

MILLERSBURG PLANNING COMMISSION

October 13, 2015

Present: Commissioners Connie Lepin, Dan Nixon, Ryan Penning, Ed Perlenfein, Dave Post, Steve Vogler, City Planner Don Driscoll, City Attorney Forrest Reid, City Administrator/Recorder Barbara Castillo

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

MINUTES OF AUGUST 11, 2015

Dan Nixon moved, seconded by Steve Vogler to approve the minutes of August 11, 2015 as written. The motion passed unanimously.

ERICKSON PARTITION TENTATIVE PLAN REQUEST

The Millersburg Planning Commission received a request from Bruce and Sarah Erickson, 4563 Woods Road NE to divide their existing 2.5 acre property into three Urban Conversion Parcels. The original parcel 1 will remain with 1.5 acres. The two new parcels 2 & 3 will contain approximately 20,083 square feet with access from Woods Road.

Don Driscoll informed the applicant, audience and Planning Commission that the City has just received new written testimony that the Planning Commission, Staff and City Attorney have not had the opportunity to read. There is a 19 page letter in opposition to the request. Driscoll said that this issue will be postponed until the November 10, 2015 Planning Commission meeting.

Jane Flack, representing the Barker's whose attorney wrote the 19 page letter in opposition of the request, asked if the record could be left open since the issue had been postponed and carried over to the November meeting. It was the consensus of the Planning Commission to leave the record open until 5 days prior to the November 10th meeting. The Planning Commission would like all written testimony in the future to be turned in 5 days prior to the review of public hearing meetings.

BUSSE SUBDIVISION TENTATIVE PLAN

The Planning Commission received a request from Millersburg Land and Development, LLC/William Busse for approval of an Urban Lot Subdivision Tentative Plan with 93 urban lots on 28.97 acres on Woods Road just south of the Miller Cemetery.

Don Driscoll gave a little historical background regarding this proposed subdivision and the Suniga Subdivision that will be next on the agenda. Driscoll said that in 2006 this same property was part of the proposed, approved but never built Woods Estates 1 and 2

Subdivisions. Engineers for both the Busse Subdivision and the Suniga Subdivision met and have worked together to have internal streets that will connect.

CONFLICT OF INTEREST:

- There were no conflicts of interest declared.

APPLICANTS PRESENTATION:

- Natalie Janney from Multi-Tech Engineering said they have lined up connecting streets with the subdivision to the north. They agreed with the Staff Report as written and also agreed with the Conditions of Approval.

STAFF REPORT:

- Driscoll said the Millersburg Land Use Development Code and Oregon Revised Statutes, Chapter 92 provide the applicable criteria for evaluation of the requested action. Driscoll pointed out that the sewer needs to be extended from Millersburg Drive to the property. Woods Road only has a 40 foot right of way so the applicant will need to provide the city with an additional 10 foot right of way on Woods Road. Although improvements to Woods Road will be deferred at this time, the applicant will be required to pay for half street improvements at a cost (to be determined) per lineal foot into the City's Street Fund for future improvements.
- There are 14 Findings for Approval of the Request and 28 Conditions of Approval.

TESTIMONY IN FAVOR OF THE REQUEST:

- There was no testimony in favor of the request.

TESTIMONY IN OPPOSITION OF THE REQUEST:

- The Planning Commission received a letter from Brian Nicholas, 6368 Sedona Road in opposition to the request. The letter was read into the record.

GENERAL COMMENTS:

- Dan Nixon asked why no parks were included in the plan. The applicant said there were no parks required in the plan, and they were okay paying the Park SDC fees that would be paid with every building permit.
- It was brought up that it states in the staff summary that a stormwater detention system is not identified, but the area for the detention pond is Tract "A" on the site plan.
- There was a discussion on the backyard fences that will most likely occur along Woods Road. Ed Perlenfein said he doesn't like the area between the fences and the sidewalks because the property owners usually don't take care of the weeds and vegetation that will grow in that area. Several ideas were discussed: Only require the developer to give a five foot right of way instead of ten feet so there would be curb, sidewalk and fence along the property line with no beauty strip; Put fabric down in the beauty strip and put railroad rock over the fabric to keep the weeds down.

Connie Lepin moved, seconded by Dan Nixon to ask the City Council to take on this problem issue of the sidewalk, fence and consideration of the beauty strip. The motion passed unanimously.

The hearing was closed.

Connie Lepin moved, seconded by Dan Nixon to approve the Busse Subdivision Tentative Plan request contingent upon compliance with the Conditions of Approval contained in the Staff Report. The motion passed unanimously.

CONDITIONS OF APPROVAL

Approval of the Busse Subdivision is conditioned on compliance with the following requirements. **Section** references are from the Millersburg Land Use Development Code (**Code**).

General Requirements

1. The Busse 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 Owner or some lots may be sold for private development. All streets within the subdivision shall be public streets following acceptance by the City.
2. The Applicant has deferred detailed development plans until approval of the Subdivision Tentative Plan. Detailed plans for grading, drainage, stormwater detention, landscaping and irrigation, utilities, street construction and lighting require City approval.

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

- a. A Grading and Landscape Plan in conformance with **Code Section 5.134** including a Landscaped Buffer along Millersburg Drive 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 stormwater transmission, detention and off-site receiving stream improvements in conformance with **Code Section 5.126 and Section 8.200**.
- d. Street improvement plans 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**.
 - f. CC&Rs or other specified means of maintaining common areas including the stormwater detention system, drainage ways, wetlands and Riparian Areas.
3. The Applicant shall specify adjacent property protections and shall submit their protection plans to the City for approval.
 4. The Applicant shall identify any 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. Hydrant 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, 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 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.

Street System Improvements

Woods Road is a designated Collector Street that serves the proposed development that requires off-site improvements to accommodate the increased traffic generated by developments in the area.

12. Woods Road is only 40 feet wide. Collector Streets are required to be 60 feet in width. The Applicant shall provide an additional 10-foot wide dedication to the City for eventual Woods Road widening.
13. Half-street improvements are required and specified in **Code Sections 5.122, 5.123, 15.124, 5.125** and **Code Section 8.200** for Woods Road. Improvements to Woods Road are deferred until plans and specifications are prepared. The Applicant shall pay the estimated cost of half Street improvements into the City's Street Fund for future improvements.
14. The proposed subdivision shall not limit future improvements to Woods Road.
15. Streets connecting to Woods Road 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.
16. All Lots within the Busse Subdivision including corner lots shall access from the interior Local Streets.
17. The Local Streets within the subdivision shall have a 52-foot right-of-way, 32-foot wide streets with a planter strip, trees and sidewalks in conformance with City Standards.
18. Street lighting and signs shall not, by size, location or color, interfere with traffic or limit visibility.

Drainage System Improvements

19. 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 drainageway. Maintaining proper drainage and floodways is a continuing obligation of the property owners.
20. Out-flows and the capacity of the receiving drainageway shall be verified by the Applicant. An engineered drainage plan is required prior to plan and construction approval. Verification of the type and design of the detention system shall be provided. 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. There shall be no stormwater increased impacts from the proposed development on the existing drainage system.

21. 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 detention system. Out-flows shall require detention facilities and/or other discharge controls. All storm drains shall be connected to the detention system. The method of stormwater detention shall be approved by the City. This system must be engineered by the Applicant in conformance with City Standards to control runoff for storm events.
22. 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.

23. The proposed water system shall comply with fireflow needs for the development as determined by the Jefferson Rural Fire Protection District.
24. The Applicant shall coordinate with the City Engineer to provide verification of the existing sewer system capacity and identify any needed offsite improvements to be provided by the Applicant.
25. Project utilities shall be reviewed and approve 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.
26. 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.
27. 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.
28. 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**.

SUNIGA SUBDIVISION REQUEST

The Planning Commission opened the public hearing for approval of a 42 lot Urban Subdivision Tentative Plan containing lots that are 10,000 square feet or larger from George Suniga on the south side of Millersburg west of the Miller Cemetery to the railroad tracks.

CONFLICT OF INTEREST:

- There were no conflicts of interest declared.

APPLICANT'S PRESENTATION:

- Dan Watson of K&D Engineering said the applicant is aware that he will be responsible for paying half street improvements from the cemetery to the railroad. They concur with the Findings and Conditions of Approval in the Staff Report. Watson did point out that there is a typo on page 8 of the staff report No. 13. It states there are Flood Zones identified on the "FEMA Flood Insurance Rate Maps" for the applicant's property. It should state, "There are NO Flood Zones identified....."

STAFF REPORT:

- Don Driscoll said the Millersburg Land Use Development Code and Oregon Revised Statutes, Chapter 92 provide the applicable criteria for evaluation of the requested action. Municipal water will need to be extended from the east side of Woods Road at the intersection of Woods Road and Millersburg Drive. There are 15 Findings and 27 Conditions of Approval in the staff report. There is adequate right of way existing on Millersburg Drive.

TESTIMONY IN FAVOR OF THE REQUEST:

- There was no testimony in favor of the request.

TESTIMONY IN OPPOSITION TO THE REQUEST:

- There was no testimony in opposition of the request.

GENERAL COMMENTS:

- There were a few adjacent property owners present that expressed concern over drainage issues. They want to make sure that all drainage issues will be properly addressed. They were told that the developer's engineer will have to submit an engineered drainage plan to the city's engineer for their review of the proposed subdivision drainage. The property owners in attendance requested that any information on the drainage be sent to them.
- Dan Nixon asked when the location of the mailboxes would be determined. Watson said usually the post office tells the developer where they should go. Barbara Castillo said the city wants to make sure that the mailboxes will be placed right under a street light for safety.

The hearing was closed.

Steve Vogler moved, seconded by Ryan Penning to approve the Suniga Subdivision Tentative Plan request contingent upon compliance with the Conditions of Approval in the Staff Report. The motion passed unanimously.

CONDITIONS OF APPROVAL

Approval of the Suniga Subdivision is conditioned on compliance with the following requirements. **Section** references are from the Millersburg Land Use Development Code (**Code**).

General Requirements

1. The Suniga 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 Owner or some lots may be sold for private development. All streets within the subdivision shall be public streets following acceptance by the City.
2. The Applicant has deferred detailed development plans until approval of the Subdivision Tentative Plan. Detailed plans for grading, drainage, stormwater detention, landscaping and irrigation, utilities and street construction and lighting require City approval.

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

- a. A Grading and Landscape Plan in conformance with **Code Section 5.134** including a Landscaped Buffer along Millersburg Drive 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 stormwater transmission, detention and off-site receiving stream improvements in conformance with **Code Section 5.126 and Section 8.200**.
- d. Street improvement plans 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**.
- f. CC&Rs or other specified means of maintaining common areas including the stormwater detention system, drainage ways, wetlands and Riparian Areas.

3. The Applicant shall specify adjacent property protections and shall submit their protection plans to the City for approval.
4. The Applicant shall identify any 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. Hydrant 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 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 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.

Street System Improvements

Millersburg Drive is a designated Arterial Street that serves the proposed development that requires off-site improvements to accommodate the increased traffic generated by developments in the area.

12. Half-street improvements are required and specified in **Code Sections 5.122, 5.123, 15.124, 5.125** and **Code Section 8.200** for Millersburg Drive. Improvements to Millersburg Drive are deferred until plans and specifications are prepared. The Applicant shall pay the estimated cost of improvements into the City's Street Fund for future improvements.
13. The proposed subdivision shall not limit future improvements to Millersburg Drive.
14. Streets connecting to Millersburg Drive 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.
15. All Lots within the Suniga Subdivision including corner lots shall access from the interior Local Streets.
16. The Local Streets within the subdivision shall have a 52-foot right-of-way, 32-foot wide streets with a planter strip, trees and sidewalks in conformance with City Standards.
17. Street lighting and signs shall not, by size, location or color, interfere with traffic or limit visibility.

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 drainageway. Maintaining proper drainage and floodways is a continuing obligation of the property owners.
19. Out-flows and the capacity of the receiving drainageway shall be verified by the Applicant. An engineered drainage plan is required prior to plan and construction approval. Verification of the type and design of the detention system shall be provided. 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. There shall be no stormwater increased impacts from the proposed development on the existing drainage system.
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 detention system. Out-flows shall require detention facilities

and/or other discharge controls. All storm drains shall be connected to the detention system. The method of stormwater detention shall be approved by the City. This system must be engineered by the Applicant in conformance with City Standards to control runoff for storm events.

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 fireflow needs for the development as determined by the Jefferson Rural Fire Protection District.
23. The Applicant shall coordinate with the City Engineer to provide verification of the existing sewer system capacity and identify any needed offsite 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.**

SERIAL PARTIONING

Barbara Castillo reported that the subject of Serial Partitioning is on the City Council's agenda.

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Barbara Castillo