



## Planning Commission Meeting Minutes June 16, 2020

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Chairperson Present: Todd Culver  
Commissioners Present: David Smid (arrived 7:06pm), Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber  
Staff Members Present: City Administrator/Planner John Hitt, City Recorder/Asst. City Administrator Michele Eldridge  
Commissioners Absent: Roger Bristol  
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

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

#### **CONCERNED CITIZEN(S) IN THE AUDIENCE.**

- Dean Chappell, 555 LaSalle St., was present to let the Planning Commission know that Google had the LaSalle St. spelling incorrect, and that he would like to have it straightened out.
- Hitt thanked him for letting us know.

#### **APPROVAL OF MINUTES**

- Giles **motioned to approve the minutes and was seconded by Kayner.** The Planning Commission then voted unanimously to approve the Minutes for March 17, 2020.

#### **PUBLIC HEARING**

#### **THE MATTER OF THE LIGHTY PRELIMINARY PARTITION AND VARIANCE APPLICATONS (LU 418-2020 & LU 419-2020).**

Chairperson Todd Culver read aloud the order of proceedings, and noted that this is a continuance, and the process to keep the record open.

At the hour of 7:04PM, the Public Hearing was opened.

**Culver asked if there were any Conflicts of Interest, or Ex Parte contacts.**

- Giles said that she would like to declare an Ex Parte contact, because Lance Lighty is a cousin. However, she didn't have any problems with discussing or voting on this subject, because they have not had any discussion in relation to this issue.

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

**STAFF REPORT:** Hitt summarized the information in the staff report, and referred to the information shown on page 15, through page 19. He pointed out that in HMC18.20.050(d), that the lot is required to have a minimum of 50 feet of frontage along a public right of way. However, in HMC 17.40.040, the code states that the lot size, width, shape and orientation and shape of a lot shall be suitable and appropriate for the location and that each lot created shall abut a street for a width of at least 25' feet. Therefore, if you agree that HMC 17.40.040 is appropriate as a governing standard, then the variance won't actually be required. You could also decide that the 50' requirement, as required in HMC 18.20.050(d), does apply. He wanted to point out that we have a precedent, in relation to Heckart's property, from August 16, 2016. The conditions are almost identical, with a 3-lot partition. What is missing in this is whether the frontage is a question of lot size, or if its intended as an overall discussion of the lot size compared to frontage. The rest of the applicable criteria, and the 50' requirement, is straight forward. He would like to hold off on the variance until the Planning Commission makes a decision on the partition request. If you approve the partition, then we can come back to the variance issue.

- Chairperson Culver said that this is not the first time the flag lot situation has come up. In the past, as he remembers, the battle is to utilize to the best ability the land in the city limits. This allows the dreaded flag lot; but as he noted, there isn't any other way in order to make the land more usable, correct?
- Hitt responded that in his personal opinion, as you look at this; how to come back with the 3 lots, instead of 2, which is what the applicant came up with, and whether it is a viable way to use land efficiently and effectively. It's a high value goal and is the same for the State of Oregon. You can build on 3 parcels, in the same area that otherwise would only allow 2.
- Moritz expressed some concerns about the parking and driveway arrangements. Wouldn't we need a way for a turn around here?
- Hitt said that this is actually exceeding the fire code standard, because there are two separate 25' driveways.
- Moritz thought that there was only one shared driveway for lots 2 and 3.

**Applicant Testimony:** Lance Lighty thanked the Planning Commission and staff for working with him. It took a few months for them to get this right, and to provide value to the community. They have met with the fire chief, as he, (Lighty), knows how important it is to make sure that they have no issues with the property.

- Kayner wanted to verify that he had two 25' driveways then?
- Lighty told him that was correct. His first attempt at a plat, had a hammerhead that only served two lots. This seemed to work the best for access, and he still

has that 7,000 sq. ft. minimum met. He had bounced his ideas off the City planner to come up with this version.

**Favorable Testimony:** Dean Chappell, of 555 LaSalle Street, was favorable towards this project. He is planning on building a future home on the northeast corner of his property, which is located to the west of these parcels. He had talked to the City about getting the sewer from 6<sup>th</sup> Street, and he'd like to be able to extend it through these parcels. As a firefighter himself, he really liked the way this plat had been put together.

**There was no Testimony in Opposition, or Neutral Testimony.**

**The Public Hearing closed at the hour of 7:27PM.**

Hitt reminded the Planning Commission that they need to decide on the partition, and then on the variance. Kayner asked if we should address the variance first, or is the question if we even need a variance? Hitt told him that if the Planning Commission is satisfied that 25' of street frontage meets city code requirements, then they may not need to have a variance applied. His thought is that we should look at what is reasonable. There is an apparent conflict in the code. The details say we should look at lot size and depth, or do we look only at the frontage? You have a precedent on the variance, if you choose to go down that road; he doubts it would be challenged. The code is supposed to note broad changes, not generally minor things. If they have 3 good sized lots, and getting to each is adequate, and within the code guidelines, then does it really make a difference to have 25' or 50' of road frontage? Moritz said that only one lot meets that 50' road frontage. He asked if it was abutting a street other than an alley? Hitt told him yes, each lot shall abut a street, other than an alley, for at least 25'. Moritz then asked what the frontage was for parcel no. 2. Lighty told him that 2 and 3 both have 25' of frontage each. Moritz said that we do have that precedent, and he guesses that we could approve this without a variance, or two variances.

Hitt said that if it's the Planning Commissions desire to not require a variance, then the Planning Commission should make a statement that the two 25' widths meet the code requirements, and a variance is not needed because they've already met the requirements. Chairperson Culver said that on page 12, you have the suggested motion. He didn't think we needed to state it in the motion, because it's in the notes of the meeting. Hitt agreed with him.

- **Giles motioned to approve the Lighty Preliminary Partition Application (LU 418), subject to the conditions of approval in the June 8, 2020 staff report. This motion is based on findings presented in the June 8, 2020 Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 16, 2020 Public Hearing. She was seconded by Wullenwaber, and the Planning Commission voted unanimously to approve the partition plat for Lance Lighty at 480 S. 6<sup>th</sup> St.**
- Kayner noted that as we've already stated, we don't need the variance.
- Giles suggested that perhaps we could refund it.

## **OLD BUSINESS**

**THE MATTER OF THE ROCK ON 99 (CALVARY CHAPEL) TIMELINE EXTENSION REQUEST (LU 403-2019 AND LU 409-2019)**

**Staff Report:** Hitt noted that this is a very simple request, and that the code allows a one-year extension, which they have asked for. They are very close to construction, and staff recommends an approval.

Eldridge added that as this has already gone through a public hearing when approved, and nothing is changing, that there is no need for another public hearing, or notification.

Chairperson Culver noted that Jerry Lenhard and his wife were both here, but they don't need to speak unless they wish to.

- **Moritz motioned to approve the Rock on 99 Land Use Approval Extension Request (LU403-2019 and LU409-2019) for a year with a new expiration date of June 3, 2021. This motion is based on findings presented in the June 9, 2020, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request. He was seconded by Kayner and Giles who did so at the same time. The Planning Commission then voted unanimously to approve the extension for the site plan for the Rock on 99 to a new date of June 3, 2021.**

## **OTHERS**

- Hitt told the Planning Commission that he has been working on the update to the zoning and subdivision codes, which will be coming to the Planning Commission in the near future. He's looked over the work done previously, and he has a few minor changes to what they've done already. He talked about his personal philosophy on planning. It used to be that in the early 1900's, a city would say here is what is prohibited, and if it wasn't prohibited, then it was allowed. However, much of what the City has done is very tight, and overly restrictive. He talked about an example of something they allowed in Lebanon, in relation to a telephone switching center, located in a residential zone. It was built to look exactly like a house, with landscaping, even though it wasn't a residential use. It's an example of performance, in which it limited any kind of negative impact on neighbors. He spoke also, about allowing small industrial businesses to operate in commercial zones. He doesn't believe in having two industrial zones, as an example, and you don't need to separately designate public use zones. The code will be based on Oregon's model code, and hopefully, he will bring that to the July meeting.
- Eldridge, who is a Chamber of Commerce Executive Board Member, then gave a small presentation to Todd Culver, who had won the Harrisburg Outstanding Citizen award in November of last year, but wasn't able to make it to the award ceremony due to his surgery. He was nominated due to his overall contributions to our community, which include about 16 years chairing this committee, as well as being an elder at the Harrisburg Christian Church. She thanked him for all he does in Harrisburg, and for helping to make it such a special place to live and work.
- David Smid then noted that he needed to resign from his position on the Planning Commission, because he is no longer eligible, and now lives outside of Harrisburg. He asked when the position would be posted, and when we would make a decision on who applied.
- Eldridge told him it would be posted this week, and would likely be there for a few weeks, and how people could apply for the position.

**ADJOURN: The meeting was adjourned at the hour of 7:50pm.**

# City of Harrisburg

## **PLANNING COMMISSION**

### **NOTICE OF DECISION**

**REQUEST:** The applicant requests approval of a Minor Partition (LU 418) to divide an approximately 34,855 square foot lot into three residential lots. A Variance (LU 419) has been determined to not be needed by the Planning Commission, based upon findings in HMC Title 17.

**LOCATION:** The subject site is located at 480 S. 6<sup>th</sup> St, and is known as tax lot 800 of Linn County Assessor's Map 15S04W15BC.

**HEARING DATE:** July 16, 2019

**ZONING:** R-2 (Medium Density Residential)

**APPLICANT/  
OWNER:** Lance Lighty  
94129 River Road  
Junction City, OR 97448

**APPEAL DEADLINE:** June 26, 2020, at 5:00 p.m.

**DECISION:** The Harrisburg Planning Commission conducted a public hearing on June 16, 2020, 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 June 16, 2020, 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 \$425.00.

**EFFECTIVE DATE:** June 27, 2020, unless an appeal has been filed with the City Recorder.

**EFFECTIVE PERIOD:**

A Minor Partition and ~~Variance~~ shall be effective for one year from the date of approval. If the applicant has not submitted the final plat for approval within six months of approval, the preliminary plat shall be resubmitted to the Planning Commission for additional review (see HMC 17.25.010(1)). 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 Minor Partition approval will expire on June 27, 2021.

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

Todd Culver  
Planning Commission Chairperson

## 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. **Easement** – The final plat shall include reciprocal access, private utility, and franchise utility easements for the benefit of proposed parcels 1, 2 and 3.
3. **Water Services** – Prior to recording the final plat, the applicant shall have water service extended to each of the properties.
4. **Sewer** – Prior to recording the final plat, the applicant shall have sewer service extended to each of the properties.

## DEVELOPMENT RELATED CONCERNS

(These are not conditions of approval, but will be required with building permits)

- A. **Driveways** – The driveways for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 50,000 pounds.
- B. **Hard Surfacing Requirements** – The driveway for proposed Parcels 2 and 3 will need to be hard-surfaced for the first 25 feet from the edge of the right-of-way.
- C. **Turn-Around for Emergency Vehicles** – A turnaround design that meets with the approval of the Harrisburg Fire/Rescue District will be provided for emergency vehicle access on portions of Parcels 2 and 3.
- D. **Demolition Permit** – A demolition permit will be obtained prior to the removal of the existing manufactured home and remaining outbuildings.

# City of Harrisburg

## PLANNING COMMISSION

### NOTICE OF DECISION

**REQUEST:** The applicant requests a timeline extension for a Site Plan Review (LU #403-2019) and Historic Zone Review (LU #409-2019) for the development of a 1630 sq. ft. commercial building at property located at 175 N. 3<sup>rd</sup> St.

**LOCATION:** Linn County Assessor's Map 15S 04W 16AA Tax Lot 3800

**HEARING DATE:** June 16, 2020

**ZONING:** C-1 (Commercial), with an H-1 (Historic) Overlay Zone.

#### **APPLICANT**

Jerry Lenhard, on behalf of  
Calvary Chapel  
PO Box 67  
Harrisburg, OR 97446

#### **OWNER**

Rock Solid Ministries DBA  
Calvary Chapel  
PO Box 67  
Harrisburg, OR 97446

**APPEAL DEADLINE:** June 26, 2020 at 5:00pm

**DECISION:** The Harrisburg Planning Commission conducted a public meeting on June 16, 2020 and voted to approve the request. The Planning Commission adopted the findings contained in the June 9, 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 18.125.050.

**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 decision to the City Council.



**EFFECTIVE DATE:** June 27, 2020, unless an appeal has been filed with the City Recorder.

**EFFECTIVE PERIOD:** This Site Plan and Historical Overlay Zone Approval is effective for one year from the date of approval with a new expiration date of June 3, 2021.

If the applicant has not submitted a building permit and commenced construction in a substantial manner by the date of June 3, 2021, then the applicant will be required to file for new site plan and historical zone overlay review.

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

Todd Culver  
Planning Commission Chair