



## Planning Commission Meeting Minutes June 15, 2021

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Chairperson: Todd Culver, Presiding  
Commissioners Present: Roger Bristol, Susan Jackson, Kurt Kayner and Kent Wullenwaber  
Absent: Jeremy Moritz, and Rhonda Giles  
Staff Present: City Administrator/Planner Michele Eldridge, City Planner Jordan Cogburn, 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.

### **APPROVAL OF MINUTES**

Kayner motioned to approve the minutes for May 18, 2021 and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Approve the Minutes for May 18, 2021.

### **PUBLIC HEARING**

**THE MATTER OF THE BUTTERFLY GARDEN PRELIMINARY 24-LOT SUBDIVISION APPLICATION AND CONCURRENT VARIANCE AND SITE PLAN REVIEW APPLICATION (LU 429-2021).**

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 7:01PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest or any Ex Parte contacts. None stated. 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:** Cogburn gave a brief background of the property noting that this is the same property that applied for a manufactured park earlier in the year. The new application is dividing the 2.2 acres into 24 lots for townhomes, which are allowed in the code. He went over the eleven (11) suggested conditions.

The City of Harrisburg received written public testimony from Tim and Karen Salisbury as seen on page 50 of the agenda packet. The letter requested an 8' masonry fence for privacy and sound protection. The City received written public testimony from Terry and Christina Crabb as seen on page 48 of the agenda packet. The letter addressed their concern about the townhomes becoming rental properties.

Scholz noted that the applicant also requested a variance for the 125 ft. setback to 121 ft setback in relation to street placement. He did not see any safety issues with this request.

- Kayner asked about bulb-outs referred to in Condition 4. Scholz state that he did not feel they were necessary for this application. Any other current plans have been given variances to remove the bulb-out requirement. Cogburn agreed that they were not necessary.
- Bristol asked for more information on reserve strips. Cogburn explained that they are placed to prevent further development to preserve street continuity for grid alignment.

**APPLICANTS TESTIMONY:** Applicants Kevin Reed and Jeremy Zuidema addressed the Planning Commission. He reviewed his application and highlighted that the shortage of manufactured homes caused the pivot to town houses and will still provide affordable housing for 55+.

- Culver asked if the applicant had gone over the conditions of approval and if they were good with them. Reed replied that they had, and they prefer no bulb-outs and the requested variance of 4 feet for the setback.
- Bristol asked about the concrete wall referred to in the written testimony from Tim and Karen Salisbury. Reed said they were planning on doing a combination of vegetation, fencing and noise dampening material. Zuidema said they will construct a standard cedar fence. They understand that the neighbor has requested an 8ft tall perimeter fence. They do not think this is necessary and that their proposed fencing will be sufficient.
- Jackson asked how high the town houses are. Redd replied that they are a standard 2-story building.

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

**In Favor:**

None given.

**In Opposition:**

None given.

**Neutral:**

None given.

**No rebuttal of testimony or additional questions for the public.**

**The public hearing was closed at the hour of 7:25 pm.**

- **Kayner motioned to amend the conditions as presented to remove Condition 4. He was seconded by Bristol. The Planning Commission then voted unanimously to approve the amendment to remove Condition 4.**
- **Kayner motioned to approve with conditions as amended for the Butterfly Garden Preliminary 24-lot Subdivision, Variance, and Site Plan Review Application (LU 429-2021), subject to the conditions of approval contained in the June 15, 2021 staff report. This motion is based on findings presented in the staff report to the Planning Commission on June 15, 2021, and on testimony and findings made by the commission during deliberations on the request. He was seconded by Bristol. The Planning Commission then voted unanimously to approve with conditions as amended for the Butterfly Garden Preliminary 24-lot Subdivision, Variance, and Site Plan Review Application (LU 429-2021), subject to the conditions of approval contained in the June 15, 2021 staff report. This motion is based on findings presented in the staff report to the planning Commission on June 15, 2021, and on testimony and findings made by the commission during deliberations on the request.**

#### **PUBLIC HEARING**

**THE MATTER OF THE VINCENT FERRIS CONSTRUCTION BUILDING SITE PLAN REVIEW AND FILL PERMIT (LU 430-2021).**

**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 7:33PM, the Public Hearing was opened.**

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

Kayner stated that he had Ex Parte contact that would influence his decision. He recused himself from the rest of the discussion and left the meeting at 7:34pm.

**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 brief background of the application highlighting the proposed construction and the wetland area adjacent to the lot line. The Wetland Use Notice was filed along with the plans. Eldridge also pointed out that they will need an ADA parking space. The lot is in M-1 and M-2 zones. All the buildings proposed are in the M-1 zone. The biggest issues that need to be addressed are utilities and drainage.

- **Bristol inquired about landscaping. Sidewalks and trees go in when triggered and all other landscaping will be done now. Eldridge said that was correct.**

**APPLICANTS TESTIMONY:** Applicant Vincent Ferris addressed the Planning Commission. He said that his business has grown, and he needs a place to keep his equipment when weather requires. He is proposing to build buildings with room enough to grow. He asked for clarification on some of the conditions.

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- Ferris asked if the screening needed to be along the whole property or just where needed to cover certain areas. Eldridge said they had all kinds of options to work with. All processing and storage areas needs to be screened.
- Ferris asked if DSL had been contacted. Eldridge stated that the City has already contacted them and were waiting for a reply in writing.
- Wullenwaber asked where the customers will park. Ferris replied that in the future they will have a paved parking lot in front.
- Ferris asked if the fencing can be greenery. Eldridge replied that it can be if it reached a certain size by a certain timeframe.

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

**In Favor:**

None given.

**In Opposition:**

None given.

**Neutral:**

None given.

**No rebuttal of testimony or additional questions for the public.**

**The public hearing was closed at the hour of 7:55 pm.**

- **Bristol motioned to approve with conditions listed the Vincent Ferris Construction Building Site Plan and Fill Permit (LU 430-2021) subject to conditions of approval contained in the June 7, 2021 Staff Report and after due consideration of written and oral public testimony and findings made by the commission during deliberations on the application. He was seconded by Jackson. The Planning Commission then voted unanimously to approve with conditions listed the Vincent Ferris Construction Building Site Plan and Fill Permit (LU 430-2021) subject to conditions of approval contained in the June 7, 2021 Staff Report and after due consideration of written and oral public testimony and findings made by the commission during deliberations on the application.**

**OTHERS**

- John Hitt brother passed. He will come back in the next few weeks to work on the Subdivision and Zoning Code updates.

**With no further discussion, the meeting was adjourned at the hour of 8:00 pm.**

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Chairperson

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City Recorder

# City of Harrisburg

## **PLANNING COMMISSION**

### **NOTICE OF DECISION**

**REQUEST:** The applicant requests approval of a proposed Subdivision, Site Plan, and Variance for the entitled Butterfly Gardens Subdivision (LU 429-2021) to create a 24-parcel subdivision.

**LOCATION:** The subject site is located at 770 N. 7<sup>th</sup> St., and is also known as tax lot 00200 of Linn County Assessor's Map 15S04W10CA.

**HEARING DATE:** June 15, 2021

**ZONING:** R-2 (Medium Density Residential)

**APPLICANT** Fred Property and Equipment LLC  
445 N. 7<sup>th</sup> St.  
Harrisburg, OR 97446

**OWNER:** Fred Property and Equipment LLC  
445 N. 7<sup>th</sup> St.  
Harrisburg, OR 97446

**APPEAL DEADLINE:** June 30, 2021, at 5:00 p.m.

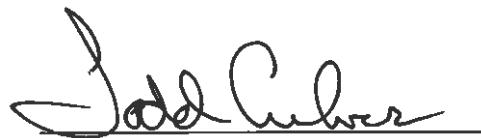
**DECISION:** The Harrisburg Planning Commission conducted a public hearing on June 15, 2021, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the June 15, 2021, Planning Commission meeting, 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:** July 1, 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 July 1, 2022.

A handwritten signature in black ink, reading "Todd Culver". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Todd Culver  
Planning Commission Chairperson

## **CONDITIONS OF APPROVAL**

- 1. Prior to Final Plat approval, the applicant shall revise the plan to show a 1 foot reserve strip at the terminuses of the proposed Monarch Way right-of-way.**
- 2. Prior to Final Plat Approval, the applicant shall obtain Planning Commission approval for a Variance to the minimum alignment spacing standards at HMC 17.40.020(4) for the proposed Periander Way to allow for a minimum spacing of 121 feet.**
- 3. Prior to Final Plat approval, the applicant either receive Planning Commission approval for the proposed right-of-way name of Monarch Way, or shall revise the plat to show compliance with the standards at 17.40.020(10).**
- 4. Prior to Final Plat approval the submittal of the building permit the applicant shall submit a landscape plan detailing compliance with 18.20.010(4) and 18.20.010(5).**
- 5. Prior to Final Plat approval, the applicant shall revise the Plat to show curb cuts at lot No. 7 (on the northeast corner of the parcel) and Lot No. 18 (on the southeast corner of the parcel) in compliance with Public Works design standards.**
- 6. Consistency with Plans –Development shall comply with the plans and narrative in the applicant’s proposal, except where modified or added to by the these conditions of approval.**
- 7. Storm Drainage –Prior to issuance of a building permit, applicant shall submit an engineered stormwater management and detention plan, showing no impact on neighboring properties beyond historical storm water flow. This plan must be approved by the City Engineer.**
- 8. Public Utilities -Prior to issuance of a building permit, applicant shall obtain approval of the City Engineer and/or public works director, and all required permits, for all public utility connections, road improvements, fire hydrant placement, and pedestrian walkways and other required site improvements whether publicly or privately owned.**
- 9. Signage –Prior to issuance of a building permit, applicant shall obtain a city sign permit for any proposed subdivision signage that meets the requirements of HMC 18.70.**
- 10. City Development Agreement – The applicant and the City of Harrisburg shall enter into a mutual agreement for the placement and completion of all required infrastructure and utilities. In addition, the agreement shall require permanent access and maintenance of storm drain detention areas by the City with funding assistance provided by the applicant.**