

**MILLERSBURG PLANNING COMMISSION
NOVEMBER 10, 2015**

Present: Planning Commission members Anne Peltier, Ed Perlenfein, Dave Post, Steve Vogler, Dan Nixon, Connie Lepin, Pat Edwards, Skylar Bailey, City Planner Don Driscoll, City Administrator Barbara Castillo, City Attorney Forrest Reid

The Millersburg Planning Commission was called to order at 6 p.m.

MINUTES OF OCTOBER 13, 2015

Dave Post moved, seconded by Skylar Bailey to approve the minutes of October 13, 2015. The motion passed unanimously.

DUKES SUBDIVISION TENTATIVE PLAN

Chairman Ed Perlenfein opened the public hearing for the Dukes Subdivision Tentative Plan. The purpose of this public hearing is to receive testimony on an application from David and Laurie Dukes for the Lone Oak Estates Subdivision located on Woods Road. The applicant is requesting approval of a 28 lot Urban Subdivision Tentative Plan with urban lots containing 10,000 square feet or larger.

Perlenfein called for members of the Commission to identify any potential conflict of interest, bias or any communication concerning this request. None were given.

City Planner Don Driscoll gave the Staff Report. Driscoll said the applicant complies with all applicable criteria and complemented the applicant on the thoroughness of the application. Driscoll said there are 31 Conditions of Approval and he recommended approval of the requested Subdivision Tentative Plan.

The applicant's representative, Jed Truett said there are some wetlands on the property that will be mitigated into an off-site mitigation bank. They are unsure at this time what will happen to the existing house on the property. After the lots are developed, the applicant has not decided if he will build the homes or just sell the lots.

Testimony in favor of the application came from Don Miller who stated that it looks like there is no problem with the drainage.

There was no testimony in opposition of the proposed subdivision.

The hearing was closed at 6:15 p.m.

Steve Vogler moved, seconded by Anne Peltier to approve the Duke Subdivision Tentative Plan request contingent upon compliance with the Conditions of Approval contained in the Staff Report.

CONDITIONS OF APPROVAL

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

General Requirements

1. The Dukes 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, storm water 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** and identification of trees to be maintained or removed.
 - b. A Municipal Water and Sanitary Sewer Plans 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 storm water 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 storm water detention system, drainage ways and wetlands.
3. The Applicant shall specify any needed 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 submitted to the City for inclusion 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 for inclusion 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 Dukes Subdivision including corner lots shall access from the interior Local Streets.
17. The Applicant has specified Local Streets with a 50-foot right-of-way with a 32-foot wide street that can accommodate the City's sidewalk and planter strip.
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 drainage way. Maintaining proper drainage is a continuing obligation of the property owners.
20. Out-flows and the capacity of the receiving drainage way 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 storm water 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 storm water 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 fire flow 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 water and sewer system capacities and identify any needed offsite improvements to be provided by the Applicant.
25. 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.
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**.
29. All utility plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to beginning construction.
30. CC&Rs shall be provided or other means of identifying property constraints and maintenance of common areas including the drainage ways and the storm water detention systems.
31. **Code Section 8.300** specifies the dedication of land for public purposes. The Planning Commission may require up to 6% of the total area of the property for park purposes or a sum of money for park purposes equal to \$1,200 per residence shall be contributed to the City's SDC Park Fund applied at the time of application for a Building Permit.

ERICKSON LAND PARTITION REQUEST

The Erickson Lane Partition Request was withdrawn.

SERIAL PARTITIONING

City Planner Don Driscoll explained that Serial Partitioning is a process of multiple partitioning of a single property or additional partitioning of parcels already created in a partitioning process. There is nothing wrong with serial partitioning. We have no problem with serial subdivisions. These are subdivisions done in phases. Both are staged multiple property divisions. A Partition is a division of land into three or less partition which if two additional parcels. A Subdivision is a division of land into four or more lots.

In some circumstances when a Partition does not interconnect with other city streets, the Planning Commission has permitted private streets with lesser standards that are permitted by the Code. Private streets require the same standards as a public street *unless approved by the Planning Commission*. This is not a unique situation. Many cities approve private streets and easements for partitions with lesser standards of development where they are somewhat isolated from the city street system.

Driscoll explained that the problem is intent. When multiple partitioning is used to circumvent the city code standards for a subdivision, it is essentially a violation of city ordinances. Ultimately it is the Planning Commission that makes the judgement as to the appropriate standards to approve.

Driscoll suggested the easiest way to solve the problem is to require that when a property is divided, a covenant be placed on the deed outlining the restrictions on the property if and when an additional land partition takes place on the property. That way, we have the ability to catch it as the covenant goes with the property.

Dave Post moved, seconded by Anne Peltier that the Planning Commission recommends that the City Council incorporate language into our code adding a requirement for a covenant for any future partitions. The motion passed unanimously.

UPDATES

- Barbara Castillo reported that construction on one of the warehouses previously approved by the Planning Commission has started, but no tenants yet.
- TPI Portable Toilet Company is still planning on locating on Old Salem Road. They have started landscaping the front of the property and will start moving in soon.
- Industrial Power Systems, LLC has started getting the site ready on Old Salem Road where J & J Affordable Homes was.
- Barbara Castillo reported that Administrative Approval was given to GCR Tires & Services who will be leasing a building at 3783 Conser Road where J & H Trucking is. They will have 8 employees; hours of operation will be Monday -Friday from 7am to 5pm, and Saturdays from 7am to noon. They will be connected to city water and city sewer, no nuisance characteristics and outside storage of “pod-like” containers and tires.
- Barbara Castillo reported that Administrative Approval was given to Jerry Cehrs, owner of Valley Pressure Washing and the truck wash on Old Salem Road to put in a food cart/trailer in the front part of the property. Hours of operation will be 7am – 3 pm seven days a week serving breakfast and lunch. There will be two employees and customers will park their vehicles and walk up to the window. Restrooms for both employees and customers will be in the truck wash building.

The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Barbara Castillo
City Administrator/Recorder