



Planning Commission Meeting Agenda
August 18, 2020
7:00 PM

Chairperson: Todd Culver
Commissioners: Roger Bristol, Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber and Susan Jackson.
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. *The Municipal Center is disinfected prior to meetings. Seating is staged 6' apart, but if there are multiple people in the room, there is a chance that seating could be closer together.*
8. *Masks are required, and the City asks for anyone running a fever, having an active cough or respiratory difficulties to not attend the meeting.*
9. *If you would like to provide testimony, and are unable to attend, please contact the City Recorder. We can accept written testimony up until 5:00 on the day of the meeting, and can also call someone during the meeting if verbal testimony is needed.*

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 July 21, 2020 Planning Commission Meeting.*

1. Motion to Approve the Minutes from July 21, 2020

WORK SESSION

2. **THE MATTER OF A DISCUSSION OF DRAFT PROPOSED CHANGES TO HMC TITLE 17 (SUBDIVISION) AND 18.95 (SITE PLAN REVIEW) AS WELL AS A REVIEW OF THE DRAFT ZONING MATRIX**

STAFF REPORT:

Exhibit A: Staff Report, Zoning Matrix, and Types of Reviews

(Provided at July 21, 2020 Planning Commission Meeting)

Exhibit B: Draft of Proposed 'Site Design Review' land use procedure

Exhibit C: Draft of Proposed 'Land Division" (subdivision) land use procedure

ACTION: NONE. DISCUSSION ONLY.

OTHERS

ADJOURN



Planning Commission Meeting Minutes
 July 21, 2020

Presiding: Vice-Chair Roger Bristol
 Commissioners: Jeremy Moritz, Kurt Kayner, and Kent Wullenwaber
 Absent: Chairperson Todd Culver, and Rhonda Giles
 Staff Present: City Administrator/Planner John Hitt, City Recorder/Asst. City Administrator Michele Eldridge
 Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

CALL TO ORDER AND ROLL CALL: Order was called at 7:00pm by Vice-Chair Roger Bristol

CONCERNED CITIZEN(S) IN THE AUDIENCE. Everyone present were there for items on the agenda.

APPROVAL OF MINUTES

- Kayner motioned to approve the minutes and was seconded by Wullenwaber. The Planning Commission then voted unanimously to Approve the Minutes for June 16, 2020.

PUBLIC HEARING

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)

Vice-Chair Roger Bristol read aloud the order of proceedings, and noted the procedures for a continuance, and the process to keep the record open.

At the hour of 7:06PM, the Public Hearing was opened.

Bristol asked if there were any Conflicts of Interest, or Ex Parte contacts. There were none, and there were no rebuttals in relation to Conflicts of Interest, or Ex Parte Contacts.

Bristol 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

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

STAFF REPORT: Hitt commented that there are two land use actions combined in this request tonight, one of which is the comprehensive plan map amendment and concurrent rezone, and the other being a variance request. He reiterated the information in the staff report, and specifically went over the Statewide goals that were applicable to the comprehensive plan map amendment and concurrent rezone. He reviewed the Harrisburg Comprehensive plan Criteria, and that of HMC 18.120. There are very little economic development options for this small lot, and the surrounding residential development make this a logical choice. His conclusion is that all the relevant criteria would be met, so his recommendation is for the Planning Commission to recommend approval of the request to the City Council, with the conditions of approval as stated.

Moritz asked with the home located to the east of this property, that he would have thought that property was also zoned as R-2, instead of C-1. Eldridge told him that the existing home is grandfathered at that location, as it existed prior to the zoning code being adopted by the City. It was logical for the city at the time of adoption to apply a commercial zone on the corridor along 3rd St. She also explained that there had been a home occupation business at the home, and the City's current code is difficult to enforce when it comes to a mixed-use development, that may not actually be running a business. Moritz asked if we should be changing the zoning on that property as well. Hitt told him that the action comes from an applicant. He did speak with the owner of that home, and she was interested, but didn't want to go through the zone change at this time.

APPLICANTS TESTIMONY: Anthony Bucher said that there wasn't anything in his report that hadn't been addressed by the City. He bought the property with the intent of building a house there, but the zoning wouldn't allow it. He has seen the conditions of approval and will abide by those.

Testimony in favor, in opposition, and neutral testimony was asked for, but there were no citizens who wished to testify. Therefore, there were no rebuttals to any testimony.

STAFF REPORT (VARIANCE): Hitt said that this is a lot that was created when the city was formed. The code says that the property must be 60' wide at the building line, and the property is only 50' wide. Therefore, a variance is required. He reviewed the criteria in the staff report, and the conditions of approval. He noted that the owners could keep the curb cut on Fountain Street, if they desired that. The home to the east is also on the historic register, so s manufactured home would not be allowed. He recommended approval of the request.

Moritz asked why with an address on Fountain St, and a curb cut there, the applicant wasn't facing the house in that direction. Bucher said that the curb cut on Fountain St. doesn't meet city code. Wullenwaber said then that you plan on having the front of the house on the LaSalle St. side of the property. Moritz added that this is a unique parcel because it's right in between two streets, and there is no alley way. He guessed that whichever direction he chose, would determine the address. The Planning Commission discussed house design with the applicant, and placement of the home and driveway. Bucher thought that his current plan was the best use of the property. He will have to move the stump on the west side of the property, but there is a large tree on the northwest corner of the property, that he wants to preserve. Kayner said that it makes no difference to the Planning Commission for the approval of the land use request.

The public hearing was closed at the hour of 7:37pm.

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- **Moritz motioned to recommend to the City Council approval with conditions of approval for LU421-2020. The motion is subject to the 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. He was seconded by Kayner. The Planning Commission then voted unanimously to approve Land Use Request LU421-2020 for a Comprehensive Plan Map Amendment and Concurrent rezone for the property located at 260 Fountain St.**
- **Moritz then motioned to approve with conditions the 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. He was seconded by Kayner, and the Planning Commission voted unanimously to approve Land Use Request LU 422-2020 for a Variance that applies to 260 Fountain St for the width of the property at the front building line.**

Vice-Chair Bristol reminded the Planning Commission that the decision tonight is not final, and is a recommendation that is provided to the City Council, who will make the final decision in relation to the comprehensive plan map amendment. The Variance is contingent upon the rezone of the property. Notice will be provided to all the properties within 300' of the site, and an appeal will be available after the City Council meeting in which this issue is finalized.

WORK SESSION

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

STAFF REPORT: Hitt is proposing some changes to the model code work that the Planning Commission has already reviewed. He has more areas that are permitted outright, and some non-traditional uses that can be met in some zones if they meet higher performance standards. The Planning Commission will still review site plans, subdivisions, major partitions, and conditional use permits, but otherwise, if an applicant can meet certain standards for other land use requests, we are removing the middleman. He wanted the Planning Commission to review the changes he has made, and to be prepared to discuss this at the next meeting.

Kayner left the meeting at 7:49pm, and thereby removed the quorum of the Planning Commission needed to make any decisions. (Discussion is still allowed.)

Hitt explained how to read the chart. Moritz asked if these are current code, or proposed, and Hitt confirmed that they are proposed. Some of these have no equivalent in our current code and come from the model code. Some of these changes will allow administrative decisions. Bristol asked where the model came from, and Hitt told him it comes from the state. Some of what he will be writing comes from his experiences in Lebanon and knowing code in other locations. Moritz asked if we would be going over these in-depth; they were all new to him. Hitt said that would be up to the Planning Commission. You have seen an earlier version of this code.

OTHERS: The Planning Commission discussed the changes at Grocery Deals, as they were surprised to see the barber shop had disappeared. Hitt confirmed that was an

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administrative approval, as it was for the parking lot only. Kropf is planning significant expansion in the future, with expanded retail and warehousing, which will require more parking. That will likely come to the Planning Commission in the fall.

With no further discussion, the meeting was adjourned at the hour of 7:58pm.

Chairperson

City Recorder

UNAPPROVED

City of Harrisburg

PLANNING COMMISSION

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Comprehensive Plan Map Amendment and concurrent Rezone (LU #421) of a property located at 260 Fountain St., from Commercial to Medium Density designation and C-1 Commercial to R-2 Medium Density Residential zoning.

LOCATION: Tax Lot 4401 of Linn County Assessor's Map 15S-04W-16AD

HEARING DATE: July 21, 2020

ZONING: C-1 (Commercial) – Pending Amendment to a R-2 (Medium Density Residential)

APPLICANT/OWNER: Anthony & Tina Bucher
PO Box 436
Harrisburg, OR 97446

APPEAL DEADLINE: N/A

DECISION: The Harrisburg Planning Commission conducted a public hearing on July 21, 2020, and voted to recommend approval of the requests to the City Council, subject to the attached conditions of approval. The Planning Commission adopted the findings contained in the July 13, 2020 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions.

APPEALS: As this is a Planning Commission recommendation and not a Final Decision, appeals are not applicable. Any party not satisfied with this recommendation may submit additional testimony prior to, and during the City Council Public Hearing where a Final Decision may be made on this matter. Notice of the scheduled City Council Public Hearing will be sent to properties within 300-feet of the site, and those whom have presented testimony on the matter a minimum of 20-days prior to the hearing.

EFFECTIVE PERIOD: The Planning Commission shall, within 63 days of the first hearing, recommend to the City Council either approval, disapproval, or modification of the proposed amendment.

After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment in accordance with the notice provisions of HMC 18.125.140. The City Council shall render a final decision on the amendment request within 90 days of receipt of the Planning Commission recommendation.

Planning Chairperson Pro-Tem

UNAPPROVED

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.

UNAPPROVED

**City of Harrisburg
PLANNING COMMISSION**

NOTICE OF DECISION

REQUEST: The applicant requests approval of a Variance (LU #422-2020) to reduce the minimum lot width at the 'Building Line' to 50' for the property located at 260 Fountain St.

LOCATION: Linn County Assessor's Map 15S 04W 16AD, Tax Lot 04401

HEARING DATE: July 21, 2020

ZONING: C-1 (Commercial) – Undergoing Amendment to a R-2 (Medium Density Residential)

APPLICANT

Anthony Bucher
PO Box 436
Harrisburg, OR 97446

OWNER

Anthony & Tina Bucher
PO Box 436
Harrisburg, OR 97446

APPEAL DEADLINE: August 3, 2020

DECISION: The Harrisburg Planning Commission conducted a public hearing on July 21, 2020 and voted to approve the request subject to the Conditions of Approval. The Planning Commission adopted the findings contained in the July 13, 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 18.115.

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 to the City Council.

EFFECTIVE DATE: August 3, 2020, unless an appeal has been filed with the City Recorder.

EFFECTIVE PERIOD: Variance approvals shall be effective for one year from the date of approval. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed one additional year.

Unless appealed, this Variance approval will expire August 3, 2020.

Planning Commission Pro-Tem

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.

Staff Report Harrisburg Planning Commission Harrisburg, Oregon

THE MATTER OF A DISCUSSION OF DRAFT PROPOSED CHANGES TO HMC TITLE 17 (SUBDIVISION) AND 18.95 (SITE PLAN REVIEW) AS WELL AS A REVIEW OF THE DRAFT ZONING MATRIX

STAFF REPORT EXHIBITS:

Exhibit A: Staff Report, Zoning Matrix, and Types of Reviews
(Provided at July 21, 2020 Planning Commission Meeting)

Exhibit B: Draft of Proposed ‘Site Design Review’ land use
procedure

Exhibit C: Draft of Proposed ‘Land Division’ (subdivision) land
use procedure

ACTION: NONE. DISCUSSION ONLY

MEETING DATE: August 18, 2020

BACKGROUND

- I. **Zoning Matrix:** At the July 21, 2020 Planning Commission meeting, staff provided a proposed matrix that defined what land uses would be permitted in the various zones and the process or procedure to review and ultimately approve/condition/disapprove such uses. The matrix also revised our current zones from 10 to 7, eliminating the M-2, Neighborhood Commercial and Open Land Use Zones. Please review the July 21, 2020 materials (Exhibit A) and come to the August 18th meeting with any questions or proposed changes.
- II. **Proposed Site Design Review Chapter: A.** Exhibit B consists of Chapter 4.2 of the Oregon Model Code as modified by staff. The Site Design Review process would govern most proposed commercial, industrial, or residential development of 3 or more dwelling units. It would also govern in proposed mixed uses, complex developments, those that might pose noise, traffic, pollution etc. or any proposed structure more than 5,000 Square feet.

B. This parallels current HMC 18.95 with some of the following exceptions: 1. HMC 18.95 applies to all commercial and industrial development more than 1,200 square feet. 2. Current required landscaping is less than what is proposed (3% v. 20%). 3. The Model Code approval criteria is more specific than our current code as it refers to specific requirements (in other code sections) that must be met in order to be approved.

III. Proposed Land Division Chapter: A. Exhibit C consists of Chapter 4.3 of the Oregon Model Code as modified by staff. This chapter would condense and simplify what is now Title 17 (“Subdivisions”) of the HMC that consists of 11 chapters. **B.** Some of the significant changes proposed in the draft, “Land Divisions and Property Line Adjustments include: 1. Clearer definition of Minor Partitions, Major Partitions, and Subdivisions. 2. The new code makes Minor Partitions (2 or 3 lots from one parent lot) an administrative approval process rather than PC. 3. The detailed submission requirements of HMC 17.20 & 17.35.030 are mostly eliminated. 4. Under the new code a developer has 2 years from preliminary plat approval to submit final plat v. 6 months currently. 5. Creation of flag lots is more restrictive in new code. 6. Emergency vehicle and fire code requirements are included in the new code. 7. The detailed “Design and Improvement Standards” of HMC 17.40 and 17.45 are addressed in other sections of the new code that deal with overall requirements for public improvements, lot sizes, etc.

IV. General Comments: The most common land use procedures are site plan (design) review and land divisions. If the Planning Commission feels generally comfortable with the new code, we should probably move next to Chapter 3 of the Draft Code, entitled “Community Design Standards” Here are the details of required public improvements, parking, landscaping, etc., along with Draft Code section 2.2 “Zoning District Regulations” which deals with density, lot sizes, setbacks, etc. While these two code sections are complex, I think the Model Code does a pretty good job covering these areas, so perhaps we can move through them fairly quickly.

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	N	Sec 2.3.090
Single-Family Dwelling, Attached (Townhome 5)	S	P	P	S	N	N	N	Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	S	S	S	CU	N	N	N	[Sec 2.3.170]
[Boarding or Rooming House]	N	CU	S	CU	N	N	N	No more than 50% of main house on 8000 sq lot or larger
[Cottage Housing Cluster]	N	S	S	N	N	N	N	[Sec 2.3.190]
Duplex Dwelling	S	P	P	N	N	N	N	Sec 2.3.060
Manufactured Home	S	S	S	N	N	N	N	Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	N	S	S	N	N	N	N	Sec 2.3.140
Multifamily Dwelling	N	S	S	S	N	N	N	Sec 2.3.080; 2.3.090
Family Daycare	S	S	S	N	N	N	N	Sec 2.3.100
Residential Care Home	S	S	S	N	N	N	N	Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	S	S	S	S	N	N	N	Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	S	S	N	N	N	Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	S	S	S	S	S	S	S	[Sec 2.3.200] with commercial retail
Vacation Rentals	S	S	P	S	N	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	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

Uses	Residential Zones			Commercial Zones and Employment Zones			[Public Use]		Special Use Standards
	R-1	R-2	R-3	C-1	M-1	[Public Use]			
						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								
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	PUZ			
	C. Commercial Uses (continued)⁵								
<i>[Data Center or Server Farm]</i>	N	S	S	P	P		N	Low traffic, no noise, R. type construction	
Customer Call Center	N	N	CU	P	P		N		
Drive-Through Service	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		

⁵ **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	[Public Use]		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	Type III	Chapter 4.8
Detailed Plan	Type III	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	Type III	Chapter 4.3
Final Plat	Type [I III]	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	Type III	Chapter 4.3
Final Plat	Type [I III]	Chapter 4.3
Variance	Type III	Chapter 4.7
Zoning District Map Change	Type II or III	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.

4.2– Site Design Review

Chapter 4.2 - Site Design Review

Sections:

- 4.2.010 Purpose
- 4.2.020 Applicability
- 4.2.030 Review Procedure
- 4.2.040 Application Submission Requirements
- 4.2.050 Approval Criteria and Adjustments
- 4.2.060 Assurances
- 4.2.070 Compliance with Conditions, Permit Expiration, and Modifications

4.2.010 Purpose

The purpose of this chapter is to advance all of the following objectives in the public interest:

- A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;
- B. Promote the public health, safety, and general welfare;
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- D. Encourage efficient use of land resources and public services, and the provision of transportation options.

4.2.020 Applicability

Site Design Review approval is required for new development. Site Design Review approval is also required to expand a non-conforming use or development. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Design Review is not required for the following:

- A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;
- B. Single-family detached dwelling (including manufactured home) on its own lot, except as required for designated historic landmarks or properties within a designated historic district;
- C. An accessory dwelling unit;
- D. A single duplex;

- E. Non-residential building addition of up to 1000 square feet, or 10 percent, whichever is greater;
- F. Home occupation, except for uses requiring a Conditional Use Permit;
- G. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application or part of a Planned Unit Development, provided that modifications to such plans may require Site Design Review, pursuant to Chapter 4.7;
- H. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Administrator, except where a condition of approval requires Site Design Review; and
- I. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

4.2.030 Review Procedure

User’s Guide: The following thresholds for minor versus major projects should be tailored to meet the needs of your community. Minor projects would be reviewed by staff and major projects require a public hearing.

Site Design Review shall be conducted using the Type III procedure, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 4.1.040:

- A. The proposed use’s estimated vehicle trip generation exceeds 100 average daily trips, based on the latest edition of the Institute of Transportation Engineers (ITE) Manual *[This is the equivalent of approximately 10 dwelling units or a 1,000-square-foot bank with a drive-through window]*;
- B. The use exceeds 5,000 square feet of gross leasable floor area; or the project involves more than one acre total site area;
- C. The proposal involves a Conditional Use Permit (new or expanded);
- D. The proposal requires a variance under Chapter 4.7;
- E. The proposal involves expansion of a non-conforming use; or
- F. The City Administrator determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.
- G. The proposal includes more than two non-residential structures, three or more dwelling units, is required by HMC 18.210, or involves complex or multiple uses, especially those that generate noise, odors, pollution, outdoor storage and/or manufacturing, a DEQ air pollution or storm water permit, or otherwise may impose an unusual or excessive burden on the City’s streets, water, stormwater or wastewater system.

4.2 – Site Design Review | Application Submission Requirements

4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the City Administrator determines that some information is not pertinent and therefore is not required.

A. General Submission Requirements

1. Information required for Type III review, as applicable (see Chapter 4.1).
2. Public Facilities and Services Impact Review. The proposal shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the review. The proposal shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

B. Site Design Review Information. In addition to the general submission requirements, an applicant for Site Design Review shall provide the following information, as deemed applicable by the City Administrator. The City Administrator may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. **Site analysis map.** The site analysis map shall contain all the following information, as the City Administrator deems applicable:
 - a. The applicant’s entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
 - b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
 - c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, existing storm water drainage pattern or flow, and areas designated by the City, county, or state as having a potential for geologic hazards;

- f. Areas subject to overlay zones;
- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
- i. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;
- j. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and
- k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
- l. Location of wetlands JAW a site survey or state/county mapping.

2. **Proposed site plan.** The site plan shall contain all the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area;
- b. Features identified on the existing site analysis maps that are proposed to remain on the site;
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on, or immediately adjacent to the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- f. Elevations showing the size, appearance, construction materials, height and function(s) of all proposed structures;
- g. The location and dimension of all existing or proposed storm water pipes, detention areas, drainage swales, or collection locations and assurance that the proposed site plan will not result in new or additional storm water on to coming abutting or area properties;
- h. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- i. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, including all impervious and pervious area);

- j. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, walkways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - k. Loading and service areas for waste disposal, loading, and delivery;
 - l. Location, type, and height of outdoor lighting;
 - m. Location of mail boxes, if known;
 - n. Name and address of project proponent, designer and civil engineer;
 - o. Locations of bus stops and other public or private transportation facilities; and
 - p. Locations, sizes, content, and types of signs.
 - q. Location, size, and materials of proposed buffer areas or fencing, or screening materials;
 - r. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements.
3. **Architectural drawings.** Architectural drawings shall include, as applicable:
- a. Building elevations with dimensions;
 - b. Building materials, colors, and type; and
 - c. Name and contact information of the architect or designer.
4. **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.6.040.
5. **Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 3.4:
- a. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - b. The location, size, and species of the existing and proposed plant materials, including statement of conformance with city landscaping standards (at time of planting);
 - c. Existing and proposed building and pavement outlines;
 - d. Specifications for soil at time of planting, irrigation plan, and anticipated planting schedule; and

- e. Other information as deemed appropriate by the City Administrator. An arborist’s report may be required for sites with mature trees that are to be retained and protected.

4.2 – Site Design Review | Application Submission Requirements

- 6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
- 7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050, and brief written summary of proposed project and proposed new structures.
- 8. **Traffic Impact Analysis,** when required by Section 3.6.020.A(5).
- 9. **Other information** determined by the City Administrator. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, screening noise reduction, etc.), as necessary to determine a proposal’s conformance with this Code.

4.2 – Site Design Review | Approval Criteria

4.2.050 Approval Criteria

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The Harrisburg Planning Commission, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria contained herein.

- A. The application is complete, in accordance with Section 4.2.040, above;
- B. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;
- C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 1.4 Non-Conforming Uses and Development;
- D. The proposal complies with all of the Development and Design Standards of Article 3, as applicable, including, but not limited to:
 - 1. Chapter 3.3 Access and Circulation;
 - 2. Chapter 3.4 Landscaping, Fences and Walls, Outdoor Lighting;
 - 3. Chapter 3.5 Parking and Loading; and
 - 4. Chapter 3.6 Public Facilities; and
 - 5. Chapter 3.7 Signs
- E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and
- F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
- G. The Planning Commission may impose off-site/public improvements, as a condition of approval, that may be necessary to reduce, mitigate, prevent development impacts including, but not limited to, traffic, noise, odors, dust, pollution, or others that may affect surrounding existing uses or the City as a whole.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

4.2.060 Assurances

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 3.6.090, as applicable.

4.2 – Site Design Review | Compliance With Conditions; Modifications; Permit Expiration

4.2.070 Compliance With Conditions, Permit Expiration, and Modifications

Development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require bonding or other assurances for improvements. Site Design Review approvals are subject to all of the following standards and limitations:

A. Approval Period. Site Design Review approvals shall be effective for a period of 18 months from the date of approval. The approval shall lapse if:

- 1. A public improvement plan or building permit application for the project has not been submitted within 18 months of approval; or
- 2. Construction on the site is in violation of the approved plan.

B. Extension. The City Administrator, upon written request by the applicant, may grant a written extension of the approval period not to exceed one additional year; provided that:

- 1. No changes are made on the original approved plan;
- 2. The applicant can show intent of initiating construction on the site within the one-year extension period;
- 3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Site Design Review shall be required; and
- 4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant’s immediate control.

C. Modifications to Approved Plans and Developments. Modifications to approved plans are subject to City review and approval under Chapter 4.5.

4.3 – Land Divisions and Property Line Adjustments

Chapter 4.3 - Land Divisions and Property Line Adjustments

Sections:

- 4.3.010 Purpose
- 4.3.020 General Requirements
- 4.3.030 Approval Process
- 4.3.040 Pre-Planning for Large Sites
- 4.3.050 Flexible Lot Size and Flag Lots
- 4.3.060 Preliminary Plat Submission Requirements
- 4.3.070 Preliminary Plat Approval Criteria
- 4.3.080 Land-Division-Related Variances
- 4.3.090 Final Plat Submission Requirements and Approval Criteria
- 4.3.100 Filing and Recording
- 4.3.110 Re-platting and Vacation of Plats
- 4.3.120 Property Line Adjustments

4.3.010 Purpose

The purpose of this chapter is to implement the objectives in subsections A-E, below:

- A.** Provide rules, regulations, and standards governing the approval of subdivisions, partitions, and property line adjustments as follows:
 - 1. Subdivisions are the creation of six or more lots from one parent lot, parcel, or tract, within 18 months.
 - 2. Minor partitions are the creation of three or fewer lots from one parent lot, parcel, or tract within one calendar year. Major partitions are the creation of four or five lots from one parent lot, parcel, or tract within 18 months.
 - 3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).
- B.** Carry out the City’s development pattern, as envisioned by the City’s comprehensive plan.
- C.** Encourage efficient use of land resources and public services, and to provide transportation options.
- D.** Promote the public health, safety, and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

4.3 – Land Divisions and Property Line Adjustments | General Requirements

4.3.020 General Requirements

A. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Section 4.3.120; they are not subject to 4.3.020 through 4.3.110.

B. Compliance With Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.

C. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 3.6. These systems shall be located and constructed underground where feasible.

D. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter 3.6.

E. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking to City or privately-owned streets, as may be required, pursuant to Chapter 3.3.

F. Offsite/Public Improvement. The City may impose offsite or onsite public improvements as a condition(s) of approval of the preliminary or final plat process as may be necessary to fulfill the purposes of Section 4.3.010.

4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Approval Process

4.3.030 Preliminary Plat Approval Process

- A. Review of Preliminary Plat.** Major partition/subdivision. Preliminary plats shall be processed using the Type III procedure under Section 4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 4.3.070.
- B. Review of Minor Partitions:** Minor partitions shall be processed as a Type II procedure, subject to the approval criteria of 4.3.080.
- C. Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 4.3.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection 4.3.030.D, with an overall time frame of more than two years between preliminary and final plat approvals.
- D. Modifications and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.5. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period of a Type III procedure not to exceed one year per extension, provided that all of the following criteria are met:
 - 1. Any changes to the preliminary plat follow the procedures in Chapter 4.5;
 - 2. The applicant has submitted written intent to file a final plat within the one-year extension period;
 - 3. An extension of time will not prevent the lawful development of abutting properties;
 - 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
 - 5. The extension request is made before expiration of the original approved plan.
 - 6. The City Administrator may, upon written request and payment of the required fee, grant an extension of a Type II procedure of the approval period not to exceed one year.
- E. Phased Subdivision.** The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant’s proposal meets all of the following criteria:
 - 1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than 18 months;
 - 2. Public facilities shall be constructed in conjunction with or prior to each phase;
 - 3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to

construct public facilities that are required as part of the approved development proposal;

4. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and
5. Planning Commission approval is required for modifications to phasing plans.

4.3 – Land Divisions and Property Line Adjustments | [Lot Size Averaging, Flag Lots, Infill]

4.3.050 Lot Size Averaging, Flag Lots, and Infill Development

A. Lot Size Averaging Subdivisions. To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a 20 percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 2.3, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:

- 1. Granting the modification is necessary to achieve planned housing densities, as allowed by the underlying zone, or to improve development compatibility with natural features or adjacent land uses;
2. Where a proposed subdivision would abut an existing subdivision with standard-, or larger-, sized lots, the perimeter of the proposed subdivision shall contain standard-, or larger-, sized lots; except that this provision does not apply where the existing lots are larger than 20,000 square feet; and
3. The City Planning Commission may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard-, or larger-, sized lots.

User's Guide: The standards in subsections B-E should be developed in consultation with your local fire marshal. Note that city standards supersede Fire Code standards.

B. Flag Lots. Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") shall serve not more than four dwelling units, not including accessory dwellings and dwellings on individual lots. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the transportation connectivity and block length standards of Section 3.6.020.D. All flag lot driveways shall be paved from the serving public or private street to the property line of each lot.

C. Infill Development and Mid-Block Lanes. Where consecutive flag lot developments or other infill development could have the effect of precluding local street extensions through a long block, the City Planning Commission may require the improvement of a mid-block lanes through the block. Mid-block lanes are a private drives serving more than four dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements where physical site constraints preclude the development of a standard street. Mid- block lanes, at a minimum, shall be paved, have adequate storm drainage (surface retention, where feasible, is preferred), meet the construction standards for alleys, and conform to the standards of subsections D through E.

D. Emergency Vehicle Access. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. Said easement shall be at least 20 feet wide at its most narrow point, paved, and able to carry 50,000/square foot of load. No fence, structure, or other obstacle shall be placed within the drive area. Emergency vehicle apparatus lanes, including any required turn-around, shall

conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants due to distance from hydrant, insufficient fire flow, or adjacency to wild fire areas.

E. Maximum Drive Lane Length. The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code, but in no case shall it exceed 150 feet or serve more than four dwelling units without providing secondary access/egress.

4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

4.3.060 Preliminary Plat Submission Requirements

Applications for Preliminary Plat approval shall contain all of the following information:

A. General Submission Requirements.

- I. Information required for a Type II or Type III review as required (see Section 4.1.040); and
2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities determined by City Administrator:

I. General information:

- a. Name of subdivision (partitions are named by year and file number), which shall not duplicate the name of another land division in Linn County (check with County Surveyor);
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Zoning of parcel to be divided, including any overlay zones;
- e. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
- f. Identification of the drawing as a “preliminary plat.”

4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

- 2. Existing Conditions.** Except where the City Administrator deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:
- a. Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;
 - b. Easements, streets: Width, location and purpose of all existing easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site or utilities proposed to be installed, including size, length, and materials. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. Ground elevations shown by contour lines at two-foot vertical intervals. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than 6 percent;
 - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - f. North arrow and scale; and
 - g. Other information, as deemed necessary by the City Administrator for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- 3. Proposed Development.** Except where the City Administrator deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:
- a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 - b. Easements: location, width and purpose of all proposed easements;
 - c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

- d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
- e. Proposed public street improvements, pursuant to Chapter 3.6;
- f. On slopes exceeding an average grade of 10 percent, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;
- g. Preliminary design for extending City water and sewer service to each lot, per Chapter 3.6;
- h. Proposed method of storm water drainage, retention, and treatment, if required, pursuant to Chapter 3.6;
- i. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
- j. Evidence of compliance with applicable overlay zones, including but not limited to City of Harrisburg Flood Plain Overlay; and
- k. Evidence of contact with the applicable road authority for proposed new street connections.

4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Approval Criteria

4.3.070 Preliminary Plat Approval Criteria Major Partition/Subdivision

A. Approval Criteria. The Planning Commission/City Administrator may approve, approve with conditions, or deny a preliminary plat. The Planning Commission/City Administrator decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of Chapter 4.3;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 2 (Zoning)[, *except as modified by the provisions of Chapter 4.3 (e.g., lot size averaging)*];
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Article 3 (Development and Design Standards);
4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and surface water drainage facilities conform to City of Harrisburg adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. Evidence that improvements or conditions required by the City, road authority, Linn County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. Conditions of Approval. The Planning Commission/City Administrator may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

4.3.080 Land Division-Related Variances

Variances shall be processed in accordance with Chapter 4.7. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when practical, the applications shall be reviewed concurrently.

4.3 – Land Divisions and Property Line Adjustments | Final Plat Submission and Approval

4.3.090 Final Plat Submission Requirements and Approval Criteria Major Partition or Subdivision

Final plats require review and approval by the Planning Commission prior to recording with Linn County. The final plat submission requirements, approval criteria, and procedure are as follows:

Submission Requirements. The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Section 4.3.070. The format of the plat shall conform to ORS 92.

B. Approval Process and Criteria. By means of a Type II Review, the Planning Commission shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the City of Harrisburg (e.g., road authority), or otherwise bonded in conformance with Section 3.6.090;
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
5. The plat and deed contain a dedication to the public of all public improvements, including, but not limited to, streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;
6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R’s); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;
7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the Linn County Surveyor for purposes of identifying its location.

4.3 – Land Divisions and Property Line Adjustments | Final Plat Submission and Approval

4.3.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat (“lot of record”) shall follow the procedures set forth in ORS 92.010 to 92.190. The final plat filing and recording requirements are as follows:

- A. Filing Plat with County.** Within 60 days of City approval of the final plat, the applicant shall submit the final plat to Linn County for signatures of County officials, as required by ORS Chapter 92.
- B. Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City a mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. Prerequisites to Recording the Plat.**
 - 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.
 - 2. No plat shall be recorded until the County Surveyor, Planning Commission, or City Administrator approves it in the manner provided by ORS Chapter 92.

4.3.110 Re-platting and Vacation of Plats

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS Chapter 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable City standards.

4.3 – Land Divisions and Property Line Adjustments | Property Line Adjustments

4.3.120 Property Line Adjustments/Minor Partitions

A Property Line Adjustment is the modification of a lot boundary when no lot is created. The City Administrator reviews applications for Property Line Adjustments pursuant to the Type I procedure under Section

4.1.020. The application submission and approval process for Property Line Adjustments is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I review, pursuant to Section 4.1.020. Minor partitions shall be a Type II design and shall meet the same requirements. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the City of Harrisburg Flood Plain Overlay, existing fences and walls, and any other information deemed necessary by the Planning Commission for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

B. Approval Criteria. The City Administrator shall approve or deny a request for a property line adjustment or minor partition in writing, based on all of the following criteria:

- 1. **Parcel Creation.** No more than two additional parcels or lots are created by the lot line adjustment or minor partition;
- 2. **Lot standards.** All lots and parcels conform to the applicable lot standards of the zoning district (Article 2) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the City of Harrisburg Flood Plain Overlay; and
- 3. **Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 3.3 Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.

C. Recording Property Line Adjustments

- 1. **Recording.** Upon the City’s approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Linn County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
- 2. **Time limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for a building permit on the re-configured lots.