



Planning Commission Meeting Minutes

October 15, 2024

Chairperson:	Todd Culver, Presiding
Commissioners Present:	Jeremy Moritz, Joe Neely, Susan Jackson, Rhonda Giles, Kent Wullenwaber, and Youth Advisor Nolan Malpass.
Commissioners Absent:	Kurt Kayner
Staff Present:	City Administrator/Planner Michele Eldridge,
Meeting Location:	Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Chairperson Todd Culver

CONCERNED CITIZEN(S) IN THE AUDIENCE. Everyone present was there for items on the agenda.

APPROVAL OF MINUTES

Moritz motioned to approve the minutes for June 18, 2024, and was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the Minutes for June 18, 2024.

PUBLIC HEARING

THE MATTER OF APPROVING THE PROPOSED PRELIMINARY SUBDIVISION PLAT FOR SOMMERVILLE MEADOWS LOCATED AT 915 SOMMERVILLE LOOP (LU NO.459-2024).

Chairperson Todd Culver read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:04PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest or any Ex Parte contacts.

Moritz declared both a conflict of interest and ex parte contact. He recused himself to the audience during the entirety of the Public Hearing.

There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Culver then read aloud the criteria that were relied upon for this land use hearing and noted additional copies of criteria near the door. He also directed the audience on how they would

need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Eldridge gave a summary of the application. She stated that this plat includes 11 residential lots for single-family detached homes and is located in an R-1 zone. The proposed preliminary subdivision plat includes one new public street and limited improvements to the existing Sommerville Loop right-of-way.

Eldridge highlighted the following conditions and Criteria:

- Criterion 1 – Met.
- Criterion 2 – Met with Condition 1: Provide Linn County Surveyor with the proposed subdivision plat name, Condition 2: Enter into a mutual agreement for infrastructure and utilities, and Condition 3: Provide copy of a DEQ 1200-C Report to City.
- Criterion 3 – Met.
- Criterion 4 – Met.
- Criterion 5 – Met with Condition 4: Sidewalks, curbs & gutters, Condition 5: Bring Lot No. 11 up to code, and Condition 6: Emergency turnaround paving required.
- Criterion 6 – Met with Condition 7: Fencing and plantings for detention pond.
- Criterion 7 – Met with Condition 8: Culverting, curbs and gutter and engineering detail, Condition 9: Street trees, Condition 10: Reserve strip, Condition 11: Fire hydrant, streetlights, and mailboxes.
- Criterion 8 – Not Applicable
- Criterion 9 – Met with Condition 12: Water system connection.
- Criterion 10 – Met with Condition 13: Drainage and storm system.
- Criterion 11 – Met with Condition 14: Underground utilities.
- Criterion 12 – Met with Condition 15: Easements.
- Criterion 13 – Met with Condition 16: Permitting required.
- Criterion 14 – Met with Condition 17: Installation plan.
- Criterion 15 – Met with Development Consideration #1 – Separate Development Agreement (DVA).
- Criterion 16 – Met with Development Consideration #2 – Shop on Lot No. 10 may not be used without residential dwelling, and Development Consideration #3 – Minimum sized garage/carport must be constructed on Lot No. 11.
- Development Consideration #4 – Submission of Final Plat.
- Development Consideration #5 – Comply with plan submitted.
- Development Consideration #6 – Wells shall be properly abandoned.
- Development Consideration #7 – Requirements imposed upon a developer or builder.
- Development Consideration #8 – All public improvements subject to review.
- Development Consideration #9 – All documents must be stamped by licensed professionals at time of final plat.

Staff feels that all requirements are met and recommends approval.

APPLICANTS TESTIMONY: Doug Shelly addressed Commission to answer any questions. None asked at this point.

TESTIMONY IN FAVOR WAS ASKED FOR.

- Bob Bronson spoke in favor and voiced concern about storm water and drainage into the City's infrastructure. He also spoke to the parking on the narrow street.

TESTIMONY IN OPPOSITION WAS ASKED FOR.

- None given.

NUETRAL TESTIMONY WAS ASKED FOR.

- Gordon Moritz, Jeremy Moritz, and Dana Henry commented.

The public hearing was closed at the hour of 8:01pm.

- Commission discussed street parking issues and hammerhead treatment for EMS services. When concern was related about the width of the road, Giles pointed out that the code allows the proposed 29'.
- The applicant also brought up concerns about not being allowed to develop the existing properties that aren't served by the new road, until that infrastructure is completed. This was discussed for some time, and it was noted that this situation hasn't come up before, with some lots available from already developed streets. As such, the Planning Commission determined a new condition, No. 18, which will allow construction on Lots 9, 10 and 11, if the final plat is recorded at Linn County, the Development Agreement has been completed by both parties, and the Civil Engineering (privately engineered public improvement construction plans and specification) for the subdivision have been completed.
- Eldridge called Public Works Director Chuck Scholz and verified that the storm flow from the detention pond will be routed down the 9th Street system, to the drainage system on the north side of Sommerville Loop, which then flows across 6th Street and out towards Eagle Park.
- Giles **motioned to approve and amend the Sommerville Meadows Preliminary Subdivision, LU No. 459-2024, subject to the conditions of approval contained in the June 10, 2024 Staff Report. This motion is based on findings contained in the October 8, 2024 Staff Report and on findings made during the deliberations on the request. Condition No. 13 was amended to read 'shall' instead of "Should". Condition No. 18 was added: The Applicant will be allowed construction on lots 9, 10 and 11, if the following conditions are met: The Final Plat has been recorded at Linn County; The Development Agreement has been completed by both parties; and the Civil Engineering (privately engineered public improvement construction plans and specifications) for the Subdivision has been completed, and approved by the City Engineer was added. The motion was seconded by Neely.**
- The Planning Commission then voted unanimously to approve and amend the Sommerville Meadows Preliminary Subdivision, LU No. 459-2024, subject to the conditions of approval contained in the June 10, 2024 Staff Report. This motion is based on findings contained in the October 8, 2024 Staff Report and on findings made during the deliberations on the request. Condition No. 13 is amended to read 'shall' instead of "Should". Condition No. 18 was added: The Applicant will be allowed construction on lots 9, 10 and 11, if the following condition are met: The Final Plat has been recorded at Linn County; The Development Agreement has been completed by both parties; and the Civil Engineering (privately engineered public improvement construction plans and specifications) for the Subdivision has been completed, and approved by the City Engineer was added.

OTHERS

- Eldridge noted that some cities are declaring moratoriums on storage facilities. However, even though we have a lot of them, and would prefer that our precious industrial land is not used for more; if they follow the City's development code, we wouldn't be able to declare a moratorium without risking a lawsuit because it would otherwise be discriminatory.

With no further discussion, the meeting was adjourned at the hour of 8:42 pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a proposed Preliminary subdivision plat entitled Sommerville Meadows Subdivision (LU 459-2024) to create an 11-parcel subdivision, with one storm detention tracts.

LOCATION: The subject site is located on the east side of S. 9th St., in between the Max Hammer Subdivision, and Sommerville Loop. The address is 915 Sommerville Loop, and is otherwise known as 15S-04W-15CA 03200.

HEARING DATE: October 15, 2024

ZONING: R-1 (Single-Family Residential)

APPLICANT: Doug Shelley
1163 Spruce St.
Junction City, OR 97448

OWNER: Regal Homes by Shelley, Inc.
1163 Spruce St.
Junction City, OR 97448

APPEAL DEADLINE: October 28, 2024 10:00am

DECISION: The Harrisburg Planning Commission conducted a public hearing on October 15, 2024, 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 October 15, 2024, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: People with legal standing to appeal are the applicant or owner of the subject property, and any person who testified orally or in writing during the subject public hearing before the close of the public record. 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 \$1,000.00.

EFFECTIVE DATE: October 28, after 10:00am, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Final Plat must be provided to the City within two years after the preliminary subdivision plat is approved, and is considered a Type I Application.

If the applicant has not submitted the final plat for approval within two years of the approval of the preliminary plat as provided by HMC 19.20.090, then the approval shall lapse, and the applicant will need to refile for the preliminary plat process.

MODIFICATIONS & EXTENSIONS:

The applicant may request changes to the approved preliminary plat or the conditions of approval following the procedures and criteria provided in Chapter 19.30 HMC. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period of a Type III Procedure not to exceed one year per extension, provided that the applicant follows all criteria as required in HMC 19.20.030(3).


Todd Culver
Planning Commission Chair

APPROVED CONDITIONS OF APPROVAL

CONDITION NO.1: The Applicant shall provide to the Linn County surveyor the proposed subdivision plat name to verify the plat name is not already recorded for another subdivision and that it satisfies the provisions of ORS Chapter 92.

CONDITION NO. 2: The applicant and the City of Harrisburg shall enter into a mutual agreement for the placement and completion of all required infrastructure and utilities, including permanent access and maintenance easement for the storm drain detention area by the City with funding assistance provided by the applicant

CONDITION NO. 3: The applicant must provide a copy of the approved DEQ 1200-C Report to the City, prior to construction beginning on the site.

CONDITION NO. 4: The developer will be required to wrap the sidewalk, curbs and gutters around to the Sommerville Loop side of the property, to the southeastern corner of Lot No. 10. During this process, the driveway on the southwest corner must be discontinued, as it is in a dangerous location.

CONDITION NO. 5: The developer will be required to bring Lot No. 11 up to code, as it is currently non-conforming. This triggers other development requirements, which will be addressed later in this report. Curbs, gutters and sidewalks will be required from the southwestern corner to the southeastern corner of Lot. No. 11, and the developer must also pave the first 25' of each leg of the circle driveway. The developer can choose to discontinue a portion of the driveway in order to limit paving requirements, but must determine which section of driveway will be considered primary, as access across the curbs, gutters and sidewalks will only be allowed for the primary driveway.

CONDITION NO. 6: The developer has shown an emergency turnaround easement on Lots No. 4 and 5. These easements must be paved, and be able to withstand 75,000 lbs. of emergency vehicle. The deed for lots 4 and 5 should state that the homeowners are not allowed to park on these approaches, but may use them as a driveway to the back of their property, or to a gravel pad used to store a RV. The developer shall add a small sign to the landscaping in this area at the time that the building permit is issued that states no parking in this area.

CONDITION NO. 7: The applicant shall provide the City with a plan for a fence, and plantings for a standard detention pond as required by the City Engineer in the detail provided in the public improvements plan set. (Civil Engineering)

CONDITION NO. 8: Applicant will provide the engineering detail for the culverting, sidewalk, curbs and gutters, that are required on Sommerville Loop at the time of the Civil Engineering plans being provided to the City Engineer for approval.

CONDITION NO. 9: Builders shall provide street trees in the front yards of lots located in the Sommerville Meadow Subdivision to meet the provisions of HMC 12.20.010(3). The required street tree planting funds shall be provided to the City of Harrisburg, consistent with the provisions of HMC Chapter 12.20, and Council Fee Resolutions at the time of the filing the Development Agreement (DVA).

CONDITION NO. 10: The applicant will be required to provide the City with a reserve strip as a separate tract in the final plat. This detail shall be required to be shown in the civil engineering set of plans that the City Engineer will approve.

CONDITION NO. 11: At the time of submitting the required privately engineered public improvement construction plans and specifications, the Applicant shall show the location and type of fire hydrant, the location and elevation of the closest benchmarks, the location and type of street light at the intersection of S. 9th St. and Thompson Way, as well mailbox detail that conforms to the requirements of the USPS and State of Oregon Structural Specialty Code.

CONDITION NO. 12: Lot No. 11 does not have water services at this time, and must be connected to the water system prior to the Final Plat submission, or a period of six months from the date of approval of this preliminary plat, whichever comes first. This will require that connection fee and meter drop fees be paid by the developer, and that a backflow device be installed through a standard plumbing permit.

CONDITION NO. 13: The applicant shall provide and show that the roof drainage for future homes shall be piped to the storm system through weepholes in the curbs, and shall be detained in the storm detention system. The applicant must also work with the City Engineer to determine a different detention device, such as a storm detention pond, that can be used for storage of storm water. As previously conditioned, the stormwater detention area will need to be landscaped, and fenced. All changes shall be reviewed and approved by the City Engineer, and will be shown on the privately engineered public improvement construction plans and specifications

CONDITION NO. 14: In accordance with the requirements of HMC 18.85.060(2)(b), all utilities shall be placed underground prior to the issuance of the first building permit.

CONDITION NO. 15: All proposed easements shall be provided at the time of Final Plat application submittal. The proposed easements shall be referenced on the final plat and recorded accordingly.

CONDITION NO. 16: The Applicant shall acquire all required permits, including but not limited to those related to demolition (if applicable) and site preparation, building, electrical, mechanical, and plumbing, before beginning construction of different project components, as required by HMC Title 15.

CONDITION NO. 17: The Applicant shall provide an acceptable plan for the installation of items provided in design specifications, including but not limited to the number, type and location of fire hydrants, manholes, sidewalks, street signs and mail receptacles. These items shall be provided to the City Engineer prior to starting construction of the infrastructure of this subdivision.

CONDITION NO. 18: The Applicant will be allowed construction on lots 9, 10 and 11, if the following conditions are met:

- The Final Plat has been recorded at Linn County
- The Development Agreement has been completed by both parties
- The Civil Engineering (privately engineered public improvement construction plans and specifications) for the Subdivision has been completed, and approved by the City Engineer.

OTHER DEVELOPMENT CONSIDERATIONS (*Informational Only*)

DEVELOPMENT CONSIDERATION NO. 1: A separate Development Agreement (DVA) between Applicant and the City of Harrisburg will be required before any construction begins. The Development Agreement will include bond and deposit requirements, as well as other engineering requirements

DEVELOPMENT CONSIDERATION NO. 2: The developer must inform any buyer of Lot No. 10 that they may not use the shop for storage until/unless a new residential dwelling is submitted for the building permit process. If the owner wishes to use the accessory structure as a garage, then it must come into compliance by the addition of a paved parking pad, and paved driveway accessed from S. 9th St.

DEVELOPMENT CONSIDERATION NO. 3: The applicant must construct a minimum sized garage/carport with paved parking pad prior to the City allowing any other building permit to be submitted in this subdivision.

DEVELOPMENT CONSIDERATION NO. 4: Submission of Final Plat – Applicant shall submit a Final Plat application consistent with HMC 19.20.090 within two years of the final approval of the preliminary plat.

DEVELOPMENT CONSIDERATION NO. 5: Development shall comply with the plans and narrative in the applicant's proposal, except where modified by the recommended conditions of approval.

DEVELOPMENT CONSIDERATION NO. 6: If there are any wells on the property that will not be used, they shall be properly abandoned by a licensed well driller.

DEVELOPMENT CONSIDERATION NO. 7: Requirements herein imposed upon the Applicant may be imposed upon a developer or builder if the developer or builder has accepted the responsibility in a written document, and the City of Harrisburg is satisfied

that it will not have any adverse impact on bonding requirements or other guarantees of compliance.

DEVELOPMENT CONSIDERATION NO. 8: All public improvements, including but not limited to, traffic control devices, detailed storm detention and conveyance system, sanitary sewer conveyance system, water distribution system, and roadway design details, are subject to review and approval under a future review of the privately engineered public improvement construction plans and specifications. The privately engineered public improvement construction plans and specifications need to be complete and approved before any construction starts on the project.

DEVELOPMENT CONSIDERATION NO. 9: At the time of Final Plat and development permit application submittals, all documents need to be stamped and signed by applicable licensed professionals, including but not limited to architectural, engineering, and landscape plans and technical reports and memorandums like the Storm Drainage Report and Sight Distance Memorandum.