



Harrisburg Planning Commission Minutes September 15, 2015

The Harrisburg Planning Commission met on this date at City Hall, located at 120 Smith St, at the hour of 7:00PM. Presiding was Vice-Chair Charlotte Thomas. Also present were as follows:

- Roger Bristol
- Kent Wullenwaber
- David Smid Jr.
- City Administrator/City Planner Brian Latta

Absent this evening was Chairperson Todd Culver, Kurt Kayner, and Fransisco Garcia-Mendez.

The matter of the Approval of the Minutes for August 18, 2015

- Bristol **motioned to approve the minutes and was seconded** by Wullenwaber. **The Planning Commission then unanimously approved the minutes for August 18, 2015.**

The matter of a Public Hearing for the Harrisburg Plaza Office Space and Parking Lot Expansion; LU-345.

The handout with the Decision Criteria was noted in the back of the room, and there were no conflicts of interest, or ex parte contact to declare.

The Public Hearing was opened at the hour of 7:05PM

Applicants Presentation: Thom Lanfear and Paul McEntire were both present for this application. Lanfear did the majority of the presentation. Part of what they are planning for the Harrisburg Plaza will ease up the flow for the EZ stop drive up window, and will also help to keep traffic from backing up. They'll redesign the parking spaces by making them wider, which will make it easier to back out, and will help prevent customers from backing up over the sidewalk. The project will provide more parking, more retail space, and new office space. Circulation will improve, because traffic can now go behind the EZ Stop, and they can exit out of the plaza onto Hwy 99, Smith St, and Territorial, depending upon which direction they are traveling. The residents located to the east have a historic structure, so the project includes a new 6' fence. There are 24 spaces shown on the map, using the calculations from the Harrisburg code. The location in the commercial zone, with the historical zone overlay, allows them to cut the parking requirements in half. They agree with the conditions that staff has proposed. The fence that will come down to Smith St., will taper towards the end to allow more visibility.

Bristol asked about the loading space planned on the east side. Lanfear told him that we are uncertain about what types of businesses will be in the empty spaces; this loading zone will accommodate several types of uses. There won't be jockeying out on the highway to try to

get merchandise into the buildings. The main exits will still be onto Hwy 99, or Territorial. Bristol asked if there would be doors on the sides of the buildings. Lanfear told him that the retail store would have that, as well as an entry door on the historical home. Thomas pointed out that it was likely a staff door, however. Lanfear said that with the curb there, it will help to protect the sidewalk, and will help people maneuver their vehicles.

Looking at the one area on the back of the vacant space in the EZ Stop building, the commissioners wondered what the area was. Lanfear said that the area will be blocked out for room there, as an ADA spot. Latta expressed a little concern about that. He felt that people would be tempted to drive though that area. The commission also expressed their concern about the state of the landscaping; they didn't want the new landscaping going in to be neglected. Lanfear said that they would make sure that there was automatic watering provided. When asked about what kind of a business might be attracted to the office space, Lanfear told them that it will likely be professionals, such as lawyers, accountants, and so forth. The Commission also wondered about what kind of a formula was specified for a loading area, but Latta told them that there wasn't any. They also asked about the parking restrictions. Latta said that it's specified to help them maintain the feeling of a historic neighborhood, that didn't emphasize parking. We need parking for commercial uses, but they are allowed to cut it in half.

Staff Report: Latta reviewed the conditions of approval, which are as follows:

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal.
2. **Off-street Loading Areas** – With development, the applicant shall stripe the loading zones and provide signage indicating the areas as loading zones with no parking.
3. **Bicycle Parking** – With development, the applicant shall provide 4 bicycle parking spaces. At least two of the spaces shall be located near the proposed office space and shall be visible from either the street or primary building entrance.
4. **Parking Lot Lighting** – Prior to development, the applicant shall submit a parking lot lighting plan to the city for review and approval. The lighting plan shall be consistent with the recommendations in the Harrisburg Design and Community Action Plan.
5. **Storm Water Improvements** – Prior to development, the applicant shall submit to the city engineered storm water plans for review and approval. The plans will need to be prepared by an Oregon licensed engineer and stamped. The plans shall demonstrate how storm water will be captured and removed from the site.
6. **Screening and Buffering** – With development, the applicant shall provide screening and buffering along the entire eastern property line of the proposed development. The screening shall be a 6 ft. tall wood fence. The fence will need to be tapered near the street consistent with the fencing requirements in the Harrisburg Municipal Code. The planted buffer shall be 8 ft. wide and be planted with shrubs and/or trees.
7. **Sediment Control Plan** – Prior to development, the applicant shall submit a sediment control plan to the city for review and approval. The plan shall demonstrate how the applicant proposes to keep sediment from entering onto adjacent properties or into the city's storm water system.
8. **Construction Safety Plan** – Prior to development, the applicant shall submit a construction safety plan. The plan shall demonstrate how the applicant proposes to keep the general public safe and out of the construction zone during construction activity.
9. **Irrigation Plan** – Prior to development, the applicant shall submit an irrigation plan to the city for review and approval. The irrigation plan shall demonstrate how the applicant proposes to irrigate all landscaping associated with the development.

10. **Fence Permit** – Prior to development, the applicant shall obtain a fence permit from the city for the 6 ft. tall cedar fence.

DEVELOPMENT RELATED CONCERNS

- a. **Change of Use Permit** – The conversion of the residence to an office space will require the applicant to obtain a Change of Use permit. Application for the permit is made through the City.
- b. **System Development Charges** – The expanded parking lot and converted residence to an office space will require the applicant to pay applicable system development charges. The system development charges will be required to be paid prior to the issuance of a Change of Use Permit.

Latta noted that the lighting that is in the parking lot now, is all outside of the historic district. The lighting in the historic district should be consistent with the standard historic lighting fixtures, but they will need to provide a lighting plan. The buffer needs to be continued all the way to Smith St, as well as the curb, which is Condition of Approval No. 10. The parking lot area remodel will not need a building permit, so they will need to show us how they will keep the area safe during construction. Staff's recommendation is to approve the project.

- Bristol asked if they had to get a change of use permit for the historic home.
- Latta said yes, because it's currently a residential use. Therefore, they need a change of use permit. That's slightly different from a building permit. There will also be more impervious area created, which will generate storm drainage SDC's, as well as transportation SDC's for the additional parking areas.

Public Testimony: There were no citizens present to provide either testimony in favor of the project, or in opposition. However, there was neutral testimony.

- Robert and Donna Duncan of 185 N. 4th St., said that they purchased their home 29 years ago, and it's been in a state of remodel ever since. He had some concerns about the Harrisburg Plaza folks coming in making these changes, because they don't live in Harrisburg. This location that they are working with is a historical zone, and we want to keep it that way. If a building was purchased in Sisters, you'd have to comply with the planning requirements there. They do have animals, and they want to make sure that they stay safe. They'd like a chain link fence to be put up on a temporary basis, until the fence is completed...that way they won't get loose. He wants to make sure that this all looks nice, and looks just like it would be if they put it next to their own homes. Most of the trucks coming through this area don't seem to be loading; they are stopping to buy something from the E Z Stop market. That's a real hazard there, and he's surprised that there hasn't been a wreck yet. With the additional traffic they are allowing here, he's very worried about there being a wreck as someone tries to pull out onto 3rd St. He'd like to suggest better marking, or something, that could help to control traffic. People really roll through this area, and he'd like to stop that. He doesn't want to cost them more money, but he doesn't want a dismissal of our concerns either. They attempted to put in a Subway for two years, and finally submitted one that matches our historic district. They are also concerned about lighting, and would prefer to not have lights shining into

their home and yard, especially with their hot tub there. Also, he's not sure how to have it addressed, but it sure would be great to bring up the vacant side of the building located next to EZ Stop to match the historical zone; since it's in that zone. Somehow, it slipped through the cracks. We really dropped the ball on that one, and he'd like to see if they could do something about it.

- Donna Duncan added that the flood lights shine in their windows all night long, so she'd really like to see the light plan.
- Latta said that historic lights aren't on poles like the others are now, with downward shielding. The historic lights are typically globes and are more decorative. Unfortunately, the historical lights don't allow you to shield the light to be directed downwards, like current ones do. However, we could require them to be lower to the ground, which would have the lights cover the lower surface area better.
- Robert Duncan said that it's a positive for Harrisburg; and he's delighted that they are keeping the historic structure there, and are not demolishing it. That's an important part of Harrisburg there.

Applicant's Rebuttal: Lanfear said that those are all good concerns. They have no problems helping to keep the animals safe. The vegetation here will be maintained; the row of dead trees is not appropriate, and they will install automatic irrigation for the replacements. They will address that in the landscaping plan. The traffic pattern is already established in the older plaza area, and unfortunately, he working for them then. As for the EZ Stop building, it's a little late to move the building, or to redesign it to historical standards.

Bristol asked if the line of the historical zone went down the middle of the EZ Stop building, but was told that it actually aligns with Monroe St. Lanfear said that running traffic circulation around the back of that structure really improves the general circulation, and improves the historical district as well. The entrance onto Hwy 99 was approved by ODOT, and is functioning as well as it can, without tearing down buildings and redesigning the plaza.

- Latta said that the concerns about the traffic are valid, and really, they have six lanes of potential traffic all accessing that driveway there. Having EZ Stop disallowing traffic from north to south would help to alleviate that issue. If they changed the parking spaces there to a 60 or 45 degree angle, it would be more than adequate; they wouldn't worry about vehicles passing over the sidewalk. It's another way of thinking, and he's wondering why they haven't considered it before.
- Lanfear said that seems to be the main approach for the market, and the market owner would object strenuously to that.
- Thomas liked that idea, because you are forced into a direction when you pull out, just like in Junction City, when they changed their parking there.
- Latta asked why the market owner would have an objection.
- McIntire said that it would ease the congestion in this location, but would just put it elsewhere in the parking areas, rather than here.
- Latta said that you have five or six people parked here, and traffic heading in both directions. He would think it would be better for EZ Stop, because people would go around the back of the building, and park there, or on the side, if they accessed the area from the Smith St. side. He thought it was an opportunity to fix a problem.

Thomas said that we are talking about people limiting driving in the parking lot to the north. The parking lot would allow only one way out. Latta said that right now, it's marked as a two-way access drive. In this case, they could go down, and circle the building. McEntire said that we've already gotten approval for that access way from ODOT, and they aren't adding space to that area. The traffic plan was already approved for the existing uses. Latta thought it would be easy for them, because we are reducing the parking spaces from twelve to nine. Wullenwaber remarked that he goes to EZ Stop every morning, and doesn't have very many problems. The people accessing the coffee shop there, and the customers from EZ Stop, all work together.

- Latta said that they are redoing those spaces, and of course, everyone in Harrisburg drives a truck, so they will be wider. Everyone is maneuvering in and out of those spaces. This is a lot of traffic, and you have to ask people to cooperate. You are limiting the safety of the vehicles, when there are a lot of places you have to turn. He's not requiring them to do that as part of this application request, but he thinks it would be a good thing. If the Planning Commission desires, they can make that a requirement in the Conditions of Approval.
- Lanfear said that in the area proposed, it's one thing, but for the front of EZ Stop, maybe they can explore some alternatives. They could perhaps add some signing, to direct them away and around; like they can only take a right to exit, rather than going left. They can draw some plans up that the City might accept.
- Bristol asked if we should request to keep the record open, so they can submit something; however, he was worried about it costing them more money if we require that.
- Latta said it would only be in terms of scheduling more time; there wouldn't be additional charges for the application itself.
- Robert Duncan said that this is a safety issue for the people who live here. Let's look at protecting Harrisburg, rather than just businesses. This is a dangerous spot; we should get a hold of the City attorney. Are we liable? If someone gets hurt, will they get sued; will Larry get sued? Do we need a traffic study? He wanted to take the time to do this correctly.
- Latta said that as far as access onto the highway, ODOT has already approved that access. They aren't adding enough traffic with this proposal to require a traffic study. ODOT has a threshold for what kinds of projects require that. With converting the residential to commercial, and access from Smith St., the applicant has to come up with a constructive plan. The Planning Commission can make a decision tonight, but keep the record open; don't close the public hearing, but make sure we get out all the spoken testimony tonight.
- Thomas wasn't thinking about the business owner, she was thinking about trying to make a change that automatically forces you to go one way. It's not about making them happy, it's about making sense; she's not worried about the business owner.
- Thomas said that you mentioned holding another meeting.
- Latta said that if the Planning Commission would like, they can table this, and he can put it on the October agenda.
- McEntire said that he'd prefer to get this done this evening; we aren't getting engineers, and we're not sending anything to ODOT.

The Planning Commission talked about the options for a while. Wullenwaber asked where the lighting is going to be? His concern is that we wait on more months, and wait to see what they can do with traffic control etc., but there are other issues as well. Latta said that the lighting is in the conditions of approval already, and the irrigation plan is administrative. The traffic issue and circulation pattern is something he can review, but with the testimony, he would prefer to have that in public. We can have them come back with a proposed circulation plan that could be reviewed by the Planning Commission. We can close the public hearing, and written testimony can still be submitted, although verbal testimony would be done. Robert Duncan thought it was a good idea to have it in a public meeting. Thomas thought it wasn't a concern if the majority of us support what he says. She doesn't mind delaying them a month. McEntire said that they didn't have to look at what was existing; widening spaces and improving what is there wasn't a requirement. Latta said that the applicant is allowed 19 spaces, and they added ADA spaces, for a total of 24. The parking in the back has been widened, which will allow vehicles to get in and out. McEntire said that they aren't creating an additional issue on someone else's property. Latta said that point was well taken. They are not creating additional traffic through that intersection.

Thomas said that if the Planning Commission is in favor and with the record still open, it will delay them for another month or two. Wullenwaber said that they may have an idea, that may be better than the one proposed; and will make better sense. Latta said that if the Planning Commission doesn't feel that approving the plan will improve the situation, then you deny the request, keep the record open, and not make a decision tonight. Robert Duncan thought there were three options. You can leave it the way it is, you can sign and stripe it, and create one way traffic. He felt that the Planning Commission should be making it safe. Latta said that you can close the public hearing, keep the record open, and make a decision on what you have, or keep the record open, and allow them to submit a plan. Wullenwaber asked if we should add a condition to require them to make it slanted parking. Latta said that you can keep it open, or close it, and make a decision.

McEntire asked with the striping, what exactly are we trying to accomplish when we talk about striping. Latta said that the concern is if there will be a lot of traffic at that intersection. Is there a way to direct, limit or control that traffic in the access way. Will striping accomplish that? Wullenwaber said that they could leave it the way it is too. Latta said it's in your hands. You can have them return, and schedule them for the next hearing, or the Planning Commission can say that you are more comfortable with them presenting a plan to staff, or you can close the hearing, and not require that. Wullenwaber said that looking at existing traffic, and working the way it is, we are leaving the traffic so that part of it will go out the back. We are changing it, because we are relieving and adding more access on the back of the building, to Smith, or Territorial.

At the hour of 8:15PM, the public hearing was closed.

- Latta had suggested conditions of approval. Number eleven would be dealing with the curb; the applicant shall install a six in curb parallel with the crosswalk east of 1,746 sq. ft. retail space from the proposed curb to the 5 ft. sidewalk east of the space. Number twelve, would be prior to development, the applicant will submit a signing and striping plan to the City for approval to address the access issues at the ODOT access.

- Bristol then **motioned that the Planning Commission approves the application for the site plan and historic review application LU 345, based on the criteria and findings of fact, with two additional conditions of approval.**
 - **11. With the development, the applicant shall install a 6 in curb parallel with the crosswalk east of the 1,746 sq. ft. retail space from the proposed curb to the 5 ft. sidewalk east of the space, and**
 - **12. Prior to development, the applicant shall submit a signing and striping plan to the City for review and approval to address the access issues at the ODOT access onto 3rd St.**
- Wullenwaber **seconded the motion. The Planning Commission then voted unanimously to approve the site plan and historic review for the conversion of the family residence into a commercial office space, expansion of the existing parking lot, and the addition of two new loading spaces, with two additional conditions of approval.**

Others:

- Latta said that the City Council recently dealt with some non-compliance issues, and decided to address them, so those will be coming to the Planning Commission in the future.

Marijuana Facilities

- Latta said that the City decided to not do an ordinance for prohibition on marijuana facilities, because it removes our ability to tax them. Instead, the City is relying on the business license prohibition. For the time being, we can deny those in compliance with federal and state local laws. If the courts make a decision on the business license issue, then the City Council could at that time, decide to move on the prohibition ordinance. There is time still left for this, since we would need to have it in the November 2016 elections.
- Bristol asked if that means that we don't have to deal with zoning and ordinances on those.
- Latta told him that we've chosen to pursue the regulations, just in case the decision is overturned. We want to make sure that we have in place if that happens.

Today's Discussion

- Thomas was concerned about today's discussion. With the Mayor's involvement, she could tell the applicant was frustrated.
- Latta said that it's very important we deal very carefully with the process. That's why the Planning Commission public hearing process is so structured, and why we do it as outlined, with the applicant presentation, staff report, testimony, and rebuttals. The Mayor kept having comments, but he said it was neutral.
- Bristol said he was wondering about that. We asked for testimony that was against the project, and there was none, but he said it was neutral.
- Latta said that he's not sure with the neutral testimony to the proposal, how we would address it with an appeal. He said neutral, because he was in favor of the application,

but had some concerns. He felt that his testimony was neutral, and raised concerns, which is also acceptable. He (Latta) should have had you close the public hearing; but it was confusing, because we also talked about the request to hold the record open.

- Bristol thought that asking for an open record meant that it's for additional written information, not for additional discussion.
- Latta told him correct. That's not the request that they were making. If there was opposition testimony, then somebody has to submit it within seven days, and the applicant can review it, and rebut it. That's fair to both sides. Then you would need another meeting to review the material that was submitted. He added that we can have some training at a future meeting, and go over that process.
- Bristol said that he just wants to make sure that we don't get sued. We need to make sure that it meets the thresholds, and make it better and better.
- Thomas liked how it got them to thinking about the fact that they have six lanes of traffic converging on one point.

With no further business, the Planning Commission adjourned at the hour of 8:34PM.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Site Plan Review & Historic Review to convert an existing residence into a professional office space, and expand and modify the off-street loading and parking lot for the EZ Stop Market, Subway, and the proposed office space. The property is zoned C-1 – Commercial with an H-1 – Historic Overlay.

LOCATION: 353 Smith Street

HEARING DATE: September 15, 2015

ZONING: C-1 (Commercial)

APPLICANT

Thom Lanfear
541 Willamette Street, Ste. 402
Eugene, OR 97401

OWNER

Harrisburg Plaza, C/O: Ed Wells
950 Hwy 99 N.
Eugene, OR 97402

APPEAL DEADLINE: September 25, 2015, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on September 15, 2015, and voted to approve the requests, subject to the conditions of approval contained in the staff report. The Planning Commission adopted the findings contained in the Staff Report of the September 15, 2015, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: This 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

\$350 plus actual expenses for appealing a Planning Commission to the City Council.

EFFECTIVE DATE: September 25, 2015, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Site Plan Review and Historic 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 and Historic Review approvals will expire on September 25, 2016.

Charlotte Thomas
Planning Commission Vice Chair

CONDITIONS OF APPROVAL

11. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal.
12. **Off-street Loading Areas** – With development, the applicant shall stripe the loading zones and provide signage indicating the areas as loading zones with no parking.
13. **Bicycle Parking** – With development, the applicant shall provide 4 bicycle parking spaces. At least two of the spaces shall be located near the proposed office space and shall be visible from either the street or primary building entrance.
14. **Parking Lot Lighting** – Prior to development, the applicant shall submit a parking lot lighting plan to the city for review and approval. The lighting plan shall be consistent with the recommendations in the Harrisburg Design and Community Action Plan.
15. **Storm Water Improvements** – Prior to development, the applicant shall submit to the city engineered storm water plans for review and approval. The plans will need to be prepared by an Oregon licensed engineer and stamped. The plans shall demonstrate how storm water will be captured and removed from the site.
16. **Screening and Buffering** – With development, the applicant shall provide screening and buffering along the entire eastern property line of the proposed development. The screening shall be a 6 ft. tall wood fence. The fence will need to be tapered near the street consistent with the fencing requirements in the Harrisburg Municipal Code. The planted buffer shall be 8 ft. wide and be planted with shrubs and/or trees.
17. **Sediment Control Plan** – Prior to development, the applicant shall submit a sediment control plan to the city for review and approval. The plan shall demonstrate how the applicant proposes to keep sediment from entering onto adjacent properties or into the city's storm water system.
18. **Construction Safety Plan** – Prior to development, the applicant shall submit a construction safety plan. The plan shall demonstrate how the applicant proposes to keep the general public safe and out of the construction zone during construction activity.
19. **Irrigation Plan** – Prior to development, the applicant shall submit an irrigation plan to the city for review and approval. The irrigation plan shall demonstrate how the applicant proposes to irrigate all landscaping associated with the development.
20. **Fence Permit** – Prior to development, the applicant shall obtain a fence permit from the city for the 6 ft. tall cedar fence.

21. **Curbing** – With development, the applicant shall install a 6 in curb parallel with the crosswalk east of 1,746 sq. ft. retail space from the proposed curb to the 5 ft. sidewalk east of the space.
22. **Signing and Striping Plan** – Prior to development the applicant shall submit a signing and striping plan to city for review and approval to address the access issues at the ODOT access.

DEVELOPMENT RELATED CONCERNS

- c. **Change of Use Permit** – The conversion of the residence to an office space will require the applicant to obtain a Change of Use permit. Application for the permit is made through the City.
- d. **System Development Charges** – The expanded parking lot and converted residence to an office space will require the applicant to pay applicable system development charges. The system development charges will be required to be paid prior to the issuance of a Change of Use Permit.