



Planning Commission Agenda

July 18, 2023

7:00 PM

Chairperson: Todd Culver
Commissioners: Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber, Susan Jackson, and Joe Neely
Meeting Location: Harrisburg Municipal Center Located at 354 Smith St

PUBLIC NOTICES:

1. *This meeting is open to the public and will be tape-recorded.*
2. *Copies of the Staff Reports or other written documents relating to each item on the agenda are on file in the office of the City Recorder and are available for public inspection.*
3. *The City Hall Council Chambers are handicapped accessible. Persons with disabilities wishing accommodations, including assisted listening devices and sign language assistance are requested to contact City Hall at 541-995-6655, at least 48 hours prior to the meeting date. If a meeting is held with less than 48 hours' notice, reasonable effort shall be made to have an interpreter present. The requirement for an interpreter does not apply to an emergency meeting. ORS 192.630(5)*
4. *Persons contacting the City for information requiring accessibility for deaf, hard of hearing, or speech-impaired persons, can use TTY 711; call 1-800-735-1232, or for Spanish voice TTY, call 1-800-735-3896.*
5. *The City of Harrisburg does not discriminate against individuals with disabilities, and is an equal opportunity provider.*
6. *For information regarding items of discussion on this agenda, please contact City Administrator Michele Eldridge, at 541-995-2200.*
7. *Masks are not required currently. The City does ask that anyone running a fever, having an active cough or other respiratory issues, not attend this meeting.*
8. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting and can also call someone during the meeting if verbal testimony is needed.*

CALL TO ORDER AND ROLL CALL

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

PUBLIC HEARING

1. THE MATTER OF A VARIANCE AND ADJUSTMENT REQUEST FOR KEITH & JODY GREGERSEN

STAFF REPORT EXHIBITS:

Exhibit A: Harrisburg Local Wetland Inventory Map

Exhibit B: Application

ACTION: MOTION TO APPROVE THE VARIANCE REQUEST OF LU 450-2023, AND ADJUSTMENT REQUEST OF LU 451-2023, SUBJECT TO THE CONDITIONS OF APPROVAL CONTAINED IN THE STAFF REPORT OF JULY 11, 2023. THIS MOTION IS BASED ON FINDINGS CONTAINED IN THE STAFF REPORT OF JULY 11, 2023, AND ON FINDINGS MADE DURING DELIBERATIONS ON THE REQUEST.

APPLICANT: KEITH & JODY GREGERSEN

OTHERS

ADJOURN

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF A VARIANCE AND ADJUSTMENT REQUEST FOR KEITH & JODY GREGERSEN

STAFF REPORT EXHIBITS:

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APPLICANT: Keith & Jody Gregersen

LOCATION: 945 Greenway Dr – 15S04W02BD00524

HEARING DATE: July 18, 2023

ZONING: R-1 Single Family Residential

OWNER: Keith & Judy Gregersen

BACKGROUND

Applicant owns property located at 945 Greenway Dr. The tax lot is 9,350 sq. ft., and is located at the dead end of Greenway Dr. The property located immediately to the east of this lot is farmed, and has a large wetland located on it. This is identified in the Local Wetland Inventory (LWI) as Wetland HA-9 (**Exhibit A**). The owners have a converted garage that is now living space. These changes were made prior to the City making those changes to the code, and is therefore considered a legal, non-conforming use.

INTRODUCTION

The owners are proposing to add an 816 sq. ft. accessory structure, (shown in **Exhibit B**) which will be their primary garage. In order to allow more storage, and to

accommodate their large RV, they are also proposing to have the accessory structure be 21'6" tall. The size allowance in Harrisburg Municipal Code (HMC) 18.45.030 allows an accessory structure as a permitted use in the R-1 zone. Special Use Standards located in 18.50.150 state that an accessory structure in the residential zone is a Type I use, which doesn't require Planning Commission approval. However, HMC 18.50.150(3) also states that an accessory structure cannot exceed the lesser of 50 percent of the floor area of the primary structure or 500 square feet, and its height cannot exceed the primary dwelling. The Planning Commission has already recommended to the City Council that they allow a 1,000 sq. ft. accessory structure, and the City Council agreed with that recommendation. The size of their proposed garage is allowed under the pending ordinance change; however, their garage still exceeds the 50% size requirement. The size allowance for their 1,488 sq. ft. home is 744 sq. ft. The 816 sq. ft. garage therefore requires a variance to be required in order to exceed the 50% requirement by 72 sq. ft.

The height of the current home is 13'6", and the proposed height of the garage is 21'6". The pitch of the roof will match that of the home at 4/12. Because HMC 18.50.150(3) also states that an accessory structure can't exceed the height of the primary dwelling, this will also require a variance, in order to allow the 8' discrepancy.

Finally, the side setback of this property in the R-1 zone as shown in HMC 18.50.040(4) is 7', and the property owners are proposing that they be allowed to put the accessory structure on the property with a setback of 5.95'. HMC 19.40.030 allows an adjustment to the setback standards of 15%, which can be approved through a Type II process. The more intensive land use request of a variance dictates which process we use, and in this case, the adjustment will be addressed concurrently with the variance.

One last note that the Planning Commission should know is that the elevation drawings in the exhibits are shown with the RV garage entrance located on the east side. It will instead be added to the west side. The Planning Commission doesn't need to approve any changes to the design and location of the doors but should have that information available to them. The change will allow slightly more usable space on the interior of the garage, as the RV is currently 32' feet long.

CRITERIA AND FINDINGS OF FACT

1. Criterion: HMC 18.50.150 Accessory structures – Type I or II depending upon zoning.

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

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

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

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

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

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

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

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

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

DISCUSSION: A maximum of three accessory structures are allowed on a property, and the owners have only one accessory structure remaining after the recent removal of another structure. The addition of this accessory structure will bring the count to two. As already noted above, the primary accessory structure/garage will exceed 50% of the home's square footage, which requires the applicant to apply for a variance. In this case, the garage will be attached to the existing home, and match the home in appearance. (**Development/Building Code Requirement No. 1**) Because this property is located at the edge of a farm field, which consists mostly of wetlands, and is also at the terminus of Greenway Dr., the City will not require any additional screening or buffering to apply; the property owners already exceed the new landscaping requirements which are 30% of their lot. In addition, this primary garage for the property owners will be attached to the residence, therefore, the setbacks in the accessory code do not apply. Because the structure is larger than 200 sq. ft., it will require a building permit. (**Development/Building Code Requirement No. 2**) The owners are aware of what is considered prohibited accessory structures. Finally, the lot coverage with the addition of the primary garage will come to 2,360 sq. ft., which will bring the total lot coverage to 25.2%, well within the 50% allowance in the R-1 zone.

Development/Building Code Requirement No. 1. The Property Owners must match the exterior of the primary garage/accessory structure to the home in appearance.

Development/Building Code Requirement No. 2. The Property owners will be required to apply for a building permit before any structural work is completed on the garage.

Finding: As noted in Development/Building Code Requirements, the new garage will be required to match the home in appearance, and a building permit will be required for this structure. The owner is undergoing a variance in order to allow both the height differential of 8' that exists between the existing home and the accessory structure, as well as the size differential of 72 sq. ft. **As conditioned, the criteria is met.**

2. Criterion: HMC 19.40.030 Adjustments.

Adjustments are subject to the following standards and procedures. (Permitted uses, as provided in Division 2 of HMC Title [18](#), shall not be adjusted.)

1. Applicability. *The City Administrator or Planning Commission, through a Type II procedure, may adjust the following standards where the criteria in subsection (2) of this section are met:*

a. Setbacks: Up to a 15 percent reduction to a minimum setback.

2. Approval Criteria. *The City may grant an adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.*

a. The adjustment allows for a building plan that is compatible with adjacent land uses, and it does not create a conflict with adjacent uses;

b. Approval of an adjustment is necessary in order for the applicant to develop his property consistent with the "highest and best" uses of the zone or to allow less intensive development consistent with the zoning that could not otherwise occur;

c. Approval of the adjustment does not create (a) violation(s) of any State or Federal regulation or other adopted ordinance or code standard, and does not create the need for a variance;

d. An application for an adjustment is limited to not more than six lots per application;

e. Requests for more than one adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;

f. Not more than three adjustments may be approved for one lot or parcel in a continuous 12-month period; and

g. All applicable building code requirements and City Engineering and Public Works design standards shall be met. [Ord. 987 § 1 (Exh. A), 2022.]

Discussion: Up to a 15% allowance to the side setback is allowed in this adjustment. The setback allowance in the R-1 zone for the proposed height of this project is 7', and the proposed setback of 5.95' meets the 15% allowance requirement. **(Condition No. 2)** Staff finds that the adjustment is compatible with the adjacent land uses, and does not create a conflict with other properties in this area. Allowing the owners to develop their property in order to allow for storage of their RV and vehicles is consistent with the

highest and best uses of the zone, as it also allows the removal of these vehicles from the street in an area in which street parking is at a premium. The adjustment does not create a violation of any state or federal regulations and does not create the need for a variance. There is only one tax lot to which this adjustment will be allowed, and this adjustment is being made concurrently to the variance for the size and height of the garage. Adjustments are new to the Harrisburg City Code, and therefore, the applicant will be allowed only two additional adjustments in a 12-month period from the date of approval (**Condition No. 3**). The applicants will be required to follow all building code requirements, which has already been conditioned.

Condition No. 2: Setback – The applicant shall not be allowed to exceed the adjusted side setback allowance of 5.95’.

Condition No. 3: Adjustments – The applicant shall be allowed only two additional adjustments to apply to this tax lot in the next 12-months following approval.

Finding: As conditioned, this criterion has been met.

3. CRITERION: HMC 19.40.040 Variances.

1. Applicability. *A variance is a code adjustment that does not otherwise meet the criteria under HMC 19.40.030. (Permitted uses, as provided in Chapters 18.40 to 18.55 HMC, shall not be adjusted with a variance.)*

2. Approval Criteria. *The Planning Commission through a Type III procedure may approve a variance upon finding that it meets all of the following criteria:*

- a. The variance is necessary because the subject code provision does not account for special or unique physical or historical circumstances of the subject site, existing development patterns, or adjacent land uses. If an existing lot or development is nonconforming, the City may accept the nonconforming status as sufficient evidence of a hardship for purposes of approving a variance under this section;*
- b. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;*
- c. The variance does not conflict with other applicable City policies or other applicable regulations;*
- d. The variance will result in no foreseeable harm to adjacent property owners or to the public interest;*
- e. All applicable building code requirements and engineering design standards shall be met;*
- f. 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; and*

g. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or the community as a whole. [Ord. 987 § 1 (Exh. A), 2022.]

DISCUSSION: This subdivision is one of the older ones in the City, and Greenway was originally planned to extend to the east. However, the farmed field located to the east is more than 50% wetlands. This constrains the City somewhat in extending further street and infrastructure, as the City would be required to mitigate the wetlands located to the east. Other properties in this area do have taller, and larger accessory structures, as proved in pictures in the application packet shown in **Exhibit B**. Therefore, the historical circumstances, and current development standards justify the need for a variance on this property.

This development will also remove a legal non-conforming use of the property, by establishing a primary accessory structure/garage in place of the one that was previously converted to residential living use. The variance allows for an accessory structure that will be 8' higher than the house, which is a not a huge size differential, and allows the property owners more storage space. The variance does not conflict with other applicable regulations and standards, and in fact, removes a legal non-conforming use of the property. There were no comments from any neighbors or the citizens in this area, nor were there from any other agency. Staff feels that the allowance of a variance for both the height restriction, and a size increase exceeding the 50% allowance of the homes square footage causes no harm to any other property owner, nor does it cause any issue that applies to the general public.

As already conditioned in the **Development/Building Code Requirements No. 2**, the owners are required to obtain a building permit, which dictates that engineering standards must be met. Staff finds that this development of the property allows for the preservation and enjoyment of the property owners equivalent to that of other adjoining properties and residential neighborhood. Conditions have been created that will require the property owners to follow standards applicable to this residential neighborhood.

Condition No. 4: Height of Accessory Structure: The applicant may not exceed the height of 21'6" on the proposed accessory structure.

Condition No. 5: Size Limitation of Accessory Structure: The applicant may not exceed the size limitation of 816 sq. ft. allowed by this variance request.

Finding: As noted in the analysis above, the criterion for a variance to allow an accessory structure to exceed the height of the residential structure by 8', and to allow for an accessory structure to exceed the requirement of being larger than 50% of the

square footage of the residential structure (an allowance of 72 sq. ft) should be allowed as shown in the conditions of approval. **As conditioned, this criterion has been met.**

4. Criterion: HMC 19.40.050 Expiration.

- 1. Approvals granted under this chapter shall expire if not acted upon by the property owner within 18 months of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., site design review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the City Administrator may extend an approval accordingly. [Ord. 987 § 1 (Exh. A), 2022.]**

Discussion: The property owner must file a building permit within 18 months of the City approving the variance and adjustment, as shown in Condition No. 6

Condition No. 6. Time Limitation: The property owners must apply for a building permit within an 18-month time limit from the approval of this variance and adjustment request.

Finding: As conditioned, this criterion has been met.

CONCLUSIONS

The applicant requests approval of a variance for exceeding the square footage requirement of HMC 18.50.150.3, in both the height of the addition of the primary accessory structure garage in comparison to the home by 8', as well as the square footage allowance of 50% of the home by 72 sq. ft. In addition, applicant requests an adjustment to allow a side setback to be reduced to 5.95'. Staff finds that as demonstrated by the above discussion, analysis and findings, the application, as conditioned, complies with the applicable criteria from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

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

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

Based upon the criteria, discussion, and findings of facts above, Staff recommends the Planning Commission motion to approve a variance for LU 450-2023 to allow for a height differential of 8' between the home and the new accessory structure, as well as a

size differential of 72 sq. ft. between the existing home, and the new accessory structure. In addition, staff recommends that the Planning Commission allow for an adjustment from 7' to 5.95' to the side setback as requested in LU 451-2023.

RECOMMENDED MOTION(S)

Consistent with staff’s recommendation to the Planning Commission, the appropriate motions are shown at the top of this staff report.

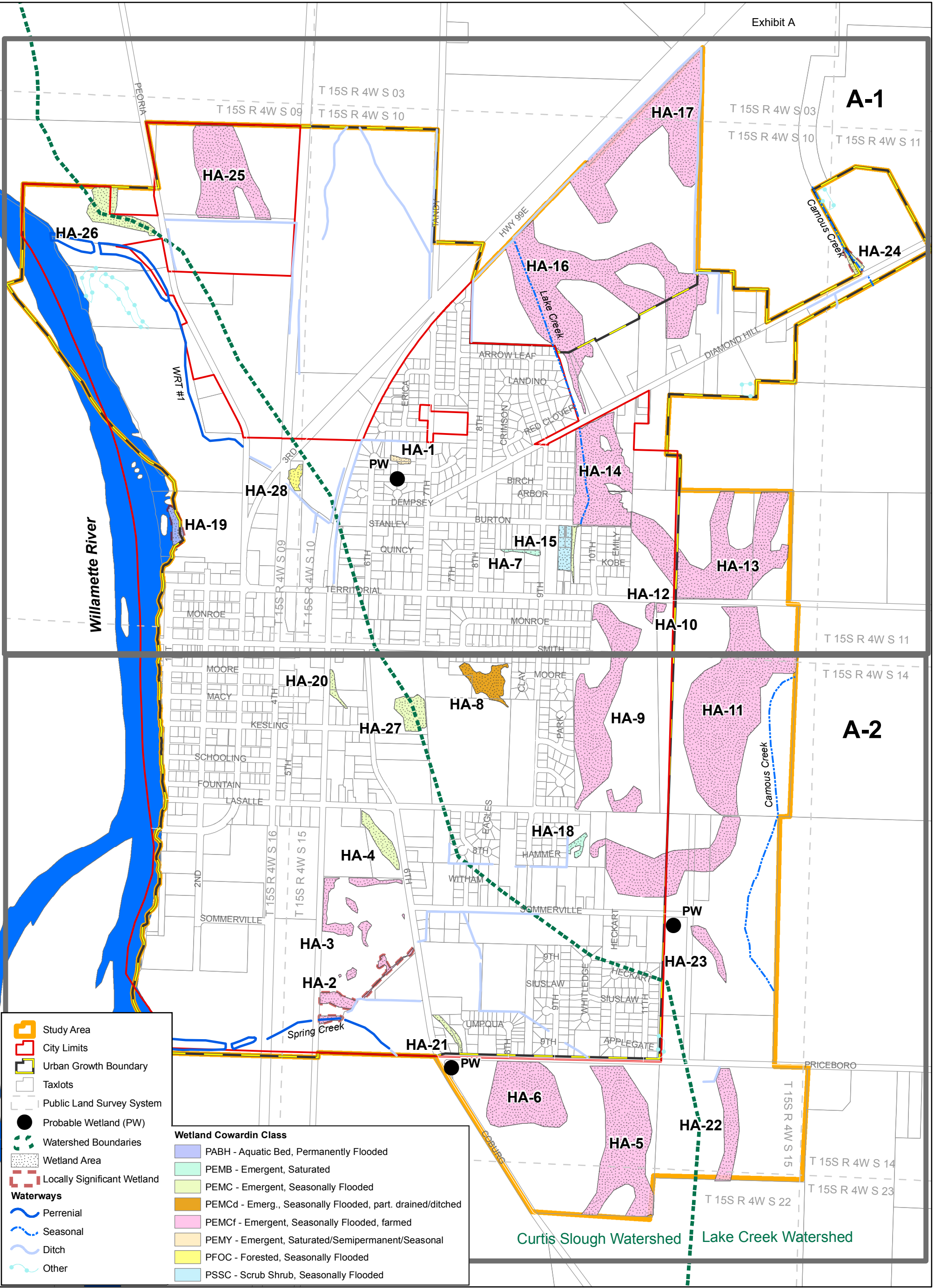
RECOMMENDED CONDITIONS OF APPROVAL

- 1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant’s proposal, except where modified by the following conditions of approval.
- 2. **Setback** – The applicant shall not be allowed to exceed the adjusted side setback allowance of 5.95’.
- 3. **Adjustments** – The applicant shall be allowed only two additional adjustments to apply to this tax lot in the next 12-months following approval.
- 4. **Height of Accessory Structure** - The applicant may not exceed the height of 21’6” on the proposed accessory structure.
- 5. **Size Limitation of Accessory Structure** - The applicant may not exceed the size limitation of 816 sq. ft. allowed by this variance request.
- 6. **Time Limitation** - The property owners must apply for a building permit within an 18-month time limit from the approval of this variance and adjustment request.

DEVELOPMENT/BUILDING CODE REQUIREMENTS

Development/Building Code Requirement No. 1. The Property Owners must match the exterior of the primary garage/accessory structure to the home in appearance.

Development/Building Code Requirement No. 2. The Property owners will be required to apply for a building permit before any structural work is completed on the garage.



To: City of Harrisburg Planning Committee

Subject: Plans and possible Variance for Proposed car and RV garage at 945 Greenway Dr.

Dear Committee,

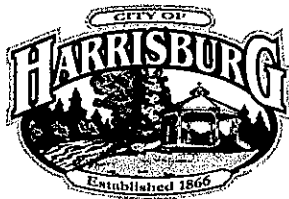
At this location is a four bedroom, two bath home that has had the former garage converted to a Master Bedroom and Bath. We would now like to add a car and RV garage to the house. The lay of this lot has been challenging to make this happen with an easement in the front (south) of the home AND to the proposed garage side (east). This east side has a very weird lot line angle plus a 7 - foot easement and a grass seed field with a wetland right along this. Easement.

Our proposal is to build this Garage to 750 sq feet and make a 34- foot RV fit! To do this we have asked for access into the (east) seven- foot easement (setback) and was granted a 5.95 setback without a variance. The only variance we are needing from what I understand is the height of this Garage. The peak of the original home is 13 feet 6 inches ,our proposed garage height is 21 feet six inches. I would like to keep it at this height as the roof pitch (4/12) matches the home and I am trying to make this really fit/ match the home. There is the question / issue of this area does not have Two - story, or homes that high. Well right behind me at 345 Park is an addition that is that high. I then drove around the area and only looked east of 9th street (all the dead- end streets) between LaSalle and Territorial St. and counted eleven homes of similar height. I have included pictures of some pictures, but not all as they were duplicate style homes.

Talking to the neighbors around us there does not seem to be any concerns. We are building this to hide our motorhome to make the place look more pleasing and to make it so nobody can tell if we are gone. We do not feel this is affecting any neighbors view(s) or causing any harm to the Grass seed field/ Wetland next to us.

Thank you,

Jody and Keith Gregersen (keithgregersen@yahoo.com) 541-731-7429
945 Greenway Drive
Harrisburg, Oregon 97446



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:	Date Received:
Fee Amount:	

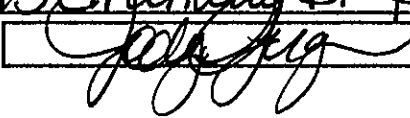
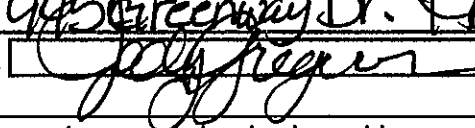
APPLICATION TYPE	
<input type="checkbox"/> Annexation*	<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Comprehensive Plan Amendment*	<input type="checkbox"/> Partition/Replat* Minor Major
<input type="checkbox"/> Conditional Use Permit*	<input checked="" type="checkbox"/> Site 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

Project Description	adding a attached car & RV Garage. The garage needs to be 21.5 feet tall to fit the RV inside while maintaining to same roof pitch as home (sort looks nice). also we are requesting to build slightly into the seven foot easement on the east property line. we have drawn this to be 750 square feet or less.
Project Name	RV & Car Garage

Applicant's Name	Keith & Jody Gregersen			
Phone	541-731-7429	Email	Keithgregersen@yahoo.com	
Mailing Address	945 Greenway Dr Harrisburg, or 97446			
Applicant's Signature	Keith Gregersen		Date	6/14/2023
Property Owner Name	Keith & Jody Gregersen			
Phone	541-731-7429	Email	Keithgregersen@yahoo.com	
Mailing Address	945 Greenway Dr. Harrisburg Oregon 97446			
Owner Signature	Keith Gregersen		Date	6/14/2023
*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.				

PROPERTY DESCRIPTION	
Street Address	945 Greenway Dr. Harrisburg, Oregon 97446
General Location Description	Heather Ridge First Addition corner of Park Ln & Greenway Dr.
Assessor's Map Number(s)	Related Tax Lot(s)
Map # 15504 W153D	Tax Lot(s) # 00524
The Assessor's Map Number (Township, Section and Range) and the Tax Lot Number (name) 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	

Applicant's Name	Jody Gregersen			
Phone	541-521-8372	Email	jodylyn1@gmail.com	
Mailing Address	945 Greenway Dr. Harrisburg OR 97446			
Applicant's Signature			Date	6/14/2023
Property Owner Name	Jody Gregersen			
Phone	541-521-8372	Email	Same	
Mailing Address	945 Greenway Dr. Harrisburg OR 97446			
Owner Signature			Date	6/14/2023
*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.				

PROPERTY DESCRIPTION	
Street Address	
General Location Description	
Assessor's Map Number(s)	Related Tax Lot(s)
Map #	Tax Lot(s) #
The Assessor's Map Number (Township, Section and Range) and the Tax Lot Number (parcel) can be found on your tax statement, at the Linn County Assessor's Office, or online at http://linn-web.co.linn.or.us/propertywebquerypublic/	
Lot Area	

Existing Zone(s)

R-1

Existing Comprehensive Plan Designation(s)

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

☐

Historic Overlay

☐

Willamette River Greenway

☐

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.

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

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

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:

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

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

parking structure for vehicles and RV
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.

N/A
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.

HEATHER RIDGE, FIRST ADDITION

IN SECTION 15, TOWNSHIP 15S, RANGE 4 W, WILLAMETTE MERIDIAN
Hartisburg, Linn County, Oregon

Scale 1" = 60'

DESCRIPTION:

BEGINNING SOUTH 89° 51' EAST 1439.0 FEET AND NORTH 2° 24' WEST 108.80 FEET FROM THE NORTHWEST CORNER OF THE DAVID McCULLY D.L.C. NO. 43, IN TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON, RUN THENCE NORTH 89° 53' 30" WEST 367.94 FEET; THENCE SOUTH 0° 41' WEST 33.01 FEET; THENCE SOUTH 89° 19' EAST 130.00 FEET; THENCE SOUTH 0° 41' WEST 33.01 FEET; THENCE SOUTH 64° 05' EAST 304.53 FEET; THENCE NORTH 2° 24' WEST 698.77 FEET TO THE PLACE OF BEGINNING.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT CECIL D. BILVEU AND MILDRED BILVEU, HUSBAND AND WIFE, AND DAYTON C. PECK AND ELSIE B. PECK, HUSBAND AND WIFE, DECLARE THAT WE HAVE CAUSED THE LAND HEREON DESCRIBED TO BE SUBDIVIDED AND PLATTED AS HEREON SHOWN, AND THAT WE HEREBY DEDICATE TO THE PUBLIC FOREVER ALL STREETS AS SHOWN ON THIS PLAT, RESERVING THEREFROM THE RIGHT OF THE HARTISBURG, OREGON PLANNING COMMISSION, OR ITS ASSIGNS, TO CONTROL ACCESS ACROSS THE 100' WIDE RESERVE STRIPS HEREON DESIGNATED AS PARCELS "C", "D", AND "E".

Cecil D. Bilveu
Mildred Bilveu

Dayton C. Peck
Elsie B. Peck

ACKNOWLEDGEMENT:

STATE OF OREGON }
COUNTY OF LINN } S.S.
BEIT REMEMBERED THAT ON THIS 12th DAY OF January, 1974, THERE PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, THE ABOVE NAMED CECIL D. BILVEU AND MILDRED BILVEU, HUSBAND AND WIFE, AND DAYTON C. PECK AND ELSIE B. PECK, HUSBAND AND WIFE, KNOWN TO ME TO BE THE IDENTICAL PERSONS WHO EXECUTED THE FORGOING DEDICATION, AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY, FOR THE USES AND PURPOSES THEREIN NAMED.

IN WITNESS WHEREOF I HAVE SET MY HAND AND OFFICIAL SEAL THIS 12th DAY OF January, 1974.

Jack L. Harbison
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 12-31-1974

APPROVALS

THIS PLAT APPROVED BY ORDER OF THE LINN COUNTY BOARD OF COMMISSIONERS THIS 12th DAY OF January, 1974.

John D. C. Miller Jan 13, 1974
COMMISSIONER
James D. Richardson Jan 13, 1974
COMMISSIONER
Paul J. Brown Jan 13, 1974
COMMISSIONER
Alfred E. Williams Jan 13, 1974
COUNTY ASSESSOR
Allen A. Cargen Jan 13, 1974
COUNTY SURVEYOR
Paul C. Jensen Jan 13, 1974
HARRISBURG PLANNING COMMISSION CHAIRMAN

I HEREBY CERTIFY THAT ALL TAXES ON THE WITHIN DESCRIBED PROPERTY ARE PAID AS OF THIS 6th DAY OF January, 1974.

John K. Miller Jan 13, 1974
LINN COUNTY SHERIFF

319492

STATE OF OREGON }
COUNTY OF LINN } S.S.

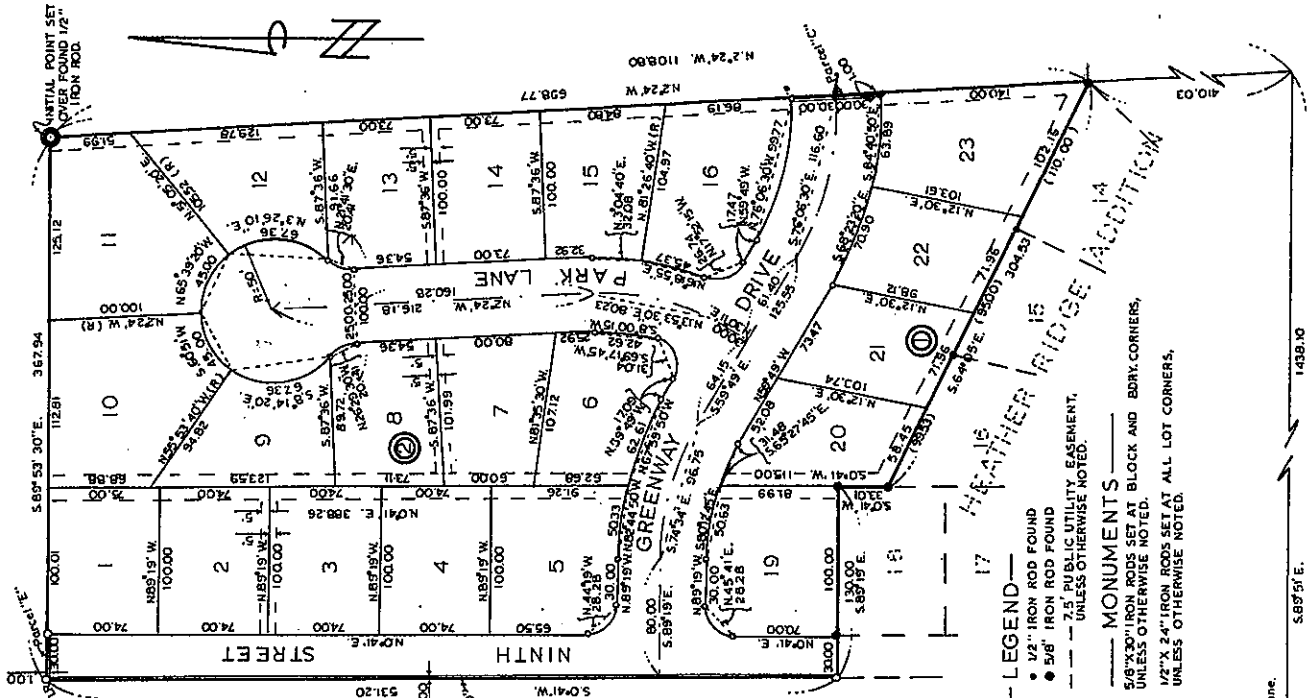
I HEREBY CERTIFY THE WITHIN WAS RECEIVED AND DULY RECORDED BY ME IN LINN COUNTY RECORDS, BOOK OF PLATS, VOLUME 14, PAGE 35, ON THIS 21st DAY OF January, 1974, AT 3:50 O'CLOCK P.M.

Wyn C. Butts
CHIEF DEPUTY AS
RECORDER OF LINN COUNTY
Wyn C. Butts
Deputy

AFFIDAVIT:

STATE OF OREGON }
COUNTY OF LINN } S.S.
I, RUSSELL S. CASTLEBERRY, BEING FIRST DULY SWORN ON OATH, SAY THAT I AM A REGISTERED PROFESSIONAL SURVEYOR, THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND AS SHOWN WITHIN HEATHER RIDGE, FIRST ADDITION; THAT THE INITIAL POINT IS A 2" X 3" GALVANIZED IRON PIPE 6" BELOW THE GROUND SURFACE, THAT SAID INITIAL POINT BEARS S89°51'E. 1439.0 FEET AND N. 2° 24' W. 108.80 FEET FROM THE NORTHWEST CORNER OF THE DAVID McCULLY DONATION LAND CLAIM NO. 43, TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN.

Russell S. Castleberry
REGISTERED OREGON LAND SURVEYOR
SUBSCRIBED AND SWORN TO ME THIS 12th DAY OF January, 1974.
Jack L. Harbison
NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES 12-31-1974



LEGEND—
• 1/2" IRON ROD FOUND
• 5/8" IRON ROD FOUND
--- 2.5' PUBLIC UTILITY EASEMENT, UNLESS OTHERWISE NOTED.

MONUMENTS—
5/8" X 30" IRON RODS SET AT BLOCK AND BURY CORNERS, UNLESS OTHERWISE NOTED.
1/2" X 24" IRON RODS SET AT ALL LOT CORNERS, UNLESS OTHERWISE NOTED.

NEW corner of the
DAVID McCULLY DONATION
LAND CLAIM NO. 43.

S.F. 1/4 N.W. 1/4 SEC. 15 T.15S. R. 4W. W.M.
Linn County

**FOR ASSESSMENT AND
TAXATION ONLY**

Linn Cou
1" = 100'

SEE MAP 15 4W 18

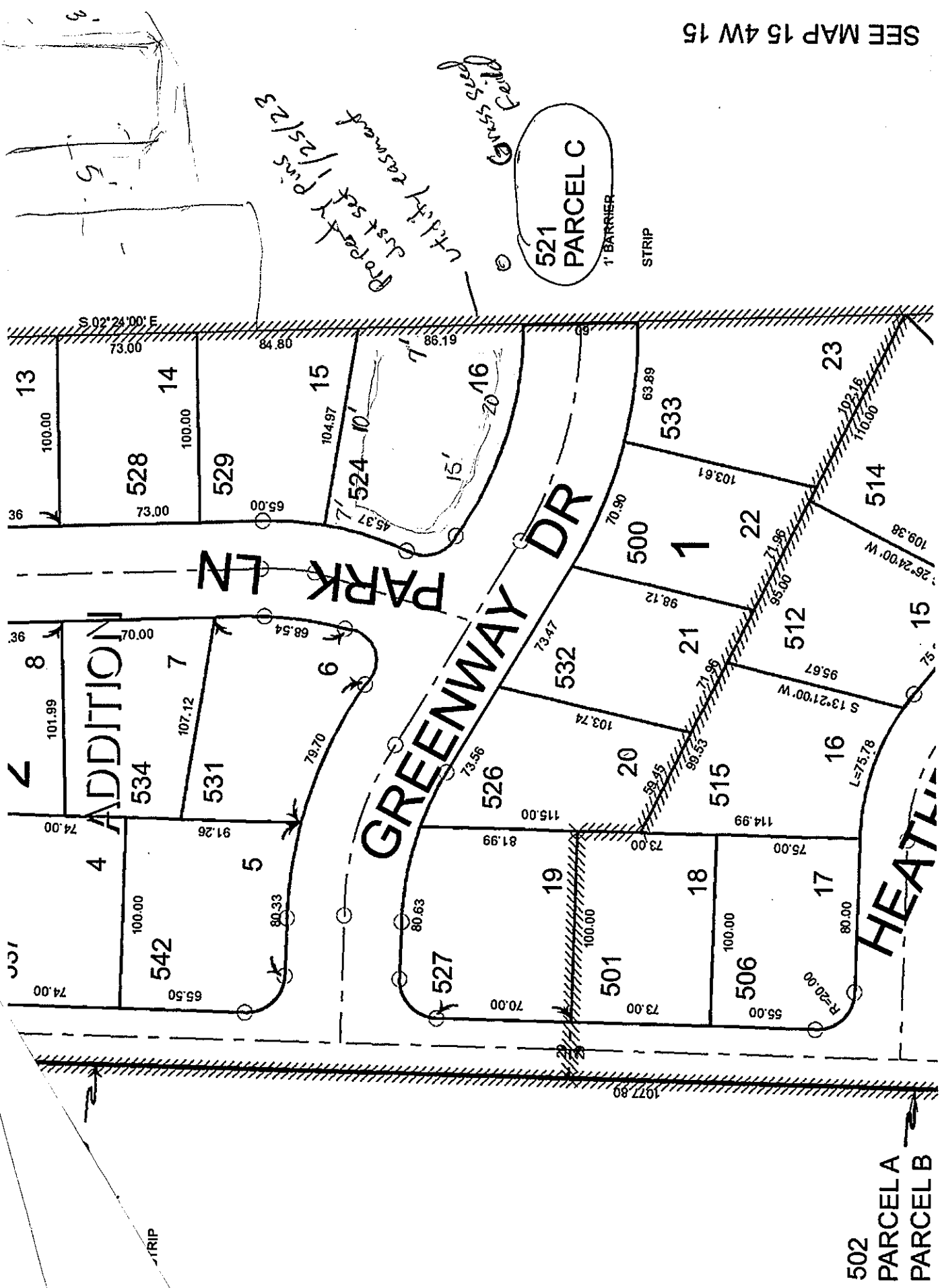
SEE MAP 15 4W 15BC

NW COR. DLC 43
DAVID MCCULLY

SEE MAP 154W 13

15S04W15BD
HARRISBURG
11/22/2018

SEE MAP 15 4W 15



502
PARCELA
PARCEL B

Begin forwarded message:

On Thursday, May 18, 2023, 8:03 PM, Michele Eldridge <meldridge@ci.harrisburg.or.us> wrote:

Hi Keith;

Thanks for checking in with me. I had obviously hoped to get this to you sooner!

1. Front Setback: The plans you've brought would need to be adjusted, as there must be a 20' setback to the front of any garage. Throughout the code, it's 20' setback to the garage in this zone; therefore, we would have to recommend no variance to be allowed to apply to the setback in front of your proposed structure. (In the past, if your garage was 20' back, and you were filling in your garage on the home, I could allow someone to use the 20' area as their primary parking area...that's not the case here.) Unfortunately, the 20' setback for a garage is one that's pretty obvious throughout the development code. You can still ask for less, but my recommendation in my staff report considering the above would be to recommend not allowing it.
2. Side Setback: I could adjust your side setback to 5.95', without a variance. But your 5' request would require a variance. In this case, as we've already discussed, there are wetlands to the east of your property, so that would be in your favor, provided you met the remaining variance criteria.
3. Height Differential: HMC 18.50.150(3) states that you can't exceed the height of the existing home, and 10' difference in this case is quite a bit. Again, I could allow you to adjust to a 13' height on the new accessory structure without a variance, but in this case, you would definitely need to request a variance. Class A motorhomes are generally 14' tall, and your 22' request exceeds that by a lot. You'll need to be prepared to address the reason why you need a structure that exceeds the height by that much. Again, given that you meet the rest of the criteria, you must be able to persuade the Planning Commission that there is some kind of special circumstance behind why you should be allowed that height.
4. Size Differential: HMC 18.50.150(3) also states that the accessory structure can't exceed the lesser of 50% of the floor area of the primary structure, or 500 square feet. After talking with our planning consultant, and the Planning Commission Chairperson, we felt that the Planning Commission should be adjusting that 500 sq. ft. figure to 750'. We will talk about this at our meeting in June. 50% of your homes square footage is 768', and with the lesser figure at 750', you would need to reduce your square footage to 750'. You already will likely need to adjust the structure to the rear property line by 5', so that should be easier for you to do. However, the structure size you actually wanted is at least 1072 sq. ft. That would be a harder type of variance to argue to the Planning Commission. You would have to explain why you felt that the larger structure has 'special, or has unique physical or historical circumstances'. You could take a look at the area right around you, to see if there are similar accessory structures that are larger like the one you want.

A variance costs \$450. In addition to providing us with a narrative addressing the variance approval criteria, which is below, you would also need to provide us with a land use application. That's available on the City's website. <https://www.ci.harrisburg.or.us/planning/page/land-use-planning-permit-application> The drawings that you've provided are in scale, and I think explains everything fairly well. Great job on those! There are some little things we'll need to do, like verify you meet the landscaping requirements, etc., but the harder part of what you are asking for is below:

2. Approval Criteria. The Planning Commission through a Type III procedure may approve a variance upon finding that it meets all of the following criteria:

- a. The variance is necessary because the subject code provision does not account for special or unique physical or historical circumstances of the subject site, existing development patterns, or adjacent land uses. If an existing lot or development is nonconforming, the City may accept the nonconforming status as sufficient evidence of a hardship for purposes of approving a variance under this section;**
- b. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;**
- c. The variance does not conflict with other applicable City policies or other applicable regulations;**
- d. The variance will result in no foreseeable harm to adjacent property owners or to the public interest;**
- e. All applicable building code requirements and engineering design standards shall be met;**
- f. 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; and**
- g. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or the community as a whole.**

Take care;

On Monday, May 22, 2023, 8:28 AM, Keith Gregersen <keithgregersen@yahoo.com> wrote:

1.

Update!

So I have come up with a plan that fits into the parameters that I have been given if the 750 sq feet is approved. When is this meeting and when will I know when the 750 is approved?

The only one I need a little guidance on is height?

Technically the house height is 12 foot 6 inches.

What would the max height I could go with a variance without it being totally unacceptable?

Next drawings will be complete .

Keith Gregersen

Sent from Yahoo Mail for iPhone



Michele Eldridge wrote
to me

Tue, Jun 13, 4:52 PM (20 hours ago)

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Monday, May 22, 2023, 7:16 PM, Michele Eldridge <meldridge@ci.harrisburg.or.us> wrote:

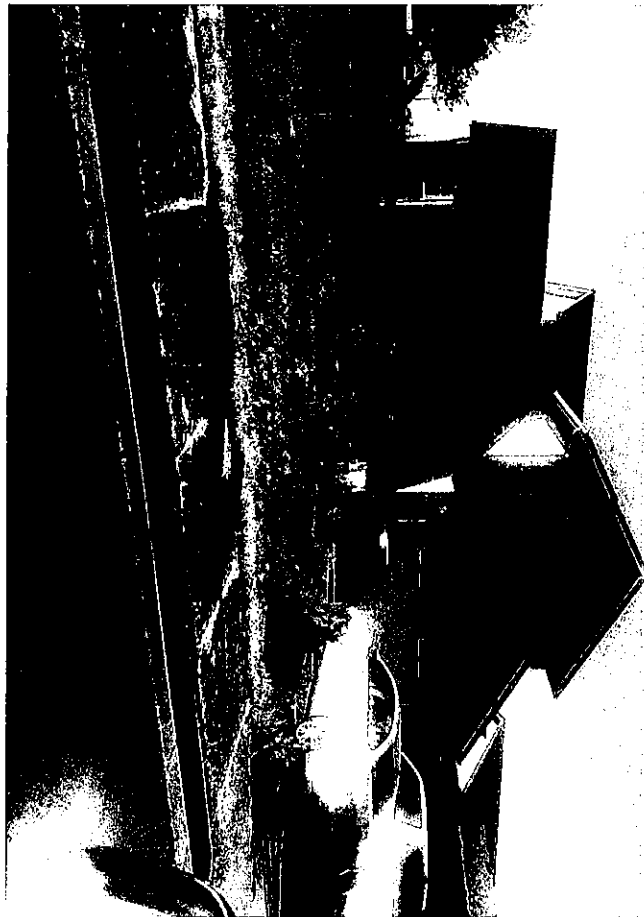
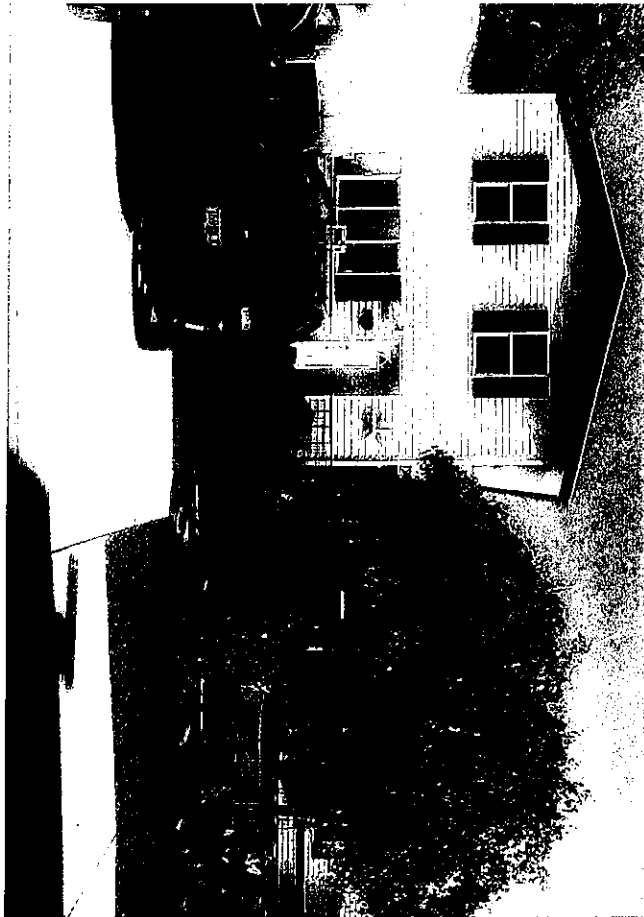
Hi Keith:

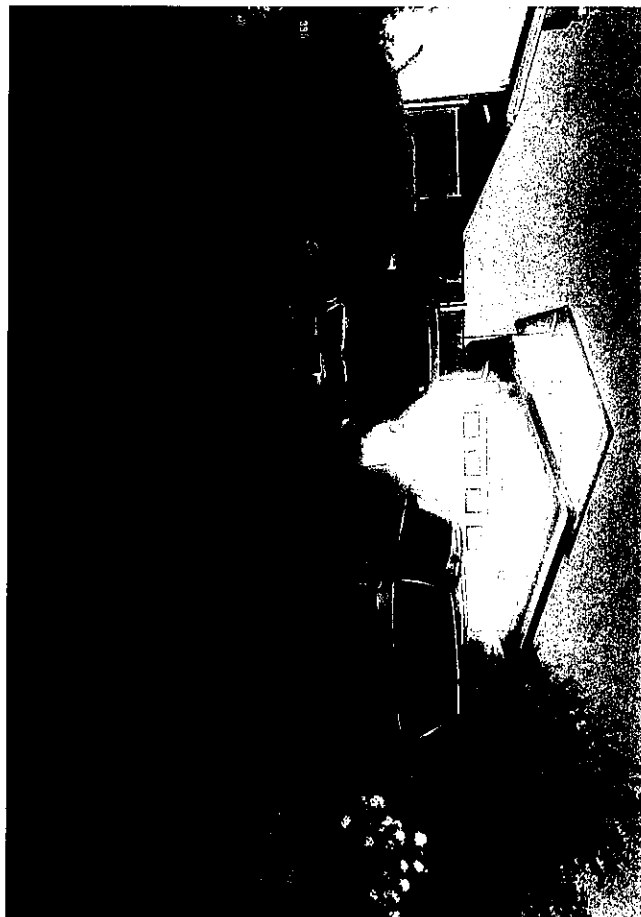
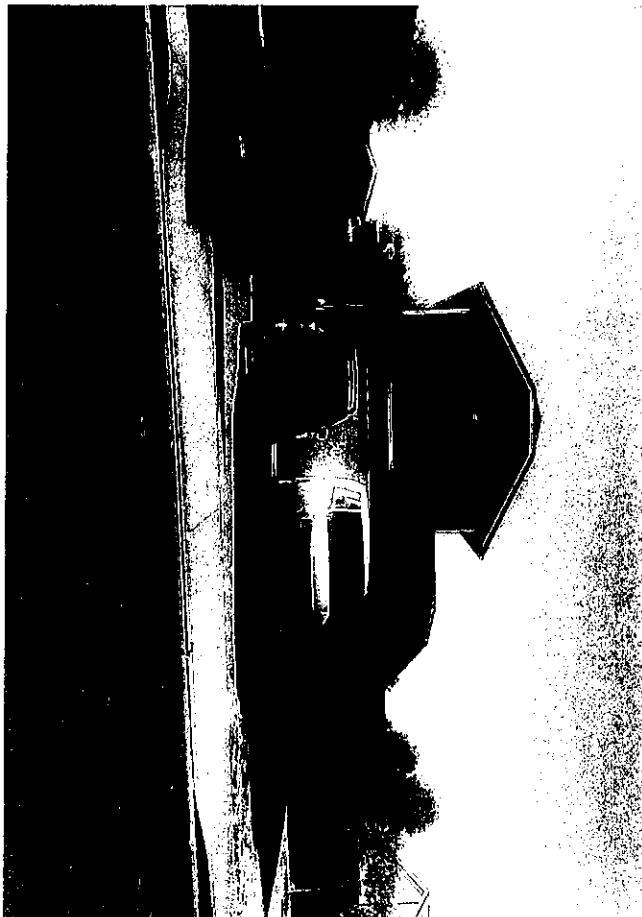
Glad to hear that something might be workable for you. Check with me after June 20th. That is the meeting in which the size will be discussed.

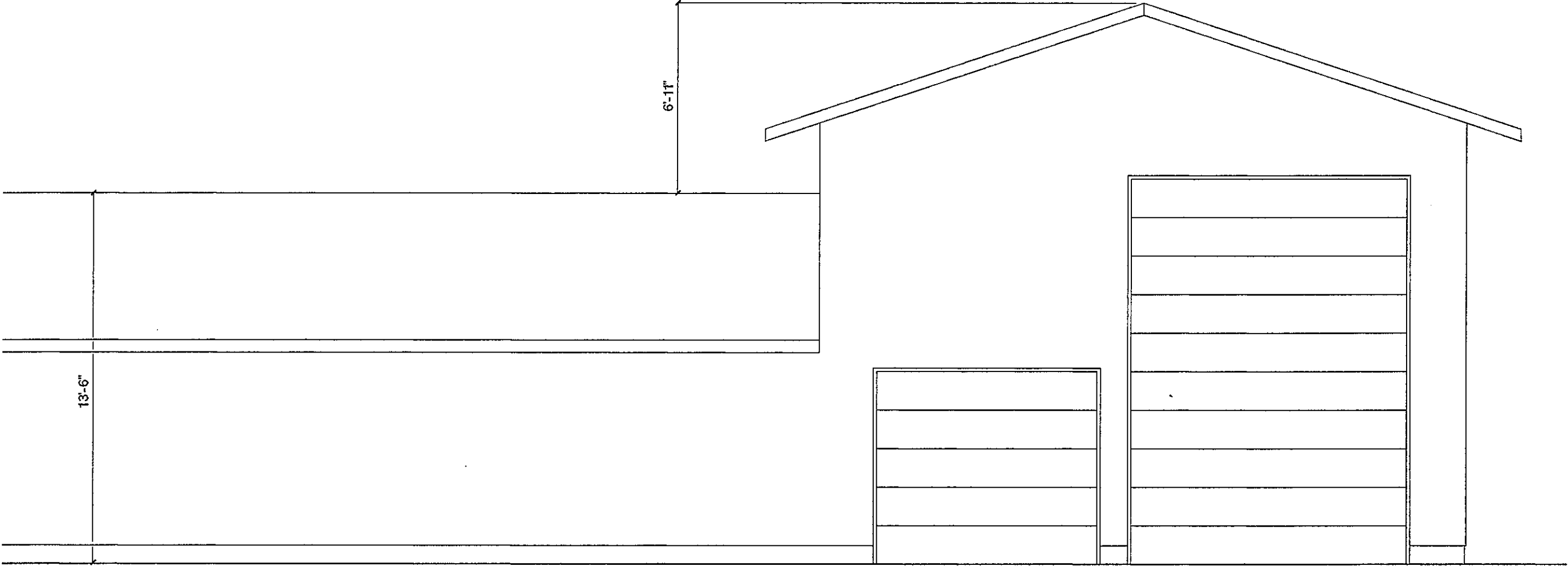
As for the height, the maximum allowed in your zone is technically 35'. So yes, you can exceed the height of your home with a variance. It's better for property values to have homes similar in height near each other, which is one of the reasons why that limitation is in place as a general planning principle.

Is your neighborhood mostly all single story homes, or do you have a mix of one and two story? Having two story nearby helps you justify why you are asking for a variance. If you have all one-story homes, you can still apply for a variance, but it won't make your request as strong. You can also drive around and look for other homes that have a higher accessory structure than the home. I'm sure that they are out there. (I think that there is one on Kesling, between 3rd & 4th St.)

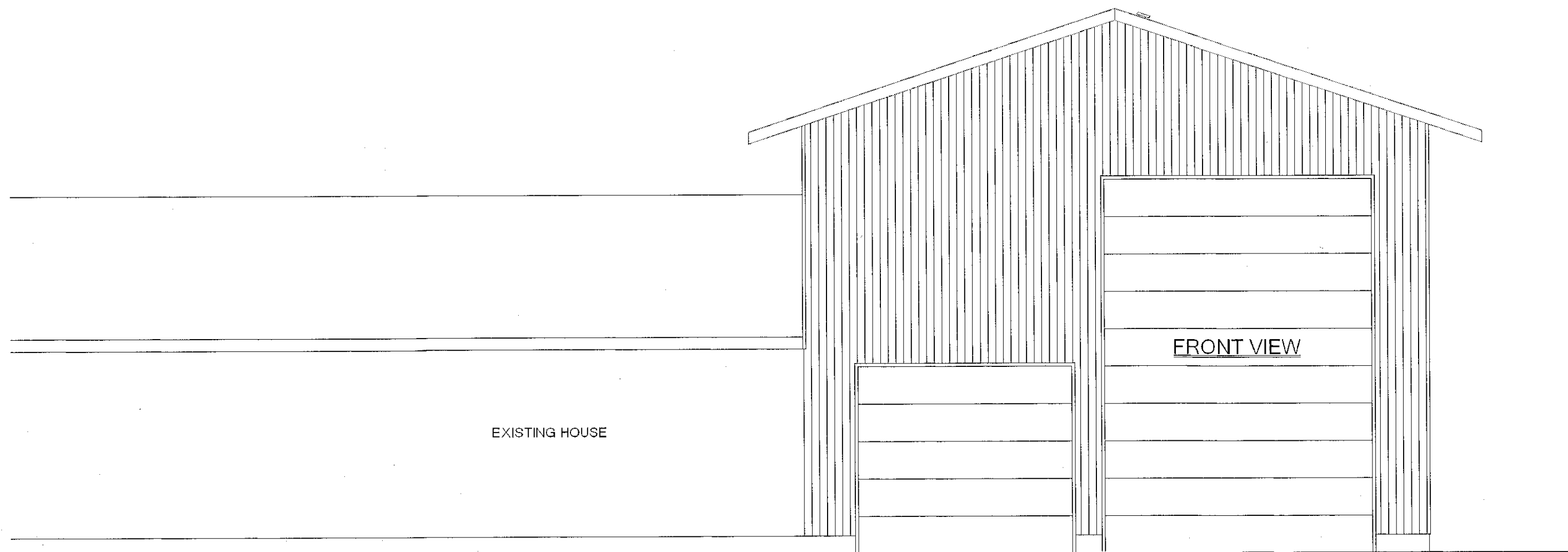
I've highlighted the section below in our email chain, which simply tells you that you need to have a good reason for asking for the height differential, and be able to explain that to the Planning







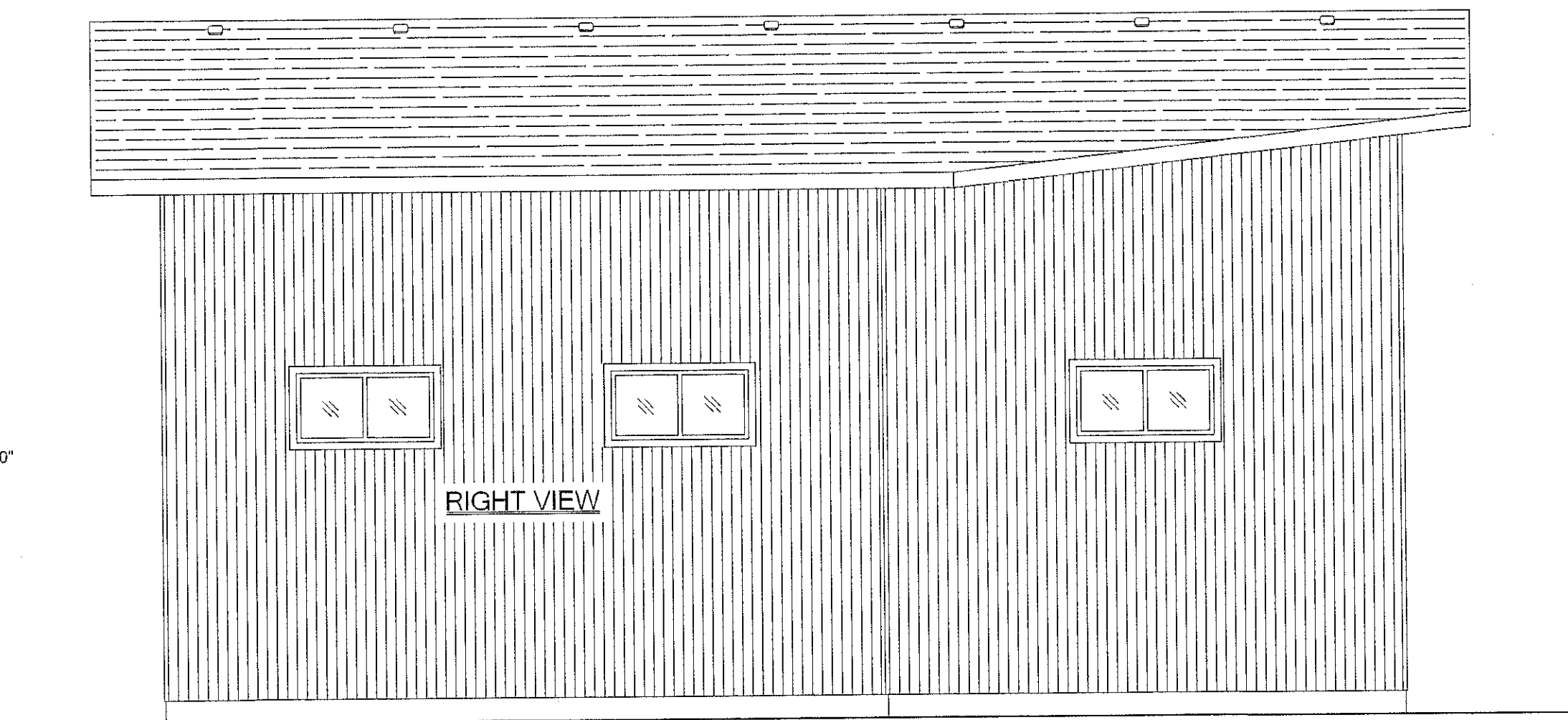
DL
UNLIMITED
Brad Luke
Ph. 541-746-5323
Cell 541-674-8585



ELEVATION
SCALE @ 1/4" = 1'- 0"

DL
UNLIMITED
Brad Luke
Ph. 541-746-5323
Cell 541-674-8585

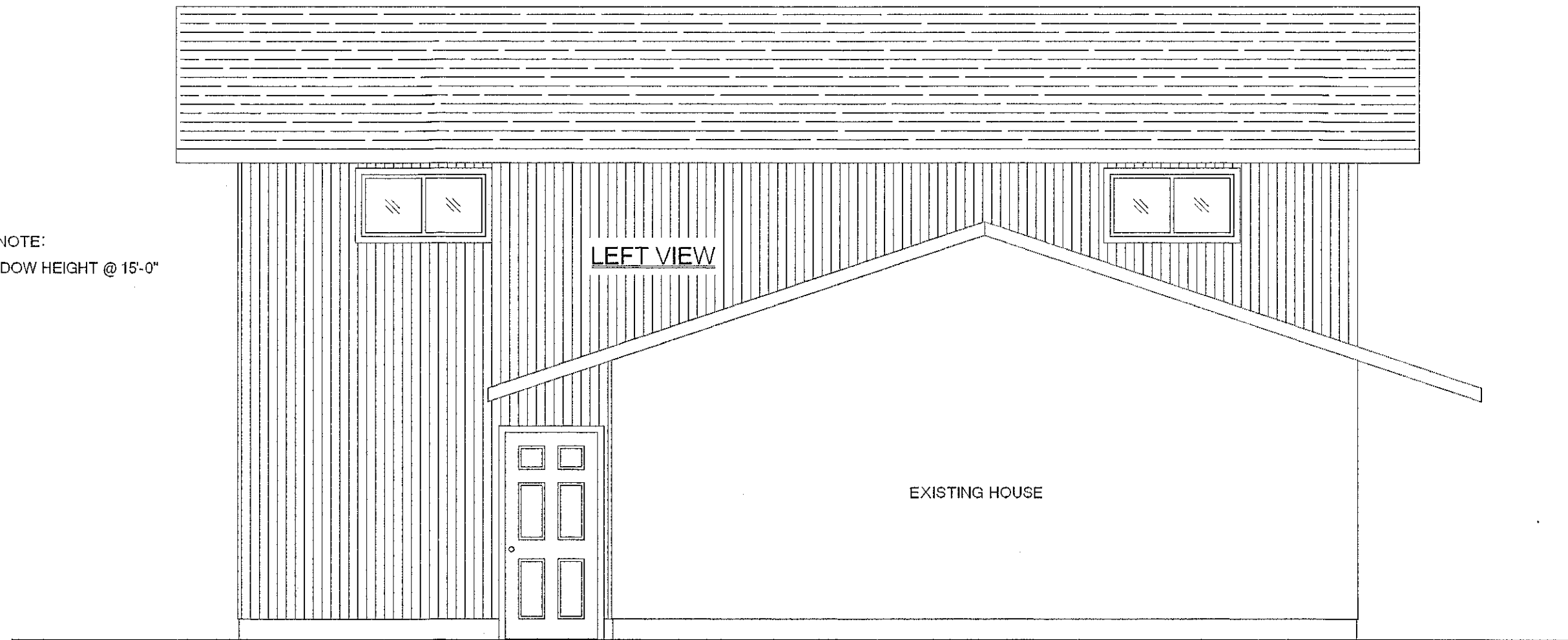
NOTE:
FRAME IN WINDOW HEIGHT @ 10'-0"



RIGHT VIEW

ELEVATION
SCALE @ 1/4" = 1'-0"

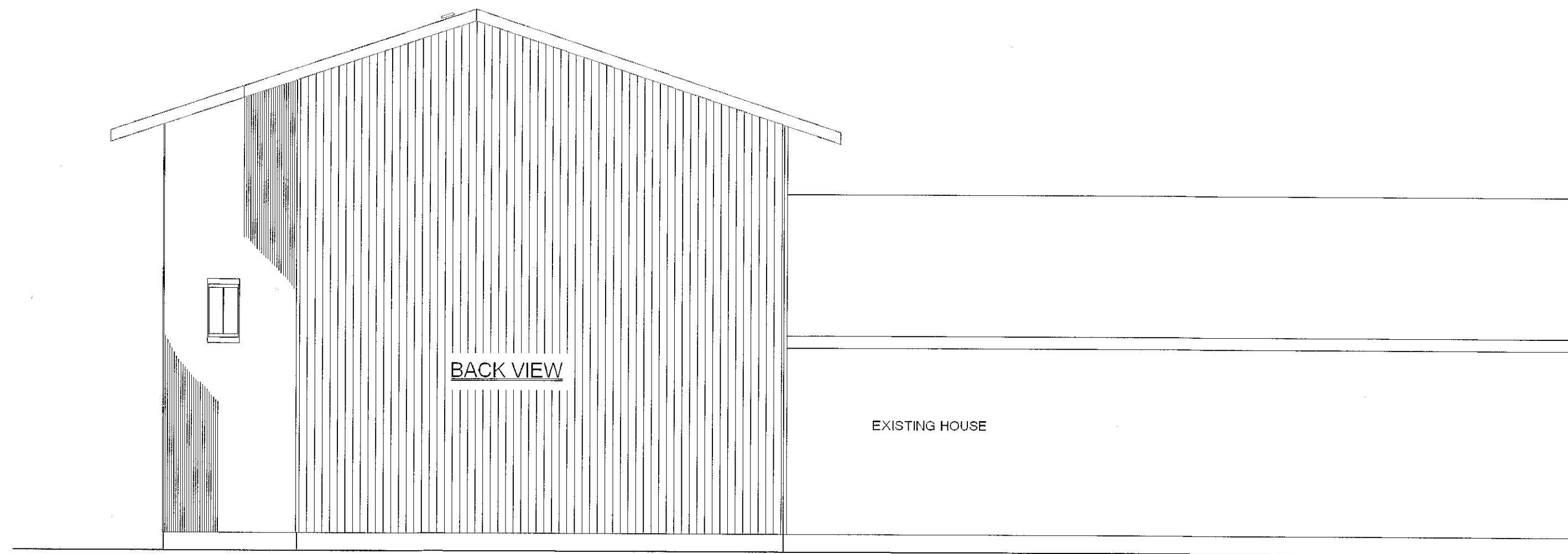
NOTE:
FRAME IN WINDOW HEIGHT @ 15'-0"



LEFT VIEW

EXISTING HOUSE

ELEVATION
SCALE @ 1/4" = 1'-0"



BACK VIEW

EXISTING HOUSE

ELEVATION
SCALE @ 1/4" = 1'-0"



NOTE:
ALL STORM ROOF RUNOFF WILL DRAIN
INTO STORM DRAINS OR APPROVED
DRYWELLS

TRUSS COMPANY IS TO BE
RESPONSIBLE FOR ALL TRUSS DESIGN
& ENGINEERING,

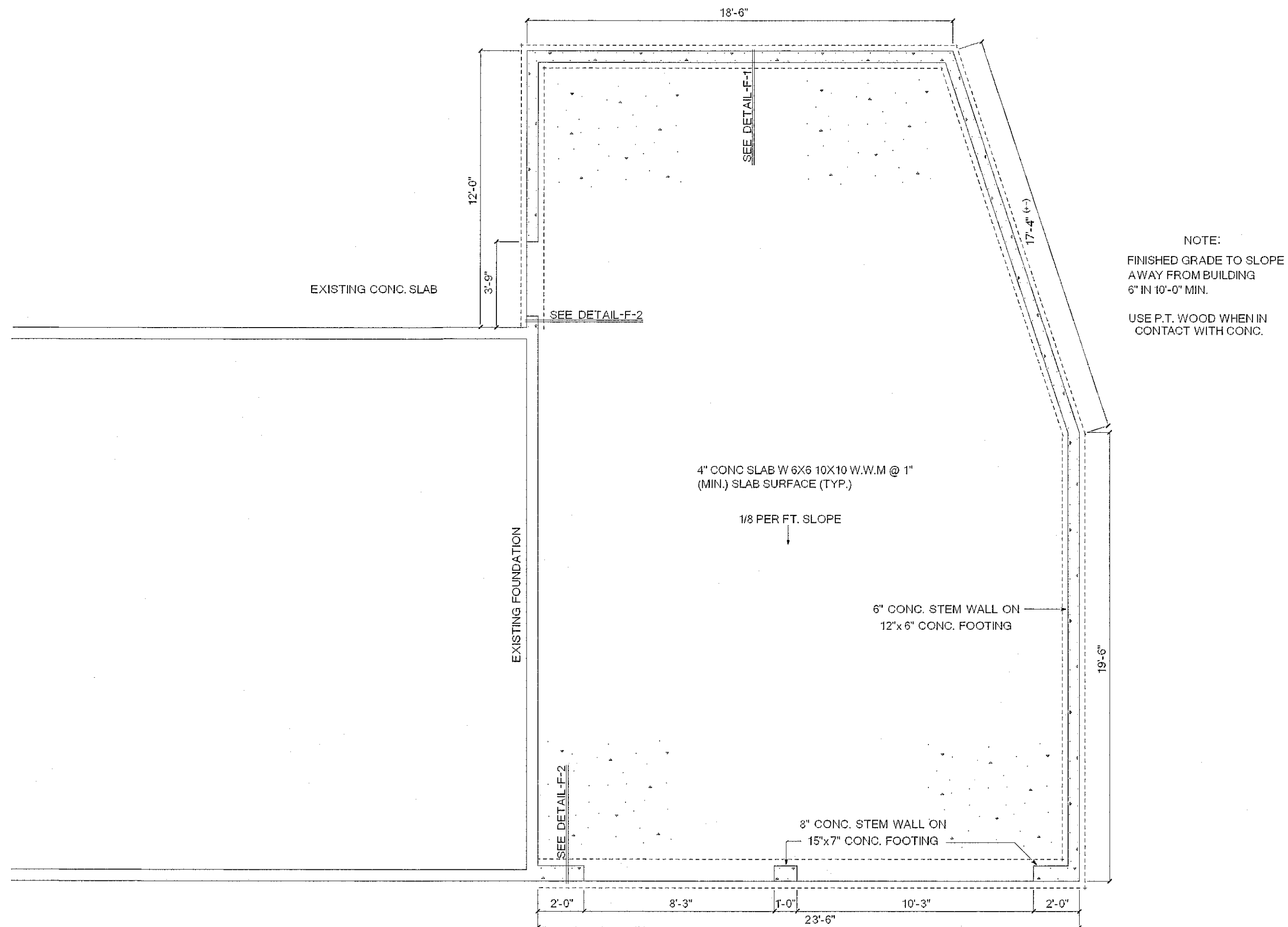
H101	4x8 #2 D.F. HEADER
H102	4x12 #2 D.F. GARAGE HDR.

EXISTING HOUSE



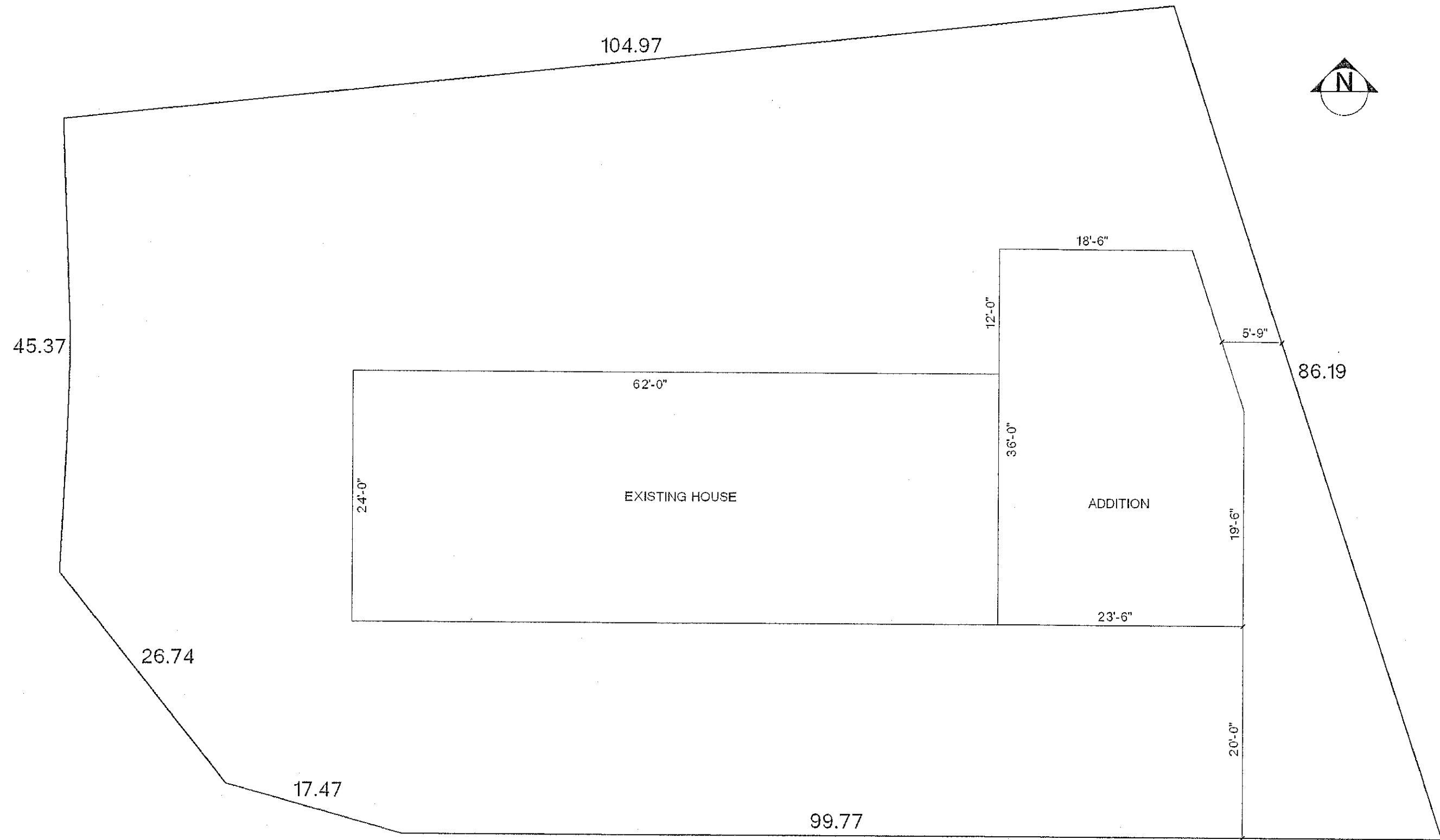
ROOF FRAMING

SCALE @ 1/4" = 1'-0"



FOUNDATION

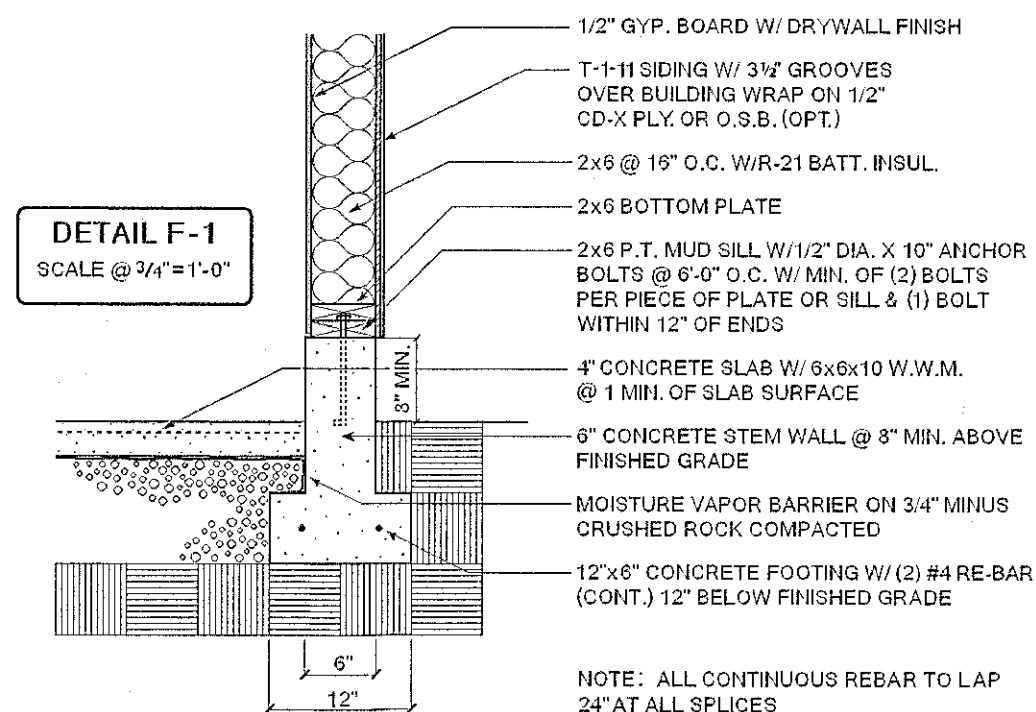
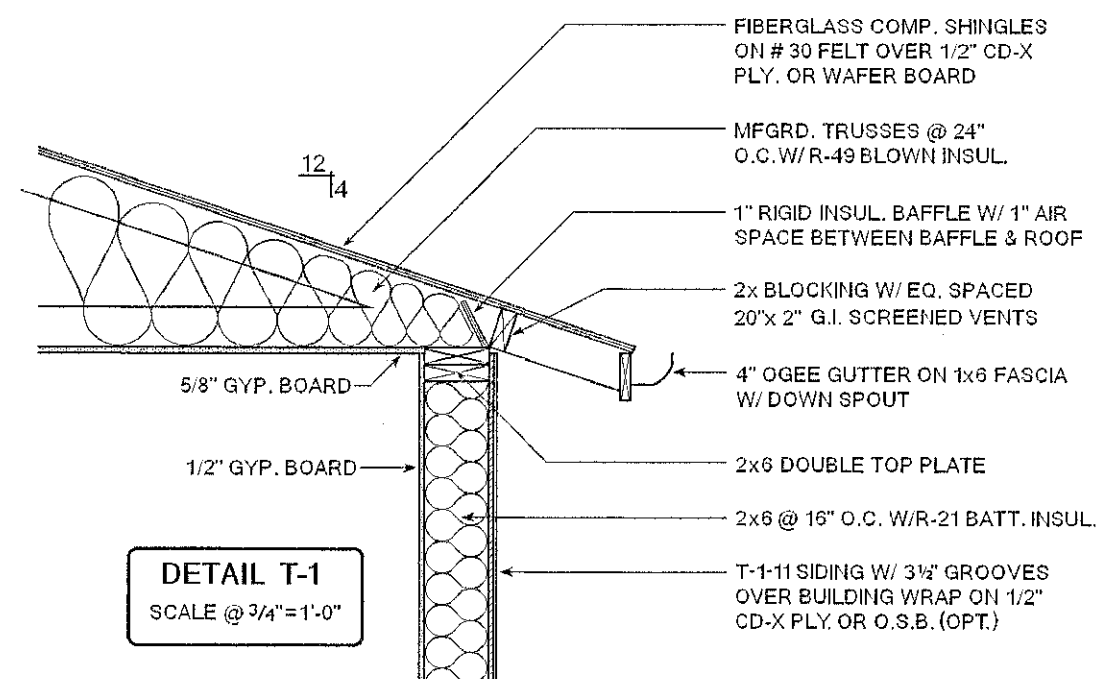
SCALE @ 1/4" = 1'-0"



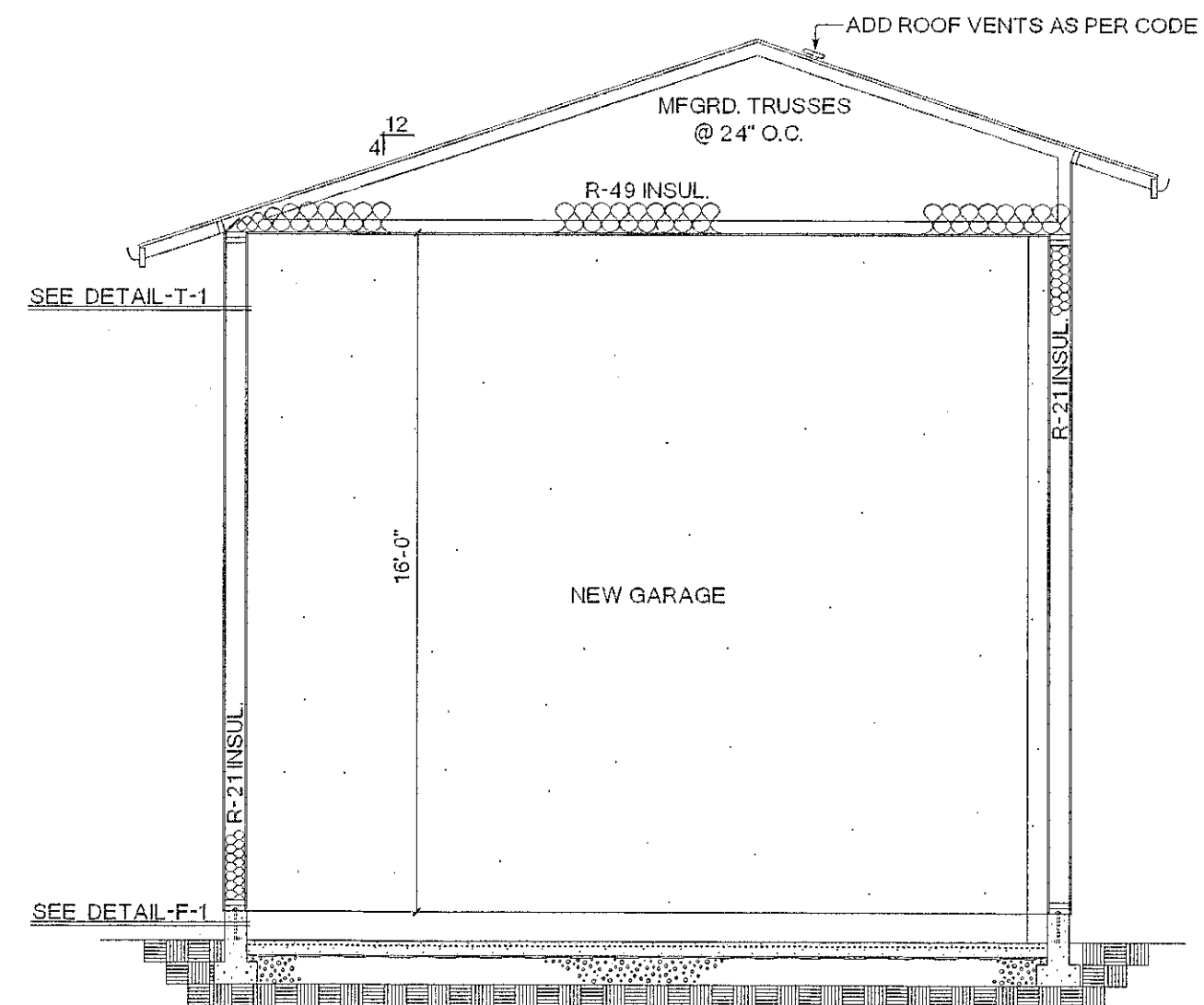
945 GREENWAY DRIVE

SITE PLAN

SCALE @ 1" = 10'-0"



NOTE: ALL CONTINUOUS REBAR TO LAP
24" AT ALL SPLICES



CROSS SECTION

SCALE @ 1/4" = 1'-0"

