

**MILLERSBURG PLANNING COMMISSION
JANUARY 12, 2016**

PRESENT: Commissioner's Anne Peltier, Ed Perlenfein, Ryan Penning, Dave Post, Dan Nixon, Connie Lepin, Skylar Bailey, Steve Vogler, City Planner Don Driscoll, City Administrator/Recorder Barbara Castillo, City Attorney Forrest Reid

The Millersburg Planning Commission was called to order at 6 p.m. by Chairman Ed Perlenfein.

MINUTES OF NOVEMBER 10, 2015

Steve Vogler moved, seconded by Dave Post to approve the minutes of November 10, 2015. The motion passed unanimously.

BAILEY SUBDIVISION TENTATIVE PLAN

Skylar Bailey of Green Star Industries, Inc. is requesting approval of a 10 lot Urban Subdivision Tentative Plan with urban lots containing in excess of 10,000 sq. ft. and a Property Line Adjustment between Tax Lots 2700 and 1200. The proposed project is an Urban Residential Development as indicated on the submitted Tentative Plan dated December 8, 2015.

The Millersburg Land Use Development Code and Oregon Revised Statutes, Chapter 92 provide the applicable criteria for evaluation of the requested action.

A Property Line Adjustment in conformance with Code Section 2.310 is included in the Tentative Plan approval process in conformance with Code Section 2.328 that specifies the decision criteria for a Subdivision Tentative Plan.

STAFF SUMMARY

Section references are from the Millersburg Land Use Development **Code**.

1. The Applicant has provided the specified information to address the requirements of **Code Section 2.320** for a Subdivision Tentative Plan and a Property Line Adjustment approval. Additional detailed information will be submitted to the City for the Record File.
2. Municipal water is available from Alexander Lane.
3. Municipal sanitary sewer is available from 54th Avenue.
4. The availability of municipal water and sewer permits property divisions to an Urban Conversion minimum size of 10,000 sq. ft.
5. **Site drainage, detention and discharge locations require verification with the City Engineer.** Out-flows and the capacity of the receiving drainage way need to be verified. An engineered drainage plan is required prior to approval of building permits and construction. A storm water detention system may be required by the City Engineer. The Applicant shall clarify capacity and impacts of the proposed outflow connections and specify the off-site improvements necessary to accommodate the proposed subdivision drainage.
6. Alexander Lane presently provides access to the property. Alexander Lane is a designated Collector with a 60-foot right-of-way (ROW). Protection and connection to Alexander Lane needs to be verified with the City Engineer.

7. There should be a landscaped buffer between the Subdivision and Alexander Lane. A berm may also be utilized but no fencing should occur adjacent to Alexander Lane.
8. All Lots should take their access from the proposed subdivision local street to reduce traffic conflicts on Alexander Lane. Lot 1 will take access from Alexander Lane.
9. The Applicant needs to coordinate with the City Engineer to provide verification that all the system capacities are adequate and to identify needed improvements to be provided by the Applicant.
10. Hydrants and Fire Truck access and turnarounds need to be verified with the Jefferson Rural Fire Protection District.
11. The Applicant should identify the primary trees to be maintained and those intended to be removed. Riparian vegetation should be preserved.
12. There are no proposed CC&R's or other means of identifying property constraints or maintenance of common areas including the storm water detention system.
13. There are no wetlands or riparian areas identified on the Applicant's property that need to be addressed in more detail.
14. There is no Flood Zone identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property.
15. System Development Charges will be assessed to each property as development occurs to help pay the cost of Capital Improvements that support City services including Storm Water, Sanitary Sewers, Water, Streets and Parks.

Skylar Bailey declared a conflict of interest and declared that he will not be voting on this issue.

The Planning Commission discussed Item 7 in the Staff Summary which reads, "There should be a landscaped buffer between the Subdivision and Alexander Lane. A berm may also be utilized but no fencing should occur adjacent to Alexander Lane." It was the consensus of the Planning Commission that they are not in favor of requiring the landscape buffer and not allowing the property owner to put a fence on their own property.

A discussion was held on whether or not the fence should come right up to the sidewalk. The Planning Commission thought that any fencing decisions should be made at staff level and not by them.

Connie Lepin brought her concerns regarding drainage on lot 1. Roof drains will be directed to Alexander Lane, and the rest of the drainage for the subdivision will be directed to a 120' detention pipe going along the west side of the subdivision north to 54th Avenue.

Anne Peltier moved, seconded by Dan Nixon to approve the Bailey Subdivision Tentative Plan request contingent upon compliance with the Conditions of Approval contained in the Staff Report as amended by the Planning Commission. The motion passed with Skylar Bailey abstaining from voting.

CONDITIONS OF APPROVAL

The Applicant shall comply with the **Final Subdivision Plat** requirements of **Code Sections 2.330 to 2.340**. Fulfillment of the following Conditions of Approval is required prior to filing the Final Plat,

General Requirements

1. The Baily Subdivision is a private subdivision that constructs and dedicates all streets and municipal utilities to the City of Millersburg subject to acceptance by the City. Lots may be developed by the Subdivision Owner or some lots may be sold for private development. The proposed street within the subdivision shall be a public streets following acceptance by the City.
2. The Applicant has deferred detailed development plans until approval of the Subdivision Tentative Plan.

Additional detailed information in conformance with City standards shall be submitted prior to beginning construction and approved by the City Engineer. Detail information shall be submitted for the following:

- a. A Grading and Landscape Plan in conformance with **Code Section 5.134** and identification of trees to be maintained or removed.
 - b. A Municipal Water and Sanitary Sewer Plan and construction specifications for on-site and off-site improvements in conformance with **Code Sections 5.127, 5.128 and Code Section 8.200**.
 - c. A site Drainage Plan including storm water transmission, detention, if required, and off-site receiving stream improvements in conformance with **Code Section 5.126 and Section 8.200**.
 - d. Street improvement plans shall be in conformance with **Code Sections 5.122, 5.123, 5.124, 5.125 and Code Section 8.200**.
 - e. A Street Lighting Plan in conformance with **Code Section 5.135** unless deferred by the Planning Commission.
 - f. CC&Rs or other specified means of maintaining common areas including a storm water detention system if required.
3. The Applicant shall specify adjacent property protections and shall submit recommendations to the City for approval. A road ROW setback may be utilized for utilities and/or landscaping.
 4. The Applicant shall identify the primary trees to be maintained and those intended to be removed.
 5. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Jefferson Rural Fire Protection District. Hydrants, if required and Turnaround locations shall be provided by the Applicant and approved by the Jefferson Rural Fire Protection District and the City.
 6. Compliance with the federal Americans with Disabilities Act (ADA) is the responsibility of the Applicant/Owner including sidewalk accessibility standards.

7. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.
8. All required Certifications and CC&R's shall be recorded and identified in the Declarations on the Final Plat. Copies of all CC&R's shall be approved by the City and recorded copies shall be submitted to the City and maintained in the Record File of the application.
9. Any Tentative Plan changes shall be submitted to the City for approval. If proposed changes are not in conformance with City Ordinances or the approved Tentative Plan dated December 8, 2015 submitted by the Applicant. The Applicant shall be notified and the non-complying elements shall be corrected and resubmitted prior to approval of the Final Plat.

Construction Standards

All development standards shall comply with City Ordinances unless specifically amended herein. The City of Millersburg has adopted the City of Albany Standard Construction Specifications for urban development in the City.

10. All road and municipal utility construction shall conform to the City of Albany Standard Construction Specifications specified in **Code Section 8.610**. The Applicant shall submit construction details, specifications, a construction timetable and a phasing schedule prior to beginning construction.
11. All required public improvement plans shall be approved by the City Engineer 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 unless an alternative Security is approved by the City in conformance with **Code Section 8.420**.

Street System Improvements

Alexander Lane is a designated Collector Street that abuts the proposed development. Improvements and sidewalks have been completed on Alexander Lane.

12. The proposed subdivision shall not limit future improvements to Alexander Lane.
13. The internal street connecting to Alexander Lane shall have adequate turning radius and adequate Clear Vision Areas in accordance with **Code Section 5.122** for all vehicle ingress and egress to the property.
14. All Lots within the Baily Subdivision including corner lots shall access from the interior Local Street except Lot 1, which will access from Alexander Lane.
15. The internal Public Street has a 44-foot wide ROW that exceeds the "Local Skinny Street" standard of 40 feet. Curb-to-Curb width is 32 feet that exceeds the "Local Skinny Street" standard of 29 feet. Parking and a 5-foot wide sidewalk is proposed on the interior side. The interior street shall end with a cul-de-sac turnaround.
16. A 10-foot utility easement shall be provided from the west property line.
17. Street lighting and signs shall not, by size, location or color, interfere with traffic or limit visibility. Mailboxes will be placed under a street light.

Drainage System Improvements

18. It is the obligation of the Applicant to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements may be required to accommodate flows. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous drainage way. Maintaining proper drainage is a continuing obligation of the property owners
19. Out-flows and the capacity of the receiving drainage way shall be specified by the Applicant and approved by the City Engineer. An engineered drainage plan is required prior to building permits and construction approval. Verification of the need for a detention system shall be provided, if required. The Applicant shall clarify capacity and impacts of the proposed outflow connections and specify the off-site improvements necessary to accommodate the proposed subdivision drainage. Upstream flows shall be accommodated and downstream flows must limit impacts on downstream properties.
20. Site drainage design shall limit off-site impacts to those that would occur from vacant land. All building roof drains and all impervious surfaces shall be connected to the storm drainage system. Out-flows may require detention facilities and/or other discharge controls.
21. All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to beginning construction.

Utility System Improvements

Urban level services are available to serve the proposed development including municipal water and sewer.

22. The proposed water system shall comply with fire flow needs for the development.
23. The Applicant shall coordinate with the City Engineer to provide verification of the existing sewer and water system capacities and identify needed improvements to be provided by the Applicant.
24. Project utilities shall be reviewed and approved by the City Engineer and the City of Albany Public Works Department for conformance with City Standards. Each system shall be designed and sized to accommodate urban expansion beyond the proposed development and shall conform to the City's Master Plan for water and sewer lines unless an alternative approach is presented for consideration and approval by the City.
25. The City of Albany provides permitting and inspection services to the City for the municipal water and sewer systems. All work shall remain open for inspection and approval prior to backfilling.
26. Municipal utilities shall be constructed to City standards and dedicated to the City of Millersburg. Utility easements shall permit public and serving utility access to all utilities.
27. Other public and private utilities to serve the proposed subdivision shall be coordinated and provided. All utilities shall be underground as specified in **Code Sections 5.129 and 8.200**.

CONSER LUBA APPEAL UPDATE

The State Land Use Board of Appeals will make their decision regarding the City's denial of the Conser's request for a Planned Development with 5,000 sf lots by January 28, 2016.

The meeting adjourned,

Barbara Castillo
City Administrator/Recorder