



Approved by Planning  
Commission on 5/19/2020

**CITY OF MILLERSBURG  
PLANNING COMMISSION MEETING**

4222 NE Old Salem Road  
Tuesday, April 21<sup>st</sup>, 2020  
6:00 pm

**Minutes**

A. CALL TO ORDER: Commission Chair Jimmie Kirkendall called the meeting to order at 6:05 pm.

B. ROLL CALL:

Members Present: Jimmy Kirkendall, Connie Lepin, Dennis Gunner, Steve Vogler, Mark Raum, and Anne Peltier

Members Absent: Ryan Penning

Staff Present: Matt Straite, City Planner; Jake Gabell, Deputy City Recorder; Janelle Booth, Assistant City Manager/City Engineer; Kevin Kreitman, City Manager; and Forrest Reid, City Attorney

C. MEETING MINUTE APPROVAL

1) March 3<sup>rd</sup> meeting minutes

**Action:** Motion to accept the minutes as presented made by Commissioner Peltier; a second given by Commissioner Raum.

**Chair Kirkendall: Yes**

**Commissioner Gunner: Yes**

**Commissioner Lepin: Yes**

**Commissioner Peltier: Yes**

**Commissioner Raum: Yes**

**Commissioner Vogler: Yes**

**Motion Passed: 6/0**

D. Virtual meeting overview by City staff.

E. LEGISLATIVE PUBLIC HEARINGS

1) Public hearing on Land Use File DC 20-02 opened by Commission Chair Kirkendall at 6:07 pm.

File No: DC 20-02 Accessory Dwelling Unit Code Text Change

*Proposal: The proposed amendment responds to a State law mandate that Millersburg allow for Accessory Dwelling Units (ADU). This change would permit an ADU on any property that allows a single family home. The amendment also includes standards for ADUs. More specifically the amendment proposes an all new code section, Section 6.111, and small changes to all residential zones to allow ADUs.*

i. Staff report was presented by Matt Straite, City Planner.

1. No public comments or testimony.

2. Questions for staff by the Planning Commission.

- a. Commissioner Lepin asked clarifying questions about the Accessory Structure code changes made at the City Council meeting on March 10, 2020.
    - i. City Planner Matt Straite and Assistant City Manager/City Engineer Janelle Booth gave a summary of the changes made by the City Council.
  - b. Commissioner Peltier questioned the total number of ADUs being proposed in the draft new code.
    - i. City Planner Matt Straite explained that the limit is one ADU.
3. No questions from the public.

Public hearing closed at 6:43 pm by Chair Kirkendall.

- i. Deliberation of Planning Commissioners with questions for staff.

### **ACTION**

#### **The following Motion was made by Commissioner Peltier:**

Based upon the above finding of fact, the proposed text code amendment satisfies the applicable criteria and I move that the Planning Commission recommends the City Council approve Application No. DC 20-02 and adopt the Ordinance 171-20.

#### **A second was given by Commissioner Gunner.**

<b>Chair Kirkendall:</b>	<b>Yes</b>
<b>Commissioner Gunner:</b>	<b>Yes</b>
<b>Commissioner Lepin:</b>	<b>Yes</b>
<b>Commissioner Peltier:</b>	<b>Yes</b>
<b>Commissioner Raum:</b>	<b>Yes</b>
<b>Commissioner Vogler:</b>	<b>Yes</b>
<b>Motion Passed:</b>	<b>6/0</b>

### F. QUASI-JUDICIAL PUBLIC HEARING

- 1) Public hearing on Land Use File PA 20-01 opened by Chair Kirkendall at 6:47 pm. Deputy City Recorder, Jake Gabell, read disclosures. Chair Kirkendall finished opening the hearing.

File No: PA 20-01 Crooks Creek South Land Partition

*Proposal: The applicant is requesting approval to partition a 2.44-acre parcel into three lots of approximately 0.93 acres, 1.21 acres, and 0.30 acres with access from NE Senora Drive and NE Trask Lane.*

- i. Commissioner Vogler made a site visit to the parcel, Commissioner Raum knows the applicant professionally; no other ex parte contact or potential conflicts of interest stated and no challenges to the jurisdiction of the Commission to hear the matter.
- ii. Staff report was presented by Matt Straite, City Planner.
  1. Questions for staff by the Planning Commission.
    - a. Commissioner Vogler asked clarifying questions about the location of the parcel.
    - b. Commissioner Gunner suggested that the Planning Commission require a public road on the property.

- c. Chair Kirkendall asked each member of the Commission their opinion requiring the road requirement; they discussed advantages and disadvantages of requiring the road.
- 2. Public comments or testimony.
  - a. Robert Allen of 6049 NE Chandra Court Albany Oregon 97321 expressed that he was not in favor of the application. He mentioned the future development, potential wetlands, and large trees on site.
  - b. Phyllis Hinshaw of 6105 NE Chandra Court Albany Oregon 97321 had concerns about the wildlife, wetlands, and development of the property.
  - c. Justin Goldman of 2825 NE Sonora Drive Albany Oregon 97321 had concerns about the wetlands on the property.
  - d. Commissioner Peltier asked clarifying questions about the potential legal ramifications of a non-remonstrance agreement. She also asked about the wildlife and wetlands concerns the citizens expressed.
    - i. City Attorney Forrest Reid stated that the City would not have any legal ramifications.
    - ii. Assistant City Manager/City Engineer Janelle Booth explained the condition of approval that was added in regard to wetlands.

Public hearing closed at 7:30 pm by Chair Kirkendall.

- i. Discussion of Planning Commissioners with questions for staff.
  - 1. Further discussion between staff and Planning Commissioners. Topics included wetlands and the map recording process, the road vs private driveway.

**ACTION**

**The following Motion was made by Commissioner Raum:**

Motion to approve the project with option two as stated in the staff report.

**A second was given by Commissioner Vogler.**

Chair Kirkendall: No  
 Commissioner Gunner: No  
 Commissioner Lepin: No  
 Commissioner Peltier: Yes  
 Commissioner Raum: Yes  
 Commissioner Vogler: Yes

**Motion Failed: 3/3**

After the failed motion Commissioner Gunner and Commissioner Vogler suggested a continuance of PA 20-01 due to the fact that Commissioner Penning was missing from the meeting.

**ACTION**

**The following Motion was made by Commissioner Gunner:**

Motion to continue PA 20-01 Crooks Creek Land Partition to the next regularly scheduled Planning Commission meeting, May 19 2020 at 6:00 pm.

**A second was given by Commissioner Peltier.**

Chair Kirkendall: Yes

**Commissioner Gunner: Yes**  
**Commissioner Lepin: Yes**  
**Commissioner Peltier: Yes**  
**Commissioner Raum: Yes**  
**Commissioner Vogler: Yes**  
**Motion Passed: 6/0**

- 2) Public hearing on Land Use File PA 20-03 opened by Chair Kirkendall at 7:48 pm  
Deputy City Recorder, Jake Gabell, read disclosures. Chair Kirkendall finished opening  
the hearing.

File No: PA 20-03 Land Partition

*Proposal: The applicant is requesting approval to partition 0.76-acre parcel on  
Millersburg Drive into two parcels of approximately 13,800 square feet and 18,900  
square feet.*

- i. Commissioner Vogler made a site visit to the parcel; no other ex parte  
contact or potential conflicts of interest stated and no challenges to the  
jurisdiction of the Commission to hear the matter.
- ii. Staff report was presented by Matt Straite, City Planner.
  1. Questions for staff and the applicant by the Planning Commission.
    - a. Commissioner Vogler asked clarifying questions about the  
existing house and the access.
    - b. Steve Smith, the applicant, had concerns about the "shared  
cost" connections fees charged by the City.
      - i. Assistant City Manager/City Engineer Janelle Booth  
gave an overview of the connection fees to the  
Planning Commission.
  2. Commissioner Vogler asked questions about cutting Millersburg Drive  
to add the public services.
  3. No public comments or testimony.

Public hearing closed at 8:15 pm by Chair Kirkendall.

- ii. Deliberation of Planning Commissioners with questions for staff.
  1. Further discussion between staff and Planning Commissioners. Topics  
included lot future driveway ownership, and legal access.
  2. City Attorney Forrest Reid requested that the Planning Commission  
disregard the comments made by Commissioner Vogler in regard to  
the previous Alexander Drive partition and not consider those  
comments when voting on a motion tonight item. All Commissioners  
agreed to the request.

## **ACTION**

### **The following Motion was made by Commissioner Vogler:**

Based upon the findings of fact, and the conditions of approval, the proposed  
project satisfies the applicable criteria, and I motion the Planning Commission  
approve Partition Application No. PA 20-03.

### **A second was given by Commissioner Raum.**

**Chair Kirkendall: Yes**  
**Commissioner Gunner: Yes**  
**Commissioner Lepin: Yes**  
**Commissioner Peltier: Yes**

**Commissioner Raum: Yes**  
**Commissioner Vogler: Yes**  
**Motion Passed: 6/0**

G. City Planner and Staff Updates

- 1) City Planner Matt Straite gave an update on the new Land Use Development Code with the updates staff is working on.

H. Meeting adjourned by Commission Chair Kirkendall at 8:28 pm.

Respectfully submitted:

Reviewed by:



Jake Gabell  
Deputy City Recorder



Matt Straite  
City Planner