



Planning Commission Meeting Minutes

September 19, 2023

Commissioners Present: Jeremy Moritz - Presiding, Joe Neely, Rhonda Giles, Kurt Kayner, and Kent Wullenwaber
Absent: Susan Jackson and Chairperson Todd Culver
Staff Present: City Administrator/Planner Michele Eldridge, and Utility Billings Supervisor Carol Canham
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Vice-Chairperson Jeremy Moritz.

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

APPROVAL OF MINUTES

Giles motioned to approve the minutes for June 20, 2023, and was seconded by Neely. The Planning Commission then voted unanimously to approve the Minutes for June 20, 2023.

PUBLIC HEARING

THE MATTER OF A VARIANCE AND PLAN REQUEST FOR VINCENT FERRIS CONSTRUCTION.

Vice-Chairperson Jeremy Moritz 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 7:07PM, the Public Hearing was opened.

Moritz asked if there were any Conflicts of Interest or any Ex Parte contacts.

None stated.

There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Moritz then read aloud the criteria that were relied upon for this land use hearing and noted

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additional copies of criteria near the door. He also directed the audience on how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Eldridge stated that the original application was approved on June 15, 2021. The time limit had lapsed on that application meaning the applicant had to reapply. They are requesting another structure with the same footprint as previously approved.

Eldridge highlighted the following conditions and Criteria:

- Criterion 1 – Met with Condition 1: Consistency with plans, and Condition 2: Water Connections.
- Criterion 2 – Met.
- Criterion 3 – Met with Condition 3: Landscaping.
- Criterion 4 – Met with Condition 4: Landscaping plan, and Condition 5: Outdoor lights.
- Criterion 5 – Met with Condition 6: Variance for Paving Requirement, Condition 7: ADA and access route paving, and Condition 8: Parking lot details.
- Criterion 6 – Met with Condition 9: Building permit plans, and Condition 10: Erosion & sediment control plan.
- Criterion 7 – Requires variance.

Staff feels that all requirements are met and recommends approval.

APPLICANTS TESTIMONY: Jed Truett of Metro Planning and applicant Vince Ferris addressed the Planning Commission. Truett asked to modify Conditions 1 and 2 to be done concurrent with the permitting deadlines. He also asked if he had to get a variance, as per Condition 6, or just comply with the current code. Eldridge said he could do either one. Truett then asked about paving for the future RV parking. Eldridge stated that there was nothing on this site plan for R.V. storage or parking. A new site plan would need to be submitted before that activity could happen on this piece of property.

- Kayner admittedly stated that he was against the current paving requirement in industrial zones and that the Planning Commission needed to have go back to the previous code's requirements for paving, which he fought for in 2012. Eldridge stated that we can bring this issue up for discussion during the next meeting. The Planning Commission could decide if they as a body wanted to correct the current code and then recommend those changes to the City Council.

TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR.

- No testimony of any kind supplied for in favor, in opposition, or neutral.

The public hearing was closed at the hour of 8:35pm.

- **Giles motioned to approve the variance request of LU 452-2023, subject to the conditions of approval contained in the staff report of September 11, 2023. This motion is based on findings contained in the staff report of September 11, 2023, and on findings made during the deliberations on the request and was seconded by Kayner. The Planning Commission then voted two (2) members voted in favor, and three (3) voted against. Motion failed.**
- **Giles motioned to approve the site plan request of LU 453-2023, subject to the conditions of approval contained in the staff report of September 11, 2023, and as amended in Conditions 2 & 8. This motion is based on findings contained in the staff report of September 11, 2023, and on findings made during the deliberations on the request and was seconded by Neely. The Planning Commission then voted unanimously to approve the site plan request of LU 453-2023, subject to the conditions**

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of approval contained in the staff report of September 11, 2023, and as amended in Conditions 2 & 8. This motion is based on findings contained in the staff report of September 11, 2023, and on findings made during the deliberations on the request.

OTHERS

- None discussed.

With no further discussion, the meeting was adjourned at the hour of 9:07 pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Site Plan Review and Variance to construct a roughly 7,200 sq. ft. construction office, warehouse, and equipment storage building, which includes a 2,448 sq. ft. residential structure, located on the 2nd floor of the warehouse office. A Variance has been requested in relation to allowing a gravel parking lot, rather than a paved parking area as required by the new development code.

LOCATION: Tax Lot 213 of Linn County Assessor's Map 15S04W16D

HEARING DATE: September 19, 2023

ZONING: M-1 (Limited Industrial) & M-2 (Heavy Industrial)

APPLICANT: Vincent Ferris
893 Smith St.
Harrisburg, OR 97446

OWNER: VFC Holdings, LLC
893 Smith St.
Harrisburg, OR 97446

APPEAL DEADLINE: October 2, 2023, at 10:00 a.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on September 19, 2023 and voted to approve the site plan request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the September 19, 2023, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: The decision 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 \$750.00.

EFFECTIVE DATE: September 21, 2023, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Site Plan Review is effective for a period of 18 months from the date of approval. Approval shall lapse if a building permit application for the project has not been submitted, or construction on the site is in violation of the approved plan. The City Administrator, upon written request by the applicant, may grant a written extension of the approval period not to exceed 18 additional months, based on:

1. No changes are made on the original approved plan
2. The applicant can show intent of initiating construction on the site within the 18-month extension period;
3. There have been no changes to the applicable code provisions on which the approval was based. If there have been changes to the applicable code provisions, and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required;
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within 18 months of site design approval was beyond the applicant's immediate control.
5. In the event of a declaration of emergency by the State of Oregon or Harrisburg City Council, then the City Administrator can grant a second extension ending the sooner of 12 months or termination of the declared emergency.

Modifications to site plans/approved plans and development are subject to City review and approval under Chapter 19.30HMC.

~~The Variance request shall expire at the end of 18 months. Where the property owner has applied for a building permit, or made site improvements consistent with an approved development, or provides other evidence of working in good faith towards completing the project, the City Administrator may extend an approval accordingly. The Variance request was denied by the Planning Commission, and therefore has been removed.~~


Jeremy Moritz
Planning Commission Vice-Chair

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, except where modified by the following conditions of approval.
2. **Water Connection** - Prior to submission of the building permit, the applicant will be required to pay for a secondary water line in order to accommodate additional services on the property. A water meter fee will be due and payable when the building permit is picked up. *The installation of the water line can be constructed concurrently with the new structure.*
3. **Landscaping** – Applicant shall be required to add an additional 2,166 sq. ft. of landscaping to their location of choice on the property.
4. **Landscaping Plan** – Concurrently with the submission of the building permit, applicant will provide the City with a landscaping plan showing where the additional 2,166 sq. ft. of landscaping will be located and provide a basic landscaping plan showing what kind of landscaping is being provided.
5. **Outdoor Lights** – Concurrently with the submission of the building permit, applicant will provide elevation drawings that show the location of the outdoor lights on the new structure. Applicant shall use the same outdoor lights that are present on the existing structure.
6. ~~**Variance for Paving Requirement**~~ – ~~Prior to submission of the Building Permit, a variance must be approved by the Planning Commission in order for the applicant to avoid being required to pave the parking area, or the driveway. Note: The Planning Commission voted 3 to 2 in favor of denying the variance request, as the applicant has stated that they are planning on installing a paved parking lot and driveway.~~
7. **ADA and Access Route Paving** - Concurrent with submission of the Building Permit, applicant shall show on the parking plan the location of the ADA space, and access route, which must be paved.
8. **Parking Lot Details** – Concurrent with submission of the Building Permit, applicant shall show the parking plan, with the details in relation to location, size, and dimensions of each space, as well as installation of wheel stops, edging, or other perimeter treatment. All markings shall be provided on the gravel surface. *The Parking Plan shall include driveway location and details.*
9. **Building Permit Plans** – Concurrent with the submission of the building permits, the applicant shall have an architect listed on the plans, as per ORS 671.010 section 2.c.
10. **Erosion & Sediment Control Plan** – Prior to, or concurrent with the building permits, the applicant shall submit for review and approval an erosion and sediment control plan that demonstrates how the applicant will prevent sediment and runoff from the earthwork entering the storm water system or impacting other properties. This plan shall be reviewed and approved by the City's Public Works Director.

DEVELOPMENT/BUILDING CODE REQUIREMENTS

Development/Building Code Requirement No. 1. As per Exhibit B, the applicant is put on notice that depending upon how the structure is built, sprinklers might be required to be added to this structure. A larger water line and meter might be required in order to accommodate a sprinkler system.