



Harrisburg Planning Commission Minutes

November 19, 2019

The Harrisburg Planning Commission meeting was held at the Harrisburg Municipal Center, located at 354 Smith St., at the hour of 7:01pm. Presiding was Vice-Chair Roger Bristol. Also present were Commissioners Kurt Kayner, Rhonda Giles, Jeremy Moritz, David Smid, Kent Wullenwaber, and Youth Advisor Quinton Sheridan. Absent was Chairperson Todd Culver. Staff present were Contract Planner Jordan Cogburn, and City Recorder/Assistant City Administrator Michele Eldridge.

Concerned Citizens in the Audience: Several citizens were in attendance, but all were present for the land use review on the agenda.

THE MATTER OF THE FRED PROPERTY LLC COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 413 & LU 414)

Vice-Chair Bristol read aloud the script as required by land use laws, along with the process for requesting a continuance, as well as that to request that the record stay open.

The Public Hearing was opened at 7:06pm

Vice-Chair Bristol asked if there were any conflicts of interest to declare, or any ex parte contact. There were none, and no rebuttals of such.

Applicants Presentation: Karl Mueller, of 846 A St., in Springfield, after noting that it was rather different to put his presentation before the staff report, commented that the application is consistent with the relative criteria. The purpose for the requested zone change is for Mr. Tim Walter to develop the property to be used for assisted living. There was a note in the staff report, that the staff wasn't able to confirm the true intention of the redesignation and rezone request because that type of use is conditionally allowed in the zone. However, he noted that there is more density allowed in the R-2 zone. He is here to answer questions about the development.

- Bristol asked him about his comment on why he was applying for the zone change, and that the reason for that path, was because of the density allowed in the R-2 zone?
- Mueller told him yes. He was looking for a higher density than what is allowed by a conditional use in the R-1 zone. That's why we applied for a zone change and comprehensive plan map amendment, because there are higher density values in the R-2 zone.
- Moritz asked him how many units they were planning?
- Mueller thought it was about 14 per acre.
- Moritz asked for confirmation of the property being two and a quarter acre?
- Mueller told him that was correct.
- Cogburn told him that there are constraints in the R-1 zone, where they would be constrained to a certain density.

Staff Report: Cogburn indicated that Mr. Mueller will have an opportunity to respond to his staff report. They have met the minimum criteria required for this request. That includes HMC 18.120 in relation to amendments to the Comprehensive Plan Map, as well as complying with the Comprehensive Plan, goals 1 through 19, and also complies with the Oregon Statewide planning goals. He didn't find any inconsistencies with code, or with the plan. His only real question was the intent of this development. There are multiple definitions for residential facilities, and the state regulates one kind of facility, while other facilities might have apartments. He thanked Mueller for letting us know the intent. It's difficult to maximize the use of a buildable lot, unless an applicant is allowed maximum density. He noted that this is not a spot zone, because the property is adjacent to the R-2 zone, even though it is currently R-1. As he noted in his staff report, the addition of this property to the R-2 zone will alleviate some of the deficit in that multi-family zones; however, it will also nullify any gains made in alleviating the R-1 deficit as the result of annexation and subsequent rezoning of the site. Staff recommends the approval of this request to the City Council.

- Bristol asked about the services to this location.
- Cogburn told him there were no problem with services to the site, and we are ok with traffic demand to that site as well.
- Moritz said that he knew we are talking about a zone change here, but oftentimes, when you look at a site plan, you get to look into the traffic numbers. Is that something we get to look at? Are they putting in a dead-end street, or a not-through street?
- Cogburn told him that at this meeting, we are only recommending that the property be allowed to apply a higher density value. They will still have to apply for a site plan review. We are not approving that at this time.
- Kayner said yeah, City Council has to do that. This is a recommendation.
- Cogburn said that was correct. There are two public hearings required for this type of request.
- Moritz said that they were used to seeing more information.
- Bristol added that he had wondered why we don't have a site plan to look at.
- Cogburn said that there isn't a site plan, because there has been no development proposed yet.
- Bristol added then that's where we would see what kinds of units are being proposed.

- Kayner said then we need to decide if we want to participate in this, and make a recommendation to the City Council.
- Cogburn told him that was correct. You would consider the types of uses allowed in the R-2 zone, determine if it's compatible, and look at the Comprehensive Plan.
- Kayner said that we would not be allowed to create an island with the zoning.
- Cogburn told him that was correct, and this is also relieving some of the R-2 deficit.
- Moritz noted then we don't have enough.
- Cogburn told him that was correct.
- Moritz said then the R-2 zone is designed for apartment living, or assisted living.
- Cogburn said that it's common to see more duplexes in a multi-family residential zone. You don't normally see a large lot like this.
- Moritz thought that they would need a larger building, for this type of use.
- Mueller said that they aren't planning a larger building. This will be a campus setting, with clusters of buildings, and on site, there are people who can help with laundry, or food. But this is not a nursing home, which would be a large structure with cell rooms. It's more spread out. That's one of the things he brought up in his report; that there would be clusters of structures.
- Cogburn asked him if that was going to be like a 55 and over mobile home park?
- Mueller told him sort of.

Vice-Chair Bristol asked for Public Testimony, and for Testimony in opposition to the request: There were none.

Vice-Chair Bristol then asked for Neutral Testimony: Nancy Nolan, who is a retired librarian from the local school district, lives directly south of this property, with one neighbor in-between. Right now, they (at the subject property) have a barn and cows; and that was pretty cool. They have lived there over 30 years. At one time, we actually had land, and when we developed it, they had to have a culvert put in. Her point is, is that when this goes in, she wants to be clear about drainage. She paid thousands of dollars for that culverting. She doesn't want their property to be affected by development. She then asked if there will be two story buildings in this development?

- Mueller told her that there is not a specific development plan at this time.
- Nolan asked if they would be putting a fence on this? She liked your idea, but they are just a little nervous about change.
- Bristol told her that when it comes back as a site plan, that will be when we talk about fences.
- Cogburn noted that to be clear, there is a second hearing on this request that is required, before it is approved. Only then will the site plan be allowed to be applied for.
- Smid asked if we would be discussing any parking, or anything like that?
- Cogburn told him we would consider that, when the applicant comes back with a site plan. He added that when it comes to storm water, the applicant will need to contain most of it onsite.

The Public Hearing ended at 7:25pm.

- **Smid motioned to approve the Fred Property LLC Comprehensive Plan Map Amendment and Concurrent Rezone Application (LU 413 & 414), Subject to Conditions of Approval Contained in the November 11, 2019 Staff Report. This motion is based on findings presented in the Staff Report to the Planning Commission on November 19, 2019, and Findings made by the Commission during Deliberations on the Request. He was seconded by Kayner.**
- **Realizing that the motion didn't make a recommendation to the City Council, nor were there any conditions of approval, Smid then motioned to recommend approval of the Fred Property, LLC Redesignation and Concurrent Rezone Request (LU 413-2019 and LU414-2019) to the City Council. This motion is based on findings contained in the November 11, 2019 Staff report, and on findings made during deliberations on the request. Kayner also seconded this motion. The Planning Commission then voted on the motion, which ultimately recommended to the City Council they approve the Fred Property, LLC Redesignation and Concurrent Rezone Request.**
- **Smid then motioned to withdraw his first motion; this was seconded by Kayner, and the Planning Commission voted unanimously to approve the withdrawal of the first motion. Because a vote had not been taken on the first motion, the motion to withdraw it superceded the original motion, leaving only the recommendation to the City Council that they approve the Redesignation and Concurrent Rezone Request for the Fred Property, LLC, resulting in a change from a R-1 Zoning Designation to the R-2 Zoning Designation as requested by the applicant.**
- ***Vice-Chair Bristol noted that as this recommendation is not the final decision, any participant not satisfied with this recommendation may submit additional testimony prior to, and during the City Council Public Hearing where a Final Decision may be made on this matter. Notice of the City Council public hearing will be sent to properties within 300-feet of the site, and those whom have submitted testimony on the matter a minimum of 20-days prior to the hearing.***

Others:

- **Cogburn said at the last meeting, we approved a variance request for a panhandle lot. He had a discussion after the meeting and spoke with the interim city administrator about this issue. He spent some time researching this, and he believes that there is a crisis and additional interest in the lots, and we shouldn't have passed the variance, because there was well over the 150' maximum distance required for fire apparatus to reach the home, and a fire lane was not designated. That leaves the developer with two options, both of which are very expensive. They can either install sprinklers, or have the house burn down if there is a fire.**
- **Bristol stated then it was approved, but it didn't meet fire code.**
- **Cogburn said that was correct. The roadway width wasn't an issue, but with the distance involved, there should have been conditions requiring a fire lane, allowing no parking in it. The residents need to understand, that with the house being 300' back, there will be no parking allowed in the road, so that a fire truck can get in there. While a fire truck can move a car, nobody should have to deal with that.**

- Bristol said that he would be happy to see a proposal.
- Cogburn said that he meets with John tomorrow. It should be addressed right away.

- Eldridge told the Planning Commission that the 2nd City Administrator Recruitment was still ongoing. The Personnel Committee is scheduled to meet tomorrow evening in order to review applications and determine how many qualified individuals they would like to interview. The City Council is scheduled for interviews on Dec 5th, 2019.

With no further business to discuss, the Planning Commission meeting adjourned at the hour of 7:39pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Comprehensive Plan Map Amendment and concurrent Rezone (LU #413 & 414) of a property located at 770 and 776 N. 7th Street from Low Density to Medium Density designation and R-1 Single Family Residential to R-2 Medium Density Residential zoning.

LOCATION: Tax Lot 200 of Linn County Assessor's Map 15S-04W-10CA

HEARING DATE: November 19, 2019

ZONING: R-1 (Low Density Residential)

**APPLICANT/
OWNER:** Fred Property & Equipment LLC
445 N. 7th St.
Harrisburg, OR 97446

APPEAL DEADLINE: N/A

DECISION: The Harrisburg Planning Commission conducted a public hearing on November 19, 2019, and voted to recommend approval of the requests to the City Council, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the November 12, 2019 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: As this is a Planning Commission recommendation and not a Final Decision, appeals are not applicable. Any party not satisfied with this recommendation may submit additional testimony prior to, and during the City Council Public Hearing where a Final Decision may be made on this matter. Notice of the scheduled City Council Public Hearing will be sent to properties within 300-feet of the site, and those whom have presented testimony on the matter a minimum of 20-days prior to the hearing.

EFFECTIVE PERIOD: The Planning Commission shall, within 63 days of the first hearing, recommend to the City Council either approval, disapproval, or modification of the proposed amendment.

After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in accordance with the notice provisions of HMC 18.125.140. The City Council shall render a final decision on the amendment request within 90 days of receipt of the Planning Commission recommendation.

Planning Commission Chair Pro-Tem