



Harrisburg Planning Commission Minutes March 19, 2019

The Harrisburg Planning Commission met on this date at the Harrisburg Senior Center, located at 354 Smith St, at the hour of 7:00pm. Presiding was Vice-Chair Roger Bristol. Also present were as follows:

- David Smid
- Kent Wullenwaber
- Kurt Kayner
- Rhonda Giles (Arrived 7:05pm)
- Jeremy Moritz
- Youth Advisor Victor Hesser
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening was Chairperson Todd Culver.

Concerned Citizens in the Audience: Jessica LaFarga, representing Habitat for Humanity, was attending the Planning Commission this evening. The organization is trying to be more involved in the local communities, and is attending government meetings.

Approval of Meeting Minutes:

- Smid **motioned to approve the minutes of the February 19, 2019 meeting, and was seconded** by Moritz. **The Planning Commission voted unanimously to approve the minutes.**

Public Meeting: Knife River Site Plan Review (LU401)

Vice-Chair Bristol 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 7:04pm.

Bristol asked if there were any conflicts of interest, or ex parte contact to declare. There were none declared, nor any rebuttals of such.

Commissioner Giles arrived at the hour of 7:05pm.

Applicant's Presentation: Matt Ropp, representing Knife River from 32260 Old Hwy 34, in Tangent, briefly summarized the project. He thanked the Planning Director, who has been very helpful to work with. Knife River concurs with the staff findings, provisions, and recommended conditions. He directed the Planning Commission to Exhibit A.31 which was the easiest

document to review in order to get a good sense of the layout; and then walked them through the project.

Loren Later, the General Manager of the Pre-Stress Plan in Harrisburg, located at 23505 Peoria Rd, summarized the history of the company, when it used to be Morse Bros, and what the Pre-stress plant does now. He noted that the business is growing so quickly, and is changing so fast, that they don't have enough space for professional and administrative staff. In order to attract the best candidates and be competitive, they need to have professional offices.

Staff Report: Latta briefly summarized the staff report, as well as the conditions of approval. He recommended that the Planning Commission approve the project to allow Knife River to add a roughly 9,100 sq. ft. office building to the property where the modified residence (former Morse house) is located.

Moritz asked questions about the wetlands and riparian zones on the property. They have so much property to the west down to the river; he just wondered why they have such a huge setback shown. Latta explained the code in relation to the riparian zone. He directed the Commission to exhibit A-32, which showed the riparian and flood plain limits. While the City doesn't have a current inventory of riparian areas, we do have a local wetland inventory, which shows that there is a mapped Willamette River Tributary #1 that flows along the west end of the subject property. The stream is fish bearing, and has the stream flows that require riparian setbacks be maintained. Moritz asked how big the property is with the two tax lots being merged together? Latta told him the applicant went through a land use process for a property line adjustment that hasn't been recorded yet, but must be before construction is allowed. Latta explained once the two lots are recorded, the property will be a little under 4 acres in size. Ropp said the survey is complete, and is waiting for approval, before they take it to the county for recording.

Nobody was present that wished to provide testimony in favor, or in opposition to the land use request being considered.

Neutral Testimony: Jessica LaFarga representing Habitat for Humanity didn't have any problems with this project. She thought this was a fantastic opportunity for the jobs it would potentially add to our community.

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

- Kayner then **motioned to approve the Knife River Site Plan Review (LU#401) subject to the conditions of approval contained in the March 12, 2019 staff report. This motion is based on findings contained in the March 12, 2019 staff report, and on findings made during deliberations on the request. He was seconded by Smid. The Planning Commission then voted unanimously to approve the site plan review for Knife River, to add a 9,100 sq. ft. office building to the property inside the City limits, where the office (converted residential home) is currently located.**

Work Session: Development Code Update – Wetland Provisions

Latta reviewed this chapter, and went over the hardship variance and review that is allowed with locally significant wetlands. That is a unique issue to Harrisburg, which he is surprised to find that the state allowed it. The hardship variance was recently used in the RV storage facility project off of S. 6th Street. Kayner asked if maybe somebody missed it. Latta thought so. He went over the other locations of locally significant wetlands, one of which is a small sliver on Knife River's property, and the other being by Forest River outside of town, in the City's UGB.

The Planning Commission decided that they didn't want to change or modify the language, and to keep it intact. Bristol asked if this had to go through the state again, and Latta told him yes; the code that is changed must be sent to the DLCD (Department of Land Conservation and Development) for approval. If there are no substantial changes, then Latta doesn't expect the state to take any exceptions with the existing ordinances. Bristol noted that we do still have to comply with all state and federal regulations.

Work Session: Development Code Update – Riparian Corridors

Latta wasn't sure why they originally called this a safe harbor zone. The title doesn't describe what the chapter is actually about. Safe harbor provisions are codes written by the state that if a city adopts them as written the state will not object in their adoption processes. Latta noted that the code refers to a riparian inventory, but he does not believe the City has completed this inventory. Because of the local wetland inventory, he was able to have Knife River work with that on their land use application, but that will probably not work in all circumstances. He asked the Planning Commission if they want to recommend to the City Council that we inventory our riparian areas. His recommendation is that we do it.

Kayner asked what would happen if we didn't inventory our streams? Latta told him that it's difficult to implement these code provisions without an inventory. Absent an inventory, Latta would require an applicant to provide a professional analysis on whether their property contains any riparian areas, subject to these regulations. He is in favor of hiring a professional to identify these through an inventory. Moritz asked if the commission would have some control over it, like if something is defined as a stream, and we don't agree with that assessment, could we as a commission have an issue with that. Latta said that the Planning Commission could make that decision. It does open the City to some risk, because if someone is really passionate about feeling that it should be a stream, it can get appealed to the State Land Use Board of Appeals (LUBA). Bristol said his perception is that at some point, someone looked at the Greenway on the Willamette River, and said this is the inventory; there are no other streams. He wonders if the City Council, or if Todd Culver, as our Chairperson, would remember something like that.

The Planning Commission discussed the issue quite a bit longer. Kayner asked Latta how he had dealt with this previously, and Latta told him that really, the Greenway and Riparian overlay zones have only applied to Knife River and Life Bible. McCracken had it too, but the Greenway was larger there. Riparian corridors are more applicable outside of the Willamette River. Smid asked if the City was out of compliance with the state because of this, but Latta told him we weren't. Our code refers to an inventory, which doesn't exist. *The Planning Commission ultimately decided that they would rather not decide on this issue, and to refer it to the City Council.*

Work Session: Neighborhood Commercial Overlay Zone

Latta explained what this could apply to, as being an actual conversion of a residence into an allowed commercial use in a residential zone, or that it could apply to a mixed use. His concern is that the list is not up to date. Some of these, he felt were fine in a residential zone; such as a barber shop, beauty shop, and professional offices. However, he didn't feel E, F, and G should apply. As an example, someone with a music or dance studio could have loud music only 5' from your home. Bristol remembered discussing this code previously. He asked if someone wanted to have a business that wasn't on the list, would someone be able to apply for a variance. Latta said he didn't think that was appropriate. If it's not on the list, then the code would need to be amended to do that.

The Planning Commission briefly discussed some changes to the listing, including whether or not it could apply to a non-profit organization, but decided that it was too wide a designation, because a facility such as St. Vincent DePaul's could be considered in that

category. *They agreed with the removal of E, F, & G.* Latta also asked about the lot size question he had posed; he thought it would be better to have more specific language, such as a minimum lot size consistent with the lot size of the zone, not a blank designation of R-1, R-2, etc. *The Planning Commission agreed with that as well.*

Others:

- Latta told the Planning Commission that he will ask the City Council in next week's meeting about the riparian inventory. In the meanwhile, he will have at least one land use action at the next meeting. In the next work session, we'll start getting into the design criteria.
- Eldridge reminded the Planning Commission that they had received their annual notification reminders from the Oregon Government Ethics Commission, and that their SEI's (Statement of Economic Interest) were due by April 15.
- Kayner reminded everyone to do it on time; he had been fined \$100 last year for being a little late.

With no further business to discuss, the Planning Commission meeting adjourned at the hour of 8:16pm.

Planning Commission Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of Site Plan Review to construct a roughly 9,100 sq. ft. office building. The proposal includes using the existing access onto Peoria Road, and constructing off-street parking, on-site buffering, and landscaping.

LOCATION: Tax Lots 1200 and 1202 of Linn County Assessor's Map 15S04W09

HEARING DATE: March 19, 2019

ZONING: M-2 (Heavy Industrial)

APPLICANT
Knife River Corp.
Attn: Matt Ropp
32260 Old Hwy 34
Tangent, OR 97389

OWNER
Knife River Corp.
Attn: Jeff Steyaert
32260 Old Hwy 34
Tangent, OR 97389

APPEAL DEADLINE: April 1, 2019, at 5:00 p.m.

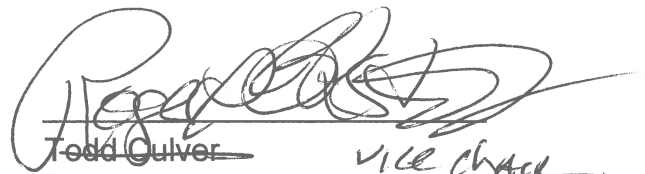
DECISION: The Harrisburg Planning Commission conducted a public hearing on March 19, 2019, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the March 19, 2019, Planning Commission meeting, and 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.

EFFECTIVE DATE: April 1, 2019, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Site Plan Review approvals shall be effective for one year from the date of approval. If the applicant has not begun the work associated with the approval within one year, all approvals shall expire. 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 Site Plan Review approval will expire on April 1, 2020.


Todd Culver Vice Chair
Planning Commission Chair
Roger Bristol

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. **Building Permits** – Prior to construction, the applicant shall obtain all necessary building permits for the construction of the proposed addition.
3. **Utilities** – Prior to the issuance of building permits, the applicant shall obtain approval from the City's Public Works Director of all new and relocated utilities.
4. **Erosion & Sediment Control Plan** – Prior to the issuance of building permits, the applicant shall submit for review and approval an erosion and sediment control plan that demonstrates how the applicant will prevent sediment and runoff from the earthwork from impacting the City's drainage system or other properties.
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. **Landscape and Irrigation Plan** – Prior to the issuance of building permits, the applicant shall submit for review and approval a landscape and irrigation plan showing what type of landscaping will be provided and how the landscaped areas will be irrigated.
7. **Fence Permit** – Prior to or concurrent with the issuance of building permits, the applicant shall provide the City with a fence permit for the 6-ft. tall fencing surrounding the proposed refuse area.
8. **Street Trees and Utilities** – Street Trees shall be planted consistent with HMC 12.20.10, to avoid impacts with underground and overhead utilities and appurtenances.

