



## Harrisburg Planning Commission Work Session (Non-quorum) Minutes November 15, 2016

The Harrisburg Planning Commission met on this date at City Hall, located at 120 Smith St., at the hour of 7:05pm. Presiding was Planning Commission Vice-Chair Charlotte Thompson.

Present were as follows:

- Kent Wullenwaber
- Francisco Garcia Mendez
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent were Chairperson Todd Culver, Roger Bristol, Kurt Kayner, and David Smid Jr.

Concerned Citizens in the Audience: There were no citizens on hand for this meeting.

### Approve the Minutes from August 16, 2016

- Garcia-Mendez **motioned to approve the minutes, and was seconded by** Wullenwaber. **The Planning Commission voted unanimously to approve the minutes. [City Recorders note: Because there was no quorum, this does not constitute an actual vote to approve the minutes. The minutes will need to be approved at the next meeting in December].**

### Review of Zoning and Subdivision Ordinance Amendments

**Staff Report:** Latta said that now that we are past summer events, and the City Sesquicentennial, we can return to the review of the zoning and subdivision ordinances. He briefly summarized how to interpret the comments he has left in the documents, and how to read the code changes. As a reminder, the Planning Commission had approved him to start taking the state model code for small cities, and compare it to our code. We can update the model code with specific code we want for the City of Harrisburg, and likewise we can use the language from the model code, especially when it's something that we don't currently have in our code, and probably should have. It's up to the Planning Commission to decide if they like the order that the model code suggests; and they can make changes as they like. He asked if the Planning Commission liked the order for the articles, as suggested by Chapter 18.000.

Thomas liked the order of the articles as suggested, because it was similar to thinking about how do I use the land after I've purchased it. Garcia-Mendez asked how the code was in relation to other cities. Is it a consistent lay out? Latta said it wasn't, although he didn't have a lot of experience with how other cities lay it out. In Corvallis, it was slightly different. Garcia-Mendez asked if you changed it, how he would do that. Latta told him you could set it up however you like. He recommended that the Planning Commission think about this now, and in

the coming months as we review the code. Once we adopt the code, it becomes extremely hard to change it, because you are required to go through the Department of Land Use and Conservation (DLCD) to make changes, even small ones. He told the Planning Commission that in the month of December, they will see a small change we are making to one table, changing 4 numbers. It required the 35 days pre-notice to DLCD, and a certain process we have to follow. If you want to move things around, he recommended that we consider doing that before we actually adopt it.

18.000 Introduction: Latta said after the order of the articles, he wanted to let the Planning Commission know that we are going to have a Zoning Checklist. He felt it would ensure better customer service. He also explained what the City's Standard Specifications are.

18.100 Title, Purpose and Authority: Latta said that the A,B & C are new, but the paragraph leading purpose is roughly the same as what was currently in our code. Garcia-Mendez didn't like the word 'compact' being used in A, and asked for a different title. Latta explained that it was a wording that was typically used in deference to preventing urban sprawl. Having denser residential meant you have more people together and less infrastructure being required. Thomas thought most of this was in the code anyhow....and Latta said that's true, but we don't have to use these terms. He didn't think the word 'compact' was very Harrisburg in nature, so he could remove that easily, but he agreed with the rest of the sentence beyond the title. The Planning Commission liked the next two titles. However under transportation, Garcia-Mendez said that he didn't like the ending sentence. Latta agreed, and said that the model code is representative of a higher level of planning. He suggested that we might consider some components of what they suggest, and gave an example of an R-1 zone abutting an R-3 zone. An R-3 zone could allow ten story buildings; however, we might want to limit it to three stories, because there is a single family dwelling located on the adjacent lot. The Planning Commission was ok with that concept.

18.100.030 Compliance and Scope: Latta said that it replaces parts of our code, and was really a better process. We are required to be in compliance with our own Comprehensive Plan and Maps. He explained the Obligation by Successor, and the Transfer of Development Standards He explained how the transfer could be used by a business to explain this paragraph. For instance, if a McDonalds moved in, and was required to have 10,000 sq. ft. of landscaping, a Taco Bell built next door with the same requirement couldn't use their area for the same purpose. Likewise, for a residential dwelling, if someone wanted to have a huge home on a lot, they couldn't build out 100% on their lot, and claim the vacant lot next to them as part of their property so they can avoid the code requirements.

18.100.040 Rules of Code Construction: Latta said that A & B are similar to our code, but C to E is new. These distinctions are important if you ever go to court. It explains what requirements are compared to guidelines. He also said that he will have some graphics in the next code. Those will all be guidelines, unless they are marked as otherwise. Garcia-Mendez asked about the graphics or visuals. Will that be in another section? Latta told him it will be in Article III, when we get to design standards.

18.100.050 Development Code Consistency with Comprehensive Plan and Laws: Latta explained that this was a new section, because it wasn't fully covered in the present code.

Garcia-Mendez didn't like that wording either, and Latta suggested that he use the 2<sup>nd</sup> sentence in A to condense it. In B, a good example for this would be wetlands. DSL (Department of State Lands) is the agency that regulates wetlands. If a property has them, we notify DSL, and they do the rest, or, we might simply write into the conditions that you have to demonstrate compliance with the regulatory standards. For D; we make sure to tell people that even if a code has moved within the code to a different location that it still applies. He talked briefly about interpretations when a code is in transition.

18.100.060 Development Code and Zoning Map Implementation: Latta explained to the Planning Commission that our Zoning Map doesn't show the Historical Zoning overlay, but it still applies.

18.10.070 Zoning Checklists and Coordination of Building Permits: Latta had covered this previously; he again pointed out that he felt this would provide better customer service to our citizens.

18.10.080 Official Action: Latta said that this was to cover who has the authority to grant land use decisions. He talked about interpretations again and how if there is a case that has ramifications to the public, that he might bring it to the Planning Commission, or even the City Council. He noted that in D, it says that failure to receive a notice doesn't invalidate any decisions. He explained how when we do a notification, that we keep envelopes from mail that gets rejected, so that we have proof of our actions. Those are kept according to state retention laws.

Chapter 18,100 Nonconforming Uses, Structures and Legal Lot Determinations: Latta said that the Planning Commission had already reviewed this section previously, but he included it in case they wanted to question any of it in context to the code surrounding it.

Chapter 18.120 Code Interpretations: Latta said that he highly recommended that the Planning Commission allow this section to be adopted. Keeping written decisions on file is a good thing. He asked if the Planning Commission was comfortable with the City Planner making certain interpretations or if they wanted it to be the Planning Commission? If it's the City Planner, it would be much less complex decisions that would be judged. Thomas wanted to keep it that way, as did Wullenwaber. Latta said that's a good thing; it provides service to citizens to avoid the longer process if it's not truly needed. Then he talked about the different types of interpretations. That's a typical planning term. That gives citizens the chance to appeal his decisions as well. He asked if the seven days' time period to answer an inquiry was ok with the Planning Commission, and Thomas thought it was appropriate. Wullenwaber said what he sees is typically 7 to 10 days. Garcia-Mendez said that we can change that later on if needed. Thomas said that she didn't think that most interpretations are big issues. The big stuff would come to them. Garcia Mendez asked if Latta took a medical leave, or was out for a while, who would be the decision maker? Latta said likely Michele. But we would cover that with Council, and Council could hire a contract planner or something to help out too. D, written interpretations, dealt with appeals, and again, this is where someone could appeal a decision to the Planning Commission or to the City Council, depending on the issue. If it's a significant policy decision, then it could go straight to the City Council. You might make an interpretation

based on interim processes, which would then become obsolete after amended code was actually adopted.

Finally, Latta said that he didn't include a chapter suggested in the model code, in regards to code enforcement. That section was created for cities who didn't have code enforcement. We do have established procedures. Thomas asked about the yellow highlights in the report, and Latta said that those referred to code that we will be reviewing later on. That's just a reminder to him that when we are close to being finished, that he needs to update those to match the new code numbers.

#### **Others:**

- Latta said that we will come back in December; as he said earlier, he does have a decision that the Planning Commission will need to make for some code revisions. Does the Planning Commission want him to do any model code review during the meeting, or do they want to keep it super short?
- Consensus was that he could review one or two chapters.
- Latta thought that the next one was a big code (R-1), so he might bring segments of it for the Planning Commission to pick apart before getting started. We'll keep that meeting short.
- Thomas asked about what was going on with the lots that were next to the Upmeyer House.
- Latta told her those had been sold to Habitat for Humanity.
- Eldridge said that they would be building on those later in 2017; she said that one of the interesting parts of our code won't allow a manufactured home to be placed on a lot adjacent to a home on our historical structure list. Therefore, Habitat will have to build a home there, which is what they typically do.
- Wullenwaber said that they already have equipment including a storage trailer on the property.
- Latta said that we might need to look into that, because they haven't applied for anything yet.
- Thomas asked what the fire department was going to do with their property on S. 6<sup>th</sup> St, now that the bond had passed. Isn't it time for us to start enforcing the requirements for Diamond Hill Paintball?
- Latta said that he thought he gave them until December 2016.
- Thomas said that she thought it was the driveway apron and sidewalk that they needed to improve.
- Latta thought that the Fire District would probably sell the property to her (The owner of Diamond Hill Paintball). She will need to make full improvements in that case including parking lot paving. She'll probably be required to put in landscaping there as a type of buffer zone. She hasn't wanted to drop a lot of money on improvements until she found out what the district was going to do with the property.
- Latta also related that we are trying to help out the dentist, whose lease will be up in June. We really want to keep the dentist, and hopefully, a doctor, in town.
- Wullenwaber asked if the fire department was buying property all the way up to the corner (4<sup>th</sup> & Smith) then.

- Latta told him yes. You will likely see a partition plat, when the fire department has to consolidate the duplex lot, which is currently the site for a future library, with the property that is Cedar Square. He said that we would need to separate the City property from district property. (City property is the Museum and the parking lot).
- Wullenwaber asked if the City was still wanting to obtain the property that was next to City Hall.
- Latta told him yes, we had made an offer on it, which was rejected. The City is still interested.

**With no further business to discuss, the Planning Commission work session was adjourned.**

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**Planning Commission Chair**

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**City Recorder**