



Harrisburg Planning Commission Minutes November 20, 2018

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 Chairperson Todd Culver. Also present were as follows:

- Roger Bristol
- David Smid
- Rhonda Giles
- Kent Wullenwaber
- Jeremy Moritz (New Member appointed at last City Council meeting)
- Youth Advisor Victor Hesser
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening was Commissioner Kurt Kayner.

Approval of Meeting Minutes:

- Bristol motioned to approve the minutes, and was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the minutes of October 16, 2018.

Reconsideration of Grocery Deals Site Plan Approval (LU 391)

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 7:02pm.

Chairperson Culver asked if there were any conflicts of interest, or ex parte contact to declare. Chairperson Culver related that he had received a phone call from Juan Cervantes, but had told him that he doesn't discuss Planning Commission business outside of the meetings, and that he would need to come to the meeting to discuss anything in relation to this land use request. No one rebutted Chair Culver's declaration of an ex parte contact. There was also no other ex parte contacts or conflicts of interest declared, or any rebuttals of such.

Applicant's Presentation: None. No one was present on behalf of the applicant.

Staff Report: Latta reviewed the material that he provided in the staff report for the reconsideration of the Grocery Deals Expansion. Staff recommended to the Planning

Commission that they allow the plan to be amended, to allow the building to be built up to the minimum five foot required setback from the west property line.

The Planning Commission asked some basic questions about the property, and staff confirmed that the wall that has been constructed isn't closer than 5' to the property line. The Planning Commission approved the original permit at 6' to the property line. The landscaping, and other conditions presented on the plan are the same.

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

Testimony in Opposition of this land use request:

Juan & Jodie Cervantes, owners of 242 Territorial St; were present this evening. They were upset with how the City and City staff handled this project from when they first thought, and reported that the building was closer than the 6' that was approved by the Planning Commission. They weren't happy with the fact that the contractor started moving the partially constructed wall back to 6', and then went back to complete the wall at 5'. They also expressed concerns about the fencing, which was lying against their current fence, and wasn't even supported by its own posts, and the dark corridor that was there now between the properties. Part of their concerns also had to do with the wall of the building that was blocking the sun to the plants on the east edge of their property, and that there would be excessive heat generated there as well, due to the proximity of the wall.

Moritz asked if the building was beyond the 6', and Latta told him it was just a little over 5' from the property line now, likely at 5' 5" or 5' 6". The Planning Commission asked staff a series of questions, mostly in relation to the fence, the landscaped area, and the type of siding used. Latta told the Planning Commission that the applicant would need to comply with both the fence, and the landscaping plans that were approved by the Planning Commission and City Staff. Staff would verify that the fence was properly installed, and landscaping was present. Chairperson Culver reminded everyone that the main issue tonight was the 5' setback, and technically, the 5' setback is allowed in the code.

The Public Hearing was closed at the hour of 7:26pm.

The Cervantes preferred to have the Planning Commission require that the wall be moved back to the 6' line that was originally approved. However, the Planning Commission explained to the Cervantes that they needed to verify whether or not the construction met our code requirements, and Bristol explained to them that the 5' standard does still comply with the law.

- Bristol then **motioned to amend the approved Grocery Deals Site Plan (LU#391) to allow the building expansion to be built up to five (5) feet of the west property line. He was seconded** by Smid, and the **Planning Commission voted unanimously to approve the motion and allow the original plan to be amended to have the west wall of the expansion be up to 5' from the west property line.**

Others:

Congratulations to Youth Advisor Victor Hesser, the winner of this year's Jim Gilligan's Youth Service Award at the Distinguished Service Awards Ceremony

- Eldridge shared with the Planning Commission that our Youth Advisor had won the Youth Service Award for the City of Harrisburg this year, and congratulated him.
- The Planning Commission congratulated him on his well-deserved award.

With no further business to discuss, the Planning Commission meeting adjourned at the hour of 7:40pm.

Planning Commission Chairperson

City Recorder

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Reconsideration of a Site Plan Review to construct a 2,200 sq. ft. addition to an existing retail building, and provide off-street parking; on-site buffering, and landscaping. The reconsidered item is to allow a 5-ft. side yard setback from the west property line.

LOCATION: Tax Lots 1200 and 1301 of Linn County Assessor's Map 15S04W16AA

HEARING DATE: November 20, 2018

ZONING: C-1 (Commercial)

**APPLICANT/
OWNER** Heidi Miller
295 N. 3rd Street
Harrisburg, OR 97446

APPEAL DEADLINE: ~~July 2, 2018, at 5:00 p.m.~~
DECEMBER 14, 2018

DECISION: The Harrisburg Planning Commission conducted a public hearing on November 20, 2018, and voted to approve the request. The Planning Commission adopted the findings contained in the Staff Memorandum of the November 20, 2018, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

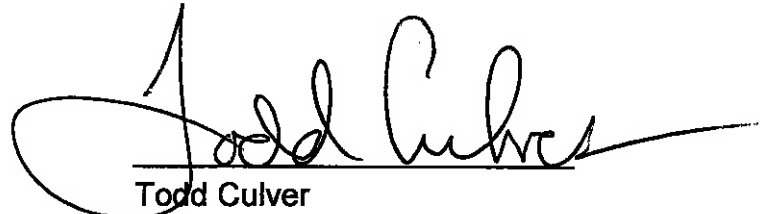
APPEALS: The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: December 3, 2018, unless an appeal has been filed with the City Recorder.

APPEAL DATE MODIFIED BY Michelle Eldredge

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 December 3, 2019.



Todd Culver
Planning Commission Chair