



Harrisburg Planning Commission Minutes October 24, 2017

The Harrisburg Planning Commission met on this date at Harrisburg 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
- Roger Bristol
- Kent Wullenwaber
- Charlotte Thomas
- Youth Advisor Rocio Luiz-Lopez
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening were Commissioners David Smid, and Rhonda Giles, along with City Administrator/Planner Brian Latta.

Concerned Citizens in the Audience: None

Public Hearing: Variance (LU 378) for Michael Lefevre – Continued from October 17, 2017 Meeting

The Planning Commission Chairperson noted that this was a public hearing that had the public record remain open due to additional time needed for testimony. He read over the process to request a continuance, and asked if there were any conflicts of interest, or ex parte contacts. There were none, nor were there any rebuttals. He also noted the applicable criteria for this land use request.

Staff Report: Eldridge noted that this was a continuance from the previous meeting for the public testimony on the variance request. She explained that we held the record open for an additional 7 days. She briefly summarized that the applicant had submitted a variance request, under two different criteria, that of Harrisburg Municipal Code (HMC) 18.65.110(3), and HMC 18.65.110(4). Technically, the applicant did not need to apply for both. The applicant could not meet all of the criterion as shown in HMC 18.65.110(3). Therefore, the criterion that was able to be supplied was HMC 18.65.110(4), under the Alternate Hardship Review. The City Planner found that the applicant met two of the criteria within the code, and therefore, all of the variance

review criteria had also been met. The City did receive additional testimony, as requested from Steve Philpott.

- Bristol asked for clarification on the Alternative Hardship Review.
- Eldridge explained that on that first criterion, they'll notice that it has the word 'or' at the end of it. That means that technically, the applicant only needs to meet two of that criterion. Either the property contains less than 3,000 sq. ft. of contiguous area outside of the wetland protection area, or it contains 30,000 sq. ft. or more, and the disturbance is not more than 10% of the total lot area. At 27,922 sq. ft., the disturbed area is less than 10% of the total, which would have allowed up to 28,401 sq. ft. They do meet the 2nd criterion.

Planning Commission Chairperson Todd Culver asked for testimony in favor, and in opposition to the land use request. There was none, nor were there rebuttals. He noted for the record that the City had received neutral testimony from Steve Philpott. That email stated the following language, which was read aloud in its entirety. *"Thanks for sending the staff report. It was very helpful in understanding the variance application and relevant criteria. It follows on the related applications for fill permits submitted to DSL and the Corps of Engineers. With this information in hand, I can say that I have no comments or testimony to be considered by the Planning Commission. Please convey my thanks to them for holding the record open to allow time for my review". (Please see Addendum No. 1 for a copy of the email).*

The Public Hearing was closed at the hour of 7:04pm.

- Wullenwaber asked for clarification that the information from Steve Philpott was what we are waiting on.
- Eldridge confirmed that for him.
- Thomas then **motioned to approve the findings of fact and criteria as stated in the staff report, including the one condition of approval, and to approve the Variance Request from LU 378. She was seconded** by Wullenwaber, and the **Planning Commission unanimously approved the Variance request for Michael Lefevre.**

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

Staff Report: Eldridge noted that unfortunately, the City Engineer still has not received some of the required information needed in order to submit a report to the City. Back on September 19th, the motion in relation to the excavation and grading permit was that we would 'continue the public hearing for the excavation and grading permit application to a time uncertain'. Therefore, we assume that the information will be submitted in the near future, and we will be looking at this on November 21st.

Others:

- Bristol noted that he would be absent on November 21st.

- Lefevre commented that he spoke with the Engineer at Branch Engineering earlier this afternoon. He said that the excavation and grading permit was fine, but that the main engineer wanted it in a certain format that hadn't been met. Hopefully, that will be resolved by the next meeting.
- Kayner said that he knows it's frustrating; that's why he joined the Planning Commission, because he was frustrated by the process he had to go through. He knew that Lefevre had been in front of the Planning Commission for well over ten years.
- Lefevre noted that it wouldn't hurt his feelings if the meeting could be held earlier, like on the 14th of November.
- After Lefevre left, most of the Planning Commission members present said that they would be in favor of that as well.
- Eldridge told them that she would need to refer that question to Brian Latta. The Fire/Rescue District application would be heard in November, and we may be stuck with November 21st due to the public hearing notices required by code. There are certain deadlines that are required to be met. She would check with him on his return, and would let them know. Chances are it would need to be held on the 21st.

With no other information, the meeting was adjourned at the hour of 7:08pm.

Planning Commission Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Variance (LU #378) to impact locally significant wetlands on Tax Lot 212 of Linn County Assessor's Map 15S 04 W 16 D.

LOCATION: Linn County Assessor's Map 15S 04W 16D, Tax Lot 212

HEARING DATE: October 17, 2017

ZONING: M-1 (Limited Industrial) and M-2 (Heavy Industrial)

APPLICANT

Michael Lefevre
1138 Regency Drive
Eugene, OR 97401

OWNER

Seers, William & Lydia Trust
26287 Sage Grass Ct.
Murrieta, CA 92562

APPEAL DEADLINE: October 30, 2017

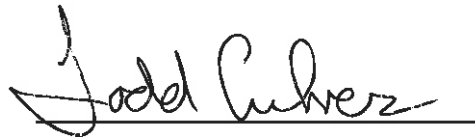
DECISION: The Harrisburg Planning Commission conducted a public hearing on October 17, 2017. A request to hold the record open for an additional 7 days was made and approved by the Commission. The Planning Commission continued the public hearing on October 24, 2017 and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the October 6, 2017 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 decisions 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: November 6, 2017, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Variance 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 Variance approval will expire on November 6, 2018.

A handwritten signature in black ink, reading "Todd Culver", written over a horizontal line.

Todd Culver
Planning Commission Chair

CONDITIONS OF APPROVAL

- A. Prior to the issuance of any permits, the applicant shall provide the City with all approved State and Federal permits necessary to impact the locally significant wetlands on the property.

Michele Eldridge

From: Steve Philpott <slphilpott@comcast.net>
Sent: Monday, October 23, 2017 11:57 AM
To: Brian Latta
Cc: Michele Eldridge
Subject: RE: LU #378 Lefevre Variance Request

Brian: Thanks for sending the staff report. It was very helpful in understanding the variance application and relevant criteria. It follows on the related applications for fill permits submitted to DSL and the Corps of Engineers. With this information in hand, I can say that I have no comments or testimony to be considered by the Planning Commission. Please convey my thanks to them for holding the record open to allow time for my review.

Best wishes,

Steve Philpott
 541-517-5103

From: Brian Latta [mailto:blatta@ci.harrisburg.or.us]
Sent: Wednesday, October 18, 2017 8:50 AM
To: Steve Philpott <slphilpott@comcast.net>
Subject: RE: LU #378 Lefevre Variance Request

Hi Steve,

The Planning Commission decided to hold the record open for 7 additional days for the Lefevre Variance application. They will finish the public hearing and make a decision on the application at a special meeting on October 24, 2017 at 7:00 pm.

I've attached the staff report for your review. If you'd like to submit written public testimony, please send it to me and Michele Eldridge (meldridge@ci.harrisburg.or.us), as I will be out of the office starting tomorrow.

You may also attend the public hearing next week and provide oral testimony, if you'd like.

Please let me know if you have any questions.

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