

**MILLERSBURG PLANNING COMMISSION  
JULY 14, 2015**

Present: Commissioners Steve Vogler, Ed Perlenfein, Dave Post, Anne Peltier, Dan Nixon, Skylar Bailey, Connie Lepin, 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 JUNE 10, 2015**

*Dan Nixon moved, seconded by Skylar Bailey to approve the minutes of June 10, 2015 as written and sent out.* The motion was approved unanimously.

**ARASMITH/HARGER PARTITION TENTATIVE PLAN REQUEST:**

The applicant proposes to divide an existing 2.5 acre property into three Urban Conversion Parcels. Proposed Parcels 1 and 2 are 0.75 acres (32,670 sq. ft.) each and Parcel 3 will be 1 acre (43,560 sq. ft.) that has an existing home on it. The property is located at 2905 NE Alexander Lane. Municipal Water and Sewer service is available from Alexander Lane.

The action requested is approval of a Partition Tentative Plan in conformance with Code 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.

The Planning Commission discussed Condition of Approval No. 2 provided by Staff which states, "The proposed Parcels shall not be further divided in the future." The Planning Commission is watchful to not allow "Serial Partitioning", so this item was put in the Conditions of Approval. It was the consensus of the Planning Commission to control Serial Partitioning for this particular property if and when a request comes in the future for this property to be further divided.

*Anne Peltier moved, seconded by Skylar Bailey to approve the Arasmith Partition Tentative Plan request contingent upon compliance with the Findings and Conditions of Approval contained in the Staff Report with the deletion of No. 2 under Conditions of Approval.* The motion passed unanimously.

The Findings and Conditions of Approval are below:

**CONDITIONS FOR APPROVAL OF THE REQUEST:**

Approval may be granted for the Arasmith 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 **Code Section 2.330**.
2. No site development plan is required or presented at this time. Property Owners shall submit building plans to the City for Building Permit approval.
3. 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.
4. Municipal water and sewer are available from Alexander Lane and are required to serve all three Parcels from an underground service system.
5. Future connections to municipal water and sewer shall be verified with the City prior to construction. All work shall remain open for inspection and approval prior to backfilling.
6. Water systems shall comply with the fire flow needs for the development.
7. Other public and private utilities to serve the proposed Partitions shall be coordinated and provided. All utilities shall be underground as specified in **Code Section 5.129**.
8. The Applicant and Property Owners shall maintain 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.
9. All partition requirements and Conditions of Approval specified herein shall be provided prior to signing the Final Partition Plat.
10. 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.

**FINDINGS FOR APPROVAL OF THE REQUEST**

The following Findings address the criteria contained in **Code Section 2.328** subject to compliance with the Conditions of Approval.

1. The proposed land division complies with the City's Comprehensive Plan and Statewide Planning Goals and is similar to, and compatible with other existing and permitted properties in the Rural Residential-Urban Conversion, RR-2.5-UC Zone.
2. The proposed land division complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the land division. Future development can comply with the Development Standards contained in **Code Sections 4.112** and **Code Article 5**.
3. The proposed land division complies with the standards and requirements of **ORS Chapter 92** and the recording requirements of the Linn County Surveyor.
4. Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances subject to compliance with the Conditions of Approval.
5. The proposed land division does not preclude development on adjoining properties.
6. The proposed Parcels provide the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.
7. Water, wastewater disposal and utilities are available and have the capacity to serve the properties in compliance with the Albany Construction Standards adopted the City of Millersburg.
8. The proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.
9. The land division will not cause adverse impacts to existing or proposed drainage ways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.
10. There are no Wetlands identified on the "National Wetlands Inventory Map" or Flood Zones identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property.
11. The land division will not cause adverse impacts such as erosion, slide hazards and storm water runoff due to excessive cut and fill of the property.
12. The land division will not cause adverse impacts to existing trees and plantings identified in **Code Section 2.140, Item 15** of the Application Site Plan.
13. The proposed Partition complies with the requirements for a Partition Tentative Plan and Plat and can comply with the development standards of the Millersburg

Comprehensive Plan and Land Use Development Code subject to compliance with the Conditions for Approval contained herein.

14. Planning Commission Decisions are based upon the individual merits of each application and does not establish a precedent for similar future applications.

### **NELSON PARTITION TENTATIVE PLAN REQUEST**

The Applicant proposes to divide an existing 0.93 acre property into three Urban Conversion Parcels. Proposed Parcel 1 adjacent to Old Salem Road contains 12,000 sq. ft. Parcel 2 in the center contains 12,960 sq. ft. and an existing house. Parcel 3 at the west end contains 15,600 sq. ft. and an existing shed that will be removed.

The action requested is approval of a Partition Tentative Plan in conformance with Code 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 application criteria for evaluation of the requested action.

*Skylar Bailey moved, seconded by Anne Peltier to approve the Nelson Partition Tentative Plan Request contingent upon compliance with the Findings and Conditions of Approval contained in the Staff Report.* The motion passed unanimously.

The Findings and Conditions of Approval are below:

### **CONDITIONS FOR APPROVAL OF THE REQUEST**

Approval may be granted for the Nelson 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 **Code Section 2.330**.
2. No site development plan is required or presented at this time. Property Owners shall submit building plans to the City for Building Permit approval.
3. 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 from Alexander Lane. **There shall be no access from Old Salem Road.**
4. Municipal water and sewer are available from Alexander Lane and are required to serve all three Parcels from an underground service system.

5. Future connections to municipal water and sewer shall be verified with the City prior to construction. All work shall remain open for inspection and approval prior to backfilling.
6. Water systems shall comply with the fire flow needs for the development.
7. Other public and private utilities to serve the proposed Partitions shall be coordinated and provided. All utilities shall be underground as specified in **Code Section 5.129**.
8. The Applicant and Property Owners shall maintain 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.
9. All partition requirements and Conditions of Approval specified herein shall be provided prior to signing the Final Partition Plat.
10. 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.

#### **FINDINGS FOR APPROVAL OF THE REQUEST**

The following Findings address the criteria contained in **Code Section 2.328** subject to compliance with the Conditions of Approval.

1. The proposed land division complies with the Millersburg Comprehensive Plan and Statewide Planning Goals and is similar to, and compatible with other existing and permitted properties in the Rural Residential-Urban Conversion, RR-2.5-UC Zone.
2. The proposed land division complies with the standards of the Rural Residential-Urban Conversion, RR-2.5-UC Zone and does not conflict with city codes and ordinances that are applicable to the land division. Future development can comply with **Code Sections 4.112** and **Code Article 5** of the Millersburg Land Use Development Code.
3. The proposed land division complies with the standards and requirements of **ORS Chapter 92** and the recording requirements of the Linn County Surveyor.
4. Any undeveloped portion of the proposed land division can be developed in accordance with City ordinances subject to compliance with the Conditions of Approval.
5. The proposed land division does not preclude development on adjoining properties.

6. The proposed Parcels provide the most economic, safe and efficient circulation of traffic in relation to the existing City street system and does not have an adverse impact on pedestrian, bicycle and vehicular safety.
7. Water, wastewater disposal and utilities are available and have the capacity to serve the properties in compliance with the Albany Construction Standards adopted the City of Millersburg.
8. The proposed utilities do not preclude extension beyond the proposed land division to accommodate future growth.
9. The land division will not cause adverse impacts to existing or proposed drainage ways including flow disruptions, flooding, contamination or erosion and that required drainage facilities are provided that have the capacity to support the proposed development or use.
10. There are no Wetlands identified on the "National Wetlands Inventory Map" or Flood Zones identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property.
11. The land division will not cause adverse impacts such as erosion, slide hazards and storm water runoff due to excessive cut and fill of the property.
12. The land division will not cause adverse impacts to existing trees and plantings identified in **Code Section 2.140, Item 15** of the Application Site Plan.
13. The proposed Partition complies with the requirements for a Partition Tentative Plan and Plat and can comply with the development standards of the Millersburg Comprehensive Plan and Land Use Development Code subject to compliance with the Conditions for Approval contained herein.
14. Planning Commission Decisions are based upon the individual merits of each application and does not establish a precedent for similar future applications.

#### **54<sup>TH</sup> AVENUE DISCUSSION**

Barbara Castillo asked for a clarification on an area at the west end of the pavement on 54<sup>th</sup> Avenue where the North Park Subdivision ends. There are two parcels that are close to being developed with one house on each parcel. There is a 30 foot public right of way adjacent to these properties. Castillo asked if and when these properties are developed by either a land partition or one home, if they could gravel the 30 feet instead of paving it. A clarification was made by the Planning Commission on August 12, 2014 that Road Frontage Fees would only apply for a subdivision.

**It was the consensus of the Planning Commission that it is okay to gravel the 30 foot public right of way for lots 1202 and 1200 if those lots are not developed for a subdivision.**

**OREGON BARBEQUE**

Connie Lepin brought it to the attention of the Planning Commission that when Oregon Barbeque Company brought their Site Plan application to the City, they requested approval of a drive-thru restaurant only. Lepin said there is now outside seating without a clear area for parking. Lepin also asked if they are now required to provide a rest room with the outside seating.

Barbara Castillo said she will notify the owners of OBC to provide the city with a parking plan. The requirement for a public restroom is not up to the City.

**MAILBOXES NEAR STREET LIGHTS**

Lepin also asked if there had been any action on the request for street lights being at mailboxes for future development.

Castillo said the third phase of the Becker Ridge Subdivision is nearing completion. Castillo told the developer to get together with the post office to find a location for the mailboxes under or very close to a street light. The Street Lighting Plan has just been completed and sent to Pacific Power.

**PLANNING COMMISSION CHAIRMAN**

Ed Perlenfein informed the Planning Commission that he was stepping down as Chairman of the Millersburg Planning Commission but would continue as a member of the Planning Commission. Perlenfein recommended that Dave Post be put in as Chairman.

City Staff will look into the correct procedure for appointing the Chairman.

The meeting adjourned at 7:09 p.m.

Respectfully submitted,

Barbara Castillo  
City Administrator/Recorder

