



Planning Commission Meeting Agenda
January 18, 2022
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 THE NOVEMBER 2 AND NOVEMBER 16, 2021 PLANNING COMMISSION MEETING**

PUBLIC HEARING

- 2. THE MATTER OF THE KNEBEL PRELIMINARY PARTITION APPLICATION (LU 437-2021)**

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials Dated 12-22-2021

ACTION: MOTION TO APPROVE/MODIFY/CONTINUE/DENY THE KNEBEL PRELIMINARY PARTITION APPLICATION (LU 437-2021), SUBJECT TO THE CONDITIONS OF APPROVAL IN THE JANUARY 10, 2022, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE JANUARY 10, 2022 STAFF REPORT TO THE PLANNING COMMISSION, AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST AT THE JANUARY 18, 2022 PUBLIC HEARING.

APPLICANT: Nicholas Knebel, 930 Juniper St, Junction City, OR 97448

- 3. THE MATTER OF THE TALANTON DESIGN PRELIMINARY PARTITION AND VARIANCE APPLICATIONS (LU 436-2021 & 438-2021)**

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials Dated 12-16-21 and 12-23-21

Exhibit B: Wetland Land Use Notice Response

ACTION:

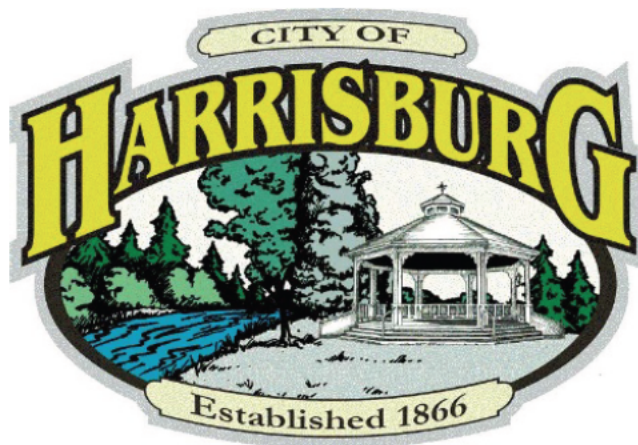
1. MOTION TO APPROVE/MODIFY/CONTINUE/DENY THE TALANTON DESIGN PRELIMINARY PARTITION APPLICATION (LU436), SUBJECT TO THE CONDITIONS OF APPROVAL IN THE JANUARY 10, 2022 STAFF REPORT. THIS REPORT MOTION IS BASED ON FINDINGS PRESENTED IN THE JANUARY 10, 2022 STAFF REPORT TO THE PLANNING COMMISSION, AND FINDINGS MADE BY THE COMMISSION DURING DELIBERATIONS ON THE REQUEST AT THE JANUARY 18, 2022, PUBLIC HEARING.

2. MOTION TO APPROVE/MODIFY/CONTINUE/DENY THE TALANTON DESIGN VARIANCE APPLICATION (LU 438), SUBJECT TO THE CONDITIONS OF APPROVAL IN THE JANUARY 10, 2022, STAFF REPORT. THIS MOTION IS BASED ON FINDINGS PRESENTED IN THE JANUARY 10, 2022, STAFF REPORT TO THE PLANNING COMMISSION, AND FINDINGS MADE BY COMMISSION DURING DELIBERATIONS ON THE REQUEST AT THE JANUARY 18, 2022, PUBLIC HEARING.

APPLICANTS: Garrett McCormick, PO Box 293, Harrisburg, OR 97446

OTHERS

ADJOURN



Planning Commission Meeting Minutes November 2, 2021

Chairperson: Todd Culver Presiding
Commissioners Present: Kent Wullenwaber, Jeremy Moritz, and Susan Jackson
Absent: Kurt Kayner, Roger Bristol, and Rhonda Giles
Staff Present: City Administrator Planner Michele Eldridge, Consultant John Hitt, and City Staff Member Carol Canham
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 was there for items on the agenda.

APPROVAL OF MINUTES

Wullenwaber **motioned to approve the minutes and was seconded by** Moritz. The Planning Commission then voted unanimously to **Approve the Minutes for September 23, 2021.**

OLD BUSINESS

THE MATTER OF CONSIDERING A REQUEST TO ALLOW A CHANGE FOR THE MAGNUSON LANDSCAPING REQUIREMENT.

STAFF REPORT & EXHIBITS: Eldridge gave a brief background about the Magnusons, their building permit, the history of the landscaping agreement, and the reasoning behind the request to remove landscaping deferral.

ACTION: Moritz **motioned to remove the requirement for the applicant to install a brick planter, and thereby dissolve the agreement to defer landscaping from 2019.** The motion was seconded by Jackson. The Planning Commission then voted unanimously to **approve the removal of the landscaping deferral.**

WORK SESSION**THE MATTER OF FINALIZING THE REVIEW OF THE HARRISBURG ZONING, DEVELOPMENT & LAND USE DRAFT CODE IN ITS ENTIRETY**

STAFF REPORT & EXHIBITS: Hitt explained to the Planning Commission that after today's presented changes, the next step is a formal legal review, which should be completed by January or February 2022. Commissioners will meet and go over any changes and then the Code will go out for formal public review and a public hearing, somewhere around March or April 2022. City Council will then have the final approval of the updated draft. Changes presented today are basically heading changes and additions from Eldridge. Page numbers still need to be updated. Eldridge highlighted revisions made and Hitt gave an overview of draft code.

ACTION: None – or Review Only

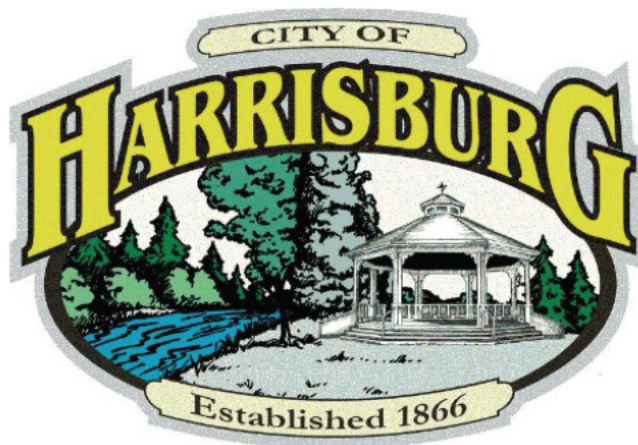
OTHERS

- Eldridge announced there will be a Planning Commission meeting on November 16, 2021, as October meeting was cancelled. There is some time sensitive material that needs to be reviewed in November.

With no further discussion, the meeting was adjourned at 8:59pm.

Chairperson

City Recorder



Planning Commission Meeting Minutes November 16, 2021

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

PUBLIC HEARING

THE MATTER OF A HISTORIC RESOURCE ALTERATION REVIEW.

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 7:02PM, the Public Hearing was opened.

Culver 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.

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.

STAFF REPORT: Eldridge gave a brief background of the other applications for the same building. They are not going through with the garage door at this time. They will need to come back before the Planning Commission if they choose to move forward. They are currently going in front of the City Council regarding the window restorations. The window application will not need to come before the Planning Commission. However, the application for the door, that we are discussing today, is a big enough change that it had to come before the Planning Commission for approval.

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- The current door does not match the historical structure or aesthetics, as shown on page 18-19 of the agenda packet. The door that was installed in the 1950s does not match the door shown in the 1890s photograph. Page 15 is a sketch of the door that they are wanting to install.
- Jackson asked when the three windows on the side were added. Eldridge did not know.
- Moritz asked if the current white color was considered historical. Eldridge stated that the applicant wanted to go back to the original black door.
- Eldridge informed the Commission that Condition 1 has already been fulfilled, as our contact from the State Historic Preservation Office was happy that they were installing a period looking door similar to the original one.

APPLICANTS TESTIMONY: None given.

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

The public hearing was closed at the hour of 7:21 pm.

- Moritz motioned to approve as conditioned, the historical (door) alteration of the I.O.O.F Building (LU 435-2021). He was seconded by Kayner. The Planning Commission then voted unanimously to approve as conditioned, the historical (door) alteration of the I.O.O.F Building (LU 435-2021) subject to conditions of approval contained in the November 16, 2021 Staff Report and after due consideration of written and oral public testimony and findings made by the commission during deliberations on the application.

WORK SESSION

THE MATTER OF REVIEWING THE FLOOD HAZARD MANAGEMENT ORDINANCE – PROPOSED HMC 18.55.070.

STAFF REPORT:

Eldridge gave a brief background of our previous Flood Hazard Management Ordinance.

- Moritz asked if the standards in this ordinance are only for the Flood Hazard area? Eldridge said that was correct. She showed a map of Harrisburg that shows the small area in the city limits that falls in the Flood Hazard area,

Eldridge highlighted several pages in the proposed Ordinance.

- Page 42-43 in the agenda packet shows the updated language and changes from FEMA. The coastal section does not apply to Harrisburg.
- Page 61-62 was optional and will be included to address critical facilities.
- Page 63 gave the Commission the option to set the minimum height of the lowest floor of a new structure, including a basement, above BFE (Base Flood Elevation) at 1ft to 3ft. Eldridge pointed out that new homes and replacements would need to comply. The 3ft minimum would give better protection but would also increase cost. The Planning Commission decided to set the minimum height of the lowest floor, including a basement elevated above BFE at 1ft.
- Page 64 includes section D and E that address maintenance plans and Emergency Action Plans (EAP) that are not required. However, a lot of flood insurance companies are requiring it. Kayner stated that if the insurance company is requiring it, let them enforce it. Moritz agreed and added that since this is only on new

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construction, why require it. The Planning Commission decided to remove section D and E.

- Page 65 of the agenda packet addresses below grade crawl spaces. Eldridge asked the Commission if they wanted to keep the standards for those who want a crawl space or remove it and not give the option. The Commission received a visual demonstration of what was being discussed. The Planning Commission decided to leave the section and standards in and give residents the option.

With no further discussion, the meeting was adjourned at the hour of 8:01 pm.

Chairperson

City Recorder

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Historic Alteration Permit to modify the exterior east wall 'man' door for the International Order of the Odd-Fellows Hall. The applicant is replacing the door that is not original or that matches the building with a custom door that is designed to match the original door in that location. The windows are also being restored, but do not require approval by the Planning Commission as the applicant is using the same materials and designs.

LOCATION: 190 Smith Street

HEARING DATE: November 16, 2021

ZONING: C-1 Commercial & H-1 Harrisburg Historic District

APPLICANT: Patrick & Donnell Freeman

OWNER: Same as Applicant

APPEAL DEADLINE: November 30, 2021, at 5:00 p.m.

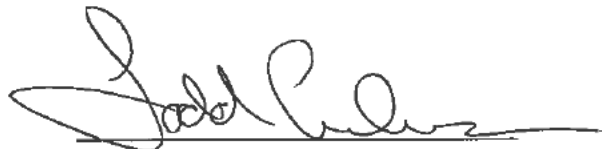
DECISION: The Harrisburg Planning Commission conducted a public hearing on November 16, 2021 and voted to approve the request. The Planning Commission adopted the findings contained in the Staff Report of the November 16, 2021, Planning Commission meeting, and portions of the minutes from the meeting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

APPEALS: This 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 \$750 plus actual expenses for appealing a Planning Commission decision to the City Council.

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

EFFECTIVE PERIOD: Land use approvals shall be effective for one year from the date of approval. If the applicant has not begun the work or initiated the use 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, the Historic Alteration Permit approval will expire on November 16, 2022.

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

Todd Culver
Planning Commission Chair

CONDITIONS OF APPROVAL

- A. **Notice to be mailed to the State Historic Preservation Office:** Applicant shall be required to wait on the installation of the replacement door until the City can confirm that SHPO does not have any objections to the design.
- B. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE KNEBEL PRELIMINARY PARTITION APPLICATION (LU 437-2021)

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials dated 12-22-2021

ACTION:

1. Motion to approve/modify/continue/deny the Knebel Preliminary Partition Application (LU 437-2021), subject to the conditions of approval in the January 10, 2022 staff report. This motion is based on findings presented in the January 10, 2022 Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the January 18, 2022 Public Hearing.

APPLICANT: Nicholas Knebel, 930 Juniper St., Junction City, OR 97448

LOCATION: 520 Kesling St, Map 15S-04W-15BC, Tax Lot No. 1900
15S-04W-15BC, Tax Lot No. 1801

HEARING DATE: January 18, 2022

ZONING: R-2, Medium Density Residential

OWNER: Judith Freeman Trust, Brian Tottleben Trustee, 930 Juniper, Junction City, OR 97448

BACKGROUND

The applicant is seeking Planning Commission approval for a Preliminary 2-Parcel Minor Partition. The subject site is approximately .45 acres, consisting of 19,602 square feet and is located at 520 Kesling Street, zoned Medium Density Residential R-2. The site contains a single-family residence with one accessory structure which will remain on proposed Parcel No. 1 with the existing residence. The existing home on the property crosses over a tax lot line, for property consisting of .06 acres. This lot will be re-platted, and included as part of Parcel No. 1 that contains the existing home.

The site is a corner lot, which is located on the southeast corner of Kesling and 5th Streets. 5th St. is now a fully developed right-of-way. All utilities are located adjacent to property boundaries.

INTRODUCTION

The applicant has submitted a Minor Partition Application for two new parcels to be created from these two existing tax lots. The small tax lot, No. 1801, was likely originally set up to be access for the properties located to the south of tax lot No. 1900. Structures aren't allowed to cross tax lot lines, therefore, a condition will be made that this tax lot will be incorporated into the new plat where the existing structures will be located.

EVALUATION

The following findings demonstrate that the proposed development will comply with all applicable approval criteria and related standards. The following evaluation includes findings of compliance with the applicable criteria and as HMC 17.50.010 allows. Informational items are noted where appropriate. The approval criteria and related standards are listed below in **bold**, with findings addressing each respectively.

MINOR PARTITION CRITERIA AND FINDINGS

17.35.020 Acknowledgement from Oregon Water Resources Department. Any person proposing a partition shall file a statement of water right and, if a water right is appurtenant, a copy of the acknowledgement must be attached before the county recording officer may accept the partition plat. [Ord. 739 § 6.015, 1998.]

Finding: No water rights are known for this property. As such, this criterion is not applicable.

17.35.030 Partitioning procedures. Any division of land that is within the definition of a major or minor partition shall be submitted to the City for review and approval. There shall be submitted to the City an application for approval of a preliminary plat for a partition.

1. The application for a partition shall include:

- a. A map of the land area from which the parcels are to be partitioned. This shall include the date, north point, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.
- b. Name and address of the owner(s) of record (verified by a title company for a major partition due to the creation of a City street), and the person who prepared the partition.
- c. The parcel layout, showing dimensions and size of parcels.
- d. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.
- e. Identification of street or vehicular access easement intended to serve the partition and including location, widths, and names of streets.
- f. Identification of existing and proposed utilities to serve the property, including location, width, and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines.
- g. The street and lot pattern in the area surrounding the partition.

Finding: The applicant has submitted an application packet including all necessary documentation in compliance with the above standards. Therefore, these criteria have been met.

2. Forty-two copies of the preliminary major partition plat shall be submitted to the City at least 60 days prior to the Planning Commission meeting at which the partition request shall be heard. (Note: for a minor partition this requirement is three copies and 10 days.)

Finding: This proposal is a minor partition, and the three-copy requirement was met. As such, this criterion has been adequately addressed. The Planning Commission will find the Application Packet, Narrative, and related Maps in **Exhibit A.**

3. Consideration of a preliminary plat for a major partition shall take place at a public hearing. Consideration of a preliminary plat for a minor partition shall take place at a public meeting. Owners of all property abutting the proposed partition shall be notified of the meeting.

Finding: A public hearing has been scheduled for January 18, 2022 in compliance with this standard. One comment was received from agencies notified and is addressed in criteria HMC 17.35.030(4)(c).

4. In taking action on the partition, the Planning Commission shall base the decisions on findings related to the following criteria:

a. The partition is consistent with the standards of this title and HMC Title 18.

Finding: This partition is consistent with the standards of this title and HMC Title 18. The applicant is required to remain consistent with these standards, and as proposed, or modified by the Planning Commission at this meeting. As conditioned, this criterion is met.

Condition No.1: Consistency with Plans – Development shall comply with the plans and narrative in the applicant’s proposal identified as Attachment A, except as modified by this approval of the conditions of approval below.

b. Vehicular access to the parcels to be created is adequate.

Finding: Vehicular access will remain on Kesling St. for the existing residence, and the property owner can choose to access Parcel 2 from either Kesling, or 5th St. Regardless of which side of the property the owner chooses for their driveway, they will be required to pave the first 25’ of the driveway, and the remaining driveway will be required to be capable of supporting a 75,000-pound emergency vehicle. A right-of-way permit will also be required by the City. This is addressed in the development related concerns below the conditions of approval. In either direction, the city finds that the criteria are met.

c. All necessary public utilities can be provided to the parcels to be created.

Finding: All necessary public utilities are available and can be provided to the parcel being created. The comment received by the Harrisburg Public Works Director is as follows: *“On Parcel 2, where they show the storm water connection through the sidewalk to the gutter on 5th St., there is an existing sewer stub to that property close to that location with green paint marking its location currently; sewer from (any new) dwelling shall be attached at this location.”* Therefore, a condition shall be made that any new sewer line to Parcel 2 shall be stubbed from the sewer stub located on 5th St., and as required by the Public Works Director. As Conditioned, the preliminary plat will meet this criteria,

Condition No. 2: Sewer service to Parcel No. 2 shall be stubbed from the sewer stub located on 5th St., as required by the Harrisburg Public Works Director

d. Full and orderly development to the surrounding area can be maintained.

Finding: Full and orderly development to the surrounding area can be maintained as shown in the site plan for Exhibit A, and as required in HMC 17.40, and 18.20. Proposed Parcel No. 1 does show that the existing home crosses another tax lot line. This was likely an older driveway to property located to the south of Parcel No. 1. Because a structure shouldn't be allowed to cross a tax lot line, this tax lot will be re-platted and incorporated into Parcel No. 1. As conditioned, this criterion has been met.

Condition No. 3: Removal of Tax Lot 1801 - The property currently identified as 15S04W15BC Tax Lot No. 1801, shall be re-platted and will be included as part of Parcel No. 1 as shown in Exhibit A.

17.35.070 Improvements.

When a partition is being approved, the City shall determine whether or not any or all of the improvements as specified in Chapter 17.45 HMC are needed to serve property in a partition. If the City finds that any or all of the improvements are needed, the City shall require that the improvements be accomplished according to one of the following:

1. The standards and procedures of Chapter 17.45 HMC
2. The property owners shall sign and have recorded with the City a waiver of remonstrance against the City for future improvements in order that they be installed as part of an improvement project affecting other properties in the immediate vicinity.

Finding: 5th St. is newly developed, and therefore does not require any future improvements. However, Kesling St. does not have any improvements other than on the northwest corner of 5th and Kesling. During the improvement on 5th St., the City decided to not improve the dead-end section of Kesling St. Because there isn't a plan at this time to improve Kesling St., the applicant shall be required to sign and record a waiver of remonstrance against the City for future improvements, including curbs, gutters, streets, and sidewalks, prior to the final plat being recorded. This condition shall apply to both parcel 1 and parcel 2. As conditioned, this criterion is met.

Condition No. 4: Waiver of Remonstrance – A Waiver of remonstrance for proposed Parcel No. 1 and Parcel No. 2 shall be signed and recorded for future improvements, including curbs, gutters, streets and sidewalks, prior to recording the final plat.

17.40.020 Streets.

Finding: No new streets are proposed with this application and none are required based on future street extensions described in the Harrisburg Comprehensive Plan.

17.40.030 Blocks.

1. Size and Width. No block length shall be more than 630 feet. Except where cul-de-sacs are used, block perimeters will not exceed 1,800 feet.

a. Exceptions to the maximum block length will be considered when, due to environmental constraints or permanent obstacles in the built environment, a longer block length is necessary. The exception will be considered on a case-by-case basis, with the difficulty of building around the environmental or built environmental feature the determining factor in permitting block length longer than minimum requirements.

b. When an exception to maximum block lengths is approved, pedestrian access ways will be required in order to provide direct access to the sidewalk.

2. Easements.

a. **Utility Lines.** Easements for sewers, water mains, electric lines or other public facilities shall be dedicated whenever necessary. All public utilities shall be underground.

Finding: The site plan as shown in Exhibit A shows a proposed overhead power service. As specified, all public utilities shall be underground, therefore, Condition No. 5 will require the applicant to locate the proposed overhead public utility services for parcel No. 2 underground.

Condition No. 5: Underground Utilities - All overhead public utilities shall be placed underground as directed by the Harrisburg Public Works Director.

b. **Watercourses.** If a subdivision or partition is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse and such further width as will be adequate for the purpose.

c. **Pedestrian Ways.** Pedestrian walkways and access ways shall be included wherever possible to connect a new development to existing sidewalk networks.

d. **Bicycle Access.** New development should accommodate safe and convenient pedestrian and bicycle

access to surrounding residential and commercial development. [Ord. 891, 2010; Ord. 739 § 7.030, 1998.]

Finding: No new blocks are proposed with this 2-parcel Partition request, and none are required. Therefore, this criterion is not applicable.

17.40.040 Lots.

1. Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated.

a. No lot shall be dimensioned to contain part of an existing or proposed street.

Finding: No parcels are dimensioned to contain part of an existing or proposed street. Therefore, this criterion has been met.

b. Lot depth shall not exceed two-and-one-half times the average width.

Finding: None of the proposed parcels exceed two-and-one-half times the average width. Therefore, this criterion has been met.

c. These minimum standards shall apply with the following exceptions:

(1) In areas that will not be served by a public water supply or by a public sewerage system, minimum lot sizes shall conform to the requirements of the Linn County Environmental Health Program.

(2) In areas served by a public water supply and a public sewerage system, lot sizes and widths shall conform to the standards of HMC Title 18.

(3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

Finding: The site is served by a public water supply and sewerage system. Therefore, lot size standards of HMC Title 18.20.50 are applicable:

18.20.050 Lot size and frontage.

Except as provided in HMC 18.20.090 or 18.90.100, in an R-2 zone:

1. For single-family and multifamily dwellings, residential care homes, and residential care facilities:

- a. The minimum lot size shall be 7,000 square feet.
- b. The minimum lot width at the front building line shall be 60 feet; except on a cul-de-sac the minimum lot width at the front building line shall be 50 feet.
- c. The minimum lot depth shall be 80 feet.
- d. A lot shall have a minimum of 50 feet of frontage along a public right-of-way, except on a cul-de-sac where a lot shall have a minimum of 35 feet of frontage along a public right-of-way.

Finding: The minimum lot sizes for both parcels exceed the 7,000 square foot requirement. The applicant proposes 2 parcels for this partition but is somewhat constrained by the existing house shown on Parcel No. 1. As shown on the submitted Preliminary Plat, all lots mostly conform to the size, width, and depth requirements listed above. However, the northwest corner of proposed Parcel No. 2 is only 55' wide/deep. Parcel No. 2 has the flexibility of a corner lot, and therefore, 65' of proposed Parcel No. 2 meets the minimum 60' lot width requirement at the front building line from 5th St. As such, as long as no structure is placed on the section of property located on the northwest corner of Parcel No. 2 abutting Kesling St., the applicant is determined to have met this criterion. A condition shall apply that no structure may be placed in the northwest corner of Parcel No. 2 unless a variance is obtained. As conditioned, this criterion has been met.

Condition No. 6: Variance Requirement – No development or structure on the northwest corner of Parcel No.2 shall be allowed because it does not meet the minimum 60' lot width requirement at the front building line, without the applicant first applying for a variance.

2. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

Finding: Proposed Parcel No. 1 has 85 feet of frontage on Kesling Street. Proposed Parcel 2 has 55 feet of frontage on Kesling St, and 129 feet of frontage on 5th St. Therefore, this standard has been met.

3. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

Finding: No through lots are proposed. Therefore, this criterion is not applicable.

4. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [Ord. 739 § 7.040, 1998.]

Finding: As far as practical, all side lines run at right angles to either Kesling Street., or 5th Street. Therefore, this criterion has been met.

17.40.050 Building lines.

If special building setback lines are to be established in the subdivision, they shall be included in the deed restrictions. [Ord. 739 § 7.050, 1998.]

Finding: No special Setbacks are to be established as part of this application, which is not a subdivision. Therefore, this criterion is not applicable.

CONCLUSIONS

The applicant requests approval of a Preliminary Minor Partition. As demonstrated by the above discussion, analysis and findings, these applications meet the minimum 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. Approve the request;
2. Approve the request with modifications/conditions;
3. Request additional information from Staff and/or the applicant; or
4. Deny the request.

PLANNERS RECOMMENDATION:

The Planner recommends that the Planning Commission review the materials submitted in response to direction and make a determination on the Knebel Preliminary 2-Parcel Minor Partition Application.

RECOMMENDED CONDITIONS OF APPROVAL

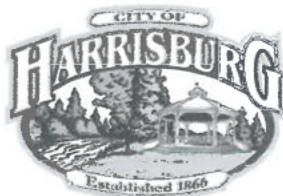
1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal identified as Attachment A, except as modified by the approval of the conditions of approval below.
2. **Sewer Service** - Sewer service to Parcel No. 2 shall be stubbed from the sewer stub located on 5th St., as required by the Harrisburg Public Works Director
3. **Removal of Tax Lot 1801** - The property currently identified as 15S04W15BC Tax Lot No. 1801, shall be re-platted and will be included as part of Parcel No. 1 as shown in Exhibit A.

4. **Waiver of Remonstrance** – A Waiver of remonstrance for proposed Parcel No. 1 and Parcel No. 2 shall be signed and recorded for future improvements, including curbs, gutters, streets and sidewalks, prior to recording the final plat.
5. **Underground Utilities**: All overhead public utilities shall be placed underground as directed by the Harrisburg Public Works Director as part of the building permit process.
6. **Variance Requirement** – No development or structure on the northwest corner of Parcel No.2 shall be allowed because it does not meet the minimum 60' lot width requirement at the front building line, without the applicant first applying for a variance.

DEVELOPMENT RELATED CONCERNS

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

- A. The driveway for proposed parcel 2 is required to be hard-surfaced for the first 25 feet from the edge of the right-of-way. Any driveway in excess of 25' will be required to be built to standards that can hold a 75,000-pound emergency vehicle.
- B. A Right-of-way permit shall be required for driveway access regardless of which street the driveway access is placed.
- C. The applicant has noted an approximate wet area in the developable section of Parcel No. 2. Historical overhead pictures note what appears to be the flow of storm water and ground water across this portion of the property. The building permit site plan for the development of Parcel No. 2 will need to show how the applicant will accommodate the historical storm flow of drainage water on this lot, and should be prepared to provide storm drainage accommodations as required by the Public Works Director.



RECEIVED
 NOV 30 2021
 Initial: CAJ

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: <u>437-2021</u>	Date Received: <u>11-30-21</u>
Fee Amount: <u>1500.00 - check 106</u>	

APPLICATION TYPE	
<input type="checkbox"/> Annexation*	<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Comprehensive Plan Amendment*	<input checked="" 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 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	
<p>The applicant is proposing to divide one existing city lot into two lots. There is currently one house and a shed on the lot.</p>	
Project Description	
Project Name	KNEBEL PARTITION

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name Nicholas Knebel

Phone (928) 899-2172

Email nicknebel@me.com

Mailing Address 930 Juniper, Junction City, OR 97448

Applicant's Signature

Date 11.18.21

Property Owner Name Judith Freeman

Phone (928) 899-2172

Email nicknebel@me.com

Mailing Address 930 Juniper, Junction City, OR 97448

Owner Signature

Date 11.18.21

*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 520 Kesling St, Harrisburg, OR 97446

General Location Description

SE Cor of Fifth St & Kesling St

Assessor's Map Number(s)

Related Tax Lot(s)

Map #

Tax Lot(s) #

15S04W15BC LOT1900

15S04W15BC LOT 1801

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 0.39 acres

LAND USE AND OVERLAY ZONES

Existing Zone(s) R-2, MULTI-FAMILY RESIDENTIAL

Existing Comprehensive Plan Designation(s)

MEDIUM DENSITY RESIDENTIAL

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

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

*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.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Narrative* (address all applicable HMC review criteria) | <input type="checkbox"/> Architectural Elevations |
| <input 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 checked="" 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 checked="" type="checkbox"/> Application Fee #106 11/18/21
#1500.00 |
| <input checked="" type="checkbox"/> Subdivision or Partition Plat | <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.

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: 9/28/21

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

One the site, there currently is a house, a shed, and large yard.

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

The new lot will be used as a single-family dwelling.

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

NA

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.

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.

KNEBEL PARTITION

Harrisburg, OR

NARRATIVE

This survey was performed at the request of the Nicholas Knebel (Applicant) to demarcate the boundaries and to further partition the property shown on the site map. The property lines as shown on the map are based upon 12 survey monuments found & measured in July 2021, including two iron rods, one iron pipe, and two "+" in concrete along the North margin of Kesling Street; two iron rods along the South margin of Kesling Street; one iron pipe along the West margin of 5th Street; two iron rods along the East margin of 5th Street; one iron rod along the East Margin of the Southern Pacific Rail Road; and the location of the railroad lines were measured as well. In conjunction with the monumentation described herein, the property lines were calculated as shown on the map. With the exterior boundary so defined, the property was partitioned at the direction of the Applicant in accordance with Harrisburg Municipal Codes. The location of two existing buildings were measured and the proposed partition line is intended to create the largest possible new parcel, in accordance with building setback requirements

Notes for Harrisburg planning commission...

This project is a minor partition, therefore this project was designed to be consistent with Titles 17.35 and 18.20 of the Harrisburg Municipal Code... All the applicable codes are addressed herein, and the actual codes (*Italicized*) are included as well.

17.35.030 Partitioning procedures.

Any division of land that is within the definition of a major or minor partition shall be submitted to the City for review and approval. There shall be submitted to the City an application for approval of a preliminary plat for a partition.

1. The application for a partition shall include:

*a. A map of the land area from which the parcels are to be partitioned. This shall include the date, north point, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned. **A map of the site is attached.***

*b. Name and address of the owner(s) of record (verified by a title company for a major partition due to the creation of a City street), and the person who prepared the partition. **See sheet 2 of the Harrisburg Land Use Application.***

*c. The parcel layout, showing dimensions and size of parcels. **Parcel layout and dimensions are shown on the Site Map.***

PREPARED BY: JACK WILSON—11/5/2021

REVISED BY: JACK WILSON—12/22/2021

SHEET: 1

KNEBEL PARTITION

Harrisburg, OR

d. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development. Existing buildings are to remain. Also, a wet area is shown on the map. And, even though the city and the applicant agree that a sump pump should be effective at making the land suitable for housing, the applicant will confirm as much before building on the land.

e. Identification of street or vehicular access easement intended to serve the partition and including location, widths, and names of streets. The applicant intends to access the new parcel by using Kesling Street. It is more than adequate to serve the property/

f. Identification of existing and proposed utilities to serve the property, including location, width, and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines. Water, sewer, and power lines (and a natural gas meter) are shown on Sheet 1. There are no existing easements, nor are any needed to serve the property.

g. The street and lot pattern in the area surrounding the partition. See attached tax map.

2. Forty-two copies of the preliminary major partition plat shall be submitted to the City at least 60 days prior to the Planning Commission meeting at which the partition request shall be heard. (Note: for a minor partition this requirement is three copies and 10 days.) This is a minor partition.

3. Consideration of a preliminary plat for a major partition shall take place at a public hearing. Consideration of a preliminary plat for a minor partition shall take place at a public meeting. Owners of all property abutting the proposed partition shall be notified of the meeting. There are two properties abutting the proposed partition.

4. Within 35 days following the public meeting, the Planning Commission shall either approve the preliminary plat for the partition as submitted, approve it with conditions and/or modifications, or deny it.

In taking action on the partition the Planning Commission shall base the decision on findings related to the following criteria:

a. The partition is consistent with the standards of this title and HMC Title 18. Applicable standards are included and addressed herein this narrative.

b. Vehicular access to the parcels to be created is adequate. (Criteria and findings apply for a major partition.) Kesling Street will be used for vehicular access to the parcels.

c. All necessary public utilities can be provided to the parcels to be created. Water, power, gas, storm, and sewer are available. See Site Map. Also, the applicant does not intend to connect to natural gas.

d. Full and orderly development to the surrounding area can be maintained. 5th Street is now fully developed, and Kesling Street will not be fully developed (per meeting with the City) because it is a dead end street.

PREPARED BY: JACK WILSON—11/5/2021

REVISED BY: JACK WILSON—12/22/2021

SHEET: 2

KNEBEL PARTITION

Harrisburg, OR

17.35.070 Improvements.

*When a partition is being approved, the City shall determine whether or not any or all of the improvements as specified in Chapter [17.45](#) HMC are needed to serve property in a partition. If the City finds that any or all of the improvements are needed, the City shall require that the improvements be accomplished according to one of the following: **No improvements are proposed.***

- 1. The standards and procedures of Chapter [17.45](#) HMC.*
- 2. The property owners shall sign and have recorded with the City a waiver of remonstrance against the City for future improvements in order that they be installed as part of an improvement project affecting other properties in the immediate vicinity. [Ord. 739 § 6.070, 1998.] **It was agreed at the Pre-application Conference that the applicant will sign a waiver of remonstrance.***

18.20.020 Uses permitted outright.

In an R-2 zone, the following uses and their accessory uses are permitted outright:

- 1. A use permitted outright in an R-1 zone.*
- 2. Multiple-family dwelling with three or more dwelling units shall be permitted, subject to the site plan review standards and procedures of Chapter [18.95](#) HMC, to ensure the availability and adequacy of municipal services and the appropriateness of the design. **A single-family dwelling is proposed.***

18.20.050 Lot size and frontage.

Except as provided in HMC [18.20.090](#) or [18.90.100](#), in an R-2 zone:

- 1. For single-family and multifamily dwellings, residential care homes, and residential care facilities:*
 - a. The minimum lot size shall be 7,000 square feet. **The proposed Parcel 1 and Parcel 2 are over 8,900 square feet.***
 - b. The minimum lot width at the front building line shall be 60 feet; except on a cul-de-sac the minimum lot width at the front building line shall be 50 feet. **The new parcel will have 129' of frontage on 5th Street.***
 - c. The minimum lot depth shall be 80 feet. **The new parcel will be 90' deep.***
-

PREPARED BY: JACK WILSON—11/5/2021
 REVISED BY: JACK WILSON—12/22/2021
 SHEET: 3

KNEBEL PARTITION
Harrisburg, OR

18.20.060 Setback requirements.

The applicant's proposed building will fit within the required setbacks seen below.

Except as provided in HMC [18.90.010](#), [18.90.050](#) and [18.90.100](#), in an R-2 zone the yards shall be as follows:

- 1. The front yard setback shall be a minimum of 15 feet, except that a garage or carport shall be set back a minimum of 20 feet.*
 - 2. Each side yard shall be a minimum of five feet, except that:*
 - a. No setback is required where a common wall separates two adjoining dwellings.*
 - b. In the case of a corner lot, the side abutting a street shall be a minimum of 15 feet.*
 - 3. The rear yard shall be a minimum of 20 feet, except that:*
 - a. In the case of a corner lot the rear yard setback for an accessory building shall be a minimum of 10 feet; and*
 - b. In the case of a lot on the bulb portion of a cul-de-sac, the rear yard setback shall average a minimum of 20 feet. The average of the rear yard setback shall be a measurement of the average of the closest line from the rear of the structure to the rear property line and the farthest line from the rear of the structure to the rear property line.*
 - c. The rear yard setback for an uncovered deck, no part of which is more than 30 inches above the ground, shall be five feet. [Ord. 882 § 3.150, 2010.]*
-

PREPARED BY: JACK WILSON—11/5/2021
REVISED BY: JACK WILSON—12/22/2021
SHEET: 4

CERTIFICATION OF TRUST
(ORS 130.860)

JUDITH A. FREEMAN REVOCABLE LIVING TRUST Dated May 22, 2003

I, Brian S. Tottleben, as the sole current Trustee of the Judith A. Freeman Revocable Living Trust dated May 22, 2003 (hereinafter the "Trust") do swear and certify pursuant to ORS 130.860 that:

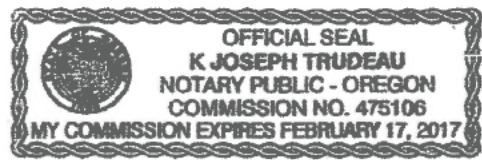
1. The Trust exists and was executed on May 22, 2003 as a grantor revocable living trust.
2. Judith A. Freeman was the Settlor (Trustor) of the Trust. She is now deceased. She died on August 3, 2016.
3. Brian S. Tottleben is the sole current Trustee of the Trust. His current mailing address is P.O. Box +24, Harrisburg, OR 97446, and street address is 520 Kesling St., Harrisburg, OR 97448.
4. The Trustee has all powers that a trustee has or may have under Oregon law as it existed in 2003 or as later amended, and without limiting the foregoing, has express authority under the Trust instrument to exercise all of the powers enumerated under Article 6.1 through 6.9 of the Trust instrument, including the express power to do all acts that might legally be done by an individual in absolute ownership and control of property.
5. The Trust is now irrevocable. It became irrevocable upon the death of Judith A. Freeman on August 3, 2016. She was the only person holding power to revoke the Trust.
6. The Trust may not be modified or amended. Judith A. Freeman was the only person holding power to modify or amend the Trust.
7. The Trust taxpayer identification number was formerly the social security number of Judith A. Freeman ending - 1584 and is now federal EIN [REDACTED].
8. The manner of taking title to Trust property is: "Brian S. Tottleben, as Trustee of the Judith A. Freeman Revocable Living Trust dated May 22, 2003."
9. The Trust was established under the laws of the State of Oregon.

The Trust has not been revoked, modified or amended in any manner that would cause the representations contained in this Certification of Trust to be incorrect.

Brian Tottleben TTE
BRIAN S. TOTTLEBEN, Trustee

STATE OF OREGON, County of Lane) ss.

This instrument was acknowledged by Brian S. Tottleben as Trustee of the Judith A. Freeman Revocable Living Trust dated May 22, 2003, before me this 26 day of November, 2016.



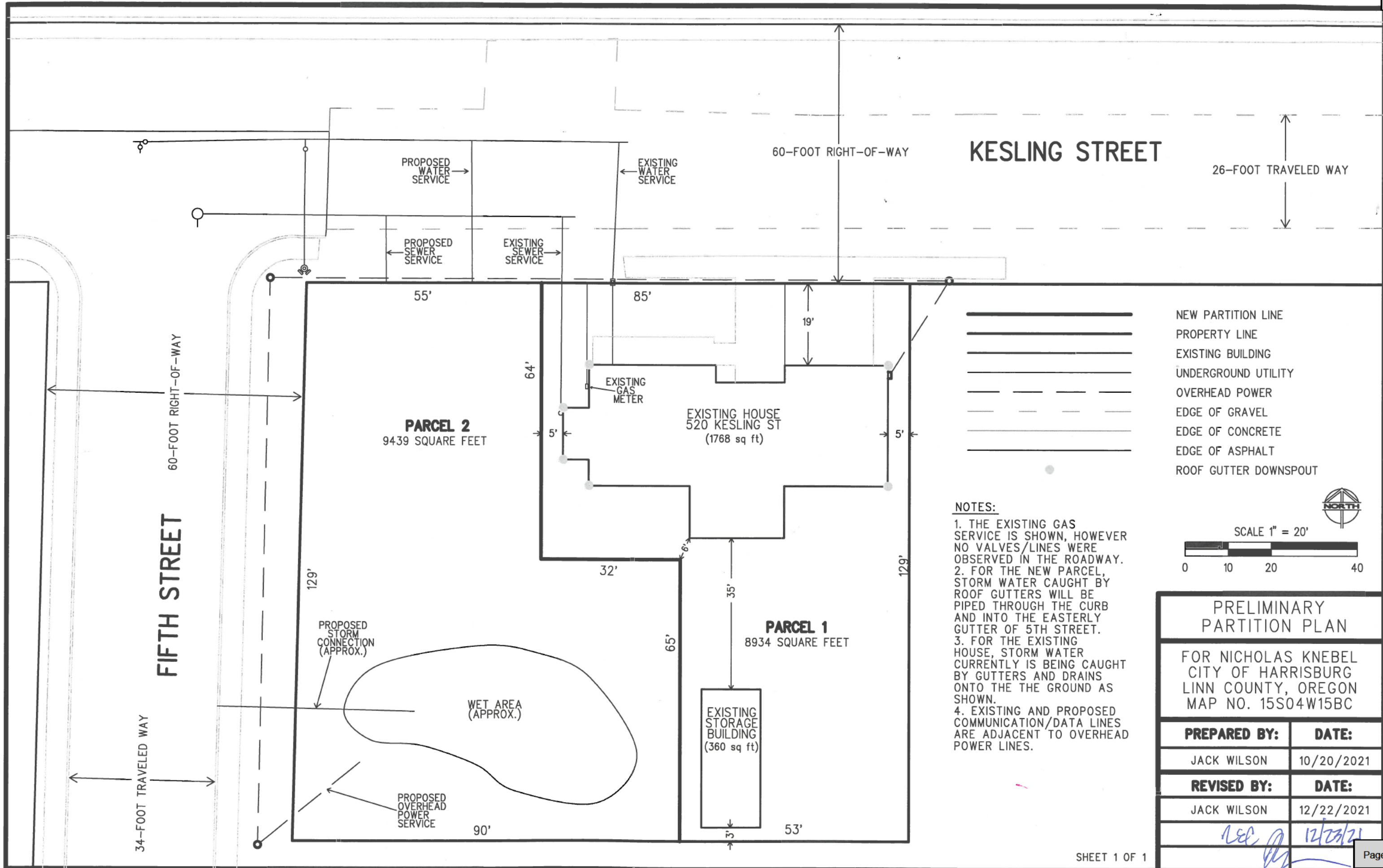
[Signature]
Notary Public - State of Oregon
My Commission Expires: 2/17/17



Imagery ©2021 Maxar Technologies, State of Oregon, Map data ©2021 Google 50 ft

437-2021





Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE TALANTON DESIGN PRELIMINARY PARTITION AND
VARIANCE APPLICATIONS (LU 436-2021 & LU 438-2021)

STAFF REPORT- EXHIBITS:

- Exhibit A: Application Materials dated 12-16-21 and 12-23-21
- Exhibit B: Wetland Land Use Notice Response

ACTION:

1. Motion to approve/modify/continue/deny the Talanton Design Preliminary Partition Application (LU 436), subject to the conditions of approval in the January 10, 2022, staff report. This motion is based on findings presented in the January 10, 2022, Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the January 18, 2022, Public Hearing.
2. Motion to approve/modify/continue/deny the Talanton Design Variance Application (LU 438), subject to the conditions of approval in the January 10, 2022, staff report. This motion is based on findings presented in the January 10, 2022, Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the January 18, 2022, Public Hearing.

APPLICANT: Garrett McCormick, PO Box 293, Harrisburg, Oregon 97446

LOCATION: 559 Territorial St, Map 15S-04W-10CC, Tax Lot No. 1800

HEARING DATE: January 18, 2022

ZONING: R-2, Medium Density Residential

OWNER: Talanton Design, PO Box 293, Harrisburg, OR 97446

BACKGROUND

The applicant is seeking Planning Commission approval for a Preliminary 3-Parcel Minor Partition. The subject site is 0.89 acres, and therefore approximately 38,770 square feet and is located at 559 Territorial Street, zoned Medium Density Residential R-2. The site contains a single-family residence with one outbuilding, which will become Parcel No. 1.

The site fronts Territorial Street, a fully developed right-of-way, with all utilities located nearby. Water is located on the south side of Territorial, while sanitary sewer is in the north lane of Territorial St.

INTRODUCTION

The applicant has submitted a Minor Partition Application for three new parcels to be created from one existing lot. Additionally, a Variance application has been submitted concurrent with the proposal for a reduction in the minimum frontage standard in order to provide access to the proposed rear flag lots.

EVALUATION

The following findings demonstrate that the proposed development may not comply with all applicable approval criteria and related standards. The following evaluation includes findings of compliance with the applicable criteria and as HMC 17.50.010 allows Planning Commission discretion to modify certain standards and requirements for partitions. Informational items are noted where appropriate. The approval criteria and related standards are listed below in **bold**, with findings addressing each respectively.

MINOR PARTITION CRITERIA AND FINDINGS

17.35.020 Acknowledgement from Oregon Water Resources Department.
Any person proposing a partition shall file a statement of water right and, if a water right is appurtenant, a copy of the acknowledgement must be attached before the county recording officer may accept the partition plat. [Ord. 739 § 6.015, 1998.]

Finding: No water rights are known for this property. As such, this criterion is not applicable.

17.35.030 Partitioning procedures.
Any division of land that is within the definition of a major or minor partition shall be submitted to the City for review and approval. There shall be submitted to the City an application for approval of a preliminary plat for a partition.

- 1. The application for a partition shall include:**
 - a. A map of the land area from which the parcels are to be partitioned. This shall include the date, north point, and scale of drawing and sufficient description to define the location, boundaries and dimensions of the tract to be partitioned.**

- b. Name and address of the owner(s) of record (verified by a title company for a major partition due to the creation of a City street), and the person who prepared the partition.
- c. The parcel layout, showing dimensions and size of parcels.
- d. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.
- e. Identification of street or vehicular access easement intended to serve the partition and including location, widths, and names of streets.
- f. Identification of existing and proposed utilities to serve the property, including location, width, and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines.
- g. The street and lot pattern in the area surrounding the partition.

Finding: The applicant has submitted an application packet including all necessary documentation in compliance with the above standards, with the exception of showing a swale as noted in their application packet. Condition No. 1 will specify that the applicant must provide a site plan drawing showing the location of the swale on the final site plan. Storm drainage for Parcel No. 1 has been directed to the ditch located to the west. Therefore, the comments made by the applicant in relation to storm drainage for existing and proposed utilities are only applicable to parcels 2 and 3. The applicant will also be required to show the 4" storm drainage line locations on the final site plan. As conditioned, this criterion is met.

Condition No. 1: Storm Water Detail: Before the final plat is recorded, the applicant shall provide a site plan showing the location of the swale, as well as the locations of the 4" private storm lines that will direct general roof and site drainage to the drainage ditch on the east side of the proposed partition plat.

2. Forty-two copies of the preliminary major partition plat shall be submitted to the City at least 60 days prior to the Planning Commission meeting at which the partition request shall be heard. (Note: for a minor partition this requirement is three copies and 10 days.)

Finding: This proposal is a minor partition with variance, and the three-copy requirement has been met. As such, this criterion has been adequately addressed.

3. Consideration of a preliminary plat for a major partition shall take place at a public hearing. Consideration of a preliminary plat for a minor partition shall take place at a public meeting. Owners of all property abutting the proposed partition shall be notified of the meeting.

Finding: A public hearing has been scheduled for January 18, 2022, in compliance with this standard.

4. In taking action on the partition, the Planning Commission shall base the decisions on findings related to the following criteria:

a. The partition is consistent with the standards of this title and HMC Title 18.

Finding: This partition is consistent with the standards of this title and HMC Title 18. The applicant is required to remain consistent with these standards, and as proposed, or modified by the Planning Commission at this meeting. As conditioned, this criterion is met.

Condition No. 2: Consistency with Plans – Development shall comply with the plans and narrative in the applicant’s proposal identified as Attachment A, except as modified by this approval of the conditions of approval below.

b. Vehicular access to the parcels to be created is adequate.

Finding: Vehicular access will remain on Territorial Street for both Parcel 2 and 3. Access for Parcel 1 remains the same. Because Parcel 3 is a flag lot without street access, permanent reciprocal access to the 20 feet wide driveway that is owned by Parcel No. 2 shall be granted on the final plat, that shall include private utility and franchise utility easements for the benefit of proposed parcels 2 and 3. A shared maintenance agreement must also be specified within the final plat, that outlines how the driveway will be maintained by both users. As conditioned, this criterion is met.

Condition No. 3: Reciprocal Access Easement. The final plat shall include reciprocal access, private utility and franchise utility easements for the benefit of proposed parcels 2 and 3. A Shared Maintenance Agreement must also be specified within the final plat, which outlines how the driveway will be maintained by both users.

c. All necessary public utilities can be provided to the parcels to be created.

Finding: All necessary public utilities are available and can be provided to the parcel being created. The developers will be required to coordinate with the Public Works Director for the installation of sewer services as the elevation of this property will likely require a step sewer system. (Development Related Concern). As noted in Condition No. 2, the reciprocal access easement shall also include private utility and franchise utility easements for the benefit of both parcels 2 and 3. Prior to recording the private plat, the developer shall also be required to pay to extend water and sewer services to Parcels 2 and 3. As conditioned, this criterion is met.

Condition No. 4: Water Services – Prior to recording the final plat, the applicant shall pay to have water service extended to each of the properties.

Condition No. 5: Sewer Services – Prior to recording the final plat, the applicant shall pay to have sewer service extended to each of the properties.

d. Full and orderly development to the surrounding area can be maintained.

Finding: Full and orderly development to the surrounding area can be maintained as shown in the site plan for Exhibit A, and as required in HMC 17.40, and 18.20. As proposed, this criterion has been met.

17.40.020 Streets.

Finding: No new streets are proposed with this application, and none are required based on future street extensions described in the Harrisburg Comprehensive Plan.

17.40.030 Blocks.

1. Size and Width. No block length shall be more than 630 feet. Except where cul-de-sacs are used, block perimeters will not exceed 1,800 feet.

a. Exceptions to the maximum block length will be considered when, due to environmental constraints or permanent obstacles in the built environment, a longer block length is necessary. The exception will be considered on a case-by-case basis, with the difficulty of building around the environmental or built environmental feature the determining factor in permitting block length longer than minimum requirements.

b. When an exception to maximum block lengths is approved, pedestrian access ways will be required in order to provide direct access to the sidewalk.

2. Easements.

a. **Utility Lines.** Easements for sewers, water mains, electric lines or other public facilities shall be dedicated whenever necessary. All public utilities shall be underground.

b. **Watercourses.** If a subdivision or partition is traversed by a watercourse such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the watercourse and such further width as will be adequate for the purpose.

c. **Pedestrian Ways.** Pedestrian walkways and access ways shall be included wherever possible to connect a new development to existing sidewalk networks.

d. Bicycle Access. New development should accommodate safe and convenient pedestrian and bicycle access to surrounding residential and commercial development. [Ord. 891, 2010; Ord. 739 § 7.030, 1998.]

Finding: No new blocks are proposed with this 3-parcel Partition request, and none are required. Therefore, these criteria are not applicable. Easements will be required in order to compensate for shared utility services to Parcel 2 and 3 and are addressed through Condition No. 2.

17.40.040 Lots.

1. Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated.

a. No lot shall be dimensioned to contain part of an existing or proposed street.

Finding: No parcels are dimensioned to contain part of an existing or proposed street. Therefore, this criterion has been met.

b. Lot depth shall not exceed two-and-one-half times the average width.

Finding: None of the proposed parcels exceed two-and-one-half times the average width. Therefore, this criterion has been met.

c. These minimum standards shall apply with the following exceptions:

(1) In areas that will not be served by a public water supply or by a public sewerage system, minimum lot sizes shall conform to the requirements of the Linn County Environmental Health Program.

(2) In areas served by a public water supply and a public sewerage system, lot sizes and widths shall conform to the standards of HMC Title 18.

(3) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.

Finding: The site is served by a public water supply and sewerage system. In addition, the proposed lots are residential in nature. Therefore, lot size standards of HMC Title 18.20.50 are applicable:

18.20.050 Lot size and frontage.

Except as provided in HMC 18.20.090 or 18.90.100, in an R-2 zone:

1. For single-family and multifamily dwellings, residential care homes, and residential care facilities:

- a. The minimum lot size shall be 7,000 square feet.
- b. The minimum lot width at the front building line shall be 60 feet; except on a cul-de-sac the minimum lot width at the front building line shall be 50 feet.
- c. The minimum lot depth shall be 80 feet.
- d. A lot shall have a minimum of 50 feet of frontage along a public right-of-way, except on a cul-de-sac where a lot shall have a minimum of 35 feet of frontage along a public right-of-way.

Finding: The applicant proposes three single family parcels. As shown on the submitted Preliminary Plat, all lots conform to the size, width, and depth requirements listed above. Parcel No. 2 will have ownership of the 50' driveway section, and therefore, meets the requirement of having 50 feet of frontage along a public right-of-way. However, Parcel No. 3 does not meet the minimum frontage requirements. The HMC does not contain specific language for the creation of Flag Lots/Panhandle Lots, which has created a number of issues related to infill development. Therefore, the applicant has submitted a Variance application to address minimum frontage requirements, as this has been the primary method of resolving frontage issues in Harrisburg. As such, the applicant has applied for a variance, which is addressed elsewhere in this report.

2. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

Finding: Both Parcel No. 1 and Parcel No. 2 meet the street frontage requirement of 25 feet. Therefore, for those two parcels, this standard has been met. However, as noted above, the applicant is proposing 3 single family parcels. Therefore, the more restrictive rule applies, which requires a minimum of 50 feet of frontage. As such, the applicant has submitted a Variance application to address the minimum frontage requirement, as further addressed within this report.

3. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other incompatible use.

Finding: No through lots are proposed. Therefore, this criterion is not applicable.

4. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [Ord. 739 § 7.040, 1998.]

Finding: As far as practical, all side lines run at right angles to Territorial Street. Therefore, this criterion has been met.

17.40.050 Building lines.

If special building setback lines are to be established in the subdivision, they shall be included in the deed restrictions. [Ord. 739 § 7.050, 1998.]

Finding: No special Setbacks are to be established as part of this application. Therefore, this criterion is not applicable.

VARIANCE CRITERIA AND FINDINGS

HMC 18.115.020 Criteria for granting a variance.

A variance may be granted only in the event that all of the following criteria exist:

- 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.**

Finding: The request for a variance to the minimum frontage standard at 18.20.050 is based on the applicant's desired use of the site through the Preliminary Partition process, not on circumstances beyond their control. This standard has not been met. However, Harrisburg has stated an explicit interest in infill development to meet the housing demand over the 20-year planning horizon. Staff believes the intent of the Code has been met, as no other remedy is provided within the HMC to address Flag/Panhandle Lot frontage. This criterion has been met.

- 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.**

Finding: The applicant has provided sufficient evidence to show how the proposal meets the above standard. Additionally, recent Planning Commission approvals (Dockery LU-415) granted similar Variance approval for a single-family residential Partition with reduced frontage for the pole portions of the newly created parcels. As such, staff deems this criterion has been met.

- 2. The variance is consistent with the goals and policies in the comprehensive plan.**

Finding: The Comprehensive Plan is the guiding land use document of the city. Policy 3.5 states there be an adequate provision of residential land within the City. The proposed variance will allow for the further development of an oversized R-2 parcel. Allowing an additional two units of land to be created is an efficient use of the land. Policy 10.12 states that the City shall consider alternative residential design techniques that would provide greater housing choice and efficient use of land. By allowing the variance to the frontage requirements, the site can accommodate additional housing, consistent with the two stated policies of the Comprehensive Plan.

4. The variance shall not confer a special privilege upon an applicant.

Finding: Approval of the requested variance will not confer a special privilege upon the applicant as the City has record of a similar application containing an approval for no street frontage for a flag lot. This criterion has been met.

5. The variance shall not violate any provision of law. [Ord. 906 § 1, 2012; Ord. 882 § 8.020, 2010.]

Finding: Approval of this Variance application will not violate any provision of law. Therefore, this criterion has been met.

HMC 18.65.030 Wetland notification – Purpose.

Finding: The City is required by State law to provide notice to the Department of State Lands when a development activity may impact any wetland identified on the Local Wetlands Inventory. The purpose of this State requirement is to achieve better implementation of State law and to inform property owners when State and Federal wetland laws apply to their property. Wetlands on this property are not indicated on the local wetland inventory for the City. However, there is an aquatic bed, which is permanently flooded located on the west property line of this lot. The aquatic bed appears to be on property that is owned by UPRR. As per our agency notification requirements, courtesy notice was sent to the Department of State Lands (DSL). DSL has provided the City with a preliminary jurisdictional determination *that is advisory only*. **(Exhibit B)** They have determined that an onsite inspection by a qualified wetland consultant is *recommended* prior to site development to determine if the site has wetlands or other waters that may be regulated. They have also checked that a state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide. It is recommended, but not required, that the applicant have an onsite inspection by a qualified wetland consultant prior to site development in order to verify whether or not they might need to obtain a state permit. Because it is advisory, the City is not required to mandate this to the property owner, but in order to best protect the City, the applicant is being advised of the recommendation.

15.05.030 Excavation and grading – General provisions. The rules prescribed in this chapter shall apply to all lands within the City limits of the City of Harrisburg. The City requires a fill permit prior to a developer placing more than 20 cubic yards of fill, fill that is more than one foot in depth on a buildable lot, or fill that will impact the drainage on another lot. An exception can be authorized by excavation associated with a building authorized by a valid building permit, such as footings or basements not having an unsupported height greater than five feet. An exception can also be made only for fill and/or backfill materials placed around a building foundation in accordance with normal construction practices.

Because of the extensive drainage patterns in this area, the applicant is hereby notified that fill in excess of 20 cubic yards, which is more than one foot in depth on a buildable lot, or impacts drainage on another lot, will trigger the requirement to obtain a fill permit through the City of Harrisburg, in addition to a state DSL permit for 50 cubic yards or more of fill removal or other ground alterations.

CONCLUSIONS

The applicant requests approval of a Preliminary Minor Partition and concurrent Variance application. As demonstrated by the above discussion, analysis and findings, these applications meet the minimum applicable criteria from the Harrisburg Municipal Code. The applicant has been notified that this property will likely be difficult to develop, based upon elevations in relation to storm water, sewer, and water lines.

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 modifications/conditions;
3. Request additional information from Staff and/or the applicant; or
4. Deny the request.

PLANNERS RECOMMENDATION:

The Planner recommends that the Planning Commission review the materials submitted in response to direction and make a determination on the Talanton Design Preliminary 3-Parcel Minor Partition Application, and concurrent Variance Application.

RECOMMENDED CONDITIONS OF APPROVAL

1. **Storm Water Detail:** Before the final plat is recorded, the applicant shall provide a site plan showing the location of the swale, as well as the locations of the 4" private storm lines that will direct general roof and site drainage to the drainage ditch on the east side of the proposed partition plat.

2. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal identified as Attachment A, except as modified by this approval of the conditions of approval below.
3. **Reciprocal Access Easement**. The final plat shall include reciprocal access, private utility and franchise utility easements for the benefit of proposed parcels 2 and 3. A Shared Maintenance Agreement must also be specified within the final plat, which outlines how the driveway will be maintained by both users.
4. **Water Services** – Prior to recording the final plat, the applicant shall pay to have water service extended to each of the properties.
5. **Sewer Services** – Prior to recording the final plat, the applicant shall pay to have sewer service extended to each of the properties.

DEVELOPMENT RELATED CONCERNS

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

- A. **Driveways** – The driveways for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 75,000 pounds.
- B. **Hard Surfacing Requirements** – The driveway for proposed Parcels 2 and 3 will need to be hard-surfaced for the first 25 feet from the edge of the right-of-way. A right-of-way permit shall be required before installation of the driveway access.
- C. **Turn-Around for Emergency Vehicles** – A turnaround design that meets with the approval of the Harrisburg Fire/Rescue District will be provided for emergency vehicle access on portions of Parcels 2 and 3.
- D. **Driveway Width and Separation** – The driveway providing access to proposed parcel 2 and 3 shall be a minimum of 20 feet wide and separated from other driveways by a minimum of 22 feet.
- E. **Storm Drainage** – This property is located next to the SPRR Rail line, which acts much like a dam in this part of the City. Drainage from the southern part of the City flows in a northwest flow pattern from south to north, making this property very prone to poor storm drainage. Applying for any Building Permit will require that the developer provide for extensive storm drainage measures on the property, including French tile, storm swales, and other forms of storm drainage control. Historical photos suggest stormwater flow from properties located south of this property collect in this location. Any builder will need to show that they are not impeding the traditional storm flow on Parcels 2 and 3.

- F. **Sewer Utilities** – The applicant shall be required to coordinate with the Public Works Director in order to install sewer utility services to Parcels 2 and 3. The elevations in this area will likely require a step sewer system to accommodate a single-family dwelling.



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Initial: CAT

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

LAND USE APPLICATION

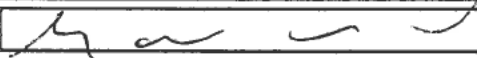

STAFF USE ONLY	
File Number: <u>486-2021</u>	Date Received: <u>11.9.21</u>
Fee Amount: <u>\$ 1,500 + 425 = \$ 1,925-</u>	

APPLICATION TYPE	
<input type="checkbox"/> Annexation*	<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Comprehensive Plan Amendment*	<input checked="" 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 checked="" type="checkbox"/> Variance*
<input type="checkbox"/> Legal Lot Determination	<input 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	Per the following drawing, we would like to partition the lot located at 559 Territorial Street into a total of 3 building lots.
Project Name	559 Territorial


PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name	Garrett McCormick		
Phone	541-321-5517	Email	gmccor@gmail.com
Mailing Address	PO Box 293 Harrisburg, OR 97446		
Applicant's Signature			Date
			11/9/21
Property Owner Name	Keith Birky		
Phone	541-321-5517	Email	gmccor@gmail.com
Mailing Address	PO Box 293 Harrisburg, OR 97446		
Owner Signature			Date
			11/9/21

*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	559 Territorial Street Harrisburg, OR 97446		
General Location Description			
Assessor's Map Number(s)	Related Tax Lot(s)		
Map #	15S04W10CC	Tax Lot(s) #	1800
<p>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/</p>			
Lot Area	.89 Acres		

LAND USE AND OVERLAY ZONES

Existing Zone(s) R2 Multi-Family ResidentialExisting 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 ☐ Floodplain
☐ Riparian Corridors ☐ Wetlands

*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.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- | | |
|--|--|
| <input type="checkbox"/> Narrative* (address all applicable HMC review criteria) | <input type="checkbox"/> Architectural Elevations |
| <input type="checkbox"/> Assessor's Map with Applicable Tax Lots Highlighted | <input type="checkbox"/> Architectural Floor Plans |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Utilities Plan |
| <input type="checkbox"/> Survey / ALTA | <input type="checkbox"/> Geotechnical Report/Site |
| <input 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 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 |

*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.

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: 9/21/21

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

There is one home on the site.

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

We intend to build two additional homes on the two new building lots.

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.

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:

No Questions

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.

Michele Eldridge

From: GARRETT MCCORMICK <gmccor@gmail.com>
Sent: Tuesday, December 21, 2021 11:07 AM
To: Michele Eldridge
Subject: Re: Minor Partition - Incompleteness Notice - URGENT Information needed

Good Morning Michele,

Please see my responses below.

In taking action on the partition the Planning Commission shall base the decision on findings related to the following criteria:

a. The partition is consistent with the standards of this title and HMC Title [18](#).

The proposed partition is consistent with the standards of this title and HMC Title 18.

b. Vehicular access to the parcels to be created is adequate. (Criteria and findings apply for a major partition.)

The proposed partition meets the minimum requirements for vehicular access to parcels 2 and 3. Access to parcel 1 is not affected by this partition.

c. All necessary public utilities can be provided to the parcels to be created.

All necessary public utilities can be provided to parcels 2 and 3.

d. Full and orderly development to the surrounding area can be maintained.

Yes, full and orderly development to the surrounding area can be maintained. No access to surrounding properties will be blocked and we are providing access to develop the North section of this property through the proposed partition.

Please let me know if you have any questions.

--

Garrett McCormick
 Project Manager
 Talanton Design Co.
 541-321-5517

On Tue, Dec 21, 2021 at 10:17 AM Michele Eldridge <meldridge@ci.harrisburg.or.us> wrote:

Hi Garrett;

The criteria we need you to address is below. You are welcome to reply, and answer each of the criteria in this email. I will include it as an addendum with your formal packet. I do have a few small changes that I will be requesting otherwise, but can still send the information to neighbors, agencies, and newspapers as long as I have this criteria addressed.

In taking action on the partition the Planning Commission shall base the decision on findings related to the following criteria:

- a. The partition is consistent with the standards of this title and HMC Title [18](#).
- b. Vehicular access to the parcels to be created is adequate. (Criteria and findings apply for a major partition.)
- c. All necessary public utilities can be provided to the parcels to be created.
- d. Full and orderly development to the surrounding area can be maintained.

Thank you,



Michele Eldridge, CMC

City Administrator

PO Box 378

120 Smith St.

Harrisburg, OR 97446

541-995-2200

Confidentiality Notice: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If you have received this message by mistake, please notify us immediately by replying to this message or calling us. Please do not review, disclose, copy or distribute it. Thank you.

Public Records Law Disclosure: This e-mail is a public record of the City of Harrisburg and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

**APPLICANT'S STATEMENT AND FINDINGS OF FACT
PRELIMINARY MINOR PARTITION
OF 559 TERRITORIAL ST.
CITY OF HARRISBURG, OREGON**

APPLICATION DATE: December 16, 2021

APPLICANT: Garrett McCormick
PO Box 293
Harrisburg, OR 97446
Phone (541) 321-5517

LOCATION: Assessor's Map 15S04W10CC, Tax Lot 01800
559 Territorial Street, Harrisburg

REQUEST: Minor Partition Approval

I BACKGROUND

The applicant is requesting minor partition approval for a 3-parcel partition. The subject project area of approximately (38,770) square feet is contained inside the UGB and has been annexed into the City of Harrisburg corporate limits and is currently zoned R-2 (multi-family residential). The property has an existing home that will remain.

A. Site Location and Description

Location

The proposed project lies on Territorial Street Easterly of its intersection with North 4th Street and Westerly of North 7th Street. The legal description of the property is attached to this narrative as Exhibit "A". Adjoining lands north of the proposed development and adjoining Tax Lots 1700, 1901, and 1902 to the east, are developed with residential structures. A Southern Pacific Railroad Transportation Co. Railroad line that runs north-south lies to the west line of the proposed project.

Zoning

The subject property falls within the jurisdiction of the City of Harrisburg, Oregon as the project area is located within a tax lot that has been annexed into the City corporate limits. The *Harrisburg Comprehensive Land Use Plan* designates the zoning of the subject property as Medium Density Residential. Current zoning maps show the subject property as being zoned R-2 Multi-Family Residential. Adjoining properties to the north, south, and east are also zoned R-2.

Site Access and Traffic Patterns

The property is accessed from Territorial Street that is on the south. Territorial Street as it fronts the property is a 50-foot wide local street with 50 feet of paving width. A new

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driveway approach is existing for Parcel 1. A second driveway cut is proposed to the east that will provide shared access to Parcels 2 and 3. A Hammerhead turn-around is proposed to provide for emergency vehicle access that occupies portions of Parcels 2 and 3.

B Existing and Proposed Utilities

Following are brief descriptions of the existing utility locations and proposed utility service connections.

Wastewater System: An existing 8" public wastewater lies within the paved portion of Territorial Street. Proposed connections from each of the new parcels will be made into the existing line that runs along the south line of this partition. The existing wastewater connection that runs southerly from the existing home to the line that lies along the north margin of Territorial Street will remain. The new lines for parcels 2 and 3 are proposed to run just east of the proposed joint use driveway that will service those parcels.

Water System: An existing east-west 10" water main lies within the paved portion of Territorial Street just North of the South curb line. The existing water meter that currently supplies the existing home will remain. New meters and servicelines are proposed just west of the proposed joint-use driveway that will service Parcels 2 and 3.

Storm Water System: The north portion of parcel 3 as well as portions of parcels 1 and 2 appears to have some drainage issues. To mitigate this, a swale is proposed on the east and north property lines directing drainage from abutting properties to an existing drainage ditch that parallels the western property line running south to north. Additionally, each parcel will direct general roof and site drainage to the same drainage ditch with a 4" private storm line.

II APPROVAL CRITERIA AND ANALYSIS

(Responses are in BOLD ITALICS)

A Partitioning (Harrisburg Code Chapter 17.35)

17.35.030 Partitioning Procedures.

The design standards for a subdivision as shown in Chapter 17.40 HMC shall apply to a partition.

1. The application for a partition shall include:

- a. A map of the land area from which the parcels are to be partitioned. This shall include the date, north point, and scale of drawing and sufficient description to define the location, boundaries, and dimensions of the tract to be partitioned.

A map of the land area from which the parcels are to be partitioned is included. This map includes the date, north point, and scale of drawing and sufficient description to define the location, boundaries, and dimensions of the tract to be partitioned.

- b. Name and address of the owner(s) of record and the person who prepared the partition.

Name and address of the owner of record and the person who prepared the partition are included.

- c. The parcel layout, showing dimensions and size of parcels.

The parcel layout, showing dimensions and size of parcels is provided.

- d. Location of existing buildings to remain in place, drainage ways, and other features of the land which are important to its development.

Existing buildings are identified. Drainage ways, and other features of the land which are important to its development are shown and identified.

- e. Identification of street or vehicular access easement intended to serve the partition and including location, widths, and names of streets.

Identification of a vehicular access easement intended to serve the partition, including location and size, is shown.

Identification of existing and proposed utilities to serve the property, including location, width, and purpose of easements; location and size of sewer and water lines and of drainage ways; street lighting; and location of power and telephone lines.

Existing and proposed utilities to serve the property, including location, width, and purpose of easements; location and size of sewer and water lines and of drainageways; street lighting; and location of power and telephone lines are shown and identified.

- f. The street and lot pattern in the area surrounding the partition.

The street and lot pattern in the area surrounding the partition is shown.

2. Three copies of the preliminary minor partition plat shall be submitted to the City at least 10 days prior to the Planning Commission meeting at which the partition request shall be heard.

Three paper copies are included.

17.35.060 Standards.

The design standards for a subdivision as shown in Chapter 17.40 HMC shall apply to a partition.

The design standards for a subdivision as shown in Chapter 17.40 HMC have been met and are addressed as follows:

B Design Standards (Harrisburg Code Chapter 17.40)

17.40.040 Lots.

1. Size and Shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated.

Lot size, width, shape, and orientation standards in this section do not apply as per exception noted in section c.(2) below.

- a. No lot shall be dimensioned to contain part of an existing or proposed street.

Not applicable.

- b. Lot depth shall not exceed two-and-one-half times the average width.

Not applicable.

- c. These minimum standards shall apply with the following exceptions:

- (1) In areas that will not be served by a public water supply or by a public sewerage system, minimum lot sizes shall conform to the requirements of the Linn County Environmental Health Program.

Not applicable.

- (2) In areas served by a public water supply and a public sewerage system, lot sizes and widths shall conform to the standards of HMC Title 18.

The property lies in an area that is served by a public water supply and a public sewerage system. All parcel sizes and widths conform to the standards of HMC Title 18 as addressed below.

- d. Each lot shall abut upon a street other than an alley for a width of at least 25 feet.

Parcel 1 abuts upon Territorial Street for a width of 113.4 feet. Parcel 2 will have a proposed 50' wide private reciprocal access Abutting upon Territorial Street. Parcel 3 will require a variance.

4. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [Ord. 739 § 7.040, 1998.]

The side lines of lots are parallel with the side lines of the parent parcel. The proposed side lines are, as close as practicable, at right angles to Territorial Street.

C Medium Density Residential Zone R-2 (Harrisburg Code Chapter 18.20)

18.20.005 Density.

In an R-2 zone, a maximum of 12 residential units can be built per net acre. [Ord. 909 § 5, 2013.]

For the area of this partition, three (3) residential units are proposed which is less than the maximum allowed.

18.20.050 Lot size and frontage.

Except as provided in HMC 18.20.090 or 18.90.100, in an R-2 zone:

1. For single-family and multifamily dwellings:
 - a. The minimum lot size shall be 7,000 square feet.

The smallest parcel proposed contains 10,662 square feet which exceeds the minimum.

- b. The minimum lot width at the front building line shall be 60 feet.

Lot widths at the front building line are as follows: Parcel 1 with a proposed front building line that faces Territorial Street is 113.4 feet; Parcel 2 with a proposed front line that faces to the east is 70.1 feet; and Parcel 3 with a proposed front line that faces east is 70.1 feet. All three parcels exceed the 60-foot minimum.

- c. The minimum lot depth shall be 80 feet.

Lot depths are as follows: Parcel 1 that faces Territorial Street is 94.5 feet; Parcel 2 that is proposed to face to the east is 161.2 feet; and Parcel 3 that is proposed to face to the east is 158.7 feet. All three parcels meet or exceed the minimum lot depth.

- d. A lot shall have a minimum of 50 feet of frontage along a public right-of-way.

Parcel 1 abuts territorial with 113.4 feet from street frontage. Parcel 2 will abut upon territorial at a width of 50 feet and parcel 3 will require a variance.

D Criteria for granting a variance (Harrisburg Code Chapter 18.115.020)

A variance may be granted only in the event that all of the following criteria exist:

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.

The subject property has approx. 163' of street frontage on Territorial. We are proposing a flag lot partition to provide access to the back 2/3rds of the property. Due to the placement of the existing house, we cannot meet the 50' minimum frontage requirements for both parcels 2 & 3. As a result, we are proposing a 50' private reciprocal access and utility easement. This access would be part of parcel 2 and an easement would be provided for parcel 3 at the time of recording the plat. Many of these same variances have recently been approved and granted for similar lots to maximize the ability to develop the land in a way that meets the city's requirements and long-term growth goals.

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.

Other property owners in Harrisburg with similar zoning and environment, have had the opportunity and ability to develop their land in accordance with city codes and standards with the use of this variance. Without this variance we would have land that meets most or all city requirements for residential lots but we would be prevented from enjoying that opportunity.

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

This lot is in an area of town that is designated and zoned for medium to high density residential housing. We believe our proposal and plan for development is consistent with the goals outlined in the city's Comprehensive Plan for growth and sustainability.

4. The variance shall not confer a special privilege upon an applicant.

As stated in #2 above, this variance has been granted to other landowners in the area for similar reasons. I believe this historical evidence of the city partnering with landowners to reach mutual goals establishes that this would not be a special privilege that would not be available to other landowners in similar circumstances.

5. The variance shall not violate any provision of law. [Ord. 906 § 1, 2012; Ord. 882 § 8.020, 2010.]

To the best of my knowledge and ability to research, these variances would not violate any provision of current local, county, state or federal laws.

EXHIBIT A
LEGAL DESCRIPTION
(Tax Map/Lot 15S04W10CC – 01800)

Real property in the County of Linn, State of Oregon, described as follows:

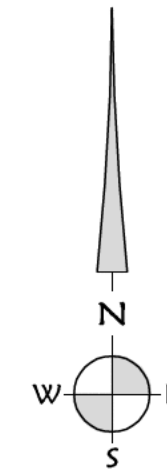
COMMENCING AT THE SOUTHEAST CORNER OF THE PERRY HYDE D.L.C. NO. 51 IN SECTION 10, TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, HARRISBURG, LINN COUNTY, OREGON; THENCE NORTH 0°12' EAST ALONG THE EAST LINE OF SAID D.L.C. NO. 51 A DISTANCE OF 417.12 FEET TO THE CENTERLINE OF QUINCY STREET; THENCE SOUTH 89°55' WEST ALONG SAID CENTERLINE 574.0 FEET TO AN INTERSECTION WITH THE CENTERLINE OF 6TH STREET; THENCE SOUTH 0°12' WEST ALONG THE CENTERLINE OF SAID 6TH STREET 153.12 FEET; THENCE SOUTH 89°55' WEST 139.30 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH 0°12' WEST 264.0 FEET TO THE SOUTH LINE OF SAID D.L.C. NO. 51; THENCE SOUTH 89°55' WEST ALONG SAID SOUTH LINE 50.00 FEET; THENCE NORTH 0°12' EAST 130.0 FEET TO A POINT WHICH BEARS SOUTH 89°55' WEST OF A POINT WHICH IS SOUTH 0°12'; WEST 134.0 FEET FROM THE PLACE OF BEGINNING; THENCE SOUTH 89°55' WEST 113.0 FEET TO THE EASTERLY RIGH OF WAY LINE OF THE SOUTHERN PACIFIC TRANSPORTATION CO. RAILROAD; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE 134.0 FEET TO A POINT WHICH BEARS SOUTH 89°55' WEST FROM THE PLACE OF BEGINNING; THENCE NORTH 89°55' EAST 159.53 FEET TO THE PLACE OF BEGINNING.

AND

COMMENCING AT THE SOUTHEAST CORNER OF THE PERRY HYDE D.L.C. NO. 51 IN SECTION 10, TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, HARRISBURG, LINN COUNTY, OREGON; THENCE NORTH 0°12' EAST ALONG THE EAST LINE OF SAID D.L.C. NO. 51 A DISTANCE 417.12 FEET TO THE CENTERLINE OF QUINCY STREET; THENCE SOUTH 89°55' WEST ALONG SAID CENTERLINE 574.0 FEET TO AN INTERSECTION WITH THE CENTERLINE OF 6TH STREET; THENCE SOUTH 0°12' WEST ALONG THE CENTERLINE OF SAID 6TH STREET 287.12 FEET; THENCE SOUTH 89°55' WEST 189.30 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH 89°55' WEST 113 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC TRANSPORTATION CO. RAILROAD; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE 130 FEET TO THE SOUTH LINE OF THE SAID D.L.C. NO. 51; THENCE NORTH 89°55' EAST ALONG SAID SOUTH LINE 113 FEET TO A POINT WHICH BEARS SOUTH 0°12' WEST FROM THE PLACE OF BEGINNING; THENCE NORTH 0°12' EAST 130 FEET TO THE PLACE OF BEGINNING.

**TENTATIVE PARTITION PLAT
FOR
TALANTON DESIGN COMPANY
LOCATED IN
TAX LOT 1800, MAP 15504W10CC
IN THE
SW 1/4 SEC. 10 T. 15 S., R. 4 W., W.M.
CITY OF HARRISBURG, LINN COUNTY, OREGON
DECEMBER 16, 2021**

0 10 20 40 FT.
SCALE: 1" = 20'



PROPERTY OWNER/APPLICANT:

TALANTON DESIGN COMPANY
535 LASALLE STREET
HARRISBURG, OR 97446

ENGINEER/SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OREGON 97321
(541) 928-2583

PARTITION INFORMATION:

SITE ADDRESS:
559 TERRITORIAL STREET
HARRISBURG, OREGON 97446

TAX LOT:
TAX LOT 1800 [155-4W-10CC]

ZONING:
R-2 - MULTI-FAMILY RESIDENTIAL

CURRENT USE:
EXISTING RESIDENCE

TOTAL PROJECT AREA (GROSS):
0.89 ACRES

TOTAL NUMBER OF LOTS:
3 PARCELS WILL CREATED OUT OF 1 PARCEL

WETLAND NOTE:
NO WETLANDS IDENTIFIED PER THE "NATIONAL WETLANDS INVENTORY".

FLOODPLAIN NOTE:
THE SUBJECT PROPERTY IS IDENTIFIED AS BEING IN AN "X" ZONE AS SHOWN ON FEMA FIRM MAP 41043C1118G AND IS NOT IN THE 100 YEAR FLOODPLAIN.

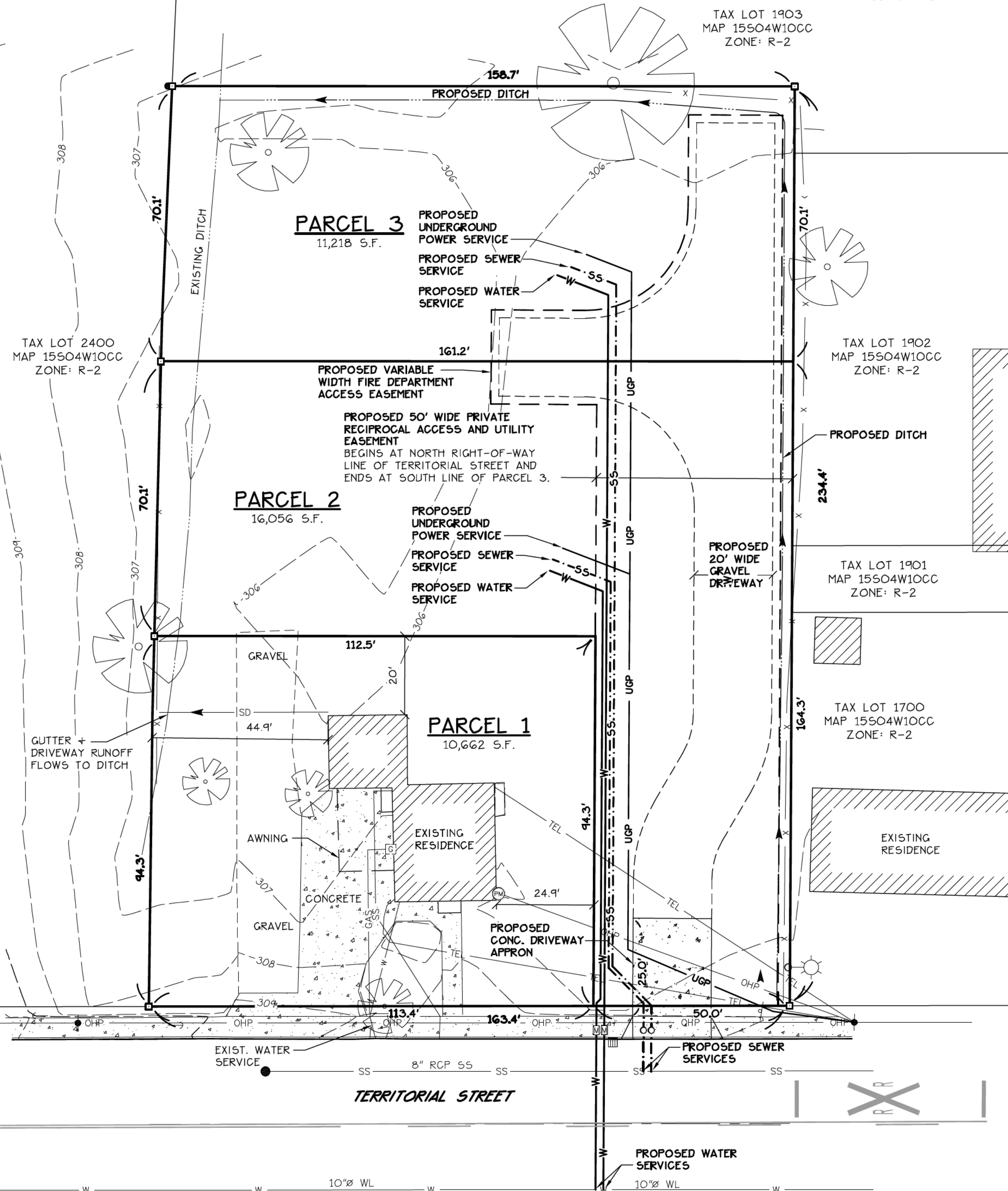
SEWER NOTE:
PROPOSED PARCEL 1 IS ALREADY SERVED WITH CITY SEWER. SERVICE LATERALS FOR PROPOSED PARCELS 2 +3 WILL BE INSTALLED WHEN THE PARCELS ARE DEVELOPED.

WATER NOTE:
PROPOSED PARCEL 1 IS ALREADY SERVED WITH CITY WATER. SERVICE LATERALS FOR PROPOSED PARCELS 2 +3 WILL BE INSTALLED WHEN THE PARCELS ARE DEVELOPED.

LEGEND:

- | | |
|-------|-----------------------------------|
| RCP | REINFORCED CONCRETE PIPE |
| ● | FOUND MONUMENT |
| □ | CALCULATED POINT FROM RECORD DATA |
| ● | EXISTING MANHOLE |
| — | EXISTING SIGN |
| [M] | EXISTING WATER METERS |
| — | EXISTING UTILITY POLE |
| [] | EXISTING CATCH BASIN |
| [G] | EXISTING GAS METER |
| [PM] | EXISTING POWER METER |
| ⊙ | EXISTING LIGHT POLE |
| ⊙ | EXISTING DECIDUOUS TREE |
| —W— | EXISTING WATER LINE |
| —SD— | EXISTING STORM DRAIN LINE |
| —SS— | EXISTING SANITARY SEWER LINE |
| —TEL— | EXISTING TELEPHONE LINE |
| —GAS— | EXISTING NATURAL GAS LINE |
| —OHP— | EXISTING OVERHEAD POWER LINE |
| —X— | EXISTING FENCE LINE |
| —W— | PROPOSED WATER LINE |
| —SS— | PROPOSED SANITARY SEWER LINE |
| —UGP— | PROPOSED UNDERGROUND POWER LINE |

S.P.R.R.





Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*

WN2021-1352

Responsible Jurisdiction

Staff Contact

Michele Eldridge

Jurisdiction Type

City

Municipality

Harrisburg

Local case file #

LU 436-2021 & 438-2021

County

Linn

Activity Location

Township

15S

Range

04W

Section

10

QQ section

CC

Tax Lot(s)

1800

Street Address

559 Territorial St

Address Line 2

City

Harrisburg

State / Province / Region

OR

Postal / Zip Code

97446

Country

Linn

Latitude

44.274298

Longitude

-123.167101

Wetland/Waterway/Other Water Features

- ☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

Your Activity

- ☒ It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- ☒ An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

- ☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on a review of the available information, there may be jurisdictional wetlands on the property. A wetland delineation is recommended prior to construction of the additional homes on this/these parcels. The report should be submitted to the Department for review and concurrence. A permit and associated mitigation may be required for removal and/or fill activities within onsite wetlands that is 50 cubic yards or greater.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- ☒ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

1/4/2022

Response by:

Chris Stevenson

Response Phone:

503-986-5246