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This meeting is being recorded for public review on the City of Millersburg website.

CITY OF MILLERSBURG PLANNING COMMISSION MEETING

This meeting will be conducted remotely. See instructions below to join.
August 27, 2020 @ 6:00 p.m.

Agenda

Instructions for joining the meeting by computer or phone are attached to this agenda. If you do not have access to a phone or computer, or need additional support, please contact City Hall prior to 5:00 p.m. on Wednesday, August 26.

Meeting link to join via computer:

<https://aspenuc.accessionmeeting.com/j/1169029362>

Phone number to join meeting: 503-212-9900

Meeting ID: 116 902 9362

- A. CALL TO ORDER
- B. APPOINTMENT OF PLANNING COMMISSION CHAIR AND VICE CHAIR
- C. ROLL CALL
- D. MEETING MINUTE APPROVAL
 - 1) Planning Commission Meeting held on:
 - i. May 19st 2020 Planning Commission Meeting.
- E. QUASI-JUDICIAL PUBLIC HEARING
 - 1) File No: SP 20-01 RENA ADDITIONAL SIGN
Proposal: The applicant requested a sign permit for two wall signs. The code only permits one per building; however, through a site plan review, the code allows the applicant to request additional signs. This review is limited to the one additional wall sign; all others are permitted by right.
- F. CITY PLANNER UPDATE
 - 1) Crooks Creek North Partition
 - 2) Wyatt Partition
 - 3) Land Use Code Update
- G. ADJOURNMENT

Upcoming Meeting(s):

September 2, 2020 @ 6:00 p.m. – Planning Commission Meeting

September 8, 2020 @ 6:30 p.m. – City Council Meeting

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation to attend or participate, please notify the Millersburg City Hall in advance by calling 458-233-6300.



CITY OF MILLERSBURG PLANNING COMMISSION MEETING

4222 NE Old Salem Road
Tuesday, May 19th, 2020
6:00 pm

Minutes

A. CALL TO ORDER: Commission Chair Jimmie Kirkendall called the meeting to order at 6:04 pm.

B. ROLL CALL:

Members Present: Jimmy Kirkendall, Connie Lepin, Dennis Gunner, Steve Vogler, Mark Raum, Anne Peltier, and Ryan Penning. Steve Vogler joined the meeting at 6:24 pm.

Members Absent: None

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

C. MEETING MINUTE APPROVAL

1) April 21st, 2020 meeting minutes

ACTION

The following motion was made by Commissioner Vogler

I motion to accept the minutes as presented.

A second given by Commissioner Peltier.

Chair Kirkendall: Yes

Commissioner Gunner: Yes

Commissioner Lepin: Yes

Commissioner Peltier: Yes

Commissioner Penning: Yes

Commissioner Raum: Yes

Motion Passed: 6/0

D. Virtual meeting overview provided by City staff.

E. QUASI-JUDICIAL PUBLIC HEARING

1) Public hearing on Land Use File PA 20-01 introduced by Chair Kirkendall at 6:09 pm.

ACTION

The following motion was made by Commission Raum

I motion to reopen the Record in Case Number PA 20-01 for the single purpose of accepting a letter from the applicant's attorney dated May 5, 2020, and upon entry of that letter into this Record, the Record should then be again closed so we may deliberate.

A second was given by Commissioner Peltier

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. Staff report was presented by Matt Straite, City Planner; a memo from the applicant's attorney was distributed to the Planning Commission.
- ii. Record closed at 6:17 pm by Chair Kirkendall.
- iii. Discussion between Planning Commissioners with questions for staff.
 - a. Further discussion between staff and Planning Commissioners. Topics included requiring the road, cost of developing the larger lot in the future, non-remonstrance agreements, the width of the proposed hammerhead,

ACTION

The following Motion was made by Commissioner Lepin:

I move for the approval of Partition Application Number PA 20-01, based on the findings of fact and conclusions in the April 14, 2020 Staff Report, subject to the conditions of approval set forth below (which supersede the proposed conditions listed in the April 14 Staff Report) including General Condition 4 which does not require the construction of a new road to serve the proposed lots with a change that both parcels two and three would have a waiver of remonstrance but that parcel two would be the only one that would participate in future road construction costs.

A second was given by Commissioner Penning.

Further discussion between Planning Commissioners on the road and who should bear the future cost.

Chair Kirkendall:	No
Commissioner Gunner:	Yes
Commissioner Lepin:	Yes
Commissioner Peltier:	No
Commissioner Penning:	Yes
Commissioner Raum:	No
Commission Vogler:	No
Motion Failed: 3 / 4	

ACTION

The following Motion was made by Commissioner Raum:

I move for the approval of Partition Application Number PA 20-01, based on the findings of fact and conclusions in the April 14, 2020 Staff Report, subject to the conditions of approval set forth below (which supersede the proposed conditions listed in the April 14 Staff Report) including General Condition 4 which does not require the construction of a new road to serve the proposed lots.

A second was given by Commissioner Peltier.

Further discussion between Planning Commissioners on the road and who should bear the future cost.

Chair Kirkendall: Yes
Commissioner Gunner: No
Commissioner Lepin: No
Commissioner Peltier: Yes
Commissioner Penning: Yes
Commissioner Raum: Yes
Commissioner Vogler: Yes
Motion Passed: 5 / 2

F. City Planner and Staff Updates

1) City Planner Matt Straite reviewed the staff memo that was included in the meeting packet, "New process for Partitions and Subdivisions."

i. Discussion between staff and the Planning Commission on the effects of the change, and a review of the Needed Housing Act.

G. Meeting adjourned by Commission Chair Kirkendall at 7:05 pm.

Respectfully submitted:

Reviewed by:

Jake Gabell
Deputy City Recorder

Matt Straite
City Planner



Proposal: The applicant requested a sign permit for two wall signs. The code only permits one per building; however, through a site plan review, the code allows the applicant to request additional signs. This review is limited to the one additional wall sign; all others are permitted by right.

I. BACKGROUND

- A. Applicant: RENA Technologies North America
3838 Western Way NE
- B. Location: Westerly of I-5 and easterly of NE Old Salem Road.
- C. Review Type: The proposed Site Plan Review requires a hearing before the Planning Commission. The Planning Commission is scheduled to hold a hearing on the application on August 27, 2020. The Planning Commission decision can be appealed to the City Council. Any appeal of the City Council's decision relating to this matter will be considered by the Oregon Land Use Board of Appeals (LUBA).
- D. Public Notice and Hearing: Notice was mailed to all property owners within 100 feet of the proposed location, posted in City Hall on August 5, 2020, and posted on the City's website here - <http://cityofmillersburg.org/planning-commission/>
- E. Review Criteria: Article 2 §2.400(2) Site Plan Review Criteria
- F. Current Zoning: Limited Industrial (LI)
- G. Proposed Zoning: N/A
- H. Property Size: 3.64 Acres
- I. Background: The structure was approved years ago; RENA is a new tenant. Many other structures in the area feature two wall signs. Those additional signs were permitted at the time the structures were constructed, and thus, reviewed by the Planning Commission at that time as part of the original use permits.

II. AFFECTED AGENCY, PUBLIC NOTICE, AND PUBLIC COMMENTS

Agencies:

The applicant's materials were not transmitted to any other agencies because the additional sign would have no impact on any other agency review.

Public:

Notice of the August 27, 2020 hearing was mailed to all property owners within 100 feet of the property. To date, no written comments have been received by staff.

III. CRITERION

CITY OF MILLERSBURG DEVELOPMENT CODE

The applicable site plan review criteria are from section 2.400(2).

(2) Decision Criteria. After an examination of the Site and prior to approval, the Planning Commission must make the following findings:

(a) That the proposed development or use does not conflict with the City's Comprehensive Plan.

ANALYSIS: Section 9 of the Comprehensive Plan contains a list of Land Use Goals and Policies. The Comprehensive Plan does not specifically address signs except to say that they should compliment the developments. The proposed additional wall sign is complimentary to the structure. The size of the proposed sign is appropriate for the structure, and the blue and red colors on the sign are muted to match the off-white color of the structure.

FINDING: Based on the analysis above, the project meets the required criteria.

(b) That the proposed development or use complies with the standards of the land use zone and does not conflict with city codes and ordinances that are applicable to the application.

ANALYSIS: Based on staff's review of the proposed additional sign, pending a required review by the Planning Commission, the sign meets all code requirements. Section IV of this staff report goes through the sign section of the code (Section 5.136) in more detail.

FINDING: Based on the analysis above, the additional sign meets the required criteria.

- (c) That the proposed development will not have an adverse impact on traffic flow or to pedestrian, bicycle and vehicular safety, and future street right-of ways are protected.**

ANALYSIS: The additional requested sign will not impact traffic because it will be located on a wall.

FINDING: Based on the analysis above, the project meets the required criteria.

- (d) That proposed signs or lighting will not, by size, location, color or operation, have an have an adverse impact on traffic, limit visibility or have an have an adverse impact on adjacent properties.**

ANALYSIS: The additional wall sign will not create glare, it will not rotate or flash, or attract the attention of drivers in a way that could distract them or will act as a danger of any kind. The proposed sign is a wall sign, located high on the southeast side of the building (facing I-5). Therefore, it will not limit visibility in any way or have any adverse impacts on drivers.

FINDING: Based on the analysis above, the project meets the required criteria.

- (e) That water, wastewater disposal and utilities are available and have the capacity to serve the proposed development or use and can be extended in the future to accommodate future growth beyond the proposed land division.**

ANALYSIS: The proposed additional wall sign does not require any utilities.

FINDING: This criterion does not apply.

- (f) That the proposed development or use does not have an adverse impact on existing or proposed drainageways including flow disruptions, flooding, contamination or erosion and required drainage facilities are provided that have the capacity to serve the proposed development or use.**

ANALYSIS: The proposed additional wall sign does not require the use of or pose any possible impacts to drainageways. The sign is located under a rain gutter and will not affect the drainage patterns of the structure.

FINDING: This criterion does not apply.

- (g) That the proposed development will not have an adverse impact, potential hazards or nuisance characteristics as identified in Section 2.140, Item 21 of the Application Site Plan consistent with the standards of the Zoning District and complies with the applicable standards of all regulatory agencies having jurisdiction.**

ANALYSIS: The proposed additional wall sign does not emit or create any hazards.

FINDING: This criterion does not apply.

(h) That the proposed development or use does not conflict with the standards of other regulatory agencies having jurisdiction.

ANALYSIS: The proposed additional sign will not conflict with any standards of other regulatory agencies. The sign will face Interstate 5. As such, staff contacted ODOT to ask if they wanted to review the proposed sign. In a phone conversation they indicated that if the sign is outside the right-of-way, and affixed to a wall, they did not need to review the sign. The sign is located on the side of the building and is well outside the freeway right-of-way.

FINDING: Based on the analysis above, the project meets the required criteria.

IV. STANDARDS

The proposed design complies with all the specifications and design requirements of Chapter 4, specifically the LI zone setbacks, and Chapter 5, Development Standards. The following analysis summary is provided for items that required additional explanation and/or additional conditions of approval to show clear consistency:

SECTION 5.136 SIGNS

(2) General Sign Provisions:

- (a) Each sign or outdoor advertising display shall be located on the same property as the use it identifies or advertises or be approved by the Millersburg Planning Commission.**

ANALYSIS: The proposed wall sign is to be located on the existing structure.

FINDING: Based on the analysis above, the project meets the standard.

- (b) Signs may be illuminated by indirect or internal lighting. Lighting and signs shall not, by light, brilliance, type, design, or character, create a public or private nuisance or interfere with traffic or limit visibility, and shall not produce glare into residences. The use of flashing or rotating lights is prohibited.**

ANALYSIS: No lighting is proposed.

FINDING: Based on the analysis above, the project meets the standard.

- (c) **No sign shall be constructed or erected that inhibits or impairs the vision clearance area or other sight lines necessary for the safety of the traveling public**

ANALYSIS: The proposed wall sign is to be located on the existing structure.

FINDING: Based on the analysis above, the project meets the standard.

- (d) **Sign materials and design elements should be complimentary to the materials used in development.**

ANALYSIS: The structure features off-white metal siding. The proposed signage features blue lettering with a red accent dot. The colors are slightly muted and match the white wall color in hue.

FINDING: Based on the analysis above, the project meets the standard.

- (e) **All attached or freestanding signs shall be engineered and comply with the State of Oregon Structural Specialty and Life Safety Code and the adopted Electric Code for any electrically powered signs.**

ANALYSIS: The proposed wall sign is to be located on the existing structure. The Linn County Building Department will review the plans for compliance with these requirements, pending approval by the Planning Commission.

FINDING: Based on the analysis above, the project meets the standard.

- (f) **Any freestanding or projecting sign may be double-faced.**

ANALYSIS: The sign is not proposed to be double-faced.

FINDING: This standard does not apply.

- (g) **All signs, together with their supporting structure shall be maintained in a safe, clean and attractive condition.**

- (h) **Abandoned signs that no longer apply to the property shall be removed by the property owner within 90 days of disuse.**

ANALYSIS: Any circumstance where the sign is not maintained would be a code enforcement issue. The two above standards are essentially a notice

to the applicant to maintain the sign in good order and remove the sign when it is no longer needed.

FINDING: Based on the analysis above, the project meets the standards.

(5) **Permitted Commercial & Industrial Sign Standards**

(a) **One Surface Wall or Window Sign per business.**

ANALYSIS: The applicant is requesting two signs on the building wall. As noted below, any sign requested that does not meet this section can request permission from the Planning Commission through a Site Plan Review.

FINDING: Based on the analysis above, the project meets the standard.

(b) **One Projecting Sign per street frontage not exceeding the roofline or 60 square feet in area per business. Projecting signs shall have a minimum height clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas.**

ANALYSIS: The proposed wall sign is to be located on the existing structure. The Linn County Building Department will review the plans for compliance with these requirements, pending approval by the Planning Commission.

FINDING: Based on the analysis above, the project meets the standard.

(c) **One Freestanding Ground level sign per street frontage of a property not to exceed 6 feet in height or 80 square feet in area per sign.**

(d) **One Freestanding Elevated Sign per street frontage of a property not to exceed 30 feet in height or 100 square feet in area. Elevated signs shall have a minimum height clearance of 8 feet in pedestrian areas and 15 feet over parking or drive areas.**

ANALYSIS: The proposed wall sign is to be located on the existing structure.

FINDING: These standards do not apply.

- (e) **The aggregate number of signs per street frontage shall be three per business or property.**

ANALYSIS: The applicant has requested one double-sided monument sign and two wall signs, for a total of three signs.

FINDING: Based on the analysis above, the project meets the standard.

(6) **Signs Requiring Approval**

The following signs may be permitted subject to a Site Plan Review and approval by the Millersburg Planning Commission in conformance with Section 2.400.

- (a) **Any on-site sign not specifically identified as “Permitted” herein or signs exceeding the standards specified herein.**

ANALYSIS: As seen in Section 5.136(5) only one wall sign is permitted by right. The request of the second wall sign requires approval by the Planning Commission.

FINDING: Based on the analysis above, the project meets the standard.

V. RECOMMENDATION

Based on the above findings of fact, and the conditions of approval, the proposed project satisfies the applicable criteria and staff recommends the Planning Commission approve Application No. SP 20-01.

VI. ALTERNATIVE RECOMMENDATION

Should the Planning Commission not elect to approve the proposed development, they could continue the item for further discussion or deny the application citing the specific criteria not satisfied by the application.

VII. NOTICES TO THE APPLICANT

The applicant should also be aware of the following standards and processes that are required for development. These are not part of the decision on this land use case and are provided as a courtesy to the applicant. Please contact City Hall with any questions.

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.

2. The developer is responsible for all costs associated with any remaining public facility improvements and shall ensure the construction of all public streets and utilities within and adjacent to the tentative map as required by these conditions of approval, to the plans, standards, and specifications of the City of Millersburg.
3. **This approval is valid for a period of one (1) year from the date of the decision notice.** Extensions may be granted by the City as afforded by the Millersburg Development Code.
4. The continual operation of the property shall comply with the applicable requirements of the Millersburg Development Code.
5. This approval does not negate the need to obtain permits, as appropriate from other local, state, or federal agencies, even if not specifically required by this decision.
6. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
7. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste. All waste shall leave the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the City.

X. EXHIBITS

- A. Zoning Map
- B. Vicinity Map
- C. Applicant's Site Plan and Description
- D. Public Hearing Notice

Zoning Map SP 20-01



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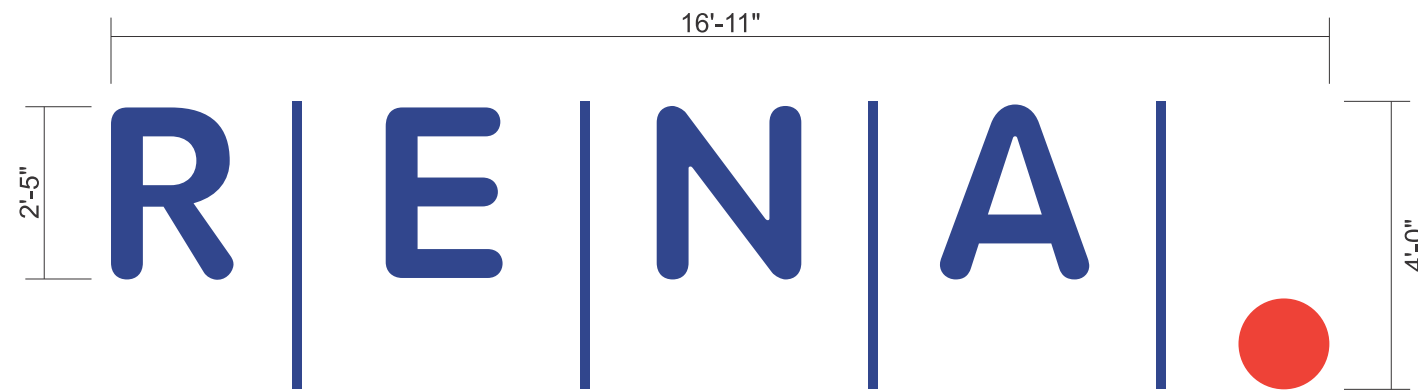
Vicinity Map SP 20-01



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Layout

Scale: 3/8"=1'-0"



Side View

Scale: 3/4"=1'-0"

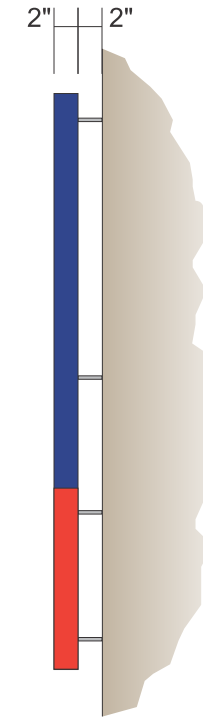


Photo Inlay



Specifications

Manufacture & Install (1) Set of Non-illuminated Channel Letters

- Fabricated aluminum reverse pan 2" deep letters, & red circle.
- Vertical lines to be 2" x 2" aluminum C-channel with capped ends.
- Paint faces & returns blue & red (verify Pantone colors).
- Stud mount to wall with 2" spacers painted to match wall.
- Center sign on wall area.
- Verify artwork, colors, sizes, dimensions, installation.

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CAUTION: The design concept, ideas, and specifications contained herein are the intellectual property of ES&A Sign Corp., for a project that has been custom designed, planned, and submitted for your approval. No element of the design concept shall be copied, disclosed, or provided in any form to any other person or entity without the express written permission of ES&A Sign Corp. By accepting this submission, you further agree that no element of the design will be implemented by any other person or entity other than ES&A Sign Corp. without the express written permission of ES&A Sign Corp. In the event design elements or concept drawings are disclosed to any other person or entity, ES&A Sign Corp. may pursue any legal remedies including, but not limited to, court action, in which the prevailing party shall be entitled to attorney fees and costs.

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 VARIOUS PRINTERS & MONITORS WILL INTERPRET COLORS IN DIFFERENT TONES & SHADES.

REVISIONS:

CLIENT APPROVAL

INCLUDES COLORS, SPELLING, ARTWORK

PLEASE INITIAL:

PLEASE DATE:

DRAWING NUMBER: 31099D

DATE OF ORIGINAL DRAWING: 6.02.20

SALES:

DESIGN:

PAGE NO:

JS

BL

1 of 1

PRESENTATION FOR:

RENA
 3838 WESTERN WAY NE
 ALBANY, OR 97321

89975 PRAIRIE RD.
 EUGENE, OR 97402

P | 541.485.5546
 F | 541.485.5813

WWW.ESASIGNS.COM



Front Location

Southeast Location





NOTICE OF PUBLIC HEARING

****Special COVID 19 Process, Read Carefully****

August 27, 2020, 6:00 p.m.

****By Phone or Online ONLY****

Join by URL:

<https://aspenuc.accessionmeeting.com/j/1151368524>

See more detailed instructions on the next page

Or join by phone:

Dial: +1 5032129900 (US Toll)

Meeting ID: 115 136 8524

Due to the COVID-19 situation the **MILLERSBURG PLANNING COMMISSION** will hold a public hearing by phone and online only to consider the request described below. The City is taking this precaution to keep the Planning Commission, the applicant, Staff and the public safe. If anyone needs any special accommodations, please let the City know in advance of the hearing. The hearing item may be heard later than the time indicated, depending on the agenda schedule. Interested parties are invited to send written comment or may testify by phone or online during the hearing. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide sufficient specific information to allow the Commission an opportunity to respond to the issue will preclude your ability to appeal the decision to the Land Use Board of Appeals based on that issue.

The application, all documents and evidence submitted by or on behalf of the applicant and the applicable criteria are available for inspection at no cost or copies are available for a minimal cost. City Hall is temporarily closed to the public. Any document request must be made by phone or email, or can be viewed at the following web location- <http://cityofmillersburg.org/current-planning-applications/>. A staff report relating to the applicant's proposal will be available seven days prior to the public hearing at the same web location. For further information, contact Millersburg City Hall at (458)-233-6300.

APPLICANTS:	RENA Technologies North America
LOCATION:	3838 Western Way NE Millersburg, OR 97321
TAX LOT:	Township 10 South; Range 3 West; Section 06; Tax Lot 100
PARCEL SIZE:	3.64 Acres
ZONING:	Limited Industrial (LI)
REQUEST:	The applicant is requesting an additional sign beyond the single wall sign permitted by right in the Development Code.
CRITERIA:	Millersburg Development Code; Section 2.400(2)
FILE No.:	SP 20-01

If you need any special accommodations to attend or participate in the hearing, please notify City Hall twenty-four hours before the meeting. For further information, please contact City Hall at (458)-233-6300.



To: Millersburg Planning Commission

From: Matt Straite

Date: August 27, 2020

Re: Revised Design Memo

The Staff Report indicated that no lighting was proposed. After the staff report was published, it was brought to staff's attention that the project is proposing lighting for the additional sign request. As such, staff proposes the following additional finding for the record:

Additional Finding: Regarding Criteria 2.400(2)d, which requires that lighting shall not by size, location, color or operation have an adverse impact on traffic, limit visibility or have an adverse impact on adjacent properties, the applicant has indicated that there will be a small spot light shining on the proposed sign. The sign is a wall sign and will be located high on the structure. The light will shine only on the sign and will not cast any illumination onto the ground or shine light into any driving path. Further, the light cast will not reach any other property. As such, the project meets the criteria.