



Harrisburg Planning Commission Minutes October 17, 2017

The Harrisburg Planning Commission met on this date at Harrisburg City Hall, located at 120 Smith St., at the hour of 7:05pm. Presiding was Pro-Tem Chairperson Kurt Kayner. Also present were as follows:

- Kent Wullenwaber
- David Smid Jr.
- Rhonda Giles
- Youth Advisor Rocio Luiz-Lopez
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening were Chairperson Todd Culver, Roger Bristol, and Vice-Chair Charlotte Thomas.

Concerned Citizens in the Audience: None

Public Hearing: **Variance (LU 378) for Michael Lefevre**

Pro-Tem Chairperson Kayner read aloud the script as required by law for this quasi-judicial land use request for a variance in regards to the impact of their project on locally significant wetlands. He explained the process to request a continuance, as well as the process to request the record remain open.

The Public Hearing was opened at the hour of 7:06pm.

There were no conflicts of interest, or ex parte contacts reported by members of the Planning Commission, and no rebuttals of such.

Applicant's Presentation: Mike Lefevre of 1138 Regency Dr. Eugene, said that there are about 6 wetlands on the property. The main ones were not impacted, and the lower part of the drainage is the most significant. In the field, there are two of those that are considered locally significant.

- Latta noted to the Planning Commission that on page 27, they'll see the numbered wetlands. Wetlands 1, 2, 6 and 7, are all considered locally significant.
- Lefevre continued, saying that there are two main wetlands that add up to about .60 acres. The little one he doesn't think can really be counted, because it has blackberries; those don't grow in wetlands. However, when he was compensating for the wetlands on the property, they included that little one. Even with the small one added to two large ones, they are still under the acreage requirement. He's not sure what the difference is between significant, and not significant. Some of those are in the upper areas of the property that they using. He's not sure what to think about the email; (Please see Addendum No.1) from Steve Philpott. He thought that there was somebody in the last meeting who was concerned about the run-off on the property.
- Latta said that it's the same individual.
- Lefevre said that he felt when it was all done, that there will be less water down there.

Staff Report: Latta said that this request is fairly straight forward. There are two sets of variance criteria for wetlands. Those are both in Harrisburg Municipal Code (HMC) 18.65.110. One is a regular hardship variance, HMC 18.65.110(3) and the other is an alternative hardship review, HMC 19.65.110(4). You have to meet the requirements of either 3 or 4, but not all. He wants them to focus on the Alternative Hardship Review (HMC 19.65.110(4), which is located on page 5. The term locally significant is referring to wetlands that have features that aren't in other wetlands; meaning that there is a higher value of wetlands requiring an extra layer of protection. In this case, there are local, state, and federal guidelines being imposed. You can see from the map on page 27, that wetland 7 is headed in the direction of the river. That drainage, which is somewhat linked to the others on the property, is tied to protection of the river, and the fish in it. That's mainly why these are locally significant. To be conservative, they included some of the smaller pieces of wetland with the ones that are locally significant in their request. Out of the 6.52 acres that are shown here, the wetlands are only .641 acres; there is plenty of area outside the wetlands, and its well above the 3,000 sq. ft. requirement. Therefore, you can't use the criteria that are first listed under HMC18.65.110 (4). But, if you look at pg. 6, you'll see that the finding for the second piece of criteria is that it's met, because the property is greater than 30,000 sq. ft., and the disturbance of the wetlands is less than 10% of the total area. The last criteria, is in relation to the amount of allowable disturbance that has the least practicable impact. If the applicant moves the driveway to a different location, it will disturb one of the other wetlands on the property, because it would alter where the buildings are being planned. Staff felt that leaving the access driveway where it is would have the least impact on that total area. In addition to the wetlands, the applicant does have to meet the criteria listed for a standard variance. Staff felt that those standards were met.

- **Kayner asked for Public Testimony, in favor of the project; or in opposition, and finally, if there was any neutral testimony. There were none present that had testimony.**
- Latta however, said that the email that the Planning Commission has, is considered neutral testimony. It's from Steve Philpott (Addendum No. 1) He just got the notice of the meeting today. Its post marked October 10th, but it should have been sent on the 6th.

Therefore, he is requesting a continuance of the public hearing, so that he has time to review the application, and submit testimony in the future. We will hold the record open for an additional 7 days. Staff recommends that if you want to consider this request to hold the record open, to hold it open for 7 days from tonight. That will give him the chance to review and submit his testimony.

- Smid asked which property belongs to Philpott?
- Latta told him it's both south and north of the property.
- Kayner asked if it was a request of continuance then, to hold the record open.
- Latta clarified that it's not a continuance; it's a request to hold the record open for 7 additional days. That means that we would need to meet again, on the 24th of October.
- Smid asked if we can decide on the request then today.
- Latta told him no; you must wait for Philpott to review the application. Additionally, Lefevre's grading and fill permit just arrived late this afternoon. He has not had time to review that prior to this meeting. Therefore, the timing worked fairly well.

The Public Hearing was closed at 7:40pm.

- Wullenwaber then **motioned to hold the record open for 7 additional days, with the Planning Commission meeting on October 24th, at 7:00pm. He was seconded by Giles, and the Planning Commission voted unanimously to approve the motion to hold the record open, and to meet on October 24th, at 7:00pm.**
- Latta said then on the 24th, that we will get public testimony from Philpott, and you'll be able to make a decision in relation to the variance, and you'll also be able to talk about the grading permit. He noted that this will allow him more time to review the grading permit.
- Smid wanted to know more about the request to hold the record open. Does Philpott have concerns about the project, and the potential use of the property?
- Latta said that Philpott received the original notice, and knows what's going on. His concern is the drainage situation; he doesn't want to have more water coming onto his property.

Considering the City Engineer's Recommendation for an excavation and grading permit for Michael Lefevre.

- Kayner asked if we needed a motion on this one, if we aren't able to discuss it this evening.
- Latta told him no. We don't have the permit. The applicant's engineer didn't provide all the information needed for our engineer to make a report and recommendation on it.

Work Session: Zoning Code Update

- Kayner asked if we should wait on this or not? Should we save it for next week?
- Latta told him you could go over it tonight, or you could wait until November. He won't be here next week, and would prefer to be part of the discussion. He briefly went over the zoning rules, and which ones the Planning Commission had already considered,

compared to those still left to review. We have tables with development standards, and notes to read. Therefore, if we don't talk about this tonight, he wants them to look through this, and give it some thought. You need to decide what makes sense, and what doesn't make sense, for our community. Your goal is to look at our future growth; not necessarily what fits what we have on the ground now.

- Kayner asked what percentage of the code we've reviewed so far.
- Latta told him that this would be the 5th chapter we've done. There are 30 chapters total.
- Eldridge added that the last time we had a zoning ordinance review, it took over a year.
- Latta said you'll be looking at landscaping, open space, and a whole myriad of things to consider. It gives us the road plan to what we want the town to look like in the future.
- Smid asked then as we go over these chapters, it's not going to Council, right?
- Latta said that was correct. We will review the entire code, and then we'll likely have a public hearing on it. He would suggest that you give the public time to come in and figure out what we are doing. If we are on target with the changes we are recommending, then great; but if people come in and are upset about the changes, then we go back to the drawing board. Once we initiate the public hearing, we have a time frame to meet.

Others:

- Giles said that the staff report was way more than she expected. She had to start it over today.
- Latta said it was frustrating that the applicant addressed the criteria under No. 3. It confuses people, but it was included in the application, so he had to address it.
- Giles appreciated him 'dumbing' it down for them.
- Latta said that he's here to make sure the findings are solid. This format makes it as simple as possible.
- Eldridge told Wullenwaber and Smid that they had applications at their seats for applying for the Planning Commission again, if they are interested. Both of them have terms that end at the end of the year. She hoped that they would both be interested in being on the Planning Commission again.
- Latta said that we would be posting it to see if there is interest from anyone else. We won't necessarily do the interview thing.
- Smid asked if there was anything coming up in the future for the Planning Commission?
- Latta told him that we have a partition submitted, but the fee hasn't been paid yet. The Fire district will likely be on the November agenda.

With no further business to discuss, the Planning Commission adjourned at the hour of 7:50pm.

Planning Commission Chairperson

City Recorder

Brian Latta

From: Steve Philpott <slphilpott@comcast.net>
Sent: Tuesday, October 17, 2017 3:42 PM
To: Brian Latta
Subject: LU #378 Lefevre Variance Request

Brian: I just received today the notice of this public hearing scheduled for this evening at 7 pm. The envelope is postmarked October 10, 2017. The notice states that it should have been mailed no later than October 6, 2017. The hearing should be continued to allow time to review the variance request and submit comments, if appropriate. Thank you.

Best wishes,

Steve Philpott
541-517-5103