

**MILLERSBURG PLANNING COMMISSION
APRIL 14, 2015**

PRESENT: Commissioners Pat Edwards, Connie Lepin, Dan Nixon, Anne Peltier, Ed Perlenfein, Dave Post, Steve Vogler, City Planner Don Driscoll, City Administrator/Recorder Barbara Castillo

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

MINUTES OF MARCH 10, 2015

Anne Peltier moved, seconded by Dave Post to approve the minutes of March 10, 2015.
The motion passed unanimously.

COWAN LAND PARTITION REQUEST

The Millersburg Planning Commission reviewed a request by Scott Cowan to divide an existing 20,105 square-foot property into two Urban Conversion Parcels that exceed the 10,000 square foot minimum. The action requested is approval of a Partition Tentative Plan in conformance with Section 2.320 of the Millersburg Land Use Development Code. The Oregon Revised Statutes (ORS), Chapter 92, the Millersburg Comprehensive Plan and the Millersburg Land Use Development Code provide the applicable criteria for evaluation of the requested action.

Connie Lepin asked why this development of what will be 6 lots when this partition is approved, is not considered a subdivision like the one approved at the last meeting where there were five parcels and curbs, gutters and a sidewalk were required. Don Driscoll said the first three parcels were approved which was a land partition. Mr. Cowan then purchased the two adjacent pre-existing parcels that were already divided and combined them with his lots. Driscoll called it “serial partitioning” and not a subdivision.

City Planner Don Driscoll provided 13 Conditions of Approval for the requested land partition.

The applicant, Scott Cowan requested that the Planning Commission remove Condition of Approval #6 which states, “A hammerhead turnaround shall be provided at the end of the existing roadway to facilitate turnarounds and fire truck access and departures and property access to the proposed Parcels 1 & 2”. Cowan said he has spoken with Chief Zeilman of the Jefferson Fire District about the hammerhead, and Zeilman said it was not necessary to have the hammerhead. Cowan said he could get Zeilman to send a written statement for the record regarding the hammerhead.

Both Ed Perlenfein and Pat Edwards declared a conflict of interest because they knew Scott Cowan, but said they could make an unbiased decision.

Anne Peltier moved, seconded by Pat Edwards to approve the Cowan Partition Tentative Plan Request contingent upon compliance with the Findings and Conditions of Approval contained in the Staff Report minus #6. The motion passed unanimously.

The Conditions of Approval of the Request are below with the deletion of Condition of Approval Number 6. Approval may be granted for the Cowan Land Partition Request subject to compliance with the following Conditions of Approval. The applicable Sections of the **Millersburg Code** are noted.

1. The Applicant shall comply with the **Final Partition Plat** requirements of **Section 2.330** of the **Code**.
2. No site development plan is required or presented at this time. The Applicant or Property Owner shall submit building plans to the City for Building Permit approval by the City and inclusion in the Record File of this Application.
3. A 15-foot wide utility easement to serve both proposed Parcels shall be provided the full width of proposed Parcel 2 as shown on the presented Tentative Plan.
4. The Applicant shall provide agreements and covenants attached to the proposed Parcels 1 & 2 that take access from the existing private road specifying the legal requirements for the continued maintenance of the private street by the accessing property owners.
5. The Applicant shall provide verification of approved access for fire protection administered by the Jefferson Fire Protection District.
6. A hammerhead turnaround shall be provided at the end of the existing roadway to facilitate turnarounds and fire truck access and departures and property access to the proposed Parcels 1 & 2.
7. Municipal water and sewer are available from Old Salem Road and are required to serve both proposed Parcels 1 & 2 from an underground service system.
8. Future connections to municipal water and sewer shall be verified with the City Engineer prior to construction. All work shall remain open for inspection and approval prior to backfilling.
9. Water systems shall comply with the fireflow needs for the development.
10. Other public and private utilities to serve the proposed Partition shall be coordinated and provided. All utilities shall be underground as specified in **Section 5.129** of the **Code**.

11. The Applicant and Property Owners shall maintain proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the property owners.
12. All partition requirements and Conditions of Approval specified herein shall be provided prior to signing the final Partition Plat.
13. 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, the Applicant shall be notified and the non-complying elements shall be corrected and resubmitted prior to approval of the Final Plat.

SPECIAL ASPHALT PRODUCTS SITE PLAN REVIEW

Special Asphalt Products is requesting Site Plan Review approval for a proposed Asphalt Manufacturing Facility in an existing facility previously owned by Peak Sun, a Silicon Manufacturing Facility located in the General Industrial Zone at 3484 NE Old Salem Road.

The Millersburg Land Use Development Zone provides the applicable criteria for evaluation of the requested action.

The applicant proposes to utilize the existing site layout and structures with the only additions being horizontal and vertical storage tanks and a Blending Station located at the end of the north building in existing containment areas.

Special Asphalt Products will manufacture two products at the Millersburg site. They are **Emulsified asphalt sealer** which is a liquid product that is applied to parking lots and driveways to extend the life of the asphalt pavement and improve the appearance. This product is sold to contractors on a wholesale basis. The second product is **Modified Asphalt Crack Filler**. This is a product that is applied to cracks in asphalt pavement. It is manufactured into 30 lb blocks, and then heated by machine to a liquid form and pumped into cracks. This product is sold to contractors and public agencies on a wholesale basis.

The existing North building will be utilized primarily for production.

The existing South building will be utilized primarily for storage.

Estimated occupancy is 5 full time employees.

Estimated employee trips are 20 per day.

Estimated shipping trucks are approximately 3 per day.

Estimated receiving trucks are approximately 2 per day.

Operation hours are 7 am-6 pm Monday through Friday with an occasional Saturday.

Dave Post moved, seconded by Dan Nixon to approve the Special Asphalt Products Site Plan Review subject to the Conditions of Approval. The motion passed unanimously.

CONDITIONS OF APPROVAL:

Approval may be granted for the Special Asphalt Products facility subject to compliance with the following Conditions of Approval. The applicable Sections of the Code are noted.

1. The proposed use of the property is conditioned on compliance with the Conditions of Approval. Changes in use or users of the property and any additional construction shall be submitted to the City for Administrative approval and a record of changes shall be maintained in the Record File of this Application.
2. Exterior storage items as requested by the Applicant may be approved by Planning Commission with the condition that all exterior items shall be arranged in an orderly arrangement and not contribute to an unsightly array of storage items, **Code Section 4.132.**
3. Existing paved drives are provided in conformance with **Code Section 5.120.** Some existing service areas are graveled and shall be paved if and when requested by the City.
4. The following information, if applicable, shall be contained in the Application or submitted following approval as a Condition of Approval. The information shall be maintained in the City's Record File of the Application.

Identification of potential hazards, **Code Section 2.140 (21).**
Fire Protection - **Albany Rural Fire Protection District Requirements.**
Access Permit from Conser Road – **Linn County Road Department.**
Parking & Storage Layout – **Code Section 5.120.**
Storm Drainage Protection Improvements - **Code Sections 5.126.**
Water System Improvements - **Code Sections 2.140 (16) 5.127.**
Sanitary Sewer System Improvements - **Code Sections 2.140 (16) & 5.128.**
Utilities & Lighting Improvements - **Code Section 5.129 & 5.135.**
Grading Improvements - **Code Sections 5.133 & 5.134.**
Landscaping & Fencing Improvements - **Code Section 5.134.**
Signage - **Code Section 5.136**

5. The Applicant shall clearly identify the extent of emissions, hazardous materials and potential nuisance characteristics or fire hazards including solvents, oils, and the product materials and shall be approved by the City and the Fire District in addition to other regulatory agencies having jurisdiction. Copies of all required permits shall be filed in the City's Record File, **Code Section 2.140 (21).**
6. The Applicant shall comply with the fire protective standards administered by the Albany Rural Fire Protection District. Fire Protection Systems and Turnaround locations shall be provided by the Applicant and approved by the Albany Rural Fire Protection District. New Buildings and any additions or improvements to existing

buildings shall be approved by the City of Millersburg and Linn County Building Department, **Code Section 2.200**.

7. Site lighting and signs shall not, by size, location or color, interfere with traffic or limit visibility or shine into adjacent properties in accordance with **Code Sections 5.135 & 5.136**. New lighting and signage shall be submitted for City approval and inclusion in the Record File of the Application.
8. All site access shall occur from the proposed existing driveway locations. An Access Permit may be required from the **Linn County Road Department**. Access changes or improvements require approval from the City and the Albany Rural Fire Protection District and the Linn County Road Department.
9. **Code Sections 5.134** specifies a landscaped front yard adjacent to Old Salem that already exists. The landscaped areas shall be maintained.
10. The Applicant shall provide adequate off-street parking to serve the intended use in conformance with **Section 5.120, 5.121 & 5.122**.
11. The Applicant shall maintain adequate Clear Vision Areas in accordance with **Code Section 5.122 (6)** for all vehicle ingress and egress to the property.
12. Any additional public or private utility improvements shall be constructed to City standards and utility easements shall be provided to permit access to all utilities. All utilities shall be underground as specified in **Code Section 5.129**
13. The water system shall comply with fire-flow needs for the property as specified by the Albany Fire District.
14. Municipal Water and Sewer is provided in conformance with **Code Section 2.140(16), 5.127 and 5.128**.
15. There is a drainage way located on the north edge of the Applicant's property that shall be protected and maintained. It is the obligation of the Applicant/Owner to provide and maintain proper drainage and shall protect all runoff and drainage ways from disruption or contamination. Drainage shall not be directed across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the property owner, **Code Section 5.126**.
16. There are potential wetlands identified on the "National Wetlands Inventory Map" and a Wetland Delineation Map for the Applicant's property that shall be protected.
17. Compliance with the federal Americans with Disabilities Act (ADA) is the responsibility of the Applicant/Owner including accessibility standards.

HIBBS VARIANCE & CONDITIONAL USE REQUEST

The public hearing to receive testimony on an application from Jason Hibbs, 38724 NE Morningstar Road in Millersburg requesting approval for a Shop Addition Variance to add 840 square feet to an existing 1176 square foot shop and a Home Occupation Conditional use for an existing Home based online business was opened at 6:45 p.m. The home occupation will occupy the addition to the existing shop building. The home occupation has been in operation for 5 years and is operated by the applicant and his wife. There are no other employees. There is no foot or vehicular traffic other than an occasional UPS Delivery.

The Millersburg Land Use Development Code provides the applicable criteria for evaluation of the requested action.

Scott Weddle, was the representative of the applicant and said the impact is negligible on the surrounding area.

There was no testimony either in favor or in opposition to the application.

The public hearing was closed at 6:52 p.m.

No members of the Planning Commission declared a conflict of interest or ex-parte contact on this issue.

Dan Nixon moved, seconded by Steve Vogler to approve the requested Hibbs Shop Variance and Home Occupation Conditional Use subject to compliance with the Conditions of Approval contained in the Staff Report. The motion passed unanimously.

CONDITIONS OF APPROVAL:

Approval for the Hibbs Variance and Conditional Use is subject to compliance with the following Conditions of Approval. The applicable Sections of the **Millersburg Code** are noted.

1. The proposed Hibbs Shop Variance and Home Occupation Conditional Use shall comply with the development standards of the Linn County Building Department. Plans shall be submitted to the City for administrative approval and shall be maintained in the Record File of this Application.
2. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Jefferson Rural Fire Protection District. The Fire Protection District shall approve fire Protection Systems and Turnaround locations.
3. Landscaping shall be maintained in accordance with **Code Sections 5.134.**

4. The Applicant shall maintain adequate Clear Vision Areas in accordance with **Code Section 5.122 (6)** for all vehicle ingress and egress to the property.
5. Municipal utilities shall be constructed to City standards and utility easements shall be provided to permit access to all utilities.
6. Other public and private utilities to serve the proposed shop addition shall be coordinated and provided. All utilities shall be underground as specified in **Code Section 5.129**
7. The Applicant/Owner shall connect to the municipal water system when service is provided on Waverly Drive.
8. It is the continuing obligation of the Applicant to provide proper drainage and protect all runoff, drainage ways, riparian areas and flood zones from disruption or contamination.

CONSER'S PROPOSAL FOR SWEETWATER ESTATES WEST

Matthew Conser presented an informal conceptual plan of the third phase of the Sweetwater Estates Subdivision. This plan is modified from the original plan that was approved in 2005. According to Conser, the new plan would offer more variety and sizes of homes and lots in Millersburg in this Planned Development. The smallest lots requested in this new Planned Development are proposed to be 5,000 sf with the sizes of homes ranging from 1200 to 1600 sf.

Conser asked for a "straw poll" of the Planning Commission's initial reaction to this concept. Pat Edwards said he would like to stay with the 10,000 sf, Anne Peltier said she was open to the concept.

Conser said he will bring the Planned Development to the Millersburg Planning Commission for a formal review.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

Barbara Castillo
City Administrator/Recorder

