



Summary: The Tentative Decision was distributed for public review between November 4, 2024 and November 19, 2024. The City received a comment letter from the Albany Fire Department and the City Engineer. These were all provided during the agency review period. No other letters were received. All agency comments were incorporated into the conditions of approval prior to the public review period. No additional conditions of approval were added.

Staff has approved the partition, subject to the conditions of approval, finding that all criteria and standards were met with conditions of approval based on the accepted facts shown below. Staff relied on facts from the Staff Report, the applicant's materials, the City's Comprehensive Plan, State Rules and Statutes, and City Codes and Ordinances as provisions for the basis of the decision. This final decision can be appealed within 15 days to the Planning Commission.

Matt Straite
City Planner

Proposal: The applicant is proposing to reconfigure two existing lots into two parcels. The proposed parcels will be 6.64 acres (Parcel 1 and tax lot 6600, the original exhibit does not reflect this, but it was a later addition by the applicant that will be revised on the final plat) and 22.86 acres (Parcel 2). A 0.23 acre right-of-way dedication is also proposed for NE Woods Road. It should be noted that the applicant's family is processing two additional tentative partitions. Each is processed as a separate application.

I. BACKGROUND

- A. Applicant: Gary Wood
5353 NE Woods Road
Millersburg, OR 97321
- B. Project Location: No address. The tax lot number is 10S-3W-20-00103 and 10S-3W-06600
- C. Review Type: Table 22 in Section 5.01.030 of the Millersburg Development Code explains that a partition requires a Type II review, which is a staff level review with a 14-day notice provided to the neighbors.
- D. Public Notice: Notice has been provided pursuant to Chapter 5.07 and 5.18 of the Millersburg Development Code. Notice was provided to all neighbors within 100 feet on November 4, 2024 and all responsible agencies on October 23, 2024. The notice provided 14 days to respond.

- E. Review Criteria: Chapter 5.07.060 Partitions
- F. Current Zoning: Rural (RU)
- G. Proposed Zoning: N/A
- H. Property Size: 29.73 Gross Acres (29.28 acres for tax lot 00103 and .45 acre for tract F)
- I. Background: The applicant and his family members are proposing a series of partitions to address estate planning needs. All proposed parcels were kept above the 2.5-acre minimum lot size required by the Rural Zone, thus, no zone change is needed. Though Gary Woods has listed himself as the applicant on all three proposed maps, only this map was submitted by Mr. Woods. The other two were submitted by Ms. Shari Johnson.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The project was transmitted to the following agencies/departments on October 23, 2024: City of Albany, Albany Fire Department, City of Millersburg Engineer, Pacific Power, Northwest Natural Gas, and PacifiCorp. Any comments received will be addressed in the final decision.

Public:

Notice of this tentative decision was sent out to neighbors of the site on November 4, 2024. The notice was mailed to all property owners within 100 feet of the property. Any comments received will be addressed in the final decision.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

Chapter 5

All findings below are in addition to those provided by the applicant in their narrative, which is included here by reference.

Section 5.07.060 Decision Criteria

Approval of a partition shall be subject to the following decision criteria:

- (1) Each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.**

ANALYSIS: The proposed partition is in the Rural Zone (RU). The minimum lot size in the RU zone is 2.5 acres. Parcel 1 is proposed to be 6.64 acres, and parcel 2 is proposed to be 23.09 acres. Both satisfy the lot size requirements. There are no specific dimensions required in the RU zone, though every lot is required to have at

least 40 feet of street frontage not including driveways. The 40 feet of frontage can be met for each parcel based on the design of the parcels. For parcel 1, the frontage on NE Woods Road is over 380 feet. For parcel 2 the frontage is over 570 feet. Farm fields are considered a temporary use within any City limits.

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

(2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.

ANALYSIS: The Development Code includes standards for lot/parcel designs from Article 4; these are covered below in more detail in section IV of this staff report. All Article 4 standards are met.

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

(3) Existing structures and accessory structures shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size, unless a variance from the requirements is approved.

ANALYSIS: There are no existing structures on the property.

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

(4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy.

ANALYSIS: Public water and sewer lines are available in NE Woods Road. The water line has plenty of capacity for additional homes that may result from the partition. Only two additional homes could be added as a result of this division. The sewer line does not extend to parcel 2, the current sewer line in NE Woods Road currently only extends to the northwest corner of proposed parcel 1. A sewer extension is not required by this division, because parcel 2 is large enough to use a septic system should anyone wish to put a home on that property.

Storm water drainage is addressed in Section IV of this staff report. No revisions or additional infrastructure are needed at this time.

Regarding access, the Development Code requires both access for the proposed parcels and that the design of the map not landlock any neighboring properties. The proposed parcel 1 will have full frontage on NE Woods Road. Parcel 2 will have frontage on NE Woods Road as well, in addition to likely eventual access to the east from NE Wilson Lane and potentially NE 54th Avenue. Landlocked access is address in Criteria 5 below.

In summary, the project fully complies with the required criteria.

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

(5) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

ANALYSIS: To address the concern of possible landlocking, an analysis is required that looks at the potential full buildout of the neighboring properties to see if they currently have adequate access; not for the existing homes on those lots, but for the hypothetical full buildout of those lots/parcels. If they do not have adequate access, the design of the applicant's land division cannot preclude future access to the neighbor, and in some cases, the applicant must provide access on the recorded map.

The property to the north of the proposed map is fully built out already. No additional access is needed from the applicant. To the west is NE Woods Road.

To the south is a larger parcel that is also proposed to be divided (see PA 24-03). That property has full access from both NE Woods Road and NE Alexander Lane.

To the east, most of the property is already fully built out. However, there are two larger lots to the east.

- 2883 NE 54th Avenue (tax lot 00400) is a 5.75-acre property that currently takes access through NE 54th Avenue through an access easement, though it has a small strip that physically connects it to NE 54th Avenue. The strip is only about 10 feet wide and about 200 feet long. These are often called cherry stems. This is not sufficient to allow additional development of the property, should the owner elect to divide. However, the property is also served by NE Wilson Lane which currently dead-ends on the property to the north. This is the access that would be used in order to provide the maximum density yield. That street then may or may not extend through to the applicant's property. The applicant does not need to provide any additional access as part of this partition.
- 2833 NE 54th Avenue. (tax lot 00700) is a 2.3-acre parcel that is currently land locked. It is not clear if there is an easement for access granted to this property to NE 54th Avenue. though their address is listed on this street. It is therefore incumbent on the project to assure that the design of the partition is not precluding access to the property in order to comply with this criteria. The proposed partition is creating a large agricultural parcel to the west of tax lot 00700. Proposed parcel 2 is 23.09 acres. There is a myriad of ways that a future subdivision could provide access to tax lot 00700, the design does not prevent future access. Any future division of parcel 2 into a residential subdivision with 10,000 square foot lots (or similar) would have to provide access unless the owner of tax lot 00700 provide documentation of legal access through an easement, or have NE 54th Avenue. extended to the property. A condition of approval has been added to provide notice to the applicant of this future possibility. The applicant is not required to provide any

access easements or otherwise to assure full access for tax lot 00700 at this time.

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

CONDITION OF APPROVAL: The applicant is hereby noticed that any further division of parcel 2 will likely require that the applicant provide access to 2833 NE 54th Ave. (tax lot 10S-03W-21-00700).

IV. STANDARDS

The proposed land partition design complies with all the specifications and design requirements of Article 3 and 4 of the Millersburg Development Code. Areas that require additional conditions of approval to fully comply, or Code standards that require analysis to explain how they meet the requirements, are shown below. All findings below are in addition to those provided by the applicant in the narrative, which is included here by reference.

Section 3.01.030 Application of Public Facility Standards

This section explains the general improvements required for partitions. More specifically the Code requires the following, as shown in Table 11:

Land Use Activity	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike & Ped
Partition (without public utilities)	No, unless required by fire code	C-2	C-3	C-3	No must accommodate drainage on site	No	No

ANALYSIS: No fire hydrants are required pursuant to the Development Code. For the record, hydrants exist along NE Woods Road along the project site frontage.

For street improvements, footnote C-2 would apply. C-2.d explains that a partition creating parcels at or above 2.5 acres is not required to provide any street improvements. As noted above, the smallest proposed parcel is 6.64 acres.

The table explains that water and sewer connections are not required for the RU zone.

Storm drainage must be accommodated on-site, or, at a minimum, continue the natural drainage patterns that existed prior to the partition. The City has a drainage pipe through the applicant's property, in an easement, but the applicant would not use this. It is conveying offsite flows through the pipe, through the property. An easement for this pipe is not shown on the map but should be added to the final plat.

Lastly, unrelated to actual street improvements, some street dedication is required for NE Woods Road, and has been shown on the proposed map.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standard.

CONDITION OF APPROVAL: Prior to City approval of the final plat, the plat shall be revised to show:

- a. the 15 foot-wide easement to City, as reflected in MF VOL. 1123, Page 224 PER C.S 18165, and,
- b. incorporate tax lot 6600 or Tract F of the Lone Oak Subdivision.

Section 3.04 Storm Drainage

All development in the City is required to provide for storm drainage. A partition is considered development.

ANALYSIS: As explained in the analysis for Section 3.01.030, improvements are not required, however, the applicant must still accommodate offsite drainage. The applicant is not proposing any improvements on the property. Section 3.04 states that a storm drainage plan and implementation of the plan are required prior to the construction of any facilities. In this case, no facilities are proposed or required. There are no mapped wetlands on the property and no FEMA Special Flood Hazard Areas. It shall be the on-going obligation of the property owner to accept any offsite drainage through patterns that may exist prior to the application. Other than that, there are no drainage requirements on the project.

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

Section 4.02.030 Standards for Lots or Parcels

This section includes many standards for partitions. These include:

- o Lot to depth requirements - the depth shall not be more than three times the width.
- o All new lots shall provide at least 40 feet of frontage.
- o Flag lots must have an access strip of at least 25 feet in width with an improved surface, and the access strip cannot exceed 150 feet in length without a turnaround.
- o Through lots shall be avoided.
- o Lot lines shall run at right angles when possible.
- o Utility easements may need to be provided.

ANALYSIS: The project proposes two parcels. Both meet the minimum lot area required, which is 2.5 acres based on the RU Zone. Both parcels meet the width to depth ratio. As discussed previously, all lots feature at least 40 feet of frontage and provide adequate access. No flag parcels or through parcels are proposed. All property lines that intersect with streets are at right angles. No new easements are required. Application PA 24-03 shows an easement to the City through the center

of the property that should be shown on this map as well. A condition of approval has been added. No remainder areas are shown and lot averaging is not used. All standards are met.

FINDING: Based on the analysis above, with conditions of approval, the project meets the standards.

CONDITION OF APPROVAL: Prior to City approval of the final plat, the plat shall be revised to show:

- c. the 15-foot-wide easement to City, as reflected in MF VOL. 1123, Page 224 PER C.S 18165, and,
- d. incorporate tax lot 6600 or Tract F of the Lone Oak Subdivision.

V. ACTION

Based on the above findings of fact, the proposed project, with conditions of approval, satisfies the applicable criteria and staff approves the Partition Application No. PA 24-05, Woods Partition #3, pursuant to the conditions of approval listed below.

VI. CONDITIONS OF APPROVAL

General Conditions

1. Development and/or the design of the final partition plat shall conform substantially to the tentative partition development plans submitted by the applicant dated October 18, 2024, and attached to this staff report, except as modified in the conditions below, and shall conform specifically to final construction plans reviewed and approved by the City Engineer and the Building Official (Linn County) if required. All plans shall comply with the applicable building, planning, engineering, and fire protection codes of the City of Millersburg.
2. **This approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code. Should the map expire, it will need to be re-processed as an all new map.
3. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
4. The applicant is hereby noticed that any further division of parcel 2 will likely require that the applicant provide access to 2833 NE 54th Avenue (tax lot 10S-03W-21-00700).

Prior to Approval of the Final Plat

5. The Final Plat shall be submitted for review by City staff prior to recording said plat with the County. The plat shall be drawn by a licensed land surveyor.

6. Prior to City approval of the final plat, the applicant shall provide evidence to the City that all requirements shown in the Albany Fire letter dated October 25, 2024, have been met.
7. Prior to city approval of the final plat, the plat shall be revised to show:
 - a. the 15-foot-wide easement to City, as reflected in MF VOL. 1123, Page 224 PER C.S 18165, and,
 - b. incorporate tax lot 6600 or Tract F of the Lone Oak Subdivision.

VIII. 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. A right-of-way permit is required for any work in the public right-of-way, including utility connections. All pavement patching work shall conform to the City of Millersburg Trench Backfill and Pavement Patching Standards. All work within the public right-of-way shall be performed by a licensed contractor and conform to the Albany Standard Construction Specifications, except as modified by the City of Millersburg Pavement Patching Standards.
2. Copies of any federal or state permits that may be required shall be filed in the Record File of this application.
3. All roof drains and yard drainage must be piped or trenched to an approved discharge point.
4. A Private Construction of Public Infrastructure (PCPI) permit is required for all construction of public infrastructure.
5. Driveways shall conform to Chapter 3.02 of the Millersburg Development Code, with individual driveway slopes not exceeding a grade of 15%.
6. Decks, fences, sheds, building additions, and other site improvements shall not be located within any easement unless otherwise authorized in writing by the City Engineer.
7. The Final Plat shall include any required access or utility easements.
8. All agreements required as conditions of this approval must be signed and recorded.
9. 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.

10. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
11. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
12. If required, any existing wells, septic systems, and underground storage tanks shall be abandoned in accordance with Oregon State Law, inspected by Linn County, and provide verification of such to the City Engineer.
13. The submittal by the applicant for Final Plat review and approval shall include but not be limited to the following: a **narrative identifying how the required conditions of approval have or will be met**; a copy of the Final Plat; and any other materials required to demonstrate compliance with the conditions of approval.
14. The Final Plat shall show the City Manager as the City's approving authority within the signature block of the Final Plat and all private access easements, utility easements, and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note, and associated document, shall be reviewed and approved by the City Planner.
15. An electronic version of the Final Plat must be submitted to the City Planner.
16. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
17. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
18. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. All construction equipment and materials shall not be stored in public right-of-way. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

IX. EXHIBITS

- A. Vicinity Map
- B. Zoning Map
- C. Applicant's Tentative Partition dated October 18, 2024

- D. Applicant's Narrative
- E. City Engineers comments dated October 25, 2024
- F. Albany Fire comments dated October 25, 2024
- G. Notice of Tentative Decision

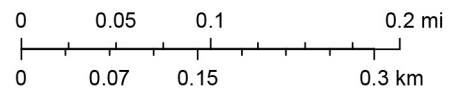
PA 24-05 Vicinity



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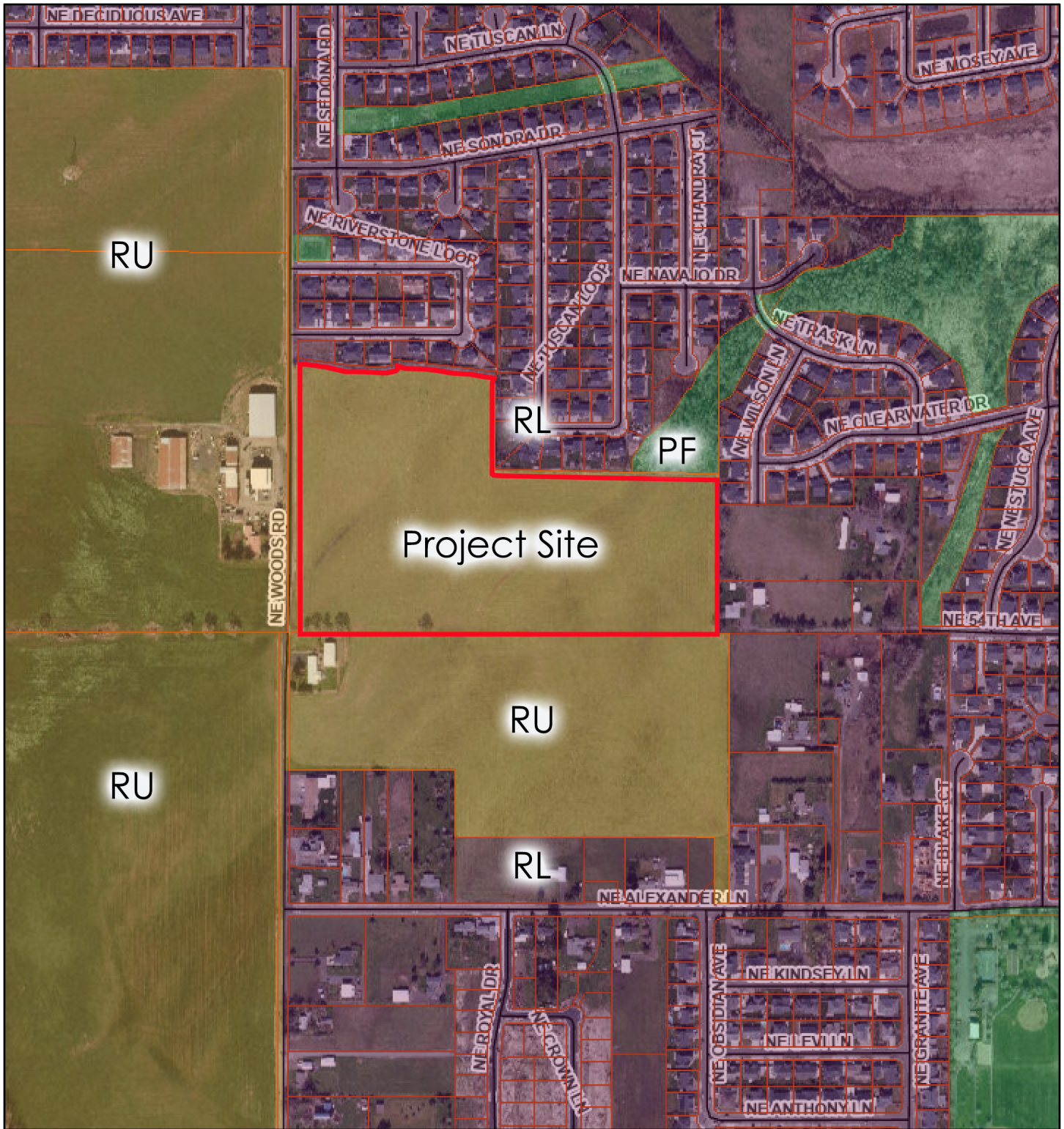
- Tax Lots
- Roads
- City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

ArcGIS Web AppBuilder

PA 24-05 Zoning



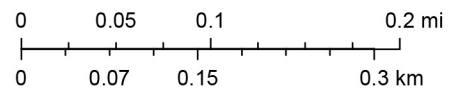
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Millersburg Zoning

- PUBLIC FACILITIES
- RESIDENTIAL LOW DENSITY
- RURAL

- Tax Lots
- Roads
- City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

ArcGIS Web AppBuilder

TENTATIVE PARTITION PLAT

PROPERTY STATISTICS:

TAX LOT 103
ADDRESS - NO ADDRESS ASSIGNED

ZONING:
RU - RURAL

PARENT PARCEL:
AREA: 29.28 ACRES

PARCEL 1:
AREA: 6.19 ACRES

PARCEL 2:
AREA: 22.86 ACRES

R-O-W DEDICATION:
AREA: 0.23 ACRES

NOTE:

DATA SHOWN ON THIS MAP IS BASED ON LINN COUNTY AND CITY OF ALBANY GIS DATABASES, ASSESSOR RECORDS, RECORD DEED INFORMATION AND RECORD SURVEY INFORMATION.

FLOODPLAIN:

SUBJECT PROPERTY IS LOCATED NOT FLOOD HAZARD AREA PER FEMA FIRM MAP 41043C0212H DATED 12-8-2016 AND FEMA FIRM MAP 41043C0204G DATED 9-24-2010.

WETLANDS NOTE:

THE NATIONAL WETLAND INVENTORY AND LOCAL WETLAND INVENTORY SHOW WETLANDS LOCATED ON THE SUBJECT PROPERTY AS SHOWN ON THE MAP. HOWEVER, BASED ON ADJOINING PROJECTS THERE MAY BE MORE WETLANDS LOCATED ON THE SUBJECT PROPERTY THAT WOULD BE IDENTIFIED BY AN OUTSIDE INVESTIGATION AND WETLAND DELINEATION.

OWNER/APPLICANT:

GARY WOOD + SHARI JOHNSON
5353 NE WOODS RD.
ALBANY, OR 97321

SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY ST.
ALBANY, OR 97321

FOR

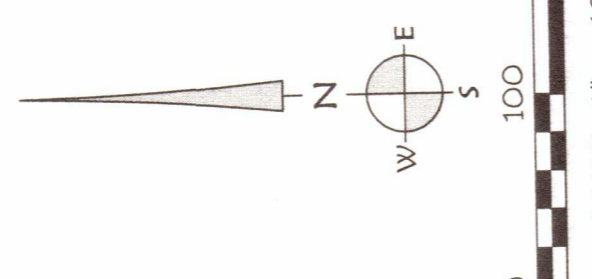
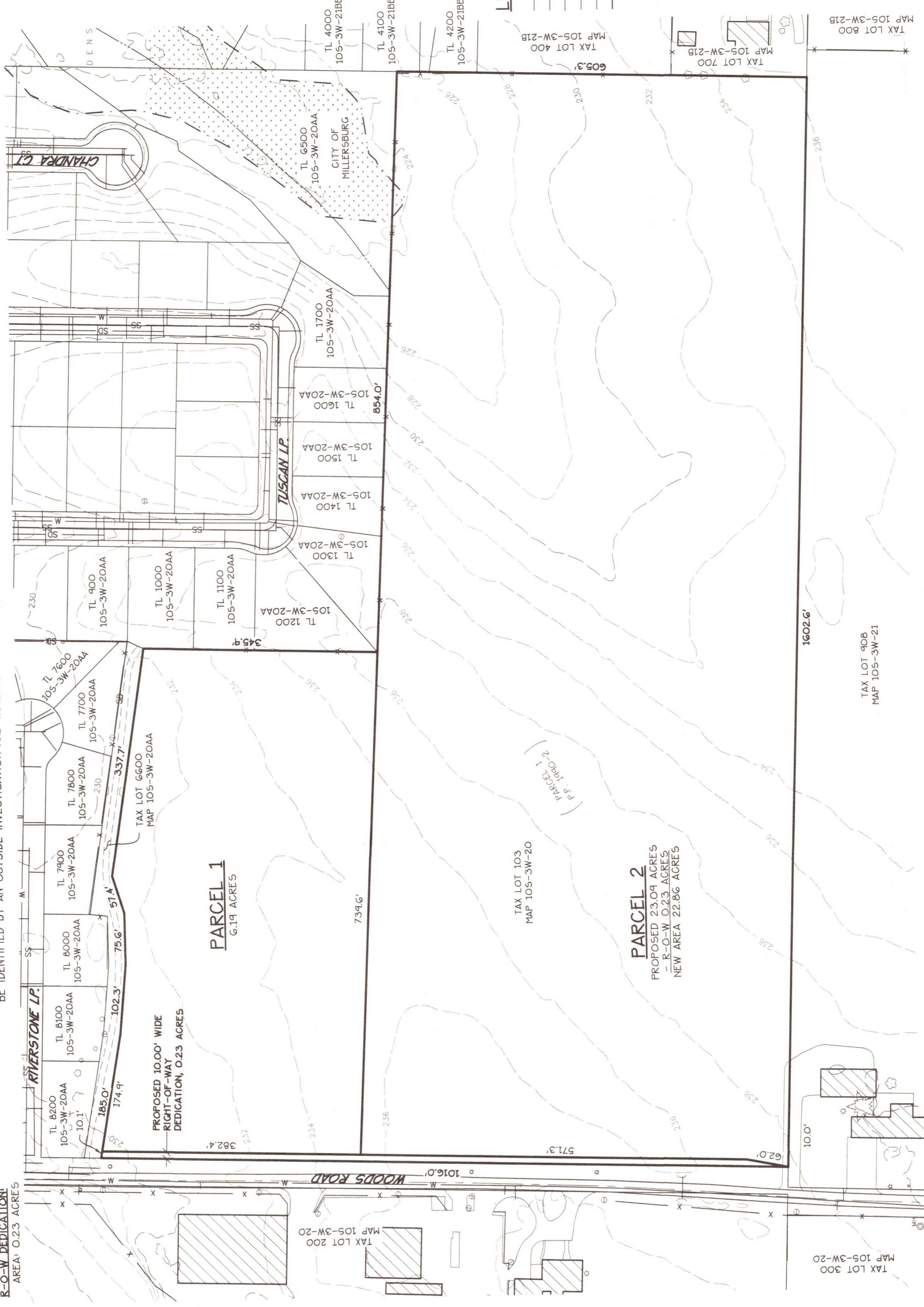
GARY WOOD

LOCATED IN

PARCEL 1 OF PARTITION PLAT 1990-02 IN THE
NE 1/4 SEC. 20 AND THE NW 1/4 SEC. 21,
T. 10 S., R. 3 W., W.M.

CITY OF MILLERSBURG, LINN COUNTY, OREGON

OCTOBER 18, 2024



LEGEND:

W	EXISTING WATER LINES
SS	EXISTING SEWER LINES
SD	EXISTING STORM DRAIN LINES
X	EXISTING FENCE
---	EXISTING DITCH LINE
---	EXISTING WETLAND DELINEATION
○	EXISTING UTILITY POLE
⊕	EXISTING VALVE
⊕FH	EXISTING FIRE HYDRANT
⊕MH	EXISTING 55 MANHOLE
⊕	EXISTING UTILITY POLE W/LIGHT
⊕	EXISTING LIGHT POLE
★	EXISTING CONIFER TREE
☼	EXISTING DECIDUOUS TREE
MH	EXISTING SD MANHOLE
CB	EXISTING SD CATCH BASIN
▭	EXISTING SD CURB INLET
⊕	EXISTING SIGN
P.P.	PARTITION PLAT
R-O-W	RIGHT-OF-WAY

Written Statement / Review Criteria

Wood Partition Plat
5452 & 5454 Woods Rd., Albany, OR 97321

Project Narrative:

The Applicant proposes a Partition to divide an existing 55.76 acre property into 3 Parcels. The current zone of the subject property is "RU". The subject property has an existing residence and multiple barns and shops related to the farming practices on the Wood property as shown on the tentative map. The existing residence is served with City water and Waste Water disposal is provided by a private septic system. The Wood family is in the process of estate planning and this partition will assist in that planning. No further development of the Parcels is proposed at this time.

5.08.060 - Decision Criteria.

Approval of a Subdivision or PUD shall be subject to the following decision criteria:

- (1) each parcel shall satisfy the dimensional standards of the applicable zone, unless a variance from these standards is approved.

Response: The subject property is 55.76 acres and is zoned "RU". Proposed Parcel 1 is 2.5 acres, Parcel 2 is 35.21 acres and proposed Parcel 3 is 19.07 acres. The proposed partition is consistent with parcel site requirements and zoning standards.

Finding: Condition met.

- (2) The parcels shall meet the Development Standards for Land Division of Chapter 4.02.

Response: The Development Code includes standards for parcel designs from Article 4.

Finding: Condition met.

- (3) Existing buildings shall comply with the setback requirements of the applicable zone, unless a variance from the requirements is approved.

Response: The exiting structures on proposed Parcel 1 do not encroach into the setbacks. Proposed Parcel 1 will be a rural residential property. Proposed Parcels 2 & 3 will remain AG properties with no immediate plans to further develop. All future improvements on subject Parcels will adhere to setback standards.

Finding: Condition met.

(4) Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped or landlocked, extending appropriate access to those properties will be required in accordance with adopted City policy. Adequate means the development will not cause streets (including sidewalks, intersections, and traffic control devices), sewer facilities, water facilities, and storm drainage facilities to exceed the relevant capacity for each type of facility established in the most recently adopted, Sewer Master Plan, Water Master Plan, Storm Water Master Plan, and the Transportation System Plan development in accordance with the State Transportation Planning Rule for which the determination will be made in accordance with Section 3.02.120. Adequacy can be established in three ways:

- a. Professional Engineering analysis determining the subdivision will not exceed the capacity of existing and future public facilities as projected in the most recently adopted water, sewer, and stormwater master plans and transportation system plan;
- b. Professional Engineering analysis determining what improvements will be required to increase the capacity of public facilities to adequately accommodate the subdivision and how those will be financed; or
- c. A combination of both a. and b.

Response:

Water and Sewer- City Water runs the entire length of Woods Road. City Sewer starts near the intersection of Woods Road & Riverstone Loop and runs north along Woods Road. Parcel 1 is currently served with City Water and a private septic system. No further development of Parcels 2 & 3 is proposed with this application..

Access- The subject property fronts Woods Road. Existing driveways and access points are in place. No additional access points or driveways are proposed with this application.

Finding: Condition met

(5) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

Response: The proposed partition will create one new Parcel. All adjoining lands have access to public roads.

Finding: The proposed partition does not block access of any adjoining properties.

(6) PUD. Approval of a planned unit development shall require compliance with the following in addition to the criteria listed above:

- a. Conformance with provisions of 4.02.010 (Purpose Statement).
- b. The proposal shall comply with the applicable development and layout provisions contained in Section 4.02.030 of this Code.
- c. Infrastructure shall be available and appropriate to serve the proposed development.

Response: N/A

Finding: N/A

3.01.030 - Application of Public Facility Standards.

Standards for the provision and utilization of public facilities or services available within the City of Millersburg shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured through a bond, deposit, agreement, or similar instrument approved by the City.

- **3.04.030 - Plan for Storm Drainage and Erosion Control.**

It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site and off-site drainage improvements may be required. Property owners shall provide proper drainage and shall not direct drainage across another property except within a continuous drainage way. Paving and catch basin outflows may require detention cells and/or discharge permits. Maintaining proper drainage is a continuing obligation of the property owner.

No construction of any facilities in a development included in Chapter 3.01.030 shall be permitted until a storm drainage and erosion control plan, designed in accordance with the most recently adopted City Engineering Standards, for the project is prepared by an engineer registered in the State of Oregon and is approved by the City. This plan shall contain at a minimum:

- (1) The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
- (2) Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
- (3) Calculations used by the engineer in sizing storm drainage facilities.

Response: Parcel 1 contains an existing residence and other site improvements, no changes to the existing drainage patterns and no improvements are proposed on Parcel 1. Parcel 2 contains various non-residential building associated with and supporting the farming on the Wood properties, no changes to the existing drainage patterns and no improvements are proposed on Parcel 2. Parcel 3 is vacant farm ground, no changes to the existing drainage patterns and no improvements are proposed on Parcel 3.

Finding: A storm drainage plan is not required.

CHAPTER 3.22. - WETLAND AND RIPARIAN AREAS

Response: The National and Local Wetland Inventories do not identify any wetlands on the subject property. Based on adjacent projects there may be wetlands located on the subject property that may be identified by a full wetland delineation. However no improvements or development is proposed with this application.

Finding: Condition met

- 4.02.030 - Standards for Lots or Parcels.

Response:

Minimum Lot Area- The minimum Parcel area for this development zone is 2.5 acres. Parcel 1 is 2.5 acres, Parcel 2 is 35.21 acres and Parcel 3 is 19.07 acres.

Parcel Width and Depth – All Parcels exceed the minimum width and depth dimensions.

Access- All Parcels have frontage along Woods Road. A private access easement over Parcel 2 to benefit Parcel 1 is proposed as shown on the tentative plat. This easement will be created with the recording of the final plat.

Flag Lots – No flag lots are proposed with this application.

Through Lots – No through lots are proposed with this application.

Parcel Side Lines – Parcel side lines run close to right angles as shown on the tentative map.

Utility Easements – A private utility easement over Parcel 2 to benefit Parcel 1 is proposed as shown on the tentative plat. This easement will be created with the recording of the final plat.

Re-Division – Parcels could be further divided in the future. At this time there are development plans for the subject property.

Public Dedication – A variable width right-of-way dedication along Woods Road is proposed with this application, as shown on the tentative map.

Remainder Areas - There are no remainder areas proposed for this application.

Lot Averaging – No averaging proposed.

Phased Development – This application does not propose any phasing.

Finding: The proposed partition meets Parcel standards.

- 4.02.040 - Additional Standards for Subdivisions.

Response – This application is for a Partition Additional Standards do not apply.

TO: Matt Straite, City Planner
FROM: Andrew Potts, Millersburg City Engineer
DATE: October 25, 2024
SUBJECT: PA 24-05 - Engineering Comments

1. The exiting home is currently connected to City water. All created parcels are remaining above 2.5 acres so they will remain zoned as Rural (RU). Therefore, no new utility connections are required.
2. Connection Charges are not applicable to this project.
3. The Final Plat shall include any required access or utility easements.
4. Wetlands may be present on the site. Work within wetlands is subject to the requirements of the Authority Having Jurisdiction (AHJ).
5. 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.



TO: Matt Straite, Community Development Director

From: Lora Ratcliff, Fire Marshal

DATE: October 25, 2024

SUBJECT: PA-24-05 –NE Woods Rd - Residential Partition – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments, which are based on limited information provide for the pre-application meeting and are subject to change.

****Land Use permit will include a \$125 Fire Plans Review fee****

1. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the new created lot as measured by an approved route of travel around the exterior of the structure with dead-end lengths not exceeding 150 feet long unless an approved turnaround is provided. (OFC 503.1.1, OFC 503.2.5 and OFC, Appendix D 103.4).

If this project utilizes an access easement which doubles as an Emergency Vehicle Access, before the City will approve issuance of a building permit for this parcel, the applicant must provide the Building Official with evidence that the following will occur before construction materials are brought on to the site (OFC 503):

An Emergency Vehicle Access Easement recorded on the affected parcels identifying that said easement shall be maintained by the owners and for purposes of ingress and egress to provide, without limitation, fire protection, ambulances, and rescue services and other lawful governmental or private emergency services to the premises, owners, occupants and invitees thereof and said easement shall made part of any submittal.

A “no-parking” restriction must be placed over the private access road and any additional areas on the property the Fire Marshal determines must be restricted for fire access. Signage will be required.

2. The fire apparatus roadways for this project accessing the site from the public way and serving two or more residential structures are required to be provided and maintained with a minimum 20 feet wide improved surface. (OFC 503.2.1)

“No-Parking – Fire Lane” signage and/or curb painting may be required.

3. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)

A turnaround may be required.

4. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.

5. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3).

October 31, 2024

Existing and proposed hydrants shall be identified on future plans.

6. INADEQUATE FIRE APPROACH & ACCESS TO WATER SUPPLY

If the Fire Official determines that there is an inadequate fire apparatus access condition or an inadequate fire water supply for one or more parcels of the proposed division, in lieu of providing adequate fire apparatus access or supply and acting in conformance to the standards set forth in **OAR 918-480-0125**, the Uniform Alternate Construction Standard for One and Two Family Dwellings, the Building Official, will select the following standard to address the inadequacies pertaining to structures built on the affected parcels:

- a. Installation of an NFPA Standard 13D fire suppression system

Lora Ratcliff
Lora.ratcliff@albanyoregon.gov
541.917.7728

LAR/lar



NOTICE OF TENTATIVE DECISION
PA 24-03, PA 24-04& PA 24-05 Woods
Partition #1,2, & 3
COMMENTS DUE November 19, 2024

November 4, 2024

The City of Millersburg has received three applications to partition property in the City. A partition is tool to divide property into 3 or fewer parcels. The projects were reviewed by staff for consistency with the Millersburg Development Code using a staff-level Land Use review process. **Staff is now issuing a tentative decision to approve each of the three tentative partitions with conditions of approval.** No hearings will take place.

The City is asking for your input. If you are getting this notice it means the property in this application is located near your property. Please review the attached exhibits and the staff reports (which include the tentative partition map) which are available here- <https://www.millersburgoregon.gov/planning/page/land-use-applications-and-applications-under-review> Look for the links to PA24-03, PA 24-04, and PA 24-05. After the expiration of this 14-day public review period, any input received will be taken into consideration, additional conditions of approval may be added to the final decision to mitigate any applicable concerns regarding consistency with criteria from the Development Code. After that, a final decision will be issued by Staff.

Interested parties are invited to send written comment or email. Failure of an issue to be raised in this notice period or failure to provide sufficient specific information to allow the Staff an opportunity to respond to the issue may preclude your ability to appeal the decision based on that issue. Please send all comments to 4222 NE Old Salem Road, Millersburg OR 97321, or via email to matt.straite@millersburgoregon.gov before November 19, 2024.

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 or online at the link shown above. For further information, contact Matt Straite at Millersburg City Hall at (458)-233-6300.

The final decision can be appealed within 15 days of to the Planning Commission.

APPLICANT: Gary Wood (all 3 applications)
LOCATION: PA 24-03- 5353 NE Woods Road.

PA 24-04- 5454 and 5452 NE Woods Road.
PA 24-05- No address, southerly of NE Riverstone Loop

TAX LOT: PA 24-03- 10S-3W-21-00908,
PA 24-04- 10S-3W-20-00200,
PA 24-05- 10S-3W-20-00103+10S-3W-06600

PARCEL SIZE: PA 24-03- 26.49 acres, PA 24-04- 55.76 acres, PA 24-05- 29.73 acres

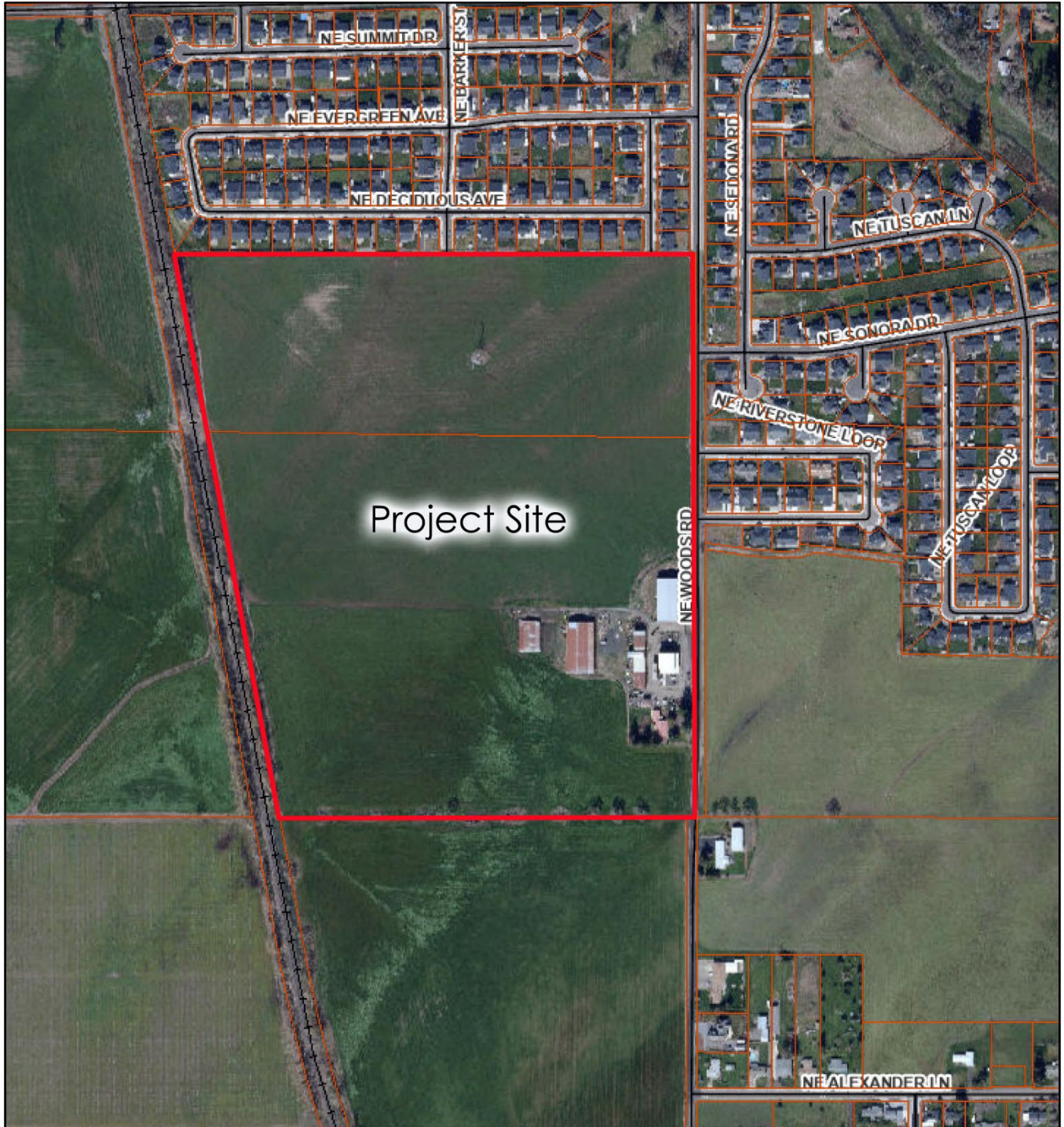
ZONING: Rural (RU)

REQUEST: The applicant and his family are proposing three tentative partitions to address estate planning concerns. No development is proposed as a result of these partitions. PA 24-03 proposes a two-lot split of an existing 26.49-acre parcel. The proposed parcels will be 2.5 acres and 23.84 acres. A 0.15 acre right of way dedication is also proposed for NE Woods Road. PA 24-04 proposes three parcels from an existing 55.76-acre parcel. The proposed parcels will be 2.5 acres, 35.21 acres, and 19.07 acres. A 0.45 acre right of way dedication is also proposed for NE Woods Road. PA 24-05 proposes to reconfigure two existing lots into two parcels. The proposed parcels will be 6.64 acres (as shown on the exhibit this would be Parcel 1 and tax lot 6600 together, the exhibit does not reflect this, it was a later addition by the applicant that will be revised on the final plat) and 22.86 acres. A 0.23 acre right of way dedication is also proposed for NE Woods Road.

CRITERIA: Millersburg Development Code; Article 5.07.060





FILE No.: PA 24-03, PA 24-04, and PA 24-05.

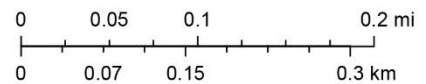
PA 24-04 Vicinity



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-  Railroad
-  Tax Lots
-  Roads
-  City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

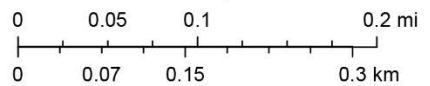
PA 24-05 Vicinity



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1:9,028

- Tax Lots
- Roads
- City Boundary



Linn County, OR Office of Assessment and Taxation, GeoTerra, 2021, City of Albany, County of Benton, County of Linn, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA