



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

November 6, 2006

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Harrisburg Plan Amendment  
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

#### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 17, 2006**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Michele Eldridge, City of Harrisburg

<paa> ya/



FORM 2

D L C D NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

(See reverse side for submittal requirements)

OCT 30 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: THE CITY OF HARRISBURG Local File No.: 243 (If no number, use none)

Date of Adoption: OCT 25, 2006 (Must be filled in) Date Mailed: OCT 27, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: AUG 30, 2006

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: ANNEXATION (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
4.69 (APPROX) OF PROPERTY HAS HEREBY BEEN ANNEKED TO THE CITY OF HARRISBURG. ZONING HAS BEEN AMENDED FROM COUNTY UGA-UGM-10 TO CITY ZONING B-1.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."
SAME

Plan Map Changed from : to

Zone Map Changed from: UGA-UGM-10 to B-1

Location: 1554W10CB #300, 23450 N.7TH Acres Involved: 4.69

Specify Density: Previous: New:

Applicable Statewide Planning Goals: #2, #10, #14

Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 002-06 (15512)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: FIRE/RESCUE DISTRICT, SCHOOL DISTRICT, LINN COUNTY

Local Contact: MICHELLE ELDORINGE Area Code + Phone Number: 541-995-6655

Address: P.O. Box 378

City: HARRISBURG Zip Code+4: 97446-0378

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 849**

**AN ORDINANCE ANNEXING AND CREATING A ZONE AMENDMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF HARRISBURG, COUNTY OF LINN, STATE OF OREGON, INTO THE CITY LIMITS OF THE CITY OF HARRISBURG; AND DECLARING AN EFFECTIVE DATE.**

WHEREAS, Resolution 881 set a schedule for annexation and a zone amendment into the City of Harrisburg, for property owned by the following petitioner:

N7 Harrisburg LLC, for approximately 4.69 acres on the west side of N. 7<sup>th</sup> St, known as 23450 N. 7<sup>th</sup> St., and also known as Tax Lot 300, T. 15, S. 4W, Section 10CB. This property is located within the UGB boundaries of the City of Harrisburg, and

WHEREAS, the City Council proposes to annex this property and amend the zoning in accordance with the provisions of ORS 197.754, 222.120, and 227.170(2), and

WHEREAS, state law waives requirements for an election or a public hearing when annexation of the subject property is initiated by 100% of the property owners and no electors reside on the property, and,

WHEREAS, the Harrisburg Comprehensive Plan, Volume II, provides for the application of specific zoning districts upon annexation of territory, and

WHEREAS, the Harrisburg City Council feels that annexation and zone amendment of the referenced property is to the best interest of the City and of the contiguous territory,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HARRISBURG DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The following described territory to-wit:

Beginning at a point on the west margin of 7<sup>th</sup> Street, said point being North 00°23'37" East 1522.47 feet and South 89°52'11" West 30.00 feet from the 3-1/4 inch aluminum cap marking the southeast corner of the Perry Hyde D.L.C. No. 51 in Township 15 South, Range 4 West of the Willamette Meridian; thence South 89°52'11" West 648.58 feet to a 5/8 inch iron rod marking the northwest corner of the plat of Branten Park as platted and recorded in Volume 18, Page 44 of the Linn County Record of Subdivision Plats in Linn County Oregon, said point being on the easterly margin of the Southern Pacific Railroad right of way 30.0 feet from, when measured at right angles to, the centerline of the Southern Pacific Railroad right of way; thence along the easterly margin of the said Southern Pacific Railroad right of way along the arc of a 4267.21 foot radius curve right (the chord of which bears North 22°25'07" East 405.33 feet) a distance of 405.48 feet to a 5/8 inch rebar with an orange plastic cap stamped "FNF" marking the southwest corner of Harris Glen First Addition as platted and recorded in Volume 22, Page 8 of the Linn County Record of Plats in Linn County Oregon; thence leaving said easterly margin and running along the south boundary of Harris Glen First Addition North 89°49'49" East 412.44 feet to a 5/8 inch rebar with an orange plastic cap stamped "FNF"; thence leaving said south boundary and running South 1°08'58" West 166.21 feet to a 5/8 inch rebar with an orange plastic cap stamped "FNF"; thence South 89°34'10" East 86.32 feet to a point on the west margin of 7<sup>th</sup> Street, said point being 30.0 feet from, when measured at right angles to the centerline of 7<sup>th</sup> Street; thence along the west margin of 7<sup>th</sup> Street South 00°23'37" West 207.62 feet to the point of beginning, all in Linn County, Oregon.

Said property is hereby proclaimed to be annexed into the City Limits of the City of Harrisburg, and the zoning is hereby amended from UGA-UGM-10 to R-1 (single residential).

Section 2. The City Recorder shall, within ten (10) days of the effective date of this ordinance, file notices with the following agencies:

1. The County Assessor of Linn County,
2. The County Clerk of Linn County,
3. The Linn County Planning Department,
4. The Secretary of State of the State of Oregon, and
5. The Department of Revenue of the State of Oregon.

Section 3. The following copies shall be submitted to the agencies listed above:

1. A signed copy of this ordinance.
2. A copy of the statement of consent of the landowners in the territory annexed, and
3. A copy of the minutes adopting this Ordinance.

Section 4. This Ordinance shall take effect and be in full force and effect when signed by the mayor, with the effective date of the annexation dating to be 30 days from the date of the Council meeting in which the annexation was approved.

PASSED BY THE COUNCIL: OCT 25, 2006

APPROVED BY THE MAYOR: Robert C. Deanna

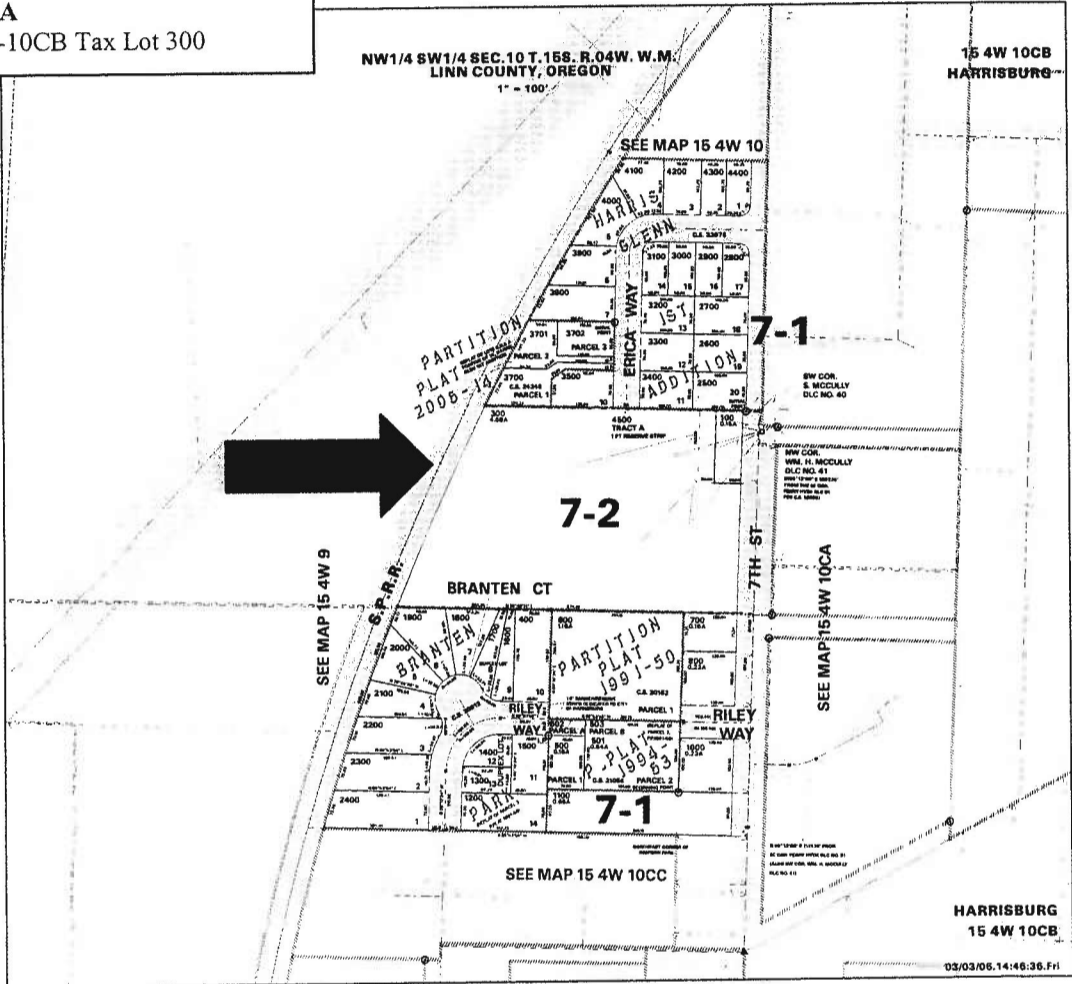
EFFECTIVE DATE: NOV 25, 2006

Robert C. Deanna  
MAYOR

ATTEST:

Michelle Eldredge  
CITY RECORDER

Exhibit A  
15S-4W-10CB Tax Lot 300



**City of Harrisburg  
CITY COUNCIL**

**PROPOSAL:** Annexation and Zoning Designation

**LOCATION:** West side of N. 7<sup>th</sup> St., 23450 N. 7<sup>th</sup> St.  
Legal description: 15S 4W 10CB, tax lot 300

**HEARING DATE:** October 25, 2006

**APPLICANT:** N7 Harrisburg LLC

**PROPERTY OWNERS:** N7 Harrisburg LLC

**APPEAL DEADLINE:** Dec 6<sup>th</sup>, 2006

**LAND USE DECISION**

After reviewing this matter, listening to testimony, applying ordinance criteria and having made findings of fact, the City Council has approved the proposed annexation of approximately 4.69 acres of property on the west side of North 7<sup>th</sup> Street and has designated the property for zoning purposes as R-1 (single family residential), subject to Conditions of Approval and your right to appeal, as explained herein.

**CRITERIA & FINDINGS of FACT**

Annexation

1. **Criteria:** The property to be annexed shall be located within the City's Urban Growth Boundary.  
**Finding:** The property to be annexed is located within the City's Urban Growth Boundary.
2. **Criteria:** The annexation must be consistent with the goals of the Comprehensive Plan.  
**Finding:** The annexation is consistent with the goals of the Comprehensive Plan, particularly Goals 2 and 10.
3. **Criteria:** The City must be capable of providing municipal services to the property.  
**Finding:** All municipal services are available to the property. The Harris Glenn and Harris Glenn 1<sup>st</sup> Addition subdivisions have recently been built adjoining this property and utility services were sized appropriately at that time to accommodate this anticipated development.

Zoning

1. **CRITERIA:** The zoning must be consistent with the Comprehensive Plan designation for the area.

**FINDING:** The zoning is consistent with the Comprehensive Plan designation for the area.

2. **CRITERIA:** The zoning must be compatible with the classification of adjoining City property.

**FINDING:** The property to the north is in the City and is zoned R-1. The property to the immediate east is in Linn County and is zoned UGM, with property further to the east being in the city and zoned R-1. Property to the south is in the city and is zoned R-2 (multi-family). The proposed zoning is therefore compatible.

3. **CRITERIA:** The City must be capable of providing public facilities and services in an orderly and economically reasonable manner.

**FINDING:** The City is capable of providing public facilities and services in an orderly and economically reasonable manner. All services are available at the property and water, sewer and storm drain lines have been designed to accommodate this anticipated subdivision.

4. **CRITERIA:** Assigning a zoning designation to property should meet a need to provide sufficient land for various uses.

**FINDING:** The growth of the City has left very little land still available for residential development. The annexation will therefore help to meet this need.

#### **CONDITIONS OF APPROVAL**

It shall be Applicant's responsibility to determine what requirements Linn County has to accomplish this annexation and to fulfill those requirements.

#### **NOTICE OF APPEAL**

This decision may be appealed by filing a Notice of Appeal with the City Recorder. 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. A fee to cover copying costs may be charged.