



Harrisburg Planning Commission Minutes May 16, 2017

The Harrisburg Planning Commission met on this date at the hour of 7:00pm. Presiding was Chairperson Todd Culver. Also present were as follows:

- Charlotte Thomas
- Roger Bristol
- David Smid Jr. (Arrived 7:06pm)
- Kurt Kayner
- City Planner/City Administrator Brian Latta
- City Recorder/ACA Michele Eldridge

Absent were Commissioners Kent Wullenwaber, Rhonda Giles, and Youth Advisor Deziree Brock.

Concerned Citizens in the Audience: All present were here for the minor partition.

Approve Minutes from March 21, 2017

- Thomas **motioned to approve the minutes, and was seconded by Kayner. The Planning Commission then voted unanimously to approve the minutes for March 21, 2017.**

The matter of a Public Hearing for a Minor Partition for David LaBar (LU366)

Chairperson Todd Culver read aloud the script as required by law for this quasi-judicial land use request to partition property. He explained the process to request a continuance, as well as the process to request the record remain open.

The Public Hearing was opened at the hour of 7:04pm.

There were no conflicts of interest, or ex parte contacts reported by members of the Planning Commission, and no rebuttals of such.

Applicant Presentation: Applicant David Labar of 930 Sommerville Loop, had received offers from two separate parties to purchase property from him. On the west end of his property, Wayne and Nancy Hayner would like to purchase $\frac{3}{4}$ of an acre that is adjacent to property they own. The reason the proposed property line is at an angle, is because it coincides with a drainage ditch there. The property would have a 25' access strip. On the east side of his

property, he has an offer to purchase 1 acre of property. That leaves him with 7 acres or so, and he doesn't wish to do anything with the remaining property.

(David Smid Jr. arrived in the middle of the applicants' testimony, at the hour of 7:06pm)

- Thomas asked if he planned on developing the rest of it in the future, or was he going to sell it?
- LaBar said that if someone wants to purchase it, they can. If someone wants to buy and develop another lot, they will have to wait a year to do so.
- Latta told the Planning Commission that state law only allows a partition on these 3 lots within a calendar year. If they want to carve off another lot this year, it would become a subdivision. However, someone wanting to purchase a lot in its entirety could still do so.
- Chairperson Culver asked why the property on the west side was being done as a triangle again.
- LaBar told him that there is a drainage ditch through there, which is 12' wide or so. It has about a 20' access. If we hadn't done a triangle, then access to the property would have been across the ditch.
- Latta showed on one of the maps in the chamber where the property was, and the ditch located on it.
- Chairperson Culver thought that was something that had been partitioned years ago.
- Latta showed where four lots had been divided in the past. The Hayner's current lot is one of those that had been divided. The 30' access easement you see for driveways is not part of their property now.
- Bristol asked then if that was just an easement?
- Latta told him yes, it was. He explained that there would be two accesses to their property now. One was the 30' original strip, and they had another for the newly partitioned property.
- Bristol expressed confusion because he thought it should be a lot line adjustment being done, since their lot was already existing.
- Latta said that in this case, you have a new lot that is being combined with the old one. That is a replat. When you do a replat, it wipes away the lines, and you do all new lots. Lot No. 1 will include part of partition plat 2002-33, which will be dissolved, and creates a new one. There will also be lots no. 2 and no. 3 created. The overall project is considered a minor partition.

Staff Report: Latta summarized the criteria as outlined within the agenda staff report for this minor partition. He did go into detail about the National Pollutant Discharge Elimination System (NPDES) permit #101626 was issued by the DEQ (Department of Environmental Quality) under the environmental Protection Agency (EPA) Schedule D, Condition 3. Condition No. 4 requiring a meter to be installed on the existing well is required due this permit with the state. Doing so complies with our monitoring and records requirements for the NPDES permit. A water line will need to be installed, along with a sewer line to serve parcel no.3. Both are required before the plat can be recorded. He did remark that the city had received phone calls from a couple of people who were concerned that this would trigger the requirement to extend 9th St through this area. (LaBar said luckily, the future street would only go through the middle of his pump house.) Latta noted that this partition doesn't preclude that street from being extended

through here in the future. If we were creating a property line in this area, then we would require a street dedication there. But because there is future development potential, we can just keep our eyes on it. He felt that all criteria were met, and with the conditions of approval, the project would allow future potential growth, and doesn't preclude other orderly development. He recommended approval of the minor partition.

Thomas was concerned about the proposed density for these lots. Latta explained that there was a difference between density and lot size. There are two different densities for this, because the original property being divided is split zoning, with R-1 to the east, and R-2 to the west. He understood that lot 3 would be divided in the future, so that standard can be met. He further explained that when an owner comes in with a building permit, that we must make sure that they aren't plopping a home in the middle of it. Thomas asked then when they come to the City with their building permits, asking to build, that was when they had to meet density requirements? Latta appreciated her bringing the subject up. That's why it's not a condition of approval for the property. They are required to bring in an application to develop the property, and if they are not in compliance with that, then that is when they are required to come into compliance. He didn't feel that the stated condition was necessary at this time, because what they are doing is not out of compliance. Thomas wanted to make sure that was clear. Bristol asked about the flag lot provisions. He asked if they should be getting a variance. However, Latta said that the access they have puts them over the 50' road frontage requirement. Bristol asked if they didn't have that then, it would be a variance request? Latta told him that was correct.

Public Testimony in Favor of the Land Use Application:

Wayne Hayner, of 764 Sommerville Loop, said that they are in favor of the application, especially since they are purchasing lot no. 1. However, he has concerns about the storm water drainage through this area. He had been told that he couldn't do much with the ditch. He's concerned about his responsibilities about what is upstream, and downstream from their property.

- Chairperson Culver reminded him that what we are looking for is whether someone is in favor, opposition, or neutral towards this project. The storm water is not part of this.
- Latta explained some of the laws in relation to storm water drainage. In the future, when there are subdivisions created, there will be more requirements than in the past for capturing storm water drainage, and for catchment and holding areas for it. He said that the city has the responsibility of making sure that future development complies with that. With one or two homes though, it's far more difficult to implement those measures, because the impact is minimal. In aggregate, if one or two properties are built at a time, and are added to in the future; that's when you get problems.

Tom Zike, of 760 Sommerville Loop, was also in favor of the partition plat. He is right next door to lot no. 1.

Matt Dockery of 975 Sommerville Loop also was in favor for this partition plat. He wants to purchase lot no. 3. However, he's unsure what the next step is for adding utilities. He wants to make sure that they can accommodate whatever is required, and specifically so that they don't have to do it twice.

- Latta said that we would work that out within the development agreement. That could allow them the leeway to avoid installing facilities before the recording of the plat is completed. He might be requiring a bond. That would allow the city to hold the money to do the project within a certain amount of time, to make sure that those utilities get installed.

Testimony in Opposition of the Land Use Request: None

Testimony Neutral to the Land Use Request: None, although Matt said he supposed he was neutral as well.

At the hour of 7:39pm, the Public Hearing was closed.

- Chairperson Culver asked if LaBar was crystal clear as to the requirements of the Conditions of Approval, and especially with the Waivers of Remonstrance?
- LaBar thought he was.
- Latta explained what a Waiver of Remonstrance was for the people in the audience. It waives the ability for the property owner to protest a future improvement to infrastructure requirements, if the city should do that in the future.
- Bristol asked about the Local Improvement District, where an assessment is charged to each person based on what is installed, and they are charged a certain amount each year and month.
- Latta said it could be done in a lot of separate ways. City Council can choose how they'd like to assess individual properties.
- LaBar said that with the water services that were required to be installed to parcel 3, that he hoped the future property owners would be responsible for that, and not himself.
- Latta emphasized that again, before you can record that partition, that either those improvements are paid for and completed, or you enter into a developer's agreement for specific services. Whether the burden for that falls onto you, or onto the proposed owner, Matt; is up to the two of you in your agreement between each other.
- **Thomas motioned to approve the Minor Partition, Case Number 366, subject to the conditions of approval in the May 9, 2017 staff report. The motion is based on findings presented in the May 9, 2017 staff report to the Planning Commission, and findings made by the Planning Commission during deliberations on the request. She was seconded by Smid. The Planning Commission then voted unanimously to allow the minor partition for property included in Land Use Case No. 366, subject to the conditions of approval as stated within the agenda.**

OTHERS:

- Latta told the Planning Commission that they would be seeing more land use applications in the future. He told them about the dentist property that would be developed in the future, due to the sale of the City's water tower property. The fire department would also be developing their property soon. There is also property that is east of the current LaSalle St. Apartments, that will be subject to a lot line adjustment, and it will be developed as more apartments in the future. Also, Mike Lefevre was going to install RV storage. He's looking at the property adjacent to the Diamond Hill Paintball park. He explained that it's one of the few properties in town that has local significant wetlands. The Diamond Hill Paintball folks have an active land use permit, which was submitted in January or February. He is holding them to certain specific requirements, because they lost their previous land use. He is making them follow up on due diligence. They have six months from applying for the land use application to follow up on it.
- Kayner asked if they were buying that property?
- Latta told him that they are trying. The Fire District will have to sell it via a public option, which is what the City did when we sold the water tower property. He added that they will need to get a new Conditional Use Permit, because the last one expired.

With no further business to discuss, the Planning Commission meeting was adjourned at the hour of 7:55PM.

Planning Commission Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU #366) to create three residentially zoned properties from two existing properties. Proposed parcel 1 is an oddly shaped lot with two access points onto Sommerville Loop. Proposed parcel 2 is a large lot that will be split zoned with both R-1 (Low Density Residential) and R-2 (Medium Density Residential) land, and street access onto Sommerville Loop. Proposed parcel 3 is a rectangular shaped one acre lot with access onto Sommerville Loop. The combined acreage of the three proposed parcels is 9.67 acres.

LOCATION: 930 Sommerville Loop Map # 15S04W15
Harrisburg, OR 97446 Tax Lot 3700

764 Sommerville Loop Map # 15S04W15
Harrisburg, OR 97446 Tax Lot 4900

HEARING DATE: May 16, 2017

ZONING: R-1 (Low Density Residential) & R-2 (Medium Density Residential)

**APPLICANT/
OWNER:**

David LaBar Wayne & Nancy Hayner
930 Sommerville Loop 764 Sommerville Loop
Harrisburg, OR 97446 Harrisburg, OR 97446

APPEAL DEADLINE: May 26, 2017, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on May 16, 2017, 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 May 16, 2017, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

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. **Public Improvements** – Prior to recording the Final Plat, the applicant shall either, install curbs, gutters, sidewalks, and any necessary street paving on Sommerville Loop abutting the property, or provide the city with waivers of remonstrance for each of the proposed parcels in lieu of the required public improvements.
3. **Water** – Prior to recording the final plat, the applicant shall pay to have a water service installed for parcel 3, or enter into an agreement to install the improvement, consistent with HMC 17.30.020.
4. **Meter on Private Well** – Prior to recording the final plat, the applicant shall install a meter on the private well on parcel 2. The meter type shall be approved by the City prior to installation.
5. **Sewer** – Prior to recording the final plat, the applicant shall have a sewer service extended to proposed parcel 3, or enter into an agreement to install the improvement, consistent with HMC 17.30.020.

DEVELOPMENT RELATED CONCERNS

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

- A. Any driveway in excess of 100 ft. in length will need to be able to support emergency vehicles up to 50,000 pounds.
- B. Future development on the properties will require the payment of any applicable System Development Charges.