



Planning Commission Meeting Agenda

July 21, 2020

7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, 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. *For information regarding items of discussion on this agenda, please contact City Recorder/Assistant City Administrator Michele Eldridge, at 541-995-6655.*
7. *This meeting is held in a facility that is disinfected prior to use. All seating allows for 6' physical separation between attendees. Masks are required, and attendees are asked to sign in when they enter the Municipal Center.*
8. *If a citizen would like to provide testimony, but doesn't want to be present, contact the City Recorder, and provide your name and telephone number to be called during the meeting.*

CALL TO ORDER AND ROLL CALL

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

APPROVAL OF MINUTES

Recommended Motion: *I move to approve the minutes from the June 16, 2020 Planning Commission Meeting.*

- 1. Motion to Approve the Minutes for June 16, 2020**

PUBLIC HEARING

- 2. THE MATTER OF THE BUCHER APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 421-2020) AND A VARIANCE APPLICATION (LU-422-2020)**

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials

ACTION:

1. MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL/APPROVAL WITH CONDITIONS/ OR DENY LU421-2020. SAID MOTION SUBJECT TO ANY CONDITIONS OF APPROVAL IMPOSED BY THE PLANNING COMMISSION BASED ON THE JULY 13, 2020 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATIONS OF THE PLANNING COMMISSION.

2. MOTION TO APPROVE/APPROVE WITH CONDITIONS/DENY APPLICATION LU 422-2020 SAID MOTION SUBJECT TO AND BASED ON THE FINDINGS OF THE JULY 13, 2020 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATIONS OF THE PLANNING COMMISSION.

APPLICANT: Anthony Bucher, PO Box 436 Harrisburg, OR

WORK SESSION

- 3. THE MATTER OF REVIEW AND DISCUSSION OF PROPOSED ZONING TABLE AND ZONING USES ALLOWED AND GENERAL REVIEW PROCEDURES**

Exhibit A: Zoning Districts & Uses Allowed

Exhibit B: General Review Procedures

ACTION: DISCUSSION AND STAFF DIRECTION ONLY

OTHERS

ADJOURN



Planning Commission Meeting Minutes

June 16, 2020

Chairperson Present: Todd Culver
 Commissioners Present: David Smid (arrived 7:06pm), Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber
 Staff Members Present: City Administrator/Planner John Hitt, City Recorder/Asst. City Administrator Michele Eldridge
 Commissioners Absent: Roger Bristol
 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.

- Dean Chappell, 555 LaSalle St., was present to let the Planning Commission know that Google had the LaSalle St. spelling incorrect, and that he would like to have it straightened out.
- Hitt thanked him for letting us know.

APPROVAL OF MINUTES

- Giles motioned to approve the minutes and was seconded by Kayner. The Planning Commission then voted unanimously to approve the Minutes for March 17, 2020.

PUBLIC HEARING

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

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 7:04PM, the Public Hearing was opened.

June 16, 2020

Culver asked if there were any Conflicts of Interest, or Ex Parte contacts.

- Giles said that she would like to declare an Ex Parte contact, because Lance Lighty is a cousin. However, she didn't have any problems with discussing or voting on this subject, because they have not had any discussion in relation to this issue.

There were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

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.

STAFF REPORT: Hitt summarized the information in the staff report, and referred to the information shown on page 15, through page 19. He pointed out that in HMC18.20.050(d), that the lot is required to have a minimum of 50 feet of frontage along a public right of way. However, in HMC 17.40.040, the code states that the lot size, width, shape and orientation and shape of a lot shall be suitable and appropriate for the location and that each lot created shall abut a street for a width of at least 25' feet. Therefore, if you agree that HMC 17.40.040 is appropriate as a governing standard, then the variance won't actually be required. You could also decide that the 50' requirement, as required in HMC 18.20.050(d), does apply. He wanted to point out that we have a precedent, in relation to Heckart's property, from August 16, 2016. The conditions are almost identical, with a 3-lot partition. What is missing in this is whether the frontage is a question of lot size, or if its intended as an overall discussion of the lot size compared to frontage. The rest of the applicable criteria, and the 50' requirement, is straight forward. He would like to hold off on the variance until the Planning Commission makes a decision on the partition request. If you approve the partition, then we can come back to the variance issue.

- Chairperson Culver said that this is not the first time the flag lot situation has come up. In the past, as he remembers, the battle is to utilize to the best ability the land in the city limits. This allows the dreaded flag lot; but as he noted, there isn't any other way in order to make the land more usable, correct?
- Hitt responded that in his personal opinion, as you look at this; how to come back with the 3 lots, instead of 2, which is what the applicant came up with, and whether it is a viable way to use land efficiently and effectively. It's a high value goal and is the same for the State of Oregon. You can build on 3 parcels, in the same area that otherwise would only allow 2.
- Moritz expressed some concerns about the parking and driveway arrangements. Wouldn't we need a way for a turn around here?
- Hitt said that this is actually exceeding the fire code standard, because there are two separate 25' driveways.
- Moritz thought that there was only one shared driveway for lots 2 and 3.

Applicant Testimony: Lance Lighty thanked the Planning Commission and staff for working with him. It took a few months for them to get this right, and to provide value to the community. They have met with the fire chief, as he, (Lighty), knows how important it is to make sure that they have no issues with the property.

- Kayner wanted to verify that he had two 25' driveways then?
- Lighty told him that was correct. His first attempt at a plat, had a hammerhead that only served two lots. This seemed to work the best for access, and he still

June 16, 2020

has that 7,000 sq. ft. minimum met. He had bounced his ideas off the City planner to come up with this version.

Favorable Testimony: Dean Chappell, of 555 LaSalle Street, was favorable towards this project. He is planning on building a future home on the northeast corner of his property, which is located to the west of these parcels. He had talked to the City about getting the sewer from 6th Street, and he'd like to be able to extend it through these parcels. As a firefighter himself, he really liked the way this plat had been put together.

There was no Testimony in Opposition, or Neutral Testimony.

The Public Hearing closed at the hour of 7:27PM.

Hitt reminded the Planning Commission that they need to decide on the partition, and then on the variance. Kayner asked if we should address the variance first, or is the question if we even need a variance? Hitt told him that if the Planning Commission is satisfied that 25' of street frontage meets city code requirements, then they may not need to have a variance applied. His thought is that we should look at what is reasonable. There is an apparent conflict in the code. The details say we should look at lot size and depth, or do we look only at the frontage? You have a precedent on the variance, if you choose to go down that road; he doubts it would be challenged. The code is supposed to note broad changes, not generally minor things. If they have 3 good sized lots, and getting to each is adequate, and within the code guidelines, then does it really make a difference to have 25' or 50' of road frontage? Moritz said that only one lot meets that 50' road frontage. He asked if it was abutting a street other than an alley? Hitt told him yes, each lot shall abut a street, other than an alley, for at least 25'. Moritz then asked what the frontage was for parcel no. 2. Lighty told him that 2 and 3 both have 25' of frontage each. Moritz said that we do have that precedent, and he guesses that we could approve this without a variance, or two variances.

Hitt said that if it's the Planning Commissions desire to not require a variance, then the Planning Commission should make a statement that the two 25' widths meet the code requirements, and a variance is not needed because they've already met the requirements. Chairperson Culver said that on page 12, you have the suggested motion. He didn't think we needed to state it in the motion, because it's in the notes of the meeting. Hitt agreed with him.

- **Giles motioned to approve 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. She was seconded by Wullenwaber, and the Planning Commission voted unanimously to approve the partition plat for Lance Lighty at 480 S. 6th St.**
- Kayner noted that as we've already stated, we don't need the variance.
- Giles suggested that perhaps we could refund it.

OLD BUSINESS

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

June 16, 2020

Staff Report: Hitt noted that this is a very simple request, and that the code allows a one-year extension, which they have asked for. They are very close to construction, and staff recommends an approval.

Eldridge added that as this has already gone through a public hearing when approved, and nothing is changing, that there is no need for another public hearing, or notification.

Chairperson Culver noted that Jerry Lenhard and his wife were both here, but they don't need to speak unless they wish to.

- **Moritz motioned to approve 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. He was seconded by Kayner and Giles who did so at the same time. The Planning Commission then voted unanimously to approve the extension for the site plan for the Rock on 99 to a new date of June 3, 2021.**

OTHERS

- Hitt told the Planning Commission that he has been working on the update to the zoning and subdivision codes, which will be coming to the Planning Commission in the near future. He's looked over the work done previously, and he has a few minor changes to what they've done already. He talked about his personal philosophy on planning. It used to be that in the early 1900's, a city would say here is what is prohibited, and if it wasn't prohibited, then it was allowed. However, much of what the City has done is very tight, and overly restrictive. He talked about an example of something they allowed in Lebanon, in relation to a telephone switching center, located in a residential zone. It was built to look exactly like a house, with landscaping, even though it wasn't a residential use. It's an example of performance, in which it limited any kind of negative impact on neighbors. He spoke also, about allowing small industrial businesses to operate in commercial zones. He doesn't believe in having two industrial zones, as an example, and you don't need to separately designate public use zones. The code will be based on Oregon's model code, and hopefully, he will bring that to the July meeting.
- Eldridge, who is a Chamber of Commerce Executive Board Member, then gave a small presentation to Todd Culver, who had won the Harrisburg Outstanding Citizen award in November of last year, but wasn't able to make it to the award ceremony due to his surgery. He was nominated due to his overall contributions to our community, which include about 16 years chairing this committee, as well as being an elder at the Harrisburg Christian Church. She thanked him for all he does in Harrisburg, and for helping to make it such a special place to live and work.
- David Smid then noted that he needed to resign from his position on the Planning Commission, because he is no longer eligible, and now lives outside of Harrisburg. He asked when the position would be posted, and when we would make a decision on who applied.
- Eldridge told him it would be posted this week, and would likely be there for a few weeks, and how people could apply for the position.

ADJOURN: The meeting was adjourned at the hour of 7:50pm.

City of Harrisburg
PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Minor Partition (LU 418) to divide an approximately 34,855 square foot lot into three residential lots. A Variance (LU 419) has been determined to not be needed by the Planning Commission, based upon findings in HMC Title 17.

LOCATION: The subject site is located at 480 S. 6th St, and is known as tax lot 800 of Linn County Assessor's Map 15S04W15BC.

HEARING DATE: July 16, 2019

ZONING: R-2 (Medium Density Residential)

**APPLICANT/
OWNER:** Lance Lighty
94129 River Road
Junction City, OR 97448

APPEAL DEADLINE: June 26, 2020, at 5:00 p.m.

DECISION: The Harrisburg Planning Commission conducted a public hearing on June 16, 2020, and voted to approve the request, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the Staff Report of the June 16, 2020, Planning Commission meeting, 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: June 27, 2020, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD:

A Minor Partition and ~~Variance~~ shall be effective for one year from the date of approval. If the applicant has not submitted the final plat for approval within six months of approval, the preliminary plat shall be resubmitted to the Planning Commission for additional review (see HMC 17.25.010(1)). 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 Minor Partition approval will expire on June 27, 2021.



Todd Culver
Planning Commission Chairperson

CONDITIONS OF APPROVAL

1. **Consistency with Plans** – Development shall comply with the plans and narrative in the applicant's proposal, except where modified by the following conditions of approval.
2. **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 Services** – 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. **Driveways** – The driveways for proposed parcels 2 and 3 will need to be able to support emergency vehicles up to 50,000 pounds.
- B. **Hard Surfacing Requirements** – 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. **Turn-Around for Emergency Vehicles** – 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. **Demolition Permit** – A demolition permit will be obtained prior to the removal of the existing manufactured home and remaining outbuildings.

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests a timeline extension for a Site Plan Review (LU #403-2019) and Historic Zone Review (LU #409-2019) for the development of a 1630 sq. ft. commercial building at property located at 175 N. 3rd St.

LOCATION: Linn County Assessor's Map 15S 04W 16AA Tax Lot 3800

HEARING DATE: June 16, 2020

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

APPLICANT

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

OWNER

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

APPEAL DEADLINE: June 26, 2020 at 5:00pm

DECISION: The Harrisburg Planning Commission conducted a public meeting on June 16, 2020 and voted to approve the request. The Planning Commission adopted the findings contained in the June 9, 2020 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions. Criteria relied upon for review is found in HMC 18.125.050.

APPEALS: The decisions 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 plus actual expenses for appealing a Planning Commission decision to the City Council.

EFFECTIVE DATE: June 27, 2020, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: This Site Plan and Historical Overlay Zone Approval is effective for one year from the date of approval with a new expiration date of June 3, 2021.

If the applicant has not submitted a building permit and commenced construction in a substantial manner by the date of June 3, 2021, then the applicant will be required to file for new site plan and historical zone overlay review.



Todd Culver
Planning Commission Chair

UNAPPROVED

Staff Report
Harrisburg Planning Commission
Harrisburg, Oregon

THE MATTER OF THE BUCHER APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONCURRENT REZONE APPLICATION (LU 421-2020) AND A VARIANCE APPLICATION (LU-422-2020)

STAFF REPORT EXHIBITS:

Exhibit A: Application Materials

ACTION:

1. MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL/APPROVAL WITH CONDITIONS/ OR DENY LU421-2020. SAID MOTION SUBJECT TO ANY CONDITIONS OF APPROVAL IMPOSED BY THE PLANNING COMMISSION BASED ON THE JULY 13, 2020 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATONS OF THE PLANNING COMMISSION.

2. MOTION TO APPROVE/APPROVE WITH CONDITIONS/DENY APPLICATION LU 422-2020 SAID MOTION SUBJECT TO AND BASED ON THE FINDINGS OF THE JULY 13, 2020 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATIONS OF THE PLANNING COMMISSION.

APPLICANT: Anthony Bucher, PO Box 436 Harrisburg, OR

LOCATION: 260 Fountain Street. Map 15S-04W-16AD-04401

HEARING DATE: July 21, 2020

ZONING: C-1

OWNER: Anthony and Tina Bucher, PO Box 436, Harrisburg, OR

BACKGROUND

Applicant is requesting a Comprehensive Plan Map amendment, and concurrent re-zone for the vacant lot at 260 Fountain Street, from the current C-1 zone to R-2 zone, (Medium Density Residential). The lot in question is very small at 5,000 square feet and abuts R-2 zoned lots to the west and north.

The applicant proposes to build a small single-family dwelling, of approximately 1,500 square feet on the lot.

Because the lot is very small with a maximum width of 50', it does not meet the requirement of HMC 18.20.050 1.b., for single-family dwellings: "the minimum lot width at the front building line shall be 60 feet". Hence the applicant has asked for a variance to this requirement in order to construct a single-family dwelling as outlined in his application materials.

INTRODUCTION

The following findings demonstrate that the proposed comprehensive map plan redesignation, and concurrent rezone, as well as the accompanying variance application, comply with all applicable approval criteria and related standards as set forth in the Harrisburg Comprehensive Plan, Harrisburg Municipal Code and Statewide Planning Goals

ACTION #1 (ZONE CHANGE)

RELEVANT HARRISBURG MUNICIPAL CODE CRITERIA AND FINDINGS OF FACT

1. Criterion: HMC 18.120 AMENDMENTS

Discussion: Requests to amend the Harrisburg zoning code may be initiated by property owners – HMC. 18.120(1)(e).

Finding: Anthony and Tina Bucher are the owners of 260 Fountain Street and hence meet the criterion of this code section

2. Criteria: HMC 18.125.100 (APPLICATION & PROCESSING REQUIREMENTS)

Discussion: HMC 18.125.100 - 160 establish clear requirements for making application, paying fees, consolidation of applications, public notice for the required public hearing, and the public hearing procedures for zoning amendments

Finding: All of the required applications forms, fees, and public notices have been met within the required time frames as specified by code requirements.

RELEVANT OREGON STATEWIDE LAND USE AND PLANNING GOALS/HARRISBURG COMPREHENSIVE PLAN GOALS

1. CRITERIA STATEWIDE GOALS 1, 2, 3, 4, 5, 6, 7 & 8

Discussion: The lot in question has functionality only as a residentially zoned parcel. The broad goals of Public Involvement (Goal 1), and Land Use Planning (Goal 2) are met by this public hearing process. This lot is not located in or near

Agricultural Lands (Goal 3), Forest Lands (Goal 4) Natural Resources, Open Spaces or Historic Areas (Goal 5). The rezone and subsequent development will not impact the quality of Air, Water or Land Resources (Goal 6), It is not in a Flood Zone or otherwise subject to Natural Hazards, (Goal 7), and is not involved with Recreation (Goal 8).

Finding: The proposed rezone does not detract from or hinder any of these statewide goals. Therefore, these goals are adequately addressed because they are not applicable.

2. CRITERION STATEWIDE GOAL 12 – TRANSPORTATION

Discussion: Goal 12 encourage the provision of a safe, convenient and economic transportation system.

Finding: The proposed rezone will have a lower impact on the city's transportation system than the current C-1 zoning (Commercial), therefore the proposal complies with this goal.

3. CRITERIA STATEWIDE GOALS 9 (ECONOMY), 10 (HOUSING), 11 (PUBLIC FACILITIES AND SERVICES), 13 (ENERGY), 14 (URBANIZATION)

Discussion: (Goals 9 & 10) -There is very little economic opportunity for such a small lot, not on a major thoroughfare, to ever see commercial type development. But it can serve needed public housing, especially since a smaller, affordable home is planned for the site. In addition the City's 2013 Urbanization study called out the need for additional R-2 zoned land based on the 20 year population projection and the fact there are only 27 acres of R-2 zoned land in the city with a future demand of 45 acres. 5,000 square feet represents less than one-eight of an acre. Even with this addition, the city will have well under the needed future supply of additional R-2 zoned land.

Discussion: (Goals 11, 13 & 14). The application, if approved, will provide appropriate and desired infill, consistent with current development to the west and south of the site. Further it has all required public facilities readily available, will be developed to current stringent, energy efficiency standards and represents the orderly and efficient use of land as it is within the Harrisburg Urban Growth Boundary

'Findings: Based on the discussion above, and the relevant facts surrounding this application, the criteria of Statewide Goals 9 – 14 have been met.

4. CRITERIA STATEWIDE GOALS 15 – 19 – PROTECTION OF SHORELANDS, WILLAMETTE RIVER GREENWAY, ESTUARY RESOURCES & COASTAL SHORELANDS, BEACHES AND DUNES.

Finding: The subject site is not located in or near any of these state resource areas and therefore these goals do not apply to this application.

RELEVANT HARRISBURG COMPREHENSIVE PLAN CRITERIA.

1. CRITERIA - HOUSING (pp.13 & 53)

Discussion: 1. The city's Comprehensive Plan calls for "...opportunities for development of a variety of housing types, with an emphasis on single- family housing." 2. Comprehensive Plan policies include – A. "Target ratios by Plan Designation (of).....26% (for) Medium Density Residential" (R-2). B. R-2 Zones, "shall be dispersed throughout the City including around the central commercial areas or in areas with good access to collector or arterial streets."

Finding: 1. This application helps meet the City Comprehensive Plan goal of providing a variety of housing types. 2. The application helps the City conform to the policy goals of 26% R-2 zoning as we are currently at 17.5%. In addition, this lot is less than 100 feet from an arterial street.

2. CRITERIA – PUBLIC FACILITIES AND SERVICES. (pp. 54 – 58 & 16)

Discussion: The City Comprehensive Plan indicates there are in existence or plans already underway to provide adequate public facilities for the anticipated population growth of the City. The relevant Comprehensive Plan Policy "Require(s) all future urban development to be served by public sanitary sewer and water."

Finding: This application represents only a very minor further demand on City services hence this application is consistent with this and other elements of the City's Comprehensive Plan. In addition, as noted elsewhere full public facilities and services, (including water and sewer in the street) are readily available to this parcel.

CONCLUSIONS

The applicant requests approval of LU 421-2020. As demonstrated by the above discussion, analysis and findings, the application, as conditioned, complies with the applicable criteria from the Harrisburg Municipal Code.

PLANNING COMMISSION ACTION

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

1. Recommend to the City Council approval of the application.
2. Recommend approval of the request with conditions; or
3. Recommend Denial of the application

Based upon the criteria, discussion, and findings of facts above, Staff recommends the Planning Commission Recommend to the City Council approval, with conditions, of LU 421-2020

RECOMMENDED MOTION(S)

Consistent with staff's findings, I recommend to the Planning Commission, that they motion to recommend approval of LU 421-2020, with conditions to the City Council:

MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL/APPROVAL WITH CONDITIONS/ OR DENY LU421-2020. SAID MOTION SUBJECT TO ANY CONDITIONS OF APPROVAL IMPOSED BY THE PLANNING COMMISSION BASED ON THE JULY 13, 2020 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATONS OF THE PLANNING COMMISSION

RECOMMENDED CONDITIONS OF APPROVAL:

1. **Final Approval:** Subsequent and final approval by the Harrisburg City Council
2. **Survey:** Property Boundaries must be surveyed and established.
3. **Building Permits:** Any subsequent development meets all required building and development codes except as may be waived by an approved variance.

ACTION #2 (VARIANCE)

BACKGROUND

As noted above, development of a single-family dwelling on this parcel requires a variance due to the requirement of HMC 18.20.050 that single-family dwellings have at least 60 feet of width at the "Building Line." Building Line' is defined as "a line on a plat indicating the limit beyond which buildings or other structures may not be erected."

RELEVANT HARRISBURG MUNICIPAL CODE CRITERIA (HMC 18.115)

Discussion: Variances to the Harrisburg Municipal Code, Chapter 18 can be granted by the Planning Commission provided that: 1. Unique circumstances exist that are beyond the owner's control. 2. It is necessary for the preservation of property rights enjoyed by others in the same zone. 3. It is consistent with the goals of the

Comprehensive Plan. 4. It shall offer no special privilege. 5. It does not violate any provision of law.

Findings: This Variance Application meets all of the above criteria as the lot was a pre-existing lot that, when originally created, did not meet the requirements that would be later enacted. Thus, the applicant's situation is unique as no single-family dwelling could be built on this parcel without an exception to HMC 18.20.050 since the lot is only 50 feet wide. In addition, the applicant would not enjoy the opportunity to build a single-family dwelling, as enjoyed by the owners of other, similar sized properties in this area of town. Further, granting the variance would not violate any law, convey no special privilege not enjoyed by others and is consistent with the Comprehensive Plan goal of providing additional housing opportunities.

RECOMMENDED MOTION:

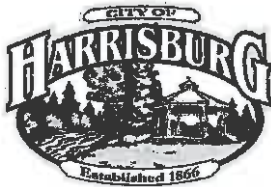
Consistent with staff finding's, I recommend to the Planning Commission that they approve LU 422-2020 with Conditions of Approval:

MOTION TO APPROVE/APPROVE WITH CONDITIONS/DENY APPLICATION LU 422-2020; SAID MOTION SUBJECT TO AND BASED ON THE FINDINGS OF THE JULY 13, 2020 STAFF REPORT, PUBLIC TESTIMONY, AND THE DELIBERATIONS OF THE PLANNING COMMISSION.

RECOMMENDED CONDITIONS OF APPROVAL:

1. **FINAL APPROVAL:** Zone change application LU-421-2020 must receive final approval from the Harrisburg City Council.
2. **BUILDING PERMITS:** This variance approval applies only to the construction of single-family dwelling. Prior to construction, the applicant shall obtain all necessary building permits for the construction of the SFD.
3. **CONSISTENCY WITH PLANS:** Any future single- family dwelling proposed to be built on the parcel be in substantial compliance with the application submitted by applicant Anthony Bucher.
4. **DRIVEWAYS:** Any driveway for the planned single-family dwelling must be located on the west side of the property on LaSalle St. to meet both vision clearance requirements, and to allow for separation of driveways as required by HMC 18.95.090(7)(C).
5. **SIDEWALK REQUIREMENT:** Owner shall be required to install a sidewalk on the Fountain St. side of the property, as required by HMC Chapter 12.10. The owner is allowed to keep the curb cut on this side of the property if desired.

- 6. MANUFACTURED HOME PROHIBITION:** This property is located adjacent to the Ling-Hall House, at 290 Fountain St. This is a home that is listed in the Harrisburg Register of Historic Resources. As per HMC 18.75.030(11), the owner may not install a manufactured home on this property.



City of Harrisburg
120 Smith Street
Harrisburg, OR 97446
Phone (541) 995-6655
www.ci.harrisburg.or.us/planning

LAND USE APPLICATION

The City of
Harrisburg

STAFF USE ONLY	
File Number: LU 421-2020 (ZONE)	Date Received: JUN 16 2020
Fee Amount: LU 421-2020 (Var) \$ 2,175-	RECEIVED

APPLICATION TYPE	
<input type="checkbox"/> Annexation*	<input type="checkbox"/> Property Line Adjustment
<input type="checkbox"/> Comprehensive Plan Amendment*	<input type="checkbox"/> Partition/Replat* Minor Major
<input type="checkbox"/> Conditional Use Permit*	<input 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 checked="" type="checkbox"/> Zone Map Change*
<input type="checkbox"/> Zoning Ordinance Text Amendment*	

*A Pre-Application Conference with City Staff is Required


PLEASE PROVIDE A BRIEF SUMMARY OF THE PROPOSAL	
Project Description	This city lot is currently zoned commercial. It is a small lot surrounded by residential structures. Our proposal is to change zoning to/for residential use.
Project Name	The Fountain

PRIMARY CONTACT AND OWNER INFORMATION

Applicant's Name **ANTHONY BUCHER**

Phone **541-321-2815** Email **ATBUCHER_T1@YAHOO**


Mailing Address **P.O. BOX 436 HARRISBURG, OR**

Applicant's Signature  Date **6-6-2020**

Property Owner Name **ANTHONY BUCHER**

Phone **541-321-2815** Email **ATBUCHER_T1@YAHOO**

Mailing Address **P.O. BOX 436**

Owner Signature  Date **6-6-2020**

*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 **260 FOUNTAIN ST, HARRISBURG**

General Location Description **SCHOOLINGS ADDITION
LOT 4401**

Assessor's Map Number(s) **15504W16AD** Related Tax Lot(s) **4401**

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 **LOT 4401**

LAND USE AND OVERLAY ZONES

Existing Zone(s)

C 1

Existing Comprehensive Plan Designation(s)

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

☐

Historic Overlay

☐

Willamette River Greenway

☐

Floodplain

☐

Riparian Corridors

☐

Wetlands

*Please include a discussion in the project narrative indicating how these overlays affect your proposal. For more information about any of these overlays, please contact the City Planner at (541) 995-6655.

CHECK THE BOX NEXT TO INCLUDED EXHIBITS

☒

Narrative* (address all applicable HMC review criteria)

☐

Assessor's Map with Applicable Tax Lots Highlighted

☒

Site Plan

☐

Survey / ALTA

☐

Aerial Photograph / Existing Land Use(s) Map

☒

Zoning Map (if applicable, show proposed change(s))

☐

Comprehensive Plan Map(s) (if applicable, show proposed changes))

☐

Subdivision or Partition Plat

☐

Architectural Elevations

☐

Architectural Floor Plans

☒

Utilities Plan

☐

Geotechnical Report/Site

☐

Assessment

☐

Electronic Versions of Exhibits

☒

Application Fee

☐

Other

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

A Pre-application Conference is Required with City Staff prior to turning in your land use application. Please contact the City Administrator, or City Recorder/Assistant City Administrator to make an appointment. Date of Appointment: 6-7-20

PLEASE TELL US MORE ABOUT THE PROPOSAL AND ITS SITE

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

N/A

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

To legally place a single family residence per city requirements once residential zoning is approved.

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

New sidewalks and approaches will be placed, and all city setbacks adhered to.

4. Are there previous land use approvals on the development site? ☐ Yes ☒ No
If yes, please include a discussion in the project narrative describing how the prior approvals impact your proposal.

N/A

5. Have you reviewed the Oregon Fire Code Applications Guide in relation to your land use request? ☐ Yes ☒ No Do you have questions about any element of these requirements? If yes, please explain:

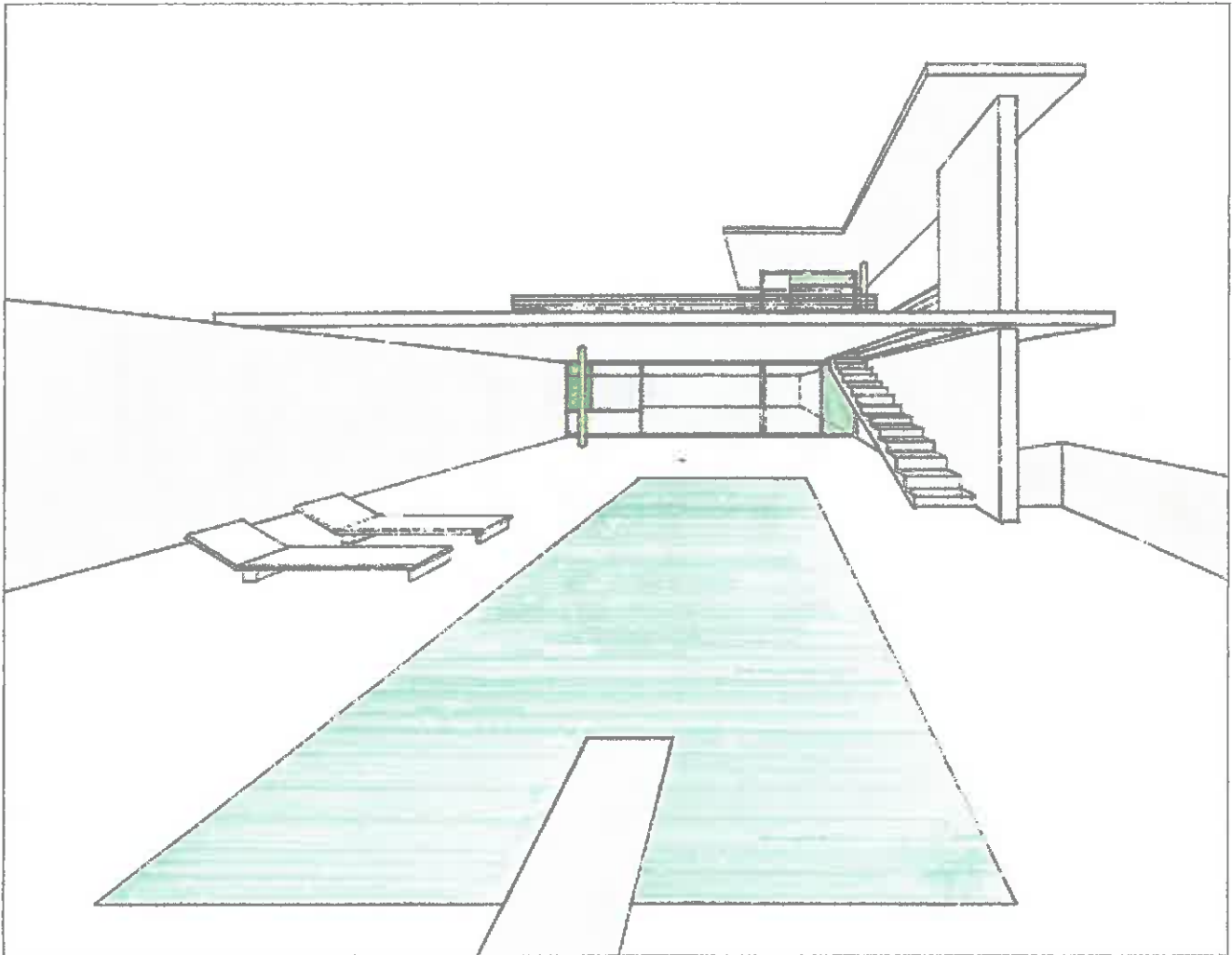
AUTHORIZATION FOR STAFF & DECISION MAKERS TO ENTER LAND

City staff, Planning Commissioners, and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(-ies) associated with this application as part of their site visits.

☐ I authorize City staff and decision makers to enter onto the property(-ies) associated with this application.

☐ I do not authorize City decision makers to enter onto the property(-ies) associated with this application.

THE FOUNTAIN



Project Proposal

Prepared for: City of Harrisburg

Prepared by: Anthony Bucher

June 16th, 2020

541-321-2815

THE FOUNTAIN

PURPOSE

This proposal and variance request is for lot 4401 located in the schoolings addition, also known as 260 Fountain St. The request of this land application is to convert the existing commercial zoning to residential use, and grant a variance for future development of a single family home.

18.120.010 Amendment authorization and procedures

1. (d) I am the property owner
2. As the property owner I have filed an application with the City Recorder pursuant to 18.125.100. Additionally I have paid the filing fee in addition to the application, pursuant to 18.125.100.

18.120.020 Public Hearings

1. The application is being provided on June 16th, 2020. This is more than 35 days in advance of the Planning Commission public meeting scheduled for July 21, 2020.

18.05.110 Criteria for approval

1. The proposed amendment is consistent with and does not alter the intent of the applicable sections of the comprehensive plan. The adjacent property is zoned R2 and this request for similar zoning will be consistent with surrounding areas.
 2. The other locations in the city that are currently zoned C1 have merit and are either being used based on that criteria or options for C1 uses are available. This parcel of land is only 5000sq'. The C1 zoning on this size of parcel makes this land almost unusable without a zoning change.
 3. The adjacent land uses include R2 zoning. There will not be an adverse affect to adjacent properties or land use patterns in the area. All adjacent land is currently used as residential.
 4. There will be no significant negative impact upon any public or private facilities or services in the area. The proposed amendment will allow for a single family dwelling, which is our plan and would be consistent with neighboring properties.
 5. There will be no negative impact to the street or other transportation facilities in the area. There will be improvements made to both areas. This will include sidewalks where there are currently none. As well as appropriate sized approaches and utility connections.
-

THE FOUNTAIN

6. The lot is flat in nature. Any drainage is either currently to the adjacent properties, the street with dirt and debris, or through soaking into the soil. The placement and building of a single family home will allow for drainage of the home and the lot, through newly installed perf pipe and underground gutter systems. These will be connected to the street storm drain system, thus improving conditions on the involved parcel and the adjacent ones. There are no development limitations. The parcel and its current soil has no type of fill and has never been built on or disturbed.

COMPREHENSIVE PLAN CONSIDERATIONS

Goal 10:

Per the comprehensive plan and the goals laid out by the city, there is a desire and emphasis on providing single family housing. This amendment proposal, variance and building of a single family home will help contribute to the overall City of Harrisburg comprehensive plan.

Goal 14:

Goal 14 involves urbanization within the existing UGB and the development of new UGB areas. I will attempt to address all aspects of infill and urbanization, and not UGB development guidelines, as they do not pertain to this amendment.

The plan for this panel of land is the building of a single family residence. There is ample space for the building based on all city code requirements, with the exception of the below variance on lot frontage. The comprehensive plan calls for orderly and efficient growth through logical, phased expansion. We believe this proposal does that without creating any adverse growth or sprawling issues.

The proposed use of this vacant lot to provide housing and tax base to the City of Harrisburg falls in line with managed growth. It will contribute to rather than detract from the economics and well-being and livability of the community

Items for consideration:

A2. Encourage urban growth inside the UGB - this proposal is inside the UGB.

Annexation - none

Utility Extension - 1. This development proposal is only taking place where services are available. There is no new extension of services.

Coordinated land use controls:

Within this proposal there are no City or County agreements that have been violated. The joint approval process of the City Administrator, the Planning Commission and the City Council address the items around development in regards to the land use control systems.

Amendment Procedures - 1. No amendments of the comprehensive plan or UGB, are necessary.

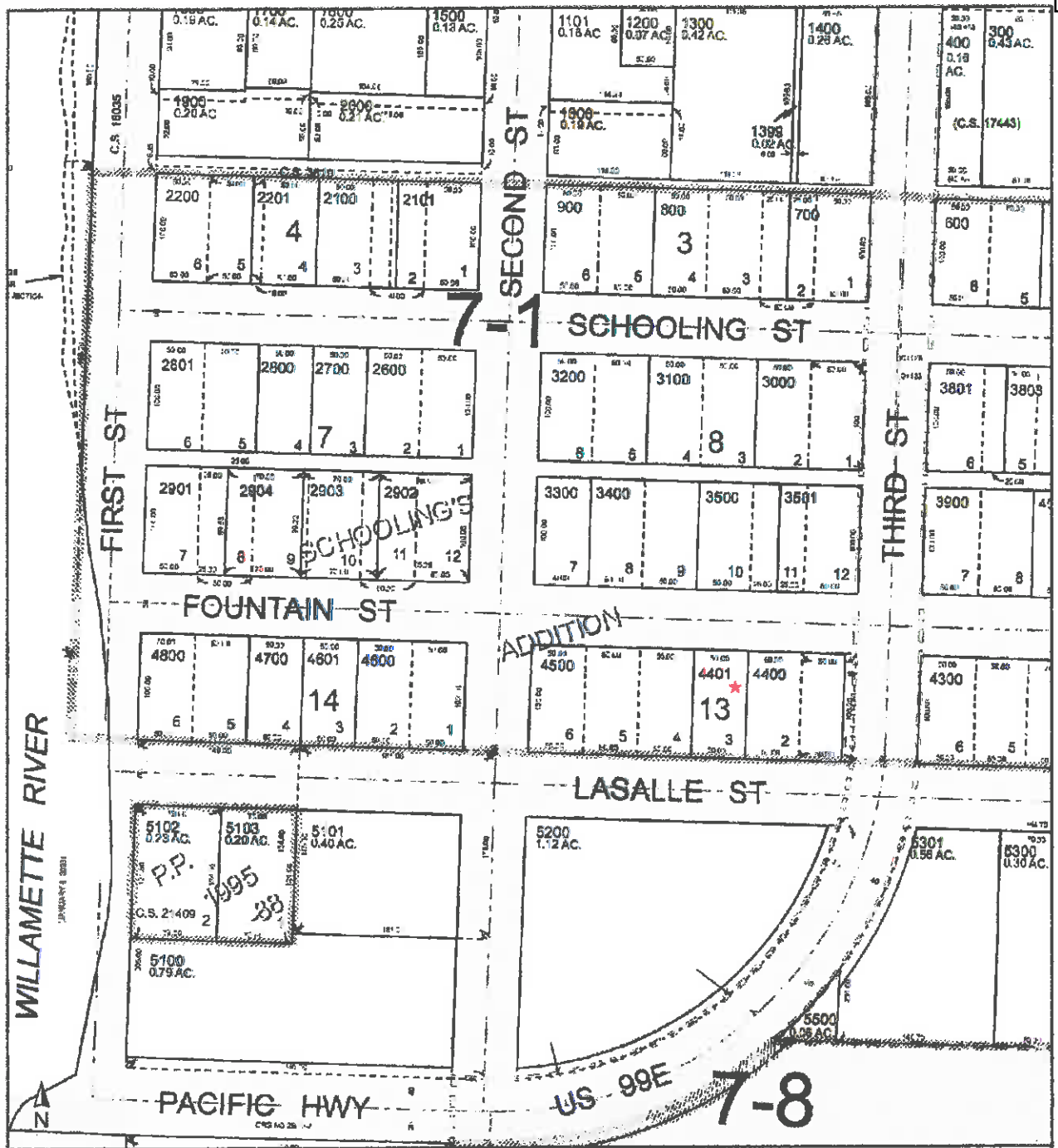
VARIANCE:

18.115.020 Criteria

1. The unique circumstance of this lot is the frontage width. Adjacent properties that are zoned residential have structures on them, but have the same 50' width as this lot. The current code is 60' frontage. Allowing a residential structure on this lot width of 50' will fall in line with adjacent properties. This is an element that is outside my control as an owner to modify on my own to make use of the property.
2. This variance is necessary for the preservation and enjoyment of the same property rights as possessed by owners of other properties in the same zone. Residential use is found in this area on lots of the same or similar size.
3. There would be no violation of any goals or policies within the comprehensive plan. This request will allow for the infill of an otherwise vacant and unusable lot.
4. There is no special privilege being given or considered by the approval of this variance.
5. There is no violation of any provision in Ord 906-1 2012, or Ord 882-8.020 2010.

Thank you for your time and consideration,

Anthony Bucher



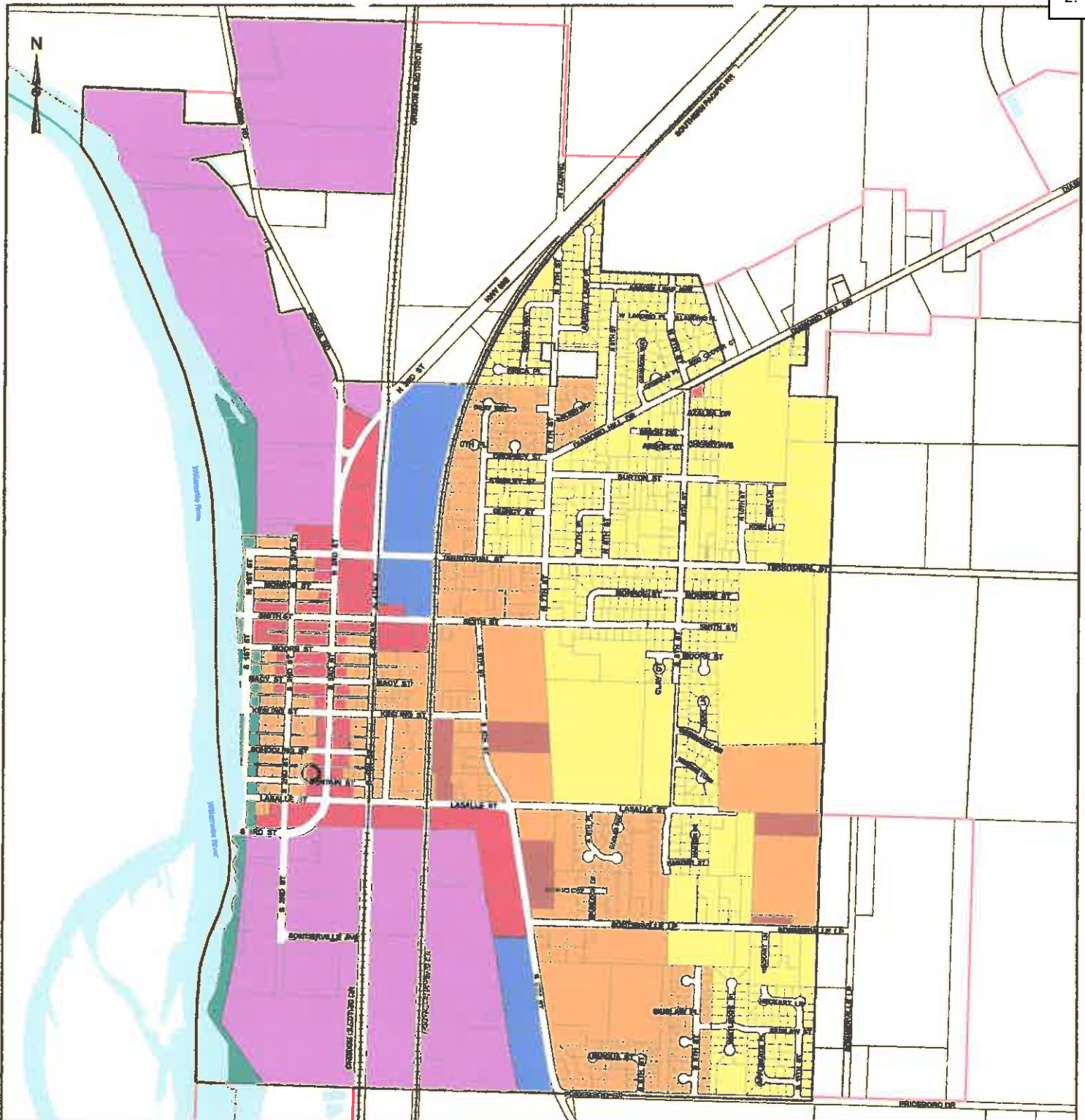
First American Title™

ParcelID: 0918190

260 Fountain St

Harrisburg, OR 97446

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



Linn County Disclaimer

The data contained in this map was designed for assessment and planning purposes only and not for precise engineering-level mapping. As such, it is subject to error and/or omission. Linn County disclaims any liability as to the accuracy or completeness of the data.

Zoning

City of Harrisburg, Oregon

Effective Date: April 8, 2014

1 inch = 283 feet

0 250 500 1,000 1,500 2,000 2,500 Feet

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

FOUNTAIN

2.

WATER

POWER

SIDEWALK

↑
N

Proposed Home
30' x 50'

LOT 4401
5000 SQ'

DRIVEWAY

SIDEWALK

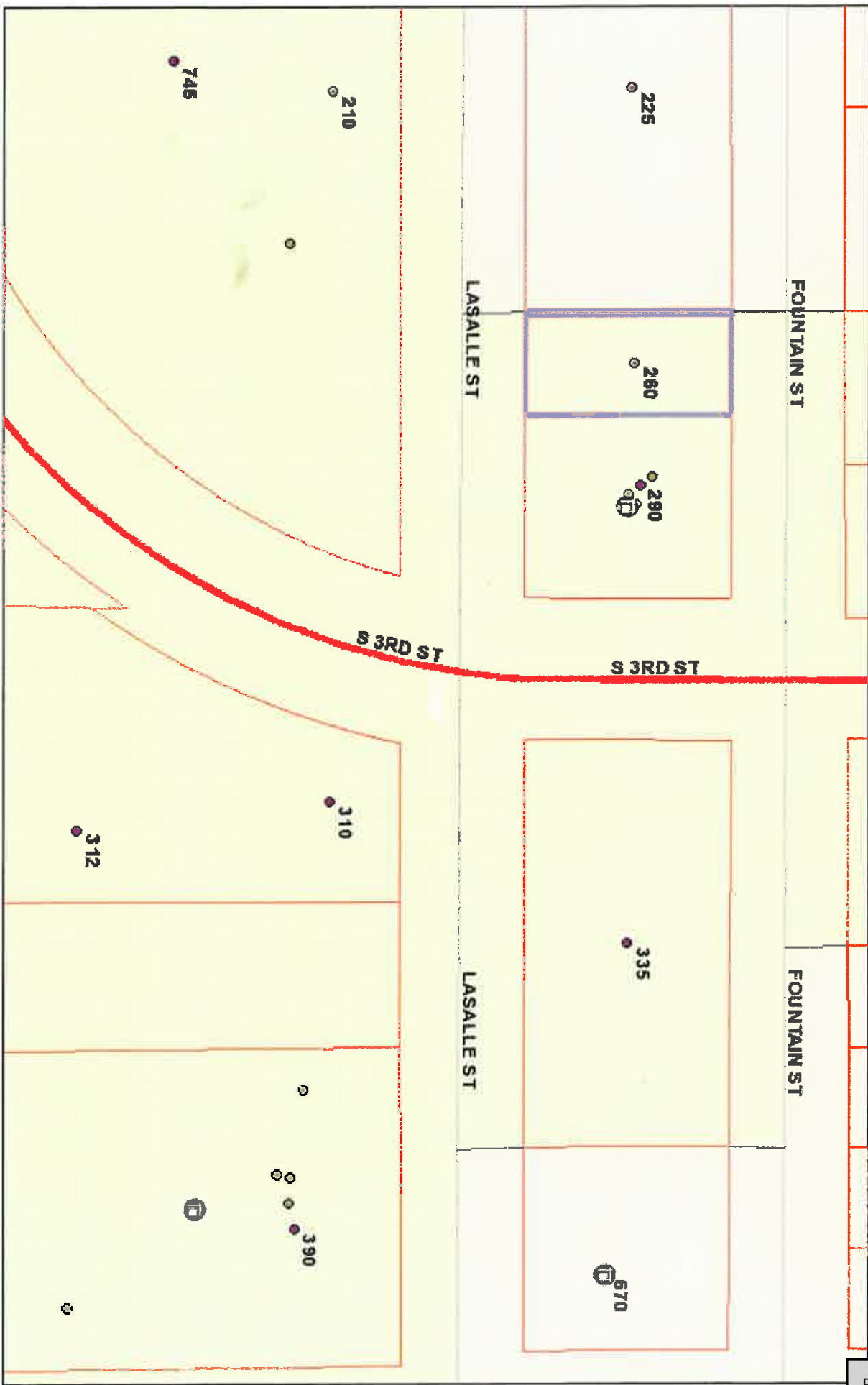
SEWER

LASALLE

N



260 Fountain St., Harrisburg, Oregon



6/18/2020, 6:05:55 PM

- ☒ Sales
- ☒ Address
- ☒ Permits
- ☒ Elevation Certificates
- ☒ LOMAs
- ☒ Railways
- ☒ Highways
- ☒ Roads
- ☒ City Limits
- ☒ Tax Lots
- ☒ County Boundary
- ☒ City Zoning
- ☒ G-1, COMMERCIAL



This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the

Map created using the Linn County Oregon web mapping application

Agenda Bill

Harrisburg Planning Commission

Harrisburg, Oregon

THE MATTER OF REVIEW AND DISCUSSION OF PROPOSED ZONING TABLE AND ZONING USES ALLOWED AND GENERAL REVIEW PROCEDURES

Exhibit A: Zoning Districts & Uses Allowed

Exhibit B: General Review Procedures

ACTION: DISCUSSION AND STAFF DIRECTION ONLY

THIS AGENDA ITEM IS DESTINED FOR: Regular Agenda -June 28, 2020.

BACKGROUND INFORMATION:

The Planning Commission has done extensive work with the Oregon Small Cities Model Zoning Code as it should apply to Harrisburg. I have reviewed the work previously done by the Planning Commission and would like to discuss modifying some of that work, while still maintaining the basic framework of the Model Code and work of the Planning Commission.

Attached as **Exhibit A** is my revised Zoning Districts and the 'Uses Allowed' in each district. My overall approach to this was guided by the following overarching goals:

1. Eliminate any redundant or unnecessary zones. We are a small city, both geographically and by population, with pretty well established commercial, residential, and industrial areas. The fewer and more flexible zones we have the easier the administration and the fewer zone change requests are needed.
2. Make as many uses as reasonable, in each zone, be permitted outright. (**P** on the table from **Exhibit A**). This simplifies and streamlines the land use process and pretty much avoids appeals to LUBA.
3. Allow uses that are not traditional in each zone IF they can happen with very minimal or no negative impact on existing uses in that zone. (**S** in the zoning table). An example would be light or artisan manufacturing in the commercial zone. This is a type of "performance zoning". That is, the applicant must demonstrate that their proposed **S** type use meets more stringent standards than **P** uses for the same zone. These more stringent **S** standards are detailed in a separate chapter of the Model Code and as you may further define them.
4. Create a new 'Public Use Zone' (PUZ) that is a catch-all for not only publicly owned areas, but also uses that primarily benefit the public such as recreational areas, public utilities, transportation facilities, etc. Doing so will require some fair

2.2 – Zoning District Regulations | Purpose

Chapter 2.2 – Zoning District Regulations

Sections:

- 2.2.010 Purpose
- 2.2.020 Applicability
- 2.2.030 Allowed Uses
- 2.2.040 Lot and Development Standards
- 2.2.050 Setback Yards Exceptions
- 2.2.060 Residential Density Standards
- 2.2.070 Lot Coverage
- 2.2.080 Height Measurement, Exceptions, and Transition

2.2.010 Purpose

Chapter 2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Harrisburg Comprehensive Plan and the purposes of the Harrisburg Municipal Code, Title 18.

2.2.020 Applicability

All real property in the City of Harrisburg is subject to the zoning regulations of Title 18. Certain types of land uses are also subject to the Special Use regulations in this Title. In addition, some properties are subject to both the general (“base zone”) regulations and the Overlay Zone regulations of this Title.

Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2 – Zoning District Regulations | Allowed Uses

2.2.030 Allowed Uses

User's Guide: Three types of land use designations are provided: "P" means the use is permitted; "S" means the use is permitted with Special Use Standards (Chapter 2.3); "CU" means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 4.4); and "N" means the use is not allowed. Uses that are not listed and that the city determines are not similar to an allowed use are prohibited. The designation of allowed uses in Table 2.2.110 should be tailored to local conditions. First, consider whether any existing land uses would become non-conforming before changing your code. (Chapter 1.4 addresses non-conforming uses.) The Model Code text should be adjusted, as needed, to minimize the number of non-conforming uses created.

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted (P) outright, those that are permitted subject to meeting special use standards or requirements (S), those that are allowed subject to approval of a conditional use permit (CU), as identified by Table 2.2.030, and those that are allowed uses that fall into four general categories: Residential, Public and Institutional, Commercial, and Other. Where Table 2.2.030 does not list a specific use, and Article 5 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the Code Interpretations of this Title. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as "Permitted (P)" are allowed provided they conform to relevant Lot and Development Standards. Uses listed as "Permitted Subject to Special Use Standards (S)" are allowed, provided they conform to the Chapter _____ Special Use Standards. Uses listed as "Not Allowed (N)" are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to the Conditional Use Permit process of this Title.
- C. Conditional Uses.** Uses listed as "Conditional Use Permit Required (CU)" are allowed subject to the requirements of Chapter _____ of this Title, Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.
- E. Master Planned Developments/Planned Unit Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter _____ of this Title.
- F. Accessory Uses.** Uses identified as "Permitted (P)" are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.

2.2 – Zoning District Regulations | Allowed Uses

- H. Any outdoor activities or regular ongoing or continuous accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under this Title. *[Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.]*
- I. **Temporary Uses.** Temporary uses may occur no more than four times in a calendar year and for not longer than eight days cumulatively in any calendar year upon approval of a special event or use permit in accordance with HMC _____. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 4.3 Site Design Review.
- J. **Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. The City Administrator may require a special permit to allow outdoor or temporary use(s) that is otherwise permitted in the zone.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones			Commercial Zones and Employment Zones			Public Use		Special Use Standards
	R-1	R-2	R-3	C-1	M-1	—	PUZ		
A. Residential Uses¹									
Single-Family Dwelling, Non-Attached	P	P	P	S	CU		N		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome 5)	S	P	P	S	N		N		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	S	S	S	CU	N		N		[Sec 2.3.170]
[Boarding or Rooming House]	N	CU	S	CU	N		N		No more than 50% of main house on 8000 sq lot or larger
[Cottage Housing Cluster]	N	S	S	N	N		N		[Sec 2.3.190]
Duplex Dwelling	S	P	P	N	N		N		Sec 2.3.060
Manufactured Home	S	S	S	N	N		N		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	N	S	S	N	N		N		Sec 2.3.140
Multifamily Dwelling	N	S	S	S	N		N		Sec 2.3.080; 2.3.090
Family Daycare	S	S	S	N	N		N		Sec 2.3.100
Residential Care Home	S	S	S	N	N		N		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	S	S	S	S	N		N		Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	S	S	N		N		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	S	S	S	S	S		S		[Sec 2.3.200] with commercial retail
Vacation Rentals	S	S	P	S	N		N		[Sec 2.3.220]

User's Guide: The above residential uses represent the range of "needed housing" that cities are generally required to zone land for under Statewide Planning Goal 10 (Housing). Care Homes or Facilities are subject to ORS 197.665 and 197.670, and the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3615). The model code provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.

¹ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Employment Zones			[Public Use]		Special Use Standards
	R-1	R-2	R-3	C-1	M-1	—	—	PUZ		
B. Public and Institutional Uses²										
<i>[Airport, Public Use]</i>	N	N	N	N	S			S		<i>[per Airport Overlay Zone]</i>
Automobile Parking, Public Off-street Parking	N	N	CU	S	CU			P		
Cemetery, including Crematorium	N	N	N	N	N			S		Size limited
Child Daycare Center	N	N	S	CU	CU			S		
Club Lodge, Fraternal Organization	N	N	CU	S	N			S		Must match surrounding uses & limit size
Community Service; includes Governmental Offices	N	N	CU	P	CU			P		
<i>[Community Garden]</i>	P	P	P	P	N			P		
Clinic, Outpatient Only	N	N	S	P	CU			P		
Emergency Services; includes Police, Fire, Ambulance	CU	CU	CU	CU	CU			P		
Hospital, including Acute Care Center	N	N	CU	CU	CU			S		
Mortuary	N	N	CU	CU	CU			CU		
Non-Profit Member Organization Offices	N	N	S	P	CU			CU		Must match surrounding uses & limit size
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	S	S	S	S	CU			P		<i>[Sec 2.3.210]</i>
<i>[Prison]</i>	N	N	N	N	CU			CU		

User's Guide: Because parks and open spaces can generate noise and lighting concerns, some communities require conditional use permit approval for parks and some open space uses. Another alternative is to allow uses subject to special standards. For example, neighborhood parks (e.g., tot lots or informal play fields) and natural areas that are limited to daytime use typically do not raise compatibility concerns and therefore can be permitted with standards.

² **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

City of Harrisburg
Oregon Model Development Code

2-10

Draft | April 2020

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Table 2.2.030 – Uses Allowed by Zoning District									
Uses	Residential Zones			Commercial Zones and Employment Zones			[Public Use]		Special Use Standards
	R-1	R-2	R-3	C-1		M-1	PUZ	—	
B. Public and Institutional Uses³ (continued)									
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	CU		P	P		
[Railroad Facilities]	N	N	N	N		P	CU		
Religious Institutions and Houses of Worship	CU	S	S	S		CU	S		Seating, # of services, & parking
School, Preschool-Kindergarten	CU	CU	CU	CU		N	P		
School, Secondary	CU	CU	CU	CU		N	P		
[School, College or Vocational]	N	N	CU	CU		CU	P		
Solid Waste Disposal or Recycling, except as accessory to permitted use	N	N	N	N		CU	CU		
Transportation Facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with [Transportation System Plan / Comprehensive Plan].	CU	CU	CU	P		P	P		
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P		P	P		
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	CU	CU	CU	CU		CU	CU		
[Wireless Communication Facilities]	CU	CU	CU	CU		P	S		Broadly used by public & shared use

³ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones			Commercial Zones and Employment Zones			[Public Use]	Special Use Standards
	R-1	R-2	R-3	C-1	M-1	—		
C. Commercial Uses⁴							PUZ	—
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	P	CU		CU	
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses			S	S	P		N	Sec 2.3.040. R&M not larger than 2500 sq. connected w/rental sales of at least 50%
Automobile Parking, Commercial Parking	N	N	S	P	S		N	Parking limited to 100 for M-1 & 20 for R-3
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	CU	S	S		N	Sec 2.3.050. Size of site no larger than 2 acres
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	P	CU		N	
[Bed and Breakfast Inn]	S	S	S	P	N		N	[Sec 2.3.180] Family occupied + 3 rentable BR
Commercial Retail Sales and Services	N	CU	CU	P	CU		N	
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, and limited to 5000 square feet gross leasable area	N	N	N	P	P		N	

User's Guide: The above provisions limiting automobile sales and service uses in downtowns and main street districts are consistent with the Multi-Modal Mixed Use provisions under OAR 660-012-060. See also, the drive-through service and general industrial use regulations in other parts of this table. The provision for “artisanal uses” is intended to encourage cottage industries that combine light manufacturing and retail uses in commercial zones.

⁴ KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Employment Zones			[Public Use]	Special Use Standards
	R-1	R-2	R-3		C-1	M-1			
C. Commercial Uses (continued)⁵									
<i>[Data Center or Server Farm]</i>									
Customer Call Center	N	S	S		P	P		N	Low traffic, no noise, R. type construction
Drive-Through Service	N	N	CU		P	P		N	
	N	N	CU		S	S		N	Traffic, house, size
<i>[Golf Course or driving range, with pro shop, clubhouse, or restaurant open to public]</i>	CU	CU	N		CU	CU		CU	
<i>[Golf Course without pro shop, clubhouse, or restaurant open to public]</i>	CU	CU	N		CU	S		CU	
Hotels, Motels, and Similar Overnight Accommodations	N	N	CU		P	CU		N	
Kennel (See also, "Veterinary Clinic")	N	N	N		S	CU		N	
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	N	N	CU		S	P		N	Limited size & homes
Medical Clinic, Outpatient	N	N	S		P	N		S	
Offices	N	N	S		P	P		S	
<i>[Recreational Vehicle Park]</i>	N	CU	CU		CU	S		CU	Limited size, otherwise CU/P
Self-Service Storage, Commercial	N	N	CU		S	P		N	Limited area & # of units
Veterinary Clinic	N	N	CU		P	CU		N	

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2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Employment Zones				[Public Use]		Special Use Standards
	R-1	R-2	R-3		C-1	M-1			PUZ		
D. Industrial and Employment Uses⁶											See M-1
[Airport]											
Artisanal and Light Manufacture Uses in Industrial and Public Facility zones	N	N	N		S	P			S		
Auction Yard	N	N	N		S	P			N		Frequency, noise, traffic
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N		S	P			N		Hours, noise, traffic
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N		N	CU			N		
Cement, Glass, Clay, and Stone Products Manufacture; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N		CU	P			N		
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N		N	CU			N		
Concrete or Asphalt Batch Plants	N	N	N		N	CU			N		
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N		CU	P			N		
[Data Center or Server Farm]	N	N	S		P	P			N		
Dwelling for a caretaker or watchman	N	N	S		S	P			N		Dwelling size

⁶ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District

Uses	Residential Zones				Commercial Zones and Employment Zones				[Public Use]		Special Use Standards
	R-1	R-2	R-3		C-1	M-1			PUZ		
D. Indus. and Mixed Employment Uses⁷ (cont')											
Finished Textile and Leather Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N		N	P			N		
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving[; except as allowed for Artisanal and Light Manufacture Uses.] Rendering Plants are prohibited.	N	N	N		N	P			N		
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses	N	N	N		CU	P			N		
Machine Shop, and Sales, Service and Repair of Machinery[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N		S	P			N		Size, hours, noise
Metal Plating	N	N	N		N	CU			N		
Metal Manufacture, Welding [; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N		N	CU			N		
Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses	N	N	N		P	P			N		
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	N	N	N		CU	P			N		
Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses	N	N	N		N	P			N		
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N		N	CU			N		

User's Guide: Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors.

7 KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

4.1 – General Review Procedures | Purpose and Applicability

Chapter 4.1 – General Review Procedures

Sections:

4.1.010	Purpose and Applicability
4.1.020	Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
4.1.030	Type II Procedure (Administrative Review)
4.1.040	Type III Procedure (Quasi-Judicial Review - Public Hearing)
4.1.050	Type IV Procedure (Legislative Review)
4.1.060	Time Limit, Consolidated Review, and City Planning Official's Duties

4.1.010 Purpose and Applicability

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City’s land use and development approvals and corresponding review procedure(s).

- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Administrator, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
- 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Administrator, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Administrator may refer a Type II application to the Planning Commission for its review and decision in a public meeting. Type II procedures apply increased or highlighted City standards and criteria, that do not require discretion, as there are clear and objective standards which, nevertheless, invite greater public interest.
- 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission]. Quasi- Judicial decisions involve discretion but implement established policy.
- 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning

Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

4.1 – General Review Procedures | Purpose and Applicability

Table 4.1.010 – Summary of Approvals by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations
Zoning Checklist Review User's Guide: See comments on page 4-6.	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Text Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	Type I	
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	Type III Type III	Chapter 4.8 Chapter 4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type [I III]	Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Site Design Review	Type III	Chapter 4.2
Subdivision or Major Partition 3-5 Lots Preliminary Plat Final Plat	Type III Type [I III]	Chapter 4.3 Chapter 4.3
Variance Zoning District Map Change	Type III Type II or III	Chapter 4.7 Chapter 4.6
Comprehensive Plan Map Amendment	Type II or III	
Planned Unit Development	Type II	

*The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.