



Harrisburg Planning Commission Minutes February 20, 2018

The Harrisburg Planning Commission met on this date at City Hall, located at 120 Smith St., at the hour of 7:00pm. Presiding was Vice-Chair Charlotte Thomas. Also present were as follows:

- Rhonda Giles
- David Smid
- Kent Wullenwaber
- Youth Advisor Rocio Ruiz-Lopez
- City Administrator/Planner Brian Latta

Absent this evening were Chairperson Todd Culver, Roger Bristol, Kurt Kayner, and City Recorder Michele Eldridge.

Citizens present were the applicants for the land use issue for this meeting.

Approval of Meeting Minutes:

- Giles **motioned to approve the minutes from the January 16, 2018 Planning Commission Meeting, and was seconded** by Wullenwaber. **The Planning Commission then voted unanimously to approve the minutes from January 16, 2018.**

Public Hearing: Minor Partition and Variance (LU #380 & 381) for Matthew and Gwendolyn Dockery.

Vice-Chair Thomas read aloud the script as required by land use laws, along with the process of requesting a continuance, and the process to request the record remain open.

The Public Hearing was opened at the hour of 7:03 pm.

Vice-Chair Thomas asked if there were any conflicts of interest, or ex parte contact to declare. There were no conflicts of interest, or potential conflicts declared, and no rebuttals of such. Nor were there any ex parte contacts to declare, or any rebuttals of such.

Applicants Presentation: Matt Dockery said that they had purchased this land, and are building a home on one of the parcels. There will be a total of 3 lots. They believe that they've met all the criteria, other than the 25' of street abutment for each lot, which is why they are also asking for a variance.

Staff Report: Latta directed everyone to page 25, where they could see the proposed size of the lots that would be allowed by this land use action. While parcel no. 1 meets the code requirements of having a minimum of 25', and 50' of street frontage, parcels 2 and 3 do not comply. Flag lots are permitted in Harrisburg; therefore a variance is required in regards to street frontage. All applicable criteria and standards are in the staff report. In regards to full and orderly development, no streets are stubbed to this property. Parcel 3 is large enough to be

subdivided in the future. Staff feels all criteria are met for the partition. For the variance portion, their property is deeper rather than wide; if we didn't allow the variance, we wouldn't be allowing the full and orderly development of residential property. This type of flag lot is familiar to the Planning Commission. He noted that there were 5 conditions of approval. The applicant will likely choose a waiver of remonstrance, rather than deciding to install curbs, gutters and sidewalks at this time. The easements for the driveway will be included in the final plat document.

Public Testimony in Favor, in Opposition, or Neutral to this land use request: There were no people in the audience other than the applicant.

The Public Hearing was closed at 7:15 pm.

- **Giles motioned to approve the Minor Partition, case number 380, subject to the conditions of approval in the February 13, 2018 staff report. This motion is based on findings presented in the February 13, 2018 staff report to the Planning Commission, and on findings made by the Planning Commission during deliberations on the request. She was seconded by Smid. The Planning Commission then voted unanimously to approve the Minor Partition for Matt Dockery.**
- **Smid then motioned to approve the Variance, case number 381. This motion is based on findings presented in the February 13, 2018 staff report to the Planning Commission, and findings made by the Planning Commission during deliberations on the request. He was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the Variance in order to allow the street frontage for parcels 2 and 3, as shown on the preliminary plat.**
- **Giles asked for more information about condition of approval no. 3.**
- **Latta told her that we now record the waivers of remonstrance at the county. That way, it shows up when the property is sold, whenever that is. The cost of the recording of the remonstrance agreement is passed onto the applicant.**

Others:

- **Latta said that he is working on one land use request that might be discussed in March. It's for the dentist office, but they do have one thing that they need to revise. He'll need that back by Tuesday in order to send out the notices in time for the next meeting. He'll also try to get another section of zoning code amended for that meeting as well.**
- **Smid asked about the lot that the Magnuson's purchased. How much did it cost?**
- **Latta told him it was owned by the City. It sold for \$88,000. The bid started at \$80,000. Both Hurds and the Magnusons were bidding on it. Hurds weren't happy about the sale, because they had an opportunity to purchase the land from the City years ago, and the City didn't accept that offer. He added that the Magnusons are not developing a portion of their property, and Hurds is considering whether or not they'd like to purchase that section.**

With no further action, the Planning Commission was adjourned at the hour of 7:22pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU #380) to create three new parcels. In addition, the applicant requests approval of a Variance (LU #381) to the frontage requirements for the proposed parcels.

LOCATION: Tax Lot 3702 of Linn County Assessor's Map 15S04W15

HEARING DATE: February 20, 2018

ZONING: R-1 (Low Density Residential)

APPLICANT/: Matthew & Gwendolyn Dockery
OWNER: 975 Sommerville Loop
Harrisburg, OR 97446

APPEAL DEADLINE: March 5, 2018

DECISION: The Harrisburg Planning Commission conducted a public hearing on February 20, 2018, and voted to approve the requests, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the March 13, 2018 Staff Report to the Planning Commission, 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 plus actual expenses for appealing a Planning Commission to the City Council.

EFFECTIVE DATE: March 5, 2018, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Minor Partition and Variance approvals 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 and Variance approval will expire on March 5, 2019.



Charlotte Thomas
Planning Commission Vice Chair

CONDITIONS OF APPROVAL

1. Consistency with Plans – Development shall comply with the plans and narrative in the applicant's proposal identified as **Exhibit 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 parcels 1, 2, and 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 parcel 1 and parcel 3's full frontage of Sommerville Loop; or
 2. Provide the City with a signed waiver of remonstrance for the curb, gutter, and sidewalks improvements. The waiver shall be for parcels 1 and 3, and will run with the land, and not the developer or current property owner.
4. Water Services – Prior to recording the final plat, the applicant shall pay to have installed water services extending from the City's main line in Sommerville Loop to the property line.
5. Sewer Services – Prior to recording the final plat, the applicant shall install sewer lines from the City's main line in Sommerville Loop to the property line. The applicant shall pay the City the sewer connection charges prior to performing the work.