



## Planning Commission Agenda

October 17, 2023

7:00 PM

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Chairperson: Todd Culver  
Commissioners: Rhonda Giles, Jeremy Moritz, Kurt Kayner, Kent Wullenwaber, Susan Jackson and Joe Neely  
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 Administrator Michele Eldridge, at 541-995-2200.*
7. *The Municipal Center is disinfected prior to meetings. Seating is 6' apart, and only 50 people can be in the room, dependent upon adequate spacing.*
8. *Masks are not required currently. The City does ask that anyone running a fever, having an active cough or other respiratory issues, not to attend this 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**

- 1. MOTION TO APPROVE THE MINUTES FOR THE JULY 18, 2023 PLANNING COMMISSION MEETING**

**WORK SESSION**

- 2. THE MATTER OF CORRECTING THE HARRISBURG DEVELOPMENT CODE IN RELATION TO PAVING IN INDUSTRIAL ZONED SITES**

**STAFF REPORT EXHIBITS:**

Exhibit A: Paving References from the HMC

Exhibit B: Former Development Code

**ACTION: I MOVE TO:**

*Approve and recommend to the City Council the correction of HMC 18.80.030(4) based on findings contained in the October 11 Staff Report. This motion is based on findings contained in the October 11 staff report, and on findings made during deliberations on the request.”*

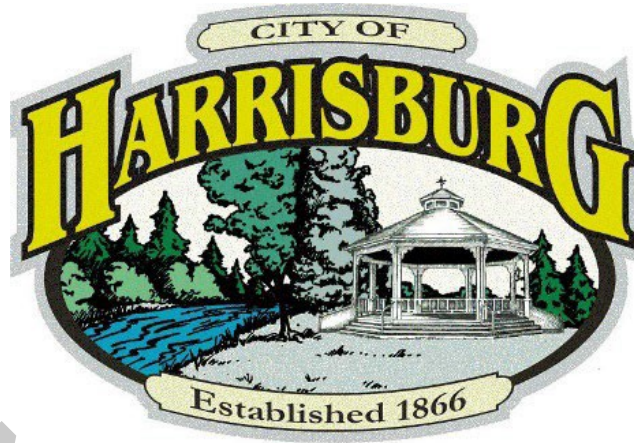
*[Approve or deny the recommendation to the City Council] the change to correct HMC 18.70.030(4)(c), based on findings and recommendations contained in the October 11 staff report, and on findings made during deliberations on the request.*

**APPLICANT:** None

**OTHERS**

**ADJOURN**

July 18, 2023



## Planning Commission Meeting Minutes

July 18, 2023

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Chairperson: Todd Culver, Presiding  
 Commissioners Present: Jeremy Moritz, Joe Neely, Susan Jackson, and Rhonda Giles  
 Absent: Kurt Kayner, and Kent Wullenwaber  
 Staff Present: City Administrator/Planner Michele Eldridge, and Finance Officer/Deputy City Recorder Cathy Nelson  
 Meeting Location: Harrisburg Municipal Center located at 354 Smith St.

**CALL TO ORDER AND ROLL CALL:** Order was called at 7:00pm by Chairperson Todd Culver.

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

### PUBLIC HEARING

**THE MATTER OF A VARIANCE AND ADJUSTMENT REQUEST FOR KEITH & JODY GREGERSEN.**

Chairperson Todd Culver 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 7:01PM, the Public Hearing was opened.**

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

None stated.

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

**STAFF REPORT:** Eldridge handed out additional photos of the current buildings. The applicant is requesting to add an accessory structure and additional primary garage which will exceed 50% of

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the current building's footprint and height allowed. They are wanting to match the current pitch of the existing roof. A variance is required for both the size and height of the proposed structure. The setbacks are allowed through a Type II process and will not require permission from the Planning Commission. The applicant is flipping the door positions from the east side to the west side.

Eldridge highlighted the following conditions and Criteria:

- Criterion 1 – Met with Development/Building Code Requirements No. 1 and No.2.
- Criterion 2 – Met with Conditions 1: Consistency with plan, 2: Setbacks, and 3: Adjustments.
- Criterion 3 – Met with Conditions 4: Height of Accessory Structure, and 5: Size Limitation of Accessory Structure.
- Criterion 4 – Met with Condition 6: Time Limitation.

Staff feels that all requirements are met and recommends approval.

**APPLICANTS TESTIMONY:** Keith Gregersen had nothing to add.

**TESTIMONY IN FAVOR, IN OPPOSITION, AND NEUTRAL TESTIMONY WAS ASKED FOR.**

- No testimony of any kind supplied for in favor, in opposition, or neutral.

**The public hearing was closed at the hour of 7:16 pm.**

- **Moritz motioned to approve the variance request of LU 450-2023, and adjustment request of LU 451-2023, subject to the conditions of approval contained in the staff report of July 11, 2023. This motion is based on findings contained in the staff report of July 11, 2023, and on findings made during the deliberations on the request and was seconded by Giles. The Planning Commission then voted unanimously to approve the variance request of LU 450-2023, and adjustment request of LU 451-2023, subject to the conditions of approval contained in the staff report of July 11, 2023. This motion is based on findings contained in the staff report of July 11, 2023, and on findings made during the deliberations on the request.**

#### **OTHERS**

- Moritz asked what was happening with the Shadowood development. Eldridge said they had held a pre-construction meeting and were waiting for a few more items. Each property is being sold and developed individually. The current owner must complete all infrastructure before any property can be sold, or construction started. Work should begin in the next couple of weeks.

**With no further discussion, the meeting was adjourned at the hour of 7:24 pm.**

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Chairperson

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City Recorder

**City of Harrisburg  
PLANNING COMMISSION**

**NOTICE OF DECISION**

**REQUEST:** The applicant requests approval of a Variance (LU #450-2023) and Adjustment (LU #451-2023) that will allow construction of a primary garage (accessory structure) that exceeds the size and height requirements of HMC 18.50.150. An adjustment is requested to slightly alter the east side setback by 1'3".

**LOCATION:** Linn County Assessor's Map 15S 04W 15BD, Tax Lot 00524

**HEARING DATE:** July 18, 2023

**ZONING:** R-1 (Low Density Residential)

<b>APPLICANT</b>	<b>OWNER</b>
Keith & Jody Gregersen 945 Greenway Dr. Harrisburg, OR 97446	Same

**APPEAL DEADLINE:** August 1, 2023

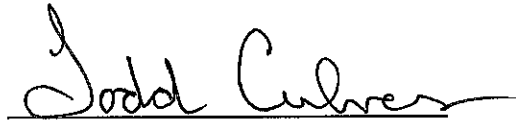
**DECISION:** The Harrisburg Planning Commission conducted a public hearing on July 18, 2023 and voted to approve the request with conditions of approval. The Planning Commission adopted the findings contained in the July 12, 2023 Staff Report to the Planning Commission, and portions of the minutes from the meeting that demonstrate support for the Planning Commission's actions. Criteria relied upon for review is found in HMC 18.50.150, 19.40.030, 19.40.040, and 19.40.050.

**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 \$750.00 plus actual expenses for appealing a Planning Commission decision to the City Council.

**EFFECTIVE DATE:** August 2, 2023, unless an appeal has been filed with the City Recorder.

**EFFECTIVE PERIOD:** Variance approvals shall be effective for eighteen (18) months from the date of approval. Where the owner has applied for a building permit, has made site improvements consistent with the approved development plan, or provides other evidence of working in good faith towards completing the project, the City Administrator may extend an approval accordingly.

Unless appealed, this Variance approval will expire on December 1, 2024.



Todd Culver  
Planning Commission Chair

NOTICE OF DECISION

### 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. **Setback** – The applicant shall not be allowed to exceed the adjusted side setback allowance of 5.95’.
3. **Adjustments** – The applicant shall be allowed only two additional adjustments to apply to this tax lot in the next 12-months following approval.
4. **Height of Accessory Structure** - The applicant may not exceed the height of 21’6” on the proposed accessory structure.
5. **Size Limitation of Accessory Structure** - The applicant may not exceed the size limitation of 816 sq. ft. allowed by this variance request.
6. **Time Limitation** - The property owners must apply for a building permit within an 18-month time limit from the approval of this variance and adjustment request.

### DEVELOPMENT/BUILDING CODE REQUIREMENTS

**Development/Building Code Requirement No. 1.** The Property Owners must match the exterior of the primary garage/accessory structure to the home in appearance.

**Development/Building Code Requirement No. 2.** The Property owners will be required to apply for a building permit before any structural work is completed on the garage.

# Staff Report Harrisburg Planning Commission Harrisburg, Oregon

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## THE MATTER OF CORRECTING THE HARRISBURG DEVELOPMENT CODE IN RELATION TO PAVING IN INDUSTRIAL ZONED SITES

### STAFF REPORT EXHIBITS:

Exhibit A: Paving References from the HMC

Exhibit B: Former Development Code

### **ACTION: I MOVE TO:**

1. *Approve and recommend to the City Council the correction of HMC 18.80.030(4) based on findings contained in the October 11 Staff Report. This motion is based on findings contained in the October 11 staff report, and on findings made during deliberations on the request.”*
2. *[Approve or deny the recommendation to the City Council] the change to correct HMC 18.70.030(4)(c), based on findings and recommendations contained in the October 11 staff report, and on findings made during deliberations on the request.*

**APPLICANT:** None

**LOCATION:** N/A

**HEARING DATE:** October 17, 2023

**ZONING:** n/a

**OWNER:** n/a

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### **BACKGROUND**

At the meeting of September 19, 2023, Planning Commissioners expressed surprise during the public hearing for a site plan for Vincent Ferris Construction. Two of the Planning Commission members had applied for their current positions back in 2012 in relation to the City updating the zoning code at that time, as it required paving for industrial zoned lands. They successfully lobbied to find a solution that worked for Harrisburg. During the relatively fast update and review of the Zoning and Development Code in 2020-2021, some of the members of the Planning Commission didn't realize



the ramifications of how the development code would apply to industrial site plans in relation to paving, and in particular to manufacturing and storage facilities that are located quite some distance from a public right-of-way. Unfortunately, none of the Planning Commission caught this during the final review of the amended development code.

After a lengthy discussion in relation to this matter, the Planning Commission made a recommendation to the City Council that we modify the M-1 & M-2 code to no longer require paving in the industrial zones other than for the driveway, and primary parking lots.

**INTRODUCTION**

At that meeting, Staff was asked to provide the Planning Commission members with a copy of all code requirements in relation to paving. The Planning Commission will find this research as **Exhibit A**. Because the development code had been adopted a year ago, Staff didn't necessarily think that the City could call this a correction. Because this amendment would apply to all industrial lands, it looked as though HMC 19.35.010(2) would apply, and therefore require a PAPA (Post Acknowledgement Plan Amendments) Notice requirement of 35 days; which would not leave enough time for the required public hearings to take place according to State Statutes before this meeting. HMC 19.35.010 - 020 is below.

**19.35.010 Purpose.**

*The purpose of this chapter is to provide standards and procedures for amendments to the comprehensive plan, this code, and the zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law. [Ord. 987 § 1 (Exh. A), 2022.]*

**19.35.020 Procedure.**

- 1. Except for corrections, amendments to the comprehensive plan are legislative (Type IV).*
- 2. Amendments to the development code or zoning map that affect more than one parcel, or more than one acre, whichever is greater, are legislative (Type IV) actions. Amendments to the development code or zoning map that are less than one acre and affect only one parcel are quasi-judicial (Type III) actions.*
- 3. Amendments to the zoning map that require an amendment to the comprehensive plan are legislative (Type IV) actions.*
- 4. Amendments that do not meet the criteria under subsections (1) through (3) of this section may be processed as either quasi-judicial or legislative amendments, subject to applicable Oregon law. [Ord. 987 § 1 (Exh. A), 2022.]*

Staff finally had an opportunity to consult with our regional Department of Land Conservation & Development director, who provided some guidance in relation to whether or not this could be considered a correction, rather than an amendment. She was supplied with the following ORS and OAR; and it was suggested that Staff check

with our legal team over the ramifications of determining whether or not we feel that the statutes, and OAR would apply in this case. Those are below:

**ORS 197.610**

*(5) When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required.*

**660-018-0022**

**Exemptions to Notice Requirements Under OAR 660-018-0020**

*(1) When a local government determines that no goals, commission rules, or land use statutes apply to a particular proposed change, the notice of a proposed change under OAR 660-018-0020 is not required.*

Since then, Staff also checked with our legal team, who suggested a way to proceed if the City should feel that this could be a correction, rather than an amendment. Therefore, Staff does feel that since we haven't had a previous application that was affected by this part of the Municipal Code, that the City could determine that it should be a correction, rather than an amendment, even though it's been a year since adoption.

Because the paving requirement is listed through several sections, Staff felt that we needed some more conversation on what needed to be changed before taking this to the City Council for further discussion. Looking at **Exhibit A**, the Planning Commission should note that HMC 18.65, 18.70, 18.75, 18.80, 18.85 and 18.90 all apply to both site plans and conditional use permits. Those are the two main types of land use actions that would apply to industrial zoned lands. (A partition doesn't require paving by itself, until it's determined by an applicant what type of use should be applied to the property, and then proceeds with a site plan, subdivision, or conditional use permit.)

The prior development code (**Exhibit B**) required that any industrial zoned property that was within 200' of a residential zone, or a property that had a residential use, or within 50' of a commercial property, or a public street, should be required to apply a hard surface to all areas that were used for parking or maneuvering. However, all commercially zoned usages or zoning were required to have hard surfacing regardless of where it was located. Under the old development code, the industrial property being considered at the last meeting would be required to pave the parking areas in the site plan within 200' of the property line. Everything parked in this area, would require hard surfacing treatment, and everything behind the 200' measurement wouldn't need to be hard surfaced.

When John Hitt went over this part of the code, he was stressing that in terms of property valuation, it is in the City's best interest to require paving of all parts of an industrial property. That still applies if the City only considers property tax revenue;

however, in terms of a tough economy, the City should also consider if businesses will be attracted to develop here. Allowing more flexibility in industrial zones would be favorable to economic development. However, it should also be noted that most businesses that are developing in an industrial zone tend to be in manufacturing, and therefore, usually have deeper pockets, and can typically afford hard surfacing treatments.

Since this hadn't been broadly discussed during the amendment's portions of prior meetings, the Planning Commission could return to this previous municipal code; requiring that any industrially zoned property would need to have paving if it was within 200' of a property used for residential purposes, or zoned as such, or within 50' if it was a commercial property, or within 50' of a public street. This would feasibly be considered a correction to return to the previous code requirements. If the Planning Commission wishes to change beyond this requirement, then the City would need to proceed with the Legislative Type IV requirements of the current development code.

It is in Staff's opinion that commercially zoned property, which are located more centrally to main arterials and traditional downtown markets should continue to be required to apply hard surfacing treatments. Applicants have the ability, just as industrially types of uses do, to apply for variances, if the applicant feels that they can meet the criteria in relation to a variance request. There are few remaining parcels of commercially zoned properties which would be large enough and capable of housing a structure in which to conduct business, and customer parking, while also allowing for 'storage of recreational vehicles, travel trailers, or boats that do not typically move more than once per week'. The Planning Commission can disagree with Staff's opinion, and can alter the findings to allow that *'in a commercial zone, all areas for parking or maneuvering vehicles, other than a part of a business used for storing recreational vehicles, travel trailers, or boats that do not typically move more than once per week shall be hard surfaced'*.

Driveways were not questioned in September, but the Planning Commission should consider that now, while the windows of correction are still open, and determine if they would like to return to the previous code in relation to industrially zoned properties. In **Exhibit B**, the Planning Commission can see that industrially zoned properties were required to have hard surfacing for the first 50' of driveway. In the current code, under **Exhibit A**, HMC 18.70.030, all driveways, regardless of where they are located on an industrial property, would require hard surfacing. Driveways within 50' of a public street are still capable of carrying gravel, dirt, mud, and other substances onto a public street. Regulatory requirements are now stricter in terms of controlling these substances. Therefore, staff is more favorably inclined to require a primary driveway to be paved throughout the property, and recommends that the Planning Commission only approve the 1<sup>st</sup> correction request.

If the Planning Commission should wish to return to the previous municipal development code in relation to industrial zoned property, then they can consider the following:

**CRITERIA AND FINDINGS OF FACT**

**1. In Relation to Paving of property inside the M-1 and M-2 zones:**

**Criterion: 19.35.010 Purpose.**

*The purpose of this chapter is to provide standards and procedures for amendments to the comprehensive plan, this code, and the zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law. [Ord. 987 § 1 (Exh. A), 2022.]*

**19.35.020 Procedure.**

*1. Except for corrections, amendments to the comprehensive plan are legislative (Type IV).*

**Discussion:** The Planning Commission has considered the comparisons between the current Zoning & Development Code, in relation to the previous Zoning & Development Code, and has determined that the City should return to the previous zoning requirements in relation to paving of hard surfacing materials which allows for the following:

- d. In an M-1 zone, all areas for parking or maneuvering vehicles that are within 200 feet of a residence or residentially zoned property, or within 50 feet of commercially zoned property or a public street, shall be hard surfaced.*
- e. In an M-2 zone, all areas for parking or maneuvering vehicles that are within 200 feet of a residence or residentially zoned property, or within 50 feet of commercially zoned property or a public street, shall be hard surfaced.*

**Finding:** As discussed by the Planning Commission in the staff report of October 11, 2023, in relation to current development code HMC 19.35-010-020(1), the revision of the current development code in section HMC 18.80.030(4): Parking & Loading is hereby considered to be a correction, rather than an amendment. The current code will be altered to reflect and include that *‘within both M-1 and M-2 zones, all areas for parking or maneuvering of vehicles that are within 200’ of a residence or residentially zoned property, or within 50’ of a commercially zoned property or a public street shall be hard surfaced from the property line’*. **This criteria has been met.**

**2. In Relation to the Paving of Driveways in the M-1 and M-2 Zones:**

**Criterion: 19.35.010 Purpose.**

*The purpose of this chapter is to provide standards and procedures for amendments to the comprehensive plan, this code, and the zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law. [Ord. 987 § 1 (Exh. A), 2022.]*

**19.35.020 Procedure.**

*1. Except for corrections, amendments to the comprehensive plan are legislative (Type IV).*

**Discussion:** The Planning Commission should consider the differences between the old Municipal Development Code, and the new Municipal Development Code, in relation to the paving requirements of driveways in the M-1 and M-2 zones. If the Planning Commission should wish to return to the previous Municipal Development Code in relation to driveways located in the M-1 and M-2 zones, then they can adopt the following finding. Otherwise, they can adopt only Criteria and Findings in support of No. 1 in relation to this issue, and to deny Criteria and Findings No. 2.

**Finding:** As discussed by the Planning Commission in the staff report of October 11, 2023, in relation to current development code HMC 19.35-010-020(1), the revision of the current development code in section HMC 18.70.030(4)(c) is hereby considered to be a correction, rather than an amendment. The current code will be altered to reflect and include that *‘Driveways shall be paved and meet applicable construction standards, except for those in the M-1 and M-2 zones’*, **This criteria has been met.**

**HMC 18.70.030 (4): Vehicular Access & Circulation**

- 4. Approach and Driveway Development & Circulation Standards
  - c. Driveways shall be paved and meet applicable construction standards, except in Industrial zones.
    - (1) In an industrial zone, the first 50 feet of any new driveway, measured from where the driveway intersects with the public street, shall be hard surfaced.

**CONCLUSIONS**

The Planning Commission should discuss these issues, and determine if they feel that the current development code should be altered by the findings and recommendations in the staff report above. Section 1 is in relation to paving of industrially zoned properties that are located in M-1 and M-2 zones. Staff Recommends the Approval of Section 1. Section 2 is in relation to the possible modification of the paving of driveways in the M-1 and M-2 zones. Staff Recommends the Denial of Section No. 2.

**PLANNING COMMISSION ACTION: Two issues are at stake in this staff report. One is in relation to Paving of Parking Lots and Drive Aisles in the M-1 and M-2 zones, while Two is in relation to the driveway paving in the M-1 and M-2 zones.**

The Planning Commission has four options with respect to No. 1: Paving of property in the M-1 and M-2 zones:

- 1. Approve the request to correct the zoning and development codes in HMC 18.80.030(4);
- 2. Approve the request with modifications if desired by the Planning Commission;
- 3. Motion to Request that Staff return in the future with modifications and language to amend the current zoning & development code in a Title IV application; or
- 4. Deny the request.

The Planning Commission has four options with respect to No. 2: Paving of driveways in the M-1 and M-2 zones:

- 1. Approve the request to correct the zoning and development codes in HMC 18.70.030(4)(c);
- 2. Approve the request with modifications if desired by the Planning Commission;
- 3. Motion to Request that Staff return in the future with modifications and language to amend the current zoning & development code in a Title IV application: or
- 4. Deny the request.

Based upon the criteria, discussion, and findings of facts above, Staff recommends the Planning Commission Approve the request to correct HMC 18.80.030(4), and to deny the language to correct HMC 18.70.030(4)(c).

**RECOMMENDED MOTION(S)**

Consistent with staff’s recommendation to the Planning Commission, the following motion(s) are recommended:

- 1. *“I move to approve and recommend to the City Council the correction of HMC 18.80.030(4) based on findings contained in the October 11 Staff Report. This motion is based on findings contained in the October 11 staff report, and on findings made during deliberations on the request.”*
- 2. *I move to (approve, or deny the recommendation to the City Council) the change to correct HMC 18.70.030(4)(c), based on findings and recommendations contained in the October 11 staff report, and on findings made during deliberations on the request.*

**Definitions HMC 19.55**

“Development” means all improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

“Hard surfaced” means concrete or asphalt or, if approved by the City, alternatives such as brick or paving stones.

“Maneuvering area” or “aisle” means the driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

“Parking area” means all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to nonpassenger loading or fire apparatus lanes.

“Parking lot perimeter” means the boundary of a parking lot area that usually contains a landscaped buffer area.

“Parking space” means an improved space designed to provide standing area for a motor vehicle. See Chapter [18.80](#) HMC for parking space standards.

Parking Versus Storage. Parking is to leave a motor vehicle for a temporary time. Storage is to place or leave in a location for storage, maintenance, repair, future sale, or rental, or future use for an indefinite period of time.

“Paving” or “paved” means any natural surface covered with concrete, asphalt, brick, paving stones, or other hard surface materials, including semi-permeable materials.

**HMC 18.45 – Table 18.45.040.4:**

Paved Parking Pad, Minimum size 18’ x 12’, to match size of garage/carport. Applies to R-1, R-2, & R-3 zones.

**18.45.070 Lot coverage.**

1. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 18.45.040.4, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 30 inches or greater above the finished grade. It does not include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.

2. Lot Coverage Bonus. The City Administrator or the Planning Commission, subject to review through a Type II procedure, may approve increases to the lot coverage standards in Table 18.45.040.4, as follows:

a. Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure (either above or below

leasable ground floor space, e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.

b. Lot coverage may increase by up to three-quarters (75 percent) of a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing storm water infiltration).

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**HMC 18.70.030: Vehicular Access & Circulation**

4. Approach and Driveway Development & Circulation Standards

c. Driveways shall be paved and meet applicable construction standards.

d. (1) Private or public driveways exceeding 150 feet and/or as the sole access for three or more homes shall have a paved driving surface of at least 25 feet (26 feet if abutting a fire hydrant, with an unobstructed width of 20 feet) and an unobstructed vertical clearance of not less than 14 feet.

(2) Public or private driveways serving as the sole vehicle access to one or two homes and/or less than 150 feet shall have a paved driving surface of at least 25 feet, with an unobstructed width of 20 feet, and a turning radius of not less than 28 feet and a turnaround radius of at least 48 feet, as measured from the same center point.

(3) These requirements are subject to amendments by the Oregon Fire Code Application Guide and upon mutual agreement of the City Engineer and local Fire Marshal or their authorized representatives.

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**HMC 18.80.030(4): Parking & Loading**

4. Parking Stall Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 18.80.030.5 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to HMC [18.85.050](#).

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**HMC 19.20.40: Lot Size Averaging, Flag Lots & Infill Development**

2. Flag Lots. Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development due to a physical or legal barrier. A flag lot driveway



(“flagpole”) 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 HMC [18.70.030](#) and [18.85.020](#). All flag lot driveways shall be paved from the serving public or private street to the property line of each lot.

3. 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 private drives serving four or more dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements. Mid-block lanes, at a minimum, shall be paved, have adequate storm drainage, meet the construction specifications to uphold a 75,000-pound vehicle and conform to the standards of subsections (4) and (5) of this section.

4. 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 25 feet wide at its most narrow point, paved, and able to carry 75,000/square foot of load and meet the requirements of HMC [18.70.030](#). A five-foot-wide pedestrian walkway is required to be marked in paint. No fence, structure, or other obstacle shall be placed within the drive area. Emergency vehicle apparatus lanes, including any required turnaround, 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 wildfire areas.

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**HMC 18.75.020(5) Landscaping, Walls, Fences & Outdoor Lighting**

5. Parking Lot Landscaping. All of the following standards shall be met for parking lots in excess of 5,000 square feet. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.

a. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. At a minimum, one tree per 15 parking spaces on average shall be planted over and around the parking area.

b. All parking areas with more than 30 spaces shall provide irrigated landscape islands of at least one 48-square-foot island or larger for every 5,000 square feet of total parking surface area.

c. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted at least two feet from any such barrier.

d. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

**18.95.100 Standards applicable to commercial and industrial site plan review.****4. Parking.**

- a. Off-street parking shall be provided in compliance with the standards in HMC [18.85.010](#).
- b. Off-street parking shall be set back a minimum of 15 feet from lot lines abutting a street, and 10 feet from lots zoned residential.
- c. In a commercial zone, all areas for parking or maneuvering vehicles, other than a part of a business used for storing recreational vehicles, travel trailers, or boats that do not typically move more than once per week shall be hard surfaced.
- d. In an M-1 zone, all areas for parking or maneuvering vehicles that are within 200 feet of a residence or residentially zoned property, or within 50 feet of commercially zoned property or a public street, shall be hard surfaced.
- e. In an M-2 zone, all areas for parking or maneuvering vehicles that are within 200 feet of a residence or residentially zoned property, or within 50 feet of commercially zoned property or a public street, shall be hard surfaced.

**5. Access Driveways.** A driveway with access onto a public street shall meet the following requirements:

- a. Driveways shall have a minimum width of 12 feet for one-way driveways and 24 feet for two-way.
- b. There shall be a minimum separation of 24 feet between driveways.
- c. Driveways shall be at least 25 feet from the intersection with a local street and 35 feet from the intersection with an arterial or collector street.
- d. Points of access from a public street to properties in an industrial zone shall be so located as to minimize traffic congestion and avoid, where possible, directing traffic onto residential streets.
- e. In a commercial zone, all driveways shall be hard surfaced.
- f. In an industrial zone, the first 50 feet of any new driveway, measured from where the driveway intersects with the public street, shall be hard surfaced.
- g. All driveways over 100 feet in length shall be capable of supporting emergency vehicles weighing up to 50,000 pounds, and shall be free of obstacles that would prevent emergency vehicles from using the driveway.