



Harrisburg Planning Commission Minutes August 16, 2016

The Harrisburg Planning Commission met on this date at City Hall, located at 120 Smith St., at the hour of 7:00pm. Presiding was Chairperson Todd Culver. Also present were as follows:

- Charlotte Thomas (Arrived 7:01pm)
- Roger Bristol
- Francisco Garcia-Mendez
- Kurt Kayner
- City Planner/Administrator Brian Latta

Absent were commissioners David Smid, and Kent Wullenwaber.

Approving the Minutes from April 19, 2016

- Bristol **motioned to approve the minutes, and was seconded** by Kayner. **The vote was unanimously in favor of approving the minutes from April 19, 2016.**

Heckart Partition and Variance (LU358 & 360)

The Planning Commission Chairperson read aloud the process to request a continuance, and the process to request that the record remain open. He then opened the public hearing at the hour of 7:02PM.

There were no declarations of any Conflicts of Interest, nor were there any Ex Parte contacts to declare. The Planning Commission Chairperson then described the applicable criteria, and the need to direct testimony to applicable criteria in sufficient detail.

Applicants Presentation: Harvey L. Heckart, of 1034 Sommerville Loop, was the applicant for tonight's request. They are doing this to be pro-active with the property; they aren't planning on developing it as of this point. The lots meet the minimum parcel size requirements. Parcel No. three in the back is quite larger. There is a 30' easement to get to parcel three. There is a building on the east side of the property easement that will be moved. He noted that there is already an easement that goes to Heckart Lane; they are now adding another.

Bristol expressed concerns about the well that's on lot no. 3, and asked if he would be moving that too. Heckart said that they might, when development happens. But they aren't going to be changing ownership. Bristol asked him about several of the objects on attachment

A.7 of the staff report, and about the circle driveway. Heckart told him that they might eventually have an easement through lot one for that. This configuration is off of the original easement. The utility lines, and power, etc., will be on that easement. Bristol asked if the well applied to all three lots, but Heckart told him it was only for lot 2 at this point. Chairperson Culver asked if the house was on City sewer and water. Heckart told him yes. He summarized further the changes that were being made to the property.

Staff Report: Latta said that typically, variances require publication in a newspaper, but since this is a flag lot, we didn't have to do that; it's understood what a flag lot means. The variance is needed for the street frontage, and for the rear yard setback requirement is due to the configuration of the house and the garage. The functional rear yard is located to the west of the home. The water line on Sommerville Loop stops at the edge of the property, and doesn't continue; that was an error he made in the staff report. Because the applicant is not developing the property anytime soon, staff is not requiring that they connect to water for each of the properties at this time. They will be required to do so if they decide to sell the property, it changes ownership, or they develop the other parcels. At that time, they will have to extend the water line, and connect.

- Bristol asked if they had sewer lines then, but no water.
- Latta told him that was correct. The City water line stops at Heckart Lane, and doesn't continue on Sommerville Loop. He said that similar to the changes in condition no. 4, the sewer line shall be extended to parcels 2 and 3 before they are allowed to be developed. That changes conditions of approval no. 6. He recommended that the Planning Commission change the conditions of approval no. 4 and no. 6 to compensate for that.
- Chairperson Culver asked what happens if a tax lot is inherited, and it's divided between children? Is that a change in ownership?
- Latta told him yes, that would be a change in ownership.
- Chairperson Culver wanted to make sure that Heckart understood that.
- Bristol understood him waiting to do that; it will probably cost him around \$6,000 to bring the water line back about half a block.
- Heckart wanted to know what would happen if he put his children's name on the property. Does that count as an ownership change?
- Latta said that we can table that issue until he has time to look into it. But he would have Heckart sign a waiver for the 120 days requirement, so we would have more time. The point of the change in ownership clause is because most people partition their properties because they want to develop a parcel, or sell it. As Heckart has stated, he doesn't plan on developing the property, so we are giving him a break now.
- Thomas had a question in regards to the water line from the well; if they put the water line underneath cement, then it's their own fault, correct?
- Latta told her yes.
- Heckert said that the front lot will have no change, unless the City decides to extend the water line.

Bristol said that the current conditions of approval say the water has to be installed to each

property, so are we going to require them with development to go to all three parcels? Latta said it would be to lots 2 and 3, which aren't developed yet. Garcia-Mendez asked about them paying for upgraded services, and isn't there something in which they could be paid back? Latta told him yes, and told him about the reimbursement district ordinance. Bristol liked that thought, because if they are the first to develop, and put in an oversized pipe that can service that big lot, then when they sell that big lot, they could get reimbursed. Latta said that it has to be done correctly, or the developer runs the chance of it not being reimbursed.

The Public Hearing was closed at the hour of 7:42.

Thomas asked about the modifications for the conditions of approval, and Latta reminded them that it was No. 4 and No. 6 that was altered.

- **Thomas then motioned to approve the Minor Partition, case number 358, subject to the Conditions of Approval in the August 9, 2016 staff report. This motion is based on findings presented in the August 9, 2016 staff report to the Planning Commission, and findings made by the Planning Commission during deliberations on the request. The conditions of approval that are modified are 4 and 6; prior to developing parcels 2 or 3, the applicant will be required to extend the water line main to those lots, and to connect to those services, along with sewer service extensions to those lots. Kayner seconded the motion. The Planning Commission then voted unanimously to approve the partition request for case no. 358 for a minor partition, with amendments to conditions of approval 4 and 6.**
- Latta said that the driveway development concerns for these are not conditions; they are items that will be required when they apply for a building permit.
- **Bristol then motioned to approve land use no. 360, for a variance, based on findings presented in the August 9, 2016 staff report to the Planning Commission, and findings made by the Planning Commission during deliberations on the request. He was seconded by Kavner. The Planning Commission then voted unanimously to approve the variance request for land use no. 360.**

Hoiland Partition (LU 359)

- Chairperson Culver said that the applicant isn't here yet; is he able to process the land use request without the applicant present?
- Latta said that you can hold the meeting, but it can be delayed if they have a question for the applicant. He said that he did get an email in response to the land use notice. (Please see Addendum No. 1 for a copy of the email). He suggested contacting the Hollands, and recessing until they get here.
- Bristol asked if there were 'others' that could fill in the time.

Others:

- Latta talked about the following subjects:
 - Dollar General and progress towards opening by the end of the year.

- Skip Tracer building permit for the industrial spec building.
- PNW Railroad line and repair, plus interior curbs request
- Boat landing delay.
- Moore St. Project delay due to Pacific Power; postponed improvement RFP until January.
- Parks Committee, consideration of improving the Riverfront Park on the north side by taking some of the alley off S. 2nd St. That would include installation of an activity center for healthy living. There is a grant possibility for that.

Hoiland Partition (LU 359)

The applicant had arrived; therefore the Planning Commission Chairperson read aloud the process to request a continuance, and the process to request that the record remain open. He then opened the public hearing at the hour of 8:06PM.

There were no declarations of any Conflicts of Interest.

- **Chairperson Culver submitted that he had Ex Parte contact with Brenda and Jim Hoiland. They had a five minute discussion in a private setting, and he referred Brenda to Michele Eldridge. The Planning Commission didn't have a problem with his ex parte contact.**

The Planning Commission Chairperson then described the applicable criteria, and the need to direct testimony to applicable criteria in sufficient detail.

Applicants Presentation: Hoiland summarized that this is a large lot, and that they'd like to partition the lot, and place a manufactured dwelling on the other parcel that is currently vacant. The property is large enough for another 7,000 sq. ft. piece of property.

- Latta noted that the fence on the property looks like it's roughly where the property line will be. It already looks like it should be a separate piece of property.
- Hoiland told the Planning Commission that what they see on the lot are vehicles, and are not structures. They are proposing the addition of a manufactured home, and having a sidewalk to the front door. They would like to have a compressed gravel material, to park in front. The backside of the property will have the carport and shed.
- Latta remarked that the Planning Commission has the ability to approve a non-paved surface for parking, and for under the carport or the garage.
- Bristol asked if Stanley was graveled.
- Chairperson Culver told him it's paved, but there are no sidewalks.
- Hoiland said that the one end of Stanley is only 15' wide, and it's 20' wide at their end. She thinks it used to be an alley, and that the paving is chip seal. They would have gravel from Stanley, and would continue it to the carport in the back of the house.
- Latta told the Planning Commission that we should include in the motion that we will allow the alternate hard surface as compressed gravel, if they feel that is acceptable.
- Thomas said it's a longer driveway; she was thinking of some of the homes off of Territorial, where you can see that they aren't paved all the way.

- Latta reminded them that we do require paving for the first 25' of the driveway, so that gravel is not tracked onto the street. She will have to pave the first 25', but can have gravel for the rest of the driveway.
- Hoiland said that she didn't think any of the other homes in that area had that? Couldn't she shrink the paved area?
- Latta told her most of those homes were put in 26 or 27 years ago, and the code didn't require it back then. If she wants a variance for the driveway paving, then she can do so, but she would need a future variance. She couldn't ask for that in this meeting. The Planning Commission can't change that requirement for you, because it's an ordinance standard.

The Planning Commission then talked about the driveway requirements, and alternative paving materials. Hoiland wanted to put gravel in front of the home. However, Latta told her you can put gravel there, but you can't use it for parking. Hoiland asked if would be allowed for them, because the home on N. 6th St., and most of the homes along there, all park in the front of their properties on gravel. Latta said that the code says that the parking space must be hard surface, and that applies to any dwelling in the R-1 zone. The Planning Commission does have the ability to allow a different hard surface material for the carport, so they can approve that; they can't approve dirt. If they look at the staff report, page 35, 2 says that there must be a hard surfaced parking pad in front of a garage or carport.

The Planning Commission then talked about different aspects of paving, and where the parking should be on the property. Bristol says that a conventional lot in a subdivision has the hard surface parking pad, and are generally 20' long to accommodate a truck. But it doesn't say that additional parking had to be hard surfacing. Hoiland asked if she could still have gravel in front of the home. Latta said it was a good question. In both R-1 and R-2 zones, it states that parking spaces/areas shall be hard surfaced. It allows that if a driveway is more than 25' from the property line to the garage, only the first 25' of the driveway must be paved. Garcia-Mendez said that street is graveled? Latta said that he would say that is staff's decision. You can park in an R-1 zone on a paved surface, unless it's beyond 25' from the property line. The Planning Commission can approve an alternate hard surface material under the carport or garage. Hoiland asked again, that they wouldn't allow gravel in front of her home? Latta told her you can put gravel there, but you can't use it for parking. He had a similar location, which was in a commercial zone, and they were told the same. You can have gravel there, yes, but you can't park there.

Chairperson Culver asked if this is allowed, then they will have to install curb, gutter and sidewalk? Latta said no, not on Stanley St. (They do on the N. 6th side.) Hoiland expressed concern about the setbacks on the side of the house, but Latta told her that a driveway can be right next to a home. The side setbacks are 5', and a structure can't be in that space. Hoiland then questioned what 'park' means. She can't put a car on the gravel in front of the house? Thomas thought that City streets like Stanley were hard to work with. Latta said that Stanley is a challenge. It's not wide like a street is supposed to be. It's 20' wide, and the standard right-of-way for a local street is 58'. We're not going to require an additional right-of-way. Two 12.5' drive lanes, sidewalk, curbs and gutters are what's standard. In this place, there are only 2 10' lanes available. Garcia-Mendez asked if there was no on-street parking then? Latta told him

correct. We are going to sign that. You can get a fire truck back there. On Stanley, we require curbs. We do allow her to sign a waiver of remonstrance for that. There wouldn't be a sidewalk on Stanley with its width. Hoiland asked if she could challenge that. Bristol said if you want to get a variance. Latta said that she could, but he wouldn't be giving her staff's recommendation for the allowance. He wouldn't support the first 25' of the driveway being gravel. The Planning Commission could say otherwise.

Staff Report: Latta said that the rear setback for 450 N. 6th must be verified, as well as an outbuilding setback. It looks like from the fence, that the building is at least 65' from N. 6th St. If so, then it can have a 3' setback on the side and/or the rear. Other than those, he felt that the proposal would satisfy the criteria. He felt the other criteria could be met. There are existing water and sewer lines, so they will need to connect those prior to recording the final plat. On pg. 37 and 38, he talks about the hard surfacing materials, and her request to have the Planning Commission allow alternatives for the floor of the garage or carport. Staff is in favor of allowing compacted rock to be used for those.

Bristol asked how come this request requires hooking up to the sewer line before she can record the plat. Latta said that is what the code requires. Bristol asked if this one is different from the other one earlier tonight. Latta said yes; they are required to do it eventually. However, in that case, the services were not abutting his property. In this case, it does. Bristol reiterated that the code requires it then. Latta told him yes, it does.

At the hour of 8:41pm, the public hearing was closed.

- **Thomas motioned to approve the minor partition for case no. 359, subject to the conditions of approval in the August 9, 2016 staff report. This motion is based on findings presented in the August 9, 2016 staff report to the Planning Commission and findings made by the Commission during deliberations on the request. She was seconded by Kayner. The Planning Commission then voted unanimously to approve the minor partition for the property located on Stanley Street.**
- Bristol then **motioned to approve the alternate hard surfaced material inside the carport as compacted rock, in reference to parcel no. 2, case no. 359. He was seconded by Garcia-Mendez, and the Planning Commission voted unanimously to allow the alternate hard surfaced material for inside the carport.**
- Hoiland asked about the water and sewer lines she needs to take care of before recording the plat. So she just needs to contact a surveyor now, to do a plat.
- Bristol told her yes.
- Hoiland said that they had talked to someone about doing this, could he begin?
- Latta told her yes. The timing on that is that they issue a notice of decision tonight. Once that is done, you set up the final plat to get recorded, get the building permits, connect to water and sewer, and then have them come out and do that work.
- Hoiland asked how wide the driveway needed to be for the 25' of paving that is required.
- Latta told her it's a 12' requirement for the width of a driveway.

With no further business to discuss, the Planning Commission adjourned at the hour of 8:50pm.

Planning Commission Chairperson

City Recorder

Unapproved

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

- REQUEST:** The applicant requests approval of a Minor Partition (LU #358) and Variance (LU #360) to divide a single residential property into three parcels.
- LOCATION:** 1030 Sommerville Loop, Tax Lot 12600 of Linn County Assessor's Map 15S04W15 DB
- HEARING DATE:** August 16, 2016
- ZONING:** R-1 (Low Density Residential)
- APPLICANT/
OWNER:**
Harvey L. Heckart
1030 Sommerville Loop
Harrisburg, OR 97446
- APPEAL DEADLINE:** August 26, 2016, at 5:00 p.m.
- DECISION:** The Harrisburg Planning Commission conducted a public hearing on August 16, 2016, and voted to approve the requests, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the August 16, 2016, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.
- 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.
- EFFECTIVE DATE:** August 26, 2016, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD:

A Minor Partition shall be effective for one year from the date of approval. 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 period one time for a period not to exceed one additional year.

Unless appealed, this Minor Partition approval will expire on August 26, 2017.

Todd Culver
Planning Commission Chair

Unapproved

CONDITIONS OF APPROVAL

1. Consistency with Plans – Development shall comply with the plans and narrative in the applicant’s proposal identified as **Attachment A**, except as modified by this approval or the conditions of approval below.
2. Easements – The final plat shall include reciprocal access, private utility and franchise utility easements for the benefit of proposed parcel 3.
3. Street and Sidewalk Improvements – Prior to or concurrent with recording the final plat, the applicant shall either:
 1. Install curb, gutters and sidewalks along the full frontage of Sommerville Loop; or
 2. Provide the City with signed waivers of remonstrance for the curb, gutter, and sidewalks improvements. The waivers shall be for each property and will run with the land, and not the developer or current property owner.
4. Water – Prior to developing proposed parcels 2 or 3, the applicant shall extend the 12 inch water main to and through the subject site and pay for water services for each of the three proposed parcels.
5. Existing Well/Pump House – The final plat shall include an easement for the benefit of proposed parcel 1 to use the well / pump house and any piping leading to proposed parcel 1.
6. Sewer – Prior to developing proposed parcels 2 or 3, the applicant shall have sewer services extended to each of the properties.

DEVELOPMENT RELATED CONCERNS

(These are not conditions of approval, but will be required with building permits)

- A. The driveway for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 50,000 pounds.
- B. The driveway for proposed parcels 2 and 3 will need to be hard-surfaced for the first 25 feet from the edge of the right-of-way.

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU #359) to divide a single residential property into two parcels.

LOCATION: 450 N. 6th Street, Tax Lot 600 of Linn County Assessor's Map 15S04W10 CC

HEARING DATE: August 16, 2016

ZONING: R-1 (Low Density Residential)

**APPLICANT/
OWNER:**
Jim & Brenda Hoiland
28755 Jager Lane
Junction City, OR 97448

APPEAL DEADLINE: August 26, 2016, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on August 16, 2016, and voted to approve the requests, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the August 16, 2016, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

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.

EFFECTIVE DATE: August 26, 2016, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD:

A Minor Partition shall be effective for one year from the date of approval. 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 period one time for a period not to exceed one additional year.

Unless appealed, this Minor Partition approval will expire on August 26, 2017.

Todd Culver
Planning Commission Chair

Unapproved

CONDITIONS OF APPROVAL

4. Consistency with Plans – Development shall comply with the plans and narrative in the applicant's proposal identified as **Attachment A**, except as modified by this approval or the conditions of approval below.
5. Public Improvements – Prior to recording the Final Plat, the applicant shall either, install curbs, gutters, sidewalks, and any necessary street paving on N. 6th Street abutting the property, and install curbs on Stanley Street abutting both proposed parcels, or provide the city with waivers of remonstrance for both proposed parcels in lieu of the required public improvements.
6. Rear Yard Setback – Prior to recording the Final Plat, the applicant shall demonstrate the rear yard setback for proposed parcel 1 is at least 20 ft.
7. Outbuilding Setback – Prior to recording the Final Plat, the applicant shall locate the outbuilding on proposed parcel 1 consistent with the required setbacks of the R-1 Zone and accessory structures.
8. Driveway – The driveway on proposed parcel 2 must be hard-surfaced for the first 25 feet from the edge of the right-of-way.
9. Water – Prior to recording the final plat, the applicant shall pay to have a water service installed to each of the properties.
10. Sewer – Prior to recording the final plat, the applicant shall have sewer service extended to each of the properties.

DEVELOPMENT RELATED CONCERNS

(These are not conditions of approval, but will be required through the building permit process)

- C. The driveway for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 50,000 pounds.
- D. The applicant will be required to pay any System Development Charges for the permanent placement of the manufactured dwelling unit on the proposed parcel.

Michele Eldridge

From: Janell Wallis <janellw7@msn.com>
Sent: Monday, August 08, 2016 8:18 PM
To: Brian Latta
Subject: Notice of land use public meeting

We have received a notice for

CASE: Hoiland Partition

HEARING TOPIC: Review of Minor Partition (LU #359) land use decision

SITE LOCATION:
450 N 6th St.

We live at 455 N 6th Street and fully support this request. The Hoiland's have been great property owner's and we would have no objections for this partition.

Please feel free to contact us if you have further questions.

Thank you

Daniel & Janell Wallis
455 N 6th St.
Harrisburg, OR 97446
(541)321-9050