

**MILLERSBURG PLANNING COMMISSION
MAY 10, 2016**

PRESENT: Planning Commission Members Skylar Bailey, Ed Perlenfein, Dave Post, Ryan Penning, Connie Lepin, Dan Nixon, 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 JANUARY 12, 2016

Skylar Bailey moved, seconded by Dave Post to approve the minutes of January 12, 2016. The motion passed unanimously.

CHARTRAW PARTITION TENTATIVE PLAN REQUEST

The Applicant proposes to divide an existing 1.45 acre property into three 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. There are no development plans submitted with this request.

No conflict of interest, or bias were announced.

LeAnn Chartraw said their request is to partition their existing 1.45 acres into three parcels. Parcel 1 is the parcel that the existing house is on and will be 25,216 square feet. Parcel 2 will be 10,240 square feet and access for Parcel 2 will be from the “flag lot” going north from Conser Road to Parcel 3 which will be 27,904 square feet. City water and sewer are available to all three parcels. Chartraw said plans at this time are to sell their existing house and build their new home on Parcel 3. There are no plans at this time for Parcel 2.

Don Driscoll said that 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.

Driscoll said there are 15 Conditions of Approval for this request, and two key issues. The applicant is requesting a 16-foot wide gravel roadway to Parcel 3 with a 20-foot paved apron accessing Conser Road. The private roadway shall be paved and improved to City private access way standards if and when requested by the City. This requirement shall be included in a Deed Covenant for Parcels 2 and 3.

Condition of Approval No. 5 states that Parcels 1 and 3 are oversized with a potential for further divisions. If permitted this would create a subdivision with substandard development conditions. Therefore Parcels 1 and 3 shall have a Deed Covenant that denies further division of these properties.

Skylar Bailey said he has a hard time limiting Parcel 1's ability to be further divided since it takes access from Conser Road and not the shared access private driveway to Parcel 3.

The applicant has met with the City Engineer Janelle Booth to figure out the best way to serve all three lots with city utilities. Parcel 1 is already connected to city sewer. Parcels 2 & 3 will be served with a 6 inch sewer line in the access driveway, as well as two separate water lines to serve Parcels 2 & 3.

Skylar Bailey moved, seconded by Dan Nixon to modify Condition of Approval No. 5 to remove Parcel 1 and have it state, "Parcel 1 and 3 is oversized with a potential for further division. If permitted this would create a subdivision with substandard development conditions. Therefore, Parcel 3 shall have a Deed Covenant that denies further division of this property. Parcel 1 may be divided in the future of access is taken from Conser Road." The motion passed unanimously.

Dave Post moved, seconded by Skylar Bailey to approve the Chartraw Partition Tentative Plan Request contingent upon compliance with the Findings and Conditions of Approval contained in the Staff Report as modified. The motion passed unanimously.

CONDITIONS FOR APPROVAL OF THE REQUEST

Approval may be granted for the Chartraw Land Partition Tentative Plan 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 Owner of the property shall submit building plans to the City for Building Permit approval by the City
3. A 16-foot wide private access roadway shall be provided from Conser Road to the Parcel 3 Flag Lot to serve Parcels 2 and 3 only. If Parcel 2 is to be a participant in the maintenance of the roadway and the water and sewer lines this would require a Deed Covenant specifying the applicable conditions.
- 4, Code Section 5.122 (5) (e) permits the Planning Commission to approve private access ways that do not meet all of the requirements of a public street. The proposed 16-foot wide gravel roadway to Parcel 3 with a 20-foot

paved apron accessing Conser Road therefore may be permitted if approved by the Planning Commission. The private roadway shall be paved and improved to City private access way standards if and when requested by the City. This requirement shall be included in a Deed Covenant for Parcels 2 and 3.

5. Parcel 1 and 3 are oversized with a potential for further divisions. If permitted with this Application it would create a subdivision with substandard development conditions. Therefore Parcel 3 shall have a Deed Covenant that denies further division of this property. Parcel 1 may be divided in the future if access is taken from Conser Road.
6. Municipal water and sewer are available from Conser Road and are required to serve all three Parcels when development occurs.
7. 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.
8. Water systems shall comply with the fireflow needs for the development.
9. Property owners shall comply with the fire protective standards administered by the Jefferson Fire Protection District.
10. Other public and private utilities to serve the proposed Partition shall be coordinated and provided when development occurs. All utilities shall be underground as specified in **Section 5.129** of the **Code**.
11. It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements or on-site stormwater detention may be required to accommodate flows. The Owner shall provide 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. The land division shall not cause adverse impacts such as erosion, slide hazards and stormwater runoff due to cut and fill of the property. Grading together with cuts and fill shall be regulated under the Building Permit process.
13. The Applicant shall provide adequate Clear Vision Areas in accordance with **Section 5.122 (6)** of the Millersburg Code for all vehicle ingress and egress to the properties.

14. All partition requirements specified herein shall be provided prior to signing the final Partition Plat.
15. 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.

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Barbara Castillo
City Administrator/Recorder