



Planning Commission Meeting Agenda
October 15, 2019
7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, David Smid, Rhonda Giles, Jeremy Moritz, Kurt Kayner,
Kent Wullenwaber
Meeting Location: Harrisburg Municipal Center @ 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*

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 of June 18, 2019

PUBLIC HEARING:

2. THE MATTER OF THE DOCKERY VARIANCE APPLICATION (LU 415-2019)

STAFF REPORT/EXHIBITS:

Exhibit A: Application Materials dated 9-13-2019, Revised Materials dated 9-23-2019

Exhibit B: Public Notice

ACTION: Motion to approve/modify/deny the Dockery Variance Application (LU 415-2019). This motion is based on findings presented in the October 8, 2019 staff report to the Planning Commission and findings made by the Commission during deliberations on the request.

PUBLIC HEARING:

3. THE MATTER OF THE SCOTT SITE PLAN REVIEW APPLICATION (LU 412-2019)

STAFF REPORTS/EXHIBITS:

Exhibit A: Application Materials dated 8-19-2019, Revised Materials dated 9-17-2019.

Exhibit B: Comments Received to date

Exhibit C: Public Notice

ACTION: Motion to approve/modify/deny the Java Joy Coffee Kiosk Site Plan Review (LU 412-2019), subject to the conditions of approval contained in the October 8, 2019 staff report. This motion is based on findings presented in the October 8 2019 Staff Report to the Planning Commission and on findings made by the Commission during deliberations on the request.

4. THE MATTER OF THE MCCRACKEN TIMELINE EXTENSION REQUEST (LU 394-2018)

STAFF REPORT/EXHIBITS:

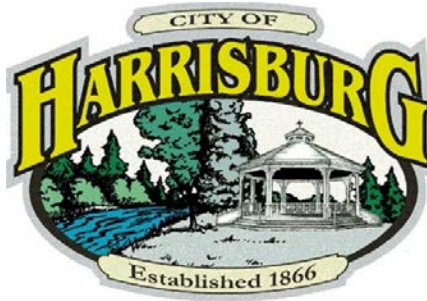
**Exhibit A: Timeline Extension Request dated September 13,
2019**

Exhibit B: Notice of Land Use Application Expiration

ACTION: Motion to approve/modify/deny the McCracken Land Use Approval Timeline Extension Request (LU394-2018) for a year with a new expiration date of October 1, 2020. This motion is based on findings presented in the October 8, 2019, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request.

OTHERS

ADJOURN



Harrisburg Planning Commission Meeting Minutes June 18, 2019

The Harrisburg Planning Commission met on this date at the Harrisburg Senior Center, located at 354 Smith St, at the hour of 7:00pm. Presiding was Vice-Chair Roger Bristol. Also present were as follows:

- Kurt Kayner
- Rhonda Giles
- Jeremy Moritz
- Kent Wullenwaber
- David Smid (Arrived at 7:11pm)
- City Administrator Brian Latta
- City Recorder/ACA Michele Eldridge

Absent this evening was Chairperson Todd Culver.

Concerned citizen(s) in the audience. (Please limit presentation to two minutes per issue.)

- **Approval of Meeting Minutes**
Kayner motioned to approve the minutes, and was seconded by Moritz. The Planning Commission then voted unanimously to approve the minutes from the May 21, 2019 Planning Commission Meeting.

THE MATTER OF CONSIDERING THE DOCKERY MINOR PARTITION AND VARIANCE LAND USE APPLICATIONS (LU 405 & 406).

Vice-Chair Bristol read aloud the script as required by land use laws, along with the process of requesting a continuance, and the process to request the record remain open.

The Public Hearing was opened at the hour of 7:05pm

Vice-Chair Bristol asked if there were any conflicts of interest, or ex parte contact to declare.

- Moritz noted that he had received a letter, because he lives on Sommerville Loop. Would that be considered a conflict of interest or ex-parte contact?
- Latta assured him that it's not a conflict of interest to receive a public meeting notice, nor is it ex-parte contact. A conflict of interest would apply, if he or his immediate family were to benefit financially from any of the land use action being considered. He asked if Moritz had any financial interest in this land use action.
- Moritz said that he didn't

There were no conflicts of interest or ex-parte contacts declared, nor any rebuttals of such.

Applicant's Presentation: Matt Dockery was present, and had nothing to add; other than the variance he needs for his project proposal in the near future, he has no other comments. The property as measured is only 3' short of the required standard. If he had considered creating an extra lot when he first went through the last partition request, he could have placed the house further north, and had the room he needed without applying for another variance.

- Moritz asked about the driveway easement, and what kind of home did they think they would be able to place on that property considering its limitations?
- Dockery told him that its shared easement up until it reaches the property being partitioned. There are smaller home plans out there, much like what they are doing in Coburg right now; there are options to choose from.

Commissioner Smid arrived at the hour of 7:11pm

Staff Report: Latta reiterated the information contained within the staff report. He noted that in addition to the variance request for the property not meeting the minimum 25' of street abutment, and 50' of street frontage along a public right-of-way, the proposed lot No. 2 is only 55' wide, and will meet the 5' setbacks to the home located north of the new lot, but is short of the lot width requirements required in the code. While we give the discretion to the property owners for which direction the home will be fronted, or where a garage will be placed, it's most likely that the driveway will lead straight into a garage, or they will turn to the left. The lot is still larger than the 7000 sq. ft. requirement. Other than meeting the conditions of approval, he said that the criteria is met for both the variances that were requested, and the minor partition. The motions are there for both the partition, and the variance.

- Moritz expressed his concerns in relation to the Sommerville Loop area. It's supposed to have a 60' right-of-way (ROW) but nowhere does it actually meet that. It's very narrow, and now there is more residential use, and therefore, a lot more traffic traveling on it. The road near this area is only 22' wide. There are a lot of walkers, and kids on bikes in this area, and both the owners of recent partitions in this area have a lot of teenager's, and lots of traffic coming and going. With the construction that's been occurring, the contractors aren't parking on the property itself; instead, they are on the road. They already have 4 or 5 cars from other homes through there on the road, and on garbage day, it feels like you are weaving in and out all over the road trying to dodge garbage cans, and vehicles parked. The City needs to address this issue. He's hoping that it will actually turn into a 60' road and not the 22' that there is now.
- Latta noted that there is a 60' ROW in this location, which is from edge to edge. The fully improved road would culvert the ditches and the road would be widened to 36' wide; would be paved from curb to curb, and would include curbs, gutters, and sidewalks, with planter strips. It needs to be improved, and it is on the CIP (Capital Improvement Plan), but it's a matter of getting the right funding.
- Moritz asked with the Labar property still left to be developed, how many further homes will we allow before we require the street to be improved? He's lived there for 30 years, and it's getting way worse.
- Latta told him that it's getting closer to that requirement. That acreage would require road development; it's just a question of how far down the street would be required. It's on the radar screen from a PW perspective.

- Moritz felt that it should start applying to any lots being partitioned, because everything is dumping onto Sommerville. He knows that with the two of them (referring to both the latest partitions on both sides of the road) that there are lots of cars there.
- Dockery asked if that was a condition of approval, or if this is just a discussion?
- Latta told him it was just a discussion at this point.
- Moritz agreed, and said that the kids drive like a bat out of hell, and that he wanted to express his concern about this. The lighting there is also very bad. He felt that if there were further improvements along this area, that it should require more responsibility towards improving that street.
- Latta said that when it comes to this property owner, that when they do the first partition, they either have to improve the street in front of their property, or they sign a waiver of remonstrance. What that does, is set it up so that if the city needs to improve the road that those owners with remonstrances are not able to object to the improvement project. There are dozens of remonstrances on that street already. When the City decides to go in and fix those issues, then we may be well beyond that threshold, where there wouldn't be enough property owners left on the street that would be able to file valid objections against the improvement. He further explained how public improvements are handled by the City. In this case, though, the Dockery's have already signed a remonstrance. Parcel 1 still has the road frontage, while the back lot will not.
- Dockery would have liked to have done that, but he was encouraged not to. Nobody else along that stretch was required to, and then you'd also be required to align the curbs, etc.,
- Latta said that construction costs will be cheaper today, then they will be five years from now. But the city doesn't have engineered plans for this area of town. The survey we would need for this street would be far more extensive than for this property. This road is in the CIP, and we've identified this street as needing upgrades. But it's not to the level yet that the City has the money. One of the streets with higher priorities is 4th Street. He added that with the city's street maintenance funds we have \$175,000 this year, and next year, it will likely go to \$250,000. A good portion of those funds go towards engineering and site work. A street takes at a minimum about \$600,000, and we aren't too far from doing a project like that now.
- Dockery said that Sommerville Loop is one of the only places in town with developable property. The sooner the City has a plan; the better. He feels that the cars have been an issue here for a long time. Nobody wants to eat the whole cost. If anything, it should apply to property that is more than 2 acres, or 7 acres.

Nobody was present that wished to provide testimony in favor, in opposition, or neutral to the land use request being considered.

- Moritz asked if this was just an approval of the variance and setbacks then.
- Latta told him no, it was a variance of the street frontage. He must still submit a variance application for the width of the property; that must be submitted before he is allowed to plat the partition.
- Moritz asked for confirmation that their road ends at the driveway of the proposed partition.

- Latta told him that was correct. Parcel two has no road frontage. Their lot is fully contained. Parcel 1 has the flag lot, and it contains the driveway. 20' wide doesn't meet the requirement; it received the variance the first time.
- Bristol asked then if the other piece of property, that's supposed to have a variance because it doesn't meet the 60' width.
- Latta told him we didn't recognize that it had been missed until he wrote the staff report. There are some options; he can hold a continuance so that we can do another public notice, or as stated in the conditions, you have to apply for it before you will be allowed to record your final plat. Staff is comfortable with either option.
- Dockery said that he could work with providing the variance as a condition of approval.

The Public Hearing was closed at the hour of 7:38pm.

- Giles then **motioned to approve the Dockery Minor Partition (LU 405), subject to the conditions of approval contained in the June 11, 2019 staff report. This motion is based on findings presented in the June 11, 2019, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request. She was seconded by Smid. The Planning Commission then voted unanimously to approve the Minor Partition for the Dockery Minor Partition LU 405.**
- Giles then **motioned to approve the Dockery Variance (LU 406). This motion is based on findings presented in the June 11, 2019, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request. She was again seconded by Smid, and the Planning Commission voted unanimously to approve the Variance for the Dockery's LU 406.**

THE MATTER OF CONSIDERING THE SMITH MINOR PARTITION AND VARIANCE LAND USE APPLICATIONS (LU 407 & 408).

Vice-Chair Bristol read aloud the script as required by land use laws, along with the process of requesting a continuance, and the process to request the record remain open.

The Public Hearing was opened at the hour of 7:43pm

Vice-Chair Bristol asked if there were any conflicts of interest, or ex parte contact to declare. None were declared, nor were there any rebuttals.

Applicants Presentation: Kenny Smith said that his lot is about an acre, but it's long and narrow. That's why they need a variance. He agrees with the recommended conditions of approval, but he would like to ask if the Planning Commission will consider him changing the access and utility easement, as well as the demolition condition of approval. The easement is on the 12' strip that is located on the west side of his property. The metal shop scheduled for demolition, would have been located on Lot No. 2. They are selling the front lot, and then will build a larger house for themselves. When they begin with the building, they will remove the metal shop. He is hoping the Planning Commission will allow them to remove it in the second phase, rather than right way. That building holds all of their outside equipment. They will remove it, but just want to postpone that action. Also, he is having trouble getting the power to this lot and hopes that he would be allowed to get the water, sewer, and power, all there in one ditch. He can pay for the water and sewer

upfront before they build, but he'd like to have been allowed to do this after the two lots of recorded. He wants to move as quickly as possible, with the new house being done before winter sets in. Pacific Power is taking a very long time to get out there, which is slowing down their ability to sell the lot. It might be another 6 to 8 weeks before they can do that.

- Kayner asked if that easement was on both sides.
- Smith told him no. There is a 12'x20' shop, with a well in it that holds all of their outside equipment. They would like to be allowed to demolish the building later on, rather than as a condition prior to recording the partition.
- Latta told him that in conditions 4 and 5, that with the water service, you pay the fee, and we do a hot tap on the line, and set the meter box. That goes to the edge of the property line; your trenching is to lot 2 at a later date. The sewer lateral is handled the same way. On the sewer fee, we inspect the work your City approved contractor does, and the lateral is taken to the edge of the driveway. Then you can trench it to your back property later on.
- Smith thought he would have to bring that all the way to Lot No. 2.
- Latta told him no; he doesn't have to bring it the edge of Lot No. 2; only to the edge of the easement. We don't want to defer the improvement to be pushed off on another property owner.
- Kayner asked then if it was only condition no. 3, then, that needed to be changed.
- Latta said that was correct. Obviously, if the driveway is installed where it's marked, it would run into the outbuilding. He thought though, that there was another outbuilding near there.
- Smith said that it's actually up against the house.
- Latta said that the thought with this is that once the driveway is installed, that the building would be in the way. With the final plat, we want to make sure that when the property is sold, that it's free and clear of any problems. But the other reason is that the code doesn't allow for accessory structures to be on a piece of property without a dwelling on it. Without a home there, it's not allowed by our code. We try not to allow that, but in reality, there are lots who have that. He would be willing to wait to allow that demolition to wait until the permits are issued or approved.
- Bristol asked the applicant a few questions, and then thought that if it was stated that prior to the occupancy of the residence on proposed parcel no. 2, that the applicant shall demolish any existing accessory structures located on proposed parcel 2, that it might work for him.
- Latta's issue was conditions 4 and 5, but now that he understands that those are in the future, he's ok with that. He does need to pay for them ahead of time.
- Smith said that it's at least 4 weeks out for that at this point.

Staff Report: Latta noted that Smith's property is to the east of Dockery's and is located across the street. He is proposing to create two parcels, both of which are fairly large. They meet all the development standards, except for the road frontage for parcel 2, which will be an easement through parcel 1. The variance is required, because of that configuration. The conversation about Sommerville Loop will be the same as this one. Staff notes the Planning Commission's concerns and agrees with them. Staff would be ok with the amended condition as proposed by Bristol. There is an additional development concern, which is a driveway separation of 22'.

Staff measured it out, and they have enough for a 10' wide driveway, which allows for a 23' of separation. As long as the property line is measured correctly, it will satisfy those requirements. That will be verified when the building permit comes in.

- Moritz asked what the minimum width of the driveway would be.
- Latta told him 10'.
- Moritz thought that would put the driveway right up against the west line of the property.
- Smith said that there is a road there, but they didn't take it all the way to Sommerville Loop. It goes all the way to lot no. 2, from Sommerville. They will push it through that side of the property, which will also require removal of an apple tree, and cherry trees.
- Moritz had wondered about that. Is that a condition?
- Latta told them it's evaluated with the building permit application and is considered development concerns rather than a condition to partition the property. It's something for us to note.
- Moritz asked about the difference between page 56 and page 57? It looks like two different site plans.
- Latta told him that page 56 is the site plan submitted after revisions. The one on page 57 was originally proposed to have the driveway on a neighboring property that also had to go around the pump station there. The applicant wasn't able to secure an easement, because that property is under contract to be sold. The owner of that property forgot to put a note on that.

Nobody was present that wished to provide testimony in favor, in opposition, or neutral to the land use request being considered.

The Public Hearing was closed at the hour of 8:04pm

- Latta suggested that you modify condition no. 3 first, and then make the main motions.
- Bristol then **motioned that we modify condition of approval no. 3, for LU No. 407, to read that the prior to occupation of the resident on parcel no. 2, that the applicant shall demolish any accessory structures located on parcel no. 2. Moritz seconded the motion, and the Planning Commission voted unanimously to allow the applicant to demolish the accessory structure on parcel no. 2, prior to occupancy of any residential structures.**
- Giles then **motioned to approve the Smith Minor Partition (LU 407), subject to the conditions of approval contained in the June 11, 2019 staff report. This motion is based on findings contained in the June 11, 2019 staff report and on findings made during deliberations on the request. She was seconded by Moritz, and the Planning Commission voted unanimously to approve the Smith Minor partition.**
- Smid then **motioned to approve the Smith Variance (LU 408) based on findings contained in the June 11, 2019 staff report, and on findings made during deliberations on the request. He was seconded by Wullenwaber, and the Planning Commission voted unanimously to approve the Smith Variance No. LU 408.**

The matter of Considering the Harrisburg School District Bond Projects Conditional Use Permit

Vice-Chair Bristol read aloud the script as required by land use laws, along with the process of requesting a continuance, and the process to request the record remain open.

The Public Hearing was opened at the hour of 8:11pm

Vice-Chair Bristol asked if there were any conflicts of interest, or ex parte contact to declare. None were declared, nor were there any rebuttals.

Applicant Presentation: Jesse Grant, who was there on behalf of the applicant, said briefly that the Harrisburg School Bond had been passed to allow improvement on the Harrisburg schools. The major addition here, are two classrooms at the elementary school, and two at the high school. The buildings will look similar to others on the properties, with the same general look and feel as existing structures.

- Moritz asked where the structures would be at the elementary school.
- Grant told him they were near the bus loop off of Smith St. They will extend two parking spaces towards Smith St. here. It was easy for them to extend those, without having to move the structure. It will still meet the City's requirements for road depth.
- Smid asked how come with the additional structure, that more parking spaces weren't needed?
- Grant told him most likely they met the minimum requirements for all the parking they needed for the prior improvement.
- Latta said that the parking is in line with the school buildings, and our code allows parking within 15' of the driveway. It's more an aesthetic thing.

Staff Report: Latta noted that the schools are allowed as a conditional use in both the R-1 and R-2 zones, where the schools are located. The buildings meet our setback requirements, and all development standards are met. Staff didn't find any visual or noise impacts, beyond what already exists for a school. We sent a ton of neighbor notices for this project, and the Planning Commission will notice that there aren't any neighbors here. He recommends approval of this project.

Nobody was present that wished to provide testimony in favor, in opposition, or neutral to the land use request being considered.

The Public Hearing was closed at the hour of 8:19pm

- **Kayner motioned to approve the Harrisburg School District Conditional Use Permit (LU 404), subject to the conditions of approval. This motion is based on findings contained in the June 11, 2019 staff report and on findings made during deliberations on the request. He was seconded by Wullenwaber, and the Planning Commission voted unanimously to approve the Harrisburg School District Conditional Use Permit No Lu 404.**

Others:

- Latta wanted to loop back to the Somerville Loop discussion. It's worthwhile for the Planning Commission to get in front of Council, in order to consider doing the engineering, and perhaps establish an improvement district to pay for that. We will bring that back to the Planning Commission. There is no reason you can't make a recommendation to the City Council, especially when there are safety issues to be addressed.
- Moritz apologized for going on about it. Within the last three years, there have been 7 homes added within one clustered area. It's not the whole street affected; instead, its one house on one side with six cars, and the other on the other side has six cars as well, with

four in the street. The road is only 22' wide. Today, there were trucks and trailers on both sides of the road; his truck only had about a foot clearance on either side. That area just keeps getting worse and worse.

- Kayner asked how far we should go before we require that improvement.
- Latta said that you can do that now if you'd like.
- Kayner said then maybe we should make a stand today, that if someone wants to spearhead going to the City Council, that we won't approve anything through here at all until the road is improved.
- Latta said it was worthwhile to do our homework on this, in order to get some rough numbers. He will talk to the City Engineer and will get the information to the Planning Commission. It is reasonable for us to do a project right away, understanding that we need the financing too, but you could take that in a recommendation to the City Council as a body; only one person would be needed to attend; but the Planning Commission can do that as a body. We are starting to see lots of small developments, but any big developments would automatically trigger that requirement.
- Wullenwaber thought that before somebody comes with a subdivision, that we say no, to any further development without this improvement, that we draw a line right there.
- Smid said that's tough to deal with as a developer.
- Kayner could understand that.
- Latta said that we can address that right way. From where the UGB was expanded, we knew we would need to address that street.
- Smid asked if we could also do something about the gravel road going to Priceboro.
- Latta said it's something we can think about, without going into a larger project. It's actually a county road; we keep it in gravel and compacted down.
- Kayner asked if we will take that road into the city in the future.
- Latta told him eventually. It would take a large property sale and additional development in order to have the capacity to do that. He can see if the urban growth area was expanded, that we would be at a point that hey, this gravel road now has to be built to city standards. That can be passed onto property owners in the future, or it could simply be a cost to the City. Once the city see's development in this area, then we could address things like using transportation SDC's to upgrade this.
- Moritz has been meaning to bring this up in the past. It's an access point for a lot of those homes. People speed through this area at 40mph or more, and with all the cars, and kids, it's scary. The people who were here tonight, have a lot of kids, 15 or 20 at a time, from high school to grade school in age, that come to their homes. It's scary to him.
- Latta said it was an important conversation to have.
- Bristol asked if Dockery would be returning then with the variance issue.
- Latta told him he would need to get it in extremely soon. We could have a meeting next month, and if not, we do need a work session in order to address some code updates. We may have a meeting in July. There are lots of changes going on in City Hall, so the code amendments are in a lull while we address those.
- Eldridge reminded the Planning Commission that the next meeting in July would be on a Monday, due to the concert series.

With no further business to discuss, the Planning Commission was adjourned at the hour of 8:29pm.

_____ Chair _____ City Recorder

City of Harrisburg

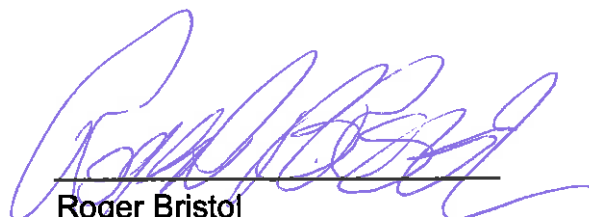
PLANNING COMMISSION

NOTICE OF DECISION

- REQUEST:** The applicant requests approval of a Partition (LU 405) to divide a roughly 21,800 square foot lot into two residential lots. A Variance (Lu 406) application is requested to allow the 'flag lots' to be developed without meeting the minimum street frontage requirements.
- LOCATION:** The subject site is located at 972 Sommerville Loop, and known as tax lot 13400 of Linn County Assessor's Map 15S04W15DB.
- HEARING DATE:** June 18, 2019
- ZONING:** R-1 (Low Density Residential)
- APPLICANT/
OWNER:** Matthew and Gwendolyn Dockery
975 Sommerville Loop
Harrisburg, OR 97446
- APPEAL DEADLINE:** July 2, 2019, at 5:00 p.m.
- DECISION:** The Harrisburg Planning Commission conducted a public hearing on June 18, 2019, 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 18, 2019, 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:** July 2, 2019, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Minor Partition 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 July 2, 2020.



Roger Bristol
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. **Access and Utility Easement** – The final plat shall include an access, private utility and franchise utility easements for the benefit of proposed parcel 2.
3. **Lot Width Variance** – Prior to recording the final plat, the applicant shall submit and receive approval of a variance application to vary from the 60-ft. lot width standard for proposed parcel 2.
4. **Water Services** – Prior to recording the final plat, the applicant shall pay to have a water service installed for proposed parcel 2.
5. **Sewer Lateral** – Prior to recording the final plat, the applicant shall have a sewer service installed to proposed parcel 2.
6. **Final Plat** – The applicant shall prepare a final plat for recording the proposed partition, consistent with the requirements in HMC 17.25.

DEVELOPMEN RELATED CONCERNS

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

- A. **Emergency Vehicle Access** – Any driveway in excess of 100 feet in length will need to be able to support emergency vehicles up to 50,000 pounds.

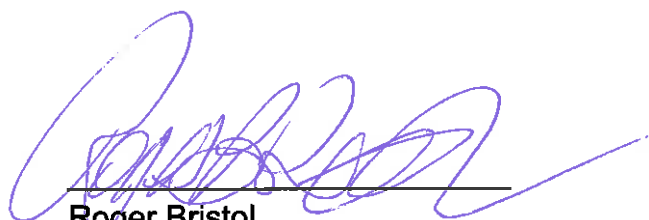
City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

- REQUEST:** The applicant requests approval of a Partition (LU 407) to divide a roughly 40,500 square foot lot into two residential lots. A Variance (LU 408) is requested to allow the proposed 'flag lot' to be developed without meeting the minimum street frontage requirements.
- LOCATION:** The subject site is located at 985 Sommerville Loop, and is known as tax lot 4000 of Linn County Assessor's Map 15S04W15CA.
- HEARING DATE:** June 18, 2019
- ZONING:** R-1 (Low Density Residential)
- APPLICANT/
OWNER:** Kenny and Jackalyn Smith
PO Box 564
Harrisburg, OR 97446
- APPEAL DEADLINE:** July 2, 2019, at 5:00 p.m.
- DECISION:** The Harrisburg Planning Commission conducted a public hearing on June 18, 2019, 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 18, 2019, 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:** July 2, 2019, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Minor Partition 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 July 2, 2020.



Roger Bristol
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. **Access & Utility Easement** – The final plat shall include an access, private utility and franchise utility easements for the benefit of proposed parcel 2.
3. **Outbuilding Demolition** – Prior to occupancy of a residence on proposed parcel 2, the applicant shall demolish any existing accessory structures located on proposed parcel 2.
4. **Water Services** – Prior to recording the final plat, the applicant shall pay to have a water service installed for proposed parcel 2.
5. **Sewer Lateral** – Prior to recording the final plat, the applicant shall have sewer service installed to proposed parcel 2.
6. **Final Plat** – The applicant shall prepare a final plat for recording the proposed partition, consistent with the requirements in HMC 17.25.

DEVELOPMENT RELATED CONCERNS

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

- A. **Driveway Width and Separation** – The driveway providing access to proposed parcel 2 shall be a minimum of 10 feet wide and separated from other driveways by a minimum of 22 feet.
- B. **Emergency Vehicle Access** – Any driveway in excess of 100 feet in length will need to be able to support emergency vehicles up to 50,000 pounds.

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Conditional Use Permit (LU 404) to construct a two (2) classroom addition and associated off-street parking at the elementary school, and to construct a two (2) classroom addition between buildings 6 and 7, as well as a small addition to building 2 at the high school.

LOCATION: The subject site is located at 400 S. 9th Street and 642 Smith Street, and known as tax lots 300 and 400 of Linn County Assessor's Map 15S04W15BD, and tax lot 5300 of Linn County Assessor's Map 15S04W15BB.

HEARING DATE: June 18, 2019

ZONING: R-1 (Low Density Residential) and R-2 (Medium Density Residential)

APPLICANT

Jesse Grant
 115 W 8th Avenue, Ste. 285
 Eugene, OR 97401

OWNER

Harrisburg School District
 Attn: Bryan Starr
 PO Box 208
 Harrisburg, OR 97446

APPEAL DEADLINE: July 2, 2019

DECISION: The Harrisburg Planning Commission conducted a public hearing on June 18, 2019, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the June 11, 2019 Staff Report to the Planning Commission, 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 plus actual expenses for appealing a Planning Commission to the City Council.

EFFECTIVE DATE: July 2, 2019, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Conditional Use Permits shall be effective for one year from the date of approval. 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 Conditional Use Permit approval will expire on July 2, 2020.



Roger Bristol
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. **Erosion & Sediment Control Plan** – Concurrent with the submission of building permits, the applicant shall submit an erosion and sediment control plan. The plan shall include appropriate measures to prevent sediment from leaving the construction site and enter into the city's storm drainage system.
3. **Construction Security and Safety Plan** – Concurrent with the submission of building permits, the applicant shall submit a construction security and safety plan. This plan shall include appropriate measure to ensure the public's safety and security during the construction project.
4. **Fence Permit** – Prior to the installation of proposed fencing, the applicant shall submit for review and receive approval of a City fence permit.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE DOCKERY VARIANCE APPLICATION (LU 415-2019)

STAFF REPORT EXHIBITS:

- Exhibit A: Application Materials dated 9-13-2019, Revised
Materials dated 9-23-2019
- Exhibit B: Public Notice

ACTION:

1. Motion to approve/modify/deny the Dockery Variance application (LU415-2019). This motion is based on findings contained in October 8, 2019 staff report, and on findings made by the Commission during deliberations on the request.

APPLICANT: Mathew Dockery, 972 Summerville Loop, Harrisburg, OR 97446

LOCATION: 972 Summerville Loop, Map 15-04-15, Lot 13400

HEARING DATE: October 15, 2019

ZONING: R-1, Single-Family Residential

OWNER: Mathew Dockery, 972 Summerville Loop, Harrisburg, OR 97446

BACKGROUND

The subject site is Parcel 2 of a Tentative Partition Plan (LU-405). The current property is 0.57 acres in size. It is set behind (to the south) two other platted lots abutting Sommerville Loop. The property has street frontage on Sommerville Loop via a 20-ft

wide strip of land dedicated for the purpose of vehicle access and private utility infrastructure.

A single-family residence has been permitted on the northern portion of this parcel, and construction of that residence is nearing completion. The parcel is predominantly flat; however, there is a small drainage ditch along the southern property line.

The Harrisburg Planning Commission conducted a public hearing on Harrisburg Land Use File: LU-405 and LU-406 on June 18, 2019, and voted to approve a Partition and Variance request, subject to specific conditions of approval. Condition #3 required the applicant to submit and receive approval for a variance from the minimum lot width standard for proposed parcel 2 as the single-family residence on tentatively approved parcel 1 was placed in such a manner that minimum setbacks for the proposed lot configuration would not meet the current width standards.

INTRODUCTION

The applicant has submitted a Variance application as required by the above stated condition of approval associated with Harrisburg Land Use File: LU-406. This is a request for Variance to the minimum lot width standards at HMC 18.15.060.

The property measures approximately 138 feet in depth by 55 feet in width. The applicant is seeking Planning Commission approval for a 5-foot variance to the minimum lot width requirement of 60 feet.

CRITERIA AND FINDINGS OF FACT

18.115.020 Criteria for granting a variance.

A variance may be granted only in the event that all of the following criteria exist:

- 1. Unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of the property, since the enactment of the ordinance codified in this title, have no control.**

The Planning Commission held a public hearing on June 18, 2019 regarding the partition of the site into two single-family parcels. The question was raised regarding the width of Parcel 2 as it did not meet the minimum 60-foot width requirement. The City Administrator stated that an additional variance request would be needed if the Planning Commission was in favor of the configuration as presented.

The Planning Commission voted in favor of the requested Tentative Partition, conditioned on the width variance being requested and granted prior to Final Plat approval. As such, the tentatively approved partition includes a unique parcel that does not meet the minimum width, but provides ample depth and lot size to facilitate

development of a single-family residence. Further, a newly constructed single-family home on Parcel 1 would prevent Parcel 2 from complying with the minimum width standard as the required setbacks have created a 5-foot deficit. Therefore, the Planning Commission approval of the Tentative Partition Plan has created a uniquely shaped parcel that cannot meet the minimum standard without a variance approval.

2. The variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other property in the same zone.

As stated above, applicant has received Tentative Partition approval contingent upon the submission and approval of a Variance application. Without approval of this Variance application, the applicant will not be able to utilize the remaining portions of their property to its highest and best use. The 5-foot width variance would create a parcel 55 feet wide and 139 feet long. Numerous lots within the R-1 Single-Family Residential Zone have widths of 50 feet and depths of 100 feet, with lot areas smaller than what the applicant has proposed as part of the Tentative Partition Plan approval. Therefore, in order for the applicant to utilize the parcel similar to that of owners of other property in the same zone, a variance will be required.

3. The variance is consistent with the goals and policies in the comprehensive plan.

The proposed variance for a 5-foot reduction in lot width will not have an impact on Comprehensive Plan compliance. The approved Tentative Partition Plan indicates single-family residential parcels of sufficient size to be developed within the R-1 Single Family Residential zoning district. In order for the approved Partition Plan to be finalized, the Planning Commission conditioned the approval of a variance in order to satisfy the minimum lot standards set forth in the Harrisburg Municipal Code, the regulatory document implementing the Comprehensive Plan. Therefore, as required by the Planning Commission, the variance request to reduce the minimum lot width by 5 feet will allow for the creation of a residential parcel consistent with the goals and policies in the comprehensive plan.

4. The variance shall not confer a special privilege upon an applicant.

As stated above, the Planning Commission has conditioned a Tentative Partition Plan approval requiring the applicant to apply for and receive approval of a variance regarding minimum lot width reductions. Therefore, the approval of this variance is a Planning Commission requirement and does not confer a special privilege upon the applicant.

5. The variance shall not violate any provision of law. [Ord. 906 § 1, 2012; Ord. 882 § 8.020, 2010.]

Approval of the requested lot width variance will not violate any provision of law. Further, the variance will allow for the siting and development single-family residences in compliance with the HMC, Uniform Building Code, and Fire, Life, and Safety requirements relative to setbacks. Therefore, this criterion has been met.

CONCLUSIONS

The applicant requests approval of a Variance application. As demonstrated by the above discussion, analysis and findings, the application, complies with the applicable criteria from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

The Planning Commission has three options with respect to the subject applications. They can:

- 1. Approve the request;
- 2. Approve the request with modifications/conditions; or
- 3. Deny the request.

RECOMMENDED MOTION(S)

Consistent with the Planning Commission and Staff deliberations at the June 18, 2019 Public Hearing, the following motion is recommended:

- 1. *“I move to approve the Dockery Variance application (LU415-2019). This motion is based on findings contained in October 8, 2019 staff report, and on findings made during deliberations on the request.”*



City of Harrisburg
120 Smith Street
Harrisburg, OR 97446
Phone (541) 995-6655
www.ci.harrisburg.or.us/planning

LAND USE APPLICATION

STAFF USE ONLY

File Number: LU 415

Date Received: 9-20-19

Fee Amount: 6425

APPLICATION TYPE

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Property Line Adjustment |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Partition / Replat <input type="checkbox"/> Minor <input type="checkbox"/> Major |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Historic Permit | <input type="checkbox"/> Site Plan Review - Parking Only |
| <input type="checkbox"/> Resource Alteration | <input type="checkbox"/> Subdivision / Replat |
| <input type="checkbox"/> Resource Demolition | <input type="checkbox"/> Vacation of Street, Alley or Easement |
| <input type="checkbox"/> Historic Review - District | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Legal Lot Determination | <input type="checkbox"/> Zone Mape Change |
| <input type="checkbox"/> Measure 37 Claim | <input type="checkbox"/> Zoning Ordinance Text Amendment |

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL

Project Description

* SEE LU-405 & LU-406

Project Name

Dockery Minor Partition

The City of Harrisburg

SEP 20 2019

RECEIVED

Page 28

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name Matthew A. Dockery
 Phone (541) 852-8137 Email matt@lifebiblechurch.org
 Mailing Address 972 Sommerville Loop, Harrisburg 97446
 Applicant's Signature [Signature] Date 9-18-19

Property Owner Name Matthew A. Dockery
 Phone (541) 852-8137 Email matt@lifebiblechurch.org
 Mailing Address 972 Sommerville Loop, Harrisburg 97446
 Owner's Signature [Signature] Date 9-18-19

*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.

PROPERTY DESCRIPTION
 (general vicinity, side of street, distance to intersection, etc.)

Street Address 972 Sommerville Loop
 General Location Description Southern most area of property at above address.

Assessor's Map Number(s) 15S-04W-15DB Related Tax Lot(s) 13,400 (ENR 11/2019)

The Assessor's Map Number (Township, Section, and Range) and the Tax Lot Number (parcel) can be found on your tax statement, at the Linn County Assessor's Office, or online at:
<http://linn-web.co.linn.or.us/propertywebquerypublic/>

Lot Area .57 ACRES

LAND USE AND OVERLAY ZONES

Existing Zone(s)

Existing Comprehensive Plan Designation(s)

Please select any of the following zone overlays or natural areas that apply to the subject site:

- Historic Overlay
- Willamette River Greenway
- Wetlands
- Floodplain
- Riparian Corridors

*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays or natural areas, please contact the City Planner at (541) 995-6655.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- Narrative
- Assessor's Map with Applicable Tax Lots Highlighted
- Site Plan
- Survey / ALTA
- Aerial Photograph / Existing Land Use(s) Map
- Zoning Map (if applicable, show proposed changes)
- Comprehensive Plan Map (if applicable, show proposed changes)
- Subdivision or Partition Plat
- Architectural Elevations
- Architectural Floor Plans
- Utilities Plan
- Electronic Versions of Exhibits
- Geotechnical Report/Site Assessment
- Application Fee
- Other

*A written narrative is required for all application types. Typical drawings sizes are 24"X36", 11"X17", or 8.5"X11". Sizes of required drawings will depend on the type and scope of applications involved. Contact the City Planner to verify requirements. On your plans, include the following: property lines, points of access for vehicles, pedestrians, and bicycles, water courses, any natural features (wetlands, floodplain, etc.), existing and proposed streets and driveways, parking areas, utilities, pedestrian and bike paths, and existing easements. Please note there are additional specific graphic and narrative requirements for each application type. Refer to the Harrisburg Municipal Code for more information.

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

1. Are there existing structures on the site? Yes No If yes, please explain

2. Indicate the uses proposed and describe the intended activities:

3. How will open space, common areas and recreational facilities be maintained?

4. Are there previous land use approvals on the development site? Yes No
If yes, please include a discussion in the project narrative describing how the prior approvals impact your proposal.

AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

- I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.
- I do not authorize City decision makers to enter onto the property(-ies) associated with this application.

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

1. Are there existing structures on the site? Yes No If yes, please explain

Lot # 1 has house currently being built on it.

Lot # 2 is bare ground

2. Indicate the uses proposed and describe the intended activities:

Sell lot # 2 for construction of custom stick framed single family home for permanent residence.

3. How will open space, common areas and recreational facilities be maintained?

Shared driveway will be extended to Lot # 2. Lot # 1 will maintain ownership of driveway with easement granted to include lot # 2.

4. Are there previous land use approvals on the development site? Yes No
If yes, please include a discussion in the project narrative describing how the prior approvals impact your proposal.

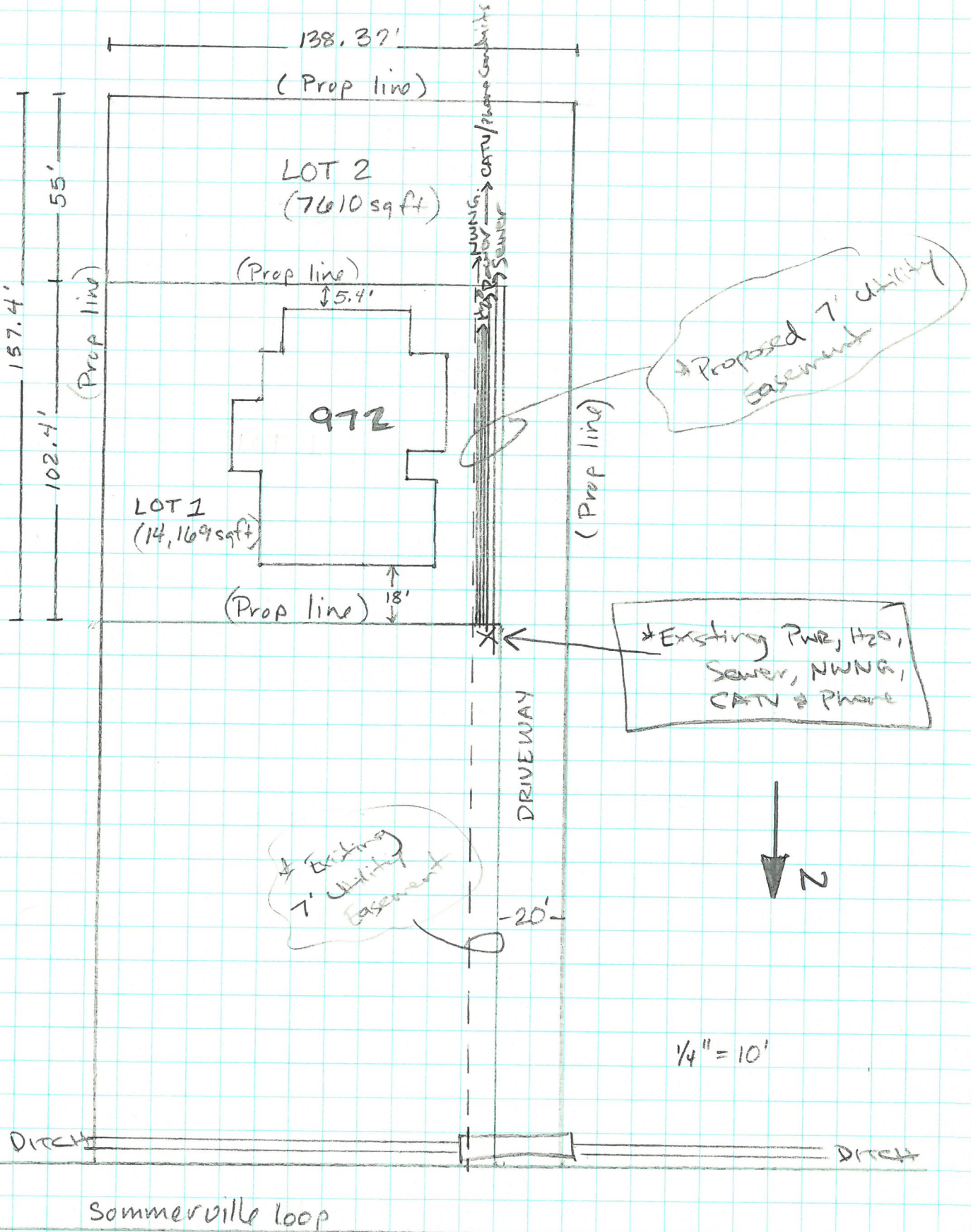
A minor partition was previously approved and executed which extended utilities to provide all necessary utilities to this new proposed partition. Also, there is a current, signed Utilities Mutual Development Agreement. I don't anticipate any impact on this project based on previous discussions with the city.

AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.

I do not authorize City decision makers to enter onto the property(-ies) associated with this application.



8-28-19

Re: Land Use Application No. 405 & 406 Dockery Partition & Variance

To Whom It May Concern-

In response to the 'Conditions of Approval' as requested by commissioners in the Planning Commission meeting on June 18, 2019 and outlined in the letter from city Administrator Brian Latta. Please add for review the following supplemental statements to the narrative in our application requesting variance to lot size requirements as established in Harrisburg Municipal Code 18.15.060(2).

Harrisburg Municipal Code 18.115.020 (1)-(5) establishes the criteria that must be met for consideration of the variances that are being requested and I will address each in order:

- 1.) Due to the configuration of the 'Flag Lot' partition that this proposed lot will be a part of; the size of the existing adjacent lot and the setback requirements from the existing home as defined in 18.15.070, has created a three (3) feet deficit to meet the lot width requirement of sixty (60) feet as defined in 18.15.060(2). The width of the proposed lot will be approximately fifty-seven (57) feet. All other requirements outlined in this provision (18.15.070) are exceeded: lot size will be approximately 7,900 sq. ft (7,000 sq.ft. required); lot depth will be approximately 139 feet (80ft required). The approval of this variance will help us maximize the potential of developing the land in a way that is in alignment with vision of the city's 'Strategic Plan'. The area we are requesting to partition is at the furthest point from Sommerville Loop with no street frontage, which is outlined in the variance request of LU-406 that was approved in the June 18 2019 Planning Commission meeting. It will be a very nice, private lot that will enhance and add to the quality of the neighborhood.
- 2.) The lot width variance we are requesting in this case to finalize our 'Minor Partition' approval is almost immeasurable. With this variance, the lot will still be as large or larger than other residential lots with similar zoning requirements in the area with plenty of room to build a very nice home. The lot will be more than fifty (50) feet wide, which exceeds lot widths in older parts of town and also exceeds what is acceptable for a 'cul-de-sac' lot. All other criteria has been met and/or approved. For these reasons, we believe that approval of this variance is a reasonable hope and if the 'Minor Partition' request were not approved solely on the basis of this variance, it would have a disproportionately negative impact on the ability to develop our property in a mutually beneficial way. Without this variance we would have land that meets most or all city requirements for a residential lot but we would be prevented from enjoying that opportunity.
- 3.) This lot is in an area of town that is designated and zoned for low to medium density residential housing. We believe our proposal and plan for development is consistent with the goals outlined in the city's Comprehensive Plan for growth and sustainability.
- 4.) We do not believe that the approval of this variance would constitute a significant concession on the city's part that would create an unfair or special privilege that property owners in the

neighborhood or other parts of town with similar zoning and environmental considerations would not be able to request or exercise. We do believe historical evidence of the city partnering with landowners to reach mutual goals establishes that this would not be a special privilege that would not be available to other landowners in similar circumstances.

- 5.) To the best of my knowledge and ability to research, these variances would not violate any provision of current local, county, state or federal laws.

Thank you for the opportunity and for considering our proposal.

Best Regards,



Matthew A. Dockery

NOTICE OF PUBLIC HEARING
Harrisburg Planning Commission

2.

Date/Time/Place:	Tuesday, October 15, 2019, 7 pm, 354 Smith Street
Applicant/Owner:	Mathew and Gwendolyn Dockery
Location:	972 Summerville Loop
Applicable Criteria:	HMC 17.50, 18.20, and 18.115
Request:	Lot Size Variance.
Staff Contact:	Jordan Cogburn, City Planner, Harrisburg City Hall, (541)995-6655

Citizens may provide testimony either in person or in writing. Written comments may be submitted any time prior to the start of the meeting. If a citizen wishes to have their written comments included as part of the agenda, then the City Recorder must receive them by October 4, 2019. *(All oral and written comments are part of the public record.)*

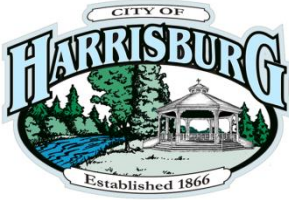
Failure of an issue to be raised in a hearing, either in person or in writing, or failure to provide sufficient specificity to afford the decision making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals (LUBA), based on these issues. The failure of an applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes an action for damages in circuit court.

All applications, documents, and evidence are available for viewing at City Hall at no cost. Copies of the material will be provided at a reasonable cost. A copy of the staff report will be available for inspection at no cost seven days prior to the hearing.

City Hall is handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices, sign language, or persons with special needs are requested to contact City Hall at (541)995-6655, at least 48 hours prior to the meeting date. The City of Harrisburg does not discriminate against individuals with disabilities, and is an Equal Opportunity Provider.

END

Publish: On or before September 23, 2019



NOTICE OF LAND USE PUBLIC HEARING 2.

Tuesday, October 15, 2019, at 7:00 PM

City of Harrisburg Planning Commission
Senior Center, 354 Smith Street

CASE: Dockery Variance (LU 405)

SITE LOCATION:

The subject site is located at 972 Sommerville Loop, and known as tax lot 13400 of Linn County Assessors Map 15S04W15DB.

APPLICANT / OWNER: Mathew and Gwendolyn Dockery
975 Sommerville Loop
Harrisburg, OR 97446

REQUEST:

The applicant requests approval of Variance to reduce the minimum lot size requirement of 60 feet to a total of 57 feet, based on the existing width of the residential lot.

WHOM TO CONTACT FOR MORE INFORMATION:

Michele Eldridge, City Recorder, at (541) 995-6655, or meledridge@ci.harrisburg.or.us
Mailing Address: City of Harrisburg, PO Box 378, Harrisburg, OR 97446; Office Location: City Hall, 120 Smith Street

THE HEARING PROCESS / OPTIONS FOR PROVIDING COMMENT:

- At the hearing, the Planning Commission receives public testimony, deliberates, and typically makes its decision before adjourning the meeting.
- If you wish to testify on the proposal, you may provide written or oral testimony to the Planning Commission.
- The Chairperson will set a time limit of three minutes per person for oral testimony at the public hearing. Written testimony is encouraged. While written testimony will be accepted up to and including the night of the public hearing, written testimony submitted to the City Planner by noon, eight days prior to the public hearing, will be included in the Planning Commission packets that are delivered prior to the hearing.
- Any person participating in the hearing is entitled to request that it be continued to a second hearing if new evidence or documents are submitted in favor of the application. The "continuance" hearing will be limited to the issues related to the new documents or evidence for which the continuance was requested.
- A person testifying may also request to have the record remain open for seven days to allow for the submittal of additional written testimony.
- "Raise it or waive it": Failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. This means that in order to appeal the City's decision to LUBA based on a particular issue, you must raise that issue at the City's public hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

PLEASE TURN OVER FOR MORE INFORMATION

DECISION:

The Planning Commission's decision will be final unless appealed to the City Council. Appeals to the City Council must be submitted to the City Recorder, consistent with the provisions in HMC 18.125.090. 2.

DECISION-MAKING CRITERIA:

The Planning Commission will evaluate this request based on specific review criteria from the Harrisburg Municipal Code (HMC) and other applicable requirements. The staff-identified criteria for this land use decision are found in HMC 17.50, 18.20, and 18.115.

Citizens are encouraged to become familiar with the applications and applicable review criteria. A staff report discussing the request in relation to the criteria will be available 7 days before the hearing. All documents may be reviewed at City Hall without charge; copies will be provided upon request at a charge. The Harrisburg Municipal Code is available on the City's website (<http://www.codepublishing.com/or/harrisburg/>).

The City of Harrisburg does not discriminate against individuals with disabilities, and is an Equal Opportunity Provider. Persons with disabilities that wish 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 a meeting date.

THE CITY OF HARRISBURG ENCOURAGES YOU TO NOTIFY YOUR NEIGHBORS AND OTHER PERSONS YOU BELIEVE WOULD BE AFFECTED BY THIS MATTER.

Mail: September 17, 2019

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE SCOTT SITE PLAN REVIEW APPLICATION (LU 412-2019)

STAFF REPORT EXHIBITS:

- Exhibit A: Application Materials Dated 8-19-2019, Revised
Materials dated 9-17-2019
- Exhibit B: Comments Received to date
- Exhibit C: Public Notice

ACTION:

1. Motion to approve/modify/deny the Java Joy Coffee Kiosk Site Plan Review application(LU412-2019), subject to the conditions of approval contained in the October 8, 2019 staff report. This motion is based on findings contained in October 8, 2019 staff report, and on findings made during deliberations on the request.

APPLICANT: Josh Scott, 94982 Christensen Road, Eugene, Oregon

LOCATION: 97405 375 S. 3rd St, Map 15S-04W-16AA, Lot 11700

HEARING DATE: October 15, 2019

ZONING: C-1, Commercial

OWNER: Kurt Straube, 125 E 6th Street, Junction City, Oregon 97448

BACKGROUND

The subject site is 0.24 acres in size, and located on the east side of 3rd Street (Oregon Highway 99E). The property has roughly 100 feet of street frontage on 3rd Street, and roughly 100 feet of frontage on Kesling Street.

There are no existing structures on the property. However, there is an existing pad and protective bollards from a previous coffee kiosk that occupied the site. The parcel is predominantly flat.

INTRODUCTION

Applicant plans to construct a building on a vacant commercial lot for the purposes of operating an espresso business. This is a request for approval of a Site Plan Review application.

The property measures approximately 100 feet by 100 feet. It is located on the northeast corner of 3rd Street and Kesling Street. The property is level with an existing coffee kiosk pad and drive aisles, and 9 shared parking spaces with the adjacent Dari Mart commercial retail store. It is bordered on the east by residential property and on the north by an alley and the Dari Mart convenience store.

Applicant proposes to have an entrance and exit on both the north and south sides of the property, with no driveways directly going from the property to the highway. The entrance/exit on the north side would involve the use of an existing paved alley that includes access to the highway.

A building measuring 8 feet by 16 feet is proposed. It would have drive-up windows on both the east and west facades.

The Site Plan includes an off street parking area, ample landscaping, and vehicular queuing lanes. It also shows a paved surface in all areas where vehicles would be operated or parked, as required.

CRITERIA AND FINDINGS OF FACT

18.95.060 Decision criteria for site plan review.

Site plan approval shall be completed prior to occupancy. The site plan shall be approved when all of the criteria listed in this section, or only those criteria relevant to an administrative review, have been met:

- 1. Vehicular access to and from the site is adequate to serve the use and will not result in traffic-related problems on the street network in the immediate surrounding area.**

Discussion: Access to the site includes a southerly access from Kesling Street, a northerly access from Macy Street, and access from the east via the alley from 4th Street to the east. Alternately, the site has an access to 3rd Street, otherwise known as Oregon Department of Transportation owned and maintained Highway 99E, to the west. The applicant has indicated that traffic patterns will be encouraged to utilize the Macy and Kesling approaches through striping and queuing directional

signage. However, Oregon Department of Transportation has submitted the following comments regarding potential impacts to Oregon Highway 99E:

“The current connection to the highway appears to have been permitted in 1981 for the Dari Mart. The applicant did not provide trip generation estimates for this proposed coffee kiosk. Ideally the coffee kiosk would be located to maximize on site queue storage lengths to prevent the possibility of on-site queues impacting the operation of the highway. It is understandable that the applicant would want to use the site of the previous coffee kiosk as utilities are in place for such already. It is recommended that the City consider providing the applicant the options of:

- a. Reconfiguring the lot and locating the coffee kiosk on the eastern side of tax lot 11700 (where parking is currently striped) as to maximize on site queueing, OR*
- b. Acknowledging concerns of potential queueing impacting the safety and operation of the highway and agreeing to relocate the coffee kiosk if and when coffee kiosk queueing impacts or delays highway operations, OR*
- c. Acknowledging concerns of potential queueing impacting the safety and operation of the highway and agreeing to closing the connection to OR99E if and when coffee kiosk queueing impacts or delays highway operations (as the connection is on both tax lot 11200 and the platted alley, this Option would need the City's concurrence to close)”*

A similar use, Nina’s Pony Espresso, was approved by the City of Harrisburg on September 20, 2005 utilizing the present-day configuration and queuing lanes. No changes are being requested to the layout or queuing that was previously approved for the site, nor has ODOT or City Staff stated any concerns associated with the previous use’s traffic patterns. Further, required queuing lengths are not specified in the Harrisburg Municipal Code for the proposed use, and ODOT has not provided clear and object criteria regarding adequate queuing lengths relative to highway operations. At roughly 126 square feet in size, the proposed use will generate approximately 104 average daily trips, according to the ITE Trip Generation Manual Vol. 10, which is well below the 400 average daily trip threshold for requiring a trip generation study or traffic impact analysis (HMC 18.95.120(1)). Public Works has stated no concerns with the proposed use of the site or any traffic related concerns for City owned and maintained streets. The City has no intention of providing concurrence for the future closure of the westerly access to 3rd Street. Directional signage and striping has been included on the revised submitted plans in order to prevent traffic-related problems associated with the adjacent highway.

Finding: Based on the findings and Condition of Approval, vehicular access to and from the site is adequate to serve the use and will not result in traffic related problems on the street network in the immediate surrounding area.

Condition: The applicant shall install permanent directional signage for the two queuing lanes, indicating the directional flow of traffic and stacking, prior to issuance

of a certificate of occupancy. Queuing lanes shall not interfere with parking area drive aisles.

2. Off-street parking areas are suitable in terms of size and location to serve the proposed use.

Discussion: The applicant has provided a statement regarding kiosk dimensions. The submittal states the kiosk dimensions are 8’ x 16’, equaling 128 square feet in size and the submitted site plan layout indicates a footprint of approximately 200 square feet. HMC Chapter 18.85.010(5) indicates a minimum of 1 off-street parking space per 250 square feet of floor area for eating and drinking facilities. Based on the submitted materials, the proposed development is required to have a minimum of 1 off-street parking space. The applicant has submitted written permission from the property owner for the use of 1 off-street parking space. The existing parking facility includes a total of 24 spaces. The Dari Mart facility is approximately 4,600 square feet in size, requiring a minimum of 18 off-street parking spaces. Therefore, the parking area is of adequate size to serve the propose use.

Finding: Off-street parking areas are suitable in terms of size and location to serve the proposed use. This standard has been met.

3. The size, design, and operating characteristics of the intended use are reasonably compatible with surrounding development.

Discussion: As stated, the site was previously occupied by a similar commercial use. The size, design, and characteristics of the proposed use are nearly identical to the previous use. Further, the proposed commercial development is within the commercial zone and will share a development site with a commercial use.

Finding: The size, design, and operating characteristics of the intended use are compatible with the surrounding development. This standard has been met.

4. The utilities and drainage facilities intended to serve the proposed use are adequate to accommodate the proposed use and are reasonably compatible with the surrounding area.

Discussion: The Public Works Director has indicated that water services are adequate to serve the proposed use. However, no backflow device or water meter has been installed at the location.

Finding: Water and sewer utilities, and storm drainage facilities intended to serve the proposed development are available at the site and are compatible with the surrounding area. This criterion has been met. The applicant shall be responsible for paying all required utility connection and service development fees at the time of building permit issuance.

5. The intended use shall be adequately screened or buffered from adjacent or nearby properties.

Discussion: A six-foot wooden fence currently separates the eastern boundary of the project site and the abutting residentially zoned parcel. The existing parking stalls along the eastern portions of the site are setback a minimum of 10 feet in compliance with HMC 18.95.100(4)(b).

Finding: As the findings state above, this criterion has been met.

6. Plans are adequate to control sediment runoff from impacting surrounding properties and the City drainage system.

Discussion: The site is currently landscaped and paved with a storm catch basin at the center low point of the lot. The proposed structure will be constructed off-site and installed with minimal disturbance to existing sediment on site. All storm water runoff will be directed to the existing system via downspouts.

Finding: As the findings state, this criterion has been met.

7. Security measures are adequate to protect the general public from injury on the work site. [Ord. 882 § 5.530, 2010.]

Discussion: The kiosk location is situated a minimum of 20 feet from the adjacent sidewalk. All installation activities will be within the privately-owned parcel and will follow State building code guidelines.

Finding: Applicant shall be required to take appropriate security measures to protect the general public from injury while installation work is in progress. As such, this criterion has been adequately addressed.

18.95.100 Standards applicable to commercial and industrial site plan review.

1. Buffer. Where landscaping is not installed, buffering shall be considered with the following standards:

- a. A buffer shall be provided on each side of a property which abuts a lot which is zoned or used for residential purposes, and shall be a minimum of five feet in width.**
- b. 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 reasonably be expected to provide an adequate buffer within three years after planting.**

- c. **Buffers may not be used for buildings, parking, or driveways, unless there is no other suitable location for a driveway.**
- d. **Buffers may be used for landscaping, sidewalks, paths, or utility placement.**

Discussion: A six-foot wooden fence currently separates the eastern boundary of the project site and the abutting residentially zoned parcel. The existing parking stalls along the eastern portions of the site are setback a minimum of 10 feet in compliance with this standard.

Finding: As the findings state above, this criterion has been met.

2. Landscaping.

- a. **In addition to the buffer requirements in subsection (1) of this section and except as modified in subsection (2)(b) of this section, landscaping shall be placed and maintained as follows:**
 - i. **In a C-1 zone, landscaping shall comprise at least three percent of the gross property area.**
 - ii. **In an M-1 zone, landscaping shall comprise at least two percent of the gross property area.**
 - iii. **In an M-2 zone, landscaping shall comprise at least one percent of the gross property area.**
- b. **If the Planning Commission finds it appropriate, the applicant can mitigate the landscaping requirement in subsection (2)(a) of this section by providing artwork or other landscape/park contributions to the betterment of the City.**
- c. **All front yards exclusive of accessways, and other permitted intrusions (such as parking lots) shall be landscaped within one year of building occupancy.**
- d. **Plans shall be provided to show how landscaping will be irrigated.**

Discussion: The project site is located in the C-1 Commercial Zone. Existing landscaping on the project site is comprised of trees, shrubs and grasses covering approximately 2,450 square feet of the 10,000 square foot lot. Therefore, the existing landscaping far exceeds the minimum requirement at approximately 24% of gross property area.

Finding: As stated, these criteria have been met.

3. Fencing. Fences must meet the requirements set forth in HMC 18.80.010.

Discussion: No changes to the existing wooden fence are proposed and no new fences are proposed with this application.

Finding: This criterion is not applicable.

4. Parking.

- a. **Off-street parking shall be provided in compliance with the standards in HMC 18.85.010.**
- b. **Off-street parking shall be set back a minimum of 15 feet from lot lines abutting a street, and 10 feet from lots zoned residential.**
- c. **In a commercial zone, all areas for parking or maneuvering vehicles, other than a part of a business used for storing recreational vehicles, travel trailers, or boats that do not typically move more than once per week shall be hard surfaced.**
- d. **In an M-1 zone, all areas for parking or maneuvering vehicles that are within 200 feet of a residence or residentially zoned property, or within 50 feet of commercially zoned property or a public street, shall be hard surfaced.**
- e. **In an M-2 zone, all areas for parking or maneuvering vehicles that are within 200 feet of a residence or residentially zoned property, or within 50 feet of commercially zoned property or a public street, shall be hard surfaced.**

Discussion: The submittal states the kiosk is 128 square feet in size and the submitted site plan layout indicates a footprint of approximately 200 square feet. HMC Chapter 18.85.010(5) indicates a minimum of 1 off-street parking space per 250 square feet of floor area for eating and drinking facilities. Based on the submitted materials, the proposed development is required to have a minimum of 1 off-street parking space. The applicant has submitted written permission from the property owner for the use of 1 off-street parking space. The existing parking facility includes a total of 24 spaces. The Dari Mart facility is approximately 4,600 square feet in size, requiring a minimum of 18 off-street parking spaces. Therefore, the parking area is of adequate size to serve the propose use.

Finding: Off-street parking areas are suitable in terms of size and location to serve the proposed use. This standard has been met.

5. Access Driveways. A driveway with access onto a public street shall meet the following requirements:

- a. Driveways shall have a minimum width of 12 feet for one-way driveways and 24 feet for two-way.
- b. There shall be a minimum separation of 24 feet between driveways.
- c. Driveways shall be at least 25 feet from the intersection with a local street and 35 feet from the intersection with an arterial or collector street.
- d. Points of access from a public street to properties in an industrial zone shall be so located as to minimize traffic congestion and avoid, where possible, directing traffic onto residential streets.
- e. In a commercial zone, all driveways shall be hard surfaced.
- f. In an industrial zone, the first 50 feet of any new driveway, measured from where the driveway intersects with the public street, shall be hard surfaced.
- g. All driveways over 100 feet in length shall be capable of supporting emergency vehicles weighing up to 50,000 pounds, and shall be free of obstacles that would prevent emergency vehicles from using the driveway.

Discussion: No changes to the existing compliant access driveways are proposed with this application.

Finding: These criteria are not applicable.

6. Screening Standards.

- a. Refuse containers or disposal areas which would otherwise be visible from a public street, customer or employee parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring fence, wall or hedge a minimum of six feet in height. All refuse material shall be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window.
- b. Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare,

excessive noise, or otherwise adversely affect land uses in the residential zones.

- c. All servicing, processing and storage on property abutting or facing a residential zone shall be screened from view by a permanently maintained sight-obscuring fence or dense evergreen landscape buffer, at least six feet in height. [Ord. 882 § 5.570, 2010.]**

Discussion: The intended use includes a six-foot cedar fence along the side that abuts the adjacent residential property. This screening will meet city standards.

Finding: As stated, these criteria have been met.

CONCLUSIONS

The applicant requests approval of a Site Plan Review application. As demonstrated by the above discussion, analysis and findings, the application, as conditioned, complies with the applicable criteria from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

The Planning Commission has three options with respect to the subject applications. They can:

- 1. Approve the request;
- 2. Approve the request with conditions; or
- 3. Deny the request.

Based upon the criteria, discussion, and findings of facts above, Staff recommends the Planning Commission Approve with Conditions the Site Plan Review application.

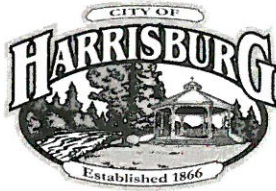
RECOMMENDED MOTION(S)

Consistent with staff’s recommendation to the Planning Commission, the following motion is recommended:

- 1. *“I move to approve the Java Joy Coffee Kiosk Site Plan Review application (LU412-2019), subject to the conditions of approval contained in the October 8, 2019 staff report. This motion is based on findings contained in October 8, 2019 staff report, and on findings made during deliberations on the request.”*

RECOMMENDED 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. **Directional Signage** - The applicant shall install permanent directional signage for the two queuing lanes, indicating the directional flow of traffic and stacking, prior to issuance of a certificate of occupancy. Queuing lanes shall not interfere with parking area drive aisles.



City of Harrisburg
120 Smith Street
Harrisburg, OR 97446
Phone (541) 995-6655
www.ci.harrisburg.or.us/planning

LAND USE APPLICATION

STAFF USE ONLY	
File Number: <input type="text" value="412-2019"/>	Date Received: <input type="text" value="8/19/2019"/>
Fee Amount: <input type="text" value="6750.00"/>	

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Partition / Replat <input type="checkbox"/> Minor <input type="checkbox"/> Major
<input type="checkbox"/> Conditional Use Permit	<input checked="" type="checkbox"/> Site Plan Review
<input type="checkbox"/> Historic Permit	<input type="checkbox"/> Site Plan Review - Parking Only
<input type="checkbox"/> Resource Alteration	<input type="checkbox"/> Subdivision / Replat
<input type="checkbox"/> Resource Demolition	<input type="checkbox"/> Vacation of Street, Alley or Easement
<input type="checkbox"/> Historic Review – District	<input type="checkbox"/> Variance
<input type="checkbox"/> Legal Lot Determination	<input type="checkbox"/> Zone Mape Change
<input type="checkbox"/> Measure 37 Claim	<input type="checkbox"/> Zoning Ordinance Text Amendment

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL	
Project Description	<input type="text" value="Coffee kiosk that is drive through only."/>
Project Name	<input type="text" value="Java Joy LLC"/>

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name Josh Scott
Phone (541) 844-8934 Email JRS40cal@gmail.com
Mailing Address 84982 Christensen Rd, Eugene, OR 97405
Applicant's Signature [Signature] Date 8/5/19

Property Owner Name Kurt Straube
Phone 541 998-2982 Email KSTRAUBE@DARIMART.COM
Mailing Address 125 E. 6TH ST. JUNCTION CITY OR 97448
Owner's Signature [Signature] Date 8-19-19

*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.

PROPERTY DESCRIPTION
(general vicinity, side of street, distance to intersection, etc.)

Street Address 350 Macy St
General Location Description 375 In the parking lot of Dairy mart,

Assessor's Map Number(s) 15504W16AA Related Tax Lot(s) 11700

The Assessor's Map Number (Township, Section, and Range) and the Tax Lot Number (parcel) can be found on your tax statement, at the Linn County Assessor's Office, or online at:
<http://linn-web.co.linn.or.us/propertywebquerypublic/>

Lot Area 10,000

LAND USE AND OVERLAY ZONES

Existing Zone(s) C-1

Existing Comprehensive Plan Designation(s)

Please select any of the following zone overlays or natural areas that apply to the subject site:

- Historic Overlay
- Willamette River Greenway
- Wetlands
- Floodplain
- Riparian Corridors

*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays or natural areas, please contact the City Planner at (541) 995-6655.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- Narrative
- Assessor's Map with Applicable Tax Lots Highlighted
- Site Plan
- Survey / ALTA
- Aerial Photograph / Existing Land Use(s) Map
- Zoning Map (if applicable, show proposed changes)
- Comprehensive Plan Map (if applicable, show proposed changes)
- Subdivision or Partition Plat
- Architectural Elevations
- Architectural Floor Plans
- Utilities Plan
- Electronic Versions of Exhibits
- Geotechnical Report/Site Assessment
- Application Fee
- Other

*A written narrative is required for all application types. Typical drawings sizes are 24"X36", 11"X17", or 8.5"X11". Sizes of required drawings will depend on the type and scope of applications involved. Contact the City Planner to verify requirements. On your plans, include the following: property lines, points of access for vehicles, pedestrians, and bicycles, water courses, any natural features (wetlands, floodplain, etc.), existing and proposed streets and driveways, parking areas, utilities, pedestrian and bike paths, and existing easements. Please note there are additional specific graphic and narrative requirements for each application type. Refer to the Harrisburg Municipal Code for more information.

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

1. Are there existing structures on the site? Yes No If yes, please explain

Dairy Mart

2. Indicate the uses proposed and describe the intended activities:

Coffee kiosk placed in the dairy mart parking lot. Drive through only, no seating will be available.

3. How will open space, common areas and recreational facilities be maintained?

Small bark mulch border around kiosk and shared landscape maintained by dairy mart.

4. Are there previous land use approvals on the development site? Yes No
If yes, please include a discussion in the project narrative describing how the prior approvals impact your proposal.

AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.

I do not authorize City decision makers to enter onto the property(-ies) associated with this application.

1 Pictures included for both drive through routes. North bound traffic can enter from Kesling St and exit onto Hwy 99 or Macy St. South bound traffic can enter from either Hwy 99 or Macy St and exit onto Kesling.

2 The coffee kiosk is less than 200 square feet so I have included written permission from property owner for use of one parking space for employee

3 Picture included of stick built, coffee kiosk that will have grey, rock skirting around framing.

4 Proper utilities were already installed for the coffee shop that previously occupied this location.

5 Picture included of fence and landscape that is already separating this site from adjacent property.

6 Drive through coffee kiosk won't have any sediment runoff issues.

7 The entire kiosk has been built off site. It will be towed on site without needing any construction done on site.

REAL PROPERTY LEASE

PARTIES: GIBSON & GIBSON, LLC, an Oregon limited liability company **(Lessor)**
Address: 125 East Sixth Avenue
Junction City, OR 97448

Josh Scott 541-844-8934 **(Tenant)**
JRS40cal@gmail.com
Caleb Scott 541-844-4417
calebmscott@icloud.com
84982 Christensen Road
Eugene, Oregon 97405

DATE: August 1, 2019

AGREEMENTS:

1. **Premises.** Lessor hereby leases to Tenant the property know as 375 S. 3rd Street, Harrisburg, OR 97446 adjacent to the Dari-Mart Store located at 325 S. 3rd Street, Harrisburg, Oregon.

2. **Term.** The term shall run for a period of one (1) years commencing on ~~September 1~~ ^{OCTOBER 15 19}, 2019 and terminating at 12 midnight on ~~August~~ ^{SEPTEMBER} 31, 2020.

3. **Rent.** Tenant shall pay \$600.00 as monthly rent in advance on the first day of each calendar month during the term of this lease.

Landscape

3.



Perimeter

590 ft

Area

21 251 ft²

Landscape totals
 1,611sf
 765sf
 625sf
 3,001

$24,854 \times 0.03 = 745.6$
 3% of the total square footage



Landscape

3.

Perimeter ?

269 ft

Area

1 611 ft²



Landscape

3.

Perimeter ?

212 ft -

Area

765 ft² -

Page 57





Landscape

3.

Perimeter ?

207 ft -

Area

325 ft² -



Page 58



1

3.

99E

88.5'
from 99E
to drive through

Z-ING

SCHOOL





#1

3.

99E

KING

SCHOOL

86'
from
Kesling to
drive
through

Kesling





#1

3

99E

Kesling



1

Macy St

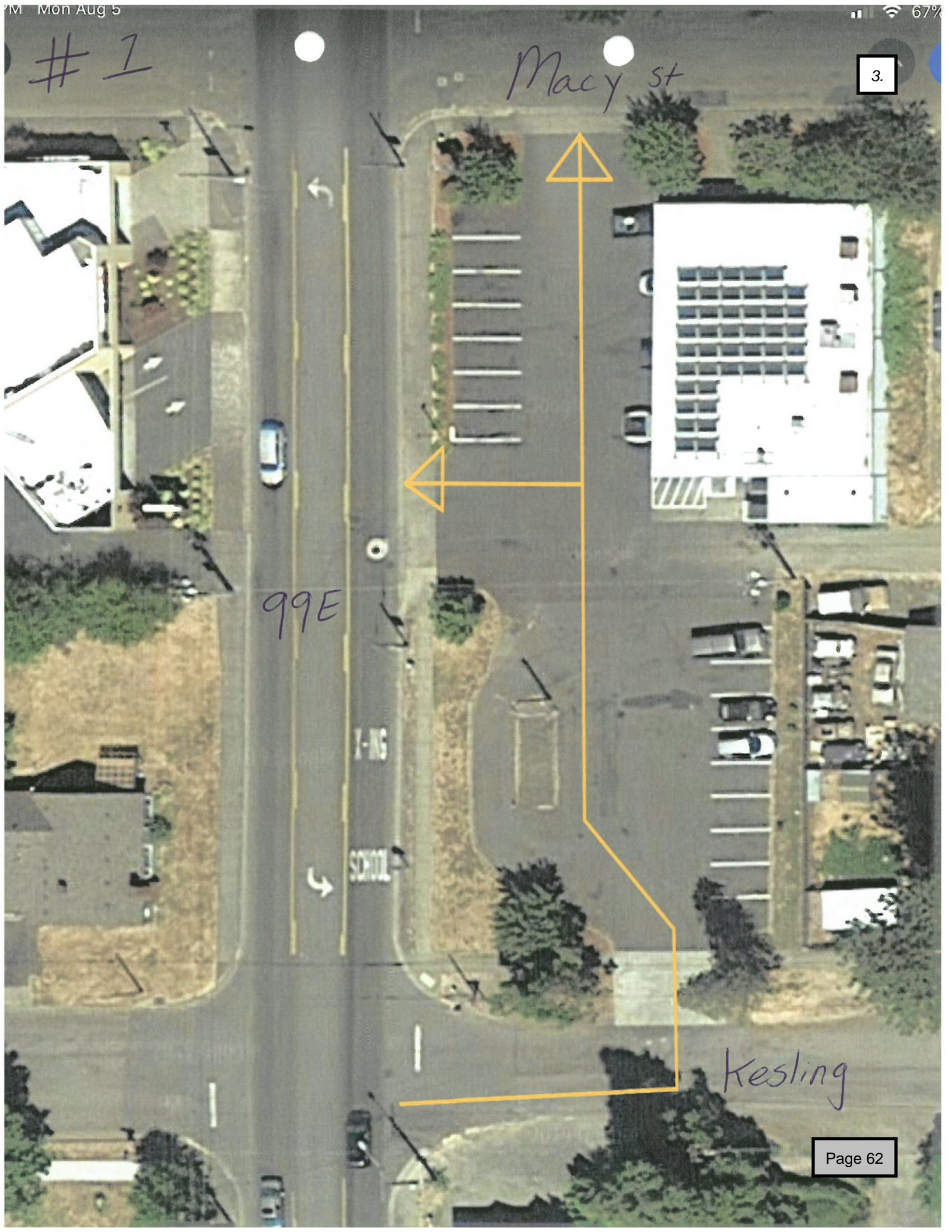
3.

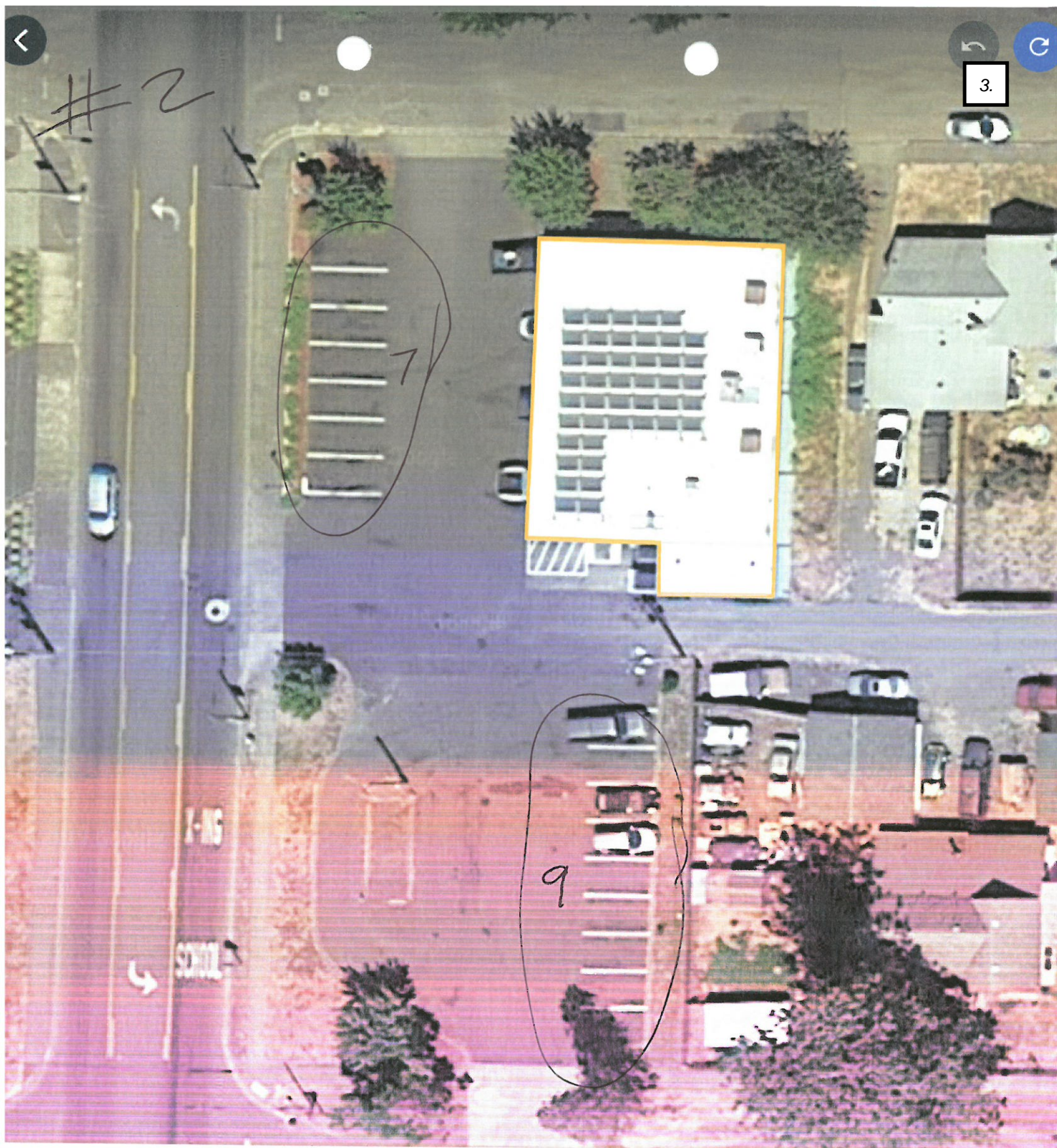
99E

X-ING

SCHOOL

Kesling





Perimeter ?

286 ft ▾

Area

$4,576 \div 250 = 18$ parking slots needed

1,576 ft² ▾

#2



DARI MART

8



#5

3.

Fence + shrubs



#3

3.



From: [Josh Scott](#)
To: [Jordan Cogburn](#)
Subject: Java Joy
Date: Tuesday, September 17, 2019 10:01:01 AM
Attachments: [IMG_0215.PNG](#)
[IMG_0216.PNG](#)
[IMG_0217.PNG](#)
[IMG_0218.PNG](#)

Our coffee shop is exactly 8'x16', 128 square feet.

Here is the redrawn traffic flow to only bring traffic from Kesling and Macy street. We will stripe the parking lot for those routes coming from those two streets only.



Distance ⓘ

180 ft -





Distance ⓘ

63.8 ft -





Distance ⓘ
288 ft -





Distance ⓘ

342 ft -



Sent from my iPhone

From: Chuck Scholz
Sent: Thursday, August 22, 2019 12:21 PM
To: Brian Latta
Subject: RE: E-routing Harrisburg Land Use Application for Comment - Case Number LU 412

Brian

I have no comments or concerns.

Chuck Scholz



Public Works Director

PUBLIC RECORDS LAW DISCLOSURE:

This e-mail is a public record of the City of Harrisburg and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: Brian Latta
Sent: Thursday, August 22, 2019 9:35 AM
To: Michele Eldridge; Chuck Scholz; jkbrewer@peak.org; bgriff@harrisburgfire.org; ODOTR2PLANMGR@ODOT.STATE.OR.US
Subject: E-routing Harrisburg Land Use Application for Comment - Case Number LU 412

Hi All:

Please review the application materials for a new Coffee Kiosk to be placed at 375 S. Macy Street, abutting Hwy 99E. If you have any review comments, please provide them to me by no later than September 3rd.

For questions regarding the application materials or the process, please contact me.

Kind Regards,

*Brian Latta
City Administrator
City of Harrisburg
120 Smith Street, 97446
541-995-6655*

PUBLIC RECORDS LAW DISCLOSURE:

This e-mail is a public record of the City of Harrisburg and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: LINER Duane J <Duane.J.LINER@odot.state.or.us>
Sent: Tuesday, August 27, 2019 1:20 PM
To: Brian Latta
Cc: NELSON Brian S * Scott; WAHL Carla S; DETERING Lynn
Subject: City File 412-2019 Java Joy LLC Tax Lot 11700 Coffee Kiosk Harrisburg OR99E Hwy 058 MP 28.72 vic CHAMPS 77218 UPermit 27152

Brian,

The current connection to the highway appears to have been permitted in 1981 for the Dari Mart. The applicant did not provide trip generation estimates for this proposed coffee kiosk. Ideally the coffee kiosk would be located to maximize on site queue storage lengths to prevent the possibility of on-site queues impacting the operation of the highway. It is understandable that the applicant would want to use the site of the previous coffee kiosk as utilities are in place for such already. It is recommended that the City consider providing the applicant the options of:

- a) reconfiguring the lot and locating the coffee kiosk on the eastern side of tax lot 11700 (where parking is currently striped) as to maximize on site queueing, OR
- b) acknowledging concerns of potential queueing impacting the safety and operation of the highway and agreeing to relocate the coffee kiosk if and when coffee kiosk queueing impacts or delays highway operations, OR
- c) acknowledging concerns of potential queueing impacting the safety and operation of the highway and agreeing to closing the connection to OR99E if and when coffee kiosk queueing impacts or delays highway operations (as the connection is on both tax lot 11200 and the platted alley, this Option would need the City's concurrence to close)

Please note, and feel free to share with the applicant, ODOT reserves to the right to evaluate this connection to OR99E under OAR 734-051-3020 Change of Use of a Private Connection. Such an evaluation would likely occur if and when there were any concerns with safety and/or operation of this connection.

Thank you

- duane

Duane James Liner, P.E.
Development Review Coordinator
ODOT - Region 2
541-757-4140

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF THE MCCRACKEN TIMELINE EXTENSION REQUEST (LU 394-2018)

STAFF REPORT EXHIBITS:

Exhibit A: Timeline Extension Request dated September 13, 2019

Exhibit B: Notice of Land Use Application Expiration

ACTION:

1. Motion to approve/modify/deny the McCracken Land Use Approval Extension Request (LU394-2018) for a year with a new expiration date of October 1, 2020. This motion is based on findings presented in the October 8, 2019, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request.

APPLICANT: Curtis McCracken, 3147 NW Front Street, Portland, OR 97296

LOCATION: 930 S 2nd Street, Map 15S-04W-16D Lot 210

HEARING DATE: October 15, 2019

ZONING: M-1, General Industrial

OWNER: MMF Warehouse LLC, 1240 SE Case Ave Roseburg, OR 97470

BACKGROUND

McCracken Motor Freight successfully applied for a Site Plan Review and Conditional Use Permit for the property that is owned at 930 S. 2nd St in October of last year. The approval allows the development of a 66,000 sq. ft. warehouse and trucking facility on roughly 5 acres of industrial land located at the end of S. 2nd St.

The effective date of the decision was October 1, 2018. The Conditional Use and Site Plan approval was effective for one year from the date of approval, and therefore expired on October 1, 2019. Subject to HMC 18.125.050, applicants are allowed a one-

time extension for a period not to exceed one additional year from the initial approval date.

CRITERIA AND FINDINGS OF FACT

18.125.050 Time limit on an approved land use application.

A land use approval shall expire one year after the date of approval of the application, or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place, or unless a use not involving construction has been initiated in some substantial manner. However, upon written request, the Planning Commission may extend approval for an additional period not to exceed one year. [Ord. 882 § 10.030, 2010.]

As stated above, the initial approval for File LU-394-2018 was issued on October 1, 2018. The extension request was submitted on September 13, 2019 in compliance with this criterion. Therefore, an approval extension may be allowed.

CONCLUSIONS

The applicant requests a 1-year approval extension for Land Use application file LU-394-2018. As demonstrated by the above finding, the request complies with the applicable criterion from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

The Planning Commission has three options with respect to the subject applications. They can:

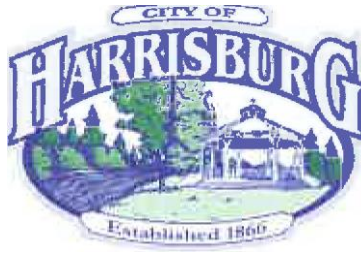
- 1. Approve the request;
- 2. Approve the request with modifications/conditions; or
- 3. Deny the request.

RECOMMENDED MOTION(S)

Consistent with the Planning Commission and Staff deliberations at the June 18, 2019 Public Hearing, the following motion is recommended:

- 1. *“I move to approve the McCracken Land Use Approval Timeline Extension (LU394-2018) for a year with a new expiration date of October 1, 2020. This motion is based on findings contained in October 8, 2019 staff report, and on findings made during deliberations on the request.”*

120 Smith Street
POBox378
Harrisburg, OR 97446



(541) 995-6655
FAX: (541) 995-9244
TDD: (800) 753-2900

"2002 Award of Excellence"

"2006 All-America City Finalist"

Curtis McCracken
3147 NW Front Street
PO Box 10304
Portland, OR 97296

www.ci.harrisburg.or.us

September 10, 2019

Re: Harrisburg Land Use No. 394-2018

Dear Mr. McCracken;

McCracken Motor Freight successfully applied for a Site Plan Review and Conditional Use Permit for the property that is owned at 930 S. 2 St in October of last year. The approval allows your company to construct a 66,000 sq. ft. warehouse and trucking facility on roughly 5 acres of industrial land located at the end of S. 2nd St.

The effective date of the decision was October 1, 2018. Your Conditional Use and Site Plan approval is effective for one year from the date of approval, and therefore expires on October 1, 2019. You are allowed a one-time extension for a period not to exceed one additional year.

In order to extend your site plan approval, we will simply need a request in writing. (An emailed request works just as well as one that is mailed.) The deadline to receive your request is September 30, 2019. Once we receive your request, we will take the extension to the Planning Commission for approval. The extension will be in writing, in the form of another Notice of Decision.

We sincerely hope that you will be able to bring your business to Harrisburg. Our Enterprise Zone gives an excellent opportunity for you to obtain property tax relief, if you meet the criteria, and are growing the number of employees you have working for you. Even if you don't plan on adding employees, or if you don't qualify for the Enterprise Zone, you'll likely have lower property taxes than you do in Eugene, as Harrisburg is located in Linn County.

It does not cost additional money to extend your land use approval; therefore, you would have another year in which to decide if you'd like to move your operation to this area. Otherwise, the land use approval simply expires; you would need to reapply for a site plan and conditional use if you decide to develop your property in the future.

Please contact myself, or the contract planner for the City, Jordan Cogburn, if you have any questions about this process. My contact information is below. Jordan can be reached at Branch Engineering, 541-746-0637 or at jordanc@branchengineering.com.

Best Regards;



Michele Eldridge, CMC
City Recorder/Assistant City Administrator
(541)995-6655, meldridge@ci.harrisburg.or.us

Enc.: Notice of Decision for LU 394-2018

cc: Ken Evans, Evans Building Company, Inc., 1215 Interior St, Eugene, OR 97402

**City of Harrisburg
PLANNING COMMISSION**

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Site Plan Review and Willamette River Greenway Permit (CUP) to construct a 66,000 sq. ft. warehouse and trucking facility on roughly 5 acres of industrial land. The development will impact the Willamette River Greenway boundary, requiring the applicant to obtain approval of a Willamette River Greenway Pennit.

LOCATION: 930 S. 2nd Street

HEARING DATE: September 18, 2018

ZONING: M-2 (General Industrial)

**APPLICANT/
OWNER:** Curtis McCracken
3147 NW Front Street
Portland, OR 97296

APPEAL DEADLINE: October 1, 2018

DECISION: The Harrisburg Planning Commission conducted a public hearing on September 18, 2018 and voted to approve the request, subject to conditions of approval. The Planning Commission adopted the findings contained in the September 11, 2018 Staff Report to the Planning Commission, 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 plus actual expenses for appealing a Planning Commission to the City Council.

EFFECTIVE DATE: October 1, 2018, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Conditional Use and Site Plan approvals shall be effective for one year from the date of approval. 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 Conditional Use and Site Plan approval will expire on October 1, 2019.



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 by the following conditions of approval.
2. **Perpetual Restrictive Easements** - Prior to the issuance of building permits, the property owner shall provide the City with perpetual restrictive easements, consistent with OAR 333-061-0050, for Municipal Wells #5, #6, and #7, where the 100 foot radius is located on the subject property.
3. **Landscaping Plan** - Prior to the issuance of building permits, the applicant shall submit for review and approval a landscaping plan showing the type (genus and species), quantity, and location of the landscaping that will be provided.
4. **Irrigation Plan** - Prior to the issuance of building permits, the applicant shall submit for review and approval an irrigation plan that demonstrates how the landscaped areas will be irrigated.
5. **Construction Security** - Prior to issuance of building permits, the applicant shall submit a plan identifying security measures that will be taken to prevent public access to areas of the site where potentially dangerous construction activities will be **taking** place.
6. **Water/ Sewer Connections** - Prior to the issuance of building permits, the applicant shall apply for water and sewer services and pay for any required connection charges.
7. **1200-C Construction Storm Water Pennit**- Prior to the issuance of building permits, the applicant shall provide the City with a copy of an approved Department of Environmental Quality 1200-C Construction Storm **Water** Permit for the proposed construction activities.
8. **Fence Pennit**- Prior to the issuance of building permits, the applicant shall submit for review and approval a fence permit that demonstrates compliance with HMC 18.80 and the City's vision clearance requirements.
9. **Storm Water Retention** - Prior to the issuance of building permits, the applicant shall consult with the City regarding storm water retention solutions for the proposed development. The City Engineer shall approve the storm water solution.
10. **Refuse Area Screening** -All refuse areas shall be screened consistent with HMC 18.95.100(6)(8).
11. **ADA Parking Spaces** - The applicant shall provide one ADA Van Accessible parking space in the parking lot. The ADA parking space shall be located nearest the entrance of the office space.
12. **Lighting** - All lighting fixtures shall be designed to direct light towards the ground. No light from the lighting fixtures shall shine onto adjacent properties.
13. **Parking Lot Curbing** - The applicant shall construct a 4-inch high curb along the north property line adjacent to the proposed parking spaces.

14. **Perimeter Curbing-The** applicant shall construct a minimum 4-inch high curb along the north and west perimeter of the vehicle and maneuvering areas proposed to be hard surfaced.
15. **Covenant of Non-remonstrance** - Prior to the issuance of building permits, the applicant shall provide the City with a Covenant of Non-remonstrance regarding a Waiver of Liability and Release Agreement, releasing the City of all liabilities with respect to any Willamette River bank erosion affecting the subject property. The Covenant of Non-remonstrance shall be recorded with Linn County.