



Approved by Planning
Commission on 11/19/2019

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

4222 NE Old Salem Road
Tuesday, October 15th, 2019
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, Ed Perlenfein, Connie Lepin, Dennis Gunner, and John Sullivan
- Members Absent: Steve Vogler, Scott Stimpson, Ryan Penning, and Anne Peltier
- Staff Present: Matt Straite, City Planner; Jake Gabell, Deputy City Recorder; Forrest Reid, City Attorney; John Morgan, Planning Director; Janelle Booth, Assistant City Manager/City Engineer; and Kevin Kreitman, City Manager.
- C. MEETING MINUTE APPROVAL
- 1) September 17th meeting minutes
- Action: Motion to accept the minutes as presented made by Commissioner Perlenfein; seconded by Commissioner Sullivan.**
- Commissioner Kirkendall: Aye**
- Commissioner Perlenfein: Aye**
- Commissioner Lepin: Aye**
- Commissioner Sullivan: Aye**
- Commissioner Gunner: Abstained**
- D. QUASI-JUDICIAL PUBLIC HEARING
- 1) Public hearing on Land Use File SP 19-03 opened by President Kirkendall at 6:04 p.m. Deputy City Recorder, Jake Gabell, read disclosures. President Kirkendall finished opening the hearing.
- i. Commissioner Gunner declared site contact; he drove by the property.
- File No: SP 19-03 Jeff Benge Outdoor Storage
The applicant is proposing a Site Plan Review (SP 19-03) to add a 0.75 acre paved outdoor storage area to an existing facility of 8.08 acres. The applicant proposes to store paving materials that are manufactured on-site.
- i. Staff report was presented by Matt Straite, City Planner.
1. No public comments or testimonies.
- Public hearing closed at 6:09 pm by President Kirkendall.
- i. Deliberation of Planning Commissioners with questions for staff.

1. Commissioner Lepin asked clarifying questions about the wetlands and the materials being stored outdoor.
 - a. Janelle Booth, City Engineer/Assistant City Manager, explained the DEQ permits that the applicant already has and clarified containment questions.

ACTION

The following Motion was made by Commissioner Sullivan:

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 October 8, 2019, and further motion that the Planning Commission approve Site Plan 19-03, Jeff Benge Outdoor Storage, pursuant to the conditions of approval listed in the staff report.

A seconded was given by Commissioner Perlenfein.

Commissioner Kirkendall: Aye
Commissioner Perlenfein: Aye
Commissioner Lepin: Aye
Commissioner Sullivan: Aye
Commissioner Gunner: Aye

Matt Straite, City Planner, explained the applicant's desire to waive their right to appeal to be able to quickly begin construction.

ACTION

The following Motion made by Commissioner Gunner

The Chair and the Commission recognize that no one presented testimony and no testimony has been received that would provide standing for an appeal within the next fifteen days and, subject to the applicant waiving his right to appeal in writing, this Commission moves to allow the granting of grading and building permits immediately.

A seconded was given by Commissioner Sullivan.

Commissioner Kirkendall: Aye
Commissioner Perlenfein: Aye
Commissioner Lepin: Aye
Commissioner Sullivan: Aye
Commissioner Gunner: Aye

Hearing adjourned at 6:20 PM.

E. City Planner Update

- 1) Matt Straite, City Planner, gave a review of the staff approved Wills Lot Line Adjustment.

F. New Business - Presentation by John Morgan.

- 1) Review of Draft Article IV, Review Procedures
 - i. 4.101 Application Types
 1. 4.101.03, Table of Land Use Application Procedures, was discussed and the fence permit was removed from the table.

2. 4.101.04, Expiration of Approval and Time Extension, was discussed and no changes made.
3. 4.101.05, Exercising a Land Use Approval, was discussed. A provision was added to clarify when construction begins on an approved project.
- ii. 4.102, Process for Property Line Adjustment was discussed and minor typos were corrected.
- iii. 4.103, Process for a Home Occupation
 1. Matt Straite, City Planner, introduced an adjusted Article III, 3.204 Home Occupations, to the Planning Commission for their review.
 - a. 3.204.01 (A) was discussed and provision (2) was modified to include a 1-acre parcel provision.
- iv. 4.104 Process for Partitions was reviewed.
 1. 4.104.05 Decision Criteria (D) "In accordance with adopted City policy" was removed.
- v. The following sections were reviewed and no changes proposed:
 1. 4.105 Process for Adjustments
 2. 4.106 Processing Variances
 3. 4.107 Processing a Conditions Use
 4. 4.108 Processing a Site Development Review
 5. 4.109 Interpretations
 6. 4.110 Nonconforming Uses
- vi. 4.111 Subdivisions and Planned Unit Development was reviewed. 4.111.05 (A) was removed, and (E) 2 and 3 were removed. Other minor typo corrections were made.
- vii. The following sections were reviewed and no major changes proposed:
 1. 4.112 Comprehensive Plan Map Amendment
 2. 4.113 Zone Map Amendment
 3. 4.114 Text Amendments
 4. 4.115 Annexations
 5. 4.201 General Administrative Provisions
- viii. 4.202, 4.203 4.204, and 4.205 will be combined and blended with 4.101 to clarify the application processes.
- ix. 4.202 Type I Application and Review Procedures was reviewed.
 1. 4.202.01 (B) (2) 30 days was changed to 180 days
- x. 4.203 Type II Application and Review Procedures was reviewed.
 1. 4.203.01 (B) (2) 30 days was changed to 180 days
- xi. 4.204 Type III Applications and Review Procedures was reviewed.
 1. 4.204.01 (H) the 10-day notice was changed to a 5-day notice to comply with state law.
- xii. 4.205 Type IV Applications and Review Procedures was reviewed.
 1. 4.205.01 (E) the 10-day notice was changed to a 5-day notice to comply with state law.
 2. 4.205.01 (F) was modified to be a notice of action rather than a notice of decision.
 3. Other minor text edits were made to clarify the code language.
- xiii. 4.206 Public Hearing Before the Planning Commission was reviewed.
 1. 4.206.02, Planning Commission Hearing Procedures was discussed and it was decided that staff will modify this section for the final draft.
- xiv. 4.207 Review and Public Hearing by City Council was reviewed.

1. 4.207.01 (A) was modified to include a provision for the City Attorney polling the City Council.

G. Additional topics of discussion by the Planning Commission.

- 1) 3.211.04 Farm Uses and Livestock was reviewed. The new version contains more livestock provisions. The draft was discussed and the residential low provision was removed from the chicken and rabbit section. The topic was tabled for discussion at the next work session.
- 2) ADU topic brought up by Mayor Jim Lepin. He suggested that the Planning Commission remove the requirement for owner occupied based on a suggestion from the City Attorney.

H. Meeting adjourned by Commission President Kirkendall at 8:35 pm.

Respectfully submitted:



Jake Gabell
Deputy City Recorder

Reviewed by:



Matt Straite
City Planner