

Planning Commission Meeting Agenda
November 19, 2019
7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, David Smid, Rhonda Giles, Jeremy Moritz, Kurt Kayner,
Kent Wullenwaber and Youth Advisor Quinton Sheridan.
Meeting Location: Harrisburg Municipal Center @ 354 Smith St.

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655*

CALL TO ORDER AND ROLL CALL

CONCERNED CITIZEN(S) IN THE AUDIENCE. (Please limit presentation to two minutes per issue.)

PUBLIC HEARING

1. THE MATTER OF THE FRED PROPERTY LLC COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 413 & LU 414)

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials dated 9-5-2019, Revised

Materials dated 9-13-2019 and 10-7-19

Exhibit B: Public Notice

ACTION:

MOTION TO APPROVE/MODIFY/DENY THE FRED PROPERTY LLC COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 413 & 414), SUBJECT TO CONDITIONS OF APPROVAL CONTAINED IN THE NOVEMBER 11, 2019 STAFF REPORT. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE STAFF REPORT TO THE PLANNING COMMISSION ON NOVEMBER 19, 2019, AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST.

APPLICANT: Tim Walter, Fred Property & Equipment LLC, 445 N 7th Street, Harrisburg, OR 97446

OTHERS

ADJOURN

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE FRED PROPERTY LLC COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 413 & LU 414)

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APPLICANT: Tim Walter, Fred Property & Equipment LLC, 445 N 7th Street, Harrisburg, OR 97446

LOCATION: 770 & 776 N. 7th St., Map 15S-04W-10CA, Lot 00200

HEARING DATE: November 19, 2019

ZONING: R-1, Single-Family Residential

OWNER: Fred Property & Equipment LLC, 445 N. 7th St., Harrisburg, OR 97446

BACKGROUND

The applicant has submitted a proposal to amend the Comprehensive Plan Map designation and concurrently rezone the subject property located at 770 and 776 N. 7th Street from Low Density to Medium Density designation and R-1 Single Family Residential to R-2 Medium Density Residential zoning. The site abuts Single Family

Residentially zoned lands to the east, north, and west, and abuts Medium Density Residentially zoned parcels to the south.

The subject site is approximately 2.25 acres in size, and is presently developed with a barn structure, a pole barn/shop structure, a small pump house, an RV pad and a single-family manufactured home. Demolition permits for the remaining structures have been issued and the applicant has stated that removal those structures will be completed post decision on the current applicants under review.

The applicant intends to develop the subject property with a multi-family group assisted/independent living type facility to house a growing population that requires housing of this type. The applicant claims that this type of use is presently not available in Harrisburg and the use is not currently allowable in the R-1 Single Family Residential zone. However, Residential Facilities are current considered as a Conditional Use in the R-1 zone (MHC 18.15.040 – Conditional Uses Permitted).

“Residential facility” has been defined in ORS 443.400 to include the terms “residential care facility,” “residential training facility,” “residential treatment facility,” “residential training home,” and “residential treatment home,” and includes a facility licensed under ORS 443.400 through 443.460, for six or more physically or mentally handicapped persons or elderly persons who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents and need not be related to each other or to any resident of the residential facility.

The applicant proposes that the zoning and planning designations of the parcel be changed from R-1 Single Family Residential to R-2 Medium Density Residential.

INTRODUCTION

The following findings demonstrate that the proposed redesignation and rezone will comply with all applicable approval criteria and related standards as set forth in the Harrisburg Comprehensive Plan. The following evaluation includes findings of compliance with the applicable criteria and related standards as provided in the Harrisburg Comprehensive Plan and Oregon Statewide Planning Goals, with informational items noted where appropriate. The approval criteria and related standards are listed below in bold, with findings addressing each.

CRITERIA AND FINDINGS OF FACT

HMC 18.120 - Amendments

18.120.010 Authorization and procedure for Initiating amendments.

- 1. A request for amendment of this title may be initiated by:**
 - a. The City Council;**
 - b. The Planning Commission;**

- c. City staff;
- d. A property owner, a group of property owners, or the authorized agent of the owner(s) for property which is owned by the owner or owners; or
- e. Any affected citizen or property owner within the Harrisburg urban growth boundary for an amendment to the text of this title.

FINDING: The owner, Fred Property, LLC, of 770 and 776 North 7th Street has submitted a request to amend the Comprehensive Plan Map and concurrently Rezone the subject site in compliance with the above standard.

2. The request by a property owner or his/her authorized agent shall be accomplished by filing an application with the City Recorder using a form prescribed pursuant to HMC 18.125.100. A filing fee in accordance with the provisions of HMC 18.125.110 shall accompany an application by a property owner or his authorized agent for an amendment. [Ord. 882 § 9.010, 2010.]

FINDING: A application to amend the Comprehensive Plan Map and Rezone the subject site, accompanied by the relevant filing fee, was submitted by the property owner on September 11, 2019, with supplemental materials submitted on September 24, 2019 in compliance with this criterion.

18.120.020 Public hearings on amendments.

All requests for amendment to the text or the zoning map of this title shall comply with the following public hearing procedures:

- 1. The Planning Commission shall conduct a public hearing concerning the proposed amendment in accordance with the notice provisions of HMC 18.125.140. The hearing shall be held at least 35 days after receipt of the application for amendment.**

FINDING: A Public Hearing before the Planning Commission was held on November 19, 2019, within 35 days of the October 14, 2019 date of application completeness notification.

- 2. The Planning Commission shall, within 63 days of the first hearing, recommend to the City Council either approval, disapproval, or modification of the proposed amendment.**

FINDING: The Planning Commission will forward a recommendation within 63 days of the first hearing.

- 3. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in accordance with the notice provisions of HMC 18.125.140.**

FINDING: A Public Hearing will be scheduled with the City Council not less than 20 days post Planning Commission decision on the request, in accordance with the notice provisions of HMC 18.125.140.

7. In taking action on a request to amend the text or map of this title, the Planning Commission and City Council shall determine that the amendment is consistent with the policies of the comprehensive plan and with the comprehensive plan map. [Ord. 882 § 9.020, 2010.]

FINDING: As the findings below show, the proposal to redesignate and rezone the subject site in consistent with the goals and policies of the Comprehensive Plan and Plan Map.

OREGON STATEWIDE PLANNING AND HARRISBURG COMPREHENSIVE PLAN GOAL COMPLIANCE

Goal 1 Citizen Involvement

Goal 1 - Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: This goal will be met by compliance with the adopted notification and hearing processes under Harrisburg Municipal Code Section 18.125.130, and 18.125.140.

FINDING: The City is processing the Redesignation and concurrent Zone Change as a Type IV Legislative Decision per Section 18.125.100 and scheduled a hearing before the Harrisburg Planning Commission on November 19, 2019.

FINDING: On November 9, 2019 the public hearing was advertised in the Register Guard Newspaper, at least 10 days prior to the public hearing scheduled for November 19, 2019 and on November 7, 2019 the City mailed public notice of applicant’s request to all property owners within 300 feet of the subject site per Section 18.125.140 of the City’s zoning code. Notice of the November 19, 2019 Planning Commission Public Hearing was posted on the Harrisburg Oregon website on November 6, 2019.

Goal 2 Land Use Planning

Goal 2 - Zoning: Land Use Planning: Goal 2 - Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: Goal 2 (Land Use Planning) outlines the basic procedures of Oregon’s statewide planning program, stating that land use decisions must be made in accordance with comprehensive plans and that effective implementation ordinances

must be adopted. High Density Residential, Medium Density Residential and Single Family Residential zonings implement the City’s Comprehensive Plan residential land use designations. Therefore, as the findings state within subsequent sections of this report, the zone change and redesignation request to Medium Density Residential are consistent with the City’s DLCDC acknowledged Comprehensive Plan.

Goals 3 Agricultural Lands and 4 Forest Lands

Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.

Goal 4 - Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: Goal 3 requires counties to inventory agricultural lands and to maintain and preserve them through EFU zoning. Because the subject property is currently designated for residential uses, proposed to be redesignated for residential use, and within the acknowledged Urban Growth Boundary of the City of Harrisburg and identified for associated uses, Goals 3 and 4 are not applicable.

Goal 5 Open Spaces, Scenic and Historic Areas & Natural Resources

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.

FINDING: Goal 5 requires local governments to inventory and protect historic areas. The subject property contains no inventoried resources.

FINDING: The Harrisburg Local Wetland Inventory and Wetland Protection Program were acknowledged as in compliance with the Goal 5 administrative rule (OAR 660-023). The subject property contains no inventoried wetlands. The proposed Comprehensive Plan amendment will change the plan designation from Low Density Residential to Medium Density Residential. There is no change proposed to the Comprehensive Plan Goal 5 program or the regulatory measures.; therefore, it is consistent with Goal 5.

Goal 6 Air, Water and Land Resources Quality

Goal 6 - Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

FINDING: Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations. The proposed Zone Change has no Goal 6 impact, as the standards associated with development impacts will remain unchanged. Environmental impacts will be addressed through subsequent land use review for any future development.

Goal 7 Areas Subject to Natural Disasters and Hazards

Goal 7 - Area Subject to Natural Disasters and Hazards: To protect life and property from natural disasters and hazards.

FINDING: Goal 7 requires that jurisdictions apply appropriate safeguards when planning development in areas that are subject to natural hazards such as flood hazards. The only identified natural hazard in Harrisburg is flooding. Harrisburg has an acknowledged floodplain protection ordinance. Land within the floodway is considered unsuitable for urban development. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (#41043C1118G) covering the subject property indicates that the property is in Flood Zone X, areas outside the 500-year floodplain. The proposed Zone Change will not affect Natural Disaster or Hazard risk area boundaries. Identification of possible flood hazards and their impacts on future proposed development will be addressed during future land use review. Thus, Goal 7 has been properly addressed.

Goal 8 Recreation Needs

Goal 8 - Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The proposed Plan amendment and Rezone do not contain areas shown as containing specific recreational value or facilities within the Comprehensive Plan. Therefore, Goal 8 is not applicable to this request.

Goal 9 Economy of the State

Goal 9 -Economic Development: Goal 9 - Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

FINDING: Goal 9 requires local governments to estimate the amount of commercial and industrial land that will be needed over the planning period. The proposal to amend the Comprehensive Plan land use designation and zoning of the site is consistent with the overall policy framework and analyses used to generate employment forecasts and estimate future land needs in the recent UGB expansion process. The current Comprehensive Plan Map identifies the site as Residential and all recent approvals associated with the site have been in the context of its proposed redesignation. The proposal to amend the land use designation and rezone the property does not change the intended use of the site, nor does it change any anticipated employment opportunities associated with the site. Therefore, Goal 9 has been addressed.

Goal 10 Housing

Goal 10 - Housing: To provide for the housing needs of citizens of the state.

FINDING: Goal 10 requires local governments to estimate the projected population growth and the need for residential land over the planning period. This proposal

includes lands proposed to be redesignated for residential uses. Therefore, Goal 10 is applicable.

FINDING: The applicant has submitted this request in order to increase the allowable uses and density for the subject site and to increase the supply of a specific housing type documented in the Urbanization Study. This request is made consistent with the demographic information and implementation measures set out in the City of Harrisburg Comprehensive Plan as follows:

Medium density residential: a. Medium density zones shall be in those areas designated Medium Density Residential on the Comprehensive Plan map, and shall be allowed consistent with the residential land needs analysis.

Following the Comprehensive Plan Map amendment, the zoning will implement the planning designation. The Urbanization Study documents changing needs in the community and the application has stated an intention to develop the site in response to this change in needs. The need to provide more group quarters is clearly identified and documented in the Urbanization Study (4-6, 4-7), and the study notes that the deficit of R2 is more acute than the forecast deficit for R1. The study identifies a deficit of 53 acres of residential land for the 2013 to 2033 period, with a 26-acre deficit in LDR, 18-acre deficit in MDR, and 10-acre deficit in HDR.

For the 2013- 2033 planning horizon, the urbanization study states a 127-acre supply of R1 land and demand for 152-acres. Therefore, supply is 84% of demand in comparison to the R2 zone where there is a supply of 27-acres and a demand for 45-acres, meeting only 60% of demand. Furthermore, R2 land represents 17.5% of the overall residential land base but accounts for 22% of the overall residential deficit. The changing demographic and housing trends for the 20-year planning horizon demonstrate that it is acceptable to change the designation and zoning of this property to meet density and population projections.

This parcel presents an opportunity to meet an unmet need for Group Quarters housing without impacting the overall deficit of R-1 lands as the property is shown as developed in the urbanization study and was not included in the supply of any land use category. Therefore, the addition of this property as medium density property has the effect of alleviating the deficit of R-2 zoned property (through 2033), however, nullifies any gains made in alleviating the R-1 deficit as the result of annexation and subsequent rezoning of the site to Single Family Residential.

The applicant would like to change the zoning of the subject property from low to medium density residential zoning. While this action is consistent with the residential land needs analysis, Staff is unable to determine the true intention of the redesignation and rezone request as the desired use stated within the written statement is currently listed as a Conditional Uses permitted in the R-1 zone (HMC 18.15.040(5)).

Medium Density Residential shall be located along or near arterial or collector streets to improve transportation flow and options.

The subject property is located on 7th Street, a minor arterial consistent with this standard.

Adequate sanitary sewer, storm sewer, and water lines shall be available without exception.

Adequate sanitary sewer, storm sewer and water lines are available to serve the proposed medium density development.

Street access to the property shall provide entrance for emergency vehicles.

Any proposed development shall provide adequate access for emergency vehicles consistent with this standard. The subject property is of a size that it is easily possible to design the site to accommodate entrance for emergency vehicles.

Landscaping shall be required and maintained for multi-family structures.

Any future development will be required to meet the minimum standards of the respective zoning.

As the findings state above, any future development on these parcels is required to be in compliance with their respective Plan Designation and corresponding zoning. Therefore, Goal 10 has been properly addressed.

Goal 11 Public Facilities and Services

Goal 11 - Public Facilities and Services: to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The DLCDC acknowledged 2013 Comprehensive Plan found compliance with the Statewide Planning Goals, including Goal 11.

FINDING: The proposed Zone Change poses no impact on provision of public facilities and services. Any future development will be required to demonstrate adequate water supply and sewer treatment and disposal capacity necessary for said development.

Goal 12 Transportation

Goal 12 - Transportation: To provide and encourage a safe, convenient and economic transportation system.

FINDING: Goal 12 encourages the provision of a safe, convenient and economic transportation system. This goal also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in coordination with urban and rural development (OAR 660-012-0000(1)).

As stated in 660-012-0060 “Where an amendment to a functional plan, acknowledged comprehensive plan, or land use regulation would significantly affect an existing or planned transportation facility, the local government shall put onto place measures to assure allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.”

FINDING: The rezone and redesignation request from Low Density Residential, R-1 Single Family Residential zoning to Medium Density, R-2 Medium Density Residential zoning allows for future development of the site consistent with the identified functional road classifications. The proposed rezoning complies with the City’s Transportation System Plan. Therefore, the proposal complies with Goal 12.

Goal 13 Energy

Goal 13 - Energy Conservation: This goal states: “Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

FINDING: Goal 13 requires land and uses developed on the land to be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles. Energy consequences of the proposed zoning map amendment have been considered the proposed change in land use zoning does not include a proposed use. Therefore, Goal 13 has been adequately addressed.

Goal 14 Urbanization

Goal 14 - Urbanization: To provide for an orderly and efficient transition from rural to urban land use.

FINDING: The proposed zoning map amendment does not involve urbanization of any land not currently within the Harrisburg UGB. Additionally, the rezone and redesignation requests do not include changes to the functional use type. Therefore, Goal 14 does not apply to this proposal.

Goal 15 through 19

Goal 15 - Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Goals 16-19; Estuary Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources: These goals are not relevant to this proposed amendment because there is no coastal, estuarine, ocean, or beach and dune resources related to the site.

FINDING: Goals 15 through 19 are related to the Willamette Greenway and coastal resources. As such, these goals do not apply to the subject sites and no further analysis is required.

CONCLUSIONS

The applicant requests approval of the Redesignation and Rezone request. As demonstrated by the above discussion, analysis and findings, the application, complies with the applicable criteria from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

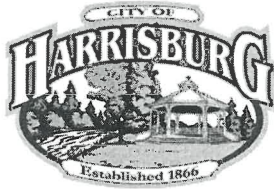
The Planning Commission has three options with respect to the subject applications. They can:

1. Recommend approval of the request to the City Council;
2. Recommend approval of the request to the City Council with modifications/conditions; or
3. Recommend denial of the request to the City Council based on the findings and deliberations.

RECOMMENDED MOTION(S)

Consistent with the Planning Commission and Staff deliberations at the November 19, 2019 Public Hearing, the following motion is recommended:

1. *“I move to recommend approval of the Fred Property, LLC Redesignation and concurrent Rezone request (LU413-2019 and LU414-2019) to the City Council. This motion is based on findings contained in November 11, 2019 staff report, and on findings made during deliberations on the request.”*



City of Harrisburg
120 Smith Street
Harrisburg, OR 97446
Phone (541) 995-6655
www.ci.harrisburg.or.us/planning

LAND USE APPLICATION

STAFF USE ONLY	
File Number:	413-2019 (COMP PLAN) Date Received: 9-5-19
Fee Amount:	414-2019 (ZONE MAP CHANGE) \$1,375 / \$1,725

APPLICATION TYPE	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Property Line Adjustment
<input checked="" type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Partition / Replat <input type="checkbox"/> Minor <input type="checkbox"/> Major
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Historic Permit	<input type="checkbox"/> Site Plan Review - Parking Only
<input type="checkbox"/> Resource Alteration	<input type="checkbox"/> Subdivision / Replat
<input type="checkbox"/> Resource Demolition	<input type="checkbox"/> Vacation of Street, Alley or Easement
<input type="checkbox"/> Historic Review – District	<input type="checkbox"/> Variance
<input type="checkbox"/> Legal Lot Determination	<input checked="" type="checkbox"/> Zone Map Change
<input type="checkbox"/> Measure 37 Claim	<input type="checkbox"/> Zoning Ordinance Text Amendment

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL	
Project Description	Change the zoning and planning designations of a parcel from R-1 Low Density Residential to R-2 Medium Density Residential
Project Name	Walter Plan Amendment & Zone Change

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PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name Karl Mueller
 Phone (541) 915-5042 Email Muellerplanning@gmail.com
 Mailing Address 846 A St. Springfield, OR 97477
 Applicant's Signature [Signature] Date 9/3/19

Property Owner Name Tim Walter, Fred Property LLC
 Phone (541) 729-6738 Email
 Mailing Address 445 N. 7th St. Harrisburg OR
 Owner's Signature [Signature] Date 9-5-19

*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.

PROPERTY DESCRIPTION
(general vicinity, side of street, distance to intersection, etc.)

Street Address 770 + 776 N. 7th St Harrisburg
 General Location Description East side of N. 7th St. north of Territorial

Assessor's Map Number(s) 15-04-10-05CA Related Tax Lot(s) 00300-00200
 Map # 15-04-10-05CA Tax Lot(s) # 00300-00200

The Assessor's Map Number (Township, Section, and Range) and the Tax Lot Number (parcel) can be found on your tax statement, at the Linn County Assessor's Office, or online at: <http://linn-web.co.linn.or.us/propertywebquerypublic/>

Lot Area 2.25 acres

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

1. Are there existing structures on the site? Yes No If yes, please explain

[Empty text box for explanation of existing structures]

2. Indicate the uses proposed and describe the intended activities:

SEE NARRATIVE

3. How will open space, common areas and recreational facilities be maintained?

SEE NARRATIVE

4. Are there previous land use approvals on the development site? Yes No
If yes, please include a discussion in the project narrative describing how the prior approvals impact your proposal.

[Empty text box for discussion of previous approvals]

AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.

I do not authorize City decision makers to enter onto the property(-ies) associated with this application.

LAND USE AND OVERLAY ZONES

Existing Zone(s)

Existing Comprehensive Plan Designation(s)

Please select any of the following zone overlays or natural areas that apply to the subject site:

- Historic Overlay
- Willamette River Greenway
- Wetlands
- Floodplain
- Riparian Corridors

*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays or natural areas, please contact the City Planner at (541) 995-6655.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- Narrative
- Assessor's Map with Applicable Tax Lots Highlighted
- Site Plan
- Survey / ALTA
- Aerial Photograph / Existing Land Use(s) Map
- Zoning Map (if applicable, show proposed changes)
- Comprehensive Plan Map (if applicable, show proposed changes)
- Subdivision or Partition Plat
- Architectural Elevations
- Architectural Floor Plans
- Utilities Plan
- Electronic Versions of Exhibits
- Geotechnical Report/Site Assessment
- Application Fee
- Other

*A written narrative is required for all application types. Typical drawings sizes are 24"X36", 11"X17", or 8.5"X11". Sizes of required drawings will depend on the type and scope of applications involved. Contact the City Planner to verify requirements. On your plans, include the following: property lines, points of access for vehicles, pedestrians, and bicycles, water courses, any natural features (wetlands, floodplain, etc.), existing and proposed streets and driveways, parking areas, utilities, pedestrian and bike paths, and existing easements. Please note there are additional specific graphic and narrative requirements for each application type. Refer to the Harrisburg Municipal Code for more information.

Application to Amend the Harrisburg Comprehensive Plan Diagram and Zoning Map

I. General Information

Applicant: Karl Mueller for Fred Property LLC

Agent: Karl Mueller, Mueller Planning

Owner: Fred Property and Equipment LLC

Site Address: 770 and 776 N. 7th St. Harrisburg, OR

Map and Tax Lot: 15-04-10-00 Tax lot #200

Existing Planning/Zoning Designation: Low Density Residential/ (R-1)

Requested Planning and Zoning Designation: Medium Density Residential/ (R-2)

II. Executive Summary

An application to amend the Comprehensive planning and zoning designations for the subject property, a 2.25 acre parcel located at 770 and 776 N. 7th Street from Low Density to Medium Density zoning. The subject property is presently developed with a barn structure, a pole barn/shop structure, a small pump house, an RV pad and a double wide. Demolition permits for the remaining structures have been issued and following approval of the application the owner will remove those structures. The owner intends to redevelop the entire property.

The applicant ultimately intends to develop the subject property with multi-family group assisted/independent living quarters to house a growing portion of the population that requires housing of this type. This housing type is presently not available in Harrisburg. The use is not allowable in the low density residential zone. The applicant proposes that the zoning planning designations of the parcel be changed to Medium Family Residential

III. Approval Criteria

The applicant requests amendment of the Zoning and Comprehensive planning map consistent with the requirements set out in the Harrisburg Zoning Code/Ordinance at 18.05.030 through 18.05.110(8).

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Because the type of development contemplated by the applicant is not allowable in the R1 zone, the applicant has made this application.

This amendment is consistent with the purpose of the amendment provisions and the zoning code. The applicant makes this application in response to the changing needs for housing types in Harrisburg. This application will provide a housing opportunity serving older members of the Harrisburg community because purpose of the amendment is facilitate assisted/independent living facilities for older residents of Harrisburg. That development is intended to serve one of the demonstrably faster growing demographics in Harrisburg.

18.05.030 Amendment.

The comprehensive plan will serve as a flexible document which will be amended, updated and continually improved upon as an ongoing process which encourages adaptation to changing attitudes, technology and needs. The comprehensive plan will serve as the basis of all future comprehensive plans to be developed. [Ord. 481 § 3, 1980.]

The application is to amend the Comprehensive Plan responding to changing needs in Harrisburg, Oregon. As noted in the provision, supra, the comprehensive plan is a “flexible document” which shall be amended and improved upon. Evidence demonstrates that the population of persons 65 and older is one of the fastest growing demographics in Harrisburg. Persons in this demographic have particular housing needs and these needs are of often best served by the medium density district as explained in the Urbanization study and discussed in greater detail in this document. The Urbanization Study contemplates that Harrisburg will need to accommodate an aging portion of the population:

It will be important for Harrisburg to plan for a range of housing types to allow aging citizens to maintain their residence in Harrisburg. Thus, Harrisburg will need to plan for some persons in group homes. City of Harrisburg Urbanization Study, 4-7 (2013)

The purpose of this development is to provide a housing type that will allow aging citizens to reside in Harrisburg in either assisted/and or independent living facilities.

The Urbanization Study also provides:

If these trends continue, along with continued growth in families with children, housing demand is likely to change in Harrisburg.

Demand for multifamily housing is likely to increase with increase in low and moderate income residents to about 30% of dwellings. Demand for high amenity multifamily housing may increase as the baby boomers begin to downsize. Id at 4-18.

also

Demand for group quarters for retirees, such as an active retirement community, is likely to increase. Id at 4-19.

The Urbanization Study documents changing needs in the community and the application is responsive to this change in needs:

Table 4-17 shows the forecast of new dwelling units and land need by type.

The historical residential mix was 60% single-family, 20% manufactured (mobile home), and 20% multiple family. The needs analysis forecasts a higher level of multi-family housing production and shifts the housing split to 70% single-family types and 30% multifamily types. Id at 4-24.

Even as the need to provide more multifamily housing is clearly identified for a diversity of reasons is documented in the Urbanization Study, the study itself notes that the actual deficit of R2 is more acute than the forecast deficit for R1.

The estimates identify a deficit of 53 acres of residential land for the 2013 to 2033 period, with a 26 acre deficit in LDR, 18 acre deficit in MDR, and 10 acre deficit in HDR. These estimates include land needed for public and semi-public uses. *Id at 6-5.*

The urbanization study provides that there is a 125 acre supply of R1 land for the period between 2013-2033 and demand for 153 acres. Therefore, supply is 79% of demand in comparison to the R2 zone where supply meets only 60% of demand. Furthermore, R2 land only represents only 12.8% of the overall residential land base but accounts for 34% of the overall residential deficit. The changing demographic and housing trends demonstrate that it is appropriate to change the planning and zoning of this property in response to changing needs specifically the need to house the aging portion of the population.

(Please note that the deficits identified in the Urbanization Study are theoretical, that is, through the existing planning horizon period, demand is met.)

This parcel presents an opportunity to meet the unmet need for housing without impacting the existing inventory of R-1 property since the property is shown as developed in the urbanization study and

therefore was not included in the supply of any land use category. Therefore, the addition of this property as medium density property has the effect of alleviating the deficit of R-2 zoned property (through 2033) without exacerbating the deficit (through 2033) of R-1 property.

The purpose of this application is to modify the Harrisburg Comprehensive plan, serving the changing needs of the community providing quality, affordable independent or senior living on these parcels. The development will result in improvements to the surrounding vicinity and character of the area as addressed in this narrative. The zoning would also allow other types of multifamily development also consistent with changing needs, attitudes and demographics in the Harrisburg community.

The proposed amendment therefore, is consistent with the intent of this provision.

18.05.040 Adoption of the comprehensive plan documents.

The Harrisburg comprehensive plan (Ordinance No. 766) is repealed, and a new comprehensive plan with supporting documents is adopted as shown by the provisions contained in Exhibits A and B attached to the ordinance codified in this section. [Ord. 913 § 1, 2013; Ord. 481 § 3B, 1980.]

The subject property is planned for low density residential use and is shown as LDR on the attached Comprehensive Plan Map, *City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 2 (2013)*.

The amendment request is also informed by the information and policies set out in the *Harrisburg Comprehensive Plan (2013)*, Volumes 1 and 2, analyses of uses allowable in the zoning code and the *City of Harrisburg Urbanization Study (2013)*. Based on the policies and information set out in those documents, the applicant respectfully submits that the proposed zoning district is appropriate for the subject property.

As noted above, the Harrisburg Comprehensive Plan is a dynamic document and the Harrisburg zoning code provides procedures by which the Comprehensive Plan may be adopted.

Article II. Amendment

18.05.050 Purpose.

The purpose of this article is to provide procedures and criteria for the amendment of the comprehensive plan. [Ord. 534 § 1, 1986.]

The application for amendment is subject to and follows the procedures and criteria for amendment of the comprehensive plan.

18.05.070 Application.

Application for amendment of the comprehensive plan may be initiated by:

5. A property owner, a group of property owners, or the authorized agent of the owner(s) for property which is owned by the owner or owners.

This application is initiated by the owners of the subject property Timothy and Peggy Water consistent with the requirements of the Harrisburg Development Code. The application narrative and exhibits are prepared by Karl Mueller the authorized agent of the owners for the purposes of this land use application.

18.05.080 Filing.

Application for amendment of the comprehensive plan shall be filed on a form provided by the City Planner, according to the provisions of this article.

The application for amendment is filed on a form provided by the City Planner in compliance with the provisions of this article.

- 1. The City Planner shall refuse to accept an amendment application and the required fee if incomplete or inaccurate information has been submitted to process the application.*

Factually accurate information and the required fee have been submitted by the applicant. There is no basis to refuse the application.

- 2. Fees assessed for an application shall be established by resolution approved by the City Council.*

The applicant has paid the application fee of \$3,100 which was established by resolution of the City Council.

- 3. Application for amendment of the comprehensive plan may be initiated to amend the plan map for a particular parcel or number of parcels, to amend the plan text or to amend a combination of the plan map and text.*

The applicant proposes to amend the plan map for two parcels located respectively at 770 and 776 E. from a designation of low to a designation of multi-family residential, (R-2). This application amends the plan map for two parcels consistent with this subsection.

- a. An application to amend the plan map designation for a parcel or parcels to two or more map designations may be consolidated into a single hearing. Approval of one plan map designation shall not mandate approval of the other designation(s).*

This application amending the zoning designations for two parcels from R1 to R2 designations may be consolidated into a single hearing. The applicant requests this matter be heard only once.

18.05.090 Notice.

Notice of a public hearing before both the Commission and the City Council on a proposed comprehensive plan amendment shall be posted on the property, published in a newspaper of local circulation, and mailed to property owners who own property within 300 feet of the proposed comprehensive plan map change.

1. *Notice shall be mailed by first class mail to the affected owners at the address shown on the last available complete tax assessment roll not less than 21 days nor more than 28 days prior to the date scheduled for public hearing.*

City staff mails to all affected property owners in compliance with this ordinance.

2. *Failure of the property owner to receive notice of public hearing shall not invalidate a recommendation by the Commission or a final decision by the City Council.*

There is no evidence that any affected property owner failed to receive the mailing which in any event would not invalidate the recommendation by the commission. Actual notice is not required.

3. *Notice of the proposed plan map amendment indicating the date and time fixed for public hearing shall be posted and published not less than 21 days prior to the date of public hearings.*

Notice of the hearing shall be posted by city staff in compliance with this Ordinance.

4. *Notice of an application to amend the comprehensive plan shall be transmitted to all affected special districts, school districts, City departments, and Federal, State, County and regional agencies.*

a. *Such notice shall be transmitted a minimum of 21 days prior to the date of public hearing to allow affected agencies sufficient time to comment on the proposed amendment. Harrisburg planning staff transmits the required notice to affected agencies*

b. *All agency comments received by the City Recorder shall be made a part of the hearing record and shall be considered during the public hearing.*

c. Failure of an affected agency to receive notice of public hearing on a proposed amendment to the comprehensive plan shall not invalidate a recommendation by the Commission or a final decision by the City Council. [Ord. 534 § 5, 1986.]

All required notices were mailed by planning staff in compliance with this Ordinance. All agency comments have been incorporated into the record of proceedings.

18.05.100 Hearings.

1. The Commission shall conduct a minimum of one public hearing on an application to amend the comprehensive plan.

a. A minimum of a simple majority of the total membership of the Commission shall vote in favor of a recommendation to the City Council on the proposed amendment.

b. The Commission shall render a recommendation on the proposed amendment within 63 days of the date of the first hearing. Failure of the Commission to render a recommendation within the prescribed time shall result in a new public hearing before the City Council without cost to the applicant.

c. In issuing its recommendation, the Commission may approve or deny the proposed amendment as submitted, or it may approve the amendment with modifications.

The applicant requests that the Planning Commission conduct one hearing as allowable by Ordinance and respectfully requests that the Commission forward a recommendation of approval to the Harrisburg City Council for the reasons set forth in greater detail herein specifically the portion of this narrative document related to the substantive approval criteria set out at 18.05.110 of the Harrisburg Zoning Code.

2. The City Council shall conduct a minimum of one public hearing on an application to amend the comprehensive plan.

a. In making a final decision on the proposed plan amendment, the Council shall consider any pertinent evidence, including the testimony of the public, comments by affected agencies, the City's staff report, Commission recommendations, the record of the Commission hearing, and other such data.

All evidence necessary to make a final decision on the proposed plan amendment including public testimony, applicant's testimony, affected agencies, the staff report and the staff report shall be considered by the City Council during the public hearing in compliance with this Ordinance.

b. The Council shall render a final decision on the application within 90 days of the date of the Commission recommendation. Prior to a final decision on adoption of the comprehensive plan amendment, the amendment shall be submitted to the Department of Land Conservation and Development in accordance with the procedures of OAR 660-18-000, as amended.

c. In issuing its final decision, the Council may approve or deny the proposed amendment as submitted or it may approve the amendment with modifications.

3. *The burden of proof shall be upon the applicant to determine that each of the criteria for approval as outlined in HMC 18.05.110 can be met. [Ord. 534 § 6, 1986.]*

The applicant respectfully suggests that he has met the procedural burden of proof that all relevant approval criteria have been met. The remaining substantive criteria begin at 18.05.110:

18.05.110 Criteria for approval.

To approve an application for amendment of the comprehensive plan, findings shall be made that:

- 1. *The proposed amendment is consistent with and does not alter the intent of the applicable sections of the comprehensive plan;*

The proposed amendment is consistent with and does not alter the intent of the applicable sections of the comprehensive plan.

The Harrisburg Comprehensive Plan is organized by Statewide Planning goal; the proposed amendment does not alter the intent of the applicable sections of the Comprehensive Plan. This portion of the narrative document addresses compliance with the intent and consistency with the applicable sections of the comprehensive plan. This portion of the narrative will address the Findings and Information set out in Volume 1 of the Comprehensive Plan and Policies and Implementing Measures set out in volume 2 of the Comprehensive Plan. The narrative is organized by statewide planning goal like volumes 1 and 2 of the comprehensive plan and the narrative will follow this structure addressing both volumes of the Comprehensive Plan under the same Goal heading.

Goal 1 is applicable to the amendment and the proposal is consistent with and does not alter the intent of the applicable provisions.

The amendment is consistent with Section 1, Goal 1, Citizen Involvement of Harrisburg Comprehensive Plan Vol. 1 which provides:

GOAL 1: CITIZEN INVOLVEMENT The City of Harrisburg has adopted a Citizen Involvement Program to insure the opportunity for citizen involvement in all phases of the planning process. Through this program, the Harrisburg Planning Commission was appointed the Committee for Citizen Involvement. The Planning Commission throughout the planning process has conducted advertised, open, public meetings, and the minutes of these meetings have been made available to the public. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 5 (2013).

This application is subject to the citizen involvement provisions of the Harrisburg Development Code and the policies and the Implementing Measures set out in The City of Harrisburg Comprehensive Plan Volume 2 and the Harrisburg Zoning Code.

The zoning code requires both public notice and a public hearing in compliance with state law and local ordinance. As part of this land use process, the Planning Commission and City Council hold advertised, open public meetings and take the testimony of the public and interested parties at these hearings. The proposed amendment was subjected to public scrutiny, input and a public process consistent with the intent of the applicable section of the Harrisburg Comprehensive Plan.

The application is consistent with the following Goal 1 policies found in Volume 2 of the Comprehensive Plan:

- 1. To develop and maintain a Citizen involvement Program that clearly defines the procedures by which the general public will be involved in the land use planning process.*
- 2. To ensure that citizens have planning information available to them that will enable them to identify and comprehend planning issues and the implications of planning decisions.*
- 3. To ensure that the Citizen Involvement Program complies with statutory requirements. Harrisburg Comprehensive Plan, Vol. 2, pp. 1 (2013).*

The application is also consistent with the following Goal 1 Implementing measures:

IMPLEMENTING MEASURES: 1. The Harrisburg Planning Commission shall be the designated Committee for Citizen Involvement, the responsibilities of which shall be to:

- a. Hold public meetings during the course of all planning action to provide citizens an opportunity to participate in all stages of the planning process.*
- b. Inform the community of planning commission meetings through:*

1. newspaper notices;

2. articles in the newspaper or newsletters;

3. public hearing notices posted at City Hall and the Post Office 4. statements in utility bills c. Record and file minutes and other pertinent information related to planning commission meetings. All public information will be available for public inspection at City Hall.

e. Provide the Harrisburg City Council with information and recommendations on planning related issues.

f. Work towards the realization of all goals and implementation of all policies within the Harrisburg Comprehensive Plan, and to periodically review, update, and maintain the Harrisburg Comprehensive Plan as a workable document for the citizens and future growth of Harrisburg. Id.

The citizens have Harrisburg have been served by an open and transparent process, compliant with state law.

The proposed amendment is consistent with the second element of the Harrisburg Comprehensive Plan which is structured around Statewide Planning Goal 2. The land use decision has an adequate, articulated basis in fact consistent with the Harrisburg Comprehensive Plan and related planning documents as set out below.

Volume 1 of the Harrisburg Comprehensive plan provides the following information about Harrisburg's populations trends:

GOAL 2: LAND USE

Chart 1 shows Harrisburg's historic growth trends from 1960 to 2010. A key factor that will affect Harrisburg's growth rate is location. Harrisburg is within easy driving distance from three major cities: Eugene-Springfield, Albany and Corvallis. Chart 1: Harrisburg Historic Population Trends: 1960-2010 Source: U.S. Decennial Census Chart 2 and Table 2 provide information about the age of Harrisburg's population. During the 2000's Harrisburg experienced changes in the age structure of its residents. Table 2 shows population by age for Harrisburg for 2000 and 2010. The Census data show that Harrisburg grew by 772 people between 2000 and 2010, which is a 28% increase. Harrisburg experienced an increase in population for every age group except children under the age of 5. The fastest growing groups were 45 to 64 years, 5 to 17 years, and 65 years and older (emphasis supplied). (Harrisburg Comprehensive Plan, Vol.1, pp. 6-7 (2013)).

Harrisburg's population trends reflects the documented statewide trend toward an aging population. The purpose of this application is to serve the needs of this part the population by developing the

property with an assisted and or independent living facility. These facilities allow older residents to have much of the attributes of independent living in a community oriented setting specifically designed to serve the needs of that demographic group. This application is also necessary because the type of use contemplated by the applicant is only viable at densities permissible within the medium density residential zone.

The proposed land use action is consistent with the policies specifically set out in The Harrisburg Comprehensive Plan Volume II:

- 2. *To assure the Comprehensive Plan includes an adequate factual basis for decisions and actions. The Harrisburg Comprehensive Plan, Vol 2, pp. 2 (2013).*

The Comprehensive Plan includes an adequate factual basis for decisions and actions. The supply and demand analysis, population information, information regarding public infrastructure and other factual information provides a factual basis for a decision on the requested Comprehensive Plan amendment.

- 4. *To adopt a zoning ordinance, subdivision ordinance, and other ordinances and procedures deemed necessary to implement the Plan. Id.*

- 5. *To ensure adequate provision of land for residential, commercial, open space, industrial and public facilities within the City. Id.*

The proposed action is also consistent with the implementing measures set out in the Harrisburg Comprehensive Plan Volume 2:

IMPLEMENTING MEASURES:

- 5. *Medium-density residential development, with a range of two to 12 units per net acre (not including right-of-ways), shall be located around the central commercial areas or in areas with good access to collector or arterial streets. City of Harrisburg, Comprehensive Plan, Vol. 2, pp. 2 (2013).*

The applicant is proposing medium density development on 7th Street which has good access to 7th Street, a minor arterial consistent with this Implementing policy of the Harrisburg Comprehensive Plan.

- 16. *The City shall require all new construction or substantial renovation (exceeding 80% of the value of the structure) of multiple family developments exceeding two units, commercial, and industrial buildings to be subject to site review that will consider, at a minimum, the location of proposed structures, off street parking and loading areas, access to public right-of-ways, landscaping, fences, and walls, provision of public facilities and utilities, and drainage.*

The applicant is proposing medium density residential designation and zoning. Therefore, at the time of development site review will be required that will mitigate the impacts of higher density residential housing and neighborhood compatibility through at minimum an evaluation of the above listed factors.

17. An adequate level of urban services shall be provided prior to, or concurrent with all proposed residential development. Services shall include, but not be limited to:

a. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available. Id @ 3.

Sanitary sewer and disposal lines are available as demonstrated below. The applicant shall connect to these facilities at the time of development. The waste treatment plant has the capacity and is adequate to serve this development.

b. Storm sewer and drainage facilities (as required). Id.

There are storm sewer and drainage facilities in the 7th Street right of way and at the time of development the applicant will provide these facilities on the development site and connect to the existing public infrastructure.

c. Streets within the development and providing access to the development, improvements to City Standards (as required). Id.

Any and all streets required to provide access to the development already exist.

d. Municipal water distribution facilities and adequate water supplies. Id.

The subject property is served by municipal water distribution facilities and these facilities provide an adequate water supply to accommodate water usage caused by the development.

18. The City shall provide adequate residential, commercial, industrial and open space lands to meet the present and future needs of the community. Id.

The applicant proposes the medium density residential designation to serve the needs of a fast growing demographic group within Harrisburg’s population. The application will not result in a deficit of any type of land designation through the planning horizon period in compliance with this implementing measure. There is a surplus of land of both the low and medium residential zoning districts within the Harrisburg UGB planning horizon period so the supply of both is considered adequate. The 2.25 acre subject property was considered developed for the purposes of the Urbanization study so the zoning of the subject property may be changed without impacting any existing inventory.

The Harrisburg Comprehensive Plan does not contain any policies related to agricultural lands or forest lands and statewide planning Goals 3 and 4 are inapplicable to this request. The next relevant portion of the Harrisburg Comprehensive Plan is the findings set out in Goal 5:

Goal 5 mandates that jurisdictions inventory certain natural resources and develop programs to achieve the goal of protecting the inventoried resources. The Harrisburg Comprehensive Plan provides:

GOAL 5: OPEN SPACES AND HISTORICAL AREAS, AND NATURAL RESOURCES SOILS The use of soil information is an important tool in land use planning. Knowledge about the types of soils in the Harrisburg area and an understanding of their properties provides a basis for land use decisions. Soils information can help determine the following: 1) the capability of land to produce agricultural crops; 2) how well land drains; 3) ponding limitations; 4) flooding limitations; 5) the suitability of land for building foundations; and 6) the suitability of land for septic tanks. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 13 (2013).

The following soil types are present on the subject property:

← → ↻ Not secure | co.linn.or.us/webmap/data/reports/322954.txt

SOIL ANALYSIS REPORT (Parcel Based)

PIN#: 15S04W10CA00200
Assessor#: 322954

Series	Class	HV	Acres	Percent	CU FT/AC	Name
33	IVw	2	0.47	20.87	40	Dayton silt loam
46	IIIw	1D	1.78	79.13	100	Holcomb silt loam
			2.25	100.00		

The soil types are described in the Harrisburg Comprehensive Plan:

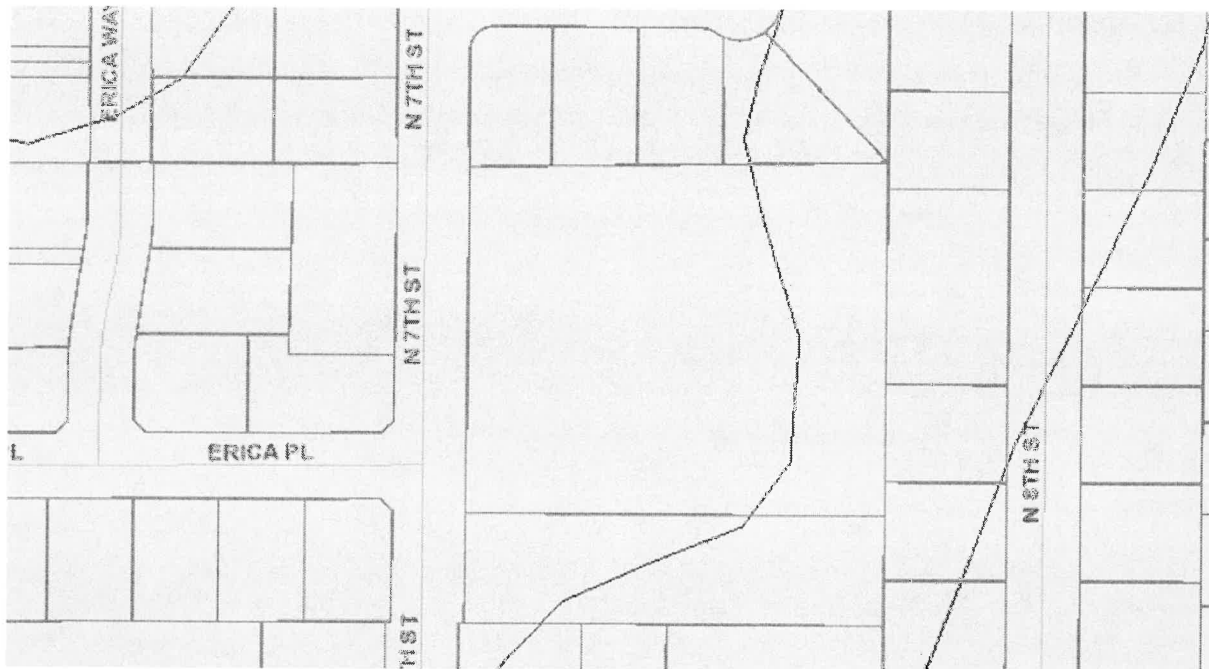
Dayton Silt Loam: Class IV. Deep, poorly drained soil with slope of 0 to 2 percent. The grayish brown surface layer is typically 9" thick. Permeability is very slow, and runoff is very slow to ponded. A seasonal high water table is at a depth of 0.5 foot above the surface to 1.5 feet below the surface from November to May. Building limitations include: poor drainage, slow permeability, shrinkage, and low soil strength. Not suited to septic tank absorption fields due to the seasonal high water table. Buildings and roads should be designed to offset the effects of shrinking and swelling and the limited ability of the soil to support a load. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 13 (2013).

Any development on the subject property shall be consistent with the limitations of this soil type. Roads and buildings shall be designed with the effects of shrinking and swelling in mind consistent with the Harrisburg Comprehensive Plan. When the property is redeveloped the septic system will be retired and the site will be connected to the public sanitary sewer system making septic absorption a non-issue consistent with this portion of the Comprehensive Plan.

The other soil present on the subject property is Holcomb silt loam, described as:

Holcomb Silt Loam: Class III. Deep and somewhat poorly drained soil. Slope is 0 to 3 percent. The surface layer is dark grayish brown silt loam to 7 inches over a mottled silty loam about 14 inches thick. Permeability is very slow, as is runoff. Hazard of erosion is slight. There is a seasonal high water table at a depth of 1 foot to 1.5 feet from November to May. Building limitations: wetness, slow permeability, shrinkage/swelling and low soil strength. Design roads to offset the limited ability of this soil to support a load. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 11 (2013).

The proposed amendment is consistent with the Harrisburg Comprehensive Plan. Any development occurring on the subject shall be designed to offset the limitations of this soil type. There is significant residential development, as shown below within Harrisburg on soils of these types and this property may be developed with residential uses consistent with the Harrisburg Comprehensive Plan provided appropriate steps are taken to address building and drainage related concerns.



The application does not implicate any of the natural resources

NATURAL RESOURCES The natural resources of the Harrisburg Planning Area are important to the economic base of the City and affect the quality of life experienced by residents of the area. It is therefore essential that the natural resources of the Planning Area be inventoried and considered in the planning process. This section will discuss the following: surface water; groundwater; aggregate deposits; fish and wildlife habitat; and scenic resources. *City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 11 (2013).*

With the exception of the soil resources as addressed above, this application does not implicate any inventoried resources, as discussed below:

Surface Water. Surface water in the Harrisburg Planning Area is made up of two streams and some intermittent drainage courses. The two streams are the Willamette River and Muddy Creek.

Muddy Creek and Intermittent Streams City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 11 (2013).

Neither Muddy Creek, the Willamette river or other intermittent streams are present on the subject property. The proposed amendment will not result in development that would require the removal of riparian vegetation or adversely impact the resource values associated with the development. Any development that ultimately takes place will be subject to stormwater development standards that are designed to protect water quality. The proposal is consistent with protecting the surface water resources of Harrisburg, Oregon.

GROUNDWATER Groundwater is water that fills spaces in rock and around soil particles beneath the land surface. Precipitation, mostly in the form of rain, is the principle source of groundwater. Its existence depends on the porosity and permeability of a geologic material and its mineral quality is generally related to the geologic environment. Availability in the Harrisburg Planning Area. Both of the two geological units existing in the Harrisburg area are good aquifers. *City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 14 (2013).*

There is an existing water line in the vicinity of the subject property and the evidence in the Comprehensive Plan indicates that the aquifer is suitable to support the requested zoning designation discussed in greater detail *infra*.

Fish and Wildlife. Preservation of fish and wildlife species is important to the natural balance of the environment. It is also important for recreational purposes and can bring in revenue to a local economy. Every wildlife species has the basic needs of food, water, and cover that must be met in order for survival. If any of these basic needs is lacking, the chances of survival for a species is reduced. An important principle of wildlife habitat is the "edge effect." Where two or more different landscape types

come together, there is more opportunity for all three of the basic needs to be provided. This is very important in the Harrisburg Planning Area where the open fields of the Valley floor meet the wooded and heavily brushed fringes of the Willamette River and in places where streams run or an area of brush or a grove of trees is in the midst of open fields. For this reason the preservation of edge areas is important to wildlife preservation. In and around Harrisburg, the most important edge areas are the riparian areas. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 16 (2013).

The subject property is not located in an area that contains any edge habitat or any other important wildlife habitat. The subject property is not important to wildlife preservation in the Harrisburg Planning area and may be developed with residential uses without harming fish and wildlife species.

The next inventoried Goal 5 Resource is aggregate resources:

Aggregate Resources. Aggregate resources include sand, gravel, and crushed rock. They are used in the making of concrete, asphalt, rip-rap, and select fill No significant aggregate resource sites exist within the Harrisburg Urban Growth Boundary. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 16 (2013).

Since there are no significant aggregate resources in Harrisburg, the requested amendment shall have no effect any aggregate resources and may be developed with residential uses consistent with the comprehensive plan.

The final inventoried Goal 5 Resource is Open Space resources:

Open Space. Open space consists of land in a natural state and land in agricultural or forest uses. Those undeveloped lands are not only important for the scenic resources they provide, but also for the protection of air, water, soil, and wildlife resources. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 16 (2013).

This application does not implicate any open space.

Portions of the Comprehensive Plan related to Goal 6 are relevant to this application. The Harrisburg Comprehensive Plan provides:

GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY "To maintain and improve the quality of the air, water and land resources of the state". It requires that waste and process discharges do not threaten environmental quality standards. The following section includes inventories of pollution and potential pollution sources in the Harrisburg area, discussions about protection of land, air and water resources, and discussion about applicable regulations.

LAND

Drainage Problems. The combination of flat terrain and poorly drained soils creates several development problems in the Harrisburg Planning Area. The problem of ponding which is associated with poor drainage and can present development restriction, was discussed in the Natural Hazards section. This section will discuss soil septic suitability and dwelling suitability. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

Septic Suitability. Soil septic suitability is rated on its limitations to absorb effluent. Soils in the Harrisburg Planning Area generally have poor suitability ratings (Personal communication with Jan Heron at Linn County Environmental Health Dept. March 1999) due to their tendency to percolate slowly and/or flood. Because of these limitations, development within the City where there are no sewer lines must remain at low densities. The Linn County Environmental Health Department is responsible for issuing septic system permits. The City of Harrisburg requires all new development within the City to connect to the City Sewer System. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

There is an existing sewer line in the right of way as shown below in the portion of this narrative addressing public facilities and services in the area. The line is an 8" PVC line located in the 7th Street right of way. Because there is an existing waste waterline there is no requirement that development remain at low density consistent with this portion of the comprehensive plan. Any new development will connect to the City sewer system consistent with and required by the Comprehensive Plan. Connecting to existing public sewer lines at the time of development is consistent with the Implementation Measure IV in Volume 2 of the Harrisburg Comprehensive Plan:

4. Adopt policies to encourage public sewer extensions into areas served by private septic systems. *City of Harrisburg, Comprehensive Plan, Vol. 2, pp. 7 (2013).*

The proposal is also consistent with Implementation Measure #7:

7. The City shall develop the City's water supply to provide adequate amounts of clean, safe water to meet the City's future needs. Id.

Consistent with the Harrisburg Comprehensive Plan, drainage improvements will be made at the time of development to address the shrink swell potential, tendency to flood and low strength of the soil. From Volume 1 of the Comprehensive Plan:

Dwelling Suitability. Soils in the Harrisburg Planning Area also present generally severe limitations for building houses. These limitations include wetness, high shrink-swell potential, tendency to flood, and

low strength. Because of these limitations, special precautions must be taken when building, to protect both that which is being built and adjacent properties. The City requires necessary drainage improvements to be made when property is developed. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

The proposed is also consistent with Implementation Measure # 9:

9. The City shall protect soils from excessive erosion by ensuring adequate erosion control measures by developers. Id.

This portion of the Harrisburg Comprehensive plan also considers the impacts of noise on the community.

Noise Control and Land Use Planning. The primary method of implementing noise control policies that are included in a comprehensive plan is through a zoning ordinance. Through zoning, noise sources can be separated from noise sensitive areas. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

The proposed residential use is situated adjacent to other residential uses. The zoning ordinance protects residential uses from noises generated by incompatible users. In the instant matter, the subject property is located in a residential area and the applicant proposes a residential zoning district. Noise generating users shall remain separated from noise sensitive areas under the applicant's proposal consistent with the Harrisburg Comprehensive Plan.

The discussion, policies and implementing measures found in Goals 7 and 8 are generally not applicable to the proposed development or this land use application. The next applicable portion of the Harrisburg Comprehensive Plan is set out in Goal 9:

GOAL 9: ECONOMICS Harrisburg has historically been an industrially based community with considerable influence from the agricultural sector. Economic analysis and planning is very important in determining the future economic stability and overall welfare of the community. Demographic and economic information is documented in the City's Urbanization Study (June 2013). City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 52 (2013).

The applicant makes this proposal to increase the supply of housing available to one of the fastest growing demographics documented in the Urbanization Study. Approval of this request will contribute

to the overall welfare of the community. This request is made consistent with the demographic information set out in the Harrisburg Comprehensive Plan.

The proposal is also consistent with the following implementation measures set out in the City of Harrisburg Comprehensive Plan Volume 2:

3. *Medium density residential: a. Medium density zones shall be in those areas designated Medium Density Residential on the Comprehensive Plan map, and shall be allowed consistent with the residential land needs analysis.*

Following the Comprehensive Plan Map amendment, the zoning will implement the planning designation. As noted throughout this application, the applicant's proposal is consistent with the needs analysis. The purpose of this application is to allow development of the site with assisted or living quarters that will serve a rapidly growing portion of Harrisburg's population per the needs analysis.

The Urbanization Study provides the residential needs analysis and contemplates that Harrisburg will need to accommodate the aging portion of the population:

It will be important for Harrisburg to plan for a range of housing types to allow aging citizens to maintain their residence in Harrisburg. Thus, Harrisburg will need to plan for some persons in group homes. City of Harrisburg Urbanization Study, 4-7 (2013)

The purpose of this development is to provide a housing type that will allow aging citizens to reside in Harrisburg in either assisted/and or independent living facilities.

The Urbanization Study also provides:

If these trends continue, along with continued growth in families with children, housing demand is likely to change in Harrisburg.

Demand for multifamily housing is likely to increase with increase in low and moderate income residents to about 30% of dwellings. Demand for high amenity multifamily housing may increase as the baby boomers begin to downsize. Id at 4-18.

also

Demand for group quarters for retirees, such as an active retirement community, is likely to increase. Id at 4-19.

The Urbanization Study documents changing needs in the community and the application is responsive to this change in needs and made consistent with the needs analysis:

Table 4-17 shows the forecast of new dwelling units and land need by type.

The historical residential mix was 60% single-family, 20% manufactured (mobilehome), and 20% multiple family. The needs analysis forecasts a higher level of multifamily housing production and shifts the housing split to 70% single-family types and 30% multifamily types. Id at 4-24.

Even as the need to provide more multifamily housing is clearly identified for a diversity of reasons is clearly documented in the Urbanization Study, the study itself notes that the actual deficit of R2 is more acute than the forecast deficit for R1.

The estimates identify a deficit of 53 acres of residential land for the 2013 to 2033 period, with a 26 acre deficit in LDR, 18 acre deficit in MDR, and 10 acre deficit in HDR. These estimates include land needed for public and semi-public uses. *Id at 6-5.*

The urbanization study provides that there is a 125 acre supply of R1 land for the period between 2013-2033 and demand for 153 acres. Therefore, supply is 79% of demand in comparison to the R2 zone where supply meets only 60% of demand. Furthermore, R2 land only represents only 12.8% of the overall residential land base but accounts for 34% of the overall residential deficit. The changing demographic and housing trends demonstrate that it is appropriate to change the planning and zoning of this property in response to changing needs.

(Please note that the deficits identified in the Urbanization Study are theoretical, that is, through the existing planning horizon period, demand is met.)

This parcel presents an opportunity to meet the unmet need for housing without impacting the deficit of R-1 property since the property is shown as developed in the urbanization study and therefore was not included in the supply of any land use category. Therefore, the addition of this property as medium density property has the effect of alleviating the deficit of R-2 zoned property (through 2033) without exacerbating the deficit (through 2033) of R-1 property.

The purpose of this application is to modify the Harrisburg Comprehensive plan, serving the changing needs of the community providing quality, affordable independent or senior living on these parcels. The development will result in improvements to the surrounding vicinity and character of the area as addressed in this narrative. The zoning would also allow other needed types of multifamily development also consistent with changing needs, attitudes and demographics in the Harrisburg community.

At this time there is a technical surplus of land through the planning horizon period of both medium and low density residential zoning., The applicant would like to change the zoning of the subject property from low to medium density residential zoning and this action is consistent with the needs analysis. Approving the application is consistent with this implementation measure.

- b. Medium Density Residential shall be located along or near arterial or collector streets to improve transportation flow and options.*

The subject property is located on 7th Street, a minor arterial consistent with this standard.

- c. Adequate sanitary sewer, storm sewer, and water lines shall be available without exception.*

Adequate sanitary sewer, storm sewer and water lines are available to serve the proposed medium density development.

- d. Street access to the property shall provide entrance for emergency vehicles.*

Any proposed development shall provide adequate access for emergency vehicles consistent with this standard. The subject property is of a size that it is easily possible to design the site to accommodate entrance for emergency vehicles.

- e. Landscaping shall be required and maintained for multi-family structures.*

The proposed amendment also complies with all portions of the Harrisburg Comprehensive Plan including the portions related to statewide planning goal 11.

GOAL 11: PUBLIC FACILITIES AND SERVICES Consideration of public facilities is important when developing a comprehensive plan for a city. Public facilities are necessary for the proper functioning and livability of a city and their provision will affect the rate and direction of growth of a city. The following section inventories existing public facilities in Harrisburg and identifies future needs.

WATER SYSTEM Water Supply Wells There are currently five wells serving the City. The wells were installed in 1966, 1996, 2002, 2003, and 2008. Four of the wells(Wells 4, 5, 6, and 7) are located south of Highway 99E along the Willamette River. The fifth well (Well 8) is located along Peoria Road north of the City. Water from Wells 4 through 7 is chlorinated prior to being discharged into storage tanks. Water from Well 8 is chlorinated prior to being discharged into the water distribution system. The wells have an approximate capacity of 840 gpm. This water supply would serve a population of approximately 4,400 people. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 54 (2013).

The development, proposed R-2 zoning can be served by the existing water supply system as the amount of housing developed on the site could not result in a population greater than that which could be served by the existing water supply system. The applicant has presented evidence that there is a water supply line to which the applicant could connect.

WASTEWATER SYSTEM Collection System The City's wastewater collection system consists of approximately 59,000 feet of gravity sewers. The majority of the gravity sewers are 8-inch. There are some segments of 4-inch, 6-inch, 10-inch, 12-inch, and 16-inch sewers.

Treatment Facility The City's Wastewater treatment facility, located on Peoria Road just north of town, occupies 200 acres. The facility consists of two separate, but identical lagoon treatment systems. The first system was constructed in 1991, while the second system was constructed in 2004. Each system consists of a 9-acre primary facultative lagoon, a 4-acre secondary facultative lagoon, and a 1-acre submerged rock polishing pond. Effluent from the facility is disinfected in a chlorine contact chamber and discharged to the Willamette River from November through April and is irrigated on 63 acres of Poplar trees from May through October. The treatment facility was designed for an average dry weather flow of 0.516 million gallons per day(mgd) and an average wet weather flow of 1.110 mgd. It was designed to serve a total population of 6,000 people. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 55 (2013).

There is an 8" pvc gravity sewer line in the 7th street right of way to which the applicant can connect. The proposed Comprehensive Plan amendment is consistent with this portion of the Comprehensive Plan because the proposed development could not cause the population to rise above that which could be adequately served by the existing wastewater infrastructure per the Harrisburg Comprehensive plan.

STORM DRAINAGE The City's storm drainage system has typically been designed for a 5-year storm intensity. During storm events of higher intensity, storm water has backed up in some areas of the City. However, there has been only minimal property damage due to the backed up water. Due to an unfavorable cost-benefit ratio, grants are not available to provide funds for storm drainage improvements. The City has been periodically making improvements to the system as local funds become available. As new development occurs, the City has been requiring that developers install storm water detention systems so as not to overload the City's existing storm drainage system. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 55 (2013).

The applicant will make the required drainage improvements at the time of development consistent with this portion of the Harrisburg Comprehensive Plan. The proposal is also consistent with the remaining portions of the Comprehensive Plan because the subject property is fully served by all

required urban infrastructure including solid waste disposal, emergency services and schools. The proposal is consistent with Goal 11.

The proposal is also consistent with the portion of the Harrisburg Comprehensive Plan developed in response to statewide planning goal 12:

GOAL 12: TRANSPORTATION Transportation is a topic of increasing concern because of the rising cost of gasoline and uncertainty about its future availability. Transportation information is documented in the City's 1999 Transportation System Plan and the 2004 Transportation System Plan Addendum.

Major arterials handle traffic originating in other cities and from major highways, as well as local traffic. They handle large volumes of inter-area traffic. The major arterial in Harrisburg is Third Street (Highway 99E). It is the major thoroughfare in Harrisburg and, as one of the primary North-South routes in the Willamette Valley, it receives considerable through traffic as well as local traffic.

Minor arterials provide more access to land and offers a lower level of traffic volume and mobility than major arterials. However mobility is still the primary function of the street. The Minor arterials in Harrisburg are:

2) 7th Street onto and including Diamond Hill

The proposed development is located on 7th Street a minor arterial intended primarily for mobility. The proposed development shall not cause the LOS to fall below the minimum required level of service standard as demonstrated by the attached traffic scoping letter provided by Ms. Kelly Sandow an Oregon licensed traffic engineer.

The remaining provisions of the Harrisburg Comprehensive Plan are inapplicable to this request.

For the reasons set forth above, the applicant suggests that the proposal is consistent with the policies and implementation measures of the applicable portions of the Harrisburg Comprehensive Plan. The application may be approved supported by objective evidence in the record. This criterion is met.

4. Other suitable locations are not presently available to accommodate the use for which the amendment is proposed;

Other suitable locations are not presently available to accommodate the use for which the amendment is proposed.

The subject property presents a prime opportunity to develop additional medium density residential uses within the City of Harrisburg without adversely impacting the supply of any other type of land use designation making it uniquely suited to accommodate additional residential development.

The subject property is in the Urbanizing area for the purposes of the Urbanization Study because the subject property was outside the City limits but not annexed at the time of the study. The subject property was not included in the supply/ demand analysis for any land use category in the urbanization study.

The subject property was considered developed for the purposes for the purposes of the Urbanization study (see below):



While the subject property was not included on any inventory of developable lands within Harrisburg, practically speaking the subject property is available for redevelopment of the type proposed here.

Most all of the multifamily zoned housing areas north of Territorial have been developed except for the parcel directly south of the subject property. Please compare the supplied zoning map with the aerial vicinity map to validate this claim. With the exception to the parcel directly south of the subject property, there are few place additional medium density residential development within the city limits

of Harrisburg north of Territorial absent this Comprehensive Plan and zoning map amendment. As already established through the Urbanization Study and Comprehensive Plan documents, there is significant unmet need for additional

The area in which the subject property is nearly fully built out as seen in the aerial photograph below sourced from google maps that plainly shows the development patterns in the area. The area is primarily built out with single family residences and there is very little land in the area of the subject property on which the City of Harrisburg could develop multi-family housing appropriate for senior housing independent living or other multifamily housing types.



The subject property is owned by the applicant who is interested in developing the subject property with uses for which there is a demonstrated demand. This is the only such property owned by the applicant and no other suitable area is presently available to the applicant to pursue this development opportunity.

This criterion is met.

5. *The proposed amendment will be compatible with adjacent land uses and will not adversely affect the land use pattern in the area;*

The proposed amendment will be compatible with adjacent land uses and will not adversely affect land use patterns in the area. The medium density residential zoning will be compatible with adjacent low density residential uses to the east and north. These areas are protected from incompatible medium density developments by building setbacks, density restrictions, landscaping requirements and the review process required in Harrisburg for multi-family developments. Notably, the property to the south is also zoned R-2 but is developed with a single family residence. That zoning is consistent with the requested zoning.

The Harrisburg zoning ordinance is sufficient to protect from adverse impacts of development. The Harrisburg zoning ordinance sets out standards for the Medium Density Residential zone beginning at 18.20 and includes development standards such as front, rear and side lot line standards as well as lot coverage standards. Any multifamily development of more than three or more units is also required to undergo site review. In total, these provisions are sufficient to ensure the proposed amendment is compatible with adjacent land uses.

The proposed amendment will also have a positive impact on adjacent development. Drainage is a known concern in the area and prior to any development, the developer will have to connect to public storm drainage infrastructure eliminating the possibility of adverse drainage impacts on adjacent properties due to the seasonably high water table.

The amendment also will not adversely affect the land use pattern in the area. The area is characterized by a mix of uses including existing medium density residential zoning on both sides of 7th in the vicinity of the subject property as shown by the zoning map, comprehensive plan map, aerial; photograph and all other exhibits to this application. Both to and after this application, the area will be characterized by a diverse mix of zoning types including both R1 and R2 on both sides of 7th as well as nearby commercial and industrial zoning.

The proposed zoning is consistent with and shall not adversely affect the development pattern in the area.

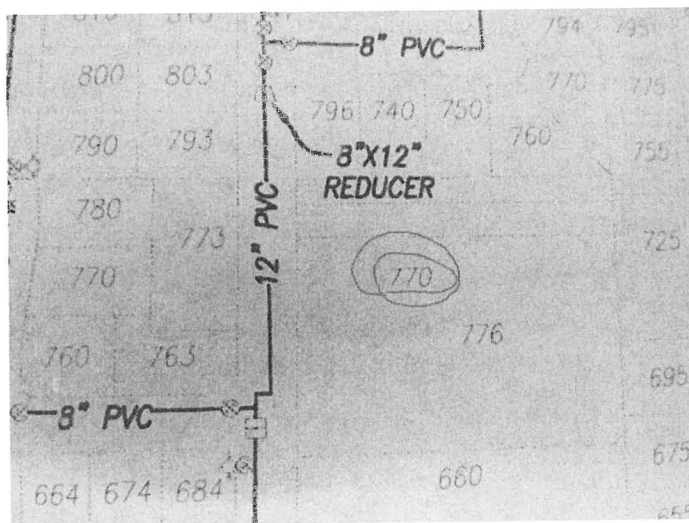
This criterion is met.

6. *The proposed amendment will not have a significant negative impact on the public facilities and services of the area;*

The proposed amendment will not have a significant negative impact on the public facilities and services in the area. The applicant has attached portions of System Maps provided by the City Engineer that demonstrate that a full array of urban services is available to the subject property. The property is served by a 12" PVC water line, a 8" PVC wastewater line and by a 18" stormwater line. These systems have the capacity to serve x residences, the maximum number of residential uses allowable under the requested zoning designation.

The following information was supplied by the Harrisburg public works department:

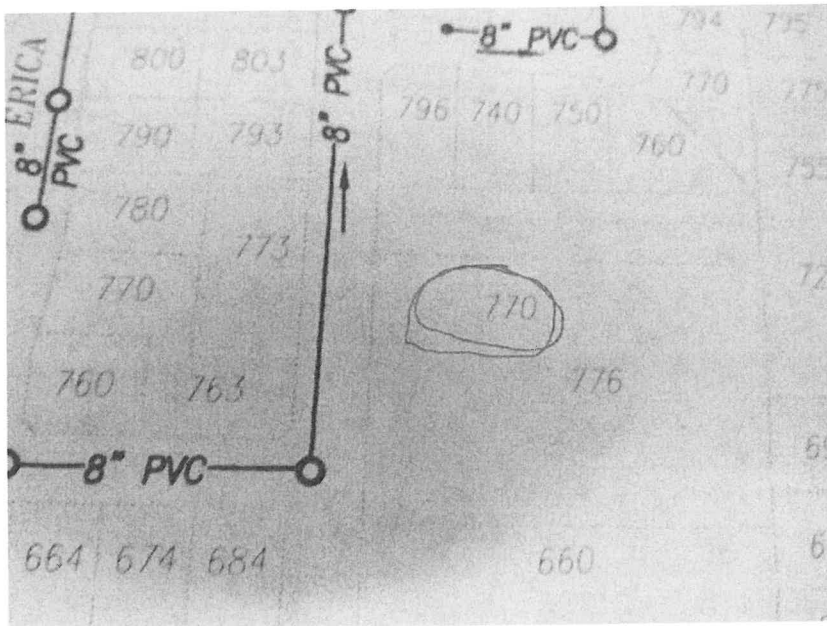
Water:



There is adequate water to serve the proposed development and without adversely impacting the total storage capacity of 2,500,000 gallons is capable of serving a population of 6,042 people. The system is adequate to serve the population needs of the community through at least 2027 according to the information supplied in the Harrisburg Comprehensive Plan, Volume II at page 54.

The following diagram of the wastewater system in the vicinity of the subject property was provided by the Harrisburg Public works department.

Wastewater:

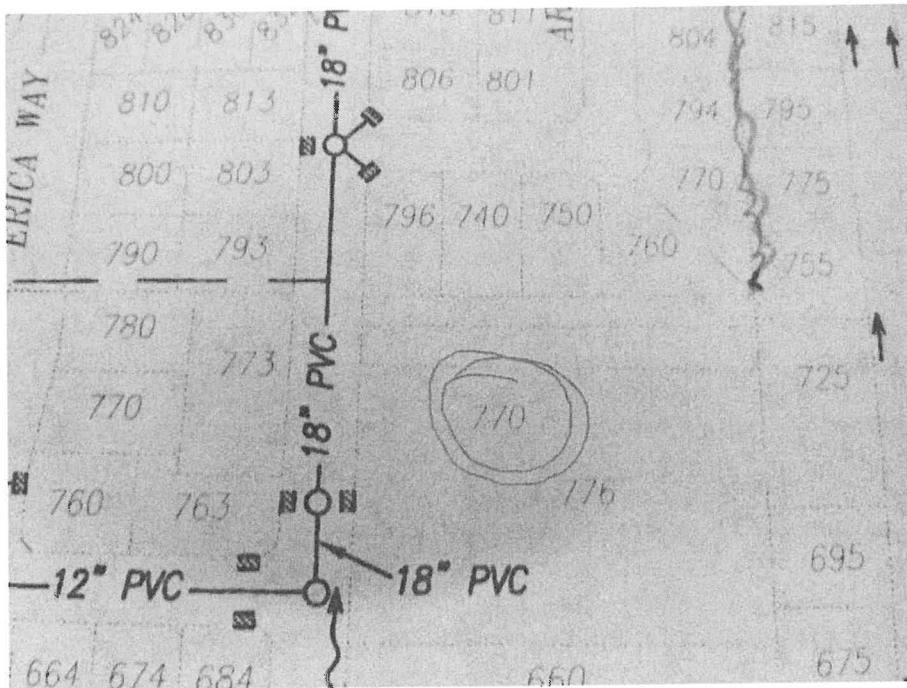


The proposed amendment will not have an adverse impact on the wastewater system. “The wastewater treatment plant was expanded in 2004 to serve a total population of 6,000 people. It was designed for an average dry weather flow of 0.516 mgd and an average wet weather flow of 1.110 mgd.” *Harrisburg Comprehensive Plan, Vol 1, pg. 22 (2013)* The population of Harrisburg was approximately 4070 persons per the City of Harrisburg Urbanization Study in 2013. The population of Harrisburg is not forecast to reach more than 6000 persons until 2027 per the same study. City of Harrisburg Urbanization Study, at 15, (2013).

At this time, the existing wastewater system has the capacity to serve Harrisburg’s population and this amendment will not have an adverse effect on that facility in compliance with this portion of the zoning ordinance.

Stormwater:

The following diagram of the stormwater conveyance system in the vicinity of the proposed development was provided by Harrisburg Public works.



According to the Harrisburg Comprehensive Plan: The City's storm drainage system has typically been designed for a 5-year storm intensity. During storm events of higher intensity, storm water has backed up in some areas of the City. However, there has been only minimal property damage due to the backed up water. Due to an unfavorable cost-benefit ratio, grants are not available to provide funds for storm drainage improvements. The City has been periodically making improvements to the system as local funds become available. As new development occurs, the City has been requiring that developers install storm water detention systems so as not to overload the City's existing storm drainage system.

The developer will be required to install stormwater detention systems that prevent adverse impacts to the stormwater system and adjacent and nearby development.

7. The proposed amendment will not have a negative impact on the street system and other transportation facilities serving the area;

The proposed amendment will not have a negative impact in the street system and other transportation facilities serving the area. The subject property is located on N. 7th Street. The Traffic Scoping Letter prepared by Ms. Kelly Sandow, an Oregon licensed Traffic Engineer concludes that the proposed upzoning of 770 and 776 N. 7th Street in Harrisburg will not have a negative effect on Transportation facilities serving the area, specifically

8. Development limitations, such as soil and foundation suitability, and drainage problems will not adversely affect the land uses which would be permitted through the amendment. [Ord. 534 § 7, 1986.]

There are no additional development limitations such as soil or foundation suitability or drainage problems that will adversely affect permitted land uses. The uses made more likely are assisted independent living quarters and multifamily developments at a maximum density of 12 units per acre. The soil types that are present on the subject property do present any significant limitations to the development. The issues with soil strength, stability and drainage are common to the Harrisburg planning area and specifically both the subject property and the area around the subject property that are developed with residences of diverse types including multi-family developments. These concerns are readily alleviated at the time of development as required by the Harrisburg Zoning Code.

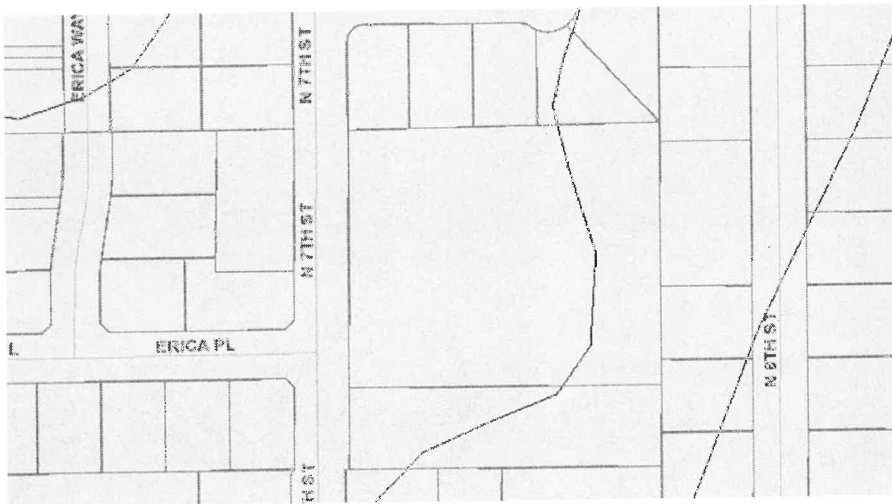
The applicant has provided evidence of the soil types present on the subject property provided by Linn County. The soil types are Halcomb Silt Loam and Dayton Silt Loam. The majority of the soil is of the Halcomb variety:

← → ↻ 🔒 Not secure | co.linn.or.us/webmap/data/reports/322954.txt

 SOIL ANALYSIS REPORT (Parcel Based)

PIN#: 15504W10CA00200
 Assessor#: 322954

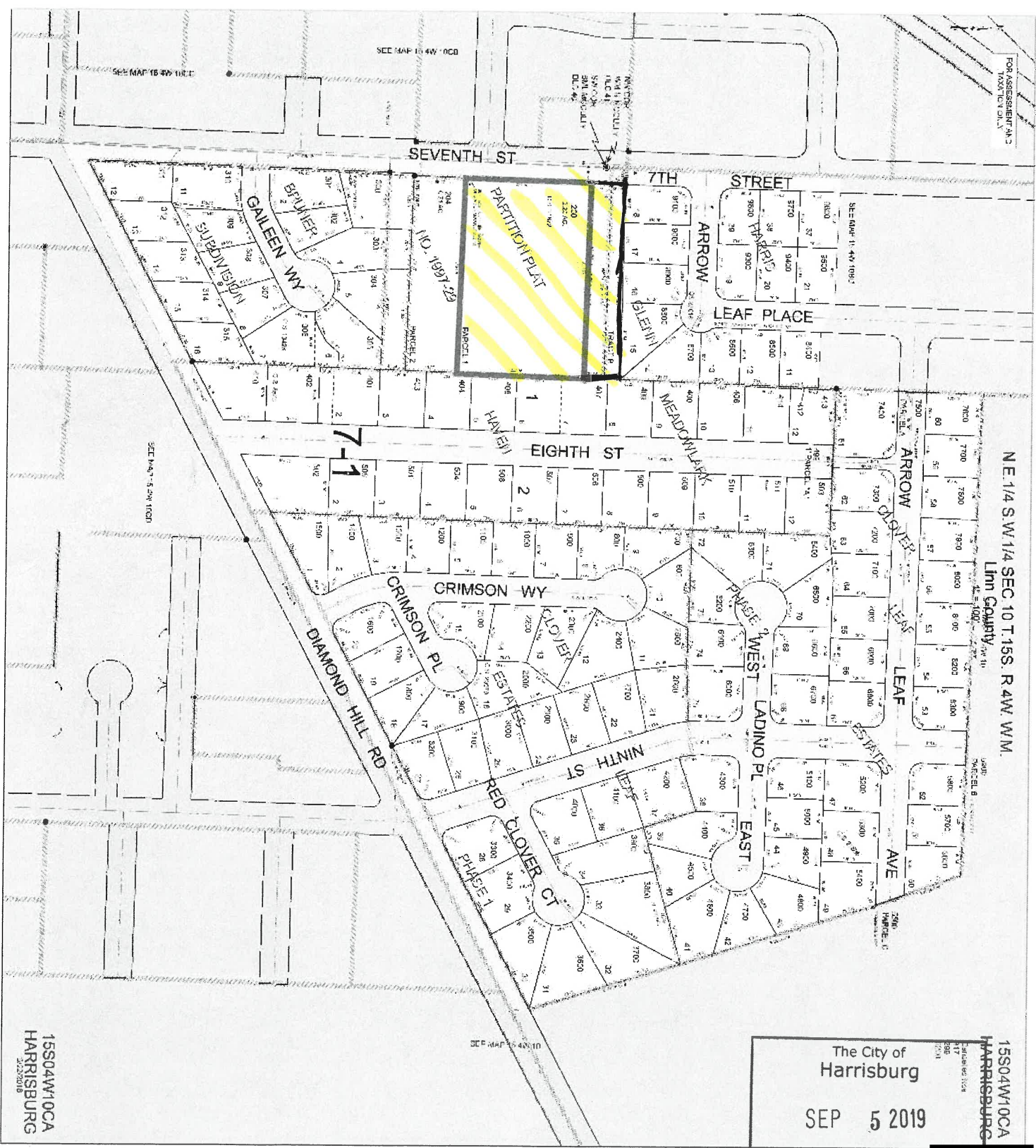
Series	Class	HV	Acres	Percent	CU FT/AC	Name
33	IVw	2	0.47	20.87	40	Dayton silt loam
46	IIIw	1D	1.78	79.13	100	Holcomb silt loam
			2.25	100.00		



The soil boundaries are shown on the map above. The eastern portion of the lot is the Dayton soil and western portion is comprised of Halcomb. As supported by evidence in the record the entire area is characterized by residential development on soils of this type. The applicant can and will take steps to connect to the stormwater conveyance system and also take other appropriate steps during the development process to ensure soil stability and proper drainage.

IV. CONCLUSION

For the reasons set forth in this application, respectfully requests approval of the Comprehensive Plan map and zone amendment.



FOR ASSASSMENT MAP 3
KAY/KOZLOVA 2/11/11

N E 1/4 S W 1/4 SEC 10 T 15S. R 4W. W.M.
Linn County, IA

15S04W10CA
HARRISBURG

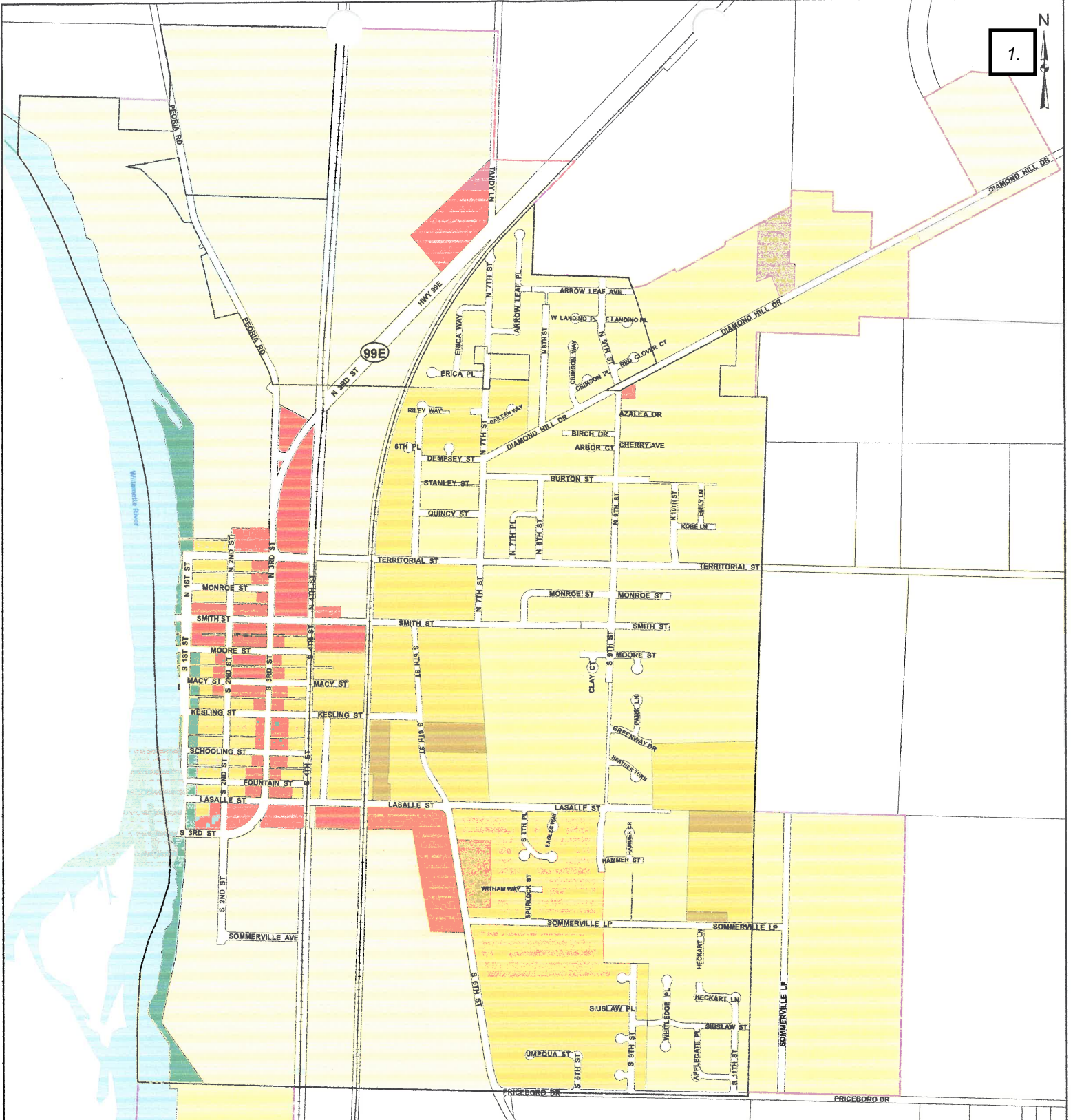
The City of
Harrisburg

SEP 5 2019

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Page 48

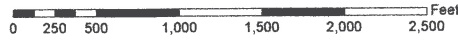
15S04W10CA
HARRISBURG
2/2/2019



Comp Plan - City of Harrisburg, Oregon

Effective Date April 8, 2014

1 inch = 283 feet



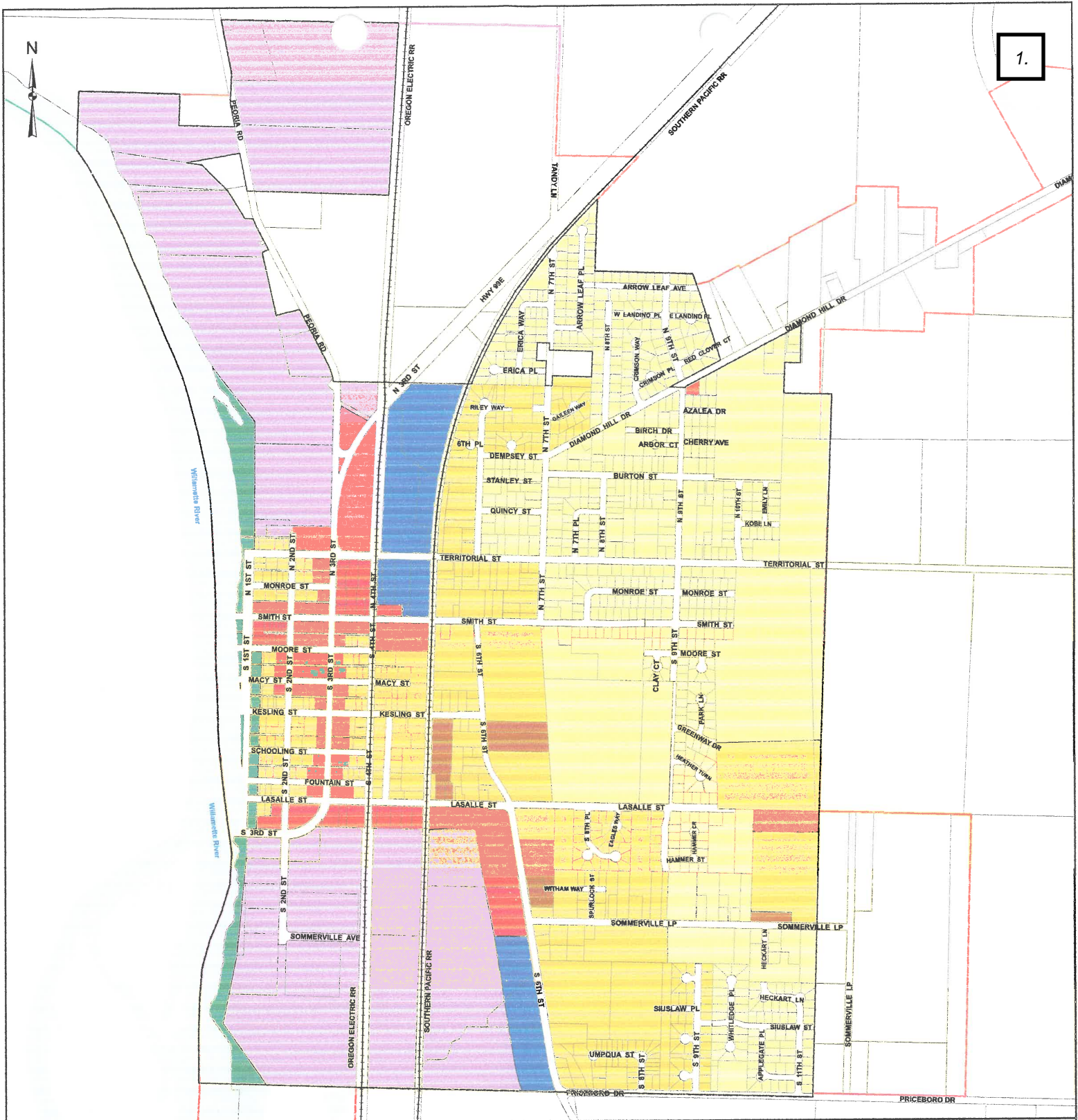
Linn County Disclaimer

The data contained in this map was designed for assessment and planning purposes only and not for precise engineering-level mapping. As such, it is subject to error and/or omission. Linn County disclaims any liability as to the accuracy or completeness of the data.

Legend

Comp_Plan		City Limits
	COMMERCIAL	
	GREENWAY	
	HIGH DENSITY RESIDENTIAL	
	INDUSTRIAL	railway
	LOW DENSITY RESIDENTIAL	
	MEDIUM DENSITY RESIDENTIAL	





Linn County Disclaimer

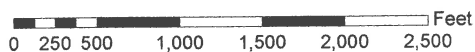
The data contained in this map was designed for assessment and planning purposes only and not for precise engineering-level mapping. As such, it is subject to error and/or omission. Linn County disclaims any liability as to the accuracy or completeness of the data.

Zoning

City of Harrisburg, Oregon

Effective Date: April 8, 2014

1 inch = 283 feet

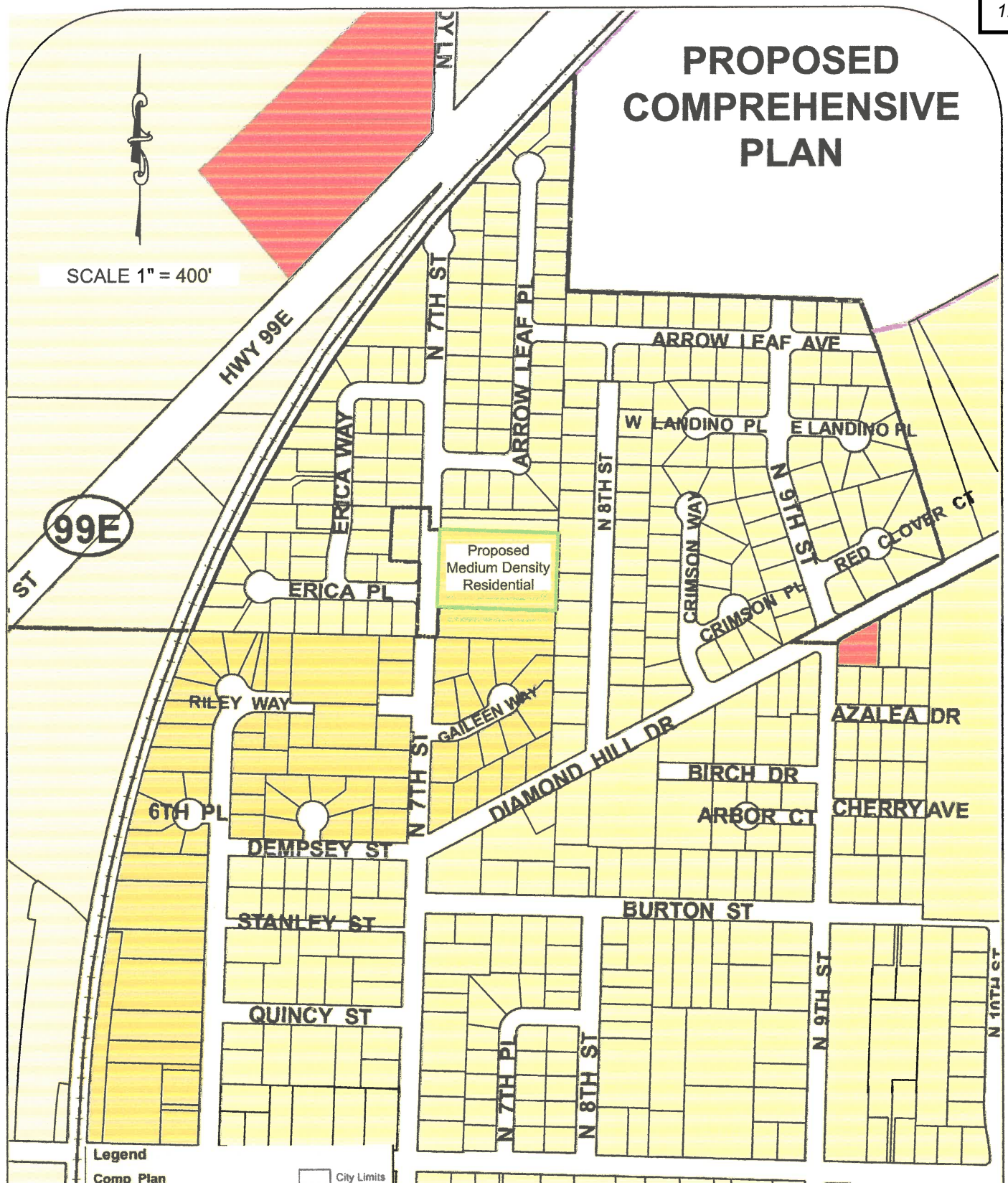


Legend

City Zoning		City Limits
	C-1, COMMERCIAL	
	M-1, LIMITED INDUSTRIAL	
	M-2, GENERAL INDUSTRIAL	
	R-1, SINGLE-FAMILY RESIDENTIAL	
	R-2, MULTI-FAMILY RESIDENTIAL	
	R-3, MULTI-FAMILY RESIDENTIAL	
	GREENWAY SPECIAL PURPOSE DISTRICT	

PROPOSED COMPREHENSIVE PLAN

SCALE 1" = 400'



Legend

COMMERCIAL	City Limits
GREENWAY	Ugb
HIGH DENSITY RESIDENTIAL	taxlots
INDUSTRIAL	railway
LOW DENSITY RESIDENTIAL	
MEDIUM DENSITY RESIDENTIAL	

ASSESSORS MAP/LOT: 15S-04W-10CA-200



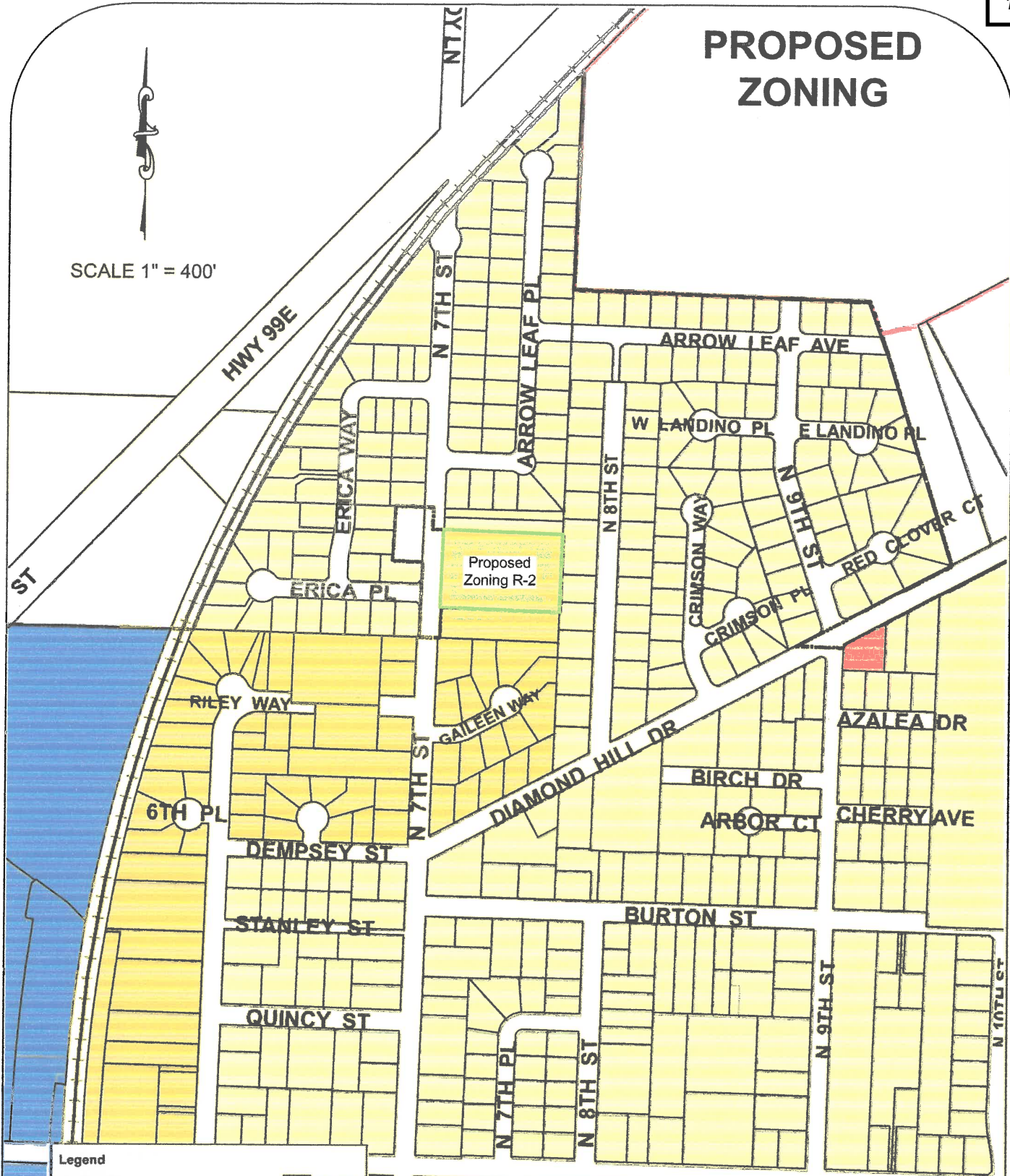
METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830

JOB NO. 19-000

PROPOSED ZONING

SCALE 1" = 400'



Legend

	C-1. COMMERCIAL		City Limits
	M-1. LIMITED INDUSTRIAL		Ugb
	M-2. GENERAL INDUSTRIAL		taxlots
	R-1. SINGLE-FAMILY RESIDENTIAL		
	R-2. MULTI-FAMILY RESIDENTIAL		
	R-3. MULTI-FAMILY RESIDENTIAL		
	GREENWAY SPECIAL PURPOSE DISTRICT		

ASSESSORS MAP/LOT: 15S-04W-10CA-200



METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 19-0

Application to Amend the Harrisburg Comprehensive Plan Diagram and Zoning Map

I. General Information

Applicant: Karl Mueller for Fred Property LLC

Agent: Karl Mueller, Mueller Planning

Owner: Fred Property and Equipment LLC

Site Address: 770 and 776 N. 7th St. Harrisburg, OR

Map and Tax Lot: 15-04-10-00 Tax lot #200

Existing Planning/Zoning Designation: Low Density Residential/ (R-1)

Requested Planning and Zoning Designation: Medium Density Residential/ (R-2)

II. Executive Summary

An application to amend the Comprehensive planning and zoning designations for the subject property, a 2.25 acre parcel located at 770 and 776 N. 7th Street from Low Density to Medium Density zoning. The subject property is presently developed with a barn structure, a pole barn/shop structure, a small pump house, an RV pad and a double wide. Demolition permits for the remaining structures have been issued and following approval of the application the owner will remove those structures. The owner intends to redevelop the entire property.

The applicant ultimately intends to develop the subject property with multi-family group assisted/independent living quarters to house a growing portion of the population that requires housing of this type. This housing type is presently not available in Harrisburg. The use is not allowable in the low density residential zone. The applicant proposes that the zoning planning designations of the parcel be changed to Medium Family Residential

III. Approval Criteria

The applicant requests amendment of the Zoning and Comprehensive planning map consistent with the requirements set out in the Harrisburg Zoning Code/Ordinance at 18.05.030 through 18.05.110(8).

Because the type of development contemplated by the applicant is not allowable in the R1 zone, the applicant has made this application.

This amendment is consistent with the purpose of the amendment provisions and the zoning code. The applicant makes this application in response to the changing needs for housing types in Harrisburg. This application will provide a housing opportunity serving older members of the Harrisburg community because purpose of the amendment is facilitate assisted/independent living facilities for older residents of Harrisburg. That development is intended to serve one of the demonstrably faster growing demographics in Harrisburg.

18.05.030 Amendment.

The comprehensive plan will serve as a flexible document which will be amended, updated and continually improved upon as an ongoing process which encourages adaptation to changing attitudes, technology and needs. The comprehensive plan will serve as the basis of all future comprehensive plans to be developed. [Ord. 481 § 3, 1980.]

The application is to amend the Comprehensive Plan responding to changing needs in Harrisburg, Oregon. As noted in the provision, supra, the comprehensive plan is a “flexible document” which shall be amended and improved upon. Evidence demonstrates that the population of persons 65 and older is one of the fastest growing demographics in Harrisburg. Persons in this demographic have particular housing needs and these needs are often best served by the medium density district as explained in the Urbanization study and discussed in greater detail in this document. The Urbanization Study contemplates that Harrisburg will need to accommodate an aging portion of the population:

It will be important for Harrisburg to plan for a range of housing types to allow aging citizens to maintain their residence in Harrisburg. Thus, Harrisburg will need to plan for some persons in group homes. City of Harrisburg Urbanization Study, 4-7 (2013)

The purpose of this development is to provide a housing type that will allow aging citizens to reside in Harrisburg in either assisted/and or independent living facilities.

The Urbanization Study also provides:

If these trends continue, along with continued growth in families with children, housing demand is likely to change in Harrisburg.

Demand for multifamily housing is likely to increase with increase in low and moderate income residents to about 30% of dwellings. Demand for high amenity multifamily housing may increase as the baby boomers begin to downsize. Id at 4-18.

also

Demand for group quarters for retirees, such as an active retirement community, is likely to increase. Id at 4-19.

The Urbanization Study documents changing needs in the community and the application is responsive to this change in needs:

Table 4-17 shows the forecast of new dwelling units and land need by type.

The historical residential mix was 60% single-family, 20% manufactured (mobile home), and 20% multiple family. The needs analysis forecasts a higher level of multi-family housing production and shifts the housing split to 70% single-family types and 30% multifamily types. Id at 4-24.

Even as the need to provide more multifamily housing is clearly identified for a diversity of reasons is documented in the Urbanization Study, the study itself notes that the actual deficit of R2 is more acute than the forecast deficit for R1.

The estimates identify a deficit of 53 acres of residential land for the 2013 to 2033 period, with a 26 acre deficit in LDR, 18 acre deficit in MDR, and 10 acre deficit in HDR. These estimates include land needed for public and semi-public uses. *Id at 6-5.*

The urbanization study provides that there is a 125 acre supply of R1 land for the period between 2013-2033 and demand for 153 acres. Therefore, supply is 79% of demand in comparison to the R2 zone where supply meets only 60% of demand. Furthermore, R2 land only represents only 12.8% of the overall residential land base but accounts for 34% of the overall residential deficit. The changing demographic and housing trends demonstrate that it is appropriate to change the planning and zoning of this property in response to changing needs specifically the need to house the aging portion of the population.

(Please note that the deficits identified in the Urbanization Study are theoretical, that is, through the existing planning horizon period, demand is met.)

This parcel presents an opportunity to meet the unmet need for housing without impacting the existing inventory of R-1 property since the property is shown as developed in the urbanization study and

therefore was not included in the supply of any land use category. Therefore, the addition of this property as medium density property has the effect of alleviating the deficit of R-2 zoned property (through 2033) without exacerbating the deficit (through 2033) of R-1 property.

The purpose of this application is to modify the Harrisburg Comprehensive plan, serving the changing needs of the community providing quality, affordable independent or senior living on these parcels. The development will result in improvements to the surrounding vicinity and character of the area as addressed in this narrative. The zoning would also allow other types of multifamily development also consistent with changing needs, attitudes and demographics in the Harrisburg community.

The proposed amendment therefore, is consistent with the intent of this provision.

18.05.040 Adoption of the comprehensive plan documents.

The Harrisburg comprehensive plan (Ordinance No. 766) is repealed, and a new comprehensive plan with supporting documents is adopted as shown by the provisions contained in Exhibits A and B attached to the ordinance codified in this section. [Ord. 913 § 1, 2013; Ord. 481 § 3B, 1980.]

The subject property is planned for low density residential use and is shown as LDR on the attached Comprehensive Plan Map, *City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 2 (2013)*.

The amendment request is also informed by the information and policies set out in the *Harrisburg Comprehensive Plan (2013)*, Volumes 1 and 2, analyses of uses allowable in the zoning code and the *City of Harrisburg Urbanization Study (2013)*. Based on the policies and information set out in those documents, the applicant respectfully submits that the proposed zoning district is appropriate for the subject property.

As noted above, the Harrisburg Comprehensive Plan is a dynamic document and the Harrisburg zoning code provides procedures by which the Comprehensive Plan may be adopted.

Article II. Amendment

18.05.050 Purpose.

The purpose of this article is to provide procedures and criteria for the amendment of the comprehensive plan. [Ord. 534 § 1, 1986.]

The application for amendment is subject to and follows the procedures and criteria for amendment of the comprehensive plan.

18.05.070 Application.

Application for amendment of the comprehensive plan may be initiated by:

5. A property owner, a group of property owners, or the authorized agent of the owner(s) for property which is owned by the owner or owners.

This application is initiated by the owners of the subject property Timothy and Peggy Water consistent with the requirements of the Harrisburg Development Code. The application narrative and exhibits are prepared by Karl Mueller the authorized agent of the owners for the purposes of this land use application.

18.05.080 Filing.

Application for amendment of the comprehensive plan shall be filed on a form provided by the City Planner, according to the provisions of this article.

The application for amendment is filed on a form provided by the City Planner in compliance with the provisions of this article.

- 1. The City Planner shall refuse to accept an amendment application and the required fee if incomplete or inaccurate information has been submitted to process the application.*

Factually accurate information and the required fee have been submitted by the applicant. There is no basis to refuse the application.

- 2. Fees assessed for an application shall be established by resolution approved by the City Council.*

The applicant has paid the application fee of \$3,100 which was established by resolution of the City Council.

- 3. Application for amendment of the comprehensive plan may be initiated to amend the plan map for a particular parcel or number of parcels, to amend the plan text or to amend a combination of the plan map and text.*

The applicant proposes to amend the plan map for two parcels located respectively at 770 and 776 E. from a designation of low to a designation of multi-family residential, (R-2). This application amends the plan map for two parcels consistent with this subsection.

- a. An application to amend the plan map designation for a parcel or parcels to two or more map designations may be consolidated into a single hearing. Approval of one plan map designation shall not mandate approval of the other designation(s).*

This application amending the zoning designations for two parcels from R1 to R2 designations may be consolidated into a single hearing. The applicant requests this matter be heard only once.

18.05.090 Notice.

Notice of a public hearing before both the Commission and the City Council on a proposed comprehensive plan amendment shall be posted on the property, published in a newspaper of local circulation, and mailed to property owners who own property within 300 feet of the proposed comprehensive plan map change.

1. *Notice shall be mailed by first class mail to the affected owners at the address shown on the last available complete tax assessment roll not less than 21 days nor more than 28 days prior to the date scheduled for public hearing.*

City staff mails to all affected property owners in compliance with this ordinance.

2. *Failure of the property owner to receive notice of public hearing shall not invalidate a recommendation by the Commission or a final decision by the City Council.*

There is no evidence that any affected property owner failed to receive the mailing which in any event would not invalidate the recommendation by the commission. Actual notice is not required.

3. *Notice of the proposed plan map amendment indicating the date and time fixed for public hearing shall be posted and published not less than 21 days prior to the date of public hearings.*

Notice of the hearing shall be posted by city staff in compliance with this Ordinance.

4. *Notice of an application to amend the comprehensive plan shall be transmitted to all affected special districts, school districts, City departments, and Federal, State, County and regional agencies.*

a. *Such notice shall be transmitted a minimum of 21 days prior to the date of public hearing to allow affected agencies sufficient time to comment on the proposed amendment. Harrisburg planning staff transmits the required notice to affected agencies*

b. *All agency comments received by the City Recorder shall be made a part of the hearing record and shall be considered during the public hearing.*

c. Failure of an affected agency to receive notice of public hearing on a proposed amendment to the comprehensive plan shall not invalidate a recommendation by the Commission or a final decision by the City Council. [Ord. 534 § 5, 1986.]

All required notices were mailed by planning staff in compliance with this Ordinance. All agency comments have been incorporated into the record of proceedings.

18.05.100 Hearings.

1. The Commission shall conduct a minimum of one public hearing on an application to amend the comprehensive plan.

a. A minimum of a simple majority of the total membership of the Commission shall vote in favor of a recommendation to the City Council on the proposed amendment.

b. The Commission shall render a recommendation on the proposed amendment within 63 days of the date of the first hearing. Failure of the Commission to render a recommendation within the prescribed time shall result in a new public hearing before the City Council without cost to the applicant.

c. In issuing its recommendation, the Commission may approve or deny the proposed amendment as submitted, or it may approve the amendment with modifications.

The applicant requests that the Planning Commission conduct one hearing as allowable by Ordinance and respectfully requests that the Commission forward a recommendation of approval to the Harrisburg City Council for the reasons set forth in greater detail herein specifically the portion of this narrative document related to the substantive approval criteria set out at 18.05.110 of the Harrisburg Zoning Code.

2. The City Council shall conduct a minimum of one public hearing on an application to amend the comprehensive plan.

a. In making a final decision on the proposed plan amendment, the Council shall consider any pertinent evidence, including the testimony of the public, comments by affected agencies, the City's staff report, Commission recommendations, the record of the Commission hearing, and other such data.

All evidence necessary to make a final decision on the proposed plan amendment including public testimony, applicant's testimony, affected agencies, the staff report and the staff report shall be considered by the City Council during the public hearing in compliance with this Ordinance.

b. The Council shall render a final decision on the application within 90 days of the date of the Commission recommendation. Prior to a final decision on adoption of the comprehensive plan amendment, the amendment shall be submitted to the Department of Land Conservation and Development in accordance with the procedures of OAR [660-18-000](#), as amended.

c. In issuing its final decision, the Council may approve or deny the proposed amendment as submitted or it may approve the amendment with modifications.

3. The burden of proof shall be upon the applicant to determine that each of the criteria for approval as outlined in HMC [18.05.110](#) can be met. [Ord. 534 § 6, 1986.]

The applicant respectfully suggests that he has met the procedural burden of proof that all relevant approval criteria have been met. The remaining substantive criteria begin at 18.05.110:

18.05.110 Criteria for approval.

To approve an application for amendment of the comprehensive plan, findings shall be made that:

- 1. The proposed amendment is consistent with and does not alter the intent of the applicable sections of the comprehensive plan;*

The proposed amendment is consistent with and does not alter the intent of the applicable sections of the comprehensive plan.

The Harrisburg Comprehensive Plan is organized by Statewide Planning goal; the proposed amendment does not alter the intent of the applicable sections of the Comprehensive Plan. This portion of the narrative document addresses compliance with the intent and consistency with the applicable sections of the comprehensive plan. This portion of the narrative will address the Findings and Information set out in Volume 1 of the Comprehensive Plan and Policies and Implementing Measures set out in volume 2 of the Comprehensive Plan. The narrative is organized by statewide planning goal like volumes 1 and 2 of the comprehensive plan and the narrative will follow this structure addressing both volumes of the Comprehensive Plan under the same Goal heading.

Goal 1 is applicable to the amendment and the proposal is consistent with and does not alter the intent of the applicable provisions.

The amendment is consistent with Section 1, Goal 1, Citizen Involvement of Harrisburg Comprehensive Plan Vol. 1 which provides:

GOAL 1: CITIZEN INVOLVEMENT The City of Harrisburg has adopted a Citizen Involvement Program to insure the opportunity for citizen involvement in all phases of the planning process. Through this program, the Harrisburg Planning Commission was appointed the Committee for Citizen Involvement. The Planning Commission throughout the planning process has conducted advertised, open, public meetings, and the minutes of these meetings have been made available to the public. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 5 (2013).

This application is subject to the citizen involvement provisions of the Harrisburg Development Code and the policies and the Implementing Measures set out in The City of Harrisburg Comprehensive Plan Volume 2 and the Harrisburg Zoning Code.

The zoning code requires both public notice and a public hearing in compliance with state law and local ordinance. As part of this land use process, the Planning Commission and City Council hold advertised, open public meetings and take the testimony of the public and interested parties at these hearings. The proposed amendment was subjected to public scrutiny, input and a public process consistent with the intent of the applicable section of the Harrisburg Comprehensive Plan.

The application is consistent with the following Goal 1 policies found in Volume 2 of the Comprehensive Plan:

- 1. To develop and maintain a Citizen involvement Program that clearly defines the procedures by which the general public will be involved in the land use planning process.*
- 2. To ensure that citizens have planning information available to them that will enable them to identify and comprehend planning issues and the implications of planning decisions.*
- 3. To ensure that the Citizen Involvement Program complies with statutory requirements. Harrisburg Comprehensive Plan, Vol. 2, pp. 1 (2013).*

The application is also consistent with the following Goal 1 Implementing measures:

IMPLEMENTING MEASURES: 1. The Harrisburg Planning Commission shall be the designated Committee for Citizen Involvement, the responsibilities of which shall be to:

- a. Hold public meetings during the course of all planning action to provide citizens an opportunity to participate in all stages of the planning process.*
- b. Inform the community of planning commission meetings through:*

1. newspaper notices;
2. articles in the newspaper or newsletters;
3. public hearing notices posted at City Hall and the Post Office
4. statements in utility bills
- c. Record and file minutes and other pertinent information related to planning commission meetings. All public information will be available for public inspection at City Hall.
- e. Provide the Harrisburg City Council with information and recommendations on planning related issues.
- f. Work towards the realization of all goals and implementation of all policies within the Harrisburg Comprehensive Plan, and to periodically review, update, and maintain the Harrisburg Comprehensive Plan as a workable document for the citizens and future growth of Harrisburg. *Id.*

The citizens have Harrisburg have been served by an open and transparent process, compliant with state law.

The proposed amendment is consistent with the second element of the Harrisburg Comprehensive Plan which is structured around Statewide Planning Goal 2. The land use decision has an adequate, articulated basis in fact consistent with the Harrisburg Comprehensive Plan and related planning documents as set out below.

Volume 1 of the Harrisburg Comprehensive plan provides the following information about Harrisburg's populations trends:

GOAL 2: LAND USE

*Chart 1 shows Harrisburg's historic growth trends from 1960 to 2010. A key factor that will affect Harrisburg's growth rate is location. Harrisburg is within easy driving distance from three major cities: Eugene-Springfield, Albany and Corvallis. Chart 1: Harrisburg Historic Population Trends: 1960-2010 Source: U.S. Decennial Census Chart 2 and Table 2 provide information about the age of Harrisburg's population. During the 2000's Harrisburg experienced changes in the age structure of its residents. Table 2 shows population by age for Harrisburg for 2000 and 2010. The Census data show that Harrisburg grew by 772 people between 2000 and 2010, which is a 28% increase. Harrisburg experienced an increase in population for every age group except children under the age of 5. The fastest growing groups were 45 to 64 years, 5 to 17 years, **and 65 years and older (emphasis supplied).** (Harrisburg Comprehensive Plan, Vol.1, pp. 6-7 (2013).*

Harrisburg's population trends reflects the documented statewide trend toward an aging population. The purpose of this application is to serve the needs of this part the population by developing the

property with an assisted and or independent living facility. These facilities allow older residents to have much of the attributes of independent living in a community oriented setting specifically designed to serve the needs of that demographic group. This application is also necessary because the type of use contemplated by the applicant is only viable at densities permissible within the medium density residential zone.

The proposed land use action is consistent with the policies specifically set out in The Harrisburg Comprehensive Plan Volume II:

- 2. To assure the Comprehensive Plan includes an adequate factual basis for decisions and actions. The Harrisburg Comprehensive Plan, Vol 2, pp. 2 (2013).*

The Comprehensive Plan includes an adequate factual basis for decisions and actions. The supply and demand analysis, population information, information regarding public infrastructure and other factual information provides a factual basis for a decision on the requested Comprehensive Plan amendment.

4. To adopt a zoning ordinance, subdivision ordinance, and other ordinances and procedures deemed necessary to implement the Plan. Id.

5. To ensure adequate provision of land for residential, commercial, open space, industrial and public facilities within the City. Id.

The proposed action is also consistent with the implementing measures set out in the Harrisburg Comprehensive Plan Volume 2:

IMPLEMENTING MEASURES:

5. Medium-density residential development, with a range of two to 12 units per net acre (not including right-of-ways), shall be located around the central commercial areas or in areas with good access to collector or arterial streets. City of Harrisburg, Comprehensive Plan, Vol. 2, pp. 2 (2013).

The applicant is proposing medium density development on 7th Street which has good access to 7th Street, a minor arterial consistent with this Implementing policy of the Harrisburg Comprehensive Plan.

16. The City shall require all new construction or substantial renovation (exceeding 80% of the value of the structure) of multiple family developments exceeding two units, commercial, and industrial buildings to be subject to site review that will consider, at a minimum, the location of proposed structures, off street parking and loading areas, access to public right-of-ways, landscaping, fences, and walls, provision of public facilities and utilities, and drainage.

The applicant is proposing medium density residential designation and zoning. Therefore, at the time of development site review will be required that will mitigate the impacts of higher density residential housing and neighborhood compatibility through at minimum an evaluation of the above listed factors.

17. An adequate level of urban services shall be provided prior to, or concurrent with all proposed residential development. Services shall include, but not be limited to:

a. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available. Id @ 3.

Sanitary sewer and disposal lines are available as demonstrated below. The applicant shall connect to these facilities at the time of development. The waste treatment plant has the capacity and is adequate to serve this development.

b. Storm sewer and drainage facilities (as required). Id.

There are storm sewer and drainage facilities in the 7th Street right of way and at the time of development the applicant will provide these facilities on the development site and connect to the existing public infrastructure.

c. Streets within the development and providing access to the development, improvements to City Standards (as required). Id.

Any and all streets required to provide access to the development already exist.

d. Municipal water distribution facilities and adequate water supplies. Id.

The subject property is served by municipal water distribution facilities and these facilities provide an adequate water supply to accommodate water usage caused by the development.

18. The City shall provide adequate residential, commercial, industrial and open space lands to meet the present and future needs of the community. Id.

The applicant proposes the medium density residential designation to serve the needs of a fast growing demographic group within Harrisburg’s population. The application will not result in a deficit of any type of land designation through the planning horizon period in compliance with this implementing measure. There is a surplus of land of both the low and medium residential zoning districts within the Harrisburg UGB planning horizon period so the supply of both is considered adequate. The 2.25 acre subject property was considered developed for the purposes of the Urbanization study so the zoning of the subject property may be changed without impacting any existing inventory.

The Harrisburg Comprehensive Plan does not contain any policies related to agricultural lands or forest lands and statewide planning Goals 3 and 4 are inapplicable to this request. The next relevant portion of the Harrisburg Comprehensive Plan is the findings set out in Goal 5:

Goal 5 mandates that jurisdictions inventory certain natural resources and develop programs to achieve the goal of protecting the inventoried resources. The Harrisburg Comprehensive Plan provides:

GOAL 5: OPEN SPACES AND HISTORICAL AREAS, AND NATURAL RESOURCES SOILS The use of soil information is an important tool in land use planning. Knowledge about the types of soils in the Harrisburg area and an understanding of their properties provides a basis for land use decisions. Soils information can help determine the following: 1) the capability of land to produce agricultural crops; 2) how well land drains; 3) ponding limitations; 4) flooding limitations; 5) the suitability of land for building foundations; and 6) the suitability of land for septic tanks. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 13 (2013).

The following soil types are present on the subject property:

← → ↻ ⓘ Not secure | co.linn.or.us/webmap/data/reports/322954.txt

 SOIL ANALYSIS REPORT (Parcel Based)

PIN#: 15S04W10CA00200
 Assessor#: 322954

Series	Class	HV	Acres	Percent	CU FT/AC	Name
33	IVw	2	0.47	20.87	40	Dayton silt loam
46	IIIw	1D	1.78	79.13	100	Holcomb silt loam
			2.25	100.00		

The soil types are described in the Harrisburg Comprehensive Plan:

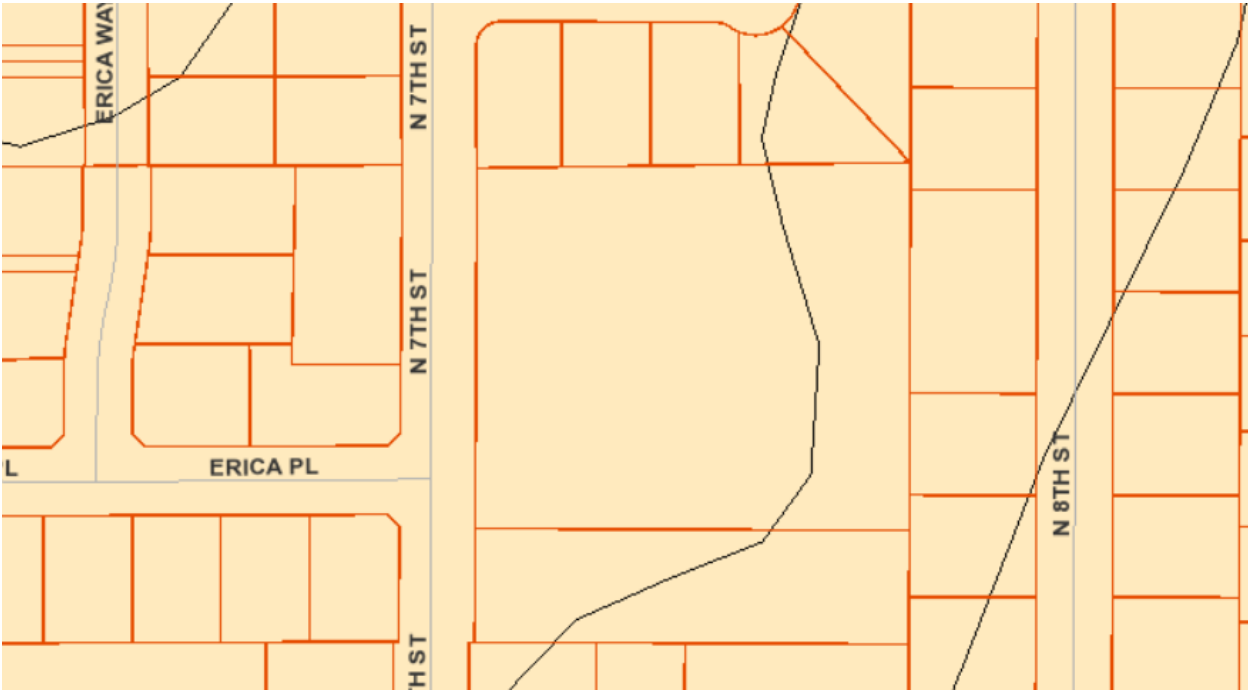
Dayton Silt Loam: Class IV. Deep, poorly drained soil with slope of 0 to 2 percent. The grayish brown surface layer is typically 9" thick. Permeability is very slow, and runoff is very slow to ponded. A seasonal high water table is at a depth of 0.5 foot above the surface to 1.5 feet below the surface from November to May. Building limitations include: poor drainage, slow permeability, shrinkage, and low soil strength. Not suited to septic tank absorption fields due to the seasonal high water table. Buildings and roads should be designed to offset the effects of shrinking and swelling and the limited ability of the soil to support a load. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 13 (2013).

Any development on the subject property shall be consistent with the limitations of this soil type. Roads and buildings shall be designed with the effects of shrinking and swelling in mind consistent with the Harrisburg Comprehensive Plan. When the property is redeveloped the septic system will be retired and the site will be connected to the public sanitary sewer system making septic absorption a non-issue consistent with this portion of the Comprehensive Plan.

The other soil present on the subject property is Holcomb silt loam, described as:

Holcomb Silt Loam: Class III. Deep and somewhat poorly drained soil. Slope is 0 to 3 percent. The surface layer is dark grayish brown silt loam to 7 inches over a mottled silty loam about 14 inches thick. Permeability is very slow, as is runoff. Hazard of erosion is slight. There is a seasonal high water table at a depth of 1 foot to 1.5 feet from November to May. Building limitations: wetness, slow permeability, shrinkage/swelling and low soil strength. Design roads to offset the limited ability of this soil to support a load. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 11 (2013).

The proposed amendment is consistent with the Harrisburg Comprehensive Plan. Any development occurring on the subject shall be designed to offset the limitations of this soil type. There is significant residential development, as shown below within Harrisburg on soils of these types and this property may be developed with residential uses consistent with the Harrisburg Comprehensive Plan provided appropriate steps are taken to address building and drainage related concerns.



The application does not implicate any of the natural resources

NATURAL RESOURCES The natural resources of the Harrisburg Planning Area are important to the economic base of the City and affect the quality of life experienced by residents of the area. It is therefore essential that the natural resources of the Planning Area be inventoried and considered in the planning process. This section will discuss the following: surface water; groundwater; aggregate deposits; fish and wildlife habitat; and scenic resources. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 11 (2013).

With the exception of the soil resources as addressed above, this application does not implicate any inventoried resources, as discussed below:

Surface Water. Surface water in the Harrisburg Planning Area is made up of two streams and some intermittent drainage courses. The two streams are the Willamette River and Muddy Creek.

Muddy Creek and Intermittent Streams City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 11 (2013).

Neither Muddy Creek, the Willamette river or other intermittent streams are present on the subject property. The proposed amendment will not result in development that would require the removal of riparian vegetation or adversely impact the resource values associated with the development. Any development that ultimately takes place will be subject to stormwater development standards that are designed to protect water quality. The proposal is consistent with protecting the surface water resources of Harrisburg, Oregon.

GROUNDWATER Groundwater is water that fills spaces in rock and around soil particles beneath the land surface. Precipitation, mostly in the form of rain, is the principle source of groundwater. Its existence depends on the porosity and permeability of a geologic material and its mineral quality is generally related to the geologic environment. Availability in the Harrisburg Planning Area. Both of the two geological units existing in the Harrisburg area are good aquifers. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 14 (2013).

There is an existing water line in the vicinity of the subject property and the evidence in the Comprehensive Plan indicates that the aquifer is suitable to support the requested zoning designation discussed in greater detail *infra*.

Fish and Wildlife. Preservation of fish and wildlife species is important to the natural balance of the environment. It is also important for recreational purposes and can bring in revenue to a local economy. Every wildlife species has the basic needs of food, water, and cover that must be met in order for survival. If any of these basic needs is lacking, the chances of survival for a species is reduced. An important principle of wildlife habitat is the "edge effect." Where two or more different landscape types

come together, there is more opportunity for all three of the basic needs to be provided. This is very important in the Harrisburg Planning Area where the open fields of the Valley floor meet the wooded and heavily brushed fringes of the Willamette River and in places where streams run or an area of brush or a grove of trees is in the midst of open fields. For this reason the preservation of edge areas is important to wildlife preservation. In and around Harrisburg, the most important edge areas are the riparian areas. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 16 (2013).

The subject property is not located in an area that contains any edge habitat or any other important wildlife habitat. The subject property is not important to wildlife preservation in the Harrisburg Planning area and may be developed with residential uses without harming fish and wildlife species.

The next inventoried Goal 5 Resource is aggregate resources:

Aggregate Resources. Aggregate resources include sand, gravel, and crushed rock. They are used in the making of concrete, asphalt, rip-rap, and select fill No significant aggregate resource sites exist within the Harrisburg Urban Growth Boundary. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 16 (2013).

Since there are no significant aggregate resources in Harrisburg, the requested amendment shall have no effect any aggregate resources and may be developed with residential uses consistent with the comprehensive plan.

The final inventoried Goal 5 Resource is Open Space resources:

Open Space. Open space consists of land in a natural state and land in agricultural or forest uses. Those undeveloped lands are not only important for the scenic resources they provide, but also for the protection of air, water, soil, and wildlife resources. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 16 (2013).

This application does not implicate any open space.

Portions of the Comprehensive Plan related to Goal 6 are relevant to this application. The Harrisburg Comprehensive Plan provides:

GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY "To maintain and improve the quality of the air, water and land resources of the state". It requires that waste and process discharges do not threaten environmental quality standards. The following section includes inventories of pollution and potential pollution sources in the Harrisburg area, discussions about protection of land, air and water resources, and discussion about applicable regulations.

LAND

Drainage Problems. The combination of flat terrain and poorly drained soils creates several development problems in the Harrisburg Planning Area. The problem of ponding which is associated with poor drainage and can present development restriction, was discussed in the Natural Hazards section. This section will discuss soil septic suitability and dwelling suitability. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

Septic Suitability. Soil septic suitability is rated on its limitations to absorb effluent. Soils in the Harrisburg Planning Area generally have poor suitability ratings (Personal communication with Jan Heron at Linn County Environmental Health Dept. March 1999) due to their tendency to percolate slowly and/or flood. Because of these limitations, development within the City where there are no sewer lines must remain at low densities. The Linn County Environmental Health Department is responsible for issuing septic system permits. The City of Harrisburg requires all new development within the City to connect to the City Sewer System. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

There is an existing sewer line in the right of way as shown below in the portion of this narrative addressing public facilities and services in the area. The line is an 8" PVC line located in the 7th Street right of way. Because there is an existing waste waterline there is no requirement that development remain at low density consistent with this portion of the comprehensive plan. Any new development will connect to the City sewer system consistent with and required by the Comprehensive Plan. Connecting to existing public sewer lines at the time of development is consistent with the Implementation Measure IV in Volume 2 of the Harrisburg Comprehensive Plan:

4. Adopt policies to encourage public sewer extensions into areas served by private septic systems. *City of Harrisburg, Comprehensive Plan, Vol. 2, pp. 7 (2013).*

The proposal is also consistent with Implementation Measure #7:

7. The City shall develop the City's water supply to provide adequate amounts of clean, safe water to meet the City's future needs. Id.

Consistent with the Harrisburg Comprehensive Plan, drainage improvements will be made at the time of development to address the shrink swell potential, tendency to flood and low strength of the soil. From Volume 1 of the Comprehensive Plan:

Dwelling Suitability. Soils in the Harrisburg Planning Area also present generally severe limitations for building houses. These limitations include wetness, high shrink-swell potential, tendency to flood, and

low strength. Because of these limitations, special precautions must be taken when building, to protect both that which is being built and adjacent properties. The City requires necessary drainage improvements to be made when property is developed. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

The proposed is also consistent with Implementation Measure # 9:

9. The City shall protect soils from excessive erosion by ensuring adequate erosion control measures by developers. Id.

This portion of the Harrisburg Comprehensive plan also considers the impacts of noise on the community.

Noise Control and Land Use Planning. The primary method of implementing noise control policies that are included in a comprehensive plan is through a zoning ordinance. Through zoning, noise sources can be separated from noise sensitive areas. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 18 (2013).

The proposed residential use is situated adjacent to other residential uses. The zoning ordinance protects residential uses from noises generated by incompatible users. In the instant matter, the subject property is located in a residential area and the applicant proposes a residential zoning district. Noise generating users shall remain separated from noise sensitive areas under the applicant's proposal consistent with the Harrisburg Comprehensive Plan.

The discussion, policies and implementing measures found in Goals 7 and 8 are generally not applicable to the proposed development or this land use application. The next applicable portion of the Harrisburg Comprehensive Plan is set out in Goal 9:

GOAL 9: ECONOMICS Harrisburg has historically been an industrially based community with considerable influence from the agricultural sector. Economic analysis and planning is very important in determining the future economic stability and overall welfare of the community. Demographic and economic information is documented in the City's Urbanization Study (June 2013). City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 52 (2013).

The applicant makes this proposal to increase the supply of housing available to one of the fastest growing demographics documented in the Urbanization Study. Approval of this request will contribute

to the overall welfare of the community. This request is made consistent with the demographic information set out in the Harrisburg Comprehensive Plan.

The proposal is also consistent with the following implementation measures set out in the City of Harrisburg Comprehensive Plan Volume 2:

- 3. *Medium density residential: a. Medium density zones shall be in those areas designated Medium Density Residential on the Comprehensive Plan map, and shall be allowed consistent with the residential land needs analysis.*

Following the Comprehensive Plan Map amendment, the zoning will implement the planning designation. As noted throughout this application, the applicant’s proposal is consistent with the needs analysis. The purpose of this application is to allow development of the site with assisted or living quarters that will serve a rapidly growing portion of Harrisburg’s population per the needs analysis.

The Urbanization Study provides the residential needs analysis and contemplates that Harrisburg will need to accommodate the aging portion of the population:

It will be important for Harrisburg to plan for a range of housing types to allow aging citizens to maintain their residence in Harrisburg. Thus, Harrisburg will need to plan for some persons in group homes. City of Harrisburg Urbanization Study, 4-7 (2013)

The purpose of this development is to provide a housing type that will allow aging citizens to reside in Harrisburg in either assisted/and or independent living facilities.

The Urbanization Study also provides:

If these trends continue, along with continued growth in families with children, housing demand is likely to change in Harrisburg.

Demand for multifamily housing is likely to increase with increase in low and moderate income residents to about 30% of dwellings. Demand for high amenity multifamily housing may increase as the baby boomers begin to downsize. Id at 4-18.

also

Demand for group quarters for retirees, such as an active retirement community, is likely to increase. Id at 4-19.

The Urbanization Study documents changing needs in the community and the application is responsive to this change in needs and made consistent with the needs analysis:

Table 4-17 shows the forecast of new dwelling units and land need by type.

The historical residential mix was 60% single-family, 20% manufactured (mobilehome), and 20% multiple family. The needs analysis forecasts a higher level of multifamily housing production and shifts the housing split to 70% single-family types and 30% multifamily types. Id at 4-24.

Even as the need to provide more multifamily housing is clearly identified for a diversity of reasons is clearly documented in the Urbanization Study, the study itself notes that the actual deficit of R2 is more acute than the forecast deficit for R1.

The estimates identify a deficit of 53 acres of residential land for the 2013 to 2033 period, with a 26 acre deficit in LDR, 18 acre deficit in MDR, and 10 acre deficit in HDR. These estimates include land needed for public and semi-public uses. *Id at 6-5.*

The urbanization study provides that there is a 125 acre supply of R1 land for the period between 2013-2033 and demand for 153 acres. Therefore, supply is 79% of demand in comparison to the R2 zone where supply meets only 60% of demand. Furthermore, R2 land only represents only 12.8% of the overall residential land base but accounts for 34% of the overall residential deficit. The changing demographic and housing trends demonstrate that it is appropriate to change the planning and zoning of this property in response to changing needs.

(Please note that the deficits identified in the Urbanization Study are theoretical, that is, through the existing planning horizon period, demand is met.)

This parcel presents an opportunity to meet the unmet need for housing without impacting the deficit of R-1 property since the property is shown as developed in the urbanization study and therefore was not included in the supply of any land use category. Therefore, the addition of this property as medium density property has the effect of alleviating the deficit of R-2 zoned property (through 2033) without exacerbating the deficit (through 2033) of R-1 property.

The purpose of this application is to modify the Harrisburg Comprehensive plan, serving the changing needs of the community providing quality, affordable independent or senior living on these parcels. The development will result in improvements to the surrounding vicinity and character of the area as addressed in this narrative. The zoning would also allow other needed types of multifamily development also consistent with changing needs, attitudes and demographics in the Harrisburg community.

At this time there is a technical surplus of land through the planning horizon period of both medium and low density residential zoning., The applicant would like to change the zoning of the subject property from low to medium density residential zoning and this action is consistent with the needs analysis. Approving the application is consistent with this implementation measure.

- b. Medium Density Residential shall be located along or near arterial or collector streets to improve transportation flow and options.*

The subject property is located on 7th Street, a minor arterial consistent with this standard.

- c. Adequate sanitary sewer, storm sewer, and water lines shall be available without exception.*

Adequate sanitary sewer, storm sewer and water lines are available to serve the proposed medium density development.

- d. Street access to the property shall provide entrance for emergency vehicles.*

Any proposed development shall provide adequate access for emergency vehicles consistent with this standard. The subject property is of a size that it is easily possible to design the site to accommodate entrance for emergency vehicles.

- e. Landscaping shall be required and maintained for multi-family structures.*

The proposed amendment also complies with all portions of the Harrisburg Comprehensive Plan including the portions related to statewide planning goal 11.

GOAL 11: PUBLIC FACILITIES AND SERVICES Consideration of public facilities is important when developing a comprehensive plan for a city. Public facilities are necessary for the proper functioning and livability of a city and their provision will affect the rate and direction of growth of a city. The following section inventories existing public facilities in Harrisburg and identifies future needs.

WATER SYSTEM Water Supply Wells There are currently five wells serving the City. The wells were installed in 1966, 1996, 2002, 2003, and 2008. Four of the wells(Wells 4, 5, 6, and 7) are located south of Highway 99E along the Willamette River. The fifth well (Well 8) is located along Peoria Road north of the City. Water from Wells 4 through 7 is chlorinated prior to being discharged into storage tanks. Water from Well 8 is chlorinated prior to being discharged into the water distribution system. The wells have an approximate capacity of 840 gpm. This water supply would serve a population of approximately 4,400 people. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 54 (2013).

The development, proposed R-2 zoning can be served by the existing water supply system as the amount of housing developed on the site could not result in a population greater than that which could be served by the existing water supply system. The applicant has presented evidence that there is a water supply line to which the applicant could connect.

WASTEWATER SYSTEM Collection System The City's wastewater collection system consists of approximately 59,000 feet of gravity sewers. The majority of the gravity sewers are 8-inch. There are some segments of 4-inch, 6-inch, 10-inch, 12-inch, and 16-inch sewers.

Treatment Facility The City's Wastewater treatment facility, located on Peoria Road just north of town, occupies 200 acres. The facility consists of two separate, but identical lagoon treatment systems. The first system was constructed in 1991, while the second system was constructed in 2004. Each system consists of a 9-acre primary facultative lagoon, a 4-acre secondary facultative lagoon, and a 1-acre submerged rock polishing pond. Effluent from the facility is disinfected in a chlorine contact chamber and discharged to the Willamette River from November through April and is irrigated on 63 acres of Poplar trees from May through October. The treatment facility was designed for an average dry weather flow of 0.516 million gallons per day(mgd) and an average wet weather flow of 1.110 mgd. It was designed to serve a total population of 6,000 people. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 55 (2013).

There is an 8" pvc gravity sewer line in the 7th street right of way to which the applicant can connect. The proposed Comprehensive Plan amendment is consistent with this portion of the Comprehensive Plan because the proposed development could not cause the population to rise above that which could be adequately served by the existing wastewater infrastructure per the Harrisburg Comprehensive plan.

STORM DRAINAGE The City's storm drainage system has typically been designed for a 5-year storm intensity. During storm events of higher intensity, storm water has backed up in some areas of the City. However, there has been only minimal property damage due to the backed up water. Due to an unfavorable cost-benefit ratio, grants are not available to provide funds for storm drainage improvements. The City has been periodically making improvements to the system as local funds become available. As new development occurs, the City has been requiring that developers install storm water detention systems so as not to overload the City's existing storm drainage system. City of Harrisburg, Comprehensive Plan, Vol. 1, pp. 55 (2013).

The applicant will make the required drainage improvements at the time of development consistent with this portion of the Harrisburg Comprehensive Plan. The proposal is also consistent with the remaining portions of the Comprehensive Plan because the subject property is fully served by all

required urban infrastructure including solid waste disposal, emergency services and schools. The proposal is consistent with Goal 11.

The proposal is also consistent with the portion of the Harrisburg Comprehensive Plan developed in response to statewide planning goal 12:

GOAL 12: TRANSPORTATION Transportation is a topic of increasing concern because of the rising cost of gasoline and uncertainty about its future availability. Transportation information is documented in the City's 1999 Transportation System Plan and the 2004 Transportation System Plan Addendum.

Major arterials handle traffic originating in other cities and from major highways, as well as local traffic. They handle large volumes of inter-area traffic. The major arterial in Harrisburg is Third Street (Highway 99E). It is the major thoroughfare in Harrisburg and, as one of the primary North-South routes in the Willamette Valley, it receives considerable through traffic as well as local traffic.

Minor arterials provide more access to land and offers a lower level of traffic volume and mobility than major arterials. However mobility is still the primary function of the street. The Minor arterials in Harrisburg are:

2) 7th Street onto and including Diamond Hill

The proposed development is located on 7th Street a minor arterial intended primarily for mobility. The proposed development shall not cause the LOS to fall below the minimum required level of service standard as demonstrated by the attached traffic scoping letter provided by Ms. Kelly Sandow an Oregon licensed traffic engineer.

The remaining provisions of the Harrisburg Comprehensive Plan are inapplicable to this request.

For the reasons set forth above, the applicant suggests that the proposal is consistent with the policies and implementation measures of the applicable portions of the Harrisburg Comprehensive Plan. The application may be approved supported by objective evidence in the record. This criterion is met.

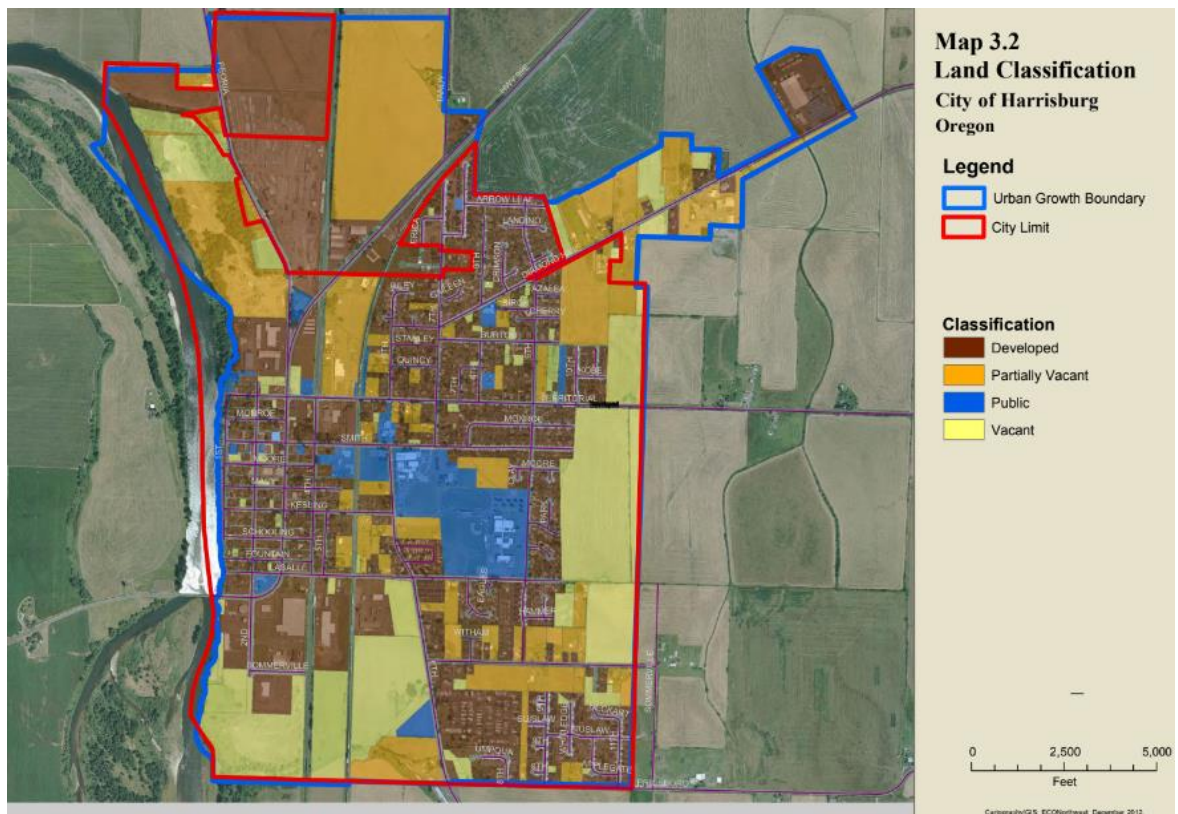
4. Other suitable locations are not presently available to accommodate the use for which the amendment is proposed;

Other suitable locations are not presently available to accommodate the use for which the amendment is proposed.

The subject property presents a prime opportunity to develop additional medium density residential uses within the City of Harrisburg without adversely impacting the supply of any other type of land use designation making it uniquely suited to accommodate additional residential development.

The subject property is in the Urbanizing area for the purposes of the Urbanization Study because the subject property was outside the City limits but not annexed at the time of the study. The subject property was not included in the supply/ demand analysis for any land use category in the urbanization study.

The subject property was considered developed for the purposes for the purposes of the Urbanization study (see below):



While the subject property was not included on any inventory of developable lands within Harrisburg. practically speaking the subject property is available for redevelopment of the type proposed here.

Most all of the multifamily zoned housing areas north of Territorial have been developed except for the parcel directly south of the subject property. Please compare the supplied zoning map with the aerial vicinity map to validate this claim. With the exception to the parcel directly south of the subject property, there are few place additional medium density residential development within the city limits

of Harrisburg north of Territorial absent this Comprehensive Plan and zoning map amendment. As already established through the Urbanization Study and Comprehensive Plan documents, there is significant unmet need for additional

The area in which the subject property is nearly fully built out as seen in the aerial photograph below sourced from google maps that plainly shows the development patterns in the area. The area is primarily built out with single family residences and there is very little land in the area of the subject property on which the City of Harrisburg could develop multi-family housing appropriate for senior housing independent living or other multifamily housing types.



The subject property is owned by the applicant who is interested in developing the subject property with uses for which there is a demonstrated demand. This is the only such property owned by the applicant and no other suitable area is presently available to the applicant to pursue this development opportunity.

This criterion is met.

5. The proposed amendment will be compatible with adjacent land uses and will not adversely affect the land use pattern in the area;

The proposed amendment will be compatible with adjacent land uses and will not adversely affect land use patterns in the area. The medium density residential zoning will be compatible with adjacent low density residential uses to the east and north. These areas are protected from incompatible medium density developments by building setbacks, density restrictions, landscaping requirements and the review process required in Harrisburg for multi-family developments. Notably, the property to the south is also zoned R-2 but is developed with a single family residence. That zoning is consistent with the requested zoning.

The Harrisburg zoning ordinance is sufficient to protect from adverse impacts of development. The Harrisburg zoning ordinance sets out standards for the Medium Density Residential zone beginning at 18.20 and includes development standards such as front, rear and side lot line standards as well as lot coverage standards. Any multifamily development of more than three or more units is also required to undergo site review. In total, these provisions are sufficient to ensure the proposed amendment is compatible with adjacent land uses.

The proposed amendment will also have a positive impact on adjacent development. Drainage is a known concern in the area and prior to any development, the developer will have to connect to public storm drainage infrastructure eliminating the possibility of adverse drainage impacts on adjacent properties due to the seasonably high water table.

The amendment also will not adversely affect the land use pattern in the area. The area is characterized by a mix of uses including existing medium density residential zoning on both sides of 7th in the vicinity of the subject property as shown by the zoning map, comprehensive plan map, aerial; photograph and all other exhibits to this application. Both to and after this application, the area will be characterized by a diverse mix of zoning types including both R1 and R2 on both sides of 7th as well as nearby commercial and industrial zoning.

The proposed zoning is consistent with and shall not adversely affect the development pattern in the area.

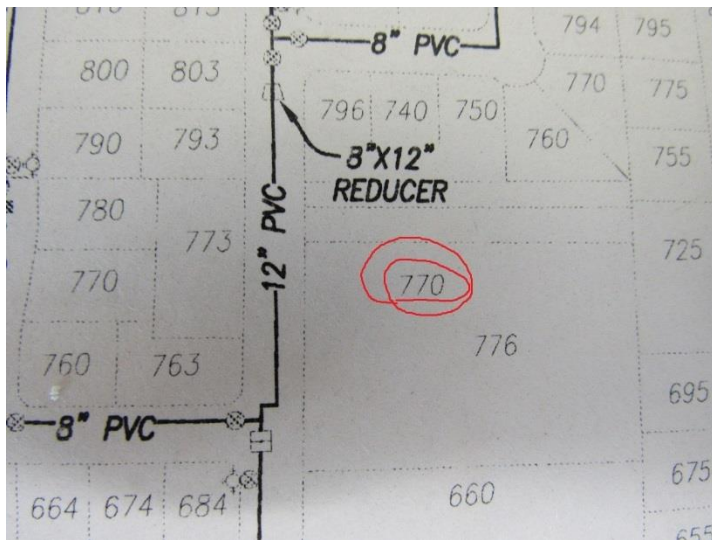
This criterion is met.

6. The proposed amendment will not have a significant negative impact on the public facilities and services of the area;

The proposed amendment will not have a significant negative impact on the public facilities and services in the area. The applicant has attached portions of System Maps provided by the City Engineer that demonstrate that a full array of urban services is available to the subject property. The property is served by a 12" PVC water line, a 8" PVC wastewater line and by a 18" stormwater line. These systems have the capacity to serve 27 residences, the maximum theoretical number of residential uses allowable on 2.25 acres under the requested zoning designation.

The following information was supplied by the Harrisburg public works department:

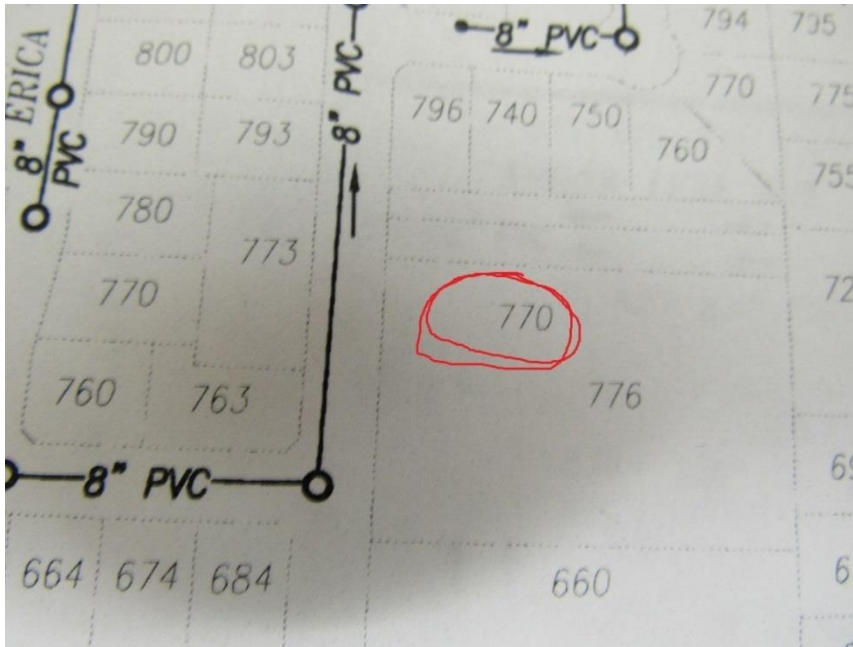
Water:



There is adequate water to serve the proposed development and without adversely impacting the total storage capacity of 2,500,000 gallons is capable of serving a population of 6,042 people. The system is adequate to serve the population needs of the community through at least 2027 according to the information supplied in the Harrisburg Comprehensive Plan, Volume II at page 54.

The following diagram of the wastewater system in the vicinity of the subject property was provided by the Harrisburg Public works department.

Wastewater:

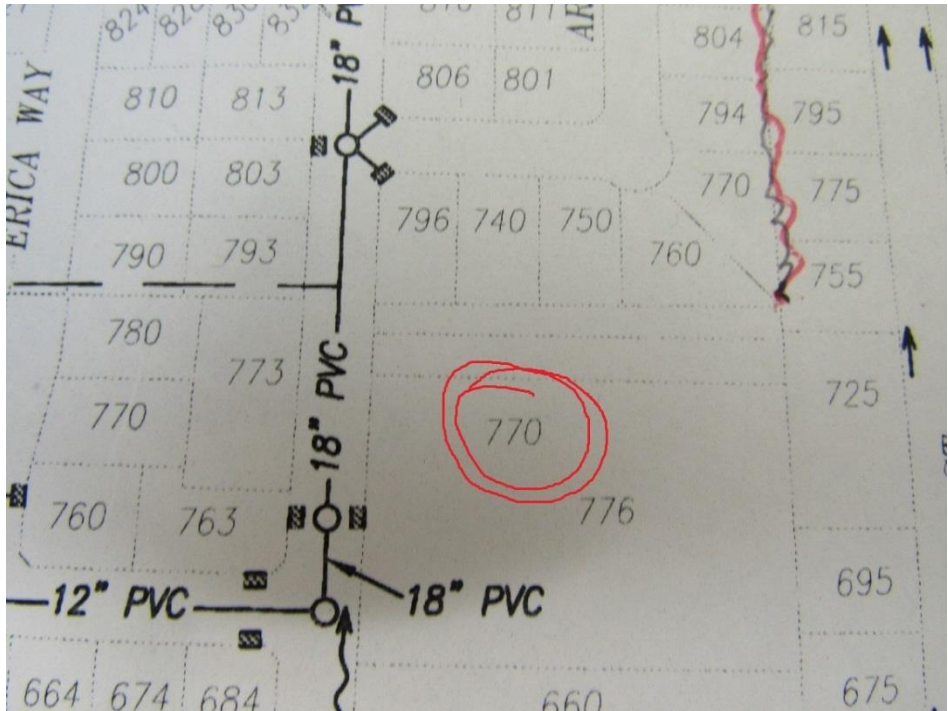


The proposed amendment will not have an adverse impact on the wastewater system. “The wastewater treatment plant was expanded in 2004 to serve a total population of 6,000 people. It was designed for an average dry weather flow of 0.516 mgd and an average wet weather flow of 1.110 mgd.” *Harrisburg Comprehensive Plan, Vol 1, pg. 22 (2013)* The population of Harrisburg was approximately 4070 persons per the City of Harrisburg Urbanization Study in 2013. The population of Harrisburg is not forecast to reach more than 6000 persons until 2027 per the same study. City of Harrisburg Urbanization Study, at 15, (2013).

At this time, the existing wastewater system has the capacity to serve Harrisburg’s population and this amendment will not have an adverse effect on that facility in compliance with this portion of the zoning ordinance.

Stormwater:

The following diagram of the stormwater conveyance system in the vicinity of the proposed development was provided by Harrisburg Public works.



According to the Harrisburg Comprehensive Plan: The City’s storm drainage system has typically been designed for a 5-year storm intensity. During storm events of higher intensity, storm water has backed up in some areas of the City. However, there has been only minimal property damage due to the backed up water. Due to an unfavorable cost-benefit ratio, grants are not available to provide funds for storm drainage improvements. The City has been periodically making improvements to the system as local funds become available. As new development occurs, the City has been requiring that developers install storm water detention systems so as not to overload the City’s existing storm drainage system.

The developer will be required to install stormwater detention systems that prevent adverse impacts top the stormwater system and adjacent and nearby development.

7. The proposed amendment will not have a negative impact on the street system and other transportation facilities serving the area;

The proposed amendment will not have a negative impact in the street system and other transportation facilities serving the area. The subject property is located on N. 7th Street. The Traffic Scoping Letter prepared by Ms. Kelly Sandow, an Oregon licensed Traffic Engineer concludes that the proposed upzoning of 770 and 776 N. 7th Street in Harrisburg will not have a negative effect on Transportation facilities serving the area, specifically

8. Development limitations, such as soil and foundation suitability, and drainage problems will not adversely affect the land uses which would be permitted through the amendment. [Ord. 534 § 7, 1986.]

There are no additional development limitations such as soil or foundation suitability or drainage problems that will adversely affect permitted land uses. The uses made more likely are assisted independent living quarters and multifamily developments at a maximum density of 12 units per acre. The soil types that are present on the subject property do present any significant limitations to the development. The issues with soil strength, stability and drainage are common to the Harrisburg planning area and specifically both the subject property and the area around the subject property that are developed with residences of diverse types including multi-family developments. These concerns are readily alleviated at the time of development as required by the Harrisburg Zoning Code.

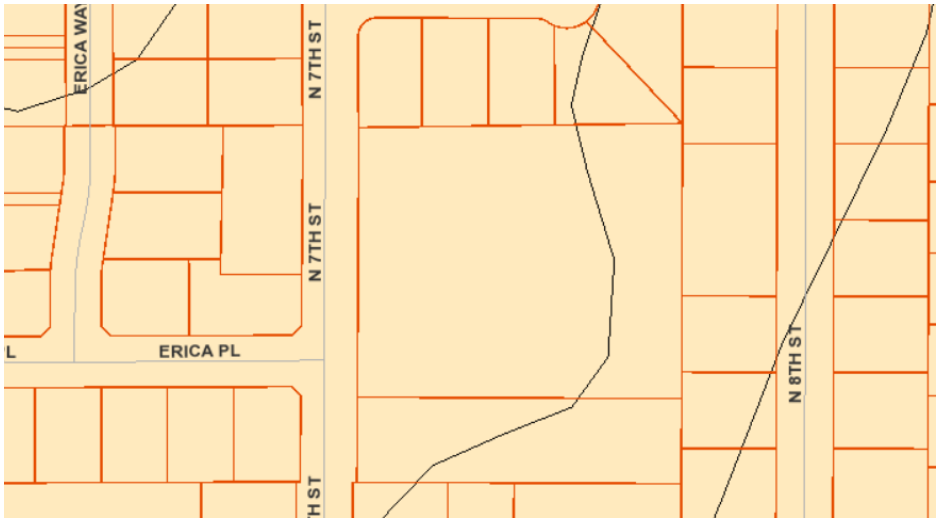
The applicant has provided evidence of the soil types present on the subject property provided by Linn County. The soil types are Halcomb Silt Loam and Dayton Silt Loam. The majority of the soil is of the Halcomb variety:

← → ↻ ⓘ Not secure | co.linn.or.us/webmap/data/reports/322954.txt

SOIL ANALYSIS REPORT (Parcel Based)

PIN#: 15S04W10CA00200
Assessor#: 322954

Series	Class	HV	Acres	Percent	CU FT/AC	Name
33	IVw	2	0.47	20.87	40	Dayton silt loam
46	IIIw	1D	1.78	79.13	100	Holcomb silt loam
			2.25	100.00		



The soil boundaries are shown on the map above. The eastern portion of the lot is the Dayton soil and western portion is comprised of Halcomb. As supported by evidence in the record the entire area is characterized by residential development on soils of this type. The applicant can and will take steps to connect to the stormwater conveyance system and also take other appropriate steps during the development process to ensure soil stability and proper drainage.

IV. CONCLUSION

For the reasons set forth in this application, respectfully requests approval of the Comprehensive Plan map and zone amendment.

October 7, 2019

Karl Mueller
Karl Mueller Enterprises

RE: Harrisburg Tax Lot 200 TPR Findings



RENEWAL 06/30/20

Dear Mr. Mueller,

Sadow Engineering has prepared a trip generation estimate for the proposed zone change of the parcel located at 770 and 776 N 7th Street in Harrisburg, OR. Specifically, the property is located at Assessors Map 155-04W-10CA, Tax Lot 20 and is 2.2 acres in size. One single-family home currently exists on the property.

The proposed zone change is from Low-Density Residential (R-1) to Medium Density Residential (R-2). As per City of Harrisburg Municipal Code Chapter 18.5, the minimum density in R-1 is 2 units per acre. The maximum density is described as the number of tax lots that can be created with a minimum lot size of 7000 sf. As per chapter 18.20, the maximum density allowed within R-2 is 12 dwelling units/acre.

TRIP GENERATION ANALYSIS

To demonstrate compliance with Oregon Administrative Ruling OAR-660-012 Transportation Planning Rule (TPR), the traffic generated by the proposed zoning needs to be found to not have a significant effect on the adjacent transportation system when compared to the existing zoning. A method to demonstrate compliance is to demonstrate that the proposed zoning will not generate significantly more trips than the existing zoning. This is done by comparing the trips generated based on a reasonable "worst-case" development scenario for each land use.

For the existing R-1 zoning, the maximum development size is based on the number of lots that can be constructed on the site given the minimum lot size of 7,000 sf and the street right-of-way needs (50 feet). Figure 1 illustrates the maximum density on the 2.25-acre parcel is 12 lots when the 7,000-sf lot size is considered. For the proposed R-2 zoning, the maximum density is based on the code allowance of 12 units per acre for 21 units.



Figure 1: R-1 Lot layout.

The trip generation is estimated using data contained within the ITE Trip Generation Manual (10th edition). The existing zoning was assumed to be comprised of one single-family unit per development lot. Therefore, the ITE Land Use code 210-Sing Family Residential is used. The proposed zoning assumes that 12 units per acre is only achievable by constructing buildings with more than one dwelling unit. Therefore, the ITE land use code 220-Multi-Family Housing (low-rise) is used. Land Use 200 is described as housing with at least 3 or more units per building and not more than 2 stories per building. The trips generated PM Peak hour is shown in Table 1.

TABLE 1: TRIP GENERATION

	Existing Zoning R-1 210-Single-Family Detached Housing (12 Units)		Proposed Zoning R-2 220-Multi-Family Housing (Low Rise) (27 Units)	
	Rate	Trips	Rate	Trips
PM Peak Hour	0.99	12	0.53	15

As illustrated above, the proposed zoning is anticipated to generate 3 more pm peak hour vehicle trips than the existing zoning. Therefore, the proposed R-2 zoning is not expected to significantly increase the trip generation over the existing R-1 zoning relative to the TPR compliance. .

TPR FINDINGS

Consistent with the Transportation Planning Rule, the following elaborates on how this development meets the TPR requirements.

Goal 12, (OAR) 660-12-0060 (1) requires that a local government ensures that an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) does not significantly affect a transportation facility if it would:

“(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

The proposed zone change will generate 3 additional trips in the peak hour. This level of traffic is not substantial enough to require the City to change the functional classification of the adjacent roadways.

(b) Change standards implementing a functional classification system; or

The proposed zone change will not cause traffic levels or patterns that would change the standards implementing a functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This education may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility.

The proposed zone change will generate 3 additional trips in the peak hour. This level of traffic is not inconsistent with the functional classification of the adjacent roadway system.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”
OAR 660-12-0060(1)

The proposed zone change will not cause traffic levels or patterns that would degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards.

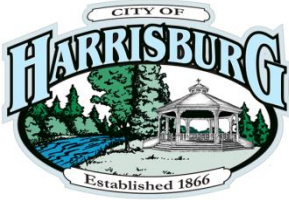
FINDINGS

The proposed zone change meets the requirements under the Transportation Planning Rule. Therefore, the TPR findings can be shown to be met.

Please contact me with questions or additional information needed.

Sincerely,

Kelly Sandow, PE



NOTICE OF LAND USE PUBLIC HEARING 1.

Tuesday, November 19, 2019, at 7:00 PM

City of Harrisburg Planning Commission
Senior Center, 354 Smith Street

CASE: Walter Re-designation and Rezone (LU 413 & 414)

SITE LOCATION:

The subject site is located at 770 & 776 North 7th Street and known as tax lot 00200 of Linn County Assessors Map 15S04W10CA.

APPLICANT / OWNER: Tim Walter
Fred Property, LLC
445 N 7th Street
Harrisburg, OR 97446

REQUEST:

The applicant requests approval of a Comprehensive Plan Map re-designation and concurrent Rezone from Low Density Residential (R1 Single Family Residential zoning) to Medium Density Residential (R2 Medium Density Residential zoning).

WHOM TO CONTACT FOR MORE INFORMATION:

Michele Eldridge, City Recorder, at (541) 995-6655, or meldridge@ci.harrisburg.or.us
Mailing Address: City of Harrisburg, PO Box 378, Harrisburg, OR 97446; Office Location: City Hall, 120 Smith Street

THE HEARING PROCESS / OPTIONS FOR PROVIDING COMMENT:

- At the hearing, the Planning Commission receives public testimony, deliberates, and typically makes its decision before adjourning the meeting.
- If you wish to testify on the proposal, you may provide written or oral testimony to the Planning Commission.
- The Chairperson will set a time limit of three minutes per person for oral testimony at the public hearing. Written testimony is encouraged. While written testimony will be accepted up to and including the night of the public hearing, written testimony submitted to the City Planner by noon, eight days prior to the public hearing, will be included in the Planning Commission packets that are delivered prior to the hearing.
- Any person participating in the hearing is entitled to request that it be continued to a second hearing if new evidence or documents are submitted in favor of the application. The “continuance” hearing will be limited to the issues related to the new documents or evidence for which the continuance was requested.
- A person testifying may also request to have the record remain open for seven days to allow for the submittal of additional written testimony.
- “Raise it or waive it”: Failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. This means that in order to appeal the City’s decision to LUBA based on a particular issue, you must raise that issue at the City’s public hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

DECISION:

The Planning Commission's decision will be final unless appealed to the City Council. Appeals to the City Council must be submitted to the City Recorder, consistent with the provisions in HMC 18.125.090.

DECISION-MAKING CRITERIA:

The Planning Commission will evaluate this request based on specific review criteria from the Harrisburg Municipal Code (HMC) and other applicable requirements. The staff-identified criteria for this land use decision are found in HMC 18.120 and 18.125.

Citizens are encouraged to become familiar with the applications and applicable review criteria. A staff report discussing the request in relation to the criteria will be available 7 days before the hearing. All documents may be reviewed at City Hall without charge; copies will be provided upon request at a charge. The Harrisburg Municipal Code is available on the City's website (<http://www.codepublishing.com/or/harrisburg/>).

The City of Harrisburg does not discriminate against individuals with disabilities and is an Equal Opportunity Provider. Persons with disabilities that wish accommodations, including assisted listening devices and sign language assistance are requested to contact City hall at 541-995-6655, at least 48 hours prior to a meeting date.

THE CITY OF HARRISBURG ENCOURAGES YOU TO NOTIFY YOUR NEIGHBORS AND OTHER PERSONS YOU BELIEVE WOULD BE AFFECTED BY THIS MATTER.

Mail: November 7, 2019

NOTICE OF PUBLIC HEARING
Harrisburg Planning Commission

1.

Date/Time/Place:	Tuesday, November 19, 2019, 7 pm, 354 Smith Street
Applicant/Owner:	Tim Walter, Fred Property, LLC
Location:	770 & 776 North 7 th Street
Applicable Criteria:	HMC 18.120 and 18.125
Request:	Comprehensive Plan Map Amendment and concurrent Rezone.
Staff Contact:	Jordan Cogburn, City Planner, Harrisburg City Hall, (541)995-6655

Citizens may provide testimony either in person or in writing. Written comments may be submitted any time prior to the start of the meeting. If a citizen wishes to have their written comments included as part of the agenda, then the City Recorder must receive them by November 11, 2019. *(All submitted comments are part of the public record.)*

Failure of an issue to be raised in a hearing, either in person or in writing, or failure to provide sufficient specificity to afford the decision-making body an opportunity to respond to the issue precludes an appeal to the State Land Use Board of Appeals (LUBA), based on these issues. The failure of an applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the decision maker to respond to the issue precludes an action for damages in circuit court.

All applications, documents, and evidence are available for viewing at City Hall at no cost. Copies of the material will be provided at a reasonable cost. A copy of the staff report will be available for inspection at no cost seven days prior to the hearing.

City Hall is handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices, sign language, or persons with special needs are requested to contact City Hall at (541)995-6655, at least 48 hours prior to the meeting date. The City of Harrisburg does not discriminate against individuals with disabilities, and is an Equal Opportunity Provider.

END

Publish: On or before November 9, 2019