



Planning Commission Meeting Agenda

April 20, 2021

7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson.
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 Administrator Michele Eldridge, at 541-995-2200.*
7. *The Municipal Center is disinfected prior to meetings. Seating is 6' apart, and only 50 people can be in the room, dependent upon adequate spacing.*
8. *Masks are required, and the City asks for anyone running a fever, having an active cough or respiratory difficulties to not attend the meeting.*
9. *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 MINUTES FOR MARCH 16, 2021**

PUBLIC HEARING

- 2. THE MATTER OF THE SIMS APPLICATION FOR A VARIANCE REQUEST FOR PROPERTY LOCATED ON TAX LOT 10300 OF 15S04W16AA.**

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials

Exhibit B: Public Testimony Received

Exhibit C: ORS 227.190

ACTION: MOTION TO APPROVE WITH CONDITIONS AS PROPOSED/APPROVE AND AMEND THE CONDITIONS TO INCLUDE CONDITION NO. 2, OR TO DENY APPLICATION LU 427-2021 SUBJECT TO AND BASED ON THE FINDINGS OF THE APRIL 12, 2021 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATIONS OF THE PLANNING COMMISSION.

APPLICANT: Kevin Sims, 22045 Gap Rd, Harrisburg, OR

OTHERS

ADJOURN



Planning Commission Meeting Minutes
 March 16, 2021

Chairperson: Todd Culver, Presiding
 Commissioners Present: Roger Bristol, Rhonda Giles, Jeremy Moritz, and Susan Jackson
 Absent: Kurt Kayner and Kent Wullenwaber
 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 Chairperson Todd Culver.

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

APPROVAL OF MINUTES

Moritz motioned to approve the minutes and was seconded by Bristol. The Planning Commission then voted unanimously to Approve the Minutes for February 16, 2021.

PUBLIC HEARING

THE MATTER OF THE SKIP TRACER AND LADS SITE PLAN REVIEW LU #426-2021.

Chairperson Todd Culver 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 7:01PM, the Public Hearing was opened.

Culver asked if there were any Conflicts of Interest or any Ex Parte contacts; there were none stated. There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Culver 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.

March 16, 2021

STAFF REPORT: Eldridge noted that the applicant went through a similar land use hearing in April 2019 for this structure. The proposed new building is more than twice the size of what had been previously approved, and therefore, required a new site plan. Eldridge summarized the criteria and findings of facts for the application. She highlighted the criteria that would require conditions of approval.

- Moritz asked where the conditions were outlined on the staff report. Eldridge stated they could be found on the bottom of page 18 in the agenda packet.
- Bristol asked if the applicant was able to do the 10 ft. setback because the property was adjacent to farmland. Eldridge stated that was correct. Bristol followed-up by asking if the farmer wanted to build if he would need to have the 20 ft. setback. Eldridge replied that they are in the county and would have to go through them for any building applications. Bristol then asked if the applicant needed an additional permit because they moved the fuel tank. Eldridge noted that the fuel tank would be handled during the actual building permit process.

APPLICANTS TESTIMONY: Brandon Tracer, representative of Skip Tracer and Arlon, LLC, addressed the Planning Commission. He stated that they just wanted to build a large shed. They chose to increase the size of the original building to use more of the open area in the corner next to the lift station. The Planning Commission had no further questions.

TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR.

In Favor:

- None given.

In Opposition:

- None given.

Neutral:

- None given.

No rebuttal of testimony or additional questions for the public.

The public hearing was closed at the hour of 7:17 pm.

- **Giles motioned to approve the Skip Tracer & Lads site plan #LU 426-2021, subject to the conditions of approval contained in the March 8, 2021 Staff Report. This motion is based on findings contained in the March 8, 2021 staff report, and on public written and oral comments made on or about this application, and after due deliberation of the Harrisburg Planning Commission on the 16th day of March 2021. She was seconded by Bristol. The Planning Commission then voted unanimously to conditionally approve the Skip Tracer & Lads site plan #LU 426-2021 subject to conditions of approval contained in the March 8, 2021 staff report and after due consideration of written and oral public testimony and findings made by the Commission during deliberations on the application.**

OTHERS

- Eldridge reported that John Hitt has been hired as a consultant by the City of Harrisburg. He will continue to help with the code revision project.
- Eldridge reminded the Commissioners that the deadline to complete their EIC filing is April 15th, 2021.

With no further discussion, the meeting was adjourned at the hour of 7:22 pm.

Chairperson

City Recorder

UNAPPROVED

**City of Harrisburg
PLANNING COMMISSION**

NOTICE OF DECISION

REQUEST: The applicant requests approval of Site Plan Review to construct a roughly 7,500 sq. ft. equipment storage building near the northern end of the property. No new parking or site improvements are proposed.

LOCATION: Tax Lot 606 of Linn County Assessor's Map 15S04W09

HEARING DATE: March 16, 2021

ZONING: M-2 (Heavy Industrial)

**APPLICANT/
OWNER:** Brandon Tracer, on behalf of
Skip Tracer & Lads
PO Box 527
Harrisburg, OR 97446

APPEAL DEADLINE: March 31, 2021, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on March 16, 2021, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the March 16, 2021, Planning Commission meeting, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

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. Specific information on the requirements for an appeal or a copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: May 1, 2021, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Site Plan Review approvals shall be effective for one year from the date of approval. If the applicant has not begun the work associated with the approval within one year, all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Site Plan Review approval will expire on May 1, 2022.



Todd Culver
Planning Commission Chair

UNAPPROVED

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant’s proposal, except where modified by the following conditions of approval.
2. **Building Permits** – Prior to construction, the applicant shall obtain all necessary building permits for the construction of the proposed addition.
3. **Erosion & Sediment Control Plan** – Prior to the issuance of building permits, the applicant shall submit for review and approval an erosion and sediment control plan that demonstrates how the applicant will prevent sediment and runoff from the earthwork from impacting the City’s drainage system or other properties.

APPROVED

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE SIMS APPLICATION FOR A VARIANCE REQUEST FOR PROPERTY LOCATED ON TAX LOT 10300 OF 15S04W16AA.

STAFF REPORT EXHIBITS:

- Exhibit A: Application Materials
- Exhibit B: Public Testimony Received
- Exhibit C: ORS 227.190

ACTION: MOTION TO APPROVE WITH CONDITIONS AS PROPOSED/APPROVE AND AMEND THE CONDITIONS TO INCLUDE CONDITION NO. 2, OR TO DENY APPLICATION LU 427-2021 SUBJECT TO AND BASED ON THE FINDINGS OF THE APRIL 12, 2021 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATIONS OF THE PLANNING COMMISSION.

- APPLICANT:** Kevin Sims, 22045 Gap Rd, Harrisburg, OR
 - LOCATION:** Vacant Property located adjacent to 145 Kesling St, and otherwise known as Map 15S-04W-16AA-10300
 - HEARING DATE:** April 20, 2021
 - ZONING:** R-2
 - OWNER:** Lion Investment Group LLC, 22045 Gap Rd, Harrisburg, OR
-

BACKGROUND

Applicant is requesting a Variance to develop the vacant lot located to the east of 145 Kesling St, and to the west of the former Catholic Church building at 396 S. 2nd St. The lot in question is very small at 5,000 square feet and is zoned R-2.

Because the lot is very small with a maximum width of 50', it does not meet the requirement of HMC 18.20.050 1.b., for single-family dwellings: "the minimum lot width at the front building line shall be 60 feet". Hence the applicant has asked for a variance

to this requirement in order to develop it with a residential structure as outlined in his application materials.

BACKGROUND

As noted above, development of a residential dwelling on this parcel requires a variance due to the requirement of HMC 18.20.050 that single-family dwellings have at least 60 feet of width at the “Building Line.” Building Line’ is defined as “a line on a plat indicating the limit beyond which buildings or other structures may not be erected.”

RELEVANT HARRISBURG MUNICIPAL CODE CRITERIA (HMC 18.115)

Discussion: Variances to the Harrisburg Municipal Code, Chapter 18 can be granted by the Planning Commission provided that:

- 1. Unique or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of the property, since the enactment of the ordinance codified in this title, have no control.**
- 2. The variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other property in the same zone.**
- 3. The variance is consistent with the goals and policies in the comprehensive plan.**
- 4. The variance shall not confer a special privilege upon an applicant.**
- 5. The variance shall not violate any provision of law.**

Findings: This Variance Application (**Exhibit A**) meets all of the above criteria as the lot was a pre-existing lot that, when originally created, did not meet the requirements that would be later enacted. Thus, the applicant’s situation is unique as no dwelling could be built on this parcel without an exception to HMC 18.20.050 since the lot is only 50 feet wide. In addition, the applicant would not enjoy the opportunity to build a dwelling, as enjoyed by the owners of other, similar sized properties in this area of town. Further, granting the variance would not violate any law, convey no special privilege not enjoyed by others and is consistent with the Comprehensive Plan Goal 10 by providing additional housing opportunities. **Staff therefore feels that the criterion has been met.**

PUBLIC TESTIMONY: Letter received from Charles and Diane Alton, 396 S. 2nd St.

Discussion: Public Testimony from Charles and Diane Alton was received by the City on April 13, 2021, and is available as **Exhibit B**. Within the letter, the Alton’s refer to

ORS 227.190, referencing Solar Access Easements; shown in **Exhibit C**. The City’s code is silent in terms of solar access, and technically, this statute language is optional, meaning that legislation did not mandate that all municipalities need to adopt it. The Planning Commission can choose to allow a solar access easement as requested by the Alton’s, or they can choose to not grant this request.

In a R-2 zone, the lot coverage by structures is allowed to be a maximum of 60% of the total lot area. Discounting the setback areas on the lot, that leaves a ‘footprint’ area of 2,250 square feet in which the developer may build a home. Two stories can be allowed on the northwest portion of the lot if a developer wishes to generate more square footage than what the footprint of a home will allow on this tax lot.

Over the last few years, the City has increasingly received complaints from neighbors about residential and commercial development that is blocking access to the sun. Some of these complaints have generated substantial amounts of staff time spent with the citizens who are dissatisfied with the developments adjacent to their homes. Allowing this type of easement could help to contribute good neighbor relations.

If the Planning Commission agrees to allow a Solar Access Easement, they can modify the conditions of approval by the addition of No. 2 below. Otherwise, they can simply approve with the proposed conditions.

RECOMMENDED MOTION:

Consistent with staff finding’s, I recommend to the Planning Commission that they approve LU 427-2021 with Conditions of Approval as proposed, or as can be amended with optional Condition No. 2. The motion is located at the top of the staff report, or on the agenda itself.

RECOMMENDED CONDITIONS OF APPROVAL:

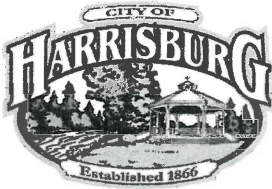
- 1. **BUILDING PERMITS:** This variance approval applies only to the construction of a residential dwelling. Prior to construction, the applicant shall obtain all necessary building permits for the construction of the new home.

OPTIONAL CONDITIONS:

If the Planning Commission agrees to allow the Solar Access Easement, then staff suggests that they amend the conditions of approval to include the following:

- 2. **EASEMENT:** Before the building permit is issued for construction on this property, the developer shall file and record a Solar Access Easement that will remain with the deed of the property in perpetuity. The solar access easement

will allow structures and vegetation within the 45-degree arc as shown in the drawing in Exhibit B to be kept at or below a fifteen (15) foot height.



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

LAND USE APPLICATION

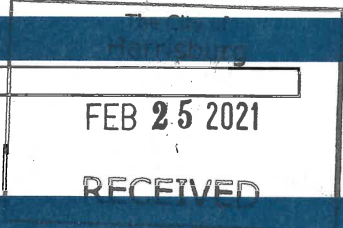
STAFF USE ONLY

File Number: 427-2021

Date Received: FEB 25 2021

Fee Amount: \$225 PD

- 226 2.014869 -



APPLICATION TYPE

- Annexation
- Comprehensive Plan Amendment
- Conditional Use Permit
- Historic Permit
 - Resource Alteration
 - Resource Demolition
 - Historic Review – District
- Legal Lot Determination
- Measure 37 Claim
- Property Line Adjustment
- Partition / Replat Minor Major
- Site Plan Review
- Site Plan Review - Parking Only
- Subdivision / Replat
- Vacation of Street, Alley or Easement
- Variance
- Zone Mape Change
- Zoning Ordinance Text Amendment

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL

Project Description

allow development

Project Name

Variance

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name
 Phone Email
 Mailing Address
 Applicant's Signature Date

Property Owner Name
 Phone Email
 Mailing Address
 Owner's 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
 General Location Description

Assessor's Map Number(s) Related Tax Lot(s)
 Map # Tax Lot(s) #

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

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]

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

Single family dwelling

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

N/A

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]

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:

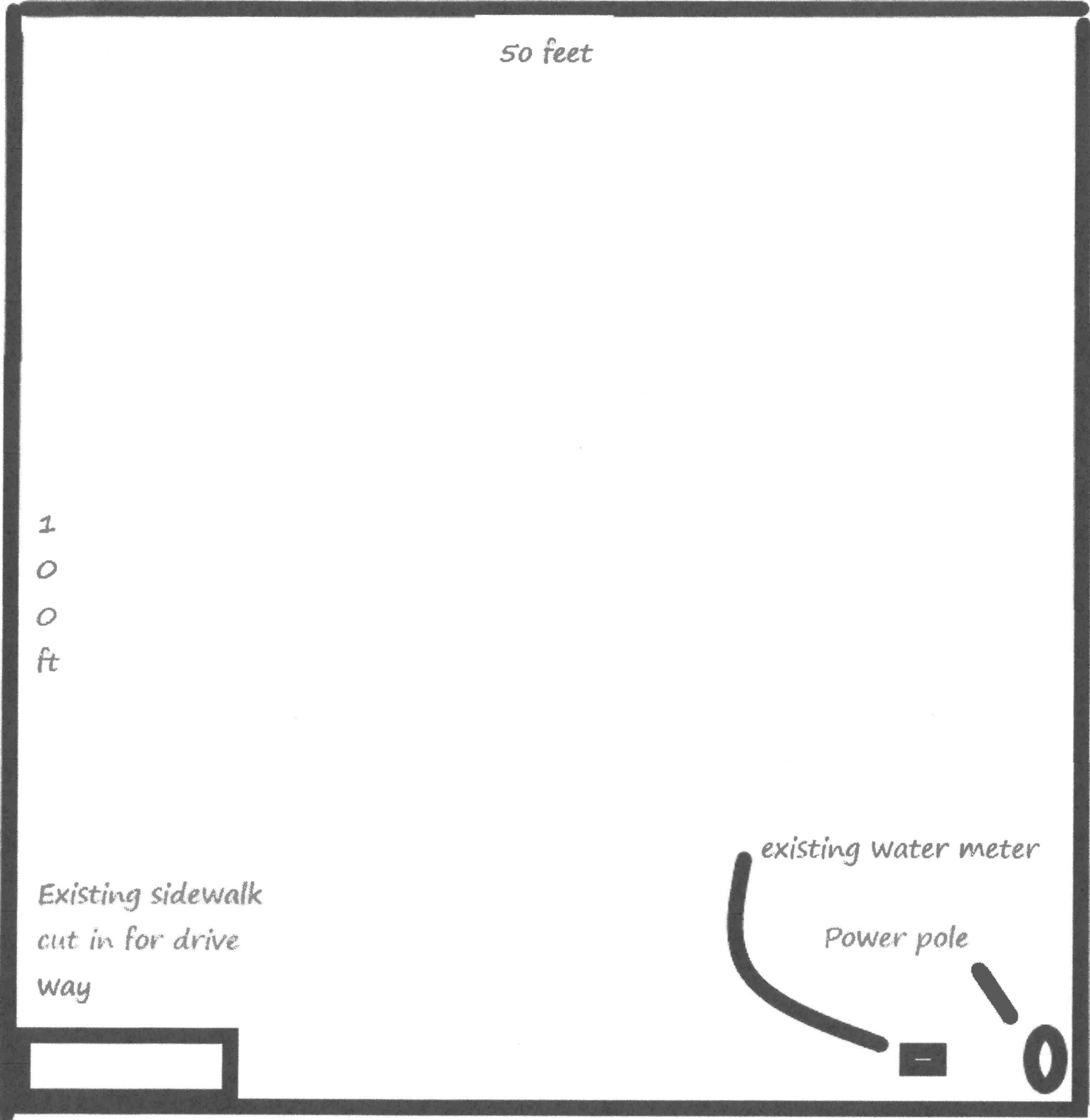
- Historic Overlay Willamette River Greenway Wetlands
- Floodplain Riparian Corridors

*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

- | | |
|---|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Narrative <input type="checkbox"/> Assessor's Map with Applicable Tax Lots Highlighted <input checked="" type="checkbox"/> Site Plan <input type="checkbox"/> Survey / ALTA <input type="checkbox"/> Aerial Photograph / Existing Land Use(s) Map <input type="checkbox"/> Zoning Map (if applicable, show proposed changes) <input type="checkbox"/> Comprehensive Plan Map (if applicable, show proposed changes) <input type="checkbox"/> Subdivision or Partition Plat | <ul style="list-style-type: none"> <input type="checkbox"/> Architectural Elevations <input type="checkbox"/> Architectural Floor Plans <input checked="" type="checkbox"/> Utilities Plan <input type="checkbox"/> Electronic Versions of Exhibits <input type="checkbox"/> Geotechnical Report/Site Assessment <input type="checkbox"/> Application Fee <input type="checkbox"/> 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.



50 feet

1
0
0
ft

Existing sidewalk
cut in for drive
way

existing water meter

Power pole

Kesling street

Answers to criteria for granting variance.

1. Unique or extraordinary circumstances that apply to the property in the same zone or vicinity?

At the time of the mapping and laying out the lot sizes for this area of town. The typical lot size was originally set at 5,000 sq ft. Many of the homes in this area sit on lots of this size or two lots were bought when building in the area. The lot would not distract from the neighborhood nor would it diminish the surrounding neighbor's property valuations. The lot currently has its own map number and tax assessment from the county. The lot would not require a survey or request any special circumstance to separate it from any other adjoining property.

2. Variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other property in same zone.

Currently there are a multitude of lots in this area that a home sits on of equal size and shape. The acceptance of this variance would be in line with the establishment of the zoning at the time of development. This is one of the last lots in this section of town that has not had any development on it. To allow this Variance would be in line with the surrounding neighborhood and the enjoyment of the property of similar homes that exist on similar lot sizes.

3. Variance is consistent with goals and policies in the comprehensive plan.

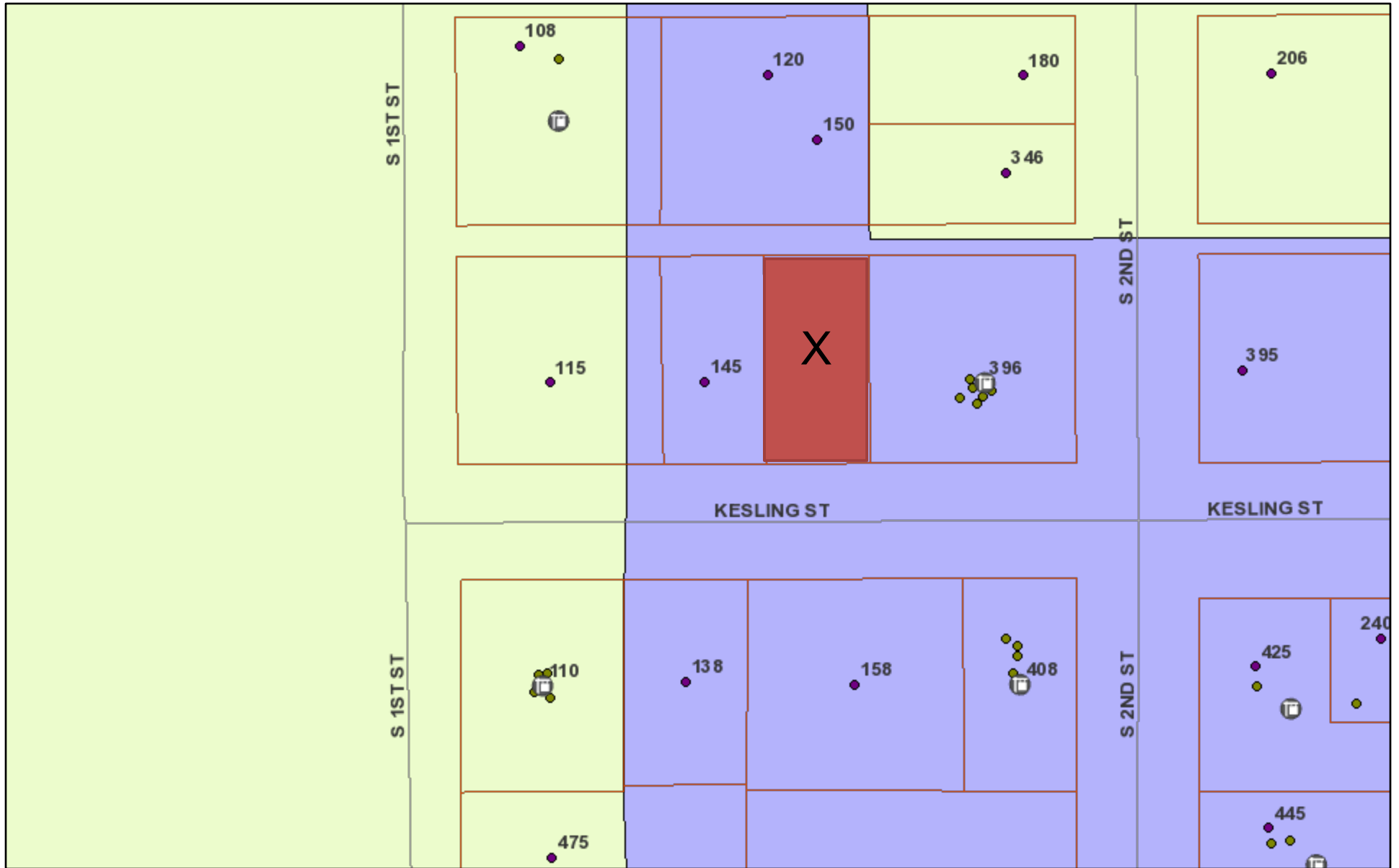
The development of the property would be in line with the goals of the city to enhance and promote the improvement of the downtown section of town. Any new development would increase the tax revenues and enjoyment of being withing walking distance to most business in town. The shortage of housing and development land would be maximized by the variance.

4. Variance shall not confer special privilege upon applicant.

Since this lot is typical of this area of town and since this lot is an established standard lot size for the downtown area. I do not believe any special privileges are being given.

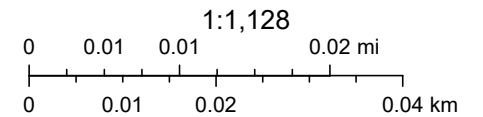
5. The variance shall not violate late any provision of law. I am unaware of any laws that would be broken by allowing the use of this land as intended. Any building or structure put on the land would adhere to any and all setbacks and requirement necessary as set forth by the city.

Vacant Lot on Kesling St.



3/29/2021, 1:32:15 PM

- Sales
- Elevation Certificates
- Highways
- Tax Lots
- City Zoning
- Address
- LOMAs
- Roads
- County Boundary
- C-1, COMMERCIAL
- Permits
- Railways
- City Limits



Linn County GIS

Map created using the Linn County Oregon web mapping

EXHIBIT B

April 13, 2021

Dear Planning Commission,
City of Harrisburg, Oregon

RE: Sims Variance Request (LU 427)

As I understand it, this is a request for permission to build on an as yet non-platted parcel directly contiguous to the west of our property at 396 South 2nd Street, Harrisburg, OR. Any construction on this parcel would be non-conforming use under current Harrisburg municipal zoning #1820.050 (1). The proposed re-plat would exclude a duplex as the parcel would, again, not meet the minimum size required in #1820.050 (2). Let us assume the variance is being sought for a Single Family Residential Dwelling and proceed from there.

In the consideration of the granting of this request for non-conforming use we ask that a solar access easement be placed on the deed. In the simplest of terms; no new building shall shade an existing building; solar shadow. We all know that real property is sold and re-sold and undergoes changes with new ownership. Easements are a permanent part of the parcel's permanent property record. Easements allow for the rights to existing access to a renewable resource on the part of one property owner to be secured from an owner whose property could be developed in such a way as to restrict that resource. A solar access easement would maintain our access to direct sunlight to solar panels on our garage roof. Our property at 396 S. 2nd Street is being restored as accurately as possible to its' original build including no roof piercings or roof changes. That leaves only the western slope of our garage roof for solar access.

Solar energy (and wind energy as well) holds great promise for our future energy needs. They require less capital, land, water, and other resources than central station generation of electricity. Emission-free energy is of growing and vital concern. Protecting access to sunlight is important with moderate restrictions placed on building and vegetation height regulation and solar shadow created by building density within cities.

EXHIBIT B

As smaller lots are granted variance, larger square footage houses are being built to the maximum building/land ratio allowed resulting in two story construction becoming the norm. Those results are recently evident in our city (e.g., 6th Street; Fountain and Lasalle) and indeed all across our country, where access to means for renewable energy have not been fully taken into account.

Solar Access Easements are allowable and encouraged under ORS 227.190, as well as Linn County Planning, Zoning and Housing Code 215.044. Oregon state law allows municipalities and local authorities to establish such solar access easements. Additionally, our neighboring city of Eugene has solar access easement code in place (EC 9.2780) and to that end requires that 70% of lots in new R-1 and R2 subdivisions be designed as “solar lots”. Ashland led the *country* in solar access easement legislation in 1981 by addressing the issue in their Statute #6; Clackamas County Zoning 1017; City of Portland 33.639 City Code Chapter (RICAP 5) “to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties”; and innumerable others.

We ask that a Solar Access Easement be placed on the southeast portion of the proposed new lot allowing our parcel to retain direct sunlight access in an arc of 45 degrees west from true South. Per the Azimuth model, properties below the 50th parallel (Harrisburg lies at 44.2740 degrees North) can obtain adequate access for solar panel energy generation in a 45 degree arc off true South. We ask that any new building and vegetation within said 45 degree arc be kept to 15 feet maximum height (one story) to allow direct sunlight to the western slope of our existing garage roof. 15 feet height of building and vegetation is the conforming standard in other jurisdictions. If current allowable setback requirements are observed, that would expose our garage roof to sunlight from the southwest sun. Not all, but most, of our garage roof slope would be able to retain direct line sunlight. Depending on a front line setback of 15 feet, that would allow a 2600 square foot footprint; at a 20 foot front line setback it would allow a 2400 square foot footprint.

EXHIBIT B

It is within the City Councils' purview to grant a variance with conditions and we ask that you do so.

In keeping with the sense of community that front porches inspire and to avoid the isolating "snout house" of modern suburbia, the garage access from the alley would be preferable.

Thank you for your consideration of our request and integrity to keep our small town attractive as a small town.

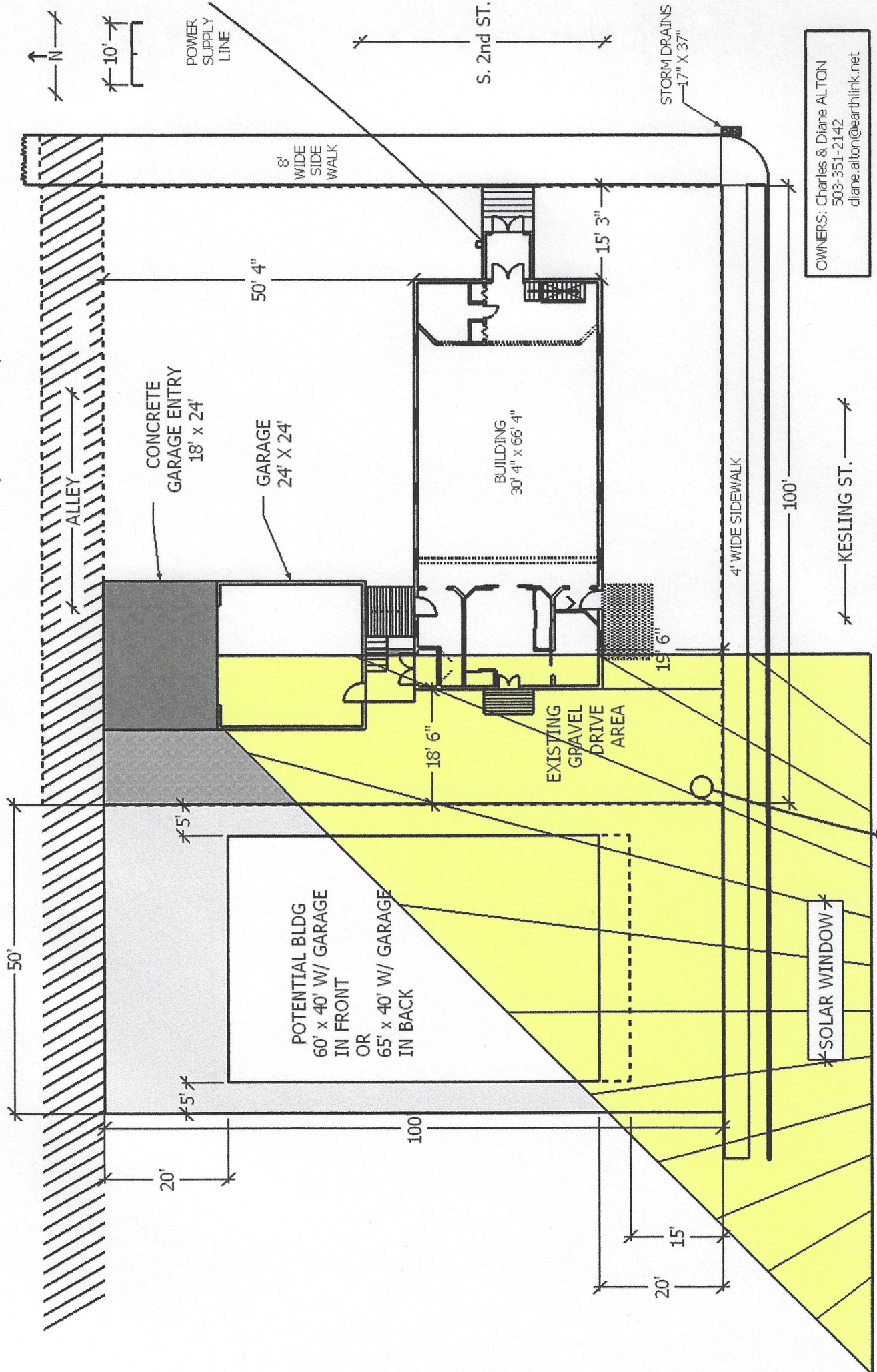
Respectfully submitted,

Charles and Diane Alton

396 South Second Street, Harrisburg, Oregon 97446



396 S. 2ND ST., HARRISBURG, OR



OWNERS: Charles & Diane ALTON
 503-351-2142
 diane.alton@earthlink.net

2.

EXHIBIT C

ORS 227.190

City councils may adopt and implement solar access ordinances. The ordinances shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities. The city council shall consider for inclusion in any solar access ordinance, but not be limited to, standards for:

- (a) The orientation of new streets, lots and parcels;
 - (b) The placement, height, bulk and orientation of new buildings;
 - (c) The type and placement of new trees on public street rights of way and other public property; and
 - (d) Planned uses and densities to conserve energy, facilitate the use of solar energy, or both.
- (2) The State Department of Energy shall actively encourage and assist city councils’ efforts to protect and provide for solar access.
- (3) As used in this section, “ solar heating hours” means those hours between three hours before and three hours after the sun is at its highest point above the horizon on December 21. [1981 c.722 §5]

ORS 227.195

Solar access ordinances shall not be in conflict with acknowledged comprehensive plans and land use regulations. [1981 c.722 §6]

ORS 215.044 (Linn County Code referred to in the Alton’s letter is actually a State Statute that applies to Counties. Linn County code is also silent in relation to solar access.)

County governing bodies may adopt and implement solar access ordinances. The ordinances shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities. The county governing body shall consider for inclusion in any solar access ordinance, but not be limited to, standards for:

- (a) The orientation of new streets, lots and parcels;
- (b) The placement, height, bulk and orientation of new buildings;
- (c) The type and placement of new trees on public street rights of way and other public property; and

EXHIBIT C

(d) Planned uses and densities to conserve energy, facilitate the use of solar energy, or both.

(2) The State Department of Energy shall actively encourage and assist county governing bodies' efforts to protect and provide for solar access.

(3) As used in this section, " solar heating hours" means those hours between three hours before and three hours after the sun is at its highest point above the horizon on December 21. [1981 c.722 §2]