



Planning Commission Meeting Agenda

June 16, 2020

7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, David Smid, Rhonda Giles, Jeremy Moritz, Kurt Kayner, and Kent Wullenwaber.
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. *This meeting is held in a room that has been disinfected prior to the meeting; all seating is a minimum of 6' apart from each other.*
7. *If you are exhibiting a cough, running a fever, having respiratory distress, or have been exposed to someone with these symptoms, or who has been diagnosed with COVID-19, please do not attend this meeting.*
8. *Testimony can be provided via telephone contact if desired. The Planning Commission prefers that testimony is provided on a written basis prior to this meeting.*
9. *For information regarding items of discussion on this agenda, please contact City Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655*

CALL TO ORDER AND ROLL CALL

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

APPROVAL OF MINUTES

1. MOTION TO APPROVE THE MINUTES OF MARCH 17, 2020

PUBLIC HEARING

2. **THE MATTER OF THE LIGHTY PRELIMINARY PARTITION AND VARIANCE APPLICATIONS (LU 418-2020 & LU 419-2020)**

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials dated 5-18-2020 and 5-28-2020

ACTION:

1. Motion to approve/modify/continue/deny the Lighty Preliminary Partition Application (LU 418), subject to the conditions of approval in the June 8, 2020 staff report. This motion is based on findings presented in the June 8, 2020 Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 16, 2020 Public Hearing.
2. Motion to approve/modify/continue/deny the Lighty Variance Application (LU 419), subject to the conditions of approval in the June 8, 2020 staff report. This motion is based on findings presented in the June 8, 2020 Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 16, 2020 Public Hearing.

OLD BUSINESS

3. **THE MATTER OF THE ROCK ON 99 (CALVARY CHAPEL) TIMELINE EXTENSION REQUEST (LU 403-2019 AND LU 409-2019)**

STAFF REPORT EXHIBITS:

Exhibit A: Timeline Extension Request dated April 24,
2020

ACTION:

1. Motion to approve/modify/deny the Rock on 99 Land Use Approval Extension Request (LU403-2019 and LU409-2019) for a year with a new expiration date of June 3, 2021. This motion is based on findings presented in the June 9, 2020, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request.

APPLICANT: Jerry Lenhard, on behalf of Calvary Chapel, PO Box 67,

Harrisburg, OR 97446

OTHERS

ADJOURN



Planning Commission Meeting Minutes

March 17, 2020

Chairperson: Tod Culver, Presiding
 Commissioners Present: Roger Bristol, Rhonda Giles (Via Conference Call), and Jeremy Moritz and Youth Advisor Quinton Sheridan.
 Staff Present: City Planner Jordan Cogburn, and City Recorder/Asst. City Administrator Michele Eldridge. (City Administrator John Hitt was also in the audience.)
 Absent: Commissioners Kurt Kayner, David Smid, and Kent Wullenwaber
 Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL at 7:00PM

CONCERNED CITIZEN(S) IN THE AUDIENCE. All were present for the item on the agenda.

APPROVAL OF MINUTES

Moritz motioned to Approve the Minutes of February 18, 2020 and was seconded by Bristol. The Planning Commission voted unanimously to approve the minutes from February 18, 2020.

THE MATTER OF THE FREEMAN VARIANCE AND HISTORIC ALTERATION PERMIT APPLICATIONS (LU 411-2019 & LU 416-2019)

Chairperson Todd Culver read aloud the order of proceedings, and noted that this is 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 Ex Parte contacts. There were none declared; nor were there any rebuttals of such.

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 of how they would need to direct testimony towards the applicable criteria, and how an appeal could be made.

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Staff Report: Cogburn noted that at the last meeting, the Planning Commission voted to postpone the decision and requested additional information, relative to whether or not the garage door will be on the 2nd St. side, or the alley side. We received a letter from the State Historic Preservation Office (SHPO), which stated that they would prefer the location of the garage to be from the street side, where there was already an opening, rather than a location from the alley, which has the potential to further deteriorate the building. The Planning Commission also voted that they wanted to have some choices of doors, all of which would be acceptable to the Freeman's. SHPO had already stated that the types of designs that were submitted were acceptable. It is up to the Planning Commission to review the material and decide if they should want to approve the request.

- Bristol asked if the issue was their access from the current door to the alley, or was the issue with the side entrance?
- Cogburn told him that they want to both alter the building's façade, as well as require a variance to allow the garage to be closer to the alley than what is allowed by code.
- Donnell Freeman, who as the applicant was present tonight, said that they went to Overhead Door, who had the different types of plans available, and picked out three different options. All are façade doors that fit the time period appropriate for the building. They included the information for the building and did the due diligence with the structural engineer. They will be happy with any of those three options.
- Moritz said that our concerns were in relation to whether access should be allowed from the front, or from the side. SHPO has made it clear that they want access to be from the front entrance, rather than the side. We had also told them to come back with some ideas of what designs they wanted for the door. At the juncture, it looks like the SHPO says that they don't want access to come from their alley, so the only option they have is to widen the current opening.
- Cogburn told him that's a standard point of view. Historical findings are Harrisburg specific. These can meet the minimum bar, or you can require a more historical and period look. It's a preference.
- Moritz asked for clarification that it can be a preference, but it's not mandatory.
- Cogburn told him that was correct.
- Moritz said that it's been shown that if they try to access the garage from the alley, that they can't turn a car.
- Chairperson Culver said that you can't. Maybe his mom's Prius could, but most cars can't. That doesn't make sense; and it's not a wise option. The letter we have from Joyce at SHPO states that they are fine with the front access, and the variance is required for how close that access is to the alley. Then he agrees with the rest of the Planning Commission, that we aren't going to choose the actual door they will install, but we appreciate the options to verify that they meet that period look.
- Donnell Freeman said that Overhead Door is local, but the company is also available on a regional basis. They were willing to help, and we have a lot of real options.
- Moritz added that one of the things they were talking about with this building, is that it's a model for future restoration projects in the historical zone, so once a decision is made on this, it can be used as a precedent.

Bristol asked for more information in relation to the alley, and Moritz told him that they asked if they cut a hole for a garage in the alley, whether the structure would support the opening. Bristol was then concerned about widening the opening in the front, and Freeman told her that

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the structural engineer approved the larger opening for the front of the building. Some more questions were asked, but most were in relation to the pictures in the current agenda, where it was confirmed that one of the pictures was of a similar property in the same zones as this one. Freeman noted that we worded it as an example of where the distance to the alley in the historical zone is not met, similar to their situation.

The Planning Commission Chairperson asked for testimony in favor of this land use request, testimony in opposition, and neutral testimony. Nobody in the audience had any testimony to provide.

Moritz asked if our goal was in meeting the aesthetics of the time period. Chairperson Culver told him yes, we are trying to preserve that aesthetic, while also operating in the modern world; so how do you blend it? Precedent is important. Obviously, the challenge is that it is an old building, and there is nothing else like it. He is comfortable with the three choices that they've provided to us. Bristol told her that she might have an issue with not having an arch. However, Freeman told him that it will be the squared off style that it has now; the garage doors look arched. The Planning Commission spoke for a while in relation to the arches compared to a squared off look, and Freeman said that she will try to keep it uniform to the same look as in the other openings. Chairperson Culver said that we have looked at the fact that the door will be square, but because it's sitting under another window, he's not bothered by it, because it has limiting affects towards the door. We just want to make sure that we've addressed it. Moritz added that if another issue like this arises, we've made it clear that each building is subject to its own criteria. We are not comparing each building, because it's not necessarily subject to what the other buildings have done. Commissioner Giles, participating via conference call, had nothing to add.

Bristol said that this is a balancing act. If you look at an old building, and are a purist, then the building will sit there empty forever. You have to compromise to make it functional, and preserve what we can, but can allow a modification to make it useful. He felt this was a good job in doing that, although he's not certain he fully understands it. Chairperson Culver liked it and likes the idea of what we did. Moritz asked a question about the choices that they had indicated on the agenda, and Freeman says that you can pick what you want, but the pictures you see on paper doesn't always pop out what its actually going to look like. You pick the height, the opening, and then start looking at colors. But they are sticking to the carriage door from that time period.

Moritz asked if we should have them submit to us what door they decide on, or are we ok with whatever option they choose? He doesn't want them to be super limited. Freeman said that they are options. They choose the opening, and decide on an arch top, or square top. They want an arched look for the carriage door. The 2nd option is then two toned or stained, and they chose stained. Then they look at windows. They'd be happy to kick over their final choice for review. City Administrator John Hitt, in the audience, said that staff can approve this, and make sure it's consistent and historically balanced. You could also have it come back if you prefer. Eldridge referred them to page No. 84, where they could clearly see the choices the Freeman's had made. Hitt said that you can make it a condition of approval that staff can approve the final design. Chairperson Culver asked if Freeman was ok with that option, and she said that they were. Moritz said that he knows it's easy to bounce back and forth, that's why he wanted to make sure we are on the same page.

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Chairperson Culver noted that the conditions of approval only apply to the historical alteration, and not the variance. We can add 'in accordance with the final approval of staff' to the historical alteration motion. Freeman asked if she should just submit it to John then, to which she received consent, and then asked about the time limit in which to complete this. Cogburn told her it would be a year.

Bristol then returned to the picture they had in the agenda; is the window shown in the picture blanked out? Freeman told him it was covered with plywood because it's unsafe. The windows are broken, as shown on pg. 34. She believes that they were having that fixed. The ultimate goal is to not replace the window; only the glass. Bristol asked then if the header will be squared. He was trying to think of the arched windows, and that it would be more consistent with the rest of the windows, but that would be with the upper windows. Freeman agreed and said what they have planned is consistent with the other doors. Chairperson Culver agreed with that. Bristol said that he thought the bottom door would be better arched, but he may have been mistaken; the squared top to the door would be more consistent with the other doors. Chairperson Culver told him he was correct.

Bristol said then that option 1 would be more consistent with the other doors. Freeman said that was correct; they would keep it squared up at the top. The carriage door is their favorite. Chairperson Culver said that they all have flat tops. Bristol asked again, that we don't have to say we like any specific options the best. He didn't walk all the way around the building, but they did drive up to the building. Chairperson Culver told him that the lady from SHPO didn't give a recommendation. Instead, she just recommended we don't punch in a new hole for a new door in the alley. Freeman said that was correct. They also don't indicate colors; those are up to the owners and/or city's. Cogburn stated that since this is an existing opening, wider than the other door, that it won't interfere with the window above, but will also have a wider installation with a flat top, that isn't arched. They are also choosing the carriage doors that look like they swing out, but they don't.

- **Moritz motioned to approve the Freeman Historic Alteration Request (LU 411), in accordance with the conditions of approval, and change to number two to reflect that the garage door choice will be in accordance with the Planning Commission decision, and will be approved by staff; and based on findings presented in the March 17, 2020 Staff Report to the Planning Commission, and on findings made by the Commission during deliberations on the request at the March 17, 2020 Public Hearing. Bristol seconded the motion, and the Planning Commission voted unanimously to approve the Freeman Historic Alteration Request (LU411).**
- **Moritz then motioned to approve the Freeman Variance Request (LU 416), based on findings presented in the March 17, 2020 Staff Report to the Planning Commission, and on findings made by the Planning Commission during deliberations on the request at the March 17, 2020 public hearing, with the addition to Condition Number Two, and with the final approval given by staff. Bristol seconded, and the Planning Commission voted unanimously to approve the Freeman Variance Application (LU 416).**

OTHERS: None

ADJOURN – 7:48PM

Chairperson

City Recorder

UNAPPROVED

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

- REQUEST:** The applicant requests a Historic Alteration Permit and Variance approval associated with Harrisburg Land Use Files: LU-411 and LU-416. This is a request for Historic Alteration Permit to modify the exterior of a historic structure and a Variance to the access spacing standards.
- The applicant seeks Planning Commission approval to widen an existing opening to allow for the interior off-street parking for the future residential use. The applicant also seeks approval for a 14-foot variance to the access spacing standard of 24 feet in order to access the interior off-street parking areas.
- LOCATION:** 190 Smith Street, and known as tax lot 5300 of Linn County Assessor's Map 15S04W16.
- HEARING DATE:** March 17, 2020
- ZONING:** C-1, Commercial and H-1 Harrisburg Historic District
- APPLICANT/
OWNER:** Clyde the Glide, LLC
310 S. Williams Street
Denver, CO 80209
- APPEAL DEADLINE:** March 27, 2020, at 5:00 p.m.
- DECISION:** The Harrisburg Planning Commission conducted a public hearing on March 17, 2020, and voted to approve the request, subject to the included conditions of approval. The Planning Commission adopted the findings contained in the March 17, 2020 Staff Report, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.
- APPEALS:** The decision may be appealed by filing a Notice of Appeal with the City Recorder at 120 Smith Street. The Notice of Appeal should be filed by the Appeal Deadline date listed above. Specific information on the requirements for an appeal or a

copy of the complete file of this land use action may be obtained at Harrisburg City Hall. There is a fee of \$425.00.

EFFECTIVE DATE: March 28, 2020, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: The Historic Alteration Permit and concurrent Variance applications shall be effective for one year from the date of approval. If the applicant has not begun work on the subject site within the allotted year, the applications shall be resubmitted to the Planning Commission for additional review. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Variance will expire on March 17, 2021.



Planning Commission Chairperson

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Applicant shall comply with the plans and narrative in the applicant's proposal except as modified by Planning Commission or the conditions of approval below.
2. **Garage Door Conversion** – Applicant shall comply with installation of the garage door choices as decided by the Planning Commission at the meeting of March 17, 2020; and in accordance with final approval by staff.
3. **Right-of-Way Permit** – Applicant shall apply for a Right-Of-Way Permit in order to locate the curb cut needed for access to the garage opening, and will work with the Public Works Director in following the City's specifications for driveway access prior to occupancy.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE LIGHTY PRELIMINARY PARTITION AND VARIANCE
APPLICATIONS (LU 418-2020 & LU 419-2020)

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials dated 5-18–2020 and 5-28-2020

ACTION:

1. Motion to approve/modify/continue/deny the Lighty Preliminary Partition Application (LU 418), subject to the conditions of approval in the June 8, 2020 staff report. This motion is based on findings presented in the June 8, 2020 Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 16, 2020 Public Hearing.
2. Motion to approve/modify/continue/deny the Lighty Variance Application (LU 419), subject to the conditions of approval in the June 8, 2020 staff report. This motion is based on findings presented in the June 8, 2020 Staff Report to the Planning Commission, and findings made by the Commission during deliberations on the request at the June 16, 2020 Public Hearing.

APPLICANT: Lance Lighty, 94129 River Road, Junction City Oregon 97448

LOCATION: 480 South 6th Street, Map 15-04-15BC, Lot 800

HEARING DATE: June 16, 2020

ZONING: R-2, Medium Density Residential

OWNER: Lance Lighty, 94129 River Road, Junction City Oregon 97448

BACKGROUND

The applicant is seeking Planning Commission approval for a Preliminary 3-Parcel Minor Partition. The subject site is approximately 34,855 square feet and is located at 480 South 6th Street, zoned Medium Density Residential R-2. The site contains a single-family residence with multiple out buildings, which are proposed to be removed post partition.

The site fronts South 6th Street, a fully developed right-of-way, with all utilities located adjacent to property boundaries.

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. 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 has been waived based on digital submittal. 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 June 16, 2020 in compliance with this standard.

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 criterion are 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 applicant proposes three single family units. As shown on the submitted Preliminary Plat, all lots conform to the size, width, and depth requirements listed above. However, the pole portions of the two rear flat lots do 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.

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

Finding: Proposed Lot 1 has 87 feet of frontage on South 6th Street. Lots 2 and 3 have 25 feet of frontage on South 6th Street. Therefore, 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 South 6th 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

17.50.010 Exceptions in case of large-scale development.

The Planning Commission may modify the standards and requirements of this title if the subdivision or partition comprises a complete neighborhood unit, a large-scale shopping center or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety and welfare and that adequate provision is made within the development for traffic circulation, open space and other features that may be required in the public interest. [Ord. 739 § 9.010, 1998.]

Finding: This 3-parcel partition does not appear to meet the definition listed above as large-scale development, as the site does not appear to be a complete neighborhood unit, large scale shopping center, or planned industrial area. The Planning Commission can make a determination if they feel that one of these apply to this property.

17.50.040 Conditions for granting a variance.

Before a variance may be granted, the Planning Commission shall first determine that all of the following conditions exist:

- 1. That there are exceptional physical characteristics with the involved property over which the owner has 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 the minimum standard under 17.40.040(2) has been satisfied and no other remedy is provided within the HMC to address Flag/Panhandle Lot frontage.

- 2. That the strict application of the municipal code would deprive the owner of the reasonable use of the property rights compared to neighbors.**

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.

3. That the granting of the variance would not confer any special privilege upon the 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 reduction in frontage for a flag lot.

4. That the variance would not violate a provision of law; and

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

5. That substantial hardship would result if the variance were not granted. [Ord. 906 § 1, 2012; Ord. 739 § 9.030, 1998.]

Finding: As stated above, the HMC does not contain specific language to address Flag/Panhandle Lots. The highest and best use of the site would not prove feasible if the variance were not granted, resulting in substantial financial hardship for the owner. Therefore, a Variance approval is warranted.

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.

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 Lighty Preliminary 3-Parcel Minor Partition Application, and concurrent Variance 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 this approval of the conditions of approval below.
2. Easement -The final plat shall include reciprocal access, private utility, and franchise utility easements for the benefit of proposed parcels 1, 2 and 3.
3. Water – Prior to recording the final plat, the applicant shall have water service extended to each of the properties.
4. Sewer – Prior to recording the final plat, the applicant shall 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. The driveways for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 50,000 pounds.
- B. 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.
- C. 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. A demolition permit will be obtained prior to the removal of the existing manufactured home and remaining outbuildings.



City of Harrisburg
120 Smith Street
Harrisburg, OR 97446
Phone (541) 995-8655

www.ci.harrisburg.or.us

LAND USE APPLICATION

File Number: CU-418-2020

Date Received: 5-18-20

Fee Amount: \$1,500

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

Project Description

Request for Preliminary Minor Partition Approval for purposes of partitioning the existing parcel into three single-family residential parcels.

Project Name

Minor Partition of 480 South Sixth Street

PUBLISH ON 27TH, MAIL ON 28TH

PROPERTY CONTACT AND OTHER INFORMATION			
Applicant's Name		Lance Lighty	
Phone	(541) 554-3253	Email	lighty304@gmail.com
Mailing Address		94129 River Road, Junction City, OR 97448	
Applicant's Signature		Date	5/11/2020
Property Owner Name		Lance Lighty	
Phone	(541) 554-3253	Email	lighty304@gmail.com
Mailing Address		94129 River Road, Junction City, OR 97448	
Owner's Signature		Date	5/11/2020
<p>*If more than one property owner is involved, provide a separate attachment listing each owner or legal representative and their signature.</p>			

PROPERTY DESCRIPTION	
Street Address	480 S. 6th Street, Harrisburg, OR 97446
General Location Description	Property lies on west side of S. 6th Street between Kesling Street on the north and LaSalle Street on the south.
Assessor's Map Number(s)	Related Tax Lot(s)
Map # 15S04W15BC	Tax Lot(s) # 00800
<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:</p>	
Lot Area	34,855 Square Feet

LAND USE ZONE PLAN ZONINGS		
Existing Zone(s)	Medium Density Residential Zone R-2	
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:		
<input type="checkbox"/> Historic Overlay	<input type="checkbox"/> Willamette River Greenway	<input type="checkbox"/> Wetlands
<input type="checkbox"/> Floodplain	<input type="checkbox"/> Riparian Corridors	
<p>*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays or natural areas, please contact the City Planner at (541) 995-8655.</p>		

CHECK THE BOX NEXT TO INCLUDED EXHIBITS	
<input checked="" type="checkbox"/> Narrative	<input type="checkbox"/> Architectural Elevations
<input checked="" 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 checked="" type="checkbox"/> Electronic Versions of Exhibits
<input checked="" type="checkbox"/> Aerial Photograph / Existing Land Use(s) Map	<input type="checkbox"/> Geotechnical Report/Site Assessment
<input checked="" type="checkbox"/> Zoning Map (If applicable, show proposed changes)	<input checked="" type="checkbox"/> Application Fee
<input checked="" type="checkbox"/> Comprehensive Plan Map (If applicable, show proposed changes)	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Subdivision or Partition Plat	
<p>*A written narrative is required for all application types. Typical drawings sizes are 24"x36", 11"x17", or 8.5"x11". Sizes of required drawings will depend on the type and scope of applications involved. Contact the City Planner to verify requirements. On your plans, include the following: property lines, points of access for vehicles, pedestrians, and bicycles, water courses, any natural features (wetlands, floodplain, etc.), existing and proposed streets and driveways, parking areas, utilities, pedestrian and bike paths, and existing easements. Please note there are additional specific graphic and narrative requirements for each application type. Refer to the Harrisburg Municipal Code for more information.</p>	

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

An existing mobile home and outbuildings are located on the site. These will be removed.

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

The proposed use is single-family residential and customary single-family related activities.

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

No open spaces, common areas or recreational facilities are proposed.

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.

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.

480 S 6th
Lance Light
Fire code box

2.

LAND USE AND OVERLAY ZONES

Existing Zone(s)

Existing Comprehensive Plan Designation(s)

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

- ☐ Historic Overlay ☐ Willamette River Greenway ☐ 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 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:

RECEIVED
MAY 1 2020

BY:

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

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

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

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:

I do not have a ny 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.

**APPLICANT'S STATEMENT AND FINDINGS OF FACT
PRELIMINARY MINOR PARTITION
OF 480 S. SIXTH STREET
CITY OF HARRISBURG, OREGON**

APPLICATION DATE: May 7, 2020

APPLICANT: Lance Lighty
94129 River Road
Junction City, OR 97448
Phone (541) 554-3253

LOCATION: Assessor's Map 15S04W15BC, Tax Lot 00800
480 S. Sixth Street, Harrisburg

REQUEST: Preliminary Minor Partition Approval

I BACKGROUND

The applicant is requesting preliminary partition approval of a 3-parcel partition. The subject project area of approximately 34,855 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 and outbuildings that are proposed for removal.

A Site Location and Description

Location

The proposed project is located on South Sixth Street southerly of its intersection with Kesling Street and northerly of LaSalle 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 00600 and 00602 to the south, are developed with residential structures. Adjoining Tax Lot 00900 and 01000 to the west and adjoining Tax Lot 00700 to the south west are undeveloped portions of large lots that have residential farmhouses and related outbuildings along Kesling Street and LaSalle Street. A Southern Pacific Railroad Company rail line that runs north-south lies approximately 200 feet west of 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 and south are also zoned R-2. Adjoining properties to the west are zoned R-3 Multi-Family Residential.

B Site Access and Traffic Patterns

The property is accessed from South Sixth Street that is on the east. South Sixth Street as it fronts the property is a 50.00-foot wide local street with 36 feet of paving width. A new

driveway approach is proposed for Parcel 1 in a location that would not interfere with the existing curb inlet that lies to the north. A second driveway cut is proposed to the south that will provide shared access to Parcels 2 and 3. A back-around is proposed to provide for emergency vehicle access that occupies portions of Parcels 2 and 3.

C 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 pipe runs adjacent to and just northerly of the north line of this partition. This line flows easterly to its connection with an 8" wastewater line that lies along the east margin of South Sixth Street which flows to the south. Proposed connections from each of the new parcels will be made into the existing line that runs along the north line of this partition. The existing wastewater connection that runs easterly from the existing residential structure to the line that lies along the east margin of South Sixth Street is proposed for abandonment.

Water System: An existing north-south water main lies within the paved portion of South Sixth Street just east of the west curb line. The existing water meter that currently supplies the structure that is to be removed will be used for the new residence on Parcel 1. New meters and service lines are proposed just north of the proposed joint-use driveway that will service Parcels 2 and 3. There is an existing fire hydrant that lies on the west side of South Sixth Street and 30 feet, more or less, southerly of the subject property.

Storm Water System: An existing north-south 24" public storm line within the paved portion of South Sixth Street that lies just west of the east curb line and flows to the north. The west portion of the property appears to have some drainage issues that are caused by the north-south rail lines to the west. To mitigate this, a 6" private storm line is proposed to run along the north lines of the property being partitioned which is proposed to connect into the north-south 24" line that lies in South Sixth Street. Individual connections from each parcel to the proposed private storm are proposed to handle general roof and site drainage. A joint-use 10-foot wide private storm easement is proposed along the north lines of Parcels 1 and 2.

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.
No existing buildings are to remain in place. 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.
 - 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.
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 are shown and identified.
 - g. 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.
An electronic copy of the preliminary minor partition plat in lieu of three paper copies is 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.

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

Parcel 1 abuts upon South Sixth Street for a width of 87 feet. Parcels 2 and 3 abut upon South Sixth Street each for a width of 25 feet. All proposed parcels abut upon a street a width of at least 25 feet.

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 the west margin of South Sixth 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, 9 residential units would be the maximum allowed. Three (3) residential units are proposed which is six less than the maximum.

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 7,460 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 South Sixth Street is 86 feet; Parcel 2 with a proposed front line that faces to the south is 87 feet; and Parcel 3 with a proposed front line that faces east towards South Sixth Street is 136 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 is proposed to face South Sixth Street is 83 feet; Parcel 2 that is proposed to face to the south is 111 feet; and Parcel 3 that is proposed to face to the east is 80 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.
Not applicable. Lot frontage is controlled by 17.40.040.2 as addressed above.

EXHIBIT A
LEGAL DESCRIPTION
(Tax Map/Lot 15S04W15BC – 00800)

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

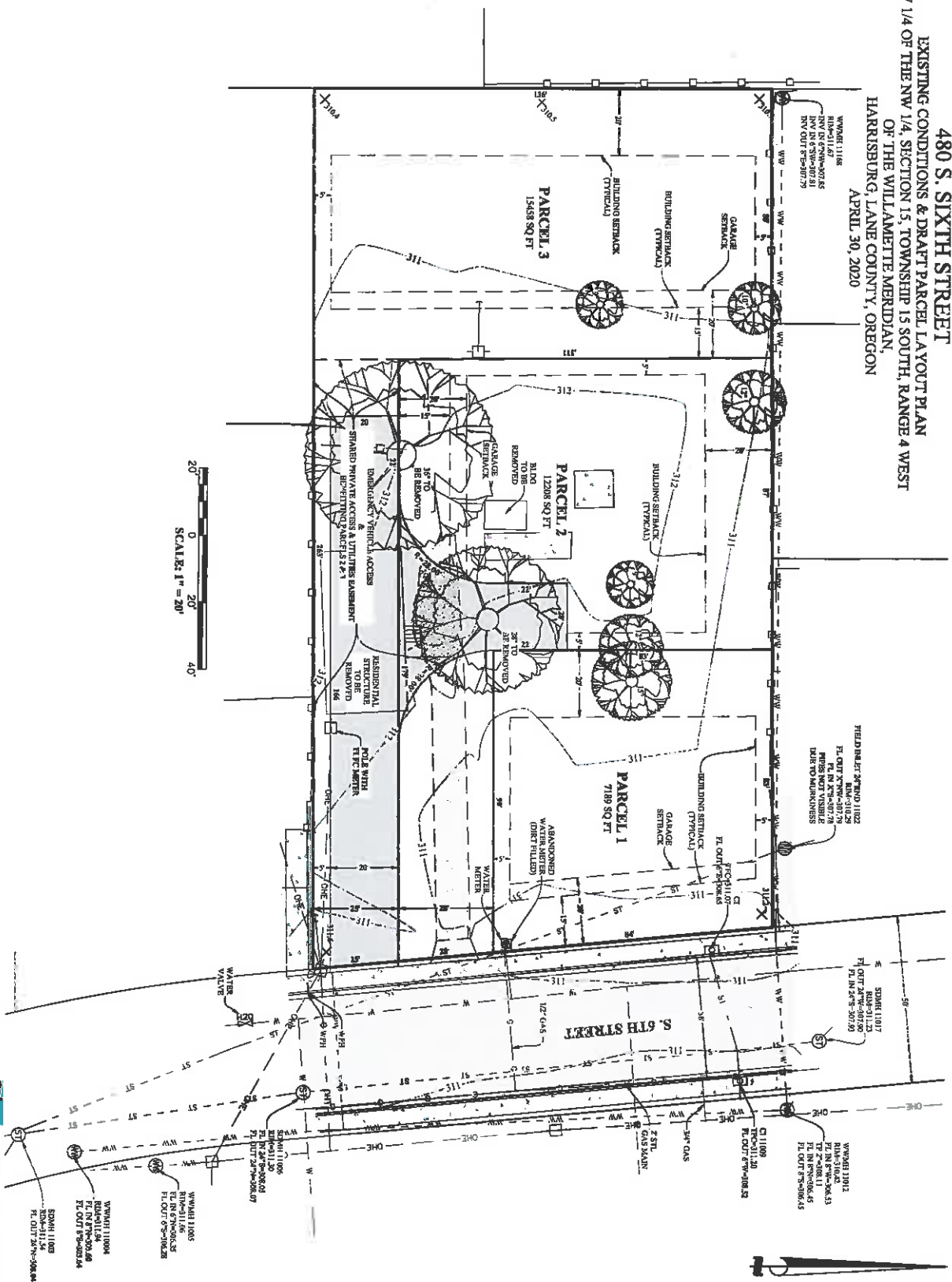
BEGINNING AT A POINT ON THE SOUTH SIDE OF KESLING STREET 175 FEET EAST OF THE EAST LINE OF THE O & C RAILROAD RIGHT OF WAY IN HARRISBURG, LINN COUNTY, OREGON; AND RUNNING THENCE SOUTH 0° 24' WEST 244 FEET TO A POINT 50 FEET SOUTH OF THE NORTH LINE DESCRIBED IN CERTIFICATE OF TITLE NO. 980, THENCE EAST TO THE WEST LINE OF THE COUNTY ROAD; THENCE NORTHERLY ON THE WEST LINE OF SAID ROAD TO THE SOUTH LINE OF KESLING STREET; THENCE WEST TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT: COMMENCING AT THE NORTHEAST CORNER OF THE WILLIAM FORGEY DONATION LAND CLAIM NO. 44 IN TOWNSHIP 15 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE WEST 918.70 FEET ALONG THE NORTH LINE OF SAID DONATION LAND CLAIM NO. 44 TO THE EASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC TRANSPORTATION CO. RAILROAD PROPERTY; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 0°19' WEST 968.16 FEET; THENCE EAST 175.00 FEET TO A 1/2 INCH IRON ROD FOR THE PLACE OF BEGINNING; THENCE NORTH 0°19' EAST PARALLEL WITH SAID RAILROAD PROPERTY 110.0 FEET TO THE SOUTH LINE OF KESLING STREET (60 FEET IN WIDTH); THENCE NORTH 89°54' EAST ALONG SAID SOUTH LINE 239.21 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SIXTH ST. (50 FEET IN WIDTH); THENCE SOUTH 5°05' EAST ALONG THE WEST LINE OF SAID SIXTH ST. 110.41 FEET TO A 1/2 INCH IRON ROD; THENCE SOUTH 89°54' WEST 249.60 FEET TO THE PLACE OF BEGINNING.



PRELIMINARY PARTITION PLAT
480 S. SIXTH STREET
EXISTING CONDITIONS & DRAFT PARCEL LAYOUT PLAN
SW 1/4 OF THE NW 1/4, SECTION 15, TOWNSHIP 15 SOUTH, RANGE 4 WEST
OF THE WILLAMETTE MERIDIAN,
HARRISBURG, LANE COUNTY, OREGON
APRIL 30, 2020

20' 0' 20' 40'
SCALE: 1" = 20'



ECR & Associates, Inc.
Engineers, Geologists, and Surveyors

25358 Profile Road
Eugene, Oregon 97402
(541) 688-8322
Fax (541) 688-4087



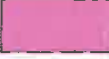


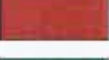






ZONING MAP
480 South Sixth Street



Legend

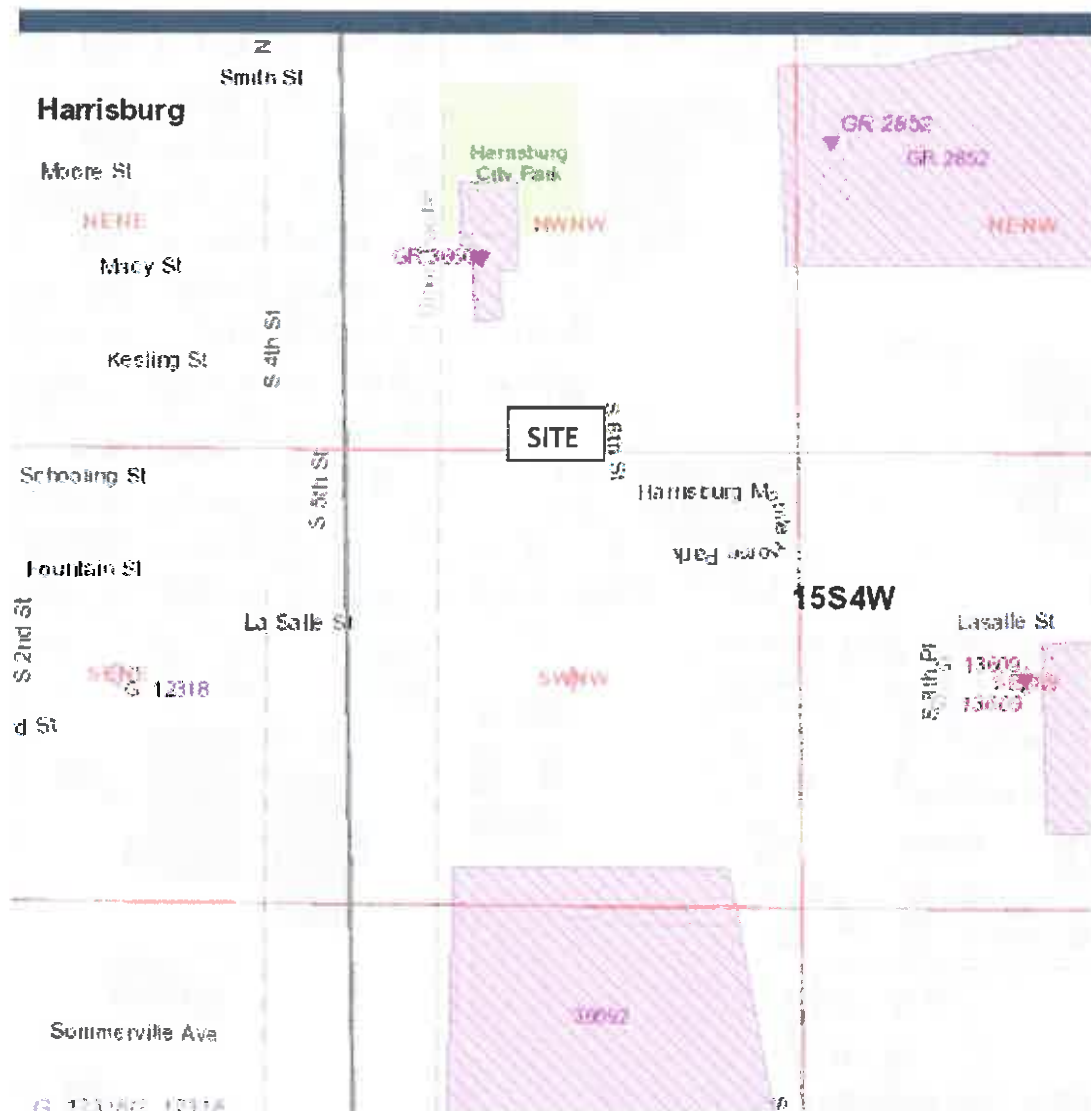
City Zoning

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

-  City Limits
-  Ugb
-  taxlots

WATER RIGHTS MAP
480 South Sixth Street

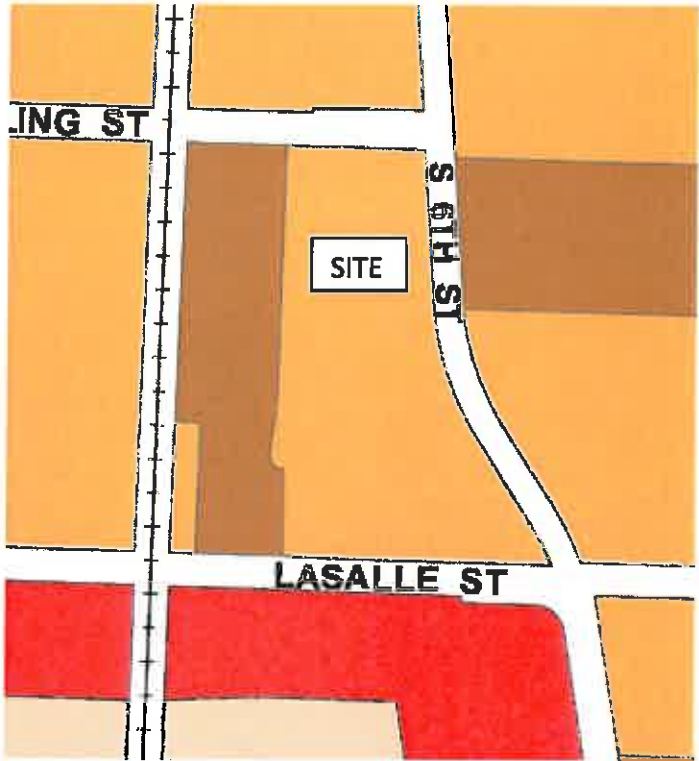
(No water rights are associated with this property)



AERIAL PHOTOGRAPH
480 South Sixth Street



COMPREHENSIVE PLAN MAP
480 South Sixth Street



Legend

Comp_Plan

- COMMERCIAL
- GREENWAY
- HIGH DENSITY RESIDENTIAL
- INDUSTRIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL

- City Limits
- Ugb
- taxlots
- railway



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: LU419

Date Received: RECEIVED

Fee Amount: \$425 - PAID

MAY 28 2020

APPLICATION TYPE

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

PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL

Project Description

Request variance to allow for having less than 50' of street frontage as required in HMC 18.20.050(1)(d).

This variance is requested in conjunction with a Request for Preliminary Minor Partition Approval for purposes of partitioning the existing parcel into three single-family residential parcels.

Exhibits pertinent to this application are contained in the accompanying partition application materials.

Project Name

Minor Partition of 480 South Sixth Street

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name Lance Lighty

Phone (541) 554-3253

Email lighty304@gmail.com

Mailing Address 94129 River Road, Junction City, OR 97448

Applicant's Signature

Date

Property Owner Name Lance Lighty

Phone (541) 554-3253

Email lighty304@gmail.com

Mailing Address 94129 River Road, Junction City, OR 97448

Owner's Signature

Date

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

PROPERTY DESCRIPTION

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

Street Address 480 S. 6th Street, Harrisburg, OR 97446

General Location Description

Property lies on west side of S. 6th Street between Kesling Street on the north and LaSalle Street on the south.

Assessor's Map Number(s)

Related Tax Lot(s)

Map # 15S04W15BC

Tax Lot(s) # 00800

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 34,855 Square Feet

LAND USE AND OVERLAY ZONES

Existing Zone(s)

Existing Comprehensive Plan Designation(s)

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

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

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CHECK THE BOX NEXT TO INCLUDED EXHIBITS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Narrative | <input type="checkbox"/> Architectural Elevations |
| <input checked="" 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 |
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| <input type="checkbox"/> Comprehensive Plan Map (if applicable, show proposed changes) | <input type="checkbox"/> Other |
| <input type="checkbox"/> Subdivision or Partition Plat | |

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PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

An existing mobile home and outbuildings are located on the site. These will be removed.

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

The proposed use is single-family residential and customary single-family related activities.

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

No open spaces, common areas or recreational facilities are proposed.

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.

This variance is submitted with, and as an addendum to, the application for preliminary partition approval for the property which contains all pertinent exhibits.

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.

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name Lance Lighty

Phone (541) 554-3253 Email lighty304@gmail.com

Mailing Address 94129 River Road, Junction City, OR 97448

Applicant's Signature Date

Property Owner Name Lance Lighty

Phone (541) 554-3253 Email lighty304@gmail.com

Mailing Address 94129 River Road, Junction City, OR 97448

Owner's Signature Date 5/29/2020

*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 480 S. 6th Street, Harrisburg, OR 97446

General Location Description Property lies on west side of S. 6th Street between Kesling Street on the north and LaSalle Street on the south.

Assessor's Map Number(s)

Related Tax Lot(s)

Map # 15S04W15BC

Tax Lot(s) # 00800

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 34,855 Square Feet

**APPLICANT'S STATEMENT AND FINDINGS OF FACT
VARIANCE REQUEST FOR SUB-STANDARD LOT FRONTAGES
FOR PROPOSED PARCELS 2 AND 3
OF THE ACCOMPANYING
PRELIMINARY MINOR PARTITION APPLICATION
FOR 480 S. SIXTH STREET
CITY OF HARRISBURG, OREGON**

APPLICATION DATE: May 27, 2020

APPLICANT: Lance Lighty
94129 River Road
Junction City, OR 97448
Phone (541) 554-3253

LOCATION: Assessor's Map 15S04W15BC, Tax Lot 00800
480 S. Sixth Street, Harrisburg

REQUEST: Variance to allow for proposed Parcels 2 and 3 of the accompanying preliminary partition request to each having less than 50' of street frontage as required in HMC 18.20.050(1)(d).

BACKGROUND:

The applicant is requesting preliminary partition approval of a 3-parcel partition. Proposed Parcels 2 and 3 each have 25.00 feet of frontage which do not meet the 50' of street frontage as required in HMC 18.20.050(1)(d).

APPROVAL CRITERIA AND ANALYSIS

(Responses are in BOLD ITALICS)

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.
The existing lot area supports the creation of three parcels that exceed the minimum area, depth and with requirements for this zone. Parcels 2 and 3 are proposed to each have street frontages of 25 feet and will share a common driveway onto South 6th Street. Tax Lot 1300 of Tax Map 15S04W15BC with a frontage of 23 feet that lies to the south in the same block is an example of a similar situation. Parcels 2 and 3 as proposed have areas that are larger than those of adjoining Tax Lots 600, 602, 801, 802 and 803.
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.

As noted above, Parcels 2 and 3 as proposed have areas that are larger than those of adjoining Tax Lots 600, 602, 801, 802 and 803. And, the proposed street frontages of 25 feet exceed the 23-foot frontage of Tax Lot 1300 of Tax Map 15S04W15BC.

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

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

In particular, Goal 10 which is to promote the efficient use of vacant land by encouraging in-fill development which is sensitive to existing neighborhoods, and by encouraging new development which achieves the density allowed by the comprehensive plan.

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

The variance does not confer a special privilege upon an applicant.

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

The variance does not violate any provision of law.

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE ROCK ON 99 (CALVARY CHAPEL) TIMELINE EXTENSION
REQUEST (LU 403-2019 AND LU 409-2019)

STAFF REPORT EXHIBITS:

Exhibit A: Timeline Extension Request dated April 24,
2020

ACTION:

1. Motion to approve/modify/deny the Rock on 99 Land Use Approval Extension Request (LU403-2019 and LU409-2019) for a year with a new expiration date of June 3, 2021. This motion is based on findings presented in the June 9, 2020, staff report to the Planning Commission, and findings made by the Commission during deliberations on the request.

APPLICANT: Jerry Lenhard, on behalf of Calvary Chapel, PO Box 67,
Harrisburg, OR 97446

LOCATION: 175 N. 3rd St, Map 15S-04W-16AA Lot 3800

HEARING DATE: June 16, 2020

ZONING: C-1 (Commercial), with an H-1 (Historic) Overlay Zone

OWNER: Rock Solid Ministries DBA Calvary Chapel, PO Box 67, Harrisburg,
OR 97446

BACKGROUND

Calvary Chapel successfully applied for a Site Plan and Historic Zone Review for the property that is located directly north of their main church property in June of last year. The approval allows the development of a 1,630 sq. ft. commercial building. The project includes off-street parking, on-site buffering and landscaping.

The effective date of the decision was June 3, 2019. The Site Plan approval was effective for one year from the date of approval, and therefore expired on June 3, 2020. Subject to HMC 18.125.050, applicants are allowed a one-time extension for a period not to exceed one additional year from the initial approval date.

CRITERIA AND FINDINGS OF FACT

18.125.050 Time limit on an approved land use application.

A land use approval shall expire one year after the date of approval of the application, or such lesser time as the authorization may specify, unless a building permit has been issued and substantial construction pursuant thereto has taken place, or unless a use not involving construction has been initiated in some substantial manner. However, upon written request, the Planning Commission may extend approval for an additional period not to exceed one year. [Ord. 882 § 10.030, 2010.]

As stated above, the initial approval for File LU-403-2019 and LU-409-2019 was issued on June 3, 2019. The extension request was submitted on April 24, 2020 in compliance with this criterion. Therefore, an approval extension may be allowed by the Planning Commission.

CONCLUSIONS

The applicant requests a 1-year approval extension for Land Use application file LU-403-2019 and LU-409-2019. As demonstrated by the above finding, the request complies with the applicable criterion 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; or
3. Deny the request.

RECOMMENDED MOTION(S)

Consistent with the Planning Commission and Staff deliberations at the June 16, 2020 Public Hearing, the following motion is recommended:

1. *"I move to approve the Rock on 99 Land Use Approval Timeline Extension (LU 403-2019 and LU 409-2019) for a year with a new expiration date of June 3, 2021. This motion is based on findings contained in June 9, 2020 staff report, and on findings made during deliberations on the request."*

From: jerry@cctricounty.com
To: [Michele Eldridge](#)
Cc: [John Hitt](#)
Subject: Request an extension
Date: Friday, April 24, 2020 2:33:41 PM

Good afternoon Michelle and John,

I am writing to formally request that Calvary Chapel Tri-County please be granted a one-time, year-long extension to the Site Plan Review approval due to the COVID-19 pandemic. Currently, our site plan review approval is due to expire on June 3, 2020. We are asking that it please be extended until June 3, 2021.

Thank you for your consideration,

Jerry Lenhard

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jerry@cctricounty.com