



Harrisburg Planning Commission Minutes September 19, 2017

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:

- Roger Bristol
- Kent Wullenwaber
- Kurt Kayner
- City Administrator/Planner Brian Latta
- City Recorder/Asst. City Administrator Michele Eldridge

Absent this evening were commissioners Charlotte Thomas, Rhonda Giles, and David Smid.

Concerned Citizens in the Audience:

- Adam Keaton, City Councilor, 120 Smith St., wanted the Planning Commission to have some information about the water bond, and what the City Council has been doing in relation to improving the water. The basics are that Well No. 5 is part of the problem with our City water, so we plan on getting rid of it, and replacing it with another well in the City. We'll also get rid of the old concrete tank, and will install new steel tanks on both ends of town. They will also be replacing a lot of the older water pipes in the City; 3.5 miles worth, as well as building two filtration plants. The cost of all of this is \$7.5 million. That comes out to \$1.50 per thousand for the property taxes. It will be on the ballot in November. Once the system is up and running, the water portion of utility bills will increase by about \$12 per month. That will cover the operation of the filtration plants. The City Council and campaign are holding another town hall on September 28th, and another meeting following second services at Harrisburg Christian Church on the 8th of October.

Chairperson Culver asked him how long the bond is, and was told it's 30 years. Bristol said that would be approximately \$245 to \$248 a year for an average house that is \$186,000. Kayner asked when will the rate increase start? Keaton told him the property taxes would be assigned in 2018. The rates increase will occur at the end of 4 to 5 years. Bristol said that the goal is getting better water. Keaton said that we can't guarantee what it will taste like, but Well No. 8 is pretty good, and just getting rid of Well No. 5 from our system will help a lot.

Approve Minutes from May 16, 2017

- Kayner **motioned to approve the minutes of May 16, 2017. He was seconded by Bristol, and the Planning Commission voted unanimously to approve the minutes of May 16, 2017.**

The matter of a Public Meeting for a Minor Partition (LU 372) and Variance (LU 374)

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 7:07pm.

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

Applicant Presentation: Anthony Bucher was here this evening, and is both an applicant and the owner of this parcel, as well as two of the adjoining parcels as well. His report is outlined in the agenda document. The greater parcel was divided several years ago into 3 parcels. The existing parcel was a good size. He wasn't able to present this at that time, because anything over 3 lots is considered a subdivision, which requires all sorts of improvements, including a street, curbs, gutters and sidewalks. He planned on doing everything this way, and had purposely laid his utilities to prepare for lot No. 4. All the City codes are pretty much the same as they were the last time he went through the Planning Commission. He had planned on adding the flag lot to Parcel 4 before; he wishes now that that he had done that in the first place.

- Latta asked for clarification on what is highlighted yellow within the site drawing in A-13. He was changing the measurements on parcel no. 2, from 110 to 98, correct?
- Bucher said that it was, and apologized for the confusion.
- Chairperson Culver liked that because it was in line with Parcel No. 4.
- Bristol said then you are just asking for variance and minor partition at this time.
- Bucher said yes. The variance is to have access to Sommerville Loop. He added that all utility services are underground, and were already provided to both properties.

Staff Report: Latta said that this project will create parcel No. 4, and will also adjust the northern line on parcel no. 2. He also noted that in his Conditions of Approval, that they should amend condition no. 2 on the easement line to reflect parcel no. 4. In condition 3, the applicant will need to either install curbs, gutters and sidewalks, or he could sign a waiver of remonstrance.

- Chairperson Culver wanted to make sure that the Fire Chief has seen this plan?
- Latta told him that the plan is routed to Chief Griffith.

The Chairperson asked for testimony in favor, in opposition, or neutral to this application, but nobody stepped forth with any kind of testimony.

A conversation ensued between Latta and Bucher in relation to the Waiver of Remonstrance. Latta told Bucher that if you sign the waiver, then you waive your right to remonstrate against improvements in the future. It puts you on notice with your development, that if something is improved later, it will be your responsibility to deal with it. Bucher wasn't sure what he wanted to do, because if he improved 2' of that section, then it would probably only cost him \$185, then in the future, an assessment wouldn't include that, because it would be based on frontage. Would he need to plan for improvement anytime soon? Latta told him it depends. It's considered on a case to case scenario. We've configured improvements both on a per lot basis, but also on linear footage.

The public hearing was closed at the hour of 7:23pm.

- **Bristol motioned to amend condition of approval no. 2, to state that the 'final plat shall include reciprocal access, private utility and franchise utility easements for the benefit of proposed parcel no. 4'. He was seconded by Kayner. The Planning Commission then voted unanimously to approve the amendment of condition of approval no. 2 as stated.**
- **Bristol then motioned to approve the minor partition, case no. 372, subject to the conditions of approval as amended in the September 7, 2017 staff report. This motion is based on findings presented in the September 7, 2017 staff report to the Planning Commission, and findings made by the Commission during deliberations on the request. He was seconded by Kayner, and the Planning Commission voted unanimously to approve the Minor Partition LU No. 372, as amended.**
- **Bristol then motioned to approve the variance, case number 374, subject to the conditions of approval in the staff report of September 7th as amended. This motion is based on findings presented in the September 7, 2017 staff report to the Planning Commission and findings made by the Commission during deliberations on the request. Kayner seconded his motion, and the Planning Commission voted unanimously to approve the Variance for LU 374 as amended.**

The matter of a Minor Partition (LU 369), Site Plan Review (LU 370) and Excavation/Grading Permit for Geomax, Inc.

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 7:29pm.

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

Applicants Presentation: Mike Lefevre, 1138 Regency Dr. in Eugene, 97401, was one of the applicants of this project. This is a continuation of JB Mini-Storage, which he stated he would be doing about 11 years ago when he started his expansion. He is planning on moving RV Storage to his property. They were planning on dividing the property, so that this lot would be 6.52 acres, and in the process, create another two parcels. There are a total of 3 parcels being carved out. He does have a comment in relation to condition of approval no. 12 in relation to obtaining approval from Northwest Natural Gas approving the location of the proposed bio-swales inside their easement. He handed out a copy of the deed for this property (Please see Addendum No. 1), that stated that *'the grantor reserves the right to cross the right-of-way herein granted with utilities, roads, streets and driveways, and railway tracks, and to increase the earthen cover over Grantee's pipeline(s)'*. What they are planning on doing on 3 sides around the property is to create bio-swales that will drain the whole property. The part along the railroad tracks, is a 20' easement for NW Natural Gas. According to this document, it sounds like the rights go with the property, and NW Natural Gas has permission to operate their gas line, but they give all the rest of the rights of the property to the owner. In their case (JB Mini-Storage), they will have a bio-swale. He proposes that instead of having that condition, that it says instead that *'the applicant shall consult with NW Natural Gas prior to construction of the bioswale to determine the exact location and depth of the pipeline'*. That would allow them to adjust the bio-swale as much as they can, if they get a letter from NW Natural gas. He felt that they pretty much had approval already, based on the deed. Parts of the swale might be close to the property line. A lot of what they are doing can actually go right on top of the gas line, except perhaps for the center, and deepest part of the swale.

- Chairperson Culver asked what was wrong with just getting a letter from NW Natural Gas?
- Lefevre was afraid that it would set on someone's desk for two months.
- Chairperson Culver felt that the letter was protection for the City. He doesn't see why that's a big deal. If they say yeah, ok, we can go ahead, but if they say no, then you have to revisit it.
- Lefevre said we could work with him. He is thinking of agencies, where they wait and wait, and hold off on approval, when we feel we already have the rights. The person he contacted at NW Natural said that the line paralleling 6th St. isn't even used. It could be if there was future industrial development, that we could actually ask them to move the pipeline, and grant them a similar easement.
- Chairperson Culver said it would be pretty easy to do that. The deed is dated from 1964. So who is Ronald E. McNutt?
- Lefevre said it was a former owner. The document pretty much gives them the consent they need to use the property, except for building a building over the top of it. It does say that the pipeline needs to be no less than 5' or more underground too.
- Chairperson Culver said that he's not an attorney, so he doesn't feel he can act on this document as being something we can act or rely on.
- Latta said that he had notified NW Natural Gas, and somebody came out to look at the site. He said that they would provide comments, but the city has not received them. So he doesn't know if they decided it wasn't a problem, or if they just forgot to provide

comments. He feels the chairperson is correct; this is written as protection for the City. We don't want to have to go out and dig up bio-swales, that might interfere with the pipeline that is, or isn't there. There are a lot of activities here, and what you say makes a lot of sense. In here, you give yourself the right to cross the right-of-way, with utilities, roads, streets, driveways, and the ability to increase the amount of dirt. The only activities that are sub surface are utilities. All of those activities generally don't dig down too deep; however, a bio-swale is going down deeper. That's his concern. He doesn't know how deep they go, or how close the swales would come to the pipe. That's his concern, and why he wants them to sign off on it. It puts the burden on you to do that, rather than encountering a sticky wicket later. Then you end up in court, when you find out that they just forgot to send a letter. They did consult with us, and they did check it.

- Chairperson Culver said that looking at the map in the agenda; he wasn't sure where the swales are in the proposal.
- Latta passed out an enlarged map (Please see Addendum No. 2). It's a revised map in which you can see the swales on the map. The ones that are located on the right side, will discharge into the existing ditches.
- Bristol asked if the pavement then runs into these? Or are they like a pond that sits there, and then drains to the ditch?
- Lefevre said that it's part of the wetlands. They require the entire site to drain to the swales, and the swales act as a filtration system. The swales are geared to run to the NW corner of the lot, except for those last two located by the diagonal ditch.
- Bristol asked if the road was gravel or asphalt?
- Lefevre told him the road going in is asphalt.
- Chairperson Culver added that the parking by the building is asphalt as well.
- Lefevre told him yes, that is correct.
- Bristol said that you said something about building more mini-storage units; are you doing that now, or later?
- Lefevre said that some of the buildings on the perimeter are enclosed RV Storage. They are different sizes. There are also 8 of these near the front gate.
- Bristol asked if those were going to be cement floored?
- Lefevre said yes, they were. The parking lot will be gravel; there will be lines painted that will be the parking areas. On the north boundary, there is outdoor parking, but the next two areas are covered, although not enclosed. He noted in response to Bristol's question that the units that are enclosed will be secure.
- Ron Rice, representing Geomax, 806 N. 9th St., in Cottage Grove, said that he wanted to address the bio-swales. They really aren't exactly bio-swales; they are more like rain gardens. They take the drainage from the surface, which then goes through 12" of filter material, then it filters through another area, before going to the sub-drain. That slows the rate on inflow and receipt of water. The process purifies the water as well, removing particulates. All the swales are connected by sub-drains, which aren't on the surface. Each has an overflow area to compensate for a 100-year storm, so it blows out; it will go to that drain. These are actually sized to handle a 100-year storm. They contracted with another company, who determined the hydrology in this area. This system is proven to

work well, and it's sensitive to the wetlands as well. On condition of approval no. 2, he's not certain where the hydraulics for a six-month storm information would be. He suggested that it be amended to reflect 1-year or 2-year instead. He also wanted to clarify something. On exhibit C.35, there is a declaration of protective covenants, conditions and restrictions for the Harrisburg Industrial Park. The parcels it is referring to does not apply to this property. On exhibit C.38, you'll see that it's further south, and west of this property that it applies to, including in between the railroad tracks. Those aren't their CC&R's.

Latta asked Rice if on exhibit C.34, with the contour grade plan, does that cut go down about 5'? Rice didn't think so; he thought it cut right at the north boundary about 3'. When Latta questioned him further, he told him that it's really all sort of the same. The water can travel only so far on gravel, and running at a 2% slope, it can only go about 50' before you lose elevation. The center of concentration is at the catch basins. The whole site doesn't change that much; on a north/south run along the tracks in the bio-swales. Latta asked how deep from top to bottom were the swales? Rice told him the center was a 1' contour; inside that, for the catch basin, it's somewhere around ½ a foot lower. The next contour line is a 1' raise. In that location, it's only about a 1 ½ 'drop in that 50' run. The bottom for the catch basins is as even as we can make it, and the slope really doesn't represent much of a change in gravity.

Staff Report: Latta said that he's happy to change condition of approval no. 10, to reflect a 1-year storm, instead of six month. The six months figure was given to us by our engineer. The Planning Commission will need to motion to amend that condition. The grading and excavation is not a land use decision, however we are required by ordinance to come to the Planning Commission if there are more than 100 cubic yards of fill. They will have about 6,000 cubic yards, and because of that, they will need to meet the additional requirements outlined in the ordinance. He already has that requirement in condition 19; that will continue in the future to the October meeting. When Rice submits the additional information, we'll forward it to our engineer to make sure he can give us a recommendation by October. It luckily doesn't require an additional public notice. You'll want to motion to continue that portion to the future once we get the information we need. He indicated that staff is recommending approval based upon the conditions of approval, which you'll amend slightly. He then went into detail on the conditions of approval that apply to this request.

Condition of Approval (COFA) No. 1: Is a standard condition to make sure that everything matches what is approved by the Planning Commission.

COFA 2: Note that the requirement is either installation of improvements, or waivers of remonstrance that will apply to both of the parcels. Parcels 1 and 2 have all the frontage along 6th St. and those are not being proposed for development at this time. The Planning Commission can allow a waiver of remonstrance to be signed, knowing that the development will happen in the future; just not with this particular partition.

COFA 3: Lots 1 and 2 are large enough to have their own developments, therefore, the applicant is declaring the right-of-way for Sommerville Loop to extend, but staff won't require the street to be developed at this time. When those are developed would be the time to require it.

COFA 4: The curb cut here already exists, but the easement that serves parcels 2 and 3 will need to be widened at S. 6th St. so that somebody can have the room to pull in. It appears easier to have them widen the easement, then it is to move the driveway because of the utilities.

COFA 5: This is again, the extension of the right-of-way that will become the extension of Sommerville; this will be a 63' right-of-way.

COFA 6: The location of the ADA accessible space just needs to be flipped to the other side.

COFA 7: Each phase stands alone, so he does need to install the wheel stops for the nine parking spaces on the east boundary.

COFA 8: The temporary wheel stops for the 18 RV spaces at the edge of the development phases only need to be there until they complete phase two of the development.

COFA 9: We do have a light plan that has been submitted; those all need to be deflected downwards.

COFA 10: As we've stated prior, the change in peak runoffs during storm events can be changed from 6-month to 1-year.

COFA 11: As he suspected, the bio-swales are all connected, so it makes sense that they need to construct them all during phase 1.

COFA 12: He is still recommending that they be required to get a letter from NW Natural Gas. NW Natural Gas has reached out to him, and they are aware of the project.

COFA 13: The applicant will need to submit an erosion and sediment control plan that shows how they will prevent sediment and runoff from the earthwork impacting the City's drainage system or other properties.

COFA 14: They will need to submit a plan to us of how they'll prevent public access to areas where dangerous construction activities are taking place.

COFA 15: A fence permit is free, and can get reviewed really quickly.

COFA 16: Any refuse areas will need to be screened from public view; he didn't really see any on the plan, but would assume that there will be some there.

COFA 17: This is a site with wetlands. Some are jurisdictional, and there are some locally significant wetlands as well. They will have a variance that will come up at a future meeting, consistent with HMC 18.65.110. He didn't get that information until last Friday. Therefore, we will need to have that approved before they will be allowed to obtain a building permit. Now that he has the information he needed from them, the Planning Commission will review it in October.

COFA 18: This is a general notice that they must have an approved Joint Permit Application from the Department of State Lands, and the US Army Corps. Of Engineers', demonstrating any impacts they might have on the wetlands. Any impacts to the wetlands must be consistent with the Joint Permit Application.

- Lefevre said that he almost has that done. He needs some information from the Department of Environmental Quality to complete it.
- Latta knew that it was forthcoming; it's quite a process and achievement to get that done. We will need to verify that, in addition to them meeting the local provisions.

COFA 19: Excavation/Grading Permit Requirements are needed from the applicant. Therefore, he is recommending that the Planning Commission continue the public hearing to

October. They can do that as the first part of the motion; he reminded them that we are not closing the public hearing. That will remain open until the next meeting.

- Bristol asked why the City Engineer had to review the excavation/grading plan.
- Latta told him it was because that is not a land use decision. It is basically like a building permit request. It's not subject to state laws that require a decision to be made within 120 days.
- Bristol asked if staff can do that approval?
- Latta told him no. A fill permit that is over 100 cubic yards requires that the Planning Commission approves it. When it's over the limit of 5,000 cubic yards, then the City Engineer reviews it and reports to the Planning Commission. We didn't receive their report in time to submit it to the City Engineer for review, therefore, we have opened the public hearing, and need it to remain open, so that our engineer can provide us with a recommendation.
- Bristol asked them if they could understand the delay.
- Both Lefevre and Rice said yes.
- Latta said that this was an exciting proposal; he appreciated having development in this part of town, and enjoyed working on the staff report.
- Lefevre added that they needed more room for the RV's to maneuver, and it was getting crowded in there in the current JB Mini-Storage facility.

The Planning Commission Chairperson asked for testimony from those in favor of the application, for those in opposition, and for those who had neutral testimony. None of the audience members submitted testimony of any sort for the application.

- **Bristol motioned to continue the public hearing for the Excavation/Grading Permit application to a date uncertain, and was seconded by Kayner. The Planning Commission then voted unanimously to continue the public hearing at a later date.**

Tonight's public hearing was then closed at the hour of 8:11PM

- **Bristol motioned to approve the Seers Minor Land Partition (LU #369), subject to the conditions of approval contained in the September 12, 2017 staff report. The motion is based on findings contained in the September 12, 2017, staff report, and on findings made during deliberations on the request. He was seconded by Kayner.**
- **Bristol then rescinded his motion, because the amendment to the timeframe for the storm water hadn't been made yet.**
- **Bristol then motioned again, to amend the condition of approval No. 10 for the storm water/drainage report to have the storm events be 2-year, 10/25/100 year storms instead of six months, and to provide the engineering calculations of the water quality storm and detention/retention, and/or downstream capacity analysis.**

He was seconded by Kayner, and the Planning Commission voted unanimously to amend COFA No. 10, to reflect the change of 6-months to 2-years.

- **Kayner then motioned to approve the Seers Minor Land Partition (LU#369), subject to the conditions of approval as modified, contained in the September 12, 2017 staff report. This motion is based on findings contained in the September 12, 2017 staff report, and on findings made during deliberations on the request. He was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the Minor Land Use partition for Seers, as amended earlier to reflect the change to the storm water condition.**
- **Wullenwaber then motioned to approve the Seers Site Plan Review (LU#370), subject to the conditions of approval contained in the September 12, 2017 staff report. The motion is based on findings contained in the September 12, 2017 staff report, and on findings made during deliberations on the request. He was seconded by Kayner, and the Planning Commission voted unanimously to approve the Site Plan for the Seers Site Plan Review (LU #370).**

The matter of a Public Meeting for a Conditional Use Permit (LU 365) for Diamond Hill Paintball LLC

Chairperson Todd Culver read aloud the script as required by law for this quasi-judicial land use request to obtain a conditional use permit for Diamond Hill Paintball. 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 8:17pm.

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

Latta did enter into the records of the meeting, a letter that he had received from Charlotte Thomas, who was in the audience this evening. (Please see addendum No. 3)

Applicant's Presentation: Audrey Whiddon, 1070 S. 6th St, living in Coburg, said that she's moved forward to have the paperwork to start the process. One of the things she'd like to speak to, is the letter that was sent out from Charlotte Thomas, who doesn't think that Diamond Hill Paintball will comply with the required improvements. She (Whiddon) believes that all of you here tonight, voted for all the extensions, and gave her a 'variance' on paving the parking lot, and doing the sidewalks, because she was renting the property, and we didn't know how long we would be on there (that property), especially since the fire department was planning on using the property, which would be waste of resources to put them (improvements) in, and then take them out. Now, they (the fire department) are buying City property, and now this property is for sale, and she can proceed with the purchase of the property. She said that the size of what's going on is a little off, because the property line is off a little bit. She has contacted Mike

Lefevre about that; he hasn't purchased the property yet, but we are in negotiations about that, but she has submitted a couple of drawings to go with her plans. Thomas' worry that she won't comply; it's not valid. Part of the purchase of the property, once she owns it, is to put in electricity, and everything else that is required. She is moving forward, and has all the paperwork started. A lot of what she is doing is going back and forth, with concern about the paintball use, with putting in parking, in relation to the field, and with the equipment they need. They can comfortably service 60 visitors right now. Those can be paved right away, while paving waits on construction for the rest of the area, and then they will finish paving when it's done. The infrastructure will be here; she's just working on getting the funding to purchase the property. She obviously couldn't get a loan as a renter to put in \$14,000 of sidewalks, because the fire district tried to do that to help her. Now we have the ability to get this done with the purchase. She does have some questions about condition number 2, with the vegetation buffer; it's saying a 5' fence, but she can only put up a 4' fence,

- Latta thought she had proposed a 5' tall fence. You aren't limited to 4' tall in the industrial zone; those are just vision clearance requirements, which apply at the driveway, and very front. The fence is set back to the north, so it doesn't impede clearance, and can be 6' tall on the property line. She was proposing 5' in her application.
- Whiddon then asked about no. 5, and the requirement to extend the width of the entrance by 4'; she has no problems with that. Would she be able to not do that if she puts in an exit at the other end? If she has an entrance, and an exit that are separate. Would she have to extend it?
- Latta told her that it's something you could do. The condition was based on the information that was submitted. A couple of his concerns were having only a 14' wide aisle between parking spaces. If she could re-design the parking lot to accommodate the width easier, then yes, it's something you could do, although it's not what you proposed. If the driveway has one way in, and one way out in the same location, then it's required to be 24' wide; that's why the condition is that way.
- Whiddon asked if she could have that be amended.
- Chairperson Culver said that he needed to ask a question, because he's confused on one thing. His signature is on several of these things, and we have a responsibility to the people we serve, and he feels strongly about that. The previous extensions and variances were granted because the property was tied up by the fire department; and that's all changed. His concern is having heard from them, might this be different. He doesn't even know how to go through with it, if you haven't purchased it yet.
- Whiddon said that she really doesn't want to mislead you, but as you've been dealing with Ron and Mike, and their study for the storm water, and engineering, she does not know what she'd have to do, if she's required to pave the parking lot, and now she has to do that erosion and sediment plan. If she has to put in swales, on that small property, then she can't fit in there. She could buy more property from Philpott, if he'd be open to that purchase.
- Chairperson Culver asked if this changes this whole application process.

- Latta wanted to interject with a comment. The erosion plan, is much different than the bio swale they are installing in the storage facility. The erosion and sediment plan is just during the construction phase. You need to show that you'll have silt fences, and bio bags, etc. So that any dirt that might be transported will be captured, and will not end up in the City's storm system. To address the concern here, we've been very flexible to this point, for good reason, because you're not the owner, and the fire department had plans for the property, etc. The code allows a one year extension, and we've allowed a year and four months. We revoked your land use approval, because your time ran out. You then contacted me, and I gave you some flexibility, which I don't know if I was legally able to do that. We try to be flexible with businesses, to allow you to operate contingent on going through the land use procedure. So tonight, we go through a land use decision, and they decide what you have to do, including complying with the conditions. Right now, with the land use revoked, it means that you can't operate past tonight, until these conditions are met.
- Whiddon said what you need to understand, is that if you closed the business, even with the land use permit, it would be permanent. She can show you that she is just now starting to make money. She appreciates you guys having done that, and she would like to try to stay here, because you have allowed me too. But she's concerned with that, because she could lose that area. So she's talked to him about buying that portion. She would really like to stay where she is at, that's her ultimate goal.
- Kayner asked that since this piece of property is owned by the fire department, does it have to go to bid?
- Whiddon said no, she discussed that with this lease.
- Kayner asked if that is legal? To be honest, we want to be flexible, he understands being in business, but to be perfectly honest, until everything is going to be done, should we continue?
- Whiddon said that the fire department is able to sell that to her, because she made that she was going to be able to buy that property as part of the lease.
- Kayner said that you are asking us to stick our necks out, based on whether you will take care of this, if you buy it.
- Wullenwaber asked if you don't own property, how will this happen?
- Whiddon said that is exactly why we are in the process of buying the property. It's really been hard, because she didn't know everything that was required, like lights, because she doesn't have lighting now, she didn't know it's required. There's a lot more needed to get to this point.
- Kayner told her that every other business, when they come in to Harrisburg, and build, has to have permits, before starting the business. You are asking us to circumspect that. He doesn't think we can do that again, because you have to complete all the stuff you need to do. We gave you 5 years, and it hasn't happened. Other businesses will come in and ask why we allowed you to do it for five years, because they will want it too. He doesn't like it, and doesn't want to participate. It seems like we are voting on something we don't have ability to negotiate on.

- Bristol asked Whiddon if at this point, do you not have a formal offer in to the fire department?
- Whiddon said no.
- Bristol asked if she had talked to them.
- Whiddon said yes. Some of those businesses are starting from scratch, but she can show that she is already a small business, who is in business; they have to see that for the loan. Maybe she is doing this backwards, she doesn't know, but with renting, etc., they bailed her out, and you bailed her out. She is just trying to get to point to where she can do this, and get the stuff to put in so she can keep going.

Staff Report: Latta said that similar to the previous two land use requests, he won't go through all the criteria, etc. The conditions he wrote, apply to any other business who wants to do this. It follows a regular pattern, and the owner has to check off all the boxes before being allowed to operate. Keep in mind that prior approvals have been revoked, so there is no land use permit that allows her operate her business right now.

- Bristol asked if that previous use was expired.
- Latta told him no, it's revoked, as per the code. The letter is shown in the exhibits. We revoked it, which means that there is no land use approval. We pretend like there is nothing there, which is why his conditions of approval, with the timing, etc., state that she needs to do this prior to occupancy, and construction, that was the frame work by which this recommendation was made. Staff is recommending approval subject to the conditions of approval. He then went through the list of conditions:

Condition of Approval (COFA) No. 1. The submitted plans need to be consistent with the proposal, and doesn't conflict with the other conditions.

COFA No. 2. The fence condition came from the proposal they submitted. The concern is that the site is so large, a vegetative buffer along the east property line, helps protect the residential zone across the street, and extends to the west along the north and south property lines. That reduces noise, and other impacts. Staff's recommendation is that they continue that for 200' starting from the east property line, on both the north and south property lines.

COFA No. 3. Similar to the last application, we should change the 6-month storm event approval to 2-years instead. We assume that improvements, such as a paved parking lot, will capture more storm water, which then percolates in the ground, and should have enough capacity to allow drainage to the north, or if there are other facilities, the capacity to get closer. That plan would be reviewed by engineering before issuing permits to pave the parking lot.

COFA No. 4. The access driveway is currently 20' wide, and staff recommended 24' wide, which is the minimum requirement for two way driveway.

COFA No. 5. The width between the perpendicular and diagonal parking is only 14' which is really insufficient for turning radius. The standard is 24', for 90° parking spots. He recommended they widen that to 24' wide.

COFA No. 6. Parking lot curbing, should be enclosed with a 4" concrete curb, or they can be supplied with wheel stops.

COFA No. 7. Lighting should be approved prior to constructing the parking lot.

COFA No. 8. For public improvements, there should be a 7' planter strip, and a 6' separated sidewalk installed before occupancy. Street trees should be planted in the planter strip, every 40 feet.

COFA No. 9. The erosion and sediment control plan requires that before doing any earth work that they provide a plan on how they are going to do that.

COFA No. 10. For security, they have to show how they will keep the public safe while work is being done.

COFA No. 11. A landscaping plan will be required for review and approval prior to occupancy. They need to show how the landscaping will be irrigated, so the vegetative buffer will survive. That will also likely satisfy the square footage requirements. That must be installed within one year of occupancy.

COFA No. 12. The fence permit has already been submitted and received approval along 6th St., for the conditioned fence on the north and south property lines.

COFA No. 13. The parking lot must be hard surfaced.

COFA No. 14. Any facilities must be screened from view.

Those are all the conditions that he has placed upon this application.

- Chairperson Culver commented that all of these things have to be done prior to occupancy, prior to construction, and so much of this stuff will require an upfront outlay of cash. If you are renting, then he doesn't see how it can work. Without a purchase agreement, how can it work?
- Whiddon said with the study you are asking for, and the process, it gives her time to get it.
- Chairperson Culver asked her if she was prepared for the asphaltting of the parking area.
- Whiddon said that she was in agreement with the requirements as far as infrastructure is concerned, with the purchase of the property.
- Chairperson Culver told her that is prior to occupancy that it has to be hard surfaced.
- Whiddon understood; she's been there for five years. Latta had to write it this way, because of the land use requirements. If she shuts down, that's it. She can't put out that money, or get that type of loan, without the business being allowed to operate at the same time.
- Kayner said that it's hard to try to sort through all this; he understands what it takes
- Whiddon said that she's made mistakes for sure, and is doing her best to do what is required.
- Kayner said that's five years, with a plan in the back of your head that you were going to be there anyway. You aren't a viable entity, and he means no disrespect, because he has lots of respect for what she has been doing. So we are being asked to vote, to give you another five years that perhaps just won't happen?
- Whiddon said then put a year time frame on it. She wants it done.
- Kayner was uncertain as to what we needed to do at this point.
- Bristol asked Latta if her permit was revoked for the original conditional use permit.
- Latta told him yes.
- Bristol asked if she is a legal business today?

- Latta wrote her a letter when she submitted her land use application. That allowed her to operate until the Planning Commission makes the decision. When they do that, he told her that you have to abide by what they decide, including what they decide.
- Bristol said...but she thinks she has five years.
- Latta told him that she wants the latitude to allow her to operate. We've allowed her to do that for five years already, including over the last six months. He's given her a lot of flexibility, and legally, he's not sure he could do that, because he's going around land use laws, to get to where we are today. She's had five years to demonstrate that she has a viable business. His recommendation is, just like any other business that operates a business on a piece of land in Harrisburg; you need to satisfy the conditions of approval and requirements before operating.
- Bristol reiterated then, that all of this, all the improvements, has to be in, before a paint ball flies again.
- Kayner asked her how much it cost her to apply for this.
- Whiddon said it was \$800. She has two other businesses, and two other owners. This business is finally starting to show a profit, barely, and she can show where her profit and loss are, and she has to find a loan to do this. She knows that you guys are between a rock and a hard spot. If you continue the use of the property, we will continue forward, but if not....then we are done.

The Planning Commission Chairperson asked for testimony in favor, testimony in opposition (which was previously submitted), and testimony that was neutral to the request. There was none in the audience with testimony other than what had already been submitted. He therefore closed the public hearing at 8:51 pm.

- Kayner said that he doesn't think we can treat this differently from anyone else. We are between a rock and a hard spot. With an extension, she'll be in the same boat again, which is not fair to other businesses, who do have to do that. He doesn't want to allow that. He was going to ask, what about the over the property line problem, did he get that noted?
- Chairperson Culver said yes.
- Kayner asked how can we address that?
- Latta said that he showed the location of the fence, at 10' or 20' across the north property line; it's a diagonal line. With the revision he asked for in the incompleteness phase, he said hey, it looks like it's not on your property, and needs relocation. The last site plan that was submitted, on the last page you can now see that proposed poles and netting are set back 10' off that north diagonal line. Today, with what is submitted, it's consistent with the standard, but as it's built right now, it isn't.
- Whiddon said yeah, they had discovered that.
- Latta said if they are not on her property, then if this is approved, she will have to relocate them on the property as submitted.
- Chairperson Culver said that he really has struggled with this. It's an unfortunate situation. She got hooked on a piece of property that was going in a different direction,

which then didn't go. He doesn't see a way he can do this. He looks at the conditions of approval, and at what has to be in before she can continue. You don't own it, so you can't do these improvements right now. How much would it cost to just pave the parking area?

- Bristol said it would be \$50,000 at a minimum. She couldn't do it tomorrow morning, because she doesn't own property.
- Chairperson Culver said that we can't in good conscience, ok this again, like we have for the last five years. For him, we can't do that. He wishes there was a different outcome, but he doesn't see a way that he can do this, for him. It just doesn't work. He feels horrible about that, because it's your business; you've given it five years. He wishes you could just buy it, and get started. You don't own the property, so you can't.
- Kayner asked if could give her money back, or waive the fee?
- Chairperson Culver agreed with the thought, but wasn't sure we could do that.
- Whiddon said that she needs to operate for this weekend, because she has people coming in from Texas and Washington for a tournament. After that, you can shut her down.
- Bristol asked if the Planning Commission doesn't shut businesses down, does it.
- Latta said let's run out that scenario. We can go a couple of ways. He can recommend approval of this, because it's still an approvable application; she just has to satisfy the conditions, the way it was proposed. Another way to handle it is that you'll have an approval in hand, but you are not supposed to operate. So if you operate this weekend, we would do an enforcement action, because you are operating without a land use approval.
- Kayner asked if he would do that on Monday after the weekend she operates?
- Latta said that knowing that you were going to operate regardless of what happens, we could proceed with issuing a Notice of Violation, or we could cite you. Either way, you can't operate, because you haven't satisfied conditions. If it came down to a citation, you would come to court, and the judge would take it from there. He could impose a penalty, or probation, etc.; technically, you could eventually find yourself in jail too.
- Kayner added but not until the following Monday, correct?
- Latta said that if we knew she was there, or we get a complaint, then on Monday, we would start code enforcement based on the use of the property. Or the Planning Commission could find against what he is recommending. Maybe you're not sure on what she is proposing, and about how she is making changes; you could recommend denial of her request. His recommendation is that he felt that even with needed changes, that it could be conditioned. So he would recommend approval of this project subject to the conditions of approval. As far as operating this weekend, he would believe that if she operated this weekend, and we issue a notice of violation, he would work with her on that.
- Kayner said that he knows the spot you are in, but he just doesn't see this.
- Whiddon said that she understands, truly. It hurts, and she's made mistakes. If she doesn't operate the business, she will try to buy the property, but she doesn't know how she could do that.

- Chairperson Culver commented that he thought it was a moot issue. Even if we pass it, she still can't do it.
- Latta said that in regards to a refund, and how much work have we have already put in; we've already spent \$850 to get here tonight. We've spent staff time in review and processing the notice; but that doesn't mean that he wouldn't give a partial refund. However, you are getting ahead of the decision.
- Bristol said that we have to make a decision. We 'check' the land use plan, but we are not bankers, and are not business planners. If she wants a land use variance, we can do that, but it's effective immediately, with no extensions. So we can do that.
- Chairperson Culver said then you are saying to approve this; we can do that.
- Kayner said that's our prerogative.
- Bristol added that if she can get financing, she has the approval. Then she can proceed if she gets the money. We don't decide on her business. She spent the money; staff spent the money processing all of this. He thinks our job is to do that, and say yes, she can do this.
- Kayner said that was 100% right. Everything she has provided is up to the code, and there is nothing else involved here.
- Bristol said that there are no extensions, or grace periods, either recommended or proposed.
- Kayner asked if he should go ahead and motion to approve the request now.
- Chairperson Culver reminded them that we need to modify condition number 3. We scratch that 6-month, and change it to 2-years. He asked if we needed to add a condition of approval that there is not an extension.
- Latta didn't think so; every condition of approval has timing for completion built in.
- Bristol was a little confused about the 'prior to occupancy', because she is already occupying the space.
- Latta commented that based on what we've talked about tonight, he will send a follow up letter that the Planning Commission approved your Conditional Use Permit, subject to these conditions of approval, which need to be satisfied for her to continue operating the facility, or until that time she can meet those conditions. You can't operate until these are satisfied. That establishes the paper trail. The conditions as written outline the timing for getting all the requirements completed.
- Bristol asked about the landscaping, and the year from occupancy.
- Latta told him yes, it's from occupancy, from this land use approval.
- Wullenwaber questioned if she meets the conditions, even if she is operating now, but legally....is not supposed to be?
- Latta said that if your decision is consistent with his recommendations, she won't be able to operate until they are satisfied. If she does meet those conditions, she has occupancy, and the landscaping must be done within a year of that occupancy.
- Bristol said ok, so that's legal occupancy. That's clear enough. Do we need to change or add that?

- Latta said no. He sent a letter to her previously, giving her an extension of time, to go through this process. That included that once your decision is made, that she has to abide by it. You make your decision tonight, and he will send a follow up letter tomorrow, telling her what they (the Planning Commission) decided, and this is what you have to do.
- Bristol then **motioned to propose a modification to condition of approval no. 3, to reword the six-months to two-years instead.** Kayner **seconded the motion, and the Planning Commission voted unanimously to approve the modification on the storm water/drainage report.**
- Bristol then **motioned to approve the Diamond Hill Paintball Conditional Use Permit (LU #365), subject to the amended conditions of approval contained in the September 11, 2017 staff report. This motion is based on findings contained in the September 17, 2017 staff report, and on findings made during deliberations on the request.** Kayner **seconded the motion. The Planning Commission then voted as 3 in favor of the Conditional Use Permit and 1 against, with Chairperson Culver holding the opposing vote. The motion passes.**
- Chairperson Culver told Whiddon that you now have approval of your conditional use permit, but there is a lot of work to do for you to use the property.

Other:

- Latta told the Planning Commission that we will have a meeting in October. That will be a variance, and grading permit for the 2nd land use request we had on the agenda tonight. It's possible that you will also see at least one or 2 other application's on that night. The last thing he wanted to talk about, he had mentioned before, was an opportunity for the Planning Commission to attend land use planning in Oregon training. This Saturday, there is a class in Monroe, from 9:00 to 4:00, with lunch included. Rhonda would be attending, as well as a Council member. He recommends if you can go, that you should. It's a great opportunity.
- Both Kayner and Wullenwaber were interested, but they wouldn't know until Friday if they could attend. Thomas was also interested, but had volleyball that she would need to work around.

With no further business to discuss, the meeting was adjourned at 9:14pm.

Chairperson

City Recorder

STATE OF OREGON)

) ss.)

County of Lane)

KNOW ALL MEN BY THESE PRESENTS: That RONALD E. McNUTT, hereinafter referred to as Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other considerations to him in hand paid by NORTHWEST NATURAL GAS COMPANY, an Oregon corporation, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, does hereby grant, sell and convey unto said Grantee, its successors and assigns, a right of way and easement to lay, maintain, operate, change the size of, repair, replace and remove a gas pipeline or pipelines and appurtenances in, along, upon and across a tract of land in the West half of Section 15, T. 15 S., R. 4 W., W. M., Linn County, Oregon, said easement being twenty (20) feet in width, lying contiguous to and parallel with the easterly line of the Southern Pacific Company mainline right of way and more particularly described as lying ten (10) feet on either side of the following described centerline:

Beginning at a point 10 feet east of the said easterly right-of-way line of the Southern Pacific Company and 691.84 feet S. 0° 06' E. from the south right-of-way line of La Salle Street in the city of Harrisburg, Linn County, Oregon; thence S. 0° 06' E. 1546 feet, more or less, to a point on a 70 foot radius curve to the right, the tangent point of said curve being on the said easterly line of the Southern Pacific Company right of way 1581.93 feet S. 0° 06' E. from a point on said right-of-way line 10 feet west of the point of beginning.

This grant shall carry with it the right of ingress and egress for all purposes incident to the enjoyment of said easement.

TO HAVE AND TO HOLD the above described rights and easements, together with the right to operate and maintain the pipeline or pipelines and appurtenances over the right of way hereby granted unto the said Grantee, its successors and assigns, and the Grantee may assign the rights and easements herein granted, either in whole or in part, subject to the terms of this grant, and such rights and easements shall be covenants running with the land and be binding upon Grantor, his heirs, legal representatives and successors in title.

Grantee may at any time, and upon permanent abandonment of said easement and removal of all improvements constructed thereon, shall execute and record a reconveyance and release hereof, whereupon this right of way and easement and all rights and privileges herein mutually granted shall be fully cancelled and terminated.

Grantor agrees that no building or similar structure will be constructed upon said easement and that no operations will be carried on upon said premises that will jeopardize its safe operation; provided, however, that in the event of future industrial development of Grantor's property traversed by this easement, which will require the relocation of said pipelines, Grantor agrees to provide, at no cost to Grantee, a suitable alternate right of way and easement for said gas pipeline (s) and Grantee shall relocate the same at its sole cost and expense.

BOOK 305 PAGE 567

Grantor reserves the right to cross the right of way herein granted with utilities, roads, streets and driveways, and railway tracks, and to increase the earthen cover over Grantee's pipeline(s).

Grantee shall cause said pipeline(s) to be laid a sufficient number of feet (but in any event not less than five (5) feet) below the surface of the ground in a good and workmanlike manner, and the surface of the ground restored as nearly as practicable to the same condition it was in prior to the laying of said pipeline(s).

Grantee shall protect and save Grantor harmless from and against any liability for damages to persons or property arising out of the acts or neglect of Grantee.

Norma M. McNutt, wife of Ronald E. McNutt, joins in the execution of this grant for the purpose of evidencing her consent hereto and of binding any interest which she may have in or to the property the subject hereof.

IN WITNESS WHEREOF, the above named Grantor and Norma M. McNutt have hereunto set their hands and seals this 5th day of October, 1964.

Ronald E. McNutt
Ronald E. McNutt

GRANTOR

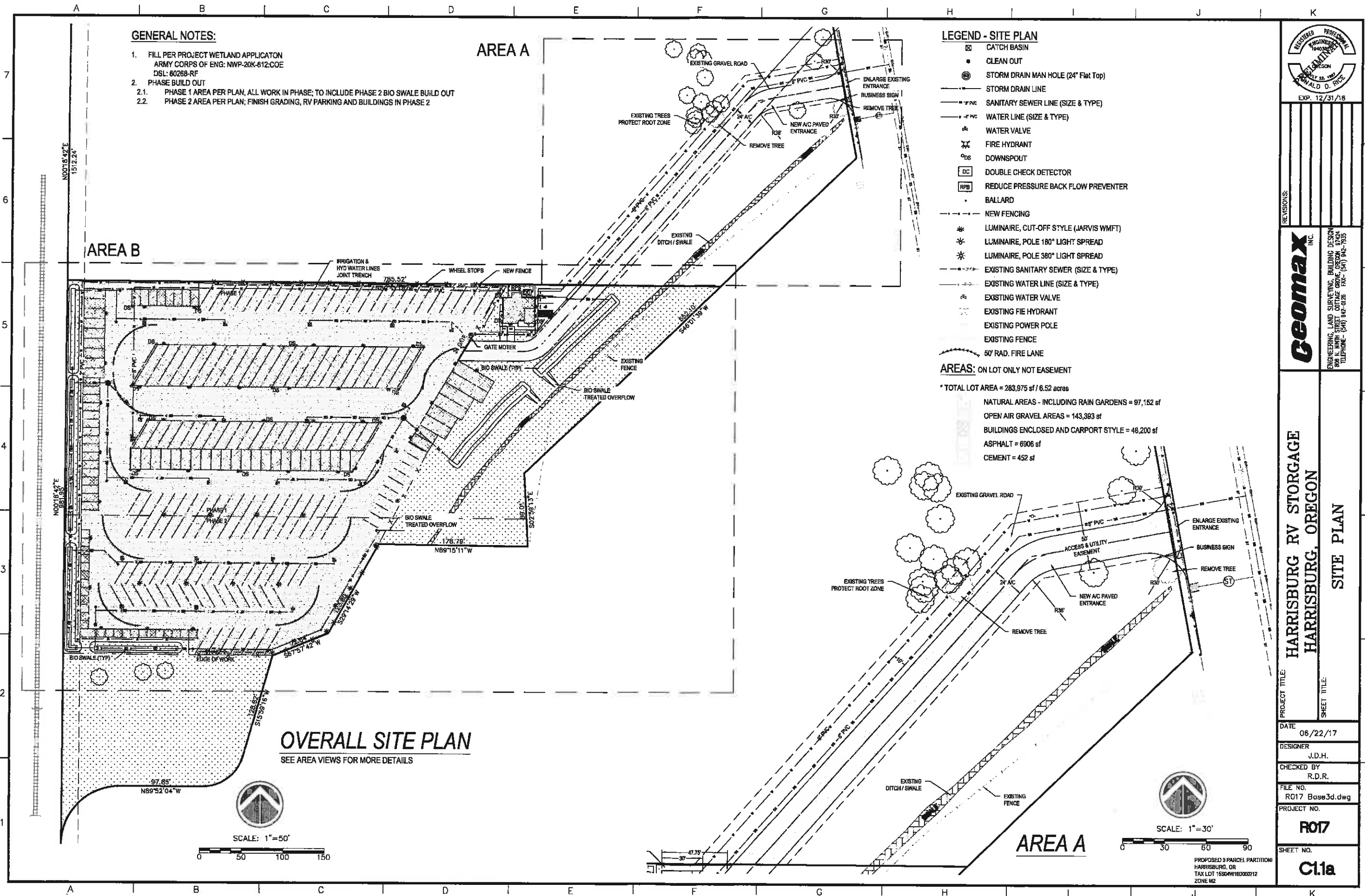
Norma M. McNutt
Norma M. McNutt, wife of Grantor

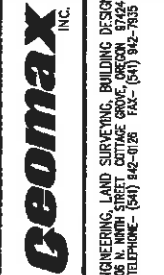
Subscribed and sworn to by Ronald E. McNutt and his wife, Norma M. McNutt, before me this 5th day of October, 1964.

Matthew Michael
Notary Public for Oregon

My Commission Expires:

May 22, 1968





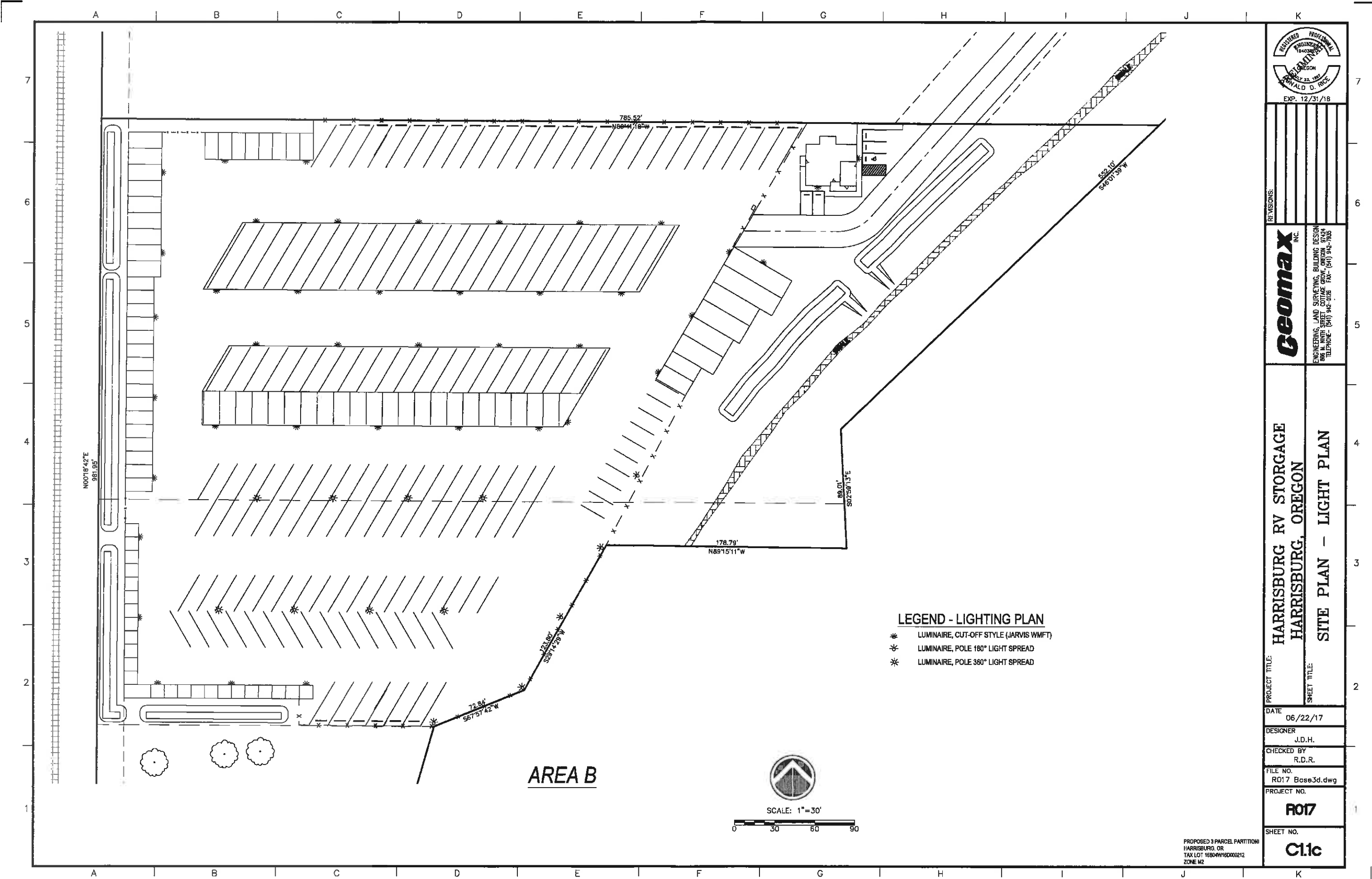
**HARRISBURG RV STORAGE
HARRISBURG, OREGON
SITE PLAN**

PROJECT TITLE:	SHEET TITLE:
DATE	06/22/17
DESIGNER	J.D.H.
CHECKED BY	R.D.R.
FILE NO.	R017 Base3d.dwg
PROJECT NO.	R017
SHEET NO.	C11b

- GENERAL SITE PLAN NOTES:
1. THIS SITE IS CURRENTLY VACANT.
 - 1.1. THERE ARE NO EXISTING STRUCTURES, WELLS OR DRIVEWAYS ON THE SITE.
 - 1.2. A WATER LINE, WATER EASEMENT AND OLD BOUNDARY FENCES ARE THE ONLY KNOWN EXISTING IMPROVEMENTS AND ARE SHOWN ON THE SITE PLAN.
 - 1.3. STORM WATER CURRENTLY POUNDS ON THE SITE IN SEVERAL DELINEATED WETLAND AREAS AND OVERFLOWS THESE LOW AREAS TO THE DRAINAGE ALONG THE SOUTHEAST BOUNDARY.
 - 1.4. THERE IS AN EXISTING DRAINAGE ALONG THE SOUTHEAST BOUNDARY.
 - 1.5. THE ADJOINING PROPERTY TO THE WEST IS A RAILROAD RIGHT OF WAY ADJACENT BY VACANT USE, TO THE NORTH OF THIS SITE IS A VACANT PLOT TO BE CREATED BY THE ACCOMPANYING FINAL PARTITION, TO THE EAST LIES TRACT 2007 ADJACENT BY RESIDENTIAL USES AND ON THE SOUTHEAST BOUNDARY LIES A DRAINAGE DITCH ADJACENT BY A PAVEMENT PARK AND A LOCHMEAD DRIVE FACILITY.
 2. THE PROPOSED USE OF THE PROPERTY IS FOR PRIVATE, INDIVIDUAL, STORAGE OF PERSONAL EFFECTS AND STORAGE OF CLOTHING AND ACCESSORIES UNDER COVER AND IN AN OPEN LOT.
 - 2.1. PROPERTY LINE SETBACKS ARE SHOWN ON THIS SITE PLAN.
 - 2.2. BUILDING DIMENSIONS ARE SHOWN ON THIS SITE PLAN.
 - 2.3. THERE ARE NO EXISTING BUILDINGS ON SITE.
 - 2.4. LOCATION, SURFACE AND WIDTH OF VEHICLE ACCESS TO THE SITE IS SHOWN ON THIS SITE PLAN.
 - 2.5. INTERNAL DRIVES ARE SHOWN ON THE SITE PLAN.
 - 2.6. LOCATION AND SURFACING OF OFF STREET PARKING IS SHOWN ON THE SITE PLAN.
 - 2.7. NUMBER OF SPACES AND TRAFFIC CIRCULATION FOR THE MANAGER RESIDENCE OFFICE IS SHOWN ON THE SITE PLAN.
 - 2.8. LOADING AREAS FOR STORAGE UNITS ARE IN FRONT OF EACH INDIVIDUAL UNIT.
 - 2.9. DIMENSIONS OF PROPOSED PAVEMENT 3 (SITE) ARE SHOWN ON THE SITE PLAN.
 - 2.10. ALL PROPOSED AND EXISTING EASEMENTS, THEIR USES AND THEIR WIDTHS ARE SHOWN ON THIS SITE PLAN.
 - 2.11. DRAINAGE WILL BE COLLECTED TO FILTRATION BIO-SWALES WHERE IT WILL BE TREATED AND DETAINED. TREATED STORM WATER WILL DISCHARGE TO THE DRAINAGE ALONG THE SOUTHEAST BOUNDARY. PEAK FLOW DRAINAGE RATES ARE RESTRICTED TO PRE-DEVELOPMENT LEVELS. THE STORM DRAINAGE PROJECT DESIGN CALCULATIONS ARE INCLUDED WITH THE APPLICATION PACKET FOR CITY REVIEW.
 - 2.12. THE FINAL GRADING FOR THIS SITE WILL CONSIST OF PLACING RISE TO GRADES THAT ARE A MAXIMUM OF 1 FOOT HIGHER THAN EXISTING GRADES. IN MANY CASES, THE NATURAL GRADE WILL BE LOWERED BY AS MUCH AS 1 FOOT TO MAINTAIN SURFACE DRAINAGE FLOW.
 - 2.13. NO REAR HILLS ARE BEING SHOWN OR SET ASIDE FOR OPEN SPACE. ALTHOUGH THE SITE WILL CONTAIN SIGNIFICANT OPEN SPACE ALONG THE DRAINAGE DITCH AND IN BIO-SWALE AREAS, BUFFERING DOES NOT APPEAR TO BE REQUIRED FOR INDUSTRIAL PROPERTIES NOT BORDERING RESIDENTIAL USE LAND.
 - 2.14. LANDSCAPING OBJECTIVES OF BIO-SWALES (10-12' WIDE) AND NATURAL AREAS ALONG THE DRAINAGE ON THE SOUTHERLY SIDE:
 - 2.15. EXTERIOR LIGHTING WILL CONSIST OF LITONIA TWO LED AREA LIGHTS MOUNTED ON THE BUILDING FRAMES AT 9 FOOT HEIGHT MAXIMUM. RVV STORAGE AREA LIGHTING WILL CONSIST OF LITONIA THREE BRK 150 WATT MOUNTED ON THE BUILDING FRAMES.
 - 2.16. WALKWAY TO LOCATE THE BUSSTOP SIGN ON DRIVE NEAR 6TH STREET. THE SIGN IS EXPECTED TO BE PAINTED WOOD 20 SQUARE FEET MAXIMUM LIGHTED BY GROUND MOUNTED FOCUSLED FOOTLIGHTS.
 - 2.17. SEDIMENT FROM THIS PROPERTY WILL BE FILTERED BY THE 30 MINUTEM TREATMENT SYSTEM (BIO-SWALE) BEFORE DISCHARGE TO THE DRAINAGE DITCH.
 - 2.18. THIS PROJECT IS SCHEDULED FOR TWO PHASES. THE PHASE BOUNDS ARE DELINEATED ON THE SITE PLAN.
 - 2.19. THE SITE WILL BE SECURED WITH TEMPORARY 6 CHAIN LINK FENCING THAT WILL BE REPLACED WITH PERMANENT FENCING AND GATES TO THE DRAINAGE DITCH.
 3. STANDARDS APPLICABLE TO INDUSTRIAL SITE PLAN REVIEW:
 - 3.1. BUFFERS ARE NOT REQUIRED AS THE SITE IS NOT ADJACENT TO RESIDENTIAL ZONED LAND.
 - 3.2. LANDSCAPING IS PROVIDED IN THE BIO-SWALES AND THE NATURAL VEGETATION ALONG THE DRAINAGE WAS MAINTAINED BY THE SOUTHEAST BOUNDARY.
 - 3.3. THE LANDSCAPING AND NATURAL AREAS CONSTITUTE 34% OF THE PROJECT. THIS AMOUNT OF LANDSCAPING FAR EXCEEDS THE 2% REQUIRED FOR IRI ZONED PROPERTY.
 - 3.4. THE DESIGNATED FRONT YARD OF THE MANAGER'S RESIDENCE IS TO BE LANDSCAPED TO EXCEED L-2 STANDARDS (PLANTS TO 30" IN HEIGHT).
 - 3.5. IRRIGATION WILL BE PROVIDED FOR THE STORAGE AREA WATER SUPPLY. THE IRRIGATION SYSTEM WILL BE EQUIPPED WITH A REDUCED PRESSURE BACK FLOW PREVENTER. AN IRRIGATION SUPPLY LINE WILL RUN AROUND THE PERIMETER BUILDING SET BACK (BIO SWALE PLANTING).
 - 3.6. THIS SITE WILL BE SECURED WITH 6 CHAIN LINK PERIMETER FENCING MEETING THE REQUIREMENTS OF IAC 18.85.010. PERIMETER FENCING WILL NOT BE INSTALLED WHERE THE BACKS OF STORAGE BUILDINGS PREVENT SITE ACCESS FOR SECURITY. A 20-24 FOOT WIDE ROLLING GATE LOCATED AT THE STORAGE YARD ENTRANCE WILL SECURE THE ENTRANCE.
 - 3.7. FOR PARKING SPACES, THE 20-24 FOOT WIDE ROLLING GATE WILL BE LOCATED AT THE MANAGER'S RESIDENCE. THIS ALLOWING FOR TWO OFF STREET PARKING SPACES FOR THE RESIDENCE AND TWO FOR CUSTOMERS WITH BUSINESS AT THE OFFICE.
 - 3.8. OFF STREET PARKING WILL MEET THE REQUIREMENTS OF IAC 18.85.010.
 - 3.9. PARKING SETBACKS OF MINIMUM OVER 15' FROM THE STREET AND 10' FROM RESIDENTIAL ZONES IS REQUIRED.
 - 3.10. NO PORTION OF THIS M2 ZONED SITE IS WITHIN 200 FEET OF RESIDENTIAL ZONED PROPERTY OR RESIDENCE AND ALL AREAS ARE MORE THAN 50 FEET FROM A PUBLIC STREET.
 - 3.11. THE ACCESS DRIVE PROPOSED WILL BE 24 FEET IN WIDTH WITH 2 SHOULDERS TO ALLOW TWO WAY TRAFFIC.
 - 3.12. THE ACCESS DRIVEWAY IS APPROXIMATELY 100' FROM THE NEAREST INTERSECTION OR DRIVEWAY ON SIXTH STREET. THIS THE PROPOSAL MEETS THE IAC REQUIREMENTS.
 - 3.13. THE POINT OF ACCESS PROPOSED WILL NOT CONTRIBUTE TO TRAFFIC CONGESTION AS THE EXPECTED MAXIMUM PEAK HOUR TRAFFIC IS 11 CARS AND THERE IS ONLY ONE OTHER APPROACH WITHIN 300 FEET IN EITHER DIRECTION.
 - 3.14. THE DRIVEWAY FOR THIS PROJECT WILL BE PAVED FROM THE STREET TO THE RESIDENCE AND SECURITY GATE. THE STORAGE YARD IS PLANNED TO BE GRAVEL.
 - 3.15. THE DRIVEWAY STRUCTURES AND SURFACE ARE ALL WEATHER AND WILL SUPPORT EMERGENCY EVACUATES UP TO 50,000 LBS.
 - 3.16. REFUSE CONTAINER LOCATIONS AT REAR OF RESIDENCE ARE NOT VISIBLE FROM THE STREET NOR ANY ADJACENT HOUSING.
 - 3.17. THE DISTANCE FROM THE OFFICE/RESIDENCE IS SUCH THAT NO GLARE OR NOISE WILL BE EVIDENT ON SIXTH STREET.
 - 3.18. THIS SITE DOES NOT ABUT OR FACE A RESIDENTIAL ZONE. THE PAVEMENT PARK AND LOCHMEAD FACILITY SECURE THE ENTIRE SITE FROM THE RESIDENTIAL AREA.

PROPOSED 3 PARCEL PARTITION
HARRISBURG, OR
TAX LOT 15804W18D000212
ZONE M2

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September 18, 2017

Harrisburg Planning Commission and
Brian Latta, City Administrator
120 Smith St.
Harrisburg, OR 97446

Dear Planning Commission Members,

My name is Charlotte Thomas, my family and I live at 1145 S. 6th Street, in Harrisburg and, as you know, I sit on the Harrisburg Planning Commission. I have chosen to recuse myself from land use application number #365 decision because I am an effected property owner.

I am writing you to express my concerns with the Diamond Hill Paintball Conditional Use Permit. To begin, my family and I have no problem with the paint ball facility being at its current location. However, they came before the Planning Commission and received their initial conditional use permit back in September of 2012. They were given until June 30th of 2015 to complete their proposed site plan along with the additional conditions of approval that were set by the Planning Commission. In October of 2015, having not completed the required improvements, Diamond Hill Paintball came back to the Planning Commission and asked for a one-year extension. They were granted an extension and were given until December 31, 2016 to complete the work, which they did not do. Then in February 2016 their Conditional Use Permit was revoked, and now they are back in front of the Commission asking to be given another Conditional Use Permit, having still not made the initial improvements that they agreed to back in 2012.

Based on past behavior, I have no faith that if awarded a new permit, Diamond Hill Paintball will complete the required improvements and because of that, I encourage the Commission to deny their request. If it is decided to issue the new permit I would strongly encourage that a Cease and Desist order be placed on all business operations until they have completed the required improvements.

Thank you for your time on this matter.

Sincerely

Charlotte Thomas

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU #372) to create one new parcel as well as adjust the property line between two other parcels. In addition, the applicant requests approval of a Variance (LU #374) to the frontage requirement for the proposed new parcel.

LOCATION: 971 Sommerville Loop
Harrisburg, OR 97446

HEARING DATE: September 19, 2017

ZONING: R-1 (Low Density Residential)

APPLICANT/: Anthony Bucher
OWNER: PO Box 436
Harrisburg, OR 97446

APPEAL DEADLINE: September 29, 2017

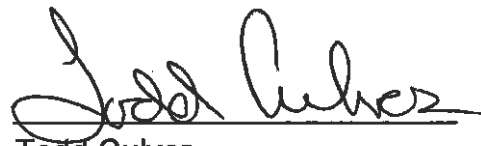
DECISION: The Harrisburg Planning Commission conducted a public hearing on September 19, 2017, and voted to approve the requests, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the September 7, 2017 Staff Report to the Planning Commission, and 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: September 29, 2017, 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 September 29, 2018.


Todd Culver
Planning Commission Chair

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 4.
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 4'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 parcel 4 and will run with the land, and not the developer or current property owner.

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Conditional Use Permit (LU #365) to operate a paintball facility at 1070 S. 6th Street. The facility has been in operation at this location for the past five years. Their prior land use approval was revoked, requiring the need to obtain this Conditional Use Permit.

LOCATION: 1070 S. 6th Street
Harrisburg, OR 97446

HEARING DATE: September 19, 2017

ZONING: M-1 (Limited Industrial) and M-2 (Heavy Industrial)

APPLICANT

Diamond Hill Paintball LLC
Attn: Audrey Whiddon
PO Box 75
Harrisburg, OR 97446

OWNER

Harrisburg Fire & Rescue
Attn: Chief Bart Griffith
PO Box 241
Harrisburg, OR 97446

APPEAL DEADLINE: September 29, 2017

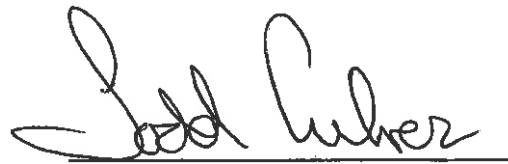
DECISION: The Harrisburg Planning Commission conducted a public hearing on September 19, 2017, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the September 11, 2017 Staff Report to the Planning Commission, and 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: September 29, 2017, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Conditional Use Permits 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 Conditional Use Permit approval will expire on September 29, 2018.

A handwritten signature in black ink, appearing to read "Todd Culver", written over a horizontal line.

Todd Culver
Planning Commission Chair

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, except where modified by the following conditions of approval.
2. **Fence & Vegetative Buffer** – Prior to occupancy, the applicant shall install a 5-ft. tall sight-obscuring fence and 5-ft. vegetative buffer along the north and south property lines for a distance of 200 ft. starting from the east property line.
3. **Storm water / Drainage Report** – Prior to construction of the parking lot, the applicant shall provide and receive approval of a storm water / drainage report that identifies the changes in peak runoff during various storm events (2/10/25/100 year storms), and provides engineering calculations of the water quality storm and detention/retention, and/or downstream capacity analysis.
4. **Access Driveway** – Prior to occupancy, the applicant shall widen existing access driveway to 24 ft. in width.
5. **Parking Lot Aisle Width** – With construction of the parking lot, the aisle width between the rows of parking shall be 24 feet wide.
6. **Parking Lot Curbing / Wheel Stops** – With construction of the parking lot, the exterior boundary of the parking lot shall be enclosed with a 4-inch concrete curb, or the parking spaces along the exterior of the parking lot shall be supplied with wheel stops.
7. **Lighting** – Prior to constructing the parking lot, the applicant shall submit for review and approval a parking lot lighting plan. The plan shall identify the locations of the proposed lighting and the types of lighting fixtures. When installed, the lighting shall be deflected downward so as to not allow light glare to escape the property.
8. **Public Improvements** – Prior to occupancy, the applicant shall construct a 7-ft. planter strip and 6-ft. separated sidewalk inside the 6th Street right-of-way abutting the site. The planter strip shall include planted trees, approved by City, spaced every 40 feet.
9. **Erosion & Sediment Control Plan** – Prior to performing any earthwork, the applicant shall submit for review and approval an erosion and sediment control plan that demonstrates how the applicant will prevent sediment and runoff from the earthwork impacting the City's drainage system or other properties.
10. **Construction Security** – Prior to any on-site construction, the applicant shall submit a plan identifying security measures that will be taken to prevent public access to areas of the site where potentially dangerous construction activities will be taking place.
11. **Landscaping** – Prior to occupancy the applicant shall submit for review and approval a landscape plan that: 1) provides a minimum of 2,375 square feet of landscaping; 2) shows how the landscaping will be irrigated; and 3) identifies the types of plantings that will be used.

All landscaping is required to be installed within one year of occupancy.

12. **Fence Permit** – Prior to construction, the applicant shall obtain a fence permit that demonstrates compliance with HMC 18.80 and complies with the City's vision clearance requirements.
13. **Parking Lot Paving** – Prior to occupancy, the parking lot shall be hard surfaced, which includes asphalt or concrete.
14. **Refuse Facilities** – Prior to occupancy, any refuse/recycling facilities or containers visible from the street or any customer or employee parking area shall be screened with a sight-obscuring wall or fence at least 6 feet in height.

DEVELOPMENT RELATED CONCERNS

- A. System development charges may be applicable to the proposed development, if not previously paid.