

LINKING AGRICULTURE  
WITH INDUSTRY



4222 N.E. OLD SALEM RD.  
ALBANY, OREGON 97321

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Approved 9/18/18

## CITY OF MILLERSBURG PLANNING COMMISSION MEETING

4222 NE Old Salem Road  
Tuesday, August 21, 2018  
6:00 p.m.

### Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:00 pm.
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL:  
Members Present: Jimmy Kirkendall, Anne Peltier, John Sullivan, Ryan Penning, Steve Vogler, Connie Lepin, Dennis Gunner, and Ed Perlenfein  
Members Absent: Scott Stimpson  
Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Jake Gabell, Deputy City Recorder; and Matt Straite, City Planner
- D. MEETING MINUTE APPROVAL
- 1) Planning Commission Meeting & Public Hearing – 6-13-18  
The Commissioners discussed changes to the date and names of Commissioners in attendance corrections.  
Action: **Motion to Approve Minutes as Amended made by Commissioner Sullivan; seconded by Commissioner Perlenfein.**  
**Commissioner Kirkendall: Aye**  
**Commissioner Gunner: Aye**  
**Commissioner Lepin: Aye**  
**Commissioner Peltier: Aye**  
**Commissioner Penning: Aye**  
**Commissioner Perlenfein: Aye**  
**Commissioner Sullivan: Aye**  
**Commissioner Vogler: Aye**
- E. PUBLIC LAND USE REVIEW

Public hearing on Land Use File SP 18-03 opened by President Kirkendall at 6:04 p.m.

- 1) Land Use File SP 18-03 Pratum Co-Op Propane Tank Addition. The site currently features an existing facility that distributes fertilizer, seed, and other farm related products—no manufacturing. This application proposes to add a 30,000 gallon propane tank to the site.

- i. Conflicts of interest or ex parte contact were noted.
  - 1. Commissioner Sullivan stated a conflict of interest; he does business with the applicant, and state that he can remain impartial.
  - 2. Commissioners Vogler and Kirkendall have visited the site.
  - 3. No challenges were given.
- ii. City Planner, Matt Straite, presented the staff report. The applicant was not present for the report, or for questions by the planning commission.

Public hearing on SP 18-03 closed by President Kirkendall at 6:10 p.m.

- iii. Deliberation by the planning commission with questions on the project.

Action: **Motion to Approve SP 18-03 made by Commissioner Perlenfein; seconded by Commissioner Peltier.**

**Commissioner Kirkendall: Aye**  
**Commissioner Gunner: Aye**  
**Commissioner Lepin: Aye**  
**Commissioner Peltier: Aye**  
**Commissioner Penning: Aye**  
**Commissioner Perlenfein: Aye**  
**Commissioner Sullivan: Aye**  
**Commissioner Vogler: Aye**

Public hearing on Land Use File PA 18-04 opened by President Kirkendall at 6:14 p.m.

- 2) Land Use File PA 18-04 Curtis Land Partition. The applicant is requesting approval to partition 2.19 acres into two residential lots—0.98 acres and 1.21 acres.
  - i. City Planner, Matt Straite, presented a staff report.
    - 1. Commissioner Vogler had questions regarding partitions vs subdivisions in Mr. Straite's presentation.
    - 2. Commissioner Gunner had a question about the potential extension of Sedona Road. Staff has requested a concept plan for the extension of Sedona Road as a condition of approval.
    - 3. Commissioners had a question about which landowner would pay for Sedona Road and other access questions that Mr. Straite clarified.
  - ii. Robert Curtis, the applicant, provided a review of the background of the application. Jason Cota, the applicant's engineer, addressed two conditions from the staff report. He stated that the road dedication right-of-way was unreasonable due to future maintenance and the unknown of how Sedona Road will be developed. Mr. Cota presented a conceptual drawing of the entire area around the applicant's property. He also contested the condition of approval requiring the existing property to be connected to City sewer and water due to the cost to the applicant to run those utilities. Mr. Cota is also unsure if the current residence would need to have a residential sprinkler system installed due to it being further than 400 feet from a fire hydrant and will be working on figuring it out.
  - iii. Terrie Hill, 2595 NE Millersburg Drive, is a neighbor to the applicant's south. He stated that he is not opposed to the project. He had concerns about trees along the east access and the impact to those trees during the placement of utilities.
  - iv. Rebuttal by Mr. Cota. He stated that there would be a ground survey completed prior to construction of the utilities.

1. Assistant City Manager/City Engineer Janelle Booth had some clarifications on the plumbing permit process.
2. Continual of rebuttal by Mr. Curtis. He stated the variance code provides for ability for the Planning Commission to allow a variance to the conditions proposed by the city. Mr. Curtis believed that the condition being asked of him are too extreme asked the Planning Commission for guidance.
  - a. Commissioner Kirkendall and Mr. Straite gave clarification of the use of a variance.

Public hearing on PA 18-04 closed by President Kirkendall at 7:19 p.m.

- v. Deliberation by the Commission and Staff.
  1. Discussion on the condition of approval that requires the applicant to dedicate land for a future road.
    - a. There was also discussion on modifying this requirement to include the provision of "if required", which would allow Staff to review the conceptual plan as submitted that could include the future Sedona Road dedication on the applicant's property.
  2. Discussion on the condition of approval that requires the applicant to connect the existing home, on the potential parcel 1, to City water and sewer.

Action: **Motion to Approve PA 18-04 with the exception of condition 8, to add the condition of "if required" to the land dedication of Sedona Road, made by Commissioner Gunner; seconded by Commissioner Lepin.**

Commissioner Kirkendall: **Aye**  
 Commissioner Gunner: **Aye**  
 Commissioner Lepin: **Aye**  
 Commissioner Peltier: **Aye**  
 Commissioner Penning: **Aye**  
 Commissioner Perlenfein: **Aye**  
 Commissioner Sullivan: **Aye**  
 Commissioner Vogler: **Nay**

President Kirkendall called for a five minute recess.

Public hearing on Land Use File PA 18-03 opened by President Kirkendall at 7:50 p.m.

- 3) Land Use File PA 18-03 Hibbs Land Partition. The applicant is requesting approval to partition 2.45 acres into two residential lots—16,590 square feet and 2.07 acres.
  - i. Conflicts of interest, or ex parte contact.
    1. Commissioner Penning stated that the applicant is his niece's husband, but believes he could make an impartial judgement.
    2. No challenges were given.
  - ii. City Planner, Matt Straite, presented a staff report.
  - iii. Mr. Hibbs, the applicant, stated that parcel 1 is already connected to City sewer and water.

Public hearing on PA 18-03 closed by President Kirkendall at 8:01 p.m.

Action: **Motion to Approve Land Partition PA 18-03 made by Commissioner Perlenfein; seconded by Commissioner Sullivan.**

Commissioner Kirkendall: Aye  
Commissioner Gunner: Aye  
Commissioner Lepin: Aye  
Commissioner Peltier: Aye  
Commissioner Penning: Aye  
Commissioner Perlenfein: Aye  
Commissioner Sullivan: Aye  
Commissioner Vogler: Aye

Public hearing on Land Use File SD 18-02 opened by President Kirkendall at 8:02 p.m.

- 4) Land Use File SD 18-02 Sweetwater Estates Phase 4 Subdivision. The applicant proposes to subdivide 4.05 gross acres into eight residential single-family lots ranging from 10,001 sq. ft. to 38,868 sq. ft. with one tract (Tract A) for park/open space.
- i. City Planner, Matt Straite, presented a staff report.
  - ii. The applicant, Mike Agee, stated that all the wetlands shown on the map are now in ownership of the City of Millersburg.

Public hearing on SD 18-02 closed by President Kirkendall at 8:11 p.m.

Action: **Motion to Approve SD 18-02 made by Commissioner Sullivan; seconded by Commissioner Perlenfein.**

Commissioner Kirkendall: Aye  
Commissioner Gunner: Aye  
Commissioner Lepin: Aye  
Commissioner Peltier: Aye  
Commissioner Penning: Aye  
Commissioner Perlenfein: Aye  
Commissioner Sullivan: Aye  
Commissioner Vogler: Aye

F. City Planner Update by Matt Straite

- 1) Update on code enforcement efforts, such as landscaping, site plans reviews, businesses being run out of homes, ext.
  - i. Discussion between Commissioners about food trucks and site plan reviews.

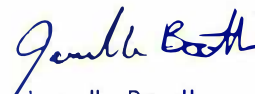
G. ADJOURNMENT: meeting adjourned at 8:21 pm.

Respectfully submitted:



Jake Gabell  
Deputy City Recorder

Reviewed by:



Janelle Booth  
Assistant City Manager/City Engineer

Upcoming Meetings:

Planning Commission Work Session, August 23, 2018 at 6:00 p.m.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the City Recorder in advance by calling (541) 928-4523.

[www.cityofmillersburg.org](http://www.cityofmillersburg.org)