



## Planning Commission Meeting Minutes August 18, 2020

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

**INTRODUCTION OF NEW MEMBER:** Eldridge introduced Susan Jackson, who had just been appointed to the Planning Commission at the last City Council meeting. She has lived here in Harrisburg all her life, and has volunteered in several capacities, including during our Sesquicentennial Event in 2016, and she serves on the HFEA (Harrisburg Festival and Events Association) board with Eldridge.

**CALL TO ORDER AND ROLL CALL at 7:00pm**

**CONCERNED CITIZEN(S) IN THE AUDIENCE.** None

### **APPROVAL OF MINUTES**

- Moritz motioned to approve the minutes and was seconded by Bristol. The Planning Commission then voted unanimously to approve the Minutes for July 21, 2020.

### **WORK SESSION**

**THE MATTER OF A DISCUSSION OF DRAFT PROPOSED CHANGES TO HMC TITLE 17 (SUBDIVISION) AND 18.95 (SITE PLAN REVIEW) AS WELL AS REVIEW OF THE DRAFT ZONING MATRIX.**

**STAFF REPORT:** Hitt told the Planning Commission that in a small City, there are lots of moving parts to the Municipal Code. Much of the model code, is in a matrix and charts, rather than

narrative, which is how Harrisburg's code was modeled. He described the differences between the two types of code

- Moritz asked what requires this change, and was told technically, nothing for this. He asked if we were changing for the sake of changing, or are there issues that we are trying to clean up?
- Hitt said that there are internal inconsistencies, and the code could definitely benefit from being cleaned up.
- Moritz wasn't sure when we last did this. It's not like we are adding verbiage; but it looks like this is a lot of work. He was reading the agenda over the weekend, and he was just concerned about our reason for doing this. He asked if we've had applicants asking questions, because the code was ambiguous, or were there other reasons?
- Eldridge said that there are quite a few discrepancies, and the code is notoriously hard to find certain types of information. For instance, to get to the section that talks about driveways, a person would need to go to the zone section that a house is located in, and then there is information in the site plan section for residential dwellings, as well as in supplementary regulations, and in one other area. Applicants have had a hard time in finding all the information they were looking for. We have had developers ask for simplification.
- Chairperson Culver thought that the last time we amended the zoning code was around ten years ago. He wondered the same thing; will we do this procedure every time we change City Administrators?
- Moritz said that is why he was asking that.
- Hitt said that we had started on this; in fact, Brian started this process back in 2016, but had to back off on it.
- Bristol said that he remembered redoing the code with Bruce.
- Eldridge added that it took approximately a year and a half for that process when Bruce did it.
- Hitt felt it was a very fair question.
- Chairperson Culver said that he had a concern from ten years ago, and now. There are certain things we are talking about simplifying, which will not come before the Planning Commission. His concern is that we are taking the oversight out of the equation. Where there is a public body, appointed or elected, to review these things, and then there is simplification for it all to stay in City Hall, then he thinks there should be checks and balances in what we do. Some of these coming to the Planning Commission to review, he feels is a positive thing.
- Moritz said that he felt things like variances should come to them. It's obvious if what a builder is doing is cut and dry, then that's ok, but otherwise, it should come in front of the Planning Commission.
- Hitt said that this is a model code from the DLCD/State of Oregon. He's made some revisions to what they've suggested. You can change what is being suggested, and the City Council can change it. Anybody would have the right to appeal any decision that staff makes, to the next governmental body up. A decision he would make would be appealable to the Planning Commission. The code lays out criteria that you decide is acceptable, and either a builder can meet that criteria, or they can't. You either meet the required size of the public utilities required for this project, or you don't. Variances will always come to the Planning Commission. Staff would certainly review it, and provide recommendations, but the Planning Commission's opinion should decide it. On page 38, which is land divisions, such as subdivisions, minor partitions and property line adjustments, staff

would have the ability to approve a minor partition, if it is 3 or fewer lots. However, major partitions, and subdivisions, would all come to the Planning Commission. Many of these other types of decisions would also come to the Planning Commission.

- Eldridge added that the Planning Commission could ask to see a report of administrative decisions at each month's meeting, to keep them informed of what projects staff is approving.
- Hitt then returned to the regular review of the zoning matrix; on page 19, he prefers the matrix. He explained how to read the matrix, and pointed out with a SFD, that it would be allowed outright in 3 different residential zones, but in a commercial zone, it would require special use standards. There are some things in the matrix, such as a residential care home, which is also governed by state law. Special use just means that there will be certain requirements that an applicant will need to meet, which are ultimately set by the Planning Commission. He realizes that the Planning Commission might want to come back and look at some of the special use standards, to make sure of what they want coming in front of them.
- Chairperson Culver asked him in a commercial zone, is the state model code staying that a non-attached single-family dwelling could be allowed in a commercial zone?
- Hitt told him that was correct. You don't have to allow that to be a special use standard.
- Chairperson Culver asked him in the current code, we don't allow a residential use in a commercial zone, correct?
- Hitt told him it was; we allow mixed use, but not full residential use only.
- Chairperson Culver asked why we would change that?
- Hitt told him that it's just like the last project we approved, with Anthony Bucher. It's a 5,000 sq. ft. lot, and because the current code doesn't allow residential use in a commercial zone, he had to pay out additional funds and go through the process to change the zoning on the property. This is another way, if you have a special condition, where it is not feasible or practical to use the lot for a commercial use, in how it could be permitted.
- Bristol said that we currently have residences in commercial zones.
- Hitt told him yes, and that's another reason to change.
- Bristol asked then, if current residential use in commercial zones are grandfathered in but you can't add to it.
- Hitt told him that was correct. He went on to page 20, and the PUZ zone. It doesn't make a lot of sense in the current code, that we have a lot of special uses, such as sports fields, which now are allowed through a conditional use permit, when it could just be a public use. Those areas are already separated from residential areas. That includes buildings like those the City has for utility storage. It allows more options to be permitted.
- Bristol said that we have designated PUZ zones.
- Hitt told him we don't. We have just one PUZ zone, which is Priceboro Park.
- Bristol asked that with the school, and the work they did, did they need a Conditional Use Permit?
- Eldridge told him yes; dependent upon what they did.
- Moritz asked if we could change the school to PUZ zoning?
- Hitt told him yes.
- Moritz asked if they must be city operated?

- Hitt told him no, they are a government use, which accounts for the schools, the fire department, and the city. He then moved on to industrial uses. His argument, is that any heavy industrial use, has to go through site plan process. You can control it by the site plan/conditional use process.

Bristol, Moritz and Hitt spoke about industrial uses, and Bristol expressed dismay about residential properties coming in when property adjacent to them is bare ground, that then gets developed. Somebody may have put a lot of money into a property, which then they claim gets devalued, because there is a lot of noise, dirt, and trucks. Hitt hears a lot of complaints about those. He felt that they are better controlled through the conditional use process. Our current code either requires a site plan or a conditional use permit, depending upon how heavy a use a property will have. The Planning Commission can keep it this way, or they can change it. You can change from a S to a CU if desired. Technically, a conditional use permit still requires a site plan. That's typical when dealing with raw materials. The Planning Commission then discussed a business doing due diligence, or for a residential application. Moritz wanted to make sure that if somebody buys a property, and they want a high use of that property, that then after they start, they don't get told no. Moritz felt that with M-2 type of facilities in a M-1 zone, that it felt closer to the public use zones. Chairperson Culver was concerned about why we had it set up in this way, looking at the zone map. Hitt told him that he's seen in several cities, that there is only one industrial zone: not separate and distinct industrial zones. Looking at the map, Bristol noticed all the purple zones that are there. Eldridge pointed out that the M-1 zones along the edge of the M-2 on S. 6<sup>th</sup> St., along with the commercial zones further up S. 6<sup>th</sup>, were just added in the last UGB zone change. We were hoping to spur different types of development. Hitt noted that with the current zoning, you could have a battery manufacturer right next to the highway, or next to a residential area. The model code looks at performance orientation. It's not exactly where you are, but what you are going to do, and how you do it. Bristol added though, that where it is, could be part of a safety plan. Hitt agreed, and it could be depending upon a level of performance. There is not such thing as a guarantee. Moritz was worried about something like a battery place, that if ten years later, they go bankrupt, could someone just move in, and start doing something similar? Would they still have to go through hoops? Hitt told him they would. It would likely be a change of use. In the current code, any industrial use requires a site plan.

Hitt told the Planning Commission that on page 29, you can see what level of review these types of land uses require. Site plan approval criteria starts on page 35. You'll see that section 4.2.050.e, gives the Planning Commission authority to approve a site plan, but it also allows them to mitigate the effect it may have on nearby zones. You could ask a manufacturer with a lot of noise, to build a building with 4' walls. Moritz said a lot of people don't buy property until they know what they can do with it. However, Hitt told him actually no, a lot of people buy property, and then find out what they can do with it. The bigger developers will check on the uses of a property. Moritz asked if that happens with subdivisions, and Hitt told him yes, it does, quite often. Moritz didn't think that someone would want to buy something, and then find out you can't build on it. Hitt told him that the larger developers are accustomed to the site plan process. They know that with a manufacturer, either you don't cause pollution, or it's controlled, or mitigated. They would understand that there are conditions attached with that. Eldridge said that is similar to what McCracken did.

Hitt added that on page 30, it talks about the review procedures, and there is A, which talks about trip generations, and mentions that there is a 1,000 sq. ft. building. B, specifies that a site plan review is triggered if a use exceeds 5,000 sq. ft. The Planning Commission could lower that number, based on the fact that the current code is 1,200 sq. ft. Lowering those requirements,

would result in more site plans coming to the Planning Commission. 1,200 seems to low to him, but he'd like to find out what the Planning Commission might prefer as a number. He suggested that a site plan could be formal, or informal, with the informal plan being smaller. He also suggested that the trip generation trigger in A be reduced to 50 average daily trips. Chairperson Culver asked if the fee charged to an applicant would be the same for a smaller or informal plan, and Hitt said that if it's formal, then it can be charged one type of fee, and an informal could result in a reduced fee. Eldridge added that we calculate site plan fees based upon staff time, and the cost of public noticing. The result is that you are being fair to applicants. Moritz said 1,200 is way too low, and he thinks 2,500 sq. ft and up is more in line. The Planning Commission discussed this for a time and compared some recent site plans that had come to them, such as Farmer's Helper. Moritz made a point that Calvary Chapel is in a commercial zone, and if we used the 5,000 sq. ft. rule, that wouldn't have come to the Planning Commission. He felt that was a critical site plan, that would really need to come to the Planning Commission, so he felt the one number of 5,000 sq. ft. was too large, and 1,200 sq. ft is too low. He suggested again that we use 2,500 sq. ft. Chairperson Culver wasn't a fan of the decisions made on an administrative level. He doesn't like the thought of smaller site plans not having the same level of planning. Can we change the conditions on those, if we don't like them? Hitt told him no, but then they could complain to the City Council about what John is doing. He's not arguing to keep the change he is suggesting but wants the Planning Commission to feel comfortable with what is being proposed. Chairperson Culver said that he felt that land use decisions should go by this governing body as much as possible. He does agree with the 2,500 sq. ft. suggestion.

The Planning Commission further discussed the administrative decisions, and Bristol said that a lot of the site plans are so cut and dry, and are informal, that he wouldn't mind some of those being administrative. Chairperson Culver was ok with that, if what was allowed is in writing, and the city reduced the price for them. Bristol added that it could shorten the process for an applicant as well. People spend six weeks, and lots of money, and then only talk to us for about 40 minutes. Hitt told them that one thing to keep in mind, and he's not trying to spin things, but we create clear criteria. You have a check box on an application, and their project has this kind of parking, this kind of landscaping, and this kind of lighting. If they meet all the requirements, then it's a permitted use in the zone. That is not appealable. You make the decision, and you apply judgement to an application, then that decision can be appealed if needed. Eldridge noted for the Planning Commission that we have a lot of business owners, all in the industrial areas south of the city, who all very frustrated when we require a site plan for anything 1,200 sq. ft. or over. One company only wanted an open sided bin for raw products, but the code required them to come to the Planning Commission. 2,000 sq. ft. or more would be a great number. The Planning Commission continued to discuss the changes that could be made to this section. ***The Planning Commission agreed on a square foot requirement of 2,500 sq. ft. as a trigger requiring a site plan to come to the Planning Commission, and also determined that they would prefer to keep the M-1 zone. In addition, they agreed that section A in 4.2.030 could be reduced from 100 average daily trips to 50.***

Hitt commented that most of site plan section, is not that different from our current code. The new code has more detailed requirements; like circulation, access and landscaping. The model code for the site plan process, is more thorough than our current code, which is very complicated. He suggested that the Planning Commission feel free to take more time yourselves to compare the codes, but it is similar to what we have. There is plenty of opportunity for the Planning Commission to make changes. Continuing to Land Divisions on page 28, it's similar to our current code, but is

also simpler. There are clear definitions of what triggers a partition, and a major partition. It also addresses flag lots. It provides a little more detail, that helps you understand the differences between land use requests. He thinks that there is reasonable distinction between these, but the Planning Commission might want to change the scope of the size. Moritz asked if they should be looking at the current code? Hitt told him it's really like a different language in comparison to our code. Eldridge said that she could provide a copy of the code at the next meeting.

#### **OTHERS**

- Hitt said that because Sept 1<sup>st</sup> is a 1<sup>st</sup> Tuesday of the month, it threw us off on the meetings. We'd like to set up Sept 15<sup>th</sup> for the City Council, and the Planning Commission to be held on 22<sup>nd</sup>. Consensus from Planning Commission members present is that would work for them.

**ADJOURN: The meeting was adjourned at 8:11pm.**