



Planning Commission Agenda

June 20, 2023

7:00 PM

Chairperson: Todd Culver
Commissioners: Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson and Joe Neely
Meeting Location: Harrisburg Municipal Center Located at 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 Administrator Michele Eldridge, at 541-995-2200.*
7. *Masks are not required currently. The City does asks that anyone running a fever, having an active cough or respiratory difficulties to not attend the meeting.*
8. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

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

APPROVAL OF MINUTES

- 1. MOTION TO APPROVE THE PLANNING COMMISSION MINUTES FOR JANUARY 17, 2023**

PUBLIC HEARING

- 2. THE MATTER OF AN ANNEXATION AND ZONE MAP CHANGE FOR 31.2 ACRES OF PROPERTY OWNED BY THE CITY OF HARRISBURG, AND OTHERWISE KNOWN AS EAGLE PARK.**

STAFF REPORT EXHIBITS:

Exhibit A: Staff Report & Application

ACTION: MOTION TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE ANNEXATION (LU 448-2023) AND COMPREHENSIVE PLAN MAP CHANGE (LU 449-2023) FOR 31.2 ACRES OF PROPERTY OWNED BY THE CITY OF HARRISBURG AND OTHERWISE KNOWN AS EAGLE PARK

APPLICANT: City of Harrisburg

WORK SESSION

- 3. THE MATTER OF RECONSIDERING SIZE LIMITATIONS IN HMC 18.50.150 – ACCESSORY STRUCTURES**

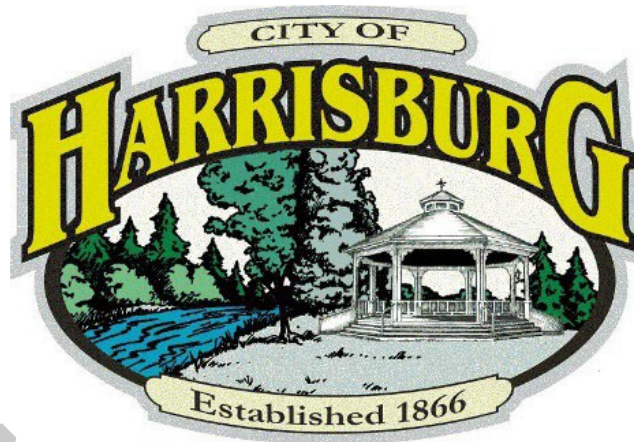
STAFF REPORT EXHIBITS:

Exhibit A: HMC 18.50.150

ACTION: MOTION TO DIRECT THE CITY ADMINISTRATOR/PLANNER TO AMEND HMC 18.50.150(3) TO ALLOW FOR AN ACCESSORY STRUCTURE UP TO _____ IN SIZE

OTHERS

ADJOURN



Planning Commission Meeting Minutes January 17, 2023

Commissioners Present: Susan Jackson, Jeremy Moritz, Joe Neely, Kurt Kayner, and Kent Wullenwaber
Absent: Rhonda Giles and Chairperson Todd Culver
Staff Present: City Administrator/Planner Michele Eldridge, and Finance Officer/Deputy City Recorder Cathy Nelson
Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Vice-Chairperson Jeremy Moritz.

CONCERNED CITIZEN(S) IN THE AUDIENCE. Everyone present was there for items on the agenda.

APPOINT NEW CHAIRPERSON AND VICE-CHAIRPERSON

Kayner motioned to appoint Todd Culver as Chairperson for the Harrisburg Planning Commission for a term of one (1) year and was seconded by Wullenwaber. The Planning Commission then voted unanimously to appoint Todd Culver as Chairperson for a term of one (1) year.

Kayner motioned to appoint Joe Neely as Vice-Chairperson for the Harrisburg Planning Commission for a term of one (1) year and was seconded by Wullenwaber. Commissioner Joe Neely declined the appointment.

Kayner motioned to appoint Jeremy Moritz as Vice-Chairperson for the Harrisburg Planning Commission for a term of one (1) year and was seconded by Neely. The Planning Commission then voted unanimously to appoint Jeremy Moritz as Chairperson for a term of one (1) year.

APPROVAL OF MINUTES

Neely motioned to approve the minutes for July 19, 2022, and August 16, 2022, and was seconded by Jackson. The Planning Commission then voted unanimously to approve the Minutes for July 19, 2022, and August 16, 2022.

PUBLIC HEARING**THE MATTER OF THE HICKMAN MINOR (PRELIMINARY) PARTITION (LU 447-2022).**

Vice-Chairperson Jeremy Moritz read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:09PM, the Public Hearing was opened.

Moritz asked if there were any Conflicts of Interest or any Ex Parte contacts.

None stated.

There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Moritz then read aloud the criteria that were relied upon for this land use hearing and noted additional copies of criteria near the door. He also directed the audience on how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

STAFF REPORT: Eldridge gave a brief background on the property and stated that this was the first land use using the new code requirements. She explained the difference between the conditions of approval versus development concerns. This property is on 9th Street, which is currently being extended and improved. The City will install utilities to the edge of the property. This is a R-2 zone, and the applicant is requesting three (3) parcels.

- Conditions #1, #2, #3, and #22 discuss utilities and are met. Condition #2 has DEQ and TMDL regulations, and Condition #3 will need to be approved by the City Engineer.
 - Moritz asked if 18.85.040 applies to existing structures and lots. Kayner said once an application is made for a lot change it is considered new development. Eldridge said it would be the same if a house with a well is sold. The new owners would have 1 year to hook up to city utilities.
- Page 18 discusses the storm drainage requirements and Page 23 discusses upstream draining.
- Conditions #12, #15, #17, #20 and #22 are regarding street requirements and are met.
 - Condition #12 is about parking on site, #20 states that they must have 2 parking spots per dwelling, and #15 discusses vehicular access and driveway approaches.
 - Condition #17 clarifies requirements due to emergency vehicles.
- Page 15 defines the timeframe of two (2) years for a final plat.
- Page 18 discusses landscaping requirements, and that lots 2 & 3 will need a minimum of 25% landscaping. Eldridge handed out the revised COFA with E.1.
- Neely asked if 9th Street will be the back of the property. Eldridge said that it will have a gravel driveway that will not be required to be paved and Parcels 2 & 3 will have paved drives off of 9th Street.

APPLICANTS TESTIMONY: Applicant Donald Hickman said that the drainage will be up to the builder. He is recommending ditches run north to south.

TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR. No testimony of any kind supplied, nor were there any rebuttals.

The public hearing was closed at the hour of 8:09 pm.

- Kayner motioned to approve the Hickman minor partition request (LU 447), subject to the conditions of approval in the January 11, 2023 staff report, with the addition of development related concern E.1 in relation to street trees. This motion is based on findings presented in the January 11, 2023 staff report to the Planning Commission and findings made by the commission during deliberations on the request at the

January 17, 2023

January 17, 2023 Public Hearing, and was seconded by Wullenwaber. The Planning Commission then voted unanimously to approve the Hickman minor partition request (LU 447), subject to the conditions of approval in the January 11, 2023 staff report, with the addition of development related concern E.1 in relation to street trees. This motion is based on findings presented in the January 11, 2023 staff report to the Planning Commission and findings made by the commission during deliberations on the request at the January 17, 2023 Public Hearing.

PUBLIC MEETING

THE MATTER OF MAKING A RECOMMENDATION TO THE CITY COUNCIL IN RELATION TO THE HARRISBURG URBAN RENEWAL PLAN AMENDMENT AND ITS CONFORMITY TO THE HARRISBURG COMPREHENSIVE PLAN.

STAFF REPORT: Eldridge introduced Consultant Elaine Howard and explained why the city was doing the amendment. The city is facing a large funding gap for the Water Facility Treatment Project. Coming before the Planning Commission is one of the requirements to adopt the amendment.

- Howard shared a power point (**Addendum 1**) on the Major Amendment #6 and explained what Maximum Indebtedness (MI) and revenue sharing are.
- Neely asked if all the amendment was doing was adding verbiage on water to the plan, as found on page 63 #5. Kayner said all the Commission was doing was approving the language from the Comp Plan to the HRA Plan.
- Kayner **motioned that the Harrisburg Planning Commission finds, based upon the information provided in the staff report and the provided attachments and findings, that the Harrisburg Urban Renewal Plan Amendment conforms with the Harrisburg Comprehensive Plan and recommends the plan amendment's adoption to the Harrisburg City Council, and was seconded by Neely. The Planning Commission then voted unanimously that the Harrisburg Planning Commission finds, based upon the information provided in the staff report and the provided attachments and findings, that the Harrisburg Urban Renewal Plan Amendment conforms with the Harrisburg Comprehensive Plan and recommends the plan amendment's adoption to the Harrisburg City Council**

OTHERS

- The Comprehensive Plan update will come before the Planning Commission in the future.
- Kayner asked why the Commission needed to do the entire reading of the conditions during the meetings. Can we just review the ones that need addressed. Eldridge stated that because of the new development code some things are required to be done in the public hearings. She will reach out to legal and Hitt on what needs to be addressed during her verbal reports.

With no further discussion, the meeting was adjourned at the hour of 9:00 pm.

Chairperson

City Recorder

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU 447), to divide an approximately 40,639 square foot lot into three residential lots.

LOCATION: The subject site is located at 895 Sommerville Loop. and is known as tax lot 3000 of Linn County Assessor's Map 15S04W15CA.

HEARING DATE: January 17, 2023

ZONING: R-2 (Multi-Family (Medium Density) Residential)

APPLICANT: EGR & Associates/Don & Carolyn Hickman
895 Sommerville Loop
Harrisburg, OR 97446

OWNER: Don & Carolyn Hickman
895 Sommerville Loop
Harrisburg, OR 97446

APPEAL DEADLINE: February 1, 2023 at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on January 17, 2023, and voted to approve the minor partition request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the January 17, 2023, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions. Further information in relation to this application, including the decision made by the Planning Commission is available in the City Recorder's office.

APPEALS: The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. All persons entitled to notice, and who testified during the Planning Commission hearing specifically addressing the applicable

criteria may appeal the Planning Commission's decision to the City Council pursuant to subsection (5) of 19.10.040HMC, or may appeal the City Council's decision to the State Land Use Board of Appeals, as applicable. There is a fee of \$750.00 for an appeal to the City Council.

EFFECTIVE DATE: January 19, 2023, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: A Preliminary Plat Approval for a Minor Partition shall be effective for two years from the date of approval. The applicant must submit the final plat for a Type 1 review by the end of the two-year period. The applicant may request changes or modifications to the approved preliminary plat or conditions of approval by following the procedures and criteria provided in Chapter 19.30HMC.

An extension of the approval period of a Type III procedure, not to exceed one year per extension, may be granted by the Planning Commission if it meets the conditions and criteria provided in Chapter 19.30HMC, and may be granted by the City Administrator through a Type II procedure. Unless appealed, this Preliminary Plat Minor Partition approval will expire on January 19, 2025.


Planning Commission Vice-Chair

CONDITIONS OF APPROVAL

Condition No. 1: Underground Utilities – All Utilities must be located and constructed underground; the owner of Parcel 1 will be required to connect to the City's water system within six months of the date of approval for this preliminary minor partition.

Condition No. 2: Storm Water Easement – Concurrent to Final Plat approval, the Applicant shall show a private stormwater easement on the final plat for the north/south storm line located on the western edge of Parcels 2 and 3.

Condition No. 3: Storm Water - Prior to Final Plat submission, and if the proposed storm plan is not adequate as determined by the City Engineer, the Applicant shall submit a 25-year engineered stormwater management and detention plan, showing no impact on neighboring properties beyond historical storm water flow. This plan must be approved by the City Engineer, taking into consideration any downstream and upstream drainage requirements. The City Engineer must also approve any proposed mitigation measures.

Condition No. 4: Final Plat - The Final Plat shall be submitted within two years of final approval of the preliminary plat and must be consistent with the approved preliminary plat including required conditions of approval.

Condition No. 5: Infrastructure Improvements Approval – Prior to any Building Permits being submitted for plan review, Infrastructure from the construction on S. 9th St., including all transportation and street surfaces, sanitary sewer, and water services, plus surface water and storm drainage facilities in relation to the street and existing facilities must conform to the City of Harrisburg design manual, and be accepted and approved by the PW Director and City Engineer for the City of Harrisburg.

Condition No. 6: Mailbox Receptacle – Prior to the occupancy of any of the residential dwelling units on Parcel No. 2 and 3, a receptacle for the delivery of mail, in a design approved by USPS shall be installed. The applicant will consult with the City on the location of the mailbox prior to installation or can include the location on the building permit.

Condition No. 7: Water Services – Prior to recording the final plat, the applicant shall pay to have water service extended to Parcels 2 and 3.

Condition No. 8: Water Services for Parcel No. 1 – Within a six-month period, the applicant/owner of Parcel No. 1 must connect Parcel 1 to the City's water system. The payment of the water connection fee, water meter drop and utility deposit may be paid at the time of connection.

Condition No. 9: Sewer Services – Prior to recording the final plat, the applicant shall pay to have sewer service extended to Parcels 2 and 3.

DEVELOPMENT RELATED CONCERNS

(These are not conditions of approval, but will be required with building permits)

A. Driveway Approaches: Construction of a single-family dwelling will require a Type 1 procedure, which will include the placement of the driveway approaches based upon the design of S. 9th St.

B. Paved Driveways: All new driveways onto S. 9th St. are required to be paved. Parcel 1 shall be required to pave the first 25' of auxiliary driveway that is accessed from S. 9th St. All driveways are required to be a minimum of 18' x 12', and must match the width of the garage or carport sized opening of each dwelling unit.

C. Temporary Driveways/Erosion Control: Any temporary driveways established during the construction of homes on Parcel 2 and 3 will be required to follow erosion control requirements.

D. Vision Clearance: Any development of Parcels 2 and 3, as well as development in relation to the new auxiliary drive in Parcel No.1, will require that vision clearance standards are met.

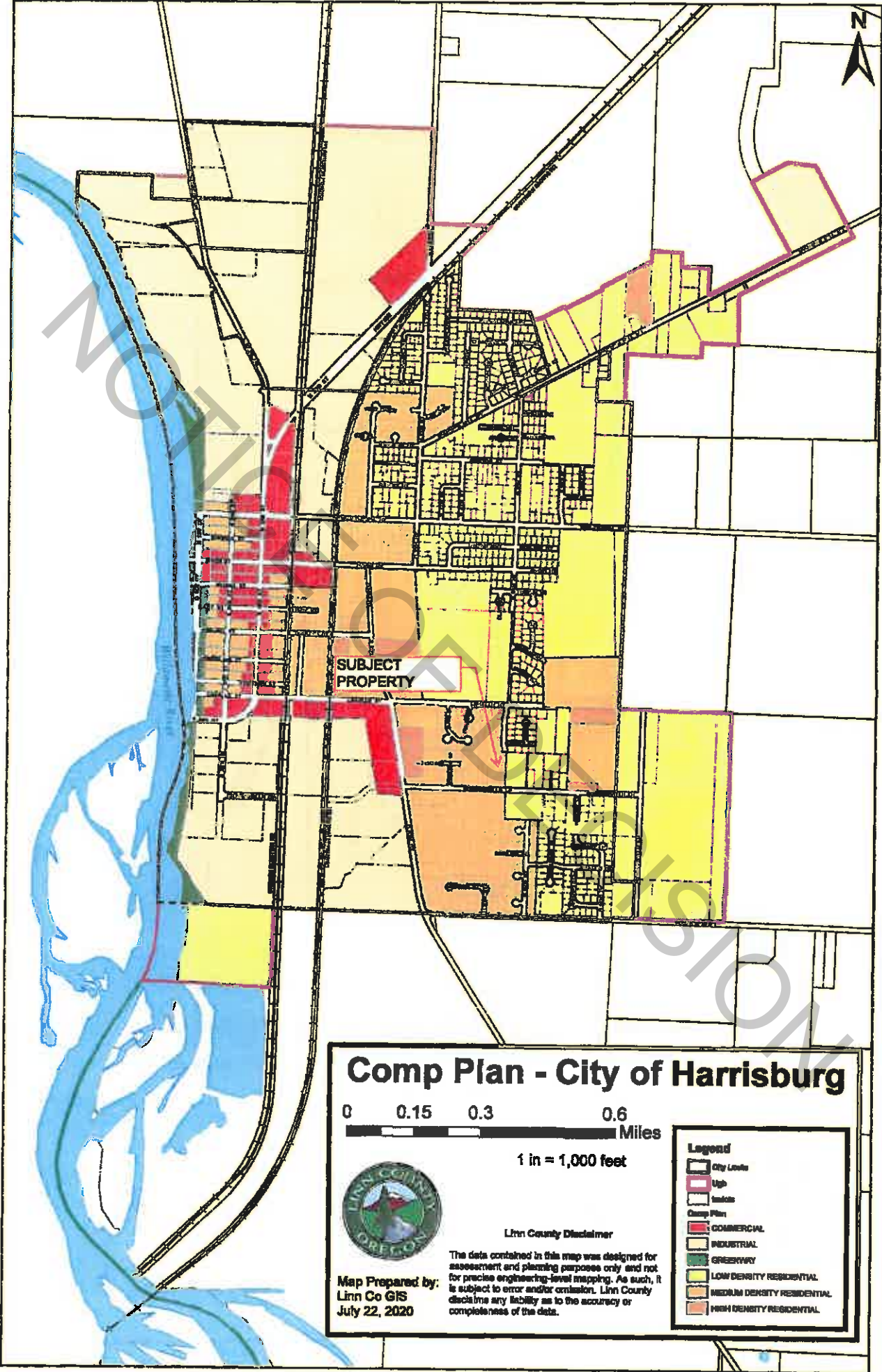
E. Landscaping: Any development of Parcels 2 and 3 will require that a landscape plan is submitted with the building permit, according to the size requirement of 25% of the lot, or the lesser of the front and side yards. The landscape plan shall include the types of plants as required in HMC 18.75.030(3). Amendments to soil, and necessary irrigation shall be provided to allow for healthy plant growth.

E.1 Street Trees: As per HMC 12.20.010, any development of Parcels 2 and 3 will require that Street Trees are paid for at the time that a building permit is taken out for new construction. Two (2) Street trees will be provided to each lot based on planting one tree for every 40 feet of property, as long as they avoid coming within five feet of any underground utilities. Street tree fees are based upon City Council Resolution.

F. Fences: Fences are not required in the R-2 zone, but if installed by the Applicant/owners, will be required to meet the standards in 18.75.040 and as required in Table 18.45.040.4. Height will be determined by the location of the fence on the residential property.

G. Outdoor Lighting: Outdoor Lighting is not required by the construction of homes on Parcels 2 and 3, but the installation of any lighting shall follow the standards of HMC 18.75.050(3).

H. Parking: A minimum of two parking spaces per residential dwelling shall be provided and detail of such shall be included in the building permit. All parking spaces in the R-2 zone shall be paved.





HARRISBURG PLANNING COMMISSION

URBAN RENEWAL PLAN AMENDMENT



TIBERIUS
SOLUTIONS



ROADMAP

1. Role of Planning Commission
2. Amendment provisions
3. Process
4. Draft Motion

ROLE OF PLANNING COMMISSION

To review the Harrisburg Urban Renewal Plan Substantial Amendment for conformance to the Harrisburg Comprehensive Plan and make a recommendation to the Harrisburg City Council.

CHANGES TO THE PLAN

1. Add property
Parcels for water quality improvements
2. Add projects
Water quality improvements at both north and south water quality facilities
3. General updating of the Plan

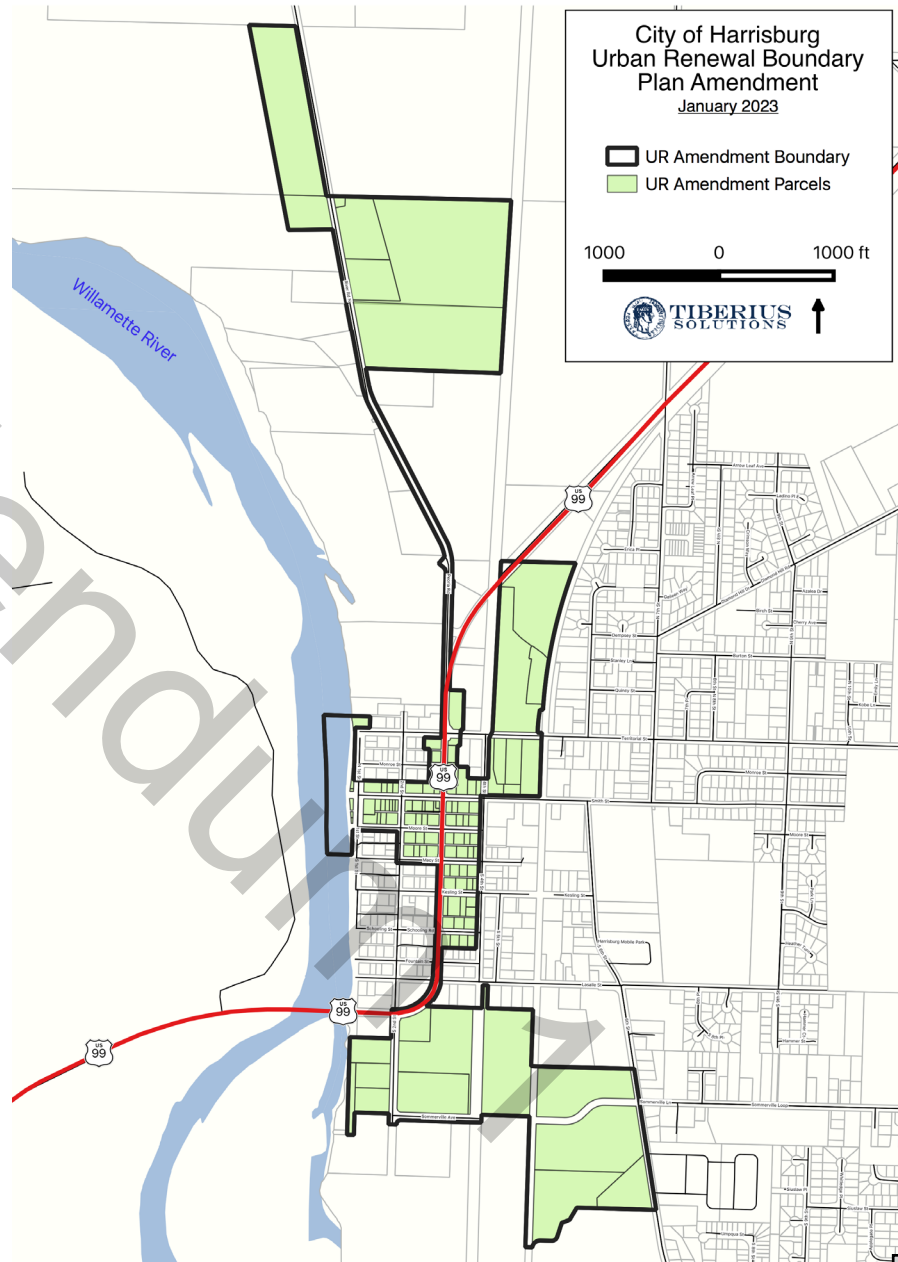
COMPREHENSIVE PLAN FINDINGS

1. Public Facilities and Services

Added:

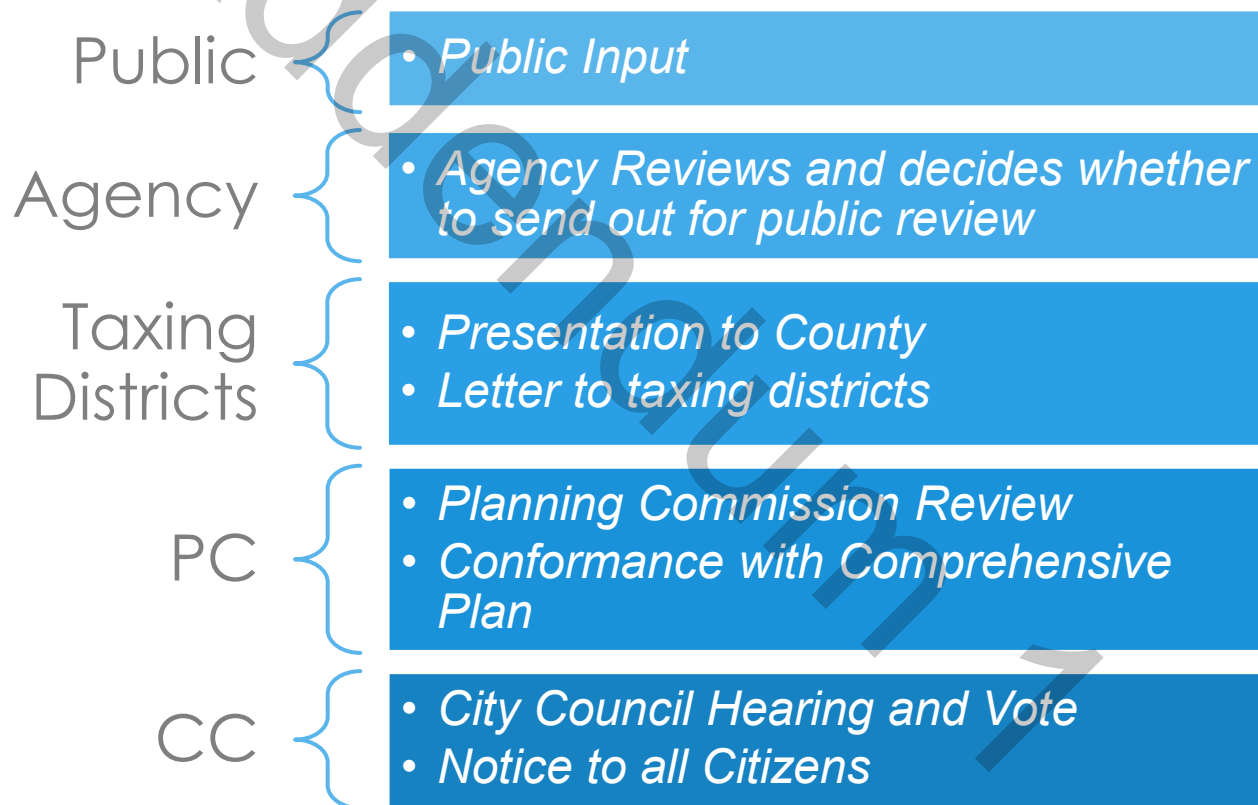
High quality water supply and distribution systems shall be maintained to meet current and future domestic, commercial and industrial needs.

Boundary



1.

PROCESS FOR PLAN AMENDMENT ADOPTION



NEXT STEPS & SCHEDULE

1. Planning Commission Jan 17
2. County briefing and vote Jan/Feb. 2023
3. City Council public hearing and first reading of Ordinance March 14
4. City Council second reading and adoption of Ordinance March 28

SUGGESTED MOTION

“I move that the Harrisburg Planning Commission finds, based upon the information provided in the staff report and the provided attachments, that the Harrisburg Urban Renewal Plan Amendment conforms with the Harrisburg Comprehensive Plan

Optional additional language:

and further recommends that the Harrisburg City Council adopt the proposed Harrisburg Urban Renewal Plan Amendment.”

GENERAL GOVERNMENT

1.

FYE	Linn County	City of Harrisburg	Harrisburg RFD	4H Extension District	Subtotal
2023	(\$46,502)	(\$116,188)	(\$41,256)	(\$2,556)	(\$206,502)
2024	(\$37,455)	(\$93,583)	(\$33,229)	(\$2,059)	(\$166,326)
2025	(\$37,449)	(\$93,568)	(\$33,223)	(\$2,058)	(\$166,298)
2026	(\$37,909)	(\$94,719)	(\$33,632)	(\$2,084)	(\$168,344)
2027	(\$38,459)	(\$96,093)	(\$34,120)	(\$2,114)	(\$170,785)
2028	(\$39,128)	(\$97,766)	(\$34,714)	(\$2,151)	(\$173,759)
2029	(\$39,829)	(\$99,517)	(\$35,335)	(\$2,189)	(\$176,870)
2030	(\$40,560)	(\$101,345)	(\$35,984)	(\$2,229)	(\$180,118)
2031	(\$41,324)	(\$103,253)	(\$36,661)	(\$2,271)	(\$183,509)
2032	(\$40,695)	(\$101,682)	(\$36,103)	(\$2,237)	(\$180,717)
2033	(\$40,685)	(\$101,659)	(\$36,095)	(\$2,236)	(\$180,675)
2034	(\$40,685)	(\$101,659)	(\$36,095)	(\$2,236)	(\$180,675)
2035	(\$18,371)	(\$45,903)	(\$16,298)	(\$1,010)	(\$81,581)
TOTAL					
:	(\$499,051)	(\$1,246,936)	(\$442,744)	(\$27,429)	(\$2,216,160)

EDUCATION

1.

FYE	ESD Linn-Benton-Lincoln	Lane Community College	Harrisburg SD #7	Subtotal	Total
2023	(\$11,133)	(\$22,605)	(\$169,974)	(\$203,711)	(\$410,213)
2024	(\$8,967)	(\$18,207)	(\$136,904)	(\$164,078)	(\$330,404)
2025	(\$8,965)	(\$18,204)	(\$136,881)	(\$164,050)	(\$330,349)
2026	(\$9,075)	(\$18,428)	(\$138,564)	(\$166,067)	(\$334,411)
2027	(\$9,207)	(\$18,695)	(\$140,573)	(\$168,475)	(\$339,260)
2028	(\$9,367)	(\$19,020)	(\$143,020)	(\$171,408)	(\$345,167)
2029	(\$9,535)	(\$19,361)	(\$145,580)	(\$174,476)	(\$351,346)
2030	(\$9,710)	(\$19,716)	(\$148,254)	(\$177,680)	(\$357,799)
2031	(\$9,893)	(\$20,088)	(\$151,044)	(\$181,024)	(\$364,534)
2032	(\$9,742)	(\$19,782)	(\$148,746)	(\$178,270)	(\$358,987)
2033	(\$9,740)	(\$19,777)	(\$148,710)	(\$178,228)	(\$358,903)
2034	(\$9,740)	(\$19,777)	(\$148,710)	(\$178,227)	(\$358,903)
2035	(\$4,398)	(\$8,930)	(\$67,148)	(\$80,476)	(\$162,057)
TOTAL:	(\$119,473)	(\$242,590)	(\$1,824,108)	(\$2,186,172)	(\$4,402,331)

Schools are funded through the State School Fund on a per pupil basis: Urban Renewal indirectly impacts them.

Staff Report

Harrisburg Planning Commission

Harrisburg, Oregon

THE MATTER OF AN ANNEXATION AND ZONE MAP CHANGE FOR 31.2 ACRES OF PROPERTY OWNED BY THE CITY OF HARRISBURG, AND OTHERWISE KNOWN AS EAGLE PARK.

STAFF REPORT EXHIBITS:

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ACTION: MOTION TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE ANNEXATION (LU 448-2023) AND COMPREHENSIVE PLAN MAP CHANGE (LU 449-2023) FOR 31.2 ACRES OF PROPERTY OWNED BY THE CITY OF HARRISBURG AND OTHERWISE KNOWN AS EAGLE PARK

APPLICANT: City of Harrisburg

LOCATION: 394 Sommerville Loop, and otherwise known as 15S04W21, a 31.2 acre portion of Tax Lot No. 300

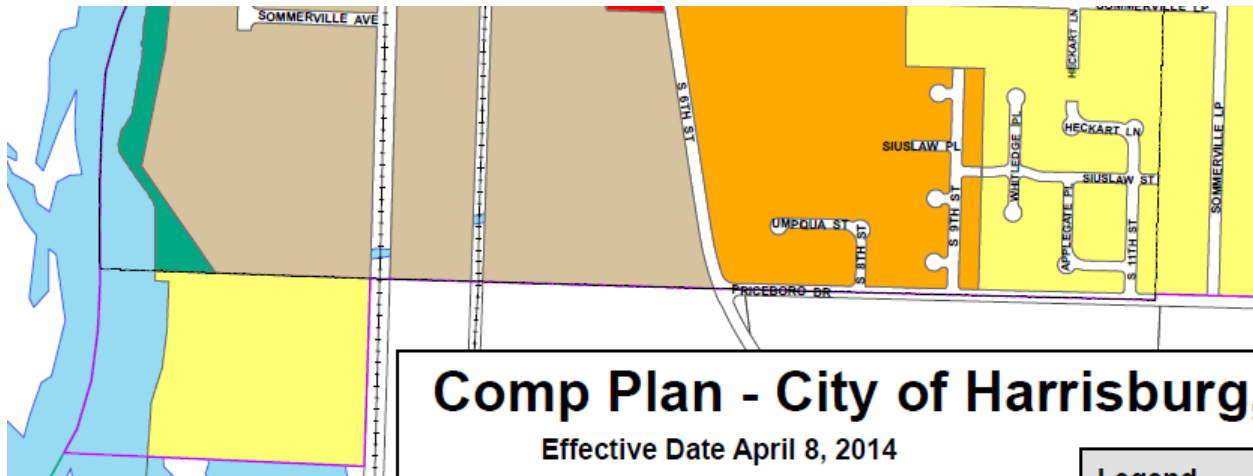
HEARING DATE: June 20, 2023

ZONING: Current Zone: UGA-EFU : Proposed Zone: PUZ

OWNER: City of Harrisburg

BACKGROUND

The City finalized the purchase of the property that is now known as Eagle Park in 2020, while Knife River was completing the reclamation of the lower ponds located in the park. This application (**Exhibit A**) will annex a portion of Tax Map 15S04W21, Tax Lot 300; the portion to be annexed is all of the tax lot which lies within the Urban Growth Boundary. This application also seeks to re-zone upon annexation. The lands to be annexed are currently zoned Urban Growth Area – Exclusive Farm Use (UGA-EFU) by Linn County. The lands subject to this application are identified in the following graphic:



CRITERIA AND FINDINGS OF FACT

1. **Criterion:** 12.35.080 Collection of charge

3. If property is annexed to the City of Harrisburg, and the property includes a structure or use for which systems development charges would have been assessed if located within the City limits, then systems development charges shall be paid at the time of annexation. However, if the City Council makes findings that it would be to the benefit of the City of Harrisburg and its citizens to have the property within the City limits, the City Council may waive all or a percentage of the systems development charges to encourage the annexation.

Discussion: The lands in this application do not contain a structure or use for which systems development charges would have been assessed if located within the city limits. Therefore, no systems development charges are due as a result of this application. **This Criterion does not apply.**

2. **Criterion:** 18.15.060 Development code and zoning map implementation

1. Zoning of Areas to Be Annexed. The comprehensive plan map shall guide the designation of zoning for annexed areas. Concurrent with annexation of land to the City of Harrisburg, the City Council shall enact an ordinance applying applicable zoning designation(s) to the territory being annexed.

Discussion: The Comp Plan map effective April 8, 2014 designates the annexation area as Low Density Residential. This application seeks to apply the Public Use Zone (PUZ). After annexation the owner intends to develop the lands with a public park, consistent with the PUZ standards at HMC 18.40.020.5. The Comprehensive Plan specifically mentions use of the lands in this application as a park within the Inventories section of Goal 15; therefore, applying the Public Use Zone is consistent

with the Comprehensive Plan designation as required by this criterion. **This criterion has been met.**

3. CRITERION: 18.60.020 Applicability (Design Standards Administration)

Table 18.60.020 identifies 18.85 Public Facilities as applicable to annexation applications

18.85 Public Facilities

1. Purpose. The standards of this chapter implement the public facility policies of the City of Harrisburg comprehensive plan and the City's adopted public facility master plans.

2. Applicability. This chapter applies to developments subject to land division (subdivision or partition) approval and developments subject to site design review where public facility improvements are required. All public facility improvements within the City shall occur in accordance with the standards and procedures of this chapter.

DISCUSSION: The Harrisburg Parks System Plan dated October 2022 identifies the annexation area as a portion of Eagle Park. Table 5.2 Park Development Recommendations includes a variety of future improvements. Design and permitting of any future improvements will be subject to the criterion within 18.85 Public Facilities found to be applicable based on the specifics of the design. Feasibility of compliance was ensured in the process of creating the Harrisburg Parks System Plan. **This criterion has been met.**

4. CRITERION: 19.35.030 Criteria (Amendments to Zoning Map or Code)

1. If the proposal involves an amendment to the comprehensive plan, the amendment must be consistent with the Statewide planning goals and relevant Oregon administrative rules; and
2. Applications for quasi-judicial amendments must conform to the regulatory policies of the comprehensive plan, in addition to the criteria in subsection 1 of this section; and
3. Legislative amendments must be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the current plan or code; and
4. All amendments must conform to the Oregon Transportation Planning Rule with regard to adequacy of the transportation system

DISCUSSION: The Zoning map effective April 8, 2014 does not identify a zone for the annexation area; therefore, applying PUZ will be an amendment to the zoning map. This process is a legislative (Type IV) action due to being more than one acre. Multiple portions of the Comprehensive Plan are applicable: Goal 14 – Policies 1a, 2b and 4 and Goal 15 – Policies 3 and 4. The policies within Goal 14 acknowledge parks as a needed land use for compliance with the Comprehensive Plan. The policies within Goal 15 promote river sensitive uses within the Willamette Greenway. Additionally, the Inventories Analysis associated with the Goal 15 Policies specifically contemplates a park on the lands in this application. Public parks and other recreational facilities, such

as greenways, are a use permitted outright in the Public Use Zone; therefore, the PUZ is consistent with the Comprehensive Plan. HMC Title 19 was specifically designed to meet the regulatory policies of the comprehensive plan.

The Harrisburg Parks System Plan dated October 2022 identifies the annexation area as a portion of Eagle Park. Table 5.2 Park Development Recommendations includes pedestrian, boat and vehicular improvements. In addition, the City is in the process of working with ODOT and our Consultant on the Transportation System Plan, which will consider multi-modal transportation, and how the systems in Harrisburg will work to get citizens to the Eagle Park area. Compliance with the Oregon Transportation Planning Rule is thus ensured. **This criterion has been met.**

OREGON REVISED STATUTES

STATUTE: 222.111 Authority and procedure for annexation; specifying tax rate in annexed territory

(1) When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.

DISCUSSION: The existing city limits are contiguous to the northerly boundary of the lands in this application. Therefore, **the requirements of this statute have been met.**

(2) A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.

DISCUSSION: This application is by petition of the property owner, and is incorporated in the Strategic Plan of the City of Harrisburg. **The requirements of this statute have been met.**

STATUTE: 222.125 Annexation by consent of all owners of land and majority of electors; proclamation of annexation

The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set

the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

DISCUSSION: All owners have consented to this application. No electors reside on the lands in this application. **Therefore, the requirements of this Statute have been met.**

PUBLIC NOTICE REQUIREMENTS: Annexations and Comprehensive Plan Map changes are required to be reported to the Department of Land Conservation and Development (DLCD) a minimum of 35 days prior to the first public hearing. In addition, public agencies, such as the Department of State Lands (DSL), ODOT, DEQ, and Linn County Officials are also required to receive notices. The City is working with Linn County Planning Manager, Alyssa Boles, and the Director of Linn County Planning, Steve Wills. They did not have any issues with the City of Harrisburg taking the lead on this land use request. No comments have been received from any of the citizens or agencies that received notice from the City of Harrisburg.

CONCLUSIONS

The City requests approval of the Annexation and Zone Change, in order to allow the upper 31.2 acres of Eagle Park to be annexed into the City Limits. As demonstrated by the above discussion, analysis and findings, the application complies with the applicable criteria from the Harrisburg Municipal Code, the Comprehensive Plan, and Oregon State Statutes.

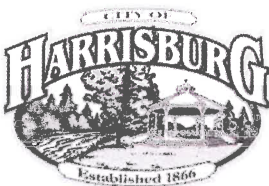
A Type IV land use application is required to be heard by both the Planning Commission and the City Council. The City Council must also approve this land use request, and completes the annexation and zone change through the adoption of an ordinance. Therefore, the Planning Commission will be making a recommendation to the City Council to approve the land use request. Following the City Council meeting, notice is sent to the DLCD, and citizens are provided with a final opportunity to comment or appeal this Type IV land use request.

PLANNING COMMISSION ACTION

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

1. Approve the request;
2. Approve the request with conditions; or
3. Deny the request.

RECOMMENDED CONDITIONS OF APPROVAL: NONE



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


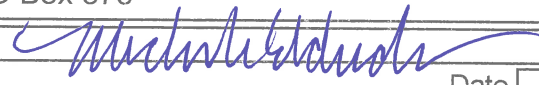
LAND USE APPLICATION

STAFF USE ONLY	
File Number: LU 448-2023 & LU 449-2023	Date Received: May 1, 2023
Fee Amount: Waived	

APPLICATION TYPE	
<input checked="" type="checkbox"/> Annexation*	<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Comprehensive Plan Amendment*	<input type="checkbox"/> Partition/Replat* Minor 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"/> Zoning Ordinance Text Amendment*	

*A Pre-Application Conference with City Staff is Required

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL	
Project Description	<p>An annexation and zone map change for a 31.2 acre portion of tax lot 300, 15S-04W-21 of Eagle Park. There is 23.5 acres of upland (non-river) property.</p> <p>This property is owned by the City of Harrisburg, and was purchased with the intention of it being a City Park. This upper section of the park, will have the most infrastructure, as per the conceptual design that was completed in 2016.</p>
Project Name	Eagle Park Annexation and Zone Map Change

PRIMARY CONTACT AND OWNER INFORMATION	
Applicant's Name	Michele Eldridge
Phone	541-995-9200
Email	meldridge@ci.harrisburg.or.us
Mailing Address	PO Box 378
Applicant's Signature	
Date	
Property Owner Name	City of Harrisburg
Phone	541-995-9200
Email	meldridge@ci.harrisburg.or.us
Mailing Address	PO Box 378
Owner Signature	
Date	
*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	Near 390 Sommerville Ave
General Location Description	South of the City inbetween the Willamette River & the B
Assessor's Map Number(s)	Related Tax Lot(s)
Map #	Tax Lot(s) #
15S04W21	300
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	31.2 Acres

LAND USE AND OVERLAY ZONES	
Existing Zone(s)	EFU
Existing Comprehensive Plan Designation(s)	UGA-EFU
Please select any of the following zone overlays or natural areas that apply to the subject site:	
<input type="checkbox"/> Historic Overlay	<input checked="" type="checkbox"/> Willamette River Greenway
<input checked="" type="checkbox"/> Riparian Corridors	<input checked="" type="checkbox"/> Wetlands
	<input checked="" type="checkbox"/> Floodplain
<p><i>ALL OVERLAYS ARE MOSTLY APPLICABLE TO SOUTHWEST PORTION OF PARCELS</i></p> <p>*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays, please contact the City Planner at (541) 995-6655.</p>	

CHECK THE BOX NEXT TO INCLUDED EXHIBITS	
<input checked="" type="checkbox"/> Narrative* (address all applicable HMC review criteria)	<input type="checkbox"/> Architectural Elevations
<input checked="" type="checkbox"/> Assessor's Map with Applicable Tax Lots Highlighted	<input type="checkbox"/> Architectural Floor Plans
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Utilities Plan
<input type="checkbox"/> Survey / ALTA	<input type="checkbox"/> Geotechnical Report/Site
<input checked="" type="checkbox"/> Aerial Photograph / Existing Land Use(s) Map	<input type="checkbox"/> Assessment
<input type="checkbox"/> Zoning Map (if applicable, show proposed change(s))	<input type="checkbox"/> Electronic Versions of Exhibits
<input checked="" type="checkbox"/> Comprehensive Plan Map(s) (if applicable, show proposed changes))	<input type="checkbox"/> Application Fee
<input type="checkbox"/> Subdivision or Partition Plat	<input type="checkbox"/> Other
<p>*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.</p>	

A Pre-application Conference is Required with City Staff prior to turning in your land use application. Please contact the City Administrator, or City Recorder/Assistant City Administrator to make an appointment. Date of Appointment: N/A

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

1. Are there existing structures on the site? ☐ Yes ☒ No If yes, please explain
2. Indicate the uses proposed and describe the intended activities:

132 acres was purchased to be a City/Regional Park for the City of Harrisburg. The northern 31.2 acres is mostly outside of wetlands and the ponds, and is the best choice for infrastructure.
3. How will open space, common areas and recreational facilities be maintained?

All 132 acres, including this 31.2 acres is owned, and maintained by the City of Harrisburg as part of our parks systems
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.

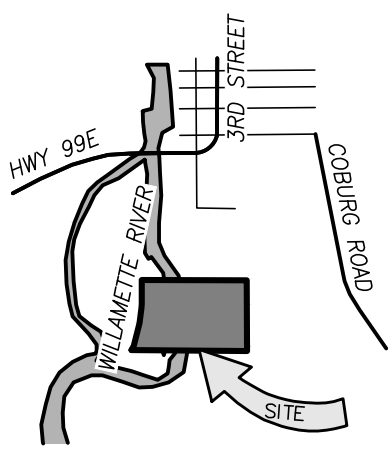
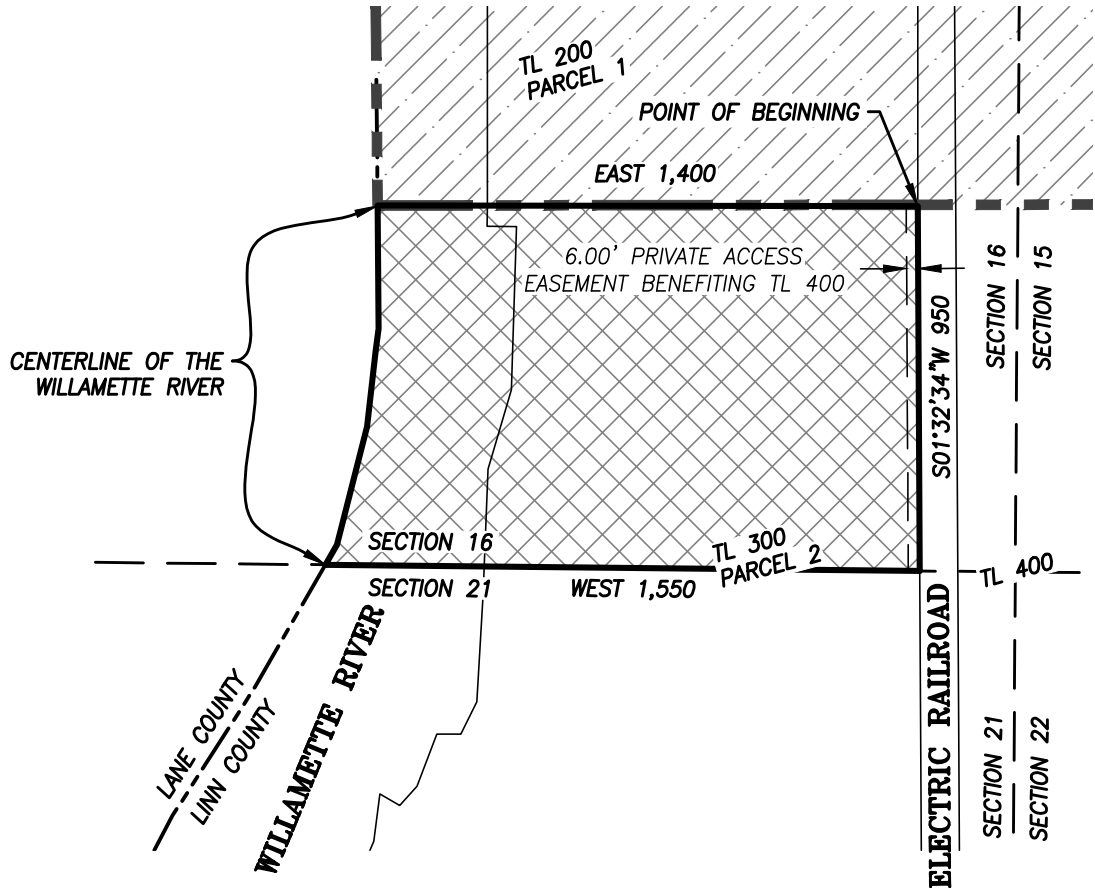
Knife River had several re-plats while they owned the property, to correct some p
NONE OF THESE HAD ANY IMPACT IN RELATION TO IT BEING A CITY PARK.
5. Have you reviewed the Oregon Fire Code Applications Guide in relation to your land use request? ☒ Yes ☐ No Do you have questions about any element of these requirements? If yes, please explain:

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 ANNEXATION FOR
THE CITY OF HARRISBURG
S 1/2, SE 1/4, SEC 16, T15S, R4W, WM
HARRISBURG, LINN COUNTY, OREGON



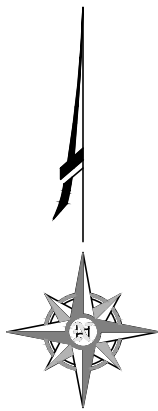
VICINITY MAP NOT TO SCALE

LEGEND

- CITY LIMITS
- LANDS TO BE ANNEXED
- COUNTY BOUNDARY
- SECTION LINE

NOTES

1. CITY AND COUNTY LIMITS BOUNDARIES SHOWN PER THE LINN COUNTY'S PLANNING WEB MAPPING APPLICATION ON APRIL 21, 2023.
2. NO KNOWN PRIVATE OR PUBLIC EASEMENTS EXCEPT FOR WHAT IS SHOWN ARE KNOWN TO EXIST ON SITE.



SCALE: 1"=500'

SHEET 1 OF 1



TAX MAP: 15S-04W-21; TAX LOT: 300

ANNEXATION MAP

APRIL 21, 2023



April 20, 2022

LEGAL DESCRIPTION - ANNEXATION

PORTION OF EAGLE PARK (TM 15S-04W-21, PORTION OF TL 300)

Branch Engineering Inc. Project No. 22-009A

All that portion of Parcel 2 of Land Partition Plat Number 2020-08 as recorded in Linn County Oregon lying within Section 16 of Township 15 South, Range 4 West, Willamette Meridian, said portion being more particularly described as follows:

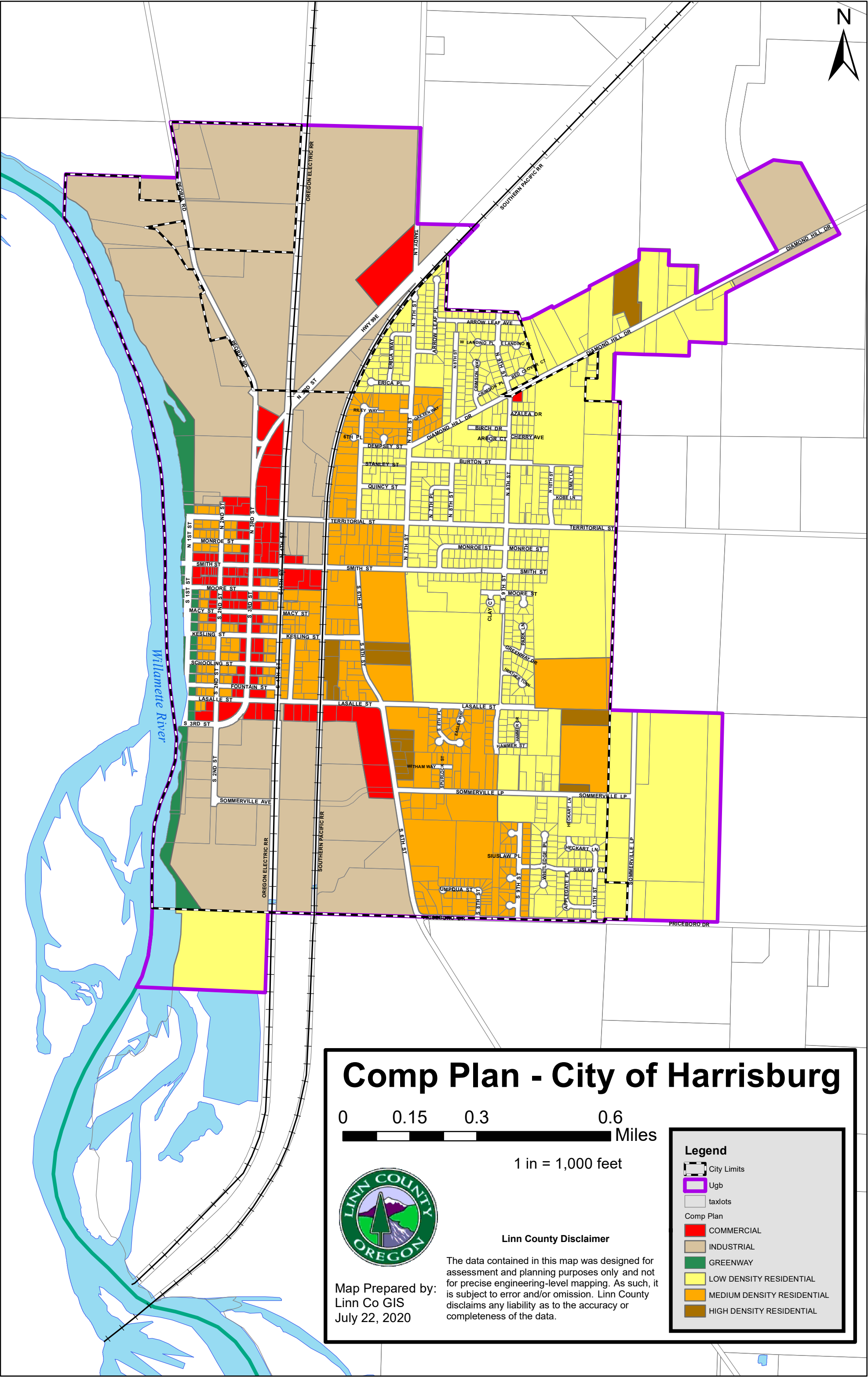
BEGINNING at the northeasterly corner of said Parcel 2; **THENCE** along the easterly boundary of said Parcel 2, also being the westerly right-of-way margin of the Oregon Electric Railroad right-of-way, South 01°32'34" West, 950 feet, more or less, to a point on the southerly boundary of said Section 16, also being a point on the southerly boundary of the City of Harrisburg Urban Growth Boundary; **THENCE** along said southerly boundary of Section 16 and southerly boundary of the City of Harrisburg Urban Growth Boundary West, 1,550 feet, more or less, to a point on the centerline of the Willamette River (as recorded in Linn County Survey CS 23700), also being the southwest corner of the City of Harrisburg Urban Growth Boundary; **THENCE** along said centerline of the Willamette River and continuing along said City of Harrisburg Urban Growth Boundary northerly to a point on the westerly extension of the northerly boundary of said Parcel 2, also being a point on the southerly boundary of the existing city limits of the City of Harrisburg; **THENCE** along said extension and the northerly boundary of said Parcel 2 and along said existing city limits East 1,400 feet, more or less, **RETURNING to the POINT of BEGINNING.**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 30, 2007
RENEE CLOUGH
69162LS

RENEWAL DATE: 12/30/23



Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF RECONSIDERING SIZE LIMITATIONS IN HMC 18.50.150 – ACCESSORY STRUCTURES

STAFF REPORT EXHIBITS:

Exhibit A: HMC 18.50.150

**ACTION: MOTION TO DIRECT THE CITY ADMINISTRATOR/PLANNER
TO AMEND HMC 18.50.150(3) TO ALLOW FOR AN ACCESSORY STRUCTURE
UP TO _____ IN SIZE**

BACKGROUND

The Planning Commission spent quite some time reviewing the new development code, with a final adoption of the code in August 2022. It's typical after reviewing such a substantial code change to find sections that need to be modified, based on their application to actual land use requests. One of the sections that staff remembers as a discussion is in HMC 18.50.150(3) (**Exhibit A**), which is in relation to accessory structures. Our discussions were centering on an accessory structure being secondary to a garage or carport. What we didn't consider adequately, is that a garage/carport is also considered an accessory structure.

Now that we are actively using the development code and are applying it to property located in the City of Harrisburg, Staff have realized that we need to revise this size limitation. Two citizens in town had both planned on constructing larger garage/shops/RV storage units, and the size limitation of 500 sq. ft. really affected their planned projects. In Harrisburg, we have a lot of people who count on additional space for their wood shops, and hobby areas, or for a home occupation business.

A garage/carport is specifically listed in several sections of the code. HMC 18.65.030(4), talks about residential design, and where a garage should be located on a residential lot; but no size requirements are listed. HMC 18.45.040.5 also mentions garages in the tables, but only in relation to setbacks. The definitions in HMC 19.55 also don't include any size requirements for a garage/carport. The only location in the

Harrisburg Municipal Code that has the size requirements/limitations for a garage/carport, is that in HMC 18.50.150.

Staff checked with our consultant, who agreed that we hadn't meant to limit the size of a primary garage/carport to 500 sq. ft. Therefore, staff would like to recommend to the Planning Commission that they discuss, and consider amending this section of the code, to allow for a larger 750 sq. ft. limitation for accessory structures. The Planning Commission can also increase the size further but should take into account that the code applies to secondary or further structures. If the Planning Commission members agree with this change, the motion at the top of this staff report and in the Planning Commission agenda is suggested.

18.50.150 Accessory structures – Type I or II depending upon zoning.

1. Type I or II Procedures.

- a. If an accessory structure is located in a residential zone, then a Type I procedure will apply.
- b. If an accessory structure is located in a commercial or industrial zone, then a Type II procedure will apply.

2. Number of Structures. A maximum of three accessory structures is allowed per legal lot except for:

- a. Structures 200 square feet or less that are not more than 15 feet in height,
- b. Structures in the C-1, M-1, M-2, and PUZ zones.

3. Floor Area. An accessory structure cannot exceed the lesser of 50 percent of the floor area of the primary structure or 500 square feet, and its height cannot exceed the primary dwelling.

4. Structure Design. Accessory structures include freestanding, metal-framed, canvas-covered, wood, metal, concrete, or glass sheds, garages, greenhouses, etc.

5. Screening and Buffering. The City may require landscaping or a fence to be installed to screen a new accessory building from abutting property uses.

6. Setbacks. Accessory structure walls must be set back at least three feet from the nearest property line. Roof overhangs and similar may encroach not more than one foot into the three-foot setback.

7. Permits. All accessory structures, except those of 200 square feet or less, require a building permit. Those structures with electrical, HVAC, or plumbing require those respective permits.

8. Prohibited Accessory Structures in Residential Zones. Nonallowed structures such as trailers, cargo/freight containers/boxes, or any structure consisting of easily damaged materials or construction, including dilapidated or dangerous structures.

9. Lot Coverage. The total lot coverage percentage of the primary structure, and all accessory structures shall not exceed the allowances of Table 18.45.040.4, except as may be adjusted. [Ord. 987 § 1 (Exh. A), 2022.]