

**MILLERSBURG PLANNING COMMISSION  
JANUARY 10, 2017**

PRESENT: Planning Commission Members Dennis Gunner, Connie Lepin, Dan Nixon, Anne Peltier, Ryan Penning, Ed Perlenfein, Dave Post, Scott Stimpson, Steve Vogler, City Planner Don Driscoll, City Administrator/Recorder Barbara Castillo

The Millersburg Planning Commission was called to order at 5:30 p.m.

**MINUTES OF DECEMBER 12, 2016**

*Dan Nixon moved, seconded by Anne Peltier to approve the minutes of December 12, 2016. The motion passed unanimously.*

**ELECTION OF CHAIRMAN & VICE CHAIRMAN**

*Dave Post nominated Dan Nixon as Chairman of the Millersburg Planning Commission. Dan Nixon nominated Ed Perlenfein as Chairman of the Millersburg Planning Commission. After a vote of ayes, Ed Perlenfein will continue his role of Chairman of the Planning Commission and Dan Nixon will be Vice Chairman.*

**WESTBURG VARIANCE REQUEST**

Chairman Ed Perlenfein opened the Westberg Variance Request Public Hearing and announced, the applicant, Layne Westberg, is requesting approval for an Accessory Structure Variance that is 2,784 square feet in size exceeding the maximum specified size of 1,200 square feet. Also, the proposed height exceeds the maximum specified height of 24 feet and a second floor loft is proposed where the Code limits Accessory Structures to one story unless a Variance is approved for all three conditions as defined in Code Section 2.600.

City Planner Don Driscoll clarified to the Planning Commission that after looking at the Site Plan that was presented, he finds that neither the variance for the height nor the variance for the second story is necessary. The building does not exceed the 24' height allowance nor is the loft actually a second story to the building.

Perlenfein called for members of the Commission to identify any potential conflict of interest, bias or any communication concerning this request. None were announced.

Perlenfein announced that the criteria relative to this request will be presented in the Staff Report.

Perlenfein asked that anyone speaking to stand and state your name and address for the record.

Lane Westberg and Judy McCutcheon gave the applicants presentation.

Judy McCutcheon said they purchased the 1.4 acre parcel of land to build their new home and large shop. They bought the property without knowing she would need a variance to build the size of the shop they would need and they have currently at their house on Scravel Hill. She said they needed to move to flatter ground as her husband has health issues and needs a single story home and property. She said they needed the larger shop to store their 47' long and 14' high motor coach in. The exterior of the shop will match the exterior of their home. The shop

building will be on the west side of the property that is adjacent to a row of trees. Behind the trees is an older manufactured home. The house will be on the east side of the property adjacent to a subdivision and a row of homes on 10,000 sf lots.

Don Driscoll listed 13 Conditional of Approval in the Staff Report and he recommended approval of the Variance Request.

Notification was sent out to adjacent property owners within 100 feet of the property. No one testified either in favor or against the request.

Connie Lepin questioned if the loft was considered a second story. Dennis Gunner told her the definition of the loft actually is better described as a mezzanine and is considered part of the first floor.

Chairman Perlenfein closed the hearing.

***Scott Stimpson moved, seconded by Dan Nixon to approve the Westberg Accessory Structure Variance Petition for the area increase contingent upon compliance with the Conditions of Approval contained in the Staff Report.*** The motion passed unanimously.

### **LOVES TRAVEL STOP & COUNTRY STORE SITE PLAN REVIEW REQUEST**

Chairman Ed Perlenfein opened the Loves Travel Stop & Country Store Site Plan Review Request. Loves is requesting Site Plan Review approval for a proposed Truck Stop Facility & Country Store on six contiguous tax lots that connect to Old Salem Road. The proposed development is a Permitted Use in the City's Limited Industrial, LI Zone subject to Planning Commission approval. The project consists of removing five warehouse buildings and constructing a Loves Country Store, fuel islands and parking lots. Access through the property for the properties to the south will be provided by a 32 foot wide paved access road. The gas station and country store will serve local residences and those from Interstate 5. The fuel stations for the semi-trucks will mainly serve traffic from Interstate 5 and nearby commercial facilities.

Ed Perlenfein called for members of the Planning Commission to identify any potential conflict of interest, bias or any communication concerning this request. None were announced.

City Planner Don Driscoll gave the Staff Report. The Millersburg Land Use Development Code provides the applicable criteria for evaluation of the requested action including sections 2.400, 3.400, 3.300, 4.132 and Article 5. Driscoll said the Site Plan is very well done and detailed and is in compliance with all of the applicable sections of the Millersburg Land Use Development Code. Driscoll noted there are 17 Conditions of Approval in the Staff Report.

Barbara Castillo said the City is required to send notification to the adjacent property owners within 100 feet of the subject property at least 20 days prior to the review meeting. Castillo said she also included notification of the Site Plan Review Request and meeting notice in the water bills of all customers that was mailed out the end of December.

Written testimony was received in opposition of the request from Anthony & Elisha Saville, Christa Antrim, Dan & Nicole Duncan, (From Firehouse Corner Market & Deli - Tami Mason, Betta Spencer, Shawn Maestas), Wallace Fordham, Kathryn Walker, The Witt Family, and an online petition signed by 35 people. A letter was received from Donald Headrick requesting that a utility easement be included within the 32 foot wide access road. Three neutral letters with

recommendations were received from Craig Ziegenhagel, Larrie & Carol Docken and the Oregon Department of Transportation. One letter in favor of the request was from John & Annemie McCaffree.

The common themes of the letters in opposition were concerns about increase in crime, pollution, noise, traffic, congestion and a decrease in property values.

Brandon Johnson of SCJ Alliance and engineer for the Loves project said they put together the traffic report. They have included three driveways into the site and included both ramps to I-5 in their Traffic Analysis. They have analyzed the intersection and traffic will continue to function with no problems. ODOT has made five recommendations including a roundabout. Johnson said the reality is that traffic does not warrant roundabouts. Loves will be part of a potential solution in the future if issues come up. Johnson also said that ODOT doesn't have any jurisdiction on this project and SCJ Alliance stands behind what they did. They have met with Barbara Castillo of the City of Millersburg and Darrin Lane, the Linn County Roadmaster regarding traffic issues. They will need access permits from Linn County and will follow whatever recommendations their road department makes as Old Salem Road is under their jurisdiction. Johnson said they are not opposed to having NO LEFT TURN signs as drivers exit the site.

Kym Van Dyke, representative of Loves Travel Stops & Country Stores said he will stay as long as needed after the meeting to answer any questions. Kym said Loves is the second largest truck stop company in the United States and is the best neighbor you can ask for with 410 travel centers. The number one thing they try to do is to eliminate trucks stacking in the turn lane waiting to get into the site. They have never had a site with that much internal stack room. There was a discussion with a drawing of the site plan regarding how all of the trucks would be moving within the site. Kym said the reason truckers will stop there is to get fuel, eat and sleep.

Harvey Whittenberg asked why there weren't any pull through spaces to park. He said he drives a long RV and pulls a vehicle which is difficult for him to back into a space with. He pointed out that there won't be any place for him to stop to get something to eat or visit the store if he can't park anywhere. He said all other truck stops he has been to have had the drive thru spaces. Kym said he will look into that.

A few people asked about the left turns getting onto I-5 and how that would be handled. Those issues are being worked out when the Linn County Road Department makes their recommendations.

Regarding security, they will not hire specific security people, but they will be open 24/7 with several employees at the fuel stations, tire shop and store. Kym said they have the lowest crime rate of any other major business and are well maintained, well-lit and are always looking through the lot. They don't want vagrants and want it safe. Regarding drugs that are sometimes linked to truck stops, Kym said they don't condone any of those and work to see they aren't at Loves and do their best job to keep those things from happening.

When questioned if there are other truck stops with a close proximity to housing, Kym said that some are much closer than this one. Kym said the estimated traffic is between 300-600 trucks per day and 2,300 cars per day.

Kym also said they have double lined fuel tanks and have the best record with no spills. The State of Oregon has an idling law which means trucks can idle for 5 minutes in a 60 minute period of time unless the temperature is above 70 degrees or under 50 degrees.

Victoria Miller said she has looked over Loves websites and it says they have armed security. Kym said there are some locations such as Gary, Indiana that are surrounded by a fence and full time police. Loves will react to everything that happens the best we can, but in the majority of their locations, armed security is not necessary.

A question was asked what the group (the Planning Commission) feels about the truck stop. Ed Perlenfein said he is all for it and the property is zoned for it. We can ask the questions, but can't tell ODOT or Linn County what to do. We can all have our personal thoughts on the request, but if they follow all our rules, we really can't turn them down without a valid reason. Someone from the audience said, "Oh, the people don't count". Steve Vogler said we didn't like your subdivisions being built, but they were allowed by our rules. Dennis Gunnar asked, "Did you do your due diligence when you bought your house? Our job as a Planning Commission is to see if they comply with the codes.

Victoria Miller suggested that when Loves does the landscaping, they do a combination of planting both trees that leave their leaves on during the winter and some that do not, so the noise of idling trucks won't travel from the property.

*Anne Peltier moved, seconded by Dan Nixon to approve the Loves Travel Stop & Country Store Site Plan subject to compliance with the Conditions of Approval contained in the Staff Report.*  
The motion passed unanimously with 9 ayes votes and 0 nay votes.

#### **CONDITIONS OF APPROVAL**

Approval may be granted for the Love's Travel Stop & Country Store facility subject to compliance with the following Conditions of Approval. The applicable Sections of the **Code** are noted.

1. The proposed use of the property is conditioned on compliance with the Conditions of Approval. Any changes in the Application shall be submitted to the City for Administrative approval and a record of changes shall be maintained in the Record File of this Application.
2. The following additional information shall be submitted to the City for the Record File if they apply to the Application:

Estimated on-site people by type, **Code Section 2.140 (18)**.  
Estimated number of trips from each travel mode, **Code Section 2.140 (19)**.  
Hours of operation, **Code Section 2.140 (20)**.  
Identification of potential hazards, **Code Section 2.140 (21)**.  
Fire Protection - **Jefferson Rural Fire Protection District Requirements**.  
Parking, Storage & Display Layout – **Code Section 5.120**.  
Storm Drainage Protection Improvements - **Code Sections 5.126**.  
Water System Improvements - **Code Sections 2.140 (16) 5.127**.  
Sanitary Sewer System Improvements - **Code Sections 2.140 (16) & 5.128**.  
Utilities & Lighting Improvements - **Code Section 5.129 & 5.135**.  
Grading Improvements - **Code Sections 5.133 & 5.134**.  
Landscaping Improvements - **Code Section 5.134**  
Signage Additions - **Code Section 5.136**

3. Open parking of trucks, trailers, vehicles and storage items may be approved by Planning Commission with the condition that all exterior items shall be arranged in an orderly arrangement and not contribute to an unsightly array vehicles or storage items, **Code Section 4.132.**
4. Paved drives and display areas are required in **Code Article 5** The Applicant shall pave all driveways, parking and pedestrian areas as presented.
5. The Applicant shall provide a 32-foot paved access road as presented from the Applicant's property to the land-locked parcels on the south border.
6. The Applicant shall clearly identify extent of emissions, hazardous materials and potential nuisance characteristics including solvents, oils, and cleaning materials and shall be approved by the City and Fire District in addition to other regulatory agencies having jurisdiction. Copies of all required permits shall be filed in the City's Record File, **Code Section 2.140 (21).**
7. The Applicant shall comply with the fire protective standards administered by the Jefferson Rural Fire Protection District. Fire Protection Systems and Turnaround locations shall be provided by the Applicant and approved by the Jefferson Rural Fire Protection District. Building Additions or improvements shall be approved by the Linn County Building Department, **Code Section 2.200.**
8. Site lighting and signs shall not, by size, location or color, interfere with traffic or limit visibility or shine into adjacent properties in accordance with **Code Sections 5.135 & 5.136.** Additional lighting and signage shall be submitted for City approval and inclusion in the Record File of the Application. **Freeway oriented billboard signs are prohibited.**
9. All site access shall occur from the existing Old Salem Road. Access changes or improvements requires approval from the City, County Road Department and the Jefferson Rural Fire Protection District.
10. **Code Sections 5.134** specifies Landscaping Standards that shall be provided & Maintained.
11. The Applicant shall provide adequate off-street parking to serve the intended use in conformance with **Section 5.120, 5.121 & 5.122.**
12. The Applicant shall maintain adequate Clear Vision Areas in accordance with **Code Section 5.122 (6)** for all vehicle ingress and egress to the property.
13. Any additional public or private utility improvements shall be constructed to City standards and utility easements shall be provided to permit public and serving utility access to all utilities. All utilities shall be underground as specified in **Code Section 5.129**
14. The water system shall comply with fire-flow needs for the property use as specified by the Jefferson Rural Fire District.
15. The Applicant shall identify the on-site Sewage Disposal System utilized, **Code Section 2.140(16) & 5.128.**

16. It is the obligation of the Applicant to provide and maintain proper drainage and shall protect all runoff and drainage ways from disruption or contamination. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the tenant and property owner, **Code Section 5.126**.
17. Compliance with the federal Americans with Disabilities Act (ADA) is the responsibility of the Applicant/Owner including accessibility standards.

After the Notice of Review goes out to all who provided written testimony for the Site Plan Review request, they will have 15 days from the date of the Notice of Review to appeal this decision.

### ZUHLKE LANE

Some of the members of the Millersburg Planning Commission want to have another discussion regarding whether or not to keep the extension of Zuhlke Lane in our Transportation Plan. There will be a joint Planning Commission and City Council meeting to continue the discussion. Suggested dates are 2/7/17 or 2/9/17 at 5:30 p.m.

### OPEN MEETING LAWS

Forrest Reid discussed open meeting laws with the Planning Commission. Reid said that you can't talk about an issue before you to another commission member or to a city councilor. Every piece of paper that is written on during a meeting is considered public property and needs to be saved. Reid suggested every one put their meeting notes into a binder and save them that way. Reid also said he would like all emails to go to a separate city email for each Planning Commission member instead of them going to a personal email. Text messages may also be public records if you communicate regarding city issues. This is all because if they city receives a public records request, it will be easier to retrieve them from the server than from each individual email accounts.

Reid reminded the commission they are required to complete a Government Ethics Commission questionnaire.

The meeting adjourned at 7:20 p.m.

Respectfully submitted,



Barbara Castillo  
City Administrator/Recorder