



Harrisburg Planning Commission Minutes April 19, 2016

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

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

Absent this evening were commissioners Charlotte Thomas, and Francisco Garcia-Mendez.

Concerned Citizens in the audience: Everyone present were there for items on the agenda.

Approve the Minutes from February 16, 2016 and March 15, 2016

- Smid **motioned to approve the minutes, and was seconded** by Kayner. **The Planning Commission then voted unanimously to approve the minutes of February 16 and March 15, 2016.**

Arlin LLC Site Plan Review & Partition (LU354 & 356)

The Planning Commission Chairperson read aloud the process to request a continuance, and the process to request that the record remain open. He then opened the public hearing at the hour of 7:04PM.

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

Applicants Presentation: Brandon Tracer was present this evening to represent the land use request. He stated that they had pretty much lined out everything they were doing in the proposal.

Kayner thought they had pretty well answered everything in the application. Chairperson Culver asked if he had looked over the recommended conditions of approval, including the additional condition. Tracer said Latta had just told him about the new condition regarding the wetlands. He added that they met with someone from the DSL (Department of State Lands) the previous week, because they didn't want to hold up the project. She told them that if they ran the proposed property line downward, then she'll say the other side of that line is the wetlands. She said that she would provide them with a letter that stated that; they had hoped to have it by this meeting. Latta noted that the condition he proposed to add was Condition No. 16: "Wetlands Impacts: The applicant shall not impact any wetlands on the site, except where written permission has been granted by the DSL". If the applicant has the letter, and it verifies that they had the conversation, and that DSL was willing to call the other side of the line wetlands, then that will demonstrate compliance with DSL requirements.

Kayner asked him about the phases that they had on the maps. Tracer said that they would start with two buildings on southeast corner of the property, which would be phase 1. They will go from there, and see how it goes. After the DSL talked with him, they adjusted the acreage, which will now be approximately 5 acres. They will now have the property line adjusted to follow the lines of the current Skip Tracer fence line. Latta made sure that he understood correctly, that the new line will go from the southeast corner of the fence line, straight down. Tracer said that it will be a straight line from the southern line on Dan's property, to the top, and it will be matching the angle of the existing partition. Chairperson Culver was concerned if that will still allow them access to the parcel? Tracer told him yes. The green line on page 46 will still be part of parcel 2, so it's a flag lot (to Dan's property), and not an easement. Kayner asked them when they will start, and Tracer told him ASAP. We have a person who needs to move into one of the buildings, that is being kicked out of their current building by August. That's why he contacted the DSL to try to work things out.

Staff Report: Latta remarked that the criteria includes both the subdivision ordinance, as well as the zoning ordinance. Staff felt that all the criteria could be met. Constructing in phases, is allowed; there is no timing in which all of this must be completed. The only timing involved is that of when they start the 1st phase; which they must do within one year of approval of the site plan. Otherwise, they can take as long as they need for the rest of the phases, as long as they are consistent with the standards. Off street parking, was difficult to assess, because in an industrial zone, there is very low customer parking required. Buildings are based on employment, and since the proposed buildings are for speculation no employment numbers could be used. The applicant proposes 8 or 9 spaces per building, plus ADA spaces. Staff were comfortable with that amount of parking. The proposed landscaping is consistent with M-2 standards. They are proposing one main access drive, where the approach is already constructed. However, they must still get a new approach permit. The existing permit was for Dan Mills; that permit has expired. This applicant will pick that up, and get that with the county; which is one of the conditions listed. He has talked with both the applicant and the owners, so Dan Mills knows that his approval of the race track will no longer be valid because of the way that they are carving up the land, won't let him comply with the requirements for parking, etc. His prior land use approval is voided. Mills understands that, and had to sign off on it. If he wants that, he has to start over, and he was ok with that.

Kayner asked whether the SDC's would be addressed here. Latta told him that the assessments for Mills went with the property he has. If he carves that off, the City is ok with that. The liens stay with the existing property. There is no need to pay the money, because he's carving up the land. Kayner thought that there should be a percentage of that that gets paid, because it's been a problem for a long time. Maybe we should look at that. Latta stated that has been done in the past, and in fact, when Skip Tracer bought that property from Dan Mills \$30,000 of that (Peoria Rd. Improvement Project) was paid. At some point, we'll go through a process to recover the money. You can't impose conditions that don't address the criteria, and there isn't a criteria that says you have to do that. Kayner still felt that even with carving off more property that the lien should apply. He would think that it still applies. Latta told him that we've addressed that issue.

The Chairperson asked for testimony in favor, in opposition, and any that was neutral to the land use request. There was none. Therefore, at 7:18PM the public hearing was closed.

- **Kayner motioned that we approve the Arlin Site Plan Review and Minor Partition applications (LU 354 and 356) as conditioned in the staff report. The motion is based on findings in the April 12, 2016 staff report, and on findings made in deliberations, plus the addition of Condition of Approval No. 16, "Wetlands Impacts: The applicant shall not impact any wetlands on the site, except where written permission has been granted by the DSL". Wullenwaber seconded the motion, and the Planning Commission voted unanimously to approve the Site Plan Review and Minor Partition request for Arlin, LLC.**

Wilson Partition LU 355

The Planning Commission Chairperson read aloud the process to request a continuance, and the process to request that the record remain open. He then opened the public hearing at the hour of 7:23PM.

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

Applicants Presentation: Bob Wilson said that he was last here about a month or so ago, and asked to extend the existing hardship, because of the pending partition. He thinks everything is pretty well spelled out in the application.

Chairperson Culver asked if Latta had talked to you about the one issue. Wilson told him yes, with the frontage he needed. Chairperson Culver asked him if he is ok with that. Wilson said that he would make it work. Latta said that our code requires 25' of street frontage. It doesn't say how deep the frontage needs to be. We included the condition of approval to make it 25'. That can be angled, so maybe it's only 25' in width for the first 5' to 10' of lot depth. We

will address that in the final plat. Instead of connecting with the street straight down, it will fan out a little bit to get to the required 25'.

Staff Report: Latta explained that the purpose of this partition was to allow two dwelling units to be here. There has been a temporary medical hardship here for years now that has allowed the manufactured family dwelling (MFD) to be behind the older house. It's very nice, and has been there roughly 20 years; it's a waste to yank it out, and put it elsewhere. When looking at the property we found that it's about ¾ acre in size, which is more than large enough to meet the minimum of 7,000 square feet per lot. This has more than exceeded the requirement and in fact, almost doubled the minimum size requirements. The home will need some upgrades, and the applicant will need to obtain some building permits. The foundation needs to be upgraded, and the home needs a garage or carport, and a driveway; all of it will need to be brought up to City code as part of this. Staff felt that all the requirements would be satisfied. The applicant was ok with the conditions of approval, including the 25' for the frontage that is required, and the easements on the property.

The Chairperson asked for public testimony in favor, in opposition or neutral to the land use request. There was none. Therefore, he closed the public hearing at the hour of 7:29pm.

- Smid then **moved to approve Minor Partition Case Number 355, subject to the conditions of approval in the April 11, 2016 staff report. This motion is made on findings found and presented in the April 11, 2016 staff report, and in findings found during deliberations on the request. Kayner seconded the motion, and the Planning Commission voted unanimously to approve Minor Partition Case Number 355 for the Wilsons partition.**

Explanation of Ex Parte & Conflict of Interest

- Kayner asked if Latta could explain the difference between Ex Parte contact, and a conflict of interest again. He knew so many people in town, and he talks with quite a few of them. He's concerned about it.
- Latta told him that a conflict of interest, means that you have a financial interest in the application in some way. For example, if by having the Planning Commission approve the site plan for the Tracers, it will allow your business to locate there, then there would be a conflict. A perceived conflict of interest should also be avoided, and in that case, it's better to explain something to the public, so they don't have that perception. For instance, you could say that you had hired him as a contractor to come out and build a pond for you. That has no bearing on this decision, but you've declared it, so the public knows about it. If possible, you should always say that you feel that you can make a fair and impartial hearing regardless of the ex parte contact.
- Kayner said that was his concern.
- Latta continued, saying that Ex Parte is any communication with an applicant, about this project, before you go there, or with any commissioners, or with any of the public. If you talk to people about the application, that's no problem, but you should declare that. You

can let them know that hey, I went out there to look at the job site, and Brandon talked to me while I was there, but nothing was said that would change my impartiality.

- Kayner thought it was a good thing to go and see what's out there. We shouldn't make a decision off of Brian's staff report alone.
- Latta told him it's a good thing to do. He directed them to a copy of the land use application in their packet. When the applicant signs that, it gives you authorization for staff to enter the land. They have the opportunity to do that. He suggested that the Planning Commission members should take the application with them, that way, if they are questioned, you can actually show them their approval to be on the property.
- Chairperson Culver said that he remembered a number of years ago, we were dealing with an issue with massive amount of wetlands. It was a contested Planning Commission meeting, and people were very angry because we were considering development. They weren't confident with amount to be mitigated, and it took care of itself.
- Latta told him that site visits are encouraged. It's not an issue, if you still feel you can make a clear objective decision, you should say that. If there is still a quorum without you, if you have a true conflict of interest, then you should remove yourself to the audience, but if it's ex parte, or perceived, then state it. That way if someone questions it, it's on record.
- Kayner said that every time we do something that people don't really like, we are in the public eye, and people storm troop his office, and he can normally calm it down. But sometimes, it does get a little heated for us as Planning Commission members.
- Latta told them that the LOC (League of Oregon Cities), just did a small video on land use training. It's not huge, but we can access that and show it to them some time.

Other:

- Latta said that Francisco had asked about the possibilities of going digital, so he brought it up to Council. Council asked him to look into it. What he's found so far, is that most of the cities going to electronic packets, do more so for the principal. From a cost perspective, it's not even close, it's far more expensive to go there, than to stick to paper. He could provide a digital copy for Francisco if he'd like.

Kayner likes paper. Latta added that it was a renewable resource. Eldridge added that she has always been asked to send a paper version of the Council summary agenda to them. Instead, she can put them on electronic distribution list, several of them are already on the list. The Planning Commission agreed to have her do that.

Latta told the Planning Commission that we had received the Dollar General building permits. Chairperson Culver asked how they did with the driveway. Latta told him that they did find a way to relocate the driveway further south by 17'. It was a compromise for them. Mike Lefevre was ok with that. We are still waiting for the ODOT access permit, and an easement, both of which we need before the issuance of the permit.

Latta said that we may not have a meeting in May. It's a crazy month, with both he and Eldridge being gone at different times. We will get back into the code review in the future. He also wanted to let them know about the Municipal Court decision. Council decided to not renew Judge Lemhouse's contract. We are now going to minimize the amount of cases we send to municipal court. It will be on an as needed basis. All traffic will continue to be heard in Justice Court, and will continue to Judge Lemhouse. Criminal, and code violations will go to the Circuit Court in Albany. We hope that the change will hopefully result in cost savings. We've been spending about \$40,000 to \$60,000 a year for court services, while it only brings in \$20,000 to \$30,000 a year. We hope to eliminate those expenses. Kayner said it's definitely not a money maker. Latta told him that it shouldn't be. But ideally, we try not to lose money. We will still have municipal court, on an as needed basis. Smid hoped that the City was being proactive for law enforcement. Latta told him that the contract goes up by 5% every year, and we don't see it changing. It's not supposed to be a money maker, but part of the challenge is to try to make sure that we aren't losing money.

With no further business to discuss, the Planning Commission adjourned at the hour of 8:00pm.

Planning Commission Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU #355) to divide a single residential property into two parcels.

LOCATION: 195 N. 7th Street, Tax Lot 700 of Linn County Assessor's Map 15S04W15 BB

HEARING DATE: April 19, 2016

ZONING: R-2 (Medium Density Residential)

**APPLICANT/
OWNER:**
Robert Wilson
195 N. 7th Street
Harrisburg, OR 97446

APPEAL DEADLINE: April 29, 2016, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on April 19, 2016, and voted to approve the requests, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the April 19, 2016, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

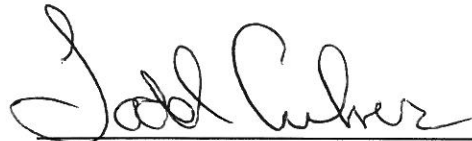
APPEALS: The decisions may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: April 29, 2016, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD:

A Minor Partition shall be effective for one year from the date of approval. If the applicant has not submitted the final plat for approval within six months of approval, the preliminary plat shall be resubmitted to the Planning Commission for additional review (see HMC 17.25.010(1)). Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Minor Partition approval will expire on April 29, 2017.

A handwritten signature in black ink, reading "Todd Culver". The signature is written in a cursive, flowing style. Below the signature is 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 identified as **Attachment A**, except as modified by this approval or the conditions of approval below.
2. Easements – The final plat shall include any private utility and franchise utility easements where utilities serving one parcel are proposed to cross property lines of another parcel.
3. Frontage – Prior to recording the final plat, the applicant shall increase the 'flag pole' width of the flag lot to be a minimum of 25 ft.
4. Water – Prior to recording the final plat, the applicant shall pay to have a water service installed to each of the properties.
5. Sewer – Prior to recording the final plat, the applicant shall have sewer service extended to each of the properties.

DEVELOPMENT RELATED CONCERNS

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

- A. The driveway for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 50,000 pounds.
- B. The driveway for proposed parcels 2 and 3 will need to be hard-surfaced for the first 25 feet from the edge of the right-of-way.
- C. The applicant will be required to pay any System Development Charges for the permanent placement of the manufactured dwelling unit on the proposed parcel.
- D. The applicant will be required to provide a garage or carport with the permanent placement of the manufactured dwelling unit on the proposed parcel.

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition and Site Plan Review (LU #354 and 356) to create a five acre parcel and develop it with up to seven industrial spec buildings in three phases.

LOCATION: 32721 Peoria Road, Tax Lot 600 of Linn County Assessor's Map 15S04W09

HEARING DATE: April 19, 2016

ZONING: M-2 (Heavy Industrial)

APPLICANT: ARLIN, LLC
PO Box 527
Harrisburg, OR 97446

OWNER(S): Dan & Camilla Mills
88469 Oak Knoll Rd.
Veneta, OR 97487

APPEAL DEADLINE: April 29, 2016, at 5:00 p.m.

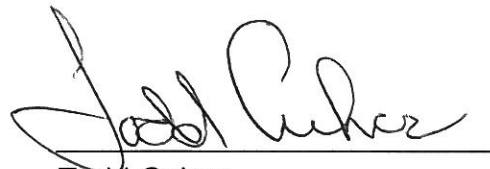
DECISION: The Harrisburg Planning Commission conducted a public hearing on April 19, 2016, and voted to approve the requests, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the April 19, 2016, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: The decisions may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: April 29, 2016, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Minor Partition and Site Plan Review 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 Site Plan Review approval will expire on April 29, 2017.



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. **Road Access Permit** – Prior to issuance of building permits, the applicant shall provide the city with an approved road access permit from Linn County for access onto Peoria Road for proposed parcel 1.
3. **Loading Areas** – Prior to issuance of building permits, the applicant shall provide loading areas for each building.
4. **Storm Water Discharge into Wetlands** – Prior to discharging any storm water into wetlands, the applicant shall provide the city with a letter from the Department of State Lands authorizing such activity.
5. **Utility Connections** - Prior to recording the final plat, the applicant shall obtain approvals from the city for connections to the city's water, sewer and storm drain systems.
6. **Erosion & Sediment Control Plan** – With the submission of building permits, the applicant shall provide necessary erosion and sediment control plans. The plans shall indicate how the proposed development will restrict the movement of earth and debris from leaving the property and entering onto other properties or into the City's drainage system.
7. **Construction Safety** – With the submission of building permits, the applicant shall submit a construction safety plan. The plan shall demonstrate how the applicant proposes to keep the general public safe and out of the construction zone during construction activity.
8. **Landscaping Plans** – With submission of building permits, the applicant shall provide detailed landscaping and irrigation plans for approval. The plans shall include the types of landscaping including species names.
9. **Fencing** – Prior to the construction of any fencing, the applicant shall submit a fence permit that demonstrates compliance with HMC Chapter 18.80.
10. **Paved Parking** – Any parking located within 200 ft. of a residence or 50 ft. of a public street shall be hard surfaced.
11. **Paved Driveway** – The first 50 ft. of a driveway off a public street shall be paved.
12. **Emergency Vehicle Access** – Any driveways or access ways over 100 ft. in length shall be capable of supporting emergency vehicles weighing up to 50,000 pounds.
13. **Screening** – Any refuse containers that are visible from a public street, parking area, or customer entrance shall be screened.
14. **Building Setback** – All buildings shall be setback from Peoria Road by no less than 30 ft.
15. **Easements** - Prior to recording the final plat, all easement for private utilities or access shall be shown and recorded with the plat.

16. **Wetland Impacts** – The applicant shall not impact any wetlands on the site, except where written permission has been granted by the Department of State Lands.

DEVELOPMENT RELATED CONCERNS

- a. **System Development Charges** – The proposed development will require the payment of applicable system development charges. The system development charges are to be paid prior to the issuance of a any building permits.
- b. **Signage** – Although not subject to permitting, all signage needs to comply with Harrisburg Municipal Code Chapter 18.70.