



PLANNING COMMISSION PUBLIC HEARING MINUTES
4222 NE Old Salem Road
Millersburg OR 97321

May 6, 2025
6:00 p.m.

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

B. ROLL CALL:

Members Present: Vice-Chair Alex Patterson, Commissioners Michael Mueller, Jerry Horn, Ryan Penning, and Caryl Thomas

Members Absent: Chair Doug Iverson and Commissioner Brandon Abresch

Council Present: Mayor Scott Cowan

Staff Present: Matt Straite, Community Development Director; Janelle Booth, City Manager; Alan Sorem, City Attorney; and Sheena Dickerman, Finance Manager/City Recorder

C. MEETING MINUTE APPROVAL

ACTION: Motion to approve the January 7, 2025, Planning Commission minutes made by Commissioner Michael Mueller; seconded by Commissioner Ryan Penning.

Commissioner Michael Mueller:	Aye
Commissioner Jerry Horn:	Aye
Commissioner Alex Patterson:	Aye
Commissioner Ryan Penning:	Aye
Commissioner Caryl Thomas:	Aye

Motion Passed: 5/0

City Manager Janelle Booth presented Caryl Thomas a framed appreciation certificate for her five years of service on the Planning Commission. Mayor Scott Cowan expressed gratitude on behalf of the City Council for her dedication and volunteer work. Commissioner Caryl Thomas thanked everyone and said it had been her pleasure to serve. Community Development Director Matt Straite noted that she would continue to serve on the Parks Commission.

Vice-Chair Alex Patterson recessed the meeting at 6:04 p.m. for a short reception.

Vice-Chair Alex Patterson reconvened the meeting at 6:10 p.m.

D. WORKSHOP: Development Code Update 25-01 – Chapter 2.12 – Straite presented on the Development Code update, which was divided into two sections: Federal mandated changes and City changes that some are State mandated changes. The Federal changes were related to FEMA compliance with the Endangered

Species Act. He explained that FEMA was sued for non-compliance with the ESA, resulting in temporary measures called PICMs (pre-implementation measures) to be implemented before full implementation in 2027.

Straite explained that most of FEMA activities happen at the local level.

Straite outlined options given by FEMA to address the temporary measures:

1. Adopt a model code outright.
2. Ban all development in floodplain areas.
3. Do a case-by-case version which would require a detailed analysis every time someone would get a floodplain development permit.

The City opted for the model code route. The City implements FEMA requirements in a zoning overlay and changes would only be implemented in the floodplain overlay. If it is outside the floodplain these rules would not apply.

Commissioner Michael Mueller asked if he needed to recuse himself, since his house backs up to it. Straite replied no. Booth noted that there was additional floodplain in the south part of the City in the industrial area. It doesn't just apply to residential areas. Vice-Chair Alex Patterson asked if the two blue channels in the presentation were part of the flood zone*. Straite affirmed. He added there is more to the south of the City as well.

Straite explained the new "no net loss" standard, which applies to fish habitat areas, fish movement, and shade over fish habitats. The three categories (proxies) for functionality are:

1. Undeveloped space
2. Pervious surfaces
3. Trees

Straite explained that the functionality of these areas must remain the same as the pre-project condition when developing in a floodplain area.

Patterson asked if it was similar to the wetland credit program. Straite said the mitigation process was still unclear. Booth stated that the wetland credit program is an established process.

Patterson asked if the City had to do it. Straite explained that the City has to if it wants to stay a part of the FEMA's flood insurance, otherwise residents' rates would skyrocket.

Commissioner Michael Mueller asked if it was for fish only or other endangered species. Straite replied it is for other endangered species. He added they list out the habitat and most is salmonoids, other fish and killer whales. Mueller said seeing the 100-year floodplains they are not where creeks overflow, a lot are ditches. Straite explained these are the rules that the City had to follow, but not everyone had to do this, it was only

identified in the Pacific Northwest. He presented a map showing where the new regulations applied in the state.

Straite noted that staff added additional text that was not required by FEMA. Staff identified that there was nothing in the code that said when a development would not require a floodplain permit.

Straite said the next steps would be going to City Council and holding a workshop. He said the draft before the PC was sent to FEMA and the DLCDC (Department of Land Conservation and Development). He shared that the DLCDC wanted to review this outside of the land use process. Staff has not identified any public hearing dates. Staff is waiting on feedback from FEMA and DLCDC before moving forward.

Patterson asked when their target date for implementation was. Straite replied it was December 10, 2024. The State was sympathetic on timetable. The State has given grace, and everything is on a case-by-case basis, but cities have pushed back because if it isn't their code they can't legally enforce it. There has been lots of communication with FEMA. FEMA has said move forward as quickly as the City can. If someone walked through the door they would have to meet the temporary requirements. Legally it is important to move as fast as possible.

Booth commented that the reason the City needs their approval is the City did make changes to the model code, because it didn't align to the City's stormwater standards. Straite added FEMA was more concerned with the "no net loss" standards. Staff adopted most of that section.

City-Initiated Changes

Straite introduced nine City-initiated Code changes:

1. RV Covers and Walls: Straite explained the proposed changes to RV cover regulations, including allowing walls on three sides but not the front, and setting a 4-foot height limit for the walls from the ground.
2. Ground Mounted Solar: Straite explained changes to allow ground-mounted solar in all zones, subject to certain rules. They must be an ancillary use to the primary use. In the places in the Code where it is specific to residential Staff has made it clear.
3. Accessory Structure Height: Straite shared that City Council had asked for it to be looked at again. He presented the current approved version from the last Planning Commission. Staff had no recommended changes. He shared some potential options; reduce the overall maximum height (currently 25 feet is maximum), or second stories are prohibited (this could have secondary effects on possible locations for accessory dwelling units), or further reduce the "step" backs (buildings are required to taper back after a certain height), or do nothing at all.

Straite shared the final product from the last meeting, because City Council didn't change any of the Planning Commissions input*. He highlighted that if a building

is taller than 17 feet it has to have a 10-foot setback between the base of the structure and the property line. Change was also made about how the height was measured, to the top of the peak. Lastly, the accessory structure can't be larger than the primary structure.

Thomas said she had question regarding "2. ...the exterior siding and roofing shall have the same general materials and color as the primary dwelling." She has one in her neighborhood that has the general materials and color of the house, but it is the bare material, without any paint. She expressed concern that over time it would deteriorate.

Straite said this is where the Planning Commission could decide where to be more strict or less strict.

4. Partition Standards: Straite explained that in the past the City had a problem with serial partitions. A partition is when a parcel is divided into three lots or less, and if someone does four lots or more it becomes a subdivision. Partitions in other jurisdictions have less requirements, they don't have to put in streets, streetlights and may not have to put in sidewalks. Some like to come in and do one partition, wait a year and then do another partition. There were a lot of requirements added to the code to address this. One of the conditions was that if the lot could be further divided then it would need to meet all the standards and criteria for a subdivision. If someone is doing a partition they would have to add sidewalks, storm, gutter, etc. They would not have to connect to the utilities, because that is when the house comes. There is a requirement that a person is not allowed to put more than three houses on a shared driveway.

Straite said the proposal is to eliminate the requirement for partitions with further dividable parcels to follow subdivision standards.

5. Legal Nonconforming Standards: Straite explained this was a recommendation by a citizen in the City. There are homes in Millersburg that don't comply with the current zoning requirements, these homes received variances when they were approved. He shared that the concerned citizen was afraid if something destroyed the whole structure, the City wouldn't let them build back in the exact same footprint. The citizen requested that this be clarified in the legal non-conforming section of the code. He clarified that the proposal was to allow reconstruction of damaged structures that had nonconforming standards with the nonconformity intact. Mueller said other cities require that it be built to current setback standards. He didn't believe someone should be allowed to rebuild without meeting the setbacks.
6. Signs on Chain Link Fences: Straite explained the proposal to allow signs on chain link fences as long as they are not in the right-of-way. He reminded that all the temporary sign standards have been moved to the Municipal Code and the Municipal Code changes would be discussed at Council.

7. Fowl and Rabbit Standards: Straite clarified that no permit is needed for keeping fowl and rabbits.
8. Middle Housing Land Divisions: Straite explained the State mandate to allow middle housing land divisions. The State mandated that the City has to allow duplexes on any lot in the City. The State says that any of those duplexes have to be allowed to divide. He added that middle housing doesn't just mean a duplex, but can also be a triplex, quadplex, or townhouse. Currently, our City is only required to do duplexes. There is legislation that may require the City to allow triplexes and quadplexes. Salem is still changing the requirements for middle housing. The City's approach to implementing these requirements is to say there are middle housing land divisions, they are allowed, and if someone wants to process, they would need to use the State's code.

Straite added that the end result will be the City adding a "beefy" section in the code about middle housing land divisions in the future. The City can add more standards, down the road, if they are adopted in the code. He added that probably the next code update in January would have them.

Commissioner Ryan Penning asked if it had to be split equally. Straite replied no, anyway someone wants. The State's rules talk about what a person has to do; such as providing access or utilities there must be easements. There can't be a shared line going to the building anymore.

Mueller asked what would happen to an existing duplex that shared utilities. Straite replied the person would have to fix it before the City would approve.

Commissioner Jerry Horn said that if a duplex was going to divide it wouldn't have the setback from the property edge. Straite explained that the Code does allow for situations like this, a zero-lot setback.

Staff and Commission discussed scenarios of lots being divided, cul-de-sacs and fire code. City Attorney Alan Sorem clarified that the fire code is not exempt in the middle housing standards. The Commission agreed to add text directing readers to the State requirements, with the understanding that more comprehensive changes may be made in the future.

9. Lot Width to Depth Ratio Clarification: Straite discussed the proposal to clarify the calculation of lot width to depth ratios for oddly shaped lots.

The Planning Commission discussed each of these items in detail, providing feedback and suggestions for modifications.

Key points of discussion included:

- RV covers: The Commission agreed to allow walls on three sides, keep the front open, and maintain a 4-foot clearance from the ground. They also discussed painting requirements and the use of screens.
- Ground-mounted solar: The Commission discussed allowing solar panels in all zones as an ancillary use and potentially using them as alternatives to tree shade requirements in parking lots.
- Accessory structure height: The Commission decided to keep the current standards and let them "shake out" before making further changes.
- Partition standards: The Commission agreed to remove the requirement for partitions with further dividable parcels to follow subdivision criteria.
- Legal nonconforming standards: The Commission decided to keep the current standards, which do not allow rebuilding nonconforming structures if they are completely destroyed.
- Signs on chain-link fences: The Commission agreed to allow signs on chain-link fences as long as they are not in the right-of-way.
- Fowl and rabbit standards: The Commission agreed to clarify that no permit is needed for fowl and rabbits.
- Middle housing land divisions: The Commission agreed to add text directing readers to state requirements, with plans to revisit and expand on this topic in the future.
- Lot width-to-depth ratio clarification: The Commission agreed to adopt the proposed clarification.

Straite noted that these recommendations would be presented to the City Council in a workshop, and the Planning Commission would have another opportunity to make formal recommendations during a future hearing process.

E. PLANNING UPDATE –

Straite provided an update on current planning activities:

- No significant new permits have been received recently.
- The City is considering an Urban Reserves study to plan for future growth areas. The study would look at residential, job, and possibly commercial uses beyond the typical 20-year planning horizon. The process would involve public outreach and participation from the planning commission. The City is exploring grant opportunities to help fund the study.

Straite thanked Thomas for her service on the Planning Commission and would see her at the Parks Commission meeting later this month.

F. PLANNING ADJOURNMENT: Vice-Chair Alex Patterson adjourned the meeting at 8:01 p.m.

Respectfully submitted:



Sheena Dickerman
City Recorder

Reviewed by:



Matt Straite
Community Development Director

*Presentation materials or documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing info@millersburgoregon.gov.