



Harrisburg Planning Commission Minutes September 18, 2018

The Harrisburg Planning Commission met on this date at the Harrisburg Senior Center, located at 354 Smith St, at the hour of 7:04pm. Presiding was Chairperson Todd Culver. Also present were as follows:

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

Absent this evening were Commissioners Kent Wullenwaber and Rhonda Giles. Latta noted for the record that Vice-Chair Charlotte Thomas had been appointed to the City Council, and the City was advertising for the open position.

Nominations for a Vice-Chair to replace former Commissioner Charlotte Thomas

- Kayner nominated Roger Bristol to be Vice-Chair; he was seconded by Smid. The Planning Commission then voted unanimously to appoint Roger Bristol to be the Vice-Chair of the Planning Commission.

Approval of Meeting Minutes:

- Kayner motioned to approve the minutes, and was seconded by Bristol. The Planning Commission then voted unanimously to approve the minutes of June 19, 2018.

Alton Variance Request (LU392)

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 the record remain open.

The Public Hearing was opened at the hour of 7:07pm.

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. There was also no other ex parte contacts declared, or any rebuttals of such.

Applicant's Presentation: The applicant gave a presentation outlining why they felt that they should be granted a variance for a porch to be located within the setback area on the south side of the old Church located at 396 S. 2nd St; reiterating the information in the application packet.

Staff Report: Latta reviewed the criteria and findings of fact as presented in the staff report for the variance request.

Other than the applicant, nobody was present that wished to provide testimony, whether in favor, in opposition, or neutral to the land use request being considered.

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

- **Bristol motioned to approve the Variance, Case Number 392. This motion is based on findings presented in the September 11, 2018 staff report to the Planning Commission, and findings made by the Planning Commission during deliberations on the request. He was seconded by Smid. The Planning Commission then voted unanimously to approve the Variance, Case No. 392, for Diane and Charles Alton, to reduce the side setback on the south side of the property located at 396 S. 2nd St.**

McCracken Conditional Use Permit (LU #396) and Site Plan Review Request (LU394)

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 the record remain open.

The Public Hearing was opened at the hour of 7:24pm.

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. There was also no other ex parte contacts declared, or any rebuttals of such.

Applications Presentation: Applicant Ken Evans, of Evans Building Company Inc., representing McCracken Motor Freight Company, was present. He reviewed the reasons why the applicant felt justified in asking to encroach on the greenway for maneuvering of vehicles, and the mitigation that they were prepared to do to be allowed to do so. He also reviewed in detail the information in relation to the site plan, as shown in the application materials. Relatives of Curtis McCracken, and CEO Mychell (Myke) Lake were also present, and chimed in on the report and the use of the property when needed.

Staff Report: Latta reviewed the Conditional Use Criteria in relation to the impacts on the Willamette River Greenway, explaining that the Greenway was an overlay zone within the industrial zone in this location. He felt that the 16 criteria were met. He also reviewed the Conditional Use Criteria, and the Site Plan Review Criteria, as stated in the staff report.

Nobody present, other than the applicants, wished to provide testimony, whether in favor, in opposition, or neutral to the land use request being considered.

At the hour of 7:53pm, the public hearing was closed.

The Planning Commission discussed, and decided that they wanted to add an additional condition to the approval of this request, in order to require that a Covenant of Non-remonstrance regarding a Waiver of Liability and Release Agreement, releasing the City from liabilities in relation to erosion on the Willamette River Bank, be included in the list of conditions.

- Smid motioned to approve the McCracken Conditional Use Permit (LU#396), subject to the conditions of approval contained in the September 11, 2018 staff report. This motion is based on findings contained in the September 11, 2018 staff report, and on findings made during deliberations on the request. He was seconded by Kayner, and the Planning Commission voted unanimously to approve the McCracken Conditional Use permit (LU #396).
- Smid then motioned to amend the Conditions of Approval, to add No. 15 that 'prior to the issuance of building permits, the applicant shall provide the City with a Covenant of Non-Remonstrance regarding a Waiver of Liability and Release Agreement, releasing the City of all liabilities with respect to any Willamette River Bank Erosion affecting the subject property. The Covenant of Non-remonstrance shall be recorded with Linn County'. He was seconded by Kayner, and the Planning Commission voted unanimously to approve the amendment to the conditions of approval to add number 15 to the list in relation to erosion of the river bank on the Willamette River.
- Bristol motioned then to approve the McCracken Site Plan Review (LU #394), subject to the conditions of approval contained in the September 11, 2018 staff report. This motion is based on findings contained in the September 11, 2018 staff report, and on findings made during deliberations on the request. He was seconded by Kayner, and the Planning Commission voted unanimously to approve the McCracken Site Plan Review.

Others:

- Latta reviewed the amount of commercial construction that was going on in the City, and noted that the Planning Commission would be hearing a site plan from Farmer's Helper in October, and a future request from Precision Prefinishing. He would be working on the overlay zones in future code amendments. He also encouraged the Planning Commission to find members to fill the vacancy provided by Charlotte Thomas's appointment to the City Council.

With no further business to discuss, the Planning Commission meeting adjourned at the hour of 8:07pm.

Planning Commission Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant desires to build a deck/porch on the south side of the building, and requests approval to reduce the side yard setback from 15 feet to 11.5 feet.

LOCATION: 396 S. 2nd Street

HEARING DATE: September 18, 2018

ZONING: R-2 (Medium Density Residential)

**APPLICANT/
OWNER:** Charles and Diane Alton
17555 West Ivy Lane
Surprise, AZ 85388

APPEAL DEADLINE: October 1, 2018


DECISION: The Harrisburg Planning Commission conducted a public hearing on September 18, 2018 and voted to approve the request. The Planning Commission adopted the findings contained in the September 11, 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 decision 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: October 1, 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 October 1, 2019.



Todd Culver
Planning Commission Chair

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Site Plan Review and Willamette River Greenway Permit (CUP) to construct a 66,000 sq. ft. warehouse and trucking facility on roughly 5 acres of industrial land. The development will impact the Willamette River Greenway boundary, requiring the applicant to obtain approval of a Willamette River Greenway Permit.

LOCATION: 930 S. 2nd Street

HEARING DATE: September 18, 2018

ZONING: M-2 (General Industrial)

**APPLICANT/
OWNER:** Curtis McCracken
3147 NW Front Street
Portland, OR 97296

APPEAL DEADLINE: October 1, 2018

DECISION: The Harrisburg Planning Commission conducted a public hearing on September 18, 2018 and voted to approve the request, subject to conditions of approval. The Planning Commission adopted the findings contained in the September 11, 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 decision 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: October 1, 2018, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Conditional Use and Site Plan 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 Conditional Use and Site Plan approval will expire on October 1, 2019.



Todd Culver
Planning Commission Chair

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, except where modified by the following conditions of approval.
2. **Perpetual Restrictive Easements** – Prior to the issuance of building permits, the property owner shall provide the City with perpetual restrictive easements, consistent with OAR 333-061-0050, for Municipal Wells #5, #6, and #7, where the 100 foot radius is located on the subject property.
3. **Landscaping Plan** – Prior to the issuance of building permits, the applicant shall submit for review and approval a landscaping plan showing the type (genus and species), quantity, and location of the landscaping that will be provided.
4. **Irrigation Plan** – Prior to the issuance of building permits, the applicant shall submit for review and approval an irrigation plan that demonstrates how the landscaped areas will be irrigated.
5. **Construction Security** – Prior to issuance of building permits, the applicant shall submit a plan identifying security measures that will be taken to prevent public access to areas of the site where potentially dangerous construction activities will be taking place.
6. **Water / Sewer Connections** – Prior to the issuance of building permits, the applicant shall apply for water and sewer services and pay for any required connection charges.
7. **1200-C Construction Storm Water Permit** – Prior to the issuance of building permits, the applicant shall provide the City with a copy of an approved Department of Environmental Quality 1200-C Construction Storm Water Permit for the proposed construction activities.
8. **Fence Permit** – Prior to the issuance of building permits, the applicant shall submit for review and approval a fence permit that demonstrates compliance with HMC 18.80 and the City's vision clearance requirements.
9. **Storm Water Retention** – Prior to the issuance of building permits, the applicant shall consult with the City regarding storm water retention solutions for the proposed development. The City Engineer shall approve the storm water solution.
10. **Refuse Area Screening** – All refuse areas shall be screened consistent with HMC 18.95.100(6)(a).
11. **ADA Parking Spaces** – The applicant shall provide one ADA Van Accessible parking space in the parking lot. The ADA parking space shall be located nearest the entrance of the office space.
12. **Lighting** – All lighting fixtures shall be designed to direct light towards the ground. No light from the lighting fixtures shall shine onto adjacent properties.
13. **Parking Lot Curbing** – The applicant shall construct a 4-inch high curb along the north property line adjacent to the proposed parking spaces.

14. **Perimeter Curbing** – The applicant shall construct a minimum 4-inch high curb along the north and west perimeter of the vehicle and maneuvering areas proposed to be hard surfaced.
15. **Covenant of Non-remonstrance** – Prior to the issuance of building permits, the applicant shall provide the City with a Covenant of Non-remonstrance regarding a Waiver of Liability and Release Agreement, releasing the City of all liabilities with respect to any Willamette River bank erosion affecting the subject property. The Covenant of Non-remonstrance shall be recorded with Linn County.