



Approved by Planning Commission on 5-21-2019

**CITY OF MILLERSBURG
PLANNING COMMISSION MEETING**

4222 NE Old Salem Road
Monday, April 22, 2019
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, Steve Vogler, Dennis Gunner
John Sullivan, Connie Lepin, Anne Peltier, Ed Perlenfein, and Scott Stimpson
Members Absent: Ryan Penning
Staff Present: Jake Gabell, Deputy City Recorder; Matt Straite, City Planner; Forrest Reid, City Attorney; Wallace Lien, City Land Use Attorney; Kevin Kreitman, City Manager; and Janelle Booth, Assistant City Manager/City Engineer
- D. QUASI-JUDICIAL PUBLIC HEARING
- 1) Public hearing on Land Use Files CUP 19-01 and SP 19-01 opened by President Kirkendall at 6:02 p.m. Deputy City Recorder, Jake Gabell, read disclosures. President Kirkendall finished opening the hearing.

- i. Commissioners Vogler, Peltier, Lepin, and Gunner declared site contact; they drove by the property.

File No: CUP 19-01 and SP 19-01 Evening Star Manufactured Home Park
The applicant is proposing a Conditional Use Permit and Site Plan Review for a 28 space senior manufactured home park with four proposed guest parking spaces, drainage features, one open space area, landscaping, and one proposed point of access from NE Millersburg Drive.

Staff report was presented by Matt Straite, City Planner. A memo was handed out by City Planner Straite and added to the record.

- ii. Presentation by Norman Bickell, applicant's planner from 2232 42nd Ave SE #821, Salem OR 97371 and Mike Reeder, applicant's attorney of 375 W 4th Ave Suite 205, Eugene OR 97401 presented for the applicant.
1. Mr. Bickel stated that the applicant does agree with conditions of approval 1-4, 8-10 and 14, but does not agree with conditions of

- approval 5-7 and 11-13. He reviewed each condition of approval and gave detail on those that the applicant does not agree with.
2. Statement by Mr. Reeder, applicant's attorney.
 - a. A memo was given to the Planning Commission by Mr. Reader. He also reviewed the state code and how he believed it applies to this application.
- iii. Public Testimony
1. Corbett Richards of 6218 Mesa Ct, Albany OR 97321 reviewed state codes that he believes the application is in violation of. Mr. Richards handed a memo to the Planning Commission that was added to the record.
 2. David Phelps of 2690 Millersburg Dr, Albany OR 97321, neighbor to the applicant, has a concerns centered on storm water runoff from the project into his property.
 3. Tarry Hill, 2595 Millersburg Drive, discussed his concerns about the private street width, traffic concerns, parking concerns, sidewalks, and agreed with the conditions of approval recommended in the staff report.
 4. Erin Brazel, of 6219 Mesa Court, handed a letter to the Planning Commission detailing her concerns. Her concerns centered on state statute 446.100, possible conflicts with the City Comprehensive Plan, soil densities, screening requirements, and traffic.
 5. Brian Stafferson of 6230 Sedona Rd, indicated that he had no new evidence and yielded his time.
 6. Wayne Hardner with Clayton Homes stated his approval of the project, the price of the new manufactured home, and that the Planning Commission could take a tour.
 7. Jerome Magnason, 4612 Terri Ln, stated that he supports the project due to affordable housing needs; he also had concerns about the additional screening requirements.
 8. Tom Eisele, 6351 Sedona Road, had concerns about drainage and flooding in the proposed site.
 9. Beth Eddings, 1979 Clover Ridge, the applicant's wife, explained the reasoning behind the application, and her personal history with family members in manufactured home parks. She stated that the CC&R's will have age limits of residents in the proposed manufactured home park.
 10. Jessica Stafferson of 6230 Sedona, requested a continuance.
 11. Chris Martin, 6211 Masa Court, had concerns centered on lack of enforceability of CC&R's, traffic, and parking.
 12. Nathan Van Nicholson, 6347 Sedona Rd, is opposed to the project; his oppositions centered on the quality of life, and the density of the housing in the project in comparison to the nearby neighborhoods.
 13. Nola Richards, 6218 Masa Court, has concerns about the parking and lack of enforceability of age restricted communities.

- v. Rebuttal by the applicant.
 - 1. Planning Commissioner Kirkendall asked what the difference is between the type A and type B manufactured homes.
 - a. William Eddings stated that a type A is a double wide home and a type B is a single wide home, both 10 years or newer. He also stated that the project will have all new homes.
 - 2. Mr. Reeder and Mr. Bickell gave a rebuttal on behalf of the applicant.
 - a. They addressed the concerns by the public which included:
 - i. Screening, floodway, rodent breeding grounds, traffic, and parking.
 - b. Mr. Reeder stated that the applicant had no concerns with the record remaining open.
 - c. Commissioner Sullivan had concerns with the width of the streets and getting a garbage truck through the proposed private street.
 - d. Commissioner Vogler had a clarifying question about the amount of parking.
 - e. Commissioner Lepin had questions about the traffic study and when it when occurred.
 - i. Mr. Reeder stated that the traffic study was not required by state law, and was provided as a request from the City.
 - f. Mr. Reeder showed the site plan that was provided to the Fire Marshall in January 2019.
 - 3. Additional staff statements.
 - a. Kevin Kreitman, Millersburg City Manager, has 16 years as a fire chief and 37 total years in the firefighting profession. He addressed the requirements for a wider street due to the size of emergency service vehicles.
 - b. Commissioner Kirkendall asked staff if the COA's in the staff report were in legal compliance with state law.
 - i. Attorney Lien stated that the staff report has been fully vetted by the legal staff.
 - c. Commissioner Vogler asked a clarifying question about the drainage requirements. City Planner Straite explained the drainage requirements.
 - d. Mr. Reeder stated that the information on the white board will be given to staff to be included in the record.
 - 4. Attorney Lien gave a timeline for the continuance.
 - a. The record is held open until April 29th at 5:00 pm for anyone to submit material.
 - b. If material is received, the record is held open until May 6th at 5:00 pm for rebuttal; however no new evidence will be accepted.
 - c. The record is held open until May 13th at 5:00 pm for only the applicant to offer rebuttal; however no new evidence will be accepted.
 - d. May 21st at 6:00 pm the Planning Commission will reconvene

- and consider all new evidence and deliberate.
- e. Comments and letters may be delivered to Millersburg City Hall, mailed, or emailed to info@cityofmillersburg.org by 5:00 pm on each specific day noted above.
5. Additional questions by the Planning Commission:
- a. Commissioner Lepin asked staff a clarifying question about the proposed detention basin and treatment pond in a flood plain.
 - i. Assistant City Manager/City Engineer Booth responded and explained the condition of approval requiring the detention basins and the standard review process by staff.
 - vi. Public hearing continued at 7:58 pm by President Kirkendall.

ACTION

The following motion was made by Commissioner Sullivan:

Moved to continue with the timeline given by Attorney Lien noted above.

A second was given by Commissioner Perlenfein.

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

F. ADJOURNMENT: meeting adjourned at 8:00 p.m.

Respectfully submitted:



Jake Gabell
Deputy City Recorder

Reviewed by:



Matt Straite
City Planner

Upcoming Meetings:

April 29, 2019 @ 4:00 p.m. – Planning Commission Workshop