



PLANNING COMMISSION WORK SESSION MINUTES

4222 NE Old Salem Road

Millersburg OR 97321

October 3, 2023

6:00 p.m.

A. CALL TO ORDER: Commissioner Ryan Penning called the meeting to order at 6:04 p.m.

B. ROLL CALL:

Members Present: Chair Wil Canate Jr. (6:13 p.m.), Commissioners Jerry Horn, Alex Patterson, Ryan Penning and Caryl Thomas

Members Absent: Monte Ayers and Vice-Chair Doug Iverson

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

C. MEETING MINUTE APPROVAL

6:04 p.m.

ACTION: Motion to Approve the September 5, 2023, minutes as written, made by Commissioner Alex Patterson; seconded by Commissioner Caryl Thomas.

Commissioner Jerry Horn: Aye

Commissioner Alex Patterson: Aye

Commissioner Ryan Penning: Aye

Commissioner Caryl Thomas: Aye

Motion Passed: 4/0

D. WORKSESSION –

6:05 p.m.

Metal RV covers

Community Development Director Matt Straite said he had done some research on metal RV covers and he found that a lot of cities interpret the same way as Millersburg and require building permits for structures over 200 square feet. He showed Development Code 3.15 and said the design standards apply. Although the Code doesn't say roofs have to match, staff has been interpreting it as such. He showed an example of an RV cover that didn't match and wouldn't meet many other sections of the Code. He showed another example of one that the roof matched the house and would meet the Code. He asked the Planning Commission if they thought staff was interpreting the Code correctly by saying that roofs must match the house.

Straite commented that Commissioner Doug Iverson, who could not attend, had given him notes regarding RV covers should not be considered accessory structures, didn't understand why there were setback for RV's, that metal RV covers should be allowed up to 500 square feet, and thought that the City should relax requirements. Straite said that he disagrees with Iverson. The City can't change building permit requirements, only design regulations. He added that setbacks would always apply. Setbacks are in place

to keep good neighbors, uniform appearance, and height controls how lights fall on a property.

Straite said that staff is still sticking to the proposal to change Development Code 3.15 footnote #2 and adding footnote #4*, but ultimate it is the Planning Commission's and City Council's decision.

Commissioner Alex Patterson said setbacks should not be altered. He added that water runoff was a concern.

Commissioner Ryan Penning asked what the current setbacks were. Straite replied that for a one-story house the setbacks would be five feet and for a two-story house they would be eight feet. He added that Council decided to do a double setback requirement; five feet from the side and five feet from the back.

Patterson asked if what the City was allowing was the same color as the house. Straite said the side has to match the house.

Chair Wil Canate Jr. arrived at 6:13 p.m.

Patterson asked if the metal RV covers shown in the photos were not allowed. Straite said it would need to be a wood structure and match the paint. To have roof match it can't with a metal structure. The pitch doesn't have to match.

Commissioner Caryl Thomas said setbacks are important, and to keep them.

Penning was concerned about the cost of today's building materials and the impact on the property owners. He said to build an RV to match the house would be about half the cost of a house.

Thomas asked about the required distance from the street. Straite replied that it had to be 20 feet from the street. He added that driveways are required to be 25 feet deep. They have to be on the driveway and not on grass.

Patterson asked for clarification that the wording was only adding the "and roofing" and the footnote clarifications. Straite affirmed.

Commissioners discussed whether the roofs should match or not. Patterson was fine with metal RV covers. Penning said that if it was a permanent structure then it should match the house. Thomas didn't like metal roofs but understood others concerns. Straite said that there could be an extra section for RV covers that say metal covers would be allowed. Commissioner Jerry Horn expressed concern that painting the metal roof to match would look bad because paint would start to peel off in a few years.

Chair Wil Canate Jr. said that if the property owner met Building Code it was a fine line on telling people what to do with their property. Straite asked about the color of the roof match. Canate was more concerned about the sidewall match and suggested the roof could be a neutral color.

Commissioners discussed the siding and length of the siding on RV covers.

SRO's –

Straitte said SRO's are single room occupancy's that all cities are required to allow. Anyone can rent out a room in their house. People are doing this now but the State expanded that the cities have to allow up to 6 rooms that could be rented out. He said the City's Code is silent on this. He felt there was value to clarify and add a definition of what is permitted in each zone. The City can't require more parking.

Patterson asked if language was added would the City be encouraging it. Straitte thought by adding it, clarifies it. Thomas asked if there were requirements on type of room, window, and access to an outside door. Straitte replied that there were no design standards. Thomas asked if someone could rent out an utility room. City Attorney Margaret Gander-Vo stated that it has meet fire codes. City Manager Kevin Kreitman also said it had to have fire egress.

Straitte said that there are no design standard, and allowed to make own definition. He said staff is planning to bring Code updates in December or January and considers making this as narrow as possible but still meet State requirements.

Penning asked how the City would regulate it. Straitte said that it wouldn't change, it is allowed now.

Gander-Vo said that SRO's have a minimum standard of four units to fall under this. There are requirements. Canate said he thought it would easier for the City to be silent and show the State's requirements. Patterson was unsure what would be added. Straitte said he would bring back what staff was proposing.

Code Update-update

Straitte said that at a previous workshop it was decided to wait until Department of Land Conservation (DLCDC) was done with the Climate-Friendly and Equitable Communities (CFEC) changes before updating the Code. He is planning to bring the Code changes back in December or January. He said it would have same components as before, and included RV covers and SRO's. Commissions agreed to bring it back.

CFEC Update-

Straitte gave a brief background on the CFEC and current status.

The DLCDC has moved forward with rules that mandate how cities implement density. These changes continue to erode and how they impact land use. They want density in cities. The State believes by having density it will reduce green gasses by public not needing to drive. This does change parking regulations. He added that most of the rules are for cities with populations over 5,000. Millersburg currently has a population of 3,000. One of the more impacting rules is to design an area where people can walk to their jobs.

Straitte explained that Cities have to zone for climate-friendly areas but don't have to make sure they are created. The size of the area depends on population. This includes an equity analysis for transportation and includes trees. The belief is that people will choose walking a path if there are more trees.

Straite said the changes the City has to do right now are parking changes. There are two options on how to handle this. One option required more strings and the other was to remove mandates. The City decided to waive the parking, because it should have minimum impact.

Straite said the rules were approved and DLCD is working on wrapping up requirements next month, and more may impact Code updates.

Straite shared another State law that was approved; all cities are required to allow duplexes on any single-family home, this goes into effect July 2025.

Hearing participation

Straite walked through public participation at planning meetings. The public has the "right" to attend the meetings. They do not have the right to participate. If it is a land use item, legally have to provide an opportunity for "testimony". At workshops the Commission does not have to let the public speak, but they can. Rules should be stated before the public speaks and limit the back and forth with the audience. When it is public testimony, it is for the public to explain whether they are for or against the projects and not ask questions of Commissioners. The public should not have an expectation that the Commissioners will answer questions. Commissioners are not required to answer their questions. Commissioners could ask staff to answer their questions. Commissioners should only engage when they need clarification.

Straite said that the public has lots of opportunities to get their questions answered.

Straite showed a video from the executive director for League of Cities addressing hearing rules and procedures. *

Straite showed a new timer to help with the time someone from the public is allowed to speak. Thomas asked if the time was for the public and not for the applicant.

Penning suggested that if staff knew it was a debated subject to have an officer be present. Straite said there are rules on when you can physically remove a person. Penning asked if having a deputy available would have an added expense. Kreitman replied that it probably would fall under the City's contract. He explained that in his experience, that if you asked the person to sit down or leave, they usually respond to that. Canate thought it would be better to always have an officer at meetings rather than when staff might expect to need one. He thought it could make the situation worse if it wasn't the "normal". Kreitman said that he hasn't seen a need. If someone was disruptive and doesn't leave, then end that meeting, and have a continuance. He said most people are compliant.

Booth stated that Planning has to follow very specific requirements for the public comment period. Thomas replied that she was asking if the comment period was in general for the public or for the applicant.

Straite said that the applicant has a specified time as well, most jurisdictions are lax for applicants. The timeframe for all can be changed 1 minute, 5 minutes, 10 minutes; most jurisdictions give 10 minutes for the applicant and a 15 minute rebuttal at the end. The Planning Commission does have procedure rules that say the applicant has a right to a

rebuttal but doesn't specify time limits. Kreitman added that it is difficult to have time limits for an applicant, as it can vary widely with what information needs to be shared.

E. NOMINATIONS – New Chair

Canate announced this was his last meeting and a new chair needed to be appointed.

ACTION: Motion to nominate Doug Iverson as Chair, made by Chair Wil Canate Jr.; seconded by Commissioner Alex Patterson.

Chair Wil Canate Jr.	Aye
Commissioner Jerry Horn:	Aye
Commissioner Alex Patterson:	Aye
Commissioner Ryan Penning:	Aye
Commissioner Caryl Thomas:	Aye

Motion Passed: 5/0

Straite said a new Vice-Chair needed to be nominated.

ACTION: Motion to appoint Monte Ayers to Vice-Chair, made by Commissioner Caryl Thomas; seconded by Chair Wil Canate Jr.

Chair Wil Canate Jr.	Aye
Commissioner Jerry Horn:	Aye
Commissioner Alex Patterson:	Aye
Commissioner Ryan Penning:	Aye
Commissioner Caryl Thomas:	Aye

Motion Passed: 5/0

Kreitman presented Chair Wil Canate Jr. with a Certificate of Appreciation and thanked him for his service to the Planning Commission.

G. ADJOURNMENT: Chair Wil Canate adjourned the meeting at 7:12 p.m.

Respectfully submitted:



Sheena Dickerman
City Recorder

Reviewed by:



Matt Straite
Community Development Director