



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/22/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Harrisburg Plan Amendment
DLCD File Number 002-10

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: Monday, April 04, 2011

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA

FORM 2

DLCD

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

In person electronic mailed

DATE
STAMP

DEPT OF
MAR 15 2011
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Harrisburg

Local file number: **LU 290-2010**

Date of Adoption: **March 9, 2011**

Date Mailed: **March 11, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: Dec 27, 2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

x Zoning Map Amendment

New Land Use Regulation

x Other: **Annexation**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The City of Harrisburg has annexed and has assigned zoning as part of an 'Island Annexation'. The two tax lots affected are unincorporated territory completely surrounded by the City. The annexations will be effective ten years from now (March 9, 2021) or when the properties change ownership, whichever happens first. The Zoning of these two properties will be R-1, Single Residential.

Does the Adoption differ from proposal? No

Plan Map Changed from:

to:

Zone Map Changed from: **UGA-UGM-10**

to: **R-1**

Location: **23465 N. 7TH St, and 23466 N. 7th St.**

Acres Involved: **2.08**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES x NO

Did DLCD receive a Notice of Proposed Amendment...yes

45-days prior to first evidentiary hearing?

x **Yes** **No**

If no, do the statewide planning goals apply?

Yes **No**

If no, did Emergency Circumstances require immediate adoption?

Yes **No**

DLCD file No. 002-10 18652) [16561]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

120 Smith Street
PO Box 378
Harrisburg, OR 97446



(541) 995-6655
FAX: (541) 995-9244
TDD: (800) 753-2900

"2002 Award of Excellence"

"2006 All-America City Finalist"

www.ci.harrisburg.or.us

Larry French
Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol St NE, Suite 150
Salem, Oregon 97301-2540

DEPT OF

MAR 15 2011

**LAND CONSERVATION
AND DEVELOPMENT**

March 14, 2011

Dear Larry;

Harrisburg has completed the annexation and zoning map change for unincorporated property that is surrounded by the City. The decision was made to allow the effective date to be in March, 2021.

I have enclosed the two required copies of the adopted material, which includes the following documentation:

- DLCD Notice of Adoption, Form 2
- Ordinance No. 895
- Harrisburg City Council Land Use Decision

Let me know if you have any questions or comments about the submitted documentation and action that the City Council has taken in regards to this island annexation and zone map change.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Eldridge". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michele Eldridge, CMC
City Recorder

Enclosures

Local Contact: **Michele Eldridge**

Phone: **(541) 995-6655** Extension:

Address: **PO Box 378**

Fax Number: **541-995-9244**

City: **Harrisburg**

Zip: **97446**

E-mail Address: **meldridge@ci.harrisburg.or.us**

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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also 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** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

ORDINANCE NO. 895

AN ORDINANCE ANNEXING 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, ESTABLISHING THE ZONING OF THE PROPERTY, AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Harrisburg has considered annexing those properties known as 23465 N. 7th St., Harrisburg, Oregon (otherwise known as map 15S-4W-10CA, tax lot number 200), and 23466 N. 7th St., Harrisburg, Oregon, (otherwise known as map 15S-4W-10CB, tax lot number 100); and,

WHEREAS, the City Council, following a public hearing, having made findings that:

1. These properties are within the Urban Growth Boundary of the City of Harrisburg;
2. All required notices have been published and mailed;
3. These properties are surrounded by the City of Harrisburg and are eligible to be annexed under the "island annexation" provisions of the State of Oregon, ORS 222.750;
4. The annexations should be effective upon the change of ownership of the properties or on March 1, 2021, whichever occurs first;
5. Systems Development Charges should be due and payable, based upon the amount of those charges at the time of payment, immediately upon a change of ownership of the properties;
6. It is appropriate to have the properties, upon annexation, be zoned R-1 (single family residential); and,
7. The property owners of the two parcels, namely Robin M. Brandon and Robert J. Biegler, have consented to the annexation of their property so long as the annexation is consistent with these findings.

NOW, THEREFORE, the City Council of the City of Harrisburg does hereby ordain that the following properties shall be annexed into the City of Harrisburg in the manner and at the time stated below:

- 23465 N. 7th St., Harrisburg, Oregon (otherwise known as map 15S-4W-10CA, tax lot number 200), and legally described as:
Beginning at a point N 00° 12' 00" E, 132.11 feet and S 89° 48' 00" E, 4.44 feet from the northwest corner of Lot 1 of the Bruner Subdivision as filed in the Linn County Surveyor's Office under C.S. No. 13426 and recorded November 29, 1973 in Volume 15 at Page 26 in Linn County Record of Plats; thence leaving said initial point and east line of 7th Street, S 89° 48' 00" E, 342.06 feet; thence N 00° 12' 00" E, 222.98 feet; thence N 89° 48' 00" W, 341.54 feet to a point on the east line of 7th Street which lies S 00° 20' 04" W, 24.68 feet and S 89° 48' 00" E, 30.00 feet from the southwest corner of the Samuel McCully Donation Land Claim No. 40; thence S 00° 20' 04" W, 222.98 feet along the east line of 7th Street to the point of beginning.
- 23466 N. 7th St., Harrisburg, Oregon, (otherwise known as map 15S-4W-10CB, tax lot number 100), and legally described as:
Beginning at a point on the northeast corner of Lot 17 of the N7 Subdivision; thence N 89° 49' 49" E, 83.82 feet to the west line of 7th Street; thence S 00° 20' 04" W, 165 feet, more or less, along the west line of 7th Street to the

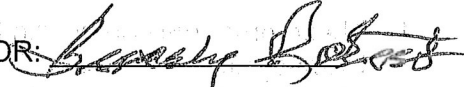
northeast corner of Lot 20 of the N7 Subdivision; thence N 89° 34' 10" W, 86.32 feet; thence N 01° 08' 58" E, 166.21 feet to the point of beginning.

BE IT FURTHER KNOWN THAT:


1. These properties are surrounded by the City of Harrisburg and are capable of being annexed under the "island annexation" procedures of the State law;
2. The annexations shall be effective upon the change of ownership of the properties or on March 1, 2021, whichever occurs first;
3. Systems Development Charges shall be due and payable, based upon the amount of those charges at the time of payment, immediately upon a change of ownership of the properties; and,
4. The properties shall, upon annexation, be zoned R-1 (single family residential).

PASSED BY THE COUNCIL: March 9, 2011

APPROVED BY THE MAYOR:

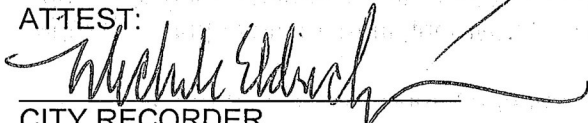


ORDINANCE EFFECTIVE DATE: April 8, 2011



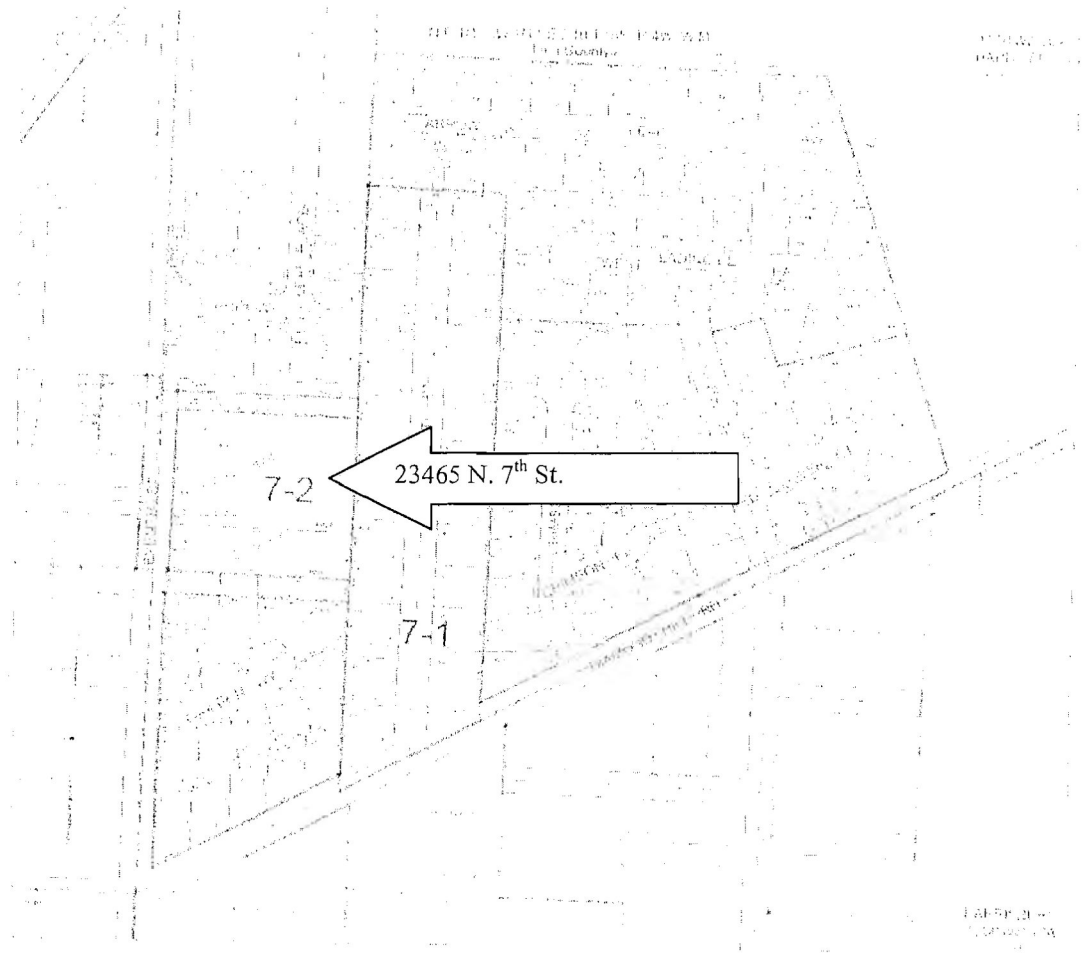
MAYOR

ATTEST:

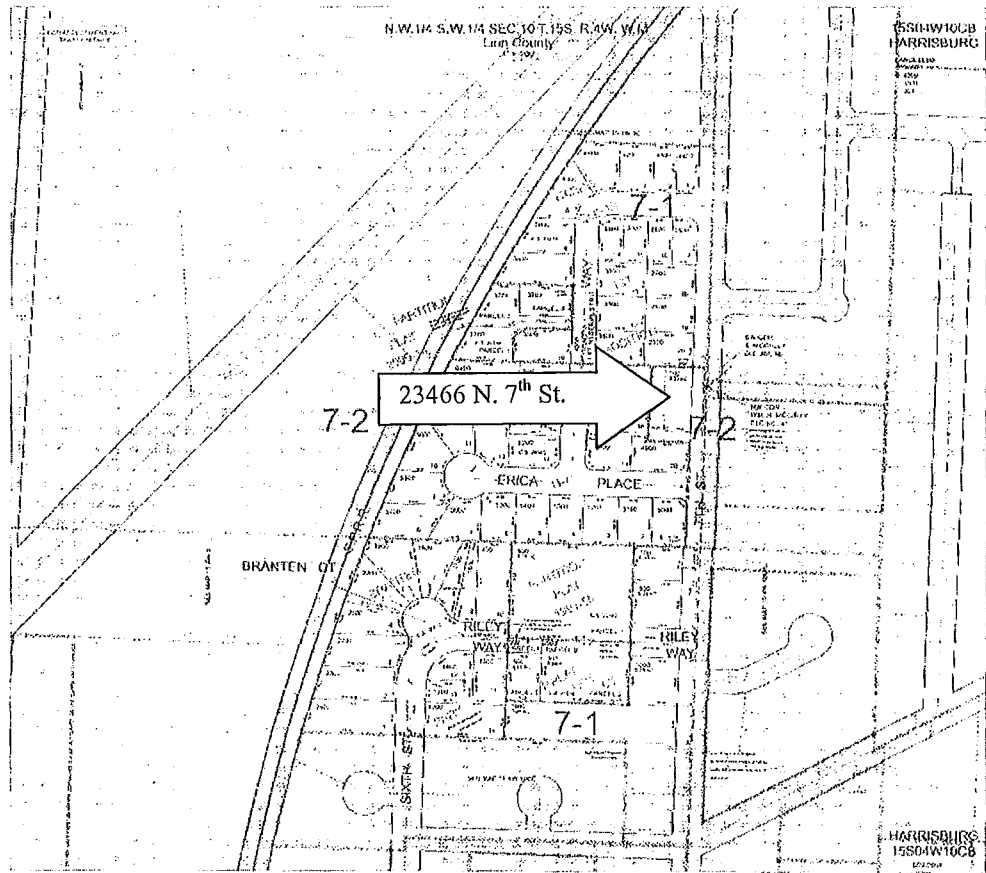


CITY RECORDER

Tax Map and Plat: 15S-4W-10CA,
Tax Lot No. 200



Tax Map and Plat: 15S-4W-10CB,
Tax Lot No. 100



City of Harrisburg

CITY COUNCIL

PROPOSAL: Annexation and Zoning Designation

LOCATION: Property A: 23466 N. 7th St. (15S 4W 10CB, tax lot 100) and
Property B: 23465 N. 7th St. (15S 4W 10CA, tax lot 200)

HEARING DATE: March 9, 2011

APPLICANT: City of Harrisburg

PROPERTY OWNERS: Property A: Robin M. Brandon
Property B: Robert J. Biegler

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 annexation of the involved two parcels to the City of Harrisburg, subject to the Conditions of Approval and effective date stated herein, and your referendum rights as described in the Oregon Revised Statutes.

CRITERIA & FINDINGS of FACT

Annexation

- Criteria:** The properties to be annexed shall be located within the City's Urban Growth Boundary.
Finding: The properties to be annexed are located within the City's Urban Growth Boundary.
- 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 which includes the intent that properties receiving urban services should be located within a city.
- Criteria:** The City must be capable of providing municipal services to the property.
Finding: The City is capable of providing municipal services to the properties. All municipal services are available to the properties.

Zoning

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

FINDING: Zoning both properties R-1 is consistent with the Comprehensive Plan designation for the area; and, is consistent with the current Linn County zoning designation which anticipates the properties to eventually be served by the city and zoned for residential use.

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

FINDING: The Brandon property adjoins city properties that are zoned R-1. The Biegler property adjoins properties zoned R-2 to the south and otherwise R-1. 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 properties and water, sewer and storm drain lines have been designed to accommodate these properties.

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.

DECISION & CONDITIONS OF APPROVAL

Based upon the above findings, the City Council:

1. Approved the annexation of the involved properties;
2. Determined that the annexations shall be effective upon the change of ownership of either property or on March 1, 2021, whichever occurs first;
3. Determined that Systems Development Charges shall be due and payable, based upon the amount of those charges at the time of payment, immediately upon a change of ownership of the properties; and,
4. Determined that the properties shall, upon annexation, be zoned R-1 (single family residential).

DECISION SUBJECT TO REFERENDUM

The decision of the City Council is subject to the referendum process stated in the Oregon Revised Statutes.

of
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rg, OR 97446



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MON 14 MAR 2011 PM

Larry French
Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol St NE, Suite 150
Salem, Oregon 97301-2540

DEPT OF
MAR 15 2011
LAND CONSERVATION
AND DEVELOPMENT