



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 21, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Millersburg Plan Amendment
DLCD File Number 001-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: October 5, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

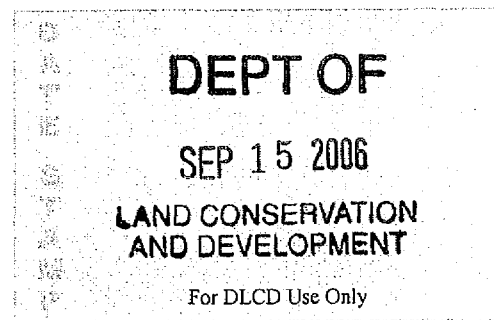
Cc: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
Steven Santos, DLCD Economic Development Planning Specialist
Barbara Castillo, City of Millersburg

<paa> ya



2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Millersburg Local file number: 06-014

Date of Adoption: 9/12/2006 Date Mailed: 9/14/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 7/12/2006

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A Zone Change to permit use flexibility and mixed use developments. Both the Limited Industrial-LI zone and the Limited Industrial-Commercial-LIC zone are presently applied in Millersburg. The Zone Change is for Linn County Assessor Map 10-3W-16, Tax Lots 200, 201, 203, 300 & 1300 that is under single ownership. Maps are attached.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: Limited Industrial - LI to: Limited Ind-Commercial-LIC

Zone Map Changed from: Limited Industrial - LI to: Limited Ind-Commercial-LIC

Location: NE Corner Millersburg Acres Involved: 44.51

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: Goals 1, 2, 9

Was an Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 001-06 (15373)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?

☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply?

☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption?

☐ **Yes** ☐ **No**

Affected State or Federal Agencies, Local Governments or Special Districts:

NONE

Local Contact: **Barbara Castillo, City Admin.**

Phone: **(541) 928-4523** Extension:

Address: **4222 NE Old Salem Road**

City: **Millersburg, OR**

Zip Code + 4: **97321-**

Email Address: **bcmburg@callatg.com**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

CITY OF MILLERSBURG

Planning Commission Public Hearing September 12, 2006 at 5:30 pm
City Council Public Hearing September 12, 2006 at 7:30 pm

MILLERSBURG ZONE CHANGE MAP AMENDMENT

Owner	Joseph W. Green, Mark Hoyt, Attorney
Property Location	Adjacent to the Jefferson Interchange #238
Assessor Map:	10-3W-16
Tax Lots:	101, 200,201,203,300, 305 & 1300
Area:	Approximately 44.51 acres
Land Use Zone:	Limited Industrial, LI

REQUESTED ACTION

The City of Millersburg proposes to change the zoning on Tax Lots 101, 200,201,203,300, 305 & 1300, Assessor Map 10-3W-16. The change is from an existing Limited Industrial Zone to a proposed Limited Industrial-Commercial Zone with the concurrence of the property owner.

The Millersburg Planning Commission and City Council approved the Zone Change Map Amendment on September 12, 2006 subject to compliance with the following Conditions of Approval.

CONDITIONS OF APPROVAL

The following Conditions of Approval shall apply to the described property prior to any development or use of the property.

1. All property development standards shall comply with City Ordinances. The City of Millersburg has adopted the City of Albany Standard Construction Specifications for urban development in the City. A complete development plan shall be submitted for approval of the City in conformance with City standards and shall include the following elements.
 - a. A complete development plan that locates all of the proposed buildings, streets and parking areas in conformance with **Section 5.300**.
 - b. A Grading and Landscape Plan in conformance with **Section 5.120** **Section 5.120** of the Millersburg Land Development Ordinance, including a Landscaped Buffer along Morning Star Road and identification of trees to be maintained or removed.
 - c. Municipal Water and Sanitary Sewer Plans and plans for other utilities supporting the development including construction specifications for on-site and off-site improvements.
 - d. A site Drainage Plan including stormwater transmission, detention and off-site receiving stream improvements in conformance with **Section 6.06 (3)**.
 - e. Street improvement plans in conformance with the required Traffic Impact Study.

- f. A Lighting Plan in conformance with **Sections 5.070** of the Millersburg Land Development Ordinance.
 - g. A Construction Schedule.
 - h. Specified means of maintaining common areas, including the stormwater detention system.
- 2. Construction limitations within the Bonneville Power Easement shall be identified and complied with.
 - 3. Compliance with the fire protective standards administered by the Linn County Building Official and the Jefferson Rural Fire Protection District is required. Hydrant and Turnaround locations shall be provided and approved by the Jefferson Rural Fire Protection District and the City.
 - 4. Morning Star Road and Old Salem Road are designated Arterial Streets. Both streets provide access to the property. Both streets may require additional off-site improvements and right-of-way expansion to accommodate the increased traffic generated by a development.

A Traffic Impact Study shall be submitted and approved by the City, Linn County and ODOT. The Study shall include an analysis and evaluation of the traffic conditions and an impact evaluation of connections to Morning Star Road, Old Salem Road and the Jefferson Interchange #238 and the extent and timing of needed road improvements.

- 5. Out-flows and the capacity of the receiving drainageway shall be verified. An engineered drainage plan is required prior to construction approval. Verification of the type and design of the detention 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 any proposed development on the existing drainage system.

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 inlet piping. The method of stormwater detention shall be approved by the City. This system must be engineered in conformance with City Standards to control runoff for storm events. All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to beginning construction.

- 6. There are wetlands identified on the "National Wetlands Inventory Map" for the Applicant's property that shall to be identified, protected or mitigated by the owner.

7. There are potential Flood Hazard Areas identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property that shall to be identified and protected by the owner.

NW COR. J. MEEKER
DLC 60

9 10
16 15

MORNING STAR RD

COUNTY RD NO 308

16CA
LAT

N.E. COR.
SARAH FARLOW
D.L.C. NO. 59

P.P.
1992-32

P.P.
95-82

PARCEL 1

PARCEL 2

P.P.LAT
1994-34

PARCEL 1
PARCEL 2

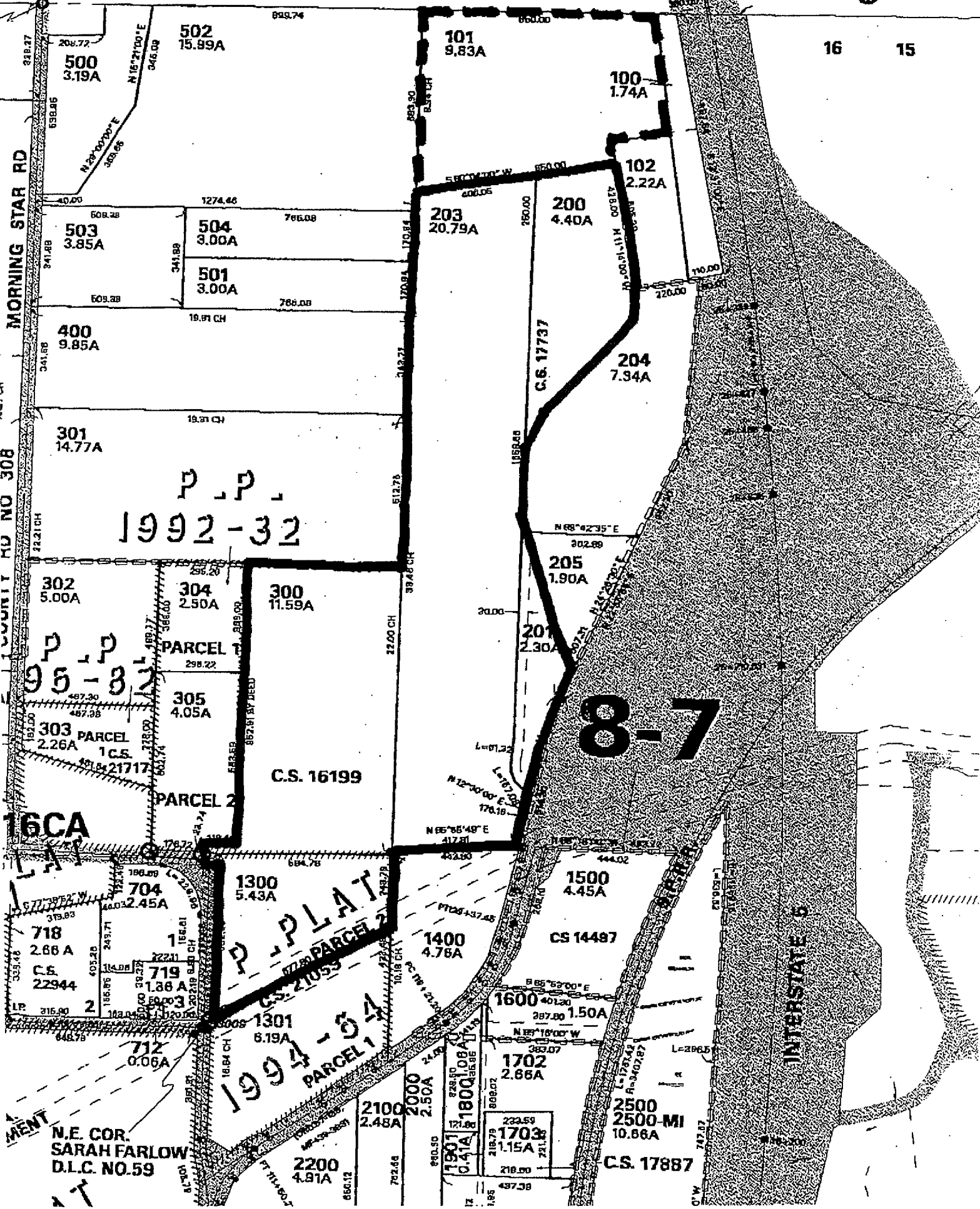
C.S. 16199

8-7

CS 14487

CS 17887

INTERSTATE 6



CITY OF MILLERSBURG
NOTICE OF DECISION
September 13, 2006

TO: APPLICANT AND PARTICIPANTS

FROM: BARBARA CASTILLO, CITY ADMINISTRATOR/RECORDER

RE: MILLERSBURG ZONE CHANGE AMENDMENT

This notice is to inform you that the Millersburg City Council held a hearing on a Zone Change Map Amendment to change the zoning on Tax Lots 101, 201, 203, 300, 305 & 1300, Linn County Assessor Map 10-3W-16. The change is from an existing Limited Industrial Zone to a proposed Limited Industrial-Commercial Zone with the concurrence of the property owner.

The Millersburg Planning Commission held a public at the Millersburg City Hall, located 4222 Old Salem Road NE, Millersburg, Oregon 97321 on Tuesday, September 12, 2006 at 5:30 p.m. The Planning Commission recommended approval of this request to the Millersburg City Council.

The Millersburg City Council held a public hearing on the same day and same place at 7:30 p.m.

The Millersburg City Council with a recommendation by the Millersburg Planning Commission approved with conditions the request. Attached is a copy of the minutes of the hearing summarizing the action.

A copy of the application, the staff report and all documents and evidence relied upon by the City Council in making their decision are available for inspection at the Millersburg City Hall at no cost.

An action or ruling of the City Council pursuant to this ordinance may be appealed to LUBA within 21 days after the City Council has rendered its decision. If the appeal is not filed within the 21 day period, the decision of the City Council shall be final.

Failure of an issue to be raised at the City's hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

For further information, contact Barbara Castillo at 541-928-4523.

MILLERSBURG PLANNING COMMISSION SEPTEMBER 12, 2006

PRESENT: Dan Nixon, Bob Brunson, Al Price, Royal Harger, Darrell
Goebel, Ed Perlenfein, Don Driscoll, Barbara Castillo

Chairman Al Price called the Millersburg Planning Commission to order at 5:30 p.m.

MINUTES OF AUGUST 8, 2006 & AUGUST 15, 2006

Ed Perlenfein moved, seconded by Dan Nixon to approve the minutes of August 8, 2006 and August 15, 2006 as written and sent out. The motion passed unanimously.

WIGGINGTON LAND PARTITION 1 & 2 TENTATIVE PLAN REQUEST

The applicant, Craig Wiggington has requested approval for two abutting Land Partitions at 5124 NE Old Salem Road. City Planner Don Driscoll said this is a complicated proposal and explained that first the applicant submitted a proposal and the staff report commented on his first proposal. Then the applicant submitted a second proposal which is what the Planning Commission has in their packet. Driscoll said in both proposals the applicant owns all of the property that is being shown and includes 4 existing lots, but when the property is divided will contain 8 lots containing two private roads, and two flag lots. Partition 1 is to the south and contains the existing house. Partition 2 is to the north and abuts the 20 foot wide access road that goes the full length of the proposed partition 2 and serves the Ramsey property. Driscoll said Proposal 1 would be a good opportunity to combine both of the areas and get a wider easement for a road. Driscoll said this changed with Proposal 2 where the applicant has moved the road to the south and so it no longer abuts the existing road. Driscoll explained that a partition is a division of property into 3 or less parcels. The applicant is proposing two partitions that also surrounds two existing parcels. You can have a private road in a partition, but the city prefers public streets. Driscoll said this proposal comes very close to being a subdivision and would make sense if this was done as a subdivision rather than two partitions.

Driscoll also said there are sewer, water, drainage and grading issues to be resolved.

Driscoll said he has conditions of approval but which proposal would be approved, the first one or the second one? Driscoll said the Planning Commission's choices are to approve with conditions depending on which proposal would be approved or to ask the applicant to come back with one proposal that would satisfy all conditions.

Geoffrey James, consultant for the applicant said they like the idea of the shared driveway for the north partition and presented the Planning Commission with a third proposal. James requested that Proposal 3 be approved that shows a tentative layout based on Driscoll's analysis. The driveways could be combined to increase the width if the neighbors could work out the reciprocal easement. James requested tentative approval of Proposal 3.

Ed Perlenfein commented on the northern road easement and said there was a potential this would be a city street and if it became a city street it would need to be wider. Driscoll said the applicant has 25 feet; the Ramsey's have 20 feet and if the Whitley's put some in there would be enough property for a city street.

Dan Ramsey said he owns the 20 feet that is just north of the subdivision and has offered it to Mr. Wiggington for a roadway. Mr. Whitley said he would be willing to put in another 5 feet. Ramsey said that Linn County put the water to his property when they redid the road several years ago, although he was not sure of the size of the water line. Ramsey suggested putting in both a main water line and sewer line down the proposed road to serve all three property owners properties.

Mr. Wiggington shared his concern that with a partition you are not required to bring in full city services. Wiggington said if he is required to put them in, the cost goes up about \$20,000 per lot and it becomes a point of economics. Wiggington said this would not be feasible for him and he would sell the property.

Ramsey said that he owns the road that serves Wiggington's property and he is still going to have to access it by some kind of a road.

Mr. James said the application is to turn the one parcel into three parcels and a discussion of city streets isn't relevant to this partition. Al Price explained to Mr. James that whatever the planning commission does, they have to meet what the city requires for other places as well so it is relevant.

A discussion on how both the sewer lines and water lines would be run was held. The applicant said his plan was to run individual lines for both the water and sewer for each property. Both City Planner Don Driscoll and City Engineer Jim McWade did not think this would be a good idea.

Millersburg resident and property owner Don Miller spoke up and said if the city would have to come back later to put in sidewalks and curbs at the taxpayers expense, he would be very upset and said it should be done correctly now.

Ed Perlenfein moved, seconded by Dan Nixon to table this request until the Planning Commission gets a proposal that is clear. The motion passed.

MILLERSBURG ZONE CHANGE MAP AMENDMENT PUBLIC HEARING

Chairman Al Price opened the Millersburg Zone Change Map Amendment Public Hearing.

Don Driscoll announced that the City of Millersburg proposes to change the zoning on Tax Lots 101, 200, 201, 203, 300, 305 and 1300, Assessor Map 10-3W-16. The change is from an existing Limited Industrial Zone to a proposed Limited Industrial-Commercial Zone with the concurrence of the property owner, Joseph W. Green.

The members of the Planning Commission were requested to declare and identify any actual or potential conflict of interest or ex-parte contacts on the issue. None were declared.

Driscoll also announced that "The applicable criteria for the decision will be addressed in the Staff Report".

Driscoll presented the Staff Report and said this is a City initiated proposal. Driscoll said the Millersburg Comprehensive Plan and the Millersburg Land Development Ordinance provide the applicable criteria for evaluation of the requested action.

Driscoll entered into the record written testimony received from Daniel Fricke, Senior Transportation Planner of the Oregon Department of Transportation with a recommendation that City action should be deferred until a Transportation Impact Study

to address the impacts of the application is done. Driscoll explained that a Traffic Study is required and is one of the Conditions of Approval for the Green property.

Driscoll also entered written testimony received from Marguerite Nabeta, Southern Willamette Valley Regional Representative of the Oregon Department of Land Conservation and Development requesting the hearing be deferred until a later date.

Driscoll called for testimony from anyone wishing to comment or ask questions.

Mark Hoyt, attorney representing Joseph Green said he thinks the zone change is something to allow his client to implement their proposal from the August 15, 2006 Planning Commission meeting. Hoyt said their traffic engineer is moving forward with the Traffic Impact Study. Hoyt requested approval of the zone change.

The hearing closed at 7:06 p.m.

Ed Perlenfein moved, seconded by Dan Nixon to recommend to the Millersburg City Council to approve a Zone Change from Limited Industrial Zone-LI to Limited Industrial Commercial Zone-LIC for Tax Lots 101, 200,201,203,300, 305 & 1300 identified on Assessor Map 10-3W-16 contingent upon compliance with the Conditions of Approval contained in the Staff Report. The motion passed unanimously.

Driscoll announced that following the City Council decision, the decision by the City Council may be appealed to LUBA within 21 days of the Council Notice of Decision.

LAND DEVELOPMENT CODE

Don Driscoll reported he has given Barbara Castillo a completed copy of the Millersburg Land Development Code that the Planning Commission has been working on for quite some time. Copies will be made of the code and distributed for both the Planning Commission and the City Council for their review. An evidentiary public hearing will be held November 14, 2006 prior to adoption of the code.

REIMBURSEMENT PROGRAM

Ed Perlenfein said he would like to bring up a reimbursement program for city services when they are put in by a developer. Perlenfein proposed to have CH2M Hill calculate and track them because he knows that city staff already has too much to do. This issue will be presented to the city council.

Driscoll said the council's past decision if a developer wants the water, he puts it in.

The meeting adjourned at 7:10 p.m.

Respectfully submitted,



Barbara Castillo
City Administrator/Recorder

MILLERSBURG CITY COUNCIL SEPTEMBER 12, 2006

PRESENT: Linda Boyce, Scott Cowan, Lisa Metz-Dittmer, Clayton Wood, Don Driscoll, Jim McWade, Forrest Reid, Barbara Castillo

The Millersburg City Council was called to order at 7:30 p.m. by Mayor Clayton Wood. The Pledge of Allegiance was said.

MINUTES OF AUGUST 8, 2006

Linda Boyce moved, seconded by Lisa Metz-Dittmer to approve the minutes of August 8, 2006 as written and sent out. The motion passed unanimously.

TRANSFER OF ROADS UPDATE

Barbara Castillo reported she has talked to Darrin Lane, the Linn County Roadmaster regarding the proposed transfer of ownership of Woods Road, Alexander Lane and Conser Road from Linn County to the City of Millersburg. Lane said he had been waiting for a spread sheet that showed each road, the footage and the total bottom line cost to Linn County. Jim McWade had provided him with those costs by email in early August but he had not received them. Lane is now in receipt of the information he had requested and things should move forward quickly.

MILLERSBURG DRIVE IMPROVEMENTS

Jim McWade reported the water line construction drawings designed by azTech Engineering are in the review process and are almost approved. The street design has not been started as CH2M Hill is waiting for direction from the City Council. McWade said the cemetery issue is a challenge. The city needs to determine how wide of a street will be built from Woods Road west on Millersburg Drive. McWade explained that the cemetery protrudes out into the right of way about 20 feet. The city has the full width where it is taken from the north side of the road, but it doesn't line up with the rest of the street.

Judy deSpain, Secretary of the Miller Cemetery Association said she is concerned with the cemetery. deSpain was assured that the City of Millersburg will not be moving any graves to straighten the road. deSpain said she is also concerned with the parking area on the Woods Road side of the cemetery. McWade said some of the parking area is in the right of way and parking will be along the road beside the new curb. Scott Cowan said perhaps the city could assist in making sure there will be adequate parking at the cemetery. McWade said the area in front of the cemetery on Woods Road will be the city's responsibility and not the developer's, will most likely be completed when Millersburg Drive is improved.

WOODS ACRE BERM

Jim McWade reported that he met with Matthew Conser, a surveyor from K & D Engineering, Darrell Goebel, and the current property owner of the property in the Woods Acre Subdivision that is affected by the placement of the berm that was put there several years ago and is causing drainage problems.

The decision that came from that meeting was for Conser Homes to pay for K & D Engineering to survey the ditch and come up with a plan to fix any current or potential drainage problems as a result of the placement of the berm. The current property owner has access to heavy equipment and is willing to do the actual work.

REQUEST FOR REIMBURSEMENT AGREEMENT

The City of Millersburg received a request from Matt Williams, a developer and owner of the Parker Ridge Subdivision, for the city to adopt a reimbursement agreement for infrastructure improvements made by a developer.

Mayor Wood said the council has had this discussion before and decided to stay out of any kind of reimbursement agreements. It was a unanimous consensus to maintain their previous decision regarding this issue.

MORNINGSTAR PUMP STATION

Jim McWade reported that the Morningstar Pump station upgrade is being done by the City of Albany. McWade said he has looked at numbers for sizing it taking into consideration the build out of all of the approved subdivisions. McWade found that the size hasn't changed because the old master plan is still valid. The pumps will be slightly upsized. Albany will use all the money Millersburg has in our surcharge account to pay for the upgrade. There will still be an additional amount to pay but the amount is not known at this time.

CITY HALL DRIVEWAY

Linda Boyce asked Jim McWade if he has moved forward with the repairs on the west driveway at the city hall. McWade said plans are being drawn up and he is not sure of the cost estimate for this project. Projects costing more than \$25,000 are required to be put out for bid. Both driveways need to be repaired but the west side is in worse condition. If the wet weather sets in before they can be repaired, the city might need to patch it temporarily.

MILLERSBURG ZONE CHANGE MAP AMENDMENT PUBLIC HEARING

Mayor Clayton Wood opened the Millersburg Zone Change Map Amendment Public Hearing at 8:16 p.m.

Don Driscoll announced that the City of Millersburg proposes to change the zoning on Tax Lots 101, 200, 201, 203, 300, 305 and 1300, Linn County Assessor Map 10-3W-16. The change is from an existing Limited Industrial Zone to a proposed Limited Industrial-Commercial Zone with the concurrence of the property owner, Joseph W. Green.

The members of the Millersburg City Council were requested to declare and identify any actual or potential conflict of interest or ex-parte contacts on this issue. None were declared.

Driscoll also announced that "The applicable criteria for the decision will be addressed in the Staff Report".

Driscoll presented the Staff Report and said this is a City initiated proposal. Driscoll said the Millersburg Comprehensive Plan and the Millersburg Land Development Ordinance provide the applicable criteria for evaluation of the requested action.

Driscoll entered into the record written testimony received from Daniel Fricke, Senior Transportation Planner of the Oregon Department of Transportation with a recommendation that City action should be deferred until a Transportation Impact Study to address the impacts of the application is done. Driscoll explained that a Traffic Study is required and is one of the Conditions of Approval for the Green property.

Driscoll also entered written testimony received from Marguerite Nabeta, Southern Willamette Valley Regional Representative of the Oregon Department of Land Conservation and Development requesting the hearing be deferred until a later date.

Driscoll called for testimony from anyone wishing to comment or ask questions.

Mark Hoyt, representative for Joseph W. Green said they want to reinforce they are in support of the zone change and said the traffic analysis is underway.

Mayor Wood closed the hearing at 8:20 p.m.

Driscoll told the Council that the Millersburg Planning Commission held a public hearing prior to this meeting and has recommended to the City Council that they approve the Zone Change Amendment.

Linda Boyce moved, seconded by Scott Cowan to approve a Zone Change from Limited Industrial Zone-LI to Limited Industrial-Commercial Zone-LIC for Tax Lots 101, 200, 201, 203, 300, 305 & 1300 identified on Linn County Assessor Map 10-3W016 contingent upon compliance with the Conditions of Approval. The motion passed unanimously.

Driscoll announced that the decision by the City Council may be appealed to LUBA within 21 days of the Council Notice of Decision.

LEAGUE OF OREGON CITIES CONFERENCE

Barbara Castillo provided those attending the annual League of Oregon Cities Conference September 28th - 30th with reservation confirmations and directions on how to get there. Councilors Cowan, Metz-Dittmer, Holsworth, Mayor Wood and City Administrator/Recorder Castillo will attend the conference.

MAYOR'S REPORT

Mayor Wood reported he attended a meeting regarding the bio field. The City of Millersburg should be receiving a bill from the City of Albany requesting additional funding for more studies. Weyerhaeuser, Wah Chang, City of Albany and the City of Millersburg are all participating in the study.

CITY HALL DAY

Barbara Castillo reported that Marilyn Smith of the City of Millersburg has invited the Millersburg City Council and others interested to City Hall Day October 19, 2006 from 10 a.m. to noon to meet with legislatures Andy Olson and Frank Morse to share concerns.

BILLS OF THE CITY

Lisa Metz-Dittmer moved, seconded by Scott Cowan to approve the bills of the City. The motion passed unanimously.

SEMINAR INFORMATION

Barbara Castillo informed and invited the Millersburg City Council and others interested to attend a Motivational Seminar in Portland on October 9th. Those interested in attending are to let Castillo know so she can provide them with a ticket.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara Castillo".

Barbara Castillo
City Administrator/Recorder

CITY OF MILLERSBURG

STAFF REVIEW AND REPORT

Planning Commission Public Hearing September 12, 2006 – 5:30 p.m.

City Council Public Hearing September 12, 2006 – 7:30 p.m.

MILLERSBURG ZONE CHANGE MAP AMENDMENT

Owner	Joseph W. Green, Mark Hoyt, Attorney
Property Location	Adjacent to the Jefferson Interchange #238
Assessor Map:	10-3W-16
Tax Lots:	101, 200, 201, 203, 300, 305 & 1300
Area:	Approximately 60 acres
Land Use Zone:	Limited Industrial, LI

REQUESTED ACTION

The City of Millersburg proposes to change the zoning on Tax Lots 101, 200, 201, 203, 300, 305 & 1300, Assessor Map 10-3W-16. The change is from an existing Limited Industrial Zone to a proposed Limited Industrial-Commercial Zone with the concurrence of the property owner.

APPLICABLE CRITERIA

The Millersburg Comprehensive Plan, the Millersburg Land Development Ordinance provide the applicable criteria for evaluation of the requested action.

1. The following Articles of the **Millersburg Comprehensive Plan** address commercial and residential conversion from a rural to an urban density.

ARTICLE 1 INTRODUCTION

Plan Revisions and Changes

Individual policy changes should be made as needed to maintain the Plan as an up-to-date guideline for urban development in the Millersburg area.

The Planning Commission should also undertake a general review of the Plan once a year to determine if any changes have occurred which warrant a full review of the Plan. A full review should be performed at least once every two years to determine if major revisions to the Plan or implementing measures are necessary. A public statement should be issued on whether revisions are needed.

Major Revisions

Major revisions include land use changes that have widespread and significant impact within the community.

The Plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the Plan. Major revisions should not be made more frequently than every two years unless changing conditions strongly warrant this significant action.

Minor Changes

Minor changes are those which do not have significant effect beyond an immediate area or are individual aspects of the Plan that do not represent a major policy change relative to the community as a whole. Minor changes should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should be made as needed to maintain the Plan as an up-to-date guideline for community growth and development.

The citizens in the area and affected governmental units should be given an opportunity to review and comment prior to changes in the Plan and implementation ordinances. There should be at least 30 days notice for the public hearing on the proposed change. In determining the affected persons to receive notice by mail of proposed changes, renters should be considered among those affected.

When adopted, the changes should be noted in a prominent place in the document, filed with the recorder, and copies made available to the public.

ARTICLE 3 POPULATION & ECONOMY POLICIES

1. The City shall continue to actively encourage industrial and business developments which can help improve the economy of the City, the Albany-Millersburg area, Linn County and the State.
2. The City shall encourage commercial and industrial developments that are compatible with maintaining the area's environmental resources and the livability of the community.
4. Future industrial and commercial developments shall utilize available urban services to the maximum extent possible to prevent pollution or other health hazards from occurring.
5. The City shall cooperate with industrial and commercial developments to assist in providing a level of urban services appropriate to their needs.
7. The City shall encourage commercial and service developments which meet the needs of Millersburg residents, the people working in Millersburg and the overall needs of the Albany-Millersburg Urban Area.
8. The City shall maintain liaison with the Oregon Department of Economic Development to assist in attracting developments that will improve employment opportunities for the area.
9. The City of Millersburg shall work cooperatively with the City of Albany and Linn County to ensure a continually improved economy for residents of the County.

ARTICLE 4 URBANIZATION POLICIES

2. The extension and improvement of urban services, particularly water and sewerage services, and transportation facilities shall be undertaken in a phased coordinated manner.

3. Public facilities and transportation networks shall contribute to an efficient framework for community development
4. Before building, rezoning, or annexation requests are approved, the City shall ensure that development proposals are within the city's service capability and the carrying capacity of the area's environmental resources.

ARTICLE 5 LAND USE POLICIES

Commercial Land Use

1. Commercial developments shall be constructed as compact centers or clusters, rather than scattered "strip development patterns" along roadways.
2. A compact commercial service center shall be encouraged within the Residential District, provided access is from an arterial or collector street.
3. Development of limited access and joint-use parking areas for commercial facilities shall be encouraged to reduce traffic conflicts and hazards.
4. Proposals for compatible commercial facilities within residential and industrial districts shall be considered, provided specific needs can be demonstrated and appropriate safeguards can be maintained to minimize conflicts.

ARTICLE 7 TRANSPORTATION POLICIES

1. Future streets and highways shall contribute to the creation of an efficient circulation network and provide for convenient movement of traffic and access to all parts of the community.
2. The circulation network shall help encourage compact community development, without disrupting or bisecting areas with a natural unity.
12. As the City continues to grow, additional collectors should be developed, particularly within the area north of Alexander Lane.
13. Development proposals shall be reviewed to ensure they do not adversely impact potential right-of-ways for needed collector and arterial streets. Additional right-of-way may be requested as a condition of approval if needed for future improvements.
17. Local residential streets shall be designated and constructed to discourage through traffic within residential neighborhoods.
18. New streets shall provide a logical continuation of the existing street system.
19. The alignment of new streets shall be determined with consideration given to existing property lines, natural features and maximum land utilization.
21. Existing and proposed street alignments and rights-of-way shall be protected from encroachment by future developments through adherence to the standards and review criteria of the Zoning and Subdivision Ordinance.

ARTICLE 8 PUBLIC FACILITY POLICIES

General policies

1. It is the intent of the City of Millersburg to provide urban level services to the entire urban growth area during the planning period. The city shall insure that public facilities, utilities, and services contribute to an orderly and efficient framework for incremental community growth and development, in coordination with the planned development of the community.
2. The city shall consider impacts on community facilities before building, rezoning, or annexation requests are approved.
3. The city shall maintain procedures which require development projects to bear a portion of the cost for needed support facilities.
4. Growth trends shall be carefully monitored to accurately anticipate the need for future public facilities expansion.

Storm drainage

2. As part of the city's project review process, private developments shall be required to submit detailed drainage plans in conformance with the city's drainage program.
3. Storm drainage plans shall be reviewed to determine the impacts of projects on existing and future land use and on the natural environment.
4. Open drainage courses that can function as linear greenways shall be preserved as open space wherever possible in lieu of creating covered storm drains.

Sewerage Facilities

2. The city shall provide sewer service only within the planned service area capability of the collection system and the agreed treatment capacity provided under the Albany/Millersburg wastewater treatment agreement. The city may provide sewerage service to requesting areas within it's service capacity, provided all costs are paid by the applicant or benefiting property owners.
2. The following Sections of the **Millersburg Land Development Ordinance** specify the standards and procedures for a Map Amendment to the Millersburg Land Development Ordinance.

Section 2.070 specifies the Form of Petitions, Applications & Appeals.

Section 2.080 specifies Notice Procedures

Section 2.090 specifies Review and Hearing Procedures.

Section 2.100 specifies Appeal Procedures.

Section 3.040 specifies Zone Map Amendment Requirements.

Section 4.310 specifies the standards for Limited Industrial-Commercial Zone-LIC.

Section 4.320 specifies the standards for Limited Industrial Zone-LI.

Article 9 specifies the Amendment Procedures.

Announce - Testimony, arguments and evidence must be directed toward the applicable criteria described in the Staff Report, or other criteria in the Comp Plan

or the Land Use Development that a person believes applies to the application and decision.

Announce - Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision makers and the parties an opportunity to respond to the issue precludes appeal to the City Council or the Land Use Board of Appeals (LUBA) based on that issue.

STAFF REVIEW

1. The proposed Zone Change from Limited Industrial Zone-LI to Limited Industrial-Commercial Zone-LIC is initiated by the City of Millersburg to provide more flexibility in the type of uses that can occur on the described property.
2. The proposed Zone Change is intended to encourage developments that benefit the community.
3. Both the Limited Industrial Zone-LI and Limited Industrial-Commercial Zone-LIC are presently applied in the City.
4. The proposed Zone Change maintains the limited industrial option while offering commercial uses as an additional option that can benefit the community.
5. Presently less than 1% of the City is utilized for commercial use and there is less than 20 acres of undeveloped Limited Industrial-Commercial Zoned land in the City and that is located in Southern Millersburg 4 miles south of the City's primary residential area in Northern Millersburg. There are no commercial facilities in Northern Millersburg other than a small convenience grocery store at the corner of Old Salem Road and Conser Road.
6. The Zone change can provide commercial facilities to serve the City's developing residential area in Northern Millersburg that contains over a thousand acres with the capacity to support over 6,000 people.
7. The proposed Zone change is a Minor change that is an individual aspects of the Millersburg Comprehensive Plan that does not represent a major policy change relative to the community as a whole.
8. Development safeguards are provided through the applied Conditions of Approval.
9. The Conditions of Approval will be applied when development of the property is proposed.
10. The Conditions of Approval are use specific and therefore cannot be initiated until a specific use is proposed for the property.

CONDITIONS OF APPROVAL

The following Conditions of Approval shall apply to the described property prior to any development or use of the property.

1. All property development standards shall comply with City Ordinances. The City of Millersburg has adopted the City of Albany Standard Construction Specifications

for urban development in the City. A complete development plan shall be submitted for approval of the City in conformance with City standards and shall include the following elements.

- a. A complete development plan that locates all of the proposed buildings, streets and parking areas in conformance with **Section 5.300**.
 - b. A Grading and Landscape Plan in conformance with **Section 5.120** of the Millersburg Land Development Ordinance, including a Landscaped Buffer along Morning Star Road and identification of trees to be maintained or removed.
 - c. Municipal Water and Sanitary Sewer Plans and plans for other utilities supporting the development including construction specifications for on-site and off-site improvements.
 - d. A site Drainage Plan including stormwater transmission, detention and off-site receiving stream improvements in conformance with **Section 6.06 (3)**.
 - e. Street improvement plans in conformance with the required Traffic Impact Study.
 - f. A Lighting Plan in conformance with **Sections 5.070** of the Millersburg Land Development Ordinance.
 - g. A Construction Schedule.
 - h. Specified means of maintaining common areas, including the stormwater detention system.
2. Construction limitations within the Bonneville Power Easement shall be identified and complied with.
 3. Compliance with the fire protective standards administered by the Linn County Building Official and the Jefferson Rural Fire Protection District is required. Hydrant and Turnaround locations shall be provided and approved by the Jefferson Rural Fire Protection District and the City.
 4. Morning Star Road and Old Salem Road are designated Arterial Streets. Both streets provide access to the property. Both streets may require additional off-site improvements and right-of-way expansion to accommodate the increased traffic generated by a development.

A Traffic Impact Study shall be submitted and approved by the City, Linn County and ODOT. The Study shall include an analysis and evaluation of the traffic conditions and an impact evaluation of connections to Morning Star Road, Old Salem Road and the Jefferson Interchange #238 and the extent and timing of needed road improvements.

5. Out-flows and the capacity of the receiving drainageway shall be verified. An engineered drainage plan is required prior to construction approval. Verification of the type and design of the detention 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 any proposed development on the existing drainage system.

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 inlet piping. The method of stormwater detention shall be approved by the City. This system must be engineered in conformance with City Standards to control runoff for storm events. All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to beginning construction.

6. There are wetlands identified on the "National Wetlands Inventory Map" for the Applicant's property that shall to be identified, protected or mitigated by the owner.
7. There are potential Flood Hazard Areas identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property that shall to be identified and protected by the owner.

The proposed Zone Change may be approved by the City contingent upon application of the Conditions of Approval, unless there is written factual data presented in opposition at the City's Hearings that would alter the findings for approval of the request.

FINDINGS FOR APPROVAL OF THE REQUEST

1. The Zone Change complies with the Millersburg Comprehensive Plan subject to compliance with the Conditions of Approval.
2. The City has mailed notifications to property owners within the required 100 feet from the subject property 20 days prior to the City Public Hearings in conformance with **Section 2.080 of the Millersburg Land Development Ordinance**.
3. The Zone Change and permitted uses are similar to and compatible with existing and permitted uses within the City and complies with the urban development standards of the Millersburg Land Development Ordinance subject to compliance with the Conditions of Approval.
4. Both the Limited Industrial Zone-LI and Limited Industrial-Commercial Zone-LIC are presently applied in the City. The proposed Zone Change maintains the limited industrial option while offering commercial uses as an additional option.
5. The proposed Zone change is a Minor change that is an individual aspects of the Millersburg Comprehensive Plan that does not represent a major policy change relative to the community as a whole.

6. The proposed Zone Change is intended to encourage developments that benefit the community.
7. There is a need for commercially zoned land in close proximity to the adjacent developing residential area of the City.
8. Development safeguards are provided through the applied Conditions of Approval.
9. The Conditions of Approval will be applied when development of the property is proposed.
10. There is excess capacity available to serve the property from all utilities including municipal water and sewer, electrical power, gas and communications.
11. A Traffic Impact Study and provision of required improvements will be provided in conformance with the Conditions of Approval.
12. Drainage improvements, a storm drainage system and storm water detention facilities will be provided in conformance with the Conditions of Approval.
13. There are wetlands identified on the "National Wetlands Inventory Map" for the Applicant's property that will be identified, protected or mitigated in conformance with the Conditions of Approval.
14. There are potential Flood Zones identified on the "FEMA Flood Insurance Rate Maps" for the Applicant's property that will be protected in conformance with the Conditions of Approval.

Recommended Motion to Approve

Move to approve a Zone Change from Limited Industrial Zone-LI to Limited Industrial-Commercial Zone-LIC for Tax Lots 101, 200,201,203,300, 305 & 1300 identified on Assessor Map 10-3W-16 contingent upon compliance with the Conditions of Approval.

