



Planning Commission Meeting Minutes
May 17, 2022

Chairperson: Todd Culver, Presiding
Commissioners Present: Jeremy Moritz, Susan Jackson, Kent Wullenwaber, Joe Neely, and Rhonda Giles*
Absent: Kurt Kayner
Staff Present: Planning Consultant John Hitt, City Administrator/Planner Michele Eldridge, and Finance Officer/Deputy City Recorder Cathy Nelson
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Chairperson Todd Culver.

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

APPROVAL OF MINUTES

Moritz motioned to approve the minutes and was seconded by Wullenwaber. The Planning Commission then voted unanimously, except for Neely who abstained, to Approve the Minutes for February 15, 2022, and April 19, 2022.

PUBLIC HEARING

THE MATTER OF THE OR-CAL SITE PLAN REVIEW (LU 440-2022) AND VARIANCE REQUEST (LU441-2022).

Chairperson Todd Culver 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 7:01PM, the Public Hearing was opened.

Culver 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.

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

****Commissioner Rhonda Giles arrived at 7:04pm.***

STAFF REPORT: Eldridge gave a brief background of the application for the OR-Cal property. The applicant owns most of the block, they are proposing an 11,400 ft addition on the south side. The lot is zoned C-1 and M-1, it also has a H-1 overlay. Due to the zoning overlay, they would require a 20 ft. setback from the neighboring lot. The applicant has rebutted the setback requirements, found in Exhibit B, claiming the property on the south side is zoned C-1/M-1 not residential. Eldridge has contacted Jane Detering, the owner of the home/property next to the applicant. Detering has no opposition with the proposed 10 ft setback if a fence with vegetation screen is installed.

Eldridge highlighted the recommended conditions of approval found on page 28-29 of the agenda packet. The variance is needed because the property is located on an H-1 (Historical) overlay zone. Staff recommends approval of variance and site plan with conditions.

- Neely asked where the parking would be located. Eldridge said on the North side of the complex.
- Moritz asked if the building is deemed hazardous, will they need to be 20ft from the next building. Eldridge replied that was correct. The closest building is already more than 20 ft away.
- Moritz asked if the historical zoned map was online. Eldridge stated that the County does not produce it, so it is not. Moritz wanted to know who decided on the historical zone. Eldridge said the city did, many years ago.

APPLICANTS TESTIMONY: Applicant, Rory Thompson, the Production/Facilities Manager, said they are willing to do the privacy fence and vegetation. He also stated that they have not had any noise issues and are also surprised that they are in a Historical Zone.

- Culver asked the applicant if the building was already ordered. Thompson stated it was, due to the huge lead time for delivery. Culver requested how the building was accessed. Thompson showed the two (2) bay doors on the west side of the building sketch shown on page 35. The doors will only be open during the day. Culver also clarified that the applicant agreed to all the conditions including the paving. Thompson said they agreed to all conditions.
- Jackson asked if the new building had gutter spouts to the ground. Thompson showed that the gutters will go to a private storm water line as shown in the specs on page 35 of the agenda packet.

TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR. No testimony of any kind supplied, nor were there any rebuttals.

The public hearing was closed at the hour of 7:55 pm.

- **Moritz motioned to approve the OR-Cal variance (LU 441-2022). He was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the OR-Cal variance (LU 441-2022), subject to the information in the May 10, 2022, staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application.**

- **Moritz motioned to approve the OR-Cal site plan (LU 440-2022). He was seconded by Giles. The Planning Commission then voted unanimously to approve the OR-Cal site plan (LU 440-2022), subject to the conditions of approval contained in the May 10, 2022, staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application.**

WORK SESSION

THE MATTER OF REVIEWING THE HARRISBURG ZONING & DEVELOPMENT CODE AFTER REVIEW BY MIG (MOORE IACAFANO GOLTSMAN, INC.) AND CONSULTANTS 3J ON BEHALF OF THE OCWCOG HOUSING CODE UNIT.

STAFF REPORT: Eldridge discussed that after the Planning Commission reviewed the Zoning and Development Code, she sent it off to MIG consulting, DLCD and CWCOG. They came back with some suggested changes. She then handed the floor over to Private Consultant John Hitt who proceeded to highlight the following changes to the code from the last draft presented due to the suggested changes:

- Page 98 includes the Special Use Standards for C-1 and M-1. The Planning Commission wanted certain issues to come before them, so Hitt suggests keeping that in the code.
- Page 69 under R-2 and R-3 allows for denser building in those zones. The bulk of the town is zoned R-1 and not affected. The changes will allow new development to build 5-12 dwelling per acre.
- Page 86 shows slight changes in R-2 and R-3 standards.
- Page 101 for multifamily dwellings add section 2.c.
- Page 110 in temporary use added Type II procedures on stays longer than 8 days or 4 times a year.
- Page 116 under C standards had to remove non-measurable standards. We also added section 6 and 7.
- Page 117 added a page for Special Use Standards for C-1 zone, M-1 and M-2 zones and PUZ Zones.
- Page 71 added Section B to allow for residential dwellings on 2nd and 1st stories in a non-residential zone. Hitt disagrees with recommendation. He has seen residential takeover commercial zones in other cities where this was allowed. It is also very hard to enforce. Hitt suggested to reject the recommendation, Planning Commission agreed.
- The next section will be reviewed during the next meeting on June 21, 2022. Hitt is hoping to have it go before Council in July.

OTHERS

- Commission will probably see a land-use application for a 5-plex next month.

With no further discussion, the meeting was adjourned at the hour of 8:52 pm.

Chairperson

City Recorder

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Site Plan and Variance to construct a 11,400 sq. ft. equipment production and storage building behind their existing 11,300 sq. ft structure located at 480 Territorial St.

LOCATION: Tax Lot 3202 of Linn County Assessor's Map 15S04W15BB

HEARING DATE: May 17, 2022

ZONING: M-1 (Limited Industrial)

**APPLICANT/
OWNER:** Or-Cal Building LLC
29454 Meadowview Rd
Junction City, OR 97448

APPEAL DEADLINE: May 30, 2022, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on May 17, 2022, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the May 17, 2022, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

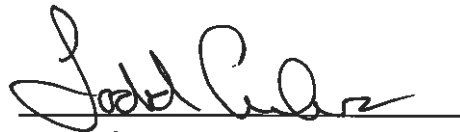
APPEALS: The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$750.00.

EFFECTIVE DATE: May 31, 2022 unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD:

Site Plan Review and Variance approvals shall be effective for one year from the date of approval. If the applicant has not begun the work associated with the approval within one year, all approvals shall expire. 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 Site Plan Review approval will expire on May 31, 2023.

A handwritten signature in black ink, appearing to read "Todd Culver", written over a horizontal line.

Todd Culver
Planning Commission Chair

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, except where modified or added to by the following conditions of approval.
2. **Parking Area** – Prior to issuance of a building permit, applicant shall be required to stripe the parking area for 11 spaces, pave the ADA parking space, and provide a hard surfaced accessway to the front office area. A wheel stop/bumper rail that is a minimum of four inches high shall be installed for each parking space.
3. **Off-Street Parking Areas – Loading Docks.** Prior to the issuance of a building permit, the owners must choose and complete one of the following options:
 - a. Applicant shall be required to provide to the City an easement and maintenance agreement between the owners of 15S04W15BB03202 and 15S04W15BB03101, for the access and loading dock areas. Following approval by the City, this document shall be recorded at the Linn County Clerk's office; or,
 - b. A property transfer can be made in order to have the property under a common ownership. Proof of the property transfer must be provided to the City; or,
 - c. The LLC's can restructure in some way, or the LLC's can sell their respective lots to a third party. Proof of such shall be provided to the City.
4. **Erosion & Sediment Control Plan** – With the submission of 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 from impacting the City's drainage system or other properties. This plan shall be reviewed and approved by the City's Public Works Director.
5. **Screening/Buffer** – Prior to issuance of a building permit, the applicant will be required to provide a plan showing what kind of buffer they will be providing on the south side of their facility, a minimum of five feet in width. The buffer shall contain a continuous fence or wall, a minimum of six feet in height, so as to effectively screen the property from adjoining residential properties. A berm or trees or shrubs can be used instead of, or to supplement a fence or wall, so long as any planted trees or shrubs can be reasonably expected to provide an adequate buffer within three years after planting.
6. **Landscaping** – Prior to the issuance of a building permit, the applicant will inform the City which area shall be landscaped. A landscape plan must show detail, including how irrigation will be provided. Landscape shall be installed within a year of occupancy of the new facility.
7. **Fencing** – With the submission of building permits, the applicant shall show on the building permit site plan their choice of a 6' wood fence, berm or wall, that is solid, and sight obscuring, such as a wood fence, berm, or a wall, or as noted in the landscape discussion, may apply a 5' planted buffer along the entire south line of the property. Any trees or shrubs must provide an adequate buffer within 3 years after planting.

8. **Parking and Access Drives** – Prior to the issuance of a building permit, the applicant shall provide the plans for an engineered and paved parking lot that addresses a private stormwater collection system, and defined circulation areas that organize traffic ingress/egress safety. These plans shall be approved by the PW Director and/or City Engineer.
9. **Screening Standards** – With the submission of building permits, the site plan shall show the location of any refuse containers, and how they will be screened from view as required by HMC 18.95.100(6). If lights are added to the wall in relation to the man doors located on the north and south elevations, they shall be directed downwards and shielded to eliminate any glare in relation to residential areas located nearby.
10. **Building Permits** – Prior to building permit submission, the applicant shall obtain all necessary building permits for the construction of the proposed facility.
 - a. Classification: The applicant has been asked to provide the City with the classification of the proposed facility. Depending upon the classification, which must be provided by a licensed professional, there is a possibility that sprinklers will be required. This would be a requirement from the State of Oregon Building Code Division.
 - b. Hazardous Building: If the classification of the structure is deemed as hazardous, then it must be placed a minimum of 20' from any other structures. In addition, a mechanical engineer may be required to provide engineering that shows that residences in town are protected from particles that are emitted during production. This is also a requirement from the State of Oregon Building Code Division.