



PLANNING COMMISSION PUBLIC HEARING MINUTES
4222 NE Old Salem Road
Millersburg OR 97321
December 3, 2024
6:00 p.m.

A. CALL TO ORDER: Chair Doug Iverson called the meeting to order at 6:00 p.m.

B. ROLL CALL:

Members Present: Chair Doug Iverson, Commissioners Brandon Abresch, Michael Mueller, Jerry Horn, and Alex Patterson.

Members Absent: Commissioner Ryan Penning and Caryl Thomas.

Staff Present: Matt Straite, Community Development Director; Sheena Dickerman, City Recorder; Joanne Johnson, Office Assistant; Kevin Kreitman, City Manager; Janelle Booth, Assistant City Manager/City Engineer; Margaret Gander-Vo, City Attorney

C. MEETING MINUTE APPROVAL **6:02 p.m.**

Chair Doug Iverson noted that the minutes should be changed from closing "meeting" to closing "public hearing" on page 5 of minutes.

ACTION: Motion to Approve October 1, 2024, minutes as amended by Commissioner Michael Mueller; seconded by Commissioner Alex Patterson.

- Commissioner Brandon Abresch: Aye
- Commissioner Michael Mueller: Aye
- Commissioner Jerry Horn: Aye
- Commissioner Doug Iverson: Aye
- Commissioner Alex Patterson: Aye

Motion Passed: 5/0

D. WORKSHOP-DEVELOPMENT CODE UPDATES DC 24-02 **6:02 p.m.**

Chair Doug Iverson opened the workshop at 6:02 p.m.

Community Development Director Matt Straite described the updates as found in the staff report*.

The Planning Commission has recommended changing the dimensions found on the paved area in front of people's houses, so staff added a 25 feet deep from the front of the house to the street.

3. Limited land use decisions had more complicated changes. Straite misunderstood the attorney to include provision to the ability for the City Council to call up a project. After speaking with the attorney, they took out the section to allow the city manager to appeal decisions. Assistant City Manager Janelle Booth explained that the first sentence needs to remain for any contentious appeals that might involve a lawsuit. The City Council needs to make those final decisions since they will be the ones later down the road that

would deal with those lawsuits. There wasn't any need to add the ability of the City Manager to appeal. Straite said someone needs to appeal it for it to be sent to City Council or Planning Commission because of the new rules from the State. Doug Iverson asked if only involved parties can appeal. Straite responded that currently anyone can walk in and appeal, but we are changing that so that the LUBA rules will be used here and then an appeal would need to be made during the process. Alex Patterson asked if there were any gaps that were identified. Straite said that he has gone through everything closely, and that Janelle and the attorneys have as well to make sure there are no loopholes. Booth mentioned that this specific change is in response to the State changes to type II decisions. Margaret Gander-Vo said that we have the consistent code changes because situations arise and we need to make modifications to provide as many safeguards as we can.

8. Loading areas: Straite said that City Manager Kevin Kreitman said it was ambiguous as to who this was referring to. The intent was to screen large loading and offloading of materials rather than patron loading areas.

10. Straite said removing the trash enclosure portion was missed in the mixed zone, so that was remedied.

12. Straite said this was a significant change. The tree section had a whole set of standards. Attorney Alan Sorem had said it was too complicated with how it referenced back and forth between the development code and the municipal. It was moved to the municipal code and simply says if you are doing a land use, you have to adhere to all these criteria as well.

15. Trim. Straite added street facing sides as suggested at the last meeting.

17. Accessory Structures. The last row of the table was removed because it was a duplicate. Michael Mueller asked about the height restrictions and whether that would limit the size of RV shops. Straite said he did some research, and it didn't look like the height restrictions would hinder anyone wanting to build an RV garage.

23. Site Development review criteria. Straite said there were some minor changes, making it more clear and cleaning up some redundancies.

27. Added an entire section on ground mounted solar. Straite started by calling "ground mounted solar systems" a use, so they are added to several residential zones as a permitted use. This is important because we don't want to open the door to add them in industrial or commercial zones. Some standards were added using other cities as a template. One of the hardest parts to understand was that the size and scale of all ground mounted solar panels shall not be of a commercial nature. This limits development so that if you have 5 acres you can't turn 4 acres into solar panels, because at that point it becomes a commercial use. You are no longer mounting solar units to help offset the energy of your house's use, you are trying to sell a bunch of energy back to the power company and essentially turning it into a business. It also means that 5 acres of real estate can no longer be depended on to become single family homes in the future. He left the line of how much is too much fuzzy on purpose to leave it open. Patterson asked if there are intent statements in the code. Straite said yes, it is there at the beginning of the section. He read them aloud. Mueller asked about his solar. Straite clarified that roof mounted solar is different. Iverson asked if we should add a cumulative

statement about limiting the amount with roof mounted and ground mounted solar systems. Brandon Abresch said he believes that is why we are leaving it vague on purpose to keep it intent based so that someone doesn't come back and say that we are allowing them to produce whatever percentage over. Mueller mentioned that when they had theirs installed all the companies told them you don't want to produce too much over because then you end up being taxed for it. Booth said we were trying to be vague for a reason because we don't want to have to regulate it. She also added that we will never get the numbers on what they are producing, so there is no way to actually regulate it as far as that goes. The only thing we can do is limit the scale. Straite said he added some other standards including a section about limiting systems to the rear or side yards in lots under 20,000 square feet so that people with large lots where it won't impact a neighbor aren't limited unnecessarily. Patterson asked a clarifying question about if it is an application to the city. Straite said it would not be directly with the City but would be a building permit which are reviewed separately by the City as part of the standard building permit process and if the City needed to, it could be rejected when they come through as building permits. Straite mentioned that they aren't allowed in front yards but left side yards as ok because they can be pretty big. There is an 8-foot height limit to the peak which is common with other cities. Mueller asked if we could tweak the double flag lots with a neighbor to limit front yard usage. Booth asked if it would be simpler to just remove the flag lot exception. Patterson asked if there were any other municipalities that Straite looked at that were an issue. Straite said that most didn't regulate ground mounted solar at all. Straite said he specifically added sections 4 and 5 to make it very clear because of the 50% rule for pervious ground. Straite said that 4 and 5 say the same thing and that 5 could be deleted. Booth said leaving 5 makes more sense. Abresch & Patterson agreed. Straite said we needed standard 6 about not creating glare so that the city can step in if necessary to say it can't be done. Many of the goals are to fix issues before they happen.

Abresch asked if the shipping containers was 60 days all together or if it could be split. Margaret Gander-Vo responded that it would have a canon per interpretation either in your code or you would rely on the canons of interpretation for state law. Mueller said if it was calendar year it could end up being 120 days because you could leave it up November, December, January, February. Iverson said the intent was for moving or renovations, so that makes it feel like it is 60 continuous days.

- E. PLANNING UPDATE – Hearing in January. Straite explained that we can still make changes even at the hearing. City Council still has the final say. Iverson asked about the timing of the Council meeting. Normally it would be the same month, but this year we didn't want to have the new City Council members be bombarded right away.

Patterson asked if it is a set amount of time for code updates. Straite answered they are usually yearly in December because it is slower and staff has more time to work on them. He said they keep a running list until it seems like a good time to bring it together into a full update.

Iverson had a final statement about a non-profit organization and the only payment they get is in the form of thank you and that it should be done in a public forum. He extended a thank you to all of the planning commission members for all the time and effort to do all that they do. Thanked Matt for making complex things a little easier to understand. Thanked Sheena and Joanne for trying to keep an accurate record. And Miss Gander-

Vo for letting him know when he is digging himself into a hole. And thank you to Janelle for being there and helping to explain things.

F. ADJOURNMENT: Chair Iverson adjourned the meeting at 6:45 p.m.

Respectfully submitted:



Joanne Johnson
Office Assistant

Reviewed by:



Matt Straite
Community Development Director

*Presentation materials or documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing info@millersburgoregon.gov.