



Planning Commission Meeting Agenda
October 20, 2020
7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson.
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655.*
7. *The Municipal Center is disinfected prior to meetings. Seating is staged 6' apart, but if there are multiple people in the room, there is a chance that seating could be closer together.*
8. *Masks are required, and the City asks for anyone running a fever, having an active cough or respiratory difficulties to not attend the meeting.*
9. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting, and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

APPROVAL OF MINUTES

1. MOTION TO APPROVE THE MINUTES FROM SEPTEMBER 30, 2020

WORK SESSION

2. THE MATTER OF DISCUSSION OF REVISIONS TO HMC 18.110 - CONDITIONAL USES

STAFF REPORT EXHIBITS:

Exhibit A: HMC 18.110 (Contained in 3-ring binder given out at
09/22 Planning Commission)

Exhibit B: Draft of Revised Model Code – Chapter 4.4 –
Conditional Use Permits

Note: *Planning Commission members should bring the Zoning Matrix already received to this meeting if they would like to refer to it. Please contact Michele or Cathy if you would like another copy of that, or refer to the online version at <https://www.ci.harrisburg.or.us/planning/page/zoning-subdivision-code-revision-project>*

ACTION: **No Action Proposed – discussion only. Regular Planning Commission Meeting of October 20, 2020**

OTHERS

ADJOURN



Planning Commission Meeting Minutes September 30, 2020

Chairperson: Todd Culver, Presiding
 Commissioners Present: Rhonda Giles, Jeremy Moritz, Kurt Kayner, and Kent Wullenwaber.
 Absent: Roger Bristol and Susan Jackson
 Staff Present: City Administrator/Planner John Hitt, Asst. City Administrator/City Recorder 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

- Giles motioned to approve the minutes and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Approve the Minutes for August 18, 2020.

OLD BUSINESS

THE MATTER OF A VISIT FROM REPRESENTATIVES FROM THE MCCrackEN MOTOR FREIGHT PROJECT

- Troy Slonecker addressed the Planning Commission as representative of MMF Warehouse LLC. Owner Curtis McCracken was also present in the audience. Slonecker requested that future agendas and minutes refer to the organization as MMF Warehouse LLC and not McCracken Motor Freight, which is a different branch of the company. Slonecker wanted to discuss requesting an additional one (1) year conditional use permit extension for the property located at 930 S. 2nd Street, Harrisburg, Oregon. Their current conditional use permit includes a one (1) year extension and expires on October 1, 2020. Slonecker presented several factors, due to the economy, and the pandemic that has prevented them from starting the project within the given timeframe permitted with their conditional use permit and site plan. He explained that they would have started construction this

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year, but banks were reluctant to fund expansion like this due to all the unknowns that we are dealing with.

- Hitt explained to the Planning Commission that the current Harrisburg Building Code only allows for one (1) land use permit extension. He suggested that the Planning Commission can make a motion of intent for staff to research ways to grant the extension and recommend the request be brought to the City Council and City Attorney. Hitt also explained that the new model code, if passed, will allow a conditional use permit for eighteen (18) months with an eighteen (18) month extension and possible second extension under certain circumstances.

Culver asked if there had been a precedent set by other applicants. Eldridge said there had not been a precedent set to date. Kayner asked Hitt how the Planning Commission can find a way to help them (MMF Warehouse LLC) out. Hitt replied with two suggestions: a possible declaration of an emergency, or motion of intent to staff. Hitt asked Slonecker if they must go the City Council on October 13, 2020, could they comply. Slonecker replied they would, and will send a request via email to Eldridge, Hitt and Chairperson Culver by Friday, October 2, 2020.

- McCracken asked the Planning Commission if they wanted their business in Harrisburg and explained why the project had been delayed and asked for the extension to go through the end of 2021.
- Kayner **motioned for a recommendation from the Planning Commission to staff and City Council to research the ways to grant the extension of LU394 and LU396 for the Site Plan and Conditional Use Permit for MMF Warehouse LLC which was seconded by Wullenwaber. The Planning Commission then voted unanimously to make recommendations to staff and City Council to research the ways in which they could allow an extension for another year for MMF Warehouse LLC due to the pandemic and economy**

WORK SESSION

THE MATTER OF DISCUSSING A REVISED DRAFT OF THE ZONING MATRIX AND SITE PLAN REVIEW, (AS PER THE AUGUST 18TH PLANNING COMMISSION MEETING) AS WELL AS A 'FIRST LOOK' AT SECTIONS 2.2.040. D – 2.2.080, ZONING DISTRICT REGULATIONS

STAFF REPORT:

- Hitt discussed the issues brought up during the last meeting. The State of Oregon has made several changes since the code was last updated in 2010. The current code is not user friendly and hard to use for planning. The new code would increase some standards and allow for flexibility for the commission and staff. The new code also allows prescriptive process with review unlike the automatic process of the current code. Hitt gave the Planning Commission three options to move forward:
 - The Planning Commission could decide that current code is okay, which would end the review process.
 - The Planning Commission could acquire the entire code for review or continue getting it in pieces for review.
 - The Planning Commission could decide to wait until the next meeting to discuss this matter.
- Kayner asked why the Planning Commission wouldn't want to move forward.
- Hitt replied that the new code would permit outright uses on some applications compared to the current code that has a small number of outright uses that are permitted.

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- Kayner asked if there was an appeal process.
- Hitt replied that the new code would have lots of options to appeal on an outright use. Staff would create a checklist for permits and appeal options. He then referred to Exhibit B: Revised Site Plan Review Procedures, page 22. He pointed out that specific applications would still come before the Planning Commission for review such as subdivisions, variances, and conditional use permits.
- Kayner asked how the new code compares to other cities.
- Hitt replied that it falls in the middle in terms of permitted outright uses.
- Moritz asked what the Planning Commission was trying to decide.
- Hitt said the Planning Commission needed to decide if it wanted to move forward on the new code or not. If the Planning Commission did want to move forward, did they want the new code in piecemeal fashion or as a whole document.
- Kayner asked if the changes would generate any complaints from residents.
- Eldridge replied that the new code would make it easier for residents to make simple changes to their properties and should not create any complaints.
- Chairperson Culver voiced concern about non-public involvement with changing the process.
- Hitt pointed out changes and discussed concerns in Exhibit A and Exhibit C. He noted that the public would be able to comment on any changes during the public hearings when we make a recommendation to the City Council to approve the final Zoning/Subdivision code changes. They can also comment when the City Council discusses the changes.
- Moritz requested to see the whole document in one (1) to two (2) chapters per meeting.
- Hitt said he would provide the information in a logical order and would introduce the next two (2) chapters at the next meeting. Hitt also clarified that notebooks containing Exhibit D: HMC Chapter 17 – ‘Subdivisions’ and Chapter 18 ‘Zoning and Land Use’ are the current code and was given so the Planning Commission could make comparisons between the current code and the new code.

With no further discussion, the meeting was adjourned at the hour of 8:05pm.

Chairperson

City Recorder

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF DISCUSSION OF REVISIONS TO HMC 18.110 - CONDITIONAL USES

STAFF REPORT EXHIBITS:

Exhibit A: HMC 18.110 (Contained in 3-ring binder given out at 09/22 Planning Commission)

Exhibit B: Draft of Revised Model Code – Chapter 4.4 – Conditional Use Permits

Note: *Planning Commission members should bring the Zoning Matrix already received to this meeting if they would like to refer to it. Please contact Michele or Cathy if you would like another copy of that, or refer to the online version at <https://www.ci.harrisburg.or.us/planning/page/zoning-subdivision-code-revision-project>*

ACTION: NO ACTION PROPOSED – DISCUSSION ONLY. REGULAR PLANNING COMMISSION MEETING OF OCTOBER 20, 2020

APPLICANT: N/A

BACKGROUND

As part of the Planning Commission's on-going review of our current Subdivision and Zoning Codes (HMC Chapters 17 & 18) I am submitting for your consideration a draft, and slightly revised version of the state's Model Code dealing with Conditional Use Permits.(CUPS)

Conditional Use Permits are usually part of the Site Plan Review process, especially when industrial development, or other uses, are proposed that might have impacts on surrounding land uses and/or public facilities. The Model Code, in the zoning matrix (previously provided) calls out numerous land uses that must go through the CUP process. These include, among many others: Schools in the Residential Zones;

Emergency Services (police, fire, ambulance) in Residential, Commercial, and M-1 Zones; and Single Family Dwellings in the M-1 and M-2 zones, among many others.

The current City zoning code also calls out certain uses in each zone that would require a CUP, (such as schools, hospitals, & churches in the R-1 Zone) However, many of these CUPs deal more with development variances (exceptions), such as building heights, rather than actual uses.

CUPs allow the Planning Commission to impose certain operating restrictions or development requirements on an applicant that are not otherwise required in the code. These 'new' requirements, or conditions of approval, are in response to what would otherwise be problematic uses for that zone.

Significant Distinctions between existing and model CUP provisions:

1. The new code requires a CUP for 122 specified land uses. Current Code mentions only about 50 uses that require a CUP, but keep in mind that the Model Code directly references quite a few more specific land uses than the Current Code.
2. The Model Code gives the authority and circumstances for when a CUP can be revoked. The Current Code makes no mention of CUP revocation.
3. The Model Code also provides the specific authority to the Planning Commission to impose conditions that would improve city utilities to the extent required to maintain city-wide service levels.
4. Otherwise, the two codes are similar, although written quite differently.

RECOMMENDATION: Conditional Use Permits are a very important part of any city's land use requirements. They are frequently required and grant the local Planning Commission the specific ability to regulate, in a fairly detailed way, specific land uses on a case by case basis. Staff recommends a thorough review and discussion of the CUP process. There is a close connection to this section of the Model Code and the Zoning Matrix. The Commission may want to review those uses in the Zoning Matrix that require a CUP. (***Please bring your copy of the Zoning Matrix to this meeting; contact Michele or Cathy if you need a new copy; or refer to the on-line copy of the entire code at <https://www.ci.harrisburg.or.us/planning/page/zoning-subdivision-code-revision-project> .)***)

4.4 – Conditional Use Permits

Chapter 4.4 - Conditional Use Permits

Sections:

- 4.4.010 Purpose
- 4.4.020 Approvals Process
- 4.4.030 Application Submission Requirements
- 4.4.040 Criteria, Standards, and Conditions of Approval
- 4.4.050 Supplemental Development Standards

4.4.010 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Chapter 2.2 Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

4.4.020 Approvals Process

The Planning Commission using a Type III procedure, per Section 4.1.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits. Modifications to conditional use permits are subject to Chapter 4.5 Modifications.

4.4.030 Application Submission Requirements

In addition to the submission requirements for a Type III review under Section 4.1.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Section 4.2.040 Site Design Review Application Submission Requirements.) An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 4.4.040.

4.4 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

4.4.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval, or conditions of use as may be imposed by the Planning Commission;
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and
4. A conditional use permit shall not allow a use that is prohibited under Article 2; nor shall a conditional use permit grant a variance without a separate variance application being reviewed with the conditional use application.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways, sidewalks, or traffic control devices or features;

4.4 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

7. Requiring landscaping, screening, drainage, drainage detention, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, materials, and/or lighting of signs;
9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
14. The Planning Commission or City Administrator may require periodic review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the City Administrator to issue renewals, who shall do so through a Type I or Type II procedure, as applicable (see Chapter 4.1 for review procedures).

4.4.050 Revocation

A conditional use permit may be revoked at any time upon the following findings and actions by the City Administrator:

1. The permit holder has been notified in writing by the City Administrator of one or more violation(s) of the conditional use permit and given 30 days to correct the violation(s).
2. If, after 30 days the permittee has not cured the violation, the City Administrator shall provide notification of pending suspension of the conditional use permit.
3. After notice of suspension, the permittee has 15 business days to cure the violation or close operation, or file an appeal with the Planning Commission.
4. If a conditional use permit is revoked or suspended by the City Administrator or Planning Commission, the permit holder shall, within 15 business days, suspend all operations.
5. Those businesses or property owners who continue to operate 15 days after a suspension or revocation of a CUP shall be subject to a daily violation IAW _____.