NOTICE OF PUBLIC MEETING
CITY OF MILLERSBURG
PLANNING COMMISSION
Tuesday October 16, 2018
6:00 p.m.

Agenda

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. MEETING MINUTE APPROVAL
   1) Planning Commission Meeting & Public Hearing held on September 18, 2018.

E. QUASI-JUDICIAL PUBLIC HEARINGS
   1) File No: CUP 18-02 Home Occupation The applicant is proposing a Conditional Use Permit (CUP 18-01) for a home occupation. The application proposes an office use in one of the rooms within the existing single-family residence and some parts storage within a garage. All uses will take place within the existing single-family residential structure; no trucks will be used onsite.

F. CITY PLANNER UPDATE

G. ADJOURNMENT

Upcoming Meetings:
October 16, 2018 @ 6:20 p.m. – Planning Commission Workshop
November 1, 2018 @ 6:00 p.m. – Planning Commission Workshop
November 13, 2018 @ 6:00 p.m. – Planning Commission Meeting
November 28, 2018 @ 6:00 p.m. – Planning Commission Workshop
December 6, 2018 @ 6:00 p.m. – Planning Commission Workshop

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the City Recorder in advance by calling (541) 928-4523.

www.cityofmillersburg.org
CITY OF MILLERSBURG
PLANNING COMMISSION MEETING
4222 NE Old Salem Road
Tuesday, September 18, 2018
6:00 p.m.

Minutes

A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 5:58 pm.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:
   Members Present: Jimmy Kirkendall, Anne Peltier, John Sullivan, Ryan Penning, Steve Vogler, Connie Lepin, Scott Stimpson, and Ed Perlenfein
   Members Absent: Dennis Gunner
   Staff Present: Kimberly Wollenburg, City Recorder and Matt Straite, City Planner

D. MEETING MINUTE APPROVAL
   1) Planning Commission Meeting & Public Hearing – 8/21/2018
      Action: Motion to Accept Minutes as Presented made by Commissioner Perlenfein; seconded by Commissioner Peltier.
      Commissioner Kirkendall: Aye
      Commissioner Lepin: Aye
      Commissioner Peltier: Aye
      Commissioner Penning: Aye
      Commissioner Perlenfein: Aye
      Commissioner Stimpson: Aye
      Commissioner Sullivan: Aye
      Commissioner Vogler: Aye

   2) Planning Commission Work Session – 8/23/2018
      Action: Motion to Accept Work Session Minutes as Presented made by Commissioner Perlenfein; seconded by Commissioner Penning.
      Commissioner Kirkendall: Aye
      Commissioner Lepin: Aye
      Commissioner Peltier: Aye
      Commissioner Penning: Aye
      Commissioner Perlenfein: Aye
      Commissioner Stimpson: Aye
      Commissioner Sullivan: Aye
      Commissioner Vogler: Aye

E. PUBLIC LAND USE REVIEW

Public hearing on Land Use File SP 18-04 opened by President Kirkendall at 6:00 p.m. City Recorder, Kimberly Wollenburg, read disclosures. President Kirkendall finished opening the hearing; no conflicts of interest noted by Commissioners.
Land Use File SP 18-04 Additional Storage Building. The applicant proposes to add a 70 x 168-pole barn-style building, about 30 feet high, for the storing of plywood. No habitable space is proposed within the structure. City Planner, Matt Straite, presented the staff report. He spoke specifically about the letter from the City of Albany Fire Department regarding their conditions of approval. The applicant was not present for the report, or for questions by the planning commission.

Public hearing on SP 18-04 closed by President Kirkendall at 6:11 p.m.

i. Deliberation by the planning commission with questions on the project, including discussion regarding the type of material of the new structure and questions on the Albany Fire Department conditions.

ii. Commissioner Perlenfein noted this case is an example of something that could be addressed at the staff level in the new code revision.

Action: **Motion to Approve SP 18-04 made by Commissioner Perlenfein; seconded by Commissioner Sullivan.**

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<tr>
<th>Commissioner</th>
<th>Aye</th>
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<tr>
<td>Commissioner Kirkendall</td>
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<td>Commissioner Lepin</td>
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<td>Commissioner Peltier</td>
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<td>Commissioner Vogler</td>
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F. City Planner Update

Mr. Straite went over the three fact sheets created for staff and citizens to address the most common topics of interest to the public: Accessory Buildings, Land Partitions, and Variances. Commissioner Lepin asked about the rear setbacks on the Accessory Building fact sheet. Mr. Straite will make an adjustment to note differences in the setbacks on side property versus those that back up to streets. President Kirkendall indicated that carports could be included in the accessory structure handout.

G. ADJOURNMENT: meeting adjourned at 6:20 pm.

Respectfully submitted: Reviewed by:

Kimberly Wollenburg Matt Straite
City Recorder City Planner

Upcoming Meetings:
October 9, 2018 @ 6:30 p.m. – City Council Meeting
October 16, 2018 @ 6:00 p.m. - Planning Commission Meeting

These notes are not final until approved by the Planning Commission.
Proposal: The applicant is proposing a Conditional Use Permit (CUP 18-01) for a home occupation. The application proposes an office use in one of the rooms within the existing single family residence and some parts storage within a garage. All uses will take place within the existing single family residential structure; no trucks will be used onsite.

I. BACKGROUND

A. Applicant: Maira Cazares Gonzalez

B. Location: 5786 Clearwater Court.

C. Review Type: The proposed Conditional Use Permit review requires a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on October 16, 2018. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council’s decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).

D. Public Notice and Hearing: Notice was mailed to all property owners within 100 feet of the proposed location, posted in City Hall on September 25, 2018 and posted on the City’s website here - http://cityofmillersburg.org/planning-commision/

E. Review Criteria: Article 2 §2.500(2) Conditional Use Permit Criteria

F. Current Zoning: Rural Residential 10-Acre Minimum, Urban Conversion (RR-10-UC)

G. Proposed Zoning: N/A

H. Property Size: 10,212 Square Feet

I. Background: The applicant was cited with a code enforcement violation on August 23, 2018 based on complaints of trucks visiting the site. The applicants contacted staff and indicated that they would cease having trucks visit the site and to remedy the violation they would seek a Conditional Use Permit (CUP) for the home occupation/business. A home based business of any kind is only allowed in Millersburg with a CUP pursuant to sections 4.113(3)(a), 2.500 and 6.100.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:
Section 3.300(3) explains that all quasi-judicial public hearings must also notify the agencies that are known to be affected. Because this is a home occupancy in an existing single family
dwelling, the proposed CUP will not impact any public agencies and was therefore not transmitted for their review, except the City Engineer.

Public:
Notice of the October 16, 2018 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable CUP criteria are from section 2.500(2).

(2) Decision Criteria. The conditional uses listed in the Code may be permitted, altered, or enlarged upon authorization of the Planning Commission in accordance with the following findings:

(a) The proposed development or use does not conflict with the City’s Comprehensive Plan.

**ANALYSIS:** Section 9 of the Comprehensive Plan contains a list of Land Use Goals and Policies. Section V of this report goes through the pertinent policies from the Comprehensive Plan. In summary, based on staff’s review, the project is consistent with the plan.

**FINDING:** Based on the analysis above, the project meets the required criteria.

(b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.

**ANALYSIS:** The proposed home occupancy will take place completely within the existing structure. The existing single family dwelling complies with all RR-1-UC urban standards and setbacks. Based on staff’s review the proposed project meets all zoning ordinance requirements and development standards from the zone. The Code contains specific standards for home occupancy; those are reviewed in Section IV of this report. With conditions, the project will meet all of the required standards.

**FINDING:** Based on the analysis above, the project meets the criterion.

(c) That the proposed development will not have an adverse impact on traffic flow or to pedestrian, bicycle and vehicular safety, and future street right-of-way are protected.

**ANALYSIS:** The facility is a single family dwelling. As shown below in the standards for home occupancy (Section IV), it is the intent of the code to assure that a home based business does not function in a manner that creates impacts to the neighbors in access of those that would be typically found in a single family use. The original code violation letter was concerned with trucks that were visiting the home. The applicant indicated that the use of trucks to the home would cease. This will assure that traffic to the property is minimized. The applicant indicated
in their narrative that they would have workers come to their house for checks every other week, however this should not result in an inconsistency with the code if they do not all come at the same time. The standard is that the use shall not result in the need for additional parking. See more below. To summarize, the home office use should not result in traffic that is in excess of those that would be expected for a single family dwelling.

**FINDING:** Based on the analysis above, the project meets the required criteria.

**(d) That proposed signs or lighting will not, by size, location, color or operation, have an adverse impact on traffic, limit visibility or have an adverse impact on adjacent properties.**

**ANALYSIS:** No signage is proposed through this permit.

**FINDING:** This criterion does not apply.

**(e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use and can be extended in the future to accommodate future growth beyond the proposed land division.**

**ANALYSIS:** Existing sewer and water lines are available to the site. The proposed project will not require any additional utility connections.

**FINDING:** Based on the analysis above, the project meets the required criteria.

**(f) That the proposed development or use does not have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion on drainage-ways and required drainage facilities are provided that have the capacity to serve the proposed development or use.**

**ANALYSIS:** The existing single family home was shown on the original plat map to contain a culvert located to the rear of the property that is intended to take the drainage from 5781 NE Clearwater Ct., the property to the east, to 5774 NE Clearwater Ct. and beyond. As long as the culvert is still intact, the property is in full compliance with the original site drainage and consistent with this criterion.

**FINDING:** Based on the analysis above, the project meets the required criteria.

**(g) That the proposed development will not have an adverse impact, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.**

**ANALYSIS:** Section 2.140 Item 21 explains that the Applicant is required to identify any emissions that may result from the application. In this case, no emissions are anticipated from the home occupancy office use.
FINDING: Based on the analysis above, the project meets the required criteria.

(h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

ANALYSIS: Section 3.300(3) explains that all quasi-judicial public hearings must also notify the agencies that are known to be affected. Because this is a home occupancy in an existing single family dwelling, the proposed CUP will not impact any public agencies and was therefore not transmitted for their review except City Engineering.

FINDING: Based on the analysis above, the project meets the required criteria.

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 4, specifically the RR-10-UC zone setbacks, Chapter 5, Development Standards and Chapter 6, Section 6.120, Home Occupation Standards. The Home Occupation Standard’s are reviewed in detail below.

SECTION 6.120 HOME OCCUPATION STANDARDS

A home occupation is defined as any type of profession or occupation, full-time or part-time, that is carried on by any member of the immediate family residing on the premises, where such profession or occupation is subordinate to the primary use of the premises as a residence. Garage Sales are not considered a Home Occupation unless the frequency exceeds 6 sales per year.

A Home Occupation is a Conditional Use for any single-family home and must comply with the Conditional Use provisions of Section 2.500 and the following additional standards:

(1) The home occupation shall be secondary to the main use of the dwelling as a residence.

ANALYSIS: The applicant has indicated that the staff working in the home office use reside on the premises. The office and part of the garage will be used, both are located within the house and are subordinate to the primary use because they use only a small portion of the existing single family home.

FINDING: Based on the analysis above, the project meets the standard.

(2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building.

ANALYSIS: The narrative has indicated that all aspects of the business will take place within the existing single family structure.

FINDING: Based on the analysis above, the project meets the standard.

(3) The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25% of the floor area of the main floor of a dwelling. If located within an accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.
ANALYSIS: The applicant’s narrative did not provide a detailed breakdown of the office size and garage area within the home. It is generally assumed that the uses described would be less than those outlined in the code section. To be sure, a condition of approval has been added to the project stating that the square footage used must comply with this provision.

FINDING: Based on the analysis above, with the condition of approval proposed below, the project meets the standard.

PROPOSED CONDITION OF APPROVAL: The home occupation shall not comprise more than 25% of the floor area of the home, including the garage.

(4) No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.

ANALYSIS: The applicant’s narrative indicates that no home modification is required.

FINDING: Based on the analysis above, the project meets the standard.

(5) No persons other than members of the immediate family residing within the dwelling shall be engaged in the home occupation unless approved under the Conditional Use procedures specified in Section 2.500.

ANALYSIS: The applicant’s narrative has indicated that the staff who will work within the home both live within the home. Staff will have their paychecks distributed from the house (for pick up); however, they will not work within or on the lot.

FINDING: Based on the analysis above, the project meets the standard.

(6) No window display or sample commodities displayed outside the dwelling shall be allowed.

ANALYSIS: The applicant’s narrative explains that the proposed business is an office and some small storage of parts. Nothing will be displayed outside the home. Their business does not involve sales, just the office organization of home appliance installation.

FINDING: Based on the analysis above, the project meets the standard.

(7) No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.

ANALYSIS: The applicant’s narrative indicates that while trucks are used to distribute the appliances, they will not be used to pick up or deliver to or from the home office. All trucks to be used for the business must be stored offsite in a facility that is approved for that use (storage of trucks).

FINDING: Based on the analysis above, the project meets the standard.

(8) No parking of customer vehicles in a manner or frequency that would cause disturbance or inconvenience to nearby residents or that would necessitate offstreet parking shall be allowed.
ANALYSIS: The applicant’s narrative has indicated that the site will not be used for customer service of any kind. The office will be used for dispatch of a fleet of trucks used to install new appliances in residential applications. No customers will visit the home office, however staff will be receiving distributed paychecks every other week from the house. Based on the applicant’s narrative this will not result in a parking problem as they do not tend to arrive at the same time. They will also arrive only in their personal vehicles and not in the delivery trucks.

FINDING: Based on the analysis above, the project meets the standard.

(9) No signs shall be permitted except for a single name plate not to exceed 4 square feet in area unless approved by the Planning Commission.

ANALYSIS: No signs are proposed.

FINDING: Based on the analysis above, the standard does not apply.

(10) No home occupation shall be allowed which requires an emissions permit from any local, state or federal agency.

ANALYSIS: The applicant’s narrative indicates that only a home office is proposed. No emissions will result.

FINDING: Based on the analysis above, the project meets the standard.

(11) No more than one home occupation shall be carried on at any one time on one lot, regardless of the number of buildings on that lot.

ANALYSIS: Only one application for a home occupation has been submitted and/or is on file.

FINDING: Based on the analysis above, the project meets the standard.

(12) A Bed & Breakfast Lodging facility may be approved as a specialized Home Occupation under the Conditional Use procedures specified in Section 2.500.

ANALYSIS: The applicant is not proposing a bed and breakfast.

FINDING: Based on the analysis above, the project meets the standard.

V. CITY OF MILLERSBURG COMPREHENSIVE PLAN

City of Millersburg Comprehensive Plan

The City of Millersburg Comprehensive Plan implements the 19 State Goals. Based on staff review, the project is consistent with all goals and policies of the Comprehensive Plan. The following are relevant and pertinent policies from the Comprehensive Plan.

Chapter 9.1- Planning
Policy 16. Close coordination shall be maintained between the school district, fire districts, serving utilities, Linn County, the City of Albany and other governmental agencies having facilities or programs in the area.

ANALYSIS: Typically projects are transmitted to other agencies for review, however, the code gives us the discretion to transmit only to affected agencies. Because this is a home based business with no structural changes, the project was only transmitted to the City engineer. No comments were received.

FINDING: Based on the analysis above, the project is consistent with the Policy.

Chapter 9.5- Land Use

Residential Land Use Policy 8. Residential areas shall be protected from excessive through traffic, conflicting land uses, or other encroachments that would impair a safe quiet living environment.

ANALYSIS: The proposed home occupation will not be open to the public, it will not result in any visitors, and the trucks being dispatched will not be visiting the home location.

FINDING: Based on the analysis above, the project is consistent with the Policy.

VI. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Application No. CUP 18-01 pursuant to the conditions of approval listed below.

VII. ALTERNATIVE RECOMMENDATION

Should the Planning Commission elect not to approve the proposed development, they could continue the item for further discussion or deny the application siting the specific criteria not satisfied by the application.

VIII. CONDITIONS OF APPROVAL

General Conditions:

1. This land use approval shall substantially comply with the submitted narrative, except as indicated in the following conditions. Additional development or change of use may require a new development application and approval.

2. This approval permits the home occupancy for an office and small storage of parts on the property. Any other business or change to this business is not permitted. This approval does not permit any other businesses on the site.

3. No more than this permitted home occupation is permitted on this property.

4. The home occupation shall not comprise more than 25% of the floor area of the home, including the garage.
5. All trucks used for this home occupation shall be located in storage facilities approved for the use of such truck storage and shall not be located or stored on the project site.

6. The CUP permitted by this approval shall commence within one year of approval or the permit is void. The use permitted by this permit shall expire within 5 years of the issuance date. An extension of the permit may be granted through a new conditional use permit process.

7. Any noise resulting from the approved use shall be consistent with the noise levels typically associated with a single family dwelling. Excessive noise levels related to the business may result in revocation of the CUP.

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IX. NOTICES TO THE APPLICANT

The Applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the Applicant. Please contact City Hall with any questions.

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.

3. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.

4. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Albany Fire District. Hydrant and turnaround locations shall be provided by the Applicant and approved by the Albany Fire District and the City.

X. EXHIBITS

A. Zoning Map
B. Vicinity Map
C. Applicant’s Description
D. Public Hearing Notice
Zoning Map

This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain usability of the information.
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Land Use Application Form

cityofmillersburg.org

Check the Type of Land Use Requested:

☐ (PA) Pre Application
☐ (SP) Site Plan Review
☑ (CUP) Conditional Uses
☐ (PL) Property Line Adjustment
☐ (SD) Subdivisions (4 or more lots)
☐ (PA) Partition (3 or less lots)
☐ (VR) Variance (list standards can be varied in description)
☐ (CP) Comprehensive Plan Amendment
☐ (ZC) Zone Change
☐ (AN) Annexations
☐ (VA) Vacations

THIS FORM MUST BE FILLED OUT COMPLETELY

I. Property Owner/Applicant Information
A. Applicant(s) Maira Cazares Gonzalez
   Email Address gonzalez.maira@hotmail.com
   Mailing Address 5786 Clearwater CT NE Albany, OR 97321
   Phone number 541-801-0264
B. Owner(s) Francisco and Maira Cazares
   Email Address gonzalez.maira@hotmail.com
   Mailing Address 5786 Clearwater CT NE Albany, OR 97321
   Phone number 541-801-0264

II. Property Information
A. Legal description of property: Township _____ Range _____ Section _____
   Tax Lot _______
B. Additional Properties:
   Township _____ Range _____ Section _____ Tax Lot _______
   Township _____ Range _____ Section _____ Tax Lot _______
C. Site Address (if any) 5786 Clearwater CT NE
   Albany, OR 97321
D. Zoning designation ___________________ Comp Plan designation ___________________

III. Authorizing Owner/Applicant Certifications

I hereby certify that the statements, attachments, exhibits, plot plan and other information submitted as a part of this application are true and any approval granted based on this information may be revoked if it is found that such statements are false. By submitting this form the Owner, or Owner’s authorized agent/representative, acknowledges and agrees that City of Millersburg employees, and appointed or elected City Officials, have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related specifically to the project site. I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.

Owner/applicant signature ___________________________ Date ______

Owner/applicant signature ___________________________ Date ______

IV. The following materials must be submitted with your application or it will not be accepted at the counter. Once taken at the counter, the City has up to 30 days to review the materials submitted to determine if we have everything we need to complete the review.

☑️ A narrative explaining how the application meets all required criteria shown in City land use Development Code, Article 2 (http://cityofmillersburg.org/millersburg-land-use-development-code/)

☐ At least 3 folded sets of the project Site plan. The site plan must be drawn to scale and show existing and proposed locations of buildings, access, parking, loading, landscaping, screening, fencing, drainage, water supply, sewage disposal, public utilities, unique site features (creeks and wetlands) and exterior lighting.¹

☑️ A copy of the deed for the subject property.

☐ A copy of any easement granting access to the subject property, if the property does not have frontage on a public road.

☐ If the applicant for this request is not the property owner, then authorization from the owner must be submitted with the application.

☐ A copy of all permits, licenses, and authorizations from other government agencies pertaining to the proposed use, including highway access, water and sewer connections, state or federal discharge permits.

☑️ Land Use Application Checklist (separate form)

☐ Digital versions of all Site Plans, other plans and/or studies.

¹ Additional copies of all exhibits may be required if the application is deemed complete.

City of Millersburg Land Use Application
Draft: February 2018
Application Fee. The total fee shall be the sum of all individual procedural fees unless adjusted by the City Manager.

V. Proposed Use of Property

A. Describe in detail the proposed use and your development plans for the property. Include a description of the number and type of buildings and their intended use, roadways, driveways, parking lots, signs, landscaping, drainage plans and outdoor lighting.

FMC Installation LLC is a small delivery business that provides appliance installation services for companies such as Home Depot, Costco, JC Penny, and Willamette Valley Appliance. FMC employees pick up appliances from a designated warehouse and perform delivery and installation services to customer’s homes. After all deliveries are completed on their route, the trucks are returned to an off site parking lot rented by FMC.

B. Please describe the general operating characteristics of the proposed use and the hours of operation.

Our main office is located within our home. The activities performed within the office are as follows: billing, create routes for trucks, financial statements, payroll, store parts for installations, distributing employee paychecks (bi weekly), and other administrative tasks. Office operating hours are Monday -Saturday, 7AM to 6PM. Closed every major holiday.

C. Will any other permits from local or state agencies be required? If yes, please list permits needed and if they have been secured.

We will not be needing any additional permits from any local or state agencies.

D. How much land area will be used for the proposed activity? Will the proposed use generate wastewater and if so, how will it be disposed?

Only one bedroom will be used for our main office and small section of the garage used to store installation parts. No wastewater will be generated.
E. Will the proposed use require a water supply? If so, how much will be needed and how will it be supplied?

No, none of our main office tasks require a water supply.

F. Please describe the types of vehicles, machines and/or tools to be used. Please estimate the amount of vehicle trips per day that will be generated by the proposed use.

Employees will pick up their paychecks every other Friday in their personal vehicles. Our service manager will visit the office twice daily in a personal vehicle. Going forward delivery trucks will no longer visit the office at all.

G. What are the proposed hours and days of operation? Will any products be offered for sale on the property? If products are sold, what will be sold?

Office operating hours are Monday - Saturday, 7AM to 6PM. Closed every major holiday.

H. How many people will be employed including the applicant? Please indicate whether the employees will be full or part-time. Will anyone live on the property? If so, who?

There will be two people employed full-time and living at the residence.

I. Does the property front a county road or public road? Which one? Is there an existing driveway and how is it improved (gravel, asphalt, concrete)?

The property is front of a public road and there is an existing concrete driveway.

J. How is the property now used? Are there any unique features on the property such as a creek, steep topography, or wetlands?

The property is a single family home and there are no unique features on to it.
FMC Installation LLC Narrative request for a Conditional Uses Permit

FMC Installation LLC is a small delivery business that provides appliance installation services. The purpose of the proposed use does not conflict with the city's comprehensive plan because the activities being performed in the office have little to no impact to the surrounding community. Also, we are not making any modifications to home structure or the outside property. We have addressed concerns from our neighbors regarding increased traffic and have taken measures to drastically reduce the amount of traffic to home. By reducing the amount of business traffic to the home office, the risk of creating a nuisance to the neighbors has been minimized. Furthermore, the primary use of this residency is as a single-family home, and secondary one room is allocated to a home office for a single business. There are no business signs or lights displayed at the residency that have an adverse impact on traffic, limit visibility or have an adverse impact on adjacent properties. The proposed use of this residency is in compliance with all standards of the land use zone and does not conflict with city codes and ordinances. Additionally, there are no potential hazards or emissions generated by the activities related to the home office. None of the administrative task preformed within the home office require an emissions permit from any local, state or federal agency.

There are no materials or mechanical equipment at the residential dwelling that create vibrations, noise, dust, smoke, odor, interference with radio or television reception. All the company delivery trucks are parked on a off site parking lot rented by FMC and no trucks are no longer allowed at the residence. The office has all the appropriate water, wastewater disposal and utilities needed to support the everyday activities within the home and office. None of the office actives have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion. All the drainage-ways at residence have the capacity to process normal household use.
NOTICE OF PUBLIC REVIEW
October 16, 2018, 6:00 p.m.
City Council Chambers
4222 Old Salem Road NE,
Millersburg, Oregon, 97321

The MILLERSBURG PLANNING COMMISSION will hold a Hearing at the above time and place to consider the request described below. The request may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment. Failure of an issue to be raised or failure to provide sufficient specificity to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. A staff report relating to the proposal will be available seven (7) days prior to the public hearing. For further information, contact Millersburg City Hall at (541) 928-4523.

APPLICANTS: Maira Cazares Gonzalez

LOCATION: 5786 Clearwater Ct.

TAX LOT: Township 10 South; Range 3 West; Section 21AB; Tax Lot 00200.

PARCEL SIZE: 10,212 square feet

ZONING: Rural Residential 10-Acre Minimum, Urban Conversion

REQUEST: The applicant is proposing a Conditional Use Permit (CUP 18-01) for a home occupation. The application proposes office uses and some parts storage within a garage. All uses will take place within the existing single family residential structure.

CRITERIA: Millersburg Development Code; Section 2.500(2) and standards from Section 6.110.

FILE No.: CUP 18-01

The location of the meeting is accessible to the disabled. If you need any special accommodations to attend or participate in the meeting, please notify City Hall twenty-four (24) hours before the meeting. For further information, please contact City Hall at (541) 928-4523.