

**MILLERSBURG PLANNING COMMISSION
JULY 12, 2016**

PRESENT: Commissioners Skylar Bailey, Dan Nixon, Ed Perlenfein, Ryan Penning, Connie Lepin, City Planner Don Driscoll, City Administrator/Recorder Barbara Castillo

The Millersburg Planning Commission was called to order at 6:30 p.m. by Chairman Ed Perlenfein.

MINUTES OF JUNE 14, 2016

Dan Nixon moved, seconded by Ed Perlenfein to approve the minutes of June 14, 2016 as written. The motion passed unanimously.

SMITH PARTITION TENTATIVE PLAN REQUEST

The applicant, Stephan Smith is requesting approval of a Partition Tentative Plan to divide an existing property located at 3231 Alexander Lane into three Urban Conversion Parcels that exceed the 10,000 square feet minimum.

Skylar Bailey declared a potential conflict of interest and said that although he has a relationship with Stephan Smith; it won't interfere with his decision.

Ed Perlenfein also declared a potential conflict of interest but he can make a fair and impartial decision on this issue.

Stephan Smith said he would like to split his .96 acre parcel of property into three parcels with city services. Smith said the dotted line on the plat is an old boundary line. There is not a maintenance agreement for the existing driveway/road into the property.

Don Driscoll said the main issue for this partition is the access. In the Conditions of Approval he wrote, *"A 40-foot wide private access and utility easement shall be provided from Alexander Lane to the end of Parcel 3 to serve all three parcels and shall connect to the existing private roadway accessing two existing houses on Parcels 2400 & 2100.*

All roadways and driveways are required to be paved. The private roadway shall be paved for a width of 20 feet. The easement shall be converted to a public right of way together with a 29 foot wide public street if and when requested by the city. The Easement Agreements for the right of way conversion and the maintenance of the roadway and utilities shall be included in a Covenant Deed for each proposed parcel.

When requested by the City of Millersburg, the owners of parcels 1, 2, and 3 shall transfer the 40-foot wide easement to the City of Millersburg for conversion to a public right of way and shall pay the cost of conversion and improvements. The timing of the

transfer to the City and conversion is at the sole discretion of the City of Millersburg and may not be denied by any owner of parcels 1, 2 and 3.

A question was asked if this constitutes a subdivision because it accesses 5 parcels. Driscoll said no, it is not a subdivision it is a land partition. To be protective of the potential for future development on adjacent parcels, the proposed roadway was widened to a 40 foot access and utility easement. Forty feet is the minimum street width. Driscoll said this is an approvable request.

Ed Perlenfein asked Stephan Smith how this will weigh in on his plans. Smith said it will work out fine for him.

Connie Lepin said she has concerns with Condition of Approval #3 and asked what the process is for turning the easement into a public right of way. Why aren't we asking for a road right of way now? Lepin said she doesn't think it is right to make it a burden on the property owners. Why aren't we learning from what the city allowed down the road? Lepin asked what it would cost each future property to pay if this was turned into a right of way at a later date. A cost estimate of \$30,000 was given. Lepin asked again why are we burdening these land owners, and why isn't the developer paying for it?

Skylar Bailey said if the property never gets divided further, they wouldn't have to do it.

A discussion was held on Bancroft's where it would become a lien on the property until the cost would be paid back to the city.

Don Driscoll said it is pure speculation and highly doubtful it will ever happen.

Connie Lepin said she would like it clarified in the Conditions of Approval that the sewer line and water line will be one main line to serve the three parcels and not individual lines coming from Alexander Lane. Stephan Smith said that was his intention. Lepin said she also has issues with the wording in #6.

Skylar Bailey moved, seconded by Ryan Penning to approve the Smith Partition Tentative Plan Request contingent upon compliance with the Conditions of Approval contained in the Staff Report. Commissioners Dan Nixon, Skylar Bailey, Ed Perlenfein and Ryan Penning voted in favor of the motion. Connie Lepin voted against the motion.

The vote at this time is a "Conditional" vote because although there was a quorum of the members of the Millersburg Planning Commission present at the meeting, it wasn't a unanimous vote and it is unclear if the motion actually passed. There were 5 members of the 9 members present at the meeting, but the four yes votes are not a majority of the total members. The Millersburg City Charter does not mention a quorum in the Planning Commission section of the charter. City Attorney Forrest Reid will research this issue and will make the decision. The issue can come back to the Planning Commission in August when there will most likely be more members of the Planning Commission present.

ON 7/13/16, CITY ATTORNEY FORREST REID DETERMINED THAT THE ABOVE MOTION FOR APPROVAL OF THE SMITH PARTITION TENTATIVE PLAN REQUEST WAS APPROVED WITH A 4/1 VOTE.

CONDITIONS FOR APPROVAL OF THE REQUEST

Approval may be granted for the Smith 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 40-foot wide private access and utility easement shall be provided from Alexander Lane to the end of Parcel 3 to serve all three Parcels and shall connect to the existing private roadway accessing two existing houses on Parcels 2400 & 2100.

All roadways and driveways are required to be paved. The private roadway shall be paved for a width of 20 feet. The Easement shall be converted to a public right-of-way together with a 29-foot wide public street if and when requested by the City. The Easement Agreements for the right-of-way conversion and the maintenance of the roadway and utilities shall be included in a Covenant Deed for each proposed Parcel. Sample Copy Attached.

When requested by the City of Millersburg the owners of Parcels 1, 2, and 3 shall transfer the 40-foot wide easement to the City of Millersburg for conversion to a public right-of-way and shall pay the cost of conversion and improvements. The timing of the transfer to the City and conversion is at the sole discretion of the City of Millersburg and may not be denied by any owner of Parcels 1, 2, or 3.

4. Access to Parcels 1, 2 and 3 shall be from the internal roadway.
5. Municipal water and sewer is available from Alexander Lane and are required to serve all three Parcels and be sized to accommodate Tax Lots 2400 & 2100.
6. The proposed water and sewer system serving the properties shall be a private system requiring property Covenant Agreements for the maintenance of the systems. The Agreements shall be included in the Covenant Deeds for all three Parcels. Sizing and connections to municipal water and sewer system shall be

verified with the City Engineer prior to construction. All work shall remain open for inspection and approval prior to backfilling.

7. Water systems shall comply with the fire flow needs for the development.
8. Property owners shall comply with the fire protective standards administered by the Jefferson Fire Protection District.
9. Other public and private utilities to serve the proposed Partition shall be coordinated and provided when development occurs. All utilities shall be placed underground as specified in **Section 5.129** of the **Code**.
10. The Applicant shall provide a Drainage Plan for the property. It is the obligation of each 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 storm water detention may be required to accommodate flows. Each Property 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.
11. The land division shall not cause adverse impacts such as erosion, slide hazards and storm water runoff due to cut and fill of the property. A Grading Plan together with cuts and fill shall be submitted to the City for engineering approval.
12. 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.
13. All partition requirements specified herein shall be provided prior to signing the final Partition Plat.
14. 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.

PLANNING COMMISSION TRAINING

Barbara Castillo reported there will be Planning Commissioner Training sponsored by the Oregon City Planning Directors Association on September 29, 2016 from 1-4:30 p.m. at the Grand Hotel in Salem, Oregon. Castillo said the City of Millersburg will pay for any Commissioner that would like to attend this training.

The meeting adjourned at 7:27 p.m.

Respectfully submitted,

Barbara Castillo
City Administrator/Recorder