



Approved by Planning
Commission on 4/21/2020

**CITY OF MILLERSBURG
PLANNING COMMISSION MEETING AND WORK SESSION**

4222 NE Old Salem Road
Tuesday, March 3rd, 2020
6:00 pm

Minutes

A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:00 pm.

B. ROLL CALL:

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

Members Absent: None

Staff Present: Matt Straite, City Planner; John Morgan, Planning Director; Jake Gabell, Deputy City Recorder; Janelle Booth, Assistant City Manager/City Engineer; and Kevin Kreitman, City Manager

C. MEETING MINUTE APPROVAL

1) February 10th meeting minutes

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

Commissioner Kirkendall: Aye

Commissioner Lepin: Aye

Commissioner Raum: Aye

Commissioner Gunner: Aye

Commissioner Vogler: Aye

Commissioner Peltier: Aye

Commissioner Penning: Aye

D. QUASI-JUDICIAL PUBLIC HEARING

1) Public hearing on Land Use File DC 20-01 opened by President Kirkendall at 6:02 p.m. Deputy City Recorder, Jake Gabell, read disclosures. President Kirkendall finished opening the hearing.

File No: DC 20-01 Accessory Structure Code Text Change

The proposal would revise the current version of the Land Use Development Code to afford more flexibility to standards for accessory structures (not accessory dwelling structures). More specifically Section 6.110 has been modified to allow the maximum size of an accessory unit structure on a residential lot to change with the size of the lot.

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

1. No public comments or testimonies.

2. Questions for staff by the Planning Commission.

a. Commissioner Kirkendall asked clarifying questions about impervious surfaces limits.

- b. Commissioner Gunner asked about Accessory Dwelling Units (ADU) and why staff has not moved to bring forward provisions for ADU's.
- c. Commissioners Raum, Gunner, and Lepin asked clarifying questions about the farm use provision in the proposed code.
- d. Commissioners discussed with staff the table, specifically the column labeled "Area Coverage for Accessory Structures". There was some confusion regarding the intent of this column; the Commissioners discussed removing this column and decided to remove it.

Public hearing closed at 6:36 pm by President Kirkendall.

- i. Deliberation of Planning Commissioners with questions for staff.
 - 1. Further deliberation between staff and Planning Commissioners. Topics included lot coverage and breezeways. Commissioner Lepin proposed changing provision (7) to exclude the second and third sentence. It was decided not to modify provision (7).
 - 2. Commissioner Penning asked additional ADU and breezeways questions.
 - 3. Commissioner Lepin asked clarifying questions about the current accessory structure code.

ACTION

The following Motion was made by Commissioner Gunner:

Based upon the findings of fact, any testimony, the conditions of approval, and staff recommendations listed in the staff report and because the proposed project satisfies the applicable criteria, I motion for the adoption of the findings from the staff report dated February 25, 2020, with the exception of striking the fourth column in section 6.110 and further Motion that the Planning Commission approve Code Text Change DC 20-01, pursuant to the conditions of approval listed in the staff report.

A second was given by Commissioner Peltier.

- Commissioner Kirkendall: Aye**
- Commissioner Lepin: Aye**
- Commissioner Raum: Aye**
- Commissioner Gunner: Aye**
- Commissioner Vogler: Aye**
- Commissioner Peltier: Aye**
- Commissioner Penning: Aye**

Amended motion made by Commissioner Gunner:

Based on the above findings of fact the proposed amendment satisfies the applicable criteria. The Planning Commission and staff recommend that the City Council approve Application No. DC 20-01 with the exception of striking the fourth column in section 6.110 and adopt Ordinance No. 04-20 including an emergency provision to make the Ordinance effective immediately upon adoption.

A second was given by Commissioner Peltier.

- Commissioner Kirkendall: Aye**
- Commissioner Lepin: Aye**
- Commissioner Raum: Aye**

Commissioner Gunner: Aye
Commissioner Vogler: Aye
Commissioner Peltier: Aye
Commissioner Penning: Aye

E. City Planner and Staff Updates

1) Matt Straite, City Planner, gave an update on recent Lot Line adjustment.

F. Five Minute Recess at 6:55 pm.

G. Continued Land Use Development Code update with John Morgan, Planning Director.

1) Review of Article 4

- i. 4.102.02 (C) Clarified intent to the "Serial Partitions" section.
- ii. 4.102.03(D)(1) Flag Lots: minimum width was discussed and changed to 25 feet.
- iii. 4.102.06(A)(10)(a) Street trees requirements were clarified to include a street tree in the planter strip and in the front yard.

2) Review of Article 5

- i. Minor changes to wording for uniformity.
- ii. Review of staff edits to Article 5 since the last meeting.
- iii. 5.104.05(D) was adjusted and to not include standards, the last sentence was removed.
- iv. 5.105 Process for Adjustments was discussed and many examples given for when this provision would be used. Lot sizes were discussed in regards to the adjustment criteria.
- v. 5.106.05(A) was added to 5.105.
- vi. 5.203.01(E)(1) Commissioner Lepin proposed the notices are mailed to 250 feet vs 100 feet. It was decided to leave the code at 100 feet.
- vii. Throughout Article 5, the 7 days to send a decision notice was changed to 5 business days to be consistent with ORS.
- viii. 5.206.02 was adjusted with written input from the City Attorney, Forrest Reid.

3) General Questions:

- i. Commissioner Lepin questioned the livestock code changes. The changes were explained by staff and no adjustments made.

H. Meeting adjourned by Commission President Kirkendall at 9:18 pm.

Respectfully submitted:



Jake Gabell
Deputy City Recorder

Reviewed by:



Matt Straite
City Planner