



Harrisburg Planning Commission Minutes

January 16, 2018

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
- Youth Advisor Rocio Luiz-Lopez
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent were Commissioners Charlotte Thomas, Roger Bristol, and Kent Wullenwaber.

Concerned Citizens in the Audience: Everyone in the audience was present for issues on the agenda.

Approval of Meeting Minutes

- Kayner **motioned to approve the minutes from the November 21, 2017 Planning Commission Meeting. He was seconded by Smid and the Planning Commission voted unanimously to approve the minutes from November 21, 2017 2017.**

Public Hearing: Variance (LU #382) for Vincent Ferris

Chairperson Culver read aloud the script as required by land use laws, along with the process of requesting a continuance, and the process to request that the record remains open.

The public hearing was opened at 7:01pm.

Chairperson Culver asked if there were any conflicts of interest, or ex parte contact to declare. There were no conflicts of interest, or potential conflicts declared, and no rebuttals of such. Nor were there any ex parte contacts to declare, or any rebuttals of such.

Applicants Presentation: Vincent Ferris, 893 Smith St., said that he was here for the variance on a garage setback for his property. They would like to gain additional off-street parking, off of 9th St. With the size of the structure, and the driveway they had, they had only 15' for the driveway. So changing the setback of the garage, would allow the driveway to be 20' long.

- Kayner asked if they didn't have enough parking on the street.
- Ferris said that they were on a corner, and it would work better to have their vehicles stored off the street. He said that technically, the garage would be 32' off the curb of the street. There's a 7' wide easement that is on the 9th St. side, and then the sidewalk. But from his property lines, it's only 15'.
- Smid asked if the driveway in front of the garage already had a curb cut.
- Ferris told him that they would need a curb cut.

Staff Report: Latta said that Staff's recommendation is to allow the setback to be changed to 15', instead of 20'. He reviewed all of the criteria within his report. He specifically remarked that the width of 9th St. would likely not change, as the area is built out. Technically, the 7' that is there is for a planter strip, and setback sidewalk, but he thought it highly unlikely that the City Council would change the built environment. Staff felt this was an unusual enough situation for it to qualify for the variance, especially given the unused right-of-way. He noted that a variance is not giving a special exception that someone else couldn't get. They have the ability to apply for a variance too. He added that there are no conditions of approval being proposed with this case.

Public Testimony in Favor: Tom Hymes, 892 Smith St., said that he was there to support Mr. Ferris. He'll be looking at the garage, as he lives across the street. He felt it benefited him, as well as the City, to have more vehicles off the street.

There was no Public Testimony in Opposition, or Neutral to the proposal. With no further testimony being proposed, the Public Hearing was closed at 7:14pm.

- **Kayner motioned to approve the Variance, case number 382. This motion is based on findings presented in the January 9, 2018 staff report to the Planning Commission, and on findings made by the Commission during deliberations on the request. He was seconded by Giles, and the Planning Commission voted unanimously to approve the Variance Request for Vincent Ferris to reduce the setback for a new garage to be built on the east side of his property to 15'.**

Work Session to Discuss the Zoning Code Update:

Minimum Lot Width and Depth: Latta pointed out the sizes here have been increased, particularly in the R-1 zone due to the increase in minimum lot sizes. Kayner asked how that would be applied to existing lots in town, and Latta told him that they would be considered a non-conforming lot, that is still legal to build on. He explained that a lot of the larger lots around the state are selling faster than the smaller ones. However, Smid pointed out that they would maximize the return on the smaller lot. Latta told him that we differentiate between zones; there should be a larger lot for a single family and in higher densities, it's a smaller lot. This also helps to provide better separation between buildings.

Building or Structure Height: Latta said that it was strange that we had nothing on height requirements in our current code. He noted that when measuring the building height, it is the midpoint between the eave and the peak of the highest pitched roof. This measurement is how the building code measures building heights. He added that taller buildings are allowed in the higher densities. Kayner asked him if it was his prior experience that had him add that, since Harrisburg hadn't had that before. Latta said it was. The higher densities are generally creating the need for a taller height. R-1 and R-2 zones are similar to each other in terms of building heights.

Fences and Non-Building Walls: Latta pointed out that the reverse frontage lot was referring to a property that had streets on both the front and rear of the property, but wasn't a corner lot. We have those types of properties on 4th and 5th Streets. Chairperson Culver asked if the fencing requirements were current, or proposed. Latta said that right now, fencing has its own section of ordinance outside of the zoning ordinance. The proposal is to take them from there, and placing them in the zoning ordinance instead. The building code recently changed to allow 7' fences without a building permit. Therefore, we wanted to make it match in our code. Eldridge added that another thing that will keep people from wanting to automatically put in the fences taller than 7' was that they typically require engineering. Latta said that we are simply allowing them to go one foot higher than what is currently allowed. Smid asked if they would still need to get a building permit, and Latta told him yes, if a fence was taller than 7'. He also pointed out the differences with the fences in front yards, because of vision clearance. Chairperson Culver said that he was concerned about that, because on Crimson Way, there is a wall that was put in for the subdivision. He has to nose his vehicle out farther into traffic to try to see around that; some other corners in town are similar. Latta told him that in the proposed code it says, 'see section TBD.' That TBD reference is referring to the vision clearance requirements. He showed them how a vision triangle typically works. Kayner said that there are a lot of places in town, that if you don't have a pickup truck, you can't see very well. Latta said that there are a lot of issues there, and it's one we battle with a lot in code enforcement. Vision clearance requirements would still be applied.

Lot Coverage: Latta explained that this is in relation to how much buildings cover the lot. It doesn't sound like a lot, but in truth, it means that for an 8,000 sq. ft. lot, that someone could have buildings with a foot print of up to 4,000 sq. ft. Two story homes have an advantage on size because they can have more square footage with a smaller footprint.

Minimum Landscaping: Latta said that we don't currently address landscape for residential zones; however, we do have them in standards for commercial and industrial projects. This just prevents people from asphaltting their entire yard area. This standard will typically be achieved through the required setbacks. We aren't dictating to them what kind of landscaping that they should have.

Minimum Setbacks: Latta said that we are now looking at lot and development standards for residential zones. It's slightly different from what we currently allow, because a porch is allowed now to encroach into a front and street-side setback yard. He went over the changes for front

and street-side setbacks, and interior side setback yards. Smid thought that a tandem home was a lot like a duplex. Latta told him you are correct, but both of the dwellings are on separate tax lots. Most cities have those, but he wasn't certain what our requirements were in the R-1 zone. Latta would check the current code, and make sure that we have that distinction.

Minimum Lot Area: Latta said that we currently don't have a minimum lot size in any of our zones; he doesn't see a need for them here.

Building & Structure Height: Latta commented that this is building heights in relation to commercial and industrial structures. He went with a 50' for the C-1 zone, which he thought seemed like a good height limit. Kayner said that they have about 25' on theirs. The elevator is taller. He wasn't sure that we wanted buildings taller than that. For manufacturing businesses, you aren't going to spend money on a taller building unless you really need it. Latta said that we allow manufacturing in M-1 and M-2 zones. However, he wanted to know how they felt about commercial. Kayner said that he would be willing to think about it, but we shouldn't go taller for buildings in the industrial zones. Chairperson Culver agreed that he wouldn't want that either. Smid added that we don't limit it now, so he's not sure why we would want to do that. Kayner felt that we would limit ourselves too much. Latta asked them if they felt it was a problem without a limit on it. Kayner couldn't imagine it. Latta said then, if we get a 100' building in the downtown area, would there be any concerns? Chairperson Culver asked how tall the building was diagonally from the Subway. Latta thought it was probably 35' to 40' tall. Kayner asked if it needed to be aesthetically pleasing; Latta wasn't concerned about that. It's putting the 50' out there for commercial, or maybe a little bit higher. He doesn't care if you want to limit the other zones, if you don't think there is a problem. Smid said he would be concerned about aesthetics in the commercial zone, but not so much in the industrial zones. Latta told them that the decisions tonight aren't final. He said that perhaps we could allow 60' in the commercial zone, because we allow 50' in the R-3 zone. If they want taller, than they can file a conditional use permit. Both Chairperson Culver and Kayner felt comfortable with that.

Lot Coverage: Latta commented that we have a lot higher figure here, due to them being businesses.

Fences & Non Building Walls: Latta said that the heights here are consistent with the current code.

Minimum Landscape Area: Latta said that again, the minimum landscape area is new to the Lots and Development Standards for Non-Residential zones; however it's not new as a standard for commercial and industrial properties. This just establishes the same percentage across all the zones, rather than using the current scale.

Setback Yards Exceptions: Latta had some exceptions in this section, which applies to Encroachments, Reverse Frontage Lots, Flag Lots, and Residential Density Standards, some of which are similar to what we allow now. He explained again what a reverse frontage lot was (one that is bordered on two opposite sides by streets, and is not a corner lot).

Flag Lots: Latta noted that we do mention flag lots in our current code, but this is more robust. Kayner asked if all cities allowed flag lots? Latta told him not all of them did. Kayner thought a lot of them had it. However, Latta told him that a lot of these are typically approved through partitions. For instance, there are a couple of flag lots up off of Erica Way. Smid said that there are other places in the City that has shared driveway access to four homes. Latta said you typically see them in subdivisions with cul-de-sacs, or with land that is weird shaped. It's most common with minor partitions. Chairperson Culver wouldn't want to try to restrict that. If you are using land that is already landlocked, that's the only way to reach it. Latta said that was correct. That's like some of them off of Sommerville Loop we've been seeing. The hope is that we don't create situations with really deep lots. You shouldn't encourage that type of development.

Residential Density Standards: Latta said that for this section, the current code has a similar large lot standard. This is simpler, and easier to understand. He explained why the areas for flag lot access shouldn't be used to calculate density. He added that residential care homes, facilities, senior housing, and assisted living homes are all too difficult to calculate density, so they should be exempted. We will likely be addressing those through a master planned development. He explained how a phased project could allow a density higher than what would be allowed, if the rest of the development would have a lower density; the aggregate density would meet our density requirements. Everyone was ok with that. He said that it also helps to be able to tell people that they may not be allowed to place a home in a certain location, if it's being planned for something in the future. He pointed out as an example that if someone wanted to purchase property off of Sommerville Loop, where 9th St. comes up through Marcus Landing, that they wouldn't be allowed to place their home right where that future street would be placed. He also explained the differences between net density and gross density. The Gross Density includes the total parcel before the right-of-way is dedicated. Net Density is subtracting out any right-of-ways.

Lot Coverage Calculation: Latta briefly explained this; it was similar to the gross and net density standards that he just talked about.

Height Measurement and Exceptions: Latta added that these are items that have no human occupancy, and shouldn't be covered under the maximum building heights.

Final comments: Latta said that he would follow up on the zero lot line in the R-1 zone, and will return to that in a future meeting.

Other:

Planning Commission Chairperson and Vice-Chair Nominations

- Eldridge reminded everyone that at the first meeting of the year, we choose who will be the chairperson and vice-chair for the new year. We had forgotten to put it on the regular agenda.

- Kayner **nominated Todd Culver to be the Chairperson, and was seconded** by Giles. **The Planning Commission voted unanimously to appoint Todd Culver as the 2018 Planning Commission Chairperson.**
- Kayner then **nominated Charlotte Thomas to be the Vice-chair again this year. He was seconded** by Chairperson Culver, and the **Planning Commission then voted unanimously to appoint Charlotte Thomas as the Vice-Chair for 2018.**

Diamond Hill Paintball

- Smid asked about the progress on the paintball place; it looks like stuff was slowly coming out of there.
- Latta said it has been a few months now. He was sorry about it, but there was no option for them, other than they do what they were given permission to do, or they need to remove the business from that area. It is finally going away. As long as it continues, then he doesn't have a problem with it.
- Giles thought last week, that they had seen a lot of progress.

With no further business, the Planning Commission adjourned at the hour of 8:12pm.

Planning Commission Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Variance (LU #382) to reduce the 20-ft. garage setback to 15-ft. for the property located at 893 Smith Street.

LOCATION: Linn County Assessor's Map 15S 04W 15BA, Tax Lot 4500

HEARING DATE: January 16, 2018

ZONING: R-1 (Low Density Residential)

APPLICANT

Vincent Ferris
893 Smith Street
Harrisburg, OR 97446

OWNER

Laurie Ferris
893 Smith Street
Harrisburg, OR 97446

APPEAL DEADLINE: January 29, 2018

DECISION: The Harrisburg Planning Commission conducted a public hearing on January 16, 2018 and voted to approve the request. The Planning Commission adopted the findings contained in the January 9, 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 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: January 29, 2018, 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 January 29, 2019.

Todd Culver
Planning Commission Chair

