



Approved 2/19/19

**CITY OF MILLERSBURG
PLANNING COMMISSION WORK SESSION**

4222 NE Old Salem Road
Monday, January 14, 2019
6:00 p.m.

Minutes

- A. CALL TO ORDER: Commission President Jimmie Kirkendall called the meeting to order at 6:03 pm.
- B. City Manager, Kevin Kreitman, led the Planning Commission in drawing lots for the number of years appointed to the Commission. The results were as follows:
- 1) 1 year appointments: John Sullivan, Scott Stimpson, and Steve Vogler
 - 2) 2 year appointments: Ryan Penning, Ed Perlenfein, and Ann Peltier
 - 3) 3 year appointments: Jimmy Kirkendall, Dennis Gunner, and Connie Lepin
- C. ROLL CALL:
- Members Present: Jimmy Kirkendall, Anne Peltier, Ryan Penning, Steve Vogler, Connie Lepin, Dennis Gunner, Ed Perlenfein, and John Sullivan
- Members Absent: Scott Stimpson
- Staff Present: Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Forrest Reid, City Attorney; Jake Gabell, Deputy City Recorder; John Morgan, City Planning Director; and Matt Straite, City Planner
- D. Presentation and discussion with John Morgan, the Planning Commission, and staff. The proposed code, chapters 3 and 4 are presented for discussion.
- 1) The presentation began with a review of where the discussion left off, at the end of chapter/article 3.
 - i. Commissioner Lepin reopened the topic of the rebuild clause for non-conforming structures.
 - ii. Commissioner Gunner had concerns about the changes in the zone codes that don't allow for farms in residential zones.
 - 2) Chapter 4 section 101, Review Procedures, decisions fall into four sections. The follow were discussed:
 - i. Type 1 Actions are made at the staff level and can be appealed to the Planning Commission: temporary use, sign permit, flood plain

permit, greenway development permit, property line adjustment, and home occupation.

1. Home occupations were discussed at length. It was recommended that decisions remain at a staff level, and the code was read over. It was decided to add provisions to only allow two commercial vehicles per home.
 - ii. Type 2 Actions are made at the staff level, neighbors are notified, and can be appealed to the Planning Commission: partition, adjustment, and similar use.
 - iii. Type 3 Actions are made at the Planning Commission level, neighbors are notified, and may be appealed to the City Council: variance, conditional use permit, site development review, non-conforming use, and subdivision.
 - iv. Type 4 Actions go to the Planning Commission for recommendation, and final decisions are made at the City Council: comprehensive plan map amendment, zone map amendment, amendments and revisions of the comprehensive plan, development code amendments, and annexation.
 1. It was recommended to adjust the proposed code to allow an applicant apply for a type 4 action, which the current draft does not allow. The Planning Commission agreed with the recommendation.
 - v. Section 101 contains the follow, which was also discussed:
 1. Expiration of approvals and time extension, which will be applied to all land use actions. No changes proposed.
 2. Exercising a land use approval, no changes proposed.
- 3) Chapter 4 section 1, general administrative provisions, was reviewed, and the following was proposed to be changed:
- i. Section 103, home occupations, was adjusted to two tiers. Tier 1, which will be allowed outright and may not impact others. Tier 2 will require a permit and staff review, and may impact neighbors.
 - ii. Section 105, adjustments: Explanation of adjustments was provided and examples given. No adjustments proposed.
 - iii. Section 107, conditional use was reviewed and explained. A submittal process will be added.
 - iv. Section 110, nonconforming uses. The Decision Criteria, part B, does not allow a non-conforming use to be permitted if it is of the same or less intensity of use. The Commission reviewed this condition with staff, and it was decided to leave the criteria in the proposed code.
 - v. Section 111, subdivisions and planned unit developments. Changes were recommended that include: require phases of subdivisions in

- the tentative level, submittal requirements will be added, and planned unit development be allowed only in high-density zone.
- vi. Section 112, comprehensive plan map amendment was reviewed, explained, and no changes were recommended.
 - vii. Section 114, text amendments. It was recommended to cross-reference the decision with the decision maker.
 - viii. Section 115, annexations. Annexations are not allowed to go to vote of the people, per State of Oregon law. The new code proposes that the property abuts the City limit on at least one side. No changes were proposed.
- 4) Chapter 4, section 2, general administrative provision, was reviewed, and the following was proposed to be updated:
- i. Section 201.02, generalized area, is somewhat unclear, and the language will be adjusted to be clearer.
 - ii. Section 202 will have an addition that the City Council has the ability to call up, with at least four votes, a decision made by the Planning Commission. The notice of appeal will be removed, because a Type 1 does not send notices.
- 5) Recess started at 8:02 and ended at 8:10
- 6) Chapter 4, section 2, general administrative provision review continued, and the following was proposed:
- i. Section 204—a condition will be added on who signs the notice of decision.
 - ii. Section 205—the condition in 4.205.1 (E) that requires notice in a public newspaper was decided to be removed.
 - iii. Section 4.206.1 (B) will be removed, and (D) will remove the appeal for a Type 1 to the Planning Commission.
 - iv. Section 4.206.2(J) will be changed to close testimony, but the hearing remains open.
 - v. Section 207 will be adjusted to include the City Council's ability to call up decisions made by the Planning Commission.
- 7) The discussion concluded at the end of chapter 4.

E. ADJOURNMENT: meeting adjourned at 8:42 p.m.

Respectfully submitted:



Jake Gabell
Deputy City Recorder

Reviewed by:



Matt Straite
City Planner

Upcoming Meetings:

January 15, 2019 @ 6:00 p.m. – Planning Commission Meeting
February 13, 2019 @ 6:00 p.m. – Planning Commission Workshop
February 19, 2019 @ 6:00 p.m. – Planning Commission Meeting
February 25, 2019 @ 6:00 p.m. – Planning Commission Workshop

These notes are not final until approved by the Planning Commission.

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.