



Planning Commission Meeting Minutes July 21, 2020

Presiding: Vice-Chair Roger Bristol
Commissioners: Jeremy Moritz, Kurt Kayner, and Kent Wullenwaber
Absent: Chairperson Todd Culver, and Rhonda Giles
Staff Present: City Administrator/Planner John Hitt, City Recorder/Asst. City Administrator Michele Eldridge
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Vice-Chair Roger Bristol

CONCERNED CITIZEN(S) IN THE AUDIENCE. Everyone present were there for items on the agenda.

APPROVAL OF MINUTES

- Kayner motioned to approve the minutes and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Approve the Minutes for June 16, 2020.

PUBLIC HEARING

THE MATTER OF THE BUCHER APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 421-2020) AND A VARIANCE APPLICATION (LU-422-2020)

Vice-Chair Roger Bristol read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:06PM, the Public Hearing was opened.

Bristol asked if there were any Conflicts of Interest, or Ex Parte contacts. There were none, and there were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Bristol then read aloud the criteria that were relied upon for this land use hearing and noted additional copies of criteria near the door. He also directed the audience

of how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Hitt commented that there are two land use actions combined in this request tonight, one of which is the comprehensive plan map amendment and concurrent rezone, and the other being a variance request. He reiterated the information in the staff report, and specifically went over the Statewide goals that were applicable to the comprehensive plan map amendment and concurrent rezone. He reviewed the Harrisburg Comprehensive plan Criteria, and that of HMC 18.120. There are very little economic development options for this small lot, and the surrounding residential development make this a logical choice. His conclusion is that all the relevant criteria would be met, so his recommendation is for the Planning Commission to recommend approval of the request to the City Council, with the conditions of approval as stated.

Moritz asked with the home located to the east of this property, that he would have thought that property was also zoned as R-2, instead of C-1. Eldridge told him that the existing home is grandfathered at that location, as it existed prior to the zoning code being adopted by the City. It was logical for the city at the time of adoption to apply a commercial zone on the corridor along 3rd St. She also explained that there had been a home occupation business at the home, and the City's current code is difficult to enforce when it comes to a mixed-use development, that may not actually be running a business. Moritz asked if we should be changing the zoning on that property as well. Hitt told him that the action comes from an applicant. He did speak with the owner of that home, and she was interested, but didn't want to go through the zone change at this time.

APPLICANTS TESTIMONY: Anthony Bucher said that there wasn't anything in his report that hadn't been addressed by the City. He bought the property with the intent of building a house there, but the zoning wouldn't allow it. He has seen the conditions of approval and will abide by those.

Testimony in favor, in opposition, and neutral testimony was asked for, but there were no citizens who wished to testify. Therefore, there were no rebuttals to any testimony.

STAFF REPORT (VARIANCE): Hitt said that this is a lot that was created when the city was formed. The code says that the property must be 60' wide at the building line, and the property is only 50' wide. Therefore, a variance is required. He reviewed the criteria in the staff report, and the conditions of approval. He noted that the owners could keep the curb cut on Fountain Street, if they desired that. The home to the east is also on the historic register, so a manufactured home would not be allowed. He recommended approval of the request.

Moritz asked why with an address on Fountain St, and a curb cut there, the applicant wasn't facing the house in that direction. Bucher said that the curb cut on Fountain St. doesn't meet city code. Wullenwaber said then that you plan on having the front of the house on the LaSalle St. side of the property. Moritz added that this is a unique parcel because it's right in between two streets, and there is no alley way. He guessed that whichever direction he chose, would determine the address. The Planning Commission discussed house design with the applicant, and placement of the home and driveway. Bucher thought that his current plan was the best use of the property. He will have to move the stump on the west side of the property, but there is a large tree on the northwest corner of the property, that he wants to preserve. Kayner said that it makes no difference to the Planning Commission for the approval of the land use request.

The public hearing was closed at the hour of 7:37pm.

- Moritz motioned to recommend to the City Council approval with conditions of approval for LU421-2020. The motion is subject to the conditions of approval imposed by the Planning Commission based on the July 13, 2020 staff report, public testimony, and the deliberations of the Planning Commission. He was seconded by Kayner. The Planning Commission then voted unanimously to approve Land Use Request LU421-2020 for a Comprehensive Plan Map Amendment and Concurrent rezone for the property located at 260 Fountain St.
- Moritz then motioned to approve with conditions the application LU 422-2020, said motion subject to and based on the findings of the July 13, 2020 Staff Report, public testimony, and the deliberations of the Planning Commission. He was seconded by Kayner, and the Planning Commission voted unanimously to approve Land Use Request LU 422-2020 for a Variance that applies to 260 Fountain St for the width of the property at the front building line.

Vice-Chair Bristol reminded the Planning Commission that the decision tonight is not final, and is a recommendation that is provided to the City Council, who will make the final decision in relation to the comprehensive plan map amendment. The Variance is contingent upon the rezone of the property. Notice will be provided to all the properties within 300' of the site, and an appeal will be available after the City Council meeting in which this issue is finalized.

WORK SESSION

THE MATTER OF REVIEW AND DISCUSSION OF PROPOSED ZONING TABLE AND ZONING USES ALLOWED AND GENERAL REVIEW PROCEDURES

STAFF REPORT: Hitt is proposing some changes to the model code work that the Planning Commission has already reviewed. He has more areas that are permitted outright, and some non-traditional uses that can be met in some zones if they meet higher performance standards. The Planning Commission will still review site plans, subdivisions, major partitions, and conditional use permits, but otherwise, if an applicant can meet certain standards for other land use requests, we are removing the middleman. He wanted the Planning Commission to review the changes he has made, and to be prepared to discuss this at the next meeting.

Kayner left the meeting at 7:49pm, and thereby removed the quorum of the Planning Commission needed to make any decisions. (Discussion is still allowed.)

Hitt explained how to read the chart. Moritz asked if these are current code, or proposed, and Hitt confirmed that they are proposed. Some of these have no equivalent in our current code and come from the model code. Some of these changes will allow administrative decisions. Bristol asked where the model came from, and Hitt told him it comes from the state. Some of what he will be writing comes from his experiences in Lebanon and knowing code in other locations. Moritz asked if we would be going over these in-depth; they were all new to him. Hitt said that would be up to the Planning Commission. You have seen an earlier version of this code.

OTHERS: The Planning Commission discussed the changes at Grocery Deals, as they were surprised to see the barber shop had disappeared. Hitt confirmed that was an

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administrative approval, as it was for the parking lot only. Kropf is planning significant expansion in the future, with expanded retail and warehousing, which will require more parking. That will likely come to the Planning Commission in the fall.

With no further discussion, the meeting was adjourned at the hour of 7:58pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST:	The applicant requests approval of a Comprehensive Plan Map Amendment and concurrent Rezone (LU #421) of a property located at 260 Fountain St., from Commercial to Medium Density designation and C-1 Commercial to R-2 Medium Density Residential zoning.
LOCATION:	Tax Lot 4401 of Linn County Assessor's Map 15S-04W-16AD
HEARING DATE:	July 21, 2020
ZONING:	C-1 (Commercial) – Pending Amendment to a R-2 (Medium Density Residential)
APPLICANT/: OWNER:	Anthony & Tina Bucher PO Box 436 Harrisburg, OR 97446
APPEAL DEADLINE:	N/A
DECISION:	The Harrisburg Planning Commission conducted a public hearing on July 21, 2020, and voted to recommend approval of the requests to the City Council, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the July 13, 2020 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.
APPEALS:	As this is a Planning Commission recommendation and not a Final Decision, appeals are not applicable. Any party not satisfied with this recommendation may submit additional testimony prior to, and during the City Council Public Hearing where a Final Decision may be made on this matter. Notice of the scheduled City Council Public Hearing will be sent to properties within 300-feet of the site, and those whom have presented testimony on the matter a minimum of 20-days prior to the hearing.

EFFECTIVE PERIOD: The Planning Commission shall, within 63 days of the first hearing, recommend to the City Council either approval, disapproval, or modification of the proposed amendment.

After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in accordance with the notice provisions of HMC 18.125.140. The City Council shall render a final decision on the amendment request within 90 days of receipt of the Planning Commission recommendation.

Planning Chairperson Pro-Tem

CONDITIONS OF APPROVAL

1. **Final Approval:** Subsequent and final approval by the Harrisburg City Council
2. **Survey:** Property Boundaries must be surveyed and established.
3. **Building Permits:** Any subsequent development meets all required building and development codes except as may be waived by an approved variance.

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Variance (LU #422-2020) to reduce the minimum lot width at the 'Building Line' to 50' for the property located at 260 Fountain St.

LOCATION: Linn County Assessor's Map 15S 04W 16AD, Tax Lot 04401

HEARING DATE: July 21, 2020

ZONING: C-1 (Commercial) – Undergoing Amendment to a R-2 (Medium Density Residential)

APPLICANT

Anthony Bucher
PO Box 436
Harrisburg, OR 97446

OWNER

Anthony & Tina Bucher
PO Box 436
Harrisburg, OR 97446

APPEAL DEADLINE: August 3, 2020

DECISION: The Harrisburg Planning Commission conducted a public hearing on July 21, 2020 and voted to approve the request subject to the Conditions of Approval. The Planning Commission adopted the findings contained in the July 13, 2020 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions. Criteria relied upon for review is found in HMC 18.115.

APPEALS: The decisions may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00 plus actual expenses for appealing a Planning Commission to the City Council.

EFFECTIVE DATE: August 3, 2020, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Variance approvals shall be effective for one year from the date of approval. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Variance approval will expire August 3, 2020.

Planning Commission Pro-Tem

CONDITIONS OF APPROVAL

1. **FINAL APPROVAL:** Zone change application LU-421-2020 must receive final approval from the Harrisburg City Council.
2. **BUILDING PERMITS:** This variance approval applies only to the construction of single-family dwelling. Prior to construction, the applicant shall obtain all necessary building permits for the construction of the SFD.
3. **CONSISTENCY WITH PLANS:** Any future single- family dwelling proposed to be built on the parcel be in substantial compliance with the application submitted by applicant Anthony Bucher.
4. **DRIVEWAYS:** Any driveway for the planned single-family dwelling must be located on the west side of the property on LaSalle St. to meet both vision clearance requirements, and to allow for separation of driveways as required by HMC 18.95.090(7)(C).
5. **SIDEWALK REQUIREMENT:** Owner shall be required to install a sidewalk on the Fountain St. side of the property, as required by HMC Chapter 12.10. The owner is allowed to keep the curb cut on this side of the property if desired.