



Harrisburg Planning Commission Minutes February 21, 2017

The Harrisburg Planning Commission met on this date at City Hall, located at 120 Smith St., at the hour of 7:00pm. Presiding was Chairperson Todd Culver. Also present were as follows:

- Kurt Kayner
- David Smid
- Rhonda Giles
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening were Commissioners Roger Bristol, Kent Wullenwaber, Charlotte Thomas, and Youth Advisor Deziree Brock.

Concerned Citizens in the Audience: There were no citizens at this Planning Commission meeting.

Nominations for Chairperson and Vice-Chair Positions

- Kayner **nominated Todd Culver to be the chairperson, and was seconded** by Giles.
- Kayner then **nominated Charlotte Thomas to be the Vice-Chair. He was seconded** by Giles.
- **The Planning Commission then voted unanimously to appoint Todd Culver as the Chairperson of the Planning Commission for 2017, followed by another unanimous vote to appoint Charlotte Thomas as the Vice-Chair for the Planning Commission for 2017.**

Approve Minutes from August 16, 2016, and December 20, 2016

- Kayner **motioned to approve the minutes for August 16, 2016, and was seconded** by Smid. **The Planning Commission then voted unanimously to approve the minutes of August 16, 2016.**
- Kayner **then motioned to approve the minutes for December 20, 2016, and was seconded** by Giles. **The Planning Commission then voted unanimously to approve the minutes of December 20, 2016.**

The Planning Commission Chairperson read aloud the process for a legislative public hearing. HMC (Harrisburg Municipal Code) 18.120.020(7) – Text Amendment Review Criteria is being used for tonight’s meeting. The Public Hearing was opened at the hour of 7:04pm. There were no declarations of conflicts of interest, or ex parte contact by any of the Commissioners.

Staff Report: Latta said that there is a two-part process to this subject. This is a legislative public hearing, in which the Planning Commission will make a recommendation to the City Council. The City Council will be holding a separate public hearing. A Zone Change is a land use decision, but an Annexation, is not technically a land use issue. The City Council will be hearing public testimony on the zone change at the meeting in March. They will also be considering the annexation at the same public hearing. The City is annexing 2.64 acres of property that is currently Priceboro Park. The park was developed through a conditional use permit with the County. The reason that we are going through this process, is because in 2012, when we did a survey, it came to our attention that the fences of properties abutting the park were on our publicly owned land. We brought this to the attention of the property owners, who disputed it. We then gave the property owners 5 years to fix it; the original 5 year period comes up this year in August. However, when he reached out to the property owners last year, we all came to a different solution. We determined it would be easiest to do a lot line adjustment. Unfortunately, we can’t do a lot line adjustment with property that is both inside and outside the City boundaries. So we will annex the park, apply this zoning to it, and then we can move forward with a lot line adjustment.

- Kayner asked how much property was being affected by the lot line adjustment?
- Latta said it’s about 2 feet at one end, and tapers down to a few inches at the other end. Assuming that the City Council allows the annexation, we must apply a City zone to the property. The current zoning is EFU-UGA, which stands for Exclusive Farm Use-Urban Growth Area. The Public Use Zone, or PUZ, is a current zone for the City of Harrisburg; however, it doesn’t yet apply to any properties. This will be our first actual PUZ zoning designation. If the Planning Commission looks at the Comprehensive Plan Map, in their agenda packet, they’ll see that it’s planned for low density residential. Therefore, we can use the R-1 zone, or we can apply this PUZ, which can apply to any comprehensive plan designation in town. It makes sense to apply the PUZ to public owned land. We base our land use decisions for a text and map amendment on HMC 18.120.20(7). Latta then reviewed each of the criteria listed in the agenda packet as summarized in his staff memo. He noted that we are not creating any non-conforming uses or structures by applying this zoning.
- Smid asked if we would attempt to change the other parks to match what we’ve done here?
- Kayner asked him what other parks is he referring to?
- Latta said that Riverfront Park is one. However, that one may not make sense to change the zoning on. As an example, the skatepark is zoned R-2. There could be

value in keeping that as a residential zone. However, if you wanted to sell it in the future, you'd have to rezone it.

- Kayner asked what happens if the City wants to develop more of the park?
- Latta said that we could. A lot of the use we wanted was restricted, because it was located outside of City limits. Technically, we probably shouldn't have put water in the park, because it was outside the City limits.
- Kayner expressed concern about Priceboro Park being forgotten, because all the money will get funneled to the 100-acre park in the future.
- Latta said it won't be forgotten, because we still have maintenance and upkeep.
- Kayner said he was more concerned about the part that is a field, that hasn't been developed yet.
- Latta said that most park amenities are gained through grants, or through partnerships with other agencies/entities. There will be a big push for the 100-acre park when we get to developing it, but at the same time, many of the grants out there would work for this park as well.
- Kayner asked then if it's public use, that it could be other things than a park, like a flower garden, or community garden.
- Latta told him that was correct. Technically, all of the City buildings, including the lagoon, and water plant, could be considered in a PUZ zone. Those would all require a conditional use permit review. If anyone wants to change the use, we'd have to go through the land use process.
- Kayner said then realistically, we could change it again if we wanted to.
- Smid asked if the property line adjustment would be to the advantage of the property owners, or the City?
- Latta told him the property owners. The developer of the subdivision did most of the fences in here, when the subdivision was developed. It's when we developed the park that we discovered the error.
- Smid asked why they didn't get a fence permit.
- Eldridge said that's because the developer built the subdivision, and had the fences allowed as part of their subdivision plan.
- Latta said that even if they had followed the rules, they could have put the fence in the wrong location.
- Kayner asked what kind of choices were they given?
- Latta told him that we originally gave 5 years in which they would be required to move the fences. However, he felt that wasn't a good idea for a City to do. We will probably charge them a small fee, such as the cost to cover the recording of the lot line adjustment. The City will be spending some money; which he considers money well spent.
- Chairperson Culver remarked that there were no audience members present tonight, and therefore, no testimony.

The Public Hearing was closed at the hour of 7:22pm.

- **Kayner motioned to recommend the City Council approve the City of Harrisburg's Zoning Map Amendment request (LU 363). This motion is based on findings contained in the February 14, 2017 staff report, and on findings made during deliberations on the request. He was seconded by Smid, and the Planning Commission voted unanimously to recommend the approval of the Zoning Map Amendment to the City Council.**

Work Session: Zoning Code Update

Staff Report: Latta noted that we will focus on the different types of uses that the City can have within each zone. He took language from the state's model code for small cities, and has incorporated language from our code that is similar. If there are new uses, or different types of uses, then we'll also evaluate that. HMC 18.200.020, is fairly straightforward. It identifies the districts, or types of zoning, that we have. To satisfy the state's needed housing requirements there are different types of housing that are shown later in the chapter. We want to make sure that we aren't having just big mansions, or allowing only 1,000 sq. ft. homes; you want to supply a full spectrum of homes for the public. He has included the notes from the model code, and he has some of his own that note the portions of the HMC that is similar to the model code. In our residential districts, you are seeing typical land uses. Each has different densities that come straight from the Comprehensive Plan. He should note that for densities, if you have a street in a development, then you discount the street from total acreage prior to calculating density. He did want to point out in the commercial zoning, we have only 1 zone. For mixed uses in the commercial zone, our current code allows more leniency; we allow a certain percentage of ground floor to be used for residential uses. Does the Planning Commission want to allow only a certain percentage of a floor to be used for residential uses, or do you want to allow residential uses only on a top floor? It's easier to keep track of it if it's only allowed on the upper floor.

- Eldridge said it was 2009 when we last talked about that; we had a lot of conversation about it.
- Kayner felt that people living in commercial zones makes weird situations.
- Giles was trying to remember how many commercial places had living areas on the bottom floor.
- Latta didn't think that we'd have non-conforming uses if we changed it to upper floor only.
- Smid thought that if we utilized only commercial on the floor, and residential above that, then that's ok.
- Kayner thought it would better tie into the commercial district. He agrees with that.
- Giles remembered that Ron-D-Voo had a room in the back. She knows that they don't live there now, but it may have been used in the past.
- Latta thought it could be an office as well.
- Kayner hoped that we were switching to residential uses allowed only on 2nd flooring, rather than being allowed on the 1st floor. He likes that better.
- Latta told him yes. We aren't adding any new zones to our industrial areas. We do have public facilities, parks and open space districts now. He can see the 100-acre park being zoned as open space. He also drew attention to No. 4 under 18.200.030. That allows you to deal with a parcel that is split by multiple zones. He covered how that

would work, and had Eldridge show a couple of properties that are split zones. He asked if the Planning Commission had any issues with that, and then added that he used 8,000 sq. ft. because the minimum lot size of most residentially zoned lots for single family homes are 7,000 sq. ft., so he felt it was workable.

- *Planning Commission consensus was no problem with his suggestions.*

Discussion in relation to Chapter 18.210:

Staff Report: Latta said that this table is incomplete; he hasn't gone through all the zones yet, so what you see here is mostly the model code. We are going to review each of these types of uses, and decide whether or not we think it should belong in each of the zones. Then, within each use, you can decide if you want it permitted outright, or processed through a conditional use permit; and of course, you can deny it in any of the zones. Latta said that what he plans is to come back and give additional information, about what we have already in our code. The Planning Commission can also think about any of the uses that they don't see here, that they feel should be included.

Airports (Public Use): Chairperson Culver felt that an airport in a PUZ (Public Use Zone) should be allowed only with a CUP (Conditional Use Permit). Giles asked what the difference was between a PUZ and an OLU (Open Land Use) zone? Latta explained that, and said that they will notice that there is a Special Use Standard. We currently don't have those. That means that certain types of uses wouldn't need to be handled through a land use process; they could be processed through an administrative process and have applicable special use standards applied to them. That could specify that if a land use applicant met certain criteria, that they wouldn't need to go through the Planning Commission for their project. The Planning Commission talked about where an airport would best be located, and *decided that the best place for it would be in a PUZ, with a required CUP.*

Automobile Parking, Public Off-Street Parking: The Planning Commission felt that the parking went automatically with the R-3 zone, because they have to include it in their site plans. *Therefore, they felt that it should apply to a C-1, M-1, M-2 and the PUZ zones, with a CUP required in all districts.*

Cemetery, including Crematorium: The Planning Commission discussed this use for a while, with concerns over where a cemetery should be located. In some cases, they were allowed next to a church in larger cities. They felt that we should move the crematorium down to mortuary, and leave this use only as a cemetery. They felt that it best belonged to a PUZ zone, although Latta pointed out that the only PUZ zone we held for the time being would be Priceboro Park. *They agreed to leave it in a PUZ zone only, and that it required a CUP.*

Child Daycare Center: This type of child daycare center is the commercial kind, that is licensed through the state. You typically see them in a low density residential zone. Right now, we do allow one in an R-1 zone; and they do require a CUP. As an example, we have the Head Start Program, operating in the Sommerville Apartments. Kayner didn't feel that they should be allowed in the middle of a manufacturing zone; however, Giles pointed out that it's common in

larger cities, with big employee numbers. Kayner was fine with that, as long as it was included with an industrial business, and wasn't a standalone use. Latta said that we could limit it to a CUP, or apply special standards to it. After quite a bit of discussion, the *Planning Commission decided to allow them in all residential zones as a CUP, and also added the C-1, M-1 and M-2 zones with a CUP. The Commission felt there should be special standards for this use type in the M-1 and M-2 zones restricting the use to be allowed only as part of an operating employment/industrial business. Latta didn't think it was appropriate in a PUZ or OLU, and the Planning Commission agreed. Latta said that we could allow it in an industrial zone, but only with a CUP and/or Special Standards.*

Club, Lodge, Fraternal Organization: *The Planning Commission decided that this use only made sense in a commercial zone, and required a CUP.*

Community Service; includes Governmental Offices: Latta reminded the Planning Commission that this could include social services, or environmental. The Planning Commission talked briefly about it being allowed in residential zones, but then decided *that could be allowed as an outright use in a commercial zone, but for a PUZ, it would require a CUP.*

Community Gardens: After much discussion, *the Planning Commission decided that they would rather be silent on this issue.* They were comfortable with it being included with something else, such as a church, or what the Fire District had in mind, where it's incorporated with a site plan. The Planning Commission was wary of community gardens similar to what was present in the Whiteaker district in Eugene, because of property values for surrounding residential homes.

Clinic, Outpatient Only: The Planning Commission talked about this kind of a use in the commercial zone, but were wary of it in a residential zone, especially considering parking. Latta talked about how frequently you saw where a business will remodel an older home in other towns. *After more discussion, the Planning Commission decided to allow it as an outright use in a commercial zone, but to say no to it in all the residential, industrial, and PUZ/OLU zones.*

Emergency Services; includes Police, Fire, and Ambulance: The Planning Commission talked about these services often being in residential zones, but that wasn't a usual thing in smaller towns. There were also other things to keep in mind, like sirens, and lots of noise when responding. They also liked the fact that they could return to this issue in the future, and change it if they felt it should be expanded to residential zones. *The Planning Commission decided to limit these services to the C-1 and M-1 zones, and then added the PUZ. All three zones will require a CUP.*

Hospital, including Acute Care Center: The Planning Commission had a lot of discussion about this topic. Hospitals are currently allowed with CUP's in the R-1, R-2 and C-1 zones. They felt it would be more appropriate in a R-1 zone, than in an R-2. Also, they determined that we shouldn't allow it in a C-1 zone, because it would reduce our inventory of commercial land.

Latta reminded the Planning Commission that it wouldn't likely be a large hospital that could come here, but there might be a trend with smaller hospitals. He reminded everyone that we aren't marketing for these uses, but we do want to envision how we would process it, if something were to come here. He doesn't want to have a lot of non-residential uses in the residential zones, as an example. Kayner said that we represent the community, and he knows that if something like a hospital ended up in a residential zone, that people would be screaming about it. Chairperson Culver felt that the option of using a CUP was our best tool to keep the public involved. Latta said then that for the hospital, *we can allow it in a R-1 zone with a CUP, we won't allow it in the R-2, R-3, C-1, M-1 and M-2 zones, but we would allow it in the PUZ with a CUP.*

Mortuary: the Planning Commission *didn't want a mortuary in a residential zone, but did feel that a commercial zone was acceptable, if a CUP process was used. The Commission did decide to combine the Mortuary and Crematorium use together. They decided that they would not allow one in a PUZ.*

- Smid said that in the future, he would like to know what our code currently allows.
- Latta told the Planning Commission that he will go through all the existing uses, and include that information on the future table. That way the Planning Commission will know what we currently allow.

Others:

School Reader Board Sign:

- Latta told the Planning Commission that the School Sign would be coming to the Planning Commission in the future. We didn't receive a payment for the fee, so he had to reset it for the March meeting.
- Smid felt that we would get quite a few people at that meeting.
- Latta said that we will gauge the response from the public, and decide if we wanted to hold the meeting here, or in the Harrisburg Justice Center. The School District has already done some things to lessen the brightness of the sign, since it was extremely bright to start with.
- Giles said that a lot of people were complaining about it, because they said it was blinding and distracting.
- Latta said we shouldn't talk much about it before the meeting, but the School District has done some things to mitigate that.

Street Widths:

- Latta said that the City Council had agreed with the street width changes, and would be adopting the ordinance for that at the March 8th meeting. He had thought we would hear from the state, but haven't yet. It's too late for them to participate in a public hearing, so they wouldn't be able to appeal the decision to the State Land Use Board of Appeals. (LUBA).

Paintball Facility:

- Latta noted that the Paintball Facility would be back in front of the Planning Commission again in the future. If they remembered, we had given them a one year extension to do the improvements to the property that were required as part of their site plan. The reason that they didn't do them, was because they didn't own the land. Now that the Fire District is buying the City's land, they might be selling that property to the paintball facility. If they do, then it would make sense for her to pave the parking area, and put in curbs, gutters and sidewalks, along with landscaping. Because the improvements weren't done at the end of December, when the extension ended, he had to send her a violation notice, to let her know that her land use approval was revoked, and telling her that she had to stop operating. She told him that she had two huge weekends planned. Therefore, he told her that if they got the application in, and paid the fee, that he would grant temporary use of the site, until the Planning Commission gave permission to them to proceed.

The Planning Commission discussed this slightly, because of noise issues, and other issues such as vehicles dragging mud out on the street. Latta reminded them that there are things they can require that will help mitigate those types of things. He said that Charlotte would likely have the most feedback, since she lives across the street from the facility. Latta recommended that we would likely require stiffer conditions of approval, since they would likely become the owners of the property.

Others/Miscellaneous:

- Smid asked if any businesses had been making inquiries in town.
- Latta informed them that we had a person interested in the Ron-D-Voo building, as well as the Barter Bill side of the business. He had also talked to a business in Junction City that was interested in expanding here, as well as others who were losing their leases due to Winnebago needing the space in Junction City. He also had another person who was interested in the industrial property back behind AB Utilities, who is on S. 2nd St. He was interested in putting in a mini-storage facility.
- Smid was concerned about whether we had enough commercial property available.
- Latta said that he does believe that we have enough room; a lot of the shops in town are also vacant. It will help immensely that we will be upgrading the streetscapes in the downtown area, plus, we have the money set aside to do improvements on some of the properties located in the HRA.
- Smid asked if that could be available for the areas outside of the HRA?
- Latta told him that they had to be located in the HRA district. But that includes most of the downtown area, and some of our industrial areas as well. We have \$500,000 that is set aside for that purpose in the future. As an example, the people interested in the Ron-D-Voo, could use that.
- Smid asked if that was a grant?
- Latta told him it could be a grant, or a revolving loan. It could also be a loan with a 0% interest rate, in order to get somebody into the district boundaries. But it does have to be in the HRA district.
- Smid asked about marijuana facilities as well.

- Latta told him that the voters decided what Harrisburg would allow during the election, and we prohibit it here. There are no facilities whatsoever allowed in town. We do have to allow what is allowed by law, such as permitting those growing it for their personal use, within the law. We can see who is likely growing more than what would be applicable to one person, but law enforcement must be able to catch them in the process, in order to prove it. They are being watched.
- Chairperson Culver asked if we would ever see a settlement from Dan Mills for the money that is owed.
- Latta told him that the Motocross project was no longer valid, because Dan had sold 3 acres of property to the Tracers. He sold property that was required for parking for the facility, and he was informed that if he did that, that would void his approval. He does owe the City quite a bit of money; over \$150,000. At some point, our lien will likely exceed the property value.
- Kayner still felt that we should have received money when the Tracer's purchased that land from Mills.
- Latta told him we could have, but there is enough value in the land to continue to lien it. There is still 15 acres or so back there, and he would assume it's probably worth \$300,000 to \$400,000. Again, if we ever wanted to foreclose on that property in the future, we could do that. Mills is moving his business over here, where he will be the first tenant for the Tracers.
- Kayner thought it strange that he owns the land next door but is now going to be their tenant.
- Latta said that he likely doesn't have the cash flow available to invest in the development of the property. If he gets the right person, it's good industrial land, and something can happen with it in the future. Every day, the city technically has more money owed on the property, but we are in no rush to foreclose. It works out well for all.

With no further business, the Planning Commission adjourned at the hour of 8:45pm.

Chairperson

City Recorder