



Planning Commission Meeting Minutes February 16, 2021

Chairperson: Todd Culver, Presiding
Commissioners Present: Roger Bristol, Kurt Kayner, Rhonda Giles, Jeremy Moritz, Susan Jackson, and Kent Wullenwaber
Staff Present: City Administrator/Planner John Hitt, Asst. City Administrator/City Recorder Michele Eldridge, Public Works Director Chuck Scholz, and Finance Officer/Deputy City Recorder Cathy Nelson
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 were there for items on the agenda.

THE MATTER OF APPOINTING A CHAIRPERSON AND VICE CHAIR FOR CALENDAR YEAR 2021.

Bristol **nominated Todd Culver for Chairperson for calendar year 2021 and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Appoint Todd Culver as Chairperson for calendar year 2021.**

Kayner **nominated Rhonda Giles for Vice Chair for calendar year 2021 and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Appoint Rhonda Giles as Vice Chair for calendar year 2021.**

APPROVAL OF MINUTES

Bristol **motioned to approve the minutes as amended and was seconded by Giles. The Planning Commission then voted unanimously to Approve the Minutes for December 15, 2021.**

PUBLIC HEARING

**THE MATTER OF THE SHADOWOOD PRELIMINARY 13-LOT, RESIDENTIAL SUBDIVISION
#LU 425-2021**

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, there were none stated. Culver then asked if there were any Ex Parte contacts. Culver stated that he had contact with the previous landowner but did not feel that it would influence his decision. 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: Hitt notified the Planning Commission that was his last meeting. He was retiring effective February 28, 2021. City Council hired Michele Eldridge as the new City Administrator. Hitt then read the staff report as submitted and drew attention to the following items:

- The parcel is being divided into ten (10) high-density lots which is allowed in the R3 zone, and two (2) single family lots as allowed in the R2 zone. Lot #13 is not proposed for development at this time due to potential wetlands.
- Criteria 2 pertaining to paving width is being met with the proposed Condition No. 6, not No. 3 as shown in the staff report.
- Criteria 3.b. regarding vehicular access to the parcels is adequate. Hitt pointed out that the two (2) new subdivisions will include sidewalks, drainage, and paved parking. There are no codes, state or local, that can require extensive improvements as a condition. The cars of travel on Sommerville Loop will not go over 400 even with this new subdivision. Hitt also stated that the State has been notified of the preliminary application due to wetlands.
- Hitt notified the Planning Commission on their three (3) options. They can 1. Approve outright, 2. Approve with conditions, or 3. Deny. Hitt warned that if the Planning Commission choose to deny without substantial findings in can and probably would go to appeals and eventually end up in court.
- Bristol asked if all the lots were on Sommerville, Hitt replied that they were.

APPLICANTS TESTIMONY: Rich Wood, of Wood Construction and Development LLC, addressed the Planning Commission. Planning Commission asked the following questions:

- Bristol asked if applicant just built in Monroe. Wood said he did not. He is currently building in Umatilla and Redmond. He has built in Harrisburg in the past.
- Moritz asked what their plans for lots 11 and 12 are. Wood replied that they are vacant lots, they do not have any building designs. Woods further clarified that lots 1 through 10 will have duplex footprints and lots 11 and 12 are for single family. He is not planning on building the actual structures on the lots. He is selling the lots, as is, for others to develop.
- Bristol pointed out that lot 11 is overlapping an adjacent lot. Wood replied that phase 2 is only an idea at this point. Hitt confirmed that we are only approving the

plat for the phase one strip on Sommerville Loop. The code asks for conceptual drawings on a plat plan.

- Moritz asked if each proposed lot is an individual tax lot. Will the duplex be on two (2) separate lots? Eldridge replied that Harrisburg has several tandem lots with duplexes on them through town; and yes, they are each an individual tax lot.
- Jackson asked if Sommerville Loop was where the pavement ends and is a partial county road. Scholz confirmed that is it and pointed out that Harrisburg has no jurisdictional control on a county road.
- Kayner asked if this was the same road, Sommerville Loop, and the same issues as the last meeting's discussion. Scholz said it was.
- Bristol stated that the new development will pay deposits on SDCs, he asked when they turn in the money for the improvements. Eldridge stated it is when the building permit is approved. Bristol asked if the sidewalks and pavement linked to anything. Scholz stated that the sidewalks will not at this time. However, the pavement will connect to the existing street.
- Culver reminded the Planning Commission that it does not have any jurisdiction over improving existing roads, that authority belonged to the City Council. The Planning Commission only had jurisdiction over new development. Hitt added that the City Council needs to update the TSP to address Sommerville Loop.

TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR.

Written public testimony received before February 9, 2021 was included in the agenda packet.

In Favor:

- Michael Dahrens, Engineer – 2350 Oakmont Way #105, Eugene, OR. Given the R3 Zoning they needed to design the footprints to show duplexes with shared driveways. This was the least intrusive way to develop this land. The duplexes will have to share a firewall. Most developers like the larger lots for building on, like lots 11 and 12.

In Opposition:

- Harvey Heckart – 1034 Sommerville Loop. Sommerville Loop is a problem. There are currently 82 dwellings and when the two new subdivisions are finished, that number will go up to 154 dwellings. The road is only 22 feet wide. The road becomes one lane when garbage cans go out. He acknowledged that he knew that the Planning Commission can do nothing about it. He will contact the City Council about the issue. Culver recommended and encouraged him to contact City Council.
- Allison Long – 1010 Sommerville Loop. Asking for contingency to not approve this or any more developments on Sommerville Loop until the street is fully developed. The street is a safety concern. Resident fears street development in front of her house will be paid for by homeowners. Kayner asked if staff can explain how the street development process works. Hitt stated that it is common for landowners to develop and pay for improvements in front of their property through agreements made with property owner.

Neutral:

- Allen Powell – 30539 Sommerville Loop. Concerned about stormwater drainage. Asked for clarification from the applicant on stormwater draining plans. Woods stated that they will maintain the open ditches. However, driveways will be piped. Powell asked if there would be accountability to keep water flowing. Scholz replied that there would be.

No rebuttal of testimony or additional questions for the public.

The public hearing was closed at the hour of 7:47 pm.

- Moritz asked if the City Council has talked about Sommerville Loop. Hitt stated that they have. They are discussing updating the TSP and Street Index. Scholz added that in 2016, Council created a street fund to start replacing streets per the street assessment report. The city started with the “F” rated streets and are moving up the list. Council has not specifically discussed Sommerville Loop because it was given a “D” rating and they are not at that rating yet. Moritz asked if staff would bring City Council the concerns about this street. Hitt responded the TSP needs to be updated first before the City Council or staff can move forward. Scholz stated that once the TSP gets updated, he can look at the CIP and get Sommerville Loop on it. Moritz asked at what time can City Council start looking at legitimate safety concerns on this street. Hitt reminded him that anyone can come to City Council and express concerns to Council. Kayner added that even if we had authority, how would we do it. He suggested that Planning Commission members go to City Council and push the agenda. Giles asked if anyone has taken their concern about Sommerville Loop to City Council. Hitt said at this point, no one has.
- **Giles motioned to approve the Shadowood Subdivision Application #LU 425-2021, subject to the conditions of approval contained in the February 2, 2021 Staff Report. This motion is based on findings contained in the February 2, 2021 staff report, and on public written and oral comments made on or about this application, and after due deliberation of the Harrisburg Planning Commission on the 16th day of February 2021. She was seconded by Kayner. The Planning Commission then voted 6 to 1, with Moritz being the Commissioner who voted against, to conditionally approve the Shadowood Subdivision Application #LU 425-2021 subject to conditions of approval contained in the February 2, 2021 staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application.**

With no further discussion, the meeting was adjourned at the hour of 8:02 pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a proposed subdivision entitled Shadowood Subdivision (LU 425-2021) to create a 13-parcel subdivision.

LOCATION: The subject site is located adjacent and to the east of 995 Sommerville Loop, and is also known as tax lot 3000 of Linn County Assessor's Map 15S04W15.

HEARING DATE: February 16, 2021

ZONING: R-2 (Medium Density Residential) and R-3 (High Density Residential)

APPLICANT Wood Construction & Development LLC
Richard Wood
5125 NW Greenwood Ave
Redmond, OR 97756

OWNER: William R. Wood
PO Box 3500-130
Sisters, OR 97759

APPEAL DEADLINE: March 2, 2021, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on February 16, 2021, 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 February 16, 2021, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

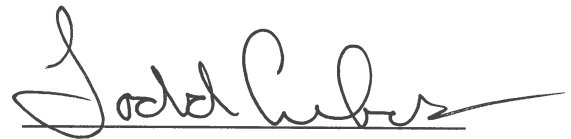
APPEALS: The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a

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: March 3, 2021, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Final Plat must be provided to the City within six months after the preliminary subdivision plat is approved. If the applicant has not submitted the final plat for approval within six months of approval, the preliminary plat shall be resubmitted to the Planning Commission for additional review (see HMC 17.25.010(1)). Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the approval period one time for a period not to exceed one additional year.

Unless appealed, this Subdivision approval will expire on September 3, 2021.

A handwritten signature in black ink, appearing to read "Todd Culver", with a horizontal line drawn underneath it.

Todd Culver
Planning Commission Chairperson

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, and all applicable land use and building code requirements contained in HMC Chapters 15, 17 & 18, except where modified by the following conditions of approval.
2. **Street Lights** - Prior to the submission of a Final Plat, the Applicant shall submit a street light plan as directed and acceptable to the City's Director of Public Works.
3. **Public Infrastructure** - Prior to the submission of a Final Plat the Applicant shall comply with all of the public utilities, ROW and easement requirements of HMC Titles 12 & 13. All utilities shall be located underground.
4. **Fire Hydrants** - Prior to the submission of a Final Plat the Applicant shall meet with an officer of the Harrisburg Rural Fire District to determine the exact number, size and types of required fire hydrants and shall call out same on a Preliminary Plat Map, 12 x 17, or larger.
5. **Excavating and Grading** - Applicant shall comply with Excavating and Grading provision as required by HMC 15.05.030 and the permitting procedures of HMC 15.05.040-070.
6. **Revised Application Drawings:** Prior to the submission of a Final Plat the Applicant shall amend his application drawings, (sheet 5) to show a 5.5' wide sidewalk, a planter/utility area of approximately 5.5' wide showing the addition of street trees as required in HMC 12.20, and at least 7.5' feet of new asphalt adjacent to the existing paved surface. Trees must be from the approved street tree list and shall not be a maple tree. Submit to the city's Director of Public Works for his approval, prior to any excavating, grading or construction.
7. **Submission of Final Plat** - Applicant shall submit a Final Plat application consistent with HMC 17.25, within six months of this approval, unless an extension is timely requested and granted.

OTHER DEVELOPMENT CONSIDERATIONS:

- a. If there are any wells on the property that will not be used, they shall be properly abandoned by a licensed well driller.
- b. 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.
- c. 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

streetlights (type to be approved by the Public Works Director), fire hydrants, manholes, sidewalks, street signs and mail receptacles. These items shall be completed prior to any occupancy, except that sidewalks shall be installed prior to the occupancy of the lot.

- d. 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.
- e. Applicant shall acquire all required building, electrical, mechanical, and plumbing permits before beginning construction as required by HMC 15.05.010 &.020.