**Millersburg Planning Commission**

**December 13, 2016**

Present: Planning Commission members Anne Peltier, Connie Lepin, Dan Nixon,

Dave Post, Ed Perlenfein, Steve Vogler, Ryan Penning, Pat Edwards,

Skylar Bailey, City Planner Don Driscoll, City Administrator/Recorder

Barbara Castillo, City Attorney Forrest Reid

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

**MINUTES OF NOVEMBER 8, 2016**

***Steve Vogler moved, seconded by Dave Post to approve the minutes of November 8, 2016.*** The motion passed.

**PERLENFEIN PROPERTIES SUBDIVISION REQUEST**

Ed Perlenfein declared a conflict of interest, and removed himself from the table to sit in the audience.

Dave Post opened the Review and announced the purpose of this Review is to consider a request from Perlenfein Properties for a 12.24 acre Urban Subdivision on property located in the Millersburg Rural Residential Urban Conversion Zone RR – 2.5 – UC.

The Review is not a public hearing. Other than oral presentation by the applicant, the Planning Commission will only consider written comments. The Chair, members of the Commission or others with the approval of the Chair may ask questions. The applicant bears the burden of proof to demonstrate that the proposed use can comply with the standards and requirements of City Ordinances.

Ed Perlenfein said he is requesting approval of a 31 lot subdivision. This new plan shows a provision for a 30 foot reserve strip for Zuhlke Lane if and when there is a need for it. Perlenfein said he doesn’t care which plan the Commission approves; the original one with a loop system of the street or this one.

Connie Lepin asked why the 30 foot strip isn’t called a right of way but a reserve? Perlenfein said that is a term that his engineer, Dan Watson of K & D Engineering used. It would be an easement convertible to a public right of way.

Don Driscoll gave the staff report. Driscoll corrected the staff report on page 1 under Zone it should read RR 2.5 UC instead of 12.5 UC. On page 2 (5)(a) should be RR 2.5 UC instead of 10 UC. On page 5, the last sentence on item 16 should be removed so it will read, “The Zuhlke Lane Easement is convertible to a public right of way if and when requested by the City of Millersburg. North Waverly Drive shall terminate at the Zuhlke Lane Right of way unless other conditions are presented to justify the proposed connection to South Waverly Drive.

Also, on page 5, item 17, it should read, “ An Agreement with the Subdivision Developer has been completed and a City Resolution that specifies that a Zuhlke Lane easement will be provided by the Subdivision Developer together with payment for future improvements.”

Driscoll said the Millersburg Land Use Development Code and Oregon Revised Statutes Chapter 92, provide the applicable criteria for evaluation of the requested action. Driscoll pointed out that site drainage, detention and discharge locations require verification from the City Engineer. Out-flows and the capacity of the receiving drainage way need to be verified. An engineered drainage plan is required prior to construction approval and Plat approval. A storm water detention system may be required. If required, the type and design of the detention system shall be specified.

Driscoll said the requested Subdivision Tentative Plan can comply with city standards contingent upon compliance with the 27 Conditions of Approval contained in the staff report.

Barbara Castillo read into the record letters received from the following: Jack & Janelle Nichols who shared their concerns regarding drainage issues. They want to make sure the drainage from the new subdivision will not impact their property. Dave and Peggy Jewett and Doug Clark who are adjacent property owners just south of where Zuhlke Lane will be wrote letters in opposition of Zuhlke Lane being included in this subdivision. Their reasons were they would be required to give up 30 feet of their property which would not allow for any future development or subdivision, and they would be required to pay $175 per lineal foot for a half street improvement.

City Attorney Forrest Reid said if the city condemned their properties, the City would have to pay the going rate for the property. The city would also have to pay to improve Zuhlke Lane in that location also.

***Connie Lepin moved, seconded by Steve Vogler to approve the Perlenfein Subdivision Tentative Plan request that includes Zuhlke Lane contingent upon compliance with the Conditions of Approval contained in the Staff Report, including the changes discussed, change the wording of Zuhlke Lane Reserve to Zuhlke Lane Easement, and include the approval of the width of Lot 1 of 75.8’ from the required 80’.*** The motion was approved with 7 yes votes and one vote against by Dan Nixon and one abstention by Skylar Bailey.

**CONDITIONS OF APPROVAL**

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

**General Requirements**

1. The Perlenfein Subdivision is a private subdivision that constructs and dedicates all streets and municipal utilities to the City of Millersburg subject to acceptance by the City. Lots may be developed by the Owner or some lots may be sold for private development. All streets within the subdivision shall be public streets following acceptance by the City.

2. The Applicant has deferred detailed development plans until approval of the Subdivision Tentative Plan. Detailed plans for grading, drainage, stormwater detention, landscaping and irrigation, utilities, construction and lighting require City approval prior to signing the final Plat.

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 added, maintained or removed.

b. A Municipal Water and Sanitary Sewer Plan and construction specifications for on-site and off-site improvements in conformance with **Code Sections 5.127**, **5.128 and Code Section 8.200**.

c. A site Drainage Plan including stormwater transmission, detention and off-site receiving stream improvements in conformance with **Code Section 5.126** and **Section 8.200**. The Applicant shall clarify capacity and impacts of the proposed outflow connections and shall specify the off-site improvements necessary to accommodate the proposed subdivision drainage.

d. Street improvement plans in conformance with **Code** **Sections 5.122**, **5.123**, **5.124**, **5.125** and **Code** **Section 8.200**.

e. A Street Lighting Plan in conformance with **Code** **Section 5.135**.

f. CC&Rs or other specified means of maintaining common areas including the stormwater detention system and drainage ways.

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

4. The Applicant shall identify any existing primary trees to be maintained and those intended to be removed. Also any new trees to be planted.

5. The Applicant shall comply with the fire protective standards administered by the Linn County Building Official and the Jefferson Rural Fire Protection District. Hydrant and Turnaround locations shall be provided by the Applicant and approved by the Jefferson Rural Fire Protection District and the City.

6. Compliance with the federal Americans with Disabilities Act (ADA) is the responsibility of the Applicant/Owner including sidewalk accessibility standards.

7. Copies of any required federal or state permits that may be required shall be filed in the Record File of this application.

8. All required Certifications and CC&R’s shall be recorded and identified in the Declarations on the Final Plat. Copies of all CC&R’s shall be approved by the City and recorded copies shall be submitted to the City and maintained in the Record File of the application.

9. Any Tentative Plan changes shall be submitted to the City for approval. If proposed changes are not in conformance with City Ordinances or the approved Tentative Plan the Applicant shall be notified and the non-complying elements shall be corrected and resubmitted prior to approval of the Final Plat.

**Construction Standards**

All development standards shall comply with City Ordinances unless specifically amended herein. The City of Millersburg has adopted the City of Albany Standard Construction Specifications for urban development in the City.

10. All road and municipal utility construction shall conform to the City of Albany Standard Construction Specifications specified in **Code** **Section 8.610**. The Applicant shall submit construction details, specifications, a construction timetable and a phasing schedule prior to beginning construction.

11. All required public improvement plans shall be approve by the City prior to beginning construction. All utilities shall remain uncovered until inspected and approved by the City. All required public improvements shall be completed and approved by the City prior to approval of the Final.

**Street System Improvements**

Alexander Lane is a designated City Collector Street that servesthe proposed subdivision. Waverly Lane presently provides access to the Subdivision property, Parcel 3930.

12. The Subdivision Access Street connecting to Alexander Lane 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 subdivision.

13. The Local Streets within the subdivision shall have a minimum 52-foot right-of-way, 32-foot wide streets with a planter strip, trees and sidewalks in conformance with City Standards.

14. Street lighting and signs shall not, by size, location or color, interfere with traffic or limit visibility.

15. Termination of the proposed North Waverly Drive abutting the existing South Waverly Drive cul-de-sac needs clarification. North Waverly Drive as depicted extends through the Zuhlke Lane Reserve rather than connecting to the Zuhlke Lane Reserve.

16. The Zuhlke Lane Reserve is convertible to a public right-of-way if and when requested by the City of Millersburg. North Waverly Drive shall terminate at the Zuhlke Lane Reserve unless other conditions are presented to justify the proposed connection to South Waverly Drive. An Amendment to the presented Tentative Plan will be provided prior to presentation of the Final Plat for signature by the City Administrator.

17. An Agreement with the Subdivision Developer has been completed and a City Resolution will be adopted that specifies that a Zuhlke Lane Reserve will be provided by the Subdivision Developer together with payment for future improvements.

**Drainage System** **Improvements**

18. It is the obligation of the Applicant to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements may be required to accommodate flows. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage and floodways is a continuing obligation of the property owners.

19. Out-flows and the capacity of the receiving drainageway shall be verified by the Applicant. An engineered drainage plan is required prior to Plat and construction approval. Verification of the type and design of the detention system shall be provided. The Applicant shall clarify capacity and impacts of the proposed outflow connections and specify the off-site improvements necessary to accommodate the proposed subdivision drainage. Upstream flows shall be accommodated and downstream flows must limit impacts on downstream properties. There shall be no stormwater increased impacts from the proposed development on the existing drainage system.

20. Site drainage design shall limit off-site impacts to those that would occur from vacant land. All building roof drains and all impervious surfaces shall be connected to the storm drainage detention system. Out-flows shall require detention facilities and/or other discharge controls. All storm drains shall be connected to the detention system. The method of stormwater detention shall be approved by the City Engineer. The system shall be engineered by the Applicant in conformance with City Standards to control runoff from storm events.

21. All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to beginning construction.

**Utility System Improvements**

Urban level services are available to serve the proposed development including municipal water and sewer.

22. The proposed water system shall comply with fireflow needs for the development as determined by the Jefferson Rural Fire Protection District.

23. The Applicant shall coordinate with the City Engineer to provide verification of the existing sewer system capacity and identify any needed offsite improvements to be provided by the Applicant.

24. Project utilities shall be reviewed and approve by the City Engineer and the City of Albany Public Works Department for conformance with City Standards. Each system shall be designed and sized to accommodate urban expansion beyond the proposed development and shall conform to the City's Master Plan for water and sewer lines unless an alternative approach is presented for consideration and approval by the City.

25. The City of Albany provides permitting and inspection services to the City for the municipal water and sewer systems. All work shall remain open for inspection and approval prior to backfilling.

26. Municipal utilities shall be constructed to City standards and dedicated to the City of Millersburg. Utility easements shall permit public and serving utility access to all utilities.

27. Other public and private utilities to serve the proposed subdivision shall be coordinated and provided. All utilities shall be underground as specified in **Code Sections 5.129** and **8.200**.

The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Barbara Castillo

City Administrator/Recorder