The applicable standards of MDC Chapter 3.09 are addressed later in this application narrative. These findings and conclusions are incorporated herein by reference. Therefore, this subsection is met.

VI. Yard and Lot Standards

3.08.060. Vision Clearance

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

1. *Measurement. A clear vision area at an intersection shall be the triangular area established according to the following procedure:*
 - a. *A line extending a certain number of feet, as identified in the sections (2), (3), (4), and (5) below, from the point of intersection along the curb (or edge of pavement if no curb) of a public street right-of-way;*
 - b. *A line extending a certain number of feet from the intersection along the curb line (or edge of pavement if no curb) of intersecting access; and,*
 - c. *A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.*
2. *Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the street curb (or edge of pavement if no curb) and 20 feet along the street curb (or edge of pavement if no curb) at the point of intersection with the driveway.*

Response: The proposed development will have a street-driveway connection. Within the vision triangle required by this standard, no obstructions will be created. Presently, no visual obstructions exist within the vision triangle associated with the proposed driveway. Therefore, this standard is met.

VII. Landscaping Standards

3.09.030. Standards

1. *General Requirements. Landscaping requirements by type of use are listed below:*
 - b. *Landscaping Required – Mixed-Use and Non-Residential Zones. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial zones is as follows:*
 - i. *One tree at least six feet tall when planted for every 30 feet of street frontage.*
 - ii. *Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.*
 - iii. *The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.*
 - iv. *When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.*

Response: There are no required setbacks associated with this development. Therefore, this standard does not apply.

2. *Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:*
 - a. *Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.*
 - b. *Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.*

- d. *Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected by large boulders or by another acceptable means of protection.*

Response: Six parking bays will be created by the proposed development. These bays range from six parking stalls wide to eleven parking stalls wide. All of the proposed bays have a five-foot-wide planter, excluding the curb, on both sides. As demonstrated by the preliminary site plan, each planter contains one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. These landscaped areas are protected by six-inch-tall curb.

The proposed parking areas are separated from the office building by a 7.5-foot-wide sidewalk. Therefore, this standard is met.

VIII. Commercial Design Standards

3.26.020. *Applicability.*

The Commercial Design Standards apply to:

1. *All new construction of commercial and office buildings in all zones.*

3.26.030. *Commercial Design Standards*

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

Response: The proposed office building, the only proposed building to which these standards apply, has exterior walls greater than 50 feet in horizontal length. However, the building cannot be seen from public right-of-way due to its distance from Conser Road, 3,200 feet. While a number of windows are provided on all four exterior elevations, they are not subject to the requirements of this standard. All four walls must incorporate architectural features and landscaping for at least 30 percent of the wall length. Architectural features are discussed in the applicant's response to 3.26.030(2). Findings and conclusions from the previously mentioned response are incorporated herein by reference. Therefore, this standard is met.

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

Response: Each façade of the proposed office building will contain three architectural features. While several are listed in this standard (landscaping, window projections, building projections), the building also incorporates the use of multiple building materials – which is not listed in this standard, to provide

architectural interest. Building materials include stone veneer, brick veneer, and metal panels to provide a variety of textures and visual contrast. It is compatible with the intent of this standard and can be permitted through this Site Design Review process. Table 2, Description of Architectural Features, outlines how each façade complies with this requirement below.

Table 2, Description of Architectural Features				
Wall Direction	Total Length	Required Feature Length	Length of Features	Features provided
North	98 ft.	29.4 ft.	98 ft.	Landscaping, projections, and multiple building materials
South	98 ft.	29.4 ft.	91 ft.	Window projections, multiple building materials, and landscaping
East	70 ft.	21 ft.	40 ft.	Window projections, multiple building materials, and landscaping
West	70 ft.	21 ft.	59 ft.	Window projections, multiple building materials, and landscaping

Therefore, this standard is met.

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

Response: As previously mentioned, the façades will be comprised of stone veneer, brick veneer, and metal panels. The building cannot be seen from Conser Road, so the metal panels can comprise up to 75 percent of all façades. Each façade is primarily brick. The north and south façades contain approximately 2,340 square feet. The metal panels will only occupy 978 square feet of the north and south façade, or 41 percent. The east and west façades contain approximately 2,039 square feet. The east façade only contains 208 square feet, or 10 percent. Lastly, metal panels comprise 1,001 square feet, or 49 percent. Therefore, this standard is met.

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

Response: The exterior colors will be of low reflectance and primarily of earth tones, as is appropriate provided brick and stone veneer are two frequently used building materials. Therefore, this standard is met.

IX. Conditional Use

5.04.050. Decision Criteria

A conditional use shall be approved if the applicant provides supporting evidence that all the requirements of this Code relative to the proposed use are satisfied, and demonstrated that the proposed use also satisfies the following criteria:

1. *The use is listed as a conditional use in the underlying zone and complies with the development requirements of the underlying zone.*

Response: As previously stated, the proposed development is classified as an “*agricultural chemical, fertilizer, insecticide storage and distribution, excluding ammonium nitrate*” facility, which is conditionally permitted in the General Industrial zoning district by MDC 2.10.040(5). Additionally, the GI zoning district requirements are addressed in Section III of this application narrative. Findings and conclusions from the previously mentioned section are incorporated herein by reference. Therefore, this criterion is met.

2. *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.*

Response: The subject property is an adequate size to serve the proposed development. As demonstrated by this application narrative, the site has enough area to accommodate all proposed buildings, vehicle travel aisles, parking, stormwater management systems, and other supporting improvements. These items are not inhibited by the shape of the subject property either. The property’s location is perfectly suited to the proposed development. Located in the GI zoning district, the proposed development is permitted through a Conditional Use permit. MDC states that “Conditional uses are presumed to be allowed unless conditions to ensure their compatibility cannot be established.” Not only is the proposed use assumed to be allowed, which already acknowledges some level of compatibility, this conditional use process will further ensure that the proposed use is properly compatible with the surrounding area – more conversation regarding compatibility occurs in the applicant’s responses to MDC 5.05.050(4) and MDC 5.05.060(2). The site’s topography will not restrict development. While already relatively level, ranging from 208 feet to 217 feet above mean sea level over approximately 1,200 feet, grading will increase the topography’s ability to host the proposed use. Utility connections and extensions as described in the applicant’s response to 5.05.060(3)(a) ensure the site is suitable for the proposed use in terms of the location of improvements. Lastly, there are no identified natural features on-site. Therefore, this criterion is met.

3. *The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services, existing or planned for the area affected by the use.*

Response: As demonstrated by Sandow Engineering’s Traffic Impact Analysis dated September 30th, 2022, the existing public transportation systems are capable of safely serving the traffic associated with the proposed development. As for public facilities, improvements are discussed in the applicant’s response to 5.05.060(3)(a). Therefore, this criterion is met.

4. *The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.*

Response: Similar to the subject property, nearby properties within the City of Millersburg’s city limits are zoned General Industrial. As such, the character of the surrounding area is industrial; and while not all

properties have been developed, the shared GI zoning will ensure those properties continue the industrial character of this area. Because the proposed development is also industrial, it will not substantially alter the character of the surrounding area. Additionally, the proposed development will not alter the access points of nearby properties. There are no elements of the proposed development that would preclude the existing or future use of surrounding properties. Therefore, this criterion has been met.

X. Site Plan Review

5.05.060. Decision Criteria

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

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

Response: As previously stated, the proposed development is classified as an “*agricultural chemical, fertilizer, insecticide storage and distribution, excluding ammonium nitrate*” facility, which is conditionally permitted in the General Industrial zoning district by MDC 2.10.040(5). Additionally, the GI zoning district requirements are addressed in Section III of this application narrative. Findings and conclusions from the previously mentioned section are incorporated herein by reference. Therefore, this criterion is met.

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

Response:

Traffic Flow: Sandow Engineering’s Traffic Impact Analysis dated September 30th, 2022, concluded, among other supportive statements found in the report, that “the site access connection and adjacent intersections meet all applicable mobility standards” and “the queuing at the site access connection and adjacent intersections do not cause any operational concerns on the transportation system.” The project will not disrupt or hinder the proper flow of traffic. For additional information regarding the flow of traffic, please refer to the attached traffic impact analysis.

Noise, Dust, Odor: The proposed buildings are not expected to generate significant levels of noise, dust, or odor. Because these operations will occur primarily inside the proposed structures, the ability to create noticeable levels of noise, dust, or odor at the property lines, is incredibly limited.

Glare: Several yard lights will be constructed to illuminate the development. As previously mentioned, the exact lighting details have not yet been determined. Plans will be provided to the City of Millersburg demonstrating how the proposed lighting will be directed entirely onto the developed area. That said, the subject property is 3,200 feet south from the nearest right-of-way and further away from the nearest residential zoned property. Any lighting proposed on-site will have minimal, near unnoticeable, impacts on public right-of-way and residential properties.

Potential Incompatible Adjacent Uses: The purpose of the General Industrial zoning district, as provided by MDC 2.10.010, is “the General Industrial Zone is applied to area well suited for all types of industrial development that require excellent highway and rail access and *are free from conflict with other non-compatible land uses*” (emphasis added). This proposed development does not create negative impacts

and complies with standards that traditionally mitigate for off-site impacts. Furthermore, it is the purpose of the applicable zone to permit more intensive uses in an area away from uses that could potentially be considered incompatible. Therefore, the proposed development satisfies this criterion.

3. *The City may impose conditions of approval intended to mitigate potential impacts including but not limited to:*
 - a. *Provisions for public utilities, including drainage and erosion control needs;*

Response:

Water: Presently, there is a 12-inch waterline located under Arnold Lane NE east of the subject property. This line will be upsized to 18 inches and extended to serve the proposed development.

Sanitary Sewer: Sanitary sewer is also available near the subject property. An off-site 24-inch sanitary sewer line parallels the property's eastern boundary. The proposed development will construct a sanitary sewer lateral under the Burlington Northern Santa Fe rail right-of-way to connect to the sanitary sewer mainline.

Stormwater: Conceptual stormwater management areas have been identified on the preliminary site plan. Stormwater treatment calculations will be reviewed for compliance with appropriate standards during future permitting processes.

Erosion Control: Erosion control measures will be determined during future permitting processes.

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

Response: Parking has been designed according to the appropriate standards outlined in MDC Chapter 3.03 as demonstrated by Section V of this application narrative. The proposed development is connected to Conser Road via an accessway constructed to Linn County local road standards. The accessway intersects with Conser Road outside of City of Millersburg's city limits. Linn County will govern most of the accessway because it crosses Exclusive Farm Use zoned land before reaching the subject property – the development site does not have frontage on a public street within the City of Millersburg. Therefore, the standards governing proposed streets, bikeways, and pedestrian facilities do not apply. However, that does not hinder the transportation system's ability to provide safe traffic movements. Sandow Engineering concluded that "there is no history of crashes within the area that need to be mitigated to facilitate the safe vehicle movements for the development trips." Therefore, this criterion is met.

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

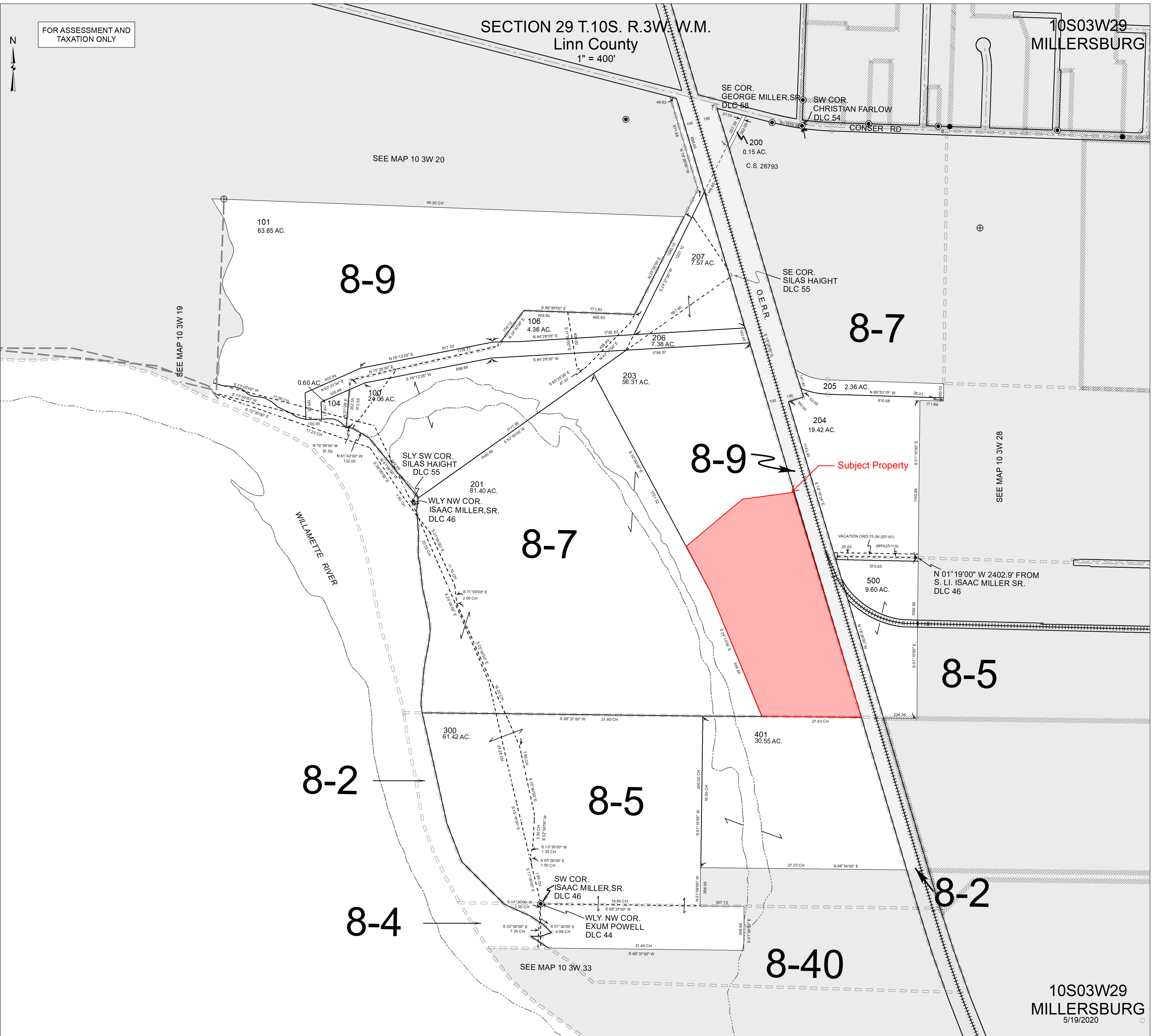
Response: Compliance with the applicable landscape and setback standards ensure adequate buffering has been provided. Furthermore, the extent to which the proposed development needs to provide buffering from non-compatible uses does not extend past the base requirements because the surrounding uses are also industrial in nature. Therefore, the proposed development satisfies this criterion.

d. *Protections from any potential hazards.*

Response: The proposed development is not located within an area identified as containing potential natural hazards. Therefore, this criterion does not apply.

XI. Conclusion

This application narrative, accompanying exhibits, and site plan demonstrate that the applicable decision criteria of the Millersburg Development Code has been satisfied. Therefore, Reece & Associates, Inc., on behalf of the applicant, Wilbur-Ellis Company, respectfully request approval of this application.

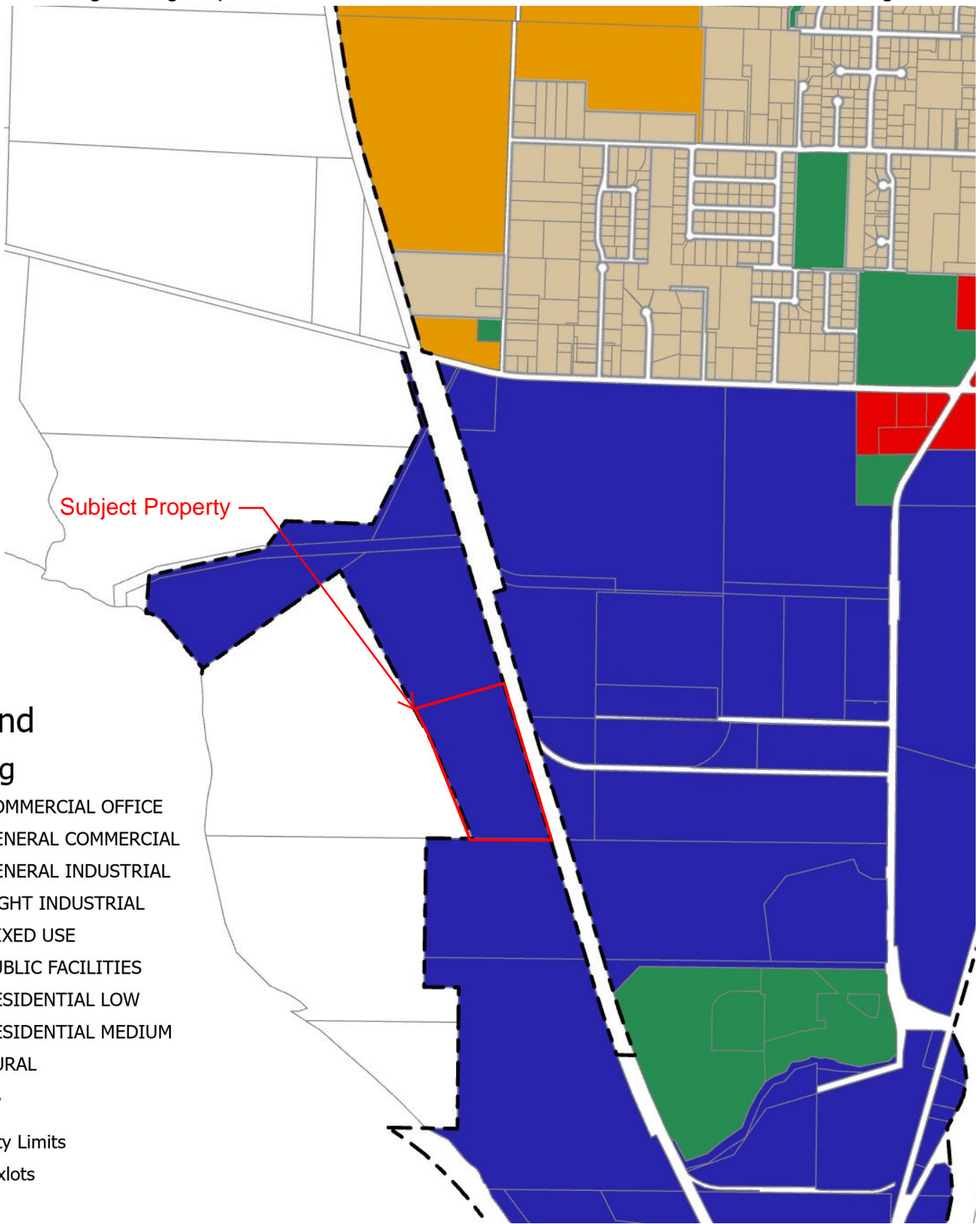


Aerial Photograph



Source - Linn County Planning Application

City of Millersburg Zoning Map



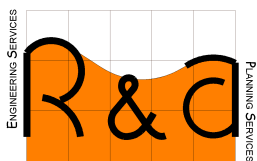
Legend

Zoning

- COMMERCIAL OFFICE
- GENERAL COMMERCIAL
- GENERAL INDUSTRIAL
- LIGHT INDUSTRIAL
- MIXED USE
- PUBLIC FACILITIES
- RESIDENTIAL LOW
- RESIDENTIAL MEDIUM
- RURAL

Other

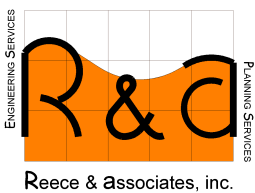
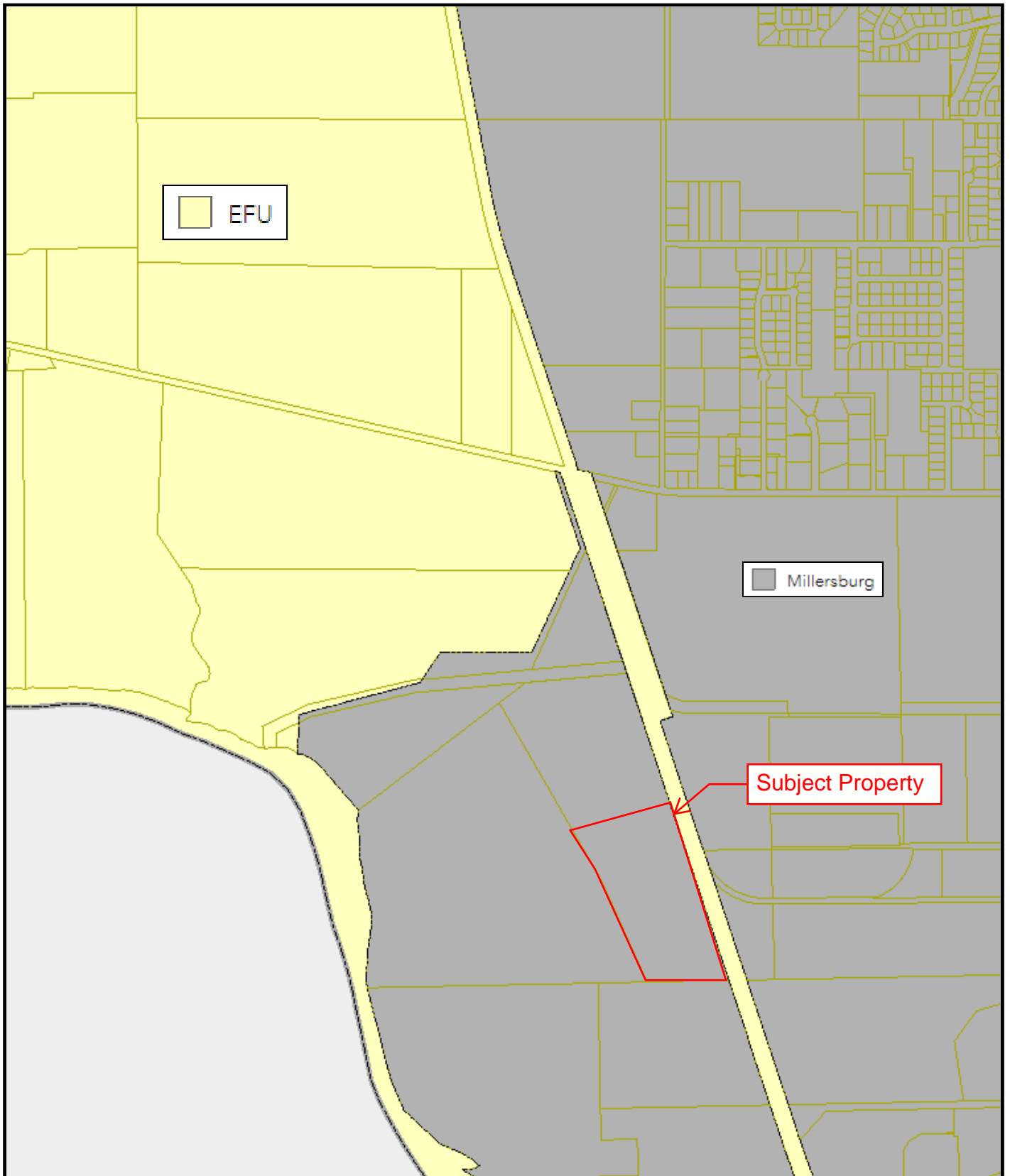
- City Limits
- taxlots



Reece & associates, inc.

Source - City of Millersburg Zoning Map

Linn County Zoning Map



Source - Linn County Planning Application

Exhibit F:

Agribusiness Millersburg Site Traffic
Impact Analysis by Sandow Engineering
dated September 30, 2022 (not
included in the staff report for file size
purposes, available upon request)

TO: Matt Straite, City Planner
FROM: Janelle Booth, Millersburg City Engineer
DATE: October 21, 2022
SUBJECT: SP 22-04 - Engineering Comments

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

1. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
2. All required public improvement plans shall be approved by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to occupancy of the new buildings.
3. A Private Construction of Public Infrastructure (PCPI) permit is required for all new public infrastructure. Proposed water and sewer mains shall be constructed to public infrastructure standards and easements shall be provided to the City of Millersburg in accordance with City of Millersburg Engineering Standards (15' for water main, 30' for parallel water and sewer main). Spacing between parallel water and sewer mains shall be minimum 10 feet.
4. 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.
5. Traffic Impact Analysis (TIA) is required per Millersburg Development Code 3.02.120.
6. Primary site access shall be via a new access road from Conser Road. Secondary access in compliance with fire code is required.
7. City water must be extended to the site for fire protection, potable, and process use.
8. Sanitary sewer must connect to City's existing collection system.

9. Stormwater:

- a. Obtain a 1200-C Erosion Control Permit and a **City of Millersburg Erosion Prevention and Sediment Control Permit** for all disturbed ground, both on and off site that is in excess of one acre. The applicant shall follow the latest requirements from DEQ for NPDES 1200-C Permit submittals.
 - b. Stormwater facilities shall be designed and constructed in accordance with the City of Millersburg Engineering Standards. A grading permit is required for earthwork in excess of 50 cubic yards; a storm drainage report and grading plan shall be submitted for review. A final grading and stormwater inspection will be required prior to issuance of a certificate of occupancy.
10. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
11. 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.
12. All applicable System Development Charges (SDCs) will be due at time of building permits.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: October 14, 2022

SUBJECT: SP-22-04 – Agricultural Fertilizer Facility - Albany Fire Department Comments

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

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

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

Be advised Linn County Sheriff operates on the 700 MHz radio spectrum, while the Albany Fire Department currently operates on the VHF spectrum transmitting and receiving on the same radio frequency. Your solution must address both frequency spectrums and provide for future movement of the fire department's radio communications to the 700 or 800 MHz radio spectrum. **Please see the attachment "Emergency Responder Radio Coverage" and contact the fire department for specific requirements as early as possible in your design process. This will apply to the entire structure, existing and new construction.**

2. Commercial developments which exceed three stories or 30' in height shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least ½ the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D104.1 & 104.3)
3. Buildings or facilities having a gross building area of more than 62,000 square feet shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems (OFC Appendix D104.2)

All buildings shall be fire sprinklered or a second approved access must be provided.

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

Page 2
October 21, 2022

- Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.
8. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3)
 9. The location and spacing requirements for fire hydrants are based on four project-specific criteria:
 - a. The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
 - b. The calculated “fire flow” of the proposed building(s)
 - c. The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.
 - d. The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.
 10. The Civil Site Plans submittal for all future Planning and Building permit approval shall provide information on fire department access and water supply in a form and format as detailed in the Albany Fire Department’s “Fire Site Plan Submittal Checklist – New Construction/Additions” available on the City’s web site at http://www.cityofalbany.net/images/stories/cd/devcenter/forms/fire_site_plan_review.pdf

LAR/lar



NOTICE OF PUBLIC HEARING
November 1, 2022, 6:00 p.m.
The meeting will be in person
and online or by phone-

See the agenda for the link and phone number details

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

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

- APPLICANTS:** Wilber-Ellis Company
LOCATION: Southerly of Conser Road NE, easterly of the Willamette River (see map)
TAX LOT: Township 10 South; Range 3 West; Section 29; Tax Lot 203, 206, 207, 106, 101, and Township 10 South; Range 3 West; Section 20; Tax Lot 402.
PARCEL SIZE: 25 acres, plus an access road
ZONING: General Industrial (GI)
REQUEST: The Site Development Review application is requesting an agricultural chemical and fertilizer storage and distribution facility. The site includes a 7,380 square foot 2 story (14,760 square foot total) administration office building, a 52,500 square foot operations warehouse with a 2,106 square foot attached office, a 71,858 square foot dry fertilizer building with an attached rail and truck covered loading area, a 11,250 square foot maintenance shop/ laboratory with an attached 4,500 square foot covered wash pad, a 28,080 square foot liquid fertilizer tank farm on a concrete pad with a fabric structure cover, 49 passenger vehicle parking spaces, a new access road, and a new railroad spur. The Conditional Use Permit is requested for the fertilizer production.
CRITERIA: Millersburg Development Code; Section 5.04.050 & 5.05.060
FILE No.: SP 22-04 and CUP 22-01

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

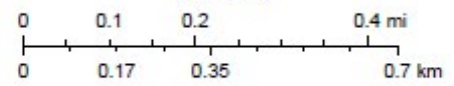
SP22-04/CUP22-01 Vicinity



10/5/2022, 3:43:26 PM

1:18,056

- Railways
- City Limits
- Highways
- Tax Lots
- Roads
- County Boundary



Linn County GIS, GeoTerra, 2021

Map created using the Linn County Oregon web mapping application
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



Parking Reform Summary

July 11, 2022

Rules Implementing

OAR 660-012-0400 through 0450 (see also definitions in 0005 and deadlines and processes in 0012)

Who do the rules apply to, and when is action needed?

The parking reforms apply to the 48 Oregon cities in Oregon's eight metropolitan areas (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Portland Metro, Rogue Valley, Salem/Keizer), and counties in these areas, with more than 5,000 people inside the urban growth boundary but outside city limits with urban sewer and water services (Clackamas, Marion, Washington).

Some of the rules take effect December 31, 2022; others require action by March 31, 2023 or June 30, 2023.

Why reform costly parking mandates?

Parking mandates, also known as minimum parking requirements, are a one-size-fits-all approach that ends up hiding the costs of parking in other goods, from housing to business costs to wages. That means the costs of car ownership and use are subsidized, leading people to own more cars and drive more than they would if they were aware of the true costs. Providing 300 square-feet of parking lot for each car that wants a parking spot is a significant cost – in the thousands, and often tens of thousands, of dollars.

Because of the cookie-cutter approach of mandates, parking is often over-built, adding unnecessary costs, while pushing apart buildings and making areas less walkable. That means more driving, and more pollution.

A better approach, one that has been used by communities around the world for decades, is to let the free market provide parking where there is demand. Experience shows lenders usually require sufficient off-street parking, and developers will build it, especially when the on-street parking is properly managed.

How do cities and counties amend their codes to meet the requirements in the rules?

The cleanest path to meet rules requirements is to update local zoning and development codes to meet the requirements in OAR 660-012-0405 through 0415, and repeal all parking mandates. The provisions of 0425 through 0450 do not apply to communities without parking mandates.

Many of the requirements in 0405 through 0415 may already be in city code, as some of those provisions have been required by the Transportation Planning Rules for many years.

If a community prefers to keep some mandates, the provisions in 0425 through 0450 reduce the mandates and the negative impacts of remaining mandates.

Questions?

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Phase 1 – Reform Near Transit; Certain Uses by December 31, 2022

Apply to development applications submitted after December 31, 2022 (amend code or directly apply these rules)

0430 Cannot mandate more than 1 space/unit for residential developments with more than 1 unit
No mandates for small units, affordable units, child care, facilities for people with disabilities, shelters

0440 No parking mandates allowed within ¼ mile of rail stations or ½ mile of frequent transit corridors

Phase 2 – More Reform, Choose an Approach by June 30, 2023 or alternative date

0405 Parking Regulation Improvement

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- New developments with parking lots more than ¼ acre in size must install 50% tree canopy OR solar panels; requires street trees and street-like facilities along driveways
- Parking maximums in appropriate locations (in existing TPR)

0410 Electric Vehicle Charging **due March 31, 2023*

- New private multi-family residential or mixed-use developments install conduit to serve 40% of units

0415 Provisions Specific to More Populous Cities

- Cities >25,000 in metro or >100,000 outside set certain parking maximums in specified areas
(additional provisions for 200,000+ population cities, i.e. Portland, are not listed here)

0420-0450 Three options for parking reform

Option 1 660-012-0420	Options 2 and 3 660-012-0425 through 0450	
Repeal parking mandates	Reduce parking burdens – reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking. Must unbundle parking for multifamily units near frequent transit. May not require garages/carports.	
	Climate-friendly area parking – remove mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units	
	Cities pop. 100,000+ adopt on-street parking prices for 5% of on-street parking spaces by September 30, 2023 and 10% of spaces by September 30, 2025	
No additional action needed	Option 2 enact at least three of five policies	Option 3 all of the below
	<ol style="list-style-type: none"> 1. Unbundle parking for residential units 2. Unbundle leased commercial parking 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ parking space/unit mandated for multifamily development 	<p>No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for changes in use, redevelopments, expansions of over 30%.</p> <p>Adopt parking maximums.</p> <p>No mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>

Climate-Friendly and Equitable Communities Implementation Guide



This document provides guidance for cities and counties within metropolitan areas that are expected to implement the Climate Friendly and Equitable Communities rules. The information provided in this document are **based on the rules adopted by the Land Conservation and Development Commission on July 21, 2022**. This guide is for information and is not determinative regarding the content or applicability of the adopted rules.

Pages 1-3 contain an overview of the implementation and reporting requirements of the rules. The table of implementation dates on pages 3-8 shows the year in which these requirements become applicable, grouped by metropolitan area. The task summaries on pages 9-12 outline the sections of the Division 12 rules that are involved with the major task groups.

Alternative Dates: Cities, counties, or Metro may, optionally, propose alternative implementation dates for some deadlines as provided in OAR 660-012-0012(3). Alternative dates would be submitted to the department, reviewed against criteria, and approved (or not) by the DLCD Director. Alternative compliance dates for Eugene-Springfield and Salem-Keizer metropolitan area would use this process and the work program process for scenario planning in OAR 660-044-0100. Rules whose implementation dates **can** be modified through this process are in italics in the guide.

Division 12 Exemption: The DLCD Director may grant a full or partial exemption from Division 12 to cities and counties with a population under 10,000 within the urban area (OAR 660-012-0055(7)). The exemption must be requested by the jurisdiction. Exemptions granted shall last for a specified period.

Major Task Groups

Requirements for the implementation of each task are outlined in the schedule. Details of the rules involved with each task are listed after the schedule table.

CFA Study – Study potential climate-friendly areas (CFA) (660-012-0315).

(code changes not mandatory; may apply 660-012-0430 and 0440 directly).

CFA Codes – Designate and make comprehensive plan, zoning map and code changes to implement climate-friendly areas (660-012-0320).

Parking B – Implement parking regulation improvements, and parking mandate reform (660-012-0400 through 0450).

Parking A – For new development applications, apply reduced parking mandates near frequent transit and for certain development types

TSP Updates – These rules only apply at the time of a major update to a transportation system plan (TSP).

TPR Development Regulations – Transportation Planning Rules (TPR) related regulations; required with major transportation system plan updates, no specific update timeline unless indicated. Implement commercial and residential land use regulations (660-012-0330), and bicycle parking (660-012-630).

HNA – Housing Needs Analysis (HNA) (Also known as a Housing Capacity Analysis, or HCA). Update required by OAR Chapter 660-008-0045 for cities over 10,000 population. HNA within Metro must be updated every 6 years; outside of Metro must be updated every 8 years.

HNA is an additional task that is not part of Climate-Friendly and Equitable Communities.

Individually Applicable Rules

Rules separate from the major task groups and with their own applicability date are listed below and in the schedule.

EV Conduit – Cities only; for new multifamily and multi-use development applications, require 40% of spaces have conduit to serve electric vehicle charging (OAR 660-012-0410); implement by March 31, 2023 per OAR 660-012-0012(5)(d); either directly apply state administrative rules or amend local development standards.

Transportation Modeling – transportation modeling or analysis used for a land use decision must comply with OAR 660-012-0210; decision must not increase VMT per capita; effective as of June 30, 2024 per OAR 660-012-0012(5)(a).

Performance Standards – Implement multiple transportation performance standards for plan amendments and development review per OAR 660-012-0215; effective as of June 30, 2025 per OAR 660-012-0012(4)(b).

Additional CFA Designations for UGB Expansions is required beginning June 30, 2027 (OAR 660-008-0010(3)).

Note: **TSP Update** and **TPR Development Regulations** apply to **all** jurisdictions in the table listed below. The proposed rules do not establish an implementation deadline if ‘TSP Update’ and ‘TSP Development Regulations’ are not shown in the schedule. They are **not** exempt from these requirements. A deadline for these tasks may be established through approval of alternate compliance dates.

TPR Reporting

OAR 660-012-0900 requires cities and counties outside of Metro to submit yearly reports. The reporting requirements are listed in the row of each metropolitan area (light blue background). The designation of major reports in this guide are based on expected dates of Regional Transportation Plan (RTP) updates. The timing of a major report will be as determined by actual RTP adoption (OAR 660-012-0900(5)). The reporting requirement applies to each jurisdiction individually, although jurisdictions may coordinate to submit one report for the metropolitan area. Inside Metro, annual reporting will be completed by Metro (cities and counties within Metro **not** required to submit individual reports).

Population Growth

Climate-Friendly Areas- OAR 660-012-0310(4)(a) and (b) specify CFA compliance timelines for jurisdictions that surpass population thresholds of 5,000 or 10,000. Such jurisdictions must submit a **CFA Study** within 545 days of exceeding the population threshold, and adopt **CFA Codes** within 365 days of the deadline for submittal of the CFA Study. Additionally, OAR 660-008-0010(2) requires the designation of additional climate friendly areas as cities over 10,000 grow, in conjunction with required HNA updates.

Parking – OAR 660-012-0012(4)(f)(A) allows one year for jurisdictions that surpass population thresholds in OAR 660-012-0400 to comply with the parking rules to which they become subject.

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Albany Area			TPR major report (5/31) ¹	TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Albany	Parking A	CFA Study EV Conduit Parking B	CFA Codes Transportation Modeling	<i>Performance Standards</i>	2028 HNA Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Benton County, Linn County, Marion County <small>(fewer than 5,000 population inside UGB)</small>			Transportation Modeling	<i>Performance Standards</i>		
Jefferson, Tangent, and Millersburg	Parking A	EV Conduit Parking B	Transportation Modeling	<i>Performance Standards</i>		

¹ Next expected RTP updates: 2022: Central Lane, Corvallis; 2023: Albany, Salem-Keizer; 2024: Middle Rogue; 2025: Bend, Rogue Valley. TPR major report expected the year following adoption of RTP update. Future RTP updates expected every 4 years.

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Bend Area			TPR minor report (5/31)	TPR minor report (5/31)	TPR minor report (major report 2026) (5/31)	TPR minor report (5/31)
Bend	Parking A	CFA Study EV Conduit Parking B	CFA Codes HNA Transportation Modeling	Performance Standards	Additional CFA for UGB expansions after June 2027, and with HNA Updates	TSP TPR Dev. Regs.
Deschutes County ²			Transportation Modeling	Performance Standards		TSP TPR Dev. Regs.
Central Lane	Scenario Plan work program (6/30) Scenario Plan (12/31)		TPR minor report (5/31)	TPR minor report (5/31)	Scenario Plan code amendments and TSP (12/31) TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Coburg	Parking A	EV Conduit Parking B	Transportation Modeling	Performance Standards	TSP (2026) TPR Dev. Regs.	
Eugene Springfield	Parking A	CFA Study EV Conduit Parking B	CFA Codes Transportation Modeling	Springfield HNA Performance Standards	TSP (2026) TPR Dev. Regs. Eugene 2026 HNA Additional CFA for UGB expansions after June 2027	
Lane County ³			Transportation Modeling	Performance Standards	TSP (2026) TPR Dev. Regs.	

² Deschutes Co. population within UGBs in the metropolitan area is >5,000. However, Parking A, Parking B, CFA Study, and CFA Codes are not assumed to be applicable because the county does not provide urban services to these areas (OAR 660-012-0310(3); OAR 660-012-0400(1)(b)).

³ Lane Co. population within UGBs in the metropolitan area is >5,000. However, Parking A, Parking B, CFA Study, and CFA Codes are not assumed to be applicable because the county does not provide urban services to these areas (OAR 660-012-0310(3); OAR 660-012-0400(1)(b)).

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Corvallis Area			TPR major report (5/31)	TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Adair Village	Parking A	EV Conduit <i>Parking B</i>	Transportation Modeling	<i>Performance Standards</i>		
Corvallis Philomath	Parking A	CFA Study EV Conduit <i>Parking B</i>	<i>CFA Codes</i> Transportation Modeling	<i>Performance Standards</i>	Corvallis 2027 HNA Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Benton County (fewer than 5,000 population inside UGB)			Transportation Modeling	<i>Performance Standards</i>		
Middle Rogue			TPR minor report (5/31)	TPR major report (5/31)	TPR minor report (5/31)	TPR major report (5/31)
Gold Hill Rogue River	Parking A	EV Conduit <i>Parking B</i>	Transportation Modeling	<i>Performance Standards</i>		
Grants Pass	Parking A HNA	CFA Study EV Conduit <i>Parking B</i>	<i>CFA Codes</i> Transportation Modeling	<i>Performance Standards</i>	Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Jackson County Josephine County (fewer than 5,000 population inside UGB)			Transportation Modeling	<i>Performance Standards</i>		

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Rogue Valley			TPR minor report (5/31)	TPR minor report (5/31)	TPR major report (5/31)	
Ashland Central Point Eagle Point Medford Talent	Parking A	CFA Study EV Conduit Parking B Medford HNA	CFA Codes Transportation Modeling	<i>Performance Standards</i>	Central Pt 2027 HNA Ashland 2029 HNA Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Jacksonville Phoenix	Parking A	EV Conduit Parking B	Transportation Modeling	<i>Performance Standards</i>		
Jackson County (fewer than 5,000 population inside UGB)			Transportation Modeling	<i>Performance Standards</i>		

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Salem/Keizer		Scenario Plan work program (6/30)	Scenario Plan (6/30) TPR major report (5/31)	Scenario Plan code amendments and TSP (6/25) TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Salem Keizer	Parking A	CFA Study EV Conduit Parking B	CFA Codes Salem and Keizer HNA Transportation Modeling	TSP TPR Dev. Regs. Performance Standards	Additional CFA for UGB expansions after June 2027	
Marion County	Parking A	CFA Study Parking B	CFA Codes Transportation Modeling	TSP TPR Dev. Regs. Performance Standards		
Polk County (fewer than 5,000 population inside UGB)			Transportation Modeling	TSP TPR Dev. Regs. Performance Standards		
Turner	Parking A	EV Conduit Parking B	Transportation Modeling	TSP TPR Dev. Regs. Performance Standards		

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Portland Metro			TPR major report (5/31)	TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
TPR Rules specific to Metro: OAR 660-012-0140, Transportation System Planning in the Portland Metropolitan Area; OAR 660-012-0012(4)(d), Climate-Friendly Area implementation within Metro; OAR 660-012-0900(2), TPR Reporting.						
Metro UGMFP Region 2040 Centers [various jurisdictions]			Metro to establish requirements for adoption of Centers	Non-adopters to adopt Center boundaries and zoning		
Durham, Johnson City, Maywood Park, Rivergrove, King City, Wood Village	Parking A	EV Conduit Parking B	Transportation Modeling	Performance Standards		
Beaverton, Cornelius, Fairview, Forest Grove, Gladstone, Gresham, Happy Valley, Hillsboro, Lake Oswego, Milwaukie, Oregon City, Portland, Sherwood, Tigard, Troutdale, Tualatin, West Linn, Wilsonville (10k+)	Parking A	EV Conduit Parking B Beaverton, Fairview, Gresham, Happy Valley, Hillsboro Lake Oswego, Milwaukie, Portland, West Linn, Wilsonville HNA	Transportation Modeling	Forest Grove HNA Performance Standards	HNA 2026: Sherwood, Troutdale, Tualatin; 2027: Gladstone, Cornelius, Tigard, Oregon City	
Clackamas County, Washington County	Parking A	Parking B	Transportation Modeling	Performance Standards		
Multnomah County ⁴						

⁴ Cities within Multnomah Co. have land use authority for unincorporated areas within UGB.

Task Summaries

Parking A

Reduced Mandates – OAR 660-012-0430 and OAR 660-012-0440

Effective date December 31, 2022 per OAR 660-012-0012(5)(e)– applies to development applications submitted after that date; either directly apply state administrative rules or amend local development standards

- Reduced mandates for specific developments – cannot mandate more than 1 space/unit for residential developments with more than 1 unit
- No mandates for small units, affordable units, childcare, facilities for people with disabilities, shelters
- Reform near transit - no parking mandates allowed within $\frac{3}{4}$ mile of light or heavy rail stations or $\frac{1}{2}$ mile of frequent transit corridors

Parking B

Parking Regulation Improvement – OAR 660-012-0405

By June 30, 2023 per OAR 660-012-0012(4)(f) - amend development standards

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underutilized parking for other uses
- Allow and facilitate shared parking
- Parking lots more than $\frac{1}{4}$ acre in size must install 50% tree canopy OR solar panels, solar/wind fee-in-lieu, or green energy per OAR 330-0135-0010; requires street trees and street-like facilities along driveways
- Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented developments.

Parking Maximums and Evaluation in More Populous Cities – 660-012-0415

By June 30, 2023 per OAR 660-012-0012(4)(f)

- Cities >100,000 population, or >25,000 population if in Portland Metro, set certain parking maximums in specified areas
- Cities >200,000 population also:
 - Study use of on-street timed parking in CFA and transit areas (OAR 660-012-0435 & 0440)
 - Implement parking management before authorizing new 100+ stall parking garages
 - Implement TDM management strategies before authorizing new 300+ stall garages
 - Adopt design requirements so ground floor of parking garage convertible to other uses

Parking Mandate Reform

Effective date June 30, 2023 per OAR 660-012-0012(4)(f)

Option 1 OAR 660-012-0420	Options 2 and 3 OAR 660-012-0425 through 0450	
Repeal all parking mandates within the jurisdiction	Reduce parking burdens – adopt eight land use regulations related to reduced mandates based on factors such as shared parking, solar panels, parking space accessibility, on-street parking; unbundling of parking from rent for multifamily units near transit (OAR 660-012-0425)	
	Cities with populations 100,000+ adopt on-street parking prices equivalent to at least 50¢/day per spot for 5%/10% of total on-street parking supply by September 30, 2023/2025 (OAR 660-012-0450; effective dates per OAR 660-012-0012(4)(g))	
	<p style="text-align: center;">Parking Reform Approaches <i>Choose ONE of the following (option 2 -or- option 3)</i></p> <p style="text-align: center;"><i>Policies to take effect no later than June 30, 2023 (effective date per OAR 660-012-0012(4)(f))</i></p>	
no additional action needed	<p style="text-align: center;">Option 2 OAR 660-012-0445(1)(a) - <i>Adopt at least 3 of 5 policies below</i></p>	<p style="text-align: center;">Option 3 OAR 660-012-0445(1)(b) - <i>Adopt regulations minimizing or exempting required parking for 15 development types (summarized below)</i></p>
	<ol style="list-style-type: none"> 1. Unbundle parking for residential units 2. Unbundle leased commercial parking 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ space/unit mandated for multifamily development 	<p>No mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for redevelopments/additions.</p> <p>Adopt parking maximums.</p> <p>No parking mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>

Climate-Friendly Areas

<p style="text-align: center;">CFA Study OAR 660-012-0315 Due December 31, 2023 per OAR 660-012-0012(5)(b)</p>	<p style="text-align: center;">CFA Codes OAR 660-012-0320 via OAR 660-012-0315(6) Due Date December 31, 2024 per OAR 660-012-0012(4)(c)</p>	
<ul style="list-style-type: none"> • CFA location and size standards per OAR 660-012-0310(2) • <u>>10,000 population</u> Dwelling Unit Capacity of at least 30% of current housing needs analysis (OAR 660-012-0315(1); capacity calculated per methodology in OAR 660-012-0315(2)) • <u>Population 5,000 -10,000</u> Designate at least 25 acres of CFA (OAR 660-012-0315(3)) • Displacement analysis, fair and equitable outcomes plan, and narrative summary of public engagement (OAR 660-012-0315(4)) 	<p><i>Required for all CFAs:</i></p> <ul style="list-style-type: none"> • Allowed uses per OAR 660-012-0320(2) • Inclusion of existing abutting residential and employment zones without zoning amendments per OAR 660-012-0320(3) • Prioritization of public buildings, open spaces per OAR 660-012-0320(4) • Block length maximums per OAR 660-012-0320(5) • Address other development regulation requirements per OAR 660-012-0320(7) • Eliminate mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units (OAR 660-012-0435) 	
	<p>Housing and Employment Targets OAR 660-012-0320(8) or (9)</p>	
	<p>Option A Residential minimum density standards and allowed building height not less than specified by OAR 660-012-0320(8)</p>	<p>Option B Standards other than Option A proposed by jurisdiction that achieve target dwelling unit and employment per acre</p>

Transportation System Plan Update

- *TSP updates may use OAR 660-012-0015 if OAR 660-018-0020 is notice provided by December 31, 2022 (OAR 660-012-0012(2)(a)).*
- *Minor TSP updates need not meet all updated requirements if the updated portions of the plan meet new requirements, and OAR 660-018-0020 notice is provided by June 30, 2027 (OAR 660-012-0012(2)(b)).*
- *Compliance deadline for Eugene-Springfield and Salem -Keizer determined by OAR 660-044-0015 Scenario Planning.*
- *Cities and Counties over 5,000 population and outside the Portland metropolitan areas must adopt major TSP update by December 31, 2029 (OAR 660-012-0012(4)(a)).*

Generalized Scope and Process

- Overall TSP update requirements (OAR 660-012-0100 and 0105)
- Public Engagement and Equity
 - TSP Planning Engagement generally (OAR 660-012-0120)
 - Equity and Underserved Populations (OAR 660-012-0125, identifying underserved populations; OAR 660-012-0130, Decision-Making with Underserved Populations; OAR 660-012-0135, Equity Analysis)

- System Inventories and Existing Conditions
 - General inventory requirements (OAR 660-012-0150)
 - Transportation System Planning Area (OAR 660-012-0110)
 - Land use assumptions (OAR 660-012-0340)
 - Modal inventory requirements: Pedestrian (OAR 660-012-0505); Bicycle (OAR 660-012-0605); Transit (OAR 660-012-705); Streets and Highways (OAR 660-012-0805)
 - Funding projections (OAR 660-012-0115)
- Goals, Targets, and Project Prioritization
 - VMT Targets – base year and horizon year (OAR 660-012-0160)
 - Adoption of Transportation Performance Standards (OAR 660-012-0215)
 - Project Prioritization (OAR 660-012-0155)
- TSP Contents
 - Modal design and planning requirements: Pedestrian (OAR 660-012-0510); Bicycle (OAR 660-012-0610); Transit (OAR 660-012-710); Streets and Highways (OAR 660-012-0810)
 - Modal projects: Pedestrian (OAR 660-012-0520); Bicycle (OAR 660-012-0620); Transit (OAR 660-012-720); Streets and Highways (OAR 660-012-0820)
 - Transportation Options Planning (OAR 660-012-0145) – transportation demand management, transit options and incentives
 - Enhanced review of select roadway projects (OAR 660-012-0830) – for facilities that may increase driving capacity
 - Prioritization framework (OAR 660-012-0155)
 - Unconstrained Project List (OAR 660-012-0170) – combination of modal projects; must meet VMT per capita targets from OAR 660-012-0160; Project Prioritization Framework (OAR 660-012-0155)
 - Financially-Constrained Project List (OAR 660-012-0180)
 - Created from unconstrained list per procedures in OAR 660-012-0180(3)
 - Sum of projects on list not to exceed 125% of funding available from OAR 660-012-0115

Transportation Planning Rule Development Regulations

Land use requirements (OAR 660-012-0330)

Effective date per OAR 660-012-0012(4)(e) – TSP Adoption

note – implementation of OAR 660-012-0330 within a CFA is required upon adoption of CFA Zoning (OAR 660-012-0320(7))

- Neighborhood circulation (OAR 660-012-0330(3))
- Mixed use and commercial districts (OAR 660-012-0330(4))
- Bicycle parking regulations in compliance with OAR 660-012-0630 (OAR 660-012-0330(4)(g))
- Slow streets for neighborhoods (OAR 660-012-0330(5))
- Auto-oriented land uses (OAR 660-012-0330(6))
- Allow for Low car districts (cities of 100k+, OAR 660-012-0330(7))
- Protection of transportation facilities (OAR 660-012-0330(8))

Application and Deadline for Action

OAR 660-012-0410(1) clarifies this Oregon Administrative Rule applies to all cities subject to the Climate-Friendly and Equitable Communities rules; that is, all cities in Oregon’s eight metropolitan areas. It does not apply to counties.

OAR 660-012-0012(5)(d) requires cities to implement requirements by March 31, 2023. That deadline is not eligible for extension.

Discussion

Section (2) has no additional legal effect on top of Oregon’s state building code. It is there for reference, and to draw attention to ORS 455.417.

Section (3) has legal effect of changing the percentage of parking spaces required to be served by “electrical service capacity” in certain new developments.

Electrical service capacity, as defined in ORS 455.417, has two parts:

1. **a designated location or space for electrical service**, if not actual service
2. **a conduit system** from that location to parking spaces. That conduit system must be able to support wiring to for installation of Level 2 or above electric vehicle charging stations.

The Oregon state building code and ORS 455.417 require this for 20% of spaces of certain building types, including commercial.

This rule requires cities to require conduit to support at least 40% of parking spaces for new multi-family (5+ units) residential buildings, and mixed-use buildings with at least five residential spaces and commercial private space.

To be clear, as of July 1, 2022 (by statute and building code), conduit must be sufficient to serve:

- 20% of parking spaces in commercial building garage or parking area
- 20% of parking spaces in mixed-use or residential building garage or parking area

As of April 1, 2023 (with the Climate-Friendly and Equitable Communities add-on), conduit must be sufficient to serve:

- 20% of parking spaces in commercial building garage or parking area
- 40% of parking spaces in mixed-use or residential building garage or parking area

What Do Cities Have to Do?

Cities may apply the state standard directly, or may amend their local codes to be clear the conduit to 40% of spaces is required.

This is the effect of the language in OAR 660-012-0012(4)(f) “shall adopt” not including rule 0410, and the language of “shall implement the requirements for” rather than “shall adopt” in OAR 660-012-0010(5)(d).

The department generally recommends amending local zoning code for ease of administration, and planners advise applicants and building officials 40% is required in certain circumstances.

Model Code Language

“New multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, shall provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on the site containing the residential dwelling units. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation.”

Additional Recommendations:

Serve People with Disabilities, Non-Car Charging, Panel Sizing

DLCD recommends charging conduit serve at least proportional numbers of spaces for people with disabilities, and that concerns about wires blocking walkways, chargers having ramps instead of curbs, and charging facilities be accessible in height and communications standards be taken into consideration. In addition to any requirements under the state building code, the department recommends local builders following the [design guidance](#) of the U.S. Access Board.

Provisions to require electric charging for bicycles, electric wheelchairs, and other vehicles were proposed but determined to not be within DLCD’s authority. Development review staff could suggest the potential market for such service when reviewing plans.

Development review staff could also suggest sizing the electrical panel to accommodate likely future demand for electrical vehicle charging.

Resources

Evan Manvel, DLCD – the language of these rules, deadlines, etc.
evan.manvel@dlcd.oregon.gov (971) 375-5979

Ingrid Fish, City of Portland – issues on city codes, equity and EV charging
ingrid.fish@portlandoregon.gov
<https://www.portland.gov/bps/planning/ev-ready/about>

Todd Smith, Oregon Building Codes Division – questions about Oregon building codes
Todd.r.smith@dcbs.oregon.gov, (503) 856-6819

Mary Brazell, ODOT – general questions about EV charging
Mary.Brazell@odot.oregon.gov, (503) 986-3839
<https://www.oregon.gov/odot/Programs/Pages/Electric-Vehicles.aspx>
<https://www.oregon.gov/odot/Programs/Pages/TEINA.aspx>

Disclaimer

This document aims to provide more details about the rules, and how the department intends to administer the rules. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted Transportation Planning Rules should be acquired from the [Oregon Secretary of State](#) and used to fulfill planning requirements.

Rule Language

- (1) This rule applies to cities within a metropolitan area.
- (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.
- (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle parking spaces.

Additional Legal Reference

Note: this is as of August 9, 2022 – we recommend double-checking it is current.

ORS 455.417 Provision of electric service capacity for charging electric vehicles in newly constructed buildings; requirements; exemptions; rules. (1) As used in this section:

(a) “Electric vehicle charging station” means a device or facility for delivering electricity for motor vehicles that use electricity for propulsion.

(b) “Municipality” has the meaning given that term in ORS 455.010.

(c) “Provisions for electrical service capacity” means:

(A)(i) Building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add the overcurrent devices;

(ii) Designated space within a building to add electrical service with capacity for electric vehicle charging stations; or

(iii) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations; and

(B) A conduit system installed from building electrical service, or from the dedicated spaces or locations described in subparagraph (A) of this paragraph, to parking spaces that can support, at a minimum, electrical wiring for installation of level 2 electric vehicle charging stations and, if the conduit is for future installation of electric vehicle charging stations, that labels both ends of the conduit to mark the conduit as provided for future electric vehicle charging stations.

(d) “Townhouse” has the meaning given that term in ORS 197.758.

(2) The Director of the Department of Consumer and Business Services shall adopt amendments to the state building code to require newly constructed buildings described in subsection (3)(a) of this section to include provisions for electrical service capacity for charging electric vehicles. The code must require that each building include, at a minimum, provisions for electrical service capacity at no less than 20 percent of the vehicle parking spaces in the garage or parking area for the building. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

(3)(a) The director shall make code requirements under subsection (2) of this section applicable only to:

(A) Commercial buildings under private ownership;

(B) Multifamily residential buildings with five or more residential dwelling units; and

(C) Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.

(b) The director may not make code requirements under subsection (2) of this section applicable to townhouses.

(4) Notwithstanding ORS 455.040, a municipality may, by process concerning land use, require that each newly constructed building described in subsection (3)(a) of this section include provisions for electrical service capacity to accommodate more than 20 percent of vehicle parking spaces in the garage or parking area for the building. [2021 c.152 §1]

DC 22-06 CFEC CODE UPDATE PROPOSED CHANGES (as of September 22, 2022)

Summary Table 1			
	Section	Topic	Proposed Update
Remove all parking mandates OAR 660-012-0400(3)			
1	3.03.010 Purpose	Change parking purpose section	Change 'provide adequate areas' for the parking to provide 'standards' for the parking
2	3.03.020(2) Scope	Delete the change of use exception	Delete subsection 2 which required changes of use to comply with stall number requirements.
3	3.03.030 Location	Add text to clarify that parking is not required	Add text "Any provided" before "off-street parking..."
4	3.03.030(2) Location	Remove reference to required number of spaces	Delete last sentence of the text.
5	3.03.030(4) Location	Remove reference to required number of spaces	Delete last sentence
6	3.03.040 Joint Use	Remove reference to required number of spaces	Delete third sentence
7	3.03.050(1) Off-street req	Remove the requirement for spaces to remain based on the number of spaces required by the code.	Delete last sentence
8	3.03.050(2) Off-street req	Remove requirement for interpretation of uses when determining the number of spaces needed.	Delete entirely
9	3.03.050(3) Off-street req	Remove requirement to use the sum of all uses to determine the number of spaces needed.	Delete entirely

These numbered changes are color coded to help the reader find the proposed edits below the table.

10	3.03.060(1) Parking requirements	This is the table that states how many spaces are needed based on the use.	This section needs totally revised and the table deleted. The section will clarify that there are no specific number of spaces needed. This will clarify that parking is allowed, but not required.
11	3.03.060(2) Bike Parking	This is currently based on a ratio of the required spaces. It needs totally revamped.	Require only 1 space for every business, then owner selects any additional. Require a charging location at each business.
12	3.03.060(3) Max parking spaces	This requires a ratio of parking space maximums based on a ratio of the required spaces	This is proposed to be deleted. OAR 660-012-0405(5) requires that cities add maximums but only in appropriate locations like downtowns.
13	3.24.015(5) RV Park standards	Remove reference to required number of spaces	The first part of 5 requires 1.25 spaces per RV. Other State rules will still require a specific number of spaces. This part of 5 is deleted.
14	3.28.020(7) Caretakers units	Remove reference to required number of spaces	Number 7 required 1 covered space per unit. This has been deleted.
Parking Regulation Improvements OAR 660-012-0405			
15	3.09.030(2)(c)	50% tree canopy coverage at 15 years on parking lots over ¼ acre	Complies with OAR 405 (4)C. The OAR has specific provisions that are all addressed in the proposed text below. This is a new subsection c. The existing c and d will be re-lettered to d and e.
16	3.03.080(9)	Preferential parking	OAR Subsection (1)(a) requires that preferential parking spaces be required for carpool and vanpools.
17	3.03.080(10)	Redevelop parking areas	OAR Subsection (1)(b) requires that the City allow owners to redevelop parking areas for specific things like bus shelters.
Electrical Vehicle Charging OAR 660-012-0410			

18	3.03.080(11)	Add requirement for 40% of parking spaces to add conduit & space on MU and Multi Family	Added requirement as a new standard for parking lots.
Other Code Changes (not related CFEC)			
19	1.02.020	Revise Definition of Home Day Care	Alter the code to allow home day care for under 12 children ONLY if the homeowner lives in the house. No vacant home may be used for child care.
20	3.22.110	Clarify that property loses land use if vacant more than 1 year	The intent of the code was make any use expire once a property sits vacant for more than 1 year, but this was only added to the nonconforming uses section. The revised section allows the City Manager discretion to waive this.
21	Muni Code 7.30 Tree Regulations	Clarify criteria	

Proposed Text Changes

1-12, 16, 17, & 18	Parking section 3.03
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CHAPTER 3.03. OFF-STREET PARKING AND LOADING

3.03.010 Purpose.

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

3.03.020 Scope.

- (1) Application. Except as modified or restricted elsewhere within this Code, the provisions of this Chapter shall apply to the following types of development:
 - a. Any new building or structure erected after the effective date of this Code.
 - b. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- ~~(2) Change of Use Exception. A change in the use of an existing building or structure to another use identified in the zone shall not require additional parking spaces or off-street loading areas, if according to the parking space requirements, the new use requires 150% of the same amount of parking as the prior use, or less.~~

3.03.030 Location.

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

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

- (4) Non-Residential. In non-residential zones, parking may be located off the site of the main building, structure or use if it is within 500 feet of such site. ~~In no case shall the parking requirements at the off-site location be reduced, unless otherwise approved as joint-use parking.~~

3.03.040 Joint Use.

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

3.03.050 General Provisions Off-Street Parking and Loading.

- (1) Parking Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. ~~The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code.~~
- ~~(2) Interpretation of Parking Requirements. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Director based upon the requirements of comparable uses listed and expectations of parking and loading need.~~
- ~~(3) Multiple Use Facilities. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the uses computed separately, unless a reduction is approved for shared parking pursuant to Section 3.03.040.~~
- (42) Storage Prohibited. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials.

3.03.060 Off-Street Vehicle and Bicycle Parking Requirements.

- (1) Vehicle Parking Spaces. ~~Provisions for Off-Street vehicle and bicycle parking shall comply with the following minimum requirements: There are no minimum or maximum number of parking stalls required for any use. Parking is still permitted at the property owners' discretion. The City encourages property owners to include adequate parking for each use. It is the property owner's responsibility to determine the correct amount of parking spaces needed for each use, if parking is to be included. When parking is included, all parking standards of this development code must be met.~~

Table 14 Vehicle and Parking Space Requirements

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

	exclusively bulky merchandise such as automobiles or furniture	1 space per 2 employees		
L.	Bank; office buildings; medical and dental clinic	1 space per 400 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishments including food pods	Greater of 1 per 800 sq. ft. for carryout and 1 per 200 for sit down of gross floor area	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 800 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 800 sq. ft., plus 1 space per 2 employees	1	Per 20 vehicle spaces
P.	Manufacturing and processing:			
	0—24,900 sq. ft.	1 space per 600 sq. ft.	1	Per 20 vehicle spaces
	25,000—49,999 sq. ft.	1 space per 700 sq. ft.	1	Per 20 vehicle spaces
	50,000—79,999 sq. ft.	1 space per 800 sq. ft.	1	Per 20 vehicle spaces
	80,000—199,999 sq. ft.	1 space per 1,000 sq. ft.	1	Per 20 vehicle spaces
	200,000 sq. ft. and over	1 space per 2,000 sq. ft.	1	Per 20 vehicle spaces
Q.	Warehousing and storage distribution, terminals			
	0—49,999 sq. ft.	1 space per 3,000 sq. ft.	1	Per 30 vehicle spaces

	50,000 sq. ft and over	1 space per 5,000 sq. ft.	1-	Per 30-vehicle spaces
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- (2) Bicycle Spaces. Bicycle parking development requirements
 - a. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum five-foot aisle.
 - b. Location. All bicycle parking shall be within 100 feet of a building entrance(s) and located within a well-lit area. Any long-term bicycle parking spaces shall be sheltered from precipitation.
 - c. Every use shall include at least one marked and designated bicycle parking space. All developments should include an adequate number of bicycle parking spaces, at the property owners discretion.
 - d. All bicycle parking spaces should include outlets for electrical bicycle and scooter charging.

~~(3) Maximum Vehicle Parking Spaces. The minimum spaces identified under item (1) in this Section, shall not be increased by more than 30%.~~

(Ord. No. 192-21, § 7, 12-14-2021)

3.03.070 Off-Street Loading Requirements.

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

3.03.080 Parking, Driveway, and Loading Area Development Requirements.

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

- (1) Surfacing. All driveways (full length of the driveway), parking, and loading areas, for all uses including single-family residential (except in the RU Zone), shall have a durable hard surface of asphaltic cement, concrete pavers, concrete, or other concrete materials. Surface improvements shall conform to the following:
 - a. Paving Improvements. Paving shall comply with adopted Engineering Standards of the City of Millersburg.
 - b. Timing. Unless modified by a variance or a site development review, or bonded per City requirements, all driveways and off-street parking and loading areas shall be improved prior to occupancy of the primary structure.
 - c. Surfacing Options for Industrial Zone. The City Engineer may allow the use of a graveled parking area in the industrial zones, provided all customer and

employee parking areas are paved and provided surface drainage is addressed per Engineering Standards and at least 20-feet of each access driveway connecting with a public street is paved.

- (2) **Parking Spaces.** Parking spaces shall be a minimum 9-foot wide and 20-foot in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8.5-foot in width and 18-foot in length.
- (3) **Driveways.** The following standards shall apply to all driveways:
 - a. Access spacing shall be in compliance with Section 3.02.040 -Access Standards
 - b. Internal Driveways for Multi-Family, Commercial, Industrial, and Public Uses.

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

- (4) **Lighting.** Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.
- (5) **Driveway Required.** Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or maneuvering within a street right-of-way.
- (6) **Traffic Safety.** Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.
- (7) **Curbing.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of

three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

(8) Landscaping.

- a. Parking lots abutting residential zones shall be screened from abutting residential zones by a combination of fences, walls, and landscaping adequate to screen lights, provide privacy and provide separation for the abutting residences.
- b. See Chapter 3.09 for additional landscaping requirements.

(9) Car and Van Pool Parking. Designated employee parking areas in new developments shall provide parking for carpools and vanpools.

(10) Redevelopment of Parking Areas.

- a. Underutilized parking areas may be converted to other uses. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods).
- b. Property owners are permitted to redevelop any portion of existing off-street parking areas for bicycle or transit facilities, including but not limited to bike racks, bus stops, park and ride stations.

(11) Electric Vehicle Charging. New multi-family residential buildings with five or more residential dwelling units and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units shall provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on the site containing the residential dwelling units. Dwelling units in townhouses are not included for purposes of determining the applicability of this regulation. Any provided electrical infrastructure shall include provisions for people with disabilities.

13	RV Parking Standards
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3.24.015 Standards.

Approved RV parks shall comply with the State of Oregon Standards and the standards of this Section:

- (1) Where Permitted: RV Parks may be permitted in the Public Facilities Zone (PF) zone adjacent to a City Arterial Street in accordance with the Conditional Use procedures of Section 5.04.
- (2) Each RV space shall be not less than 1,000 square feet exclusive of any common park areas.

- (3) Roadways shall be paved and designed to permit easy access to each RV space. Road widths shall meet the requirements for local residential streets. All other design features shall meet fire apparatus access road requirements
- (4) Each RV space shall be paved and designed to provide runoff of surface water. All unpaved areas shall be landscaped, and the Park shall be screened on all sides by a 6-foot-high sight-obscuring hedge or fence.
- (5) ~~The total number of parking spaces in the Park shall be equal to 1.25 spaces per RV space.~~ All parking spaces shall be paved.
- (6) Each RV space shall be provided with electrical service, piped potable water, and sewage disposal service. All RVs with service connections staying in the Park shall be connected to these services.
- (7) The Park shall be maintained in a neat appearance at all times. There shall be no outside storage of materials or equipment. Trash receptacles shall be provided at convenient locations and in adequate number and capacity.
- (8) RVs are limited to a stay of no more than six months in any 12-month period.
- (9) The Park shall provide toilets, lavatories, and showers for each sex in ratios specified by the State of Oregon for each recreational vehicle space. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- (10) The Park shall provide one utility building or room containing three clothes washing machines, one clothes drying machine, and 50 square feet of space for each 50 recreational vehicle spaces.
- (11) Public building spaces shall be lighted at all times of night and day; shall be ventilated; shall be provided with heating facilities which shall maintain a room temperature no lower than 65° F; shall have a floor of waterproof material; shall have sanitary ceiling, floor, and wall surfaces; and shall be provided with adequate floor drains to permit easy cleaning.

14.	Caretakers Units
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3.28.020 General Standards.

Caretaker units may be allowed subject to a Conditional Use Permit in designated zones subject to the following standards:

- (1) Number allowed. Only one caretaker unit per lot shall be allowed.
- (2) Nature of structure. Caretakers units may be detached, attached (to a primary use structure, such as in storage units), or a HUD approved manufactured home. Use of a travel trailer is not permitted. Unless set on a ground level

foundation, any manufactured home shall have skirting that in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.

- (3) Employment. The caretaker shall be employed principally on the lot for purposes of care and protection of persons, plants, animals, equipment, or other facilities on-site or on contiguous lots under the same ownership. Caretaker housing shall be allowed only where the principal commercial, industrial, or institutional use of the site involves operations, equipment or other resources that require 24-hour oversight.
- (4) Permitted Use. The caretaker unit shall be on a lot or building site with an approved, permitted use and occupied exclusively by a caretaker and his/her family.
- (5) Sewer. All caretakers' units shall be served by public sewer.
- (6) Floor Area. The maximum floor area for a caretaker unit shall be 1,200 square feet.
- ~~(7) Parking. A minimum of one covered off street parking space shall be provided for the caretaker unit.~~
- ~~(8)~~(7) Rentals. The caretaker unit shall not be separately rented let, or leased to other than the caretaker whether compensation be direct or indirect.
- ~~(9)~~(8) Subdivisions. Subsequent subdivisions which divide a separate lot or parcel for a caretaker unit shall not be permitted.
- ~~(10)~~(9) Deed Restrictions. The applicant shall record a deed restriction as a condition of project approval, stating that the caretaker unit shall not be rented to other than the caretaker.
- ~~(11)~~(10) Ceasing of Operations - Modular or Portable Unit. Upon termination of the principal use, If the caretaker's unit was portable or a manufactured home, the structure shall be removed from the property within 90 days.
- ~~(12)~~(11) Ceasing of Operations - Stick Built. Upon termination of the principal use, for any stick-built structure used for the caretaker's unit, the right to use the caretaker's unit as residential shall expire within 45 days. In the event that the caretaker's unit is vacant for a period of more than 45 days, the caretaker's use for that structure shall terminate. Any further use of the structure for caretaker's purposes will require a new action by the Planning Commission.

15. Parking lot landscaping

3.09.030 Standards.

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

- a. Landscaping Required - Residential other than in the Mixed-Use (MU) Zone. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued or final building permit approved. In all residential zones except Rural (RU), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
 - i. One tree at least six feet tall when planted.
 - ii. Four one-gallon shrubs or accent plants.
 - iii. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- b. Landscaping Required - Mixed-Use and Non-Residential Zones. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with this Code before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial zones is as follows:
 - i. One tree at least six feet tall when planted for every 30 feet of street frontage.
 - ii. Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants.
 - iii. The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
 - iv. When the yard adjacent to a street of an industrially zoned property is across a right-of-way (excluding Old Salem Road right-of-way) from other industrially or commercially zoned property, only 30% of such setback area must be landscaped.
- c. Alternate Plan - Non-Residential. As part of a Site Design Review application approval, placement of the required setback landscaping in public right-of-way may be approved when the following conditions are met:
 - i. The site contains existing development that includes substantial building(s), and is subject to improvement requirements due to a change of use or vacancy; and
 - ii. The appropriate government agency grants written permission for use of the right-of-way; and
 - iii. The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
 - iv. The Commission finds the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
 - v. The Commission finds providing the landscaping in the public right-of-way in the interim fulfills the intent this Code established in Section 3.09.010.
- (2) Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in

landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:

- a. Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain **at least** one canopy tree at least 10 feet high at time of planting and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
- b. Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.
- c. **Shade Coverage. All parking areas over ¼ acre shall provide tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting. Tree spacing and species planted must be designed to maintain a continuous canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Landscape plans shall show the canopy coverage at 15 years maturity as part of any land use submittal.**
- ~~e.d.~~ Alternate Plan. An alternate plan may be submitted as part of a Site Design Review application providing landscaping of at least 5% of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
- ~~e.e.~~ Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected by large boulders or by another acceptable means of protection.
- (3) Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.
- (4) Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (eight inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed

or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. No trees 6.5 feet in circumference (approximately 25 inches in diameter) or greater may be removed without a permit per Millersburg Municipal Code Section 7.30.040.

19. Definition for Home Day Care

1.02.020 - Definitions.

Day Care Facility. An institution, establishment, or place, appropriately licensed by the State of Oregon and not a part of a public-school system, in which are commonly received three or more children for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward. **All day care facilities in residential zones must be home occupations and therefore owner occupied.**

20. Use expires after 1 year of vacancy

3.21.110- Land Use Expiration

Any use that has temporarily or otherwise ceased operations and remains vacant (excluding security) for a period of more than 1 year shall void all previous Land Use Permits. No use or operation may commence on the property until all new Land Use permits are obtained even if the new use is identical to the previous use. The City Manager has authority to waive this provision for circumstances that include, but are not limited to, the level of investments previously made on the property.

21. Muni Chapter 7.30 Tree Regulations

7.30.170 Permit approval.

The City Planner or designee shall approve or conditionally approve permits when it has been demonstrated that one or more criteria in MMC 7.30.180 have been met.

7.30.180 Tree removal permit criteria.

- (1) Tree removal may be approved when:
 - (a) It has been determined by a certified arborist, without objection from the City, that a tree is hazardous, dangerous, or significantly impacted by aggressive pests or pathogens, with a potential to spread and no other viable options are reasonably available to minimize hazard or alleviate risk of pest or pathogen to spread; or

- (b) Trees are overcrowded and it is determined by a certified arborist that removal will have a positive impact on the overall site and will not compromise the health of residual trees; or
 - (c) When unique circumstances specific to the applicant's situation have been expressed in writing with the application the City Planner may approve removal. **Unique circumstances do not include the need for tree maintenance, the replacement of pavement or the cracking of sidewalks, the removal of tree litter or other minor inconveniences.** Unique circumstances that could allow for a ~~variance~~ removal may include but are not necessarily limited to:
 - (i) A tree that is causing significant negative impacts to improvements or personal property;
 - (ii) Personal health reasons such as severe allergic conditions; or
 - (iii) The tree is invasive, having significant negative impact to surrounding vegetation;
 - (iv) When **a building is proposed on a property for which there is no alternative design is feasible** and no other feasible alternatives exist for locating the structure. **A building permit shall be obtained prior to the approval of the tree removal. ~~necessary—pursuant to a building permit for an improvement for which a site plan approval is not required,~~**
 - (d) It has been determined by the City that a street tree is not in compliance with this chapter and must be removed.
 - (e) **Mitigation consistent with 7.30.201 has been incorporated as a condition of approval.**
- (2) In all other cases, a tree removal permit shall be denied.
- (3) **A separate tree removal permit is not required if a Land Use approval is granted for a property. All provisions of this section still apply to the Land Use permit, but separate tree removal permit is required.**

7.30.200 Conditional permit approval.

The City Planner or designee may specify conditions to the approval of tree removal. Such conditions may include, but not necessarily be limited to, a requirement for certified arborist oversight during construction activities, specific construction methods such as critical root zone protection and protective fencing, post-removal site cleanup, maintenance of replacement trees, and/or post-construction evaluation of tree health.

7.30.201 Mitigation.

- (1) **Mitigation is required for any tree removal to assure the total tree canopy within the City remains.**
- (2) **The City Planner shall, at a minimum, condition any tree removal to mitigate the tree removal as follows:**

- (a) Any tree between 78" DBH and 84" DBH shall plant one tree on the same property.
- (b) Any tree between 85" DBH and 96" DBH shall plant two trees on the same property.
- (c) Any tree between 97" DBH and 120" DBH shall plant three trees on the same property.
- (d) Any tree over 121" DBH shall plant four trees on the same property.
- (e) Though every effort should be made to plant the mitigation tree on the same property, should a mitigation tree not be able to be planted on the same property, the City Planner may approve an alternative location within City limits. In such an event, the mitigation number shall be doubled.