



Planning Commission Meeting Minutes
December 15, 2020

Chairperson: Todd Culver, Presiding
Commissioners Present: Roger Bristol, Kurt Kayner, Rhonda Giles, Jeremy Moritz, and Susan Jackson
Absent: 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.

APPROVAL OF MINUTES

Moritz motioned to approve the minutes as amended and was seconded by Giles. The Planning Commission then voted unanimously to Approve the Minutes for October 20, 2020 and November 17, 2020.

PUBLIC HEARING

THE MATTER OF THE BUTTERFLY GARDENS SITE PLAN REVIEW APPLICATION #LU 420-2020

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 7:05PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest, or Ex Parte contacts. There were 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: Hitt read the staff report as submitted and drew attention to the following items:

- Standard 14 criterion states that “There shall be 500 square feet of separate storage available for every 10 MDs. A condition addresses RV Parking stating “outdoor parking for RV’s is prohibited on the private drive, with the exception of designated areas.”
- Staff recommends getting an on-site review for potential wetlands.
- Hitt read Condition No. 13: 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.*** This is an additional condition that we are adding to the conditions of approval.
- Culver pointed out that the land is not a subdivision. All land, streets and utilities will be privately owned and maintained.
- Moritz asked how to make sure the property does not fall into disrepair. Hitt replied that the city has policies in place to address it.
- Jackson asked if it must remain a 55+ park if sold. Hitt remarked that per code, it would not be enforceable to keep it as a 55+ park if sold.
- Moritz asked if it could be subdivided more in the future. Hitt replied it could be but would need to come before the Planning Commission.

APPLICANTS TESTIMONY: Tim Walter addressed the Planning Commission. He pointed out that affordable elderly housing is needed in Harrisburg, Kevin Reed was introduced. Planning Commission asked the following questions:

- Moritz asked if the units were going to be new or used. Applicant replied they will all be new and will have provisions in place to make sure they stay that way.
- Bristol asked if the homes will be privately owned and the space leased. Applicant confirmed that was correct. Reed also stated that they will place in CCRs regarding roads and maintenance. Their goal is to make all areas easy to use for persons 55+. John added there is a heavy demand for 55+ parks. He anticipates a need for a waiting list due to the demand.

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

Written public testimony received before December 8, 2020 was included in the agenda packet.

In Favor:

- None Present

In Opposition:

- Nancy Nolan – 755 Gaileen Way. Read her letter included in agenda packet found on page 55. She addressed several HMC and ORD that address uniform procedures for congestion, protection of home value, modifications and duties of City Committees and Commissions to serve Harrisburg.
- Mike VanGeest – 755 Gaileen Way. Stated that the proposed lots are not like larger stick built lots of surrounding area. He believes his property value will drop because of this development. Does not think that the owners of the homes will pay equal amount of property tax. He feels the applicant should go back to square one(1) and make it look like the surrounding area. He thinks this is a high-density business in low-density residential area.

Neutral:

- None present.

No rebuttal of testimony or additional questions for the public. Applicant stated he would be happy to sit down with neighbors and discuss issues and concerns.

The public hearing was closed at the hour of 8:10 pm.

Hitt referred back to criteria of the site plan review. Property value is not allowed as considerable element. Surveys show that property locations near less desirables value differences are small. He also reiterated that in an R-2 zone, MH parks are outright permitted. Staff will make sure city requirements regarding fencing, landscaping, etc. are done and maintained.

- Bristol asked if traffic engineering was not required. Hitt replied that they did a study on the previous proposal (zone change). It is generally done for a zoning change and not for site plans. Hitt felt the 7th Street would be able to handle the increased traffic. It would create a negligible increase in traffic according to the engineer. The development would have two access points for 7th Street.
- Kayner asked about water retention and asked if it will be an issue. Scholz replied that retentions are required under DEQ standards. The site design meets requirements. He addressed the audience to make sure they realized we must follow our conditions and we have listed conditions 1-13 for the applicant.
- Moritz stated that because it is already zoned R-2 it can be built on if the requirements are meet. Then he asked if water pressure is going to be an issue? Scholz told him that he asked the applicant to change plans and make the lines bigger, the applicant complied, and therefore there will be no issues.

Bristol asked about the recreation area and referred to Criteria #11. He asked who decided that is considered recreational area? Hitt replied that staff accepted that landscaping area as recreational in nature. The new code will better define recreational areas. Kayner asked the applicant if there were any plans to add recreational areas. Applicant said they have intent to add park benches and walking paths with a possible gazebo later. Jackson stated that there are two (2) parking spots for each dwelling. She then asked where will excess parking go? Scholz replied that 7th Street allows for parking on both sides. Kayner asked staff if anything was missed. Hitt replied

the applicant meet all requirements. Moritz reminded the Planning Commission that this is private property. We can not dictate what they do with it outside of the code. Hitt stated that he had no complaint with the site plan.

- **Giles motioned to approve with amended conditions by the addition of Condition No. 13, the Butterfly Gardens Site Plan (LU 420-2020) subject to Conditions of Approval contained in the December 8, 2020 staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application. She was seconded by Kayner. The Planning Commission then voted 6 to 1 (opposed was Bristol) in favor of the Butterfly Gardens Site Plan, LU 420-2020, with the addition of Condition No. 13.**

With no further discussion, the meeting was adjourned at the hour of 8:24 pm.

Chairperson

City Recorder

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests Site Plan Review approval to construct an over 55/Senior Manufactured Dwelling Park, totaling 25 new dwellings.

The site is located at the east side of N. 7th St., north of Diamond Hill Road, and is approximately 2.24 acres in size. The applicant intends to develop the property to contain 25 new manufactured dwellings in compliance with the Harrisburg Municipal Code (HMC 18.75.020 and 18.95.060).

LOCATION: 700 and 776 N. 7th St. and known as tax lot 200 of Linn County Assessor's Map 15S04W10CA.

HEARING DATE: December 15, 2020

ZONING: R-2, Multifamily Residential

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

APPEAL DEADLINE: December 29, 2020, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a hearing on December 15, 2020, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the December 15, 2020 Staff Report, 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

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, except where modified or added to by the following conditions of approval.
2. **State Approval** – Prior to the placement of the first home, applicant shall obtain project approval from the Director of the State of Oregon Department of Consumer and Business Services and meet all requirements of ORS 446.003.
3. **Wetlands Review** – Prior to the placement of the first home, applicant shall obtain an on-site review from the Oregon State Division of State Land and conform to any delineation, reporting or other requirements imposed by DSL and consistent with HMC 18.65.
4. **Storm Drainage** – Prior to the placement of the first home, 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.
5. **Public Utilities** - Prior to the placement of the first home, 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.
6. **Revised Plat** – Prior to the placement of the first home, the developer will be required to submit a revised development plan that shows 6 feet of separation between the homes on lots 12 and 13 and the storage units. The storage unit size may be altered slightly, or moved to meet this requirement, or the developer will be required to provide a firewall in the construction of the storage units.
 - a. **Street Lights:** The proposed development plan shall be revised to show the location of street lights on the interior private drive. Design and type of street lights will be approved by the Public Works Director.
 - b. **Mail box Clusters:** The proposed development plan shall be revised to show the location of mail box clusters. Type of mail boxes will be determined by the local postmaster.
 - c. **Solid Waste Management:** The developer has not addressed solid waste management in their narrative; therefore, the developer must provide the City with a plan on how rubbish will be collected in the planned MD park. If a centralized location is proposed, then the proposed development plan shall be revised to show the location, as well as how it will be screened from view.

7. **Fencing & Screening** – Prior to the placement of the first home, applicant shall obtain a city approved fencing permit as required by HMC 18.75.020 and meet the screening requirements of HMC 18.75.020 16
8. **Signage** – Prior to the placement of the first home, applicant shall obtain a city sign permit that meets the requirements of HMC 18.70 and HMC 18.75.020 17.
9. **Landscaping** – Prior to the placement of the first home, applicant shall submit, and obtain approval for, a detailed landscaping plan and install landscaping improvements prior to issuance of placement permits (HMC 18.75.020 15)
10. **Miscellaneous** - Applicant shall submit, or confirm completeness of existing submittals, information and/or plans that satisfy HMC 18.75.020 19.
11. **RV Parking** - Outdoor Parking for RV's is prohibited on the private drive, with the exception of designated areas.
12. **Mobile Home Placement Permits** – Applicant shall obtain a city approved mobile home placement permit, for each manufactured dwelling, in accordance with HMC 18.75.030
13. **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.