



Approved: October 3, 2023

PLANNING COMMISSION PUBLIC HEARING MINUTES

4222 NE Old Salem Road

Millersburg OR 97321

September 5, 2023

6:00 p.m.

A. CALL TO ORDER: Vice-Chair Doug Iverson called the meeting to order at 6:00 p.m.

B. ROLL CALL:

Members Present: Vice-Chair Doug Iverson, Commissioners Monte Ayers, Alex Patterson, and Caryl Thomas

Members Absent: Chair Wil Canate Jerry Horn, and Ryan Penning

Staff Present: Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Janelle Booth, Assistant City Manager/City Engineer; and Margaret Gander-Vo, City Attorney

C. MEETING MINUTE APPROVAL

6:01 p.m.

ACTION: Motion to Approve the August 1,2023, minutes as written, made by Commissioner Alex Patterson; seconded by Commissioner Monte Ayers.

Vice-Chair Doug Iverson: Aye

Commissioner Monte Ayers: Aye

Commissioner Alex Patterson: Aye

Commissioner Caryl Thomas: Aye

Motion Passed: 4/0

D. PUBLIC HEARING –

FILE No.: SP 23-02, CUP 23-01, LA 23-01

SP 23-02. The Site Plan Review proposes an expansion of the existing truck service center located at 5801 NE Old Salem Road, from the current 12,000 square feet to 60,850 square feet total, and an all new 112,320-square-foot warehouse/ light industrial structure.

CUP 23-01. A Conditional Use Permit is requested because both proposed uses are listed as conditional uses in the Light Industrial Zone (truck repair and truck sales).

LA 23-01. A Property Line Adjustment is proposed to adjust the line that is currently between the lots so that each building is on its own lot. Lot 1 is proposed to be 608,565 square feet and lot 2 is proposed to be 375,649 square feet. Access easements are proposed for lot 2 to have access to the street.

Vice-Chair Doug Iverson opened the Quasi-Judicial Public Hearing at 6:02 p.m.

City Recorder Sheena Dickerman read the disclosure statement.

No Commissioners had a conflict, site visit or exparte contact.

No one from the public challenged the Commissioners.

Community Development Director Matt Straite gave an overview of the staff report. He described the location and zoning of the area. He explained that the project includes three applications: site plan review, a lot line adjustment, and a conditional use permit. He walked through each of the applications. The project is split into two projects and two businesses. The first part of building A already exists and is intended to remain, it is a truck facility. The rest of the building is an expansion. There is no user identified for the second site.

For site A, there will be a new 2-story building, 13 bays, a paint booth, truck sales and fencing added. Normally, fencing is not something that is talked about, but the City's Code says any project along NE Old Salem Road has to provide fencing, specifically through a site plan review, because the City Council has had some concerns about the look of NE Old Salem Road. The applicant shows that the fencing will primarily be around the truck center.

Building B is on the east and closer to I-5. No tenant has been identified. Any use permitted by right can move in without a need for another Land Use action, but anything needing a Conditional Use Permit (CUP) will need to have a new Land Use action. Building B has 22 bay doors. It shares access with the project and could have multiple tenants.

The property line adjustment is to help them be consistent. Straite showed what it looks like today and what it would look like in the future. The CUP is needed because both uses for Site A require it. A CUP is required when the use might be acceptable if it blends with the neighborhood. It allows the City to add more kinds of conditions.

Straite stated that to approve it must meet all criteria. The proposed uses have to be permitted in the Light Industrial (LI) zone. Both are listed, the truck repair and the truck sales, as conditional uses. The truck sales must be new trucks and used, not just used only. A use for Building B has not been identified. Next the project must meet zoning requirements. He noted that it needed to meet all the zoning requirements, the height of the building, it is under the 50-foot height limit. It must meet setbacks, but setbacks only apply when it is next to a residential zone. The one residential side does not count because it is not zoned residential. The residential zone across the street does not count in this case because the street is acting as a buffer. The lot coverage has to be consistent, in LI it needs to be 90%, they are 81.3% which is consistent with zoning requirements.

Straite said It cannot create negative impacts, including traffic, noise, dust and glare to the surrounding community. In the staff report the applicant has provided a traffic study that states that the streets have the capacity to accommodate truck traffic. He explained that not only did the traffic study analyze surrounding existing projects but also the surrounding approved projects that may not be up and operating. Specifically, the Intermodal site to analyze capacity. Negative noise impacts might be possible from this project. Staff has added mitigation measures to address that, specifically for the use of Jake brakes and the use of pneumatic air tools. The staff report shows how it will be handled. There shouldn't be any dust, as there will be paving over the gravel lot. For glare, there is a condition of approval that they provide a lighting plan.

Straite said adequate facilities already exist in NE Old Salem Road; the water, sewer and stormwater are already there. An additional water meter will be required for the second

lot. The right-of-way permits, from the County, will be required to access them. He reminded everyone that NE Old Salem Road is a County facility, not a Millersburg facility. Conditions of Approval have been added to ensure that the correct standards are being met.

The Property Line adjustment can't create more parcels than exist today. Newly configured lots cannot violate zone standards. The new lot lines respect the zoning requirements.

Strait pointed in the presentation that the area showing blue is not the applicant's property but is showing what the applicant uses as access. The applicant has an access easement with the neighbor that allows them to use it. The applicant has said that the existing easement will cover the expanded uses. It wasn't clear to staff and so a condition of approval has been added to clarify.

The last criteria requirements does not allow lot lines under existing buildings. The applicants are consistent with that.

The Conditional Use Permit (CUP) has four criteria. The uses must be allowed and consistent with the zone, which was shown under the Site Plan review. The project must meet all other standards in the Code. The Zoning Code #6 shows what kind of use is allowed. He highlighted this section, "the storage of disassembled and damaged vehicles cannot be seen from the street". Staff was not sure if that was being accommodated, a condition of approval was added that if the applicant was storing disassembled vehicles on the site, it would need to be screened and they would need to bring it back to the Community Development Director to make sure it met the requirements.

The second criteria asks if the characteristics are suitable for the use. The site is flat. The site is suitable for use. The third criteria asks if the proposal is timely, if the streets and utilities are big enough to accommodate the use. The applicant has provided a study that shows that they can accommodate the two uses and all the infrastructure is in place to accommodate the use. The last criteria says that it can't alter the character of the area. This allows the City to add additional mitigation if it will have significant impacts to the area.

Strait said that the project's façade will greatly improve and blend with the neighborhood. Staff has added mitigation measures for noise and glare and with those the criteria has been met.

Strait stated that the standards were addressed in detail in the staff report. He mentioned Chapter 3, Street Standards and said no street improvements were required. The County has confirmed this. The applicant will have to add some sidewalks.

Strait passed out a memo to the Planning Commission from the applicant that provided additional detail on how they met the standards. Staff recommended approval.

APPLICANT-

Dominic Nicandri, Director of Facilities, Gordon Truck Center- He has worked with Gordon trucking for 21 years. He gave a brief history of the family company, Gordon Trucking and

the area of their dealerships; Alaska, Washington, Idaho, Oregon and Northern California. Gordon Trucking supports trucking transportation, local municipalities, construction companies, and any businesses that operate commercial vehicles. He said there is a saying that says, "if a person bought it, a truck brought it". Their company is here to support selling and servicing all commercial vehicles. He commented that the City's logo says "linking agriculture and industry" and they are here to support that. It is not just long-haul trucking, they do a lot of repairs on buses, local lumber, and box trucks, etc.

Nicandri said this will bring jobs and support the area. Currently they have 15 employees and plan to add 38 new jobs. He said that it was unknown who would be in Building B, but there could be an additional 112 jobs.

Nicandri said that the plan includes infrastructure for an electric vehicle charging station.

PUBLIC TESTIMONY

Ted Pratt, Millersburg- asked if the Intermodal Center would be operational soon. Iverson replied that it is unknown. Pratt questioned the traffic study, how it could be accurate with the Intermodal Center coming. He stated that there are several trucking companies already in Millersburg. He listed a few trucking companies. He asked how reliable the traffic study was.

Assistant City Manager/City Engineer Janelle Booth explained that the Intermodal project went through a Plan Review process and did a traffic study. Those numbers are used in these future projections. When this traffic study was done the assumption is that the Intermodal Center already exists today and adds those numbers in. In addition to doing traffic counts today and adds in the Intermodal Center numbers and their numbers on top of it. It showed that no changes to NE Old Salem Road were necessary to meet the standards.

Pratt expressed his concern regarding the traffic on NE Old Salem Road.

Greg Saling, Millersburg- He expressed his concerns with the traffic impact. He said he had not seen the traffic study and asked if it was made public. Straite replied that it had been made public. Saling said that all Millersburg residents rely on NE Old Salem Road to get in and out. He stated that it takes a lot of time to get in and out of his neighborhood. He asked who would pay for improvements when the negative impacts would come. He stated that he felt that there needed to be one more freeway access to I-5 added and possibly the widening of the road (NE Old Salem Road).

Frank Grosso, Millersburg- He asked if any tax breaks were given. Iverson replied no.

City Attorney Margaret Gander-Vo explained that this is where the public provides testimony and any questions can be directed to staff, the applicant, but not the Chair.

Booth said this would be a good question for the applicant during their (rebuttal) period. Grosso asked where the public information for the traffic study is. He said that the major access to the project was across the street, from NE Clearwater Drive. He asked if that access would continue and if it would become a four-way intersection, more than it already was. Straite replied that NE Clearwater Drive would not be closed. He showed

that the access that currently exists across from NE Clearwater Drive would be closed and the applicant will stagger the driveways on both ends of the project. Grosso clarified that the current access would be closed. Straite affirmed.

Grosso asked what the mitigation was for the jake brakes. Straite replied that the mitigation was in the staff report. Grosso had not read the staff report. Straite said that the mitigation says that signs should be added to the exiting driveways to remind the drivers that the use of jake brakes is not allowed. Grosso asked where the signs were to be placed. Straite replied the driveway exits. Grosso said that usually jake brakes are not used at the exits, they are using jake brakes on NE Old Salem Road. He mentioned that he hadn't seen anything on NE Old Salem Road regarding jake brakes not being allowed and hadn't seen any enforcement.

Iverson said the three-minute time limit was up. He explained that the agenda packet was online and the applicant may want to say something afterwards.

Karen Saling, Millersburg- She expressed concern about too much trucking on NE Old Salem Road and its effect on the property values. She expressed concern of the noise, the traffic, and other things would cause problems and lower the property value on NE Clearwater Drive and surrounding area. She did not want to see her property value decrease due to increase in the trucking.

Saling said that NE Old Salem Road is the main drag to get in and out of Millersburg. She said that traffic getting bad on NE Old Salem Road would be a problem. She said that it is unknown what the impact of the Intermodal Center would be. She commented that if it was anything like the area down by Love's, it would be bad. She said that there was no access or streetlights being done down by Intermodal. She stated that she thought it was a bad idea to add another trucking situation.

Iverson said that the project has been reviewed. Saling asked if a traffic study was done before Love's was put in. She asked for it to be looked at what is already happening. She said Love's is a heavy traffic area and needs more control in that area. She said if a traffic study was done in that area, she thought it had failed. She expressed concern that no one knows what impact the Intermodal Center will have and now adding another. She reiterated her concern about traffic and property values.

Gander-Vo reminded that property values are not part of the applicable approval criteria and testimony needed to be tailored to the approval criteria and responsive to evidence in the record. She added that where testimony has been submitted regarding traffic study has been noted. She said that if the public wanted to use their time to address other items that would be a better use of their time.

Pam Thomas, Millersburg- She stated she agreed with the traffic concerns. She raised a concern regarding noise with the current trucking operations and the additional that would happen. She asked what the hours of operation were. She questioned whether the additional signage required in the staff report would be sufficient. She said another concern was the lighting. She expressed that she currently has issues, especially during winter.

Nicandri thanked the residents for expressing their concerns. He said that they had eliminated the entrance that was directly across from NE Clearwater Drive so there would not be conflict.

Nicandri mentioned that regarding noise as more electronic vehicles enter the fleet, they will not have the noise. It is expected that more will enter the fleet, as regulations will require. He said the actual activity on the property does not include any jake brake activity. He added that Love's characteristics is that it is very transient. There are several trucks per hour arriving to fuel, eat and rest. He said that would not be the case for this site. A vehicle will arrive at the site and stay for a period of days for repair and then leave. It would not generate the high level of traffic.

Commissioner Alex Patterson asked how many vehicles would be laden with full trailers. Nicandri replied that some will come with trailers and there would be parking dedicated to that. He said there were restrictions, no hazmat loaded vehicles could be left.

Nicandri said that the hours of operation are unknown. The current operation is 7 a.m. to 5 p.m. He said a few of their larger operations are open 6 a.m. until 11 p.m. There would not be fleets arriving or leaving during the later shifts. It is a reduced shift.

Patterson asked if there was any consideration to adding signs prior to the entrance of the facility. Nicandri replied that inbound is on County property and would be their concern.

Booth added that Council has had many questions regarding jake brakes and enforcement with the County. She encouraged that had concerns to take the concerns to a different forum.

Nicandri said that they are not currently seeking tax breaks. They may be seeking grant funding with electronic vehicles, but none have been discussed.

Straitte explained that when the City was formed it decided what land uses would be in what places. The City took that information and designed a Master Transportation System to accommodate a full built out capacity of what it could do. As individual projects come along, the City makes sure that the maximum size of streets that are needed. The traffic studies analyze that and implement any mitigation that is needed. He said both the traffic study and Transportation System Plan were analyzed during the review of the project.

Vice-Chair Doug Iverson closed the public hearing at 6:54 p.m.

Commissioner Caryl Thomas asked for clarification regarding NE Old Salem Road being a County Road and the City not being able to have much say on what is done. Booth explained that it is a County Road and permits for access is issued by the County. The City works closely with the County. The County has ultimate authority, but the goal is the same and both want to keep the transportation facilities functioning as they were designed to function.

ACTION: Motion to approve Site Development Review SP 23-02, LA 23-01, and CUP 23-01 with conditions of approval made by Commissioner Alex Patterson; seconded by Commissioner Monte Ayers.

Vice-Chair Doug Iverson: Aye
Commissioner Monte Ayers: Aye
Commissioner Alex Patterson: Aye
Commissioner Caryl Thomas: Aye

Motion Passed: 4/0

Iverson explained that there is an appeal process that goes through the City Council and if someone wants to file an appeal must do it within 15 days.

Booth commented that there are a lot of long-term transportation planning activities happening with the County. City staff knows there are concerns regarding traffic and there was information online but invited anyone to come into City Hall and talk with staff.

Iverson shared that information for the Planning Commission is usually available online a week ahead of the meeting. He changed the order of the agenda.

F. Planning Update

Straite said there is some confusion regarding metal RV covers. There have been some constructed without permits, and they do require permits. Any metal cover is considered a structure and does require a permit if over 200-square-feet. It is considered an accessory structure. He said Code chapter 3:15 applies for any accessory structures. He said there has been some confusion and staff has been interpreting it a certain way and hopes to shore up some of the confusion. He showed in the Code footnote #2 that said the siding shall match the primary dwelling. Staff has been implementing that to mean the roofs as well. Staff have been saying that metal RV covers are not permitted because they don't match. He displayed some examples*.

Straite said that the Planning Commission and City Council had spent a lot of time discussing accessory structures when the Code was updated 4 years ago. These came up and it was decided that they were accessory structures, and the rules would apply. He showed an example of one RV cover that had a wood roof that would work. He asked if the PC was comfortable with how staff has been interpreting and if staff could add language to help clarify it. He shared some suggestions, to add roofing and RV covers are accessory buildings, to make it clearer.

Booth added that a lot of hours were put in during the Code revision and it was an intentional design. It could be changed but this is how staff interpreted and understood what the PC and CC wanted in the Code. Planning Commission and CC can change. Straite said he wasn't looking for an action but direction. Iverson was not ready to give input.

Thomas asked for clarification that any changes would not be retroactive. Straite explained that staff has been implementing it this way, since the Code was approved. Thomas asked if staff would be asking the to remove what they had if it was metal. Straite replied that those that have been built have done them illegally. The County is the enforcement of our Code and the enforcement officer has asked for clarification regarding this. He added that the rules could change to include metal RV covers. Iverson said it is either match or remove (metal covering).

Patterson asked if the original intent was to include the "and roofing". Straite said the impacts of specifically metal covers was not discussed, but that they should match. Roofing was not included. Booth added that the discussion was wanting things to match and look nice.

Commissioner Monte Ayers asked what the City of Albany does. Straite will look into it and bring it back to the Commission. He said that most of the rules targeted not having metal pole barns. Booth added that Council didn't necessarily want the same requirements as Albany.

Straite shared about a recently approved subdivision; it was City property that turned 6 lots into 7 lots.

Straite shared about the new park is coming along. The City received a grant for the design and it is going well. He shared that City did a park master plan and this site is a perfect location. There was outreach for those that around that park area. It is headed to the Park Commission. They will help guide staff with a conceptional design and ultimately it will come to the Planning Commission for a site plan review. He invited them to the Parks Commission meeting on September 14, 2023, at 6 p.m.

E. PLANNING COMMISSIONER YEARS OF SERVICE RECOGNITION- Anne Peltier

Booth recognized previous Commissioner Anne Peltier and thanked her for her service. She said that Peltier had been on the Planning Commissioner since 2013 and was Chair for last two years.

Mayor Scott Cowan shared his appreciation of her years of service.

G. ADJOURNMENT: Iverson adjourned the meeting at 7:17 p.m.

Respectfully submitted:



Sheena Dickerman
City Recorder

Reviewed by:



Matt Straite
Community Development Director