



# 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](http://www.lcd.state.or.us)



### NOTICE OF ADOPTED AMENDMENT

07/24/2013

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 003-13

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: Tuesday, August 06, 2013

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  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

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FORM 2

DLCD

## Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

003-13 (19840) [17535]  
In person  electronic  mailed

DEPT OF

JUL 18 2013

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Harrisburg**Local file number: **LU 317-2013**Date of Adoption: **7/10/2013**Date Mailed: **7/15/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **5/13/2013**

- Comprehensive Plan Text Amendment  
 Land Use Regulation Amendment  
 New Land Use Regulation

- Comprehensive Plan Map Amendment  
 Zoning Map Amendment  
 Other:

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

The City Council adopted a revision to HMC 18.45.010, by inserting the word 'industrial' into the text of the provision. This amendment clarifies that industrial uses are permitted in the industrial zone.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**to: **N/A**Zone Map Changed from: **N/A**to: **N/A**Location: **Amendments apply City-wide.**Acres Involved: **0**Specify Density: Previous: **N/A**New: **N/A**

Applicable statewide planning goals:

- 1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **12**  **13**  **14**  **15**  **16**  **17**  **18**  **19**

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

 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. \_\_\_\_\_

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

N/A

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Local Contact: Brian Latta

Address: PO Box 378

City: Harrisburg

Zip: 97446-

Phone: (541) 995-6655 Extension:

Fax Number: 541-995-9244

E-mail Address: blatta@ci.harrisburg.or.us

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated twenty-one (21) days from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit one complete paper copy via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**ORDINANCE NO. 912****AN ORDINANCE AMENDING HMC 18.45.010.2, TO CLARIFY THE ALLOWED USES IN THE M-2 (HEAVY INDUSTRIAL) ZONE, AND DECLARING AN EMERGENCY**

WHEREAS, the Planning Commission, after holding a duly advertised public hearing on June 18, 2013, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Harrisburg Municipal Code; and

WHEREAS, on June 18, 2013, the Planning Commission recommended the City Council approve the request to amend Section 18.45.010 affecting the allowed uses in the M-2 Zone; and

WHEREAS, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Harrisburg Municipal Code on June 26, 2013, and interested persons and the general public were given an opportunity to be heard; and

WHEREAS, the City Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff on June 26, 2013, met to deliberate on the matter, and made a preliminary decision to accept the findings in the City Council Staff Report and approve the proposed text amendment, subject to the adoption of an ordinance; and

WHEREAS, the final version of the Text Amendment has been prepared, and is attached hereto as Exhibit A; and

Whereas, the City Council finds the burden of proof has been met; and that the text amendment is consistent with the applicable policies of the Harrisburg Comprehensive Plan and does not affect the designations of the Comprehensive Plan Map;

NOW, THEREFORE, THE CITY OF HARRISBURG ORDAINS AS FOLLOWS:

**Section 1.** The Harrisburg Municipal Code is amended as shown by the provisions contained in Exhibit A.

FURTHERMORE, the City Council determines that there is an immediate need to amend this code section to avoid confusion as to the interpretation of the ordinance, and the City Council therefore declares an emergency with the intent that the amendment will take effect immediately upon passage of this ordinance.

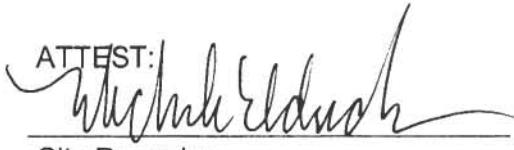
PASSED by the Council this 10<sup>th</sup> Day of July, 2013.

APPROVED by the Mayor this 10<sup>th</sup> Day of July, 2013.

EFFECTIVE the 10<sup>th</sup> Day of July, 2013.

  
Donald L. Shultz  
Mayor Duncan

ATTEST:

  
Michael E. Dush  
City Recorder

# **EXHIBIT A**

## **18.45.010 Uses permitted.**

In an M-2 zone, the following uses and their accessory uses are permitted, subject to the site plan review standards and procedures of Chapter 18.95 HMC:

1. A use permitted outright in an M-1 zone.
2. Any other industrial use, except a use listed in HMC 18.45.020 or which has been declared a nuisance by statute, by action of the County, or by a court of competent jurisdiction. [Ord. 882 § 3.410, 2010.]
3. Uses that were legally in existence or approved prior to July 10, 2013, shall not be classified as Nonconforming Uses unless they have been discontinued for a period of at least one year, in which case the requirements of HMC 18.100.030 shall apply. Expansions and enlargements shall comply with all other applicable code requirements.

**City of Harrisburg**  
P.O. Box 378  
Harrisburg OR 97446

EUGENE OR 974

16 JUL 2013 PM 2 L

DEPT OF

JUL 18 2019

Attn: Plan Amendment Specialist  
Department of Land Conservation and Development  
CONSERVATION  
AND DEVELOPMENT  
635 Capitol Street NE, Ste. 150  
Salem, OR 97301-2540



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