



Planning Commission Meeting Agenda

May 18, 2021

7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson.
Meeting Location: Harrisburg Municipal Center @ 354 Smith St.

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Administrator Michele Eldridge, at 541-995-2200.*
7. *The Municipal Center is disinfected prior to meetings. Seating is 6' apart, and only 50 people can be in the room, dependent upon adequate spacing.*
8. *Masks are required, and the City asks for anyone running a fever, having an active cough or respiratory difficulties to not attend the meeting.*
9. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

APPROVAL OF MINUTES

Recommended Motion: *I move to approve the minutes from the (insert previous meeting date here) Planning Commission Meeting.*

1. MOTION TO APPROVE THE MINUTES OF APRIL 20, 2021

OLD BUSINESS

2. THE MATTER OF APPROVING THE TIME LIMIT ON THE WOODHILL CROSSING SUBDIVISION (LU 424-2020) FOR A PERIOD NOT TO EXCEED ONE YEAR

STAFF REPORT EXHIBITS:

Exhibit A: Notice of Decision for Woodhill Crossing Subdivision

Exhibit B: Timeline Extension Request dated May 11, 2021

ACTION:

- 1. MOTION TO APPROVE/MODIFY/DENY THE WOODHILL CROSSING SUBDIVISION LAND USE APPROVAL TIME-LINE EXTENSION REQUEST (LU 424-2020) FOR A YEAR WITH A NEW EXPIRATION DATE OF JUNE 5, 2022. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE MAY 12, 2021 STAFF REPORT TO THE PLANNING COMMISSION AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST.**

APPLICANT: Roy Hankins, PE representing Woodhill Crossing

WORK SESSION

3. THE MATTER OF REVIEWING RECENT SUBDIVISION AND ZONING CODE WORK SESSIONS

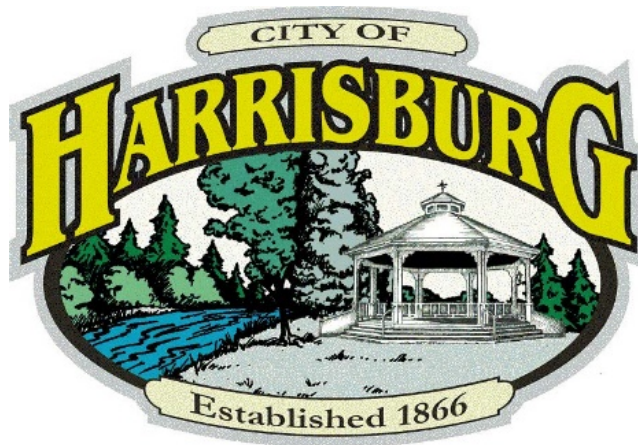
STAFF REPORT EXHIBITS:

Exhibit A: Previous Staff Reports for July, Aug, Sept, and Oct,
2020

ACTION: NONE. FOR REVIEW ONLY

OTHERS

ADJOURN



Planning Commission Meeting Minutes April 20, 2021

Chairperson: Todd Culver, Presiding
Commissioners Present: Jeremy Moritz, Susan Jackson Kurt Kayner and Kent Wullenwaber
Absent: Roger Bristol, and Rhonda Giles
Staff Present: City Administrator/Planner Michele Eldridge, 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 for March 16, 2021 and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Approve the Minutes for March 16, 2021.

PUBLIC HEARING

THE MATTER OF THE SIMS APPLICATION FOR A VARIANCE REQUEST FOR PROPERTY LOCATED ON TAX LOT 10300 OF 15S04W16AA.

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 7:02PM, the Public Hearing was opened.

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

Culver stated that he had Ex Parte contacts with the previous owner. He attended church with him over two (2) years ago and discussed the property briefly. He informed the owner to contact City Hall with any questions. Culver noted that the contact would not influence his decision either way. **There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.**

March 16, 2021

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 property noting that it is a small 5,000 ft² lot that was grandfathered into the current ordinances. It does not meet the lot requirements for building a dwelling. The property owner has requested a variance. The lot and situation meet all five (5) conditions for granting a variance.

The City of Harrisburg received written public testimony from Charles and Diane Alton as seen on pages 21-22 of the agenda packet. The letter cited ORS 227.190 regarding Solar Access Easements. Eldridge pointed out that this is a State Ordinance not a Harrisburg Ordinance. The Planning Commission could add a condition of solar easement if they wanted to allow it. She cited HMC18.95.070(2), and noted that the Planning Commission can limit the height, size, or location of a building or other structure. If the builder is planning on a single-story residence, then both parties could be happy with that decision. However, she stated that if the Planning Commission does not allow the condition, with both parties agreeing, either party can appeal to the City Council.

- Culver stated that he had never heard of this ORS or mandates for Solar Energy Easements, meaning we have no guidance. Eldridge also noted that as seen in the language, it is a recommendation and not a mandate.
- Wullenwaber asked if this meant that we could tell someone to only build a one (1) story home. Eldridge said that yes, according to the ORS, but only on new construction, not existing dwellings.
- Moritz noted that we do not know if anyone is building a one (1) or two (2) story dwelling until it is built. Eldridge agreed that he was correct; the Planning Commission does have the right to apply conditions to a future structure.

APPLICANTS TESTIMONY: Applicant Kevin Sims addressed the Planning Commission. He reviewed his application and added that he wants to help beautify the area and add character and landscaping. He is aware that his neighbor is requesting a Solar Easement. If the easement is granted as a condition, it will limit the height of any building to 15 feet on over half of the property and encroaches on the next property too. He was the previous owner of the church and sold it to the person requesting the Solar Easement. He did offer to sell the lot to his neighbor before putting it on the market. He pointed out that the solar panels are not currently installed. The Altons own a larger lot and could place the panels elsewhere on the lot. He requested that the Planning Commission accept his request without the additional Solar Easement Condition.

- Kayner asked Sims when he offered to sell the lot to his neighbors. Sims replied that it was about 60 days ago.
- Wullenwaber wanted to clarify that there are no solar panels on the neighbor's property right now. Sims said there were not.
- Culver asked if he was going to personally build on the property. Sims said he was just getting the lot ready to sell and wanted to make sure the variance was done beforehand.

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

March 16, 2021

In Favor:

None given.

In Opposition:

Diane Alton of Harrisburg read her written testimony. She added that 38 States currently have Solar Easement Legislation and that homes of the future will have more solar panels and solar walls. She is not against the applicant developing a home on his property. The purpose of the Solar Easement is to protect access to solar usage in the future. They do not have the solar panels yet due to the Pandemic.

- Kayner asked why she was asking for the easement now, why not be proactive and come earlier. Alton said that she has no other option than to act now. Wullenwaber said that she does have other options. There are other locations on her property because you have not already installed the solar panels. Alton pointed out that according to the easement she would have a twelve (12) month window, if the panels are not in place, then the easement is void.
- Culver stated that ORS 227.190 was an Oregon State Ordinance. It is up to the City Council to adopt it as a Harrisburg Ordinance, not the Planning Commission. We must look and then act on what Ordinances we already have in place in Harrisburg. If we deny the condition, then the Altons can appeal to the City Council. Kayner added that we have guidelines that we must follow. We take direction from the City Council. If the result of our decision is not what you want, then you would appeal and go before City Council. Culver agreed, it must go to City Council. At this point we can do nothing.
- Alton asked how long the appeal process takes. Eldridge said that if the Planning Commission decided to not give the easement, the appeal would go to the City Council to have the decision overturned. The timeline would be dependent on when the City Council could hear the appeal.
- Kayner asked if she had talked to the applicant about this before coming to the Planning Commission. Alton said that once the applicant sells the property, it is out of his control and the new owner could build anything.
- Jackson asked when they purchased the church property. Alton responded that they bought it in 2018.

Neutral:

- None given.

No rebuttal of testimony or additional questions for the public.**The public hearing was closed at the hour of 7:43 pm.**

- Wullenwaber stated that there are currently no panels on the property, and a Solar Easement is not in our code. It should go to the City Council as an appeal. He drove by the property and there are other placement options in their yard.
- Moritz wanted to clarify that this is for new construction only, not old construction. Eldridge said that there is nothing in the code to address this. If we get this code added, the easement could not be added to current dwellings. Jackson added that she was somewhat familiar with solar easements. It is for new construction only.

March 16, 2021

- **Kayner motioned to approve with conditions as proposed application LU 427-2021 subject to and based on the findings of deliberations of the Planning Commission. He was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve with conditions as proposed application LU 427-2021 subject to and based on the findings of deliberations of the Planning Commission.**

OTHERS

- Eldridge noted that Kevin Reed is working with Tim Walters, and contacted her with some questions. They are looking at being 2-years out on manufactured homes. There are people 55+ who have lost homes in the fires. He wanted to know if it was possible for them to live on the lots until the homes arrived in RVs. The emergency clause passed by City Council does allow for people to live on in RVS on resident's property if they are directly affected by wildfire. Staff will need to talk to the City Council, State agencies and other regulatory agencies before moving forward.
- The City has not received a plot plan for Woodhill Crossing. The owner changed engineering firms. He has until the May meeting to request an extension from the Planning Commission.
- John Hitt will be back for the May meeting with more Code Amendments.

With no further discussion, the meeting was adjourned at the hour of 8:01 pm.

Chairperson

City Recorder

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Variance (LU #427-2021) that will allow construction of a dwelling on property that has less than 60 feet of width at the Building Line.

LOCATION: Linn County Assessor's Map 15S 04W 16AA, Tax Lot 10300

HEARING DATE: April 20, 2021

ZONING: R-2 (Medium Density Residential)

APPLICANT

Kevin Sims
22045 Gap Rd
Harrisburg, OR 97446

OWNER

Lion Investment Group
22045 Gap Rd
Harrisburg, OR 97446

APPEAL DEADLINE: April 28, 2021

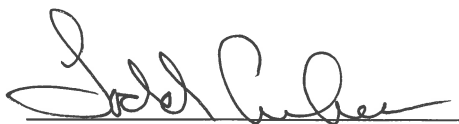
DECISION: The Harrisburg Planning Commission conducted a public hearing on April 20, 2021 and voted to approve the request with conditions of approval. The Planning Commission adopted the findings contained in the April 12, 2021 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions. Criteria relied upon for review is found in HMC 18.115.

APPEALS: The decisions 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 plus actual expenses for appealing a Planning Commission to the City Council.

EFFECTIVE DATE: April 28, 2021, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Variance approvals shall be effective for one year from the date of approval. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Variance approval will expire on April 20, 2022.



Todd Culver
Planning Commission Chair

CONDITIONS OF APPROVAL

1. **BUILDING PERMITS:** This variance approval applies only to the construction of a residential dwelling. Prior to construction, the applicant shall obtain all necessary building permits for the construction of the new home.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF APPROVING THE TIME LIMIT ON THE WOODHILL CROSSING
SUBDIVISION (LU 424-2020) FOR A PERIOD NOT TO EXCEED ONE YEAR

STAFF REPORT EXHIBITS:

- Exhibit A: Notice of Decision for Woodhill Crossing Subdivision
- Exhibit B: Timeline Extension Request dated May 11, 2021

ACTION:

1. MOTION TO APPROVE/MODIFY/DENY THE WOODHILL CROSSING SUBDIVISION LAND USE APPROVAL TIME-LINE EXTENSION REQUEST (LU 424-2020) FOR A YEAR WITH A NEW EXPIRATION DATE OF JUNE 5, 2022. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE MAY 12, 2021 STAFF REPORT TO THE PLANNING COMMISSION AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST.

- APPLICANT: Roy Hankins, PE representing Woodhill Crossing
- LOCATION: 930 Sommerville Loop, 15S04W1503700
- MEETING DATE: May 18, 2021
- ZONING: R-1 (Single-Family Residential) and R-2 (Multi-Family Residential)
- OWNER: Izetta Labar Trust, 930 Sommerville Loop, Harrisburg, OR 97446
-

BACKGROUND

Applicant Woodhill Homes/George Hale successfully applied for a Subdivision for the property that is located at 930 Sommerville Loop in November of last year. The approval of LU 424-2020 allows a subdivision with 31 lots to be developed for property located on the south side of Sommerville Loop.

CRITERIA AND FINDINGS OF FACT

18.125.050 Time limit on an approved land use application.

A land use approval shall expire one year after the date of approval of the application, or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place, or unless a use not involving construction has been initiated in some substantial manner. However, upon written request, the Planning Commission may extend approval for an additional period not to exceed one year. [Ord. 882 § 10.030, 2010.]

DISCUSSION: The effective date of the decision (**Exhibit A**) was December 5, 2020. The final plat was required to be submitted to the City within six months after the subdivision was approved by the Planning Commission. Due to a change in engineering firms, as well as interaction with the Army Corp of Engineers, the applicant desires an extension of time in which to file a final subdivision plat. Subject to HMC 18.125.050, applicants are allowed a one-time extension for a period not to exceed one additional year from the initial approval date.

FINDING: The extension request (**Exhibit B**) was submitted on May 11, 2021 in compliance with this criterion. Therefore, an approval extension may be allowed.

CONCLUSIONS

The applicant requests a 1-year approval extension for Land Use application file LU-424-2020. As demonstrated by the above finding, the request complies with the applicable criterion from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

The Planning Commission has three options with respect to the subject applications. They can:

1. Approve the request;
2. Approve the request with modifications/conditions; or
3. Deny the request.

RECOMMENDED MOTION(S)

Consistent with the Planning Commission and Staff deliberations at the November 17, 2020 Public Hearing, the motion at the top of this staff report and in the agenda is recommended.

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

- REQUEST:** The applicant requests approval of a proposed subdivision entitled Woodhill Crossing Subdivision (LU 424-2020) to create a 31-parcel subdivision with two streets.
- LOCATION:** The subject site is located at 930 Sommerville Loop, and is also known as tax lot 3700 of Linn County Assessor's Map 15S04W15.
- HEARING DATE:** November 17, 2020
- ZONING:** R-1 (Single Family Residential) and R-2 (Medium Density Residential)
- APPLICANT** Woodhill Homes
George Hale
4500 Kruse Way
Lake Oswego, OR 97035
- OWNER:** Izetta Labar Trust
930 Sommerville Loop
Harrisburg, OR 97446
- APPEAL DEADLINE:** December 4, 2020, at 5:00 p.m.
- DECISION:** The Harrisburg Planning Commission conducted a public hearing on November 17, 2020, 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 November 17, 2020, 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: December 5, 2020, 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 June 5, 2021.



Todd Culver
Planning Commission Chairperson

CONDITIONS OF APPROVAL

1. **Sewer Services** – Prior to improving the proposed streets in the subdivision, lateral services will be installed to each proposed lot in sufficient lengths and depths to not disturb street improvements when service connections are made.
2. **Water Services** – Prior to improving the proposed streets in the subdivision, lateral services will be installed to each proposed lot in sufficient lengths and depths to not disturb street improvements when service connections are made.
3. **Water Main Connections** – Prior to improving the proposed streets in the subdivision, the water line existing on S. 9th St. south of the proposed subdivision shall be extended and connected to Sommerville Loop water mains.
4. **Storm Drainage** – Prior to Final Plat approval, the developer 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. **Street Names** - Prior to Final Plat approval, the applicant shall revise the plat to show compliance with the standards at 17.40.020(10).
6. **Mail Box Clusters** - Prior to Final Plat approval, the applicant shall revise the plat to show compliance with the standards at 17.40.020(14). Mail box clusters shall be required for the residential subdivision.
7. **Signs** – Prior to Final Plat approval, the plat shall be revised to show the location of all signs located within the proposed subdivision. Signs shall be in accordance with traffic laws, and shall be approved by the Public Works Director.
8. **Fire Hydrants** – Prior to Final Plat approval, the preliminary plat shall be revised to show the fire hydrant location to be moved from between lots 27 and 28, to the location between lots 25 and 26. The type and locations of Fire Hydrants will be approved by the Fire Chief and the Public Works Director.
9. **Street Lights** - Prior to Final Plat approval, the preliminary plat shall be revised to show the locations of street lights. Design type of street lights will be approved by the Public Works Director.
10. **Wetlands** - Prior to Final Plat approval, the applicant shall submit a wetland delineation report and approval from the Department of State Lands showing the proposed preliminary layout in compliance with the standards listed under 18.65, and/or a state issued fill/removal permit for development in areas of known wetlands. No construction, grading, excavation, fill/removal shall be permitted prior to submission of an approved wetland delineation and an approved wetland fill/removal permit for areas of development within any delineated wetland boundary.

11. **Street Trees** – Prior to Final Plat approval, the applicant shall revise the plat to show compliance with the standards shown in HMC 12.20. The type of tree chosen must be from the approved street tree list and shall not be a maple tree.
12. **Submission of Final Plat** - Applicant shall file a final subdivision plat with Linn County within six months following the Planning Commission's approval of the subdivision application, unless an extension is timely requested and granted.
13. **Right-of-Way and Parking Standards** – The applicant shall revise the preliminary plan to meet the City minimum right-of-way for collector streets and paving standards for Sommerville Loop prior to plat approval.

OTHER DEVELOPMENT CONSIDERATIONS:

- a. Prior to the Final Plat being recorded, Demolition Permits for accessory structures must be obtained and finalized according to the City's Demolition Permit requirements.
- b. If there are any wells on the property that will not be used, they shall be properly abandoned by a licensed well driller.
- c. A separate Development Agreement (DVA) between Applicant and the City of Harrisburg will be required before construction begins. The Development Agreement will include bond and deposit requirements, as well as other engineering requirements. The DVA will include an agreement to fund maintenance on the storm detention area referred to as Tract B.
- d. 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 particular lot.
- e. 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.



Michele Eldridge

From: Roy Hankins <roy@emeriodesign.com>
Sent: Tuesday, May 11, 2021 3:32 PM
To: Michele Eldridge
Cc: Chuck Scholz; 'Damien G (damieng@branchengineering.com)'
Subject: RE: Woodhill Crossing Subdivision

Michele, as we stated we are still moving forward and would like for an extension. We recently just received notification from ACOE that they will not be taking jurisdiction over the wetlands and ditches. This means that we only need to work with DSL moving forward. We have begun to go through the plans and have seen a few items that we need to discuss with the City. Specifically, how the stormwater and drainage system will function. I will reach out to Damien to set up a meeting to go over a few questions. Provided scheduling works out, I would plan to attend the meeting next week.

If you have any questions, please let us know.

Thanks, Roy

 	<p>Roy Hankins, PE Operations Manager - Eugene 2677 Willakenzie Road, Suite 1A, Eugene, OR 97401 503.746.8812-Main 541.521.9797-Cell https://link.edgepilot.com/s/821e86be/OEvHXXw5UihppNb0GGcpA?u=http://www.emeriodesign.com</p>
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From: Michele Eldridge <meldridge@ci.harrisburg.or.us>
Sent: Monday, May 10, 2021 7:16 PM
To: Roy Hankins <roy@emeriodesign.com>
Cc: Chuck Scholz <cscholz@ci.harrisburg.or.us>; 'Damien G (damieng@branchengineering.com)'
 <damieng@branchengineering.com>
Subject: RE: Woodhill Crossing Subdivision

[External Sender]

Hi Roy;

Thank you for responding; I was going to check in with you again since we are up against the deadline. I'm so pleased to hear that you are still planning on moving forward!

If you would be so kind as to submit your request in writing with a little more detail, then I would appreciate that. It doesn't need to have much more information, but I will include the request with my staff report for next week. Will you, or a representative be at the meeting?

Thank you;



Michele Eldridge, CMC
City Administrator
PO Box 378
120 Smith St.
Harrisburg, OR 97446
541-995-2200

Any mail to and from this address may be subject to Public Records Disclosure Laws

From: Roy Hankins <roy@emeriodesign.com>
Sent: Monday, May 10, 2021 5:11 PM
To: Michele Eldridge <meldridge@ci.harrisburg.or.us>
Cc: Chuck Scholz <cscholz@ci.harrisburg.or.us>; 'Damien G (damieng@branchengineering.com)' <damieng@branchengineering.com>
Subject: RE: Woodhill Crossing Subdivision

Michele, I will give you a call tomorrow. Yes, we would like to request an extension for the final plat. We have had a couple of challenges getting this project moving forward, but should be on track now.

Thanks, Roy



Roy Hankins, PE | Operations Manager - Eugene

2677 Willakenzie Road, Suite 1A, Eugene, OR 97401

503.746.8812-Main | 541.521.9797-Cell |

https://link.edgepilot.com/s/9401e41e/NCLluGzGhka7_jWdFnMj-A?u=http://www.emeriodesign.com/

From: Michele Eldridge <meldridge@ci.harrisburg.or.us>
Sent: Wednesday, March 24, 2021 7:00 PM
To: Roy Hankins <roy@emeriodesign.com>
Cc: Chuck Scholz <cscholz@ci.harrisburg.or.us>; 'Damien G (damieng@branchengineering.com)' <damieng@branchengineering.com>
Subject: Woodhill Crossing Subdivision

[External Sender]

Hi Roy;

Hope you are doing well this week. I know you've been checking in with all of us the last few weeks. You may absolutely be on target for the original timeframes required for the Woodhill Crossing Subdivision, but I just wanted to follow up with you about the timing and deadlines ahead of us. The final plat needs to be submitted by June 5th. If you'd like to request an additional year for final plat submission, you may do so without an additional fee, or public hearing requirement, as long as the preliminary plat and request is made

to us in time for a scheduled meeting. Unfortunately, the June meeting is on the 15th, and is therefore not an option. If you'd like to request an extension, you would need to do so by May 11th at the latest, for the meeting scheduled for May 18th.

Please let me know if you would like to follow up on this or if you have any questions.

Thank you;



Michele Eldridge, CMC
City Administrator
PO Box 378
120 Smith St.
Harrisburg, OR 97446
541-995-2200

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Staff Report

Harrisburg Planning Commission

Harrisburg, Oregon

THE MATTER OF REVIEWING RECENT SUBDIVISION AND ZONING CODE WORK SESSIONS

STAFF REPORT EXHIBITS:

Exhibit A: Previous Staff Reports for July, Aug, Sept, and Oct,
2020

ACTION: NONE. FOR REVIEW ONLY

MEETING DATE: May 18, 2021

BACKGROUND

The Planning Commission has been reviewing the most recent land use legislative amendments for the Zoning and Subdivision codes since July 2020. Our consultant, former City Administrator/Planner John Hitt had hoped to start reviewing code amendments again this May but had to reschedule the review to start in June.

In order to prepare the Planning Commission for when those reviews start, Staff has assembled the staff reports for July, Aug, Sept, and October 2020. We had planned on reviewing Land Division/Subdivisions Code in January, but we had to cancel this meeting due to quorum issues. The winter months, and the last few months, all had large public hearings due to subdivisions, site plans for manufactured home parks, and variances.

It can get very confusing to review what we've covered in the past. Rather than include all of the exhibits, and all the code that we've reviewed, Staff has included the staff reports which contain summaries of what was reviewed at each meeting. Conveniently, all the staff reports, agendas, and exhibits for each of these meetings are accessible on the City's website, as are the minutes from these meetings. I've included hyperlinks to all of these in the detail below for your convenience. The Planning Commission also has a copy of the proposed land use code in the notebooks provided to you at the September 2020 meeting.

Please review these when you have time over the next month in preparation for diving back into the code amendments when John can join us in the future. If you have any questions, or would like more detail, please let staff know.

Note: If you are not reviewing this page electronically, you will need to copy the URL and paste it into your browser.

Meeting Date	Section Reviewed	Hyperlink to Agenda & Minutes Location
July 21, 2020	Zoning Districts, Allowed Uses, General Review Procedures	https://www.ci.harrisburg.or.us/pc/page/planning-commission-meeting-20
August 18, 2020	Zoning Matrix, Site Design Review, Proposed Land Division Chapter	https://www.ci.harrisburg.or.us/pc/page/planning-commission-meeting-21
September 30, 2020	Revised Zoning Matrix, Site Plan Review, New Zoning District Regulations	https://www.ci.harrisburg.or.us/pc/page/planning-commission-meeting-22
October 20, 2020	Conditional Use Permits, HMC 18.110	https://www.ci.harrisburg.or.us/pc/page/planning-commission-meeting-23

Agenda Bill **Harrisburg Planning Commission** Harrisburg, Oregon

THE MATTER OF REVIEW AND DISCUSSION OF PROPOSED ZONING TABLE AND ZONING USES ALLOWED AND GENERAL REVIEW PROCEDURES

Exhibit A: Zoning Districts & Uses Allowed

Exhibit B: General Review Procedures

ACTION: DISCUSSION AND STAFF DIRECTION ONLY

THIS AGENDA ITEM IS DESTINED FOR: Regular Agenda -June 28, 2020.

BACKGROUND INFORMATION:

The Planning Commission has done extensive work with the Oregon Small Cities Model Zoning Code as it should apply to Harrisburg. I have reviewed the work previously done by the Planning Commission and would like to discuss modifying some of that work, while still maintaining the basic framework of the Model Code and work of the Planning Commission.

Attached as **Exhibit A** is my revised Zoning Districts and the 'Uses Allowed' in each district. My overall approach to this was guided by the following overarching goals:

1. Eliminate any redundant or unnecessary zones. We are a small city, both geographically and by population, with pretty well established commercial, residential, and industrial areas. The fewer and more flexible zones we have the easier the administration and the fewer zone change requests are needed.
2. Make as many uses as reasonable, in each zone, be permitted outright. (**P** on the table from **Exhibit A**). This simplifies and streamlines the land use process and pretty much avoids appeals to LUBA.
3. Allow uses that are not traditional in each zone IF they can happen with very minimal or no negative impact on existing uses in that zone. (**S** in the zoning table). An example would be light or artisan manufacturing in the commercial zone. This is a type of "performance zoning". That is, the applicant must demonstrate that their proposed **S** type use meets more stringent standards than **P** uses for the same zone. These more stringent **S** standards are detailed in a separate chapter of the Model Code and as you may further define them.
4. Create a new 'Public Use Zone' (PUZ) that is a catch-all for not only publicly owned areas, but also uses that primarily benefit the public such as recreational areas, public utilities, transportation facilities, etc. Doing so will require some fair

Exhibit – Staff Report for July 21, 2020

amount of rezoning at the end of our process. Most of which would need to be designated PUZ is now zoned R-1.

5. Make as many land use approvals as possible be “over-the-counter” or very nearly so. This means that fewer matters will reach the Planning Commission. But this will, once again, speed and simplify the overall Land Use process.
6. Reduce the uses that require Conditional Use Permits (CUP). Conditional use permits are, in practice, difficult to enforce and often results in substantial disagreement between an applicant who wants to reduce the ‘conditions’ of his/her permit and members of the public who frequently want to make them more onerous.

Attached as **Exhibit B** is the General Review Procedures the city would follow for various types of land use applications. These are as follows:

1. **Type I Procedure** - Simple ‘over-the-counter’ checklist of requirements for proposed use(s) that are permitted outright for that zone. There is no requirement for public notice and these decisions are not appealable to the Planning Commission (Example – Single-Family dwelling in any of the R Zones)
2. **Type II Procedure**- For **S** uses the applicant must clearly and convincingly demonstrate that his/her proposed use(s) will comply with the more stringent Special Requirements for uses contemplated for each zone. The Type II procedure requires public notification of nearby property owners and the opportunity for city administration to refer a Type II application directly to the Planning Commission or grants any interested party the right to refer a Type II decision to the Planning Commission. (Example – residential uses in the C-1 Zone.)
3. **Type III Procedure** – A public hearing process that is, apart from any appeal, decided by the Planning Commission. (Example – Site Plan Review)
4. **Type IV Procedure** – A public hearing process that is initially heard by the Planning Commission who then makes recommendation to the City Council who makes the final decision. (Example - Comp. Plan changes)

The purpose of the proposed discussion is not to go over all possible uses in all zones. It is simply to determine overall Planning Commission support of the concepts outlined here as well as how they might apply to some of our more common land use applications.

REVIEW AND APPROVAL:

John Hitt _____ Date
City Administrator

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF A DISCUSSION OF DRAFT PROPOSED CHANGES TO HMC TITLE 17 (SUBDIVISION) AND 18.95 (SITE PLAN REVIEW) AS WELL AS A REVIEW OF THE DRAFT ZONING MATRIX

STAFF REPORT EXHIBITS:

Exhibit A: Staff Report, Zoning Matrix, and Types of Reviews
(Provided at July 21, 2020 Planning Commission Meeting)

Exhibit B: Draft of Proposed 'Site Design Review' land use
procedure

Exhibit C: Draft of Proposed 'Land Division' (subdivision) land
use procedure

ACTION: NONE. DISCUSSION ONLY

MEETING DATE: August 18, 2020

BACKGROUND

I. **Zoning Matrix:** At the July 21, 2020 Planning Commission meeting, staff provided a proposed matrix that defined what land uses would be permitted in the various zones and the process or procedure to review and ultimately approve/condition/disapprove such uses. The matrix also revised our current zones from 10 to 7, eliminating the M-2, Neighborhood Commercial and Open Land Use Zones. Please review the July 21, 2020 materials (Exhibit A) and come to the August 18th meeting with any questions or proposed changes.

II. **Proposed Site Design Review Chapter: A.** Exhibit B consists of Chapter 4.2 of the Oregon Model Code as modified by staff. The Site Design Review process would govern most proposed commercial, industrial, or residential development of 3 or more dwelling units. It would also govern in proposed mixed uses, complex developments, those that might pose noise, traffic, pollution etc. or any proposed structure more than 5,000 Square feet.

- B.** This parallels current HMC 18.95 with some of the following exceptions: 1. HMC 18.95 applies to all commercial and industrial development more than 1,200 square feet. 2. Current required landscaping is less than what is proposed (3% v. 20%). 3. The Model Code approval criteria is more specific than our current code as it refers to specific requirements (in other code sections) that must be met in order to be approved.
- III. **Proposed Land Division Chapter: A.** Exhibit C consists of Chapter 4.3 of the Oregon Model Code as modified by staff. This chapter would condense and simplify what is now Title 17 (“Subdivisions”) of the HMC that consists of 11 chapters. **B.** Some of the significant changes proposed in the draft, “Land Divisions and Property Line Adjustments include: 1. Clearer definition of Minor Partitions, Major Partitions, and Subdivisions. 2. The new code makes Minor Partitions (2 or 3 lots from one parent lot) an administrative approval process rather than PC. 3. The detailed submission requirements of HMC 17.20 & 17.35.030 are mostly eliminated. 4. Under the new code a developer has 2 years from preliminary plat approval to submit final plat v. 6 months currently. 5. Creation of flag lots is more restrictive in new code. 6. Emergency vehicle and fire code requirements are included in the new code. 7. The detailed “Design and Improvement Standards” of HMC 17.40 and 17.45 are addressed in other sections of the new code that deal with overall requirements for public improvements, lot sizes, etc.
- IV. **General Comments:** The most common land use procedures are site plan (design) review and land divisions. If the Planning Commission feels generally comfortable with the new code, we should probably move next to Chapter 3 of the Draft Code, entitled “Community Design Standards” Here are the details of required public improvements, parking, landscaping, etc., along with Draft Code section 2.2 “Zoning District Regulations” which deals with density, lot sizes, setbacks, etc. While these two code sections are complex, I think the Model Code does a pretty good job covering these areas, so perhaps we can move through them fairly quickly.

Agenda Bill

Harrisburg Planning Commission

Harrisburg, Oregon

THE MATTER OF DISCUSSING A REVISED DRAFT OF THE ZONING MATRIX AND SITE PLAN REVIEW, (AS PER THE AUGUST 18TH PLANNING COMMISSION MEETING) AS WELL AS A ‘FIRST LOOK’ AT SECTIONS 2.2.040. D – 2.2.080, ZONING DISTRICT REGULATIONS

STAFF REPORT:

Exhibit A: Revised Zoning Matrix

Exhibit B: Revised Site Plan Review Procedures

Exhibit C: “New” Zoning District Regulations

Exhibit D: HMC Chapter 17 – ‘Subdivisions’ and Chapter 18 – ‘Zoning and Land Use’ (*Planning Commission members will find a notebook with these materials.*)

ACTION: NO ACTION – DISCUSSION ONLY – SEPT. 30, 2020 MEETING

THIS AGENDA BILL IS DESTINED FOR: Regular Agenda – September 30, 2020

BUDGET IMPACT		
COST	BUDGETED?	SOURCE OF FUNDS
N/A	N/A	N/A

STAFF RECOMMENDATION:

Staff recommends a quick review of the changes to the Zoning Matrix (Exhibit A) and Site Plan Review (Exhibit B) that came out of the August 18th Planning Commission meeting. In addition, be prepared to discuss Sections 2.2.040 – 2.2.080, Zoning District Regulations (Exhibit C)

BACKGROUND INFORMATION:

Just over four years ago, the Planning Commission began work on the city’s zoning and subdivisions codes in order to: 1. More closely follow the State of Oregon’s Model Code. 2. Reduce/eliminate contradictions in the current code. 3. Facilitate a more speedy and predictable land use review and approval process.

While this is a difficult and complex process, I think the potential benefits to the City of Harrisburg are substantial. The Model Code, with the revisions and updates we are and will be making, is easier to use, reduces paperwork and timelines, and provides greater predictability for developers as the approval standards in the Model Code are more objective and somewhat easier to achieve.

At the 08/18 meeting the Planning Commission expressed a desire to retain the M-1 Limited Industrial Zone and to reduce the “trigger” for the Site Plan Review process from the 5,000 square feet in the Model Code to 2,500 Square feet for commercial and industrial structures (1,200 in current HMC) as well as reduce the ‘trigger’ of traffic generation to 50 trips per day from 100. These have been implemented in Exhibits A and B.

Exhibit C. deals with densities, set-backs, lot dimensions, building heights, fencing, etc. These are similar to, (except densities) to what is scattered throughout the different zoning descriptions of HMC 18.15,.20,.22.30.40.45,.80 and others.

Finally, just for point of reference, we have Exhibit D, which is the current Harrisburg Municipal Code governing zoning, land use requirements and land division requirements and process. You will find this in the notebook, along with the current zoning and comprehensive plan maps.

REVIEW AND APPROVAL:

John Hitt
City Administrator

Date

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF DISCUSSION OF REVISIONS TO HMC 18.110 - CONDITIONAL USES

STAFF REPORT EXHIBITS:

Exhibit A: HMC 18.110 (Contained in 3-ring binder given out at 09/22 Planning Commission)

Exhibit B: Draft of Revised Model Code – Chapter 4.4 – Conditional Use Permits

Note: *Planning Commission members should bring the Zoning Matrix already received to this meeting if they would like to refer to it. Please contact Michele or Cathy if you would like another copy of that, or refer to the online version at <https://www.ci.harrisburg.or.us/planning/page/zoning-subdivision-code-revision-project>*

ACTION: NO ACTION PROPOSED – DISCUSSION ONLY. REGULAR PLANNING COMMISSION MEETING OF OCTOBER 20, 2020

APPLICANT: N/A

BACKGROUND

As part of the Planning Commission's on-going review of our current Subdivision and Zoning Codes (HMC Chapters 17 & 18) I am submitting for your consideration a draft, and slightly revised version of the state's Model Code dealing with Conditional Use Permits.(CUPS)

Conditional Use Permits are usually part of the Site Plan Review process, especially when industrial development, or other uses, are proposed that might have impacts on surrounding land uses and/or public facilities. The Model Code, in the zoning matrix (previously provided) calls out numerous land uses that must go through the CUP process. These include, among many others: Schools in the Residential Zones;

Emergency Services (police, fire, ambulance) in Residential, Commercial, and M-1 Zones; and Single Family Dwellings in the M-1 and M-2 zones, among many others.

The current City zoning code also calls out certain uses in each zone that would require a CUP, (such as schools, hospitals, & churches in the R-1 Zone) However, many of these CUPs deal more with development variances (exceptions), such as building heights, rather than actual uses.

CUPs allow the Planning Commission to impose certain operating restrictions or development requirements on an applicant that are not otherwise required in the code. These 'new' requirements, or conditions of approval, are in response to what would otherwise be problematic uses for that zone.

Significant Distinctions between existing and model CUP provisions:

1. The new code requires a CUP for 122 specified land uses. Current Code mentions only about 50 uses that require a CUP, but keep in mind that the Model Code directly references quite a few more specific land uses than the Current Code.
2. The Model Code gives the authority and circumstances for when a CUP can be revoked. The Current Code makes no mention of CUP revocation.
3. The Model Code also provides the specific authority to the Planning Commission to impose conditions that would improve city utilities to the extent required to maintain city-wide service levels.
4. Otherwise, the two codes are similar, although written quite differently.

RECOMMENDATION: Conditional Use Permits are a very important part of any city's land use requirements. They are frequently required and grant the local Planning Commission the specific ability to regulate, in a fairly detailed way, specific land uses on a case by case basis. Staff recommends a thorough review and discussion of the CUP process. There is a close connection to this section of the Model Code and the Zoning Matrix. The Commission may want to review those uses in the Zoning Matrix that require a CUP. ***(Please bring your copy of the Zoning Matrix to this meeting; contact Michele or Cathy if you need a new copy; or refer to the on-line copy of the entire code at <https://www.ci.harrisburg.or.us/planning/page/zoning-subdivision-code-revision-project> .)***